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PROCEEDINGS AND DEBATES OF THE 107th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Monday, March 11, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. BOOZMAN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 11, 2002.

I hereby appoint the Honorable JOHN BOOZMAN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, our strength and courage, You have been and remain our Saviour.

Your people in their desert exodus from bondage to freedom were shielded by a cloud during the day and protected by a pillar of fire at night.

Again, Your overshadowing spirit brought Your word to life in the virgin womb and You brighten the world with everlasting light.

As we pray today, we acknowledge the cloud as a sign of Your abiding presence and the fire as the enlightenment needed by this Congress and this Nation at this time in our history.

Six months have passed since the day of our evacuation from this hallowed Chamber. Now here we stand. Our life has changed. Our determination is strong. Our cause is just. And our desire is a secure peace.

Manifest Your presence to Your people once again. Guard us and guide us. For we do not know the next move of terror as we journey to keep covenant with You, Almighty God, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 8, 2002 at 1:31 p.m.

That the Senate passed without amendment H. Con. Res. 102.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 8, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 8, 2002 at 10:43 a.m.

That the Senate agreed to the House amendment to the Senate amendment to the bill H.R. 3090.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, March 8, 2002:

H.R. 3090, to provide tax incentives for economic recovery.

REMOVAL AS CONFEREE AND APPOINTMENT OF CONFEREE ON H.R. 2646, FARM SECURITY ACT OF 2001

The SPEAKER pro tempore. Without objection, and pursuant to clause 11 of rule I, the Chair removes the gentleman from North Carolina (Mr. BALLENGER) as a conferee on H.R. 2646, Agriculture, Conservation and Rural Enhancement Act of 2002, and appoints the gentleman from Maryland (Mr. BARTLETT) to fill the vacancy.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3090. An act to provide tax incentives for economic recovery.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

There was no objection.

Accordingly (at 2 o'clock and 5 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 12, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5801. A letter from the Assistant Secretary of Defense, Force Management Policy, Department of Defense, transmitting a notification to close five Department of Defense commissary stores; to the Committee on Armed Services.

5802. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report, pursuant to 12 U.S.C. 225a; to the Committee on Financial Services.

5803. A letter from the Assistant Secretary, Department of Education, transmitting Final Priority—Rehabilitation Short-Term Training; National Rehabilitation Leadership Institute, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

5804. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's annual report entitled, "Progress Toward Implementing Superfund Fiscal Year 1998," pursuant to 45 U.S.C. 9651; to the Committee on Energy and Commerce.

5805. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the forty-ninth report on the extent and disposition of United States contributions to international organizations for fiscal year 2000, pursuant to 22 U.S.C. 262a; to the Committee on International Relations.

5806. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Implementation of the Wassenaar Arrangement List of Dual-Use Items Revisions: Computers; and Revisions to License Exception CTP [Docket No. 020228044–2044–01] (RIN: 0694–AC42) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5807. A letter from the Assistant Secretary For Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions to License Exception CTP: Implementation of Presidential Announcement of January 2, 2002 [Docket No. 020228045–2045–01] (RIN: 0694–AC56) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5808. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting the Agency's Accountability Report for FY 2001; to the Committee on Government Reform.

5809. A letter from the Executive Secretary and Chief of Staff, Agency For International Developement, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5810. A letter from the Acting Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5811. A letter from the Secretary, Department of the Treasury, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

5812. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Treasury Rate Direct Loan Program (RIN: 0572–AB71) received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5813. A letter from the Secretary, Department of Commerce, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

5814. A letter from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5815. A letter from the Secretary, Department of Energy, transmitting the Department's Performance and Accountability Report for FY 2001; to the Committee on Government Reform.

5816. A letter from the Secretary, Department of State, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

5817. A letter from the Secretary, Department of Veterans' Affairs, transmitting the Department's Accountability Report for FY 2001; to the Committee on Government Reform.

5818. A letter from the Comptroller General, General Accounting Office, transmitting the Office's Performance and Accountability Report for FY 2001; to the Committee on Government Reform.

5819. A letter from the Administrator, National Aeronautics and Space Administration, transmitting the Administration's Accountability Report for FY 2001; to the Committee on Government Reform.

5820. A letter from the Deputy General Counsel and Designated Reporting Official, National Drug Control Policy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5821. A letter from the Secretary, Department of Labor, transmitting the Fiscal Year 2001 Annual Report on Performance and Accountablity; to the Committee on Government Reform.

5822. A letter from the Acting Associate Deputy Administrator for Management and Administration, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5823. A letter from the Acting Assistant Administrator for Ocean Services and Coastal Zone Management, Department of Commerce, transmitting the Department's final rule—Regulation of the Operation of Motorized Personal Watercraft in the Gulf of the Farallones National Marine Sanctuary [Docket No. 970626156–1021–04] (RIN: 0648–AK01) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5824. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the 2001 report on the Apportionment of Membership on the Regional Fishery Management Councils pursuant to section 302 (b)(2)(B) of the Magnuson-Stevens Fishery Conservation and Management Act; to the Committee on Resources.

5825. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB211–524G and –524H Series Turbofan Engines [Docket No. 2000–NE–02–AD; Amendment 39–12460; AD 2002–02–12] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5826. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1124 and 1124A, and Model 1125 Westwind Astra Series Airplanes [Docket No. 2001–NM–200–AD; Amendment 39–12621; AD 2002–01–26] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5827. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft, Inc. SA26, SA226, and SA227 Series Airplanes [Docket No. 2000–CE–36–AD; Amendment 39–12610, AD 2002–01–16] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5828. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 430 Helicopters [Docket No. 2001–SW–21–AD; Amendment 39–12598; AD 2002–01–07] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5829. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–7, PC–12, and PC–12/45 Airplanes [Docket No. 2001–CE–33–AD; Amendment 39–12600; AD 2002–01–09] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5830. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146–200A Series Airplanes [Docket No. 2001–NM–150–AD; Amendment 39–12614; AD 2002–01–20] (RIN: 2120–AA64) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5831. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Tampa, Tampa, Florida [COTP TAMPA 01–117] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5832. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Diego, CA [COTP San Diego 01–020] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5833. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA and Oakland, CA [COTP San Francisco Bay 01–011] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5834. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of San Diego, CA [COTP San Diego 01–022] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5835. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Port Everglades, Fort Lauderdale, FL; Port of Miami, Miami, Florida [COTP Miami–01–116] (RIN: 2116–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5836. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay–01–010] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5837. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Charleston Harbor, Cooper River, South Carolina [COTP Charleston–02–003] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5838. A letter from the Assistant Secretary for Legislative Affais, Department of the Treasury, transmitting the Department's first annual report of the Task Force on the Prohibition of Importation of Products of Forced Labor or Prison Labor; to the Committee on Ways and Means.

5839. A letter from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors [CMS–1159–F4] (RIN: 0938–AK54) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following action occurred on March 8, 2002]

Mr. STUMP: Committee on Armed Services. H.R. 2581. A bill to provide authority to control exports, and for other purposes; with amendments (Rept. 107–297 Pt. 2).

DISCHARGE OF COMMITTEE

[The following action occurred on March 8, 2002]

Pursuant to clause 2 of rule XII the Committees on Agriculture, Energy and Commerce, the Judiciary, Rules, Ways and Means and the Permanent Select Committee on Intelligence discharged from further consideration. H.R. 2581 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BURTON of Indiana (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3921. A bill to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program; to the Committee on Government Reform.

By Mr. MALONEY of Connecticut:

H.R. 3922. A bill to amend the Internal Revenue Code of 1986 to prevent corporations from avoiding the United States income tax by reincorporating in a foreign country; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 3923. A bill to promote the economic recovery of the District of Columbia, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 638: Mr. JACKSON of Illinois, Mr. ANDREWS, Mr. MCDERMOTT, and Mr. KUCINICH.

H.R. 745: Mr. DOYLE and Mr. FILNER.

H.R. 1294: Mr. FALEOMAVAEGA, Mr. FORBES, Mr. TERRY, Mr. TOWNS, and Mr. GEKAS.

H.R. 1307: Mr. CARSON of Oklahoma, Mr. BRADY of Pennsylvania, Mr. GEKAS, Mr. HOLT, Mr. HINOJOSA, Mr. HASTINGS of Florida, Ms. WATERS, Mrs. MCCARTHY of New York, and Ms. BROWN of Florida.

H.R. 1360: Mr. WU.

H.R. 1964: Mr. ROHRABACHER and Mr. CALVERT.

H.R. 2144: Mr. DEFAZIO.

H.R. 2462: Mrs. MORELLA, Mr. PRICE of North Carolina, and Mr. PASCRELL.

H.R. 2487: Mr. BLAGOJEVICH.

H.R. 2592: Mr. CAPUANO.

H.R. 2677: Ms. WOOLSEY.

H.R. 3236: Mr. ALLEN, Mr. FRANK, Mr. MCGOVERN, Mr. UNDERWOOD, Mr. WEXLER, and Mr. LANTOS.

H.R. 3339: Mr. LAMPSON.

H.R. 3640: Mr. PAYNE.

H.R. 3657: Mr. SCHIFF, Mr. WATT of North Carolina, Mr. EVANS, and Mr. BORSKI.

H.R. 3670: Mr. EVANS and Mr. PETERSON of Minnesota.

H.R. 3738: Mr. COYNE.

H.R. 3739: Mr. COYNE.

H.R. 3740: Mr. COYNE.

H.R. 3840: Mr. STARK and Mr. SCHIFF.

H. Con. Res. 4: Mr. TIBERI, Mr. DAVIS of Illinois, Ms. CARSON of Indiana, and Mr. LIPINSKI.

H. Con. Res. 42: Mr. CROWLEY, Mr. OWENS, and Mr. ACKERMAN.

H. Con. Res. 99: Mr. MCGOVERN and Mr. KILDEE.

H. Con. Res. 320: Mr. KILDEE.

SENATE—*Monday, March 11, 2002*

The Senate met at 3 p.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, this is a day of memory, of a day of infamy. Life never can be the same again. The vivid, haunting images of the shocking attack by terrorists flash on the screen of our memory: the horror of the Trade Center towers crashing down; a crushing inferno filled with loved ones and friends; a gaping hole in the Pentagon torn by an airliner turned missile; a downed airplane in Pennsylvania kept from its destination here in the Capitol by heroes and heroines.

Six months later there has been some healing of our grief, a great rebirth of patriotism, and an indomitable resolve to win the war against terrorism. Most important of all is our confrontation with evil, death, and tragedy. These have made us reevaluate our priorities and once again put You first in our lives, our families second, our loyalty to our beloved Nation third, and our work and careers and the things money can buy last of all. We've vividly seen the shortness of life and the length of eternity.

On this 6-month anniversary of September 11, we turn our hearts to those who lost loved ones, especially the families and friends of the firefighters and police officers who made the supreme sacrifice. This will not be an easy day for them. Bless them with Your perfect peace and Your courage. Hear our prayer for our military engaged in the war against terrorism. We are united, we are one, we are Americans! And You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 11, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. Benjamin Nelson, a Senator from the State of Nebraska, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. NELSON of Nebraska thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

SCHEDULE

Mr. BINGAMAN. Mr. President, for the information of all Senators, the Senate will be on the energy bill for the remainder of the day. There are no rollcall votes to occur today. The next rollcall vote will occur on Tuesday at approximately 10:30 a.m. Today, the floor will be open for debate on any amendment or for the consideration of any amendment that does not require a rollcall vote.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Bingaman/Domenici amendment No. 2990 (to amendment No. 2917) to promote collaboration between the United States and Mexico on research related to energy technologies.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. THOMAS are located in today's RECORD under "Morning Business.")

Mr. THOMAS. Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I wish to speak generally today about the energy policy in this country and especially about the energy bill we are debating in the Senate. I also want to offer an amendment—a noncontroversial amendment. I think both sides have been apprised of it. I would like to get it pending. I will not ask that we vote on it today. I ask unanimous consent that the amendment now pending be set aside so I might offer an amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2993 TO AMENDMENT NO. 2917

Mr. DORGAN. Mr. President, I send an amendment to the desk.

The legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN] proposes an amendment numbered 2993.

Mr. DORGAN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for training of electric power generation plant operators)

In section 1501(a)(1), strike "nuclear power industry" and insert "the electric power generation industry (including the nuclear power industry)".

At the end of title XV, add the following new section:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

"Sec. 1506. National Power Plant Operations Technology and Education Center.

"(a) Establishment.—The Secretary shall establish a National Power Plant Operations Technology and Education Center (the "Center"), to address the need for training and educating certified operators for electric power generation plants.

"(b) Role.—The Center shall provide both training and continuing education relating to electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

"(c) Criteria for Competitive Selection.—The Secretary shall establish the Center at an institution of higher education with expertise in plant technology and operation and that can provide on-site as well as Internet-based training.

Mr. DORGAN. Mr. President, I rise to introduce an amendment to establish a national energy technology training and education center. This amendment is critical, because, as of yet, no comprehensive education program exists for electric system operators. Meanwhile, our energy sector and electricity grid are becoming increasingly complex.

These changes in the electric industry and changes in electricity market structures require educated, highly-skilled operators and technicians. In addition, electric system operators are essential to reliable and safe generation, transmission, and distribution of electric power. Education programs that provide training specific to the electric industry are rare, because of the way the industry has been structured and because, for example, most transmission system operators are promoted from within and trained on the job, rather than having had formal training.

One goal of an energy training center, such as the one this amendment would create, would be to provide quality education programs for workers who often are unable to participate in college programs, due to their shift hours or other reasons. These programs would be offered via the Internet, for example, to accommodate these workers. The programs offered through this Energy Center would be directly related to the industry, to ensure that a pool of multi-skilled workers are trained to meet the future needs of the industry.

The energy industry needs an Internet program to train power plant and other technicians to be experts in the various aspects of the energy industry. To respond to this growing need, a certificate and degree program is being developed in collaboration with regional transmission representatives, utility experts, the Electric Power Research Institute, and others. The objectives of this program are (1) to prepare well-trained electricity system operators who can adapt and be productive in power plant and process plant technologies and environments; (2) to provide anywhere, anytime learning opportunities through Internet courses for presently employed personnel who are unable to leave their workplaces to attend courses and/or are restricted by 12-hour work shifts or location in relation to the educational site, and (3) to provide an associate degree option in this field.

Over the next 10 years, the demand for electric power is expected to increase by approximately 25 percent. Constraints on electric transmission line capacity will result in additional transmission line construction and improvements that will increase the need for skilled line workers. Due to technological advances, line operators will continue to need to update their knowledge base. Moreover, we will need specially trained people to ensure the continued reliability of our energy infrastructure.

The Energy Center would:

Work in conjunction with the North American Electric Reliability Council to promote flexible continuing education opportunities for system operators to help maintain their required certifications;

Offer flexible education opportunities related to the security of the electric industry infrastructure and emergency preparedness;

Provide flexible education offerings directly related to the generation, transmission and distribution sectors;

Provide national communication to the electric industry by hosting conferences, forming national advisory boards, and facilitating chat rooms and web-casts; and

Provide simulation opportunities for students to operate sophisticated control stations and distributive control systems in a supervised environment.

This is an amendment to which I believe both sides will agree. We have had discussions with both sides. As I indicated, I will wait until later to ask that it be voted on. I don't believe it would require a record vote.

This amendment would establish a national energy technology training and education center. Changes in the electric industry, and especially changes in the electricity market structures, require a different set of skills, a different education for operators and technicians of electric power-plants. In addition to trying to establish that, we would establish an energy training center, which would provide quality education programs for workers who were often unable to participate in other programs that would give them the kinds of disciplines that are necessary in this new energy climate.

Let me talk more generally about the energy bill on the floor of the Senate. I spoke last week at some length about it. The energy bill includes four pieces. First, we need to produce more energy. All of us agree on that. We are going to have a disagreement on the issue of ANWR, but there is no disagreement over whether we should or whether we need to produce more energy. The answer is yes, of course, we must.

We have had votes on the floor in recent months on the subject of opening up portions of the Gulf of Mexico off the coast of Florida for additional energy production. I voted for that. We have also had discussions and votes and other legislative consideration in other areas to enhance incentives for the production of oil, natural gas, and coal to be used in an environmentally sensitive way to extend America's energy supply. We have to do that.

The point is, if that is all we do when we come to the floor of the Senate in March of 2002, just to increase the supply of energy, this country will be consigned to a strategy that I call "yesterday forever." Twenty-five years ago, when we debated energy, this is what we discussed; 25 years from now, when we debate energy, this is what we will discuss. It is a "yesterday forever" strategy—just dig and drill, dig and drill, and somehow, that represents America's policy. That is not enough.

Digging and drilling is important. It is important to do it, and it is important to do it the right way, but there is much more to be done. So production, No. 1.

Second, conservation. We waste an enormous amount of energy in our country. We need a title in this energy bill, which is included in the bill that is now on the floor of the Senate, that talks about conservation—conservation in a range of areas.

One important area in this legislation that will be controversial will be a new SEER standard for air-conditioners, called SEER 13. We will have people try to knock that out, but the fact is conservation means conservation in transportation, conservation with respect to efficiency of appliances, and a whole range of areas by which you can save a barrel of oil. A barrel of oil saved is just the same as a barrel of oil produced. So it is important for us, it seems to me, to be concerned about those areas.

We also need to be concerned about additional production of energy from renewables and limitless sources of energy. That includes biodiesel, biomass, wind energy, and a range of others—especially something I am very interested in, called fuel cells.

When I talked about "yesterday forever," I talked about the fact that the automobile has not changed in a hundred years. You still pull up to the tank and put the hose in the tank and pump gas. They did it 100 years ago, and we do it now. The internal combustion engine still sucks gas and uses oil. The fact is, we have some interesting work on the horizon suggesting to us, perhaps for the first time, that there will be significant changes. An article in Energy Tech Online by Drew Robb is titled "Houston, We've Got a Solution; Fuel Cells Come Back to Earth." It talks about much of the initial fuel cell research that was funded by NASA, and although the technology of fuel cells showed enormous promise, sky-high costs kept any commercial interest pretty much as low ebb. Then, in the 1990s, investment poured in as a method of reducing toxic emissions and greenhouse gases, and we began to see some real progress. Commercial interests—many which are in the development of funding for fuel cells—now come from the transportation power generation and oil suppliers.

I drove a fuel cell vehicle on the grounds of the Capitol Building some months ago. It did not make any noise. It did not have an internal combustion engine. It used oxygen and hydrogen that combine to create a fuel supply by which this automobile moved, and it pushed water vapor out the back end.

That is a pretty good deal, it seems to me: A fuel cell engine, and the effluent from the back end of that automobile is water vapor.

Does all of that make sense? It does to me.

DaimlerChrysler, for example, plans to spend over $1 billion in the coming years on fuel cell research. In April of last year, it unveiled its hydrogen-powered car called NECAR 4, based on the Mercedes A series. They developed a prototype hydrogen fuel cell, which is one-third the size of previous versions. Ford, Hyundai, Mitsubishi, and others are pursuing similar projects.

The reason I talk about the fuel cell is because it is one of those new technologies that offers the promise of unlimited, clean, quiet, safe, and low-cost energy for the long term. It just makes sense for us to move in that direction if we can.

How do we do that? As I said, we have been putting gas in our automobiles the same way for a century. Just because every debate in the Senate for 25 years has been a debate about doing more tomorrow that which we did yesterday—that is not a debate, that is just a thoughtless policy.

I come from a State that produces a fair amount of energy. We produce oil, coal, some natural gas. We also have the capacity to produce a substantial amount of wind energy. Last Friday's vote in the Senate to extend the production tax credit for wind energy and renewables is very important. Taking the energy from the wind and using it to turn the blades of a new technology turbine, create electricity, and have that electricity course through transmission lines and be sent to somewhere in the country that needs it is a very important step in changing our energy mix from an overreliance on natural gas, oil, and coal to a reliance as well on limitless and renewable energy supplies.

One of the amendments we are going to be discussing in the Congress in the next week or so will be what is called the renewable portfolio standard. That is creating an aspiration or a goal on the part of this country to have a certain percent of our energy needs coming from renewable energy sources by the year 2020.

If we have a renewable portfolio standard of 10 percent, utilities will be required to sell 10 percent of their electricity from renewable energy by the year 2020. That makes good sense to me. We will have people in the Chamber of the Senate who think it is not a good idea. I think they are wrong.

Recently, I was in that part of the world that has so much instability. I was in central Asia. I was in the "stans" countries—Afghanistan, Uzbekistan, Kyrgyzstan. One only has to go to the Middle East and central Asia to understand how fragile our energy supply is in this country. A substantial amount of our energy, 57 percent, comes from imported oil. A substantial amount of that comes from the Middle East and central Asia.

If, God forbid, a terrorist tonight after midnight found a way to create an act of terror against the energy supply that comes from the Middle East, our economy would be flat on its back tomorrow morning. It is just that simple.

Shouldn't we be concerned about that? Of course. The answer is yes. Today is the 6-month anniversary of the terror that was visited upon this country on 9–11 last year. We have talked a lot in these last 6 months about American security, national security, and it is important to understand that national security also means energy security.

When you take a look at what is happening in the Middle East today, look at what is happening in central Asia, then ask yourself: Does it make sense for the biggest, the strongest, the largest economy in the world to be this overly dependent on energy supplies from the Middle East and central Asia? The answer is no.

How do we decide to change that? We pass legislation that has some real bite to it in a number of important areas. One of them is, as I mentioned, renewable portfolio standards by which we describe that we want the generation of electricity in our country in the future to come increasingly from renewable and limitless sources of energy.

We can do this if we decide we want to do it, or we can just slip back into the same comfortable debate we have had decade after decade.

Will Rogers once said: When there is no place left to spit, you either have to swallow your tobacco juice or change with the times. On energy there is really no place left. It is an indelicate way, perhaps, of describing our situation, but anyone who understands it understands we have a requirement to do this differently.

It is our obligation now to make a difference with respect to energy policy. This is not the best time to be debating energy. I bought gasoline yesterday for $1.08 a gallon. In fact, go to a gas station these days and buy a gallon of gas or buy 4 quarts of water. They sell water now in quart jars in the cooler. It will cost you more to buy the 4 quarts of water than it will a gallon of gasoline. It says a little something about priorities, I suppose. But it is not a great time to be debating an energy bill when gasoline costs less than water at a gas station.

Nonetheless, we would be ill advised as a Senate to believe this is a good time for America's energy supply because somehow the prices are low and that reflects stability for the future. It does not.

We must pass an energy bill now. In this next several-week period, it is the right thing for this Congress to pass a comprehensive energy bill. It ought not be a bill like that which the House of Representatives passed which, as I said, is a yesterday forever policy. It ought to be legislation that is balanced, that has all four pieces: Encouraging additional production, encouraging additional conservation, paying attention to additional efficiencies, and providing incentives for additional renewable and limitless supplies of energy.

All four of those elements are part of a comprehensive and smart energy policy for this country. It is not a smart energy policy to do as the House of Representatives did and simply say we rest our future on the basis of increased production. That is not a smart energy policy.

Senator BINGAMAN and my colleagues on the Energy Committee have worked on this legislation. It has some significant points of disagreement, no question about that. ANWR will be hotly debated. My colleague from Alaska has a passionate feeling about that, as do some others. CAFE standards will be passionately debated, and the Senate will make decisions about both of them.

In the longer term, the question of whether we succeed for this country in developing an energy policy that moves this country ahead, reduces its dependence on foreign sources of energy, and increases this country's energy and national security will depend on whether we pass legislation that is balanced in all four areas I have mentioned.

At the start of my presentation, I offered an amendment. It is now pending. I believe it will be accepted by both sides at some point when they have considered other legislation.

I thank the Senator from Alaska for allowing me to proceed. He has something like 564 charts or close to that. I suspect he will be making a long presentation on a subject about which he is very passionate.

Mr. President, I say to the Senator from Alaska, I have visited Alaska. It is a wonderful State. We might have disagreements about certain production in Alaska, but I think he certainly speaks aggressively on behalf of his view of those issues. I do think he is right on the point that we must produce more. The question is not whether; the question is how do we produce more and where do we produce more.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. FEINSTEIN). Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. In response to Senator DORGAN regarding his amendment which covers powerplant operator training, the amendment establishes, as he has noted, a national center to address the need for training and educational activities of operators of electric generator plants.

I think we would all agree we can improve this even though operators have been trained in the past. But I want to emphasize the amendment would improve the training of the operators and their ability to do their job safely and efficiently. Therefore, I have no objection to the amendment. My only concern is we have some norm that is reasonable in the training, but I want to assure the Senator we will accept the amendment in the spirit of moving along on the energy bill.

I want to comment on several aspects of amendments which we are going to be taking up very soon. There are a couple of points I want to address specifically. One is the Akaka Hawaii oil study which makes technical changes to the study language which is contained in section 1702 of the original Daschle bill. It requires the Department of Energy to assess the economic implications for Hawaii of its dependence on oil as a resource for most of its energy needs.

I remind my colleagues the oil that Hawaii receives comes from Alaska. It comes in U.S. ships because the Jones Act mandates the carriage of commodities between two American ports has to be on a U.S. vessel. So this is a significant contributor to the American merchant marine inasmuch as it must use a U.S. vessel built in a U.S. yard with U.S. crews for the benefit of Hawaii.

I want to assure the Senator from Hawaii that the amendment has been cleared by both sides. It is an amendment of a technical nature. It specifically requires the Department of Energy to assess the economic implications of the dependence on oil as its principal source of energy for the Hawaiian Islands. I have indicated I support the amendment.

We should all be concerned about the economic dependence of our States on imported oil. Hawaii uses about 99.8 percent of its electricity needs generated from oil. Of the 50-plus million barrels of oil consumed in Hawaii, it comes primarily from Alaska. There is some that is imported as well, but the imported oil comes in foreign ships with foreign crews. As a consequence, the State Department indication on tourism indicated the transportation fuel prices caused substantially high impacts on the Hawaiian economy. Higher fuel means higher airplane tickets. Higher energy costs means higher hotel bills.

So I agree with my friends from Hawaii, we should investigate our options to ensure energy security. I know the Senator from Hawaii has been working on the strategic petroleum reserve in case there are interruptions because of Hawaii's dependence on imported fuel, and I support that.

There is also an amendment we can accept, and that is the Bingaman U.S.-Mexico energy technology cooperation. This amendment authorizes $23 million over the next 5 years for projects to improve energy efficiency and reduce environmental impacts of economic development along the U.S.-Mexican border. It is the same as a bill approved by the Senate in the 106th Congress. I am pleased to join with Senator BINGAMAN in supporting this.

The program improves environmental quality and protection of public health along the southern border with Mexico, and it prompts energy-efficient, environmentally sound, and economic development. As we address transboundary problems like air pollution and climate change, we are going to need these kinds of partnerships with other nations obviously, sharing the recommendations of Members from those States that join our southern border. Clearly, they know what is in the best interest of their area and their State. As a consequence, I respect that and, hence, support the Bingaman U.S.-Mexico energy technology cooperation.

We have another amendment we will be taking up tomorrow, and it is the Feinstein energy trading market oversight. I think we are going to probably be having some spirited discussions on this amendment. I am anxious to learn a little more from the Senator from California. As I understand, the amendment could potentially disrupt both the electrical and natural gas trading markets. I hope that would not be the case, and perhaps this could be brought out in the debate, but if it is the case it could lead to significant increases in the price of electricity and natural gas to consumers throughout the country. It could also lead to energy price and supply problems on the level—I would hope not—of the California disaster of last year. It seems to have a nationwide application.

I want to emphasize these could be cases because, frankly, we do not really know. The amendment has materialized without any hearings, without any witnesses, without any testimony from the Federal Energy Regulatory Commission and the SEC or the Justice Department. So we do not have any real analysis.

We do not know what problem this amendment is trying to fix. On the other hand, I look forward to the debate. Perhaps we will be enlightened by the Senator from California. We do not know if this amendment actually fixes the problem, let alone recognizes the problem. We do not know if this amendment has the right problem. So we look forward to some clarification.

One thing is clear, if this amendment is intended to prevent another Enron from occurring, in my opinion it will not work. Enron's collapse had nothing to do with the energy trading business. It was triggered when Enron's other business activities raised questions of accounting irregularities and conflict of interest among the company's executives. In other words, Enron's bankruptcy was not the result of unregulated energy trading. It was the result of Enron's bad judgment, bad accounting practices, a fundamental lack of honesty, and a loss of investors' confidence.

Even if this amendment had been adopted 10 years ago, I do not see how it would have done anything but recognize the free market would dictate an environment where Enron still would have collapsed.

Many other honest and legitimate energy trading businesses have done, and are continuing to do, the very same kind of energy trading in which Enron was engaged. They have not gone bankrupt.

We all want information disclosure, and good corporate management. We all want to fix the problem and prevent another Enron from occurring, we want to protect the stockholders and employee pension funds, and not inadvertently sow the seeds of an even greater problem.

Let us not throw the baby out with the bathwater. Let us make sure we know what is being done. Let us fix the problem that needs to be fixed. Let us not make the problem worse.

This amendment preferably should be introduced as legislation. Hearings should be held, with testimony from the FEC, the Commodities Future Trading Commission, the Department of Justice, and others. The committee of jurisdiction should consider testimony, weigh the evidence, and report a well thought out bill that really fixes the problem. I would encourage that we become enlightened because it is rather inconsistent to recognize that some of these bills that have not had a full evaluation could be dropped in conference, and that is not fair to anybody, particularly those who have worked so hard and presented responsible legislation.

So let us not just satisfy a pile-on, so to speak, to do something regardless of whether it works or not. Our $200 billion a year electric power system is too important to toy with. Confidence in our future trading businesses is too important not to fix it properly, assuming there is something that needs to be fixed.

As a consequence I remain open and yet somewhat guarded in my evaluation of whether this amendment is going to do anything other than pile on more criticism for the manner in which the Enron failure occurred.

I would like to remind my colleagues, and staff particularly, that when Enron collapsed two things did not happen. First, we didn't see an increase in electric rates. Second, we didn't see a decrease in supply.

The conclusion we can draw is, clearly the system worked. There was a transition where the open market simply picked up the volume that Enron was trading and transferred that over to other organizations to continue that function. I would hate to have seen a situation occur where you would have to get approval from FERC on who would pick up that additional responsibility after Enron's failure, as opposed to the clear and workable process that filled the vacuum left by Enron. When Enron failed, we didn't see price increases, and we didn't see a shortage of supply.

I have a couple of other points I want to bring up relative to where we are going with this legislation. I doubt very much we are going to get anything introduced today on CAFE, although I had hoped that might occur. I gather the principals are still in the process of some discussion.

I would like to comment briefly on the electric provisions pending in the Daschle legislation. I think we need to recognize that the process is going to require a good deal of input from Members and staff because it has not had the evaluation associated with a committee function. There was not an opportunity where a committee could meet and come out with a bipartisan opinion on various aspects of this complex piece of legislation. We are reconciling our different views on electricity, but one of the things to keep in mind is this industry is not broken. The Enron collapse is something else. Again, I add that the industry is not broken. It functions. We have not seen a shortage. We are not seeing price increases. There are those who suggest if it is not broken, why fix it? Sometimes Congress is the one fixing things, even when they are not broken.

Let me first observe that there are ongoing discussions and reconciliation of various views on electricity. I am hopeful and optimistic that these discussions will bear some fruit.

I would like to discuss the existing provisions in the pending Daschle bill as written. The current provisions exemplify the fundamental philosophical differences between authors of this provision and what I believe is a bipartisan majority of the Senate.

First of all, the authors of the electric provision want more Federal Government participation and control by Federal regulators, which, in my opinion, micromanages the marketplace and preempts State regulation with Federal regulation—you have different regulations, not deregulation. Again, think about it—you have different regulations, not deregulation, and, further, to have the Government pick winners and losers rather than trusting the consumers to the obligation of the free market.

There is one reason why these provisions do not have any committee blessing. The real reason, of course, is we haven't had any committee hearings. We haven't had any markups. We haven't reported anything out.

That is the way the majority leader directed it, and he, kept the committee from proceeding with its responsibility of holding hearings and voting out action.

I believe the bipartisan majority of the Senate wants electricity reform, wants legislation which specifically protects consumers, that tries to streamline regulation rather than making it more complex, and wants to enhance the competition while preserving State authority.

Further, it ensures the reliability of the grid, allows regional flexibility, and promotes renewable energy and other types of generation.

I am going to talk a little bit about renewable energy. There is a great deal of concern and interest in the aspects of renewable energy. I am going to take one example, which is something that is exciting to many of us; that is, the potential solar panels being utilized. Of course, you have to have some sunlight. In the winter in my State of Alaska, it is dark a good deal of the time. So a solar panel would not necessarily get you very far.

As we look at the contribution of solar energy in relationship to oil, you have to look at an equivalent of what kind of footprint it would make. Here is a chart that shows 2,000 acres of solar panels that produces the energy equivalent of 4,464 barrels of oil a day. You have 2,000 acres that would be covered solid with solar panels. That would be two-thirds of the State of Rhode Island.

Two thousand acres in the Arctic National Wildlife Refuge would produce roughly 1 million barrels of oil per day. I think that gives you a little comparison, if you will, of the footprint associated with renewables in the sense of a meaningful and significant contribution. It is important. We want to continue to look toward the renewables in the future. But we should recognize that there is a legitimate tradeoff.

We are going to debate ethanol, and it is certainly a significant renewable source of energy. It comes from corn, primarily. If we were to take 2,000 acres of ethanol farmland and plant corn, we would produce the equivalent of 25 barrels of oil a day from 2,000 acres. Take 2,000 acres of ANWR and it will produce 1 million barrels of oil a day.

To produce a million barrels of oil, it would take corn fields covering the entire States of New Mexico and Connecticut. You would have to plant all the acres in the State of my friend, Senator BINGAMAN, in corn, plus all the acreage in Connecticut to get 1 million barrels of oil. In Alaska, you could get 1 million barrels of oil from ANWR's 2,000 acres.

I have one more renewable energy source that might get the attention of some of my colleagues. In the State of the current occupant of the chair, the senior Senator from California, there is a wind farm located between Banning and Palm Springs in San Gorgonio. She is quite familiar with it. I have been through there many, many times. I don't know how many windmills there are on this wind farm, but it is significant. Some suggest it is a Cuisinart for the birds because while flying low they occasionally have a problem getting through there. On the other hand, higher flying birds don't have that problem.

The point is, you can look at it and say it is a pretty picture, or you can say that there is a rather dramatic footprint that has its own attraction, but I think it is important to look at the equivalent energy.

I understand this particular area is a little over 1,500 acres of wind generators, but 2,000 acres of wind generators produce the energy equivalent of 1,815 barrels of oil. Yet 2,000 acres of ANWR produces 1 million barrels of oil a day. It would take about 3.7 million acres of wind generators—or all of the landmass of Connecticut and Rhode Island—to produce as much energy as the 2,000 acres of ANWR.

My point in going through this demonstration is to identify that while renewables are important, they are simply not the answer for the volume of energy we use to move America, whether it is in our automobiles, our planes, our trains, and so forth, and that there is a significant footprint associated with renewables. As indicated, for example, the wind does not blow all the time.

So as we look at various aspects associated with the electric portion that covers renewables, I think we have to keep in mind, indeed, there is a tradeoff.

The philosophical difference is apparent when you compare the electric legislation I had introduced earlier this year with the pending Daschle bill.

My legislation was bipartisan. It was S. 388. We had three electric provisions: We had PUHCA, we had PURPA, and we had reliability. The PUHCA and PURPA repeal provisions promote competition by reducing Federal interference with the marketplace.

The electric reliability provision protects consumers by creating an industry-run, Government-overseen electric reliability organization that has clear enforcement authority. Consumers will continue to be fully protected because, first, the States will continue to regulate retail rates, and, second, FERC will continue to regulate wholesale rates, which I feel quite comfortable with and which has worked quite well, in my opinion.

Let me identify some of the provisions in the majority leader's electricity title which creates new Federal authority or preempts State authority.

Section 202 expands FERC's jurisdiction over utility mergers and acquisitions.

Section 203 gives FERC new authority to restructure the electric power industry with no guidance—absolutely none—from Congress.

Section 205 gives FERC authority to order the construction of new transmission lines and to order the sale of electricity on its own motion.

Section 206 gives FERC new authority over publicly owned utilities to order open access transmission. Although this section exempts all but the largest publicly owned utilities, we all know what happens in conference to those exemptions once the principle has been established.

Section 207 gives FERC new authority to establish and enforce electric reliability standards, notwithstanding the fact that FERC, in my opinion, does not have the expertise in this area.

Section 256 prevents States' consumer protection provisions if they go beyond or are different from Federal consumer protection provisions established by the Federal Trade Commission.

Section 263 places a Federal mandate on the Federal Government to purchase renewable energy even if it is too costly or not available. Mind you, if it is too costly or not available, it still provides a Federal mandate on the Federal Government to purchase renewable energy. I have a hard time with that—even if it is too costly or not available.

Section 265 imposes a Federal Btu tax in the form of what I consider an unrealistic, unachievable renewable portfolio mandate, which will cost consumers an estimated $12 billion next year.

Madam President, I could mention other provisions, but I think you get the sense of my concern.

But just as important as what is in Senator DASCHLE's electric title, is what is not in it. There are no incentives to build new transmission. We know our transmission lines are choking. There are no incentives to build significant new generation. Instead, the majority leader's bill places our future in the hands of conservation and renewable energy. Turn off the lights; put a windmill in your backyard.

I have long had three principles for good electric legislation: We should deregulate where we can; we should streamline where we cannot deregulate; and we should not interfere with States' efforts to protect their own consumers.

The electricity provision of Senator DASCHLE's bill, in my opinion, fails on all three principles. Moreover, it does not do anything significant to encourage the construction of new electric generation or transmission.

Over the past several years, we have seen significant electric supply problems in various parts of this Nation due to inadequate generation of transmission. This became particularly acute in California and resulted in price spikes and electric blackouts.

California is often cited as being on the leading edge of our future, and in many ways that is true. Yet I am worried. If you think the Federal Government can fix all the problems, then you should like the approach taken by the Daschle electric title. If you are like me, you would be somewhat worried about this approach.

I mentioned earlier the need for bipartisan efforts in this regard. That would have been the case had the majority leader allowed the Energy Committee to initiate and complete its work. In fact, we had the chairman's mark on electricity pending before us when the majority leader preempted the committee.

The Energy Committee has held 20 hearings on electricity in the 106th and 107th Congresses. Last year, the committee even held several days of business meetings exploring and marking up energy legislation. And last Congress, the Senate, in an overwhelming, bipartisan effort, unanimously passed reliability legislation.

Regrettably, all that effort was thrown out the window when the majority leader stripped the Energy Committee of its jurisdiction and put energy legislation directly on the Senate calendar.

I hope we are able to create an energy policy that enhances domestic energy supply, makes the supply more reliable and affordable, and reduces our dependence on imported oil. We need to foster a regulatory and investment climate that encourages new energy sources of all types. We are going to need them all. We are going to need oil. We are going to need natural gas. We are going to need nuclear. We are going to need coal, electricity, and certainly renewables.

We need to encourage the construction of energy infrastructure, including transmission lines. I think that is what the administration stands for. That is certainly what I stand for. I know that is what the American people expect Congress to do.

So I look forward to working with Senator BINGAMAN and other Members as we address an objective, from our opinion, to take a bill that is not of our liking and to change it by amendments, and work to get this bill into conference, because it is one of the priorities of the administration and certainly one of the priorities, I know, of Senator BINGAMAN and myself.

Madam President, I am going to take a few minutes to enlighten Members on the concern over several articles that appeared in the Washington Post and the New York Times over the weekend that I think either blatantly misrepresent the facts in relation to the issue of opening up the Arctic National Wildlife Refuge to responsible oil and gas development or, indeed, are simply conscientious lobbying efforts to twist factual information to represent the editorial policies of various newspapers, specifically the Washington Post and New York Times.

In Sunday's edition of the New York Times, it illustrates the height of misinformation that has clouded this debate. This is a picture that was taken from the New York Times of March 10. It is rather interesting to read this article because it is so inaccurate that one wonders just what kind of reporting and research was done.

This was March 10, the Sunday edition, and it shows an extraordinary area under a title that reads "Oil Industry Hesitates Over Moving Into Arctic Refuge."

When one looks at this, one has to reflect on what they are looking at because it says directly above the picture: Oil Industry Hesitates Over Moving Into The Arctic Refuge.

This picture we are seeing says: Drilling in the Arctic National Wildlife Refuge could soon be legal, but it is far from certain how much oil may be found if exploration proceeds.

The only problem is, that is not the 1002 area of ANWR that might be opened to responsible development. This is perhaps somewhere in the Brooks Range. It shows a valley, it shows mountains. It shows an extraordinary landscape. But it is very misleading because it is not the 1002 area. It is not the 1½ million acres in question.

This is the area in question. This is what it looks like on a clear day.

I have been up there. This is my State. I live there. You have what they call whiteouts where the wind and snow blow and you can't see the sky. It is all white. If the New York Times chose to put that as depicting the 1002 area, I would not have an issue. That is what it looks like; 10½ months of the year there is ice and snow on the ground. The Arctic Ocean is open for 40 days a year ice free. That is all.

I am very disappointed that the New York Times did not show an actual portrayal and just threw a picture in of mountains and suggested this is the area being debated.

It is important Members who are watching at least have some idea. This Coastal Plain is the green area. That is the 1002 area. That is the area where we are considering whether to open for oil and gas exploration. It consists of 1.5 million acres. Then this area down below, the wilderness area, is about 8.5 million acres. And the area in the dark buff color is about 9 million acres. I suspect this picture might have been taken somewhere in the refuge down below where the mountains are because that is the mountain area. I have said this area is 19 million acres, the size of the State of South Carolina.

I also take issue with some of the narrative because they totally misrepresent reality. I will just read from the sixth paragraph:

> Oil companies and industry experts say it is cheaper and more promising right now to exploit large reservoirs of oil elsewhere in the world. And it is easier: many companies fear that drilling in the wilderness area . . .

There will be no drilling in any wilderness area, none whatsoever. This is a refuge. It is not a wilderness area. The Coastal Plain up there is the area in question. So when they characterize this as drilling in wilderness, it is a total inaccuracy. They should be taken to task for it.

Let me show a couple more pictures relative to this ANWR area, what it generally looks like relative to what is there. We have one village up there called Kaktovik where real people live. This is the only village in the 1002 area and ANWR. You can see the Arctic Ocean out there in the white, covered with ice. And that is the way it is most of the year. This is in the spring. Again, I reflect on the reality that this doesn't look at all like the picture we had previously shown of the mountains because there are no mountains in the 1002 area. It is a Coastal Plain. It does not look like that. If you can somehow generate or pull out the Coastal Plain or an ocean anywhere near that area, obviously I will stand corrected.

We have other pictures. This is some of the village activities and so forth. I think it is important to note how inaccurate some of this information is.

I would oppose any amendment that would open the wilderness area of ANWR to oil development. But that is really not what this debate is about. As I have indicated, the 1002 area of ANWR is situated on the shores of the Arctic Ocean. It is several thousand miles from the lower 48. Somebody asked me how many visitors visited ANWR last year. Roughly 1,100 people have gone up to see for themselves. It is a remote area, and it has certainly been the target of frequent misinformation.

There are some cuddly polar bears that we occasionally see in ads. This is one of them. This was run in the Washington Post. This is something that appeared on May 15, 2001. It shows Phillips Petroleum's operation on the north shore, a very small footprint. That particular facility is producing about 100,000 barrels a day, which puts it in the top dozen of fields in the United States.

The picture says: A polar bear and her cubs at rest in Alaska's Arctic National Wildlife Refuge. That picture was taken near Barrow, roughly 900 miles further west. It is kind of interesting. I have never heard an environmentalist acknowledge what has been one of the greatest saviours of the polar bear; and that is, they are marine mammals and, under Federal law, they cannot be taken as trophies. You can go to Canada and Russia and take a polar bear, but you can't take one in Alaska. The Natives that live there occasionally take a few for subsistence, but very few. So for all practical purposes, they are protected. To suggest that some action associated with oil and gas might disturb their denning habits, is misleading, there is no scientific proof to prove that. I rest my case that the greatest contribution to the lifestyle of the polar bear in Alaska is that we can't shoot them.

The interesting thing about this picture of the mountains is that it never even attempts to show anything like a Coastal Plain of ANWR or 1002 area.

The New York Times is in the business of selling papers and probably it looks a lot prettier to see those mountains than that blank white chart we just showed which is the way it looks a good deal of the time in a whiteout. As a matter of fact, you don't go out for a walk. You can get totally disoriented.

One of the posters we have was supposed to show caribou in undisturbed ANWR. But what they didn't tell you, the photo was taken on the roof of a building in the small village of Kaktovik. That is the picture. That shows the Coastal Plain going back into the wilderness areas where the mountains are. The mountains back there are very beautiful. That is somewhere in the area of 60 to 90 miles away from the Coastal Plain. Again, it is a matter of trying to orientate people with some degree of accuracy. If you are evidently from the New York Times, you are not necessarily interested in accuracy. You are interested in simply communicating a point of view which represents the editorial policy of the newspaper.

On the Coastal Plain, winter lasts most of the year. As a matter of fact, it is dark for 56 straight days. There is no sunlight. So clearly that would not do very well up there. It is not pristine. It is a harsh environment, and has a uniqueness and beauty all its own; but there are buildings, an airport, schools, and a radar installation.

We have written a letter in the hopes that we can correct the inaccuracies associated with the New York Times article, and we think it makes sense to ensure our energy security by coming up with solutions. We have the technology to do it safely. What we need is a debate based on facts, not fiction, and the reality of what is and what isn't ANWR. Again, I refer to the chart that shows what it looks like most of the time. This isn't what the Times pictured.

I would like to address the fact that the Secretary of the Interior also touched on the issue of accuracy in the debate on ANWR and directed a letter to Mr. Tom Brokaw, of "NBC Nightly News," among others. She enclosed a tape—which they were free to use—showing the North Slope of ANWR in the winter, the only time when energy exploration would be allowed under the President's plan. The video was produced for Arctic Power, an organization funded primarily by Alaskans and our State government. She indicates she thinks it is important that you have a factual idea from the video of the actual part of ANWR being discussed so the viewers can have a more accurate understanding of the issue.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, February 27, 2002.

Mr. TOM BROKAW,
NBC Nightly News,
New York, NY.

DEAR TOM: As the U.S. Senate debates President Bush's bipartisan national energy strategy over the next several weeks, I encourage NBC Nightly News to report about the President's initiative to allow environmentally sensitive energy production in the far north slope—commonly called the 1002 Area—of the Arctic National Wildlife Refuge.

Enclosed is a betacam tape, which you are free to use, showing the north slope of ANWR in the winter—the only time when energy exploration would be allowed under the President's plan. The video was produced for Arctic Power, an organization funded primarily by the Alaska State government.

I think it is important that you have video of the actual part of ANWR being discussed, so that your viewers can have a more accurate understanding of the issue. Frequently during the energy debate, I have watched television programs feature video that resembles ANWR's Brooks Range. This area is designated wilderness in the central portion of the Refuge—and is not the area proposed for energy development.

Winter-only exploration in ANWR is just one example of the President's commitment to impose the toughest environmental standards ever applied to oil production. For example, the administration will also require the use of ice roads that melt away in the spring and protect the tundra.

Morever, the administration will require directional drilling and smaller production pads, so that energy exploration can be accomplished utilizing just 2,000 of the 1002 Area's 1.5 million acres. These stringent requirements must be adopted so we can reduce our dependence on foreign oil and protect ANWR's habitat and the wildlife that call it home.

Please call Interior Department communications at 202/208–6416 with further questions.

Sincerely,

GALE A. NORTON.

Mr. MURKOWSKI. Again, I want to make reference to some of the refuges because some people make an automatic mental transfer that somehow this is a refuge. Therefore, there should not be any exploration occurring or any activity of any kind. This chart shows activities associated with oil and gas in various refuges. In California, there are four refuges that produce oil and gas. We only have one in our State of Alaska, the Kenai National Wildlife Refuge. There are nine in Texas and there are many in Louisiana. These are specific ones. In California, we have the Hopper Mountain National Wildlife Refuge, the Sacramento National Wildlife Refuge, Seal Beach National Wildlife Refuge, and the Sutter National Wildlife Refuge, where oil production is taking place and some of them are involved in various other discoveries, such as gravel, desalinization, and so forth. So, again, saying we are somehow initiating an action in Alaska that is unique and unfounded doesn't face the sense of reality.

I will conclude by making a reference to the Washington Post and New York Times then and now. As I have already indicated, the editorial policy of the Washington Post is not in support of exploring in ANWR.

I ask unanimous consent this be printed in the RECORD, the Washington Post editorial December 25, April 23: April 4, 2001, 1987, and 1989, to be followed by editorials from the New York Times, March 2001, January 2001, April 1987, June 1988, and March 1989.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is "vital to our national security" because it "would reduce America's dependence on unstable sources of foreign oil."

Mr. Hodel is guilty of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil but the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusual environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion.

How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the New York Times, June 2, 1988]

RISKS WORTH TAKING FOR OIL

Can Big Oil and its Government regulators be trusted with the fragile environment of Alaska's Arctic Wildlife Refuge? Congress, pressed by the Reagan Administration to allow exploratory drilling in what may be North America's last great oil reserve, has been wrestling with the question for years. Then, last month, opponents' skepticism was heightened by a leaked report from the Fish and Wildlife Service saying that environmental disruption in the nearby North Slope oil fields is far worse than originally believed.

The North Slope development has been America's biggest test by far of the proposition that it is possible to balance energy needs with sensitivity for the environment. The public therefore deserves an independent assessment of the ecological risks and an honest assessment of the energy awards.

No one wants to ruin a wilderness for small gain. But in this case, the potential is enormous and the environmental risks are modest. Even if the report's findings are confirmed, the likely value of the oil far exceeds plausible estimates of the environmental cost.

The amount of oil that can be recovered from the Wildlife Refuge is not known. But it seems likely that coastal plain, representing a small part of the acreage in the refuge, contains several billion barrels, worth tens of billions of dollars. But drilling is certain to disrupt the delicate ecology of the Arctic tundra.

Some members of Congress believe that no damage at all is acceptable. But most are ready to accept a little environmental degradation in return for a lot of oil. Hence the relevance of the experience at Prudhoe Bay, which now yields 20 percent of total U.S. oil production. Last year, Representative George Miller, a California Democrat and opponent of drilling within the refuge, asked the Fish and Wildlife Service to compare the environmental impact predicted in 1972 for Prudhoe Bay with the actual impact. The report from the local field office, never released by the Administration, offers a long list of effects, ranging from birds displaced to tons of nitrous oxide released into the air.

According to the authors, development used more land, damaged more habitat acreage and generated more effluent than originally predicted. The authors also argue that Government monitoring efforts and assessment of long-term effects have been inadequate.

It's important to find out whether these interpretations are sensible and how environmental oversight could be improved. The General Accounting Office, a creature of Congress, is probably the most credible agency to do the job.

But even taken at face value, the report's findings hardly justify putting oil exploration on hold.

No species is reported to be endangered. No dramatic permanent change in ecology are forecast. Much of the unpredicted damage has arisen because more oil has been produced than originally predicted. Even so, the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

The trade-off between energy and ecology seems unchanged. If another oil field on the scale of Prudhoe Bay is discovered, developing it will damage the environment. That damage is worth minimizing. But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

[From The New York Times, Mar. 30, 1989]

OIL ON THE WATER, OIL IN THE GROUND

Does the Exxon tanker spill show that Arctic oil shipping is being mismanaged? Should the industry have been better prepared to cope with the accident? Should the spill deflect President Bush from his plan to open more of Alaska to oil exploration?

Six days after the Exxon Valdez dumped 240,000 barrels of crude into the frigid waters of Prince William Sound, questions come more easily than answers. But it is not too early to distinguish between the issue of regulation and the broader question of exploiting energy resources in the Arctic. The accident shouldn't change one truth: Alaskan oil is too valuable to leave in the ground.

Exxon has much to explain. The tanker captain has a history of alcohol abuse. The officer in charge of the vessel at the time of the spill was not certified to navigate in the sound. The company's cleanup efforts have been woefully ineffective. Local industries, notably fishing, face potentially disastrous consequences, and the Government needs to hold the company to its promise to pay. More important, Washington has an obligation to impose and enforce rules strict enough to reduce the risks of another spill.

That said, it's worth putting the event in perspective. Before last Friday, tens of thousands of tanker runs from Valdez has been completed without a serious mishap. Alaska now pumps two million barrels through the pipeline each day. And it would be almost unthinkable to restrict access to one-fourth of the nation's total oil production.

The far tougher question is whether the accident is sufficient reason to slow exploration for additional oil in the Arctic. The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay. But this remote tundra is part of the Arctic National Wildlife Refuge, and since 1980 Congress has been trying to decide whether to allow exploratory drilling.

Environmental organizations have long opposed such exploration, arguing that the ecology of the refuge is both unusual and fragile. This week they used the occasion of the tanker spill to call for further delays while the damage from the Exxon Valdez spill is assessed.

More information is always better than less. But long delay would have a cost, too: Prudhoe Bay production will begin to tail off in the mid-1990's. If exploration is permitted in the refuge and little oil is found, development will never take place and damage to the environment will be insignificant. If development does prove worthwhile, the process will undoubtedly degrade the environment. But the compensation will be a lot of badly needed fuel.

Environmentalists counter that, at most, the refuge will add one year's supply to America's reserves. They are right, but one year of oil is a lot of oil. The 3.2 billion barrels, if found, would be worth about $60 billion at today's prices, enough to generate at least $10 billion in royalties for Alaska and the Federal Government. By denying access to it, Congress would be saying implicitly that the absolute purity of the refuge was worth at least as much as the forgone $10 billion.

Put it another way. Suppose the royalties were dedicated to buying and maintaining parkland in the rest of the nation—a not unthinkable legislative option. Would Americans really want to pass by, say, $10 billion worth of land in order to prevent oil companies from covering a few thousand acres of the Arctic with roads, drilling pads and pipelines?

Washington can't afford to assume that the Exxon Valdez accident was a freak that will never happen again. But neither can it afford to treat the accident as a reason for fencing off what may be the last great oilfield in the nation.

[From the Washington Post, Apr. 4, 1989]

LESSONS OF THE OIL SPILL

Because of the gigantic oil spill off Alaska, conventional wisdom declares, this country is now going to restrict oil drilling much more tightly. Maybe so. But you will notice that conventional wisdom isn't sayng anything about cutting down on the consumption of oil. Americans have organized their lives in ways that require 700 million gallons a day of it, and they do not welcome suggestions to use less. But if less oil is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful.

The immediate cause of the Alaskan spill was slack and solvenly management by Exxon. It is a familiar story. A highly demanding industrial operation, set up with great care and many safeguards, had been running smoothly so long that people began to relax and get careless. Something similar happened at Three Mile Island, the reactor accident 10 years ago, which the conventional wisdom currently cites as a parallel case to the Alaskan shipwreck. The nuclear industry reacted with a vigorous improvement of both equipment and training. The same thing is likely to happen on the West Coast tanker routes.

But that's not quite what the conventional wisdom means by drawing the parallel. Its point is that Three Mile Island did much to turn the country against nuclear power, just as it expects the disaster in Prince William Sound to turn the country against further drilling in Alaska, particularly in the Arctic National Wildlife Refuge, and perhaps in any new sites off the Pacific Coast as well.

Because the United States has stopped building reactors, it is now more reliant than ever on coal to generate its electricity—which means pumping enormous volumes of pollution into the atmosphere. The country cut back on nuclear power, but it didn't cut back on its demand for electricity—which is now rising half again as fast as the government's forecast.

All of the technologies for producing energy are unforgiving. They punish incompetence savagely. That frightens people. The conventional wisdom is now turning against oil drilling, just as it has turned against nuclear power and will turn against coal with its implications of acid rain and a changing climate. But that same conventional wisdom has not turned against the idea that energy for the consumer should be plentiful, reliable and cheap.

The first lesson of the oil spill is that it's time for this country to get serious about energy conservation. The second is that, since energy production is dangerous and even a company as well equipped as Exxon can't be counted on the maintain discipline, the government will have to do more of it—and Exxon will have no one to thank but itself. The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

[From the Washington Post, Apr. 23, 1987]

CARIBOU VS. MOTORIST

It's the Caribou versus the motorist, again. Secretary of the Interior Donald P. Hodel has recommended opening part of the Arctic National Wildlife Refuge in Alaska to oil drilling. That was what the oil companies hoped he might do. A predictable shriek has gone up from the defenders of the refuge. The decision is up to Congress.

Environmental quarrels always seem to generate billowing exaggeration. Another major oil discovery in Alaska would certainly be convenient, postponing the effects of the decline in Prudhoe Bay production that the government expects within the next year or so. But it's not quite so vital as Secretary Hodel suggests. With or without more Alaskan wells, oil production in this country is likely to stay on a downward trend.

As for the caribou, however, oil drilling seems very unlikely to be the dire threat to them that their friends here in Washington claim. While the two cases are not entirely comparable, the Interior Department points out that the number of caribou around Prudhoe Bay, 60 miles west of the refuge, has tripled in the 19 years since oil operations began there. The aesthetic objections to oil drilling may be substantial, but the caribou do not seem to share them.

Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. The area that Mr. Hodel would open to drilling is 1.5 million acres, running about 100 miles along the state's north coast near the Canadian border. He points out that adjacent to it is an area five times as large that remains legally designated as wilderness, putting it off limits to any development whatever.

Human intrusion on the scale of oil exploration always makes a difference in a landscape. But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other where drilling would have less impact on the surrounding life.

Drilling in the Arctic Refuge is not crucial to the country's future. But there is a respectable chance—about one in five, the department's geologists say—that exploration will find enough oil to be worth producing commercially. That oil could help ease the country's transition to lower oil supplies and, by a small but useful amount, reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra.

Mr. MURKOWSKI. Madam President, the editorial in the Washington Post indicates that we can't drill our way out of our ties to the world oil market. Well, I agree with that. They further state that they feel we can generate from conservation what we would potentially recover from opening ANWR. It is kind of interesting to see what they said back in 1987. I will read a portion of it. The Washington Post, April 23, 1987:

> Preservation of wilderness is important, but much of Alaska is already under the strictest of preservation laws. . . .

We have 56 million acres of wilderness in our State.

> But that part of the arctic coast is one of the bleakest, most remote places on this continent, and there is hardly any other place where drilling would have less impact on the surrounding life. . . .
>
> That oil could help ease the country's transition to lower oil supplies and . . . reduce its dependence on uncertain imports. Congress would be right to go ahead and, with all the conditions and environmental precautions that apply to Prudhoe Bay, see what's under the refuge's tundra. . . .

April 4, 1989:

> But if less is to be produced here in the United States, more will have to come from other countries. The effect will be to move oil spills to other shores. As a policy to protect the global environment, that's not very helpful. . . .
>
> The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong.

I had an opportunity to meet with the editorial board of the Washington

Post, and I asked them why they changed their position from 1987, 1989, and 2001. Their response was rather interesting. They indicated they thought President Bush was too forward in pushing the development of a national resource on domestic areas of the United States and, therefore, they were in opposition. I didn't accept that, but that is the rationale they gave me.

The New York Times is also very interesting because back in 1987, April, they said:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.
>
> A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

June 2, 1988:

> . . . the potential is enormous and environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.
>
> . . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

They did a little licensing there because it is not wilderness.

> But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

The last was March 30, 1989:

> Alaskan oil is too valuable to leave in the ground.
>
> The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.
>
> Washington can't afford . . . to treat the [*Exxon Valdez*] accident as a reason for fencing off what may be the last great oilfield in the nation.

I went up to New York and asked the editorial board why they changed their position and that, too, was rather enlightening. They said, well, the editor of the editorial board had been transferred to California and, as a consequence, they had changed their position because they had a change of the editor of the editorial board.

It is interesting to see how these major newspapers change their opinions on national issues, and one can only guess at what the motivation was. We will have to leave that for another day and perhaps another explanation.

I ask unanimous consent that an editorial called "A Better Energy Bill," which appeared in the Washington Post today, also be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A BETTER ENERGY BILL

As the Senate opened debate on an energy bill last week, the White House fired a shot across its bow. The bill on the Senate floor is not comprehensive energy legislation, said the Office of Management and Budget, because it doesn't do enough to increase domestic oil production, failing in particular to open the Arctic National Wildlife Refuge to drilling. The administration opposes the higher automobile fuel efficiency standards that are in the bill, and it objects to a provision that would require facilities that emit large quantities of greenhouse gases to register those emissions. The administration is right that the House and Senate are heading in different directions, but it's wrong on the relative merits. The pro-conservation tilt of the Senate bill makes it the better measure.

It's possible neither version will become law. While all sides agree on substantial sections of the legislation, divisions over Arctic drilling and fuel economy are deep. Even if the Senate can pass a bill, it is likely to be so different from the House version that a conference committee will have trouble bridging the gaps. The issues that were driving debate when President Bush put his energy plan together last year have faded: Prices for oil and natural gas are down, and California no longer is suffering from rolling blackouts. Since Sept. 11 the rallying cry is national security. But it's worth remembering that both drilling in Alaska and auto fuel efficiency standards would take years to bear fruit. And neither the House bill nor the measure now before the Senate would make the country energy independent. Imported oil now provides 57 percent of U.S. needs; left unchecked, imports are expected to make up two-thirds of consumption by 2020. The energy measures aim to reverse that trend, but the best either side predicts from the range of measures in either bill is to bring imports back under 50 percent of consumption, not eliminate them. As long as the economy and most modes of transportation rely on oil, America will remain economically tied to the world oil market.

But it makes ecological sense to reduce dependence on oil, foreign or domestic, and on other fossil fuels, so there's merit in the Senate bill's emphasis on conservation, new technology and new sources of energy. Raising auto fuel efficiency standards, unchanged since 1985, would help. So would the bill's proposed tougher efficiency standards for new air conditioners and its demand that, by 2020, 10 percent of electricity come from renewable sources; several states already have used this kind of requirement to boost generation from wind and other renewable sources. As debate opened Wednesday, Alaska's Sen. Frank Murkowski broadly described these initiatives as an "unacceptable intrusion of the federal government into the marketplace." But they're no more of an intrusion than the Republicans' tax breaks for drilling. The difference, as Democratic Sen. Jeff Bingaman (D-N.M.) said, is that his bill's incentives seeks to bring about change that wouldn't occur otherwise. The Republican-favored approach renders more profitable activity that likely would take place anyway, or (as in the case of Alaska) encourage activity that we'd be better off without.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that letters to the editors of the Washington Post and New York Times dated today also be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

The NEW YORK TIMES,
New York, NY.

TO THE EDITORS: I was deeply concerned by the misleading photograph that accompanied your recent article discussing the safe exploration of oil in the Arctic National Wildlife Refuge (ANWR).

The presence of such a large mountain range in your picture tells me that the photograph is not located in the area of ANWR discussed in the story. In fact, it is probably more than 75 miles off the mark.

This would be not unlike using a photo of the Philadelphia skyline for an article about New York City. At the very least, it's like using a picture of the Meadowlands for a story about JFK International airport. They are simply not interchangeable because they are two very different places.

Fewer than 1,000 visitors a year have a chance to see for themselves what is—and what isn't—ANWR. This remoteness makes the ANWR debate the frequent target of incorrect information and inaccurate portrayals.

ANWR is composed of 19 million acres—an area the size of all of South Carolina. The 17.5 million acres that is off-limits is the actual home to the mountains and wildlife that, during a brief spring, make for some of the picturesque photos we've seen. Let me be clear—this is not the area where oil exploration will occur.

If allowed, oil exploration will be limited to a flat, barren portion of the 1.5 million acre coastal plain—a section set aside for the express purpose of oil exploration because of the tremendous oil reserves geologists believe exist there.

To help ensure our nation's energy security, we must make certain that our energy solutions begin and end here at home. We can do that by recognizing the vast energy resources that exist on our shores and that our technology and ingenuity can ensure their safe recovery.

Very truly yours,
SENATOR FRANK H. MURKOWSKI,
Ranking Member, Senate Energy and Natural Resources Committee.

The WASHINGTON POST,
Washington, DC.

TO THE EDITORS: I do not disagree with your statement that "as long as . . . most modes of transportation rely on oil, America will remain economically tied to the world oil market" ("A Better Energy Bill", March 11, 2002). We should reduce our dependence on oil and especially foreign oil. The comprehensive energy plan proposed by President Bush and passed in the House includes a number of proposals to spark the development of alternative fuel and help reduce our future use of oil.

But I disagree with your assertion that the safe exploration of domestic energy resources in Alaska is "activity that we'd be better off without." Geologists tell us that ANWR is believed to have more oil than all of Texas' proven reserves—enough to end more than 30 years of Saudi Arabian imports. American technology and ingenuity will ensure its safety recovery with a minimum amount of disturbance—just 2,000 acres.

Domestic oil from ANWR has, in fact, been supported by this paper before. In 1987, the Washington Post editorialized that oil from ANWR ". . . could help ease the country's transition to lower oil supplies" and that it could ". . . reduce its dependence on uncertain imports." Again in 1989, the Post said "The lesson that conventional wisdom seems to be drawing—that the country should produce less and turn to even greater imports—is exactly wrong."

What has happened since 1989? We fought a war over oil in the Gulf. Our dependence on foreign oil has increased. The Middle East has grown more unstable. And never before in our history have we gained a greater appreciation of national security and the impact of ensuring our energy security.

Domestic energy production must be part of the Senate's efforts to construct a national energy plan. Any plan that fails is no solution at all.

Very truly yours,
Senator FRANK H. MURKOWSKI,
Ranking Member, Senate Energy and Natural Resources Committee.

Mr. MURKOWSKI. In conclusion, Madam President, I think we deserve better from two of our leading newspapers than to have such gross inaccuracies perpetrated on the American public in the interest of news or formulating public opinion. I do not mind taking my licks as long as it is a fair portrayal, but when it is an unfair portrayal or it is journalism that reflects simply a prevailing attitude and ignores the facts, the only thing I can do is call it to the attention of Members and the public in the interest of fairness.

I ask unanimous consent that a portion of the Sunday New York Times which factually mischaracterizes the issue of ANWR be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 9, 2002]

OIL INDUSTRY HESITATES OVER MOVING INTO ARCTIC REFUGE

(By Neela Barnerjee)

More than three decades ago, the world's largest energy companies led the charge to drill for oil on the North Slope of Alaska. But now, as the debate rages over opening the Arctic National Wildlife Refuge to oil exploration, those same companies remain surprisingly silent.

Drilling in the Arctic refuge, which has already been approved by the House, has become a touchstone issue for the Bush administration, and the issue promises to produce a nasty fight in the current debate over the energy bill in the Senate. Publicly, the biggest multinational petroleum companies, like Exxon Mobil, Royal Dutch/Shell, BP and ChevronTexaco, back the Bush administration's assertion that developing the oil in the Arctic refuge is critical to the American economy. But privately, many large companies say the prospect, solely on business terms, is not terribly attractive.

"Big oil companies go where there are substantial fields and where they can produce oil economically," said Ronald W. Chappell, a spokesman for BP Alaska, which officially supports opening the area to drilling. Using the acronym for the refuge, he continued, "Does ANWR have that? Who knows?"

Oil companies and industry experts say it is cheaper and more promising right now to exploit large reservoirs of oil elsewhere in the world. And it is easier: many companies fear that drilling in the wilderness area may be blocked by persistent litigation, or that a future president or Congress could put the refuge out of bounds once more.

"There is still a fair amount of exploration risk here: you could go through eight years of litigation, a good amount of investment, and still come up with dry holes or uneconomic discoveries," said Gerald J. Kepes, the managing director for exploration and production issues at the Petroleum Finance Company, a Washington consulting firm for oil companies. "It's not clear that this is quite the bonanza some have said."

Supporters and opponents alike of drilling in the Arctic refuge have noted the reticence of the largest multinational oil conglomerates on the issue. "They are not present at all," a Senate aide said.

Claire Buchan, a White House spokeswoman, said that the administration believed that oil companies would be interested in exploration if the refuge is opened to drilling. "What's important is that we have this option due to the vast potential to reduce our reliance on foreign sources of energy," she said.

The fight over oil drilling in the refuge has flared in Congress every few years, and so far, opponents of drilling have kept the area off limits. Now, proponents of drilling smell the sharpest whiff of victory ever.

They still face an uphill battle. The energy bill narrowly passed last year by the House included a passage permitting oil exploration in the refuge. But in the Senate, two Democrats, John Kerry of Massachusetts and Joseph I. Lieberman of Connecticut, have threatened to filibuster any amendment on drilling, meaning that proponents will have to muster at least 60 members to force a vote. Given the deepness of the divisions, the entire energy bill could unravel if both sides tug hard enough at this single issue, Congressional aids and energy industry executives said.

The battle centers on drilling on the coastal plain of the refuge, a narrow ribbon of land that stretches about 110 miles along the Beaufort Sea. Environmentalists and wildlife biologists say that in the summer, the coastal plain teems with caribou and millions of migratory birds. Drilling for oil there, they argue, would ruin one of the few pristine wilderness areas left on the planet.

Those who back drilling are varied and formidable, including a bipartisan array of politicians from southern and western states, nearly the entire political establishment of Alaska and several labor unions, led by the Teamsters. They contend that the coastal plain is a snowbound wasteland, and the oil there could be developed with little environmental damage. They say the coastal plain's reservoirs hold about 16 billion barrels of oil, or enough to meet the country's appetite for petroleum for a little more than two years.

The oil companies themselves, however, are less certain of how much oil lies below the coastal plain. No precise data about the amount of oil in the plain is publicly available. In the 1980's BP and what then was the Chevron Corporation drilled an exploratory well on private land owned by native tribes that is inside the refuge, but BP said that those results were a proprietary secret. The United States Geological Survey estimates that at oil prices around $20 a barrel, the amount of oil that could be recovered economically from the federally controlled part of the coastal plain is 3.2 billion barrels.

Of course, companies face severe difficulties in developing oil fields overseas, from the rough winters in the North Sea to the endemic corruption in Nigeria to the long-running civil war in Angola. But the size of the discoveries and the relative cheapness of exploiting them often make the investments worthwhile. Within each oil company, prospects in the Arctic refuge would be measured against fields elsewhere. A political mandate to explore the region, executives of several major oil companies said, would not necessarily compel them to rush into the area.

"All our Alaska projects need to compete worldwide with other Phillips projects," said Dawn Patience, a spokeswoman in Alaska for Phillips Petroleum, the largest oil producer on the North Slope. "And it does come down to economics."

The calculus includes the usual factors like the cost of producing oil and shipping it to market. But drilling in the Arctic refuge holds significant political risks that would lead to delays and with that, higher costs, oil company oil officials said.

"There will be tremendous debate or delays due to litigation," an executive with a major oil company said. "All that has to go into the assessment of whether that project would be economically viable."

Still, there would be pressure on companies already working in Alaska, like BP, Exxon Mobil and Phillips, to bid for leases if the area is opened to drilling. The state, which issues so many of the permits oil companies need to work in Alaska, might take their indifference as a slap in the face, said environmentalists and some industry executives.

At the same time, smaller companies, particularly those looking for a foothold in Alaska, might be willing to take on the risks and aggressively pursue drilling in the refuge. "Smaller companies are involved in fewer places, and what is a marginal opportunity for us is a big opportunity for an independent," the executive with the major oil company said. "This is not a huge priority for us."

Even without lawsuits by environmentalists, the earliest any oil from the wildlife refuge would make it to market is 2010, industry executives said. But development efforts could drag out well beyond that date. "To protect the refuge," said Deborah Williams, executive director of the Alaska Conservation Foundation in Anchorage, "national environmental law firms and Alaskan environmental groups will find every opportunity to challenge drilling."

Oil companies know too well how projects can atrophy within a web of litigation and political resistance. They hold hundreds of leases for places where they cannot drill because of litigation, Congressional action or a change of presidential administration. Among them are Bristol Bay in Alaska, the western and eastern seaboards of the United States and the eastern part of the Gulf of Mexico.

The champions of drilling in the refuge are the State of Alaska and the unions. In fiscal 2001, 82 percent of the unrestricted funds in the state budget came from the petroleum industry, which is also a major employer. But oil production on the North Slope has fallen by half since its peak of two million barrels a day in 1988, said Mark D. Myers, director of the State Division of Oil and Gas.

And as oil production dwindles, so might revenues and jobs. "The primary reason is job creation," said Jerry Hood, a Teamsters union energy specialist. The Bush energy policy, Mr. Hood said, "is, frankly, a way to re-employ American workers."

Mr. MURKOWSKI. Madam President, I see my friend from New Mexico, the chairman of the committee, with us today. I ask him if he knows what business we might take up today.

Mr. BINGAMAN. Madam President, in response to my friend from Alaska, my understanding is the leader intends that we remain in session until approximately 5 o'clock and then go out of session. I do have one amendment that I believe has been cleared related to U.S.-Mexico technology cooperation which both myself and Senator DOMENICI have sponsored. It has passed the Senate before. I hope to do that by voice vote in the near future.

Then, as I say, the intent is to recess the Senate around 5 o'clock. Then tomorrow morning, it is my understanding the majority leader intends to have a vote at 10:30. I am not sure the subject of that vote.

Mr. MURKOWSKI. Madam President, if I may respond.

The PRESIDING OFFICER. The Senator has the floor.

Mr. MURKOWSKI. I believe the Akaka amendment has been accepted by this side and the U.S.-Mexico amendment offered by Senator BINGAMAN, and Senator DORGAN has spoken on an amendment which we have no objection to on our side, but we are still clearing it at this time. I suspect that can be accepted, but I have to hold off. I anticipate that tomorrow we will go to Senator FEINSTEIN's amendment, which I believe is pending. Then I hope we might get to CAFE.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I certainly agree with what my colleague has said. Unless there is other business at this particular moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2990

Mr. BINGAMAN. Madam President, I call up for consideration amendment No. 2990 dealing with U.S.-Mexico energy technology cooperation.

The PRESIDING OFFICER. The amendment is now pending.

Mr. BINGAMAN. Madam President, this amendment is one I offered on behalf of myself and Senator DOMENICI. It is an amendment that was adopted by the 106th Congress. It merely tries to ensure maximum possible cooperation between our two countries along our common border on issues related to health and energy production and to ensure that the Department of Energy environmental management technologies are used to help clean up serious and pressing public health problems along the border.

This is an amendment that I believe has strong support on all sides. I believe it has been cleared on both sides. I urge it be adopted.

Mr. MURKOWSKI. Madam President, we have agreed to it on our side, and I urge its adoption.

The PRESIDING OFFICER. Is there further debate on the amendment? There being none, the question is on agreeing to amendment No. 2990.

The amendment (No. 2990) was agreed to.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2989 TO AMENDMENT NO. 2917, AS FURTHER MODIFIED

Mr. BINGAMAN. Madam President, I ask for the regular order to return to the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BINGAMAN. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR ACT

Mr. THOMAS. Madam President, I rise to discuss an event that happened last week in which I was very disappointed. It was a hearing we had on the FAIR Act or private contracting of Government activities where it is appropriate under what is called the FAIR Act, which was passed in 1998.

This was to have been a committee hearing about how you can best do what has been a policy for a very long time; that is, to take those activities within the Federal Government which are not integral to the Government and give the private sector a chance to bid and do those kinds of things.

Even though it has not been implemented as it could be and should be, it has been the policy for a very long time—20, 25 years—to do that, to take those things that are not specifically and inordinately Federal activities that could be done and could be done more efficiently by the private sector. So in 1998, we passed a bill called the FAIR Act which required that there be an analysis of all the Government activities in most of the agencies, determine which of those would be eligible for outside contracting, and then move forward on that.

I had hoped to testify before the committee. It turned out that I was not available, and also, they thought they had a balance. As I read about it—and I have a couple things I want to put in the CONGRESSIONAL RECORD—it turned out not to be a balanced hearing at all. It turned out to be kind of a pro-union rally in which they accidentally had to have it at a time when practically all the Government unions were meeting here. So they had about 250 members there, which is fine except they didn't have a balanced approach to the program.

I was advised that the hearing was going to be evenly balanced, and it couldn't have been more unbalanced, according to what was written about it. It was regarding the Government contracting. This is a very important issue to me for several reasons. One is, it is the most efficient way to get some of the jobs done that are available to be done in the Federal Government. The other is, I am one who thinks it is a good idea to reduce and hold down as low as possible the numbers in the Federal Government and allow the private sector to do all those jobs that can be done by the private sector. And that was the idea of the FAIR bill which was signed into law in 1998.

Again, it was designed to identify positions within the Federal agencies that are not inherently governmental. For about 50 years we have had a policy that said basically: It will not start or carry out any commercial activities to provide a service or product for its own use if such product or service can be procured from private enterprise through ordinary business channels.

That has been the notion that, in my view, has not been implemented nearly as it might be. Nevertheless, it is the concept, and it is a great concept. Unfortunately, this hearing indicated that several of the members who were there certainly don't want to find any ways—to generally quote them—that we would diminish the size of Government, that we would put at risk any Federal jobs. The fact is, this seldom puts at risk Federal jobs.

What it does is, as new jobs come up, new programs and projects come up that are not inherently governmental. Then they can be put out to the private sector and, indeed, be competitive.

Conceptually, I certainly agree with this. I am surprised to find a number of members who were at the hearing who apparently do not agree with that and don't agree that the private sector ought to be able to compete at all with the Federal Government. They were very precise about that.

I do not agree with that. We were able to pass a bill with a number of hearings last year, Chairman THOMPSON and his committee. He was there, by the way, and said some pretty reasonable things about it. This was widely heard last year and passed very strongly.

It requires the Federal agencies to list commercial jobs. Inventories showed in 1999, kind of the initial inventory, that nearly 1 million Federal employees are engaged in commercial activities. These are services that can be found in the yellow pages from small businesses and firms throughout the country. Under the Clinton administration, the FAIR Act inventory served as no more than a list. Nothing was ever done about it. So last year, the Bush administration announced it was requiring all Federal agencies to convert 5 percent of the jobs listed in the FAIR Act as public and private competition or contract to the private sector.

In the course of the hearing, of course, the witnesses they had said the percentages were not necessarily the only percentages that could be considered. But the fact is, it did begin for the first time a planned effort to point out those kinds of jobs that could be in the private sector. I know this is fiercely denied and opposed by those who want more Government, who want to actually spend more and have larger Government. That is not really what this is all about.

The fact is, we do need to find a way to have an inventory, to find a way to have an opportunity for the private sector to look into those jobs—not all the jobs, of course, only those that are inherently not involved as governmental functions.

I hope we can go back to the core of what that bill is about. And that is the objective way, not putting at risk public employees but finding, as these jobs are created, that there is a place to be able to do that in the private sector.

I am hopeful we can continue to explore that, as, in fact, it is a law. Therefore, I would like very much to be able to pursue that. I want my friends on the committee to know I, for one, fiercely oppose the idea to gut the FAIR Act, and I want to make that point and continue to pursue it as time goes by.

COLONEL ROBERT S. HART

Mr. LOTT. Madam President, I would like to bring to your attention today the exemplary work and most commendable public service of one of our country's outstanding military leaders, Colonel Robert S. Hart, Commander, 403d Operations Group. Unfortunately, Colonel Hart's service to his country ended on February 16, 2002 when he unexpectedly passed away.

Colonel Hart entered the Air Force in 1973 through the Air Force Reserve Officer's Training Corps program. His early assignments included Williams Air Force Base, AZ, and Charleston Air Force Base, SC, where he finished his active duty career in October 1979. He entered the Air Force as a pilot and continued to fly throughout his career. He joined the Air Force Reserve in July 1980. In 1981 he was the Chief of Standardization for the 300th Military Airlift Squadron, Charleston Air Force Base, SC. From 1992 to 1998 he was the Aircraft Operations Officer for the 701st Airlift Squadron at Charleston Air Force Base. For the first half of 1998 he was the Airlift Operations Officer for the 707th Airlift Squadron also at Charleston Air Force Base; the remainder of 1998 to December 1999, he was the Commander of the 707th Airlift Squadron. He joined the 403d Wing in December 1999, where he was the commander of the 403d Operations Group. As the commander of the 403d Operations Group, he was responsible for the training and mission execution of the 53rd Weather Reconnaissance Squadron, the 815th Airlift Squadron, and the 41st Aerial Port Squadron at Keesler Air Force Base, MS; and, the 96th Aerial Port Squadron at Little Rock Air Force Base, AR.

Colonel Hart was born in Abilene, TX. His father ,and mother, John and Mary Hart, reside in Eastland, TX. Colonel Hart earned a Bachelor of Art's degree in business and administration management at Texas Tech University. He is a graduate of Squadron Officer School, Air Command and Staff College, and Air War College. He held the rating of command pilot with more than 8,850 flight hours. He has flown the following aircraft: T–37B, T–38A, C–141A/B and C–130. His military decorations include the Meritorious Service Medal with one oak leaf cluster; the Aerial Achievement Medal; the Air Force Commendation Medal with one oak leaf cluster; the Joint Meritorious Unit Award; the Air Force Outstanding Unit Award with five devices; the Combat Readiness Medal with eight devices; the National Defense Service Medal with one device; the Armed Forces Expeditionary Medal with one device; the Southwest Asia Service Medal with three devices; the Armed Forces Service Medal; the Humanitarian Service Medal with three oak leaf clusters; the Air Force Longevity Service Award with five devices; the Armed Forces Reserve Medal with two devices; the Air Force Training Ribbon; the Kuwait Liberation (Saudi Government) Medal; and, the Kuwait Liberation (Kuwait) Medal for his service in Operation DESERT SHIELD/STORM.

Colonel Hart served his nation for 29 years distinguishing himself while upholding the core values of the U.S. Air Force—Integrity First, Service Before Self, and Excellence In All We Do. He was a true Citizen Soldier, always ready to answer his nation's call. On behalf of a grateful nation, I ask you to join me, my colleagues in the senate and Colonel Hart's many friends and family in saluting this distinguished officer's many years of selfless service to the United States of America. I know our Nation, his wife Karen, and his family are extremely proud of his accomplishments. It is fitting that the U.S. Senate honor him today.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 24, 2002 in Santa Barbara, CA. A gay man, Clint Scott Risetter, 37, was doused in gasoline and set on fire while he was sleeping. The assailant, Martin Thomas Hartman, 38, confessed to the murder, and said that the victim "deserved to die" for being gay. Hartman is being charged with murder, arson, and a hate crime in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

TRIBUTE TO FATHER MYCHAL F. JUDGE

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mrs. CLINTON. Madam President, I submit the following statement of Peter James Johnson, Jr., delivered at the funeral mass for Father Mychal F. Judge in New York City on September 15, 2001, for printing in the RECORD to commemorate the 6-month anniversary of the many lives so tragically lost on September 11.

The statement follows:

REMARKS PREPARED FOR DELIVERY BY PETER J. JOHNSON, JR., AT THE FUNERAL MASS OF REV. MYCHAL JUDGE, O.F.M., FIRE DEPARTMENT OF NEW YORK, CHAPLAIN, SEPTEMBER 15, 2001, ST. FRANCIS OF ASSISI CHURCH, NEW YORK CITY,

Your Eminence, Cardinal Egan, President Clinton, Senator Clinton, Mayor Dinkins, Mr. Controller, Mr. Public Advocate, Family, Friends, Firefighters and Friends.

"Don't worry about me. Help the thousands." Mychal says to us.

I see him kneeling gently, hear him speaking in a firm and lilting whisper, his large hands making reassuring contact with a dying firefighter, his warm eyes focused and loving and deep, communicating the wisdom of almost seventy years and the spirituality of a millennium. Enveloped in the unshakeable concentration of the prayers he knew and lived so faithfully, shrouded in his own mystical but practical Catholic belief, oblivious to the risk of harm that rained from the sky, he died as he lived, trying to save a life, to save a soul in our City on a sunny, not so perfect September morning, Friar's friar, firefighter, warrior for the Lord and New Yorker—I can't help believing that Erin and Dymphna, your beloved Emmet, who wanted to be a priest at the age of four, our beloved Mychal—in the swirling and fiery wind tunnel of the majestic twin towers, helmet off in respect to our creator, lifted his lovely tenor voice and uttered a final

Alleluia as he rode the winds aloft, smiling broadly as he shot one final mortal glance at what his model St. Francis of Assisi called "burning sun with golden beam and silver moon with softer gleam."

Father Mike, it's not that we hardly knew ya that makes you leaving this earth so hard. It's that we all knew you so well and depended on you so much that hurts so much.

Though you were neither a husband nor a father, you became a model for husbands and fathers. Though you never trained on a hose on a fire or experienced the pain of being a firefighter's widow, you became a model for firefighters and the widowed. Though up until recently you never felt the anxiety of sickness, you became a guide for the sick. You taught us that the St. Francis Prayer was not merely a bookmark but a living, speaking roadmap for our daily lives as New Yorkers. We saw your greatness up close and personal. But we respectfully ask why were you so strong?

As Father Pecci pointed out last night at the wake service maybe it was the countless windows and shoes you polished and shined on Dean Street in Brooklyn as a child. Or was it the constancy and strength of example of your mother who balanced the needs of a dying husband, a house and three young children in the Depression?

I have not seen your sisters Erin and Dymphna for some time. So I asked Dymphna last night, what made Mychal great? She said it best: "With Michael there were no narrow truths. There was only wide open possibility." As I stepped outside onto 32nd Street near Penn Station last night to get some air, I was struck by the wide world of possibilities that Mychal lived in. I noticed how much more alive the street has become in just twenty-four hours. A saxophone could be heard—"Amazing Grace"—the musician played. The smell of fried food in the air. Taxis racing down the street. Men and women laughing in conversation near a parked delivery truck. Mychal would say "How marvelous. What a strong and dynamic people we are!" And I looked at the faces on the street behind us. In Mychal's words: "Peter look at these façes. Brown and black and yellow and white. Such good minds, such strong hands, such hard workers."

"Such a resilient city. There is nothing like a New Yorker. We're back." In that moment I had an understanding of the incessant activity that Mychal often heard from his room on 31st Street. The same vitality that so energized him even when he was bone tired from caring for the families of the victims of Flight 800 when he would answer the phone or pager and respond to an emergency to support a stricken firefighter.

And that was Mychal too. He naturally saw the very best of himself in others. And in a strange way we slowly but surely began to see a little bit of Mychal in all of us. His dynamic strength, his good mind and his strong hands were always in evidence. Whether he was helping lift his dear friend paralyzed hero Detective Steven McDonald onto a rough stone road in Northern Ireland, to go another ten miles on the path to peace and reconciliation. Or riding Splash Mountain at Disney with Conor McDonald, who helps serve the mass. Or at the bedside of his friar friend forever, Patty Fitzgerald, in an Israeli hospital—fifty years of friendship on Saturday. Or anointing the forehead of a sick man with aids in a small Chelsea studio apartment. Or arm in arm with our missing hero Patty Brown, comforting the family of hero firefighters like the late Captain John Drennan in a New York Hospital burn unit, Mychal was equally at home in the brown robe and sandals of a friar or the uniform of a New York City fire officer and always in an encouraging and positive way motivating us to do bigger and better things.

He was comfortable visiting President and Senator Clinton or President and Mrs. Bush in the East Wing of the White House, the portico of Gracie Mansion with Mayors Koch, Dinkins and Giuliani and the Cardinal's Residence with the late Cardinal O'Connor and now Cardinal Egan.

But he was really at home in a Times Square shelter for single mothers conducting Midnight Mass on Christmas eve, cradling a small plastic doll in its role as the baby Jesus or in a firehouse kitchen helping reunite a couple whose marriage was strained by the job. This church is full of families he united. Being at Ground Zero—wherever it was—was his life, and his death.

Mychal loved Christ and loved his family and yes, he loved us, the people of New York. This morning we unfortunately see only his casket. But I dreamt the other night of Mychal, walking and walking and walking; I guess the constant motion of his life: In a power walk from 31st Street and Seventh Avenue to Coney Island and the Atlantic Ocean, in his crisply pressed uniform on a blustery Saint Patrick's day waving, to the crowd like a matinee idol, hands outstretched to hug our children for a moment, flashing a knowing, almost shy smile and then jogging back to the line of march. Walking the streets greeting on a first name basis the homeless and friendless, many of whom wore the Christmas and birthday gifts that many in this congregation wrapped so nicely for Mychal to wear. He loved to watch the fireworks, a ride on a fire boat, a thick deep piece of apple pie with ice cream. Both most of all, he loved the call to service, the romance of duty, the necessity of honor. He was a bridge between people. Friars and firefighters, Christians and Jews, able and disabled. He grafted spirituality onto our Bill of Rights.

You see, Mychal was proud to be an American. Not in the quaint sense of a Norman Rockwell painting or in your face flag waver, although flag waving is good too.

I recall two connected events to demonstrate his palpable pride. I urged Mychal to become the Fire Chaplain, to fill late Friar Father Julian Deeken's large shoes. Shortly after he assumed his duties, there was a report of a ship run aground, and yes, even a landing of Chinese nationals with guns, according to the Park Police, in the Rockaways. I was an honorary firefighter and pro bono adviser to Mayor Dinkins, and so Mychal called me, said he would be by to get me in a few minutes and we took off in the middle of the night.

Just as we started to get to the Brooklyn Battery Tunnel, the radio started to crackle with confirmation of a large ship aground with passengers in the water. Mychal gunned the Chevy, hit the lights and sirens, both which reflected and reverberated off the tunnel walls. I felt like I was in the middle of Studio 54. I said "Mike, what are you doing? Slow down." He looked straight ahead laughed and said: "No this is good. I'm not sure what we've got here but we can do good things together."

I'll never forget what we saw that chilly morning. Helicopters in the air. A large broken ship battered by the waves off shore and a beach full of shaking, shivering and soaked Chinese men who had paid dearly and almost with their lives to reach the safe haven of America. They did not speak a word of English and he did not speak Chinese, but it did not deter Mychal. Within a few minutes he was handing out blankets, coffee and telling jokes. And they laughed. An immigration officer warned him of the dangers of disease from the men—tuberculosis, hepatitis. Mychal said thank you, ignored the warning and continued on as he was inclined to do. We returned home to Manhattan later that morning and ate an enormous breakfast, "Mychal, you're a bright guy. They could be very sick." To which he replied: "When I travel half way round the world I get a blanket and a cup of coffee. They're our guests and they deserve no less. They only want what we were born into." As usual Mychal had done good things.

Maybe we know why: A few days after July 4th, our daughters Blanche and Veronica, eight and six, received a handwritten note addressed to them. Blanche recognized the distinctive note paper and handwriting and read to her sister at the kitchen table: "Friday evening, July 6, 2001, 10:00 p.m. My dearest Blanche and Veronica Felicity. Earlier this evening I walked to the new walk along the Hudson-Little West 12th Street to the Battery. It is a wonderful promenade and a great place for Bladers—Someday both of you will be most proficient at that and you'll be there often" And they will.

The letter continued: "I sat and gazed at Lady Liberty—so majestic with her torch burning brightly and thought of the great feelings of joy and happiness and hope that my mother and father experienced when they saw her as their boat came into New York Harbor—it was their dream come true. 1921—oh so long ago. They had no idea of all the blessings and a few sorrows that lie ahead of them. They were so brave and had such faith and trust in God, that, that he brought them to these shores and that he would care for them."

The note paper and the distinctive penmanship were those of Mychal Judge, friar and firefighter. And it was then when I heard our oldest daughter read these simply eloquent words to our youngest daughter that I began to understand Mychal's rush to the Rockaways.

As he and the late Captain Grethel and late Firefighter Weinberg raced down Seventh Avenue did Mychal think about his little rollerbladers, Blanche and Veronica? Did his mind rush back to pleasant barbecues and lasagna dinners in Northern New Jersey? Did he think of the woman who came to this church and presented Father John Pierce with a tiny American flag in honor of Mychal who had guided her so well when she lost her son last year or of Erin or Dymphna and the prospect of a trip to see them in Maryland, reading books and just talking? Of the people he had not yet met who would need his services at the friary that day upon his return? Of how he could be made an instrument of peace or consolation or harmony?

Or as he pondered the blazing twin towers and the desperate New Yorkers ending their suffering by jumping sometimes arms linked from the inferno, did he try to summon and recreate the innocent but great feelings of joy and happiness and hope that his parents felt when they saw the Lady in the Harbor?

We'll not know the answer on this earth. But we do know that Mychal died as he lived and as his parents lived—bravely, having such faith and trusting God and loving this land that God made.

Mychal, you taught so many of us that we can only be enslaved, victimized or terrorized by our demons if we so consent. In the coming months we will call upon your memory and your inspired example of faith, sacrifice and determination and rely upon your prayers to help strengthen and console and raise all of us up. Today, from the well of our sorrow filled with the bitter tears of our loss, we will tend to our garden, emboldened by the faith and trust in God you exemplified and from which the joy and happiness and hope you aspired to will flower again. In an even more resplendent but Mychal Judge less American century.•

TRIBUTE TO COL. CYRIL R. RESCORLA

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. CORZINE. Madam President, on the 6-month anniversary of a terrible tragedy, I wish to honor a man whose unfaltering courage and generous spirit showed the world the best of humanity, Colonel Cyril Richard Rescorla.

On September 11, our Nation was attacked in ways none of us ever thought possible. Many Americans have been affected profoundly by these events, and I grieve with all of those who have lost loved ones. At the same time, I have been heartened to see, in the midst of such destruction and despair, a nation united.

On that fateful day, Colonel Rescorla led thousands to safety before his own death in the south tower of the World Trade Center. But valiant service to his country was nothing new to Rick, as he was known to his family and friends. A decorated veteran, he served in Vietnam as a platoon leader in the 2nd Battalion, 7th Cavalry, inspiring awe in fellow soldiers and earning the reputation of a "battlefield legend." As a testament to his bravery, Rick's image is forever immortalized on the cover of We Were Soldiers Once . . . And Young, the book by Lieutenant General Harold G. Moore and Joseph L. Galloway that has been made into the recently released movie "We Were Soldiers." Unwavering in even the most horrific situations, Rick gave his men courage in battle, and provided comfort and safety to his civilian colleagues in both attacks on the World Trade Center.

As Vice President for corporate security at Morgan Stanley Dean Witter & Co., Rick devised the evacuation plans for the World Trade Center and, in the 1993 bombing, ensured that everyone had evacuated before he would leave the building. A testament to his selfless generosity, Rick's colleagues are sure he would have been the last person out of the building on September 11 if the situation had been different.

Rick's altruism extended into every corner of his life. As husband, father, son, friend, and teacher, Rick faced even chronic illness with humility and valor. His life serves as a model of heroism. May his honored memory be a constant reminder of America's great courage and resolve.•

ADDITIONAL STATEMENTS

TRIBUTE TO MARILYN SEICHTER

• Mr. DODD. Madam President, I am saddened today to hear about the death of a great citizen of Connecticut, Marilyn Seichter, who passed away on Feb. 10 of Huntington's Disease. As the first female head of both the State bar association and the State Ethics Commission, she was a pioneer for women in the legal profession. Her brilliant career and life came to an end far too early, at the age of 56.

Marilyn Seichter earned her law degree from the University of Connecticut in 1970, and went on to practice family law for 25 years as a partner with the law firm of Hyman, Cantor, Seichter and Klau in Hartford. She spent her career fighting for women, children and families in Connecticut.

In 1971, fresh out of law school, she joined a team of lawyers in bringing an abortion rights case against the State of Connecticut. This case had a profound influence on the Supreme Courts decision in Roe vs. Wade. Later in her career, she represented the National Organization for Women in a lawsuit to stop newspapers from distinguishing between jobs for men and jobs for women in help wanted sections.

Marilyn Seichter's accomplishments include serving as president of the Connecticut Women's Education and Legal Fund, and as a member of an ad hoc committee to advise Governor Ella Grasso on judicial appointments.

I would like to express my condolences to her sister-in-law, Jacqueline Seichter; her niece, Deborah Seichter; her nephew, Daniel Seichter; and her grandnephew, Jacob Seichter; as well as her many close friends and admirers. She was truly one of Connecticut's treasures, and she will be missed.•

THAKSIN'S THIN SKIN

• Mr. McCONNELL. Madam President, the crackdown on foreign reporters in Thailand is both troubling and disheartening. While I am pleased with the decision of Prime Minister Thaksin Shinawatra to allow reporters from the Far Eastern Economic Review to remain in Thailand, damage to that country's reputation as a democratic enclave in a neighborhood of oppressive regimes has already been done.

The task now before the Prime Minister is to rebuild the confidence of the world's democracies—and in particular America—that he respects the rule of law and freedoms of speech and thought.

As former chairman and now ranking member of the Foreign Operations Appropriations Subcommittee, I have tried to encourage a variety of independent media programs throughout Southeast Asia and the former Soviet Union. In fact, I have been proud to dedicate funding to a program run by Western Kentucky University's award winning school of journalism which provides professional training to foreign journalists. I would suggest that there are some Thai government officials who would benefit from Western's tutelage on the import of a free and open press in a democracy.

I know not all Thai politicians and officials agree with Mr. Thaksin's heavy-handed approach to the media. And I know that the people of Thailand, while deeply concerned about the economy, do not want to lose the freedoms they enjoy. They are keenly aware of the plight of their more unfortunate neighbors in Burma, Cambodia, and Laos.

This brouhaha was completely unnecessary, and was pre-empted, as an editorial in the Wall Street Journal earlier this week pointed out, by Prime Minister Thaksin's "thin skin." Mr. Thaksin needs to abandon his efforts to control the press and concentrate instead on leading his country. I find it hard to believe that the Prime Minister is only discovering that politics is a contact sport.

I encourage my colleagues to continue to follow events in Thailand, and I extend my appreciation to the Senator from North Carolina for speaking forcefully on this issue early this week. I add my voice to the growing chorus of concern.•

MIAMI HURRICANES 2001 COLLEGE WORLD SERIES CHAMPS

• Mr. NELSON of Florida. Madam President, I rise today to welcome the 2001 University of Miami Hurricanes' baseball team to Washington, DC. In June of last year the Hurricanes won their fourth national championship, beating the Stanford Cardinal in the College World Series.

They are joined on their trip to Washington by the school's football team, who you may remember won the 2001 national football championship with a stunning victory in the 88th Rose Bowl. The efforts of both teams are being recognized with ceremonies at the White House, as well as here on Capitol Hill.

The Hurricanes' baseball team completed its stellar year with a 17-game winning streak, and became the 18th team to go undefeated in the College World Series. With a solid line-up from top to bottom, first-rate pitching, and some of the best all-around talent in all of college baseball, the University of Miami capped its season by beating Stanford 12–1.

It is my pleasure to congratulate head coach Jim Morris for his second national title in three years, and I'd like to recognize the senior starters on this team that has meant so much to the University of Miami.

Pitcher Tom Farmer finished the year 15–2, and won the final game, scattering a run and four hits over 5⅔ innings.

First baseman Kevin Brown also had a great Series, batting .467, hitting three home runs and leading the team with a home run, a double and 5 RBI in the final game.

Senior center fielder Charlton "Chewy" Jimerson, also had a great Series, being voted the Most Outstanding Player, and showing the country what the University of Miami already knew.

Finally, Greg Lovelady, who caught both the 1999 and 2001 national title games for the Hurricanes, will be staying with the team as an assistant coach. I know his experience will be an asset that Miami teams will benefit from for years to come.

I am proud to welcome these scholar athletes on behalf of all Floridians, and to congratulate the University of Miami for its excellence both on and off the field.

I ask consent to have printed in the RECORD the starting lineup of this championship team.

The lineup follows:

UNIVERSITY OF MIAMI HURRICANES BASEBALL TEAM LINEUP

Charlton Jimerson, Centerfield;
Mike Rodriguez, Leftfield;
Javy Rodriguez, Shortstop;
Danny Matienzo, Designated Hitter;
Kevin Howard, Third Base;
Kevin Mannix, Right Field;
Kevin Brown, First Base;
Kris Clute, Second Base;
Greg Lovelady, Catcher;
Tom Farmer, Pitcher; and
Jim Morris, Head Coach.•

HONORING ROBERT HODGES

• Mr. HELMS. Madam President, this past Friday, March 8, the Department of Veterans Affairs paid special tribute to Robert Hodges of Stonewall, NC, in a ceremony in Pamlico County where Mr. Hodges was officially recognized and honored as the Nation's oldest veteran.

Family records disclose that Mr. Hodges was born June 18, 1891, confirming that he is almost 111 years old. The grandson of slaves, Robert Hodges grew up on a large farm; he began working when he was 8 or 9 years old. Mr. Hodges was 27 when he volunteered to serve in the U.S. Army in 1918. As one of 237,000 African-American stevedores, he served 1 year in France.

After his discharge, he returned to North Carolina and to his parents' farm. He married Malinda Boyd in 1924; eventually they saved enough money to buy their own farm. Along with their eight children, they continued to work the farm until failing eyesight caused him to retire in the 1950s, but he continued being an active member of his church, Mt. Sinai Missionary Baptist Church, and his community.

During his 111 years, he was aware of the first flight at Kitty Hawk and of Neil Armstrong's walk on the moon. There have been 20 U.S. Presidents during his lifetime.

I was represented at this ceremony by Kelly Spearman, a very fine member of the Helms Senate Family. Mrs. Spearman presented Mr. Hodges an American flag which was flown over the Capitol in his honor.•

TRIBUTE TO JOANNE GLASSER

• Mr. BUNNING. Madam President, today I rise to pay tribute to Eastern Kentucky University's 10th president, Joanne Glasser. Ms. Glasser was officially inaugurated as the University's first female president, and I would like to join Eastern Kentucky University in welcoming her to the Kentucky academic community.

Ever since she graduated from high school in 1969, Joanne Glasser has been steadily on the rise. She received her bachelor of arts from George Washington University in 1973 and a J.D. shortly after from the University of Maryland School of Law in 1976. Most recently, she received a certificate from Harvard Graduate School in 1999. Besides her many educational achievements, Ms. Glasser has had a steller career as a public servant for the State of Maryland and now the commonwealth of Kentucky.

After completing law school, Ms. Glasser accepted a job as a law clerk for the State of Maryland, Baltimore County, and eventually became the Assistant County Attorney for Baltimore County. She next moved on to become the Baltimore County Labor Commissioner for 6 years. Before joining the administrative team at Eastern, Ms. Glasser worked at Towson University in Maryland, where her hard work and persistent personality eventually earned her a promotion to executive vice president. In October 2001, Eastern Kentucky University gladly invited Ms. Glasser into their family.

Since her arrival, Ms. Glasser's personal style and energy has been a motivating force on the campus and the streets of Richmond. She has made it her mission to be personally involved not only with the everyday dealings of the students and faculty but also with local leaders. She rightly understands that a university exists to serve the needs of its students and surrounding community. If a decision does not fit their needs, it simply will not be made. Joanne Glasser is fully committed to leading Eastern Kentucky University forward into the 21st century and her actions prove as much. By relating on a personal level with the students and community, she will gain an understanding of where to focus her prodigious talents. She is devoted to doing her best for the students and faculty at Eastern Kentucky University. I am very pleased in the immediate impact Joanne Glasser has made and look forward to watching how high she can take the University.

I congratulate Ms. Glasser on her inauguration and applaud her efforts toward a brighter future for Kentucky.•

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 8, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 3090. An act to provide tax incentives for economic recovery.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bill was signed subsequently by the President pro tempore (Mr. BYRD) on March 8, 2002.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5665. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to License Exception CTP: Implementation Of Presidential Announcement of January 2, 2002 relative to Computer Tiers" (RIN0694–AC56) received on March 7, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5666. A communication from the Director of the Financial Crimes Enforcement Network, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Financial Crimes Enforcement Network, Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity" (RIN1506–AA26) received on March 7, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5667. A communication from the Assistant Secretary for the Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Wassenaar Arrangement List of Dual-Use Items Revisions: Computers; and Revisions to License Exception CTP" (RIN0694–AC42) received on March 7 , 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5668. A communication from the Deputy Secretary of Defense, transmitting, a report on the approval of a retirement; to the Committee on Armed Services.

EC–5669. A communication from the Railroad Retirement Board, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–5670. A communication from the Director of Legislative Affairs, Railroad Retirement Board, transmitting, pursuant to law, the Board's semiannual report of the Office of Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC-5671. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-296, "Home Loan Protection Act of 2002"; to the Committee on Governmental Affairs.

EC-5672. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328-100 Series Airplanes" ((RIN2120-AA64)(2002-0132)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5673. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company GE 90 Series Turbofan Engines" ((RIN2120-AA64)(2002-0134)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5674. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dowty Aerospace Propellers R334/4-82-F/13 Propeller Assemblies" ((RIN2120-AA64)(2002-0133)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5675. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model EC 155B Helicopters" ((RIN2120-AA64)(2002-0138)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5676. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model SE 3130, 313B; SA315B, 3160, 316B , 316C, 3180, 318B, 318C, and 319B Helicopters" ((RIN2120-AA64)(2002-0137)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5677. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes" ((RIN2120-AA64)(2002-0136)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5678. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company CF6-80E1 Model Turbofan Engines" ((RIN2120-AA64)(2002-0135)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5679. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330-243, 341, 342, and 345 Series Airplanes" ((RIN2120-AA64)(2002-0140)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5680. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Eurocopter France Model AS350B, 350B1, 350B2, 350BA, 350B3, 350C, 350D, 350D1, 355E, 355F, 355F1, 355F2, and 355N Helicopters" ((RIN2120-AA64)(2002-0139)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5681. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747 Series Airplanes CORRECTION" ((RIN2120-AA64)(2002-0141)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5682. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kayenta, AZ" ((RIN2120-AA66)(2002-0029)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5683. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments [90]; Amdt No. 2091" ((RIN2120-AA65)(2002-0017)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5684. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures: Miscellaneous Amendments [34]; Amdt No. 2094" ((RIN2120-AA65)(2002-0016)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5685. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Surface Area at Lompoc, CA; CONFIRMATION OF DIRECT FINAL RULE" ((RIN2120-AA66)(2002-0030)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5686. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Operation Native Atlas 2002, Water adjacent to Camp Pendleton, California (COTP San Diego 02-001)" ((RIN2115-AA97)(2002-0039)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5687. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Francisco Bay, San Francisco, CA (COTP San Francisco Bay 01-012)" ((RIN2115-AA97)(2002-0038)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5688. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Hoover Dam, Davis Dam, and Glen Canyon Dam (COTP San Diego 01-021)" ((RIN2115-AA97)(2002-0037)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5689. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Liquefied Natural Gas Tanker Transits and Operations in Cook Inlet, Alaska (COTP Western Alaska 02-004)" ((RIN2115-AA97)(2002-0036)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5690. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; San Francisco Bay, San Francisco Ca (COTP San Francisco Bay 01-010)" ((RIN2115-AA97)(2002-0044)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5691. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Charleston Harbor, Cooper River, South Carolina (COTP Charleston 02-003)" ((RIN2115-AA97)(2002-0043)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5692. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, Illinois (COTP St. Louis 02-003)" ((RIN2115-AA97)(2002-0042)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5693. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD" ((RIN2115-AA97)(2002-0041)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5694. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Diego, CA (COTP San Diego 01-020)" ((RIN2115-AA97)(2002-0032)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5695. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: San Francisco Bay, San Francisco, CA and Oakland, CA (COTP San Francisco Bay 01-011)" ((RIN2115-AA97)(2002-0033)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5696. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port of San Diego, CA (COTP San Diego 01-022)" ((RIN2115-AA97)(2002-0035)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5697. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port of Port Everglades, For Lauderdale, FL: Port of Miami, Miami, Florida (COTP Miami 01-116)" ((RIN2115-AA97)(2002-0034)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5698. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of Tampa, Tampa, Florida (COTP Tampa 01-117)" ((RIN2115-AA97)(2002-0040)) received on March 7, 2002; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LUGAR:

S. 2005. A bill to authorize the negotiation of free trade agreement with the Republic of the Philippines, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. HUTCHISON (for herself, Ms. MIKULSKI, Mrs. MURRAY, Mrs. CLINTON, Ms. CANTWELL, Mrs. CARNAHAN, Ms. COLLINS, Mrs. FEINSTEIN, Ms. LANDRIEU, Ms. SNOWE, Ms. STABENOW, Mrs. LINCOLN, and Mrs. BOXER):

S. Res. 225. A resolution designating the week of March 10 through March 16, 2002, as "National Girl Scout Week"; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the names of the Senator from North Carolina (Mr. EDWARDS) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 500

At the request of Mr. BURNS, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 500, a bill to amend the Communications Act of 1934 in order to require the Federal Communications Commission to fulfill the sufficient universal service support requirements for high cost areas, and for other purposes.

S. 661

At the request of Mr. THOMPSON, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 661, a bill to amend the Internal Revenue Code of 1986 to repeal the 4.3-cent motor fuel excise taxes on railroads and inland waterway transportation which remain in the general fund of the Treasury.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 992

At the request of Mr. NICKLES, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 992, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policy holder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1818

At the request of Mr. DURBIN, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 1818, a bill to ensure that a Federal employee who takes leave without pay in order to perform service as a member of the uniformed services or member of the National Guard shall continue to receive pay and allowances such individual is receiving for such service, will be no less than the basic pay such individual would then be receiving if no interruption in employment had occurred.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2003

At the request of Mr. NELSON of Florida, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. RES. 218

At the request of Mr. CRAIG, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 218, a resolution designating the week beginning March 17, 2002, as "National Safe Place Week".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LUGAR:

S. 2005. A bill to authorize the negotiation of free trade agreement with the Republic of the Philippines, and to provide for expedited congressional consideration of such an agreement; to the Committee on Finance.

Mr. LUGAR. Madam President, I rise today to introduce the Philippine Free Trade Act of 2002.

My bill provides President Bush with the authority to engage the Republic of the Philippines in negotiations on a free-trade agreement, and if an accord is forthcoming, to have it considered by Congress under "fast-track" conditions.

The political and economic histories of the United States and the Philippines have long been intertwined. Immediately following the end of World War II, with the help and protection of the United States, the Philippine economy soared. In the mid-1980's when the circumstances surrounding the Marcos regime threatened to destabilize the country and subvert democracy in his election campaign against Corazon Aquino, the United States once again provided strong support. I was a member of a delegation of American election observers who voiced strong concerns over the conduct of the election and provided support for the rightful winner, Mrs. Aquino. Ultimately she was awarded the presidency and her administration brought greater civil liberties and freedom to the Philippine people and an even stronger relationship with the United States.

A free trade agreement with the Republic of the Philippines would hold special economic significance for the United States. United States exports to the Philippines totaled more than $22.7 billion in the year 2000. The Philippines ranks as the 19th largest export market for American goods. The United States is the largest foreign investor in the Philippines with some $3 billion in investments and 24 percent of the foreign direct investment stock as of the end of the year 2000. Both nations would benefit greatly from the elimination of tariffs and increased economic transparency that would come with a free-trade agreement.

The Philippine economy has enjoyed a mixed history of growth and development since the end of World War II. Growth immediately after the war was rapid, but slowed over time. The Philippines went from being one of the wealthiest nations in Asia to one of the poorest. Broad economic reforms designed to spur business growth and foreign investment met with success through most of the early and mid-1990s. Under the leadership of President Ramos the Philippines secured ratification of the Uruguay Round agreement and membership in the World Trade Organization.

The Philippines was not as severely affected by the Asian financial crisis as most of its neighbors but it continue to face economic challenges. Exports continue to grow but at slower rates. Despite continued slow growth, long-term prospects remain promising. The pace of economic reform is expected to accelerate under President Gloria Macapagal-Arroyo's leadership. Specifically, it is hoped that progress in electronic commerce, banking reform, and securities regulation will improve the investment and business climate.

President Arroyo was the first foreign head of state to pledge her country's strong support for the United States in the aftermath of September 11. The Philippines, she said, is prepared to "go every step of the way" with the United States. The U.S. was provided with the use of Filipino ports and airfields to support military operations in Afghanistan. President Arroyo defined Philippine national interests by linking the struggle against international terrorism with the struggle against the Abu Sayyaf within the Philippines.

The Philippines has proven to be a strong and steadfast ally in the war on terrorism. I am pleased that American and Filipino troops are working side by side to eliminate the threat posed terrorists linked to al Quaeda.

I believe a free-trade agreement with the Philippines would make significant contributions to the economies of both countries and strengthen our diplomatic and security relationships. It will ensure the continuance of open dialogue, peace of mind, and security between our two nations.

It is my hope that the United States and the Philippines will soon begin the process of constructing a free-trade agreement. There is much work to do and success will not come easily or quickly. But I believe increased free trade is the next step in this close and vitally important relationship.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 225—DESIGNATING THE WEEK OF MARCH 10 THROUGH MARCH 16, 2002, AS "NATIONAL GIRL SCOUT WEEK"

Mr. HUTCHINSON (for himself, Ms. Mikulski, Mrs. Murray, Mrs. Clinton, Ms. Cantwell, Mrs. Carnahan, Ms. Collins, Mrs. Feinstein, Ms. Landrieu, Ms. Snowe, Ms. Stabenow, Mrs. Lincoln, and Mrs. Boxer) submitted the following resolution; which was considered and agreed to:

S. Res. 225

Whereas March 12, 2002, is the 90th anniversary of the founding of the Girl Scouts of the United States of America;

Whereas on March 16, 1950, the Girl Scouts became the first national organization for girls to be granted a Federal charter by Congress;

Whereas through annual reports required to be submitted to Congress by its charter, the Girl Scouts regularly informs Congress of its progress and program initiatives;

Whereas the Girl Scouts is dedicated to inspiring girls and young women with the highest ideals of character, conduct, and service to others so that they may become model citizens in their communities;

Whereas the Girl Scouts offers girls aged 5 through 17 years a variety of opportunities to develop strong values and life skills and provides a wide range of activities to meet girls' interests and needs;

Whereas the Girl Scouts has a membership of nearly 3,000,000 girls and over 900,000 adult volunteers, and is one of the preeminent organizations in the United States committed to assisting girls to grow strong in mind, body, and spirit; and

Whereas by fostering in girls and young women the qualities on which the strength of the United States depends, the Girl Scouts, for 90 years, has significantly contributed to the advancement of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 10 through March 16, 2002, as "National Girl Scout Week"; and

(2) requests that the President—

(A) issue a proclamation designating the week of March 10 through March 16, 2002, as "National Girl Scout Week"; and

(B) calls on the people of the United States to observe the 90th anniversary of the Girl Scouts of the United States of America with appropriate ceremonies and activities.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2993. Mr. DORGAN proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2994. Mr. INHOFE (for himself and Mr. Smith of New Hampshire) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2993. Mr. DORGAN proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In section 1501(a)(1), strike "nuclear power industry" and insert "the electric power generation industry (including the nuclear power industry)".

At the end of title XV, add the following new section:

"SEC. 1506. NATIONAL POWER PLANT OPERATIONS TECHNOLOGY AND EDUCATION CENTER.

"(a) Establishment.—The Secretary shall establish a National Power Plant Operations Technology and Education Center (the "Center"), to address the need for training and educating certified operators for electric power generation plants.

"(b) Role.—The Center shall provide both training and continuing education relating to electric power generation plant technologies and operations. The Center shall conduct training and education activities on site and through Internet-based information technologies that allow for learning at remote sites.

"(c) Criteria for Competitive Selection.—The Secretary shall establish the Center at an institution of higher education with expertise in plant technology and operation and that can provide onsite as well as Internet-based training.

SA 2994. Mr. INHOFE (for himself and Mr. Smith of New Hampshire) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhanced its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table as follows:

At the appropriate place insert the following:

SEC. ____. PHASEOUT OF TAX SUBSIDIES FOR ETHANOL FUEL AS MARKET SHARE OF SUCH FUEL INCREASES.

(a) In General.—Not later than December 15 of 2002, and each subsequent calendar year, the Secretary of the Treasury shall determine the percentage increase (if any) of the ethanol fuel market share for the preceding calendar year over the highest ethanol fuel market share for any preceding calendar year and shall, notwithstanding any provision of the Internal Revenue Code of 1986, reduce by the same percentage the ethanol fuel subsidies under sections 40, 4041, 4081, and 4091 of such Code beginning on January 1 of the subsequent calendar year.

(b) Ethanol Fuel Market Share.—For purposes of this section, the ethanol fuel market share for any calendar year shall be determined from data of the Energy Information Administration of the Department of Energy.

(c) Ethanol Fuel.—For purposes of this section, the term 'ethanol fuel' means any fuel the alcohol in which is ethanol.

(d) Floor Stock Taxes.—

(1) Imposition of tax.—In the case of ethanol fuel which is held on any tax increase date by any person, there is hereby imposed a floor stocks tax in an amount determined by the Secretary to equal the reduction in ethanol fuel subsidies described in subsection (a) beginning on such date.

(2) Liability for tax and method of payment.—

(A) Liability for tax.—A person holding ethanol fuel on any tax increase date to which the tax imposed by paragraph (1) applies shall be liable for such tax.

(B) Method of payment.—The tax imposed by paragraph (1) shall be paid in such manner as the Secretary shall prescribe.

(C) Time for payment.—The tax imposed by paragraph (1) shall be paid on or before the date which is 6 months after such tax increase date.

(3) Definitions.—For purposes of this subsection—

(A) Tax increase date.—The term "tax increase date" means any January 1 on which begins a reduction in ethanol fuel subsidies described in subsection (a).

(B) Held by a person.—Ethanol fuel shall be considered as "held by a person" if title thereto has passed to such person (whether or not delivery to the person has been made).

(C) Secretary.—The term "Secretary" means the Secretary of the Treasury or the Secretary's delegate.

(4) Exception for exempt uses.—The tax imposed by paragraph (1) shall not apply to ethanol fuel held by any person exclusively for any use to the extent a credit or refund of the tax imposed by section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 is allowable for such use.

(5) Exception for fuel held in vehicle tank.—No tax shall be imposed by paragraph (1) on ethanol fuel held in the tank of a motor vehicle or motorboat.

(6) Exception for certain amounts of fuel.—

(A) In general.—No tax shall be imposed by paragraph (1) on ethanol fuel held on any tax increase date by any person if the aggregate amount of ethanol fuel held by such person on such date does not exceed 2,000 gallons. The preceding sentence shall apply only if such person submits to the Secretary (at the time and in the manner required by the Secretary) such information as the Secretary shall require for purposes of this paragraph.

(B) Exempt fuel.—For purposes of subparagraph (A), there shall not be taken into account fuel held by any person which is exempt from the tax imposed by paragraph (1) by reason of paragraph (4) or (5).

(C) Controlled groups.—For purposes of this paragraph—

(i) Corporations.—

(I) In general.—All persons treated as a controlled group of corporations shall be treated as 1 person.

(II) Controlled group of corporations.—The term "controlled group of corporations" has the meaning given to such term by subsection (a) of section 1563 of such Code; except that for such purposes the phrase "more than 50 percent" shall be substituted for the phrase "at least 80 percent" each place it appears in such subsection.

(ii) Nonincorporated persons under common control.—Under regulations prescribed by the Secretary, principles similar to the principles of clause (i) shall apply to a group of persons under common control where 1 or more of such persons is not a corporation.

(7) Other laws applicable.—All provisions of law, including penalties, applicable with respect to the taxes imposed by section 4081 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subsection, apply with respect to the floor stock taxes imposed by paragraph (1) to the same extent as if such taxes were imposed by such section 4081.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. BINGAMAN. Madam President, I ask unanimous consent that on Tuesday, March 12, immediately following the Pledge of Allegiance, the Senate proceed to executive session to consider Calendar No. 706; that the time prior to 10:45 a.m. be equally divided between the chairman and the ranking member of the Judiciary Committee, or their designees, for debate on the nomination; that at 10:45 a.m. the Senate vote on confirmation of the nomination, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, that any statements thereon be printed in the Record, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, as in executive session, I ask unanimous consent that it be in order to ask for the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

NATIONAL GIRL SCOUT WEEK

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 225, which was introduced earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 225) designating the week of March 10 through March 16, 2002, as National Girl Scout Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements regarding this matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 225) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's Record under "Submitted Resolutions".)

NATIONAL SAFE PLACE WEEK

Mr. BINGAMAN. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 218, and that the Senate immediately proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 218) designating the week beginning March 17, 2002, as National Safe Place Week.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the resolution and the preamble be agreed to, the motion to reconsider be laid on the table, and that any statements regarding the matter be printed in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 218) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 218

Whereas today's youth are vital to the preservation of our country and will be the future bearers of the bright torch of democracy;

Whereas youth need a safe haven from various negative influences such as child abuse, substance abuse and crime, and they need to have resources readily available to assist them when faced with circumstances that compromise their safety;

Whereas the United States needs increased numbers of community volunteers acting as positive influences on the Nation's youth;

Whereas the Safe Place program is committed to protecting our Nation's most valuable asset, our youth, by offering short term "safe places" at neighborhood locations where trained volunteers are available to counsel and advise youth seeking assistance and guidance;

Whereas Safe Place combines the efforts of the private sector and non-profit organizations uniting to reach youth in the early stages of crisis;

Whereas Safe Place provides a direct means to assist programs in meeting performance standards relative to outreach/community relations, as set forth in the Federal Runaway and Homeless Youth Act guidelines;

Whereas the Safe Place placard displayed at businesses within communities stands as a beacon of safety and refuge to at-risk youth;

Whereas over 641 communities in 39 states and more than 11,000 locations have established Safe Place programs;

Whereas over 53,000 young people have gone to Safe Place locations to get help when faced with crisis situations;

Whereas through the efforts of Safe Place coordinators across the country each year more than one-half million students learn that Safe Place is a resource if abusive or neglectful situations exist; and

Whereas increased awareness of the program's existence will encourage communities to establish Safe Places for the Nation's youth throughout the country: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the week of March 17 through March 23, 2002 as "National Safe Place Week" and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups to promote awareness of and volunteer involvement in the Safe Place programs, and to observe the week with appropriate ceremonies and activities.

ORDERS FOR TUESDAY, MARCH 12, 2002

Mr. BINGAMAN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10:30 a.m. on Tuesday, March 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time of the two leaders be reserved for their use later in the day, and the Senate begin consideration of Executive Calendar No. 706, as under the previous order; further, that the Senate recess from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

PROGRAM

Mr. BINGAMAN. Madam President, the next rollcall vote will occur at 10:45 a.m. and it will be on Executive Calendar nomination No. 706.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. BINGAMAN. Madam President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:11 p.m., adjourned until Tuesday, March 12, 2002, at 10:30 a.m.

EXTENSIONS OF REMARKS

ECONOMIC SECURITY AND RECOVERY ACT of 2001

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today in favor of legislation I have waited months to be able to support. At long last, the Republican Leadership has brought to the Floor an unemployment benefits extension package that can attract broad, bipartisan backing and finally demonstrate the commitment of this Congress to helping displaced workers weather the current economic climate.

As we all know, the repercussions from the September 11th terrorist attacks compounded the impacts of an already weakened labor market. By the end of January, 1.3 million displaced workers had exhausted their unemployment benefits, and workers continue to use up their benefits at the staggering rate of 80,000 per week nationwide. In my state of Rhode Island, almost 4,000 workers exhausted benefits between November 2001 and January 2002, a 33% increase over the same period last year.

For months, my constituents have been pleading for assistance to help them make ends meet while they search for new employment. For months, I have promised to fight for them in Washington. Yet I have been forced again and again to vote against extended unemployment benefits that the Republican Leadership insisted upon politicizing by combining them with controversial tax cuts. I am pleased to at last have the opportunity to extend a helping hand to struggling families in my district and move beyond the partisan stalemate that has thwarted our past efforts on this issue.

To be sure, this legislation, which includes a thirteen-week extension of unemployment benefits and a modest package of responsible, pro-growth tax proposals, is only a first step. We must still ensure that laid-off workers have access to affordable health insurance for themselves and their families. That is why I am pleased to join many of my Democratic colleagues in supporting a federal subsidy of 75% of COBRA premium costs for a period of 12 months for laid-off workers. We would also give states the option to add a new eligibility category to Medicaid to cover laid-off workers who are not COBRA-eligible for up to 12 months. America's workers desperately need our continued help, and I hope we can work together to address this issue expeditiously.

TRIBUTE TO MAXINE ADLER

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Mr. EHRLICH. Mr. Speaker, I rise today to recognize the recent retirement of an outstanding leader in Maryland's public affairs, Maxine Adler.

I first met Maxine as a freshman delegate during the 1987 legislative session in Annapolis. I learned soon thereafter that her diminutive stature belied a tough, persuasive manner and character which loomed large on the Maryland legislative landscape for many years.

Few Marylanders may be aware of Maxine's long and distinguished career. She began her career in Annapolis as a legislative aide to the Baltimore County Delegation to the Maryland House of Delegates. After graduating cum laude from the University of Baltimore Law School, Maxine worked as a law clerk to the Honorable Richard Gilbert, Chief Judge of the Maryland Court of Special Appeals, and as a law clerk to the Department of Economic and Community Development under the Attorney General. For two decades, Maxine served as a successful lawyer and lobbyist as a member of the Baltimore-based law firm of Semmes, Bowen, & Semmes.

In addition, Maxine is a valuable and active participant in the greater Baltimore community. She is a member of the University of Baltimore School of Law Advisory Committee, the Governor's Blue Ribbon Panel on Self-Insurance, and a Commissioner on the Baltimore County Commission for Women.

Maxine is also a member of the Women's Housing Coalition's Board of Directors, which provides transitional and permanent housing for homeless, low-income, or at-risk women. Finally, she and her husband, my good friend Robert L. McKinney, were named one of "Baltimore's Power Couples" in the June 2000 edition of Baltimore Magazine.

Mr. Speaker, Maxine will be sorely missed by lawmakers on both sides of the aisle in Annapolis. I ask my colleagues to join me in wishing Maxine and her husband Bob all the best in their future endeavors.

LEHIGH VALLEY HERO—BOY SCOUT TROOP 29 OF CEDAR CHURCH IN CETRONIA

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Mr. TOOMEY. Mr. Speaker, today I would like to share my report from Pennsylvania for my colleagues and the American people.

All across Pennsylvania's 15th Congressional District there are some amazing people who do good things to make our communities a better place. These are individuals of all ages who truly make a difference and help others. I like to call these individuals Lehigh Valley Heroes for their good deeds and efforts.

Today, I would like to recognize the Boy Scouts of Troop 29 in Cetronia and their Scoutmaster Bob Sperling. These boys and their Scoutmaster have truly made a difference in their community.

On Saturday, December 15, 2001, the Boy Scouts of Troop 29 went to the Cedarbrook nursing home in South Whitehall Township to sing Christmas carols to the residents. Hours later after the Scouts had left to go bowling, a fire broke out at the nursing home, forcing the residents out of the building.

The Scouts and their Scoutmaster received a call a few hours after their visit alerting them that the same nursing home was on fire and the residents were being taken to a local school. Without hesitation, the Scouts headed to the school to offer assistance in any way needed. They used their Scout skills and worked hard unloading the ambulances of patients arriving from the nursing home, keeping their cool all the while.

Thanks to the hard work of the Boy Scouts under the supervision of Scoutmaster Bob Sperling, the Cedarbrook residents were safe, sound and out of harm's way. Boy Scout Troop 29 made a huge difference that night, helping those in need and therefore they are Lehigh Valley Heroes in my book.

Mr. Speaker, this concludes my report from Pennsylvania.

THE DISTRICT OF COLUMBIA FAIR FEDERAL COMPENSATION ACT OF 2002

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Ms. NORTON. Mr. Speaker, when I introduce a bill to benefit the city, it generally is unnecessary for city officials to take the time to be present. However, Mayor Williams, Council Chair Cropp, joined me at a press conference today to emphasize the importance of the District of Columbia Fair Federal Compensation Act to the city's economic viability. The bill I am introducing today is as serious as the control board bill was when it was introduced seven years ago. The difference is that the Financial Authority bill was necessary to cure a crisis. The Fair Compensation bill must be enacted to forestall a crisis.

As in the 1990s, this also is a crisis of expenditures rising faster than revenues. However, this problem has nothing to do with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overspending that led to D.C.'s recent insolvency. This time, no matter what the city does, it cannot cut its way out. However, D.C. cannot grow its way out either. The Federal Government has the city fenced in on all sides. It is uniquely harmful to keep a local jurisdiction from raising revenue and then to turn around and foist federal costs on local taxpayers.

The Federal Government does both. First, it requires D.C. taxpayers to foot the bill for services used chiefly by federal workers and visitors: roads tortured by cars, 8 out of 10 originating from the suburbs, other shared infrastructure costs, public safety, and other services. Then the government catches the city at the revenue end—no commuter tax from the two-thirds of workers who earn their living here; no payment from the government for the 42 percent of real property it uses for federal office space and facilities and land; and no ability to make up for it by building above a height limit on all city structures.

No city in the United States lives with this built-in mandatory financial imbalance. We cannot continue to carry the resulting federally imposed structural deficit and remain stable. The 1997 Revitalization Act removal of some state functions reduced operating costs enough to allow the city to recover from insolvency but made no pretense at relieving the city of all state costs or even of addressing the structural deficit. The District, for example, continues to carry at least $500 million in state costs annually, according to the city's Chief Financial Officer. Today, I am releasing a letter requesting that the General Accounting Office (GAO) elaborate, document, and verify the federally imposed expenditures and restrictions on the District.

The Fair Federal Compensation Act allows the federal government to pay for part (but certainly not all) of the cost of services rendered to federal employees, without taxing commuters or raising taxes on other Americans. A simple transfer of 2 percent of the federal taxes commuters already pay would be transferred to a designated D.C. infrastructure account. Commuters would experience no change in either their taxes or their tax filings because the credit would be administered by the Federal Government. Commuter salaries simply assure an amount that is calculable, limited and related to infrastructure and other services rendered to federal employees.

There are four important reasons for the credit. It affords a reasonably accurate calculation of services used by federal workers; it assures a sustainable and predictable amount that allows the District to do the necessary budgetary forecasting; it costs commuters nothing; and it increases automatically at a modest rate tied to increases in commuter salaries. The chief strengths of the Fair Federal Compensation Act—its predictability, its gradual increase each year with inflation; and the disbursement of funds without an annual appropriation—were the principle weaknesses of the old federal payment.

A particularly important feature to the bill reinforces its purpose to compensate for the costs of services to federal employees. The funds transferred from the Federal Government will be deposited in a specifically dedicated and earmarked Infrastructure Fund. The use of this money is limited to infrastructure that benefits the region and the Federal Government as well as the city. Specifically, these funds may be used only to pay for transportation (including roads and Metro); technology; school construction and maintenance (because it is second only to roads in D.C.'s debt service costs); and debt service, because most of the city's debt service is for infrastructure debt. Directing infrastructure funds to payment of debt service has the additional, critical value of helping the District to more rapidly improve its relatively low investment bond rating that costs taxpayers millions annually in excessive interest.

The bill would generate $413 million in FY 2003, according to the CFO. Particularly considering that infrastructure debt service alone accounts for nearly $500 million and that public safety and public works amount to $240 million, our bill is more than fair to the Federal Government.

Mayor Williams, Council Chair Cropp and the Council should take great pride in the extraordinary turnaround they each have helped engineer for their city—from a half billion dollar deficit to a half billion cash surplus. It is fair to ask them to continue to reduce the cost of government, to improve services, to rationalize the tradeoff between tax cuts and budget cuts, and to produce a balanced budget. Of course, it is not fair to ask city leaders, and particularly D.C.'s fragile base of taxpayers, to subsidize federal workers and services.

The landmark Revitalization Act of 1997 was an emergency measure that always contemplated that there would need to be a second and final step. After five balanced budgets and surpluses by a local government that has shown itself willing to make tough decisions, it is time for the Federal Government to work with us to make the necessary tough decisions of its own.

TRIBUTE TO JOHN ALLEN YOUNG

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Mr. SKELTON. Mr. Speaker, it has come to my attention that a long and exceptionally distinguished career has come to an end. Mr. John Young, of Jefferson City, MO, has retired as director of the Division of Air and Land Protection in the Missouri Department of Natural Resources.

Mr. Young joined the Missouri Department of Natural Resources in 1973, after receiving bachelor's and master's degrees from Eastern Kentucky University. His career with the department has been full of achievements. He was directors and deputy director of the Division of Environmental Quality. He was affiliated with the Water Pollution Control and Land Reclamation Programs and has been a member of numerous state and national environmental committees.

Mr. Young has also been a recipient of several awards. He was honored by the FBI for his criminal investigation efforts and by the Missouri Conservation Federation for his leadership in contamination cleanup at Times Beach.

Mr. Speaker, John Young has dedicated nearly 30 years to the Missouri Department of Natural Resources, serving with honor and distinction. I know that the Members of the House will join me in wishing him all the best in the days ahead.

TRIBUTE TO HONORABLE BISHOP LARRY D. TROTTER

HON. ROD R. BLAGOJEVICH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Mr. BLAGOJEVICH. Mr. Speaker, it is an honor for me to rise today to pay tribute to the Honorable Bishop Larry D. Trotter, Pastor of Sweet Holy Spirit Church of Chicago, IL. Bishop Trotter was called to the ministry in 1974 and was called to the pastorate of Sweet Holy Spirit Church in 1981. Since that time, God, through him, has made and continues to make a difference in many lives.

Under his leadership and vision, the Sweet Holy Spirit's membership has grown from 22 members to over 5,000. He preaches four Sunday services in two locations and is aired on radio and television each week. Over 28 years of untiring service, faithful dedication to the community, and strong leadership have earned him the deserved respect and admiration of all whose lives he has touched.

Bishop Trotter has been instrumental in shaping the future of the community, state, and country. I applaud his leadership and commend him for toiling so long to provide the type of guidance which has empowered so many to make meaningful contributions to the community. He is currently the Third Presiding Bishop—International, assisting in the oversight of more than 1,500 churches and ministries. In addition, he serves as a Board Member for the Joint College of Pentecostal Bishops. His accomplishments are far too numerous to list but I applaud him for each and every one of them and for having the dream and desire to use his faith as a vehicle to effect social, political and economic change. He is a true testament to his faith and an asset to our country. I commend Bishop Larry Trotter and wish him many more years of exemplary service to the Lord.

RATIFY CEDAW

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 11, 2002

Ms. LEE. Mr. Speaker, I rise today in honor of International Women's Day and to urge the U.S. Senate to ratify The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).

CEDAW is the only comprehensive international treaty guaranteeing women's human rights and the prevention of discrimination against women. This treaty requires States to take all appropriate measures to eliminate discrimination against women in political and public life, law, education, employment, health care, commercial transactions, and domestic relations.

In the past few months, we have been actively engaged in our continous struggle for freedom and equality for women around the world. CEDAW is highly critical to ensuring that Afghanistan will have a democratic government that protects and upholds fundamental human rights for women.

Under the Taliban regime, women in Afghanistan had no rights. They were unable to hold jobs, go to school, or leave their homes unless accompanied by a close male relative. Now that the Taliban has been toppled, we must work together to implement CEDAW within the new Afghan government. CEDAW will ensure that women in Afghanistan will have the right to an education, health care, employment, and other basic rights. However, it is unfortunate that since the United States has not ratified CEDAW, we cannot employ CEDAW's universal standards in our efforts to assist the women in Afghanistan.

CEDAW is a tool that women around the world are using in their struggle against the effects of discrimination including violence against women, poverty, lack of legal status, right to inherit or own property, and much more. Most of these problems exist here in the United States.

Now is the time for the U.S. Senate to ratify CEDAW in our fight to promote human rights for women worldwide.

CEDAW will give the force of international law to our efforts on behalf of women's rights. I urge the Senate to ratify CEDAW and give women the rights they have been denied for so long.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 12, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 13

9:30 a.m.

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense Health Program.
SR–232A

Governmental Affairs
To resume hearings to examine public health and natural resources, focusing on implementation of environmental laws.
SD–342

Environment and Public Works
To hold hearings to examine the economic and environmental risks associated with increasing greenhouse gas emmissions.
SD–406

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Housing and Urban Development.
SD–138

10 a.m.

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine the worldwide connection between drugs and terrorism.
SD–226

Banking, Housing, and Urban Affairs
To hold oversight hearings on the implementation of the Transportation Equity Act for the 21st Century (105–178).
SD–538

10:30 a.m.

Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Library of Congress and the Congressional Research Service.
SD–124

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Commerce.
SD–116

2:30 p.m.

Commerce, Science, and Transportation
To hold hearings on the nominations of Robert Watson Cobb, of Maryland, to be Inspector General, and Major General Charles F. Bolden, Jr., United States Marine Corps, to be Deputy Administrator, both of the National Aeronautics and Space Administration.
SR–253

Intelligence
To hold closed hearings to examine pending intelligence matters.
SH–219

Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on Ballistic Missile Defense acquisition policy and oversight.
SR–222

4 p.m.

Conferees
Meeting of conferees on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011.
HC–5 Capitol

5 p.m.

Foreign Relations
To hold hearings on the nomination of Robert Patrick John Finn, of New York, to be Ambassador to Afghanistan.
SD–419

MARCH 14

9:30 a.m.

Armed Services
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the atomic energy defense activities of the Department of Energy.
SH–216

Commerce, Science, and Transportation
To hold hearings on S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, and improve security and service on Amtrak.
SR–253

Aging
To hold hearings to examine the current economy and its impact on seniors, focusing on funds for Medicaid, health, and senior services.
SD–628

10 a.m.

Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association.
345 Cannon Building

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings to examine farm economy and rural sector issues.
SD–138

Indian Affairs
To hold hearings on the President's budget request for Indain programs for fiscal year 2003.
SR–485

Judiciary
To hold hearings to examine competition, innovation, and public policy concerning digital creative works.
SD–226

Banking, Housing, and Urban Affairs
To resume oversight hearings to examine accounting and investor protection issues raised by the Enron situation, and other public companies, focusing on the accounting profession, audit quality and independence, and formulation of accounting principles.
SD–538

Finance
Health Care Subcommittee
To hold hearings to examine reimbursement and access to prescription drugs under Medicare Part B.
SD–215

2 p.m.

Veterans' Affairs
To hold hearings on the nomination of Robert H. Roswell, of Florida, to be Under Secretary for Health, and the nomination of Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits, both of the Department of Veterans Affairs.
SR–418

Foreign Relations
To hold hearings on the nomination of Richard Monroe Miles, of South Carolina, to be Ambassador to Georgia; the nomination of James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; the nomination of Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg; and the nomination of Lawrence E. Butler, of Maine, to be Ambassador to The

Former Yugoslav Republic of Macedonia.

SD–419

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Treasury.

SD–138

Health, Education, Labor, and Pensions

To hold hearings to examine the future of American steel, focusing on ensuring the viability of the industry and the health care and retirement security for workers.

SD–430

2:30 p.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Education.

SD–124

Armed Services

Airland Subcommittee

To hold hearings to examine proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Army modernization and transformation.

SR–222

Appropriations

District of Columbia Subcommittee

To hold hearings to examine regional emergency planning for the Nation's Capital.

SD–192

3 p.m.

Banking, Housing, and Urban Affairs

To hold hearings on the nominations of JoAnn Johnson, of Iowa, and Deborah Matz, of New York, each to be a Member of the National Credit Union Administration Board.

SD–538

MARCH 15

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine child care improvement issues.

SD–430

10 a.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Energy.

SD–138

MARCH 18

10 a.m.

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings on Federal workplace reform proposals.

SD–342

MARCH 19

9:30 a.m.

Armed Services

To hold hearings to examine the worldwide threat to United States interests (to be followed by closed hearings in SH–219).

SH–216

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration and the Small Business Administration.

SD–138

Judiciary

To hold hearings to examine pending judicial nominations.

SD–226

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To continue hearings to examine pending calendar business.

SD–342

MARCH 20

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine identity theft and information protection.

SD–226

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345 Cannon Building

MARCH 21

10 a.m.

Appropriations

Commerce, Justice, State, and the Judiciary Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.

SD–116

Indian Affairs

To hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K.

SR–485

Armed Services

Readiness and Management Support Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on the readiness of U.S. Armed Forces for all assigned missions.

SR–232A

APRIL 10

10:30 a.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

CANCELLATIONS

MARCH 13

10 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Air Force.

SD–192

MARCH 19

9:30 a.m.

Armed Services

To hold hearings on worldwide threats to United States interests; to be followed by closed hearings (in Room SH–219).

SH–216

SENATE—*Tuesday, March 12, 2002*

The Senate met at 10:30 a.m. and was called to order by the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana.

The PRESIDING OFFICER. Rabbi Abraham Shemtov, National Director of American Friends of Lubavitch, will lead us in prayer this morning.

PRAYER

The guest Chaplain offered the following prayer:

Almighty G–d, our Father in heaven, grace this august body of the U.S. Senate with wisdom, strength, vision, and clear focus as they seek to lead this Nation, and as this Nation leads the world in the struggle of freedom against tyranny and of good over evil.

As the world marks the 100th anniversary since the birth of Lubavitcher Rebbe, Rebbe Menachem Mendel Schneerson, of blessed memory, we must heed his teachings that unity is so much stronger than division, goodness is so much better than evil. His message to people of various origins and persuasions was that we must always be on the same side, for we are all children of the same G–d.

We must find the inherent goodness in each other and encourage one another to fulfill our charge from the Almighty G–d to perfect the world under His sovereignty. In this way we can bring light in place of darkness, redemption in place of despair, and happiness and peace to all who seek it.

So as we may have opinions which differ, let us not waver. Let us be strong, and with G–d's blessings, we will prevail. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY L. LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 12, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY L. LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. Madam President, I ask unanimous consent that the vote on the confirmation of Executive Calendar No. 706 occur at 11 o'clock this morning, that the additional time be divided as previously provided, and that the remaining provisions of the previous order remain in effect, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, we will shortly conclude the debate on the confirmation. The two Senators from Alaska are going to speak about the new judge they are going to get in Alaska.

I also note that we are moving along with the energy bill. We have some important amendments pending. We have a number of important issues. There is now talk of being able to complete this bill by a week from this Friday.

As everyone knows, the important issues that remain—there are a lot of important issues, but the matters that appear to be quite contentious are those dealing with CAFE standards, ANWR drilling, and electricity regulation. So it appears that there is light at the end of the tunnel and that we can finish this legislation. We certainly hope so. But Members are going to have to be willing to come and offer amendments, and Members are going to have to be ready to vote at all times of the day and night.

EXECUTIVE SESSION

NOMINATION OF RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 706, which the clerk will report.

The assistant legislative clerk read the nomination of Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, we are going to be voting in a few minutes on Judge Ralph Beistline to be United States District Judge in my State of Alaska.

Senator STEVENS, Representative YOUNG, and I are very pleased that this vote is about to take place. Before we vote, I would like to speak very briefly on the qualifications of Judge Beistline.

First of all, I thank all my colleagues for moving expeditiously because in spite of the prevailing attitude in Alaska that it has taken too long to confirm him, by standards around here it has moved along quite nicely. So I very much appreciate that.

No one would question Judge Beistline's qualifications or his fitness to serve on the Federal bench. He has served with distinction in our State of Alaska for many years. He has always been an asset to his community. He and Mrs. Beistline have had a commitment to furthering the quality of life for Alaskans, which is exemplified by their commitment to public service.

Judge Beistline is truly an Alaskan. He was born in Fairbanks, AK. That happens to be my hometown. He is a graduate of the University of Alaska, Fairbanks, and the University of Puget Sound Law School. His heart has always been in the golden heart city of Fairbanks.

Judge Beistline served honorably in the Army National Guard, the Army Reserves, and the Air National Guard for over 17 years. He was in private practice in Fairbanks, AK. During this time, Judge Beistline distinguished himself as a hard-working, fair, honest, and very popular lawyer—if, indeed, that is the correct terminology for lawyers. Nevertheless, he is very well respected. And I am always reminded—well, it is inappropriate to reflect on lawyer jokes, so I will restrain myself, with some reluctance.

Judge Beistline is a strong advocate for the rights of his clients. He has always maintained respect for the courts and the legal system, and that respect is matched by the manner in which his peers admire and support him.

Since 1992, Ralph Beistline has served as Superior Court Judge for the State of Alaska. Through his public service, Judge Beistline has demonstrated the requisite legal temperament and the traits that will make him clearly a distinguished Federal judge.

Obviously, he is committed to upholding the law, even if he may disagree from time to time with it. Judge Beistline exhibits and demands fairness, respect, and diligence from all of those who practice in his court. Most importantly, the judge has ensured that justice is delivered fairly, responsibly, and in a timely manner. I would like to amplify that note—in a timely manner. Oftentimes, there is a great deal of frustration for those of us who believe that justice is not done in a timely manner.

He is a longstanding and distinguished member of the Fairbanks community, the Fairbanks Bar, and the Alaskan Bar. Judge Beistline has earned the respect of his colleagues. He has also earned the respect of our entire delegation—Senator STEVENS, Representative YOUNG, and myself. We enthusiastically support his nomination and look forward to voting on his nomination today.

I thank the Presiding Officer for her attention.

Mr. STEVENS. Madam President, Ralph Beistline is a lifelong Alaskan, born in Fairbanks. He grew up in Alaska and will bring that important prospective to the bench.

He served as a superior court judge from 1992 until today and for the past 5 years he has been the presiding judge in the Fairbanks Superior Court.

He is married to Peggy Beistline and has five children: Carrie, Daniel, Tamara, Rebecca, and David.

He is the former president of the Alaska Bar Association, former president of the Tanana Valley Bar Association, former president of the Alaska Conference of Judges, and a former member of the board of governors of the Alaska Bar Association. He has been a lawyer representative to the Ninth Circuit Judicial Conference and was a long time pro-bono participant.

Ralph is also an executive board member of the Boy Scouts of America and a member of Igloo #4 Pioneers of Alaska.

Hailing from Fairbanks, Ralph will also bring further geographical balance to the court.

I thank Chairman LEAHY and Senator HATCH for moving his nomination to the floor.

Mr. LEAHY. Madam President, today, the Senate is voting on the 40th judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Democrats became the majority party in the Senate. With the confirmation of Ralph Beistline of Alaska, we will have confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under Republican leadership.

The number of judicial confirmations over these past nine months—40—now exceeds the number of judicial nominees confirmed during all 12 months of 2000, 1999, 1997 and 1996. Thus, during the last 9 tumultuous months we have exceeded the one-year totals for 4 of the 6 years in which a Republican majority last controlled the pace of confirmations.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. The larger number, the total judges confirmed during President Clinton's two terms includes 2 years in which a Democratic majority proceeded to confirm 129 additional judges in 1993 and 1994. During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year—a pace of consideration and confirmation that has already been exceeded under Democratic leadership over these past nine months.

During the recent Republican control of the Senate 46 nominees to the Courts of Appeal were confirmed, a rate of approximately seven per year on average, including one whole session, 1996, in which no circuit court judges were confirmed at all. In only nine months of Democratic control of the Senate, seven of President Bush's nominees to the Courts of Appeals have been confirmed. Two additional circuit court nominees have had hearings and the hearing scheduled for next week will include another circuit court nominee.

Under Democratic leadership we have had more hearings, for more nominees, and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995. In each area—hearings, number of nominees given hearings, and number of nominees confirmed—this Committee has exceeded the comparable period when Republicans were in power. And 1995 was one of the most productive years. It was 1996 and after that the Republican majority began stalling the judicial confirmation process and the session in which only 17 judges were confirmed all year with none to the Courts of Appeals.

Additionally, under Democratic leadership, we have reformed the process and practices used in the past to deny Committee consideration of judicial nominees. The fact that 248 judicial nominees were confirmed in the prior 6½ years of Republican leadership does not diminish the fact that almost 60 other judicial nominees never received a hearing by the Senate Judiciary Committee or received a hearing but were never voted on by the Committee.

The Majority Leader, Senator DASCHLE, the Assistant Majority Leader, Senator REID, and the members of the Judiciary Committee have worked hard to return the Senate's consideration of judicial nominations to a more orderly and open process. We have been working hard to move away from the anonymous holds and inaction on judicial nominations that characterized so much of the period from 1995 through 2000.

Today's vote to confirm the 40th judicial nominee since the reorganization of the Committee last July demonstrates that we have made a positive difference in the confirmation process by improving the pace and fairness of consideration of nominees for lifetime appointment to the federal courts. Not only has the Senate been able to confirm more judges in a shorter time frame than were confirmed in 4 of the past 6 years, but we have also done so at a faster pace than in any of the recent 6½ years in which Republicans were most recently in the majority.

I make these observations to set the record straight. I do not mean by my comments to be critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

With the confirmation of Ralph Robert Beistline, there will be no active vacancies on the Alaska District Court. We have moved expeditiously to consider and confirm Judge Beistline. He was nominated in November, received his ABA peer review in January, participated in a hearing in February, was reported favorably by the Committee last week, and is today being confirmed.

Judge Beistline has an extensive career litigating civil cases in state and Federal courts, providing pro bono services in civil matters, including social security appeals. I congratulate the nominee and his family on his confirmation today.

This nominee has the support of both Senators from his home state and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our Federal courts.

The ACTING PRESIDENT pro tempore. Who yields time? If no one yields time, time will be charged equally to both sides.

Mr. MURKOWSKI. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Without objection, the clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ENZI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. ENZI. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(The remarks of Mr. ENZI are located in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized.

Mr. HATCH. Madam President, parliamentary inquiry: Are we on the Beistline nominee?

The ACTING PRESIDENT pro tempore. We are. Under the previous order, the time was reserved, but all time remaining is under the control of Senator LEAHY and those who have been scheduled.

Mr. HATCH. Since they are not here, I ask unanimous consent that I might be able to speak.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. The vote is at 11, is that right?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. HATCH. Madam President, I rise to support the confirmation of Ralph R. Beistline to be U.S. District Judge for the District of Alaska.

I have had the pleasure of reviewing Judge Beistline's distinguished legal career, and I have come to the opinion that he is a fine jurist who will add a great deal to the Federal bench in Alaska.

Judge Beistline began his legal career as the first law clerk for the Superior Court in Fairbanks, where he not only completed legal research and wrote opinions for three judges, but also held hearings in probate and uncontested divorce cases. Following his clerkship, he maintained a litigation practice for 17 years. He left the practice of law to become a State trial court judge, and he has earned a stellar reputation for fairness and hard work among lawyers and judges in his community.

I have every confidence that Judge Beistline will serve with distinction on the Federal district court for the district of Alaska.

We are in the middle of a circuit court vacancy crisis, and the Senate is doing nothing whatsoever to address it.

There were 31 vacancies in the Federal courts of appeals when President Bush sent us his first 11 circuit nominees on May 9, 2001, and there are 31 today. We are making no progress.

Eight of President Bush's first 11 nominees have not even been scheduled for hearings, despite having been pending for 307 days as of today. All of these nominees received qualified or well-qualified ratings from the American Bar Association.

A total of 22 circuit nominations are now pending for those 31 vacancies.

But we have confirmed only 1 circuit judge this year, and only 7 since President Bush took office.

The sixth circuit is half-staffed, with 8 of its 16 seats vacant. This crisis exists today despite the fact that we have 7 Sixth Circuit nominees pending motionless before the Judiciary Committee right now. Although the Michigan senators are blocking 3 of those nominees by not returning blue slips, the other 4 are completely ready to go, all have complete paperwork, good ratings by the ABA, and most importantly, the support of both home State senators.

The D.C. Circuit is two-thirds staffed, with 4 of its 12 seats sitting vacant. This is despite the fact that President Bush nominated Miguel Estrada and John Roberts, who have not yet been given a hearing and whose nominations have not seen the light of day since they were nominated 307 days ago.

There is simply no explanation for this situation other than stall tactics.

The Senate Democrats are trying to create an illusion of movement by creating great media attention concerning a small handful of nominees in order to make it look like progress.

Some try to blame the Republicans for the circuit court vacancy crisis, but that is complete bunk. Just look at the record:

Some have suggested that 45 percent of President Clinton's circuit court nominees were not confirmed during his presidency. That number is a bit of an Enron-ization. It is inflated by double counting individuals that were nominated more than once. For example, by their numbers, Marsha Berzon—who was nominated in the 105th Congress, but not confirmed until the 106th—would count as two nominations and only one confirmation. If you remove the double counting and count by individuals, only 23 were not confirmed—that's 27 percent, as opposed to 45 percent.

And of those 23 nominees who did not move, 4 were withdrawn, 8 lacked home State support, 1 had incomplete paperwork and another was nominated after the August recess in 2000. That leaves 9 circuit court nominees that did not receive action some of which had issues that I cannot discuss publicly.

Now, as I said, there are currently 31 circuit court vacancies.

During President Clinton's first term, circuit court vacancies never exceeded 21 at the end of any year.

There were only 2 circuit court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit court nominees were pending in committee at the end of last year.

At the end of President Clinton's second year in office, the Senate had confirmed 19 circuit judges and there were only 15 circuit court vacancies.

In contrast, today in President Bush's second year, the Senate has confirmed 1 and there are 22 pending.

At the end of 1995, my first year as chairman, there were only 13 circuit vacancies left at the end of the year.

At the end of 1996, the end of President Clinton's first term and in a Presidential election year, there were 21 vacancies—only 1 higher than the number the Democrats left at the end of 1993 when they controlled the Senate and Clinton was President.

Taking numbers by the end of each Congress, a Republican controlled Senate has never left as many circuit vacancies as currently exist today. At the end of the 104th Congress, the number was 18, at the end of the 105th Congress, that number was 14, and even at the end of the 106th Congress, a Presidential election year, that number was only 25. Today there are 31 vacancies in the circuit courts.

Despite all the talk—and lack of action—the unmistakable fact is that there is a circuit court vacancy crisis of 31 vacancies, which is far higher than the Republicans ever let it reach, and the current Senate leadership is doing nothing about it. Actually, I should correct myself, they are doing something about it: They are making it grow even larger. They have acted with a deliberate lack of speed, and that is something the American people do not deserve.

I yield the floor.

The ACTING PRESIDENT pro tempore. All time having expired, the question is, Will the Senate advise and consent to the nomination of Ralph R. Beistline, of Alaska, to be United States District Judge for the District of Alaska? The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Pennsylvania (Mr. SANTORUM) are necessarily absent.

The PRESIDING OFFICER (Mr. CARPER). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—98

Akaka
Allard
Allen
Baucus
Bayh
Bennett

Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stabenow
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—2

Santorum
Specter

The nomination was confirmed.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid upon the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I have spoken to the two managers of this legislation. What we are going to do now, if the unanimous consent request is approved, is go to morning business until 12:30.

The amendment offered by the Senator from California, Mrs. FEINSTEIN, is an extremely important amendment dealing with derivatives, among other things. The way the legislation is now written, it appears Senator GRAMM of Texas opposes this legislation. He and the Senator from California are now in deliberations. The arrangement has been made that they are going to report back at 2:15 today after the party conferences are completed. If there is some hope that further discussion between them will bear some fruit, then we will go further; otherwise, we are going to complete that matter today. Senator GRAMM said he wants to speak on it for a while. He may have a second-degree amendment.

I say to all Members, we need to move forward. As I indicated on behalf of the majority leader today, we have light at the end of the tunnel. The minority leader has indicated he thinks we can finish this bill by a week from this Friday. We agree that is certainly the way it should be.

We have some important matters to consider. We have to do something with ANWR, we have to do something with CAFE standards, and electricity. We hope those three very difficult, contentious issues can be disposed of. And we would indicate we are going to finish derivatives before we move to something else, unless there is some agreement between the two Senators. We cannot keep bouncing around this legislation.

MORNING BUSINESS

Mr. REID. So, Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators allowed to speak therein for a period of 10 minutes each, until 12:30 p.m., when, under the previous order, we will recess for the weekly party conferences.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska.

THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, I concur with the statement of the majority whip. I look forward to, hopefully, moving with some dispatch on the energy bill. There are probably a few more contentious issues, as you know: Electricity, certainly ANWR, CAFE, renewables. So we have our work cut out for us. I encourage Members to try to recognize that it is very important we have an energy bill and we get it in conference.

I communicate to the majority whip, perhaps he can enlighten us at a later time if indeed campaign finance reform is going to come into play and delay us. Perhaps he can do that at such time as he is able to give us some idea when that might occur. I assume that would not necessarily take us off the bill.

Mr. REID. If the Senator will yield, Senator DASCHLE and Senator LOTT met today with some of us, and it is believed that the campaign finance matter can be resolved in as little as 3 hours, to complete everything within that period of time, and send it to the House. That certainly isn't done yet. Senator DASCHLE has asked for an agreement to be entered in the RECORD tomorrow in that regard. If that were the case, it would temporarily slow down this bill, but that is all.

Mr. MURKOWSKI. I appreciate that. I must say, I am pleased with the optimism shown by the majority whip. Perhaps to finish in 3 hours would be a record. Let's work towards it.

Mr. President, I am going to speak in morning business for 10 minutes.

The PRESIDING OFFICER. The Senator from Alaska.

IRAQ

Mr. MURKOWSKI. Mr. President, yesterday our President, President George W. Bush, marked the 6-month anniversary of the terrorist attacks. I think we would all agree he used some very strong words for our adversaries.

I quote President Bush:

> Every nation in our coalition must take seriously the growing threat of terror on a catastrophic scale—terror armed with biological, chemical or nuclear weapons.

That was his comment yesterday.

Further, he stated:

> Some states that sponsor terror are seeking or already possess weapons of mass destruction. Terrorist groups are hungry for these weapons and would use them without a hint of conscience.

Further quoting him:

> In preventing the spread of weapons of mass destruction, there is no margin for error and no chance to learn from mistakes.

Further quoting him:

> Our coalition must act deliberately, but inaction is not an option.

I would refer to that again: "inaction is not an option."

He added:

> Men with no respect for life must never be allowed to control the ultimate instruments of death.

The President did not name names, but it is becoming increasingly clear that when we talk about targeting terror, we are talking about targeting Saddam Hussein's Iraq.

We know he has chemical weapons because we have watched him use them on his own people. We know Saddam wants nuclear weapons because his chief bomb maker defected to the West with a wealth of information on their program. We know, very well, he has a missile capability because he fired dozens of missiles on Israel during the gulf war.

So what has he been up to? We cannot say for sure because we have not had a U.N. inspector there since December of 1998. So he has had 1999, 2000, 2001—clearly over 3½ years to continue his development of weapons of mass destruction. We know that for a fact. We just do not know what they are, and we do not know what he is going to do with them. One can only imagine what he has been able to accomplish during that timeframe.

Some of you may have seen the special on CNN the other day where they identified clearly the threat of Iraq, and a historical review from the time of the Persian Gulf war: His experimentation of using chemical weapons on his own people; his arsenal, a portion of which was destroyed at that time under the U.N. auspices. Since that time we have just observed him as he continues to rule as a dictator, as one who obviously has seen fit to go to extraordinary means to ensure his own safety, by simply wiping out those critics of his regime.

I am not going to try to typify this individual. I have met him. I have been in Baghdad. As a matter of fact, I think I am the only Senator who is still in the Senate who met with Saddam Hussein prior to the Persian Gulf war. The Senator from Idaho, Mr. McClure, was with us. Senator Dole was with us. Also, Senator Simpson from Wyoming was with us. The Senator from Ohio, Howard Metzenbaum, was with us.

It was a very interesting opportunity. We had been in Egypt and were advised we should go over to visit Saddam Hussein in Iraq. We did go over there. We were met by our Ambassador, April Gillespie. We were supposed to meet Saddam Hussein at the airport in Baghdad. She said that she was sorry, that Saddam Hussein changed the itinerary. He was not there. We were supposed to go up to Mosul.

So the Foreign Minister, Tariq Aziz, who is still there, said that Saddam had sent his airplane down to take us up to Mosul. We were somewhat reluctant to get in Saddam's airplane, as you might imagine. We said: We will take our own airplane. We had an Air Force aircraft. There was some discussion. Then they came back and said: No, the runway was under repair. Our plane was too big; they would not be able to accommodate our airplane. Then Foreign Minister Tariq Aziz said: I am going with you. That made us somewhat more at ease. Somewhat reluctantly, we did climb into the airplane and fly up to Mosul.

It was ironic because, when we landed, they said: we won't have to take you back because we have finished repairing the runway and your airplane can come and get you. We knew we were set up to make a story.

We did go into a hotel and Saddam Hussein met us and was supposedly going to host lunch. We had a long discussion about human rights activities. We talked about the cannons that had been found on the docks in London. We discussed the triggering devices. And he had an answer for everything. He would throw out a booklet designed by the Baghdad Institute of Technology. At one point he got rather belligerent and suggested we had no business in his country talking to him about the attitude of the people of Iraq.

He asked us to go out on the balcony. And he said: There are five of you, five helicopters. You can go anywhere in Iraq you want and ask what the people really think of Saddam Hussein. Howard Metzenbaum declined the invitation for reasons of security, to put it mildly. So did the rest of us.

Nevertheless, we had an opportunity to observe this individual. To suggest he is unpredictable is an understatement. He is very unpredictable. His value on human life, as evident over an extended period of time, speaks for itself.

One can conclude that Iraq is a very unstable area that we are depending on for oil. As I am sure the occupant of the chair, the Senator from New York, recognizes, on a particular day of September 11, we were importing a million barrels of oil a day from Iraq. At this time it is a little over 800,000 barrels a day. Interestingly enough, on that tragic day in September, that was a record, an 11-year-old record.

What do we do with his oil? We use it to drive to work, use it in schoolbuses, to take our kids, whatever. It is the fuel the Navy jets use, which twice this year already bombed Saddam Hussein and every day enforces a no-fly zone over his skies. Last year Iraqis shot at U.S. forces some 400 times. We responded in force 125 times. I ask, can we count on his oil if Baghdad is the next stop in the war of terror?

I have charts here that clearly show the increase of Iraqi oil production in the Mideast, and you can see 1.1 million barrels of Iraqi oil—this is where American families get their oil—the Persian Gulf, almost 3 million barrels; OPEC, 5.5 million barrels. Oil has jumped up to the highest price in 6 months. It is a little over $24.50 a barrel.

Gasoline prices are at the highest they have been in 6 months. This is indicative of particularly the power of the OPEC cartel, which, by controlling the supply, clearly controls the price.

We have other charts here that I think show a significant figure. We in this country have been able to do a pretty good job of conserving through higher efficiency. As this chart shows, consumption per thousand Btu has dropped from about 18 down to about 11 in the period of 1973 through the year 2000. That is a 42-percent decline. While conservation has made significant advancements, we still are significantly dependent on imported sources of oil for the reason that America and the world moves on oil.

Here is a chart that is relatively new. It shows crude oil imports from Iraq to the United States in 2001. This is by month, January going over to September. That was an all-time high. That was at a time where the terrorist activities took place in Pennsylvania and Washington and New York.

It is very significant to recognize that we will have to deal with Iraq, and the President has kind of laid down a card that suggests we want to have U.N. inspectors in Iraq.

Saddam Hussein laid down his card yesterday. His card was quite expressive of the prevailing attitude of his regime. No, we are not going to let U.N. inspectors into Iraq.

So what are we going to do? It is our move next. We waited too long to deal with bin Laden. We waited too long to deal with al-Qaida. So this is a scenario that won't be over this week or next. We cannot afford to wait too long to deal with Saddam Hussein. As long as he is in power, he will continue to threaten the world as a member of the axis of evil. All the tools he needs are now within his grasp.

Reducing foreign dependence on oil can lessen the influence and reach of Saddam Hussein. There are solutions that must begin right here at home. Doing so will not only help ensure our energy security; it will further ensure our national security.

Again, I make another appeal to my colleagues to recognize the role that Alaska could play by opening up the Arctic National Wildlife Refuge. On each desk of Members, we have a series of exhibits that highlight the reality associated with opening up this area. It is still very difficult to get Members to focus on a couple of stark realities.

I point out again the size of the area in question in the green. That is 1.5 million acres. That is the only area up for proposal. ANWR itself is a much larger area. It is a 19-million acre area consisting of 8 million acres of wilderness and 9.5 million acres of refuge. The green area is the area in question. Then the idea is what would be the footprint there? In the House bill, H.R. 4, the footprint is 2,000 acres. That is a conglomeration of just a combination of drilling activities on land plus developing pipelines.

It cannot go over 2,000 acres. That is pretty insignificant considering using an area of 1.5 million acres.

As we look at the merits, the question is, Can we do it safely? The answer is, yes, because we use new technology now. We have ice roads and these ice roads don't require gravel. They are simply a process where you lay water on the tundra, it freezes, and then you can move the vehicles, you can move drilling rigs and so forth.

That shows a typical drilling rig. Beyond the area up on the top you see the Arctic Ocean. You can see an ice road leading from the platform. That is the new technology. To suggest we are going to leave a scar on the tundra in the summertime, which is quite short—and I will show you a picture of the summertime, this area, which clearly is a result of the technology. There is a well that has been spudded in. You can see there are no roads to it because there was an ice road only during the winter.

Winter is pretty long up there. It is about 10½ months a year. There are only about 40 days of ice-free time when the Arctic Ocean is open.

Nevertheless, in spite of the facts relative to being able to open ANWR, America's environmental community has latched onto this, and they have misrepresented issue after issue. The issue they continually propose is that there is only a 6-month supply. We don't know what is in ANWR and they don't know. The range is from 5.6 billion barrels to 16 billion barrels. If it were somewhere in the middle, it would be as big as Prudhoe Bay, and Prudhoe Bay has contributed 20 to 25 percent of the total crude oil production in the U.S. in the last 27 years.

Those are facts. If you look over here on this chart, you will see the 800-mile pipeline. That infrastructure is already in place. That is one of the construction wonders of the world. As a consequence, it has been able to move this volume of oil. It is only utilized to half of its capacity. It is currently carrying a little over a million barrels a day. It can carry as many as 2 million barrels a day. So if oil is discovered in this magnitude, you would be putting a pipeline over from the ANWR area to the 800-mile pipeline down to Valdez, and it is a relatively simple engineering operation.

The question is, Do we want ANWR open and do we want to avail ourselves of the likelihood of a major discovery? People ask, why ANWR? That is the area where geologists tell us is the greatest likelihood for the greatest discovery in the entire continent of North America. So to suggest it is a 6-month supply is unrealistic and misleading. If we didn't import and produce any oil, theoretically, it might be a 6-month supply. On the other hand, it is just as probable to suggest it would supply the Nation with 20 to 25 percent of its total crude oil for the next 30 or 40 years. If it comes in in the magnitude that we anticipate, it would offset imported oil from Iraq for 40 years and from Saudi Arabia for 30 years. The other issue is that it would take an extended timeframe to get on line. I remind colleagues that in 1995 we passed ANWR. It was vetoed by the President. If we would have that on line today, we would not be as dependent on Iraq as we are currently. So it is a matter that will come up before the Congress as part of the energy bill.

The House has done its job; it has passed H.R. 4 with ANWR in it. It is up to us to address this issue now. I encourage my colleagues to try to reflect accurate information, not misleading information that would detract from the knowledge that we have gained in new technology in opening up this area safely and protecting the caribou. There is always a new argument. New ones continually pop up. One is the question of the polar bear. Most of the polar bears are over by the area near Barrow, as opposed to the ANWR area. We acknowledge that there are a few in the ANWR area. But the point is, under the marine mammal law, you can't take polar bears for trophies in the United States. That has significantly increased the lifespan of the polar bear. If you want to hunt polar bear, go to Russia and Canada. You can't do it in the United States. These are facts that are overlooked as we look at the arguments against opening this area.

The last point is, why disturb this unspoiled, pristine area? The fact is, this area has had the footprints of man on numerous occasions. It was an area where there were radar stations, an area where there is a Native village called Kaktovic, which has roughly 280 people. This is a picture of the village. This is in ANWR—physically there. There is an airport and radar stations. You can see the Arctic Ocean. We have pictures of the local community hall with kids on a snowmobile. This is village life in Arctic Alaska, way above the Arctic Circle. We have a picture showing kids going to school. These kids have dreams and aspirations just as our kids. They are looking for a future—jobs, health care, educational opportunities. They are the same as anybody else. Nobody shovels the snow here; nevertheless, it is a pretty hardy environment. To suggest that somehow this land is untouched is totally unrealistic and misleading.

Speaking for these children, I think we have an obligation to recognize something. I have another chart that shows the Native land within ANWR and the injustice that is done to these people, and I think it deserves a little enlightenment.

This is the map that shows the top, and there are about 92,000 acres in ANWR that belong to the Native people of Kaktovic. It is a smaller chart. We should have that chart. What we have here—and let's go back to the other chart that shows Alaska as a whole because I can make my point with that one. Within this area of the green, which is the Arctic Coastal Plain, up top we have the village of Kaktovic, and that little white spot covers the land that they own fee simple—92,000 acres. They have no access across Federal land, which is what ANWR is. They are landlocked by Federal ownership. So as a consequence, the concept of having fee simple land really doesn't mean very much if you can't use the land and have access, and so forth.

They believe there is an injustice being done here in their Native land. While it is theirs, it doesn't provide them with any access—here is the chart I am looking for. Madam President, we have the specifics here. This general area that you are looking at in pink is what we call the 1002 area. That is a million and a half acres, where we are talking about providing leases. The Native area is the white area. This is the 92,000 acres. You can see the area offshore; that is the Arctic Ocean. It is free of ice for only about 40 days a year.

The problem the Native people have is access because they cannot have any surface access outside their 92,000 acres of land. If they wanted to move over to where the pipeline is, they would move west and beyond the area on the chart. The question is, Is it fair and equitable that these people are prevented from having access?

We think there should be some provision in the ANWR proposal to allow the Native residents of this area to have access across public land for their own benefit. We intend to pursue this in some manner in this debate as we develop the merits of opening up ANWR. If we were to open it up for exploration, this would not be a question. Clearly, there is a lack of support by Members, based on information from the environmental community that this area is undisturbed and should not be initiated for exploration of oil and gas, even though geologists say it is the most likely area for a major discovery. Still we have an injustice and an inequity to these people. I don't think there has been enough attention given to the plight of these people who, as any other aboriginal people, are ensured certain rights under our Constitution, and those rights have not been granted them.

As a consequence, there is an injustice to the people of the village of Kaktovic and members of the Arctic Slope Aboriginal Corporation, which is the governing body in that area.

With that explanation, I encourage Members to think a little bit about fairness and equity and what we owe these aboriginal people. We certainly owe them reasonable access out of the lands they own fee simple.

Madam President, nobody else is requesting recognition, so I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CLINTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. REID. Madam President, I ask unanimous consent that the Senate stand in recess until 2:15 p.m. today.

There being no objection, the Senate, at 12:19 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CLELAND).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

> A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

> Daschle/Bingaman further modified pending amendment No. 2917, in the nature of a substitute.
>
> Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.
>
> Dorgan amendment No. 2993 (to amendment No. 2917), to provide for both training and continuing education relating to electric power generation plant technologies and operations.

Mr. REID. Mr. President, I have conferred with the managers of the bill, and with Senator DASCHLE, on the Feinstein amendment, which is pending. During the break, there was a long conversation with the two managers, and with Senator FEINSTEIN and Senator GRAMM. It is believed it would be in the best interest to set this amendment aside and move to some other matters. Everyone should understand that we have every belief that Senators GRAMM and FEINSTEIN are working in good faith to try to come up with some way to resolve this issue. If in fact they do not, though, Senator DASCHLE has indicated that he would be ready to file a cloture motion on the Feinstein amendment so we can move forward on that. We hope we do not have to do that. I am confident that we will not. But in case we cannot resolve the matter, Senator DASCHLE is ready to file a cloture motion on the Feinstein amendment.

We will ask to move off this important matter dealing with derivatives. The two managers have some amendments they can work on that wouldn't take long at all.

I have spoken to Senator LEVIN. He is going to come and offer an amendment and/or substitute on the provision in the bill that deals with CAFE standards. That should begin in the next 15 minutes or so. Is that in keeping with what the two managers understand?

Mr. BINGAMAN. Mr. President, in response, let me say it is in keeping, and I know the Senator from Idaho is here and ready to offer an amendment. His amendment is acceptable.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, before I make some brief comments on the amendment, I thank the assistant majority leader for allowing us to set aside what is an important but I think contentious amendment if we don't work out the tremendous complication of dealing with derivatives. It is a complex area and we well ought to know what we are doing. Members and staff of the Banking Committee are now working with Senator FEINSTEIN on it. We are hopeful something can be worked out in this area.

I am pleased both sides have agreed to the amendment that I will send to the desk.

Mr. MURKOWSKI. Mr. President, if the Senator from Idaho will yield, Senator LANDRIEU also has an amendment—the hydrogen protection amendment—which we understand has been agreed to. She will offer that amendment after Senator CRAIG's amendment. We hope to dispose of both.

There are two more amendments that we have not agreed to—Senator DOMENICI on spent fuel and Senator LANDRIEU on licensing new reactors. But we can continue to work on those if we can dispose of the two.

I, of course, support Senator CRAIG's amendment as well.

AMENDMENT NO. 2995 TO AMENDMENT NO. 2917

Mr. CRAIG. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 2995 to amendment No. 2917.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To direct the Secretary of Energy to carry out a program within the Department of Energy to develop advanced reactor technologies and demonstrate new regulatory processes for next generation nuclear power plants)
>
> At the appropriate place in the amendment, insert the following:
>
> **SEC. . NUCLEAR POWER 2010.**
>
> (a) DEFINITIONS.—In this section:
>
> (1) SECRETARY.—The term "Secretary" means the Secretary of Energy.
>
> (2) OFFICE.—The term "Office" means the Office of Nuclear Energy Science and Technology of the Department of Energy.
>
> (3) DIRECTOR.—The term "Director" means the Director of the Office of Nuclear Energy Science and Technology of the Department of Energy.
>
> (4) PROGRAM.—The term "Program" means the Nuclear Power 2010 Program.
>
> (b) ESTABLISHMENT.—The Secretary shall carry out a program, to be managed by the Director.
>
> (c) PURPOSE.—The program shall aggressively pursue those activities that will result in regulatory approvals and design completion in a phased approach, with joint government/industry cost sharing, which would allow for the construction and startup of new nuclear plants in the United States by 2010.
>
> (d) ACTIVITIES.—In carrying out the program, the Director shall—
>
> (1) issue a solicitation to industry seeking proposals from joint venture project teams comprised of reactor vendors and power generation companies to participate in the Nuclear Power 2010 program;
>
> (2) seek innovative business arrangements, such as consortia among designers, constructors, nuclear steam supply systems and major equipment suppliers, and plant owner/operators, with strong and common incentives to build and operate new plants in the United States;
>
> (3) conduct the Nuclear Power 2010 program consistent with the findings of A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010 issued by the Near-Term Deployment Working Group of the Nuclear Energy Research Advisory Committee of the Department of Energy;
>
> (4) rely upon the expertise and capabilities of the Department of Energy national laboratories and sites in the areas of advanced nuclear fuel cycles and fuels testing, giving consideration to existing lead laboratory designations and the unique capabilities and facilities available at each national laboratory and site;
>
> (5) pursue deployment of both water-cooled and gas-cooled reactor designs on a dual track basis that will provide maximum potential for the success of both;
>
> (6) include participation of international collaborators in research and design efforts where beneficial; and
>
> (7) seek to accomplish the essential regulatory and technical work, both generic and design-specific, to make possible new nuclear plants within this decade.
>
> (e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section such sums as are necessary for fiscal year 2003 and for each fiscal year thereafter.

Mr. CRAIG. Mr. President, the amendment authorizes a new program within the Department of Energy called Nuclear Power 2010. The new program was proposed in the administration's fiscal year 2003 budget. Senator MURKOWSKI, Senator LANDRIEU, Senator DOMENICI, and Senator THURMOND are supporters of this effort. We think it is the appropriate direction to go in the development of a new energy package.

The goal of Nuclear Power 2010 is to aggressively pursue activities that will result in the completion of designs for the next generation of nuclear reactors.

This program will also look for ways to reduce the regulatory uncertainties which have been obstacles to the building of new nuclear plants. This program would incorporate cost sharing between government and industry to ensure that the outcome of this program will be not only beneficial but useful to both sides as new designs are developed.

This program will also garner the tremendous creativity of the technical minds within the Department of Energy and our National Laboratories—

some great minds that have been sitting somewhat idle in the area of new design and reactor development over the last number of years.

In my home State of Idaho, for example, Argon West was the first ever nuclear effort that lit the first lightbulb. Strangely enough, a lot of folks don't know that about Idaho. But the reactor that generated that was an experimental breeder reactor. That was well over 50 years ago.

Our National Laboratories have been extensively involved. This reinvolves them. We hope it reinvigorates them.

I think all of us recognize that clean sources of abundant energy are critical for the future of this country. The cleanest is nuclear.

The 2010 amendment is the kind of program that I think sends us in the direction that we want to see our energy base going as an integral part of energy's diverse mix in our country. We believe the 20 percent now made up of current operating reactors will have to go higher in future years as we look at issues of climate change, weather, and, of course, the unpredictable fluctuation in a variety of other energy sources.

That is the purpose and the intent of the amendment. It has been accepted.

I hope this amendment can be voice voted.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we have reviewed the amendment of the Senator from Idaho, and it certainly is acceptable on this side. I support the amendment. I urge my colleagues to support it. We should add it to the bill.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. THURMOND. Mr. President, I am pleased to cosponsor this amendment and compliment Senator CRAIG for his leadership on this issue and nuclear power in general. This amendment authorizes the Department of Energy's Nuclear Power 2010 initiative, a multiyear program for the Department of Energy to partner with the private sector to explore both Federal and private sites that could host new nuclear plants; to demonstrate the efficiency of and timeliness of key Nuclear Regulatory Commission licensing processes designed to make licensing new plants more efficient, effective and predictable; and to conduct research needed to make the safest and most efficient nuclear plant technologies available in the United States.

I am a strong proponent of nuclear power because it is among the cleanest sources of energy in the world today. Additionally it is reliable, efficient and abundant. Presently, the United States gets approximately 20 percent of its power from nuclear plants. Those plants in operation currently cannot operate indefinitely. Accordingly, in order to maintain the energy production we receive from nuclear power today, the United States will need to build new nuclear facilities.

Fortunately, advanced reactor technologies are now available that are safer, smaller and more capable. As we are all aware, however, bringing new civilian nuclear plants on-line is a lengthy process. Regretfully, considerations such as site selection concerns, licensing impediments, and legal challenges have curtailed new nuclear plants.

In May of last year, I wrote to Vice President CHENEY as head of the President's Energy Task Force. In my letter, I noted how pleased I was to learn that the Administration was committed to developing a comprehensive national energy strategy that would include a renewed consideration of nuclear power. I suggested to the Vice President, that the Administration consider co-locating advanced technology commercial nuclear power production facilities on existing Department of Energy reservations.

Utilizing Department of Energy facilities would mitigate any number of problems associated with building new nuclear plants. To begin with, there is no need to secure new land. In addition to the fact that this is already Federal property, in general, DOE facilities are large isolated areas that are highly secure. Also, individuals living near these locations are usually supportive of nuclear initiatives. They know that having a nuclear facility nearby is not a safety issue. As such, we avoid the "not in my backyard" syndrome. Finally, building new nuclear reactors on existing DOE facilities reduces the amount of new infrastructure required as companies would be "leveraging" against what already exists at these locations.

The Energy Task Force and Secretary of Energy Spencer Abraham did not require much convincing. The Secretary called upon industry to determine interest in developing advanced technology commercial nuclear plants at DOE locations. I have been advised that a number of proposals were received from some of the top energy companies in the Nation.

When Secretary Abraham unveiled the Nuclear Power 2010 initiative, he announced awards to two nuclear utilities to conduct initial studies of several sites that could eventually host new nuclear plants. In addition to several private sites, the Secretary identified the Department of Energy's Idaho National Engineering and Environmental Laboratory in Idaho, the Savannah River Site in my hometown of Aiken, SC, and the Portsmith site in Ohio as sites to be considered.

These DOE sites were ideal locations to locate nuclear projects fifty years ago. With the right physical characteristics, experienced workforces and supportive local communities, they remain so today. I believe it makes perfect sense to use these existing assets as a platform upon which to expand our civilian nuclear power capabilities.

This initiative is good government and I am pleased that it is included in this package.

Mr. MURKOWSKI. Mr. President, I join Senator BINGAMAN in support of the amendment. It establishes a program within the Department of Energy to aggressively pursue activities that will lead to, hopefully, the development of new nuclear plants.

As we know, nuclear power currently contributes about 20 percent of the total energy produced in this country. France is at about 75 percent; Sweden is at about 46; Japan, 30 percent. So, clearly, this is an amendment that will be an investment in the future. We support the adoption of the amendment. I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 2995) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

AMENDMENT NO. 2993

Mr. DORGAN. Mr. President, yesterday I offered an amendment that subsequently was set aside. It is amendment No. 2993. The amendment is to establish a National Power Plant Operations Technology and Education Center. The amendment, I believe, is noncontroversial.

I know the Senator from Alaska indicated he would accept the amendment. I believe the Senator from New Mexico indicated the same. I ask that it be immediately considered favorably by the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, and I shall not object, my understanding is that we are still examining it. I have no reason to believe there will be an objection, but staff has asked for a little more time.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, in response to Senator DORGAN, we have cleared the amendment. I appreciate his forbearance. We had one question that has been answered satisfactorily.

So I urge the Senator to go ahead. I support the adoption of the amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Alaska for his courtesy. I ask for the immediate consideration of amendment No. 2993.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2993) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DORGAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 2996 TO AMENDMENT NO. 2917

Mr. MURKOWSKI. Mr. President, we have one more amendment we would like to resolve on behalf of myself and Senator DASCHLE. This is an amendment covering rural and remote communities. My understanding is, it is cleared on both sides.

I would ask the majority for any comments they may care to make.

Mr. BINGAMAN. Mr. President, we do not object to this amendment. It is supported on this side. I urge that the Senate proceed to dispose of the amendment.

Mr. MURKOWSKI. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the clerk will report the amendment.

The bill clerk read as follows:

> The Senator from Alaska, [Mr. MURKOWSKI], for himself and Mr. DASCHLE, proposes an amendment numbered 2996.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. MURKOWSKI. Mr. President, the amendment I am offering on behalf of myself and Senator DASCHLE establishes the Rural and Remote Community Fairness Act. This amendment addresses serious electricity and infrastructure concerns of rural and remote communities. Of particular interest to the amendment's cosponsor, Senator DASCHLE, are the provisions that address the concerns of rural and remote communities that suffer from high outmigration. We have well-established programs for urban areas. And I support them.

These programs were established to help resolve the very real problems found in this Nation's cities. But our rural and remote communities experience equally real problems—and they are not addressed by existing urban programs. They have been left out. Not only are these communities generally ineligible for the existing programs—their unique challenges require a different focus and approach.

The biggest single challenge facing small rural communities is the expense of establishing a modern infrastructure. The existence of a modern infrastructure is necessary for a safe environment and a healthy local economy. There is a real cost in human misery and to the health and welfare of everyone—especially children and elderly—from poor or polluted water or bad housing or an inefficient and expensive power system.

The problems in Alaska are a perfect example: 190 villages have "unsafe" sanitation systems; 135 villages still use "honey buckets" for waste disposal; and only 31 villages have a fully safe, piped water system.

It is not surprising that Hepatitis B infections in rural Alaska are five times more common than in urban Alaska. Similarly, most small communities and villages in Alaska are not interconnected to an electricity grid and rely upon diesel generators.

Electricity prices in Alaska can be stunningly high. For example: the Manley Utility—77 cents per kilowatt hour; Middle Kuskokwim Electric—61 cents/KWh. But so too can electricity prices in other small communities across our nation. For example: Matinicus Plantation Electric in Maine—30 cents/KWh; Bayfield Electric in Michigan—17 cents/KWh; New Hampshire Electric—15 cents/KWh; Fishers Island in New York—23 cents/KWh.

Compare these prices to the national average of around 7 cents per kilowatt hour—and you can see the problem we need to address.

We just have to do better if we are to bring our rural communities into the 21st century—to enjoy the fruits of economic growth—to have safe drinking water—to have affordable energy.

How will this amendment address these problems?

First, it authorizes $100 million per year for block grants to communities served by utilities who have 10,000 or fewer customers who pay more than 150 percent of the national average retail price for electricity. These small communities may use the grants for infrastructure improvement including weatherization; modernizing their electric system; and assuring safe drinking water and proper waste water disposal.

Second, it authorizes electrification grants of $20 million per year to small, high-cost communities. These grants can be used to increase energy efficiency, lower electricity rates, or provide or modernize electric facilities.

Third, it addresses the problem of high electricity prices in Alaska—a problem that will diminish as new, efficient electric generation can be installed.

Fourth, it addresses the very real problems of communities that have a high rate of out-migration. It provides affordable housing and community development assistance for rural areas with excessively high rates of outmigration and low per-capita income levels. This is a very significant problem for Senator DASCHLE's State of South Dakota.

This amendment makes a significant step toward resolving the critical social, economic and environmental problems faced by our Nation's rural and remote communities.

I encourage my colleagues to support this amendment.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate on the amendment, without objection, the amendment is agreed to.

The amendment (No. 2996) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, the Senator from Missouri is in the Chamber and ready to speak on the amendment Senator LEVIN and he are intending to offer. The floor is open for their discussion at this point.

The PRESIDING OFFICER. The Senator from Missouri.

AMENDMENT NO. 2997 TO AMENDMENT NO. 2917

(Purpose: To provide alternative provisions to better encourage increased use of alternative fueled and hybrid vehicles.)

Mr. BOND. Mr. President, I appreciate the courtesy of the managers of the bill. Senator LEVIN will be in the Chamber shortly, but I thought I would go ahead and make some remarks prior to the offering of this amendment, which I think is a very significant one.

There are many important issues in an energy bill, but what happens to our automobile economy, what happens to the workers, what happens to the people who buy them, what happens to the people on the highways should be a very important consideration.

I think when you talk about energy and fuel economy standards, the impact on jobs and safety need to be at the top of anyone's list. That is why I am pleased to join my colleague from

Michigan, Senator LEVIN, in crafting a commonsense amendment to the energy bill that will increase passenger car and light truck efficiency while protecting jobs, highway safety, and consumer choice.

Before we get into the details of the amendment—and we will be getting into lots of details, probably more than anybody wants to know about corporate average fuel economy—let me just take a moment to review the state of our economy.

A few weeks ago, I was disappointed that the Senate had stalled out on an economic stimulus package. We have been in a recession for months, and although there are signs of a recovery, there are still many Americans without jobs.

Of course, as you know, we did pass a smaller bill to increase the time of payment for unemployment compensation that did have a portion of the stimulus package in it.

Now, what would be the link between higher fuel economy standards and economic recovery and stimulus and jobs? I will tell you.

I have listened to the car manufacturers, the working men and women in the unions who build the cars, and the other impacted groups, and the significantly higher CAFE standard, or the miles per gallon, which will be required for vehicles that are included in Senator DASCHLE's energy bill that he created, without committee action, has a very real likelihood of throwing thousands of Americans out of work, including many of the 221,000 auto workers in Missouri.

That is because the only way for car companies to meet the unrealistic numbers in the underlying amendment is to cut back significantly on making the light trucks, the minivans, and the SUVs that the American consumers want, that the people of my State and the people of the other States want—to carry their children around safely and conveniently, to do their business. If they have jobs in one of the trades, they need minivans and compartment trucks and others to carry their goods. If they are farmers, they need pickup trucks to take care of their livestock and to haul equipment and feed.

I know some in this Chamber believe our fellow Americans cannot be trusted to make the right choice when purchasing a vehicle. But when it comes down to choosing between the consumer and the Government as to who is best to make a choice, I will side with the consumer every time.

I don't pretend to know what is best for each of the 15 million Americans who will be purchasing a new vehicle this year and the ones next year or in the years after. Those who want higher Government CAFE or miles-per-gallon standards always claim to have the best interests of the consumer in mind and always promise that the last thing they want to do is hurt the car manufacturers. Well, they have missed the mark by a mile with language that ended up in the bill before us today.

Proponents portray this CAFE provision, authored by Senator KERRY and others, as reasonable and necessary. I have other words in mind to describe it. It is antisafety, anticonsumer and antijob.

I also have the numbers to consider during this debate. How about 6.6 million. That is the number of Americans employed in direct or spin-off jobs related to the automotive industry. In fact, every State in America is an auto State. We all know that Michigan, Indian, Missouri, and Ohio are big manufacturing States. But even smaller States such as Nebraska, New Hampshire, and Delaware have suppliers and other industries where success and business profitability is directly related to the large car assembly plants in the Nation.

As we struggle to get our economy moving again, we ought to be developing proposals that will increase the number of jobs. Unfortunately, the underlying miles-per-gallon standard in this bill by Senator DASCHLE does just the opposite. It must be removed. It must be replaced.

I recognize there are competing views on this subject. Some of my colleagues prefer to listen to the arguments put forth by those who have never built a vehicle, never visited a plant, or don't even have an elementary understanding of how a car works.

I prefer to listen to those who are actually engaged in the business of making cars, of designing cars, servicing cars, selling cars and trucks. They tell me one consistent message: The CAFE provision is a job killer, a threat to the safety of our friends and families and a mandated market that eliminates consumer choice. For those who say, too bad, we must force Detroit to build more fuel-efficient cars and trucks, do you know that under CAFE it doesn't matter what the companies manufacture and build? It is calculated based on what the consumer buys.

There are over 50 of these high economy models in the showrooms across America today. But guess what. They represent less than 2 percent of total sales. Americans don't want them. You can lead a horse to water; you can't make him drink. You can lead the American consumer to a whole range of fancy, lightweight, long-distance automobiles, but you can't make them buy them.

Meanwhile, consumers from families, soccer moms, farmers, people with teenagers, people with soccer teams, they want the minivans. A constituent of mine, Laura Baxendale in Ballwin, MO, asked:

> Senator, our mini-van is used to transport two soccer teams, equipment and seven players, how would this be possible in a smaller vehicle?

I have to tell Ms. Baxendale, the bad news is they would have to have a string of golf carts. You can see the golf carts going down the highway to soccer practice, maybe two kids in each golf cart. It is not a very safe or efficient way to transport.

Here is a quote from Jeffrey Byrne, of Byrne Farm in Chesterfield, MO:

> As a farmer I do not purchase pickup trucks because of their fuel economy, I purchase them for their practicality.

He buys them because he needs them. He is taking care of his livestock. Did you ever try to put a load of hay in the back of a golf cart? It doesn't make a very big delivery vehicle.

Under the new CAFE numbers, the production of these popular vehicles would need to be curtailed. I don't want to tell a mom and dad in my home State they can't get the SUV they want because Congress decided that would be a bad choice. I don't think that is a sound way to set public policy. After hearing from assembly line workers, farmers, auto dealers, and others directly impacted by Government CAFE standards, I fully believe the appropriate fuel economy standards are best decided by experts within the Department of Transportation who have the technology and the scientific know-how to determine what is feasible to help lead us down the path towards the most efficient, economical, and environmentally friendly standards, rather than by politicians choosing some political number out of the air. We could get in a bidding war, but we are bidding on something we know nothing about—how efficient can engines be made.

Under the Levin-Bond amendment, the experts at the National Highway Transportation Safety Administration are directed to refer to sound science in promulgating an appropriate and feasible increase. Think of that. This would be historic, if this body said we are going to use sound science on a technological issue before us. Senator LEVIN and I believe the time has come. This amendment will strengthen the regulatory process to ensure that the miles per gallon or CAFE levels are accurate and reflect the needs of consumers, the technology development, without undo consequences for safety and jobs.

Ultimately, I do believe science, not politics, should drive the deliberations on the CAFE or miles-per-gallon standards. I would be most interested to see what hard data and solid science our colleagues who have pushed for this 35-mile-an-hour CAFE standard say justifies it. the standard in the bill. I am waiting to see what scientist thinks there is a technology to meet it. I don't believe I would hold my breath because I don't think it exists.

This is, unfortunately, a political number pulled out of thin air. Even worse, it is a number that could have deadly consequences for American drivers and passengers. I have read the 2001 National Academy of Sciences report on the CAFE standard. Let me share with you a key finding about safety and higher standards.

This is a report in USA Today. It says:

> The fatality statistics show that 46,000 people have died because of a 1970s-era push for greater fuel efficiency that has led to smaller cars.

The National Academy of Sciences say:

> In summary, the majority of that committee finds that the downsizing and weight reduction that occurred in the late 1970s and in early 1980s most likely produced between 1,300 and 2,600 crash fatalities and 13,000 to 26,000 serious injuries in 1993.

They estimate that 2,000 people were killed in 1993. I fear that has been replicated every year since. It goes on to say:

> If an increase in fuel economy is effected by a system that encourages either downweighting or the production and sale of more small cars, some additional traffic fatalities would be expected.

That National Academy of Sciences report offers all of us clear guidance and expert scientific analysis as we debate fuel economy levels. I would also point out that the NAS panel was extremely careful to caution its readers that its fuel economy targets were not recommended CAFE goals because they did not weigh considerations such as employment, affordability, and safety.

These are the quotes from the National Academy of Sciences that I have just given you. I will leave it up so my colleagues can read it. I will have a copy of the report on the floor. I am sure everybody will be as fascinated as I have been to read it because it contains important information.

Opponents of our amendment may question how effective the experts at NHTSA will be in leading the new fuel economy standards. Some might prefer that Congress set a political number as we find in the current energy bill. Our amendment takes an approach that, rather than politics and guesswork, hard science and technological feasibility should be the prime consideration in the development of any new CAFE standards.

I will ask that my colleague from Michigan, who is going to describe this amendment, give you the details. I will just say that it is vitally important that we strike the people killing, jobs killing, market killing, CAFE or miles-per-gallon provisions currently in S. 517 because they would only hurt the consumer and do very little for fuel economy. Let's save jobs and save American lives by voting yes on the Levin-Bond amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, first let me thank my good friend from Missouri for the tremendous effort he has put into fashioning this bipartisan approach to increasing fuel economy. He has played an indispensable role. I am very much appreciative of that and, of course, his presentation today.

This bipartisan approach is an alternative to the language in the substitute that is pending, the language which I will refer to as the Kerry-Hollings language. Our amendment is aimed at increasing fuel economy. That is No. 1. We want to increase fuel economy. We want to do it in a way that also allows the domestic manufacturing industry in our U.S. economy to thrive as well. We think we can accomplish both goals. We don't think these are mutually exclusive goals, inconsistent goals, or goals that are in conflict with each other, providing we do it right. If we do it wrong, we will have a very negative effect on the American economy and on manufacturing jobs in America. If we do it wrong, we will not even benefit the environment the way we should. I will get into the right way and the wrong way in a few moments.

We really have a three-point policy that we are talking about—three policies that we want to emphasize in this amendment. First is the need to increase fuel economy in our vehicles. That is policy No. 1.

No. 2, we put a much greater emphasis on incentives to achieve that goal, positive ways of achieving that goal. We do it in a number of ways in this bill. We have a requirement here that the Government purchase a large number of advanced technology vehicles. Government purchases are a way of advancing the way of fuel economy. The Presiding Officer is a member of the Armed Services Committee and may remember that last year in our defense authorization bill we actually put in a requirement that the Defense Department, starting in the year 2005, purchase hybrid vehicles. What this bill does is it applies the same principle to the balance of our Federal Government so that we use the purchasing power, the pulling power, the positive power of Government purchases to provide a market for advanced technology vehicles or hybrids.

We also have a greater emphasis on joint research and development. The administration has proposed an approach, which is a very useful approach, built on what was called the "partnership for a new generation of vehicles," which the last administration put into place, which is based on partnerships between the Federal Government and the private sector in trying to develop new technology. The administration now has talked about moving with greater emphasis on fuel cells—they call it the "freedom car."

We would add about 40 percent additional funds to advanced technology research and development between the private sector and the Federal Government. That is the second thing we do in terms of positive incentives to try to achieve greater fuel economy.

A third thing that we would do, we would do it in a separate bill, so that this bill would not be subject to a point of order, or subject to a slip that the House of Representatives might be able to file against it. We do something on the tax credit side. We would significantly enhance the tax credits—tax deductions—that are provided for both advanced technologies and for new technologies. In the provision that is going to be offered, I believe, which has been adopted by the Finance Committee, for electric vehicles, we would increase the existing electric vehicle tax credit up to a maximum of $6,000 for 6 years, beginning this year going through 2007. For fuel cell vehicles, we would establish a tax credit up to a maximum of $11,000 for 8 years, beginning in the year 2004, ending in 2011. For hybrid vehicles, the separate amendment we will be offering would establish a tax credit up to a maximum of $5,000 for hybrid vehicles for 6 years, beginning in 2004.

We also would have a greater emphasis on using tax deductions for infrastructure equipment and infrastructure for fuels and alternative fuels—for hydrogen. We would take the existing tax deductions and make them last longer. We would apply them to a greater range of equipment, and we would also establish a tax credit of up to $30,000 for the cost of installation of alternative fuel and hydrogen distribution equipment, beginning in 2002 and ending in 2007.

There are—in addition to what I have just outlined—some research and development programs that we would emphasize. On diesel research, we would coordinate with the Secretary of Energy on an accelerated R&D program to improve diesel combustion. We would have a fuel cell demonstration program between the Department of Defense and the Department of Energy.

Those, briefly, are the things we would do to create positive incentives, market pull, and partnerships between the Federal Government and the private sector, to try to get us to a greater level of fuel economy.

Our third policy is based on our belief that there are a host of factors that should be considered before the CAFE requirement is adopted. We think there should be a new CAFE requirement. Our provision calls upon the Department of Transportation to increase—that is our word—standards for cars and light trucks based on the consideration of a number of factors. Then we list the factors that we hope the Department of Transportation will consider. They include technological feasibility. That is the only one that is in the bill before us.

The bill says it would take the most advanced technologies, assume they will be incorporated into vehicles, and then do not consider, however, the other factors that we say logically must be considered before a new CAFE standard is adopted, such as cost-effective Government motor vehicle standards on fuel economy. For instance, what is the impact on our tailpipe emission standards?

The need to conserve energy; that is obvious. We all want to do that. That is a goal. The desirability of reducing U.S. dependence on foreign oil, clearly, that is one of our goals. What is the effect on motor vehicle safety? As the Senator from Missouri pointed out, the study of the National Academy of Sciences shows that there is a loss of lives and a significant number of injuries which result when you raise the CAFE standards, as we did some years ago. I will get back to the safety issue in a moment because it is a factor that should be considered. That is all we are saying. We are saying that it is logical and rational to have a process where other factors beside potential technological advances should be considered in setting a new CAFE standard.

The adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers, I will come back to that issue because the CAFE structures had a discriminatory impact on the American auto industry with vehicles just as fuel efficient, I emphasize. I want to spend some time on that issue in a moment.

The American-manufactured vehicles are just as fuel efficient, and they are put in a negative position, vis-a-vis the imports, because of the CAFE structure—the fact that it looks at a fleetwide average rather than looking at class of vehicles compared to class of vehicles.

Instead of saying the same size vehicle will be subject to the same CAFE standard, the same mileage standard, it lumps together all vehicles of a manufacturer, and the results are, in my judgment, bizarre and costs huge numbers of American jobs without the benefit to the environment.

We would ask the Department of Transportation, during this period of time that we give to them, to consider rulemaking would also take a look at the effect on U.S. employment, the effect on near-term expenditures that are required to meet increased fuel economy standards on the resources available to develop advanced technology.

What is the relationship between requiring short-term gains on the need to make leap-ahead technologies available to us earlier, to make the advanced hybrids available earlier—and I emphasize advanced hybrids available earlier—to make the fuel cells available to us in 10 years instead of 20 years? What is the impact on taking arbitrary numbers requiring the auto industry year by year to meet those standards on what our ultimate goal I hope will be, which is huge reductions in the use of oil by the advanced technologies called advanced hybrids and fuel cells?

Another thing we would require is that the National Research Council, the part of the National Academy of Sciences that reported in a report entitled "Effectiveness and Impact of Corporate Average Fuel Economy Standards," which was issued in January of this year—we would require that report be considered.

I am going to give some quotations, as the good Senator from Missouri did, from that report because we think that report is an important report.

The time line we would give the Department of Transportation is 15 months to complete the rulemaking for light trucks, and 24 months to complete their rulemaking for passenger cars. If they do not complete it, it would be in order, under an expedited process, for Congress to then take up alternatives which could be considered. It at least puts in place a rational system of looking at many criteria which are relevant to the question of where the new standards for fuel economy ought to be instead of arbitrarily picking a number out of the air, having staff, for instance—apparently we are told staff is considering some numbers—and come up with a conclusion that we could impose a 36-mile-per-gallon or a 34-mile-per gallon requirement on the entire fleet, lumping together trucks and passenger cars.

Mr. KERRY. Will the Senator yield for a question?

Mr. LEVIN. I will be happy to yield at the end of my remarks. I thank the Senator.

Instead of doing that, we should have a rational rulemaking process that is put in place for a fixed period of time that then makes a decision on what the new standards should be. That would be subject to legislative review under existing law, under an expedited process. It can then be vetoed, and under our bill, if there is no report within that fixed period of time, it would then be in order, under the expedited process, to offer alternatives to it.

Those are some of the provisions of our alternative. We think it is a much more rational process. It takes advantage of a rulemaking opportunity where various criteria can be considered, where safety factors can be considered—and I want to get to safety factors in a moment—where we can look at the discriminatory impact on various manufacturers that are put in different positions, put in worse positions. Even though their cars are equal or better in terms of fuel efficiency, they are put in a negative position vis-a-vis their competition.

What is truly bizarre, it seems to me, is it is the American manufacturers that are put in that discriminatory position, that negative position, not based on their efficiency, because we are going to go through that in a minute, but based on the way this CAFE provision is structured. It puts American jobs at risk with no benefit to the environment. It does not help our environment or the air to push somebody into an equally efficient or less efficient imported vehicle than a domestic vehicle that is equally efficient or more efficient. We are not doing anything for the air, and we are costing American jobs.

That is the effect of the CAFE structure. It seems to me, at a minimum, we should ask the Department of Transportation to include in their rulemaking review what are the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers.

I wish to show a few charts.

This is a chart which I have produced which compares, class by class, some American-made and imported vehicles. This is not a chart which was produced by the auto industry. It was produced by me. It obviously does not include every vehicle, but we believe it makes an important point, which is that American vehicles, class by class, are at least as fuel efficient as foreign vehicles.

This chart shows trucks, pickups, SUVs, and the minivan. Those are the three vehicles we studied.

A similar chart can be made for passenger vehicles. We did not do that because that has not been the focus, but we are perfectly happy to compare numbers on passenger vehicles provided we are comparing apples and apples, providing we are comparing classes of vehicles of the same relative size.

We can also look at passenger vehicles, and we can reach basically the same conclusion. The problem is, if you lump all the different classes of vehicles together, at that point you come up with a system which has a discriminatory impact on some manufacturers, and it is the American manufacturers that carry the brunt of that disparate impact.

Take a look, for instance, at the large SUVs. Ford Expedition gets 15 miles per gallon. GMC Yukon gets 15 miles per gallon. Dodge Durango gets 15 miles per gallon. The Toyota Land Cruiser gets 14 miles per gallon. If people want to choose a Toyota, that is their business, but it seems to me we should not be creating a system which pushes people to imports because Toyota can produce hundreds of thousands of additional Land Cruisers without any negative effect in terms of their bumping up against the CAFE limit when the Land Cruiser is not as fuel efficient as the American vehicles.

Midsize SUVs: Ford Explorer, 17 miles; Chevrolet Trail Blazer, 18 miles; Jeep Liberty, 17 miles; Toyota 4Runner, 17 miles—equal or a little better fuel efficient in case of the Trail

Blazer. It is the same with the small SUV, the large pickup, and the small pickup.

We can go through these one by one, but in each case, the U.S. vehicles are either as fuel efficient or slightly more. One can also pick cases where an imported vehicle may be 1 mile per gallon or somewhat more efficient. Those cases will exist if one looks at it enough.

If we look at the entire picture class by class, American vehicles are as fuel efficient as imported vehicles, or in the cases I gave—and in many other cases—more fuel efficient.

We have a situation called CAFE where foreign manufacturers are relatively unconstrained by CAFE because of a fleet mix, not because they are more fuel efficient class by class.

Nothing is gained for the environment if an imported SUV is bought instead of an American-made SUV where the American SUV is at least as fuel efficient as the foreign SUV. Nothing is gained for the air, but a lot of American jobs are lost.

If we look at the opportunity for just one manufacturer—let me back up 1 minute.

This is the impact of a 36-mile-per-gallon combined car/truck standard on five manufacturers. Honda only has to increase theirs by 20 percent; Toyota, 36 percent; GM, 51 percent; Ford, 56 percent; DaimlerChrysler, 59 percent.

Again, I emphasize, because this is the key point, those disparate impacts have nothing to do with the relative fuel efficiencies of the vehicles of the same class. It has to do with the fleet mix.

What we have put in place—I guess the word "bizarre" is as close as I can come to it, because this does not do anything for the environment to push people into an imported vehicle which is no more fuel efficient than a domestic.

If people want to buy an imported vehicle, that is their judgment, that is their business, but for us to have a structure which pushes people in that direction because we constrain the number of larger vehicles which the American manufacturers can produce, although they are equally efficient and many times more efficient in terms of fuel than the imports, it seems to me does not do anything for the environment and it costs American jobs. That is something we should avoid. We ought to take the time to avoid it.

We ought to have a regulatory process where people can look at the disparate impacts on various manufacturers, as well as all of the other criteria which ought to be used, such as vehicle safety.

I will read a couple of statements from the National Academy of Sciences study relative to safety. Page 27: The downsizing and downweighting of the vehicle fleet that occurred during the 1970s and early 1980s still appear to have imposed a substantial safety penalty in terms of lost lives and additional injuries. Page 70: There would have been between 1,300 and 2,600 fewer crash deaths in 1993. That is the year they studied. They picked the year, not me. They picked the year 1993 to look at the impact of CAFE on safety. The National Academy of Sciences said—not the American auto industry, not the insurance industry but the National Academy of Sciences—there would have been between 1,300 and 2,600 fewer crash deaths in 1993 had the average weight and size of the light-duty motor vehicle fleet in that year been that of the mid-1970s.

Similarly, it was estimated there would have been 13,000 to 26,000 fewer moderate-to-critical injuries. These are deaths and injuries that would have been prevented in larger, heavier vehicles given their improvements in vehicle occupant protection and the travel environment that occurred during the intervening years.

In other words—and this is the bottom line for me—these deaths and injuries were one of the painful tradeoffs that resulted from downweighting and downsizing and the resultant improved fuel economy. Painful tradeoffs. Should somebody consider that? Is it worth considering between 1,300 and 2,600 deaths in 1993? That is the typical year they picked. Should that not be at least a factor on the scale?

It is not on the scale in the language that is in the substitute before us. We want to put it on that scale. There is no one of these factors which by itself ought to result in any particular outcome. All of these factors ought to be weighed, but that is not what is in the substitute. In the substitute is a number, arbitrarily selected, which in the judgment of some—and we do not know how, we do not have a committee report to help us through that mine field. All we know is we have a number and then we are told that is reasonable; they can do that.

Look, they can produce vehicles that get 40 miles per gallon. Sure, they can. They can produce electric vehicles which even do better than that. The question is, Are there people who want to buy them? That is always the question. In trying to determine that, do we want to try to factor in what is the cost?

I urge people to take a look at the National Academy of Sciences tables when it comes to costs. They are complicated, they are technical, but they are worth looking at.

Now, the National Academy does not conclude what a new CAFE number should be. We should set the policy, it says, and we are. In this amendment, we are setting the policy. Our policy is, we want to rely more on positive incentives. Our policy is, we want to increase fuel economy. Our policy is, we want to look at a lot of provisions which are relevant to the question of what the new CAFE numbers should be; not just the one factor which the proponents of the language in the substitute rely on, which is potential technological feasibilities, but other factors: costs, safety, adverse effects on relative competitiveness of manufacturer, effect on U.S. employment and the National Research Council's entire report.

I talked about the disparate effects.

The amendment I have made reference to I would now send to the desk on behalf of myself, Senators BOND, STABENOW, and MIKULSKI.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. BOND, Ms. STABENOW, and Ms. MIKULSKI, proposes an amendment numbered 2997 to amendment No. 2917.

Mr. LEVIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. LEVIN. The National Academy of Sciences report also makes some references to these disparate impacts on different manufacturers of CAFE, and this is what they say on page 102: That one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers.

Equal treatment of equivalent vehicles made by different manufacturers seems pretty reasonable to me. This is what they say about that: The current CAFE standards fail this test. If one manufacturer was positioned in the market selling many large passenger cars, thereby was just meeting the CAFE standard, adding a 22-mile-per-gallon car would result in a financial penalty or would require significant improvements of fuel economy for the remainder of the passenger cars.

Then they also say on page 69: A single standard that did not differentiate between cars and trucks would be particularly difficult to accommodate. On page 15: For foreign manufacturers, the standards appear to have served more as a floor towards which their fuel economy descended in the 1990s. This is the result of CAFE. This is the additional sales of large pickups and SUVs which would be allowed under CAFE under today's standard because of the way it is based.

GM, again whose vehicles are equally fuel efficient class by class with their imported competitors: Toyota and Honda, zero. They are up to the limit. Because of the fleet mix, Toyota can sell 312,000 additional, Honda 324,000 additional. If one adds credits which have been built up over the years to that, it reaches, I believe, a million. That is the CAFE system.

Should somebody look at that system? Is that a system which is worth looking at again to see whether or not in fact it has these kinds of disparate impacts?

The National Academy acknowledges that the current CAFE standards fail the test of manufacturers of equivalent vehicles receiving equal treatment.

That ought to be enough, it seems to me, to say we should take another look at the CAFE structure. Someone ought to take another look at it. There ought to be a regulatory process where people can come in, make arguments, where people who have the responsibility to look at all the criteria weigh the criteria, publish a proposed rule for comment, and get comment on it. That is not what is proposed in the substitute. It is proposed we get an arbitrary number and say that is what it will be because some people think that is doable. Some people here, apparently, and some of the outside folks they rely on think that is doable.

That is not a rulemaking process, it seems to me, that looks at all the criteria that need to be looked at when we have something as important as this is for the economy of this country.

I will be happy to answer questions of my friend from Massachusetts if they are still on his mind after I close.

In conclusion, the stakes we have are huge for the environment and for the economy. I have been sensitive to the environment all my life, coming from a State where the environment is absolutely critical, where water and air mean everything. We are in the middle of the greatest batch of fresh water in the world, the Great Lakes. We care deeply about it. We are a State where environment is high on everybody's list.

I will take a back seat—since we are talking about vehicles—to nobody when it comes to my belief we should protect the environment. I believe we can protect the environment in a way which does not negatively impact our economy if we will do it the right way, if we will go at this the right way, with greater emphasis on positive incentives, but greater caution, before we pick a number which we then impose on an industry, particularly when we know from the NAS study that the CAFE system has not been equitable, that it treats equivalent vehicles of different manufacturers in an equal way.

We can fix that—it will take a little time—if we will turn this over, with a fixed calendar and schedule, to a regulatory body which has the responsibility to do this, and then watch them go through a process, issue a regulation, publish that regulation, either adopt it or veto it under existing law, and if they do not comply with the calendar we set for them, we then have an expedited process here to consider alternatives, including those offered by my good friend from Massachusetts and my friend from South Carolina.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise this afternoon to strongly support the Levin-Bond-Stabenow-Mikulski amendment.

First, I thank my colleague from Michigan for all his leadership and hard work on this proposal which I believe strikes a balance to be able to bring together the common goals of increasing fuel efficiency and also making sure we are protecting jobs and supporting the growth in the American economy. I support and thank my friend from Missouri for his hard work and leadership on this issue as well.

I begin by saying that this debate is not about whether or not we should increase vehicle fuel efficiency. I agree with Senator KERRY about the importance of creating more fuel efficient cars and SUVs, not only because it would decrease our oil consumption and our dependence on foreign oil, but because of the important benefits it has our environment. What this debate is really about is what is the best way to increase fuel efficiency without having negatively affected U.S. manufacturers and American jobs.

Before I discuss the Kerry-McCain CAFE proposal, I address the myth that the Big Three's vehicles are not as fuel efficient as their foreign competitors. When CAFE was first enacted as a part of the 1975 Energy and Policy Conservation Act over 25 years ago, the Big Three were criticized for lagging behind their foreign competitors by making bigger, less fuel efficient cars. A lot has changed since the CAFE system was first implemented and this is not your mother's Big Three. When you compare foreign and American vehicles that are in the same weight and class, the American vehicles are as fuel efficient, and often more fuel efficient than their foreign counterparts.

For example, the Toyota Camry, one of the most popular cars in Toyota's fleet, is less fuel efficient than all of its Big Three competitor passenger cars we compare. Both the Ford Taurus and the DaimlerChrysler Concord have a city/highway fuel economy of 23 miles per gallon, which is 1 mile per gallon more fuel efficient than the Toyota Camry. The GM Impala has a city/highway fuel economy of 25 miles per gallon—it is 2 miles per gallon more fuel efficient then the Toyota Camry. This is true across the Big Three's fleets—pound for pound, as my colleague from Michigan likes to say, American cars are as fuel efficient as their foreign competitors.

This is true even for the biggest, heaviest American SUV. This chart shows the fuel economy of the largest SUV models, all of which have larger, more powerful engines. All of the Big Three SUVs have better fuel economy than the Toyota Land Cruiser Wagon. The DaimlerChrysler Durango, Ford Expedition, and GM K1500 Suburban have a city/highway fuel economy of 15 miles per gallon, which is 1 mile per gallon more fuel efficient than the Toyota Land Cruiser Wagon.

The question becomes, with all of these more fuel efficient vehicles in their fleets, why does the Big Three have a lower CAFE number than its foreign competitors? It is because the CAFE system does not reflect the real fuel economy of the cars and trucks in an automaker's fleet; instead it really reflects what vehicles consumer purchase. The CAFE number does not reflect the fuel economy improvements of each vehicle; instead CAFE represents the averaged fuel economy of an automaker's entire fleet which depends on how many of each model consumers actually buy. Therefore, an automaker can increase the fuel efficiency of all of their vehicles but still have a declining CAFE average depending on what models sell the most.

For example, over the past 3 years GM has introduced new truck and SUV models that are more fuel efficient than the models they replaced. They are introducing more fuel-efficient trucks and SUV models than the models they replaced. But GM's light truck CAFE number has either remained flat or actually gone down.

This is the bizarre situation that Senator LEVIN talked about. That doesn't make any sense. But in 2000, GM introduced reengineered full-size SUVs—the Chevrolet Tahoe and the GMC Yukon—which have an increased fuel economy of 4 percent over the models they replaced. The more fuel efficient 2000 models sold were 190,000 more than the previous models, but the GM's light truck CAFE number actually decreased because of increased sales of these more fuel-efficient SUVs.

That doesn't make any sense. That is why we are objecting to the current process for CAFE.

Let me talk about another chart.

In model year 2000, GM's combined car and truck CAFE average was 24.2 miles per gallon. For model year 2001, GM made fuel economy improvements to eight different vehicles in their fleet —the Ventura, the Park Avenue, the Bonneville, the Impala, the Grand Prix, the DeVille, and the Aurora. For all of these models, the fuel efficiency numbers went up.

Some of the vehicles had a 17-percent, 19-percent, or 6-percent improvement in fuel economy over the models of the previous years. But do you know what GM's combined car and truck CAFE average was for model year 2001? It was 24.2, the same as model year 2000. GM improved the fuel economy of eight vehicles, and their CAFE numbers stayed the same. How does a system that does not reflect actual improvements in vehicle fuel economy and penalizes automakers for doing the right thing make any sense?

The proposal of Senator KERRY and others builds upon this flawed system and further compounds the anti-competitive and discriminatory impact on our Big Three automakers. Currently, the Big Three automakers make a higher proportion of trucks than cars. Because of their product mix, this CAFE proposal creates impossible fuel economy targets for U.S. automakers without really affecting the foreign competitors, which is a major concern for me.

DaimlerChrysler, for example, has a fleet mix of approximately 65 percent light trucks and 35 percent passenger cars. Assuming we close the so-called SUV loophole and DaimlerChrysler's light truck fleet achieved 28 miles per gallon, its passenger car fleet would have to average over 76 miles per gallon to achieve the 36-mile-per-gallon fleetwide average.

That is the problem with CAFE. However, Honda, which has a fleet mix of approximately 20 percent light trucks and 80 percent passenger cars, would only have to achieve a passenger car fleet average of 38 miles per gallon to achieve that same 36-mile-per-gallon fleetwide average.

There is something wrong with this picture. Furthermore, this CAFE proposal will not guarantee a more fuel-efficient SUV. But it will guarantee that the SUV will be made by Honda or Toyoto instead of an American-made auto company.

I can tell you as someone coming from the great State of Michigan that this is not something the people of my great State want to see happen, nor should we want it to happen nationally. The impact is serious for us in terms of jobs and the economy. Foreign manufacturers already control a large share of U.S. car sales. Trucks and SUVs are the last domestic stronghold, but the same shift to foreign manufacturers is already evident in the truck market.

This CAFE proposal places an anti-competitive cap on how many trucks and SUV's the Big Three can produce, but leaves their foreign competitors unencumbered to expand into the truck and SUV market. Competitors with fewer sales in the truck and SUV market would be able to increase their sales in this area resulting in a transfer of market share, without a net gain in fuel economy. For example, Toyota can produce up to 250,000 more Tundras today, without increasing any vehicle fuel efficiency and without going below the currently mandated CAFE requirements. Imagine how many more Tundras Toyota could build under this CAFE proposal while our American automakers are restrained from competing in that important market.

These foreign competitors also have more CAFE credits built up from previous model years due to their mainly smaller vehicle mix. By applying these credits to future model years, foreign automakers would be able to further fill the demand for larger vehicles that would be left unmet by the restraints placed on our American automakers. For example, at the end of model year 2001, Toyota has about $140 million in CAFE credits. This would allow Toyota to produce up to 1.1 million Tundras at current CAFE standards before exhausting its built-up credits.

The Kerry-McCain proposal also does not address the pick-up truck problem in any meaningful way. The Kerry-McCain proposal would exempt heavy duty pick-up trucks weighing between 8,500–10,000 pounds, but that is just a restatement of current law because trucks in this weight range are already exempted from CAFE. This proposal fails to address the concerns of farmers, ranchers and other pick-up truck consumers, since the overwhelming majority of pick-up trucks would fall below this 8500 pound limit.

I want to stress that I am not advocating that we protect the Big Three from market competition. I am not supporting a freeze on CAFE standards because I do not believe the Big Three should avoid producing more fuel efficient cars and SUVs.

We are not arguing about a freeze. We are talking about a better way to do this that moves us forward and that gets us to where we all want to go in a way that does not penalize the domestic automakers and cost jobs.

But like a CAFE freeze, this proposal also protects a group from real market competition and thwarts increases in fuel efficiency; however, the group that this proposal protects is not the Big Three, but their foreign competitors like Honda and Toyota.

It is also important to remember that the 36-miles-per-gallon number in this CAFE proposal is not anywhere in the National Academy of Science's report. Even under the optimistic scenarios in the NAS report, which assume that consumers are willing to recover the higher costs of the technology over a 14-year period instead of a 3-year period and assume "average" technology costs, only subcompact passenger cars are projected to reach the 36 mpg within the 10–15 year timeframe. Under these optimistic 14-year payback and "average" costs projections, the highest level for any light truck, which is for small SUVs—is only 32.6 miles per gallon. This CAFE proposal sets a number that according to the experts at NAS, only a smallest passenger car could meet!

This proposal legislates a market advantage for foreign automakers, while in essence forcing a production cap on our American automakers' most popular vehicles.

The EV–I—an electric car—was produced not 10 minutes from my house in Lansing, MI. That plant was closed because they weren't getting enough volume in production. People weren't buying it. We need to find ways to make that more attractive, which is what our proposal does by helping with infrastructure, bringing the price down, and creating more volume.

Our American automakers will be forced, unfortunately, under the underlying proposal, to respond in a number of undesirable ways to meet this unrealistic overall CAFE number, all of which make them less competitive in the car and light truck market.

First, they will be forced to cut vehicles from their fleets or place a production cap on certain cars, which will result in more layoffs and plant closures, I fear.

For example, if GM addresses the fairly immediate 3-mile-per-gallon increase in the light truck standard by simply eliminating its least fuel-efficient products, seven plants in five States employing 38,000 auto workers and 154,000 auto and supplier jobs would be at risk. And GM's sales volume in the light truck market would be reduced by over 1 million vehicles.

Our U.S. automakers also could be forced to strip their vehicles of features consumers want, such as engine size and power to meet this high CAFE number, giving foreign automakers that will not have to eliminate these features a huge competitive advantage.

Lastly, they could reduce the weight of cars, which will compromise vehicle safety, as has been talked about before, since producing smaller, lightweight vehicles that can perform using low-power, fuel-efficient engines is the most affordable way for automakers to meet the CAFE standards. None of these options are good for our American automakers or for our consumers.

Placing U.S. automakers at a competitive disadvantage by penalizing their most popular vehicles will lead to more layoffs and a weaker U.S. auto industry. And we certainly do not need this at this time or any time. It is apparent to all of us debating this issue that the auto industry is not at its economic strongest right now. Practically every week one of our U.S. automakers announces another round of layoffs. Over the past year, our big three automakers—GM, Ford, and DaimlerChrysler—have announced almost 70,000 layoffs and job cuts and 11 plant closures. That is 70,000 in 1 year. Our domestic automakers have already been severely weakened by the current recession. I fear that the underlying proposal to raise CAFE standards will only exacerbate this problem by placing uncompetitive restrictions on our U.S. automakers without effectively increasing vehicle fuel economy.

In Michigan, over 1 million people are either directly or indirectly employed by our domestic auto industry. While the economic impact is particularly devastating in Michigan, this is not just a Michigan issue. The auto industry is the largest industry in the United States and creates over 6.6 million jobs directly or indirectly.

Our amendment—the Levin-Bond-Stabenow-Mikulski amendment—increases vehicle fuel efficiency without placing anticompetitive restrictions on our U.S. automakers. This amendment helps decrease our fuel consumption and dependence on foreign oil in the short term by increasing CAFE for light trucks and cars. But, most importantly, the amendment looks to the future, which is something we all want to do, and provides the market incentives and investments in developing technologies such as hybrids, fuel cells, and clean diesel vehicles that will really revolutionize the American automobile industry.

The amendment directs the National Highway Traffic Safety Administration to complete a rulemaking to increase fuel efficiency for light trucks within the next 15 months and for passenger cars within the next 24 months, but it also requires NHTSA to consider the flaws that we have been talking about today in the current CAFE system as they do this rulemaking. NHTSA would examine important issues that have been talked about, such as adverse competitive impacts of CAFE on our U.S. automakers, impacts on U.S. employment, technology costs, and necessary lead time, the effects of vehicle safety, and the effects on the environment before setting a CAFE number, not after.

The CAFE proposal in the energy bill puts the cart before the horse, I fear, and sets a 36-mile-per-gallon number before having NHTSA have the opportunity to examine all of these factors.

We need to let the experts at NHTSA do their job. NHTSA is properly equipped to address the fundamental changes that have occurred within the industry over the last several years, and to evaluate our current economic situation, technology, and capabilities regarding a higher CAFE standard.

In the past, Congress has enacted a CAFE freeze preventing NHTSA from moving forward with issuing new CAFE regulations. Now that the freeze has expired, we should not interfere with NHTSA's ability to do its job effectively.

Congress also needs to help automakers move in the right direction instead of pulling them in the wrong direction. Foreign and domestic automakers have already invested millions of dollars in developing cleaner, better technologies. These investments are starting to pay off for the American consumer.

For example, DaimlerChrysler will be producing a hybrid electric Dodge Durango SUV starting in 2003, which will have 20 percent better fuel economy than the conventional Durango, without compromising safety or comfort. A hybrid electric version of the DaimlerChrysler Dodge Ram pickup truck also will go into production in 2004. Ford is currently developing a hybrid Ford Escape SUV which will be capable of being driven more than 500 miles on a single tank of gas.

In addition to these great technological developments, automakers have been working on fuel cell vehicles which could revolutionize the automobile sector within the next 15 years. The CAFE proposal in the energy bill will force automakers to divert funding and research away from these important technological advances and make meeting these incremental CAFE increases a funding and research priority. That is a major concern of mine. They are moving in the right direction. The underlying Kerry proposal would force them to change direction to meet some shorter term goals. This CAFE proposal also locks the automakers into a rigid fuel efficiency plan for the next 10 years, setting back the progress they are making putting these important technologies into place.

Instead of placing restrictions on what our automakers produce, we should be looking for ways to help them introduce these better, cleaner technologies. The Levin-Bond amendment includes these incentives, such as Federal fleet purchase and alternative fuels requirements and a real Federal investment in hybrid, clean diesel, and fuel cell research and development—all the things we know have to happen.

The amendment requires that 10 percent of the light-duty trucks in Federal fleets be hybrid vehicles by 2007, and requires the Federal Government to use alternative fuels in all of their dual-fueled vehicles. The amendment also increases funding for the Freedom Car Initiative for fuel cell vehicles by 40 percent.

Finally, the Levin-Bond alternative includes important consumer tax credits for electric, hybrid, and fuel cell vehicles, which will be offered in a separate amendment. These tax incentives will help create and build market demand for the most efficient hybrid, electric, and fuel cell vehicles, instead of locking automakers into costly incremental CAFE increases.

I urge my colleagues today to vote for the Levin-Bond amendment and support increased fuel efficiency and a vibrant, economically healthy U.S. auto industry.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise as an enthusiastic cosponsor of the Levin-Bond amendment on these CAFE standards.

Our amendment, I believe, provides a strategy for energy conservation while safeguarding American jobs. I believe in energy conservation. I believe it is an absolute national necessity. But I also believe in job conservation—American job conservation.

I believe we can improve the fuel efficiency of our cars without sticking a knife through the hearts of our Nation's auto workers.

I believe we can do it by applying four criteria. These are criteria I know the Presiding Officer has helped develop. We need to achieve real savings in oil consumption. We need to preserve U.S. jobs. And whatever we do must be realizable and achievable. That means giving companies a reasonable lead time to adjust their production, to develop, test, road test—not laboratory test—and implement new technologies. What works well in the lab doesn't always work so great on the beltway.

We also have to create incentives to enable companies to achieve these goals. Incentives are a favorable tax policy. I don't believe the Kerry-McCain proposal meets those criteria, but I do believe the Levin-Bond amendment really does.

In terms of the Kerry-McCain language, as I understand it, it will require a 50-percent increase in CAFE standards to reach 36 miles a gallon by the year 2015, enabling the National Highway Transportation Safety Administration to combine car and truck fleets into one category. You have to listen to that. It would combine car and truck fleets into one category—that means we take apples and oranges and say that fruit salad is the same—creating a single standard for both cars and trucks that would help foreign car manufacturers and penalize U.S. automobile workers for selling vehicles that we Americans are absolutely buying.

Why would this help foreign car makers? When you look at the fuel mileage or the achievement in mileage, European and Japanese automobile companies in various categories roughly achieve the same fuel consumption standards, but foreign manufacturers sell many more small cars. They not only sell small cars, they sell microcars, those really little cars that look as if they are golf carts on wheels. Then when you include their SUVs and light trucks, their average fuel efficiency standard is lower—not because their SUV fuel efficiency standards are lower or that their light trucks are lower, it is because they sell more of these microcars. That is why they are able to comply with higher CAFE standards.

I believe we do need conservation. There is no doubt we need to reduce our dependence on foreign oil. We all acknowledge that half of our oil is imported. A quarter of our oil is imported from the Persian Gulf. We know we need to reduce our dependence. But we could do it through the kinds of recommendations made in the Bond-Levin amendment.

Before I go on to talk about Bond-Levin, let me talk a little bit about the Kerry-Hollings proposal. I know my colleagues have worked very hard on this, and we all share the same national goals. But how we get there I am not so sure is in the national interest.

First, it is unfair to American workers because it gives foreign manufacturers a leg up in the middle of a recession. It is arbitrary, and it is also unattainable, setting very aggressive standards on too short of a time line. And it would limit consumer choice by effectively capping the sales of light trucks. There are other ways to achieve fuel conservation.

I want to come back to the whole idea about foreign car companies producing smaller cars and that is what their customers buy. There is no doubt that Americans are buying these microcars. There is no doubt about it. They are usually younger or older or often a second car in the family. For middle-class families, though, they are not the core car. The core car is an SUV or a minivan. I will talk about that in a minute.

When we talk about, again, achieving those standards, putting everybody and everything in the same category, quite frankly, it is like putting a bagel in with strawberries, and the strawberries are lower in calories and the bagel is not, and saying, we are going to have the average of calorie consumption. Do you follow that? Or raspberries. I think a lot about this amendment—some of it is raspberries.

We need to recognize that over the past decade the U.S. car manufacturers have struggled to meet CAFE requirements across a full line of vehicles in both cars and trucks.

American consumers are really obsessed with safety. This is why many of them are turning to a larger car. The Kerry-McCain amendment does effectively cap the sale of light trucks, since the default level for light trucks is not achieved by any light truck on the road today.

Some people are talking about exempting the light trucks. I am for that. If there is a pickup truck waiver, I am going to vote for it. But very often that is a guy thing, though many women do drive light trucks. But most women are driving minivans and SUVs. A couple years ago, all we who hold elective office were very busy chasing the soccer mom. We wanted the soccer moms' vote. But while we were chasing the soccer moms, the soccer moms were chasing after car companies that made SUVs and minivans. And why do American women love SUVs and minivans? Because they need increased passenger capacity and they want increased safety.

When you are a soccer mom and you are picking up the kids or you are carpooling or have kids with gear, such as the soccer kids, or the lacrosse kids or the ice-skating kids, they come with their own gear. Some children have backpacks as large as a marine going off to Afghanistan. Those mothers need large capacity.

Do you know what else they need? They need passenger safety. They want to have a bulkier car in order to be able to protect their children on these highways and byways that we are now constructing. Anyone who rides the 495 beltway in Washington or 695 in Baltimore knows we face big trucks; we face road rage. Mothers want to be in the functional civilian equivalent of a Humvee. Why? Because they are scared. They are scared for their children and for their safety. So they go big and they go bulk.

Do we approve of it? Would we like better fuel efficiency? The answer is, absolutely, yes. I know a lot about these minivans because General Motors makes two of them, the Chevy Astro and the GMC Safari, right in my hometown of Baltimore. Right this minute at Broening Highway in Baltimore, there are 1,600 employees working to produce these Astro and Safari vans. In 1 year they make 80,000 vehicles. That keeps 1,600 workers happy and 80,000 consumers happy.

That 1,600 sounds like a lot of jobs. In 1978, we had 7,000 jobs. We have downsized. We have modernized. We have strategized. But we are down close to 6,000 jobs.

I feel very close to these workers. I grew up 4 miles from this plant. My dad had a grocery store. People who worked at General Motors and Bethlehem Steel were not units of production or those who have to give way to displacements in the info age. They were our neighbors; they are our neighbors.

What did we know about the General Motors plant? It was a union job. We knew it offered a good job at good wages and good benefits. We knew they were good neighbors because they sponsored the little leagues and were one of the largest contributors to the United Fund to be able to help others who didn't quite have the good jobs and the good wages that they did.

For our working men, they could actually go to work and not only put in an honest day but get a fair pay back to be able to raise their families and pursue the American dream.

In my hometown of Baltimore among African-American men, when I grew up, Baltimore was a segregated town. But down there at the steel mill in the UAW line, it is where African-American men went to get a decent job. If you were an African-American male in Baltimore, you had two choices where you could have a decent job, decent benefits, and a chance to be able to move up. It was either a civil servant job, such as at the post office, or it was a union job, such as at General Motors. As more and more women came into the workplace, again, for many women, General Motors was the place to go. We employed the "Norma Raes" of automobile manufacturing.

We are talking about honest Americans who get up and work hard every day. They wanted the American dream, and they had opportunities. People with European ethnic heritage and people with African-American heritage had a chance to work hard and move up. Many of them had a chance to go on to higher education, and their children did also. But we now have these 1,600, and when this goes, it goes. When this goes, it really goes. There is nothing else there. We can talk about digital harbor or smokestacks and cyberstacks, and we can be cute and clever; but when this goes, it goes forever.

Now, I am on this floor fighting for those people. Do you know why? Their sons are actually the ones who went to Vietnam, the ones who were in Desert Storm, and the ones who are in Afghanistan. During the Vietnam war, there was no draft counseling in that line. Every time America calls, these kinds of workers step forward. Often, their brothers are our firefighters and our police. These are the ordinary Americans who, every day, are willing to step up.

So while we are talking about hybrids, and while we can nibble at our sushi and talk about the future that is going to be ozone-ready, we have to think about who is going to work in this country and where they are going to work. Do we want to give up on our manufacturing base? I don't think so, and I hope not. Whether it is in Detroit, or Maryland, or whether it is other States that employ them—and we are happy to have the Hondas. I have a UAW plant up in western Maryland that is now part-owned by Volvo. We are happy to have them because they honor their contracts.

But I think we ought to start honoring our contract. We ought to have a contract with the American workers. There is something about America we need to remember: That as we defend America from foreign foes, we need to defend America from the loss of jobs to foreign imports, or to something called CAFE, or let's put everybody in the same pot and measure the standards in the same way.

Mr. President, 1,000 workers were recently laid off at General Motors on a temporary shutdown because of a lot of this. I could go on about those workers, but I think I have made my point. Just remember, when these jobs go, they go, and they will never come back. While we are so busy putting everything on a fast track to Mexico, I will tell you that they go to Mexico first, and then they find Mexico too expensive and they go to Central America, and then they go on to China. So we have to start making some tough choices.

We could go on to talk about the other issues, but I know we also need to look at the other alternative. I believe the Levin-Bond amendment is a very sensible alternative. It really works to reduce our dependence on foreign oil, but it also insists that we look at the effect on U.S. employment; that we look at motor vehicle safety; that we look at the cost and lead time for the introduction of new technology. I believe new technologies will help us lead the way.

I think it also gives us an open-ended dodge ball kind of situation because it gives two dates and time lines to the Department of Transportation. It says we have to increase standards for light trucks in 15 months. It says for passenger cars we have to have a rule within 6 months. It also separates out standards for cars and light-duty trucks. Remember, this is one of the crucial aspects of this amendment. It separates out the standards for cars and light-duty trucks. We can compete with anybody in the world. But where you have a disproportionate thing going on in the market, it renders us almost helpless.

The automakers such as DaimlerChrysler have a fleet that is roughly 70 percent light trucks, while manufacturers such as Honda have a fleet that is less than 30 percent light trucks. I believe the Levin-Bond amendment does it very well.

We need tax incentives on electric vehicles, fuel cell vehicles, and hybrid electric vehicles. Everybody likes them. I will see if they work over time. I have seen a lot of these kinds of cars come and go. Some work very well, some sputter and end up in a junkyard clutter. I don't know where they will go, but I will give them the benefit of the doubt. I want to see the technologies road tested more before they are introduced.

I know others want to speak. I believe we can have energy conservation and job conservation, innovative solutions, improved technology, and the setting of realistic goals. That is what Levin-Bond does. When you look at Levin-Bond, you see that it saves energy, jobs, and it saves lives. For those now who are speaking in the Chamber so passionately about energy independence and why it is in our national security interest, I hope we talk about trade adjustment and start standing up for steel and what we need to do to make sure we are steel-independent. I hope we have the same passion in standing up for our steelworkers. I am going to stand up for those hardhats every day any way I can, whether it is in the automobile industry, or whether it is in the steel industry, and so on.

For all of those men and women who, every day, at plant gates shook my hand—and their hands were calloused, and they would go home with bad backs and varicose veins—BARBARA MIKULSKI is on their side, and I hope the rest of the Senate is also.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I have listened with great interest to the comments now of a number of my colleagues—each of those who are the sponsors of the Bond-Levin amendment—and I have really listened with interest because the debate that I think the Senate deserves to have right now is one based on the truth, based on the facts, based on science, and based on history. I have heard some of the most remarkable Alice-in-Wonderland comments in the last few minutes that I find it hard to believe we are really talking about the same thing.

Senator BOND suggested that if we don't accept their amendment, people are going to actually be driven into getting into golf carts—a string of golf carts—which is not a very efficient way for a family to be transported. I heard another comment that we don't want to push people into imported vehicles. Well, of course, we don't.

I just listened to a very appropriate and distinguished speech about workers in this country. I remember with great pride that moment in 1971 when Leonard Woodcock introduced me to the United Auto Workers and I was inducted as a lifetime member. I don't know anybody who runs for office in this country on a getting-rid-of-jobs platform. I don't know anybody who comes to the floor of the Senate suggesting, knowingly—and I hope not negligently and inadvertently—that a plan they are submitting is going to render Americans jobless.

I am here to defend the workers in Detroit, and in other parts of this country, just as much as anybody else. When I hear the notion invoked about who goes to fight our wars and who comes back as veterans and these are the people who work there—I know those people, and you bet I want them to keep working. I believe they can keep working. There is nothing that suggests that somebody in Detroit cannot make a better car than the Japanese. There is nothing to suggest that a Detroit worker, or one in any other part of the country, can't make a better and more efficient car than the Germans. American workers are the best workers, the most productive workers in the world. Those workers are handicapped by choices made by management.

The worker does not decide what the model is going to be. The worker does not decide which car is going to be manufactured and what the changeover date will be. They report every day and go to the floor. They punch in and make the cars that the designers and the executives give them to make, and they do it well.

I proudly drive one of those minivans. I drive a Chrysler minivan. I think it is a terrific car. It is my second one, and I hope to get another one down the road.

Mr. President, let me tell you something: There is nothing in the CAFE standard that makes me believe I will not be able to drive a minivan at any time in the future. Nothing.

What kind of scare tactic is this? Do you want to put the lie to this, Mr. President? Here it is: "Coming in 2003. The Ford Escape hybrid electric vehicle, the first high-volume, mainstream alternative to the traditional powertrain in nearly 100 years." Bill Ford, chairman of the Ford Motor Company.

Congratulations, Mr. Ford. I hope your stock goes up. I hope you will be recognized as the leading CEO in the country for starting to promote efficient vehicles.

The fact is that on its own Web site, the Ford Motor Company says: "A vehicle"—I want to juxtapose this. I want to read a paragraph from an editorial in Automotive News. It is about the CAFE hearings in the Commerce Committee, at a time when the industry refused to discuss any notion of improving fuel economy.

I point out this editorial in Automotive News:

> Let's get real. It's time for automakers to deal forthrightly with fuel economy issues. These are not the 1970s or 1980s or even the 1990s. To deny or refuse to admit that there is technology that can reduce fuel consumption significantly is ludicrous. The industry's credibility is at stake.

Let me emphasize, this is Automotive News writing that the industry's credibility is at stake. I urge my colleagues not to be intimidated by these hollow threats.

This is what Ford Motor Company says:

> A vehicle that gives you all the room and power you want, but uses half the gasoline.

Half the gasoline. What kind of situation is this? I do not know how many millions of dollars have been spent in the last weeks on television advertising to farmers that you cannot farm in a compact car. Well, no; whatever. Really? I mean, what a phenomenal concept. People believe that? CAFE standards do not even apply to tractors. They do not even apply to heavy trucks now. And if we do our will in the Senate, they probably will not apply to pickup trucks. What are we talking about here?

The chart of the Senator from Michigan is a very selective chart. It does not show all the vehicles in the mix. I will come back to that in a minute.

We heard a threat about safety. We heard a reading from the National Academy of Sciences about safety. That was page 28 of the National Academy of Sciences. Let me read page 70 from the National Academy of Sciences. It says as follows:

> It is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size and, therefore, without significantly affecting the safety of motor vehicle travel.

Those workers in Detroit and elsewhere, about whom we all care, can build the cars of the future. They can build a more efficient vehicle. They can build the hybrid electric SUVs with all the room and all the power one would want and twice the mileage if Detroit will choose to ask them to do so.

That is what this debate is about. It is about the future for our country in national security, on environmental issues such as global warming, and even it is about whether or not we intend to be competitive with the Japanese and Germans because, as I will show, the Japanese and Germans are building vehicles that Americans want and increasingly they are growing the marketplace in the United States.

Let me go to that for a moment, if I may. This is a chart—I do not have it blown up—but this is Toyota's North American operation. In fact, in the last years, we reached a peak of automotive employment in the United States in 1999. We have lost a few workers in the last few years, I acknowledge that, but we did it without CAFE standards. One reason is because the companies moved some plants to Mexico. They do not tell you that.

Even while they are doing that, Toyota and Honda are moving plants to the United States. Look at this map. We have Toyota in New York; Toyota in Buffalo, WV; Toyota in Georgetown, KY; Toyota in Columbus, IN; Toyota in Princeton, IN; Toyota in Huntsville, AL; St. Louis and Troy, MO; Newport Beach, CA; Torrance, CA; Ann Arbor, MI; Freemont, CA; Torrance-Gardenia, CA; Long Beach, CA; Whitman, AZ.

The same pattern can be shown for other automakers. Now they are making something like 600,000 vehicles in the United States. What kind of vehicles are they selling in the United States, even though the Big Three continue to dominate the market? I understand that. But you have to look at trends. You have to look at the direction in which you are moving.

In 1975—and I want to go back to this because this is an important part of the context of this debate. This debate is not just about this moment in time. It has a history and we have to balance the choices we face today against the history of where we have traveled.

I want to show this chart, but let me go to the beginning. Motor vehicle miles in the personal automobile vehicle are at the lowest level in 20 years. We are going backwards in fuel efficiency.

My colleagues say: Oh, we are moving up in this direction; we do not need to have a dictate from Congress; we are going to get there because the automobile industry is going to get there without a mandate.

Let me show the record for the last years. From 1988 until the year 2001, of all the new technologies that were developed by the American automobile industry, 53 percent of those new technologies went into horsepower; 18 percent went into acceleration; 19 percent went into weight; minus 8 percent went into fuel efficiency.

We now have cars on the road that can go 140 miles an hour, even though the speed limit is 65, 70, 80 permissibly in some places. One can only go so fast between stoplights in many cities.

Minus 8 percent on fuel efficiency. I like driving a big car, too. I am just like any other American. Indeed, for a number of years, all of us have been forced to think in the defensive way that has been referred to. You see another big car on the road, you get a little intimidated and say: Gee, if I am going to protect my kids, I am going to have a big car on the road, too.

In fact, what has happened in the last years, according to the National Academy of Sciences that the Senator from Michigan quoted is that the Toyotas and the Honda Civics went from weighing about 1,800 pounds up to 2,600 pounds. The Honda Civic grew in weight, and indeed some of the other big SUVs grew also. It is true if a Honda Civic hits a big SUV, your chances of doing well in the Honda Civic are not as great. I understand that.

The older National Academy of Sciences study, which the Senator relies on when he talks about safety, did not include airbags. It did not include the new standards of restraints. It also did not include what we have in our bill, which are rollover standards, because the biggest single problem for Americans in terms of SUVs is rolling over and being crushed because we have no standard for the roof and for the roll capacity of the car. So the fact is these cars can be made efficient and safe at the same time.

They are trying to scare people with this safety standard. I heard one of my colleagues say we have to do this based on science. Well, it is based on science. It is not arbitrary. This is not a figure picked out of the sky, as one of my colleagues has said. This is a figure that is less than many scientific analysis say we can achieve.

I want to make very clear to my colleagues that this is not a vote between the Kerry-Hollings 35-mile-per-gallon standard and the Levin-Bond proposal. The reason it is not that vote is that Senator McCAIN, Senator COLLINS, Senator SNOWE, Senator GORDON SMITH, and Senator CHAFEE have joined together with Senator FEINSTEIN and others on our side of the aisle with a proposal that alters the current Kerry-Hollings proposal. It is not my preference, but I understand the votes in the Senate, and it is what we need to do to compromise. It will reduce the standard in the bill today to about 32 miles per gallon if the full trading program is used, which I ask my colleagues to think about.

The current fleet average is about 25 miles per gallon. If we cannot go 7 miles per gallon in 13 years, what can we do? That is the vote. This is a vote whether or not we want no standard at all and you turn it over to NHTSA, which has a long reputation of being managed by administrations and by outside interests and not being able to set the standard. It is not even staffed efficiently enough today to be able to do it. The NAS is in fact better staffed and has had more background research than they have done in years, because on the other side of the aisle in 1995 Speaker Gingrich and the Republicans brought a complete prohibition on the ability of the EPA to even analyze what might be the benefits of raising the standards.

That tells you a huge story. It says what you have is an ongoing process by which the industry is fighting against whichever forum might be the least friendly to it. When Congress might do something, they say go to NHTSA if the administration has a handle on NHTSA. When NHTSA might do something, if they are in control of Congress they say go to Congress; Congress ought to do it.

In 1989 and 1990, they specifically said, we really think NHTSA is the proper place to do this. Then lo and behold, the Republicans controlled the House and the Senate in 1995 and Andrew Card, then representing the automobile manufacturers, said, oh, no, we do not think NHTSA is the right place, contrary to what they had said for the last few years. They said, we had better go to Congress.

What we see today is an effort to congressionally implement the same kind of forum shopping for the least standard possible for the least environmental effort possible.

I want to show a little bit more of this history. My colleagues may not be familiar with the background, but let me point to some of the comments of the industry in the last years as we analyze where we are trying to go.

I also want to put in proper perspective what I said about these advertisements. In the last 3 weeks, this is what the industry has said publicly:

> Make no mistake, the Senate proposals would eliminate SUVs, minivans and pickup trucks. If these proposals pass, the only place you will see a light truck is in a museum.

What they said in 1975 was:

> If this proposal becomes law and we do not achieve a significant technological breakthrough to improve mileage, the largest car the industry will be selling in any volume at all will probably be smaller, lighter, and less powerful than today's compact Chevy Nova, and only a small percentage of all models being produced could be that size.

That was the threat in 1975. That was General Motors. Let me read what Chrysler had to say:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years, even though the Nation does not have the tooling capacity or capital resources to make such a change so quickly.

Did that happen? Did any of this happen?

Then Ford said:

> Many of the temporary standards are unreasonable, arbitrary—

"Arbitrary," that is a word we have heard again—

> and technically unfeasible. If we cannot meet them when they are published, we will have to close down.

The fact is, the industry flourished. The industry met the standards, and more people were employed. The industry actually turned around and became competitive.

Our colleague, Senator FRITZ HOLLINGS, helped write these laws. He was in the Senate then. I expect he will be in the Chamber to talk about that experience. Senator HOLLINGS heard these same arguments, and Senator HOLLINGS said then:

> I am not trying to shut you down. I am trying to save your jobs.

That is in fact what happened. I say the same thing to those workers in Detroit about whom we care. We are trying to save jobs in America by making an industry that is so reluctant to embrace change live up to a standard that will make their automobiles competitive. In fact, the National Academy of Sciences says the cost of doing this is saved to the consumer in the gasoline savings over the lifetime of a car. The gasoline savings will save the differential in cost, in addition to which we are prepared to provide a tax credit to people who buy the efficient cars. So we can make up the difference of cost to Detroit. We can make up the difference of cost largely to the consumer if that is what we want to do. This is not a zero sum game of jobs or national security, protecting the environment, reducing our dependence on oil, and being more efficient, and reducing, incidentally, extraordinary costs to our citizens of the air quality that they breathe.

I might add, if we were to do what we are seeking to do, we would cut global warming pollution by 176 metric tons by the year 2025. There is no other effort in the United States of America that is as significantly capable of adding now to the Clean Air Act efforts already in effect than to try to join the world in being responsible about global warming. That is part of what this vote is about.

The scare tactics being used by the industry today are absolutely no different than the scare tactics they used 25 years ago, when there was a completely opposite outcome from what they predicted. Every scientific input and analysis shows you can create net jobs at no net cost to the consumer with no loss of safety. That is the finding of the National Academy of Sciences.

I would love to see a list of what consumer group in America, what environmental group in America, supports Bond-Levin. What consumer group in this country will say safety is compromised? None. Not one. Why? Because they do not support Bond-Levin.

I will tell you why. Let me read a statement from the two important automobile safety groups in America, the Public Citizen and Center for Automobile Safety, are both supporting a CAFE standard.

This is what they say: The auto industry is using an outdated, inaccurate, and hypocritical argument about safety to try to derail stronger corporate average fuel economy standards. Public Citizen and the Center for Auto Safety have long been two of the strongest voices calling for safer vehicles in the United States. We do not believe that stricter fuel economy standards must cost lives, and we know that a strong fuel economy bill can save lives by changing the nature of America's vehicle fleet.

How does it change the nature of America's vehicle fleet? Very simply: It reverses this trend where all the technology goes into horsepower and acceleration—for cars that already go twice the speed limit—and puts some of it into weight and fuel efficiency so you actually reduce the largest weight and size. You do not have to give up any capacity within a car. A minivan will stay a minivan. It will still take soccer moms to soccer games. It can still be filled up with whatever the legal number of kids is, and dogs, and all of the paraphernalia of sports. But guess what. It will get to the soccer game costing less money. It will get to the soccer game in a way that repays the cost of the car over the lifetime and may even create greater savings, and savings when our standards for rollover and safety are adopted.

This is the most bogus argument I have ever heard in my life. The history of this issue proves it is.

Honda, in its testimony before the Senate Commerce Committee, said the following: Honda concurs with the dissenting opinion expressed in the National Academy of Sciences report that the data is insufficient to conclude any safety compromise by smaller vehicles. The level of uncertainty about fuel economy-related safety issues is much higher than stated in the record. Significantly, existing studies do not address the safety impact of using lightweight materials without reducing size, especially for vehicles with advanced safety technologies.

I might add that we specifically looked for a rollover proposal that would greatly improve the safety standard.

The other day in the Washington Post there was an analysis by the Washington Post that said the threats of the industry are false. That is the language of the Washington Post.

> Although any increase in gas mileage inevitably will come at a cost—

And I have acknowledged that there is some increase in cost—

> the estimates of the National Academy are $500 to $2,000 over the period of time.

But the notion that the bill would rid American highways of SUVs and pickup trucks, as some auto industry ads explicitly claim, is false.

I ask unanimous consent that the Washington Post article "Fuel Economy Turns Emotional" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 10, 2002]

DEBATE ON FUEL ECONOMY TURNS EMOTIONAL

With a hearty shove from Detroit, Senate opponents of a bill to raise automotive fuel economy standards—part of broader energy legislation now on the Senate floor—are painting the measure in apocalyptic terms, sketching dire consequences for the nation's armada of SUVs and minivans.

Senate Minority Leader Trent Lott (R-Miss.) calls the proposal—by Sens. John F. Kerry (D-Mass.) and John McCain (R-Ariz.)—an example of "nanny government" that would deprive him of the SUV he uses to haul around his three grandchildren.

Sen. Don Nickles (R-Okla.) whose wife drives a Nissan Pathfinder, warns that higher fuel standards will force such drastic reductions in vehicle size and weight that traffic fatalities will increase "by the thousands."

And Sen. Zell Miller (D-Ga.) believes the legislation should at least make an exception for pickups, which he described as the "think tank of rural America" because "more problems have been solved on the tailgates of pickup trucks after a long day's work than have been solved anywhere."

Such emotive language is typical of the unfolding Senate debate on the legislation, which would raise average fuel economy standards for the American automobile fleet from 24 miles per gallon to 36 miles per gallon by 2015. As described by opponents, the measure is an elitist assault on a cherished national birthright that would compromise safety, limit consumer choice and impose undue hardships on Americans who have come to depend on big, powerful vehicles for work and play, especially in rural areas.

As is often the case when Washington debates policy, however, emotions and symbols are getting more attention than substance. Although any increase in gas mileage inevitably will come at a cost, the notion that the bill would rid American highways of SUVs and pickup trucks—as some auto industry ads explicitly claim—is false.

"The fact of the matter is, you might have to use some of this improved fuel efficiency to improve economy rather than increasing performance, but certainly it doesn't mean that you couldn't have an SUV," said Adrian Lund, chief operating officer of the Insurance Institute for Highway Safety and a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences last year.

Paul Portney, chairman of the panel and president of the think tank Resources for the Future, called the legislation "somewhat aggressive." But he said it was "roughly consistent with what the academy identified as being technologically possible, economically affordable and consistent with the desire of consumers for passenger safety."

He added, "There are technologies out there that would make it possible, if given enough time, like 10 to 15 years, for [manufacturers] to meet these standards without decreasing the size of the cars or increasing the price too much."

Those on the other side of the debate, of course, have also been known to gloss over inconvenient data. As the legislation is structured, for example, manufacturers could chose to improve fuel economy not only by technology but also by cutting weight, which could make vehicles less safe, Lund said.

In similar vein, raising the Corporate Average Fuel Economy, or CAFE, standard would force manufacturers to divert resources into fuel efficiency at the expense of performance improvements sought by consumers, such as better acceleration or new dashboard gadgets like on-board computers and satellite navigation systems.

"There are exaggerated claims on both sides," Portney said. "It's certainly not the case that we can ambitiously boost fuel economy and laugh all the way to the bank doing it. It diverts car companies from doing things they would otherwise do."

But the trade-offs associated with higher fuel economy standards may be less burdensome than some in the auto industry, or Congress, would suggest. For example, the higher purchase cost of a fuel-efficient vehicle would likely be offset by lower gasoline costs over time.

Nor is it clear that stiffer mileage rules would compromise safety. Last month, a consulting firm hired by Honda Motor Co. reported that reducing the weight of cars and light trucks by 100 pounds would actually improve safety, albeit by a "small and statistically insignificant" margin. The finding contradicted an earlier finding by the National Highway Traffic Safety Administration that higher mileage standards—and lower vehicle weights—had added to highway deaths.

Such nuances get short shrift in industry ad campaigns. The Coalition for Vehicle Choice, which is backed by the three major auto manufacturers, is running print ads in New Hampshire urging voters to contact their senators on behalf of "the endangered SUV and pickup." The ad shows a snowmobile blasting through a drift above the caption, "Without SUVs, you're looking at one expensive piece of garage furniture."

"Imaging climbing an icy mountain, towing your snowmobile, but instead of driving a pickup or an SUV, you're driving a compact car," the ad says. "That's what you could be forced to do, if some U.S. senators get their way."

A similar ad—paid for by groups such as the U.S. Chamber of Commerce and the National Automobile Dealers Association—shows a forlorn looking man next to an SUV, a canoe strapped to the roof and two small girls sitting on the hood. "We work hard all year so our family can go fishing and camping together," the ads says. "We couldn't do it without our SUV."

Many of those arguments were repeated almost verbatim last week on the Senate floor. Lott said the CAFE measure would rob him of quality time with his grandchildren because he likes "them to be able to ride in the same vehicle with me."

As it happens, Lott is already doing his part for conservation. He drives Honda CRV, one of the smallest and most fuel-efficient SUVs on the market.

Mr. KERRY. Mr. President, in 1972, 1973, and 1990, each time the auto industry has said: We cannot do this.

They said it about seatbelts. They said it about laminated windshields. They have said it about every single requirement, each time Congress has agreed we ought to try to do these things. This is not arbitrary. Congress has made decisions about safety, fuel efficiency.

We invited Ambassador Stuart Eizenstat to testify before our committee. In 1975, Mr. Eizenstat was the domestic policy adviser to President Carter. He was part of the team that developed the first CAFE standards. His testimony speaks very directly to this issue. I will quote from his testimony. He said: In spite of the obvious merits of the standards, the American automobile manufacturers were opposed to the regulations. I remember their opposition well. In my role as domestic policy adviser to President Carter, I was part of the team that developed the first CAFE standards. Those standards set the fuel economy levels for the period 1977 to 1985, starting at 18 miles per gallon in 1977 and rising to 27.5 in 1985.

He said: I specifically remember a meeting in the Cabinet office with President Carter and the heads of the Big Three automobile manufacturers: Ford, General Motors, and Chrysler, in which all three strongly opposed the imposition of fuel economy standards. They claimed their companies lacked the technology to reach the standard that the administration had in mind.

Does that sound familiar? Yet once the CAFE standards were implemented, all three companies met and exceeded the standards.

I can imagine the pressure you are under from those same companies and others as you consider raising the standards. But as you embark on this process, I strongly urge you to recall our experiences in developing the first set of CAFE standards. You should feel confident that the automobile manufacturers do have the ability to achieve and, in fact, surpass whatever standards you set.

I believe Ambassador Eizenstat has proven himself to be an enormously capable negotiator, and very studious, and I think most people would agree one of the most thoughtful contributors to positive dialog in the political process in this country. He said we should do this; we can do this. He testified before the committee, as, I might add, did countless other entities in this country that were affected one way or the other by the potential of this change.

Mr. McCAIN. Will the Senator yield?

Mr. KERRY. I am happy to yield.

Mr. McCAIN. Is it true, in the view of the Senator from Massachusetts, that various claims have been made over the past several years, particularly back in the 1970s, the last time CAFE standards were increased, in fact, these comments were tantamount to the end of Western civilization as we know it? Is there a strange similarity between those comments made in the 1970s and those made today? Has the Senator noticed that?

Let me give an example. Daimler-Benz senior vice president, from the New York Times: We are facing a radical and unrealistic proposal. The proponents are being dishonest. You cannot get 35 miles per gallon and still have sport utility vehicles and minivans.

Bill Burke, the No. 3 man at Ford, in June 1976: In a year to 18 months, I see a rising demand at the small end. It will be pretty hard for any but pint-size cars to get that kind of mileage.

Mr. Morrison, GM spokesman, said it would be virtually impossible to meet standards resembling that. We will have to tear our product line up.

In 1974, a Ford representative said before the Senate Commerce Committee, on which Senator KERRY and I serve, that CAFE will require the Ford product to consist of either all sub-Pinto-sized vehicles or some types of vehicles ranging from a subcompact to perhaps a Maverick.

The spokesman for the Alliance of Automobile Manufacturers said that if these proposals pass, the only place you will see a light truck is in a museum.

Is there a haunting similarity between those comments made back in the 1970s and today that the Senator from Massachusetts may have detected at the same time the Ford Motor Company advertises a 40-mile-per-gallon SUV by the year 2003? Does the Senator find a certain irony in these historical perspectives on this issue?

Mr. KERRY. Mr. President, let me say to the distinguished Senator from Arizona that each and every one of those comments is just a mirror image of the comments being made by the industry today.

As I mentioned before the Senator came to the floor, I read an editorial which came from one of the automotive magazines that specifically said the industry's credibility is on the line and that they have to get serious.

I met with some of the industry's representatives. I talked to Mr. Ford on the telephone for a few minutes. I said I thought it would be good if we tried to get together and do something thoughtfully.

I asked the industry this question: Is it possible for you to agree that you could get 1 mile per gallon over the next 30 years? They absolutely refused to acknowledge they could get 1 mile per gallon. Why? Because they simply want this issue to go over to NHTSA where they believe they have the ability to have more impact and control the outcome.

The Senator's question is right on point. These are the exact same scare tactics.

The Senator from Missouri came down here and suggested that people and soccer moms will have to drive in a long line of golf carts because they could not drive their minivans. With all due respect to the Senator from Missouri, that is one of the most ridiculous things I have ever heard in my life. The fact is, Ford Motor Company has an ad showing the SUV with all the room and all the power. A soccer mom could get in it and get 40 miles to the gallon, and a minivan can drive with the same engine, or even a better one.

In Europe today, they are making diesel engines that get 40 or 50 miles to the gallon. Shame on the United States. Our automobiles aren't able to give our drivers that kind of gas savings and performance. Why not? We are anxious to try to get our cars that kind of mileage. I want a UAW worker producing that car ahead of some worker in Germany or in Japan. I want our automobile industry to be the industry that is selling those vehicles. The workers in Detroit ought to be rising up not about CAFE standards; they ought to be knocking on the doors of the executives and saying: Why aren't we building better cars, bigger cars, and cars with more improved fuel efficiency? You could build a bigger car—even bigger than the ones we have today.

Incidentally, some Suburbans, one of the biggest vehicles of all, doesn't come under the CAFE standards right now. You can buy all the Suburbans you want. You can buy a heavy duty truck that is under the exemptions.

Mr. McCAIN. Mr. President, will the Senator yield for another question?

One of the aspects of this issue that has to some degree been ignored in our desire for comfort and convenience for the American people is the issue of health aspects. I wonder if the Senator from Massachusetts is familiar with the problem that we have in my home State of Arizona, particularly in the valley where 3 million people reside in the sixth largest city in America. The Arizona Republic, a few days ago on March 9, had an editorial entitled "Legislature Must Attack Brown Clouds." It said:

> We've always known the Valley's Brown Cloud is ugly and unhealthy. Now we know it can be deadly.
>
> A new study indicates that years of breathing that haze of particulate pollution will significantly raise a person's risk of dying of lung cancer and heart attack.
>
> For lung cancer, the risk is the same as living with a cigarette smoker, according to a report published this week in the Journal of the American Medical Association. The study, funded by the National Institute of Environmental Health Sciences, is compelling because of its breadth: Researchers followed half a million people across the country over two decades.
>
> While the Valley has made strides in reducing carbon monoxide and ozone pollution, we've had trouble getting a handle on pollution from airborne particles.
>
> No, it's not just desert dust. The most dangerous particles are much smaller, 2.5 microns or less, so tiny that it takes at least 28 to equal the diameter of a human hair. These ultra-small particles, which wreak havoc by penetrating deep into the lungs, come from combustion.
>
> In the East and Midwest, the biggest culprits for such particulate pollution are coal-burning power plants. So it's worrisome that the Bush administration is considering changes in the rules for power plant expansion that could bring increased emissions.
>
> Here in the Valley, as elsewhere in the West, a big part of our particulate pollution spews out of tailpipes.

I am not sure. I wonder if the Senator from Massachusetts thinks it is fair for us to address this issue of emission standards without discussing at length the abundance of information concerning health risks to the American people. I have a chart here on sources of carbon monoxide. In Phoenix, AZ, on the road, Mobile, it is 64 percent.

There is another article that I have here of February 1, 2002:

> Study Links Smog To Rise in Asthma Cases of Children Who Play Outside.

Guess what States, according to this study, generally speaking, have the highest chronic pollution level in the United States. They are Arizona, California, Georgia, Indiana, Michigan, Missouri, New York, North Carolina, Pennsylvania, and Tennessee.

I wonder if the Senators from Michigan and Missouri are concerned about the fact they are on the top 10 list of pollution problems which cause health problems and difficulties to their citizens.

I wonder if the Senator from Massachusetts agrees that there are compelling health issues here that have to be addressed as a result of the fact that we failed to enact simple, fairly easy changes in our emission standards which would, perhaps, in the case of one study, save between 650 and 1,000 lives just in Phoenix, AZ, alone.

I am curious if the Senator from Massachusetts believes that perhaps we might be neglecting an important factor in the pollution of places such as my home State of Arizona where people were once sent because they had respiratory problems. Now we have pollution problems that are causing risks to people's health. A lot of that pollution is directly related to that, as the Arizona Republic says, "spewing out of tailpipes."

Mr. KERRY. Mr. President, I appreciate the question very much. I was not aware actually of the particular study to which the Senator has referred. But I appreciate it enormously because he is absolutely correct that the health issue is one of the most important issues.

I call my colleagues' attention to the fact that the existing CAFE standards—the ones we passed in 1975—cut gasoline use. By cutting that gasoline use, incidentally, we cut almost the amount we were then importing from parts of the gulf. But we reduced the amount of hydrocarbon emissions, which is a key source of smog, and which is a key source of particulates, as the Senator from Arizona has just described, which particularly affects seniors and children. It affects all adults, but particularly we have seen an increase in the rise of asthma among children in the United States because of the quality of air that is being breathed.

Higher gas mileage cars and trucks played a key role in virtually eliminating smog in Denver, which during the 1980s, as everybody knows, had a dangerous level of pollution. Los Angeles also gained enormously. And there is a huge gain in public health for the elderly and all asthma sufferers in the country.

I thank the Senator from Arizona. He is absolutely correct.

(Mr. CORZINE assumed the chair.)

Mr. McCAIN. Finally, I ask the Senator from Massachusetts if he will yield for another question.

Mr. KERRY. I am happy to yield for another question.

Mr. McCAIN. I wonder if the Senator from Massachusetts would support a proposal that would force any American family to give up a sport utility vehicle. I would wonder—in fact, I am the proud owner of sport utility vehicles. I wonder if the Senator from Massachusetts would not join all of us in seeking Ford Motor Company to live up to their advertising in developing a 40-mile-per-gallon sport utility vehicle, which I would be one of the first to buy.

Wouldn't we reduce some of this rhetoric that has been going on since the 1970s on the part of the automobile manufacturers? And if my memory serves me correctly, every single step of the way—from CAFE standards, to airbags, to seatbelts—the automobile manufacturers have said they were unable to comply, at least initially, whether it be in safety or whether it be in CAFE standards or any other improvement.

So would the Senator agree with me that if there were any prospect of reducing the options of the American people, if there were any prospect that we were doing anything other than encouraging what is mostly existing technology to be implemented by the automobile manufacturers of America, we would not be proposing this legislation?

The fact is that for every single improvement the automobile industry has made in America, they have been dragged, kicking and screaming, every step of the way. And we have just been over some of those quotes over a period of many years.

So I wonder if the Senator from Massachusetts would respond, again, to the really almost irresponsible charges that have been made, particularly by the manufacturers, about the catastrophic events that might take place, when the fact is, we support strongly the ability of Americans to have a wide choice in their use of conveyance, particularly those of us in the West who travel long distances with our families.

Mr. KERRY. Mr. President, I really welcome that question. I appreciate it from the Senator.

Let me personalize it a little bit.

I drove a Lincoln Navigator until a couple years ago. I got rid of it because of its inefficiency in fuel. I am sorry to say that. I said to the dealer: You really ought to urge the Ford Motor Company to produce a car that is more efficient.

I am proud to say Ford Motor Company is now evidently doing exactly that. I would love to drive one that had the efficiency. My wife drives an SUV. My stepson has an SUV. My daughter is currently driving an SUV.

I have no question but that if we pass a CAFE standard, each and every one of them will continue to be able to drive an SUV. We can all buy an SUV in America that is more efficient, that saves, over the life of the car, the cost of the difference of the technology.

Let me share with the Senator from Arizona that Honda has introduced its Insight. It is a two-seater. It gets about 60 miles per gallon on the highway. It is about to introduce a hybrid Civic, a two-door and a four-door, in 2002. Toyota sells the hybrid Prius. It is a four-door. It gets 48 miles per gallon combined in the United States. There is a minivan in Japan that gets nearly 40 miles per gallon. Within a few years, they are going to sell about 300,000 hybrids globally. They have announced that they are going to be profitable in this field.

I know the Senator from Michigan or some Senator is going to point out that the Ford Motor Company is going to produce at a loss this particular SUV shown in this picture I have in the Chamber. That is true for now because they have just started it. They do not have the market penetration yet. They have not fully developed the marketing, and they have not gained the market share.

So, indeed, it is similar to the Pentagon. When the Pentagon buys only X number of hammers, as we remember, or toilets, they cost tens of thousands of dollars. But if they are mass produced, then you begin to bring the cost down, and particularly if you market effectively.

I think the first CEO in this country who sells to Wall Street the notion that they are going to be profitable selling the cars of the future is going to drive up the stock of that motor company. And they ought to be thinking about how to grab the market share in the most competitive way that is most effective in the long term.

That is what this can do. That is why Ford Motor Company is already advertising the vehicle that "gives you all the room and power you want"—all the room and power you want—"but uses half the gasoline." That is on their Web site today. They are bringing it out next year.

I am confident, with appropriate marketing, just as the Prius, just as Honda and Toyota, they can begin to get profitable very rapidly. But here is the rub: They did not do it back in 1975, until Congress said: This is our national priority. And they are not going to do it now until Congress sets a goal and begins to push the process forward. What we are reaching for as a goal is not an arbitrary goal.

I ask the Senator from Arizona, without losing my right to the floor, if I may, is it not true that we held a series of hearings in the Commerce Committee, with the best scientific experts from across the country, who came and testified before us regarding the ability to do this without losing jobs?

Mr. McCAIN. To respond to my friend from Massachusetts, indeed they did. I also believe that since the Senator from Massachusetts and I can count votes pretty well, the opponents of what we are trying to do—let's face it, the Levin-Bond amendment basically does nothing to improve fuel efficiency, and that is a fact.

Sooner or later, we will see more and more pictures such as we have seen here in this editorial, which says: "Valley's Brown Cloud nearly obscures downtown Phoenix from atop South Mountain." You will see that in Albuquerque. We already see it in Detroit. We see it in Boston. We see more and more studies of the health risks that air pollution causes to young and old Americans.

I believe that sooner or later our constituents will demand that we rise up and repudiate and rebuke the automobile manufacturers of America, that refuse to be concerned about the health of Americans, much less the problems with our dependency on foreign oil.

And, yes, every objective observer, every environmental group in America, believes we need to do a lot more than anything that is embodied in the Levin-Bond amendment.

I thank my colleague for his question.

Mr. KERRY. Mr. President, let me share with all of my colleagues—and I particularly call the attention of the Senator from Arizona to this—an article from the Wall Street Journal dated March 7. I ask unanimous consent the full article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[FROM THE WALL STREET JOURNAL, MAR. 7, 2002]

FORD AIMS TO SELL A GAS-ELECTRIC SUV THAT WILL OFFER SIZABLE FUEL EFFICIENCY

(By Norihiko Shirouzu)

DETROIT.—As the Senate gears up to debate the fuel economy of sport-utility vehicles and pickup trucks, a senior Ford Motor Co. executive said the No. 2 auto maker aims to sell "tens of thousands" of a small, superfuel-efficient Escape SUV powered by a gasoline-electric "hybrid" propulsion system.

Prabhakar Patil, head of Ford's program that aims to launch the Escape hybrid by the end of 2003, said at an auto-industry conference here yesterday that the hybrid Escape isn't intended as a niche vehicle. Ford sees a good chance for the vehicle to become a "mass-market vehicle," he said.

Mr. Patil said that if it was priced today, the Escape hybrid would likely have as much as a 25% price premium over the conventional gasoline-powered Escape, which he said would put the SUV's price tag somewhere around $25,000. The vehicle is expected to deliver nearly 40 miles per gallon of gas in city driving.

Ford's bullish comments about the potential of hybrid vehicles comes amid intensified jockeying in Washington over whether to significantly toughen federal auto-mileage rules.

The National Highway Traffic Safety Administration, which administers the Corporate Average Fuel Economy program, proposed extending for another four years a controversial provision in the rule that lets auto makers get extra credit for building so-called dual-fuel vehicles. Those vehicles can run either on gasoline or on so-called E85, a blend of 85% ethanol and 15% gasoline. NHTSA conceded that the "vast majority of dual-fuel vehicles rarely operate on alternative fuel"—a fact that has led critics to dub the dual-fuel provision a big loophole in the CAFE rule because it gives auto makers leeway to build more gasoline-thirsty trucks. NHTSA Administrator Jeffrey Runge said that having vehicles that are able to run on E85 "contributes to domestic energy security" and "provides consumers an alternative" in the event of a gasoline shortage." NHTSA proposed extending the dual-fuel credit, which was set to expire with the 2004 auto-model year, to the 2008 model year.

Meanwhile, in the Senate, two Democrats, Sen. John Kerry of Massachusetts and Sen. Ernest Hollings of South Carolina, are nearing an agreement with several Republicans including Sen. John McCain of Arizona on a bipartisan proposal to require cars and light trucks together to average 36 mpg by 2015, according to Senate staffers familiar with the discussion. Today, cars and trucks average about 24 mpg, the lowest level in two decades. Sen. Carl Levin (D., Mich.) and Sen. Kit Bond) (R., Mo.) were finalizing an alterate proposal that would send the CAFE question to the Bush administration's NHTSA.

The auto industry has been pushing for such a move.

Mr. Patil noted that whether Ford can turn a profit with the hybrid Escape, with its costly gas-electric propulsion system, hinges largely on whether the government offers tax incentives on such vehicles. Late last month, President Bush said he wants more tax incentives for hybrid and fuel-cell (of hydrogen-driven) vehicles. Those incentives are provided in the bill the Senate will consider.

Another Ford executive, John Wallace, said in an interview that a $3,000 tax incentive for the purchase of a gas-electric hybrid should "solve the problem" and help make the Escape hybrid profitable immediately. "We welcome tax incentives to get there quickly," Mr. Patil said, referring to being profitable with the Escape hybrid.

Mr. Patil said Ford is already "looking to expand hybrid offerings" beyond the Escape hybrid. Hybrids are "the first credible alternative to gasoline engines," he said. Other auto makers are also pushing plans to expand the use of hybrid-drive technology. Masatami Takimoto, a senior Japan-based executive for Toyota Motor Corp., said at the Society of Automotive Engineers conference that Toyota hopes to sell 300,000 hybrids a year around the world within the next five years. Toyota's second hybrid for the U.S. market will probably be an SUV. Given the popularity of SUVs in North America, "I believe it's a good idea" to make a second hybrid product a SUV in the market here, he said. Toyota currently sells a small hybrid sedan called the Prius. The auto maker sold 15,500 Prius models in the U.S. in 2001. The only other hybrid currently sold in the U.S. in Honda Motor Co.'s two-seater subcompact called the Insight. Honda's second hybrid, a Civic, will arrive in showrooms starting in April.

There are no tax incentives currently on either the Prius or the Insight, and neither model line is profitable in dollar terms.

Mr. Takimoto, who oversees powertrain development in Japan for Toyota, said there is a "tough battle" looming between advanced diesel engines and gas-electric hybrid propulsion systems. He believes hybrids are "proceeding a step ahead" of diesels and gasoline-powered engines.

A recent J.D. Power & Associates survey of some 5,200 recent new-vehicle buyers found "a greater willingness to pay for hybrid vehicles than previous believed," according to the consulting firm. It said hybrids are "getting a solid green light" from consumers. The survey said 30% of the respondents indicated they would "definitely" consider a gas-electric hybrid vehicle. J.D. Power said the survey's margin of error was plus or minus 1.5 percentage points.

Mr. KERRY. Mr. President, in this Wall Street Journal article, the headline which reads: "Ford Aims to Sell a Gas-Electric SUV That Will Offer Sizable Fuel Efficiency," the question was asked of somebody at Ford whether they could turn a profit with the hybrid Escape—that is this vehicle shown in the picture I have in the Chamber; it is called the Escape—since it has a more costly system.

I know the Senator from Michigan is going to say, well, this costs more, and it will not turn a profit. Let me just answer that question definitively right now.

Quoting the article:

> [A] Ford executive, John Wallace, said in an interview that a $3,000 tax incentive for the purchase of a gas-electric hybrid should "solve the problem" and help make the Escape hybrid profitable immediately. "We welcome tax incentives to get there quickly," . . . referring to being profitable with the Escape hybrid.

Mr. President, we have a tax incentive from the Finance Committee. This car can be profitable immediately, according to the Ford Motor Company itself.

I think we really need to start debating reality. The Senator from Michigan has a chart there. The chart shows a number of vehicles. I have a copy of the chart right here. This is a small one of theirs. This chart has large SUV, midsize SUV, small SUV, large pickup, small pickup, minivan. It doesn't show all the rest of the automobile fleet. It just shows the big cars. But even those vehicles may not be fairly represented here.

By not including cars, the chart excludes entire classes of vehicles, and they exclude vehicles within classes. So you don't get an entire fair comparison. Let me give an example. At the subcompact class—this is not included here—the Honda Civic is significantly more efficient at 38 miles per gallon than the General Motors Metro which is at 32 miles per gallon, or the GM Saturn at 30 miles per gallon, or the Ford Escort at 28 miles per gallon. You get a distortion of how the fleet works today.

Secondly, the Big Three, sent the Committee charts similar to this one, and they entirely excluded compact cars in their analysis. In this class of vehicles, there are four Toyota and Honda cars: the Prius, Echo, Civic, and Corolla. They are, on average, significantly more efficient than the closest General Motors, Ford, and Chrysler cars. Toyota sells the Prius at 48 miles per gallon, the Echo at 36 miles per gallon, the Corolla at 33 miles per gallon. Honda sells the Civic at 34 miles per gallon. The closest General Motors car is the Prism at 32 miles per gallon. The closest Ford is the Escort at 29. And the closest DaimlerChrysler is the Neon at 27.

None of this is represented in the charts. The Senator from Michigan says it doesn't make sense to have this system where you have a whole fleet, let's divide it up into these sectors. Let's make an attribute system if that's what is needed. I looked at that because both technology and market mix matter. I am willing to do that, because the Senator is not entirely wrong. Right now, here in the Chamber, let's go to a back room, divide it up into those sectors, give NHTSA the authority to divide up the classes, but let's agree to divide it up with a goal that we are going to reach by a certain point in time. If we did that, we could all have agreement.

But they won't agree to a goal. There is no goal in the Bond-Levin amendment, no goal whatsoever. They want to set up some criteria which can be the subject of lawsuits for years to come, turn it over to NHTSA. And if NHTSA comes up with a 1-mile-per-gallon differential, there is no expedited procedure, no ability for Congress. All they have to do is come up with something.

It is the artful dodge. It is the great escape—not to do any disservice to the name of Ford's car. It is simply inappropriate to suggest that this does anything. The attributed system the Senator from Michigan talks about is not even in his own bill. There is no requirement that they set up an attributed system.

Why is that true? Because the industry doesn't want it. The industry likes the system they have today. And they testified before our committee that they want to keep the system they have today because the system they have today gives them flexibility. It gives them the ability to choose and to decide what fleet of cars they are going to make. If you had an attributed system, then you would be locked in to what you have to achieve in a particular class and you can't balance other sectors of your fleet against components of that class.

That is why the industry does not want it. It makes for great subterfuge here in the Senate Chamber.

Mr. McCAIN. Will the Senator yield?

Mr. KERRY. I am delighted to yield for a question.

Mr. McCAIN. Do you know there is going to be a response from the proponents of the legislation which has already provided some very interesting rhetoric?

I would like to ask the Senator from Massachusetts if he is aware of an article in the Washington Post on Sunday, March 10, entitled "Debate On Fuel Economy Turns Emotional." It starts out by saying:

> With a hardy shove from Detroit, Senate opponents of a bill to raise automotive fuel economy standards—part of broader energy legislation now on the Senate floor—are painting the measure in apocalyptic terms, sketching dire consequences for the Nation's armada of SUVs and minivans.

It goes on to quote some of our colleagues, quotes such as "nanny government"; higher fuel standards will force such drastic reductions in vehicle size and weight that traffic fatalities will increase "by the thousands." Then the article goes on to say—I wonder if the Senator has seen it—

> As is often the case when Washington debates policy, however, emotions and symbols are getting more attention than substance. Although any increase in gas mileage inevitably will come at a cost, the notion that the bill would rid American highways of SUVs and pickup trucks—as some auto industry ads explicitly claim—is false.
>
> "The fact of the matter is, you might have to use some of this improved fuel efficiency to improve economy rather than increasing performance, but certainly it doesn't mean that you couldn't have an SUV," Adrian Lund, chief operating officer of the Insurance Institute for Highway Safety and a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences last year.

I wonder if the Senator realizes how important that statement is from a chief operating officer of the Insurance

Institute for Highway Safety, a member of a blue-ribbon panel that studied the issue for the National Academy of Sciences.

Continuing from the article:

> Paul Portney, chairman of the panel and president of think tank Resources for the Future, called the legislation "somewhat aggressive." But he said it was "roughly consistent with what the academy identified as being technologically possible, economically affordable and consistent with the desire of consumers for passenger safety."
>
> He added, "There are technologies out there that would make it possible, if given enough time, like 10 to 15 years, for [manufacturers] to meet these standards without decreasing the size of the cars or increasing the price too much."

All of us are entitled to our opinion. Everybody is entitled to the rhetoric. That is one of the entertaining things about the floor of the Senate. But when you call in the experts, usually their opinions have some significant weight.

Those on the other side of the debate, of course, have also been known to gloss over inconvenient data. As the legislation is structured, for example, manufacturers could choose to improve fuel economy not only by technology but also by cutting weight.

I hope when Senators decide on this issue, they will listen to the results of scientific studies, listen to the experts who have been involved years and years, as opposed to the rhetoric we see coming out of Detroit, MI, from an organization whose credibility over the years has been sadly strained.

I wonder if the Senator from Massachusetts is aware of these individuals and these findings by a blue-ribbon panel that studied the issue for the National Academy of Sciences as short a time ago as last year.

I thank my colleague for responding.

Mr. KERRY. I thank the Senator from Arizona again. This article is a very important article. He was not here at the time, but I asked unanimous consent, and it is part of the record now in this debate.

What is very significant is that you have neutral people—and the National Academy of Sciences does not try to get into the politics; it is science, and we ought to respect that—who have said point blank that the claims of the automobile industry are false. Americans deserve something better than having some of the major corporations in America lie to them about choices we face in this country. That is what they have been doing.

To hear a Senator come to the floor of the Senate and suggest soccer moms are going to have to get into golf carts and drive down the road in a string of golf carts just defies imagination. It is incredible.

Let me point out to the Senator from Arizona—because I only showed part of the distortion of these charts—the Big Three presented a car assessment to the committee. But, again, they used highly selected vehicles when they did it. They excluded some cars in order to provide a skewed picture. The Big Three car assessment showed the fuel economy of five different 6-cylinder cars—the Ford Taurus, DaimlerChrysler Concorde, Chevrolet Impala, Honda Accord, and the Toyota Camry. The chart showed that the five cars have similar fuel economy.

In the cars, they failed to show that the Honda Accord and Toyota Camry come with a standard 4-cylinder engine. The 6-cylinder engine is an option. The reason is, the technology they have developed allows the Accord and Camry 4-cylinder engines to offer greater performance and fuel economy—so much so that they can compete with the 6-cylinder Ford Taurus, Chrysler Concorde, and Chevrolet Impala. This is demonstrated by the fact that 70 percent of all the Accords sold are 4 cylinder. So they send you the 6-cylinder comparison, but they don't show the car in the same class. They have a smaller engine and more effective technology. Earlier, I showed the technology differentials.

In the technology, Honda and Toyota have used 4-valve cylinder technology. I might add, there are a series of technologies available now. This is very important for our colleagues to focus on. The technology exists today, according to the National Academy of Sciences. The National Academy of Sciences doesn't even take into account hybrid vehicles. It doesn't even take into account diesel injection. It doesn't even take into account fuel cells, which may come on line within the next 13 years, particularly if we pass the components of our legislation to accelerate that.

So if you include hybrid and diesel injection, 35 miles per gallon is a achievable, and more could be done. Ford is telling you that by advertising a car that can get 40 miles per gallon. There it is. It should be the end of the debate. Ford Motor Company should be ending the debate right now because they are telling us we can have a car next year that gets 40 miles per gallon, and the Ford Motor Company has told us it can be profitable right away with a tax credit.

So this is really crunch time for the Senate, I guess; this is basic choice. Are we going to support the concept that the Senate has a national security interest in saving the barrels of oil and reducing dependency on oil, especially our imports from the Persian Gulf by increasing CAFE standards over the next 15, 20 years? Do we want to vote that we ought to have cleaner air to reduce pollution, reduce global warming, reduce lung cancer, to improve the health of asthmatics and of our seniors? Do we want to vote that we can have a car that is competitive with Japan and Germany and allows our workers in Detroit, and elsewhere in this country, to continue to be employed in this Nation in a competitive industry that is moving into the future and offering America the cars of the future?

That is what this vote is about. It is a straightforward vote about the future of our country in many different regards. I hope our colleagues will simply not be intimidated by this onslaught of money that is buying advertising time to scare Americans based wholly on some fanciful and totally distorted argument that has no basis in science and, most importantly for our debate, in truth.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I wish to speak for a few minutes on behalf of the position that the Senator from Massachusetts and the Senator from Arizona have articulated and in opposition to this amendment Senator LEVIN and Senator BOND have proposed.

I want to start by asking the real basic question, which may be obvious to a lot of folks, but it seems basic to me, that is, why are we even dealing with the issue of vehicle fuel efficiency as part of an energy bill? Some people might say energy involves drilling wells, not vehicle fuel efficiency. But it seems to me there is an answer to that.

Let me get one of these charts up and I can make the point I am trying to make. This first chart, which I showed earlier in the debate on the energy bill, tries to talk about U.S. oil consumption, because we give a lot of speeches on the Senate floor about how we want to reduce our dependency on foreign oil, we want to be more efficient in our use of foreign oil, we want to consume less.

Well, this is consumption. Millions of barrels of oil are consumed per day in this country. You can see the top line is for total oil demand. The total oil demand has been going up. The line that comes down on the right-hand side of the chart is for the years 2001 and 2002. You can see that the projection for the remainder of the time covered by this chart—up to 2020, the next 18 years—for the remainder of that time oil consumption in the United States is expected to increase very substantially.

You may ask, why is it increasing so much? It is obviously increasing because of the transportation demand. When we talk about the transportation demand, we are talking about gasoline. The oil comes in, we refine it, turn it into gasoline, put it in our cars, our SUVs, and in our trucks, and that is what is driving total oil demand up and up and up. People say, well, why in the world are we importing more than half of the oil that we are consuming?

The truth is, domestic production of oil peaked in 1970. It has been going down ever since. Whether we open

ANWR or not, it will continue, over the long term, to go down because we have 3 percent of the world's reserves of oil. So we need to also look—in addition to production—at consumption. That is what this chart tries to do. That is why we are dealing with vehicle fuel efficiency. We are trying to flatten out that top line, total oil demand, so it doesn't increase dramatically, and we are trying to flatten out the transportation demand so it doesn't increase so dramatically, and that will flatten out the top line.

There is another chart I want to show to explain why we are trying to deal with fuel efficiency as part of this bill. Let me put that up. This is a chart that came out of the National Academy of Sciences study, which has been referred to so many times by Senators LEVIN, BOND, MCCAIN, and KERRY. It shows what has happened to passenger and light truck fuel economy between the years 1965 and 2000. You can see that between 1965 and about 1975 nothing happened. The miles per gallon of new passenger and light truck vehicles coming onto the market was just flat. That is the red line and the green line over at the left. They are flat. Then you see a dramatic increase between about 1976 and 1985 or 1986. You see a dramatic increase for the top line, new cars, and the next line down is new light trucks. So you can see that all of those have gone up substantially during that time period.

The real issue, and the important thing about this chart, is what happens from about 1989 until the present. The reality is that we have stagnated. There has been no improvement in this country in corporate average fuel economy for vehicle fuel efficiency since 1989. In fact, for the entire fleet, it has declined. We are actually less efficient in our use of gasoline today than we were in 1989.

That is why it is important as part of a comprehensive energy bill that we try, once again, to address corporate average fuel efficiency; that we, once again, try to put in law some requirement.

What is at stake in this amendment that Senator LEVIN and Senator BOND have brought to the floor? The underlying bill, the bill before us, sets a figure. It tries to say: Let's become more efficient, and here is the goal, here is the target, here is what we need to try to do.

Very simply, what we have in the Levin-Bond amendment is an elimination of that goal, an elimination of that target. It sets up a procedure which kicks the issue back to the administration.

The administration has been very outspoken about the fact that they oppose the provision in our bill. The President has opposed it; the administration has opposed it; the Secretary of Energy opposed it. They do not think we should be mandating anything in law in the way of improved efficiency in cars, trucks, and SUVs.

This amendment would kick it back to the administration, to NHTSA, as it is always referred to—the National Highway Transportation Safety Administration—and have them study this issue and come up with a set of regulations.

Quite frankly, when my colleague, my good friend from Michigan, Senator LEVIN, urged at the beginning of this debate this afternoon that I read his amendment—that is always a dangerous thing to do in the Senate; very few of us read the amendments on which we vote, but I did. I read the amendment.

It has some of the most unusual provisions I have encountered in the Senate. It has what are called expedited procedures. It says, first, if this amendment is adopted, that the Secretary of Transportation would have 6 months to issue proposed CAFE regulations on passenger automobiles. Then he would have 2 years for final regulations to be issued. He would have 15 months to issue final CAFE regulations on nonpassenger automobiles.

If the Secretary goes ahead and issues something in the way of regulations, then that is the end of it. It is pretty clear in the amendment. Those become the law.

If, on the other hand, he fails to meet those deadlines in 2 years from now—2 years from the effective date of the act, so perhaps if we actually pass an energy bill, that might be 2 years from this summer or 2 years from this fall—if the Secretary fails to meet those deadlines, the Congress can pass a bill under expedited procedures to override what the administration has determined.

The expedited procedures dramatically limit what we are able to do. Basically, they tell us what the title of the bill is going to be, for any bill to override the regulations; they tell us precisely that we are limited in the bill to inserting a particular CAFE miles-per-gallon number, and a year, and substituting that for what the administration has come up with, and it limits us to four amendments in the Senate, two to be offered by the majority leader, two to be offered by the minority leader, and four amendments in the House of Representatives.

I have been around here a long time, and I have never seen the ability of the Senate to amend and consider legislation in a flexible way so constrained. That is what the amendment proposes, and that is what Senators will be signing on to if they decide to support the amendment.

I urge any Senator who has an interest in the procedures of the Senate and has concern about limiting the ability of Senators to offer amendments to read the amendment in some detail.

The amendment does, as I say, eliminate any specific number. There is no number as to what CAFE standard we hope to get to in the future.

As I see it, this is something of a test in the Senate as we deliberate on these issues. The test is: Can we, as a country, as a Government, as the Senate, do anything significant to increase fuel efficiency when gas prices are as low as they are?

The last time we acted, let's face it, we acted because there was a real crisis in the Middle East—in the seventies. People were shocked into realizing that dependence on foreign sources of oil was a problem for us. Today that is not that big a problem. One can buy a tank of gas in Albuquerque for $1.12 a gallon. It is hard to get people worked up about the continued addiction we have to cheap gas under those circumstances. Nobody thinks too much about it.

As to the argument that soccer moms are going to be disadvantaged, the Senator from Massachusetts has talked about that.

I am persuaded that Ford Motor Company can make an SUV that is fuel efficient. They can make a pickup that is fuel efficient. Each of the other major manufacturers can do the same thing. I do believe we need to focus their attention on that as a priority, and that is what the underlying legislation is trying to do.

As to the argument that U.S. manufacturers are going to lose jobs, I think it is sad that we have lost such confidence in U.S. industry and U.S. ingenuity that we are claiming we cannot do this, this is an impossible mountain to climb, our manufacturers cannot possibly be held to this kind of enormous standard.

When President Kennedy challenged the country to put a man on the Moon, it is fortunate we were not tasking the automobile industry to do that. They would have come back, I am sure, and indicated it was just totally impossible.

The country can meet this challenge. We can produce more energy, and we have many provisions in this bill to try to do that. But we can also use the energy we have in a more efficient way, and part of that is through vehicle fuel efficiency. We need to do something significant in this area.

I hope the Levin-Bond amendment is not adopted because it does take the teeth out of the legislation in terms of any real requirement for improved efficiency.

I do not question anyone's motives. I am just telling you that the effect of it will be to essentially say: Status quo is fine; the administration can study this for a couple of years; if the President decides there is something that ought to be changed in current law, he can propose that in regulation; otherwise, Congress should back off.

That is a sad signal to send, and I hope we do not send that message. I urge my colleagues to vote against the amendment when it does come up for a final vote.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I listened to the debate carefully, and I appreciate the points that have been made by my good friend, the chairman of the Energy Committee. I remind all those who are following the debate that it is relatively easy to set targets of achievement, and in this particular bill we have set the year 2013 in which to achieve 35 miles per gallon under CAFE. We are now roughly at 24.

Our past experience with setting these kinds of goals is not very good. The first thing that is wrong with this is, in another 10 or 11 years many of us are not going to be here, so we are not going to be held accountable, because the goals we set today and our ability to achieve them in 10 or 11 years are fraught with an awful lot of inconsistencies based particularly on past history.

The CAFE programs have led to an increase in fleet average fuel economy from 13 miles per gallon in 1975 to 22 miles per gallon in 1987.

The 1987 fleetwide fuel economy stagnated as consumers shifted their purchase patterns to light trucks and SUVs that were covered by the lower CAFE standards.

Starting in 1995, the Congress——

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. I prefer to go ahead with the rest of my statement. I will be happy to yield for a question upon the completion of my statement.

Starting in 1995, the Congress prevented changes in fuel economy standards for all vehicles. Such restrictions were lifted starting with the model year 2004. In 1992, the Senate marked up a bill with CAFE, I might add, and ANWR, and dropped it in conference. The only thing we got out of that was low-flush toilets. That was the tradeoff: We traded off ANWR and we traded off CAFE and got low-flush toilets, some of which are not quite up to the job.

Tomorrow I will speak a little bit more about this issue. I, again, remind Members of the fallacy of setting goals and not being present to be held accountable.

We are familiar with the amendment, that it would conduct a multiyear rulemaking. It would provide new spending authorizations for advanced vehicle technology research and development and that it would require the Federal Government to purchase hybrid and alternative-fuel vehicles and use alternative fuels. When combined with the considerable tax incentives for advanced fuel technology that is in the finance package, why, what we see in the Levin-Bond amendment offers a sensible way to achieve fuel efficiency gains and reduce our dependence on foreign oil. It does so in a way that would not hurt the U.S. consumer. It would not increase vehicle costs to consumers and protect American jobs as well as American lives.

By comparison, my reading of the underlying Kerry proposal would increase the cost of new trucks and SUVs by as much as $1,200. This is according to the National Academy of Sciences. If we cannot trust them for objectivity, I do not know who we could trust.

It would limit consumer choice by forcing automakers to produce smaller vehicles that do not perform necessarily to all the consumer needs. It would lead to the loss of, as we have seen in the debate, several hundreds of thousands of jobs for hard-working Americans at a time when our economy obviously needs those jobs. It would reduce the rate of economic growth by as much as $170 billion over the next 20 years, according to the Energy Information Administration, and cost several thousand additional deaths and tens of thousands of injuries in the coming decades.

We talk a lot about safety. Common sense dictates that a larger and heavier automobile will be safer in an accident. Yet it is clear there is no possible way to meet the drastic increase in fuel economy requirements proposed by the Kerry amendment without reducing the size and weight of vehicles. That is just a fact.

The Energy Information Administration conducted an analysis of the Kerry proposal. The EIA found the average weight of passenger cars and light trucks produced to meet CAFE standards would be substantially reduced: a decrease of 640 pounds for passenger cars and 850 pounds for light trucks and SUVs. Even with the reasonable assumptions and availability of advanced vehicle technology, this is, in my opinion, a dangerous downsizing of automobiles.

EIA's analysis suggests it is simply impossible to attain 35 miles per gallon by 2015 at any cost. That is a pretty broad statement, "impossible to attain at any cost."

To get beyond 30 miles per gallon in that same time frame, even more reduction of weight would be necessary. In study after study, safety experts have concluded that reducing the weight of vehicles leads to higher fatalities and injuries. Using the same relationship used by NHTSA in the studies of automobile size and weight, and passenger injuries, we come up with a recognition that weight reduction resulting from the Kerry CAFE proposal could very likely lead to an additional 15,000 deaths and 65,000 injuries in the next 10 years.

I find it somewhat ironic that some Members of this body who demand environmental regulations regardless, even if one person, one animal, or one plant is threatened, now stand before us with a fuel economy proposal which will undoubtedly kill thousands of American drivers in the coming years because of these lighter cars and injure tens of thousands more.

These are the same Senators who worry about the threat to caribou from exploration activities in ANWR, and I get a little befuddled. Are they the same ones who now propose what a USA Today article in 1993 called "Death By The Gallon"?

We are all entitled to our opinion, but are we somehow to believe our colleagues want us to, perhaps, put caribou first rather than put people first?

What I have behind me is a chart from the National Academy of Sciences, and I think it deserves to be quoted. This is from July 2001. A review of the CAFE program found the following:

> In summary, the majority of the committee finds that the downsizing and weight reduction that occurred in the late 1970s and early 1980s most likely produced between 1,300 and 2,600 crash fatalities and 13,000 and 26,000 serious injuries in 1993.

Mr. KERRY. Will the Senator yield?

Mr. MURKOWSKI. I will be happy to yield at the conclusion of my statement.

That is 26,000 to 52,000 additional deaths since 1980 and nearly a half a million additional serious injuries due to too-rapid increases in CAFE standards.

Why is this? Well, again we have the National Academy of Sciences, and they said it best. Again, I refer to this chart:

> An increase in fuel economy is affected by a system that encourages either downweighting or the production and sale of more small cars. Some additional traffic fatalities would be expected.

EIA's analysis predicts this will happen, even as we fall short of reaching the aggressive 36-mile-per-gallon fleet average. If CAFE standards are increased dramatically over too short a period of time, automakers will have no choice but to downsize and downweight their cars and trucks to meet the standard.

Rather than choosing an arbitrary number, or Senators engaging in a bidding war for the endorsement of—well, I say the environmental lobby, because they are the ones behind this primarily—should we not instead rely on the expertise of the engineers at NHTSA to balance the competing concerns of fuel economy, passenger safety costs, and consumer needs? In spite of our efforts to generate consensus at a town hall meeting that is this Senate debate, this type of technology demands engineers who know what they are talking about.

The Levin-Bond approach lets the experts, not the politicians, determine the maximum feasible fuel economy increase. Not only does the Kerry CAFE proposal put the American driver at risk, but I think it puts our economy at risk as well. It should be obvious that technologies needed to increase fuel economy cost money and increase the purchase price of a vehicle. The EIA estimates a cost increase of $535 per passenger car and $961 for light trucks and SUVs to get to 30.2 miles per gallon. Without a dangerous reduction in weight, the NAS estimates a cost increase of $690 for passenger cars and $1,200 for light trucks and SUVs to reach 30.5 miles per gallon.

If the Kerry proposal is adopted, I think Americans can look forward to getting less car for more money. EIA projects that passenger car horsepower will decline by 24 percent and light truck horsepower, approximately 18 percent. Smaller, less powerful vehicles with fewer features, this is not what the American consumer wants.

That is not reflective of the standard of living we have in this country. Families, especially those with children, want larger and safer vehicles, and most drivers want utility and comfort as well.

Under the Kerry proposal, automakers will be unable to produce minivans and SUVs large enough to meet the needs of the average American family. It is not just families and SUVs. What about a farmer who needs to haul hay? Will he buy a pickup truck with a 4-cylinder engine? Certainly not. What parent driving a carpool will be willing to make multiple trips to pick up half a dozen kids after school? What recreation enthusiast will buy a truck or SUV that will not tow a boat or RV on a weekend vacation? What construction worker, laborer, or contractor will buy a vehicle that requires several trips to haul tools and materials? Without choices for new vehicle purchases, consumers will be far more likely to hold on to their existing vehicles, thereby making fuel economy gains even less and less likely and increase our dependence on foreign oil. The end result will be somewhat catastrophic to our already struggling U.S. auto industry.

The Kerry proposal reduces auto sales by 220,000 in 2010 and 604,000 in 2015. Automakers will also suffer stiff fines, up to $40 billion over the next 20 years for failing to meet new CAFE standards.

Fewer sales suggest reduced profitability. This adds up to fewer jobs. EIA suggests job losses of 207,000 in 2010 and 435,000 in 2015. Shouldn't a good energy policy create jobs rather than destroy them and put people out of work?

This chart shows jobs in the United States auto industry through the country. In Texas there are 318,000. New Mexico has 21,000. Massachusetts has 117,000. Need I say more?

America's auto industry drives the economy in all 50 States, including my home State of Alaska. The automobile industry is one of the Nation's largest, 6.6 million jobs directly or indirectly created. For every autoworker who loses his or her job, seven others are lost in related industries: Steel, iron, textiles, plastic, and so on. Certain States, some whose Senators support this amendment, would be hardest hit. In Michigan, over a million; in Ohio, half a million; in California, 492,000; in Illinois, 312,000; in New York, 274,000. Imagine factories shutting, whole towns wiped out, all the jobs in any of these States eliminated overnight—moved overseas, as foreign automakers gain an increasing share of the U.S. automobile market.

We have quotes from labor businesses, safety experts, and so forth. It is no small wonder that the American workers, the United Auto Workers, AFL–CIO, the American Iron and Steel industry, oppose the Kerry proposal. So does the American Chamber of Commerce, American businesses, the Business Roundtable, the Associated Builders and Contractors. They support Levin-Bond as a way to improve fuel economy without sacrificing hard-working American jobs.

The United Auto Workers say:

> It [Kerry-McCain] calls for excessive, discriminatory increases in CAFE standards that would lead to substantial job loss for American workers in the auto industry.

The Chamber of Commerce:

> The proposal would dramatically affect the functionality and performance of vans, pickup trucks and sport utility vehicles that businesses and consumers rely upon.

The AFL–CIO:

> The proposed increase is too high and too quick, exceeding even the most optimistic projections by the National Academy of Sciences.

And finally, the Insurance Institute for Highway Safety:

> Any fuel conservation measure that increases the use of light cars will do so at a cost of unnecessary crash deaths and injuries.

That is the analysis, Mr. President.

And now national security. If it was clear that the Kerry CAFE proposal would guarantee energy independence or substantially reduce our need for foreign oil, we might be willing to bear its harsh costs. The reality is, CAFE standards have provided few, if any, of the security benefits promised by the proponents. There is little reason to believe that further increases in CAFE will provide any national security benefit.

The CAFE program was introduced 25 years ago with the intention of reducing U.S. oil imports and consumption. Yet today we import more foreign oil than ever and our gasoline consumption is at an all-time high for a very simple reason. We have a high standard of living in this country. We have no other mode of transportation to generate movement of individuals other than oil. The world moves by oil. America moves by oil. The planes do not move in and out of here on hot air.

The reasons are simple. While passenger car fuel economy has doubled and light truck fuel economy has increased by over 50 percent, the CAFE program has had no effect on any other factors that determine our transportation fuel use: the size of the vehicle fleet, which is dictated by our population; how vehicles are driven, including vehicle miles traveled in a calendar year; and the kind of vehicles consumers call for.

In each survey of consumer preferences, safety, performance, comfort, and utility rank above fuel economy in determining what vehicles are preferred. Automakers currently offer 50 different vehicle models that get 30 miles per gallon or better, but the 10 most fuel-efficient vehicles make up only 1½ percent of the sales.

This suggests that the American consumer is making a determination of his or her choice and that choice is not made necessarily on fuel-efficient vehicles but on other considerations: Safety, comfort, and so forth.

As we look at this chart which shows passenger car and light truck sales by State, we can see the States whose 2000 new light truck registrations are 60 percent or over are in the green. These are the western areas that have to drive farther. The blue States are those whose 2000 new light truck registrations are 50 to 59 percent, and the others are States where new light truck registrations are 49 percent or under. In 36 States, consumers favor light trucks. That is just the harsh reality between passenger cars and light trucks.

Again, it is a matter of choice. Consumers have voted with their wallets. Sales of light trucks and SUVs surpass sales of passenger vehicles in 36 out of 50 States. In 1980, light trucks and SUVs comprised only 17 percent of sales, and now they are more than half. Consumers have chosen performance and features over fuel economy and fuel savings. Analysis suggests this trend will continue.

Even with CAFE, petroleum demands are expected to increase by 25 percent to more than 25 million barrels per day in the year 2020. The actual petroleum saved by higher CAFE standards, according to EIA, is roughly 1.3 million barrels per day, about the same as we can produce from ANWR during the same period. While production of domestic oil from ANWR and Alaska would obviously reduce foreign oil imports, higher CAFE standards may not. Instead of reducing the need for crude oil, high CAFE standards reduce the needs for gasoline and diesel. Rather than reduce our dependence on Persian Gulf crude oil, higher CAFE standards would reduce the needs for import of these products primarily from Canada and the Virgin Islands. Clearly, the national security threat due to our dependence on Middle East oil remains, even with CAFE.

Finally, by fostering the use of advanced vehicle technologies, expanding alternative fuel use, the Levin-Bond approach to fuel economy will reduce our dependence on foreign oil, create hundreds of thousands of new jobs, protect American families and workers from injury or death, provide consumers with vehicle choice they need, and increase economic growth.

In contrast, in my opinion the dramatic and ill-advised increase in CAFE standards proposed in the underlying bill will hardly make a dent in our imports of foreign oil and do nothing to ensure our national security, throw hundreds of people—thousands of people—on the street, out of work, and lead to tens of thousands of new deaths and crippling injuries on the roads of America; deprive workers and small businesses of their vehicles they need to go about their daily lives, and potentially make the difference between economic growth and prosperity or economic gloom and recession.

Clearly, the Levin-Bond amendment is a better way forward to truly improve the economy. I intend to vote for it, and I encourage my colleagues to do the same.

I would like to show one chart in conclusion. This was as a consequence of our discussion earlier about what a difference the increase in domestic production means relative to our overall consumption. I want to go back and show what happened to the Alaska production, represented by the blue line, from 1973 to 1999—clear across the board.

During this period from 1973 to 1999, you see the production of Alaskan oil in blue starts and goes up and comes across. The interesting thing is something happened in 1977. You see that big jump that occurs? What happened is we came on line with Prudhoe Bay. It made a tremendous difference.

What happened in the red chart when we did that? This is what we were importing in the early 1970s. We were importing somewhere in the area of 6 million barrels a day. It suddenly dropped. It dropped dramatically because we increased domestic production in this country.

I am tired of hearing arguments that say, if you bring on oil from ANWR, it will not make a difference. It will make a dramatic difference, and this is proof.

What did we bring on at that time? We brought an additional 2 million barrels on line. That is what we brought in during that period, right in there. When you see the significant drop in the red line, that is why it happened. If we can open up ANWR, we will see the same drop in imported oil. It will not relieve us, but it will make a difference.

I yield for a question to my friend from Massachusetts.

The PRESIDING OFFICER (Mr. Reed). The Senator from Massachusetts.

Mr. KERRY. Has the Senator finished?

Mr. MURKOWSKI. Yes.

The PRESIDING OFFICER. The Senator from Alaska yielded for a question to the Senator from Massachusetts.

Mr. KERRY. If the Senator has finished, I want to claim the floor, and then I will ask a question, if I may.

Mr. MURKOWSKI. I will be happy to respond to the question now.

The PRESIDING OFFICER. Does the Senator from Alaska yield the floor?

Mr. MURKOWSKI. No, but I will be happy to yield for a question.

Mr. KERRY. Mr. President, I will ask the Senator a number of questions, if I might.

First, the Senator quoted a study. It is the EIA study. The Senator quoted a study and suggested the study says you cannot reach 35 miles per gallon.

Is the Senator aware that the study did not analyze the Kerry-McCain substitute at all, which seeks to get 36 miles per gallon but with a cushion for trading? Is he aware that was not even analyzed?

Mr. MURKOWSKI. Yes, this Senator was aware of that. We asked for an analysis of the bill as it was at the time of our request.

Mr. KERRY. So in effect we have a proposal on the floor that the study of the Senator does not address at all, or we will have a proposal.

The second question: Is the Senator aware the model he referred to is not a fuel economy model, it is an economic model of the U.S. energy system which has a series of statements about pricing and efficiencies that it does not take into account?

Mr. MURKOWSKI. Account, if I may, of what?

Mr. KERRY. Specifically, I quote from the study. The study says that predicting energy prices depends on events that shape energy markets that are "random and cannot be anticipated."

Mr. MURKOWSKI. That should not prevent us from trying to predict future events, should it? I would say that statement, in general terms, is consistent with the reality that the price of fuel is primarily controlled by OPEC through their cartel and they have set a floor and set a ceiling. The floor is $22; the ceiling is $28. They have exceeded that. Any time they have fallen below that, they have quickly reduced the supply and the price has gone up. So that is what controls the price of fuel in this country. It is OPEC.

Mr. KERRY. But it did not take into account what the benefits might be if, in fact, that happened again and we went back to the 1973 situation. So in effect the study does not take into account the potential of that major price differential.

But much more important, is the Senator aware that the list of technology on which the assumption is based, that you cannot meet 35 miles per gallon, is a very different list from the list of technology available under the National Academy of Sciences? And is the Senator also aware that the study assumes that you include all 8,500-pound vehicles, which we do not include? So if you take out the 8,500-pound vehicles, the study of the Senator is completely inapplicable.

Is he aware of that, that we do not have 8,500-pound vehicles in our proposal?

Mr. MURKOWSKI. I don't think the Senator from Massachusetts has offered his bill as yet, so we do not know what is in it. What we do know is the EIA's projections are not statements of what will happen but what might happen, given known technologies, current technology, demography, and the trends in current laws and regulations. We had EIA analyze the proposal as it was at the time of our request, several weeks ago, and before the Senator from Massachusetts made his changes.

I find the argument the Senator from Massachusetts makes on technology to be interesting: on one hand, he is suggesting the technology is likely to occur for vehicle efficiency, but, on the other hand, I am promoting ANWR, saying technology advancements will allow us to do it safely. He dismisses technology on one hand and promotes it on the other. I happen to believe that technology is applicable in both areas.

But what I find objectionable is the idea of setting a goal in the year 2013, or thereabouts, and not being held accountable. It is very easy for Members to say let's go ahead and vote for the 35 or 36 miles per gallon, because we are not going to be here to be held accountable for it. The experience we had has been disastrous, relative to meeting these goals, because obviously the American public has a certain concern about what they want to buy. It is associated with a standard of living. It is associated with the advancement, obviously, in technology.

Mr. KERRY. Let me say to my friend from Alaska, first of all, I would ask him to speak for himself as to whether or not—I know he does not intend to be here in 12 or 13 years, but a lot of other of my colleagues do.

Second——

Mr. MURKOWSKI. I just might be here.

Mr. KERRY. If I may say to my friend from Alaska, who may be—on this subject of this technology—I completely accept the technology. I am not arguing about the technology availability in Alaska. That has nothing to do with the Alaska argument. It is a question, not about technology, it is a question about good energy policy. That is another debate. It will happen in the next few days. But I say to my friend from Alaska, with respect to technology, these are technologies that are currently available. They are not taken into account in the study.

The National Academy of Sciences has listed these technologies. The study he cites does not even take into account hybrids.

My friend from Illinois has a chart over there—I had it over here earlier—that shows what can happen with hybrids. You bring a hybrid SUV on line and you get double the mileage. The study doesn't even take that into account.

Mr. MURKOWSKI. Let me respond to the last question, if I may. The same National Academy of Sciences study on which the Senator bases his legislative proposal, with new technologies, has estimates of cost and impact as in the EIA study. I think what the Senator is suggesting is the use of additional technologies which EIA believes are not necessarily cost efficient.

Higher CAFE standards means higher costs. Data from the National Academy of Sciences make this clear—$690 more for passenger cars at 33.5 miles per gallon, and $1,260 more for light trucks and SUVs at 27.5 miles per gallon in 2015. The Energy Information Administration clearly says cost is going to be higher—$535 for passenger cars and $961 for light trucks and SUVs.

The Senator from Massachusetts can argue the point, but I suggest he argue with the National Academy of Sciences or EIA.

Mr. KERRY. Mr. President, again there is nothing to argue about with the National Academy of Sciences because they did not take it into account either. But they acknowledge it. They acknowledge they did not take into account hybrids. My colleague has not answered the question.

Mr. MURKOWSKI. The question is a matter of choice for the American public in purchasing these hybrids. They can purchase them now. You can go out and get a car that gets 50 miles per gallon if you wish.

Mr. KERRY. Mr. President, I appreciate the Senator mentioning $1,200. That is an accurate statement of the up side cost that is talked about in the National Academy of Sciences report. They also talk about the low side of $500—so, $500 to $1,200. I accept that. He is absolutely correct. It will cost a little bit more. But what he doesn't say and what they never say is that the savings in gasoline over the life of the car pay for the cost. Moreover, we are prepared to give a tax credit.

Is the Senator aware that Ford Motor Company executive, John Wallace, said in an interview that with a $3,000 tax incentive for the purchase of the gas-electric hybrid, that would solve the problem of profitability and they would be profitable immediately with the Ford Escape? Is the Senator aware that Ford Motor Company says they can be profitable immediately with the tax credit which we are going to pass?

Mr. MURKOWSKI. I wonder if the Senator from Massachusetts is aware that in order for the car to basically amortize the cost of saving gasoline, the individual would have to keep that car about 14 years. The American public is not of a mind to keep a car that long.

Mr. KERRY. That is not my question. With a tax credit, is it profitable immediately?

Mr. MURKOWSKI. One could argue that it is profitable because a tax credit is a subsidy.

Mr. KERRY. That is only to bring it on line. The Senator said you can't be profitable.

Mr. MURKOWSKI. I quoted the National Academy of Sciences, and the Senator from Massachusetts is arguing the point that it wasn't included in his particular amendment.

Mr. KERRY. Actually, the National Academy of Sciences—I have the report right here—says specifically that without the cost, without loss of jobs, and without loss of safety, you can have a car that increases fuel efficiency up to 37 miles per gallon. That is what the National Academy of Sciences says. They don't tell you you have to do that, but they say you can do it. It is technologically feasible today. So you can, in fact, do that.

Mr. MURKOWSKI. I think the Senator from Massachusetts has to be careful in his generalities because the Ford Escape isn't a real SUV. I understand its towing capacity is only 1,000 pounds. That means you can't really tow your boat to where you are going to launch it because it is simply not heavy enough, if indeed it can only tow 1,000 pounds.

The Senator from Massachusetts can argue the point. But it is either fact or fiction. Is the Ford Escape a real SUV, or a mini-SUV, and is it limited to a certain load area?

Mr. KERRY. Mr. President, let me say to the Senator that is their first report. Let me say that over the course of the next 15 years, given the technologies that are available to us, you have the reliability to bring on line a car that can tow any size boat, and the vehicles you need for that fall outside the CAFE standard because of weight—this perfect capacity to have all the towing you want, all the carrying capacity, and all the lift capacity and still drive a more efficient vehicle. But I also want to ask the Senator—he said we are going to lose safety. I want to have the Senator from Illinois have a chance. He mentioned safety.

Mr. MURKOWSKI. Mr. President, I have the floor, as the Senator from Massachusetts is aware.

Mr. KERRY. Mr. President, if I may, the Senator said we will lose the safety. He quoted the National Academy of Sciences. Is the Senator aware that the National Academy of Sciences said specifically on page 70 of the report that it is technically feasible and potentially economic to improve fuel economy without reducing vehicle weight or size, and therefore without significantly affecting the safety of motor vehicle travel?

Is he also aware that the most important entities in this country with respect to safety—Public Citizen and the Center for Auto Safety—are both opposed to the Levin amendment and support the effort to have CAFE standards for a safety basis?

I want the Senator to hear this, if I may.

Mr. MURKOWSKI. I assumed the Senator from Massachusetts was going to ask me a question.

Mr. KERRY. I asked the question. I want to supplement the question. I want to see if the Senator is aware of this finding. This is Public Citizen:

> The industry's primary support for its position comes from a highly controverted study by the National Academy of Sciences, which, in turn, based its conclusions on research by Charles Kahane of the National Highway Traffic Safety Administration.
>
> The data used in the study are from 1993 and, therefore, fails to reflect advances in passenger protection, such as dual airbags and head injury protection.
>
> The study misleadingly held crashworthiness protection constant, despite the fact that many lives could be saved by design changes and cost-effective safety improvements.

Mr. MURKOWSKI. I would be happy to respond.

Mr. KERRY. There are additional findings. In fact, the finding of the National Academy of Sciences is that it would not affect safety. That is, in fact, the current finding.

Mr. MURKOWSKI. If I may respond, this comes from the National Academy of Sciences. It reads as follows:

> Contrary to recommendations, the NAS report says that the proposal establishes both unreasonable targets and unreasonable timetables.

According to the NAS report, technology and changes require a very long time to be introduced into the manufacturer's product line, which I think paraphrases what the Senator from Massachusetts said because he said it will take time for the minivan, if you will, to evolve into what we would all like, and that is a multipurpose minivan.

They further go on to say that technology changes require a very long time to be introduced. Any policy that is implemented too aggressively—that is, too short a period of time—has the potential to adversely affect manufacturers, their suppliers, their employees, and consumers.

The NAS report says further:

> But it is clear that there were more injuries and more fatalities than otherwise

> would have occurred had the fleet in recent years been as large and heavy as the fleet of the mid-1970's.

Those facts are on the basis of experience.

> To the extent that size and weight of the fleet have been constrained by CAFE requirements, the current committee concludes that those requirements have caused more injuries and more fatalities on the road than would otherwise have occurred. Recent increases in vehicle weight, while resulting in some loss of fuel economy, have probably resulted in a reduction of motor vehicle crash deaths and injuries.

This is in the NAS report, page 2-29.

Mr. KERRY. Mr. President, the Senator hasn't answered my question. I agree with that. I know exactly what they say with respect to that. But he hasn't acknowledged that the findings of Public Citizen and the Center for Auto Safety point to the fact that the analysis on which the conclusion was based is flawed because it is not based on current safety capacity. It is not based on dual airbags. It is not based on lighter materials. It is not based on new technology. It is based on what happened in the transition. I want to explain why it happened.

Mr. MURKOWSKI. Isn't it based on a historical evaluation of what has happened? And so it is factual in relationship to actual statistical information.

Mr. KERRY. Let me again say what it relates to.

Specifically, the data used in the study is from 1993—not 2002. It fails to reflect the changes in passenger protection. It doesn't reflect dual airbags. It doesn't reflect what we have in our bill, which is rollover safety. Ten thousand people lost their lives last year because SUVs roll over. They have a 75-pound roof. The car is so heavy that it crushes them. The industry has resisted that protection. For a small cost, you could save those 10,000 lives.

That is in our bill. It is not in their bill.

Mr. MURKOWSKI. Is that portion in the bill?

Mr. KERRY. Yes. This is in our bill. It is introduced. It is on the floor now. You are about to strip it. But that is what is here.

Mr. MURKOWSKI. That is not my understanding. I would appreciate the Senator from Massachusetts advising us just where specifically that is.

Mr. LEVIN. Will the Senator from Alaska yield for a question?

The Senator from Massachusetts is taking the NAS study.

Mr. MURKOWSKI. I noticed that.

Mr. LEVIN. In the same breath, the Senator from Massachusetts says NAS found an increasing safety standard, and that his proposed level will not affect safety. There was no such finding by the NAS.

Would the Senator from Alaska agree?

Would the Senator from Alaska agree that when the NAS said that it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size, and, therefore, without significantly affecting the safety of motor vehicle travel, they were not talking about increasing fuel economy to the Kerry level?

Mr. MURKOWSKI. That is correct.

Mr. LEVIN. They were just simply saying, it is possible to increase fuel economy. You might be able to increase fuel economy by 1 mile per gallon without affecting safety. They did not reach a conclusion there. This line has been quoted——

Mr. KERRY. Will the Senator yield?

The PRESIDING OFFICER. The Senator from Alaska controls the time.

Mr. LEVIN. Mr. President, I am asking the Senator from Alaska a question.

Does the Senator from Alaska agree that the National Academy of Sciences does not specify what increase in CAFE would be possible in a way which does not affect, in a negative way, safety? Would the Senator from Alaska agree with that?

Mr. MURKOWSKI. Absolutely. That is my understanding.

I ask the Senator from Massachusetts, is there a committee report on the proposal, the Kerry proposal? And has the Commerce Committee given any views on the proposal?

Mr. KERRY. No. Mr. President, no there is none.

Mr. MURKOWSKI. Is there a reason why that has not occurred?

Mr. KERRY. Because we ran out of time. The leader made a decision that there was not time for the committee to act. There, clearly, would have been a majority in the committee, but we did not have time because of the schedule of the Senate. And the majority leader made a decision to try to meld it with the energy bill in order to keep his commitment to you, I believe, to bring the energy bill here at the appropriate time after the recess.

Mr. MURKOWSKI. Well, as the Senator from Massachusetts knows, the leadership has seen fit to basically go around the committee process because the Energy and Natural Resources Committee has not met in a markup since October. We had no opportunity to address amendments and bring in debate and develop a consensus. That is why I think it is unfortunate that so much of the process we are going through now is a matter of educating Members. Because it did not occur in the Commerce Committee, it did not occur in the Finance Committee, and it certainly did not occur in the committee of jurisdiction, the Energy and Natural Resources Committee because the majority leader saw fit to pull it from the committee in October.

I think the Senator from Massachusetts is well aware of why it was pulled. It was pulled because we had the votes to vote out an ANWR amendment, which would have put us in a position, as we debate the energy bill, of not having to come up with 60 votes, as the Senator from Massachusetts has threatened in his filibuster statement that he is going to filibuster the ANWR amendment.

But from the standpoint of equity and fairness, what we have not had an opportunity to do within the Energy Committee is to have amendments come up, develop a bill, and vote it out. And it was done for one specific reason. And it was done very early. This was done back in October. So we did not work, in the Energy Committee, on a bill so that we would have a consensus of both Democrats and Republicans as we address some of these complex issues.

So from the standpoint of not having time, we are all in the same boat, only I think it is fair to say the Energy Committee really took it in the shorts, if you will pardon the abbreviation.

Mr. KERRY. Will the Senator yield for a question?

Mr. MURKOWSKI. For a question.

Mr. KERRY. Mr. President, I ask the Senator, in his memory here—he has been here quite a while—is it not fair and accurate to say that when the Republicans were in control, the majority leader, on a number of different occasions, did exactly the same thing? Is that fair?

Mr. MURKOWSKI. I am so pleased the Senator from Massachusetts——

Mr. KERRY. Is that accurate?

Mr. MURKOWSKI. Has asked that question because it is totally inaccurate. The Republican majority leader——

Mr. KERRY. Is totally inaccurate?

Mr. MURKOWSKI. Has never ever taken away——

Mr. KERRY. Never circumvented?

Mr. MURKOWSKI. May I finish the answer—has never ever taken away the function and responsibility of the committees to meet.

Mr. KERRY. That is not what I asked.

Mr. MURKOWSKI. If the Senator will look up the RECORD, they have never seen, in the 22 years I have been here, an occasion where the majority leader has absolutely forbid the committees to meet. The Republican leader may have moved bills without going through the committee, but never, never, never. So there is a difference. There is a significant difference here.

This is a usurping of the committee process and function by the dictate of the majority leader because he knew we had the votes to vote out ANWR. That is what is so undemocratic about this process.

Is the Senator from Massachusetts willing to give us an up-down vote on ANWR?

Mr. KERRY addressed the Chair.

Mr. MURKOWSKI. I am asking the question.

Mr. KERRY. I am going to answer. I am asking recognition to be able to do that, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska controls the time, and I believe he has yielded to the Senator for the response.

Mr. KERRY. Mr. President, I would be delighted to answer the question. And, at the same time, may I say to the Senator, look, my question to him was whether or not a majority leader on the other side has circumvented. I did not ask him whether they met or not.

Mr. MURKOWSKI. Because he has never done it.

Mr. KERRY. And he has circumvented.

Mr. MURKOWSKI. He has never done it by pulling the authority——

Mr. KERRY. But he has done it.

Mr. MURKOWSKI. Of the committee of jurisdiction away from the process going on in the committee or forbid the committee from even holding markups for fear they would be somewhat confrontational.

Mr. KERRY. Mr. President, I can't speak to the question of methodology. I simply am asking about the result. My result answer is affirmative.

Mr. MURKOWSKI. If the minority leader were here, he would cite the specific differences. The Senator from Massachusetts can either accept my explanation or not. But factually, what happened is that the committee was forbidden to address any business before the committee. So we have not had any markups. We have not had opportunities to offer amendments.

That did not occur in the Commerce Committee. You had a process. He finally pulled it. It did not occur in the Finance Committee because he finally pulled it. But in the Energy and Natural Resources Committee we were simply forbidden, and that was it.

Mr. KERRY. Mr. President, I think that the assistant majority leader may or may not have a better history of that than I do, but I just want to say something. With respect to—I ask the Senator from Alaska about this. The other day, in the Washington Post, Paul Portney, who is the chairman of the National Academy of Sciences panel that the Senator referred to —and he is the president of the think tank—said that what we are proposing in our bill is—I am quoting—"roughly consistent with what the Academy identified as being technologically possible, economically affordable, and consistent with the desire of consumers for passenger safety." Is the Senator aware that the chairman of the panel signed off on that?

Mr. MURKOWSKI. I thought the Senator from Massachusetts was going to respond to my question; which was, Is he going to allow a 50-vote on ANWR? I don't think he addressed that.

Mr. KERRY. I will. Mr. President, let me say pointedly, I have been here now for 18 years. And in the 18 years that I have been here, as the Senator from Alaska knows, there are certain kinds of issues that rise to such a level of both emotional as well as substantive quality and contest that they always require 60 votes.

I have seen time after time on both sides of the aisle—it is just the difficulty here—if you have a contested issue, that is significantly contested on both sides, almost every time here it does not happen unless one side or the other musters 60 votes. It may be regrettable, but many people believe that is one of the great protections of the Senate, so we do not rush to do things that we regret or even as a way of protecting the minority. It is what our forefathers put in place. And I have said that I will exercise that privilege afforded us by the rules of the Senate. And that is what I intend to do on that subject.

Mr. MURKOWSKI. I am glad that the——

Mr. KERRY. May I say, it is not with any disrespect for the Senator from Alaska. I admire his tenacity. I know this means a great deal to him. We just happen to differ. And I think it is an issue that has to be resolved with those 60 votes.

Mr. REID. Will the Senator yield?

Mr. MURKOWSKI. If I may respond to my friend from Massachusetts.

To suggest that we do not want to move into these things too rapidly, this issue has been before this body for many, many years.

Mr. KERRY. I agree.

Mr. MURKOWSKI. It is not a movement of rapidity. We passed opening ANWR in 1995, as the Senator from Massachusetts will recall, and it was vetoed.

Mr. KERRY. Let me say to my friend, I am not saying rapidly. I am saying that sometimes applies.

Mr. MURKOWSKI. It was vetoed by President Clinton. Had we proceeded with it at that time, we would now know what we had. And I think that the Senator from Massachusetts has forgotten one thing. On matters of national security—and certainly national security is an issue, as we look at our situation with Iraq, our dependence on imported oil from Saddam Hussein, the fact that we are enforcing a no-fly zone, risking the lives of men and women—on September 11, we were importing over a million barrels of oil a day from Iraq. We are threatened now relative to the exposure of terrorism from that part of the world. And the Senator from Massachusetts has chosen not to let 50 percent of the Senate make a decision on a matter of national security. He has chosen on his own to filibuster something that has never been done in my understanding of the traditions of the Senate on a matter of national security.

This is what the ANWR issue is. It is the national security of our country because, obviously, as the Senator from Massachusetts knows very well, when there is a shortage of oil, the price goes up. The Senator from Massachusetts would recall in 1973, when we had the Arab oil embargo, when we had the Yom Kippur War, we were 37-percent dependent on imported oil. Today we are 57- to 58-percent dependent. What happened in 1973, we had gas lines around the block. There was frustration. People were blaming government.

I would hope this never happens again, but if it does, I suggest the Senator from Massachusetts will have to reflect on the attitude he proposes to take.

On national security items, it is uncalled for to try to establish a filibuster to reflect an individual and a particular group that has milked this issue for virtually all it is worth. I am talking about America's extreme environmental community.

There is absolutely no evidence that ANWR can't be opened safely. And the residents of my State of Alaska happen to support it. The Native residents of Kaktovik, the area that is affected, support it. ANWR can be on-line in a relatively short period of time. It can mean as much in oil coming into this country and being produced as Prudhoe Bay did. That was 20 to 25 percent of the total crude oil produced in the United States for the last 27 years.

Those are the facts. The debate we will have on that issue will take care of it. It certainly is not in the best traditions of the Senate to take a national security interest and mandate a cloture 60 vote point of order. That is what the Senator has chosen to do.

Mr. REID. Will the Senator yield for an announcement to the Senate, without the Senator losing his right to the floor?

Mr. MURKOWSKI. Surely.

Mr. REID. We have had a number of calls in both cloakrooms as to what will happen tonight. We are very close to having a unanimous consent agreement proposed to the Senate that would set up a vote on this matter that is now before the Senate at 11:30 tomorrow morning. We also have recognized Senator MILLER has been waiting to offer his amendment. He would do that after we come in in the morning so we would be able to have the two votes in the morning.

Mr. LEVIN. Mr. President, if the Senator will yield, I had a discussion with Senator MILLER. My understanding was that the debate on his amendment would occur after the disposition of the Levin-Bond amendment.

Mr. REID. That is correct.

Mr. LEVIN. I thank the Senator.

Mr. REID. If I misspoke, I am sorry. We have a lot of people waiting, and we are going to offer a unanimous consent request to set up things in the morning and tomorrow afternoon. If people would be kind enough when there is a break in the speeches in the next 10 minutes or so, I would like to offer the request so we can move on.

Mr. MURKOWSKI. I thank the majority whip.

The PRESIDING OFFICER. The Senator from Alaska has the floor.

Mr. KERRY. Mr. President, point of personal privilege.

Mr. MURKOWSKI. I yield the floor to Senator BOND.

The PRESIDING OFFICER. The Senator may not yield the floor to another Senator.

Mr. BOND. Mr. President, I had an inquiry to the distinguished deputy majority leader. We have been promised to see a copy of the amendment that is to be offered. Before we agree on the unanimous consent request on this side, we would like to see a copy of that amendment. I wonder if we could be accommodated.

Mr. REID. I say to my friend, we have so ordered the unanimous consent agreement that that should not be a concern to the Senator. None of his rights or privileges would be lost. We will go over that with him prior to offering it.

The PRESIDING OFFICER. The Senator from Missouri now has the floor.

Mr. BOND. Mr. President, I appreciate the chance to address a number of things that have been said on the floor. Before doing that, I would ask if the distinguished majority whip had further comments. I did not mean to cut him off.

Mr. REID. I appreciate that. The Senator certainly has not lost his right to the floor. Tonight anyone who wants to speak on this amendment should talk as long as they want. We have a number of people in the Chamber who wish to talk. Certainly we are going to complete debate on this tonight. That is mainly what the unanimous consent agreement does. It sets up a vote in the morning. So if everyone would be understanding of that, in the immediate future we will offer the request.

Mr. LEVIN. Will the Senator from Missouri yield?

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. BOND. I am happy to yield to the distinguished Senator from Michigan.

Mr. LEVIN. For a question of the majority whip, if I could: Did I understand the majority whip to indicate that the debate on this amendment would be completed tonight under this proposed UC?

Mr. REID. Let me respond to the Senator from Michigan, yes, the debate would be finished tonight. We would have 5 minutes on each side in the morning.

Mr. LEVIN. Prior to the vote?

Mr. REID. Yes.

The PRESIDING OFFICER. The Senator from Missouri has the floor. Does the Senator from Missouri yield for a parliamentary inquiry to the Senator from Illinois?

Mr. BOND. For a parliamentary inquiry, I am happy to do so.

Mr. DURBIN. May I inquire of the Chair, is there any control in a unanimous consent or rule of the Senate relative to the order of speaking as to whether Members will each have a chance to speak once before a Member speaks a second time or what order Members will be recognized?

The PRESIDING OFFICER. There is no controlling unanimous consent at this time with regard to debate on this amendment.

Mr. DURBIN. Could I inquire of my colleague from Missouri if he could give me an indication of how long he wishes to speak?

Mr. BOND. Mr. President, I thank my colleague from Illinois. I have been waiting since about 3:45 because there were a number of points that were raised by my good friend from Massachusetts. He was kind enough to pay attention to some analogies I drew. It is probably going to take me 10 to 15 minutes to correct the RECORD. But I am very sympathetic to the needs of my other colleagues who wish to speak, and I do need to straighten that out. With the Chair's permission, I will go ahead and reclaim my time and begin by making, first, a request.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri has the floor.

Mr. KERRY. I realize that. I am asking if I could ask him just a quick inquiry.

The PRESIDING OFFICER. Does the Senator from Missouri yield for a request of the Senator from Massachusetts?

Mr. BOND. Mr. President, I have enjoyed listening to the Senator's speeches and questions, and I have a number of answers to questions he has already raised. I prefer to answer those questions, and then I shall be happy to entertain such remaining questions. But he has addressed in his statements a number of questions to me. I am looking forward to the opportunity to attempt to answer those questions.

Mr. DURBIN. Will the Senator yield for a unanimous-consent request?

Mr. BOND. Mr. President, unless it is from the majority whip, I would prefer to go on with my statement. I have told the Senators that I would hope to be able to complete this in less than 15 minutes, if I could reclaim the floor.

First, there was a statement by my friend, the Senator from Arizona, that there is nothing going to be done to improve fuel efficiency under the Levin-Bond amendment.

I refer the Senator from Arizona to section 801, the very first page. It directs the Secretary of Transportation to issue new regulations setting forth increased fuel economy standards for automobiles that are determined on the basis of maximum feasible average fuel economy levels, taking into consideration the matters set forth in subsection F. That essentially lists all of the factors included in the National Academy of Sciences study.

Frankly, it says, "setting forth increased average fuel economy standards."

There have been questions raised by the Senators from Massachusetts and Arizona as to whether there would be any action by the Department of Transportation. It is important to point out to whoever still remains that Secretary Mineta, in July of 2001, requested that Congress remove riders preventing the Department of Transportation from revising the current CAFE standards.

Once Congress did that, the National Highway Traffic Safety Administration—which I will refer to as NHTSA—moved expeditiously in resuming CAFE rulemaking and published a notice on January 24, and on February 7 issued a request for comment for new CAFE standards for light trucks, requested public input. On February 1, the Secretary sent a letter to Congress urging that DOT be given the necessary authority to reform the CAFE program. The administration has requested an increase in NHTSA's budget to accomplish the development of the new standards and has begun updating its 1997 analysis of vehicle size.

So I think NHTSA, which the National Academy of Sciences study said should move forward, has shown it is willing to do so and that it is anxious to do so.

Now, one other item has been raised. My colleague from Massachusetts had a great line, a wonderful line, saying they had the most efficient workers and the U.S. auto industry can turn out the best cars around but they are forbidden to do so by the "terrible management." It is all the management and the designers. Do you know something, Mr. President. The people saying they don't want those minicars are the consumers. The people who determine what the national auto- and truck-buying public consume are the consumers themselves.

There are some in this body who think we can tell them that it is good for you, eat your spinach—even if you don't like it. They tried to tell them to eat their spinach. They got 50 different small cars that meet very high standards. Yes, by God, some of them are golf carts. I love the golf carts. They are going to be all over the place if we have this absolutely arbitrary 37-mile-per-gallon fleet average, or 35, or whatever they come up with in their secondary amendment. We are going to be driving lots of golf carts because they will make it. But only 1.5 percent of vehicle sales in the United States today—even though there are 50 different models—are of the mini subcompacts that get the very high miles per gallon average.

For those people who want to drive them and want to save gasoline, more power to them. That should be their choice. That should be the consumer's choice. There have been a lot of statements made about the fact that, well, the only arguments against increased CAFE are from the automakers. There are those of us who are supporting the Levin-Bond amendment who believe that the basis for our concern and for our amendment is the National Academy of Sciences study.

I had my breath taken away by the attacks on the National Academy of Sciences, but I will quote some figures from it.

The Senator from Massachusetts said it is technically feasible and potentially economical to improve fuel economy without reducing vehicle weight or size. It goes on to say that two members of the committee believe it may be possible to improve fuel economy without any implications for safety, even if down-weighting is used. So that statement from the National Academy of Sciences shows that the rest of the members of the panel said it would have an impact on safety.

Furthermore, the committee states that it recognizes the automakers' responses could be biased, but extensive downsizing that occurred after fuel economy requirements established in 1970 suggest that a likelihood of a similar response to further increases in fuel economy requirements must be considered seriously. From this, I repeat the message previously received—that we will be getting into smaller cars that are more dangerous.

Speaking of smaller cars, my colleague from Massachusetts talked about the Escape hybrid electric vehicle. Well, the rest of the story, and what he did not tell you, is that the Escape, which is the basic car, can only tow 1,000 pounds. It is a small front-wheel drive. The hybrid would cost $3,000 to $5,000 more, and it is 1,000 pounds lighter. Now, 1,000 pounds is a significant factor because that is basically what the lower weight of vehicles after the CAFE standards went into effect—what resulted in the roughly 2,000 deaths per year that the National Academy of Sciences foresaw.

There may be some people who want the hybrid electric vehicle. But if I were driving young children in my family around, I don't think I would want to go with a smaller car. There is no assurance that the consumers are going to buy it. That is the problem with some of these command-and-control decisions from Washington. They say that if we direct the manufacturers to build it, then the consumers will buy it. Well, American consumers like to make choices themselves. Sometimes they say we are not going to buy them.

The 10 most fuel-efficient cars in America account for only 1.5 percent of auto sales. In a recent survey of attributes, they show that the consumers value safety, comfort, utility, performance, and fuel economy ranks at the bottom.

In addition, when we talk about the technological improvements, Congress is not making the laws of physics. We are not changing science.

The safety improvements add weight to the vehicles. The heavier the vehicle, the more energy it takes to move it down the road and it results in a decrease in fuel economy.

The National Committee of Sciences report said:

> If an increase in fuel economy is affected by a system that encourages either downweighting or the production in sale of more small cars, some additional fatalities would be expected.

In addition, the Senator from Massachusetts said unequivocally that NAS, in its report, said a fleet of 37 miles per gallon could be reached with existing technology and without any loss of jobs.

That is just simply not true. Nobody can find a reference in this wonderful National Academy of Sciences report. I hold it up. It is a little dog eared. I have been looking for the statement cited as gospel by the Senator from Massachusetts. It is not in there. There are not even any fleetwide numbers in the report. Rather, there are cost-efficient fuel economy levels for 10 different subclasses of light-duty vehicles. Nowhere are those numbers sales weighted to yield a fleet average.

Of the six cost-effective scenarios examined by the National Academy of Sciences panel, is there even 1 of the 10 classes estimated to be able to reach that level? There are subcompact and compact cars which under a 3-year payback period could get up to 30 miles per gallon, and the highest light truck value is only 24.7 miles per gallon.

The National Academy of Sciences report in no way suggests that a 37, 35, 32—whatever number you want to give me—is achievable.

Also, my friend from Massachusetts cited a Consumers Union study on possible safety effects. Unfortunately, that CU study used an invalid comparison of vehicle crash death rates published by the Insurance Institute for Highway Safety to suggest that drivers of Honda Civics are at less risk than drivers of Chevrolet Surburbans. The Insurance Institute says:

> Such a claim is absurd on the face of it. Plus, the comparison is invalid. The two death rates are not statistically different, as indicated by the confidence bounds we published. Also . . . nonvehicle factors such as use patterns and driver demographics influence vehicle death rates, and these are likely to vary across different vehicle types such as small cars . . . and very large sport utility vehicles.

I ask unanimous consent this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

INSURANCE INSTITUTE FOR
HIGHWAY SAFETY,
Arlington, VA, March 6, 2002.

Hon. CHRISTOPHER BOND,
U.S. Senate, Russell Senate Office Building, Washington, DC.

DEAR SENATOR BOND: This is in response to your request for reactions to statements in a letter sent by the Consumer Union (CU) to members of the Senate on possible safety effects of pending fuel economy legislation. The CU letter seriously misrepresents the adverse safety consequences of reducing vehicle weights to improve fuel economy.

First, CU uses an invalid comparison of vehicle crash death rates published by the Institute to suggest that drivers of Honda Civics are at less risk than drivers of Chevrolet Suburbans. Such a claim is absurd on the face of it. Plus the comparison is invalid. The two death rates are not statistically different, as indicted by the confidence bounds we published. Also (as noted in our publication) nonvehicle factors such as use patterns and driver demographics influence vehicle death rates, and these are likely to vary across different vehicle types such as small cars (Civics) and very largest sport utility vehicles (Suburbans).

Even though we pointed out to CU the potential influences of nonvehicle factors on the computed death rates, the letter claims that "when we take all crash factors into account in the real world the Honda Civic had fewer driver fatalities than the Chevrolet Suburban." This is a complete misrepresentation. Nonvehicle factors such as use patterns and driver demographics were not taken into account. The claim that "all crash factors" were taken into account is wrong. No nonvehicle crash factors were accounted for when the death rates were computed.

Second, the CU letter distorts basic facts concerning occupant safety and vehicle weight. The evidence is overwhelming that the lightest passenger vehicles (which consume less fuel per mile) offer much less protection to their occupants than heavier vehicles (which consume more fuel per mile). It also turns out that the safety benefits to vehicle occupants diminish as vehicles get heavier and heavier, so we don't have to choose the heaviest passenger vehicles to get good crash protection. Still, we should avoid the lightest ones.

It is sometimes claimed that the high crash risks for occupants of light vehicles are entirely due to the adverse consequences of collisions with heavier passenger vehicles and, therefore, it is the heavy vehicles that are the problem. It is correct that heavier vehicles increase the risks for occupants of light vehicles in two-vehicle crashes, but this effect makes only a relatively small contribution to the high risks for light car occupants. Our October 30, 1999 newsletter, *Status Report* (enclosed), pointed out in an article on crash compatibility that almost 60 percent of the deaths of occupants of the lightest cars (<2,500 pounds) occur in single-vehicle crashes, crashes with big trucks, or crashes with three or more vehicles. Two-vehicle crashes with other cars (including other light cars) account for 23 percent of the deaths in light cars, and crashes with sport utility vehicles and pickups of all weights, not just the heaviest ones, account for 15 percent of the deaths of small car occupants.

The high risks for occupants of light cars in crashes are due to the inherent lack of

> protection these vehicles offer in *all* kinds of crashes. Additional vehicle safety standards cannot offset the higher crash risks for occupants of lightweight vehicles. Such standards may make light vehicles safer, but they also will make heavier vehicles safer, so the disparities in risk will remain.
>
> The laws of physics dictate that light vehicles consume less fuel per mile and are less protective of their occupants in crashes. This means fuel conservation measure that increases the use of light cars will do so at a cost of unnecessary crash deaths and injuries.
>
> Sincerely,
>
> BRIAN O'NEILL,
> *President.*

Mr. BOND. Mr. President, finally, it has been suggested that the Honda manufacturing motor company is supporting the effort to get the 36 miles per gallon. Today's National Journal Congress Daily on page 9 reports that it opposes the bill sponsored by Senators KERRY and MCCAIN, and it says it supports the measure supported by the distinguished Senator from Michigan and myself.

Honda's representative in Washington said:

> The Kerry provision is just too aggressive. Ultimately, NHTSA ought to decide the standard.

The Levin-Bond amendment would do that. For all those who have complained that there is going to be no progress, that it is going to be in the hands of the auto companies, I refer them simply to the Levin-Bond amendment which says that NHTSA must increase fuel economy, it must do so in consideration of the scientific and technological information developed and presented in the National Academy of Sciences proposal.

Their report is called "The Effectiveness and Impact of Corporate Fuel Economy Standards." We are seeking to do something that is rather unusual, and that is to say, use the best science, the best economics, continue to make progress but do not throw hundreds of thousands of people out of work, do not endanger lives, and do not destroy consumer choice.

This is not a command-control economy like the old Soviet Union where we could say we are going to put out one car and that is what you are going to drive. Frankly, American consumers have developed their own tastes. Yes, we are going to push for better technology, but we are not going to tell them that you can only drive a mini subcompact or, as I say to my friend from Massachusetts, a golf cart.

I look forward to continuing the debate tomorrow, and I urge my colleagues to support the Levin-Bond amendment. I am happy to yield the floor.

Mr. REID. Mr. President, I ask unanimous consent that upon the conclusion of debate today with respect to the Levin amendment No. 2997, the amendment be set aside, to recur at 11:30 a.m. tomorrow, Wednesday, March 13; that at that time there be 10 minutes equally divided and controlled in the usual form remaining for debate prior to a vote in relation to the amendment; that upon disposition of the Levin amendment, Senator MILLER be recognized to offer an amendment regarding CAFE and pickup trucks; that there be 10 minutes for debate with respect to the Miller amendment, with 4 minutes controlled by Senator MILLER and 5 minutes under the control of Senator GRAMM of Texas, and the remaining 1 minute under the control of the opponents; that upon the use or yielding back of the time, the Senate vote in relation to the Miller amendment; that upon disposition of the Miller amendment, Senator KERRY or Senator SNOWE, or their designees, be recognized to offer an amendment regarding CAFE; that the Miller and Kerry amendments be in order regardless of the outcome of the vote with respect to the Levin amendment, with no second-degree amendments in order to the Levin or Miller amendments, nor to any language which may be stricken by those two amendments; provided further that if an amendment is not disposed of, then the Senate continue its consideration of that amendment until disposition and then resume the order of this unanimous consent agreement, as previously announced, with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, two things. For the 11:30 a.m. vote, several on this side have asked for more time. So I will respectfully request that that be extended to 20 minutes. I have a basic problem. We still have not seen the amendment that is to be offered by Senators KERRY or SNOWE, and, until we see it, we don't know if the time is adequate. We would like to see that.

Mr. REID. We have provided no time for that. We changed that.

Mr. BOND. OK. Then with the change to 20 minutes equally divided, we have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. If the Senator will yield, the majority leader has asked me to announce that there will be no more rollcall votes tonight. I ask, if the Senator will allow me, that following the statement of the Senator from Missouri, the Senator from Illinois be recognized for up to 25 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Under the previous order, the Senator from Illinois is recognized.

Mr. REID. Mr. President, I know the order allows the Senator from Illinois to speak.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I did speak to my friend from Illinois. I ask unanimous consent that I be allowed to speak for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, first, this Energy Committee has been defamed several times over the last several weeks. There were a number of meetings held. My friend from Alaska said there were no meetings held since October. Nine people have been confirmed, and they had to come out of the committee. That is one example.

I also say this about my friend, JOHN KERRY. Something was said that what he was doing was not supportive of national security. No one should ever talk about JOHN KERRY and national security. He has done more than talk about national security. He put his life on the line in the jungles of Vietnam and was injured. He received a Silver Star, which is a significantly high medal for heroism. JOHN KERRY was a hero in the battles in Vietnam. I have spoken with people who were with him in Vietnam, and the things he did there were very heroic.

JOHN KERRY believes what he is doing deals with the security of this country. I agree with JOHN KERRY.

The PRESIDING OFFICER. Under the previous order, the Senator from Illinois is recognized for up to 25 minutes.

Mr. DURBIN. I thank the Chair. Mr. President, I thank the Senator from Nevada, the majority whip, for propounding this unanimous consent request. I would like to join in this debate. We will talk about a lot of different aspects of the energy bill, but I think this debate on fuel economy standards for automobiles and trucks in America goes to the heart of the issue.

There are many who believe we can discuss the future energy needs of America without engaging the American people; that we can offer to them the false promise and the false hope that we can become close to energy independent without any change in lifestyle, without very many changes in law, and without any sacrifice by business or families or individuals. I am not one of those people.

I believe if we are going to be honest with the American people about our energy challenges in the years ahead, we have to tell them that it is going to call for sacrifice; it is going to call for commitment; it is going to call for an understanding of our role in the world.

The reason I say this is the following: The United States currently imports 51 percent of its oil. That number is expected to increase to 64 percent by the year 2020. Forty-two percent of U.S. oil consumption is used for gasoline for passenger cars and light trucks. It is predicted that passenger fleet consumption will rise to 56 percent by the year 2020.

We cannot have a meaningful and honest discussion about reducing American dependence on foreign oil without addressing the question of fuel efficiency of the passenger cars and light trucks that we drive as Americans.

For the record, my wife and I own a Chrysler product, a Ford product, and a Saturn. With our kids growing up, we have had a variety of cars, mainly American cars, but we do our best to buy American cars.

Some of the things I am talking about are going to reflect on the American automobile industry, and I am sorry if it is taken as a negative comment but I have to get some of these things as part of the record and part of my feelings about this issue.

Let me tell you the history of fuel efficiency in America so you can understand for a moment what we are discussing today.

In 1975, there was a heated debate in Congress about establishing for the first time in history fuel economy standards for automobiles and trucks manufactured in the United States. At that time, the average fuel efficiency was about 14 miles a gallon for the fleets that were being built primarily by the Big Three in Detroit but by other manufacturers as well.

This Congress decided at that time to dramatically increase the fuel efficiency required of automobile manufacturers to a level of 27.5 miles a gallon by 1985. In a 10-year period of time, we virtually doubled the fuel efficiency of cars and trucks in America. Now, trucks I will have to say were an exception, and because of that exception, which I will allude to later, perhaps it was not the entire fleet taken into consideration, but when it came to automobiles we moved from 14 miles a gallon in 1975 to 27.5 miles a gallon in 1985.

There were many critics who said that was impossible, technologically unachievable, it was going to require Americans to run around in kiddy cars, and that, frankly, it would push manufacturing of automobiles overseas.

If any of these arguments sound familiar, it is the same litany of complaints we have heard today about improving fuel efficiency standards. When one looks back at the history of that debate in 1975, some of the things that were said are nothing short of incredible.

In 1974, a statement before the Senate Commerce Committee from Chrysler Corporation about the new fuel efficiency standard that would move fuel economy from 14 miles a gallon to 27.5 miles:

> In effect, this bill would outlaw a number of engine lines and car models, including most full-size sedans and station wagons. It would restrict the industry to producing subcompact-size cars, or even smaller ones, within 5 years, even though the Nation does not have the tooling capacity or capital resources to make a change so quickly.

Thus spoke Chrysler in 1974 facing the first fuel efficiency standard increase.

General Motors in 1975, published in Oil Daily, said as follows:

> If this proposal becomes law [to increase fuel efficiency] and we do not achieve a significant technological breakthrough to improve mileage, the largest car the industry will be selling at any volume at all will probably be smaller, lighter and less powerful than today's compact Chevy Nova and only a small percentage of all models being produced could be that size.

It is not just the resistance of the Big Three to fuel economy. The Big Three have virtually resisted any efforts to establish new standards for fuel economy, safety, and auto emissions throughout the years. They have been resistant to change.

In 1966, Ford said, when we were imposing national safety standards:

> Many of the temporary standards are unreasonable, arbitrary and technologically unfeasible. If we cannot meet them when they are published, we will have to close down.

That was from Henry Ford II. He was referring to the onerous Government requirements of laminated windshields, seat belts, and other safety requirements.

In 1971, Ford again, and this was Lee Iacocca, who was with Ford at the time:

> The shoulder harnesses, the headrests are a complete waste of money and you can see that safety has really killed all of our business. We are in a downhill slide the likes of which we have never seen in our business, and the Japanese are in the wings ready to eat us alive.

That was Lee Iacocca of Ford Motor Company in 1971 talking about any law requiring safety equipment on automobiles in the United States.

I will not read through all of the quotes on emissions controls. Trust me. Year after year, the Big Three have come before Congress, testified, and stated publicly that any changes in their design and manufacture mandated by law would result in their bankruptcy in the production of vehicles, that Americans would not buy and, frankly, would jeopardize our security as a nation as it shifted jobs overseas.

Despite all of those protests, in 1975 this Congress enacted that law which virtually doubled the fuel economy of cars in the United States. So one might ask then, what happened next? The answer is, absolutely nothing.

Since 1985—for 17 years now—Congress has been unwilling to even address the issue of improving fuel economy of automobiles in the United States. That is an incredible statement, that after 10 years of a dramatic technological breakthrough, doubling fuel economy, for 17 years we have done nothing. And the automobile manufacturers in Detroit have done nothing either. If anything, they have gone in the opposite direction.

The cars that are sold today, particularly SUVs, are less fuel efficient. Of course, as a result of that, our dependence on foreign oil continues to increase.

The premise of those who come before us today and oppose the underlying bill, which improves fuel economy to 36 miles a gallon—35 miles a gallon. I keep getting the numbers confused, but I believe it is 35 miles a gallon. There are three premises behind that. First, those who oppose it would say improved fuel economy is a goal beyond the capacity of American science and technology. We have heard it over and over again. They refer to study after study. They cannot see that we would move from 27.5 miles a gallon as a fleet average to 35 miles a gallon and do that with our ability to bring together the best scientists and those involved in automobile technology. They are very despondent that if Detroit were challenged to meet this goal, they would ever be able to meet it.

Does that sound familiar? Does that not sound like the debate in 1975, when the Big Three came and told us this cannot be done, it is technologically impossible?

The second premise of the opposition to increasing fuel efficiency standards is that the American consumers should not be asked to change their buying habits in any way whatsoever.

Frankly, I think those who take that position are underestimating the people in this country. I think Americans are prepared to accept a change in lifestyle, a change in the vehicles they buy, if we explain to them that if they pay that price, America will come out ahead; we will lessen our dependence on oil coming from Saudi Arabia, from the gulf states, from overseas. We will be able to take positions on foreign policy and on potential battles with other countries based on the fact that we will be less dependent on them.

To me, that makes eminent sense, and I think I could go home to my State, or to virtually any State in this country, and say to people across this country: Americans, we need to gather together. We need to stand united as we have in the last 6 months since September 11. We need to accept the reality that tomorrow's automobile is going to look a little different from today's; tomorrow's truck is going to look a little different, too, but it will be more fuel efficient and it will lessen our dependence on foreign oil.

Is that not a valuable thing for us to do as a nation? I think most Americans would agree. But some would not even bring that question to the American people. They do not want to even raise the possibility or the specter that we would have to change our buying habits.

The third premise of most of those who oppose improvement on fuel economy and fuel efficiency is the Senate is prepared to abdicate any responsibility to meaningfully reduce American dependence on foreign oil. Trust me. If we will not address fuel efficiency and fuel economy, which we know is going to account for more than half of the oil that will be imported into the United States by the year 2020, then the rest of this conversation about energy is simply eyewash. It is not serious. It is not substantive. It is not going to achieve what America needs: Leadership on energy. Unfortunately, that is where we stand today.

I received a letter from a constituent of mine. He sent it to my office, and I will read it into the RECORD. He is in Chicago, IL. His name is "Z" Frank. Those who are from the Chicago area are familiar with him and will know immediately that he is the world's largest Chevrolet dealer, that he is the President of "Z" Frank Chevrolet. This man is the largest dealer of Chevrolets and is writing to Members of Congress, all of us, on the issue of fuel efficiency. Keep in mind, the company that makes the cars he sells is opposing an increase in fuel efficiency.

Listen to what Mr. Frank writes to all of us in reference to this debate.

The letter is dated February 25, 2002, and reads as follows:

> I write in support of raising fuel economy standards, as the President of "Z" Frank Chevrolet, having sold well over 1,000,000 Chevrolets. My family has been selling and leasing cars and trucks in Chicago since 1936. Before entering the family business in 1976, I graduated from George Washington University and then the University of Chicago Graduate School of Business. I have been a Chevrolet dealer since 1982 and since then have also held franchises from Oldsmobile, Hyundai, Mazda, Subaru and Volkswagon.
>
> I call on you to support the kerry-hollings fuel economy bill to raise miles per gallon standards to 35 miles per gallon by 2013. Making cars go farther on a gallon of gas is a responsible step to use less oil.
>
> I ask you to support raising CAFE standards as the best way to manage our energy future and encourage automakers to implement fuel saving technologies that are currently available.
>
> Here is why:
>
> 1. Auto manufacturers are like the boy who cried wolf. Every time the federal government proposes new regulations, they cry the same story that it will limit choice, make vehicles less safe, cost jobs and hurt the economy. During the same period in the 1980s that fuel economy increased, traffic fatalities fell by half. And when new laws are passed, compliance follows. Now ask yourself, didn't the year 2000 set the all time record for light and medium weight vehicles sales? Even after September 11, car companies have been selling a vast number of vehicles. It doesn't seem to me that regulations have hindered volume or employment so far. Can you remember one instance when the manufacturers' cries of gloom and doom have materialized? I can't.
>
> 2. American technological innovation can lead the way to safe, fuel efficient vehicles that sip gas rather than guzzle it. I would like to see General Motors provide me with a competitive high mileage vehicle to sell, and we'll sell it!
>
> 3. Fuel-efficient technology can be implemented without jeopardizing safety. Technology such as better engines and transmissions will be the driving force in making more fuel-efficient vehicles. General Motors recently announced that it had technology to improve the engines it uses in the Suburban, their largest SUV, by 25%. Technology, such as air bags and vehicle design, is also a driving force behind vehicle safety. High fuel economy standards can help improve overall safety by encouraging the use of strong but lighter materials in the heaviest vehicles.
>
> 4. As technology has improved, performance has consistently improved as well. Competition will continue to improve performance. Under the CAFE system, the pickups and SUVs that have the torque and horsepower needed to haul heavy loads can retain their power. Consumers will continue to love their cars and buy the best cars that their monthly payments will allow.
>
> 5. There are real benefits to our environment from raising CAFE standards. Cars, SUVs and other light trucks now consume 8 million barrels of oil every day, and account for 20% of US global warming emissions. High demand for oil also increases the pressure to drill in areas that should be left unspoiled. Raising fuel economy standards will save oil and slash global warming pollution.
>
> 6. I have a personal reason for supporting higher CAFE standards. Air pollution is a very serious and growing problem, and my wife, who suffers from asthma, finds it increasingly difficult to breathe. While making cars use less gasoline will not directly reduce air pollution from a car's tailpipe, by cutting gasoline consumption, it will dramatically reduce air pollution that comes from refining, transporting and refueling. Raising CAFE standards will, in fact, help clean the air.
>
> It pains me to be at odds with the manufacturer I represent. For 65 years, my family has been selling cars and trucks—almost 50 of those years, Chevrolets. Selling Chevrolets has been very financially beneficial for my entire family and me. I do not want to be at odds with General Motors and my fellow dealers or threaten my economic future. I want to support my manufacturer—but first, they must give me the vehicles to sell that are in the best interests of our citizens and our country. I believe they can and will do it if required.
>
> Please support the Kerry-Hollings bill as a responsible step towards a better future.
>
> Sincerely,
>
> CHARLES E. FRANK,
> *President, "Z" Frank Chevrolet.*

Mr. Frank, in that 2-page letter, summarized the most compelling arguments for Members to have the courage, the political courage, to vote for higher CAFE standards. Here is a man who sells the product. If he believed for a second what we have heard on this floor, that what he would sell would be something American consumers would never buy, he would not write that letter. If he believed for a second this were beyond the technology and ability of American auto manufacturers, he would not have written this letter. But he believes otherwise. And so do I.

Let me put this in historic perspective. From 1975 to 1985, there was a 100-percent increase in fuel efficiency. From 1985 to 2002, no change whatever. We are still stuck with the 1985 standard.

Let me put in perspective what we are debating. The underlying bill wants to move the fuel efficiency standard to 35 or 36 miles per gallon, depending on the amendment before the Senate. And 35 or 36 miles per gallon means we will take the 27.5-gallon fleet average now and raise it by about 30 percent. From 1975 to 1985, we increased fuel efficiency 100 percent. Under the Kerry provision before the Senate, we are asking that in the 30 or 32 years since, Detroit and the automobile manufacturers increase their fuel efficiency by 30 percent.

I am sorry, but I have to say I don't believe that is an ambitious or impossible goal. If I believed for a minute this was beyond the ability of American science and technology, I would throw in the towel, as are those who are opposing the Kerry provision and stand to say we cannot ask America's engineers and scientists to come up with a means over the next 13 or 14 years to improve the fuel efficiency of our vehicles by 30 percent.

But I do not believe that. As I stand today, I know the Congress of 1975, which had the courage to say to automobile manufacturers, you can do 100 percent better in 10 years, was on the right track. There is not a single proposal today that even gets close to setting that kind of ambitious goal. Yet it is doubtful we are going to pass any meaningful fuel efficiency improvement standard as part of this energy bill. That is a sad commentary. It is a sad commentary on our automobile manufacturers. It is a sad commentary on this Congress that we do not have the courage to stand up and do what is right for this country at a time when we know what our dependence on foreign oil means.

If we look at some of the things before the Senate, we understand why the debate is getting out of hand. Look at the Kerry-Hollings provision on increasing fuel efficiency to 35 miles per gallon by 2013—in other words, in 11 years to reach 35 miles per gallon, a 30-percent increase over where it is today.

This charts shows the amount of oil that would be saved, millions of barrels a day; 3.5 million barrels a day would be saved if this were in place.

Look at what the other side argues. They suggest there is a painless way to do this. We have spent more time in this Chamber talking about one piece of Alaskan real estate than any other issue regarding America's energy picture. Senator MURKOWSKI and others stand before the Senate and say the real answer to our problem and dependence on foreign oil is to go ahead and drill in the Arctic National Wildlife Refuge. Look at the savings or production that comes from the Arctic National Wildlife Refuge compared to the savings if we move toward fuel efficiency. It is not even close.

I have numbers which tell the story. The U.S. Geological Survey says there are 3 million barrels of oil in the Arctic National Wildlife Refuge and it will be 8 or 9 years before we can bring it out. We can have several times this amount of savings through automobile and industrial efficiency. That is why we need a strong CAFE provision in this bill. By 2030, the cumulative savings from CAFE reform will be over 18 billion barrels of oil. In other words, the cumulative oil savings from CAFE reform by the year 2030—to the end of this chart—would be 6,000 times the amount of oil we could ever drill out of ANWR according to the U.S. Geological Survey.

It is not an honest debate to say to the American people, keep driving as big a car as you want, do not ask Detroit to come up with anything that is more fuel efficient, no sacrifice to Detroit, no challenge to our technology and science, drive whatever you want, when you want, no questions asked, and do not worry at all about our dependence on foreign oil because we can drill in the Arctic National Wildlife Refuge.

That is what I hear from the other side of the aisle. I think that is a ludicrous position. I don't think that even gets close to squaring with the reality of the challenge we face in America.

So I hope my colleagues, when they consider this debate, will recall what we have been through in this country over the last 20 or 30 years. I hope they will remember the great debate in 1975 where Members of Congress stood up and said to the American people: We are tired of these long lines, waiting at gas stations. We don't want to increase our dependence on foreign oil. We are going to put a challenge out.

They put that challenge out and the sad reality is, foreign automobile manufacturers rose to the challenge, and Detroit fought them all the way.

There was an old saying. When Congress passed the 1975 law, the Japanese automobile manufacturers went out and hired a team of engineers to comply with the new standards that had been imposed on them by Washington and the Big Three in Detroit went out and bought a team of lawyers to fight the new standards in court.

I don't know how true that is. But I tell you, I think we can do a lot better. It is a source of embarrassment to me that the first hybrid vehicles that came on the market in America were produced by foreign automobile manufacturers. We can do a lot better. Detroit obviously will not do it on its own. It needs to have a standard, a goal, and, frankly, a law which says we are going to dramatically improve the automobiles and trucks that we sell in America.

I genuinely believe we can meet this. I genuinely believe we can rise to this challenge. I am not so despondent and negative to believe we have to throw in the towel whenever faced with something that some call as radical as increasing fuel efficiency by 30 percent over the next 11 or 12 years.

That is a modest goal, a very modest goal. But look at the savings for America in reducing our dependence on foreign oil.

Nor do I believe it is unreasonable to say to the American consumer: Yes, that car or truck is going to look a little different in the years to come, but isn't it worth it? Isn't it worth it to know you are doing something? You are driving a brand new car, brand new truck—it looks a little different, may sound a little different—but when it is all said and done, you will still be living in the greatest Nation on Earth, and we are less dependent on that foreign oil and those who produce it —and lead us around by the nose too often when it comes to foreign policy. I don't think that is an unreasonable thing to ask, nor do I think it is unreasonable to ask this Congress to basically say to those special interests groups that have come to us and said stand in the way and stop any improvement in fuel efficiency, that this is not in the national interest.

Mr. FRANK made that point. We have to do what is best for this Nation in the long run, for workers as well as families across the board. And that means supporting a meaningful fuel-efficiency standard which lessens our dependence on foreign oil. The net result will be a better vehicle, more jobs, a safe vehicle; it will be something we are going to be proud of. I hope Congress has the political courage to rise to the occasion.

Unless someone is seeking recognition—the Senator from Michigan? I yield the floor.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Michigan.

Mr. LEVIN. Madam President, let me briefly comment on a few of the questions which have been raised here today.

First, in terms of the amendment which is offered, we are requiring that there be an increase in fuel economy. That is No. 1. But what we also say is that there are many factors that need to be considered, including safety factors, before that decision is made.

We list those factors. We list every factor that we can reasonably think of that somebody ought to consider before we arbitrarily adopt a number which is then imposed upon this economy and upon the American public.

We have heard a lot about safety today. I want to read some things from the National Academy of Sciences about safety. This isn't the automobile industry and it is not the opponents of the Levin-Bond amendment. This is the National Academy of Sciences.

It creates a lot of difficulty for the opponents of my amendment because it raises an issue they do not consider. As Senator KERRY from Massachusetts simply said: The National Academy of Sciences says that his proposal, "will not affect safety."

Those are the words of Senator KERRY. The National Academy of Sciences says his proposal won't affect safety.

I am afraid that the National Academy of Sciences specifically found that the increase in CAFE, whether you like what we did or do not like what we did back in the 1970's, had an effect on safety. Here is what they said:

> Based on the most comprehensive and thorough analyses currently available, it was estimated in chapter 2 of their study that there would have been between 1,300 and 2,600 fewer crash deaths in 1993—

Which is the year they looked at it

> had the average weight and size of the light duty motor vehicle fleet in that year been that of the mid-1970's. Similarly, it was estimated that there would have been 13,000 to 26,000 fewer moderate to critical injuries.
>
> These are deaths and injuries that would have been prevented with larger heavier vehicles, given the improvement in vehicle occupant protection—

That was raised today: Does this consider the improvements? Yes.

> and travel environment that occurred during the intervening years.

In other words, the National Academy of Sciences study says these deaths and injuries were one of the painful tradeoffs that resulted from downweighting and downsizing, and the resulting improved fuel economy.

Those are difficult words for many people to even consider, but they are words of the National Academy of Sciences. They repeat them in a number of places relative to safety. There is a tradeoff. That was the majority vote of the National Academy of Sciences.

For the Senator from Massachusetts to simply say the National Academy of Sciences said it will not affect safety—referring to his proposal—he is simply wrong.

It was amazing to me that then almost in the same breath he attacked the very findings of the National Academy of Sciences as being flawed. Within 1 minute of each other, those two thoughts were uttered by our good friend from Massachusetts: One, the National Academy of Sciences say the increase in CAFE mandated by his bill won't affect safety; second, that the National Academy of Sciences study, which has been quoted on this floor today, is flawed. Then he goes into the reasons why it is flawed.

My point is actually a simpler one. Somewhere, somebody who has some expertise ought to look at some factors that should go into the decision: What should a new fuel economy standard be? We can do it here arbitrarily. We can say it ought to be 35 miles a gallon, that it is technologically feasible using possible advanced technologies. We can say that without consideration of cost, by the way; without consideration of safety; without consideration of disproportionate impacts on different manufacturers.

We could do that here arbitrarily. Or we can do what this amendment does, which is to say there are a lot of criteria that ought to go into that decision: Technological feasibility, economic practicability, the effect of other Government motor vehicle standards on fuel economy—I want to come back to that in a moment—the need to conserve energy, the desirability of reducing U.S. dependence on foreign oil, the effect on motor vehicle safety, the effects of increased fuel economy on air quality, the adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers, the effect on U.S. employment, the cost and lead time required for introduction of new technologies, the potential for advanced technology vehicles such as hybrid and fuel cell vehicles to contribute to significant fuel savings; the effect of near-term expenditures required to meet increased fuel economy standards on the resources available to develop advanced technology, and the report of the National Research Council, which is the National Academy of Sciences.

Do we want these factors to be considered? Do we think they are relevant? Do we think they should be part of a process that addresses where the new standard should be? It seems to me, yes. It is for 15 months. Under our amendment, we direct the Department of Transportation to—I use this word because it is very important—increase standards for cars and light trucks based on the consideration of those facts.

That is No. 1. Those facts are relevant. They ought to be considered. They are the alternative.

One of the things that the NAS also points out is that if new regulations favor one class of manufacturer over another, they will distribute the cost unevenly and could evoke unintended responses.

On page 69 of the NAS study, they say that in general new regulations should distribute the burden equally among manufacturers unless there is a good reason not to. For example, raising the standard for light trucks to that of cars would be more costly for light truck manufacturers.

The Kerry-Hollings proposal affects manufacturers unequally because it looks at fleet average instead of class average. We have gone into this in some detail today. We have pointed out that if you look at classes of vehicles and compare the light trucks, which we have listed here manufacturer by manufacturer but do it class by class, American-made vehicles are at least as fuel efficient as imports.

Is that relevant? It should be. Even if you decide that you want to have an arbitrary number selected in law now without a committee report, without consideration of any factor except potential technological feasibility—one of 13 factors—if you want to ignore all the others, surely we ought to do it in a way which does not have a discriminatory impact on American manufacturers.

I find it incredible, I find it bizarre, that we would build a system that would not say that equal vehicles by size and manufacturer ought to be treated equally. By the way, that is also what the NAS says.

Here I am quoting them:

> That one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers.

The suggestion was made today that this proposal of Senators KERRY and HOLLINGS would have a positive impact on air quality. I am afraid that is inaccurate. Air quality standards are set for all light-duty vehicles on a per-mile basis. So that the amount of any exhaust gases that can be emitted and limited to a fixed amount per mile driven, regardless of the fuel economy of the vehicle, makes no difference. Large vehicles, medium-sized vehicles, or small vehicles all have, under the so-called tier 2 rules, which will soon be in effect, exactly the same requirement relative to emissions that go into the air. All full-sized vehicles, including Ford's Excursion, GM's Suburban, the Dodge Durango, the Toyota Land Cruiser, have to meet the same emissions as a Honda Civic or a Chevy Metro.

Talking about the Chevy Metro, the GM dealer, which was referred to by Senator DURBIN, I presume, had Chevy Metros for sale, and could have sold all they wanted, I assume, since they were a GM and Chevy dealer. Yet the percentage of those small subcompacts that were sold is less than 2 percent of the entire sales of this country. They have been available. They are highly fuel efficient. They have some disadvantages in terms of size. But to suggest, as one Chevy dealer did in a letter that was cited by the Senator DURBIN, that somehow or other General Motors should give to him a fuel-efficient vehicle so he could sell more—2 percent of all of our sales in this country are subcompact, are highly fuel efficient, and with a small number of other disadvantages.

GM provided an electric vehicle, which has much better fuel economy by any kind of a test than any of the proposed vehicles or any other existing vehicles that we have. Yet these vehicles have been, if not a significant disappointment, a serious disappointment. They have had these vehicles. We have probably a dozen vehicles of extremely high fuel economy available for consumers, should they choose to buy those vehicles and should dealers such as the dealer in Chicago choose to or be able to sell those vehicles to their customers.

Just a couple of other points before we finish for the evening:

The NAS does not recommend fuel economy goals. They have said that over and over again. They lay out the facts. We have quoted many of them on our side of this issue. But they say very clearly that the committee cannot emphasize strongly enough that the cost-efficient fuel economy levels they identified are not recommended fuel economy goals.

That is not what they were about. What they were about was to do an analysis of various kinds of technology. What are the possibilities? What they came up with are conclusions which we very much support. We very much rely on them. The amendment of Senator BOND and myself very heavily relies on the NAS study which has been referred to today.

I think a letter from Honda was referred to earlier in the day, the implication being that somehow or other Honda might be supportive of the Kerry-Hollings language. I want to read a Honda document from their government relations folks. It says here that the Levin-Bond amendment requires NHTSA to set new standards for light trucks within 15 months. They support this amendment.

These kinds of technological feasibilities are among the factors considered in setting new standards, and, perhaps most importantly, it says:

> We ask you to call your Senators immediately to express your support for what is being called the Levin-Bond amendment, and not support alternative amendments.

They write:

> Other Senators may offer amendments, but there are none that meet our criteria better than Levin-Bond.

That is the Honda dealer document to which I am referring. It is quite opposite from the implication which was made earlier this evening that somehow or other Honda was supportive of the arbitrary identification of a particular standard in the Kerry-Hollings language.

Again, Honda specifically said:

> We ask you to call your Senators immediately and express your support for what is being called the Levin-Bond amendment.

There was a reference made to Europe: Why can't we do what they do in Europe where there is a much different situation? The small car percentage in Europe is 64 percent. Ours is 24 percent. They obviously do better on fuel economy. But they do better for a number of reasons. Not only do they have three times as many small cars in use, mainly because of the cost of gasoline, which is about 2½ times higher than our gasoline prices, but also they use diesel engines. They have 36 percent diesel engines in Europe. We have about 1 percent here.

The reason they are able to do that is diesel engine standards are very different from ours. Our tier 2 emission standards will not allow the European diesel engine to be used here.

I did not hear supporters of Kerry-Hollings today say they would support the European diesel standard. I would be interested as to whether they would. If they will, that has a very different effect on our air quality.

The emission standards in tier 2, which are very tough, and which are stronger than they are in Europe, and which protect our air cannot be met by the European diesel. Maybe someday they will be, but they cannot yet.

When we heard that argument from the Senator from Arizona about air quality, and about being worried about NO_x and the other components of smog, then what we are talking about is: Are the proponents of the Kerry-Hollings language willing to adopt the European diesel standards which would allow our manufacturers to use diesels of that same quality? That will have a huge impact on CAFE standards and on the CAFE averages of fleets, if our manufacturers can use the European diesel standard. I guarantee you that there would be a huge outcry in this country if there were an effort made to adopt the European diesel standard for American manufacturers and sales here.

To simply say, look, they are doing it in Europe, they are meeting much higher CAFE standards or fleet averages in Europe than they do here, is to completely mix apples and oranges, because the difference, No. 1, in gas prices; and, No. 2, because of the difference in the number of small cars in Europe, mainly because of gas prices, but, most importantly, because of the percentage that diesels have of the market in Europe.

Madam President, I close with this: Senator KERRY, a good friend of the Presiding Officer and myself, suggested that maybe he and I ought to go in a back room—his words—and just adopt CAFE standards class by class for each of these six classes, since I pointed out how discriminatory it is to have one fleet standard for each manufacturer because of the different component makeup of the fleets, and how it is comparing, in a very unfair way, the American automobiles to the imports, and that the only fair way, in my judgment, is to have the same standard fuel economy for the same class vehicle. Senator KERRY, at that point, suggested—again, his words—I challenge you to go in a back room and set standards for each class.

What he pointed out, accurately, is that our amendment does not set a standard. He wants to set a standard.

My answer to that is, to do so would be to adopt in law six arbitrary standards instead of one—one arbitrary standard for each class.

I do not think we should legislate that way. I think what we ought to do is, at least for a brief period of time—have the people who are designated by law as experts look at all the criteria which are relevant to the setting of fuel economy standards, including safety, impact on jobs, cost, short-term versus long-term benefits, and the other criteria that I mentioned. Then if they do not act within 15 months, we have an expedited process to guarantee that alternatives can be considered by the Congress by under expedited procedures. If they do adopt a regulation that we do not like, under existing law, there is a process called legislative review, under which we can veto that regulation. We have that option after a rational process is pursued.

We can either arbitrarily select a standard now, based on 1 of those 13 criteria—and even that is partial—or we could do something which, it seems to me, is a lot more rational, which is to tell that regulatory agency, which has that responsibility under law: These are our policies. We want you to consider all of these criteria to adopt a rule. If we do not like it, we are going to veto it. If you do not do it, we are going to have an expedited process to consider it.

Madam President, I do not know if there is anybody else who seeks recognition. I see none.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LEVIN. Madam President, I ask unanimous consent there now be a period of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY DERIVATIVES TRAINING

Mr. ENZI. Madam President, I rise to address the issue of derivatives. The name itself would almost put people to sleep; the details of it are very complicated. It is a process that is done by major corporations, which is what brings it to our attention at the moment. Unfortunately, the proposition that is before us is an answer looking for a problem. It is not a solution to what has happened.

Enron has raised many concerns regarding the state of our energy markets. However, as investigations into the collapse of the company are showing, the failure of Enron was likely due to unethical and possibly illegal accounting techniques used by executives at the company. We need to make one thing clear: The trading of energy derivatives had nothing to do with the collapse of Enron. In fact, Enron's trading platform was one of the most lucrative parts of the company.

Enron is not an accounting problem; it is not a business problem. It is probably a fraud problem.

During debate on the Commodities Futures and Modernization Act, we examined extensively the oversight and regulation of energy derivatives. It was done the right way. It was done with hearings, with committee markup, with floor debate. This has been brought directly to the floor. It has bypassed the other processes.

What we concluded using the correct process was the proper amount of oversight for a new and emerging business. We did the debate on the Commodities Futures and Modernization Act, and we examined extensively the oversight and regulation of the energy derivatives—the way it is supposed to be done. What we concluded was the proper amount of oversight for a new and emerging business had been put into law.

If we start to regulate an industry that is in its infancy, we run the risk of stifling competition and reducing the possibility of it reaching its full potential.

Federal Reserve Chairman Alan Greenspan testified last week before the Senate Banking Committee. I want to echo a few of his comments regarding the regulation of energy derivatives.

Chairman Greenspan said it was crucially important that we allow those types of markets to evolve amongst professionals who are most capable of protecting themselves far better than either we, the Fed, CFTC, or the OCC could conceivably do. The important issue is that there is a significant downside if we regulate where we do not have to in this area. Because one of the major—and indeed the primary—areas for regulation and protection of the system is counter-party surveillance—that the individual private parties, looking at the economic events of the status of the people with whom they are doing business. . . . We've got to allow that system to work, because if we step in as government regulators, we will remove a considerable amount of the caution that is necessary to allow those markets to evolve. And while it may appear sensible to go in and regulate, all of our experience is that there is a significant downside when you do not allow counter-party surveillance to function in an appropriate manner.

I think we are glazing the eyes over here, but essentially Mr. Greenspan said it is too early to do anything based on the act that we already did.

Selling derivatives is a way for companies that can't afford risk to pass it on to companies that are willing. We have done that for a long time in the insurance business. This is another form of corporate insurance.

There is no indication that trading of energy derivatives contributed in any way to the collapse of Enron. However, if, in fact, Members think we need to look at legislation in this area, we should examine it in a reasonable process—not by offering on the floor amendments to a newly enacted piece of legislation. I certainly appreciate and respect Members' attention to examining the energy markets, but we should take that through the committee process so Members have a chance to hear testimony and pose questions to experts in this area.

It is a difficult area; it is a complicated area. Supporters of this amendment claim that Enron has such a large market share of this business that they were able to provide undue influence over the energy trading.

To the contrary, during and after the collapse of Enron, there were no interruptions of trading. Other market participants stepped in and assumed volume. There were no price swings or collapses of the energy market. This is a perfect example of market forces working the way they were intended.

The CFMA provided legal certainty for commercial parties not executed on futures exchanges—legal certainty, taking away some of the risk, selling some of the risk. This amendment could be interpreted to cover all transactions between commercial parties conducted either by e-mail or over the phone. The effect of this amendment would likely be decreased market liquidity because of increased legal and transactional uncertainties. Additionally, energy companies may be discouraged from using derivatives to hedge price risks. This could result in more price volatility in energy markets, which will hurt the very consumers the legislation seeks to help.

This amendment would also require electronic trading exchanges to set aside capital, even if they do not participate in trading. For instance, the Intercontinental Exchange allows buyers and sellers of energy derivatives to exchange offers through an electronic program. This exchange is already regulated by the CFTC and gives the CFTC access to its trading screens. This amendment would require the Intercontinental Exchange to set aside capital, even though it only facilitates transactions and does not trade. This requirement could force ICE to cease operations—forcing buyers and sellers of energy derivatives into the over-the-counter market. This is why CFTC Chairman Newsome has said the CFTC does not require this new authority.

Because of my concern for this issue, I recently wrote to the Chairman of the Securities and Exchange Commission to get his views regarding this amendment. Mr. Pitt responded:

The Securities and Exchange Commission believes this legislative change is premature at this time.

I ask unanimous consent that this entire letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SECURITY
AND EXCHANGE COMMISSION,
Washington, DC, March 11, 2002.

Hon. MICHAEL B. ENZI,
U.S. Senate, Senate Russell Office Building, Washington, DC.

DEAR SENATOR ENZI: Thank you for your letter concerning proposed amendment #2989 (Congressional Record, March 7, 2002, p. S1685), introduced by Senator Dianne Feinstein and others, to S. 517, the pending Senate energy legislation. This amendment would repeal key provisions enacted as part of the Commodity Futures Modernization Act (P.L. 106–534) applicable to over-the-counter derivatives contracts in certain energy products.

The Securities and Exchange Commission believes this legislative change is premature at this time—barely more than a year after the CFMA's enactment. Because of on-going federal investigations, the lack of rigorous analysis about the CFMA's effect on the derivatives markets as a whole, and the absence of a determination about what role (if any) over-the-counter derivatives played in the collapse of Enron or the California energy crisis of last summer, we do not believe that any action should be taken until all of the facts are available for evaluation.

Thank you for giving the Commission an opportunity to comment on this legislative proposal.

Yours truly,

HARVEY L. PITT,
Chairman.

Mr. ENZI. I ask that Members step back and, if there is a problem, let's address it in a responsible manner through the normal process. Let's begin to hold hearings on energy trading, and after we have had time to evaluate what we have learned, we can look forward to a reasonable solution. This is too early and takes away the opportunity to sell off risk by some other companies. I ask for you to defeat the amendment.

I yield the floor.

IRAQ

Mr. MURKOWSKI. Madam President, I refer my colleagues to an incident that has perhaps occurred without the knowledge of those who are lamenting that our dependence on imported oil has been relieved somewhat because prices are down.

I call to the attention of my colleagues the fact that oil is now at a 6-month high. It is over $24.50 a barrel and going up. It is the highest in 6 months. This is caused by the cartel called OPEC and its commitment to maintain a price level somewhere between $22 and $28. They do that by addressing the supply of oil on the world market.

Another very significant event occurred yesterday. This event was the response of Saddam Hussein to a request from the United Nations that inspectors again be allowed into Iraq. Saddam Hussein in effect told us to take a hike. He refused to allow inspectors into his country. We have not had inspectors in there in over 2 years.

What does this mean? It is in the eyes of the beholder, but clearly he has made his call. The next call has to be made by our President and the U.N. Are we going to force our inspectors to go into Iraq? What are the circumstances surrounding this issue?

One can conjecture that if we look at bin Laden, at the al-Qaida, we will wish we would have taken action prior to what occurred in association with the terrorist attacks on New York at the Twin Towers, the Pentagon, and the situation we are in of fighting terrorism. Could we have initiated an action sooner?

We could have, but we didn't. In the case of Iraq, the recognition that we all are very much aware that Saddam Hussein is proceeding with weapons of mass destruction, many of my colleagues perhaps saw the CNN hour program the night before last on Iraq, the fact that he is using poison gas on some of his own people; that he has developed mass destruction weapons with warheads that obviously have biological as well as perhaps nuclear capability, clearly a delivery system that would take them from Iraq to Israel, one has to wonder just when we are going to address this reality and how we are going to do it.

I won't belabor my point other than to try and draw some attention to the fact that, indeed, it is a time for alarm. This is a time when the United States is importing from Iraq nearly 800,000 barrels of oil a day. As we reflect on how to relieve that increasing dependence, how do Members reflect upon just how serious a threat Saddam Hussein is to peace in the western world? How do we address our concern over the reality that he has weapons of mass destruction? How are we going to reflect on just how we are going to reduce our dependence on oil from the Mideast when we look to the Saddam Husseins of this world to provide us with our needed oil as opposed to developing oil reserves here at home, either in the Gulf of Mexico or in the State of Alaska?

This is a factor we will have to face because at some point in time, clearly, we will have to address the threat of Iraq and Saddam Hussein. It is my hope that we can somehow prevail on getting inspectors in there and relieving this threat. Saddam Hussein has clearly told us otherwise. He told us yesterday to go take a hike.

I know the beliefs of the Chair with regard to the national security interests of our Nation as we continue to depend on unstable sources for our energy. I wish that more Members would concern themselves with this threat.

IN MEMORY OF TECHNICAL SERGEANT JOHN A. CHAPMAN

Mr. SANTORUM. Madam President, I rise today to recognize the heroic life of Technical Sergeant John A. Chapman, whose family is from Windber, PA. Sergeant Chapman, who was buried today, was killed on Monday, March 4th, during a fierce firefight after his helicopter was shot down by al-Qaida fighters in Afghanistan.

Sgt. Chapman, who was only 36 years old, is survived by Valerie, his wife of 10 years, and by their 2 young daughters, Madison age 5, and Brianna age 3. While I know that this loss is devastating to the entire Chapman family, I can confidently say to Sgt. Chapman's two young daughters that their daddy died for a great cause and that this cause was to protect the world and this Nation against evil people. These people seek to destroy the very foundation of our country which allows all of us to be free and safe and prosperous.

As a Nation, we have been very fortunate in recent years; we have not had to face many casualties while defending our freedom. The death of Sgt Chapman and the seven other servicemen killed last week really hit home. These losses are painful, but this war has a real purpose, and a real national security implication. In my mind, the sacrifice made by these men is as important as any made during the great wars that we have fought in the past. We never like to lose even a single life. Each casualty we read about in the newspapers means the world to someone who has lost a father, a brother, or a friend. I grieve with the Chapman family and all of the families that have made this ultimate sacrifice, but it is important to remember that they did not die in vain. Our thoughts and prayers are with the Chapmans as they go through this difficult time. Sgt. Chapman died to protect the core values which define our country, and we will always remember him as a hero.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred November 21, 1999 in Maple Grove, MN. Two men shoved a lesbian woman, verbally assaulted her, and then attacked her. The assailants, two 21-year-old men, were charged with a hate crime in connection with the incident.

I believe that Government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

CHILDREN AND HEALTHCARE WEEK

Mr. HOLLINGS. Madam President, each day many of our Nation's children face illnesses that require a doctor's office or hospital visit. This can be a frightening experience, and underscores the need to provide quality pediatric health services, while easing the stress children and their families feel. The week of March 18th in Greenville, SC, The Greenville Hospital System Children's Hospital is celebrating Children and Healthcare Week with a number of valuable activities for health care professionals, parents, and community partners.

The activities are aimed at increasing public, parental, and professional knowledge of the improvements that can be made in pediatric health care. In particular, it stresses new ways to meet the emotional and developmental needs of children in health care settings. Among the scheduled events are: continuing education classes for medical residents and support staff, an awards ceremony to honor local individuals who have dedicated their lives to pediatric care, a special tribute service to honor children, and a family event for employees. Lack of quality health care should never be an impediment to the long-term success of our nation's children, and I commend Greenville's dedication to Children and Healthcare Week.

RECOGNITION OF WOMEN'S HISTORY MONTH

Mr. SARBANES. Madam President, I rise today in recognition of Women's History Month. This time has been appropriately designated to reflect upon the important contributions and heroic sacrifices that women have made to our Nation and to consider the challenges they continue to face. Throughout our history, women have been at the forefront of every important movement for a better and more just society, and they have been the foundation of our families and communities.

In Maryland, we are proud to honor those women who have given so much to improve our lives. Their achievements illustrate their courage and tenacity in conquering overwhelming obstacles. They include Margaret Brent, who became America's first woman lawyer and landholder, and Harriet Tubman, who risked her own life to lead hundreds of slaves to freedom through the Underground Railroad. Dr. Helen Taussig, another great Marylander, developed the first successful medical procedure to save "blue babies" by repairing heart birth defects. Her efforts laid the groundwork for modern heart surgery. We are all indebted to Mary Elizabeth Garrett and Martha Carey Thomas who donated money to create Johns Hopkins Medical School on the condition that women be admitted. And jazz music would not be complete without the unforgettable voice of jazz singer Billie Holiday who also hailed from Baltimore City. Their accomplishments and talent provide inspiration not only to Marylanders, but to people all over the globe.

My good friend and colleague from Maryland, Senator BARBARA MIKULSKI, is a tremendous example of the commitment and dedication women give to public service. From her background as a social worker to her election to the U.S. Senate, Senator MIKULSKI, who has served longer than any other woman currently in the Senate has always worked to ensure all people are treated fairly. She appropriately played a key role in establishing this month when in 1981, she cosponsored a resolution establishing National Women's History Week, a predecessor to Women's History Month. Today, I wish to honor her dedication and service to the people of Maryland and this Nation.

While we recognize famous women, it is important that we acknowledge the contributions of others who daily touch our lives: Our favorite teacher who gives us the confidence and knowledge to know that we were capable of success; the single mother or grandmother who toiled at a low-paying job for years to guarantee that the next generation in her family received better education and career opportunities; and the professional women who volunteer the little spare time they have to read to children or speak to student groups, inspiring young people to aim for goals beyond what they may have otherwise imagined.

Women's History Month is a fitting time to honor the women of the Armed Services who risk their lives in our fight against terrorism. From the American Revolution and the Civil War through modern day armed conflict, American women have sacrificed next to their husbands, sons, brothers and fathers to preserve the freedom upon which this Nation was founded. Currently, more than 6,000 women in the Armed Services are courageously fighting in our war against terrorism and almost 15 percent of the 1.4 million soldiers volunteering in our military are women. These modern day heroines, giving of their time, knowledge, and lives should not be taken for granted.

Women have made great strides in overcoming historic adversity and bias but they still face many obstacles. Unequal pay, poverty, inadequate access to healthcare and violent crime are among the challenges that continue to disproportionately affect women. Working women earn 74 cents to every dollar earned by men. What is more troubling is that the more education a woman has, the wider the wage gap. According to a recent Census Bureau report, the average American woman loses approximately $523,000 in wages and benefits over a lifetime because of wage inequality. Families with a female head of household have the highest poverty rate and comprise the majority of poor families.

Women continue to be under-represented in high-paying professions and lag significantly behind men in enrollment in science programs. A recent General Accounting Office study found that, after controlling for education, age and race, women managers still earned less than full-time male managers. Increasing the number of senior level women in all fields begins with encouraging girls' interest and awareness in school illustrating that their options are limitless.

As our population ages, we must also address the special challenges of older women. Women live an average of 6 years longer than men. Consequently, their reduced pay is even more detrimental given their increased life expectancy as they are forced to live on less money for a longer period of time. In addition, more women over age 65 tend to live alone at a time when illness and accidents due to decreased mobility are more likely. For these women, it is imperative that we guarantee that Social Security and Medicare remain solvent for future generations.

I believe we should use this month as an opportunity to reflect not only on the achievements and challenges of American women, but to recognize those of women internationally. We know that a variety of ills hinder the potential of women in many parts of the world, labor practices that oppress women and girls, the rapid spread of HIV and AIDS, and limited or non-existence suffrage rights. We must broaden access to education, the political process, and reproductive health globally so that girls and women everywhere can maximize their options. To have a credible voice in the international arena, the United States must lead by example, showing that American women enjoy these rights fully.

During my service in Congress, I have strongly supported efforts to address women's issues and eradicate gender discrimination and inequality. I have co-sponsored the Paycheck Fairness Act, which would provide more effective remedies to victims of wage discrimination on the basis of sex. I have also supported the Equity in Prescription Insurance and Contraceptive Coverage Act, which would prohibit health insurance plans from excluding or restricting benefits for prescription contraception if the plan covers other prescription drugs. In order to build a national repository of the contributions of women to our Nation's history, I co-sponsored legislation to establish a National Museum of Women's History Advisory Committee. In addition, I remain a consistent supporter of an equal rights amendment to the Constitution. I am proud of these efforts and I will continue my commitment to bring fuller equality to all women.

While obstacles remain, women have achieved impressive progress. This good news includes a decline in the poverty rate for single women and an increase in those holding advanced degrees. Recent figures show women received approximately 45 percent of law and 42 percent of medical degrees awarded in this country. This is a dramatic improvement from a few decades ago and should continue as more and more women enter professional programs.

In my home State of Maryland, as in the Nation, women are a guiding force and a major presence in our national business sector. From 1987 to 1999, the number of women-owned firms in the United States grew by 103 percent. Women were responsible for 80 percent of the total enrollment growth at Maryland colleges and universities throughout the last two decades.

Indeed women continue to make great progress. As we highlight their accomplishments in history this month, I believe it is also important to educate present and future generations about gender discrimination so that we do not repeat past mistakes. America must remain vigilant in eradicating these injustices. I am confident that the women of America will lead this journey and continue to exemplify and advocate for those values and ideals which are at the heart of a decent, caring and fair society.

Mrs. FEINSTEIN. Madam President, history has shown us that a Nation dedicated to equal rights for women and girls is a more prosperous Nation, a healthier Nation, a more educated Nation, a more just Nation, a more peaceful Nation, and a more democratic Nation. Today I rise once again to add my voice and stand in solidarity with women and girls around the world in their struggle for basic human rights. I rise to commemorate March 8, 2002, International Women's Day.

Until the entire world recognizes the simple fact expressed by my friend and colleague, Senator CLINTON, that "women's rights are human rights" we must continue to raise awareness about the plight of women and girls around the world and in our own country. Indeed, while I have been encouraged by the gains made since the United Nations first designated March 8 as International Women's Day in 1975, there is still a great deal of work ahead of us and I would like to take this time to discuss several critical issues that I believe are vital to the lives of women and girls and require U.S. leadership: international family planning assistance, the Convention on the Elimination of All Forms of Discrimination Against Women, CEDAW, rape as an instrument of war, and the plight of women in Afghanistan.

Each of us, I believe, understands very well the issue of United States assistance to international family planning organizations. There have been few issues in recent years that have been more debated, with people of good intentions on both sides of the issue. Consequently, I was dismayed that the Bush Administration considered withholding the $34 million U.S. contribution to the United Nations Population Fund, UNFPA, an amount allocated to it by law and, after months of negotiations, and with bipartisan support. I wrote to President Bush urging him not to withhold the funds as such a decision would be a serious mistake and a blow to U.S. leadership in combating overpopulation.

You simply cannot deny the importance of family planning assistance, especially for the very poor. There are now more than 6 billion people on this Earth. The United Nations estimates this figure could be 12 billion by the year 2050. Almost all of this growth will occur in the places least able to bear up under the pressures of massive population increases. The brunt will be in developing countries lacking the resources needed to provide basic health or education services.

Let us strive to ensure that women have access to the educational and medical resources they need to control their reproductive destinies and their health so that they will be able to better their own lives and the lives of their families

Everyone should recognize that international family planning programs reduce poverty, improve health, and raise living standards around the world; they enhance the ability of couples and individuals to determine the number and spacing of their children.

We must counter the attacks made by the anti-choice wing of the Republican party in recent years and make it perfectly clear that no U.S. international family planning funds are spent on international abortion.

It is worth noting that the Department of State recognized the vital role of the UNFPA in family planning assistance and provided $600,000 to the Fund for sanitary supplies, clean undergarments, and emergency infant delivery kits for Afghan refugees in Iran, Uzbekistan, and Tajikistan. This is just one of many examples of UNFPA's commitment to bettering the lives of women and children around the world.

Since the debate is unlikely to end, we must work harder to ensure that the United States reclaims its leadership role on international family planning and reproductive issues. On International Women's Day, I urge my colleagues to support full funding for the UNFPA and other international family planning programs.

Another year has gone by and I am saddened and disappointed to note that the Senate still has not acted on the Convention to Eliminate All Forms of Discrimination Against Women. It has been more than twenty years since the United States actively participated in drafting the Convention and President Carter signed it on July 17, 1980. Yet, we are still waiting for the United States, the lone superpower and champion of democracy and human rights, to take a stand for the rights of women and girls and ratify the convention.

Notably absent from the list of 161 countries who have ratified the convention, the United States joins a rather dubious club of non-ratifiers: Iran, North Korea, and Sudan. Surely this is not the company we want to keep. Surely we want to be known as a leader when it comes to defending the human rights of women and girl who are unable to defend themselves.

Do we want to be the lone democracy not to ratify? Do we want to watch China, the People's Republic of Laos, and Iraq, countries we regularly censure for human rights abuses and who have either signed or agreed in principle, pass us by?

There is no reasonable justification for our failure to act. Is the convention a technically demanding agreement requiring years of study and investigation? Does it ask the United States to go far beyond our own goals and ideals? Nothing could be further from the truth.

Here is what the convention says: It requires States to take all appropriate steps to eliminate discrimination against women in political and public life, law, education, employment, health care, commercial transactions, and domestic relations. Nothing more, nothing less. Simplicity is the hallmark of this agreement.

Every day that goes by without ratification, we further risk losing our moral right to lead in the human rights revolution. By ratifying the convention, we will demonstrate our commitment to promoting equality and to protecting women's rights throughout the world. By ratifying the convention, we will send a strong message to the international community that the U.S. understands the problems posed by discrimination against women, and we will not abide by it. By ratifying the convention, we reestablish our credentials as a leader on human rights and women's rights.

As we commemorate International Women's Day, I call on my colleagues in the Senate to move forward and ratify the convention on discrimination against women.

Eliminating the use of rape as an instrument of war must be a high priority for the United States and the international community. It is an issue that continues to cause me great concern.

We have seen in recent years how rape has moved from being an isolated by-product of war to a tool used to advance war aims. In Bosnia, Rwanda, and East Timor soldiers and militiamen used rape on a organized, systematic, and sustained basis to further their goal of ethnic cleansing. In some cases, women were kidnaped, interned in camps and houses, forced to do labor, and subjected frequent rape and sexual assault.

Something had to be done and so I was pleased that the United Nations, in setting up the war crime tribunals for the Balkans and Rwanda, recognized rape as a war crime and a crime against humanity.

Finally, on February 22, 2001, following a period of inaction when it appeared that those indicted for perpetrating these crimes would not be brought to justice, the international tribunal in The Hague sentenced three Bosnian Serbs to prison for rape during the Bosnian war. I was very pleased the court took this step but we still have a long ways to go. Estimates are that up to 20,000 women in Yugoslavia were systematically raped as part of a policy of ethnic cleansing and genocide. Many perpetrators still remain at large.

Nevertheless, the court has stated loud and clear that those who use rape as an instrument of war will no longer be able to escape justice. They will be arrested, tried, and convicted. As Judge Florence Mumba of Zambia stated, "Lawless opportunists should expect no mercy, no matter how low their position in the chain of command may be."

I commend the victims who courageously came forward to confront their attackers and offer testimony that helped lead to the convictions. I am hopeful more will come forward. On International Women's Day, I urge the administration and the international community to join me in continuing the fight to end the practice of rape as an instrument of war, and to pursue justice for its victims.

For years when I addressed the condition of women and girls in Afghanistan, I did so with a sense of sadness, anger, and despair. I now do so with a sense of optimism, hope, and determination.

One of the great stories of our campaign against terrorism is the liberation of the women and girls of Afghanistan from the chains imposed on them by the Taliban regime. We all know the story of how women and girls were treated: banned from work and school, confined to their homes behind darkened windows, and required to wear full-length veils, or burka, and to be accompanied by a male relative when in public.

Now, the women of Afghanistan, who have suffered under brutal regimes and seen their families destroyed by war, are beginning to leave their homes without fear, earn a living, receive desperately needed medical attention, get an education, and participate in public life. I am especially pleased that Afghanistan's interim leader, Hamid Karzai, picked two women to serve in his Cabinet. It is a welcome change from the past and a step toward equal rights for all Afghans.

Clearly, there is much work to be done to improve the lives of women and girls in Afghanistan and the United States must be actively involved in that endeavor. I was proud to co-sponsor S. 1573, the "Afghan Women and Children Relief Act of 2001," which authorized the President to provide educational and health care assistance for the women and children living in Afghanistan and as refugees in neighboring countries. President Bush signed the bill into law on December 12, 2001. This is the first step of a long journey and I urge my colleagues to stay the course and support additional assistance in the coming years ahead.

On International Women's Day, let us reaffirm our commitment to a better future for the women and girls of Afghanistan. We must let them know that they are no longer alone, that we will stand by their side, and we will not abandon them again.

We must debate and ratify the convention on the Elimination of All Forms of Discrimination Against Women. We must rededicate ourselves and our resources to international family planning programs. We must not ignore the use of rape as an instrument of war. We must help the women and girls of Afghanistan realize their hopes and dreams.

We cannot afford to remain silent. We cannot afford to place women's rights on a second tier of concern of U.S. foreign policy. On International Women's Day, the United States and the international community must take a strong stand and issue a clear warning to those who attempt to rob women of basic rights that the world's governments will no longer ignore these abuses, or allow them to continue without repercussion.

Mr. DURBIN. Madam President, as we celebrate National Women's History month, I rise to pay tribute to the extraordinary women, past and present, who have shaped the rich history of our great Nation.

The month of March has been designated as National Women's History month to celebrate the remarkable accomplishments of women throughout history. My distinguished colleagues, Senator BARBARA MIKULSKI and Senator ORRIN HATCH, cosponsored legislation over 20 years ago declaring National Women's History Week. I salute my colleagues for their leadership in establishing this now month-long celebration of the many contributions made by women.

This year's national theme, "Women Sustaining the American Spirit," could not be more appropriate. Our Nation prides itself on the accomplishments of women and their ability to fully participate in our society. I have the distinct privilege of working with 13 women Senators who are powerful examples of the progress that our Nation has made. This spirit of democracy was tested on September 11, when we were reminded that our ideals continue to threaten those who fear the inevitability of progress.

As a consequence of these events, Americans were exposed to the disturbing plight of women in other parts of the world. We learned that under the oppressive Taliban regime, women could not work outside the home and were denied basic rights such as access to education and health care. Not only were women precluded from contributing to society, but they were denied equal protection under the law.

The attacks faced by our country were aimed at undermining the great strides we have made in our history. Yet the rest of the world watched as our Nation united and demonstrated that even a devastating attack could not crush our spirit—an American spirit that has been molded by the accomplishments of women throughout our history, including the legacy left by a well-known Illinois woman.

Jane Addams of Chicago, IL, was a socially conscious community leader who worked tirelessly to sustain the American spirit. Addams founded the famous Hull House settlement in Chicago in 1889, where she and other residents provided services for the surrounding neighborhood. These vital services included kindergarten and daycare facilities for children of working mothers, an employment bureau, medical care, legal aid, and vocational skills. After a few short years, the settlement was serving over 2,000 people a week.

Despite the enormous success of her charitable efforts, Addams realized that real gains could not be achieved without working to change laws for the better. To achieve this goal, Addams lobbied the State of Illinois to examine laws governing child labor, the factory inspection system, and the juvenile justice system.

As we celebrate the contributions that women have made, the legacy of Jane Addams reminds us of the continuing need for improvement in the areas of social reform that she worked so tirelessly on several years ago. Today, parents rely on childcare arrangements more than ever. The Children's Defense Fund reports that an estimated 13 million children under the age of 6 spend part of their day in the care of someone other than their parents. In Illinois, 61 percent of all children under the age of 6 have working parents. Yet working families at all income levels still struggle to find the high-quality care their children need at a cost that is affordable. Full day care can cost between $4,000 and $10,000 per year, frequently surpassing average tuition costs for public universities. At the same time, the Children's Defense Fund reports that more than one out of four families with young children earns less than $25,000 per year.

Today, parents also encounter a childcare system that is an uneven and inadequate patchwork of services. States and cities vary widely in the areas of provider education and training requirements, availability, and quality of programs. The gap between what we know is so important for children and what we put into practice is too large. As a nation, we have an interest in healthy, successful children who have the tools they need to learn in the classroom. We have an interest in improving child care so that more families can move off welfare into a steady career. We have an interest in educating and training women so that they can get jobs with decent pay to support their families. As a nation, we should embrace the legacy that Jane Addams has left behind by working on these issues which are in desperate need of reform.

In this month of March, let us not only celebrate the accomplishments of the women who have shaped our Nation's rich history, but let us work to keep their vision alive by continuing to sustain the American spirit that these women helped define.

CELEBRATING NINETY YEARS OF GIRL SCOUTS

Mrs. CARNAHAN. Madam President, today I commend the Girl Scouts of America on the anniversary of its 90th year of operation.

The objective of the Girl Scouts is "to discover the fun, friendship, and power of girls together." Experiences such as field trips, community service, and working with others help them to develop their full potential. These actions are greatly needed in America and an amazing feat when you consider that 99 percent of all adults that participate in leading the Girl Scouts are volunteers. The effects of this organization extend not from one generation but to many, with the oldest active member being 97, and the youngest, the new Brownie, starting out at age 5.

The Girl Scouts is a quintessential American institution that has exported its successful strategy to 140 countries, and a worldwide family of 8.5 million girls. The Girl Scouts participate in cultural exchanges that allow many to gather worldwide experiences that they otherwise would not have been able to attain. There is even a bi-partisan Troop Capitol, made up of Congressional members from both the Senate and House. The women of the Senate have dedicated the book Nine and Counting to the girls of America, with some of the proceeds going to the Girl Scouts.

The GSA has spent much of its time teaching young women about professional fields that do not ordinarily attract women. The past year's focus was the field of engineering. The girls not only studied engineering but also had the opportunity for a hands-on approach, thanks to the Society of Women Engineers donating their time. Girls succeed when we set the bar high for them. The Girl Scouts gives them the skills, but more importantly the confidence, to reach these goals and beyond.

We must thank Juliette Gordon Low, who on this day in 1912 founded the Girl Scouts. Her desire and foresight to create an organization for young girls started with 18 girls and a budget that was funded by selling her pearl necklace. It has become one of the most recognized organizations in America.

Though some traditions thankfully remain steadfast, notably the exceptional Thin Mint cookies, the GSA has evolved to address the events of the day. From Women's Suffrage to Civil Rights to the environment, this organization has not backed away from taking a stand on the issues. They have an amazing past and a bright future. I am sure they will continue to be a force to be reckoned with, a positive force shaping the lives of tomorrow's leaders. Congratulations to the Girl Scouts and thank you to all those who have contributed their time, energy, and love to making this organization an American success story.

ADDITIONAL STATEMENTS

HONORING THE UNIVERSITY OF KENTUCKY CHEERLEADING SQUAD

• Mr. BUNNING. Madam President, today I have the privilege and honor of sharing with my fellow colleagues the most recent and astounding accomplishment of the University of Kentucky Cheerleading squad. This year the UK Cheerleaders won their eighth straight Universal Cheerleaders Association's, UCA's, National College Cheerleading Championship for NCAA Division 1-A schools. These young men and women deserve our recognition and admiration for their efforts.

The UK squad has now won UCA's National Championship an unprecedented twelve times, in 1985, 1987, 1988, 1992, and 1995–2002, more than any other Division 1-A school. In fact they are the only squad to ever win back to back championships twice and also the only team to win three, four, five, six, seven, and now eight titles in a row. They are widely recognized as the best of the best in the Cheerleading community and have been a key contributor to the University's athletic success. The Wildcat basketball team is arguably the most storied program in the Nation and much of their success can be attributed to the enthusiasm and spirit generated by the Cheerleading squad. For those who have never had the opportunity of seeing a game in Rupp Arena, I can tell you that the atmosphere is absolutely electric.

Besides the attention they receive on the court from the UK students and fans, the Cheerleading squad has also been covered by the national media. The squad has been featured on such programs as, "Evening News," Connie Chung's "Eye to Eye," and the "CBS Morning Show," as well as in "Southern Living," "Gentlemen's Quarterly," "ESPN the Magazine," and "Seventeen" magazines. This recognition does not come without a price however. These young men and women sacrifice a considerable amount of their time and energy practicing, learning, and mastering their extremely difficult routines. This often means long practices and endless hours in the weight room. These young men and women are athletes in every sense of the word.

I applaud the University of Kentucky Cheerleading squad for their commitment and dedication to their goals and dreams. They represent the University and the Commonwealth of Kentucky in a classy and professional manner. I am proud of each and every one of them.•

ESSEX FELLS CELEBRATES CENTENNIAL

• Mr. **CORZINE**. Madam President, it is with great pride that I bring to your attention a lovely hamlet in Essex County, NJ, Essex Fells, which is celebrating its centennial year on March 31, 2002. Incorporated as a borough on March 31, 1902, it is governed by an elected body consisting of a mayor and six council members.

Essex Fells is the smallest community in Essex County, covering an area of a little more than 1.3 square miles. However, within the small confines of this bucolic community, Essex Fells maintains many areas for the enjoyment of its residents. The Glen is a green open space that contains native trees, shrubs, vines, and flowers. The Trotter Tract is an 83-acre area that is home to many species of flora and fauna and beautiful nature trails. Each autumn, the brook that runs through Essex Fells is dammed to create a skating pond. Grover Cleveland Park, a county park of approximately 42 acres of lush manicured lawns and large trees, borders Essex Fells and Caldwell, NJ.

Rich in history, the township was established in 1699 by Robert Treat and Jasper Crane and settled by people migrating from Connecticut. A land blessed with rolling farmland and wooded retreats, the acreage was originally named Newark after their home in England—Newark on Trent. Shortly after that, the settlers petitioned the crown for the title to their new homeland. It was granted and in 1701 the settlers purchased an additional 13,500 acres from the Native Americans for $325,000. Realizing the value of this land, the Crown attempted to rescind the settlers' title and the colonists subsequently revolted earning the area the nickname, "the cockpit of the American Revolution."

In the late 1800s, Anthony J. Drexel, of the Philadelphia banking family, who had successfully developed other residential communities acquired the estate of General William Gould to form a planned residential community. Named for Drexel's son-in-law—John R. Fell and the county, Essex—Essex Fells developed as many turn of the century communities did, as a direct result of the growth of the railroad system. All the same, much care was given to maintain the tranquility and serenity of the original community.

One hundred years later, Essex Fells is still an ideal "small town community." The neighborhoods remain tree-lined and neighbors know each other. Most recently, citizens of Essex Fells were called into service following the horrific attacks on the World Trade Center. Fire Chief Rupert Hauser and the Essex Fells Volunteer Fire Department immediately deployed to New York to cover station houses for New York firefighters while they worked at Ground Zero on the search and rescue efforts.

I invite my colleagues to join me in congratulating Mayor Edward Abbott and the citizens of Essex Fells on their centennial. May they have another hundred years of prosperity and community.•

TWO CALIFORNIA TEAMS ON CHAMPIONS DAY

• Mrs. **BOXER**. Madam President, today I would like to honor two national collegiate championship teams from my State of California. They are great examples of team spirit and cooperation: the Santa Clara University women's soccer team and the Stanford University women's volleyball team.

The Santa Clara University women's soccer team won the 2001 NCAA College Cup Championship this past fall. The team won its first national title in their fifth trip to the College Cup, and this is the first outright NCAA championship in the school's history.

The members of the 2001 Santa Clara University women's soccer team are: Holly Azevedo; Jessica Ballweg; Emma Borst; Lana Bowen; Jaclyn Campi; Kristi Candau; Ynez Carrasco; Kerry Cathcart; Devvyn Hawkins; Bree Horvath; Anna Kraus; Leslie Osborne; Erin Pearson; Chardonnay Poole; Erin Sharpe; Katie Sheppard; Danielle Slaton; Alyssa Sobolik; Taline Tahmassian; Allie Teague; Aly Wagner; and Veronica Zepeda.

I congratulate the team and their head coach, Jerry Smith.

The Stanford University women's volleyball team won the 2001 NCAA National Championship this past fall. The team won its fifth national championship, which is a record.

The members of the 2001 Stanford University women's volleyball team are: Michelle Chambers; Tara Conrad; Sara Dukes; Leahi Hall; Jennifer Harvey; Jennifer Hucke; Ashley Ivy; Emily Lawrence; Robyn Lewis; Sara McGee; Ogonna Nnamani; Anna Robinson; Sara Sandrik; and Logan Tom.

I congratulate the team and their head coach, John Dunning.

Both teams are an inspiration to all, especially to young women and girls who are themselves members of sports teams. I wish all the team members the best in whatever road they find themselves on after this great accomplishment.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

The following presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-73. A message from the President of the United States, transmitting, pursuant to law, the Agreement Between the Government of the United States of America and the Government of Australia on Social Security; to the Committee on Finance.

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the Government of the United States of America and the Government of Australia on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement along with a paragraph-by-paragraph explanation of each provision. The Agreement was signed at Canberra on September 27, 2001.

The United States-Australia Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Australia Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Australia Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 12, 2002.*

PRESIDENTIAL MESSAGE

The following presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-74. A message from the President of the United States, transmitting, pursuant to law, the Periodic Report on Telecommunications Payments Made to Cuba pursuant to Treasury Department Specific Licenses; to the Committee on Foreign Relations.

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semi-annual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE BUSH.
THE WHITE HOUSE, *March 12, 2002.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5699. A communication from the Executive Officer, Civil Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "September 11th Victim Compensation Fund of 2001" ((RIN1105-AA79)(CIV104F)) received on March 8, 2002; to the Committee on the Judiciary.

EC-5700. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Extensions of Payments of Principal and Interest" (RIN0572-AB60) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5701. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Treasury Rate Direct Loan Program" (RIN0572-AB71) received on March 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5702. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pesticide Tolerance Processing Fees" (FRL6774-3) received on March 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5703. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "2,4-D; Time-Limited Pesticide Tolerance" (FRL6827-1) received on March 8, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5704. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Community Income for Certain Individuals not Filing Joint Returns" (RIN1545-AY83) received on March 1, 2002; to the Committee on Finance.

EC-5705. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—October 2001" (Rev. Rul. 2002-4) received on March 1, 2002; to the Committee on Finance.

EC-5706. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Funding Relief Contained in Section 112 of the Victims of Terrorism Tax Relief Act of 2001" (Notice 2002-7) received on March 1, 2002; to the Committee on Finance.

EC-5707. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time for Performing Certain Acts Postponed by Reason of Service in a Combat Zone or a Presidentially Declared Disaster" (Rev. Rul. 2001-53) received on March 8, 2002; to the Committee on Finance.

EC-5708. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Equity Investment Prior to Section 45D9(f)(2) Allocation" (Notice 2001-75) received on March 4, 2002; to the Committee on Finance.

EC-5709. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure—Update of Rev. Proc. 2001-11 (Adequate Disclosure)" (Rev. Rul. 2001-52) received on March 8, 2002; to the Committee on Finance.

EC-5710. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mark-to-Market Election Under TRA '97 for Principal Residences" (Rev. Rul. 2001-57) received on March 8, 2002; to the Committee on Finance.

EC-5711. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proposed Revenue Procedure Regarding the Cash Method" (Notice 2001-76) received on March 8, 2002; to the Committee on Finance.

EC-5712. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rev. Proc. 2001-59—2002 Inflation-Adjusted Items" (Rev. Proc. 2001-59) received on March 8, 2002; to the Committee on Finance.

EC-5713. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of the Federal Designated Use for Shields Gulch in Idaho" (FRL7157-1) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5714. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Unregulated Contaminant Monitoring Regulation for Public Water Systems; Establishing of Reporting Date" (FRL7157-3) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5715. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Perfluoroalkyl Sulfonates; Significant New Use Rule" (FRL6823-6) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5716. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production" (FRL7155-9) received on March 8, 2002; to the Committee on Environment and Public Works.

EC-5717. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)" (FRL7155-8) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5718. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management Systems; Definition of Solid Waste; Toxicity Characteristic" (FRL7157–2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5719. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designation of Areas for Air Quality Planning Purposes; Ohio; Technical Amendment" (FRL7155–2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5720. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of the Clean Air Act Section 111 and 112 Delegation of Authority Updates to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Puget Sound Clean Air Agency, and Spokane County Air Pollution Control Authority" (FRL7153–2) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5721. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Implementation Plans; Indiana" (FRL7155–3) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5722. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Gasoline Volatility" (FRL7152–1) received on March 8, 2002; to the Committee on Environment and Public Works.

EC–5723. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: Administrative Changes and Technical Amendments" (7155–7) received on March 8, 2002; to the Committee on Environment and Public Works.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. LIEBERMAN for the Committee on Governmental Affairs.

Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

*Louis Kincannon, of Virginia, to be Director of the Census.

By Mr. KERRY for the Committee on Small Business and Entrepreneurship.

*Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRAHAM (for himself, Mr. HATCH, Mr. JEFFORDS, Mr. KERRY, and Mr. TORRICELLI):

S. 2006. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Finance.

By Mr. INHOFE:

S. 2007. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetuated against the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GREGG:

S. 2008. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DURBIN (for himself, Ms. COLLINS, and Ms. SNOWE):

S. 2009. A bill to amend the Public Health Service Act to provide services for the prevention of family violence; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. DURBIN, and Mr. HARKIN):

S. 2010. A bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 532

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 532, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to permit a State to register a Canadian pesticide for distribution and use within that State.

S. 839

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 940

At the request of Mr. DODD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 946

At the request of Ms. SNOWE, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 952

At the request of Mr. GREGG, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from New Mexico (Mr. BINGAMAN), and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 960

At the request of Mr. CLELAND, his name was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1210

At the request of Mr. CAMPBELL, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1210, a bill to reauthorize the Native American Housing Assistance and Self-Determination Act of 1996.

S. 1475

At the request of Mr. BREAUX, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1475, a bill to amend the Internal Revenue Code of 1986 to provide an appropriate and permanent tax structure for investments in the Commonwealth of Puerto Rico and the possessions of the United States, and for other purposes.

S. 1606

At the request of Mr. NELSON of Florida, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1760

At the request of Mr. THOMAS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1760, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the medicare program, and for other purposes.

S. 1786

At the request of Mr. DURBIN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1918

At the request of Ms. COLLINS, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1918, a bill to expand the teacher loan forgiveness programs under the guaranteed and direct student loan programs for highly qualified teachers of mathematics, science, and special education, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1931

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1931, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the Medicare Program.

S. RES. 207

At the request of Mr. BINGAMAN, the names of the Senator from Montana (Mr. BURNS), the Senator from Delaware (Mr. CARPER), the Senator from New Jersey (Mr. CORZINE), the Senator from South Dakota (Mr. DASCHLE), the Senator from Wisconsin (Mr. KOHL), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Montana (Mr. BAUCUS) were added as cosponsors of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. CON. RES. 84

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself, Mr. HATCH, Mr. JEFFORDS, Mr. KERRY, and Mr. TORRICELLI):

S. 2006. A bill to amend the Internal Revenue Code of 1986 to clarify the eligibility of certain expenses for the low-income housing credit; to the Committee on Finance.

Mr. GRAHAM. Madam President, today I am introducing legislation that will improve the effectiveness of one of the most effective programs we have to help Americans get affordable housing, the Low Income Housing Tax Credit. I am proud to be joined in this effort by my esteemed colleagues Senator HATCH, Senator JEFFORDS, Senator KERRY and Senator TORRICELLI.

The Low Income Housing Tax Credit was created in 1986 to attract private sector capital to the affordable housing market. It has been the major engine for financing the production of low income multi-family housing. The program offers developers and investors in affordable housing credit against their Federal income tax in return for their investment. Since its inception, the Low Income Housing Tax Credit has assisted in the development and availability of roughly 850,000 new and rehabilitated units of affordable housing.

Last fall, the Internal Revenue Service issued its first guidance in the program's 16 year history. That guidance was issued in the form of several technical advice memoranda, or TAMs, and specified which development costs will be eligible and ineligible for the credit, known as eligible basis.

TAMs are not official guidance, reviewed by the Treasury Department, but instead, IRS legal opinion providing direction to IRS agents conducting audits. They are not citable in court proceedings because they are not official guidance. In the absence of official guidance, TAMs could be taken as the official government position. In fact, that is exactly what is happening. The IRS's position is contrary to common industry practice, and eliminates many reasonable, legitimate and necessary costs from the tax credit. This has caused uncertainty among investors as to whether the credits for which they have been paid, will be realized. Moreover, these guidelines could adversely affect the ability of States to target affordable housing to those who need it the most.

It is important to understand, this legislation will not increase the number of low-income housing tax credits available. The maximum amount of credits that states may allocate to developers of affordable housing properties is set by the Internal Revenue Code. Thanks to legislation that we enacted in 2000, the amount available to each state has increased from $1.50 to $1.75 times the State's population. That 40 percent increase is expected to produce about 30,000 more units a year. Since the unmet demand for affordable housing is many times greater than what can be built with the help of the credit, our legislation should not affect revenues. In fact, the only way for this legislation to have a revenue impact is if the legislation makes it easier for the States to use the credits we intend for them to have under present law.

What this legislation does do, however, is very important. To understand its importance, it may be useful to have a little background on how the low-income housing tax credit works.

In economic terms, the credit is equity financing which replaces a portion of debt that would otherwise be necessary to finance a property. By replacing debt, credits work to reduce interest costs. This allows a property owner to offer lower rents than otherwise would be the case.

The most unique feature of the program is that State Housing Finance Agencies award Federal tax credits to developers of rental housing. Since these agencies have considerable flexibility in how they distribute the credits, developers compete for the limited number of tax credits by submitting project proposals. The Housing Finance Agencies rate the proposals, and allocate credits to individual properties based on criteria provided in the Internal Revenue Code, and on the State's particular housing needs and priorities.

The amount of credits a State may allocate to a particular property is also limited by the Internal Revenue Code. The limit is determined as percentage of the basis of a property. The basis is, generally speaking, the costs of constructing a building that is part of an affordable housing project. Non-federally subsidized new construction may receive a 9-percent credit. Existing buildings and new buildings receiving other Federal subsidies may get a 4-percent credit.

The problem at hand is this. The IRS takes the position that certain construction costs should not be included in basis. This position makes a large number of affordable housing properties financially infeasible, and weakens the economics of those that still pass minimum underwriting requirements. The loss of equity would surely affect the properties that serve the lowest income tenants, provide higher levels of service, or operate in high cost areas. The reason that this is problematic is simple. Reducing the amount of credits does not reduce the development costs. It merely removes a source of financing, forcing either higher rents or lower quality construction.

Apparently, the Treasury Department and Internal Revenue Service agree that this is an issue worthy of review, as both agencies have included it in their business plan. As recently as this month, the IRS issued new guidance on one of the items addressed by the TAMs, but there does not appear to be a full review of the effect of the positions set forth in the TAMs anytime soon.

This legislation would amend Section 42(d) of the Internal Revenue Code to specify that various associated development costs are to be included in eligible basis. In many cases, the largest item excluded from eligible basis under the TAMs is "impact fees." Impact fees are fees required by the Government "as a condition to the development" and considered ineligible because they are one-time costs, unlike building permits which need to be renewed each time a building is built. These fees cover a wide range of infrastructure improvements including sewer lines, schools, and roads. Certainly, whether or not they are includible in basis for the purpose of calculating the amount of tax credit, these costs will be incurred and will impact the economics of the property. As I mentioned previously, the IRS has recently addressed the inclusion of impact fees in eligible basis, but not other costs directly related to building construction.

Other items that would be severely restricted or excluded from eligible basis under the interpretations expressed in the TAMs are site preparation costs, development fees, professional fees related to developing the property, and construction financing costs. The legislation we are introducing today will clarify that any cost incurred in preparing a site which is reasonably related to the development of a qualified low income housing property, any reasonable fee paid to the developer, any professional fee relating to an item includible in basis, and any cost of financing attributable to construction of the building is includible in basis for the purpose of calculating the maximum amount of credit a state may allocate to a low-income housing property.

The intent of these clarifications is simply to codify common industry practice before the issuance of the TAMs. Not only will the legislation allow the low-income tax credit program to provide better quality housing at lower rental rates than would be possible if the positions taken in the TAMs are followed, but clarification will help simplify administration of the credit by giving both taxpayers and the Internal Revenue Service a clearer statement of the standards that apply in calculating credit amounts.

Our economy is not doing as well as we would like, and there is a significant likelihood that we are going to need even more affordable housing in the not too distant future. We should be proud that we increased the amount of low-income housing tax credits that will be available to help finance this housing. What we need to do now is to make sure that these credits are used as efficiently as possible to provide housing for those who need it the most. The legislation we are introducing today will help achieve that goal.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF CERTAIN EXPENSES FOR LOW-INCOME HOUSING CREDIT.

(a) In General.—Subsection (d) of section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by adding at the end the following new paragraph:

"(8) Associated development costs included in basis.—

"(A) In general.—Solely for purposes of this section, associated development costs shall be taken into account in determining the basis of any building which is part of a low-income housing project to the extent not otherwise so taken into account.

"(B) Associated development costs.—For purposes of subparagraph (A), the term 'associated development costs' means, with respect to any building, such building's allocable share of—

"(i) any cost incurred in preparing the site which is reasonably related to the development of the qualified low-income housing project of which the building is a part,

"(ii) any fee imposed by a State or local government as a condition to development of such project,

"(iii) any reasonable fee paid to any developer of such project,

"(iv) any professional fee relating to any item includible in the basis of the building pursuant to this paragraph, and

"(v) any cost of financing attributable to construction of the building (without regard to the source of such financing) which is required to be capitalized."

(b) Effective Date.—The amendments made by this section shall apply to—

(1) housing credit dollar amounts allocated after December 31, 2001, and

(2) buildings placed in service after such date to the extent paragraph (1) of section 42(h) of the Internal Revenue Code of 1986 does not apply to any building by reason of paragraph (4) thereof, but only with respect to bonds issued after such date.

Mr. JEFFORDS. Mr. President, today I join with my colleagues on the Finance Committee, Senators GRAHAM and HATCH, to introduce legislation to clarify the rules governing the low-income housing tax credit. This tax credit has played a critical role in the construction and renovation of housing for low-income Americans.

The Internal Revenue Service has issued five technical advice memoranda, TAMs, affecting the definition of eligible basis as defined in section 42(d) of the Internal Revenue Code. These TAMs had the effect of reducing the amount of tax credits available with respect to projects financed with low-income housing tax credits. The bill we introduce today recognizes that certain expenses are legitimate development costs that are properly includible in the basis eligible for the tax credits. Among these development costs are: state and local impact fees, site preparation costs, reasonable development fees, professional fees, and construction financing costs, excluding land acquisition costs.

The TAMs drew unworkable distinctions among various costs developers incur when they build low-income housing. For example, under the law as interpreted by the IRS, a low-income housing developer would have to distinguish between those trees and shrubs planted near a housing unit and those planted elsewhere on the property. The costs of trees and shrub near the housing unit could be included in basis; the costs of other landscaping could not. Rules like this are not only illogical; they also impose unnecessary burdens both on developers of affordable housing projects, but also on the IRS itself, whose employees must draw these highly technical distinctions when they audit the project. Our bill includes fair and rational rules, introducing the concept of "development cost basis" in lieu of "adjusted basis" to determine which costs may qualify for tax credits. It assures that reasonable and legitimate expenses which incurred only for the purpose of building low-income housing will be eligible for tax credit.

By Mr. INHOFE:

S. 2007. A bill to provide economic relief to general aviation entities that have suffered substantial economic injury as a result of the terrorist attacks perpetuated against the United States on September 11, 2001; to the Committee on Banking, Housing, and Urban Affairs.

Mr. INHOFE. Madam President, I rise today to introduce the Senate companion to HR 3347, the General Aviation Industry Reparations Act of 2002. This bill directs to the President to provide compensation to General Aviation for losses incurred as a result of the terrorist attacks on September 11, 2001.

Many have the misperception that the entire aviation industry was eligible for compensation under the Air Transportation Safety and Systems Stabilization Act, PL 107-42. However, that act dealt only with scheduled airline service. As a consequence General Aviation, a very important segment of the aviation industry, has yet to be made whole for actions taken by the federal government following the terrorist attacks of September 11th.

The national airspace system reopened to commercial aviation on September 13, 2001. General Aviation was allowed limited Instrument Flight Rules, IFR, flights, operating under guidance and direction from air traffic controllers, with restrictions on September 14th. The more common, Visual Flight Rules, VFR, flights (which cannot be done in inclement weather since pilots are not under the guidance of air traffic controllers) were grounded until September 19 and then only limited flights could operate outside of "enhanced" Class B airspace, the airspace surrounding the nation's 30 busiest airports. In fact, enhanced Class B airspace did not return to the pre-September 11th design until December 19th.

Contrary to what some think, General Aviation is much more than weekend recreational pilots. It is made of a hundreds of small business people who make their living either servicing general aviation aircraft, instructing student pilots, using general aviation aircraft to transport people, products and materials or perform various services such as report on traffic conditions in congested metropolitan areas, check the condition of energy pipelines, crop dusting, banner towing and many other uses. The fact is that general aviation performs a very important function in our economy beyond recreational flying.

Working closely with General Aviation groups such as the Aircraft Owners and Pilots Association, AOPA, which has worked hard to explain the scope of general aviation to members of Congress and how critical it is to the nation, I think we have a very balanced package.

The General Aviation Industry Reparations Act of 2002 would compensate General Aviation and their employees for economic injuries caused by September 11. As defined by the bill "general aviation" includes ancillary businesses as well. Thus, parking garages, car rental companies or other aviation related business that were not covered by PL 107–42 would be eligible for compensation under this bill. In addition, the bill extends compensation to employees who were laid off due to the slow down of business following September 11 in the form of reimbursement for health care costs and it requires businesses who accept compensation to provide health care coverage for existing employees.

The bill provides three forms of compensation. Loan Guarantees of $3 billion from the amount made available for the commercial airlines. Grants totaling $2.5 billion and like the commercial aviation industry the opportunity to purchase War Risk Insurance with the assistance of the Department of Transportation.

Finally, spending in the bill would be designated as emergency spending for scoring purposes. Normally I would oppose such a designation but I believe in this instance we have successfully met the criteria for an emergency. These benefits are not open ended, compensation is only available for losses incurred between September 11 and December 31, 2001. Not all losses are eligible under the bill, only those that can be shown to be a direct result of the government actions following September 11. Businesses who choose to take advantage of the loan guarantees must demonstrate an ability to pay back the loans and the government has the right to benefit from profits made as a result of a government backed loan.

In short, I believe this is a responsible bill and I hope that we will be able to fully debate the merits of the package on the floor and eventually have a vote on the bill.

By Mr. GREGG:

S. 2008. A bill to prohibit certain abortion-related discrimination in governmental activities; to the Committee on Health, Education, Labor, and Pensions.

Mr. GREGG. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ABORTION NON-DISCRIMINATION.

Section 245 of the Public Health Service Act (42 U.S.C. 238n) is amended—

(1) in the section heading, by striking "REGARDING TRAINING AND LICENSING OF PHYSICIANS" and inserting "REGARDING TRAINING, LICENSING, AND PRACTICE OF PHYSICIANS AND OTHER HEALTH CARE ENTITIES";

(2) in subsection (a)(1), by striking "to perform such abortions" and inserting "to perform, provide coverage of, or pay for induced abortions";

(3) in subsection (c)(2)—

(A) by inserting "or other health professional," after "an individual physician";

(B) by striking "and a participant" and inserting "a participant"; and

(C) by inserting before the period the following: ", a hospital, a provider sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization or plan"; and

(4) in subsection (b)(1), by striking "standards" and inserting "standard".

By Mr. LEAHY (for himself, Mr. DASCHLE, Mr. DURBIN, and Mr. HARKIN):

S. 2010. a bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal Investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, I am pleased to introduce the "Corporate and Criminal Fraud Accountability Act of 2002." I want to thank the majority leader, and Senators DURBIN and HARKIN for joining me as original cosponsors in this effort to prevent corporate and criminal fraud, protect shareholders and employees, and hold wrongdoers accountable for their actions.

This bill is a crucial part of ensuring that the corporate fraud and greed that have been on display in the Enron debacle can be better detected, prevented and prosecuted. We cannot legislate against greed, but we can do our best to make sure that greed does not succeed.

The fraud at Enron was not the work of novices. It was the work of highly educated professionals, spinning an intricate spider's web of deceit. They created sham partnerships with names like Jedi, Chewco, Rawhide, Ponderosa and Sundance to cook the books and trick both the public and federal regulators. The actions of Enron's executives, accountants, and lawyers exhibits a "Wild West" attitude which valued profit over honesty.

Nor is this web of corporate deceit the end of the Enron story. When they thought that investigators might be coming, what did these "professional" men and women apparently do? First, they warmed up the shredders and began destroying evidence. Then, after they successfully shredded thousands of documents, they began the finger pointing. Now, the Enron executives are blaming their accountants at Arthur Andersen; the accountants are blaming the executives right back; and they are both blaming their lawyers.

The truth is that just as there was enough greed to go around, there is now enough blame to go around. But the blame does not end with the people involved in this case. It extends to our courts, our regulators, and to Congress, whose actions in the past decade helped create the permissive atmosphere which allowed Enron to happen. No one in Congress intended for such outrageous conduct to happen, but now it is our job to stop it.

We must restore accountability. Accountability is important because Enron is not alone. At a Judiciary Committee hearing which I recently chaired, experts gave the public markets grave warnings, it is likely that there are more "Enrons" lurking out there waiting to be discovered. Waiting to be discovered not only by investigators or the media but by the more than one in two Americans who depend on the transparency and integrity of our markets.

The majority of Americans depend on our capital markets to invest in the future needs of themselves and their families, from their children's college fund to their retirement nest eggs. American investors are watching what we do here and want action. We must act now to restore confidence in the integrity of our markets and deter fraud artists who think that their crimes will go unpunished. Restoring such accountability is what this bill is all about.

This bill has three major components that will enhance accountability. First, this bill provides prosecutors with new and better tools to effectively prosecute and punish those who defraud our Nation's investors, which means ensuring our criminal laws are flexible enough to keep pace with the most sophisticated and clever con artists. It also means providing criminal penalties which are tough enough to make them think twice about defrauding the public.

Second, this bill provides tools that will improve the ability of investigators and regulators to collect and preserve evidence which proves fraud. That means ensuring that corporate whistleblowers are protected and that those who destroy evidence of fraud are punished. Third, the bill protects victims' rights to recover from those who have cheated them. In short, this bill is going to both save documents from the shredder and send wrongdoers to jail once they are caught.

This bill is only one part of the response needed to solve the problems exposed by Enron's fall. Securities law experts, consumer protection groups, and others Members of Congress, both in the Senate and the House of Representatives, have made other proposals and introduced legislation that deserves careful consideration. Working with the majority leader, we have developed a comprehensive plan to attack this problem. Certainly, in light of recent events, we must carefully reexamine both the decisions of the Supreme Court and our current laws. Despite the best of intentions, our laws may have helped create an environment in which greed was inflated and integrity devalued. This bill is an important starting point in that process. Let me explain its provisions.

Section 2 of the bill would create two new 5 year felonies to clarify and plug holes in the existing criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records. Currently, those provisions are a patchwork which have been interpreted, often very narrowly, by Federal courts. For instance, certain of the current provisions in Title 18, such as Section 1512(b), make it a crime to persuade another person to destroy documents, but not a crime for a person to personally destroy the same documents. Other provisions, such as Section 1503, have been narrowly interpreted by courts, including the Supreme Court in *United States* v. *Aguillar*, 115 S. Ct. 593 (1995), and the First Circuit in *United States* v. *Frankhauser*, 80 F.3d 641 (1st Cir. 1996), to apply only to situations where the obstruction of justice may be closely tied to a judicial proceeding that is already pending. Still other provisions, such as sections 152(8), 1517 and 1518 apply to obstruction in certain limited types of cases, such as bankruptcy fraud, examinations of financial institutions, and healthcare fraud. In short, the current laws regarding destruction of evidence are full of ambiguities and limitations that should be corrected.

Section 2 would create a new felony, 18 U.S.C. section 1519, for use in a wide array of cases in which a person destroys evidence with the specific intent to obstruct a Federal agency or a criminal investigation. There would be no technical requirement that a judicial proceeding was already underway or that the documents were formally under subpoena. The law would also be used to prosecute a person who actually destroys the records themself in addition to one who persuades another to do so. The law would apply to the intentional shredding of evidence in any matter within Federal regulatory or civil jurisdiction, such as an SEC or civil fraud matter, as well as criminal jurisdiction, eliminating another series of technical distinctions imposed by some courts under current law.

Second, Section 2 creates a 5-year felony, 18 U.S.C. section 1520, to punish the willful failure to preserve financial audit papers of companies that issue securities as defined in the Securities Exchange Act. The new statute, in subsection (a), would require that accountants preserve audit records for 5 years from the conclusion of the audit. Subsection (b) would make it a felony to knowingly and willfully violate the 5-year audit retention period. This section both penalizes the willful failure to maintain specified audit records and sets a bright line rule that would require accountants to put strong safeguards in place to ensure that such records are, in fact, retained. Had such clear requirements been in place at the time that Arthur Andersen was considering what to do with its audit documents, countless documents might have been saved from the shredder.

Section 3 of this bill proposes an amendment to the civil Racketeer Influenced and Corrupt Organizations, RICO, statute, enhance the abilities of Federal and State regulators to enforce existing law. It would give State Attorneys General and the Securities and Exchange Commission, "SEC", explicit authority to bring a suit under the civil RICO provisions. Currently, only the U.S. Attorney General has such authority under RICO. At a Judiciary Committee hearing on Enron's fall, Washington State Attorney General Christine Gregoire strongly supported this change, testifying that State and local law enforcers are on the front lines in protecting consumer's rights. Providing such authority to State Attorneys General and to the SEC would provide them a potent weapon in that battle and would allow us to take advantage of their significant expertise in protecting consumers.

Others have suggested that we also consider repealing the one-of-a-kind securities fraud exception to civil RICO, created in 1995 over the veto of President Clinton. Congressman CONYERS, the distinguished ranking minority member of the House Judiciary Committee, has already introduced a bill to repeal this unique exemption. As someone who voted against the 1995 Private Securities Litigation Reform Act and voted to sustain President Clinton's veto, I did not support this one-of-a-kind exemption when it became law. Now, given what has happened in our markets, I think that we all need to consider whether or not the exemption for securities fraud makes sense. No one who voted for the 1995 Private Securities Litigation Reform Act or voted to override President Clinton's veto meant for Enron to occur, but now that it has occurred, none of us can ignore it.

In addition to giving the SEC the authority to sue under civil RICO, we have to ensure that the SEC has all the powers and resources that it needs to protect our Nation's shareholders. The SEC needs to have sufficient attorneys, training, and investigative resources, and enough power to pursue the most complex of cases against the best funded defendants in our legal system. In particular, one idea that is worth serious consideration is amending the statutes related to the Federal Rules of Criminal Procedure to allow SEC attorneys in fraud investigations to seek search warrants from a Federal judge, the same way that Department of Justice attorneys currently may, when they can demonstrate probable cause to believe that a crime has been committed. Taking such a step might allow the SEC to act more quickly and to prevent the destruction of documents and evidence in the future, as they were not able to do in the Enron case. The SEC has to have the tools it needs to protect what has truly become a nation of shareholders.

Section 4 of this bill would amend the Bankruptcy Code to make judgments and settlements based upon securities law violations non-dischargeable, protecting victims' ability to recover their losses. Current bankruptcy law may permit such wrongdoers to discharge their obligations under court judgments or settlements based on securities fraud and other securities violations. This loophole in the law should be closed to help defrauded investors recoup their losses and to hold accountable those who perpetrate securities fraud after a government unit or private suit results in a judgment or settlement against the wrongdoer.

State securities regulators have indicated their strong support for this change in the bankruptcy law, and I have received letters supporting the passage of this bill from the North American Securities Administrators Association, whose membership includes the securities administrators in all 50 States and Vermont's chief banking and securities regulator. Under current laws, State regulators are often forced to "reprove" their fraud cases in bankruptcy court to prevent discharge because remedial statutes often have different technical elements than the analogous common law causes of action. Moreover, settlements may not have the same collateral estoppel effect as judgments obtained through fully litigated legal proceedings. In short, with their resources already stretched to the breaking point, these State regulators have to plow the same ground twice in securities fraud cases. By ensuring securities fraud judgments and settlements in State cases are nondischargeable, precious state enforcement resources will be preserved and directed at preventing fraud in the first place.

Section 5 would protect victims by extending the statute of limitations in private securities fraud cases. This section would set the statute of limitations in private securities fraud cases to the earlier of 5 years after the date of the fraud or 3 years after the fraud was discovered. The current statute of limitations for such fraud cases is 3 years from the date of the fraud. This can unfairly limit recovery for defrauded investors in some cases. As Attorney General Gregoire testified at our recent hearing, in the Enron State pension fund litigation the current short statute of limitations has forced some States to forgo claims against Enron based on securities fraud in 1997 and 1998. In Washington State alone, the short statute of limitations may cost hard working State employees, firefighters and police officers nearly $50 million, lost Enron investments which they can never recover under current law.

Especially in complex securities fraud cases, the current short statute of limitations may insulate the worst offenders from accountability. As Justices O'Connor and Kennedy said in their dissent in *Lampf, Pleva, Lipkind, Prupis, & Petigrow* v. *Gilbertson*, 111 S. Ct. 2773 (1991), the 5-4 decision upholding this short statute of limitations in most securities fraud cases, the current "one and three" limitations period makes securities fraud actions "all but a dead letter for injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within 3 years after the violation occurred." The Consumers Union also strongly supports the bill, and views this section in particular as a needed measure to protect investors.

The experts agree with that view. In fact, the last two SEC Chairmen supported extending the statute of limitations in securities fraud cases. Then Chairman Arthur Levitt testified before a Senate Subcommittee in 1995 that "extending the statute of limitations is warranted because many securities frauds are inherently complex, and the law should not reward the perpetrator of a fraud, who successfully conceals its existence for more than 3 years." Before Chairman Levitt, in the last Bush administration, then SEC Chairman Richard Breeden also testified before Congress in favor of extending the statute of limitations in securities fraud cases. Reacting to the Lampf opinion, Breeden stated in 1991 that "[e]vents only come to light years after the original distribution of securities, and the Lampf cases could well mean that by the time investors discover they have a case, they are already barred from the courthouse." Both the FDIC and the State securities regulators joined the SEC in calling for a legislative reversal of the Lampf decisions at that time.

In fraud cases the short limitations period under current law is an invitation to take sophisticated steps to conceal the deceit. The experts have long agreed on that point, but unfortunately they have been proven right again. As we know from recent experience, it only takes a few seconds to warm up the shredder, but unfortunately it will take years for victims to put this complex case back together again. It is time that the law be changed to give victims the time they need to prove their fraud cases.

Section 6 of this bill ensures that those who destroy evidence or perpetrate fraud are appropriately punished. It would require the United States Sentencing Commission, "Commission", to consider enhancing criminal penalties in cases involving the actual destruction or fabrication of evidence or in serious fraud cases where a large number of victims are injured or when the victims face financial ruin.

Currently, the United States Sentencing Guidelines recognize that a wide variety of conduct falls under the offense of "obstruction of justice." For obstruction cases involving the murder of a witness or another crime, the guidelines allow, by cross reference, significant enhancements based on the underlying crimes, such as murder or attempted murder. For cases where obstruction is the only offense, however, they provide little guidance on differentiating between different types of obstruction. This provision requests that the Sentencing Commission consider a specific enhancement in cases where evidence and records are actually destroyed or fabricated in order to thwart investigators, a serious form of obstruction.

This provision, in subsections 3 and 4, also requires the Commission to consider enhancing the penalties in fraud cases which are particularly extensive or serious. The current fraud guidelines require the sentencing judge to take the number of victims into account, but only to a very limited degree in small and medium-sized cases. Specifically, once there are more than 50 victims, the guidelines do not require any further enhancement of the sentence, so that a case with 51 victims may be treated the same as a case with 5,000 victims. As the Enron matter demonstrates, serious frauds, especially in cases where publicly traded securities are involved, can effect thousands of victims. The Commission may well have not foreseen such extensive cases, and subsection 3 requires it to reconsider whether they merit an additional enhancement.

In addition, current guidelines allow only very limited consideration of the extent of devastation that a fraud offense causes its victims. Judges may only consider whether a fraud endangers the "solvency or financial security" of a victim to impose an upward departure from the recommended sentencing range. It is not a factor in establishing the range itself unless a bank is the victim. Subsection 4 requires the Commission to consider requiring judges to consider the extent of the fraud in setting the actual recommended sentencing range in cases such as the Enron matter, where many private victims have lost their life savings.

Section 7 of the bill would provide whistleblower protection to employees of publicly traded companies who report acts of fraud to Federal officials with the authority to remedy the wrongdoing or to supervisors or appropriate individuals within their company. Although current law protects many government employees who act in the public interest by reporting wrongdoing, there is no similar protection for employees of publicly traded companies who blow the whistle on fraud and protect investors. With an unprecedented portion of the American public investing in these companies and depending upon their honesty, this distinction does not serve the public good.

In addition, corporate employees who report fraud are subject to the patchwork and vagaries of current State laws, even though most publicly traded companies do business nationwide. Thus, a whistleblowing employee in one State may be far more vulnerable to retaliation than a fellow employee in another State who takes the same actions. Unfortunately, one thing that often transcends State lines, as we all know from the State tobacco litigation, are certain companies with a corporate culture that punishes whistleblowers for being "disloyal" and "litigation risks."

Most corporate employers, with help from their lawyers, know exactly what they can do to a whistleblowing employee under the law. Unfortunately, Enron has supplied us with another grievous example of corporate conduct as shown by a recently released email from one of Enron's lawyers. The email responds to a request for legal advice after an Enron employee tried to report accounting irregularities at the highest levels of the company in late August, 2001:

> You asked that I include in this communication a summary of the possible risks associated with discharging (or constructively

discharging) employees who report allegations of improper accounting practices: 1. Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged . . .

This legal advice lays bare the fact that employees who do the "right thing" are vulnerable to retaliation. After this high level employee at Enron reported improper accounting practices, Enron is not thinking about firing Arthur Andersen, they are considering discharging the whistle blower. No wonder that so many employees are scared to come forward. Our laws need to encourage and protect those who report fraudulent activity that damages investors in publicly traded companies. That is why this bill is supported by groups such as the National Whistleblower Center, the Government Accountability Project, and Taxpayers Against Fraud, who have written a letter calling this bill "the single most effective measure possible to prevent recurrences of the Enron debacle and similar threats to the nation's financial markets."

This bill would create a new provision protecting employees when they take lawful acts to disclose information or otherwise assist criminal investigators, Federal regulators, Congress, their supervisors, or other proper people within a corporation, or parties in a judicial proceeding in detecting and stopping actions which they reasonably believe to be fraudulent. Since the only acts protected are "lawful" ones, the bill would not protect illegal actions, such as the improper public disclosure of trade secret information. In addition, a reasonableness test is also provided under the subsection (a)(1), which is intended to impose the normal reasonable person standard used and interpreted in a wide variety of legal contexts. See generally Passaic Valley Sewerage Commissioners v. Department of Labor, 992 F. 2d 474, 478. Certainly, although not exclusively, any type of corporate or agency action taken based on the information or the information constituting admissible evidence would be strong indicia that it could support of such a reasonable belief. Under this bill's new protections, if the employer does take illegal action in retaliation for such lawful and protected conduct, subsection b allows the employee to elect to file an administrative complaint at the Department of Labor, as is the case for employees who provide assistance in airplane safety, or to bring a case in Federal court, with a jury trial available for an action at law. See United States Constitution, Amendment VII; Title 42 United States Code, Section 1983.

Subsection (c) of this section would require both reinstatement of the whistleblower, double backpay, and compensatory damages to make a victim whole. In severe cases, where the finder of fact determines that underlying fraud posed a substantial risk to the shareholders' or the general public's health, safety or welfare, punitive damages would be allowed in the discretion of the finder of fact based on a number of enumerated factors. The bill does not supplant or replace State law, but sets a national floor for employee protections in the context of publicly traded companies.

Section 8 of the bill would create a new ten year felony under Title 18 for defrauding shareholders of publicly traded companies. Currently, unlike bank fraud or health care fraud, there is no generally accessible statute dealing with the specific problem of securities fraud. In these cases, Federal investigators and prosecutors are forced either to resort to a patchwork of technical Title 15 offenses, which may criminalize particular violations of securities law, or to treat the cases as generic mail or wire fraud cases and to meet the technical elements of those statutes, with their 5 year maximum penalties.

This bill, then, would create a new ten year felony for securities fraud, a more general and less technical provision comparable to the bank fraud and health care fraud statutes in Title 18. Specifically, it would add a provision to Chapter 63 of Title 18 which would criminalize the execution or attempted execution of a scheme or artifice to defraud persons in connection with securities of publicly traded companies or obtain their money or property. The provision would provide needed enforcement flexibility in the context of publicly traded companies to protect shareholders and prospective shareholders against all the types of schemes and frauds which inventive criminals may devise in the future.

This bill can only be part of the needed response to the problems exposed by the Enron debacle. It is clear that changes are needed to restore accountability in our markets. As a lawyer and a former prosecutor I am appalled at the role that lawyers and accountants played in the Enron case. Instead of acting as gatekeepers who detect and deter fraud, it appears that Enron's accountants and lawyers brought all their skills and knowledge to bear in assisting the fraud to succeed and then in covering it up. We need to reconsider the incentive system that has been set up that encourages accountants and lawyers who come across fraud in their work to remain silent.

Others have suggested that we restore aider and abettor liability to the law as it existed for almost five decades before the Supreme Court, in another 5–4 decision, took away the ability of private parties to sue aiders and abettors for securities fraud. I hope that Senators on the Banking Committee will seriously consider this change, which restores the ability to hold liable accountants and lawyers who knowingly or recklessly provide substantial assistance in perpetrating a fraud. Others have also proposed to restore joint and several liability in securities fraud cases so that fraud victims are not left empty handed watching the accountants, lawyers, and executives point fingers at each other, until they can blame everything on the one company that files for bankruptcy protection, like Enron, another change worth careful consideration. In short, we have to ask ourselves whether, as a nation, we have unintentionally stacked the deck against fraud victims. I think that we have, and we need to have the courage to admit it and reshuffle the cards to restore basic fairness.

For all of these reasons, I am pleased to introduce the "Corporate and Criminal Fraud Accountability Act of 2002." I look forward to working with members on both sides of the aisle to enact its provisions into law.

I ask unanimous consent for this bill to be printed in the RECORD along with the sectional analysis and a copy of the entire e-mail document to which I referred as well as the letters of support which I have referenced.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

S. 2010

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Corporate and Criminal Fraud Accountability Act of 2002".

SEC. 2. CRIMINAL PENALTIES FOR ALTERING DOCUMENTS.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by adding at the end the following:

"§ 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

"Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 5 years, or both.

"§ 1520. Destruction of corporate audit records

"(a) Any accountant who conducts an audit of an issuer of securities to which section 10A(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78j–1(a)) applies, shall maintain all documents (including electronic documents) sent, received, or created in connection with any audit, review, or other engagement for such issuer for a period of 5 years from the end of the fiscal period in which the audit, review, or other engagement was concluded.

"(b) Whoever knowingly and willfully violates subsection (a) shall be fined under this title, imprisoned not more than 5 years, or both.

"(c) Nothing in this section shall be deemed to diminish or relieve any person of any other duty or obligation, imposed by Federal or State law or regulation, to maintain, or refrain from destroying, any document.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by adding at the end the following new items:

"1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy.
"1520. Destruction of corporate audit records.".

SEC. 3. ENHANCED ENFORCEMENT OF LAWS AFFECTING RACKETEER-INFLUENCED AND CORRUPT ORGANIZATIONS.

Section 1964 of title 18, United States Code, is amended—

(1) in subsection (b), by inserting after "The Attorney General" the following: ", the Attorney General of any State, or the Securities and Exchange Commission"; and

(2) in subsection (d), by inserting before the period the following: "or any State".

SEC. 4. DEBTS NONDISCHARGEABLE IF INCURRED IN VIOLATION OF SECURITIES FRAUD LAWS.

Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" after the semicolon;

(2) in paragraph (18), by striking the period at the end and inserting "; or"; and

(3) by adding at the end, the following:

"(19) that—

"(A) arises under a claim relating to—

"(i) the violation of any of the Federal securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), any State securities laws, or any regulations or orders issued under such Federal or State securities laws; or

"(ii) common law fraud, deceit, or manipulation in connection with the purchase or sale of any security; and

"(B) results, in relation to any claim described in subparagraph (A), from—

"(i) any judgment, order, consent order, or decree entered in any Federal or State judicial or administrative proceeding;

"(ii) any settlement agreement entered into by the debtor; or

"(iii) any court or administrative order for any damages, fine, penalty, citation, restitutionary payment, disgorgement payment, attorney fee, cost, or other payment owed by the debtor.".

SEC. 5. STATUTE OF LIMITATIONS FOR SECURITIES FRAUD.

(a) IN GENERAL.—Section 1658 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Except"; and

(2) by adding at the end the following:

"(b) Notwithstanding subsection (a), a private right of action that involves a claim of fraud, deceit, manipulation, or deliberate or reckless disregard of a regulatory requirement concerning the securities laws, as defined in section 3(a)(47) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(47)), may be brought not later than the earlier of—

"(1) 5 years after the date on which the alleged violation occurred; or

"(2) 3 years after the date on which the alleged violation was discovered.".

(b) EFFECTIVE DATE.—The limitations period provided by section 1658(b) of title 28, United States Code, as added by this section, shall apply to all proceedings addressed by this section that are commenced on or after the date of enactment of this Act.

SEC. 6. REVIEW OF FEDERAL SENTENCING GUIDELINES FOR OBSTRUCTION OF JUSTICE AND EXTENSIVE CRIMINAL FRAUD.

Pursuant to section 994 of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, as appropriate, the Federal Sentencing Guidelines and related policy statements to ensure that—

(1) the guideline offense levels and enhancements for an obstruction of justice offense are adequate in cases where documents or other physical evidence are actually destroyed or fabricated;

(2) the guideline offense levels and enhancements for violations of section 1519 or 1520 of title 18, United States Code, as added by this Act, are sufficient to deter and punish that activity;

(3) the guideline offense levels and enhancements under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) are sufficient for a fraud offense when the number of victims adversely involved is significantly greater than 50; and

(4) a specific offense characteristic enhancing sentencing is provided under United States Sentencing Guideline 2B1.1 (as in effect on the date of enactment of this Act) for a fraud offense that endangers the solvency or financial security of 1 or more victims.

SEC. 7. PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES WHO PROVIDE EVIDENCE OF FRAUD.

(a) IN GENERAL.—Chapter 73 of title 18, United States Code, is amended by inserting after section 1514 the following:

"§ 1514A. Civil action to protect against retaliation in fraud cases

"(a) WHISTLEBLOWER PROTECTION FOR EMPLOYEES OF PUBLICLY TRADED COMPANIES.—No company with securities registered under section 6 of the Securities Act of 1933 (15 U.S.C. 77f) or section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*, 78o(d)), or any officer, employee, contractor, subcontractor, or agent of such company, may discharge, demote, suspend, threaten, harass, or in any other manner discriminate against an employee in the terms and conditions of employment because of any lawful act done by the employee—

"(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the employee reasonably believes constitutes a violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders, when the information or assistance is provided to or the investigation is conducted by—

"(A) a Federal regulatory or law enforcement agency;

"(B) any Member of Congress or any committee of Congress; or

"(C) a person with supervisory authority over the employee (or such other person working for the employer who has the authority to investigate, discover, or terminate misconduct); or

"(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding filed or about to be filed (with any knowledge of the employer) relating to an alleged violation of section 1341, 1343, 1344, or 1348, any rule or regulation of the Securities and Exchange Commission, or any provision of Federal law relating to fraud against shareholders.

"(b) ELECTION OF ACTION.—

"(1) IN GENERAL.—A person who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c), by—

"(A) filing a complaint with the Secretary of Labor; or

"(B) bringing an action at law or equity in the appropriate district court of the United States.

"(2) PROCEDURE.—

"(A) IN GENERAL.—An action under paragraph (1)(A) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

"(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the employer.

"(C) BURDENS OF PROOF.—An action brought under paragraph (1)(B) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

"(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 180 days after the date on which the violation occurs.

"(c) REMEDIES.—

"(1) IN GENERAL.—An employee prevailing in any action under subsection (b)(1) (A) or (B) shall be entitled to all relief necessary to make the employee whole.

"(2) COMPENSATORY DAMAGES.—Relief for any action under paragraph (1) shall include—

"(A) reinstatement with the same seniority status that the employee would have had, but for the discrimination;

"(B) 2 times the amount of back pay, with interest; and

"(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

"(3) PUNITIVE DAMAGES.—

"(A) IN GENERAL.—In a case in which the finder of fact determines that the protected conduct of the employee under subsection (a) involved a substantial risk to the health, safety, or welfare of shareholders of the employer or the public, the finder of fact may award punitive damages to the employee.

"(B) FACTORS.—In determining the amount, if any, to be awarded under this paragraph, the finder of fact shall take into account—

"(i) the significance of the information or assistance provided by the employee under subsection (a) and the role of the employee in advancing any investigation, proceeding, congressional inquiry or action, or internal remedial process, or in protecting the health, safety, or welfare of shareholders of the employer or of the public;

"(ii) the nature and extent of both the actual and potential discrimination to which the employee was subjected as a result of the protected conduct of the employee under subsection (a); and

"(iii) the nature and extent of the risk to the health, safety, or welfare of shareholders or the public under subparagraph (A).

"(d) RIGHTS RETAINED BY EMPLOYEE.—

"(1) OTHER REMEDIES UNAFFECTED.—Nothing in this section shall be deemed to diminish the rights, privilege, or remedies of any employee under any Federal or State law, or under any collective bargaining agreement.

"(2) VOLUNTARY ADJUDICATION.—No employee may be compelled to adjudicate his or her rights under this section pursuant to an arbitration agreement.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 73 of title 18, United States Code, is amended by inserting after the item relating to section 1514 the following new item:

"1514A. Civil action to protect against retaliation in fraud cases.".

SEC. 8. CRIMINAL PENALTIES FOR DEFRAUDING SHAREHOLDERS OF PUBLICLY TRADED COMPANIES.

(a) IN GENERAL.—Chapter 63 of title 18, United States Code, is amended by adding at the end the following:

"§ 1348. Securities fraud

"Whoever knowingly executes, or attempts to execute, a scheme or artifice—

"(1) to defraud any person in connection with any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f); or

"(2) to obtain, by means of false or fraudulent pretenses, representations, or promises, any money or property in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*, 78o(d)) or section 6 of the Securities Act of 1933 (15 U.S.C. 77f),

shall be fined under this title, or imprisoned not more than 10 years, or both.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 63 of title 18, United States Code, is amended by adding at the end the following new item:

"1348. Securities fraud.".

SECTIONAL ANALYSIS: CORPORATE AND CRIMINAL FRAUD ACCOUNTABILITY ACT OF 2002

Section 1. Title.

"Corporate and Criminal Fraud Accountability Act."

Section 2. Criminal Penalties for Altering, Destroying, or Failing to Maintain Documents

This section provides two new criminal statutes which would clarify and plug holes in the current criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records. Currently, those provisions are a patchwork which have been interpreted in often limited ways in federal court. For instance, certain of the current provisions make it a crime to persuade another person to destroy documents, but not a crime to actually destroy the same documents yourself. Other provisions have been narrowly interpreted by courts, including the Supreme Court in *United States* v. *Aguillar*, 115 S. Ct. 593 (1995), to apply only to situations where the obstruction of justice can be closely tied to a pending judicial proceeding.

First, this section would create a new 5 year felony which could be effectively used in a wide array of cases where a person destroys or creates evidence with the specific intent to obstruct a federal agency or a criminal investigation. Second, the section creates another 5 year felony which applies specifically to the willful failure to preserve audit papers of companies that issue securities.

Section 3. Amendment to Improve Enforcement of Civil RICO

This section proposes an amendment to the civil RICO provision found at 18 U.S.C. Section 1964 which would enhance the abilities of federal and state regulators to enforce existing law by giving State Attorneys General and the Securities and Exchange Commission, SEC, explicit authority to bring a suit under the civil RICO provisions. Currently, only the Attorney General has such authority under RICO.

Section 4. Bankruptcy

This provision would amend the Federal bankruptcy code to make judgments and settlements arising from state and federal securities law violations brought by state or federal regulators and private individuals non-dischargeable. Current bankruptcy law may permit wrongdoers to discharge their obligations under court judgments or settlements based on securities fraud and securities law violations. This loophole in the law should be closed to help defrauded investors recoup their losses and to hold accountable those who perpetrate securities fraud.

Section 5. Statute of Limitations

This section would set the statute of limitations in private securities fraud cases to the earlier of 5 years after the date of the fraud or three years after the fraud was discovered. The current statute of limitations for private securities fraud cases is the earlier of three years from the date of the fraud or one year from the date of discovery. In the Enron state pension fund litigation, the current short statute of limitations has forced some states to forgo claims against Enron based on securities fraud in 1997 and 1998. Victims of securities fraud should have a reasonable time to discover the facts underlying the fraud.

The Supreme Court, in *Lampf* v. *Gilbertson*, 501 U.S. 350 (1991), endorsed the current short statute of limitations for securities fraud in a 5-4 decision. Justices O'Connor and Kennedy wrote in their dissent in the *Lampf* decison: "By adopting a 3-year period of repose, the Court makes a §10(b) action all but a dead letter for injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within three years after the violation occurred. In so doing, the Court also turns its back on the almost uniform rule rejecting short periods of repose for fraud-based actions."

Section 6. Review and Enhancement of Criminal Sentences in Cases of Fraud and Evidence Destruction

This section would require the United States Sentencing Commission, "Commission", to consider enhancing criminal penalties in cases involving the actual destruction or fabrication of evidence or in fraud cases in which a large number of victims are injured or when the injury to the victims is particularly grave, i.e. they face financial ruin.

This provision first requires the Commission to consider sentencing enhancements in obstruction of justice cases where physical evidence was actually destroyed. The provision, in subsections 3 and 4, also requires the Commission to consider sentencing enhancements for fraud cases which are particularly extensive or serious. Specifically, once there are more than 50 victims, the current guidelines do not require any further enhancement of the sentence, so that a case with 51 victims may be treated the same as a case with 5,000 victims. In addition, current guidelines allow only very limited consideration of the extent of financial devastation that a fraud offense causes to private victims. This section corrects both these problems.

Section 7. Whistleblower Protection for Employees of Publicly Traded Companies

This section would provide whistleblower protection to employees of publicly traded companies, similar to those currently available to many government employees. It specifically protects them when they take lawful acts to disclose information or otherwise assist criminal investigators, federal regulators, Congress, supervisors (or other proper people within a corporation), or parties in a judicial proceeding in detecting and stopping fraud. Since the bill's provisions only apply to "lawful" actions by an employee, it does not protect employees from improper and unlawful disclosure of trade secrets. In addition, a reasonableness test is also set forth under the information providing subsection of this section, which is intended to impose the normal reasonable person standard used and interpreted in a wide variety of legal contexts. See generally *Passaic Valley Sewerage Commissioners* v. *Department of Labor*, 992 F. 2d 474, 478. Certainly, although not exclusively, any type of corporate or agency action taken based on the information, or the information constituting or leading to admissible evidence would be strong indicia that it could support of such a reasonable belief. If the employer does take illegal action in retaliation for lawful and protected conduct, subsection (b) allows the employee to elect to file an administrative complaint or to bring a case in federal court, with a jury trial available in cases where the case is an action at law. See United States Constitution, Amendment VII; Title 42 United States Code, Section 1983. Subsection (c) would require both reinstatement of the whistleblower, double backpay, compensatory damages to make a victim whole, and would allow punitive damages in extreme cases where the public's health, safety or welfare was at risk.

Section 8. Criminal Penalties for Securities Fraud

This provision would create a new 10 year felony for defrauding shareholders of publicly traded companies. The provision would supplement the patchwork of existing technical securities law violations with a more general and less technical provision, comparable to the bank fraud and health care fraud statutes. The provision would be more accessible to investigators and prosecutors and would provide needed enforcement flexibility and, in the context of publicly traded companies, protection against all the types schemes and frauds which inventive criminals may devise in the future.

VERMONT DEPARTMENT OF BANKING,
INSURANCE, SECURITIES AND
HEALTH CARE ADMINISTRATION,
Montpelier, VT, March 8, 2002.

Senator PATRICK LEAHY,
Russell Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: Your staff recently forwarded a copy of a bill you intend to introduce entitled, "Corporate and Criminal Fraud Accountability Act of 2002". I read your proposed legislation with special interest, as I am a trustee of the Vermont State Teachers' Retirement Board. That system recently experienced some losses due to its investment in Enron, as did the other state retirement systems.

I believe that your bill will have a significant and positive effect on how we investigate and punish those involved in cases of corporate and criminal fraud. The provision of your bill making judgments arising from state and federal securities law violations non-dischargeable under the federal bankruptcy code is particularly welcome. This improvement in the law would materially improve the ability of defrauded investors to recoup their losses. I also support your proposed expansion of the statute of limitations in private securities fraud cases. This longer statute of limitations will result in investors, including state retirement funds, enjoying a more level playing field when they are defrauded by complex schemes that they could not reasonably be expected to discover within the current three year period.

I also support the provisions in the bill to clarify the criminal laws concerning the destruction or fabrication of evidence and the enhancement of criminal sentences in cases of fraud and destruction of evidence. As the agency charged with examining financial institutions, the integrity of records is essential to our ability to do our jobs. Clear federal laws and increased criminal penalties will provide powerful deterrents to evidence destruction and securities fraud. I also support the expansion of civil RICO to allow state attorney generals and the SEC to bring civil RICO suits.

Please let me know if I can be of any further assistance on this legislation.

Sincerely,

ELIZABETH COSTLE,
Commissioner.

NATIONAL WHISTLEBLOWER CENTER,
Washington, DC, March 11, 2002.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: Since 1988 the National Whistleblower Center has aided or defended hundreds of employees who have disclosed fraud and criminal activities within the public and private sectors. During this time we have become painfully aware of the major loopholes which often leave courageous employees without any legal protection. One of the most notorious loopholes exists under the securities laws, in which employees who report fraud upon stockholders have no protection under federal law. It is truly tragic that employees who are wrongfully discharged merely for reporting violations of law, which may threaten the integrity of pension funds or education-based savings accounts, have no federal protection. This point was made perfectly clear by the recently released internal memorandum from attorneys for Enron. According to Enron's own counsel, employees who raised concerns over that company's accounting practices had no protection under federal law and could be fired.

With this background in mind, the National Whistleblower Center strongly commends you for introducing the Corporate and Criminal Fraud Accountability Act of 2002. This law would protect employees who disclose Enron-related fraud to the appropriate authorities. It is modeled on the airline safety whistleblower law, which overwhelmingly passed Congress with strong bi-partisan support. The next time a company like Enron seeks advice from counsel as to whether they can fire an employee, like Sharon Watkins, who merely discloses potential fraud on shareholders, the answer must be a resounding "no." That can only happen if the Corporate and Criminal Fraud Accountability Act is enacted into law.

Respectfully submitted,

STEPHEN M. KOHN,
Chairman of the Board of Directors.
KRIS KOLESNIK,
Executive Director.

GOVERNMENT ACCOUNTABILITY PROJECT AND TAXPAYERS AGAINST FRAUD,
Washington, DC, March 11, 2002.

Hon. PATRICK LEAHY,
Chair, Senate Judiciary Committee, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY: Thank you for your leadership in introducing the Corporate Fraud and Criminal Accountability Act of 2002. This is a landmark proposal, for which we offer our complete support. The bill promises to make whistleblower protection the rule rather than the exception for those challenging betrayals of corporate fiduciary duty enforced by the Securities and Exchange Commission. It would be the single most effective measure possible to prevent recurrences of the Enron debacle and similar threats to the nation's financial markets, shareholders and pension holders. It also would be a breakthrough in implementing recommendations pending since 1985 by the Administrative Conference of the United States for a consistent, coherent system of corporate whistleblower protection.

The Government Accountability Project (GAP) is a nonprofit, nonpartisan public interest law firm dedicated since 1976 to helping whistleblowers, those employees who exercise freedom of speech to bear witness against betrayals of public trust that they discover on the job. GAP has led the campaign for passage of nearly all federal whistleblower laws over the last two decades, as well as a model law approved by the Organization of American States to implement its Inter-American Convention Against Corruption. Two decades of lessons learned are summarized in GAP's book The Whistleblower's Survival Guide: Courage Without Martyrdom. Taxpayers Against Fraud, The False Claims Act Legal Center (TAF) is a nonprofit, nonpartisan public interest organization dedicated to combating fraud against the Federal Government through the promotion and use of the federal False Claims Act and its *qui tam* whistleblower provisions. TAF supports effective anti-fraud legislation at the federal and state level and, as part of its educational outreach, publishes the False Claims Act and Qui Tam Quarterly Review.

This bill is outstanding good goverenment legislation. It uses the best combination of provisions that have proven effective in other contexts. It has the modern burdens of proof in the Whistleblower Protection Act of 1989, and offers choices of forum that virtually guarantee whistleblowers will have a fair day in court. Most significant, it closes the loopholes that have meant whistleblowers proceed at their own risk when warning Congress, shareholders or even their own management or Board Audit Committees of financial misconduct threatening the health both of their own company and, in some cases, the nation's economy. You have our unqualified pledge of helping to finish the public service you started by introducing this legislation.

Sincerely,

JIM MOORMAN,
Executive Director, TAF.
TOM DEVINE,
Legal Director, GAP.

NORTH AMERICAN SECURITIES ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, March 5, 2002.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, Washington, DC.

DEAR MR. CHAIRMAN: The North American Securities Administrators Association, Inc., (NASAA), organized in 1919, is the oldest international organization devoted to investor protection. Its membership consists of the securities administrators in the 50 states, the District of Columbia, Canada, Mexico and Puerto Rico. NASAA is the voice of securities agencies responsible for grass-roots investor protection and efficient capital formation.

NASAA members collectively bring thousands of enforcement actions against violators of securities laws in an effort to protect investors from fraud and abuse in connection with the offer and sale of securities.

We have reviewed a draft of the Corporate and Criminal Fraud and Accountability Act of 2002, and we support it. Our focus is on the section that would prevent the discharge of certain debts in bankruptcy proceedings. At the present time, the bankruptcy code enables defendants who are guilty of fraud and other securities violations to thwart enforcement of the judgments and other awards that are issued in these cases.

We support Section 4, as drafted, because it strengthens the ability of regulators and individual investors to prevent the discharge of certain debts and hold defendants financially responsible for violations of securities laws. This issue is of great interest to state securities regulators, and we commend you for addressing it in the proposed legislation.

NASAA and its members are prepared to work with you as the legislative process continues. We support your effort to enhance the ability of state and federal regulators to help defrauded investors recoup their losses and to hold accountable those who perpetuate securities fraud.

Sincerely,

JOSEPH P. BORG,
NASAA President, Director of Alabama Securities Commission.

From: Jordan, Carl.
Sent: Friday, August 24, 2001 7:02 PM.
To: Butcher, Sharon (Enron).
Subject: Confidential Employee Matter.

ATTORNEY CLIENT PRIVILEGED COMMUNICATION

Sharon: Per your request, the following are some bullet thoughts on how to manage the situation with the employee who made the sensitive report.

1. I agree that it is a positive that she has requested reassignment to another department. Assuming a suitable position can be found, I recommend documenting in memo form that the transfer is being effected per her request. This would be worded to convey that the company has considered and decided to accommodate her request for reassignment. See comments below re additional items to be addressed in the memo.

2. I suggest that the memo also name a designated company officer for her to contact in the unlikely future event that she believes she is being retaliated against for having made the report. Case law suggests that she then will have the burden of reporting any perceived retaliation and allowing the company a reasonable opportunity to correct it before quitting and asserting a constructive discharge. (Note: If there is any chance that the decision might be made in the future to discharge the employee for making the report—e.g., if the company concludes that the allegations were not made in good faith—then this assurance probably should not be given, at least until later when (if) the company is satisfied that the employee was not acting in bad faith or otherwise improperly.)

3. The memo should contain language that conveys that the other terms of her employment—specifically, its at-will status—remains unchanged. This is to avoid any future claim that the understandings surrounding the transfer constitute a contractual obligation of some sort.

4. The new position, as we discussed, should have responsibilities and compensation comparable to her current one, to avoid any claim of constructive discharge.

5. As we discussed, to the extent practicable, the fact that she made the report should be treated as confidential.

6. The individual or individuals who are implicated by her allegations should be advised to treat the matter confidentially and to use discretion regarding any comments to or about the complaining employee. They should be advised that she is not to be treated adversely in any way for having expressed her concerns.

7. You indicated that the officer in charge of the area to which the employee may be reassigned would probably need to be advised of the circumstances. I suggest he be advised at the same time that it is important that she not be treated adversely or differently because she made the report. And that the circumstances of the transfer are confidential and should not be shared with others.

You also asked that I include in this communication a summary of the possible risks associated with discharging (or constructively discharging) employees who report allegations of improper accounting practices:

1. Texas law does not currently protect corporate whistleblowers. The supreme court has twice declined to create a cause of action for whistleblowers who are discharged; however, there were special factors present in both cases that weighed against the plaintiffs and the court implied that it might reach a different conclusion under other circumstances.

2. Regardless of the whistleblower issue, there is often a risk of a Sabine Pilot claim (i.e., allegation of discharge for refusing to participate in an illegal act). Whistleblower cases in Texas commonly are pled or repled as Sabine Pilot claims—it is often an easy leap for the plaintiff to make if she had any involvement in or duties relating to the alleged improper conduct. For example, some cases say that if an employee's duties involve recording accounting data that she knows to be misleading onto records that are eventually relied on by others in preparing reports to be submitted to a federal agency (e.g., SEC, IRS, etc.), then the employee can be subject to criminal prosecution even tho she did not originated the misleading data and does not prepare the actual document submitted to the government. Under such circumstances, if the employee alleges that she was discharged for refusing to record (or continuing the practice of recording) the allegedly misleading data, then she has stated a claim under the Sabine Pilot doctrine.

3. As we discussed, there are a myriad of problems associated with Sabine Pilot claims, regardless of their merits, that involve allegations of illegal accounting or related practices. One is that the company's accounting practices and books and records are fair game during discovery—the opposition typically will request production of volumes of sensitive material. Another problem is that because accounting practices often involve judgments in gray areas, rather than non-judgmental applications of black-letter rules, there are often genuine disputes over whether a company's practice or a specific report was materially misleading or complied with some statutory or regulatory requirements. Third, these are typically jury cases—that means they are decided by lay persons when the legal compliance issues are often confusing even to the lawyers and experts. Fourth, because of the above factors, they are very expensive and time consuming to litigate.

4. In addition to the risk of a wrongful discharge claim, there is the risk that the discharged employee will seek to convince some government oversight agency (e.g., IRS, SEC, etc.) that the corporation has engaged in materially misleading reporting or is otherwise non-compliant. As with wrongful discharge claims, this can create problems even tho the allegations have no merit whatsoever.

These are, of course, very general comments. I will be happy to discuss them in greater detail at your convenience.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2995. Mr. CRAIG (for himself, Ms. Landrieu, Mr. Murkowski, Mr. Domenici, and Mr. Thurmond) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2996. Mr. MURKOWSKI (for himself and Mr. Daschle) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 2997. Mr. LEVIN (for himself, Mr. Bond, Ms. Stabenow, and Ms. Mikulski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2995. Mr. CRAIG (for himself, Ms. Landrieu, Mr. Murkowski, Mr. Domenici, and Mr. Thurmond) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place in the Amendment, insert the following:

SEC. . NUCLEAR POWER 2010.

(a) Definitions.—In this section:

(1) Secretary.—The term "Secretary" means the Secretary of Energy.

(2) Office.—The term "Office" means the Office of Nuclear Energy Science and Technology of the Department of Energy.

(3) Director.—The term "Director" means the Director of the Office of Nuclear Energy Science and Technology of the Department of Energy.

(4) Program.—The term "Program" means the Nuclear Power 2010 Program.

(b) Establishment.—The Secretary shall carry out a program, to be managed by the Director.

(c) Purpose.—The program shall aggressively pursue those activities that will result in regulatory approvals and design completion in a phased approach, with joint government/industry cost sharing, which would allow for the construction and startup of new nuclear plants in the United States by 2010.

(d) Activities.—In carrying out the program, the Director shall—

(1) issue a solicitation to industry seeking proposals from joint venture project teams comprised of reactor vendors and power generation companies to participate in the Nuclear Power 2010 program;

(2) seek innovative business arrangements, such as consortia among designers, constructors, nuclear steam supply systems and major equipment suppliers, and plant owner/operators, with strong and common incentives to build and operate new plants in the United States;

(3) conduct the Nuclear Power 2010 program consistent with the findings of A Roadmap to Deploy New Nuclear Power Plants in the United States by 2010 issued by the Near-Term Deployment Working Group of the Nuclear Energy Research Advisory Committee of the Department of Energy;

(4) rely upon the expertise and capabilities of the Department of Energy national laboratories and sites in the areas of advanced nuclear fuel cycles and fuels testing, giving consideration to existing lead laboratory designations and the unique capabilities and facilities available at each national laboratory and site;

(5) pursue deployment of both water-cooled and gas-cooled reactor designs on a dual track basis that will provide maximum potential for the success of both;

(6) include participation of international collaborators in research and design efforts where beneficial; and

(7) seek to accomplish the essential regulatory and technical work, both generic and design-specific, to make possible new nuclear plants within this decade.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out the purposes of this section such sums as are necessary for fiscal year 2003 and for each fiscal year thereafter.

SA 2996. Mr. MURKOWSKI (for himself and Mr. Daschle) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place insert the following:

TITLE —RURAL AND REMOTE COMMUNITY FAIRNESS ACT

Sec. 01.—This Title may be cited as the "The Rural and Remote Community Fairness Act.".

Subtitle A—Rural and Remote Community Development Block Grants

Sec. 02.—The Housing and Community Development Act of 1974 (Public Law 93-383) is amended by inserting at the end the following new title:

"TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

"Sec. 901.(a) Findings.—The Congress finds and declares that—

"(1) a modern infrastructure, including energy-efficient housing, electricity, telecommunications, bulk fuel, waste water and potable water service, is a necessary ingredient of a modern society and development of a prosperous economy;

"(2) the Nation's rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

‘‘(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nations, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

‘‘(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

‘‘(b) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel, telecommunications and utility services to those communities that do not have those services or who currently bear costs of those services that are significantly above the national average.

‘‘SEC. 902. DEFINITIONS.—As used in this title:

‘‘(a) The term ‘unit of general local government’ means any city, county, town, township, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa, a combination of such political subdivisions that is recognized by the Secretary, and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

‘‘(b) The term ‘population’ means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

‘‘(c) The term ‘Native American group’ means any Indian tribe, band group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native-Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

‘‘(d) The term ‘Secretary’ means the Secretary of Housing and Urban Development.

‘‘(e) The term ‘rural and remote community’ means a unit of local general government or Native American group which is served by an electric utility that has 10,000 or less customers with an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Energy Information Administration of the Department of Energy.

‘‘(f) The term ‘alternative energy sources’ includes non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, municipal solid waste, hydroelectric, geothermal and tidal power.

‘‘(g) The term ‘average retail cost per kilowatt hour of electricity’ has the same meaning as ‘average revenue per kilowatt hour of electricity’ as defined by the Energy Information Administration of the Department of Energy.

‘‘SEC. 903. AUTHORIZATIONS.—The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of the title. For purposes of assistance under section 906, there are authorized to be appropriated $100,000,000 for each of fiscal years 2003 through 2009.

‘‘SEC. 904. STATEMENT OF ACTIVITIES AND REVIEW.

‘‘(a) Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

‘‘(b) In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

‘‘(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

‘‘(2) publish a proposed statement in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

‘‘(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

‘‘(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

‘‘The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same. Procedures required in this paragraph for the preparation and submission of such statement.

‘‘(c) Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) and to the requirements of subsection (b). The grantee's report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee's program objectives, and indications of how the grantee would change its programs as a result of its experiences.

‘‘(d) Any rural and remote community may retain any program income that is realized from any grant made by the secretary under section 906 if (1) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and (2) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title; except that the Secretary may by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the subsection creates an unreasonable administrative burden on the rural and remote community.

‘‘SEC. 905. ELIGIBLE ACTIVITIES.

‘‘(a) Eligible activities assisted under this title may include only—

‘‘(1) weatherization and other cost-effective energy-related repairs of homes and other buildings;

‘‘(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity, and telecommunications, for consumption in a rural and remote community or communities;

‘‘(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural or remote communities;

‘‘(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

‘‘(5) the institution of professional management and maintenance services for electricity generation transmission or distribution to a rural and remote community or communities;

‘‘(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

‘‘(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

‘‘(8) the acquisition of disposition of real property (including air rights, water rights, and other interests therein) for eligible rural and remote community development activities; and

‘‘(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

‘‘(b) eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

‘‘SEC. 906. ALLOCATION AND DISTRIBUTION OF FUNDS.—For each fiscal year, of the amount approved in an appropriation act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail price per kilowatt hour of electricity for all classes of consumers in the rural and remote community exceeds the national average retail price per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scale through consolidation of services, affiliation and regionalization of eligible activities under this title.

SEC. 907. REMENDIES FOR NONCOMPLIANCE.—The provisions of section 111 of the Housing and Community Development Act of 1974 shall apply to assistance distributed under this title.’’.

Subtitle B—Rural and Remote Community Electrification Grants

SEC. 04.—After section 313(b) of the rural Electrification Act of 1936, add the following new subsection:

"(c) RURAL AND REMOTE COMMUNITY ELECTRIFICATION GRANTS.—The Secretary is authorized to provide grants to eligible borrowers under this Act for the purpose of increasing energy efficiency, lowering or stabilizing electric rates to end users, or providing or modernizing electric facilities in rural and remote communities.

"(d) For purposes of subsection (c), there is authorized to be appropriated $20,000,000 for each of fiscal years 2003–2009.".

SEC. 06.—There is hereby authorized to be appropriated $5,000,000 for each of fiscal years 2003–2009 to the Denali commission established by Public Law 105–227, 42 U.S.C. 3121 for the purposes of funding the power cost equalization program.

Subtitle C—Rural Recovery Community Development Block Grants

SEC. 07.—The Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) is amended by adding at the end the following:

"Sec. 123. Rural Recovery Community Development Block Grants.

"(a) FINDINGS; PURPOSE.—

"(1) FINDINGS.—Congress finds that—

"(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

"(B) the Nation's rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

"(C) the future welfare of the National and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

"(2) PURPOSE.—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

"(b) DEFINITIONS.—In this section:

"(1) ELIGIBLE UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'eligible unit of general local government' means a unit of general local government that is the governing body of a rural recovery area.

"(2) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means the governing body of an Indian tribe that is located in a rural recovery area.

"(3) GRANTEE.—The term 'grantee' means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

"(4) NATIVE AMERICAN GROUP.—The term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

"(5) RURAL RECOVERY AREA.—The term 'rural recovery area' means any geographic area represented by a unit of general local government or a Native American group—

"(A) the borders of which are not adjacent to a metropolitan area;

"(B) in which—

"(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Housing and Urban Development; and,

"(ii) the per capita income is less than that of the national nonmetropolitan average; and

"(C) that does not include a city with a population of more than 15,000.

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—

"(A) IN GENERAL.—The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; and the District of Columbia.

"(B) OTHER ENTITIES INCLUDED.—The term also includes a State or a local public body or agency (as defined in section 711 of the Housing and Urban Development Act of 1970), community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community as part of a program meeting the eligibility standards of section 712 of the Housing and Urban Development Act of 1970 or title IV of the Housing and Urban Development Act of 1968.

"(c) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to eligible units of general local government, Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

"(d) ELIGIBILITY REQUIREMENTS.—

"(1) STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

"(A) shall—

"(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

"(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on the proposed statement and the proposed eligible activities, and the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

"(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

"(i) a final statement of rural development objectives;

"(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

"(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

"(2) PUBLIC NOTICE AND COMMENT.—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

"(A) a copy of the final statement submitted under paragraph (1)(B);

"(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

"(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

"(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from one eligible activity to another.

"(e) DISTRIBUTION OF GRANTS.—

"(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

"(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

"(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by the Secretary of Housing and Urban Development) and the per capita income for the rural recovery area served by the grantee; or

"(B) $200,000.

"(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for one or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, nonprofit community development corporation, or statewide development organization authorized by the grantee:

"(1) the acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park;

"(2) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities;

"(3) the development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas;

"(4) activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities; or

"(5) affordable housing initiatives.

"(g) Performance and Evaluation Report.—

"(1) In general.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

"(21) Contents.—Each report submitted under paragraph (1) shall include a description of—

"(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

"(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

"(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

"(h) Retention of Income.—A grantee may retain any income that is realized from the grant, if—

"(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

"(2) the—

"(A) grantee agrees to utilize the income for 1 or more eligible activities; or

"(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

"(i) Authorization of Appropriations.—There is authorized to be appropriate to carry out this section $100,000,000 for each of fiscal years 2003 through 2009.".

SA 2997. Mr. LEVIN (for himself, Mr. BOND, Ms. STABENOW, and Ms. MIKULSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In title VIII, strike the heading for subtitle A and all that follows through section 811 and insert the following:

Subtitle A—CAFE Standards, Alternative Fuels, and Advanced Technology

SEC. 801. INCREASED FUEL ECONOMY STANDARDS.

(a) Requirement for New Regulations.—

(1) In general.—The Secretary of Transportation shall issue, under section 32902 of title 49, United States Code, new regulations setting forth increased average fuel economy standards for automobiles that are determined on the basis of the maximum feasible average fuel economy levels for the automobiles, taking into consideration the matters set forth in subsection (f) of such section.

(2) Time for issuing regulations.—

(A) Non-passenger automobiles.—For non-passenger automobiles, the Secretary of Transportation shall issue the final regulations not later than 15 months after the date of the enactment of this Act.

(B) Passenger automobiles.—For passenger automobiles, the Secretary of Transportation shall issue—

(i) the proposed regulations not later than 180 days after the date of the enactment of this Act; and

(ii) the final regulations not later than two years after that date.

(b) Phased Increases.—The regulations issued pursuant to subsection (a) shall specify standards that take effect successively over several vehicle model years not exceeding 15 vehicle model years.

(c) Clarification of Authority To Amend Passenger Automobile Standard.—Section 32902(b) of title 49, United States Code, is amended by inserting before the period at the end the following: "or such other number as the Secretary prescribes under subsection (c)".

(d) Environmental Assessment.—When issuing final regulations setting forth increased average fuel economy standards under this section, the Secretary of Transportation shall also issue an environmental assessment of the effects of the implementation of the increased standards on the environment under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(e) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Transportation for fiscal year 2003, to remain available until expended, $2,000,000 to carry out this section.

SEC. 802. EXPEDITED PROCEDURES FOR CONGRESSIONAL INCREASE IN FUEL ECONOMY STANDARDS.

(a) Condition for Applicability.—If the Secretary of Transportation fails to issue final regulations with respect to non-passenger automobiles under section 801, or fails to issue final regulations with respect to passenger automobiles under such section, on or before the date by which such final regulations are required by such section to be issued, respectively, then this section shall apply with respect to a bill described in subsection (b).

(b) Bill.—A bill referred to in this subsection is a bill that satisfies the following requirements:

(1) Introduction.—The bill is introduced by one or more Members of Congress not later than 60 days after the date referred to in subsection (a).

(2) Title.—The title of the bill is as follows: "A bill to establish new average fuel economy standards for certain motor vehicles.".

(3) Text.—The bill provides after the enacting clause only the text specified in subparagraph (A) or (B) or any provision described in subparagraph (C), as follows:

(A) Non-passenger automobiles.—In the case of a bill relating to a failure timely to issue final regulations relating to non-passenger automobiles, the following text:

"That, section 32902 of title 49, United States Code, is amended by adding at the end the following new subsection:

"'( ) Non-passenger automobiles.—The average fuel economy standard for non-passenger automobiles manufactured by a manufacturer in a model year after model year   shall be   miles per gallon.'", the first blank space being filled in with a subsection designation, the second blank space being filled in with the number of a year, and the third blank space being filled in with a number.

(B) Passenger automobiles.—In the case of a bill relating to a failure timely to issue final regulations relating to passenger automobiles, the following text:

"That, section 32902(b) of title 49, United States Code, is amended to read as follows:

"'(b) Passenger Automobiles.—Except as provided in this section, the average fuel economy standard for passenger automobiles manufactured by a manufacturer in a model year after model year   shall be   miles per gallon.'", the first blank space being filled in with the number of a year and the second blank space being filled in with a number.

(C) Substitute text.—Any text substituted by an amendment that is in order under subsection (c)(3).

(c) Expedited Procedures.—A bill described in subsection (b) shall be considered in a House of Congress in accordance with the procedures provided for the consideration of joint resolutions in paragraphs (3) through (8) of section 8066(c) of the Department of Defense Appropriations Act, 1985 (as contained in section 101(h) of Public Law 98–473; 98 Stat. 1936), with the following exceptions:

(1) References to resolution.—The references in such paragraphs to a resolution shall be deemed to refer to the bill described in subsection (b).

(2) Committees of jurisdiction.—The committees to which the bill is referred under this subsection shall—

(A) in the Senate, be the Committee on Commerce, Science, and Transportation; and

(B) in the House of Representatives, be the Committee on Energy and Commerce.

(3) Amendments.—

(A) Amendments in order.—Only four amendments to the bill are in order in each House, as follows:

(i) Two amendments proposed by the majority leader of that House.

(ii) Two amendments proposed by the minority leader of that House.

(B) Form and content.—To be in order under subparagraph (A), an amendment shall propose to strike all after the enacting clause and substitute text that only includes the same text as is proposed to be stricken except for one or more different numbers in the text.

(C) Debate, et cetera.—Subparagraph (B) of section 8066(c)(5) of the Department of Defense Appropriations Act, 1985 (98 Stat. 1936) shall apply to the consideration of each amendment proposed pursuant to subparagraph (A) of this paragraph in the same manner as such subparagraph (B) applies to debatable motions.

SEC. 803. REVISED CONSIDERATIONS FOR DECISIONS ON MAXIMUM FEASIBLE AVERAGE FUEL ECONOMY.

Section 32902(f) of title 49, United States Code, is amended to read as follows:

"(f) Considerations for Decisions on Maximum Feasible Average Fuel Economy.—When deciding maximum feasible average fuel economy under this section, the Secretary of Transportation shall consider the following matters:

"(1) Technological feasibility.

"(2) Economic practicability.

"(3) The effect of other motor vehicle standards of the Government on fuel economy.

"(4) The need of the United States to conserve energy.

"(5) The desirability of reducing United States dependence on imported oil.

"(6) The effects of the average fuel economy standards on motor vehicle and passenger safety.

"(7) The effects of increased fuel economy on air quality.

"(8) The adverse effects of average fuel economy standards on the relative competitiveness of manufacturers.

"(9) The effects of compliance with average fuel economy standards on levels of employment in the United States.

"(10) The cost and lead time necessary for the introduction of the necessary new technologies.

"(11) The potential for advanced technology vehicles, such as hybrid and fuel cell vehicles, to contribute to the achievement of significant reductions in fuel consumption.

"(12) The extent to which the necessity for vehicle manufacturers to incur near-term costs to comply with the average fuel economy standards adversely affects the availability of resources for the development of advanced technology for the propulsion of motor vehicles.

"(13) The report of the National Research Council that is entitled 'Effectiveness and Impact of Corporate Average Fuel Economy Standards', issued in January 2002.".

SEC. 804. EXTENSION OF MAXIMUM FUEL ECONOMY INCREASE FOR ALTERNATIVE FUELED VEHICLES.

Section 32906(a)(1) of title 49, United States Code, is amended—

(1) in subparagraph (A), by striking "1993–2004" and inserting "1993 through 2008"; and

(2) in subparagraph (B), by striking "2005–2008" and inserting "2009 through 2012".

SEC. 805. PROCUREMENT OF ALTERNATIVE FUELED AND HYBRID LIGHT DUTY TRUCKS.

(a) Vehicle Fleets Not Covered by Requirement in Energy Policy Act of 1992.—

(1) Hybrid vehicles.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that only hybrid vehicles are procured by or for each agency fleet of light duty trucks that is not in a fleet of vehicles to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies.

(2) Waiver authority.—The head of an agency, in consultation with the Administrator, may waive the applicability of the policy regarding the procurement of hybrid vehicles in paragraph (1) to that agency to the extent that the head of that agency determines necessary—

(A) to meet specific requirements of the agency for capabilities of light duty trucks;

(B) to procure vehicles consistent with the standards applicable to the procurement of fleet vehicles for the Federal Government;

(C) to adjust to limitations on the commercial availability of light duty trucks that are hybrid vehicles; or

(D) to avoid the necessity of procuring a hybrid vehicle for the agency when each of the hybrid vehicles available for meeting the requirements of the agency has a cost to the United States that exceeds the costs of comparable nonhybrid vehicles by a factor that is significantly higher than the difference between—

(i) the real cost of the hybrid vehicle to retail purchasers, taking into account the benefit of any tax incentives available to retail purchasers for the purchase of the hybrid vehicle; and

(ii) the costs of the comparable nonhybrid vehicles to retail purchasers.

(3) Applicability to procurements after fiscal year 2004.—This subsection applies with respect to procurements of light duty trucks in fiscal year 2005 and subsequent fiscal years.

(b) Requirement To Exceed Requirement in Energy Policy Act of 1992.—

(1) Light duty trucks.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that, of the light duty trucks procured in fiscal years after fiscal year 2004 for the fleets of light duty vehicles of the agency to which section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) applies—

(A) five percent of the total number of such trucks that are procured in each of fiscal years 2005 and 2006 are alternative fueled vehicles or hybrid vehicles; and

(B) ten percent of the total number of such trucks that are procured in each fiscal year after fiscal year 2006 are alternative fueled vehicles or hybrid vehicles.

(2) Counting of trucks.—Light duty trucks acquired for an agency of the executive branch that are counted to comply with section 303 of the Energy Policy Act of 1992 (42 U.S.C. 13212) for a fiscal year shall be counted to determine the total number of light duty trucks procured for that agency for that fiscal year for the purposes of paragraph (1), but shall not be counted to satisfy the requirement in that paragraph.

(c) Definitions.—In this section:

(1) Hybrid vehicle.—The term "hybrid vehicle" means—

(A) a motor vehicle that draws propulsion energy from onboard sources of stored energy that are both—

(i) an internal combustion or heat engine using combustible fuel; and

(ii) a rechargeable energy storage system; and

(B) any other vehicle that is defined as a hybrid vehicle in regulations prescribed by the Secretary of Energy for the administration of title III of the Energy Policy Act of 1992.

(2) Alternative fueled vehicle.—The term "alternative fueled vehicle" has the meaning given that term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(d) Inapplicability to Department of Defense.—This section does not apply to the Department of Defense, which is subject to comparable requirements under section 318 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1055; 10 U.S.C. 2302 note).

SEC. 806. USE OF ALTERNATIVE FUELS.

(a) Exclusive Use of Alternative Fuels in Dual Fueled Vehicles.—The head of each agency of the executive branch shall coordinate with the Administrator of General Services to ensure that, not later than January 1, 2009, the fuel actually used in the fleet of dual fueled vehicles used by the agency is an alternative fuel.

(b) Waiver Authority.—

(1) Capability waiver.—

(A) Authority.—If the Secretary of Transportation determines that not all of the dual fueled vehicles can operate on alternative fuels at all times, the Secretary may waive the requirement of subsection (a) in part, but only to the extent that—

(i) not later than January 1, 2009, not less than 50 percent of the total annual volume of fuel used in the dual fueled vehicles shall be alternative fuels; and

(ii) not later than January 1, 2011, not less than 75 percent of the total annual volume of fuel used in the dual fueled vehicles shall be alternative fuels.

(B) Expiration.—In no case may a waiver under subparagraph (A) remain in effect after December 31, 2012.

(2) Regional fuel availability waiver.—The Secretary may waive the applicability of the requirement of subsection (a) to vehicles used by an agency in a particular geographic area where the alternative fuel otherwise required to be used in the vehicles is not reasonably available to retail purchasers of the fuel, as certified to the Secretary by the head of the agency.

(c) Definitions.—In this section:

(1) Alternative fuel.—The term "alternative fuel" has the meaning given that term in section 32901(a)(1) of title 49, United States Code.

(2) Dual fueled vehicle.—The term "dual fueled vehicle" has the meaning given the term "dual fueled automobile" in section 32901(a)(8) of title 49, United States Code.

(3) Fleet.—The term "fleet", with respect to dual fueled vehicles, has the meaning that is given that term with respect to light duty motor vehicles in section 301(9) of the Energy Policy Act of 1992 (42 U.S.C. 13211(9)).

SEC. 807. HYBRID ELECTRIC AND FUEL CELL VEHICLES.

(a) Expansion of Scope.—The Secretary of Energy shall expand the research and development program of the Department of Energy on advanced technologies for improving the environmental cleanliness of vehicles to emphasize research and development on the following:

(1) Fuel cells, including—

(A) high temperature membranes for fuel cells; and

(B) fuel cell auxiliary power systems.

(2) Hydrogen storage.

(3) Advanced vehicle engine and emission control systems.

(4) Advanced batteries and power electronics for hybrid vehicles.

(5) Advanced fuels.

(6) Advanced materials.

(b) Authorization of Appropriations.—There is authorized to be appropriated to the Department of Energy for fiscal year 2003, the amount of $225,000,000 for carrying out the expanded research and development program provided for under this section.

SEC. 808. DIESEL FUELED VEHICLES.

(a) Diesel Combustion and After Treatment Technologies.—The Secretary of Energy shall accelerate research and development directed toward the improvement of diesel combustion and after treatment technologies for use in diesel fueled motor vehicles.

(b) Goal.—

(1) Compliance with tier 2 emission standards by 2010.—The Secretary shall carry out subsection (a) with a view to developing and demonstrating diesel technology meeting tier 2 emission standards not later than 2010.

(2) Tier 2 emission standards defined.—In this subsection, the term "tier 2 emission standards" means the motor vehicle emission standards promulgated by the Administrator of the Environmental Protection Agency on February 10, 2000, under sections 202 and 211 of the Clean Air Act to apply to passenger cars, light trucks, and larger passenger vehicles of model years after the 2003 vehicle model year.

SEC. 809. FUEL CELL DEMONSTRATION.

(a) Program Required.—The Secretary of Energy and the Secretary of Defense shall jointly carry out a program to demonstrate—

(1) fuel cell technologies developed in the PNGV and Freedom Car programs;

(2) fuel cell technologies developed in research and development programs of the Department of Defense; and

(3) follow-on fuel cell technologies.

(b) Purposes of Program.—The purposes of the program are to identify and support technological advances that are necessary to achieve accelerated availability of fuel cell technology for use both for nonmilitary and military purposes.

(c) Cooperation With Industry.—

(1) In general.—The demonstration program shall be carried out in cooperation with industry, including the automobile

manufacturing industry and the automotive systems and component suppliers industry.

(2) COST SHARING.—The Secretary of Energy and the Secretary of Defense shall provide for industry to bear, in cash or in kind, at least one-half of the total cost of carrying out the demonstration program.

(d) DEFINITIONS.—In this section:

(1) PNGV PROGRAM.—The term "PNGV program" means the Partnership for a New Generation of Vehicles, a cooperative program engaged in by the Departments of Commerce, Energy, Transportation, and Defense, the Environmental Protection Agency, the National Science Foundation, and the National Aeronautics and Space Administration with the automotive industry for the purpose of developing a new generation of vehicles with capabilities resulting in significantly improved fuel efficiency together with low emissions without compromising the safety, performance, affordability, or utility of the vehicles.

(2) FREEDOM CAR PROGRAM.—The term "Freedom Car program" means a cooperative research program engaged in by the Department of Energy with the United States Council on Automotive Research as a follow-on to the PNGV program.

SEC. 810. BUS REPLACEMENT.

(a) REQUIREMENT FOR STUDY.—The Secretary of Transportation shall carry out a study to determine how best to provide for converting the composition of the fleets of buses in metropolitan areas and school systems from buses utilizing current diesel technology to—

(1) buses that draw propulsion from onboard fuel cells;

(2) buses that are hybrid electric vehicles;

(3) buses that are fueled by clean-burning fuels, such as renewable fuels (including agriculture-based biodiesel fuels), natural gas, and ultra-low sulphur diesel;

(4) buses that are powered by clean diesel engines; or

(5) an assortment of buses described in paragraphs (1), (2), (3), and (4).

(b) REPORT.—

(1) REQUIREMENT.—The Secretary of Transportation shall submit a report on the results of the study on bus fleet conversions under subsection (a) to Congress.

(2) CONTENT.—The report on bus fleet conversions shall include the following:

(A) An assessment of effectuating conversions by the following means:

(i) Replacement of buses.

(ii) Replacement of power and propulsion systems in buses utilizing current diesel technology.

(iii) Other means.

(B) Feasible schedules for carrying out the conversions.

(C) Estimated costs of carrying out the conversions.

(D) An assessment of the benefits of the conversions in terms of emissions control and reduction of fuel consumption.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 14, 2002, at 10 a.m. in Room 485 of the Russell Senate Office Building to conduct an oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 9:30 a.m., in closed session to receive a classified briefing on current military operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 10 a.m. to conduct an oversight hearing on "The U.S. Economic Outlook."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, March 12, 2002 at 2:30 p.m. to hold a hearing to receive testimony on the proposed First Responder Initiative in President Bush's FY03 budget. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 12, 2002 at 10 a.m. to hear testimony on "Welfare Reform: What Have We Learned?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Tuesday, March 12, 2002 immediately following the first roll call vote of the day for a business meeting to consider the nominations of: (1) Louis Kincannon to be Director of the Census, and (2) Jeanette Clark to be an Associate Judge of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a vote regarding the Nomination of Melanie R. Sabelhaus to be Deputy Administrator of the U.S. Small Business Administration, on Tuesday, March 12, 2002, immediately following the first vote of the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 12, 2002, at 2:30 p.m., in open and possibly closed session to receive testimony on special operations capabilities, operational requirements, and technology acquisition, in review of the defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, March 12, 2002, at 2:30 p.m. for a hearing regarding "Critical Skills for National Security and the The Homeland Security Federal Workforce Act (S. 1800)."

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON PUBLIC HEALTH

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor and Pensions, Subcommittee on Public Healths, be authorized to meet for a hearing on The Health Care Crisis of the Uninsured: What are the Solutions during the session of the Senate on Tuesday, March 12, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK, AND WASTE MANAGEMENT

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk, and Waste Management be authorized to meet on Tuesday, March 12, 2002 at 10 a.m. to hold a hearing to receive testimony on environmental enforcement. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94-201, as amended by Public Law 105-275, appoints Dennis Holub, of South Dakota, as a member of the Board of Trustees of the American Folklife Center of the Library of Congress.

ORDERS FOR WEDNESDAY, MARCH 13, 2002

Mr. LEVIN. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m., Wednesday, March, 13; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business until 9:30 a.m., with the time under the control of Senator ALLEN; further, at 9:30 a.m., the Senate resume consideration of the energy reform bill, for debate only in relation to ethanol until 11:30 a.m., with the time equally divided between Senators NELSON of Nebraska and BOND or their designees; further, that at 11:30 a.m., the Senate proceed under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LEVIN. The next rollcall vote will occur at approximately 11:50 a.m. in relation to the Levin CAFE amendment.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. LEVIN. Madam President, if there is no further business to come before the Senate—and I thank the Chair for her patience tonight—I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:49 p.m., adjourned until Wednesday, March 13, 2002, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate March 12, 2002:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE A. CARLSON, 4082

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT C. HINSON, 6467

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUNCAN J. MCNABB, 2295

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH H. WEHRLE JR., 6021

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS B. GOSLIN JR., 2970

IN THE ARMY

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JAMES R. HELMLY, 0535

CONFIRMATION

Executive Nomination Confirmed by the Senate March 12, 2002:

THE JUDICIARY

RALPH R. BEISTLINE, OF ALASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA.

WITHDRAWAL

Executive message transmitted by the President to the Senate on March 12, 2002, withdrawing from further Senate consideration the following nomination:

MAJOR GENERAL CHARLES F. BOLDEN, JR., UNITED STATES MARINE CORPS, TO BE DEPUTY ADMINISTRATOR OF THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, WHICH WAS SENT TO THE SENATE ON FEBRUARY 26, 2002.

HOUSE OF REPRESENTATIVES—*Tuesday, March 12, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BALLENGER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 12, 2002.

I hereby appoint the Honorable CASS BALLENGER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

BORN-ALIVE INFANTS PROTECTION ACT

Mr. STEARNS. Mr. Speaker, the question I am addressing today concerns Federal policy on when life becomes worthy of recognition and protection. We will have a bill on the floor today, H.R. 2175, the Born-Alive Infants Protection Act; and I am here to advocate its passage, which specifically addresses this policy.

Lately, we can find stories in the news that point up some inconsistencies occurring when individuals, institutions, and policymakers define not just when life begins, but when it becomes worthy of protection. For example, last month the administration announced that a developing fetus should be eligible for the S-CHIP program of government-funded health insurance for low-income children. Then last week, surgeons performed delicate cardiac surgery on the grape-sized heart of a 23-week-old fetus. Finally, in other news, many pregnant widows of fallen husbands in the September 11 terrorist attack are receiving compensation for their yet unborn child. It seems the States of Virginia and New York recognize a fetus as a surviving dependent, while today in Congress, we debate the status of a baby who has already been delivered outside of his or her mother's womb. In all of these examples, in fact, the fetus is recognized as worthy of protection, while here we debate over protecting an already born baby. Obviously, this bill is necessary. These are living babies who must be protected.

In the midst of all of this, there are some who advocate a policy we find questionable here in Congress. For example, consider Peter Singer, professor of bioethics at the University Center for Human Values at Princeton University. According to the Washington Times, in his 2000 book, "Writings on an Ethical Life," he discusses how some societies consider it virtuous to kill handicapped newborns. Professor Singer writes, "If we can put aside these emotionally moving but strictly irrelevant aspects of killing the baby, we can see that the grounds for not killing persons do not apply to newborn infants." This is disturbing language. More illustratively, in a Committee on the Judiciary July 20, 2000, hearing, we learned from registered nurses Jill Stanek and Allison Baker that the hospital at which these women worked, Advocate Christ Hospital in Oak Lawn, Illinois, has a written policy outlining procedures to perform when a child is unwanted. Christ Hospital calls it "induced labor abortions."

Now, according to the July 20, 2000, testimony of Nurse Stanek, physicians willfully, prematurely induce labor with the intention of delivering a not yet viable child; but if the baby is born alive, he or she is simply left to die. A nurse might take it to what they call a "comfort room" where it does die.

According to Princeton University President Harold Shapiro's statement in the Princeton Weekly Bulletin on December 7, 1998, Professor Singer, in a letter of his own to the Wall Street Journal, notes that significant advances in medical technology require us to think in new ways about how we should make critical medical decisions about life and death. Professor Singer wrote that "our increased medical powers mean that we can no longer run away from the question by pretending that we are 'allowing nature to take its course.' In a modern intensive care unit, it is doctors, not nature, who make the decisions." However, I fail to see how this hospital can shrug it off, innocently claiming nature is taking its course by letting prematurely delivered infants die when it was a medical intervention of physicians that induced his or her birth.

Mr. Speaker, H.R. 2175, the Born-Alive Infant Protection Act, firmly establishes that an infant who is completely expelled or extracted from his or her mother and who is alive is considered a person for purposes of Federal law. For those who exclaim this is an "assault" on Roe v. Wade, this bill does not touch Roe v. Wade, which clearly pertains to a fetus in the uterus, not a baby already expelled outside his or her mother. For those who say this legislation is not needed because many States already have these laws on the books, I point to Christ Advocate Hospital where this still is occurring, and to other hospitals and other people like Professor Singer who may continue to uphold this concept.

As an original cosponsor of this bill, I ask that this Chamber swiftly pass this piece of legislation. I am dismayed that we need it; but protecting the legal status of a baby who is already born is the logical, humane course for America to take.

THE BUDGET REVERSAL

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Missouri (Mr. GEPHARDT) is recognized during morning hour debates for 5 minutes.

Mr. GEPHARDT. Mr. Speaker, I rise to urge a debate about the budget and Social Security. Tomorrow Republicans mark up their budget in committee. Next week they put it on the floor for consideration. Their budget will reveal the following facts: Republicans spent $4 trillion in surplus funds. They created deficits as far as the eye can see. They drained $2 trillion from Social Security, breaking promises made repeatedly to safeguard these funds. Their policies reversed 8 years of progress. Their budgets brought a historic reversal that impacts people's lives.

Fifteen months ago, unemployment was under 4 percent. We were having serious discussions about what we were going to do with this huge and mounting surplus. How much should we save for Social Security? How much should we put into Medicare? How much should we invest in a prescription drug program? Should we put more money in education? Should we pay down more debt? And there were many who

□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

said that we could do all of it because the surplus was so enormous.

So where are we today, March 12, 2002? We are not discussing what to do with the surplus. The surplus is just about gone. Today we are having that tired, troubled discussion we had for much of the last 20 years: What are we going to do about the deficit? How are we going to save Social Security? What are we going to do to save Medicare? And how are we going to take care of health insurance for the unemployed?

This is a Republican budget that breaks promises made over and over in the last 3 years to protect Social Security. It fails to keep our intergenerational contract and commitment. It threatens the retirement security of millions of baby boomers. In the aftermath of Enron, it is the height of irresponsibility.

Five times, Republicans put bills on this floor to create Social Security lock boxes. They voted five times to make the trust fund for Social Security inviolate. They voted five times to save Social Security first. Yet, they put forward a budget that jeopardizes Social Security just as the baby boomers are about to retire. Their budget spends the Medicare surplus in each of the next 10 years. It makes a meaningful Medicare prescription drug program impossible. It reduces our commitment to public education, and it cuts programs promoting clean air and water that makes a difference in children's lives.

This is not a debate in the end about the budget. It is a debate about integrity, and it is a debate about responsibility. It is a debate about the values we want guiding our budget decisions.

What are our values? In this budget, our values call for keeping our commitments by saving Social Security first. Our values call for adding a real prescription benefit to Medicare, where it belongs. Our values call for making every public school a great and successful public school. Our values call for paying the Federal debt down. Our values call for cutting taxes in order to promote long-term economic growth and opportunity.

I will never forget 1993. We balanced the budget. We made tough choices because we believed in opportunity, responsibility, and community. We put that plan together using the right values.

So I urge Republicans, let us pass a budget that invests in national security, homeland defense, education, prescription drugs and our environment, and keeps Social Security sound and puts the Nation back on the path to fiscal health. Let us have an economic growth summit to reach the goals we all share. Let us get about keeping our commitments. Let us get about saving Social Security first and doing it beginning today.

SAVING SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New Mexico (Mr. UDALL) is recognized during morning hour debates for 5 minutes.

Mr. UDALL of New Mexico. Mr. Speaker, clearly, this administration and the Congress have done a good job at tackling the issue of terrorism, but there are many other important issues which need our attention, and one of these is Social Security.

Last May, this administration was giving us a different message on Social Security. We were told we could have a tax cut, save the Social Security surpluses, pay down the debt, and fund other urgent national priorities. Today, we are in a far different situation. We are not saving any of the surpluses; in fact, we are spending them. Mr. Speaker, $1.5 trillion over 10 years of Social Security surpluses are going to be spent under the current budget plans. We are not paying down the debt. We are, in fact, increasing the debt, unlike the predictions that were made. Plans are under way to increase the national debt ceiling, so we are headed into more debt, rather than as it was promised earlier we were going to be out of debt in 10 years.

Why is the erasing the debt important? It is important because by paying down debt, we are freeing up resources to help save Social Security.

At points in our history in dealing with this debt, 25 cents of every tax dollar that comes in has been spent on just servicing the debt. So if we lower that debt amount, that 25 cents, then we are freeing up resources, current resources that are coming in to protect Social Security. That means we are going to have Social Security there for the long term.

Last year, all of us repeatedly promised to protect the Social Security and Medicare trust fund surpluses and promoted a series of lock box proposals as evidence of their commitment. Now, however, this administration's budget diverts $1.5 trillion of the Social Security Trust Fund surpluses for day-to-day government operations for the next 10 years and beyond.

□ 1245

Even taking the administration's optimistic numbers at face value, according to the CBO this administration's budget spends hundreds of billions of dollars from the Social Security trust fund.

Moreover, the Social Security surpluses that the budget depletes are needed to finance the benefits promised under existing law. Strengthening these programs to prepare for the baby boom's retirement or adding even the administration's inadequate prescription drug benefit requires resources outside of these surpluses. Since the budget does not provide such resources, these programs will require benefit cuts or even more borrowing to remain sound for the long term, as noted in the recent report of the President's hand-picked Social Security Commission.

The administration proposes a budget with a $1.5 trillion on-budget deficit over the next 10 years. Two weeks ago, the Congressional Budget Office confirmed that the enacted tax cut was the largest single factor in the $4 trillion deterioration of the budget. Now, the administration proposes to undermine the fiscal outlook with about an additional $600 billion in tax cuts. Every penny of these additional tax cuts comes out of Social Security and Medicare trust fund surpluses.

In addition to this assault on the Social Security surplus, the Social Security Commission marks further danger to this highly successful program. To nobody's surprise, the commission is a strong advocate to create individually controlled, voluntary personal retirement accounts.

I supported the establishment of USA accounts, which would exist as a separate retirement vehicle outside of Social Security and would include Federal matching funds to encourage Americans to save. However, this administration's plan, through this commission, would divert $1 trillion out of the Social Security system and into private accounts. This will double Social Security's shortfall and deplete the trust fund by 2003, 15 years earlier than currently projected.

Moreover, under President Bush's plan, seniors will be forced to rely on private accounts that rise and fall with the stock market, thereby leaving their retirement security vulnerable to fluctuations in the market.

This program is too important to gamble with a volatile stock market, and Social Security must continue to be a vital safety net in the future. We must do everything possible to ensure it survives to provide benefits for all Americans.

SOCIAL SECURITY

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, to my great disappointment, President Bush, with the assistance of the gentleman from Texas (Mr. ARMEY) and other Republicans, are promoting Social Security privatization. This includes replacing all or part of the current Social Security program with a system of individual retirement accounts which diverts funds from Social Security, and thus transfers investment risks from a pool of all workers to the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts makes Social Security's financing problems worse, not better. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then even more funds will be needed to pay for future Social Security benefits.

For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than is now expected. In short, if funds are diverted away from the Social Security program as it currently exists, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

Mr. Speaker, Congress really should strengthen and protect a guaranteed benefit for seniors, for survivors, and for those with disabilities. Today, individual benefits are dependable and determined by law, not the whims of the stock market. This guarantee must not be changed, and Social Security must not, under any circumstances, be privatized.

Mr. Speaker, I would like to highlight that the Republican budget uses Social Security to pay for large corporate tax breaks. For example, there are 136,559 American workers earning $30,000 a year who are paying 6.2 percent in FICA taxes. This money goes into the Social Security trust fund, from which the Republicans have now diverted, in the budget, $254 million in tax breaks to Enron; and that is Enron, I am talking about.

Now, we know that Enron is bankrupt. Does that mean that the corporate tax break goes back to the trust fund where it belongs? No, not at all. It will go to other corporations instead. By using the Social Security trust fund to finance corporate tax breaks, Republicans are breaking the promise that the government makes to working families.

Mr. Speaker, Social Security will continue to run an annual surplus this year and for the next 14 years. The program is solvent until 2037, at which point the trust fund will be exhausted and incoming revenues will meet only about three-quarters of benefit obligations.

But privatization is sure to harm only the solvency of Social Security, which will mean that the current and future beneficiaries would face benefit cuts, survivors and the disabled would lose their secure pensions, and the retirement age would have to increase. Overall, the Social Security system that our seniors have depended on for over 65 years would quickly erode away.

Mr. Speaker, I do not think that the American people realize what the effect of this Republican privatization proposal means. It means that it is going to be more difficult for Social Security to remain solvent over a longer period of time, and with these kinds of benefit cuts and increases in the age for eligibility, all these things will result from this Republican privatization proposal that they have put out there.

It is amazing to me that they continue to talk about it, they want to bring it up in committee, and they want to bring it to the floor. I think ultimately their goal, obviously, will be to destroy Social Security. I want to stress, as a Democrat, that Democrats are not going to stand for throwing away Social Security. The American people should not stand for it.

Democrats are going to be talking about this crazy privatization proposal by the Republicans for many days because we do not want it to happen, and we feel it is very important that we shed light on what is really going on here and what the Republicans have in mind with privatizing Social Security.

SOCIAL SECURITY

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentlewoman from Illinois (Ms. SCHAKOWSKY) is recognized during morning hour debates for 5 minutes.

Ms. SCHAKOWSKY. Mr. Speaker, we could have no higher goal than to protect and improve the financial security of retirees, survivors, dependents, and disabled workers.

For 67 years, Social Security has been the bedrock of that security. Nearly 46 million people living in one out of every four households in this country today receive monthly benefits from Social Security. Social Security provides critical insurance protections against the future loss of income due to retirement, death, or disability for 96 percent of all workers, their spouses, and their children. Social Security provides over half of the total income for the average elderly household.

For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women in this country would be living in poverty.

It is our responsibility to ensure that the Social Security program guarantee is here today, tomorrow, and for generations to come. It is our job, as elected officials, to enact the policies needed to maintain that guarantee and to reject policies that undermine Social Security; it is not our job to spend taxpayer dollars to send out worthless paper certificates designed to provide a false sense of security to American seniors and their families. We should not be engaged in a public relations campaign, but rather in a serious policy discussion that lets us debate how best to continue the Social Security commitment, to guarantee lifelong and inflation-proof benefits.

I understand why the Republican leadership may want to delay that debate until after the next election. I can understand why they want to distance themselves from recent history.

First, there is the budget record. Despite all the rhetoric about putting Social Security revenues in a lockbox, the lock to that box has been picked by Republican budgets. It is true that the lockbox resolution passed in the House provided certain exceptions, such as war or recession, but it is not true that one of those exceptions was providing tax breaks to the wealthy. The Congressional Budget Office has indicated that the single largest factor in the disappearing budget surplus is last year's tax cut.

As Members know, the Congressional Budget Office has estimated that even without new taxes or spending, we will take $900 billion from the Social Security trust fund over the next 9 years. Now President Bush is proposing new tax cuts of $675 billion over 10 years and $343 billion to make last year's tax cuts permanent, most of which go to the wealthiest, money that will come out of Social Security and Medicare.

The Bush budget proposes to take $553 billion of the Medicare surplus and $1.5 trillion of the Social Security surplus over the next decade, and I doubt that any certificate will assure senior citizens that Social Security solvency is a priority, given those figures.

Second, there are those unfortunate statements by Treasury Secretary O'Neill.

Last May, in an interview with the Financial Times, Secretary O'Neill stated that "Able-bodied adults should save enough on a regular basis so they can provide for their own retirement and, for that matter, health and medical needs." In July, Secretary O'Neill stated that "The Social Security trust fund does not consist of real economic assets."

Again, it is hard to argue that those are ringing endorsements of Social Security. If the Treasury Secretary believes that the assets in the trust fund are just worthless paper, why should Social Security beneficiaries have any faith in a certificate or in an administration to protect their best interests?

Most important, there is the President's Commission on Social Security. All of those appointed to the Commission last May were supporters of privatization, which may explain why none of those appointed to the Commission last May represented recognized senior, disability, women's, or minority organizations.

The three plans put forth by the Commission last December all include variations on the privatization theme. All the plans would jeopardize the Social Security guarantee in one way or another. Privatization would drain between $1 trillion and $1.5 trillion from the Social Security trust fund over the next decade alone. Privatization would shorten the life of the trust fund. One plan would increase the long-term Social Security deficit by 25 percent. Another tries to deal with the deficit by transferring $6 trillion from the U.S. Treasury between 2021 and 2054 to make up the deficit.

Taking general revenues might help Social Security, but it would also eliminate resources necessary for Medicare, Medicaid, the Older Americans Act, job training, education, and other essential programs.

Privatization would jeopardize benefits to current and future beneficiaries. One of the Commission's proposals would cut benefits for future retirees by calculating initial benefits on the basis of growth in CPI rather than wages, which would greatly reduce the standard of living. Privatization would force workers to work longer in order to maintain benefits.

What we should be doing is rejecting privatization of Social Security. We should be working to strengthen it, and we should be strengthening Social Security, not privatizing it.

THE PRESIDENT'S NEW NUCLEAR POSTURE PAPER: HOW MANY THINGS CAN WE FIND WRONG WITH THIS PICTURE?

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Massachusetts (Mr. FRANK) is recognized during morning hour debates for 5 minutes.

Mr. FRANK. Mr. Speaker, this new nuclear posture paper that the Bush administration has presented itself, from the Pentagon to the President, looks like an entry in a contest as to how many things can we find wrong with this picture.

To begin, most shockingly, it proposes to reduce the barrier that has long existed against the use of nuclear weapons. It proposes that we consider using nuclear weapons against non-nuclear nations. It proposes using nuclear weapons in a variety of ways previously uncontemplated, or at least not advocated in our policy.

There are several things, of course, wrong with that. In the first place, any American policy of trying to discourage other countries to develop nuclear weapons could not be more seriously undermined by anything we do.

☐ 1300

The town drunk is not going to be very credible preaching temperance, and having America threaten a more promiscuous use of nuclear weapons makes no sense whatsoever. If, in fact, the policy were to be carried out, it would, of course, add greatly to the billions that would be spent in development of these newer weapons to be used in new situations, further straining our ability to meet important domestic needs. It could very well mean a violation of the proposal of the nuclear test ban treaty and of our, up until now, policy of not testing.

Reducing the psychological, physical, strategic barrier to the use of nuclear weapons is a very, very poor policy; but there is a silver lining. As with the proposal to have the Pentagon lie to us and others, as with the proposal to use military tribunals in place of the American domestic courts, as the Attorney General once suggested, we are now being told, well, never mind.

The Pentagon has developed a very interesting approach and the Bush administration with it. This is the third time we have seen very, very extreme proposals which when they encounter resistance we are told we should not have paid a great deal of attention to.

I am unpersuaded that the proposals were not meant in the first place. I am pleased in the face of the very wide and very thoughtful criticism that these proposals have brought forth the administration backs down; but we cannot be sure that they have totally disappeared and of all of the proposals this suggestion, more than a suggestion, this policy review urging more use of nuclear weapons in more situations against more countries is really quite frightening.

The President has justly commanded virtually unanimous support in the United States in his defense of America against terrorism. It cannot be in our interests for him to raise serious questions about his judgment in other strategic areas.

It is important that this policy not simply be characterized as a mere option but, in fact, repudiated thoroughly. There cannot be continuing suggestion, even more than a suggestion, that the United States contemplates this sort of use of nuclear weapons. Its impact on our alliances will be corrosive. It will have a negative, rather than a positive, effect on our ability to persuade even those countries to which we are opposed to respond in sensible ways.

The President's effort to work out some kind of role with Russia is undermined by this and particularly by the suggestion when he says he is going to take some nuclear weapons down, he simply means putting them in another place. This clearly undermines our efforts to reach agreement with China, with Russia and with a whole range of other countries; and it is a very embarrassing episode for the United States. I am pleased that the administration now appears to be backtracking, but it is important that we make sure that this one does not rise again.

Mr. Speaker, I would like to insert into the RECORD at this point some very good discussions of the absolute fallacy of this proposal, today's editorial from the New York Times, "America as Nuclear Rogue"; today's editorial from the Boston Globe, "A Twisted Posture"; and a very good article in today's Boston Globe by the writer Thomas Oliphant entitled, "Bush's Stealth Policy on Nuclear Arms."

I hope, Mr. Speaker, that this is the last time the Pentagon is going to play this game of putting forward something that is so demoralizing that it has to be withdrawn. We would be much better if these kinds of grave errors were not made in the first place.

[From the Boston Globe, Mar. 12, 2002]

BUSH'S STEALTH POLICY ON N-ARMS

(By Thomas Oliphant)

WASHINGTON.—It is not simply the fresh list of countries that the United States is willing to consider nuking someday.

What is truly significant—as well as stupid, scary, and outrageous—is the almost casual breaking of long-standing policy taboos about the unthinkable and the implications of this cavalier attitude for relations with the rest of the world and for future arms races.

The Russians and Chinese already know the United States is unilaterally departing from the 1972 treaty effectively banning missile defense systems. Now the world has reason to doubt the American commitment to the 1974 treaty to guard against nuclear proliferation as well as the honesty and good will of Bush administration "pledges" to cut back our post-Cold War nuclear arsenal and to maintain a moratorium on testing.

The cover story the administration sought to peddle on last weekend's TV talk shows—via Secretary of State Colin Powell and National Security Adviser Condoleezza Rice—is that contingency plans to target Syria, Libya, Iran, Iraq, North Korea, Russia, and China are more theoretical exercises than serious policy work and that no special notice need be taken.

The cover story is belied by actual intentions as revealed to Congress in a freshly completed Nuclear Posture Review and in the very faint, fine print of the recently unveiled Bush budget. Over the weekend the headline-making list of countries leaked from Capitol Hill, but as part of a leak of the underlying policy document that began four weeks ago.

On Feb. 13, the Natural Resources Defense Council—well-known for its thorough, documented research—put out the first detailed summary of the posture review that had been ordered by Congress in late 2000 and of a special briefing the Defense Department has conducted on the document—without the secret list of countries.

At the time, no one really noticed. With the addition of the countries, The Los Angeles Times got noticed. Here's the council's highly critical but accurate summary view four weeks ago:

"Behind the administration's rhetorical mask of post-Cold War restraint lie expansive plans to revitalize U.S. nuclear forces and all the elements that support them, within a so-called "New Triad" of capabilities that combine nuclear and conventional offensive strikes with missile defenses and nuclear weapons intrastructure."

If the basic purpose of nuclear weapons since the end of World War II had been to prevent their use and proliferation, the deadly serious review by the Bush administration—with the force plans and massive spending as accompaniments—results in a doctrine that contemplates their use and appears indifferent to their proliferation.

Numbers tell a large chunk of the story. When the administration's intention unilaterally to abrogate the ABM treaty was made known, President Bush made much of a supposed intention to reduce its supply of deployed warheads from roughly 8,000 to below 4,000 in 2007 and eventually to between 1,700 and 2,200.

What the posture review actually reveals is a plan to cut "immediate force requirements" for "operationally deployed forces." What's going on here is more a change of terms than in posture, hidden by a new, gobbledygook accounting system that the council properly declared "worthy of Enron."

Behind the clearly visible nuclear inventory, the council found a "huge, hidden arsenal." It included, but no longer "counted," warheads on two Trident submarines being overhauled at all times, as well as 160 more now listed as "spare." It included nearly 5,000 intact warheads now in a status called "inactive reserve," not to mention a few thousand more bombs and cruise missile warheads as part of a new "responsive force." And on top of that there is to be a stockpile of weapons-grade plutonium and other components from which thousands more weapons could be assembled quickly. Extrapolating the information, the Defense Council estimated that the United States would have a total of 10,590 warheads at the end of 2006, compared with 10,656 this year.

And there's more. The administration's posture review also discloses plans to greatly expand the nuclear war infrastructure and to prepare for a resumption of testing, in part to make possible a new generation of warheads that could penetrate deep into the ground.

The rules of the nuclear road from the U.S. perspective have never included a flat-out promise never to be the first combatant to resort to nuclear war. During the Cold War, the United States was always prepared to go nuclear to stop a massive, conventional attack from the east in Europe, and before the Gulf War, Saddam Hussein got a stern message that all bets were off if he used chemical or biological weapons.

But this is different. This is a plan to use nukes in conventional war-fighting and to maintain a Cold War-sized arsenal by stealth and deception. It is disgraceful.

[From the New York Times, Mar. 12, 2002]

AMERICA AS NUCLEAR ROGUE

If another country were planning to develop a new nuclear weapon and contemplating pre-emptive strikes against a list of non-nuclear powers, Washington would rightly label that nation a dangerous rogue state. Yet such is the course recommended to President Bush by a new Pentagon planning paper that became public last weekend. Mr. Bush needs to send that document back to its authors and ask for a new version less menacing to the security of future American generations.

The paper, the Nuclear Posture Review, proposes lowering the overall number of nuclear warheads, but widens the circumstances thought to justify a possible nuclear response and expands the list of countries considered potential nuclear targets. It envisions, for example, an American president threatening nuclear retaliation in case of "an Iraqi attack on Israel or its neighbors, or a North Korean attack on South Korea or a military confrontation over the status of Taiwan."

In a world where numerous countries are developing nuclear, biological and chemical weapons, it is quite right that America retain a credible nuclear deterrent. Where the Pentagon review goes very wrong is in lowering the threshold for using nuclear weapons and in undermining the effectiveness of the Nuclear Nonproliferation Treaty.

The treaty, long America's main tool for discouraging non-nuclear countries from developing nuclear weapons, is backed by promises that as long as signatories stay non-nuclear and avoid combat alongside a nuclear ally, they will not be attacked with nuclear weapons. If the Pentagon proposals become American policy, that promise would be withdrawn and countries could conclude that they have no motive to stay non-nuclear. In fact, they may well decide they need nuclear weapons to avoid nuclear attack.

The review also calls for the United States to develop a new nuclear warhead designed to blow up deep underground bunkers. Adding a new weapon to America's nuclear arsenal would normally require a resumption of nuclear testing, ending the voluntary moratorium on such tests that now helps restrain the nuclear weapons programs of countries like North Korea and Iran.

Since the dawn of the nuclear age, American military planners have had to factor these enormously destructive weapons into their calculations. Their behavior has been tempered by the belief, shared by most thoughtful Americans, that the weapons should be used only when the nation's most basic interest or national survival is at risk, and that the unrestrained use of nuclear weapons in war could end life on earth as we know it. Nuclear weapons are not just another part of the military arsenal. They are different, and lowering the threshold for their use is reckless folly.

[From the Boston Globe, Mar. 12, 2002]

A TWISTED POSTURE

The Bush administration's classified new Nuclear Posture Review, presented to Congress in early January and leaked this month to the Los Angeles Times, proposes new departures in the nation's military planning that are questionable at best and, at worst, truly dangerous and destabilizing.

The Nuclear Posture Review, signed by Secretary of Defense Donald Rumsfeld, amounts to a blueprint for undertaking what Joseph Cirincione, director of the Non-Proliferation Center at the Carnegie Endowment, calls "a major expansion of the role of nuclear weapons in US military policy." The new posture calls for new nuclear weapons, new missions and uses for those weapons, and a readiness to resume nuclear testing.

These are among the changes in US nuclear doctrine that make the leaked review dangerous. The hawkish proponents of these changes were lobbying for mininukes and deep-penetrating bunker-busters well before the terrorist attacks of Sept. 11. They were also proposing resumed nuclear testing before that nightmarish atrocity. The reality, however, is that nothing in the Nuclear Posture Review would be likely to deter or counter the threat from terrorists sharing Osama bin Laden's demented notion of a holy war against America.

The review threatens to become destabilizing—and therefore to expand rather than reduce American security risks—because it recommends a lowering of the threshold for the use of nuclear weapons. Until now, America's nuclear arsenal was plainly meant only to deter other nuclear powers—principally the defunct Soviet Union—from using against the United States or from invading Western Europe.

Now those limits on the envisaged uses of nuclear weapons are to be abandoned. The new posture recommends that nuclear weapons "could be employed against targets able to withstand nunnuclear attack," in response to another country's use of chemical, biological, or nuclear weapons, and "in the event of surprising military developments."

If America, with its enormous technological and military advantages, says it is willing to resort to nuclear weapons under such vague conditions, what might nuclear states such as India and Pakistan be willing to do? And if the Pentagon conducts new tests of smaller, more usable nuclear warheads, why would India, Pakistan, and China not follow suit, ending the current suspension of nuclear tests and provoking a nuclear arms race?

The Pentagon's plan for enhancing "nuclear capability" and lowering the barrier against the use of nuclear weapons holds little hope of deterring new threats from terrorists or being able to eradicate Saddam Hussein's bioweapons, but it does increase the risk that nuclear weapons will be used in war. It should be revised to preserve the purely deterrent uses of nuclear weapons.

RECESS

The SPEAKER pro tempore (Mr. BALLENGER). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 1 o'clock and 3 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. STEARNS) at 2 p.m.

PRAYER

The Reverend Dr. David F. Russell, National Chaplain, American Legion, Spotsylvania, Virginia, offered the following prayer:

Our dear most gracious Heavenly Father, in whom we put our trust, we humbly thank You for this avenue of prayer in which we may come on behalf of this legislative body of government. We ask that You grant wisdom for all those who gather in this assembly that they, in turn, always act in the best interest of this Nation and its people whom they represent.

Give them a desire, Sir, to seek Your divine guidance and direction in all their deliberations. Reach deep into their innermost emotion and intellect to bring them together in unity and act as one. Enable them to set aside personal desires to see Your divine will and way for this great Nation.

May they, and we, always be mindful, the future of our Nation, our lives, our very being rests in Thy eternal hands.

Bring them together in a spirit of humility and love for Thee and these United States of America.

We pray these petitions in Jesus' name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. PENCE) come forward and lead the House in the Pledge of Allegiance.

Mr. Pence led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SUPPORT BORN-ALIVE INFANTS PROTECTION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is said that the Almighty sets before us blessings and curses, life and death, and that we are to choose life so that we and our children might live.

This week on this floor, in this Chamber, in this country, our Congress will have the opportunity to say "yes" to life by supporting the Born-Alive Infants Protection Act.

In this act, we essentially firmly state that a child that is extracted from the womb and is alive is a person under the law entitled to all of the due process protections of our Constitution. Many may believe that this legislation is unnecessarily divisive and not required. But according to testimony before the Subcommittee on the Constitution, two nurses testified, Mrs. Stanek and Mrs. Baker from the Christ Hospital in Illinois, that in their hospital there are abortion practices that include inducing labor and allowing a born-alive child simply to die.

It is important this week on this occasion that Congress and America choose life. Let us today support the Born-Alive Infants Protection Act and the transcendent value of human life that is encompassed therein.

SAVE SOCIAL SECURITY FIRST

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise this afternoon to lament the late great lockbox. You remember the lockbox. That was our promise not to spend Social Security trust funds on anything other than preserving the solvency of Social Security. Well, this administration's budget breaks into the lockbox. It obliterates the lockbox.

The Congressional Budget Office reports that the Republican budget spends $179 billion from the Social Security trust fund on other programs. You will hear quickly that this is because of the war. That is not true. The deficit that is forcing us to break into the Social Security trust fund, 43 percent of it is due to tax cuts, tax cuts for the very wealthy, tax cuts for corporations like Enron who stand to gain $254 million in tax breaks. I think that is wrong.

When we had a surplus a year ago and when we did not have a war, tax cuts made sense. But now today, facing a war, facing a deficit, we cannot afford these tax cuts. It breaks a promise that we made to the working families of America, and I believe it is just plain wrong.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6:30 p.m. today.

BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2175) to protect infants who are born alive.

The Clerk read as follows:

H.R. 2175

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Born-Alive Infants Protection Act of 2001".

SEC. 2. DEFINITION OF BORN-ALIVE INFANT.

(a) IN GENERAL.—Chapter 1 of title 1, United States Code, is amended by adding at the end the following:

"§ 8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant

"(a) In determining the meaning of any Act of Congress, or of any ruling, regulation, or interpretation of the various administrative bureaus and agencies of the United States, the words 'person', 'human being', 'child', and 'individual', shall include every infant member of the species homo sapiens who is born alive at any stage of development.

"(b) As used in this section, the term 'born alive', with respect to a member of the species homo sapiens, means the complete expulsion or extraction from his or her mother of that member, at any stage of development, who after such expulsion or extraction breathes or has a beating heart, pulsation of the umbilical cord, or definite movement of voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the expulsion or extraction occurs as a result of natural or induced labor, cesarean section, or induced abortion.

"(c) Nothing in this section shall be construed to affirm, deny, expand, or contract any legal status or legal right applicable to any member of the species homo sapiens at any point prior to being 'born alive' as defined in this section.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of title 1, United States Code, is amended by adding at the end the following new item:

"8. 'Person', 'human being', 'child', and 'individual' as including born-alive infant.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2175, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the purpose of this bill, the Born-Alive Infants Protection Act, is to protect all infants who are born alive by recognizing them as a person, human being, child or individual for purposes of Federal law. This recognition would take effect upon the live birth of an infant, regardless of whether or not his or her development is sufficient to permit long-term survival and regardless of whether or not he or she survived an abortion.

It has long been an accepted legal principle that infants who are born alive are persons and thus entitled to the protections of the law. Many States have statutes that explicitly enshrine this principle as a matter of State law and some Federal courts have recognized the principle in interpreting Federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question.

In its July 2000 ruling in Stenberg v. Carhart, the United States Supreme Court struck down a Nebraska law banning partial-birth abortion. In doing so, the Carhart court considered the location of an infant's body at the moment of death during a partial-birth abortion, delivered partly outside the body of the mother, to be of no legal significance. Indeed, two members of the majority, Justices Stevens and Ginsburg, went so far as to say that it was, quote, "irrational," unquote, for the Nebraska legislature to take the location of the infant at the point of death into account. Thus, as Justice Scalia noted in dissent, the result of the Carhart ruling is to give live-birth abortion free rein.

Following Stenberg v. Carhart, the United States Court of Appeals for the Third Circuit made this point explicit in the case of Planned Parenthood of Central New Jersey v. Farmer when it struck down New Jersey's partial-birth abortion ban. According to the Third Circuit, under Roe v. Wade and Carhart, it is nonsensical and based upon semantic machinations and irrational line-drawing for a legislature to conclude that an infant's location in relation to his or her mother's body has any relevance in determining whether or not an infant may be killed.

The logical implications of Carhart and Farmer are both obvious and disturbing. Under the logic of these decisions, once a child is marked for abortion, it is wholly irrelevant whether the child emerges from the womb as a live baby. That child may still be treated as though he or she did not exist, and would have not the slightest rights under the law, no right to receive medical care, to be sustained in life, or to receive any care at all. If a child who survives an abortion is born alive and had no claim to the protections of the law, there would be no basis upon which the government may prohibit an abortionist from completely delivering an infant before killing it or allowing it to die. The right to abortion, under this logic, means nothing less than the right to a dead baby, no matter where the killing takes place. Thus, the Carhart and Farmer rulings have essentially brought our legal system to the threshold of accepting infanticide itself, making it necessary to firmly establish the "born alive" principle in Federal law.

The Born-Alive Infants Protection Act is designed to repudiate the destructive ideas that have brought the born-alive rule into question, and to firmly establish that, for purposes of Federal law, an infant who is completely expelled and extracted from his or her mother and who is alive is, indeed, a person under the law.

This bill draws a bright line between the right to abortion and infanticide, or the killing or criminal neglect of completely born children. The bill clarifies that a born-alive infant's legal status under Federal law does not depend upon the infant's gestational age or whether the infant's birth occurred as a result of natural or induced labor, cesarean section, or induced abortion.

Thus, the Born-Alive Infants Protection Act protects the legal status of all children born alive and affirms that every child who is born alive has an intrinsic dignity which does not depend upon the interests or convenience of anyone else.

I urge my colleagues to support H.R. 2175.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

We today consider legislation reaffirming an important principle which is enshrined in the laws of all 50 States and unquestioned in law, that an infant who is born and who is living independently of the birth mother is entitled to the same care as any other child similarly diagnosed regardless of whether labor was induced or occurred spontaneously. It has never been particularly clear to me why we need to legislate that which most Members of Congress and the general public already understand to be the law; but if the majority is interested in restating well-settled law, there is no harm to that.

The same measure passed last year as an amendment to the Patients' Bill of Rights legislation in the Senate by a vote of 98–0, which is about as uncontroversial as something can get. Certainly it proved to be less controversial than the Patients' Bill of Rights.

I am pleased that the majority has made a serious effort in this draft of the bill to make clear that this bill has nothing to do with matters related to abortion, even going so far as to add subsection (c) further clarifying that point. Whatever concerns some may have had that this bill might be some clever way to undermine the rights protected under Roe v. Wade have, I think, been eliminated. Unless someone attempts to disrupt this effort by dragging the abortion debate back into it, I have little doubt that the bill will pass without much controversy.

I would like to address the concern that our Republican colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), has enunciated most eloquently.

□ 1415

That is the standard of care employed by neonatologists when faced with a nonviable newborn or clearly critical ill or massively deformed newborn. These are difficult medical issues and often horrendous circumstances which confront families hoping for the gift of parenthood.

I am aware of the fact that these are complex issues with which doctors, hospitals, families and courts grapple every day. What is important to remember is that this legislation, by its plain meaning and by the stated intent of the authors, does not intrude into these difficult decisions or change the standard of care required by law.

As the committee's report makes clear, "The protections afforded newborn infants under H.R. 2175 for purposes of Federal law are consistent with the protections afforded those infants under the laws of the 30 States and the District of Columbia that define a live birth in virtually identical terms. Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat premature infants below a certain birth weight, this is a dispute about medical efficacy, not regarding the legal status of the patient. That is, the standard of medical care applicable in a given situation involving a premature infant is not determined by asking whether that infant is a person. Medical authorities who argue that treatment below a given birth weight is futile are not arguing that these low-birth-weight infants are not persons, only that providing treatment in these circumstances is not warranted under the applicable standard of medical care. H.R. 2175 would not affect the applicable standard of care, but would ensure simply that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law."

I do not want to trivialize the concerns of neonatologists, but I was gratified by the testimony that we received from the majority witnesses at our subcommittee hearing on this legislation, which indicated that, while an infant may be considered "born alive" under this legislation, this proposed law would not in any way substitute the medical judgment of Congress for the judgment of doctors on the scene or interfere with the painful decisions that families must make under the most difficult of circumstances. We must respect families and not have the big hand of government make their worst moments even more unbearable. I trust the sponsors of this legislation are in agreement on this point.

There has been some debate over the question, and the gentleman from Wisconsin mentioned this, whether there is some sort of recognized legal right to a dead baby when a parent intends to abort a fetus. My colleagues well know that the line drawn by the Supreme Court is that of viability within the womb, and that outside the womb the normal laws governing the appropriate care of newborns, taking into account the prognosis made by a trained health care provider, apply. This bill reinforces the law as we know it to be. It does not change it in any respect.

I hope that we can agree for once to avoid the overheated rhetoric, deal with the bill in front of us and not some other unrelated grievance. As the Hippocratic Oath states, it will "do no harm." If we must put on a show for some of the antiabortion extremists, let us get over it and get back to dealing with the real problems this country has.

I want to say also with respect to the comments of the gentleman from Wisconsin of, the question of born alive, of a right to a dead baby, has been joined into question only in the fevered imaginations of some in the antichoice camp. But there is no harm in assuaging their concerns, there is no harm in making clear that the law is what we always know it to be. There is no right to a dead baby in an attempted abortion. There is no right, it is against the law, it is murder, to kill an infant born alive. The cases that were cited did not deal with a baby born alive under the definition in this bill, which is also the definition of the laws of most of the States, it dealt with a baby prebirth.

So there is no problem with this bill, it has nothing to do with abortion, it does not do harm to neonatology, and I see no harm in passing the bill. I see no good in passing the bill either, except that it will satisfy the concerns of some people about some recent Supreme Court decisions, and that is a useful enough thing, so we can get back to debating the real issues.

I urge my colleagues to vote for this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, at the risk of not quitting while I am ahead, I yield 6 minutes to the gentleman from Ohio (Mr. CHABOT), who will tell the Members what good this bill will do.

Mr. CHABOT. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time, and also for his leadership in moving forward on this important piece of legislation.

Last summer, over 70 original cosponsors joined with me in introducing H.R. 2175, the Born-Alive Infants Protection Act. The purpose of this bill is to respond to recent legal and cultural developments and protect all infants who are born alive by recognizing them as a "person, human being, child or individual" for purposes of Federal law.

Recent court decisions have called into question the rights entitled to newborn babies. Under the logic of the Supreme Court's decision in the Stenberg v. Carhart case, the long-accepted legal principle that infants who are born alive are persons entitled to the protections of the law has been called into question, bringing our culture and legal system closer than ever believed possible to accepting infanticide.

By failing to recognize as legally significant the location of an infant's body at the moment it is killed during an abortion, the Court's ruling opened the door for future courts to conclude that the location of an infant's body at the moment it is killed during an abortion, even if fully born, has no legal significance whatsoever.

The principle that born-alive infants are entitled to protection of the law is also being questioned at one of America's most prestigious universities. Amazingly, Princeton University bioethicist, Peter Singer, argues that the life of a newborn baby is "of no greater value than the life of a nonhuman animal at a similar level of rationality, self-consciousness, awareness or capacity to feel." Thus, "Killing a disabled infant is not morally equivalent to killing a person. Very often, it is not wrong at all."

Think of that.

If such logic is allowed to go unchecked, the end result will be legal and moral confusion as to the status of newborn infants that are on the outskirts of viability or were marked for abortion prior to their unintended birth.

As chairman of the Subcommittee on the Constitution, I presided over hearings during which the subcommittee received credible and disturbing testimony that such confusion already exists. According to eyewitness accounts, live-birth abortions are being performed on healthy infants as late as the 23rd week of pregnancy, and beyond, that suffer from nonfatal deformities resulting in live-born premature infants who are simply allowed to die, sometimes without the provision of warmth or nutrition.

Our subcommittee was told of a living infant who was found in a soiled utility closet; another who was found naked on the edge of a sink; and another infant who, horribly, was wrapped in a disposable towel and thrown in the trash, only to be later found after falling out of the towel and onto the floor.

One witness, Nurse Jill Stanek, told the subcommittee about a live-birth abortion performed on a healthy infant at more than 23 weeks of gestation, and stated, "If the mother had wanted everything done for her baby, there would have been a neonatologist, pediatric resident, neonatal nurse, and respiratory therapist present for the delivery, and the baby would have been taken to our neonatal intensive care unit for specialized care. Instead, the only personnel present for this delivery were an obstetrical resident and my coworker. After delivery, the baby, who showed early signs of thriving, was merely wrapped in a blanket and kept in the Labor and Delivery Department until she died 2½ hours later."

In my hometown of Cincinnati, a woman delivered a living 22-week-old baby girl after going through with the first steps of an unsuccessful partial birth abortion procedure. Reportedly, the attending emergency room physician placed the live baby in a specimen dish and asked that the baby be taken to the lab. The medical technician, Shelly Lowe, refused after she saw the baby girl gasping for breath. Instead, she held the baby, whom she named Hope, for 3 hours, singing to her and stroking her cheeks, until she died. Ms. Lowe has said that she "wanted her to feel that she was wanted; that she was a perfectly formed newborn entering the world too soon through no choice of her own."

Had any of these newborns been assessed for their likelihood of long-term survival, medical research suggests that there is a strong chance that they would have survived. Infants born alive at 23 weeks currently have almost a 40 percent chance of sustained survival; those born at 24 weeks, a greater than 50 percent chance of survival; and those born at 25 weeks now have an 80 percent chance of survival. With medical technology rapidly improving, these survival rates will only improve.

The definition of "born alive" contained in H.R. 2175 was derived from a model definition of "live birth" that was promulgated by the World Health Organization in 1950 and is, with minor variations, currently codified in 30 States and the District of Columbia.

Like those laws, H.R. 2175 would not mandate medical treatment where none is currently indicated. While there is debate about whether or not to aggressively treat prematurely born infants below a certain birth weight, this is a dispute about medical efficiency, not regarding the legal status of the patient.

H.R. 2175 would not affect the applicable standard of care, but would only ensure that all born-alive infants, regardless of their age and regardless of the circumstances of their birth, are treated as persons for purposes of Federal law.

I urge all Members to support this bill of compassion that says that all of America's children are precious and deserving of the most basic dignities afforded human life.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, just a few brief comments. The gentleman from Ohio mentioned the hearings that were conducted on this bill and the testimony of Nurse Jill Stanek. It is very interesting that two hearings were held on this bill, two separate years, with the exact same witnesses. The majority could not find more than one witness, Nurse Stanek, to describe these allegedly horrible things that are occurring.

The majority's witness, Dr. Bowes, said even in the situations described by majority witness Nurse Jill Stanek, Dr. Bowes, the majority witness stated, "I don't think this legislation changes medical care for those babies."

The fact is, we cannot guarantee that in a country as large as this, where the laws of all 50 States and the District of Columbia already say what this bill would say, that we cannot guarantee no one violates the law. We cannot guarantee it. Nonetheless, the majority has not been able to point to one prosecution.

Now, it may be, assuming that what Nurse Stanek described actually happened, most of her testimony was hearsay, but assuming it was true, maybe the authorities in that county should have prosecuted.

But the fact is, the courts have been very clear, there is no such thing as the right to a live-birth abortion. A baby born alive is a human being under the terms of the law in all 50 States and the District of Columbia. This bill merely restates that, so we have no problem with that.

But we should not get into the rhetoric, we should not get into the overheated rhetoric of the few who wish to suggest that viable, healthy infants are being allowed to die in our Nation's hospitals. It is simply not true. If it is true, then people ought to be prosecuted for murder, and the fault, if it is true, lies with the prosecuting authorities wherever that may happen.

So I do not think there is a big problem here. The court decisions that were cited all referred to babies or to fetuses really still in utero. Once outside of the mother's body, they are babies, there is no legal right to kill them. God forbid. It would be murder. This bill does not change that. There is no harm in restating it, I think. I think we have taken care of the concerns of the neonatologists about the standard of care.

So I support the bill simply to put at rest the fevered apprehensions about nonexistent threats. But let us not overstate those nonexistent threats, and if they are existent, they ought to be prosecuted. If the majority really knows of such cases, I hope they get on the cases of whoever the district attorney is and say, why are you not doing something about them, because it is already against the law, unless, of course, the descriptions of those cases are not as stated. But if they are as stated, the law already makes that murder. This bill retains that as murder.

It is a harmless bill. It is a bill that does nothing, but is harmless. And why not put people's fears at rest? So I still urge people to support the bill. But we should not get carried away and imagine that under the guise or name of "abortions" any of this nonsense is going on, because if it is going on, it is murder under the law today.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Speaker, I rise also in support of the Born-Alive Infants Protection Act.

The law would require that babies born alive be treated as babies. It seems simple. I agree with the gentleman that should be the way it is today. But, unfortunately, our society has blurred this issue and some have made it, one, an issue of the parents' interest, or in this case, lack of interest in a newborn. Babies now born at 23 weeks generally survive. Some born even earlier have survived.

Some critics of the legislation argue it is not necessary because what was alleged by one of our witnesses and several others that we have spoken with does not happen.

□ 1430

It currently does happen. It clearly does happen. We would not be dealing with this issue if it did not happen.

Ms. Stanek was just one of the individuals we spoke with through the committee. She brought with her other people who had also witnessed this type of action in a hospital, no less; a place where people go to receive care. Unfortunately, babies involved in induced-labor abortions were left to die, even though those children were born alive. It is every instance that will be covered, however. A child born alive, whether the labor is induced or not, should be treated as a child.

It seems like it should not be necessary for us to make this law. However, it was stated earlier today that viable, healthy infants are being permitted to die according to those of us who support this legislation. If we remove those adjectives, viable and healthy, that seems to except that infants who maybe are not healthy are being left to die.

Is it okay for us to allow unhealthy or maybe even unviable infants to be left to die on a cold shelf abandoned in some kind of cart in a hospital? It is not. This society must stand up for those who are the weakest. It is our responsibility as Members of the House to do so. That is why we support the Born-Alive Infant Protection Act, and I urge all of my colleagues to support it as well.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to oppose H.R. 2175, the Born-Alive Infants Protection Act of 2001.

Many individuals who support a woman's right to choose have argued that this bill is harmless because it restates existing law. I oppose this bill because it mischaracterizes current abortion rights law and may create confusion among physicians who provide emergency care to pregnant women. Concerns have been raised that H.R. 2175 would obligate physicians to provide care beyond recognized standards, and that failure to adhere would raise the issue of liability. More importantly, I oppose this bill because it is yet another attempt to chip away at a woman's right to choose.

Pro-life advocates have opposed and attempted to erode reproductive rights in a number of ways: by imposing waiting periods, by denying women information about their own health choices, by restricting or removing funding for contraception and family planning efforts, and at the most radical by terrorizing physicians and clinic workers. The current Administration has signaled its intent to pursue this line of advocacy.

In April 2001 the Bush Administration proposed to remove contraceptive coverage for federal employees. Only a groundwell of opposition restored this benefit, which the Office of Management and Budget found added nothing to the cost of federal health benefits. Again in 2002, the Bush Administration has proposed to end contraceptive coverage for federal employees, even though ending such coverage would violate Title VII, the federal law prohibiting sex discrimination in the workplace. In addition, the Administration has proposed cutting Title X funding family planning programs that provide critical family planning and related health services to millions of low-income families.

Make no mistake—advocating on behalf of women's health care and reproductive rights entails stating the core issue of reproductive rights: Who gets to decide? Who decides what a woman does with her own body?

Access to birth control and abortion is part of the larger struggle for access to health care for all women. In 1973 the Supreme Court legalized abortion. Yet today, 20% of women who want to have an abortion cannot obtain one. Lack of funding, restrictive legislation, and campaigns of terror and harassment by the antiabortion movement have severely eroded abortion rights.

While public attention has focused on restrictions of women's choices through legislation and judicial decisions, abortion services have been undermined in more basic ways. Through harassment and violence directed at doctors and other health care providers, as well as medical schools and hospitals, antichoice forces have discouraged both the teaching and provision of abortions. As a result, abortion services have been eliminated in large parts of the country and a critical shortage of abortion providers and services has developed. As with all other attacks on access to abortion, these restrictions have the greatest impact on low-income women, rural women, and women of color.

A number of solutions support reproductive rights:

Opposing hospital mergers with institutions that prohibit reproductive health services;

Developing the role of non-physician clinicians as women's healthcare providers, including nurses, midwives, nurse practitioners, and physicians assistants in abortion;

Increasing abortion training for medical residents;

Increasing awareness of reproductive choice and abortion access as a public health issue and encouraging research in the field;

Creating innovative public education campaigns;

Publishing directories of reproductive health and abortion providers in English, Spanish, and other languages where women lack access to information and health services;

Creating coalitions of like-minded organizations which have an interest in women's reproductive health and abortion, such as: American Civil Liberties Union, NARAL, NOW, National Lawyer's Guild, National Women's Law Center, and numerous health care providers and unaffiliated activists.

In the 1986 case Thornburgh v. American College of Obstetricians & Gynecologists, Justice Harry Blackmun stated "Few decisions are more personal and intimate, more properly private, or more basic to individual dignity and autonomy, than a woman's decision whether to end her pregnancy. A woman's right to make that choice freely is fundamental."

The terrorist events of 2001 focused our country on fundamental values such as freedom, commitment, and tolerance. Bills such as the Born-Alive Infants Protection Act of 2001 ultimately seek to curtail the freedom of choice held dear by the majority of the American public. We cannot afford to ignore challenges which seek to restrict the freedom of women to control their reproductive capacity, their decision to bear children, and the shape of their destiny.

Mr. WATTS of Oklahoma. Mr. Speaker, there are some things in life that are beyond the realm of sanity. There are some things that are just so heinous—so cruel—they surpass verbal description. The bill before the House today addresses such an instance. We are considering a measure to ban the killing of an infant after the baby has been delivered.

The Born-Alive Infants Protection Act of 2001 states that anytime the word "person," "human being," "child" or "individual" is written in law or regulations, it will include every infant member of the species homo sapiens who is born alive at any stage of development.

Infanticide has no place in a civilized society. All children should be welcomed into life. I commend the sponsors of this legislation for bringing to light an injustice to innocent children and urge my colleagues to once again pass this bill.

Mr. SOUDER. Mr. Speaker, as a cosponsor of the Born-Alive Infants Protection Act, I strongly support its passage. This bill would firmly establish that, for purposes of federal law, an infant who is born alive is, indeed, a person and is entitled to the protections of the law. This concept has been a standing legal principle, spelled out in many state statutes and recognized by some federal courts in interpreting federal criminal laws. However, recent changes in the legal and cultural landscape appear to have brought this well-settled principle into question and have made it necessary for the Congress to ensure that this principle becomes law.

A significant change in how the law defines a person occurred with the U.S. Supreme Court's decision to strike down a Nebraska law banning partial-birth abortion. Partial-birth abortion is a procedure in which a doctor delivers an unborn child's body until only the head remains inside of the mother, punctures the back of the child's skull with scissors and sucks the child's brains out before completing the delivery. The Court's decision found that the location of an infant at the time of death—delivered partly outside the body of the mother—is of no legal significance. The Court's decision implies that a partially born infant's entitlement to the protections of the law is dependent upon whether or not the partially born child's mother wants him or her.

The Born-Alive Infants Protection Act was also introduced partly to respond to testimony that "live-birth abortions" are performed around the country. A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. In other instances, babies whose lungs are insufficiently developed to permit sustained survival are often spontaneously delivered alive, and may live for hours or days, while some are born alive following deliveries induced for medical reasons.

The Born-Alive Infant Protection Act would ensure that any infant born alive is treated with the dignity and respect of a human being and given appropriate medical attention regardless of whether he or she is completely extracted or expelled from her mother and breathes, regardless of whether or not her lung development is believed to be, or is in fact, sufficient to permit long-term survival. The infant will be considered to be alive if she has a beating heart, a pulsation of the umbilical cord, or definite movement of the voluntary muscles, regardless of whether the umbilical cord has been cut, and regardless of whether the baby was born as a result of natural or induced labor, Caesarean section, or induced abortion. I believe we must pass this bill to protect the lives of the unborn and prematurely born.

Mr. TIAHRT. Mr. Speaker, I rise today in strong support of the Born-Alive Infants Protection Act. In 2000 this legislation passed the House overwhelmingly, by a vote of 380–15. I am hopeful that today my colleagues will again vote to protect all infants who are born alive.

It saddens me that we have come to the point where we need federal legislation to assert that an infant who is completely expelled or extracted from her mother and who is alive is a person under the law. I strongly believe that the unborn should have the same protection under the law, but unfortunately not all of my colleagues agree. Many of you, however, agree that a baby who is born alive is a person and should not be killed or left to die.

Many states have approved the practice of "live-birth abortions." Infants born alive as a result of an unsuccessful abortion are killed or left to die, some babies are partially born only to be killed, and in so-called "therapeutic abortions" physicians use drugs to induce premature labor and deliver children still alive and then simply allow them to die. According to nurses at Christ Hospital in Oak Lawn, Illinois, physicians have used the "therapeutic abortion" procedure on infants with non-fatal deformities, such as spina bifida and Down Syndrome. Many of these babies have lived for hours after birth, with no efforts made to determine if any of them could have survived with appropriate medical assistance. Those who swear to save lives are instead leaving living, breathing, kicking, screaming babies to slowly die on their own.

A registered nurse from Illinois testified before Congress that she witnessed pregnant mothers being prematurely induced and delivering living premature infants that were then left to die without any medical attention. The hospital where this occurred defended its actions by saying that the newborns were intended for abortion. There is no defense for leaving innocent babies to die.

As a father of three beautiful children and a strong defender of human life, I am embarrassed that we live in a country where babies are abandoned and left to die. I urge you to vote in favor of this important legislation so that all the beautiful children who come into this world are treated as the human beings they are.

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise in strong support of H.R. 2175. Every infant deserves to be fully entitled to all protections of our laws, no matter the likelihood of long-term survival. This legislation will ensure that the deplorable practice of infanticide will never occur again in this country.

We have many serious issues to tackle here in Washington, few as important as the right to life. I am pleased to see that this issue is no longer on the backburner. It is reassuring that we in the House are making strides toward legislation that will reduce abortion rates here and abroad.

Since the legalization of abortion in 1973, countless victims have paid the ultimate price. The landscape of American society changed with the Roe vs. Wade decision, which has resulted in societal corruption and a moral decline in our nation.

Life is a fundamental human right. We must preserve the sanctity of this right and we must not rest until its place in the moral fabric of our nation is restored. The unborn child has no voice and cannot protect itself. It is our responsibility to ensure their voices are heard and their right to life is protected.

I urge my colleagues to vote in favor of H.R. 2175 and take a stand for what we know to be ethically decent.

Mr. CRANE. Mr. Speaker, as an original cosponsor to the legislation before us, I rise in strong support of H.R. 2175, the Born-Alive Infants Protection Act.

While it has long been accepted as legal principle that infants born alive are entitled to the protection of law, recent court decisions have cut back this fundamental right. The purpose of this legislation is to firmly establish under law that an infant who is completely expelled or extracted from his or her mother and who is alive, is considered a person for purposes of federal law. This recognition takes effect upon birth, irrespective of whether the baby survived an attempted abortion.

This legislation will make illegal "live-birth" abortions, a practice so barbaric in nature and tragic in outcome that it is almost inconceivable that they occur. Unfortunately, testimony received by the Subcommittee on the Constitution indicates that in some jurisdictions, once a child is marked for abortion, it may become irrelevant whether that child emerges from the mother's womb as a live baby. In other words, some live-born premature infants may be treated as a nonentity, and allowed to die.

I thank my friend from Ohio, Congressman CHABOT, for introducing this vital piece of legislation, and I strongly urge all my colleagues to cast an "aye" vote on final passage.

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of H.R. 2175, the Born-Alive Infant Protection Act and I am a proud cosponsor of this bill.

This legislation is long overdue. For too long the youngest and most vulnerable of children have not been protected. This bill corrects this and brings protection to these children. It ensures that all children who are born alive are to be considered a human being.

This bill would grant protection from being killed to all babies that show signs of life such as a heartbeat, breathing or muscle movement once they are outside the mother's womb.

I commend the Chairman for bringing this bill to the floor today, and I urge all of my colleagues to support its passage. It is critical that we value all human life and this bill moves us in that direction.

Mr. NADLER. Mr. Speaker, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. STEARNS). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States was communicated to the House by Ms. Wanda Evans, one of his secretaries.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 365) providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885.

The Clerk read as follows:

H. RES. 365

Resolved, That, upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1885, with the Senate amendment thereto, and to have concurred in the Senate amendment with the following amendments:

(1) Amend the title so as to read: "An Act to enhance the border security of the United States, and for other purposes.".

(2) In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Enhanced Border Security and Visa Entry Reform Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Definitions.

TITLE I—FUNDING

Sec. 101. Authorization of appropriations for hiring and training Government personnel.
Sec. 102. Authorization of appropriations for improvements in technology and infrastructure.
Sec. 103. Machine-readable visa fees.

TITLE II—INTERAGENCY INFORMATION SHARING

Sec. 201. Interim measures for access to and coordination of law enforcement and other information.
Sec. 202. Interoperable law enforcement and intelligence data system with name-matching capacity and training.
Sec. 203. Commission on interoperable data sharing.

TITLE III—VISA ISSUANCE

Sec. 301. Electronic provision of visa files.
Sec. 302. Implementation of an integrated entry and exit data system.
Sec. 303. Machine-readable, tamper-resistant entry and exit documents.
Sec. 304. Terrorist lookout committees.
Sec. 305. Improved training for consular officers.
Sec. 306. Restriction on issuance of visas to nonimmigrants who are from countries that are state sponsors of international terrorism.
Sec. 307. Designation of program countries under the Visa Waiver Program.
Sec. 308. Tracking system for stolen passports.
Sec. 309. Identification documents for certain newly admitted aliens.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

Sec. 401. Study of the feasibility of a North American National Security Program.
Sec. 402. Passenger manifests.
Sec. 403. Time period for inspections.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

Sec. 501. Foreign student monitoring program.
Sec. 502. Review of institutions and other entities authorized to enroll or sponsor certain nonimmigrants.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Extension of deadline for improvement in border crossing identification cards.
Sec. 602. General Accounting Office study.
Sec. 603. International cooperation.
Sec. 604. Statutory construction.
Sec. 605. Report on aliens who fail to appear after release on own recognizance.
Sec. 606. Retention of nonimmigrant visa applications by the Department of State.
Sec. 607. Extension of deadline for classification petition and labor certification filings.

SEC. 2. DEFINITIONS.

In this Act:

(1) ALIEN.—The term "alien" has the meaning given the term in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)).

(2) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the following:

(A) The Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate.

(B) The Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on International Relations of the House of Representatives.

(3) FEDERAL LAW ENFORCEMENT AGENCIES.—The term "Federal law enforcement agencies" means the following:

(A) The United States Secret Service.

(B) The Drug Enforcement Administration.

(C) The Federal Bureau of Investigation.

(D) The Immigration and Naturalization Service.

(E) The United States Marshall Service.

(F) The Naval Criminal Investigative Service.

(G) The Coastal Security Service.

(H) The Diplomatic Security Service.

(I) The United States Postal Inspection Service.

(J) The Bureau of Alcohol, Tobacco, and Firearms.

(K) The United States Customs Service.

(L) The National Park Service.

(4) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

(5) PRESIDENT.—The term "President" means the President of the United States, acting through the Assistant to the President for Homeland Security, in coordination with the Secretary of State, the Commissioner of Immigration and Naturalization, the Attorney General, the Director of Central Intelligence, the Director of the Federal Bureau of Investigation, the Secretary of Transportation, the Commissioner of Customs, and the Secretary of the Treasury.

(6) USA PATRIOT ACT.—The term "USA PATRIOT Act" means the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001 (Public Law 107-56).

TITLE I—FUNDING

SEC. 101. AUTHORIZATION OF APPROPRIATIONS FOR HIRING AND TRAINING GOVERNMENT PERSONNEL.

(a) ADDITIONAL PERSONNEL.—

(1) INS INSPECTORS.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of inspectors and associated support staff in the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of inspectors and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(2) INS INVESTIGATIVE PERSONNEL.—Subject to the availability of appropriations, during each of the fiscal years 2002 through 2006, the Attorney General shall increase the number of investigative and associated support staff of the Immigration and Naturalization Service by the equivalent of at least 200 full-time employees over the number of investigators and associated support staff in the Immigration and Naturalization Service authorized by the USA PATRIOT Act.

(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection, including such sums as may be necessary to provide facilities, attorney personnel and support staff, and other resources needed to support the increased number of inspectors, investigative staff, and associated support staff.

(b) WAIVER OF FTE LIMITATION.—The Attorney General is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Immigration and Naturalization Service.

(c) Authorization of Appropriations for INS Staffing.—

(1) In general.—There are authorized to be appropriated for the Department of Justice such sums as may be necessary to provide an increase in the annual rate of basic pay—

(A) for all journeyman Border Patrol agents and inspectors who have completed at least one year's service and are receiving an annual rate of basic pay for positions at GS-9 of the General Schedule under section 5332 of title 5, United States Code, from the annual rate of basic pay payable for positions at GS-9 of the General Schedule under such section 5332, to an annual rate of basic pay payable for positions at GS-11 of the General Schedule under such section 5332;

(B) for inspections assistants, from the annual rate of basic pay payable for positions at GS-5 of the General Schedule under section 5332 of title 5, United States Code, to an annual rate of basic pay payable for positions at GS-7 of the General Schedule under such section 5332; and

(C) for the support staff associated with the personnel described in subparagraphs (A) and (B), at the appropriate GS level of the General Schedule under such section 5332.

(d) Authorization of Appropriations for Training.—There are authorized to be appropriated such sums as may be necessary—

(1) to appropriately train Immigration and Naturalization Service personnel on an ongoing basis—

(A) to ensure that their proficiency levels are acceptable to protect the borders of the United States; and

(B) otherwise to enforce and administer the laws within their jurisdiction; and

(2) to provide adequate continuing cross-training to agencies staffing the United States border and ports of entry to effectively and correctly apply applicable United States laws;

(3) to fully train immigration officers to use the appropriate lookout databases and to monitor passenger traffic patterns; and

(4) to expand the Carrier Consultant Program described in section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225A(b)).

(e) Authorization of Appropriations for Consular Functions.—

(1) Responsibilities.—The Secretary of State shall—

(A) implement enhanced security measures for the review of visa applicants;

(B) staff the facilities and programs associated with the activities described in subparagraph (A); and

(C) provide ongoing training for consular officers and diplomatic security agents.

(2) Authorization of appropriations.—There are authorized to be appropriated for the Department of State such sums as may be necessary to carry out paragraph (1).

SEC. 102. AUTHORIZATION OF APPROPRIATIONS FOR IMPROVEMENTS IN TECHNOLOGY AND INFRASTRUCTURE.

(a) Funding of Technology.—

(1) Authorization of appropriations.—In addition to funds otherwise available for such purpose, there are authorized to be appropriated $150,000,000 to the Immigration and Naturalization Service for purposes of—

(A) making improvements in technology (including infrastructure support, computer security, and information technology development) for improving border security;

(B) expanding, utilizing, and improving technology to improve border security; and

(C) facilitating the flow of commerce and persons at ports of entry, including improving and expanding programs for preenrollment and preclearance.

(2) Waiver of fees.—Federal agencies involved in border security may waive all or part of enrollment fees for technology-based programs to encourage participation by United States citizens and aliens in such programs. Any agency that waives any part of any such fee may establish its fees for other services at a level that will ensure the recovery from other users of the amounts waived.

(3) Offset of increases in fees.—The Attorney General may, to the extent reasonable, increase land border fees for the issuance of arrival-departure documents to offset technology costs.

(b) Improvement and Expansion of INS, State Department, and Customs Facilities.—There are authorized to be appropriated to the Immigration and Naturalization Service and the Department of State such sums as may be necessary to improve and expand facilities for use by the personnel of those agencies.

SEC. 103. MACHINE-READABLE VISA FEES.

(a) Relation to Subsequent Authorization Acts.—Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended by striking paragraph (3).

(b) Fee Amount.—The machine-readable visa fee charged by the Department of State shall be the higher of $65 or the cost of the machine-readable visa service, as determined by the Secretary of State after conducting a study of the cost of such service.

(c) Surcharge.—The Department of State is authorized to charge a surcharge of $10, in addition to the machine-readable visa fee, for issuing a machine-readable visa in a non-machine-readable passport.

(d) Availability of Collected Fees.—Notwithstanding any other provision of law, amounts collected as fees described in this section shall be credited as an offsetting collection to any appropriation for the Department of State to recover costs of providing consular services. Amounts so credited shall be available, until expended, for the same purposes as the appropriation to which credited.

TITLE II—INTERAGENCY INFORMATION SHARING

SEC. 201. INTERIM MEASURES FOR ACCESS TO AND COORDINATION OF LAW ENFORCEMENT AND OTHER INFORMATION.

(a) Interim Directive.—Until the plan required by subsection (c) is implemented, Federal law enforcement agencies and the intelligence community shall, to the maximum extent practicable, share any information with the Department of State and the Immigration and Naturalization Service relevant to the admissibility and deportability of aliens, consistent with the plan described in subsection (c).

(b) Report Identifying Law Enforcement and Intelligence Information.—

(1) In general.—Not later than 120 days after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report identifying Federal law enforcement and the intelligence community information needed by the Department of State to screen visa applicants, or by the Immigration and Naturalization Service to screen applicants for admission to the United States, and to identify those aliens inadmissible or deportable under the Immigration and Nationality Act.

(2) Repeal.—Section 414(d) of the USA PATRIOT Act is hereby repealed.

(c) Coordination Plan.—

(1) Requirement for plan.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall develop and implement a plan based on the findings of the report under subsection (b) that requires Federal law enforcement agencies and the intelligence community to provide to the Department of State and the Immigration and Naturalization Service all information identified in that report as expeditiously as practicable.

(2) Consultation requirement.—In the preparation and implementation of the plan under this subsection, the President shall consult with the appropriate committees of Congress.

(3) Protections regarding information and uses thereof.—The plan under this subsection shall establish conditions for using the information described in subsection (b) received by the Department of State and Immigration and Naturalization Service—

(A) to limit the redissemination of such information;

(B) to ensure that such information is used solely to determine whether to issue a visa to an alien or to determine the admissibility or deportability of an alien to the United States, except as otherwise authorized under Federal law;

(C) to ensure the accuracy, security, and confidentiality of such information;

(D) to protect any privacy rights of individuals who are subjects of such information;

(E) to provide data integrity through the timely removal and destruction of obsolete or erroneous names and information; and

(F) in a manner that protects the sources and methods used to acquire intelligence information as required by section 103(c)(6) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(6)).

(4) Criminal penalties for misuse of information.—Any person who obtains information under this subsection without authorization or exceeding authorized access (as defined in section 1030(e) of title 18, United States Code), and who uses such information in the manner described in any of the paragraphs (1) through (7) of section 1030(a) of such title, or attempts to use such information in such manner, shall be subject to the same penalties as are applicable under section 1030(c) of such title for violation of that paragraph.

(5) Advancing deadlines for a technology standard and report.—Section 403(c) of the USA PATRIOT Act is amended—

(A) in paragraph (1), by striking "2 years" and inserting "one year"; and

(B) in paragraph (4), by striking "18 months" and inserting "six months".

SEC. 202. INTEROPERABLE LAW ENFORCEMENT AND INTELLIGENCE DATA SYSTEM WITH NAME-MATCHING CAPACITY AND TRAINING.

(a) Interoperable Law Enforcement and Intelligence Electronic Data System.—

(1) Requirement for integrated immigration and naturalization data system.—The Immigration and Naturalization Service shall fully integrate all databases and data systems maintained by the Service that process or contain information on aliens. The fully integrated data system shall be an interoperable component of the electronic data system described in paragraph (2).

(2) Requirement for interoperable data system.—Upon the date of commencement of implementation of the plan required by section 201(c), the President shall develop and implement an interoperable electronic data system to provide current and immediate access to information in databases of Federal

law enforcement agencies and the intelligence community that is relevant to determine whether to issue a visa or to determine the admissibility or deportability of an alien.

(3) CONSULTATION REQUIREMENT.—In the development and implementation of the data system under this subsection, the President shall consult with the Director of the National Institute of Standards and Technology (NIST) and any such other agency as may be deemed appropriate.

(4) TECHNOLOGY STANDARD.—

(A) IN GENERAL.—The data system developed and implemented under this subsection, and the databases referred to in paragraph (2), shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and subparagraph (B).

(B) CONFORMING AMENDMENT.—Section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5), is further amended—

(i) in paragraph (1), by inserting ", including appropriate biometric identifier standards," after "technology standard"; and

(ii) in paragraph (2) —

(I) by striking "INTEGRATED" and inserting "INTEROPERABLE"; and

(II) by striking "integrated" and inserting "interoperable".

(5) ACCESS TO INFORMATION IN DATA SYSTEM.—Subject to paragraph (6), information in the data system under this subsection shall be readily and easily accessible—

(A) to any consular officer responsible for the issuance of visas;

(B) to any Federal official responsible for determining an alien's admissibility to or deportability from the United States; and

(C) to any Federal law enforcement or intelligence officer determined by regulation to be responsible for the investigation or identification of aliens.

(6) LIMITATION ON ACCESS.—The President shall, in accordance with applicable Federal laws, establish procedures to restrict access to intelligence information in the data system under this subsection, and the databases referred to in paragraph (2), under circumstances in which such information is not to be disclosed directly to Government officials under paragraph (5).

(b) NAME-SEARCH CAPACITY AND SUPPORT.—

(1) IN GENERAL.—The interoperable electronic data system required by subsection (a) shall—

(A) have the capacity to compensate for disparate name formats among the different databases referred to in subsection (a);

(B) be searchable on a linguistically sensitive basis;

(C) provide adequate user support;

(D) to the extent practicable, utilize commercially available technology; and

(E) be adjusted and improved, based upon experience with the databases and improvements in the underlying technologies and sciences, on a continuing basis.

(2) LINGUISTICALLY SENSITIVE SEARCHES.—

(A) IN GENERAL.—To satisfy the requirement of paragraph (1)(B), the interoperable electronic database shall be searchable based on linguistically sensitive algorithms that—

(i) account for variations in name formats and transliterations, including varied spellings and varied separation or combination of name elements, within a particular language; and

(ii) incorporate advanced linguistic, mathematical, statistical, and anthropological research and methods.

(B) LANGUAGES REQUIRED.—

(i) PRIORITY LANGUAGES.—Linguistically sensitive algorithms shall be developed and implemented for no fewer than 4 languages designated as high priorities by the Secretary of State, after consultation with the Attorney General and the Director of Central Intelligence.

(ii) IMPLEMENTATION SCHEDULE.—Of the 4 linguistically sensitive algorithms required to be developed and implemented under clause (i)—

(I) the highest priority language algorithms shall be implemented within 18 months after the date of enactment of this Act; and

(II) an additional language algorithm shall be implemented each succeeding year for the next three years.

(3) ADEQUATE USER SUPPORT.—The Secretary of State and the Attorney General shall jointly prescribe procedures to ensure that consular and immigration officers can, as required, obtain assistance in resolving identity and other questions that may arise about names of aliens seeking visas or admission to the United States that may be subject to variations in format, transliteration, or other similar phenomenon.

(4) INTERIM REPORTS.—Six months after the date of enactment of this Act, the President shall submit a report to the appropriate committees of Congress on the progress in implementing each requirement of this section.

(5) REPORTS BY INTELLIGENCE AGENCIES.—

(A) CURRENT STANDARDS.—Not later than 60 days after the date of enactment of this Act, the Director of Central Intelligence shall complete the survey and issue the report previously required by section 309(a) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(B) GUIDELINES.—Not later than 120 days after the date of enactment of this Act, the Director of Intelligence shall issue the guidelines and submit the copy of those guidelines previously required by section 309(b) of the Intelligence Authorization Act for Fiscal Year 1998 (50 U.S.C. 403–3 note).

(6) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out the provisions of this subsection.

◆ SEC. 203. COMMISSION ON INTEROPERABLE DATA SHARING.

(a) ESTABLISHMENT.—Not later than one year after the date of enactment of the USA PATRIOT Act, the President shall establish a Commission on Interoperable Data Sharing (in this section referred to as the "Commission"). The purposes of the Commission shall be to—

(1) monitor the protections described in section 201(c)(3);

(2) provide oversight of the interoperable electronic data system described in this title; and

(3) report to Congress annually on the Commission's findings and recommendations.

(b) COMPOSITION.—The Commission shall consist of nine members, who shall be appointed by the President, as follows:

(1) One member, who shall serve as Chair of the Commission.

(2) Eight members, who shall be appointed from a list of nominees jointly provided by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Leader of the Senate, and the Minority Leader of the Senate.

(c) CONSIDERATIONS.—The Commission shall consider recommendations regarding the following issues:

(1) Adequate protection of privacy concerns inherent in the design, implementation, or operation of the interoperable electronic data system.

(2) Timely adoption of security innovations, consistent with generally accepted security standards, to protect the integrity and confidentiality of information to prevent against the risks of accidental or unauthorized loss, access, destruction, use modification, or disclosure of information.

(3) The adequacy of mechanisms to permit the timely correction of errors in data maintained by the interoperable data system.

(4) Other protections against unauthorized use of data to guard against the misuse of the interoperable data system or the data maintained by the system, including recommendations for modifications to existing laws and regulations to sanction misuse of the system.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary to carry out this section.

TITLE III—VISA ISSUANCE

SEC. 301. ELECTRONIC PROVISION OF VISA FILES.

Section 221(a) of the Immigration and Nationality Act (8 U.S.C. 1201(a)) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) by inserting "(1)" immediately after "(a)"; and

(3) by adding at the end the following:

"(2) The Secretary of State shall provide to the Service an electronic version of the visa file of an alien who has been issued a visa to ensure that the data in that visa file is available to immigration inspectors at the United States ports of entry before the arrival of the alien at such a port of entry.".

SEC. 302. IMPLEMENTATION OF AN INTEGRATED ENTRY AND EXIT DATA SYSTEM.

(a) DEVELOPMENT OF SYSTEM.—In developing the integrated entry and exit data system for the ports of entry, as required by the Immigration and Naturalization Service Data Management Improvement Act of 2000 (Public Law 106–215), the Attorney General and the Secretary of State shall—

(1) implement, fund, and use a technology standard under section 403(c) of the USA PATRIOT Act (as amended by sections 201(c)(5) and 202(a)(3)(B)) at United States ports of entry and at consular posts abroad;

(2) establish a database containing the arrival and departure data from machine-readable visas, passports, and other travel and entry documents possessed by aliens; and

(3) make interoperable all security databases relevant to making determinations of admissibility under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182).

(b) IMPLEMENTATION.—In implementing the provisions of subsection (a), the Immigration and Naturalization Service and the Department of State shall—

(1) utilize technologies that facilitate the lawful and efficient cross-border movement of commerce and persons without compromising the safety and security of the United States; and

(2) consider implementing the North American National Security Program described in section 401.

SEC. 303. MACHINE-READABLE, TAMPER-RESISTANT ENTRY AND EXIT DOCUMENTS.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Attorney General, the Secretary of State, and the National Institute of Standards and Technology (NIST), acting jointly, shall submit to the appropriate committees of Congress a comprehensive report assessing the

actions that will be necessary, and the considerations to be taken into account, to achieve fully, not later than October 26, 2003—

(A) implementation of the requirements of subsections (b) and (c); and

(B) deployment of the equipment and software to allow biometric comparison of the documents described in subsections (b) and (c).

(2) ESTIMATES.—In addition to the assessment required by paragraph (1), each report shall include an estimate of the costs to be incurred, and the personnel, man-hours, and other support required, by the Department of Justice, the Department of State, and NIST to achieve the objectives of subparagraphs (A) and (B) of paragraph (1).

(b) REQUIREMENTS.—

(1) IN GENERAL.—Not later than October 26, 2003, the Attorney General and the Secretary of State shall issue to aliens only machine-readable, tamper-resistant visas and travel and entry documents that use biometric identifiers. The Attorney General and the Secretary of State shall jointly establish biometric identifiers standards to be employed on such visas and travel and entry documents from among those biometric identifiers recognized by domestic and international standards organizations.

(2) READERS AND SCANNERS AT PORTS OF ENTRY.—

(A) IN GENERAL.—Not later than October 26, 2003, the Attorney General, in consultation with the Secretary of State, shall install at all ports of entry of the United States equipment and software to allow biometric comparison of all United States visas and travel and entry documents issued to aliens, and passports issued pursuant to subsection (c)(1).

(B) USE OF READERS AND SCANNERS.—The Attorney General, in consultation with the Secretary of State, shall utilize biometric data readers and scanners that—

(i) domestic and international standards organizations determine to be highly accurate when used to verify identity; and

(ii) can read the biometric identifiers utilized under subsections (b)(1) and (c)(1).

(3) USE OF TECHNOLOGY STANDARD.—The systems employed to implement paragraphs (1) and (2) shall utilize the technology standard established pursuant to section 403(c) of the USA PATRIOT Act, as amended by section 201(c)(5) and 202(a)(3)(B).

(c) TECHNOLOGY STANDARD FOR VISA WAIVER PARTICIPANTS.—

(1) CERTIFICATION REQUIREMENT.—Not later than October 26, 2003, the government of each country that is designated to participate in the visa waiver program established under section 217 of the Immigration and Nationality Act shall certify, as a condition for designation or continuation of that designation, that it has a program to issue to its nationals machine-readable passports that are tamper-resistant and incorporate biometric identifiers that comply with applicable biometric identifiers standards established by the International Civil Aviation Organization. This paragraph shall not be construed to rescind the requirement of section 217(a)(3) of the Immigration and Nationality Act.

(2) USE OF TECHNOLOGY STANDARD.—On and after October 26, 2003, any alien applying for admission under the visa waiver program shall present a passport that meets the requirements of paragraph (1) unless the alien's passport was issued prior to that date.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section, including reimbursement to international and domestic standards organizations.

SEC. 304. TERRORIST LOOKOUT COMMITTEES.

(a) ESTABLISHMENT.—The Secretary of State shall require a terrorist lookout committee to be maintained within each United States mission.

(b) PURPOSE.—The purpose of each committee established under subsection (a) shall be—

(1) to utilize the cooperative resources of all elements of the United States mission in the country in which the consular post is located to identify known or potential terrorists and to develop information on those individuals;

(2) to ensure that such information is routinely and consistently brought to the attention of appropriate United States officials for use in administering the immigration laws of the United States; and

(3) to ensure that the names of known and suspected terrorists are entered into the appropriate lookout databases.

(c) COMPOSITION; CHAIR.—The Secretary shall establish rules governing the composition of such committees.

(d) MEETINGS.—The committee shall meet at least monthly to share information pertaining to the committee's purpose as described in subsection (b)(2).

(e) PERIODIC REPORTS.—The committee shall submit quarterly reports to the Secretary of State describing the committee's activities, whether or not information on known or suspected terrorists was developed during the quarter.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 305. IMPROVED TRAINING FOR CONSULAR OFFICERS.

(a) TRAINING.—The Secretary of State shall require that all consular officers responsible for adjudicating visa applications, before undertaking to perform consular responsibilities, receive specialized training in the effective screening of visa applicants who pose a potential threat to the safety or security of the United States. Such officers shall be specially and extensively trained in the identification of aliens inadmissible under section 212(a)(3) (A) and (B) of the Immigration and Nationality Act, interagency and international intelligence sharing regarding terrorists and terrorism, and cultural-sensitivity toward visa applicants.

(b) USE OF FOREIGN INTELLIGENCE INFORMATION.—As an ongoing component of the training required in subsection (a), the Secretary of State shall coordinate with the Assistant to the President for Homeland Security, Federal law enforcement agencies, and the intelligence community to compile and disseminate to the Bureau of Consular Affairs reports, bulletins, updates, and other current unclassified information relevant to terrorists and terrorism and to screening visa applicants who pose a potential threat to the safety or security of the United States.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to implement this section.

SEC. 306. RESTRICTION ON ISSUANCE OF VISAS TO NONIMMIGRANTS FROM COUNTRIES THAT ARE STATE SPONSORS OF INTERNATIONAL TERRORISM.

(a) IN GENERAL.—No nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) shall be issued to any alien from a country that is a state sponsor of international terrorism unless the Secretary of State determines, in consultation with the Attorney General and the heads of other appropriate United States agencies, that such alien does not pose a threat to the safety or national security of the United States. In making a determination under this subsection, the Secretary of State shall apply standards developed by the Secretary of State, in consultation with the Attorney General and the heads of other appropriate United States agencies, that are applicable to the nationals of such states.

(b) STATE SPONSOR OF INTERNATIONAL TERRORISM DEFINED.—

(1) IN GENERAL.—In this section, the term "state sponsor of international terrorism" means any country the government of which has been determined by the Secretary of State under any of the laws specified in paragraph (2) to have repeatedly provided support for acts of international terrorism.

(2) LAWS UNDER WHICH DETERMINATIONS WERE MADE.—The laws specified in this paragraph are the following:

(A) Section 6(j)(1)(A) of the Export Administration Act of 1979 (or successor statute).

(B) Section 40(d) of the Arms Export Control Act.

(C) Section 620A(a) of the Foreign Assistance Act of 1961.

SEC. 307. DESIGNATION OF PROGRAM COUNTRIES UNDER THE VISA WAIVER PROGRAM.

(a) REPORTING PASSPORT THEFTS.—As a condition of a country's initial designation or continued designation for participation in the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Attorney General and the Secretary of State shall consider whether the country reports to the United States Government on a timely basis the theft of blank passports issued by that country.

(b) CHECK OF LOOKOUT DATABASES.—Prior to the admission of an alien under the visa waiver program established under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), the Immigration and Naturalization Service shall determine that the applicant for admission does not appear in any of the appropriate lookout databases available to immigration inspectors at the time the alien seeks admission to the United States.

SEC. 308. TRACKING SYSTEM FOR STOLEN PASSPORTS.

(a) ENTERING STOLEN PASSPORT IDENTIFICATION NUMBERS IN THE INTEROPERABLE DATA SYSTEM.—

(1) IN GENERAL.—Beginning with implementation under section 202 of the law enforcement and intelligence data system, not later than 72 hours after receiving notification of the loss or theft of a United States or foreign passport, the Attorney General and the Secretary of State, as appropriate, shall enter into such system the corresponding identification number for the lost or stolen passport.

(2) ENTRY OF INFORMATION ON PREVIOUSLY LOST OR STOLEN PASSPORTS.—To the extent practicable, the Attorney General, in consultation with the Secretary of State, shall enter into such system the corresponding identification numbers for the United States and foreign passports lost or stolen prior to the implementation of such system.

(b) TRANSITION PERIOD.—Until such time as the law enforcement and intelligence data system described in section 202 is fully implemented, the Attorney General shall enter the data described in subsection (a) into an existing data system being used to determine the admissibility or deportability of aliens.

SEC. 309. IDENTIFICATION DOCUMENTS FOR CERTAIN NEWLY ADMITTED ALIENS.

Not later than 180 days after the date of enactment of this Act, the Attorney General shall ensure that, immediately upon the arrival in the United States of an individual admitted under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157), or immediately upon an alien being granted asylum under section 208 of such Act (8 U.S.C. 1158), the alien will be issued an employment authorization document. Such document shall, at a minimum, contain the fingerprint and photograph of such alien.

TITLE IV—ADMISSION AND INSPECTION OF ALIENS

SEC. 401. STUDY OF THE FEASIBILITY OF A NORTH AMERICAN NATIONAL SECURITY PROGRAM.

(a) In General.—The President shall conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

(b) Study Elements.—In conducting the study required by subsection (a), the officials specified in subsection (a) shall consider the following:

(1) Preclearance.—The feasibility of establishing a program enabling foreign national travelers to the United States to submit voluntarily to a preclearance procedure established by the Department of State and the Immigration and Naturalization Service to determine whether such travelers are admissible to the United States under section 212 of the Immigration and Nationality Act (8 U.S.C. 1182). Consideration shall be given to the feasibility of expanding the preclearance program to include the preclearance both of foreign nationals traveling to Canada and foreign nationals traveling to Mexico.

(2) Preinspection.—The feasibility of expanding preinspection facilities at foreign airports as described in section 235A of the Immigration and Nationality Act (8 U.S.C. 1225). Consideration shall be given to the feasibility of expanding preinspections to foreign nationals on air flights destined for Canada and Mexico, and the cross training and funding of inspectors from Canada and Mexico.

(3) Conditions.—A determination of the measures necessary to ensure that the conditions required by section 235A(a)(5) of the Immigration and Nationality Act (8 U.S.C. 1225a(a)(5)) are satisfied, including consultation with experts recognized for their expertise regarding the conditions required by that section.

(c) Report.—Not later than 1 year after the date of enactment of this Act, the President shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 402. PASSENGER MANIFESTS.

(a) In General.—Section 231 of the Immigration and Nationality Act (8 U.S.C. 1221(a)) is amended—

(1) by striking subsections (a), (b), (d), and (e);

(2) by redesignating subsection (c) as subsection (i); and

(3) by inserting after "Sec. 231." the following new subsections: "(a) Arrival Manifests.—For each commercial vessel or aircraft transporting any person to any seaport or airport of the United States from any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide to an immigration officer at that port manifest information about each passenger, crew member, and other occupant transported on such vessel or aircraft prior to arrival at that port.

"(b) Departure Manifests.—For each commercial vessel or aircraft taking passengers on board at any seaport or airport of the United States, who are destined to any place outside the United States, it shall be the duty of an appropriate official specified in subsection (d) to provide an immigration officer before departure from such port manifest information about each passenger, crew member, and other occupant to be transported.

"(c) Contents of Manifest.—The information to be provided with respect to each person listed on a manifest required to be provided under subsection (a) or (b) shall include—

"(1) complete name;

"(2) date of birth;

"(3) citizenship;

"(4) sex;

"(5) passport number and country of issuance;

"(6) country of residence;

"(7) United States visa number, date, and place of issuance, where applicable;

"(8) alien registration number, where applicable;

"(9) United States address while in the United States; and

"(10) such other information the Attorney General, in consultation with the Secretary of State, and the Secretary of Treasury determines as being necessary for the identification of the persons transported and for the enforcement of the immigration laws and to protect safety and national security.

"(d) Appropriate Officials Specified.—An appropriate official specified in this subsection is the master or commanding officer, or authorized agent, owner, or consignee, of the commercial vessel or aircraft concerned.

"(e) Deadline for Requirement of Electronic Transmission of Manifest Information.—Not later than January 1, 2003, manifest information required to be provided under subsection (a) or (b) shall be transmitted electronically by the appropriate official specified in subsection (d) to an immigration officer.

"(f) Prohibition.—No operator of any private or public carrier that is under a duty to provide manifest information under this section shall be granted clearance papers until the appropriate official specified in subsection (d) has complied with the requirements of this subsection, except that in the case of commercial vessels, aircraft, or land carriers that the Attorney General determines are making regular trips to the United States, the Attorney General may, when expedient, arrange for the provision of manifest information of persons departing the United States at a later date.

"(g) Penalties Against Noncomplying Shipments, Aircraft, or Carriers.—If it shall appear to the satisfaction of the Attorney General that an appropriate official specified in subsection (d), any public or private carrier, or the agent of any transportation line, as the case may be, has refused or failed to provide manifest information required by subsection (a) or (b), or that the manifest information provided is not accurate and full based on information provided to the carrier, such official, carrier, or agent, as the case may be, shall pay to the Commissioner the sum of $300 for each person with respect to whom such accurate and full manifest information is not provided, or with respect to whom the manifest information is not prepared as prescribed by this section or by regulations issued pursuant thereto. No commercial vessel, aircraft, or land carrier shall be granted clearance pending determination of the question of the liability to the payment of such penalty, or while it remains unpaid, and no such penalty shall be remitted or refunded, except that clearance may be granted prior to the determination of such question upon the deposit with the Commissioner of a bond or undertaking approved by the Attorney General or a sum sufficient to cover such penalty.

"(h) Waiver.—The Attorney General may waive the requirements of subsection (a) or (b) upon such circumstances and conditions as the Attorney General may by regulation prescribe.".

(b) Extension to Land Carriers.—Not later than two years after the date of enactment of this Act, the President shall conduct a study regarding the feasibility of extending the requirements of subsections (a) and (b) of section 231 of the Immigration and Nationality Act (8 U.S.C. 1221), as amended by subsection (a), to any commercial carrier transporting persons by land to or from the United States. The study shall focus on the manner in which such requirement would be implemented to enhance the national security of the United States and the efficient cross-border flow of commerce and persons.

(c) Effective Date.—The amendments made by subsection (a) shall apply with respect to persons arriving in, or departing from, the United States on or after the date of enactment of this Act.

SEC. 403. TIME PERIOD FOR INSPECTIONS.

(a) Repeal of Time Limitation on Inspections.—Section 286(g) of the Immigration and Nationality Act (8 U.S.C. 1356(g)) is amended by striking ", within forty-five minutes of their presentation for inspection,".

(b) Staffing Levels at Ports of Entry.—The Immigration and Naturalization Service shall staff ports of entry at such levels that would be adequate to meet traffic flow and inspection time objectives efficiently without compromising the safety and security of the United States. Estimated staffing levels under workforce models for the Immigration and Naturalization Service shall be based on the goal of providing immigration services described in section 286(g) of such Act within 45 minutes of a passenger's presentation for inspection.

TITLE V—FOREIGN STUDENTS AND EXCHANGE VISITORS

SEC. 501. FOREIGN STUDENT MONITORING PROGRAM.

(a) Strengthening Requirements for Implementation of Monitoring Program.—

(1) Monitoring and Verification of Information.—Section 641(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(a)) is amended by adding at the end the following:

"(3) Aliens for Whom a Visa Is Required.—The Attorney General, in consultation with the Secretary of State, shall establish an electronic means to monitor and verify—

"(A) the issuance of documentation of acceptance of a foreign student by an approved institution of higher education or other approved educational institution, or of an exchange visitor program participant by a designated exchange visitor program;

“(B) the transmittal of the documentation referred to in subparagraph (A) to the Department of State for use by the Bureau of Consular Affairs;

“(C) the issuance of a visa to a foreign student or an exchange visitor program participant;

“(D) the admission into the United States of the foreign student or exchange visitor program participant;

“(E) the notification to an approved institution of higher education, other approved educational institution, or exchange visitor program sponsor that the foreign student or exchange visitor participant has been admitted into the United States;

“(F) the registration and enrollment of that foreign student in such approved institution of higher education or other approved educational institution, or the participation of that exchange visitor in such designated exchange visitor program, as the case may be; and

“(G) any other relevant act by the foreign student or exchange visitor program participant, including a changing of school or designated exchange visitor program and any termination of studies or participation in a designated exchange visitor program.

“(4) Reporting requirements.—Not later than 30 days after the deadline for registering for classes for an academic term of an approved institution of higher education or other approved educational institution for which documentation is issued for an alien as described in paragraph (3)(A), or the scheduled commencement of participation by an alien in a designated exchange visitor program, as the case may be, the institution or program, respectively, shall report to the Immigration and Naturalization Service any failure of the alien to enroll or to commence participation.”.

(2) Additional requirements for data to be collected.—Section 641(c)(1) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)(1)) is amended—

(A) by striking “and” at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting “; and”; and

(C) by adding at the end the following:

“(E) the date of entry and port of entry;

“(F) the date of the alien's enrollment in an approved institution of higher education, other approved educational institution, or designated exchange visitor program in the United States;

“(G) the degree program, if applicable, and field of study; and

“(H) the date of the alien's termination of enrollment and the reason for such termination (including graduation, disciplinary action or other dismissal, and failure to reenroll).”.

(3) Reporting requirements.—Section 641(c) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372(c)) is amended by adding at the end the following new paragraph:

“(5) Reporting requirements.—The Attorney General shall prescribe by regulation reporting requirements by taking into account the curriculum calendar of the approved institution of higher education, other approved educational institution, or exchange visitor program.”.

(b) Information Required of the Visa Applicant.—Prior to the issuance of a visa under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), each alien applying for such visa shall provide to a consular officer the following information:

(1) The alien's address in the country of origin.

(2) The names and addresses of the alien's spouse, children, parents, and siblings.

(3) The names of contacts of the alien in the alien's country of residence who could verify information about the alien.

(4) Previous work history, if any, including the names and addresses of employers.

(c) Transitional Program.—

(1) In general.—Not later than 120 days after the date of enactment of this Act and until such time as the system described in section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act (as amended by subsection (a)) is fully implemented, the following requirements shall apply:

(A) Restrictions on issuance of visas.—A visa may not be issued to an alien under subparagraph (F), subparagraph (M), or, with respect to an alien seeking to attend an approved institution of higher education, subparagraph (J) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), unless—

(i) the Department of State has received from an approved institution of higher education or other approved educational institution electronic evidence of documentation of the alien's acceptance at that institution; and

(ii) the consular officer has adequately reviewed the applicant's visa record.

(B) Notification upon visa issuance.—Upon the issuance of a visa under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)) to an alien, the Secretary of State shall transmit to the Immigration and Naturalization Service a notification of the issuance of that visa.

(C) Notification upon admission of alien.—The Immigration and Naturalization Service shall notify the approved institution of higher education or other approved educational institution that an alien accepted for such institution or program has been admitted to the United States.

(D) Notification of failure of enrollment.—Not later than 30 days after the deadline for registering for classes for an academic term, the approved institution of higher education or other approved educational institution shall inform the Immigration and Naturalization Service through data-sharing arrangements of any failure of any alien described in subparagraph (C) to enroll or to commence participation.

(2) Requirement to submit list of approved institutions.—Not later than 30 days after the date of enactment of this Act, the Attorney General shall provide the Secretary of State with a list of all approved institutions of higher education or other approved educational institutions that are authorized to receive nonimmigrants under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F) or (M)).

(3) Authorization of appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection.

SEC. 502. REVIEW OF INSTITUTIONS AND OTHER ENTITIES AUTHORIZED TO ENROLL OR SPONSOR CERTAIN NONIMMIGRANTS.

(a) Periodic Review of Compliance.—The Commissioner of Immigration and Naturalization, in consultation with the Secretary of Education, shall conduct periodic reviews of the institutions certified to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)). Each review shall determine whether the institutions are in compliance with—

(1) recordkeeping and reporting requirements to receive nonimmigrants under section 101(a)(15) (F), (M), or (J) of that Act (8 U.S.C. 1101(a)(15)(F), (M), or (J)); and

(2) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(b) Periodic Review of Sponsors of Exchange Visitors.—

(1) Requirement for reviews.—The Secretary of State shall conduct periodic reviews of the entities designated to sponsor exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)).

(2) Determinations.—On the basis of reviews of entities under paragraph (1), the Secretary shall determine whether the entities are in compliance with—

(A) recordkeeping and reporting requirements to receive nonimmigrant exchange visitor program participants under section 101(a)(15)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(J)); and

(B) recordkeeping and reporting requirements under section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372).

(c) Effect of Failure To Comply.—Failure of an institution or other entity to comply with the recordkeeping and reporting requirements to receive nonimmigrant students or exchange visitor program participants under section 101(a)(15) (F), (M), or (J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (M), or (J)), or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1372), may, at the election of the Commissioner of Immigration and Naturalization or the Secretary of State, result in the termination, suspension, or limitation of the institution's approval to receive such students or the termination of the other entity's designation to sponsor exchange visitor program participants, as the case may be.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. EXTENSION OF DEADLINE FOR IMPROVEMENT IN BORDER CROSSING IDENTIFICATION CARDS.

Section 104(b)(2) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1101 note) is amended by striking “5 years” and inserting “6 years”.

SEC. 602. GENERAL ACCOUNTING OFFICE STUDY.

(a) Requirement for Study.—

(1) In general.—The Comptroller General of the United States shall conduct a study to determine the feasibility and utility of implementing a requirement that each nonimmigrant alien in the United States submit to the Commissioner of Immigration and Naturalization each year a current address and, where applicable, the name and address of an employer.

(2) Nonimmigrant alien defined.—In paragraph (1), the term “nonimmigrant alien” means an alien described in section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(b) Report.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report on the results of the study under subsection (a). The report shall include the Comptroller General's findings, together with any recommendations that the Comptroller General considers appropriate.

SEC. 603. INTERNATIONAL COOPERATION.

(a) INTERNATIONAL ELECTRONIC DATA SYSTEM.—The Secretary of State and the Commissioner of Immigration and Naturalization, in consultation with the Assistant to the President for Homeland Security, shall jointly conduct a study of the alternative approaches (including the costs of, and procedures necessary for, each alternative approach) for encouraging or requiring Canada, Mexico, and countries treated as visa waiver program countries under section 217 of the Immigration and Nationality Act to develop an intergovernmental network of interoperable electronic data systems that—

(1) facilitates real-time access to that country's law enforcement and intelligence information that is needed by the Department of State and the Immigration and Naturalization Service to screen visa applicants and applicants for admission into the United States to identify aliens who are inadmissible or deportable under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(2) is interoperable with the electronic data system implemented under section 202; and

(3) performs in accordance with implementation of the technology standard referred to in section 202(a).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of State and the Attorney General shall submit to the appropriate committees of Congress a report setting forth the findings of the study conducted under subsection (a).

SEC. 604. STATUTORY CONSTRUCTION.

Nothing in this Act shall be construed to impose requirements that are inconsistent with the North American Free Trade Agreement or to require additional documents for aliens for whom documentary requirements are waived under section 212(d)(4)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(4)(B)).

SEC. 605. ANNUAL REPORT ON ALIENS WHO FAIL TO APPEAR AFTER RELEASE ON OWN RECOGNIZANCE.

(a) REQUIREMENT FOR REPORT.—Not later than January 15 of each year, the Attorney General shall submit to the appropriate committees of Congress a report on the total number of aliens who, during the preceding year, failed to attend a removal proceeding after having been arrested outside a port of entry, served a notice to appear under section 239(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1229(a)(1)), and released on the alien's own recognizance. The report shall also take into account the number of cases in which there were defects in notices of hearing or the service of notices of hearing, together with a description and analysis of the effects, if any, that the defects had on the attendance of aliens at the proceedings.

(b) INITIAL REPORT.—Notwithstanding the time for submission of the annual report provided in subsection (a), the report for 2001 shall be submitted not later than 6 months after the date of enactment of this Act.

SEC. 606. RETENTION OF NONIMMIGRANT VISA APPLICATIONS BY THE DEPARTMENT OF STATE.

The Department of State shall retain, for a period of seven years from the date of application, every application for a nonimmigrant visa under section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) in a form that will be admissible in the courts of the United States or in administrative proceeding, including removal proceedings under such Act, without regard to whether the application was approved or denied.

SEC. 607. EXTENSION OF DEADLINE FOR CLASSIFICATION PETITION AND LABOR CERTIFICATION FILINGS.

(a) IN GENERAL.—Section 245(i)(1) of the Immigration and Nationality Act (8 U.S.C. 1255(i)(1)) is amended—

(1) in subparagraph (B)—

(A) in clause (i), by striking "on or before April 30, 2001; or" and inserting "on or before the earlier of November 30, 2002, and the date that is 120 days after the date on which the Attorney General first promulgates final or interim final regulations to carry out the amendments made by section 607(a) of the Enhanced Border Security and Visa Entry Reform Act of 2002; or"; and

(B) in clause (ii) by striking "on or before such date; and" and inserting "before August 15, 2001;";

(2) in subparagraph (C), by adding "and" at the end; and

(3) by inserting after subparagraph (C) the following:

"(D) who, in the case of a beneficiary of a petition for classification described in subparagraph (B)(i) that was filed after April 30, 2001, demonstrates that—

"(i) the familial relationship that is the basis of such petition for classification existed before August 15, 2001; or

"(ii) the application for labor certification under section 212(a)(5)(A) that is the basis of such petition for classification was filed before August 15, 2001;".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Legal Immigration Family Equity Act (114 Stat. 2762A–142 et seq.), as enacted into law by section 1(a)(2) of Public Law 106–553.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 365, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. TANCREDO. Mr. Speaker, is the gentleman from New York (Mr. NADLER) opposed to the motion?

Mr. NADLER. No, Mr. Speaker, I am not.

Mr. TANCREDO. In that case, Mr. Speaker, I claim the time of the gentleman from New York (Mr. NADLER) to speak in opposition.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SENSENBRENNER. Did not the Chair recognize me following his statement and I asked unanimous consent pursuant to that recognition?

The SPEAKER pro tempore. The gentleman from Colorado was on his feet, and the Chair recognizes for the 20 minutes, the gentleman from Colorado (Mr. TANCREDO).

Mr. NADLER. Mr. Speaker, in that case I will ask the gentleman from Wisconsin if he will split the time with the minority party.

Mr. SENSENBRENNER. Will the gentleman from New York yield?

Mr. NADLER. Certainly.

Mr. SENSENBRENNER. Because this bill is fairly complicated, Mr. Speaker, I have a statement that may be a little bit more than 10 minutes, but I am happy to cede whatever time I have left to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I thank the gentleman.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Since September 11, we have learned how deeply vulnerable our immigration system is to exploitation by aliens who wish to harm Americans. H.R. 1885 contains House-passed language of H.R. 3525 that makes needed changes to our immigration laws to fight terrorism and to prevent such exploitation. It has strong bipartisan support in the other body. The House has already passed the core of this legislation by wide margins. On May 21, 2001, the House passed a 245(i) extension by a vote of 336 to 43. On December 19, 2001, the House passed the Enhanced Border Security and Visa Entry Reform Act by voice vote.

I will outline some of this bill's most significant provisions. Most importantly, by October 2003, the legislation requires the Attorney General and Secretary of State to issue machine-readable, tamper-resistant visas that use standardized biometric identifiers. This will serve a number of important goals. First, it will allow INS inspectors at ports of entry to determine whether a visa properly identifies a visa holder and thus combat identity fraud. Second, it will make visas harder to counterfeit. Third, in conjunction with the installation of scanners at ports of entry to read the visas, the INS can track the arrival and departure of aliens and generate a reliable measure of aliens who overstay their visas. As we have all learned, some of the September 11 terrorists were staying in the United States on expired visas.

Mr. Speaker, H.R. 1885 extends the same biometric identifier requirements to passports from visa-waiver program countries. The necessity for this was demonstrated when our military found blank European passports in abandoned al Qaeda caves in Afghanistan. We must ensure that passports presented to the INS inspectors are not counterfeit, altered, or being used by imposters.

The bill thus requires that aliens seeking to enter the United States under the visa-waiver program with passports issued after October of 2003 must possess tamper-resistant, machine-readable passports with the same biometric identifiers as our visas.

The bill also requires that within 72 hours after notification by a foreign government of a stolen passport, the Attorney General shall identify its identification number into a data system accessible to INS inspectors at ports of entry. In addition, the Secretary of State and Attorney General shall consider, in deciding whether to keep a country in the visa-waiver program, whether its government reports to us on a timely basis the theft of its blank passports.

Building upon the enhanced data-sharing requirements of the USA Patriot Act, the bill directs our law enforcement agencies and intelligence community to share information with the State Department and the INS relevant to the admissibility and deportability of aliens. This information will be made available in an electronic database which will be searchable based on the linguistically sensitive algorithms that account for variations in name spellings and transliterations. This will result in lookout lists that are much more thorough and prevent terrorists who threaten our Nation from obtaining U.S. visas or entering our country.

As the Border Patrol succeeds in controlling the border, more aliens take a chance at penetrating the ports of entry, placing an ever-increasing strain on the limited staff of INS inspectors. Likewise, INS investigations units have long been denied adequate personnel. The bill helps fill these critical gaps. It authorizes appropriations to hire at least 200 full-time inspectors and at least 200 full-time investigators each year through fiscal year 2006.

Another long-standing problem at the INS is the low pay for Border Patrol agents and INS inspectors. This has led many trained Border Patrol agents and inspectors to leave the INS for other law enforcement agencies offering better pay, such as the air marshals. Something is wrong when former Border Patrol agents make up 75 percent of the first air marshals class. This bill authorizes appropriations to increase the pay of Border Patrol agents and inspectors in order to help the INS retain its best people.

The bill provides that aliens from countries that sponsor international terrorism cannot receive nonimmigrant visas until it has been determined that they do not pose a threat to the safety of Americans or the national security of the U.S.

Mr. Speaker, U.S. embassies and consulates abroad will be required to establish terrorist lookout committees that meet monthly in order to ensure that the names of known terrorists are routinely and consistently brought to the attention of consular officials, America's first line of defense.

With the same goal in mind, the bill requires that all consular officers responsible for adjudicating visa petitions receive specialized training and effective screening of visa applicants who pose a potential threat to the safety and security of the United States.

The bill strengthens the foreign student tracking system by requiring that it track the acceptance of aliens by educational institutions, the issuance of visas to the aliens, and then admission into the United States of the aliens, the notification of education institutions of the admission of aliens slated to attend them, and the enrollment of the aliens at the institutions. No longer will terrorists be able to enter the U.S. on student visas with the INS never knowing that they failed to show up at school.

The bill requires that each commercial vessel or aircraft arriving in the U.S. provide, prior to arrival at the port of entry, manifest information about each passenger and crew member. Starting in 2003, the information will have to be provided electronically. Prearrival of manifests allow much of the INS's screening work to be done before arrival. This not only speeds processing for arriving passengers, but gives INS inspectors more time to conduct background checks on and to interview passengers.

Finally, the bill requires the President to conduct a study of the feasibility of establishing a North American National Security Program to enhance the mutual security and safety of the United States, Canada, and Mexico.

Finally, H.R. 1885 contains a compromise reached with the other body on the future of section 245(i) of the Immigration and Nationality Act. No one will be entirely satisfied with this compromise; however, it reflects a judicious balancing of the many divergent and deeply held views Members hold on 245(i).

When Congress passed the LIFE Act in December 2000, we made a promise to give U.S. citizens and permanent residents at least 4 months time to file immigrant visa petitions for their relatives using section 245(i). This promise was not fulfilled because the INS was typically unable to issue implementing regulations until March 2001.

Mr. Speaker, this bill will allow qualifying illegal aliens to unify section 245(i) as long as they have had green card petitions filed on their behalf by the earlier of November 30, 2002, or 4 months after the date the Attorney General issues implementing regulations. It also requires that aliens must have entered into the family relationships qualifying them for permanent residence by August 14, 2001. With this compromise, we have signaled that 245(i) will not become a permanent part of our immigration law and that aliens should not base their future actions on the assumption that it will be. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Wisconsin, as is usually the case, did an excellent job in explaining the aspects of this particular piece of legislation. What he said was, for a long period of time, that we are dealing with an act that has been referred to as the Enhanced Border Security and Visa Entry Reform Act. He spent 90 percent of the time explaining what that act is all about, and enhancing the visa protection provisions of the law is something with which I wholeheartedly agree. As a matter of fact, this particular part of the bill is something with which the entire House agreed because we passed it already. This part of the bill is done. It is finished. It passed this House by voice vote and went over to the Senate some time ago.

So then what are we dealing with here? It is not, in fact, the Enhanced Border Security and Visa Reform Act, because that is done, it is finished, it is over with. What we are really doing here, and the only reason why we are here today, is to provide amnesty, amnesty for people who are here illegally. That is why we are on the floor today. It is not for the Enhanced Border Security and Visa Entry Reform Act.

□ 1445

It is done. It is being held up by one Member on the other side. That is their problem, not ours.

This will not enhance our ability to get that law passed; this only makes it much more difficult because, of course, this does exactly the wrong thing. Regardless of how narrowly we try to define the scope of this amnesty act, it is in fact still amnesty. What we are telling the world and telling people who are here, came here legally, waded through the process, did all the right things, what we are telling them is, Do you know what? You are a bunch of suckers for doing it.

What we are telling every single person all around the world who is in line, waiting, filling out the applications, going to the embassies and doing it right, what we are telling them is, You are a bunch of suckers. Here is the way to get into the United States and to get in the line for citizenship: Sneak in. Stay under the radar screen, get married, and even a bogus marriage document will do; because believe me, plenty of those developed, sham marriages, the last time we did this; Get a job, or at least present to the INS some indication that you have been employed; all of these things. Just do this, sneak in under the radar, stay here long enough, and do not worry, we will give you amnesty. That is what we are doing in this bill. That is the real purpose of the bill.

As I say, all the rest of this stuff we have already passed. We are here for only one purpose, to grant amnesty. Again, we have done it. We did it in 1986. I assure the Members that the result of this will not be to have just simply the legally residing citizens of the country and all the rest of the folks who our hearts can go out for, it will not be to give them a better chance at the American dream. What it will do is exactly the opposite thing we want to accomplish here.

We want people to come into the United States legally. That is why we set up a system. Admittedly, it is a flawed system, because it is turned over to the Mickey Mouse agency of the Federal Government we call the INS. But it is, nonetheless, the system we have established, that in order to come to the United States, they must have our permission. They come by visa or come in under some other status, but they do so legally.

After all, we purport to be a nation of laws; we say that all the time. But this is absolutely the antithesis of that. This is saying, Break the law, come here illegally, and we will in fact reward you for it. This is why we have to vote no on this resolution, because it has absolutely nothing to do with enhanced border security and visa entry reforms. We have already passed it.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield 10 minutes to the gentleman from New York (Mr. NADLER), and I ask unanimous consent that he may be permitted to yield portions of that time to other Members.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1885 combines the Enhanced Border Security and Visa Entry Reform Act with a short extension of section 245(i) of the immigration laws.

I plan to support this legislation, in part because the border security piece will strengthen the security of our borders and enhance our ability to deter potential terrorists while balancing the needs of law enforcement. We have been vigilant in protecting the civil rights upon which this Nation depends.

As for section 245(i), we should be extending it permanently. Instead, this bill provides only a modest extension. In fact, what the bill gives with one hand it actually takes away with the other. While it appears to extend section 245(i) until November 30, 2002, many people will not qualify because of the additional requirement that eligibility for section 245(i) be established prior to August 15, 2001, last year. Unfortunately, this bill is insufficient in time and stingy in scope.

If the last extension is any guide, H.R. 1885 will cause great panic among immigrants, and create an opportunity for fraudulent immigration advisors or "notarios."

In contrast, a full restoration of section 245(i) to what it was before 1998 would allow the thousands of law-abiding immigrants who are on the brink of becoming permanent residents to apply for their green cards while in the United States. It would allow wives, husbands, and children of U.S. citizens and permanent residents to stay together in the United States, rather than being forced to leave the country, sometimes for years, to apply for their green card.

I cannot understand how anyone who claims to support family values, who thinks that it is useful for children to have two parents together, not one here and one in another country for several years, could oppose the permanent extension of section 245(i).

Section 245(i) is not an amnesty for immigrants, it is simply a device to ensure that while permanent residents married to American citizens, people who have completed all their requirements, are waiting for the bureaucracy of the INS to complete their work, they not be forced to leave their families and go abroad for months or years.

If the administration and House leadership are serious about helping immigrants and are serious about our relationship with Mexico, then we should be passing immigration laws that do far more than this bill does; at the very least, a permanent extension, not a mere 2-year extension of section 245(i).

While I support this legislation, we should be considering a full restoration of section 245(i). We will continue to push for such an extension until the administration and the leadership of the House agree to it and we accomplish full restoration of section 245(i).

Mr. Speaker, I reserve the balance of my time.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Speaker, I rise in opposition to H.R. 1885. I supported H.R. 3525 when we focused on border security, but H.R. 1885, with its amnesty, reminds me of a bowl of ice cream, and I am an ice cream liker. H.R. 3525 was a bowl of ice cream. When they added the amnesty provisions to it, they rammed a hot poker into that bowl of ice cream, and it all melted and it was not fit to eat.

H.R. 1885 rewards law-breakers. They can walk across the Rio Grande, they can walk across the Canadian border, and thousands who have waited in line, they should be told, You should not have waited. You should not have tried to follow the law. Avoid the interview in your native country, just walk on in. Breaking the law does not matter.

If we pass this today and it passes the other body and becomes law, they will say, Uncle Sam is on our side. In the southwestern United States, there are some who take the position that, We did not cross the border, the border crossed us.

I want to preserve our borders as they are today. I do not want to go back to pre-1845. If we pass legislation like this, the southwestern United States could become like Quebec. We do not need separatist movements in this country, we need to stand for the United States of America as it is today.

I urge Members to defeat H.R. 1885.

Mr. SENSENBRENNER. Mr. Speaker, I yield 1½ minutes, the balance of my time, to the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, the one important feature of this legislation which I support and which makes it stand out from all of the other provisions is that which has to do with tightening up on those who have overstayed their visas. As we know, many of the terrorists who hit the World Trade Center and the Pentagon were people who were identified later as having overstayed their visas, so that by itself attracts me to support this piece of legislation.

But I have another reason why I may vote against this, even though I am one of the best friends that Mexico has and that the border control advocates have in this entire question; that is, I have a personal pique with the Government of Mexico.

Right after September 11, I think in October, when our economy was reeling with the adverse effects of those attacks, OPEC, and I am talking about OPEC, they decided to cut production of oil, meaning higher prices down the line for the American consumer. They did this in the face of an economy that was losing strength by the minute.

Now, I took heart when Mexico decided not to go along with OPEC, and I began to applaud our neighbor to the south. Then, all of a sudden, there was a change, and Mexico decided to join with OPEC against the United States in cutting oil production. The price rises that we see right now happening at the pump are a direct result of the OPEC-guided decision with which Mexico joined, and will bring about massive dislocation to our gas prices in the next few months.

This plays heavily with me in the final determination of this issue.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in reluctant but in absolute opposition to the legislation we debate here today. My friend, the gentleman from Colorado (Mr. TANCREDO), made the salient point, echoed by my colleague, the gentleman from Virginia (Mr. GOODE): Border security measures have been passed in previous legislation. The operative provision we are dealing with in this House at this time is amnesty.

There is a fundamental disconnection, and I welcome my friend, the gentleman from New York (Mr. NADLER) speaking of family values. Yes, everyone, regardless of political philosophy or partisan stripe, should champion family values. But then, should we also champion a disdain for the law? For here is what is transpiring today: This will reward illegal immigrants by granting them a benefit simply because they broke our laws and did not get caught, or more appropriately, the laws were not enforced.

Mr. Speaker, I believe there is still a tremendous opportunity to work with the Republic of Mexico, to work with President Fox, to set up a reasonable, rational, accountable means to see who travels back and forth across our southern border. I daresay the same should apply to our neighbors to the north in Canada.

But, Mr. Speaker, we are a nation at war. In the midst of this conflict, at this time, in this place, why would we seek to dilute the laws of this Nation with respect to sovereignty?

Mr. Speaker, lest the propagandists of the politically correct deliberately distort, let me make this clear: I welcome constructive dialogue. I welcome an opportunity for a full accounting of those who come here for economic opportunity. But I categorically reject the message this House will send today if we say, Forget about the law, come on in. You did not get caught. Congratulations.

That is what this legislation is about, and that is why I oppose it. At the very least, Mr. Speaker, the $1,000 payment from each individual who comes here, every bit of that $1,000 payment from all the individuals should go to try to strengthen our borders.

But Mr. Speaker, I would go further. Because we are a nation at war, this House and this government should seriously consider a moratorium on immigration until we put in place biometric devices so we know exactly who is coming into this country, whether from our southern border, our northern border, or via shipping containers, which we can only eyeball right now to the extent of 2 or 3 percent.

If nothing else, the American people understand we are a Nation at war, and we dare not send messages to terrorist states that somehow we will dilute our enforcement. No, the contrary is true: We need to enforce the laws, and we need to work productively with the Republic of Mexico and others.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would tell the gentleman, I am more worried about bombs in the containers than about immigrants in the containers.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California (Mr. FILNER), a great supporter of administration reform.

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the Chair for bringing us this bill. I speak in favor of the bill, and I want to talk to part of the bill that has not been fully vetted yet.

Mr. Speaker, I would say to the gentleman from Arizona (Mr. HAYWORTH), if he is interested in security at a time of war, let us remember that in this bill we have 1,000 extra INS inspectors authorized to help us secure the border, 200 INS inspectors and investigators each year added for the next 5 years.

□ 1500

I will tell my colleagues, I represent the biggest city on the southern border, San Diego. Soon I will represent the whole California border with Mexico. We are interested in securing at this time of war; but we are also interested in making sure our economy stays strong, and the gentleman from Arizona (Mr. HAYWORTH) ought to know, since his own State is also involved in this, that the legal crosser from Mexico, the shopper, the family member, the person going to school, the legal crosser, sustains our border economy to a great degree.

My communities in Calexico and Tecate and San Diego rely 90 percent on the legal crosser to keep our economy going. We can do both, Mr. Speaker. We can have the security that we need, and we can have the free movement that our economy also requires. That means we need more people and we need better technology to guard the borders.

That is what this bill is moving toward. We are moving toward more inspectors so we can make sure that we keep out illegal people, drugs and terrorists; but we also need for people not to have to wait 3, 4, 5, 8 hours at the border for a legal crosser to go to school legally, to shop legally, to see their family members legally. That is what the border communities are interested in. Yes, security; yes, protection. But let us have that binational culture that is so much a part of our southern border, not just cut off at this time of emergency.

We can do both, Mr. Speaker. We can keep the security. We can keep the flow for commerce that is necessary.

I support this bill.

Mr. TANCREDO. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. ROHRABACHER), who is certainly well known as an expert on this issue.

Mr. ROHRABACHER. Mr. Speaker, I rise in strong opposition to this legislation which would permit those people who are in this country illegally to thwart our laws and to become legal residents of our country, thus insulting all of the immigrants who have obeyed our laws and are standing in line throughout the world. The parliamentary shenanigans we are witnessing today to try to get this legislation through to extend amnesty to these illegal aliens is unworthy of this body, this representative body, and is bound to confuse our constituents.

What this is about is an amnesty for illegal immigrants. It is not about strengthening the border. It is about making the efforts that we have already taken to strengthen the border meaningless by granting amnesty to people who are in this country illegally.

The administration and Members of this body talk a good game about increasing our national security while here right now undermining this country's ability to find and deport terrorists who are among us.

If this vote today passes, we make the INS reforms already passed by this House meaningless. Why demand that aliens receive biometric ID cards, as we just heard about, or strengthen the border guards when illegal aliens will be able to pay $1,000 and forge some paperwork and become a citizen? What good does it do to perform a home country background check on an alien when we cannot perform a home country background check on an illegal alien?

I might remind this body that 245(i) only rewards illegal immigrants. It can talk about families being separated. I believe that if families are separated and someone is here illegally they should go home to their home country to be with their home family; but if they are here illegally, that is different than if they are here legally. We actually have in place now programs in the United States Government to help people who are here legally to be reunited with their family.

No, the only thing we are doing today is rewarding those people who have broken our laws and come here and overstayed their visas and are here illegally. We are rewarding them above the people who have been standing in line throughout the world, hoping to come to the United States by obeying our laws. If aliens are here illegally, they should return home to their own countries and go through the same process that we demand of people who are trying to immigrate legally here. They should have the background checks so that we can cut off the terrorists before they come here.

By allowing this to happen today, by saying if someone is here illegally that they can stay in our country and not have that home country check on them before they arrive here, we are bound to let terrorists through the network.

We are weakening our protection of our country. I stood on this floor in 1996 and again in 1997 and begged this body to consider our national security when rewarding illegal immigration. I can understand why people might have thought that I was reacting then; but in light of what has happened since September 11, we should never permit a weakening of the investigation and background checks of illegal immigrants into this country.

One last point is, by granting amnesty to these people who are in our country illegally, we are asking for another massive flow of illegal immigration into this country. It is wrong, it is wrong, it is wrong. We should vote against it.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) and all of my colleagues, and I want to thank the gentleman from Illinois (Mr. HASTERT) for putting this on the agenda and President Bush for having asked, as well, that it be put on the agenda.

The legislation is important, does a number of important things in the field of hiring and training government personnel and appropriations for improvement in technology and infrastructure, measures for access to and coordination of law enforcement and other information, implementation of an integrated entry and exit data system, machine readable tamper resistant entry and exit documents, a whole gamut of very important improvements in the area of immigration control.

Some of my very good friends, and I have the highest esteem and admiration for my colleagues on the floor today, but they have been seeking to make this legislation into something that it is not with regard to 245(i). Section 245(i) only benefits people who are eligible for lawful permanent residence in the United States. If they are eligible for lawful permanent residence in the United States, then they can utilize 245(i). In other words, they do not have to leave the country to become a lawful permanent resident of the United States. That is the issue with 245(i).

This is a temporary extension of that. It is a commonsense measure. Why is it supported by an overwhelming consensus of political viewpoints and the President of the United States? Because it is a commonsense measure. A constituent of mine recently told me that it should not be controversial, that it is a commonsense measure; and I have been calling it that ever since, Mr. Speaker.

So that is why I am confident that today the national consensus, obviously in our democracy as in all democracies we can never have unanimity, and I have great friends, great friends on the other side of this issue; but there is a national consensus on behalf of commonsense measures, like if someone is eligible for permanent residence they have to leave the country in order to get it. That is what we are discussing with regard to 245(i), Mr. Speaker; and this underlying legislation, as I said before, contains other very important measures that I hope and expect and certainly would urge my colleagues to support today.

Mr. TANCREDO. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. Mr. Speaker, I thank the gentleman from Colorado (Mr. TANCREDO) for yielding me the time; and notwithstanding some of the good features in this bill, I rise in opposition to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws, the so-called 245(i).

We are, on one hand, deporting some who have violated the term of their visas; and with the other hand, with this legislation, we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who have violated the law. Section 245(i) empowers visa holders to flout the law and game the system. They will know that the terms of their visa are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends a mistaken message to thousands of people who are following the legal immigration channels to the United States Government, and it sends a signal that the United States Government does not take its immigration laws seriously. This can only foster more illegal immigration by adding an incentive to stay in the U.S. illegally.

Under current law, those who overstay their visas are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years, and those who overstay for more than a year are barred from reentering the United States for 10 years. These penalties are not arbitrary. They are there to send a signal that we will enforce our visa laws.

This extension of 245(i) provisions sends the opposite signal. I want to also add, and this is an issue that concerns me about this legislation, and it relates to the way things have changed since September 11.

There were, as I understand it, 114,000 illegal immigrants from the Middle East according to the Census Bureau after the time of September 11. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated there are sleeper cells of terrorists already residing in the United States awaiting terrorist assignments.

I ask the question, will this bill allow some of those sleepers to slip through the cracks by paying $1,000 and readjusting their status? I believe we simply do not know. Despite the best intention of officials with the administration and the Immigration and Naturalization Service, I feel that the risk to the United States is too high and that we should not be relaxing our laws.

Finally, I would like to say that I object to the manner in which this subject is being considered today.

Mr. Speaker, I am opposed to H.R. 1885 due to the inclusion of provisions to extend amnesty to those who have broken our immigration laws—commonly referred to as an extension of 245(i). This provision is at conflict with everything we are trying to do to enhance our border security and ensure compliance with U.S. immigration laws. With one hand we are deporting some who have violated the terms of their visa and with the other hand we are rewarding those who have flaunted our laws.

We should be pursuing vigorous enforcement of our borders and increased diligence in scrutinizing individuals from foreign countries. This provision does not do that. The objective of our policy should be to control the flow of illegal immigrants and ensure our national security, not rewarding those who violate the law. The extension of 245(i) does not strengthen our immigration policy. Instead, it weakens it. 245(i) empowers visa holders to flout the law and "game" the system. They will know that the terms of their visa are irrelevant because they can pay a $1,000 fine to convert from illegal status to legal status.

It also sends the mistaken message to thousands of people who are following legal immigration channels that the U.S. Government does not take seriously our immigration laws. This will only foster increased illegal immigration by adding an incentive to stay in the United States illegally.

Under current law, those who overstay their visa are penalized. Overstaying by 180 days carries a penalty of being barred from reentering the United States for 3 years and those who overstay legal permission to be in the United States by a year or more are prohibited from reentering the country for 10 years. These penalties aren't arbitrary. They are designed to let visa holders know we are law-abiding nation. They are designed to compel nonimmigrants to respect the terms of their visa. A 10-year prohibition is supposed to signal how serious we are about enforcing our laws.

Law-abiding nonimmigrants understand this. They are waiting for their family members and loved ones to join them as soon as they are granted legal permission. But 245(i) gives unlawful nonimmigrants a leg-up from those that are patiently waiting for the system to work. I think we should give a higher priority for citizenship to those who have demonstrated their willingness to live by our laws. 245(i) does just the opposite.

In addition to my concerns about the duplicitous nature of extending 245(i), this bill poses a significant national security risk. This bill does not take into account how our world has changed since September 11, 2001. It makes no provision to exclude individuals who are here illegally from countries that sponsor or host terrorism.

Earlier this year the Census Bureau reported 114,000 illegal immigrants from the Middle East were present in the United States. The Justice Department recently detailed an effort to apprehend and interrogate more than 6,000 immigrants from countries identified as al Qaeda strongholds. Security officials have indicated that there are "sleeper cells" of terrorist already residing in the United States awaiting their terrorism assignments. Will this bill allow some of these sleepers to slip through the cracks and readjust their status? We simply do not know.

The threat to America still exists. We are still on heightened alert overseas and here at home. Let us not be naive in our diplomatic efforts which may have the unintended consequence of threatening all of the good work that has been accomplished regarding homeland security.

I also object to the manner in which this subject is being considered today. As a Member of Congress, I would like the opportunity to amend this bill to have a straight up or down vote on whether or not we should extend 245(i). My guess is that if we had a straight up or down vote on this matter today, caution would prevail and the extension of amnesty for illegal immigrants would fail.

We should at least be permitted to vote to restrict granting amnesty to those that may pose a security risk.

I have introduced, H.R. 3286, which would place a temporary moratorium on all immigration from 13 countries known to house and train terrorists until the Attorney General certifies that the technological and security enhancing measures Congress has approved have been fully implemented. This is prudent policy because it takes into account the real terrorism threat from countries like Afghanistan, Algeria, Syria, Lybia, and the United Arab Emirates as we work to improve our immigration system.

The bill before us today simply asks Congress to "rubber stamp" amnesty for illegal immigrants across the board. As I represent my constituents, I cannot in good conscience go along with this. It is for these reasons that I plan on voting against this bill and I encourage my colleagues who are concerned about our national security to vote against this bill as well.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for bringing a final version of this important enhanced border security bill to the floor today.

This bill contains many important provisions that will increase the funding and training for those charged with securing our borders. It will upgrade technology and produce counterfeit-proof visa documents. It is a good step toward more effective enforcement; and to answer the gentleman's question who just spoke a moment ago, the extension of 245(i) is not going to allow people who are in sleeper cells to stay. The enforcement is going to be much better effected in the course we have proposed in this bill today.

I want to address two particular criticisms of the temporary extension of section 245(i) contained in the bill today which are simply false. Opponents have attempted to characterize this provision as amnesty for millions of illegal aliens and, secondly, a threat to our national security. Neither allegation can be further from the truth.

This is not amnesty. Section 245(i) benefits a limited pool of people that the Immigration and Naturalization Service has already determined should be able to become permanent legal residents based on their family or employment relationships. The issue is not whether these immigrants are eligible or not. The issue is not when they could become United States permanent residents, but rather, where they may apply to become permanent U.S. residents.

Section 245(i) could be used only by certain prospective lawful permanent residents under close and careful scrutiny of Federal authorities. People using section 245(i) are required to be otherwise eligible to become permanent residents. The eligibility requirements for those applying under section 245(i) are identical to the screening process for those applying abroad.

This is no threat to national security. Not a single one of the September 11 attackers was eligible for adjustment under 245(i), but some were issued valid documents by our overworked U.S. consulates overseas rather than being screened here in the United States by the Immigration and Naturalization Service, which has the technology and the resources to do that screening.

Mr. Speaker, seeing my time is about to expire, let me urge my colleagues to support this bill. I think it is a good bill and it advances our interests.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from Colorado (Mr. TANCREDO) has 4½ minutes. The gentleman from New York (Mr. NADLER) has 1 minute remaining and the right to close.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

If somebody stood on this floor and experienced that old deja vu thing, when we talk about deja vu, I think we have seen this before, we have, in fact. It is called the Enhanced Border Security and Visa Entry Reform Act, but we passed it. So please do not be confused by the rhetoric on the floor here that it is centered on that part of the bill.

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It is a good part of the bill. I support that part of the bill. But there is no reason to support it again because, guess what, we passed it. It is done. It is over there.

What we have here is the same wording, they drug that back up, and stuck amnesty onto it so as to essentially, I would guess, well, I do not know, and I will not judge the motive, but I will simply say that it is somewhat confusing for Members when they think that they might be coming up here to vote on enhanced border security and, in fact, of course, they have already done it.

In terms of whether or not we can rely upon the INS to accurately and conscientiously do the background work to determine whether or not the people who are making application are in fact legitimate in their request, let me just bring to the attention of my colleagues the most recent in a series of incredible, scathing reports about the INS. This one happens to be February 15. A GAO report finds pervasive and serious problems with immigration benefit fraud. In just one part here, a 90 percent fraud rate was found in the review of a targeted group of 5,000 petitions. These are the same kinds of things we are talking about here.

A 90 percent fraud rate. A follow-up analysis of about 1,500 petitions found only one was not fraudulent. One. And we are turning this task, the task of determining who is going to be able to come into the country, whether or not they have been truthful in the information they have brought to the INS, we are entrusting this entity with that challenge.

It is unfortunate, but true, that in the past when we did this, when we had another amnesty, admittedly broader in scope, but nonetheless an amnesty program in 1986, and one of the individuals who ended up as a perpetrator in the original bombings of the Federal building in New York, the office tower in New York, was someone who slipped through the cracks of that particular amnesty. He had been given amnesty on an agricultural visa because, of course, he lied and nobody checked, and nobody cared.

And it is not that much different today. It is astounding to me that we are on this floor debating this possibility of amnesty and turning it over to the INS to have them determine whether or not this is a legal applicant or a legitimate applicant. They have not the foggiest idea.

I assure my colleagues that when this passes, if this passes, and passes the other body, there will be a flood of applications. There will be literally millions. I would venture to guess that there will be millions of applications filed, and then the INS will have the responsibility of opening up the box at some period of time and going, "Gee whiz, what are we going to do with this?" I know exactly what they will do. They will get out this big stamp that says "Approved" and stamp it and dump it over here, because that is what they have done in the past.

To suggest there is some degree of true conscientiousness in this process with the INS is ludicrous. We know that is not true. Every single member of this Committee on the Judiciary knows that it is not true. If anybody saw "60 Minutes" the night before last knows that even "60 Minutes" is aware of how incompetent this agency is. And this is the entity to whom we are going to entrust the responsibility for this Nation's safety.

Regardless of who we think these people might be, no matter how pleasantly we paint the picture of who they are, just waiting to stay, the fact is, they are here illegally, or else, of course, we would not need to pass a law. They broke a law when they came into the country. There are all kinds of people trying to do it the right way. And to them we say, "Hey, you know what, you really are stupid. You are really a big sucker. Why not do it this other way? Why not sneak in? Why not put pressure on the political establishment?" Because, believe me, in a while we will cave in and we will have another amnesty, and another one and another one.

I encourage my colleagues not to be confused about this other language about visa reform. It has nothing to do with this bill. We have already passed it. We are dealing with amnesty here. Defeat it.

Mr. NADLER. Mr. Speaker, I yield myself the balance of my time.

A lot of references have been made to 9-11 in this debate today. 9-11 occurred in my district. I would remind people that the people who committed that dastardly act were in this country legally. So this bill has nothing to do with them, nothing to do with them.

Also, the gentleman from Colorado (Mr. TANCREDO) says the people we are talking about, under section 245(i), came into this country illegally. No, they did not. They came in legally under a tourist visa or a student visa or a work visa, and they met all the requirements over the years to get a green card and a permanent residence. But the bureaucracy of the INS frustrated them by delaying approval of that green card, and completion of the bureaucratic work passed the expiration of their visa. For that reason, under current law, they have to leave the country.

They may have to leave their family. Perhaps they married while in America and perhaps they have children who are American citizens. They have to leave their country, go abroad, perhaps for years, reapply, and then wait for the INS bureaucracy to finish what they should have finished beforehand.

That is cruel. That is separating families from American citizens. That is unnecessary. That is all we are talking about here. All talk about amnesty and terrorism is nonsense and irrelevant to this bill, and so I urge the passage of this bill.

Ms. SCHAKOWSKY. Mr. Speaker, I rise in support of the Enhanced Border Security and Visa Entry Reform Act. This is important legislation that builds up our security against future terrorist attacks. I am, however, disappointed in the scope of the 245(i) extension included in this bill. I believe this 245(i) extension is insufficient in time and stingy in scope.

The White House has continually stated support for an extension of 245(i) for 6 to 12 months. This new proposal of a limited 4-month extension with restrictions is not consistent with the spirit of President Bush's letter where he advocated for policies that strengthen families and recognized that there was not enough time with the previous four-month extension.

In December 2000, when Congress passed a 245(i) extension that expired April 30, 2001, it took the INS over 3 months to issue the new regulation, causing great panic and confusion among immigrants and creating an opportunity for unscrupulous and fraudulent immigration "advisors." While this new provision will help some individuals and families, it will need new regulations and there will be delays and chaos similar to what happened last time.

A 245(i) provision helps people in this country who otherwise qualify for legal permanent residency. It is not an amnesty, but rather a way for people with deep roots in this country to reunite their families and work their way towards citizenship and full participation in their adopted country. A meaningful extension must go beyond 4 months and should not impose new arbitrary requirements.

At this time, I support this proposal because it is a step in the right direction, but I urge my colleagues to continue discussions and continue to work to pass and implement a comprehensive solution for families that are separated from their loved ones.

Mr. SERRANO. Mr. Speaker, I rise in support of H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act of 2002, that is before the House today. This bill will extend section 245(i) of the Immigration and Naturalization Act to certain immigrants as well as incorporate the provisions of H.R. 3525 which would help us in our fight against terrorism by generally strengthening border security. I voted for both of these bills in the past and continue to support their goals as represented in today's bill.

I support today's bill because it recognizes, at least on a limited level, the needs of certain immigrants who have strong ties here, have families here, have jobs and pay taxes here. This bill is also important because it recognizes that we must protect ourselves against further terrorist threats.

However, though on 245(i) this is a step forward, we must recognize that is only a small step. As I have said before and will say again, the 245(i) debate is not over. While this bill extends 245(i) to immigrants who were physically in the United States on December 21, 2000, and have established family or work ties on or before August 15, 2001, that is not enough. We must work for permanent reinstatement of 245(i). This bill today will move us in the right direction, but we need to work on a permanent solution. To stop the debate at this point would prevent us from securing a more meaningful extension of the provision for individuals with established lives, who work hard and contribute to our society.

Without supporting a permanent extension of 245(i), the Republican leadership in the House fails to adequately recognize the importance of reuniting immigrant families and the important role that these individuals and their families play in promoting our country's prosperity. It is long overdue and we must continue to push for permanent extension of 245(i).

Mrs. ROUKEMA. Mr. Speaker, I rise in strong opposition to H.R. 1885 and its provision to extend section 245(i) of the Immigration and Naturalization Act.

I support the foundation of H.R. 1885. It is designed to reform and enhance border security and visa screening procedures. As we mark the six-month anniversary of the attack on America, we need to take these important steps to bolster homeland security and protect our citizens and institutions.

That's why I am outraged that this Administration and this Congressional Leadership would support inserting the section 245(i) extension into this bill. In my opinion, the two major provisions of H.R. 1885 work at dangerous cross-purposes. While the border security and visa screening reforms will enhance homeland security, the 245(i) extension will actually jeopardize homeland security by subjecting illegal aliens to a just cursory domestic police record check before allowing them permanent legal residence here. The extension also rewards individuals who have already violated our U.S. law.

This extension is wrong, dangerously wrong, for important reasons:

It allows hundreds of thousands of illegal aliens to stay permanently without going through face-to-face interviews in our embassies abroad, conducted in their native languages.

It entices millions more foreign nationals to enter the country without screening in hopes that they, too, will be rewarded for their lawbreaking.

It increases permanent U.S. population growth by creating a new tidal wave of amnesty for hundreds of thousands of illegal immigrants and the enticement for millions more to move to the U.S.

Finally, I am deeply concerned that section 245(i) places the responsibility for background checks with the INS, an agency that has been justifiably criticized for its lack of effectiveness—ineptitude that has been highlighted since 9-11.

Consular officers in embassies overseas, not the INS, should have the responsibility to conduct background checks. They are the ones with the expertise in the language and procedures of the countries in which they are stationed, as well as longstanding relationships with police officials in the home country.

Consular officials are the ones who develop hands-on knowledge of local customs, including criminal enterprises and terror groups. That's precisely why they are stationed in-country. They are more prepared and better positioned than INS officials here in the United States to screen potential immigrants effectively.

Mr. Speaker, we are a country of laws. One of the shining principles of our democracy is equal justice under the law. In this context, we cannot choose which laws we will obey and which ones we will ignore.

Extension of 245(i) will send the message around the globe that the United States tolerates and, indeed, encourages individuals to break our immigration laws. By effectively rewarding individuals who either entered the country illegally or overstayed their legal welcome, we are harming thousands of immigrants who played by the rules every year. They followed our procedures. They waited patiently in their home countries for entry visas. Today's debate tells them they were naïve and stupid to wait.

Frankly, I am shocked and appalled that this debate is taking place. Just yesterday, this nation paused to mark the six-month anniversary of the attack on America. Many of my colleagues attended solemn ceremonies in New York, at the Pentagon, at the White House and in Pennsylvania.

And how does this House mark the anniversary? By debating a bill that promotes illegal behavior in our immigration policy and, in the process, leaves our nation vulnerable to potential terror attack.

If September 11th taught us anything, it taught us that no threat to American security can be taken lightly any longer. The Administration, the Congress, the courts, the states, law enforcement, the American people must work together to ensure our national safety. Passage of this extension has the potential to increase the threat to that safety by allowing criminals, ranging from drug pushers to thieves to murderers to suicide bombers, to remain in America legally.

Ms. JACKSON-LEE of Texas. Mr. Speaker, the bill on the floor today is an amended version of H.R. 1885, which is a bill to extend section 245(i) of the Immigration and Nationality Act.

Section 245(i) of the Immigration and Nationality Act permits certain undocumented immigrants in the U.S. to adjust their status and become lawful permanent residents.

More specifically, section 245(i) allows persons—who qualify for an immigrant visa by having a close relative or employer petition filed on their behalf, but entered without inspection or otherwise violated their status and thus are ineligible to apply for adjustment of status in the United States—to apply if they pay a $1,000 penalty.

Not only must an undocumented immigrant be eligible for an immigrant visa and have a visa immediately available to him or her in order to make use of section 245(i), but the person can also not be barred by some other provision of the Immigration and Nationality Act.

Without section 245(i), most undocumented immigrants who are otherwise eligible for an immigrant visa would be required to leave the United States in order to adjust their status. This would subject them to the long bars to their admissibility. Furthermore, it is important to note that section 245(i) does not protect an undocumented immigrant from deportation if the alien is encountered by authorities prior to his or her visa becoming available; section 245(i) is simply a device that an immigrant can use at the time of his or her adjustment to avoid having to go back to his or her home country to pick up his or her visa.

Section 245(i) was first enacted in 1994 for a three year period. It was reauthorized in 1996, and again in 1997. The reauthorization in 1997 required that only those who had filed applications or petitions for an immigrant visa by January 1998 could make use of it. The 106th Congress extended the filing deadline to April 30, 2001, requiring at that time that applicants be in the United States prior to December 21, 2000.

However, after Congress extended the filing deadline to April 30, 2001, the regulations for section 245(i) were only introduced on March 26, 2001—giving people a month to find out about the law as well as take action and file petitions or applications before the April 30, 2001 filing deadline.

In addition to the short amount of time in which people had access to the regulations, massive misinformation about section 245(i) had been spread—starting out with a widespread belief that 245(i) was a general amnesty, which it was not.

As was estimated, thousands of people who were expected to benefit did not have enough time to file the proper petition or application.

Many of those who waited in lines at INS offices nationwide never made it to the front of the line. And many people were turned away because they were not prepared to file the correct application or petition, because of a lack of accurate information. Others tried to seek legal counsel in time but were unsuccessful due to attorneys having been booked for appointments due to the flood of people seeking help.

The Senate amended H.R. 1885 in an attempt to address the unfair situation caused by the regulations being published so close to the April 30, 2001.

The amended H.R. 1885, extends section 245(i) of the Immigration and Nationality Act until November 30, 2002, or 120 days after the promulgation of final or interim final regulations implementing the bill, whichever occurs earlier. It requires, as well, that the relationship giving rise to the petitions (i.e., marriage) be entered into by August 15, 2001. So the familial relationship must have existed by August 15, 2001, or the application for labor certification that is the basis of such petition for classification was filed before August 15, 2001.

Although I recognize the importance of the compromise legislation and the fact that it will benefit many people, the House is about to pass a section 245(i) extension that is not the measure that we hoped for these past months. In addition, the bill also includes a damaging provision that extends the filing deadline for employment-based applications only for people who have filed a labor certification by August 15, 2001. This already expired filing date puts people in the untenable position of having waited for an extension of section 245(i), only to find that it is too late if they have not already filed the underlying qualifying application. Now we find that people seeking to benefit from the extension must have filed their labor certification applications before August 15, 2001.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong opposition to specific portions of H.R. 1885, the 245(i) Extension Act. As you know, a House amendment to H.R. 1885 added the text of H.R. 3525, the Enhanced Border Security and Visa Entry Reform Act, that the House passed by voice vote on December 19, 2001.

While this Member strongly supports the provisions of H.R. 3525 that would include establishing a government-wide electronic data base on persons with terrorist ties, installing a new high-tech visa system to reduce fraud and counterfeiting, increasing the number of full-time Immigration and Naturalization Service (INS) employees and requiring a system to electronically track all foreign visa students in the United States; this Member, however, remains strongly opposed to the original provisions of H.R. 1885 regarding the extension of section 245(i).

This Member's opposition relates to the provisions whereby section 245(i) allows illegal aliens to buy legal permanent residence for $1,000. Ironically, on September 11, 2001, the House was scheduled to debate H.R. 1885 on the Floor. Of course, all House action for that day was pre-empted by the horrific and unspeakable terrorists act committed, in part, by illegal aliens. In light of those events, this Member remains amazed that some of his colleagues continue to seek a policy which permits paying for citizenship by persons who entered this country illegally; that simply is not in the best interest or principles of the United States or in U.S. national security interests.

Although the current legal immigration structure is by no means perfect, it does provide for crucial health screening and criminal record background checks which determine if potential immigrants will place the well-being and security of American citizens and legal immigrants in danger. To make such determinations is not only the right of the United States as a sovereign country it should be among our foremost responsibilities, especially in light of the September 11th terrorist attacks.

Mr. Speaker, section 245(i) ultimately rewards those people who have thwarted the legal immigration structure by entering the country illegally or by allowing their legal status to lapse. Simultaneously, the policy penalizes potential immigrants who have patiently waited many years, completed many forms, and undergone appropriate screenings for the privileged opportunity to be reunited with family members and to work in the United States. The amendments by the other body only worsened the bill by extending the time illegal aliens have to apply.

Mr. Speaker, section 245(i) was a bad policy when it was first enacted in 1994. It most assuredly was not worthy of being re-instated during the previous 106th Congress, and it should not be further extended. Furthermore, since H.R. 3525 has already passed the House, a "no" vote on H.R. 1885 would not impede the progress of those important border security and visa entry reform provisions. Extending section 245(i) is certainly a grave mistake that we should not make at this critical juncture in our country's war on terrorism.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for H.R. 1885, the Enhanced Border Security and Visa Entry Reform Act.

Section 245(i) is a vital provision of U.S. immigration law, allowing eligible immigrants on the cusp of becoming permanent residents to apply for their green cards in the U.S., rather than returning to their home countries to apply. Section 245(i) is available to immigrants residing in the U.S. who are sponsored by close family members, or by employers who cannot find necessary U.S. workers, and on whose behalf petitions were submitted prior to April 1, 2001.

People who apply under section 245(i) are screened for criminal offenses, health problems, the potential of becoming a public charge, fraud, misrepresentation, and other grounds of inadmissibility. Each applicant will pay a $1,000 processing fee, thereby generating revenue for the Immigration and Naturalization Service—at no cost to taxpayers.

The issue is not whether these individuals are eligible to become permanent residents—because they already are, but rather the issue is the location from which they are eligible to apply.

Restoring 245(i) is pro-family, pro-business, and fiscally prudent. These individuals have jobs, pay taxes, contribute to the economy, and pay into Social Security. Section 245(i) allows business to retain valuable employees, provides INS with millions of dollars in annual revenue, and allows immigrants to remain with their families while applying for legal permanent residence.

Under H.R. 1885, any immigrant petitions filed before either April 30, 2002, or four months after regulations are issued, would form the basis of section 245(i) eligibility. However, those who file after April 30, 2001 must demonstrate that the "familial relationship" existed before August 15, 2001, or that the application for labor certification (which is the basis of such petition for classification) was filed before August 15, 2001. Thus, family relationships must have existed before August 15, 2001. For employment-based labor certifications, the labor certification application must have been filed by August 15, 2001.

Mr. Speaker, I urge all of my colleagues to support this common sense legislation to provide hard working individuals who are on the brink of becoming permanent residents the opportunity to apply for their residency here in the U.S.

Ms. SOLIS. Mr. Speaker, I rise to express my disappointment that H.R. 1885 does not include a permanent extension of the section 245(i) program, or at the very least a one-year extension. I am also very concerned that this measure imposes unfortunate new eligibility restrictions that will greatly limit the pool of potential beneficiaries.

Each day without a permanent extension of this program, Americans with immigrant spouses or children face separation from their families. Statistics from the INS show that approximately seventy-five percent of the immigrants who apply for 245(i) relief are the spouses and children of United States citizens and permanent residents.

Extending 245(i) permanently is common sense. It is pro-family, pro-business, and fiscally prudent. It strengthens families by keeping them united; it allows businesses to retain valuable employees; and it provides the INS with millions in annual revenue, at no cost to United States taxpayers.

H.R. 1885 does not do enough to help immigrants in need. While I will support it because it is a good starting point, I urge Congress and the Administration to work together in the future to implement either a one-year or permanent extension of 245(i).

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, House Resolution 365.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2002

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 364) providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499.

The Clerk read as follows:

H. RES. 364

Resolved, That upon the adoption of this resolution, the House shall be considered to have taken from the Speaker's table the bill H.R. 1499 and amendments of the Senate thereto, and to have (1) concurred in the amendment of the Senate to the title, and (2) concurred in the amendment of the Senate to the text with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Improvement Act of 2002".

SEC. 2. PUBLIC SCHOOL PROGRAM.

Section 3(c)(2) of the District of Columbia College Access Act of 1999 (sec. 38–2702(c)(2), D.C. Official Code) is amended by striking subparagraphs (A) through (C) and inserting the following:

"(A)(i) in the case of an individual who begins an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

"(ii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or

"(iii) in the case of any other individual and an individual re-enrolling after more than a 3-year break in the individual's post-secondary education, has been domiciled in the District of Columbia for at least 5 consecutive years at the date of application;

"(B)(i) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

"(ii) in the case of an individual who did not graduate from a secondary school or receive a recognized equivalent of a secondary school diploma, is accepted for enrollment as a freshman at an eligible institution on or after January 1, 2002; or

"(iii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002;

"(C) meets the citizenship and immigration status requirements described in section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5));".

SEC. 3. PRIVATE SCHOOL PROGRAM.

Section 5(c)(1)(B) of the District of Columbia College Access Act of 1999 (sec. 38–2704(c)(1)(B), D.C. Official Code) is amended by striking "the main campus of which is located in the State of Maryland or the Commonwealth of Virginia".

SEC. 4. GENERAL REQUIREMENTS.

Section 6 of the District of Columbia College Access Act of 1999 (sec. 38–2705, D.C. Official Code) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Mayor of the District of Columbia may not use more than 7 percent of the total amount of Federal funds appropriated for the program, retroactive to the date of enactment of this Act (the District of Columbia College Access Act of 1999), for the administrative expenses of the program.

"(2) DEFINITION.—In this subsection, the term 'administrative expenses' means any expenses that are not directly used to pay the cost of tuition and fees for eligible students to attend eligible institutions.";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g);

(3) by inserting after subsection (d) the following:

"(e) LOCAL FUNDS.—It is the sense of Congress that the District of Columbia may appropriate such local funds as necessary for the programs under sections 3 and 5."; and

(4) by adding at the end the following:

"(h) DEDICATED ACCOUNT FOR PROGRAMS.—

"(1) ESTABLISHMENT.—The District of Columbia government shall establish a dedicated account for the programs under sections 3 and 5 consisting of the following amounts:

"(A) The Federal funds appropriated to carry out such programs under this Act or any other Act.

"(B) Any District of Columbia funds appropriated by the District of Columbia to carry out such programs.

"(C) Any unobligated balances in amounts made available for such programs in previous fiscal years.

"(D) Interest earned on balances of the dedicated account.

"(2) USE OF FUNDS.—Amounts in the dedicated account shall be used solely to carry out the programs under sections 3 and 5.".

SEC. 5. CONTINUATION OF CURRENT AGGREGATE LEVEL OF AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The District of Columbia College Access Act of 1999 (sec. 38–2701 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"SEC. 7. LIMIT ON AGGREGATE AMOUNT OF FEDERAL FUNDS FOR PUBLIC SCHOOL AND PRIVATE SCHOOL PROGRAMS.

"The aggregate amount authorized to be appropriated to the District of Columbia for the programs under sections 3 and 5 for any fiscal year may not exceed—

"(1) $17,000,000, in the case of the aggregate amount for fiscal year 2003;

"(2) $17,000,000, in the case of the aggregate amount for fiscal year 2004; or

"(3) $17,000,000, in the case of the aggregate amount for fiscal year 2005.".

(b) CONFORMING AMENDMENTS.—

(1) PUBLIC SCHOOL PROGRAM.—Section 3(i) of such Act (sec. 38–2702(i), D.C. Official Code) is amended by striking "and such sums" and inserting "and (subject to section 7) such sums".

(2) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking "and such sums" and inserting "and (subject to section 7) such sums".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the legislation now under consideration, House Resolution 364.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge all Members to support House Resolution 364, which incorporates amendments by the Senate and by the House to H.R. 1499.

First, I would like to thank and recognize the gentlewoman from the District of Columbia (Ms. NORTON), the sponsor of the bill, for her deep interest in education for those who are domiciled in the District of Columbia and for her genuine interest in making our Nation's Capital a place of which all our citizens can be proud and one where visitors from all other countries visit enthusiastically.

I also want to express my appreciation to the gentleman from Virginia (Mr. DAVIS), my predecessor as Chair of the Subcommittee on the District of Columbia, an original cosponsor of the measure, who was responsible in guiding the original legislation into law in 1999.

Additionally, I want to recognize the support given by the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), as the House passed the legislation in July of 2001 and for his support of the amended version. My appreciation also goes to the majority leader, the gentleman from Texas (Mr. ARMEY), for guidance in bringing H.R. 1499, as amended by the Senate and the House, back to the floor.

I also extend my gratitude to the gentleman from Oklahoma (Mr. WATTS) and other members of the Republican leadership who assisted in crafting an amended bill that is acceptable to both sides of the aisle and both Houses.

The original act provides District of Columbia residents with in-state tuition at public colleges and universities throughout the country. Students are permitted a maximum of $10,000 per year and a lifetime amount of $50,000 per student. This resolution, as originally introduced on April 4, 2001, by the gentlewoman from District of Columbia, and cosponsored by the gentleman from Virginia (Mr. DAVIS) and myself, expands this benefit to include District of Columbia residents who graduated from high school or received the equivalent of a high school degree before 1998, as well as individuals who begin their postsecondary education more than 3 years after they graduated from high school. The legislation prohibits foreign nationals from participating in the tuition program.

The Senate amended H.R. 1499 under unanimous consent and sent it back to the House on December 13, 2001. The amendment included, inter alia, the expansion of the list of eligible private institutions where D.C. residents could attend by receiving $2,500 annual stipend, capped at $12,000 per student, to include historically black colleges and universities nationwide. The original act included only the historically black colleges and universities that were located in Maryland and Virginia.

The House amendment includes some technical amendments. It also retains the Senate provision of including all the HBCUs nationwide and also requires the District government to establish a dedicated account for the program. The House amendment endorses the Senate amendment, expressing the sense of Congress that local funds may be appropriated by the District of Columbia to help with financing the tuition program.

The House amendment adds language that authorizes no more than $17 million in Federal funds for each of the following years: 2003, 2004, and 2005. This amount is the same as the current funding level.

Mr. Speaker, I urge our colleagues to support this lifetime legislation. This gift of education is a gift that does last a lifetime. What we are doing today is letting more District of Columbia residents receive that gift. The legislation opens a window of opportunity for countless numbers of District of Columbia residents, and it is another contribution to the growing vitality of the Nation's Capital.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H. Res. 364, the College Access Improvement Act, as amended by the Senate and as further amended by the bill we offer in the House today. H. Res. 364 would allow more D.C. residents to receive the valuable benefits of the College Access Act passed by Congress in 1999.

I want to thank the Chair of the Subcommittee on the District of Columbia, the gentlewoman from Maryland (Mrs. MORELLA), and the past Chair of the subcommittee, the gentleman from Virginia (Mr. DAVIS), who are original cosponsors of this bill; the gentlewoman from Maryland for her consistent work and strong support of the House version, and the gentleman from Virginia, who, with me, sponsored and worked diligently for passage of the original College Access Act.

The Senate amendments before us today are the result of collegial negotiations to produce a consensus bill with our Senate sponsors, particularly the ranking member of the Senate Subcommittee on the District of Columbia, GEORGE VOINOVICH, the chief sponsor of the Senate bill, with the strong support of Senator JOE LIEBERMAN, Chairman of the Senate Government Affairs Committee, and Ranking Member Senator FRED THOMPSON, and chairman of the Senate Subcommittee on the District of Columbia, DICK DURBIN.

I appreciate the willingness of the House leadership, particularly the majority leader, the gentleman from Texas (Mr. ARMEY), along with conference chair, the gentleman from Oklahoma (Mr. J.C. WATTS), as well as the chairman of the Committee on Government Reform, the gentleman from Indiana (Mr. BURTON), and the ranking member, the gentleman from California (Mr. WAXMAN), to work with us on the amended version of the bill before us today which ensures that the College Access Act, as amended by H.

Res. 364, does not exceed its annual appropriation.

We are pleased and appreciative that the College Access Act, including the amendments made by H. Res. 364, have been fully funded by President Bush in his 2003 budget. H. Res. 364, as amended, has the enthusiastic support of Mayor Williams, the Council of the District of Columbia, and especially of D.C. residents.

I want once again to thank Congress for its strong support of the District of Columbia College Access Act of 1999, and to indicate that the benefits to education Congress sought are being realized. The act is now responsible for nearly 2,500 D.C. students who are attending public colleges and universities nationwide at in-state rates, or receiving a $2,500 stipend to attend private colleges and universities in the District of Columbia and the region.

□ 1530

It is impossible to overestimate the value and importance of the act to the District which has only an open admissions university and no State university system. A college degree is critical in the District of Columbia because ours is a white collar and technology city and region with few factories and other opportunities for jobs that provide good wages without a college education. The College Access Act provides opportunities for D.C. residents to afford a college education here, in the region and around the country that would be routinely available throughout the Nation with the exception of the District. Now D.C. residents have choices for college education similar to those available to Americans in the 50 States. In no small part because of the success of the College Access Act, the high school class in the District of Columbia of 2001 had 64 percent college attendance compared with the national average of 43 percent.

H. Res. 364 will expand the original College Access Act of 1999 in several significant ways. The bill allows D.C. residents to receive a $2,500 stipend to attend any historically black college and university in the country rather than only in the region as in the original act. Over 600 D.C. residents are expected to take advantage of this important provision in the first year after enactment.

Second, students who are somewhat older because they graduated prior to 1998 were not included in the original College Access Act because of the Senate's fear that funding would be insufficient. Actually, funding was sufficient; and I appreciate that we have been able to get agreement with the Senate to expand tuition benefits to at least two groups of older students. The first group is D.C. residents currently enrolled in college, regardless of when these students graduated and regardless of the amount of time it took those students to enroll in college. This change will enable approximately 1,000 students previously denied in-state tuition, including many older students, to qualify this year.

A second group of older students will benefit as a result of language that removes a requirement that a student enroll in college no longer than 3 years after high school graduation. The Senate has agreed to remove the 3-year constraint prospectively. Consequently, the first group of students who took longer than 3 years to enroll in college can take advantage of the College Access Act benefits this year. There are many such students in the District because many cannot afford to go to college right out of high school, and more and more older students are expected to receive tuition assistance in the years to come.

Also included in both the Senate and the House bill is an amendment that closes a loophole that allowed foreign nationals who live in the District to benefit, a result never intended by the sponsors or by either House.

These amendments to the College Access Act will allow thousands of additional D.C. residents who were not included in the original act to receive tuition assistance. Although the Senate did not include all the changes I sought, the agreement on the addition of HBCUs nationwide is especially welcome. This bill deserves our support because it brings higher-education opportunities for the District's young people much closer to those regularly enjoyed routinely in the districts of other Members of Congress. I thank Members for the support they have given the College Access Act and ask for their support for its expansion.

Mr. Speaker, I yield back the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

This is a bill that is very important. It took a lot of time and a lot of attention. Some great staff have been involved in doing it. I mentioned the gentlewoman from the District of Columbia (Ms. NORTON) for her splendid cooperation and splendid work on this bill. It is very important to our workforce that we have opportunities for college education. I ask this body to very strongly support House Resolution 364.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of H. Res. 364, providing for the concurrence of the House with amendment in the Senate amendments to the bill, H.R. 1499, the District of Columbia College Access Act Technical Corrections Act of 2002.

In 1999, I introduced the District of Columbia College Access Act of 1999, with Delegate ELEANOR HOLMES NORTON, which created the D.C. Tuition Assistance Grant Program. This program allows recent high school graduates in D.C. to pay in-state tuition rates of up to $10,000 annually at public colleges and universities nationwide. Eligible D.C. residents attending private institutions in D.C., Maryland, or Virginia, or Historically Black Colleges and Universities in Maryland and Virginia may receive grants of $2,500 annually.

It was always my intention that this program would have a broader application. However, financial considerations restricted the scope of the program. Therefore, I am pleased to be an original cosponsor of H.R. 1499. It will open the eligibility requirements to those individuals who graduated from secondary school prior to 1998 and also to individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school. Additionally, this bill will permit the grants to be applied to tuition expenses at Historically Black Colleges and Universities nationwide.

The popularity of this program among students and parents has risen steadily since its inception. The program has proven to be a successful incentive to retain and attract D.C. residents. Now, H.R. 1499 ensures that a greater number of D.C. residents are eligible to receive tuition assistance and broaden their educational opportunities at the undergraduate level.

I would like to thank my colleagues in the House and Senate for their work on this bill. We have successfully worked together on this legislation to authorize $17 million for the Tuition Assistance Grant Program each year through FY 2005.

The expansion of the Tuition Assistance Grant Program will increase the educational opportunities available to D.C. residents. I strongly urge my colleagues to join me in supporting H. Res. 364.

Mr. WATTS of Oklahoma. Mr. Speaker, I rise to support the District of Columbia College Access Improvement Act of 2001. Historically black colleges and universities, or HBCUs as they're known, are important institutions of higher learning in America. This bill recognizes their significance by opening up tuition assistance under the D.C. College Access Act to be used for HBCUs nationwide—not just those in the immediate area.

Under current law, a resident of the District of Columbia may receive $2,500 per year for tuition at private HBCUs in D.C., Virginia or Maryland. Well, for one thing, there aren't any private HBCUs in Maryland. And the other options can be pretty expensive for a student who will not be receiving other financial help. This bill expands the options for students and broadens the possibilities for residents of the District of Columbia.

HBCUs have received a higher level of awareness thanks to the bi-partisan leadership of many in Congress and the White House. This legislation is yet another step toward raising the role HBCUs serve in the field of higher education.

I thank the sponsors of the bill before the House today and urge my colleagues to support the D.C. College Access Improvement Act.

Mrs. MORELLA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 364.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CELEBRATING 100TH ANNIVERSARY OF BUREAU OF THE CENSUS

Mr. LATOURETTE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 339) expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

The Clerk read as follows:

H. CON. RES. 339

Whereas this Nation's Founding Fathers mandated that a census be conducted once every 10 years, and the decennial census remains the only constitutionally mandated data collection activity today;

Whereas the Congress established a permanent "Census Office" in the Department of the Interior on March 6, 1902, and, in 1903, transferred that office to what was then the newly established Department of Commerce and Labor (within which, with more than 700 employees, it comprised the largest of that department's new bureaus);

Whereas Federal, State, and local governments use data collected by the Bureau of the Census in the distribution of funds and in the formulation of public policy in such areas as education, health and veterans' services, nutrition, crime prevention, and economic development, among others;

Whereas the Bureau of the Census supplies statistical data to the Bureau of Labor Statistics, the Bureau of Economic Analysis, the Board of Governors of the Federal Reserve System, and other Government agencies charged with measuring and reporting on the health of the Nation's economy;

Whereas the Bureau of the Census is the Nation's largest data collection agency, collecting data used by other Government agencies, tribal governments, institutions, universities, and nonprofit organizations, and supplying information on poverty, unemployment, crime, education, marriage and family, and transportation;

Whereas, throughout its first 100 years, the Bureau of the Census has earned a reputation for scrupulously safeguarding the confidentiality of respondents' answers, a responsibility vital to maintaining the public's trust;

Whereas the Bureau of the Census, with the cooperation of other Government agencies, the Congress, State and local governments, and community organizations, and with significant technological innovation and public outreach, has just conducted this Nation's 22d decennial census in a timely and professional fashion, employing over 500,000 dedicated Americans in the process; and

Whereas March 6, 2002, marks the 100th anniversary of the establishment of the Bureau of the Census: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress hereby—

(1) recognizes the 100th anniversary of the establishment of the Bureau of the Census; and

(2) acknowledges the achievements and contributions of the Bureau of the Census, and of its current and former employees, to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. LATOURETTE) and the gentleman from Missouri (Mr. CLAY) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. LATOURETTE).

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H. Con. Res. 339.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to pay tribute to the United States Census Bureau. Last week the Census Bureau celebrated its centennial birthday, 100 years of invaluable service to America. Our Constitution requires us to conduct our census, an actual enumeration, every 10 years.

I quote: "The actual enumeration shall be made within 3 years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such a manner as they shall by law direct."

The conduct of the census for the apportionment of Congress is almost as old as the birth of our Nation. In 1790, Thomas Jefferson, the Secretary of State under George Washington, directed the efforts of the U.S. marshals who would serve as enumerators until the 1880 census.

Mr. Speaker, the census was never easy to conduct. Suspicious residents were not the only difficulty encountered by our Nation during a census. Census forms from Delaware, Georgia, Kentucky, New Jersey and Tennessee were destroyed by the British when they burned the Capitol during the War of 1812.

Throughout our history, censuses have been used to mark significant achievements and milestones in our Nation's history. The 1860 census would show New York as surpassing the 1 million mark in that great city's population. In 1864, General Sherman would use published information on population and agriculture in his war-planning efforts. President Lincoln remarked on the importance of the population information saying: "If we could first know where we are and wither we are tending, we could better judge what to do and how to do it." And one of my favorite Presidents, President Garfield, said: "The census is indispensable to modern statesmanship."

Mr. Speaker, 1878 would mark the first publication of the Statistical Abstract of the United States. Today, with more than 1,500 tables, the Abstract is the Census Bureau's oldest and most popular reference product. The 1890 census marked the first use of the punch card and mechanical tabulating equipment. The 1890 census would also mark the end of the frontier in the United States. Census analysts wrote: "Up to and including the 1880 census, the country had a frontier. At present the unsettled area has been so broken into isolated bodies of settlement that there can hardly be said to be a frontier line."

Mr. Speaker, in 1902 a permanent census office was established in the Department of the Interior and in 1903 the census office became the Census Bureau in the new Department of Commerce and Labor. The 1910 census included for the first time a census of manufacturers. The 1910 census would also have President Taft issuing the first-ever census proclamation.

In 1915, the U.S. population would reach 100 million and the Census Bureau would conduct its first special enumeration for a local government in Tulsa, Oklahoma. In 1942, the Census Bureau moved to its current location in Suitland, Maryland, which is named after Colonel Samuel Taylor Suit, a Maryland legislator, businessman and agriculturist who first owned the land. Even the reason for the Census Bureau relocating to Suitland is representative of the bureau's devotion to our Nation. During World War II, one of the many new Federal agencies created to aid in the war effort was the Office of Price Administration, or the OPA. Because of its war-related mission, the OPA director believed his office needed to be near the Capitol. As a cooperative and patriotic gesture, the Census Bureau's director, J.C. Capt, volunteered to move the Census Bureau to Suitland, Maryland, so that OPA could be closer to Congress during the war.

Mr. Speaker, the Census Bureau does not simply conduct our decennial census every 10 years. In fact, the Census Bureau conducts more than 350 surveys every year and issues more than 1,000 data reports. One of the most important surveys is the economic census, which traces its beginning back to 1810. Federal Reserve Chairman Alan Greenspan says of the economic census: "The economic census is indispensable to understanding the American economy. It assures the accuracy of the statistics we rely on for sound economic policy and for successful business planning."

The Census Bureau has a long-standing commitment of service to our Nation. Representative of this commitment to excellence, one of the Census Bureau's employees, through a labor of love, managed to capture the history and spirit of our Nation's census history in a census quilt. From a distance, this work of art appears to be just a quilt, but it is not. It is the story of the U.S. Census Bureau and the role that it has played "from inkwell to Internet" to chronicle our Nation's past and illuminate the future.

At the center of the story is the Census Bureau seal surrounded by 100 compass points, one for each year of its existence as an organization. At each major directional compass point is a 10-pointed star, created from two five-pointed stars. These represent the population censuses that the Census Bureau conducts every 10 years and the economic censuses conducted every 5 years.

The story begins at the lower left corner and moves clockwise. The years before 1902 are depicted by the constitutional mandate and the original 13 colonies, and the Nation's expanding industry, trade and transportation. The story continues with a snapshot of the rich history of the 20th century as the country and cities grow, technology is integrated into our work and society, and the diversity of our people enriches our Nation.

Carol Pendleton Briggs, a Census Bureau employee for 12 years, created this work of art to commemorate the centennial. She has created a skillful and moving representation of the Census Bureau's place in American history and its important work as an organization to chronicle the past and illuminate the future. She deserves much praise for such a wonderful work of art. The quilt is on display at the Census Bureau and hopefully will be displayed here sometime soon.

Mr. Speaker, H. Con. Res. 339 is an important recognition of the vital contribution of the U.S. Census Bureau. I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume. I rise to join my colleagues in honoring the U.S. Census Bureau.

Mr. Speaker, much has changed since 1902, and the Census Bureau has been important in documenting and helping us to understand those changes. Despite the importance of the census to Congress and the country throughout the 19th century, it was not until the end of that century that discussions began in earnest about creating a permanent census office. Throughout the 19th century, Congress created a special census office every 10 years to carry out the function of taking the census. That office was disbanded after the census data were published, only to rise again a few years later.

In February 1891, the Senate requested the Secretary of the Interior to draft a bill creating a permanent census office which was introduced in December 1891 and died in committee. Hearings were held in the House of Representatives on the need for a permanent census office in 1892, and legislation was again introduced in 1896. However, there was not yet sufficient legislative support for a permanent census office, and the 1900 census was conducted under temporary authority.

Among the issues debated by Congress were whether the office should be independent or housed within a department, whether the employees should be covered by civil service rules or be patronage positions as in the past, and, of course, what the office would do in the years between censuses.

During the conduct of the 1900 census, the census office sponsored several studies to address pressing public policy issues in the hope that these studies would illustrate what a permanent census office could do. Among those contributing to this effort was W.E.B. DuBois. Finally, in 1902, Congress passed a relatively simple bill that said, quote: "The census office temporarily established in the Department of the Interior is hereby made permanent."

Over the last 100 years, the census and the Census Bureau have never been far from the center of controversy. It was the census of 1920 which informed us that the country was passing through a transition from a rural agrarian society to an urban industrialized society.

□ 1545

That same census documented the importance of immigration in the growth of the Nation.

The 1930 census marked a change from a debate in Congress every 10 years about how seats would be apportioned to the States to a process set in law. The 1930 census also saw Congress direct in the Census Act that data be collected on unemployment over the objection of the Census Bureau and the Census Advisory Committee from the American Economic Association and the American Statistical Association.

The 1940 census began the measurement of census undercount when 13 percent more black men registered for the draft than the Census Bureau thought existed. The measurement of the undercount and what to do about it remains a controversy today.

So it goes down through history. From voting rights to revenue sharing to equal representation for all, the Census Bureau has been at the center of nearly every controversy. Why? Because without good numbers, we do not know who we are or whether society has progressed or regressed; and the Census Bureau has been the source for many of those good numbers.

I do not pretend to know what the next century will hold for our Nation or for the Census Bureau, but I can predict one thing: Whatever happens, we will look to the Census Bureau for help in understanding the past, present and future.

Mr. CLAY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am pleased to add my support for this resolution recognizing the 100th anniversary of the Census Bureau.

The census data paint a picture of America, including information on economic status based on age characteristics. It is because of the census that we know how successful the Social Security program has been in raising senior citizens out of poverty.

The census numbers show that in 1999, 9.7 percent of people age 65 and older lived in poverty, the lowest percentage ever. The census numbers tell us that Social Security provides over half the total income for the average elderly household. For one-third of women over age 65, Social Security represents 90 percent of their total income. Without this program, half of older women would be living in poverty.

The resolution states the Census Bureau gives us the data that is essential "in the distribution of funds and in the formulation of public policy." The Census Bureau numbers will play a critical role in the public policy debate on Social Security.

I believe that the census numbers will demonstrate the folly of privatizing Social Security. According to the Census Bureau, the number of persons 65 and older will grow from 35 million in 2001 to 82 million in 2050. In 2050, the number of women over age 85, those most dependent on Social Security, will be four times the number today. They are depending on us to continue the promise of Social Security.

I believe the census data prove that we can make modest changes in Social Security, like raising the earnings cap, and maintain the guarantee. The census data on income, poverty and wealth show that Social Security has been instrumental in improving the financial security of seniors and families across this country. Privatization will reverse that trend and threaten the financial security of many retirees, particularly older women.

It is important to recognize the value of the Census Bureau today, but it is even more important to debate and reject Social Security privatization, to protect current and future beneficiaries. I urge the Republican leadership to schedule that debate soon.

Mr. CLAY. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I support the work of this Committee on the Census and H. Con. Resolution 339, and I am happy to honor the Census Bureau for its work.

The Census Bureau tells us not only how many people live in the United States, but the condition of these individuals living in our country. It also tells us about the unmet needs of the people, and as we read the unmet needs of the people as outlined in the census, we are struck by the fact that, week after week, the Republican leadership in the House continues to spend an inordinate amount of time, valuable time that belongs to the people of this country, to continue to pass these kinds of symbolic resolutions, while ignoring the urgent needs that deserve the debate and action of this House, the urgent needs as outlined in the census.

It took the House Republican leadership 6 months after September 11 to finally address the economic plight of over 7 million unemployed people, including the 1.5 million men and women who had exhausted their unemployment benefits because of a recession that began months before the terrorist attack.

A reading of the real-time census would have told the Republican leadership that 80,000 people a week were losing their unemployment benefits, losing any type of economic support, threatening the loss of their homes, of their apartments, of their children's schooling, of their health care, and yet nothing was done for 5 months.

Perhaps a reading of the census could have spurred us on to quicker action on behalf of these Americans. Perhaps it would have spurred us on to pass a bill to help those unemployed Americans, without holding them hostage to hundreds of billions of dollars in tax benefits for the wealthiest individuals and corporations in this country.

We still have not been allowed to consider extending unemployment benefits to millions of hard-working Americans who pay for benefits, but are denied them under current law; temporary workers, low-income workers, part-time workers, contingent workers, who, if you read the census, are more likely than not to be women, to be young people, to be immigrants.

Why is there not a bill on this floor, instead of this resolution, assuring unemployment protection to all Americans who work hard to provide for the well-being of their families and for this country? A census would show that in fact huge numbers of Americans are uncovered by the unemployment insurance system in this country.

A reading of that census would also point out the fact that 40 million fellow Americans, nearly one in seven, live in fear of sickness or injury in the family because they cannot afford basic health insurance. They do not have access to it because they cannot afford it or because it is denied to them.

The census would also tell us that over half of those individuals are full-time year-round workers with families, and yet, as we see from the census, they are denied health care; and if they are Hispanic families, their chances of lacking health insurance are more than twice as high, according to the census.

We have time to honor the census and the Census Bureau, and it is properly so; but when we come here week after week after week after week and we ignore the basic needs of the American people, the basic needs of the American family, the basic needs of the American working individual, it is time for us to get on with their business and not the symbol, these symbolic resolutions.

Mr. CLAY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I join my colleagues in congratulating the Census Bureau on its 100th anniversary, and I also want to thank Dr. Margo Anderson, author of The American Census, from which some of my remarks were drawn.

I would also like to congratulate William Barron, who is retiring, the former Director of the Census Bureau, and congratulate him on conducting the most accurate census in the history of our Nation, the 2000 census.

I want to also congratulate the chairman of our subcommittee, the gentleman from Florida (Mr. DAN MILLER), for his leadership of that subcommittee.

Mr. Speaker, I yield back the balance of my time.

Mr. LaTOURETTE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the 2000 census has just recently concluded, a census where a highly successful advertising campaign, coupled with a partnership effort of more than 140,000 government and private organizations at the State and local levels led to the most accurate census in our Nation's history, as my good friend from Missouri just indicated.

The employees at the Census Bureau are to be commended for a job well done. Their tireless effort under difficult conditions will not soon be forgotten, and the importance of the census and the Census Bureau as we help celebrate through this meaningful resolution today their achievements, I think, has been pretty well punctuated, as our friend, the gentlewoman from Illinois, and the gentleman from California seem to find many, many nexuses on many, many issues of concern to them that directly bring us back to the census. So the Census Bureau should indeed be pleased that they provided so much information and so much fodder to so many to say so many things.

I want to thank the gentleman from Missouri (Mr. CLAY) for his support on this important resolution. I am proud to bring H. Con. Res. 339 before the House in honor of the dedicated and hard-working men and women throughout the history of the Census Bureau and the historic contribution made to our Nation.

Mr. REYES. I rise in support of H. Con. Res. 339, and to recognize the Census Bureau's current and past dedicated employees. Of the eleven major statistical agencies in the federal government, the Census Bureau takes on the greatest task of all—the decennial census that is required by our Constitution.

The decennial census is the largest single activity undertaken by a statistical agency. The census if the managerial challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices, and temporarily hires almost half a million employees. Then comes the enormous task of tabulating hundreds of millions of pieces of information within 1 year.

In addition to this massive undertaking, employees at the Census Bureau work hard to collect and provide data from other agencies within the federal government. They provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments use federal data to comply with regulations and to plan for the future. Those who make all this data available deserve to be recognized, and this resolution does just that.

And as effective as the Census Bureau has been, as Chair of the Congressional Hispanic Caucus, I believe that there is still room for improvement to accurately count the Latino community. Last year we received the first results of Census 2000, which showed that the size of the Hispanic population in the United States had reached a record level of 35.3 million. Unfortunately, it has been estimated that the undercount among Hispanics may have been as high as 1.2 million. When your community is not accurately counted, we are precluded from receiving out fair share of federal financial resources, which exacerbates strains on local health, education and transportation infrastructures.

In addition to the undercount, Census 2000 did not accurately record subgroups within the Hispanic community. The number of Dominicans and Colombians in New York, for example, was distorted because of the way the Census forms asked respondents to specify their Hispanic origin. On the Census 2000 form, while Hispanics who are not of Mexican, Puerto Rican or Cuban origin were given the option of listing their origin as "other" and naming the group, they were not provided with examples of what to list, as they had been on the Census 1990 form. This seemingly minor change in the form led many respondents to not fill in a country of origin at all. As the next census is designed, I hope that this problem will not occur again. Having accurate information about the diversity of the Hispanic population will enable us to better target resources that are culturally sensitive to these communities.

As the Census Bureau begin its next 100 years of service to the United States, I hope that it will work seriously and earnestly to address the undercount of minorities. I urge the Census Bureau to re-examine its methods and procedures so that the accuracy of the decennial count can be improved. It should be everyone's goal that the Census reveal the entire picture of America.

Mrs. MALONEY of New York. Mr. Speaker, I rise in support of H. Con. Res. 339, and to honor the Census Bureau and the thousand's of dedicated employees.

The employees of our federal statistical system labor day in and out to provide the information necessary to govern our country and manage our economy. Businesses use federal data to locate plants and retail outlets. Local governments used federal data to comply with regulations and to plan for the future. Few people stop to wonder how all of those numbers are out our finger tips at a moments notice.

There are eleven major statistical agencies in the federal government: the Bureau of Labor Statistics; the Bureau of Economic Statistics; the Bureau of Transportation Statistics; the U.S. Census Bureau; the National Center for Education Statistics; the Statistics of Income at the IRS; the Energy Information Agency; the Bureau of Justice Statistics; the National Agricultural Statistical Service and the Economic Research Service with the Department of Agriculture; and the National Center for Health Statistics. The Bureau of Labor Statistics and the U.S. Census Bureau are the two largest agencies when you exclude the decennial census.

The decennial census is the largest single activity undertaken by a statistical agency. The census is a management challenge that few agencies, statistical or otherwise, could accomplish. In the year of the census, the Census Bureau opens and closes over 500 offices. The agency goes from a staff of 7 to 10 thousand, to 500,000 and back again in a period of about three months. That means 500,000 people must be hired. Thousand more must be recruited and interviewed. In addition to hiring and training staff, the census requires the management of multiple contracts each of which is measured in the hundreds of millions of dollars. Then, of course, the data must be tabulated and prepared for the President—all within a year.

That would be a major accomplishment for any agency. However, that is only one of many census performed by the Census Bureau. Furthermore, censuses are not their only line of business. The Census Bureau collects data for a number of other agencies within the federal government.

To list all of the accomplishments of the employees at the Census Bureau would take more time that both sides have today. Suffice it to say, as a country we are fortunate to have a statistical agency staffed with professionals who produce daily, the information necessary to guide public policy. We salute those employees today as we celebrate the 100th anniversary of the Census Bureau.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Ohio (Mr. LATOURETTE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 339.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERIODIC REPORT ON TELECOMMUNICATIONS PAYMENTS MADE TO CUBA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

As required by section 1705(e)(6) of the Cuban Democracy Act of 1992, as amended by section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, 22 U.S.C. 6004(e)(6), I transmit herewith a semiannual report prepared by my Administration detailing payments made to Cuba by United States persons as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 12, 2002.*

AGREEMENT BETWEEN UNITED STATES AND AUSTRALIA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–186)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95–216, 42 U.S.C. 433(e)(1)), I transmit herewith the Agreement Between the Government of the United States of America and the Government of Australia on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement along with a paragraph-by-paragraph explanation of each provision. The Agreement was signed at Canberra on September 27, 2001.

The United States-Australia Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Korea, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the lost benefit protection that can occur when workers divide their careers between two countries. The United States-Australia Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4).

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

I commend the United States-Australia Social Security Agreement and related documents.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 12, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 57 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 30 minutes p.m.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 2175, BORN-ALIVE INFANTS PROTECTION ACT OF 2001

Mr. THORNBERRY. Madam Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 2175, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and pass the bill, H.R. 2175.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 365.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. SENSENBRENNER) that the House suspend the rules and agree to the resolution, H. Res. 365, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 275, nays 137, not voting 22, as follows:

[Roll No. 53]

YEAS—275

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Baird
Baldacci
Baldwin
Becerra
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Buyer
Calvert
Cannon
Capps
Capuano
Cardin
Carson (OK)
Castle
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Frank
Frost
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Green (TX)
Green (WI)
Grucci
Gutierrez
Hall (OH)
Harman
Hart
Hastings (FL)
Hastings (WA)
Hill
Hinchey
Hobson
Hoeffel
Holden
Holt
Honda
Hooley
Houghton
Hoyer
Hyde
Inslee
Israel
Issa
Jackson (IL)
Jefferson
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Petri
Phelps
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stenholm
Strickland
Sununu
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Walsh
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weller
Wilson (NM)
Woolsey
Wu
Wynn

NAYS—137

Aderholt
Akin
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Bass
Bereuter
Bilirakis
Blunt
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cantor
Capito
Chambliss
Clement
Coble
Collins
Combest
Cooksey
Crane
Crenshaw
Cubin
Culberson
Davis, Jo Ann
Deal
DeMint
Duncan
Emerson
Everett
Ferguson
Flake
Forbes
Frelinghuysen
Gallegly
Ganske
Gekas
Goode
Goodlatte
Gordon
Graham
Granger
Graves
Greenwood
Gutknecht
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Herger
Hilliard
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Isakson
Istook
Jenkins
Jones (NC)
Kaptur
Keller
Kerns
Kingston
LaHood
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McInnis
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Norwood
Pence
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pombo
Putnam
Ramstad
Rehberg
Riley
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryun (KS)
Saxton
Schaffer
Schrock
Sessions
Shadegg
Sherwood
Shimkus
Shows
Shuster
Smith (MI)
Stearns
Stump
Stupak
Sullivan
Tancredo
Taylor (MS)
Taylor (NC)
Thune
Thurman
Toomey
Upton
Visclosky
Vitter
Walden
Wamp
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Barrett
Barton
Bentsen
Blagojevich
Burton
Carson (IN)
Davis (IL)
Doolittle
Eshoo
Hilleary
Hinojosa
Jackson-Lee (TX)
Johnson, Sam
Lipinski
Lowey
Neal
Ortiz
Sweeney
Thompson (MS)
Traficant
Weiner
Wexler

□ 1858

Messrs. SULLIVAN, SAXTON, LINDER, BURR of North Carolina, WICKER, BASS, CAMP and CRENSHAW changed their vote from "yea" to "nay."

Messrs. JEFFERSON, GIBBONS and MASCARA and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3215

Mr. GIBBONS. Madam Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3215.

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Nevada?

There was no objection.

□ 1900

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SALUTING A HERO: PETTY OFFICER FIRST CLASS NEIL C. ROBERTS, USN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. OSE) is recognized for 5 minutes.

Mr. OSE. Mr. Speaker, I rise today torn by two emotions: proud of the way that U.S. Navy SEAL Neil Roberts served our country and saddened by his loss in the line of duty.

Petty Officer First Class Neil Roberts grew up in Woodland, California, which I am privileged to represent. One of 11 children in the Roberts family, Neil graduated from Woodland High in 1987 and joined the U.S. Navy that September.

Neal served with distinction in the U.S. Navy, first assigned to the Navy Air Reconnaissance Squadron and then joining the elite Navy SEAL team. He served in the Navy with distinction, earning two Navy and Marine Corps Achievement Medals, three Good Conduct Medals, the Joint Meritorious Unit Award, the Meritorious Unit Commendation, five Sea Service Deployment Medals, the NATO Medal, three Southwest Asia Service Medals, the Battle "E", his Rifle Marksmanship Medal, his Pistol Expert Medal, the Armed Forces Service Medal, and the National Defense Award. This is truly a record to be proud of.

This year, Petty Officer Roberts was part of Operation Anaconda in eastern Afghanistan. This operation is aimed at containing and eliminating the al Qaeda and Taliban forces still fighting against the newly established democracy, against American troops, and against allied forces in the region. Petty Officer First Class Neil Roberts was there to answer the call and he made the ultimate sacrifice.

Our thoughts and prayers go out to Neal's wife, Patricia, and their 18-month-old son; to Neal's mother, Janet; and to the rest of his family and friends. I hope it will comfort them to know that a nation mourns with them and that Neil made us all proud.

RELEVANT ISSUES TO COLORADO AND OUR NATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, I look forward to spending a little time with my colleagues this evening. There are a number of different issues I would like to talk about. But first of all, I want to mention a fine young man from Grand Junction, Colorado, Ryan Patterson. Ryan was just selected on Monday of this week as the best young scientist in the world. What Ryan did is, first of all, he has won several contests, scientific contests. He is a very, very gifted young man. He was back here, he racked up another **$100,000** in scholarships and is being recognized here.

Let me just go through a couple of things. Prior to Monday, he won **$192,000** in scholarships, about **$16,000** in cash, two laptop computers, two trips to Sweden to attend the Nobel Peace Prize ceremonies. Throughout all of his achievements, he has obviously maintained his modesty. What Ryan did is came up with a glove, a glove-type of apparatus that can take sign languages, as they work sign language with the finger, and it instantaneously puts it into the written word in a little computer screen. So someone who only knows sign language or who has some other type of handicap and their primary language is sign language can actually go to a McDonald's restaurant or some restaurant, hold the little screen there and put it out instantly, instantly on to that screen.

This is a young man still in high school; he is a senior in high school. I am awful proud of him. Obviously, he is from my district, Grand Junction. But the achievements and the recognitions he has received this last year probably top any other student in the country in the scientific field and, obviously, in the latest recognition he was seen as the youngest and best scientist in the world for his age. So Ryan, congratulations.

I was going to speak and still intend to speak on some water issues. As my colleagues know, the district that I represent is in the State of Colorado. The State of Colorado is the highest point not only in the United States, but also the highest point on the continent. So I am going to speak a little about Colorado, the dynamics of our snowfall up there, some of the land, the dynamics of the land and the situation facing Colorado, facing all of the States. There are many States that depend on the State of Colorado. I will talk about the geographical nature, a number of different things that I want to visit with on Colorado, but that is going to come later.

Today, I just pulled this off the computer, and I am amazed: "Lawmakers doubt the need for a missile defense plan." As my colleagues know, I spend a great deal of time on this House floor talking about the absolute necessity for this Nation to have a missile defense. It is unbelievable to most of the citizens that I represent that this country, the United States of America, has no capability, zero capability, zero capability to stop an incoming missile into this country.

Now, we have lots of capability to determine that a missile has been fired against this country. In fact, the primary location of that headquarters is in Colorado, NORAD, Cheyenne Mountain, Colorado Springs. We can, within seconds, determine anywhere in the world that a missile has been launched. We can within seconds of those seconds determine where the destination of the missile is, what type of missile it probably is, what kind of warhead it is probably carrying, the estimated time of arrival. Beyond that, as far as preventing the horrible destruction that it could wreak, the havoc that it could wreak on the country that it is directed towards, the United States cannot do anything. Fortunately, our President and this administration, as have some previous administrations, have made a very dedicated effort towards providing this country with a national security blanket for some type of defense against a threat by enemy missiles.

Now, I am amazed to read that some of my colleagues today in a committee hearing act as if a missile threat does not exist out there. Where were they a couple of days after September 11? Can my colleagues recall what happened on September 11? We know September 11. Can my colleagues recall what happened a few days shortly after September 11? Think about it. Think about a missile, what happened with a missile. Do we remember what happened with that missile? A missile was accidentally fired in the Black Sea by the Ukrainian Navy by accident. Guess what that missile hit? It hit an airliner and it blew the airliner out of the sky.

Now, the horrible, horrible events of September 11 overshadowed this tragedy. The only reason I bring this tragedy back up to the House floor is there is a perfect example of a missile that was not intended, they did not intend to shoot down a commercial airliner, there was no intent to do that. That missile was targeted at that airliner by accident. Once that missile was launched off its ship, there was no way to stop it.

Some people think that the only missile threat to the United States of America is an intentional missile launch against this country. Wake up, folks. I am telling my colleagues that there is another threat out there. It is called an accidental launch against this country. Think of Russia, how many nuclear warheaded missiles they have in that land. It is possible. In fact, it is pretty possible that at some point in the future, one of these ballistic missiles may be, totally innocently and by mistake, could be fired by one nation against another nation. I hope that our country has in place a defensive mechanism that could stop the horrible, horrible events that could follow an accidental launch of a missile. I will talk about intentional firings here in just a minute.

But every peace activist in the world ought to be the biggest cheer leaders out there for a missile defense system. What would the United States do if, for example, a sequence of missiles fired by mistake were launched out of Russia against a major city in the United States of America? If the United States could stop those missiles before they did any damage, it is something that could be worked out at the bargaining table. But if the United States does not have, and some of my colleagues would wish upon the United States that we not have a missile defensive system, if we did not have a way to stop those, what would our response be if our Nation was hit by several simultaneous missiles from another country, and that country says, wait a minute, do not retaliate. We did it by accident, and we are sorry we wiped out four or five of your cities. We did it by accident. That is why I say peace activists. Let me tell my colleagues, it is a lot easier to sit down at a bargaining table if we were able to stop the incoming bullet than it is after we look around and see our colleagues dead and our cities destroyed.

Now, let me read a couple of quotes. Let me say that I am not going to use the names of the colleagues that these quotes are attributed to, because I am not sure of the accuracy of these quotes, outside of the AP wire that I pulled it off of this evening. But let me say one of my colleagues says this: "Why would someone send a missile when they can just put it in a suitcase?" Well, my friend, my colleague, the fact is they can perhaps, we are not convinced of it, but they can, perhaps, put it in a suitcase, and we ought to prepare for that. But because they might put it in a suitcase does not mean they will not put it in a missile. I can tell my colleague right now that there are a lot more ballistic missiles with nuclear warheads sitting on them aimed at the United States than there are nuclear suitcases being carried around. Only because, frankly, they do not have the technology in a lot of countries to get their hands on a so-called nuclear suitcase. I can tell my colleagues that one ballistic nuclear missile makes that suitcase look like an amateur's program.

These nuclear missile heads can destroy entire cities. They can launch countries into war. We better prepare for those. I can remember Margaret Thatcher at the World Economic Forum, Beaver Creek, Colorado, 3 years ago. I cannot quote her exactly, but I can remember the quote pretty closely. She stood up and she looked at our Secretary of Defense, Bill Cohen at the time, under the Clinton administration, and her words were similar to this: she says, Mr. Secretary, Mr. Secretary, your Nation has a fundamental and fiduciary responsibility to provide its citizens with a missile defense system. Failure to do so would be pure neglect and would shirk your responsibility as a leader of this country.

□ 1915

Now, that is pretty close to what Margaret Thatcher said, and that is right on point. Do not let some of my colleagues here be naysayers and say, well, it costs too much to defend ourselves. The fact is, we had better do something about these nuclear missiles. Do not try to convince our constituents that they do not exist, or that one is not going to be launched against the United States of America or one of our allies. We have the technology. We are almost there.

Sure, it seems like a huge challenge right now. But what do Members think the airplanes seemed like to the Wright brothers? What did it seem like when they wanted to fire a weapon through a propeller on one of our fighter planes, when they were doing that? Look at all the technology. It is all a challenge.

There were a lot of people who said it was impossible when they first did it, but we are talking about the future of this Nation, the security of our citizens. We have an absolute obligation, we have an inherent responsibility, to provide a security blanket for this country and for our allies.

Let me go on. This is a quote, again, from my colleague. And again, let me say that this is from the AP wire, so I am not sure of its accuracy. That is why I am not mentioning which colleague said this. But if it is accurate, I will not hesitate next time I am up here to use the gentleman's name.

It is inexcusable for this administration not to recognize that possibility and act on it. Speaking of this, why would somebody send a missile, instead of just putting it in a suitcase? One of the reasons they might is because they have one. There are a lot of countries in this world that have missiles. Let me show a poster.

My poster: Ballistic Missile Proliferation. Look at this: Countries Possessing Ballistic Missiles. To my colleague who asked the question, Why would someone send a missile when they can just put it in a suitcase, well, maybe some of these countries here who do not have missiles would not send a missile. But look at these countries that have missiles. The reason they would send the missiles is because they have them. They have the capability. They have the accuracy of these missiles. Unfortunately, several of these countries have nuclear capability, nuclear warheads on the tops of those missiles.

The day of wishing that there were not missiles out there aimed at the United States has long since passed. Wake up. The reality of it is, the United States is going to be a target. It was a target on September 11, it was a target in 1941, and it is going to be a target in the future. We are the leaders of this country. We are the ones who are charged with some kind of capability to look forward into the future and say, All right, what do we see as future threats against this Nation?

One clue might be if Members have a map that looks like this, that has all of these countries in purple with missiles, one might kind of draw a conclusion, hey, in the future, one of the threats against our Nation is going to be a missile, a missile coming in, an incoming missile.

As I said not many days after September 11, do not forget, that is exactly what happened. A missile was not fired at a U.S. commercial aircraft, but it was fired at a commercial airplane and it blew it out of the sky. This is by the Ukrainian navy. This is not exactly the most sophisticated navy in the world. This is not a country that is known for its military might. Yet, they are able to have the accuracy to fire a missile from a moving ship being rocked in the sea, fire that missile up and hit a small airliner in the sky and blow it to smithereens.

We need to see these future threats. Those threats exist today; those threats exist in the future. We have a fundamental responsibility to address these threats.

Let us talk about this. Here is what the missiles look like. That is the proliferation of missiles in this world. Imagine what it is going to look like in 10 years. How many of these white spots here are going to have ballistic missile capability?

Now let us look at the next poster. Nuclear proliferation. Look at this: Countries possessing nuclear weapons: Britain, China, France, Pakistan, India, Israel, Russia. Look over here: Of concern, we think Iran probably has nuclear capability. We think Iraq probably has nuclear capability. I am confident that North Korea has nuclear capability. Libya, I do not know; that one might be questionable.

Members are saying to me that there is some question whether or not we need a missile defense when this many nations in the world have missile capability and have nuclear capability combined. Let me go on with a quote further. Again, the accuracy of this quote, I am depending on the AP press release. It came out of a committee hearing, apparently, by some of my colleagues.

Here is one of my colleagues. By the way, he is a Democrat. The only reason I point out that my colleague is a Democrat is, come on, this is not a partisan issue. Do not just attack Bush on missile defense because he is a Republican. Put the partisanship aside. This is a threat to every one of us. Remember, these missiles are not going to discriminate between Republicans and Democrats. This is a bipartisan issue. Do not just attack the administration simply for political convenience.

Listen to what this colleague of mine says: "We can't afford to waste billions of dollars because of the Bush administration's theological fascination with missile defense." Now, this is the most ludicrous, ill-informed statement I have heard from any of my colleagues in my entire tenure in the United States Congress. This colleague of ours says, "No threat assessment exists to justify the spending."

My colleague is not on the floor this evening to hear this. I wish he was. I wish he could come up here and discuss this with me, "No threat exists today to justify it;" not nuclear proliferation, not ballistic missile proliferation, not any of these countries over here to my left that have ballistic missile capabilities. In my colleague's opinion, none of this justifies, none of this justifies a missile defense security blanket for this country.

Let me go on and read some other things. "The administration's comments followed news reports on its new nuclear posture review." By the way, every administration does this. It says, "The Pentagon is developing contingency plans for using nuclear weapons against countries developing weapons of mass destruction."

Let me ask my colleague, what are they going to do about a country like Iraq? Iraq poisoned its own people. They went out, and Saddam Hussein poisoned his own people in an attack against the Kurds. Do we think this guy is going to go to church with us on Sunday, or over to the temple or wherever? This is a very sick individual who may very well have weapons of mass destruction and is on a fast, mad race to accumulate as many weapons of mass destruction as he can get his hands on. How else are we going to address this?

Do Members think they can trust this guy? Look at the history of Saddam Hussein. How many years did the United States deal with him on inspections? How often were the inspectors stopped at the gates, the inspectors? The United Nations finally threw their arms up in the air. They said, We cannot do it. We cannot get our inspections done. Why? Because this individual, Saddam Hussein of Iraq, has no intention of stopping their pursuit for weapons of mass destruction. That is a threat to the United States of America, and these weapons of mass destruction involve not only nuclear weapons, but ballistic missiles fired at the appropriate location.

For example, take a look at North Korea and South Korea. North Korea does not need a nuclear missile to wreak havoc on South Korea. All they need to do is fire a couple of missiles, I think, 35 miles away and they can hit the city of Seoul; ballistic missiles, not nuclear warheads. What do Members think would happen to a city with a population of 20 million people if a few missiles hit one morning? What kind of panic would happen? Those are threats. Those are viable threats.

The only way in the long run to provide some type of defense against these missiles is to build ourselves a security blanket. If we have a system that will stop an incoming missile, and the technology is there, or will be there, if we have that, it makes those missiles and it makes a lot of these countries' capabilities to strike not only at the United States less, but it also diminishes or eliminates their capability to strike at other countries in this world.

We are being completely naive. We are refusing, maybe because we are afraid to, and I am speaking of some of my colleagues, we are refusing to confront the reality that we are not loved by everybody in this world. There are a lot of nations that would love to see the United States fail and be a nation destroyed. There are a lot of nations that, once they get the capability, if we do not have the capability, one, to retaliate, or two, to defend ourselves, they will not hesitate. They will not hesitate to take what steps are necessary to destroy the United States, for all historical purposes.

How can we sit by idly and criticize the President, a President who realizes this, who has had the guts to step forward and say that we are going to confront it? No Chicken Little here. We have to face up to this fact.

It is kind of like discovering cancer on oneself. We say, look, if I do not confront it, do not irritate it, maybe it will not spread. Yes, right. Do Members know what that cancer is going to do? It is going to spread. Do Members think it will stop because we hope it will not go any further; because we think by not confronting it, by not cutting it off, by not taking radiation or chemotherapy that it is going to stop; that it is going to stop because you are a great person? Do Members think it discriminates because of its victims?

Just as deadly as cancer are some of these countries and people out there who are developing these weapons of mass destruction. Take a look at what they do. What is the number one country they trash? What is the number one country? They take their children as soon as they can learn and they teach them to hate the United States of America. Yet, we have Congressmen of the United States of America willing to say that, Gee, there is no threat assessment that exists to justify spending money for a missile defense system.

I think Colin Powell said it best this weekend: One of the reasons for a nuclear policy, one of the reasons they called those missiles peacekeeping missiles, is because, and I am quoting Colin Powell, "We think it is best for any potential adversary to have uncertainty in his or her calculus." We want people out there to know that if they decide to fire one of these ballistic missiles against the United States of America, if they decide to launch a September 11 attack against the United States of America, they are going to have in the back of their minds what type of retaliation this will bring upon them.

□ 1930

Let me summarize what I have been saying here for the last 15 or 20 minutes.

I was surprised today to pick up an AP wire entitled Lawmakers Doubt the Need for a Missile Defense System for This Country." That is naivete at its height. That is a remark based on kind of a shot from the hip, a reactionary remark.

Think about the kind of threat that this country faces. It is not imaginary. We know that missiles have been launched by countries, including our own country, by mistake. Missiles are very lethal weapons and we add on top of the missile the leadership of a country that is politically unstable; we add on top of the missile a missile system that is not adequate, does not have adequate safeguards and could be fired by accident; we had on a missile, put on top of the missile itself a nuclear warhead; we continue to see the ballistic missile proliferation spread around the world, and then our colleague has the audacity to sit up and tell the rest of their colleagues that we should not be building a missile defense system, or as I quote, we cannot afford to waste billions of dollars because no threat assessment exists to justify the spending. No threat assessment exists to justify this spending. The threat not only is out there, it exists in a very threatening mode, and I am telling my colleagues the consequences.

Do I think it is going to happen tomorrow? I hope not. Do I think a lot of countries are all of the sudden going to fire random missiles against the United States of America? No. But do I think countries throughout have that capability? There is no doubt they do. Do I think there are countries out there who are not friendly to the United States of America who, in fact, have made throughout their history open resentment towards the United States of America, had the capability and possessed missiles that could wreak destruction upon the United States of America today if they desire? The answer is yes.

One of my colleagues, and I said earlier, one of my colleagues, and let me quote that colleague, "Why would someone send a missile when they can just put it in a suitcase?" The reason they would send the missile is because they had the missile. They have got the capability to wreak destruction with these missiles, and the other reason they would launch a missile is because they know the United States of America cannot defend itself against an incoming missile.

What President Bush has done, Vice President DICK CHENEY, Donald Rumsfeld, Condoleezza Rice, Colin Powell, what this administration has done is not run from it, not pretend that the threat does not exist; but they have confronted it, and they have said to the world, and many of our allies, by the way, have joined in this statement, they have said to the world, the United States of America no longer intends to go into the future without a defense mechanism to protect its citizens and the citizens of our allies and our friends from a rogue nation firing a missile against us.

It is unbelievable to me, unacceptable and frankly a violation of a fundamental obligation for any one of us on this floor to stand up and say that a missile threat does not exist against the United States of America in such a way that would justify us defending against it with a missile defensive system. That is stupidity, stupidity not referring to my particular colleague and his personality, but stupidity in the thought that by simply putting shades over your eyes, that the missile threat against the United States of America will just disappear. It makes as much sense as closing your eyes to cancer on your body and saying if I pretend it is not there or if I simply acknowledge that it is there and ignore it, saying that it does not justify me going to the doctor to see about this cancer, it will go away on its own. It will only grow, and it will only become more deadly and more threatening to a person's very existence; and the same thing happens here.

Every one of us, whether Republican, whether Democrat, regardless of party affiliation, September 11 was a wake-up call for all of us and not just in the United States. September 11 was a wake-up call for the world. There are evil people out there who do not care who their victims are. It has been said 10 million times if it has been said once, the victims on September 11, they were not white Anglo, they were not U.S. citizens, restricted to those. They were every nationality, 80 different countries, all kinds of ethnic backgrounds. It did not matter. It was a son or daughter, mother or father, sister or brother.

It did not matter to these people who did not care, and some of my colleagues who think that some of these evil people will care and will not launch a ballistic missile, and let me tell my colleagues they have got them out there, there are countries out there, will not launch some type of harmful missile against this country is naive. It is going to happen. It is going to happen at some point in time.

The people who have made these remarks, if, in fact, they are accurate, I want my colleagues to put this in a little time keeper, and remember a few years from now, God forbid this ever happens to our country, but if it happens, I want my colleagues to remember the position they took in the U.S. House of Representatives with the statement, no threat assessment exists to justify the spending to build a ballistic missile system to protect our country.

Let me wrap it up by telling my colleagues, we do not stand alone in the world. In fact, I think it is safe to say that every country in the world that could get their hands on a missile defense system mechanism would deploy it. Why? It only makes sense. It is like getting a bulletproof vest. The other side may complain. Maybe the criminal is going to complain because the police officer gets the advantage of a bulletproof vest, but if the criminal had the opportunity they would put them on, too. Why? Because it gives them an advantage.

We have a lot of nations in this world that support the United States of America in building a missile defense system. We are in partnership with Canada. The Brits are supportive. The Italians are supportive. And I can guarantee my colleagues, once we get the technology mastered, there will be a lot of nations knocking on our door saying, hey, do you mind if we had that missile defense system; do you mind if we provide a security system for our citizens.

So I urge my colleagues to reconsider some of the statements they have made today in opposition to a missile defense system, and frankly, get ready for it. My colleagues can jump up and down all they want for media attention, for partisanship advantage; but the fact is, this administration will do what is necessary to protect the citizens of this country with the security blanket for a missile defense. It is a critical and fundamental obligation that we have to not only our generation but future generations.

Mr. Speaker, I am going to shift my comments pretty dramatically here. I was not going to speak about missile defense this evening because, frankly, I have had several discussions on the House floor here with my colleagues about that; but after I read those remarks today, I could not resist it. I mean, I felt fire in my belly to come up here to the House floor and talk about that.

Now I want to move towards more the direction I had planned all week to come tonight and the comments I wanted to make.

Let me start out as I said at the beginning of my comments, colleagues. My district's in the State of Colorado. For those of my colleagues that do not know, Colorado is the only State in the Union where all of its water runs out of the State. We have no water that comes into the State of Colorado for our use. All of our water goes out of the State, and Colorado's a very unique State in its geographical makeup and frankly in its geographical location and its elevation.

It is the highest point on the continent. In our area, for example, I think there are 64 mountains in the United States, including Alaska, I think 64 mountains that are over 14,000 feet, 64 of them. Fifty-six of those 64 mountains are located in the State of Colorado, 79 percent of the Nation's 14,000 foot peaks, and over 600 peaks at 13,000 feet. We have over 1,000 mountain peaks over 10,000 feet. The average elevation in the State of Colorado is 6,800 feet. That is a thousand feet over a mile. Well over a mile is the average elevation in the State of Colorado.

Take a look at the lowest point in the State of Colorado. It is about 3,400 feet. That is about the lowest point in Colorado. The difference between our lowest points and our highest points are 11,000 or 12,000 feet. So just as a result of the elevation alone, we have got dramatic weather; we have got dynamics that do not happen in other States.

The State of Colorado is a critical State for a number of different reasons, but first of all, look at what we find within the boundaries of the four corners. First of all, we find the plains. A lot of people think that Colorado's just a mountain State, that it is the State of mountains; but half of the State of Colorado are the plains, and when we look at Colorado, and I will just use my pointer here. To my left I have a better map of Colorado, but when we get on the very western edge, we actually have the desert plateaus. On the eastern side of the State of Colorado we have the plains, and then of course in between the desert plateaus and the plains we have the Colorado Rockies and some other mountains, not just the Rockies.

To give my colleagues an idea of the land mass of it, it is about the eighth largest State in the Nation. I guess it is number eight. It has got four major parks that are without trees. There may be a couple of trees but generally without trees, north park, south park, places like that.

Colorado's a very unique State and one of our most important assets in the State of Colorado is snow. Colorado's a very arid State. It does not get much rain. We cannot depend on our rainfall for our moisture. We have to depend on our winter snows. This year, for example, we have a lot to be concerned about because our winter snowfall is significantly below average. Now, not only Colorado that is dependent upon the snow fall in Colorado, but many, many States in the Union, well above 25 States in the Union, are also dependent for their water upon the snow fall in the high mountain peaks of the State of Colorado; and we not only depend on the snow fall in Colorado for our water, but we also depend on it for our economic well-being.

Our ski areas, as my colleagues know, Colorado probably has the finest ski areas in the United States. Certainly known throughout the world for skiing in Colorado because of its elevation, because of the light, dry snow. So snow is a critical factor out there in our mountain region.

Before I move much further, I want to give a little history. I have reviewed this history before, but it is important to remember Colorado is a State that is unique. On the western side we have the mountains and the eastern side we have the plains, generally speaking; and Colorado really is almost like two States. I am not suggesting it is two States or that it should become two States; but the dynamics in public ownership, public lands, where the forest lands are, where the Bureau of Land Management is, where the mountains are, one part of the State is water provider. The other part of the State is a water user.

There are lots of different dynamics that play within its boundaries for Colorado, but first of all, I thought we ought to look at the dynamics of the continental United States and where the West fits in, why life in the West is a little different than life in the east, why the water issues in the West for example are entirely different in many cases than the water issues in the East.

In many places in the eastern United States, the problem is getting rid of water. In the West, the problem is storing the water. In fact, if we drew a line down through Kansas and Missouri kind of like this, that portion of the United States gets about 73 percent of the water. If we took a look at the mountain region here, which is about half of the United States geographically, it only gets about 14 percent of the water.

☐ 1945

When the good Lord created this continent of ours, for some reason there was not even distribution of the water. So water becomes a critical factor.

Now, let us take a look and kind of go back in time, go back in history, when our country was first being settled. The real comfort, and where most of the people lived, was on the East Coast, over here to my left. And the West, really, if you went very deep into Virginia, you were considered in the West. There was not much settlement at all, except for the Native Americans, of course, and the Mexicans. This was the nation of Mexico here. We actually had France and a number of others, but I think my colleagues understand what I am saying.

The population of the United States in our early days was on the East Coast, and our leaders wanted to expand the United States of America. They wanted to make it a great country and they wanted to conquer and obtain as much land as they could. But in those days when the land was purchased, it did not mean much. Title to the lands did not mean much. What was important was who possessed the land. And to possess the land, you really needed to be on it with a six-shooter strapped on your side.

So as this young country began to grow and we began to expand to the West, our leaders said, Well, how do we encourage people to move from the comfort of their homes on the East Coast into the inner part of the country, into this new land we bought? How do we get them to possess it? And the idea they came up with was, Well, let us give away land, like we did in the Revolutionary War. Believe it or not, in the Revolutionary War is when we first had other land grants in this country. We would give land or offer land to British soldiers who would defect and come to our side. We would give them free land.

After all, our leaders correctly assessed that every person's dream, or most every person's dream was to own a piece of their own property, to build a home, to farm. Back then in the early days of our country, 99 percent of our population was involved in agriculture. So to be able to cultivate your own fields, to have your own wheat, your own cow, your goats, et cetera, et cetera, was everyone's dream. So they decided to offer land to encourage people to settle in the West. People would go out there, live on it, and they would be given 160 acres, or 320 acres, depending on the program they were involved in.

Well, that worked pretty successfully, except for one region of the country, and that region is depicted by the colors on this map to my left. You can see some of these States have very, very little Federal lands. In the East the only real big blocks of Federal lands are down there in the Everglades, the Appalachians, and a little up here in the Northeast. In a lot of States, when you talk about public lands, people think you are talking about the courthouse. That is because the government was able to successfully turn this land over to private ownership by encouraging people to go out and settle the land.

Well, the problem was that as soon as they hit the Rocky Mountains, and take a look at the State of Colorado, right here, right where the white hits the color on this map in the State of Colorado is exactly where the mountains start. And what happened is, when the settlers began to hit the mountains, they discovered 160 acres would not even feed a cow. In eastern Colorado, again referring to my map and going over here to my left, in eastern Colorado, 160 acres could support a family. In Nebraska and in Kansas you could support families there. But as soon as you hit those mountains, boy, the dynamics changed pretty dramatically.

So they went back to Washington and they said, What do we do? We are not getting people to live in the mountains. They are not possessing the land so that we can lay claim to the land. Although we bought the lands, our Nation says we need people to be up there.

What happened was, they had discussions here in the Nation's Capital and they thought perhaps what they should do is give them an equivalent amount of land. If they gave 160 acres in eastern Colorado or in Nebraska, take what they can grow on that and see how many acres in the mountains it would take, and maybe give them 3,000 acres.

Well, what happened was that at the time they were making a lot of these land grants, the railroads had already been given large amounts of land and there was political pressure not to give any more government lands away. So the government, our leaders in Washington, D.C., consciously decided to hold the land in the government's name for formality purposes, but to let the people go out into the West and use it for multiple uses. A land of many uses. Those are enchanted words for us in the West. That is what we grew up under.

In my particular congressional district, which geographically is larger than the State of Florida, every community in my district, except one, every community in my district, which is about 120, 119 communities, is completely surrounded by government lands. We are totally, not partially, not just a fraction, but totally and completely dependent upon government lands for our water, for our highways, for our utility lines, for our telephones, for our agriculture, for our recreation, for our environmental needs, for our enjoyment, for our own open space. All of those are completely dependent upon public lands, and that is the major difference between the West and the East.

So I oftentimes find myself listening to some of my eastern colleagues, for whom I have great respect, talking about but not really understanding why we are so sensitive in the West when people in the East say, Well, let us just take this land out of bounds, let us get the people off this land, let us limit multiple use. Clearly, we have to manage these government lands, but we have an entire part of our Nation's population that live amongst those government lands and live on those government lands. And before we make decisions here, we need to understand that. My colleagues need to put themselves in the same kind of living situation, in other words, completely surrounded by government lands as we are in the West. So that is the clear distinction between the West and the East.

As we move further, and now that we have a little description, let us move back to the State of Colorado and let me pull this other poster up here quickly. Now, this poster is a little cluttered, but I think I can go through parts of it. First of all, because Colorado has an average elevation of about 6,800 feet, because it is the highest point in the continent, obviously we are going to have a lot of water that runs off when that snow melts.

Now, in Colorado, we have all the water we need for about a 60-to-90-day period of time, and that is actually beginning as we speak. It is called the spring runoff. Colorado is known as the State of the Rivers, the Mother River State, because we have five major rivers that have their headwaters in our State. But as the snow begins to melt, the water available diminishes dramatically. For example, we supply water not only for other States, but we even supply water for the country of Mexico.

Here in the State of Colorado, this bright yellow section, basically, are the public lands of Colorado. That is what the public lands look like. All the rivers, all the headwaters are up here in the high mountains, and they run all directions out of the State of Colorado, as the mother rivers. Let me give a couple of the rivers. We have the Arkansas River, the Rio Grande, the South Platte River, the Colorado River, and so on.

Now, what I hope to do, what I wanted to do tonight, and I intended to get a little further in my comments than I have, but I wanted us to visit a lot about that missile defense system, so we did not get quite through the series that I wanted to this evening, more specifically, on water coming out of those mountains, and what the salinity issues are, what the dilution issues are, what the multiple use issues are, what the water storage issues are, what are the hydropower issues, and why is it critical that we have a good understanding all across this country of multiple use on public lands? What does it mean not to divert any water?

So these are issues that I kind of wanted to just tempt you with a little this evening. Now, I intend to continue my comments next week in much more depth on the dynamics of the high mountains, on the San Juans down in the southwestern part of the State, on the below-average snowfall that they have had this year and what the consequences of that is to fellow, down-river States; what down-river really means; what the wilderness areas are and what kind of impact the wilderness areas have; the government lands, the range management.

There are lots and lots and lots of issues that face us high in the Rocky Mountains that are unique to the mountains or unique to the West, not found very often in the East, in fact, in some States not found at all.

So I look forward next week to discussing these issues with my colleagues.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2146, TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules, submitted a privileged report (Rept. No. 107–374) on the resolution (H. Res. 366) providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2002

Mr. DIAZ-BALART (during special order of Mr. MCINNIS) from the Committee on Rules submitted a privileged report (Rept. No. 107–375) on the resolution (H. Res. 367) providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, which was referred to the House Calendar and ordered to be printed.

SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. CANTOR). Under the Speaker's announced policy of January 3, 2001, the gentleman from New Jersey (Mr. PALLONE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, let me say in the beginning that myself and other Democrats over the last week, and certainly over the next few weeks, will take to the floor repeatedly to bring up the issue of the Social Security trust fund, and our concern that the President and the Republican leadership in the House are very determined to push for changes in Social Security that would lead to privatization, and at the same time, the budget that the Republican leadership will bring up to the floor, I understand it will be coming up as early as next week, unfortunately goes into deficit and effectively spends the Social Security trust fund, once again, we have not had this for a couple of years, in order to pay for current expenses.

The Republican proposal to privatize Social Security, as well as the proposal to spend the Social Security trust fund for basically ongoing government operations unrelated to a retirement benefit, both of these proposals by the Republican leadership in the House and by the President, will undermine Social Security and make it more difficult for Social Security to remain solvent, and basically shorten the time before we face a crisis in Social Security when benefits will be cut or will no longer be available.

That is the concern that I and other Democrats have, and we will be speaking out against it because we believe very strongly that none of these things should happen, that we should not privatize Social Security and that we should not be spending the Social Security trust fund to pay for ongoing expenses.

Let me start, Mr. Speaker, by pointing out that Social Security is probably the most successful social program the Federal Government has ever implemented. It provides an unparalleled safety net for the vast majority of America's seniors. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income. And for these reasons, and a great many others, we must do everything in our power to protect and strengthen the existing Social Security program for the short and the long term.

Mr. Speaker, I gathered some information that gives us some idea about the importance of the Social Security program and also how successful it is, how unique it is, and I wanted to go through a little of that, if I could, in a little detail, not a great deal of detail.

Why is Social Security important? As I said, it is the single largest source of retirement income in the United States. For six in ten seniors, Social Security provides half or more of their total income. Among elderly widows, Social Security provides nearly three-quarters of their income, on average. And four in ten widows rely on Social Security to provide 90 percent or more of their income.

But it is not just a retirement income program. About 30 percent of Social Security beneficiaries receive disability or survivor benefits. We tend to forget that. We tend to think it is only a program for seniors. For a 27-year-old worker with a spouse and two children, Social Security provides the equivalent of a $403,000 life insurance policy or a $353,000 disability insurance policy. The vast majority of workers would be unable to obtain similar coverage through the private market.

Social Security is also family insurance. It provides benefits for elderly widows and young parents who have lost a spouse. It provides a dependable monthly income to children who have lost a parent to death or disability. It even pays benefits to those who become severely disabled as children and remain dependent, as adults, on a parent who receives Social Security.

Now, a lot of people, and I find this to be often true about some of my Republican colleagues, they will say, Well, Social Security is just another government program, it is a waste of money, it is not administered well. We hear these kinds of criticisms. The reality is very different. There is no government program that is more successful than Social Security.

□ 2000

It is the single most effective anti-poverty program. Its benefits lift over 11 million seniors out of poverty. Thanks to Social Security, the poverty rate of elderly persons is only 8 percent. Without it, nearly half of retirees would live in poverty. That was the case before we set it up. More than half of the people over 65 lived in poverty before Social Security came on board.

Over the course of its 67-year history, Congress has prudently managed the Social Security program. Each year the Social Security board of trustees issues a report showing short-range and long-range 75-year projections of the income and costs of the system. Congress uses these projections to balance the promise to pay future benefits against workers' desire and ability to pay for them, and it has adjusted the program periodically in light of changing economic and demographic conditions. So we have had to change it, but we have always changed it in a positive way.

Finally, I would stress that Social Security is administered very efficiently. Only one penny of every dollar Social Security spends is for administration. The rest goes directly to beneficiaries in their monthly checks.

Let me say just a few more things about the uniqueness of Social Security. It is nearly universal. Over 95 percent of all workers are covered by it. In contrast, less than 50 percent of workers have employer pension coverage on their jobs. It is also totally portable. It goes with a worker from job to job. Traditionally, private sector pension plans lose value if a worker changes a job. It is also, and this is very important, a defined benefit. That is, its benefits are determined according to the level of a worker's earnings and years of work.

So this type of pension system provides income continuity in retirement by replacing a fixed percentage of a worker's preretirement earnings. Benefits are paid as long as the worker and his or her spouse lives and the monthly benefit amount is predictable and steady. This is very different in contrast to a defined contribution system like a 401(k) or an individual savings account which can pay out only what is in the account. If a worker did not contribute in certain years or has poor investment results or just the misfortune of retiring in a down market, he must get along on less. If the account is exhausted before a worker reaches the end of his life, she or he will have nothing left to live on.

The idea of Social Security is that it is an insurance policy. It pays benefits whenever an insured-against event happens. It protects against the risk of having low income in old age, and it spreads risk broadly throughout society to lower the cost of these protections and to make them affordable for all.

I just mention this because sometimes I think that some of my Republican colleagues think that Social Security does not work. It does work. The scary thing is that to my great disappointment, we now have both the President when he established his Social Security commission and now the gentleman from Texas (Mr. ARMEY), the majority leader, and other Republicans are promoting Social Security privatization. What do they mean when they talk about privatization? It sounds like a nice idea, privatization. Basically, they are talking about replacing all or part of the current Social Security program with a system of individual retirement accounts.

I just want to read to my colleagues, if I could, this is the New York Times, February 16, about a month ago, a little less than a month ago, the gentleman from Texas called for a new push on Social Security, and a big part of that was the idea of privatization. His proposal allows workers to invest part of their Social Security money in the stock market, a change that I believe would mean deep cuts in guaranteed benefits and create big financial risks for retirees. This is what he is proposing. This is what he keeps pushing.

If I could just give a couple of concerns about the privatization, then I would yield to the gentleman from Arkansas. I am pleased to see that he has joined me. If you think about diverting the funds from Social Security into individually owned accounts, what you are doing is transferring investment risks from a pool of workers to the individual. This is not risk free. If you start having this private account where you have control over how you invest it, there is a certain amount of risk involved for the individual.

All of the evidence shows that plans that allow people to divert part of their payroll taxes into private accounts not only runs a risk for the worker but it aggravates Social Security's financing problems. If some of the funds coming into Social Security over the next 75 years are diverted away from the program and into private accounts, then it is obvious that there are going to be less funds available to pay out future benefits for the people that are depending on Social Security. For example, if 2 percentage points of the current 12.4 percent payroll tax were diverted into private accounts, then the Social Security trust funds would be exhausted in 2024, 14 years earlier than now expected. In short, if funds are diverted away from Social Security programs as they currently exist, the changes that are already needed to return Social Security to fiscal soundness will have to be more severe.

What I am saying is that not only by diverting some of the Social Security money to private accounts there is more of a risk for that individual who is doing that, but since there is less money in the Social Security trust fund, the problem that we expect in about 30 years or so when there may not be as much money in Social Security and it may not be able to pay out the benefits is only going to be aggravated. That time will be much earlier because those funds are going to be diverted.

I have a lot of other things I want to talk about, but I see that my colleague from Arkansas is here. I yield to the gentleman from Arkansas (Mr. ROSS).

Mr. ROSS. I thank the gentleman from New Jersey (Mr. PALLONE). It is good to join him this evening as we talk about the future and the security of Social Security, something that so many of our seniors rely on as their only source of income as they grow old and try their best to make ends meet. I think we have got a train wreck waiting to happen. To set the stage for what I am about to say, I want to start by mentioning this about the debt, because they are related. A lot of the politicians in Washington these days seem to not want to talk about the debt. The debt in this country is $5.7 trillion. If President Bush's fiscal year 2003 budget is passed, it will grow by some $100 billion. What does that mean for all of us in our daily lives? Some people in this country think we spend too much money on food stamps. That is $2 billion a month. Some people in this country think we spend too much money on foreign aid. That is $1 billion a month. Mr. Speaker, we spend $1 billion every single day in America just paying interest, not principal, just interest on the national debt.

What is $1 billion? If I put that in a calculator, I get that little E at the end. What helped me bring it home, I was recently touring a brand new, state-of-the-art elementary school in Monticello, Arkansas. As I walked through that building, I learned that it cost $5 million. And it hit me. We could build 200 brand new, state-of-the-art elementary schools every single day in America just with the interest we are paying on the national debt. Just with the interest we are paying in a few days we could create a program that would truly modernize Medicare to include medicine for our seniors. I have got two, actually three interstates pending in my congressional district. Give me a couple of weeks of that and I could build one of them. Give me a day and a half and I could build the other two. That is having an enormous drain on our finances.

I bring that up to set the stage for what I am about to say, because my grandparents left this country much better than they found it for my parents and their generation. My parents have left this country much better than they found it for my generation. I think we have a duty and an obligation as citizens and certainly as Members of the United States House of Representatives to ensure that we leave this country much better than we found it for people like my two children who are back at home tonight with my wife in Prescott, Arkansas.

The reason I point that out is because not only is that something that our children are going to inherit if we do not address it and address it soon, but they are also going to inherit a Social Security system that is bankrupt. When Social Security was created, we had one person drawing benefits for every 30 or so paying in. Sometime between 2011 and 2016, depending on whose numbers you want to believe, we are going to have more people earning Social Security benefits than paying into the Social Security system. And everyone agrees that by 2038, Social Security as we know it today will no longer be there. Social Security will be broke by the year 2038. That may seem like a lifetime away, but if each of you will stop for a minute and think back to 1964, I bet every one of you in this room can remember something you did that year. 1964 to 2002, 2002 to 2038, it is the same time frame in terms of the length of time that will go by. 2038 will be here before we know it.

And when I say Social Security is broke in 2038, that is assuming that the $1.2 trillion that we have borrowed from the Social Security trust fund, the government has borrowed $1.2 trillion from the Social Security trust fund and it will be broke in 2038 even if the government figures out a way to pay that money back by then. It is still broke in 2038. I know some folks will say, That's how you have to invest Social Security trust fund money, is in the government.

I do not argue with that, but I do argue and make this point: I have got a loan at a bank and I think most of you in this room probably owe money. When you go to the bank and sign a loan, normally they want to know how you are going to pay it back. Yet we continue to borrow money, to write IOUs to the Social Security trust fund with no provision, no plans, no idea on how that money is ever going to be paid back. I think that is wrong, and that is why the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund and to keep their hands off the Medicare trust fund.

I believe privatizing Social Security even complicates and makes this train wreck waiting to happen much worse. The idea that you can choose even a small percentage of your Social Security moneys to play with in the stock market simply does not work. Let me tell you why. We would all like to believe, and believe me there are a lot of people in government that want you to believe, that there is a Social Security account set up with your name on it and all the money that you have had withheld and all the moneys that the employer matches are sitting there in a fund with your name on it. But that is not how Social Security works. Our parents have worked and paid into the system, and the money that they have paid in has gone to take care of their parents and grandparents.

Now my generation is working and the money that we are paying in to the Social Security trust fund goes to take care of my parents and grandparents. That is why education is so critical to our children's future. We are trying to ensure that our children can get a good, sound education so they too one day can grow up and have a good job and pay into the Social Security trust fund to take care of us when we grow old. And the cycle will continue.

If you take even a percentage of that and let those who are paying into the Social Security trust fund play with that money in the stock market, it causes a real problem, because that is not how Social Security works. So that is a major concern.

Another major concern is one, what I call a wake-up call that I hope we all receive from Enron. There is a reason that you can make a lot of money. There is a reason you can lose a lot of money when it comes to stock. It is a risky business.

I believe that our government should provide incentives to encourage small businesses and businesses of all sizes to provide 401(k)s, simple IRAs, and other saving opportunities, because Social Security was never intended to be your only source of income when you retire. I own a small business along with my wife back home in Prescott, Arkansas, a small town in rural south Arkansas. We have 12 employees. For those 12 employees, we do something that a lot of small businesses either cannot do or refuse to do, and that is provide an alternative retirement plan that hopefully someday will go a long way toward subsidizing their Social Security income. It is a simple IRA. It is created, much like a 401(k), for small businesses. We do have a duty and an obligation in Congress to find ways to encourage businesses of all sizes to provide those kinds of saving opportunities for their employees. But it should be above and beyond and separate from Social Security.

This is especially important to me, because my grandmother, I am very fortunate and blessed, she is still living. She is 90, she is blind, she is not in the best of health anymore, but she has lived from Social Security check to Social Security check.

□ 2015

My grandfather died when I was 1 year old and my grandmother first learned how to drive a car. She then got her GED, and then she went to nursing school and came back to our hometown and was a nurse for 20-some-odd years, a hospital that did not have a retirement plan, a job which required her to save what little she could and then get by from Social Security check to Social Security check when she finally retired.

I understand what that Social Security check means to our seniors. We need to see those checks grow. We need to save Social Security, and for the life of me, I am convinced that any form or fashion of privatizing Social Security, taking Social Security money and putting it in the Enrons of the world, will do nothing but reduce benefits and risk the future of Social Security.

When you look at it, coupled with pensions and personal savings accounts, Social Security benefits form the three-legged retirement stool on which many seniors rely. I do strongly support encouraging workers to save and invest more of their income, but to take money out of Social Security through privatization would undermine the security that Social Security was created to provide, especially for women and minorities, that on average earn less and have less to save. Women, African Americans, Hispanics are more likely to lack pension benefits, and also are the least likely to receive interest, dividends or pension income. As a result, these groups have a large stake in the solvency of the Social Security program.

Women particularly benefit from Social Security. Because of Social Security's progressive benefit formula, lower-wage workers receive higher dollars in Social Security benefits. Women who earned lower wages and/or had fewer years in the work force, perhaps because they were at home raising a family, receive larger monthly benefit amounts. In addition, due to their often unique working patterns and lower average wages, women typically have lower rates of pension coverage and income than do men.

According to the Center on Budget, Policy and Priorities, Social Security replaces 54 percent of the average lifetime earnings for female retirees, compared to only 41 percent of the earnings for male retirees. In addition, privatizing Social Security does not consider disability and survivor benefits, both of which are more often utilized by women and minorities.

We must ensure the solvency of Social Security, but we should not undermine the protections or the guaranteed benefit the program provides to all seniors. Similar to the prescription drug debate, Congress and the President must begin to make tough choices and put our energy into enacting real protections for the Social Security system and a quality affordable prescription drug benefit.

We need to have an open and an honest debate to find common ground and common sense solutions to really shore up the Social Security system. We should not wait until after the November elections to talk about this issue. We owe it to our seniors and to the working people of America to take on this issue and make sure that Social Security is there for them and their children and, yes, their grandchildren.

The American people deserve to know where we stand. I am proud to go on record as standing against privatization of Social Security and fighting to ensure the future solvency of Social Security for my parents, my grandparents, and yours.

Mr. PALLONE. I want to thank the gentleman from Arkansas, because I think that he really laid out very effectively what the Social Security program is all about and the problem that we face with solvency, which, of course, is still 30 years away, where we begin to not have enough money to pay out benefits. But if we start to do privatization, if we start to spend this trust fund, which, as you know, the budget that the Republicans, I guess, have come up with tonight that we are going to be voting on next week essentially spends a lot of the Social Security trust fund to pay for current expenses.

But if I could, I wanted to just develop a couple of points that the gentleman made about the risk of privatization, the impact on women, the impact particularly on minorities, because these are serious concerns.

One of the things particularly I thought was interesting that the gentleman talked about was the impact on women. I think a lot of people forget about the progressive method that is employed in Social Security. In other words, if you are paying, as the gentleman said earlier, a lot of people think, okay, I have this account where my money is put aside and that is the money that I get paid back.

It does not work that way. The current workers are paying for the people who are now retired, and the fact of the matter is that a lot of the people, particularly low-wage earners that paid less into Social Security, are getting a lot more than they paid into it. That is particularly true about women.

These are some statistics that we had, that women constitute the majority of elderly Social Security beneficiaries. I guess most people realize that about 60 percent of Social Security recipients over the age of 65 and 72 percent above the age of 85 are women. But because women, on average, earn less than men, it means they are counting upon the Social Security progressive benefit structure to ensure they have an adequate income in retirement.

They are also less likely to be covered by an employer-sponsored pension plan, so they are even more dependent on Social Security, because they do not have a pension. Also women live longer than men, we know that, so they have to make their retirement savings stretch over a longer period of time.

So if you did the kinds of privatization that the Republican leadership and the President are talking about, where you have these individual account balances, and the annual benefits they yield are a direct result of the deposit, the kind of thing the gentleman said people think we have with Social Security, but we do not. Because women earn less and spend less time in the work force, they would have less to deposit; but because they live longer in retirement, they would have to stretch out those payments from their accounts over more years. They would have to live on smaller benefits from smaller accounts, essentially.

It is the very nature of Social Security, that it is not like an individual account and that you are actually getting, even though you may not have paid in as long and may not have paid as much, more as a benefit, because of the progressive nature of it. That particularly impacts women, because they tend to be lower-wage earners and because they live longer.

The other thing with the risk, I am amazed, because I live in New Jersey, and I saw a statistic once that said in New Jersey people tend to invest in the stock market even more so than most other States, probably maybe because we are near Wall Street or whatever. It is probably true for New York as well, but definitely it is true for New Jersey. Until recently, I think, over the last 10, 12 years, people thought, why can I not take my money out and invest it in the stock market? I am going to get all kinds of returns on my investment.

But if you look at the trend over the lifetime of, say, Social Security workers, those who are now retired, those who are over 65, there is no indication by investing in the stock market they would have benefited and would have a lot more money available today than if they were able to take their Social Security over that period of time and invest it in the stock market. I just want to give a few statistics.

Basically, this is the information on the stock market that I thought was interesting. These are just some for the last couple of years.

Between March 2000 and April 2001, basically the index fell by 424 points, or 28 percent. If Social Security had been privatized, a worker who had his or her individual account invested in a fund that mirrored the stock market and who retired in April 2001 would have 28 percent less to live on for the rest of his or her life.

If you look over the last century, there were 15 years in the past century, 1908 to 1912, 1937 to 1939, 1965 through 1966 and 1968 through 1973 in which the real value of the stock market fell by more than 40 percent over the preceding decade. So anybody who tells you, oh, you know, if I had invested my money in an individual private account rather than Social Security, I would be much better off, you cannot show that. It is just not true.

The other danger, of course, is that not everybody would necessarily invest in a mutual fund; they would pick and choose stocks, and there is a certain risk involved in that. Some people come back to me and say, Congressman PALLONE, Why are you so worried about this, because, you know, everybody should be able to make their own choice? If somebody wants to take their Social Security and invest it in a private account, they lose their shirt in the stock market, that is their problem. You cannot be sort of paternalistic and worry about that person.

My response is that is, very nice, but those people who lose their shirt in the stock market and do not have the retirement benefits, where are they going to go? They are going to come back to Congress and say, wait a minute, I invested my Social Security in the stock market. I lost my shirt. I am out on the street. What are you going to do to help me? The burden then comes back to the government again.

So I just do not buy this idea that we are supposed to say okay, everybody makes their own decisions, and somehow this is the right thing to do ideologically.

The bottom line is that Social Security is like an insurance pool, and everybody pools their resources and everybody benefits; and if you start taking out pieces and let people make their own decisions about their money, then you run the risk that a lot of them are not going to have their money and they are going to come back to the government and look for a bailout later.

I do not know. I know a lot of arguments are used by our Republican colleagues to justify this privatization, but I do not think they are legitimate arguments if you look at the impact and if you seriously look at what might happen if that were to occur.

The other thing, of course, that concerns me right now is that, as the gentleman knows, for the last few years we were basically balancing the budget, and we had a little bit of a surplus; and under the previous administration, under President Clinton, in the last few years of his administration, as the surplus grew, we were actually taking some of that surplus and we were investing it or using it to pay off the debt. The idea was that it would shore up the Social Security fund, and the outyears, the years, as the gentleman says, when Social Security would not have enough money to pay out, were getting further and further away.

But now, with the budget that we are going to get from the Republican leadership and from the President, tonight I think it is already out and it will be voted on the floor next week, by spending the Social Security trust fund for current expenses unrelated to Social Security, that outyear when we are going to start to run out of money is going to get closer and closer; and privatization only aggravates it all the more if we were to move in that direction.

So these are the kinds of things that obviously we worry about as Democrats. I think it is no surprise that we are seeing a lot of our colleagues come on the Floor and talk about these concerns, because it is a very scary thing for the average senior citizen, the average person receiving Social Security, and I think we have got to make the public understand what is happening with Social Security, what is happening with the trust fund, because I just do not think a lot of people are necessarily aware of it.

I do not know if the gentleman finds that to be true at his town meetings or whatever. I think there is a lot of confusion on the part of the public about what is happening with Social Security, and some of these proposals that are out there in terms of where we are going to go and how we are going to make it solvent. I do not know if the gentleman wants to comment on that at all.

Mr. ROSS. Well, I thank the gentleman. I guess the reason that we have gotten to where we are on this discussion about the idea of privatizing Social Security really started last year when President Bush established a 16-member Commission on Social Security. The commission was given the specific task of spelling out how a Social Security privatization plan should be designed and implemented.

In December, the commission put forward three different options for partially privatizing Social Security. It did not, however, accomplish the goals of identifying the design and implementation of privatization. In fact, the commission acknowledged that such a profound change in the Nation's retirement system, commonly referred to as Social Security, would eventually cost at least $2 trillion, and that is with a T, at least $2 trillion, though the commission did not suggest how to pay for it.

So I think it is important that we do have an open and honest debate that fully discloses the risks associated with privatization, and develop a true retirement security plan for the American people. The American people deserve a national dialogue outside of the election year antics that will begin in the next few months.

The time for that dialogue to begin is now. The gentleman from California (Mr. MATSUI), the ranking member of the Committee on Ways and Means Subcommittee on Social Security, I think he said it best when he said, "The Enron collapse has made it abundantly clear that defined benefit plans such as Social Security have a fundamental role to play in retirement savings.

□ 2030

In light of Enron, it is especially critical that we discuss openly the risk, the cost, and benefit cuts inherent in Social Security privatization."

Mr. Speaker, this is a big issue. What the President proposes with his FY03 budget is, for the first time, I believe since 1997, that we go back to the days of deficit spending. The FY03 budget will put us further in debt by $100 billion; we are already $5.7 trillion in debt, so I guess that means we will be $5.8 trillion in debt, on top of the $1 billion we pay every single day in America, simply paying interest on the national debt; money that could go for education, that could go for highways, that could go for infrastructure that creates economic opportunities for people from all walks of life; money that could go to truly pass my bill, my bipartisan bill that I have filed with the gentlewoman from Missouri (Mrs. EMERSON), that truly creates a Medicare part D.

Mr. PALLONE. Mr. Speaker, I am a cosponsor of that bill.

Mr. ROSS. That is right, and I thank the gentleman from New Jersey for that.

But that is the kind of thing we could be doing with that $1 billion a day that we are paying interest on the national debt. Believe me, when the President is right, I will stand and say he is. I give him an A-plus for this war on terrorism. We all want to know life in America once again the way we did prior to September 11, and I give him an A-plus on that. I have voted with him in the past 14 months on many other issues, but this is an issue where I think he is wrong. Not only does he propose in the FY03 budget that we go $100 billion further into debt, he is asking that we raise the debt limit, not by $100 billion, but by $750 billion, with every single dime of that coming from where? The Social Security trust fund, with no provision, no plan on how in the world we pay it back or someday our kids or grandkids are forced to pay it back.

Mr. PALLONE. Mr. Speaker, the gentleman raises a number of things I just want to comment on.

First of all, when the gentleman talked about the debt limit, I thought it was very interesting that today pretty much Treasury Secretary O'Neill said that they are not going to bring up a vote on the debt limit because I think that the Republican leadership and the President do not want to show that they have to raise the debt limit; they are sort of hoping somehow it is going to go away, and they were suggesting that they were going to have to tap into Federal retiree funds, retirement funds, in order to postpone raising the debt limit, which is sort of a unique budget trick. But I guess we could go on doing that for a few months, and this way we sort of get away, maybe until after the election, and we get away with sort of showing that we have gone further into debt and we have to raise the debt limit. I do not know what the implications are for Federal retirees, but I am sure they are not too happy with the idea that their retirement funds are going to be played around with in this way in an effort to try to mask the fact that this debt limit has to be raised because the budget, the President's budget, raises the amount of debt.

The other thing is the gentleman mentioned the commission, the President's Commission on Social Security; and, to his credit, when he was first elected, he set up this commission with the idea that we were going to have this full-fledged debate on the future of Social Security. But all of a sudden, as the commission met, and I guess there was some criticism of having to deal with that issue of Social Security that might be politically unwise, they came up with a myriad of proposals which, although they favor privatization, are not at all clear where they are going.

I think one of the fears that a lot of the Democrats have is that even though we are hearing about debating Social Security and privatizing Social Security, that maybe what the Republican leadership really wants to do is postpone this whole thing until after the election so that they do not have to deal with it now.

I agree that I think that is unfortunate, because this is not going to go away. The actions that the President and the Republican leadership are taking with the budget, with the deficit, with essentially spending Social Security trust funds, are making the situation with Social Security worse. So they cannot keep postponing the inevitable.

The other thing that came up, which I do not know if we are going to get to it or not, but the gentleman certainly heard about it, all of us have, was that the majority leader, the gentleman from Texas (Mr. ARMEY), proposed this idea of this certificate. We were going to vote on a resolution on the floor, which is a little different than a bill, a resolution that would authorize the printing of these certificates that would go out to everybody over 65 telling them that their Social Security benefits would be guaranteed for the rest of their life. Then we found out that it would cost like $40 million or $50 million that would come out of the trust fund as well.

So again, I think that there is a lot of politics being played around here. We do not need these certificates. We need to have some action to actually deal with this issue in an effective way, other than just spending more of the trust fund and talking about privatization.

The gentleman raised some of these issues, and I think that we kind of have to keep bringing it up because of our concern over where all of this is going.

Mr. ROSS. Mr. Speaker, I agree with the gentleman. Let me just tell the gentleman that I am new to Washington. I still believe people can run for public office and get involved for the right reasons and really make a difference in people's lives. After 14 months here, I can tell my colleague that I am sick and tired of all the partisan bickering that goes on in our Nation's Capital. It should not be about what makes the Democrats look good or bad, and it should not be about what makes the Republicans look good or bad. It ought to be about doing right by the people who sent us here to represent them.

I can tell the gentleman that America is at war. We are spending $1 billion a day simply paying interest on the national debt. We owe the Social Security trust fund $1.2 trillion; and even if it is paid back, it is broke by 2038. There are a lot of critical issues facing this country and its future. My parents left a better country for me than what they found; and I am committed, I am dedicated, I believe it is a duty and an obligation, to ensure that we are able to leave this country just a little bit better off than we found it for our children and for our grandchildren and for the many, many generations to come.

The gentleman mentioned the guarantee certificate. Let me just tell my colleague that unfortunately my colleagues on the other side of the aisle have proposed mailing a bogus Social Security "guarantee" certificate. It is kind of like the President's idea of this so-called discount prescription drug card as a Bandaid approach, at best, to providing our seniors with the Medicare coverage they need when it comes to medicine. When we created Medicare, we did not say, here is a discount card, go to your doctor and cut the best deal you can, or here is a discount card, go to the hospital and cut the best deal you can. We truly provided a form of health care. Today's Medicare was designed for yesterday's medical care, and that is why I feel so strongly about the need to quit talking about modernizing Medicare to include medicine for our seniors and get on with getting it done.

Mr. Speaker, when we take a look at this Social Security guarantee certificate that the Republicans are proposing, it is not worth the paper it is printed on. Recently, the new Social Security Administration's Commissioner, JoAnn Barnhart, questioned the merits of such a guarantee certificate. In a memo to his Republican colleagues, Majority Leader ARMEY said that he is pushing the guarantee certificate as political cover for Republicans as we enter an election year.

Mr. Speaker, saving Social Security should not be about politics. It is much greater than any of us that serve up here. Saving Social Security for our seniors and for many generations to come is much more important than any of us standing for reelection. The American people, our seniors, they do not want a gimmick. They want a Congress that will be responsible, that will stand up, and that will truly protect Social Security. That is the kind of Congress I want to serve in.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments.

I want to conclude this evening, but I just wanted to point out again that that is why so many of us on the Democratic side have been up here over the last couple of weeks, and we are going to continue to do it, because we will have the budget come up next week, and we really do want to have a debate on the substance of Social Security and where we are going with it and not just having this certificate that is going to be out there and giving people this idea that everything is fine, when it is not. So we are going to continue to be here.

I just want to thank my colleague, the gentleman from Arkansas, and point out that as Democrats, we do think this is a very important issue that needs to be openly debated; and we are going to be here every night, if necessary, to make the point over the next few weeks.

ENDANGERED SPECIES ACT CAUSING SEVERE NEGATIVE IMPACTS ON ECONOMY

The SPEAKER pro tempore (Mr. WILSON of South Carolina). Under the Speaker's announced policy of January 3, 2001, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 60 minutes.

Mr. OSBORNE. Mr. Speaker, I represent a very large rural area in Nebraska. Actually, 97 percent of the district is privately owned. From about this area here on west is the third district, which I represent.

Currently, landowners are very concerned about property rights; and they are especially concerned about the Endangered Species Act, because this can be very intrusive and very threatening to landowners. Among those I represent, three events have contributed to this loss of confidence, and I will mention each one individually.

The first is the Klamath Basin situation that happened in Oregon this past year. As many people understand and realize, Fish and Wildlife shut off the irrigation water that served 1,400 farms in the Klamath Basin. They did so rather abruptly. The crops had already been planted, and this was done to protect the short-nosed sucker which lived in Klamath Lake and which is listed as endangered and also to help the coho salmon population in the river below in Klamath River. So the farmers lost their crops; some lost their farms. Land values declined from $2,500 per acre to $35 per acre, and Oregon State University estimates the loss of water cost the economy roughly $134 million in that area.

So naturally, landowners across the country, landowners in Nebraska were aware of this; and they are concerned about how far-reaching and how invasive the Endangered Species Act can become.

Recently, the National Academy of Science performed an independent review of the Klamath River Basin situation. Listen to what they found: they ruled that there was insufficient data to justify the decision to shut off the irrigation water. They said that cutting off water was not necessary to save the short-nosed sucker in Klamath Lake. Factors other than low water levels were endangering the sucker, so it was not the low water level at all. Also, actually, they found that larger releases in the Klamath River did not help the coho salmon but actually may have, in some ways, endangered them further.

So the whole situation in Klamath River has been called into serious question, and it would appear that all of the economic and financial damage that was done was all for naught; and in most cases, it would appear that it was something that should not have happened at all.

Secondly, there was a congressional hearing last week that I participated in in the Committee on Resources, and they had members of the Fish and Wildlife Service and the Forest Service; and these officials were asked to testify because seven employees of these agencies and also employees of a Washington State agency falsely planted Canadian lynx hair in Washington and Oregon.

□ 2045

This was an obvious effort to falsify data and to show that the Canadian lynx had an expanded and much larger range than what was believed. This would also have enhanced and enlarged their critical habitat for the Canadian lynx.

According to testimony, others within the government agencies were aware of the planted lynx hair and did not report it. This was a rather bizarre and unusual thing, because we would think that these employees would be in significant difficulty for having falsified the data. In many cases, we would have thought they would have been terminated. But actually, what they received as punishment was a verbal reprimand, verbal counseling, I guess is the way they put it, and most of these employees received their year-end bonuses, so it did not seem that the agency took any significant action. I guess that leaves many of us who are concerned about the Endangered Species Act to have some pause about what has been going on here.

The third instance that I would like to discuss, that I think is particularly important and more relevant to the State of Nebraska, where I live, is that in 1978, 56 miles of the Central Platte River was declared critical habitat for the whooping crane. This area is designated by the red line here that goes from Lexington, Nebraska, down to Grand Island. That is 56 miles. It was assumed that that stretch of river is critical for the survival of the whooping crane.

At one time, there were less than 50 whooping cranes in existence, so it was certainly endangered, no one questions that. Currently, the population of whooping cranes is at 175, but they are still definitely endangered.

In 1994, Fish and Wildlife proposed end-stream flows in the Platte River to preserve the whooping crane. They wanted to manage the amount of water going down the river, which would supposedly enable the whooping crane to have a better chance to survive.

They proposed that 2,400 cubic feet per second for 6 weeks during the spring would go down the river. This is a lot of water to go down the river, and that is water that could be stored here in Lake McConaughy later on for irrigation, but it is water that was used or is proposed to be used strictly for the whooping crane and for their habitat.

The flows in the river are recommended to be 1,200 cubic feet per second in the summer, and then they would, like on wet weather years, occasionally they want "pulse" flows of 12,000 to 16,000 cubic feet per second, and those flows would have to persist for at least 5 days in duration during the months of May and June.

When you have 12,000 or 16,000 cubic feet per second, you are talking about flood or near-flood stages. We have some lowland flooding along the Platte, some crop ground that is certainly damaged; and the big problem is that if we have a rain or extra water coming in here in the South Platte, we have an all-out catastrophe, or at least the potential for it.

So this is where the controversy begins, because obviously the 2,400 cubic feet per second down the river, and that being lost to crops and to uses that municipalities and farmers can use along the river, has not gone down real well. Of course, the "pulse" flows have caused even greater consternation.

One of the things about the "pulse" flows is that they also scour the river bed. They remove sediment and deepen the channel. As far as the cranes are concerned, this is not something that is desirable.

So in order to accomplish these end-stream flows, there was a cooperative agreement that was formed between Colorado and Wyoming and Nebraska, those three States, and, of course, Colorado is here, Wyoming is here, and Nebraska is here, to serve that 56 miles of river.

Now, Nebraska's contribution to the cooperative agreement is 100,000 acre-feet of water stored in Lake McConaughy, this lake right here, and that is roughly one-ninth to one-tenth of the whole capacity of the lake. That lake is to be stored for an environmental account, to be released at any time that it is assumed that the whooping cranes might need that water.

Also, there are no new depletions in this area of the Platte Valley after 1997. What that means is that if you had an irrigation well and you drilled that well in 1998, you had to shut down another well so there was no net depletion of water. Or if you were a municipality and you needed more water from the Platte River, then you had in some way to mitigate that and to shut down or reduce water use in another area. So since 1997, supposedly there are no new depletions in the river area.

In addition, there were 10,000 acres of critical habitat that was designated and set aside for the whooping crane.

Then this is probably the most bizarre issue of all. In order to replace the sediment that was taken out of the Platte by the "pulse" flows, it was recommended that there be 100 dump trucks of sediment hauled in and dumped in the Platte River every day for as long as possibly 100 years. That was so ludicrous that eventually Fish and Wildlife has backed off of that. Now all they are talking about is bulldozing or moving islands that are located in or near the river into the river, so this idea of replacing sediment has been a major issue.

Wyoming's contribution to the cooperative agreement is 34,000 acre-feet of water from Pathfinder Dam. Colorado's contribution is 10,000 acre-feet of water through the Tamarack plan. So, in total, phase one, the first 10 years, the amount dedicated to providing habitat for the whooping crane is 140,000 acre-feet of water per year. That is a lot of water going down the Platte River that could be used for a lot of different other issues that would certainly have a tremendous impact on the economy. Also, 10,000 acres, as we mentioned, has been set aside for the environmental aspects, and then the sediment replacement that we talked about.

Now, that is just phase 1. Eventually what the plan is, is to have 29,000 acres of habitat set aside and 417,000 acre-feet of water annually going down the river for environmental purposes. Now, that is increasing the 140,000 by roughly threefold, and no one knows quite where we can come up with that amount of water. That is an astronomical amount in the West, which generally tends to be rather dry.

The cost of the cooperative agreement, to date, is $5.5 million. That is just to begin to formulate the plan. The estimated total cost of the cooperative agreement is $160 million. That does not say anything about what it costs to move sediment into the river. That does not say anything about what it costs to have the no new depletions allotment, or what the costs to irrigators, farmers, and ranchers along the river would be in terms of lost water. The $160 million would be just a fraction of the total cost.

So the cooperative agreement has been time-consuming, it has been expensive, it has been burdensome to landowners, and most importantly, and this is the critical issue, the whole cooperative agreement idea seems to be based on a false premise. That premise is that the 56-mile stretch of the Middle Platte is critical for the existence of the whooping crane. In other words, this stretch of river right here is necessary and it has to be managed in the way that the cooperative agreement has specified in order for the whooping crane to survive.

There was a watershed program director who worked for the Whooping Crane Trust, which is an environmental group, it is not a group of farmers or ranchers or anyone who is against wildlife. This person worked for the Whooping Crane Trust. He worked for them for 17 years. He wrote a document filed on March 22 of the year 2000. This letter was sent to Fish and Wildlife.

It reads as follows: "From 1970 through 1998," that is 28 years, "38 percent of the years exhibited no confirmed whooping crane sightings along the Platte River. On average, less than 1 percent of the population of whooping cranes was confirmed in the Platte Valley during that same time frame." This is not just in the river, but in the whole valley.

What he was saying was that 11 out of 29 years, there were no sightings of whooping cranes on the Platte River, and yet we are assuming that this stretch of river right here is critical for their survival. There was an average of between one and two sightings per year over that 29-year period.

Now, obviously, if you have 175 whooping cranes and that is critical habitat, we are going to see more than one or two in a year, and we are not going to go 11 or 12 years without seeing any.

He goes on to say this: "During the 1981–1984 radio tracking study of whooping cranes," and in other words, they put an electronic collar on the cranes, "18 whoopers were tracked on three southbound and two northbound migrations." So this took place over a 2½-year time frame.

He said, "Of those 18 whoopers, none of them used the Platte River." None of those that were tracked electronically were even in the Platte River or in that region. So the author of the report goes on to say this: "I wonder if the Platte River would even be considered if the Fish and Wildlife Service was charged with designating critical habitat today. Whooping crane experts that I have visited with would be hard-pressed to consider the Platte River, given our current state of knowledge, certainly, none would be willing to state on a witness stand that the continued existence of the species would be in jeopardy if the Platte River were to disappear."

So this was his conclusion, and this was the result of years of study. Yet, we have this very elaborate plan that has been concocted in order to preserve that piece of river when apparently it really does not serve the whooping crane to any great degree at all.

Further, and this is important as well, this week Fish and Wildlife is expected to declare 450 miles of the

Platte and Loup and Niobrara rivers as critical habitat for the piping plover, so we are switching now from the whooping crane to the piping plover. Now, this is the Niobrara River here, and almost all of that river in its entirety is expected to be declared critical habitat. This is the north Loup, the middle Loup, and the south Loup. Again, that is going to be designated as critical habitat.

Now, the stretch of the Platte River extends from Cozad, right here, 80 miles to Chapman, right here. So it is approximately the same range as the whooping crane designation, but just a little bit further. So 97 percent of these river designations flow through Nebraska private lands. In other States where the piping plover is going to have critical habitat, such as Minnesota, North Dakota, South Dakota, Montana, roughly 97 to, in some cases, 100 percent of the habitat is strictly on public lands, so Nebraska is really hard hit as far as private lands.

Let us stick with the Middle Platte, because this is the area that has been studied the most. This is the area that we have the most data on. Again, let us refer to the document presented by the watershed program director. This is what he said about critical habitat for the piping plover.

"The Central Platte River does not offer any naturally occurring nesting habitat for these species, as amply demonstrated by the fact that no tern or plover chicks were known to fledge on any natural river sandbar during the entire decade of the 1990s." So what he is saying is that he and his colleagues studied this stretch of river right here, and during the 1990s, they found no reproduction of the ,piping plover or the least tern, which is also endangered, on that whole stretch of river. Yet, that is going to be designated as critical habitat for those birds.

The problem with this situation is that these birds nest near the water level, so if you have water at this level, the nest is going to be just a few inches above the water. Of course, the letter goes on to say this: "A 50-to-60-day window of flows less than about 1,500 cubic feet per second during late May through mid-July is necessary to allow for nesting and subsequent fledging. This did not happen in the 1990s. Nests and/or young were flooded out."

So during that period of time, 50 to 60 days, the better part of 2 months, in June and July, the water level must stay constant. It must stay very low, because once the birds build their nests, any surge of water is going to wipe out the nest. So during the decade of the 1990s, that is what happened every year. Every time there was any nest that was built, they were wiped out. Yet, this is where the critical habitat is going to be designated.

So flows are regulated from releases from Lake McConaughy. This is the major problem here, too. Here is Lake McConaughy. This is what controls 100,000 acre-feet of water that can be sent down the river at key times.

Now, the problem is that it is 100 miles from Lake McConaughy to Cozad or Lexington. It takes 5 days for the water from Lake McConaughy to reach this area. So if we think we have the flow controlled, and then all of a sudden you have an inch or 2-inch rain or half-inch, or have a rain in Colorado which comes down the South Platte River, which is not regulated by the dam, all of a sudden you have a surge in the water flow, and for 10 years there was no way to assure that there would be 1,500-acre cubic feet per second or less in the river, and hence, we lost the fledging that was supposed to occur.

□ 2100

So it is ironic that Fish and Wildlife chose to designate critical habitat in rivers which obviously has not worked and has ignored sand pits and lake shores which do work. Now all along the Platte River there are sand pits and small lakes and the only fledging, the only nesting that has been successful for the piping plover and the lease tern over the past 10 years or even 15 years has been on these sand pits, and yet none of these sand pits were designated as critical habitat by Fish and Wildlife, which is really hard to understand.

Sand pits or dredge islands are the only places where young have fledged in recent years, and so it would seem that attempting to create a river environment which promotes nesting by the piping plover and lease tern may actually harm the species. Again, we refer to the report and the author says this: "This begs the question as to whether it is in the best interests of this species' long-term well-being to attract them to an area where they are likely to be flooded or eaten by predators."

So what he is saying, in some cases, they have taken bulldozers, they have knocked down trees, they have tried to create artificial sand bars which would attract the piping plover and the lease tern to nest in the river; and when they have done that, invariably those nests have been wiped out by high water that comes surging down the river.

So in a sense, it has worked against the species to attract them to nest in an area where nesting is not going to be successful. It would be much better off if they were nesting in sand pits, small lakes where that is not going to happen to them.

It would seem that the critical habitat designation for the whooping crane in the first instance and the piping plover are inaccurate designations. The data simply does not support the designation. Therefore, I have requested the Secretary of the Interior provide an independent peer review through the National Academy of Sciences or some equivalent agency to review the listing of this habitat on the Platte River. I talked to Secretary Norton. I know that she is dedicated to making decisions based on accurate data, and we are very hopeful that her agency will see to it that there is a further independent peer review.

This did happen on the Klamath Basin. Unfortunately, it happened too late for the farmers. It was done after the fact. In this case we want to have it done before the fact, before the list, before things get out of hand; and we think that is very important.

Mr. Speaker, it is important to those listening that they do not assume that I am against endangered species. Quite often people from agriculture areas are assumed to be automatically against wildlife, against endangered species; and that is absolutely not the case. However, I do oppose the Endangered Species Act as it is now interpreted and administered.

Sometimes the Endangered Species Act may actually harm the species. We have already given an example or two. For instance, the National Academy of Sciences study indicates that higher flows from Klamath Lake actually in some cases harm the coho salmon. My colleagues say how does that occur, and what happened was Klamath Lake is relatively shallow; and so when they kept water in Klamath Lake, instead of running some of that water down irrigation canals, they sent it all down the river. The water was warmer in Klamath River than it was normally because there are springs in the bottom of the river, and so as a result they warmed up the water in Klamath River, which was actually endangering and harming to the coho salmon. So sometimes there are unintended consequences, and sometimes the Endangered Species Act does not work in ways that it was designed to work.

Actually, we have also mentioned that alterations in the Central Platte often entice the nesting of plovers and terns, and we have talked about that, dragging them into sand bars where they get washed out.

Then lastly, let us consider one other instance where the Endangered Species Act probably is not serving a species very well, and that would be the area of prairie dogs.

Fish and Wildlife and others have viewed as a baseline the journals of Lewis and Clark back around 1800 to determine where the natural habitat for prairie dogs was. As many people know, Lewis and Clark went up the Missouri River, went on up into South Dakota, on over here into Montana, and so they journaled and they mentioned wildlife. They mentioned prairie dogs; but as most anyone can see, in the State of Nebraska very little of Nebraska except along the Missouri River was ever covered by Lewis and Clark. So how can we say what the natural range of prairie dogs was when we go back to a document that is more than 200 years old?

Anyway, we are certainly in the middle of a controversy in Nebraska, in Montana and South Dakota, North Dakota, Wyoming, other Western States regarding the prairie dog. The prairie dog right now is considered to be threatened, but it is not listed. What that means essentially is that apparently Fish and Wildlife feels that it is endangered, but they have not gotten around to listing it; and many of us are hoping that they will reconsider before they do list it.

The thing to remember is that landowners will often tolerate prairie dogs as long as they can be managed. So if someone has got a ranch of 12,000 acres and they know they have got a prairie dog town down in one corner of their ranch and maybe another one up in this corner and they are certainly not out of control and they are not damaging a whole lot of pasture land, they are probably going to live and let live with those prairie dogs. But if on the other hand they realize that Fish and Wildlife is about to list the prairie dog as an endangered species and they can no longer touch those prairie dogs and they know very well that if they start moving and if they expand they can absolutely ruin a pasture, they could ruin half their land, they could ruin it all, and so what are they going to do? Are they going to let those prairie dog colonies survive, or are they going to make sure there are no endangered species on their property when the listing actually occurs?

I would say right now that that is happening to some degree with the prairie dogs. So the Endangered Species Act at this point is probably not serving the prairie dog to any great degree. Matter of fact, it may be harming it.

I think it is important that we understand that landowners are not people who are out to get the species. We have seen three examples of areas where the Endangered Species Act has not served landowners or wildlife well, the Klamath Basin crisis, the Canadian lynx falsified data, and then the critical habitat designation for the whooping crane, the piping plover and the Central Platte of Nebraska.

Generally speaking, the person that is closest to the species is the landowner, and I think that is something that people need to realize. There are a lot of environmental groups around the country, and they are very interested in species; and they care a lot about wildlife, but they are not right there with them every day like the landowner is.

Most landowners that I have known like wildlife. They certainly do not want to harm an endangered species, and so I have seen cases where Fish and Wildlife representatives have worked very well with landowners. I saw one in the central part of Nebraska where this person incorporated 15 or 20 farmers, and together they were able to create wetlands and habitat that was really outstanding for water fowl. So there is a cooperative effort, and usually landowners will respond to that type of approach.

On the other hand, I have seen Fish and Wildlife become rather arbitrary. They have used the Endangered Species Act as a club; and as a result, when forced to choose between a species and one's livelihood, the landowner usually is going to choose his livelihood. So I think it is important that we understand that the Endangered Species Act in some ways can be an effective tool, but it has got to be used differently. It is not being used very effectively at the present time. I think it needs to be modified. The Endangered Species Act often unnecessarily forces the landowner to make this choice; and when this happens, everyone loses.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today and the balance of the week on account of business in the district.

Ms. ESHOO (at the request of Mr. GEPHARDT) for today and the balance of the week on account of medical reasons.

Ms. JACKSON-LEE of Texas (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. ORTIZ (at the request of Mr. GEPHARDT) for today on account of Texas primary election.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. REYES) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. FLAKE) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 13.

Mr. OSE, for 5 minutes, today.

BILL PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 8, 2002 he presented to the President of the United States, for his approval, the following bill.

H.R. 3090. To provide tax incentives for economic recovery.

ADJOURNMENT

Mr. OSBORNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 13, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5840. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14-297, "Advisory Neighborhood Commissions Boundaries Act of 2002" received March 12, 2002, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

5841. A letter from the Chairman, Federal Election Commission, transmitting the report in compliance with the Federal Managers Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

5842. A letter from the Board Members, Railroad Retirement Board, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the Calendar Year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

5843. A letter from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Eastern Gulf of Mexico, Sale 181, scheduled to be held on December 5, 2001, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

5844. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; St. Mary's Hospital Heliport, MD [Airspace Docket No. 01–AEA–21FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5845. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Upper Mississippi River, Mile Marker 507.3 to 506.3, Left Descending Bank, Cordova, Illinois [COTP St Louis–02–003] (RIN 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5846. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Calvert Cliffs Nuclear Power Plant, Chesapeake Bay, Calvert County, MD [CGD05–01–071] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5847. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Operation Native Atlas 2002, Waters adjacent to Camp Pendleton, California [COTP San Diego 02–001] (RIN : 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5848. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; San Francisco Bay, San Francisco, CA [COTP San Francisco Bay 01–012] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5849. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Liquefied Natural Gas Tanker Transits and Operations in Cook Inlet, Alaska [COTP Western Alaska 02–004] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5850. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Easton Memorial Hospital Heliport, MD [Airspace Docket No. 01–AEA–22FR] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5851. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Hoover Dam, Davis Dam, and Glen Canyon Dam [COTP San Diego 01–021] (RIN: 2115–AA97) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5852. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30293; Amdt. No. 2091] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5853. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30296; Amdt. No. 2094] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5854. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01–AWP–26] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5855. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kayenta, AZ [Airspace Docket No. 01–AWP–26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5856. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Titusville, NASA Shuttle Landing Facility, FL [Airspace Docket No. 01–ASO–12] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5857. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Wauchula, FL [Airspace Docket No. 01–ASO–17] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5858. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Union, SC [Airspace Docket No. 01–ASO–14] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5859. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kenmare, ND [Airspace Docket No. 00–AGL–26] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5860. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Warren, MN [Airspace Docket No. 00–AGL–27] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5861. A letter from the Program Analyst, FAA, Department of Transportation, FAA, transmitting the Department's final rule—Revocation of Class E Surface Area at Lompoc, CA [Airspace Docket No. 01–AWP–23] received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2146. A bill to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; with an amendment (Rept. 107–373). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 366. A resolution providing for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children (Rept. 107–374). Referred to the House Calender.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 367. Resolution providing for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes (Rept. 107–375). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TOM DAVIS of Virginia (for himself and Mr. Burton of Indiana):

H.R. 3924. A bill to authorize telecommuting for Federal contractors; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself and Mr. Burton of Indiana):

H.R. 3925. A bill to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes; to the Committee on Government Reform.

By Mr. LaFALCE:

H.R. 3926. A bill to repeal a scheduled increase in the fee charged by the Government National Mortgage Association for guarantee of mortgage-backed securities; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself and Mr. Evans):

H.R. 3927. A bill to amend title 38, United States Code, to enhance veterans' programs and the ability of the Department of Veterans Affairs to administer those programs; to the Committee on Veterans' Affairs.

By Mr. HANSEN:

H.R. 3928. A bill to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah; to the Committee on Resources.

By Mr. HALL of Texas (for himself, Mr. Smith of Texas, Ms. Woolsey, Mr. Boehlert, Mr. Udall of Colorado, Mr. Bartlett of Maryland, Mr. Calvert, and Mr. Shows):

H.R. 3929. A bill to provide for the establishment of a cooperative Federal research, development, and demonstration program to ensure the integrity of pipeline facilities, and for other purposes; to the Committee on Science, and in addition to the Committees on Transportation and Infrastructure, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN (for himself and Mr. DeFazio):

H.R. 3930. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for State water pollution control revolving funds, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEREUTER (for himself and Mrs. Roukema):

H.R. 3931. A bill to amend section 501 of the American Homeownership and Economic Opportunity Act of 2000 to provide for the establishment of the Lands Title Report Commission for Indian trust lands; to the Committee on Financial Services.

By Mr. BLUMENAUER (for himself, Mr. Acevedo-Vilá, Mr. Abercrombie, Mr. Bonior, Mr. Brady of Pennsylvania, Mr. Conyers, Mr. Costello, Mr. DeFazio, Mr. Doyle, Mr. Deutsch, Mr. Farr of California, Mr. Filner, Mr. Gilchrest, Mr. Gilman, Mr. Gutierrez, Mr. Hinchey, Mr. Horn, Ms. Eddie Bernice Johnson of Texas, Mr. Kildee, Ms. Lee, Mr. Levin, Mrs. Maloney of New York, Mr. McDERMOTT, Mr. McGOVERN, Ms. McKINNEY, Ms. MILLENDER-McDONALD, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. PALLONE, Mr. PASCRELL, Ms. RIVERS, Mr. SHERMAN, Mr. STARK, Mr. TANCREDO, Mr. THOMPSON of California, Mr. TRAFICANT, Mr. WAXMAN, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 3932. A bill to amend title 18, United States Code, to prohibit certain conduct relating to polar bears; to the Committee on the Judiciary.

By Mr. CARSON of Oklahoma:

H.R. 3933. A bill to amend titles XVIII and XIX of the Social Security Act to prevent abuse of recipients of long-term care services under the Medicare and Medicaid programs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOOLEY of California (for himself, Mr. RADANOVICH, Mr. MATSUI, and Mr. LEWIS of California):

H.R. 3934. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH:

H.R. 3935. A bill to suspend temporarily the duty on helium; to the Committee on Ways and Means.

By Mr. HANSEN:

H.R. 3936. A bill to designate and provide for the management of the Shoshone National Recreation Trail, and for other purposes; to the Committee on Resources.

By Mr. HUNTER:

H.R. 3937. A bill to revoke a Public Land Order with respect to certain lands erroneously included in the Cibola National Wildlife Refuge, California; to the Committee on Resources.

By Mrs. JOHNSON of Connecticut:

H.R. 3938. A bill to direct the Secretary of Veterans Affairs to make a grant to the State of Connecticut for alteration of a certain building for support of a State veterans' home and hospital; to the Committee on Veterans' Affairs.

By Ms. KAPTUR:

H.R. 3939. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. McINTYRE (for himself and Mr. TOM DAVIS of Virginia):

H.R. 3940. A bill to eliminate the Federal quota and price support programs for tobacco, to compensate quota holders and active producers for the loss of tobacco quota asset value, to establish a permanent advisory board to determine and describe the physical characteristics of United States farm-produced tobacco and unmanufactured imported tobacco, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California:

H.R. 3941. A bill to direct the Secretary of the Interior to conduct a special resource study to determine whether it is suitable and feasible to include the Port Chicago Naval Magazine National Memorial as a unit of the National Park System; to the Committee on Resources.

By Mr. GEORGE MILLER of California:

H.R. 3942. A bill to adjust the boundary of the John Muir National Historic Site, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE:

H.R. 3943. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractors suitable for agricultural use; to the Committee on Ways and Means.

By Mr. NUSSLE:

H.R. 3944. A bill to amend the Harmonized Tariff Schedule of the United States to provide duty-free treatment for certain tractor parts suitable for agricultural use; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 3945. A bill to designate the facility of the United States Postal Service located at 167 East 124th Street in New York, New York, as the "Tito Puente Post Office Building"; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 3946. A bill to amend the Clean Air Act to permit the sale in certain States of gasoline from other regions, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SESSIONS (for himself, Mr. TOM DAVIS of Virginia, and Mr. BURTON of Indiana):

H.R. 3947. A bill to amend the Federal Property and Administrative Services Act of 1949 to enhance Federal asset management, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. HEFLEY, and Mr. UDALL of New Mexico):

H.R. 3948. A bill to improve implementation of the National Fire Plan on Federal lands managed by the Forest Service and agencies of the Department of the Interior; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 3949. A bill to amend title XIX of the Social Security Act to require health maintenance organizations and other managed care plans providing medical assistance to Medicaid beneficiaries to make payments for assistance provided to such beneficiaries by health centers in Federally-assisted housing for the elderly, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BERRY (for himself, Mr. STENHOLM, Mr. BOSWELL, Mr. TAYLOR of Mississippi, Ms. HARMAN, Mr. JOHN, Mr. ROSS, Mr. SANDLIN, Mr. TURNER, Mr. HALL of Texas, Mr. SCHIFF, and Mr. HILL):

H.J. Res. 85. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mr. BILIRAKIS (for himself, Ms. ROS-LEHTINEN, Mr. CROWLEY, and Mrs. MALONEY of New York):

H. Con. Res. 345. Concurrent resolution expressing the sense of the Congress that the Orthodox Theological School of Halki in the Republic of Turkey be reopened in order to promote religious freedom; to the Committee on International Relations.

By Mr. ENGEL:

H. Con. Res. 346. Concurrent resolution supporting the goals and ideals of the National Day of Silence; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 347. Concurrent resolution authorizing the use of the Capitol Grounds for the National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 348. Concurrent resolution authorizing the use of the Capitol Grounds for the National Book Festival; to the Committee on Transportation and Infrastructure.

By Mrs. MORELLA:

H. Res. 364. A resolution providing for the concurrence of the House with amendment in the Senate amendments to the bill H.R. 1499; considered and agreed to.

By Mr. SENSENBRENNER:

H. Res. 365. A resolution providing for the concurrence by the House with amendments in the amendment of the Senate to H.R. 1885; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PETERSON of Minnesota introduced a bill (H.R. 3950) for the relief of Anne M. Nagel; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. ENGLISH.

H.R. 25: Mr. ISRAEL.

H.R. 162: Mr. GORDON.

H.R. 218: Mr. SULLIVAN and Mr. DICKS.

H.R. 236: Mr. KELLER.

H.R. 292: Mr. LIPINSKI, Mr. LYNCH, Mr. LANTOS, Mr. WEXLER, Mr. TOWNS, Mr. FRANK, Mr. FILNER, Mr. PALLONE, Mr. BRADY of Pennsylvania, and Mr. OLVER.

H.R. 303: Mr. SULLIVAN.

H.R. 425: Mr. BLAGOJEVICH.

H.R. 488: Ms. BROWN of Florida and Mrs. TAUSCHER.

H.R. 507: Mr. BARCIA.

H.R. 527: Ms. PRYCE of Ohio.

H.R. 547: Mr. HINCHEY, Mrs. CHRISTENSEN, and Ms. McKINNEY.

H.R. 572: Mr. GALLEGLY.

H.R. 580: Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. EVANS, Mr. BRADY of Pennsylvania, and Ms. CARSON of Indiana.

H.R. 600: Ms. BROWN of Florida.

H.R. 604: Ms. CARSON of Indiana.

H.R. 664: Mr. HAYES, Mr. SHADEGG, Mr. GRAHAM, and Ms. ROS-LEHTINEN.

H.R. 690: Mr. Baird.

H.R. 745: Mr. Tierney.

H.R. 747: Mr. Berman.

H.R. 778: Mr. Price of North Carolina.

H.R. 854: Ms. Harman, Mr. Kucinich, Mr. Clyburn, and Mr. Brown of South Carolina.

H.R. 917: Ms. Kaptur.

H.R. 951: Mr. Meeks of New York, Mr. Nethercutt, and Mr. Reynolds.

H.R. 1040: Mr. Barr of Georgia.

H.R. 1049: Ms. McKinney.

H.R. 1076: Mr. Acevedo-Vilá.

H.R. 1097: Mr. Costello and Mr. Gutierrez.

H.R. 1111: Mr. Kirk, Mr. Sherman, Mr. Berry, Mr. Wexler, Mr. Ross, Ms. McCollum, Ms. Norton, Mr. Foley, and Mr. Wu.

H.R. 1184: Mr. Sabo and Ms. Roybal-Allard.

H.R. 1239: Mr. Shimkus.

H.R. 1265: Mr. Frank, Mr. Hall of Ohio, Mr. Nethercutt, Mrs. Tauscher, Mr. Farr of California, and Mr. Capuano.

H.R. 1287: Mr. Smith of Michigan and Mr. Ryun of Kansas.

H.R. 1306: Mr. Ose.

H.R. 1307: Mr. Gutierrez, Mr. Foley, and Ms. McKinney.

H.R. 1354: Mr. Wu, Ms. Kilpatrick, and Mr. Markey.

H.R. 1371: Mr. Rush.

H.R. 1462: Mr. Pallone and Ms. McCollum.

H.R. 1475: Ms. DeGette.

H.R. 1488: Mr. Pascrell.

H.R. 1556: Mr. Smith of Washington, Mr. Snyder, and Mr. Clyburn.

H.R. 1609: Mr. Brown of South Carolina, Mr. Allen, Mr. Nethercutt, and Mr. Simmons.

H.R. 1624: Mr. English, Mr. Lewis of Georgia, Mr. John, and Mrs. Thurman.

H.R. 1626: Mr. Clement.

H.R. 1731: Mr. Forbes, Mr. Walsh, and Mr. Duncan.

H.R. 1754: Mr. Green of Wisconsin.

H.R. 1795: Mr. Shaw and Mr. Camp.

H.R. 1837: Mr. Faleomavaega.

H.R. 1859: Mr. Wynn and Ms. Kaptur.

H.R. 1904: Mr. Underwood, Mr. Matheson, Mr. Murtha, Mr. George Miller of California, and Mr. Coyne.

H.R. 1911: Mr. Hefley, Mr. Israel, Mr. Filner, Mr. Kennedy of Minnesota, Mr. Nethercutt, and Mr. Foley.

H.R. 1961: Mr. Pascrell.

H.R. 1979: Mr. Ross and Mr. Boozman.

H.R. 1987: Mrs. Thurman.

H.R. 2014: Mr. Issa and Mr. Petri.

H.R. 2036: Mr. Matheson, Mr. Deal of Georgia, Mr. Kirk, Ms. Woolsey, Mr. Gordon, and Mr. Ross.

H.R. 2073: Mr. Hoeffel.

H.R. 2118: Mr. Langevin.

H.R. 2125: Mr. Baca, Ms. Brown of Florida, Mr. John, Ms. Sanchez, Mr. Strickland, Ms. Hooley of Oregon, Mr. Norwood, and Mr. Jeff Miller of Florida.

H.R. 2146: Mr. Lucas of Kentucky and Mr. Grucci.

H.R. 2162: Mr. Frost.

H.R. 2219: Mr. Nethercutt, Mr. Shimkus, Mr. LaTourette, and Mr. Tancredo.

H.R. 2220: Mr. McHugh.

H.R. 2237: Mr. Bonior.

H.R. 2250: Mr. Bartlett of Maryland.

H.R. 2254: Ms. Baldwin, Mr. Davis of Illinois, and Mr. Costello.

H.R. 2290: Mr. Stupak, Ms. Dunn, Mrs. Thurman, and Mr. Pastor.

H.R. 2323: Mr. Manzullo.

H.R. 2332: Mr. Foley.

H.R. 2335: Mr. Schaffer and Mr. Faleomavaega.

H.R. 2349: Mr. Greenwood, Mr. Green of Texas, and Mr. Pastor.

H.R. 2357: Mr. Bonilla.

H.R. 2426: Mr. Snyder and Mr. Ross.

H.R. 2435: Mr. Watts of Oklahoma.

H.R. 2476: Ms. Waters.

H.R. 2531: Mr. Bonior.

H.R. 2573: Ms. Schakowsky and Mr. Shays.

H.R. 2638: Mr. Reyes, Mr. Clement, Mr. Graham, Mr. Saxton, Mr. Platts, Mr. Wexler, and Mr. Foley.

H.R. 2649: Mr. Hunter, Mr. Kildee, Mr. Foley, Mr. Shimkus, Mr. Hastings of Washington, Mr. Stump, Mr. McKeon, Mr. Sessions, Mr. Graves, Mr. Camp, Mr. Ross, Mr. McCrery, and Mr. Pastor.

H.R. 2663: Mr. Burr of North Carolina and Mr. Towns.

H.R. 2695: Mr. Sessions, Ms. Eshoo, and Mr. Acevedo-Vilá.

H.R. 2764: Mr. Pombo and Mr. McKeon.

H.R. 2874: Ms. Brown of Florida and Mr. Kucinich.

H.R. 2908: Mr. Clement.

H.R. 2953: Mr. Ramstad, Mr. McDermott, and Ms. Dunn.

H.R. 3032: Mr. Hinchey.

H.R. 3068: Mr. Jones of North Carolina.

H.R. 3105: Mr. Kennedy of Minnesota.

H.R. 3109: Mr. Pascrell and Mr. Peterson of Minnesota.

H.R. 3114: Mrs. Christensen.

H.R. 3177: Mr. Kennedy of Minnesota.

H.R. 3231: Mr. Shimkus and Mr. Skeen.

H.R. 3236: Mr. Towns and Mr. Hinchey.

H.R. 3238: Mr. Mascara, Mrs. Morella, Mr. Lynch, and Mr. Sanders.

H.R. 3244: Mr. Underwood, Mr. Strickland, Mr. Lynch, Mr. Markey, Mrs. Meek of Florida, Mr. Delahunt, Mr. Olver, Mr. Gutierrez, Mr. Wexler, Mr. Whitfield, Mr. Allen, Mr. Hall of Ohio, and Mr. Rahall.

H.R. 3267: Mr. Hinchey.

H.R. 3279: Mr. Crowley.

H.R. 3292: Mr. Grucci, Mr. Camp, and Ms. McCarthy of Missouri.

H.R. 3321: Mr. Gibbons, Mr. Hayes, Mr. Sessions, and Mr. Lucas of Kentucky.

H.R. 3324: Ms. Harman and Mr. Baca.

H.R. 3332: Mr. Castle, Mr. Lantos, Mr. McHugh, Mr. Isakson, Mr. Camp, Mr. McIntyre, Mr. Pickering, Mr. Andrews, Mr. Oxley, Mr. Kirk, Ms. Lee, Mr. Crowley, Mr. Weldon of Pennsylvania, Mr. LaFalce, Mr. Blumenauer, Mr. Price of North Carolina, Mrs. Maloney of New York, and Mr. Hulshof.

H.R. 3337: Mr. Underwood, Mr. Price of North Carolina, Mr. Hall of Ohio, and Mr. Spratt.

H.R. 3340: Mr. Davis of Illinois, Mr. Tancredo, Mr. Kucinich, and Ms. Carson of Indiana.

H.R. 3351: Mr. Taylor of Mississippi, Ms. McKinney, Mr. Skelton, Mr. Fossella, Mr. Wu, Mr. Grucci, and Mr. Flake.

H.R. 3354: Mr. Davis of Illinois and Mr. Tancredo.

H.R. 3368: Mrs. Mink of Hawaii.

H.R. 3369: Mrs. Mink of Hawaii.

H.R. 3382: Mr. Filner.

H.R. 3399: Mr. Ose.

H.R. 3424: Mr. McNulty, Mr. Hastings of Florida, Ms. Hooley of Oregon, and Mr. Gilman.

H.R. 3443: Mr. Spratt, Mr. Bartlett of Maryland, Mr. Lynch, and Mr. Schiff.

H.R. 3450: Mr. Allen, Mr. Delahunt, Mr. Clay, Mr. Evans, and Ms. Velázquez.

H.R. 3464: Mr. McDermott and Mr. Moran of Virginia.

H.R. 3482: Mr. Calvert, Mr. Combest, Mr. Gekas, and Ms. Jackson-Lee of Texas.

H.R. 3497: Mr. Smith of Michigan.

H.R. 3505: Mrs. Tauscher.

H.R. 3522: Mr. Smith of Texas.

H.R. 3524: Mr. Gonzalez, Ms. Carson of Indiana, and Mr. Boucher.

H.R. 3561: Ms. Hart.

H.R. 3562: Mr. Frost.

H.R. 3569: Mr. Ganske and Mr. Stupak.

H.R. 3605: Ms. Hart.

H.R. 3617: Mr. Farr of California and Mr. Dingell.

H.R. 3618: Mr. Everett, Mr. Chambliss, and Mr. Watt of North Carolina.

H.R. 3626: Mr. LoBiondo and Mr. LaTourette.

H.R. 3628: Mr. Frost, Mr. McNulty, Mr. McGovern, Mrs. Clayton, Mr. Jackson of Illinois, Mr. Jefferson, Mr. Lewis of Georgia, Mr. Rush, Mr. Towns, Mr. Owens, Ms. Kilpatrick, Mr. Fattah, Ms. Eddie Bernice Johnson of Texas, Ms. Brown of Florida, Mr. Lynch, Ms. Watson, and Mr. Clyburn.

H.R. 3634: Mr. Clyburn, Mr. Jackson of Illinois, Mr. Owens, and Mr. Pascrell.

H.R. 3661: Mrs. Biggert, Ms. Pryce of Ohio, Mr. Ehlers, Mr. Tiberi, and Mr. Abercrombie.

H.R. 3669: Mr. Kennedy of Minnesota, Mrs. Roukema, Mr. Nussle, Mr. Weldon of Florida, and Mr. Walsh.

H.R. 3677: Mr. Duncan.

H.R. 3687: Mr. Davis of Illinois.

H.R. 3694: Mr. Doolittle, Mr. Hall of Ohio, Mr. Souder, Mr. Boucher, Ms. Ros-Lehtinen, Mr. Callahan, Mr. Hall of Texas, and Mr. Jefferson.

H.R. 3710: Mr. Bonior.

H.R. 3713: Mr. Ney, Mr. Rangel, and Mr. McIntyre.

H.R. 3717: Mr. Bereuter, Mr. Kingston, Mr. Mica, Mr. Nethercutt, Mrs. Jones of Ohio, Mr. Hefley, and Mr. McInnis.

H.R. 3733: Mr. Abercrombie.

H.R. 3763: Mr. Shays, Mr. Grucci, and Mr. King.

H.R. 3764: Mr. Shays.

H.R. 3765: Mr. Waxman.

H.R. 3781: Mr. Smith of New Jersey, Mr. LaTourette, Mr. Vitter, Mr. Smith of Washington, Mr. Rothman, and Mr. Lynch.

H.R. 3792: Mr. Wexler, Mr. Weller, Mr. Clement, Mr. Kirk, and Mr. Horn.

H.R. 3794: Mr. Kucinich, Mr. Kildee, and Mr. Holt.

H.R. 3802: Mr. Pombo.

H.R. 3808: Mr. Peterson of Pennsylvania and Mr. Calvert.

H.R. 3814: Mrs. Maloney of New York, Mr. Waxman, Mr. Frost, and Mr. Gutierrez.

H.R. 3831: Mr. Ferguson and Mr. Filner.

H.R. 3833: Mr. Walsh, Mr. Osborne, and Mr. Schiff.

H.R. 3834: Mr. McGovern, Mr. Waxman, Mr. Farr of California, Mr. Serrano, Mr. Foley, Ms. McKinney, Mr. Kleczka, and Mr. Smith of New Jersey.

H.R. 3847: Mr. Pallone, Mr. Saxton, Mr. Rothman, Mr. Ferguson, Mr. Smith of New Jersey, Mr. LoBiondo, Mr. Holt, Mr. Pascrell, and Mrs. Roukema.

H.R. 3857: Mrs. Johnson of Connecticut.

H.R. 3889: Mr. Phelps, Mr. Hinchey, Mr. Hayes, Mr. Paul, Mr. McHugh, and Mr. Davis of Illinois.

H.R. 3893: Mr. Kucinich.

H.R. 3894: Mr. Payne.

H.R. 3900: Mr. Latham, Mr. Keller, Mr. Brown of Ohio, and Mrs. Northup.

H.R. 3916: Mr. Dingell, Mr. Kirk, and Mr. Brown of Ohio.

H.R. 3919: Ms. Pryce of Ohio.

H. Con. Res. 42: Mr. Waxman, Mr. Farr of California, Ms. Ros-Lehtinen, and Mr. Hoeffel.

H. Con. Res. 99: Ms. WATERS, Mr. GUTIERREZ, Ms. KAPTUR, and Ms. VELÁZQUEZ.

H. Con. Res. 164: Ms. PRYCE of Ohio.

H. Con. Res. 188: Mr. INSLEE.

H. Con. Res. 238: Mr. DOYLE.

H. Con. Res. 315: Mr. PENCE and Mr. ISTOOK.

H. Con. Res. 317: Mr. BACA.

H. Con. Res. 328: Mr. MCDERMOTT.

H. Res. 128: Mr. MALONEY of Connecticut.

H. Res. 300: Mr. BLAGOJEVICH.

H. Res. 348: Mr. TANCREDO and Mr. SMITH of New Jersey.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3215: Mr. GIBBONS.

EXTENSIONS OF REMARKS

HONORING MATHEMATICS, ENGINEERING, SCIENCE ACHIEVEMENT (MESA)

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor MESA for receiving the prestigious 2001 Innovations in American Government Award. MESA has been successful in assisting educationally disadvantaged students excel in math, engineering and science.

MESA has touched over 30,800 students' lives, via the outreach programs in 440 schools, 35 community colleges, and 23 universities across the nation. Through participation in MESA 85 percent of graduating high school seniors advance to college. MESA promotes its participants by establishing an atmosphere of diverse partnerships among students who support each other's academic success. MESA is one out of five programs in the nation to receive the award, and the only program from California to be honored with the award this year.

Mr. Speaker, I rise today to congratulate MESA for receiving the 2001 Innovation in American Government Award. I invite my colleagues to join me in thanking MESA for its outstanding service to the community and wishing MESA many more years of continued success.

* * *

CONCERN FOR NEW FLOOD CONTROL RULES

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. HORN. Mr. Speaker, the goal of improving our environment and providing cleaner air and water for future generations is an essential one.

Cleansing our national waterways has been a top priority for me throughout my time in public service. At the same time, however, I have recognized that we must undertake these efforts in ways that achieve important objectives without placing unduly onerous burdens on the communities responsible for implementing environmental regulations.

The cities that share Los Angeles County are now facing precisely this challenge as a result of a recent interpretation of storm water runoff regulations. As Don Waldie, a city official in Lakewood, wrote in an article printed in the February 4, 2002, Los Angeles Times, cities throughout Los Angeles County are, "about to be hit with a 'storm water tax' of up to $53 billion over the next 10 years to attempt what may be impossible—to make the waters of the Los Angeles River fishable, swimmable and potentially drinkable."

The Coalition for Practical Regulation, comprised of 42 cities directly affected by these regulations, has been formed to seek sensible solutions to the storm water runoff issue. I am pleased to be working with these cities in an effort to secure federal funding for a pilot program aimed at finding solutions. We must find solutions that will not force cities to choose between cutting essential services or drastically increasing local taxes.

I urge my colleagues to review Mr. Waldie's article, which follows my remarks. What is happening to the cities in my district and in those of several other Members representing the cities of Los Angeles County, may be coming to your area soon. Sensible, affordable solutions must be found so that communities throughout the nation do not soon find themselves placed in the untenable position now confronting the communities of Los Angeles County.

[From the Los Angeles Times, Feb. 4, 2002]

NEW FLOOD CONTROL RULES MUDDY THE LOCAL WATERS

(By D.J. Waldie)

Neither good science nor good technology exists today to test for or remove all the possible contaminants flowing into the county-operated flood control system from lawn watering and cars driving on city streets.

Yet cities throughout Los Angeles County are about to be hit with a "storm water tax" of up to $53 billion over the next 10 years to attempt what may be impossible—to make the waters of the Los Angeles River fishable, swimmable and potentially drinkable.

But should they be? What if the cost means less money for parks, police, housing and community services?

What if the cost of turning the Los Angeles River into a mountain stream means severely degrading the quality of life in the small cities along the river's banks?

Neither the voters nor their elected city and county representatives had the opportunity to have those questions answered because the nine members of the Los Angeles Regional Water Quality Control Board, all appointed by the governor, decided that these questions don't matter.

The board unanimously adopted in December a revised storm water permit for most of the county's 84 cities that contains 44 new quality standards.

Meeting just one of them—a "total maximum daily load" for trash in the flood control channel of "zero" by 2012—will cost county taxpayers an estimated $1 billion.

The cost for meeting this standard—and all the others—will be covered by new city fees and user charges for property owners or will be taken from municipal funds needed to maintain streets, pay for police or keep community centers open.

Some of the hardest-pressed cities in the state must remake their budgets to become the Los Angeles regional board's enforcement arm.

Maywood has a general fund budget of about $6 million. What part of law enforcement in Maywood does the regional board consider appropriate to cut in order to police storm drains?

In Bell Gardens, enforcement efforts would be equal to 100% of the city's recreation budget. In Huntington Park, it's at least 75%.

Even worse, these cities face a grinding round of citizen lawsuits under the federal Clean Water Act and fines of up to $27,500 a day if they fail to comply with the board's mandates.

Cities and the county can be sued even if they make good-faith efforts to clean up storm water or if the experimental technologies they use don't work.

These costs didn't impress the members of the Los Angeles regional board.

One member waved off concerns, saying cities would find the money somehow.

In response to such indifference, the county, the city of Los Angeles and most of the county's other cities have appealed the regional board's storm water permit to the State Water Resources Control Board.

It may be too late, however, to rescue workable storm water regulation from a future of unnecessary conflict and the expense of the inevitable court cases.

All this could have been avoided.

We already have a model for negotiating environmental goals into the operation of the flood control system.

Five years ago, when the small cities of the southeast area of the country were faced with the catastrophic failure of the local flood control system, everyone—the county Public Works Department, the cities, federal agencies and skeptical environmental organizations—sat down (after initial conflict) to work out solutions that restored flood protection and began the environmental revival of the wastelands along the rivers' edge.

With realistic goals, everyone at the table became an advocate for both the efficient operation of the flood control system and the riverside environment.

The open space and recreation projects that came out of this process are an integral part of the $100-million, state-funded revitalization of the entire Los Angeles River.

The give and take of negotiation won't satisfy environmental absolutists, who are intolerant of less-than-perfect solutions, but the State Water Resources Control Board should at least try.

The state water board should halt the imposition of the regional board's storm water tax and assert its leadership by joining with the cities, the country and the environmental community in a collaborative review of realistic, scientifically sound and environmentally just goals for storm water quality.

* * *

TRIBUTE TO MR. BOON SWAN FOO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to pay special tribute to a gentleman I have come to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

know and respect in recent years as we have worked on defense and economic development-related opportunities for South Texas.

I want to commend Mr. Boon Swan Foo, the former Deputy Chairman and Chief Executive Officer of Singapore Technologies, for winning the title of Outstanding CEO for 2000. The award is one of several Singapore Business Awards administered by the Business Times and DHL Worldwide Express.

Singapore Technologies designs, develops, manufactures and markets a range of engineering opportunities for both the military and commercial uses. Mr. Boon has been with the company since 1979, beginning as a marine engineer.

His vision to take this global enterprise to the next level was not hot air; he did it the old-fashioned way, from the ground up, taking care of the assorted details along the way. Market capitalization grew by $6 billion in roughly five years and he raised disclosure standards.

He has two philosophies for running a successful company. One, he got the best people by recruiting, retaining and retraining. He found smart, talented people; he enticed them to stay and he offered them continual professional development.

The other philosophy is enshrined in the company motto: "A bowstring which is always kept taut will soon become over-stretched, lose its elasticity and cease to be of use. So it is with human beings, who must alternate work with relaxation."

To that end, this high-level executive lives on the edge by indulging in deep sea diving and skydiving. Between these activities he is an avid jogger.

I ask my colleagues to join me in commending my friend, Boon Swann Foo, for winning the prestigious Business Award.

FAIR WINDS AND FOLLOWING SEAS TO COMMANDER LAURELL A. BRAULT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. CUNNINGHAM. Mr. Speaker, I rise today to recognize an outstanding naval officer, Commander Laurell A. Brault, who served with distinction and dedication for over two years for the Secretary of the Navy and under the Assistant Secretary of the Navy (FM&C) as a Navy Appropriations Liaison Officer. It is a privilege for me to recognize her many outstanding achievements and commend her for the superb service she has provided to the Department of the Navy, the Congress, and our nation.

On a professional level, Commander Brault has supported members of the House Appropriations Committee, Subcommittee on Defense as well as our professional and associate staffs, providing critical information on Department of the Navy plans, programs and budget decisions since January 2000. Her valuable contributions have enabled the Defense Subcommittee and the Department of the Navy to strengthen its close working relationship and to ensure the most modern, well-trained and well-equipped naval forces attainable for the defense of our great nation. As a Member of the Subcommittee representing the San Diego naval community, I have worked extensively with Laurell, and have come to greatly admire her.

Although she is a quiet and very humble person, no one should mistake those qualities as weaknesses in the rough and tumble world of Washington. Laurell is a very strong, talented and reliable professional, who has worked her system to be more responsive to our needs on Capitol Hill. More than serving as a conduit of information between the legislative and executive branches, Laurell has reached out to her colleagues and taken the time to get to know us on a personal level.

Nowhere is that personal touch and caring more evident than in her life outside the Pentagon. Despite the long and demanding hours she keeps as a Navy liaison, she continues to devote considerable time to her faith and community. She dedicates considerable time each week for a host of volunteer programs at her church and to an ever expanding group of "adopted" family that she has come to know through those efforts. I am certain that everyone who has had the opportunity to get to know Laurell and work with her is the better for it, and I am pleased to be among that fortunate group.

Mr. Speaker, Laurell Brault and her husband Jim have made many sacrifices during her Navy career, and her distinguished and unselfish service has exemplified the best our nation has to offer. As they depart the Appropriations Matters Office to embark on yet another great Navy adventure in the service of a grateful nation, I call upon colleagues to wish them both every success, and the traditional Navy "fair winds and following seas."

REMEMBERING ALFRED P. HOLMES, JR., OF MOBILE, ALABAMA

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RILEY. Mr. Speaker, I rise this evening in remembrance of my fellow Alabamian, Alfred P. Holmes, Jr., who was laid to rest earlier today in his hometown of Mobile. He was 71, and filled those years with family, friends, and service to his country and community, and I believe Congress should take note of his exceptional life.

Mr. Holmes believed in public service. He believed that people should use their talents to help their fellow man. After earning a bachelor's degree and juris doctor degree from the University of Alabama, he began a distinguished legal career built upon those noble ideals.

Mr. Holmes served his Nation as an officer in the U.S. Army's Judge Advocate General Corps and as an assistant U.S. Attorney for the Southern District of Alabama. He was a member of the local, State and Federal bar associations and past president of the Mobile Area Federal Bar Association.

Mr. Holmes retired in 1990 as chief of the legal division in Mobile's district of the U.S. Corps of Engineers. While serving nearly three decades in that capacity, he helped guide the Corps' much-needed activities through complicated litigation, and paved the way for many of the monumental engineering and transportation projects that continue to benefit his fellow Alabamians.

While at the Corps, Mr. Holmes was presented with the U.S. Corps of Engineers Exemplary Service Award and was inducted into the District Gallery of Distinguished Civilian Employees.

Mr. Holmes was a graduate of Murphy High School and had lived in Mobile since childhood. He was a member of Ashland Place United Methodist Church and was chairman of its board of trustees at the time of his death.

Alfred Holmes was a fine man who lived a fine life. He was loved and cherished by his wife, Angie, honored and respected by his sons, Parker and Brock, and adored by his grandson, Michael.

They will miss a husband, a father, and a grandfather, and the entire city of Mobile will miss a dear friend and loyal citizen.

We in Congress salute the life of Alfred Holmes.

TRIBUTE TO MR. ARTHUR R. KONDRUP

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. HOLT. Mr. Speaker, I rise to recognize and celebrate the YMCA of Western Monmouth County's 2002 Community Service Honoree, Mr. Arthur R. Kondrup, president of the Western Monmouth County Chamber of Commerce and his significant contributions to central New Jersey.

For more than three decades, Mr. Kondrup has given selflessly of his time, treasure, and talents through his commitment to community, church, and family. With a reputation that precedes him, Arthur's legacy of hard work and dedication to worthwhile endeavors makes him well known throughout Central New Jersey.

Over the years, Arthur has served his State honorably in numerous public service positions. As an elected official, he served on the governing body in Freehold Township for 14 years, including five terms as mayor. At the State level, Mr. Kondrup was appointed by Governor Kean as the first chairman of the New Jersey Council on Affordable Housing. As chairman, he took on the difficult task of implementing the New Jersey Fair Housing Act.

A keystone of Arthur's life has been his involvement with church and his commitment to his faith. Among his varying accomplishments, he has been a member of the Knights of Columbus for 46 years and has served as a lector at Sunday mass for over 30 years.

Additionally, it is appropriate to note that this September 13th, Arthur and his wife Patricia will celebrate their 50th wedding anniversary. Arthur and Patricia are the proud parents of five children and grandparents of nine.

Mr. Speaker, again, I rise to celebrate, honor and commend this outstanding New Jerseyan. I ask my colleagues to join me in recognizing Arthur Kondrup's invaluable contributions to our community and to central New Jersey.

RARITAN'S 2002 WOMEN OF DISTINCTION AND GIRL SCOUTS OF DISTINCTION HONOREES

SPEECH OF

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 6, 2002

Mr. HOLT. Mr. Speaker, I rise to recognize and celebrate the Girl Scouts of Delaware-Raritan's 2002 Women of Distinction and Girl Scouts of Distinction honorees and their significant contributions to Central New Jersey.

Through its efforts, the Girls Scouts of Delaware-Raritan serve over 12,000 young women across Central New Jersey. Tonight's honorees exhibit and exude the altruistic ideals that our Nation needs now, more than ever. These ideals, no doubt grew from their involvement in Girl Scouts and the grounding principals of the Girl Scout Promise and the Girl Scout Law which read as follows:

THE GIRL SCOUT PROMISE

On my honor, I will try:
To serve God and my country,
To help people at all times,
And to live by the Girl Scout Law.

THE GIRL SCOUT LAW

I will do my best to be
Honest and fair,
Friendly and helpful,
Considerate and caring,
Courageous and strong, and
Responsible for what I say and do,
And to
Respect myself and others,
Respect authority,
Use resources wisely,
Make the world a better place, and
Be a sister to every Girl Scout.

As we celebrate Women's History Month, we honor each of these recipients for their hard work and dedication and we celebrate the legacy they have created for women and women's history in Central New Jersey.

WOMEN OF DISTINCTION/GIRL SCOUTS OF DISTINCTION

World of Corporate Leadership, Ms. J. Andrea Alstrup, Johnson & Johnson and Ms. Erin McKinley, Senior Troop 1099, Princeton.

World of the Arts, Ms. Deborah Ford, Trinity Episcopal Cathedral and Ms. Megan Copenhaver, Senior Troop 1703, West Windsor/Plainsboro.

World of Education, Dr. R. Barbara Gitenstein, Ph.D., The College of New Jersey and Ms. Melissa Shulman, Senior Troop 523, Old Bridge.

World of Industry, Ms. Margaret Guilliano, Inland Paperboard & Packaging, Inc. and Ms. Amirah Patterson, Senior Troop 308, Somerset.

World Citizen, Ms. Katherine M. Kish, Market Entry, Inc. and Ms. Maryanna Vicente, Independent Senior, Mojasphe.

World of Science, Dr. Elaine Leventhal, M.D., Ph.D., UMDNJ-RWJ Medical School and Ms. Victoria Rollins, Senior Troop 3038, Piscataway.

World of the Environment, Ms. Mary T. Sheil, NJ Dept. of Environmental Protection and Ms. Kristen Schechter, Senior Troop 399, Somerset.

World of Women, Ms. Melanie Willoughby, NJ Retail Merchants Association and Ms. Sweta Patel, Senior Troop 308, East Brunswick.

Mr. Speaker, again, I rise to celebrate, honor and commend these outstanding New Jerseyans. I have personally observed the effective work of some of these honorees and I ask my colleagues to join me in recognizing their invaluable contributions to our community and to New Jersey.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Ms. SOLIS. Mr. Speaker, it has been six months since the September 11th attacks. During that time, millions of working people in the United States have lost their jobs. Even before the attacks, our economy was slowing down and unemployment was on the rise. House leaders responded to the economic downturn with calls for deeper tax cuts for the wealthy and tax breaks for businesses. Congress even enacted a measure to bail out the airline industry. However, it continued to ignore the very individuals who need the assistance the most: the unemployed. With the consideration of H.R. 3090, the Job Creation and Worker Assistance Act, I am pleased that the House is finally voting on a bill that will truly help workers.

The 13-week extension of unemployment benefits provided in this legislation will bring much needed relief to the many displaced workers across the country whose benefits are near exhaustion. It will be particularly helpful in my district, where unemployment in some cities is well above the national rate of 5.5%. In South El Monte alone, for example, the unemployment rate is 10.3%. It is time that we help people in this city and others across the country as they struggle to make ends meet during these difficult times. It is the very least that we can do for them.

While I support this measure, I am disappointed that it does not include additional benefits for unemployed individuals. Compensation for unemployed part-time and low-wage workers and health insurance for displaced workers are among the benefits that should have been included in this economic stimulus bill. Also, my proposal to provide an immediate one-time payroll tax rebate up to $300 to lower income working individuals should have been included. Working families need all the help they can get and unemployment benefits are sometimes insufficient to meet the day-to-day necessities. Inclusion of the above proposals would have strengthened the economic security of millions of unemployed workers until they found jobs. As the House continues to monitor the economy and its impact on working families, I urge it to consider these important proposals.

Although this legislation does not reach its full potential as a true worker assistance measure, it is a step in the right direction and will be enormously helpful to many hard working individuals and their families. In this regard, I support it and urge its passage.

IN HONOR OF EASTERN ILLINOIS UNIVERSITY'S PLACEMENT ON THE AMERICA'S BEST COLLEGES LIST

HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. PHELPS. Mr. Speaker, today I rise to recognize Eastern Illinois University in Charleston, Illinois, of my district. This Fall, Eastern Illinois University moved from the second tier to the first tier of the Midwestern Regional Universities in US News and World Report's 2002 annual guide to America's Best Colleges, placing it among the top public universities in the Midwest.

Eastern Illinois University is the only public university in the State of Illinois listed in the first tier of four tiers of 145 institutions in the "Best Universities—Masters (Regional Midwest)" ranking category—universities that offer a full range of undergraduate degrees and some master's degree programs, but few, if any doctoral programs. In addition, the magazine also rated Eastern fifth among all public Midwestern universities with master's programs, compared to seventh place of last year. The rankings are based on schools academic reputation, student selectivity, faculty resources, graduation and retention rates, financial resources, and alumni giving.

One of the most impressive statistics regarding Eastern Illinois University is that they have an average graduation rate of 67 percent. This rate reflects their strong commitment to the students that attend Eastern, and the effective leadership provided by interim president, Louis V. Hencken. Mr. Speaker, these graduates leave Eastern Illinois University with a quality education that makes them desired candidates for jobs within my district and the entire State of Illinois.

It is an honor to represent the city of Charleston, Illinois, and I offer my congratulations to the entire faculty and staff of Eastern Illinois University and commend them on this tremendous achievement.

HONORING EARLENE HILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to Earlene Hill as she retires after 29 years as a Registered Nurse with General Motors. During her career she has provided outstanding patient services to the employees of General Motors. Mrs. Hill will be honored at a celebration on March 14th in my hometown of Flint, Michigan.

As a certified Occupational Health Nurse, Earlene has been on the front lines of health care in the workplace. As a member and past president of the Flint Association of Occupational Health Nurses she always abided by the high criteria imposed by that organization. The times I have met with her, I was impressed with Earlene's commitment to cultivating professional standards and her compassion for the workers in her care. As an Occupational Health Nurse she was charged with the awesome responsibility of assessing work environments for potential health or safety problems. Earlene has been an excellent advocate for safeguarding workers at Fisher Body Number 1, Flint Metal Fabrication, the Buick City Complex and the GM Regional Medical Complex.

Earlene's efforts on behalf of the workers under her protection resulted in her promotion to Manager of Health Service Administration at General Motors. This enabled the entire GM Health Service staff to draw on her expertise. Her retirement will leave a gap in the accumulated wisdom of the Health Service Administration. Her concern for others extends beyond the jobsite. Her work with Delta Sigma Theta Sorority, Sigma Theta Tau Honor Society and Christ Fellowship Baptist Church are testaments to her warmhearted benevolence.

Mr. Speaker, I ask the House of Representatives to join me in wishing Earlene, her husband James, and her family all the best as she begins this new phase of her life.

IN RECOGNITION OF HISPANIC AMERICAN ATHLETES AT THE 2002 OLYMPICS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the outstanding achievements of the United States Latino athletes in the 2002 Winter Olympics. At these Olympic games we have seen a number of outstanding United States athletes from different ethnic and racial backgrounds. We have witnessed a number of "firsts" in our minority communities. These athletes have risen to the Olympic challenge against incredible odds, and for this, I honor them. I again recognize Mrs. Vonetta Flowers who won a Gold medal; in bobsledding at the Winter Olympic games, becoming the first African American to win a Gold medal for the United States in a Winter event.

In addition to those accomplishments made by the African American community, I also commend those achievements of Hispanic American athletes as highlighted in the Daily News article on Latino Olympians. The article follows this statement and I would like to take this opportunity to recognize the Olympians' reference in it. Mr. Parra, 31 years old, is a Mexican American speed skater from Orlando, Florida. He began his athletic career as a inline skater and only picked up speed skating on ice five years ago. Considered the first Hispanic American to ever win a medal in the Olympic games makes Parra incredibly unique, but Parra did not just medal. Parra came in first, receiving a Gold medal and breaking the world record for his performance in the 1,500 meter. He also received a Silver medal in the 5,000 meter race.

In addition, Jennifer Rodriguez of Miami, Florida became the first Cuban-American to medal in the Winter Olympics. A former inline skater—now speed skater, like Parra—Rodriguez competed in the women's 1,000 race and won a Bronze medal. Our nation's Puerto Rican heritage was also represented at the Salt Lake City Games. Though the two-man bobsled team was unable to complete in the end, Puerto Rico's presence was felt and we look forward to their full participation in 2006.

Parra, Rodriguez, and the Puerto Rican athletes have performed to commendable heights. They are a tribute to everything the Olympics stand for: courage, athleticism and national and international unity. I thank them for their hard work and perseverance. These, along with African American and Asian American, athletes are great examples to our future athletes, especially our minority communities. Their faces reflect the composition of our country and are an inspiration to countless young people who might believe the Olympics are not for them. Thank you again and congratulations.

[From the New York Daily News, Feb. 21, 2002]

LATIN OLYMPIANS GOOD AS GOLD

Global warming has affected the Utah Winter Olympics in unexpected ways. And all of them seem to be good.

For one thing, there are all these warm-weather people heating up the ice at Salt Lake City. And doing their part to make the medal count grow for the U.S.

Take Derek Parra.

Believed to be the first Hispanic ever to win a medal in the Winter Games, Parra, a 31-year-old Mexican-American, lives in Orlando, Fla., where Mickey and Donald are found all over the place, but snow is as rare as, well, speed skating.

He is 5-foot-4 and weighs 140 pounds, but Para accomplished what many bigger men had unsuccessfully attempted before. He broke a world record to take the gold in 1,500 meters speed skating Tuesday in such spectacular fashion that even his competitors were thrilled.

"It sounds stupid, but I enjoyed [seeing] it," said Jochem Uytdehaage, of the Netherlands, who won silver, after Parra broke the world record he had set a few minutes before.

The reverse had taken place the opening day of the games, when Parra set a world record in the 5,000 meters. Uytdehaage destroyed it a few minutes later.

"It is just an amazing thing," Parra said after his 1,500-meter victory.

CUBAN-AMERICAN PIONEER

Now take Jennifer Rodriguez.

Born in sunny Miami to Cuban parents, Rodriguez is believed to be the first Cuban-American to compete in the Winter Games.

Rodriguez not only competed but won the bronze in the women's 1,000 meters. Another American, Chris Witty, won the gold and established a new world record.

That no Cuban-American had competed in the Winter Olympics before is not at all surprising. After all, in Miami, ice is usually found only in drinks. Not exactly an ice-skating paradise.

Baseball, football, swimming, boxing, soccer—all of them are pretty popular in warm, heavily Latino Miami. But a Cuban-American speed skater? Rodriguez's and Parra's feats will do wonders to change that.

Parra and Rodriguez—as did Apolo Anton Ohno, for that matter—got their start as inline skaters. Actually, Rodriguez didn't train on ice until six years ago, and Parra made the switch only five years ago.

The young Mexican-American also was a phenomenal in-line skater, becoming national champion three times in the 1990s and holding world records in short- and long-distance events.

And then take the case of the Puerto Rican bobsled team.

Yes, I know, you are asking yourself what in the world was the Caribbean island—average temperature 85 degrees—doing in Salt Lake City, where freezing weather is their daily bread? Did these sun-tanned, warm-weather guys stand a chance against all those cold-weather-seasoned athletes?

We'll never know.

BOBSLEDDERS BLOCKED

On Friday evening, the Puerto Rican Olympic Committee dropped out of the two-man bobsled competition hours before it began. The reason: Michael González, one of the two team members, was not able to demonstrate to the island's Olympic committee that he had lived on the island for the required three years.

Ironically, the International Olympic Committee was satisfied with the two years and one month he was able to prove.

"He's a great, great guy, but those are the rules," said Héctor Cardona, président of the island's national Olympic committee. "We have to follow the rules. As president of the Olympic committee, I took him out, according to our constitution."

Maybe next time. And count on it, there will be a next time.

HONORING HOLLY JOHNSEN

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Holly Johnsen for being recognized by the Prudential Spirit of Community Awards as a Distinguished Finalist for her impressive community service activities. The award is presented by Prudential Financial, with the National Association of Secondary School Principals, and seeks to honor students who show exceptional achievement in the areas of community service.

Holly Johnsen, a sixteen-year old student at Bullard High School, has been recognized for initiating a "Lunch Buddy" program. The 30 Junior Ladies Auxiliary for Retarded Citizens (LARC) Club members that are involved in this program introduce special-education students to other groups, accompany them on field trips, and organize parties at school. Holly has shown top-quality leadership and organizing skills. The club operates at their school with a shared presidency between Holly and Molly Hopkins. Holly believes the club will make at impact through peer contribution. She encourages students to play a part in the program by taking special-education students to classes, club meetings, and lunch with them.

Mr. Speaker, I rise today to congratulate Holly Johnsen for being honored by Prudential Spirit of Community Awards. I invite my colleagues to join me in thanking Holly for her outstanding ingenuity and service to the community and wishing her continued success in all future endeavors.

HONORING MR. RICHARD FIMBRES ON HIS SELECTION AS "MAN OF THE YEAR" BY THE TUCSON METROPOLITAN CHAMBER OF COMMERCE

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2001

Mr. PASTOR. Mr. Speaker, I rise before you today to recognize an outstanding individual who was recently recognized for his exemplary work and dedication to his community. On February 27, Mr. Richard G. Fimbres was honored by the Tucson Metropolitan Chamber of Commerce as their "Man of the Year."

Mr. Fimbres' work throughout the community is evidenced by the time and energy he devotes to so many organizations throughout the City of Tucson and Pima County. The League of United Latin American Citizens (LULAC), the Knights of Columbus, the Tucson/Pima Arts Council, the Pima Youth Partnership, the United Way, and the Childrens Action Alliance are just a few of the entities he commits his energies to.

He has helped raise funds for local youth programs, establish drug education and prevention programs, and raise scholarship funds for underprivileged students. He has also developed youth leadership training seminars and established a youth education program assisting children with their reading skills. He contributes to various local and state policy boards regarding important issues such as education, immigration and redistricting.

Mr. Fimbres' standing as a community leader is evident by the respect and recognition he receives and for his countless hours of work on behalf of his community. Mr. Speaker, I ask you to join me in recognizing this outstanding citizen and role model whom I am also proud to call my friend.

A TRIBUTE TO ALICIA CONTRERAS OF SAN FRANCISCO, CALIFORNIA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to Alicia Contreras of San Francisco, California for receiving the Paul G. Hearne American Association of People with Disabilities (AAPD) Leadership Award for 2001. Alicia, herself disabled, is an inspiration to thousands of disabled individuals, and has been providing them valuable assistance through various organizations since 1994. The American Association of People with Disabilities, an outstanding organization founded by cross-disability leaders in 1995, has made an excellent choice in selecting Alicia Contreras as one the recipients of the Paul G. Hearne award.

Mr. Speaker, Alicia Contreras' work for the disabled has touched the lives of many individuals by demonstrating that being disabled does not have to get in the way of enjoying life. Alicia, herself confined to a wheelchair, learned how to improve her life as she began to work for the disabled in 1994 at a one-month leadership training program sponsored by Mobility International USA. Through this experience she learned that even with a wheelchair she could play sports, dance, and live an independent life. Through this experience, she learned, in effect, how to overcome her disability.

Mr. Speaker, after realizing that she had the power to take control of her life, Alicia Contreras founded the Independent Living Center for Women with Disabilities in San Luis Potosi, Mexico, so she could help other disabled women realize what she had learned. Alicia showed women, wheelchair bound like her, that being in a wheelchair does not mean one has to live in seclusion in one's own home, and that one could live a more independent life outside the home.

After her efforts through the Independent Living Center, Alicia took on a newly created government position, Program Coordinator for People with Disabilities in San Luis Potosi, Mexico. While there, Alicia created the first-ever accessible taxi-van service in the state, awarded more than 700 scholarships to disabled people, and provided more than 1,000 hearing aids and 300 wheelchairs to the disability community.

Through this work, Alicia became familiar with Whirlwind Women, an international organization that teaches women with disabilities how to build appropriate wheelchairs for themselves and others. In November of 2000, Alicia was hired as the Whirlwind Women Program Director and continues to serve in that capacity.

Mr. Speaker, Alicia Contreras has made a valuable contribution to the disabled community; the American Association of People with Disabilities has made an intelligent choice in selecting her as one of the recipients of this award.

Like Alicia, the AAPD is committed to improving the lives of people with disabilities. Founded by disabled individuals, AAPD is committed to promoting the economic and political empowerment of all people with disabilities, educating businesses and the general public about disability issues, and seeing through the full implementation of the Americans with Disabilities Act so that all disabled individuals may have an equal opportunity to fully participate in society.

Mr. Speaker, with these goals in mind, it is no surprise that AAPD selected Alicia. She exemplifies the dedication and determination necessary to give disabled people a fair chance in life, and most importantly, she gives them hope. I invite my colleagues to join me in paying tribute to Alicia Contreras for receiving the Paule G. Hearne/AAPD Leadership Award.

PAYING TRIBUTE TO NOEL CUNNINGHAM —

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. McINNIS. Mr. Speaker, it is a profound honor to pay tribute to a man whose life-long pursuit of improving and enriching the lives of others is an inspiration to us all. Noel Cunningham has dedicated his life to improving the lives of his fellow man. In recognition of this, the Ancient Order of the Hibernians is honoring Noel as Humanitarian of the Year. Although Noel bases his philanthropy in Denver his kindness and generosity have extended far beyond Denver to touch the lives of people around the state, the nation and indeed the world.

It would take hours to describe all that Noel has done for the Denver Community, however, certain projects of his stand out. Noel was one of the founders of Taste of the Nation, an incredibly successful program that raises money to help address hunger and poverty. Last year the event was held in 500 cities across the nation and raised $300,000 in Denver alone. The millions of dollars that were raised will be distributed to states and countries dealing with the issue of hunger. For ten years, Noel has also run an event called "I Remember Mama" in which every Mother's Day he opens the doors of his restaurant to women from the poorest districts of Denver who participate in the Meals on Wheels programs. All of these women, who are without family in the Denver area, are treated to an incredible brunch, roses, gifts and music. Every Christmas, for the past decade, Noel has also hosted 300 foster children for a holiday party complete with food, gifts and a Santa who arrives in a helicopter.

Not only do Noel's efforts benefit individuals, they also have a tremendous impact on the community at large. Last year, Noel helped to raise a half-million dollars to build a brand new playground for the children of Garden Place Academy in Globeville, one of Denver's poorest districts. The playground was built with help from the surrounding community and by the students themselves. As a result, less than one year later, the discipline problem at the school has been nearly cut in half. Noel hopes to share his passion for helping others with the next generation through his Quarters for Kids program, where school children save a quarter so that someone else can have a meal. Thousands of children participate every year learning the joy of giving to others.

Mr. Speaker, I can think of no one more deserving of this award than Noel Cunningham. He is a man of unparalleled dedication and commitment to both his professional and philanthropic endeavors. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself that I wish to bring before this body of Congress. Noel Cunningham is a remarkable man, who has achieved extraordinary things in his career and in his community. It is my distinct pleasure to pay tribute to Noel Cunningham today, and wish him all the best in his future endeavors.

HONORING JOHN L. HUERTA AS AN OUTSTANDING MEMBER OF THE TUCSON AND SOUTH ARIZONA COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. PASTOR. Mr. Speaker, I rise today to congratulate an outstanding member of the Tucson and Southern Arizona community. Mr. John L. Huerta. John has always served his community and his country with distinction, and although he has traveled extensively and held important positions at the national and state level, he has remained El Tucsonese at heart. On March 22, 2002, the University of Arizona Hispanic Alumni Association and the Concerned Media Professionals will gather to applaud and honor John for his many contributions to the cultural and educational vitality of the greater Tucson area. Today I join his family, friends and colleagues in expressing my sincere admiration for his many accomplishments.

John was born in Tucson, Arizona, and graduated from Tucson High and the University of Arizona. While at the U of A, John cofounded the Los Universitarios, a social club for the university Hispanic community, which fostered many of today's innovative leaders in Tucson. After college, John worked as a Juvenile Probation officer and then joined a task force that was successful in bringing the "War on Poverty" programs to Tucson. John's effective leadership in these programs brought him to the attention of national leaders who encouraged him to relocate to Washington, DC, where he joined the staff of the Postmaster General as a Special Assistant.

John's career in Washington, DC, moved upward through several positions in the Department of Health Education, and Welfare, including Assistant Director of the Office for Community Planning (Model Cities Program), Director of the Office for Community Development, and Director for the Office for Rural Development. In 1975, John decided to move closer to home. He relocated to Phoenix and became the Director of Arizona's largest agency, the Department of Economic Security, which had a yearly budget of half a billion dollars. Throughout his government service, John was an adept and respected leader.

In 1978, John returned to Tucson and became involved in the private sector as a successful businessman. His skills with money soon lead to a position with the University of Arizona Development Office where he founded the Office of Minority Programs. This office, almost unique among all colleges and universities, raises funds to benefit Hispanic, African-American, and Asian American scholarship endowments as well as special emphasis programs. Under his guidance, the Hispanic Alumni endowment enjoys a market value of $1.7 million, the largest fund of its kind among all public universities, and the Black Alumni endowment is $500,000.

Throughout his career, John has brought success to many community activities and is especially proud of his work with the Hispanic Alumni Board, Omega Delta Phi (the first Hispanic fraternity at the UofA) as a founder of the Tucson International Mariachi Conference, the Hispanic Professional Action Committee, the UA Hispanic Alumni, the Tucson Chapter of the America Israel Friendship League, and El Centro Cultural de las Americas.

In addition to his many career and community activities, John has enjoyed a rich and rewarding family life. He and his wife Nancy, high school sweethearts who recently celebrated 50 wonderful years together, raised 6 accomplished children. Now he enjoys being tata to his talented grandchildren. I am proud to enter John L. Huerta's name into the official records of our Nation. He represents an American life well-lived for his family, for his community and for his country.

FUEL PRICE STABILITY ACT

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. SENSENBRENNER. Mr. Speaker, today I am introducing legislation to provide the States of Wisconsin, Illinois, and Indiana with added flexibility in meeting federal reformulated gasoline (RFG) requirements. The Fuel Price Stability Act will simply allow the Governors of each of the states in the Milwaukee-Chicago market to permit the sale of gasoline from other markets if the price of RFG in our area sees a significant rise or if supplies of RFG in our region are especially tight. Presently, only the EPA has the authority to grant any type of waiver from "boutique" fuel requirements. The Fuel Price Stability Act would change this by allowing our Governors to make needed short-term adjustments.

Granting this new flexibility to local Governors has the potential to keep gas prices down in our area. In the past two years, when RFG prices in the Milwaukee-Chicago market skyrocketed, prices remained comparatively low in surrounding markets, including some of those on the same pipeline that supplies gasoline to our market. Should such an occurrence happen again, our Governors should have the authority to permit other gasoline types to be sold in the Milwaukee-Chicago region, thereby increasing potential supplies to our area.

I strongly support other reforms in this area, including efforts to reduce the number of "boutique" fuels used across the country, but, lacking the implementation of a broader plan, this legislation represents a solid step toward greater flexibility in fuel use. I am hopeful my colleagues will support this legislation and the House will act on this proposal expeditiously.

POLAR BEAR PROTECTION ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. BLUMENAUER. Mr. Speaker, in a civilized society we oppose the mistreatment of animals. When that cruelty takes place in a public forum, as the worst example of "entertainment," we should be outraged. This is exactly what's happening in Puerto Rico.

That is why I introduced the Polar Bear Protection Act. This bill would simply make it illegal to have a polar bear in a traveling circus.

This bill will end the suffering of seven polar bears in the Suarez Brothers' circus in Puerto Rico, where the bears are tortured every day by being dragged from one tropical city to another. They are consistently exposed to high temperatures, lack of sufficient water, as well as whipping and other abuses.

Polar bears' natural habitat in Northern Alaska averages below 11 degrees Fahrenheit. They are Arctic marine mammals that spend a significant amount of time in the water. However, there are loopholes in federal animal protection laws that allowed the Suarez Brothers' circus to enter Puerto Rico with seven polar bears. The circus has exposed these bears to temperatures as high as 113 degrees Fahrenheit and denied them sufficient access to water. This is an outrage, Mr. Speaker.

The circus has been under investigation by authorities in Washington, DC and Puerto Rico. Just last week the U.S. Fish and Wildlife Service confiscated one of the polar bears and placed it safely in the Baltimore zoo. But we need to make sure that the other six bears are not forgotten and that polar bears will not suffer like this in the future.

Polar bears are beautiful, dignified animals that belong in their natural arctic environment or in accredited zoos that can guarantee cool containment areas and access to water. The bottom line is that the circus is just not an appropriate place for a polar bear. We in Congress have the power to stop this outrage and end the cruelty. I urge my colleagues to join with me to prohibit the use of polar bears in circuses.

TRIBUTE TO MAXINE ADLER

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. EHRLICH. Mr. Speaker, I rise today to recognize the recent retirement of an outstanding leader in Maryland's public affairs, Maxine Adler.

I first met Maxine as a freshman delegate during the 1987 legislative session in Annapolis. I learned soon thereafter that her diminutive stature belied a tough, persuasive manner and character which loomed large on the Maryland legislative landscape for many years.

Few Marylanders may be aware of Maxine's long and distinguished career. She began her career in Annapolis as a legislative aide to the Baltimore County Delegation to the Maryland House of Delegates. After graduating cum laude from the University of Baltimore Law School, Maxine worked as a law clerk to the Honorable Richard Gilbert, Chief Judge of the Maryland Court of Special Appeals, and as a law clerk to the Department of Economic and Community Development under the Attorney General. For two decades, Maxine served as a successful lawyer and lobbyist as a member of the Baltimore-based law firm of Semmes, Bowen, & Semmes.

In addition, Maxine has been a valuable and active participant in the greater Baltimore community. Over the years, she has been a member of the University of Baltimore School of Law Advisory Committee, the Governor's Blue Ribbon Panel on Self-Insurance, and a Commissioner on the Baltimore County Commission for Women.

Maxine has also been a member of the Women's Housing Coalition's Board of Directors, which provides transitional and permanent housing for homeless, low-income, or at-risk women. Finally, she and her husband, my good friend Robert L. McKinney, were named one of "Baltimore's Power Couples" in the June, 2000 edition of Baltimore Magazine.

Mr. Speaker, Maxine will be sorely missed by lawmakers on both sides of the aisle in Annapolis. I ask my colleagues to join me in wishing Maxine and her husband Bob all the best in their future endeavors.

TRIBUTE TO FALLEN CENTRAL NEW YORK FIREFIGHTERS JOHN E. GINOCCHETTI AND TIMOTHY J. LYNCH

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. WALSH. Mr. Speaker, I have often risen and submitted comments recognizing the heroics of first responders across the country. Today I rise with a heavy heart to recognize two firefighters from my own congressional district who made the ultimate sacrifice just last week. On Thursday evening, March 7, during a three-alarm house fire in the town of Pompey, two central New York firefighters—John E. Ginocchetti and Timothy J. Lynch—were killed in the line of duty.

While acting on what appeared to be a routine house fire, Firefighters Ginocchetti and Lynch, both responding in a mutual aid capacity on behalf of the Manlius Fire Department, proceeded to mount an aggressive interior attack after successfully "venting" the roof. As Ginocchetti and Lynch made their way into the kitchen and laundry room from the home's attached garage, the floor suddenly gave way, and the men were consumed in a horrific "fireball," falling into the structure's basement where the blaze had started. Despite repeated rescue attempts by their colleagues, both men were lost.

Firefighter John "Gino" Ginocchetti, age 41, was a paid professional with the Manlius Fire Department. Firefighter Timothy "T.J." Lynch, age 28, was a full-time firefighter with the Fayetteville Fire Department, a part-time paramedic with Rural/Metro Medical Services, as well as a volunteer responder with the Manlius and Kirkville Fire Departments. Each leave behind a wife and son.

Both men held a longtime commitment to fire service, and since the tragedy, numerous stories of their previous acts of heroism and compassion have been recalled. Their tragic deaths remind us all how dangerous the fire fighting profession truly is.

On behalf of a grateful community, I thank the Ginocchetti and Lynch families for their sacrifice. Our thoughts, prayers, and admiration are with them during this difficult time.

PAYING TRIBUTE TO STAN BROOME

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to one of Colorado's first class citizens, Mr. Stan Broome. As President and Chief Executive Officer of Club 20, Mr. Broome worked hard to promote the common interest in the economic future of Colorado's Western Slope. Stan's leadership was essential in developing Club 20's strong reputation for its ability to focus on important issues, while representing the interests of Western Colorado.

As President of Club 20, Stan Broome maintained the high standards of dedication and commitment to the Western Slope and the State of Colorado that the organization has built its reputation around. Because of his leadership, we enjoy the protection of our resources, the promotion of tourism, improvements in our transportation systems, the rise and creation of new telecommunications capabilities, creation of a powerful business infrastructure, and the ability to provide recreational activities in our region. Mr. Broome has remained steadfast in the Club 20's commitment as the "The Voice of the Western Slope."

Stan has made a number of contributions to the State of Colorado, and although he is retiring, I expect that he will remain an active public servant in his community. Stan's background is rich in experience and accolades, working as the Executive Director of Region 10 and President of SB & A Consultants. In addition, he has held several positions in planning and development in Garfield and Grand counties, and served a term with the Colorado Governor's office.

Stan has established strong ties with the Colorado communities in which he has lived and worked. These relationships with the residents and the land have inspired Stan to work with many organizations, including his chairmanship of the Colorado Rural Development Council, serving on the Economic Developers Council of Colorado, being distinguished as a fellow of the Society of American Foresters, and his association with the Colorado Forestry Association.

Mr. Speaker, Stan Broome has dedicated his life to serving the interests of Colorado's Western Slope, both professionally and as a volunteer. It is my privilege to honor Stan for his many years of guidance and support of Club 20 and Colorado's Western Slope. His dedication and commitment to his fellow Coloradans deserves the recognition of this body of Congress, and this nation. It is with great pleasure that I wish Stan Broome a pleasant retirement and all the best in his future endeavors.

HONORING DR. DAN MAYDAN

HON. ZOE LOFGREN

OF CALIFORNIA

HON. ANNA G. ESHOO

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Ms. LOFGREN. Mr. Speaker, today we rise to honor Dr. Dan Maydan, who has been president of Applied Materials since 1994 and a member of the Board of Directors since 1992. Dr. Maydan is the 2002 recipient of the Anti-Defamation League's Torch of Liberty Award. The Anti-Defamation League's Torch of Liberty Award was established to recognize individuals and corporations who have exhibited humanitarian concerns, and whose everyday actions exemplify the principles on which the Anti-Defamation League was founded: namely, to "secure justice and fair treatment for all."

Born in Tel Aviv, Dr. Dan Maydan is a member of the United States National Academy of Engineering. Over the years, he has received numerous awards and honors for his contributions to the global semiconductor industry and for his efforts to strengthen the links between Israel and global high-technology markets. He is the recipient of the International Partnership Award from the California Israel Chamber of Commerce in recognition of his long-term commitment to building bridges between Israel and California. Additionally, Dr. Maydan received the Israel Trade Award from the Israel Ministry of Industry and Trade. In 1998 he was also awarded the State of Israel Jubilee Award in recognition of his efforts to integrate Israel into the global economy and for realizing its world-class business potential.

In 2001 Dr. Maydan was awarded Honorary Doctorate Degrees from Edinburgh University in Scotland and from the Technion in Israel. In our community, Dr. Maydan is a noted patron of a number of local organizations. Dr. Maydan and Applied Materials have been recognized by numerous organizations for their leadership in responding to community causes.

As friends of Dr. Maydan's, we are incredibly proud at his being presented with this prestigious award. Both as colleagues and as fellow Californians, we are incredibly grateful to him for both his innovation and his compassion. We congratulate him and his family on receiving the Anti-Defamation League's Torch of Liberty Award, and thank him for his commitment and devotion to our community.

APPLAUDING VETERANS' AFFAIRS COMMITTEE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, I rise today to applaud the Veterans' Affairs Committee for their recommended increase over the Administration's request in the Fiscal Year 2003 Budget Resolution for the Department of Veterans Affairs.

We on the Committee constantly speak of a needs-based budget that fulfills our duty and our obligation to those who have given so much to this nation.

The Committee has been extremely effective under the expert leadership of Chairman Smith, and all of us on the Committee know much work remains. In fact, the Department of Veterans Affairs projects that nearly 700,000 additional veterans will seek VA healthcare in 2003. While we should be proud of the quality and the breadth of care that the VA provides, VA healthcare struggles because appropriated funding is not keeping pace with growth in enrollment and the increased demands for service. Additionally, there is a need for additional clinics and primary care facilities, and much of VA's physical infrastructure is in immediate need of hundreds of millions of dollars in repairs restorations and upgrades. The result of under-funding and inaction in this area could be crippling to the system, and in the end the losers are the ones who have sacrificed the most for this nation—our veterans.

In addition to providing adequate funding for veteran programs, the time has come for Congress to act to resolve inequities in current law, including the prohibition on concurrent receipt as provided for by H.R. 303; and an increase in premiums for the Survivor Benefit Plan as provided for in H.R. 548.

Mr. Speaker, we must fulfill our obligations to care for those who place their lives on the line to defend our Nation, our people, and our principles; and to do so we must be willing to provide the needed resources, no matter the cost. The time has come to enact a VA budget that is worthy of this great Nation and worthy of our veterans' sacrifice.

May God Bless our Nation's veterans, and may God continue to bless these United States of America.

IN HONOR OF THE TWENTY-FIFTH ANNIVERSARY OF THE DELAWARE BIBLIOPHILES

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. CASTLE. Mr. Speaker, I rise today to pay tribute to the Delaware Bibliophiles on the occasion of their twenty-fifth anniversary this month. The Delaware Bibliophiles are an organization of book collectors and one of twenty-six officially recognized book collecting societies in the United States. These members, however, collect more than books. They continue to build upon the strong humanities and arts foundations in Delaware and enrich our community.

The Delaware Bibliophiles have published five books with a sixth in the works and recently offered each public library in the State their choice of two books to add to their collections as a gift. In addition to this generosity, the club also participates in numerous exhibits that further enhance the history of the written word, the beauty of design, and the art of book collecting.

The Delaware Bibliophiles are members of the prestigious Fellowship of American Bibliophilic Societies and currently have over 100 members from eleven states. Certainly, the Delaware Bibliophiles have reached the goal of any bibliophile organization—to foster literary study and promote the arts pertaining to the production of books. I commend them for this fine accomplishment on the occasion of their silver anniversary.

RECOGNIZING THE 317TH AIRLIFT GROUP STATIONED AT DYESS AIR FORCE BASE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. STENHOLM. Mr. Speaker, I rise today to recognize the 317th Airlift Group as they return to Dyess Air Force Base from a three-month deployment in Southwest Asia. These folks have been supporting the war effort in Afghanistan and today they return to home to the cheers and support of their families, friends and the entire city of Abilene, Texas.

I want to add my voice to this chorus of support for these brave folks who have spent the last three months working in incredibly challenging physical conditions, flying and supporting missions, in our nation's assault on terrorism. They saw firsthand how the battle in Afghanistan has cost precious American lives even as they put themselves in harm's way.

Today, I join with a grateful nation to express not only thanks to members of the 317th Airlift Group and all those who wear Air Force Blue, but also to the wives and husbands and sons and daughters and family members who share in the sacrifices they make. Our ability as a nation to deploy throughout the world at a moment's notice is possible only because there are strong families and communities to provide support.

Since the terrorist attacks on our nation on September 11, 2001, we have called on folks to make great sacrifices, and our nation's military has answered that call with swift, forceful action. Like all Americans, I have the highest level of confidence in those folks who volunteer to serve in defense of our nation. They have our confidence and respect because they have earned it. They earn it every day as they face hardship and danger. They serve because they believe in America, and America believes in them.

ATTACKS ON MUSLIMS IN INDIA ARE A REPEAT OF 1984 ATTACKS ON SIKHS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. TOWNS. Mr. Speaker, more than 540 people have recently died in violent attacks on Muslims in Gujarat, India while police stand by and do nothing. This violence is very disturbing and very reminiscent of the violence against Sikhs in Delhi in November 1984. At that time, police also stood by and did nothing. Sikh police were locked in their barracks and the state-run radio and television stations fanned the flames of the massacre. Even a former Member of Parliament was killed in the riots last week while police stood by, according to a report in the National Post.

When the government, through its police, stands by and lets these attacks unfold, it condones them. Unfortunately, this shows the real truth about India's claim that it is secular and democratic. In a secular, democratic country, the police do not allow minorities to be massacred. This is the act of a theocratic country that seeks to wipe out minorities. That is not the kind of country that America should be supporting.

We should stop providing aid to India while its minorities suffer from this kind of repression. We should not build up its economy with trade. And we should support the people and nations of South Asia in achieving freedom. Self-determination is the right of all people; let us support a free and fair plebiscite on the future of Khalistan, Kashmir, Nagaland, and the other countries seeking their freedom from India.

Mr. Speaker, the Council of Khalistan recently published a press release discussing the parallels between the current violence and the Delhi massacres of Sikhs.

KILLING OF OVER 540 MUSLIMS BY HINDU MILITANTS PARALLELS 1984 MASSACRE OF SIKHS

WASHINGTON, D.C., MARCH 5, 2002.—The attacks on Muslims in Ahmedabad parallel the November 1984 massacre of Sikhs in Delhi, according to Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government pro tempore of the Sikh homeland, Khalistan, which leads the struggle for the independence of Khalistan. "The police stood by then, too, and the police gave a nod to the violence," Dr. Aulakh said. "This is part of the overall plan of a Hindu fundamentalist regime that is determined to wipe out minorities," he said. More then 540 people have died during the last week in the current violence in Ahmedabad. "When 13 people were killed in the attack on the Indian Parliament, there was a lot of outrage, as there should be for the killing of any human being," Dr. Aulakh said. "Where is the outrage at the death of over 540 people in this massacre?" he asked.

"The true face of Indian secularism is exposed," Dr. Aulakh said. "They demolished a mosque the other day, they demolished the mosque in Ayodhya and they are proceeding with plans to build a Hindu temple on the site," he said. "They attacked the Golden Temple in 1984. They have attacked Christian churches, schools, and prayer halls." In 2000, Indian troops were caught red-handed trying to set fire to Sikh homes in Kashmir. During the Delhi massacres in November 1984, Sikh police officers were locked in their barracks while more than 20,000 Sikhs were massacred and the state-run television and radio called for more Sikh blood. "It is too bad that atrocities like these are carried out with impunity," he said.

The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashmiri Muslims have been killed since 1988. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities. A report issued last year shows that 52,268 Sikh political prisoners are held in Indian jails, as well as tens of thousands of others. Since Christmas 1998, Christians have felt the brunt of the attacks. Priests have been murdered, nuns have been raped, churches have been burned, Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death. Pakistan has requested the extradition of Home Minister L.K. Advani, who is wanted for the murder of Muhammad Ali Jinnah, the founder of Pakistan, 50 years ago.

Last year, a cabinet member said that everyone living in India must be a Hindu or be subservient to Hindus. In July 1997, Narinder Singh, a spokesman for the Golden Temple, told National Public Radio, "The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority."

The attacks in Ahmedabad reportedly came in retaliation for an attack on a railroad car full of Hindus on their way to Ayodyha to build a temple on the site where the most revered mosque in India was destroyed several years ago. 58 Hindus were burned to death in that attack. For several days, train loads of Hindu extremists had passed through the village of Godha, where the train attack occurred, shouting provocative slogans about building a temple.

"By standing by while this violence went on, the government condones it," Dr. Aulakh said. "The only way to escape this government-supported violence and tyranny is for the Sikhs, Christians, Muslims, and other minorities to claim their freedom from India," he said. "That is the only way to prevent the Hindu militant theocracy from wiping us out," he said. "Now is the time for a Shantmai Morcha (peaceful agitation) for the independence of Khalistan," he said. "Sikhs are a separate nation. Sikhs ruled Punjab until the British annexed Punjab in 1849. The people of South Asia must have self-determination now," he said. "India is on the verge of disintegration, as Steve Forbes predicted in the current issue of Forbes magazine," he said. "Khalistan will be free by 2008."

PAYING TRIBUTE TO HARRY MUSSELL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Harry Mussell and thank him for his extraordinary contributions to his community and to his state. As a resident of New Castle, Colorado, Harry has dedicated his life to improving the community by selflessly giving his time and energy to a number of volunteer organizations. His remarkable philanthropic accomplishments are surpassed only by the level of integrity and honesty with which he has conducted himself each and every day of his life. As we celebrate his tremendous accomplishment of having a day, "Harry W. Mussell Day," named after him by the citizens of New Castle, let it be known that I, along with the people of Colorado, applaud his efforts and are eternally grateful for all that he has done for the community of New Castle and the State of Colorado.

Harry has served in the Glenwood Springs Rotary Club for nearly 35 years, having a perfect attendance record for 32 straight years. Even when Harry was out of town, he always made a point to find a local Rotary Club Chapter, so he could attend the weekly meetings. Not only is Harry a lifetime honorary Rotarian in Glenwood Springs, but he also started Rotary Clubs in Aspen, Carbondale and Rifle, and has attended nine international Rotary conventions.

In addition to his dedication to the Rotary Club, Harry has devoted an enormous amount of time to a number of other organizations. He has been a volunteer with Colorado Mountain College's Senior Programs, serving on the advisory council of the Retired Senior Volunteer Program for several years. In addition, he has volunteered at "The Gathering", a senior lunch program held every Monday in New Castle and Wednesday in Silt. In 1997, Harry was a candidate for the Glenwood Post Humanitarian Service Award, and has previously served on New Castle's Senior Housing Committee.

Mr. Speaker, it is clear that Harry Mussell is a man of unparalleled dedication and commitment to his community and to the people who reside in it. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself, that I wish to bring before this body of Congress. He is a remarkable man who has achieved extraordinary things and enriched the lives of so many people. It is my privilege to extend to him my sincere congratulations on the advent of "Harry W. Mussell Day," as he is most deserving, and I wish him all the best in the future.

HONORING CENTRAL CONNECTICUT STATE UNIVERSITY MEN'S BASKETBALL ON THEIR VICTORY IN THE NORTHEAST CONFERENCE TOURNAMENT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to pay tribute to the Central Connecticut State University (CCSU) men's basketball team for their accomplishment this season.

The CCSU Blue Devils defeated Quinnipiac College by a score of 78–71 to win their conference, improve their record to 27 wins and 4 losses and more importantly secure an invitation to the NCAA tournament for the second time in 3 years.

As the buzzer sounded the capacity crowd of 3,556 erupted in celebration of our hometown Blue Devils continuing their nation-leading winning streak to 19 games.

Mr. Speaker, to watch the students storm the court, and to hear Head Coach Howie Dickenman, himself a CCSU graduate, say "This was an event tonight, an event that the whole city rallied around" is to understand what March Madness is all about.

I am proud to be a resident of the city of New Britain, home of the 2002 Northeast Conference regular season and conference tournament champions. I hope my colleagues will join me in congratulating this exemplary group of student-athletes, their coaches, parents, classmates, and others who supported and cheered them on this season.

Mr. Speaker, their exceptional play this season is an inspiration to all of us. Congratulations to the Blue Devils, and best of luck in the Big Dance. To steal a phrase from Dick Vitale and Bristol Connecticut's own ESPN, CCSU you are "awesome with a capital A baby!"

A TRIBUTE TO NANCY BLOOMER

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. KIRK. Mr. Speaker, many of our colleagues and staff will celebrate the service of Nancy Bloomer to our country tomorrow.

Nancy served the House International Relations Committee for many years, both in the minority prior to 1995 and in recent years in the majority. The committee dealt with critical issues of our time—the cold war, Central America, Desert Storm, Haiti, Bosnia, and Iraq. After the elections in 1994, Nancy and the new committee staff director, Rich Garon, assembled a team that helped guide this House through the transition to a Republican majority.

Many people did not know what a Republican majority would do at the helm of the committee. Barely anyone was around in 1954 when Republicans last took charge. Under Chairman BEN GILMAN, Nancy and the committee team leapt into action as dedicated internationalists, committed to America's role in the world. We passed key parts of the Contract with America, the American Overseas Interests Act and numerous other pieces of legislation designed to strengthen U.S. foreign policy.

I was a staff member of that team. I remember Nancy as the complete professional, helping Chairman GILMAN organize many different member requests into a coherent whole. In those days after the cold war and before the War on Terror, it was hard to build a central core of members with a common vision of America's role in the world. It took vision by members of this body and it took solid staff work by Nancy and her colleagues through endless hours spent between hearings, markups and consideration of legislation on the floor.

Nancy should be very proud of her work. Congress has played a strong hand in modernizing the State Department, paying our dues to the United Nations and backing up key allies in need. We also played the leading humanitarian role in feeding starving North Koreans and helping refugees around the world. Much of this work would not have been done or would have not looked easy to do without Nancy's contribution to her country. As she departs the Congress after years of service, we wish her well and know that America is stronger overseas in part due to the service of Nancy Bloomer.

HONORING AMERICAN AUTOMOBILE ASSOCIATION FOR 100 YEARS OF SERVICE AND FOR TAKING AN ACTIVE ROLE IN THE SAFETY OF AMERICANS

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. SIMPSON. Mr. Speaker, I rise to congratulate AAA on 100 years of serving Americans. On March 8 in my home state of Idaho, the Oregon-Idaho AAA office will hold a grand opening for its brand new building in Boise.

When AAA started 100 years ago, America was starting to emerge as a technological trendsetter. Alexander Graham Bell was developing the telephone. Thomas Edison was experimenting with electricity and the light bulb. The Wright Brothers were jumping off hilltops to attempt flight. Henry Ford was beginning his own company to replace horse and cart with steel and wheels. This was the environment in which AAA began—an inventor's paradise—where good ideas became life-altering institutions.

In 1902, American motorists needed better roads, so nine regional auto clubs in Chicago took on the task. Since then, AAA has expanded its mission from helping kids and parents know the life-saving value of car seats, to developing signature roadside service, to the famous TripTik maps to travel discounts. AAA also continues to fight for better roads for safer Americans.

AAA in Idaho has a long history as well, starting in 1920. In fact, the new 14,000 square foot building is named after Richard "Dick" Navarro, AAA Idaho's President from 1981 to 1993.

Congratulations AAA on 100 years of serving Idaho and for taking an active role in the safety of Americans. Your outstanding work is appreciated and shows by your 48 million loyal members.

COMMEMORATING ELIZABETH BUFFUM CHACE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. LANGEVIN. Mr. Speaker, I come before you to recognize the accomplishments of a great person in Rhode Island history, Elizabeth Buffum Chace. A controversial figure in the 19th century because of her progressive views on slavery and women's suffrage, Chace has since earned immense respect in Rhode Island for her determination and willingness to fight for just causes. Today, in celebration of her great deeds, the state honors Elizabeth Buffum Chace by placing a statue of her on permanent display in the State House.

The dedication of the Elizabeth Buffum Chace statute comes as the result of an extensive search conducted by the Rhode Island Commission to Memorialize the Contributions of All Rhode Island Women, which was established in May 2001 to address the notable lack of female figures in the State House statuary. After reviewing thousands of nominations, the Commission selected Chace for her many contributions to Rhode Island, and I wish to recognize some of her notable achievements.

Born in 1806 in Smithfield, Elizabeth Buffum was raised as a Quaker. Her life was strongly molded by the values of independence and simplicity instilled in her by her family. Her passion for justice first became evident in the 1830s when she campaigned against slavery. Founder of the Fall River Anti-Slavery Society, she mounted a door-to-door campaign to further the abolitionist cause, and she and her husband, Samuel Chace, often hid fugitive slaves in their home. So passionate was Chace about abolitionism that she ultimately severed ties with her beloved Quaker roots because the religion would not strengthen its position against slavery.

Upon returning to Rhode Island, Chace continued her anti-slavery efforts and also spoke out in favor of women's suffrage and temperance—two of her greatest passions. As one of the founders of the Rhode Island Women's Suffrage Association, she objected to the political and social subjugation of women and advocated the admission of women to Brown University. Additionally, she tackled the unpopular issues of homelessness and prison reform, simultaneously making enemies and progress. Throughout these campaigns, she never neglected her family and was a caring and dedicated mother to her ten children. She maintained her strong spirit until her death in 1899 at the age of 93, having written an article just one year earlier for the Women's Journal, a suffrage newspaper.

Chace is certainly an apt choice as the first Rhode Island woman honored by a State House statue, though I am confident that today merely marks the beginning of a greater trend in recognizing remarkable women in the halls of the Rhode Island Capital. I wish to thank my good friend, Secretary of State Edward Inman, for his vision and leadership in trumpeting the accomplishments of women in our great State, and I look forward to working with him on other important initiatives to enhance the civic pride of all Rhode Islanders.

PAYING TRIBUTE TO CHARLIE GALLAGHER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. MCINNIS. Mr. Speaker, it is a great honor to recognize an extraordinary man whose kindness and good deeds embody the spirit of Colorado, and this nation. Charlie Gallagher is a pillar of the Denver, Colorado community, but the impact of his contributions reaches beyond the city to touch the entire State. In recognition of Charlie's many accomplishments and philanthropic generosity, the Ancient Order of Hibernians chose him as the 2002 Irish Person of the Year. This is a distinguished achievement that recognizes the dedication and commitment of an individual to his or her community. As Charlie celebrates this achievement, I would like to take this opportunity to acknowledge his kindly spirit before this body of Congress.

Charlie Gallagher has overcome numerous obstacles in his life and has used his experience to help others overcome similar circumstances. He started out in an inner-city Irish neighborhood in Toledo, Ohio, living in a house where ten family members shared one bathroom and three bedrooms. The grandson of Irish immigrants, Charlie's family instilled in him the values of education, hard work and determination. It is this foundation which Charlie used to found Gallagher Enterprises LC, an extraordinarily successful private equity firm in Colorado. Like many Americans, Charlie rose from hardship to prosperity, but has remained true to his roots. He has adopted the motto, "if you've been blessed and if you've been lucky, you gotta give back." He has lived his life accordingly.

Charlie funded the establishment of several buildings and additions for many educational institutions, ranging from grade school to higher education institutions, in his home state of Ohio. For almost twelve years, he has supported over 100 students from underprivileged backgrounds by providing them with full tuition, room and board. Beginning this year, Charlie has pledged to fully fund 100 students at Denver's Metro State College for five years. In addition to his philanthropic contributions, Charlie continues to serve his community as a board member of the Metropolitan State College of Denver Foundation, Denver Area Council of Boy Scouts of America, the Catholic Foundation for the Archdiocese of Denver and the National Jewish Medical & Research Center. He is a Trustee of the Irish Community Center and the Vice Chairman of the Denver Art Museum. In addition, he helped to raise $50 million for the art museum and was instrumental in securing city bonding for the museum's expansion. To continue his generous support of the community, Charlie and his family frequently donate their time, money, and energy through the Gallagher Family Foundation of the Denver Foundation. This organization gives generously to numerous causes every year and serves as a model for philanthropic foundations throughout the nation.

Mr. Speaker, Charlie Gallagher is an extraordinary individual and it is my pleasure to bring forth his accomplishments and generosity before this body of Congress, and this nation. Charlie's life serves as an example for anyone who has ever faced and overcome adversity in their life. Charlie, thank you for all you have done for the State of Colorado and good luck in your future endeavors.

ON INTRODUCTION OF BILL TO IMPROVE IMPLEMENTATION OF NATIONAL FIRE PLAN

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to improve the way the federal government is working to reduce the risk of wildfire damage in the most vulnerable communities of Colorado and other states.

The bill is cosponsored by my colleague from Colorado, Representative JOEL HEFLEY and my close colleague from New Mexico, Representative TOM UDALL. We have worked closely in its development and I greatly appreciate their support.

The bill deals with the fuel-reduction program that is a key part of the National Fire plan. Under that program, the land-managing agencies remove brush and other material that can fuel high-intensity fires through techniques such as burning ("prescribed fires"), mechanical thinning, vegetation control (such as defensible space around homes and buildings) or timber removal.

I have supported that program, but have had some questions about the way the Forest Service, the Bureau of Land Management, and the other land-managing agencies have been implementing it. So, I joined a number of our colleagues in the House and Senate in asking the General Accounting Office (GAO) to review the steps the agencies have taken so far to see if improvements should be made.

GAO has now completed that review and submitted a report that includes a number of recommendations. This bill would require that those recommendations be adopted. I am attaching a fact sheet that outlines the main provisions of the bill, as well as the "Results in Brief" portion of the GAO report.

The GAO highlighted the need for two things—more and better interagency coordination, and better focus on identifying and responding to the highest-risk communities in the wildland/urban interface area.

Improvements in these matters are important nationally, but they are particularly important for Colorado and other western states. That is because Colorado, like other Western states, has been experiencing ever more growth and development in and near forested areas. We are seeing more people, structures and investments placed at risk.

It is this increasing risk to people and property—increasing because of growth as well as because of the unnatural forest conditions that we have created in many forests in Colorado through decades of fire suppression policies—that led to my interest in focusing on questions of wildlife management. And two particular things then lead me to take action.

First, I took a tour of an area west of Boulder, Colorado, called Winiger Ridge. It is near an area where there was a major forest fire in 1989. Following that fire, a number of citizens, along with the Forest Service and Boulder County officials, got together to find a way to reduce the danger of a repetition of such a dangerous blaze. That group's efforts ultimately lead to the identification of conditions that lead to wildfire risks and the recommendation that some steps be taken to reduce that risk. The Winiger Ridge area was chosen as a location to explore some of these techniques—which involve some mechanical thinning and some controlled burning. When I toured this area and learned of the issues and the proposed strategy, I was struck by the condition of the forest—a condition of dense stands of small diameter trees—and, more importantly, I was very concerned about the homes and families that reside within this area. These homes and families are literally in the path of a possible major fire that could be devastating.

It was important to identify this Winiger Ridge area because soon after my tour of it, another fire arose there in the summer of 2000, called the Walker Ranch fire. That fire threatened a number of mountain homes just west of Boulder. However, no structure was damaged because treatment with prescribed fire and vegetative thinning resulted in conditions that led the fire to drop to the ground and be more easily controlled. Had this not been done in previous years, the fire could have been much more devastating.

That fire, and other devastating fires in Colorado and throughout the west, was the second event that strongly affected my thinking about this subject. I was interested in what I might do to address the problem and to try to lessen the dangers to our communities in ways that still recognized the need for sound management of forest lands and proper protection for their most sensitive areas.

An early opportunity came when the House took up the appropriations bill for the Forest Service for fiscal year 2001. Reviewing the bill as it came to the floor, Representative HEFLEY and I were struck by the fact that the Appropriations Committee was proposing to reduce the funding for the wildland fire management account by some $4 million. In response, we offered an amendment to restore that funding that was approved by the House by a solid vote of 364 to 55.

Then, after consulting a number of experts, I developed and introduced a bill intended to focus directly on our situation here in Colorado. It was cosponsored by Representative HEFLEY and by Representative TANCREDO and DEGETTE as well. To put it in its simplest terms, our bill was intended to promote and facilitate efforts like the Winiger Ridge project, and thus help reduce the risk of a repeat of this past fire season, in the parts of Colorado that are at greatest risk of such disasters. That bill was not enacted itself, but its main principles were included in the fuel-reduction part of the National Fire Plan. And I have continued to work to make sure that this important fuel-reduction work was done the right way and in the right places.

Since then, I have strongly supported the appropriation of funds for this purpose—but I have been concerned Congress has not done enough to spell out appropriate guidelines for their use, such as staying away from wilderness and roadless areas and ensuring that the projects are carefully targeted to protect the people who are at greatest risk from wildfires.

We need to be very careful not to overcompensate for past shortcomings in working to reduce fuels. Fire is a natural part of our forests and eliminating fire from the landscape—as we tried to do for many years—was a big part of what produced the situation we now have. But the risks to people, property and the environment from creating this unnatural condition should not be used to justify a wholesale return to nearly-unrestricted timber cutting, as some seem to want.

We need instead to have a careful, appropriate program of fuel reduction that is based on good science and focused where it is most needed—on the at-risk communities in the wildland/urban interface. The purpose of this bill is to help make that a reality.

FACT SHEET ON BILL TO IMPROVE IMPLEMENTATION OF NATIONAL FIRE PLAN

The scale and intensity of forest fires in 2000 made that fire season one of the worst in 50 years. In response, the Agriculture and Interior Departments revised fire-management policies and Congress approved increases in funding accompanied by policy directives. This combination of policies and directives is known as the National Fire Plan.

A major part of the plan is reduction of hazardous fuels, in order to lessen the intensity of future fires. The primary agencies doing this work on federal and tribal lands are the Forest Service, the Bureau of Land Management, the National Park Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs. Methods used include burning ("prescribed fires"), mechanical thinning, vegetation control (defensible space), and timber cutting.

The fire plan calls for giving priority to fuel-reduction projects that will reduce the risk to communities in the "wildland/urban interface" (where development borders or intermingles with forested areas).

GAO REPORT

GAO reviewed the implementation of the fuel-reduction part of the National Fire Plan and reported the results in January, 2002 with several recommendations for improvements. This bill is based on that GAO report.

THE BILL

Purpose.—The purpose of the bill is to improve implementation of the fuel-reduction aspects of the National Fire Plan in the wildland/urban interface.

What the Bill Does.—The bill would:

Require Interior and Agriculture Departments to establish an interagency council to coordinate fire plan implementation, as recommended by GAO.

Require the coordinating council to develop consistent criteria to identify communities in the wildland/urban interface at most risk from fire, as recommended by GAO. The council would have 180 days to do this.

Require development of a comprehensive long-term strategy for implementing the National Fire Plan, with quantifiable annual and long-term performance measures to assess progress in reducing risks to most vulnerable communities.

Require the coordinating council to collect data needed to enable Interior and Agriculture Departments to determine best ways to use removed fuel materials, as recommended by GAO.

Require the coordinating council to consult with State, local, and tribal officials and provide for public comments.

Require that fuel-reduction work give priority to communities in the wildland/urban interface most at risk.

Require a progress report from Interior and Agriculture Departments no later than one year after enactment.

RESULTS IN BRIEF

Our work has shown that a single focal point is critical for efforts—such as reducing severe wildland fires and the vegetation that fuels them—that involve many federal agencies as well as state and local governments, the private sector, and private individuals. However, over a year after the Congress substantially increased funds to reduce hazardous fuels, the federal effort still lacks clearly defined and effective leadership. Rather than a single focal point, authority and responsibility remain fragmented among Interior, the Forest Service, and the states. In a December 2001 report for the Department of the Interior, the National Academy of Public Administration recommended that, to provide the required leadership, the Secretaries of the Interior and of Agriculture should establish an interagency national council to implement the Federal Wildland Fire Management Policy as well as hazardous fuels reduction and other key elements of the National Fire Plan, such as fire suppression.

A sound framework to ensure that funds appropriated to reduce hazardous fuels are spent in an efficient, effective, and timely manner is needed. Such a framework is grounded in federal wildland fire management policies, the National Fire Plan, and Congressional direction. This framework includes, among other things, (1) consistent criteria to identify and prioritize wildland-urban interface communities within the vicinity of federal lands that are at high risk from severe wildlands fires; (2) clearly defined and outcome-oriented goals and objectives, as well as quantifiable long-term and annual performance measures, to assess progress in reducing the risks of severe wildland fires in wildland-urban interface areas as well as in other areas; (3) a comprehensive long-term strategy that incorporates the criteria, goals, objectives, and measures; and (4) yearly performance plans and reports. However, just as leadership for reducing hazardous fuels is fragmented among Interior, the Forest Service, and the states, so too is implementation of a performance accountability framework. As a result, (1) high-risk communities have not been identified and prioritized, (2) multiple strategies have been developed with different goals and objectives, (3) quantifiable indicators of performance have not been developed to measure progress in reducing risks, and (4) annual plans and reports that have been developed do not describe what will be accomplished with the appropriated funds. Therefore, it is not possible to determine if the $796 million appropriated for hazardous fuels reduction in fiscal years 2001 and 2002 is targeted to the communities and other areas at highest risk of severe wildland fires.

Federal land management agencies do not have adequate data for making informed decisions and measuring the agencies' progress in reducing hazardous fuels. These processes require accurate, complete, and comparable data. The infusion of hundreds of millions of dollars of new money for hazardous fuels reduction activities for fiscal years 2001 and 2002 and the expectation of sustained similar funding for these activities in future fiscal years accentuate the need for accurate, complete, and comparable data. However, the five federal land management agencies have not initiated the research needed to better identify and prioritize wildland-urban interface communities within the vicinity of federal lands that are at high risk from wildland fire. Moreover, the agencies are not collecting the data required to determine if changes are needed to expedite the project-planning process. They are also not collecting the data needed to measure the effectiveness of efforts to dispose of the large amount of brush, small trees, and other vegetation that must be removed to reduce the risk of severe wildland fire.

We agree with the National Academy of Public Administration that an interagency national council is needed to provide the strategic direction, leadership, coordination, conflict resolution, and oversight and evaluation necessary to ensure that funds appropriated to implement the hazardous fuels reduction, as well as other elements of the National Fire Plan, are spent in an efficient, effective, and timely manner. However, even though the September 2000 National Fire Plan—prepared at the request of the President of the United States—directed them to establish a similar Cabinet-level coordinating team, the Secretaries of the Interior and of Agriculture have not done so. Therefore, we suggest that the Congress consider directing the Secretaries to immediately establish the council. In addition, we suggest that the Congress consider directing the Secretaries to consolidate under the council the current fragmented implementation of a sound performance accountability framework. We also recommend that the Secretaries of the Interior and Agriculture gather the data to make more informed decisions and to measure the agencies' progress in reducing hazardous fuels. The departments of Agriculture and the Interior generally agreed with our recommendations. However, they were concerned that we had not given them enough credit for several actions taken or underway related to enhancing interagency leadership; establishing a framework to ensure that funds appropriated to reduce hazardous fuels are spent in an efficient, effective, and timely manner; and undertaking adequate research and data collection efforts. Where appropriate, we have included reference to these activities.

TRAIN ATTACK IN INDIA REACTION TO HINDU REPRESSION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. TOWNS. Mr. Speaker, we were all disturbed to read about the attack on a train full of Hindus in the village of Godhra in India. It is always disturbing to see this kind of sectarian violence.

The Gujarat Samachar reported that the train was carrying high-level activists of the militant, pro-Nazi Vishwa Hindu Parishad, a branch of the Rashtriya Swayamsewak Sangh (RSS), which is also the parent organization of the ruling BJP. They were taunting the villagers with slogans about building a Hindu temple on the site of the most revered mosque in India, which was destroyed by the BJP some years ago.

In another village, Daahod, they got tea and snacks and did not pay for them. They knocked over a vendor's stall, according to the article, and deliberately picked a fight with a man who was helping the vendor, beating him, pulling his beard and committing other acts to humiliate him. His 16-year-old daughter tried to stop them from harming her father. They grabbed her and took her on the train, according to the article. After a crowd gathered to try to rescue her from the VHP, they slammed the windows shut with the girl inside the train. Out of their frustration and anger over this action, some villagers began to burn the train.

No one condones the killing of these Hindus, even if they were militants, but I hope none of my colleagues justifies the killing of Muslims that has erupted in response while the police have stood by and let it happen. The militant Hindu nationalists want to make a Hindu society in India, and they can justify actions like these in the name of that cause, but there is no justification.

If this is how democracy and secularism are practiced in India, then it should not receive any American aid or trade. We should also acknowledge that the only way to end this kind of violence is to support independence for all the peoples and nations of South Asia. It is time for India to begin acting like a democracy and allow the peoples living under their rule to enjoy self-determination. It is time for a plebiscite on independence.

[From Gujarat Samachar, Mar. 3, 2002]

Truth About the Train Incident

(By Anil Soni and Neelam Soni)

The tragic incident of Sabarmati Express that occurred today at 7:30 am at about 1 km away from Godhra railway station has thrown a question mark to those people who claim to be secular or liberal. Many aspects & facts have been ignored & which I would like to bring to your notice.

Compartment (Bogey) no S–6 & two other compartment of the Sabarmati Express was carrying the kar sevaks of the V.H.P. (Vishwa Hindu Parishad). And it was due to these kar sevaks from bogey no S–6 that the incident occurred.

The actual story didn't start from Godhra as being told everywhere but it started from a place from Daahod, a place that comes 70–75 km before Godhra railway station. At about 5:30–6:00 a.m. the train reached Daahod railway station. These kar sevaks, after having tea & snacks at the railway stall, broke down the stall after having some argument with the stall owner and they processed back to the departing train. The stall owner then field on N C against kar sevaks at the local police station about the above incident.

Then about 7.00–7.15 am the train reached Godhra railway station. All the kar sevaks came out from their reserved compartments and started to have tea and snacks, at the small tea stall on the platform, which was being run by an old bearded man from the minority community. There was a servant helping this old man in the stall.

The kar sevaks on purpose argued with this old man and then beat him up & pulled his beard. This was all planned to humiliate the old man since he was from the minority community. These kar sevaks kept repeating the slogan, "Mandir Ka Nirmaann Karo, Babuer Ki Aulad to Baahar Kar". (Start building the Mandir and throw the sons of Babur i.e. the Muslims out of the country.)

Hearing the chaos, the daughter (16) of the old man who was also present at the station came forward & tried to save her father from kar sevaks. She kept pleading & begging to them to stop beating her father and leave him alone. But instead of listening to her woes, the kar sevaks lifted the young girl and took her inside their compartment (S–6) and closed the compartment door shut. Their intention behind this act is best known to them.

The train started to move out of the platform of Godhra railway station. The old man kept banging on the compartment doors and pleaded to leave his daughter. Just before the train could move out completely from the platform, two stall vendors jumped into the last bogey that comes from the guards cabin. And with the intention of saving the girl they pulled the chain and stopped the train. By the time the train halted completely, it was 1 km away from the railway station.

These two men then came to the bogey in which the girl was and started to bang at the door and requested the kar sevaks to leave the girl alone. Hearing all these chaos, people in the vicinity near to the tracks started to gather towards the train. The boys and the mob (that also included women) that had now gathered near the compartment requested the kar sevaks to return the girl back. But instead of returning the girl, they started closing their windows. They infuriated the mob and they retaliated by pelting stones at the compartment.

The compartment-adjoining compartment S-6 on both sides contained kar sevaks of the V.H.P. These kar sevaks were carrying banners that had long bamboo stick attached to them. These kar sevaks got down and started attacking with bamboo sticks on the mob gathered to save the girl.

This was like adding insult to injury for the crowd gathered and their anger was now uncontrollable. The crowd started to bring diesel and petrol from trucks and rickshaws standing at the garages Signal Fadia (a place in Godhra) and burnt down the compartment. They don't bring the fuel from any petrol pump as being reported everywhere nor was this act of burning pre-planned as being mentioned by many peopole but it happened all of a sudden out of sheer frustration and anger.

After hearing about this incident, members of V.H.P. (Vishwa Hindu Parishad) living in that area started burning down the garages in Signal Fadia, they also burnt down Baddshah Masjid, (Mosque), at Shehra Bhagaaad (small area in Godhra). Reliable sources have reported all this information and facts to their information and me cannot be doubted. I would also mention my sources namely Mr. Anil Soni and Neelam Soni (reporter of Gujarat Samachar, also members of P.T.I. & A.N.I.) have worked hard to dig the true facts and they duly deserve words of appraisal for their hard work. Mr. Soni's mobile number: 0-9825038152. Resident number 02672 (code) 43153, office number: 43152, fax number: 45999.

Due to no proper substantial and circumstantial evidence and the late arrival of the Police at the scene of crime frustrated the Police. Which resulted in harassment and arrests of innocent local people living in Godhra. Furthermore the police started blaming the Mayor of Godhra, Mr. Ahmed Hussain Kalota for the incident. Mr. Kalota who is the member of the Indian National Congress is also a lawyer. This blaming of Congressmen was also done to humiliate, defame and demoralize the Congress. The V.H.P's plan is to weaken the country by planning internal conflicts between communities and bring a backwardness of 100 years in the country. Sorry to say but they are carrying out their plans successfully without the fear of being stopped by anyone. No one but only the innocents will have to bear the consequences of their plans.

It is our humble request and prayers to all the members of Parliament along with the Prime Minister, and the entire media circle to try and stop the sparks of a fire to gulp down the whole county in flames to take some auction against the kar sevaks of the V.H.P (Vishwa Hindu Parished) before they get out of hand and stop harassing the innocents and catch the real miscreants and culprits.

We lay our request in front of you with folded hands and hearts filled with theirs for the death of innocents and anger for the wrongdoers. We hope our request and efforts will not deafeared or blind-eyed.

SENATE—*Wednesday, March 13, 2002*

The Senate met at 9 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

The PRESIDING OFFICER. Dr. David Russell, national chaplain of the American Legion, will lead the Senate in prayer.

PRAYER

The guest Chaplain offered the following prayer:

Let us pray.

Dear most gracious Heavenly Father, we humbly come to You today to request that You grant wisdom for all those who gather in this seat of Government, that they might always act in the best interest of this Nation and its people whom they represent.

Help them, Sir, to seek Your guidance and direction in all their deliberations. Reach deep into their innermost hearts and minds to bring them together in unity so that they may act as one. Enable them to set aside personal desires to seek Your divine will and way for this great Nation.

May they, and we, always be mindful that our Nation, our lives, our very being rests in Thy eternal hands.

Bring them together in a spirit of humility and love for Thee and for these United States of America. These petitions we ask in Jesus' name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 13, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

WELCOME TO DR. DAVID RUSSELL

Mr. REID. On behalf of Senator WARNER, I welcome Dr. David Russell, who has been our guest Chaplain, for his very timely prayer and also the representation of the American Legion which has rendered such great service to our country.

Mr. WARNER. Mr. President, we are grateful this morning to have a very distinguished member of the clergy of Virginia participate in the opening of today's session as the Chaplain. It is my honor and privilege to join others this morning. My colleague, Mr. ALLEN, was here, and Senator REID participated in introducing Dr. David Russell.

Dr. Russell hails from Spotsylvania, VA, and is pastor of the Cornerstone Baptist Church in Falmouth, VA, a community of just over 3,600 outside Fredericksburg. He served in the Korean war, as did I, and he served in the U.S. Air Force from 1949 until 1952. It is interesting that our periods overlapped. I served in the Marines in Korea in the fall of 1951 until the spring of 1952.

In short, Dr. Russell has served his Lord, his nation, stretching back over 50 years. He is also privileged to be the national chaplain of the American Legion, an organization of which I am privileged to be a member, as was my father. My father served in World War I as a young doctor in the trenches in France and proudly joined the Legion. I still possess the American Legion pin that my father carried in that period of time.

Dr. Russell's distinguished background, however, includes another profound and noteworthy matter. It has to do with his service as a long-time member of the Chapel of Four Chaplains. In fact, he now serves as the Virginia State Chaplain of the Chapel of Four Chaplains. There may be some who are not familiar with the Chapel of Four Chaplains. I would like this morning to advise the Senate on this historic moment in America's history.

The inspiration for the Chapel of Four Chaplains and its mission of unity without uniformity comes from the courageous acts of four Army chaplains who were serving aboard the USS *Dorchester* when it was hit by an enemy torpedo and sank in the North Atlantic on February 3, 1943. The four chaplains, LT George Fox, LT Alexander Goode, LT John Washington, LT Clark Poling, a Methodist, one of Jewish faith, one of Catholic faith, and one of the Dutch Reform Church, respectively—quickly spread through the ship to tend to the wounded and dying, to comfort those able to attempt survival in the icy arctic water. They died together, going down with the ship, after giving their lifejackets to other members of the crew. Of the 902 service persons aboard that merchant seaman ship and civilian workers on that ship, 672 died, 230 survived.

President Truman was the Commander in Chief under whom the distinguished guest today and I served in the Korean war, and indeed in my brief service at the conclusion of World War II when I served in the Navy, he was Commander in Chief at that time. In his dedication speech, in 1951, in a memorial to these four brave men, he said:

> This interfaith shrine will stand through long generations to teach Americans that as men can die heroically as brothers, so should they live together in mutual faith and good will.

These words are as important today as they were 51 years ago. The Senate is indeed privileged to have this distinguished American before us today.

This has been an unusual week for me in the sense that on Monday I attended the funeral services at Arlington of Corporal Matthew Commons, U.S. Army, Company A, 1st Battalion, 75th Ranger Regiment, who lost his life just a few days ago in Operation Anaconda in Afghanistan. Last night, I delivered a eulogy on behalf of an old friend in Virginia, an African American who served aboard the carrier *Yorktown* and was in 11 major engagements in World War II. His name was Richard Hall. He worked with me down in Virginia for these many years, and was a dearly beloved friend.

In the last 2 weeks, America experienced approximately nine deaths in Operation Anaconda. But I reflected last night, as I do briefly this morning, on the history of two battles which took place 70-some-odd years ago. Let's see, it was 16 December 1944 to 19 January 1945—the Battle of the Bulge. I mention this because we, the United States, suffered about 41,000 casualties in that battle: Killed in action, 4,000; wounded, 20,000; missing, 17,000; all occurring in 35 days of fighting. That was in Europe.

In the Pacific, where Richard Hall served in so many conflicts, the Battle of Iwo Jima was fought over 36 days from 19 February to 26 March 1945. I remind America we had 26,000 casualties:

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Killed in action, 6,800; wounded, 19,200. I also remind America of the enormous service these men and women have given this Nation. Today we can stand and share in the freedom provided by the members of our Armed Forces. This freedom is predicated on the sacrifices, be it by CPL Matthew Commons 10 days ago, or in those two battles of World War II. We must be ever mindful of the service of men and women in the Armed Forces throughout our history that makes possible our life today.

I thank my colleagues for this opportunity to address the Senate.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business until 9:30. The time until 9:30 is under the control of Senator ALLEN of Virginia.

At 9:30, the Senate will resume consideration of the energy reform bill. There will be debate only until 11:30 in relation to ethanol. That time will be under the control of Senator NELSON of Nebraska and Senator BOND of Missouri or their designees.

At 11:30, the Senate will resume consideration of the Levin CAFE amendment, with 20 minutes of closing debate prior to a vote in relation to the amendment.

Following disposition of the Levin amendment, Senator MILLER will offer his amendment regarding pickup trucks, with 10 minutes of debate prior to a vote in relation to that amendment.

Following disposition of the Miller amendment, Senators KERRY or SNOWE or their designees will be recognized to offer an amendment regarding CAFE.

We hope to dispose of all the matters of fuel efficiency regarding motor vehicles today. We hope we can move on to other important matters on this bill.

As was spoken on the floor yesterday, the majority leader intends to finish this bill by next Friday. During that period of time, we also have to dispose of the campaign finance bill. There is a lot to do. We would ask those Senators who have amendments dealing with this important energy legislation to come and offer them because that time may run out quicker than they think.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 9:30 a.m., with the time to be under the control of the Senator from Virginia, Mr. ALLEN.

HIGH-TECH TASK FORCE

Mr. ALLEN. Mr. President, I rise this morning to speak about the Senate Republican high-tech task force. Today is an important day for our high-tech task force, as we are unveiling our policy agenda and principles for the upcoming session and the rest of the year.

First, I express my gratitude to Senator REID and Senator DASCHLE for allowing us this half hour of time to address our colleagues on the very important issue of technology and the policy issues that we have faced, are facing, and will face this year.

The purpose of the high-tech task force is to advise Republican leadership and, hopefully, others on the other side of the aisle on issues important to the technology community. We look at ourselves as a portal to the technology innovators and entrepreneurs to get their ideas and messages to the Senate so that we are well informed as to the impact of any potential changes in laws, or there may be laws that are outdated and need to be updated or upgraded.

The advancement of technology in the United States is important. It is important for our quality of life, for our competitiveness as a nation. It is also very important for providing good-paying jobs for Americans.

Technology improvements benefit our lives and our businesses and our competitiveness in many ways. For example, in manufacturing, it allows manufacturers to manufacture whatever the good or product is, more efficiently, with greater quality, with less waste, and fewer toxins. In a distribution center, if you went to a Dollar Tree or a Family Dollar or Dollar General distribution center, you would see how they use technology to pick different items for their various stores and then loading them on trucks.

Technological improvements help our communications systems within our country. It also helps education opportunities, life sciences, and biological advancements that are allowing people to lead better, healthier, longer lives. It can help in law enforcement and coordination of law enforcement efforts at the State, local, and national level. And it can provide for a better transportation system with smart roads and smart cars, and the concept of telecommunicating, teleworking, allowing people to have a better quality of life while not having to fight traffic every day and have more time with their families.

It improves in so many ways our quality of life, our efficiency, and also our environment. On the high-tech task force, in addition to myself, I am joined on the task force by Senators ALLARD, BENNETT, BROWNBACK, BURNS, COLLINS, KAY BAILEY HUTCHISON, ENSIGN, SESSIONS, and GORDON SMITH, as well as ex officio members who are the ranking members of the various important committees that deal with technology, including the Armed Services Committee with JOHN WARNER, Banking Committee, PHIL GRAMM; Senator MCCAIN of Commerce; Senator GRASSLEY of Finance, and Senator ORRIN HATCH, a great leader of our Judiciary Committee.

We had many accomplishments last year. The education bill was an important one. No child left behind. Education is the key—making sure we have a capable population in our country so youngsters can seize the opportunities not just of the silicon dominion of Virginia, but technology jobs all across the country. That was a very important bill. The clean 2-year extension of the Internet access tax moratorium was important. I don't think there should be access taxes on the Internet, but we were able to get a 2-year extension to prevent Internet taxes, which would only exacerbate the digital divide.

We also passed the Export Administration Act in the Senate. We updated those laws so computers can be sold from this country as opposed to other countries getting them from France, Germany, or Japan. We can compete. The House has a different view.

There was a proposed merger of ASML, a Dutch company, with SBG, which is a Silicon Valley group. The importance of this was helping with the next generation of microchips. ASML has the extreme ultraviolet lithography tools which are important for the smaller geometries on microchips.

We were able to advocate appropriations of additional funds for justice for anti-piracy prosecution. Intellectual property rights is very important, and we need to enforce those. We also turned back efforts to change the current encryption export rules—again, very important.

Now, for the upcoming session, one of the successes was the 3-year, 30-percent bonus depreciation measure, which was finally passed last Friday as part of the economic stimulus bill. That is important for all businesses, but especially the technology community so businesses can upgrade their technology and other equipment. Senator GORDON SMITH was the lead for our high-tech task force in getting that accomplishment, which will help stimulate the economy, save and create more jobs.

Now, the agenda is really one based on principles. The principles we have this year are the same as last. We have added a few issues that have arisen recently. We want a Federal Tax Code that is appropriate for the 21st century. That means several different things. We want to, No. 1, continue working to make the research and development tax credit permanent.

Secondly, we want to accelerate and reform the depreciation schedules for technology equipment. We also want to encourage capital formation for small technology companies. And also of recent importance we are going to work to preserve the current tax treatment for stock options.

Just yesterday, the high-tech task force urged Leaders DASCHLE and LOTT to oppose any effort to consider S. 1940, which is a bill to require above-the-line expensing of stock options. Not to get into all the minutia of tax laws, but the fact is, passage of such legislation would dramatically deter companies from providing rank and file employees with stock options, and they are an important part of compensation. That proposal will certainly be harmful for technology companies.

We also are going to work to enhance free trade, in that it is important for opening up fair and free trade. We will open up new markets for our technology and our services. One must recognize that, while computers are fairly prevalent in this country, they are not all that prevalent in the rest of the world. Nearly half of the people in the world have yet to make their first telephone call. Only about 2 percent of the world's population has a computer. That tells us there are great opportunities for our technologies, as well as construction equipment, and so forth, all over the world; and tearing down barriers will help our jobs in this country and our technological advancements to continue. Also, it would not only benefit our country, but it would increase the standard of living for those who tear down those barriers so that their citizenry can have the opportunities of advanced technology for their quality of life, a better environment, and more opportunities. So we are going to continue to advocate trade promotion authority. We will also continue working to protect Internet security, and we will continue combating terrorism.

To that end, we are going to seek advancement of the Bennett-Kyl legislation to allow information sharing between private companies and the Government by codifying a limited Freedom of Information Act exemption.

We are going to support the Bush administration's budget, as far as funding for cyber-security issues. We are going to continue working to safeguard copyrights in the digital age. That is very important. The private sector needs to work together with a variety of companies to do it, rather than worry about an inept Federal Government dictating standards in that regard.

We are going to continue promoting education and technology in a variety of ways. There are some good ideas that we are supporting—particularly, the President in his effort on education, proposing that families of students who are in failing schools get a tax credit. A $2,500 tax credit could go toward purchasing computers, peripherals, books, and also tuition. Personally, I am for a tax credit focusing on computers and peripherals, educational software and tutoring. It should not just be for kids in failing schools, but for all schools, in order to bridge the digital divide.

We are going to work to expand broadband technologies. The Patent and Trademark Office funding is important. Those fees ought to go to the Patent and Trademark Office and should not be diverted to other efforts. We want to keep government out of competition with e-commerce businesses.

Digital decency. We are for it. We want the private sector to look at ways to put in a filter so people can enjoy the Internet as they see fit, as opposed to the government censoring it.

In the area of legal reform, there are several areas—especially class actions. We have these class action lawsuits filed all over the country. The diversity of that jurisdiction, at the option of the defendant, ought to be more easily removed to Federal court to get a better, more expedited and fair judgment.

Also, spectrum reform is very important, particularly in rural areas. I am going to yield in a minute to the Senator from Montana.

Before I do that, I ask unanimous consent that endorsements of these policy principles and ideas by the Information Technology Association of America, Information Technology Industry Council, the Business Software Alliances, the Electronic Industries Alliance, TechNet, and ACT be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ITAA LAUDS HIGH TECH TASK FORCE AGENDA

ARLINGTON, VA.—The information Technology Association of America (ITTA) today praised the Senate Republican High Tech Task Force as the group kicked off its 2002 agenda on Capitol Hill.

"We look forward to working with the Republican High Tech Task Force as well as Democrats in the Senate to achieve sound policy that will allow the high tech industry to once again become the engine of our U.S. economy," said ITTA President Harris N. Miller, adding "Last week's passage of the Economic Stimulus legislation on a bipartisan basis showed that the HTTF, under Senator Allen's leadership, reaching across the aisle can accomplish great objectives for the IT industry."

"In 2001, we worked on a bipartisan basis to support passage of key tech related bills such as the extension of the Internet tax moratorium and education reform," Miller continued. "This year, Trade Promotion Authority and improving information security are some of ITAA's top priorities, so we are gratified to see them also topping the HTTF agenda."

The Information Technology Association of America (ITTA) provides global public policy, business networking, and national leadership to promote the continued rapid growth of the IT industry. ITAA consists of over 500 corporate members throughout the U.S., and a global network of 47 countries' IT associates. The Association plays the leading role in issues of IT industry concern including information security, taxes and finance policy, digital intellectual property protection, telecommunications competition, workforce and education, immigration, online privacy and consumer protection, government IT procurement, human resources and e-commerce policy. ITAA members range from the smallest IT start-ups to industry leaders in the Internet, software, IT services, ASP, digital content, systems integration, telecommunications, and enterprise solution fields.

ITI APPLAUDS SENATE REPUBLICAN TASK FORCE AGENDA, RECENT LEGISLATIVE ACCOMPLISHMENTS

WASHINGTON, DC.—The Information Technology Industry Council (ITI) applauds the Senate Republican High-Tech Task Force for its 2002 agenda and its work securing passage of key legislative initiatives during the past year.

"We are pleased to support the Task Force's agenda and would like to thank them for their work last year to secure passage of legislation vital to the IT industry," said Rhett Dawson, President of ITI.

"The 30 percent bonus depreciation provision in the stimulus bill, Senate passage of education reform legislation, and the two-year moratorium on Internet access taxes were key victories for the IT industry. The work of the Task Force was key to achieving these goals. We look forward to a productive 2002 in which the Senate passes Trade Promotion Authority and other important pieces of legislation."

ITI represents the leading U.S. providers of information technology products and services. ITI member companies employ more than 1 million people in the United States and exceeded $668 billion in worldwide revenues in 2002.

The High-Tech Voting Guide is used to ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy. At the end of the 107th Congress, key votes will be compiled and analyzed to assign a "score" to every Member of Congress.

ITI member companies include Agilent Technologies, Amazon.com, AOL Time Warner, Apple Computer, Canon U.S.A., Cisco, Compaq, Corning, Dell, Eastman Kodak, EMC, Hewlett-Packard, IBM, Intel, Lexmark, Microsoft, Motorola, National Semiconductor, NCR, Panasonic, Siebel, Siemens, SGI, Sony, StorageTek, Sun Microsystems, Symbol Technologies, Tektronix and Unisys.

BUSINESS SOFTWARE ALLIANCE APPLAUDS AGGRESSIVE AGENDA PROPOSED BY SENATE REPUBLICAN HIGH TECH TASK FORCE

WASHINGTON, DC, Mar. 13.—The Business Software Alliance (BSA) today commended the Senate Republican High Tech Task Force following its release of an aggressive agenda for the 108th Congress aimed at benefiting the technology industry.

"The technology industry serves as a primary engine for the U.S. economy, and the Senate Republican High Tech Task Force deserves significant credit in laying out a clear, pro-growth agenda," said Robert Holleyman. BSA's President and CEO. "As the nation moves toward a more positive economic outlook, it is more important than ever to focus Congress' attention on legislative initiatives that will secure sustained growth, create jobs, enforce strong intellectual property protection, promote strong security and spur innovation. The agenda put forth today mirrors many of BSA's own policy objectives and serves as a coherent blueprint to achieve our shared goals."

"The Senate Republican High Tech Task Force has served as a vocal and influential legislative champion on policy issues of critical importance to the high tech industry. We look forward to continuing the partnership we have established with the Task Force and making these goals legislative realities," continued Holleyman.

Last year, BSA joined the Republican High Tech Task Force in promoting number of successful legislative programs. Key legislative achievements included:

An appropriations increase for anti-piracy prosecutions;

The three-year, 30-percent accelerated depreciation;

A two-year extension of the Internet Tax moratortium;

President Bush's Education Reform Act; and

Maintaining current encryption export rules.

EIA Applauds 2001 Accomplishments of Senate Republican High-Tech Task Force; Looks Forward to Continued Legislative Successes in 2002

ARLINGTON, VA.—Dave McCurdy, President of the Electronic Industries Alliance (EIA) today thanked the Senate Republican High-Tech Task Force for their 2001 legislative accomplishments and applauded the rollout of their 2002 agenda.

McCurdy said: "Thank Senate Republican High-Tech Task Force has worked closely with the high-tech industry to outline technology priorities during each legislative session. Their involvement and advocacy of issues critical to our industry resulted in major legislative accomplishments in 2001, including Senate passage of the Export Authorization Administration Act and passage of a 3-year, 30 percent accelerated depreciation provision.

"We look forward to the continued success of the High Tech Task Force. EIA will work hard to help secure successful completion of their 2002 agenda, which mirrors many of our priority issues, including passage of Trade Promotion Authority.

"Granting Trade Promotion Authority has consistently been a priority for the technology industry. In 2000, more than one-third of what the U.S. electronics industry produced was exported overseas—over $200 billion in goods. This means more than one-third of the 1.8 million employees who work for U.S. electronics companies depend on exports for their jobs. International trade and access to foreign markets are critical to our continued success. We look forward to working with the High Tech Task Force in ensuring the quick passage of Trade Promotion Authority in 2002."

The Electronic Industries Alliance (EIA) is a national trade organization that includes the full spectrum of U.S. manufacturers, representing more than 80% of the $550 billion electronics industry. The Alliance is a partnership of electronic and high tech association and companies whose mission is promoting the market development and competitiveness of the U.S. high tech industry through domestic and international policy efforts. EIA, headquartered in Arlington, Virginia, is comprised of more than 2,300 member companies whose products and services range from the smallest electronic components to the most complex systems, used by defense, space and industry, including the full range of consumer electronic products. The industry provides more than two million jobs for American workers.

TechNet Applauds Senate Republican High Tech Task Force's Agenda for 2002

PALO ALTO, CA.—The Technology Network (TechNet), a national network of high-tech and bio-tech CEOs, today praised the Senate Republican High Tech Task Force for releasing an agenda that is long on innovation and economic growth and short on government regulation.

"The Republican High Tech Task Force is an important portal for our industry, and TechNet in particular," said Rick White, CEO of TechNet. "The agenda they have laid out is consistent with our efforts to spur broadband deployment, expand free trade, and minimize the government's involvement in the technology industry."

"In particular, we appreciate the leadership the Task Force has shown in opposing any effort to require companies to expense stock options," continued White. "This issue is vital to the long term success and stability of our industry."

TechNet represents 235 technology and biotech companies nationwide. The group is focused on four key issues: making broadband ubiquitous by the end of the decade; passing bi-partisan trade promotion authority legislation; strengthening our education system; and keeping stock options free from being expensed as cash.

Last week TechNet brought 30 CEOs to Washington, DC for a series of meetings with congressional leaders. The group spent time with Senator George Allen and other members of the Senate Republican High Tech Task Force—discussing issues key to the growth of the technology industry.

ACT Commends Work of Senate Republican High Tech Task Force on Behalf of Entrepreneurial Tech Companies

WASHINGTON, DC.—On behalf of its three thousand small- and mid-size high tech member companies, the Association for Competitive Technology (ACT) today commended the work of the Senate Republican High Tech Task Force (HTTF) in the 107th Congress and applauded its commitment to key issues for this session.

With the technology industry teetering on the edge of recession, there were several critical policy decisions for small entrepreneurial technology companies in 2001. Thankfully, the HTTF was hard at work on behalf of the industry. The HTTF was instrumental in securing a two year extension to Internet tax ban, the Export Authorization Administration Act and a new 3 year, 30 percent accelerated depreciation schedule for technology equipment. The HTTF was also an important force in thwarting efforts to restrict export rules for encryption that would have been disastrous to software companies, e-commerce and privacy.

The HTTF technology agenda announced today demonstrates that their continued commitment to providing entrepreneurial technology companies with the ability to succeed. ACT is especially excited by HTTF's goals for issues such as protecting privacy, educating a workforce for the 21st century, expanding free trade and updating our nation's tax code to reflect the realities of the New Economy.

"The Republican Senate High Tech Task Force has been a powerful ally for entrepreneurial technology companies. ACT looks forward to working the issues that will be critical to ensuring the continued success of the American technology industry," said ACT President Jonathan Zuck.

ACT is a national education and advocacy group for the technology industry. Representing mostly small- and mid-size companies, ACT is the industry's strongest voice when it comes to preserving competition and innovation in the high tech sector. ACT's membership includes businesses involved in all aspects of the IT sector including computer software and hardware development, IT consulting and training, dot-coms.

Mr. ALLEN. I now yield to the Senator from Montana, Mr. BURNS, who has been a strong and knowledgeable advocate and leader of improving technology. The Commonwealth of Virginia has rural areas, but not as many as Montana. One of the ways that rural areas, whether out West, or in the South, or in Hawaii, can benefit from technology and communication is with leadership of people such as Senator BURNS.

I yield to Senator BURNS.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Montana is recognized.

Mr. BURNS. I thank my good friend from Virginia. The Senator from Virginia has rural areas; we have frontier areas. That kind of draws a distinction. I think the Senator from Virginia has picked up a big part of the responsibility of furthering the agenda of high technology because our States do have a lot of similarity, such as in distance learning and telemedicine. These areas are isolated by mountains, where communications and the free flow of information have eluded people. Of course, with that in mind, I think he has picked up on what he wants to do with his State of Virginia, so that not only Northern Virginia benefits from research and development but the advancement of the information age, and also that the rest of the State can participate in it as well.

If you look at my State of Montana, you see we have similar challenges ahead of us. I congratulate Senator ALLEN for his fine work. He has done a marvelous job chairing this high-tech task force. Under his leadership, we were able to aid in some victories last year, including the extension of the Internet tax moratorium for 2 years and the inclusion of an enhanced depreciation provision in the stimulus package that the President just signed.

Senator ALLEN went over the list that pretty well sets our priorities, and not necessarily in that order; they are all very important.

I am a member of the Internet caucus, which is a bipartisan group. This year in our opening reception we had over 40 exhibitors. Senator ALLEN came. Approximately 1,000 people attended that reception. The free flow of information has become very important.

I want to go over a couple of points. I gave a lot of speeches before I ever came to the Senate saying there have been three interventions that have changed our whole way of life. It has really brought the size of our planet down considerably. First is the jet engine, second is the transistor, and third is the silicon chip. In a matter of hours, we can be anywhere in the world. We can in 5 seconds exchange ideas visually and audibly anywhere in the world, whether it be land line or through space. The silicon chip has sped up the way we handle information. It has changed our life forever. This planet is smaller because of those inventions.

Look at what has happened since. As the information age came upon us, we realized as far back as 1989 and 1990, when I first came to the Senate, that the policies that guided the infrastructure for that flow of information were passed in 1934. We soon understood that some policy changes were going to have to take place before we could see gigantic moves or an extension of the way we were to deal with the free flow of information. As a result, it only took 6 years to pass the Telco Act of 1996 because we were trying to set policy for technologies that went way beyond what was thought in 1935.

The free flow of information is democracy. We all base our decisions on the information we get. As long as it is a free flow of information, a free flow of ideas, our democracy and our Republic will remain strong and people will participate in the political arena. Freedom equals opportunity, but it is also held together by an ingredient called responsibility.

We were not finished looking at the policies before we got the Internet, this great infrastructure of information. We have to take a look at the insurance to be sure we have sound organizations as the gatekeepers.

Specifically, before we can look at the complex area of comprehensive spectrum reform, we should keep in mind the vital nature of spectrum to those on the front line of homeland defense, our first responders: The police, fire, medical, public health, and other emergency response agencies.

We passed a bill in the last Congress that is revolutionizing the cell phone industry. For the first time, we made 911 the national emergency number. Now, with new technology, one can dial 911 on a cell phone and reach the nearest first responder. Before, in the cell phone industry, if one dialed 911, they were apt to get anybody anywhere. The calls now go into the nearest communications center that can handle an emergency.

Another topic that will prove of utmost importance to critical infrastructure is the operation of a shadowy organization known as the Internet Corporation for Names and Numbers, commonly known as ICANN. The formation of ICANN originated with the so-called green and white papers of the Clinton administration in 1998 that proposed the delegation of control of the domain name system from the Commerce Department to an entirely new organization which would be a new, not-for-profit corporation formed by private sector Internet stakeholders.

The Clinton administration further proposed that the U.S. Government should end its role in the Internet numbers and names address system. Soon thereafter, ICANN was created and the Commerce Department began to delegate the functions of the Internet domain name system to it.

In the eyes of many critics, this delegation has happened far too swiftly. While ICANN is supposed to function by consensus of the Internet community, its operation has often been controversial and shrouded in mystery. Recently, even the President of ICANN, Stuart Lynn, admitted publicly the organization is not working and needs to undergo comprehensive structural reform because it is losing sight of effectiveness in accomplishing our real mission.

Taking into account that the ICANN mission is ensuring the stable and secure management of the Internet domain system, I am extremely concerned at these developments which are so critical to our national security.

In another area, to make the Internet more responsible and make it respond to the users, to give the users confidence in this system, we have to look at spamming. Spamming is the receiving of unwanted junk mail. I do not know of a time on my address anyway that I have received more spam than I am right now. It is a lot more than when I was in the U.S. Marine Corps, I can tell you that. The irresponsible use of spamming by marketers cannot be tolerated. To ensure the free flow of information and confidence in this system, we have to take a look at privacy.

Those are the areas we should be focusing on now in order to let this great technology be a workhorse for us.

I thank the chairman of the high-tech task force. I applaud him for his leadership in taking on this great responsibility. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Virginia is recognized.

Mr. ALLEN. Mr. President, I thank the Senator from Montana for his eloquent remarks, his strong leadership, and his understanding that with freedom come innovation and improvements in our lives.

I now yield to Senator BENNETT of Utah who was chairman of this task force previous to me but is still a leader on our task force and someone who is greatly respected in the area of technology and, as I mentioned earlier, he has provided the key leadership in the Senate on cyber-security.

I yield to the Senator from Utah, Mr. BENNETT.

The ACTING PRESIDENT pro tempore. The Senator from Utah is recognized for 1 minute.

Mr. BENNETT. I thank the Chair.

Mr. President, my plea is very simple and can be stated in 1 minute: We must, in the words of Abraham Lincoln, think anew and act anew, recognizing that in the cyber-age, many of the attitudes we have had about warfare, about vulnerability, about opportunity have to be thought through entirely differently.

If we can understand that and put aside some of our old prejudices and old ideas about technology and about regulation, we will be on the road to the prosperity and security we need. If we cling to the old ideas, the old paradigms with respect to information sharing and antitrust activities, we are in for serious trouble.

So in 1 minute, that is my message. Let us think anew, let us act anew, and let us recognize the technological age has changed everything.

I yield the floor.

Mr. ENSIGN. Mr. President. I rise today to briefly speak about the importance of technology to our economy and our way of life.

Just think about how technology has changed our lives over the past few decades. Not so long ago, documents could only be sent through the mail, computers were enormous metal boxes with limited functionality, and the Internet—although it had been invented—was neither user friendly nor accessible. When I was growing up, watching television meant the handful of network channels we could get from an antenna on the roof; and when our car broke down we'd have to hitch hike to the next gas station or pay phone to call for help. It's hard to believe that for my three young children, those are things of the past. They're used to cell phones and cable TV.

We now live in a world where technology represents one of the largest and fastest growing sectors of our economy. Technology employs millions of Americans and was largely responsible for the tremendous economic expansion from 1994 to 2000. Technology certainly helped fuel the growth of my State's economy. According to the U.S. Department of Commerce, Nevada is second in the Nation for net creation of high-tech businesses. And I strongly encourage that growth because those businesses paid my constituents over $1.3 billion in wages.

Advances in technology have made our personal lives easier and our professional lives more productive. Speed bumps in the communication process have been eliminated and replaced with wireless phones and e-mail. Advances in technology and the Internet now allow me to visit regularly with my constituents in Nevada while I am working in Washington through a real-time video teleconferencing network.

Constituents of mine back in Nevada are able to listen to my remarks here on the Senate floor by logging on to my website.

Indeed, 10 years ago I would have never imagined technological advances such as these, and I am certain that there will be more unforeseen breakthroughs in the coming years.

Although new technologies greatly benefit American society, new issues have arisen for legislators to address in order for America to remain a world leader in technological innovation. We must grapple with broadband deployment, copyright protection and enhanced wireless services if we want America to have a competitive advantage.

High-speed Internet access, or broadband, will drive the economy of tomorrow and every American household should have access to it at reasonable rates. I believe that broadband Internet will serve as the foundation for technological and communications advances in the future. According to Commerce Secretary Evans, broadband is vital to America's economy and will produce over 1 million new American jobs and an additional $50 billion a year for our economy. The importance of this technology cannot be underestimated, and surprisingly few Americans have access to this service or subscribe to it due to its high cost and its lack of desirable content. While there are a number of legislative proposals currently before the U.S. Senate which aim to increase broadband availability, this issue is far from resolved.

I am working with my colleagues on the Senate Commerce Committee to address this important issue in a way that will level the regulatory playing field for service providers, create incentives for private investment in the networks, and preserve competition in the marketplace. In short, instead of rolling out the red tape on private industry, we should roll out the red carpet to allow competition in the fairest manner possible.

As more Americans subscribe to broadband, private industry must work cooperatively to ensure that copyrighted material is protected from piracy. While America leads the world in software, entertainment, and other kinds of intellectual property innovation, piracy is on the rise and has taken a serious toll on our economy. In 2000, piracy cost America an estimated 107,000 information technology jobs, $5.3 billion in wages and $1.8 billion in U.S. tax revenue. It is clear that the practice of piracy must be stopped. If not, the American economy will continue to suffer and we will lag behind other nations in technology innovations. We must aggressively protect copyrighted works—both at home and abroad—that will drive the economy of tomorrow. The Commerce Committee recently held a hearing on this important issue, and I am aggressively working with my colleagues to stop piracy and bring a new level of protection to copyrighted works.

Finally, Mr. President, we must encourage further advances in wireless technology. In the last 10 years, wireless phone use has skyrocketed, and over 132 million Americans now have a cell phone. Prices have fallen and service quality has improved. Wireless has expanded beyond voice to include wireless e-mail and text messaging, like by Blackberry, which allows me to send and receive e-mail when I am on the road.

Overseas, next generation wireless technology, such as wireless video and Internet, have been deployed along with many other exciting new services. Unfortunately, the United States has begun to lag behind other nations in offering advanced wireless services. A number of issues—such as spectrum management, spectrum harmonization, and wireless security—demand our immediate attention in order to bring these exciting new services home. As a member of the Senate Commerce Committee and Co-chair of the Internet Caucus Wireless Task Force, I will continue to work with my colleagues in the Senate to reestablish the United States as the global leader in wireless technology.

In conclusion, we have accomplished much over the past year on many technology issues. The Republican High Tech Task Force has been an effective voice for technology on Capitol Hill. Members of the Task Force have helped secure additional funding for the Patent and Trademark Office, encourage greater copyright enforcement within the Department of Justice, and provide tax incentives to stimulate business investment in technology infrastructure. I look forward to another productive year.

Mr. SMITH of Oregon. Mr. President, as a member of the Senate High Tech Task Force, HTTF, I am proud to speak about the importance of the hi-tech sector, a sector of our economy that has in the past been such an effective engine of growth in my State of Oregon.

And it is this engine of growth that needs strengthening in order to help the Oregon economy grow.

I am so pleased that the President signed into law last weekend an economic stimulus package that included both an extension of unemployment benefits and the bonus depreciation changes that I and other members of the Task Force worked so hard to pass in the Senate.

Oregon, as many of you know, had an unemployment rate of 8 percent in January, well above the national average.

The stimulus package included a much-needed unemployment benefit extension, one that Oregon had already qualified for because of its high unemployment rate.

But this stimulus package also included real economic stimulus that I believe will boost the Oregon economy.

Both this year and last I have had the privilege of introducing bonus depreciation amendments to various economic stimulus bills in an attempt to actually stimulate business investment.

I did this because the current Tax Code penalized businesses, especially the hi-tech sector, by forcing them to choose between either retaining outdated equipment to fully recover their costs or foregoing full recovery in order to stay abreast of the latest development in the hi-tech fields.

Businessmen, farmers, the hi-tech industry all benefit from accelerated depreciation, and the impact on this Nation's economy will provide greater opportunities for jobs in my home State of Oregon where the hi-tech sector is so critical to economic recovery.

Now we must take the next step in bolstering the hi-tech community by making permanent the R&D tax credit.

The R&D tax credit encourages investment in basic research that over the long term can lead to the development of new, cheaper, and better technology products and services.

Research and development is essential for long-term economic growth. Innovations in science and technology have fueled the massive economic expansion we witnessed over the course of the 20th century.

These advancement have improved the standard of living for nearly every American.

Simply put, the research tax credit is an investment in economic growth, new jobs, and important new products and processes.

The R&D credit must be made permanent: This credit was originally enacted in 1981, and has been temporarily extended many times. Permanent extension of long overdue.

Because this vital credit isn't permanent, it offers business less value than it should. Business, unlike Congress, must plan and budget in a multiyear process. Scientific enterprise does not fit neatly into calender or fiscal years.

Research and development projects typically take a number of years, and may even last longer than a decade.

As our business leaders plan these projects, they need to know whether or not they can count on this tax credit.

Current uncertainty surrounding the credit has induced businesses to allocate significantly less to research than they otherwise would if they knew the tax credit would be available in future years.

This uncertainty undermines the entire purpose of the credit.

Investment in R&D is important because it spurs innovation and economic growth: Information technology was responsible for more than one-third of real economic growth in the late 1990s.

Information technology industries account for more than $500 billion of the annual U.S. economy. R&D is widely seen as a cornerstone of technological innovations, which in turn serves as a primary engine of long-term economic growth.

This tax credit will result in higher wages. Findings from a study conducted by Coopers & Lybrand show that workers in every State will benefit from higher wages if the research credit is made permanent.

Payroll increases as a result of gains in productivity stemming from the credit have been estimated to exceed $60 billion over the next 12 years.

Furthermore, greater productivity from additional research and development will increase overall economic growth in every State in the Union. Research and development is essential for long-term economic growth.

The tax credit is cost-effective: The R&D tax credit appears to be a cost-effective policy instrument for increasing business R&D investment. Some recent studies suggest that one dollar of the credit's revenue cost leads to a one dollar increase in business R&D spending.

Bonus depreciation and the R&D tax credit are but two of many issues that interest both the hi-tech sector and this Senator.

While I am proud of the achievement with the bonus depreciation I will continue to work with hi-tech companies on the R&D tax credit and many other issues to keep our economy running strong, across this Nation and especially in my State of Oregon.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. EDWARDS). Morning business is closed.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Levin amendment No. 2997 (to amendment No. 2917), to provide alternative provisions to better encourage increased use of alternative fueled and hybrid vehicles.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be for debate only relative to ethanol.

Who yields time?

The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, for the next several minutes, I will speak about the renewable fuel standard as part of the energy bill. For more than an hour, perhaps closer to 2 hours, my colleagues and I will be talking about the importance of the renewable fuel standard as a part of the energy bill and as a part of our national defense, as well as our economy, and for the environment.

In the early days of the automobile, Henry Ford believed at first that the best source of power for the automobile was with ethanol made from farm crops and other renewable materials. It is interesting to note, after a century of domination by oil, that we have now come perhaps full circle to recognizing there is a place for ethanol and renewable fuels as part of the fuel standard in order to power the automobiles that we continue to drive some 100 years later.

Ultimately, the power of oil interests led to policies that made oil king, with depletion allowances, foreign tax credits, and naval convoys and armies dispatched to protect oilfields around the world. Of course, the direct or indirect control of oil remains an American economic, diplomatic, political, and military priority.

While we have had, in fact, a petroleum age, it has ushered in many technological advances. The industrialized world's love affair with oil has not been without costs. Dependence on imported oil threatens our national and our energy security, our economy, our jobs, our farmers and ranchers, our industry and our environment. Public policy decisions and discussions have continued that began nearly a century ago, launching upon a path which led us to our current reliance on imported oil.

Today we have a historic opportunity to begin the process of swinging back full circle, at least to some degree, in our national energy policy. The energy policy today embodied in this bill offers us a chance to realize the potential that Henry Ford saw even then, and that his successors managing Ford, GM, and Chrysler are making possible every time they produce an E-85 automobile capable of running on 85-percent ethanol. More than 2 million of these so-called flexible fuel vehicles are on the road at this time.

Additionally, essentially all automakers in the world produce cars that run well on blends of ethanol, up to 10 percent, as well as those that will run up to 85 percent. We have the cars. Now we need the fuel. This bill provides the means in order to get it.

The Energy Policy Act of 2002 will boost biofuels and biorefinery concepts to realistically address oil import levels that have now surpassed the 56-percent mark, with ever higher levels ahead of us if we do not do something significant now to change the direction in which we have been heading.

From the perspective of a Senator from a farm State, and a former two-time chair of the Governors' Ethanol Coalition, one of the most important aspects of this landmark energy bill is the establishment of a 2-billion-gallon renewable fuel standard in 2004 that gradually grows to 5 billion gallons by 2012. Even if this approximate tripling of the ethanol industry from today's levels represents less than 4 percent of the total projected U.S. motor fuels demand over the next decade, it is a critical beginning of national importance. Enactment of this RFS, along with other provisions in this bill that emphasize new sources of energy production from renewables such as wind power, as well as conservation to further reduce our dependence upon foreign sources of energy, will help us reverse this 100-year-old reliance on fossil fuels. It will not replace them, but it will help us reduce the amount of reliance.

There is now a revolution driving American agriculture as surplus, low-value starch and oils are converted into high-value liquid fuels, with the proteins being fed locally so that American taxpayers save money. Rural communities are reinvigorated. High-value, high-quality finished products enter the export market and the Nation's energy security and environment are dramatically improved.

The Senate energy bill represents a historic step away from business as usual in U.S. energy policy. Just as we cannot export ourselves out of an agricultural crisis, we also cannot drill ourselves out of our energy crisis. With the renewable fuel standards, it will no longer be a matter of whether or not there will be a biofuels industry to augment our oil and auto industries. Rather, it will be how fast can we advance these domestic renewable fuels? How do we enhance their environmental performance, reduce their costs, and advance the technology to include the conversion of all forms of clean biomass into biofuels, biochemicals, and biopower?

I am unabashedly proud of what my home State of Nebraska has accomplished. The formation of the National Governors' Ethanol Coalition was one of the most important steps. Nebraska and several other Midwestern States created this coalition that now represents 26 States and one U.S. territory, as well as Brazil, Canada, Mexico, and Sweden.

Since its formation in 1991, the Governors' Ethanol Coalition has worked to expand national and international markets for biofuels. I might add that this Governors' Ethanol Coalition included the current and the previous Presidents of the United States when they were Governors of the State of Arkansas and the State of Texas. Within the State of Nebraska during the period of 1991 to 2001, seven ethanol plants were constructed and several of these facilities were expanded more than once during the decade. I do not want to take full credit for that timeframe, but I want the record to reflect it happened during my watch.

Specific benefits of this national ethanol program in Nebraska include more than $1.2 billion in new capital investment in ethanol processing plants, 1,005 permanent jobs at the ethanol facilities, and over 5,000 induced jobs directly related to plant construction, operation, and maintenance. The permanent jobs alone generate an annual payroll of $44 million. More than 210 million bushels of corn and grain sorghum are processed at the plants annually. Economists at Purdue University and the USDA estimate that the price of corn increases from 9.9 cents to 10 cents per bushel for every 100 million bushels of new demand. Local price basis increases in Nebraska range from 5 cents to 15 cents, quite a stimulus for agriculture in ethanol-producing areas.

These economic benefits and others have increased each year during the past decade due to plant expansion, employment increases, and additional capital investment.

If each State produces 10 percent of its own domestic renewable fuels, as Nebraska does, America will have turned the corner and that noose of oil import dependency and climate change will begin to fade away. In the world of renewable biomass, there are no wastes, just feed stocks for other production systems, without the fossil-based toxins blocking the next biological step.

I ask my colleagues to take a new look at the opportunities offered by RFS and grasp the full potential of the biorefinery portions of this energy legislation. These provisions are urgently needed to increase our energy and our national security, create new basic industries and quality jobs, reduce the vulnerability of our energy supplies, enhance the environment, contribute to the stabilization of greenhouse gases, while improving America's economic performance. Everyone gains from this effort.

This balanced and comprehensive piece of legislation is the end result of the dedication of so many of my colleagues. It was not always easy to foresee the day when biofuels and other renewable resources would be poised to be a major component of our national energy policy. The farsightedness of a few has directly led to the creation and wide acceptance of the bill before the Senate today.

The oil production versus imports chart shows the domestic oil production peaked in 1970 and again in 1985 and has continued to drop. The oil imports on the graph are shown to have expanded from 1950 to the point where they are more than 10 million barrels per day, and the trend continues. We must, in fact, support the growth of our own industry in the domestic production of fuels to power our energy needs.

Last summer, Senator TIM JOHNSON and my colleague from Nebraska, Senator HAGEL, introduced legislation that dealt with this very issue. Their hand is felt throughout the bill. I congratulate them and thank them for their efforts. Senator Daschle's and Senator LUGAR's tireless efforts created a bill with broad consensus, taking shape in the form we see today, the legislation before the Senate. They have taken an issue that could have been controversial and instead introduced a bill that provides a wide-reaching blueprint for future renewable energy goals. These provisions are a direct result of their leadership. I am honored to be a cosponsor of this bill.

I personally take a moment to recognize and thank staff who have worked on this issue as well. They worked long hours to put the bill together. Their efforts are much appreciated. Eric Washburn from Senator DASCHLE's staff and the rest of the team are a real asset to Senator DASCHLE and have been a tremendous help to me personally throughout this process.

I ask my colleagues to join me in promoting new opportunities for the technologies that will put our fuels and our world transportation fuels on solid, sustainable, and environmentally enhancing ground. We owe it to our country now and to future generations to pass this legislation.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Nebraska. I yield time to the distinguished Senator from Illinois.

Mr. DURBIN. I ask for 10 minutes.

Mr. NELSON of Nebraska. That will be fine.

Mr. DURBIN. Mr. President, I thank the Senator from Nebraska for his leadership on this issue. Where we come from, ethanol is a big deal. It is a big deal because we have a lot of corn growers, farmers who need to have a better price for their corn. They need increased demand for their sales in the United States and overseas, and we know the ethanol industry consumes about 1 out of every 6 acres of corn across America. So as we increase the demand for ethanol in America, we increase the demand for corn, raising the prices and helping our farmers to sustain their farm operations and to have less dependence on the Federal Government from year to year.

This is a major breakthrough. I salute all those responsible for it: Senator TOM DASCHLE, Senator JEFF BINGAMAN, Senator BEN NELSON of Nebraska, as well as all those on the Republican side of the aisle. What has happened for the first time in 20 years since I have been on Capitol Hill is that we finally have reached this moment where we have an agreement, an agreement between the ethanol producers—the corn growers, obviously—and the oil industry. This is a big breakthrough because this has been a pitched battle for two decades, with the oil companies doing everything they can to suppress ethanol production.

In this bill, we have a consensus agreement that has been crafted by the leaders who brought the bill to the floor, and with that agreement we will triple the use of ethanol in the United States over the next 10 years. In tripling it, it will not just help the economics of the farm bill, it will mean we are going to have cleaner air in America, a better environment for America in its cities and its towns, and less dependence on foreign oil. That, to me, is a positive at three different levels.

I salute all those responsible for it: the Renewable Fuels Association, National Corn Growers, American Petroleum Industries, the American Farm Bureau, the Farmers Union, and so many others. This really makes a difference.

As a result of this decision, we are going to see more ethanol blended with gasoline. It is going to mean the exhaust coming out of our tailpipes across America for years to come is going to be less of a threat to the families across America. When we face an epidemic of lung and respiratory disease such as asthma and other problems, it is essential we continue to move forward with the use of this clean-burning fuel.

I have been chairman of the House Alcohol Fuels Caucus and a member of the Senate Alcohol Fuels Caucus. I can tell you this is a great day. I salute all those who crafted this wonderful compromise which is going to really make a commitment.

I think Senator NELSON alluded to what will happen. Now that there is some certainty this bill will be signed into law, you will have more and more ethanol production coming on line. And for my selfish reasons, for downstate Illinois, where our economy is struggling with high unemployment and where we have more ethanol produced than anywhere in America, we want to see plants springing up, not just in Illinois but in Nebraska, Missouri, Iowa, South and North Dakota—wherever we can find the agricultural feed stock to produce ethanol. We have the potential of creating good-paying jobs and then to have the technology from its source near the usage point that can help our economy all across the Midwest.

This is a terrific shot in the arm in terms of the economy of the Midwest, in terms of the environment of the Nation. I salute all those who worked so hard to make this a reality.

The second half of my statement is not as positive or optimistic or hopeful, but I want to add it because I think it is essential that we keep this achievement in perspective with what we are about to do this morning in just 2 hours on the floor of the Senate.

By every vote count that I have seen, we are about to reject any significant increase in fuel efficiency in automobiles and trucks across America as part of this energy bill. The special interests who have come to Capitol Hill to fight off any improvement in fuel efficiency are about to score a big victory this morning. That is a sad commentary on the Senate and on our efforts to be honest in trying to find a way, at least, to move toward energy independence and energy security for America. It is a triumph for these special interests. It is a defeat for the American people. It is about to happen in just 2 hours on the floor of this Senate.

The opponents of increasing fuel efficiency have no faith in the ability of America's creative genius to come up with better technology and better science so we can have more fuel-efficient vehicles. The opponents of this fuel efficiency standard have no faith in the American people. They stand in the Chamber and say: We wouldn't dare tell people they couldn't buy bigger and fatter SUVs year after year.

I think more of the American people understand we are at war against terrorism; we are a nation at risk; we are dependent on foreign oil. These American families and businesses are ready to participate, roll up their sleeves and help America move toward energy security. To suggest we would not dare ask them to consider buying a different vehicle 5 or 10 years from now is an affront to the unity which America has shown since September 11.

Finally, it is a reflection on this Senate, as well as the House of Representatives, for its failure to show leadership on this critical issue. In 1975, this Congress took a look at the average fuel economy of fleets across America at 14 miles per gallon, brought together the political courage despite the opposition of the Big Three in Detroit, and said in 10 years we are going to double fuel efficiency in vehicles across America from 14 to 27.5 miles a gallon.

We were told by the Big Three: it is impossible; we can't do it. We will be selling vehicles people don't want to buy. They will be kiddy cars and go-carts—that is the only way to achieve it, and you will drive businesses overseas.

They were wrong then, and they are wrong now. In over 10 years we doubled the fuel efficiency of vehicles across America. By 1985, we were at 27.5 miles per gallon. So what happened between 1985 and today? In terms of increasing fuel efficiency, absolutely nothing. Nothing has been done by Congress or by the industry in the United States to produce automobiles and trucks that are more fuel efficient.

So we come today with a proposal that over the next 12 or 13 years we will increase fuel efficiency by 30 percent. It is going to be rejected on the floor of the Senate. That, to me, is shameful. It is shameful that we have reached the point where we have no faith in America's technology, no faith in the people of this country to stand behind energy security, and no faith in the ability of the Senate to show leadership at a time when this country expects us to do so.

I can tell you, quite frankly, that the Senate will bow down to the special interests this morning so that America has to bow down to OPEC for decades to come.

That is a sad commentary on the Senate and this energy bill.

It is naive for the American people to believe we can truly have energy security and independence if we don't address the efficiency of the vehicles we drive. Approximately 40 percent of the oil we are bringing up today from underground is being used to fill our vehicles. By the year 2020, over 50 percent is going to be used for highway travel and for vehicles and trucks. If you do not address fuel efficiency, you are not dealing honestly with the question of America's energy future.

I can't believe we are standing here today to witness this on the floor of the Senate. But by every vote count that I have seen, we are going to lose big. The special interests are going to come in and tell us there is no way they can design an engine for fuel efficiency. I don't believe it. Frankly, I am embarrassed by the fact that most of the good technology that is leading the way in fuel efficiency and emissions has come from overseas automakers. We are better than that. American is better than that.

For the Senate to abandon any hope that we can develop this technology is a sad commentary on this view of what our potential is as a nation. For them to turn their backs on the fact that if we don't have better fuel efficiency we are going to continue to be independent on foreign oil for decades to come is, frankly, a tragic mistake.

I sincerely hope that good numbers about renewable fuel standards will be part of this ultimate legislation. I hope even more that before the end of the morning hour we will see some courage in this Senate to stand up to the special interests, stand up to OPEC, and say we are truly going to move towards energy security in this Nation.

I yield the floor.

The PRESIDING OFFICER (Mrs. CLINTON). The Senator from Nebraska is recognized.

Mr. NELSON of Nebraska. Madam President, it is my pleasure at this point to yield the floor to the distinguished senior Senator from the State of Nebraska, my colleague, Mr. HAGEL. I welcome his support for ethanol. As a colleague, as a Nebraskan, and as Member of this body, I congratulate him and Senator JOHNSON on their support of this very important bill.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Thank you, Madam President.

Madam President, I ask that I be given 10 minutes of time from the Republican side.

The PRESIDING OFFICER. The Senator has that right.

Mr. HAGEL. I thank the Chair.

I first acknowledge the statements of my friend and colleague from Nebraska, Senator NELSON. He has been a leader on renewable fuels for many years—long before he came to the Senate, when he served our State of Nebraska ably as its Governor for 8 years, and for his leadership over those years. He brings that leadership and experience to this body in regard to not only this issue but many others.

I rise in support of the renewable fuels standard included in the underlying bill. This legislation is important if we are to increase the market share for renewable fuels, such as biodiesel, ethanol, and biogas from landfills and feedlots.

I, too, wish to recognize and thank other colleagues who have been very important to this debate over many years, especially Senators GRASSLEY, LUGAR, DASCHLE, BOND, and in particular, as Senator NELSON has stated, Senator JOHNSON, who has been a strong leader both during his tenure in the House and here in the Senate, and, of course, again, my colleague from Nebraska, Senator NELSON.

Also, those groups that represent many of the important interests of this country that were very involved in bolting together a compromise for this section of the energy bill, as Senator DURBIN pointed out, should be recognized and thanked for their participation and their support in helping to develop this section of the bill.

During a recent stop to the Midwest, President Bush proclaimed the promise of renewable fuels, saying,

> Renewable fuels are gentle on the environment, and they are made in America so they cannot be threatened by any foreign power. Ethanol and biofuels are fuels of the future for this country.

The President is right. Renewable fuels afford us the opportunity to develop energy, environmental and economic policies that work together. A renewable fuel standard would enhance our environment, strengthen national security, reduce our trade deficit, and decrease our dependence on foreign oil.

Today, less than 1 percent of America's transportation fuel comes from renewable sources. Under this energy bill, renewable fuel use would increase to approximately 3 percent of our total transportation fuel supply. This would more than triple the amount of renewable fuel we now use.

Today, America imports nearly 60 percent of the crude oil it consumes—estimated to climb as high as 70 percent by 2020.

Senator NELSON displayed a chart which I think very clearly indicates the danger this presents to our foreign policy, to our interests, and to our geopolitical and strategic trade interests around the world, which now are, as we know, interconnected.

Almost a fourth of these imports come from the Persian Gulf, where Iraq currently sells the United States between 600,000 and 1 million barrels of oil a day.

This renewable fuel standard is a fair and workable compromise based on months of work with the petroleum industry, the environmental community, DOE, USDA, and EPA. This is flexible legislation—not a gallon-by-gallon mandate. It will not force a specific level of compliance in places where compliance may be difficult.

To guard against possible fuel shortages, it permits the EPA Administrator, in consultation with USDA and the Department of Energy, to adjust the renewable fuel requirement.

To make this legislation even more flexible, refiners, blenders, and importers will have access to a credit trading program—so those who use more renewable fuel can sell credits to other refiners, blenders, and importers who fall short on meeting their requirements. Producers will not be penalized if there are insufficient supplies of renewable fuel. Finally, small refiners will be exempt from their requirements established by this program.

In the wake of September 11, America and the rest of the free world face dramatic new challenges. Energy independence is one of the most serious of these challenges.

Our Nation needs a broader, deeper, and more diverse energy portfolio—one that ensures we have clean, reliable, and affordable domestic sources of energy. Expanding the market for renewable fuels is a modest, but significant part of the solution. To enhance national energy security and improve environmental quality, we need a reasonable renewable fuel standard. As President Bush said, ethanol, biodiesel, and other biofuels are the fuels of the future for this country.

I ask my colleagues to support the renewable fuel standard in this energy bill to make renewable fuels an important component of a new national energy plan which is so vitally important to the future of this country.

I yield the floor.

Mr. NELSON of Nebraska. Madam President, I thank the Senator from Nebraska for his very articulate comments supporting the efforts for the renewable fuels standard and for his support for ethanol. It is a pleasure to work with him on this issue.

Madam President, I thank members of my staff, as a matter of privilege, for their support and their work on this important issue. I have identified Eric Washburn of Senator DASCHLE's staff. It is my pleasure to also thank my staff, Tom Litjen as well as Scott McCullers.

At this time, I yield the floor to the distinguished Senator from North Dakota, to be followed by the distinguished Senator from Missouri.

Mr. DASCHLE. Mr. President, I would like to join my colleagues this morning in congratulating the officials and organizations that came together recently to negotiate a broad compromise agreement on the regulation of clean-burning fuels in the United States. This is truly an historic agreement that reconciles a variety of competing interests in order to meet several important national policy objectives.

The fuels provision establishes greater flexibility in the Nation's gasoline regulations, protects air quality and nearly triples the use of domestic, renewable fuels over the next 10 years. And, significantly, it enjoys the support of the ethanol industry, the oil industry and environmental organizations, three segments of society that have not always agreed on transportation fuels issues.

A number of organizations worked diligently to fashion this agreement and deserve a lion's share of the credit for its success. They include the American Coalition for Ethanol, the Renewable Fuels Association, the Governor's Ethanol Coalition, the National Farmers Union, the Farm Bureau, the National Corn Growers Association, the American Corn Growers Association, the American Petroleum Institute, the Northeast States Coordinated Air Use Management Agency, the Clean Fuels Development Coalition and the American Lung Association. It is indeed testament to the spirit of compromise in the U.S. Senate that all these groups representing often divergent constituencies and interests can come together to create a product that benefits all.

While these groups came to the negotiating table with the interests of their members firmly in mind, they also understood that the fuels component of any viable energy strategy must serve a variety of national goals. Without their embrace of this far-sighted approach, this balanced agreement would not have been possible.

Among the Senators that I would like to thank, first and foremost is Senator DICK LUGAR. The seeds of this agreement were planted a few years ago when Senator LUGAR and I first introduced legislation to establish a renewable fuels standard and provide greater flexibility in producing reformulated gasoline. Senator LUGAR's enthusiastic support gave this idea needed momentum and helped lay the groundwork for the agreement that was reached last week.

I would be remiss if I didn't acknowledge the involvement of the White House in crafting this agreement. Andrew Lundquist, who has a unique perspective gained as a former staff director of the Senate Energy Committee and Director of Energy Policy for the President, has been extremely helpful throughout the negotiation process, both in identifying effective policy and working with diverse parties to achieve it.

Among those whose opinions I sought early in this effort and who always provide me with intelligent and helpful advice are Trevor Guthmiller and Bob Scott of the American Coalition for Ethanol, and Dave Hallberg, the first president of the Renewable Fuels Association who currently is developing an innovative ethanol plant and cattle feedlot in Pierre, SD. Their common sense, South Dakota counsel on these tough national fuels issues has never led me astray.

This agreement could not have been fashioned without the leadership and advocacy of Red Caveney, president of the American Petroleum Institute, Bob Dineen, president of the Renewable Fuels Association, Jason Grumet, former executive director of the Northeast States Coordinated Air Use Management Agency, Bruce Knight, president of the National Corn Growers Association, Tom Buis, executive director of the National Farmers Union, and Doug Durante, chairman of the Clean Fuels Development Corporation. I am deeply grateful for the hard work and focus of these dedicated individuals as well as for the valuable contribution of Todd Sneller, administrator of the Nebraska Ethanol Board, Larry Pearce, director of the Nebraska Energy Office, and Bill Holmberg, an original foot soldier in our 20 year campaign to promote the use of renewable fuels in America.

Senators TIM JOHNSON and CHUCK HAGEL deserve enormous credit for legislation they introduced to establish a very ambitious renewable fuels standard, and for their tireless work in promoting this concept. And there are many others BEN NELSON, TOM HARKIN, CHUCK GRASSLEY, MARK DAYTON, PAUL WELLSTONE, MAX BAUCUS, DICK DURBIN, KIT BOND, and others—who also deserve recognition for the progress we have made on this issue. Senator NELSON, for example, has, at my request, taken on the responsibility of managing this debate on the fuels provision.

Chairman JIM JEFFORDS and Ranking Member BOB SMITH also deserve tremendous credit for moving this legislation through the Environment and Public Works Committee and for bringing their expertise and steady demeanor to the negotiating table. Their involvement was critical to the successful brokering of this agreement.

This agreement makes a number of important changes in Federal law based on the experience we have gained over the last 7 years of implementing the reformulated gasoline program. It eliminates the oxygen requirement from the reformulated gasoline program, a change that is very important to the efforts of States like California and New York, who are planning to eliminate MTBE from their gasoline supplies in the near future. But, in so doing, it also ensures that we preserve the hard-fought air quality gains that have resulted from the implementation of that requirement.

The agreement establishes a renewable fuels program to nearly triple the use of renewable fuels like ethanol and biodiesel over the next 10 years. It also provides special encouragement to biomass-based ethanol, which holds great promise for converting a variety of organic materials into useful fuel, while substantially reducing greenhouse gas emissions. This will have substantial benefits for the environment and for rural economies, while helping to lower our dangerous dependence on foreign oil.

It bans MTBE in 4 years and authorizes funding to clean up MTBE contamination and to fix leaking underground tanks. This section is particularly important to States like California that are struggling to clean up groundwater contaminated by MTBE.

It allows the most polluted States to opt into the reformulated gasoline program, and provides all States with additional authority under the Clean Air Act to address air quality concerns.

I would like to take a moment to acknowledge concerns about this program that have been expressed by my friends and colleagues from California, who in light of their recent experiences with electricity markets are understandably wary of new energy regulation in the fuels market. In response to their concerns, I and those participating in the development of this compromise have taken a number of steps to ease California's transition from MTBE to ethanol. Under the compromise, California no longer needs to meet the oxygen requirement of the reformulated gasoline program upon enactment; this is one year ahead of other States with reformulated gasoline programs. This modification was possible because of California's progressive State fuels program that ensures protection of air quality in the absence of the oxygen requirement.

To address concerns that have been raised about ethanol supplies, prices and logistics, the compromise requires that during 2003, before the renewable fuels standard takes effect, the Department of Energy study these issues. If that study determines that there will be any problems with the ethanol program in 2004, then the EPA Administrator is directed to reduce the level of the mandate for 2004.

Under the renewable fuels program, California and any other State can apply to EPA under separate provisions of the bill to request that the Administrator reduce the ethanol mandate in any year of the program, based on supply or economic concerns. The Congress will expect the Administrator to enforce this provision diligently.

Moreover, the compromise allows California in 2004 to meet its ethanol requirement by blending ethanol only in the wintertime. This is very significant, because California is expected to use 300 to 400 million gallons of ethanol in 2004 to meet its wintertime carbon monoxide Clean Air Act requirements anyway, while the new renewable fuels program will require the use of less than 250 million gallons that year. In other words, California will use more than 100 million gallons of ethanol in 2004 than the new mandate requires. So the ethanol mandate that is in this bill should have no effect on California in 2004, and will substantially lessen California's ethanol requirements compared to current law unless the State decides not to implement its ban on MTBE.

As with all compromises, this agreement is not ideal for anyone, but measured against maintaining the status quo, this agreement will provide considerable additional flexibility to California and other states in producing and using clean-burning gasoline. For example, if this compromise were not developed, California would need to meet the existing reformulated gasoline oxygen requirement and implement the ban on MTBE that the governor has stated will go into effect either at the end of 2002 or, if extended, at the end of 2003. This scenario would result in the need for California to use over 800 to 900 million gallons of ethanol in 2004, far more than the renewable fuels requirements of this compromise.

Finally, under the bill, refiners in California and throughout the Nation can buy credits from refiners that use ethanol in other States to meet its requirement, rather than use actual gallons of ethanol. This ensures that ethanol will be used where it is most efficient and economical.

In the development of this compromise, I have had numerous conversations with my colleagues, Senators FEINSTEIN and BOXER, and with California Governor Gray Davis and the director of the California Department of Environmental Protection, Winston Hickox, about the effect of a renewable fuels standard on their State. I respect their knowledge of their State's energy situation and their passion and tenacity in defense of their State's interests. No one wants to see price volatility in any regional market. The renewable fuels provision has been modified in response to California's concern about possible future energy scenarios, and, I believe, effectively protects the State against unintended consequences.

In the finest tradition of the U.S. Senate, this agreement represents a careful balance of often disparate and competing interests. No member or organization got everything they wanted. But in the end, each participant won important victories that made this agreement stronger.

I look forward to working with my colleagues in the Senate, the House and the White House to enact this important compromise this year.

Finally, I ask unanimous consent to place a letter into the RECORD that I received yesterday from the Governor's Ethanol Coalition. The coalition has been a strong supporter of my efforts to enact a renewable fuels standard from the very beginning, and it gives me great pleasure to have worked closely with that organization for the last few years in this regard.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GOVERNORS' ETHANOL COALITION,
Lincoln, NE, March 12, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. TRENT LOTT,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE AND SENATOR LOTT: On behalf of the 27 members of the Governors' Ethanol Coalition, we are writing to express our strong support for the provisions including in the Energy Policy Act of 2002 (S. 517), which will establish a national renewable fuels standard.

The provisions set forth in the Manager's Amendment to S. 517 reflect an agreement negotiated over the last two years by the states, agricultural interests, refiners, and the environmental community that will address such important issues as MTBE water contamination and the oxygenate requirements in reformulated gasoline while providing a significant market for renewable fuels such as ethanol and biodiesel. Specifically, we support those provisions in S. 517 that: Create a national renewable fuels standard, ensuring a growing part of our nation's fuel supply, up to 5 billion gallons by 2012, is provided by domestic, renewable fuels; eliminate the use of MTBE in the United States within four years; eliminate the oxygenate requirements in the reformulated gasoline program; and maintain the air quality gains of the reformulated gasoline program.

By enacting these provisions, we will strengthen our national security, displace imported oil from politically unstable regions, stimulate ethanol and biodiesel production, expand domestic energy, supplies, and continue to reduce air pollution.

We encourage you to support these provisions and to resist any amendments that would alter this landmark agreement.

Sincerely,

BOB HOLDEN,
Governor of Missouri,
Chair.

JOHN HOEVEN,
Governor of North Dakota, Vice Chair.
MIKE JOHANNS,
Governor of Nebraska, Past Chair.

Mr. VOINOVICH. Mr. President, I rise today to express my support for the ethanol provision that has been included in the Energy Policy Act. I was pleased to join my colleagues, Senators GRASSLEY, DASCHLE, BOB SMITH, HAGEL, BOND, BROWNBACK, and BEN NELSON, in developing a policy on ethanol that addresses the concerns of a variety of stakeholders in the energy debate while providing a tangible benefit for the American people. I believe the inclusion of this provision is a key element in our effort to construct a viable energy policy.

As I have often stated, we face an incredible challenge in putting together an energy policy for our Nation. In my view, the Senate's final product has to be a policy that harmonizes energy and environmental policies, acknowledging that the economy and the environment are vitally intertwined. It has to be a policy that broadens our base of energy resources to create stability, guarantee reasonable prices, and protect America's security. It has to be a policy that won't cause energy prices to skyrocket, which would unfairly affect the elderly, the disabled, and low-income families. Finally, it has to be a policy that won't cripple the engines of commerce that fund the research that will yield future environmental protection technologies.

The Senate is currently working to address these challenges, and I believe the inclusion of an ethanol provision in this bill will help the environment, protect public health, promote fuel efficiency, reduce our dependence on foreign oil, boost the economy, and create and retain jobs for Americans, all at the same time. As the ranking member of the Senate Clean Air Subcommittee, I am especially pleased that expanding the use of ethanol will help reduce auto emissions, which will clean the air and improve public health.

Becuase of the events of September 11, perhaps our greatest energy challenge is to lessen our reliance on foreign sources to meet our energy needs. As my colleagues know, the United States currently imports about 58 percent of our crude oil. For both national security reasons, particularly now, and as part of a comprehensive energy policy, it is crucial that we become less dependent on foreign sources of oil and look more to domestic sources to meet our energy needs, and ethanol is an excellent domestic source. Ethanol is a clean burning, home-grown renewable fuel upon which we can rely for generations to come.

Creating a greater market for ethanol is good for our Nation's economy and, in particular, good for Ohio's economy. Ohio is one of the Nation's leading consumers of ethanol, with 40 percent of the gasoline consumed in the State having an ethanol content. Ohio has placed a tremendous importance on expanding the use of ethanol, so much so, we are actively pursuing an opportunity to get ethanol production plants built in Ohio.

In addition to consumption of ethanol, Ohio is also a major producer of the main component of ethanol, corn. In fact, Ohio is 6th in the Nation in terms of corn production, and an increase in the use of ethanol across the Nation means an economic boost to thousands of farm families across my State.

Finally, I am also pleased that the tax package reported out of the Finance Committee to accompany the energy bill includes a provision that would transfer the 2.5 percent per gallon of the federal tax on ethanol-blended fuels from the General Fund to the Highway Trust Fund. This provision is similar to the Highway Trust Fund Recovery Act, a bill that Finance Committee Chairman MAX BAUCUS and I introduced last summer.

As my colleagues may know, 2.5 cents of 13.1 cents-per-gallon ethanol tax presently goes straight to the Treasury. That is more than $400 million for transportation improvements lost per year, including $50 million to Ohio. The Finance Committee provision ensures that the money is used for our roads, the purpose for which it was collected in the first place, and keeps ethanol viable by restoring people's faith that the taxes they pay on this clean fuel are used properly.

I am delighted that the Senate was able to come together and craft a bipartisan agreement on the treatment of ethanol. It is my hope that the spirit of bipartisanship will continue throughout the energy debate so we can finally put in place a comprehensive national energy policy.

Mr. LUGAR. Mr. President, our dependence on oil from the Middle East represents a grave national security threat. The events of September 11 have underscored the urgency of moving forward on multiple fronts to improve our energy situation in the short term and achieve energy independence in the long term.

I have long believed that renewable energy is a vital part of the solution. Renewables are essential to freeing ourselves and developing countries from growing dependence on oil imports from volatile regions of the world. They also help address climate change. This is why I have long supported increased funding for biomass, solar, and other renewable energy programs.

Today I am proud to introduce with my colleagues a bipartisan agreement on provisions in the energy bill that would go far toward diminishing our Nation's dependence on oil imports. The proposal incorporates into the energy bill the Daschle-Lugar national renewable fuels standard legislation that Senator DASCHLE and I introduced in May of 2000.

This proposal, like the legislation I introduced with Senator DASCHLE, would phase-out the use of MTBE, Methyl Tertiary Butyl Ether, and increase the use of ethanol and biomass ethanol as the clean fuel additive to gasoline. Use of biofuels would nearly triple over the next decade.

Fuel derived from biomass offers the most promising long-term approach to the problems of oil dependence. Previously, ethanol could only be produced efficiently from a tiny portion of plant life including corn and other feedgrains. High production costs made a broad transition to ethanol fuel impractical. But recent breakthroughs in genetic engineering of biocatalysts, enzymes, bacteria and yeasts, make it possible to break down a wide range of plants. Like the Daschle-Lugar legislation, the proposal that we are introducing today includes a special credit for ethanol used under the renewable fuels standard program that is produced from non-grain cellulosic materials like rice straw, municipal waste, and fast-growing poplars. Such fuel is environmentally friendly and would not require significant changes to America's automobile-based infrastructure.

There is a virtual consensus among scientists that when considered as part of a complete cycle of growth, fermentation, and combustion, ethanol contributes no net carbon dioxide to the atmosphere. The transition to cellulosic ethanol would have a positive effect on air quality in American cities.

Cellulosic ethanol could be introduced directly into our current auto infrastructure with only modest changes. In fact, Henry Ford originally thought ethanol would be the fuel of choice to power cars. Studies indicate that the United States has more than enough idle land to supply a significant portion of its transportation fuel needs with cellulosic ethanol. Cellulosic ethanol compares favorably to gasoline in its performance as an internal combustion engine fuel with considerably higher octane levels. Reductions in processing costs of ethanol are already occurring, and further reductions are imminent. We must remember that ethanol processing remains a relatively young industry. Oil processing is cheaper now because it has had the benefit of a century of intensive research and development.

Further market penetration of cellulosic ethanol as a fuel provides a cash crop to any region that grows grass, trees or other vegetation. This offers enormous potential for rural development both in the United States and abroad. Such a democratization of world energy supplies could reduce armed conflict, lower the risk of global recession, and aid in the development of emerging markets. National security complications and costs stemming from the need to safeguard Middle Eastern oil resources will be diminished.

The agreement my colleagues and I reached on the renewable fuels standard provision of the energy bill will form an important and essential component of our national energy policy, but it is only the beginning. I encourage my colleagues to support this agreement and to work with President Bush to achieve national energy security.

Mr. CRAIG. Mr. President, I rise today to discuss the renewable fuels provision in the energy bill that we are debating. Renewable energy sources are an increasingly important part of our energy generation, and it is clear that they will only continue to increase in importance. Thus, the debate is not over whether or not we will develop renewable energy resources, but how we will do so.

Throughout my career in Congress, I have supported and led efforts to explore the development and promotion of renewable fuels. I have done this for several reasons including their value in offsetting our nation's dependence on foreign sources of energy, their environmental benefits, and the potential economic opportunities for agricultural producers and rural communities. Clearly, hydropower is our greatest renewable supply. About ten percent of our nation's electricity is from hydropower. However, another very promising renewable energy source with great potential is ethanol, and this is the area where I want to concentrate my discussion of renewables.

Ethanol has already proven its importance to the nation. Its use as part of the clean fuel program has dramatically reduced air pollution in many cities across the nation. In fact, cities around the nation have found that using fuels with an ethanol blend help them to meet federal clean air targets. Ethanol also helps us to take a step closer to energy independence. By increasing our use of ethanol, we will rely less on imported foreign oil and more on America's farmers.

Another benefit of ethanol is that, at the same time it helps the environment and makes our nation more energy independent, it also helps our rural communities. As a rancher in Midvale, Idaho, I believed—and still do—that energy can be a value-added opportunity for agriculture and I have worked to advance technological opportunities for ethanol and other bio-fuels. Currently, ethanol uses around seven percent of our nation's corn crop, and ethanol production facilities are an important economic resource in many states, including my own. Without this economic stimulus, many rural communities, which are already poorer and have higher unemployment than the rest of the Nation, would be hurting even more.

For these reasons, I have always been a supporter of ethanol. As part of my efforts to promote it, there have been numerous times in the past when I supported legislation to help our nation develop its ethanol industry. For example, I was proud to join a majority of Senators in voting to support the 5.4 cent per gallon tax credit for ethanol, which ensures the ethanol tax credit will be in place until at least 2007—something crucial to existing ethanol plants and to those considering new production facilities. I also led an effort, in cooperation with the American Soybean Association, in the 105th Congress to ensure that biodiesel was considered an "alternative fuel" under the Energy Policy Act of 1992 (EPACT). My legislation, which was passed by Congress and signed into law by the President, now allows fleet operators to purchase vehicles powered by biodiesel under the requirements of EPACT.

However, more needs to be done. Ethanol and other renewable energy resources must be encouraged in order to protect our environment and help our quest for energy independence. This bill has many important provisions relating to ethanol, and I want to encourage my colleagues to support these provisions. The increased use of ethanol that would occur if this bill passes will be good for the environment, good for our energy independence, and good for our farmers. It is much better to rely on the farmers of Idaho or Iowa or Kansas for our energy needs instead of Saddam Hussein.

I look forward to working with the Bush administration, my colleagues in the Senate, and my constituents to develop a comprehensive energy policy that includes a new and strengthened resolve to develop domestically grown renewable sources of energy. The ethanol language in this bill is an important step in that direction. Bio-fuels, including ethanol, can and should be an important part of our path to energy independence, and I urge my colleagues to support the renewable fuels provisions in this bill.

Mr. HARKIN. Mr. President, America needs a new energy policy that will increase America's energy independence and reduce the dramatic energy price spikes that hit Iowans right in the pocketbook. We need a forward looking, sustainable and environmentally friendly policy that will provide for America's national security and economic security.

One of the keys to our energy future is a sustainable, environmentally friendly energy policy that includes the adoption of a nationwide renewable fuels standard. By requiring that a percentage of all the gasoline marketed in America contain renewable fuels we can greatly improve our energy security, protect the environment, and create jobs through the farm-based products used in energy production.

I've worked for years in the Senate to build bipartisan consensus for the creation of a national renewable fuel standard, introducing my own legislation and cosponsored similar legislation by Senators TIM JOHNSON, and CHUCK HAGEL. This bipartisan effort paid off when we included a renewable fuels provision in the Senate energy bill recognizing the benefits of the oxygen content requirement in the reformulated gasoline program.

The bipartisan renewable fuels provision will greatly increase the production of the fuels of the future, such as ethanol and biodiesel. By directing refiners and importers to increase the use of renewable fuels to 2.3 billion gallons in 2004 and 5 billion gallons in 2012 we can significantly increase the nationwide demand for ethanol, which was approximately 1.8 billion gallons in 2001.

This bipartisan proposal also says that the government should lead by example and use alternative fuels in 50 percent of all Federal Government vehicles by 2003 and 75 percent by 2005. This is a common sense approach which has been proven to work in Midwestern States, like Iowa, where 100 percent of all gasoline used in State vehicles contain clean-burning, renewable ethanol.

Renewable fuels already help improve our environment, provide energy security, and increase farm incomes and create jobs in rural America. Authoritative estimates indicate that a renewable fuels standard would increase demand for corn for ethanol from 650 million bushels to 2.5 billion bushels in 2016 which would increase the price of corn by an average of 28 cents per bushel and create 300,000 jobs nationwide.

America's energy past has been one of fossil fuels, air pollution, and dependence on foreign oil. Our new energy policy should not repeat the mistakes of the past. It must be forward looking, it must invest in a sustainable and independent energy future and not subsidize the failed policies of the past. America's energy future can start today with a greater investment in renewable energy.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Madam President, first of all, I thank the Senator from Nebraska for his leadership on this issue. We are talking about the energy bill today in the Senate Chamber. We have been on this bill for some while, and we hope very much we will conclude it soon. But one piece of the energy bill deals with what is called the renewable fuel standards. For those who are not accustomed to what the titles mean, it simply means alternative fuels, such as ethanol.

Ethanol is an awfully good example—there are others—of what would help us reduce our reliance on foreign sources of energy.

I have been to ethanol plants around the country, and a couple of them in North Dakota. It makes good sense, from a kernel of corn or a kernel of barley, to be able to take the drop of alcohol from that kernel of corn to extend America's energy supply, and, at the same time, have the protein feed stock left to feed the cattle. So you have a circumstance where you grow your fuel.

Frankly, I did not know much about this a couple of decades ago. I saw an ad in one of the big daily newspapers, and it was by one of the largest oil companies in the country. It said: We oppose ethanol production because it really isn't very viable and doesn't contribute much.

I thought: Well, if the biggest oil companies are opposing this, I ought to take a look at it. And I did. I discovered, sure enough, using the approach to take alcohol from grain, for example, to extend America's energy supply, holds great promise for our country.

Since that time we have, of course, seen additional plants be developed in this country as well as more production of renewable fuels. But, it seems to me, everyone here understands that we have an enormous amount of our energy coming from a part of the world that is inherently unstable: Saudi Arabia, Kuwait, part of the Middle East, and Central Asia. We have all of this oil and natural gas coming from parts of the world that are unstable. And our economy depends on that constant source of supply.

That is an enormous risk to our economy in this country. What do we do about that? We do a lot of things, one of which is to create a renewable fuel standard by which we aspire, as a country, to get more of our energy supply in renewable fuels. We can do that. We can have that kind of future if we set goals and reach those goals.

Today, ethanol reduces the demand for gasoline and for MTBE imports by 98,000 barrels a day. That makes great sense, as I said, to take the alcohol from a kernel of corn and extend America's energy supply.

The American Petroleum Institute now supports this. The National Corn Growers, the Renewable Fuels Association, the National Farmers Union, and the Farm Bureau all have sent letters to Senator DASCHLE and Senator LOTT expressing their support for this version.

Madam President, 1.8 billion gallons of pure ethanol are currently produced in our country. This provision that we are debating would add 3.2 billion new gallons of ethanol, for a total of 5 billion gallons by the year 2012. That translates, for example, into a new market for American corn of 1.19 billion bushels of corn.

That helps family farmers, obviously, to be able to produce a crop, and use that crop, on a renewable basis, to extend America's energy supply. It means new opportunities for farmers to invest in value-added processing of a product they are already growing.

I might, while I am here, also say there are some other interesting and exciting things happening in my home State of North Dakota.

The Aerospace Program and the Environment and Energy Research Center, both at the University of North Dakota located in Grand Forks, are researching potential uses of ethanol as aviation fuel.

Aviation fuel is the last fuel in the United States that still contains lead. Ethanol, in our judgment, could be used for aviation fuel, and so the University of North Dakota is teaming with South Dakota State University and the FAA on a program to get ethanol approved and certified to help replace lead-based aviation fuel. The University of North Dakota, in fact, is hosting a conference on this subject in the month of May. And they are going to bring together aviation fuel distributors, pilots, plane manufacturers, and others, to determine the future role that ethanol can play in the aviation industry as an aviation fuel.

We are talking, in this energy bill, about a lot of things. As I have indicated before, we are talking about electricity. We are talking about a renewable portfolio standard in that area. We are talking about limitless and renewable fuels in this area, the renewable fuels standard.

There are a lot of people who deserve credit for bringing us to this position, because it has been a lot of hard work. We have had a lot of opposition over the years for ethanol production. But I think, finally, we have broken through, and this represents a kind of a new beachhead for opportunities in our country to understand what ethanol and what renewable fuels can do to extend America's energy supply.

I indicated yesterday the I have been recently, in the last couple of months, to Central Asia. Those of us who have traveled in the Middle East and Central Asia understand that we cannot continue to hook America's economy to a constant fuel supply that comes from parts of the world that are so inherently unstable.

We need to do better than that. We need to produce more of our own energy. Part of that is, yes, digging and drilling for natural gas, oil, coal, and doing that in an environmentally sensitive way, and the underlying bill does that. But a significant part of it is also in the area of limitless and renewable sources of energy. That is exactly what we are talking about today. That is what the Senator from Nebraska began talking about this morning.

I am really pleased to be in this Chamber to support this. I want to see a series of ethanol plants dotting the prairies in the Northern Great Plains in this country which can take kernels of corn, barley, and other grains, put them in an ethanol plant, extract the drop of alcohol, extend America's energy supply and still have protein feed stock left for animals. That makes good sense for family farmers and good sense for America. It is not just national security; it is also energy security, which translates into national security. And that has its roots in this renewable fuels standard.

So I thank my colleague from Nebraska. I am pleased to be with him and so many others in this Senate Chamber who have worked hard on this for a long period of time.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Madam President, I yield myself 15 minutes from this side's time.

The PRESIDING OFFICER. The Senator has that right.

AMENDMENT NO. 2997

Mr. DEWINE. Madam President, I want to talk today about one aspect of this debate about CAFE standards. To me, this aspect is the most important consideration.

I know we have talked about many different things. We have argued this issue, and we have talked about many statistics which have been given.

I believe it would be a mistake to approve the underlying bill without the Bond-Levin amendment. I support the Bond-Levin amendment because I believe the underlying bill, quite bluntly, will cost thousands and thousands of lives. So for this Senator, while the other issues are important, the most important is this: Are we going to say, as a Congress, as a Senate, as the Government, that we are going to force people into smaller cars, when we know, by every piece of evidence that we can find, that smaller cars lead to higher fatalities? To me, that is the question. I think it would be a tragic mistake for us to do this.

I know people have come to this Chamber—and I have listened to a lot of the debate—and have said that is just not true, it is not going to cost lives. They have argued about how many lives it will be. They have argued about whether the statistics that have been cited are accurate. But every scientific study that I have seen that really has much validity shows that some lives will be lost. In addition to that, I think good common sense tells us that as well.

In 1989, a study by Robert Crandall of the Brookings Institution and John Graham of the Harvard Center for Risk

Analysis provided the first evidence suggesting a negative relationship between weight and vehicle occupant fatality risk.

Another study from Dr. Leonard Evans, president of the International Traffic Medicine Association, found that large, heavy cars lower the risk to drivers. His study suggested that more passengers, i.e., more weight within the vehicle, reduced fatalities by 7.5 percent.

The National Highway Transportation Safety Administration, NHTSA, and the Insurance Institute for Highway Safety found that since 1975, 46,000 people have died because of the 1970s-era push for greater fuel efficiency that has led to smaller cars.

For every mile per gallon gained by the standards increased, 7,000 people have died according to the USA Today. According to the National Academy of Sciences and supported by the National Safety Council and the American Trauma Society, CAFE standards have led to 1,300 to 2,600 additional crash fatalities and 97,000 to 195,000 total injuries. The NAS report says:

> [I]t is clear that there were more injuries and fatalities than otherwise would have occurred had the fleet in recent years been as large and heavy as the fleet of the mid-1970s.

According to the July 2001 issue of the American Journal of Public Health, the rates at which drivers crash are strongly influenced, of course, by drunk driver behavior. But the relative risk to each driver when a crash does occur is not affected in any obvious way by driving behavior. The relative risk is enormously influenced by relative masses of the involved cars. That is pretty simple. In other words, if two cars crash into each other, and one of them is twice as heavy as the other, then the driver of the lighter car is about 12 times as likely to be killed.

Again, according to the Insurance Institute for Highway Safety, between 1991 and 1997, 41 percent of all car deaths occurred in single-vehicle accidents. So we need to ask ourselves this: If you or a member of your family are going to be in one of these single-vehicle accidents, in what kind of a car should you be sitting? Obviously, the heavier the car, the safer you are.

In the year 2000, the motor vehicle death rate per 100,000 people was especially high among 16 to 24-year-olds—that is what we continue to see—and people 80 years and older. These are the portions of the population most likely, candidly, to buy a car based on financial situations since lighter cars are cheaper to purchase and fuel. Now, in all fairness, there are other reasons why 16 to 24-year-olds are involved in more fatal accidents, but this is certainly one of them.

Finally, according to the Competitive Enterprise Institute, based on J. DeFalco's findings in the "Deadly Effects of Fuel Economy Standards, CAFE's Lethal Impact on Auto Safety," in my own State of Ohio, it is estimated, based on the data, that in the year 2000, 768 passenger car occupants died because of these CAFE standards.

I believe the statistics are clear. Simply put, we cannot increase CAFE standards without increasing fatalities. Yes, there are actions you can take to improve safety, such as airbags and other safety devices, and we are certainly moving in that direction, albeit more slowly than this Member would like. Yes, you can argue that the safety effect of downsizing and downweighting as a result of CAFE standards has been negligible because the injury and fatality experience per vehicle mile of travel has, in fact, steadily declined during the changes in the fleet. That is true.

However, a 1992 National Research Council report suggested that reduced risk of motor vehicle travel is part of a long-term historical trend tracing way back to 1930, and the improving safety picture is the result of various interacting and sometimes conflicting trends.

So while things such as enhanced vehicle designs, increased rates of safety belt use, better roads, and decreased drunk driving are, in fact, reducing crash injury risk, there are other variables, such as higher speed limits or no speed limits on some roads, increased horsepower, and an increased number of teenagers and other risky drivers on the road that are increasing crash injury risk. In short, technological innovations don't get you out of a CAFE safety bind.

In the words of Dr. Leonard Evans, to argue this is

> [L]ike a tobacco industry executive saying that smoking doesn't endanger your health because with everything we know about diets and exercise, you can smoke and still be as healthy as a non-smoker. It is true that with current knowledge about keeping fit, smokers can be healthier. But, this knowledge can make a non-smoker even healthier yet. If you smoke, you're going to be taking a risk no matter what.

Similarly, if you get in a car, you are taking a risk no matter what. That is just reality. We accept that there will be a certain number of accidents and injuries and deaths. We know that. We may not accept it, but we understand it. But the question really is about the weight and size of cars. You can argue about how many lives are lost or saved, what the exact figure is, what the exact number is. You can argue about how many variables impact safety and which variables have the most impact.

You can argue about how much the environment will be affected by this bill. You can argue about oil dependency. But in the end, one of the main variables that we know will make a difference in determining how many Americans die next year driving automobiles or as passengers in automobiles is the weight of the car. That is a variable we know will make a difference.

For me, that is what it comes down to. As millions of Americans, I do read Consumer Reports. Year after year, I take a look at the annual report that lists the cars and rates them for many reasons. It rates them for safety. One of the special reports every year is a safety report. You can look down and see how they rate each size car. They always break them down into the larger cars, the heavier cars, all the way down to the light cars.

What you will see is that, yes, some of the midsize cars do very well. Some of the smaller cars do better than you might expect. But what you clearly can see is that by and large, if you are interested in safety, you buy a bigger, heavier car.

I am not suggesting that every American should do that or can afford to do that. I am suggesting that is something that every American should have the option to do. Every American should have the option within their means to as best they can protect their family from highway fatalities. They should be able to intelligently choose their car. They should make the choice of the car, what safety features the cars have, and they should be able to make the choice in regard to the weight of that car.

I believe the underlying bill strikes at that freedom, at that liberty, and at the ability of parents to protect their children in the car, the ability of someone buying a car to protect themselves or their loved ones. It is a tragic mistake.

I will be supporting the Levin-Bond amendment. It is a rational compromise. It is an approach that makes sense. It is not micromanagement from the Congress but is allowing the science and technology to take place and to be utilized. I hope if that amendment does pass, when the decisions are made in regard to setting of the standards, highway safety will not just be one of the items considered, that highway safety will be at the top of the list.

Madam President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON of Nebraska. Madam President, we yield time to the distinguished Senator from the State of Missouri, who will speak. We are alternating, but if there is no one on the other side to speak, then Senator JOHNSON will be next.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mrs. CARNAHAN. Madam President, the Senate is engaged in an important debate on our Nation's energy policy. America needs an energy policy that reduces our dependency on imported oil, one that increases our energy efficiency, promotes the use of renewable fuels, and encourages additional domestic production of fossil fuels.

We need an energy policy for the 21st century—not a pipeline to the past. The bill the Senate is now considering is a good foundation for this debate.

This legislation promises to increase our domestic natural gas supply dramatically. It improves energy efficiency standards. It requires that the Federal Government lead in using our natural resources more efficiently. To me, the most exciting aspect of this bill is that it encourages production and use of renewable fuels. One of the most promising of these is ethanol. By blending ethanol with gasoline, we can reduce our oil imports and we can reduce the environmental damage of vehicle emissions.

This legislation lays out a plan for increasing the amount of ethanol Americans use, and I strongly support these provisions. As America struggles to meet its growing energy needs, ethanol provides extraordinary opportunities. This product is made from corn and, unlike fossil fuels, can be produced in abundance. The more ethanol we use to fuel our cars and trucks, the less oil we will need to import from hostile countries such as Iraq. Rather than looking to the Mideast for energy, we would be far better off to look to the Midwest. With the use of a corn-based product such as ethanol, we can create an enormous market for home-grown agricultural products. At the same time, we can reduce the emission of harmful greenhouse gases. In short, ethanol use is good for the economy, good for the environment, and good for our national security interests.

Ethanol is a relatively new fuel, and we are still building the infrastructure and capacity for wider use of this product. Last year, I introduced legislation to promote the production and the use of ethanol-blended fuels and other value-added agricultural products.

My legislation proposed to expand eligibility for the tax credit available for small producers of ethanol. I am very pleased that these aspects of my bill have been included in the amendment crafted by the Senate Finance Committee. These changes will ensure that farmer-owned cooperatives are eligible to receive the tax credit. They will also encourage small producers to expand the size of their operations to meet increased demands.

Under this legislation, facilities that produce as much as 60 million gallons a year could still qualify as small producers. These changes are necessary if America is to meet the demand for ethanol envisioned by this bill.

Last year, America produced less than 2 billion gallons of ethanol. Under this legislation, annual ethanol use would increase to 5 billion gallons over the next 10 years.

Ethanol is truly a win-win solution to our energy needs. The increased use required by this legislation represents a positive step for our farmers, for our environment, and for energy independence.

I support the compromise of this bill that will lead to the increased use of ethanol, and I urge my colleagues to support it as well.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. JOHNSON. Madam President, I am pleased to rise today to speak about the inclusion of a renewable fuels standard in the pending energy bill. In the midst of the ongoing debate about this legislation, it is heartening to see us come together on an issue that has the potential to enormously improve our Nation's transportation fuel supply.

This is a landmark provision that will improve our energy security and provide a direct benefit for the agricultural economy in my State and in other rural States across our country. Senator DASCHLE should be commended for his hard work in bringing the parties and the industries together to reach a bipartisan consensus that will help our Nation in the next decade and in the decades to come. Senator JEFF BINGAMAN, chairman of the Energy Committee, also deserves commendation for working with us to include this package in a comprehensive energy bill.

As we all know, there has been a great deal of discussion this past year about our Nation's energy. The increasing volatility in gasoline and diesel prices and the growing tension in the world from terrorist attacks have affected all of us. There is a clear need for energy policies that will address issues of the environment, issues of improving our trade balance, clean air, energy security, our farm economy, and more jobs in America. This provision addresses all of those issues.

Earlier this year, I introduced legislation with my friend and colleague from Nebraska, Senator CHUCK HAGEL. Our legislation, the Renewable Fuels for Energy Security Act of 2001, S. 1006, was designed to ensure future growth for ethanol and soybean-based biodiesel fuels through the creation of a new renewable fuels content standard in all motor fuel produced and used in the United States. I am also a cosponsor of another renewable fuels bill that was introduced by Senator DASCHLE and Senator LUGAR. I am pleased that an effort has been made here to incorporate these bills in a comprehensive energy legislation bill and that we have the package we are considering today.

Meanwhile, the House of Representatives passed an energy bill that contains no renewable fuels standard of any kind. It is the Senate legislation that is the groundbreaking bill which will determine whether our Nation will, in fact, go forward with a thoughtful renewable fuels standard for our Nation. So it is with some pride and satisfaction that, in a bipartisan fashion, the Senate has come together on this issue. It is clear that Senators—particularly from rural States but others as well—understand the importance of including a new standard in our energy legislation.

Today, ethanol and biodiesel comprise less than 1 percent of all transportation fuel in the United States, and 1.8 billion gallons is currently produced in our country. The consensus package we have today would require that 5 billion gallons of transportation fuel be comprised of renewable fuel by the year 2012. Ambitious but doable. That is nearly a tripling of the current ethanol production for the coming decade as we incorporate this new standard.

I don't need to convince anybody in my State of South Dakota or other rural areas of the benefits of ethanol to the environment and the economies of rural communities. We have several plants in South Dakota and more are being planned. These farmer-owned ethanol plants in South Dakota, and in neighbor States, demonstrate the hard work, commitment, and vision we see in rural areas and the commitment to a growing market for clean domestic fuels.

Based on current projections, construction of any new plants will generate roughly $900 million in capital investment and tens of thousands of construction jobs in rural communities. For corn farmers, the price of corn is expected to rise as much as 20 to 30 cents a bushel. Farmers will have the opportunity to invest in these ethanol plants to capture a greater piece of the "value chain." Combining this with the provisions in this bill and the potential economic impact for South Dakota is tremendous.

An important but underemphasized fuel is biodiesel, which is chiefly produced from excess soybean oil. We all know soybean prices are hovering near historic lows. Biodiesel production is small but has been growing steadily. The renewable fuels standard would greatly increase the prospects for biodiesel production and greatly benefit soybean producers all across our land.

It is important that Congress take a serious look at these issues beyond just the economic impact to our region. Bio-based fuels offer multiple benefits—from addressing climate change to improving our trade balance.

By increasing fuels production in rural areas of our Nation, we can also reduce the need for new refineries and new pipelines.

The renewable fuel standard over the next decade will displace roughly 1.6 billion barrels of oil without any additional drilling and could increase ethanol renewable fuels being more widely used. In addition, it takes 1 gallon of ethanol to the same amount of fuel that produces 2 gallons of oil.

A substantive bill that improves the Nation's energy security can only be enacted if we work in a bipartisan manner. Problems and difficulties our Nation faces are simply too important to be bogged down in partisan rhetoric. The consensus emerging on this issue demonstrates the benefits of working together to find real solutions for our Nation and should serve as a model for the consideration of the rest of the legislation we take up this year.

Again, I thank Senator HAGEL, Senator DASCHLE, and Senator BINGAMAN for their extraordinary efforts and for working with me as we have developed this amendment and included it in this important legislation.

We know we are not to the goal line yet relative to the renewable fuel standard. This energy legislation remains controversial as a whole, with issues ranging from drilling in ANWR to CAFE standards, all creating hurdles to its final passage. But I am pleased to see the kind of bipartisan consensus that reaches across industries on the renewable fuel standard.

It is my hope when the dust settles at the conclusion of this debate that we will have a comprehensive energy bill that will include this provision. Whatever else happens, this Congress cannot adjourn at the end of the year without having addressed the need for a renewable fuel standard in this or some other comprehensive legislation.

I thank the Chair. I urge my colleagues to be supportive of the renewable fuel standard, and I look forward to final passage of this legislation. I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Madam President, I thank my colleague from South Dakota, who has worked so long and hard on this issue and has cosponsored the Hagel-Johnson/Johnson-Hagel legislation that helped lead the way to this particular part of the energy bill. I thank him for his constant support and vigilance on the issue.

It is clear that this issue has achieved a wide bipartisan result with strong support from both sides of the aisle. It is also very apparent that some of the challenges the ethanol or biofuels industry faced in the past have lessened as a result of the hard work of so many.

There was a time when there was an absolute conflict between oil and ethanol producers and between the interests that supported each of those industries. This past week, an agreement was announced that brought together the environmental industry as well as the petroleum industry. I thank the API for their support. It is a clear recognition that this is a way to work together to support an energy policy that will benefit all Americans and benefit our world as well.

It is important to point out that while we continue to stress the importance of more domestic production and reduce the reliance on foreign sources of oil, there is a role that the industry domestically and the renewable fuels industry today can play together, a role that finds room for both domestically produced oil as well as foreign-produced oil and domestically produced energy in the area of renewable fuels.

It is pleasant to recognize we have crossed that line and have been able to bring together parties from different industries to recognize the common goal of the ability to rely on our own needs to the extent we can with our own production. That is clear in moving from 1 percent of the oil and fuel needs of our country and the supply to up to 4 percent in just 10 years. That is not only a move in the right direction, it is a move away from some of the reliance we have had in other areas of the world where stability is not strong for our future but certainly puts us in peril for the future needs of our energy.

It is also very important to point out that this industry, with the renewable fuel standard that will be created and with the ethanol and other biofuels processing plants that will be springing up all over America, can extend to the rural areas.

I know the distinguished Presiding Officer is concerned about, in her own State, the erosion of the rural areas in population and the decreasing opportunities that exist in some of the rural areas. This industry can extend across America because of the reliance on biomass—and it is not simply limited to the corn-producing States or other States more closely associated with farm products—and not only be a strong industry far beyond a cottage industry, but it can certainly extend to many of the other States that are not always considered part of the agricultural producing industry in America today, but we know they are. Therefore, this is, as the distinguished Senator from Missouri said, a win-win situation for all of us.

I am also pleased there is a cutting-edge technology that continues to be a part of this biofuels effort. Many States are today advancing the new technology, which the distinguished Senator from North Dakota mentioned, of aviation fuel that can be extended to biorefinery products.

The High Plains facility in my State of Nebraska at York is processing the plant's waste stream in an anaerobic digester for the production of biogas that can be used to dry the distiller's grains and operate the plant, so that the plant has the opportunity ultimately to be self-sustaining in terms of its own energy needs as it produces energy for the rest of the country.

The Dow-Cargill facility in Blair, NE, is currently producing ethanol but in short order will be producing biodegradable plastics for use in the food industry in that same facility. They produce energy, but they will be producing an environmentally friendly plastic that will be biodegradable rather than what we are currently using.

Later in this session, I hope to offer an amendment calling for a Manhattan-type project to aggressively advance the biorefinery concept—the production of biofuels, bioenergy, and biochemicals in integrated facilities. A major resource commitment, utilizing the unique capabilities of the Department of Defense to take a concept from inception to fruition, is needed in this country to ensure that 10 years from now we have established the commercial technology base to produce many billions of gallons of renewable fuels in dispersed and decentralized installations around our country.

There is the opportunity for increased technology, for increased production of biofuels that will assist us in the growth that is being sponsored by this legislation with the expectation that perhaps it is only the beginning—that, in fact, we can exceed the requirements that will be provided in this bill in years to come.

I am proud the production and the testing of these products is underway today and will expand into the future and be a nationwide emphasis, whereas today clearly the emphasis has been more limited and more discussed in terms of the rural areas of the Midwest. This is about more than the Midwest. It is about, in fact, a national energy policy that will end up with national energy needs, in meeting those needs from so many different parts of our world and our Nation.

The energy needs are clear, and that is why this energy bill is important. But not only are the needs important, but the sources of production to fill those needs likewise are important. That is why this particular provision is extremely important to deal not only with the energy needs, but to deal with a cleaner environment, for economic development, and obviously for national security by relying on our own sources for more of our own energy production.

Shortly, Senator LINCOLN from Arkansas will be joining us. I might mention, as I did before, as part of the Governors' Ethanol Coalition that was established in 1991, we had a distinguished Governor from the State of Arkansas in that initial group who kept his commitment to supporting ethanol not only in his role as Governor but as the President of the United States. It is also important to point out that as we have continued to expand the role of the current President, while the Governor of Texas he participated in that Governors' Ethanol Coalition, making it a broad-based group of 26 States and several countries working together to continue to support ethanol and the development of biofuels to deal with our energy needs.

Until the distinguished Senator from Arkansas arrives, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON of Nebraska. Madam President, as we are waiting for Senator LINCOLN, perhaps it is important to point out some of the truths about the renewable fuel standard and debunk some of the myths that sometimes have continued for a period of time as a method of trying to avoid dealing with the need for more domestic production and as a means of deterring our efforts for this renewable fuel standard.

There is a myth that somehow there are inadequate supplies of ethanol to meet the demand that will be created by this renewable fuel standard. The fact is, the ethanol industry has been growing substantially in recent years. If I could get the chart that shows the growth within the industry, it has been growing in recent years in anticipation of the phaseout of MTBE, particularly in the State of California. We can see the historic fuel ethanol production over the course of the last 20 years. It continues to increase.

According to the Renewable Fuels Association, 15 new plants have opened and several expansions have been completed, increasing U.S. ethanol production capacity to 2.3 billion gallons. Thirteen plants are currently under construction and will bring the total capacity to 2.7 billion gallons by the end of 2002. A survey conducted by the California Energy Commission concludes that the ethanol industry will have the capacity to produce 3.5 billion gallons a year by the end of 2004. So achieving the 5 billion gallon requirement over a 10-year period is clearly within reach, and we are clearly on our way to achieving that.

There is also a myth that MTBE will result in a shortage of gasoline-blending components; that if we remove MTBE it will result in a shortage of gasoline-blending components that will therefore reduce U.S. fuel supplies. The fact is, while acknowledging there will be enough ethanol, some have suggested there will be a shortage of gasoline-blending components needed to replace MTBE.

MTBE is currently blended at 11-percent volume, largely in Federal reformulated gasoline in the Nation's nine severe ozone nonattainment areas so we can satisfy the oxygenate requirements.

Ethanol is used exclusively today in RFG in Chicago and Milwaukee, where it is blended at 10-percent volume. Ethanol used in RFG to replace MTBE will similarly be blended at the 10-percent level, mitigating any loss in supply from MTBE's removal. A large share of the ethanol-blended formula will satisfy the renewable fuel standard. It will be blended in conventional gasoline where it simply is blended with finished gasoline, adding an additional 10-percent volume to the U.S. fuel market. In other words, it will, in fact, expand the availability of fuel rather than reduce it.

There is another myth: that the RFS will result in significant price increases for consumers at the pump. The fact is, S. 517 does not require a single gallon of renewable fuels be used in any particular State or region. The additional flexibility provided by the RFS credit-trading provisions of S. 517 will result in much lower costs to refiners and therefore to consumers. The credit-trading system will ensure that ethanol is used where it is most cost effective.

According to ChevronTexaco, the free market will not allow a California price differential of 20 to 30 cents per gallon to be sustained. The market will always find ways to take advantage of a much smaller differential. Furthermore, a nationwide Federal MTBE ban provides certainty for investments and eliminates the greater use of boutique fuels, thereby lowering gasoline prices.

One of the constant challenges we have today is the use of boutique fuels, the blending of certain grades and certain kinds of fuels, which actually has the impact that while reducing efficiency it raises the cost of gasoline prices. This will have the effect of moderating that, and it will, in fact, reduce the number of boutique-blended fuels and therefore reduce the cost of production of these fuels.

Increasing the use of renewable fuels such as ethanol and biodiesel will diversify our energy infrastructure, making it less vulnerable to acts of terrorism and increases the number of available fuel options, increasing competition, and reducing consumer costs of gasoline.

There is a myth that more time is needed for the MTBE phaseout to ensure adequate fuel supplies. The fact is, the negotiated agreement set forth in S. 517 announced last week provides for a 4-year phaseout of MTBE, giving the petroleum and the transportation industries adequate lead time to make necessary changes to accommodate the increased use of renewable fuels. In fact, the American Petroleum Institute, the lead trade association for the refining industry, agrees that 4 years is an adequate phaseout period, and cost estimates for removing MTBE must also consider the cost incurred in additional MTBE water contamination if MTBE is not removed from the fuel supply.

A recent poll conducted by the California Renewable Fuels Partnership concluded that 76 percent of likely voters supported banning MTBE because we cannot afford the pollution caused by MTBE, while only 13 percent think it is a bad idea because of potential higher gasoline prices.

The myth is it will raise gasoline prices when it is not expected to raise those prices. But 13 percent is a bad idea because of potential higher gasoline prices. If they are aware of the fact that it will not raise gasoline prices, perhaps the 76 percent favoring the phaseout, banning it, will increase substantially.

There is another myth important to debunk; that is, ethanol cannot be transported from production centers in the Midwest, where it is currently produced, to coastal markets without incurring substantial investments and therefore large costs to the consumer. Furthermore, ethanol must be blended at the terminal and cannot be shipped by pipeline, constraining the distribution network. The fact is, today ethanol is transported cost effectively from coast to coast by barge, railcar, and oceangoing vessel.

An analysis completed in January for the U.S. Department of Energy assessed the infrastructure requirements including transportation, distribution, and marketing issues for an expanding ethanol industry. The report concludes that no major infrastructure barriers exist to expanding the U.S. ethanol industry to 5.1 billion gallons per year, comparable to the renewable fuel standard established in S. 517. Therefore, the study concludes the logistics modification necessary under the scenario can be achieved cost effectively.

Myths are important to debunk because they will, if not countered, very often stand in the way of the progress of this important part of our energy efforts.

One final myth: Air quality will actually suffer as ethanol use increases nationwide. The fact is, the use of ethanol significantly reduces tailpipe emissions of carbon monoxide, an ozone precursor, VOCs and fine particulates that pose a health threat to children, seniors, and those with respiratory ailments. Importantly, renewable fuels help to reduce greenhouse gases emitted from vehicles, including carbon dioxide, methane, and other gases that contribute to global warming.

S. 517 protects against any backsliding on air quality. First, the agreement tightens the toxic requirements of reformulated gasoline by moving the baseline refiners must meet by 1999 to 2000.

The Northeast States for Coordinated Air Use Management concluded that they are satisfied to have reached an agreement that substantially broadens the ability of the U.S. EPA and our Nation's Governors to protect, and in some cases actually improve to a greater extent, air quality and public health as we undertake major changes in the Nation's fuel supplies.

Those who typically have proposed the myths and have supported those myths and made them a part of current mythology relating to biofuels and ethanol in particular have very often done so out of a lack of information but very often as a result of trying to derail the effort toward expanding this important part of our energy source. That is why it is important we take the opportunity to point out the truthfulness of the facts underlying ethanol and point out the falsehoods in the myths being used to deter our actions toward this amendment.

I note my colleague from the other side. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Montana.

Mr. BURNS. I thank both of my friends from Nebraska. Both have been champions for renewable fuels, especially in the area of ethanol development.

We all know we have not put forth our best effort toward research and development for the best use of this fuel. I was raised in the Midwest. When people think of ethanol, they think of corn. But corn is not the only grain that can be used. I lend my support to what the Senator from Nebraska is saying, and also to all our work in research and development for making this fuel more viable, making it work, and making it cost effective. It must be one of our big challenges.

I have heard my good friend from Nebraska, the former Governor of Nebraska, make a couple of speeches on ethanol; both his enthusiasm for the product and the benefits it provides. It is not only good for our country, but good for our air and for the agricultural community that sorely needs help.

Increasing the use of ethanol to 5 billion gallons is a step in the right direction. Some say it is possible to increase that figure. It is a number we finally settled on that was acceptable to folks who want to participate in this industry in my State of Montana.

As I have stated, early this morning we spoke of the high-tech task force that we put together on this side of the aisle. We talk of all the research and development for the free flow of information. Here is another area we should zero in on. It will be new structures that will allow us to take advantage of this fuel and make it as efficient as using total gasoline or oxygenated gasolines.

I talk to refiners in the private sector. Nobody wants to make a cleaner fuel than the refiners. The increase in production of ethanol is a good step. However, we should look at what we can do with our land grant universities who have the wherewithal to do some real research and development on this fuel, making it more viable than it is today. We have shortchanged making it better and more cost effective. We can let this work for us.

I support my good friends from Nebraska. I thank them for their leadership on this issue. It is important. I would like to be part of trying to round up a little more money in a government-private sector partnership and allow the research to go forward on this matter.

I thank my good friend from Nebraska. I yield the floor.

Mr. NELSON of Nebraska. I thank my colleague from the great State of Montana for his support. He does have Midwest connections. He had the good fortune to marry a woman from the State of Nebraska. We appreciate his connection with the Midwest and his support.

I yield the floor to the Senator from Arkansas, who will speak on the renewable fuel standard.

Mrs. LINCOLN. Mr. President, I thank my colleague from Nebraska, who has done critical work on this issue. I am delighted to be joining many of my colleagues in discussing the critical role that renewable fuels will play in our national energy policy.

The energy bill we have been considering contains an important provision for renewable motor fuel standards. This provision establishes a national program for renewable fuels to be phased in beginning in 2004.

This program would be flexible, so as not to adversely affect small producers and refineries, and it would provide incentives to encourage the development and use of renewable fuel.

What would be the end result of this program? It would require 5 billion gallons of renewable fuels by the year 2012, significantly reducing our dependence upon foreign energy sources.

What does this mean? This is incredible. I think this is so important for us to stop and take a moment and realize what we are actually doing—5 billion gallons of renewable fuels by 2012. What a dramatic move we are making in the right direction.

I should also mention that this provision includes measures to protect consumers. It would require a Department of Energy study next year, before the program begins, to assess the possible consumer impacts of a renewable fuels program. If the program would have a negative effect on consumers, the Environmental Protection Agency would be authorized to adjust the requirements to prevent these negative effects. By delivering the United States from the whims of groups like OPEC, who manipulate the production and price of oil, we will also reduce our trade deficit by an estimated $34 billion. That will be good for both American economic security and national security.

Furthermore, a renewable fuel standard would create new economic opportunities in rural America. As many as 214,000 new American jobs could be created in response to the renewable fuel standard. It would increase the demand for grain by an average of 1.4 million bushels per year. It would create nearly $5.3 billion in new investment, much of that in rural areas.

Importantly, a renewable fuel standard has attracted broad support—and not only from the agricultural and fuel industries. The American Lung Association, for example, has also offered strong support for this provision, since renewable fuels would provide an effective strategy to reduce toxic air emissions and protect our air quality.

It is an exaggeration to say that a renewable fuel standard could protect the health and well-being of future generations of Americans. Those of us from rural states appreciate the remarkable potential of renewable fuels. That is one reason why the farm bill that recently passed in the Senate also included a renewable motor fuels standard.

In Arkansas, we recognize the importance of renewable fuels in helping the United States to become more energy-independent. That is why we are continuing to move forward with the development of a valuable new alternative fuel: Biodiesel. Biodiesel is a clean-burning fuel that can be produced from domestic renewable sources, such as agricultural oils, animal fats, or even recycled cooking oils. It contains no petroleum, but it can be easily blended with petroleum diesel at any stage of the process—during production at the refinery, in the pipeline, or even from the gas pump into a diesel tank.

Biodiesel can be used in compression-ignition diesel engines with no major modifications. We are there. We are there with a product that is environmentally safe, that is good for our economy, and good for our environment.

In road tests, biodiesel blends have demonstrated performance, fuel mileage, and drivability comparable to petroleum diesel. Biodiesel is simple to use, biodegradable, non-toxic, and essentially free of sulfur and aromatics.

Athough new to our country, its use is well-established in Europe with over 250 million gallons consumed annually. Farmers in Arkansas and other rural States have embraced the development of biodiesel because it makes good economic sense for the farm industry. Biodiesel would allow us to develop new markets and to expand existing markets for soybean oil, cottonseed oils, and other types of agricultural oils.

I have fought to include biodiesel as an alternative fuel, most recently by inserting a biodiesel tax credit in the Finance Committee's energy tax incentives package. This provision was overwhelmingly approved by the committee in a vote last month.

Biodiesel is not yet cost-competitive with petroleum diesel. In order to create favorable market conditions for biodiesel, we need market support and tax incentives to foster these conditions. With today's depressed market for farm commodities, biodiesel would serve as a ready new market for surplus farm products.

Investment now in the biodiesel industry will level the playing field and create new opportunities in rural America.

I believe that biodiesel could be made more available by allowing its use under the Energy Policy Act which Congress passed in 1992. If we expand the alternative fuels options to include biodiesel, we can make even more progress on bringing renewables to a wider market and making them more cost-effective.

Reduced dependency on foreign oil, greater protection of our air and water against pollution and contamination, a strengthened rural economy with new jobs and productive uses for surplus farm commodities, energy sources that are natural, sustainable, and renewable—and all of this now. We do not have to wait. We do not have to retrofit our automobiles. All we have to do is move forward in making this product comparable in the sense that it can be competitive in the marketplace. We can do it now.

These are only a few of the major benefits we will see from increasing our investment in renewable fuels. Now is the time to lay the groundwork to move our Nation in the direction of energy independence. How excited we should be that we have come this far, that we can move quickly now in energy policy to lessen our dependence on foreign oil, to use our own economy, our own production, and our agricultural and rural States to create a better environment and less dependence on foreign oil.

I am very pleased to join Senator NELSON and the rest of my colleagues today in making sure that efficient, renewable fuels will play a key role in our Nation's future energy plan. Now is the time to act.

We have been void of energy policy in our Nation for far too long—one that is progressive, meets our needs, lessens our dependence on foreign oil, as well as putting our people to work —all the while protecting our environment.

I thank my colleagues for bringing up such a critical issue, and I look forward to moving forward on this one quickly.

Mr. President, I ask unanimous consent that several letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

RED RIVER VALLEY
SUGARBEET GROWERS ASSOCIATION,
Fargo, ND, January 18, 2002.

Hon. BEN NELSON,
U.S. Senate, Hart Office Building,
Washington, DC.

DEAR SENATOR NELSON: As the Senate prepares to work on an energy bill, you will have a voice on some important decisions that will affect our country in many ways and for many years to come. One of the most important things you can do to make a difference is to support including a renewable fuels standard in the energy bill. Such a measure would require the oil industry to use an increasing amount of ethanol and biodiesel every year, while giving the oil industry the flexibility to determine when and where it is best to use it.

More importantly, a renewable fuels standard that would require the use of at least five (5) billion gallons of ethanol by 2012 is good energy policy. We hear a lot of talk about reducing our dependence on foreign oil, and this would be the best measurable and tangible step we could take to actually accomplish that goal.

A renewable fuels requirement would increase jobs, something our country desperately needs, create markets for farm products, and help us reduce our reliance on oil from the Middle East—over 66% of the world's oil reserves lie in the politically unstable Persian Gulf. Ethanol and biodiesel can help our country, but we need your support in order to help make that happen. The time is right, and we need your support for this effort. I urge you to contact me if for any reason you cannot support such a provision. Thank you for your help on this issue.

A renewable fuels standard has been incorporated in S. 1766, and we strongly support that provision. No matter what form the final bill takes, we want to see a renewable fuels requirement in the final version of the Senate's energy bill.

Sincerely,

MARK F. WEBER,
Executive Director.

ACE,
Sioux Falls, SD, March 5, 2002.

Hon. BEN NELSON,
U.S. Senate, Washington, DC.

DEAR SENATOR NELSON: I am writing to thank you for your support for including a renewable fuels standard in the Senate energy bill. The American Coalition for Ethanol (ACE) was one of the first organizations to advocate the creation of a renewable fuels standard (RFS). In fact, I testified on behalf of ACE in support of an RFS in front of the Senate Agriculture Committee all the way back on April 11, 2000. As an organization that represents a broad, grassroots base, including many farmer-owned ethanol plants, rural electric cooperatives and public power districts, ACE feels that a renewable fuels standard that phases in ethanol demand over 10 years will allow more farmer-led ethanol projects to be developed.

A renewable fuels standard will give the ethanol industry the certainty that it needs in order to continue to grow. It will give farmers and bankers the assurance they need in order to keep investing in new ethanol production. At the same time, a renewable fuels standard will also: create badly needed jobs and economic development in rural areas; create opportunities for farmers to invest in the processing of the products they are producing; and significantly reduce our country's dependence on foreign oil, much of which we are importing from Iraq and other countries in the Middle East.

Various studies have shown that there are no barriers to the implantation of a 5 billion gallon renewable fuels requirement. Now, as the Senate begins work on its version of the energy bill, it is time that ethanol and biodiesel be recognized for their ability to help provide for a secure energy future for the United States. We thank you for your support for a renewable fuels standard and will look forward to working with you to further expand opportunities for farmers and rural America.

Sincerely,

TREVOR GUTHMILLER,
Executive Director.

NEBRASKA FARMERS UNION,
Lincoln, NE, March 6, 2002.

Hon. BEN NELSON,
Hart Building,
Washington, DC.

DEAR SENATOR NELSON: As you prepare for the debate on a national energy policy, I want to re-state the importance of the proposed renewable fuel standard to the Nebraska Farmers Union. I know you have been a long-time supporter of this concept but it is important that others understand the impact this proposal can have on the agricultural economy, the environment, and on our country. One example of the potential impact generated by the proposed national standard is clearly illustrated by the ethanol plants in Nebraska. The Clean Air Act Amendments of 1990 and the ethanol program adopted in Nebraska encouraged investment in ethanol plants. The investment in Nebraska ethanol plants yielded a host of economic and environmental benefits. These include the expansion of grain markets in the state, quality jobs in rural areas, displacement of imported gasoline, diversified local tax bases, and the reduction of carcinogenic gasoline components with clean burning ethanol. Enactment of a renewable energy standard would provide a strong impetus for additional investment in new plants throughout the country. New investment will yield additional jobs, additional grain consumption, increased output of clean burning ethanol and additional tax contributions to state and local tax coffers. All these benefits are crucial to the economy of Nebraska and other states.

Higher prices offered by ethanol plants for cash grain helps support our farmers and reduces transportation of crops grown in the state. Local access to expanded grain markets reduces the use of imported fuels and lowers the transportation costs associated with grain marketing. These reduced costs are especially important during times of economic hardship in the agricultural sector.

Theses are many reasons why a national renewable fuel standard is of importance to the national economy. I urge you to continue your strong support for the proposed national renewable fuel standard and to convey the importance of this standard to your colleagues in the Senate.

Sincerely,

JOHN K. HANSEN,
President.

NEBRASKA CORN GROWERS ASSOCIATION,
Lincoln, NE, March 6, 2002.

Hon. BEN NELSON,
Hart Building,
Washington, DC.

DEAR SENATOR NELSON: As you prepare for the debate on a national energy policy, I want to re-state the importance of the proposed renewable fuel standard to Nebraska corn producers. I know you have been a longtime supporter of this concept but it is important that others understand the impact this proposal can have on the agricultural economy, the environment, and on our country. The ethanol plants in Nebraska perhaps best illustrate one example of the potential benefits that can be generated by the proposed national standard. The ethanol development program adopted in Nebraska encouraged investment in new ethanol plants. The investment in Nebraska ethanol plants yielded a host of economic and environmental benefits. These include the expansion of grain markets in the state, quality jobs in rural areas, displacement of imported gasoline, diversified local tax bases, and value-added grain processing.

Enactment of a renewable energy standard would provide a strong impetus for additional investment in new plants throughout the country. New investment will yield additional jobs, additional grain consumption, expanded grain markets, increased output of clean burning ethanol and additional tax contributions to state and local tax coffers. These benefits are crucial to the economy of Nebraska and other states.

Increased demand for ethanol tends to stimulate higher prices for corn. Higher prices bid by ethanol plants for cash grain helps support our corn producers and reduces transportation of crops grown in the state. Local access to expanded grain markets reduces the use of imported fuels and lowers the transportation costs associated with grain marketing. These reduced costs are especially important during times of economic hardship in the agricultural sector.

These are numerous reasons why a national renewable fuel standard is of importance to the national economy, and to our rural economy in Nebraska. On behalf of Nebraska's corn producers, we commend your hard work and thank you for your strong support for the proposed national renewable fuel standard.

Sincerely,

MARK SCHWEERS,
President.

NE ETHANOL BOARD,
Lincoln, NE, March 5, 2002.

Hon. BEN NELSON,
Hart Building,
Washington, DC.

DEAR SENATOR NELSON: As you and your colleagues prepare to continue the debate on a national energy policy, I want to take this opportunity to reiterate the importance of the proposed renewable fuel standard. I know you have been a longstanding supporter of this concept but it is important that others understand the profound impact this proposal can have on our country. One example of the potential impact generated by the proposed national standard is clearly illustrated in Nebraska. The ethanol development program adopted in Nebraska more than a decade ago has yielded a host of economic and environmental benefits. These include the following:

Construction of seven grain processing plants that annually convert 20 per cent of the Nebraska corn and grain sorghum crop to clean burning ethanol and value-added protein products.

New capital investment in these facilities that totals more than one billion dollars to date. Additional investment is currently underway in new and existing plants.

More than 1,000 permanent jobs directly resulting from plant operations and more than 5,000 induced jobs that support the ethanol industry.

Quality jobs in rural areas of the state. A recent survey indicates that the average salary paid at ethanol plants in Nebraska is approximately $36,100. This salary level is significantly higher than the average salary for all job categories in the state. Quality jobs help retain skilled workers in rural parts of the state. This income, coupled with tax assessments on the plant, helps to diversify the local tax base.

Higher prices and reduced transportation of crops grown in the state. This new demand for grain stimulates cash prices and provides a local market.

Increased economic activity in other sectors. For example, a recent analysis by the University of Nebraska-Lincoln indicates that the feeding of high protein co-products produced at ethanol plants yields improved gains in cattle. The study indicates that when fed as a wet ration, energy costs are saved and cattle weight gains are improved. The economic impact of this activity is measured at more than $41 million each year in Nebraska.

Improved air quality. Reductions of carbon monoxide in the atmosphere are in part due to the use of ethanol enhanced fuels in Nebraska. In addition, a recent study by the University of Nebraska concludes that ethanol reduces aromatic levels in gasoline.

Retention of energy dollars in the state economy. There is no gasoline refined in Nebraska. Every gallon of gasoline must be imported from outside the borders of the state. Displacement of gasoline with ethanol helps retain dollars in our economy.

These are a few reasons why a national renewable fuel standard is of such importance to the Nebraska economy. More importantly, the proposed standard offers the opportunity to generate similar benefits nationwide. For that reason, the 27 Governors that comprise the National Governors' Ethanol Coalition stand firmly in their support of this proposed standard.

The proposed standard must be a key component of a new national energy plan. The standard presents us with an opportunity to stimulate a significant national biofuels effort that will yield important economic, energy, environmental and national security benefits. I urge you to continue your strong support for the proposed national renewable fuel standard and to convey the importance of this standard to your colleagues in the Senate.

Sincerely,

TODD C. SNELLER.

CHIEF ETHANOL FUELS, INC.,
Hastings, NE, March 5, 2002.

Hon. BEN NELSON,
Hart Building,
Washington, DC.

DEAR SENATOR NELSON: As you prepare for the debate on a national energy policy, I want to re-state the importance of the proposed renewable fuel standard to companies like Chief Ethanol Fuels. I know you have been a long-time supporter of this concept, but it is important that others understand the impact this proposal can have on ethanol companies and on our country. One example of the potential impact generated by the proposed national standard is clearly illustrated by our plant in Nebraska. The ethanol development program adopted in Nebraska encouraged us to invest in the Hastings plant. Our investment has yielded a host of economic and environmental benefits. These include the expansion of our processing plant from 10 million gallons annual capacity to more than 60 million gallons capacity. At our plant, we convert Nebraska corn and grain sorghum to clean burning ethanol and value-added protein products.

We continue to evaluate the investment of new capital in our facility when market conditions warrant. Enactment of a renewable energy standard would provide a strong impetus for additional investment. New investment yields additional jobs, additional grain consumption, increased output of clean burning ethanol and additional tax contributions to state and local tax coffers.

Our ethanol plant is an aggressive bidder for local grain. Higher prices bid for cash grain helps support our farmers and reduces transportation of crops grown in the state. The ethanol we sell at local terminals helps to retain energy dollars in the state's economy. Since no gasoline is refined in Nebraska, we must import it from outside the borders of the state. Displacement of gasoline with ethanol helps retain dollars in our economy.

As the debate on the issues progresses, I would ask that a mechanism be included to assure year around blending and not just Winter season. Smaller ethanol producers do not have the storage capacity or financial wherewithal to store ethanol production during the 6 month Summer season.

I urge you to continue your strong support for the proposed national renewable fuel standard and to convey the importance of this standard to your colleagues in the Senate. Thank you for your many years of strong support for ethanol.

Sincerely,

ROGER BURKEN.

GRIFFIN INDUSTRIES, INC.,
Cold Spring, KY, March 5, 2002.

Hon. BEN NELSON,
U.S. Senate, Hart Senate Building,
Washington, DC.

DEAR SENATOR NELSON: I wish to thank you for your continued support of the biofuel efforts and initiative that you are supporting in the upcoming discussion on the Senate Energy Bill.

As you know, we are the major supplier of biodiesel, a renewable energy source for replacement of petroleum diesel fuel, here in Kentucky. We currently service the Midwest, East Coast and Southeast regions of the country with ASTM-121 high quality fuel to many non-attainment air quality cities for use in buses and service vehicles and other fleets delivering consumer goods of all types.

Our plant has the capacity to produce ASTM standard fuel from various feedstocks including soybean oil and spent cooking oil. This new process is helpful in creating new uses for agri-products and lessens our dependency on foreign oil suppliers, especially the volatile Middle East Region of the world where we are under battle at the present time.

Biofuels can play a very important part in the United States Energy Policy while helping agriculture at the same time. We currently have several new projects under consideration at other Griffin Industries locations and will commit new capacities to the biodiesel market if biofuels are included in our nation's energy future.

Thank you for "carrying the flag" on biofuels. If we can be of assistance, please don't hesitate to contact me.

Best Regards,

DENNIS B. GRIFFIN,
Chairman.

Changing World Technologies, Inc.,
West Hempstead, NY, March 5, 2002.
Hon. Ben Nelson,
U.S. Senate, Hart Senate Office Building, Washington, DC.

Dear Senator Nelson: Although I am a resident of New York and not Nebraska, I wanted to applaud your efforts in promoting renewable bio-fuels. I am the chairman of a company that is building a bio-refinery in Missouri, which will process turkey slaughterhouse waste into natural gas, oil and fertilizer with no material remaining that requires disposal.

Our patented technology, if applied broadly, could replace all imported energy feedstocks, thus insuring our energy independence. In addition to our Missouri plant, which will be operational in August, we are building commercial plants to handle agricultural waste in Nevada, Alabama, Georgia, Arkansas and Colorado. Our process can also be applied to other organic wastes, such as scrap tires, waste plastic, sewage sludge and municipal solid waste.

We and others like us have commercial technologies, which can transform costly waste materials into valuable energy products. With your support and that of other like-minded senators, we can advance the commercial viability of the renewable fuels industry, enhance the quality of our environment, and replace imported oil as a significant energy source. You have our full support in all of your efforts.

Best regards,

Brian S. Appel,
Chairman and CEO.

Masada, OxyNol,
Birmingham, AL, March 5, 2002.
Hon. E. Benjamin Nelson,
Dirksen Office Building, Washington, DC.

Dear Senator Nelson: I am writing to tell you how pleased I am that a Renewable Fuel Standard proposal has been included in the Senate energy bill. I know that you are a strong supporter of the renewable fuel standard and I share your hope that it is enacted.

A renewable fuel standard will increase national energy security, stimulate economic growth and help protect the environment. The use of ethanol, a domestically produced fuel, will reduce our dependence on foreign oil imports while adding much needed jobs in the United States. Not only is ethanol an alternative to imported oil, it is cleaner burning and helps decrease air pollution by dramatically reducing the production of greenhouse gases.

Masada OxyNol™ has patented a unique process that converts household garbage into fuel ethanol. After traditional recyclables are removed, the remaining cellulosic portion of the garbage is processed into ethanol. More than 90% of the garbage is beneficially reused or recycled instead of being landfilled or incinerated.

As a leader in the field of cellulose to ethanol production, our company realizes the importance of a strong renewable fuel standard. We at Masada OxyNol™ are very much in favor of the inclusion of the renewable fuel standard in the final energy bill. The implementation of such a standard will be good for the nation.

Thank you for all of your hard work toward the establishment of the renewable fuel standard.

Yours truly,

Daryl E. Harms,
Chief Executive Officer.

February 22, 2002.

Senators Thomas A. Daschle, Trent Lott, Jeff Bingaman, Frank H. Murkowski, Ernest F. Hollings, and John McCain, and Representatives J. Dennis Hastert and Richard A. Gephardt: As you wrestle with the complex and vitally important energy bill now before the Senate and the subsequent House/Senate Conference, we ask that you carefully consider the national and energy security aspects of this legislation in order to reduce our reliance on oil.

The United States is almost out of oil, and our dependence takes us places and forces us to do things that are not always in America's national interest. The power of oil reinforces the top of almost all societies and that strength and privilege too often fails to translate into policies and actions meeting the true needs of the people, their environment and their future. Perhaps the greatest gift America can give to the world is to put the power of oil into perspective.

We can use less oil to meet our needs in smarter ways while advancing energy efficiency and renewable energy technologies. Europe is ahead of us in many these areas. Countries rich in oil and poor in dealing with their people and their environment may then begin to take a more insightful look at their 20 year horizon and decide that their current wealth can be better deployed. They should then be able to see that subjugation, terrorism, and war are not good investments for current oil-derived wealth.

Here at home: America must reduce its dependency on oil as we deplete our reserves and increase imports that will increasingly come from the Middle East, the Caspian Basin and Indonesia; we must accept our responsibility to reduce America's greenhouse gas and other harmful emissions largely emanating from the combustion of fossil fuels; we must preserve for future generations and for strategic purposes, the last of our oil reserves and pioneer the advancement of non-petroleum transportation fuels; and we must disperse our energy production facilities and reduce our reliance on vulnerable electrical grids and oil and gas pipelines.

There are major opportunities for energy efficiency, fuel economy and renewable energy technologies like solar, wind, biomass, geothermal, incremental hydro and hydrogen.

While these imperatives will come at a modest investment to our economy, they will bring major returns and benefits: accelerate the process of freeing us from our oil dependency; honor our international environmental obligations; create major new domestic industries and millions of jobs—especially in rural America where opportunities for biomass, solar, wind and geothermal industries abound; take America out of the "rumble seat" and into the driver's seat in establishing the world's energy future; and greatly strengthen our energy and national security.

We are national security specialists and energy security advocates of biofuels because of their ready potential to replace imported oil. We recommend: passage of a meaningful renewable fuels and a renewable portfolio standard; increased efficiency standards for vehicles—and the use of biofuels in these vehicles—and for facilities/appliances using electricity; and extension of the energy production tax credits for at least two years and include open-loop biomass, agricultural and forestry residues, animal waste, solar and geothermal.

We ask that you give our convictions and recommendations careful consideration in your deliberations.

Robert C. McFarlane,
National Security Advisor to President Ronald Reagan.
R. James Woolsey,
Former Director, Central Intelligence.
Admiral Thomas H. Moorer, USN (Ret),
Former Chairman, the Joint Chiefs of Staff.

Governors' Ethanol Coalition,
Lincoln, NE, March 12, 2002.
Hon. Tom Daschle,
Majority Leader, U.S. Senate, Washington, DC.
Hon. Trent Lott,
Minority Leader, U.S. Senate, Washington, DC.

Dear Senator Daschle and Senator Lott: On behalf of the 27 members of the Governors' Ethanol Coalition, we are writing to express our strong support for the provisions included in the Energy Policy Act of 2002 (S. 517), which will establish a national renewable fuels standard.

The provisions set forth in the Manager's Amendment to S. 517 reflect an agreement negotiated over the last two years by the states, agricultural interests, refiners, and the environmental community that will address such important issues as MTBE water contamination and the oxygenate requirement in reformulated gasoline while providing a significant market for renewable fuels such as ethanol and biodiesel. Specifically, we support those provisions in S. 517 that: create a national renewable fuels standard, ensuring a growing part of our nation's fuel supply, up to 5 billion gallons by 2012, is provided by domestic, renewable fuels; eliminate the use of MTBE in the United States within four years; eliminate the oxygenate requirement in the reformulated gasoline program; and maintain the air quality gains of the reformulated gasoline program.

By enacting these provisions, we will strengthen our national security, displace imported oil from politically unstable regions, stimulate ethanol and biodiesel production, expand domestic energy supplies, and continue to reduce air pollution.

We encourage you to support these provisions and to resist any amendments that would alter this landmark agreement.

Sincerely,

Bob Holden,
Governor of Missouri, Chair.
John Hoeven,
Governor of North Dakota, Vice Chair.
Mike Johanns,
Governor of Nebraska, Past Chair.

National Corn Growers Association,
Washington, DC, March 13, 2002.

Dear Senator: On behalf of the National Corn Growers Association, I want to express our solid support for the inclusion of a Renewable Fuel Standard (RFS) in S. 517 that is being debated in the Senate. A commitment to a RFS is a commitment to making America energy independent. Our energy security is not a partisan issue and we hope that all Members of the Senate will put America first and vote yes on the RFS.

We believe the benefits from passing the RFS are overwhelming. Even a modest RFS that equals to about 3% (phased in over 10 years) of the gasoline used in the U.S. would reduce oil imports by 1.6 billion barrels over the next decade. According to a recent study by AUS Consultants, reducing oil imports by this amount will reduce our trade deficit by nearly $34 billion while creating 214,000 jobs and adding $51 billion to household income. In addition, the RFS will create $5.3 billion in new investment, much of it in rural America. Finally, the RFS provisions of S. 517 will provide flexibility for refiners to produce fuel more cost effectively while protecting the environment.

The RFS is a standard, just like the standards we have for automobile fuel economy or the energy efficiency of appliances and buildings. Congress has established these visionary goals for energy efficiency over many years as an integral part of our pubic policy. The RFS simply says that it is good public policy, and in our national interest for some portion of our transportation fuel to be derived from renewable resources.

It is time for America to take meaningful steps toward energy independence. A first, small step is to establish a RFS now. Put America first, vote yes on the RFS.

Sincerely,

TIM HUME,
President.

Mr. GRASSLEY. Mr. President, I yield myself such time as I might consume.

The PRESIDING OFFICER. The Senator is recognized.

Mr. GRASSLEY. Mr. President, I wish to speak on the issue of ethanol and the renewable fuel standard, but before I do, I compliment the Senator from Arkansas for the simple reason that she was the sponsor of the amendment in the Senate Finance Committee in which we adopted this as part of our tax incentives for renewable fuels. She led the way in that committee. I was happy to join her as the Republican leader of that effort because not only will Arkansas benefit but half of our States raise some soybeans and they will benefit as well. So I compliment Senator LINCOLN.

I am pleased to join my colleagues in support of the renewable fuel standard, which is an example of true bipartisan cooperation in this body. It was a bipartisan effort that made this possible. Obviously, Senator NELSON has already been applauded by my colleagues. I would say that as well. Not only since he has been in the Senate but as Governor of the State of Nebraska he helped, through the Governors' Conference, cochairing issues of ethanol for that conference. So he has been a leader in this area for a long time.

So I give my heartfelt thanks to him and to others who were instrumental, both directly and indirectly. Even though President Bush is not a member of this body, I think he needs to be complimented in the first instance for denying California's request for a waiver out of the Clean Air Act's oxygenation requirements.

Upon taking office, President Bush quickly recognized that there was no scientific or legal justification for the waiver. He, in fact, had the courage to take that action. It could have been possible 2 years before, if President Clinton had done likewise. During that period of lost time, we had a dampening and a delaying of efforts, such as we are having today, to successfully help our national security and our farm economy because these all benefit from the increased ethanol use as an oxygenate.

President Bush, has turned out to be the most pro-ethanol President we have ever had, and because he refused to let the Clean Air Act unravel, he gave us the leverage necessary for this process, the negotiation of a new renewable fuel standard. Now we are back on track.

I thank Senator NELSON. I also thank the senior Senator from Nebraska, Mr. HAGEL, because he provided persuasive leadership last fall in securing support for his Senate Energy Committee Republican colleagues to get behind this renewable fuel standard.

I also have said this has been a very bipartisan effort. Obviously, our majority leader. Senator DASCHLE, has been involved in a very helpful way. During the negotiations conducted by Senator HAGEL, he provided constant assurances that he would be supportive of this final product.

I compliment our Republican leader, who comes from an oil-producing State and who has been behind ethanol for several years, Senator LOTT, and also Senator MURKOWSKI, the ranking member of the Energy Committee. Last fall, they gave Senator HAGEL, myself, and other Senators their commitment, at least for the Republican side, that they would support this renewable standard.

Today, our Nation produces just 1.8 billion gallons of ethanol a year. The renewable fuel standard will require that we use 2.3 billion. That is a one-half-billion increase in gallons by the year 2004. Then it steadily increases up the ladder until it is a mandated use of 5 billion gallons by the year 2012.

This sounds like just more and cheaper gas to burn. But it also will improve air quality. It strengthens our national security, and it reduces our trade deficit. One-third of our trade deficit is caused by the import of oil. It will decrease our independence upon oil from dictators who aren't reliable—Saddam Hussein. It will extend markets for agricultural products in a way that we all want—value added. It creates jobs in cities.

A 1997 study by the Midwestern Governors' Conference—I would bet Senator NELSON had something to do with this when he was Governor—determined that ethanol demand was responsible for over 195,000 jobs throughout the economy. Forty-two thousand of those jobs were located in Iowa.

With the passage of the renewable fuel standard, 214,000 new jobs are anticipated. I expect a large portion of those would be in my State of Iowa.

Just last week, for instance, Quad County Corn Processors, a cooperative in the small town of Galva, IA, began production at their new 18-million-gallon ethanol facility. Iowa now has nine ethanol plants and five more are under construction.

The Iowa Corn Growers Association provided me an analysis of the economic impact of seven new Iowa farmer-owned ethanol plants in our State, two of which have been completed and five are under construction. Over 4,000 farmers have invested in these facilities. These are farmers helping themselves in a cooperative way. The facilities will create 170 new jobs. While Iowa currently produces 500 million gallons of ethanol each year, these new facilities will add 150 million gallons more.

According to the Iowa Corn Growers, corn prices will increase 5 cents per bushel for every 100 million bushels of corn processed. Therefore, these seven new farmer-owned ethanol facilities alone will increase corn prices by 3.5 cents.

Every year, about 175 million bushels of Iowa corn are processed into ethanol. This in turn adds about $730 million per year to the income of Iowa farm families. It adds up to $1.7 billion of increased economic activity in our State.

As I mentioned today, we produce nationwide about 1.8 million gallons of ethanol. When fully implemented, the bipartisan compromise in this bill—the renewable fuel standard—will almost triple production.

Economic analysis by A-U-S Consultants found that this legislation will displace over 1.6 billion barrels of oil, increase farm income by almost $6 billion annually, increase household income by $52 billion per year, and create over 214,000 new jobs nationwide.

I also would like to share with my colleagues the finding of a study produced 2 years ago by the Department of Energy entitled "The Impacts of Alternative and Replacement Fuel Use On Oil Prices." The study found that "current use of alternative and replacement fuels is estimated to reduce total U.S. petroleum costs by about $1.3 billion per year."

It is very important to understand that these alternative fuels—primarily MTBE as well as ethanol—made up only 2.71 percent of our total motor fuel use. I want to say to naysayers who criticize efforts to expand alternative sources of motor fuels that the evidence proves that even small amounts of alternative motor fuels can generate huge savings to consumers.

The Department of Energy study went on to estimate that if we increase our alternative motor fuels use by just 10 percent by the year 2010, consumers will save $6 billion per year. By increasing the use of alternative motor fuels, we increase price elasticity in the event of supply disruption and thus reduce the potential damage to our Nation's economy. To do otherwise leaves us subjected to our current vulnerable situation where, again, according to the Department of Energy, "For every one million barrels per day of oil disruption, world prices could increase by $3 to $5 per barrel."

In closing, I emphasize that 1 million barrels per day is a mere 5 percent of U.S. oil consumption. Yet this very small amount would cause price hikes of 10 to 25 percent if oil were $20 per barrel. A little in alternatives, such as ethanol—or we could even say biodiesel—can go a long way toward protecting all consumers from OPEC efforts of price gouging.

I thank my colleagues for working together in this bipartisan effort, which is good for the economy, good for the environment, good for jobs, and good for energy independence.

As I so often say to describe ethanol, it is good, good, good.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NELSON of Nebraska. Mr. President, I yield the remaining time to the distinguished Senator from the State of Florida.

Mr. NELSON of Florida. Mr. President, first of all, alternative fuels and ethanol are the subject of the instant amendment, but I think we have to use our creativity and our technology in order to approach the overall energy crisis.

If a terrorist sinks a supertanker in the Straits of Hormuz, which are only 19 miles wide, we are going to see a major disruption in the flow of oil to the industrialized world, and we will have wished we had used our technology and our creativity to reduce our dependence on that foreign oil by doing things that have worked to save our oil consumption in the past, like increasing the miles per gallon of the automobiles we drive. We have the know how to do that.

It just amazes me that we have the technology to, for example, produce a car which will go 80 miles per gallon and yet we are still so balled up in our politics that we may not pass an initiative that calls for moderate increases in the fuel efficiency of our nation's automobiles. The modest increases called for by the Kerry-McCain initiative would achieve three goals of particular importance to our nation in this time of war: lessen our dependence on foreign oil, reduce gasoline costs for consumers and protect the environment by reducing toxic air emissions and carbon dioxide emissions, which contribute to global warming. Increasing CAFE can achieve these goals-which are particularly important to our nation's security now that we are in a battle against terrorists around this globe.

So I wanted to add my voice, hopefully, as a voice of reason, to get our representative body to start using our technology and our common sense to increase the fuel economy of all of our vehicles.

Thank you, Mr. President.

The PRESIDING OFFICER. All time has expired.

AMENDMENT NO. 2997

Under the previous order, the hour of 11:30 having arrived, there now will be 20 minutes equally divided on the Levin amendment No. 2997.

Who yields time?

The Senator from Michigan.

Mr. LEVIN. Mr. President, I would assume that I would be dividing the time in support of the amendment equally with my cosponsor from Missouri, and we would each control 5 minutes of the 10 minutes on our side. So I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. LEVIN. Mr. President, our bipartisan alternative to the Kerry-Hollings language in the substitute before us is aimed at increasing fuel economy, helping to protect the environment, and decreasing our dependence on foreign oil but doing it in a way which does not harm the domestic manufacturing industries.

We have a three-point policy, basically: One, we provide that we will increase fuel economy. Two, we have greater emphasis on positive incentives to produce and to purchase fuel-economic vehicles. We do this through joint research and development funds which we would increase over the amount requested by the administration. We would do this through mandatory Government purchases of hybrids. And we would also do this through increased tax credits above those provided by the Finance Committee.

But the third part of our policy is that many factors should be considered in raising the CAFE requirement. It should be raised. And our amendment says that it will be raised, but it would be raised, under our amendment, not in an arbitrary way, not just by adopting an arbitrary number on the floor of the Senate, but, rather, by telling, in the first instance, the Department of Transportation to look at all of the factors which should be considered in adopting a new CAFE standard—many factors, including safety, including cost, including competitiveness of manufacturers.

The National Academy of Sciences has specifically said that there is a safety tradeoff. That is what they have found. The opponents of our amendment say it is a flawed study. OK. We disagree with that. But, nonetheless, if it is a flawed study, the National Academy of Sciences has also then said, the National Highway Traffic Safety Administration should continue their work in this area. But, point blank, the National Academy of Sciences says there is a tradeoff.

I yield myself an additional minute.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LEVIN. In the year studied, 1993, they found between 1,300 and 2,600 deaths and 13,000 and 26,000 injuries. They said these deaths and injuries were a painful tradeoff that resulted from CAFE. The opponents of our amendment do not consider safety. They just say the study is flawed. That is their answer.

What about the discriminatory impacts of CAFE?

The National Academy of Sciences again says that one concept of equity among manufacturers requires equal treatment of equivalent vehicles made by different manufacturers. We do not have equal treatment of equivalent vehicles made by different manufacturers under the language that is in the substitute of Senator KERRY and Senator HOLLINGS. It treats equally-efficient vehicles differently and discriminates, thereby, against American jobs and the American industry.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 1 minute to my colleague from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. I thank my colleague from Michigan.

Mr. President, it is important to emphasize today that this debate is not about whether or not we will increase vehicle fuel efficiency. We are not arguing for a freeze on CAFE standards. What we are saying is that we need to do this in the best way possible. This needs to be something where we win environmentally and we win in terms of the economy and jobs.

That is what this substitute does. It is comprehensive. It moves vehicle fuel efficiency forward. It creates the market incentives and the support to make sure we have what is necessary in terms of infrastructure for these new vehicles. It moves us in the right direction.

I simply urge my colleagues to vote for this amendment, to support increased vehicle fuel efficiency, and a vibrant, economically healthy U.S. auto industry. We do both through this amendment.

Mr. FEINGOLD. Mr. President, I am voting in favor of the Levin-Bond amendment, and I want to explain my views in detail. Fuel efficiency is a critically important issue for our country, for my home State of Wisconsin, and for our future. I remain committed to the goal that significant improvements in automobile and light truck fuel efficiency can be achieved over an appropriate time frame. Some will argue that my vote for Levin-Bond is a vote against increasing the corporate average fuel economy, CAFE. I do not share that view.

The Levin-Bond amendment seeks to renew the Department of Transportation's role in setting CAFE standards acting through the National Highway Traffic Safety Administration, NHTSA, part of the Federal Department of Transportation, DOT. If Congress does not act today to try to restore normalcy to the NHTSA process, Congress will always either block or act to set CAFE standards, every 20 years or so, when the political will is sufficient to do so. NHTSA will never be able to carry out the normal process of reviewing and incrementally improving fuel efficiency for automobiles and light trucks, as Congress originally intended when it passed the CAFE law in the 1970s.

Both interest groups battling over the CAFE issue, the auto manufacturers and the environmental community, have switched their positions in this debate on this bill. The auto industry, who once wanted CAFE perpetually frozen with a rider, now support the Levin amendment. The environmental community, who once opposed the rider and wanted NHTSA to act, now wants Congress to set the standard rather than NHTSA. With my vote, I am committing to a consistent position. Let me explain the evolution of that position.

Months prior to the midterm elections in 1994, NHTSA published a notice of possible adjustment to the fuel economy standards for trucks before the end of the decade. The following year, however, the House-passed version of the FY1996 Department of Transportation Appropriations bill prohibited the use of authorized funds to promulgate any CAFE rules. The Senate version did not include the language, but it was restored in Conference. Much the same scenario occurred in the second session of the 104th and the first session of the 105th Congresses. In both those sessions, a similar rider was passed by the House and not by the Senate, but included by the Conferees and enacted. However, the growth in gasoline consumption and the size of the light-duty truck fleet were concerns cited behind introduction in the Senate of an amendment to the bill expressing the Sense of the Senate that the conferees should not agree to the House-passed rider for FY2000. The amendment, sponsored by the former Senator from Washington, Mr. Gorton, and the Senator from California, Mrs. FEINSTEIN, was defeated in the Senate on September 15, 1999, by a vote of 55-40, and the rider was once again enacted into law.

As I stated on the Senate floor in the debates on the CAFE rider on June 15, 2000, my vote was about "Congress getting out of the way and letting a federal agency meet the requirements of federal law originally imposed by Congress." I supported removing the rider because I was concerned that Congress has for more than 5 years blocked NHTSA from meeting its legal duty to evaluate whether there is a need to modify fuel economy standards.

As I made clear then, I have made no determination about what fuel economy standards should be, though I do think that an increase is possible. NHTSA has the authority to set new standards for a given model year, taking into account several factors: technological feasibility, economic practicability, other vehicle standards such as those for safety and environmental performance, the need to conserve energy, and the recommendations of the National Academy of Sciences. I want NHTSA to fully and fairly evaluate all the criteria, and then make an objective recommendation on the basis of those facts. I expect NHTSA to consult with all interested parties—unions, environmental interests, auto manufacturers, and other interested Wisconsin citizens in developing this rule. And, I expect NHTSA to act, and if it does not, this amendment requires Congress to act on a standard.

In opposing the Levin-Bond amendment, some subscribe to the view that NHTSA has a particular agenda and will recommend weak standards. I do not support that view, just as I could not support retaining the CAFE rider in law.

NHTSA should be allowed to set this standard. Congress is not the best forum for understanding whether or not improvements in fuel economy can and should be made using existing technologies or whether emerging technologies may have the potential to improve fuel economy. Changes in fuel economy standards could have a variety of consequences. I seek to understand those consequences and to balance the concerns of those interested in seeing improvements to fuel economy as a means of reducing gasoline consumption and associated pollution.

In the end, I would like to see that Wisconsin consumers, indeed all consumers, have a wide range of new automobiles, SUVs, and trucks available to them that are as fuel efficient as they can be while balancing energy concerns with technological and economic effects. That balancing is required by the law. I fully expect NHTSA to proceed with the intent of the law to fully consider all those factors, and this amendment ensures they do so.

In supporting this amendment, I maintain the position that it is my job to ensure that the agency responsible for setting fuel economy be allowed to do its job. I expect them to be fair and neutral in that process, and I will work with interested Wisconsinites to ensure that their views are represented and that the regulatory process proceeds in a fair and reasonable manner toward whatever conclusions the merits will support.

Mr. VOINOVICH. Mr. President, as co-chairman of the Senate Auto Caucus, I am pleased to join with my colleagues, Senator LEVIN and Senator BOND, in offering this CAFE standards amendment to the energy bill. This is truly an important issue; one that impacts upon our Nation's economy, our environment and the safety of the traveling public.

There is no doubt that each of us wants the automobile industry to make cars, trucks, SUVs and minivans that are as energy efficient as possible. Not only is it good for the environment, it also means more money in the pocket of the American consumer because they spend less at the gas pump.

However, I am deeply concerned that the extreme Corporate Average Fuel Economy (CAFE) standard included in the pending energy bill will have a devastating effect on public safety, as well as put a severe crimp in the manufacturing base of my state of Ohio.

For the first time in American history, new vehicle sales of trucks, SUVs and minivans in 2001 outpaced the sale of automobiles. This remarkable result can be attributed to a number of factors, but one reason that is often cited is the fact that these vehicles are seen as safer.

Indeed, when asked why they bought their particular vehicle, truck, SUV and minivan owners overwhelmingly stated that they simply felt safer than they would have in a regular sedan or compact car.

Overall, Mr. President, our roadways are safer. In fact, safety statistics show that the numbers of automobile fatalities are at historic lows while total vehicle highway miles traveled has risen. According to the National Highway Traffic Safety Administration (NHTSA), there were 1.5 fatalities per 100 million vehicle miles traveled in 2000, while in 1999, the rate was 1.6 per 100 million vehicle miles traveled. Ten years earlier, in 1990, the rate was 2.1 per 100 million vehicle miles traveled. Part of the reason traffic fatality rates have continued to drop can be attributed to the fact that vehicles are being made safer.

However, some in this body are indirectly proposing that we give up the safety accomplishments we have attained in order to achieve an arbitrary fuel efficiency standard for automobile vehicles.

As my colleagues know, the provision included in the energy bill sets the CAFE standard at a combined fleet average of 35 miles per gallon by 2015.

Under current law, light truck fleets and passenger cars make up two separate fleet distinctions with different mile-per-gallon requirements for each. The existence of two separate fleets recognizes that passenger cars and light trucks are different vehicles that require different capabilities. However, the enactment of a combined fleet average would ignore this distinction.

We also need to ask what the scientific basis is for the 35 mile-per-gallon threshold? What rational explanation is there for the magic number

"35," or was that number simply fabricated?

To achieve this standard, the auto industry would have to modify their manufacturing base, and produce an automotive fleet that will in all likelihood require greater use of lighter materials. Lighter materials will definitely help increase fuel efficiency, however, it will also make those automobiles less safe.

The provision in the bill also will be damaging to auto manufacturers that produce a large number of light trucks because a combined fleet average will factor in both the fuel efficiency averages of passenger cars and light trucks by a manufacturer.

And, because truck, SUV and minivan demand is not expected to decrease anytime soon, automakers that are meeting this demand will either have to manufacture and sell a high-gas mileage vehicle that likely does not exist now, or cut the production of the trucks, the SUVs and the minivans that American consumers want. This will only increase prices for the safe vehicles America wants.

Ohio is the number two automotive manufacturing state in America, employing more than 630,000 people either directly or indirectly. I've heard from a number of these men and women whose livelihood depends on the auto industry and who are frankly very worried about their future. I have met with members of the United Auto Workers, and executives from the major automobile manufacturers about the CAFE proposal and there is genuine concern that the provision in the bill could cause a serious disruption in the auto industry resulting in the loss of tens of thousands of jobs across the Nation.

The Levin-Bond-Voinovich amendment is a rational proposal that will keep workers both in Ohio and nationwide working, allowing these men and women to continue to take care of their families and educate their children while also encouraging greater fuel efficiency and safer vehicles.

Our amendment calls for the Department of Transportation to increase fuel economy standards based on the following factors:

The need to conserve energy;

Economic practicability;

The effect of other government motor vehicle standards on fuel economy;

The desirability of reducing U.S. dependence on foreign oil;

The effect on motor vehicle safety;

The effects of increased fuel economy on air quality;

The adverse effects of increased fuel economy standards on the relative competitiveness of manufacturers;

The effect on U.S. employment;

The cost and lead-time required for introduction of new technologies;

The potential for advanced technology vehicles (such as hybrid and fuel cell vehicles) to contribute to significant fuel usage savings;

The effect of near-term expenditures required to meet increased fuel economy standards on the resources available to develop advanced technology;

Technological feasibility; and

The report of the National Research Council, entitled "Effectiveness and Impact of Corporate Average Fuel Economy Standards," issued in January 2002.

I believe this is a much more responsible approach than picking a number arbitrarily—literally, it seems, out of thin air.

Our amendment also requires that the Department of Transportation complete the rulemaking process that would increase fuel efficiency standards within 15 months for light trucks, and 24 months for passenger cars. If the Administration doesn't act within the required timeframe, Congress will act, under expedited procedures, to pass legislation mandating an increase in fuel economy standards consistent with the same criteria that the Administration must consider.

The amendment will also increase the market for alternative powered and hybrid vehicles by mandating that the federal government, where feasible, purchase alternative powered and hybrid vehicles.

This mandate is nothing new. The federal government, under the Energy Policy Act of 1992, is already required to maintain a covered fleet of 75 percent of alternative fuel vehicles. This amendment will simply increase the amount to 85 percent for covered fleets and require the purchase of hybrid vehicles for fleets that currently are not covered. There are waivers that allow the federal government to purchase traditional fueled vehicles where necessary.

However, I believe that this guaranteed market will encourage the auto industry to increase their investment in research and development with an eye towards making alternative fuel and hybrid vehicles more affordable, available and commercially appealing to the average consumer.

Additionally, a federal fleet of alternative fuel and hybrid vehicles will result in an improved infrastructure for these vehicles and encourage a commercial growth in such infrastructure as well.

Our amendment will not cause shifting within the auto manufacturing industry. It does not pretend that Congress has the scientific expertise to determine the best mile-per-gallon increase for both light trucks and passenger cars, a number which currently would unfairly punish the auto companies and auto workers who build what consumers want—larger cars and trucks.

I urge my colleagues to support our amendment. It meets our environmental, safety and economic needs in a balanced and responsible way, contributing to the continued and needed harmonization of our energy and environmental policies.

Mr. INHOFE. Mr. President, I want to take some time to explain to my friends the importance of the CAFE debate to the people of Oklahoma.

Today most of the people in Oklahoma buy light trucks, sports utility vehicles, and minivans. They are what you see on the road in Oklahoma. In fact, they are what Americans all over the country are buying.

Last year national sales of light trucks, sports utility vehicles and minivans outpaced cars for the first time, and since 9-11 there has been a spike in sales of these vehicles. We have hard data showing us that this increase is due to Americans' desire for safety, comfort, and utility.

In the 2001 Customer Satisfaction Study, Maritz Marketing Research, Inc. surveyed 83,196 new vehicle buyers. When asked what vehicle attributes were "Extremely Important" in their purchase decision, gas mileage ranked 15th on car buyers' lists, behind such things as reliability, value for the money, durability, and safety features. 43 percent rated gas mileage as "extremely important" vs. 70.6 percent for reliability, 59.3 percent of value, 59.2 percent for durability, and 57.3 percent for safety features.

When asked the same question, truck, SUV, and full-size van owners ranked gas mileage 32nd on their list of "extremely important" items, below safety features, interior roominess, passenger seating, and cargo space, among others. 29.8 percent rated gas mileage as "extremely important" vs. 51.4 percent for safety features, 41.9 percent for interior roominess, 38 percent for passenger seating, and 36.8 percent for cargo space.

A governmental mandate flies in the face of Americans' desire for these very attributes: safety, utility, and comfort. A mandate against the will of the American people is not the way we do things in government of the people, by the people and for the people.

As far as jobs and economics, a typical assessment comes from Dr. Robert W. Crandall, Senior Fellow in the economic study program at the Brookings Institution notes that the current proposal would cost the United States something like $17 or $18 billion a year in lost consumer surplus. This loss of jobs and damage to our economy is unacceptable when this mandate will also cost lives and fly in the face of Americans' free choice of vehicles.

On safety, we have the scientific analyses of our National Academy of Science and our National Highway Traffic Safety Administration, as well as numerous analysts.

For example, in 1972, Ralph Nader and Clarence Ditlow published a book entitled Small on Safety. Page after page has such statements as, "Small size and light weight impose inherent limitations on the degree of safety that can be built into a vehicle."

After all is said and done, drivers and passengers are safer and do better in crashes about 98 percent of the time when vehicle weight is greater. A Federal Government mandate to cut the weight of vehicles is going to cost lives. I want safe Oklahomans and therefore oppose CAFE mandates.

The following groups oppose the Kerry/McCain CAFE provisions because they are bad for safety, utility, performance, consumer choice, and jobs:

United Auto Workers; U.S. Chamber of Commerce; National Automobile Dealers Associations; American Iron and Steel Institute; Association of American Railroads; National Association of Manufacturers; American Highway Users Alliance; Alliance of Automobile Manufacturers; American Farm Bureau Federation; Union Pacific.

Competitive Enterprise Institute; American International Automobile Dealers Association; Motor & Equipment Manufacturers Association; Original Equipment Suppliers Association; Delphi Automotive Systems; Automotive Coalition for Traffic Safety; National Marine Manufacturers Association.

Small Business Survival Committee; National Cattlemen's Beef Association; American Horse Council; American Recreation Coalition; Associated General Contractors of America; Automotive Coalition for Traffic Safety; Coalitions for America; Coalition for Vehicle Choice; National Association of Plumbing, Heating and Cooling.

General Motors; Ford Motor Company; Daimler Chrysler; Toyota; Nissan, Volkswagen; BMW; Mazda; Fiat; Isuzu; Mitsubishi Motors; Porsche; Volvo; National Association of RV Parks and Campgrounds.

National Grange; National Truck Equipment Association; Recreation Vehicle Industry Association; Specialty Equipment Market Association; National Four Wheel Drive Association; Business Round Table; AFL/CIO.

Please join me in supporting the compromise crafted by Senators LEVIN and BOND.

Ms. CANTWELL. Mr. President, I rise today to express my disappointment with the Senate's inability to act on the important issue of corporate average fuel economy standards for our Nation's vehicles. Addressing the transportation sector's consumption of fossil fuels is an integral part of any energy policy designed to meet the needs of our 21st century economy.

I continue to believe that raising CAFE standards is absolutely critical in promoting more efficient fuel use—thus weaning this nation from its dependence on foreign oil—while continuing to meet our transportation needs. At the same time, CAFE standards promise environmental benefits and savings for consumers. Despite what some in industry might suggest—suggestions that harken back to Congress' first debate on CAFE in 1975, when some claimed the current standards would render this Nation's auto manufacturers extinct—I believe we have the technologies and the American ingenuity necessary to meet the goals set out by tougher CAFE standards.

Transportation accounts for 67 percent of U.S. oil consumption and one-third of U.S. greenhouse gas emissions. Clearly, improving the efficiency of the U.S. vehicle fleet would serve the public interest by reducing individuals' exposure to fluctuations in oil prices and emitting fewer of climate changing greenhouse gases.

To me, the numbers suggest a very clear choice.

If my colleagues truly wanted to take the environmentally and economically responsible vote—to mitigate our exposure to foreign oil and economically devastating price shocks—they would have acted today to increase our fuel efficiency standards.

I believe many in this Chamber agree on the theoretical goals of this bill—increased energy independence, diversification or our energy resources and improving the energy efficiency of our economy. But my colleagues must realize that to meet these goals we must address both supply-side and demand-side of the equation. And we cannot wait to take action.

Simply cranking up oil production and ignoring the efficiencies at our fingertips will ensure that we will be in the same place 20 years from now—or worse yet, even more dependent on foreign sources of oil.

Estimates suggest that if the status quo is maintained, our dependence will grow from 51 percent today, to 64 percent in 2020. If the status quo is maintained, we will be asking ourselves the same questions about economic and energy security as we are asking ourselves today.

I believe that the CAFE provision proposed by Senator KERRY and Senator MCCAIN, like its predecessor in 1975, would have gone a long way toward meeting the multiple goals of the overall energy bill. In addition to the energy security and environmental benefits I've already mentioned, it would have protected consumers against disruptions in oil supplies that increase the cost of a gallon of gasoline.

The current CAFE standard—which has saved 14 percent of fuel consumption from what it would have been without CAFE—has not been updated in 20 years. By increasing fuel economy standards, consumers would travel farther on a gallon of gasoline than ever before. Since the introduction of the first CAFE standards in 1975, vehicle operating expenses have been halved, mostly due to decreased expenditures on gas and oil.

Increasing fuel efficiency has a second impact, which is to help to stimulate the American economy by keeping dollars at home. At present, Americans spend over $300 million dollars per day on foreign oil. By reducing how much of that oil we consume, Americans save billions of dollars a year at the gas pump. This money would be available for reinvestment in our own economy and to help improve the lives of American families.

Opponents of CAFE standards have argued that increased fuel efficiency will result in decreased vehicle safety. To the contrary, provisions to maintain vehicle safety are written directly into the language. Furthermore, by bringing SUVs and light trucks under the rubric of the CAFE standard, CAFE will without question save lives.

Opponents also argued that CAFE standards hurt the American auto industry and American workers.

In reality, a high fuel economy standard would put existing technologies into vehicles and spur technological innovation—something in which American industry is a proud leader. The CAFE proposal provided for gradual improvement in fuel economy over time, allowing manufacturers the opportunity to retool processes and redesign product lines over time. Consumer fuel savings and technological innovation will lead to an infusion of capital in local economies and investments in the auto industry, making U.S. vehicles competitive in a global market and creating—not destroying—jobs.

The first time around, CAFE was created in response to rising oil prices. Today, volatility in the oil market continues to be a concern, along with our energy security and the environmental impact of fossil fuel emissions. We had before us an opportunity to alleviate threats to our national energy and economic security posed by foreign oil dependence, while protecting our environment and taking a positive step in the battle to mitigate greenhouse gas emissions. Now is the time to make these changes.

I thank Senator KERRY and Senator MCCAIN for their leadership on this issue. I want to add that I agree with my colleague from the Energy Committee, Senator CARPER, who has suggested that we should—we must—return to the issue of CAFE standards before we finish our work on this bill. Hopefully, we will all come to our senses.

The PRESIDING OFFICER. Who yields time?

The minority leader.

Mr. LOTT. Mr. President, I know there is a limited amount of time available, and it has been equally divided, so I would like to speak briefly and use leader time so it will not count against the time that has been reserved.

The PRESIDING OFFICER. The Senator is recognized.

Mr. LOTT. Mr. President, I rise in very passionate support of the Levin-Bond amendment. I know very good work has been done on this amendment, and it is based on sound science and solid data. It seems to me that is the way to go instead of just picking a number out of the sky, whether it is 32 or 35 or 37 or moving the years up or down. It seems to me it would be wiser to have decisions about the miles-per-gallon requirements done in a responsible way, having been studied by the proper entity and based on science and solid data.

Of course, the organization to do that is NHTSA. They have the expertise to analyze the numbers and consider all that should be involved here: the jobs that might be affected, technology, how soon this improved fuel efficiency could be obtained, and safety. Safety is a big issue.

I heard Senator MIKULSKI from Maryland on the radio this morning talking about her concerns about the safety issue, and that was the point she emphasized. That is certainly understandable.

The Levin-Bond amendment would be what we would do instead of the Kerry provision which adversely affects employment, safety, and consumer choice. I think the Levin-Bond amendment is a much wiser way to proceed.

The National Academy of Sciences CAFE report declared there will be more deaths and injuries if fuel economy standards are raised too fast without proper consideration given to how that is going to be done and what impact it might cause.

This amendment, the Levin-Bond amendment, is supported by labor, the UAW, the Chamber of Commerce, the AFL–CIO, the National Association of Manufacturers, the Farm Bureau, automobile dealers, and over 40 other organizations, but, more importantly, by real people in the real world, people who do worry about safety, people who do have needs for a van or an SUV or a pickup truck who refuse to be relegated to an automobile such as the one shown in this picture. This type of car may be fine in Boston or Chicago, but it is not fine in Lucedale, MS, or Des Moines, IA, or a lot of other places around this country. People have to drive long distances. They have large families.

In my case, when I move my family around now, I have a choice. I have a bigger automobile, an SUV. I worry about safety. And I worry about strapping in the grandchildren properly, making sure they are going to be safe. And I even worry about making sure that third seat is secured properly.

I have a choice. I either can take two vehicles, the SUV or the van—one of them being a bigger one—or I can take three automobiles. How much gas have you saved?

This whole area astounds me. Let's talk about what real people do when they have a choice. After all, this is still America. We should be able to make our choices. We should not have the Federal Government saying you are going to drive the purple people eater shown here. I am not picking on this manufacturer. In fact, purposely I wanted to have a car that is hard to identify. This is basically in Europe. And when I was over there, I saw these little cars. I saw people pick them up and set them over into parking spaces. I also was trying to figure out how I was going to get my 6 foot 2½ inch frame in this automobile.

So what do real people do when they have a choice in America? Well, the 10 most fuel-efficient cars account for only 1.5 percent of automobiles sales. Americans value fuel economy, but it ranks far behind other very important competing values, such as safety, comfort, utility, and performance.

A recent survey of attributes consumers look for when buying a new automobile found that fuel economy ranks 25th out of the 26 vehicle attributes they were looking for.

Automobile makers produce 50 different automobiles that get 30 miles per gallon or better. Anybody can go to a dealer today if they want to and drive home a very fuel-efficient automobile, but small cars make up only 14 percent of the market.

Today's light truck gets better gas mileage than a subcompact car from the 1970s. Progress is being made. I do pay attention to it. The SUV I own and drive in the Washington, DC, area is the Honda SUV. It is actually my wife's car. I have to confess that because I always insist on still driving an American-made automobile. But a lot of these automobiles now are made by Honda and Nissan and Hyundai and Toyota. They are international companies, as are our domestic companies. So are all these other companies.

I do pay some attention to what I choose to drive and the fuel efficiency that it gets in the District of Columbia.

There also is no magic technology. I think progress is being made. But if you had the technology to go immediately to an automobile that got this fuel efficiency number picked out of the sky without sacrificing a lot of other very important factors, such as safety and comfort and the needs of the consumers, you would do that.

There are those who say technology is going to make it possible for us to have much more fuel efficiency without reducing the waste and size of the automobile. I have faith in American technology. I think we will get there. We are headed there. That option will be there. But I still don't understand why we should be trying to mandate the laws of physics and require that these things happen.

I heard one of the Senators the other day saying that the goal is to use less foreign oil. I agree with that. This is a national security question. That is why this bill is important. I have another alternative. While we do want to encourage conservation and look at alternative fuels, I also don't want us to take actions that basically mandate that in America you have to use less. We have a lot of domestic oil that we can use, natural gas, hydroelectricity, nuclear. We have to have more, not just less.

If we conserve and produce more, America can continue to grow. That is what we want. We want a growing economy. If you don't have the energy supply, you are not going to have the economic development you want.

CAFE standards have not reduced imported oil. We started to put these standards in place back in the 1970s. Yet as the efficiency has gotten better, the use of foreign oil has not gone down. It has been steadily going up. Now we are dependent for 59 percent of our energy needs supplied by foreign oil. That is a dangerous concept. We should produce more here while we are also conserving.

I personally think the CAFE program is a flawed program. I don't think we ought to be issuing these mandates. I urge my colleagues to vote for the Levin-Bond approach. It is the responsible way. It will be based on something done by an entity in the Government that has the responsibility to get it done. I am not even sure right now what may be offered later on today, perhaps by Senators KERRY or MCCAIN or others. If we don't even know what they are going to offer, what science is it based on?

I conclude by saying this is the responsible way to go. It will not ignore the issue. It sets up a process based on science, capability, technology. It does take into consideration or will allow consideration of safety. And I don't want every American to have to drive this car.

I yield the floor.

Mr. BINGAMAN. Mr. President, I yield 2 minutes to the Senator from Maine, Ms. COLLINS.

Ms. COLLINS. Mr. President, I am pleased to join several of my colleagues in rising in support of increased fuel efficiency standards for cars and trucks. Some people have tried to cast this argument as a choice between trucks and better fuel economy. This is simply a false choice. I am convinced that we can, with America's can-do attitude and technological know-how, provide safer, more efficient cars and trucks that will go further on a gallon of gas and save consumers money at the gas pump. CAFE standards will give us better trucks and more money in our pockets.

OPEC's anticompetitive manipulations have driven the price of oil to a 6-month high. If we don't increase CAFE standards, America will only grow more and more dependent on foreign oil. Already we rely on foreign oil for 60 percent of our supply. That is a dangerous dependency. How much further into OPEC's clutches do we have to let ourselves slide before we decide that there is another way, a better way? CAFE is the American way of sending OPEC a message that we will not stand for their anticompetitive manipulative price increases.

Our proposal will save more than 1 million barrels of oil a day. It will save billions of dollars for consumers. And it will do more to reduce our reliance on foreign oil than any other single measure before us.

I call on my colleagues to join me in supporting the proposal to increase CAFE standards. This proposal is the right thing to do for the environment, for the economy, for consumers, and for America.

I commend Senators KERRY, BINGAMAN, MCCAIN, and my colleague from Maine, Senator SNOWE, for their efforts in coming up with an alternative approach.

Mr. BINGAMAN. Mr. President, I yield myself 2 minutes in opposition to the amendment.

The Republican leader was just urging us to consider sound science and sound data in making judgments on this issue. I recall several years during which we passed in the Congress prohibitions against the administration, through NHTSA, even considering a change in CAFE standards. That doesn't seem particularly consistent to me with a reliance on sound science and sound data. The truth is, the Republican leader has set up a totally false choice. He has indicated the choice is between what we have now and, as he put it, this purple people eater that he has pictured.

The reality is, the technology is there to keep the cars, the SUVs, the vehicles we now drive and shift them to being much more fuel efficient. The real choice is in the SUV that the Senator from Massachusetts has a picture of, which Ford Motor Company indicates they are going to have on the market next year. They say it is the same power as before, the same convenience as before, the same room as before, but it uses half as much gas. That is the option. We just need to step up to giving that challenge to the car dealers.

When you look at why we are continuing to import more and more oil, it is very clear. The main reason is we have stalled out on improving efficiency in the motor vehicle sector.

This chart shows that, since 1989, there has been absolutely no improvement. In fact, there has been a decline in the fuel efficiency of our overall fleet. So this amendment will take the teeth out of our efforts to improve efficiency. It should be rejected. I hope my colleagues will do so.

The PRESIDING OFFICER. Who yields time? If no one yields time, time is charged equally to both sides.

Mr. BINGAMAN. How much time remains, Mr. President?

The PRESIDING OFFICER. There are 5 minutes 20 seconds on the opposition side and 5 minutes 13 seconds on the proponents side.

Who yields time?

Mr. BOND. Mr. President, I yield myself 2 minutes.

I ask unanimous consent that Senators GRASSLEY and HUTCHINSON of Arkansas and ALLEN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Some people here believe Americans cannot be trusted to make the right choice. In choosing between consumers and Government, I will side with the consumers. I don't pretend to know what is best for the 15 million Americans who are purchasing vehicles each year, but I prefer to listen to those who are actually in the business of selling cars and trucks. They tell me one consistent message: The Kerry amendment is a job killer, a threat to the safety of friends and families, a mandated market that eliminates consumer choice.

Now, 2,000 people a year, according to the National Academy of Sciences, have been killed by lighter cars. I don't want to tell a mom in my State she should not get an SUV because Congress decided that would be a bad choice. I just came from a news conference with Martha Godet, who explained last week that she wanted a minivan to carry her two preteen sons and one baby to various events. Her story in the newspaper was countered by one of my colleagues on the other side of the aisle who said her proposal was "nonsense." She extends an invitation to that Senator to join her in a carpool to see how it would be if they were in a subcompact or a Yugo. She said it would look like a clown car if they were in a Yugo that managed to meet the fuel standards in the Kerry amendment.

I am grateful for the support of the Missouri Soybean Association, Corn Growers, and the Farm Bureau. We appreciate the information on safety from the Insurance Institute for Highway Safety and the National Association of Independent Insurers. The best way to get better mileage is through sound science and NHTSA.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask that I may speak for 1 minute.

Mr. BOND. I yield a minute to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I rise in support of the Bond-Levin amendment. I believe the automobiles need to become more efficient; it is in our national interest. I think our leader referred to this car pictured on the chart as the "purple people eater." I think that is a pretty good name.

I do not believe the Senate is in the best position to dictate how we do this. When it comes to Congress dictating what kind of fuels we use in our vehicles, we fail miserably. We have about 15 different types of fuels we use in the country. It is at a significant cost. We don't even address it in this bill. We have proven we are not very good chemists in the Congress. We are not very good automotive engineers either.

Congress should not randomly determine vehicle fuel mileage on a whim. We should leave it to the experts who know what they are doing, and we will take into account safety and economic impact. The Bond-Levin amendment does that and leaves the decision to the experts. I urge my colleagues to support this amendment.

Mr. BINGAMAN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. There are 5 minutes 12 seconds in opposition, and there are 2 minutes 1 second for the proponents.

Mr. BINGAMAN. I yield the remainder of the time to the Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank my colleague.

Let me share what this vote is now about. This vote is about whether or not we will keep any standard at all with respect to fuel efficiency. If the Bond-Levin amendment passes, there will be not only no standard whatsoever in place, there will be a process that will allow for delay into the far future. And there is a provision in the Bond-Levin amendment which undoes the current safety standards. There is no safety standard at all. In NHTSA, they ask to look at it, but it undoes the current safety standard.

Mr. President, this is a question of whether or not we are going to do what 88 percent of the people in America want us to do and only 9 percent are opposed to, and that is to save a significant amount of oil that we import from the Persian Gulf, from countries that have the ability to dictate to the United States the price in our future—whether we will save that and simultaneously contribute to global warming problems, as well as health in America.

There are two stories here. There is the lie and there is the truth. To my right, that purple machine in the photograph is the lie. No American will be forced to drive any different automobile. My wife drives an SUV. She supports this effort because she knows she can still drive an SUV that is efficient. Cars such as Suburbans are not even included in this measure.

We have seen advertisements suggesting that people will have to farm with a subcompact car. How insulting is that to the intelligence of Americans, who know they want more efficient cars? This doesn't even cover tractors. It doesn't even cover the basic trucks, the large trucks in the country.

This is the most extraordinary expenditure of money in phony advertisements to scare the American people that I have ever seen here—perhaps since the tobacco debate. Here is the truth. This is Ford Motor Company's own advertisement. They advertise an SUV—a vehicle that gives you all the room and power you want but uses half the gasoline. That is the Ford Motor Company advertisement that stands as a stark contrast to these extraordinary, ridiculous scare tactics.

My colleagues have been told that if we raise the CAFE standards, that will harm safety. Let me read from the Chairman of the National Academy of Sciences, from March 10 of this year. Paul Portney says:

> This proposal of ours is roughly consistent with what the academy identified as being technologically possible, economically affordable, and consistent with the desire of consumers for safety.

What safety organization in America supports the Bond-Levin proposal? Not one. Not the major safety organization, the Public Citizen Center for Auto Safety; they support what we are trying to accomplish. The reason they support it is that there are no safety provisions whatsoever in the Bond-Levin proposal. In our proposal, there is, however, an ability to live up to the safety standards.

You have heard the National Academy of Sciences report distorted again and again. The update of that report, on which NHTSA has signed off, says you can build a car in America that is just as competent as any SUV today and provides safety.

Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has approximately 1 minute.

Mr. KERRY. They try to suggest that this is a jobs problem. The fact is that our workers in Detroit have the ability to build all the cars America can buy that are just as large as the cars we have today but are more efficient. What they need is an auto industry that asks them to do it, that gives them the cars that are so designed. It is extraordinary that my colleagues have so little confidence in the ability of the American worker and American ingenuity to provide cars that are going to be competitive well into the future with the Japanese and Germans.

I think we should celebrate the capacity of the American worker, and that is what we are asking people to do. Every year, there has been an opportunity to delay, to obfuscate. The opponents have chosen to do it. The only people who support Bond-Levin are those who support the specific automobile interests, the Big Three, people who work there—not the safety people, not consumers, not the environmental interests of the country.

Generally speaking, this is a pattern of delay and obfuscation. We will have an opportunity after this vote to vote on the Kerry-McCain alternative that reduces the level even further. I ask my colleagues to remember that there is no CAFE requirement at all in Bond-Levin. We will have no standard whatsoever. We will have years of lawsuits and years of delay. It is one more step in Detroit's effort to prevent us from having an opportunity to have cars that are competitive and meet the needs of the future.

I retain the remainder of the time.

The PRESIDING OFFICER (Mr. REED). Who yields time?

Mr. LEVIN. Mr. President, how much time remains in support of the amendment?

The PRESIDING OFFICER. The Senator from Michigan controls 2 minutes and 1 second, and the time of the Senator from Massachusetts has expired.

Mr. LEVIN. I yield 30 seconds to Senator STABENOW.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, this is not about the Ford Escape. We are pleased the auto industry is moving forward. The CAFE number does not reflect the fuel economy improvements of one particular vehicle. It is a fleet average. GM has from 2000 to 2001 improved fuel efficiency for eight different vehicles, and their CAFE number did not change.

It is a system that does not work. It is crazy. It is discriminatory against the American auto industry. I encourage a vote for this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the Senator from Massachusetts said the amendment before us would eliminate existing safety standards. That is flat out wrong. He summarized a quote from one member of the National Academy of Sciences. I want to read one line from the National Academy of Sciences on the exact point:

> Equal treatment of equivalent vehicles made by different manufacturers is a requirement of equity. The current CAFE standards fail that test.

I have much more confidence in the workers of this country and their representatives than my friend from Massachusetts. They strongly oppose this amendment. The UAW favored CAFE when it first came into existence. They favored CAFE. They strongly oppose the Kerry language because it discriminates against equally efficient vehicles made in America.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I yield the remainder of my time to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri has 10 seconds.

Mr. BOND. Mr. President, I thank the Senator from Michigan. It is not fair to say there are no safety standards. The Levin-Bond amendment requires safety be considered in setting the standards. There will be standards.

I have just come from a press conference with Diane Steed, former NHTSA Director, speaking on behalf of the National Safety Council. The National Safety Council is extremely concerned about the Kerry proposal and its likelihood to kill more people. Therefore, I urge support of the Levin-Bond amendment.

I ask unanimous consent that Senator VOINOVICH be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

All time has expired. The question is on agreeing to amendment No. 2997.

Mr. LEVIN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

Mr. LEVIN. Did the Chair add Senator VOINOVICH as a cosponsor?

The PRESIDING OFFICER. The Chair did.

The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 62, nays 38, as follows:

[Rollcall Vote No. 47 Leg.]

YEAS—62

Allard
Allen
Baucus
Bayh
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Cleland
Cochran
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Ensign
Enzi
Feingold
Fitzgerald
Frist
Gramm
Grassley
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—38

Akaka
Biden
Bingaman
Boxer
Cantwell
Chafee
Clinton
Collins
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feinstein
Graham
Gregg
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerry
Leahy
Lieberman
McCain
Murray

Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Torricelli
Wellstone
Wyden

The amendment (No. 2997) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. INHOFE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is to be recognized to offer an amendment on which there will be 10 minutes of debate.

The Senator from Georgia.

AMENDMENT NO. 2998

Mr. MILLER. Mr. President, I call up an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. MILLER], for himself, Mr. GRAMM, and Mr. HUTCHINSON, proposes an amendment numbered 2998.

Mr. MILLER. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the increase of the average fuel economy standard for pickup trucks)

On page 177, before line 1, insert the following:

SEC. 811. AVERAGE FUEL ECONOMY STANDARDS FOR PICKUP TRUCKS.

(a) IN GENERAL.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" after the after "AUTOMOBILES.—"; and

(2) by adding at the end the following new paragraph:

"(2) The average fuel economy standard for pickup trucks manufactured by a manufacturer in a model year after model year 2004 shall be no higher than 20.7 miles per gallon. No average fuel economy standard prescribed under another provision of this section shall apply to pickup trucks.".

(b) DEFINITION OF PICKUP TRUCK.—Section 32901(a) of such title is amended by adding at the end the following new paragraph:

"(17) 'pickup truck' has the meaning given that term in regulations prescribed by the Secretary for the administration of this chapter, as in effect on January 1, 2002, except that such term shall also include any additional vehicle that the Secretary defines as a pickup truck in regulations prescribed for the administration of this chapter after such date.".

Mr. MILLER. Mr. President, I rise to urge my colleagues to vote in favor of the Miller-Gramm-Hutchinson of Arkansas amendment to protect pickup trucks.

Our amendment is very simple. In fact, I cannot remember seeing a more simple amendment ever offered on the floor of the Senate. It is easy for all of you to understand. And I will tell you something else that is important, it is easy for the folks back home to understand.

Pickups are now required to meet a standard of 20.7 miles per gallon. This amendment simply says that standard cannot be increased. The only thing greater than its simplicity is its fairness. We absolutely should not impose an undue safety risk and extra cost of higher CAFE standards on our farmers or on our rural families or on our carpenters, plumbers, painters, electricians—those small businesses that rely so heavily on the pickup that keeps our Nation moving.

These are the hard-working people with calloused hands who build our homes and work our farms. They are the forgotten Americans who work from dawn to dark and then turn on the headlights of their pickup so they can see to work another hour.

They never ask us for anything they have not earned. All too often in this great citadel of the people we turn our backs on these folks. They have no lobbyists. They don't have a single one; pickup pops are not organized. No soft money comes from them, and not much hard money. They are too busy working. As the pickup goes, so goes the very heart and muscle of this great country.

If you apply higher CAFE standards to pickups, you will make them unaffordable for some and you will make them unsafe for all. A "yes" vote is a vote for the working man. A "yes" vote is a vote for rural America. A "no" vote is a vote against the working man. A "no" vote is a vote against rural America.

In 1 year alone, the year before last, working people in this country bought 3,180,000 pickup trucks in 29 of our States. Pickups account for between 20 percent and 37.4 percent of all registered vehicles. Folks across this country buy pickups, not just because they are affordable and not just because they are safe. They also buy them because they have to have them. They have to have them to do their work. Pickups are as essential to the carpenter as his hammer; as essential to the painter as his paintbrush.

So we must leave this American workhorse, the pickup truck, alone. Don't pick on the pickup.

The PRESIDING OFFICER. Who yields time? The Senator from Nevada.

Mr. REID. Mr. President, under the authority of Senator DASCHLE, I yield 5 additional minutes to Senator BINGAMAN in opposition to this amendment. That will be a total of 6 minutes.

The PRESIDING OFFICER. Is there objection? The Senator from Texas.

Mr. GRAMM. Mr. President, I do not object. I think I have 5 minutes reserved to speak on the amendment.

The PRESIDING OFFICER. The Senator has 5 minutes. Is there objection to the unanimous consent request? Without objection, it is so ordered.

The Senator from Texas.

Mr. GRAMM. Mr. President, first of all, I congratulate my dear colleague from Georgia. I thank him for his leadership on this issue. I say to him I am very happy again to be married up together, promoting the interests of the people who do the work and pay the taxes and pull the wagon in America.

If you want to know how far out of touch with reality this Congress is, all you have to do is look at this CAFE standard debate. The American people want to be safe in their cars and trucks, and they have work to do. It is not uncommon in my State for people to get up in Corsicana at 4:30 in the morning, get in their pickup, drive to Dallas, work all day and work that pickup all day until 6 or 7 o'clock at night and then drive that pickup back to Corsicana. Every morning in small towns all over this country, people who work for a living and get their hands dirty in the process use their pickups for transportation and to make a living. There are not good substitutes.

Our colleagues tell us: Oh, there are substitutes. We can have a substitute for the pickup. You don't need that big Dodge. You don't need that Chevrolet. You don't need that Ford. You don't need that Toyota pickup. They have an alternative. But they don't live in Mexia. They don't carry around tools. They are not hauling lumber. They are not getting their hands dirty working for a living, and they are totally and absolutely out of touch with the people who do the work in this country. Our amendment simply says: Leave pickup trucks alone.

Try as I may to understand people who have a different mindset than I do—and I know many of my views are hopelessly out of fashion—but try as I do to understand it, sometimes I cannot. We will impose billions of dollars of cost on little towns to try to change arsenic standards for drinking water based on a projection of a very small effect on the health and lives of Americans. But, yet, when the National Academy of Sciences, the most prestigious scientific body on the face of the Earth, concludes that the existing CAFE standards may be costing as many as 3,600 lives a year—we are not talking about the new standards, we are talking about the old standards—the people who go absolutely ballistic over these little towns are nowhere to be seen. If Fallon, NV, has arsenic in its drinking water, and if the mayor and his children and grandchildren have been drinking it for years with no appreciable effect or no effect, we have no doubt in our mind about imposing those costs because we are so concerned about an effect on people. Yet, when hundreds of times as many people are killed by these CAFE standards, we act as if that is all right because fuel efficiency is a good goal.

I don't know a better goal than to have people drive pickups. I don't know any more reliable Americans than those who drive pickups. I don't know people who more deserve good government than people who drive pickups. So this amendment is critically important.

Finally, if anybody cares about the automobile industry, let me remind my colleagues that we are trying to get out of a slowdown, a minor recession. We have just had the administration impose tariffs up to 30 percent on steel and while many Members of Congress support that, I do not. This action means money will be taken right out of the profit margin of American automobile producers because the Germans and the Japanese are not going to pay these higher prices for steel.

If we come in now with these new CAFE standards on big-selling items such as pickups, this will further hurt automobile manufacturers and their workers. In my State, pickups are the largest selling vehicles. If you take trucks in general, trucks in general outsell cars in Texas. My guess is that is true in most of your States.

I urge my colleagues to vote for this bipartisan effort on behalf of people who drive and use pickups—people who do the work and make America work, and who deserve to be represented on the floor of the Senate. I am proud that Senator MILLER has seen the day that they are represented.

Mr. MURKOWSKI. Mr. President, how much time remains for the proponents?

The PRESIDING OFFICER. There is no additional time except for the time remaining to the Senator from Georgia, who has 41 seconds remaining.

Who yields time?

Mr. MILLER. Mr. President, I yield 41 seconds to the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my good friend from Georgia.

For those of you who have ever driven a pickup and gotten stuck in the snow, you need a four-wheel-drive pickup to get out. We would not have been able to develop the Trans-Alaska Pipeline without the U.S.-made pickup. It has the heavy undercarriage that can stand the gravel roads. The Senator from Texas is quite correct. The rest of the country lives on the pickup, and the transportation is used as part of your toolbag. You get your tools in it, you go out to work, and you get a job done. There is simply no other way you are going to accomplish this.

I think the Senator from Georgia in his reference to what is in this amendment—automakers make more fuel-efficient pickups—there is nothing in this amendment that would prevent that. The reality is a pickup is a heavy piece of equipment that is designed to do a job. We should support the amendment of the Senator from Georgia.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time do we have in opposition?

The PRESIDING OFFICER. The Senator from New Mexico has 6 minutes.

Mr. BINGAMAN. Mr. President, I yield myself 3 minutes, and then I will yield 3 minutes to the Senator from Illinois.

Let me put this in perspective. We just had an amendment agreed to on the Senate floor which essentially says that we in the Congress are not going to specify what the corporate average fuel efficiency or economy number ought to be; that it ought to be left up to NHTSA, the National Highway Traffic Safety Administration, to make those decisions.

The Republican leader came to the floor and said we should do this because clearly we need to be sure that the decision is made on the basis of sound science and solid data. Those were the two phrases he kept using—sound science and solid data.

The Senator from Michigan continually referred to the fact that we should not adopt some arbitrary number; that is totally contrary to common sense. Now we have an amendment by my good friend the Senator from Georgia which says let us make it permanent law—that beginning 2 years from now with model year 2004 and after, for all pickups, it is prohibited for NHTSA or anyone else to impose a fuel efficiency standard in excess of what has been the standard for many years, 20.7 miles per gallon.

The last amendment said that NHTSA would make the decision. This amendment takes that away and says we are making the decision. It will be 20.7 miles per gallon on pickups starting in 2004, and from then on it is permanent law. I don't think we can have it both ways. If we know best, then fine, we shouldn't have adopted the last amendment. If NHTSA knows best, then we shouldn't adopt this amendment.

I understand where the votes are. I understand that everyone wants to wrap themselves in the flag of the pickup pops and indicate that they don't want to pick on pickups. I understand all that rhetoric.

I have a lot of pickups in my State. But I don't see why people who drive pickups should be required to be buying vehicles that are less fuel efficient than the rest of the population. The truth is these people who work so hard and have callused hands and are driving pickups don't want to have to pay more at the gas pump than anyone else. And this amendment essentially will ensure that they have to pay more from now on. They may get a very fuel-inefficient pickup, but every time they go in to fill up, they are going to be paying more because of this amendment, if it is agreed to.

I urge my colleagues to oppose the amendment.

I yield the remainder of our time to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask to be recognized for 2 minutes, and then yield 1 minute to Senator LEVIN from Michigan.

Mr. President, I rise in opposition to this amendment. With the last vote, we threw in the towel on fuel efficiency. We said this Congress is incapable of requiring the automobile manufacturers to make a more fuel-efficient car so that America could have energy security and energy independence. We gave up on it. We turned it over to NHTSA and said: Study it, look at it, and we will get back to you.

Now, with this amendment, we are saying we are going to exempt pickup trucks forever and that 20.7 miles a gallon is all we will ever ask of them. We will not ask Detroit to make a pickup truck that is more fuel efficient. And the argument has been made that it is unfair, that it is unpatriotic, that it is impossible to ask the drivers of pickup trucks across America to ask for a more fuel-efficient vehicle—even 1 more mile per gallon.

Let me tell you what is also unfair. It is unfair to ask the men and women in uniform in the United States to risk their lives in a war in the Middle East to fight to preserve more imported fuel to fuel these vehicles on the highways. These hard-working farmers and ranchers and blue-collar men and women who drive these pickup trucks have kids who may be forced to serve in the military to fight a war because of our dependence on Middle East oil.

With the last vote, we bowed down to the special interests on fuel efficiency. And I want to tell you that as a result of it, we are going to continue to bow down to OPEC for decades to come. That is not in the best interests of people who drive cars and pickup trucks in America.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield the remainder of our time to the Senator from Michigan.

Mr. LEVIN. Mr. President, how much time remains?

The PRESIDING OFFICER. One minute fifteen seconds.

Mr. LEVIN. I will split that time evenly with my colleague from Michigan.

Mr. President, we have decided to refer to NHTSA for the next 15 months the complicated question of whether or not we ought to increase CAFE on what vehicles and by what amounts. This amendment runs contrary to what we just agreed to.

I could not disagree more with our friend from Illinois when he says we threw in the towel in terms of increasing CAFE with this last amendment. That was my amendment. We specifically said we are going to increase it, but we are going to do it in a rational and responsible way, considering all the criteria which should be considered. We should not adopt the standard on this floor. The Miller amendment, I am afraid, does that for one particular type of vehicle.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise to oppose this amendment.

CAFE relates to fleet-wide averages. If we take out pickup trucks, we put more pressure on fuel efficiency standards for SUVs and minivans. I hope we will instead use the last amendment as the way that we will approach vehicle fuel efficiency and that we will not pit our farmers against our soccer moms.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that I be made a cosponsor of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to the Miller amendment, No. 2998.

Mr. MILLER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 48 Leg.]

YEAS—56

Allard
Allen
Baucus
Bennett
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Cleland
Cochran
Conrad
Craig
Crapo
Daschle
DeWine
Domenici
Dorgan
Edwards
Enzi
Frist
Gramm
Grassley
Hagel
Harkin
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Johnson
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—44

Akaka
Bayh
Biden
Bingaman
Bond
Boxer
Cantwell
Carper
Chafee
Clinton
Collins
Corzine
Dayton
Dodd
Durbin
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Gregg
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

The amendment (No. 2998) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

AMENDMENT NO. 2999

Mr. KERRY. Mr. President, I have an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Massachusetts [Mr. KERRY], for himself and Mr. McCAIN, proposes an amendment numbered 2999.

Mr. KERRY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. KERRY. On behalf of Senator McCAIN and myself, I ask unanimous consent that the amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I want to speak for a few moments about where we now find ourselves. I was talking with the distinguished Senator from Michigan, who won a significant vote by the Senate a little while ago with respect to, instead of having the Senate set a standard, sending the CAFE standard to NHTSA and asking NHTSA to do so within a specified period of time. I understand the dynamics, but may I say there is an incredible schizophrenia in what the Senate has done in these two votes, because on the one hand the minority leader and many of our colleagues came to the floor to argue that the Senate doesn't have the ability—we don't have the science, the information, and we don't have enough capacity to make a determination about how the overall fleet ought to be determined. Then, of course, with the amendment of the occupant of the chair, the Senate decided all of that goes out the window; we do that by exempting pickup trucks.

I sympathize with the occupant of the chair that pickup trucks ought to be treated differently. I am not arguing about that. Clearly, they are a mainstay to a huge amount of economic activity and people who contribute very significantly to the fabric of this country. But it is completely contrarian to say we are going to have NHTSA try to evaluate this and, on the next vote, we have exempted 20 percent of the available fleet, so that now, whatever fuel savings we have left to gain have to come out of the rest of the fleet—either passenger cars, SUVs, or others—if it is decided that any savings are going to come at all.

Now, just today, some polls were released that showed that 88.9 percent of Americans believe we are better off trying to raise the fuel efficiency of our automobiles, and they would like to see CAFE standards be at a level where America is saving oil, where we are not importing oil from abroad to a greater degree.

Senator McCAIN has worked diligently with a group of Senators on both sides of the aisle—Senator SNOWE, Senator COLLINS, Senator GORDON SMITH, and Senator CHAFEE, and Senators on our side, such as Senators HOLLINGS and FEINSTEIN—to come up with an agreement on a different approach on CAFE. It is an approach that embraces the concept of credit trading, so that you soften, reduce significantly, the pressure on an automobile company to meet the higher standard of, say, the 36 miles or 35 miles—or whatever it might be—by allowing that company to purchase credits from a greenhouse-gas-producing entity of some kind in the United States.

What you get from this is a two-fer: You get the reduction in greenhouse gases, and you also get the incentive for companies to move forward, meeting a higher standard of fuel efficiency. I hope NHTSA—now that the Senate has voted, it is my hope; and I am sure Senator McCAIN joins me—that this will be a concept maybe they will embrace as they consider how we might come back to more effectively implement the standard.

What has happened here in the Senate is the result, to a large degree, of an extraordinary process of distortion over the course of the last days, where huge sums of money have been spent by an industry that has a lot of money, and rather than putting the money into fuel efficiency, they put it into advertising to maintain the status quo. It is ironic.

Mr. McCAIN. If the Senator will yield on that point, isn't it particularly entertaining to hear the comments about the drivers of pickup trucks and how important it is for those good citizens—hard-working, poor citizens who drive the pickup trucks, not a penny of theirs pays for these advertisements that have distorted this issue so badly.

Wouldn't it have been more fair in the debate to talk about who is paying for all the advertising attacking you and me and anybody who wanted to increase CAFE standards? I don't think a single pickup truck owner paid for those ads. We know who it is. It is the automobile manufacturers. Isn't it the automobile manufacturers who have resisted every single change in safety or efficiency over the last 40 years in the United States of America? Isn't it true that to drag out a picture of an automobile called the "purple people eater" and somehow infer that that would be an automobile that the American people would be forced to drive, if we increased CAFE standards, has trivialized this entire debate?

I have to tell my friend from Massachusetts that I have been engaged in debates on the floor of the Senate now for quite a few years, as has the Senator from Massachusetts. I haven't quite seen the trivialization of a debate in the manner with which this one was when they dragged out pictures of little European cars. Frankly, the Europeans buy those cars because they don't have parking spaces in the major cities in Europe. I suggest that perhaps the occupant of the chair might go to Germany and get on the autobahn sometime. He will see some pretty big automobiles traveling at very high rates of speed. If we had the little "purple people eater," maybe we ought to have shown the Porsches and the Mercedes Benz, which are extremely popular in Europe, as well.

The other thing I ask of my colleague that is a bit disturbing about this debate is this: All these comments about the health of our citizens and the risks to their lives and how this could be so dangerous because we would have more accidents, which by the way have been refuted by recent studies——

Mr. KERRY. Mr. President, if I could interrupt, I need to go into the cloakroom for a moment. I will yield the floor and let my colleague continue to speak.

Mr. McCAIN. I thank my colleague. I am sure he will be responding to the questions.

Here we have a study from my home State of Arizona, the "Governor's Brown Cloud Summit," a study released January 16, 2002, concerning the very serious problem we have in the valley, where the city of Phoenix and surrounding cities are located. I hope colleagues will keep in mind that this is the same valley where, many years ago, doctors recommended people to go and live if they had respiratory problems. Part of the conclusions here are that:

> Microns, often referred to as PM 2.5, is a significant cause of haze. Each particle, about the size of a single grain of flour, can float in the atmosphere for days, behaving much like a gas. Over half of the PM 2.5 is caused by the burning of gasoline and diesel fuel in vehicles, which are sometimes referred to as on-road mobile vehicles.

Then it says:

> PM 2.5, the prime cause of poor visibility in the valley, also exacerbates health effects, such as asthma attacks and other heart and lung problems that cause people the need to go to the hospitals and is consistently associated with higher-than-average death rates. Reducing the amount of PM 2.5 will make the view of more distant landmarks clearer and reduce health effects. Improvements in visibility and health will be directly proportional to the amount of the emissions eliminated.

Recently there was an editorial in the Arizona Republic on March 9, 2002—"New study reveals wider health risks." The title is "Legislature Must Attack Brown Cloud":

> We have always known the valley's brown cloud is ugly and unhealthy. Now we know it can be deadly. A new study indicates years of breathing that haze of particulate pollution will significantly raise a person's risk of dying of lung cancer and heart attack. For lung cancer, the risk is the same as living with a cigarette smoker, according to a report published this week in the Journal of the American Medical Association. The study, funded by the National Institute of Environmental Health Sciences—

Not an automobile manufacturer—

> is compelling because of its breadth. Researchers followed half a million people across the country for over two decades. No, it is not just desert dust. The most dangerous particles are much smaller, 2.5 microns or less, so tiny that it takes at least 28 to equal the diameter of a human hair. These ultrasmall particles which wreak havoc by penetrating deep into the lungs come from combustion.
>
> Here in the valley, as elsewhere in the West, a big part of our particulate pollution spews out of tailpipes.

Long-term exposure to pollution increases risk of lung cancer, according to this study, by 8 percent.

The study concludes air pollution puts individuals at greater risk for heart attacks and lung cancer. Pollution has been correlated to reproductive, musculoskeletal, respiratory, and gastrointestinal problems. It is of particular concern to children and older people as their immune responses are less capable of dealing with the stresses caused by pollutants.

Arizona has the second highest rate of asthma sufferers in the Nation. Approximately 300,000 Arizonans have asthma. The 2002 report by the Journal of the American Medical Association, says:

> Six hundred sixty-six premature deaths in Arizona are from exposure to particulate matter.

This is serious business. This is not pictures of little European cars. This is not comments about the great individuality of the pickup truck driver. This is about life and death of children and older people. That is what this argument is about and, unfortunately, that has not been part of this debate. It certainly could not have been part of this debate that I know of.

It is calculated that brown cloud material would be reduced by 1.8 metric tons per day in 2010, if the use of clean burning fuel was implemented.

My State, Arizona, got an F, the worst rating on air quality, in 2001 from the American Lung Association. Ninety percent of the workforce in my State drives to work. One in every 4.5 cars is an SUV; 54 percent of the passenger vehicles sold in Arizona qualify as light-duty trucks. I would be the last representative to try to take away an SUV from my family, my neighbors, or my constituents.

Phoenix received a D rating for the amount of smog from cars and trucks per person and an F for the amount spent on public transit versus highways per person. In Phoenix, we have 70 pounds of smog per person per year. In Pima County, vehicle emissions are responsible for up to 70 percent of area air pollution, making them a prime candidate for reduced emissions and cleaner burning cars.

An increase in CAFE would reduce my State's pollution by about 2.3 million metric tons per year. The California Air Resources Board established a zero emission vehicle program in 1990 to meet health-based air quality goals. Ten percent of new vehicles produced in 2003 have to be zero emission vehicles. As of 1990, other States may adopt the California program as their own but are otherwise prohibited from setting their own emissions standards.

The State of California has listed over 40 chemicals in diesel exhaust as toxic air contaminants. Numerous studies have linked diesel exhaust with cancer, bronchitis, asthma, and other respiratory illnesses.

It is very unfortunate that we are failing to address the severe health care problems and direct threat to the health of our citizens as we blithely believe the same old rhetoric from the automobile manufacturers of America which were wrong in 1974, they were wrong in 1976, and they are wrong today. At one time, they were against seatbelts. At one time, they were against airbags. At one time, they said the CAFE standards increase that Congress had the courage to pass years ago would drive them out of business. The last time I checked, they were doing pretty well.

I regret this action on the part of the Senate because I believe people will die unnecessarily over time as a result of the action we have taken today. We will revisit this issue because the problem in my State and America is getting worse rather than better.

I thank my colleague from Massachusetts. I know he has been made famous in newspaper and television advertisements all over America as being the one who is bent on destroying Western civilization as we know it. I do extend to him some sympathy. Some day we will have a rational debate on this issue, and we will bring the scientific facts forward, as I tried to do through different studies conducted by the Journal of the American Medical Association and the National Academy of Sciences, as to the threats to the health of Americans that our failure to address this issue presents.

Some day I am sure we will revisit this issue, and I hope the debate is devoid of pictures of small cars that are used in Europe as a threat to the American way of life, in which I know the Senator from Massachusetts and I would never engage.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona for his comments. I know he has been the recipient of those kinds of comments previously. He and I seem to find ourselves together on that occasionally.

I came to the Senate hoping I would always find that this institution debated facts and truth. Obviously, I am not naive. I know there are some politics; we all understand that. I am not trying to suggest that is not part of it. But the level of Harry and Louise-ing of this issue that we saw in the last days is a commentary on money in American politics and how the agenda of the country gets distorted and the ways in which special interests and big money can mold an issue into a certain perspective completely devoid of some of the reality.

We saw a National Academy of Sciences study used again and again in the most obviously distorted way. People would read from the study which referenced a 1993 analysis. Despite the fact that analysis has been redone since then, despite the fact there is a 2002 current year analysis, everybody kept going back.

Let us go back to 1993 because that is much more effective, even though it is not true. Across America, people were told they might have to farm with a compact car. I know the Chair does not believe that. People are not going to be farming with compact cars. Tractors are not even under CAFE standards. As to the level of reasonableness of the standard that could have been found with respect to light trucks or pickups, it is beyond imagination we would not be willing to come to grips with what I think is a greater truth.

Those most concerned with safety in America, those entities that consistently earn a reputation coming to the Senate with studies and analyses upon which all of our colleagues depend—the Center for Auto Safety, Public Citizen, people who have a reputation of representing the consumer—were against what the Senate did. Not one safety organization in America supported what was adopted.

I have learned to take my losses, and we are all going to live to fight another day. This issue is going to come back, I am absolutely convinced about that. We are going to face it.

I saw that the price of gas went up about 5 or 6 cents at the pump in the Washington area in the last couple of days. I remember when I was going to law school what it was like to study my torts and contracts sitting for an hour and a half in a line waiting to get gasoline, and I wished I had a car that did not require me to go into that line as frequently as it did so I could get to school and back on one tank of gas more frequently.

In Europe, people are driving cars that get 60 and 70 miles per gallon, and the question is pregnant here in America: Why aren't we?

There is a new poll that came out yesterday. It shows 88 percent of Americans want cars that are more efficient. I believe even those who drive pickups and light trucks all across America would like a truck that is more efficient. They pay their gas bill. They have to pay for the same costs as everybody else. It would be a lot more efficient if they could have some of that new technology.

In my judgment, we missed—it is my judgment, and I could be wrong, as everybody knows—an opportunity to help make America more competitive, to help save money for our consumers, and to beat back what has been a proven reluctance by an industry for years. This is not a matter of conjecture.

I know the Presiding Officer, the Senator from Georgia, knows Stuart Eizenstat. I know the Presiding Officer knows President Jimmy Carter very well. President Jimmy Carter sat in front of the Big Three, and they came to him and said:

Mr. President, we cannot do this. You are going to put us out of business. Stuart Eizenstat testified to our committee that he sat in that meeting and listened to the president of General Motors tell him it was impossible to meet the standards, but President Carter himself, somebody who understood technology, an engineer by training, made a courageous decision that we had to move forward. That courageous decision to move forward saved millions of barrels of oil—billions by now. It saved, many would say, the American industry because it made them competitive with the German and Japanese car that was increasingly gaining market share because Americans wanted cars that were more efficient.

I believe in the capacity of every UAW worker and every car manufacturer in America to build a car that is competitive with any car in the world. I believe in the capacity of American ingenuity and technology. I believe in our entrepreneurial spirit.

Today, we turned our backs on something President Kennedy did in the 1960s when he said we could go to the moon in 10 years. He did not know for certain we could get there, but he set a goal, and America met the goal.

We could have, today, set a goal for America. We could have said we are going to reduce the threat that our kids may have to go to another country to defend our gluttony on oil by becoming more efficient. We could have, today, had an opportunity to set a standard that would have pushed the technology curve so America could be the country that sells the cars of the future, all over the world, that are more efficient, more effective, and safer.

I misspoke earlier when I said something about the Senator from Michigan. I want to clarify it. I told him about it, and it was purely misspeaking. I said his bill would wipe out the safety standards. I did not mean the safety standards of CAFE that are in existence today. I meant it would wipe out the underlying safety standards in our bill. That, it did.

We had a safety standard that would have provided a rollover standard for SUVs. Every year we lose 10,000 Americans who are killed in rollover accidents in SUVs. SUVs are built with a very fragile roof. I think the roof weighs about 75 pounds, something in that vicinity. When the heavy SUV rolls over, people are crushed and killed. That could be prevented.

The safety people who supported our bill suggested we should have had that standard in this legislation. That has now been wiped out.

The reason this is so important is that there is a history. People know NHTSA has not been a fighting agency for change or for standards. That is why when Ronald Reagan came in and Congress was going to do standards, everybody said: Oh, NHTSA ought to do it. Do not let Congress do it.

When Bush 41 was President, they said: Oh, Congress should not do this. NHTSA ought to do this. Then all of a sudden when President Clinton was in office, and Congress was in the hands of the Republicans, the whole argument flipped: Oh, we should not have NHTSA do this. We ought to have Congress do this.

Lo and behold, in 1995, the Congress prohibited the EPA from even evaluating what the impact might be of raising the CAFE standards.

There is a history, a history of delay, a history of resistance, a history of can't-do, a history of we do not want to do, a history of this is going to kill us. But when Congress had the courage to stand up and raise the aspirations of Americans, guess what. The industry met the standard and exceeded it. And guess what. We raised the numbers of workers in Detroit up to about 1 million in the year 1999, the highest level it had been for a number of years.

When I hear my colleagues say, "What about jobs," I do not think it is Toyota and Honda that moved to Mexico. The last measurement I had, it was the Big Three that had moved some plants to Mexico. Honda and Toyota are building plants in the United States of America, and they are increasingly building engines and automobiles in our country and grabbing market share.

Maybe the competition of the marketplace will spur some of these entities on but history has shown—look at Enron. There is an example. If ever we have learned in recent days what President Teddy Roosevelt taught us when he had the courage, coming from his party, to stand up against trusts in America, we learned of the unfettered, completely unrestrained, absolutely unregulated appetite of most businesses. We have found countless examples of abuses where sometimes someone is needed to act as a referee, to act as a standard bearer. I believe that someone should have been the Congress. It has not been, and it obviously will not be. So my hope is that as we go down the road, people will think hard about the gains that were lost today.

This is not the long-term solution for our country. I understand that. The long-term solution for our country is to be independent of oil, but 70 percent of the oil we consume in America is consumed in transportation. If we are going to reduce foreign dependence, we have only two choices: We either produce it in America or we reduce our dependency abroad. Since oil is the principal dependency, we cannot solve the problem when we only have 3 percent of the world's oil reserves but we use 25 percent of those reserves every year. The math is simple. Every child in school can do the math. If the United States is using 25 percent of the oil, and we only own 3 percent of the oil reserves, either find the oil somewhere else or find an alternative to oil.

We cannot drill out of this predicament; we have to invent our way out. One of the ways to have invented our way out of it would have been to have adopted a standard that pushed the technology curve so our industry would suddenly become the world's leader, as we were in alternatives and renewables and photovoltaics in the late 1970s, when we made a similar effort to adopt those technologies.

I am proud we were fighting for this. I will stand up anywhere in this country and defend the rectitude of what we attempted to do and decry the lies that suggest everybody in America has to get into some little purple people eater, when Ford Motor Company itself is promoting an SUV with all the power you want, and all the room you want, and it uses half the gasoline.

There it is, the car of the future, from Ford Motor Company. There is not a pickup truck, there is not an SUV, there is not a vehicle in America that cannot be driven this size. Look at our buses; look at our fleets. In America today we are driving huge numbers of people in buses that are driven on compressed natural gas. We have alternative vehicles. Fleets are being purchased that way.

The Government has the opportunity to set the standard, requiring that no automobile is going to be bought for fleet use of the Government unless we are using hybrids and alternatives. We could begin to create the demand for the marketplace. There are all kinds of ways to try this, but it takes leadership.

Today I regret to say I don't think the Senate offered that. I hope it will in the future.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. CARPER. Mr. President, for 2 weeks we have debated the comprehensive energy policy we should have for this country. Most Members and most Americans agree we need to do two basic things: One, we need to create more energy; two, we need to conserve more energy.

Throughout the legislation we are debating, there are a variety of ways we will create more energy: make natural gas more readily accessible from northern Alaska; create renewable energy; more solar, wind, geothermal; interesting exploitation of biomass, biofuels, soy diesel, among others.

On the conservation side, we are not doing so well. On the conservation side, we need to do a whole lot better. The Senator from Massachusetts has alluded to how much oil we consume. We consume a whole lot, given the size and population of our country, compared to the rest of the world. Our oil imports account for roughly 60 percent of the oil we consume. That is up from 30 percent when I came back to the United States at the end of the Vietnam war.

By the mid-1970s, we did not have much of a trade deficit. Today we have a trade deficit of $300 billion a year. A good deal of that is oil. Roughly a little more than half of the oil we consume, we consume with cars, trucks, and vans we drive. To pass from the Senate and send to conference with the House energy legislation that does not make meaningful, measurable steps toward reducing the amount of oil we use for our cars, trucks, and vans is shortsighted and a mistake.

A month ago I had an opportunity to participate in a meeting convened by our majority leader, Senator DASCHLE. At that meeting were Senator LEVIN, Senator STABENOW, Senator KERRY, Senator CARNAHAN, myself, and others. We were at the behest of our majority leader to see if we might try to find middle ground between the approach Senator KERRY wanted to take on CAFE standards and the approach of Senator LEVIN.

I thought on that day and today I still believe there is a compromise, and a good compromise, between what each proposed then and what each proposes to do today. At that early meeting I laid out what I thought were five principles that should underlie any changes we make with respect to the fuel efficiency of our cars, trucks, and vans. I mention those again. Senator MIKULSKI alluded to them yesterday. No. 1, we need to reduce oil imports. That should be an embodied principle. No. 2, we should set clear, measurable objectives. No. 3, we should do our dead-level best to preserve American jobs. No. 4, we should provide reasonable leadtime to the auto industry for any changes that are going to be coming. No. 5, we need to think out the box. We need to be innovative.

I have never been a big one for micromanaging. I urged Senator KERRY in his legislation to move away from the idea that the Congress would set these interim goals for fuel efficiency. It is appropriate for Congress and the Senate to set longtime goals for fuel efficiency, be it CAFE or a reduction, a measurable, tangible reduction in oil imports. I am not as comfortable for the Congress setting interim goals. I would have that delegated to an appropriate entity.

Earlier today we debated the Levin amendment, for which I voted. I would like to be able to vote for the Kerry amendment not because I thought Levin was perfect, but there are a lot of elements that are good. Not because I think Kerry-McCain is perfect, but there is a lot that is good. If you put it together, we would have a good package.

I mention a couple aspects of the Levin amendment that I think are helpful and ought to be in the final package that hopefully will go to the President for his signature. The Levin amendment focuses on three or four major things that the Government ought to do and can do well. One is significant investments of Federal dollars in research and development, for fuel cells, for hybrid technology, including diesel hybrid technology.

The Levin amendment acknowledges there is a responsibility, and a good opportunity, a responsibility for the Federal Government to help commercialize the new technologies in fuel efficiency, vehicle efficiency that are coming along. The Federal Government has the opportunity to use its purchasing power to buy large numbers of cars, trucks, vans, jeeps, SUVs, trucks, semitrucks, others that are more fuel efficient. We should do that in the military and on the civilian side and use our purchasing power to help commercialize the new technologies.

Another role for the Federal Government is with respect to tax policy. If we want producers of vehicles to produce more fuel-efficient vehicles, we need to include a tax incentive. The Levin approach provides that.

Similarly, if we want to make sure the vehicles that are energy efficient are purchased by consumers, we need to provide incentives for consumers to buy. We do that under the Levin approach.

The one element that is missing in the approach of Senators LEVIN and BOND is the biggest hole in the amendment: We do not set a clear, measurable objective. We can argue until the cows come home about whether or not we need to change CAFE, concerns of foreign and domestic production, are we fearful of exporting the building of small cars to other countries if we approach this the wrong way.

Maybe the debate should not be about CAFE at all. Maybe the clear, measurable objective we ought to debate is an objective that reduces oil imports, reduces the consumption of oil by our cars, trucks, and vans.

The House of Representatives has passed by a very narrow margin a flawed energy bill, flawed with respect to the measurable objective they set in reducing consumption of oil. But at least they have a measurable objective. And their measurable objective, as I recall, is over roughly another 5 or 6 years to reduce by, I think, 5 billion gallons the amount of oil that we consume. That is in their bill, with respect to our light trucks, vans, SUVs.

If we actually consider how many miles per gallon that equates to, it says we are going to improve our fuel efficiency by maybe a mile or mile and a half per gallon over roughly the next half dozen years. That is not much. That is far too modest a goal and certainly far too modest a goal for the next dozen years.

We are going to stay on this bill for a while longer. I wish very much we could vote for the Kerry-McCain amendment because it has changed a whole lot from what was originally envisioned and, frankly, what has been originally put in this bill, and it has been changed in ways that I think make sense. I thank them for the changes, including ones I proposed, that they have been willing to accept.

Before we move off this bill, I hope we will come back to this thought; that while it is important that we preserve jobs and while it is important that we provide reasonable lead time for the auto industry, and while it is important that we think outside the box and invest in R&D and tax credits and commercialize the technologies that are coming along—those are all things that are important to do—it is also important for us to reduce our reliance on foreign oil.

For us, today, to think we are going to have to cram into these tiny little cars like the purple people eater that was put on display by Senator LOTT earlier is just not the case.

We build Dodge Durangos in my State. They get about 17 miles per gallon. If they introduce a gas hybrid engine, they will increase their fuel efficiency next year by about 30 percent. That is just next year, by 30 percent. There are ways we can use diesel hybrids to increase that 30 percent to something like 60 percent, if the diesel hybrid is able to meet our requirements for tier 2 clean air standards, particularly for nitrogen oxide and particulates. We can do these things and we don't have to sacrifice comfort, we don't have to sacrifice space, we don't have to sacrifice safety in order to have the kind of vehicles people want to buy and want to drive and to be able to remove our country's future from the hands of the folks who control so much of the oil in the world.

My wife has a Ford Explorer. She likes it a lot. It doesn't get very good gas mileage, but she likes it a lot. She likes the size and a lot of things about it. Probably the next car she buys will be a similar vehicle. I drive a Chrysler Town and Country minivan. I like it a lot, and with a young family, it meets our needs. I sure wish it got better gas mileage. I wish it got a lot better gas mileage. We can do those things.

Senator KERRY mentioned—I will just close with this—when John Kennedy was running for President in 1960, he talked about a goal of putting a man on the Moon, an American on the Moon by the end of that decade. Today, that may not seem to be a very big undertaking, but in 1960 it sure was. The idea we could take a man and put him in a space suit, put him in a missile and send him up to the Moon and let him walk on the Moon and turn around and fly back safely, the idea somebody at the time could was almost incomprehensible. But he said we could do this as a nation; that we ought to do it before the end of the 1960s. And we did.

If we could do that as a nation four decades ago, we can build cars, trucks, and vans that people want to buy and want to use in this country and at the same time reduce our reliance on foreign oil.

When I filled up the tank of my Chrysler Town and Country minivan in Dover earlier this week, I know some of the $20 I charged on my credit card to fill that tank is going to people around the world, or will end up in the pockets of people in nations that do not like us very much anymore. They don't have our best interests in mind, necessarily. In some cases, they will use the resources we continue to ship overseas when we purchase the oil—some of them are committed to using the resources we give them against us, to hurt us and hurt our people here and in other places around the world. We should not continue to be so foolish as to do that.

Before we leave this bill and vote on final passage next week, I believe we need to come back and address the issue of clear, measurable objectives and make sure as we go to conference with the House with respect to the use of oil, consumption of oil in our cars, trucks, and vans, that we have put in place some clear, measurable objectives that will reduce our reliance on that foreign oil.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. CARNAHAN). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION NOMINATIONS

Mr. McCAIN. Madam President, I come to the floor to discuss briefly the qualifications of two individuals who have been nominated for essential positions within the Department of Transportation.

Mr. Jeffrey Shane has been nominated to be the Associate Deputy Secretary for the Department of Transportation, and Emil Frankel has been nominated to be Assistant Secretary of Transportation Policy.

Last December, the Commerce Committee held a hearing to consider both these nominees and reported them out unanimously on December 19, 2001. We are approaching 3 months since they received committee approval. I think it is time for this Chamber to act on these two qualified nominees.

These are very important positions. One is Associate Deputy Secretary for the Department of Transportation and the other is the Assistant Secretary for Transportation Policy.

There is very little doubt, with all of the issues surrounding post-September 11 and our transportation security requirements, the situations at our airports, et cetera, that we should be putting qualified men and women who have been nominated without objection into those offices. They are important positions. The confirmations of Mr. Shane and Mr. Frankel have been placed in limbo due to an unrelated legislative matter.

As Associate Deputy Secretary, Mr. Shane would be in charge of the Office of Intermodalism at DOT. Secretary Mineta proposed a reorganization plan concerning DOT's policy functions. It would ultimately broaden Mr. Shane's responsibilities.

Under the proposal, the Deputy Secretary positions would be retitled "Undersecretary of Policy" and would manage all aspects of transportation policy development within the Department of Transportation. In addition, the Office of Intermodalism, the Office of Aviation and International Affairs, and the Office of Transportation Policy would report to the Under Secretary under this reorganization.

While this reorganization plan must be considered separately from the nomination, at this point it is important that Mr. Shane be permitted to carry out his duties as soon as possible. He has extensive experience and expertise that would be invaluable to the Department. He has also served in several prominent positions at DOT and the State Department and has been confirmed on several occasions by the Senate.

I believe Mr. Shane is one of the most widely respected individuals in the transportation community, particularly with respect to aviation issues. I have not always agreed with Mr. Shane in the past, but I have always respected his capability and his judgment. We should consider ourselves fortunate that such a qualified and distinguished individual wants to return to public service when he could continue a much more financially rewarding life in the private sector. It is inexcusable that his and Mr. Frankel's nominations have languished for nearly 3 months.

As Assistant Secretary for Transportation Policy, Mr. Frankel would be the chief domestic policy officer at the Department of Transportation. In that position, he would be responsible for the analysis, development, communication, and review of policies and plans for domestic transportation issues.

If there is anyone in this body who has not been to an airport recently, I have to tell them, we certainly need all the help we can get right now. On my last trip back from Phoenix, I spent an hour and a half standing in line in order to get through security, which is warranted, certainly, in these times. But we also need to modernize that system as soon as possible.

Since September 11, the Department of Transportation has been under tremendous strain dealing with critical aspects of interstate transportation as it relates to national security. The Department needs all the help it can get as it struggles with the new wartime reality. It is our obligation to give the Department of Transportation every reasonable resource at this time.

I am dismayed we continue to deny the Department the benefit of these nominees' public service. Our inaction sets a miserable example for others who might consider devoting part of their lives to public service.

If someone has a substantive problem with either of these nominees, I want to hear about it. But as far as I am aware, their nominations are not controversial in any substantive way. I am unaware of any legitimate reason for not acting on these nominations today.

I am informed that at least one Member of this body is holding these nominees because that Member believes he can best advance the cause of one mode of transportation security—in this case, Amtrak—by holding up their confirmations. I believe this is most unfortunate and, in fact, a big mistake.

I support Senate passage of rail security legislation. In fact, I introduced the first rail security measure last year that would help address Amtrak safety and security funding needs. On October 10, I introduced S. 1528, the Rail Transportation Safety and Security Act, along with Senator GORDON SMITH. I am also lead cosponsor of S. 1550, the Rail Security Act of 2001, introduced by Senator HOLLINGS and myself on October 15, 2001.

S. 1550 would authorize $515 million for security and $989 million for addressing the tunnel life safety needs in the Northeast. It was reported unanimously by the Commerce Committee on October 17 and is awaiting full action by the Senate.

I urge the majority leader to schedule floor time for us to consider S. 1550. I understand a number of Members are interested in offering additional security-related amendments to that measure. I would also support allowing it to pass by unanimous consent if such agreement could be reached. It is an important bill not just for Amtrak but for addressing all rail security, both passenger and freight.

But to hold these two nominees hostage to somehow better position the passage of Amtrak security legislation is not the best approach. After all, these positions are largely about security. We are holding up nominees who are good and qualified people because they are being held hostage to some other piece of legislation. That is wrong.

What is going to happen if we do not move with these nominees? They will withdraw their candidacy. And this also sends a very disturbing message to others who are willing to serve this country. Usually when we find people who are willing to serve in positions of responsibility, they make a financial sacrifice. It is just because we do not compete salary-wise with the private sector. And that is entirely appropriate.

But if these men and women are presented with situations like this, where two perfectly qualified nominees are prevented from being confirmed by the Senate and have to wait months after being unanimously reported out by the committee of oversight, and not even given a hearing on the floor of the Senate on their nomination, then, obviously, we are going to have more and more difficulty in getting qualified men and women to serve.

I have been around here since 1987. I have never put a hold on a nomination. I have opposed nominees, and I have opposed them on the floor and forced votes on their nomination, but it is not correct to hold these two good and decent Americans hostage for some other agenda item.

So, Madam President, I intend to come back to the floor later this afternoon, since there are those who have put a hold on it, and ask unanimous consent that these nominees be confirmed or, if need be, have a rollcall vote.

I think it is time we move forward with these nominations, as I have discussed at some length.

Let's not do this to these people. They are not responsible for any failure or perceived lack of consideration of any Senator. They are not even in the job. Let's give them a chance to serve the country.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. BINGAMAN. Madam President, let me take a moment while there is a lull in the proceedings to reiterate a request that I believe has been made by both Democratic and Republican cloakrooms last night, to Senators on both sides of the aisle, and it is my hope, as floor manager, along with Senator MURKOWSKI, that we can, at some stage later this week, seek a finite list of amendments that would be in order on the bill.

As all Members know, we have been on this bill now for all of last week; and so far this week, we have addressed some significant issues. There are some other amendments that are being negotiated and finalized, and we have been working with some Members on those. There are others that we just hear about. There are rumors of amendments which we hear about.

I think the majority leader is trying to get as much done as possible before we move to the issue of campaign finance reform, which he is committed to move to later.

I think our chances of completing action on this energy bill would be dramatically improved if we could get a finite list of amendments to work through.

So I once again encourage all Members to cooperate with the two cloakrooms and give copies of their amendments to those cloakrooms so that we can see them and can talk to Senators about how to move ahead with those amendments or with votes on those amendments, if those are necessary.

I know there will be an amendment at some stage fairly soon by my friend Senator THOMAS. If he is ready, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

AMENDMENTS NOS. 3000 THROUGH 3006, EN BLOC, TO AMENDMENT NO. 2917

Mr. THOMAS. Madam President, I rise to send a series of amendments to the desk and ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS] for himself and others, proposes amendments numbered 3000 through 3006, en bloc.

Mr. THOMAS. Madam President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3000

(Purpose: To clarify FERC merger, market-based rate, and refund authority, and to strike the transmission interconnection provision)

On page 14, strike line 3 and all that follows through page 21, line 15, and insert the following:

SEC. 202. ELECTRIC UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

“(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

“(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $10,000,000,

“(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

“(C) purchase, acquire, or take any security of any other public utility, or

“(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy unless such facilities will be used exclusively for the sale of electric energy at retail.

“(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

“(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

“(4) After notice and opportunity for hearing, the Commission shall approve the proposed disposition, consolidation, acquisition, or control, if it finds that the proposed transaction—

“(A) will be consistent with the public interest;

“(B) will not adversely affect the interests of consumers of electric energy of any public utility that is a party to the transaction or is an associate company of any part to the transaction;

“(C) will not impair the ability of the Commission or any State commission having jurisdiction over any public utility that is a party to the transaction or an associate company of any party to the transaction to protect the interests of consumers or the public; and

“(D) will not lead to cross-subsidization of associate companies or encumber any utility assets for the benefit of an associate company.

“(5) The Commission shall, by rule, adopt procedures for the expeditious consideration of applications for the approval of dispositions, consolidations, or acquisitions under this section. Such rules shall identify classes of transactions, or specify criteria for transactions, that normally meet the standards established in paragraph (4), and shall require the Commission to grant or deny an application for approval of a transaction of such type within 90 days after the conclusion of the hearing or opportunity to comment under paragraph (4). If the Commission does not act within 90 days, such application shall be deemed granted unless the Commission finds that further consideration is required to determine whether the proposed transaction meets the standards of paragraph (4) and issues one or more orders tolling the time for acting on the application for an additional 90 days.

“(6) For purposes of this subsection, the terms ‘associate company’, ‘electric utility company’, ‘gas utility company’, ‘holding company’, and ‘holding company system’ have the meaning given those terms in the Public Utility Holding Company Act of 2002.”.

SEC. 203. MARKET-BASED RATES.

(a) APPROVAL OF MARKET-BASED RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end of the following:

“(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider such factors as the Commission may deem to be appropriate and in the public interest, including to the extent the Commission considers relevant to the wholesale power market—

“(1) market power;

“(2) the nature of the market and its response mechanisms; and

“(3) reserve margins.”.

(b) REVOCATION OF MARKET-BASED RATES.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

“(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order.”.

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking “the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period” in the second sentence and inserting “the date of the filing of such complaint nor later than 5 months after the filing of such complaint”;

(2) striking “60 days after” in the third sentence and inserting “of”; and

(3) striking “expiration of such 60-day period” in the third sentence and inserting “publication date”.

SEC. 205. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

“OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

“SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

“(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

“(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

“(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

“(A) sells no more than 4,000,000 megawatt hours of electricity per year;

“(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

“(C) meets other criteria the Commission determines to be in the public interest.

“(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

“(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

“(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

“(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

“(7) For purposes of this subsection, the term ‘unregulated transmitting utility’ means an entity that—

“(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

“(B) is either an entity described in section 201(f) or a rural electric cooperative.”.

SEC. 206. ELECTRIC RELIABILITY STANDARDS.

AMENDMENT NO. 3001

(Purpose: To clarify provisions on access to transmission by intermittent generators and make conforming changes)

On page 24, strike line 1 and all that follows through page 27, line 20 and insert the following:

SEC. 207. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

“SEC. 216. MARKET TRANSPARENCY RULES.

“(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, state commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

“(b) INFORMATION REQUIRED.—The Commission shall require—

“(1) each regional transmission organization to provide statistical information about the available capacity and capacity of transmission facilities operated by the organization; and

“(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

“(c) TIMELY BASIS.—The Commission shall require the information required under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

“(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.”.

SEC. 208. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not unduly prejudice or disadvantage such generators for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) are beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the requirement in subsection (a) is met by adopting such policies as it deems appropriate which shall include the following:

"(1) Subject to the sole exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not unduly prejudice or disadvantage intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in paragraph (1) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have an adverse impact on the reliability of the transmitting utility's system.

"(3) The Commission shall ensure that to the extent any transmission charges recovering the transmitting utility's embedded costs are assessed to such intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated or some other method to ensure that they are fully recovered by the transmitting utility.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators, and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'intermittent generator' means a facility that generates electricity using wind or solar energy and no other energy source.

"(2) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(3) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.".

SEC. 209. ENFORCEMENT.

AMENDMENT NO. 3002

(Purpose: To require states to consider requiring time-of-use metering)

On page 44, strike line 3 and all that follows through page 45, line 12 and insert the following:

SEC. 241. REAL-TIME PRICING AND TIME-OF-USE METERING STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.

"(12) TIME-OF-USE.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a time-of-use rate schedule which enables the electric consumer to manage every use and cost through time-of-use metering and technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standards set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.".

(b) SPECIAL RULES.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) REAL-TIME PRICING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.

"(j) TIME-OF-USE METERING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same time-of-use metering and communication service as a direct retail electric consumer of the electric utility.".

AMENDMENT NO. 3003

(Purpose: To require states to consider adopting federal net metering standard)

On page 50, strike line 10 and all that follows through page 54, line 10, and insert the following:

SEC. 245. NET METERING.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is further amended by adding at the end the following:

"(13) NET METERING.—(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is further amended by adding at the end the following:

"(k) NET METERING.—

"(1) RATES AND CHARGES.—An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

"(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

"(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy supplied by the on-site generating facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(5) SAFETY AND PERFORMANCE STANDARDS.—An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(6) ADDITIONAL CONTROL AND TESTING REQUIREMENTS.—The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(7) DEFINITIONS.—For purposes of this subsection:

"(1) The term 'eligible on-site generating facility' means—

"(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 10 kilowatts or less that is fueled by solar energy, wind energy, or fuel cells; or

"(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(2) The term 'renewable energy resource' means solar, wind, biomass, or geothermal energy.

"(3) The term 'high efficiency system' means fuel cells or combined heat and power.

"(4) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.".

AMENDMENT NO. 3004

(Purpose: To clarify state authority to protect electric consumers)

On page 58, strike line 16 and all that follows through line 23 and insert the following:

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules, or procedures regarding the practices which are the subject of this section.

AMENDMENT NO. 3005

(Purpose: To clarify the requirement for the federal government to purchase renewable fuels)

On page 64, strike line 8 and all that follows through page 65, line 17, and insert the following:

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—the President shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices by federal agencies.

(2) DEFINITION.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, municipal solid waste, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity.

(c) TRIBAL POWER GENERATION.—The President shall seek to ensure that, to the extent economically feasible and technically practicable, not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) BIENNIAL REPORT.—In 2004 and every 2 years thereafter, the Secretary of Energy shall report to the Committee on Energy and Natural Resources of the Senate and the appropriate committees of the House of Representatives on the progress of the federal government in meeting the goals established by this section.

AMENDMENT NO. 3006

(Purpose: To make conforming changes in the table of contents)

On page 2, strike the items relating to sections 205 through 210 and insert the following:

Sec. 205. Open access transmission by certain utilities.
Sec. 206. Electric reliability standards.
Sec. 207. Market transparency rules.
Sec. 208. Access to transmission by intermittent generators.
Sec. 209. Enforcement.

Mr. THOMAS. Madam President, these amendments are from Senator THOMAS of Wyoming and Senator BINGAMAN of New Mexico. They have been cleared on both sides.

Mr. BINGAMAN. Madam President, I do support the amendments. We have worked jointly with Senator THOMAS and his staff to perfect these amendments. I think they are acceptable on this side. As far as I know, there is no objection to their adoption.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendments are agreed to en bloc.

The amendments (Nos. 3000 through 3006) were agreed to en bloc.

Mr. THOMAS. Madam President, I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THOMAS. Madam President, I thank the chairman for his cooperation in finding some areas on which we are in agreement and on which we can move forward. This electric title of the energy bill is a very important one. Probably nothing affects more people than the electric aspect of energy. We are very pleased.

We do have several more amendments in this area, some of which will come up for a vote. Certainly being able to agree on these and move them forward is a great advantage. I appreciate the cooperation of the Senator from New Mexico.

Mr. BINGAMAN. Madam President, I thank the Senator from Wyoming for his leadership on this issue. He has been very focused on trying to get these provisions right. We have worked hard with him and his staff to be sure that that is what has happened. This package of amendments we have now adopted moves us substantially toward a consensus on what ought to be included in this bill in the way of electricity restructuring.

There are going to be a couple of issues that probably will require individual votes. We are still in the process of defining the areas of disagreement that exist there. I see this as a substantial step forward. I thank the Senator from Wyoming.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CAMPBELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Madam President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3007 TO AMENDMENT NO. 2917

Mr. CAMPBELL. Madam President, I send an amendment to the desk on behalf of myself, Senator GRAMM of Texas, Senator ENZI of Wyoming, and Senator BROWNBACK of Kansas, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follow:

The Senator from Colorado [Mr. CAMPBELL], for himself, Mr. GRAMM, Mr. ENZI, and Mr. BROWNBACK, proposes an amendment numbered 3007.

Mr. CAMPBELL. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To strike the section establishing a program to provide assistance for State programs to retire fuel-inefficient motor vehicles)

Strike section 822.

Mr. CAMPBELL. Madam President, the bill we are considering is an extremely large and expansive bill dealing with many important and controversial topics. Although the bill was stripped from its committee of jurisdiction pretty much completely behind closed doors, we have an idea of the issues with which we have been dealing. CAFE, ANWR, and renewables are all topics we are familiar with and which have been debated for some days now.

I am here to discuss a very small provision that many of my friends may not have noticed because it is buried pretty deeply. That provision, unlike several others that have been discussed and studied, will be discussed for the first time, I believe, now.

Before getting into my comments, I wish to state that a comprehensive energy bill is no place to put this new and untested idea; such an action is, at best, poor policy. In particular, I wish to discuss section 822 of the current bill.

Section 822 sounds as if it is not very offensive in a big bill such as this, but it lies within the CAFE title. In short, section 822 provides grants for States to establish scrappage programs for cars that are 15 years old or older. Car owners who choose to turn in their car for scrap receive a "minimum payment." Section 822 does not tell us what the "minimum payment" might be, but they pay now about $1,000 to $1,200 for scrapping cars.

Further, section 822 would have the Department of Energy pay the former car owner a "credit" toward the purchase of a new vehicle. Like the "minimum payment" language failing to state how much that would be, this provision fails to tell us the value of the taxpayer-subsidized "credit." However, unlike the minimum payment, we have no guidance what that "credit" might be because, as with so much of this little section, this is the first time we have heard of it.

Since no hearings were held on section 822, we don't know how much it would cost U.S. taxpayers. We do know, however, that the cost would be enormous since there are approximately 38 million cars at least 15 years old or older currently on the roads. If we estimate that just one-quarter of those car owners choose to scrap their automobile and receive the $1,000 and get another $1,000 to purchase a DOE-approved vehicle, the cost to the U.S. taxpayer would be about $19 billion—deficit dollars that could go to much better uses as we approach deficits next year.

When I first heard of section 822, I wondered: Why should we do this? Why should States be burdened with establishing a voluntary program to scrap old cars? Why should U.S. taxpayers be subsidizing some people to buy new cars? I am a big supporter of the auto industry, but I don't support Government subsidizing their sales.

Section 822 simply states its purpose: To retire fuel-inefficient vehicles, the assumption being that any car 15 years old or older would be inefficient.

This is a brandnew approach to address fuel efficiency and gasoline consumption, an approach that has not been discussed at any level and that has not been studied. In principle, I oppose the making of rash decisions without adequate knowledge or public hearings, or input from the public at large, particularly when the results could hurt the American people, since section 822 was included in this bill without any study whatsoever.

Beyond principle, I also oppose section 822 on its merits as it is fundamentally flawed, expensive, and potentially a harmful policy. Some States have elected to establish scrappage programs to get vehicles with poor emissions off the road. Again, section 822's purpose is to get fuel-inefficient cars off the road—the first of its kind.

States that choose to enact scrappage programs are not in compliance with clean air regulations. Those States choose scrappage programs as a tool, among others, because they believe they are effective in meeting health concerns.

Section 822 creates incentives not to further public health but to further unfounded prejudices against older vehicles.

Under State scrappage programs, the State is able to means-test a polluting vehicle so that only those affecting public health would be scrapped. Yet this federally promoted, State-run scrappage program does not provide any means testing to ensure that only fuel-inefficient vehicles are scrapped. Therefore, a 1986 Ford Escort getting 41 miles to the gallon would be treated the same as a Cadillac Seville of the same year that only gets 17 miles per gallon.

The only criteria would be that they are both 1986 automobiles. I give that example to show simply that section 822 is fundamentally flawed: that older cars are all inefficient and, therefore, should be treated the same.

Since this is the first time the Senate has heard about this provision, we should review who is benefited and who is injured and what are the costs and benefits of section 822.

First of all, section 822 would have a disproportionate impact on low- and fixed-income individuals. It is more cost effective for people of low means to maintain older vehicles than to buy new ones. However, the scrappage program in section 822 would reduce the supply of car parts, thereby increasing the cost to citizens with lower incomes.

The reduction of car parts would detrimentally affect the aftermarket parts industry, 98 percent of which are made up of registered small businesses.

I think it is safe to assume the authors did not intend to hurt low-income individuals and small businesses during a recession. Yet that is the unintended consequence that most surely would happen.

Who would benefit? Just as this provision hurts the most vulnerable, section 822 unjustly enriches people of better wealth. In short, section 822 is tantamount to corporate welfare for automotive companies and upper classes.

I submit the Federal Government should not be in the advertising business to sell cars. The Department of Energy credit to purchase new cars is akin to a mail-in rebate as advertised on television, a wasteful expense that cheapens important energy issues and the work of this body.

Further, I do not believe the Federal Government should have any role in pushing certain vehicles on consumers. The private market is described as an "invisible hand." However, section 822 would certainly strengthen that hand. By paying people to choose certain cars over others, the Federal Government would inappropriately insert itself into private decisions.

I mentioned this provision would reward those people who do not want to put money out for repairs. In addition to establishing a scrappage program, section 822 also requires States to establish repair programs. As provided in that section, a car owner paying 20 percent of the cost would have the State fix his vehicle, normally through a tuneup, to increase fuel efficiency.

The Federal Government and States should not be turned into tuneup stations to have people properly maintain their vehicles, something which they should do out of their own pockets.

The majority correctly states that section 822 is a voluntary program, but it is not voluntary for the Federal Government which is compelled to establish a carrot-and-stick approach to entice States to engage in potentially disastrous and certainly burdensome actions.

The participating State must create two new programs just in case someone might decide to volunteer to scrap their car or have the Federal Government pay 80 percent of their repair costs. The burden on States could be enormous.

My friends, the authors, might say the State would not be hurt because the Federal Government provides funds through grants for those programs, but we have no idea how much that will cost. We do not know because we have had no hearings and no studies on this section.

We all know the Federal Government never provides enough money to States to enact programs and, in uncertain times such as these, I do not think we should approve ill-conceived and uncertain measures when we do not know the bottom line pricetag.

How is the State going to administer the public notification and salvage of parts? Who may participate in the parts salvage? Will that be open to individuals or restricted to businesses? And how will a State value and sell the parts of the cars? We simply do not know.

In closing, those of us who are cosponsoring this amendment have had only a brief time to look at this section. We believe it is the wrong approach. Our amendment will strike section 822 from the bill.

Madam President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Madam President, first, I am disappointed that the Senator from Colorado has chosen to propose striking this provision entirely. The provision is clearly written in a way that provides absolute maximum flexibility to States to participate or not participate.

The Senator starts out with the argument that we do not know how much this will cost. That is right because this is strictly an authorization. It will cost whatever we decide to appropriate for this program. Congress will still have to make a judgment as to whether to appropriate anything for this program.

This is a grant program to States that want to participate. We will either put some money in to fund this grant program or we will not, and we will specify each year the amount of funds we think should be made available to the Department of Transportation to fund this program.

It is clear it is a purely voluntary program on the part of States. There are some States that have vehicle scrappage programs in place today. There may be other States that would want to consider that. The purpose of the provision is obvious. The purpose of the provision is to try to assist with getting extremely fuel-inefficient vehicles, high-emission vehicles off the road where there is a desire on the part of the owner of the vehicle to either improve the efficiency of that vehicle or to trade that vehicle in and get something else. That is the clear intent of these programs that some States have adopted.

What we are saying is that the Federal Government would be authorized through the Department of Transportation to assist States in these programs to the extent that we appropriate money to support them.

The argument by the Senator from Colorado is that this is a terrible burden on people with low incomes. There is obviously a misunderstanding about what this provision says. This is purely a voluntary provision. Nobody is required to do anything under the language of this section 822. If an individual wants to continue driving a 30-year-old vehicle, that is their option. There is no penalty; there is no requirement they do anything. They clearly would not even have the opportunity to do anything if they were in a State that did not have one of these vehicle scrappage programs.

If they were in a State that did have a vehicle scrappage program, then at least if that program was receiving Federal funds, the State could use some of those Federal funds under the program that is designed by the State. The individual could use some of those funds to compensate for having the vehicle scrapped or to repair the vehicle so that it is more efficient, so that it has fewer emissions. That is clearly the purpose of it.

As to the argument that this will cause a problem with the salvage of valuable parts for vehicles, there is a specific provision in the bill that the Secretary cannot provide any funds to a State under this program. The Secretary could not provide funds unless the State's plan allows for giving public notification before any parts are scrapped so that those parts could be purchased or auctioned or otherwise salvaged.

And as to the objections that the Senator has cited, we heard similar objections to an earlier version of this section. Frankly, we thought we had accommodated the concerns that were brought to us and modified the amendment in order to do that.

Now, of course, after making the modifications, we are faced with an amendment to strike the section entirely. I think it is good public policy for the Federal Government to assist States that want to have these programs. I do not see why it is in the public interest to strike a provision that enables the Secretary of Transportation to pursue this, to the extent the Appropriations Committee puts in funds to support the program.

So I very much hope we will not adopt the Senator's amendment and have this provision stricken from the bill. To my mind, it is a good provision. It provides an opportunity for States to move ahead with these programs where they would like to do that and where Federal funds are made available.

As I see it, it is not onerous in any respect as to either what States are required to do or what individuals are required to do. The entire effort is purely voluntary.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002—MOTION TO PROCEED

CLOTURE MOTION

Mr. DASCHLE. Madam President, I move to proceed to H.R. 2356, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:

Russell D. Feingold, Tom Daschle, Tim Johnson, Byron Dorgan, Bob Graham, Daniel Inouye, Joe Biden, Patty Murray, Jim Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, Ben Nelson of Nebraska, Harry Reid, Richard J. Durbin, Jon Corzine, Tom Carper.

Mr. DASCHLE. Madam President, I withdraw the motion to proceed.

The PRESIDING OFFICER. The motion to proceed is withdrawn.

Mr. DASCHLE. Madam President, as I indicated to Senator LOTT and as I indicated yesterday to a joint leader meeting, we would be required to file cloture on the motion to proceed to the campaign finance reform bill today, this afternoon. We have been working patiently with our colleagues who have opposed campaign reform now for some time. I am still hopeful that perhaps we can reach an agreement which will allow us to vitiate this cloture motion, and if that can be done, we will vitiate the vote on cloture on Friday and we will move forward, but time has run out.

It is essential we at least file cloture today on the motion to proceed in order to accommodate a worst case scenario on campaign finance reform. I have put all of our colleagues on notice that this is one piece of legislation that must be completed prior to the time we leave for the Easter recess. So we will have the cloture vote on Friday, if it is required. We will then be on the bill on Monday. I will notify our colleagues that we will file cloture on Monday for a Wednesday cloture vote, and assuming we get cloture on Wednesday, we will be in session all night Wednesday night, all night Thursday night, and we will then have our vote on Friday.

So Senators should be aware, it may be unusual but we will be involved in an all-night session Wednesday and Thursday night in order to complete our work on the bill by Friday.

Now again, it is my hope that perhaps we can reach some agreement with regard to the package of technical amendments. We have not been able to do it to date. I am concerned that time is quickly running out, but we are certainly more than willing to continue our discussions. I have run out of time in terms of our ability to assure we can have the cloture votes at a time that will accommodate completing our work by the end of next week.

So I thank my colleagues. I especially thank the distinguished Senators MCCAIN and FEINGOLD for their extraordinary work and effort in getting us to this point.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Madam President, I thank the majority leader for his steadfastness in this effort. It has been a long odyssey, and as we have reached crucial points he has been extremely helpful in moving this process along. It has been pretty clear in the last few weeks that the opposition has chosen to delay consideration of the bill. So I thank him and look forward to trying to reach an agreement with the opponents of the bill so we are not required to follow the scenario as outlined by the majority leader. I am not sure we can get an agreement without that scenario being presented. So I thank him for that.

For the benefit of my colleagues, Senator McCONNELL approached me a short time ago. He said he wanted to continue negotiations on a so-called package of technical amendments and that he would not insist that a substantive amendment be considered on it. I will be glad to, along with my colleague Senator FEINGOLD, consider any technical changes that are purely technical in nature, but we have found out in the course of this long odyssey we have been involved in that words do have meaning and some people view words that are technical as not technical.

We require the agreement of all of our colleagues who have been involved in this issue, including Members of the House, and we have to be sure of a certain methodology that would be taken up in the other body. So we will be glad to continue to negotiate. I hope we can reach agreement, but under no circumstances would our failure to reach an agreement on a technical package of amendments impede the process we are now embarked on of reaching final resolution on Shays-Meehan/McCain-Feingold before we leave for the next break.

I wish to make it clear, I am willing, along with my colleagues, to work on so-called technical amendments, but in no way would they impact the final passage of the bill because they are technical in nature. That is the name of them. So I, again, thank the majority leader. I thank my friend Senator FEINGOLD, and perhaps—and I emphasize "perhaps"—we can reach some amicable agreements to get this thing done without causing discomfort to the schedules and lives of our colleagues.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I know the Senator from Wisconsin wishes to say a few words, but before these two men leave, I wanted to be able to say to them it is not often in this body that one can make such a significant difference as they have done with campaign finance.

I can remember in 1986, I woke up one morning and the State of Nevada was covered with signs of my opponent. I thought to myself, what a tremendous waste of money. Why would he be wasting money on signs? They cost so much. So I filed a complaint with the Federal Election Commission. Two years later I get a response that they have done something technically in violation.

The fact is, the signs were paid for by the State party. That was the beginning of this rush of corporate money. From that time, 1986 to 1998, 12 years, it changed dramatically. Between JOHN ENSIGN and HARRY REID, from signs paid for by the State party, there was $20 million spent in the State of Nevada, not counting independent expenditures. The vast majority of that was corporate money. That is not going to happen when this legislation takes effect.

I am so grateful to these two men for what they have done to make my life more understandable. I will still have to work hard to raise money, but I will not have to go to people and ask for large sums of money for the State party, or for myself for the State party, however it worked, however one had to do it just right.

I know the Senator from Arizona has indicated he appreciated Shays-Meehan. Well, I appreciate the work they have done, also. I admire those two men a great deal. These two gentlemen have to understand that the House legislation would never have passed without their travels around the country daring people not to do something about this. It was because of these two that a cloture motion was signed and filed in the House forcing the House leadership to take up this legislation.

Now there is going to be a lot written about this. There will never be enough positive written about the work you two have done. If you never do another thing legislatively—which you both do a great deal—you have done so much. There are very few people in the history of this country, in my opinion, legislatively, that have done as much as you are about to accomplish when this legislation passes.

I wanted you to be here to tell you how much people will appreciate the fact, even though they may not feel the benefit as some Members here, with the work you have done. It will improve our system of government, and it will put it back, in my opinion, the way it used to be, when people campaigned—instead of going out seeing how much money they could raise.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. We thank the Senator from Nevada for his extremely kind words and we thank the majority leader for his firm resolve in a very reasonable timeframe to bring this matter to a conclusion. I also thank the Senator from Nevada for the many hours he has been here with us on this issue. He has been extremely helpful. I look forward to the final stages with the Senator from Nevada and my colleague.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Madam President, I thank the Senator from Nevada not only for his kind remarks, which may be to some degree undeserved, but his continuous help as we have gone through every conceivable parliamentary obstacle as we moved forward. I am very appreciative of his patience, as well as his kind words.

Perhaps we are entering the last phase. Perhaps not. As the famous philosopher Yogi Berra said: It ain't over until it's over.

I think we have established a scenario which could lead us to a conclusion. I believe, for a period of time, this result may have the beneficial effect that Senator REID predicts.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. REID. For the information of all Senators, Senator DASCHLE has indicated he would like a vote about 4:30 this afternoon. So everyone should arrange their schedules accordingly. This vote is on the Campbell amendment. Senator CAMPBELL has asked for the yeas and nays. They have been ordered. Unless there is a change by the two managers of the bill, we will have that vote about 4:30 this afternoon. We will have announcements at a later time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. What is the pending business?

AMENDMENT NO. 3007

The PRESIDING OFFICER. The amendment is No. 3007, offered by the Senator from Colorado.

Mr. BROWNBACK. I rise to speak in favor of the amendment of my colleague from Colorado.

Is there a time agreement or allocations on the amendment?

The PRESIDING OFFICER. There is none.

Mr. BROWNBACK. I rise to speak in favor of the amendment put forward by my colleague from Colorado, Senator BEN NIGHTHORSE CAMPBELL, on the vehicle scrap provision that is in the underlying energy bill.

The Senator from Colorado has hit it right. This program is not a good idea. It is not a good idea to put forward Federal funds to purchase used cars as a way of trying to improve fuel efficiency. This is unproven, not wise, and expensive in the process. Plus, by the number of calls and letters we have been getting in my office, a lot of people do not think it is a very bright idea to go with this program. They do not see the benefits. A number of car enthusiasts think this is a program aimed at getting at them.

This provision creates a federally funded program giving grants to States to establish scrappage programs for vehicles 15 years or older or pursue repairs to improve fuel economy. Owners who turn in such vehicles receive a minimum payment and future credit toward purchasing a new vehicle, meeting certain DOE guidelines.

The stated intent is to retire fuel-inefficient vehicles, the first program of its kind. All prior State scrappage programs sought to address poor emissions. The provision requires a vehicle to be scrapped, not stripped for parts.

To make a couple of points, this provision has no guaranteed environmental benefit. Vehicle scrapping requires States neither to determine the fuel efficiency of vehicles being scrapped nor to certify that scrapped vehicles are replaced by more fuel-efficient vehicles. A carowner could scrap an older but more fuel-efficient compact car and replace it with a newer but less fuel-efficient vehicle. While revisions have been made to address this problem, the fundamental issue remains: There is no guarantee that the scrapped car is actually replaced by a more efficient one. That is point one.

Under this provision, cars rarely or never driven, vehicles that have minimal or no impact on overall fuel economy, may be turned into scrap. DOE would be required to pay and give credit to carowners for these cars, although they are just sitting there.

This provision could possibly hurt low- and fixed-income families and individuals. Even if, as proponents claim, section 822 did improve emissions somewhat, the program will definitely create a burden on the used car market and the low- to middle-income families who buy them.

If the vehicles are scrapped, then their parts are destroyed. A reduced supply of older auto parts translates into an increased demand for these parts, raising the cost for anyone who desires to responsibly maintain his or her older vehicle. Low- and fixed-income car occupiers who cannot afford to purchase a new DOE-approved vehicle are affected. I don't think the authors of this provision desire that sort of feature. That is the likely impact.

If the Department of Energy gets into a State grant program and buys up a bunch of older used cars, it will drive up the market price for the cars. That is not an impact we want on lower or moderate-income families, or families seeking to buy a first-time car for a younger member of the family. They should not be competing against the Government for that car, nor should they compete against the Government for replacement parts for that car because the older vehicles are being scrapped.

Vehicle scrappage hurts small business by encouraging the destruction of older, and in some cases vintage, cars and the parts necessary for maintenance. This provision would have a detrimental effect on the automotive industry on aftersales. After the new car is sold, there is a huge industry that supports the auto industry in the automotive sales after the original sale; 98 percent of that business is comprised of small businesses.

The potential cost of the program to taxpayers is unclear. Certainly the benefits are unclear, but the costs are unclear. This provision states neither how much DOE will pay for each scrapped vehicle nor the value of the credit toward a new vehicle purchase. The State programs do not offer a clear precedent. The State of California Bureau of Automotive Repair pays $1,000 for each donated car. However, this program addresses the State's poor air quality, not fuel efficiency. Moreover, no State provides interested car donators with credits toward the purchase of new cars. This vehicle scrap program does not meet its own intended goals. It hurts low- and middle-income families who are the predominant buyers of used cars or families buying for first-time car users.

It is the wrong way to dedicate our Federal resources. We all want a better environment, but this is not the way to achieve it. I urge my colleagues to vote in favor of the Campbell amendment to take out this provision.

This impacts a lot more people than what might appear on the surface. It has broad impact for the public. It is not being well-received by the public. We are getting a number of calls and letters in our office saying this is a bad idea for a program. It seems highly controversial and questionable in its ability to impact in a positive way fuel efficiency. With the lack of support from the public, this provision should be scrapped—not the vehicles.

For that reason, I call on my colleagues to vote for the Campbell amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. JOHNSON). Without objection, it is so ordered.

Mr. REID. Mr. President, I have spoken to the managers of this legislation and, as a result of that, I ask unanimous consent that at 4:20 p.m. this afternoon there be 10 minutes of debate in relation to Campbell amendment No. 3007, equally divided between Senators CAMPBELL and BINGAMAN prior to the 4:30 vote in relation to the amendment, with no second-degree amendments in order prior to that vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I rise to join Senator CAMPBELL in opposing section 822 of S. 517, which is pending. I support the amendment by Senator CAMPBELL to strike that. The section creates a federally funded program requiring States to establish scrappage programs for vehicles 15 years and older, or pays such car owners to improve the fuel economy. Owners who turn in such vehicles receive the minimum payment and a future credit towards purchasing a new vehicle that meets certain DOE guidelines.

The section's stated intent is to retire inefficient vehicles. This is really the first of its kind. All prior State scrappage programs sought to address primarily poor emissions standards.

Who is affected by this? Although section 822 is a voluntary program, everyone who opts in is penalized. A reduced supply of auto parts translates to increased costs to everyone who wants to responsibly maintain their older vehicles. Since section 822 disproportionately impacts or penalizes low-income and fixed-income vehicle owners, car owners who cannot afford to purchase a new Department-of-Energy-approved vehicle are particularly affected by the increased costs of parts as they translate to increased maintenance as the car grows older.

Section 822 would have a detrimental impact on small businesses. Mr. President, 98 percent of the aftermarket parts industry are really small businesses. Some people would refer to them as car yards, yards and so forth. But particularly for young people growing up and people on modest income, that is where they get their parts.

Section 822 does not require States to determine the fuel efficiency of vehicles being scrapped, where scrapped vehicles are being replaced by more fuel-efficient vehicles. A car owner could scrap an older but more fuel-efficient compact car and replace it with a newer but less fuel-efficient vehicle.

Section 822 would require the Department of Energy to give credit to car owners who turn in cars that are rarely or never driven—vehicles that have minimal or no impact on overall fuel economy.

Further, this section requires the States to create a program that provides public notification of the intent to scrap and allow the salvage of "valuable parts" from the vehicle without providing for the costs or the regulation of this operation; determines the registration, operational status, and repair needs of vehicles as well as the dissemination of funds for these procedures; and provides reports on the program's fuel efficiency to the DOE.

Since we have spent a good deal of time here on safety and costs, what about the cost? We don't know what the cost to the taxpayer will be.

Section 822 requires all U.S. taxpayers to pay for some to purchase new cars. It does not state how much the DOE will pay for the vehicle or the value of the credit towards the purchase of the new vehicle.

No State currently provides new car buyers with "credits" towards the purchase of new cars. Since there is no precedent concerning "credits" and section 822 provides no guidance, no one knows the total cost to the U.S. taxpayers.

Section 822 would establish the voluntary repair programs for vehicles without detailing guidelines or costs of those repairs.

I am told there are over 38 million cars 15 years old or older on the roads right now. Current State programs currently pay $1,000 for each donated car.

This translates into at least $38 billion in potential Department of Energy costs for scrappage payments alone and does not include repair or purchase incentive costs included in the provisions of this section.

As Citizens Against Government Waste states:

> This provision has all the symptoms of developing into a costly government program that can be handled far more efficiently and inexpensively by the private sector.

What we have here is an effort to take the older cars that are paid for off the road—not because of concern over emissions but rather a concern over taking away parts availability of these cars as a consequence of removing them from the highways.

A lot of collectors and others who want to have good used cars clearly look upon this as an intrusion of the Federal Government into their own privacy which they treasure.

I support the amendment by Senator CAMPBELL, which is section 822 of the bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I think this energy bill is critically important. The whole question of how we consume and produce energy in relationship to the environment is critically important, especially in my State of Minnesota at the other end of the pipeline where we import our oil in barrels and natural gas, and we export our dollars.

I will be in the Chamber talking about energy policy a lot, especially as we focus on renewables and clean fuel.

I ask unanimous consent to speak in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Parliamentary inquiry: Mr. President, are we still on the bill and on an amendment?

The PRESIDING OFFICER. The Senate is on the energy bill and on amendment No. 3007 by Senator CAMPBELL.

Mr. DOMENICI. Mr. President, I have no amendment to offer at this time, but I ask unanimous consent that I be given up to 7 minutes as in morning business for some comments on the economy, which is indirectly related to the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. I thank the Chair and thank the Senate.

(The remarks of Mr. DOMENICI are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I was in the office when the electricity portion was discussed. First, I compliment the staffs who worked so hard to reach an accord, Senator BINGAMAN and his staff, our staff. The adoption of the bipartisan package of amendments was a good, encouraging start in this long process to resolve the electricity issue. I have long advocated moving forward to promote competition in the electric power industry. Competition certainly benefits consumers, increases supply, helps reduce the cost of power.

I have long promoted the three guiding principles for good electric legislation: To deregulate where we can, streamline where we can, and not interfere with the States protecting retail customers.

It would be appropriate to basically underline what we have been able to accomplish. I also thank a number of my colleagues. Senator CRAIG THOMAS, particularly, had the initiative under the leadership's guidance to coordinate this for the minority. I want to take a few minutes to recognize what we were able to do from what the underlying bill addressed.

Under section 202, mergers, there was a concern. The concern was that it would be a major expansion of FERC authority over traditional State matters with no time limit on FERC review and action. By this bipartisan effort, we were able to come up with a solution. The solution reduces the expansion of FERC authority, raises the threshold for FERC review of asset sales from $1 million to $10 million, excludes from FERC review acquisition of generation that is under State jurisdiction, and establishes procedures for expedited action on merger applications.

Secondly, under section 203, the market-based rates, there was a concern that it gave FERC broad authority to take "any action"—that startled a lot of people—any action to initiate unjust rates, including divestiture and mandatory RTO participation. It specified six specific factors FERC must use when granting/revoking market-based rates which possibly intrude on State ratemaking.

Again, the question was the broad authority to take any action. What we did in the solution was FERC can only fix the rate itself, if found to be unjust. And the six specific criteria modified to be three general criteria that FERC can use if FERC considers them to be relevant. So we took the authority from any action and conditioned it. If they found it to be unjust, then they have the authority to fix it.

The other one in section 204, refund effective date: The concern was the provision created an open-ended period for FERC to act to establish a "refund effective date." Refunds, of course, might never go into effect. The solution was: Restore existing law which provides a 5-month window for FERC to establish the refund effective date.

Section 205, transmission interconnections: The concern there was whether it gave FERC authority on its own motion to order construction of transmission and sale of electricity. It didn't have to be requested by a third party.

Eliminated protections in existing law—Bonneville, for example—and their retail wheeling issue: A solution to that was to strike section 205 entirely. We eliminated that concern.

Section 209, access to transmission by intermittent generators: The concern there was: Gave transmission subsidies to "intermittent" generators; created a presumption that intermittent generators do not create any reliability problem; did not allow utilities to recover all costs of transmitting electricity for intermittent generators. The solution: Eliminate transmission subsidies; eliminate presumption on reliability; ensure that utilities recover all transmission costs.

The next section was 241, real-time pricing: The concerns: Did not include time of use metering. The solution was: Add time of use metering.

Section 245, net metering: The concern there was: Establishing a Federal net metering program that preempted 35 existing State net metering programs. The solution was: Convert PURPA section 111(d) requirement that State PUCs and nonregulated utilities consider the Federal standard.

Section 256, State authority: The concerns there were: Preempted State consumer protection laws and regulations to the extent they are inconsistent with FTC regulations. The solution was: Eliminate preemption.

Section 263: The concern is: Required the Federal Government to purchase renewable power—regardless of the cost. That was somewhat contentious. The DOD needs to spend money on the war—not renewables. The solution was: "Best efforts" only to purchase renewable power.

So we went from a mandate requiring the Federal Government to purchase renewable power, regardless of the cost, to a solution that was to use the best efforts only to purchase renewable power.

I thought that explanation was in order because there are a lot of terms and technology involved here. I think it is meaningful that we have a solution and we have a bipartisan agreement.

I thank my colleague, the Senator from New Mexico, and others who were active in this, including the professional staff who worked so hard to achieve it.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

AMENDMENT NO. 2995

Ms. LANDRIEU. Mr. President, I thought I would take a moment to speak about an amendment that has already been accepted. I was very proud to offer this amendment along with Senator DOMENICI and Senator CRAIG yesterday. I thank the chairman for his leadership in this effort. Because the time was short yesterday and we really did not get to present the amendment, I thought I would say a few words about it while we have time pending a vote.

This amendment by Senator DOMENICI, Senator CRAIG, and myself says it will contribute to the strengthening of this bill.

It says that as we develop our nuclear reactors in the future, they will be designed with new technologies that look very promising, not only to make our nuclear industry more powerful and more effective, but also to create the opportunity to produce hydrogen which can help us in meeting our energy needs.

I will explain for the record why this is so important.

As most Members know, nuclear energy now provides one-fifth of all the electric power used in this country. I do not think that is clear to everyone in the United States. Some people think we have shut our nuclear industry down or that we have shut our nuclear powerplants down. That is not true. The truth is, 20 percent of the power we use in this Nation is generated by nuclear energy.

Nuclear power produces energy without compromising air quality and without dangerous reliance on fuel exports from politically unstable regions of the world.

When we look a few years into the future, the projected demand for increased electric power is staggering. That is one of the reasons we are considering this legislation: because the demand for power and the demand for energy is far outpacing our ability to produce it. Because we have different views about production, we have conflicting views about conservation; that does not mean the demand, or the challenge, is going to go away.

It means we have to work harder to find solutions, and this is one solution. According to the Energy Information Administration, by the year 2020 the U.S. will need, under current trends, 400,000 megawatts of additional electric power capacity. That is the equivalent of 400 new coal plants or gas-fired plants to be built in this country before the year 2020.

I am in no way opposed to burning coal. We are doing it in a much cleaner and better way for our environment. I am obviously not opposed to domestic natural gas production or imported natural gas. That also meets our new environmental standards. We have to meet some of this demand, but for environmental and energy security reasons we cannot completely rely on these sources.

Just to maintain the existing proportion of nonemitting nuclear power in our energy mix, we will have to construct 50 nuclear plants. So we have to build more nuclear powerplants, and our amendment helps to build them in the right ways.

It is clear to this Senator that the environmental and energy security benefits of nuclear power are so compelling that not only must we ensure the continued operation of our existing plants, but we must also encourage the construction of new plants in this country to help meet this extraordinary demand.

Let me be very clear, when push comes to shove, we have a very short list of energy options for the foreseeable future: oil, natural gas, coal, nuclear, hydropower, conservation, and renewables such as solar and wind. All of these have substantial roles to play in our future energy mix, but none of these by themselves is enough to address the huge demand that is facing us.

Again, that is one of the compelling reasons, if not the principal reason, that we are fighting to shape an energy bill that will meet this demand. Why? Because it is important our economy continue to grow so we can be not only the great military power we are, but the greatest economic power as well.

Nuclear power is perhaps unique in this list in that there is a large potential for expansion in the relatively near term with little downside in terms of environmental damage or an increase in our reliance on foreign sources. Furthermore, as many Members are aware, there is an exciting next generation of nuclear reactors being developed which take a good product and make it even better.

These reactors, which should be available by the end of this decade, are meltdown proof, substantially more efficient than the old generation, produce less high-level waste, and are more proliferation resistant than existing reactors. That, in this post-September 11 day and age, is a goal we need to be mindful of. We need to be mindful that this material in the wrong hands could cause a lot of trouble, a lot of destruction, and that is why this new design is exciting.

Indeed, one of these designs, the gas turbine modular helium reactor, is even designed to be built underground and therefore better suited to the threats that now present themselves post-September 11.

The Federal Government should work closely with the nuclear industry and with our utilities to see that these new reactors live up to the claims being made about them and that they are brought to market as soon as possible.

Let me turn now to another aspect with which our amendment attempts to address. We have spent a great deal of time this morning speaking about the transportation sector, CAFE standards, and what we can do to make our transportation sector more efficient. All of those are very important issues. But one of the most interesting solutions that might be found as we develop a new generation of nuclear powerplants is the byproduct of these new plants—hydrogen.

The administration recently announced some interesting facts regarding the development of a new generation of hydrogen-powered car. They call it the freedom car. But we should be mindful that we could call it the freedom truck, the freedom bus. This is not only about cars.

Every Member probably realizes the importance of ultimately changing the coinage of the energy and transportation sector from oil to something else. Although we are an oil- and gas-producing State, and I am proud of the oil and gas that we produce, we know even in Louisiana that the future calls for a greater mix, and the new nuclear reactors could really be what we need in terms of freeing ourselves from imported oil.

Our recent engagement in the Middle East and the festering instabilities there, make it very clear the sooner we wean ourselves from imported oil the better. Hydrogen, either through direct combustion or through fuel cells, seems to have all the hallmarks of an ideal, non-polluting fuel for transportation that might ultimately supplant imported oil. However, the President's announcement and much of the subsequent excitement seems to miss one very important question: Where are we going to get the hydrogen in the quantities necessary to fuel the cars or trucks or buses on our Nation's highways in the future?

Please remember that hydrogen is not an energy source. Hydrogen is an energy carrier. It must be produced by either splitting water or reforming fossil fuels. Right now, industrial scale quantities of hydrogen are produced from natural gas or other fossil fuels, but it does not make sense from an environmental or energy security point of view to produce hydrogen from fossil fuels. What progress would we be making if we go down that road?

So what is the alternative? Fortunately, nuclear power is offering to us an alternative, a very promising way to produce large amounts of hydrogen required to move towards a hydrogen economy in the relatively near term.

The more promising way to produce hydrogen is to utilize the next generation of nuclear reactors that operate at much higher temperatures. The higher temperatures of these reactors make possible a process called thermochemical water splitting. The process has received only minor research dollars in this country but has received substantial research dollars in funding from other parts of the world, including Japan.

Thermochemical water splitting is very promising as it is environmentally benign and has a very high rate of efficiency. Indeed, it is up to 50 percent more efficient in converting the heat of a reactor into hydrogen energy.

The amendment we have offered and that has been accepted recognizes the importance of developing a next generation of reactors that is safer, more economical, more proliferation resistant, and creates less waste. It also recognizes the importance of developing hydrogen production capabilities with the next generation of nuclear reactors.

The promise of a hydrogen-based transportation sector is indeed very exciting. As the chairman has pointed out on numerous occasions, it is the transportation sector demand that is driving our dangerous and unwise, in my opinion, reliance on foreign oil imports. We must begin to free ourselves from that relationship, and this amendment, with the underlying technology, gives us a real opportunity, not in 50 years, not in 20 years, but within the next few years, in this decade, to begin exploring new technologies that keep our environment clean, that give us the freedom we deserve and we expect, and also is well within our economic means of achieving.

It is very exciting, but unless we plant the seeds of a realistic means of producing the large scale amounts of hydrogen required, this dream will never be realized. Based on the acceptance of this amendment, I think the Senate has decided that the next generation of nuclear powerplants we are going to have to build in this Nation anyway could provide that answer.

It has been a great pleasure working on this amendment with my colleagues and being part of this energy debate.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me congratulate my colleague, the junior Senator from Louisiana, on her amendment. I think the realization of what the advanced technology would mean, particularly on high-level nuclear waste in recovery of hydrogen for a number of purposes, including fuel cells and others, is something that would tend to focus in on high-level waste, and would have a potential value there that may lead us to recognize it is not sufficient to just concentrate on burying this waste.

The PRESIDING OFFICER. Under the previous order, there is 10 minutes of debate on the amendment of the Senator from Colorado. Who yields time?

Mr. MURKOWSKI. If I may have 1 minute to compliment the Senator from Louisiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I will take it off of our time.

I commend the Senator for her recognition of the value of high-level nuclear waste and the utilization of it.

I also commend the Senator from Louisiana on her bioenergy amendment, which we have accepted. This amendment expands the authorization for bioenergy research to include biochemical processes that can create certain replacements. There is promising research in these areas. It is wise to continue to work on this. We support the amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I congratulate the Senator from Louisiana for these two amendments. I am a cosponsor of both. On a bigger scale than that, we are both from oil and gas States. Yet the Senator has taken a position that it is not just oil and gas that make up the future for the United States. We have to look at a variety of alternatives.

The Senator has done a superb job working on nuclear issues. The two proposed amendments on nuclear issues are clearly relevant. We are moving ahead in those areas in the appropriations process. The Senator will have the assurance that both are covered by appropriations if, indeed, Senator BINGAMAN and the others bring it back from conference with the amendments.

Ms. LANDRIEU. Will the Senator yield?

Mr. DOMENICI. I yield.

Ms. LANDRIEU. I appreciate those remarks. The Senator from New Mexico has been an extraordinary leader in this field of nuclear energy.

I compliment the industry. The Senator from New Mexico understands that the oil and gas industry has been, in the last couple of years, broadening its horizons and outlook in welcoming these new sources of energy. They are turning themselves from oil companies to energy companies, from gas companies to energy companies, opening up possibilities for new sources of energy.

I commend the industry and hope this bill that Senator DOMENICI has worked on so hard will compliment the work in the private sector to help this country get to the freedom we need from imported sources so we can set our own destiny.

I am proud to be a sponsor of this amendment and others like it.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. I compliment the Senator from Louisiana also for her amendment earlier agreed to. We worked hard with her and her staff to be sure this amendment could be included in the bill. I am glad it is in the bill.

What is the regular order?

AMENDMENT NO. 3007

The PRESIDING OFFICER. There is a vote at 4:30 with respect to the Campbell amendment.

Mr. BINGAMAN. How much time remains on both sides?

The PRESIDING OFFICER. Four minutes thirty seconds on the Senator's time and 2 minutes for the Senator from Colorado.

Mr. BINGAMAN. I yield the floor.

Mr. CAMPBELL. Mr. President, I ask unanimous consent to have Senator SMITH of New Hampshire added as a cosponsor of this amendment, and I yield myself the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CAMPBELL. Colleagues, section 822 is a bad idea. Under section 822, we are going to allow the DOE to give grants to take 15-year-old, and possibly more, fuel-efficient cars, which would rarely be driven, off the highways and then turn around and offer another grant of taxpayer-funded money to people who want to purchase a new car which may be less fuel efficient than the ones to be taken off the highway and will probably be driven more because they are newer.

How do we sell that under the guise of fuel efficiency? States have the ability to have scrappage programs—many do. Some offer between $1,000 and $2,000 per car to be scrapped. In the suggested grant to take older cars out of circulation, if one-fourth of the 38 million cars 15 years or older were funded, it would cost taxpayers $19 billion. Maybe I am missing something, but I did hear we have lost our huge surplus of last year and may, in fact, be in deficit this year. It seems to me we have a better place to use our money. This is not the time to spend $19 billion.

The authors of the section 822 say it is voluntary, but who will turn down a potential $1,000 to turn in an old car and another $1,000 of taxpayer money to buy a new one when someone else is paying?

I ask my colleagues to vote down section 822 at 4:30.

As Senators, we have an obligation to make decisions based on information. Here, the authors of section 822 are asking you to make a decision based on no information because no studies or hearings were ever held that would legitimize the Federal subsidization of car scrappage programs.

Again, the authors of 822 argue that compelling states to establish scrappage and repair programs to get older cars off the road is a voluntary program. Further, they argue that some states already have scrappage programs.

Well, if States want scrappage programs then they should be able to establish their own—why should the Federal Government have any role in that which States can do already do?

Furthermore, the authors of section 822's reliance on some states choosing to establish scrappage program is misleading. Current state programs seek to address poor emissions quality, a serious health concern.

Section 822 assumes that older cars have poor fuel efficiency and creates an expensive carrot and stick approach to compel states and individuals to participate in a completely new and untested program.

In any event section 822 does not provide any means testing ensuring that only fuel inefficient vehicles are scrapped. Therefore, a 1986 Ford Escort getting 41 city miles per gallon would be treated the same as a Cadillac Seville of the same year that gets a mere 17 miles per gallon. The only qualifying criteria would be that they are both 1986 automobiles.

The authors of section 822 state that no one is penalized, that only individuals choosing to participate would be affected. Yet, the truth is that everyone is captured by this program.

The reduced supply of car parts translates to increased costs for low and fixed income people who cannot afford to buy a federal government subsidized, DOE approved vehicle.

Further, there are 38 million cars that could be affected. If just one quarter of those owners chose to get $1,000 for scrapping their car, and then another tax payer subsidized $1,000 credit to buy a new DOE approved vehicle, the total cost to all U.S. taxpayers, whether they "volunteer" to participate or not, would be $19 billion.

Well, that seems to be a lot of money—that's because it is. I would have my friends note that at no time did the authors of section 822 state that this provision would not be terribly expensive. They didn't defend their measure as fiscally responsible because they don't know if it is or not.

The authors argue that they "fixed" their provision by requiring the states to hold a public notification of the intent to scrap vehicles and then provide for parts salvage. How will a state possibly manage that, and what will it cost the federal government? Again, we don't know.

A few short hours ago, my friend Senator BINGAMAN stated, "I don't see why it is in the public interest to strike a provision that enables the Secretary of Transportation to pursue this to the extent that the Appropriations Committee puts funds in to support the program." Normally, we know how much money something costs before we buy it.

I ask you not to buy this ill conceived Federal subsidization scrappage program of old cars and welfare for the wealthy. Section 822 will hurt the most vulnerable of our citizens, hurt small businesses, and hurt U.S. taxpayers.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, first, as I indicated, I am disappointed the Senator from Colorado felt obligated to offer this amendment. Having heard his concerns and the concerns of others, I urge all Senators to support his amendment. My view is this is not an amendment that justifies having a vote on the Senate floor, but he is insisting on one, so evidently we will go through it and have a rollcall vote and bring all Senators to the floor to vote for the amendment.

Mr. CAMPBELL. Will the Senator yield?

Mr. BINGAMAN. I yield the floor.

Mr. CAMPBELL. If our colleagues on the other side of the aisle do not need a recorded vote, we do not, either. If he is willing to accept this amendment, I am sure the minority would, too, and I ask unanimous consent to vitiate the recorded vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, before we do the voice vote, which I gather is what the Senator from Colorado would like on his amendment, let me read some provisions or sections of a letter we received from the Automotive Service Association.

This is a letter to Senator DASCHLE, dated February 25, an organization with 15,000 members nationwide. It has 300 members in Colorado, my colleague's home State. It says:

> DEAR SENATOR DASCHLE: I want to thank you for your efforts on behalf of the automotive aftermarket in the development of Senate Bill 517, the energy policies act of 2002.
>
> The Automotive Service Association is the largest and the oldest trade association representing independent automotive repair facilities in the United States. . . .
>
> Your revised Section 832, Assistance for State Programs to Retire Fuel-Inefficient Motor Vehicles, includes both a repair and recycling facilities. This assists mechanical and coalition repair facilities. Quite frankly, many of these older vehicles would not receive fuel-efficiency related repairs without some incentive. This legislation will provide the opportunity for these vehicles to receive the necessary maintenance.
>
> Allowing the salvage of valuable parts enhances competition in the parts marketplaces as well as makes sense for the environment.
>
> We appreciate the efforts that you and Chairman Jeff Bingaman have made to alleviate many of the concerns our industry has had with this legislation. We support the bill and look forward to a continued working relationship with you and your staff.
>
> ASA is contacting automotive repairers in South Dakota and New Mexico to inform them of your efforts.

Signed by Robert Redding, Jr., on behalf of the Automotive Service Association.

Mr. President, I ask unanimous consent this entire letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. Mr. President, I believe this is good public policy to enact, along the lines we have talked about here. But since my colleague and others have indicated concern about including it in the energy bill, I have no problem with it being deleted.

I urge all Senators to support the amendment of the Senator from Colorado.

I yield the floor.

EXHIBIT 1

AUTOMOTIVE SERVICE ASSOCIATION,
Bedford, TX, February 25, 2002.

Hon. TOM DASCHLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I want to thank you for your efforts on behalf of the automotive aftermarket in the development of Senate Bill 517, the Energy Policy Act of 2002.

The Automotive Service Association is the largest and oldest trade association representing independent automotive repair facilities in the United States. These collision, mechanical and transmission small business members are located in all fifty states and several foreign countries.

Your revised Section 832, Assistance for State Programs to Retire Fuel-Inefficient Motor Vehicles, includes both a repair and recycling option. This assists mechanical and collision repair facilities. Quite frankly, many of these older vehicles would not receive fuel-efficiency related repairs without some incentive. This legislation will provide the opportunity for these vehicles to receive the necessary maintenance.

Allowing the salvage of valuable parts enhances competition in the parts marketplace as well as makes sense for the environment.

We appreciate the efforts you and Chairman Jeff Bingaman have made to alleviate many of the concerns our industry has had with this legislation. We support the bill and look forward to a continued working relationship with you and your staff.

ASA is contacting automotive repairers in South Dakota and New Mexico to inform them of your efforts.

Sincerely,

ROBERT L. REDDING, Jr.

Mr. CAMPBELL. Mr. President, I yield the remainder of my time and urge the adoption of the amendment.

The PRESIDING OFFICER. Does the Senator from New Mexico yield back his time?

Mr. BINGAMAN. I yield all time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3007) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. CAMPBELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3009

Mr. DOMENICI. Mr. President, I have an amendment with reference to an Office of Spent Nuclear Fuel Research. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The bill clerk read as follows:

The Senator from New Mexico (Mr. DOMENICI) proposes an amendment numbered 3009.

Mr. DOMENICI. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish an Office within the Department of Energy to explore alternative management strategies for spent nuclear fuel)

On page 123, after line 17, insert the following:

SEC. 514. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

(b) DEFINITIONS.—In this section:

(1) ASSOCIATE DIRECTOR.—The term "Associate Director" means the Associate Director of the Office.

(2) OFFICE.—The term "Office" means the Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) ESTABLISHMENT.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(d) HEAD OF OFFICE.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(e) DUTIES OF THE ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment, recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) PARTICIPATION.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmutation systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide for their support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(f) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in this section.

(g) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

Mr. DOMENICI. Mr. President, I introduce an amendment creating a new DOE Office of Spent Nuclear Fuel Research. This new Office would organize a research program to explore new, improved national strategies for spent nuclear fuel.

Spent fuel has immense energy potential—that we are simply tossing away with our focus only on a permanent repository. We could be recycling that spent fuel back into civilian fuel and extracting additional energy. We could follow the examples of France, the U.K., and Japan in reprocessing the fuel to not only extract more energy, but also to reduce the volume and toxicity of the final waste forms.

It is too bad we did not start with this emphasis and organization within the last 15 or 20 years. But we were on a path that said under no conditions would we do this. We thought it would add to the nonproliferation potential. We thought we would set an example and nobody would do it, so we would not produce any additional plutonium.

What happened is we stayed in our rut, thinking it was going to be worldwide, while other countries decided ours was a rather imprudent policy and they have proceeded. I just enumerated the countries that have done that.

I support continued progress at Yucca Mountain and appreciate the President's decision to move ahead toward licensing of it as our Nation's first permanent repository for high level waste. But, I have frequently suggested that our single-minded focus on this "solution" for spent fuel does not serve our Nation well. It is simply not obvious that permanent disposal of spent fuel is in the best interests of all our citizens. It's even less obvious to me that we should equate the terms "spent fuel" and "waste."

Since Yucca Mountain can't accommodate all the spent fuel from our current generation of nuclear plants, we clearly either need a better solution or more repositories. Given the level of local public support enjoyed by Yucca Mountain, I don't think any of us should relish the prospect of creating more Yucca Mountains.

Depending on our future demands and options for electricity, we may need to recover the tremendous energy that remains in spent fuel. And strong public opposition to disposal of spent fuel, with its long-term radio toxicity, may preclude use of repositories that simply accept and permanently store spent fuel.

If the research program led by this new office is successful, we can recover the residual energy in spent fuel. And we could produce a final waste form that is no more toxic, after a few hundred years, than the original uranium ore. I was very pleased that the President specifically endorsed these studies of reprocessing and transmutation in the national energy policy.

I am well aware that reprocessing is not viewed as economically practical now, because of today's very low uranium prices. Furthermore, I fully recognize that it must only be done with careful attention to proliferation issues. But I submit that the U.S. should be prepared for a future evaluation that may determine that we are too hasty today to treat spent fuel as waste, and that instead we should have been viewing it as an energy resource for future generations.

We do not have the knowledge today to make this decision. This amendment establishes a research program to evaluate options to provide real data for such a future decision.

This research program would have other benefits. We may want to reduce the toxicity of materials in any repository to address public concerns. Or we may find we need another repository in the future, and want to incorporate advanced technologies into the final waste products at that time. We could, for example, decide that we want to maximize the storage potential of a future repository, and that would require some treatment of the spent fuel before final disposition.

This amendment requires that a range of advanced approaches for spent fuel be studied with the new Office of Spent Nuclear Fuel Research. It encourages the Department to seek international cooperation. I know, based on personal contacts, that France, Russia, and Japan are eager to join with us in an international study of spent fuel options.

It requires that we focus on research programs that minimize proliferation and health risks from the spent fuel. And it requires that we study the economic implications of each technology.

With this new Office and its research program, the United States will be prepared, some years in the future, to make the most intelligent decision regarding the future of nuclear energy as one of our major power sources. Maybe at that time, we'll have other better energy alternatives and decide that we can move away from nuclear power. Or we may find that we need nuclear energy to continue and even expand its current contribution to our nation's power grid. In any case, this research will provide the framework to guide Congress in these future decisions.

Mr. President, while I have the floor, I also want to speak briefly to three other amendments on nuclear energy issues, presented by my colleagues, Ms. LANDRIEU and Mr. CRAIG. I greatly appreciate their interest in this important technology. I strongly support these additional amendments and am a cosponsor of each one.

Ms. LANDRIEU has two amendments. One notes the important role that hydrogen may play in future transportation strategies for the nation, either directly as a fuel or in fuel cells. Either of these approaches could lead to a transportation sector that is virtually emission free. This is a great vision, but it depends on, among several challenges, identification of a cheap reliable supply of hydrogen.

Hydrogen can either be made from water using electricity, or from several chemical processes involving heat. Senator LANDRIEU's amendment asks that the Nuclear Energy Research Initiative specifically explore the use of nuclear reactors for hydrogen production.

Reactors are well suited to such a challenge. They could supply electricity in off-peak hours. Or, some types of advanced reactors would provide an ample heat resource. In fact, in Japan, their research on one form of advanced reactor is focused on hydrogen production.

Her second amendment encourages the Nuclear Regulatory Commission to explore licensing issues, which may arise with advanced reactor designs. Her legislation would allow the NRC to pursue this research without tapping income collected from licensees, through use of appropriated funds. This is a good idea, and one that is already encouraged in the appropriations process.

Mr. CRAIG's nuclear energy amendment authorizes the Nuclear Power 2010 program, as proposed by the Administration to begin in fiscal year 2003. This builds on and expands the work pursued in the Nuclear Energy Technology Program that has been funded for the last two years.

Under this new program the DOE would seek industrial proposals for joint venture teams to participate, including development of business arrangements for building and operating new plants in the United States. I appreciate that it would pursue development of the two most promising classes of advanced reactors, either water- or gas-cooled systems.

Mr. CRAIG's inclusion of international collaboration is also critical, just as I want to encourage such participation in development of improved strategies for spent fuel. Many countries have strong nuclear energy programs, we can achieve mutual goals faster and cheaper if we work together, just as is now happening with the tennation effort toward the Generation IV reactor.

I share the vision of Mr. CRAIG that the Nuclear Power 2010 program will result in a new reactor in this country in the next decade. That will be an important step in demonstrating to our citizens and to the world that the United States is not going to be left by the wayside while other countries pursue this vital energy source.

Tomorrow or next week, whichever is most accommodating, I will take the floor and tell the American people what is in this bill regarding the future for nuclear energy. Many things have already been adopted and put in the bill by the sponsors, but we now have, with this amendment before the Senate or put in the bill, all of the amendments that Senators who have been following and working in this area thought were important to its future. They will now be encapsulated in this with the adoption of this, which is our last one.

NUCLEAR WASTE

Mr. REID. I want to confirm that acceptance of this amendment does not create any opportunity to discuss nuclear waste issues in conference.

Mr. DOMENICI. I agree with the Senator's view. I will be a conferee on this bill. I assure the Senator that I will resist any attempt to open the conference to discussion of waste issues. I would also like to note that, as stated in the amendment, the national laboratories will play strong roles in this work. In fact, from our positions on the Energy and Water Development Subcommittee on Appropriations, let's work together to ensure their participation.

I thank Senator BINGAMAN in advance of agreeing to this for his help on it, for what he has done in the bill with reference to not only the Price-Anderson, which he took the lead on even though it was not his amendment, but all the other provisions he has put in that will create a level playing field and modernize Americans' ability to utilize nuclear power if they choose, since it will not pollute the environment and can be part of a national program to do that.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me say with the colloquy my colleague from New Mexico has entered into the RECORD between himself and Senator REID, I think all concerns that have been raised on our side are resolved. There is no objection to the adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 3009) was agreed to.

Mr. DOMENICI. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MURKOWSKI. Mr. President, I rise in support of the amendment by the senior Senator from New Mexico. I appreciate the junior Senator's acceptance of it.

The amendment, as noted, establishes an Office of Spent Fuel within the Department of Energy. It is important that Congress address the range of alternatives to deal with spent fuel from nuclear reactors. This amendment goes a long way to accomplish that.

I have served here 21 years with Senator DOMENICI. He has been a tireless advocate of pursuing the advancement of nuclear energy. Last year he introduced S. 472, which is a comprehensive energy bill and nuclear bill, and the committee held several hearings. He understands we must have a diverse and responsible energy mix if we ever hope to reduce our dependence significantly on Saddam Hussein and his oil.

Currently, nuclear energy provides 20 percent of the electricity in this country. It is taken for granted by many. It is a clean, nonemitting generation and produces no greenhouse gases, no SO_x, no NO_x. There are 103 operating reactors in 31 States.

Senator DOMENICI's Office of Spent Fuel is an important part of the future of nuclear energy in this country, and we must deal with the issue of spent fuel. This will require research on all fronts.

The language of the amendment was part of S. 1287, the Nuclear Waste Act amendments that passed the Senate in the last Congress. The office would examine the treatment, recycling, and disposal of high-level reactive wastes and spent fuel, and consequently I strongly urge its support. I thank the Members for the adoption of this amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF TRANSPORTATION NOMINATIONS

Mr. McCAIN. Mr. President, I come to the floor to talk again about two nominees, Mr. Emil Frankel, to be Assistant Secretary of Transportation, and Jeffrey Shane, to be Associate Deputy Secretary of Transportation.

I, again, urge the holds that are being placed on these nominations to move forward. It is been 3 months since they were reported unanimously out of the Commerce Committee.

I know both individuals and they are highly qualified. Both of them are nominated for very important jobs in the Department of Transportation. All of us know, in light of the events of September 11, that these jobs are vital to America's security.

I said earlier in my remarks that I had not put a hold on a nominee. What I meant to say—and I would like to correct the record at this time—is that I have put holds on nominees, but I have never done so anonymously. I have stood up and said that I had holds on nominees. On the holds I have put on over the years, I have been here and stated my reasons why. I have not done so anonymously.

I hope the unnamed Member or Members who have a hold on Mr. Shane and Mr. Frankel will come forward. So, I hope, again, that the Senate will consider these two highly qualified nominees. If there are areas that are not related to these nominees, as far as transportation is concerned, I will be pleased to work with any Member to try to get those concerns satisfied.

Again, I would like to correct the record when I stated earlier that I had never put a hold on a nominee. I have never anonymously put a hold on a nominee. And I have forced votes on other nominees as well.

I hope the holds on Mr. Frankel and Mr. Shane will be removed soon. We are in danger of losing those individuals because, understandably, after a period of 3 months, they have to get on with their lives. And that certainly is understandable.

So I hope we will move forward with their nominations soon and the holds will be lifted. Again, I stand ready to work with any Member who has a hold on their nominations if there is any way we can resolve any problems that they might have.

I also state that I never put a hold on a nominee because there was some unrelated issue. I put holds on nominees in the past because I did not think they were qualified, and I stated so.

So I hope that clarifies the record on that. But that does not detract from the fact—whether I ever did or did not—that these are two qualified nominees. It has now been over 3 months since they were reported out of the Commerce Committee and they deserve to have the opportunity to serve.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENTS NOS. 3010 AND 3011, EN BLOC, TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, I send two amendments to the desk and ask that they be considered en bloc and adopted en bloc. I believe they have been cleared on both sides.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report the amendments.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes amendments numbered 3010 and 3011 en bloc to amendment No. 2917.

Mr. BINGAMAN. Mr. President, I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 3010

(Purpose: To include biobased polymers and chemicals in the biofuels program)

On page 405, strike line 16 and all that follows through line 23, and insert the following:

(6) BIOFUELS.—The goal of the biofuels program shall be to develop, in partnership with industry—

(A) advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell vehicles by 2010; and

(B) advanced biotechnology processes capable of making biofuels, biobased polymers, and chemicals, with particular emphasis on the development of biorefineries that use enzyme based processing systems.

For purposes of this paragraph, the term "cellulosic feedstock" means any portion of a food crop not normally used in food production or any non-food crop grown for the purpose of producing biomass feedstock.

AMENDMENT NO. 3011

(Purpose: To direct the Secretary of Energy to study designs for high temperature hydrogen-producing nuclear reactors)

On page 443, strike lines 21 through page 444, line 2 and insert the following:

(2) examine—

(A) advanced proliferation-resistant and passively safe reactor designs;

(B) new reactor designs with higher efficiency, lower cost, and improved safety;

(C) in coordination with activities carried out under the amendments made by section 1223, designs for a high temperature reactor capable of producing large-scale quantities of hydrogen using thermo-chemical processes;

(D) proliferation-resistant and high-burnup nuclear fuels;

(E) minimization of generation of radio-active materials;

(F) improved nuclear waste management technologies; and

(G) improved instrumentation science;

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the amendments have been cleared on this side, and we are in total agreement with the majority and recommend acceptance.

The PRESIDING OFFICER. Without objection, the amendments are agreed to.

The amendments (Nos. 3010 and 3011), en bloc, were agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, as we come close to the hour of 5 o'clock, I am not sure just what the remainder of the schedule is. I think we anticipate tomorrow morning starting on renewables.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, my understanding is that we will spend several hours tomorrow, at least, dealing with a couple of issues related to electricity restructuring. One is a reliability amendment that we expect to have offered. I believe Senator THOMAS is planning to offer that amendment. We will have debate and a vote.

Then I intend to offer an amendment on a renewable portfolio standard, which will then be followed by a proposal by Senator JEFFORDS. And then probably also there will be a proposal by Senator KYL. We will deal with, hopefully, those three proposals, including the issue of a renewable portfolio standard. After that, I don't know what the business will be.

Mr. REID. If my friend will yield?

Mr. MURKOWSKI. Yes.

Mr. REID. If I could just make this comment, I think the two managers have a great plan: in the morning come in and work on the Thomas legislation. It is my understanding that he does not want a time set. I think that is appropriate because there may be other issues that come up.

But I would hope that we could—if we come in, say, at 9:30—complete action on that by 12:15 or thereabouts, because every Thursday we have the policy luncheons, so we do not have votes from 12:30 to 2.

We could do that and then move to the Bingaman amendment. Senator JEFFORDS said he would agree to an hour and 15 minutes. So that would be 2½ hours, if all that time were used.

I would hope, I say to the manager, my friend from Alaska, that we could get Senator KYL to agree on a time for his amendment tonight, so when we do the wrap-up we could have it set that whenever we finish the reliability amendment—that is the Thomas amendment—we could immediately go into the mechanics set up for the Bingaman amendment, the Jeffords amendment, and the Kyl amendment, and have an end for that.

It seems it should not be difficult for people to agree for times on that because, if Senator KYL's amendment is adopted, then it wipes out everything in front of it anyway. So I hope Senator KYL can give us some time tonight so we can complete action on this matter tomorrow.

Mr. MURKOWSKI. If I may respond to the majority whip, I am in complete agreement. We do not have a time agreement yet among ourselves. I assume the leadership will set the time for us to come in. But I encourage Senators on our side to be prepared on reliability, which, as the majority whip indicated, will be offered by Senator THOMAS in the morning.

I also encourage all Members on our side, if they have other amendments they intend to offer, I would like to get the amendments in so we can anticipate what we will have before us. I would be willing at some point in time to agree to a list of amendments that have been brought in by a certain time, let's say, prior to the end of this week, something of that nature. But we can pursue that.

But I do agree with the majority whip that we should move along. The renewable portfolio, as the Senator indicated, probably will take some time. So I would be happy to work towards some time agreements as we proceed tomorrow.

Mr. REID. If I could propound a unanimous consent request, I ask unanimous consent that tomorrow, when we resume consideration of the energy bill, at approximately 9:30 a.m., immediately following the prayer and the Pledge of Allegiance, Senator THOMAS be recognized to offer his reliability amendment.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI. Reserving the right to object, in fairness to Senator THOMAS, we have not had a chance to contact him as to whether it would be 9:30 or 10 o'clock, but I am not going to object.

Mr. REID. We will protect him until he gets here.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. We will attempt to work with the managers to see if we can work out something for this evening on time for renewability. If we can, it is the plan of the two managers that after completing the Thomas amendment we will move to Bingaman, Jeffords, and then Kyl.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, it would be inappropriate if I let a day go by when I did not remind my colleagues that there was some significance as to what we did during the day.

Today, there has been a good deal of conversation that, indeed, we could make up by CAFE savings what we would generate by opening ANWR. The Senate, in its action—you notice I did not reflect on wisdom—basically precluded that, at least for the time being until we go to conference.

Also, the issue of the pickup truck, I think, spoke for a majority concerning safety issues.

I wouldn't be surprised before we are out of here if we also have an amendment that addresses the Suburbans and SUVs relative to safety.

The point I would like to leave with Members today is that we are rapidly diminishing excuses for not opening up ANWR and recognizing that, indeed, the argument that previously prevailed that we can simply make this up on CAFE standards is clearly not in the interest of a majority of the Senate, primarily for the reason of safety associated with Americans, and children in particular, and the advantages of a heavier car moving our children around.

As we look at alternatives, I remind my colleagues who are in objection to opening ANWR that they do bear responsibility for coming up with alternatives that are realistic. Certainly from our side, ANWR is realistic. And the probability of a major discovery is second to none from the standpoint of the geology of North America.

I think I have said enough for today. Anything I would say further would be repetition of what I have said time and time again. In an effort to relieve my colleague from New Mexico and the staff and the Presiding Officer, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, just to indicate to my colleague from Alaska, my interpretation of what occurred today is perhaps somewhat different than his. My own view is we made some substantial progress in getting agreement on provisions related to electricity restructuring; that is, the package of amendments Senator THOMAS proposed and that we agreed to was a very good effort on the part of our staff, the Republican staff, Senator THOMAS's staff, various people who have been working very hard on that set of issues.

My own view is, the bill was substantially weakened by the two votes we had related to CAFE standards in particular. Clearly, the Senate was not willing to step up and ensure any kind of significant increased efficiency in the transportation sector in the coming years. That, to me, is a disappointment, a weakening of the bill.

I don't see the logic that my colleague from Alaska seems to read into everything: The lack of wisdom of the Senate in the area of CAFE standards should justify additional lack of wisdom in the area of opening ANWR to drilling. But that is a debate for another time.

I do hope my colleague from Alaska will offer his ANWR amendment at the earliest possible date. Clearly, we cannot move to complete action on this bill until that much awaited event occurs. We have been hearing about his proposal on ANWR for many months. We have had the opportunity now to have it offered for the last week and a half. We hope very much soon that will happen.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I would certainly concur with my colleague that we have made significant progress, particularly on that portion covering electricity. I remind my colleague that the transit of people, goods, and services utilizes not electricity but oil. We are somewhat extraordinary in this country inasmuch as we are about 3 percent of the population, and we use about 25 percent of the energy and contribute about a third of the gross world product. We are pretty efficient, but nevertheless, we don't move in and out of Washington, DC, by hot air. Somebody has to take the oil, whether it be oil coming from Saddam Hussein, refine it, put it in the airplanes.

Until we find another alternative, we are going to either have to make a choice of increasing our dependence on imported sources such as Iraq or have the alternative of developing resources here at home and preserving U.S. jobs and the U.S. economy rather than exporting our dollars overseas. I hope the wisdom of the Senate will prevail when we get to the ANWR amendment.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BINGAMAN. Madam President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER (Ms. LANDRIEU). Without objection, it is so ordered.

THE MIDDLE EAST

Mr. WELLSTONE. Madam President, I wish to speak about the Middle East because the news from the Israeli and the Palestinian territory grows dimmer and deadlier by the day.

Terrorist attacks and reprisal raids have now merged into continuous carnage that looks increasingly indistinguishable from all-out war. The Israelis and the Palestinians are being drawn into a horrific cycle of revenge.

Frankly, I think an eye for an eye and pain inflicted upon pain extended into the future will be an ever-wider river of blood that will be spilled. I wonder how wide the river of blood has to be before we get back to some kind of political settlement—some kind of political process. There is no future as I look at the status quo extended into the future—not for the people of Israel and not for the Palestinians.

Let me start out on a personal note. I have used this example several times while talking to other Minnesotans and people I met with here in DC as well.

I was at a gathering where I was in a fairly sharp debate with some citizens who were talking to me about what they consider to be the unfairness and the wrongness of Israeli policies towards the Palestinian people. In this discussion, I turned to them and said: Listen, you have a right to make the critique you are making. But I have not heard you express any indignation whatsoever about the Palestinian suicide bombers going to an Israeli teenager pizza parlor with fragmentation bombs and cluster bombs trying to basically murder as many Israeli teenagers as possible. I don't mind your critique of some of Sharon's policies. I have questions about some of them. But where is your indignation and your anger about the murder of Israeli teenagers? I condemn that. I condemn the deliberate targeting of innocent people and the murder of innocent people. As Camus said, murder is never legitimate.

Frankly, some of Arafat's comments have become increasingly militant in the last several days. I certainly question some of his leadership. His statements in the last several days—and, maybe even more importantly, some of the actions taken by Arafat's people—give me pause.

But, by the same token, I want to be really clear about this. I think it is really important that we have Tony Zinni in the Middle East. I think it is critically important that our country play a positive role. I think it is critically important, as the administration has made clear—I said this to Secretary Bill Burton as well—that we make it clear to the extremists that Zinni is not leaving on the basis of a terrorist act here, there, or somewhere else. We are engaged.

Frankly, the only future is a political settlement. Senator Mitchell was right. The Mitchell report I think lays out a brilliant framework—if we can just somehow get there again.

I don't come to the floor with clear answers as to what to do, but I do know that an eye for an eye and the increasing cycle of violence takes us nowhere good—not for the Israelis, not for the Palestinians, not for our country, and not for the world in which we live.

I do not know. I think there are many questions that can be raised about Crown Prince Abdullah's proposal and where Saudi Arabia is going. I myself have questions about some of the proposals. But, by the same token, at least there is some hope here. We shall see what happens at this Arab summit conference.

We really need to be talking—on the part of Saudi Arabia and other countries—about the full normalization of relations with Israel. They cannot back down from that. That is the very essence of where we have to go. I am concerned that some of the Arab countries seem to be backing down from that.

But I do not believe this proposal should be ruled out. I do not believe a proposal that at least attempts to move us towards some kind of negotiation and some kind of a peace process should be ruled out. Not all of it will be acceptable. I can tell you that right now. But I certainly would like to see the American Government in particular somehow play a role in moving from what has become an ever-growing cycle of violence and loss of life of innocent people to some kind of framework for negotiation and a political settlement.

Ultimately, the truth of the matter is that I am an American Jew. I am the son of a Jewish immigrant who fled from persecution in Ukraine. And then his family moved to Russia. At the age of 17, he fled to our country. I will be clear. I speak out of love for Israel. And Israel as a country will exist. The security of Israel and the need of Israel have to be met.

It is also true that the Palestinian people will have their own nation. Palestinians and Israelis have to live next to one another, and they will have to respect one another. That will happen. My only question is, How much wider a river of blood has to be spilled before we get back to where we all know we need to go? So I want to, I guess in a way, applaud the administration, applaud Secretary Powell for sending Tony Zinni there.

I simply say that we need to be engaged. Our Government can play a decisive, critical, and positive role. And we must do so.

HELPING THE HELPLESS

Mr. WELLSTONE. Madam President, I rise to express my puzzlement, my dismay, as to why, as soon as possible, we can't do a better job of helping people who are faced with some very compelling problems, very compelling needs.

What I am getting at is very simple. And maybe this all becomes part of the budget resolution. I know the ranking member of the Budget Committee is in the Chamber.

I was on the Iron Range in Minnesota. These are people who have been spat out of the economy. They are taconite workers. Royal TV has pulled the plug. Others are going into bankruptcy. But I thought the discussion would be about pensions, and that is part of what people are worried about. It is not just Enron.

But I met more workers who were in their late fifties—57, 58 years old—mainly men, some women; and they were all saying the same thing: "I had a bout with cancer," or, "I had a heart attack and I can't get any coverage anywhere." They are terrified. They have no health care coverage. The COBRA plan is $1,000 a month. They can't afford it. They are out of work, and they have these preexisting conditions, and the premiums are so high.

What are these people going to do? They are asking me for help. They are asking all of us for help.

I have to figure out a way—I guess we can have a vote on it—as to how we can help people who are out of work through no fault of their own. People have no coverage. They are terrified. We would be terrified.

So I keep thinking—my head spins—there is education, special education, and States saying: Please live up to your commitment. In Minnesota, some of our school districts are letting off 20, 25 percent of the teachers. The class size is going up. The prekindergarten programs are being cut. But then we say we don't have enough money.

Other people are talking to me about affordable prescription drugs—a huge issue—but we say we really do not have enough money to make sure the premiums are down and the copays aren't too high and the deductibles aren't too high, and having catastrophic coverage that will work for people. We say we do not have money for that.

Then on the whole question of what I just talked about, expanding health care coverage for people, we do not have the money for that. I just think it is unacceptable. I think we have to make some decisions about choices, about how much money goes to the tax cuts scheduled over X number of years, benefiting whom, and whether or not we are going to be able to do anything when it comes to other really critically important issues in our communities having to do with education, health care, job training, and affordable prescription drugs, to mention just three or four. I put affordable housing right up there as well.

I am convinced affordable housing is becoming the second most important education program. It breaks my heart: I don't know how these 8- and 9- and 10-year-olds can do well in school when their families move two or three times a year because they do not have affordable housing.

I do not know. I think soon we will get to this debate. I, for myself, have made it really clear. Listen, the Senator from New Mexico, he is one of my favorite Senators. The work we do on mental health is so important to me. I know he would not agree with what I am about to say, but I will say it in the Chamber. I say it in Minnesota all the time. Other people can have better alternatives.

I am saying, forgo the tax cut for the top 1 percent of the population—families who earn around $297,000 a year—forgo it. And don't eliminate the alternative minimum tax. Don't do it. That alone is $130 billion. That would fund special education. That would put the Federal Government on a glidepath, within 5 years, to reach our full funding, and in another 5 years to have full funding. That would make all the difference in the world, just to educate our children.

To me, it is a choice. I make that choice. I will probably have an amendment to give Senators a chance to decide. There is an old Yiddish proverb that says: You can't dance at two weddings at the same time. We either go forward with all these scheduled tax cuts the way we want to do it—in which case we will not have the money for all of these other things, and we will cut the Community Policing Program by 80 percent, cut the 7(a) Small Business Program by 50 percent, cut the Job Training Program, and cut the low-income energy assistance program by $300,000 and we will tell people we have no money to do any of these other things or we will not go forward with all these scheduled tax cuts. It is that simple.

I yield the floor.

THANK GOODNESS FOR ALAN GREENSPAN AND THE TAX CUTS

Mr. DOMENICI. Madam President, in my view, the recession that started last March is over and the economy is in recovery.

The unemployment rate has dropped 2 straight months and is now at 5.5 percent. Clearly, it was thought that the last unemployment report would show that unemployment went up. That is what all the experts thought, even if we were beginning a recovery. So for it to belie that and come down is a very powerful indicator that, indeed, the recovery has started.

New orders and production are expanding the manufacturing sector. Excluding automobiles, retail sales have increased for 5 straight months. Good news.

We ought to be thankful that the recession was not deeper or longer than it was. It now appears that the peak in the unemployment rate was 5.8 percent in December. The peak was 5.8 percent, and that was a lot higher than anyone would like. No one likes to watch the unemployment rate go up. But we ought to recognize that 5.8 percent is the lowest peak for any recession since 1945. Indeed, we have grown accustomed to having extremely high unemployment; and it is good that it did not go as high as it has in the past, as we went through this set of impacts that I believe are behind us.

Why was the recession so shallow? Why didn't it linger on, as many thought it would? In my view, a number of factors played a role.

First, there was a very high rate of productivity growth. Usually during a recession, productivity growth is about zero.

During this recession, productivity growth was 2.7 percent, which is faster than we usually get during economic expansion. And, indeed, the last quarter of reporting would say that the productivity growth was 5 percent. It is so high and so robust that it permits a Senator such as this one to even question whether that could be right. But it seems to be the right number based on the same information that we have been gathering before, that we have been using before, and that is rather incredible from the standpoint of the positive.

In a typical recession, real compensation tends to stagnate along with productivity. Businesses do not increase compensation when workers are not getting more productive. But in this high productivity recession, real compensation, believe it or not, has been relatively strong, not adversely affected by the recession. In other words, if you did not lose your job, you were much better off during this recession than during previous ones. In turn, increases in compensation helped support the consumer demand which, in a very real sense, fueled the fires in opposition to the recession and the factors that were feeding it.

The second factor that made it milder than expected was monetary policy. The Fed started cutting interest rates 2 months before the recession began and reduced rates to 1.75, the lowest since 1961. In total, the Fed reduced rates 11 times last year.

By contrast, during the last recession, the Federal Reserve reacted more slowly and much less forcefully. Short-term rates were still 6 percent when the recession ended the last time we had a recession.

The third factor was fiscal policy. The tax cut enacted last year could not have come at a better time. No one knows exactly how much it contributed to what I have just described, but obviously it had some positive impact. It was there at the right time, under the right circumstances, and it is one of the few times in modern history that a Congress has enacted a piece of legislation on time, in a timely manner, rather than too late and too little.

There are those who would argue that the last tax incentive to help with the recession bill was too late. I believe that is the case. Nonetheless, those changes are all good changes that will perhaps help the economy stay in this upward moving direction in which we find ourselves.

By using tax rebates as downpayments on marginal tax rate cuts, we put money in the pockets of people and convinced them that there were more tax cuts to come. I believe just doing the rate cuts alone would not have helped the economy as much as they did in that format with those understandings possible by our people.

The fourth factor is financial flexibility. Unlike the situation 10 years ago or the situation in Japan today, our banking system is very sound, and so are our credit markets. Firms have a wide variety of options when they want to raise funds, and households have been able to refinance their homes at lower interest rates. That has put many billions of dollars in the pockets of our people, when the refinancing occurred. Some of that money went into purchases and acquisitions that our people made by using some or all of the refinance bonus they received because their equity was long.

Lower energy prices contributed to this occurring. Now we are noticing that they are beginning to go up again, rather dramatically—in fact, too much. We must send a signal to those who would arbitrarily do that—and they are—that we are busy producing an energy bill in both the House and Senate that will have an impact on that kind of capriciousness they exercise against our people through the economy they adversely affect.

Does this mean we have nothing to worry about regarding the economy? I don't think so. Another strike by terrorists could again do a great deal of harm both to investors and to consumers and, in particular, to confidence. Probably it would be even a little more lasting than the last one because the strike on September 11 was obviously a total surprise. Another strike of that magnitude or bigger would prove we are vulnerable even when we are more vigilant.

We also have to be concerned about the flow of oil from the Middle East. There are those who would like to see a much wider area of conflagration in that region, if for no other reason than to hurt the United States. We have to apply our best efforts to ensure that this does not happen. But apart from these potential negative shocks, the economy seems to be recovering and looks poised to enter a period of quite respectable economic growth—not a boom, but that is all right.

Now it is our job to make sure we continue to focus on policies that will maximize the long-term growth potential of our economy, including strong national defense, homeland security, energy independence, as much as we can do, and free trade. We also need to start paying attention to simplifying and streamlining our Tax Code. It will not wait forever.

Together these policies will put us in the best position to face the challenges ahead and improve the living standards of the American people.

HISTORICAL PUBLICATION AWARD

Mr. DASCHLE. Madam President, I am very pleased to note that a recent Senate publication has won a prestigious award. At its forthcoming annual meeting, the Society for History in the Federal Government will present its George Pendleton Award to Senate Historical Editor Wendy Wolff and the Senate Historical Office for the book entitled Capitol Builder: The Shorthand Journals of Montgomery C. Meigs, 1853–1861. The Pendleton Award is given annually for "an outstanding major publication on the Federal Government's history produced by or for a Federal history program." It commemorates former U.S. Senator George Pendleton, who sponsored the 1883 civil service reform act that bears his name.

As an officer in the U.S. Army Corps of Engineers, Montgomery Meigs supervised construction of the current Senate and House wings and the Capitol dome. During this project, Meigs kept a detailed journal of his activities, written in an obscure shorthand and only recently transcribed. This publication provides rich new information on construction of the Capitol extension, and on politics and life in mid-nineteenth-century Washington.

The Meigs transcription and publication project has been a collaborative effort among a number of congressional offices over the past decade, including the Secretary of the Senate, the Clerk of the House, the Architect of the Capitol, and the Library of Congress. William Mohr, a retired Senate Official Reporter of Debates, translated the shorthand, with financial support provided by the Senate Bicentennial Commission and the U.S. Capitol Historical Society.

This project has been guided through to completion by the Senate's very able historian, Dr. Richard Baker, and his dedicated staff. The idea originated in 1991 when Joe Stewart was Secretary of the Senate. It was Joe Stewart who ensured that the resources were made available to bring this fascinating history to the American public. It should be noted that Dr. Baker is the first Senate historian and he has set a high standard indeed for every Senate historian who will follow in his footsteps. We in the Democratic Caucus have been pleased to listen to Dr. Baker's "history minutes" each Tuesday at the start of our regular weekly conferences. He has given us a deeper appreciation of the challenges previous Senators faced, the rich traditions of the Senate, and also the humor exhibited in past times. His stewardship of this project has been justly rewarded by the awarding of the George Pendleton Award to the Montgomery Meigs Journals.

Copies of this 900-page book are available from the Government Printing Office and the Senate Gift Shop. I highly recommend it to my colleagues and to anyone else who treasures the Capitol.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Madam President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 21, 1997 in Lansing, MI. Two gay men were attacked with blow darts. The assailants, who targeted the victims because of their sexual orientation, were arrested in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

RECOGNITION OF THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

Mr. LEVIN. Madam President, I would like to congratulate the Girl Scouts of America on their 90th anniversary. The Girl Scouts began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls in Savannah, GA, for the first ever Girl Scout meeting. She believed that all girls should be given the opportunity to develop physically, mentally, and spiritually.

Girl Scouts of America has a current membership of more than three million girls and adults, 150,000 of whom live in Michigan. There are also more than 50 million Girl Scout alumnae throughout our nation. Girl Scouts serve their communities, developing skills in a diverse array of activities including sports, media relations, education and science while growing into the leaders of tomorrow.

One of this year's Young Women of Distinction is Ms. Noorain Khan from Grand Rapids, MI. To earn this distinction she worked on many projects including one with the Islamic Center of Grand Rapids which serves a community of 13,000 Muslims. She helped develop a grant proposal for a program to educate Muslim youth about their religion and culture, and better equip them to make responsible decisions as adults. Her grant proposal consisted of a preliminary curriculum outline, data on demographics in the Islamic community and a job description for a program director. Though the grant has not yet been secured, a framework now exists for the Islamic center and for future grant proposals.

All Girl Scout programs are based on the Girl Scout Promise and Law and Four Program Goals: developing self-potential, relating to others, developing values and contributing to society. To achieve these goals, they have established programs in foster homes, homeless shelters, school yards and Native American reservations. Further, the Girl Scouts of America have established a research institute, received government funding to address violence prevention and are addressing the digital divide with activities that encourage girls to pursue careers in science, math and technology.

Today, 90 years later, the organization offers girls of all races, ages, ethnicities, socioeconomic backgrounds and abilities the chance to develop the real-life skills they'll need as adults. I am sure that my Senate colleagues join me in commending the Girl Scouts on their first 90 years and look forward to them celebrating many more.

Mrs. BOXER. Madam President, this week, celebrations throughout the Nation will mark the 90th anniversary of the founding of Girl Scouts. I would like to take a few moments to acknowledge this great organization and the profound impact it makes in the lives of girls and young women.

Ninety years ago, Juliette Gordon Low assembled a group of girls in Savannah, GA, for the first meeting of Girl Scouts. Her goal was to provide an environment where girls could develop physically, mentally and spiritually. Those goals are unchanged today, with nearly 4 million girls and adults currently holding membership in Girl Scouts. Even more impressive is that more than 50 million women in the United States today claim a Girl Scout experience in their past.

While focused on its goal to help individual girls thrive, Girl Scouts has also known that it can make an important difference in our Nation's cultural life. From its beginnings, Girl Scouts has maintained a commitment to inclusiveness. It has encouraged diversity in its ranks, in its leadership and in the broad variety of public service programs Girl Scouts pursue.

I ask my colleagues to join me today in acknowledging the anniversary of

Girl Scouts. I think that if Juliette Gordon Low were to visit a Girl Scout Troop today, she would rightfully be very proud of what she would see.

Mr. HOLLINGS. Madam President, I want to congratulate the Girl Scouts of the USA on celebrating its 90th anniversary. Last night I attended the anniversary banquet with my wife, Peatsy, who has been involved with the Girl Scout leadership for many years.

It never ceases to amaze me how this organization, with a membership of almost 4 million, has maintained the same core values it held 90 years ago; yet it still has changed with the times to empower girls of all races, all backgrounds, and all income levels to meet their full potential. Some two-thirds of the women members of Congress are Girl Scout alumni, and there is no question that more and more of our future business leaders, doctors, lawyers, educators, and community leaders will come from the Girl Scout ranks.

GLOBAL HIV/AIDS: THE HEALTH CRISIS OF OUR TIME

Mr. FRIST. Madam President, I came to Washington to the U.S. Senate in my heart to serve my home state of Tennessee and this great nation, but after arriving my steps have also taken me far from the floor of the United States Senate—on medical mission trips to Sudan, Africa, and most recently, in January, to Uganda, Kenya, and Tanzania.

The purpose of my trip just a few weeks ago was to learn, for myself, more about the human impact that a simple virus is having on the destruction of a continent. Not a family. Not a community. Not a state. Not a country. But an entire continent.

The statistics behind this global plague are shocking:

Each year, a staggering three million people die of AIDS. Someone dies from the disease every ten seconds. About twice that many, 5.5 million, or two every ten seconds, become infected. That's 15,000 a day. And what's even more tragic is that 6,000 of those infected each day are young—between ages 15 and 24. Globally, as many as 40 million are infected. Africa is hit particularly hard. Of those infected, 70% are in Africa. In Botswana alone, one out of every three individuals is infected.

And the toll on families is incalculable. 13 million children have been orphaned by AIDS, mostly in Africa. Projections for the next ten years are sobering—the orphan population may well grown to 40 million—the number equivalent to all children living east of the Mississippi River here in the U.S. But Africa is not alone. India, with over 4 million cases, is on the edge of an explosive epidemic. China is estimated to have as many as 10 million infected persons. The Caribbean sadly boasts one of the highest rates of infection of any region in the world. Eastern Europe and Russia report the fastest growth of AIDS cases, 11 times over during a three year period. And even worse—90 percent of those infected do not know they have the disease. There is no cure. There is no vaccine. And it is increasing in numbers.

As ranking member of the African Affairs subcommittee of the Foreign Relations Committee, I have a commitment to increase public awareness of the HIV pandemic in Africa, and most importantly, to develop a strategy to combat and eradicate the disease from the continent and the world. What I saw and learned in Uganda, Kenya, and Tanzania was extraordinary—coming face-to-face with the human tragedy of HIV/AIDS, and lives cut far too short.

Madam President, Africa has lost an entire generation. In Nairobi, Kenya, I visited the Kibera slum. With a population of over 750,000, one out of five of those who live in Kibera are HIV/AIDS positive. As I walked the crowded, dirty pathways sandwiched between hundreds of thousands of aluminum shanties, I was amazed that everyone was a child, or very old. The disease had wiped out the parents—the most productive segment of the population—teachers, military personnel, hospital workers, law enforcement officers.

In Arusha, Tanzania, I met Nema whose name means "Grace." She sells bananas to survive and provide for her year and a half old son, Daniel. When Daniel cried from hunger, Nema kissed his hand because she had nothing to give him but her love.

Margaret, also in Arusha, whose symptoms first came on in 1990. When her husband died, despite her illness, she found the strength to fight his family to keep the family property. Thanks to her brothers, she has a house for her six children.

And I had the privilege of visiting with Tabu, a 28-year-old prostitute, who was leaving Arusha to return to her village to die. She stayed an extra day to meet with us, and I will never forget her cheerful demeanor and mischievous smile as we met in her small stick-framed mud hut, no more than 12 by 12. Her two sisters are also infected, another sister has already died. Tabu will leave behind an eleven year old daughter, Adija.

At home in Tennessee, or even here in Washington, D.C., Uganda and Tanzania feel very far away. But the plague of HIV/AIDS and the chaos, despair and civil disorder it perpetrates only leads to the demise of democracy in a country, in a continent, in the world. Without civil institutions, there is disorder. Last year in South Africa, one in every 200 teachers died of AIDS. In Kenya, 75 percent of deaths on the police force are from AIDS. HIV-related deaths among hospital workers in Zambia have increased 13 times in over a decade. In the wake of these losses, economies are devastated. Botswana's economy is projected to shrink by 30 percent in ten years. Kenya's economy will see a 15 percent decline. Family incomes in the Ivory Coast have declined by 50 percent while expenditures for health care have risen by 4000 percent.

The orphans of Africa are left without parents, without teachers, without role models and leaders. They are susceptible to recruitment by criminal organizations, revolutionary militias, and terrorists. Terrorism could become a way of life—not only for maniacal cults but for a generation. September 11 taught us how small our world really is. And how great the responsibility before us.

And that is why I'm devoting much of my time in the U.S. Senate to the issue of global HIV/AIDS, and in particular, to the impact of the disease in Africa. Just as our great nation is the leader in the war on terrorism, we must also continue to lead in the global battle against AIDS as we work to build a better, safer world. Then where do we go from here?

It seems to me there are three key ingredients: leadership, prevention and treatment, and funding.

I would like to elaborate a moment on each. The good news is we know a lot about how to reverse the epidemic. And as a first step, it takes strong leadership at all levels, but as with most things in life, that leadership must start at the top. President Museveni in Uganda, with whom I spent some time on my trip, has not been bashful about speaking very publicly to the citizens of his country about HIV/AIDS. Bakili Muluzi, President of Malawi, was in my office here in Washington just a few weeks ago. He told me that he opens every speech to his countrymen with an admonition about HIV/AIDS. These two presidents underscore the need to bring the disease out into the light, helping to eliminate the stigma often associated with the disease, and opening the way for public education.

Others have also been doing their part—governments, the U.N., the World Bank, world leaders, corporations and philanthropies. From President Bush to Kofi Annan and Secretary Powell, world leaders support a call to action, and all recognize the need to do more. It's also leadership from people as unlikely as Bono, lead singer of the Irish rock band, U-2. With his passion for Africa and his "bully pulpit" as a celebrity, he's a credible and accomplished spokesperson on the issue. He joined us in Uganda and Kenya for a couple of days, and I was impressed with his knowledge, his commitment, his caring.

It's the role of leadership at all levels to ensure that our efforts are well coordinated, understanding the importance of enlisting all stakeholders in the fight against HIV/AIDS. We must coordinate within national governments as well as across them. We must leverage our precious resources and avoid duplication of effort. As I saw first-hand in east Africa, many of the best ideas come from those working in the trenches to fight this disease. Local community participation is essential to this process, and local leadership is critical, particularly as we work to prevent and treat the disease. Let me cite a couple of examples.

In Tanzania, Sister Denise Lynch runs the Uhai Center for the Roman Catholic Diocese of Arusha, providing a range of services to village schools and churches. Father Bill Freida, a physician at St. Mary's Hospital in Kenya, tells me they serve over 400 patients a day, and their chapel and bakery are anchors for the community. And Dr. Ebenezer Mawasha, also in Tanzania, promotes the teaching of spiritual and moral values in addition to health and hygiene education.

The work that these individuals have accomplished, coupled with their faith and commitment, are a true inspiration to me. And their efforts in preventing the disease will have positive repercussions in the years to come. Their leadership on the ground, in the trenches, each and every day, is fundamental to our ultimate success. I also want to salute the leadership of those with the CDC and U.S. AID on the ground in east Africa. President Museveni told me that our government's investment in Uganda, for example, of $120 million over the last ten years has been instrumental in their success in bringing new infection rates from 32 percent to just over 6 percent. Our presence through these two federal agencies is making a difference.

Until science produces a vaccine, prevention through behavioral change and awareness is the key. And once again, cultural stigmas must be overcome. With a combination of comprehensive national plans, donor support and community-based organizations, progress can be made. Uganda, Thailand and Senegal are these examples of solid success. We must encourage people to be tested, for here is our real opportunity to save countless lives. The more people know about infection, the more likely they are to do something about it. I believe we should increase investments in rapid HIV testing kits and counseling for developing countries. Access to these testing tools helps to reinforce prevention messages and guide treatment options.

As I saw in Africa, testing centers become centers of hope for a community, a place where those struggling with HIV/AIDS can share ideas, support each other, learn coping strategies, and receive medical treatment and nutritional support. I was particularly impressed with the work in the Kibera slum of Nairobi at the Kibera Self-Help Programme, run by the Centers for Disease Control. Officials there told me that a negative test provides a powerful incentive to stay healthy, and gives people an opportunity to receive counseling on risk behavior that will ultimately save lives. A positive test removes the burden of not knowing and allows for timely treatment and counseling, an important first step in living longer and healthier lives.

In recent months, pharmaceutical companies sent a message of hope by slashing prices on anti-retrovirals for poor countries. Other treatment regimens may make an ever bigger difference in extending life and holding families together. Just as importantly, the hope of some kind of treatment will encourage more people to have themselves tested. And there are other potential public health advantages to treatment that require further research and evaluation. Treatment with anti-retroviral drugs lowers the amount of virus in the blood, potentially decreasing the risk of transmission, both among adults and mother to child transmissions.

In addition, access to treatment and drugs is also needed for opportunistic infections, such as tuberculosis. For all the damage that HIV/AIDS does, TB kills more people in Africa with AIDS than any other opportunistic infection. CDC officials in Kenya told me TB has increased six times over in the last ten years, and it's impossible to separate HIV and TB. I've seen first hand in Sudan the reemergence of TB in strains more resistant, move virulent, than any we've seen before.

And finally, support of health care delivery systems, with a special emphasis on personnel training, is essential to effective treatment programs. Let me add that on the subject of vaccines we must continue to search for the tools to finally reverse the spread of HIV/AIDS. Research and development must continue, and I'm pleased to report that NIH currently has over two dozen vaccine candidates in the pipeline. Someday, and hopefully very soon, we will have a vaccine to prevent this disease.

In sum, I believe there are eight goals we must pursue in this global fight.

1. We must continue to encourage the political, religious and business leaders of the world to unit in an international commitment to halt the spread of HIV/AIDS and to help those who are afflicted with the disease.

2. We must continue to embrace the new Global Fund for HIV/AIDS, TB, and Malaria. This is not a UN fund, or an American fund. It is a new way of doing business.

3. We must better leverage America's public health care resources and talent to address the challenge. There must be a "call to cure" for our health care professionals to use their talent and expertise.

4. We should encourage and empower coalitions of governments, multi-lateral institutions, corporations, foundations, scientific institutions and NGO's to fill the gap between the available resources and the unmet needs for prevention, care and treatment.

5. We must continue to put community-based organizations, both religious and secular, at the forefront of action on the ground by getting funds to them quickly so they can most effectively do their jobs in reaching out those who need help most.

6. We must make certain that international research efforts on disease affecting poor countries is reinforced in a manner that assures the best scientific work in the world will lead to real benefits for the developing world—at a cost they can afford.

7. We must focus on prevention, and also support care and treatment options that combine reasonable cost pharmaceuticals with appropriately structured health care delivery systems.

8. Finally, we must do all we can to provide comfort to the families and orphans affected, to give them hope and dignity.

I can still hear young Daniel's cries of hunger and know that his young mother will not live to see him grow into adolescence, much less manhood; can see Sister Denise as she patiently and capably answers my many questions about the best ways we can help; still hear the pride in Father Freida's voice as he describes his hospital as a place to provide dignity and comfort to the inflicted and dying; and I think of Tabu who has returned to her home village to face death. These images will remain with me; these images strengthen my resolve to win the fight against HIV/AIDS.

History will judge us as to how we as a nation, as a global community, address and respond to this most devastating and destructive public health crisis we have seen since the bubonic plague ravaged Europe over 600 years ago.

The task before us looms large, but by pulling together, with leadership from all, we will eliminate the scourge of HIV/AIDS from the face of the globe in our lifetime.

ECONOMIC STIMULUS—SENATE PASSAGE

Mr. ALLEN. Madam President, it is with great relief that I rise today in commendation for approval of the "Job Creation and Worker Assistance Act of 2002," which I believe represents a job security, job creation and balanced response by the Federal Government to the economic challenges faced by families and businesses. With the signing of this Act into law, on March 9, 2002, by the President, Americans finally received the economic stimulus relief that should have been passed many months ago.

During the past months, all Americans have been deluged with grim news of recessions, plummeting consumer confidence and rising unemployment. Last March, which is widely believed to be the beginning of the current recession, unemployment totaled 6.2 million, or 4.3 percent. Just under a year later, February unemployment rate equaled 5.5 percent, a number representative of the 1.4 million jobs lost since March of last year.

These numbers represent much more than just mere statistics, the 5.5 percent represents 7.9 million people who are without a job, a steady paycheck and the security of knowing that bills will be paid and food will be on the table. Even more worrisome for many families is that they have begun to exhaust their State unemployment benefits: in January 2002 alone, 373,000 displaced workers ran out of the financial support they need to simply survive as they look for a job.

This is why ending the obstruction by passage of the Job Creation and Worker Assistance Act of 2002 is so important. This bill not only includes targeted tax incentives that will increase capital investment and spending, ensuring that the weak recovery underway will not be derailed, but it provides the economic security the families of displaced workers so desperately need to get by until new jobs can be found.

I would like to take this opportunity to talk briefly about two provisions that I am particularly pleased are included in the economic stimulus package.

First, this recession is notable for the sharp plummet in the level of capital investment in new equipment and technologies by companies, coupled with a decrease in consumer demand. Until such capital expenditures increase, our economy will not fully recover from the recession.

Accelerated depreciation is a top priority of Virginia's and America's technology industry. It will spur capital expenditures for new advanced equipment and technology. This incentive will create and save more jobs for working men and women involved in producing, creating, fabricating and transporting such capital equipment from computers and construction equipment to airplanes and locomotives.

By providing for a 30-percent bonus depreciation rate over a 3-year period, the economic stimulus package will encourage enterprising businesses and people to invest and grow, promoting capital expenditures that would not have occurred but for the passage of this act, eventually increasing job growth and consumer spending.

Second, the bill includes a provision, similar to legislation I introduced in September 2001, which provides displaced workers with an additional 13 weeks of unemployment benefits after they have exhausted their State-provided unemployment benefits.

Recently, we have received good news on the economy and the prospects of its recovery from the recession. February was the first month in which jobs were added since July 2001, and the unemployment rate is finally beginning to inch down from its high of 5.8 percent in December 2001.

Yet, even with the good news, Chairman Greenspan is still maintaining his earlier forecast of relatively weak economic growth in 2002 of between 2.5 percent and 3 percent. It will take time for the economy to fully recover and to create the jobs that will get workers back on the payrolls. News of eventual recovery is of little relief for the 1.4 million workers who have exhausted their unemployment benefits since September 2001.

Without the immediate financial lifeline that the additional 13 weeks of benefits provides, these families, at the minimum, risk ruining their credit ratings and, in the worst-case scenario, could lose their home or car.

Hard-working Americans, facing such a harrowing situation, ought to have a response to help them get through the early stages of the economy recovery until jobs become more readily available and workers can provide for their families. The 13 weeks of extended benefits provides the temporary financial assistance for displaced workers to get back on their feet and successfully get a new job.

In sum, the Job Creation and Worker Assistance Act of 2002 is the appropriate combination of immediate financial relief and security to American families and tax incentives for businesses to make the capital investments necessary for economic growth and job creation. I am confident that the new opportunities made available with the passage of this act will go a long way toward ensuring a more secure future for American working men, women and families.

ADDITIONAL STATEMENTS

HONORING BETHANEY ADAMS

• Mr. BUNNING. Madam President, I rise today to honor a truly amazing and enchanting woman, Ms. Bethaney Adams of Bowling Green, Kentucky. Bethaney was recently named Ms. Wheelchair Kentucky by the Ms. Wheelchair America Program, Inc. The Ms. Wheelchair America Program's mission is to provide an opportunity for women of achievement who utilize wheelchairs, such as Bethaney, to successfully educate and advocate for individuals with disabilities.

One certainty that I have come to realize in life is that adversity will strike and often with a mighty blow. When Bethaney Adams came face to face with adversity, she did not back down from her fears or focus her thoughts on negative scenarios. In fact, she excluded the word defeat from her vocabulary and decided to live life with a purpose and meaning. Bethaney, a senior at Murray State University, is currently getting her undergraduate degree in therapeutic recreation. After completing her studies at Murray, she plans on pursuing her masters degree in therapeutic recreation and eventually wants to work in a children's hospital where she could assist and inspire those living with disabilities on a daily basis.

Outside of her studies, Bethaney has made great strides in the area of community service. She has taken trips to Mexico, Washington, D.C., and New Orleans, where she worked to aid those less fortunate individuals living in poverty. Here in D.C., she stayed at a homeless shelter in an attempt to motivate those currently down on their luck. Bethaney made the choice a long time ago to view her "dis"ability as just the opposite. Being in a wheelchair gives her the ability to communicate with others and make a difference in their lives.

As for Bethaney's most recent accomplishment, winning Ms. Wheelchair Kentucky, she now plans to use this as an opportunity to broaden the scope of her audience. She will speak at camps across the Commonwealth and address inner-city youth in an effort to provide that successful and positive thinking leads directly to successful and positive actions. In June Bethaney will, for the third straight year, be a speaker at the National Spina Bifida Conference in Orlando, Florida, and in August she will represent Kentucky in the Ms. Wheelchair America pageant to be held in Maryland. The contest will judge the contestants based upon their accomplishments, communication skills, self-perception, and projection in the personal and on-stage interviews as well as the platform speech presentation. I know Bethaney will make Kentucky proud.

I once again congratulate Bethaney Adams for this honorable distinction and wish her the best in all her future endeavors. I believe each and every one of us can take something away from this incredible woman and her ability to turn an obstacle into a motivation. I thank her for being an inspiration to me and so many others.•

TRIBUTE TO 2001 BUSINESS OF THE YEAR—FIDELITY INVESTMENTS

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Fidelity Investments of Merrimack, New Hampshire, on being named as the 2001 Business of the Year by the Merrimack Chamber of Commerce. An active member of the community, Fidelity Investments has been a model in stewardship for the greater Merrimack area.

I commend the achievements of Fidelity Investments for the growth of the company and the opportunities it provides to the citizens of Merrimack and the State. In 1996, Fidelity Investments opened its Merrimack facility with 300 employees and a single business unit on the former Digital Equipment site. Five years later in 2002, Fidelity has expanded to more than 20 Fidelity-affiliated business units with more than 3,500 employees.

Fidelity Investments has been a dedicated member of the Merrimack Chamber for the past five years. Always active in community events, Fidelity has contributed to programs including: Merrimack Chamber Golf Tournament and Banquet, Fidelity Foundation, Mentor Program with Mastricola Middle School, Career's Academy of Finance program at the South Central School, sponsor of the Union Leader's Stock Market Made Easy program, sponsor of Junior Achievement's Titan Cyber-Biz program, and sponsor of Kids Voting New Hampshire.

The company also has a strong relationship with members of the Merrimack law enforcement and public safety communities providing sponsorships for training and donations of equipment including participation in the Local Emergency Planning Committee. Fidelity also offers access to and usage of the company's helicopter pad by the Merrimack Fire Department during medical emergencies.

I applaud the exemplary acts of community involvement by the leadership and employees of Fidelity Investments and congratulate them on this prestigious award. The Town of Merrimack and entire State have benefitted from the economic and charitable contributions made by the concerned citizens at Fidelity Investments. It is truly an honor and a privilege to represent you in the United States Senate.•

TRIBUTE TO THE TOWN OF MILTON, NEW HAMPSHIRE

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to the citizens of Milton, New Hampshire, on the occasion of the Town's bicentennial celebration.

The Town of Milton, located in Strafford County, has a rich history in the State of New Hampshire. A petition was submitted in 1794 by the citizens of Rochester to be incorporated as a separate town. On June 11, 1802, the Town of Milton was incorporated.

Milton is located on Milton Three Ponds, an area blessed with an abundance of waterpower which was utilized by different industries including several sawmills and a woolen mill, Miltonia Mills which specialized in fine wool blankets that were used by Admiral Peary on exploratory exhibitions. A distillery and five icehouses which supplied ice to Boston, Massachusetts, were also located in Milton.

Construction of homes began in Milton during the early 1800's and the first rural schools, Plummer's Ridge School #1 and Nute Ridge School #2 were built. Both school buildings remain standing in Milton today. In 1853, Lewis Worster Nute, a native of Milton, provided financial support in his will to build a school and a library in Milton and a chapel in West Milton.

Today, the Town of Milton, situated in southeastern New Hampshire, has a population of approximately four thousand residents. Teneriffe Mountain overlooks Milton Three Ponds which connects to the Salmon Falls River, offering spectacular scenery year round.

Milton's municipal government consists of an elected three member Board of Selectmen and numerous other boards and committees. The Town's representatives in the New Hampshire legislature include: Representatives Nancy Johnson and Rodney Woodill and State Senator Carl Johnson. The Town has an excellent on-call Fire Department and Ambulance Corps, along with a well staffed Police Department and a summer marine patrol.

Each year the townspeople of Milton nominate a "Citizen of the Year." In 2002, the Fire, Police and Ambulance Corps will be honored as the true heroes in Milton, New Hampshire.

I congratulate the citizens of Milton, New Hampshire, as they celebrate the Town's bicentennial anniversary and wish them continued success and prosperity in the years to come. It is truly an honor and a privilege to represent the people of the Town of Milton in the United States Senate.•

TRIBUTE TO NELSON DISCO

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Nelson Disco of Merrimack, New Hampshire, on being named as the 2001 President's Award recipient by the Merrimack Chamber of Commerce.

A dedicated member of the community at large, Nelson has worked diligently donating his time and talents to projects and programs benefitting the Town of Merrimack including: Parks and Recreation Department tennis court designer, member of the Board of Selectmen, and Planning Board.

Nelson was a recipient of the Paul Harris Fellowship Award from the Merrimack Rotary Club and was the 1990 Chamber Business Person of the Year. Retired from Sanders Corporation in 2000, he has been an exemplary contributor to the Chamber of Commerce assisting with programs including co-chair of the Gourmet Festival and volunteer on the Banquet Committee.

Nelson enjoys his retirement exercising with friends four days per week and volunteering at the American Canadian Genealogy Library.

I applaud the service that Nelson has selflessly provided to the citizens of Merrimack. His caring efforts have benefitted the residents of Merrimack and the community at large. I congratulate Nelson on this prestigious award and wish him well in his retirement years. It is truly an honor and a privilege to represent him in the United States Senate.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL MESSAGE

The following presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-75. A message from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Iran; to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2001 (66 Fed. Reg. 15013).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 13, 2002.*

PRESIDENTIAL MESSAGE

The following Presidential message was laid before the Senate together with accompanying reports, which was referred as indicated:

PM-76. A message from the President of the United States, transmitting, pursuant to law, a report concerning the continuation of the National Emergency with Respect to Iran beyond March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 13, 2002.*

MESSAGE FROM THE HOUSE

At 11:28 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the amendment of the Senate to the title and agreed to the amendment of the Senate to the text of the bill (H.R. 1499) to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes, with an amendment to the Senate amendments in which it requests the concurrence of the Senate.

The message also announced that the House has agreed to the amendment of the Senate to the bill (H.R. 1885) to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, and for other purposes, with an amendment and an amendment to the title in which it requests the concurrence of the Senate.

The message further announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2175. An act to protect infants who are born alive.

The message also announced that the House has agreed to the following concurrent resolution:

H. Con. Res. 339. Concurrent resolution expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

The message also announced that pursuant to clause 11 of rule 1, the Speaker removes Mr. BALLENGER of North Carolina, as a conferee to the bill (H.R. 2646) to provide for the continuation of agricultural programs through fiscal year 2011, and appoints Mr. BARTLETT of Maryland, to fill the vacancy.

MEASURES REFERRED

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 339. Concurrent resolution expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment, to the Committee on Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2175. An act to protect infants who are born alive.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5724. A communication from the Chief Counsel, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Seaway Regulations and Rules: Ballast Waters" (RIN2135-AA13) received on March 12, 2002; to the Committee on Environment and Public Works.

EC-5725. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 14-297, "Advisory Neighborhood Commissions Boundaries Act of 2002" received on March 12, 2002; to the Committee on Governmental Affairs.

EC-5726. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2001-65) received on March 12, 2002; to the Committee on Finance.

EC-5727. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Update of Notice 2000-11" (Notice 2002-3) received on March 12, 2002; to the Committee on Finance.

EC-5728. A communication from the Deputy Chief Counsel, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Eligibility of U.S. Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation" (RIN2133-AB45) received on March 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC-5729. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control, and Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Mergers, Consolidations, and Acquisitions of Control" (RIN2130-AB24) received on March 12, 2002; to the Committee on Commerce, Science, and Transportation.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2011. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2012. A bill to extend the temporary suspension of duty on cobalt boron; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 367

At the request of Mrs. BOXER, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 367, a bill to prohibit the application of certain restrictive eligibility requirements to foreign nongovernmental organizations with respect to the provision of assistance under part I of the Foreign Assistance Act of 1961.

S. 917

At the request of Ms. COLLINS, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 917, a bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on account of claims based on certain unlawful discrimination and to allow income averaging for backpay and frontpay awards received on account of such claims, and for other purposes.

S. 960

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Ms. CANTWELL), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 987

At the request of Mr. TORRICELLI, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 987, a bill to amend title XIX of the Social Security Act to permit States the option to provide medicaid coverage for low-income individuals infected with HIV.

S. 1067

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 1067, a bill to amend the Internal Revenue Code of 1986 to expand the availability of Archer medical savings accounts.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1410

At the request of Mr. COCHRAN, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 1410, a bill to amend the Internal Revenue Code of 1986 to clarify the excise tax exemptions for aerial applicators of fertilizers or other substances.

S. 1625

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1625, a bill to require the Secretary of Health and Human Services to approve up to 4 State waivers to allow a State to use its allotment under the State children's health insurance program under title XXI of the Social Security Act to increase the enrollment of children eligible for medical assistance under the medicaid program under title XIX of such Act.

S. 1652

At the request of Mr. BINGAMAN, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1652, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans and to provide for the gradual elimination of the program.

S. 1738

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1738, a bill to amend title XVIII of the Social Security Act to provide regulatory relief, appeals process reforms, contracting flexibility, and education improvements under the medicare program, and for other purposes.

S. 1752

At the request of Mr. CORZINE, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 2003

At the request of Mr. NELSON of Florida, the names of the Senator from Hawaii (Mr. INOUYE), the Senator from Illinois (Mr. DURBIN), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. RES. 132

At the request of Mr. CLELAND, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 206

At the request of Mr. MURKOWSKI, the names of the Senator from Colorado (Mr. CAMPBELL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Maryland (Mr. SARBANES), and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 207

At the request of Mr. BINGAMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 207, a resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 2997

At the request of Mr. BOND, the names of the Senator from Iowa (Mr. GRASSLEY), the Senator from Arkansas (Mr. HUTCHINSON), the Senator from Virginia (Mr. ALLEN), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of amendment No. 2997.

At the request of Mr. BUNNING, his name was added as a cosponsor of amendment No. 2997 supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2011. A bill to extend the temporary suspension of duty on ferroboron; to the Committee on Finance.

By Mr. HOLLINGS (for himself and Mr. THURMOND):

S. 2012. A bill to extend the temporary suspension of duty on cobalt boron; to the Committee on Finance.

Mr. HOLLINGS. Madam President, today, I, along with Senator THURMOND, introduce two duty suspensions designed to permit the import of raw materials into the United States duty free. The materials are not indigenous to or made in the United States. Therefore, their importation will not displace domestic sourcing. Moreover, because of the nature of the products at issue, they will assist in the creation of additional jobs in the United States.

I believe that this is the most appropriate use of such legislation. The imported product will not displace any that is manufactured in the United States. Moreover, the imported product will assist in enhancing American productive capacity. I am therefore hopeful that this new capacity can be used to supply both domestic and foreign needs and will increase employment in the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2998. Mr. MILLER (for himself, Mr. GRAMM, Mr. HUTCHINSON, Mr. INHOFE, Mr. HELMS, and Mr. ALLEN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 2999. Mr. KERRY (for himself, Mr. McCain, Ms. Snowe, Mr. Smith, of Oregon, Ms. Collins, and Mr. Chafee) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3000. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3001. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3002. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3003. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3004. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3005. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3006. Mr. THOMAS (for himself, Mr. Bingaman, and Mr. Murkowski) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3007. Mr. CAMPBELL (for himself, Mr. Brownback, Mr. Gramm, Mr. Enzi, and Mr. Smith of New Hampshire) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3008. Mr. DAYTON (for himself and Mr. Grassley) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3009. Mr. DOMENICI proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3010. Mr. Bingaman (for Ms. Landrieu) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3011. Mr. Bingaman (for Ms. Landrieu (for himself and Mr. Domenici)) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 2998. Mr. MILLER (for himself, Mr. Gramm, Mr. Hutchinson, Mr. Inhofe, Mr. Helms, and Mr. Allen) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 177, before line 1, insert the following:

SEC. 811. AVERAGE FUEL ECONOMY STANDARDS FOR PICKUP TRUCKS.

(a) In General.—Section 32902(a) of title 49, United States Code, is amended—

(1) by inserting "(1)" after the after "Automobiles.—"; and

(2) by adding at the end the following new paragraph:

"(2) The average fuel economy standard for pickup trucks manufactured by a manufacturer in a model year after model year 2004 shall be no higher than 20.7 miles per gallon. No average fuel economy standard prescribed under another provision of this section shall apply to pickup trucks.".

(b) Definition of Pickup Truck.—Section 32901(a) of such title is amended by adding at the end the following new paragraph:

"(17) 'pickup truck' has the meaning given that term in regulations prescribed by the Secretary for the administration of this chapter, as in effect on January 1, 2002, except that such term shall also include any additional vehicle that the Secretary defines as a pickup truck in regulations prescribed for the administration of this chapter after such date.".

SA 2999. Mr. KERRY (for himself, Mr. McCain, Ms. Snowe, Mr. Smith of Oregon, Ms. Collins, and Mr. Chafee) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike subtitle A of title VIII and insert the following:

Subtitle A—CAFE Standards and Related Matters

PART I—CORPORATE AVERAGE FUEL ECONOMY STANDARDS

SEC. 801. AVERAGE FUEL ECONOMY STANDARDS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) Increased Standards.—Section 32902 of title 49, United States Code, is amended—

(1) by striking "Non-Passenger Automobiles.—" in subsection (a) and inserting "Prescription of Standards by Regulation.—"; and

(2) by striking "(except passenger automobiles)" in subsection (a) and inserting "(except passenger automobiles and light trucks)";

(3) by striking subsection (b) and inserting the following:

"(b) Standards for Passenger Automobiles and Light Trucks.—

"(1) In general.—The Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, shall prescribe average fuel economy standards for passenger automobiles and light trucks manufactured by a manufacturer in each model year beginning with model year 2007 in order to achieve a combined average fuel economy standard for passenger automobiles and light trucks for model year 2015 of at least 36 miles per gallon.

"(2) Intermediate fuel economy standards.—Consistent with the requirements of paragraph (1), the Secretary of Transportation shall, in determining the pacing of fuel economy standards described in paragraph (1), set intermediate standards in a manner that—

"(A) encourages introduction and use of advanced technology vehicles, such as hybrid and fuel cell vehicles, to achieve reductions in fuel consumption;

"(B) takes into account the effects of increased fuel economy on air quality;

"(C) takes into account the effects of compliance with average fuel economy standards on levels of employment in the United States; and

"(D) takes into account cost and lead time necessary for the introduction of the necessary new technologies.

"(3) Deadline for regulations.—The Secretary shall promulgate the regulations required by paragraph (1) in final form no later than 24 months after the date of enactment of the Energy Policy Act of 2002.

"(4) Default standard.—If the regulations required by paragraph (1) are not promulgated in final form within the period required by paragraph (3), then the combined average fuel economy standard for passenger automobiles and light trucks beginning with model year 2011 is 30 miles per gallon. This paragraph does not supersede the standard required by paragraph (1) for model year 2015.";

(4) by striking "the standard" in subsection (c)(1) and inserting "a standard";

(5) by striking the first and last sentences of subsection (c)(2); and

(6) by striking "(and submit the amendment to Congress when required under subsection (c)(2) of this section)" in subsection (g).

(b) Definition of Light Trucks.—

(1) In general.—Section 32901(a) of title 49, United States Code, is amended by adding at the end the following:

"(17) 'light truck' means a vehicle, as determined by the Secretary by regulation, that—

"(A) is manufactured primarily for transporting not more than 10 individuals;

"(B) is rated at not more than 10,000 pounds gross vehicle weight;

"(C) is not a passenger automobile; and

"(D) is not described in paragraph (1) or (4) of the definition of the term 'medium-duty passenger vehicle' in section 86.1803–01 of title 40, Code of Federal Regulations.".

(2) Deadline for regulations.—The Secretary of Transportation—

(A) shall issue proposed regulations implementing the amendment made by paragraph (1) not later than 1 year after the date of the enactment of this Act; and

(B) shall issue final regulations implementing the amendment not later than 18 months after the date of the enactment of this Act.

(3) Effective date.—Regulations prescribed under paragraph (1) shall apply beginning with model year 2007.

(c) Applicability of Existing Standards.—This section does not affect the application of section 32902 of title 49, United States Code, to passenger automobiles or non-passenger automobiles manufactured before model year 2007.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary of Transportation to carry out the provisions of chapter 329 of title 49, United States Code, $25,000,000 for each of fiscal years 2003 through 2015.

SEC. 802. FUEL ECONOMY STANDARD CREDITS.

(a) In General.—Section 32903 of title 49, United States Code, is amended by striking the second sentence of subsection (a) and inserting "The credits—

"(1) may be applied to any of the 3 model years immediately following the model year for which the credits are earned; or

"(2) transferred to the registry established under section 821(a) of the Energy Policy Act of 2002.".

(b) GREENHOUSE GAS CREDITS APPLIED TO CAFE STANDARDS.—Section 32903 of title 49, United States Code, is amended by adding at the end the following:

"(g) GREENHOUSE GAS CREDITS.

"(1) IN GENERAL.—A manufacturer may apply credits purchased through the registry established by section 821(a) of the Energy Policy Act of 2002 toward any model year after model year 2006 under subsection (d), subsection (e), or both.

"(2) LIMITATION.—A manufacturer may not use credits purchased through the registry to offset more than the following percentages of the fuel economy standard applicable to any model year:

"(A) 2 percent for model year 2007.

"(B) 4 percent for model year 2008.

"(C) 6 percent for model year 2009.

"(D) 8 percent for model year 2010.

"(E) 10 percent for model year 2011 and thereafter.".

(c) NO CARRYBACK OF CREDITS.—Section 32903(a) of title 49, United States Code, is amended—

(1) by striking "applied to—" and inserting "applied—";

(2) by inserting "for model years before model year 2007, to" in paragraph (1) before "any";

(3) by striking "and" after the semicolon is paragraph (1);

(4) by striking "earned." in paragraph (2) and inserting "earned; and "; and

(5) by adding at the end the following:

"(3) for model years after 2006, in accordance with the vehicle credit trading system established under subsection (g), to any of the 3 consecutive model years immediately after the model year for which the credit was earned.".

SEC. 803. STUDY OF TIER 2 STANDARDS.

(a) STUDY.—Not later than 6 months after the date of enactment of this Act, the Administrator of the Environmental Protection Agency shall, in consultation with the Secretary of Energy and the Secretary of Transportation, commence a study to analyze the regulations regarding motor vehicle emission standards and gasoline sulfur control requirements promulgated on May 13, 1999, (40 CFR Parts 80, 85, and 86) to determine whether those regulations allow optimization of motor vehicle fuel efficiency and promote greenhouse gas emission reductions in the new vehicle fleet. The study shall include an examination of the extent to which the bin structure created by those regulations may deter manufacturers from developing and producing covered vehicles, including those using compression ignition engines, that are more fuel efficient and will promote greater greenhouse gas emission reductions than vehicles that would otherwise be produced. In addition, the study shall include an examination of the extent to which biofuels can contribute to meeting vehicle emission standards for covered vehicles.

(b) REPORT.—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit the report on the results of the study to the Committee on Commerce, Science, and Technology, and the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives. The report shall contain recommendations for any legislative or regulatory action the Administrator proposes if the Administrator determines such act would encourage improvements in vehicle fuel efficiency, reduce greenhouse gas emissions from the new vehicle fleet, and maintain or improve the new vehicle fleet's emissions reductions projected to occur from implementation of the regulations referred to in subsection (a).

SEC. 804. ELIMINATION OF 2-FLEET RULE.

(a) IN GENERAL.—Section 39204 of title 49, United States Code, is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c) through (e) as subsections (b) through (d), respectively.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to model years 2007 and later.

SEC. 805. ELIMINATION OF DUAL FUEL CREDIT.

Section 32905 of title 49, United States Code, is repealed.

SEC. 806. ENSURING SAFETY OF PASSENGER AUTOMOBILES AND LIGHT TRUCKS.

(a) IN GENERAL.—The Secretary of Transportation shall exercise such authority under Federal law as the Secretary may have to ensure that—

(1) passenger automobiles and light trucks (as those terms are defined in section 32901 of title 49, United States Code) are safe;

(2) progress is made in improving the overall safety of passenger automobiles and light trucks; and

(3) progress is made in maximizing United States employment.

(b) IMPROVED CRASHWORTHINESS.—Subchapter II of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§ 30128. Improved crashworthiness

"(a) ROLLOVERS.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary of Transportation, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter for rollover crashworthiness standards that includes—

"(1) dynamic roof crush standards;

"(2) improved seat structure and safety belt design;

"(3) side impact head protection airbags; and

"(4) roof injury protection measures.

"(b) HEAVY VEHICLE HARM REDUCTION COMPATIBILITY STANDARD.

"(1) INITIAL STANDARD.—Within 3 years after the date of enactment of the Energy Policy Act of 2002, the Secretary, through the National Highway Traffic Safety Administration, shall prescribe a motor vehicle safety standard under this chapter that will reduce the aggressitivity of light trucks by 33 percent, using a baseline model year of 2002 and will improve vehicle compatibility in collisions between light trucks and cars, in order to protect against unnecessary death and injury.".

"(2) 5-YEAR REVIEW.—The section should review the effectiveness of this standard every 5 years following final issuance of the standard and shall issue, through the National Highway Traffic Safety Administration, upgrades to the standard to reduce fatalities and injuries related to vehicle compatibility and light truck aggressitivity.".

"(c) CONFORMING AMENDMENT.—The chapter analysis for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30217 the following:

"30128. Improved crashworthiness".

SEC. 807. SAFETY RATING LABELS.

Section 32302 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) of subsection (a) as paragraphs (4) and (5), respectively;

(2) by inserting after paragraph (2) of subsection (a) the following:

"(3) overall safety of the driver and passengers of the vehicle in a collision."; and

(3) by striking subsection (b) and inserting the following:

"(b) MOTOR VEHICLE SAFETY INFORMATION.

"(1) IN GENERAL.—In carrying out subsection (a), the Secretary shall establish test criteria for use by manufacturers in determining crashworthiness and the overall safety of vehicles for drivers and passengers.

"(2) PRESENTATION OF DATA.—The Secretary shall prescribe a system for presenting information developed under paragraphs (1) through (3) of subsection (a) to the public in a simple and understandable form that facilitates comparison among the makes and models of passenger motor vehicles.

"(3) LABEL REQUIREMENT.—Each manufacturer of a new passenger motor vehicle (as defined in section 32304(a)(8)) manufactured after September 30, 2005, and distributed in commerce for sale in the United States shall cause the information required by paragraph (2) to appear on, or adjacent to, the label required by section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232(b).".

SEC. 808. FUEL ECONOMY TRUTH-IN-TESTING STUDY.

(a) IN GENERAL.—The Administrator of the Environmental Protection Agency shall conduct—

(1) an ongoing examination of the accuracy of fuel economy testing of passenger automobiles and light trucks in accordance with procedures in effect as of the date of enactment of this Act, as compared to the actual performance of such passenger automobiles and light trucks when driven by average drivers under average driving conditions in the United States, which may be obtained through a survey of current vehicle owners; and

(2) an assessment of the extent to which fuel economy deteriorates during the life of such passenger automobiles and light trucks.

(b) REPORT.—The Administrator shall, within 12 months after the date of enactment of this Act and annually thereafter, submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Commerce and Energy of the House of Representatives a report on the results of the study required by subsection (a) of this section. The report shall include—

(1) a comparison between—

(A) fuel economy measured, for each model in the applicable model year, through testing procedures in effect as of the date of enactment of this Act; and

(B) fuel economy of such passenger automobiles and light trucks during actual on-road performance, as determined under subsection (a);

(2) a statement of the percentage difference, if any, between actual on-road fuel economy and fuel economy measured by test procedures of the Environmental Protection Administration; and

(3) any recommendations for legislative or other action.

SEC. 809. FUEL ECONOMY LABELS.

Section 32908 of title 49, United States Code, is amended—

(1) by striking "title." in subsection (a)(1) and inserting "title, and a light truck (as defined in section 32901(17) after model year 2007; and";

(2) by redesignating subparagraph (F) of subsection (b)(1) as subparagraph (H), and inserting after subparagraph (E) the following:

“(F) a label (or a logo imprinted on a label required by this paragraph) that—

“(i) reflects an automobile's performance on the basis of criteria developed by the Administrator to reflect the fuel economy and greenhouse gas and other emissions consequences of operating the automobile over its likely useful life;

“(ii) is easily understandable and permits consumers to compare performance results under clause (i) among all passenger automobiles and light duty trucks (as defined in section 32901), and in the vehicles in the vehicle class to which it belongs; and

“(iii) is designed to encourage the manufacture and sale of passenger automobiles and light trucks that meet or exceed applicable fuel economy standards under section 32902.

“(G) a fuelstar under paragraph (5).”; and

“(3) by adding at the end of subsection (b) the following:

“(4) LABEL PROGRAM.

“(A) MARKETING ANALYSIS.—Within 2 years after the date of enactment of the Energy Policy Act of 2002, the Administrator shall complete a study of social marketing strategies with the goal of maximing consumer understanding of point-of-sale labels or logos described in paragraph (1)(F).

“(B) CRITERIA.—In developing criteria for the label or logo, the Administrator shall also consider, among others as appropriate, the following factors:

“(i) The recyclability of the automobile.

“(ii) Any other pollutants or harmful byproducts related to the automobile, which may include those generated during manufacture of the automobile, those issued during use of the automobile, or those generated after the automobile ceases to be operated.

“(5) FUELSTAR PROGRAM.

“The Secretary, in consultation with the Administrator, shall establish a program, to be known as the ‘fuelstar’ program, under which stars shall be imprinted on or attached to the label required by paragraph (1) that will, consistent with the findings of the marketing analysis required under paragraph (4)(A), provide consumer incentives to purchase vehicles that exceed the applicable fuel economy standard.

SEC. 810. SECRETARY OF TRANSPORTATION TO CERTIFY BENEFITS.

Beginning with model year 2007, the Secretary of Transportation, in consultation with the Administrator of the Environmental Protection Agency, shall determine and certify annually to the Congress—

(1) the annual reduction in United States consumption of petroleum used for vehicle fuel, and

(2) the annual reduction in greenhouse gas emissions,

properly attributable to the implementation of the average fuel economy standards imposed under section 32902 of title 49, United States Code, as a result of the amendments made by this Act.

SEC. 811. DEPARTMENT OF TRANSPORTATION ENGINEERING AWARD PROGRAM.

(a) ENGINEERING TEAM AWARDS.—The Secretary of Transportation shall establish an engineering award program to recognize the engineering team of any manufacturer of passenger automobiles or light trucks (as such terms are defined in section 32901 of title 49, United States Code) whose work directly results in production models of—

(1) the first large sport utility vehicle, van, or light truck to achieve a fuel economy rating of 30 miles per gallon under section 32902 of such title; and

(2) the first mid-sized sport utility vehicle, van, or light truck to achieve a fuel economy rating of 35 miles per gallon under section 32902 of such title.

(b) REQUIREMENTS FOR PARTICIPATION IN ENGINEERING TEAM AWARDS PROGRAM.—In establishing the engineering team awards program under subsection (a), the Secretary shall establish eligibility requirements that include—

(1) a requirement that the vehicle, van, or truck be domestically-manufactured or manufacturable (if a prototype) within the meaning of section 32903 of title 49, United States Code;

(2) a requirement that the vehicle, van, or truck meet all applicable Federal standards for emissions and safety (except that crash testing shall not be required for a prototype); and

(3) such additional requirements as the Secretary may require in order to carry out the program.

(c) AMOUNT OF PRIZE.—The Secretary shall award a prize of not less than $30,000 to each engineering team determined by the Secretary to have successfully met the requirements of paragraph (1) or (2) of subsection (a). The Secretary shall provide for recognition of any manufacturer to have not the requirements of subsection (b) with appropriate ceremonies and activities, and may provide a monetary award in an amount determined by the Secretary to be appropriate.

(d) MANUFACTURER'S AWARD.—The Secretary of Transportation shall also establish an Old Independence Award to recognize the first manufacturer of domestically-manufactured (within the meaning of section 32903 of title 49, United States Code) passenger automobiles and light trucks to achieve a combined fuel economy rating of 36 miles per gallon under section 32902 of such title.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to carry out this section.

SEC. 812. HIGH OCCUPANCY VEHICLE EXCEPTION.

(a) IN GENERAL.—Notwithstanding section 102(a)(1) of title 23, United States Code, a State may, for the purpose of promoting energy conservation, permit a vehicle with fewer than the otherwise required number of occupants to operate in high occupancy vehicle lanes if it is a hybrid vehicle or is certified by the Secretary of Transportation, after consultation with the Administrator of the Environmental Protection Agency, to be a vehicle that runs only on an alterative fuel.

(b) HYBRID VEHICLE DEFINED.—In this section, the term “hybrid vehicle” means a motor vehicle—

(1) which—

(A) draws propulsion energy from onboard sources of stored energy which are both—

(i) an internal combustion or beat engine using combustible fuel; and

(ii) a rechargeable energy storage system; or

(B) recovers kinetic energy through regenerative braking and provides at least 13 percent maximum power from the electrical storage device;

(2) which, in the case of a passenger automobile or light truck—

(A) for 2002 and later model vehicles, has received a certificate of conformity under section 206 of the Clean Air Act (42 U.S.C. 7525) and meets or exceeds the equivalent qualifying California low emission vehicle standard under section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(c)(2)) for that make and model year; and

(B) for 2004 and later model vehicles, has received a certificate that such vehicle meets the Tier II emission level established in regulations prescribed by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and (3) which is made by a manufacturer.

(c) ALTERNATIVE FUEL DEFINED.—In this section the term “alternative fuel” has the meaning such term has under section 301(2) of the Energy Policy Act of 1992 (42 U.S.C. 13211(2)).

SEC. 813. ALTERNATIVE FUEL ECONOMY STANDARD FOR LOW VOLUME MANUFACTURERS AND NEW ENTRANTS.

Section 32902(d) of title 49, United States Code, is amended—

(1) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(2) by striking so much thereof as precedes paragraph (4), as redesignated, and inserting the following:

“(d) ALTERNATIVE AVERAGE FUEL ECONOMY STANDARD.—

“(1) IN GENERAL.—Upon application by an eligible manufacturer, the Secretary of Transportation may prescribe an alternative average fuel economy standard for passenger automobiles and light trucks manufactured by that manufacturer if the Secretary finds that—

“(A) the applicable standard prescribed under subsection (a), (b), or (c) of this section is more stringent than the maximum feasible average fuel economy level the manufacturer can achieve; and

“(B) the alternative average fuel economy standard prescribed under this subsection is the maximum feasible average fuel economy level that manufacturer can achieve.

“(2) APPLICATION OF ALTERNATIVE STANDARD.—The Secretary may provide for the application of an alternative average fuel economy standard prescribed under paragraph (1) to—

“(A) the manufacturer that applied for the alternative average fuel economy standard;

“(B) all passenger automobiles to which this subsection applies; or

“(C) classes of passenger automobiles or light trucks manufactured by eligible manufacturers.

“(3) ELIGIBLE MANUFACTURER.—In this section the term ‘eligible manufacturer’ means a passenger automobile or light truck manufacturer that—

“(A) sold in the United States fewer than 0.5 percent of the combined number of passenger automobiles and light trucks sold in the United States in the model year 2 years before the model year to which the application relates; and

“(B) will sell in the United States fewer than 0.5 percent of the combined number of passenger automobiles and light trucks sold in the United States for the model year for which the alternative average fuel economy standard will apply.”;

(3) by inserting “IMPORTERS.—” before “Notwithstanding” in paragraph (4), as redesignated;

(4) by striking “be exempted” in paragraph (4), as redesignated, and inserting “not apply for an alternative average fuel economy standard”;

(5) by inserting “APPLICATION.—” in paragraph (5), as redesignated, before “The”; and

(6) by striking “exemption.” in paragraph (5), as redesignated, and inserting “alternative average fuel economy standard.”.

PART II—MARKET-BASED INITIATIVES FOR GREENHOUSE GAS REDUCTION

SEC. 821. MARKET-BASED INITIATIVES.

(a) ESTABLISHMENT OF REGISTRY FOR VOLUNTARY TRADING SYSTEMS.—The Secretary of

Commerce, through the Undersecretary for Technology, shall establish a national registry system for greenhouse gas emission reduction trading among entities under which emission reductions from the applicable baseline are assigned unique identifying numerical codes by the registry. Participation in the registry is voluntary. Any entity conducting business in the United States may register its emission results, including emissions generated outside of the United States, on an entity-wide basis with the registry, and may utilize the services of the registry.

(b) Purposes.—The purposes of the national registry are—

(1) to encourage voluntary actions to reduce greenhouse gas emissions and increase energy efficiency, including increasing the fuel economy of passenger automobiles and light trucks and reducing the reliance by United States markets on petroleum produced outside the United States used to provide vehicular fuel;

(2) to enable participating entities to record voluntary greenhouse gas emissions reductions; in a consistent format that is supported by third party verification;

(3) to encourage participants involved in existing partnerships to be able to trade emissions reductions among partnerships;

(4) to further recognize, publicize, and promote registrants making voluntary and mandatory reductions;

(5) to recruit more participants in the program; and

(6) to help various entities in the nation establish emissions baselines.

(c) Functions.—The national registry shall carry out the following functions:

(1) Referrals.—Provide referrals to approved providers for advice on—

(A) designing programs to establish emissions baselines and to monitor and track greenhouse gas emissions; and

(B) establishing emissions reduction goals based on international best practices for specific industries and economic sectors.

(2) Uniform reporting format.—Adopt a uniform format for reporting emissions baselines and reductions established through—

(A) the Director of the National Institute of Standards and Technology for greenhouse gas baselines and reductions generally; and

(B) the Secretary of Transportation for credits under section 32903 of title 49, United States Code.

(3) Record maintenance.—Maintain a record of all emission baselines and reductions verified by qualified independent auditors.

(4) Encourage participation.—Encourage organizations from various sectors to monitor emissions, establish baselines and reduction targets, and implement efficiency improvement and renewable energy programs to achieve those targets.

(5) Public awareness.—Recognize, publicize, and promote participants that—

(A) commit to monitor their emissions and set reduction targets;

(B) establish emission baselines; and

(C) report on the amount of progress made on their annual emissions.

(d) Transfer of Reductions.—The registry shall—

(1) allow for the transfer of ownership of any reductions realized in accordance with the program; and

(2) require that the registry be notified of any such transfer within 30 days after the transfer is effected.

(e) Future Considerations.—Any reductions achieved under this program shall be credited against any future mandatory greenhouse gas reductions required by the government. Final approval of the amount and value of credits shall be determined by the agency responsible for the implementation of the mandatory greenhouse gas emission reduction program, except that credits under section 32903 of title 49, United States Code, shall be determined by the Secretary of Transportation. The Secretary of Commerce shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination made by that agency.

(f) CAFE Standards Credits.—The Secretary of Transportation shall work with the Secretary of Commerce and the implementing panel established by section 822 to determine the equivalency of credits earned under section 32903 of title 49, United States Code, for inclusion in the registry. The Secretary shall by rule establish an appeals process, that may incorporate an arbitration option, for resolving any dispute arising out of such a determination.

SEC. 822. IMPLEMENTING PANEL.

(a) Establishment.—There is established within the Department of Commerce an implementing panel.

(b) Composition.—The panel shall consist of—

(1) the Secretary of Commerce or the Secretary's designee, who shall serve as Chairperson;

(2) the Secretary of Transportation or the Secretary's designee; and

(3) 1 expert in the field of greenhouse gas emissions reduction, certification, or trading from each of the following agencies—

(A) the Department of Energy;

(B) the Environmental Protection Agency;

(C) the Department of Agriculture;

(D) the National Aeronautics and Space Administration;

(E) the Department of Commerce; and

(F) the Department of Transportation.

(c) Experts and Consultants.—Any member of the panel may secure the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, for greenhouse gas reduction, certification, and trading experts in the private and nonprofit sectors and may also utilize any grant, contract, cooperative agreement, or other arrangement authorized by law to carry out its activities under this subsection.

(d) Duties.—The panel shall—

(1) implement and oversee the implementation of this section;

(2) promulgate—

(A) standards for certification of registries and operation of certified registries; and

(B) standards for measurement, verification, and recording of greenhouse gas emissions and greenhouse gas emission reductions by certified registries;

(3) maintain, and make available to the public, a list of certified registries; and

(4) issue rulemakings on standards for measuring, verifying, and recording greenhouse gas emissions and greenhouse gas emission reductions proposed to the panel by certified registries, through a standard process of issuing a proposed rule, taking public comment for no less than 30 days, then finalizing regulations to implement this Act, which will provide for recognizing new forms of acceptable greenhouse gas reduction certification procedures.

(e) Certification and Operation Standards.—The standards promulgated by the panel shall include—

(1) standards for ensuring the certified registries do not have any conflicts of interest, including standards that prohibit a certified registry from—

(A) owning greenhouse gas emission reductions recorded in any certified registry; or

(B) receiving compensation in the form of a commission where sources receive money for the total number of tons certified;

(2) standards for authorizing certified registries to enter into agreements with for-profit persons engaged in trading of greenhouse gas emission reductions, subject of paragraph (1); and

(3) such other standards for certification of registries and operation of certified registries as the panel determines to be appropriate.

(f) Measurement, Verification, and Recording Standards.—The standards promulgated by the panel shall provide for, in the case of certified registries—

(1) ensuring that certified registries accurately measure, verify, and record greenhouse gas emissions and greenhouse gas emission reductions, taking into account—

(A) boundary issues such as leakage and shifted utilization; and

(B) such other factors as the panel determines to be appropriate;

(2) ensuring that—

(A) certified registries do not double-count greenhouse gas emission reductions; and

(B) if greenhouse gas emission reductions are recorded in more than 1 certified registry, such double-recording is clearly indicated;

(3) determining the ownership of greenhouse gas emission reductions and recording and tracking the transfer of greenhouse gas emission reductions among entities (such as through assignment of serial numbers to greenhouse gas emission reductions);

(4) measuring the results of the use of carbon sequestration and carbon recapture technologies;

(5) measuring greenhouse gas emission reductions resulting from improvements in—

(A) power plants;

(B) automobiles (including types of passenger automobiles and light trucks, as defined in section 32901(a)(16) and (17) respectively, produced in the same model year);

(C) carbon re-capture, storage and sequestration, including organic sequestration and manufactured emissions injection, and or storage; and

(D) other sources;

(6) measuring prevented greenhouse gas emissions through the rulemaking process and based on the latest scientific data, sampling, expert analysis related to measurement and projections for prevented greenhouse gas emissions in tons including—

(A) organic soil carbon sequestration practices;

(B) forest preservation and re-forestation activities which adequately address the issues of permanence, leakage and verification; and

(7) such other measurement, verification, and recording standards as the panel determines to be appropriate.

(g) Certification of Registries.—Except as provided in subsection (h), a registrant that desires to be a certified registry shall submit to the panel an application that—

(1) demonstrates that the registrant meets each of the certification standards established by the panel under subsections (d) and (e); and

(2) meets such other requirements as the panel may establish.

(h) Automobile Industry.—The Secretary of Transportation is deemed to be the certified registrant for credits earned under section 32903 of title 49, United States Code.

(i) ANNUAL REPORT.—Within 1 year after the date of enactment of this Act and biennially thereafter, the panel shall report to the Congress on the status of the program established under this section. The report shall include an assessment of the level of participation in the program and amount of progress being made on emission reduction targets.

SEC. 823. DEFINITIONS.

In this part:

(1) GREENHOUSE GAS.—The term "greenhouse gas" includes—

(A) carbon dioxide;

(B) methane;

(C) hydro fluorocarbons;

(D) perfluorocarbons;

(E) nitrous oxide; and

(F) sulfur hexafluoride.

(2) BASELINE.—The term "baseline" means—

(A) the greenhouse gas emissions, determined on an entity-wide basis for the participant's most recent previous 3-year annual average of greenhouse gas emissions prior to the date of enactment of this Act; or

(B) if data is unavailable for that 3-year period, the greenhouse gas emissions as of September 30, 2002, (or as close to that date as such emission levels can reasonably be determined). In promulgating regulations under this part, the panel shall take into account greenhouse gas emission reductions or offsetting actions taken by any entity before the date on which the registry is established.

(3) CERTIFIED REGISTRY.—The term "certified registry" means a registry that has been certified by the panel as meeting the standards promulgated under section 821(e) and (f) and, for the automobile industry, the Secretary of Transportation.

(4) GREENHOUSE GAS EMISSIONS.—The term "greenhouse gas emissions" means the quantity of greenhouse gases emitted by a source during a period, measured in tons of greenhouse gases.

(5) GREENHOUSE GAS EMISSION REDUCTION.—The term "greenhouse gas emission reduction" means a quantity equal to the difference between—

(A) the greenhouse gas emissions of a source during a period; and

(B) the greenhouse gas emissions of the source during a baseline period of the same duration as determined by registries and entities defined as owners of emission sources.

(6) KYOTO PROTOCOL.—The term "Kyoto protocol" means the Kyoto Protocol to the United Nations Framework Convention on Climate Change (including the Montreal Protocol to the Convention on Substances that Deplete the Ozone Layer).

(7) PANEL.—The term "panel" means the implementing panel established by section 822(a).

(8) REGISTRANT.—The term "registrant" means a private person that operates a database recording quantified and verified greenhouse gas emissions and emissions reductions of sources owned by other entities.

(9) SOURCE.—The term "source" means a source of greenhouse gas emissions.

SA 3000. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 14, strike line 3 and all that follows through page 21, line 15, and insert the following:

SEC. 202. ELECTRIC UTILITY MERGERS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b) is amended to read as follows:

"(a)(1) No public utility shall, without first having secured an order of the Commission authorizing it to do so—

"(A) sell, lease, or otherwise dispose of the whole of its facilities subject to the jurisdiction of the Commission, or any part thereof of a value in excess of $10,000,000,

"(B) merge or consolidate, directly or indirectly, such facilities or any part thereof with the facilities of any other person, by any means whatsoever,

"(C) purchase, acquire, or take any security of any other public utility, or

"(D) purchase, lease, or otherwise acquire existing facilities for the generation of electric energy unless such facilities will be used exclusively for the sale of electric energy at retail.

"(2) No holding company in a holding company system that includes a transmitting utility or an electric utility company shall purchase, acquire, or take any security of, or, by any means whatsoever, directly or indirectly, merge or consolidate with a transmitting utility, an electric utility company, a gas utility company, or a holding company in a holding company system that includes a transmitting utility, an electric utility company, or a gas utility company, without first having secured an order of the Commission authorizing it to do so.

"(3) Upon application for such approval the Commission shall give reasonable notice in writing to the Governor and State commission of each of the States in which the physical property affected, or any part thereof, is situated, and to such other persons as it may deem advisable.

"(4) After notice and opportunity for hearing, the Commission shall approve the proposed disposition, consolidation, acquisition, or control, if it finds that the proposed transaction—

"(A) will be consistent with the public interest;

"(B) will not adversely affect the interests of consumers of electric energy of any public utility that is a party to the transaction or is an associate company of any part to the transaction;

"(C) will not impair the ability of the Commission or any State commission having jurisdiction over any public utility that is a party to the transaction or an associate company of any party to the transaction to protect the interests of consumers or the public; and

"(D) will not lead to cross-subsidization of associate companies or encumber any utility assets for the benefit of an associate company.

"(5) The Commission shall, by rule, adopt procedures for the expeditious consideration of applications for the approval of dispositions, consolidations, or acquisitions under this section. Such rules shall identify classes of transactions, or specify criteria for transactions, that normally meet the standards established in paragraph (4), and shall require the Commission to grant or deny an application for approval of a transaction of such type within 90 days after the conclusion of the hearing or opportunity to comment under paragraph (4). If the Commission does not act within 90 days, such application shall be deemed granted unless the Commission finds that further consideration is required to determine whether the proposed transaction meets the standards of paragraph (4) and issues one or more orders tolling the time for acting on the application for an additional 90 days.

"(6) For purposes of this subsection, the terms 'associate company', 'electric utility company', 'gas utility company', 'holding company', and 'holding company system' have the meaning given those terms in the Public Utility Holding Company Act of 2002.".

SEC. 203. MARKET-BASED RATES.

(a) APPROVAL OF MARKET-BASED RATES.—Section 205 of the Federal Power Act (16 U.S.C. 824d) is amended by adding at the end of the following:

"(h) The Commission may determine whether a market-based rate for the sale of electric energy subject to the jurisdiction of the Commission is just and reasonable and not unduly discriminatory or preferential. In making such determination, the Commission shall consider such factors as the Commission may deem to be appropriate and in the public interest, including to the extent the Commission considers relevant to the wholesale power market—

"(1) market power;

"(2) the nature of the market and its response mechanisms; and

"(3) reserve margins.".

(b) REVOCATION OF MARKET-BASED RATES.—Section 206 of the Federal Power Act (16 U.S.C. 824e) is amended by adding at the end the following:

"(f) Whenever the Commission, after a hearing had upon its own motion or upon complaint, finds that a rate charged by a public utility authorized to charge a market-based rate under section 205 is unjust, unreasonable, unduly discriminatory or preferential, the Commission shall determine the just and reasonable rate and fix the same by order.".

SEC. 204. REFUND EFFECTIVE DATE.

Section 206(b) of the Federal Power Act (16 U.S.C. 824e(b)) is amended by—

(1) striking "the date 60 days after the filing of such complaint nor later than 5 months after the expiration of such 60-day period" in the second sentence and inserting "the date of the filing of such complaint nor later than 5 months after the filing of such complaint";

(2) striking "60 days after" in the third sentence and inserting "of"; and

(3) striking "expiration of such 60-day period" in the third sentence and inserting "publication date".

SEC. 205. OPEN ACCESS TRANSMISSION BY CERTAIN UTILITIES.

Part II of the Federal Power Act is further amended by inserting after section 211 the following:

"OPEN ACCESS BY UNREGULATED TRANSMITTING UTILITIES

"SEC. 211A. (1) Subject to section 212(h), the Commission may, by rule or order, require an unregulated transmitting utility to provide transmission services—

"(A) at rates that are comparable to those that the unregulated transmitting utility charges itself, and

"(B) on terms and conditions (not relating to rates) that are comparable to those under Commission rules that require public utilities to offer open access transmission services and that are not unduly discriminatory or preferential.

"(2) The Commission shall exempt from any rule or order under this subsection any unregulated transmitting utility that—

"(A) sells no more than 4,000,000 megawatt hours of electricity per year;

"(B) does not own or operate any transmission facilities that are necessary for operating an interconnected transmission system (or any portion thereof), or

"(C) meets other criteria the Commission determines to be in the public interest.

"(3) The rate changing procedures applicable to public utilities under subsections (c) and (d) of section 205 are applicable to unregulated transmitting utilities for purposes of this section.

"(4) In exercising its authority under paragraph (1), the Commission may remand transmission rates to an unregulated transmitting utility for review and revision where necessary to meet the requirements of paragraph (1).

"(5) The provision of transmission services under paragraph (1) does not preclude a request for transmission services under section 211.

"(6) The Commission may not require a State or municipality to take action under this section that constitutes a private business use for purposes of section 141 of the Internal Revenue Code of 1986 (26 U.S.C. 141).

"(7) For purposes of this subsection, the term 'unregulated transmitting utility' means an entity that—

"(A) owns or operates facilities used for the transmission of electric energy in interstate commerce, and

"(B) is either an entity described in section 201(f) or a rural electric cooperative.".

SEC. 206. ELECTRIC RELIABILITY STANDARDS.

SA 3001. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 24, strike line 1 and all that follows through page 27, line 20 and insert the following:

SEC. 207. MARKET TRANSPARENCY RULES.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 216. MARKET TRANSPARENCY RULES.

"(a) COMMISSION RULES.—Not later than 180 days after the date of enactment of this section, the Commission shall issue rules establishing an electronic information system to provide information about the availability and price of wholesale electric energy and transmission services to the Commission, state commissions, buyers and sellers of wholesale electric energy, users of transmission services, and the public on a timely basis.

"(b) INFORMATION REQUIRED.—The Commission shall require—

"(1) each regional transmission organization to provide statistical information about the available capacity and capacity of transmission facilities operated by the organization; and

"(2) each broker, exchange, or other market-making entity that matches offers to sell and offers to buy wholesale electric energy in interstate commerce to provide statistical information about the amount and sale price of sales of electric energy at wholesale in interstate commerce it transacts.

"(c) TIMELY BASIS.—The Commission shall require the information required under subsection (b) to be posted on the Internet as soon as practicable and updated as frequently as practicable.

"(d) PROTECTION OF SENSITIVE INFORMATION.—The Commission shall exempt from disclosure commercial or financial information that the Commission, by rule or order, determines to be privileged, confidential, or otherwise sensitive.".

SEC. 208. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

Part II of the Federal Power Act is further amended by adding at the end the following:

"SEC. 217. ACCESS TO TRANSMISSION BY INTERMITTENT GENERATORS.

"(a) FAIR TREATMENT OF INTERMITTENT GENERATORS.—The Commission shall ensure that all transmitting utilities provide transmission service to intermittent generators in a manner that does not unduly prejudice or disadvantage such generators for characteristics that are—

"(1) inherent to intermittent energy resources; and

"(2) are beyond the control of such generators.

"(b) POLICIES.—The Commission shall ensure that the requirement in subsection (a) is met by adopting such policies as it deems appropriate which shall include the following:

"(1) Subject to the sole exception set forth in paragraph (2), the Commission shall ensure that the rates transmitting utilities charge intermittent generator customers for transmission services do not unduly prejudice or disadvantage intermittent generator customers for scheduling deviations.

"(2) The Commission may exempt a transmitting utility from the requirement set forth in paragraph (1) if the transmitting utility demonstrates that scheduling deviations by its intermittent generator customers are likely to have an adverse impact on the reliability of the transmitting utility's system.

"(3) The Commission shall ensure that to the extent any transmission charges recovering the transmitting utility's embedded costs are assessed to such intermittent generators, they are assessed to such generators on the basis of kilowatt-hours generated or some other method to ensure that they are fully recovered by the transmitting utility.

"(4) The Commission shall require transmitting utilities to offer to intermittent generators, and may require transmitting utilities to offer to all transmission customers, access to nonfirm transmission service.

"(c) DEFINITIONS.—As used in this section:

"(1) The term 'intermittent generator' means a facility that generates electricity using wind or solar energy and no other energy source.

"(2) The term 'nonfirm transmission service' means transmission service provided on an 'as available' basis.

"(3) The term 'scheduling deviation' means delivery of more or less energy than has previously been forecast in a schedule submitted by an intermittent generator to a control area operator or transmitting utility.".

SEC. 209. ENFORCEMENT.

SA 3002. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 44, strike line 3 and all that follows through page 45, line 12 and insert the following:

SEC. 241. REAL-TIME PRICING AND TIME-OF-USE METERING STANDARDS.

(a) ADOPTION OF STANDARDS.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(11) REAL-TIME PRICING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a real-time schedule, under which the rate charged by the electric utility varies by the hour (or smaller time interval) according to changes in the electric utility's wholesale power cost. The real-time pricing service shall enable the electric consumer to manage energy use and cost through real-time metering and communications technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.

"(12) TIME-OF-USE METERING.—(A) Each electric utility shall, at the request of an electric consumer, provide electric service under a time-of-use rate schedule which enables the electric consumer to manage every use and cost through time-of-use metering and technology.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standards set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.".

(b) SPECIAL RULES.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is amended by adding at the end the following:

"(i) REAL-TIME PRICING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same real-time metering and communication service as a direct retail electric consumer of the electric utility.

"(j) TIME-OF-USE METERING.—In a state that permits third-party marketers to sell electric energy to retail electric consumers, the electric consumer shall be entitled to receive the same time-of-use metering and communication service as a direct retail electric consumer of the electric utility.".

SA 3003. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill

(S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 50, strike line 10 and all that follows through page 54, line 10, and insert the following:

SEC. 245. NET METERING.

(a) ADOPTION OF STANDARD.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is further amended by adding at the end the following:

"(13) NET METERING.—(A) Each electric utility shall make available upon request net metering service to any electric consumer that the electric utility serves.

"(B) For purposes of implementing this paragraph, any reference contained in this section to the date of enactment of the Public Utility Regulatory Policies Act of 1978 shall be deemed to be a reference to the date of enactment of this paragraph.

"(C) Notwithstanding subsections (b) and (c) of section 112, each State regulatory authority shall consider and make a determination concerning whether it is appropriate to implement the standard set out in subparagraph (A) not later than one year after the date of enactment of this paragraph.

(b) SPECIAL RULES FOR NET METERING.—Section 115 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625) is further amended by adding at the end the following:

"(k) NET METERING.—

"(1) RATES AND CHARGES.—An electric utility—

"(A) shall charge the owner or operator of an on-site generating facility rates and charges that are identical to those that would be charged other electric consumers of the electric utility in the same rate class; and

"(B) shall not charge the owner or operator of an on-site generating facility any additional standby, capacity, interconnection, or other rate or charge.

"(2) MEASUREMENT.—An electric utility that sells electric energy to the owner or operator of an on-site generating facility shall measure the quantity of electric energy produced by the on-site facility and the quantity of electric energy consumed by the owner or operator of an on-site generating facility during a billing period in accordance with normal metering practices.

"(3) ELECTRIC ENERGY SUPPLIED EXCEEDING ELECTRIC ENERGY GENERATED.—If the quantity of electric energy sold by the electric utility to an on-site generating facility exceeds the quantity of electric energy supplied by the on-site generating facility to the electric utility during the billing period, the electric utility may bill the owner or operator for the net quantity of electric energy sold, in accordance with normal metering practices.

"(4) ELECTRIC ENERGY GENERATED EXCEEDING ELECTRIC ENERGY SUPPLIED.—If the quantity of electric energy supplied by the on-site generated facility to the electric utility exceeds the quantity of electric energy sold by the electric utility to the on-site generating facility during the billing period—

"(A) the electric utility may bill the owner or operator of the on-site generating facility for the appropriate charges for the billing period in accordance with paragraph (2); and

"(B) the owner or operator of the on-site generating facility shall be credited for the excess kilowatt-hours generated during the billing period, with the kilowatt-hour credit appearing on the bill for the following billing period.

"(5) SAFETY AND PERFORMANCE STANDARDS.—An eligible on-site generating facility and net metering system used by an electric consumer shall meet all applicable safety, performance, reliability, and interconnection standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and Underwriters Laboratories.

"(6) ADDITIONAL CONTROL AND TESTING REQUIREMENTS.—The Commission, after consultation with State regulatory authorities and nonregulated electric utilities and after notice and opportunity for comment, may adopt, by rule, additional control and testing requirements for on-site generating facilities and net metering systems that the Commission determines are necessary to protect public safety and system reliability.

"(7) DEFINITIONS.—For purposes of this subsection:

"(1) The term 'eligible on-site generating facility' means—

"(A) a facility on the site of a residential electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(B) a facility on the site of a commercial electric consumer with a maximum generating capacity of 500 kilowatts or less that is fueled solely by a renewable energy resource, landfill gas, or a high efficiency system.

"(2) The term 'renewable energy resource' means solar, wind, biomass, or geothermal energy.

"(3) The term 'high efficiency system' means fuel cells or combined heat and power.

"(4) The term 'net metering service' means service to an electric consumer under which electric energy generated by that electric consumer from an eligible on-site generating facility and delivered to the local distribution facilities may be used to offset electric energy provided by the electric utility to the electric consumer during the applicable billing period.".

SA 3004. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 58, strike line 16 and all that follows through line 23 and insert the following:

SEC. 256. STATE AUTHORITY.

Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules, or procedures regarding the practices which are the subject of this section.

SA 3005. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 64, strike line 8 and all that follows through page 65, line 17, and insert the following:

SEC. 263. FEDERAL PURCHASE REQUIREMENT.

(a) REQUIREMENT.—The President shall seek to ensure that, to the extent economically feasible and technically practicable, of the total amount of electric energy the federal government consumes during any fiscal year—

(1) not less than 3 percent in fiscal years 2003 through 2004,

(2) not less than 5 percent in fiscal years 2005 through 2009, and

(3) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter—

shall be renewable energy. The President shall encourage the use of innovative purchasing practices by federal agencies.

(2) DEFINITION.—For purposes of this section, the term "renewable energy" means electric energy generated from solar, wind, biomass, geothermal, fuel cells, municipal solid waste, or additional hydroelectric generation capacity achieved from increased efficiency or additions of new capacity.

(c) TRIBAL POWER GENERATION.—The President shall seek to ensure that, to the extent economically feasible and technically practicable, not less than one-tenth of the amount specified in subsection (a) shall be renewable energy that is generated by an Indian tribe or by a corporation, partnership, or business association which is wholly or majority owned, directly or indirectly, by an Indian tribe. For purposes of this subsection, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) BIENNIAL REPORT.—In 2004 and every 2 years thereafter, the Secretary of Energy shall report to the Committee on Energy and Natural Resources of the Senate and the appropriate committees of the House of Representatives on the progress of the federal government in meeting the goals established by this section.

SA 3006. Mr. THOMAS (for himself, Mr. BINGAMAN, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 2, strike the items relating to sections 205 through 210 and insert the following:

Sec. 205. Open access transmission by certain utilities.
Sec. 206. Electric reliability standards.
Sec. 207. Market transparency rules.
Sec. 208. Access to transmission by intermittent generators.
Sec. 209. Enforcement.

SA 3007. Mr. CAMPBELL (for himself, Mr. BROWNBACK, Mr. GRAMM, Mr. ENZI, and Mr. SMITH of New Hampshire) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Strike section 822.

SA 3008. Mr. DAYTON (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title VIII, add the following:

SEC. 8 . FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

"SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

"(a) ETHANOL-BLENDED GASOLINE.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is available, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol (or the highest available percentage of ethanol), rather than nonethanol-blended gasoline, for use in vehicles used by the agency.

"(b) BIODIESEL.—

"(1) DEFINITION OF BIODIESEL.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

"(2) REQUIREMENT.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled—

"(A) as of the date that is 5 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

"(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.".

SA 3009. Mr. DOMENICI proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 123, after line 17, insert the following:

SEC. 514. OFFICE OF SPENT NUCLEAR FUEL RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) before the Federal Government takes any irreversible action relating to the disposal of spent nuclear fuel, Congress must determine whether the spent fuel in the repository should be treated as waste subject to permanent burial or should be considered an energy resource that is needed to meet future energy requirements; and

(2) national policy on spent nuclear fuel may evolve with time as improved technologies for spent fuel are developed or as national energy needs evolve.

(b) DEFINITIONS.—In this section:

(1) ASSOCIATE DIRECTOR.—The term "Associate Director" means the Associate Director of that Office.

(2) OFFICE.—The term "Office" means the Office of Spent Nuclear Fuel Research within the Office of Nuclear Energy Science and Technology of the Department of Energy.

(c) ESTABLISHMENT.—There is established an Office of Spent Nuclear Fuel Research within the Office of Nuclear Science and Technology of the Department of Energy.

(d) HEAD OF OFFICE.—The Office shall be headed by the Associate Director, who shall be a member of the Senior Executive Service appointed by the Director of the Office of Nuclear Energy Science and Technology, and compensated at a rate determined by applicable law.

(e) DUTIES OF THE ASSOCIATE DIRECTOR.—

(1) IN GENERAL.—The Associate Director shall be responsible for carrying out an integrated research, development, and demonstration program on technologies for treatment recycling, and disposal of high-level nuclear radioactive waste and spent nuclear fuel, subject to the general supervision of the Secretary.

(2) PARTICIPATION.—The Associate Director shall coordinate the participation of national laboratories, universities, the commercial nuclear industry, and other organizations in the investigation of technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste.

(3) ACTIVITIES.—The Associate Director shall—

(A) develop a research plan to provide recommendations by 2015;

(B) identify promising technologies for the treatment, recycling, and disposal of spent nuclear fuel and high-level radioactive waste;

(C) conduct research and development activities for promising technologies;

(D) ensure that all activities include as key objectives minimization of proliferation concerns and risk to the health of the general public or site workers, as well as development of cost-effective technologies;

(E) require research on both reactor- and accelerator-based transmission systems;

(F) require research on advanced processing and separations;

(G) include participation of international collaborators in research efforts, and provide funding to a collaborator that brings unique capabilities not available in the United States if the country in which the collaborator is located is unable to provide for their support; and

(H) ensure that research efforts are coordinated with research on advanced fuel cycles and reactors conducted by the Office of Nuclear Energy Science and Technology.

(f) GRANT AND CONTRACT AUTHORITY.—The Secretary may make grants, or enter into contracts, for the purposes of the research projects and activities described in this section.

(g) REPORT.—The Associate Director shall annually submit to Congress a report on the activities and expenditures of the Office that describes the progress being made in achieving the objectives of this section.

SA 3010. Mr. BINGAMAN (for Ms. LANDRIEU) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 405, strike line 16 and all that follows through line 23, and insert the following:

(6) BIOFUELS.—The goal of the biofuels program shall be to develop, in partnership with industry—

(A) advanced biochemical and thermochemical conversion technologies capable of making liquid and gaseous fuels from cellulosic feedstocks that are price-competitive with gasoline or diesel in either internal combustion engines or fuel cell vehicles by 2010; and

(B) advanced biotechnology processes capable of making biofuels, biobased polymers, and chemicals, with particular emphasis on the development of biorefineries that use enzyme based processing systems.

For purposes of this paragraph, the term "cellulosic feedstock" means any portion of a food crop not normally used in food production or any non-food crop grown for the purpose of producing biomass feedstock.

SA 3011. Mr. BINGAMAN (for Ms. LANDRIEU) (for himself and Mr. DOMENICI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 443, strike lines 21 through page 444, line 2 and insert the following:

(2) examine—

(A) advanced proliferation-resistant and passively safe reactor designs;

(B) new reactor designs with higher efficiency, lower cost, and improved safety;

(C) in coordination with activities carried out under the amendments made by section 1223, designs for a high temperature reactor capable of producing large-scale quantities of hydrogen using thermo-chemical processes;

(D) proliferation-resistant and high-burn-up nuclear fuels;

(E) minimization of generation of radio-active materials;

(F) improved nuclear waste management technologies; and

(G) improved instrumentation science;

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on Wednesday, March 13, 2002, at 9:30 a.m., in open session to receive testimony on the Defense Health Program in Review of the Defense Authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 13, 2002, at 10 a.m., to conduct an oversight hearing on "Transit in the 21st Century: Successes and Challenges."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on the nominations of Robert Watson Cobb to be Inspector General and MG Charles Bolden, Jr., to be Deputy Administrator of NASA, at 2:30 p.m., on March 13, 2002.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 13, 2002, at 9:30 a.m., to hold a hearing to receive testimony on the economic and environmental risks associated with increasing greenhouse gas emissions. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 13, 2002, at 5 p.m., to hold a nomination hearing.

Agenda

Nominee: The Honorable Robert Finn, of New York, to be Ambassador to Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, March 13, 2002, at 9:30 a.m., to hold a hearing entitled "Public Health and Natural Resources: A Review of the Implementation of Our Environmental Laws, Part II."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 13, 2002, at 2:30 p.m., in open session to receive testimony on ballistic missile defense acquisition policy and oversight, in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TECHNOLOGY, TERRORISM AND GOVERNMENT INFORMATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Technology, Terrorism and Government Information be authorized to meet to conduct a hearing on "Narco-Terror: The Worldwide Connection Between Drugs and Terrorism" on Wednesday, March 13, 2002, at 10 a.m., in Dirksen 226.

Witness List

Panel I: Asa Hutchinson, Administrator, Drug Enforcement Administration; R. Rand Beers, Assistant Secretary, Bureau for International Narcotics and Law Enforcement Affairs, Department of State; and Richard Newcomb, Director, Office of Foreign Assets Control, Department of Treasury.

Panel II: Curtis Kamman, Former United States Ambassador to Colombia, Department of State, Washington, DC; Michael Shifter, Adjunct Professor and Program Director, Inter-American Dialogue, Center for Latin American Studies, School of Foreign Service, Georgetown University, Washington, DC; R. Grant Smith, Former United States Ambassador to Tajikistan, United States Department of State, Washington, DC; and Martha Brill Olcott, Senior Associate, Carnegie Endowment for International Peace, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. NELSON of Nebraska. Madam President, I ask unanimous consent that a member of my staff, Bill Holmberg, be given floor privileges by the Chair.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Madam President, I ask unanimous consent that Phil Ward be granted the privilege of the floor for the remainder of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—H.R. 2175

Mr. REID. Madam President, it is my understanding that H.R. 2175, which has been received from the House, is now at the desk. Therefore, I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the title of the bill for the first time.

The assistant legislative clerk read as follows:

A bill (H.R. 2175) to protect infants who are born alive.

Mr. REID. Madam President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will receive its second reading on the next legislative day.

ORDERS FOR THURSDAY, MARCH 14, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., Thursday, March 14; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill under the previous order entered.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment following the statement of the Senator from Delaware, Mr. BIDEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware.

DEPARTMENT OF TRANSPORTATION NOMINATIONS

Mr. BIDEN. Madam President, as my colleagues know and the staff knows, it must be important to me to come to the floor after there are no votes and miss a train home to Delaware. As I think I can verify, there probably has not been 10 times in my career that I have spoken after there are no votes, so I apologize for keeping the staff here and keeping folks in, but this is of consequence to me and my State.

My good friend—and we all say that; we use that phrase, and he really is a good friend not only politically but personally—JOHN MCCAIN came to the Chamber and asked the rhetorical question of who has a hold on two nominees for the Department of Transportation. He does not like secret holds.

He was being very polite because he did not want to point out what he already knew: That I have a hold on those two nominees.

I have been a Senator for 29 years. I have never, not one single time but this, in my entire career ever put a hold on any nomination, legislation, or anything on the Senate floor. I know Senator MCCAIN understands holds. He has put holds on Department of Transportation nominees before, but I agree with him, the holds should be made public.

I wish to publicly acknowledge what I thought everyone knew. I am the guy who has put the hold on those two nominees. Madam President, let me explain to you why, very briefly.

After September 11, Congress moved very quickly and effectively to provide necessary funds for aviation security improvements and ultimately for port security improvements. I supported those bills wholeheartedly, as did almost all of my colleagues.

At the time, however, it was my understanding, given to me in the Chamber of this body and, I believe—and I am not suggesting she is any part of this—but I believe the Presiding Officer will recall, as every other Senator will, there was a commitment that there would also be a move to quickly address a similar and equally vexing problem of railroad security.

Passenger rail is a critical component of our national transportation infrastructure as, I might add, September 11 so vividly has shown. Imagine what would have happened if we had no passenger rail system September 11 when the skies shut down. And yet all of those passengers continue to travel at their risk. They continue to ride in poorly lit, poorly ventilated, and poorly maintained tunnels, some of which were built as long ago as 1879.

They remain serious targets for acts of terrorism. There is no ventilation. There is no lighting. There is no escape. There are more people, right now as we speak, in tunnels on railcars underneath New York City than in seven 747s completely filled. We have done nothing to improve the security and safety of the people who are riding these rails right now.

Imagine what happens if a bomb, a chemical weapon, or a biological weapon is dispersed in that confined area? I might point out to my friends, they may remember a little over a year ago there was a fire in the Baltimore Tunnel. It shut down Baltimore. It not only shut down the rail, it shut down the south end of Baltimore for a long time.

My frustration is reaching the boiling point. Because of these security threats, immediately following the attacks of September 11, I attempted to authorize funds for rail security improvements as part of the aviation bill. Because of the objections raised, however, I then went to Senators HOLLINGS and MCCAIN, and instead, based on their commitment, which they kept, they offered to pass a separate bill in the Commerce Committee authorizing rail security monies. True to their words, on October 17, they did just that. S. 1550 authorized $1.8 billion for passenger rail security improvements, even though Amtrak had originally requested $3.2 billion; $1.8 billion was a barebones minimum the committee believed it would provide for essential security upgrades in safety improvements, mainly a billion of that to improving the tunnels and the safety in the tunnels against threatened attacks.

The other $800 million went to having dogs on trains sniffing bombs, and additional police. Yet here we stand 6 months later, and we still do not have the money for rail security. I still do not even have a vote on rail security.

This completely defies logic. The reason is because a number of my colleagues have objected secretly, not publicly, to S. 1550, and they have put holds on the bill. This despite all it will do to safeguard our passenger rail system and despite the backing of the Commerce Committee.

Remember, this other stuff we did immediately did not even go through any committee originally. That is why for the first time in my 29-plus years in the Senate I have placed holds on two Department of Transportation nominees, both fine, decent, and competent people. The issue is not their nomination. The issue is rail security. I know of no other way to get the attention of anybody. I do not know what else I have to do—stand on my head in the middle of the well to get the attention of people around here?

Granted, not everybody has Amtrak go through their areas. I understand that. Granted, Amtrak is not as important to passenger rail service for them as it is to the Northeast and to me. This is my farm bill. This is my bill relating to airport security. This is my bill relating to the poultry industry. This is my bill relating to the most critical need that exists relating to security in my region.

This bill is not controversial. It is completely bipartisan and it has completely been vetted by the committee of jurisdiction. It is important to passenger rail travelers.

There is absolutely no reason for the Senate not to go on record today, right now in fact, and support this bill, to give Amtrak the resources it needs to upgrade the system and make all the safety improvements possible with this limited amount of money.

In 2 hours or 3 hours of debate we came up with $15 billion or $14 billion to bail out the airlines that were already in trouble, by the way. Had there never been 9–11, half of them would have gone out of business anyway—if not half, a significant number. So I do not know why my asking for this for my region, based upon a legitimate need, is so difficult for people to understand.

In fact, I want to hear someone stand up and tell me how it is that my friends across the aisle have taken the liberty of blocking this bill after both Senators HOLLINGS and MCCAIN saw fit to pass it out of the Commerce Committee without any amendments. It is time for my colleagues to put aside their political goals and join me and many of my colleagues who support what the Commerce Committee has done and at least allow us to have a vote. We cannot afford to wait much longer. We do not have that luxury.

Let me conclude by saying that I have great respect for Secretary of Transportation Norm Mineta; I worked with him when he was in the House when he was a Congressman. I worked with him in the last administration. I have worked with him in this administration. He came to see me. He made a personal plea that I free up these two nominees.

I said to him: I understand.

He said: It is unrelated. Why? We are for you. We agree.

I said: Well, then make the case. Somebody in the administration has to stand up and holler with me. They say they are for it. When they were for the airport security bill that got tied up, they stood up and hollered.

All I am asking is my colleagues who have a secret hold, unlike my very public and uncharacteristic hold, come forward and debate the subject. Let me have a vote. I should not say "me." It is my colleague, TOM CARPER; it is my two colleagues from Pennsylvania; my colleagues from Maryland; my colleagues from New Jersey; my colleagues from Connecticut; my colleagues from New York; my colleagues from Massachusetts; my colleagues from Rhode Island; my colleagues from Maine.

I really find it offensive that something of such exceptional importance, as the young kids say, is "dissed" as this is. We would not do this to the Midwestern Senators. We would not do this to the Southern Senators if this was something regional to them. We would not block the chance to vote on water projects for Western Senators. I think this is unfair.

I have been around the Senate long enough to know one takes their lumps. You win and you lose, and I usually do not make the argument "unfair", but I think it is uncharacteristic that something so important regionally to me, and to my colleagues, is not even able to get a single opportunity for a vote.

Only because the hour is so late I am not going to move, by voice vote, to accept the amendment that I was about to send to the desk. But I can tell the

Democratic leader, Senator REID, the first opportunity I have, I am going to move the legislation, and I want to find out who objects. My guess is the majority leader will object on behalf of some unknown person.

So in conclusion, I understand the frustration of my friend, JOHN MCCAIN, because he very much wants to free up these two nominees. I agree they should be freed up, but I have no other way.

Mr. REID. Will the Senator yield?

Mr. BIDEN. I am happy to yield.

Mr. REID. I say to the Senator from Delaware that this Amtrak matter is not a matter that relates only to the Northeast corridor. I want everyone to know this is important for other parts of the country, and the Senator is doing a service to the country. The Northeast is going to survive. The trains that run there pay for themselves. It is the trains that are around the rest of the country that do not pay for themselves. That is where we need help and the Senator from Delaware is helping us.

I say to my friend from Delaware, we badly need a train, and if Amtrak hangs on—it is already in the planning—we should within the next few months have an Amtrak train running between Los Angeles and Las Vegas. I say to my friend, is it not a sad commentary of this country that we give airlines—and I am happy to help. We bailed them out. We do all kinds of things to help airlines and airports. And think of the things that we do for highways, for passengers traveling on highways. We build bridges. We do everything. But we do not do anything to help rail travel. It is a shame. We waste so much time, effort, and energy hauling people on airplanes for distances less than 250 miles. We should have trains. We should have high-speed rail. We should have magnetic levitation. We should have methods to move people who are not on highways and are not in our crowded airports.

I hope the Senator from Delaware will understand, even though sometimes you may feel alone on this issue, there are a lot of people who will help privately. I will do that; I will help publicly—anything I can do to help. This is not an issue that helps the State of Delaware. It helps the country.

Mr. BIDEN. I thank my colleague. I take his observation and acknowledge it is absolutely true that it helps the whole country.

I would like to bifurcate two points: One, the emergency, immediate need for security. The security will help Amtrak in Los Angeles as well as help Amtrak in Florida. The place with the biggest, clearest targets where the most people could be devastated is in those tunnels, primarily. They happen to be mostly in the Northeast.

There is a second issue. I have not addressed the second issue. We have not kept our promises at all to Amtrak in terms of Amtrak's operational capability and capital needs. We cannot get votes on that either. I am trying to deal with the littlest piece. I cannot fathom how anyone could disagree. I have not heard one substantive argument why we would not provide for dogs and police to see that people are not carrying onto the trains dynamite or explosives or weapons in New Orleans, LA, as well as in Philadelphia, PA.

The real point is, this is an urgent need. Ask any of the folks in the intelligence community: If you were a terrorist and decided you had one last opportunity, what would you hit? People will say you are giving ideas; these terrorists already have these ideas, I assure you.

What did we do during the Olympics? We knew that would be a likely target because there were a lot of people and it would be a big statement. To the great credit of the State of Utah and the Federal Government, we had no incident. But you are sitting around, and where will you look to use the chemical weapon if you have it? The dirty bomb, if you possess it? That biological weapon, if you want to use it? Where will you use it?

I am chairman of the Foreign Relations Committee. I was on the terrorism subcommittee and the Judiciary Committee and in the Intelligence Committee for 10 years. Unfortunately, it seems as if I have been going to school for my whole life to prepare for the issue of terrorism. Prioritize where the likely targets are. There are millions of container ships that come into ports each year. We had to deal with that, and we dealt with it. Everybody knew that was a likely target. We were not telling the terrorists anything they didn't know. We knew it was a problem.

I hope to God I am never in a position where, by even implication, I have to say, I told you so. There is no way out of the tunnels. There is no lighting. There is no ventilation. There is no way out.

I apologize, I am getting angry about it. Again, I can understand my friend from Arizona and others objecting to Amtrak. They do not think Amtrak is efficacious. I got it. I understand. They are wrong. I am willing to debate that. I would love a chance to debate it. However, this is drop dead common sense. I close to resent not being able to have a chance for the Senator from Pennsylvania, the Senator from Delaware, the Senators from New York, in addition to the Senators where Amtrak goes—these are gigantic targets.

They once asked Willie Sutton: Why rob banks? And his answer was: That is where the money is.

What do terrorists do? Why do they pick the two largest buildings in the United States, instead of coming to Delaware and hitting a 12-story building in Delaware? Why? Because that is where the most people are. That is where the biggest targets remain.

I thank my friend from Nevada. He has been a staunch supporter and tried like the devil to help.

The concluding point I make: My hold is not secret. I would like to know who is holding up the ability of the Senate to pass a bill that we were promised on October 15 would get action; that we passed out of the Commerce Committee unanimously, without amendment; that, in fact, nobody has made a substantive argument why any of this is not needed. I want to know why. I want to know why and who. Who is saying we cannot vote on it? And why do they think we should not have this?

I am a big boy. We have a vote. I win; I lose. But I want a vote.

I yield the floor.

Mr. SPECTER. If the Senator from Delaware would respond to a question, the holds which are placed anonymously on legislation preclude a Senator such as the Senator from Delaware from finding out who has taken that action, and therefore there is no opportunity to talk to that colleague, reason with that colleague, perhaps find a way to resolve the issue.

The simple question: Is it time the rules of the Senate were modified to stop secret holds which preclude sensible action on a matter such as rail safety?

Mr. BIDEN. The Senator is preaching to the choir. I fully agree with the Senator.

As the Senator knows, that is above my pay grade. There are only six Senators who have been here longer than I, but a lot have more institutional power than I do. I think it is a reasonable proposal, and I have shared that view of the Senator for a long time.

Mr. SPECTER. I don't disagree with the Senator from Delaware very often, but I disagree when he says it is above his pay grade.

I compliment the Senator from Delaware for his impassioned presentation. I concur with him. I thank the Senator from Nevada for articulating the view of the leadership.

It is true the Northeast has special considerations: When you pass through the tunnels in Baltimore, you pass through the Philadelphia train stations, the tunnels going into New York City. It is time we considered the matter.

I hope the passion the Senator from Delaware has articulated will move some Senator who has a secret hold on the legislation.

I yield the floor.

Mr. BIDEN. Madam President, I will just take 10 seconds. I conclude by saying, I say to my friend, Senator MCCAIN, I will lift the hold on these two nominees the moment we get a vote on the security bill.

I yield the floor.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Madam President, I ask unanimous consent the Senate proceed to executive session to consider Calendar No. 724 and Calendar No. 725.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, any statements thereon appear at the appropriate place in the RECORD as though read, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

THE JUDICIARY

Jeanette J. Clark, of the District of Columbia, to be an Associate Judge of the Superior Court of the District of Columbia for the term of fifteen years.

DEPARTMENT OF COMMERCE

Louis Kincannon, of Virginia, to be Director of the Census.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 5:48 p.m., adjourned until Thursday, March 14, 2002, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate March 13, 2002:

CONSUMER PRODUCT SAFETY COMMISSION

HAROLD D. STRATTON, OF NEW MEXICO, TO BE CHAIRMAN OF THE CONSUMER PRODUCT SAFETY COMMISSION, VICE ANN BROWN.

HAROLD D. STRATTON, OF NEW MEXICO, TO BE A COMMISSIONER OF THE CONSUMER PRODUCT SAFETY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING OCTOBER 26, 2006, VICE ANN BROWN.

DEPARTMENT OF STATE

DAVID A. GROSS, OF MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY IN THE BUREAU OF ECONOMIC AND BUSINESS AFFAIRS AND U.S. COORDINATOR FOR INTERNATIONAL COMMUNICATIONS AND INFORMATION POLICY.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MICHAEL PACK, OF MARYLAND, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE DARRYL J. GLESS, TERM EXPIRED.

DEPARTMENT OF JUSTICE

DAVID PHILLIP GONZALES, OF ARIZONA, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS, VICE ALFRED E. MADRID, TERM EXPIRED.

EDWARD ZAHREN, OF COLORADO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF COLORADO FOR THE TERM OF FOUR YEARS, VICE ERNESTINE ROWE, TERM EXPIRED.

CHARLES M. SHEER, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE ROBERT BRADFORD ENGLISH, TERM EXPIRED.

GORDEN EDWARD EDEN, JR., OF NEW MEXICO, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF NEW MEXICO FOR THE TERM OF FOUR YEARS, VICE JOHN STEVEN SANCHEZ, TERM EXPIRED.

JOHN LEE MOORE, OF TEXAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF TEXAS FOR THE TERM OF FOUR YEARS, VICE NORRIS BATISTE, JR., TERM EXPIRED.

WILLIAM P. KRUZIKI, OF WISCONSIN, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF WISCONSIN FOR THE TERM OF FOUR YEARS, VICE NANNETTE HOLLY HEGERTY, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LESLIE F. KENNE, 0741

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM R. LOONEY III, 5052

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DOUGLAS M. STONE, 0227

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH WYSOCKI, 6075

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND AS PERMANENT PROFESSORS, UNITED STATES AIR FORCE ACADEMY, UNDER TITLE 10, U.S.C., SECTIONS 9333 (B) AND 9336 (A).

To be colonel

RICHARD L. FULLERTON, 4791
DAVID S. GIBSON, 3502
WILLIAM P. WALKER, 2066

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

WILLIAM P. ALBRO, 9195
THOMAS E. ALLEN, 2055
THORNE S. AMBROSE, 4073
RANDALL R. BALL, 1480
DAVID H. BARNHART, 9418
EARL S. BELL, 5676
KATHLEEN F. BERG, 2061
JAMES T. BOLING, 9926
PETER A. BONANNI, 6859
JEANETTE B. BOOTH, 5994
JOHN H. BRAMHALL, 9210
DAVID T. BUCKALEW, 2236
JOHN R. BUCKINGHAM, 8217
GREGG A. BURDEN, 3318
BREWSTER S. BUTTERS, 5345
MICHAEL F. CANDERS, 6056
FRANKLIN E. CHALK SR., 2587
GREGORY S. CHAMPAGNE, 5980
JOHN R. CHATBURN, 2302
ROBERT A. CHIN, 8191
MARK E. CLEM, 6870
ROGER F. CLEMENTS, 2669
JOHN D. COMPTON, 3714
JAMES E. DANIEL JR., 8973
JAMES T. DAUGHERTY, 4751
JAMES F. DAWSON JR., 8677
JAMES D. DEMERITT, 6715
ROBERT R. DOLAN, 9486
MATTHEW J. DZIALO, 0982
BARBARA A. EAGER, 5773
KATHLEEN L. EASTBURN, 8492
ROBERT C. EDWARDS JR., 2501
JAMES A. FIRTH, 2618
KEVIN J. FISCHER, 5708
GARY A. FITZGERALD, 3378
TONY O. FLORES JR., 1433
TIMOTHY L. FRYE, 9608
LAWRENCE P. GALLOGLY, 6989
ROBERT GERMANI JR., 3995
ROBERT S. GISSENDANNER, 0660
BRIAN D. GOMULA, 3391
JEROME M. GOUHIN, 7381
JOHN O. GRIFFIN, 2704
DENNIS D. GRUNSTAD II, 3704
PAUL D. GRUVER, 9056
JAMES H. GWIN, 5831
STEVEN B. HANSON, 0388
CURTIS T. HARRIS, 5868
SCOTT B. HARRISON, 3748
MARTIN K. HOLLAND, 0105
SHEILA F. HOOTEN, 7527
RODNEY K. HUNTER, 0736
JEFFREY R. JOHNSON, 4151
THOMAS M. JOHNSON, 7361
RANDALL K. JONES, 3111
THOMAS C. JORDAN, 2797
JON K. KELK, 8496
THOMAS J. KEOUGH, 5880
WILLIAM L. KITTLE, 4008
ROBERT S. LANDSIEDEL, 4002
MARK R. LANGLEY, 1340
ROBERT K. LEWIS, 5876
ROBERT W. LOVELL, 4563
DAVID J. MACMILLAN, 3218
BRUCE R. MACOMBER, 4919
JAMES L. MALENKE, 8205
RUSSELL W. MALESKY, 5726
RONALD E. MALOUSEK, 4851
THOMAS J. MARKS JR., 3071
LANNY B. MCNEELY, 7308
THOMAS R. MOORE, 5457
THOMAS G. MURGATROYD, 6278
GUNTHER H. NEUMANN, 0507
GARY J. NOLAN, 7035
RICHARD J. NYALKA, 6300
ROGER L. NYE, 3590
STANLEY J. OSSERMAN JR., 9364
ALAN W. PALMER, 0889
JAMES A. PATTERSON, 3607
JAY M. PEARSALL, 1948
LEON RAY, 7324
ROBERT F. REINHARDT JR., 9520
MARILYN A. RIOS, 9288
DEBORAH S. ROSE, 7097
ALAN K. RUTHERFORD, 0104
REED D. SCHOTANUS, 6302
ROBERT J. SLUSSER, 2667
DAVID M. SMITH, 7183
KENNETH L. SMITH, 3175
MARK W. STEPHENS, 7352
ROBERT M. STONESTREET, 9000
TERRENCE L. THILMONY, 1848
RUSSELL K. THOMAS, 7879
BRUCE THOMPSON, 8522
JOHN R. TUTTLE, 9884
WILLIS L. WALDRON JR., 1559
STEPHEN J. WALKER, 6643
SANDRA WARDE, 5410
KEVIN L. WEAR, 8864
LARRY W. WEIGLER, 6319
JAMES R. WHITE, 1201
ALBERT M. WOOLLEY JR., 7161
PAUL G. WORCESTER, 1048
DELILAH R. WORKS, 8188

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY CHAPLAIN CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

MICHAEL T BRADFIELD, 4246
WILLIAM B BROOME III, 0668
JOEL W COCKLIN, 2258
RICHARD B GARRISON, 8002
FREDERICK L HUDSON, 7474
RONALD R HUGGLER, 8213
LAWRENCE C KRAUSE, 7962
RICHARD A KUHLBARS, 0622
JAMES E MAY, 2604
ALVIN M MOORE III, 2272
SHERRILL F MUNN, 0902
JACK J VANDYKEN, 4779
RICHARD R YOUNG, 8859

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be major

SHARON M * AARON, 8280
LILA M * AGUTO, 9269
WILLIAM A * AIKEN II, 3050
SUSAN J * ARGUETA, 6789
CHRISTOPHER D BAYSA, 2190
SANDRA J BEGLEY, 5832
RICHARD A BEHR, 3779
DONALD E * BENNETT JR., 2462
ARNESHUIA P * BILAL, 2425
LYNN * BLANKE, 5675
TAMMIE S * BOEGER, 7827
VINCENT B BOGAN, 6598
LISA M * BOWER, 0855
MICHAEL T * BOZZO, 9685
CARLTON G BROWN, 5393

CARLA R * BUCKLES, 2103
TERRIE D * BURGAN, 4382
MIRTA B * BURGOS, 4612
JOSEPH M * CANDELARIO, 0003
CHERYL Y * CAPERS, 1805
LILLIAN * CARDONA, 2570
AMBROSE M CARROLL, 7423
JESUS M * CASTRO, 4931
COLEEN P * CHANG, 7010
MARY T * CHRISTAL, 4765
RICHARD W * CICHY, 8480
MARGARET A * COLLIER, 5482
ALBERT S * COSTA, 9797
TAMARA L * CRAWFORD, 4308
LISA E CROSBY, 2967
CARLA J * CROUCH, 4536
DANETTE F * CRUTHIRDS, 5815
KATRYNA B * DEARY, 7049
FRANCISCO A * DELAHOZ, 6695
RONALD D DESALLES, 6220
DIANA J DESCHAMPS, 2434
SUSAN M * DIAZ, 0149
SPENCER D DICKENS JR., 2417
TONYA F * DICKERSON, 3783
DARRELL C * DODGE, 4139
STEPHANIA L DOVER, 0384
TERESA A * DUQUETTE, 2807
JEAN * ERICKSON, 3782
RICHARD R ESSICK, 7237
MARK S * EVANS, 6979
GLENN R * FERNANDES, 3522
SHELIA F * FRANCIS, 0847
SHERRI D FRANKLIN, 4113
STEPHEN D * FREDERICK, 8880
LORI A * FRITZ, 9978
PABLITO R * GAHOL, 1538
ANITA R * GANZ, 2600
DAVID W * GARCIA, 6094
MICHAEL A GLADU, 1987
BLONDELL S GLENN, 4889
TINA M * GOSLING, 0088
MICHAEL W GREENLY, 8298
DOLA D * HANDLEY, 8947
PATRICIA S * HARM, 2760
SHAROYN L * HARRIS, 9489
MICHAEL A * HAWKINS, 3606
CARLOTTA S * HEAD, 3342
TRACI M HEESE, 4665
CHARLES D * HENKEL, 3067
PAUL D * HESS, 2070
MELISSA J * HOFFMAN, 4382
CHARLOTTE M * HOOD, 0184
ESTERLITTA L * JACKSON, 3558
TRINI L * JEANICE, 2324
EDGAR JIMENEZ, 4555
LINDA E * JONES, 5596
JOHNNIE M * KOCH, 4151
CHRISTINE M * KRAMER, 5298
WILLIAM L KUHNS, 0764
FRANK LEE, 1399
VIKI J * LEEFERS, 9934
DENISE M * LYONS, 4320
JAMES A * MADSON, 0844
PAUL J * MAHOLTZ III, 2382
DAVID P * MARANA, 3825
SANDRA I * MARTIN, 3487
ANA L * MASON, 7737
SUE A * MC CANN, 6026
DEBORAH * MC MULLAN, 6674
LINDA K * MOORE, 7401
BEVERLY J MORGAN, 4802
SHERRY D * MOSLEY, 5116
PETER J MOTT, 9945
MICHELLE L * MUNROE, 7825
KATHY M * NEAL, 0687
JOHN E * NEUMANN, 7759
THERESA A PECHATY, 0329
WESLEY H * PIERCE, 4515
BRIAN M * PITCHER, 5884
LINDA A * POIRIER, 5587
MELONIE G QUANDER, 9122
KATHERINE T * RALPH, 5216
JOY E * REXFORD, 3804
PHYLLIS A * RHODES, 2520
CAROLYN M RICHARDSON, 3250
JOHN D * RODGERS, 2635
LETICIA * SANDROCK, 9930
REBEKAH J * SARSFIELD, 3642
DEBORAH M * SAUNDERS, 0321
SHARON U * SCOTT, 9769
MARY J * SHAW, 6628
DEIDRE M SINGLETON, 1931
ALLEN D * SMITH, 7071
JUDY A * SMITH, 5075
STEPHANIE C * STELTER, 9985
JAMES E * STEVENS, 2833
EVELYN TOWNSEND, 8884
BARBARA F * WALL, 8734
BRADLEY C * WEST, 5539
MARY A * WEST, 8966
DAVID O * WHITE, 4546
WILLIAM G * WHITE, 6007
MICHELLE M * WILLIAMS, 0985
SELINA G * WILLIAMS, 3126
GAYLA W * WILSON, 9429
JOELLEN E WINDSOR, 8422

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 13, 2002:

DEPARTMENT OF COMMERCE

LOUIS KINCANNON, OF VIRGINIA, TO BE DIRECTOR OF THE CENSUS.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

THE JUDICIARY

JEANETTE J. CLARK, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSOCIATE JUDGE OF THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FIFTEEN YEARS.

HOUSE OF REPRESENTATIVES—*Wednesday, March 13, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 13, 2002.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Bryan K. Finch, Chaplain, U.S. Coast Guard Training Center, Yorktown, Virginia, offered the following prayer:

O Lord, we commend the interest of our dearest country to the protection of Your Almighty hand, especially in this day of new challenges and threats. Guide our leaders and this Congress to move with vigilance toward the tests ahead, and let them look beyond mere mortal understanding and seek wisdom and guidance from above. For what is decided here shall not remain here, but will impact the cause of freedom and those who love liberty across this world.

Impress upon our hearts the summation of all the commands, "To love the Lord our God, and to love our neighbor as ourselves."

Pour this truth into each heart in order that we may serve You and this country as servants of justice and mercy.

O Lord, these who have the mighty task of superintending hope and peace and freedom in this land and in distant countries, I commit them into Thy holy keeping.

In God's holy name this day we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MCNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken: and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MCNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOME TO CHAPLAIN BRYAN FINCH OF OLDE YORKE CHAPEL, U.S. COAST GUARD TRAINING CENTER

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. COBLE. Mr. Speaker, it is my pleasure to welcome as our guest chaplain today, Chaplain Bryan Finch of the Olde Yorke Chapel, U.S. Coast Guard Training Center, Yorktown, Virginia. I would also like to thank Chaplain Finch for his thoughtful and inspiring invocation.

Chaplain Finch is joined today by his wife and Captain John Gentile, who is the Commanding Officer of the Training Center.

Mr. Speaker, I came to know the chaplain last fall when the chief petty officers in the Tidewater, the Yorktown area, invited me to be their guest speaker for their annual gala. A great time was had by all. At that time the Chaplain expressed interest in joining us up here.

Chaplain Finch is an ordained Southern Baptist pastor, a graduate of LaGrange College in LaGrange, Georgia. He earned a Master of Divinity at Southwestern Baptist Theological Seminary in Fort Worth, Texas, and also obtained a Masters of Theology in Culture and Religion at Princeton Theological Seminary in Princeton, New Jersey.

Chaplain Finch also has a distinguished military career, having served in both the Army and Navy. Upon graduation from high school, he enlisted in the U.S. Navy for 4 years. Chaplain Finch then went on to pursue his college seminary degrees and, upon completion, joined the Army where he served as Chaplain of the First Battalion, Sixth Infantry in Vilseck, Germany.

He later received an interservice transfer to the U.S. Navy and was commissioned in the Navy on January 7, 1991.

Presently, Chaplain Finch is assigned to the U.S. Coast Guard Training Center in Yorktown, Virginia, where he has served as Chaplain since June, 2000.

Mr. Speaker, I would be remiss if I did not mention one of Chaplain Finch's most noteworthy contributions was his service on the Chaplain Emergency Response Team which was activated to assist in the aftermath of the events of September 11. Along with Chaplain Finch, there were 30-plus other Navy chaplains assigned to Coast Guard units who assisted in this effort, and at this time, I would like to submit their names for inclusion in the RECORD in recognition of their significant contribution, as well.

Mr. Speaker, again, I want to extend a cordial welcome to Chaplain Bryan Finch for being here today. His presence and blessing on this House means so much to me and the thousands of young men and women who proudly wear Coast Guard blue.

CHAPLAINS WHO SERVED WITH THE CERT AT THE WORLD TRADE CENTER

CPT Leroy Gilbert, Chaplain of the Coast Guard, USCG HQ, Washington, DC.

CPT Thomas Murphy, USCG Academy, New London, CT.

CPT Ronald Swafford, USCG Pacific Area, Alameda, CA.

CPT Peter Larsen, U.S. Naval Reserve Chaplain.

CDR Wilbur Douglass, USCG Atlantic Area/Fifth CG District, Portsmouth, VA.

CDR Deborah Jetter, USCG RELSUP 106 (District Nine).

CDR Douglas Waite, Deputy Chaplain of the Coast Guard, Washington, DC.

CDR Derek Ross, USCG Training Center, Cape May, NJ.

CDR Lawrence Greenslit, USCG District Seven, Miami, FL.

CDR Steven Brown, USCG District Nine, Cleveland, OH.

CDR Richard Carrington, U.S. Naval Reserve Chaplain.

CDR Michael Doyle, U.S. Naval Reserve Chaplain.

LCDR Rondall Brown, USCG Air Station, Cape Code, MA.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

LCDR Thomasina Yuille, USCG District One, Boston, MA.

LCDR William Brown, USCG District Eight, New Orleans, LA.

LCDR James Jensen, USCG RELSUP 106 (District Thirteen).

LCDR Gregory Todd, USCG Activities New York, Staten Island NY.

LCDR Manuel Biadog, USCG Training Center, Petaluma, CA.

LCDR Bryan Finch, USCG Training Center, Yorktown, VA.

LCDR Phillip Lee, USCG RELSUP 106 (District Eight).

LCDR Thomas Hall, USCG GANTSEC, San Juan, PR.

LCDR Brian Haley, USCG Academy, New London, Ct.

LCDR Dennis Boyle, USCG Air Station, Cape Code, MA.

LT Keith Shuley, USCG Training Center, Petaluma, CA.

LT Thomas Walcott, USCG Group, Milwaukee, WI.

LT Steven Bartell, USCG RELSUP 106 (District One).

LT James Finely, USCG Training Center, Yorktown, VA.

LT Alan Andraeas, USCG Air Station, Borinquen, PR.

LT Peter Rosa, USCG Group, St. Petersburg, FL.

LT Douglas Vrieland, USCG Group, Charleston, SC.

RAISING AWARENESS FOR THE ERADICATION OF HIV/AIDS AND TUBERCULOSIS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, one-third of the world, including 15 million Americans, are infected with tuberculosis. My State of Florida ranks among the top four in tuberculosis cases every year. Tuberculosis is the leading killer among people infected with HIV/AIDS, and both remain public health concerns that we must continue to address.

This year, in conjunction with the Miami-Dade County Health Department, the Florida Department of Health, the South Florida American Lung Association, and the Global Health Council and many other public health organizations, I am promoting a forum entitled "When HIV and TB Collide: A World TB Day Event." This conference will explore how unique partnerships between government, faith-based groups, and community-based organizations can together help combat the deadly combination between HIV/AIDS and tuberculosis that threatens the health and well-being of our communities. I urge my colleagues to help raise awareness on these diseases both globally and locally, and to continue working until they are eradicated from our world.

BRINGING ABDUCTED AMERICAN CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I continue today with my story of Ludwig Koons. Last week, we left off with Jeff Koons finding his son abandoned by his mother and left in a dangerous and pornographic environment. Mr. Koons took Ludwig from this environment and returned with him to New York City where he immediately initiated divorce and custody proceedings in the Supreme Court of New York.

His ex-wife filed an appearance through counsel, and the parties agreed on joint custody of Ludwig. The agreement prohibited either party from removing the child from New York until a final ruling on the divorce. Both parties agreed to be accompanied by a bodyguard outside the home to ensure that Ludwig remain in New York City. The Supreme Court of New York ordered ratification of the parties' agreement, ruling that the parties were prohibited from removing Ludwig from the jurisdiction until further court order.

Well, Mr. Speaker, Ilona Staller ignored that court order and on June 9, 1994 abducted Ludwig to Italy. Neither the United States Government nor the Italian Government is working to help solve this problem.

Mr. Speaker, join me in helping bring Ludwig Koons and all American children home.

CALLING FOR THE IMMEDIATE RETURN OF LIEUTENANT COMMANDER JOHN SPEICHER

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, we learned this week that there are credible reports that Saddam Hussein has been holding an American Navy pilot for the last 10 years. Lieutenant Commander Scott Speicher was shot down over Iraq during the Gulf War, and he has never been accounted for. Now, intelligence sources are saying Saddam Hussein captured him and has been holding him prisoner ever since.

Mr. Speaker, we know that Saddam Hussein does not follow the rules of peace or war. The world knows that he is a tyrant who murders his own people, and we know that he has repeatedly invaded his neighbors. Now it seems he may be secretly imprisoning an American officer.

To be clear, we do not know yet if this is true, but if it is, Saddam Hussein needs to return our pilot to us immediately. If he does not, the Government of Iraq will have to pay the consequences, and I do not need to point out that those consequences will be severe.

PRAYING FOR A SAFE RETURN FOR MIRANDA GADDIS AND ASHLEY POND

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute.)

Ms. HOOLEY of Oregon. Mr. Speaker, I come before the House today to alert those who may be watching in Oregon and across the Nation to the tragic disappearance of two young teenagers from my district.

Miranda Gaddis and Ashley Pond, both 13 years of age, students at Gardiner Middle School in Oregon City and teammates on the school dance team, have been recently reported missing.

Ashley disappeared January 9, and Miranda vanished last Friday, March 8. Both were last seen by their mothers early in the morning as they left their homes at the Newell Village Creek apartments to catch the bus to school on South Beavercreek Road.

The FBI has recently stated that Ashley and Miranda's disappearances appear to be related and that foul play may be involved.

If anyone has any information regarding Ashley or Miranda's whereabouts, please contact your local FBI offices or the Oregon City Police Department.

Our thoughts and prayers are with the families of these girls and law enforcement as they continue to work tirelessly for the safe return of these girls.

FEDERAL BUDGET MUST REFLECT NEW PRIORITIES

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, last Monday this Nation recognized the 6-month anniversary of the terrorist attacks which claimed the lives of thousands of innocent Americans. Now, as a Nation, we are in the middle of a war to root out the culprits of the September 11 attacks and to rid the world of terrorism. Our mission is not only right and necessary, but it is also massive and challenging. Like a runner, this is not a sprint, but a marathon.

Terrorist cells exist in countries around the world, and as a result, our work will not be limited to just Afghanistan. Consequently, as our budget process begins, we must provide the critical resources our military and intelligence communities need to win the war against terrorism.

This is a new world, Mr. Speaker, that we are now living in; we are living with new threats, and our Federal budget must reflect our new priorities.

COMMISSION ON BLACK MEN AND BOYS

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, as we move toward welfare reform, I want to report an extraordinary standing-room-only hearing by our Commission on Black Men and Boys here in the District last night. I established this 12-man commission after noting serious challenges facing black men about a year ago; just as by focusing on women and children, we made good progress.

The problems of black men are deep: 6 percent of the population, 50 percent of inmates in jail, half of all HIV cases. The devastating effect has been on the African American family.

This began with a flight of jobs, manufacturing jobs, from the African American community, replaced by an underground economy and an underground culture. We have to do something about those jobs.

The lead witness last night was Darrell Green, the legendary football star who started his own foundation to assist youth and who spoke about manhood and about his own policy work.

The commission is drawing its own action plan that the city has said it will carry out.

I am grateful to the minority staff of the Committee on Government Reform, which is working with me to translate the commission's work nationally to benefit other districts.

☐ 1015

REPUBLICAN LEADERSHIP REFUSES TO SCHEDULE DEBATE ON FUTURE OF SOCIAL SECURITY

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, I rise today to express my disappointment that the Republican leadership refuses to schedule a debate on the future of Social Security. They appear unwilling even to schedule or to bring up the plan introduced by their own majority leader.

Perhaps it is because that plan calls for benefit cuts, substantial benefit cuts for many Americans, including disabled Americans. Perhaps it is because creating private accounts will cost more than $1 trillion in transition costs; and perhaps it is because the plan exposes beneficiaries to unnecessary risks for unlikely rewards.

I welcome the opportunity to debate the future of Social Security, but the Republican leadership so far refuses. Perhaps it is because, if they do, their plan will be rejected by the American people.

IMPORTANCE OF FAKED MISSILE DEFENSE TESTS

(Ms. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. McKINNEY. Mr. Speaker, the GAO recently released a report outlining the ways in which the Pentagon and its contractors fudged the results of a missile defense test in 1997. The report found that missile test results were fabricated by excluding negative test data, ignoring sensor malfunctions, and by delaying the disclosure of undeniable errors. All this is now irrelevant, the Pentagon concludes, because the system used in that test has not been used in 4 years.

Well, Mr. Speaker, I disagree. The fact that these test books were cooked could not be more important. The President has asked Congress to match last year's $8 billion-plus missile defense appropriation and has formally issued his intention for the United States to pull out of the ABM treaty. Yet the Pentagon recently canceled the supposedly important Navy missile defense system due to cost overruns of 65 percent, and more recent missile defense tests were found to have been fixed by the use of GPS location beacons.

Mr. Speaker, the CBO has estimated that a working missile defense system will cost another $64 billion by 2015, and the United States has been working on this since World War II and it still does not work. We do not need to give the Pentagon one more dollar.

SOCIAL SECURITY AND THE BUDGET

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Mr. Speaker, Social Security has been a successful program that has lifted millions of the Nation's seniors out of poverty. Our seniors are facing a dilemma, one that threatens their security and trust as they reach their retirement years.

We must fight to preserve our Social Security trust fund and honor our commitment to our seniors. The President's budget does not honor this commitment to our seniors, and, in turn, fails all Americans.

Now is the time for us to focus on a long-term budget plan that will not only help recover the economy, but also help recover and make sure that our Social Security trust fund is kept intact, returning us to an era where we can protect our Social Security and protect our seniors, and even strengthen the Social Security trust fund.

We need to recommit to the idea that Social Security surplus dollars are for Social Security, and paying down our national debt is something that we all need to do.

We also are aware of the fact that the President has also appointed a committee, and we know that when one stacks a committee, that every single member on this committee was for the purpose of privatizing Social Security. They had no other motive but to do that. Every single one of them on that committee had that one intention.

Mr. Speaker, it is our responsibility to make sure we protect our seniors and future generations.

THE JOURNAL

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8, rule XX, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RODRIGUEZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 355, nays 45, answered "present" 1, not voting 33, as follows:

[Roll No. 54]

YEAS—355

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Barcia
Barr
Bartlett
Bass
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cox
Cramer
Crenshaw
Crowley
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth

Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Osborne
Ose
Otter
Owens
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn

NAYS—45

Aderholt
Baird
Borski
Brady (PA)
Capuano
Costello
Crane
DeFazio
English
Filner
Gutknecht
Hefley
Hilliard
Hinchey
Hulshof
Kucinich
Larsen (WA)
Latham
LoBiondo
Matheson
McDermott
McNulty
Miller, George
Moore
Moran (KS)
Pallone
Peterson (MN)
Platts
Ramstad
Sabo
Schaffer
Schakowsky
Stark
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiberi
Udall (CO)
Udall (NM)
Visclosky
Waters
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—33

Ballenger
Barrett
Barton
Bentsen
Blagojevich
Burton
Buyer
Cooksey
Coyne
Cubin
Davis (IL)
DeLay
Ehrlich
Eshoo
Hinojosa
Hunter
Jackson-Lee (TX)
Johnson, Sam
King (NY)
LaHood
Menendez
Oberstar
Ortiz
Oxley
Quinn
Rothman
Rush
Shaw
Slaughter
Sullivan
Traficant
Young (AK)
Young (FL)

□ 1043

So the Journal was approved.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 2341, CLASS ACTION FAIRNESS ACT OF 2002

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 367 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 367

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1045

The SPEAKER pro tempore (Mr. SIMPSON). The gentlewoman from Ohio (Ms. PRYCE) is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Texas (Mr. FROST), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 367 is a structured rule providing for the consideration of H.R. 2341, the Class Action Fairness Act of 2002. The rule provides 1 hour of general debate, equally divided and controlled between the chairman and ranking minority member of the Committee on the Judiciary. It provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill be considered as an original bill for the purpose of amendment.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying the resolution. Each amendment may be offered only in the order printed, may be offered only by a Member designated in the report, shall be debatable for 20 minutes equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment or demand for division of the question. The rule waives all points of order against consideration of the bill and waives all points of order against such amendments.

Finally, the rule provides one motion to recommit with or without instructions.

I would like to take a moment to clarify for my colleagues that while this is a structured rule, our committee, the Committee on Rules, did make in order every amendment submitted to us on this legislation. The rule simply incorporates some time confines, equally applied to all the amendments, in order to provide some level of certainty and order during consideration of this legislation on the House floor.

Mr. Speaker, the history of the judicial process has established it as a system that, in most instances, employs fairness and balance in the rendering of justice. As one of the many tools of the judicial system, the class action lawsuit, in its ideal form, shares these characteristics. The class action suit is meant to give the many who may have the same claim against the same defendant an efficient way to have their grievances consolidated into a unified and magnified voice.

Mr. Speaker, as used by public interest organizations and truly interested groups of individuals, class action lawsuits can be effective in remedying wrongs, curbing dangerous misconduct, or encouraging better enforcement of laws. However, the reality of the class action lawsuit is far, far from the ideal. Today, this procedural device is often employed in frivolous suits designed to force businesses into quick and often unwarranted settlements while denying those truly wronged of any meaningful recourse. This abuse can stunt economic growth. It can stunt job creation. And, ironically, these frivolous suits can clog the very courts that they are being heard in, making it more difficult to bring the valid litigation that the class action tools are meant to facilitate.

Perhaps worst of all, the abuse of class actions often rewards attorneys and certain plaintiffs while leaving larger segments of the class with little real remedy. In one instance, a State court approved a class action settlement in a case brought by account holders against a bank in which the plaintiffs' attorneys received over $8 million in fees while 700,000 class members, the plaintiffs, only received about $10 each.

Even worse, those 700,000 class members each had up to $100 deducted from their accounts to pay the legal fees owed by the bank under the settlement. As a result, most of the class members ended up with a net loss as a result of litigation designed to protect their interest.

In another class action filed against General Mills, an additive was added to Cheerios, a very popular cereal. The settlement directed $2 million to the lawyers, while the class members each received coupons for free boxes of cereal.

Now, while these examples may seem extreme, and they are extreme, they are sadly and rapidly becoming the normal. This is an aspect of our civil justice system that is in very sore need of reform. Class action filings in State courts have increased 1,000 percent over the past 10 years. That is an incredible jump.

As noted in an editorial in The Washington Post, way last August, "We must inject the world of class actions with more accountability to real clients and with some consequence to lawyers who file frivolous claims." This bill does just that by curbing the abuse of class actions while preserving the right of the truly injured to bring meritorious class action suits.

Specifically, this legislation would preserve the intent of article III of our constitution by allowing large, interstate class actions to be removed to Federal Court when appropriate, thereby creating greater uniformity in considering these cases and allowing greater consolidation of claims. Importantly, this would mean those cases that affect individuals across the Nation could be decided by courts that represent the Nation as a whole and not just one particular State picked by a trial lawyer.

At the same time, this legislation protects individuals in class actions through the Consumer Class Action Bill of Rights. This bill of rights requires that notices sent to class members be simple and intelligible. It also ensures that victorious plaintiffs do not suffer a net loss because of attorneys fees. It prevents geographic discrimination against certain class members, and it prohibits disproportionate awards from going to classes' representatives.

Mr. Speaker, our judicial system and the judges and attorneys that serve within it do noble and important work. I am a past attorney and a past judge, so I can say that with some assurance. But it is the job of this Congress to make sure that the procedural tools given to those in the judicial system are not misused to the point that they frustrate their very purpose. This bill creates important reforms that will reduce abuse and protect individuals.

I urge support for this legislation and for this fair and balanced rule.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, my friends on the other side of the aisle have a very peculiar sense of timing. Here we have this problem with Enron. We have thousands of Enron employees who lost their life savings investing in 401(k)s, and we have thousands, perhaps hundreds of thousands, of Enron's shareholders who lost a lot of money in Enron stock; and yet my friends on the other side of the aisle take this very moment to make it more difficult for those thousands of Enron employees and those thousands of Enron shareholders to bring a class action lawsuit. I have a difficult time understanding their timing.

I understand their interest in this issue. It has been brought up before. But now we have this situation where executives of Enron were telling their employees what a good deal it was to invest in their company's stock at the same time that those executives were secretly selling their stock. And so we have a class of people, a class of employees, thousands of employees who have lost their life savings; and yet my friends on the other side of the aisle would say, well, this is the very moment that we are going to make it more difficult for you to seek class relief. It is a very peculiar sense of timing.

It is an interesting bill. It is important that the American people very clearly understand what this bill, H.R. 2341, the so-called Class Action Fairness Act, would do. It is not, as some claim, a small procedural change. It will not, as some have suggested, curb lawsuit abuse. In fact, there is no statistical evidence of a class action crisis. Unfortunately, some people, for their own political purposes, have made a career out of hyping anecdotal stories of unbelievable lawsuits. The truth is these rare abuses have been appropriately handled by State legislatures and State supreme courts.

So what will this bill do? In a nutshell, it will drastically tilt the justice system in favor of big corporations and their executives and against the individuals they sometimes harm. That may not be the intent of its supporters, but that will be its effect. And, Mr. Speaker, that is just plain wrong.

Mr. Speaker, it is really unbelievable to me. I am frankly astounded, as I mentioned earlier, that Republicans have made protecting big corporate wrongdoers their priority right now. After all, at this very moment Congress is still trying to figure out how Enron executives managed to devastate the life savings of thousands of its employees and shareholders. Mr. Speaker, America has just witnessed the worst corporate robbery in history, and now Republican leaders are pushing a bill to protect big corporate wrongdoers. Do they really want to make it easier for people to do the type of things that executives at Enron reportedly did?

Mr. Speaker, there are plenty of additional reasons to vote against this bill. By federalizing class actions, it tramples on the authority of State courts, which is pretty peculiar coming from a Republican Party that preaches the gospel of States' rights on almost every other issue. And it will further clog Federal courts that are already overwhelmed by the large number of criminal drug cases. So it is no surprise that both Federal and State judiciaries have consistently opposed efforts to Federalize class actions.

But the real losers under this bill are ordinary Americans for whom the justice system is the only protection against big corporate wrongdoers. It is people like the thousands of Americans who lost their life savings at Enron and the 800 people who were injured and the 271 who were killed on defective Firestone tires. This bill would actually make it harder for them to hold those corporate wrongdoers accountable. This Congress should be fighting for those Americans, not protecting the corporate wrongdoers that harmed them.

Mr. Speaker, we appreciate that this rule makes in order all of the amendments that were submitted to the Committee on Rules. That does not, in fact, change the fact, Mr. Speaker, that this is a bad bill.

Mr. Speaker, I reserve the balance of my time.

□ 1100

Ms. PRYCE of Ohio. Mr. Speaker, I must say that this bill was discussed at length in the Committee on Rules yesterday, and I am not sure, maybe my friend from Texas was not present, but I believe he was, because it is incredible to me that he is making these statements. It was pointed out at great length that the Enron case is already in Federal court. This has nothing to do with Enron. Indeed, Mr. Speaker, securities litigation is carved out entirely by this legislation. It would not cover Enron.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Virginia (Mr. GOODLATTE), the author of this legislation, to further bring some light to this subject.

Mr. GOODLATTE. Mr. Speaker, I thank the gentlewoman for yielding time. I want to compliment her and the other members of the Committee on Rules for fashioning a very fine and very fair rule to debate this important piece of litigation reform.

I was pleased to hear the gentleman from Texas acknowledge the fairness of the rule, so I encourage all of my colleagues to support the rule when it comes up for a vote. But I would like to address the other issue the gentleman raised, and, that is to somehow try to associate this with Enron.

Enron's class action lawsuit is already in Federal court. The fact of the matter is, it is in Federal court because the plaintiffs in that case chose to bring it there because it involves Federal questions and because it will be a better place to handle class action lawsuits because our Federal courts are designed to hear cases from plaintiffs and defendants from a multitude of jurisdictions.

But the Enron case could have been brought in a State court in, say, Illinois where there might be a few Enron employees. It would not be appropriate for it to be heard there, but if it were brought there under diversity of jurisdiction and there were no means to remove it to Federal court, all of the gentleman from Texas' constituents in the State of Texas would be denied having an opportunity to have it heard in that court; whereas with this legislation, if it were brought in a State court where it was inappropriate to be brought, it could be easily removed to Federal court. This is not about Enron.

What this is really about is fairness to American consumers. Let me give you some examples.

Here is a case. This case shows what the trial lawyers received, $2 million in attorneys' fees, and the plaintiffs that they were representing, they got a coupon. A coupon for what? A box of Cheerios.

Here is another one. In this case, the plaintiffs' attorneys received $100,000 in attorneys' fees and the plaintiffs got three golf balls.

It gets better. In this particular case, the plaintiffs' attorneys, the trial lawyers, received $4 million in attorneys' fees and the plaintiffs each got a check for 33 cents. In case you cannot see the amount on this check, we blew it up for you. There it is: 33 cents. That is what the plaintiffs got while their attorneys got $4 million. There is a catch to it, though, for those desiring 33 cents because in order to get the 33 cents, they had to mail back in their acceptance of the settlement offer, which cost them 34 cents. So actually they came up a penny short in this particular class action lawsuit abuse.

It goes on. Here is a settlement of a case against an airline that gave the class members a $25 coupon. That sounds pretty good. It is $25. It is better than 33 cents, but it is conditioned upon their purchasing an additional airline ticket for $250 or more. In other words, it is a coupon for a 10 percent reduction in your next airline ticket. What did the attorneys get? $16 million.

This one is the best of all. A Bank of Boston settlement over disputed accounting practices produced $8.5 million in attorneys' fees. Later, the plaintiffs' attorneys in the case sued their own clients, the class members, for an additional $25 million in attorneys' fees, and the class members were required to pay $80 each for a settlement that netted the attorneys $8.5 million.

This is not a Republican effort for reform. There are plenty of folks on both sides of the aisle here who support this, including those who subscribe to this distinguished publication, the Washington Post, where they said that the lawyers cash in while the clients get coupons for product upgrades.

"It's a bad system, one that irrationally taxes companies in a fashion all but unrelated to the harm their products do and that provides nothing resembling justice to victims of actual corporate misconduct."

So, as a result of that which appeared on March 9, this past Saturday, the Post has endorsed this legislation. The Post went on to say, "That it is controversial at all," referring to this legislation, "reflects less on the merits as a proposal than on the grip that trial lawyers have on many Democrats."

So I urge my colleagues on the other side to join the many who will join us in rejecting the idea that somehow we have to have a continuation of a simply bad Federal procedural rule that would allow these cases to be brought into Federal court when all we are trying to do is to correct a very serious problem of abuse.

How does the abuse occur? The plaintiffs' attorneys, and they are good attorneys, they choose the jurisdiction in this country that they think best suits their likelihood of success in the case. That happens in every lawsuit. But in class action lawsuits involving hundreds of thousands or millions of plaintiffs, they can choose from 4,000 different jurisdictions in the country, and a handful of jurisdictions over and over and over again get the cases brought there because those judges are known to certify these classes far more readily than anybody else. Allowing removal of the case by either the plaintiffs or the defendants to Federal court will end this abuse because you will have a more uniform, more standard application of what it takes to certify a class.

I urge my colleagues to support this rule and to support the underlying legislation.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I would just like to ask my good friend, who is on the Committee on the Judiciary, the gentleman from Virginia (Mr. GOODLATTE), who is himself an ex-trial lawyer, what is his solution to this horrible problem of trial lawyers making too much money?

I would like to yield to the gentleman from Virginia (Mr. GOODLATTE), a former trial lawyer himself.

I will repeat the question. What is the Republican solution to this horrible practice that has allowed trial lawyers, like you used to be, from reaping these incredible profits?

I yield to the gentleman from Virginia.

Mr. GOODLATTE. For better or for worse, if the gentleman would yield, I have to say that I never enjoyed such remuneration for the work that I did.

Mr. CONYERS. You did not like practicing as a trial lawyer. It was not fun.

Mr. GOODLATTE. I did not handle class action lawsuits, but I will tell you that the measure of a good lawsuit is not how much work the attorneys put into it relative to what they receive, but whether they accomplish anything for their clients. And when they get a coupon for Cheerios, they are accomplishing nothing in exchange for the large fees they receive.

Mr. CONYERS. I thank the gentleman for explaining to me what his solution is to the problem of trial lawyers making too much money.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

My colleagues on the other side want to say no, no, no, no, this is not about Enron. Explain that to the thousands of Enron employees who lost their life savings in their 401(k)s and who would like to bring a civil fraud action against executives at Enron in State court in Harris County, Houston, Texas. Explain that to them, please, if this is not about Enron.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I understand what is behind this. I am not a lawyer, I will never be a judge, but this is really the Republicans' attempt to prevent themselves from being sued as a party under a class action under RICO by the 42 million beneficiaries of Medicare whose plan they are plotting to destroy.

As we sit here today, the Committee on the Budget is giving the Republican budget in the office building, and they are going to tell you how they are going to give 1 year, $8 billion, to Medicare. They have depleted the entire Medicare trust fund, and this 1 year, $8 billion, is contingent on privatizing Medicare, taking the President's reform, which is a voucher system, and destroying Medicare, as the Republicans are on record as wanting to do time and time again, starting with Newt Gingrich.

So they have given us $8 billion, or $40 billion over 5 years, if we privatize the system. That is to cover a drug benefit which ought to cost $70 billion a year by any standards. That does not allow us to correct the inequity in physicians' payments which costs $12 billion a year. This does not take care of hospital inflation, children's hospitals, teaching hospitals, cancer centers, preventive screening.

This is an obscene hoax on the American people. It is just one more indication of protecting the corporate interests and the corporate insurance companies, for instance, who provide Medicare benefits from any class action. They will not let us have the Patients' Bill of Rights. The only way we have now to enforce that is class actions in a few cases. If we could have a Patients' Bill of Rights with the right to sue, that might not be necessary.

But one more case, protect the rich, trample on the poor, do away with Medicare and Social Security, this is the Republicans' plan; and this is one more nail in the coffin of the Medicare beneficiaries.

Ms. PRYCE of Ohio. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH), a member of the Committee on the Judiciary, who can get us back on course. This is a bill that is addressing lawsuit reform, not Medicare, not Enron. The gentleman from Texas can help point that out.

Mr. SMITH of Texas. Mr. Speaker, I thank the gentlewoman from the Committee on Rules for yielding me this time.

Mr. Speaker, I strongly support H.R. 2341, the Class Action Fairness Act of 2002. The current class action system makes it too easy for attorneys to bring suit not for the benefit and well-being of class members, but for the attorneys' own monetary gain.

For instance, when attorneys sued Southwestern Bell, which is a constituent firm, alleging misrepresentation of service plans, they made $4 million in fees while the class members received only a $15 credit. A suit brought against Oracle sought no damages, but resulted in $750,000 in attorneys' fees and nothing for the plaintiffs. Unfortunately, these examples are not uncommon.

Congress should not stand by while lawyers shop around the country for a judge who will render a favorable verdict. This bill will give Federal courts jurisdiction over cases that involve aggregate claims of at least $2 million and a plaintiff and defendant from different States. It also creates a class action bill of rights that will require settlement notices to be written in plain English, prevent disproportionate attorneys' fees from being awarded, and protect consumers from actually losing money when there is a verdict in their favor.

Mr. Speaker, we must not let a few lawyers get rich at the expense of working families. I urge my colleagues to support this bill. I thank the gentleman from Virginia (Mr. GOODLATTE) for offering this bill.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentleman from Texas, the ranking member of the Committee on Rules, for yielding me this time.

This bill is opposed by every major environmental organization, every major consumer product safety organization, and I wonder why that is?

Mr. Speaker, it is no doubt trite to proclaim that the road to hell is paved with good intentions. This bill is a perfect example of that aphorism. No Member of this Chamber needs to lecture me about living in a culture of lawsuits and about how the number of lawsuits has spiraled out of control. I am all too familiar with that, being a trial lawyer and being a trial judge.

Let me tell you something, this bill will do nothing but make things worse for our courts in this land, worse for our judges, and, most important, it will make things worse for the people who need redress the most in our judicial system.

This bill does not make our litigious system better. Indeed, it makes it far worse. The bill before us would make it significantly more difficult for consumers to achieve relief from the most outrageous corporate abuses.

☐ 1115

Frankly, this bill is a bailout for corporate wrongdoers, and that makes me sick.

Mr. Speaker, if passed, this bill will make it easier for a significant number of corporations, not just Enron, where no real class action has been filed yet, but Arthur Andersen, for example, might not have as much to fear. We may never have even heard about the problems with Firestone if this bill were law today. Monsanto, W.R. Grace, all these corporations had to face the public and face the music because of our Nation's easy access to the courthouse. This bill would have made it significantly easier for these corporations if this bill were law.

This bill would federalize class action lawsuits, plain and simple. You can take my word for it, or you can take Chief Justice Rehnquist's word for it, the Federal courts are already overworked and understaffed. This bill would only exacerbate this problem.

State courts are the much preferred venue for these types of actions. We have heard about problems in a couple of States. The fact is, there really is no crisis. Florida, California, Texas, and New York all are able to handle their caseload without Federal intervention. Certainly, if the four largest States in the United States are not having these problems, the other 46 can manage as well.

Let me tell you some things. I heard the gentleman from Virginia (Mr. GOODLATTE) a moment ago talk about a coupon. I cannot deny there are cases where lawyers have made fees and clients have not received all of the recompense that my brothers and sisters on the other side would have them. But what about tobacco and all of the money that all of the States have received? What about asbestos and black lung? Where would we be if this were law today? Would we have seat belts in our automobiles, air bags, infant car seats, child proof medicine bottles, disability access? All of those were class actions.

I am heartened that the Committee on Rules did make in order the Lofgren amendment and several others, including the amendment of my good friend, the gentleman from Massachusetts (Mr. FRANK).

I want to make it very clear that I recognize that we do not have all the time this morning to talk about this matter, but understand this: there was absolutely no consultation with Federal judges. And we talk all the time in this body about unfunded mandates. Well, this bill was not scored by CBO, according to my Republican colleagues; but CBO did say that there would be increased administrative costs. Let me tell you what some of those increased administrative costs will be: more court reporters, more translators, more clerks. And the impact on the Federal judiciary, it is all but outrageous for us to believe that courts will not bog down. If we impact the civil litigation system in this country, then the linchpin of this country's economy will come undone.

It is a terrible mistake for us to proceed in this manner, and I urge my colleagues to defeat this bill.

Ms. PRYCE of Ohio. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I thank the preceding speaker for pointing out how urgent it is for the Democrats in control of the other body to approve the some 100 judges that President Bush has nominated that are being held hostage to politics. That is the reason that we have some backlog in some of our courts.

The fairness bill which is on the floor today is addressed to something much more discrete, and that is what is the proper role of the Federal courts and what is the proper role of the State courts.

This bill is needed to restore to the Federal courts the jurisdiction that the Framers of our Constitution gave to the Federal courts. It was the Framers that decided that when the parties to a case live in different States, multiple States, when what is at issue in the case are the laws of multiple States, that that kind of jurisdiction, diversity jurisdiction, so-called, is properly vested in the Federal courts.

What we are hearing in opposition to putting nationwide class actions in Federal Court is a sort of reverse Federalism; that somehow if multiple States are involved and parties from multiple States are involved, that a hamlet in some county in America should make law for the whole country.

The Framers gave us this jurisdiction, diversity jurisdiction, to guard against local prejudice to make sure that American citizens would not be dragged to some unfamiliar venue nowhere near where they lived and forced to appear between a rock and a hard place, as it were, unable to argue their rights that they would have back home or in a Federal jurisdiction, and knowing the outcome in advance, that they were going to be home-towned by local judges and juries. The Framers wanted to ensure that citizens would have confidence in their judicial system by eliminating this kind of local bias.

The Framers reasoned that local prejudice could result in discrimination against interstate commerce. As you recall, in article I of the Constitution interstate commerce is a Federal responsibility, not a State responsibility. Of course, prejudice against people from other States, prejudice against interstate commerce, they recognized would be highly detrimental to the country.

We are here today precisely because the Framers intended to prevent what is happening in our court system today in the form of nationwide class action lawsuits filed in local courts. A class action is typically a big lawsuit, a large lawsuit, often with hundreds or even thousands of class members. In fact, most of the Members in this Chamber and most of the people watching what is going on on this floor are probably plaintiffs in lawsuits that they do not even know about, because it is so easy to claim, if you are a lawyer, to represent a whole class of people similarly situated to your cousin.

In these large class actions involving people from all over America, there are often at issue the laws of many different States. It is because of this that a class action involving citizens of multiple States necessarily has significant interstate commerce implications, and as a result it is the quintessential Federal case.

No matter how many citizens from other States are involved, no matter how many States' laws are involved, the law as it exists today places such strict limits on the right of a party to have his or her case removed to Federal Court that it is virtually impossible for an out-of-state party to do so.

This has given rise to what is called in the lawyers parlance "forum shopping." If you were a clever lawyer, you get to pick the one place in America where you know you are going to win, whether you are right or whether you are wrong. Forum shopping has resulted in a very small handful of local courts in such places as Madison County, Illinois; Jefferson County, Texas; and Palm Beach County, Florida, making law for an entire Nation.

But this is not the only negative impact of what I have called reverse Federalism. It is now openly recognized that these local courts can and do harbor actual prejudice against out-of-state defendants. This was acknowledged by the Eleventh Circuit Court of Appeals in a recent opinion in which the court apologized to the out-of-state defendant for the current state of Federal law. They recognized that while they could not permit this action under the current circumstances, which we just described, the current Federal law which makes removal so difficult, they could not permit this action to be heard in Federal Court, it ought to be in Federal Court. So they apologized to the defendant in the case for their anomalous ruling, returning a large interstate class action lawsuit to Alabama State court.

The Eleventh Circuit recognized that it was sending these defendants back to a State court system that was going to treat them, or at least had treated people similarly situated in the past, unfairly; that has produced in their words "gigantic awards against out-of-state defendants."

The court quoted a newspaper article noting that Alabama was "a State whose courts are among the most widely feared by corporate defendants." Nonetheless, the Eleventh Circuit concluded there was nothing under current Federal law that could be done about it.

The Eleventh Circuit laid bare the harsh reality that out-of-state defendants can now face in class action lawsuits, where the thumb is put on the scale of justice in advance. You, as an individual citizen in America, as a party to one of these actions, can be dragged into a remote jurisdiction that often has little or no connection with you, or indeed with any of the parties. Appearing in local courts, facing local judges and judges unlikely to treat you fairly, you know the outcome in advance. Almost certainly you will wind up being forced to pay a large settlement just to get out of this nightmare, because you would not want to see it through trial to the unfair result.

This is precisely the kind of injustice and local prejudice the Framers intended to eliminate by explicitly granting to the Federal courts diversity jurisdiction over cases involving people, parties in multiple States, and laws of multiple States. This legislation will restore the balance between State and Federal courts and return to the Federal courts the jurisdiction over diversity indications that the Framers intended.

Now, I must say in closing that our State court system is a good system. It is a wonderful system for resolving a variety of cases. The problem is not with the entire system of State courts; but rather that some lawyers, a small number of amoral and unethical lawyers on many occasions, get to pick not just State courts in general, not just the system, but the precise place where they know they have control and where they can win.

The argument that has been made against this bill bears a heavy burden. People have stood up here and said that this would be bad for the Enron plaintiffs, even though, as we all know, the Enron plaintiffs chose a Federal forum and this bill gives anyone the right to file in a State court or remove to a Federal court.

People are saying that this tramples on the rights of State courts. I think I have dealt fairly with that argument.

I have heard it is going to protect the rich or that it is going to hurt environmental cases. The burden that you bear in making that argument is that you have to say that there is inherent prejudice against environmental issues in the Federal courts. You have to say that there is inherent prejudice according to class in the Federal courts. I do not think any of you really believes that. All that this bill does is state that if multiple States are involved, you can be in the Federal system.

This bill is an affirmation of Federalism and of the Founders' intent. It is the reason that the Washington Post so strongly supports this bill. In their editorial what they have said is that the lawyers cash in while the clients get coupons for product upgrades. That is the kind of misrepresentation that has occurred, as described by the speakers that got up before me, in this bad system that they describe, that irrationally taxes companies in a fashion all but unrelated to the harm their products do, and that provides nothing resembling justice to victims of actual corporate misconduct.

The Federal system is a good system for resolving cases. It is the ideal system and the one that the Framers intended for resolving complex cases involving citizens and parties of multiple States and the laws of multiple States.

I strongly urge my colleagues to approve not only this rule, but the legislation when it next comes to a vote, and I predict it will pass with a big bipartisan majority.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the ranking member on the Committee on the Judiciary.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the gentleman from California (Mr. COX) is one of the best lawyers in the House. I do not know if he was a trial lawyer or not. But I just wanted to point out to him a couple of cases.

This discussion is not new in the Federal judiciary. We have been trying to figure out when you get to State Court and when you get to Federal Court for quite a while. So I want to refer the gentleman, the gentleman has probably seen this case before, Strawbridge v. Curtis, that was decided way back in 1806, dealing with how one has to have complete diversity to bring a State law case into a Federal law case. Indeed, they brought it up to date in another case of which I hope the gentleman is aware, Schneider v. Harris, in 1969, where the court held that the court should only consider the citizenship of named plaintiffs for diversity purposes.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman for yielding me time.

Our friends on the other side know that this issue is not about attorneys. It takes away rights of consumers, it gives corporate wrongdoers additional protections that they are not currently entitled to, and it strips the States of the States' own laws and procedures.

I think it is important to note that neither the Federal judiciary nor the State judiciary has requested any of these changes.

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No judge in America has written in and asked for these questions. No organization has asked for these changes, no organization of judges at the State or Federal level. This is not a problem. This is an effort by our friends on the other side of the aisle to create a solution to an imagined problem, and it is a poor solution at that.

Also, this legislation strips powers from our State courts.

I would like to say, what happened to States' rights? What happened to the issue of local control? What happened to what we hear time and time again about local people know best what to do in local communities? This strips the authority of the State court to apply the State court's own procedural rules and the State court's own procedural laws.

This is a very, very serious 10th amendment question. It is unconstitutional. It is an effort by our friends on the other side of the aisle to federalize State actions, and it is just wrong.

Our Federal courts are already overloaded. Right now, there are 68 judicial vacancies in the judiciary, 416 civil cases pending, on average, as of 2001. The criminal trials, of course, get preference; and every commentator has said, this will move practically every single class action in America into the Federal court. Our friends on the other side of the aisle want to federalize every action.

Now, let me tell my colleagues something about this ridiculous argument about forum shopping and trying to get preference. Let me give an example. In my hometown of Marshall, Texas, if one wants to file a class action in State court, it is filed in the State district court. If one would like to file it in the Federal court, you move one block down the street and you file it in the Federal court in Marshall, Texas.

Trying to act like there is some big Federal procedure and big Federal law that covers everything is absolutely not true. Remember, no matter what Federal court one files this in, the Federal court is applying State law. The Federal court is applying State law. I take offense to objections to State courts and State law and State judges.

Let me read something that one of our friends in Congress said not long ago about judges. He said, "I simply say, the State judge went to the same law school, studied the same law, and passed the same bar exam that the Federal judge did. The only difference is, the Federal judge was better politically connected and became a Federal judge. But I would suggest when the judge raises his hand, State court or Federal court, they swear to defend the U.S. Constitution; and it is wrong, it is unfair to assume ipso facto that a State judge is going to be less sensitive to the law, less scholarly in his or her decision, than a Federal judge."

The gentleman from Illinois (Mr. HYDE) made those statements.

It is important that we make sure that consumers have access to the courts. It is important that they choose, and it is important that we stick up for the United States Constitution for once, and we do not move everything into the Federal system.

Let me mention one other thing. Oftentimes suits effect changes that are good. There has been a lot of talk about coupons here. Sometimes those coupons are good. Sometimes they change products. There are products on the market today that have increased warnings as a result of suits that have been brought by consumers all across America, where they have been harmed by corporate America, but they cannot afford to have their own suits.

Do the words in litigation, Ford Pinto, fire-safe pajamas, asbestos, do those raise an issue? Those are not class actions, but those are lawsuits that have caused change, and class actions do the same.

I urge my colleagues to vote against this legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to this bill because of its substance, which I oppose, but also because of the very fact that it is being brought up at a time when we should be bringing up a bill that the Democrats are asking to be discharged to provide unemployment benefits and health benefits to those people affected by the September 11 attacks.

We lost no time in bailing out the airline industries after the tragedy of September 11, and that was something we probably should have done. At the same time, in tandem with that, we should have had legislation on this floor in order to help those workers who were left unemployed after that tragedy, but we did not. Here we are 6 months later.

Last week we passed legislation, which was the very least we could do, to extend unemployment benefits for workers. But many, many people cannot avail themselves of that benefit, and the bill did nothing last week to address the issue of loss of health benefits by America's workers.

So, instead, I am asking our colleagues today to defeat the previous question; and then that will allow Democrats to bring a comprehensive unemployment insurance bill to the floor, including health care for unemployed workers. Instead of passing anticonsumer class action legislation, we should be bringing legislation to the floor to help unemployed workers.

It is not a question of Democrats and Republicans deciding on how to help unemployed workers; it is a question of whether we are going to fully help unemployed workers. The Democrats say yes, the Republicans say no. The Republicans say we want to use our time on the floor to pass legislation, and in this time of Enron, I mean it is so brazen.

I am surprised that I am surprised, quite frankly, because usually I am not surprised at anything in politics. But it is surprising that with all of the headlines on Enron and Arthur Andersen and the rest, that instead of helping workers put out of work, we are making it harder for consumers to file class action suits.

Mr. Speaker, I urge my colleagues to vote to defeat the previous question.

Ms. PRYCE of Ohio. Mr. Speaker, I would just like to remind the gentlewoman from California that this House has passed health benefits twice. We have passed unemployment benefits, and it was signed into law actually last weekend; I was at the signing ceremony. This has been done.

I do not know where she is coming from. This House has acted responsibly and we will continue to do that.

Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Indiana (Mr. PENCE), a member of the Committee on the Judiciary.

Mr. PENCE. Mr. Speaker, I thank the gentlewoman for yielding me this time and for her masterful handling of this rule and the underlying debate.

I do rise as a member of the Committee on the Judiciary in strong support of the rule and of the underlying legislation, the Class Action Fairness Act of 2002.

I believe as a new Member of this institution that whatever laws that we pass, they ought to ever and always be judged by how they impact not the most prosperous or the most affluent in our country, but by how they impact the least of these; how the laws in this place impact the average, working, struggling American family. And in that, I agree with the sentiment expressed by the gentlewoman from California that this institution should be focused on the least of these and on struggling Americans.

I just simply would offer that, today, the least of these ought not to include doctors, lawyers, and corporate executives, but rather it ought to include aggrieved families and hurting Americans like the employees of Enron or other litigants and plaintiffs in class action lawsuits who have been made the subject of a system that the Washington Post called bad and called corrupt in a recent March 9 editorial.

Mr. Speaker, the father of the gentleman from Oklahoma (Mr. WATTS) says the definition of a contingency fee is, if you lose, your lawyer does not get paid, but if you win, you do not get paid. And regrettably, as we learned in recent examples debated on this House Floor, $2.5 million in a class action lawsuit goes to the attorneys and the litigants get a coupon for a box of Cheerios. Another example: $4 million in legal fees and 33-cent checks distributed to hurting families, not even covering the postage for turning in their application to be members of the class.

The benefits of the legislation on the floor today are truly targeted to benefiting working and aggrieved Americans. Requiring that all class notices and settlement notices be in plain English is one of the requirements of this bill, and ensuring that attorneys' fees in class actions are based on a reasonable percentage and provide protection against loss by class members.

I rise today as a strong conservative Member of this institution, and I must say to my colleagues that it is a rare day that I ever thought that I would be quoting the Washington Post on the floor of this chamber, but I will do so today. The Washington Post wrote in supporting the work of the Committee on the Judiciary, that is on the floor today, that under the current system, "At settlement time, the lawyers cash in while the clients get coupons for product upgrades. It is a bad system."

They went on to write, "This corrupt system is made possible to some degree because of how difficult it is to yank cases from State court and move them into the Federal system where judges tend to examine them more skeptically." They point out the positives in the provisions of this bill.

Mr. Speaker, I urge all of my colleagues to support the rule, to support the Class Action Fairness Act, and say "yes" to hurting American families and litigants taking their stand in our best courts against the most powerful.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to respond to the question: "I do not know where she is coming from; we have passed health benefits for these workers over and over again."

Where I am coming from is a meeting with James Dodrill, an unemployed worker whose health benefits expired last week at a time when his wife has been diagnosed with serious illness, James and his family, he and his wife and their three children.

James's benefits ran out last week. Under the current law, James would have to spend over $7,000 a year to pay for his COBRA benefits. The legislation in our discharge petition would help pay for 75 percent of that and fund the States to pick up the other 25 percent, so that unemployed workers can continue their health benefits with real health care benefits and would expand the number of people who fall into that category and include some workers who were never eligible for COBRA to be included in Medicaid.

It is a good discharge. I urge my colleagues to sign it. That is where I was coming from.

Ms. PRYCE of Ohio. Mr. Speaker, would the gentlewoman yield to answer the question of whether she voted for extending those health benefits?

Mr. FROST. Mr. Speaker, I believe the gentlewoman's time has expired.

Ms. PRYCE of Ohio. Mr. Speaker, I was just curious as to whether the gentlewoman was in favor of her constituents and voted as such when she had the opportunity.

Ms. PELOSI. Mr. Speaker, I would be pleased to answer on the gentlewoman's time.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, I thank the gentleman for yielding me this time.

I am really becoming more confused as I listen to this debate. When I first arrived in Congress some 5 years ago, I recollect very passionate rhetoric coming from the other side about States' rights and a new era in federalism. So it is really ironic that this particular week we are considering two bills that would send us off in an entirely different direction.

This bill, the so-called, and let me suggest it is truly mislabeled, Class Action Fairness Act, would remove thousands of class action suits from State courts to Federal courts; and a consequence of that would be that ordinary citizens and hurting American families and consumers would be severely disadvantaged against large corporations. And that is why every consumer group in America is opposed to this bill. Every legitimate major consumer group is opposed to the bill.

Now, the other bill that is scheduled for tomorrow, the so-called "Two Strikes and You're Out Child Protection Act," continues that relentless federalization of crime that has been roundly criticized by such conservative icons as former Attorney General Ed Meese and the Chief Justice of the United States Supreme Court, Mr. Rehnquist.

I remember the Contract for America and, boy, suddenly it seems, oh, so long ago, the Contract For America. Well, according to the Judicial Conference, the class action bill would overwhelm Federal courts that are already staggering under their current caseload. Of course, for the innocent victims of corporate misconduct, this would mean years of delay before they would get their day in court.

How many times have we heard on the floor of this House, "Justice delayed is justice denied"?

□ 1145

Well, one might suppose that this proposal was written by people who favor a larger role for the Federal Government, but that is not the case. The authors are the same individuals, and let me quote the Washington Post, that referred to the proponents as "self-proclaimed champions of State power."

One could also speculate that this proposal was generated by people who advocate a larger role for the Federal judiciary; but again, that is not the case. Some of the sponsors of this bill regularly come to the well and rail against judicial activism by "unelected Federal judges."

Now, a while back, these same Members were on the floor attempting to pass a bill, and I am sure some of the Members here remember it, called the Judicial Reform Act, which would have prohibited Federal judges from ordering a State or local government to obey Federal environmental protection, civil rights, or other laws if doing so would cost the States any money. Oh, if hypocrisy were a virtue.

What that bill attempted to do was to strip the Federal courts of jurisdiction over violations of Federal law that were indisputably within their power and their sphere of authority. What this bill ironically attempts to do is to transfer to those same Federal courts jurisdiction over violations of State and local laws that have never been within the scope of the Federal courts and their jurisdiction.

This is truly Alice in Wonderland: Up is down, and down is up. So much for federalism. So much for local control.

Maybe it is too cynical to suggest that the reason for this about-face has more to do with the financial interests of powerful American corporations than concern for the appropriate division of authority between Federal and State courts. Maybe that is too cynical. Because it certainly has nothing to do with hurting American families, nothing whatsoever.

In any event, Mr. Speaker, we come here today not to praise federalism but to bury it. So its demise has been slow and agonizing, and I guess this bill gives it the proper burial it does not deserve.

Ms. PRYCE of Ohio. Mr. Speaker, I yield 30 seconds to my good friend, the gentleman from Virginia (Mr. GOODLATTE), the author of this legislation.

Mr. GOODLATTE. Mr. Speaker, the gentleman from Massachusetts has turned federalism and States' rights on their heads. This bill is about protecting the rights of States. It is absolutely wrong in a nationwide class action lawsuit for one party to be able to pick one State court judge in one State and have them come in and have them decide the law of the other 49 States; plus, this bill gives complete discretion to the trial judge to remand to the State courts those cases that the judge feels are truly State court matters, and State court matters that are exclusively in one jurisdiction cannot be removed. This is not about States' rights unless Members look at it from our standpoint.

Mr. FROST. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Now I am really confused, Mr. Speaker, maybe the gentleman from Texas can explain to me why the National Council of State Legislatures have registered their opposition to this bill. Maybe they have given up on the 10th amendment, also.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, again, as I mentioned earlier, I find this all somewhat puzzling. My friends on the other side rail against these State judges. They think these State judges are out of control.

In my State of Texas, we elect our State judges. In our largest county, Harris County, they are all Republicans. In our second largest county, Dallas County, they are all Republicans. In Tarrant County, where Fort Worth is located, they are all Republicans. Every member of our State supreme court, who is also elected, is a Republican.

I do not understand what the Members on the other side have to fear from State judges, these out-of-control State judges. I guess they are distrustful of some members of their own party.

Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have heard a lot about the Cheerios cases. Let us look at the facts. Basically, the consumers had to throw away a box of Cheerios. They got back their Cheerios and were made whole.

That is not what that litigation was about; it was about tainted food. The pesticide applicator is now serving a 5-year prison sentence for, among other felonies, intentionally altering food under the Federal Food, Drug, and Cosmetic Act; knowing misuse of pesticides under the Federal Insecticide, Fungicide, and Rodenticide Act, and other matters.

The litigation is really between insurance companies and big fees by insurance company lawyers. The policyholders of the insurance company, its general liability insurance company, denied a claim. They both asserted that the loss was not covered; but if it was covered, it was covered by the other insurance company.

As a result, the pleadings have been placed in the court's vault. The name of the parties, the insurance companies and the parties, have been removed from the pleadings, and even from the docket.

More amazing, both parties in that litigation were given pseudo names. The name of that suit has been renamed ABC v. DEF. That is not litigation among class members; that is not fees by class attorneys. That is litigation between insurance companies and big fees by insurance defense attorneys.

If Members want to have true limits, limit that. Limit the fees charged by the insurance defense attorneys. Limit litigation among corporations. Do not take away rights from consumers in America. Do not give additional protections to corporate wrongdoers.

The problem is right there in the Cheerios case, but they did not identify the right problem.

Mr. FROST. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the previous question is defeated, I will offer an amendment to the rule. My amendment will provide that immediately after the House passes the class action bill, it will take up the Putting Americans First Act, which will provide meaningful health care relief for unemployed workers.

My amendment provides that the bill will be considered under an open amendment process so that all Members will be able to fully debate and offer amendments to this critical bill.

Mr. Speaker, this week marked the 6th-month anniversary of the tragic events of September 11. Our economy was already in decline before the event, and became even more troubled following that date. Millions of Americans have lost their jobs, and many more are expected to join the ranks of the unemployed in the future.

Job loss is not only the loss of a paycheck. It usually means the loss of health insurance, as well. These people need relief immediately, and they will get it from this bill. It is time for the House to do its work and pass legislation to help these people.

Let me make clear that a "no" vote on the previous question will not stop consideration of the class action bill. A "no" vote will allow the House to get on with this much-needed legislation to provide health care assistance for those Americans who have lost their jobs and their health insurance.

However, a "yes" vote on the previous question will prevent the House from taking up this worker-relief bill.

Mr. Speaker, I urge a "no" vote on the previous question, and I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

The amendment referred to is as follows:

At the end of the resolution add the following new sections:

SEC. . Notwithstanding any other provision in this resolution, immediately after disposition of the bill H.R. 2341, the Speaker shall declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3341) to provide a short-term enhanced safety net for Americans losing their jobs and to provide our Nation's economy with a necessary boost. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. . If the Committee of the Whole rises and reports that it has come to no resolution on the bill H.R. 2341 or H.R. 3341, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of that bill.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

I have to say that I agree with some of the points made today.

I agree with my friend, the gentleman from Texas (Mr. FROST), that we should be providing health care for unemployed workers. That is why most people on this side of the aisle voted to do that at least twice over the last few weeks.

I also agree that there is a huge vacancy rate on our Federal bench. I urge my friends to urge their friends in the other body to get their work done and act on these nominees.

I agree that there was greed at Enron. This makes our point, Mr. Speaker. Together, three top company executives are accused of bilking shareholders of $198 million.

Yet, for all the alleged greed, the wrongdoing of these three executives is far outweighed by what the lawyers stand to reap. According to news reports, Arthur Andersen made a preemptive settlement offer to Enron shareholders in the amount of $750 million. At the standard 32 percent contingency fee, this would work out to a $225 million share of that sum going to the lawyers. That truly is bilking the shareholders.

Mr. Speaker, I just want to thank my colleague, the gentleman from Virginia (Mr. GOODLATTE), for all his hard work and dedication to reforming our civil justice system to work for the parties and not for the lawyers.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of adoption of the resolution.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 198, not voting 15, as follows:

[Roll No. 55]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)

NAYS—198

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Barrett
Barton
Bentsen
Blagojevich
Burton
Cubin
Davis (IL)
Eshoo
Graham
Hinojosa
Norwood
Ortiz
Radanovich
Traficant
Young (FL)

□ 1219

Ms. SLAUGHTER, and Messrs. FORD, PASCRELL, NEAL of Massachusetts, RUSH, and Mr. DAVIS of Florida changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

CONTINUATION OF NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-187)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice, stating that the Iran emergency is to continue in effect beyond March 15, 2002, to the *Federal Register* for publication. The most recent notice continuing this emergency was published in the *Federal Register* on March 14, 2001 (66 Fed. Reg. 15013).

The crisis between the United States and Iran constituted by the actions and policies of the Government of Iran, including its support for international terrorism, efforts to undermine Middle East peace, and acquisition of weapons of mass destruction and the means to deliver them, that led to the declaration of a national emergency on March 15, 1995, has not been resolved. These actions and policies are contrary to the interests of the United States in the region and pose a continuing unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency declared with respect to Iran and maintain in force comprehensive sanctions against Iran to respond to this threat.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 13, 2002.*

PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO IRAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107-188)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 13, 2002.*

CLASS ACTION FAIRNESS ACT OF 2002

The SPEAKER pro tempore. Pursuant to House Resolution 367 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2341.

☐ 1220

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, with Mr. LINDER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong support of H.R. 2341, the Class Action Fairness Act of 2002. Last August, The Washington Post Editorial Board wrote that "no portion of the American civil justice system is more of a mess than the world of class actions. None is in more desperate need of policymakers' attention."

Mr. Chairman, the Post almost got it right, except that the world of class action litigation is not a mess, it is a joke. The examples speak for themselves:

An airline price-fixing settlement produced $16 million in attorneys' fees that only provided a $25 credit for class members, if they purchased an additional airline ticket for more than $250.

The Bank of Boston accounting settlement, which resulted in $8.5 million in attorneys' fees but actually cost class members around $80 apiece. And if that was not bad enough, the plaintiffs' attorneys in this settlement actually sued the class members for an additional $25 million.

In Mississippi, an asbestos settlement rewarded class members from Mississippi as much as 18 times more than class members from other States. In another case, a class action settlement against Cheerios over food additives produced $2 million in attorneys' fees and class members only received coupons for more Cheerios.

While these settlements are a disgrace to the American legal system, H.R. 2341 takes important steps to restore its dignity. First, it would implement necessary safeguards against these and other unwieldy settlements that give lawyers millions of dollars in fees and individual class members a small fraction of any settlement or award. Secondly, it would expand Federal diversity jurisdiction over interstate class actions to help curb the serious abuses that continue to take an enormous toll on our society.

A quick examination of the class action world reveals that the scales of justice are unable to balance the interests of class action lawyers and their clients. Currently, attorneys lump thousands and sometimes millions of speculative claims into one class action and then race to any available State courthouse in the hopes of a rubber stamp settlement. Too often these settlements result in millions of dollars of attorneys' fees and a mere pittance or coupons for class members in exchange for an agreement not to sue in the future.

While these class actions serve no public policy or benefit to class members, they are an enormous windfall for their attorneys. In addition, because most State and Federal procedural rules require the class members affirmatively opt out of the lawsuit, there are many instances where people are dragged into class actions and do not know how to get out. The only available advice is supposedly contained in extremely complicated class action notices. Mr. Chairman, this system does not protect the interests of class members.

While case after case demonstrates how greedy attorneys use abusive class action settlements to game the system at the expense of their clients, this bill provides long-needed protections to prevent this from happening in the future. A consumer class action bill of rights would prohibit the payment of bounties to class representatives, bar the approval of unreasonable net-loss settlements, and establish a plain-English requirement for settlement notices which clarify class members' rights. Additionally, H.R. 2341 would require greater scrutiny of coupon settlements and settlements involving out-of-state class members.

With the filing of State court class actions having increased a thousand percent over the last 10 years, the current system has transformed certain State courts into the epicenter for class action abuse. It is widely known that there are a handful of State courts notorious for processing even the most speculative of class actions. These courts end up rendering judgments that make national law and bind people from all 50 States. This is exactly what diversity jurisdiction in our Federal courts was intended to prevent.

The bill would rectify this situation by updating antiquated Federal jurisdictional rules and providing our Federal courts with jurisdiction over large interstate class actions. Currently, the Federal Rules provide Federal court jurisdiction for disputes dealing with Federal laws and disputes based upon complete diversity. That means that all plaintiffs and defendants are residents of different States and that every plaintiff's claim is valued at $75,000 or more. As a result, Federal courts have jurisdiction over lawsuits between people from two different States for just over $75,000 but do not have jurisdiction for national class actions worth billions of dollars. Instead, these massive lawsuits are being processed in various county courts throughout the country.

The bill establishes a new minimal diversity standard for class actions, requiring that any plaintiff and any defendant are residents of different States and that the aggregate of all claims is at least $2 million. While the bill does not require that all interstate class actions be filed in Federal court, those that do satisfy this minimal diversity requirement may be removed to Federal court. However, the bill also excludes class actions dealing with one State, that are against a State, or consist of less than 100 class members, and all securities and corporate governance litigation.

Mr. Chairman, the Federal court is where these cases belong. The Federal courts are equipped and practiced in handling complex, interstate cases, unlike many of the county courts that have been the source of rampant class action abuse. In addition, Federal courts are trained to balance various State laws in similar complex legislation. This Congress has already endorsed this notion when it designated a single Federal district court to resolve all litigation relating to the September 11 attacks and possible future litigation under the terrorism reinsurance legislation.

Finally, Mr. Chairman, it is important to note that the cost of class action abuses are not limited to the parties of these settlements. They are shared by the American consumer. Because potential liability of a class action is so enormous and unpredictable under the current system, most defendants are willing to settle regardless of the merit. The cost is then passed off to the consumer in the form of higher prices for goods and services. This burdens the American economy and creates unneeded threats against America's ingenuity.

Also, Mr. Chairman, these lawsuits pose a threat to the security of America's retirement plans. While class action liability can be enormous, news of these lawsuits on Wall Street can drive down a particular stock by as much as 8 to 10 points in a day. For someone depending upon a steady return on their invested retirement plan, this drop should be extremely alarming.

□ 1230

The bottom line is that H.R. 2341 is a common-sense approach to promote national litigation efficiency and fairness to all potential plaintiffs. I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER), although he is not opposed to the action but supports this bill, and we on this side do not.

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time.

Cases that are truly national in scope are being filed as State class actions before certain judges who employ an almost "anything goes" approach that renders virtually any controversy subject to certification as a class action. In such an environment, defendants and even plaintiff class members are routinely denied their range of normal rights as there is a rush to certify classes and then a rush to settle the cases.

Plaintiffs suffer a range of horrors. In order to prevent removal of the case to Federal court, the amount sued for is sometimes kept artificially below the $75,000 Federal jurisdictional amount even if individual plaintiffs would be entitled to recover more.

In another effort to avoid removal to Federal court, the class action complaint will sometimes not assert Federal causes of action that could legitimately be raised, denying plaintiffs an opportunity for these Federal claims to be heard.

Sometimes in the settlement of these cases, the plaintiffs get coupons while their lawyers receive millions. And in at least one case, the plaintiff class members at the end of the settlement had a debit of $91 posted to their mortgage escrow account while their lawyers received $8.5 million for their services. The plaintiffs had a net loss because of the suit. They were worse off after the class action than before it was filed.

Our legislation addresses these problems by permitting cases that are truly national in scope to be removed to the Federal courts even if the diversity of citizenship requirements of current law are not strictly met. Instead, we look to the center of gravity of the case.

The target of these cases is usually a large out-of-State corporation. The plaintiffs are usually consumers who reside in many States. These cases are national in character and our bill would permit removal to Federal court even if a local defendant has been sued for the purpose of destroying complete diversity of citizenship.

Our reform is truly modest. The procedural remedy it contains narrowly addresses a broad procedural abuse. I am pleased this afternoon to urge its passage by the House.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

My friend from Virginia has suggested, I thought I heard him say that this is a consumer-friendly piece of legislation. In the interest of all the Members knowing about the objections to this bill, I bring to them communications from the Consumer Federation of America, which urges that we oppose the measure, indicating that this bill will create numerous barriers to participating in class actions by permitting defendants to remove most State class action suits to Federal court and will clog the already-crowded Federal court system.

In addition, we have a letter from Public Citizen sent to myself and the gentleman from Wisconsin (Mr. SENSENBRENNER) which writes to comment about the importance of class actions and how these so-called "procedural changes" will do great damage to groups of consumers who, in trying to bring action against corporate defendants, would be forced either to bring individual suits or to remove themselves to a Federal docket for reasons that are not quite clear to most of us that are not happy about the bill. Some of these notions are not in the public interest.

I hope that, first of all, everybody voting on this bill will not think that this is a consumer-supported bill. It is opposed by consumer organizations and would clearly be damaging to consumers trying to get into the court.

PUBLIC CITIZEN,
Washington, DC, March 5, 2002.
Hon. JAMES SENSENBRENNER,
Hon. JOHN CONYERS, Jr.,
Committee on the Judiciary, House of Representatives, Washington, DC.

Re H.R. 2341, Class Action Fairness Act.

DEAR CHAIRMAN SENSENBRENNER AND RANKING MEMBER CONYERS: We are writing to comment on H.R. 2341 relating to class actions. This bill would give the federal courts jurisdiction over most class action lawsuits, and add a "Consumer Bill of Rights" for members of a class.

Public Citizen has a long history of working to make class actions fairer and more beneficial to plaintiffs. We have participated in nearly forty cases to advocate for more equitable settlement terms for consumers, oppose excessive attorneys fees, and ensure that the class action vehicle is not weakened. For the reasons stated in our testimony on an earlier version of this bill, which is attached, we strongly oppose this bill. We ask that you include these comments and our earlier testimony in the hearing record.

THE IMPORTANCE OF CLASS ACTIONS

Proponents of this bill have expressed concerns that businesses are being unfairly targeted by class action litigation. We recognize that most businesses are working hard to provide good products to American consumers. But the fact is that many of the business enterprises that are being sued are really no different from the old-fashioned flim-flam men, taking the corporate guise for the legitimacy it bestows, and also for its insulation from liability.

This is illustrated best by the tremendous problem of predatory lending. There are lenders who pay bribes and kickbacks to mortgage brokers, to induce them to sell out their clients and sign them up for higher rather than lower interest rate loans. There are mortgage companies accepting kickbacks from overpriced title insurance companies. There is also nickel-and-dime chiseling, turning $85 recording fees into $100 recording fees, $325 appraisal fees into $500 appraisal fees, and the like. There are $10,000 credit life insurance policies being packed on to loans, which have little if any value to the consumer. The defendants in most class actions are not acting like legitimate businesses, but are simply fast-buck artists and con men.

In other cases, the businesses are legitimate and are trying to provide valuable services, but corner-cutting or overreaching has prevailed. These problems may be caused by ambitious individual managers, a bean-counter mentality, a chainsaw-CEO, groupthink, or just plain greed. As the Enron scandal has demonstrated, in some cases you find that the moral compass has failed.

In many of these cases, it is only the class action lawsuit that can protect the victim. In some instances, the amount of money stolen is too small on a per-person basis to support an individual lawsuit; in others, there are vulnerable, unsophisticated consumers, who are unable to recognize that they have been fleeced. The class action device permits aggregation of cases and a more efficient disposition of claims.

FEDERALISM AND CLASS ACTIONS

When Congress perceives a problem in an area that is traditionally handled by state and local government, it has five legislative options. You can provide (1) grants or (2) technical assistance to state and local governments to help them solve the problem; (3) you can exercise concurrent jurisdiction; (4) you can mandate state and local compliance with your standards; or (5) you can pre-empt state law with federal law.

Obviously, as you move down this list, you are usurping local control to increasingly greater degrees. So it seems odd that here, broad federal preemption has been the first impulse, rather than the last resort, of those who suggest that class action changes are needed.

We believe that this issue calls for the least onerous federal intervention, for a number of reasons.

First, proponents of the legislation have argued that some rural counties in a few states have become magnets for class actions and invite abuse. If that is the case, the appropriate response is at the state level, not in Washington. Responding to due process and forum shopping concerns expressed by corporate defendants, the Alabama Supreme Court acted to abolish the practice of ex parte certifications of class actions. We are confident that any local problems will be resolved by state governments.

Second, the basic premise behind the bill, that federal judges are "better equipped" to monitor cases (to quote Senator Grassley) and "likely to give closer scrutiny" to settlements (in the words of Senator Kohl) is untrue.

With regard to the "better equipped" proposition, it is argued that federal judges have more "complex litigation experience" than state judges. In fact, less than 1 percent of the federal courts' caseload is class actions. Moreover, of the 2,393 class actions filed in the entire federal system in 2000, only 321 involved state law claims. The vast majority of the cases involved uniquely federal law questions, such as securities, civil rights, or antitrust. Only 105 of the cases involved consumer fraud-type claims, which are the mainstay of state court class actions. That's about one consumer fraud claim per federal district, not per judge. If a federal judge has experience with this sort of class action, it is probably because he or she was a state court judge before elevation to the federal bench.

The authors of this bill acknowledge that certain state court judges have expertise in particular areas—the bill makes an exception for corporate governance cases to be heard in Delaware. We believe that expertise among state judges is not limited to Delaware chancery judges. The state court bench in Arizona is perhaps the most innovative in the nation, and has been at the forefront of reforms that have spread to other states and to the federal system. In responding to horror stories from a few rural counties, this bill could take cases away from well-qualified state judges in places like Phoenix or Chicago.

As to the claim that federal judges would do a better job scrutinizing class action settlements, we believe that is, unfortunately, not true. A number of attorneys have alleged that a federal judge in Chicago recently approved an unfair "reverse auction" settlement, whereby defendants settled with plaintiffs' firm that accepted the least benefits for the class members. This case involved competing state and federal class actions over "refund anticipation loans." The attorneys intervening to stop the settlement allege that the plaintiff's attorneys accepted a mere $25 million in return for releasing a nationwide class' claims worth a billion dollars. We have no way of knowing the actual value of the claims, but the incident leaves one important question unanswered: If it is true that federal judges are more likely to give close scrutiny to settlements, why did the defendants choose to settle a federal court case rather than one of six identical state court cases? If the premises underlying this bill are correct, shouldn't they have settled one of the state court cases instead? The fact that the federal judge here had law clerks did not deter this settlement.

Moreover, we note also that the RAND Institute's report was very clear in finding no empirical evidence to support the argument that federal judges are better able to manage class actions than state judges. Public Citizen's own experience shows that federal judges can err just as often in approving abusive settlements.

PROCEDURAL CHANGES

H.R. 2341 also contains several "Consumer Bill of Rights" provisions. Some of these ideas have merit and some plainly do not. However, we believe Congress should refrain from making adjustments to Rule 23 and leave such changes to the federal judiciary's Advisory Committee on Civil Rules. The Rules Advisory Committee consists of judges, academics, and practicing lawyers who are among the nation's top experts on civil procedure. Pursuant to the Rules Enabling Act, the Advisory Committee is empowered to review the current rules, study problems, and propose amendments. The Advisory Committee solicits and carefully considers input from the bar and from interest groups in formulating changes.

Class actions have been the subject of their attention in recent months, and they are currently considering extensive changes to Rule 23. We respect the expertise that the Congress and its Judiciary Committees have on civil procedure matters. Nonetheless, we feel that these contentious issues are best resolved outside the heated political process.

FINDING A SOLUTION

Sound congressional policymaking must take account of the advantages and disadvantages of our federal system. Achieving good federalism means understanding the competing values of local control and national uniformity, and striking the appropriate balance between these values in individual policy areas.

Unfortunately, the dispersion of authority among 50 states can sometimes create perverse incentives. The reverse-auction phenomenon in overlapping class actions is an example of this. Narrowly tailored federal legislation could fix this problem without upsetting the delicate state/national balance by bringing most state class actions into federal court. But that in no way resembles the legislation that the sponsors of H.R. 2341 have proposed.

Another avenue to explore is RAND's suggestion that one way to improve judicial scrutiny would be to allow judges to seek assistance from neutral experts and auditors to assess the value of settlements. Congress could use its spending power to assist judges, both state and federal, by increasing the resources available to them to manage class actions. A grant program through which individual courts could secure funding for neutral experts and special masters would exemplify cooperative, rather than coercive federalism. Such a program could be administered by the Justice Department, the National Center for State Courts, or the Administrative Office of the U.S. Courts.

As an organization that vigorously opposes abusive class action settlements, we can only conclude from H.R. 2341 that the business community wants this legislation not to end such practices, but because they perceive an advantage to defending class actions in federal court. We urge you not to move forward with this bill.

Sincerely,

JOAN CLAYBROOK,
President, Public Citizen.
FRANK CLEMENTE,
Director, Public Citizen's Congress Watch.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE) who is the author of the bill.

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Wisconsin for yielding me this time and for his leadership in bringing this legislation forward.

I was pleased to introduce this legislation along with the gentleman from Virginia (Mr. BOUCHER). This much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions, the lawsuits that involve more money and touch more Americans than virtually any other litigation pending in our legal system.

Class actions of national importance should be heard in Federal court by a Federal judge, not by a State or county court judge in one region of the country. Why? Because the plaintiffs' attorneys choose from a very select number of courts around the country where the judges are known to be very favorable to class action lawsuits.

Let me cite an example of a class action horror story. After being named in 23 class action lawsuits, Blockbuster agreed to provide class members with only $1-off coupons, buy-one-get-one-free coupons and free Blockbuster Favorites video rentals. Attorneys are reported to receive around $9.2 million in attorneys' fees.

Cheerios, the gentleman from Wisconsin mentioned this recently, without any allegation of any harm to any of the plaintiffs in the case related to the ingredients of a box of Cheerios, the case was settled. For what? The opportunity for the customers to go out and get another box of Cheerios while their attorneys got $2 million.

This is one of my favorites. In this case against Chase Manhattan Bank, the trial lawyers took $4 million in attorneys' fees and the plaintiffs in the case got, you can read it here, 33 cents. If you cannot read it, we will blow it up for you, 33 cents, while the plaintiffs' attorneys got $4 million in attorneys' fees. What does that amount to?

There is a catch actually for getting your 33 cents. Because it took a 34-cent postage stamp to mail in the acceptance of the settlement. So actually you came up a penny short. But the trial lawyers did not. 4 million bucks.

The Washington Post has it exactly right: "Having invented a client, the lawyers also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country. The lawyers cash in while the clients get coupons for product upgrades. It is a bad system, one that irrationally taxes companies in a fashion all but unrelated to the harm their products do and that provides nothing resembling justice to victims of actual corporate misconduct."

The Rocky Mountain News put it even more to the point:

"Your lawyers have one more surprise for you after they bring these suits. You aren't eligible for the full settlement unless you also agree to spend some of your own money on those stores' products." That is exactly what happened in the Blockbuster case. That is exactly what happened in the airline case where the plaintiffs got a $25 coupon against a more-than-$250 airline ticket.

In other words, you must reward the company that supposedly swindled you in order for it to be punished. It makes absolutely no sense except to the trial lawyer taking a very large attorney's fee.

The Washington Post sums it all up with this statement:

"That it is controversial at all reflects less on its merit," referring to this legislation, "as a proposal than on the grip that the trial lawyers have on many Democrats."

I am pleased that many Democrats are going to vote for this legislation. I would invite the rest of them to come over and join us to make sure that we resolve this inequity where trial lawyers receive millions of dollars and American families receive pennies. That is what this legislation is all about. It is designed to make sure that the most complex litigation in the country is brought in the court where it belongs.

Vote for this legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 3½ minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), a member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the distinguished gentleman for yielding me this time.

I would offer to say to my good friend and colleague from Virginia, if we wanted to address the question of attorneys' fees, then why do we not legislate an attorney's fee bill on the floor of the House? That is not what this legislation is all about. We might have some common agreement that there needs to be some equity in how we assess a formula in those instances.

This is clearly a knock against corporate responsibility. Coming from Houston, Texas, I can assure you, ex-Enron employees, existing Enron employees, those who are trying to reconstruct Enron know one thing: Corporate responsibility is a key element to moving this country forward and reinvesting, if you will, reestablishing our faith in the corporate structure here in America. We do not have that now.

What is so insulting by this legislation is that this legislation will move a class action lawsuit from the State courts on the basis of partial diversity. That means that we could have 400 Texans in the local State court, familiarity, the ability to access the court, and one person from Chicago, Illinois, and we have to go into the Federal court.

Everyone knows that the Federal courts are far more burdensome with their rules, far more complex and far more difficult for those plaintiffs who have less resources to be able to access justice. And so I am a little shocked and surprised when this Congress has had any number of hearings on corporate irresponsibility, and now we bring to the floor of the House, on a fast track, legislation that will not help.

When we who oppose this bill simply asked for information, data, to show us that we are log-jamming the courts, no one could provide that. I can assure you our overburdened Federal courts with empty seats all across the country, drug cases beyond their ability to handle, cannot handle any more legislation.

This does not make any sense. That means those plaintiffs who are in desperate need of accessing the justice system will be standing on a bus line waiting and waiting and waiting and waiting to get into Federal courts.

I would simply argue that we understand what these courts and class actions are supposed to do. We also realize that my colleagues on the other side of the aisle have been large and strong proponents that the State should be given the opportunity to decide for their own citizens what is best for them, keep the Federal Government out of their business as much as possible.

But H.R. 2341 goes against Republican philosophy and broadens Federal jurisdiction over State class action lawsuits. In fact, it is clear that in light of events such as asbestos, the Love Canal and tobacco disasters, and now Enron, this bill benefits not consumers but large corporate interests.

I would ask my colleagues and I would ask this House, let us pause for a moment and understand the message that we are sending to America. America now wants corporate responsibility, and we are not doing that.

Class actions were initially created in State courts, based on equity and common law. They permit one or more parties to file a complaint on behalf of themselves and all other people who are similarly situated suffering from the same problem. Love Canal was basically neighbors who lived in New York. If you had some far-reaching opportunity for some person by chance to either have moved to another State and then you put it in Federal court, you are, therefore, denying equity, if you will, and the use of common law.

This is a bad legislative initiative. I would ask my colleagues to defeat this, but I would ask them to likewise consider our amendments that we will offer.

Mr. Chairman, Chairman SENSENBRENNER and Ranking Member CONYERS. I oppose this legislation, H.R. 2341, for several policy reasons.

My colleagues on the other side of the aisle have always held that States should be given the opportunity to decide for their own citizens what is best for them—keep the Federal government out of their business as much as possible. But H.R. 2341 goes against Republican philosophy and broadens Federal jurisdiction over state class action lawsuits. In fact, it is clear that in light of events such as asbestos, the Love Canal, and tobacco disasters, and now, Enron, this bill benefits, not consumers, but large corporate interests.

Class actions were initially created in state courts based on equity and common law. They permit one or more parties to file a complaint on behalf of themselves and all other people who are "similarly situated" (suffering from the same problem). A class action is often used when a large number of people have comparable claims. They are an efficient means of seeking justice for a large group of people.

Class actions to help bring justice for many people—the innocent victims. Historically, class actions were brought against huge corporate giants who impact a large percentage of the population.

Take asbestos. They used it on ceilings of gyms and classrooms where our children played and learned. It is of no fault of our children that they unknowingly contracted cancer. Someone should be held accountable for causing irreparable damage, and death, to these innocent victims.

The paradoxical similarity in all of these class actions is that the corporate giant was unaware that their actions could cause cancer. Evidence during litigation showed that the tobacco giants were aware that nicotine was addictive and caused cancer.

It is no different with Enron. The loyal employees of Enron that were terminated lost their life savings, their retirement, their child's college tuition, their second honeymoon, their first home. Top executives were aware allegedly of their spiraling financial situation and yet misrepresented themselves, or had their accounting firm do so, to their stockholders—their employees.

The allegedly barred these employees from selling their shares, while at the same time, allowing only top executives to sell any shares they wanted to. Enron gave out tens of thousands of retention bonuses, while also terminating the "rank and file".

I know this because these victims are my constituents and I have heard their stories and accounts. If these accounts are true, these people have been robbed of savings that they were entitled to.

A favorable vote on H.R. 2341 would take away the means by which innocent victims of corporate giants can find justice.

As a threshold matter, I believe that before even considering legislation, Congress should insist on receiving objective and comprehensive data justifying such a dramatic intrusion into state court prerogatives. This legislation potentially damages federal and state court systems. Expanding federal class action jurisdiction to include most state class actions, as H.R. 2341 does, will certainly result in a significant increase in the already overtaxed workload of our federal courts. For example, it is no surprise that the 68 judicial vacancies that existed as of February 2, 2002 contributed to the average federal district court judge docket backlog of 416 pending civil cases. It is because of these and other workload problems that Chief Justice Rehnquist took the important step of criticizing Congress for taking actions which have exacerbated the courts' workload problem.

H.R. 2341 also has the ability to significantly impact state courts. This is because in cases where the federal court chooses not to certify the state class action, the bill prohibits the states from using class actions to resolve the underlying state causes of action.

It is important to recall the context in which this legislation arises—a class action has been filed in state court involving numerous state law claims, each of which if filed separately would not be subject to federal jurisdiction (either because the parties are not considered to be diverse or the amount in controversy for each claim does not exceed $75,000).

H.R. 2341 also has the potential to raise serious constitutional issues. For one, it unilaterally strips the state courts of their ability to use the class action procedural device to resolve state law disputes. The courts have previously indicated that efforts by Congress to dictate such state court procedures implicate important Tenth Amendment federalism issues and should be avoided. The Supreme Court has already made clear that state courts are constitutionally required to provide due process and other fairness protections to the parties in class action cases.

It is also important to note that as fears of local court prejudice have subsided and concerns about diverting federal courts from their core responsibilities increased, the policy trend in recent years has been towards limiting federal diversity jurisdiction.

Thirdly, as the legislation is currently written, it assumes a defendant will be automatically subject to prejudice in any state where the corporation is not formally incorporated (typically Delaware) or maintains its principal place of business. In so doing, it can be said the bill ignores the fact that many large businesses have a substantial commercial presence in more than one state through factories, business facilities or employees.

H.R. 2341 adversely impacts the ability of consumers and other victims to acquire compensation in cases concerning extensive damages. The bill possess the potential to force state class actions into federal courts resulting in expensive litigation and allowing defendants to potentially compel plaintiffs to travel distances to participate in court proceedings.

Essentially, the extensive pleading requirements of the federal court will virtually make it impossible for individuals to bring a class actions case. For example, under the bill, individuals are required to plead with particularity the nature of the injuries suffered by class members in their initial complaints. The plaintiff must even prove the defendant's "state of mind," such as fraud or deception, to be included in the initial complaint.

To meet this criteria is virtually impossible in most instances that the plaintiff is able to provide this information prior to discovery. If the pleading requirements are not met, the judge is required to dismiss the plaintiff's complaint.

Additionally, consumers under H.R. 2341 can be expected to have a far more complicated and time consuming problem in trying to certify class actions in the federal court system. Fourteen states, representing some 29% of the nation's population, have adopted different criteria for class action rules than Rule 23 of the federal rules of civil procedure.

Consumers may also be disadvantaged by the vague terms used in the legislation, such as "substantial majority" of plaintiffs, "primary defendants," and claims "primarily" governed by a state's laws, as they are entirely new and undefined phrases with no precedent in the United States Code or the case law.

Mr. Chairman, this bill is plagued with problems that cheat consumers of their rights under law and under the Constitution. I oppose it, and I urge my colleagues to join me.

□ 1245

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

Unfortunately, my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), has missed the boat on a lot of the points. First of all, I wonder how her Texas constituents would feel if the Enron class action lawsuit was filed in the Mississippi court that acted like the hometown umpire in one class action suit and gave residents of Mississippi who are members of the class 18 times more recompense than residents of other States? I think she would be the first one to come into this Congress and say that that is an outrage and that we ought to provide the protection of the Federal court for people who live outside of Mississippi. This bill does that.

Secondly, the plaintiffs in the Enron class action lawsuit chose Federal Court to file their class action lawsuits. What is the beef?

Thirdly, because Enron has filed for bankruptcy, all claims against Enron are heard in the Federal Bankruptcy Court under the constitutional provision that the Congress adopts a bankruptcy law.

Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, a lot of disinformation is being spread about this bill. We heard a bit of it just a minute ago when the opponents talked about Federal caseload and how that would be increased too much. Well, let us look at the numbers, and we find a different story.

According to the administrative office of the U.S. Courts and the 1998 Court Statistics Project, last year only 2,393 class actions were filed in Federal district courts. Since 1997, there has been an 8 percent decrease in the number of cases pending in Federal district courts nationwide.

Meanwhile, civil filings in State trial courts have increased 28 percent since 1984. In most jurisdictions, each new State court judge is assigned an average of between 1,000 and 2,000 new cases every year. In contrast, Federal court judges are assigned an average of fewer than 500 cases every year.

I would submit that the opponents of this bill and those who argue about Federal caseloads ought to get busy and help those approve Federal judges who are waiting. There are over 100 waiting at the moment. That represents about 10 percent of the caseloads that could be handled in Federal Court.

So on one side, the caseload is too heavy; on the other side, we are not approving, we are holding up, Federal judges who could help with that caseload.

What this has become, as has been mentioned before, is a racket involving invent a client, choose a court, browbeat a company into compliance and settlement, and then watch the money roll in. We need to stop this.

Mr. Chairman, I would urge my colleagues to support the bill.

Mr. CONYERS. Mr. Chairman, I yield 30 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me say to my distinguished colleague from Wisconsin that the question that he raises does not give credence to the fact that the plaintiffs chose where they wanted to file their cases. This legislation bars individuals from making the choice as to whether or not they are in State court, because if there is partial diversity, they are forced to go into Federal courts, which undermines those individuals' access to justice.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the benefit of my distinguished chairman, the gentleman from Wisconsin (Mr. SENSENBRENNER), who referred to the infamous airline cases where the plaintiffs were given airline coupons, and he illustrates this as really something that is not good, that we should not do it, that occurred in a Federal Court. That was a Federal district court case that the gentleman I think is trying to use as an argument against keeping the law the same way that it is.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The gentleman from Michigan knows that there are several features of the bill. One involves jurisdiction on where cases can be filed and removal of cases filed in State court. But there are other provisions that require increased judicial scrutiny of coupon settlements. That would call into play when you get a coupon to buy more of the product or service that is sold by the corporation that did it to you.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 5 minutes to the distinguished gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, it is always great to come to the floor and engage in a debate with members of the Committee on the Judiciary, because all of them were good lawyers before they came to Congress, so you know that the way they will try to build their case in the way that they would litigate a case if they were in court, and they will sometimes fudge the facts and obfuscate and do whatever is necessary to prove a point. We have had a lot of that happening already.

The gentleman from Virginia (Mr. GOODLATTE), of course, knows that one of the purposes for class action suits is that sometimes the amount that an individual member of the class would gain from that suit is so small that he or she cannot afford to litigate it without the benefit of putting that claim with other claims of other people who are similarly situated, so the gentleman has done a great job of making it appear that the lawyers in the cases got disproportionate amounts of money to the members of the class.

What the gentleman did not tell you in each of these cases was the total amount that was going to the class members in each one of those cases, whether they were litigated in State court or Federal court, and that is the primary reason that you have class actions.

I want to point out a couple of things. I want to acknowledge that there are abuses in the class action system, and anybody who gets up here and tells you that there are not abuses in the class action system probably does not know anything about litigating cases. The real question, though, is will this bill eliminate those abuses, or will this bill make it possible for other abuses to take place that are worse than the abuses that are taking place now? I would submit that this bill will not eliminate abuses, and that the bill will, in fact, add to the number of abuses in the system.

The one abuse that I think is first and foremost I talked about in 1999 when we first had this bill on the floor. This is not the first time this bill has been here. This is the way I described it back then.

I practiced law for a number of years before I ever got to Congress, and I raised this basic fairness argument. If a plaintiff is injured, he goes and hires a lawyer. That lawyer cultivates, researches, puts together the case, decides where the appropriate place to litigate that case is, spends months and months preparing for the case; and then, 2 days before he is getting ready to go in and start the real processing of the case, somebody from the outside, a member of the class, comes and hijacks that case and moves it to a Federal court.

There is something to me that is basically unfair about that. That is what this bill will allow to happen, one of those abuses that I am talking about.

The second point I want to make is that the proponents of this bill are the same people who in 1994, 1995, I guess, when they came riding into Congress and took the majority, came in talking about that they supported the notion of removing things from the Federal level and returning them to the local level. Decentralized government, they said they believed in. The whole system of federalism was in jeopardy, they said, and we needed to return power to the States.

So, now, why are we on the floor today with a group of people saying to me, well, this is inefficient and this is too time consuming?

Well, democracy is inefficient and time consuming. Federalism is inefficient and time consuming. But we have decided in our Constitution that some things should be done at the State level and some things should be done at the Federal level, and just because we find it convenient to bring something into Federal court should not be the rationale on which we do that.

I think the same people who are out there giving lip service to States' rights should not be in here talking about let us take the whole field of tort law and federalize it and put it in the Federal courts.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, one of the most intriguing documents, legal documents, that has arisen in the American continent was the Constitution of the Confederacy, which was basically based on the whole notion of States' rights. It allowed States through their legislative bodies to nullify decisions made by the Federal courts and their effect within their boundaries, and even to remove Federal officials like Federal judges and postmasters and the like.

Listening to the gentleman from North Carolina, I think he would have done quite well in their Congress.

Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I thank the chairman for yielding me time and bringing this bill to the floor, because I was the original sponsor of this bill; and I am very appreciative of our colleagues, the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Virginia (Mr. GOODLATTE), who have gotten this out of committee to the floor, because it is a good bill; and it should be passed, and it should be passed in a bipartisan fashion.

The class action device is an important part of our legal system that allows wrongdoers to be held accountable for harm they have inflicted upon a large number of people. Unfortunately, there are too many lawyers who have abused this tool for their own monetary profit.

Our current system allows cases of national importance to be heard in local courts and allows abuses to take place unchecked because of something called diversity jurisdiction. The Framers of the Constitution created diversity jurisdiction to allow large multi-state lawsuits to be heard in Federal court. However, when they drafted statutes in the 1790s to implement it, no one foresaw class action lawsuits. No one ever could have guessed that large multi-state suits would have been heard in local courts and it was certainly not their intention to create such a situation so vulnerable to abuse.

H.R. 2341, this bill, simply corrects this problem and rationalizes the system by updating the law. Class actions of national importance, affecting people all over the country, should be heard in Federal court by a Federal judge, not by a State or county court judge in one region of the country. No one can rationally say that a large national class action belongs in local courts.

The Washington Post, not the Washington Times, the Washington Post said it best in this weekend's editorial. It said: "Nowhere is the need for civil justice reform greater than in the high stakes arena of class actions where irrational rules have allowed trial lawyers to enrich themselves . . . without benefit to the lawyers' supposed clients."

Clearly there is a serious crisis in our court system. Some counties have seen an increase of over 1,000 percent, because once a local court shows a willingness to ignore its own State's rules and constitutional due process, that court and judge becomes a magnet for many national class actions.

Cases heard in State courts have skyrocketed, where Federal cases have only gone up by about 8 percent. So that addresses the argument that there is not enough time or docket space in Federal courts. Federal court is where these cases belong, because the trial lawyers can have these cases heard in a hand-picked court the way it works now.

There is gaming of the diversity rules to keep these cases in State court just by finding one retail outlet or point of sale and one customer in one State. That does not make sense. With over 9,000 State and county courts and 50 States to choose from, there is inevitably at least one court that will certify a class, even in the most egregious class action suits.

Actually, it occurs in courts where judges are invariably elected; and, frankly, they are elected with a substantial amount of trial lawyers' financial and political support. That is one of the biggest problems we are facing. These abusive suits brought in hand-picked courts do not compensate victims; they do not encourage more responsible corporate behavior. And they are paid for by consumers with higher costs of goods and services.

□ 1300

Simply put, our current system which governs class actions too often works for no one except the lawyers. Most plaintiffs only get coupons to assist them in buying more of the product which caused the injury in the first place, and that is if they are lucky.

When the Bank of Boston was sued in a southern state for their delay in posting mortgage escrow accounts, the attorneys were awarded $8 million, while all their clients got was $9; and then their clients got a bill for $91 for the lawyers' fees, and many of the clients were not even notified that they were plaintiffs in the case. Unbelievable.

This abuse has to be stopped and this is the best vehicle for stopping it. That is why I urge that it be passed, and it ought to be passed in a bipartisan fashion. This is moderate, needed reform. It should not be a partisan issue.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. GONZALEZ), himself a judge, a former judge, and a former lawyer as well.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman from the great State of Michigan for yielding me this time.

Having been a State district court judge, I think I can appreciate some of the facts and some of the arguments that are being advanced today. The importance of it is that hopefully I will be able to distinguish fact from fiction.

I do want to address some comments made earlier about the rising numbers of civil actions, class actions, and otherwise in the State courts. That is historical, that is tradition. The truth is that the Federal courts on the civil side handle a mere fraction of the litigation that is going on out there in the civil courts throughout the United States. They do not handle as many cases as the traffic court in San Antonio handles throughout the whole United States, all the Federal system. We have to look at those numbers as to what they are really doing out there.

They are overburdened. They have to give precedence and priority to criminal cases. Do we see a Federal court that is designated civil in nature and only handles a civil docket? But we see that at the State level, day in and day out, because they are specialized, recognizing the efficiency that it lends to a civil court system.

Judicial appointments. Of course we should fill all vacancies in a most deliberate and efficient manner, but not with just any judge.

We complain of abuses. How we stop the abuses is to make sure that we have qualified and fair individuals to fill those judicial roles.

I will tell my colleagues, as an opponent, this is what I will give the proponents. I will give them everything they are asking for. I will give the proponents everything that they ask for in this bill, save and except for one thing, and that is moving it to the Federal system. I will not have a taker. I will not have a taker, because what this is all about is not giving individual litigants choice. What this is all about is getting it into the Federal court system.

This is not a class action bill, this is a class inaction bill. It is designed, its true motive is to stall, is to obstruct and to delay all class actions, regardless of merit, regardless of merit.

Do we have abuses? Of course we do. But the alternative, the alternative that they seek here today in this House is not a step forward, it is not a positive improvement. It sets us back.

Are our State courts more efficient than Federal courts? I am here to say yes. What I hear from my Federal judges is, Charlie, please do not federalize everything out there. You are doing it on the criminal side, and you want to do it on the civil side. You cannot do it.

The certification process in most State courts, the majority of the State courts, and I know that my colleagues cite the aberrations and the abuses; but where do I find them citing those cases in the State court where we have State district court judges that are responsible, mature, and deliberative in classifying? I myself had the great privilege of having class action lawsuits filed in my district court, and I know how we handled them in Texas.

What happened to States' rights? What I say is, let us work together. Let us come up with something where maybe it can be adopted on a State level addressing the abuses that we all agree exist in today's system. But what my colleagues propose is basically doing away with the class action lawsuit. That is the end result of the proposed legislation.

My colleagues are assuming, and wrongly, that the quantity and quality of the Federal judiciary is superior to the State courts; and if my colleagues want to go out there and talk in a confidential manner with all of the trial attorneys, they will tell us what is going on out there in the system.

All I will say is, this is ill-advised, it is ill-proposed, and it is not a workable alternative.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

I would say to the gentleman from Texas that he has mischaracterized this legislation. This legislation creates the kind of choice that he is talking about, because right now if a plaintiff or a defendant wants to have these cases heard in Federal court, they cannot be heard in Federal court simply because of a Federal rule, even though these are the most complex cases in the country.

As to the case load, more than 12 percent of our Federal judges are awaiting appointment in the other body right now. Help us get our colleagues in the Senate to appoint President Bush's nominees, and we will easily have the ability to handle these cases in the jurisdiction that was actually created in our Constitution in article 3 for the very purpose of handling diversity cases, disputes among folks from many different States.

It is wrong to allow the current system to persist where the plaintiffs' attorney can choose from more than 4,000 jurisdictions in the country, and whatever judge they know is the most favored judge gets the case; and then nobody has the option to have it heard in a fair and neutral court. That is what this legislation is all about.

Mr. CONYERS. Mr. Chairman, I yield myself 1 minute before yielding to the gentleman from Washington.

Mr. Chairman, sometimes we have to look to see where the interest is in these bills. Are the consumer organizations supporting this legislation? Answer: No.

Is the Firestone Corporation supporting this legislation? Answer: Yes.

Is Monsanto supporting this legislation? Answer: Yes.

Is W.R. Grace Corporation supporting this legislation? Answer: Yes.

Are the tobacco companies supporting this legislation, all of them? Answer: Yes.

Are the asbestos people, Johns Manville formerly, supporting this legislation? Answer: Yes.

Are the mining companies, the results of the black lung class action cases, supporting this legislation? Answer: Yes.

Are the Pintos, the airbag cases? Answer: Yes.

All the corporations are supporting this. But I am being told by my friends on the other side that this is a consumer-friendly bill.

Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, it takes real chutzpah to bring this bill at this time. It takes real chutzpah, after we have thousands of Enron employees having lost their life savings, to bring a bill to diminish the rights of Americans to be compensated for their losses. It takes chutzpah to bring a bill to the floor of the House at this time to the benefit of the Ken Lays and the Mr. Skillings of the world.

Now, think about the timing of this. Think about the timing of this.

The very first bill that comes to the floor of the House after Enron takes the life savings away from Americans is to make it easier for people to do that and harder for people to get compensation when it happens to them.

Now, before we go home for spring break, when we go home and talk to our constituents and they ask us, Joe, Mr. Congressman, What did you do about the Enron situation, I do not think the first thing we should say is, We made it hard for Americans to get compensation for their losses.

In fact, that is what this is about, because when we strip away the verbiage and the philosophical language that we have all sincerely engaged in here today, this is about one thing. Some people who have been burned because they got caught with their hands in the cookie jar in class action litigation want to make it harder for Americans to bring class action litigation. That is what this is about because they know a simple thing. The Federal courts do not have room for any more class action litigation. They will go to the end of the line. This simply will result in making it more difficult for people to have their cases get a day in court.

If my colleagues do not believe me, listen to Chief Justice Rehnquist who said, and this is in 1998: "I also criticize Congress and the President for their propensity to enact more and more legislation which brings more and more cases into the Federal court system. This criticism received virtually no public attention. If Congress enacts and the President signs new laws allowing more cases to be brought into the Federal courts, just filling the vacancies will not be enough. We will need additional judgeships."

The fact of the matter is, as the proponents of the bill and those who advocate this bill know very well, there is a pipeline that is this big in our Federal court system. Now we want to take cases out of State courts and try to jam it through a pipeline with that pipeline getting no bigger, they will not go. They will not go. That is why this bill has sought the support of those like Jack-in-the-Box Corporation who served E. coli with their hamburgers, the result of which was a young girl and many hundreds in the State of Washington ending up with kidney damage. They used the State courts class action for compensation.

Now, I do not think I should go home and tell them that we are reducing our ability to have a fair day in court in our State courts. For that reason, we should reject this.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 1 minute.

I deeply regret my friend from Washington has not read the bill. This bill has nothing to do with Enron, and it specifically states that claims like the Enron claim are not covered by the differing jurisdictional provisions of this. The Enron claim involves tax law, Federal tax law where the jurisdiction is in the Federal courts. It involves securities law, Federal securities law where the jurisdiction is in the Federal courts.

On page 14 of the amendment in the nature of a substitute, this bill's jurisdictional aspect is exempt from the internal affairs or governance of a corporation that arises under or by virtue of the laws of a State in which such corporation or business enterprise is incorporated or organized. So everything that the gentleman from Washington has said relating to Enron is simply not true under the terms of the bill.

Now, finally, that would be the case if Enron were not in bankruptcy. Because they are in bankruptcy, all claims are presented to the Federal bankruptcy court.

Mr. Chairman, I would say to the gentleman from Washington, please read the bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Chairman, our friends on the other side have had some pretty charts, but they have had some very misleading stories.

Let us talk about the effects of class actions and how it helps normal Americans. A class action in Texas forced Turn of the Century Adventure, Inc., and Travelbridge International, Inc, to stop defrauding consumers. If we want to talk about coupons, let us talk about the coupons that they gave folks, giving thousands of dollars in coupons in return for false discount promises. It took a class action suit to cure that.

My friend from Washington brought up the suit against Foodmaker, Inc. Three children died and 500 people were injured as a result of eating E. coli. It took a class action suit to take care of that.

Are we going to complain about attorneys' fees all day? Is that what we are going to talk about in class action?

Why do we not complain about Beech-Nut? Do we know what those folks did? They sold sugar water labeled as pure apple juice for infants. They gave it to parents and parents all across America fed it to their children as nutrition. It took a class action to make that corporation back down and say, We are going to sell you apple juice if we charge you for apple juice.

□ 1315

Native Americans in San Juan County, Utah, 52 percent of the residents there were Native Americans. None served on juries from 1932 to 1960. It took a class action to make people stand up for the Constitution of the United States and get them access to the courts.

How about promoting accountability? A group of homeless students and their parents brought a class action suit against the Chicago Board of Education and the Illinois State Board of Education because the defendants turned away homeless children from the Chicago public school system because they could not show proof of permanent residency. Twelve thousand homeless students in Chicago were denied schooling. It took a class action to cure that, and we are going to complain about pennies?

It took a class action when UDC Homes filed for bankruptcy in 1995 and 15,000 shareholders were left holding worthless stock certificates. They had been artificially inflating profits. Does that sound familiar? Does that sound like Enron? I can tell the Members this, when they say it walks like a duck and quacks like a duck, it is a duck. When they say it is not about Enron, it is not about Enron, it is not about Enron, it is about Enron.

They want to put all of America, everyone watching us today and everyone on this floor, in the same position that they have put Enron. They want to tie our hands, not give us access to the court, not let us go to State court, not use the State law, not use the State procedure. They say everyone in America has to be in the position that the Enron pensioners and employees and stockholders are in. That is what they want to do.

Support States' rights, use State law, use State procedure. Let us remember that, and protect consumers against wrongdoing corporations.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, this bill does not take away a cause of action that any member of a class has. All of the class action suits that the gentleman from Texas has talked about could still be filed and litigated, but litigated fairly.

Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, this debate is difficult to understand for me because on the one hand people are talking about putting multistate claims with plaintiffs all over the country into the form that the Founding Fathers described in article III of the Constitution, a Federal form; and on the other hand, people are saying that class actions help normal Americans, class actions are good, and class actions can bring about good results. Those two things are hardly incompatible.

What we are talking about is making sure that class actions, which involve the whole country and not just local issues, are resolved in the jurisdiction that the Framers had in mind, Federal jurisdiction in a Federal court.

We do not have a problem in this Congress, I do not believe, in appreciating the work that our State courts do. Indeed, one prolific source of the people who serve on the Federal bench is the State courts themselves.

The problem is not with State courts; the problem is with lawyers trying to manipulate the system who pick not the State court system but a particular place, a particular forum, where they shop for where they know, because of their connections with that particular forum, that they can put their thumb on the scale of justice and they can skew the result so the facts and the evidence and the law do not matter.

The leading treatise on Federal civil procedure has declared that the current rules for deciding when admittedly nationwide class actions are heard in Federal court make no sense: "The traditional principles in this area have evolved haphazardly and with little reasoning. They serve no apparent policy."

An 11th circuit case recently had the judge apologizing to litigants because they could not have a Federal forum because the rules as presently written for diversity are so easily defeated by lawyers trying to manipulate the system.

Judge John Nangel, who was for many years the Chair of the Federal Judicial Panel on Multidistrict Litigation, said this: "Plaintiffs' attorneys are increasingly filing nationwide class actions in various State courts, carefully crafting language . . . to avoid . . . the Federal courts. Existing Federal precedent . . . [permits] this practice . . . although most of these cases . . . will be disposed of through 'coupon' or paper settlements," that is, through extortion, at settlements at which the lawyers are paid to go away and the plaintiffs in the case, in most cases who have never even met the lawyers, get sent pennies on the dollar.

In an opinion by Judge Anthony Scirica, the chairman of the Federal Judicial Conference's Standing Committee on Rules and Procedure, the U.S. Court of Appeals for the Third Circuit observed that "national (interstate) class actions are the paradigm for Federal diversity jurisdiction. . . ." That is what the Federal courts are telling us; that is what the Federal judiciary is telling us.

Former Solicitor General Walter Dellinger, someone who most Democrats, I would think, would be happy to learn from, testified before the Committee on the Judiciary: "If Congress were to start over and write a new Federal diversity statute, interstate class actions would be the first kind of cases" that we would put within that diversity jurisdiction.

This is good for litigants, good for defendants, good for plaintiffs, good for fairness, good for America, and good for the American consumers, which is why The Washington Post has supported it: "That it is controversial reflects less on its merit as a proposal than on the grip that trial lawyers have on many Democrats." I do not believe that would be true, and I think many Democrats will support this legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I know Enron is not a nice word to bring up on the floor with our conservative friends. I raise the name Enron reluctantly, because it is offensive to some of our colleagues.

But several of the employees in the Enron case, if they were suing Mr. Lay, affectionately known as "Kenny boy" in some parts of the government, for breach of an employment contract, they would be brought, under this bill, into Federal court. We need that, do we not? I do not think so, and I thank the gentlewoman for yielding to me.

Ms. WATERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I beg to differ with the gentleman from Wisconsin (Chairman SENSENBRENNER). This has everything to do with Enron.

As a matter of fact, I think the American public must know and understand the difference between this side of the aisle and that side of the aisle. We are about the business of protecting consumers, and we are about the business of allowing the average person to have their day in court.

This bill would make it more difficult. It would put obstacles in the way. It would send class action lawsuits to the Federal court, which are overjammed. We do not have enough judges there. We have the big drug cases there. These cases would be backlogged, and they know it. They are creating obstacles to people getting their fair day in court.

Members heard some of the cases referred to, where class action lawsuits are the only way people can get any justice. Let me remind Members of just a few of them.

As a matter of fact, the average person would not be able to go into court and get any justice against Enron. It would only be through class action lawsuits.

Remember Firestone? They knowingly sold defective tires, where tread separation caused more than 800 injuries and 271 deaths. They failed to recall and replace defective tires in a timely manner.

What about Monsanto? They hid 40 years' worth of dumping of toxic PCBs, mercury, lead, and mustard gas in Anniston, Alabama. They continued dumping toxic chemicals even after dangers were known.

It goes on and on and on. Without class action lawsuits brought in State courts, we would never be able to get at this kind of injustice.

People on the other side said do not charge them with wanting to protect big corporations when they have done something bad, but they speak for themselves. They speak for themselves with this bill. What they are saying is, Poor consumers, working class people, we know you cannot afford to hire a lawyer. We know the only way you can get some justice is through class action, but we are going to make it tougher for you. We are going to make it more difficult for you. We are going to send you to the Federal courts, because you will never get there.

As a matter of fact, people may go in the State courts under this bill and find out in the middle of the trial that it is going to be sent to the Federal court, another big obstruction.

Well, it is very difficult for my friends on the other side of the aisle to claim to be for working people, for consumers, with this kind of action. This really tells who they really are and who they care about.

Mr. SENSENBRENNER. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. ROGERS).

Mr. ROGERS of Michigan. Mr. Chairman, I thank the chairman for his great work, and I thank the gentleman from Virginia (Mr. GOODLATTE) for a great bill. I think it finally brings justice back to the American people. We are hearing a lot about judges, lawyers, technicalities, which is exactly why I think we have the problem of litigation in America as it stands now.

As simply as I can put it, something we all experience when Americans get to the end of the roll of toilet paper, they find aggravation. When our friends, the trial lawyers, get to the end of the roll of toilet paper, they find a pot of gold.

What am I talking about, Mr. Chairman? There is a class action suit in California that is suing because there is a roll of premium toilet paper that only has 340 sheets as opposed to the regular that has 400. That is not justice. Justice is fairness. Justice is logic. Justice is a case heard by a jury of one's peers.

Do not let what happens in California cost my constituents in Michigan more money for everyday living expenses. Because what happens here, Mr. Chairman, is that Cheerios go up and milk goes up and toilet paper goes up.

Enron will get its day in court, and the people who are abused by Enron will get their day in court. Let us stand united about this. Let us stand for that fairness and that justice. Let us stand for a court system that will represent all Americans, when it comes to asking me and my family and my neighbor's family and the working families of Michigan to pay more for the goods they need to survive.

The people who make out in this, Mr. Chairman, are the trial lawyers. Let us stand up for justice. Let us stand up for families. Let us pass this bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, there has been an awful lot of hyperbole that is floating around this Chamber from those who are opposed to this legislation.

First of all, the legislation does not diminish any cause of action that anybody may have, either as an individual or member of a class. So if they have a cause of action and the right to sue now, if this bill becomes law, they will still have that cause of action and that right to sue. So what is the beef?

What this bill does do is it provides fairness. I think the biggest example of how unfair the State court system can be involves the Mississippi case that has been referred to several times previously, where the hometown judge in Mississippi approved a class action settlement that gave Mississippi residents as much as 18 times more than residents of other States. That is what the Federal court diversity citizenship jurisdiction that was put into the Constitution was designed to prevent.

This bill changes the way diversity is defined so that the abuses that the Framers were concerned about in 1787 can be prevented in class action lawsuits that they never thought would ever arise in this country. So that is what we are dealing with here.

What we are dealing with here also is a better way of having the courts review the fairness of noncash settlements. We have heard an awful lot about the coupons, where people end up having to buy the same product of the company that injured them, or the same service of the company that injured them.

It seems to me that if somebody injured me enough to go to court and file a lawsuit and try it, if I won my lawsuit, I ought not to be forced to go back to the same company that caused the problem to begin with. This bill provides for increased scrutiny to protect consumers against that.

Mr. Chairman, I think that the hyperbole we are hearing from the people who are opposed to this bill really is designed to try to get the attention of this body and the American public away from what is in the bill.

□ 1330

All I would ask while we continue debating this bill and the amendments is for the opponents to read the bill, because most of the complaints that they have are really not present in this legislation.

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong opposition to H.R. 2341, the "Class Action Fairness Act." The Republican sponsors of this legislation falsely claim that it will rein in "frivolous lawsuits." This bill is not about lawyers and lawyers' fees; it is about whether consumers will have legal rights when corporate wrongdoing, dangerous practices or faulty products injure them. This bill would take away legal rights that consumers need. Class action lawsuits are one of the few protections consumers have against corporate fraud and abuse.

In fact, anyone who wants to lower the cost of health care for consumers should oppose this bill. Class action suits are an important tool for health care consumers who have been forced to pay exorbitant prices for prescription drugs and medical bills. For example, in Iowa, Blue Cross/Blue Shield negotiated "secret discounts" with hospitals and providers but charged the full amount to consumers, pocketing the difference. Many policyholders ended up paying 10 to 20 percent more than they should have.

In response, three state court class action lawsuits were filed against Blue Cross/Blue Shield. Eventually Blue Cross/Blue Shield agreed to pay $14.6 million to settle the claims. The tens of thousands of consumers affected by the lawsuit received reimbursements for all claims over $50. Since the settlement agreement, Blue Cross has changed its billing practices to lower the cost for consumers. The money lost was not enough for any one policyholder to bring suit on his or her own. But through a class action lawsuit, all policyholders were able to be protected against this practice.

This case would have never seen the light of day if the bill before us today were the law of land. This legislation will take money out of people's pockets and will make consumers even more vulnerable to abuses by HMOs. For the sake of everyone who relies on health care insurance please join me in opposing this ill-conceived piece of legislation.

Mr. KNOLLENBERG. Mr. Chairman, I rise in strong support of H.R. 2431, the Class Action Fairness Act of 2002.

I do so because this bill represents common sense reforms that will make our civil justice system simpler and fairer while curtailing the abusive and frivolous lawsuits that cost us so much.

Lawsuit abuse is a serious problem. I should know—back when I was running my insurance company, lawsuit abuse was one of the principal reasons that insurance premiums kept rising each year. And that rise has not stopped.

And we do not just pay for lawsuit abuse through higher insurance premiums. We pay for it through higher health care costs, higher prices for consumer items, higher taxes, and fewer jobs. In fact, according to a study by the Public Policy Institute in New York, people in my home state of Michigan pay a hidden lawsuit tax of $574 per year. I know many families who could put that money to good use, but cannot.

Not all lawsuits are abusive, but I believe there are reforms that can be made that will protect the rights of businesses and consumers alike. Today's bill strikes that balance.

When the federal government acts, it too often does so to detriment of our economy. The Class Action Fairness Act is an excellent chance for us to remove some of the drag on our economy by curtailing costly, abusive lawsuits.

I urge all my colleagues to support this legislation and return the legal system to the individuals who it is supposed to benefit—the average American.

Mr. UDALL of New Mexico. Mr. Chairman, I rise today in opposition to final passage of H.R. 2341, laughingly called the Class Action Fairness Act. I say "laughingly" because there is nothing fair about this bill, unless your idea of fair means changing the tort system to benefit corporate polluters, monopolistic enterprises, and irresponsible groups at the expense of everyday Americans. If enacted, this bill will change the rules to make it easier than ever for corporations to move important class action lawsuits from state courts—the courts that are most in touch with and responsible to our constitutents—to federal courts. While this change may not sound like a very big change at first, the impact will actually be enormous.

Every corporate defender in this country knows that federal courts are the most desirable venue in which to try class action cases because federal court rules disadvantage plaintiffs and ordinary citizens. As they attempt to defend their wealthy clients, corporate lawyers try every trick in the book to have important cases moved from local courts to federal courts, and this bill will only make their job easier! I cannot imagine why we would want to make the enormous challenges faced by the plaintiffs in class actions cases even harder, but the leadership of this body had made it a priority!

At a time when our armed forces are defending this country across the ocean, when millions of Americans are out of work, and when we face serious threats to Social Security and Medicare, it is amazing to me that this body would decide to address the issue of class action "fairness" instead of addressing the most serious issues facing this country. I urge my colleagues to join me in opposing this bill and ask that this body move forward in addressing real problems.

Mrs. CAPITO. Mr. Chairman, today I rise in support of H.R. 2341, the Class Action Fairness Act of 2002. This legislation will streamline our judicial system, making it more consistent, fair and efficient.

First, H.R. 2341 will cut down on and discourage so-called forum shopping, where trial attorneys file lawsuits based on which state's law is most favorable to their claim. This practice results in a small handful of state courts, whose laws are most favorable to plaintiffs, exerting their jurisdiction over other states and creating precedent for entire national industries across the Nation.

Second, there's the issues of fairness. We all have heard stories of lawsuit abuse. There are the so-called "coupon settlements," where class action members receive coupons from a sued business while the attorneys reel in millions. You get a coupon, and they get a fortune! In fact, many business are coerced into settling meritless claims, believing their defense is too costly to litigate.

This system cannot be allowed to go on. There are too many small business out there, surviving on thin margins as it is. And there are too many class action members, people who have been wronged, who deserve compensation, but watch their attorneys take the lion's share of the award.

Finally, Congress needs to pass real class action reform because it will make our federal courts more efficient. Class action lawsuit filings have increased by 1,000 percent over the past decade. Businesses and consumers need protection from these runaway lawsuits and frivolous cases that clutter the courts. This backlog of excessive suits hurts the economy by closing down businesses and costing people their jobs.

Remember, it is the consumer who has to ultimately pay for these transferred liability costs to businesses. It comes out of the pockets of hard working men and women when someone decides that they want to take the local business for a ride.

Mr. Chairman, let's restore the true intent of the Constitution and allow federal courts to hear large interstate class action lawsuits. It is the right thing to do so that we can protect class action members and businesses from unscrupulous trial lawyers. We owe it to our citizens, our country and our economy.

Mr. ISSA. Mr. Chairman, I rise in support of H.R. 2341, "The Class Action Fairness Act of 2002." I thank Congressman BOB GOODLATTE, author of this bill, House Judiciary Committee Chairman JAMES SENSENBRENNER and the Judiciary Committee staff for their leadership on this bill.

Class action lawsuits serve a very important role, but the legal system is being compromised because attorneys have been the benefactors of class action lawsuit settlements, not the plaintiffs. These lawsuits should be weighed on their own merits. The decision to file in a certain state or region should not be based on the possibility of the courts having favorable attitudes toward certifying class action suits against out-of-state corporations. Many times, attorneys find a topic or angle for a class action lawsuit and then begin to seek plaintiffs, sometimes in a different region than where the problem occurred. When they register a large number of plaintiffs, the lawyers file a class action suit in a favorable state forum and modify the case so that it will be exempt from federal jurisdiction. These attorneys then are not beholden to any one individual, allowing them to broker a settlement that provides minimal benefits to the class members, but may reward the attorneys handsomely. Additionally, lawyers in other states can bring forward an identical "copy cat" lawsuit, forcing companies to defend the same case in another court, with potentially different results. Ultimately, the cost is passed on to consumers in the form of higher prices for their products.

H.R. 2341 brings fairness to the class action arena by providing a federal forum for out-of-state defendants and out-of-state plaintiff class members. Instead of having plaintiffs in multiple states bring forward the same lawsuit. This bill will only allow one lawsuit and it must be handled at the federal level. It emphasizes efficiency by ensuring only one bite at the apple. The current system has judges from one state deciding the fate of plaintiffs from other states, and binding them to whatever decision the judge brings down or the lawyers reach in a settlement. This legislation will provide the plaintiff an opportunity for settlements that benefit them.

H.R. 2341 protects the rights of the plaintiffs or class members with inclusion of a Consumer Class Action Bill of Rights. It will begin to address reform on an issue and at a time where numbers of class action suits have skyrocketed.

I thank you for the opportunity to speak on this bill and I urge all my colleagues to vote in favor of this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2341

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Class Action Fairness Act of 2002".

(b) REFERENCE.—Whenever in this Act reference is made to an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 28, United States Code.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; reference; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. Consumer class action bill of rights and improved procedures for interstate class actions.
Sec. 4. Federal district court jurisdiction of interstate class actions.
Sec. 5. Removal of interstate class actions to Federal district court.
Sec. 6. Appeals of class action certification orders.
Sec. 7. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds as follows:

(1) Class action lawsuits are an important and valuable part of our legal system when they permit the fair and efficient resolution of legitimate claims of numerous parties by allowing the

claims to be aggregated into a single action against a defendant that has allegedly caused harm.

(2) Over the past decade, there have been abuses of the class action device that have harmed class members with legitimate claims and defendants that have acted responsibly, and that have thereby undermined public respect for our judicial system.

(3) Class members have been harmed by a number of actions taken by plaintiffs' lawyers, which provide little or no benefit to class members as a whole, including—

(A) plaintiffs' lawyers receiving large fees, while class members are left with coupons or other awards of little or no value;

(B) unjustified rewards being made to certain plaintiffs at the expense of other class members; and

(C) the publication of confusing notices that prevent class members from being able to fully understand and effectively exercise their rights.

(4) Through the use of artful pleading, plaintiffs are able to avoid litigating class actions in Federal court, forcing businesses and other organizations to defend interstate class action lawsuits in county and State courts where—

(A) the lawyers, rather than the claimants, are likely to receive the maximum benefit;

(B) less scrutiny may be given to the merits of the case; and

(C) defendants are effectively forced into settlements, in order to avoid the possibility of huge judgments that could destabilize their companies.

(5) These abuses undermine our Federal system and the intent of the framers of the Constitution in creating diversity jurisdiction, in that county and State courts are—

(A) handling interstate class actions that affect parties from many States;

(B) sometimes acting in ways that demonstrate bias against out-of-State defendants; and

(C) making judgments that impose their view of the law on other States and bind the rights of the residents of those States.

(6) Abusive interstate class actions have harmed society as a whole by forcing innocent parties to settle cases rather than risk a huge judgment by a local jury, thereby costing consumers billions of dollars in increased costs to pay for forced settlements and excessive judgments.

(b) PURPOSES.—The purposes of this Act are—

(1) to assure fair and prompt recoveries for class members with legitimate claims;

(2) to protect responsible companies and other institutions against interstate class actions in State courts;

(3) to restore the intent of the framers of the Constitution by providing for Federal court consideration of interstate class actions; and

(4) to benefit society by encouraging innovation and lowering consumer prices.

SEC. 3. CONSUMER CLASS ACTION BILL OF RIGHTS AND IMPROVED PROCEDURES FOR INTERSTATE CLASS ACTIONS.

(a) IN GENERAL.—Part V is amended by inserting after chapter 113 the following:

“CHAPTER 114—CLASS ACTIONS

“Sec.
“1711. Judicial scrutiny of coupon and other noncash settlements.
“1712. Protection against loss by class members.
“1713. Protection against discrimination based on geographic location.
“1714. Prohibition on the payment of bounties.
“1715. Clearer and simpler settlement information.
“1716. Definitions.

“§1711. Judicial scrutiny of coupon and other noncash settlements

“The court may approve a proposed settlement under which the class members would receive noncash benefits or would otherwise be required to expend funds in order to obtain part or all of the proposed benefits only after a hearing to determine whether, and making a written finding that, the settlement is fair, reasonable, and adequate for class members.

“§1712. Protection against loss by class members

“The court may approve a proposed settlement under which any class member is obligated to pay sums to class counsel that would result in a net loss to the class member only if the court makes a written finding that nonmonetary benefits to the class member outweigh the monetary loss.

“§1713. Protection against discrimination based on geographic location

“The court may not approve a proposed settlement that provides for the payment of greater sums to some class members than to others solely on the basis that the class members to whom the greater sums are to be paid are located in closer geographic proximity to the court.

“§1714. Prohibition on the payment of bounties

“(a) IN GENERAL.—The court may not approve a proposed settlement that provides for the payment of a greater share of the award to a class representative serving on behalf of a class, on the basis of the formula for distribution to all other class members, than that awarded to the other class members.

“(b) RULE OF CONSTRUCTION.—The limitation in subsection (a) shall not be construed to prohibit any payment approved by the court for reasonable time or costs that a person was required to expend in fulfilling his or her obligations as a class representative.

“§1715. Clearer and simpler settlement information

“(a) PLAIN ENGLISH REQUIREMENTS.—Any court with jurisdiction over a plaintiff class action shall require that any written notice concerning a proposed settlement of the class action provided to the class through the mail or publication in printed media contain—

“(1) at the beginning of such notice, a statement in 18-point Times New Roman type or other functionally similar type, stating ‘LEGAL NOTICE: YOU ARE A PLAINTIFF IN A CLASS ACTION LAWSUIT AND YOUR LEGAL RIGHTS ARE AFFECTED BY THE SETTLEMENT DESCRIBED IN THIS NOTICE.’; and

“(2) a short summary written in plain, easily understood language, describing—

“(A) the subject matter of the class action;

“(B) the members of the class;

“(C) the legal consequences of being a member of the class;

“(D) if the notice is informing class members of a proposed settlement agreement—

“(i) the benefits that will accrue to the class due to the settlement;

“(ii) the rights that class members will lose or waive through the settlement;

“(iii) obligations that will be imposed on the defendants by the settlement;

“(iv) the dollar amount of any attorney's fee class counsel will be seeking, or if not possible, a good faith estimate of the dollar amount of any attorney's fee class counsel will be seeking; and

“(v) an explanation of how any attorney's fee will be calculated and funded; and

“(E) any other material matter.

“(b) TABULAR FORMAT.—Any court with jurisdiction over a plaintiff class action shall require that the information described in subsection (a)—

“(1) be placed in a conspicuous and prominent location on the notice;

“(2) contain clear and concise headings for each item of information; and

“(3) provide a clear and concise form for stating each item of information required to be disclosed under each heading.

“(c) TELEVISION OR RADIO NOTICE.—Any notice provided through television or radio (including transmissions by cable or satellite) to inform the class members in a class action of the right of each member to be excluded from the class action or a proposed settlement of the class action, if such right exists, shall, in plain, easily understood language—

“(1) describe the persons who may potentially become class members in the class action; and

“(2) explain that the failure of a class member to exercise his or her right to be excluded from a class action will result in the person's inclusion in the class action or settlement.

“§1716. Definitions

“In this chapter—

“(1) CLASS ACTION.—The term ‘class action’ means any civil action filed in a district court of the United States pursuant to rule 23 of the Federal Rules of Civil Procedure or any civil action that is removed to a district court of the United States that was originally filed pursuant to a State statute or rule of judicial procedure authorizing an action to be brought by one or more representatives on behalf of a class.

“(2) CLASS COUNSEL.—The term ‘class counsel’ means the persons who serve as the attorneys for the class members in a proposed or certified class action.

“(3) CLASS MEMBERS.—The term ‘class members’ means the persons who fall within the definition of the proposed or certified class in a class action.

“(4) PLAINTIFF CLASS ACTION.—The term ‘plaintiff class action’ means a class action in which class members are plaintiffs.

“(5) PROPOSED SETTLEMENT.—The term ‘proposed settlement’ means an agreement that resolves claims in a class action, that is subject to court approval and that, if approved, would be binding on the class members.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part V is amended by inserting after the item relating to chapter 113 the following:

“114. Class Actions .... 1711”.

SEC. 4. FEDERAL DISTRICT COURT JURISDICTION OF INTERSTATE CLASS ACTIONS.

(a) APPLICATION OF FEDERAL DIVERSITY JURISDICTION.—Section 1332 is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

“(d)(1) In this subsection—

“(A) the term ‘class’ means all of the class members in a class action;

“(B) the term ‘class action’ means any civil action filed pursuant to rule 23 of the Federal Rules of Civil Procedure or similar State statute or rule of judicial procedure authorizing an action to be brought by one or more representative persons on behalf of a class;

“(C) the term ‘class certification order’ means an order issued by a court approving the treatment of a civil action as a class action; and

“(D) the term ‘class members’ means the persons who fall within the definition of the proposed or certified class in a class action.

“(2) The district courts shall have original jurisdiction of any civil action in which the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs, and is a class action in which—

“(A) any member of a class of plaintiffs is a citizen of a State different from any defendant;

“(B) any member of a class of plaintiffs is a foreign state or a citizen or subject of a foreign state and any defendant is a citizen of a State; or

“(C) any member of a class of plaintiffs is a citizen of a State and any defendant is a foreign state or a citizen or subject of a foreign state.

"(3) Paragraph (2) shall not apply to any civil action in which—

"(A)(i) the substantial majority of the members of the proposed plaintiff class and the primary defendants are citizens of the State in which the action was originally filed; and

"(ii) the claims asserted therein will be governed primarily by the laws of the State in which the action was originally filed;

"(B) the primary defendants are States, State officials, or other governmental entities against whom the district court may be foreclosed from ordering relief; or

"(C) the number of proposed plaintiff class members is less than 100.

"(4) In any class action, the claims of the individual class members shall be aggregated to determine whether the matter in controversy exceeds the sum or value of $2,000,000, exclusive of interest and costs.

"(5) This subsection shall apply to any class action before or after the entry of a class certification order by the court with respect to that action.

"(6)(A) A district court shall dismiss any civil action that is subject to the jurisdiction of the court solely under this subsection if the court determines the action may not proceed as a class action based on a failure to satisfy the requirements of rule 23 of the Federal Rules of Civil Procedure.

"(B) Nothing in subparagraph (A) shall prohibit plaintiffs from filing an amended class action in Federal court or filing an action in State court, except that any such action filed in State court may be removed to the appropriate district court if it is an action of which the district courts of the United States have original jurisdiction.

"(C) In any action that is dismissed under this paragraph and is filed by any of the original named plaintiffs therein in the same State court venue in which the dismissed action was originally filed, the limitations periods on all reasserted claims shall be deemed tolled for the period during which the dismissed class action was pending. The limitations periods on any claims that were asserted in a class action dismissed under this paragraph that are subsequently asserted in an individual action shall be deemed tolled for the period during which the dismissed action was pending.

"(7) Paragraph (2) shall not apply to any class action brought by shareholders that solely involves a claim that relates to—

"(A) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

"(B) the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(C) the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).

"(8) For purposes of this subsection and section 1453 of this title, an unincorporated association shall be deemed to be a citizen of the State where it has its principal place of business and the State under whose laws it is organized.

"(9) For purposes of this section and section 1453 of this title, a civil action that is not otherwise a class action as defined in paragraph (1)(B) of this subsection shall nevertheless be deemed a class action if—

"(A) the named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeks a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general; or

"(B) monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.

In any such case, the persons who allegedly were injured shall be treated as members of a proposed plaintiff class and the monetary relief that is sought shall be treated as the claims of individual class members. The provisions of paragraphs (3) and (6) of this subsection and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (A). The provisions of paragraph (6) of this subsection, and subsections (b)(2) and (d) of section 1453 shall not apply to civil actions described under subparagraph (B).".

(b) CONFORMING AMENDMENTS.—

(1) Section 1335(a)(1) is amended by inserting "(a) or (d)" after "1332".

(2) Section 1603(b)(3) is amended by striking "(d)" and inserting "(e)".

SEC. 5. REMOVAL OF INTERSTATE CLASS ACTIONS TO FEDERAL DISTRICT COURT.

(a) IN GENERAL.—Chapter 89 is amended by adding after section 1452 the following:

"§ 1453. Removal of class actions

"(a) DEFINITIONS.—In this section, the terms 'class', 'class action', 'class certification order', and 'class member' have the meanings given these terms in section 1332(d)(1).

"(b) IN GENERAL.—A class action may be removed to a district court of the United States in accordance with this chapter, without regard to whether any defendant is a citizen of the State in which the action is brought, except that such action may be removed—

"(1) by any defendant without the consent of all defendants; or

"(2) by any plaintiff class member who is not a named or representative class member without the consent of all members of such class.

"(c) WHEN REMOVABLE.—This section shall apply to any class action before or after the entry of a class certification order in the action, except that a plaintiff class member who is not a named or representative class member of the action may not seek removal of the action before an order certifying a class of which the plaintiff is a class member has been entered.

"(d) PROCEDURE FOR REMOVAL.—The provisions of section 1446 relating to a defendant removing a case shall apply to a plaintiff removing a case under this section, except that in the application of subsection (b) of such section the requirement relating to the 30-day filing period shall be met if a plaintiff class member files notice of removal within 30 days after receipt by such class member, through service or otherwise, of the initial written notice of the class action.

"(e) REVIEW OF ORDERS REMANDING CLASS ACTIONS TO STATE COURTS.—The provisions of section 1447 shall apply to any removal of a case under this section, except that, notwithstanding the provisions of section 1447(d), an order remanding a class action to the State court from which it was removed shall be reviewable by appeal or otherwise.

"(f) EXCEPTION.—This section shall not apply to any class action brought by shareholders that solely involves—

"(1) a claim concerning a covered security as defined under section 16(f)(3) of the Securities Act of 1933 and section 28(f)(5)(E) of the Securities Exchange Act of 1934;

"(2) a claim that relates to the internal affairs or governance of a corporation or other form of business enterprise and arises under or by virtue of the laws of the State in which such corporation or business enterprise is incorporated or organized; or

"(3) a claim that relates to the rights, duties (including fiduciary duties), and obligations relating to or created by or pursuant to any security (as defined under section 2(a)(1) of the Securities Act of 1933 and the regulations issued thereunder).".

(b) REMOVAL LIMITATION.—Section 1446(b) is amended in the second sentence by inserting "(a)" after "section 1332".

(c) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections for chapter 89 is amended by adding after the item relating to section 1452 the following:

"1453. Removal of class actions.".

SEC. 6. APPEALS OF CLASS ACTION CERTIFICATION ORDERS.

(a) IN GENERAL.—Section 1292(a) is amended by inserting after paragraph (3) the following:

"(4) Orders of the district courts of the United States granting or denying class certification under rule 23 of the Federal Rules of Civil Procedure, if notice of appeal is filed within 10 days after entry of the order.".

(b) DISCOVERY STAY.—All discovery and other proceedings shall be stayed during the pendency of any appeal taken pursuant to the amendment made by subsection (a), unless the court finds upon the motion of any party that specific discovery is necessary to preserve evidence or to prevent undue prejudice to that party.

SEC. 7. EFFECTIVE DATE.

The amendments made by this Act shall apply to any civil action commenced on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 107–375. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chair has been informed that Amendment No. 1 will not be offered.

It is now in order to consider Amendment No. 2 printed in House Report 107–375.

AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. NADLER:

Page 9, insert the following after line 20 and redesignate the succeeding section accordingly:

"§ 1716. Sunshine in court records

"No order, opinion, or record of the court in the adjudication of a class action, including a record obtained through discovery, whether or not formally filed with the court, may be sealed or subjected to a protective order unless the court makes a finding of fact—

"(1) that the sealing or protective order is narrowly tailored, consistent with the protection of public health and safety, and is in the public interest; and

"(2) if the action by the court would prevent the disclosure of information, that disclosing the information is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of such information.

Page 6, in the matter preceding line 1, strike the item relating to section 1716 and insert the following:

"1716. Sunshine in court records.
"1717. Definitions.".

MODIFICATION TO AMENDMENT NO. 2 OFFERED BY MR. NADLER

Mr. NADLER: Mr. Chairman, I ask unanimous consent to modify the amendment and further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the amendment, as modified, is as follows:

Page 10, insert the following after line 4 and redesignate the succeeding section accordingly:

"§ 1716. Sunshine in court records

"No order, opinion, or record of the court in the adjudication of a class action, including a record obtained through discovery, whether or not formally filed with the court, may be sealed or subjected to a protective order unless the court makes a finding of fact—

"(1) that the sealing or protective order is narrowly tailored, consistent with the protection of public health and safety, and is in the public interest; and

"(2) if the action by the court would prevent the disclosure of information, that disclosing the information is clearly outweighed by a specific and substantial interest in maintaining the confidentiality of such information.

Page 6, in the matter preceding line 7, strike the item relating to section 1716 and insert the following:

"1716. Sunshine in court records.
"1717. Definitions.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from New York (Mr. Nadler) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to offer this amendment along with the gentleman from Massachusetts (Mr. DELAHUNT) and the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON).

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think this is a very constructive amendment, and we are pleased to support it.

Mr. NADLER. Mr. Chairman, in that case, let me never take yes for an answer. I appreciate the comments of the gentleman, and I urge everyone to vote for it and I suppose, aside from saying that this deals with the question of shielding records in settlements.

Mr. Chairman, I am pleased to offer this amendment with the gentleman from Massachusetts, Mr. DELAHUNT and gentlewoman from Texas, Ms. JOHNSON.

Mr. Chairman, this amendment is designed to prevent the sealing of information regarding settlements of class action lawsuits—information that would protect the health and safety of others.

I have been concerned for a number of years about agreements to seal the information about settlements of lawsuits that affect public health and safety.

More often than not, a class action suit is filed because a number of people have been harmed by the actions of a large corporation. They come together to seek to recover damages by providing that a company behaved in a way that resulted in foreseeable harm to public health and safety. Often, the company settles the lawsuit, pays the people it harmed who sued, and then tells them to be quite. But the company may never change its dangerous practices. They simply regard the lawsuits as the cost of doing business, and ignore the underlying problem. Since the companies force the plaintiffs never to discuss the problems with anyone else, more people end up getting hurt by the companies. This is reprehensible.

The Firestone Tire situation is a case in point. One of the main reasons why there was not timely public disclosure of the dangers of Firestone tires is because Firestone insisted on a series of gag orders when settling product liability lawsuits.

An article in the September 25, 2000, edition of the Legal Times points out that:

> One of the principal roadblocks to timely public disclosure of the danger of Firestone tires has been a series of gag orders the company insisted on as a condition of settling product liability lawsuits in the early 1990s.
>
> Simply put, Firestone made a calculated determination that they would compensate victims so long as the plaintiffs agreed not to share their stories with other victims or the public. Congress was given the opportunity to address this very problem in 1995 when an amendment was offered that would prevent such gag orders if the public safety need outweighed the privacy interests of the litigants. Unfortunately, the amendment was defeated, with opponents arguing that the information was proprietary information that does not belong in the public domain.

The reality is that the release of such information in the Firestone case 7 or 8 years ago potentially could have saved scores of human lives. We can't blame the people who settled their case for recovering damages and agreeing to the gag orders as a condition of getting the money. But as a result, the public is kept in the dark, and many more people are injured. This should not happen again.

It is important for the people to be aware of the health and safety hazards that may exist so that other people can make informed choices about their lives, and, I might add, so that public agencies, perhaps, can crack down on such dangers. To often critical information is sealed from the public and other people may be harmed as a result.

Let me add that this amendment is very reasonably drafted. The amendment is written in such a way that the judge must make a finding of fact where a gag order is requested. If the judge finds that the privacy interest is broader than the public interest, then the judge must issue the gag order. If the judge finds that the public interest in the health and safety outweighs the primary interests asserted, the judge may not issue the gag order. The judge also has to make sure the gag order is drafted as tightly as possible. This will prevent the unnecessary disclosure of confidential information, but will not allow the sealing of information that may harm the public.

When it comes to health and safety, public access to class action lawsuit materials is absolutely essential. I urge my colleagues to support the Nadler/Delahunt/Johnson Amendment.

Mr. KUCINICH. Mr. Chairman, today Congress is considering a bill to make it easier for corporations to avoid compensating victims for injuries corporations and their products cause. But current law is already heavily skewed toward their interests, and the public health suffers as a result.

Case in point is the gag order on victims who receive a settlement. Under current law, victims receiving compensation under a settlement of a class action suit can be required not to disclose the dangers, evidence and admissions made by the corporate criminal as a condition of settlement. As a result, dangerous products remain on the market and able to do harm to an unknowing public.

In a society dedicated to safety and security, there is no place for these gag orders. Safety and security cannot be realized with secrecy agreements. The Nadler/Delahunt/Johnson amendment is narrowly drafted to clear the way for disclosure of information unearthed in settled class action cases that would benefit the public health.

It is a fact that enforcing the Nation's product liability laws rests in part on citizen-suits brought as class actions. But prevention is worth a pound of cure. If we repeal the gag rule on evidence of dangerous products, we will make society a safer, more secure place for the Nation's citizens. Vote "yes" on Nadler.

Mr. DELAHUNT. Mr. Chairman, I urge a "yes" vote on this amendment.

It is simple and straightforward. And it's been well-presented and fully explained by previous speakers. It outlaws a practice that has cost the lives of hundreds, if not thousands, of Americans—the sealing of court records in class action settlements where the health and safety of the public are at risk.

And if you have any doubts about the consequences of this practice, just ask the families of those who lost loved ones who were driving Ford Explorers outfitted with Firestone tires. At last count, 271 people had died.

The company knew about the problem. But insisted on secrecy as a condition of settlement. And just kept on selling those tires to an unsuspecting public who were unaware of the danger.

In committee, the lead sponsor of the bill stated that publicizing the details of settlement agreements would deter people from entering into them. Let's be clear. There is absolutely no evidence to support that claim.

And he further suggested that the amendment would eliminate an effective negotiating tool for plaintiffs. His concern for plaintiffs and hard-working American families is noble. But I can't quite believe that the U.S. Chamber of Commerce and the National Association of Manufacturers, who support this bill, share that same concern. I believe that would be a real stretch, Mr. Chairman.

But even if it were true, I submit that the price of secrecy is too high if it costs a single human life.

Consumers are entitled to know when there are dangerous and defective products on the market. They are entitled to the information that will protect them and their families from the unconscionable conduct that we witnessed in the Firestone case.

Well, let's exercise our collective conscience and do the right thing. Let's remember those families, who were the victims of corporate secrecy and greed. It's time to let the sunshine in, before more innocent people are hurt.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I urge members of this body who care about the health and safety of the public to support the Amendment I offer today with my colleagues Mr. DELAHUNT and Mr. NADLER.

This amendment will require a judge to look at the facts and determine whether the plaintiff's interest in privacy outweigh the public's need and right to know. Often plaintiffs who find themselves in difficult circumstances will agree to seal documents in order to obtain a settlement. These plaintiffs and their attorneys are looking out for their own interests. This is understandable. When faced with the prospect of not obtaining a settlement or going along with the defendant's demands to seal the documents and forever keep them secret, few people will jeopardize their own recovery. And that is why the interests of justice demand that a judge review these agreements. The parties involved in the suit are consumed with pursuing their own interests. Only a judge is required to keep the public interests in mind and to look down the road and determine what effect secrecy will have on future litigants. Florida, Texas and Washington all have rules prohibiting secrecy in cases involving defective products. And several states, including California and Illinois, through their court rules require that a judge review any secrecy deal. Mr. Speaker, the public needs this protection and this body should not refuse to provide ordinary people with the means to pursue justice in the courts of this land.

Let me just outline a few instances in which these secret agreements have endangered the public health and safety:

My colleagues have discussed the Firestone Tire case in which plaintiffs in over 50 cases all over the country were required to agree to secret settlements before the problems with these tires finally came to light. We have all heard of the injuries that resulted from people unwittingly continuing to drive on these defective tires.

In 1999 alone, about 300 asbestos lawsuits were settled for $200 million in Cook County Illinois. That deal kept secret not only the dangers uncovered but also the exact number of plaintiffs, their injuries and the amount received by each.

In 2000, BP Amoco reached an out of court deal with one former employee and the estates of four others, settling lawsuits that claimed the five developed brain tumors as a result of working at Amoco's Naperville research center. The company insisted that the amount it paid be kept secret. But two of the settlements were revealed when a Judge insisted that wrongful death benefits be made public.

Mr. Chairman, we must follow the lead of Texas and several other states. We must assure that the secrecy which has become so fashionable lately not overtake our judicial system and deny justice to ordinary people who have been harmed by the negligence of others or defectively made products. I urge my colleagues to support this amendment.

Mr. NADLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New York (Mr. NADLER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. NADLER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. NADLER) will be postponed.

It is now in order to consider Amendment No. 3 printed in House Report 107–375.

AMENDMENT NO. 3 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the gentleman from Michigan (Mr. CONYERS) a designee of the gentlewoman from California (Ms. WATERS)?

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Wisconsin will state it.

Mr. SENSENBRENNER. Mr. Chairman, I believe that the rule that was adopted, House Resolution 367, requires that amendments may be offered only by the Member designated in the report and not by a designee. Am I correct?

The CHAIRMAN pro tempore. That is not correct. A designee may offer the amendment.

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to offer an amendment and present it on behalf of the gentlewoman from California (Ms. WATERS).

The CHAIRMAN pro tempore. That unanimous consent request is not in order in the Committee of the Whole.

Mr. CONYERS. Mr. Chairman, may I ask unanimous consent that we move to the next amendment and reserve the opportunity to bring it up later?

The CHAIRMAN pro tempore. That request is also not in order in the Committee of the Whole.

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, under the rule, which amendment may be offered now?

The CHAIRMAN pro tempore. Right now, Amendment No. 3 by the gentlewoman from California (Ms. WATERS) is in order.

POINT OF ORDER

Mr. CONYERS. Mr. Chairman, a point of order. Can the gentlewoman from California (Ms. WATERS) offer her amendment at a later time?

The CHAIRMAN pro tempore. Only by unanimous consent granted by the House. That unanimous consent request is not in order in the Committee in the Whole. Under the rule, amendments only may be offered printed in the report.

Mr. SENSENBRENNER. Mr. Chairman, I call for regular order.

The CHAIRMAN pro tempore. Is the gentleman from Michigan (Mr. CONYERS) a designee of the gentlewoman from California (Ms. WATERS)?

Mr. CONYERS. Mr. Chairman, I am.

The CHAIRMAN pro tempore. If the gentleman from Michigan (Mr. CONYERS) is a designee of the gentlewoman from California (Ms. WATERS), the gentleman from Michigan is recognized to offer Amendment No. 3.

Mr. CONYERS. Mr. Chairman, I offer Amendment No. 3.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CONYERS:

Page 9, insert the following after line 20 and redesignate the succeeding section accordingly:

"§1716. Withholding or destruction of material

"If the court in a class action issues a discovery order and a party to which the order is directed withholds or destroys material subject to the order or makes a misrepresentation with respect to the existence of such material, such action by that party shall be deemed an admission of any fact with respect to which the order was issued."

Page 6, in the matter preceding line 1, strike the item relating to section 1716 and insert the following:

"1716. Withholding or destruction of material.
"1717. Definitions.".

PARLIAMENTARY INQUIRY

Mr. SENSENBRENNER. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Wisconsin will state his inquiry.

Mr. SENSENBRENNER. Mr. Chairman, I have the text of House Resolution 367 before me, and the relevant part says each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report and shall be divided and controlled by the proponent and opponent. The words "or a designee" is not in the rule. It is not in the text of the summary provisions of the resolution in House Report 107-375, but is in a head note.

The CHAIRMAN pro tempore. House Resolution 367 says "a Member designated in the report" and House Report 107–375 designate "the gentlewoman from California (Ms. WATERS), or designee." Under those circumstances, the gentleman from Michigan (Mr. CONYERS) is recognized as a designee.

Does the gentleman from Michigan (Mr. CONYERS) wish to withdraw his offering of the amendment as the designee of the gentlewoman from California?

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

AMENDMENT NO. 3 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer Amendment No. 3.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. WATERS:

Page 9, insert the following after line 20 and redesignate the succeeding section accordingly:

"§1716. Withholding or destruction of material

"If the court in a class action issues a discovery order and a party to which the order is directed withholds or destroys material subject to the order or makes a misrepresentation with respect to the existence of such material, such action by that party shall be deemed an admission of any fact with respect to which the order was issued."

Page 6, in the matter preceding line 1, strike the item relating to section 1716 and insert the following:

"1716. Withholding or destruction of material.
"1717. Definitions.".

MODIFICATION TO AMENDMENT NO. 3 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I ask unanimous consent to modify the amendment and further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The text of Amendment No. 3, as modified, is as follows:

Page 10, insert the following after line 4 and redesignate the succeeding section accordingly:

"§1716. Withholding or destruction of material

"If the court in a class action issues a discovery order and a party to which the order is directed withholds or destroys material subject to the order or makes a misrepresentation with respect to the existence of such material, such action by that party shall be deemed an admission of any fact with respect to which the order was issued."

Page 6, in the matter preceding line 7, strike the item relating to section 1716 and insert the following:

"1716. Withholding or destruction of material.
"1717. Definitions.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

My amendment seeks to prevent a disgraceful action taken by some defendants. Specifically, it addresses the problems of withheld or shredded documents. We have recently heard allegations that Enron and Arthur Andersen have engaged in document shredding. Those documents were being sought by lawyers for the company's former employees, by Members of Congress and by government investigators.

In any lawsuit involving shredded documents, the information those documents contain may be lost forever. So while a court may sanction a party that shreds documents, other parties will never be able to use the documents to prove their case.

Under my amendment, any party that withholds or destroys material related to a court discovery order would be deemed to have admitted to any fact relating to the discovery order. Before that can happen, it would have to be proven that the party did, in fact, destroy or withhold those documents or that the party made a misrepresentation as to their existence; but once that has been proven, the party that engaged in illegal activity would have essentially admitted to the facts relating to the discovery order. That party would no longer have the option of arguing that it did not do the facts alleged under that order.

Keep in mind that this amendment would not impact on the facts of the case. It only addresses the facts directly related to the discovery order that was violated.

All this amendment does is to ask that parties comply with court orders. It says if they have broken the law by destroying or withholding evidence, then they cannot deny the allegations under the discovery request; we are going to rule that they are guilty with regard to the information destroyed or withheld.

This amendment provides a commonsense approach to a very serious problem. We should provide a strong disincentive to companies that think destroying documents is a way to save their case.

Mr. Chairman, I know that there are a lot of people who are tired of hearing about Enron, but Enron is not going to go away. The collapse of Enron represents the largest corporate failure in American history. At its height, Enron's total market capitalization was over $90 billion while today it trades at less than 25 cents a share. Enron's collapse resulted in tens of billions of losses for individual investors and pension funds.

Mr. Chairman, I am absolutely surprised that even with all of us knowing and understanding what took place at Enron, and each day we continue to learn more, I am surprised that we still have efforts anywhere to try and protect our corporations that not only are involved in wrongdoing, such as Enron, but Enron has gone beyond wrongdoing. It has tried to cover its tracks by shredding documents, and they did not just shred, get caught and stop. After it was discovered that they were shredding documents, they shredded more documents. It is absolutely unbelievable what we are learning about Enron.

We not only wish to protect our consumers against the Enrons and the Global Crossings of the world and others that we are going to find out about, we want to create statutes that will to help to shine the light on these corporations in every conceivable way. It goes beyond the need for transparency.

We still have those who would argue, and just a moment ago I was in our Committee on Financial Services where I had someone from American Enterprise arguing that we should not interfere, we should not try and create too many laws, we should allow the marketplace to work their will, correct itself.

I am sorry, we cannot watch people be harmed. We cannot watch investors harmed. We cannot watch pensioners harmed and say, Well, Enron is going to go down and that is the price they will pay.

How many times do we have to watch consumers hurt? How many times do we have to unveil the manipulations of the greedy corporations of America that will take advantage of anybody that it has the opportunity to take advantage of?

This business of shredding documents should have us all outraged, but we do not hear a chorus of voices coming from those who are trying to protect Enron and the other corporations of America who are manipulating their consumers. What we hear is, Let us make a few new rules, not too many, let us do something to let the American public know we hear them, but let us not do too much.

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Well, I want to make sure that we pass laws in this Congress that will not only deal with the tricks of Enron and the way that they created all of these phony and funny companies, but I also want to deal with the accounting firms. I want to make sure they are never able again to receive consulting fees from the same company that it is supposed to be auditing; never able again to turn a blind eye to the practices of the corporation.

We cannot do all of that in this legislation. This is about something else. But we have an opportunity here to do something about the shredding of documents. The shredding of documents shows intent, intent to hide something, intent to make sure there is not a certain kind of discovery. It is really criminal on its face. The shredding of documents by a major corporation in the middle of a scandal, where they have declared this huge bankruptcy, cannot be left untouched.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would ask the gentlewoman, is it not true that in the Enron case that the shredding was flagrant and outrageous in the sense that even after they were discovered shredding, they continued to shred?

Ms. WATERS. Reclaiming my time, Mr. Chairman, that is absolutely correct; and that is what is so outrageous about it all. They started shredding early, they continued shredding, and even after it was discovered, they shredded some more.

So what they have done is to flaunt their criminal activity in all of our faces; and literally, in the way they are acting, they are daring us to do something about it.

Mr. CONYERS. If the gentlewoman will continue to yield, I would ask her if her amendment, then, would hold them accountable and reinforce any existing remedies against shredding, sanctions of the court, criminal prosecution, and emphasizes this, in the face of the arrogance that has been displayed in this case, and perhaps other cases that have not even come to light?

Ms. WATERS. Mr. Chairman, the gentleman is absolutely correct. Everybody knows about the shredding that took place in Enron. We have all the employees who said, yes, we did it; they told us to do it. And so what we have here is such an admission and knowledge by so many people that with my amendment here they would not be able to get out from under the fact that they absolutely committed the shredding of the documents.

Mr. CONYERS. Well, Mr. Chairman, I want to thank the gentlewoman on behalf of many of us on the committee for a very timely, appropriate, and very sensible provision in the light of what has come to become common knowledge to everyone in the country now.

Ms. WATERS. Reclaiming my time once again, Mr. Chairman, the gentleman is certainly welcome, and let me just say this to him. I believe that as we legislate in this Congress, we must take every opportunity to close every loophole, shut every door, shut down every opportunity for any corporation in America to ever do again what Enron and what appears Global Crossing is doing and has done.

I hate to repeat it because I know people do not want to keep hearing it, but I know the stories of Enron employees who had paid into their 401(k)s. They only had $400,000 for their retirement to last them for the rest of their lives. It is gone. It is gone. There is nothing that anybody can say about us being too involved, overlegislating, attempting to micromanage. There is nothing that anybody can say that should keep us from using every opportunity.

The CHAIRMAN pro tempore (Mr. SWEENEY). The time of the gentlewoman has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I rise in opposition to this amendment because it confuses discovery orders with factual evidence and appears to give the court discretion to admit unproven facts into evidence. This not only undermines the bill but it undermines the very notion of a fair trial that our judicial system is based upon.

There are rules for a fair trial: the right to confront your accuser, a right to a jury in some instances, and a rule that allows both sides to discover information. But there is no precedent in the American legal system for a court to have the authority to simply decide facts without proof. The amendment of the gentlewoman from California (Ms. WATERS) proposes to do that.

The gentlewoman's amendment strikes at the heart of so many constitutional protections intended to protect the rights of all Americans when they are brought before the court, and it sticks the thumb on the scale of justice against those rights that have been protected both by court rules and statutes, as well as the Constitution of the United States.

For that reason, and for that reason alone, it ought to be rejected. But I would like to talk about two things. The other side keeps on talking about Enron, and we will confront that directly. Enron is broke. No matter what comes out of the bankruptcy court, the people that have lost money in their 401(k)s and had employment contracts ripped up and all of that are not going to get very much money out of it. I think that is a given. And that is a shame, and it is something that we are going to have to get into in another forum. But the law is quite clear that the destruction of subpoenaed documents is a criminal obstruction of justice, and this bill does not change that criminal statute. This bill does not deal with the criminal law in any respect whatsoever.

If people did do that destroying of documents, as we have read that they did, they should be indicted and prosecuted. And if the jury finds them guilty, they should go to jail and they should go to jail for a long time. But I think they deserve a fair trial just like everybody else who is accused of a crime. Because they happen to be associated with Enron or Arthur Andersen really should not make any difference. Because if we erode the right of a fair trial to those defendants, we have set a precedent that is going to bite the people of this country and this Congress for years and years to come. The way to keep the lid on Pandora's box is to reject the amendment of the gentlewoman from California.

Now, the second thing I would like to bring up is let us run the wheel back about 3½ or 4 years. There were certain e-mails in the Clinton White House that were destroyed after having been subpoenaed by the Committee on Government Reform. Now, under the amendment of the gentlewoman from California, whatever the gentleman from Indiana (Mr. BURTON), the chairman of the Committee on Government Reform, thought he was looking for would have been admitted as evidence and as fact and could not be impeached, even though the destroyed e-mails might have had nothing to do with what he put in his subpoena. That is the type of Pandora's box that this misdrafted amendment is opening up.

And I think my friends on the other side of the aisle, including the gentlewoman from California and the gentleman from Michigan, who were most eloquent in their defense of the former President, regardless of what the facts were, would have really talked about how unfair a Waters provision would have been relating to those destroyed e-mails. So I think that if it would have been bad as it applied to former President Clinton, it is bad if it applies to Enron or anybody else. We should not open up the Pandora's box.

Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment. It is frivolous. Its premise is that courts cannot or do not have the power to sanction wrongdoing by parties in discovery or that the system itself does not prosecute crimes when they occur in our court system.

But, Mr. Chairman, the Democrats have talked today about Enron. They have talked about prescription drug benefits, they have talked about apple juice, tires and the environment. Our friend from Texas even raised my constituents in San Juan County, Utah. Yes, each of these cases presents terrible tragedies committed by one party against a group of others. But this debate is not about whether the plaintiffs in each of these cases is entitled to sue or even entitled to seek class action status. I have heard no one in this Chamber calling for doing away with class action lawsuits. This debate is about where the cases are heard, Federal or State court, and that is it.

When our friends on the other side of the aisle talk about Enron, prescription drugs, truck tires, the environment, or my constituents in San Juan County, what they are doing is to change the subject. Make no mistake, they do not want to talk about multimillion dollar awards for trial lawyers while Americans get coupons in the mail.

It is not often I agree with The Washington Post editorial page, but today I do. The current system is obscene. Trial lawyers take advantage, the little guys get taken to the cleaners, and consumers ultimately pay the price in the form of higher prices.

This legislation deserves everyone's support. I encourage a vote against this amendment and for H.R. 2341.

Mr. SENSENBRENNER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore. The gentleman from Wisconsin has 3½ minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

There are two major problems with this amendment, which I strongly oppose and which is not well thought out. First, it betrays a serious misunderstanding about how discovery works in civil litigation.

The amendment says if documents subject to a discovery order are destroyed or withheld such action shall be deemed an admission of any fact with respect to which the order was issued. The problem is that discovery orders normally are not issued with respect to facts. The orders normally say that certain categories of documents should be retained or produced.

For example, the order may say produce all letters sent between person A and person B; or the order may say preserve all documents regarding subject X. Thus, the punch line to this amendment does not make any sense. If a party withheld a letter sent between person A and person B, what fact would be admitted? And if a party destroyed a document regarding subject X, what facts would be admitted?

In sum, the amendment is fatally flawed because it bears no relationship to how civil discovery really works. Second, and perhaps more importantly, the amendment would actually disrupt and water down existing rules that apply to the destruction or withholding of documents in the discovery process.

Federal Rule of Civil Procedure 37 already provides for an array of sanctions if a party destroys or withholds documents. The court may order that certain facts be admitted. The court may order that a party may not introduce certain defensive evidence at trial. The court may order that monetary sanctions be paid. And most importantly, the court may order a default judgment. The court may issue an order that the party that disobeyed a discovery order loses the entire case and must pay the plaintiffs what they requested.

There is a considerable risk that courts would view this amendment as replacing this very tough rule 37 in the context of class actions. The amendment only requires admissions. Rule 37 authorizes a court to impose much more serious penalties. Thus, this amendment likely would substantially weaken existing law in addressing and correcting discovery abuses in the context of class actions.

Rule 37 is a preferable approach to discovery abuse issues because it awards various levels of sanctions that may be imposed depending upon the seriousness of discovery abuse. Not every document destruction or withholding situation is the same, and rule 37 allows courts to impose even stronger sanctions than this amendment, if the circumstances warrant.

The chairman of the Committee on the Judiciary is exactly right. If we allow a person making an allegation and then demanding a production of documents to be deemed to have proven their point; that whatever they allege was in those documents to have been what that party alleged, a serious misjustice will occur and abuses will crop up all throughout our legal system. This is a bad approach and I urge my colleagues to oppose it.

The CHAIRMAN pro tempore. The gentleman's time has expired. All time for debate on amendment No. 3 has expired.

The question is on the amendment, as modified, offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. WATERS) will be postponed.

The point of no quorum is considered withdrawn.

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The CHAIRMAN pro tempore (Mr. SWEENEY). It is now in order to consider amendment No. 4 printed in House Report 107-375.

AMENDMENT NO. 4 OFFERED BY MR. KELLER

Mr. KELLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KELLER:

Page 9, insert the following after line 20 and redesignate the succeeding section accordingly:

"§ 1716. Disclosure of attorney's fees

"Any court with jurisdiction over a plaintiff class action shall require that, if there is a settlement of the class action or a judgment for the plaintiffs, the attorneys for the plaintiffs shall disclose to each plaintiff—

"(1) at the time when any payment or other award is transmitted to the plaintiff in accordance with the settlement of judgment, or

"(2) in a case in which no such payment or award is made to a plaintiff, at the time when notice of the final settlement or judgment is transmitted to such plaintiff,

the full amount of the attorney's fees charged by the attorneys for services rendered in the action.

Page 6, in the matter preceding line 1, strike the item relating to section 1716 and insert the following:

"1716. Disclosure of attorney's fees.
"1717. Definitions.".

AMENDMENT NO. 4, AS MODIFIED, OFFERED BY MR. KELLER

Mr. KELLER. Mr. Chairman, I ask unanimous consent to modify the amendment and further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment No. 4, as modified, offered by Mr. KELLER:

Page 10, insert the following after line 4 and redesignate the succeeding section accordingly:

"§ 1716. Disclosure of attorney's fees

"Any court with jurisdiction over a plaintiff class action shall require that, if there is a settlement of the class action or a judgment for the plaintiffs, the attorneys for the plaintiffs shall disclose to each plaintiff—

"(1) at the time when any payment or other award is transmitted to the plaintiff in accordance with the settlement of judgment, or

"(2) in a case in which no such payment or award is made to a plaintiff, at the time when notice of the final settlement or judgment is transmitted to such plaintiff,

the full amount of the attorney's fees charged by the attorneys for services rendered in the action.

Page 6, in the matter preceding line 7, strike the item relating to section 1716 and insert the following:

"1716. Disclosure of attorney's fees.
"1717. Definitions.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Florida (Mr. KELLER) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a straightforward amendment relating to the disclosure of attorneys' fees. Simply put, if there is a settlement or a judgment for the plaintiffs in a class action suit, the plaintiffs' attorneys shall be required to disclose to their own clients the full amount of the attorneys' fees they are charging.

Why is this necessary? Too often, lawyers cash in while the client gets a coupon or a de minimis cash payment.

For example, in a class action suit against General Mills over a food additive in Cheerios cereal, lawyers were paid $2 million in fees while their clients received a coupon for a free box of cereal. In a class action lawsuit against Chase Manhattan Bank, the lawyers reached a settlement which provided the lawyers with $3.6 million in attorneys' fees and provided their clients with 33 cents each.

In another settlement agreement reached last year with Blockbuster, the trial lawyers received $9.25 million in attorneys' fees and their clients got two free movie rentals and $1-off coupons.

In a Texas class action suit against two auto insurance companies, the lawyer who filed the suit got $8 million in attorneys' fees. The policyholders got $5.50.

In a class action suit brought against manufacturers of computer monitors, the trial lawyers settled the case for $6 million in attorneys' fees for themselves and $6 for their clients. The list literally goes on and on.

This amendment simply brings some much-needed sunlight to this situation by requiring attorneys to disclose their own fees. It does not tell them how much to charge, how little to charge, but whatever they charge they are going to have to disclose to their clients.

I ask my colleagues to vote "yes" on the Keller amendment and vote "yes" on final passage of the Class Action Fairness bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Texas rise in opposition?

Mr. SANDLIN. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from Texas is recognized for 10 minutes.

Mr. SANDLIN. Mr. Chairman, I yield myself such time as I may consume.

Everyone is interested in fairness. Everyone is interested in transparency. I think no one has any opposition to making sure that both sides in the litigation and the court know about the amount of attorneys' fees, and that is fine.

But this amendment is one-sided, Mr. Chairman, because this amendment requires only that the plaintiffs' attorney reveal the amount of fees to the clients. That is fair to neither the plaintiffs nor the defendants.

Also, our friends on the other side of the aisle forget to note that courts already review fees with a long laundry list of issues and criteria such as time and labor involved, novelty and difficulty of the questions, skill requisite to perform the employment, the customary fees and things such as that. So our position is that what is good for the goose is good for the gander. If we want to have transparency and we want to know what the fees are, let us talk about the fees on both sides so everyone knows where we are.

I wonder if the gentleman from Florida would be willing to consider requiring equal treatment for both sides, require the disclosure of fees for both defense attorneys and plaintiffs' attorneys.

REQUEST TO OFFER MODIFICATION TO AMENDMENT NO. 4

Mr. SANDLIN. Mr. Chairman, I ask unanimous consent that the Keller amendment be amended by inserting the words "and the defendants" after "plaintiffs" in line 5 of the amendment.

The CHAIRMAN pro tempore. The Chair only would recognize that unanimous-consent request to make a modification if it was made by the amendment's sponsor himself.

Mr. SANDLIN. Mr. Chairman, as I said before, this amendment is one-sided and unfair. If the other side was really interested in letting consumers and the court and the public know about fees, the other side would say the defense should reveal the fees that the defense attorneys are charging, too. That is fair. That is equitable. They know it.

The change I offered to this amendment, which was rejected by the gentleman from Florida, would have corrected that inequality. I would support a fair and equitable disclosure of all attorneys' fees, and those on the other side would not.

I would note that later today the gentlewoman from Pennsylvania (Ms. HART) will offer an amendment to commission a study to look at, among other things, attorneys' fees and get recommendations from experts on how best to ensure that they are fair and reasonable. Let us not put the cart before the horse. Let us not make change and then do a study. If we want to see if fees are fair, if they are equitable, if they are based upon the law, let us do the study and see what the study says; then we can look at the changes.

The change should be applicable to the plaintiffs, the change should be applicable to the defendants. I think the gentlewoman from Pennsylvania's approach would better ensure that we are addressing the real problems.

I urge my colleagues to defeat this amendment. If you want to review attorneys' fees on both sides, then support HART, support the study. But do not support one-sided legislation and then have the nerve to get up here and put the word "fairness" in the name of the bill. We know there is nothing fair about this bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The Chair would note that the gentleman from Texas is not a member of the committee. Therefore, the gentleman from Florida has the right to close.

Mr. KELLER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from Florida for yielding me this time. I commend him for offering this amendment and I strongly support it. Let me tell you why.

To the gentleman from Texas, the plaintiffs in a class action lawsuit do not pay the defendants' attorneys' fees, but they sure do in some class actions. How about the Bank of Boston settlement? Would it not have been a good idea for all the plaintiffs in that case if they knew, after the attorneys in the case were paid $8.5 million in attorneys' fees, that the members of the class would then be sued by their own attorneys to pay $25 million more? Would that not have been a useful thing for the plaintiffs to have had in that case, when they decide whether or not they want to support this particular proposed settlement of the class?

Or how about the plaintiffs in the airline case where the attorneys received $16 million in fees, and the plaintiffs themselves received coupons for $25 off a $250 or more airline flight, in other words, a 10 percent reduction? Many of those plaintiffs may have said the attorneys are getting $16 million and I am getting a coupon, no, I do not want that settlement. They ought to know that ahead of time.

How about the case against the National Football League, where the attorneys received $3.7 million and the subscribers got somewhere between $8 and $20? Maybe they would like that, maybe they would not, but they ought to know ahead of time before they vote on the settlement.

How about the Blockbuster case? Twenty-three class action lawsuits in which the class members got dollar-off coupons and buy-one-get-one-free coupons; and the attorneys are estimated, we do not know for sure because we do not have this disclosure requirement, are estimated to get $9.2 million in attorneys' fees. I think disclosure would be good in that case as well.

And then, of course, my favorite again, this case where, against Chase Manhattan Bank, the attorneys get $4 million in fees and the plaintiffs get a check for 33 cents. But, of course, I remind you again they had to mail in that acceptance, so it cost them 34 cents to mail it in to get their 33 cents.

I bet people who knew that the attorneys in this case were getting $4 million would not vote to get a penny off which is what the net result of that is.

Again, that is the actual check from Chase Manhattan Bank. They cut all these checks. It cost 33 cents apiece to issue the check plus more than that to mail the checks to the plaintiffs. The attorneys, of course, their check is $4 million and I think if the plaintiffs knew that, they would vote against these settlements. They would let the court know, do not approve a settlement where all we get is a 33-cent check and the plaintiffs' attorneys get a $4 million fee.

I urge my colleagues to support this very good amendment.

Mr. SANDLIN. Mr. Chairman, I yield myself such time as I may consume.

The statement from our last speaker shows a gross misunderstanding of these suits and the way the fees are paid. He indicated that the plaintiffs do not pay the attorneys. They fail to recognize that there is only so much money in these suits.

What are the defendants scared of? What are the Enrons of the world trying to hide? What are the accounting firms trying to hide? What do the chemical manufacturers want to hide from the public? Why will they not accept fair and reasonable disclosure of the fees charged by defense counsel? That is because defense counsel is charging $750 an hour, $500 an hour, $450 an hour, countless hours with scores of attorneys, most of them not doing any work.

If we are going to have transparency, if you are really interested in good public policy, if you really want to know how much fees are being paid, you should stand up there and do the right thing and say, we agree that the defense should reveal and show how much the defense is getting in addition to what the plaintiffs are getting.

Mr. Chairman, I reserve the balance of my time.

Mr. KELLER. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from Texas says, well, let us have the defense attorneys reveal how much they are charging. What he does not point out is that the class members themselves in this plaintiffs' suit are bound to class actions unless they affirmatively opt out.

Defendants, in contrast, actually hire and fire their attorneys. There is a stark difference. They get those bills on an hourly basis every month. They know precisely what they are being charged and how much the attorneys make. It is the poor guy who gets the Cheerios coupon and then sees the attorney get several million dollars who is a little bit upset. And he is the one who needs some sunlight here; there already is sunlight on the other side.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDLIN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), the ranking member.

Mr. CONYERS. Mr. Chairman, I would like to ask my friend on the committee, the author of the amendment, the gentleman from Florida (Mr. KELLER). Is he not aware of the fact that in most of these settlements, the court requires that the amounts of recovery or payment to the lawyers is revealed in the settlement?

Mr. KELLER. If the gentleman will yield, I am aware that if that is the case, then he should have no objection to my amendment.

Mr. CONYERS. Is he aware or is he not?

Mr. KELLER. I am aware that a lot of people who are members of the class are shocked and appalled to find out.

Mr. CONYERS. I know they are shocked, but are you aware? You know that, do you not?

Mr. KELLER. I am not aware of that most of the time.

Mr. CONYERS. You do not know that.

I thank the gentleman very much. He is not aware of it.

Mr. KELLER. I am aware of the opposite.

Mr. CONYERS. Just a moment, sir. I am not yielding you any more time.

Mr. KELLER. You asked me a question.

Mr. CONYERS. Now that we do understand that this is revealed frequently in the court, even though the gentleman did not know it before, the courts make this matter public.

The other thing is, and this is a question I am going to yield to you on. Are you aware that in section 1715 of this bill that there is the same provision that you are now offering as an amendment?

I yield to the gentleman.

Mr. KELLER. To answer your first question?

Mr. CONYERS. Just answer this one, please. Are you aware or are you not?

You are not. Then I suggest you look at section 1715, and you will see that this request that you are making, as one-sided as it is, is already in the bill that I guess you are supporting; and so it is redundant.

I am impressed by the fact that defense attorneys' fees are not to be revealed, but plaintiffs' attorneys' fees are to be revealed, giving up yet another secret of the practice, namely, that defense lawyers frequently get far more than plaintiffs' lawyers.

So thanks a lot for public disclosure. This is a very helpful amendment in trying to get what we call the vengeance of the ex-trial lawyers in Congress on their former profession.

□ 1415

Mr. KELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was asked several questions and really did not get a chance to respond to them, but I will go ahead and respond to them now.

I was asked are you aware you already have this identical language in section 1715? First, I would make the point if the language really were there, then the gentleman, of course, would have no objection to this amendment, which he obviously does, so that is a little bit of a supercilious argument.

Second, having looked directly at section 1715, I can say that language is not there. There is language talking about on the front end providing notice to members of the class as to a perspective amount of payment. My amendment deals with the actual payment that the attorney has received after there has been a judgment or a settlement. So it is distinctly different and is worthy of support.

Mr. Chairman, I reserve the balance of my time.

Mr. SANDLIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as was indicated by my friend, the gentleman from Michigan, fees are already revealed in settlements. Fees are a matter of public record; and they are approved, the fees, by the court based upon certain criteria that has been set out and is of long standing approval by the courts.

There are two basic methods, the percentage method and the load star method. They have many of the same elements; but they consider things, such as an evaluation of the number of hours worked, benefits secured, the nature and complexity of the issues involved, the amount of money or value of property, the extent of the responsibilities assumed by the attorney, or that the attorney lost employment as a result of being employed in this case, novelty and difficulty of the questions, time limitations, experience, reputation and ability of counsel, undesirability of the case, awards in similar cases and customary fees.

That is the general rundown. Those things are considered by the court and fees are placed against that standard when they are approved, and that is placed in the approval.

Now, true enough, attorneys do get fees and do get paid; but our friends on the other side do not want the defense to reveal that. Why not? What are they scared of? What are they hiding? Answer me why the defense will not do it.

In one case, Food Maker, Inc., as we heard today, killed three people. The attorneys got paid in a class action, and they got paid under the criteria that I read to you.

In another case, a sulfuric acid compound leaked from a car in a General Chemicals Richmond, California, plant; 24,000 people sought medical treatment. The attorneys were paid, and they were paid based upon this criteria.

There was another case where we had $50 million to a class of 3,500 people living near a pesticide plant contaminated in New Orleans. The amount paid to each plaintiff depended on the years they lived in the area, the extent of exposure, whether they owned their land, what illnesses arose, did they increase in severity, all reasonable things. The attorneys were paid. They were paid based on the criteria approved by the court and by the law.

Lawyers recently filed assault in New Jersey on behalf of diabetics who used the prescription drug Rezulin to lower blood sugar levels. It was marketed as safe, but later it was showed that it caused severe liver damage, liver failure or death in 100 cases. It was shown the manufacturer knowingly concealed facts about the dangers of the drug from the consumers and the FDA in order to increase sales and make more money. They reached a settlement, and, you know what? The attorneys were paid, as they should have been, based upon the criteria approved by the law.

It is transparent, it is clear. Everyone knows what the plaintiff gets. Everyone knows what they are paid. And the people here that are hiding something are over on that side of the aisle that say we refuse to let you know what defense gets; we refuse to let you know what the insurance lawyers are paid; we refuse to let you know what corporate America's attorneys get paid, because it would offend people such as Enron.

If you want to protect corporate wrongdoers, you need to just get up there and say it and say that is what we are doing, because there is no excuse to say it should be transparent on one side but not transparent on the other. If you want to be fair, be fair; stand up, be fair about it. If you want to be partisan, if you want to protect corporate wrongdoers, just get up there and say it, because that is exactly what you are doing.

Mr. Chairman, I yield back the balance of my time.

Mr. KELLER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a straightforward amendment. We are just shedding some sunlight on the situation and requiring that the plaintiffs' attorneys tell their clients the full amount of fees they are charging. It is as simple as that. We are not saying how much they can charge, how little they can charge, just shed some sunlight on the situation.

We have heard three principal objections to this amendment. First, we hear that some class actions may have merit, and you hear about the Enron case. Well, I agree. I think the Enron class action probably does have merit and probably think there are other class actions that have merit. This has nothing to do with the merit or lack of merit or any particular class action. It has nothing to do with how much they can charge. It simply relates to disclosure of attorney fees, shedding some sunlight on the situation.

The second thing we have heard is this language of the Keller amendment is already in the bill. Well, it is not in the bill; but even if it were, then so be it. That would be great news. Vote for final passage.

The third thing we hear is, well, defense attorneys should be required to tell their clients how much they charge. In fact, they do. In fact, defense attorneys, unlike the poor people in the class, actually hire and fire their attorneys. They get a monthly statement as to how much they are being charged. There already is full disclosure on that side. So there is a clear distinction.

Mr. Chairman, I urge my colleagues to vote "yes" on the Keller amendment. Let us bring some much-needed sunlight to this situation to require attorneys to disclose their fees.

Mr. KELLER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The question is on the amendment, as modified, offered by the gentleman from Florida (Mr. KELLER).

The amendment, as modified, was agreed to.

WITHDRAWAL OF REQUEST FOR RECORDED VOTE ON AMENDMENT NO. 2, AS MODIFIED, OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, earlier I asked for a recorded vote on amendment No. 2, as modified. I ask unanimous consent to withdraw that request.

The CHAIRMAN pro tempore. Without objection, the recorded vote requested by the gentleman from New York (Mr. NADLER) on amendment No. 2, as modified, is withdrawn.

There was no objection.

The CHAIRMAN pro tempore. The amendment is agreed to pursuant to the voice vote taken earlier today.

It is now in order to consider amendment No. 5 printed in House Report 107–375.

AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. LOFGREN:

Page 15, line 6, strike "if—" and all that follows through line 17 and insert the following: "if monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.".

Page 15, line 21, strike "The" and all that follows through "subparagraph (A)." on line 24.

Page 16, line 2, strike "subparagraph (B)" and insert "this paragraph".

MODIFICATION OF AMENDMENT NO. 5 OFFERED BY MS. LOFGREN

Ms. LOFGREN. Mr. Chairman, I ask unanimous consent to modify amendment No. 5 so that the page numbers comport with the report this morning.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment No. 5, as modified, offered by Ms. LOFGREN:

Page 15, line 15, strike "if—" and all that follows through page 16, line 2, and insert the following: "if monetary relief claims in the action are proposed to be tried jointly in any respect with the claims of 100 or more other persons on the ground that the claims involve common questions of law or fact.".

Page 16, line 6, strike "The" and all that follows through "subparagraph (A)." on line 9.

Page 16, line 12, strike "subparagraph (B)" and insert "this paragraph".

Ms. LOFGREN (during the reading). Mr. Chairman, I ask unanimous consent that the modification be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentlewoman from California (Ms. LOFGREN) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is no doubt that there have been problems in the area of class action lawsuits. We have heard some reference to those problems here today, and certainly the Committee on the Judiciary heard testimony about some of the issues that do need to be addressed.

However, the fact that there are problems with coupon settlements does not mean that we can adopt any old thing as a remedy. In fact, this bill has some flaws, and the amendment before the body now is a very important amendment because it cures one of those flaws.

This is an amendment that is very important for local prosecutors. H.R. 2341, oddly enough, prevents district attorneys from taking civil actions to benefit the public under the guise of "class action reform."

This provision of the bill is opposed by the California District Attorneys' Association, and that is because this provision of the bill is not limited to consumer protection class actions brought by plaintiff attorneys. It has a far-more reaching effect. It federalizes any State cause of action that is brought on behalf of the general public.

California, like many other States, has enacted strong antitrust laws that prohibit unfair combinations and unlawful restraints of trade, and Californians have chosen to allow their district attorneys, in addition to the State attorney general, to enforce these laws in State courts. This bill would usurp California's choice with an expansive definition of "class action" that includes any case brought on behalf of the general public.

The Federal Government should not force a local prosecutor to try State antitrust lawsuits in Federal court. Nor should the Federal Government force local prosecutors to comply with Federal class certification requirements that they likely cannot comply with, and if they fail to comply, their cases will be dismissed and very likely they will not be able to refile in State court.

This bill would have a chilling effect on State and local antitrust law enforcement, as well as consumer protection actions in the civil side that are undertaken by district attorneys.

The ability to bring these suits is a powerful tool for local district attorneys, many of whom, including in my own county of Santa Clara, have set up consumer protection units. In fact, one such unit in the San Francisco District Attorney's Office successfully settled a major consumer protection action against Providian Financial Corporation that netted $300 million for consumers.

I would note that in addition to standing up for consumers, local district attorneys can also generate revenue for local government in their very modest fees that do not match the fees that we have heard talked about on this floor.

Now, some have asked me, how can this bill do what I have described? I would simply direct Members to page 15 of the bill where class action is defined in this way: "The named plaintiff purports to act for the interests of its members (who are not named parties to the action) or for the interests of the general public, seeking a remedy of damages, restitution, disgorgement, or any other form of monetary relief, and is not a State attorney general."

Well, I think the drafters of the bill have understood that State attorneys general bring civil actions. They just apparently have not understood that district attorneys and city attorneys can bring those same kinds of actions. It does not make any sense at all to force those district attorneys into Federal court, where they are going to then be asked to comply with rule 23, and the district attorneys will not be able to comply with rule 23 because they are not bringing a class action lawsuit, and, then, according to the bill, their lawsuits made on behalf of the people, most mandatory, will be dismissed.

So this amendment offered by myself and the gentleman from California (Mr. SCHIFF), a former prosecutor in California, would remedy this serious defect in the bill.

I urge its adoption.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. SENSENBRENNER) rise in opposition to the amendment?

Mr. SENSENBRENNER. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment, which effectively excludes private attorney general claims from the provisions of H.R. 2341.

Allowing citizens to use private rights of actions as a class is an enormous loophole in this law that can be easily accessed and lead to continued abuses in local courts, even in California.

Now, let me say when we are talking about diversity jurisdiction as established in the Constitution, we are talking about claims between plaintiffs in different States and defendants in different States, so if all the plaintiffs lived in California and the defendant was living in California, there would be no Federal diversity jurisdiction whatsoever and the case would be tried in the California court.

However, the Federal courts were intended by the Framers in diversity jurisdiction to get away from having a State court be the hometown umpire and thus favoring litigants from the State where the court sat. So if I had a claim and were potentially a member of a class as a citizen of the State of Wisconsin, I really would not appreciate very much one of these private attorney general actions litigating my claim in a California court which is 1,500 miles away from my State. I would end up having my rights litigated and my remedies extinguished as a citizen of Wisconsin in a court that I might not think I would get a fair trial in.

Now, under H.R. 2341, I, as a citizen of Wisconsin, if I were a defendant in this action, would have the right to remove the case into a Federal court and even the playing field.

Mr. Chairman, I think we ought to realize that every case that arises under diversity jurisdiction arises under State law. Cases that arise under Federal law jurisdiction, the jurisdiction is in the Federal courts, and they can automatically be removed simply because a Federal question is posed. So diversity jurisdiction applies where no Federal question is posed, but you have plaintiffs and defendants who live in different States and are citizens of different States.

Now, I think that in order to protect the nonresident litigants, there ought to be a procedure to remove those types of private attorney general class action claims into Federal court. The bill provides that procedure. The gentlewoman from California wants to eliminate that procedure, and that means that those of us who happen to be either plaintiffs in a class action or a defendant in one of these private attorney general actions in a State like mine that does not allow them will end up having the case litigated in a court that might be thousands of miles away from where we live and would have the hometown bias.

□ 1430

That is not what this bill should be about, and that is why I hope this amendment will be defeated.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself 45 seconds to note that in the Providian case I mentioned where the district attorney in San Francisco pursued a remedy for the citizens, the public, the people in San Francisco, obtaining a $300 million benefit for consumers, there was incomplete diversity and it was not removed because one of the subsidiary defendants was from out of State. However, under this act, that action would have to be removed and would have to be dismissed, because rule 23 relative to class actions cannot possibly be complied with by district attorneys acting on behalf of the people, and I think that this is a very stealthy way to eliminate jurisdiction of district attorneys and city attorneys acting in their civil capacity on the part of the people. I would urge that this amendment be adopted to cure this fatal defect.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time. I too oppose this amendment.

A rose by any other name would smell as sweet; a class action by any other name is still a class action. This legislation is designed to treat all similar types of actions similarly, and it is totally unfair to place parties in other States at the mercy of those who would have an exception to this rule that if it were brought by a local prosecutor or other attorney, that they would then be able to keep these cases in State court.

As to the concern raised by the gentlewoman regarding the bringing of these actions in Federal court, no, they do not have to be moved to Federal court; and if they are, the Federal court judge has wide latitude to remand cases to State court where the judge finds that an inequity would result or where it would be better to bring that case in State court in the first place.

So there is no reason to draw a distinction. There are many, many class action lawsuits that can and should be heard in the State courts. If they meet the criteria of the law, they should do it.

This bill is simply designed to make sure that cases that otherwise could be brought in Federal court because of diversity of jurisdiction can indeed be brought for that reason and not bogged down under a $75,000 per plaintiff limitation, which in so many, many of these class actions involving peanuts, being the amount of the settlement for the plaintiffs, could not be brought in Federal court and, instead, gets brought in that favorite jurisdiction, whether it is in California or any other State. This levels the playing field and makes sure that all of these actions are treated fairly and equally. There is no reason to make a distinction for this type of action.

Mr. Chairman, I would encourage my colleagues to oppose this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Mr. Chairman, I rise in support of the amendment proposed by the gentlewoman from California (Ms. LOFGREN).

The gentleman who just spoke quoted that a rose by any other name is still a rose, and I would like to talk about one of those roses that we talk about frequently in this House, and that is the rose of federalism, that is the rose of State rights. Because State rights and deferring to the legislatures of the 50 States is as pure and as beautiful as a rose, both in this context, as it is in so many other contexts that our colleagues remind us of from time to time.

What does that mean in the case of this amendment? It means that when a legislature like that in California passes a law to protect the consumers of that State by empowering individuals to act as private attorneys general, rather than simply expanding the attorney general's office and hiring more and more attorneys general, California has chosen to protect consumers by empowering individuals to act as the attorney general when the attorney general lacks the resources to do it. Maybe the case is too small to impose upon the attorney general, so private citizens can bring these actions to protect their rights.

This is exactly what the States are supposed to do; they are supposed to innovate. They are supposed to use new methods of attacking old problems. So California has used this new method of private attorneys general to attack unfair business practices.

What is the Congress doing in this bill right now by opposing this amendment? It is saying that, well, we are fine with federalism, we are fine with State rights except when the rights are about protecting consumers; except when we do not like the direction where the State may be headed.

I served in the California legislature for 4 years. We have very strong consumer protections. Large corporations that do business in California, they take advantage of those protections in a positive way. They take advantage of all of the benefits of California law, and we should not pass a bill today that basically says that these large, out-of-state companies that want to take advantage of the good economic environment in California and sell goods and products and services to Californians, to take advantage of that forum should be somehow immune, be able to remove from California courts, maybe remove from California completely, any action that consumers might bring or a private attorney general might bring on their behalf. That simply is not right.

A rose by any other name is a rose, and the rose of federalism supports this amendment. I urge an "aye" vote.

Ms. LOFGREN. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee.

Mr. CONYERS. Mr. Chairman, I want to compliment the gentlewoman from California (Ms. LOFGREN) on this amendment because the State of Michigan has precisely the same provision as the State of California.

The gentleman from California (Mr. SCHIFF) and the gentlewoman from California (Ms. LOFGREN) have explained it perfectly. I just had a Committee on the Judiciary staffer, Scott Deutchman, call the attorney general, Jennifer M. Granholm, in Michigan to confirm with her before I made the statement in support of the Lofgren provision that the Michigan attorney general is totally supportive and is stunned by the notion that anything in our laws, our procedures here would require her or citizens to go into a Federal court to seek a remedy that is uniquely available to them under State procedures.

So I am very pleased to indicate that our attorneys general and like those of California are totally in support of the Lofgren amendment. I hope that the Members will appreciate the significance of this provision.

Ms. LOFGREN. Mr. Chairman, do I have the right to close?

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Wisconsin (Mr. SENSENBRENNER) has the right to close. The gentlewoman from California has 1¼ minutes remaining.

Ms. LOFGREN. Mr. Chairman, I yield myself the remaining time.

I have heard the comments that the provision in the bill is fine because it is diversity jurisdiction, and I just do not buy that argument. I will tell my colleagues why.

Take a look at the provision that creates sort of class action coverage for the actions of district attorneys, our local prosecutors. It specifically exempts State attorneys general. So the argument my colleagues are making that these cases need to be brought and heard in Federal court when there is diversity of any sort at all does not wash if we are exempting the State attorneys general from the provisions of these consumer protection actions.

I called yesterday, I was ill last week and I wish I had called him before yesterday, but I called the district attorney in Santa Clara County. He was stunned to see this provision and adamantly opposes it. He put me in touch with the California State Attorneys General Association. They could not believe that this provision would be proposed; and they were absolutely amazed that it would seriously be considered, that their divisions that act in behalf of the people would essentially be shut down because they could never comply with rule 23.

Please, support this amendment and cure this serious problem in the bill.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the reason there is an exemption for State attorneys general in this bill is because the State attorney general is the chief law enforcement officer of the State. In most States, the attorney general is an elected official.

Now, if the attorney general is not doing his job, then it is up to the voters to choose a new attorney general in the next election. But just because attorneys general might not be able to do their job is no reason why we should empower a whole host of other people to file pseudo class actions, which is what the amendment of the gentlewoman from California seeks to do.

Now, again, diversity jurisdiction interprets State law. Federal questions are automatically removable to Federal court. The reason the Framers put diversity jurisdiction into the Constitution was to prevent a State judge from being a hometown umpire to the prejudice against citizens of other States who happen to be litigants.

So very simply, what we do in this bill is to provide a better way of protecting litigants who come from other States. For that reason, I would urge that this amendment be rejected.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentlewoman from California.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. LOFGREN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California (Ms. LOFGREN) will be postponed.

It is now in order to consider Amendment No. 6 printed in House report 107-375.

AMENDMENT NO. 6 OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. CONYERS:

Page 16, line 2, strike the quotation marks and second period.

Page 16, insert the following after line 2:

"(10)(A) For purposes of this subsection and section 1453 of this title, a foreign corporation which acquires a domestic corporation in a corporate repatriation transaction shall be treated as being incorporated in the State under whose laws the acquired domestic corporation was organized.

"(B) In this paragraph, the term 'corporate repatriation transaction' means any transaction in which—

"(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

"(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

"(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.".

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I ask unanimous consent to modify the amendment, and I further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of amendment No. 6, as modified, is as follows:

Page 16, line 12, strike the quotation marks and second period.

Page 16, insert the following after line 12:

"(10)(A) For purposes of this subsection and section 1453 of this title, a foreign corporation which acquires a domestic corporation in a corporate repatriation transaction shall be treated as being incorporated in the State under whose laws the acquired domestic corporation was organized.

"(B) In this paragraph, the term 'corporate repatriation transaction' means any transaction in which—

"(i) a foreign corporation acquires substantially all of the properties held by a domestic corporation;

"(ii) shareholders of the domestic corporation, upon such acquisition, are the beneficial owners of securities in the foreign corporation that are entitled to 50 percent or more of the votes on any issue requiring shareholder approval; and

"(iii) the foreign corporation does not have substantial business activities (when compared to the total business activities of the corporate affiliated group) in the foreign country in which the foreign corporation is organized.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I begin by hoping that this amendment may be accepted; but moving on, I would describe the amendment to my colleagues.

This is an amendment designed to help adjust the problem that is happening with increasing frequency where our domestic United States corporations reincorporate at an office somewhere abroad, out of the United States, for the purpose of, one, avoiding United States taxes; and, two, avoiding legal liability.

Now, in the 6 months of our fight against terrorism at home or abroad, it would seem to me the last thing that we should be doing would be to pass legislation which would in any way aid, help, or assist what I would call these corporate tax traitors.

With increasing frequency, there are U.S. companies setting up shell companies in places like Bermuda, and the company continues to be owned by United States shareholders, continues to operate in the United States and do business in the USA and all its locations. The only difference is that the new foreign company escapes substantial tax liability and, under the provisions of this bill, could more easily avoid legal liability in State class action cases.

□ 1445

The actions of these companies are a slap in the face to every citizen who works hard and pays their taxes in this country. Our amendment responds to this egregious behavior by treating the former United States companies as a domestic corporation for class action purposes.

Now, apologists for these financial outlaws may attempt to argue that our amendment may not be necessary because the bill only deals with national class actions. But, Mr. Chairman, nothing could be further from the truth.

Under this bill, actions involving State consumer protection laws brought by residents who all reside in one State could be removable to a Federal court simply because the financial outlaws tried to abscond from the State. This is not a national class action. This is a State class action that belongs in a State court, the fact that a financial corporate outlaw engaged in a sham transaction should be irrelevant as far as the legal liability in these cases would be concerned.

So the bottom line is simple: as presently written, the bill gives a liability windfall to these foreign tax evaders. Today we have an opportunity to send a message that it is wrong to pretend one is a U.S. corporation when one is incorporated in Bermuda. It is wrong to seek the benefits of corporate citizenship without responsibility. It is wrong to engage in sham offshore transactions which leave hard-working United States citizens paying more taxes because they are paying less.

Mr. Chairman, I urge support for this Conyers-Jackson-Lee-Neal amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). Does any Member rise in opposition?

Mr. GOODLATTE. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. GOODLATTE) is recognized for 10 minutes.

Mr. GOODLATTE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. This is a red herring if there ever was one. There is nothing in this legislation that has anything to do with the tax liability of corporations that may have been moved offshore. To raise it in this class action lawsuit is a big mistake. It would provide more jurisdiction over larger cases to State courts and undermine our effort to allow Federal courts jurisdiction over large, interstate class actions, the very point of bringing this legislation forward. The most complex cases should be heard in the courts designed to hear them: the Federal courts.

Attempting to redefine the home base of a corporation just for the purposes of class action lawsuits will not affect any other lawsuits brought against the corporation. It certainly will not affect their tax liability. If this amendment is about tax loopholes, then that is something that should be dealt with by the Committee on Ways and Means.

This amendment is intended to prevent nationwide, even international, class actions having national implications then plaintiffs from many States from being heard in Federal court.

The premise of H.R. 2341 is to allow Federal courts to resolve these large class actions in a balanced and fair way. That is why the Founding Fathers created article III courts, to resolve Federal questions and issues of a wide degree of diversity. That is what class actions are by their very nature.

The fact of the matter is that a dispute between two individuals from different States for slightly more than $75,000 can be resolved by a Federal court, but with a national class action worth billions of dollars, in the case of this amendment a foreign corporation, the case cannot be heard in Federal court. That is wrong.

I urge my colleagues to oppose this amendment. It is something that would give State courts jurisdiction over cases that involve U.S. companies that have been purchased by foreign companies. These are generally large, nationwide lawsuits that we are talking about. They are precisely the kind of cases that should be brought and heard in Federal court.

I urge my colleagues to oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Massachusetts (Mr. NEAL), who has worked on this subject matter for many years.

Mr. NEAL of Massachusetts. Mr. Chairman, I thank the gentleman from Michigan (Mr. CONYERS) for yielding time to me and certainly acknowledge some of the questions that have been raised by a former constituent of mine, the gentleman from Virginia (Mr. GOODLATTE).

But I want to call attention to this issue. The gentleman from Colorado (Mr. McINNIS) is sitting on the floor, as well. I know that he has filed similar legislation to the bill that I filed last week.

Let me, if I can, Mr. Chairman, outline the nexus of this problem. Last week the Defense Department announced that the U.S. was sending military advisers to Yemen, the Philippines, and Georgia, in the former USSR. This is going to be expensive, but we acknowledge it is a necessary defensive action.

And as we prosecute this war on terrorism, Mr. Chairman, one U.S. corporation next week will vote on whether or not to leave the United States solely to avoid U.S. income taxes, taxes which our constituents and I will have to pay more of to fund this war against evil.

Today I am urging the Members to support a commonsense amendment telling these corporate expatriates, these financial deceivers, that they should not enjoy special legal protections. This amendment is based on bipartisan legislation that surely at some point is going to see the light of day and make it to the floor of this House.

But, Mr. Chairman, one accountant, a very aggressive accountant, I might add, advised her clients just 3 months ago to sneak out of the United States; just leave in the dark of night to avoid paying American income taxes. The Treasury Department just stated 2 weeks ago: "We are seeing a marked increase in the size and frequency of these transactions." For a mere $27,000, a corporate expatriate can rent a post office box offshore and avoid $40 million in Federal income taxes.

If individuals were doing this, the American people would be outraged. As our Senate colleague from Iowa, the ranking Republican on the Finance Committee, said last week, it is a slap in the face to individual taxpayers who bear the brunt of the total Federal tax burden when the business community buys into these deals. Support this amendment today denying a liability windfall to these corporations that shelve the Stars and Stripes to simply save on the bottom line.

Mr. GOODLATTE. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Colorado (Mr. McINNIS).

Mr. McINNIS. Mr. Chairman, I thank the gentleman for yielding time to me.

First of all, I agree with the comments of the gentleman from Michigan (Mr. CONYERS). I agree with most of the comments of the gentleman from Massachusetts (Mr. NEAL). I think it would be beneficial, and we would ask the gentleman to merge his bill with our bill.

Mr. NEAL of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Massachusetts.

Mr. NEAL of Massachusetts. Mr. Chairman, perhaps the gentleman from Colorado (Mr. McINNIS) would merge his bill with my bill. We are only 5 percent different.

Mr. McINNIS. Mr. Chairman, as the first in order of number, we will take the gentleman on our bill.

Mr. Chairman, the point is, we agree on the substance of the abuse that is taking place out there, and we want to close the loophole. This is not the bill to close the hole. This is not the Committee on Ways and Means, and this is not the Committee on Ways and Means' bill.

What has happened here is they put this amendment out, I think, simply to express our disdain, properly express our disdain with what is going on out there and with what some of the corporations are doing, including Stanley Tool Corporation and some others that I think ought to be held publicly accountable.

In fact, I would say to the gentleman from Massachusetts, I was at a dinner last weekend with several hundred blue-collar workers, mechanics; and I urged every one of them not to buy Stanley tools as a result of what Stanley Tool Corporation is attempting to do. While our American young people fight overseas, we have these corporations that enjoy the protection of this putting up a post office box in Bermuda.

This simply has nothing to do with it. This amendment deals with diversity. This amendment deals with standing. To try and link, to make that leap, we are not making the link. So the issue is right and the platform is wrong.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just want to compliment the gentleman on his support for the theory behind this.

I would just point out to him that escaping legal liability is not a function of any other committee but the Committee on the Judiciary. So we are not trying to get to the tax prosecution, sir. We are just getting to those who are escaping, to escape the kind of jurisdiction of class action suits.

Mr. McINNIS. Reclaiming my time very quickly, Mr. Chairman, I am not trying to take jurisdiction from the gentleman's committee, obviously. I disagree that this amendment is going to do what the gentleman is saying it is going to do. I say that with all due respect. I think this amendment out there is simply to bring up this discussion.

We ought to have lots of discussion and public exposure, I say to the gentleman from Massachusetts (Mr. NEAL), on what is going on out there. It is wrong. But this is not the platform to do it. This amendment does not accomplish what the sponsors say it will as far as the legal corporation for standing in class suits and diversity. I think it is a good discussion, wrong place.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, would the gentleman from Colorado (Mr. McINNIS) agree that not only is this not the right place to do this, but this amendment does not cure the problem that the gentleman is talking about? It has nothing to do with changing the tax laws of these corporations.

Mr. McINNIS. Reclaiming my time, Mr. Chairman, the gentleman from Virginia is absolutely correct. This does not accomplish what the intent behind it may be, and the proper discussion that is taking place here really will take place in great detail in front of the Committee on Ways and Means with both of our bills, and I urge that is where we move it back to and get on with the business at hand.

Mr. CONYERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE), who is a cosponsor of the amendment.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I just wanted to go back to the comments of the gentleman from Colorado (Mr. McINNIS), who I more frequently see on Special Orders at night in my home than I do on the floor. I am happy to find he and I in agreement.

But he asked the question, will this amendment accomplish what we say it will. Well, we have talked with the American Law Division, and they agree that, in its current form, the measure offers new abilities, this bill, to remove cases to Federal court for companies that engage in corporate repatriation transactions that are not available under present law.

So, in other words, the only place we can stop this is in the Committee on the Judiciary in terms of this jurisdictional opportunism.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding to me, and I would like to pursue the argument he just made. I think that is the crux of the difference of opinion that we have in opposing this legislation but supporting this amendment. That is, where there is a benefit, there has to be a burden.

I think that the Committee on the Judiciary in this jurisdiction is frankly the appropriate place for this amendment to be placed, because what we are suggesting is that if one is absconding from the United States, absconding from paying taxes, then one should not have the benefit of going into the Federal courts where they will be able to, in essence, block petitioners who are in a class action litigation.

We are opposed to this particular legislation because it does undermine class actions that have been successful in State courts. Let me cite an example: Foodmaker, Inc., the parent company of Jack-in-the-Box restaurants, agreed to pay $14 million in a class action settlement in Washington. The class included 500 people, mostly children, who became sick early in 1993 after eating undercooked hamburgers tainted with e. Coli bacteria.

The victims suffered from a wide range of illnesses, from more benign sicknesses to those that required kidney dialysis. Three children died. The settlement was approved on September 25, 1996, in King County, Washington Superior Court.

If, for example, this legislation was in place, there is clear opportunity, possibly if one of the plaintiffs had just moved over to Oregon or had been visiting from Oregon, that case would have been in a Federal court.

We are suggesting that if one absconds from the United States in order not to pay taxes, if this legislation were to have passed, we do not believe they should have any right to the benefit of moving the case, a class action case, to the Federal courts. That is the crux of this. This is the bill that is moving through the House now.

I certainly appreciate the legislation of the gentleman from Massachusetts (Mr. NEAL), and I want to support the legislation. I appreciate his support. He is on the Committee on Ways and Means.

☐ 1500

That bill can move of its own legs, and we will support it, but this bill is moving, and we are only talking about legal liability, the inability to access the Federal court, a benefit that one would secure if this legislation passed. We want to block that benefit because we need to protect consumers on this.

Let me just simply say, we are standing here today to say to Americans, who have just gone through a traumatic experience with the collapse of a major corporation, that we are going to smack them in the face and go against the rights of consumers. We are also going to allow someone who absconds to another island, another place to establish a foreign corporation, to now not only access the Federal courts and benefit from the presence of that legislation, but also not pay taxes.

This is a common-sense, good-sense consumer protection amendment, and I believe my colleagues, if they look at it, will understand it is appropriately tracking this legislation which is under the jurisdiction of the Committee on the Judiciary, because we are preventing them from having a legal benefit when they abscond from the United States and desire not to pay taxes.

Thank you Mr. Chairman and Ranking Member CONYERS.

I am proud to join Mr. CONYERS in offering the Conyers Jackson-Lee Neal amendment which would deny corporations who relocate to foreign countries simply to avoid paying income taxes from enjoying the benefits of this bill.

As the saying goes, "death and taxes are the only guarantees in life". You and I could never avoid paying taxes, but we try to minimize them to the best of our ability. The same philosophy applies to companies.

However, there is a growing trend in this country where American companies are incorporating Bermuda, or other countries that do not have income taxes, to avoid paying taxes altogether while maintaining the benefits and security of doing business in the United States. But these companies don't actually relocate to Bermuda. Rather, they are a Bermuda corporation only on paper.

But the tax benefits are profound. Tyco International, a diversified manufacturer headquartered in New Hampshire but incorporated in Bermuda, saved more than $400 million last year in taxes alone. And Stanley Works, a Connecticut manufacturer for 159 years, will cut its tax bill by $30 million a year to about $80 million.

Although it is a growing trend, some companies hesitate to incorporate in Bermuda because of patriotism issues, especially after the tragedies of September 11. But low and behold, "profits trump patriotism".

Enron Corp had set up an estimated 2,800 to 3,000 "special purpose entities" (SPEs) in an attempt to hid amounting debt and losses and to avoid paying taxes. As a matter of fact, Enron had not paid any income taxes in the last five years. And due to the nature of these transactions, and the fact that these SPEs were created as a separate entity from Enron, government officials have been unable to acquire more information to determine the extent of liability.

Allowing companies who relocate to foreign countries simply to avoid paying taxes and still benefit from class actions in a federal forum would enable a defendant corporation to avoid accountability and result in the plaintiff class having a more difficult time seeking redress.

Again, this amendment would attempt to bring justice within the reach of the victims aggrieved by these corporate giants. I ask my colleagues to support this amendment.

Mr. CONYERS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. SWEENEY). The gentleman from Virginia (Mr. GOODLATTE), who has the right to close, has 4 minutes remaining.

Mr. GOODLATTE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, frankly this amendment is not just wrong, it does not make any sense at all. What the other side is proposing to do here will not have the effect that they are suggesting. They are limiting the options of those who would bring class action lawsuits against some of these corporations that they refer to.

There are many instances now in which a case cannot be brought in Federal court because of this diversity rule which could be brought against those corporations; in my State of Virginia, for example, a State that does not recognize class action lawsuits, so making it easier to bring actions in Federal court is not something that is going to harm these corporations whatsoever.

As explained during the Committee on the Judiciary markup, the purpose of this amendment is to discourage companies from moving their parent entities offshore, to turn them into foreign corporations in order to achieve tax advantages. Thus, although this amendment does not seek to derail enactment of the core provision of the bill, that is, the provisions expanding Federal diversity jurisdiction over interstate class actions, it would preclude companies owned by foreign or offshore companies from exercising that change.

This effort to establish tax policy through procedural and jurisdictional rules applicable to civil litigation is truly bizarre, the ultimate non sequitur.

As stated by its authors, the purpose of the amendment is to punish companies with offshore owners by forcing them to litigate class actions brought against them in State court, while companies that have U.S. parents may remove their cases to Federal court under the expanded Federal jurisdiction of provisions of this bill.

Obviously, making this sort of distinction among companies based on foreign ownership is a constitutionally suspect policy, but equally important is the fundamental premise of the amendment, that forcing parties to litigate interstate class actions in State courts constitutes a sort of punishment.

Thus, although this amendment should be defeated, it does suggest agreement on the key predicate for H.R. 2341: State courts are not an ideal place for parties to litigate class actions.

This amendment should be defeated, but this amendment should be remembered as confirming the key reasons why the overall bill, the fundamental provisions of H.R. 2341, should be enacted.

Let us not limit the choice that is involved here where these cases can be considered. Let us make the Federal diversity rules work. That is what this bill is about. That is what this amendment would defeat, and I urge my colleagues to oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. CONYERS) will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 3 offered by the gentlewoman from California (Ms. WATERS); Amendment No. 5 offered by the gentlewoman from California (Ms. LOFGREN); and Amendment No. 6 offered by the gentleman from Michigan (Mr. CONYERS).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 3, AS MODIFIED, OFFERED BY MS. WATERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on Amendment No. 3, as modified, offered by the gentlewoman from California (Ms. WATERS) on which further proceedings were postponed on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 251, not voting 9, as follows:

[Roll No. 56]

AYES—174

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Murtha
Nadler
Neal
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wynn

NOES—251

Aderholt
Akin
Allen
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—9

Barrett
Bentsen
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Kilpatrick
Napolitano
Traficant

□ 1527

Messrs. SKEEN, BOEHNER, GREENWOOD, EHLERS, HILL, BOOZMAN, Ms. PRYCE of Ohio, Ms. GRANGER, and Mrs. THURMAN changed their vote from "aye" to "no."

Mr. TIERNEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. NAPOLITANO. Mr. Chairman, I was in the Chamber intending to vote "yes" on rollcall 56. Had I voted I would have voted "aye" on rollcall 56.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SWEENEY). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 5, AS MODIFIED, OFFERED BY MS. LOFGREN

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment, as modified, offered by the gentlewoman from California (Ms. LOFGREN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 194, noes 231, not voting 9, as follows:

[Roll No. 57]

AYES—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—231

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett
Bentsen
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Kilpatrick
Pelosi
Traficant

□ 1536

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MR. CONYERS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 6, as modified, offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 223, not voting 9, as follows:

[Roll No. 58]

AYES—202

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Doggett
Dooley
Doyle
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark

Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—223

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dicks
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hyde
Isakson
Issa
Jenkins
John
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett
Bentsen
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Istook
Kilpatrick
Traficant

□ 1544

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

□ 1545

The CHAIRMAN pro tempore (Mr. SHIMKUS). It is now in order to consider amendment No. 7 printed in House Report 107-375.

AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Ms. JACKSON-LEE of Texas:

Page 18, line 14, strike the quotation marks and second period.

Page 18, insert the following after line 14:

"(g) CERTAIN ACTIONS NOT REMOVABLE.—A party to a class action may not remove the class action to a district court under this section if that party has been found by a court to have knowingly altered, destroyed, mutilated, concealed, falsified, or made a false entry in, any record, document, or tangible object in connection with that class action.".

MODIFICATION OF AMENDMENT NO. 7 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to modify the amendment, and further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

The text of the amendment, as modified, is as follows:

Amendment No. 7, as modified, offered by Ms. JACKSON-LEE of Texas:

Page 18, line 25, strike the quotation marks and second period.

Page 18, add the following after line 25:

"(g) CERTAIN ACTIONS NOT REMOVABLE.—A party to a class action may not remove the class action to a district court under this section if that party has been found by a court to have knowingly altered, destroyed, mutilated, concealed, falsified, or made a false entry in, any record, document, or tangible object in connection with that class action.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before the House today the Class Action Fairness Act of 2002, and what those of us who believe this legislation could either be made better or in fact does not really speak to the interests of consumers are trying to do is to ensure that those who are fraudulent, those who misrepresent, those who would abscond and not pay taxes, not have the benefit of an action or legislation that is proposed to be in the Class Action Fairness Act.

The amendment I offer today strikes at the very heart of consumer protection. It strikes at the very heart of the ability of any litigant to go into court with a fair opportunity to pursue their case.

This amendment would prohibit the removal provision in section 5 of this bill from applying if a party to a class action suit destroys material relating to the subject matter of the class action or makes a misrepresentation with respect to the existence of such materials.

The destruction of documents, particularly in contemplation of litigation, is already a sanctionable act. Destroying such documents prohibits the discovery of truth and justice. If a party participates in such activity, they should not have the benefit of removing a class action suit to Federal court jurisdiction, where this bill makes it more difficult for the class to be certified. Justice requires that these parties remain under State jurisdiction, where the playing field will be more level.

It is obvious that when you are trying to put together a massive class action case, there is nothing more daunting and devastating to your case than losing, the destruction of, or misrepresentation over, documents. An example of this would be the collapse of Enron, the Texas-based energy trading giant, that once was America's seventh largest company, now undergoing America's largest-ever bankruptcy.

On behalf of Enron employees, both existing and those who are no longer Enron employees, the fact that there are documents that no longer exist undermines probably the bankruptcy case and any other matter that they would be pursuing. It is certainly a case that when you lose documents, you lose a part of your case.

Mr. Chairman, this amendment seeks not to give giant corporate defendants in a class action lawsuit more benefits in defending their suit. They have deep pockets for such expenses as legal fees, travel and expert witnesses, which the class does not have.

Again, how daunting it would be to find out that documents that you might be able to secure no longer exist. So the information has been retained by the defendant; but you, the petitioner in the class action, have no way of accessing it.

We must maintain the spirit to which class action lawsuits were developed, to efficiently bring justice to a large group of people victimized by historically large, giant, multiconglomerate corporations.

In addition, Mr. Chairman, I might say that the court of equity was the first place the State class actions was to go based on common law, common sense, equity and fairness. To destroy documents strikes at the very heart of the access of the little person to get in the courtroom.

This amendment would prohibit the removal provision in Section 5 of this bill from applying if a party to a class action suit destroys material relating to the subject matter of the class action, or makes a misrepresentation with respect to the existence of such materials.

The destruction of documents, particularly in contemplation of litigation, is already a sanctionable act. Destroying such document prohibits the discovery of truth and justice. If a party participates in such activity, they should not have the benefit of removing a class action suit to federal court jurisdiction where this bill makes it more difficult for the class to be certified. Justice requires that these parties remain under state jurisdiction where the playing field will be more level.

An example of this would be the collapse of Enron Corporation, the Texas-based energy-trading giant that was once America's seventh-biggest company, now undergoing America's largest ever bankruptcy proceeding. Enron is based in my District—the 18th District of Texas.

Enron's former accounting firm, Arthur Andersen, in light of approaching litigation, organized the destruction of tons of Enron-related documents that may have been potentially harmful and would have subjected Andersen to civil as well as criminal liability.

Mr. Chairman, this amendment seeks to not give giant corporate defendants in a class action lawsuit more benefits in defending their suit. They have deep pockets for such expenses as legal fees, travel, expert witnesses, for which the class does not have. And we must maintain the spirit to which class action lawsuits were developed—to efficiently bring justice to a large group of people victimized historically by corporate giants.

I ask my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. SENSENBRENNER) rise in opposition to the amendment?

Mr. SENSENBRENNER. I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin is recognized for 10 minutes.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if the civil and criminal law did not provide for sanctions against those who deliberately destroy documents, I believe that the arguments of the gentlewoman from Texas would be valid. But they do. Adopting the amendment that she proposes will simply allow the trial lawyers to have another tool to game the system and to prevent the removal of cases that really should be removed as a result of the changes in the diversity of citizenship requirements that are contained in this bill.

Let me point out that in many instances, the destruction of subpoenaed documents is a criminal obstruction of justice. The gentlewoman from Texas keeps on bringing up the case of Enron. There is a criminal investigation going on whether Enron and Arthur Andersen and other people who are involved in this obstructed justice by altering or destroying documents. I hope that that investigation is thorough, and, if there is probable cause to believe that such misconduct happened, that the Justice Department will seek indictment, prosecute those who are responsible, the jury will convict them, and I hope that the judge sentences them to jail for a long, long time, because destroying documents that are needed to fairly administer justice is something that cannot be tolerated, and it goes to the very heart of the ability of the courts to fairly mete out justice. We wish the gentlewoman were on the other side when we were talking about that when President Clinton was accused of destroying documents a few years ago.

But on the civil side, there are plenty of sanctions that can be imposed by a court if discovery is being thwarted, up to and including the court ordering a default judgment entered against a defendant that destroys documents and completely obstructs the discovery that the Federal Rules of civil procedure allow.

Mr. Chairman, I will tell you what will happen if the Jackson-Lee amendment becomes a part of this bill and the bill becomes law, and that is there will be repeated allegations of misconduct through the destruction of documents. When an allegation is made, the court is going to have to hold a hearing on it and take testimony and make a determination on whether removal can be thwarted because of the provision of the Jackson-Lee amendment. As a result, it ends up being tried in the State court, because the Federal court will not be able to determine whether or not a case is removable.

Now, that is ridiculous. If this type of amendment was put into law, if there was a civil action filed alleging a civil rights violation in a State court with a redneck judge anywhere in the country, this game could be played to prevent the Federal court from getting jurisdiction over it, and that would be equally ridiculous in terms of thwarting the administration of justice.

Now, this bill, in section 1716(C)(2), provides that discovery should not proceed while a motion to dismiss an action is pending and also during appeals from class certification rulings.

But the bill flatly states that in these circumstances, discovery shall proceed where necessary to preserve evidence and to prevent undue prejudice. Thus the bill anticipates and deals with document destruction risk and gives the Federal court the authority to prevent documents that are necessary to find out what the true facts are from being altered or mutilated or destroyed.

According to the Manual for Complex Litigation, third edition, courts normally issue orders requiring the preservation of documents at the outset of litigation of such cases. Thus any document-destruction risk is addressed by such orders. So we do not need additional laws, civil laws, statutory laws or criminal laws, to protect against the destruction and mutilation of documents.

The amendment of the gentlewoman from Texas merely gives the trial lawyers' bar another tool to game the system. It is unnecessary because of the other provisions of law and rule that I stated and should be rejected.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, first of all, I totally agree with my chairman in that I hope that all those who have misrepresented and destroyed documents in the present ongoing protracted episode of Enron and Arthur Andersen are in fact brought to justice. That we agree on.

With respect to my position on the Clinton documents, my amendment responds to that by indicating that it should be a court-determined destruction of documents. That was not the case in the Clinton situation.

So I would hope that we recognize that if you are court determined to have destroyed documents, then you do not need the benefit of this legislation.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, we hope that the first legislation passed in this House in the post-Enron world should not be to make the world safer for Enron.

My friend, the gentleman from Wisconsin (Mr. SENSENBRENNER), challenged me earlier when I said that this could make the world safer for Enron. Well, we just did a little bit of research about that over the lunch hour and found a case called Bullock v. Arthur Andersen, et al. It is a case in Washington County, Texas. If it were to be certified as a class action under this legislation, the defendants, who include some names Andrew Fastow, Kenneth Lay and Jeffrey Skilling, would be given the privilege by your legislation to force this to be removed to Federal court away from Washington County.

Now, that is exactly one of the reasons why we think this is the wrong approach. And even if you exempted Enron in its entirety, Enron is an example of why we are going the wrong way because of all the other companies that potentially could be liable.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. INSLEE. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, do the three gentlemen that the gentleman mentioned live in Texas?

Mr. INSLEE. Mr. Chairman, reclaiming my time, I do not know the residence. I cannot tell the gentleman offhand. But I can say this is subject to your bill if it is a class action, and therefore it is wrong.

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will yield further, if they all live in Texas, the case is not removable because there is not diversity.

Mr. INSLEE. Mr. Chairman, reclaiming my time, the point I bring to the gentleman's attention is this is exactly the kind of case that is subject to removal if there is diversity. They plead fraud, they pled negligence; and under your statute, you want to give them the right to get out of Texas into Federal court. We think that is wrong.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 10 seconds to say that some the defendants in the case that the gentleman from Washington (Mr. INSLEE) was speaking of dealing with Enron are not from Texas.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN), a former State district court judge in the State of Texas.

Mr. SANDLIN. Mr. Chairman, in the law we have a doctrine called the "clean hands doctrine." Courts express it by saying he who seeks equity must do equity.

We have seen precious little equity today. First, our friends want to reveal plaintiffs' fees and what they receive, but when we ask to reveal the exorbitant fees of the corporate attorneys and insurance attorneys and defense attorneys, they said no.

I have got a question: What are you hiding? What are you hiding?

You said the recovery in Cheerios is not enough. You forgot to tell us that the expensive litigation is between the insurance companies. The defendants have been indicted, tried and sent to prison.

You are outraged that the plaintiffs have received too little money in one case, but there is absolutely no outrage in your position when a major American company, Nestle, put sugar water in bottles and sold it to American mothers to give to children. You got no outrage in that, other than the attorneys got paid.

Well, surely, surely you can support legislation that says if you destroy evidence, if you commit a crime, if you do things that you are not supposed to do, you do not get the benefit of the law. If you commit a crime, you do not have clean hands. If you destroy evidence, you do not get the benefit of the legislation. Surely you can support something as clean as that.

☐ 1600

Mr. SENSENBRENNER. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, if the gentleman from Texas was so interested in disclosing defendant's fees, he could have gone to the Committee on Rules and asked them to make in order an amendment for the disclosure of defendant's fees. He failed to do so, and that is why we are not considering this today under the structured rule.

Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time. I also strongly oppose this amendment.

This amendment is doing what those offering amendments have already done on two other occasions in this debate so far, and that is to try to obscure what this legislation is all about with unrelated issues. Whether or not a case is heard in Federal court or State court has nothing to do with whether or not documents have been destroyed.

In the earlier debate with regard to the Waters amendment, we pointed out all of the tools that are available to a Federal court judge when documents are destroyed in a case. It could very well be much better that the case is in Federal court rather than State court, and we should not write law based upon unrelated matters.

That is exactly what has been offered here repeatedly today to try to obfuscate the issue here, which is a very simple one, and that is that our Federal diversity rules are written in such a way that the most complex litigation in the country cannot get into the courts that were not designed to handle diversity cases and designed to handle more complex litigation and designed to consolidate class actions brought in various parts of the country related to the same issue.

When we create these artificial barriers to removing the case, we are not accomplishing justice for the plaintiff or the defendant. Somebody in the case has to have the ability to remove the case to Federal court. What we say is that any party in the case should be able to do that. If they have unclean hands, address that with the Rules of Procedure that exist in the Federal Rules.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's argument.

The crux of these amendments that we have been offering on this legislation is to talk about benefit and burden. This amendment specifically says if the court has determined that documents have been destroyed, what we are doing is undermining the plaintiffs' case, which typically are little people who have come together in a class action.

That defendant who has destroyed documents should not be allowed to take the benefit of this legislation if it passes. That is all we are saying.

Mr. GOODLATTE. Mr. Chairman, reclaiming my time, there are a multitude of Federal Rules of Civil Procedure, and I do not know of other ones, in which the law says in advance that because somebody did something else somewhere else unrelated to the issue of whether the case belongs in Federal court or State court would be prohibited from raising that issue. It is a matter of fairness for everybody involved, but that is particularly true of the plaintiffs.

We are trying to create an environment here where cases can be heard in such a way that uniform fairness applies. If we start drawing distinctions between domestic corporations and foreign corporations and somebody who may have shredded documents for a good reason or for a bad reason and deciding whether or not they can remove cases to court, that is simply bad public policy and should not be the measure upon which this bill is voted upon; and certainly this amendment should be opposed.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am delighted to yield 2½ minutes to the distinguished gentleman from Texas (Mr. DOGGETT), a former member of the Texas Supreme Court.

Mr. DOGGETT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

How truly typical it is, sad though it is, that the first piece of legislation dealing with the Enron-Andersen fiasco that our House Republican leadership permits us to discuss here on the floor of the United States Congress is a bill designed to protect the wrongdoer and to place more burdens on the victims. This is exactly the opposite of where our priorities should be; yet that is the approach that is taken with this piece of legislation.

It is rather fundamental that a right without a remedy, is rather meaningless. People do not choose to come together in class actions because they like to be in a class with many other people; they come together in class actions because often, that is the only way, given the complexities of our legal system and the tremendous imbalance in power between one individual who has been defrauded and one of the largest corporations in the world, to equalize the power. If they are working together in a class, they may have a chance, difficult as it may be, to equate in our courts of justice their rights against those who have wronged them.

All this bill is designed to do is to help those, who committed wrongs to avoid responsibility for their wrongdoing. This bill seeks to ensure that wrongdoers are not held personally accountable for their misconduct, if they just took a little from everybody instead of a great deal from a few.

As for the importance of the gentlewoman's amendment in the debate on this particular bill, the only thing that has been faster than those shredding machines shredding up the documents of misconduct at Enron and Andersen, the only thing faster than those shredders is the spin machine running here in Washington today, spinning that this bill to help some avoid responsibility has anything to do with helping American families. Get serious.

The judges of the States of the United States, our State court judges, have not asked for this. Our Federal court judges, upon whom the burden will be placed of handling these cases, are already overburdened; they have not asked for it. The National Conference of State Legislatures opposes it. This is the wrong thing to do at the wrong time. It is being done only to protect wrongdoers like Enron and Andersen, and it ought to be rejected.

To aid even those who tear up documents and give them additional rights in our courts is particularly outrageous.

I commend the gentlewoman for attempting to resolve this problem, and I recommend her amendment.

Mr. SENSENBRENNER. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Wisconsin (Mr. SENSENBRENNER) has 1½ minutes remaining; the gentlewoman from Texas (Ms. JACKSON-LEE) has 1 minute remaining.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. As the proponent of the amendment, do I have the right to close?

The CHAIRMAN pro tempore. The Member on the committee opposing the amendment has the right to close.

Ms. JACKSON-LEE of Texas. I thank the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin wish to close?

Mr. SENSENBRENNER. The gentleman does wish to close.

The CHAIRMAN pro tempore. The Chair recognizes the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the remaining time, although I was hoping to hear the distinguished chairman's representation of the Cheerio box.

But let me say this, in all sincerity: We have come into some very troubling times in the litigation history of America. With Enron as a backdrop, and Firestone that knowingly sold defective tires where tread separation caused more than 800 injuries, and Monsanto, which hid 40 years' worth of dumping toxic PCBs, there is great opportunity for documents to be destroyed, because people want to win. The only opportunity for the little guy to achieve victory sometimes is to organize a class action.

They have been successful in State courts, but they cannot be successful under this legislation, nor can they be successful when those will go knowingly into the courthouse, who have destroyed documents, fraudulently misrepresented and disadvantaged their cases.

This amendment will prevent that kind of action, allowing those who have been found to have destroyed documents not to take advantage of this legislation. This is consumer protection legislation. I cannot imagine any of my colleagues that would not support this amendment.

I ask my colleagues to support the Jackson-Lee amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I am really disappointed in the argument of the gentleman from Texas (Mr. DOGGETT), who is a distinguished former member of the State Supreme Court, saying that this has to do with Enron. Enron is in bankruptcy. Bankruptcy is a Federal law. The Federal bankruptcy court will determine the rights of all people who have got claims against Enron, and there is an automatic stake that is entered by the Federal court when a bankruptcy is filed against proceeding in any other court, State or Federal, besides the bankruptcy court.

Now, I think what we are really getting down to is, how are consumers being protected? I do not think most consumers really care whether a class action suit is litigated in State court or Federal court; they care what kind of recompense they get, should the class action suit be resolved.

I have this box of Cheerios here, because General Mills, which owns Cheerios, was sued in a class action suit alleging that there were harmful additives in Cheerios. When the case was settled, what did all the members of the class get? A coupon to buy another box of Cheerios. If Cheerios had food additives that were so damaging, that caused millions of dollars in lawyers' fees to settle this suit out, then why would the lawyers sign off to require people who wanted to cash in on their settlement to eat more Cheerios? It does not make any sense.

The amendment ought to be rejected.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

It is now in order to consider Amendment No. 8 printed in House report 107–375.

AMENDMENT NO. 8 OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. FRANK:

Page 18, line 14, strike the quotation marks and second period.

Page 18, insert the following after line 14:

"(g) PROCEDURE AFTER REMOVAL.—If, after an action is removed under this section, the court determines that any aspect of the action that is subject to its jurisdiction solely under the provisions of section 1332(d) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall remand all such aspects of the action to the State court from which the action was removed. In such event, the State court may certify the action or any part thereof as a class action pursuant to the laws of that State, and such action may not be removed to Federal court unless it meets the requirements of section 1332(a).".

MODIFICATION TO AMENDMENT NO. 8 OFFERED BY MR. FRANK

Mr. FRANK. Mr. Chairman, I was informed, and perhaps I should have been paying closer attention, that there was some line number item alteration and I, therefore, in compliance with what has happened, ask unanimous consent to modify the amendment, and I request that the modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The text of Amendment No. 8, as modified, is as follows:

Page 18, line 25, strike the quotation marks and second period.

Page 18, insert the following after line 25:

"(g) PROCEDURE AFTER REMOVAL.—If, after an action is removed under this section, the court determines that any aspect of the action that is subject to its jurisdiction solely under the provisions of section 1332(d) may not be maintained as a class action under Rule 23 of the Federal Rules of Civil Procedure, the court shall remand all such aspects of the action to the State court from which the action was removed. In such event, the State court may certify the action or any part thereof as a class action pursuant to the laws of that State, and such action may not be removed to Federal court unless it meets the requirements of section 1332(a).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

When I originally heard of this bill, I was inclined to be supportive. It was described to me several years ago as a bill that would more accurately determine, in fact, whether a class action was multistate or unistate in its real focus. I was told, and I think there is some accuracy, that the technical way in which the diversity rules operated resulted in some class actions that really were national in scope being tried in particular State courts when, under our system of government, they would more appropriately be tried in Federal court; and I thought that was reasonable, and I supported a bill that would do that, and I still would, unlike some of my colleagues here.

When I read the bill, though, it became clear that the bill does not simply say that certain class actions will be tried in Federal court rather than State court; much of its attraction, I believe, to its proponents is that it will make sure that certain potential class actions are never tried at all. That is the way the bill reads.

If a class action is brought in State court, and under the liberalized removal procedures of this bill, it is then removed to Federal court, and a Federal judge finds that he or she does not believe that it meets the requirements for a Federal class action, it is dismissed, in effect, with prejudice. That is, it cannot ever again be tried as a class action. If it was restarted in State court, it would go back again to Federal court, which would again dismiss it, so that would be fruitless. An individual case could obviously be brought.

So I have been asked if this is an amendment that guts the bill. I do not think it guts the bill. I think it does something of which I am generally more in favor. I think it outs the bill. What it does is to say, let us stop pretending to be something we are not. Let us not claim simply to be a bill that is about which jurisdiction tries the case. Let us be clear that its impetus is to reduce the number of class actions, because people believe that some States imprudently and improvidently allow class actions and because some Members in the majority, many of them, do not trust all of the State courts to honestly apply class action rules; they want to be able to go into Federal court so the Federal court can, in some cases, prevent the class action from being maintained anyway.

Again, under the proposal that I advance in my amendment, if, in fact, the case meets the criteria set forward in this bill for removal, it is removed, and the Federal court can go forward with it. The only change I make is, the Federal court does not have the option of saying, this can never be tried as a class action.

So I hope the Members will adopt it.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment and claim the time in opposition.

Mr. Chairman, this can be called the two-or-more-kicks-at-the-cat amendment, because what the gentleman is proposing is that when the Federal court refuses to certify a class, then it goes back to State court and the State court looks at it again and may certify a class. While most States have got class action rules similar to rule 23 of the Federal Rules of Civil Procedure, they are not always uniformly applied, and that is why there is all this forum shopping that is going around that has caused this bill to come before the House of Representatives today.

□ 1615

So I think that we really should not allow two kicks at the cat. They can have their day in court. If the Federal court determines that the Federal rules do not allow for the certification of a class, then we should not go back to square one and have the plaintiffs' lawyers shop around to a friendly State judge that may very well certify that the class that is not allowed in the Federal rules ends up getting certified and the trial ends up proceeding.

So I think that everybody should have one day in court, not more than one day in court. For that reason, I would urge that the amendment be rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the very purpose of that amendment is to guarantee that as a class action you will get one day in court. Without that amendment, the bill gives no days in court.

Mr. Chairman, I ask unanimous consent that the gentleman from California (Mr. BERMAN) be allowed to control the time.

The CHAIRMAN pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BERMAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, just on the good chairman's last point, he wants to give people a day in court. As the gentleman from Massachusetts (Mr. FRANK), the author of the amendment, just pointed out, without this amendment, there is no day in court. They file their class action in State court, the defendants remove it to Federal court, the Federal court refuses to certify it, remanding it back to the State court, they pursue it in State court, and they remove it again back to Federal court. They never get a chance to try it.

If this bill is about trying to have cases, legitimate Federal class action cases, heard in Federal court and not in State courts, then the amendment does nothing to destroy the focus of this bill.

If this bill is about removing the ability of local judges, rather than Federal judges, to give hometown kinds of decisions and rulings, there is nothing in this amendment that hurts this bill.

It is only if one accepts, which I believe is true, that the only purpose of this bill is to eliminate any State or any of the 50 States' ability to decide there are certain kinds of class actions they want to hear that come outside the scope of rule 23, and that, in effect, this bill wipes out the right of all 50 States to make that decision, and defines rule 23 in the Federal courts as the only place to ever bring a class action, that is the only reason to oppose this amendment.

It is hard for me to believe that States' rights-loving adherents to federalism who see a role for the Federal courts and the State courts could, with a straight face, promote this bill, which, in effect, preempts and sucks up all class action rights, forces them into Federal court, eliminates a State legislature and a State judiciary's ability to decide that, there are situations and circumstances where we want a State class action body of law to exist that go beyond the Federal rule 23.

I urge an "aye" vote for this amendment. I think it is essential. With this amendment, this bill truly becomes an effort to get the true Federal class action cases into Federal court and still allows the States to decide if there are areas left out where they want to allow at least some jurisdiction so that the person can have his day in at least one court.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding time to me, Mr. Chairman.

I rise in strong support of the bill and in opposition to this particular amendment. It undermines the principles of H.R. 2341, which is that large interstate class actions should be allowed in Federal court because many State courts are not effectively processing these lawsuits.

As chairman of the Subcommittee on the Constitution, I welcome the opportunity to address the criticism that this legislation would diminish State court authority or otherwise offend basic federalism principles.

Opponents of this bill have suggested that removing a lawsuit filed in State court to Federal court deprives the State court of its right to decide matters of State law. But all State law-based actions do not presumptively belong in State court. Federal diversity jurisdiction, established by no less than the Framers of the United States Constitution, allows State law-based claims to be moved from local courts to Federal courts to ensure that all parties will be able to litigate on a level playing field and that interstate commerce interests will be protected.

Additionally, the expansion of diversity included in the Class Action Fairness Act is consistent with current diversity laws, since it allows Federal courts to hear large cases which have interstate implications. By nature, class actions fulfill these requirements.

Mr. Chairman, in most State law-based class actions, the proposed classes encompass residents of multiple States. Thus, the trial court, regardless of whether it is a State or Federal court, must interpret and apply the laws of multiple jurisdictions. It is far more appropriate for a Federal court to interpret the laws of various States as opposed to having one State court dictate the substantive laws of other States.

For that and other reasons, I would oppose this particular amendment, and I urge my colleagues to oppose the amendment.

Mr. FRANK. Mr. Chairman, I ask unanimous consent to reclaim my time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK. Mr. Chairman, I yield 2½ minutes to my colleague, the gentleman from Massachusetts (Mr. MEEHAN).

Mr. MEEHAN. Mr. Chairman, I rise in strong support of this amendment. Let us be clear: the vote on this amendment will tell us whether this is a bill aimed at giving Federal courts the chance to deal with class actions that they currently cannot, or whether this is a bill aimed at just shutting down all class actions. That is what this is about.

Under this amendment, a class action originally filed in State court could still be removed to Federal court. But let us say that a Federal court will not certify that class. That is where the rubber meets the road. The failure to get class certification in Federal court does not mean that the suit lacks merit. It does not mean this case will be decided on the merits. It simply means it does not meet rule 23.

But the sponsors of this bill would shut down class actions right there, just shut them all down, whether they have merit or whether they do not, saying that if it is refiled in State court, it gets shunted back out to the Federal court that has already said it will not hear it. So what is the result? There is a merry-go-round that begins. It is nothing more than a merry-go-round. Justice is delayed, and then it is denied.

So this bill goes beyond giving Federal courts a chance to hear and use their powers to consolidate class actions that they currently cannot touch. It blocks class actions that were capable of being certified under State law. This amendment would stop the merry-go-round by letting that class action, sent back to State court, move forward on the merits.

There was a letter by a well-known outside group in support of this bill in 1998. This is what the outside group said. I think it kind of gets to the meat of what we are talking about here: "This bill would enable class action suits filed in State courts to be moved to Federal court, where such wasteful lawsuits can easily be dismissed."

That is what an outside group said. We should not let that happen. If this is a bill about taking any kind of lawsuit and saying that they are all wasteful and dismissing them early, then let us say that is what this is about. That is what the group said earlier.

This amendment allows the framers of the bill, the authors of the bill, to get their way in terms of having Federal courts to deal with these, but lets the State courts hear these actions on the merits if they do not meet the technical definition of a class action suit.

We should not let this happen. We want to support this bill. This bill should not be about killing class action. Support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. BOUCHER).

Mr. BOUCHER. Mr. Chairman, I thank the gentleman from Wisconsin for yielding time to me.

Mr. Chairman, I will be brief in stating my opposition to this amendment. If the amendment is adopted, the basic reforms that we are seeking to achieve simply will not be achieved. Some cases simply should not be certified as class actions, either in the Federal or the State courts.

Federal Rule of Civil Procedure 23 is narrowly drawn so as to protect the rights of both plaintiffs and defendants to traditional due process as their rights are litigated. Under rule 23, cases that are overly broad because of conflicting laws that establish the rights of individual class members, or because of the factual differences in the circumstances of the plaintiffs, will not be certified as class actions. Only through denial of certification can the rights of the plaintiff class members be protected.

When cases are denied class action status, all of the individual plaintiffs are then free to file their individual claims, no one is denied a right to recover damages, and another class action can be instituted in State court if it is reconfigured to be a state-centered class action.

I want to stress that denial of class action status in Federal court when the case is removed does not mean an end to the litigation. It does not preclude recovery by the plaintiffs, either in individual actions or in a reconfigured class action proceeding.

But if the gentleman's amendment is adopted, any case which, because of its broad scope, cannot meet the requirements of Federal Rule 23, and therefore is dismissed as a class action in Federal court, could then be certified as a class action in State court from which it was removed. The case would be free to proceed as a State class action, and no further removal to Federal court would then be allowed.

Under the amendment, the cases that are truly national in scope would still be heard in State court, and some States would continue to apply their often unique laws to govern the rights of plaintiffs who live in States that have laws that would dictate that an opposite result be reached.

This extraterritorial application of State law does serious damage to our traditional principles of federalism. It is a kind of reverse federalism that should not continue. But under the amendment that is now pending, it would continue. Our basic reform would not be achieved.

The amendment is a recipe for a continuation of the status quo, and I urge that it not be accepted.

Mr. FRANK. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Virginia for the honesty with which he acknowledged that the effect of the bill without the amendment, and indeed the purpose, is to prevent many cases from being class actions at all.

I differ with one aspect of his argument when he said that some truly national cases will then be, under my amendment, brought to State court. No, I think that is not true. If they are truly national and they truly represent a national class, they will be tried in Federal court, because under this bill, the Federal court can, under the terms of this bill, take the case from the State court if somebody moved it and try it in the Federal court. So we are not saying that truly national ones cannot be done in Federal court.

What this bill does is to say very simply, in modern slang, rule 23 rules. What it says is this: rule 23 of the Federal Rules of Civil Procedure describing class actions is now, by this bill, the rule for every State in America. No State can deviate from rule 23, because if you have a different description of what class action ought to be, then you will lose to the Federal people.

Now, I find it particularly odd that my friends who pretend to be for States' rights, and excuse me, I do not want to violate the rules, who assert that they are for States' rights, now want to say that rule 23 will preempt any State law to the contrary, because that is what this bill does. This bill says the Federal standard for class action will be the standard to govern everywhere.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona (Mr. FLAKE).

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. FLAKE) is recognized for 3½ minutes.

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, what this boils down to is if we believe there is a need for reform, it is with class action or not. If Members do not believe there is a need for reform, then this amendment is fine, because under this amendment we have no change at all. There is no reform, because anything that goes to the Federal court can come right back to the State court, where the abuse occurred in the first place.

The examples of abuse are rampant here. We have gone through them before, but it serves us well to go through a few of them again.

In this case, trial lawyers, $2 million; the plaintiffs, a coupon for a box of Cheerios. That kind of abuse, if allowed by this amendment, would go up to the Federal court. If the Federal court says under rule 23 it does not qualify as a class action, it goes back to the State court, where the abuse can occur again.

☐ 1630

The other example, trial lawyers get over $100,000; the plaintiffs, four golf balls.

If my colleagues do not think that that is abuse, then this amendment is fine. If Members do, strike down the amendment; do not vote for the amendment because we need reform, and we need it now.

Next example, where the attorneys were awarded $4 million, what did the plaintiffs get? Thirty-three cents, only after they sent in for it, costing them 34 cents. So a net loss of one cent.

If Members do not think there is at least a need for reform, vote for the amendment. If Members agree that there is abuse, then they had better vote for the amendment because it will occur regardless otherwise. If it goes to State court or Federal court, goes back to State court, we have the abuse again. It does not solve anything.

I urge my colleagues to vote against the amendment. It is the only way reform will occur. Vote against the amendment. If Members vote for the amendment, no reform occurs. If Members believe that we have fraudulent abuse as it stands, Members have to vote against the amendment.

If Members believe the situation, the status quo is fine, then certainly vote for the amendment.

The CHAIRMAN pro tempore (Mr. SHIMKUS). All time for debate has expired.

The question is on the amendment, as modified, offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FRANK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment, as modified, offered by the gentleman from Massachusetts will be postponed.

It is now in order to consider Amendment No. 9 printed in House Report 107–375.

AMENDMENT NO. 9 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Ms. HART:

Page 19, insert the following after line 11 and redesignate the succeeding section accordingly:

SEC. 7. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and House of Representatives a report on class action settlements in the Federal courts.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members whom the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorney's fees.

MODIFICATION OF AMENDMENT NO. 9 OFFERED BY MS. HART

Ms. HART. Mr. Chairman, I ask unanimous consent to modify the amendment and further request that such modification be considered as read.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Pennsylvania?

There was no objection.

The text of the amendment, as modified, is as follows:

Page 19, insert the following after line 21 and redesignate the succeeding section accordingly:

SEC. 7. REPORT ON CLASS ACTION SETTLEMENTS.

(a) IN GENERAL.—Not later than 12 months after the date of the enactment of this Act, the Judicial Conference of the United States, with the assistance of the Director of the Federal Judicial Center and the Director of the Administrative Office of the United States Courts, shall prepare and transmit to the Committees on the Judiciary of the Senate and House of Representatives a report on class action settlements in the Federal courts.

(b) CONTENT.—The report under subsection (a) shall contain—

(1) recommendations on the best practices that courts can use to ensure that proposed class action settlements are fair to the class members whom the settlements are supposed to benefit;

(2) recommendations on the best practices that courts can use to ensure that—

(A) the fees and expenses awarded to counsel in connection with a class action settlement appropriately reflect the extent to which counsel succeeded in obtaining full redress for the injuries alleged and the time, expense, and risk that counsel devoted to the litigation; and

(B) the class members on whose behalf the settlement is proposed are the primary beneficiaries of the settlement; and

(3) the actions that the Judicial Conference of the United States has taken and intends to take toward having the Federal judiciary implement any or all of the recommendations contained in the report.

(c) AUTHORITY OF FEDERAL COURTS.—Nothing in this section shall be construed to alter the authority of the Federal courts to supervise attorney's fees.

The CHAIRMAN pro tempore. Pursuant to House Resolution 367, the gentlewoman from Pennsylvania (Ms. HART) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Pennsylvania (Ms. HART).

Ms. HART. Mr. Chairman, I yield myself such time as I may consume.

The editorial that many have referred to today that appeared in last Saturday's Washington Post supporting the passage of H.R. 2341 did get it right. Too often our current class action system allows trial lawyers to enrich themselves without benefiting those that those lawyers represent.

As presented, though, H.R. 2341 would have corrective influence on this problem, particularly by allowing the removal of more interstate class actions from the State courts to the Federal courts. Empirical data indicate that this problem of attorneys getting the biggest piece of class action settlements is fundamentally a State court problem. Our Federal courts have done a far better job of ensuring that that does not happen.

Though I do support the bill in all its respect, I would like to add one modest piece to the legislation that I believe would aid in ensuring that these class actions do benefit to serve the class members, not just the attorneys.

The amendment is a request by Congress that the Judicial Conference of the United States, our Federal judges, prepare for the House and Senate Committees on the Judiciary a report on class action settlements. As envisioned by my amendment, that report would have several parts.

First, it would contain the judges' recommendations on best practices that the court will use to ensure that these proposed class action settlements are fair to the class members, that is, the plaintiffs. After all, these class members are the people that the settlements are supposed to benefit, but as we have seen, have not been benefiting. We need to find ways to make sure that they are not forgotten when their claims are being settled.

Second, this report will contain recommendations on best practices that the courts would use first to ensure that attorneys' fees in class settlements appropriately reflect the results that the attorneys get for the class members; and also the report would contain recommendations to ensure that class members, and not the lawyers, are the primary beneficiaries of a settlement.

Finally, the report would indicate the Judicial Conference's plans for implementing the good practices recommendations.

I believe that the value of this amendment is obvious, Mr. Chairman, but let me make two points about its purposes.

First, I want to stress that this amendment is not intended in any way to be an intrusion on the judicial branch of our government. I offer this amendment because I have been advised that the Judicial Conference, particularly through its Advisory Committee on Civil Rules, is already devoting considerable time and energy to this important issue. The committee has held public hearings already, they have conducted research, they have drafted and proposed civil rules amendments, and these are all intended to bring more rationality to class settlements.

I believe that we should applaud the efforts of our Federal judges in this regard. Thus, I offer this amendment not to give our diligent Federal judges a new homework assignment, but rather I offer it to recognize their effort and suggest that they continue their investigation in this arena and encourage them to complete this project.

Second, Mr. Chairman, I wish to emphasize this amendment would not directly regulate attorneys' fee awards. I truly believe that the attorneys' fees lie at the root of the key problems in what the Washington Post editorial referred to as the "sorry world of class action litigation here in the United States." I also recognize an effort by this body to regulate directly the award of such fees could be very divisive.

The bill that we presently have before us is worthy of, and actually has, healthy bipartisan support. So my proposal on the fees issue is a very limited one. It would simply encourage the completion of the work that our Federal judges have undertaken to develop best practices on this issue, all within the current framework of the attorneys' fee awards.

For all of these reasons, I urge my colleagues to adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. HART. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I think that this is a very constructive amendment, and I would urge the House to adopt it.

Ms. HART. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim the time in opposition?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) is recognized.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 4½ minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentlewoman from Texas (Ms. JACKSON-LEE) for yielding me the time.

There is kind of a breathtaking level of temerity that the Republicans are engaging in today. As the Enron case and many others hang over our country's financial marketplace, as Arthur Andersen basically struggles for survival of all of the fraudulent activity that was perpetrated on investors, on workers, on consumers across this country, the Republican response to it is to bring out yet another bill that will make it difficult for those ordinary investors and workers to bring suits against the big guys, the people who play games with the books.

It is almost like there is no shame whatsoever, and I would almost understand it if they kind of snuck this through in July or August when the coast was clear on the Enron and Arthur Andersen case, that had kind of died down a little bit.

What they are doing today is putting in place a dangerous anticonsumer, anti-investor and antiworker piece of legislation. They are standing with the Enrons of the world, the Arthur Anderssens of the world against the consumer, against the investors in our country, and it is just incredible to me.

However, remember, the first article of the Republican Contract with America back in 1995 was passing out on this floor the Private Securities Litigation Reform Act of 1995. Amongst other things, that is making it very difficult for people to sue Arthur Andersen right now because they no longer have joint and several liability. They only have proportionate liability. Even as their auditors and consultants are together playing the game and keeping score, because of that 1995 Act it is hard to make them liable, and everyone knows that they were part of this game.

Today, we see the results of their fine handiwork. Just a few weeks ago, Members may have read press reports about Arthur Andersen reaching a $217 million settlement in a class action lawsuit brought under State law in the State of Arizona against Arthur Andersen in connection with a fraud involving a charity organization. According to the testimony delivered to the Committee on the Judiciary at around the same time the State class action was filed, a Federal class action was also filed, same case, same facts, State court, Federal court.

Guess what happened to the Federal class action. It was thrown out of court because the Republicans in 1995 changed the pleading standards in the Federal securities laws to favor wrongdoers. So these poor people who have been defrauded could not even get into Federal court.

What happens? We have a controlled experiment seeing what happens in Federal and State court. The same people now go to the State court with the same case, same facts. In the State court, the plaintiffs win. They can win. They do win. Same case, same events, same facts. In Federal court, under the 1995 Republican Act, wrongdoers are protected. They cannot recover, they are out $217 million. In the State courts, the plaintiffs won. The wrongdoers lost.

What is the Republican vision of the future? They now want to do that for all classes of all plaintiffs. They want to take the public's legal rights away, and that is what this bill would do. So we have to defeat this bill. It is terrible. It says we cannot trust the States, we cannot trust local courts, we cannot give local people a chance to decide whether or not local, fraudulent, big companies have hurt the investors and the workers in their community.

That is a vision of the past, not of the future. Defeat this bill.

Ms. HART. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in complete support of the idea behind my colleague from Pennsylvania's amendment to H.R. 2341.

It seems perfectly logical to want to know exactly whether or not this legislation is really needed by requesting a report on Federal class action settlements. We need to know what we are doing.

This report would include recommendations on how to ensure settlements are fair, that they are in the best interests of the plaintiffs, and that the expenses awarded to the lawyers are appropriate.

I end up asking myself, why are we considering this as an amendment? Why not its own legislation? Why would we pass legislation and then amend it with a requirement that we be told whether or not the legislation was actually necessary in the first place? That makes no sense.

I propose today that we work together and pass this amendment as stand-alone legislation and then revisit this whole area of class action reform when we have the recommendations from the report and can act accordingly.

To date, we have not been provided with comprehensive data justifying the changes proposed in this legislation. The report would give Congress a chance to really understand whether or not these reforms are even necessary.

I offer today to spearhead an effort in this body to quickly adapt stand-alone legislation introduced by the gentlewoman from Pennsylvania (Ms. HART) that would require such a report.

Mr. CONYERS. Mr. Chairman, will the gentlewoman yield?

Ms. HOOLEY of Oregon. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, could we hold up this bill till we get the report?

Ms. HOOLEY of Oregon. Mr. Chairman, I would either withdraw this proposal today so that, in fact, we could do this amendment as a stand-alone bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. HART. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the author of this amendment for yielding me the time.

One of the previous speakers referred to something he called the 1995 Republican Act. Specifically, he was talking about the Securities Litigation Reform Act of 1995.

□ 1645

First, it was not the 1995 Republican Act. It was passed overwhelmingly by Democrats and Republicans, including such well-known Democrats as the chairman of the Democratic National Committee, CHRIS DODD from Connecticut, who supported this in the Senate, in the other body; TED KENNEDY, from the Member's own State who made these remarks; my own Senator FEINSTEIN, and so on. And it was supported by all these Democrats and Republicans because it benefits the plaintiffs in these cases.

The Enron case is the best example. In the old days, before this law, the first plaintiff to file would have been able to pick who the lead plaintiff in the case is and collusion between the lawyers and the favored class member through bonus payments, which were also outlawed in that legislation, resulted in cents on the dollar. But now the University of California Regents have been selected as the lead plaintiff in the Enron case, and they will be a real lead plaintiff and stand up for the rights of all the plaintiffs. That is the kind of reform that both Democrats and Republicans supported.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. COX. I yield to the gentleman from Louisiana, the chairman of the Committee on Energy and Commerce.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding to me.

The Security Litigation Reform Act, passed in 1995, was indeed passed by a great overwhelming majority of the House and Senate Democrats and Republicans. It was the first class action reform, and it stopped the strike suits that were filed against American corporations not to win judgments for fraud but just to shake them down.

Ninety-five percent of those cases were being settled at 10 cents on the dollar. They were shake-down lawsuits designed to defraud the companies. These class action lawsuits before the 1995 act were not real efforts to find fraud, and those reforms have indeed protected constituents across America.

The class action suit brought against Enron now is the best example. Where there is real evidence of fraud, those suits go forward. The strike suits, on the other hand, have ended; and they should have ended a long time ago. That is good reform, just like this bill before us.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Members are reminded to avoid inappropriate references, under House rules, to Members of the other body.

Ms. JACKSON-LEE of Texas. Mr. Chairman, may I inquire about how much time I have remaining.

The CHAIRMAN pro tempore. The gentlewoman from Texas (Ms. JACKSON-LEE) has 5½ minutes remaining, and the gentlewoman from Pennsylvania (Ms. HART) has 1½ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Michigan (Mr. CONYERS), the distinguished ranking member of the Committee on the Judiciary.

Mr. CONYERS. Mr. Chairman, the distinguished chairman of the Committee on Energy and Commerce was talking about sham class action lawsuits. I do not know which ones he was talking about, but he was not talking about the Firestone case, the Monsanto case, the W.R. Grace case, all the tobacco company cases, the asbestos cases, the black lung case, air bags, Pinto, and it goes on and on.

None of those were sham lawsuits settled at 10 cents on the dollar. And I am sorry he is not here to further explain which cases he had in mind.

Ms. HART. Mr. Chairman, I yield myself the balance of my time.

The debate, unfortunately, around this amendment has not really dealt with this amendment. I would like to clarify that this amendment has absolutely nothing to do with Enron, Mr. Chairman.

This amendment has to do with doing what is right. It has to do with Congress requesting facts, requesting the Judicial Conference to prepare a report for us, for the House and Senate Committees on the Judiciary, so that we know and we have better information about class action settlements.

The report would contain recommendations from the judges on best practices to ensure that attorneys' fees in class settlements actually reflect the results of those class actions, that is, that the attorneys get appropriate fees, the class action members, the plaintiffs, actually get a settlement instead of 33 cents.

It is a simple amendment that complements the work our Federal judges have already begun. It urges them to complete their report 12 months after the bill is passed so that we will make sure that we are not just paying lip service to our constituents who believe that class actions have become a joke in this country. It is to make sure that class action lawsuits are real and really provide a real answer to the concerns that were brought to the court.

Mr. Chairman, I urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

I certainly attribute to the gentlewoman from Pennsylvania her concern about the consumers, inasmuch as she has offered an amendment to determine the facts of how this legislation would impact those consumers or individuals petitioning the courts. I would have liked this amendment to precede the passage of this legislation. And, in fact, in the discourse just had with the gentleman from Michigan (Mr. CONYERS) and a proponent of the amendment, it was just noted that the proponent of the amendment would have rather and would liked for this to be a stand-alone amendment and leave the class action legislation off to the side. Leave it where it is right now. Do not proceed with it. Let us get a study to find out if in fact there is a problem with class actions in State courts versus Federal courts.

I am confused about a study after the fact. I believe those who oppose this legislation have been asking repeatedly to be given the data to suggest there is a premise for denying plaintiffs, that is the little guy, to get into State court. In fact, Mr. Chairman, I will later submit for the RECORD letters from the Federal courts that absolutely oppose the underlying legislation.

I am concerned that we would make light of the decisions in State courts when I have already noted for the record the Foodmaker, Inc. case, the parent company of the Jack-in-the-Box, where three children died and 500 people were part of a class. Most of these children were made sick by undercooked hamburgers. I believe this case was in a State court. The settlement was approved on September 25, 1996; and it was a reputable settlement for people who had no other opportunity to address their grievances other than to go into Washington Superior Court in King County.

This legislation, Mr. Chairman, is one that does not protect the consumers. The gentlewoman would do well to have her amendment presented singly, standing alone, to provide us with the data so that we might make an intelligent decision not on behalf of special interests but on behalf of the consumers of America, the children that died from the tainted hamburger at the Jack-in-the-Box, those impacted by asbestos, and those impacted by the Firestone tires. Those are the people we should be trying to impact in this House today, particularly in light of the ups and downs that we have had in corporate America over the last couple of months.

I would ask my colleagues to recognize that this amendment may have a good underlying basis; but in fact, the question is why not have it do the job without this legislation. I ask my colleagues to oppose the underlying legislation.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentlewoman from Pennsylvania (Ms. HART).

The amendment, as modified, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 7 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) and amendment No. 8 offered by the gentleman from Massachusetts (Mr. FRANK).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 7, AS MODIFIED, OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 7 offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 177, noes 248, not voting 9, as follows:

[Roll No. 59]

AYES—177

Abercrombie
Ackerman
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Duncan
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Slaughter
Smith (WA)
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—248

Aderholt
Akin
Allen
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Carson (OK)
Castle
Chabot
Chambliss
Coble
Collins
Combest
Condit
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
McNulty
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett
Bentsen
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Kilpatrick
Murtha
Traficant

□ 1719

Messrs. LEACH, SIMPSON and BASS, Mrs. JOHNSON of Connecticut and Mrs. BONO changed their vote from "aye" to "no."

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS). Pursuant to clause 6 of rule XVIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the remaining amendment on which the Chair postponed further proceedings.

AMENDMENT NO. 8, AS MODIFIED, OFFERED BY MR. FRANK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 8, as modified, offered by the gentleman from Massachusetts (Mr. FRANK), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 191, noes 234, not voting 9, as follows:

[Roll No. 60]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Cannon
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—234

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Barrett
Bentsen
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Kilpatrick
Murtha
Traficant

□ 1728

So the amendment, as modified, was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. CANNON. Mr. Chairman, on rollcall No. 60, I inadvertently voted "aye" but I meant to vote "no."

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILCHREST) having assumed the chair, Mr. SHIMKUS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes, pursuant to House Resolution 367, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. SANDLIN

Mr. SANDLIN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GILCHREST). Is the gentleman opposed to the bill?

Mr. SANDLIN. Yes, Mr. Speaker, I am opposed to the bill in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SANDLIN moves to recommit the bill H.R. 2341 to the Committee on the Judiciary with instructions that the Committee report the same back to the House with the following amendment:

Page 19, add the following after line 25:

Any defendant who is a knowing participant in any conspiracy to hijack any aircraft or commit an act of terrorism shall not be entitled to remove a class action to federal court pursuant to section 1332(d) of title 28, as added by section 4 of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SANDLIN) is recognized for 5 minutes in support of his motion.

Mr. SANDLIN. Mr. Speaker, by matter of correction, retraction and addition, the reference is section 1332(d).

Mr. Speaker, today's debate has illustrated a number of very serious problems with the bill before us. By federalizing class actions, it would make it far more burdensome, expensive, and time-consuming for groups of injured victims to obtain access to justice and far more difficult to protect our citizens against violations of fraud, consumer health, safety, and environmental laws.

The legislation goes so far as to prevent State courts from considering class actions which involve solely violations of State laws such as State consumer protection laws. In the post-Enron world, when we are trying to hold corporate wrongdoers accountable for their actions, this bill takes us in exactly the wrong direction.

The motion to recommit responds to another very serious problem with this legislation: the fact that it would permit parties who engage in terrorism to remove a class action brought against them in Federal court. As the bill is presently written, if a terrorist released a nuclear device or an anthrax cloud, the harmed victims could very well lose their ability to seek redress as a class in their local State court.

For example, if a class composed of mostly New Yorkers, but some citizens in New Jersey and Connecticut, want to pursue a terrorist in New York State court, I believe they should have that option. It is a matter of national security. This bill today prevents that.

The language in the motion would eliminate this problem by removing terrorists from the party defendants whose rights are enhanced by the bill. The language is based on the text of the airline bailout bill and the airport security bill we approved last fall. Any defendant who is a knowing participant in any conspiracy to hijack any aircraft or commit terrorist acts should not get the benefits of the bill.

The bills we passed previously provided for protections and limitations on liability to protect airlines, airplane manufacturers, the City of New York, and others, but we agreed on a bipartisan basis that nothing in the reform should in any way assist terrorist defendants. We should do the same thing in this bill.

Let me repeat, since September 11, every single liability bill we have passed has included an exclusion for terrorists based on the language of this motion. We have excluded terrorists. The last thing we should be doing today is anything that will make the terrorists lives easier.

Let us vote yes on the motion, send the bill back to committee, and let us fix this bill.

Mr. SENSENBRENNER. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, this is not the usual motion to recommit that this House considers at the end of legislation. Those motions direct the committee of jurisdiction to report the legislation back to the House forthwith with an amendment. The motion to recommit of the gentleman from Texas omits the word "forthwith," and that means that if this motion is adopted, the bill will go back to the Committee on the Judiciary and will come out sometime in the future to be brought up under another rule where the House will spend another day listening to the same arguments that we have debated and rejected repeatedly through the amendment process.

So for that reason alone, the motion to recommit should be rejected.

Now, secondly, litigation resulting from a massive terrorist attack is precisely the type of complex legislation envisioned to be decided in our Federal courts. That type of litigation involves multiple parties from different districts asserting multiple laws, but having the same set of facts that the court will decide.

The House has already dealt with this issue when, earlier last year, it passed H.R. 860 by voice vote. This was supported by Members on both sides of the aisle and unanimously reported by the Committee on the Judiciary. This legislation is known as the multi-multi-multi bill, which is in direct response to air crash cases and multiple tort cases such as a terrorist attack, and it directs which Federal court those types of cases can be consolidated in. So the House has already dealt with that issue.

The amendment is unnecessary because it does not require the bill to be brought back forthwith. It is a sneaky way to attempt to kill the bill by referring it to the committee, and I would urge Members to oppose this motion simply to get rid of this issue and to send it on its way to the other body.

Mr. Speaker, I yield the balance of the time to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I thank the chairman of the Committee on the Judiciary for yielding me this time, and for his leadership in moving this legislation through the House.

This is a good, bipartisan bill. I was pleased to introduce it with the gentleman from Virginia (Mr. BOUCHER) and the gentleman from Virginia (Mr. MORAN). We need bipartisan support to pass this legislation.

We have all day long from the opponents of this bill seen obfuscation. This bill is not about terrorists, it is not about Enron, it is not about shredding documents; what it is about is good, common-sense class action lawsuit reform to end this kind of abuse, where the lawyers get $2 million in attorneys' fees and the plaintiffs, the American families, get a box of Cheerios.

It is about a case where the plaintiffs get a $25 coupon off a $250 future plane flight, a 10 percent reduction, and the attorneys get $16 million in attorneys' fees.

It is about this great case wherein the Bank of Boston, the attorneys got $8.5 million in fees and then sued, sued their own clients for an additional $25 million.

It is about this Blockbuster case, 23 class action lawsuits settled for $1-off coupons; the attorneys got an estimated $9.2 million in attorneys' fees.

Here is my favorite one. The attorneys got $4 million in their suit against Chase Manhattan Bank; the plaintiffs, including this plaintiff, 33 cents. But there is a catch to the 33 cents. There it is, 33 cents; the catch is that in order to accept the settlement, you had to use a 34-cent stamp to send in the acceptance, and so you came out 1 penny short.

Our friends at the Washington Post summed it up best when they said, Having invented a client, the lawyers also get to choose a court. Under the current absurd rules, national class actions can be filed in just about any court in the country. This bill changes that. This bill treats American families with more than pennies; it restores integrity to our judicial system. Vote against this obfuscating motion to recommit and for this good legislation.

Again, the Washington Post: That it is controversial at all reflects less on the merits of the proposal than on the grip that the trial lawyers have on many Democrats.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDLIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 191, noes 235, not voting 8, as follows:

[Roll No. 61]

AYES—191

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—235

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—8

Barrett
Blagojevich
Davis (IL)
Eshoo
Hinojosa
Kilpatrick
Murtha
Traficant

☐ 1802

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILCHREST). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 11, as follows:

[Roll No. 62]

YEAS—233

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Boucher
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—190

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank
Frost
Gephardt
Gilman
Gonzalez
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill
Hilliard
Hinchey
Hoeffel
Holt

Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tauscher
Terry
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—11

Barrett
Blagojevich
Davis (IL)
Eshoo
Fattah
Fletcher
Hinojosa
Kilpatrick
Murtha
Rush
Traficant

□ 1812

Ms. BROWN of Florida changed her vote from "yea" to "nay".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KILPATRICK. Mr. Speaker, due to business in the District, I was unavoidably detained on Wednesday, March 13. Had I been present, I would have voted as follows on the amendments to H.R. 2341, the Class Action Fairness Act: "aye" on the Waters Amendment (Roll-call No. 56); "aye" on the Conyers Amendment (Roll-call No. 58); "aye" on the Jackson-Lee Amendment (Roll-call No. 59) and "aye" on the Frank Amendment (Roll-call No. 60).

Finally, I would have voted "aye" on the motion to recommit offered by Mr. SANDLIN (Roll-call No. 61) and "nay" on final passage of H.R. 2341.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2341, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3694

Mr. CALLAHAN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3694.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on March 7 I had to return to my district on official business. On Rollcall No. 51, if I had been present, I would have voted no.

On Rollcall No. 52, H.R. 3090, the economic stimulus package to increase the unemployment benefits for laid-off workers, I would have voted aye.

On March 12, 2002, Rollcall No. 53, H.R. 1885, Enhanced Border Security and Visa Entry Reform Act of 2002, I was unavoidably detained in my district. If I had been present, I would have voted aye.

Mr. Speaker, my final one, today, March 13, 2002, on Rollcall No. 54, the Journal vote, I was delayed because of air travel. I was coming from my district. If I had been present, I would have voted aye.

CUBANS SEEKING POLITICAL CHANGE

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include therein extraneous material.)

Mr. FLAKE. Mr. Speaker, I rise today to talk about a remarkable event that occurred last Thursday on the island of Cuba. According to Reuters, "In an apparently unprecedented move during Fidel Castro's 43-year rule, a group of dissidents says it has gathered 10,000 signatures to ask the Cuban parliament for a referendum on political reforms."

"We are proposing a consultation with the people so that they can decide about change," a leading moderate dissident, Oswaldo Paya, who is the main promoter of the so-called Varela Project, told Reuters late on Wednesday.

The project, named for the pro-independence Catholic Priest Felix Varela, is based on Article 88 of the Cuban constitution, which says new legislation may be proposed by citizens if more than 10,000 voters support them.

The proposed referendum, Paya says, would be on the need to guarantee rights of freedom of expression and association and amnesty for political prisoners; more opportunities for private businesses; and new electoral law and a general election.

Unfortunately, it is virtually certain that the National Assembly will reject the referendum.

Mr. Speaker, I include these two articles and state for the RECORD that these dissidents from Cuba deserve to be seen and heard.

[From the Associated Press, Mar. 8, 2002]

CUBANS SEEKING POLITICAL CHANGE

(By Anita Snow)

HAVANA.—Cuban dissidents said Friday they have collected 10,000 signatures needed to force a referendum on overhauling the government, a move unprecedented in communist Cuba.

Miguel Saludes of Cuba's Christian Liberation Movement said activists were checking the signatures to verify their authenticity. The petition will then be delivered to Cuba's National Assembly, he said.

He would not say when activists expected to have the document ready. The proposed referendum, known as the Varela Project, appears to be the first signature-gathering effort to get this far under the government of Fidel Castro (news—web sites), in power for 43 years.

The referendum would ask voters whether they think guarantees are needed to assure the rights of free speech and association and whether they support an amnesty for political prisoners. It would also call for new electoral laws and more opportunities for Cubans to run their own private businesses.

Castro's government has not commented publicly on the effort. Previous petition efforts have stalled in part because people were afraid to sign, but in the decade since the collapse of the Soviet Union, the government has shown slightly more tolerance for opposition groups.

The project is named for Father Felix Varela, a Roman Catholic priest who fought for the emancipation of slaves on the Caribbean island. The referendum was first mentioned by the Christian Liberation Movement shortly after Pope John Paul (news—web sites) II's visit here in January 1998.

The Cuban Commission for Human Rights and Reconciliation and the Democratic Solidarity Party later joined the Christian Liberation Movement in helping coordinate the signature-gathering drive. The groups have been gathering signatures across the island since early last year.

All three groups operate here without the approval of the government, which regularly characterizes its opponents as "counter-revolutionaries" and "mercenaries" for the U.S. government and Cuban exiles.

CUBA DISSIDENTS SAY 10,000 SIGN REFERENDUM APPEAL

(By Isabel Garcia-Zarza)

HAVANA (Reuters)—In an apparently unprecedented move during President Fidel Castro's 43-year rule, a group of dissidents says it has gathered 10,000 signatures to ask the Cuban parliament for a referendum on political reforms.

"We are proposing a consultation with the people so they decide about change," a leading moderate dissident, Oswaldo Paya, who is the main promoter of the so-called Varela Project, told Reuters late on Wednesday.

The project, named for pro-independence Catholic priest Felix Varela (1788–1853), is based on article 88 of the Cuban constitution, which says new legislation may be proposed by citizens if more than 10,000 voters support them.

The proposed referendum, Paya said, would be on the need to guarantee the rights of free expression and association; an amnesty for political prisoners; more opportunities for private business; a new electoral law; and a general election.

Havana, which scorns dissidents as "counter-revolutionary" pawns of a hostile U.S. government and anti-Castro Cuban American groups, has publicly ignored the project. But Paya and others behind the campaign accused the government of mounting a strong campaign of "threats and persecution" to impede the gathering of signatures and delivery of letters to authorities.

"Authorities are acting like gangsters," said Paya, who has a long list of alleged verbal and physical abuse against Varela Project activists in the last year.

'GOVERNMENT AFRAID'—PAYA

"The government is afraid of this liberating gesture, where a social vanguard is showing it has no fear. The government is afraid when the people are not afraid," he added. Castro frequently says his one-party communist system is more democratic than the Western model and denies the existence of political prisoners or repression of freedom of expression.

The signatures, gathered by activists across the Caribbean island of 11 million inhabitants over the last year, will be presented to the National Assembly in a few weeks, once all 10,000 signatures have been checked and ratified, Paya said.

"This has never been done before, it has no precedent," he added. "It shows Cubans not only want changes, but also are ready to face the risks to show they want changes." According to Paya, more than 100 small opposition groups have backed the initiative. However, some prominent dissidents, such as Martha Beatriz Roque, do not support it, arguing it is unrealistic to seek change within a constitution designed by the Castro government.

Paya did not say what Varela Project backers will do if the initiative is rejected by the National Assembly, something analysts and diplomats think is virtually certain. "We are ready to keep demanding our rights," he said.

Over the four decades since the 1959 revolution, Cuba's scattered and marginalized internal dissident movement has made little headway against Castro's grip on power. Castro again scathingly lambasted dissidents this week, in a three-hour TV speech, as nonrepresentative of the Cuban people and intent on helping Washington bring Cuba into the U.S. "empire."

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STEEL PROTECTIONISM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I am disheartened by the administration's recent decision to impose a 30 percent tariff on steel imports. This measure will hurt far more Americans than it will help, and it takes a step backward toward the protectionist thinking that dominated Washington in decades past. Make no mistake about it, these tariffs represent naked protectionism at its worst, a blatant disregard of any remaining free market principles to gain the short-term favor of certain special interests.

□ 1815

These steel tariffs also make it quite clear that the rhetoric about free trade in Washington is abandoned and replaced with talk of "fair trade" when special interests make demands. What most Washington politicians really believe in is government-managed trade, not free trade. True free trade, by definition, takes place only in the absence of government interference of any kind, including tariffs. Government-managed trade means government, rather than competence in the marketplace, determines what industries and companies succeed or fail.

We have all heard about how these tariffs are needed to protect the jobs of American steelworkers, but we never hear about the jobs that will be lost or never created when the cost of steel rises 30 percent. We forget that tariffs are taxes and that imposing tariffs means raising taxes. Why is the administration raising taxes on American steel consumers? Apparently no one in the administration has read Henry Hazlitt's classic book "Economics in One Lesson." Professor Hazlitt's fundamental lesson was simple: we must examine economic policy by considering the long-term effects of any proposal on all groups.

The administration, instead, chose to focus on the immediate effects of steel tariffs on one group, the domestic steel industry. In doing so, it chose to ignore basic economics for the sake of political expediency. Now, I grant you that this is hardly anything new in this town, but it is important that we see these tariffs as the political favors that they are. This has nothing to do with fairness. The free market is fair. It alone justly rewards the worthiest competitors. Tariffs reward the strongest Washington lobbies.

We should recognize that the cost of these tariffs will not only be borne by American companies that import steel, such as those in the auto industry and building trades. The cost of these import taxes will be borne by nearly all Americans, because steel is widely used in the cars we drive and in the buildings in which we live and work. We will all pay, but the cost will be spread out and hidden, so no one complains. The domestic steel industry, however, has complained; and it has the corporate and union power that scares politicians in Washington. So the administration moved to protect domestic steel interests, with an eye towards upcoming elections. It moved to help members who represent steel-producing States.

We hear a great deal of criticism of special interests and their stranglehold on Washington, but somehow when we prop up an entire industry that has failed to stay competitive, "we are protecting American workers." What we are really doing is taxing all Americans to keep some politically favored corporations afloat. Some rank-and-file jobs may also be saved, but at what cost? Do steelworkers really have a right to demand Americans pay higher taxes to save an industry that should be required to compete on its own?

If we are going to protect the steel industry with tariffs, why not other industries? Does every industry that competes with imported goods have the same claim for protection? We have propped up the auto industry in the past; now we are doing it for steel. So who should be next in line? Virtually every American industry competes with at least some imports.

What happened to the wonderful harmony that the WTO was supposed to bring to the global market? The administration has been roundly criticized since the steel decision was announced last week, especially by our WTO "partners." The European Union is preparing to impose retaliatory sanctions to protect its own steel industry. EU Trade Commissioner Pascal Lamy has accused the U.S. of setting the stage for a global trade war; and several other steel producing nations, such as Japan and Russia, also have vowed to fight the tariffs. Even British Prime Minister Tony Blair, who has been a tremendous supporter of the President since September 11, recently stated that the new American steel tariffs were totally unjustified.

The WTO was supposed to prevent all this squabbling, was it not? Those of us who opposed U.S. membership in the WTO were scolded as being out of touch, unwilling to see the promise of a new global prosperity. What we are getting instead is increased hostility from our trading partners and threats of economic sanctions from our WTO masters. This is what happens when we let government-managed trade schemes pick winners and losers in the global trading game. The truly deplorable thing about all this is that the WTO is touted as promoting free trade.

Mr. Speaker, it is always amazing to me that Washington gives so much lip service to free trade while never adhering to true free trade principles. Free trade really means freedom, the freedom to buy and sell goods and services free from government interference. Time and time again, history proves that tariffs do not work. Even some modern Keynesian economists have grudgingly begun to admit that free markets allocate resources better than centralized planning. Yet we cling to the idea that government needs to manage trade when it really needs to get out of the way and let the marketplace determine the cost of goods.

I sincerely hope that the administration's position on steel does not signal a willingness to resort to protectionism whenever special interests make demands in the future.

THE DEBT CEILING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, today I want to take this time to continue a discussion that we, the so-called Blue Dog Democrats, the Blue Dog Coalition, have been carrying on for the last 2 or 3 weeks talking about the urgency of this body in dealing with the debt ceiling and dealing with our economic game plan that has now pushed us once again into a position of having to borrow on the Social Security trust fund for the next 10 years.

Just a little bit of a reminder or a refresher on everyone's mind tonight. It was just 1 year ago that we were on this floor advocating a budget, an economic game plan for this country that was different from what the majority and the administration wished. The thing that we said was that this $5.6 trillion was projected surpluses, and we emphasized projected. These were guesstimates. Most everyone agrees we cannot predict tomorrow, much less 10 years. But we lost. What we suggested was let us take half of that projected surplus and pay down our national debt. We were told we were in danger of paying it down too fast. That was somewhat laughable to most of us, the idea that you could pay down debt too fast, when you owed $5.6 trillion.

When we have an unfunded liability in the Social Security trust fund of $22 trillion, we also proposed in our budget plan that the first thing that we should do as a body is fix Social Security and Medicare; that we should deal with those two problems first before we begin making any other decisions as to how much money we spend. Again, we lost. We have not seriously addressed Social Security as of this moment, and we will not do so until at least next year.

But now we find, again contrary to what we were told a little over 1 year ago, that we were not going to need to increase our debt ceiling for at least 7 more years; that in December, the Secretary of the Treasury, Mr. O'Neill, wrote and said we must increase our debt ceiling and do it immediately by $750 billion. Now, where are we tonight? As of the close of business Friday, March 8, the debt subject to limit stood at $5.924 trillion, leaving about $26 billion of room left in our debt ceiling.

Now, what does this mean to the average layperson? It is kind of like a student going to their parents with a $6,000 credit card bill. Of course the parents will pay, because they do not want the kids rating to be damaged and probably their own, because they are responsible for their child; but they will work out an arrangement with that child that includes reducing his allowance, getting a part-time job, making promises for less partying, and on and on. That is what concerns us Blue Dogs and why we are here again tonight. We are being asked to increase the debt ceiling by $750 billion without a plan, without a plan to deal with these deficits that now have, in the President's budget, a projected raiding of the Social Security trust fund for the next 10 years.

We do not believe that is an acceptable game plan. We are prepared to support our President, and we are prepared to work with our friends on the other side of the aisle on a new plan. But so far nothing has come forward. One would think that the budget that we are going to be having on the floor next week would address this. Instead, we are told that we are not even going to have a budget that is in balance anytime in the future.

We are being told now that this budget that is going to be presented to us will be scored by OMB. The last time we had a fight on the debt ceiling, one of the things that we agreed to was that we would use CBO. In fact, 1995, the last time we had this difference of opinion on how we raise the debt ceiling, 48 Democrats joined with the Republican majority to insist that President Clinton submit a plan that was balanced under CBO numbers.

Now, I am saying to the leadership of this House, and we again would welcome someone from the other side to come and join in this discussion tonight, we hope that the 148 Republicans who voted for that legislation in 1995, who are still in the House, will stay consistent and insist that before we raise the debt ceiling that we have a plan that gets us out of it. Is that unreasonable? Does that not make sense? If so, why are we now talking about doing the same thing that Secretary Rubin did in 1995 that had the majority threatening to impeach him? Now we are talking about perhaps doing the same thing, and now it is okay.

Again, all we are saying tonight is increasing the debt ceiling by $750 billion to borrow money for what? Now, let me point out very clearly, we support the President's request for additional funding for defense and are perfectly willing to include that in any debt ceiling increase. If the President proposes to borrow the money rather than to pay for it, we are behind him, and that includes the domestic defense as well as the foreign. That is not an item in dispute.

What is in dispute tonight is why should we increase the debt ceiling $750 billion without putting a plan in place to deal with it, just like the father and son or father and daughter would certainly do if it was in their household budget? I find most American people agree with that rationale. We are puzzled why we are not having that bill on the floor next week.

Mr. Speaker, I ask unanimous consent that I be allowed to yield the balance of my time to the gentleman from Florida (Mr. BOYD), and that he be allowed to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1830

Mr. BOYD. Mr. Speaker, I thank the gentleman from Texas for filling in.

The gentleman from Texas has been a leader in this House for, I guess, 23, 24 years now on this issue of fiscal responsibility. One thing we know about him, his message has always been consistent, that we ought to be willing to pay for those programs that we as a nation want to have, have the government fund, and we ought not to be in a position of deficit spending and asking our children to pay for those programs that we have.

I want to thank the gentleman from Texas.

Mr. Speaker, I want to call on another leader, the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. I thank the gentleman from Florida for yielding. Let us stand up for fiscal responsibility in this country and conservative budgeting and conservative spending.

Last year we were worried about paying off the debt too quickly. That seems long ago. What does it say now that we are looking at raising the debt limit in this country?

The administration's request to raise the debt limit by $750 billion confirms the warnings of the Blue Dogs from last year, that it was dangerous to make long-term commitments to tax cuts or new spending programs based on shaky projections of surpluses over a 10-year period. It is impossible to make those 10-year projections in your home, in your business, and it is certainly impossible to make them in this country.

Last year, the Blue Dogs proposed taking the on-budget surplus and immediately paying one-half of that available fund on the debt of this country. To pay down the debt, we proposed taking one-quarter of that surplus and making it available for tax cuts for working families here in America, and taking one-quarter of that surplus and making that available for investment in areas such as agriculture, defense and the education of our children.

Instead, we enacted a budget consuming 100 percent of the projected surplus, not the surplus but the projected surplus, we used risky and too-rosy projections, and we left absolutely no margin for error in our projections. We have things such as national emergencies, natural disasters, wars. We made no provisions for those changes. So we put ourselves on a course for budget deficits once the circumstances changed and our projected surpluses disappeared for a number of reasons.

The vote to raise the debt in part is an acknowledgment that we have broken our pledge on Social Security, and the Social Security lockbox is now wide open; and we are going to leave it open to raid it time and time and time again unless we enact fiscally responsible budgeting principles in this country.

The war and the recession represent a part, but only a small part, of the reason the debt limit needs to be increased. We are willing to authorize debt to cover the cost of war. Our fighting men and fighting women across the world need every advantage, every piece of equipment, every bit of technology, every bit of training that is necessary to root out terrorism. But we are not willing to allow the government to continue on deficits as far as the eye can see without a budget, without a plan, without any forethought.

The last two increases in the debt limit came when Congress and the President were negotiating on a bipartisan basis to balance the budget. Many of us were here in 1997, and that led to the balanced budget agreement of 1997, a strong bipartisan effort. But presently, instead of working with the Congress to put the budget back on track, the administration's request for an increase in the debt limit is included in a budget which projects deficits financed by borrowing from the Social Security surplus for the next decade and beyond.

It avoids making difficult choices. It extends and expands existing tax cuts. It increases the long-term obligations of this country. And it results in more borrowing, just what we do not need.

Blue Dogs do not want to see the country in default on the debt, but we do not want to give out just a blank check, a blank check with no plan, with no budget, with no forethought. An increase in the debt limit must be accompanied by a plan to put our fiscal house in order.

What is wrong with asking for a plan? What is wrong with asking for a budget before we make these decisions?

In 1997, a Member from the other side of the aisle said, "We said from the beginning of this Congress that we want to negotiate with the President, but we cannot negotiate with a President who does not want to balance the budget. We do not want to negotiate over whether to balance the budget or not; we want him to submit a budget that balances by CBO what he called for. We will negotiate with him in the parameters within that balanced budget. But if the President cannot submit one, how do we negotiate apples with oranges? You know, the saying goes, 'If at first you don't succeed, try, try again.' "

We agree with those statements. We hope that the current President agrees with those statements and that we can hold the President and the administration to the same standard. It is certainly reasonable. We want to work with the administration.

We propose that in the interim, the Congress pass a short-term debt limit increase equal to an amount that the President tells us is needed to fight the war. We want to listen to the President and support him in his efforts in fighting terrorism and speak with one voice when we leave the shores of the United States of America. So we want to pass short-term limits, that is, in an amount that he tells us is needed: not that it is extravagant, but needed. We want to continue the lawful government obligations and functions of the United States Government.

Any additional debt limit, other than those two things, fighting the war and our obligations, must be passed and would be contingent upon successful completion of a comprehensive and complete budget plan. That is fiscal soundness. That is fiscal responsibility. That is putting our house in order. We need a budget.

A long-term budget plan should reestablish a glide path for a balanced unified budget. We need to put everything on the table to look at when we are talking about the finances of this country. We have to control spending and include that in our long-term budget plan. And we have to ensure that we do not continue to be the parents borrowing from our own children.

This will not be done overnight and there are legitimate arguments about the fact that we could reach a critical point before there is adequate time to develop a plan and develop a budget and approve a plan which meets the criteria. This is why we have proposed, as Blue Dogs, the short-term debt limit increase while the planning is going on.

Certainly, Blue Dogs do not want to threaten the United States' credibility or expose United States taxpayers to risks associated with defaulting on the debt. We do not believe in brinksmanship. We do not believe in political posturing. We believe in fiscal responsibility. We do not want the government to continue to function and meet its lawful obligations in a risky manner. And we absolutely refuse in every case to jeopardize our troops or our homeland security or undermine the war effort in any way.

However, we do not want to simply write a $750 billion blank check absent concrete actions and concrete plans to restore discipline and return to fiscally responsible policies in this country.

If we want to address critical issues such as Social Security, prescription drugs, veterans' benefits for those that fought to defend the country, a true and meaningful Patients' Bill of Rights, and education, we have to have a firm financial foundation in this country. We need fiscal responsibility.

We are willing to work on a short-term debt limit increase. We are willing to do anything we can to encourage the economy. All we are saying is, let us please use proper planning. Let us enact a budget just like every home and business in America does. Let us get this country back on a path of fiscal responsibility.

Mr. BOYD. I want to thank the gentleman from Texas for his work on behalf of this country.

I would like now to recognize the gentleman from Illinois (Mr. PHELPS), who represents a very large rural district. I think his people back home certainly understand about fiscal responsibility.

Mr. PHELPS. Mr. Speaker, I thank the gentleman from Florida and my fellow Blue Dogs for their comments and for giving me this opportunity to speak out on such an important issue. It is good to know that Florida and Illinois can kind of balance out the Texans that have come before us with their input, which is so valuable.

All of us here this evening have certain concerns with increasing the debt limit. Of course we do, because we are a group of Democrats who focus on being fiscally responsible. It is obvious that questions are going to be raised by Treasury Secretary O'Neill's request that Congress increase the debt limit by $750 billion, especially since this request comes 7 years earlier than predicted when the budget was submitted last year. As a fiscal conservative, this increase request makes me wonder not only about the current fiscal condition or state of our Nation, but what this means for the future. What does it mean for the future?

As a former teacher, a father, and a grandfather, I have always tried my best to do what is right for future generations. We do not want our mistakes to leave our children and our grandchildren in a mess that they cannot clean up. I do not want my grandson, Nolan, who just turned 4, to wonder what his grandfather was doing when he served in Congress, when all this mess was created, or could have been addressed.

The administration says the publicly held debt would begin to gradually decline again in 2005. Even if the debt does start to decline and the government does their part in beginning to pay it down, we still need to remember the impact this is having on our system of Social Security. This is where our children are going to be impacted the most.

From my understanding, the total debt of our Nation is going to continue to increase. That is right. Even though the administration suggests that the publicly held debt will begin to decline, the fact is the total debt will continue to rise due to the fact that we have not kept the commitment to save the Social Security trust fund surplus.

The President's proposed budget does nothing to solve the problem with the declining Social Security trust fund. In fact, the proposed budget calls for tapping the Social Security trust fund for other government programs every year over the next 10 years for a total of $1.5 trillion.

In other words, over the next 10 years, the Social Security surplus will not be used for paying down the national debt, which would actually strengthen Social Security's long-term solvency. Not one Member of Congress who ran for election ever varied from that focus. They promised that that is what we should do. Every campaign speech, let me remind you, every one of you, as well as myself, gave our honorable word that we would work toward this end. Now we abandon it.

It is not a secret that our Nation's Social Security system is in trouble. It is up to us to do what we can do to look at the future and try to save the Social Security trust fund.

I completely understand and support the need for spending what is necessary to win the war on terrorism and ensure the protection of my fellow Americans here at home. We must do that. We will. And we are doing that. We are united and we will stand united on that front. However, we need to work together on developing a plan that will fight the war on terrorism and will also protect the Social Security trust fund for the benefit of future generations. We really do need to start thinking about our children's future.

We can do both. We can defeat terrorism; we can be prepared for homeland security. But the security that is most important to those who have invested their dollars for what might come in the near future, when they do not expect to hear these kind of reports, when we can, and we should, defeat any kind of threat to our Social Security system. That is where we need to come down today.

I stand with my Blue Dog friends in trying to raise the alarm for the administration to consider the budget in these terms.

Mr. BOYD. I want to thank my friend from Illinois for his thoughtful work and his leadership in our group, the Blue Dog Democrats.

Next, I want to call on the gentleman from Texas (Mr. TURNER) who serves in our group, the Blue Dog Democrats, as the cochair for policy.

Mr. TURNER. I thank the gentleman from Florida for yielding. I thank him for his leadership tonight on the floor.

It is good to see a good group of Blue Dog Democrats here speaking out for fiscal responsibility. I know that each of us, in our own way, has fought long and hard to try to be sure that we have a balanced budget here in Washington. It only makes sense that the Federal Government manage its financial affairs the same way that we all expect our own households to be run.

□ 1845

That is, if we have money coming in that we can spend or invest or save, we make those choices; but in the end, we make sure we do not spend more than our income.

Washington, as we all know, spent more money than it had coming in for 30 years; and finally, when several of us here on the floor were first-term Members of this Congress, we cast the most significant vote I think this Congress has cast in many years, and that is we passed the Balanced Budget Act of 1997. Through that action, we had 3 years of surpluses in the Federal budget.

Now, with the President's new budget submitted to the Congress, we are back into deficit spending, back into spending more money than we take in every year.

Some people may say, well, what is wrong with deficit spending? Deficit spending is bad for several reasons. It is bad because it passes debt that we are creating by deficit spending on to our children. It seems to me that if we are going to make wise decisions and if we are going to have fiscal responsibility in Washington, we should not be spending money and incurring debt that our children are going to have to pay for some day. But that is where we are once again here in this Nation's Capital.

Another reason that we should not engage in deficit spending is because it simply creates larger debt, and larger debt means we have greater interest to pay every year. What a waste, to be consuming so much of our Federal budget every year just paying interest.

A lot of people do not realize that the interest alone on the Federal debt runs almost $1 billion every day. I did not misstate that: $1 billion every day, just to cover the interest on our national debt, which is approaching $6 trillion.

What a waste in resources. We could fund the President's requested budget increase for defense many times over if we were not paying $1 billion a day in interest on our Federal debt.

Another reason it is wrong to deficit spend is because when you are deficit spending, you are raiding the Social Security trust fund. If any corporation in America were to dip into the employees' retirement trust fund to cover the business losses of that corporation, those business executives would be prosecuted. They would be indicted and sent to prison.

In Washington, we seem to be able to get by raiding the American people's retirement fund, Social Security. When we are deficit spending, we are taking Social Security payroll taxes and we are using it, not for Social Security, but we are using it to run the rest of the government, and that is wrong. That breaks a promise, a covenant, that this government has with the American people to protect Social Security for this generation and for generations to come.

Finally, deficit spending is wrong because when we increase the national debt, which happens every time we run an annual deficit in the Federal budget, we undermine the public's faith and confidence in the economy of the United States.

How big a debt can the United States run before there is some crisis of international proportions? I do not have the answer to that, but I know that $6 trillion in debt is an awful lot of debt to be passing on to our children and grandchildren; and I know paying $1 billion a day in interest is a waste of Federal taxpayer dollars, and I know that when the national debt increases, it means that the government is borrowing more and more of the available credit out there in the economy; and it has the effect of pushing up interest rates for all of us. When interest rates go up, it costs the American family more to buy a new car on credit, to buy a home and finance it through a home mortgage. It costs more to borrow money to send your children to college. It costs more money when you charge to your credit card.

Lower interest rates are good for the American economy, and one way to get lower interest rates in the economy is to be sure that the government, the Federal Government, is not consuming a larger and larger share of the available credit in our economy.

For all of those reasons, deficit spending is wrong. Common sense tells us that the Federal Government ought to be managed like our own households, our own businesses; and if we do not do that, we are doing a disservice to the American people, and we are encumbering our children with a debt that they may never be able to get out from under.

We believe as Blue Dog Democrats that we need to support the President in fighting this war. We need to commit whatever resources are necessary to win the war on terrorism. But the only people that are having to sacrifice today in that war are those young men and women in uniform who are defending our country tonight. The American people need to be ready to sacrifice as well, and that means that we need to pay the bills to fight that war, and not pass those bills on to our children.

I again thank the gentleman from Florida (Mr. BOYD) for his leadership tonight, and I am proud to join with my Blue Dog colleagues in standing up for fiscal responsibility.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas, particularly for his leadership in the Blue

Dog Democrats as the policy cochair. It is his responsibility to work with our members to develop policy. I am sure we will be seeing more from him as this budget discussion unfolds.

Mr. Speaker, next I want to yield to the gentleman from New York (Mr. ISRAEL), one of our newest members, one of our Blue Puppies.

Mr. ISRAEL. Mr. Speaker, I thank the gentleman from Florida for giving me the honor of being the only member of the New York congressional delegation to have joined the congressional Blue Dogs. I am proud of the work we do and the agenda we advance for fiscal responsibility and budget responsibility.

Mr. Speaker, like any household and business in America, when the government's revenues do not match its expenses, it faces some choices. It can cut spending, it can increase revenues, it can borrow.

The administration is telling the American people we do not have enough money to meet our expenses. We need to spend $1 billion a month in Afghanistan. That is $1 billion a month we must spend. The administration is making the argument, an argument I agree with, that we need to spend more on our national security. The administration is making an argument that I agree with that we need to spend more on our homeland security; and the administration says in order to pay for these critical necessities, we cannot raid Social Security, we cannot increase taxes, so we have to lift the debt ceiling in order to meet those needs.

But there is another way, and it is a much fairer way. Rather than finding revenues by borrowing money from our children, let me suggest exactly where the administration can find those revenues to meet those expenses right now at this very moment: in Bermuda, in the Island of Bermuda, where the New York Times reports that many American corporations, big businesses, are paying nominal fees to register their corporations all to avoid paying their fair share of corporate taxes here in the United States, to avoid paying their fair share of the war against terrorism, to avoid paying their fair share for senior citizens who are being kicked out of their Medicare HMOs. They are putting profit ahead of patriotism.

Let me share a quote from the New York Times articles about these big businesses that are fleeing for Bermuda in order to escape their fair share of corporate taxes. The New York Times said: "Becoming a company in Bermuda is a paper transaction, as easy as securing a mail drop there and paying some fees while keeping the working headquarters back in the United States. Bermuda is charging Ingersoll-Rand just $27,653 a year for a move that allows the company to avoid at least $40 million annually in American corporate taxes."

No wonder we are being asked to increase the debt ceiling. There are plenty of other companies as well.

The New York Times went on to say: "There is no official estimate of how much the Bermuda moves are costing the government in tax revenues. The Bush administration is not trying to come up with one."

Now, according to the Wall Street Journal of March 1, finally the Treasury Department has agreed to do a study. But we should not have had to bring them in kicking and screaming all the way.

This is common sense. They want us to raise the debt ceiling, to borrow from our children; but they were hesitant to find out how much this corporate greed was costing the American taxpayer today.

Mr. Speaker, I voted to deliver tax relief to the families I represent. I voted to repeal the marriage penalty. I voted to repeal the death tax. I voted to reduce marginal rates across the board for working families. I was one of only a handful of Democrats in this Chamber to support the administration's economic stimulus measures, because working families and small businesses deserve that relief.

But this spring, over the next few weeks, those same working families and those same small businesses will sit around their dining room tables or meet with their local accountants and struggle over their income taxes, and struggle over paying their fair share to support our military and to save Social Security and to help senior citizens who have been kicked out of the Medicare HMOs. And the people that I represent, in Babylon and Huntington and Islip and Smithtown, they do not have the option of registering themselves in Bermuda in order to avoid their fair share of income taxes. That is not a choice for them. They are simply told, pay up, do your duty, support our troops.

Meanwhile, the biggest businesses in America are shifting the tax burden to them; and even worse, Mr. Speaker, the biggest businesses in America, the irresponsible ones who flee for that tax shelter in Bermuda, are shifting the burden to our children.

Well, Mr. Speaker, I am pleased that the Treasury Department has changed its mind; and despite its earlier reticence, it is going to study the loss of revenues as a result of this Bermuda tax shelter. But a study on a shelf cannot replace real action by this body. We need to stop companies who wrap themselves in the American flag to sell their products and then strangle our budgets by registering themselves abroad, who escape their fair share.

As the ranking member of the Committee on Ways and Means said, "Supporting America is more than about waiving the flag and saluting. It is about sharing the sacrifice."

That is true of soldiers, citizens; and it should be true of big companies too. Raise the debt ceiling? How about making sure that every big company in America does what every working family in America does, pay their fair share. Maybe then we will not have to mortgage the future of our children. All we ask is fair play, all we ask is a fair share, and all we ask is a shared sacrifice at a time of war.

Mr. BOYD. Mr. Speaker, I thank the gentleman from New York for his thoughtful remarks.

Mr. Speaker, at this time I yield to the gentleman from Mississippi (Mr. TAYLOR), one of the leaders in this House on defense-military issues. He has a very unique perspective on this whole notion of fiscal responsibility and borrowing from the trust funds that belong to the American people.

Mr. TAYLOR of Mississippi. Mr. Speaker, I want to thank the gentleman from Florida and those of you who are watching back home for the opportunity to talk about the President's desire to raise the debt limit.

One of the most moving books I ever read was called "The Winds of War." It is a novel, but it talks about the events leading up to World War II, the American participation in it.

One of the many things that is going on in this book is a family member of the participants who is in a concentration camp, and he is thinking to himself, how can it be that the Americans do not know that this is going on? We have smuggled information to America showing the Jews and Gypsies and other people that the Nazi regime wanted to get rid of, that these horrible things are happening, and somehow the Americans are not responding.

The author called it "the will not to believe," and I guess, to a certain extent, it hits all of us, whether it is finding out that a family member has been diagnosed with a terminal illness, or maybe your favorite football team lost to a team you did not think they could possibly lose to.

I bring these numbers to the floor tonight that have been updated as of the end of this month to show the American people what I keep in my congressional office. It is a constant reminder sitting right by my desk as folks come to me and say can you help us with this tax break or can you help us with this additional spending. It is a constant reminder that I point to as different constituents come to visit me of just how far in debt our Nation is, how much farther in debt we have gotten in the past 12 months, because it really is within all of us.

I see it in my town meetings, when I walk the Wal-Marts and the KMarts and the hardware stores in my district, when I visit with shrimpers, or people at the other end of the economic scale.

It is just hard to believe that our Nation is now $6 trillion in debt. In fact, last year at this very time the President of the United States and a lot of folks in the media were running around saying Washington is awash in money. There are surpluses as far as the eye can see.

Well, apparently the people who said that, both inside and outside of government, never took the time to look at this, because one year ago right now, our Nation was $5,735,859,380,573 in debt.

Unlike the previous speaker, I voted against most of those proposals that came up last year, because none of them paid for themselves and almost all of them would add to the debt. That was my gut conclusion. It turns out my gut conclusion was better than whatever economists the President and some others were calling on, because the amount of debt increase in just one year, in the past 12 months, is $267,593,636,009.87.

□ 1900

Now, most of this is because of the tax breaks that were passed last year by Congress. Some of it is because of the war in Afghanistan, but that is $1 billion a month. Mr. Speaker, $1 billion a month would be, since September about 6, $6 billion of this. The rest of it was increases in spending in the President's budget.

And let us remember, the President got his budget. At the time it was proposed, Republicans controlled the House, Republicans controlled the other body; he got his budget. So please do not come back and tell this Member that, well, the reason we have this big debt is because you guys spent money that I did not want to spend.

Mr. President, you got your budget. You got your tax breaks, you got your budget, and that is what you have added to the debt with your numbers.

What really troubles me about that is, I am the father of three kids and they are going to get stuck with that bill and until then, our Nation is going to squander more money every day on interest on the national debt than we spend pursuing the war in Afghanistan. It costs us about $1 billion a month to pursue the war in Afghanistan. It costs us $1 billion a day to pay interest on that debt and much of it is a direct result of the budget from last year. That is the President's part.

Now, what is particularly troubling about this, if I were to bring these numbers up from the 1st of January 1980, that would be a "1" and most of these would be zeroes. The first of January, 1980, our Nation was $1 trillion in debt. Now, that is a heck of a lot of money for a guy from Mississippi, but that is $5 trillion less than it is now. One of the reasons this has been allowed is that on a regular basis, Congress has come to this floor, different Presidents, both Democrats and Republicans, and have said, I need to borrow just a little bit more, I need a little temporary fix to get this monkey off of my back. Those are the temporary fixes, the accumulated problem that that has caused.

Mr. President, I am not going to vote to raise the debt limit.

I also want to point out that one of the reported stories that is coming from this is that your Treasury chairman is considering taking that money from the trust funds. Let me remind the American people that for all of the rhetoric, Democrats and Republicans, people inside the media and outside of the media, with this so-called lockbox for Social Security, and that is a line item on your taxes, that is taken out of your taxes with the promise that it is going to be put aside for your Social Security benefits, there is no lockbox. What there is, is somewhere an IOU that says that the United States of America owes the Social Security trust fund $1.23 trillion. There is nothing there.

If you look on your pay stub, you also pay Medicare taxes. Again, that is supposed to be set aside for your Medicare benefits when you reach the proper age to receive them. It is supposed to be in a lockbox. The truth of the matter is, if you were to open up that lockbox, you will find an IOU from the United States for $256.3 billion.

Then there is the Civil Servants Retirement Fund. Civil servants, contrary to popular belief, do pay into their own retirement. That money is supposed to be set aside to do nothing but pay for their benefits when they retire. If you found that box and opened it up, you would find an IOU for $532 billion.

Now, the reason I mention that one in particular is that the Treasury Secretary now says, Well, maybe we do not have to raise the debt limit if we just steal it from the Civil Service Retirement System. It is just temporary.

The problem, Mr. O'Neill, with that is, you have already taken $500 billion out of that account. Where do you stop taking it? At what point does the President come to this Congress with a budget that is balanced? At what time does this Congress pass a balanced budget?

About 6 years ago we passed a balanced budget amendment to the Constitution. It went to the other body and failed by one vote. You would think a body that on a weekly basis is finding new ways to spend money and driving up the debt would try at least one more time in the past 6 years to pass a balanced budget amendment to the Constitution.

I have recently signed on to the recent attempt by the gentleman from Arizona (Mr. BERRY) to do that, and I hope that we will have a speedy vote on this, Mr. Speaker, because I think this body should pass it. I think that the American people should know that that is how much we are in debt, that we are squandering over $1 billion a day on interest on that debt, and until then, we are continuing to rob from their Social Security trust fund, their Medicare trust fund, the Civil Service Retirement trust fund and the Military Retirees' trust fund.

Mr. Speaker, that is why I am going to vote against raising the debt limit.

The other thing I am going to ask the American people to do is check my facts. Last year when all of these people were talking about the big surpluses, did anyone ever tell you to check the facts? I would encourage, and I hope the camera can get this, because this is where the Treasury reports on a monthly basis just how broke our Nation is:

http//www.publicdebt.treas.gov.

Look it up for yourselves. I have been encouraging the American people to do this for the past year and not one of them has ever written me back and said, Taylor, you are wrong, because I am right on this one. I am not right on everything, but I am sure as heck right on this one.

So I want to thank the gentleman for the opportunity to speak on this. If my colleagues would like a copy of this for their offices, when folks come to see you and tell you that we have all kinds of money and we have a project that we just cannot live without, maybe my colleagues here this evening can say, maybe we can live without it for just a little while until we find the money to pay for it.

Mr. Speaker, I thank the gentleman from Florida (Mr. BOYD) for this opportunity.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Mississippi. He always brings a very unique perspective, and he always brings the facts. As he says, they do not lie; they really tell the story.

I want to recognize at this time, Mr. Speaker, and yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman for yielding. I wish my colleague from Mississippi did not have to leave the floor, but I wanted to point out that the thee of us, the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Florida (Mr. BOYD), and I were the three votes against the stimulus package last week. The reason we voted no is that it was not paid for.

The gentleman from Mississippi (Mr. TAYLOR) has been one of the most consistent Members in this body over the last couple of years in doing what he showed us again tonight, and that is recognizing that our debt is going up; and this is a debt that our children and grandchildren are going to have to pay, and it should not be unreasonable to expect this body to deal with it.

All we asked for in that bill last week, the three of us, and, boy, I have been ridiculed politically and otherwise as being one of the three, but I voted that way for a very, very important reason, and that is consistency in saying that we should now, the budget that we will debate next week, we should put ourselves back on track in balancing our Federal Government.

Now, we got off track and, yes, part of it was the war, no question about that. No one foresaw 9–11–01. One of the reasons the Blue Dogs last year said, Let us set aside that projected surplus, was because something might happen unforeseen. We were not prophetic. We just said it was good, prudent business to set aside rather than expend it, whether it be in tax cuts or in spending.

Mr. Speaker, it is interesting now, and I am puzzled by this: In 1995, one of our colleagues, the gentleman from Ohio (Mr. PORTMAN), in talking about, at that time, a different President in the White House, he said, It is not okay to play games with the $30 billion in payroll taxes that workers pay each month that retirees rely on to finance their benefit checks.

The gentleman from Georgia (Mr. KINGSTON) stood over here day after day after day, and on this particular day he said, Mr. Speaker, it seems unbelievable to me that we are sitting here debating whether the President can tap into the Social Security trust fund and the Civil Service Retirement fund. I find that it is almost unbelievable that the Democratic Party, who has been using the senior citizens all over America as their own cheap pawn, as their shield, to ram or resist any kind of legislation that comes up, now they want to take the money out of the senior citizens' trust fund.

That is exactly what is being contemplated by the majority party in this body as of tonight, doing what they condemned Secretary Rubin for doing. If it was wrong then, it is wrong now.

Some of us are willing to do the right thing. The right thing would be to increase the debt ceiling and do it clean. That is the right thing to do. But just as was argued by our friends on the other side in 1995, it is inconceivable that anyone would vote to increase the debt ceiling without first putting in a plan that will get us back into balance and take us out of the Social Security trust fund. That is all we are asking, and we are willing to work in a bipartisan way to accomplish that goal.

We do not want to play games. It is too important. The creditworthiness of the United States of America is on the line. It is too important to play games. But play games, we have in the past, and play games, it seems like the leadership of this House are willing to do again.

They condemned us, and I was one of the 48 that stood up with you and 148 Republicans still in the House and voted to increase the debt ceiling. I was there. Where are you tonight? Where will you be next week? Why are you insisting that now, in spite of the fact that you argued, even to the point of bringing this government down, which we did for weeks, shutting down the Washington Monument, doing all of the things that you felt were so important, because you felt like the President, President Clinton, would not, did not, would refuse to bring a balanced budget plan to you.

All we are saying tonight is, we are ready to join with you, but do not change the rules. The rules are that the Congressional Budget Office is the official scorer. Do not change the rules and say OMB, and reduce the deficit and the debt by $40 million because OMB scores it differently. We agreed to play by those rules. Let us stay consistent.

All we are asking again is, put up a plan. One unnamed staffer was quoted this last week on the other side of the aisle and was asked, are you going to present a balanced budget? Well, we are going to say we do, but it is really not. That was an honest answer.

We are so close to doing good things for this country. We were there. We squandered it. Yes, the war was unpredictable; that is a part of it. The recession now, we are being told, was not nearly as deep as anyone thought, and I hope, just like I stood in this well 1 year ago and said, when we argued against the economic game plan that was put in place and we voted that way and we sincerely believed it was wrong, and we said at that time, I said, I hope I am wrong and I hope I get to eat the biggest plate of crow in this town. And I know that had I been wrong, I would have been served up, and I should have been.

But tonight we simply come back before this body with a message to our leadership: We think balancing our Federal budget, we think pay-go, paying for those new expenditures that we need, makes good economic sense; and we think that every bill that comes before this House, new and over and above that which we passed in the budget resolution that we are now operating under for this year, that we ought to give serious consideration to paying for them or voting them down. That is what the three of us did last week. Well, obviously three do not vote down anything.

But here I have a real sincere, puzzling question. If we voted last week and the President signed the stimulus package that CBO has scored to increase our debt by $42 billion over 10 years and $92 billion over the next 3, and the reason for the difference is, the tax provisions make money in the outyears, projected; if we did that last week and it was signed into law, how can you possibly leave that out of next week's budget deliberations?

How can you possibly say that that law that we passed that is going into effect that will increase our debt by $42 billion over the next 10 years, and the 5-year budget will increase our debt by $100 billion, how can you possibly come to this floor and just ignore it? I mean, you talk about the Enronization of the budget process. This is it. Shifting offshore. Taking it off budget. Hiding it.

Well, we will be back next week to talk about that. But tonight, I appreciate the gentleman yielding to me. The gentleman is a true leader of fiscal responsibility in this body, and it is a pleasure for me to join with the gentleman day after day in proposing what we believe are some of the better solutions.

□ 1915

When one is in the minority, one loses. But every now and then, as we showed on the farm bill, if we work with the other side, we find that you can get bipartisanship. It was not by accident that we got 290 votes for the farm bill. That is what we ought to get on the budget next week. But if they ignore us, they will not do so. If they want to increase our Nation's debt without a new plan, count me out.

Mr. BOYD. Mr. Speaker, I want to thank the gentleman from Texas (Mr. STENHOLM) for his leadership on the budget issues. The Blue Dogs have written a budget every year since I have been in the Congress. The first year was 1997. That actually was the year, as the Speaker may recall, that the historic Balanced Budget Act, the bipartisan act, was negotiated between the Republican-controlled House and Senate and the Democratic administration. That plan was a wonderful plan that got us into balance, and now we are headed in the opposite direction.

Mr. Speaker, I yield to the gentleman from Arkansas (Mr. BERRY).

Mr. BERRY. Mr. Speaker, I thank the distinguished gentleman from Florida for the great job he has done in his leadership on budget matters and many other things, and the courageous stand that he takes, and also my distinguished colleague, the gentleman from Texas (Mr. STENHOLM). He has been working on these issues for all the time he has been in this body, and we all appreciate his leadership.

The first thought that comes to my mind is this time last year the Blue Dog Coalition extended an opportunity to the administration, and we said we wanted to work with them. We want to do the right thing. We want to have a balanced budget, and we want to have tax cuts. We want to pay off the debt.

They sent the director of the Office of Management and Budget to us. He said, we really do not need you. We can do whatever we want to do. We are in the majority, and we are going to pass this budget. We are going to do it like we want to do it. We will listen a little bit, but we have plenty of money. We have so much money that we are more worried about paying off all of the debt than we are what we are going to pass on to our children, which is a great debt, it has turned out.

I would beg the administration and the Republican majority, please do not do this to our children and grandchildren. Please do not continue to run up debt and spend the Social Security and Medicare trust funds, and force our children into a totally impossible fiscal situation in this country 15 years from now.

Please do not do that. Work with us. That is all we are asking. Sit down and work with us. Be honest, and give us a plan so we do not destroy the future of our children and grandchildren. We want to work with them, and it just does not make any sense what we are doing.

We took $5 trillion last spring, piled it up in front of the United States Capitol and burned it. Now we are acting like that money is still there. We continue to spend the Social Security trust fund. We continue to spend the Medicare trust fund. We continue to borrow money to operate on, to pass this debt on to our children and grandchildren. It is not right. We should not do it. If we were not building up more debt, we would not need to raise the debt ceiling. It would not be necessary.

So all we ask of them is, give us a plan. Let us work with them. We all want to do the right thing.

Mr. BOYD. Mr. Speaker, I thank the gentleman from Arkansas.

In closing, I just wanted to say that we are all aware, and I hope that the viewers, our listeners, our constituents, are aware that late last year the Treasury Secretary, Mr. O'Neill, formally requested that Congress increase the statutory debt limit by $750 billion, from the current level of $5.9 trillion to $6.65 trillion.

Mr. Speaker, this request comes a full 7 years earlier than the administration had predicted when it presented its budget 1 year ago. Again, I would say this budget, this debt limit increase, comes a full 7 years earlier than was predicted by the administration when it presented its budget to us 1 year ago.

Mr. Speaker, I tell my constituents back home every chance that I have to speak to whatever group it is that we are the most fortunate and blessed people in the world. We live in the greatest country in the world. We are the economic leader of the world. We are the richest country in the world. This country has 5 percent of the world's population and 25 percent of the world's wealth.

We are the military leader of the world. All the other military hardware of the countries, all the countries around the world will not stack up to the firepower that this Nation has at its disposal.

We ought to be able to figure out a plan to pay our bills. We ought not to have to dip into the Social Security trust fund to pay our operating bills. That is all that we are asking this administration and the majority, the Republican majority in the House, to do is to sit down with us and let us work together to develop a plan to get us back into balance with our Federal spending before we raise the debt ceiling.

Mr. Speaker, I thank the members of the Blue Dogs who have come here tonight and spoken so eloquently and succinctly on this issue.

THE PROBLEMS AND THE FUTURE OF SOCIAL SECURITY, AND THE COST OF DOING NOTHING

The SPEAKER pro tempore (Mr. FORBES). Under the Speaker's announced policy of January 3, 2001, the gentleman from Michigan (Mr. SMITH) is recognized for 60 minutes as the designee of the majority leader.

Mr. SMITH of Michigan. Mr. Speaker, following the presentation from the Blue Dogs, let me just say from our side of the aisle that the Blue Dogs have come up with some good, thoughtful ideas in terms of fiscal responsibility.

I think we have to be careful about not passing blame, and I would hope that as one of the three separate entities of government that our Founding Fathers set up, that we as a Congress would also take on some responsibility and not expect just that it is up to the administration to present us a plan of what is good for the future of this country. We also have that responsibility.

It seems to me, I say to the gentleman from Texas (Mr. STENHOLM), that if we are going to be honest with the American people, if we think that our problems today are so important that we have to borrow money that is in a sense a mortgage that our kids and our grandkids are going to have to pay back, then we should not do it by borrowing.

If we think what we are spending money on today is so important, then we should increase taxes and not try to hoodwink the American people into thinking the size of this government is less costly than it really is by sort of off on the side borrowing more money, where it is not quite as visible as quickly in terms of the obligation that people have to eventually spend to cover what we think is more important today maybe than what our kids and grandkids are going to be facing 20 and 30 years from now.

I would just like to call on the gentleman from Texas (Mr. STENHOLM) as we get into the Social Security debate, because he has been one of the leaders.

Before I do that, Mr. Speaker, I want to remind everybody what we did in 1998. At that time, we promised that there was going to be a balanced budget by 2002, and we did that predicated on an estimate that revenues in 2002 would be $1.4 trillion. Now, what happens to revenues, just in the most recent projections this year and 2002, are that revenues are going to be almost $2 trillion, so $600 billion more than we anticipated in 1998 when we promised to have a balanced budget.

Even if we take $40 billion out for the tax cuts and another $30 billion out for the war on terrorism, there is still $530 billion that was increased spending rather than lost revenues.

So part of the danger that we need to face up to is the propensity for Members of Congress and the administration to start new programs, to spend more money, because it tends to make us a little more popular. If we take the pork barrel projects home, we would probably get on television cutting the ribbons, et cetera.

I think the challenge is huge. I think we have to face up to both Social Security and Medicare. But tonight I want to concentrate on a discussion of what the problem is in Social Security, where we might go, and the cost of doing nothing.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM), who has been a leader in terms of trying to come up with a bipartisan effort to solve the Social Security problems. I would ask him to give us his best guess of what we should do to get both sides of the aisle together to help solve this problem.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Michigan for yielding to me. I wish I had the answer to that question tonight. But certainly we cannot blame it on the gentleman and I, because it has been a pleasure for me to work with the gentleman, and with the gentleman from Arizona (Mr. KOLBE) and with our friend, the gentleman from Florida (Mr. BOYD), who has been a cosponsor of our bill, the proposal of which we believe should be seriously considered in fixing Social Security.

One of the things that we know is necessary is that any proposed fix has to be bipartisan. That is why I appreciate the fact that about 4 years ago, when the gentleman and I were joined together at that time in proposing some solutions, the gentleman's opponent attacked him and my opponent attacked me. I appreciate the letter to the editor the gentleman sent to my district saying, get off his back, because he is trying to fix a problem; and I did the same for the gentleman.

That is the spirit in which we have tried to operate. We hope we will get a few more folks beginning to acknowledge the fact, and this is a fact, no one disagrees that Social Security in its current form is not sustainable for our children and grandchildren. There is no problem with those on it today, but there is a problem for our children and grandchildren; and the longer we wait and the longer we wait, it makes it that much more difficult.

I know when I first got here in the Congress in 1979, 2011 was so far away we did not worry about it; but tonight, 2011 is 9 years away. That is why the gentleman and I have been trying to at least get the relevant committees to begin in a bipartisan way acknowledging some proposed solutions.

Mr. SMITH of Michigan. Reclaiming my time, Mr. Speaker, from the gentleman from Texas, do I understand correctly that between us we have 12 grandchildren? I have 10.

Mr. STENHOLM. If the gentleman will yield further, I have two.

Mr. SMITH of Michigan. Mr. Speaker, I have heard the gentleman say many times that, look, 40 years from now or 50 years from now or however long we might live, to have those kids come to us and say, look at the increased tax burden that you have put on us because you did not do anything back in 2002 and 2003, that should make every Member here feel a little bit more conscious of the obligations that we are passing on to those kids if we do not stand up to some of the tough decisions and correct the problems now.

I think that it is an easy issue to demagogue. Republicans say, well, maybe that Democrat would be vulnerable because there are so many seniors that are so dependent on Social Security, so if we can suggest that the gentleman from Texas (Mr. STENHOLM) is bad and might mess up the program because he is looking for a solution. And, of course, vice versa, Democrats could demagogue and say, well, Republicans are going to ruin our Social Security benefits. And with seniors, so many of our seniors that are so dependent on Social Security, we can understand their emotional concern even at the suggestion.

I do not know quite how we are going to stop the demagoguery. It will probably go on at least one more election. But somehow, the key is a better effort of informing the American people of what the situation really is.

Mr. STENHOLM. Mr. Speaker, if the gentleman will continue to yield, in the gentleman's opening remarks concerning our Blue Dog Special Order just before this, the gentleman seemed to have taken the opinion that we were beating up on the administration. That certainly was not my intent, but it was to consider the administration equally with the Congress in coming up with a solution. That is what we were trying to do.

In the case of Social Security, this is one Democrat who agrees with my President, what he proposed in the campaign and what I am ready to work with him on, on an individual account approach. I happen to agree with that. That is something that the gentleman from Arizona (Mr. KOLBE) and I share, and the gentleman from Michigan has joined with us in cosponsoring our one area. The gentleman has some different views, and I respect those, and the gentleman has some great ideas that need to be considered in this endeavor.

□ 1930

I think it is important for the American public to realize that we can have differences of opinion, but we do not have to be disagreeable about it. Because I do not pretend for a moment that the bill that the gentleman from Arizona (Mr. KOLBE) and I put together is the solution, but we have been scored to do that which we all agree needs to be done, and that is to fix the problem, the unfunded liability of $22 trillion. We take care of $19 trillion of that, not a small amount of money in this body, but the main thing is to start a dialogue; and that is why I appreciate my colleague inviting me to be part of his dialogue tonight, and I hope we can get more of this. We seemingly cannot get it done in the committees of jurisdiction.

Mr. SMITH. Mr. Speaker, titles often sell a book and they often sell an idea, but they also sell demagoguery. The word "privatizing" Social Security has not been my colleagues' intention in their bill. It has not been the intention in any of the four Social Security bills that I have introduced. The American people need to know that there is nobody suggesting privatization. There is a safety net in every legislation. In fact, in most of the legislation there is a promise of at least as much, if not more, of Social Security retirement benefits.

We just need to look at history, that every time Social Security has gotten into a problem, the tendency has been for the administration and Congress to increase taxes and/or reduce benefits, and of course, in 1983 we did both.

Mr. STENHOLM. Mr. Speaker, there are other solutions to the problem, and that is why I appreciate the opportunity to join with my colleague tonight in talking about some of these other solutions.

I think it is awfully important at this stage, and my colleague probably ought to do this and I am going to have to leave in a moment, but about every 10 or 15 minutes when we start talking about Social Security, we are not talking about those who are on it today. We are not talking about those about to be on it, i.e., 55 years of age and older. They are safe.

We are talking about our children and grandchildren. That needs to be over and over emphasized, and we have got a plan which tonight I will not go into all of it. The gentleman is going to talk about his, and I happen to agree with most of what he is doing, particularly with addressing the problem. It has been so difficult, so seemingly impossible, for this body to address it.

The Blue Dogs, a moment ago, what we said last year is, before we get into any new budget, any new tax cuts, any new anything, the first thing we should have done was sit down and fix Social Security. The gentleman from Michigan would agree with that, but that is not to be. That is water under the bridge. That is gone.

Now we find ourselves here it is 2002. Now, then, we are being told, and rightfully so, this being an election year, no one is going to address Social Security this year in a meaningful way, i.e., a chance to get a bill through the House and the Senate and the President signing it. So that means we are postponing it until 2003.

The next thing we are going to hear is, we cannot do it in 2003 because the next elections are in 2004. That is why I am so disappointed that we did not have an opportunity to show bipartisan support for what our President has had the courage to do in the campaign, and I am so sorry that we have not been able to take the Commission on Social Security that made recommendations, that we have not had a serious opportunity to discuss those recommendations, pluses and minuses, and pursue the legislative process of a solution.

The gentleman from Michigan and I are not controlling that process.

Mr. SMITH of Michigan. Mr. Speaker, also, our former President came close, several meetings, several efforts. I think both my colleague and I were encouraged 5 years ago when we had the White House meetings, when we started moving ahead, when there was more talk on Social Security.

The fact is, the solutions are not easy. There is a little pain in all of the solutions simply because of the statistics where the demographics mean that there are fewer people paying into the Social Security tax and people are living longer. So when we have a program that takes current workers' taxes and uses that money to pay for current retirees and we have a situation where people are living longer to increase the senior population and the number of people working is reduced in terms of their portion of the senior population, it becomes a situation where insolvency is inevitable, and the solutions are tough.

There are a lot of solutions. We are going to talk about them, but tonight I am sort of going to start from scratch of what the background and the solutions are. So, again, I congratulate the gentleman from Texas (Mr. STENHOLM) on his effort, and hopefully we will prevail next year.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Michigan for sharing his time, and I want to keep on plugging, because he has been a valuable resource to this body, to those who bother to stop and listen;

and some of the areas he will be talking about now are something that colleagues on both sides of the aisle, and I am going to do my best to make sure that folks on my side listen; and if they are going to complain or if they are going to talk negatively about what the gentleman is talking about, my answer is, okay, what is the solution?

At least the gentleman has got a solution, and for that I commend the gentleman and thank him for yielding some time to me tonight.

Mr. SMITH of Michigan. Mr. Speaker, well, here it is, Social Security is taking a big hunk out of the total Federal budget. Twenty percent of the total Federal budget goes into Social Security. We match defense, the domestic discretionary; it is one of the largest expenditures we have. Medicare is smaller than Social Security, but the cost of Medicare is growing very rapidly.

Right now, if we include Medicaid, Medicare and Social Security, it represents a little over 7 percent of the total economy of the United States, a little over 7 percent of GDP; and see the projection over the next 30 years, it is going to double as a percentage of GDP.

So it eats up that much more of the total finances that are available to the Federal Government, and it should be easy to project the fact that to accommodate that doubling of cost, of Social Security and Medicare and Medicaid, we are going to either have to substantially increase taxes or we are going to have to substantially increase borrowing. My guess is that we are not going to be able to reduce the expenditures of Federal Government to accommodate anywhere near that kind of increase in these programs eating up those revenues.

It is a system stretched to its limits. Seventy-eight million baby boomers begin retiring in 2008. Social Security spending exceeds tax revenues in 2015 and the Social Security trust fund goes broke in 2037, although the crisis is going to arrive much sooner. In 2015 or 2016 there is going to be less coming in from the Social Security tax than is required to pay promised benefits. So we have a trust fund that we call a Social Security trust fund, but all that is in that trust fund, in those steel boxes is IOUs. I mean, there are no dollars there.

So how do we come up with the money to pay back Social Security what we owe it? Again, it is the same action that would take place if there was no Social Security trust fund, because we are going to keep our promises, we are going to pay those Social Security benefits, but to do it, we have got to either increase taxes or increase borrowing, and that is what is going to happen unless we face up to the problem today. We use some of the surpluses that are coming into Social Security over and above the cost of the program, and we start getting real dollar returns on those invested funds.

I think we need to make it very clear that insolvency is certain. We hear people talking about, well, if the economy gets better that will solve the Social Security problem. It will not. We know how many people there are and we know when they are going to retire. We know that people will live longer in retirement.

The auto industry and Xerox came before the Social Security task force that I chaired. I chaired the bipartisan Social Security task force last session, and the medical futurists were suggesting that within 20 years anybody that wanted to live to be 100 years old, because of the tremendous increase in our medical technology, would have that option, to live to be 100 years old. So think what that is going to do not only to Social Security but to every pension plan, to every personal savings plan, if someone is going to live 15 years longer than expected back in 2002.

We know how much they will pay in, these workers, and we know how much they will take out. Payroll taxes will not cover benefits starting in 2015, and the shortfalls will add up to $120 trillion between 2015 and 2075. Let me say that again. The unfunded liability today in today's dollars is $9 trillion, but in tomorrow's dollars over that 75-year period, it is $120 trillion that Congress, and our annual budget is $2 trillion, that somehow Congress and the administration are going to have to come up with borrowing or increasing taxes to pay promised Social Security benefits.

Let me just comment on the demographics. Our pay as you go retirement system will not meet the challenge of demographic change. This chart represents the number of workers per Social Security benefit. Back in 1940 there were thirty-eight people working for every one retiree. So thirty-eight people paid in their Social Security tax to cover the benefits of one retiree.

A year and a half ago there were three people working. Now it is just slightly less than three, three people working to pay in their taxes to cover each one retiree, and by 2025 the projection is that there will only be two individuals working, paying in that much more tax per individual to cover every retiree.

So at the same time that there are less workers for seniors, and that is because seniors are living longer, and after the baby boomers, there was a relative decline in the birth population. So fewer workers trying to cover the existence in Social Security of a larger number of retirees per worker.

The red chart simply represents trying to dramatically display the future deficits of Social Security. We have a little blip up here. On the top left is a little blip of surpluses. That is because in 1983 when they last changed the Social Security system, they actually made a mistake. They calculated taxes that were higher than they needed to pay Social Security benefits.

So what has happened since 1983 is, there has been a surplus, more taxes coming in from workers of the United States than were needed to pay benefits, and so that was the extra surplus. And so what government did, they said, Well, we will just borrow that extra money and spend it for other government services and write an IOU out to the Social Security trust fund for the last couple of years.

We came up with this idea; it approaches gimmickry. We called it the Social Security lockbox, but it was an effort to try to have some discipline within this Chamber and the Senate and the administration to at least pay down some of the other debt held by the public instead of spending this money for increased programs, which tend to perpetuate themselves.

Anyway, the long-term deficit, again, in today's dollars, $9 trillion. Over the next 75 years, $120 trillion in addition to the amount of dollars and money that is coming in from the Social Security tax to pay current promised benefits.

There is no Social Security account with an individual name on it, and as I make speeches back in Jackson and Hillsdale and Adrian and Battle Creek and up in Eaton County, Charlotte next to Lansing, most people think that somehow there is an account that they are entitled to. Not so. The Supreme Court now on two decisions has said that the taxes someone pays in are simply a tax and the benefits that they might get from Social Security are a benefit passed by Congress and signed by the President that can be changed anytime. That is why there is some advantage, some merit, to having an account with someone's name on it that politicians in Washington cannot mess around with.

□ 1945

So if you have your private account, and we can mandate how the investment is made in that account to make sure that it is a safe investment, but it is going to be in that individual worker's name so he has possession. So if he dies, he or she dies, before they are 62 or 65, then it goes into their estate rather than going back into the system with maybe a $240 death benefit. These trust fund balances are available to finance future benefit payments and other trust fund expenditures, but only in a bookkeeping sense.

Now, read this with me. There are claims on the Treasury that, when redeemed, will have to be financed by either raising taxes, borrowing from the public, or reducing benefits, or reducing some other expenditures. And this is what the Office of Management and Budget said a year and a half ago.

Some have said, well, if the economy gets strong, and we are underestimating how strong the economy is going to grow, an expanding economy with higher wages will fix the problem of Social Security. Not so. Because of the fact that Social Security benefits are directly related to your earnings and how much Social Security tax you pay in, the more you earn eventually, the higher your Social Security benefits are going to be. Social Security benefits are indexed to wage growth. And when the economy grows, workers pay more in taxes but also will earn more in benefits when they retire. Growth makes the numbers look better in the short run, but leaves a larger hole to fill later.

The administration has used these short-term advantages, I think, as an excuse to put off Social Security; and now we are in an extremely challenging time when we are trying to fight terrorists in our war on terror. And I think rightfully so it is reasonable to finance the war on terror to the extent necessary to make sure we win; but at the same time, we have to look at the long-term challenges. And as we saw in an earlier chart, the long-term financial challenges of this country, of this Congress, of the Presidency of the United States is Social Security and Medicare and Medicaid, all of which are using up more and more money, especially not only in the increased cost of medical care but as more and more seniors live to be an older age.

The biggest risk is doing nothing at all. Social Security has a total unfunded liability of over $9 trillion. The Social Security trust fund contains nothing but IOUs, and to keep paying promised Social Security benefits, the payroll tax will either have to be increased by nearly 50 percent or benefits will have to be cut by 30 percent.

There was an article in the Detroit News recently that said, well, the Social Security problem is not as bleak as some say because you will still get 75 percent of your benefits in 2032. But I say that is pretty bleak, especially to the large number of seniors that depend on Social Security for 90 percent or more of their total retirement income. And to reduce that benefit from $800 to $600 in today's dollars is going to be pretty dramatic for those individuals that depend on that Social Security check for so much of their retirement existence.

Social Security was one of the issues that I first dealt with when I first came to Congress. I have now introduced four Social Security bills. In the next couple of weeks I will introduce the next one. But I think an interesting point, as I have written these Social Security bills that have been scored by the Social Security actuaries to make Social Security solvent, every 2 years, 2-year session, that I have introduced a bill, it is that much harder to figure out ways to solve the Social Security problem. The longer we put it off, the more drastic the solution is going to have to be. And that is because what we are doing is not using the current Social Security surplus, the extra amount that comes in over and above what we are paying out in benefits; we are not using that to help in a transition to get some real return on the extra money that is coming in, to get some real return on individuals.

This chart shows the diminishing return of your Social Security investment. The real return of Social Security is about, this says less than 2 percent, but it is about 1.7 percent for most workers, and shows a negative return for some compared to over 7 percent for the market as a whole. Now, if you look at the little chart, you see minorities actually lose out, and that is because minorities tend to die at an earlier age. So a young minority worker can work all of their life and die before they reach the age of 62, and that means that they end up getting a negative return from the money that they have paid into the Social Security System. It helps everybody else, but it does not help that individual. And that is one thing that, it seems to me, is reasonable for us to correct, and I do that in my Social Security bill.

The average, as I mentioned, is a 1.7 percent return. But here is a marketplace over the last 100 years that has given us a return of 7 percent. And so if there is a way to increase some of the real return on that money, and you can do this in a way that is going to minimize, if not do away with, all risk, it is to have indexed stocks and indexed bonds and have a system where it is shared. So the return over a 30-year period is going to be what your benefits and returns are going to be based on.

I am going to be showing you a chart that shows the returns on 30-year averages, but just now let us go back to how long you are going to have to live after you retire to break even with the money that you and your employer paid into Social Security. See, it was a good deal back in 1940. You worked 2 months, paid in your taxes for 2 months, and it only took the first 2 months of retirement to get everything back that you put into it. But as we have increased taxes over the years, and as we have, as individuals, lived longer, there is less money to spend on all individuals. You can see that by 2005 you are going to have to live 23 years after retirement to break even, and that goes to 26 years by 2015. So it is not a good investment. Social Security is not a good investment.

And I want to point out that nobody is suggesting doing anything with the disability portion of Social Security. So, roughly, the 2.4 percent of your taxes that covers disability and survivor benefits, nobody, in none of these bills that have been presented, none of this legislation is suggesting that we make any changes in that insurance portion of Social Security for disability benefits and survivor benefits.

I think this is an interesting chart. Seventy-eight percent of families now pay more in payroll taxes than income taxes. So the Social Security tax of 12.4 percent has become the major tax for most American workers.

The six principles of saving Social Security that I have come up with: protect current and future beneficiaries; allow freedom of choice; preserve the safety net; make Americans better off not worse off; and create a fully funded system; and, with 75 percent of the people now paying more in the Social Security tax than they do in the income tax, let us not again raise taxes, the FICA taxes, for Social Security.

The personal retirement accounts. Number one, they do not come out of Social Security. Two, they become part of your Social Security benefits. And, three, a worker will own his or her own retirement account. What I do with these retirement accounts in my legislation, for women, some who might be staying home with the young kids, some who might have gone into the job market later, I add the husband's eligibility for private investments and the wife's eligibility for private investments and divide by two, so that each, husband and wife, have the identical amount of dollars going into their retirement savings plan, their personal retirement investment savings plan in their own name. So in case there is a divorce, it is already divided. We divide it every year.

And while I am talking about women, a couple other things that I thought were important in restructuring Social Security is taking away the penalty that we now put on mothers that stay home with their children. So in my legislation I, for a mother who is staying home with a child under 3 years old, I allow those years to be figured in the calculation of their retirement benefits, assuming that those years had the highest earning of any earning year that that mother might have had. So it does not penalize the mother that stays home with her young kids.

The other thing I do is I increase the benefits for a surviving spouse from the existing 100 percent to 110 percent. And that is to encourage more people to stay in their own homes rather than going to a very expensive nursing home. The 110 percent helps accommodate that.

The last blip that I have not mentioned yet is that it is limited to safe investments in the personal retirement account. Safe investments that will earn more than the 1.9 percent paid by Social Security.

I was in Europe representing the United States and our Social Security plan and talking with a lot of other countries. Many countries in the world have now gone from a fixed benefit plan to a fixed contribution plan. So they, like almost every State in the United States, has made that change to accommodate for what everybody knows is going to be a demographic problem, with more seniors and fewer workers. We need to make the transition, and we can still have the kind of safety net that is going to guarantee that future retirees are going to have as much or more benefits than they do now.

My grandson, who is named Nick Smith, sort of my immortality maybe, my grandson was painting on a fence and he had $160 coming to him. I said, let us put this in a Roth IRA, because look what the magic of compounding interest can do, and I figured this out based on the last 20 years return on indexed stocks. So I calculated this out and I said, okay, now, look, by the age of 64, you are going to have about $70,000 if you put this all in a Roth IRA right now. He says, gosh, though, grandpa, I sort of wanted to save it to buy a car when I turn 16. Well, wait a minute, if you wait just another 7 years, until you are 71, then it will double again and it will be $140,000. Well, he finally agreed that maybe he could put $20 in a Roth IRA.

But the point I sort of make is that it is hard to convince people that saving now can be so valuable in retirement simply because of the magic of compound interest. It is so much easier to say, well, I need to spend this on these things today. But if everybody in the United States could save a little more and put it in a savings investment account, then the average income worker could retire as a very wealthy retiree simply because of the magic of compound interest.

So my legislation goes farther than just fixing Social Security. It increases and encourages additional savings above and beyond Social Security so that today's workers that have a modest income can retire, even if they live to be 100 years old, in much more wealth than they are having today, if they are willing to sacrifice and save a little today.

The U.S. trails other countries. When I went to Europe, it was interesting that in the 18 years since Chile offered PRAs, 95 percent of the Chilean workers have created accounts and their average rate of return has been 11.3 percent per year. Again, this compares to the 1.7 percent that the retiree depending on Social Security is going to get.

□ 2000

Among others, Australia, Britain, Switzerland offer workers a personal retirement savings account that is in their name, that the politicians cannot mess with.

Let me say again, every time that we have come up against not having enough money to pay Social Security benefits, Congress and the administration has either increased taxes and/or reduced benefits. That is what we did in 1983 under the Greenspan Commission, we reduced benefits and substantially increased taxes.

The British workers chose PRAs with 10 percent returns. You cannot blame them. Two out of three British workers enrolled in what they call the "second tier social security system" chose to enroll in the personal retirement accounts. The British workers have enjoyed a 10 percent return on their pension investments over the past few years. The pool of PRAs in Britain exceeds nearly $1.4 trillion, larger than their entire economy and larger than the private pensions of all other European countries combined.

Here it is. Mr. Speaker, this chart is a rolling 30-year average of the returns in stocks between 1901 and, I take it, up to 2001. A 30-year return. We see some downs on this. But the average is 6.7 percent.

Some people say, "Don't put it in any kind of stocks because it is too risky." Let me just suggest that if this country does not continue to grow, then whether it is the current system with no changes or whether it is any system that depends on revenues coming in and the economy of the United States, the money is not going to be there. We need to look at the kind of decisions that are going to stimulate economic expansion.

I am getting off on a footnote here, but I just want to say, we need to continue our investments in basic research, we need to continue our priorities like this administration has to improve education, because that human capital investment and that capital investment is what is the strength of economic growth in this country in the past, and it has got to be that way in the future.

Here again, we see ups and downs, even over the last year on the far-down blip, but on a rolling 30-year average, not much of a downer in terms of average returns on investment.

Okay. Here is the return. Here is what I was talking about earlier, when we have problems, we increase taxes. If we do not deal with this problem, Mr. Speaker, the temptation is going to be to yet again increase taxes on workers.

In 1940, the rate was 2 percent. This program started in 1934, by the way. By 1940, the rate got up to 2 percent on the first $3,000. That is $60 a year maximum. By 1960, 6 percent, 6 percent on the first $4,800. That was a maximum per year of $288. In 1980, it went to 10.16. In 2000, it is up to 12.4 percent, and we are now at 12.4 percent of the first $86,000 of payroll.

We are increasing the base every year. If we put it off, the tax will again go up.

Here are, in summary, some provisions that I thought was sort of the basis of the legislation that I have introduced. First of all, it allows workers to only invest a portion of their Social Security taxes. I limit the investments to indexed stocks, indexed bonds. Some people say, well, this is going to be a bankroll for Wall Street. The cost of administering an indexed fund is approximately .004 percent, so our Thrift Savings account that so many Members of Congress are familiar with, you would invest in indexed funds that have very low administrative costs.

PRSAs, personal retirement savings account investments, in my legislation, start at 2.5 percent out of the 12.4 percent. Then it gradually increases over the next 40 years to get up to 8 percent that would be in your private investment account. The PRSAs are limited to a variety of safe investments. I think that is important.

But what I think is even more important is that the individual worker owns that account, controls that account; nobody can take that account away from him because it is in his or her name. If he or she happens to die before they start collecting Social Security benefits, then it goes into their estate and their heirs rather than, like our current Social Security system, simply going back into the Social Security system.

It uses surpluses to finance the PRSAs. Right now we are still in this time period up to 2015 or 2016 when there are surpluses coming into Social Security. There is no increase in taxes or government borrowing in my bill.

PRSA account withdrawals may begin at 59½, while the eligibility age for fixed benefits is indexed to life expectancy. So here again, if you have the kind of savings that will pay for an annuity to give you the same benefits as Social Security would, then you can retire as early as 59½.

What we have also done in our legislation is say that if you do not retire at 65 but you decide to keep working and not start taking those Social Security benefits, your Social Security benefits will increase by 8 percent a year for every year you delay taking Social Security benefits after 65. A lot of us are very healthy and want to keep working a few more years. If you wait 4 years and increase your benefits by 25 percent, if you are optimistic about your life span, then it becomes a good deal.

But the point is, if you retire earlier, then actuarially you are going to get less, but still have the option of retiring earlier. If you wait to retire, then you are going to actuarially have more benefits, but it is going to not cost anybody anything simply because, on the average, it is going to be actuarially sound.

PRSA account withdrawals may begin at 59½, as I mentioned. There are tax incentives for workers to invest an additional $2.000 each year so that you have the same tax advantages as you would in a Roth savings account, or an IRA, to encourage that additional investment, especially for low-income workers where government would add to that investment in those retirement accounts.

It gradually slows down benefit increases for high-income retirees by changing benefit indexation from wage growth to inflation. Right now, we have a system where future benefits are indexed to wage growth which goes up much faster than the CPI, than inflation. So this changes that index.

Generally what I do to pay for this system is, I slow down the increase in benefits for high-income workers and increase them for low-income workers. But that is what helps pay for the transition into some private ownership accounts. We divide the PRSAs, like I mentioned, between couples. Widow's or widower's benefits increase to 110 percent. It repeals the Social Security earnings test, it is scored by the Social Security Administration to keep Social Security solvent, and it maintains the trust fund reserves. Some people have said, we need the trust fund reserves there, so I keep the reserves there as an additional safety net.

Right now, the average retiree gets about 30 percent of their last year's earnings. The current retiree gets, on the average, 30 percent of their last year's earnings. What we are suggesting is that we have the kind of guarantee that if an individual that is 20 years old today ends up getting, whatever, 50 percent of their last year's earnings, or as we have experienced in some counties down in Texas that decided to have private investments rather than the Social Security, they are receiving three and four and five times as much as Social Security would pay.

So if we say to the 55-year-old worker that, look, you go into the system, he comes up with funds in his personal savings retirement account that would accommodate, say, 20 percent of what he would have of his last year's earnings, then Social Security and government would add the additional 17 percent to guarantee what he would have gotten under the old Social Security system. We can have the kind of safety net, because over the long term we can get a lot better return than the 1.7 percent of the average retiree.

Again, in closing, Mr. Speaker, let me just suggest to all of my colleagues, to everyone that might be listening to this presentation, that the longer we put off solving Social Security, the more drastic the solution is going to be. I think we cannot afford the imposition on current workers or we cannot afford to put the burden on future wage earners by not facing up and dealing with the Social Security problem.

ASPECTS OF THE WAR ON TERRORISM

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to talk about a very important aspect of the kind of war against terrorism which I think the United States should wage. I would like to talk about a dimension of that war which is very seldom discussed. We are in the process now of preparing for our budget. The vote on the budget may come as early as next week. In that budget, the largest increase is $48 billion for the military and for homeland security, items which are designated as part of the war against terrorism. I want to talk about that in terms of its being utilized in a new way, of being expanded so that it has a greater impact against terrorism than the present administration foresees.

The emphasis of the present administration is too much on the military and too little on foreign aid and other kinds of necessities that are needed, both at home and abroad.

I think the discussion before on Social Security is relevant here, also, but today, earlier, we took some steps which I think weaken our war on terrorism. A bill was passed which erodes the ability of the American citizens to bring class action suits. For some time, since the Contract With America and the majority was taken over by the Republican Party, we have had an effort to erode the rights of citizens in our civil courts.

Certainly the effort to end class action suits as we know them has been going on for some time. That bill was passed today, by a narrow majority, but it was passed; and it is one more example of how we are restricting and oppressing, with a light hand, and swindling our own population. Every time we do that, every time an act takes something away from the American people, the citizens, who must be at the heart of fighting the war on terrorism, we are weakening our war against terrorism.

One thing this war needs is every American enthusiastically involved. Every American must understand that the war is going to be a long war and the war is a war for people's minds across the globe. It is a war to show our compassion. It is a war to help educate the rest of the world. There are a number of items, of components in this war against terrorism which require massive help by our entire population.

□ 2015

When we make our own population a little less comfortable or disgruntled, we move in ways which are going to restrict the rights and freedoms of our own population; we are weakening our effort in the war against terrorism.

When we refuse to appropriate adequate funds for education, we are greatly weakening the ability to fight a war against terrorism. And over what? In the most elemental concrete way, the ability of our military to fight a war with high-tech weapons, very complex weapons, is dependent to some degree on the quality of the education of the personnel involved.

I am not a military expert; but the large number of accidents that have occurred, the large amount of human error and the number of casualties that were the result not of hostile fire but of our own mistakes, indicate that the quality of personnel could be greatly improved.

I am mindful of the time when, just a few years ago, we launched a new super aircraft carrier, the largest and most complex machine on the water, about 3 years ago was launched by the Navy, and they said that they were short 300 personnel. They could not fill 300 positions on that aircraft carrier because they could not find within the Navy the enlisted men who could do the things that were necessary, could operate the complex high-tech equipment. It was just one example of how education directly relates to our ability to fight a war. In this example it is obviously quite concrete and related to the military.

On a larger scale, we need all the people we can to help educate the populations of certain nations, to help educate the leaders, to be able to spread the constitutional civilization that we enjoy, how you operate under a constitution, to be able to spread the economic system that we enjoy, the legal system that goes along with economic system. Capitalism cannot exist without a legal framework. There are a number of things that are not so simple that the rest of the world needs to learn, and one of the ways we are going to be able to win the war against terrorism is to have more and more people, ordinary people in the nations of the world, understand these complex processes.

So educated people in America will help not only increase our own level of prosperity, the ability of our own Nation to function, but also we are going to be needed to help spread democracy across the world and help democracy take a firm hold, to help improve the economic systems take hold.

The nation building that is going to have to take place in Afghanistan is just one example of a large number of people of all walks of life, technicians, mechanics, scholars. All kinds of people are going to be needed to help rebuild the nation of Afghanistan. We are not going to do it all. The United Nations is responsible for the nation building in Afghanistan, and that is the way it should be; but we must make a great contribution.

The larger war is one that we must understand how serious it is, the projection of a larger threat. It is not the kind of threat that we have faced before with the Soviet Union, the possibility of nuclear annihilation overnight, the possibility of them having more nuclear warheads than we had, the Soviet Union having better rockets than we had and the necessity to keep monitoring what the Evil Empire was doing. The Evil Empire, on the other hand, was monitoring us constantly.

We are in a different kind of situation, and the threats we face now are not as easy to describe or to imagine as they were before. But one thing that September 11 taught us is that we are vulnerable.

There is this great Nation, we are not an empire, call us the American colossus, with all of its strength in so many ways, which is very vulnerable, like any other civilized society is vulnerable. We did not know that on September 11 to the degree we know it now.

We are very vulnerable, because if you hit one nerve center, and in the case of September 11 they hit the financial center of New York, a communications center, two buildings. Large numbers of people died, but a lot of other repercussions took place as a result. It was a domino impact. A domino impact helped to make the recession worse, not only in New York City and New York State, but it had an impact right across the Nation.

We were vulnerable in that a relatively small group of people somewhere in the world, and they were based in Afghanistan, we have assumed, I think correctly, a small group of people struck down all the airplanes of the skies of the great United States of America. They were empty for a few days as a result of the actions of these few people.

So we are vulnerable, because the Internet connections and the television broadcast connections at the World Trade Center meant a lot of people found themselves without television service, and communications in New York is very much still affected by the fact there were telephone switching stations and complicated operations located near the World Trade Center.

So in a number of ways a very complex, modernized society is vulnerable. Now terrorists know it as well as everybody else; and we have to recognize that, sooner or later, the possibility of these things happening again is there. We will have other kinds of attacks.

We seem to be quite vulnerable here on Capitol Hill, when one letter going through the post office and then to Senator DASCHLE's office led to an anthrax scare. Appropriately, that shut down the whole Senate building. One-third of the Senate offices were shut down; employees were terrorized to some degree. Two postmen lost their lives as a result of the anthrax just passing through the post office machines, and all of us saw our mail brought to a halt. We did not receive mail for a couple of months. Our mail has to go through an irradiation process now.

A lot of complex things happened as a result of the relatively small anthrax attack. We are grateful for the fact that whoever perpetrated that attack did not send 10 or 20 envelopes through the mail at the same time.

So we are vulnerable now. We know we are vulnerable to an anthrax attack; and just as anthrax was sent through, you could have other kinds of biological attacks, very potent diseases. The smallpox virus, all kinds of things could be done in similar ways, through the mail and various ways dropped in areas where you have a dense population in our big cities. There are a number of ways that we can discern that we could be attacked by faceless, nameless, nationless people. We know that now, and so do a lot of other people out there know it.

How do we make ourselves safer? I do not have all the answers, nobody has all the answers; but we are evolving answers. One answer is to reduce the number of people in the world who would cooperate with terrorists, reduce the number of people in the world who would become terrorists, reduce the number of people in the world who would aid and abet terrorists. That is one way to begin to make a safer world.

In doing that, we have to have a foreign policy and domestic policy which put people first. I am not speaking as a pacifist. I am a follower of Martin Luther King, I believe in non-violence, but I also recognize that we have to, in some cases, go to war. The only way to stop certain kinds of threats is with violence matching violence, and that is what our military is all about.

I said the last time I was here in a small poem that I wrote that wars never leave us thrilled, but there are some maniacs who demand to be killed. Wars never leave us thrilled, but there are some maniacs who demand to be killed, and we would indeed be quite stupid not to recognize that after a long history of dealing with these maniacs.

Adolph Hitler was a maniac that could not be stopped any other way except with violence against violence. We had to have a military force to match his overwhelming military force. We thought after Hitler you would have a decrease in those kinds of maniacs. He was thoroughly punished as a result, and the nation that followed him was punished as a result of his activities. That did not stop Pol Pot from arising. That did not stop Slobodan Milosevic from trying his hand.

On and on it goes. These maniacs will come. Saddam Hussein is another one of those maniacal creatures that exist. We cannot put our heads in the sand and pretend that they are ever going to be able to be stopped if you only have a nonviolent approach to them.

However, there are also the nameless, faceless groups out there that have not even formed yet, that can be dissuaded, stopped, if we remove the fertile ground for terrorism that exists among those groups.

I am a child of World War II. I was just a grade school student during World War II, and we lived with the possibility that the Nazis would prevail. In school we were told they wanted to take over the world. In black schools they were told they hate black people, and one thing worse than the Ku Klux Klan is the Nazi SS storm troopers. The terror of the Nazis we lived with until they were defeated.

Then we lived with the terror of the Cold War, the Russians are coming, the Evil Empire. At school we used to have drills and have to go under the desks because the Russians now had the atomic bomb and we might have nuclear war. So we lived through that. Even up to the time of my children in school, they still had drills and were very much conscious of the need to be afraid of an attack by the Soviet Union. All of that was horrible; and all of that, of course, left quite an impression on a lot of us.

But none of it was as horrible as 9–11. Even the attack on Pearl Harbor, we lived with the knowledge that the Japanese were very sneaky and they might attack, coming over California and into the heartland of America. That was another one of the nightmares that young people used to have. But the attack on Pearl Harbor, of course, brought the war home closer than any other war we had ever realized from a foreign nation; but at Pearl Harbor, at that time Hawaii was not even part of the United States, so it was a little more distant, and, of course, most Americans who lost their lives at Pearl Harbor were at least military people.

It was not until 9–11, nothing compares, nothing we experienced in World War I or World War II, the Cold War, the Korean War, nothing compares to the attack on America that took place on September 11. It brought home the fact that we are in a different kind of world.

The Evil Empire, as the Soviet Union was described, and I am sure they had descriptions for us that were similar, no longer exists. Russia and America now have generals and officers stationed in the missile sites, and we closely monitor each other and the number of nuclear weapons we promised to reduce. Certainly the rockets and their trajectories have been altered, and there are agreements that make us all feel secure that the Soviet Union and the United States will never go to war. We are the only nations with the capability of delivering long-term nuclear weapons.

We are not happy and secure about the Chinese or North Koreans, but even then there is a nation to negotiate with; and America has negotiated with the North Koreans. Despite the fact that the President called them part of an "evil axis," we are still in negotiation with North Korea. It is a nation.

China, our relationship with China, there is a multiplicity of contacts and relationships. Capitalism has invaded China; and China has invaded our consumer markets, for good or ill. We are not that afraid that China is ever going to pull a sneak attack on us.

But those unknown, unnamed forces out there, in small groups, al Qaeda and Osama bin Laden is just one that we have profiled, a high profile, we understand. Who knows how many other there might be out there. But certainly al Qaeda gives us a good example of the kind of danger we face from stealth, stealth attacks, stealth violence, S-T-E-A-L-T-H. The world "stealth" is what every civilization has to fear from now on.

We have come to the point where weaponry is so complex and so powerful that small amounts of explosives and small bombs or small packages of lethal viruses or small packages of powder, like anthrax, can do tremendous, tremendous harm. We are threatened by stealth from possible terrorists in the future.

□ 2030

So they are and could be as numerous as the stars. We cannot ever be able to stamp out all of those possibilities out there.

The one way to guarantee that they are kept at a minimum and the one way to guarantee that they have an atmosphere and a milieu and an environment to operate which is hostile to them and protective of us is to try to make a world which includes justice, peace and compassion; a world where all the babies receive enough to eat; a world where young people are allowed and encouraged and supported to get an education which will allow them to look beyond hate.

A great deal has been said about the madrassahs in Pakistan. The madrassahs are schools in Pakistan which have come into great prominence and merited a great deal of attention and discussion because Pakistan as a nation abandoned its public school system. A very limited amount of money is appropriated in the Pakistan budget. This year they have done much better. Before 9–11, very limited amounts were being appropriated for education, huge amounts for the military, and other expenses; and parents seeing their children abandoned were happy, quite pleased that they could send their children to religious schools which not only gave them an education, it taught them to read and write, but also provided some hot meals each day for them.

So large numbers of children, especially males, were sent to the madrassahs and the madrassahs, we know now, taught them to read and to write, but only a limited amount of reading and writing, not a broad education about the whole world, a limited amount, and taught them to focus on hatred for the West and hatred for certain religions and taught them to dedicate their lives to the eradication of what they call the Evil Empire, the decadent West and Christianity and a number of other kinds of things they were taught to hate. So many of them went off to the camps in Afghanistan to become a part of the Taliban and a part of the army of the Stealth Army of Osama bin Laden. So we have that example that we are watching. It is a case history.

Pakistan is an interesting case history for the United States, because Pakistan as a nation has always been an ally of the United States. From its inception, it has been a friendly relationship. The United States has rattled its sabers and flexed its muscles a few times to protect Pakistan from India, and in wars that India could have won easily if they had continued. I can remember the United States making veiled threats and telling them they needed to back down, and that has happened. On the other hand, Pakistan was a loyal ally during the Cold War. While India was far closer to the Soviet Union, Pakistan was very close to this Nation.

Of course, when the Soviet Union invaded Afghanistan, the key to the defeat of the Soviet Union in Afghanistan by American-led Stealth forces supporting the Afghan people was Pakistan. Pakistan was the avenue through which the United States funneled its aid, its weapons, its military power. And it defeated the great Soviet Union as a result. Pakistan, in alliance with the United States.

But each time we have an engagement with Pakistan, each time Pakistan serves as our ally, we have not rewarded Pakistan. We did not reward them for the great service they did as a result of the Soviet defeat in Afghanistan. We did not reward them for all of the years that they served as our loyal ally during the Cold War. Pakistan was sort of left to drift when we got through with using them. So we missed a golden opportunity. A nation of more than 160 million people is no small nation. Compared to India with 900 million, 160 million may seem small, but among the nations of the Earth, Pakistan ranks among the top 10 in population.

Having deserted, left Pakistan alone, not rewarded Pakistan in any way, the establishment of a closer alliance with military aid, no Marshall Plan for Pakistan, no Marshall Plan, no continuing relationship, aid was very meager, and then when Pakistan, as they have had unstable governments, each time there was a coup, we punished them by taking away something. They had given us the money to buy planes, we kept the money and did not give them planes. We had a meager amount of aid going to them, and we cut all of that off through A.I.D. Nothing happened as a result of punishing them for their own instability in their own government. For various reasons, Pakistan could be very disgruntled. However, Pakistan has risen to the occasion and was one of the first nations to respond to President Bush's call for allies in the war against terrorism.

Considering the fact that Pakistan has a huge border with Afghanistan, Pakistani response, the Pakistani support for the war on terrorism was crucial. We could not have reached the point that we have reached now in terms of pretty much containing the violent situation, the capacity of the Taliban to wreak violence on its population or anybody outside without Pakistan. We could not have reached the point where Osama bin Laden is on the run somewhere or hiding somewhere or maybe dead; we could not say that we have dealt a critical blow to terrorism if it had not been for Pakistan. We owe Pakistan a great deal.

I want to applaud our own administration. For once they have responded by rewarding the nation of Pakistan. There is a package that is part of President Bush's war against terrorism of $500 million or $600 million in aid, and some of that aid is earmarked for education. It is earmarked for education. More than $100 million is earmarked to be spent only on education. There are other moves that have been made to aid education in Pakistan at the same time we are giving other kinds of aid.

So Pakistan is an ally that we are taking care of.

The rest of my speech I want to dedicate to the proposition that there are allies in the western hemisphere that we continue to ignore and take for granted at our peril. In a world where we face terrorism threats, where we face threats from unknown groups, some of them not even established yet, but we know the conditions that give birth to these kinds of terrorist groups, in that kind of world, we are at risk in our own hemisphere. We are ignoring the Caribbean Islands. We are ignoring the threat from the South American countries. We are ignoring the role that Haiti could play in a positive way or in a negative way. We are ignoring the fact that these nations in this hemisphere, close to us, have one great advantage and they can impact in a more meaningful way on our lives because they are so close, just because they are so close.

We are ignoring the fact that for years now, we have been fighting what we call a drug war, and the drug war has involved our deploying operatives to all of these nations of one kind or another related to the war against drugs. Not just the island nations, but the nations joined to us at the southern tip of Mexico. Mexico and the island nations of the West Indies and Haiti, all have had serious problems with respect to either the growth and processing of drugs or the transshipment of drugs. If we ignore the fact that these nations already have a problem and that that problem may lead to a situation where the governments are forced to succumb to drug lords; there are some things worse in the world than the Taliban. The Taliban at least had religious rationale. It may be a phony religious rationale, but it was a religious rationale. The drug lords do not attempt to pretend to be moral in any way.

The primary problem between Haiti and the United States during the Clinton administration or during the last, for the last 20 years has been the fact that forces in Haiti, certain forces in Haiti were being financed by drug lord money. The problem of the President of Colombia is that Colombia is at the point where there is a danger that drug lords will take over the entire nation. Most Americans do not know that we spend more than $1 billion in this little country called Colombia in South America. This is $1 billion being spent in the war against drugs and we are continuing to invest. Unfortunately, it is a military war. We are giving aid to fight a guerilla army which is financed by drugs. We are giving aid to fight a population which has no other means. They see themselves as having no other means to survive, so they are part of the process of growing drugs and processing drugs.

Colombia is just the beginning. Colombia is right next to Panama, and Panama now is an independent nation. The canal is owned, operated; it is part of Panama, not America any more, and they are right next to Colombia. Drug lords could take over Panama sometime in the future if we do not understand that that kind of war is as important as a war against terrorism. In fact, it is a kind of terrorism, and it certainly could become a part of an income-producing empire for terrorism in the future. We have not talked very much, we have not heard much about the role of drugs in Afghanistan and how the Taliban and all of the forces in Afghanistan have been involved in selling drugs. Heroin, the poppy from which heroin is made is the number one product of Afghanistan, and the control of the heroin trade by these factions, including the religious Taliban, was one way in which they financed their operations, selling drugs. So it is not farfetched to say that the drug war in this hemisphere will become a major problem in the war against terrorism in the future.

We need to look at all of the nations in this hemisphere in terms of what is our relationship to them, why do we continue to take them for granted, why can we not have a Marshall Plan for the western hemisphere on a scale similar to the Marshall Plan which saved Europe after World War II? Why can we not have a Marshall Plan which develops an economy, helps to develop the economy of the Caribbean Islands? It would not cost very much. Why could not we have approached Colombia with aid for economic development and other kinds of things, rather than only aid for the military? I am sure if we spent $1 billion for economic development in Colombia, we would get a better return on our investment than we have gotten for the dollars that we spend on military aid in Colombia. They are fighting a guerilla group, a guerilla operation which could not exist if it did not have the support of a large percentage of the population. Why does it have the support of a large percent of the population? Because a large percent of the population make their living growing cocaine, the coca leaf, and that is where they have an affinity with the lawlessness of the drug lords.

What would happen if in the future in this hemisphere we are surrounded by all of these nations and they are taken over by drug lords, they run the governments? That means that drug lords have a vote in the United Nations. There are a lot of small nations in the Caribbean Islands that are right now directly threatened by drug lords. There is one island where the chief law enforcement officer was murdered by a local drug lord. Everybody knows who killed that person. Everybody in the islands is afraid to participate in the process of apprehending and prosecuting the murderer. That is just a small island and one dilemma which foretells the future of a lot of others.

There are some larger islands which have recently had violent outbreaks in certain parts of the island, and Jamaica is one, where the battles were fought in Kingston, where the police were outgunned by modern weapons that the criminals had. How do criminals in a small island get such modern weapons and are able to outgun the local police? Through the financing of the drug trade. There are some islands where drug lords are known and despised by the population; but if a drug lord gives a birthday party, your top officials of government go to the birthday party. You are eroding slowly the respect for the civilian governments, you are eroding the authority of governments, and you are saying to the population, that process is saying to the population that drug lords are all powerful.

□ 2045

It is like in our neighborhoods in New York and some other big cities where powerful people demand a lot of money and forces, and young people begin to look up to them because they have money, they drive the big cars, and they have the best wardrobes, et cetera.

In the island nations, we have the same development of powerful forces that may get out of hand. If we really want to fight terrorism, and we have $48 billion in the present budget, I am not way out in left field, I want to stay on the subject, if we have $48 billion in the budget to fight terrorism and for homeland security, then a portion of that money ought to go to looking at this hemisphere and what we can do in this hemisphere at a much lower cost now than we would have to pay in the future if we had to fight empires of drug lords with votes in the United Nations and all kinds of influence in the future.

I want to use Haiti as a case history, because I am quite disturbed, and we have good reason to be disturbed, by the present policies of the United States Government toward Haiti.

Haiti has a long history of being a loyal ally of the United States, just like Pakistan, way back when, when Haiti was the second nation in this hemisphere to gain its freedom. The United States became an independent country in 1776. Haiti came second in this hemisphere as an independent nation.

When the British tried to undo the Revolutionary War and to subdue the infant nation of America in the War of 1812, Haitian soldiers fought on the side of American soldiers. Haitian soldiers were sent or came to this nation.

Throughout the history of Haiti and the relationship between Haiti and the United States, the Haitian people have never raised their hands against the United States. They have never been disloyal. Yes, we have done some terrible things to the Haitians. We occupied their country for more than 30 years. But the Haitians have never done anything to subvert the United States. Neither Hitler nor Castro nor Osama bin Laden has been able to drive a wedge between the Haitians and the people of the United States.

That ought to stand for something. We ought to be interested in rewarding Haiti. Haiti would be a good example to hold up to the rest of the countries in this hemisphere as to what it means to be a friend and ally of the United States. Let us take care of our friends at home, as well as seek to make new friends across the world.

Vice President CHENEY is on a tour throughout the world to build up alliances, to get alliances for the American-led war against terrorism. That is probably altogether fitting and proper. He should do that. But in the meantime, the nations in this hemisphere are being treated very badly, and I begin with Haiti.

Haiti is at the point right now where it may cease to exist as a nation. Haiti may implode or explode and just fall apart completely because of the hostile policies of the United States. The key to the death of Haiti would be the policies of this nation. Haiti does not deserve to die. The second oldest independent nation in this hemisphere, the nation of Haiti has been driven to the brink of chaos and dissolution by a hostile U.S. foreign policy.

Seven years ago, the U.S. reneged on a $200 million development fund promised to Haiti. Now the U.S. is presently blocking humanitarian aid in order to bolster the position of a destructive opposition in Haiti. For petty political reasons, Haiti is being strangled to death, but Haiti does not deserve to die. Haiti is being cruelly smothered by a small group of petty, but powerful, decision-makers here in Washington.

Long before the recent Haitian election controversy, and there is now a controversy in Haiti about the last election of people, and we are using the fact that that election was not a perfect election as an excuse to hold up aid to Haiti and to block aid to Haiti from other sources. That election in Haiti probably was far more reasonably executed and implemented than the election in Florida. But we are using that as a way to deny aid to the present administration.

But long before that, long before the Haitian election controversy, for personal, ignoble, and irrational reasons, a noose was tied around the neck of President General Bertrand Aristide's first administration.

As the democratically elected president was returned, with the support of the U.S. military, President Clinton and the international community promised Haiti an economic aid package vital to the survival of the country. The start-up and kingpin donation was to be $200 million from the U.S. That was going to be the start-up, and the other nations, using that or recognizing that $200 million, would create an infrastructure, an administrative infrastructure, which would allow Haiti to make use of additional aid.

They promised to give additional aid. Other nations, Canada, France, Japan, they promised to follow the lead of the U.S. with a sum total of more than $1 billion. In other words, let me make it clear, if the United States had followed through on its promise to give $200 million, the rest of the nations of the world would have chipped in and the amount of aid that Haiti would have gotten 7 years ago was $1 billion or more.

But the U.S. did not follow through on its promise. There were certain powerful people in Washington who said that Haiti would never get a dime from the United States because they personally would see to it that it did not happen. There are a few people in Washington who are just that powerful.

Unfortunately, certain power brokers within our midst counted themselves as close friends of the old oppressive ruling class in Haiti, and they thus became sworn enemies of President Aristide. The president of Haiti who was elected with an overwhelming democratic vote of the people was targeted by the U.S. right wing for punishment.

What was the U.S. right wing? Certain people in high positions in the Congress of the United States were part of it; certain people in the CIA were part of it. They had all surfaced during the years that Aristide was in exile and had spoken against Aristide in various ways. We know who they were; we know who they are.

Despite the fact that Aristide's administration was in no way corrupt, and Aristide obeyed his own nation's constitution and he stepped down at the end of the 5-year term, the U.S. allowed a ruthless and shortsighted few to condemn Haiti to death by neglect, death by abandonment, death by the denial of vital aid for survival.

Let me repeat: Aristide's administration was in no way corrupt. We could find no fault with Aristide. Aristide returned after being in exile for 3 years. He was elected, and the army staged a coup, and they forced him out of the country. He was in this country for 3 years. He went back. He had only 2 more years to serve in his term. He had a right to make a claim that he had been exiled and was not able to fulfill the wishes of his people, and he had a right to say, "I should be allowed to stay 5 years." But no, he accepted the constitution and wanted to promote the authority of the constitution, and he stepped down after serving for 2 years, 3 years in exile and 2 years after he went back. We asked him to do that. The United States Government wanted that to be done.

He did everything we asked; but nevertheless, a ruthless and shortsighted few decided to condemn Haiti to death by neglect, death by abandonment, death by the denial of vital aid for survival.

We descendants of Jefferson, Lincoln, Roosevelt, and Martin Luther King should no longer tolerate the lynching of a nation before the eyes of all who can see in this hemisphere and the rest of the world. That is what is happening: We are lynching the nation of Haiti. We are strangling a nation to death. We are assassinating a nation. That is the charge I make, and I think that the facts will bear it out. The policies of the United States Government at this point are destroying the nation of Haiti.

Haiti does not deserve to die. As I said before, in the War of 1812, after the vengeful British had burned the White House and were threatening to recolonize the fledgling American Republic, Haiti sent troops to aid in the defense of our new nation. Since that time, Haiti's hand has never been raised against this land. Neither Hitler nor Castro nor Osama bin Laden could break the bond that exists between the U.S. and the people of Haiti. Haiti does not deserve to die at the hand of the United States foreign policy.

Mr. Speaker, today I am inviting all of my colleagues to unite with the Congressional Black Caucus to rescue a Haiti that is being unjustly subjected to cruel and inhuman torture. Haiti is being unjustly subjected to cruel and inhuman torture. The denial of humanitarian aid to Haiti right now is being used as a political sledgehammer. We are coupling humanitarian aid, aid that is designed to help people, aid, most of which would not go to the government, it would go through nongovernmental organizations, we are denying that aid as a way to force Haiti to do some things we want done which would benefit the opposition in Haiti, the opposition that has been favored by the right-wing forces in the United States since the very beginning of Aristide's term.

I am asking my colleagues in the House to join us in an appeal, asking both Houses of Congress to join us in an appeal to the rest of our colleagues to try to save Haiti. Join us in the appeal for a special initiative by President Bush and Secretary Powell. We want to ask them to review and reconsider the Haiti policies that they are presently promulgating.

The President showed great animosity towards Haiti, even during the campaign for his election. Haiti was singled out in two of the debates as being the kind of place that President Bush felt we should not have given aid and help, so we know that there are problems in this administration.

Secretary Powell recently went to a CARICOM conference. CARICOM is an organization of the island nations of the Caribbean. He went to a conference and talked about punishing Haiti further by denying or continuing to deny aid. This administration should immediately deliver, this administration should immediately deliver to Haiti, first of all the $200 million that were promised in 1994, or promised several years ago. After that, it should follow up with the humanitarian aid that is being denied right now.

I would like to say to my colleagues that if our own Nation will not yield, if our own Nation insists on pursuing this course of destruction of Haiti, yes, it is an assassination course, we are assassinating a nation, I can think of no terms that would be too harsh for what we are doing, if we continue to pursue this assassination course, then I would like our colleagues to consider joining us, the Congressional Black Caucus, in an appeal to the United Nations. Why not ask the United Nations to try to bring some sense back to the situation?

A very small group of very powerful people in Washington is using power to destroy a nation of between 7 million and 8 million people. Something should be done. I would like to ask our colleagues to join the Congressional Black Caucus in an appeal for help. If the United Nations will not do it or is slow, an appeal for help from some of the other more moral nations of the world. Why can we not appeal for help to Norway, Sweden, the Netherlands, Denmark? Somewhere, someone on this globe should be able to understand the situation and come to the aid of Haiti.

I recall that Norway, a very unlikely place for the solution to be worked out in the Middle East, but Norway took the leadership in developing a dialogue between Israel and the Palestinians.

□ 2100

The peace process that was started and later brought to fruition by President Clinton, which led to Arafat and Rabin shaking hands in the White House garden, was started by Norwegians. So maybe we can appeal to the Norwegians or the Swedish or the Netherlands or Denmark or some other nation, some other decent, civilized nation, Germany, to help, because our Nation is locked in a position which is inhuman and disgraceful and murderous for a whole group of people.

Perhaps we should follow the moral example of Australia. Australia sent their soldiers to stop the bloodshed in East Timor. At the request of the United Nations, Australia sent their soldiers to stop the bloodshed in East Timor, and the Australians did not leave and say we are not going to engage in Nation building the way certain people insisted we leave Haiti: The United States should not stay in Haiti; we should not have to help to build a Nation; we restored the President, let us get out. No, the Australians stayed under the supervision of the U.N., and they have helped to build a nation in East Timor.

East Timor is today being celebrated as a new democratic Nation. Pretty soon East Timor will take their place in the United Nations as an independent nation. It could not have happened without those outsiders, those white Australian troops, going to the aid of a nation in distress and committing themselves under the supervision of the United Nations to a moral and very civilized venture to save human beings, to restore a government of the people, and to help to build a government of the people in that far-flung corner of the world.

It is a decision of the Congressional Black Caucus that we send out pleas throughout the whole globe in search for some nation that will help us to aid Haiti, if our own government will not. We are going to appeal first to those Members of the Congress. We are going to appeal to President Bush. We are going to appeal to all the forces in this Nation to take a hard look at what we are doing and to back away from a foreign policy.

If that does not happen, we intend to go to the United Nations and to the civilized nations of the world. Haiti does not deserve to die. If we fervently seek it, then somewhere in the civilized world there must be enough compassion and mercy to save the long-suffering people of Haiti. Haiti does not deserve to be strangled at the hand of our government. Haiti does not deserve to die.

This is a very strong language. I have lived with the problems of Haiti for a long time. My district has the second largest concentration of Haitian Americans in America. Miami has the largest concentration. The congressional district of the gentlewoman from Florida (Mrs. MEEK) has the largest concentration of Haitian American; I have the second largest. Together, we in the Congressional Black Caucus have sought to try to establish a new relationship between the United States and Haiti since the days when Haiti had democratic elections and President John Bertrand Aristide was elected by something like 80 percent of the voters.

Because he did not follow its precepts and was not a puppet of the oppressive ruling class, ruled for a long time, the Army staged a coup and Aristide barely escaped with his life. He spent 3 years in this Nation, in Washington here, while we tried to get a negotiated return of Aristide to his rightful place in Haiti. However, because the people in power, the army leaders who staged a coup, were so well financed by drug lords that they did not have to worry about economic sanctions, that they did not have to worry about their own income, they would not budge. They would not yield.

There were several negotiations with them which almost came to the point of reaching some agreement, but it turned out they were just leading us on and had no intention whatsoever of ever letting Aristide back in the country. All the way, they had their lines into the drug lords. Haiti was a major transshipment point for drugs.

Raoul Cedras, the commander of the Army, his second in command Biamby, Michel Francois, they were all on the payroll, well financed by drug lords. Michel Francois was later indicted by the United States for his role in drug transshipment.

So the long history between the United States and Haiti has not been a good one from the time that the occupying forces left Haiti. First of all, we occupied Haiti for 32 years, which is most unfortunate. I will not go into the circumstances that led to that, but after we left Haiti, we left in charge and had bonds between a ruling class that had the benefits of an army which was trained by the United States. The Haitian army and the ruling class that had been very oppressive for the rest of the Haitian people ruled for a long time.

Francois Devalier was elected as president. He made a bond with the ruling class and the Haitian army and created his own army called the Ton Ton Macoutes, which was a civilian militia, death squads that were feared by the people, and the combined balance of the Haitian army and the Ton Ton Macoutes kept Haiti in a state of terror for more than 40 years.

Finally, they got a decent election under pressure from the United Nations and the United States. They had a fair election and President Aristide was elected, and of course, I have told my colleagues before, the army immediately overthrew the elected president, forced him into exile. He barely escaped with his life.

President Clinton, responding to the repeated request of the Congressional Black Caucus trying to shape a decent Haitian policy, after many, many attempts to negotiate with the leaders of Haiti, decided to restore John Bertrand Aristide to power in Haiti through the use of military intervention. Our troops went into Haiti, and as I told the President, he does not have to worry about the people fighting the United States troops. The people will welcome the United States troops with open arms. They will cheer the troops as they come in.

Exactly what I predicted and told the President would happen, happened. The Haitian army was made up of 4,000 folks who were thugs and cowards, and they ran to hide when the army came in, and the people cheered the United States forces. Aristide was restored to power, and the leaders of the Haitian army were sent into exile.

Military leaders like Cedras and Biamby were exiled to Panama on October 13, 1994. The U.S. provided an airliner which shipped them out of the country. Michel Francois had escaped. We believe he went to the Dominican Republic, but he was later convicted in exile of drug transshipment and of murder. However, I have a brief chronology here which I will quickly go through as a backup for what I have said before of our relationship with Haiti.

On 15 October Aristide returned to Haiti, and Aristide, at the part of the United States Government, called for reconciliation and an end to violence. He did not call for retribution. He did not call for trials to punish the traitors. He followed the example of Nelson Mandela and the leadership of South Africa, and he sought reconciliation with the opposition forces.

On 11 October, Aristide moved to reduce the army. Already most of them fled, but he reduced the army to 1,500 troops from a strength of 7,000, and he offered the soldiers of that army that had deposed him jobs within the community and preference for new positions in the government.

On November 4, Aristide appointed a new prime minister in accordance with their constitution and the parliament approved that new prime minister.

On December 17, Aristide, by presidential decree, established a commission on justice and truth to investigate crimes committed by military regime. The commission on justice and truth is the exact same name that was used by Nelson Mandela and the people of South Africa and Bishop Tutu as they sought to unravel the relationship between the oppressive whites of South Africa and the new black-dominated government without bloodshed, with a minimum of bloodshed.

February 9 of 1995, the multinational force of the United Nations collected 20,345 weapons, including 5,853 grenades and 1,736 machine guns from the remnants of the Ton Ton Macoutes and the Haitian army.

January 30, 1995, the U.N. Security Council passed a resolution which extended the United Nations mission in Haiti until July 31, 1995.

March 31, 1995, President Clinton made a trip to Haiti, the first President to set foot on Haiti since Roosevelt; and President Clinton went to oversee the transition ceremony which reduced and established the pattern for the pullout of all the United States forces and handed over the multinational transition of Haiti Government to the multinational forces of the United Nations.

On April 28, Aristide did the most important thing of his career. He dissolved the Haitian army. If he had not dissolved the Haitian army at that point, we would not be standing here, about the point that he was not reelected after he gave up his presidency; and he is now the president of Haiti, but he is hated by right-wing forces in this nation, and we determined that he will not let Haiti die.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARRETT of Wisconsin (at the request of Mr. GEPHARDT) for March 12 and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mrs. JO ANN DAVIS of Virginia, for 5 minutes, today and March 14.

Mr. JONES of North Carolina, for 5 minutes, March 14.

Mr. BILIRAKIS, for 5 minutes, March 19.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Thursday, March 14, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5862. A letter from the Deputy Assistant Secretary for Program Operations, PWBA, Department of Labor, transmitting the Department's final rule—Class Exemption for Cross-Trade of Securities by Index and Model-Driven Funds [Prohibited Transaction Exemption 2002–12; Application No. D–10851] received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

5863. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j) [FRL–7155–8] (RIN: 2060–AF31) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5864. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995, pursuant to 50 U.S.C. 1641(c); 50 U.S.C. 1730(c); 22 U.S.C. 2349aa–9(c); (H. Doc. No. 107–188); to the Committee on International Relations and ordered to be printed.

5865. A letter from the Deputy Associate Administrator, Office of Acquisition Policy, GSA, Department of Defense, transmitting the Department's final rule—Federal Acquisition Regulation; Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings [FAC 2001–03; FAR Case 1999–010 (stay); Item I] (RIN: 9000–AI40) received February 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5866. A letter from the Director, OPM, Office of Personnel Management, transmitting the Office's final rule—Locality-Based Comparability Payments (RIN: 3206–AI81) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5867. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Miscellaneous Changes in Office of Personnel Management's Regulations (RIN: 3206–AJ54) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5868. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: Automatic Visa Revalidation—received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5869. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Civil Penalty Inflation Adjustment Revisions [Docket No. FAA–2002–11483; Amendment No. 13–31] (RIN: 2120–AH21) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5870. A letter from the Senior Regulations Analyst, TSA, Department of Transportation, transmitting the Department's final rule—Civil Aviation Security Rules [Docket No. TSA–2002–11602; Amendment Nos. 91–272; 107–15; 108–20; 109–4; 121–289; 129–31; 135–83; 139–24; 191–5] (RIN: 2110–AA03) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5871. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Design Standards for Highways [FHWA Docket No. FHWA–2001–10077] (RIN: 2125–AE89) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5872. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E5 Airspace; Andrews—Murphy, NC [Airspace Docket No. 01–ASO–15] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5873. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. 2001–SW–56–AD; Amendment 39–12601; AD 2001–25–51] (RIN: 2120–AA64) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5874. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment, Redesignation, and Revocation of Restricted Areas; NV [Airspace Docket No. 00–AWP–13] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5875. A letter from the Senior Regulations Analyst, TSA, Department of Transportation, transmitting the Department's final rule—Security Programs for Aircraft 12,500 Pounds or More [Docket No. TSA–2002–11604] (RIN: 2110–AA04) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5876. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Honolulu Class E5 Airspace Area

Legal Description [Airspace Docket No. 01–AWP–29] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5877. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Revision of the Manual on Uniform Traffic Control Devices; Accessible Pedestrian Signals [FHWA Docket No. FHWA–2001–8846] (RIN: 2125–AE83) received February 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5878. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule—Modification of the Carload Waybill Sample Reporting Procedures [STB Ex Parte No. 385 (Sub-No. 5)] received February 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5879. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class D Airspace; Eglin AFB, FL; Correction [Airspace Docket No. 02–ASO–3] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5880. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision to Class E Surface Area at Marysville Yuba County Airport, CA [Airspace Docket No. 01–AWP–22] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5881. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hillsboro, ND [Airspace Docket No. 00–AGL–29] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5882. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Bellingham, WA [Airspace Docket No. 00–ANM–31] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5883. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Stanley, ND [Airspace Docket No. 00–AGL–28] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5884. A letter from the Trial Attorney, Department of Transportation, transmitting the Department's "Major" final rule—Regulations on Safety Integration Plans Governing Railroad Consolidations, Mergers, and Acquisitions of Control; and Procedures for Surface Transportation Board Consideration of Safety Integration Plans in Cases Involving Railroad Consolidations, Mergers, and Acquisitions of Control (RIN: 2130–AB24) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5885. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Aviation Security Infrastructure Fees [Docket No. TSA–2002–11334] (RIN: 2110–AA02) received February 26, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5886. A letter from the Director, Office of Regulations Management, Department of Veterans' Affairs, transmitting the Department's final rule—Exclusion from Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement (RIN: 2900–AK84) received February 28, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

5887. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Negotiated Rulemaking: Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services [CMS–3250–F] (RIN: 0938–AL03) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

5888. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's Congressional Justification of Budget Estimates for Fiscal Year 2003, pursuant to 45 U.S.C. 231f(f); jointly to the Committees on Appropriations, Transportation and Infrastructure, Ways and Means, and Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Omitted from the Record of March 12, 2002]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2341. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; with an amendment (Rept. 107–370). Referred to the Committee of the Whole House on the State of the Union.

Mr. BURTON: Committee on Government Reform. A Citizen's Guide on Using the Freedom of Information Act and the Privacy Act of 1974 to Request Government Records (Rept. 107–371). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 1712. A bill to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes; with amendments (Rept. 107–372). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. CAPITO (for herself, Mr. Sandlin, Mr. Oxley, and Mr. Bachus):

H.R. 3951. A bill to provide regulatory relief and improve productivity for insured depository institutions, and for other purposes; to the Committee on Financial Services.

By Mr. DeFAZIO:

H.R. 3952. A bill to establish an Office of Consumer Advocacy within the Department of Justice to represent the consumers of electricity and natural gas in proceeding before the Federal Energy Regulatory Commission, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHAFFER (for himself, Mr. Hoeffel, Mr. Sessions, Mr. Crowley, Mr. Gutierrez, Mr. Weldon of Pennsylvania, and Mrs. Tauscher):

H.R. 3953. A bill to authorize the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of Ukraine; to the Committee on Ways and Means.

By Mr. ACEVEDO-VILÁ (for himself, Mr. Udall of Colorado, and Mr. Rahall):

H.R. 3954. A bill to designate certain waterways in the Caribbean National Forest in the Commonwealth of Puerto Rico as components of the National Wild and Scenic Rivers System, and for other purposes; to the Committee on Resources.

By Mr. ACEVEDO-VILÁ (for himself, Mr. Udall of Colorado, and Mr. Rahall):

H.R. 3955. A bill to designate certain National Forest System lands in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System, and for other purposes; to the Committee on Resources.

By Ms. ESHOO (for herself, Ms. DeLauro, Mrs. Lowey, Mr. Brown of Ohio, Mr. George Miller of California, Ms. Brown of Florida, Mr. Doyle, Mr. Kildee, Mr. Frank, Mr. Engel, Ms. Rivers, Ms. Norton, Mr. Bonior, Mr. Ford, Mr. Rangel, Mr. Strickland, Mr. Crowley, and Ms. Roybal-Allard):

H.R. 3956. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services; to the Committee on Agriculture, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GRAHAM (for himself, Mr. Boehner, Mr. McKeon, Mr. DeMint, Mr. Norwood, and Mr. Hilleary):

H.R. 3957. A bill to increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education; to the Committee on Education and the Workforce.

By Mr. HANSEN:

H.R. 3958. A bill to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; to the Committee on Resources.

By Ms. LOFGREN (for herself and Mr. Honda):

H.R. 3959. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to require the Immigration and Naturalization Service to verify whether an alien has an immigration status rendering the alien eligible for service in the Armed Forces of the United States and to achieve parity between the immigration status required for employment as an airport security screener and the immigration status required for service in the Armed Forces, and to amend the Immigration and Nationality Act to permit naturalization through active-duty military service during Operation Enduring Freedom; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JEFF MILLER of Florida (for himself, Mr. Boyd, Ms. Brown of Florida, Mr. Crenshaw, Mrs. Thurman, Mr. Stearns, Mr. Mica, Mr. Keller, Mr. Bilirakis, Mr. Young of Florida, Mr. Davis of Florida, Mr. Putnam, Mr. Dan Miller of Florida, Mr. Goss, Mr. Weldon of Florida, Mr. Foley, Mrs. Meek of Florida, Ms. Ros-Lehtinen, Mr. Wexler, Mr. Deutsch, Mr. Diaz-Balart, Mr. Shaw, and Mr. Hastings of Florida):

H.R. 3960. A bill to designate the facility of the United States Postal Service located at 3719 Highway 4 in Jay, Florida, as the "Joseph W. Westmoreland Post Office Building"; to the Committee on Government Reform.

By Mr. NADLER (for himself, Mrs. Mink of Hawaii, Mrs. Jones of Ohio, and Mr. Andrews):

H.R. 3961. A bill to provide additional resources to States to eliminate the backlog of unanalyzed rape kits and to ensure timely analysis of rape kits in the future; to the Committee on the Judiciary.

By Mr. PETERSON of Pennsylvania (for himself, Mr. Otter, Mr. Simpson, Mr. Gibbons, Mr. Pombo, and Mr. Herger):

H.R. 3962. A bill to limit the authority of the Federal Government to acquire land for certain Federal agencies in counties in which 50 percent or more of the total acreage is owned by the Federal Government and under the administrative jurisdiction of such agencies; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYNOLDS:

H.R. 3963. A bill to repeal limitations under the Home Investment Partnerships Act on the percentage of the operating budget of an organization receiving assistance under such Act that may be funded under such Act; to the Committee on Financial Services.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 349. Concurrent resolution calling for an end to the sexual exploitation of refugees; to the Committee on International Relations.

By Mr. FOLEY (for himself, Mr. Mica, Mr. Hastings of Florida, Mr. Davis of Florida, Mr. Tom Davis of Virginia, Mr. Simpson, Mr. Rohrabacher, Mr. Skelton, Mr. Kennedy of Minnesota, Mr. Moran of Virginia, Mr. Pickering, Mr. Ballenger, Mr. Etheridge, Mr. Edwards, Mrs. Morella, Mr. McGovern, Mr. Langevin, Mr. Wolf, Mr. Farr of California, Mr. Young of Alaska, Mr. Castle, Mr. Radanovich, Mr. Nethercutt, Mr. LoBiondo, Ms. Kaptur, Mr. Sessions, Mr. Watts of Oklahoma, Mr. Mascara, Mr. Abercrombie, Mr. Doyle, Mr. Bachus, Mr. Weldon of Florida, Mr. Olver, Mr. Tiahrt, Mr. Markey, Mr. Saxton, Mr. Ehrlich, Mr. Jenkins, Mr. Towns, Mr. Barr of Georgia, Mr. Hayworth, Mr. Cooksey, Mr. Dooley of California, Mrs. Christensen, Mr. DeLay, Mr. Putnam, Mr. LaHood, Mr. Wynn, Mr. Spratt, Mrs. Meek of Florida, Mr. Crenshaw, Mr. Wamp, Mr. Owens, Mr. Hall of Texas, Ms. Pryce of Ohio, Mr. Lewis of Georgia, Ms. McCarthy of Missouri, Mr. McNulty, Mr. Oxley, Mr. Flake, Mr. Walsh, Mr. Stupak, Mr. Souder, Mr. Calvert, Mr. Crowley, Mr. Kennedy of Rhode Island, Mr. Hefley, Mr. Frost, Ms. Lofgren, Mr. Phelps, Mr. Forbes, Mr. Jones of North Carolina, Mr. Wu, Ms. Slaughter, Mr. Isakson, and Mr. Sabo):

H. Res. 368. A resolution commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001; to the Committee on Armed Services.

By Mr. ROGERS of Michigan (for himself, Mrs. Tauscher, Mr. Tom Davis of Virginia, Mr. Otter, Mr. Kirk, Mr. Upton, Mr. Chambliss, Mr. Terry, Mr. Knollenberg, Mrs. Capps, Mr. Matsui, Mr. Grucci, Mr. Weiner, Mr. Hayes, and Mr. Blumenauer):

H. Res. 369. A resolution recognizing the goals and objectives of the Intelligent Transportation Systems Caucus; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. PAUL introduced a bill (H.R. 3964) for the relief of Rudy Valente Jauregui; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 128: Ms. Woolsey.

H.R. 218: Mr. Ford and Mr. Baca.

H.R. 250: Ms. Solis.

H.R. 303: Mr. Royce and Mr. Murtha.

H.R. 321: Ms. Jackson-Lee of Texas, Mr. Pastor, Mr. Rodriguez, Ms. Woolsey, and Mr. Barrett.

H.R. 394: Mr. Vitter, Mr. Sensenbrenner, and Mr. King.

H.R. 399: Mr. Lampson.

H.R. 440: Mr. Young of Alaska.

H.R. 510: Ms. DeLauro, Mr. Gekas, Mr. Skelton, Mr. Pence, and Mr. Dooley of California.

H.R. 572: Mr. Akin.

H.R. 600: Mr. Clyburn.

H.R. 638: Mr. Langevin.

H.R. 745: Mr. Gutierrez, Mr. Foley, and Mr. McGovern.

H.R. 781: Mr. Etheridge.

H.R. 786: Mr. McDermott.

H.R. 848: Mr. Gekas.

H.R. 1038: Mr. Frank, Mr. Davis of Illinois, Ms. Waters, and Mr. Conyers.

H.R. 1041: Mr. Andrews and Mr. Hoeffel.

H.R. 1090: Mr. Ortiz, Mr. Blumenauer, Mr. Vitter, Mr. Owens, and Mr. Rush.

H.R. 1097: Mrs. Kelly.

H.R. 1177: Mr. Foley.

H.R. 1214: Mr. Hall of Ohio and Mr. Larsen of Washington.

H.R. 1265: Mr. Baldacci and Mr. Holt.

H.R. 1290: Ms. Waters.

H.R. 1296: Mr. Brady of Pennsylvania and Mr. Weldon of Florida.

H.R. 1354: Mr. Gonzalez.

H.R. 1360: Mr. McNulty, Mr. Bentsen, and Mr. Visclosky.

H.R. 1434: Mr. Becerra.

H.R. 1626: Ms. McCarthy of Missouri, Mr. Andrews, Mr. Whitfield, and Mr. Hoeffel.

H.R. 1701: Mr. Hall of Texas.

H.R. 1724: Mr. Platts and Mr. Lantos.

H.R. 1731: Mr. Mica and Ms. Ros-Lehtinen.

H.R. 1781: Mr. Pascrell.

H.R. 1822: Mr. Boswell, Mr. Ford, and Mr. Ross.

H.R. 1859: Ms. Berkley.

H.R. 1903: Mrs. Christensen, Mrs. Jones of Ohio, Mr. Kildee, Ms. McKinney, and Mr. Blagojevich.

H.R. 1935: Mr. Doyle, Mr. Cannon, Mr. Hill, Mrs. Maloney of New York, Mrs. Morella, Mr. Ross, Mr. Snyder, Mr. Lynch, Mr. Boozman, Mr. Brady of Pennsylvania, and Mr. Cantor.

H.R. 1987: Mr. Calvert.

H.R. 2059: Mr. Holt.

H.R. 2096: Mr. Norwood.

H.R. 2117: Mr. Ryun of Kansas, Mr. Portman, Mr. Doyle, Mr. Schaffer, Ms. Berkley, Mr. Clay, Mr. Sabo, Mr. Phelps, Mr. Barrett, Mr. Kucinich, Mr. Oberstar, Ms. Woolsey, Mr. Lantos, and Mr. Fattah.

H.R. 2125: Mr. Kingston and Ms. Ros-Lehtinen.

H.R. 2162: Mr. Gonzalez.

H.R. 2173: Mr. Barrett and Mr. Lampson.

H.R. 2219: Mr. Walsh.

H.R. 2237: Mr. Camp.

H.R. 2374: Mr. Matsui.

H.R. 2405: Mr. Larson of Connecticut, Mr. Davis of Illinois, and Ms. Waters.

H.R. 2610: Mr. Gordon.

H.R. 2667: Mr. Foley.

H.R. 2795: Mr. Walden of Oregon, Mr. Gibbons, Mr. Hansen, Mr. Putnam, and Mrs. Emerson.

H.R. 2820: Mr. Fossella, Mr. Barcia, Mr. Coyne, Mr. Towns, Mrs. Roukema, Mr. Turner, Mrs. Maloney of New York, Mr. Jenkins, Mrs. Bono, Ms. Millender-McDonald, Mr. Bartlett of Maryland, Ms. Brown of Florida, Mr. Gutierrez, Mr. Lynch, Mrs. Christensen, Mr. LaTourette, Mr. McNulty, and Mr. Murtha.

H.R. 2863: Mr. Holt.

H.R. 2874: Mr. Kanjorski.

H.R. 2918: Mr. Payne.

H.R. 2966: Mr. Bonior.

H.R. 3065: Mr. Davis of Illinois.

H.R. 3070: Mr. Duncan.

H.R. 3106: Ms. Carson of Indiana.

H.R. 3131: Mr. Conyers, Mr. Filner, Mr. Farr of California, Mr. Thompson of California, Ms. Eshoo, Mr. Dooley of California, and Ms. Roybal-Allard.

H.R. 3143: Mr. Manzullo.

H.R. 3236: Mr. Lampson and Mr. Berman.

H.R. 3244: Ms. Rivers.

H.R. 3278: Mr. John and Mr. Hinchey.

H.R. 3280: Mr. Kucinich.

H.R. 3320: Mr. Paul and Mr. Johnson of Illinois.

H.R. 3341: Mr. Gutierrez and Ms. Berkley.

H.R. 3352: Mr. Davis of Illinois.

H.R. 3389: Mr. Kingston, Mr. Thompson of Mississippi, Mr. Israel, Mr. English, Mr. Putnam, and Mr. Engel.

H.R. 3414: Mr. LUCAS of Kentucky.

H.R. 3424: Mr. WAXMAN.

H.R. 3489: Mr. FRANK.

H.R. 3524: Ms. SANCHEZ, Mr. HOEFFEL, Mr. WEXLER, Mr. WATT of North Carolina, and Ms. SLAUGHTER.

H.R. 3581: Ms. SOLIS.

H.R. 3657: Mr. DAVIS of Illinois.

H.R. 3669: Mr. MOORE.

H.R. 3671: Mr. FARR of California.

H.R. 3688: Mr. MASCARA.

H.R. 3733: Mr. WAXMAN.

H.R. 3747: Mr. HONDA.

H.R. 3768: Mr. TOWNS, Ms. KAPTUR, Mr. DAVIS of Illinois, and Mr. RUSH.

H.R. 3777: Mr. MCKEON.

H.R. 3782: Mrs. JO ANN DAVIS of Virginia, Mr. DICKS, Mr. PORTMAN, Mr. COSTELLO, Mr. TOWNS, Mr. GILLMOR, Mr. MORAN of Kansas, and Mr. SHUSTER.

H.R. 3792: Mr. QUINN and Mr. SIMMONS.

H.R. 3803: Mr. LEACH.

H.R. 3814: Ms. RIVERS, Mr. TOWNS, and Mrs. MINK of Hawaii.

H.R. 3833: Mrs. WILSON of New Mexico.

H.R. 3839: Mr. KINGSTON.

H.R. 3840: Ms. SANCHEZ.

H.R. 3895: Mr. LUCAS of Kentucky and Mr. LAHOOD.

H.R. 3899: Mrs. CHRISTENSEN, Mr. FROST, and Mr. HOLT.

H.R. 3900: Mr. MCNULTY, Mr. LANTOS, Mr. FROST, and Mr. LANGEVIN.

H.R. 3915: Mr. ENGEL and Mr. DINGELL.

H.R. 3917: Mr. GEKAS, Mr. SMITH of New Jersey, Ms. LEE, and Mr. FRANK.

H.J. Res. 23: Mr. HEFLEY.

H.J. Res. 40: Mr. DOYLE, Mr. SMITH of Washington, Mr. CRAMER, Mr. OBERSTAR, Mr. KANJORSKI, and Mr. LYNCH.

H.J. Res. 41: Mr. JEFF MILLER of Florida, Mr. KERNS, and Ms. HART.

H.J. Res. 85: Mr. PHELPS, Mr. LIPINSKI, Mr. BOYD, Mr. CONDIT, and Mr. BISHOP.

H. Con. Res. 26: Mr. KILDEE.

H. Con. Res. 99: Mr. SERRANO and Mr. WYNN.

H. Con. Res. 164: Ms. CARSON of Indiana.

H. Con. Res. 181: Ms. KAPTUR, Mr. DAVIS of Illinois, Mr. LARSEN of Washington, Ms. CARSON of Indiana, Mr. BAIRD, and Mr. WALDEN of Oregon.

H. Con. Res. 263: Mr. ABERCROMBIE and Mr. PAUL.

H. Con. Res. 301: Mr. GIBBONS, Mr. KING, Mr. MCNULTY, and Mr. SKEEN.

H. Con. Res. 329: Mr. SKELTON.

H. Con. Res. 333: Mr. KUCINICH, Mrs. DAVIS of California, Mr. STARK, and Ms. LEE.

H. Con. Res. 346: Mr. FARR of California and Mrs. TAUSCHER.

H. Res. 281: Mr. PAYNE.

EXTENSIONS OF REMARKS

COMMEMORATION OF LITHUANIAN INDEPENDENCE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. BONIOR. Mr. Speaker, several weeks ago Lithuanian American communities across this nation gathered to reflect and celebrate the 84th year commemorating Lithuanian independence. In Southfield, Michigan, this community gathered on Sunday, February 10, 2002 at the Lithuanian Cultural Center.

On February 16, 1918 the Lithuanian people proclaimed an independent state ruled by the people, free from German military control. For most of the 20th century, however, authoritarian regimes prevented Lithuanian nationalists from enjoying the fruits of liberty and democracy. In 1990, after five decades of oppression under Soviet control and a relentless passion for freedom and democracy, the Lithuanian people once again proclaimed their independence.

The United States relationship with Lithuania is strong and growing stronger. Today Lithuanian and American leaders, governments and people are able to enjoy a great partnership. A significant goal of this partnership is the commitment to the security of the Baltic region and the promotion of democracy and freedom around the world. To achieve this goal the Republic of Lithuania is making great economic, social and political progress in an effort to secure membership to the North Atlantic Treaty Organization. The role of NATO in preserving peace and stability in the Euro-Atlantic area is essential for all people; Lithuanians must not be the exception.

Mr. Speaker, I join the people of Lithuania, those of Lithuanian ancestry around the world and Lithuanian Americans in celebrating the 84th Anniversary of Lithuanian Independence. I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

ECONOMIC SECURITY AND RECOVERY ACT OF 2001

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 7, 2002

Mr. UDALL of Colorado. Mr. Speaker, I will support this measure.

The bill before us responds to the urgent needs of hundreds of thousands of people who are out of work and whose unemployment benefits have been or soon will be exhausted. It also provides important provisions that can help speed up the recovery from recession and create jobs.

My only regret is that it has taken so long for us to take up this kind of bill. If we had done so sooner, fewer people would have reached the end of their benefits and the economic recovery might by moving at a faster rate. So, I hope that the fact the bill must go back to the Senate will not lead to further unnecessary delays.

To show why prompt action is essential, I am attaching a story from this morning's Rocky Mountain News. It reports that Colorado's unemployment rate recently surpassed the national rate for the first time in more than a decade.

We also have a high concentration of high-tech employment—and many provisions of this bill are particularly important for high-tech firms, which is another reason I support it.

[From the Rocky Mountain News, Mar. 7, 2002]

JOBLESS PICTURE BLEAK

(By Heather Draper)

Colorado's unemployment rate hit 5.7 percent in January, its highest level since 1993 and surpassing the national jobless rate for the first time in nearly 12 years.

The U.S. employment rate in January was 5.6 percent.

The state's increase from 5.1 percent in December was the second-highest jump in the nation behind New Mexico, which recorded a 0.9-point rise from December, the federal Bureau of Labor Statistics reported Wednesday.

Colorado's 3-percentage-point increase from its historic low of 2.7 percent in January 2001 was also the nation's second-largest year-over-year increase, behind Oregon's 3.1-point jump.

"It's definitely of concern," said Patty Silverstein, economist with Development Research Partners. "We haven't seen levels like this since the early 1990s. You can't really sugarcoat this."

The state's 5.7 percent seasonally adjusted jobless rate translated to about 135,000 Coloradans out of work in January.

The city and county of Denver's non-seasonally adjusted unemployment rate hit a whopping 7.4 percent in January, up from 6.1 percent in December and 3.4 percent in January last year, according to the state Labor Department.

About 69,000 metro Denver residents were unemployed in January, 21,200 of those in Denver County alone.

'The last time Colorado's jobless rate was higher than the national rate was March 1990,' said Tom Dunn, chief economist for the state legislative council. "We have a higher concentration of high-tech employment here and a lot of travel-related jobs, so Colorado has been hit harder. And I think, Sept. 11 introduced a whole new wrinkle (in the economy)."

Dunn said the recession hit Colorado later than the rest of the nation, so the state will start to recover later.

Economists were surprised by the size of the state's increase, as most were predicting unemployment of about 5.5 percent in January.

"All bets are off now," Silverstein said. "It's hard to say how much higher we might possibly go. The bottom line is that we aren't out of the woods yet."

The unemployment rate is a lagging economic indicator, but "that is still a huge jump," said Tucker Hart Adams, economist with US Bank.

"The recession may be officially over, but I think that's kind of irrelevant," Adams said. "The layoffs continue and housing is getting worse. I just don't see any signs of strength locally."

At least one economist was a bit more bullish on the state's economic outlook. "I think the good news is that the U.S. economy has bottomed out," said Sung Won Sohn, Chief economist at Wells Fargo & Co. "Since Colorado's economy depends so much on the U.S. economy, we have to view the U.S. economic outlook as the light at the end of the tunnel."

Job losses were greatest in Colorado's trade sector, with 16,000 fewer jobs in January 2002 than December 2001. Government jobs were down 12,200, and service industry jobs were down 11,400, the labor department said. The only sector to see an overall gain in January was the finance, insurance and real estate sector, which was up 1,100 jobs.

Pueblo had one of the state's highest unemployment rates in January at 8.2 percent, up from 6.5 percent in December 2001 and 4.7 percent in January 2001. Colorado Springs hit 6.8 percent unemployment in January, up from 5.6 percent in December and 3.2 percent a year ago.

The Boulder-Longmont area registered 5.7 percent unemployment in January, up from 4.7 percent in December and more than double its 2.4 percent rate a year ago.

RECOGNIZING JESSICA STAHL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise in recognition of Jessica Stahl, my constituent from Rockville Centre who has been chosen as a top student finalist in the Intel Science Talent Search (STS), a nationwide competition honoring young people for outstanding work in science and research. Jessica's 10th place prize was the largest awarded to a Long Island finalist this year. She will receive a $20,000 scholarship prize for finishing in the top ten.

Jessica is a seventeen-year-old senior at South Side High School. Jessica's project was a research project on dance therapy titled "Development of a Movement Analysis Instrument and its Application to Test the Effect of Different Music Styles on Freedom of Body Movement." Jessica wanted to determine if one style of music could produce more expressive and freer movement than others. She developed an original method for quantifying body movements, something no previous researcher had achieved, then found one musical piece that was available in classical, rock,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

jazz, dance, and reggae styles—Beethoven's 5th Symphony. Jessica believed that the answer could have applications in dance/movement therapy for emotional as well as physical problems. Her results pointed towards raggae as the most liberating.

The awards, presented by Intel Corporation, honor young people for being the nation's brightest high school seniors. Intel Corporation gave out scholarships totaling $530,000 at an awards ceremony this week which was precluded by a public exhibition of all 40 of the students involved in the competition. The Intel STS is America's oldest and most prestigious science competition and is also considered as the "Junior Nobel Prize."

Jessica's ideas and creativity point to a bright future. It is reassuring to see such potential in our young people. I applaud Jessica for her hard work and ingenuity. Long Island, particularly Nassau County, is proud to commend such a talented young individual.

TRIBUTE TO ROSE M. AGUILAR

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize a woman who has dedicated so many years to serving her city and her community, Rose Aguilar. Her remarkable achievements have brought so many families and communities together in an effort to educate and promote political action and community service. As members and friends of the Wayne County Chapter of the Hispanic Democrats gathered together on Saturday, March 2, 2002 to honor Rose, a longtime friend and advocate of the civic affairs and community service, they honored her with a celebration of activism, laughter, and memories.

A leader and an activist all her life, Rose Aguilar was the first Hispanic female to be hired at an all-male YMCA, as Director of Programs and Community Service. As an employment specialist in the Wayne County office on Aging and as a community development specialist for the Wayne County Community Development Block Grants Division, her efforts for Wayne County have been relentless. Working as a victim advocate for the Wayne County Prosecutor's office until 1994, she was instrumental in assisting Hispanic domestic violence and homicide victims. Returning to full time employment through her involvement with migrant children, her work with the Committee of Concerned Spanish Speaking Americans led her to serve not only in local parent groups but at the state level as well. Her leadership continues today, as she is Vice-Chair of the Hispanic Democrats of Wayne County, the only all Hispanic Democrats group, and continues to remain active in several other political and civic organizations.

Demonstrating outstanding dedication and commitment throughout the years, Rose Aguilar has truly led her community in a new direction, creating and developing programs that have advanced Detroit's political and community outreach services. She was Vice Chairwoman and former Board Trustee of the New Detroit Self Determination Committee, Vice Chairwoman of the Public Safety and Justice Committee, Executive Board member of Police Community Relations at Precinct 4, Assistant Director of LA SED, and Commissioner of the City of Detroit Senior Citizens Committee, to name a few. Additionally, Rose's outstanding efforts have not gone unrecognized, as she has been honored with prestigious awards like the 1978 Governor's Award as Outstanding Latina in Community Services, the Outstanding Public Relations Award for 1979 and 1985 from the Mexican Patriotic Committee, the Women's Equality Award in 1986 from the City of Detroit's Human Rights Department, and the Cesar Chavez Award in 2001 from the State of Michigan Latino Democrats. Rose Aguilar's crusade to raise the standards of activism and community outreach programs is one that will be remembered by citizens of this community for years to come.

I applaud Rose Aguilar for her leadership and commitment, and thank her for dedicating her life to serving her city and her community. I urge my colleagues to join me in saluting her for her exemplary years of service.

RECOGNIZING THE IMPORTANCE OF CLEAN ENERGY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I wish to insert into the RECORD an editorial published in the "Boulder Daily Camera" on March 6. The editorial comes at a critical time, as the Senate is even now debating an energy bill that could lead us in the right—or wrong—direction. The piece ends by calling on the Senate to recognize conservation and alternative energy as not just personal virtues, but as "important components of a national energy policy." I couldn't agree more.

Demand Less Demand

In recent months, some have complained that the United States needs an over-arching, under-girding energy policy. They are, in fact, right.

President Bush has proposed an energy policy that emphasizes increased production of oil, gas and electricity and places relatively little emphasis on conservation and alternative energy. The Bush plan, whose fundamental components were approved by the House of Representatives last year, includes a provision allowing for oil drilling in the Arctic National Wildlife Refuge, one of the last true wilderness areas.

The energy bill passed by the House was predicated on the assumption that we are in an energy crisis and that the best way to confront this crisis is to increase energy production as rapidly as possible. That's the stated justification for drilling in ANWR, and that's the clear rationale for handing $34 billion in subsidies to oil, gas and nuclear industries.

Curiously, the Bush-backed energy bill does not appreciably boost efficiency standards for the nation's automobiles. The House killed an amendment that would have sharply raised the fuel-efficiency standards for the nation's sport-utility vehicles and light trucks—to an average of 27.5 miles per gallon, the standard that cars now meet. Such an increase would obviate the demand for ANWR oil.

The House rejected the higher fuel standards because a study concluded that the imposition of fuel-efficiency standards coincided with a higher highway fatality rate. A National Academy of Sciences study last year opined that tough fuel-economy standards imposed three decades ago might have caused an additional 100 deaths or so annually. The Academy's report also argued that the safety concerns could be satisfactorily addressed. That didn't faze the House, which capitulated to the auto industry and labor unions.

This week, a competing energy bill is being discussed in the Senate. The 500-page Senate bill, sponsored by Sens. Tom Daschle and Jeff Bingaman, is markedly different from the Bush plan. The Daschle bill would increase fuel-economy standards to 35 mpg by 2013.

It would provide incentives for citizens to buy hybrid gas-electric cars such as the Honda Insight. It would require that electric companies produce 10 percent of their electricity from renewable resources such as wind by 2020.

Critically, the Daschle-Bingaman bill would not open ANWR to drilling.

The Daschle-Bingaman bill represents a less-lopsided approach to the nation's energy picture. It would focus both on increased production of traditional sources of energy and on conservation and alternative energy. This plan has drawn fire from both ends of the spectrum.

Greenpeace dubbed the Daschle plan "Bush lite." Sen. Frank Murkowski, the Alaska Republican, suggested that the Daschle plan would make the nation less secure. "The House has done its job (in passing the Bush bill). The job of the Senate remains in front of us. But I think most members would agree, our energy policy is a critical first step in this challenge. And it is a challenge. It is a challenge when we fight for freedom, when we seize the day for democracy."

But while framing the energy debate as a fight for democracy, Murkowski argued that Americans should not be called upon to sacrifice. "We turn to energy as we look at the standard of living that Americans enjoy. If it is an SUV, it is an SUV because Americans prefer that as opposed to being dictated by government as to what type of an automobile they have to drive."

The United States uses one-quarter of the world's energy. Here in the world's largest energy sink, conservation and alternative energy are not just personal virtues. They are important components of a national energy policy. In a clear and convincing voice, the Senate should say so.

CONGRATULATING THE GIRL SCOUTS FROM NASSAU COUNTY

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mrs. MCCARTHY. Mr. Speaker, this week my Girl Scouts from Nassau County came to Washington for their Anniversary Gala and visited me at my office. For nearly a century, Girl Scouts of the USA has served as an inspirational and positive movement in America's history. With more than 50 million alumnae in the

U.S. today, including myself, the Girl Scouts have made a lasting mark on sports, science, politics, public service and many other fields too numerous to list.

Today, March 12, 2002, is the 90th anniversary of the first Girl Scout assembly in Savannah Georgia. Juliette Gordon Low brought together 18 local girls with a determined goal to bring girls out of isolated home environments and into community service and the outdoors. Much like today, girls in 1912 hiked, played basketball, went on camping trips, learned how to tell time by the stars and studied first aid. With nearly four million members today, Girl Scouts of the USA is committed to helping communities, developing skills in everything from sports to science, and encouraging our future leaders.

In celebration of nine decades of excellence and accomplishments, Girl Scouts of the USA will be hosting its 90th Anniversary gala in Washington, D.C. A select group of 10 extraordinary American women will also be honored for serving as role models for today's Girl Scouts. These women exemplify how all girls can achieve greatness. They will be honored with the Girl Scouts' National Women of Distinction Juliette Award. Proceeds from this evening event, their first national awards and fundraising dinner, will benefit the "Girl Scouting: For Every Girl, Everywhere" initiative, helping to expand accessibility and opportunity for all girls.

As our great nation looks to forge ahead into the next century, we, as Americans, can rest assured that new leaders will emerge from organizations like Girl Scouts. Young women of today learn how to accept challenges, be self-confident, internationally conscious, and assertive beginning in the Girl Scouts. These valuable skills are reinforced and cultivated in every girl who participates in Girl Scouts. Our future looks bright with girls all over the country striving to do their best.

I want to congratulate the Girl Scouts of Nassau County and the Girl Scouts of the USA on 90 years of outstanding work and I wish them continued success in the future.

TRIBUTE TO REVEREND JESSIE D. JONES AND NEW ISRAEL BAPTIST CHURCH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. BONIOR. Mr. Speaker, the New Israel Baptist Church has a noble mission: to preach the Good News, teach divine truth and heal life by the power of God. A lifelong leader and devoted pastor, Reverend Jessie D. Jones has truly demonstrated his commitment to advancing this mission across southeastern Michigan, as pastor of the New Israel Baptist Church. Today, as the members and friends of Rev. Jones gathered to celebrate his birthday, they paid tribute to his outstanding years of activism, leadership, and faith.

Born in the late 1930's in Arkansas, Rev. Jones was the youngest of eight children born to Mr. and Mrs. Lincoln Jones. Confessing Christ at the age of fourteen at the Mount Olive Baptist Church in Dumas, Arkansas, Rev. Jones went on to serve in the United States Army for two years after completing his education. Accepting his calling into the ministry at Burnette Baptist Church, he was licensed and ordained under the guidance of Dr. J. Allen Caldwell. After completing two years of Bible college at Tysdale University, Rev. Jones's drive for faith led him to receive his doctrine degree of Divinity at the Detroit International School of Ministry.

Pastor and founder of the New Israel Baptist Church in Detroit, Rev. Jones has dedicated over 15 years to his vision for New Israel. Beginning in a one room store front on West Eight Mile Road in May of 1984, three years of visualizing, praying, and preaching led Rev. Jones and his congregation to their beautiful location on Puritan St. in Detroit, where they have flourished in faith and service for the last 15 years. Leading three hundred and twelve souls to Christ, including three preachers, Pastor Jones has shown a special dedication to leading the effort to make a positive difference in the lives of others. Demonstrating unwavering support and commitment to his belief in community as well, Rev. Jones has been an active force in his city. Serving as the President of the Clergy United for Today and Tomorrow as well as first Vice-Moderator for the Southern District Association, Pastor Jones has maintained a solid commitment to promoting leadership and activism within the community. His distinguished service and remarkable dedication to improving the lives of people through faith will assuredly continue to serve as an excellent example to communities everywhere.

I applaud Reverend Jessie Jones for his leadership, commitment, and service, and urge my colleagues to join me in saluting him for his exemplary years of faith and service.

HONORING ALISTAIR W. McCRONE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Alistair W. McCrone, President, Humboldt State University, Arcata, California, who, on April 11, 2002, is being honored by the Humboldt State University Alumni Association with the Distinguished Service Award on the occasion of his retirement.

Dr. Alistair McCrone, a native of Regina, Saskatchewan, Canada, received his B.A. in geology from the University of Saskatchewan, his Master of Science degree from the University of Nebraska and his Ph.D. from the University of Kansas. He began his career as a petroleum geologist in western and sub-arctic Canada. For eleven years he taught geology at New York University. From 1970 to 1974 he served as academic vice president at the University of the Pacific.

Dr. McCrone became the fifth President of Humboldt State University in 1974. Under his leadership, the university earned a notable reputation for academic excellence and innovative programs in higher education. During his distinguished tenure, Humboldt State University received national recognition for its participation in the Peace Corps, its programs in environmental studies and its high rate of graduates who later earn doctoral degrees, particularly in the sciences and engineering.

Dr. McCrone and his wife, Judith Saari McCrone, are highly esteemed on the North Coast of California for their dedication and service to the community. In their honor, Humboldt State University established the Alistair and Judith McCrone Graduate Fellowship Fund in October 2001. Dr. McCrone has emphasized the importance of graduate studies and has had the support of his colleagues in his wish to see the University become a leader in the field of graduate education.

Alistair McCrone has earned many distinguished honors and awards for his accomplishments. He received the Erasmus Haworth Distinguished Alumnus Award from the University of Kansas in 2000. He is a Fellow of the Geological Society of America, the American Association for the Advancement of Science, and the California Academy of Sciences. He is a member of the board of directors of the American Association of University Administrators. In addition, he is a member of the Board of Directors of the California State Automobile Association and a Trustee of the California State Parks Foundation.

Mr. Speaker, it is appropriate that on the occasion of his retirement we recognize Dr. Alistair W. McCrone for his vision and leadership and for his contributions and service to the people of our country.

TRIBUTE TO THE MOBILE INTERNATIONAL FESTIVAL

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. CALLAHAN. Mr. Speaker, I rise today in recognition of Mobile International Festival, the first and oldest event of its kind in the Gulf Coast region. Founded in 1983, Mobile International Festival has helped to educate school children and share with the general public an event of cultural arts, foreign languages and world history. It has showcased Mobile's own rich heritage and promoted appreciation of diverse cultures worldwide.

Every week before Thanksgiving, Mobile International Festival brings a cultural, fun-filled family experience of over 60 countries from Mobile's international community. Its stated mission is to "encourage a spirit of friendship between students, community and the growing numbers of immigrants and international citizens; to strengthen understanding and acceptance among people of different cultures; to provide an opportunity to share in the uniqueness of each heritage through art, music, dance, food, flags, and cultural exhibits from over 60 countries; and to provide educational and cultural activities which promote an awareness and appreciation of our city's rich cultural heritage."

The festival enhances the many cultures that are found in Mobile and nearby counties. Teachers have used the festival as a teaching tool and part of their curriculum. The festival supplements their studies in Geography, Foreign Languages, Art, Social Studies and Home Economics.

The festival has contributed to the quality of life of Mobile's citizens. Due to the importance of this cultural event to the community, Mobile International Festival participates in many community-oriented activities representing the international community and assists the City of Mobile and Mobile County in selected events.

In today's ever-shrinking world, where countries and cultures are increasingly required to interact and co-exist, Mobile International Festival serves as model for education and understanding between people of all different backgrounds.

Mr. Speaker, I am proud that my district plays host to this noble and important event. I believe the values it teaches are not only important for all Americans, but for all mankind, as we try to make our world a better place for future generations.

IN HONOR OF SOUTH PASADENA LITTLE LEAGUE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor South Pasadena Little League which will be celebrating its 50th anniversary on Saturday, March 9, 2002. For 50 years, South Pasadena Little League has offered youngsters an opportunity to enjoy the numerous benefits of organized athletics and community events.

South Pasadena Little League, at the time of its founding, was the only organized sport in the City of South Pasadena. Over the last half century, the league has grown considerably, and this season, over 700 young boys and girls, ranging in age from 5 to 14, will participate in baseball and softball.

The benefits of participation in South Pasadena Little League are extensive. Over the years, South Pasadena Little League has instilled in its participants a sense of character and loyalty and has set forth a framework to teach teamwork, sportsmanship, and fairplay. The league not only affects those who participate as athletes but also the entire community of spectators, parents, and donors. Each year, members of the community donate more than $20,000 to ensure the vitality of the league.

It is my pleasure to recognize such a worthwhile organization and I ask all Members of the United States House of Representatives to join me in congratulating South Pasadena Little League as they celebrate 50 years of offering young people a positive environment in which to grow and learn.

MALCOLM S. PRAY, JR. NAMED "CITIZEN OF THE YEAR"

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. SHAYS. Mr. Speaker, I rise to commend my constituent and good friend, Malcolm S. Pray, Jr. on being named "Citizen of the Year" by the Greenwich, Connecticut Rotary Club. I truly cannot think of an individual more deserving of this award.

Over the years, Malcolm's love of his town and dedication to serving the community have been exemplary. His civic activity in greater-Greenwich has truly run the gamut—ranging from the Boy Scouts, to the Boys and Girls Club, to the Greenwich Symphony, to the Garden Club and the Greenwich Red Cross.

As a prominent automobile dealer, Malcolm has served as president of state, national, and international automobile dealers trade associations. Whether chairing the Soap Box Derby or showing his impressive personal automobile collection to aficionados, Malcolm is equally at home and willing to share his passion for automobiles with others.

Greenwich is truly a better place to live and work thanks to Malcolm Pray, and it is an honor for me to join the Greenwich Rotary and his larger community in taking the opportunity to recognize his outstanding commitment by naming him "Citizen of the Year."

AMBASSADOR RICHARD SCHIFTER'S INSIGHTS ON THE RAOUL WALLENBERG CASE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. LANTOS. Mr. Speaker, a few weeks ago the American Jewish Committee held an extremely interesting briefing on the case of Raoul Wallenberg, the Swedish diplomat who saved thousands of Hungarian Jews in the last days of the Holocaust of World War II. Wallenberg disappeared into the horrors of the Soviet Gulag in January of 1945, and his fate is still not known.

This event commemorated the twentieth anniversary of the designation of Raoul Wallenberg as an Honorary Citizen of the United States. The legislation to make Wallenberg an honorary U.S. citizen was my first congressional action when I entered Congress. I hoped that if Wallenberg were a U.S. citizen, our government would be in a stronger position in our attempt to find and free him. It also brought greater public attention to the Wallenberg story and his great courage and heroism.

Mr. Speaker, The American Jewish Committee event featured a number of people who have spent many years trying to solve the Wallenberg mystery. The Chair of AJC's International Relations Commission, Ambassador Richard Schifter, made remarks that were particularly insightful and important. Ambassador Schifter brings a wealth of experience as a senior United States diplomat and as a respected attorney. I would like to share his remarks with my colleagues, and request that they be placed in the RECORD.

[From AJC Lunch on Raoul Wallenberg, Feb. 13, 2002]

THE RAOUL WALLENBERG CASE

(By Ambassador Richard Schifter)

The cause of democracy, the rule of law, and human rights, the great product of the Enlightenment, is now for the third time in less than one hundred years under attack from totalitarians. As we move forward to deal with this latest onslaught, it is fitting for us to remember a great hero in the struggle against the first totalitarian attack, the Nazis, who, sadly, fell victim to the second, the communists.

It was in the hell on earth created by the evil forces at work two generations ago that Raoul Wallenberg, a man of decency and truly uncommon courage appeared in 1944. Arriving in Budapest in the summer of that year, he demonstrated what one courageous person committed to a righteous cause could accomplish in the fight against those who murder at will. Taking risks, using his ingenuity, working day and night out of the other neutral countries into action, he saved tens of thousands of Hungarian Jews from certain death.

Tom and Annette Lantos witnessed it all. And they did not forget. Tom must once again be thanked and congratulated for having provided a fitting memorial for Raoul Wallenberg's unforgettable accomplishments. Tom's very meaningful gesture is most certainly deeply appreciated by the Wallenberg family and by many other Swedes.

Although his cover was that of a Swedish diplomat, Raoul Wallenberg had volunteered for his work in Budapest as the representative of the United States War Refugee Board. It was that agency of the United States Government that provided him with the standing necessary to carry out the tasks that he undertook.

It is worth noting, in this context, that Wallenberg would not have gone to Budapest, the tens of thousands would not have been saved, and Tom and Annette Lantos might not be with us today if a bureaucratic coup had not been carried out in the Roosevelt Administration, with strong Congressional support, in January 1944. The persons who initiated the coup were four mid-level officials of the Treasury Department, John Pehle, Josiah DuBois, Randolph Paul, and Ansel Luxford.

These Treasury officials had become increasingly concerned with the failure of the State Department to lift a finger to assist in the rescue of those European Jews who had at least a slim chance of escaping the Nazi death machine. The State Department leadership consisted in those years of the Secretary, one Under Secretary, and four Assistant Secretaries.

The Assistant Secretary supervising the Visa Division, Breckinridge Long, had been given responsibility for European refugee policy. As to Jews his policy was very simply: don't let them come to the United States. Further, given the concerns of the British Foreign Office that Jews might want to migrate to the Mandate of Palestine, the United States, under Long's policies, was not to help in any rescue effort. As the United Kingdom had advised the United States: "The Foreign Office are concerned with the difficulties of disposing of any considerable number of Jews should they be rescued from enemy occupied territory." It is evident that by letting them be killed, one avoided the difficulty of disposing of them.

Further, so as not even to get the issue discussed in Washington, the U.S. Legation in Bern, which was in receipt of information about the magnitude of the Holocaust, was explicitly instructed not to transmit such information to Washington.

But the United States Government had another mission in Bern. It was staffed by personnel from the Treasury Department's Division of Foreign Funds Control. Its task was to enforce the Trading-with-the-Enemy Act. It was that mission which continued to transmit information on the Holocaust and on the State Department's failure to take action. The four officials that I have mentioned, none of whom, I should note, was Jewish, became increasingly concerned and finally decided to write a report to the Secretary of the Treasury. It was entitled "Report to the Secretary on the Acquiescence of This Government in the Murder of the Jews." It was a severe indictment of the State Department.

Secretary of the Treasury Morgenthau was quite shaken by the Report and decided to take it to President Roosevelt. Treasury also prepared a plan to take responsibility for refugees from the State Department and create a separate rescue agency. President Roosevelt accepted the plan, without even checking with the State Department. The Executive Order that established the War Refugee Board a few days later, and John W. Pehle, the leader of the Treasury Department effort, became its Executive Director.

The speed with which this bureaucratic coup was carried out—it all happened in a matter of days—was undoubtedly the result of the fact that if the Administration did not move forward without delay, Congress would enact legislation calling for the establishment of a refugee agency. The leader and eleven other Senators, including Senator Robert Taft of Ohio. It was this combination of Treasury officials and Members of Congress that at long last got the United States engaged in the rescue effort, whose greatest hero is indeed Raoul Wallenberg.

It is thus particularly appropriate for this memorial event to take place on Capitol Hill. It is Congress that for decades has insisted that the foreign policy of the United States must be infused with moral content and it has succeeded. Tom Lantos, who has been witness to the history that we recount today, has been a truly outstanding leader in this effort. We are indebted to him.

TRIBUTE TO STUDENTS OF ALL SAINTS ACADEMY IN BREESE, ILLINOIS

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. SHIMKUS. Mr. Speaker, I rise today to pay tribute to the students of All Saints Academy in Breese, Illinois, and their important and heartwarming efforts to help those affected by terrorism.

On October 11th, 2001, President Bush made a request of the children of America. He challenged each of them to earn and send in one dollar. This money, sent by the kindness of the children of the United States, will be used to reach out to the unfortunate children in far off Afghanistan.

The students of All Saints heard and met that challenge. I recently received a check for $1,000, made out to America's Fund for Afghan Children—that's more than one dollar for each student in All Saints, and more than our President requested.

The students, parents, faculty, and members of the Breese community should be recognized for this fine effort. The terrorists believed they could accomplish their goals with the murder of American innocents; but the American citizens have responded with aid to the innocents of Afghanistan. Nothing else could better show how utterly Al Qaeda has failed.

Mr. Speaker, as President Bush said in his announcement of the Fund for Afghan Children, "One of the truest weapons that we have against terrorism is to show the world the true strength of character of the American people." The children of All Saints have shown that character, and they deserve our thanks. May God bless them, and may God bless the United States of America.

PERSONAL EXPLANATION

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. WEINER. Mr. Speaker, I was unavoidably detained in my District on Tuesday, March 12, 2002, and I would like the RECORD to indicate how I would have voted had I been present.

For rollcall vote No. 53, the bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings, I would have voted "aye."

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

SPEECH OF

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. ORTIZ. Mr. Speaker, I want to thank Chairman SENSENBRENNER and Ranking Member CONYERS for bringing HR 1885 to the floor today. The issue of border security and the extension of section 245(i) are truly important issues, and I'm glad that they are being addressed. I support HR 1885, the Enhanced Border Security and Visa Entry Reform Act, for many reasons, namely because it insures safety for the people within this country's borders. This bill provides the tools necessary for the U.S. Customs and the Immigration and Naturalization Service to better serve the American people.

The bill also has a provision to extend the border crossing card deadline for residents along the Southwestern border of the United States. This extension will provide a much-needed boost to the economies that have suffered since the tragic attacks of September 11th. After the attacks, Congress stopped work on a stand-alone bill with bipartisan support to extend the deadline for one year to October 1, 2002. With this extension, shop owners that were forced to close their doors after the deadline passed will once again be able to open them. People granted the extension can use their border crossing cards to go to school, to go to work, to go shopping, or to just merely visit their families. They will continue being productive members of society of the border economy.

The Southwestern border, according to a recent U.S. Chamber of Commerce report, has a population of 6.2 million people in the U.S. and approximately 4.3 million people in Mexico. The buying power of border residents is immense and the economy of South Texas depends on their participation in our market place. In my district alone, 75–80% of Brownsville's downtown retail sales normally come from people crossing the border. Since September 11th this number has dropped. This same report also cites the border crossing card deadline as one of the main reasons that fewer people are crossing the border. The economic effects of the attacks in September were bad for the country; they were devastating for the Southwestern border.

The Southwestern border is vitally important to the United States. It is the gateway to the United States from Latin America, it is the port-of-entry for one of our most valued trading partners, and it represents the rich diversity of immigrants on which this country was founded. This bill is an excellent first step in recognizing that fact. Again, I thank Mr. SENSENBRENNER and Mr. CONYERS for their actions.

TRIBUTE TO JEANNE BRADY LORENZ, FIRST ANNUAL GOVERNOR'S UNSUNG HEROINE AWARDS HONOREE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. BONIOR. Mr. Speaker, I rise today to recognize a woman who has dedicated so many years to serving her city and her community, Jeanne Lorenz. Her remarkable achievements have brought so many families and communities together in an effort to educate and promote racial and ethnic justice. As the Michigan Women's Commission held the First Annual Governor's Unsung Heroine Awards, they honored the contributions of women in communities across Michigan whose work has otherwise gone unrecognized. Gathering together on Tuesday, March 5, 2002, the Michigan Women's Commission chose to honor Jeanne Lorenz, a longtime friend and advocate of civil rights and community service.

A leader and an activist all her life, Jeanne Lorenz has lived her life by her principles and has dedicated her life to teaching these principles to others. As an active member of the Interfaith Center for Racial Justice in Macomb

County for over 30 years and Secretary of its Executive Board for more than 20 years, her efforts for her community have been truly selfless. Beginning in 1971 with monitoring the local newspapers and courts and organizing a program called Peaceful Schools during anti-bussing demonstrations, Jeanne participated in a wide variety of activities to promote civil rights. As one of the primary cooks for the first few annual Martin Luther King Holiday Celebrations in Macomb County, an event which raised money to purchase books on racial diversity for school libraries, Jeanne was integral in the fight to promote racial understanding in her community. This determination and commitment to civil rights led her to help defuse racial tensions at a local high school at the request of the Lake Shore Schools superintendent. Forming an advisory group to relieve racial tensions, she helped this group later evolve into the Committee for Racial and Ethnic Understanding, a group that provided a forum for communication and sponsored ethnic fairs.

Demonstrating outstanding dedication and commitment throughout the years, Jeanne Lorenz has also been active in community outreach, working in programs that have helped advance her local community. An active member of St. Gertrude's Church, Jeanne served as the first elected female president of the St. Gertrude Parish Council and served on the Christian Service Commission. Using her training as a home economics teacher, Jeanne organized a funeral luncheon program at St. Gertrude's Church in St. Clair Shores and prepares and serves meals periodically with her volunteers at the Salvation Army in Mount Clemens. She also cooks for the McRest Homeless Shelter program at her church and directs the kitchen crew at the Interfaith Care Givers' Annual Spaghetti Fund Raiser. Jeanne Lorenz's crusade to raise the standards of activism and community outreach programs is one that will be remembered by citizens of this community for years to come.

I applaud Jeanne Lorenz for her leadership and commitment, and thank her for dedicating her life to serving her city and her community. I urge my colleagues to join me in saluting her for her exemplary years of service.

TRIBUTE TO DALY CITY FIRE CHIEF BOB O'DONNELL

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in paying tribute to one of the San Francisco Bay Area's most dedicated and distinguished public servants, recently retired Daly City Fire Chief Bob O'Donnell. During Chief O'Donnell's remarkable thirty year career in the Fire Department he left an indelible legacy on the community he served with extraordinary passion and professionalism.

In the wake of September 11th, the American people have come to better understand the heroic commitment of our nations firefighters in serving the public. Risking life and limb to protect the community is part of their daily job. Bob O'Donnell lived up to the highest ideals of public service through his thoughtful leadership, and we should all thank him for his outstanding labors on behalf of the people of San Mateo.

As a young boy, Bob O'Donnell dreamed of becoming a fire fighter, and that dream was realized when, in 1972, at the age of twenty-six, he joined the San Mateo Fire Department. His leadership skills and talent did not go unnoticed and was promoted to Fire Engine Operator in 1979, and then quickly rose to Fire Captain. By 1985, Bob was awarded the highest of honors when he was named firefighter of the year of Daly City. A year later, he was named Administrative Battalion Chief and then Operations Battalion Chief.

In 1997, his service record and leadership skills brought him to the pinnacle of his profession, Fire Chief of Daly City. During his thirty years in service, Bob became a forerunner in the field of fire safety by becoming one of the state's most active proponents of fire prevention and community fire safety education programs. From 1989 through 1996, he served as the department's Public Education Coordinator and led numerous efforts to educate the community on fire safety.

Chief O'Donnell's list of accomplishments is long. In the mid-80's he successfully fought for grants which secured smoke detectors for low-income citizens. His integrity as well as the respect he garnered from his fellow firefighters made him the natural choice to lead efforts in integrating women into the Daly City fire department in 1986. His sensitivity and leadership in the matter made Daly City a model for other fire departments. As Fire Chief, Bob O'Donnell's leadership was pivotal in developing a nationally recognized Joint Partnership Agreement engine-based paramedic program, which involved seventeen in-house paramedics. He coordinated the Vegetation Management Program to remove the highly flammable gorse plants in Daly City's Southern Hill section, thereby changing the area from a very high fire hazard zone to a low hazard zone. Daly City was the first to achieve this feat in California.

Chief O'Donnell's presence will be sorely missed at the fire houses of Daly City, but his legacy of achievement will continue to inspire the brotherhood of professional firefighters. I hope he enjoys his retirement, he's earned it.

PROCLAMATION RECOGNIZING FIREFIGHTER WILLIAM L. HENRY—RESCUE TEAM NO. 1

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a tribute to Firefighter William L. Henry of Rescue Team Number 1, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances; and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies: Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

JIM ROWAN: TIP O'NEILL'S RIGHT-HAND MAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. RANGEL. Mr. Speaker, I rise to commend to my colleagues an obituary which appeared in the Boston Herald reporting on the death—and some of the attributes—of dear friend James Rowan, Sr.

I've known Jim since his years of service with Speaker of the House Thomas "Tip" O'Neill. We worked together in Washington, traveled the world together with the Speaker, and had a brotherly love and friendship that was shared by our families.

Just as I will never forget my friend Tip O'Neill, I will forever keep with me the many happy memories of my times with Jim Rowan.

My wife Alma and I extend our prayers to Francis and the family, and share in their grief over the loss of a great husband, father and friend.

[From the Boston Herald, Mar. 13, 2002]

JAMES ROWAN SR., AIDE TO HOUSE SPEAKER O'NEILL

James P. Rowan Sr. of East Boston, a senior political aide to the late House Speaker Thomas P. O'Neill Jr., died Sunday at his home, after heart failure due to a brief illness. He was 79.

"Jim Rowan was one of Tip O'Neill's right-hand guys, especially on the Massachusetts front. He was full of colorful stories and had a great heart. Few were better at hearing a working person's problem and pushing the right buttoms in the federal bureaucracy to get it solved," said Herald political columnist Wayne Woodlief.

A lifelong resident of East Boston, Mr. Rowan attended the High School of Commerce in Boston, the University of Missouri and Suffolk University. He also studied at Calvin Coolidge School of Law.

He served with the Navy in the Pacific for two years during World War II.

Mr. Rowan joined the Massachusetts House member's staff in 1953 and was a senior political aide to Speaker O'Neill for 33 years. He served as O'Neill's coordinator for district service programs and political affairs until the House speaker's retirement in early 1987. He also served as a consultant for the Democratic Congressional Campaign Committee for several years beginning in the late 1960s, when O'Neill was national chairman of the group.

During the past 14 years, he had served as a senior consultant to Cassidy and Associates, Washington, D.C., and specialized in international issues. He was also president of J.P.R. Consulting Inc., Boston. He had previously served as an insurance broker and a Boston area bank director.

Mr. Rowan had brief roles in two motion pictures. He was an avid racing enthusiast and owned horses that ran at several eastern state race tracks.

Mr. Rowan is survived by his wife, Francis (Brown); two sons, Daniel and James P. Jr., both of East Boston; and his sister, Frances of East Boston.

A funeral Mass will be celebrated at 10 a.m. Friday at Out Lady of the Assumption Church, East Boston.

A memorial service will be conducted in Washington, D.C., at a later date.

His ashes will be scattered at Saratoga Race Course, Saratoga Springs, N.Y., during the August meet.

Arrangements by McGrath Funeral Home, East Boston.

RECOGNIZING HAMMEL ELEMENTARY SCHOOL'S QUILT OF CARING

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to thank and congratulate the students of Hammel Elementary School for working tirelessly on the Quilts of Caring ("tapiz de carino"). These handmade quilts, which they painstakingly pieced together, symbolize their commitment to remembering America's fallen heroes of Sept. 11, 2001. This project became a reality during the past six months because of the hardworking efforts of the entire community of Hammel Elementary—students, parents, teachers and neighborhood friends who all joined together to create nine beautiful quilts.

Hammel Elementary School's administrator, psychiatric social worker, school psychologist and parents united their volunteer efforts to assist the students in creating the nine quilts that have been sent to my district and Washington offices, the Pentagon, New York Police Department, the Fire Department of New York, East Los Angeles Sheriff's Station, Los Angeles County Fire Department and the White House. It gives me great pride to present such a fine multi-cultural message of love, faith, unity and support that is depicted in each quilt.

It is evident that the children from Hammel Elementary share a common vision for a healthier and more peaceful future, and I am proud that they have not surrendered to hateful messages of violence or vengeance.

I commend the students and surrounding community members of Hammel Elementary and thank them for portraying such wonderful act of kindness and patriotism that serve as a positive reflection of humanity for the entire nation.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER ANDRE FLETCHER—RESCUE TEAM NO. 5

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a tribute to Firefighter Andre Fletcher of Rescue Team Number 5, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and,

Whereas, More than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, Members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and,

Whereas, More than 300 New York City Firefighters lost their lives in the effort to save others, and

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, We deem it appropriate to highlight the courage and valor of individuals and groups in variety of forms and ceremonies. Now therefore, be it

Resolved, That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representative, of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

GARY BOGNER: INTERNATIONAL AMBASSADOR OF BOW HUNTING

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor my good friend and fellow bow hunter, Gary Bogner, as he prepares for his new role as President of Safari Club International and the Safari Club International Foundation. Gary and I share a love of big game hunting and I have enormous respect and admiration for him as a hunter and as a leader in wildlife conservation.

A native of Muskegon, Michigan, Gary traces his passion for the outdoors to his youth when he first began hunting small game and whitetail deer. The son of a Michigan Conservation Officer, Gary quickly developed a zeal for wildlife conservation and hunting, especially bow hunting. By age 17, he owned an archery shop and was producing arrows for local archers. Today, after more than 45 years devoted to archery and bow hunting, Gary is known as the "International Ambassador of Bow Hunting."

An avid sportsman, Gary's hunting skills and achievements are legendary throughout the world. He has hunted five continents and has harvested over 60 different big game species with his bow. He was the first bow hunter to hunt the former Soviet Union and take a Russian Kamchalka brown bear, Russian Saiga antelope, Chukotka moose, Sika stag and a Marco Polo Argali sheep. He holds an astounding number of hunting records. Gary has taken over 25 African species of big game animals and his white rhino currently ranks as the top one ever taken with a bow. In North America, he has more than 29 big game species to his credit, including his Safari Club International top-ranked polar bear. Gary is only the fifth bow-hunter to successfully complete the North American Super Slam, harvesting all 28 North American big game animals with a bow and arrow. He also is currently the only bow hunter to have taken a Marco Polo sheep with a bow and arrow.

In 1995, Gary earned the Safari Club International World Bow Hunters Hall-of-Honor Award for exhibiting the highest degree of integrity, success in the field and lifetime contribution to the past and future growth of bow hunting and archery. He deeply believes, as do I, that wildlife is a renewable resource and that hunting plays an important role in its management. Gary credits his wife, Nanette; sons, Gary Jr. and Chris; and, daughter, Kimberly, with allowing him to pursue and achieve his dreams

Mr. Speaker, I ask my colleagues to join me in applauding Gary Bogner for his many contributions. I am confident he will continue to shoot straight and true on behalf of hunters, archers and wildlife conservationists throughout the world.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER KEITH GLASCOE—LADDER NO. 21

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a tribute to Firefighter Keith Glascoe of Ladder Number 21, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in variety of forms and ceremonies: Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

IN HONOR OF OUR GOOD FRIEND, JAMES P. ROWAN, SR.

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. GILMAN. Mr. Speaker, colleagues, and friends, it is with deep sorrow that I address our distinguished body today to announce the passing of a committed Bostonian, a devout patriot, and our good friend, Jim Rowan, at age 79.

For 33 years, Jim Rowan served as a senior political aide to our former Speaker, Thomas "Tip" O'Neill, Jr.

For the last 14 years, Jim has served as a senior consultant to the Washington firm of Cassidy and Associates, specializing in international issues, and he was president of J.P.R. Consulting, Inc.

A life-long resident of East Boston, Jim attended the High School of Commerce, the University of Missouri, the Suffolk University, and studied at the Calvin Coolidge School of Law.

During the Second World War, Jim honorably served 2 years in the U.S. Navy in the Pacific Theater.

In 1953, Jim Rowan joined Speaker Tip O'Neill's staff, serving as district representative, friend, and counsel, until the Speaker's retirement in 1987.

During the 1960's, Jim also served as a consultant for the Democratic Congressional Campaign Committee, while Speaker O'Neill was its national chairman.

Jim Rowan had a lust for life. Honesty, integrity, his leadership and colorful character will sorely be missed.

Jim Rowan's commitment to the people of Boston, particularly to East Boston, his endearing home, has served our Nation well.

Jim Rowan was one of my closest friends. My wife, Georgia, and I are deeply saddened by his passing.

Along with his many friends in the House of Representatives, in Boston, and around the world, we extend our deepest condolences to his wife, Frances, and his two his sons, James Jr. and Dan.

Jim was a great man, a great friend. He lived his life to the fullest.

A racing enthusiast, Jim owned a number of race horses, and, much like the race itself, it is a fitting tribute to Jim's life and spirit, that his ashes are to be spread at the Saratoga Race Course.

I know that this House, this chapel of the people, mourns the loss of this "Bishop of Boston," A man of the people, our dear friend, James P. Rowan, Sr.

For his friends and family, Jim's wake will be held this Wednesday and Thursday from 5 o'clock p.m. until 9 o'clock p.m. at the McGrath Funeral Home on 325 Chelsea Street, in East Boston.

A mass will be held this Friday, March 15th at Our Lady of the Assumption Church, 404 Sumner Street, in East Boston.

Following the mass, Jim's friends and family will be gathering at the Airport Hilton to celebrate his life, his legacy, and his many achievements; and a ceremony in Washington at a later date.

God bless you, Jim may you rest in peace. We thank you for your companionship.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER KEITHROY MAYNARD—ENGINE NUMBER 33

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Keithroy Maynard of Engine Number 33, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies now, therefore, be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

"NUCLEAR TRANSPLANTATION"

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. HOLT. Mr. Speaker, the universal use of the term "cloning" to describe many procedures can be very misleading. I submit for the RECORD an article from the journal Science by Bert Vogelstein, Bruce Alberts, and Kenneth Shine that suggests the adoption of the term "nuclear transplantation" to describe what is now called "therapeutic cloning" to more accurately portray the technique. I commend it to my colleagues.

PLEASE DON'T CALL IT CLONING!

Scientists rely on a dialect of specialized terminology to communicate precise descriptions of scientific phenomena to each other. In general, that practice has served the community well—novel terms are created when needed to document new findings, behaviors, structures, or principles. The lexicon of science is constantly evolving. Scientists who are fluent in the language of any specific discipline can speak to one another using shorthand expressions from this dialect and can convey an exact understanding of their intended meanings. However, when the scientific shorthand makes its way to the nonscientific public; there is a potential for such meaning to be lost or misunderstood, and for the terminology to become associated with research or applications for which it is inappropriate.

In scientific parlance, cloning is a broadly used, shorthand term that refers to producing a copy of some biological entity—a gene, an organism, a cell—an objective that, in many cases, can be achieved by means other than the technique known as somatic cell nuclear transfer. Bacteria clone themselves by repeated fission. Plants reproduce clonally through asexual means and by vegetative regeneration.

Much confusion has arisen in the public, in that cloning seems to have become almost synonymous with somatic cell nuclear transfer, a procedure that can be used for many different purposes. Only one of these purposes involves an intention to create a clone of the organism (for example, a human). Legislation passed by the House of Representatives and under consideration in the U.S.

Senate to ban the cloning of human beings actually proscribes somatic cell nuclear transfer—that is, any procedure in which a human somatic cell nucleus is transferred into an oocyte whose own nucleus has been removed. As Donald Kennedy remarked in a Science editorial last year, the legislation would interdict a wide range of experimental procedures that in the near future, might become both medically useful and morally acceptable.

A law that would make it illegal to create embryonic stem cells by using somatic cell nuclear transfer would foreclose at least two important avenues of investigation. First, the technique shows promise to overcome the anticipated problem of immune rejection in stem cell-based therapies to replace a patient's diseased or damaged tissue. Creating stem cells with the patient's own nuclear gernome might theotically eliminate tissue rejection. Second creating stem cell lines by using the somatic cell nuclei of individuals with heritable diseases offers an unprecedented opportunity to study genetic disorders as they unfold during cellular development.

Both of these goals have nothing to do with producing a human being. They may be caught up in the proposed legislation in part because of misunderstood scientific jargon—namely, the casual use of the term "therapeutic cloning" to describe stem cells made for research in regenerative medicine using somatic cell nuclear transfer. What is worse, the already blurred distinction between these two very different avenues of investigation has been compounded by the interchangeable use of human cloning with therapeutic cloning by those who suggest that cloning a human being is a "therapeutic" treatment for infertility.

The term cloning, we believe, is properly associated with the ultimate outcome or objective of the research, not the mechanism or techniques used to achieve that objective. The goal of creating a nearly identical genetic copy of a human being is consistent with the term human reproductive cloning; but the goal of creating stem cells for rengenative medicine is not consistent with the term therapeutic cloning. The objective of the latter is not to create a copy of the potential tissue recipient, but rather to make tissue that is genetically compatible with that of the recipient. Although it may have been conceived as a simple term to help lay people distinguish two different applications of somatic cell nuclear transfer, "therapeutic cloning" is conceptually inaccurate and misleading, and should be abandoned.

It is in the interest of the scientific community to clearly articulate the differences between stem cell research and human cloning. Most scientists agree that cloning a human being, aside from the moral or ethical issues, is unsafe under present conditions. A recently released National Academy of Sciences report details the considerable problems observed in the use of somatic cell nuclear transfer for animal reproduction and concludes that cloning of human beings should be prohibited. But the report also notes the substantial medical and scientific potential of stem cell lines created by using this technique.

More careful use of terminology would help the public and lawmakers sort out the substantial differences between nuclear transplantation and human reproductive cloning. One place to start is to find a more appropriate term for the use of somatic cell nuclear transfer to create stem cells. We propose the term "nuclear transplantation," which captures the concept of the cell nucleus and its genetic material being moved from one cell to another, as well as the nuance of "transplantation," an objective of regenerative medicine.

Legislators attempting to define good public policy regarding human cloning need the scientific community to be clear about the science, and to be clear when they speak to the public about it. Adopting the term nuclear transplantation in relation to stem cell research would be more precise, and it would help to untangle these two very different paths of investigation.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER VERNON CHERRY—LADDER NO. 118

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Vernon Cherry of Ladder Number 118, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the record:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and:

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies: Now, therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

TRIBUTE TO HOMER DREW

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and esteem that I wish to congratulate Homer Drew, head coach of the men's basketball team at Valparaiso University, located in Valparaiso, Indiana, for achieving his 500th victory on February 21, 2002. Coach Drew is the embodiment of the true spirit of college athletics. He emphasizes teamwork, scholastic excellence, and community involvement. The people of Valparaiso as well as the entire Northwest Indiana community can be proud of the positive influence he has had on our youth.

A native of St. Louis, Missouri, Homer received Bachelors of Arts degrees in physical education and social studies from William Jewell College in Liberty, Missouri in 1966 and later earned his Master of Arts degree in education at Washington University in St. Louis and his Doctorate in educational administration from Andrews University in Berrien Springs, Michigan. His coaching career began in 1971 as an assistant at Washington State University, where he spent one season before moving to Louisiana State University as an assistant to legendary coach Dale Brown.

Coach Drew earned his first head-coaching job at Bethel College in Mishawaka, Indiana in 1976. During his 11 seasons at Bethel, his teams compiled a record of 252–110, making the National Association of Intercollegiate Athletics (NAIA) and National Christian College Athletic Association (NCCAA) playoffs each year. He was honored as the NCCAA District Coach of the Year during five of those eleven seasons. In 1987 Coach Drew became the head coach at Indiana University-South Bend, where he inspired a team which had won only six games the previous season and led them to a 17–12 record, the first winning season in school history.

Homer Drew was hired as the head basketball coach of Valparaiso University prior to the 1988–1989 season, and it marked a turning point not only for the basketball program but the university and community as a whole. His personal commitment to faith, family, and service has carried over into professional excellence. He has earned more victories than any other head coach in school history after leading the Crusaders to a record of 235–184 in his 14 years at Valparaiso University, including guiding this year's team to a school record 25 victories. He has been named Mid-Continent Conference Coach of the Year four times, and has led the Crusaders to the NCAA Tournament five times in the last six years. His teams have won the Mid-Continent conference regular season and tournament championships in six of the last eight years, and have captured either the regular season or tournament championship each year during that time.

Coach Drew brought national attention to himself and the university in 1998, when he coached the Crusaders to an upset victory over nationally ranked Mississippi in the NCAA Tournament. An experienced team led by Homer's son, Bryce Drew, the Crusaders defeated Florida State in the second round of the tournament to advance to the Sweet Sixteen. The national media focused its attention on the small school from Northwest Indiana and marveled not only at the success of the team, but at the kindness and graciousness of the players and their coach. The nation learned what we in Northwest Indiana already knew;

that Homer Drew is an outstanding role model for the youth who put their trust in him.

Beyond his exceptional professional achievements, Homer Drew takes significant pride in his personal activities within his community. He is an active civic speaker who has created numerous community activities in which his players and coaches participate. In 1998, Drew was honored with the prestigious Naismith Good Sportsmanship Award, given by the Naismith International Basketball Foundation. He has also been awarded with the Lumen Christi Medal, Valparaiso University's highest honor, in recognition of a lay person's distinguished service to church and society. Coach Drew admits that one of his finest achievements is that he has sent over 50 of his players into either the coaching and/or teaching profession. A dedicated family man, Drew enjoys spending much of his free time with his wife, Janet, and their three children, Scott, the associate head coach of the Crusaders, Dana, and Bryce.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating Coach Homer Drew of Valparaiso University for achieving his 500th victory as a head basketball coach. His leadership both on and off the basketball court is valuable resource to the Northwest Indiana community, and I hope that we will benefit from his influence for many years to come.

ENHANCED BORDER SECURITY AND VISA ENTRY REFORM ACT OF 2002

SPEECH OF

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 12, 2002

Mr. RANGEL. Mr. Speaker, I rise today in strong support of the extension of section 245(i) that was included in House Resolution 365, the Enhanced Border Security and Visa Entry Reform Act of 2002.

This extension is long over due. Nearly one year ago, this provision expired and we have gone back and forth between the House and the Senate on the particulars of something we all know is a necessary and prudent piece of legislation. Extending section 245(i) will provide needed relief to the community that is the base of our society and I am proud to stand with my colleagues in support of this measure.

However, this resolution simply does not go far enough. By only helping a narrow group of people, we do not assist all those we are capable of aiding and we do not right the wrong of eliminating section 245(i). Furthermore the restrictions present in this extension will only continue to confuse people about eligibility and giving people false hope of staying with their families and continuing to pursue their American Dream. Only when we reinstate section 245(i) will we have fully acknowledged the fundamental importance of family unification and the contribution of immigrants to our nation. This is an important first step in that direction.

I am especially dismayed that the resolution came within one vote of being rejected by the House. Just last summer, it passed by a landslide. The obvious explanation for this dramatic change is the attacks of September 11th. Ironically, the previous bill extending section 245(i) was scheduled to be voted on for enactment on the day of the attacks. Six months later, it struggled to make it out of the House.

Some would argue that it is these attacks, committed by people from countries other than our own that have changed our viewpoints on immigrants. This is an overly simplistic explanation. While it is certainly expected that these attacks would make us more acutely aware of the enemies we face, we cannot blame the terrorists that carried out these horrific attacks for the anti-immigrant sentiment that was articulated in this chamber during the debate on this resolution. We are the ones responsible for this attitude.

We can never undo what was done against us and we can never fully understand the evil that lurked in the hearts of these men. But we can control what impact they have upon our lives. We should not allow fear to become the guiding principle, but should stand strong for the principles our country are founded on. Punishing our hard working, committed, and American, in every sense of the word, immigrant community is not the answer.

We are headed in the right direction with H. Res. 365, but it is only a step. There is much more work to be done.

HONORING THE LIFE OF VERA PÉREZ (1933–2002)

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to Mrs. Vera Pérez. Vera was born in 1933 in Los Angeles and raised by Pete Acosta, a single father. She and her sister, Natalia, spent much of their formative years in boarding schools and boarding houses, only really able to spend Sundays with their father.

As a young woman, Vera worked in a factory. In the 1970s she completed the CETA training program and began working at the Older Residents Medical Screening Program (ORMSP) as a receptionist. ORMSP is a non-profit healthcare company that provides free medical screening for senior citizens in the East side of Los Angeles. Through her 18 years at ORMSP, Vera advanced from receptionist to data specialist and eventually was running the program when she retired in 1995.

Vera and her husband, Felipe, had five children: Diana, Lisa, Yvette, Phillip and John; and four grandchildren. In addition, Vera had an active hand in raising her four nephews and nieces, including Antonio Villaraigosa, who went on to be the Speaker of the California State Assembly.

Vera Pérez died on March 5, 2002. She will be dearly missed by her loving family and friends.

PLANET MARS

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. COOKSEY. Mr. Speaker, We are better prepared to go to the planet Mars today than to the Moon in 1961. The reasons to go are compelling and the goal is within reach.

Like the Moon Race, exploring Mars will have benefits here on Earth, revitalizing our economy and society like no other challenge. America's wealth today testifies to space exploration's past return-on-investment in communications, computers, and advanced materials. Mars exploration will bring to all of us a positive and dynamic vision of the future—a goal to achieve, a dream to make real.

As the planet most like Earth, Mars should be the next focus of space exploration. We have sent many robots to explore Mars for us, but their abilities are limited. It's time to go there ourselves.

We have the means to explore and settle Mars in the near-term on only a fraction of NASA's current budget, but work is needed to refine key technologies like space suits and life support systems. The targeted investment of a modest 1% of NASA's annual budget can achieve these advances. Adequate funds would remain for NASA's other priorities today, while we prepare for the day in the very near future when Americans again walk on another world.

The time to plan our next giant leap is now. It's our future, let's make it happen.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER LEON SMITH, JR.—LADDER NUMBER 118

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Leon Smith, Jr. of Ladder Number 118, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies: Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the CONGRESSIONAL RECORD of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

CONGRESSMAN RANDY FORBES COMMENDING THE GIRL SCOUTS OF THE U.S.A. ON THEIR 90TH ANNIVERSARY

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. FORBES. Mr. Speaker, I rise today to commend the Girl Scouts of the U.S.A. on their 90th Anniversary. The Girl Scouts are a quintessential American institution that has exported its successful strategy to 140 countries, and a worldwide family of 8.5 million girls. The Girls Scouts represent the largest voluntary organization for girls in the world.

Juliette Gordon Low, who believed that all girls should have the opportunity to develop physically, mentally, and spiritually, formed the Girl Scouts this week in 1912. Congress first chartered the Girl Scouts of the U.S.A. on March 16, 1950. Since that time, the Girl Scouts have grown to over 3.8 million members throughout America.

The Girl Scouts have held true to their mission to help all girls grow strong and develop their full potential. The Girl Scout Promise compels each young Girl Scout to be their best by pledging: "On my honor, I will try; To serve God and my country, To help people at all times, And to live by the Girl Scout Law."

Now more than ever, the young women of America needs the Girl Scout's positive message and leadership. The Girl Scouts provide an environment where girls are challenged and guided to become capable, self-reliant, ethical women who will make a difference.

Again, Mr. Speaker, I commend the Girl Scouts of the U.S.A. on their 90th Anniversary and their invaluable contributions to the upbringing of America's young women. I congratulate the Girl Scouts and thank all those who have contributed their time, energy, and love in making this organization an American success story.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER KARL JOSEPH—ENGINE NO. 207

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Karl Joseph of Engine Number 207, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the record:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances; and

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, We deem it appropriate to highlight the courage and valor of individuals and groups in variety of forms and ceremonies: Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

A TRIBUTE TO SISTER RITA NOWATZKI OF THE NEW YORK FOUNDING HOSPITAL

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. NADLER. Mr. Speaker, I rise today to honor Sister Rita Nowatzki for her distinguished service to the children and families of New York City. A Sister of Charity for over fifty years, Sister Nowatzki has dedicated herself to protecting the most vulnerable members of our community. As she enters her retirement, she remains unwavering in her commitment to speak for those who are voiceless and remind us all of our responsibility to aid the poorest members of our community.

In 1990, Sister Nowatzki joined the New York Foundling Hospital as its public advocate. In the years since, Sister Nowatzki has proven her reputation as an innovative administrator and masterful advocate. She produced "The Foundling," the first book documenting the Hospital's 137-year history of aiding orphans, poor families and children. She raised hundreds of thousands of dollars for the United Way, saved crucial family services in the New York City budget, and lit up the Empire State Building every April to commemorate Child Abuse Prevention month. As an artful advocate for our children's well-being, Sister Nowatzki has worked at the city and state level to craft policies and programs that will assist the most vulnerable members of our community. One major component of the work of Sister Nowatzki is her desire to instill in young people an interest and commitment to participate in government and public policy and to take an active role in the issues that affect them. As a result, we know that her legacy will live on in the Hunter College public service scholars she has trained throughout the years.

Sister Rita Nowatzki is a passionate, empathetic and nurturing Sister of Charity. Her dedicated work to promote social justice will benefit New York for years to come. As much as we will miss her ever-vigilant leadership, we know that her spirit of compassion will continue to grace us. As she begins the next chapter of her life, we thank her wholeheartedly for her tireless work to make our city a better place, and we wish her the very best in the years to come.

HONORING THE GIRL SCOUTS OF AMERICA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. RADANOVICH. Mr. Speaker, whereas, Tuesday, March 12, 2002, marks the 90th Anniversary of Girl Scouts of the USA, founded by Juliette Gordon Low in 1912 in Savannah, Georgia. Throughout its long and distinguished history, Girl Scouts and Golden Valley Council, the pre-eminent organization for girls, has inspired girls with the highest ideals of character, conduct, and patriotism. Girl Scouting will lead businesses and communities to teach girls the skills needed to take active roles in math, science, and technology careers and to fulfill our country's economic needs. Through Girl Scouting, every girl, everywhere grows strong, gains self-confidence and skills for success, and learns her duty to the world around her. Through participation in Girls' Voices, a national community service project, every girl will learn to use her own voice to address an issue of concern to her and perhaps make a change for the better in her community. Some fifty million women have enjoyed the benefits of the Girl Scouts program, as an American tradition, for 90 years. Now, therefore, I GEORGE RADANOVICH, by virtue of the authority vested in me as a U.S. Representative, 19th District, for the State of California do hereby proclaim the week of March 10–16 as Girl Scout Week.

PROCLAMATION RECOGNIZING FIREFIGHTER SHAWN POWELL—ENGINE NUMBER 207

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Shawn Powell of Engine Number 207, a member of the Vulcan's Society and one of the fallen heroes of September 11, I would like to insert the following proclamation into the record:

> Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory Americans, and;
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> Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;
>
> Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic, efforts saved the lives of thousands under unprecedented destructive circumstances, and
>
> Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and
>
> Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;
>
> Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies: Now therefore be it
>
> *Resolved*: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representative of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.
>
> That the text of this resolution shall be placed in the Congressional Record of the United States House Representatives.
>
> Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

IN TRIBUTE TO JOSEPH WATTS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. RANGEL. Mr. Speaker, on March 19, 2002 the Council of Senior and Centers and Services of New York City will host a surprise retirement party for Joseph Watts. At the risk of spoiling the surprise, I rise today to pay my personal tribute to a remarkable community leader. Mr. Joseph Watts has proven to be an exceptional person committed to the pursuit of a successful career and giving back to the community throughout his life. In 1962 he graduated from the American Academy of Funeral Service in the State of New York and embarked upon a successful career in Funeral Service. Mr. Watts has contributed a great deal to the comfort of the bereaved in New York. Since the 1970's he has been a member of the Board of Directors of the Metropolitan Funeral Directors Association and Regional Governor of District 6 of the New York State Funeral Directors Association. He has also served as an often honored and recognized leader of many national and international associations of Funeral Directors. These professional honors have recognized the extraordinary contribution that Mr. Watt has made throughout his professional life to his chosen profession and to his community as well.

Among the professional honors Mr. Watts received are: New York State Funeral Director of the Year in 1981; a report for President Carter on Funeral Industry and Federal Trade Commission with impact on small businesses; the International Order of the Golden Rule for "Service to the Community and Profession"; honored by the White House On Social Security: "The Long View—The Effect of Social Security Reforms on the Homeless, Poor and Children"; and International Funeral Directors Association award as Funeral Director of the Decade.

His excellent reputation in his field has led him to be appointed to various positions in different organizations, such as Chairman of the New York State Funeral Directors Advisory Board, Vice-President of the Council of Senior Centers and Services of New York City, and Board Member of Retired Senior Volunteer People (R.S.V.P.).

Mr. Watts has been an important part of many community associations such as the Rotary Club in Upper Manhattan, the Washington Heights/Inwood Chamber of Commerce, the Washington Heights/Inwood Development Corporation and many others. In every organization of which he is a member, Mr. Watts has given his time to leave a positive mark on the communities or people he has worked with. His legacy has been so extraordinary in these communities that he has been honored by most of them.

The Harlem Boys Choir has honored Mr. Watts for the Creation of Adopt a Child in 1984. He also received the Washington Heights/Inwood Chamber of Commerce Man of the Year Award in 1984. In 1985 he received the Community Resident Award from the Police Department of New York City for donation of Police Vests to the 34th Precinct.

Mr. Watts' exemplary career and many contributions make him much deserving of the honor and tribute that will be paid to him by his many friends and colleagues on the 19th of March of 2002.

IN HONOR OF DORIS S. SCHWAB

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of Doris S. Schwab, who is retiring after 30 years as Executive Director of Senior Citizen Resources, Inc. Ms. Schwab's unwavering commitment to Cleveland's senior community has been invaluable. Her generosity, intelligence, and unselfish dedication will be greatly missed.

For over 30 years Ms. Schwab has worked tirelessly to create much needed resources to serve Cleveland's senior citizens. In 1971 she organized and established the Crestview Senior Center, a Multi-purpose Center serving the elderly in collaboration with the Cleveland Jaycees. In the same year she became Executive Director of its parent organization, Senior Citizen Resources, Inc.

Over the next few years Ms. Schwab worked diligently to expand the Center by creating new sites throughout the Cleveland area. In 1978 she piloted a site called Brighton Center. By 1979 she secured funding for and established a second Multi-purpose Center, Deaconess-Krafft, which was built on the Deaconess Hospital Campus. Between 1976 and 1981 she piloted a site in the Southwestern area of Cleveland at the Brooklyn Heights United Church of Christ and Brooklyn Acres. She secured a Community Development Block Grant to fund and establish a third site operating one day a week at the City of Cleveland-owned Estabrook Recreation Center. Throughout the 1980s she also worked with Deaconess Hospital and MetroHealth Medical Center to establish their programs serving senior citizens.

Between 1998 and 2000 as a result of Ms. Schwab's dedication to the senior community, funding in the amount of $332,000 was secured for the renovation and construction of the Memphis Fulton Senior Center and administration offices of Senior Citizen Resources, Inc., Crestview Senior Center relocated to this new site. By this time the centers were serving over 3,000 senior citizens yearly in the Old Brooklyn community of Cleveland. Today the centers continue to thrive as a result of Doris S. Schwab's vision, leadership and unwavering commitment.

I ask my colleagues to join me in rising to honor Doris S. Schwab and her truly remarkable accomplishments for the senior community of Cleveland, Ohio.

REPEAL OF GINNIE MAE FEE INCREASE

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. LAFALCE. Mr. Speaker, yesterday, I introduced H.R. 3926, a bill to repeal the scheduled increase in the Ginnie Mae guarantee fee that is scheduled to take place in October, 2004. The purpose of this repeal is to prevent what amounts to an unwarranted and unnecessary tax increase on homeownership.

The 1998 Higher Education Act Amendments included a provision unrelated to education which would prospectively increase by 50 percent the annual fee that the Government National Mortgage Association, also known as Ginnie Mae, charges each year on mortgage loans.

Ginnie Mae facilitates an efficient secondary market for Federal Housing Administration, Rural Housing Service, and Veterans Administration single family mortgage loans, by guaranteeing the timely payment of principal and interest on such loans. In exchange for this guarantee, Ginnie Mae charges an annual fee of six basis points on each mortgage loan, which is generally passed along to the borrower. The risk is minimal, since Ginnie Mae's function is to advance funds in the case of default, for which Ginnie Mae is subsequently made whole either through restored mortgage payments or through the federal guarantee by FHA, RHS, or VA on the underlying mortgage loan.

The Administration's fiscal year 2003 budget concludes, with regard to Ginnie Mae, that "Fee collections, interest and other income are expected to exceed expenses by $834 million in 2002 and $808 million in 2003." For the purposes of credit scoring, Ginnie Mae is projected to make a profit for the taxpayers [negative credit subsidy] of $398 million in fiscal year 2003.

Given the substantial profits that Ginnie Mae makes each year, and the low risk that is taken to make such profits, the 50 percent increase in fees from six basis points to nine basis points that is scheduled to take place in 2004 is both unnecessary and unwarranted. This scheduled increase would perpetuate a regrettable trend in recent years of diverting housing resources, such as FHA profits and Section 8 rescissions, to non-housing purposes.

Moreover, since the fee increase is likely to be passed along to borrowers, the effect will be to raise mortgage rates for low- and moderate income homebuyers, including notably veterans and rural residents. Over the life of a loan, this can translate into thousands of dollars of additional mortgage interest payments.

Therefore, we should repeal this unnecessary and harmful tax increase on homeownership before it takes place. H.R. 3926 does precisely that.

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER TAREL COLEMAN—SQUAD NO. 252

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Tarel Coleman of Squad Number 2 a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;

Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions; and creeds were brutally murdered by terrorists, and;

Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman MAJOR R. OWENS and the people of the 11th Congressional District salute bravery and dedication of all who gave their full measure of devotion, and;

Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies: Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman MAJOR R. OWENS, and representative of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the CONGRESSIONAL RECORD of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

TRIBUTE TO ROY COLANNINO

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. MARKEY. Mr. Speaker, I ask that the House of Representatives take this opportunity to honor Roy Colannino, Police Chief of the great city of Revere, Massachusetts, and a highly distinguished member of our Nation's law enforcement community. Chief Colannino recently retired from the Revere Police Department after dedicating 37 years of his life to the cause of protecting the safety of his fellow citizens and the community at large.

Chief Colannino joined the Revere Police Department in 1965 as a member of the Police Reserves, and was immediately recognized as a bright and energetic addition to the force. During his 37-year career, he served as Patrolman, Sergeant, Lieutenant, Captain and Chief. While working full time and raising a family, Chief Colannino continued his education at Northeastern University in Boston where he earned a Bachelors Degree in Criminal Justice in 1981. As he ascended the ranks of the Revere Police Department, he earned high accolades from his superior officers and the deep respect of his fellow colleagues at each stage of his career with the force. As the executive law enforcement officer in Revere, Chief Colannino developed a highly successful community-policing program that joined the Revere Police Department with the city's community leaders in an innovative and effective new partnership. His commitment to incorporate his officer corps into the fabric of every neighborhood has been particularly beneficial for this diverse community.

Mr. Speaker, since September 11, 2001, our nation has rightfully reflected on the incredible service our police and fire professionals provide to our communities. Roy Colannino exemplifies that service and the sacrifices these men and women, and their families, endure for us on a daily basis. He has served the City of Revere, the Commonwealth of Massachusetts and our nation at an incomparable level of professionalism, and dedication and human caring for nearly four decades. I ask that my colleagues in the United States House of Representatives join me in wishing him all the best in his retirement.

CHRISTOPHER BLAHA—HERO AVENGER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. ACKERMAN. Mr. Speaker, I rise today to thank and praise Army Lieutenant Christopher Blaha for his heroic actions in the defense of our nation. I would like to share with my fellow colleagues the following two articles describing Lieutenant Blaha's incredible service in our fight against terrorism. September 11, 2001 was a horrific day for the United States, yet brave men, such as Lieutenant Blaha, show us all that the spirit of America has not, and will not, be broken. Mr. Speaker, we will prevail.

[From the New York Post, Mar. 11, 2002]

FRONTLINE GI'S BATTLE CRY FOR BUDDIES KILLED IN WTC ATTACK—HERO AVENGER

(By John Lehmann)

On every grenade he threw at the al Qaeda fighters, New Yorker Christopher Blaha wrote the name of the best friend he lost to terrorists on Sept. 11.

Also burned into the Army lieutenant's mind was the memory of a second buddy, who died trying to save lives at the World Trade Center.

After a fierce eight-day fight in remote Afghan mountains, 24-year-old Blaha, from Great Neck, L.I., returned to safety yesterday and immediately spoke of his two lost pals, Andrew Stergiopoulos, who worked for bond firm Cantor Fitzgerald, and FDNY firefighter Jonathan Ielpi.

"There was definitely a vindictive side to it—I can go back and tell their families everything we did," Blaha said, as he rested at the Bagram air base near Kandahar.

As his fellow soldiers cheered the returning troops, Blaha, fighting with the Army's 10th Mountain Division based in upstate New York, told how he had written Stergiopoulos' name on his grenades.

Blaha's mom, Cooky said her son had formed a bond for life with Steriopoulos as the pair grew up in Great Neck, playing ice hockey for a community team, the Great Neck Bruins.

John Hughes, the father of skating gold-medalist Sarah Hughes, also played on the team. "Andrew and Chris were real close—I'm just so proud of what he's done," Cooky Blaha told The Post.

Steriopoulos' brother, George, said from his home in Great Neck that his family was "touched" by Blaha's words. "It's been very hard," he said. "It would have been Andrew's 24th birthday on March 7."

"I saw Chris going off to boot camp, and we've been hoping that he's OK. That's really touching, what he said."

Ielpi, a 29-year New York City firefighter with two young sons, had known the Blaha family for years, having attended St. Aloysius elementary school in Great Neck with Christopher Blaha's eldest brother, Jack.

Ielpi's mom, Anne, said last night her family had been thinking of Blaha during his Afghanistan mission and was hoping he returned safely.

"We've known the family for years and we think it's great if he can get a little retaliation," she said. "It means a lot to everyone."

Blaha had told his mom before leaving for Uzbekistan in January that he would dedicate his mission to his friends.

"He's just a kid from Great Neck really, but he rang this morning and told me he had been ordering in the planes with the bombs and I couldn't believe it—he's made us all proud," she said.

[From the News Day, Mar. 12, 2002]

A MESSAGE WITH EVERY GRENADE—HOW A SOLDIER FROM LI REMEMBERS A FRIEND

(By Keiko Morris)

Mourners have remembered those lost on Sept. 11 with flowers, letters, balloons released into the sky and eulogies. 2nd Lt. Chris Blaha had his own way.

He wrote the name of a childhood friend, who died in the terrorist attacks, on every grenade he lobbed at enemy Taliban and al-Qaida positions.

Blaha, a 24-year-old Army officer from Great Neck, marked the end of an intense battle with an excited call to his mother on Sunday, using a reporter's satellite phone. He told his mom about his role in Operation Anaconda, the most recent U.S.-led military offensive in Afghanistan.

He said he was filthy, cold and unshaven, but safe. He told her that he directed a B-52 where to drop bombs on enemy positions. And he told her about the grenades—every one in memory of his friend, Andrew Stergiopoulos, 23, who worked at Cantor Fitzgerald.

"Chris was in Ranger School on 911," said his mother. Cooky Blaha, an office manager who lives in Great Neck. "I had to tell him . . ." He was infuriated. she remembered.

"Now he feels like he can do something about it," she said. "I'm proud of him."

Stergiopoulos was not the only childhood friend of Blaha's to die in the attacks. Jonathan Ielpi, 29, a New York City firefighter and father of two, was friends with Blaha's older brother, Jack. Blaha went into battle with the memory of both in his heart, his mother said.

Blaha went to Hofstra University and graduated in December 2000 on an ROTC scholarship. He went directly to basic training and later to an Army Ranger School at Fort Benning in Georgia. He left for Uzbekistan in January and was sent to Afghanistan in late February, his mother said. That was about the last time she heard from him until Sunday.

"I was a little worried when those guys got killed and I thought things weren't going too well," Cooky Blaha said. ". . . He's a little, short, tough kid. He shops at Nordstroms, wears Armani. He drives a Porsche. He's a Great Neck kid, so I was worried. But he did great."

All three knew each other since they were affectionately known as "rink rats," young Great Neck skaters who either play hockey or take up figure skating. They all played for the Great Neck Bruins in a youth hockey program.

The Great Neck Bruins retired both Ielpi's and Stergiopoulos' numbers and a banner was hung at the Parkwood Ice Rink as a permanent memorial, said Anne Ielpi, the mother of Jonathan Ielpi. Saddle Rock Bridge, the place where everyone went to stare at the burning towers on Sept. 11, was renamed the 9-11 Memorial Bridge.

Anne Ielpi heard of Blaha's tribute from a friend on Sunday morning.

"I said, 'Good for him, keep on throwing them,'" Ielpi said. "Knowing that someone is over there doing something in my son's name, it gives me solace."

PROCLAMATION RECOGNIZING, SALUTING AND COMMENDING FIREFIGHTER RONNIE HENDERSON—ENGINE NO. 279

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Ronnie Henderson of Engine Number 279, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;

Whereas, More than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, Members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, More than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, We deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies. Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

PERSONAL EXPLANATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. ORTIZ. Mr. Speaker, I was not present on the following rollcall votes. Had I been present I would have voted: Rollcall 53 (HR 1885)—Yea; Rollcall 54 (journal vote)—Yea; Rollcall 55 (H.J. Res. 367: Ordering the Previous Question)—No.

TRIBUTE TO ZACH JORDAN AND THE BOYS AND GIRLS CLUBS OF NORTHERN COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to congratulate Mr. Zach Jordan of Loveland, Colorado. The Boys and Girls Clubs of Larimer County recently recognized Zach as Youth of the Year.

Zach has been a member of the Boys and Girls Club for four years and enjoys participating in pool tournaments and football. In an interview with the Loveland "Reporter-Herald," Zach said, "the club keeps me out of trouble, a lot of my friends are always getting into trouble with the people they hang out with." The guest speaker at the breakfast awards was Tom Sutherland, a former political prisoner in Lebanon who was encouraged by the contributions of the Boys and Girls clubs to keep children active and safe.

Boys and Girls Clubs are dedicated to helping youth reach their fullest potential by providing positive activities designed to promote productive citizenship and creating healthy relationships with community adults. Boys and Girls Clubs are excellent places for youth to participate in activities with their peers. I am pleased to recognize the achievements of Larimer County youth who participate in such a well-respected program.

I ask the House to join me in extending congratulations to Mr. Zach Jordan and the Larimer County Boys and Girls Club for their contribution to improving the lives of Northern Colorado Youth.

RECOGNIZING THE DELTA-MONTROSE ELECTRICAL ASSOCIATION

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

Mr. UDALL of Colorado. Mr. Speaker, I wish to insert into the RECORD a March 5, 2001 BusinessWeek article that highlights the work of the Delta-Montrose Electrical Association (DMEA), a rural energy cooperative in southwestern Colorado.

The DMEA has been around since 1938, yet it is reinventing itself to be able to address 21st century challenges of deregulation and technological change. Its investments in research and development have resulted in innovative services it can offer its customers in the way of combined heating and cooling and fuel cell power for rural areas. In the near future, DMEA hopes to use Internet connectivity to optimize customers' energy use and reduce costs.

As the article points out, instead of trying to dominate the market, DMEA's co-op culture means that DMEA shares what it knows with other cooperatives around the country. I hope DMEA's good ideas and hard work get the attention they deserve.

Cutting Edge in Rural Colorado?

(By Hal Clifford)

In 5 or 10 years, your relationship with your electrical utility may be different from what it is now. For a fixed fee, the power company might heat and cool your home with a geothermal heat pump it has buried in your backyard. Or your utility may offer to sell you electricity from a superclean fuel cell it installs in your garage, then buy back any excess juice you don't consume. The power company might even link itself via the Internet to your most energy-hungry appliances—maybe your air conditioner or water heater—so that it can switch them to a power-saver mode when necessary.

You might expect these sorts of high-tech innovations to pop up in energy-starved Silicon Valley, the brainchild of some tech-savvy venture capitalist. You'd be wrong. First out of the gate is the Delta-Montrose Electrical Assn. (DMEA), a 64-year old rural energy cooperative in southwestern Colorado. And many of the new options are quickly gaining popularity with the co-op's 28,000 members.

By focusing on energy services such as heating and cooling, rather than straightforward power generation, DMEA is transforming its once-quiet business. Faster than most power players, DMEA is plugging into new technologies. In some cases, it's also forming partnerships with companies developing promising technologies—an unusual step for a once-unadventurous co-op. "I think they're one of the most innovative co-ops in the country," says Peggy Plate, an energy services manager for the Energy Dept.'s Western Area Power Administration. If these strategies pay off, big utilities may soon find themselves looking to DMEA for tips on how to prosper in a new era of energy deregulation.

NEW WAVE

For now, Delta-Montrose is no more than a speck on anyone's radar. But the co-op is intensely focused on finding creative ways to deliver electric services to its customers. Like many of the other 950 or so consumer-owned electric cooperatives in the U.S., DMEA dates back to the Depression (table, page 106D). Its roots, modest size, and simple mission nurtured a conservative business culture. But in 1997, the co-op's managers and board took the measure of the coming wave of deregulation and the pace of technological change and decided to get ahead of the curve. "We began investing hundred of thousands of dollars in research and development, which for a co-op is unheard of," says Edwin H. Marston, the board's president.

DMEA's first big innovation, in 1997, was a combined heating and cooling service dubbed Co-Z GeoExchange. For a fixed, year-round price, DMEA equips customers' homes and businesses with a geothermal heat pump. This device is unlike conventional furnaces and air conditioners, which heat air by means of combustion and chill it through mechanical compression. Instead, the pump circulates fluid through pipes buried underground. Even when it's cold out, the earth only a few feet below ground is always around 58F in Colorado. In winter, the pump pulls heat out of the ground and pushes it into the home. The earth's warmth is then distributed through the building, typically via an air-duct system. In cooling mode, this process is reversed.

It's a simple technology that can deliver big savings. Under a Co-Z agreement, a customer pays about $100 per month and is guaranteed a comfortable house. DMEA estimates that a 2,000-square-foot home might cost $2,645 per year to heat with propane. A Co-Z GeoExchange home can be heated for around $1,600—a savings of 40%.

So far, the service is a winner. Between late 1998 and the end of 2000, DMEA installed 115 GeoExchange systems, about half of them under Co-Z service contracts. This year, it expects to install an additional 75 to 100. The venture is already profitable, and DMEA expects that to continue. Managers say that retained earnings (akin to profits for a nonprofit co-op) on Co-Z should grow tenfold by 2005, to $478,000, from $46,000 last year. Indeed, the Co-Z contracts deliver profit margins in excess of 50%—good business in an industry that typically sees a 4% return on investment.

DMEA puts these retained earnings to work by paying down debt and developing other technologies. Fuel cells, which convert propane or hydrogen into electricity, attracted DMEA's attention because many of its customers live off the grid, in sparsely populated rural areas. True, fuel-cell power is expensive: At 25¢ to 30¢ per kilowatt hour, it's four times the average cost of power for DMEA's wire-connected residential customers. But since building our new power lines can cost $20,000 to $60,000 per mile, it's sometimes cheaper to install a fuel cell on site than to string a few miles of wire.

Once the co-op grasped this logic, it went looking for a fuel-cell maker interested in rural markets. In early 1998, the search led to a partnership with H Power Corp., a Clifton (N.J.) manufacturer of proton exchange membrane (PEM) fuel cells. Then, DMEA took things one step further. It put H Power together with Energy Co-Opportunity (ECO), an arm of Cooperative Finance Corp., based in Herndon, VA, which serves as a bank for electrical co-ops. The two got on so well that ECO invested $15 million in H Power and inked an $81 million deal to buy 12,300 4.5-kilowatt fuel cells—H Power's largest order to date—to be delivered to member co-ops over the next two years. Last March, H Power repaid DMEA's favor by siting its first out-of-the-laboratory test unit in the co-op's Montrose (Colo.) headquarters. DMEA, meanwhile, plans to begin leasing the fuel cells to its customers this fall.

In 1998, DMEA began work on another leg of its reinvention strategy: Internet connectivity. "It's our job to be on our tippy toes to get our customers the best," says the co-op's general manager, Daniel R. McClendon. Sixty years ago, that meant bringing electricity to farmers and ranchers. Today, the equivalent of lights in the milk shed is fiber-optic connectivity. So DMEA took a 6% position in REANET, a telecom startup formed by two other electric co-ops.

NET SAVVY

In addition to providing Web connectivity and e-mail, DMEA hopes to use the Net to optimize customers' energy use and reduce their costs. The co-op is serving as a test bed for technology from Mainstreet Networks Inc. Modified by a small attachment made by the Morgan Hill (Calif.) startup, a homeowner's electrical meter becomes an Internet communications point through which utility managers can power down energy-hungry appliances at a distance. DMEA points out that during a recent spike in power prices, it could have saved $48 per home had it been able to turn down their water heaters for just one hour. DMEA expects to roll this program out in the next six months.

Further out, DMEA is trying to repeat the matchmaker role it played with H Power. In 1999, DMEA invested in CoEnergies LLC, a Traverse City (Mich.) startup that modifies existing central air conditioners. In effect, it turns them into ground-based heat-pump systems by the addition of a buried ground loop, similar to the GeoExchange heat pump. In many regions this retrofit could replace conventional furnaces. "This machine has huge energy-savings potential around the country, but nobody knows about it," says Paul S. Bony, DMEA's marketing manager, who has a unit installed at his own house. "We're talking terawatts." Now he's seeking investors.

The flurry of developments at DMEA distinguishes it not just from other co-ops but also from many of the better-known for-profit players that are preoccupied with building power plants. Size has something to do with DMEA's agility. But it's the cooperative culture that is key. The co-op's staff sees itself as running a nonprofit skunk works that helps their owner-customers and those of other co-ops. "We used to have a circle drawn around our membership," says Business Development Manager Steven M. Metheny. "Now it's wide open—whatever we can do, in whatever markets there are."

Delta-Montrose's strategic punch lies in the institutional structure. Rather than trying to grow and dominate a market, co-op managers say their job is to share what they know with the nation's other co-ops, which provide electricity to 34 million people in 46 states. "They're doing a lot of work that the other co-ops are going to benefit from," says the Energy Dept.'s Plate. And just maybe, the big city power companies will, too.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the Congressional Record on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 14, 2002 may be found in the Daily Digest of today's Record.

MEETINGS SCHEDULED

MARCH 15

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine child care improvement issues.

SD–430

1:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of Energy.

SD–138

MARCH 18

10 a.m.
Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings on Federal workplace reform proposals.
SD–342

Appropriations
Energy and Water Development Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Security Administration, nuclear reactors, and nuclear proliferation.
SD–124

MARCH 19

9:30 a.m.
Armed Services
To hold hearings to examine the worldwide threat to United States interests (to be followed by closed hearings in SH–219).
SH–216

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies.
SD–538

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the National Oceanic and Atmospheric Administration, the Small Business Administration, and the Federal Trade Commission.
SD–138

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To continue hearings to examine pending calendar business.
SD–342

Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

2:15 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
S–116, Capitol

2:30 p.m.
Finance
Social Security and Family Policy Subcommittee
Health, Education, Labor, and Pensions
Children and Families Subcommittee
To hold joint hearings to examine working families and child care issues.
SD–215

Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on maximizing fleet presence capability, ship procurement, and research and development.
SR–222

Environment and Public Works
To hold hearings to examine mobility, congestion, and intermodalism, focusing on fresh ideas for transportation demand, access, mobility, and program flexibility.
SD–406

Appropriations
Military Construction Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Department of the Navy and Air Force military construction.
SD–138

Commerce, Science, and Transportation
To hold hearings on the nomination of Vice Admiral Thomas Collins to be Commandant of the United States Coast Guard.
SR–253

Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings on women's health issues.
SD–430

3 p.m.
Commerce, Science, and Transportation
Oceans, Atmosphere, and Fisheries Subcommittee
To hold oversight hearings to examine the budget of the United States Coast Guard.
SR–253

MARCH 20

9:30 a.m.
Governmental Affairs
To hold hearings to examine issues with respect to the collapse of the Enron Corporation, focusing on credit rating agencies.
SD–342

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on recruiting and retention in the military services.
SR–232A

Commerce, Science, and Transportation
To hold hearings to examine competition in the local telecommunications marketplace.
SR–253

10 a.m.
Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold hearings to examine identity theft and information protection.
SD–226

Appropriations
Defense Subcommittee
To hold closed hearings to examine an overview of intelligence programs.
S–407, Capitol

Health, Education, Labor, and Pensions
Business meeting to markup S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic settings.
SD–430

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies.
SD–538

Environment and Public Works
To hold hearings to examine legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control.
SD–406

1:30 p.m.
Appropriations
Treasury and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget.
SD–192

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.
345, Cannon Building

2:30 p.m.
Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on national security space programs and strategic programs.
SR–232A

Intelligence
To hold closed hearings to examine pending intelligence matters.
SH–219

MARCH 21

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine airport capacity expansion plans in the Chicago area.
SR–253

10 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.
SD–116

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on the readiness of U.S. Armed Forces for all assigned missions.
SR–232A

Indian Affairs
To hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K.
SR–485

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine federal research and development issues.
SR–253

Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the District of Columbia Courts, Court Services, and Offender Supervision Agency.
SD–192

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD–226

CANCELLATIONS

MARCH 19

9:30 a.m.
Armed Services
To hold hearings on worldwide threats to United States interests; to be followed by closed hearings (in Room SH–219).
SH–216

HOUSE OF REPRESENTATIVES—*Thursday, March 14, 2002*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our refuge and our defense, show Yourself, our Deliverer. In the time of Moses, in response to the murmuring of Your people, You fed them in the desert. Amidst their struggles, Your servant Paul exhorted the early Christian community at Corinth not to grumble, but deepen their understanding. Yet in this Nation truly blessed and free, rich with options and opportunity, people find reasons to complain. Among the mournful crisis of this world, hear us and be patient with us, Lord.

Guide Your people, by Your spirit, that they may refine their perceptions and expand their vision so to distinguish mere inconvenience and frustration from true suffering and the pain of loss. The times and the issues which face this Congress and this Nation are so significant, Lord, You must silence the trivial in us.

You have called us to be Your moral witness and reform our lives. Free us from complaining so to learn determination, commitment, and perseverance; and prove ourselves faithful in living and unafraid to die for everlasting values now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATIONS TO JOB CORPS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Job Corps, a national program which serves more than 70,000 students each year, and especially I would like to congratulate Job Corps director Roy Larsen of Homestead and Luis Cerezo of Miami.

The Job Corps program teaches the job training skills necessary for young people to thrive in the workforce. Through cooperative work-based learning, students are able to gain hands-on experience which is vital to long-term career success.

Job Corps graduates enjoy a 91 percent placement rate through national partnerships with employers such as HCR, Manor Care, the U.S. Army, and Walgreens. These partners invest in Job Corps students and are rewarded with well-trained individuals to fill their employment needs.

Please join me in congratulating and recognizing the wonderful work that Job Corps provides and, most especially, Job Corps directors Roy Larsen of Homestead and Luis Cerezo of Miami for their dedication and hard work in the south Florida community and for our young people.

SOCIAL SECURITY IS AN IRREFUTABLE OBLIGATION OF U.S.

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Well, Mr. Speaker, the Republican majority has a new plan. Instead of taking on the extension of the $5.95 trillion debt ceiling, they are a little embarrassed to be increasing the debt of the United States when last year they predicted surpluses as far as the eye could see and paying the debt off within a few years. They are especially embarrassed that they are going to break open the Social Security lockbox, something they had us vote on seven times. They do not talk much about the lockbox anymore.

But now the most disturbing proposal. They are not going to raise the debt ceiling; they are going to disappear the Social Security trust fund. Yes, that is right. They decided yesterday that they are going to say that these special depository instruments, the debt of the Federal Government of the United States, which is held by the Social Security trust fund, over $1 trillion, does not exist. Suddenly, they are wiping a couple of trillion dollars off the books, all because they do not want to take an embarrassing vote, or all because they do not want to roll back their obscene tax cuts or rein in their massive increases in military spending.

They cannot do this to the Social Security trust fund. It is an irrefutable obligation of the Government of the United States of America. They cannot disappear it.

NORTH KOREA AND THE AXIS OF EVIL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, President Bush said that there is an axis of evil governments at work in the world today, three countries ruled by evil governments that sponsor terrorism, practice genocide, and seek weapons of mass destruction. It should be pointed out that it is the governments, the rulers of these three countries the President has talked about, not the people who live there.

No one knows better than the people of Iran, Iraq, and North Korea that their rulers are evil. Take, for example, the boy in this picture. A German doctor who was visiting the North Korean countryside took this photo more than a year ago. He said, When I see the brainwashing, starvation, concentration camps, medical experiments, and mass executions, I must say that Kim Jong Il is an upgraded version of Hitler's Nazi Germany. Children like this suffer from starvation, oppression, poor medical care, while the ruling elite live like kings.

The people of North Korea and other axis countries live in constant fear and, while they are sorely oppressed, they dare not complain. The people are not the ones that the President is talking about; it is the governments of these countries that are brutally oppressing their people.

CONGRESS HAS FAILED AGAIN

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Mr. Speaker, yesterday's vote in the other Chamber marked another sad chapter in America's inability to have an energy policy. Congress has failed again, as we unsuccessfully attempted to raise efficiency standards for the first time since 1975.

This means that this Congress has failed again to protect the environment, as we continue to consume 10 percent of the world's petroleum supply, just to get to and from work and the mall. Even if they invade the Arctic, relying on the most volatile region

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

of the world for most of our energy is not going to change.

We have also failed the auto workers. Now people who want energy-efficient vehicles will have three choices in the next model year, all from Japan. The next time there is an energy shortfall, it will be foreign manufacturers in a prime position to satisfy consumer demand.

Most importantly, we failed the American public, the young people whose energy future we are squandering and the citizens that are more than willing to step up and meet this challenge of protecting the environment and conserving valuable petroleum resources.

I hope the public loses no opportunity to tell Congress about its misjudgment and lack of courage.

TRIBUTE TO CHIEF WARRANT OFFICER STANLEY L. HARRIMAN

(Mr. HAYES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYES. Mr. Speaker, today I rise in tribute to Chief Warrant Officer Stanley L. Harriman of Wade, North Carolina, killed in action as a result of enemy fire during Operation Anaconda. He had been assigned to the Third Special Forces Group in my district at Fort Bragg, North Carolina. He was the first Army soldier from North Carolina to die in action in the Afghan war.

Stanley, a loving husband and father, was a model soldier. Spending more than 16 years in the military, he hoped to complete at least 14 more before he planned to retire. He dedicated his life to the Special Forces and graduated with top honors from warrant officer school. He had been deployed in Haiti, Kuwait, Nigeria, Germany, and for Operation Desert Storm. During his career he earned two Meritorious Service Medals, three Army Achievement Medals, and an Army Superior Unit Award, among many others.

The accolades of Chief Warrant Officer Harriman's military career speak for themselves. I would like to highlight his strong moral character and dedication to our country. Stanley wanted freedom. He wanted freedom for us and for his children. He believed in the fight to free the world of terrorism. Stan loved his country, and we must not forget the ultimate sacrifice that he made for us and our children.

Recently I had the chance to visit Afghanistan and see the outstanding work that the Special Forces have done. Sheila, Barbi, and Christopher, our thoughts, our prayers, and those of a grateful Nation, are with you today.

CONGRATULATIONS TO THE GIRL SCOUTS ON THEIR 90TH ANNIVERSARY

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, I rise today to congratulate the Girl Scouts on their 90th anniversary. As a former Girl Scout, it brings me great pleasure to see the organization continue to teach girls to become strong, goal-oriented young women.

Since 1912, the Girl Scout program has been helping girls develop physically, mentally, and spiritually. Currently, there are more than 233,000 troops throughout the United States and Puerto Rico. Girls who participate in the Girl Scout program acquire self-confidence and empowerment. They take on responsibility, think creatively, and act with integrity. Our children are our future, and Girl Scout programs help shape these young minds to become good citizens and good leaders. Some actually become Members of Congress.

Mr. Speaker, I am proud to have participated in the Girl Scouts, and I hope that many other girls continue to have the opportunity to take advantage of what Girl Scouts have to offer.

OPPOSE YUCCA MOUNTAIN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the nuclear industry lobbyists are trying to simply pull the wool over our eyes. As well as most Members of Congress and the American people, we are gullible to some of their ludicrous remarks. They want us to believe that by supporting the Yucca Mountain project that the nuclear waste problem at over 100 commercial nuclear power plants will just disappear. Puff. Gone.

Now, I am not sure how many of us believe in fairy tales; but that is exactly what this is, a fairy tale of monumental proportions.

The truth is, there are over 100 nuclear waste sites around the country; and if Yucca Mountain was open, we would have not only those sites, but also Yucca Mountain, and high-level nuclear waste traveling across the country. After all, the waste will not just magically appear in Nevada, it will take at least 38 years and more than 96,000 truck shipments to transport the waste from 38 States.

Mr. Speaker, the viability of Yucca Mountain is not just a fairy tale, it is a nightmare. Protect America. Oppose Yucca Mountain.

THE MEDS ACT

(Mr. ROSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSS. Mr. Speaker, adverse medical effects caused by patients misusing or not taking their medicine costs our health care system an estimated $170 billion every year. Tragically, much of this cost results from seniors simply not being able to afford to buy the medicines they need or not knowing how best to take the drugs they have been prescribed.

The prescription drug benefit bill that the gentlewoman from Missouri (Mrs. EMERSON) and I have introduced, the bipartisan MEDS Act, addresses this heavy burden on our Nation's health care system. Our bill includes provisions that cover critical medical management services to monitor and ensure seniors know what medicines they are taking and how to take them properly.

Some Members are concerned about the cost of providing a prescription drug benefit. Health insurance companies are in the business of making a profit and even they cover medicine as part of their health insurance plan, because they know it helps people to get well quicker, to live healthier lifestyles, and to live longer.

Mr. Speaker, we need to put this issue into perspective and think about the cost of not providing a prescription drug benefit and the cost our overburdened health care system bears when seniors improperly take or simply cannot afford their medicines.

□ 1015

AMERICA SHOULD SUPPORT ITS ALLY, ISRAEL

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it was a sunny day on Monday on the south lawn of the White House where I had the privilege of gathering with several thousand Americans to hear the President speak words to a troubled world.

He said, "There can be no peace in a world where differences and grievances become an excuse to target the innocent for murder." These words, Mr. Speaker, were no doubt a balm for our friends and allies in Israel, who have been suffering under the weight of an all-new escalation of mindless violence, suicide bombers killing even women and infant children returning from worship services.

So why, Mr. Speaker, did the State Department, through its spokesman, Richard Boucher, call for Israel to "exercise utmost restraint to avoid further harm to civilians"? Why did even the President yesterday say that Israel's recent military actions in self-defense were "not helpful"?

I am confused, Mr. Speaker. We should pray for the peace of Jerusalem, for those who love her of every race, but we must stand with Israel.

CALLING FOR THE STATE DEPARTMENT TO WORK TO BRING ABDUCTED AMERICAN CHILDREN HOME

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, yesterday we left off with the abduction of Ludwig Koons. On June 9, 1994, against a New York court order, Ilona Staller abducted Ludwig to Italy. A bench warrant was issued in New York. Ms. Staller kept Ludwig in hiding for over a month, and Jeff Koons had no contact with his son. He did not know where he was, if he was safe, nothing.

Due to the abduction and other circumstances, Mr. Koons was awarded temporary custody of Ludwig pending a final decision by the New York Supreme Court. In the fall of 1994, the Italian authorities charged Ms. Staller with parental kidnapping pending before the Pretura Penale di Roma. However, the Italian Government stalled and stalled. Proceedings on the charge were delayed for 2 years.

In December of 1994, custody was awarded to Jeff Koons by the Supreme Court of New York. The court entered a final judgment dissolving the marriage and blaming Ms. Staller for the breakdown of the marriage, and deeming Jeff the most fit parent.

Mr. Speaker, Jeff Koons was awarded custody of Ludwig by the Supreme Court of New York, yet Italy refuses to acknowledge this. Where is our State Department? Does anyone care? Bring Ludwig Koons and all American children home.

INS SNAFU PROVES AGAIN THAT BIG GOVERNMENT CANNOT WORK ECONOMICALLY OR EFFICIENTLY

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, the Immigration and Naturalization Service has had a 250 percent increase in funding over the last 8 years, about 10 times the rate of inflation over that period. Now they are trying to blame the snafu over granting student visas to two dead hijackers over 6 months after the September 11 attacks to an antiquated paper system. What a flimsy excuse.

In other words, even with a 250 percent increase in funding, they are basically saying, "If we had had even more money, we would have done better." The problem is not money, Mr. Speaker, it is a civil service system that does nothing for good, dedicated employees, but protects lazy or incompetent ones.

Also, in the private sector, the pressure is always on to do more and to do better and to do more with less. These pressures are just not there in the Federal bureaucracy, and it becomes more apparent with each passing year that big government cannot do anything in an economical or efficient way.

IN MEMORY OF LT. COMMANDER CHRISTOPHER M. BLASCHUM

(Mr. BOYD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOYD. Mr. Speaker, I rise today to recognize the heroic life of Lt. Commander Christopher Michael Blaschum, also known as Basher, who was a 1984 graduate of Port St. Joe High School in Florida.

Commander Blaschum, who will be buried tomorrow with full military honors, died March 2 when his F–14 Tomcat crashed shortly after takeoff from the USS *John F. Kennedy* in the Mediterranean Sea.

It is the ultimate sacrifice when a soldier or pilot dies for his country. We are able to enjoy the freedoms we have today because of men like Commander Blaschum and the hundreds of thousands of Americans who have given their lives in the fight for American principles over the last 225 years.

Time and time again, Commander Blaschum answered the call of his country, left his family and home, and served with distinction wherever he was sent. I extend my deepest condolences and the thanks of a grateful Nation to the family he left behind: his beloved wife, Jodi; their two young sons, Jackson and Max; his mother, Pat Johnson; and his father, Michael Blaschum.

His efforts should remind us that all the liberties we enjoy come with a price. Let us always remember those who paid that price, and always remember Commander Blaschum.

HAPPY 90TH ANNIVERSARY TO THE GIRL SCOUTS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, I rise today to say happy anniversary to the Girl Scouts. Ninety years ago this week, Julliette Gordon Low convened the first Girl Scout meeting of 18 members. Ms. Low's simple but focused principle that all girls should be encouraged to develop physically, mentally, and spiritually has strengthened 50 million alumni. Right now, 2.7 million of our Nation's girls are guided by Ms. Low's principles.

In the First District of Minnesota, the Girl Scout troops are strong in number and strong in spirit. Sandy Maulkenbur of Northfield, Minnesota, has recently attended NASA training. She shared in courses on how better to teach girls science and math.

Imagine, an entire generation of American girls who are excited and prepared for education and professional service in the sciences. Sandy and 200 other adults with training from NASA will mentor Girl Scouts in science to make this possible.

The Girl Scouts have a simple promise. It is a promise all Americans can be proud to recite, and I am proud to recite it now:

"On my honor, I will try to serve God and my country, to help people at all times, and to live by the Girl Scout law."

Happy anniversary to the Girl Scouts.

URGING PRESERVATION OF COLLECTION OF MALCOLM X DOCUMENTS

(Mr. MEEKS of New York asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEKS of New York. Mr. Speaker, recently the most extensive collection of the late Malcolm X's writings ever collaborated was found in the hands of an anonymous private owner. The undisclosed person attempted to sell the collection to the highest E-Bay bidders. Fortunately, an investigation looking into the legitimacy of how the current anonymous owner acquired the documents is pending, and the notion of selling the collection has ceased for the time being.

Prior to this pending investigation, the lot was to be auctioned off into two dozen private hands, completely dispersing the writings to unknown whereabouts, making it difficult, if not impossible, for the public to access.

Many of these documents were written during the leader's last year, the last year of his life. The reflections of Malcolm X's innermost thoughts in these documents are of significance not only to his devout followers, but for all who thirst for wisdom. Knowledge is priceless, and those who place a price on knowledge may never come to realize its true value.

Good luck to the family of the Honorable El Hajj Malik El Shabazz.

SCANDALOUS INS ERROR SHOULD LEAD TO REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, scandalous. Mr. Speaker, absolutely scandalous, when the INS issues a visa to two deceased terrorists who in fact were part of the September 11 tragedy.

What needs to be done is that the INS has to be demanded right now to implement their visa tracking system. The President has to order them to implement the program that already exists.

What else has to happen? The INS has to be restructured, not abolished. We must recognize that there are two distinct responsibilities, but they must be coordinated by a Deputy Attorney General for Immigration Affairs.

What must they do? Deal with the services aspect, for those who want to access legalization, those who are honest immigrants, and then coordinate with the enforcement so that we can stop at the borders the terrorists who want to come into our Nation.

Visas to deceased terrorists? Outrageous and scandalous. The President needs to order the INS now: Put that tracking system in place today and make it work.

BULGARIA

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, on Tuesday, I welcomed to Capitol Hill Ambassador Elena Poptodorova and Foreign Minister Solomon Passy of the Republic of Bulgaria. Ms. Poptodorova and Mr. Passy have been dynamic leaders to promote the establishment of democracy in Bulgaria.

My appreciation of the people of Bulgaria began in June, 1990, when I served as an election observer for the International Republican Institute. I saw firsthand the end of Communist totalitarianism and the birth of democracy.

Over the last decade, democracy has flourished in Bulgaria, and its economy grew 5 percent last year. In the war on terrorism, Bulgaria has been an enthusiastic ally of NATO and the United States. The people of Bulgaria have warmly reestablished friendships with the people of America.

With its strategic location in southeastern Europe, with its talented people, and with its enthusiasm for democracy, I support Bulgaria's admission into NATO as soon as possible. I congratulate Ambassador Elena Poptodorova and Foreign Minister Solomon Passy for their efforts for coordinated defense in Europe.

TWO STRIKES AND YOU'RE OUT CHILD PROTECTION ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 366 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 366

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TERRY). The gentleman from Florida (Mr. DIAZ-BALART) is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 366 is an open rule providing for the consideration of H.R. 2146, the Two Strikes and You're Out Child Protection Act.

The rule provides for 1 hour of general debate, evenly divided and controlled by the chairman and the ranking minority member of the Committee on the Judiciary. The rule further provides that the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill shall be considered as an original bill for the purpose of amendment.

□ 1030

This is a fair rule that will allow Members ample opportunity to offer amendments and debate this important issue.

I can think of few crimes, Mr. Speaker, as serious as the sexual abuse of children. I personally favor the death penalty for the criminals that we are dealing with in this legislation. Though this legislation does not go that far, it does treat repeat child molesters in a severe fashion.

H.R. 2146 would establish mandatory sentences of life imprisonment for twice convicted child sex offenders. This bill would apply to individuals committing sexual offenses against persons under the age of 17. Child sex offenders pose a very serious threat to society. Studies have shown that a single child molester can abuse hundreds of children. This number is particularly troubling when one considers that the abuse of one child is far too many.

Perpetrators of these unthinkable crimes steal the innocence of our Nation's children and corrupt society. According to the committee report, Mr. Speaker, victims experience severe mental and physical health problems as a result of these crimes. These problems include increased rates of depression and suicide as well as all sorts of other serious problems.

We must do everything in our power to ensure that repeat sex offenders are kept off of our streets. Mr. Speaker, we sadly live in a world where children are all too often forced to grow up much too quickly. I ask that my colleagues help us in protecting our children from sexual offenders by passing this critical piece of legislation.

I would like to thank the gentleman from Wisconsin (Mr. GREEN); the gentleman from Wisconsin (Mr. SENSENBRENNER), the distinguished chairman of the Committee on the Judiciary; and all those who have worked so diligently to bring this legislation forward.

Accordingly, Mr. Speaker, I urge my colleagues to support both the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Florida (Mr. DIAZ-BALART) for yielding me the time. This is an open rule. It will allow for the consideration of a bill that would establish a mandatory sentence of life in prison for anyone convicted a second time for sexual offenses against children.

The legislation applies only to cases on Federal properties such as military bases and national parks. As my colleague has described, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule permits amendments under the 5-minute rule. This is the normal amending process in the House. All Members on both sides of the aisle will have the opportunity to offer germane amendments.

Mr. Speaker, sex offenses against children are among the disturbing crimes in our society and each attack can be a tragic event that will leave a permanent psychological scar on its victim. Punishment should be severe. It is important to lock up offenders so that they do not have the opportunity to strike again. This is the justification behind this bill.

However, I must use this opportunity to express some concern over eliminating the flexibility of the courts to make the sentence fit the unique events behind a particular case. Experts have pointed to a number of undesirable practices that could occur by requiring such a strict sentence regardless of the circumstances.

Mr. Speaker, this is an open rule. Members will have a chance to change this bill. They will have the opportunity to perfect it through the amendment process. I support the rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am sorry my voice is a little raspy, but my heart is certainly not raspy but concerned about the nature of the acts against children when they are sexually molested or abducted; and so in general I think the idea of acknowledging the viciousness of those who would sexually molest and abduct children is very valuable. And the underpinnings of this legislation, I recognize the importance of and clearly believe that we should move in the direction, however, with one concern as the ranking member indicated, whether or not our Federal judges would have some discretion to deal with cases that warrant determinations of difference other than what this legislation proposes.

As I speak to that issue, I believe and hope that my amendment concerning a study of the impact of this legislation would be received and accepted. And then I would like to move to another discussion, Mr. Speaker, and that is of a present circumstance that is going on in my district right now. I am going to ask this House to weigh the germaneness that might be raised against an amendment that I propose because we have a problem, and I believe this is a Federal problem.

As I speak, a 13-year-old in Houston, Texas, has been abducted, someone who simply wanted to do her homework Sunday night. She lives in an apartment. She is an immigrant, Spanish speaking. She just wanted to go 100 feet down the street to get a Sunday newspaper dutifully doing a school project. And her mother indicated, can you wait till Monday morning, and my colleagues know how good students are in the 7th grade. She said she needed the Sunday paper. Lo and behold, on Monday morning when she did not return or early that morning when the mother was frantic, the police found sneakers scattered, papers scattered and obviously something has gone awry.

What a tragedy, Mr. Speaker, that here in the face of this legislation we now have a circumstance that this child is missing, but let me tell my colleagues the absolute insult.

As the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety lists 25 registered sex offenders in one ZIP code. This is unbelievable. This has no sense to it. This is a tragedy in its own making, and I hope the leaders of this legislation can find some sense to allowing an amendment that investigates how we can put 25 sex offenders in one ZIP code, and this has to do with Federal funding and a nexus as to whether or not these States should have these dollars. We have to find some other way of dealing with this.

Mr. Speaker, thanks very much for the tolerance of my outrage, but we need an amendment that will stop putting this overabundance of sex offenders in one neighborhood; and we need to find little Laura Ayala now.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Pursuant to House Resolution 366 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2146.

☐ 1039

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, with Mr. TERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin (Mr. SENSENBRENNER) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. This bill would establish a mandatory sentence of life imprisonment for twice-convicted child sex offenders.

The bill states that any person convicted of a Federal sex offense against a person under the age of 17 who has been previously convicted of a similar offense at the State or Federal level would be subject to a mandatory minimum sentence of life imprisonment. The term "Federal sex offense" includes various crimes of sexual abuse committed against children and the interstate transportation of minors for sexual purposes.

According to the Justice Department's Bureau of Justice Statistics, since 1980 the number of persons sentenced for violent sexual assault other than rape increased annually by an average of nearly 15 percent, which is faster than any other category of violent crime. Of the estimated 95,000 sex offenders in State prisons today, well over 60,000 most likely committed their crime against a child under age 17.

Compounding this growing problem is the high rate of recidivism among sex offenders. A review of frequently cited studies of sex offender recidivism indicates that offenders who molest young girls repeat their crimes at rates up to 25 percent and offenders who molest young boys at rates up to 40 percent. Moreover the recidivism rates do not appreciably decline as offenders age.

Another factor that makes these numbers disturbing is that many serious sex crimes are never reported to authorities. National data and criminal justice experts indicate that sex offenders are apprehended for a fraction of the crimes they commit. By some estimates, only one in every three to five serious sex offenses are reported to authorities, and only 3 percent of such crimes ever result in the apprehension of an offender.

Studies confirm that a single child molester can abuse hundreds of children. It goes without saying that any attack is devastatingly tragic for the victim and will leave a scar that will be carried throughout life. Victims experience severe mental and physical health problems as a result of these crimes. These problems include increased rates of depression and suicide, as well as reproductive problems. The effect of sexual abuse resonates from victim to family and continues to weave through the fabric of our communities.

Children have the right to grow up protected from sexual predators and free from abuse. H.R. 2146 will protect America's children by permanently removing the worst offenders from our society, those who repeatedly victimize children.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition of H.R. 2146. It is a perfect example of what the Judicial Conference of the United States Courts describes as the type of legislation that "severely distorts and damages the Federal sentencing system and undermines the sentencing guideline regimen established by Congress to promote fairness and proportionality in our sentencing system."

Under the bill, Mr. Chairman, the mandatory minimum penalty for second offense of consensual touching by an 18-year-old of his 14-year-old girlfriend is life imprisonment without parole, the same penalty for a sexual offense against a child which results in the child's death.

Mr. Chairman, 2243(a) violations which are included in the bill involve consensual acts between a 13- to 15-year-old minor and someone who is at least 18 years of age, more than 4 years older than the minor. "Sexual act" is broadly defined to include even consensual touching. And since attempts are punished in the same manner under the law as the completed act, even a second attempted touching mandates life without parole.

An older sexual predator may well deserve life without parole for even attempted consensual touching, but no rational sentencing scheme would treat an 18-year-old attempting to touch a 14-year-old girlfriend in the same manner.

□ 1045

Proponents of the bill suggest that a second consensual offense between teens could not occur because by the time the first case is over, the offender, who has served his sentence, would no longer be a teen. This does not take into account the fact that the likely judgment for such a first offense would be probation. All it takes for these kinds of cases to end up in court is a determined parent and equally determined teens, and, bam, life without parole for what children refer to as "petting."

The current penalty maximum for a second offense under 2243(a) is 15 years. We do not have to mandate life in prison to get all of the cases for which life would be deserved. To get the cases for which 15 years is not harsh enough, we can increase the maximum penalty. So, Mr. Chairman, at the appropriate time, I will offer an amendment to raise the maximum possible sentence for violations of 2243(a) to life imprisonment, and leave it to the Sentencing Commission and the courts to distinguish which cases deserve harsher punishment than 15 years, rather than taking the draconian approach in this bill and mandating life without parole for all cases, regardless of circumstances.

One thing should be clear, Mr. Chairman, the bill only applies where there is Federal jurisdiction. Therefore, none of the cases, virtually none of the cases that will be referred to by the supporters of the bill will be affected by the bill because those are State cases. The Federal jurisdiction would be those on Native American reservations, national parks and U.S. maritime jurisdiction.

Only a few cases fall under that jurisdiction, the requirement of Federal jurisdiction; at least the information we have gotten from the Sentencing Commission is that it might affect 60 cases. But virtually all of those cases will be for Native Americans on reservations.

It is unfair that Native Americans will be subjected to such a grossly disproportionate impact from the draconian legislation just because they live on a reservation. The bill will create the anomaly of two like offenders committing the same offense in the same State with one getting probation and the other getting life without parole because he lives on a reservation.

That is why, Mr. Chairman, I will offer another amendment that will allow tribal governments to opt out of the provision of the bill in the same manner as we did for the "Three Strikes and You're Out" bill a few years ago. There is no evidence that there is any particular problem with sex crimes against children on reservations or any other Federal jurisdiction, and there is nothing to suggest that to whatever extent there is a problem it is not being appropriately dealt with under Federal jurisdiction now.

Interestingly enough, Mr. Chairman, prior marriage is a bar to prosecution under 2243(a). All over this Nation, States recognize the rights of parents to give consent to a minor, often as young as 13, where the spouse could be as old as 40 or older. In all likelihood, before the marriage, they will have been committing offenses which could result in life without parole under the bill. If there is any debate within the family about the appropriateness of the marriage, life without parole creates an interesting new idea about the shotgun wedding.

The problem with this bill, Mr. Chairman, is the problem of mandatory sentences in general. They eliminate reason and discretion in order to promote the politics of tough on crime. There is no study or data or other reasoned basis for this bill. The entire reason is its title, the baseball phrase "two strikes and you're out." If "two strikes and you're out" is not even good baseball policy, why would we arbitrarily conclude it is good crime policy?

Another major concern is that it would have the chilling effect on victims coming forward to report sex crimes if the victim knows the result will be that the perpetrator will have to serve life without parole. For example, a teen victim may be reluctant to turn in an older sibling or other family member if they know that the offender will have to face life without parole.

In addition, H.R. 2146 would lead to a victim being killed to lessen the risk of being caught. The law professor and criminologist who testified before the Subcommittee on Crime on an earlier version of this bill stated that facing life without parole, a sex offender would have little further to lose by eliminating the victim, who is often an important witness against the offender.

Now, considering the penalty for second-offense murder is less than second-offense petting, we can see why this is a concern. So, Mr. Chairman, I oppose the bill in its present form, but believe we can fix the worst problems in it, and I, along with other colleagues, will offer amendments designed to do so.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Wisconsin (Mr. GREEN), who is the author of the bill.

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman for yielding me this time, and I begin by thanking my friend and colleague from Wisconsin for his work in bringing this bill forward. I appreciate it very, very much.

First, let me say that this bill is not new to this House. This House has already passed the bill twice on a voice vote. The State version of this legislation is already the law in Wisconsin, and other States are looking at it. The cosponsorship of this legislation is bipartisan. In fact, it includes the chairman of the Democratic Caucus.

The reason this bill has such strong support is that its objective is unassailable, preventing repeat child molesters from continuing to prey upon our young kids. This bill is a very simple one. It does not federalize any crimes. It does not change the terms of underlying criminal laws. This bill is not about sending a message, this bill is not about deterring crime, it is about getting bad guys off the streets so they cannot attack more innocent children.

This bill says very simply, If you are arrested and convicted of a serious sex crime against kids, and then after you have done your time and you are released, you do it yet again, that is the end of the line. You are going to go to prison for the rest of your life. No more chances and, Lord willing, no more victims.

Now, my good friend and colleague, the gentleman from Virginia (Mr. SCOTT), said there are no good studies for this bill. I could not disagree more. Study after study supports this bill. A 1992 study from the National Center for Missing and Exploited Children found that the average pedophile commits 281 offenses, with an average of 150 victims. One hundred fifty victims. There are other studies that do much more; the numbers are higher. For purposes of the debate today, we have tossed out those high numbers. We have come up with an average of 201.

So think about that number as we have the debate today, 201 victims per pedophile. There are other studies, as I said, that put the number higher. Those studies recently caused former Attorney General, Democratic Attorney General, Janet Reno to estimate that the recidivism rate of child molesters is 75 percent.

This bill is necessary because, thankfully, the number of attackers is relatively small; but tragically, the number of victims, the number of lives destroyed, innocence stolen, is incredibly and unacceptably high. If someone is arrested and convicted of a serious sex crime against kids, and then after they are released, they do it yet again, they have shown that they are unwilling or unable to help themselves. We must get them off the streets so their reign of terror will end.

Congress must stop this tragedy. It is happening in too many places across this country to too many young people, to too many families. I urge our Members to take this measure up. Let us get this done quickly. This is important. This will save lives.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume just to point out that the cases that have been mentioned probably do not even come under the bill.

First of all, if the average is 201 before apprehension, the bill will have no effect because it will not be a second offense. Second, you have to charge at least one of them as being on Federal property after the prior conviction. And, third, it does include misbehaving teenagers.

The bill needs to be reworked. It can get those we are trying to get, but it is overinclusive and many people who do not deserve life without parole will be brought up under it.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. SMITH), who is the chairman of the Subcommittee on Crime.

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Wisconsin, the chairman of the Committee on the Judiciary, for yielding me this time, and I strongly support H.R. 2146, the Two Strikes and You're Out Child Protection Act, introduced by the gentleman from Wisconsin (Mr. GREEN).

This bill will amend the Federal Criminal Code to provide for mandatory life imprisonment of a person convicted of a Federal sex offense in which a minor is the victim, when the person has previously been convicted of a State or Federal child sex offense. This is important legislation that will protect our children from sexual predators.

Studies have shown that sex offenders and child molesters are four times more likely than other violent criminals to recommit their crimes. Even more disturbing is the number of victims the average pedophile abuses in a lifetime. While any criminal's subsequent offense is of public concern, preventing child sexual predators from repeating crimes is particularly important, given the irrefutable harm that these offenses cause victims and the fear they generate in the community. Sexual assault is a terrifying crime that can leave its victims with physical, emotional, and psychological scars.

Mr. Chairman, this legislation will provide law enforcement officials with the ability to permanently remove those individuals from our society, who have demonstrated that they will continue to prey upon our children if not incarcerated.

Based upon the testimony before the Subcommittee on Crime, this bill enjoys broad support from victims' rights organizations, correction officials, as well as those who suffer from sex offenders' actions. Mr. Chairman, I urge my colleagues to support this legislation.

Mr. SCOTT. Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. KENNEDY).

Mr. KENNEDY of Minnesota. Mr. Chairman, I am here this morning to show my strong support for H.R. 2146, the Two Strikes and You're Out Child Protection Act, sponsored by my good friend, the gentleman from Wisconsin (Mr. GREEN). This legislation would bring to justice the worst kind of sexual predators in our Nation, those who prey on our children.

Statistics have shown that giving these predators two strikes is more than enough for what they are doing to our children. Actual rates of repeat offenders are two-and-a-half times higher than are reported. A study of offenders, as the gentleman from Wisconsin (Mr. GREEN) was referring to earlier, shows those with two offenses each, in actuality, in one study, were found to have 110 different victims and committed 318 different offenses each. And, sadly, it is obvious that victims of child sex offenders have a higher risk of depression and suicide and are more likely to abuse alcohol and drugs.

I know this will be a stringent and difficult guideline, but as a man with four children of my own, I think it is time that we crack down. Ronald Reagan said that government's first duty is to protect the people. By passing this important legislation, we stand up and say "no."

Now, I know there are some who wish to make some changes in this legislation, like exempting certain groups or geographic areas from its application. We cannot allow that to happen. Exempting some would only create a safe harbor for these predators to prey. If we exempt a certain area, we are saying to those children, Your safety and well-being matters less than our children's.

Mr. Chairman, in this time of war, it is important for us to focus on foreign predators who wish to end our existence and our democracy, but we cannot forget to focus on those who wish to take advantage of the fairness and mercy of our judicial system by harming our most vulnerable, our children. Please join me in supporting H.R. 2146.

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Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. LUCAS).

Mr. LUCAS of Kentucky. Mr. Chairman, I thank the gentleman from Virginia (Mr. SCOTT) for yielding me this time, even though we are on opposite sides of this issue.

I rise in support of the Two Strikes and You're Out Child Protection Act. I thank the gentleman from Wisconsin (Mr. GREEN) for his hard work on this legislation.

I think too often Americans have heard the cases of heinous crimes committed against children by criminals who turn out to be repeat offenders. Despite the best efforts of local and State law enforcement officers, convicted pedophiles still threaten the well-being of our children. I believe we must do everything we can to keep sex offenders off the street and away from our youth. This bill takes a step in the right direction. Many States have already passed laws known as Megan's laws to notify communities when a sex offender moves into the neighborhood. Today, we have an opportunity to see that some of these offenders never have the opportunity to move into our neighborhoods in the first place.

Today, by passing the Two Strikes and You're Out Child Protection Act, we can ensure that these lowest of all criminals are moved out of residential blocks in our communities and moved into the cells of Federal prisons.

I support this bill wholeheartedly. I urge my colleagues to do so.

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume, just to mention that if someone is caught molesting 300 children, it is hard to believe that with consecutive sentences that they would ever get out, first or second offense. This also, unfortunately, includes misbehaving teenagers who would be treated, under this bill, worse than murderers.

Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield the balance of my time to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me this time, and I want to also thank the gentleman from Kentucky (Mr. LUCAS) for his support for this legislation.

The issue just raised by my friend and colleague, the gentleman from Virginia (Mr. SCOTT), about the so-called casual teenage statutory rape scenario, we will talk about a little later on. I think Members will see that is not an applicable scenario to this legislation. But, Mr. Chairman, what I would like to do here is focus everyone's attention to this chart. On this chart there are three numbers. These three numbers are important because I believe that this whole debate really comes down to these three numbers. These three numbers say it all: 16, 75, and 511. What do those numbers stand for?

Sixteen. Sixteen represents the number of years that a sexual offender commits his crime before he is caught. So when you see a sexual offender on television, of someone being caught, convicted and being tried for their offense, understand that, on average, he has been doing this for 16 years before he gets caught. Sixteen. Think of how much damage and destruction, how many lives he has destroyed.

The second number, 75. Seventy-five is the recidivism rate for child molesters as estimated by Attorney General Janet Reno, a Democrat. She wrote this last year in an article that she believes the recidivism rate is about 75 percent. Again, that goes to what we have been saying all along, that these are unusual crimes. This is not run-of-the-mill crime in any sense of the word. And that if we have someone who is arrested and convicted of a serious sex crime against kids and they have done it yet again after they are released, studies tell us, the numbers tell us they are going to do it again and again and again unless we stop them.

Five hundred eleven. This is the most troubling number of all. This is a number that I do not make up. This is a number that comes from a study done in the year 2000 by "Sex Abuse," the journal of research and treatment into this area of sexual offenders. Five hundred eleven represents the average number of crimes committed by admitted child molesters; 511 per molester. That number is so large, it is hard for us to even imagine, to even comprehend it. And we cannot comprehend it, because these individuals are sick. They are sick monsters in every sense of the word. But once again, these numbers tell us that if someone is arrested and convicted of a serious sex crime against kids and they serve their time and they are released, if they do it yet again, they are self-identified. They have told the world that they are either unwilling or unable to help themselves. Congress has to step in.

This bill is not about sending a message. This bill is not about piling on. This bill is not about deterrence. This bill is very simply, given these numbers, given the recidivism rate, this is simply about taking these sick monsters off the streets, away from schools, away from our children, to protect our children, to protect our families, to try to end the cycle of horrific violence that is every parent's nightmare. That is what this bill is about, these three numbers.

I urge my colleagues to support this bill. Let us get this on the Senate's desk. Let us encourage the Senate to act. Let us break the cycle of violence.

Mr. BLUMENAUER. Mr. Chairman, I rise today in support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. One reason I support this legislation is because, it is estimated that child molesters are four times more likely than other violent criminals to recommit their crime.

Despite my support, I am concerned that this legislation, since it only applies in Federal jurisdiction, will have a disproportionate racial impact on Native Americans. I am pleased that my colleague BOBBY SCOTT offered an amendment to add a new section including special provisions for lands occupied by Native Americans. However, the amendment failed by voice vote. It is my hope that as this bill is forwarded to the Senate, attempts to address this imbalance will occur.

Mr. STARK. Mr. Chairman, I rise today in reluctant opposition to H.R. 2146, the Two Strikes and You're Out Child Protection Act. Protecting our children from abuse is of paramount importance. Unfortunately, the potentially harmful consequences of this bill outweigh its benefits.

My primary concern with H.R. 2146 is its mandatory sentencing requirements. Mandatory sentencing laws tie the hands of judges. Such laws remove the flexibility judges need to carefully review every case and assess the individual circumstances of their cases. For example, this bill could force a judge to sentence someone to life in prison for a minor offense. Furthermore, in some abuse cases, particularly those involving family members, treatment and counseling may effectively address the offending behavior. This bill would eliminate the prospect for such treatment. When sentencing, judges need to have the discretion to determine when a plaintiff is a sexual predator that could threaten other children, versus someone whose problems could be addressed through treatment, counseling or other means.

In addition to my concerns about mandatory sentencing, this bill has an unintended racial bias. This bill is limited to cases falling under federal jurisdiction, meaning it would apply primarily to Native Americans on reservations. It would have no effect on the type of cases used to justify the bill, such as the Polly Klaus case. That was a state case and so this bill would have no effect. There is no evidence to suggest that child abuse is particularly prevalent on Native American reservations, so this bill unfairly singles them out.

We need strong laws to protect children from abuse. Such laws, however, must give our judges the proper authority to best protect the interests of our children and their families. In that regard, this bill falls short, so I must reluctantly vote against the bill.

Mr. RILEY. Mr. Chairman, I am pleased to support H.R. 2146, the Two Strikes and You're Out Child Protection Act. I believe the youth of this Nation are our most important and precious commodity, and those who violate these children must be punished to the fullest extent of the law.

Unfortunately, we have all seen what the abuse, both physical and mental, can do to the victims of these sexual predators. It is devastating, and those wounds do not heal even when these children reach adulthood. In addition, studies have shown that child sex offenders are more likely to reoffend than any other type of criminal, and there is nothing more frightening to a parent than the thought of one of these monsters having any kind of contact with their children. I firmly believe that these repeat offenders should be permanently locked away, not only as punishment, but also to protect children who are defenseless against these predators.

In closing, I would like to reiterate my strong support for this legislation. As a parent and a representative of the citizens of this country, I believe we must implement every safeguard possible to protect our children. We cannot afford to stand idly by and allow the evil-doers that prey on children to ruin any more lives. These individuals must be locked away, for life.

Ms. KILPATRICK. Mr. Chairman, first and foremost let it be known that I strongly support the protection of children from child molesters and the punishment of those who molest children to the full extent of the law. I am, however, concerned that the use of mandatory minimum sentencing guidelines is not the right direction to take. This measure is another expansion of the use of mandatory minimum sentencing without the benefit of studying their true impact. Mandatory minimum sentences, particularly as they pertain to drug sentencing, have resulted in a skyrocketing prison population with no end in sight. Our prisons today are filled with nonviolent drug offenders serving harsh sentences for acts that treatment might better address. I believe that our experience in this area has shown that crimes are best assessed on a case-by-case basis, by a judge and jury of one's peers. I do not believe we should enact more legislation that takes the administration of justice away from our Nation's judges.

Mr. SMITH of New Jersey. Mr. Chairman, today I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act. The premise of the bill is simple: if you are convicted twice of any Federal sex crime, and the crimes take place on Federal property, then you go to prison for life.

Study after study shows that criminals who prey upon children are more likely to reoffend than any other category of criminal. According to a 1999 study by the Center for Sex Offender Management, 16 years goes by before the average sex offender is caught and a recent 2000 study in the issue of sex abuse found that the average sex offender commits 511 crimes. As you know, they victimize, on average, hundreds of children and commit several hundred different offenses and unfortunately, they are prosecuted for only a tiny fraction of their horrific acts.

Mr. Chairman, these statistics are all too real—in my district in New Jersey, a 7-year-old girl, Megan Kanka, was raped and then murdered by her neighbor, Jesse Timmendquas in 1994. He was a two-time convicted sex offender who was released early from prison after serving 6 years of a 10 year sentence. Mr. Timmendquas lived across the street from the Kanka family in a house he shared with two other sex offenders—and neighbors were not aware of their criminal past.

In light of Megan Kanka's horrific tragedy, I worked alongside my colleagues to pass "Megan's Law." At first, this legislation was established at the State level. Later, we were successful at winning support at the Federal level to require states to inform the public when dangerous sex offenders are released from prison and move to their neighborhoods.

The combination of the Two Strikes You're Out Child Protection Act, and Megan's Law, will provide important tools to protect our communities from sex offenders. It is my hope that we will eventually expand the Two Strikes and You're Out Child Protection Act nationwide, and into all states and territories.

The people who repeatedly sexually molest children do not deserve to roam free. When they are free, they molest children. Until modern medicine can cure the sick mind that compels sex offenders to commit their horrific crimes, they should not be allowed to leave prison. Period.

Megan Kanka's death could have been prevented. All of us in Congress have a special burden to make sure that our laws adequately protect children from the likes of Mr. Timmendquas. H.R. 2146 is a good step in the right direction.

Protecting our children from sexual predators requires a comprehensive, multilayered approach. I am proud to have been the prime sponsor of legislation, the Victims of Trafficking and Violence Protection Act (P.L. 106–386), which contained two key provisions to help fight child molesters. The first provision of P.L. 106–386 would expand the "Megan's Law" concept to college and university communities. Under the new law, law enforcement authorities are required to notify local communities when a registered sex offender is enrolled or employed at a local college or university.

The second provision was called "Aimee's Law," and is designed to punish states that release dangerous sexual felons back into our communities in the first place. Under "Aimee's Law," if a State lets a sexual predator loose, and that predator moves to another State and victimizes another person, the second State can petition the Attorney General to have law enforcement grant funds transferred from the first State to the second State as a form of interstate compensation. The central idea behind the law is to discourage States from releasing sex offenders early.

As the father of four children, I share the anger and frustration that parents across our country have regarding sexual predators and the grave danger they pose to our country's children. As my colleagues are aware, I have worked with many of you in the effort to pass and enforce tough laws to crack down on child pornography, precisely because I believe it leads to diabolicala crimes such as sexual molestation and rape of young children. The Two Strikes and You're Out Child Protection Act will take these people who prey on our children off the streets and into jail—where they belong—for life.

I urge my colleagues to unanimously support the Two Strikes and You're Out Child Protection Act.

Mr. GILMAN. Mr. Chairman, I rise in strong support of H.R. 2146, the Two Strikes and You're Out Child Protection Act which will amend the current code and provide for no less than automatic life imprisonment for repeat child sex offenders.

There are few crimes which are as evil and heinous as those committed by sexual predators against innocent children. Those sick, twisted individuals not only destroy the lives and the innocence of the children upon whom they prey, but they also impact forever on entire families and communities.

It is estimated that over two-thirds of the sex criminals imprisoned today preyed on minors. Moreover, studies show that child sex offenders are more likely to reoffend than any other category of criminal. Accordingly, this legislation is the least we can do to ensure that these deviants are not provided the opportunity to commit these egregious crimes again and again. Once is unspeakable. Twice should be life. Accordingly I urge my colleagues to vote "yes" on this important and timely legislation.

Mr. PAUL. Mr. Chairman, as an OB–GYN who has had the privilege of bringing over 3,000 children into the world, I share the desire to punish severely those guilty of sexual abuse of children. In fact, it is hard to imagine someone more deserving of life in prison than one who preys on children. However, I must offer a cautionary note to the legislation before us, which would establish a mandatory lifetime sentence for anyone convicted of two child sexual abuse crimes.

The bill before us today simply expands Federal penalties for already existing Federal crimes, and does not in any way infringe on the jurisdiction of the States. However, Mr. Chairman, I would ask my colleagues to consider whether child sexual abuse should be a Federal crime at all. The Constitution specifies three Federal crimes, namely treason, piracy, and counterfeiting. It is a stretch, to say the least, to define child abuse as a form of treason, piracy, or counterfeiting. Therefore, perhaps the best means of dealing with child sexual abuse occurring on Federal lands across State lines is to turn the suspected perpetrator over to the relevant local jurisdiction and allow the local authorities to prosecute the crime.

As I stated before, it certainly is a legitimate exercise of government power to impose a lifetime sentence on those guilty of multiple sex crimes against children. However, I would ask my colleagues to consider the wisdom of Congress' increased reliance on mandatory minimums. Over the past several years we have seen a number of cases with people sentenced to life, or other harsh sentences, that appear to offend basic principles of justice. Even judges in many of these cases admit that the sentences imposed are in no way just, but the judiciary's hands are tied by the statutorily imposed mandatory minimums.

In conclusion, Mr. Chairman, while I believe this is a worthy piece of legislation, I hope someday we will debate whether expanding Federal crimes (along with the use of congressionally mandated mandatory minimum sentences) is consistent with constitutional government and fundamental principles of justice.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am glad that we had the opportunity to discuss the merits of this bill last July 2001, in the Crime Subcommittee. There, we heard some very moving testimony from witnesses who have experienced first-hand, the horrors perpetrated by sex offenders and the pain and helplessness of their victims and the victims' families. I believe that Congress must do all that we can to recognize these horrors and approach solutions intelligently, and with level heads.

Having said that, I must raise my concerns with the bill before us, H.R. 2146, the "Two Strikes and You're Out Child Protection Act."

This bill would mandate that any person convicted of a "Federal sex offense" be imprisoned for life if that person was previously convicted of a similar offense under either federal or state law.

Federal sex offense is defined in H.R. 2146 to include offenses sexual abuse, abusive sexual contact, and the interstate transportation of minors for sexual purposes. However, this measure does not include the pornography or coercion and enticement crimes, and limits offenses to those involving a minor.

Of course, I support efforts to adequately punish those convicted of multiple sex crimes, and as a parent, I sympathize and recognize the efforts and passions of the proponents of this bill, which seeks to address the very serious problem of sex crimes.

The problem is clear: in this Nation every 19 seconds a girl or woman is raped; every 70 seconds a child is molested; and every 70 seconds a child or adult is murdered. Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years. Clearly there is a disconnect between the facts and the current solutions to the problem.

In the Subcommittee on Crime hearings we heard from proponents of this bill as they relayed the heart-wrenching stories of multiple sex offenders who, because of loopholes in the criminal justice system, continued to abuse women and children in numerous different counties throughout the country.

I recognize that the Sentencing Commission is concerned that increased punishments for sex crimes committed against minors would create unfair disparities in sentences.

So, while I believe that this bill addresses some of the worst crimes in our society, I also know that it is our responsibility as legislators to carefully deliberate the ramifications of any legislation to ensure that we take into account the rights of all stakeholders in this process.

Before we move forward sweeping legislation as is currently before us, I believe that we need a better understanding of the alternatives available to us. In its current form, this legislation and its mandatory life sentences, eliminates the opportunity for the family, the community, the professionals, and the court system, to work in conjunction in order to address the needs of the victim and the offender in terms of healing and rehabilitation.

This bill fails to address the reality that there are few resources in Federal or State prisons to deal with accountability and treatment of sex abusers. In many cases, and certainly under this bill, we simply lock offenders up for life. The result is a disincentive for the correctional system to provide help or programs that correct the underlying behavior, when it is clear that such programs may be what is needed for true rehabilitation to take place, so that the offender can get to the point where he or she can truly be accountable to the victim, their own families, and the community.

To that end, I have introduced an amendment mandating a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress. I urge my colleagues to support it.

I believe whole-heartedly, that we must protect Americans from the horrors of sex offenders. To this end I am asking for support for my second amendment which states simply that no Federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given ZIP Code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP Code. This amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

But in our efforts to protect society and rehabilitate those who perpetrate these heinous crimes, we must do so justly, and with precision so as not to create further injustice within an already overtaxed justice system.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of this legislation and in defense of our children. This legislation is overdue and I would urge my colleagues to pass it without delay.

Mr. Chairman, there's a raging debate in criminal justice circles regarding the wisdom of mandatory minimum sentences. One side of the argument holds that we should let the system work—that judges can make the best judgments on important issues of incarceration.

With all due respect to opponents of this legislation, that debate is totally inappropriate when it comes to child victims of sexual abuse.

When it comes to children—children and sexual abuse and sexual crimes—we cannot leave the issue to discretionary judgments. There are principles of law that civilized societies must adhere to and enforce. Protecting our children from sexual abuse is one of them.

It is estimated that child molesters are four times more likely than other violent criminals to recommit their crime. In a recent study, 453 sex offenders admitted to molesting more than 67,000 children in their lifetime. Another study found that 571 pedophiles had each molested an average of 300 victims.

Two is too many. But this bill will bring us closer to a world where molesters cannot continue their horrible crimes ad infinitum.

Over the past few years, this Congress has been strongly supportive of such commonsense legislation as Megan's Law—named after a victim from our State of New Jersey who was brutalized and murdered by a repeat sexual offender. Megan's Law requires citizens to be notified when a sexual offender moves into their neighborhood.

Mr. Chairman, this legislation will not mean there will never be another repeat offender. But what it should mean is that the neighborhood a repeat offender moves into is a prison—for life.

Our charge here in this House is to protect the children. This legislation prevents them from being victimized by those who we know are likely to abuse, attack and murder again.

Support this commonsense legislation. It reaffirms our commitment to our American principle that we are a civilized society raising standards for the world.

The CHAIRMAN pro tempore (Mr. OSE). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 2146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Two Strikes and You're Out Child Protection Act".

SEC. 2. MANDATORY LIFE IMPRISONMENT FOR REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 3559 of title 18, United States Code, is amended by adding at the end the following new subsection:

"(e) MANDATORY LIFE IMPRISONMENT FOR REPEATED SEX OFFENSES AGAINST CHILDREN.—

"(1) IN GENERAL.—A person who is convicted of a Federal sex offense in which a minor is the victim shall be sentenced to life imprisonment if the person has a prior sex conviction in which a minor was the victim, unless the sentence of death is imposed.

"(2) DEFINITIONS.—For the purposes of this subsection—

"(A) the term 'Federal sex offense' means—

"(i) an offense under section 2241 (relating to aggravated sexual abuse), 2242 (relating to sexual abuse), 2243(a) (relating to sexual abuse of a minor), 2244(a)(1) or (2) (relating to abusive sexual contact), 2245 (relating to sexual abuse resulting in death), or 2251A (relating to selling or buying of children); or

"(ii) an offense under section 2423(a) (relating to transportation of minors) involving prostitution or sexual activity constituting a State sex offense;

"(B) the term 'State sex offense' means an offense under State law that consists of conduct that would be a Federal sex offense if, to the extent or in the manner specified in the applicable provision of this title—

"(i) the offense involved interstate or foreign commerce, or the use of the mails; or

"(ii) the conduct occurred in any commonwealth, territory, or possession of the United States, within the special maritime and territorial jurisdiction of the United States, in a Federal prison, on any land or building owned by, leased to, or otherwise used by or under the control of the Government of the United States, or in the Indian country (as defined in section 1151);

"(C) the term 'prior sex conviction' means a conviction for which the sentence was imposed before the conduct occurred constituting the subsequent Federal sex offense, and which was for a Federal sex offense or a State sex offense;

"(D) the term 'minor' means an individual who has not attained the age of 17 years; and

"(E) the term 'State' has the meaning given that term in subsection (c)(2).".

SEC. 3. CONFORMING AMENDMENT.

Sections 2247 and 2426 of title 18, United States Code, are each amended by inserting ", unless section 3559(e) applies" before the final period.

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 2, beginning in line 22, strike "2243(a) (relating to sexual abuse of a minor".

Page 4, after line 7 insert the following:

SEC. 3. LIFE IMPRISONMENT MAXIMUM FOR CERTAIN REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 2243(a) of title 18, United States Code, is amended by striking the final period and inserting ", but if the defendant has a prior sex conviction (as defined in section 3559(e)) in which a minor was a victim, the court may sentence that defendant to imprisonment for any term or years or for life.".

Redesignate succeeding sections accordingly.

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SCOTT. Mr. Chairman, this amendment would remove the mandatory life sentence for a violation of section 2243(a) as a second sex offense against a minor. Instead, this amendment would increase the maximum possible term for a second offense to a term up to life imprisonment. Under the bill, consensual sexual touching of a 14-year-old by an 18-year-old boyfriend or girlfriend with a prior offense would mandate life without parole, while murder, even second offense murder, does not.

While we can all imagine cases in which a life sentence would be appropriate for a second offense against a child, we do not have to mandate life sentences for cases which clearly do not warrant such treatment in order to get at those that do. We can simply extend the maximum possible sentence to life imprisonment and leave it to the sentencing commission and the courts to determine which ones warrant that treatment.

Not only would we have the unintended racial impact in that it would affect primarily Native Americans but it would also have a chilling effect on victims in some cases that would otherwise be prosecuted. This is especially true in families where the victim might want to see an older sibling or other relative dealt with for a repeat offense but not seen to cause the relative spending the life imprisonment which would be required under the bill.

If we believe the purpose of the bill is to send a message to repeat sex offenders, it would send the wrong message. At a hearing before the Subcommittee on Crime, a law professor and criminologist testified that a repeat offender who knows that if caught he will be sentenced to life imprisonment on a mandated basis, that person may be more disposed to kill his victim to eliminate the primary witness. This is particularly true because the punishment for second offense murder would be less than second offense petting. Under this amendment, life without parole would be available for those who are appropriately sentenced to life but not mandated for misbehaving teenagers.

Again, I would point out that the whole bill is only in cases that have Federal jurisdiction; so even with the amendment, we may have the anomaly of persons committing a crime within the State and if they are in Federal jurisdiction, they get life without parole. If they are without Federal jurisdiction, they could get probation.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, under the amendment of the gentleman from Virginia, we are going to reduce the penalty for pedophiles if they do not murder one of their victims. That shows that this amendment really is not a good idea and in effect reverses the entire thrust of the bill.

I do not think that the concern of the gentleman from Virginia is justified because what he is saying is that we ought to take the bill's penalties away from section 2243(a) of the criminal code which provides that whoever knowingly engages in a sexual act with another person who is 12 to 15 years old and is at least 4 years older than the victim shall be fined or imprisoned for not more than 15 years, or both.

If you have the hypothetical of an 18-year-old adult knowingly engaging in a sexual act with a 13-year-old child, that person would be indicted, would be prosecuted, would be convicted and would be incarcerated for several years as a result of that crime. My guess is that he would not be out of prison until he was in his mid- to late twenties. Now, if he turns around and commits another sexual act on someone who is 12 to 15 years old in his mid-twenties, then I think the book ought to be thrown at him, because this is not an immediate post-adolescent whose hormones have run amok and commits a sexual act. This is somebody who is now preying on somebody who is probably 10 to 15 years younger as a victim. I think that that is the type of person who ought to be sentenced to life imprisonment.

I think that really what we ought to do is look at how the clock runs, where you have the first strike that does not involve life imprisonment and then you have the second strike which would involve life imprisonment where the victim is probably at least 10 years and maybe even more than that younger than the assailant.

For that reason, I would hope that this amendment would be rejected.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. My opposition really falls on three grounds. First off, let us remember that this bill, Two Strikes and You're Out, does not change the terms of underlying criminal law. It simply changes the penalties for those who do it over and over again. This section that the gentleman from Virginia (Mr. SCOTT) seeks to change, to modify, is current law and one that Congress has always treated seriously. It is already punishable by 15 years in prison and doubled for the second offense. If the gentleman from Virginia wants to change the terms of 2243(a), he should introduce legislation to do so, but that is not this bill.

Secondly, those who would be caught up by this 2243(a) and the Two Strikes law are not merely guilty of, quote-unquote, "teen statutory rape." Listen closely, as the gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out. The victim must be 12 to 15 years old. The attacker must be at least 4 years older. For Two Strikes to apply, the attacker must have committed this crime or an even more serious sex crime against kids, against his teenage girlfriend under the gentleman from Virginia's scenario, been arrested, gone through a trial, been convicted, served his time, come out and do it again, all in the span of 2 years.

□ 1115

Well, logically, that is next to impossible.

Finally, and I think the most important point here, is to understand that there are other statutes that cover the behavior that the gentleman from Virginia (Mr. SCOTT) refers to. We spoke only this morning to a representative of the U.S. attorney's office, and he said that no U.S. attorney in the Nation would charge under 2243(a) for the conduct that the gentleman from Virginia (Mr. SCOTT) describes.

There is, in fact, another statute which is not part of Two Strikes, 2244(a) and 2244(b), abusive sexual contact. That is the statute which U.S. attorneys can use to charge, if they see fit to charge, for that type of behavior.

That is not covered by Two Strikes. Two Strikes deals with a narrow category of seven serious sex crimes against kids, and it says in the event that after someone has done their time, they have done one of these serious offenses, they get out, they do it yet again, then by all the studies we have seen, we know that they are going to do it again and again and again unless Congress steps in and breaks the cycle of violence. That is why this bill exists.

The scenario that the gentleman from Virginia (Mr. SCOTT) raises is implausible, at best, and also the points the gentleman makes are outside the course of this bill.

Let us keep our eye on the ball here. Let us focus on the problem of repeat child molesters. That is what this bill deals with. Let us defeat this amendment and go on to pass this bill.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased to yield to the gentleman from Virginia (Mr. SCOTT), the member of the Committee on the Judiciary that I think has made more of a contribution and has thought about this more carefully than anyone else.

Mr. SCOTT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the gentleman from Wisconsin indicated that the prosecutor would have the discretion of lowering the charge, but by virtue of the charge, the judge would have no discretion if the prosecutor decides life without parole. So you have given, essentially, the sentencing power to the prosecutor, not to the judge.

Under the term "sexual act," which is covered under this, it includes consensual, intentional touching of a person who has not attained the age of 16, that is, a 15-year-old person, with the intent to gratify. That is petting teenagers 4 years younger.

If that is a first offense, the likelihood, quite frankly, is they will get probation. If they do it again, if they are teenagers determined to be together, you are talking about life without parole if the prosecutor charges under this section.

If it is an appropriate case, you can get life. But it just seems to me that life without parole for this situation, which could include family members, is totally inappropriate; and I would hope we would adopt the amendment which would allow life, but not mandate life, so the judge would have some discretion in sentencing people under this bill. If you have 500 people, the stories they have told, the judge will know what to do.

Mr. CONYERS. Mr. Chairman, reclaiming my time, I support the Scott amendment because I think we are trying not to expose a countless number of teenagers to mandatory lifetime sentences for being involved in consensual relationships. I am almost inclined to ask the author of the bill if that is his intention, but I am afraid to.

Mr. Chairman, if we are not considering the cultural differences and not considering whether family members are aware of the youthful indiscretions of a couple of teenagers, then this is a one-way ticket to a life imprisonment bill; this is not Two Strikes and You're Out. I have to keep thinking that this is an unintended consequence.

We are saying to our youth that the circumstances of each case are not relevant and will not be given any consideration at all. So all the gentleman from Virginia is doing is correcting this by permitting the judge to impose a maximum sentence of life.

The amendment would restore to the judiciary the discretion to deal with the sentence that he is giving under the circumstances, and the judge would not be stopped from imposing a life sentence; but in other cases, they may be able to tailor a decision that would take into account the appropriateness of something other than life. So I urge my colleagues on the floor to give this some thought from this point of view.

This is almost becoming an antijudge bill as well. Who needs judges? The prosecutor is given far more authority and decision-making that determines in effect the whole outcome of the case that comes before the judge. The judge is sitting here saying, I am bound by this, I am caught by this. The prosecutor decides the other thing.

So I think it is something that we need to rethink with the gentleman from Virginia (Mr. SCOTT). I am pleased and happy the gentleman has offered the amendment.

Mr. Chairman, I include the following article entitled "Judges Speak Out" for the RECORD.

JUDGES SPEAK OUT

"Statutory mandatory minimum sentences create injustice because the sentence is determined without looking at the particular defendant. . . . It can make no difference whether he is a lifetime criminal or a first-time offender. Indeed, under this sledgehammer approach, it could make no difference if the day before making this one slip in an otherwise unblemished life the defendant had rescued 15 children from a burning building or had won the Congressional Medal of Honor while defending his country."—J. Spencer Letts, U.S. District Judge, Central District of California.

"We must remember we are not widgets or robots, but human beings. Defendants should be sentenced within the spectrum of what most judges would consider fair and reasonable."—Leon Higginbotham, Judge, 3rd Circuit Court of Appeals.

"I think that a lot of people do not understand what is going on until, all of a sudden, they are caught up in the system; and they find out that people have been mouthing all kinds of slogans, and when the slogans all come down to rest, they sometimes come to rest very hard on the shoulders of the individual."—David Doty, U.S. District Judge, Minnesota.

". . . I continue to believe that sentence of 10 years' imprisonment under the circumstances of this case is unconscionable and patently unjust. . . . [the defendant] will be sacrificed on the altar of Congress' obsession with punishing crimes involving narcotics. This obsession is, in part, understandable, for narcotics pose a serious threat to the welfare of this country and its citizens. However, at the same time, mandatory minimum sentences—almost by definition—prevent the Court from passing judgment in a manner properly tailored to a defendant's particular circumstances."—Paul A. Magnuson, U.S. District Judge, Minnesota.

"As a consequence of the mandatory sentences, we (judges) know that justice is not always done . . . [Y]ou cannot dispense equal justice by playing a numbers game. Judgment and discretion and common sense are essential."—Joyce Hens Green, U.S. District Judge, District of Columbia.

"We need to deal with the drug problem in a much more discretionary, compassionate way. We need treatment, not just punishment and imprisonment."—Stanley Sporkin, U.S. District Judge, District of Columbia.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SCOTT:

Page 4, after line 11, insert the following:

SEC. 4. SPECIAL PROVISION FOR INDIAN COUNTRY.

Section 3559(c)(6) of title 18, United States Code, is amended by inserting "or subsection (e)" after "this subsection" each place it occurs.

Mr. SCOTT. Mr. Chairman, this amendment would allow tribal governments to opt out of the coverage of the bill and the administration of their systems of justice in the manner that we allowed them to opt out of the application of the Three Strikes and You're Out law that we passed several years ago to avoid the unintended racial and disproportionately negative impact.

Since the bill only applies in Federal jurisdictions, the vast majority of the cases affected would involve Native Americans. This means the bill will affect Native Americans in a disproportionately negative manner when compared to similar offenders in the same State as the Native American reservation.

Based merely on the location of the offense, whether you are on the reservation or right outside of the reservation, you could have vastly different sentences, as vastly different as probation in one case and life imprisonment for exactly the same offense and offenders. There is no evidence that this particular problem, sex crimes against children, is predominantly a Native American problem, so why are we singling them out for the draconian treatment?

Because this bill only applies in Federal jurisdiction, it will have no effect on the vast majority of cases that have been mentioned today. The only good thing about it is, it will only affect a few cases, but unfortunately, an overwhelming proportion of those cases will be cases affecting Native Americans.

I would hope that the House would adopt the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the second Scott amendment amends the bill so that no person subject to the criminal jurisdiction of an Indian tribal government would be covered by the Two Strikes and You're Out provision contained in this bill.

What the amendment does is, it creates a safe haven for child sex offenders on Indian land. I do not think we want to do that. A convicted child molester in Wisconsin would know the only way to avoid life imprisonment if he is caught would be to prey upon children in Indian lands. I think the Congress has an obligation to protect children on Indian lands just as much as we have an obligation to protect children on other Federal lands, as well.

I urge my colleagues to oppose this amendment.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, as I understand what we are doing here, we are allowing tribal governments to opt out of coverage, as we have done in other matters like this before, so it is not encouraging this kind of offense to get softer treatment than it would anywhere else in the country.

The racially discriminatory impact on Native Americans is pretty clear here, and that is what we are trying to deal with, because the legislation that is proposed applies to conduct occurring on land owned by the United States or within the territorial jurisdiction of the United States. So that is Indian reservations. Most of the cases have indicated that 75 percent of these kinds of cases arising under the bill's provision will involve Native Americans, so to give the tribal government this option is no less rational than when we did it before.

We did an opt-out provision in the Three Strikes legislation. It did not work in any kind of way to mitigate the way that law was handled. Therefore, there should be no difference in the action we take here today with respect to these groups.

Mr. Chairman, that is my take on the Scott amendment, and I hope that we can reach agreement on it.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. For the record, I am proud to have six Indian Tribes in my congressional district. I am proud to represent both Native Americans and non-Native Americans.

The amendment offered by the gentleman from Virginia (Mr. SCOTT) is bad public policy because it would send a terrible message to States like Wisconsin. Carving out a reservation from this law would somehow suggest that Native American children are less deserving of protection than non-Native American children. I do not think that is what we want to do.

Carving out reservations from this law would, as the gentleman from Wisconsin (Chairman SENSENBRENNER) has said, create the appearance of a safe harbor for child molesters. It says to them, lure your victims to the reservation, take your victims from the reservation, and the penalty will be less. That is wrong-headed. We should not be doing that.

Now, the reasoning of the gentleman from Virginia (Mr. SCOTT) that a high percentage of Federal sex crimes under this bill would occur on Federal Indian reservations, I think that argues for the inclusion of those reservations into this bill.

It also raises a self-evident point: Under his logic, Federal homicide laws would have a greater impact on reservations and Native Americans; Federal drug laws would have a greater impact on Native Americans by his logic. I do not believe that we should be exempting from reservations Federal drug laws.

There are actually very few cases in which reservation land is exempt from Federal jurisdiction. No tribe has approached me, either this session or last session when we passed this bill twice by a voice vote, no tribe has come to me asking for a carve-out. That is because, I would guess, they do not want to create a safe harbor, either, for child molesters. The last thing they would want to do is say, Come on, we will protect you; you will be safe here on reservation land.

□ 1130

They do not want to look the other way when these terrible crimes occur, and we should not look the other way when these terrible crimes occur. We should protect all children, native American children, non-native American children. Wherever they are, we should take steps to protect them from the monsters who would prey on our children over and over again. My colleagues saw the numbers I had up here before: 209 victims per child molester, 511 offenses per child molester. Do we really want to say that that is okay if it occurs on Federal land, or we are not going to treat it as severely? I do not think so. I do not think anyone here seriously wants to do that.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was rejected.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:

SEC. . STUDY AND REPORT TO CONGRESS.

Not later than one year after the date of the enactment of this Act, the National Institute of Justice shall make a study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of sex offenses against children.

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I am experiencing a personal dilemma with respect to the legislation before us as it relates to a crisis in my district. As we speak, a young 13-year-old has been abducted in Houston in a community that is, of course, outraged by her disappearance.

Recognizing this legislation is moving forward, I am offering an amendment that will, at the very least, be a step toward, I hope, long-term and, in an expanded way, reducing the number of sex offenses committed against our children. It is a parallel. It is an attempt to help balance what happens when we incarcerate persons.

My amendment would require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and nonincarcerated perpetrators of sex offenders against children, while also analyzing the effectiveness of probation and parole supervision and reducing the rates of recidivism in the sex offenders, even if they are incarcerated. We have got to find out what propels individuals to do these heinous and horrific acts.

These crimes are a great threat to our children and to our society at large. Statistics indicate that on a given day there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody, or control of correction agencies, whether they are life, whether they are mandatory minimums, or however they are incarcerated. In any 1 year there are over 1 million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger. These statistics are truly startling, yet the Bureau of Justice Statistics also reported that in 1988, only 2.9 percent of all inmates in State prisons were enrolled in programs for sex offenders. That is less than 30 percent of the sex offenders who receive any type of treatment. As a result, these individuals, whether they be incarcerated or not, will do the acts again.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to reoffend or to determine effective treatment while incarcerated. Although many believe that sex offenders are the hardest type of criminals to rehabilitate and are the most likely to reoffend, no evidence supports either. If they have been a first-time offended, why not have treatment and rehabilitation?

In 1994 Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with local law enforcement. In 1996, Megan's Law and the Lynchner Act were passed. These laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders, if after the first time, may be released in our communities, they are equipped with the tools that they need so that they are less likely than ever, ever, ever, ever to commit these offenses again.

To this end, I believe this is a germane and relevant amendment to sentencing. This is a parallel to sentencing. This provides for the treatment and rehabilitation of the first offense and does not offend this legislation of Two Strikes. I believe that this amendment is appropriate. I would ask my colleagues to waive the germaneness of this amendment so that we could holistically address the problem that will continue to plague our communities, and that is, those who would, even the first time, attempt a heinous act of sexual molestation of anyone in our Nation, any child.

Our community now is hurting. Some other community tomorrow will be hurting. A precious child has been violated, a child that, to my knowledge, has not yet been found. Why not provide an instructive message to those who, in fact, will be covered by this legislation? I hope that we would waive the germaneness of this amendment and move this amendment to the floor.

Mr. Chairman, recognizing that this legislation is moving forward, I am offering an amendment that will at the very least, be a step toward reducing the number of sex offenses committed against our children.

My amendment will require that the National Institute of Justice study and report to Congress on the availability and effectiveness of treatment for incarcerated and non-incarcerated perpetrators of sex offenses against children, while also analyzing the effectiveness of probation and parole supervision in reducing the rates of recidivism of these sex offenders.

These crimes are a great threat to our children, and to our society at large. Statistics indicate that on a given day, there are well over 200,000 offenders convicted of rape or sexual assault under the care, custody or control of corrections agencies. In any one year, there are over one million such offenders in prison. More startling, however, is the fact that nearly 80 percent of the victims of sexual offenders are children 17 or younger.

These statistics are truly startling. Yet, the Bureau of Justice Statistics has reported that as of 1998, only 2.9 percent of all inmates in state prisons were enrolled in programs for sex offenders—that is less than 30 percent of the sex offenders who receive any type of treatment. As a result, recidivism rates are dangerously high.

The National Institute of Justice reports that research has failed to identify those offenders who are likely to re-offend, or to determine effective treatments for sex offenders. Although many believe that sex offenders are the hardest type of criminal to rehabilitate and are the most likely to re-offend, no evidence supports either belief.

In 1994, Congress enacted the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, which requires that perpetrators of violent sex offenses and crimes against minors register with local law enforcement. In 1996, Megan's Law and the Lychner Act were passed; these laws require community notification and interstate tracking.

In these ways, we attempted to protect children and others from violent criminals. However, we must also ensure that when these offenders are released into our communities, they are equipped with tools that they need so they are less likely than ever to attempt to commit another heinous act.

To this end we must evaluate the availability and effectiveness of treatments and post-release programs. Some studies have been conducted, but they do not comprehensively address the issue, nor do they provide up-to-date information. For example, in March of this year, the Office of Juvenile Justice and Delinquency Prevention issued a review of the professional literature from the past 10 years on juveniles who have sexually offended, including references to treatment, its approaches and its efficacy. The national Institute of Justice issued in January 1997 a study on managing adult sex offenders in communities through probation, parole and other forms of community supervision. These studies are valuable tools, but they must be more comprehensive, and we must keep them updated.

My amendment is an effort to protect our children by compelling a thorough evaluation of alternatives to incarceration and treatment in order to rehabilitate those capable of such progress.

I urge my colleagues to support this amendment.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Chairman, I make a point of order against the amendment. The amendment is not germane. It fails the fundamental purpose test.

The fundamental purpose of the legislation is to provide mandatory minimum sentences for those convicted of sex offenses against children. The amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) exceeds the scope of this legislation by directing a component of the Department of Justice to study a subject not contemplated by the bill, namely, the effectiveness of treatment for incarcerated and nonincarcerated sex offenders.

Therefore, the amendment is not germane, and the point of order should be ruled well taken by the Chair.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The gentleman from Wisconsin raises a point of order that the amendment offered by the gentlewoman from Texas is not germane.

To be germane, an amendment not only must have the same end as the matter sought to be amended, but also must contemplate a method of achieving that end that is closely allied to the method contemplated by the bill. For example, as recorded in section 933 of the House Rules and Manual, the Chair has held that, to a bill addressing substance abuse through prevention and treatment, an amendment imposing civil penalties on drug dealers was not germane.

The pending bill narrowly amends the Federal Criminal Code to establish a mandatory sentence of life imprisonment for twice-convicted sex offenders against children. The amendment requires the National Institute of Justice to report to Congress on the availability and effectiveness of treatment for perpetrators of sex offenses against children and on the effectiveness of probation and parole supervision in reducing rates of recidivism of such sex offenses.

The bill is narrowly drafted to address only sentencing of certain sex offenders of children. The amendment, by addressing treatment and rehabilitation, proposes an unrelated method and is, therefore, not germane to the bill.

The point of order is sustained. The amendment is not in order.

PARLIAMENTARY INQUIRY

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentlewoman will state it.

Ms. JACKSON-LEE of Texas. If the proponent of the legislation was willing to waive the germaneness, would that not have supported allowing this amendment to be heard on the floor?

The CHAIRMAN pro tempore. A point of order was made and sustained against the amendment.

Ms. JACKSON-LEE of Texas. I thank the Chair. I am so sorry that we are losing the opportunity to do a better job on this legislation.

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS:

Page 4, after line 7, insert the following:

SEC. 3. STUDY OF IMPACT OF LEGISLATION.

(a) In each case in which a life sentence is imposed under section 3559(e), the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following:

(1) The applicable range under the Federal Sentencing Guidelines if the statutory minimum life sentence had not applied.

(2) The sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied, in light of the nature and circumstances of the offense, the history and characteristics of the defendant, and the other factors set forth in section 3553(a).

(3) The race, gender, age, and ethnicity of the victim and defendant.

(4) The reason for the Government's decision to prosecute this defendant in Federal court instead of deferring to prosecution in State or tribal court, and the criteria used by the Government to make that decision in this and other cases.

(5) The projected cost to the Federal Government of the life sentence, taking into account capital and operating costs associated with imprisonment.

(b) To assist the court to make the findings required in subsections (a)(4) and (a)(5), the Government attorney shall state on the record such information as the court deems necessary to make such findings, including cost data provided by the Bureau of Prisons. In making the required findings, the court shall not be bound by the information provided by the Government attorney.

(c) The Administrative Office of the United States Courts shall annually compile and report the findings made under subsection (a) to the Congress.

Redesignate succeeding sections accordingly.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Chairman, I rise to introduce a notion that we would require the Administrative Office of the United States Courts to compile and report to the Congress its findings pertaining to the impact of this legislation, specifically relating to race, gender, age, ethnicity of victim and defendant; the reasoning behind the government's decision to prosecute the defendant in Federal court instead of deferring to a State or tribal court; and the sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied.

The idea is to provide our colleagues with invaluable insight into the effect of this legislation as it will relate to prison overpopulation, racial considerations, and the costs that would be attached to the Federal court in the event of the enacting of this legislation.

This is dealing with the ballooning prison population because we have more people proportionately in prison than anywhere else on the planet, and we think that this would be a very important move in the right direction; and I hope that it will become a part of this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I would like to thank the gentleman from Michigan (Mr. CONYERS) for introducing a germane amendment on how to study the impact of this legislation. I think the type of material that the study would put together would be very useful in looking at the types of crimes that have been committed against children.

However, let me say I am a little bit puzzled at the gentleman from Michigan putting this amendment in, because all day yesterday when we were dealing with the class action suit, the gentleman from Michigan and his supporters on the other side of the aisle were saying how overworked our Federal judges are and how the complicated class action legislation that we were discussing yesterday, really more of these cases should be tried in the State court because our Federal judges were overworked.

Well, now we have an amendment that has a mandate on the Federal judges. Let me read from the amendment to show that the Federal judges are going to have to do more work. It says that "in each case in which a life sentence is imposed, the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following: the applicable range under the sentencing guidelines if the minimum mandatory life sentence had not applied." So the judge has to speculate what he would do to sentence the defendant if he were not required to sentence the defendant for life.

"The race, gender, age and ethnicity of the victim and of the defendant." Well, that is fairly obvious from the court records. But then we have to have the reason for the government's decision to prosecute this defendant in Federal court instead of State or tribal court, and then the criteria used by the government to make that decision in this or other cases, and the projected cost to the government of the life sentence, taking into account capital and operating costs associated with the imprisonment.

Now, what this is going to require is it is going to require an additional hearing after the sentence for the court to make these findings, because the government would not be able to make a determination of what this cost would be until the sentence is pronounced, as well as what the alternative would have been and the mandatory life sentence if not applied in this case.

So I would say to the gentleman from Michigan, I think these are very, very useful statistics, and I am prepared to support this amendment; but I am wondering if the gentleman's sympathy for our overworked Federal judges evaporated overnight, and I am happy to yield for an answer.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding. I am glad the gentleman pointed out the fact that I claimed that the judges were overworked. I think they are probably in the same condition today that they were yesterday, which is overworked; and I would like to use the gentleman's solution, which is that we get more judges into the judicial system. I think it is 70-something, and I think that would help. So I think the gentleman thinks they are overworked and so do I, but we think that this could be a useful purpose.

□ 1145

Mr. SENSENBRENNER. Mr. Chairman, reclaiming my time, we will be dealing with the issue of additional judicial manpower in the context of the conference on the Department of Justice authorization bill.

But even before that passes, if we could get a few more confirmations, we would get more judges on the bench and more judicial work done.

Mr. CONYERS. If the gentleman will continue to yield, Mr. Chairman, could I ask the gentleman if he would consider, with me, the proposal of the gentlewoman from Texas (Ms. JACKSON-LEE) in terms of a freestanding proposal separate from this?

Mr. SENSENBRENNER. Reclaiming my time, Mr. Chairman, I would encourage the gentlewoman from Texas to introduce her proposal as separate legislation. I am not sure that the Committee on the Judiciary has exclusive jurisdiction over that type of a study, and I certainly would not wish to preclude other committees of jurisdiction from looking at it.

Mr. CONYERS. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. OSE). The question is on the amendment offered by the gentleman from Michigan (Mr. CONYERS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. CONYERS) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at the end the following new section:

SEC. . PROHIBITION OF FEDERAL EXPENDITURES.

This Act shall have no effect if there are more than five convicted child sex offenders within any given zip code.

Mr. SENSENBRENNER. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin reserves a point of order.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the intent of the legislation, the underlying legislation, is to ensure the safety of our children. I agree with that. At the same time, I think that the legislation has the opportunity to ensure the further enhanced security of our children from convicted sexual molesters of children.

I rise to support the amendment that indicates that no dollars should be rendered in this act if there are more than five sex molesters of children in one ZIP code. The act would then have no effect.

I ask my colleagues to support this amendment, because there is great evidence that in urban areas and even in rural areas there seems to be a dumping in particular locations of child sex molesters.

Here is a prime example. On Sunday, March 11, 2002, a young girl by the name of Laura Ayala walked from her family's apartment no more than 100 feet away to get some newspapers for her homework, an innocent chore, if you will. Her mother asked her whether she could get the newspaper on Monday morning, but she needed the Sunday paper. She was 13, or is 13.

After a few minutes, when she did not return, her parents, her family members, went to look for her. The clerk remembers her coming to the store and buying the newspaper. What was later discovered is a scattered newspaper and her shoes scattered in an area along the way.

But the most shocking aspect, as members of my community continue to search for her, is that as the officers were poring over lists of known sexual offenders, concentrating on the girl's neighborhood, the Texas Department of Public Safety listed 25 registered sex offenders in the ZIP code.

Laura is only 4 feet tall, weighs 90 pounds, has black, medium-length hair with brown highlights. She is a child that is loved, as there are in many homes children that are loved.

Therefore, I would argue that this is a germane amendment as it is presently constructed and constituted, and I would ask my colleagues to support this enthusiastically, that this act shall have no effect if there are more than five convicted sex offenders in any given ZIP code.

Mr. Chairman, this is a tragedy. It is a dumping ground. I believe that once put on notice, our States will act. We will not have this problem. Innocent communities will not have this problem, and wonderful, beautiful young girls like Laura will not have this problem, and other children.

Mr. Chairman, this is an outrage. Today on the floor of the House we can fix it right now. Our colleagues will support this. Who in this whole world would want their neighborhood, no matter where they live, what their economic status, what language they speak or what culture they come from, would want to know that next door they have in their neighborhoods 25 sex molesters of children living in their community?

We always ask the question, Mr. Chairman, are we relevant? Are we really focusing on what Americans' desires are as we proceed as Members of the House and the other body?

Today we can be relevant. In addition to this legislation, we can be relevant and right now confront a crisis that is not only in Houston, Texas, but I would imagine if we took a sampling around the Nation, we would find dumping of these offenders in communities wherever we might look. We can be relevant today by providing some solace to the family of this child in looking for a way to prevent, if you will, the dumping of sex offenders in particular areas.

Those who are first offenders will ultimately be out. This does not conflict with the underlying intent. We know that some sex offenders will be out among our population. Why have 25? Who knows, there may be 35 and 45 and 50 in other ZIP codes.

Mr. Chairman, is it not reasonable for my colleagues to support this amendment to be able to be relevant today as we move this legislation forward? I would ask that my colleagues support this amendment that will prohibit the dumping of sex offenders on our community and dumping of sex offenders on our innocent children.

Mr. Chairman, I rise today in support of my amendment which states simply that no federal monies can be expended for this legislation if there are more than two convicted sex offenders within a given zip code.

This amendment is motivated by a recent tragedy in Houston, Texas in which a 13-year-old girl, Laura Ayala, went across the street from her southeast Houston home Sunday night and never returned.

Since that day, our police officers have been poring over lists of known sexual offenders, concentrating on Laura's neighborhood. What is most disturbing is that the Texas Department of Public Safety lists 25 registered sex offenders in the ZIP code. Why was this allowed to happen?

Mr. Chairman, my amendment recognized the need for legislation that protects our children from multiple sex offenders who collectively may have a cumulative effect that is adverse to our children and communities.

I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I withdraw my point of order, since the amendment is germane, and I rise in opposition to the amendment.

Mr. Chairman, I cannot believe that the gentlewoman from Texas would draft an amendment of this nature and submit it to the committee for its consideration.

It says, "This act shall have no effect if there are more than five convicted child offenders within any given ZIP code." That means that if there are five child sex offenders who are convicted under this law and sent to the penitentiary for life, there are five people in the ZIP code where the penitentiary is located, and every future child sex offender would be able to run around the country in Federal areas and be able to continue preying on these children.

Stop and think about how this amendment is drafted. It is drafted so that anyplace where there is a penitentiary that has five or more child sex offenders, it would end up taking away the effect of this law throughout the United States of America.

This is a shameful amendment, and I hope it is overwhelmingly rejected.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE) so she can respond to the comments that were just made.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I believe that in the wisdom of this body, we could find a way to work on this very striking discovery and still keep the enforcement of the act.

I support the amendment that I have, but I will look further to, if you will, having the opportunity to write freestanding legislation. I still believe that we have the opportunity here to craft this amendment to not be detrimental to the underlying bill. That is not the intent of the amendment.

I do recognize there is free association and free movement in this country. That is why I went to the proponents of the bill to see how we could work together. This is an important enough issue for me that I believe that this body should address it and address it today.

However, if the amendment does not achieve its ultimate goal of victory, then what I will do is write a freestanding bill. I would hope to encourage those who would understand the sentiment, the purpose, the underlying legal standing of such legislation, which is not to undermine the present legislation, but to protect our communities. I would hope they would join in with me on that.

Mr. GREEN of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. Let me first say that I believe that the gentlewoman's intentions are honorable and good intentions, and she is pointing out a problem that I think is worth our examining at some point. I think the Committee on the Judiciary, as it has oversight hearings and such, should ask some of these questions. They are important questions.

I, unfortunately, believe that this amendment is not drafted in a way that will achieve the result the good gentlewoman intends. I do not think the answer is to say that the more sex offenders we find in a particular area, the softer the law should be, or this tougher law should not apply to other parts of the country.

In fact, the answer should be if there are more sexual offenders in a given area, to go to the State legislature in that State and get tougher laws and more enforcement, beef up our resources. Those children in those areas deserve more protection, not less protection.

So while I understand the motives and would like to work with the gentlewoman in the future to look at some of these issues, I do not believe this amendment gets to that point.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. GREEN of Wisconsin. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding, and I thank him very much for his statement. I think the victory that I have had today is that this amendment is germane and has not been ruled out of order, and that we have gotten a very vigorous debate on it.

It would be my druthers, in light of the tragedies that we are facing right now in Houston, and I might imagine that there will be another headline tomorrow or the next day or next month, that we would move this amendment now, but in light of the comments that the gentleman has made, and my other colleagues, I will ask unanimous consent to withdraw this amendment so we can craft legislation that I hope would get expedited attention in the Committee on the Judiciary, and be able to join some of the other legislative initiatives that focus specifically on dealing with child sex molesters, keeping in mind the constitutional protections that need to be addressed as it relates to freedom of movement and freedom of association.

But I think this is an outrageous and heinous finding, 25 of them in one community. I ask the gentleman's assistance in helping me with this legislation.

Mr. GREEN of Wisconsin. Mr. Chairman, I would be happy to work with the gentlewoman, not being the chair of the committee or subcommittee, but I would be happy to. I think she points to an important problem.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

□ 1200

AMENDMENT OFFERED BY MR. CONYERS

The CHAIRMAN pro tempore (Mr. OSE). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. CONYERS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 259, noes 161, not voting 14, as follows:

[Roll No. 63]

AYES—259

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Cannon
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doyle
Dreier
Dunn
Ehlers
Emerson
Engel
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gallegly
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Harman
Hart
Hastings (FL)
Hill
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hoyer
Hulshof
Inslee
Isakson
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kildee
Kind (WI)
Kirk
Kleczka
Kolbe
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Pickering
Platts
Pomeroy
Portman
Price (NC)
Radanovich
Rahall
Rangel
Rehberg
Reyes
Rivers
Rodriguez
Roemer
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Schiff
Scott
Sensenbrenner
Serrano
Shays
Sherman
Shows
Simmons
Skelton
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stenholm
Strickland
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Walden
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wilson (NM)
Woolsey
Wu
Wynn

NOES—161

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Cantor
Castle
Chabot
Chambliss
Collins
Combest
Cooksey
Costello
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
DeLay
DeMint
Doolittle
Duncan
Edwards
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goss
Graves
Grucci
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hostettler
Houghton
Hunter
Hyde
Issa
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Keller
Kennedy (MN)
Kerns
King (NY)
Kingston
Knollenberg
LaHood
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Myrick
Nethercutt
Ney
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Phelps
Pitts
Pombo
Pryce (OH)
Putnam
Quinn
Ramstad
Regula
Reynolds
Riley
Rogers (KY)
Roukema
Royce
Ryun (KS)
Saxton
Schrock
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Stearns
Stump
Sullivan
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Vitter
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Barrett
Bilirakis
Blagojevich
Davis (IL)
Ehrlich
Eshoo
Hinojosa
Kilpatrick
Mascara
Rush
Slaughter
Solis
Towns
Traficant

□ 1225

Messrs. PENCE, PHELPS and SHUSTER changed their vote from "aye" to "no."

Messrs. MCCRERY, JOHNSON of Illinois, SHAYS, DREIER, BOYD, PORTMAN, MURTHA, GUTKNECHT, HOEKSTRA, BURTON of Indiana, GALLEGLY, HILLEARY, HULSHOF, Ms. HARMAN, Messrs. HOBSON, PETRI, MORAN of Kansas, SCHAFFER, GRAHAM, Mrs. EMERSON, Messrs. GREENWOOD, WELDON of Pennsylvania, Mrs. KELLY, Messrs. CRANE, UPTON, GANSKE and SIMMONS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. SOLIS. Mr. Chairman, during rollcall vote No. 63 on an amendment to H.R. 2146 to provide for a study of the impact of the legislation I was unavoidably detained. Had I been present, I would have voted "yea."

Stated against:

Mr. BILIRAKIS. Mr. Chairman, I was unavoidably detained in committee and therefore unable to cast my vote on rollcall No. 63. Had I been present, I would have voted "no" on the amendment.

The CHAIRMAN pro tempore (Mr. OSE).

The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mrs.

EMERSON) having assumed the chair, Mr. OSE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2146) to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children, pursuant to House Resolution 366, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 382, nays 34, not voting 18, as follows:

[Roll No. 64]

YEAS—382

Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Moore
Moran (KS)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—34

Abercrombie
Berman
Clayton
Clyburn
Conyers
Coyne
DeGette
Farr
Filner
Hastings (FL)
Hilliard
Hinchey
Honda
Jones (OH)
Lee
Lewis (GA)
McDermott
McKinney
Meek (FL)
Miller, George
Mink
Mollohan
Moran (VA)
Nadler
Oberstar
Olver
Payne
Rangel
Sabo
Scott
Stark
Udall (NM)
Waters
Watt (NC)

NOT VOTING—18

Barrett
Blagojevich
Davis (IL)
Eshoo
Ford
Gilman
Hinojosa
Istook
Kilpatrick
Mascara
Roukema
Rush
Slaughter
Solis
Towns
Traficant
Udall (CO)
Visclosky

□ 1244

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ISTOOK. Madam Speaker, on rollcall No. 64, I was detained due to chairing a hearing regarding the White House and its budget. Had I been present, I would have voted "yea."

Mr. UDALL of Colorado. Madam Speaker, on rollcall 64, H.R. 2146, the Two Strikes and You're Out Child Protection Act, I was delayed on official business on the other side of the Capitol. Had I been present, I would have voted "yea."

Mr. FORD. Madam Speaker, on H.R. 2146, rollcall 64, I was on the floor but apparently missed the vote, the Two Strikes and You're Out Child Protection Act.

I would have voted in favor of the legislation, had I not been in the cloakroom and slightly confused about the second vote being called.

Stated against:

Ms. SOLIS. Madam Speaker, during rollcall vote No. 64 on final passage of H.R. 2146 I was unavoidably detained. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, had I been present, I would have voted "aye" on the Conyers amendment (rollcall No. 63) to H.R. 2146, the "Two Strikes and You're Out" Child Protection Act and "nay" on final passage of H.R. 2146, the "Two Strikes and You're Out" Child Protection Act (rollcall No. 64).

GENERAL LEAVE

Mr. GREEN of Wisconsin. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR BUDGET RESOLUTION

(Mr. DREIER asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Madam Speaker, the Committee on Rules is planning to meet the week of March 18 to grant a rule which will limit the amendment process for floor consideration of the concurrent resolution on the budget for fiscal year 2003. The Committee on the Budget ordered the budget resolution reported on March 13 and is expected to file its committee report late tomorrow.

Any Member wishing to offer an amendment should submit 55 copies and a brief explanation of the amendment to the Committee on Rules in room H-312 of the Capitol by 2 p.m. on Tuesday, March 19. The text of the concurrent resolution will be available at the Committee on the Budget and on that committee's Web site.

As in past years, the Committee on Rules intends to give priority to amendments offered as complete substitutes.

Members should also use the Office of Legislative Counsel and the Congressional Budget Office to ensure that their substitute amendments are properly drafted and scored and should check with the Office of the Parliamentarian to be certain that their substitute amendments comply with the rules of the House.

□ 1245

LEGISLATIVE PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Madam Speaker, I take this time for the purpose of inquiring about the schedule for next week.

I yield to the distinguished majority leader.

Mr. ARMEY. Madam Speaker, I thank the gentlewoman from California for yielding.

Madam Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet for legislative business on Tuesday, March 19, at 12:30 p.m. for morning hour and at 2 p.m. for legislative business. The House will consider a number of measures under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

Madam Speaker, I should note that in particular a bill under consideration under suspension next Tuesday is H.R. 2804, the James R. Browning Courthouse Designation Act, and, of course, others as well.

On Tuesday, recorded votes will be postponed until 6:30 p.m.

For Wednesday and Thursday, I have scheduled the Budget Resolution for Fiscal Year 2003, marked up in the Committee on the Budget yesterday. I have also scheduled the Digital Tech Corps Act of 2001, being marked up in the Committee on Government Reform today.

Ms. PELOSI. Madam Speaker, reclaiming my time, could the gentleman be more specific about what day the budget resolution will be considered?

Mr. ARMEY. Madam Speaker, if the gentlewoman will continue to yield, we should expect to consider the budget on Wednesday, and as it turns out now, we should expect to complete the budget, Madam Speaker, by sometime fairly early Wednesday evening.

Ms. PELOSI. Madam Speaker, does the leader expect any legislation dealing with pensions to be brought up on the floor next week?

Mr. ARMEY. Again, I thank the gentlewoman for the inquiry, and if she will continue to yield, we do not anticipate any legislation being available for scheduling next week.

Ms. PELOSI. Madam Speaker, just to clarify what the leader said about the budget resolution, if the work on the budget resolution is concluded early evening Wednesday, will there be any legislative votes on Thursday next week?

Mr. ARMEY. Again, let me thank the gentlewoman for the inquiry.

If the gentlewoman would continue to yield, it would be our anticipation, Madam Speaker, that should we complete our work on the budget Wednesday night, that we would probably complete our work for the week at that point.

Ms. PELOSI. I thank the gentleman for the information, for giving us a specific list of suspensions, in one case in any event.

ADJOURNMENT TO MONDAY, MARCH 18, 2002

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MARCH 19, 2002

Mr. ARMEY. Madam Speaker, I ask unanimous consent that when the House adjourns on Monday, March 18, 2002, it adjourn to meet at 12:30 p.m. on Tuesday, March 19, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Madam Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HONORING IRISH AMERICANS AND ESSAY CONTEST WINNER MICHAEL ANTHONY PECORA BEFORE ST. PATRICK'S DAY

(Mr. FERGUSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FERGUSON. Madam Speaker, I rise today to honor all Irish Americans and to wish everyone an early happy St. Patrick's Day, which we will celebrate this weekend.

I also would like to pay tribute to Mr. Michael Anthony Pecora, the first prize winner in the 2002 Morris County, New Jersey, St. Patrick's Day Essay Contest.

Michael is currently a ninth grade student at Delbarton School in Morristown, New Jersey, a school of which I am a proud alumnus. Entrants in this contest were asked to discuss the contributions that Irish Americans have made to the betterment of our country.

Michael wrote of the ways that Irish Americans have helped to shape our political system, our education system, and our national literature and theater and sports. He spoke of the unique prominence of women in Irish communities, and the accomplishments that many women of Irish heritage have achieved in our country.

Michael eloquently described the persistence of Irish Americans in the face of ethnic and religious prejudice, and to overcome these obstacles and to make lasting and important contributions to American society.

I commend Michael Pecora for his award-winning essay about Irish Americans, and congratulate him on his accomplishment.

Mr. Speaker, I include for the RECORD the essay by Mr. Pecora.

The document referred to is as follows:

THE CONTRIBUTIONS OF IRISH-AMERICANS TO THE DEVELOPMENT OF THE UNITED STATES

(By Mike Pecora)

The many contributions of Irish-Americans to the development of the United States have enriched the true meaning of what an American citizen represents today. Although these accomplishments are numerous and varied, there are spheres of endeavor in which Americans of Irish birth or ancestry have distinguished themselves throughout our country's history. Public service, politics, and governance comprise one domain of

American life in which the Irish, by their overwhelming numbers, clearly left their impact on our national life. As exemplified by the Kennedys of Massachusetts, Irish-Americans have generally come from strong, stable, and large families. But even more remarkably, we find a pattern of increasing upward mobility from one generation to the next. The key variable in this upward march has been education, particularly the education of women. During the twentieth century, the Irish have been at the forefront of the nation's public and parochial educational systems. Indeed, coming into a society dominated by Anglo-Saxon Protestants, the Irish took the lead in the creation of a distinctly American Catholicism. The collective cultural achievements of Irish-Americans, from literature and theater to sports and popular entertainment are legend. Given that some forty million Americans claimed some Irish ancestry in the 1990 census, the collective record of Irish-American achievements does not seem surprising (Meager 1999, p. 280). But to get to where they are today, Irish-American have had to surmount major obstacles, including entrenched ethnic and religious prejudice. By doing so, not only did the Irish successfully assimilate into American society; they had a major part in the making of the "melting pot" itself.

Long before the Great Potato Famine of the late 1840s, substantial numbers of Irish immigrants came to the shores of North America (Griffin 1973, p. v). By the time of the American Revolution, there were an estimated 250,000 individuals of Irish descent living in North America, many of them laboring in the construction of the country's rapidly growing transportation infrastructure (Meager 1999, p. 280). In 1857, Irish nationalists living in the United States formed the Irish Republican Brotherhood, the forerunner of the "Fenian" movement abroad, recruiting former state militia members into their ranks. When the Civil War erupted, the nucleus of Irish regiments had already been organized. During the Civil War, "Ireland provided the largest proportion of foreign born troops in the South and probably ranked equal with Germany as the source of the largest immigrant element in the Union armies" (Blessing 1980, p. 536). The vast majority of Irish-Americans in this conflict served the North, wearing sprigs of green in their caps as they marched into battle (Blessing 1980, p. 536). In the First World War and the Second, units such as the famous "fighting sixty-ninth" extended this legacy of Irish-Americans answering the call to military duty.

In the 1920s, D.W. Brogan noted that the Irish had come to constitute the "governing class" of America (cited in Meager 1999, p. 286). At this time, white Anglo-Saxon Protestants of English and Germanic ethnicity made up the "ruling class" of the United States, but is was the Irish who led the way in public service (notably, in the police and fire departments of the country's developing cities) and in the nation's political life. The 1880s and 1890s witnessed a wave of Irish majors; by 1910, Irish governors, like David Walsh of Massachusetts, Edward Dunne of Illinois, and Alfred E. Smith of New York were elected to the highest posts within their own states. Al Smith's selection as the Democratic Party's nominee for the presidency in 1928 was a milestone for both the Irish and for all Catholic Americans. Smith was defeated in this bid, but some three decades later, John F. Kennedy completed the breakthrough (Vinyard 1997, p. 468). In the 1968 presidential contest, his brother, Robert Kennedy challenged Eugene McCarthy to become the Democratic standard-bearer; only for Kennedy to be assassinated, and McCarthy to be defeated in the primaries. Nevertheless, in that same year, Irish Catholics held both positions of Speaker of the House of Representatives (John McCormack) and majority leader of the Senate (Michael Mansfield).

Given their Catholic faith, it is not surprising that Irish-Americans have generally come from large and stable families; the frequency of divorce among the Irish has been significantly lower than that of other ethnic groups (Blessing 1980, p. 541). But the success of Irish families is even more evident when we consider patterns of generational upward mobility. During the nineteenth century, Irish-born immigrants did not fare well in the industrial capitalist economy of the United States. Indeed, the "famine" Irish of the 1850 and 1860s had a "dismal record of movement up the occupational scale" (Blessing 1980, p. 531). Nevertheless, second- and third-generation Irish-Americans far exceeded the accomplishments of their parents and grandparents. By 1980, with each successive generation of Irish-Americans, we see upward leaps in years of completed schooling, occupational status, and household income (Blessing 1980, p. 542).

One especially important aspect of Irish-American support for education revolves around gender. "Irish families often gave their daughters more education than their sons; accordingly, second-generation Irish women were able to take advantage of opportunities becoming available to females" (Vinyard 1997, p. 466). Irish-American women were heavily over-represented within the ranks of public school teachers during the Progressive Era and thereafter (Vinyard 1997, p. 466). Moreover, Irish nuns and priests have been important leaders in America's parochial school system.

In the mid-nineteenth century, the Irish established themselves as the dominant ethnic group within the American Catholic Church, and have held that status ever since (Vinyard 1997, p. 462). In 1970, for example, over 50 percent of the bishops and 34 percent of the priests of the American Catholic Church reported an Irish background (Blessing 1980, p. 542). Such outstanding individuals as Cardinal William O'Connell of Boston, Cardinal Francis Spellman of New York City, and Spellman's successor, Cardinal John O'Connor, honorably led the Catholic Church through the transition of Vatican II. The Irish, therefore, left an unforgettable imprint upon American Catholicism, creating a model for both national and religious allegiance.

"Immigrants, but more often second- and third-generation Irish, helped to create a new American urban culture that emerged in the late nineteenth and early twentieth centuries" (Meager 1999, p. 288). Irish Americans were highly visible in the theater during this period. Playwrights like Eugene O'Neill, and novelists like James T. Farrell, Edwin O'Connor, and, in the 1920s, F. Scott Fitzgerald, made world-class achievements in American literature. At the same time, the Irish excelled in sports: John L. Sullivan in boxing and such individuals as Connie Mack, John McGraw, and Charles Comiskey help to transform baseball into America's pastime.

It is only been in the second half of the twentieth century that the scope, and depth of Irish contributions to America has been given its full recognition. In January 1897, when the founders of the Irish American Historical Society issued that organization's founding statement, they lamented that their countrymen had received "but scant recognition" from U.S. historians and attributed this neglect to "carelessness, ignorance, indifference or design" (American Irish History Society, in Griffin, 1973, p. 121). Despite their English-language advantage, the Irish were subjected to both ethnic and religious prejudice. This anti-Irish bias unfolded in waves, increasing during the immigration period of the 1840s, the Progressive Era at the turn of the century, and into the 1920s with the revival of the anti-Catholic Ku Klux Klan. As historian Patrick Blessing has put it: "The Irish were the first major immigrant group to threaten the stability of American society. Out of their interaction with the host society, came a more diverse and tolerant America" (Blessing 1980, p. 545). Despite decades of bigotry and repression, the Irish assimilated into the American "melting pot". Indeed, not only did they serve as a model for other immigrant groups, in the process of becoming full-fledged Americans, they altered, enlarged, and enriched the very definition of an "American."

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SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESTRUCTURING THE IMMIGRATION AND NATURALIZATION SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Madam Speaker, I say to the Speaker and to the Members that the ghost of Mohamad Atta has attacked our Nation. Following the real Mohamad Atta and his crash into the World Trade Center, his ghost, like ashes left at Ground Zero, has arisen and entered the public consciousness again.

This time, as everyone knows by now, we learned from the aviation school in Florida that the visa for Mohamad Atta has been approved, 6 months to the day after the real Mohamad Atta crashed into our Twin Towers.

This, of course, is unacceptable, and the President of the United States has said so, and the President immediately took action to start the investigation into the matters that led to this unseemly development in the school in Florida.

But it brings to mind that the President of the United States, as candidate George W. Bush in the Year 2000, noted that his observation of the Immigration and Naturalization Service was such that it could not go on in the structure that was extant at that time, that we must separate the law enforcement segment of INS from that of the process of visas and naturalization and citizenship.

This is a theme which members of the Committee on the Judiciary took to heart, and we have introduced legislation and worked on legislation for bifurcation of the INS so that we can home in on student visas, like the kind that Mohamad Atta abused, so we can home in on those who overstay their visas, like the Mohamad Attas of the world, so that we can keep track of the attendance of students in our country and note the end of their scholarship at a particular institution and then take steps, when necessary, to make sure they leave the country at the expiration of the visas.

All those are problems that are anticipated to be solved when we proceed with the bifurcation, the new structure, of the Immigration and Naturalization Service.

One giant step that we have already taken to get to the bottom of this is that I have instructed our Subcommittee on Immigration and Naturalization to formulate a hearing on this very same subject, and next week, or as soon as possible, we are going to look into how this incident occurred. We are going to determine from the INS internal workings how this large hole in the process appeared, and we are going to take steps to cover that hole forever, probably with a new structure that we anticipate under the legislation that we have in front of us.

The important thing to recognize here is that we know, and we knew before September 11, and so did Candidate Bush know in the Year 2000, that we must do something about the INS. It had grown, in agonizing detail, uncomfortable in so many respects, not only to the people who are subject to its process, who had to wait such long periods of time for validation of their particular applications, but also on the question of border control and the large question of illegal aliens and how many of them should be deported on the spot. All these are problems that we anticipate will be alleviated, if not removed entirely, by the new structure that we envision.

Now, to his credit, the President, together with the Attorney General, has made some movements internally to do exactly that, but it is not enough to guarantee that this restructuring will take place. It will take a statute, and I encourage all Members, Democrat and Republican, to join in cosponsoring our legislation to bring about this great idea of restructuring the INS.

What we are pronouncing here today, Madam Speaker, is the death of the Immigration and Naturalization Service as we know it. For whom the bell tolls? It tolls for the INS.

The new structure will meet these problems head on and accord the American public a new sense of security at the borders and deal with the problem of the internal machinations of the student visas and other visas. We aim to tighten up the process so that we can guarantee the security of the American people.

THE FAIR FEDERAL COMPENSATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Madam Speaker, on Monday I introduced the Fair Federal Compensation Act. The mayor of the city and the City Council chair stood with me as I put this act forward.

Madam Speaker, the act is aimed at dealing with an impending crisis that I think the Congress would want to take hold of before it happens, particularly since the District has just come out of a financial crisis, the worst in 100 years, and this one is not of the District's own making. This is a crisis the District cannot tax its way out of, cannot grow its way out of, because of restrictions placed on the city by the Federal Government.

I speak of a structural financial imbalance that comes from the requirement of the Federal Government that the taxpayers of the District of Columbia pay for services rendered to the Federal Government and to Federal employees without any reimbursement for those services. Because almost 1 million people come in every day, and only 600,000 people live here, it has become impossible to do that, and over time, a new crisis will break out unless we get hold of it now.

I think I have a win-win way to deal with that crisis through an infrastructure fund that would benefit the entire region, not only the residents of the District of Columbia. It would reduce this dangerous financial burden imposed on the city without imposing taxes on the American people or on commuters. It would simply involve a transfer of 2 percent of the taxes that commuters, almost all of them Federal employees, already pay to the Federal Government.

As a way to calculate the cost of the services, there has to be a limit on how much money the Federal Government is going to transfer, we say this money is for the cost of the services provided Federal employees, so you take 2 percent of the taxes they already pay.

There is no cost to the commuters. I have never introduced a commuter tax. There is no cost to the American people, because there is no increase in taxes.

The amount is infinitesimal. It is $400 million a year, about that amount, going up only gradually as commuters' salaries go up. That does not even register in the Federal budget because it is so small.

□ 1300

And it is about a third of the money that we think the taxpayers of the District of Columbia put out in order to deal with Federal employees, Federal services, and the Federal presence.

No city in the United States has to carry this built-in, mandatory financial imbalance. If we were in another city, there is some State aid that helps the city to handle it; or sometimes there is a commuter tax or a wage tax of some kind to help the city. The District does not have any of that and cannot have any of that. Sometimes people build high because if you keep building up, you can make up for the taxes that are lost. The District cannot do that. There is a height limit on how high we can build. The Federal Government takes 42 percent of the land for its own purposes. So we are trying to find a way to deal with this crisis before it gets out of control and without imposing any additional burdens.

This method, this simple transfer, based on the taxes commuters already pay, gives us a reasonably accurate calculation of the services used by Federal employees. It is a predictable amount, which allows the District to do the necessary budget forecasting. It costs commuters nothing, it costs the American people nothing extra, and it is tied to commuters' salaries, so it goes up very modestly, and you do not have to come to the Congress every year to get it appropriated, because it takes place simply as a part of a simple transaction, tax transaction.

We think that when we have done what the District has done, which is to pull itself out of the worst financial crisis in 100 years; when we are in the middle of a recession and yet the District still has a surplus because it has been so prudent; in other words, we have our operating budget under control, we think it is fair to come to the Federal Government and say we have another kind of deficit; it is a structural deficit. It has nothing to do with our operating deficit. Trust us, we are never going to let the operating problems get out of control. It has nothing to do with the operating budget. But we do have this problem which is entirely of your making, you the Federal Government, because the Federal Government has not thought about this problem and certainly the Congress has not.

We introduced this bill, the Mayor and the city council Chair stood with me, indicating the importance of the bill to the city. I appreciate that regional members have seemed open. They have not embraced the bill yet, but they say that it certainly does not hurt their own constituents in the region and it will not hurt the American people. I ask for my colleagues' study of this bill and ultimate approval.

A SPECIAL TRIBUTE TO THE GIRL SCOUTS OF THE USA ON THEIR 90TH ANNIVERSARY

The SPEAKER pro tempore (Mrs. EMERSON). Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Madam Speaker, I rise to pay special tribute to the Girl Scouts on their 90th anniversary this week. I pay special respect to constituents of my State, my State of Washington, who visited me this week in my office, Avis DeRuyter, Lindy Cator, Kathleen Houston, Grace Chien, and Golden Award winner Katie Grimes, for their work in bolstering the young women of the Fifth Congressional District in eastern Washington through the Girl Scouts organization.

We had a very good discussion. They told me how much they are doing to reach girls from all walks of life to be part of the Girl Scout organization, and they have had great success.

The Girl Scouts have a marvelous history. Ninety years ago, Juliette Gordon Low founded the first Girl Scout troop. She pictured an organization that would bring girls out of their sheltered home environments to serve in their communities and experience the open air. Within months, girl members were hiking through the woods in their knee-length blue uniforms, playing basketball in a curtained-off court, and going on camping trips. Fifty-two years ago this week, Girl Scouts of the USA was chartered by the United States Congress. The Girl Scouts have come a long way in 90 years.

They started with just 18 members and a marvelous dream. Today, more than 50 million American women enjoyed Girl Scouting during their childhood. Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls where, in an accepting and nurturing environment, girls build character and skills for success in the real world.

In partnership with committed adult volunteers, the Girl Scouts cultivate their full individual potential. The qualities they develop in Girl Scouting, leadership, values, social conscience, and conviction about their own self-worth serve them all of their lives. Today, there are nearly 3.7 million Girl Scouts, 2.8 million members, girl members, and 942,000 adult members, almost all volunteers.

Therefore, it is important that we honor the Girl Scouts for their 90 years of work in developing qualities in young women today so that they may serve as future leaders tomorrow.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MASCARA (at the request of Mr. GEPHARDT) for today on account of a family illness.

Mr. RUSH (at the request of Mr. GEPHARDT) for today on account of family business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of Colorado) to revise and extend their remarks and include extraneous material:)

Mr. HOYER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mr. MEEKS of New York, for 5 minutes, today.

Mrs. THURMAN, for 5 minutes, today.

(The following Members (at the request of Mr. NETHERCUTT) to revise and extend their remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

Mr. GEKAS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

ADJOURNMENT

Mr. NETHERCUTT. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 5 minutes p.m.) under its previous order, the House adjourned until Monday, March 18, 2002, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5889. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV02-932-1 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5890. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—West Indian Fruit Fly [Docket No. 00-110-4] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5891. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Fresh Prunes Grown in Designated Counties in Washington and Umatilla County, OR; Decreased Assessment Rate [Docket No. FV01-924-1 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5892. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Elimination of Requirements for Partial Quality Control Programs; Certification of Scales [Docket No. 97-001TF] (RIN: 0583-AC35) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5893. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 01-092-2] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5894. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. FV01-966-2 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5895. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Decreased Assessment Rate [Docket No. FV01-905-3 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5896. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Quarantined Areas [Docket No. 01-079-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5897. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Asian Longhorned Beetle; Addition to Quarantined Areas [Docket No. 01-092-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5898. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Greece Because of BSE [Docket No. 01-065-2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5899. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—National Poultry Improvement Plan and Auxilliary Provisions [Docket No. 00–075–2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5900. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Steam Treatment of Golden Nematode-Infested Farm Equipment, Construction Equipment, and Containers [Docket No. 01–050–1] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5901. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Black Stem Rust; Identification Requirements and Addition of Rust Resistant Varieties [Docket No. 97–053–3] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5902. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of Japan Because of BSE [Docket No. 01–094–2] received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5903. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—2, 4–D; Time-Limited Pesticide Tolerance [OPP–301219; FRL–6827–1] (RIN: 2070–AB78) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5904. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Compliance Alternatives for Provision of Uncompensated Services (RIN: 0906–AA52) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5905. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plans; Indiana [IN139–1a; FRL–7155–3] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5906. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; Control of Gasoline Volatility [ME065–7014a; A–1–FRL–7152–1] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5907. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of the Clean Air Act Section 111 and 112 Delegation of Authority Updates to the Washington State Department of Ecology, Benton Clean Air Authority, Northwest Air Pollution Authority, Puget Sound Clean Air Agency, and Spokane County Air Pollution Control Authority [FRL–7153–2] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5908. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Acquisition Regulation: Administrative Changes and Technical Amendments [FRL–7155–7] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5909. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture; Extensions of Filing Dates for Certain Confidential Financial Disclosure Report Filers (RIN: 3209–AA00) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5910. A letter from the Regulations Coordinator, Department of Health and Human Resources, transmitting the Department's final rule—Ricky Ray Hemophilia Relief Fund Program (RIN: 0906–AA56) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

5911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Youngstown, OH [Airspace Docket No. 00–AGL–24] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Cleveland, OH; modification of class E Airspace; Medina, OH; and revocation of Class E Airspace; Elyria, OH [Airspace Docket No. 00–AGL–23] received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5913. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Medicare and Medicaid Programs; Emergency Recertification for Coverage for Organ Procurement Organizations (OPOs) [CMS–3064–IFC] (RIN: 0938–AK81) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

The Committees on Transportation and Infrastructure and Education and the Workforce discharged from further consideration. H.R. 3208 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. SMITH of Michigan:

H.R. 3965. A bill to authorize the establishment of a Center for Plant Disease Control in the Department of Agriculture; to the Committee on Agriculture.

By Ms. RIVERS (for herself and Mr. WELDON of Florida):

H.R. 3966. A bill to direct the Director of the Office of Science and Technology Policy to conduct a study of the impact of Federal policies on the innovation process for genomic technologies, and for other purposes; to the Committee on Science, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. RIVERS (for herself and Mr. WELDON of Florida):

H.R. 3967. A bill to amend title 35, United States Code, to provide for noninfringing uses of patents on genetic sequence information for purposes of research and genetic diagnostic testing, and to require public disclosure of such information in certain patent applications; to the Committee on the Judiciary.

By Mr. GILMAN:

H.R. 3968. A bill to provide Capitol-flown flags to the immediate family of fire fighters, law enforcement officers, emergency medical technicians, and other rescue workers who are killed in the line of duty; to the Committee on House Administration.

By Mr. HYDE:

H.R. 3969. A bill to enhance United States public diplomacy, to reorganize United States international broadcasting, and for other purposes; to the Committee on International Relations.

By Mr. DINGELL (for himself, Mr. TOWNS, Mr. MARKEY, Ms. DEGETTE, Mr. BARRETT, and Mr. ENGEL):

H.R. 3970. A bill to improve the setting of accounting standards by the Financial Accounting Standards Board, to provide sound and uniform accounting and financial reporting for public utilities, to clarify the responsibility of issuers for the transparency and honesty of their financial statements and reports, and to enhance the governance of the accounting profession; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. SMITH of Washington, Mr. NETHERCUTT, Ms. DUNN, Mr. INSLEE, Mr. DICKS, and Mr. LARSEN of Washington):

H.R. 3971. A bill to provide for an independent investigation of Forest Service firefighter deaths that are caused by wildfire entrapment or burnover; to the Committee on Agriculture.

By Mr. JONES of North Carolina:

H.R. 3972. A bill to amend title 10, United States Code, to index for inflation the amount of the death gratuity paid upon the death of a member of the Armed Forces on active duty; to the Committee on Armed Services.

By Mr. JONES of North Carolina (for himself and Mr. GUTKNECHT):

H.R. 3973. A bill to amend the Internal Revenue Code of 1986 to restore the tax exempt status of death gratuity payments to members of the uniformed services; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself and Mr. WATTS of Oklahoma):

H.R. 3974. A bill to increase the expertise and capacity of community-based organizations involved in economic development activities and key community development programs; to the Committee on Financial Services.

By Mr. LEACH (for himself and Ms. LEE):

H.R. 3975. A bill to provide for acceptance of the Fourth Amendment to the Articles of Agreement of the International Monetary Fund, to provide for the Special Drawing Rights allocated to the United States pursuant to the amendment to be contributed to the Global Fund to Fight AIDS, Tuberculosis and Malaria, and to require the Secretary of the Treasury to seek negotiations for the purpose of inducing the other member countries of the International Monetary Fund to make similar contributions to that Global Fund, and for other purposes; to the Committee on Financial Services.

By Mr. McDERMOTT (for himself and Mr. Stark):

H.R. 3976. A bill to amend title XVIII of the Social Security Act to provide for a direct Medicare supplemental insurance option; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 3977. A bill to authorize the Secretary of the Interior to provide a grant to the State of New Jersey for the construction of a memorial to the New Jersey victims of the terrorist attacks of September 11, 2001; to the Committee on Resources.

By Mr. MENENDEZ:

H.R. 3978. A bill to provide compensation and income tax relief for the individuals who were victims of the terrorist-related bombing of the World Trade Center in 1993 on the same basis as compensation and income tax relief is provided to victims of the terrorist-related aircraft crashes on September 11, 2001; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS (for himself and Mr. Kirk):

H.R. 3979. A bill to provide for the extension of nondiscriminatory treatment (normal trade relations treatment) to the products of the Republic of Uzbekistan; to the Committee on Ways and Means.

By Mr. ROTHMAN (for himself, Mr. Hastings of Florida, Mr. Towns, Mr. Serrano, Mr. Baldacci, Mr. Frost, and Mr. Rangel):

H.R. 3980. A bill to provide for a circulating commemorative coin to commemorate the events of September 11, 2001; to the Committee on Financial Services.

By Mr. TOOMEY:

H.R. 3981. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TRAFICANT:

H.R. 3982. A bill to apply recently imposed tariffs on steel imports towards assistance for displaced steel workers and retirees; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KERNS:

H. Con. Res. 350. Concurrent resolution expressing the sense of Congress that amnesty should not be granted to individuals who are in the United States, or its territories, illegally; to the Committee on the Judiciary.

By Ms. McCOLLUM:

H. Con. Res. 351. Concurrent resolution expressing the sense of Congress that the United States should condemn the practice of execution by stoning as a gross violation of human rights, and for other purposes; to the Committee on International Relations.

By Mr. POMBO (for himself, Mr. Stupak, Mr. Otter, Mrs. Davis of California, Mr. Kildee, Mr. Schaffer, Mr. McInnis, Mr. Simpson, and Mr. Stump):

H. Con. Res. 352. Concurrent resolution expressing the sense of Congress that Federal land management agencies should fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" to reduce the overabundance of forest fuels that place national resources at high risk of catastrophic wildfire, and prepare a National Prescribed Fire Strategy that minimizes risks of escape; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Mr. Rangel):

H. Res. 370. A resolution recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations; to the Committee on the Judiciary.

ADDITIONAL SPONSORS TO PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 257: Mr. Calvert, Mr. McIntyre, and Mr. Bishop.

H.R. 292: Mr. Walsh, Ms. Lofgren, Mr. Watt of North Carolina, and Ms. Jackson-Lee of Texas.

H.R. 425: Mr. Baldacci.

H.R. 516: Mr. Blunt.

H.R. 572: Mr. Mascara.

H.R. 638: Mrs. Jones of Ohio and Mr. Wu.

H.R. 690: Mrs. Jones of Ohio.

H.R. 745: Ms. Slaughter.

H.R. 764: Mr. Kildee.

H.R. 902: Ms. Pryce of Ohio, Mr. Aderholt, Mr. Israel, and Ms. DeLauro.

H.R. 950: Mr. Barcia.

H.R. 1021: Mr. Foley.

H.R. 1109: Mr. Watts of Oklahoma and Mr. Calvert.

H.R. 1136: Mr. Borski.

H.R. 1517: Mr. Bentsen.

H.R. 1522: Mr. Peterson of Minnesota and Ms. McKinney.

H.R. 1535: Mr. Andrews.

H.R. 1626: Mrs. Jo Ann Davis of Virginia.

H.R. 1779: Mr. Kingston and Mr. Baldacci.

H.R. 1842: Mr. Oliver.

H.R. 1943: Mr. Hastings of Florida, Mr. Farr of California, and Mr. McGovern.

H.R. 1987: Mr. Tom Davis of Virginia and Mr. Bishop.

H.R. 2301: Mr. Ose.

H.R. 2406: Mr. Tierney.

H.R. 2483: Mr. Leach.

H.R. 2629: Mr. Baldacci, Mr. Wynn, and Mr. Bartlett of Maryland.

H.R. 2735: Mr. DeFazio and Ms. Eshoo.

H.R. 2763: Mr. Wilson of South Carolina, Mr. Everett, and Mr. Kerns.

H.R. 2765: Mr. Peterson of Minnesota.

H.R. 2874: Mr. Serrano.

H.R. 2937: Ms. Berkley.

H.R. 3068: Mr. Gary G. Miller of California.

H.R. 3094: Mr. Walsh.

H.R. 3113: Mr. Pastor.

H.R. 3192: Mr. Foley.

H.R. 3321: Mr. Pallone and Mr. Neal of Massachusetts.

H.R. 3332: Mr. Brown of Ohio, Mr. LaTourette, Mr. Sessions, Mr. Knollenberg, and Mr. Sandlin.

H.R. 3337: Mr. Allen.

H.R. 3414: Mr. Sawyer.

H.R. 3450: Mr. Fletcher and Mr. Diaz-Balart.

H.R. 3473: Mr. Larsen of Washington.

H.R. 3609: Mr. Nethercutt, Mr. Barcia, Mr. English, Mr. Radanovich, Mr. Combest, Mr. Quinn, Mr. Stenholm, Mr. Moran of Kansas, Mr. Norwood, Mr. Culberson, Mr. Blunt, Mr. Pombo, and Mr. Duncan.

H.R. 3661: Mr. Moore.

H.R. 3678: Mr. Bartlett of Maryland.

H.R. 3690: Mr. Frank, Mrs. Jones of Ohio, Mr. Berman, Mr. Honda, Mr. Underwood, and Ms. Lofgren.

H.R. 3705: Mr. Doolittle, Mr. Schaffer, Mr. Calvert, Mr. Thornberry, Mr. Herger, Mr. Radanovich, Mr. Simpson, Mr. Linder, and Mr. Stump.

H.R. 3706: Mr. Doolittle, Mr. Schaffer, Mr. Calvert, Mr. Thornberry, Mr. Herger, Mr. Radanovich, Mr. Simpson, and Mr. Stump.

H.R. 3707: Mr. Doolittle, Mr. Schaffer, Mr. Calvert, Mr. Thornberry, Mr. Herger, Mr. Radanovich, and Mr. Stump.

H.R. 3733: Ms. Slaughter.

H.R. 3770: Mr. Brady of Pennslvania, Mr. Blunt, Mr. Foley, and Mr. Becerra.

H.R. 3771: Mr. Underwood, Mr. Cunningham, and Ms. McKinney.

H.R. 3784: Mr. Wilson of South Carolina, Mr. LaFalce, Mrs. Davis of California, Mr. Osborne, Mr. Burr of North Carolina, Mr. Watts of Oklahoma, Mr. Simmons, Mr. Gibbons, Mr. Berman, Mr. Souder, Mr. Duncan, Ms. McCarthy of Missouri, Mr. Filner, Mr. Brady of Pennsylvania, Ms. Baldwin, Mr. Baldacci, Mr. Strickland, Mr. Schiff, and Mr. Gordon.

H.R. 3794: Mrs. Kelly, Ms. Norton, Mr. Engel, Mr. Nadler, Ms. McKinney, and Mr. Rothman.

H.R. 3805: Mr. Cantor.

H.R. 3842: Mr. McIntyre and Mr. Pallone.

H.R. 3857: Mr. Houghton and Mr. Watkins.

H.J. Res. 40: Mr. Hall of Ohio and Mr. Kleczka.

H. Con. Res. 315: Mr. Jeff Miller of Florida.

DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 6. March 13, 2002, by Mr. STEVE ISRAEL on House Resolution 352, was signed by the following Members: Steve Israel, Rosa L. DeLauro, Martin Frost, Max Sandlin, Ciro D. Rodriguez, Nancy Pelosi, Jim McDermott, Charles A. Gonzalez, Cynthia A. McKinney, Jesse L. Jackson, Jr., Michael R. McNulty, Alcee L. Hastings, James R. Langevin, Thomas H. Allen, Robert Wexler, Calvin M. Dooley, Bob Clement, Dennis Moore, Robert A. Borski, Rush D. Holt, Lois Capps, James P. Moran, Diana DeGette, Karen McCarthy, Eva M. Clayton, Betty McCollum, Robert A. Brady, Joseph M. Hoeffel, Jane Harman, Wm. Lacy Clay, Barbara Lee, Carolyn McCarthy, Elijah E. Cummings, Albert Russell Wynn, John B. Larson, Hilda L. Solis, John Elias Baldacci, Neil Abercrombie, Michael M. Honda, Tom Udall, Mike Ross, Leonard L. Boswell, Shelley Berkley, Juanita Millender-McDonald, Adam B. Schiff, Grace F.

Napolitano, Xavier Becerra, Gregory W. Meeks, Bill Pascrell, Jr., David D. Phelps, Joe Baca, Lynn N. Rivers, Diane E. Watson, Michael E. Capuano, Lloyd Doggett, Fortney Pete Stark, William D. Delahunt, Carrie P. Meek, Sheila Jackson-Lee, Gary L. Ackerman, Stephen F. Lynch, Lynn C. Woolsey, John Conyers, Jr., Peter A. DeFazio, Mark Udall, Susan A. Davis, Nick Lampson, José E. Serrano, Nita M. Lowey, Louise McIntosh Slaughter, John F. Tierney, Stephanie Tubbs Jones, Tammy Baldwin, Mike McIntyre, Ted Strickland, Bob Etheridge, Nydia M. Velázquez, Patsy T. Mink, Bobby L. Rush, Tom Lantos, George Miller, Robert E. Andrews, Donald M. Payne, Major R. Owens, Eddie Bernice Johnson, Barney Frank, Carolyn C. Kilpatrick, James E. Clyburn, John W. Olver, Bennie G. Thompson, Gene Green, Jim Turner, Patrick J. Kennedy, Janice D. Schakowsky, Jay Inslee, Dennis J. Kucinich, Ed Pastor, Martin Olav Sabo, James H. Maloney, Zoe Lofgren, David E. Bonior, Jerrold Nadler, Bart Gordon, Earl F. Hilliard, Dale E. Kildee, Anthony D. Weiner, Chaka Fattah, Karen L. Thurman, Frank Pallone, Jr., Darlene Hooley, Ken Lucas, Tim Holden, Martin T. Meehan, Robert T. Matsui, Tom Sawyer, Brad Sherman, Maurice D. Hinchey, William J. Coyne, Earl Blumenauer, Sherrod Brown, Jerry F. Costello, William O. Lipinski, Brian Baird, Lane Evans, David R. Obey, Harold E. Ford, Jr., Henry A. Waxman, Solomon P. Ortiz, James A. Barcia, Lucille Roybal-Allard, John Lewis, Howard L. Berman, Rick Larsen, Silvestre Reyes, Bill Luther, Carolyn B. Maloney, Sanford D. Bishop, Jr., James P. McGovern, Bob Filner, Mike Thompson, John J. LaFalce, Ellen O. Tauscher, David E. Price, Maxine Waters, Steny H. Hoyer, Marcy Kaptur, Brad Carson, Chet Edwards, Charles B. Rangel, Loretta Sanchez, Bernard Sanders, David Wu, Sam Farr, Frank Mascara, Joseph Crowley, Bart Stupak, John M. Spratt, Jr., Steven R. Rothman, Edward J. Markey, Ike Skelton, Benjamin L. Cardin, Eliot L. Engel, Richard A. Gephardt, John D. Dingell, Sander M. Levin, Corrine Brown, Melvin L. Watt, Gary A. Condit, Robert Menendez, Peter Deutsch, Norman D. Dicks, Vic Snyder, Luis V. Gutierrez, Julia Carson, Tony P. Hall, James L. Oberstar, and Ron Kind.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4, by Mr. RANDY "DUKE" CUNNINGHAM, on House Resolution 271: Ted Strickland, Tim Holden, and Harold E. Ford, Jr.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 2146

OFFERED BY: MR. CONYERS

AMENDMENT NO. 1: Page 4, after line 7, insert the following:

SEC. 3. STUDY OF IMPACT OF LEGISLATION.

(a) In each case in which a life sentence is imposed under section 3559(e), the judge shall make and transmit to the Administrative Office of the United States Courts findings with regard to each of the following:

(1) The applicable range under the Federal Sentencing Guidelines if the statutory minimum life sentence had not applied.

(2) The sentence that the court would have imposed on the defendant if the statutory minimum life sentence had not applied, in light of the nature and circumstances of the offense, the history and characteristics of the defendant, and the other factors set forth in section 3553(a).

(3) The race, gender, age, and ethnicity of the victim and defendant.

(4) The reason for the Government's decision to prosecute this defendant in Federal court instead of deferring to prosecution in State or tribal court, and the criteria used by the Government to make that decision in this and other cases.

(5) The projected cost to the Federal Government of the life sentence, taking into account capital and operating costs associated with imprisonment.

(b) To assist the court to make the findings required in subsections (a)(4) and (a)(5), the Government attorney shall state on the record such information as the court deems necessary to make such findings, including cost data provided by the Bureau of Prisons. In making the required findings, the court shall not be bound by the information provided by the Government attorney.

(c) The Administrative Office of the United States Courts shall annually compile and report the findings made under subsection (a) to the Congress.

Redesignate succeeding sections accordingly.

H.R. 2146

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 2: Add at the end the following new section:

SEC. . PROHIBITION OF FEDERAL EXPENDITURES.

No federal funds shall be expended for this Act if there are more than five convicted sex offenders within any given ZIP code.

H.R. 2146

OFFERED BY: MR. SCOTT

AMENDMENT NO. 3: Page 2, beginning in line 22, strike "2243(a) (relating to sexual abuse of a minor)".

Page 4, after line 7 insert the following:

SEC. 3. LIFE IMPRISONMENT MAXIMUM FOR CERTAIN REPEAT SEX OFFENDERS AGAINST CHILDREN.

Section 2243(a) of title 18, United States Code, is amended by striking the final period and inserting ", but if the defendant has a prior sex conviction (as defined in section 3559(e)) in which a minor was a victim, the court may sentence that defendant to imprisonment for any term of years or for life.".

Redesignate succeeding sections accordingly.

H.R. 2146

OFFERED BY: MR. SCOTT

AMENDMENT NO. 4: Page 4, after line 11, insert the following:

SEC. 4. SPECIAL PROVISION FOR INDIAN COUNTRY.

Section 3559(c)(6) of title 18, United States Code, is amended by inserting "or subsection (e)" after "this subsection" each place it occurs.

SENATE—*Thursday, March 14, 2002*

The Senate met at 9:30 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Bless the Lord, O my soul; and all that is within me, bless His holy name! Bless the Lord, O my soul, and forget not all His benefits.—Psalm 103:1.

Let us pray:

Gracious Father, source of all the blessings of life, You have made us rich spiritually. We realize that You have placed in our spiritual bank account abundant deposits for the work of this day. You assure us of Your everlasting, loving kindness. You give us the gift of faith to trust You for exactly what we will need each hour of this busy day ahead. You promise to go before us, preparing people and circumstances so we can accomplish our work without stress or strain. You guide us when we ask You to help us. You give us gifts of wisdom, discernment, knowledge of Your will, prophetic speech, and hopeful vision. Help us to draw on the constantly replenished spiritual reserves You provide. Bless the Senators this day with great trust in You, great blessings from You, and great effectiveness for You. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 14, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, this morning the Senate will resume consideration of the energy reform bill. The first amendment will be offered by the Senator from Wyoming, Mr. THOMAS. It is believed that will take several hours this morning. We hope and intend to have a vote before 12:30 today on that amendment one way or the other.

After we complete work on the Thomas amendment, it has been contemplated by the two managers that we will go to a series of amendments dealing with renewability. We know Senator JEFFORDS is going to offer an amendment; we know Senator KYL is going to be offering an amendment. We want to complete that this afternoon as soon as we can.

There are a number of other issues. Certainly one of the issues we need to dispose of—we have spoken to Senator MURKOWSKI in this regard—is whatever he intends to do regarding drilling in the ANWR wilderness. He will make a decision as to whether he is going to do that late this afternoon or tomorrow—or Monday, whatever he decides.

MEASURE PLACED ON THE CALENDAR—H.R. 2175

Mr. REID. Madam President, I understand H.R. 2175 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I ask that H.R. 2175 be read a second time, but I also object to any further proceedings.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 2175) to protect infants who are born alive.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917) to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Kerry/McCain amendment No. 2999 (To amendment No. 2917) to provide for increased average fuel economy standards for passenger automobiles and light trucks.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming, Mr. THOMAS, is recognized to offer an amendment.

AMENDMENT NO. 3012 TO AMENDMENT NO. 2917

Mr. THOMAS. Madam President, I send to the desk an amendment.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. THOMAS], for himself and Mr. MURKOWSKI, proposes an amendment numbered 3012.

Mr. THOMAS. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 21, strike line 16 and all that follows through page 23, line 24 and insert the following:

"Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following after section 215 as added by this Act:

"SEC. 216. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—For purposes of this section—

"(1) 'bulk-power system' means the network of interconnected transmission facilities and generating facilities;

"(2) 'electric reliability organization' means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

"(3) 'reliability standard' means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

"(b) JURISDICTION AND APPLICABILITY.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

"(c) CERTIFICATION.—

"(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(2) Following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

"(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

"(B) has established rules that—

"(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

"(ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

"(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations, or other appropriate sanctions); and

"(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

"(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

"(d) RELIABILITY STANDARDS.—

"(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

"(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or modification to a reliability standard, but shall not defer with respect to its effect on competition.

"(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(e) ENFORCEMENT.—

"(1) An electric reliability organization may impose a penalty on a user or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice with the Commission, which shall affirm, set aside or modify the action.

"(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

"(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

"(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

"(f) CHANGES IN ELECTRICITY RELIABILITY ORGANIZATION RULES.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

"(g) COORDINATION WITH CANADA AND MEXICO.—

"(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

"(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

"(h) RELIABILITY REPORTS.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

"(i) SAVINGS PROVISIONS.—

"(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk-power system.

"(2) This section does not provide the electric reliability organization or the Commission with the authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

"(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

"(j) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—To the extent undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

"(A) activities undertaken by an electric reliability organization under this section, and

"(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

"(2) RULE OF REASON.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

"(3) DEFINITION.—For purposes of this subsection, 'antitrust laws' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

"(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each state, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the regional are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

"(l) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii.".

Mr. THOMAS. Madam President, I ask that Senator CRAPO and Senator GORDON SMITH be added as sponsors, please.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. THOMAS. Madam President, we of course are into our energy bill. One of the important components of an energy bill is the electricity section. There are a number of things we have done. Yesterday we did some things on PUHCA and PURPA—had those eliminated. We have done some other things to make it work. The committee chairman and others were gracious enough to accept those.

Today we have some other issues we want to talk about, that are very important. This amendment deals with one of those. It is called reliability.

Of course, there is nothing more important than ensuring our electric transmission grid will continue to be safe and continue to be reliable; that consumers will be able to get the power they need where they need it and when they need it, the lights will go on and stay on. In fact, probably no aspect of our energy program touches more people than does electricity.

The amendment we are offering today does those things. It makes electricity available and puts some reliability into it by establishing a nationwide organization which has the authority to establish and enforce reliability standards.

We have had our reliability standards, we have worked with them, there are organizations, but we have not really been able to cause those things to happen. This amendment takes into account—and this is very important—the regional differences that occur between the West and the East. You can imagine, simply by geography, how different they are.

Under this amendment, the new reliability organization will be run by market participants and will be overseen by FERC. Basically what we are saying is that the States and local people and various interested parties can participate in setting this up and will participate in it, overseen by FERC to make sure it works. The reliability organization will be made up of representatives from everyone who is affected—residential, commercial, industrial consumers, State public utility commissioners, independent power producers, electric utilities, and others.

There is no question we need a new system to safeguard the integrity of our power grid. Both the amendment and the Daschle bill create mandatory and enforceable reliability rules, and they do so in different ways, and that is what we are talking about—the difference. The Daschle bill gives all the authority and responsibility to FERC. FERC is to set the standards, FERC is to enforce the standards. The fact is, FERC is not prepared to do this job, nor do they have the expertise to do it.

The amendment, instead, establishes a participant-run, FERC-overseen electric reliability organization. This is key to this whole amendment and this whole direction. It is a blend of Federal oversight along with industry expertise. It is similar to the bill the Senate passed unanimously in this Congress last year.

Over the years, the grid has been well protected through the voluntary standards established by the North American Electric Reliability Council. NERC's voluntary reliability standards, which are not enforceable currently, have generally been complied with by the electric power industry. But with the opening of wholesale power market to competition, our transmission grid is being used in ways in which it has not been used before and, frankly, was not designed to be used.

This is one of the big changes that has happened. It used to be that a utility that did the distribution in the area produced the power for that area. Now, of course, we have merchant generators. And more and more of that will go, where they sell it outside of their distribution area or, indeed, have no distribution area at all.

New system strains are also being created by the disillusion of vertically integrated utilities and by the emergence of new market structures and participants. Cooperation is being replaced with competition.

The result of these changes has been an increase in the number and severity of violations of NERC's voluntary reliability rules.

On occasion, we have even seen utilities take power from the grid in direct violation of NERC's rules, and they suffer no penalty.

We all agree we need to protect reliability. The question is not whether we protect it. The question is, How do we protect it? That is, of course, what this issue is all about.

Unfortunately, the reliability provisions in the Daschle bill take the wrong approach. The Daschle bill gives FERC the exclusive responsibility for establishing and enforcing reliability standards. This is very technical work that will require a very large commitment of resources.

Unfortunately, FERC does not have either the technical capability or the manpower to take on such a significant new responsibility. FERC's expertise is ratemaking, not in technical standard setting.

Another key problem with the Daschle bill is that it does not recognize regional differences in electrical systems due to the geography, the market design, the economics, and the operational factors. Many fear that FERC does not have the sensitivity to the regional differences that are so critically important, and I suppose you could say particularly in the West, in that the West has moved a little more quickly to this, but the rest of the country will be moving necessarily soon.

Regional differences are best taken into account by those who are closest to the problem and those who understand what needs to be done, and that, unfortunately, is not FERC.

In addition, the Daschle bill simply does not address adequately the needs of the States for a meaningful role in the process of setting and enforcing reliability standards. This is, of course, an issue in lots of things, but it has always been an issue in this electric reregulation business; that is, that the States outside of a State ought to have a great deal of involvement. And particularly when we end up, as inevitably we will, with RTOs and different kinds of distribution systems coming off a main national distribution transmission channel, then the States and the regions need to have that ability to have input.

Under the Daschle bill, the States, as any other interested or affected party, can make their views known to FERC as part of any formal rulemaking, but FERC can disregard those State views, substituting FERC's judgment for that of the States.

So I ask, who is more interested in ensuring reliability than those who would be directly affected? Why would anyone believe that FERC knows better what to do than those who are directly affected? I feel very strongly about that, as I think most of us do.

Far too often we have seen that FERC is more interested in abstract notions of competition instead of concrete issues of price and supply, which is what is really important in this reliability aspect to consumers.

The Daschle bill also fails to account for the international nature of our transmission grid. Canada is already part of a seamless North American grid, and Mexico is also an interconnect.

If reliability is given to FERC, as in the Daschle bill, FERC will be trying to set standards applicable to and affecting transmission in Canada and Mexico, over which FERC has no authority. I fear Canada and Mexico simply will not allow their systems to be regulated directly or indirectly by FERC. After all, of course, they are sovereign nations.

If these two nations withdraw from collaborative efforts, not only will it jeopardize the reliability of the entire North American grid, it will certainly also seriously impair cross-border trade in electricity.

Continued international trade is critical to our supply of power. As we have seen in California, even a minor shortfall of electricity can create significant problems in terms of price spikes and blackouts. In short, we need to have that Canadian component. And they are a voluntary part of this system.

This amendment addresses all of those concerns. In a nutshell, the amendment converts the existing NERC voluntary reliability system into a mandatory reliability system.

The new reliability organization will have enforcement powers, with real teeth to ensure reliability. The amendment provides that mandatory reliability rules will apply to all users of the transmission grid. There are no loopholes. No one will be exempt.

It will be participant run but subject to oversight by FERC in the United States and with the appropriate regulatory authorities in Canada and Mexico.

It will utilize industry's technical expertise to create reliability rules, and everyone will be able to participate. It assures a meaningful role for the States and regional organizations in the development and enforcement of the reliability standards.

There can be appropriate regional variations that recognize that the East is different from the West. It will allow the participation of Canada and Mexico without violating national sovereignty.

The amendment has the backing of the North American Electric Reliability Council; the National Association of Regulatory Utility Commissioners, which represent State public utility commissions, the Western Governors' Association, and the administration.

The need for such a reliability system has been cited in the President's national energy policy. It is one thing that Congress really should do as part of any energy bill. We have the opportunity now to do that.

Both the Daschle bill and the amendment speak to reliability of the transmission system. If you want more Federal command and control by the FERC, and if you do not mind jeopardizing cross-border electric trade with Canada and Mexico, then vote against this amendment. But if you want a realistic and effective reliability program that protects consumers, does not disrupt international trade, and allows for regional differences to be taken into account, then we need to vote for this amendment.

There are a couple letters I would like to read from that we have received. This one is from the North American Electric Reliability Council. It says:

> For more than 30 years, NERC has sought to assure the reliability of the North American bulk transmission system, working with all segments of the industry, consumers and federal and state regulators. Your amendment would put in place a reliability management system that builds upon this proven reliability mechanism, but upgrades it to provide for mandatory and enforceable reliability standards. The Federal Energy Regulatory Commission, FERC, will provide oversight and coordination in the United States, but unlike the existing language in S. 517, your amendment would not have FERC directly promulgating and enforcing reliability rules.

That is from this national group that, by the way, is located in New Jersey.

This one is from APPA's over 2,000 State and locally owned not-for-profit electric utilities:

> [This] amendment would ensure that a broad-based industry self-regulating reliability organization would be vested with the authority to set and enforce reliability standards. This type of organization—the North American Electric Reliability Council—already exists, but legislation is required to give NERC the ability to enforce the standards that industry agrees should be promulgated. . . .
>
> In contrast, [the Daschle bill] would allow the Federal Energy Regulatory Commission to confer enforcement authority to a wide range of organizations—with potential for varied and conflicting enforcement.

We also have a letter from the Canadian Embassy and from the Western Governors' Association.

I think there is a real opportunity, obviously, to deal with reliability. Our choices are whether we want to use what is in place that has been proven or whether we want to shift it to another agency of the Federal Government to make all the decisions at the top level rather than including everyone in it.

Madam President, I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Madam President, I rise to discuss the issue before the Senate and explain my perspective on it and hope that Senators can give their attention, those in their offices, and their staffs. This is a complex issue we are debating, the issue of reliability and how we deal with it.

The underlying energy bill contains provisions that are intended to create a system to ensure that the grid for delivery of electricity is reliable. This is an issue on which, as the Senator from Wyoming indicated, we all agree. Something needs to change in Federal law to ensure that the grid is reliable.

The most recent wake-up call was what happened in California when the lights went out. All of a sudden, everybody starts looking around. Who do we hold accountable? Whose job was it to keep the lights on?

We have an interstate transmission system in this country. It is one which most would acknowledge is not adequate for future demands. For that reason, we are trying to ensure that the proper safeguards and mechanisms are in place to keep this system reliable.

Up until now, the reliability of the transmission system has been up to a private organization. There is no Federal responsibility for it. You could call the head of the Federal Energy Regulatory Commission over and have a hearing in front of the Energy Committee. He could say: You haven't given us that job. You, the Congress, have not given us, the Federal Energy Regulatory Commission, the job of keeping this system reliable. That belongs to NERC, which is the North American Electric Reliability Council. They are the ones responsible.

Everybody, the industry included, realizes that is not adequate for today's demands. We need to have some governmental accountability in addition to the expertise that NERC and other organizations can bring to the system.

The reliability system needs to apply to all users. The rules need to be enforceable. There need to be penalties if you do not comply with the rules. Someone has to be able to slap your wrist and say: Get in line and do what everyone has agreed to do.

Nobody disagrees with the conclusion that FERC should have oversight of the system that contains these requirements. There are differences, however, about how these principles should be implemented.

I believe the provisions in the bill before us, S. 517, take the simplest approach possible. That is what we have tried to do. We give FERC the responsibility. We provide tremendous flexibility for FERC to defer to experts, to defer to regional entities, to defer to private groups to implement the obligation. But when push comes to shove, FERC has the responsibility to be sure this system is reliable so when the lights go out, we have someone to hold accountable.

The Western Governors' Association has proposed an amendment—the Senator from Wyoming has now offered that amendment—that would take a far more cumbersome and complicated approach to accomplishing these goals. The proposal would create a tangle of procedural red tape that could tie up attempts to make certain the grid is reliable. For that reason, I have to oppose the amendment.

The Thomas amendment would require FERC to create a reliability structure that first creates a national electric reliability organization to be approved by FERC. Clearly, there are such organizations. We have NERC, which I referred to a few minutes ago, that exists. That should continue. But to put this requirement in law takes away flexibility.

The amendment allows creation of regional reliability entities. It creates a rebuttable presumption that the standard set by any such regional entity, on an interconnection-wide basis, should be accepted by FERC. That is a concern I will get into in more detail.

The amendment creates a rebuttable presumption that standards offered by an interconnection-wide entity are just and reasonable and not unduly discriminatory. It writes that into the law. It allows FERC only to remand to an electricity reliability organization or to regional entity rules that it determines are not just and reasonable. It creates a complaint process that is very cumbersome and would take months, if not years, to finally result in a compliance award.

The structure is complex. It is largely unworkable as proposed. If someone is acting in a way that the national reliability experts think endangers the stability of the delivery system, those experts should not have to go through a cumbersome process in order to remedy the problem.

These problems in the reliability of the system are extremely time sensitive. And you can't set up a maze of procedural requirements that have to be maneuvered before a remedy can be found. Only in one part of the country is there any likelihood that an interconnection-wide entity can be created, and that is the West, beyond the Rocky Mountains.

Let me put up a map of the country. As I indicated, the amendment the Senator is proposing is being offered by Governors from the western part of the country—his Governor, my Governor from New Mexico, who—I don't know the extent to which he is focused on what he is proposing here. The only interconnection-wide entity that is likely to exist and meet these requirements—or get the provisions under here is in the West, this large pink area here.

The reliability structure, in my view, needs to be simple and dependable. We should require that FERC implement a system, give them guidelines and flexibility to confer with experts, flexibility to defer to regional bodies. That is what we do in the underlying bill. We should not create a system that is too complicated and causes the reliability of our electric system to remain in question.

Let me take this down and just go through more of a detailed explanation of what I understand this proposal to be. This amendment that the Senator from Wyoming is offering would add a new section, No. 215, to the Federal Power Act.

Just a second here. Let me jump ahead. The provision the Senator from Wyoming is proposing contains a provision that is as a result of an attempt by NERC to reach a consensus among industry participants about what needs to be done about reliability. This process has been going on many years now.

About 4 years ago, they came up with a 30-page document purporting to represent the agreement of a broad range of industry participants. The proposal was renegotiated several times over the course of the years, often with key constituencies dropping out of that consensus as they went forward. The most recent iteration—the one we are considering here—was a result of discussions last fall. At the conclusion of those discussions, very few of the original consentees—if that is a good word—remained on board. The Electric Power Supply Association and the Association of Marketers and Independent Power Producers oppose this new version—the version now being offered as an amendment. The Electric Institute—which is, of course, central in issues related to electricity—was unable to endorse the proposal because they had opposition from several of their members.

The Western Governors' Association has proposed language and that is what we have before us.

Let me try to summarize their proposal. Their proposal gives the Commission jurisdiction within the U.S. over an electric reliability organization and any regional entities and all users, owners, and operators for the bulk power system for the purpose of improving reliability and enforcing reliability standards. The FERC must issue a rule within 180 days of enactment of this law, if it is enacted. FERC must certify an applicant, if it determines it has the ability to develop and enforce reliability standards, and that the applicant has rules that assure its independence of users, owners, and operators while assuring fair stakeholder representation of directors in balanced decisionmaking in any committee.

Compliance with standards is mandatory. So the electric reliability organization must file proposed standards or modifications with FERC. This is under the amendment of the Senator from Wyoming. Instead of FERC issuing them, the electric reliability organization would file the proposed standards of modification with FERC. FERC may approve them if it determines that the standards are just, reasonable, and not unduly discriminatory or preferential and in the public interest. FERC must give due weight to the technical expertise of the electric reliability organization but shall not defer with respect to a standard's effect on competition.

The electric reliability organization and FERC must rebuttably presume—and that is in the statute. I know our Presiding Officer is very familiar with presumptions in the law and rebuttal presumptions in the law, and here there is a rebuttable presumption that a proposal for a standard or a modification that comes from a regional entity that is organized on an interconnection-wide basis is just and reasonable and not unduly discriminatory.

Let me go to the map again. As to that provision that says there is a rebuttable presumption, a rebuttable presumption that any proposal for a standard or modification that comes from a regional entity organized on an interconnection-wide basis is just and reasonable, where do we have a regional entity organized on an interconnection-wide basis? One place: California, in the West. The rest of the country doesn't benefit from that so-called rebuttable presumption.

If FERC cannot approve a standard, it must remand the standard to the electric reliability organization. FERC may order the electric reliability organization to propose a different standard or a modification. The electric reliability organization may impose a penalty on a user of the system that violates a standard. After notice and the opportunity for hearing, filing with the Commission, the FERC may order compliance or a penalty. The Federal Energy Regulatory Commission must establish rules authorizing the electric reliability organization to delegates its authority to a regional entity.

All of this is in the amendment the Senator from Wyoming is proposing. This goes on and on. Let me try to summarize this by putting up a chart or two and try to explain to the Senate how this would work, as I understand it. Let me start with "Standard Proposal." It really should have been entitled, "How Do You Propose a Reliability Standard?" What is the process for proposing a reliability standard? FERC has a responsibility and jurisdiction to establish an electric reliability organization. That is what they do here. So the ERO, electric reliability organization, under the Senator's amendment, would be established.

Now, the ERO can delegate its authority to a regional entity for standard proposals and enforcement. That is this box over here, which says "delegated regional entity." Remember that the regional entity is organized on an interconnection-wide basis. Then that is when the rebuttable presumption comes in. So if you are in the western part of the country, then there is the rebuttable presumption that comes in that the regional entity should be approved. There is only one region in the country where this interconnection-wide deference is applicable, and that is the West. The rest of the country doesn't benefit.

There are three interconnections: The 14 Western States that are in the

Western Electric Coordinating Council; ERCOT, Electric Reliability Council of Texas; and then there is the rest of the country. Currently, there are eight regional reliability councils besides these two—the one in the West and the one in Texas. They are all in the eastern interconnection. It is a near certainty that these eight entities will not be able to organize into an interconnection-wide regional body so that the rest of the country does not receive, under this amendment, the same deference as the West would receive.

As a consequence, there will be different structures for reliability compliance and enforcement in different parts of the country.

Perhaps the most disturbing detail of the proposal is that any entity that is organized on an interconnection-wide basis must be assumed to be functional just because it is organized on an interconnection-wide basis. We are saying if you are organized on an interconnection-wide basis, shown in pink on this map of the country, then you have the presumption that you are a functional organization. In the rest of the country, a regional entity must prove it is up to the task before there can be any delegation of authority to it. In the West, and perhaps in Texas, it would work the other way around.

The Commission and the national reliability organization on which we will be depending to keep the lights on, to keep the electricity operating, must prove that any regional entity is not adequate, instead of requiring the entity to prove it is adequate. Reliability, in my view, is more important than that, and we need to require that all parts of the structure in all parts of the country demonstrate competence to shoulder this heavy responsibility.

There is no reason we should write into law presumptions that any particular organization, which we do not yet even have established in some cases, knows what they are doing.

How are standards proposed? Let me go through this chart as best I can. If the electric reliability organization, the ERO, that has been set up by FERC, wants to propose a standard, it needs to file that with FERC.

The Commission has the choice: It can approve the standard or, if it does not find it is just and reasonable and not unduly discriminatory or preferential, it can remand the proposal back to the electric reliability organization. It has two options: It can approve it or remand it.

If the electric reliability organization has delegated its authority to a regional entity, the proposal will then be remanded to the regional entity instead of FERC. If the regional entity does not accept the proposal, it may resubmit it to the electric reliability organization, and the electric reliability organization then resubmits it to FERC. It would go up to a delegated regional entity, over to the electric reliability organization, and then to FERC.

Remember, there is a rebuttable presumption for both the electric reliability organization and for FERC that any proposal from a regional entity that is organized on an interconnection-wide basis is just and reasonable and not unduly discriminatory or preferential. We have these rebuttable presumptions to which everyone is obligated to defer.

The consequence of this rebuttable presumption/remand circle is that a regional entity that wanted to prevent a change in a standard could tie up the decision for virtually forever. The important rule that governs reliability of the transmission system could circle through this system pretty much indefinitely, with nobody ever able to come to a final decision.

These are time-sensitive decisions. We are trying to keep the lights on. These are not the kinds of decisions that should be allowed to bog down in this maze.

Let me change charts and put up a different chart. This is one that is called FERC Proposed Modification. Again, I am trying to describe the amendment as I understand it, and if I am wrong about how this amendment works, then I invite my colleagues who are proposing the amendment to explain why I am wrong.

This is called FERC Proposed Modification. If FERC believes it needs to propose a change, it can order the electric reliability organization to submit the modification. We have an order going from FERC to the electric reliability organization. Then the electric reliability organization submits the modification to FERC and the circle starts again. There are rebuttal presumptions in here. There are remands going around in this chart as well. Neither the electric reliability organization nor FERC is empowered under this amendment, as I read it, to bring this to a conclusion.

Let me go to one other chart. This is a chart on how complaints are to be handled under the system that is being proposed in this amendment.

If the electric reliability organization receives a complaint that someone has failed to comply with a rule—and that is obviously what this whole system is intended to deal with—it may, after notice of hearing—that is shown on the chart as: Does the electric reliability organization want to act? The complaint is filed. If they want to act, they have to give notice, have a hearing, and propose a penalty.

They do not have authority under this amendment—and I underline this—they do not have authority to issue a compliance order. They cannot say: Do this. All they can do is penalize for failing to comply, and they can impose a penalty. The penalty is then submitted to FERC, which reviews it and may modify, affirm, or set aside the electric reliability organization's action.

That is, they have that authority unless the electric reliability organization has already delegated its authority to a regional entity. If there is a regional entity with a delegated enforcement authority, then they have first dibs at dealing with this issue.

If the regional entity disagrees with the electric reliability organization, it may not have the authority to file an enforcement action with FERC. But that action needs to be filed by the regional entity, so that the electric reliability organization is essentially displaced from its authority and the authority then has to be exercised by the regional entity at that point. Whether the electric reliability organization then files with FERC—exactly what happens in that circumstance is not very clear.

This may seem confusing. To me it is confusing. I have heard other bills over the course of the time in the Senate referred to as the lawyer's full employment act of 19 whatever. This is the Lawyer's Full Employment Act of 2002, particularly the Utility Lawyer's Full Employment Act of 2002.

I hope that if a participant in a market is acting in some manner that is not in compliance with reliability rules, some action can be taken to change that behavior quickly. That is in everyone's interest. That is what we were trying to do when we proposed language to essentially say, OK, FERC, you are responsible for being sure the reliability is guaranteed in the system.

With this structure that is proposed in this amendment, the complaint has come to the ERO, to this electric reliability organization. They have to have time for notice. They have to have a hearing. They, then, can impose a penalty. They cannot issue a compliance order. Then their proposal needs to be filed with FERC for further review and further action.

So the real question is, Will the lights still be on? Will the electricity still be flowing? How long does this take before a compliance order can be issued to stop the action that is threatening the reliability of the system? Is it going to take weeks? Is it going to take months? Is it going to take years?

This amendment requires FERC to establish regional advisory councils on the petition of at least two-thirds of the States in the region. This is a good idea. This is a part of the amendment I think is a good idea. I am not sure as much process needs to be specified as the amendment does, but the general idea is one that I certainly support. If this were the amendment being offered, we would gladly accept that amendment.

I think, though, the amendment that is offered and the way it is worded gives most States less deference than the language in our bill does. Our bill would allow FERC to defer to NERC, to defer to a regional council, to a similar organization, or to a State regulatory authority. In other words, if States create a regional advisory council, FERC clearly can defer to that under the legislation that we proposed.

The language we have before us in this amendment would allow FERC to defer only to a regional advisory body if it is organized on an interconnection-wide basis.

So, again, we have this map. I will put the map up again to reiterate the point.

This amendment was put together by the Western Governors' Association. I understand that. That is the part of the country in which I live. I know that is the part of the country in which my colleagues who are proposing the amendment live. But in each case, the preference under the amendment goes to this part of the country. The deference goes to another part of the country.

I do not really think that is the right way to make national policy. I think we ought to have a uniform national policy. The whole idea is to set up a system that will work everywhere.

I will summarize my objections. I know my colleague from Oregon is anxious to speak in favor of the amendment. I will summarize some of my other views, and then I will defer to him.

In general, the proposal of the Western Governors' Association specifies matters that I believe are better left to experts to sort out. The proposal we have in the bill would allow FERC to approve a reliability organization that fits this description to defer to regional entities or to the electric reliability organization, but it does not require it. Our language does not contain all of these rebuttable presumptions.

When I first read through this, I thought to myself: Why in the world are we putting in all these rebuttable presumptions? A rebuttable presumption is essentially a burden of proof, a standard of proof, that is put in in order to be in a position that later on someone can review that, when it is appealed, to see whether the standard was met, whether or not the burden of proof was met.

I shudder to think of the number of appeals that will be taken from decisions by one or another of these entities on the basis that the presumption, which we are being asked to write into law, was not adequately rebutted. I do not really know why we see it in our interest, why it would be in the national interest, for us to write into law all sorts of rebuttable presumptions which then complicate the situation and invite appeal from whatever decision is made. We have some real interest in seeing some finality brought to these decisions if we are going to have a reliable system.

I think the requirement that FERC only be able to remand standards that it finds not to be just and reasonable eliminates flexibility that FERC may well need to have. This interconnection-wide presumption essentially says, if one happens to be in this pink area of the country, they are in this interconnection-wide area, and therefore all these rebuttable presumptions apply. And what they say gets particular deference.

I do not, quite frankly, understand, and we are still trying to educate people on this amendment, but I cannot understand why Governors of these other States—there are a lot of States that are not in this pink area. I do not know why Governors in these other States and commissioners in these other States would support this proposal. It gives them far fewer rights than the Governors and the commissioners in the West have. So I have some concerns about it.

I will mention one other concern, and then I will defer to my colleague, who is anxious to speak. As chairman of the Energy Committee, we have had several hearings so far this last year where we bring in the FERC Commissioners and we basically try to cross-examine them and ask them why they have not done this and why they have not done that and why they are not living up to their responsibilities in this regard. We had a bunch of those hearings when the lights were going out in California.

If we pass this amendment, my firm belief is next time the lights go out somewhere, and we bring those Commissioners before the committee and say, now, why were you not carrying out your responsibility, they have a ready answer. Their answer will be: We were carrying out our responsibility. You told us our responsibility was to presume these folks knew what they were doing, and we have been presuming it, and now it turns out they did not know what they were doing. So do not criticize us. You are putting the responsibility somewhere else. You told us there is a rebuttable presumption that they know exactly what they are doing and they can handle all of this.

So we were trying to get out of that. We were trying to say: Look, let us fix responsibility in the hands of a group that the President appoints and that we confirm and then encourage them to delegate that as they say fit, but not give them the out of saying they are not responsible; that it was someone else's job and it was not theirs.

I very much fear this amendment, if adopted, will give them a very convenient out. We will then be having long, complicated hearings going through charts about whose rebuttable presumption was met and whose rebuttable presumption was rebutted, and that is not going to be good for the country. It is not going to keep the electricity going. It is not going to keep the lights on.

For those reasons, I urge that my colleagues oppose the amendment and keep the bill as it is, which is much simpler, which is much more straightforward and which does not get into all kinds of complexities which will be contrary to our national interest.

I yield the floor.

The PRESIDING OFFICER (Mr. EDWARDS). The Senator from Oregon.

Mr. SMITH of Oregon. Mr. President, I thank our chairman for his statement. I rise, though, in opposition to his view, and I support the view of the Senator of Wyoming and his amendment. I happen to be a cosponsor of it.

I think for people looking in, the C-SPAN junkies like ourselves, may wonder what all the charts and all the maps and all the rhetoric might boil down to. In my view, it really boils down to this: Should all power over power be vested within the beltway or should we trust regional organizations that know their areas, that know their systems, to manage these systems? That, in my view, is what this debate is all about.

It is very important. There are great implications for how we reliably transmit energy and keep the lights on in the regions of this country.

This amendment would ensure that a self-regulating organization would be given the authority to establish and enforce reliability standards. This amendment is supported by the Western Governors' Association, the American Public Power Association, and most of the transmitting utilities of the West.

For those in the West who lived through the blackout of August 10, 1996, the need for an enforcement mechanism for transmission reliability standards is clear. That blackout, which literally stretched from Texas to Portland to Los Angeles, was the result of a series of seemingly independent events that sent the western transmission system cascading into a blackout. The ensuing blackout covered parts of seven Western States and caused severe economic disruption on the west coast. The event caused the Western Systems Coordinating Council to reevaluate its notification procedures. Such an event has not been repeated since.

The only thing that regional transmission reliability organizations lack is an enforcement mechanism. That is what we provide in this amendment.

To date, we have relied upon voluntary compliance by transmitting utilities to keep the lights on. While such voluntary compliance has been largely successful, there are growing concerns that such voluntary means may not work in a deregulated wholesale electricity market. Frankly, if we are going to move away from a voluntary system, I would much rather give the enforcement authority envisioned under this bill to established regional organizations that are well respected and know the intricacies of the systems which they regulate.

This approach is embodied in the amendment before the Senate today. I thank Senator THOMAS for offering this commonsense solution to transmission reliability. Our chairman's approach, again, moves all enforcement authority to Washington, DC, under FERC's jurisdiction. We do not need to vest this authority with FERC, which has no history on this issue and, in my view, no technical expertise on standards for transmission systems.

The amendment before the Senate mirrors in spirit, if not in detail, the reliability legislation which was reported out of the Senate Energy and Natural Resources Committee in the 106th Congress and was passed by the full Senate. I introduced this legislation at the beginning of this Congress, and I urge my colleagues to follow the action of this body in the last Congress. We do not need to change that. What was offered then, what is offered today, is the right fix for transmission reliability.

In conclusion, I reference a letter by the Canadian Ambassador to Senator DASCHLE dated March 13, 2002. I ask unanimous consent the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CANADIAN EMBASSY,
Washington, DC, March 13, 2002.

Hon. THOMAS A. DASCHLE,
Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I wrote to you on November 2, 2001, to express concern that certain legislative proposals regarding electricity reliability could have a negative impact on Canada-U.S. electricity trade. I also met with Senator Bingaman to discuss this issue in early January 2002.

These problematic proposals have now found their way into the new Energy Policy Act of 2002 (S. 517). The electricity reliability section would vest the U.S. Federal Energy Regulatory Commission (FERC) with the authority to establish and enforce mandatory reliability standards for the electricity grid.

The approach taken in S. 517 could impede our strong cross-border electricity trade. While this bill suggests some cooperation with Canadian utilities, it does not provide for meaningful coordination between regulators in the United States and Canada. As I explained in my earlier letter, different jurisdictions could develop and enforce different standards in the absence of such meaningful coordination: this could lead to variations in reliability standards which could impede trade. Consistent standards are required for the interconnected North American grid.

An essential tool for managing the reliability of the interconnected grid is the remand function, which is key for ensuring consistent standards and respect for the jurisdiction of sovereign regulatory bodies. This function would allow regulatory bodies to return any standards that are not approved to the reliability organization for reconsideration. In this manner, the reliability organization can work with all relevant regulatory bodies to avoid inconsistent standards. A remand function therefore provides meaningful recognition that U.S. and Canadian regulators share an important role in establishing and enforcing standards in the interconnected grid.

Canada's position is that a self-regulating reliability organization, with members representing both countries, would be best placed to develop, implement and enforce consistent reliability standards for the interconnected North American electricity grid, while respecting the jurisdiction of sovereign regulatory bodies. I understand that a similar position is supported by the Western Governors Association and by major electricity associations.

The approach in S. 517 will not provide for the effective management of reliability standards for the interconnected North American electricity grid. I urge you to give strong consideration to our shared interest in an increasingly integrated North American market and to our mutually beneficial electricity trade.

Yours sincerely,

MICHAEL KERGIN,
Ambassador.

Mr. SMITH of Oregon. I note a few of the words in particular. He expressed to Senator DASCHLE a concern that this legislation would "have a negative impact on Canadian-U.S. electricity trade."

I can say in the California debacle last year, but for Canadian power, it would have been far worse than it ended up being. Anything we are doing that could disrupt the trade we have with Canada on energy would be a step back, not a step forward. That is why the Canadian Government has notified the Senate leadership that the amendment offered by the Senator from Wyoming is the right thing to do. The underlying proposal is the wrong thing to do in terms of our relationship with Canada.

I urge support for the Thomas amendment. It is the amendment we passed in the Senate in the 106th Congress. We ought to pass it again in the 107th Congress as part of this important energy regulation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. I thank the Senator from Oregon for his insight. I cannot think, frankly, of anyone in the whole country who has had more experience in this than the people on the west coast connected to the California project. I appreciate very much the Senator's thoughts.

This bill has come to the Senate without the committee being involved. This very bill was passed by the committee last year with no objection from the Senator from New Mexico. This went through the committee, although what is before the Senate now was never talked about in the committee. That is a procedural question we have discussed quite a bit.

Now I will discuss some of the objections. There are two points of view, very clearly. The Senator from Oregon said it very well: To whom are you going to look?

I have been involved in this business in the past. The people in the business, the people who are responsible in your State, the people who have joined together in a region, have a much better view than bringing it back to the beltway for these decisions. That is the bottom line.

It is a complicated business. However, in the current underlying bill, practically anyone can go to FERC. It is not uncomplicated there. The bill we are discussing gives FERC responsibility to defer to other organizations. FERC need not defer to anyone on anything if they choose not to. It is given sweeping new authority to preempt the judgments of existing State and national organizations with respect to the availability for transmission systems to supply the demand. That is where we are with the amendment.

The amendment builds on an existing system. If you go to FERC, there is nothing to build on. Here, there is. Go to FERC: There are no people who have the expertise to do these things. In the existing system, there are.

It does not require a new bureaucracy which would come about under the existing bill. Bulk power system reliability will continue to be managed outside of FERC's hearing rooms unless a problem arises. Then, of course, we can invoke FERC's intervention. That is the way it is designed to be, to start at the grassroots, do the decisionmaking there, and still have the opportunity to go to FERC through the network. That is not strange and unusual. That is why we have States. That is why we have local government.

The amendment in the existing bill, under the Daschle bill, requires FERC to create a reliability structure. Ours does not. FERC need only approve reliability organizations that meet the requirements specified. S. 517 requires FERC to create a new reliability bureaucracy to take over the function that FERC now does not have the expertise to perform—where, indeed, we have expertise now.

Cumbersome? We talked about it being cumbersome. Nothing in the amendment makes it cumbersome. FERC can entertain a complaint at any time, move as quickly as it deems warranted. I do not think you can ask for much more than that.

We talked about only one part of this country when this was created. The interconnect-wide entity exists in Texas. Whether an eastern-wide entity is created is up to the East. It has been done in the West because there are unique problems there. These problems can be solved better by an interconnect and will be done throughout the rest of the country as well. This is what we are seeking to do.

The complaint here is the structure is so complicated as to render it unworkable. Actually, the structure reflects the way the reliability has been managed by the North American bulk power system—rather successfully, as a matter of fact—and the legislation is needed to ensure that reliability experts who are not at FERC can take the actions necessary to protect the grid. That is what it is all about. We have people, and it has been successful. Certainly we need to build on that. It becomes more important as we go.

It would be ironic for the industry to come to consensus on how to deal with these issues. There is no industry consensus on how to structure the relationship. That is why the arrangement is there. The bulk of the industry agrees they should continue with separate organizations that focus solely on reliability. That organization should coordinate closely with whatever organization devises the business practices. Because FERC has the ultimate oversight for reliability and whatever business standard is ultimately approved, FERC can assure the necessary coordination exists.

That is really what it is all about. Out there, there are people who have done this. We know how to do it. We have evidence of that. But what we have not had is the opportunity for someone to really have the authority to do that. So this is what this does, giving that to FERC.

You can argue if you want to, and I understand that and I hope Members understand, if you like having the Federal Government do it from here, that is what you ought to do. If you like working with your own public service commission—and by the way, the national public service commissions have supported this amendment. Talk about being just a regional thing, the national public service commissions support this amendment.

I think we will have some more Senators over here to speak shortly. I think we ought to continue to delve into how we can best serve the American people with electric reliability, whether we transfer that to an agency that does not have the expertise or whether we try to use what is in place to make it more efficient.

I ask unanimous consent to add Senator CAMPBELL of Colorado as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, at this point I want to refer to and then have printed in the RECORD a few letters that support the underlying provision that we have in the bill on reliability and oppose the Thomas amendment. I have five. Let me go through each of them and indicate what they are and what they say.

This first one is a letter from the Mid-Atlantic Area Council, the regional reliability council for this area of the country. It is located in Norristown, PA. It is directed to me. It is dated March 13. It says:

> The Mid-Atlantic Area Council—

MAAC is the acronym. We always like acronyms here in Washington—

> would like to express its support for the reliability provisions in section 207 of your amendment in the nature of a substitute to S. 517.

They are supporting the underlying bill, not the amendment by the Senator from Wyoming.

> MAAC appreciates your continued efforts to promote legislation that increases our energy supply and advances the effort to establish wholesale electricity markets in the United States.
>
> It is our understanding that the North American Electric Reliability Council (NERC) and the Western Governors' Association are seeking to strike your language in order to substitute an amendment they drafted. This amendment is based upon the now very stale NERC reliability proposal developed over three years ago. The subsequent convergence of reliability and market issues has rendered this language obsolete, and we urge you to oppose the amendment.
>
> MAAC recognizes the need for mandatory reliability standards that are broadly applicable to the wholesale power industry. However, the language in the amendment will limit the Federal Energy Regulatory Commission's—FERC—and the industry's ability to properly restructure the wholesale transmission system which is essential for reliable, efficient and well-functioning markets. As currently drafted, the amendment removes most aspects of standards development and enforcement from FERC and grants sweeping powers to a new electric reliability organization, likely to be NERC.
>
> The amendment largely ignores the important role that regional transmission organizations—RTOs—will play in reliability and market management and appears to assume that assuring real-time reliability is purely an engineering function with no significant economic content or effect on markets, while your language would permit FERC to recognize the interplay between reliability and markets and allow RTO-administered market mechanisms to preserve and foster reliability.
>
> Furthermore, a December, 2001 FERC Order commenced a broad industry collaborative effort to arrive at a consensus on how to best merge NERC's activities into the standard setting process of the new North American Energy Standards Board—NAESB, formerly Gas Industry Standards Board. The industry will make a filing to FERC by March 15. This amendment could derail the efforts supported by a large number to stakeholders to establish NAESB as the standards developer best able to accommodate NERC and commercial concerns.
>
> Your reliability language is compatible with recent efforts by the industry to develop a new and innovative approach to standards setting. The amendment would stifle industry efforts to forge a standards setting process that is in the best interest of America. Unlike the amendment [the Thomas amendment], your language does not set into law a complex and burdensome set of rules and processes which would institute a command and control system of enforcement ignoring was that market forces could enhance reliability. The language of the amendment, if substituted for your language, would result in a major setback of the efforts to reduce power costs through innovation and market forces.
>
> MAAC urges that you strenuously oppose the changes to your reliability provision, and offers our assistance to you as the Senate considers this important legislation.

The States that are covered by MAAC are Pennsylvania, New Jersey, Delaware, Maryland, and Virginia. That is an indication at least that some States are not totally enthusiastic about this amendment Senator THOMAS is proposing.

Next, I refer to a letter we have received, also directed to me, dated March 13, from the Electric Consumers Resource Council—ELCON. This is the national association representing large industrial users of electricity. They indicate in their letter they were established in 1976, their member companies have long supported policies furthering competition in wholesale and retail electric markets, and their members operate in every State in the Union.

I will quote a couple of sentences out of their letter:

> We are obviously following the Senate debate on S. 517 very closely. One provision that might be overlooked is the issue labeled "reliability." By way of background, ELCON was part of the original group working on this issue with the North American Electric Reliability Council (NERC) to develop then-consensus language roughly four years ago. We have continued to work with NERC and with the Gas Industry Standards Board (GISB), now the North American Energy Standards Board (NAESB), to develop a structure for an organization to develop reliability standards for our interstate electricity grid and the impact of those standards on commercial activity.
>
> Since our members operate throughout the Nation, we strongly believe that rules should be as consistent as possible in every area. To do otherwise would balkanize the grid and hinder competition. For that reason we find the proposal now being promoted by NERC (and supported by several groups including the Western Governors Association) to be counterproductive. Granting deference to any region, even if that region constitutes an entire interconnection, invites conflict with other regions. By diminishing the authority of the national standard-setting organization, we are less likely, not more likely, to have an effective and fully functioning wholesale market.
>
> We hope that these views are helpful to you in your deliberations.

I will go next to the PJM Interconnection. It is the Pennsylvania-New Jersey-Maryland interconnection. This, again, is a letter dated the same date, March 13, to me, by Phillip Harris. He is the president and CEO of PJM. He says:

> I am writing to express our support for electricity title, Title II, of Senator BINGAMAN's energy legislation, S. 517. We believe Title II will serve to fundamentally improve electricity markets in North America and urge your support of it.

Then, going down the letter, it says:

> In the PJM region, we have been able to work successfully with States and local governments to ensure that electricity markets

and the grid work in a way that meets the needs of wholesale and retail electric customers, while improving regional reliability. We are pleased that section 207 of Title II contains simplified reliability legislation that places reliability authority directly with the Federal Energy Regulatory Commission and enables it to objectively defer to regional solutions without preference. We urge you to reject any attempts by Senators from other regions to impose alternative legislation that would significantly blur or weaken the government accountability over reliability found in Section 207 or impose improper restrictions on FERC's authority over Regional Transmission Organizations. The substance of the reliability amendment runs counter to an ongoing industry effort to reconcile business and reliability concerns.

As I said, that was signed by Phillip Harris, the president and chief executive officer for PJM.

Next, I will refer to a letter dated March 14, 2002, from Elizabeth Moler, who is representing Exelon, Commonwealth Edison of Chicago, and PECO Energy in Pennsylvania.

She says:

DEAR MR. CHAIRMAN: I am writing to share Exelon Corporation's views on the Sen. Thomas' proposed reliability amendment to S. 517, the pending energy bill.

Exelon Corporation is one of the nation's largest electric utilities. Our major subsidiaries are Commonwealth Edison, the public utility that serves Chicago; PECO Energy, the public utility that serves the Philadelphia area, and Exelon Generation. We have roughly five million retail customers in Illinois and Pennsylvania, which have both restructured their electricity markets. Exelon owns 22.5 gigawatts of generation (including nuclear, coal-fired, gas-fired, gas-oil fired, pumped storage and run-of-river hydro units) and controls an additional 15 gigawatts of capacity. We have additional capacity under development.

Then the letter goes on and says:

Exelon opposes the Thomas amendment, principally because we believe it would interfere with the development of competitive wholesale markets. As the United States Supreme Court recognized just last week in reviewing FERC Order No. 888, electricity markets are fundamentally interstate in nature. The Thomas amendment seeks to deny this fact, by encouraging individual states or regions to development unique reliability standards. We believe that the Nation needs uniform, national reliability standards. The rules should not vary from region to region. National reliability guidelines and standards will facilitate the development of more seamless electricity markets and encourage much-needed investment in both generation and transmission. We believe that the Thomas amendment would further balkanize electricity markets, rather than facilitating development of a national electricity marketplace.

That is a quotation out of that letter from Exelon.

The final letter I wish to refer to is the one from the Electric Power Supply Association. Quoting their letter:

The Electric Power Supply Association would like to affirm our support for the reliability provision in Section 207 of your amendment in the nature of a substitute to S. 517. We appreciate your continued efforts to promote legislation that increases our energy supply and advances the effort to establish wholesale electricity markets in the United States.

It has come to our attention that efforts are being made to strike your language in order to substitute an amendment supported by the North American Electric Reliability Council and the Western Governors' Association. This amendment is based upon the NERC reliability proposal development over three years ago. However, the subsequent convergence of reliability and market issues has rendered this language obsolete, and we urge you to oppose the amendment.

The Electric Power Supply Association endorses the need for mandatory reliability standards that are broadly applicable to the wholesale power industry. However, the language in the amendment could limit the industry's ability to address the challenges presented by the ongoing development and restructuring of the wholesale transmission system which is essential for reliable, efficient and well-functioning markets. As currently drafted, the amendment shifts significant aspects of standards development and enforcement away from the Federal Energy Regulatory Commission to a new electric reliability organization. The text also does little to reflect the role that will need to be played by regional transmission organizations in future market management.

This amendment would prevent FERC from carrying out its responsibility to ensure the reliable and efficient operation of the transmission grid and would hinder the development of effective RTOs. Energy standards have an inevitable impact on bulk power transmission systems and market operation essential for reliability. Accordingly, the standard setting process outlined in the amendment raises serious concerns that failing to centralize this activity with FERC could lead to confusion and conflicts among multiple entities.

Further, the amendment fails to account for recent industry efforts to rethink the nature, scope and organizational structure for a new standard setting process that recognizes the need to integrate reliability and market practices. The industry, spurred by a December, 2001 FERC Order and encouraged by the U.S. Department of Energy, is currently engaged in a broad collaborative effort to consider how to combine NERC's activities with standard setting that will be done by the new North American Energy Standards Board, that the Gas Industry Standards Board approved in December of 2001. The industry will make a filing to FERC by March 15. This amendment [the Thomas amendment] could preempt the more extensive consolidation of NERC into NEASB that is supported by many industry stakeholders.

Mr. President, I ask unanimous consent that these letters in their entirety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MID-ATLANTIC AREA COUNCIL,
Norristown, PA, March 13, 2002.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: The Mid-Atlantic Area Council ("MAAC," a NERC regional reliability council covering all or part of Pennsylvania, New Jersey, Maryland, Delaware, Virginia, and the District of Columbia) would like to express its support for the reliability provision in Section 207 of your amendment in the nature of a substitute to S. 517. MAAC appreciates your continued efforts to promote legislation that increases our energy supply and advances the effort to establish wholesale electricity markets in the United States.

It is our understanding that the North American Electric Reliability Council (NERC) and the Western Governors' Association are seeking to strike your language in order to substitute an amendment they drafted. This amendment is based upon the now very stale NERC reliability proposal developed over three years ago. The subsequent convergence of reliability and market issues has rendered this language obsolete, and we urge you to oppose the amendment.

MAAC recognizes the need for mandatory reliability standards that are broadly applicable to the wholesale power industry. However, the language in the amendment will limit the Federal Energy Regulatory Commission's (FERC) and the industry's ability to properly restructure the wholesale transmission system which is essential for reliable, efficient and well-functioning markets. As currently drafted, the amendment removes most aspects of standards development and enforcement from FERC and grants sweeping powers to a new electric reliability organization, likely to be NERC.

The amendment largely ignores the important role that regional transmission organizations (RTOs) will play in reliability and market management and appears to assume that assuring real-time reliability is purely an engineering function with no significant economic content or effect on markets, while your language would permit FERC to recognize the interplay between reliability and markets and allow RTO-administered market mechanisms to preserve and foster reliability.

Furthermore, a December, 2001 FERC Order commenced a broad industry collaborative effort to arrive at a consensus on how to best merge NERC's activities into the standard setting process of the new North American Energy Standards Board (NAESB) (formerly Gas Industry Standards Board). The industry will make a filing to FERC by March 15. This amendment could derail the efforts supported by a large number to stakeholders to establish NAESB as the standards developer best able accommodate NERC and commercial concerns.

Your reliability language is compatible with recent efforts by the industry to develop a new and innovative approach to standards setting. The amendment would stifle industry efforts to forge a standards setting process that is in the best interest of America. Unlike the amendment, your language does not set into law a complex and burdensome set of rules and processes which would institute a command and control system of enforcement ignoring ways that market forces could enhance reliability. The language of the amendment, if substituted for your language, would result in a major setback of the efforts to reduce power costs through innovation and market forces.

MAAC urges that you strenuously oppose the changes to your reliability provision, and offers our assistance to you as the Senate considers this important legislation. Please contact us with any questions or requests for additional information.

Very truly yours,

P.R.H. LANDRIEU,
Chairman.

ELCON,
March 13, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Electricity Consumers Resource Council (ELCON) is the national association representing large industrial users of electricity. We were established in 1976 and our member companies have long supported policies furthering competition in wholesale and retail electricity markets. Our members operate in every State.

We are obviously following the Senate debate on S. 517 very closely. One provision that might be overlooked is the issued labeled "reliability." By way of background, ELCON was part of the original group working on this issue with the North American Electric Reliability Council (NERC) to develop then-consensus language roughly four years ago. We have continued to work with NERC and with the Gas Industry Standards Board (GISB), now the North American Energy Standards Board (NAESB), to develop a structure for an organization to develop reliability standards for our interstate electricity grid and the impact of those standards on commercial activity.

Since our members operate throughout the Nation, we strongly believe that rules should be as consistent as possible in every area. To do otherwise would balkanize the grid and hinder competition. For that reason we find the proposal now being promoted by NERC (and supported by several groups including the Western Governors Association) to be counterproductive. Granting deference to any region, even if that region constitutes an entire interconnection, invites conflict with other regions. By diminishing the authority of the national standard-setting organization, we are less likely, not more likely, to have an effective and fully functioning wholesale market.

We hope that these views are helpful to you in your deliberations. Please feel free tq call on us for additional information.

Sincerely,

JOHN A. ANDERSON.

PJM INTERCONNECTION,
March 13, 2002.

Hon. JEFF BINGAMAN,
U.S. Senate,
Washington, DC.

DEAR SENATOR BINGAMAN: I am writing to express our support for electricity title (Title II) of Senator Bingaman's energy legislation (S. 517). We believe Title II will serve to fundamentally improve electricity markets in North America and urge your support of it. We also urge you to resist any amendments that would weaken important provisions associated with reliability of the electric grid or the authority of the Federal Energy Regulatory Commission (FERC) to oversee the operation of electricity markets.

PJM operates the largest competitive wholesale electricity market in the world. We maintain reliability of the electric transmission grid and also operate a successful spot market for electricity in a five state region, which includes all or a portion of New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. We are awaiting final FERC approval of PJM West which will expand the market to include significant parts of Ohio and West Virginia. PJM has been recognized as a deregulation success story.

In the PJM region, we have been able to work successfully with States and local governments to ensure that electricity markets and the grid work in a way that meets the needs of wholesale and retail electric customers, while improving regional reliability. We are pleased that Section 207 of Title II contains simplified reliability legislation that places reliability authority directly with the FERC and enables it to objectively defer to regional solutions without preference. We urge you to reject any attempts by Senators from other regions to impose alternative legislation that would significantly blur or weaken the government accountability over reliability found in Section 207 or impose improper restrictions on FERC's authority over Regional Transmission Organizations. The substance of the reliability amendment runs counter to an ongoing industry effort to reconcile business and reliability concerns. I have attached talking points and a comparison chart in furtherance of our position.

As this debate unfolds, many important issues will arise. I have instructed my Washington staff to be available to meet your needs and respond promptly to question about the effect of various electricity issue legislative provisions on your State. If we learn of any harmful electricity amendments, we will alert your office as soon as possible. Please feel free to call Craig Glazer, PJM's Manager of Regulatory Affairs in Washington at 202-393-7756 or Robert Lamb of Wright & Talisman at 202-393-1200.

We look forward to working with you and meeting the needs of the millions of citizens you so ably represent in the United States Senate.

Very truly yours,

PHILLIP G. HARRIS,
President and CEO.

MARCH 14, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to share Exelon Corporation's views on the Sen. Thomas' proposed reliability amendment to S. 517, the pending energy bill.

Exelon Corporation is one of the nation's largest electric utilities. Our major subsidiaries are Commonwealth Edison, the public utility that serves Chicago; PECO Energy, the public utility that serves the Philadelphia area, and Exelon Generation. We have roughly five million retail customers in Illinois and Pennsylvania, which have both restructured their electricity markets. Exelon owns 22.5 gigawatts of generation (including nuclear, coal-fired, gas-fired gas-oil fired, pumped storage and run-of-river hydro units) and controls an additional 15 gigawatts of capacity. We have additional capacity under development. Exelon's PowerTeam is one of the largest power marketers in North America; we market power nationally 24 hours a day, seven days a week.

Exelon opposes the Thomas amendment, principally because we believe it would interfere with the development of competitive wholesale markets. As the United States Supreme Court recognized just last week in reviewing FERC Order No. 888, electricity markets are fundamentally interstate in nature. The Thomas amendment seeks to deny this fact, by encouraging individual states or regions to develop unique reliability standards. We believe that the Nation needs uniform, national reliability standards. The rules should not vary from region to region. National reliability guidelines and standards will facilitate the development of more seamless electricity markets and encourage much-needed investment in both generation and transmission. We believe that the Thomas amendment would further balkanize electricity markets, rather than facilitating development of a national electricity marketplace.

We appreciate the leadership that you and Sen. Murkowski have shown on electricity issues. The bipartisan electricity amendment adopted unanimously yesterday by the United States Senate is a giant step toward enactment of much-needed legislation to reform the laws that govern our industry. We look foward to continuing to work with you in the days and weeks ahead in support of enacting a comprehensive national energy policy that will enable us to continue to provide our customers reliable service at reasonable prices.

Thank you for your consideration of our views.

With best wishes,

Sincerely,

ELIZABETH A. MOLER.

EPSA,
Washington, DC, March 6, 2002.

Hon. JEFF BINGAMAN,
Chairman, Senate Committee on Energy and Natural Resources, Washington, DC.

DEAR CHAIRMAN BINGAMAN: The Electric Power Supply Association (EPSA) would like to affirm our support for the reliability provision in Section 207 of your amendment in the nature of a substitute to S. 517. We appreciate your continued efforts to promote legislation that increases our energy supply and advances the effort to establish wholesale electricity markets in the United States.

It has come to our attention that efforts are being made to strike your language in order to substitute an amendment supported by the North American Electric Reliability Council (NERC) and the Western Governors' Association. This amendment is based upon the NERC reliability proposal developed over three years ago. However, the subsequent convergence of reliability and market issues has rendered this language obsolete, and we urge you to oppose the amendment.

EPSA endorses the need for mandatory reliability standards that are broadly applicable to the wholesale power industry. However, the language in the amendment could limit the industry's ability to address the challenges presented by the ongoing development and restructuring of the wholesale transmission system which is essential for reliable, efficient and well-functioning markets. As currently drafted, the amendment shifts significant aspects of standards development and enforcement away from the Federal Energy Regulatory Commission (FERC) to a new electric reliability organization. The text also does little to reflect the role that will need to be played by regional transmission organizations (RTOs) in future market management.

This amendment would prevent FERC from carrying out its responsibility to ensure the reliable and efficient operation of the transmission grid and would hinder the development of effective RTOs. Energy standards have an inevitable impact on bulk power transmission systems and market operation essential for reliability. Accordingly, the standard setting process outlined in the amendment raises serious concerns that failing to centralize this activity with FERC could lead to confusion and conflicts among multiple entities.

Further, the amendment fails to account for recent industry efforts to rethink the nature, scope and organizational structure for a new standard setting process that recognizes the need to integrate reliability and market practices. The industry, spurred by a December, 2001 FERC Order and encouraged by the U.S. Department of Energy, is currently engaged in a broad collaborative effort to consider how to combine NERC's activities with standard setting that will be done by the new North American Energy Standards Board (NAESB) that the Gas Industry Standards Board (GISB) approved in December of 2001. The industry will make a filing to FERC by March 15. This amendment could preempt the more extensive consolidation of NERC into NAESB that is supported by many industry stakeholders.

The implications of these developments are clear: legislation should not deny FERC or industry stakeholders the opportunity to develop new approaches to energy standards development. Your reliability language is compatible with recent efforts by the industry to develop a new and innovative approach to standards setting. Furthermore, your language does not set into law a complex and burdensome set of rules and processes which would hamper the development and enforcement of standards. Replacing your language with the amendment can only serve to delay the evolution of the energy markets and threaten the reliable operation of the transmission grid.

We urge you to fight efforts to make such changes to your reliability provision, and we look forward to working with you as the Senate considers this important legislation. Please don't hesitate to contact us with further questions or to request additional information.

Sincerely,

LYNNE H. CHURCH,
President.

Mr. BINGAMAN. Mr. President, I will yield the floor. I see my colleague from Massachusetts is prepared to speak. I will defer to him.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to be able to speak for 10 minutes as in morning business and that my remarks be printed at the appropriate place in the RECORD and not interfere with the debate on the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to address the pending amendment. The Senator from New Mexico cited a number of the people supporting his part of the bill, several of whom were companies, of course. Maybe the fact that the National Association of Regulatory Utility Commissioners supports the amendment would be an interesting change. In terms of looking out for the public's interest, I would guess that is more likely to be the case—certainly the North American Electric Reliability Council. Again, there are letters on each one's desk that the administration supports this proposal. We are looking toward getting together a balanced program.

A number of things have been mentioned that need to be talked about a little bit. The FERC industry standards board was mentioned as being an alternative. The fact is that is only a concept. Years of work will be needed to make it happen. There is no consensus among industry stakeholders. More has developed in the West, and that is why this has sort of started there because these people were forced to come together and others will be as well.

I don't think it is time to jettison 30 years of experience in doing this thing so that you can hand it over to a new bureaucracy that has neither the expertise nor, indeed, the background to take care of this task.

It has been mentioned, but it is very true that we need to have an opportunity for whatever we put into place to deal also with uniformity in reliability with the United States, Mexico, and western Canada. That is very important, particularly to the Northwest, of course, as mentioned by the Senator from Oregon.

There is a need to move fairly quickly. I don't think there is much doubt that the NERC process would be able to act much more quickly in consensus building than FERC. The thing that it seems we always try to push aside is that FERC still has the final responsibility. That is probably the way it ought to be.

The standard setting, we talked a little about that. I don't think that system has to recognize the realities of the differences that do exist. The enforcement of standards is well defined and responsive to differences in interactions, and it has to be that way. There is no definition process that is going to emerge from the industry. Often there are things going on here that just aren't actually the case on the ground.

There was some suggestion that NERC's proposal was organized 3 years ago and is now obsolete. There is nothing obsolete about the NERC proposal.

In fact, during this Western crisis of the last couple years, reliability standards was one of the few elements that worked well. So I think the evidence is that we have on the ground a group that is deeply involved and has shown expertise, representing different parts of the country, the needs of different parts of the country—certainly with the oversight that exists.

So the Bingaman approach—the Daschle bill—does not provide a role for the States. There is no assurance of independence or any standard setting. Therefore, we need to look at the concept of how we are doing this. We are expecting a couple more Senators to come and speak momentarily. In the meantime, I yield the floor.

Mr. REID. Mr. President, we are in the process of preparing to propound a unanimous consent request. That should be done within the next few minutes. We hope we can set up a vote at 2 o'clock this afternoon. Prior to that time, Senator BINGAMAN is planning to start debate on renewable portfolio. Senator JEFFORDS is standing by to come at the appropriate time. It is my understanding that Senator KYL will follow with his amendment. We should be able to do that in the next few minutes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Thomas amendment No. 3012 be set aside to recur at 2 p.m. today; that at 2 p.m., the Senate vote in relation to the amendment, with no second-degree amendments in order prior to the vote in relation to the Thomas amendment; that Senators may speak until 2 p.m. today on the Thomas amendment, notwithstanding its pendency; that Senator DAYTON be recognized to offer an amendment relating to gasohol; that after a period of debate, the amendment be set aside for consideration later today; that following that period of debate, Senator BINGAMAN be recognized to offer an amendment relating to renewable portfolio standards.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we will have a vote at 2 o'clock. Senator DAYTON is going to offer an amendment on his behalf and that of Senator GRASSLEY. That debate will take just a few minutes. There are others who want to speak on the amendment of Senator THOMAS. They can do that until 2 o'clock.

In the meantime, Senator BINGAMAN is going to start the debate today dealing with renewable portfolio standards. A very important part of the bill deals with renewables. He will offer his amendment and Senator JEFFORDS will offer a second-degree amendment, I am told. I spoke with his chief of staff. Following that, Senator KYL will offer another amendment dealing with renewables. This should take care of renewables once and for all on this bill.

Once we get that done, there are some other amendments, but the big one still left is that dealing with ANWR. We are eliminating a lot of contentious matters on this bill.

Senators can be expected to come to the Chamber a number of times this afternoon and evening regarding votes on renewable portfolio standards.

The PRESIDING OFFICER. The Senator from Minnesota.

AMENDMENT NO. 3008 TO AMENDMENT NO. 2917

Mr. DAYTON. I thank the Chair. I thank Senator THOMAS for his acquiescence.

Mr. President, I offer this amendment on behalf of myself and Senator GRASSLEY.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself and Mr. GRASSLEY, proposes an amendment numbered 3008 to amendment No. 2917.

The amendment is as follows:

(Purpose: To require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available)

At the end of subtitle B of title VIII, add the following:

SEC. 8 . FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

Title III of the Energy Policy Act of 1992 is amended by striking section 306 (42 U.S.C. 13215) and inserting the following:

"SEC. 306. FEDERAL AGENCY ETHANOL-BLENDED GASOLINE AND BIODIESEL PURCHASING REQUIREMENT.

"(a) ETHANOL-BLENDED GASOLINE.—The head of each Federal agency shall ensure that, in areas in which ethanol-blended gasoline is available, the Federal agency purchases ethanol-blended gasoline containing at least 10 percent ethanol (or the highest available percentage of ethanol), rather than nonethanol-blended gasoline, for use in vehicles used by the agency.

"(b) BIODIESEL.—

"(1) DEFINITION OF BIODIESEL.—In this subsection, the term 'biodiesel' has the meaning given the term in section 312(f).

"(2) REQUIREMENT.—The head of each Federal agency shall ensure that the Federal agency purchases, for use in fueling fleet vehicles used by the Federal agency at the location at which fleet vehicles of the Federal agency are centrally fueled—

"(A) as of the date that is 5 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 2 percent biodiesel, rather than nonbiodiesel-blended diesel fuel; and

"(B) as of the date that is 10 years after the date of enactment of this paragraph, biodiesel-blended diesel fuel that contains at least 20 percent biodiesel, rather than nonbiodiesel-blended diesel fuel.".

Mr. DAYTON. Mr. President, I thank the Senators from Nevada and New Mexico for making the time available.

I am pleased to offer today, along with my very distinguished colleague from our neighboring State of Iowa, Senator GRASSLEY, an amendment that will significantly increase the use of ethanol and soy diesel fuels across our country.

Our amendment requires all Federal Government vehicles to use 10-percent ethanol-blended gasoline where it is available or whatever lesser percent of ethanol blend is available in that particular locale.

Our amendment also requires Federal vehicles which run on diesel fuel to use at least a 2-percent biodiesel blend or higher by the year 2007, and a 20-percent biodiesel blend by the year 2012.

If we want to improve our Nation's energy security, provide cleaner air, boost farm income, and strengthen many rural communities across this country, increasing the use of ethanol and soy diesel is a golden opportunity. Both of these fuels have come into their own as better alternatives to blend with regular gasoline and diesel fuel than the oil-based additives which currently predominate across the country.

Regular car and truck engines can use up to 10-percent ethanol with no modifications required, and centrally fueled trucks and other vehicles can similarly use up to 20-percent biodiesel blend even more efficiently and effectively than other diesel blends today. In fact, my Minnesota office leases a regular Chrysler minivan that travels all across Minnesota burning fuel which is 85-percent ethanol. That van has had no problems whatsoever in its performance and, fortunately, we have had no problem finding this 85-percent ethanol throughout my State.

One of the reasons ethanol is so readily available in Minnesota is that our State legislature had the foresight 7 years ago to pass a law requiring that a 10-percent ethanol blend be available to all gas stations across the State. Just 3 days ago, the Minnesota Legislature passed a similar mandate which, if signed by the Governor, will require stations to provide a 2-percent blend of biodiesel fuel.

When people have positive experiences using these blends and then become confident they can obtain them wherever they travel, the usage of these alternative fuels sores.

By the end of this year, it is estimated that our country's ethanol production capacity will reach 2.7 billion gallons. If this amount of ethanol were used in cars and trucks across our country, it would displace approximately 9 percent of all the foreign oil imported into our Nation this year.

Of all the measures being considered in this legislation and of all the measures that are being discussed or implemented in America today, nothing can reduce our dependency on foreign oil or increase our domestic energy production but ethanol and biodiesel fuels.

Increasing the use of these fuels is what I call the grand slam: No. 1, it boosts the prices of corn and soybeans and other suitable crops in the marketplace and, thus, both raises farmers' incomes and reduces taxpayers' subsidies; No. 2, it improves the local economies and communities throughout agricultural America; No. 3, it reduces U.S. dependence on foreign oil; and No. 4, it provides cleaner air.

The Federal Government ought to be leading the way in expanding these markets for these renewable fuels, but, unfortunately, the Federal fleet consumption of these fuels is currently only 2 percent, despite several Executive orders signed by President Clinton during his two terms. Thus, our amendment is essential to requiring that the 600,000 vehicles in the Federal fleet do their part in expanding the utilization of ethanol and soy diesel.

When I was commissioner of energy and economic development for the State of Minnesota back in the 1980s, ethanol was being produced and touted as just this kind of alternative fuel blend for this Nation. Unfortunately, like so many other forms of alternative energy which have been around for years or even decades, it has been sadly underutilized.

I believe as a nation we are utilizing less than 5 percent of our potential for alternative sources of energy, energy conservation, and other economically and ecologically sound measures to improve our energy security. We have been taking these small baby steps when we could have and should have been progressing by leaps and bounds.

This energy bill is an opportunity we cannot afford to miss. Senator DASCHLE and Senator BINGAMAN have performed a great service to all of us and to our entire country by bringing before us this bill which makes so many important contributions to a balanced national energy policy.

Senator GRASSLEY and I believe our amendment is another important contribution, and I respectfully urge our colleagues to support it.

Mr. GRASSLEY. Mr. President, as all of my colleagues know, I strongly support the production of renewable domestic fuels, particularly ethanol and biodiesel. As domestic, renewable sources of energy, ethanol and biodiesel can increase fuel supplies, reduce our dependence on foreign oil, and increase our national and economic security.

Historically, Congress and the administration have asked the Federal Government to lead by example when moving this country to new standards. Since we are talking about the future of energy in this country, we as a Federal Government must lead by example. The Dayton-Grassley amendment is largely symbolic and it will codify what many administrations have already directed the Federal Government to do: to use renewable fuels where practicable.

For instance, the last administration issued an Executive order directing the Federal Government to exercise leadership in the use of alternative fuel vehicles, to develop and implement aggressive plans to fulfill the alternative fueled vehicle acquisition requirements of the Energy Policy Act of 1992, which required 25 percent in 1996, 33 percent in 1997, 50 percent in 1998, and 75 percent in 1999 and thereafter.

The Executive order was never adhered to because it was not generally practicable, but the Dayton-Grassley amendment is much easier to implement, because we are talking about setting a standard using normally blended renewable fuels.

The Federal Government should be using as much renewable fuels as is practicably available.

This amendment would require just that—where available, Federal fleet vehicles should be using ethanol and biodiesel, the two most practicably available renewable fuels.

I support this amendment, because it makes good sense for the Federal fleet to use as much ethanol and biodiesel as it possibly can.

The requirements for ethanol and biodiesel usage under this amendment are easily attainable and does not require the Federal fleet to comply if the blended fuel is not readily available.

I am pleased to offer this amendment with Senator DAYTON.

Mr. DAYTON. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. NELSON of Florida. Mr. President, I rise in support of the amendment of the Senator from Minnesota. His amendment is the kind of creativity and inventiveness and American can-do ingenuity we have to have as we approach this energy crisis, energy shortage.

Clearly, the production of ethanol and its substitution for otherwise fossil fuels is of benefit to Minnesota. There is not particularly any benefit to my State, so I wish to rise as a nonconflicted party to endorse the Chair's amendment to say, as we approach the crisis of how we are going to continue to have the energy resources we need for a nation that consumes a lot of energy, we have to be inventive and creative.

I think the Senator from Minnesota has proposed one alternative. I think we will see other alternatives produced in an amendment by the Senator from New Mexico on renewables, wind, the use of waste to produce energy which we do in Florida in 13 different locations. I have been assured by the Senator from New Mexico that we will be able to continue, as part of the credit, with those existing facilities which are turning waste into energy.

Years ago, when I was in the Florida Legislature, we established the Florida Solar Energy Center, which is in the shadow of Cape Canaveral right outside the gates of our space center. It, today, is a thriving center of research and development in using the God-given rays and heat of the Sun and converting that into energy.

Clearly, we have seen that, for example, so successfully employed in our space program, of taking the solar arrays, very high-tech kinds of mechanisms, folded out in huge arrays in the zero gravity and vacuum of space and having that sunlight come down and penetrate those arrays and that being converted into electricity for the spacecraft.

Another thing used on the spacecraft called the space shuttle is a device that takes oxygen and hydrogen and suddenly makes electricity and has water as a byproduct. That is why our astronaut crews on the space shuttle have to perform, at the end of each flight day, water dumps where water, which is the byproduct of making this electricity by the combining of hydrogen and oxygen, is dumped overboard in space. As one sees it come out the nozzle and it starts to freeze in that very cold atmosphere of space, it is a beautiful sight, particularly when the rays of the Sun happen to hit those water crystals. It is another example.

Ultimately, we will be able to use hydrogen in automobiles. Think what that will save us in the way of fossil fuels.

Why do we need to find alternatives to fossil fuels? Because of the obvious: They are limited. The amounts of oil for energy purposes are going to be used up over the course of the next 50 years. So we have to be planning for that.

There is another reason right now that is so important, and that is the United States is dependent on foreign-imported oil, and that dependence causes us to be in the unenviable position that we have to assure the flow of that oil out of the Persian Gulf region. As we are engaged in this war against terrorism, where is a lot of that activity? It is over in the Middle East. It is over in central Asia.

I will never forget. I clearly learned what a military chokepoint was when I looked out the window of our spacecraft as we were coming across the Persian Gulf and from that altitude of space saw the 19-mile-wide Strait of Hormuz. That is a military chokepoint, and we have understood that and that is why we have so much military over in that part of the world to assure that oil in the supertankers of the world flows out of that oil-rich region of the gulf, and those supertankers flow to the industrialized world.

So somewhere there is a terrorist who is planning to try to sink one of those supertankers in the Strait of Hormuz, and if that were to occur, what huge economic dislocations and economic disruptions would occur throughout the globe. And it is because we are dependent on that oil.

We ought to be reducing our dependence, and I think the amendment of the Senator from Minnesota is one good illustration of how we lessen our dependence on that foreign oil.

Another good illustration is—and unfortunately, we were not successful yesterday—increasing the miles per gallon, otherwise known as the CAFE standards. That does not mean anything to most Americans, but when we start talking about do Americans want to get more miles per gallon in their automobile, the answer is a resounding "yes." Yet yesterday we were not able to increase the miles per gallon in our fleet of automobiles.

That is a political travesty. It will have profound economic consequences. Sooner or later, when we have another crisis, that oil is not going to be able to be as accessible from foreign shores; then we will have to get serious again about the greatest consumption of energy in America, which is in the transportation sector, about increasing miles per gallon.

That is a decision the Senate rendered yesterday. I think it is unfortunate. However, the fact is there are creative and genius Senators, such as the Senator from Minnesota, who is offering his amendment. I add my voice of support to his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 3012

Mr. MURKOWSKI. Mr. President, I rise to support the amendment offered by the Senator from Wyoming, Mr. CRAIG THOMAS. I will discuss the amendment. It is an amendment that deserves understanding. I compliment the Senator from Wyoming for the manner in which he has focused on this amendment from the standpoint of keeping responsibility for the most part at the level where it belongs, which is at the State level.

The amendment replaces the Federal command and control in the Daschle substitute. That amendment has FERC setting and enforcing reliability standards. There are some things wrong with that, and I will go through that in detail. This is a provision similar to legislation the Senate unanimously passed last Congress which has the North American Electric Reliability Council continuing to set standards but not with the ability to enforce them. This is a group that knows what they are talking about when it comes to reliability.

Under this amendment, there is an enforcement mechanism. It is important to note that the amendment is broadly supported by Governors and State public utility commissions. Since Ben Franklin went kite flying, we have known of electricity's unique attributes. Customers count on the fact that when they turn the light on, it goes on; the electricity will be there. It is probably one of the largest industries in our country that is so taken for granted. It works. Anytime Congress comes in and proposes to fix it when it is still working, there are those who become concerned. I am one.

More than reading lights and television are at stake. Reliable, affordable electricity moves the economy forward. It makes possible computers that research solutions to our most pressing problems and the instruments that save lives.

This amendment ensures our electric transmission grid will continue to be safe and reliable. We know that grid, in some areas particularly, is overtaxed, with inadequate transmission lines. Yet it works. So the tendency is, do not disturb it. We have to recognize there are more and more demands for greater electric energy as a consequence of computers and various other appliances we take for granted in our homes.

This amendment ensures that our electric transmission grid will continue to be safe and reliable. Consumers will be able to get the power they need when they need it—the lights will go on, and they will stay on.

The amendment establishes a nationwide reliability organization which has the authority to establish and enforce reliability standards. I emphasize two words: Establish and enforce. This is a nationwide reliability organization that has proven itself. The new reliability organization will be run by market participants and will be overseen by the FERC.

To give an example: When the Enron company collapsed, the system worked. There was not a price increase. There was not a shortage of electricity. The free market system worked. I have often said, if those companies, on the demise of Enron, had to go to FERC to get authority to take over the slack, one wonders how long it would take. The public would probably be inconvenienced. The price would probably be adjusted because of a crisis.

My point is, the free market system can work. That is why it is so important we address reliability. This amendment does it.

Our existing voluntary reliability system has been with us for some time. Under current law, reliability standards are set by the North American Electric Reliability Council and its 10 regional councils. These standards are entirely voluntary. There is no penalty mechanism for violation. The pending amendment gives an enforcement mechanism that is good. In a nutshell, the pending amendment takes the existing voluntary program and gives it some enforcement powers. The new reliability organization sets the standard with FERC, and FERC becomes the backstop, not the individual who necessarily carries the ball upfront. The reliability organization will be made up of representatives of those who are affected: Residents, commercial and industrial customers, independent power producers, electric utilities, and others.

There is no question we need a system to safeguard the integrity of our electric grid. Both the amendment and the Daschle bill create mandatory and enforceable reliability rules. But they do so in very different ways. This is where Members are going to have to look at this amendment and recognize its contribution vis-a-vis what is in the Daschle bill.

The Daschle bill gives all authority and responsibility to FERC. This is a States rights issue. Clearly, when it comes to interstate transmission of power, FERC has, and should have, a role. We believe the Daschle bill, in giving all the authority and responsibility to FERC, takes away from the States their right to address intrastate power matters that can best be addressed by the States. In the Daschle bill, in giving all the authority and responsibility to FERC, FERC sets the standards and FERC enforces the standards. It is that simple.

Unfortunately, in our opinion, FERC does not have all the expertise in the world to set highly technical and complex reliability standards that can only be done by industry experts. Where do the industry experts reside? They reside within the States.

The amendment instead establishes a participant-run, FERC-overseeing, electric reliability organization. It is a blend of Federal oversight along with industry expertise. It is similar to the bill that passed unanimously last Congress.

Over the years, the grid has been well protected through voluntary standards established by the North American Electric Reliability Council. FERC's voluntary reliability standards, which are not necessarily enforceable, have subsequently been complied with by the electric power industry; in other words, a kind of self-policing mechanism.

But with the changing nature of the electric power market, it is time to change that to create a new organization with enforcement powers. That is what we have done. The answer to every problem is not necessarily another layer of Federal command and control or, in this case, more FERC. This is the central failure, in our opinion, of the Daschle bill. Federal standards and Federal enforcement are simply not necessary across the board.

The amendment offered by the Senator from Wyoming adopts the language developed by the North American Reliability Council. It recognizes and addresses the regional differences. It is supported by State Governors, including western Governors, and State public utility commission. As we did last year, the Senate should unanimously support the language and reject the Federal preemption and command and control that is in the Daschle legislation.

I support the amendment and encourage its adoption.

I would like to point out that this is a pretty complex piece of legislation contained in this amendment. I encourage Members to talk to members of the Energy and Natural Resources Committee because we have had previously—not this time—hearings on this matter.

I previously discussed my displeasure with the process that brought the bill to the Senate floor. However, unlike most of this bill, the reliability language does have some committee history. During the last Congress, the Committee on Energy and Natural Resources specifically considered the issue of whether we should have more Federal controls or whether we should, instead, provide enforcement authority to the current voluntary standards and those would be administered by NERC.

On June 21, 2000, the committee reported legislation that took the approach contained in the amendment offered by Senator THOMAS and the Senate passed that approach. That approach recommended by the Energy Committee and passed by the Senate has been abandoned in this legislation. I think that is regrettable.

The reliability language in the current legislation was circulated by the chairman of the committee as part of the chairman's mark on electricity. They ignored our committee position and the action taken by the Senate at that time. We had a markup scheduled to consider electricity. This is when the majority leader basically shut down the committee process and, in my opinion, obstructed the advancement of this energy legislation.

We have never had the opportunity to vote on this provision. I can tell you what that vote would have been, however. I have said the majority leader shut down the Energy Committee because he feared our vote over ANWR. Everyone knows a majority of the committee and a bipartisan majority of the Senate support responsible development of a resource that could replace some 30 years of imports from Iraq. However, in all honesty, ANWR was not the pending subject when the chairman and majority leader started counting votes—electricity was the subject.

Reliability, Federal mandates, Federal command and control—these were the issues. I went through this in great detail in the last Congress. We had 2 days of markup going through these issues. When we were done, the committee voted and, as I said, the Senate decided to do reliability in a manner substantially similar to that being proposed by Senator THOMAS.

I agree with many of my colleagues that we should have done this in committee and not be conducting these business meetings, necessarily, or educational processes, in the Chamber. That is not our option, however. Given the circumstances, the Senate should follow the recommendations of the Energy Committee on this matter and its own unanimous action in the last Congress and support the Thomas amendment.

I see the Senator from Louisiana seeking recognition, and I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thought I would come to the floor and speak for just a moment about an amendment that I propose to lay down sometime either today or tomorrow, for, hopefully, a good debate next week.

This amendment is rather simple. I am sure it is going to cause a lot of interest and debate. I am going to explain it in a moment, but it will be proposed because of what I have come to believe after studying now for several years the current situation with our energy policy. Senator BINGAMAN and Senator MURKOWSKI have worked so hard on the bill before us, and I have supported many of their efforts. I have nothing but the most wonderful things to say about the two of them and the patience they displayed trying to bring the bill together into one that can unite this body and one that can really help move this country forward.

I am going to vote for the bill, whether ANWR is in it or not. I am supporting Senator MURKOWSKI's effort to open up more domestic drilling in this Nation because I think he was absolutely correct. But I want to say I think it is going to take a more fundamental shift in attitude and policy. Although the bill gives us great hope in tax credits for more production, great hope in tax credits for more alternatives, we are still, if you will, arguing about the margins and missing the big picture.

The big picture is really this: I think the solution is for this country to get serious about becoming energy independent. I think the President is absolutely right when he talks about a freedom car or a freedom truck or a freedom system. This is about freedom. This is about being able to be a leader in the world based on what our real values are, and not being held hostage because we need something that someone else has and because we will not produce it, even though we have it. Our foreign policy is compromised and the lives of our men and women are put in danger.

It is not right. It is not smart. It is dangerous. If we did a better job of communicating to the American people this reality, I think they would rise and demand a fundamental change.

So the amendment I am going to lay down is a simple one. It says this: All States are to submit a plan to the Secretary of Energy within 1 year to show how they can become basically energy self-sufficient.

Whatever they are consuming, they must come up with a plan of producing—not 100 percent, because I think that would be very difficult for some States, recognizing that some States are small. So my amendment is going to say that whatever you consume, you must try to produce 85 percent of what you consume. The money in this budget, the money that the Federal Government—taxpayers—provide, is contingent upon the State submitting such a plan.

If you do not submit a plan, you are not permitted to receive any money. I will tell you why. On the floor I said one of the founding principles of this Nation was: He who doesn't work doesn't eat. It is why the Plymouth Colony survived. It is why this Nation not only is surviving but thriving; it is because it is an American principle that we live by every day—not perfectly, but it is an undergirding principle of this Nation.

It is not the communistic principle, not other principles. The principle in America is you live by the fruit of your labor. You work and use the talents that God has given you. When you produce, you can live and consume. But if you don't work, if you don't produce, you should not pick up the paycheck. We have done it in welfare reform. We do it everywhere. But we do not do it in energy.

I will show you why we do not do it. This is a chart of the States that produce power. The purple States shown here produce enough power for themselves, and are net exporters of power. They produce it in all different ways. Some produce it by coal, some produce it by oil and gas, some produce it by using their great water resources with which their regions are blessed. These States have figured out what resources they have.

They are trying—I admit with a lot of mistakes in the past. When we didn't have the great science and technology of today—using basically just carriages and horseback—we were just trying to make it work and build this country. So they found all these resources and started putting them together, to give power to a nation that is truly the light of the world.

Now notice the red States here. They are consuming much more—in some cases dramatically more—than they are producing. That is the problem. I will submit for the RECORD the numbers that are quite dramatic for these consuming States which indicate their unwillingness and their reluctance to produce the energy they need to sustain their economy and their dependence on others to produce.

If that were as far as we have gone, maybe we could even live with that. Not only are these States not willing to produce, but they are telling other States they can't produce—not only not in my backyard, but not in your backyard. I think that kind of attitude is driven by populations that might not quite realize what is at stake. It is, I think, jeopardizing our Nation and causing us to work around the margins and not really work on the core points.

We cannot conserve our way out of where we are. We have to produce more domestically.

Let me give you another reason why I am very passionate about this.

Every time we drive domestic production off our shores, it goes somewhere else. It doesn't go away. It just goes somewhere else. When it goes to Canada, it is not bad because Canada is a stable country with good laws and good environmental rules and regulations. We in some ways benefit when it goes to Canada—not only as a nation but as a world—because Canada is a developed, progressive, and friendly country. But that is about it.

It might go to Mexico and to South and Central America. Mexico is a friend. Our relations are warming. They are an ally, but I would not say that Mexico or Central America or Latin America have the strongest environmental policies. I think they have fairly transparent business operations. I am not so sure they have the highest level of ethics in terms of their business, at least compared to the United States.

When we drive production off the shores of the greatest country in the world, which has the best regulations, the best laws, the most transparent system, and an assurance that drilling is done in the right way, we drive it to places in the world where environmental destruction is inevitable because they do not have the technology. They do not have the laws. They do not have the organized environmental groups.

In our great righteousness of trying to clean up the United States of America, we are messing up the rest of the world. It doesn't make sense from an environmental perspective. It doesn't make sense from a security perspective. Children, young people, spouses, and parents are dying today over this issue.

Why can't we help Israel anymore? Because we are so dependent on Arab countries to supply us with oil, and so we don't have to drill anywhere in the United States for oil. We see in the paper every day that another 60 people have died in Israel, and we say we are sorry.

This Senator is going to do everything in her power to help change this view in the United States.

When a person runs for President in this country, they have to go to California to get a lot of votes. They have to go to Florida to get a lot of votes. They have to go to other big States to get a lot of votes. There are some interest groups there that I think have captured and held hostage some of the general public in those States and convinced them that they can just continue to consume. They don't have to produce anything. They do not have to produce it by coal. They don't have to produce it by nuclear. They don't have to produce it by hydro. They don't have to produce it by gas. They don't have to produce it. They can just consume.

Again, the States in red on this chart are importers of electricity. They consume sometimes 3, 5, 10, and 15 percent more than they produce. The States in purple produce more than they consume. They are net exporters.

The amendment that I am going to lay down later today is a message amendment. I think this message is compelling. I think this is a message worth giving. I hope somebody will listen to it. States are to submit a plan to the Secretary of Energy within 1 year. In that plan, every State has to show how they are going to become energy independent within 10 years. If they do not submit a plan, they are not allowed to get one penny from this energy bill for any projects because then they go on their own.

The country was founded on the principle of those who work eat, and those who do not work don't eat.

Let me say something about by State. This isn't just about Louisiana. I am proud of what my State does. We are trying to do a better job of protecting our environment. We are making a lot of strides. Our universities are doing great, and our businesses are trying. We acknowledge that we have made some mistakes. I am very proud of my State. We produce a lot, and we consume a great amount.

I will show you on this chart, but you can understand that our consumption is not just for ourselves. We have a lot of industry that makes a lot of products that go everywhere in the country and in the world. Not only do we produce everything that the 4.5 million of us need every day for our lives, but we also produce enough to run this great industrial complex. Even then, we send another half of what we produce out to everybody else. We do it because we are very blessed to have oil and gas. We thank God for it. We didn't make it. It was there where our State was founded. But we are wise enough to try to recover it and use it for the great growth of the Nation.

In addition, we sit on the greatest river system that drains the entire Nation, that produces fish, and we have levy systems, at some sacrifice to our environment. Who in America would say we don't need the Mississippi River? I don't know what we would do without it. I do not know what our farmers in the Midwest would do without the mighty Mississippi and its tributaries.

The people in Louisiana have done more than their fair share. It is not just about Louisiana. It is about the principles that we need to get straight.

This chart is an illustration of how much natural gas comes from offshore. This is the big trunk—Louisiana and Mississippi. This represents where our gas comes from that is firing our economy and meeting new environmental clean air standards. Why? Because natural gas is a clean way to produce energy. It helps keep our air clean. That is the benefit when you have a pro-production attitude.

Just imagine if we had a pro-production attitude in other places in this Nation. Instead of one tree trunk, we could have 10 tree trunks. So in the event that some terrorists tried to shut down one of these tree trunks, we might have several others. Or in the event of some natural catastrophe, such as a major hurricane, or some other event that might shut down some of the infrastructure here, we could be self-reliant. But we are not self-reliant because we have one big trunk, and it comes right off the Mississippi and Louisiana coast. Nowhere else.

It cannot come off anywhere here as shown on this portion of the chart because we have blocked everything else. We are just like sitting ducks. We have one tree trunk. If that tree trunk gets cut down, we are out of business.

Let me show you another chart. This shows you the other fallacy.

I am so tired of hearing people say: Senator, even if we opened up drilling everywhere, we could only get enough gas to last us for a year or 2 years or 3 years.

Let me just say something: Hogwash. Hogwash. It is not true. I say to anybody who says it, please come to this Chamber and let's debate the numbers because I am going to show you what I just learned this week, after being here several years. I was looking at these charts, and then something very significant dawned on me.

As seen on this chart of the United States, for those areas shown in the gold-orange color, we have said, either through law or through regulation, you cannot drill here. It was not always this way; we did not start the country this way—but in the last several years, a small group of people who think you can consume and not produce have convinced enough people of that mistruth, and successfully blocked production in these areas.

Here are the areas shown on the chart. You cannot drill anywhere up the east coast and the eastern part of the Gulf of Mexico. You cannot drill in California or any place such as Washington or Oregon.

But what these charts are not accurate about is this: Minerals Management Service, for instance, offers these estimates. MMS does a beautiful job. It isn't that they are trying to mislead, but I just learned how they calculate these numbers and they are not really accurate or show the right picture. They are calculating, if we open this area, we could maybe get 2.5 trillion cubic feet of gas. The United States needs 22 trillion cubic feet of gas a year.

So that would only be such a small percentage, you could ask yourself: Is it worth it? I would ask myself that. Is it worth it to open it up if you could only get a few months' worth of gas? Maybe that answer would be wrong. I will show you the reason these charts are very misleading.

On this chart, look at the Gulf of Mexico, where we have been drilling since about 1950. It is a very developed field. We know what is there because we have taken a lot out. Our industry is very knowledgeable about this area.

Look what this chart says: Gas, 105.52, which means this is 105 trillion cubic feet of gas in just one part of the gulf. But right over this line, between Alabama and Florida, the estimate drops to 12.31 trillion cubic feet of gas.

So I tell you again, that could not possibly be true because any geologist—and I am not a geologist—but any geologist can tell you that the formations do not stop at State boundaries. They do not stop at political boundaries. If these formations are true for the western part of the gulf, it has to be true for the eastern part.

So when we say no drilling anywhere in the eastern part of the gulf because there might be only a little bit of gas—so why go there? It is not just a little bit of gas. It is the difference between imports and freedom. It is the difference between being hostage to enemy countries and freedom. It is a big difference. And it is a big decision. And we mislead our people when we say: Why drill? There is just not a lot of gas there.

There is a lot of gas in the gulf. There is enough gas, just in my little place to keep the country going for 5 years—just in one part. Five years—just in my part. And we are willing to do it. But why should we try to keep it going for the next 20 years? Can't someone else contribute? For 5 years we could keep it going. And that is on one little part. And we have already taken half of our gas out.

So I am just going to make a rough estimate that if Florida would open up—not close to the shore because I do not want to put oil rigs off the coast of Florida. I have spent my life growing up off the Florida coast. I am used to seeing oil rigs. I understand people do not like them. I think they are pretty nice. I have been on them. But I understand that.

I am not talking about right off the coast. I am talking about 25 miles out. You cannot even see them. And with the directional drilling now, you could drill with a minimal footprint and provide this Nation with 10 years of freedom. You could tell Saudi Arabia, no. You could say: No, we are not sending our soldiers. But, no, we have people who think: Fine. Send the soldiers.

I don't want to send my son. He is only 9. I hope I can keep him home. That is what this debate is about. I do not want him to go when he is 18. If I have to come to this Chamber every day until he is 18 to fight on this point, it is worth it—for him, for my family, for everybody's family.

But I am not going to listen to "because MMS says." I asked MMS this morning. I asked: How do you all come up with these numbers?

They said: Senator, since we have done no exploration there, we really don't know. We just low-ball it. These are just bare minimum numbers.

But I can use my brain and figure out what the truth is. Today I figured it out. There is a lot of gas. There is a lot of oil. There is enough in that little part in Alaska where Senator MURKOWSKI and Senator STEVENS want to drill. And it is not the last great place on Earth, which is something else I want to talk about. With all due respect to the environmental leaders who have done a good job in our country helping us to find a balance, we have, in this case, gone too far, in my opinion. It is not the last great place on Earth.

This Earth has a lot of great places left. There are a lot of wonderful oceans and rivers and streams and things that are getting cleaner and brighter every day. It is not the last great place. But they would drive drilling off the most sophisticated Nation on Earth into places that are worth preserving in this world. But they are not going to exist anymore because the environmental movement itself is going to destroy them. Because there are no regulations in other countries—not up to our standards—there is no oversight, there are no democracies, there is no free press to tell you when you have gone too far.

We have a free press in this country. And, believe me, that is a great thing because if the industry goes too far, the press will be right there, writing: You didn't abide by your permit. You went too far. You have polluted this stream, and you should not do it. Then we respond to it and we shut them down. That does not exist in places like Brazil or Honduras, and other places, to that great of an extent.

So I challenge the environmental community: Could you think about somebody else besides us for a change? Could we think about the world? We are not thinking about the world. We are leading the country in the wrong direction.

I challenge the leadership to tell the people the truth. Just tell them the truth. We are not telling them the truth. And, as a result, when they do not have the truth, they cannot then respond in a way that is right.

It is our job to say the truth, and I am going to say it every day in hopes that we will get energy independent in this Nation. We can do it. And we can do it by producing more in the right ways, and by—as Senator BINGAMAN has been so good at—focusing on new freedom technologies, such as fuel cells and hydrogen and new reactors that Senator DOMENICI has been leading us on for the nuclear industry. And soon it will be wonderful to live in a country where we are energy independent. Then we can set our goals and our principles according to our values and according to the reason we fought and died in every war: The values for which this country stands.

I hope I see that day. I am young enough that hopefully I will see it. I have a lot of years left to fight.

Mr. President, I ask unanimous consent to have printed in the RECORD these numbers that show which States produce and which States do nothing but basically consume.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE ENERGY PRODUCTION AND CONSUMPTION

State	1999 Production Quadrillion Btus (Quads)							1999 Consumption		
	Total electricity	Primary electricity	Oil	NG	Coal	Total quads	MMBtu per capita	Quads total	MMBtu per capita	1999 Population
Alabama	0.413	0.148	0.065	0.608	0.414	1.234	282.4	2.005	458.8	4,369,862
Alaska	0.020	0.003	2.223	0.514	0.033	2.773	4476.1	0.695	1121.4	619,500
Arizona	0.286	0.138	0.000	0.001	0.250	0.389	81.5	1.220	255.3	4,778,332
Arkansas	0.162	0.061	0.041	0.000	0.000	0.103	40.4	1.204	471.8	2,551,373
California	0.630	0.328	1.584	0.425	0.000	2.336	70.5	8.375	252.7	33,145,121
Colorado	0.135	0.005	0.107	0.821	0.636	1.570	387.1	1.156	284.9	4,056,133
Connecticut	0.095	0.052	0.000	0.000	0.000	0.052	15.8	0.839	255.7	3,282,031
Delaware	0.023	0.000	0.000	0.000	0.000	0.000	0.0	0.279	370.0	753,538
Dist. Of Columbia	0.001	0.000	0.000	0.000	0.000	0.000	0.0	0.170	327.2	519,000
Florida	0.639	0.135	0.028	0.007	0.000	0.170	11.3	3.853	255.0	15,111,244
Georgia	0.408	0.134	0.000	0.000	0.000	0.134	17.1	2.798	359.3	7,788,240
Hawaii	0.035	0.003	0.000	0.000	0.000	0.003	2.8	0.241	203.6	1,185,497
Idaho	0.049	0.048	0.000	0.000	0.000	0.048	38.3	0.518	414.1	1,251,700
Illinois	0.557	0.282	0.070	0.000	0.858	1.210	99.7	3.883	320.1	12,128,370
Indiana	0.416	0.002	0.011	0.000	0.722	0.735	123.7	2.736	460.3	5,942,901
Iowa	0.130	0.016	0.000	0.000	0.000	0.016	5.6	1.122	390.9	2,869,413
Kansas	0.144	0.031	0.168	0.615	0.009	0.823	310.2	1.050	395.6	2,654,052
Kentucky	0.316	0.009	0.016	0.000	2.963	2.988	754.5	1.830	462.1	3,960,825
Louisiana	0.305	0.062	0.696	5.904	0.063	6.725	1538.1	3.615	826.9	4,372,035
Maine	0.041	0.023	0.000	0.000	0.000	0.023	18.1	0.529	421.9	1,253,040
Maryland	0.178	0.054	0.000	0.000	0.081	0.135	26.2	1.378	266.5	5,171,634
Massachusetts	0.135	0.024	0.000	0.000	0.000	0.024	3.9	1.569	254.1	6,175,169
Michigan	0.354	0.062	0.045	0.308	0.000	0.415	42.1	3.240	328.4	9,863,775
Minnesota	0.168	0.056	0.000	0.000	0.000	0.056	11.8	1.675	350.8	4,775,508
Mississippi	0.120	0.035	0.104	0.123	0.000	0.263	95.1	1.209	436.5	2,768,619
Missouri	0.252	0.035	0.001	0.000	0.008	0.044	8.1	1.768	323.3	5,468,338
Montana	0.100	0.040	0.087	0.068	0.872	1.067	1208.8	0.412	467.2	882,779
Nebraska	0.107	0.040	0.015	0.000	0.000	0.056	33.5	0.602	361.3	1,666,028
Nevada	0.105	0.015	0.004	0.000	0.000	0.019	10.4	0.615	340.1	1,809,253
New Hampshire	0.056	0.039	0.000	0.000	0.000	0.039	32.3	0.335	279.2	1,201,134
New Jersey	0.194	0.103	0.000	0.000	0.000	0.103	12.6	2.589	317.9	8,143,412
New Mexico	0.111	0.001	0.373	1.679	0.619	2.672	1536.1	0.635	365.0	1,739,844
New York	0.495	0.210	0.001	0.000	0.000	0.211	11.6	4.283	235.4	18,196,60
North Carolina	0.402	0.147	0.000	0.000	0.000	0.147	19.2	2.447	319.8	7,650,789
North Dakota	0.107	0.009	0.191	0.059	0.661	0.919	1450.6	0.366	577.1	633,666
Ohio	0.486	0.060	0.035	0.000	0.477	0.572	50.8	4.323	384.1	11,256,654
Oklahoma	0.187	0.011	0.409	1.745	0.035	2.201	655.5	1.378	410.2	3,358,044
Oregon	0.193	0.157	0.000	0.001	0.000	0.159	47.9	1.109	334.5	3,316,154
Pennsylvania	0.664	0.257	0.009	0.000	1.621	1.887	157.3	3.716	309.8	11,994,016
Rhode Island	0.023	0.000	0.000	0.000	0.000	0.000	0.4	0.261	263.5	990,819
South Carolina	0.306	0.179	0.000	0.000	0.000	0.179	46.0	1.493	384.2	3,885,736
South Dakota	0.036	0.023	0.006	0.000	0.000	0.029	39.8	0.239	326.0	733,133
Tennessee	0.319	0.120	0.002	0.000	0.064	0.187	34.0	2.071	377.6	5,483,535
Texas	1.220	0.137	2.606	6.797	1.126	10.666	532.1	11.501	573.8	20,044,141
Utah	0.125	0.005	0.094	0.292	0.560	0.951	446.3	0.694	325.8	2,129,836
Vermont	0.019	0.019	0.000	0.000	0.000	0.019	32.0	0.165	277.9	593,740

STATE ENERGY PRODUCTION AND CONSUMPTION—Continued

State	1999 Production Quadrillion Btus (Quads)							1999 Consumption		
	Total electricity	Primary electricity	Oil	NG	Coal	Total quads	MMBtu per capita	Quads total	MMBtu per capita	1999 Population
Virginia	0.255	0.106	0.000	0.000	0.685	0.791	115.1	2.227	324.1	6,872,912
Washington	0.397	0.355	0.000	0.000	0.087	0.443	76.9	2.241	389.3	5,756,361
West Virginia	0.323	0.003	0.009	0.000	3.353	3.365	1862.0	0.735	407.0	1,806,928
Wisconsin	0.202	0.052	0.000	0.000	0.000	0.052	9.9	1.811	344.8	5,250,446
Wyoming	0.149	0.004	0.355	0.914	7.155	8.428	17573.6	0.422	879.5	479,602
Other States				0.889		0.889				
Other						0.000		0.0577		
Federal Offshore			3.096							
U.S. Total	12.594	3.839	12.451	21.771	23.356	61.416	225.2	95.683	350.9	272,690,813

Ms. LANDRIEU. Then I am going to submit other things for the RECORD and lay down the amendment when the Senator from Alaska suggests we lay it down.

I yield whatever time I have remaining.

The PRESIDING OFFICER (Mr. BAYH). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened to the Senator from Louisiana. I look forward to being a cosponsor of her amendment.

For far too long, we have not identified the issue of equity which the Senator from Louisiana has certainly shown with her chart. I have a slightly bigger chart which basically shows the same thing.

I will take a few moments, if I may. I ask the Senator from Louisiana to look at this chart. As she displayed on her own chart, the areas that are off limits for oil and gas exploration are clearly the entire east coast of the United States, from Maine to Florida. This is the entire area in gray. Then we have the area of lease sale 181 that was addressed by the Senators from the States of jurisdiction. I respect the attitude prevailing within those States relative to what happens off their shores.

The entire west coast of the United States is off limits, from Washington to California. The Senator from Louisiana did not show what happened in the overthrust belt, where we have the producing States of Colorado, Wyoming, Montana, Utah, northern parts of New Mexico; they have been taken basically off limits by the roadless policy, as has a lot of public land.

As we begin to look at this country, we recognize who produces the energy: Texas; Louisiana; Mississippi; Alabama, to a degree; California is still a major producer; Montana; my State of Alaska. But the inconsistency, as the Senator from Louisiana pointed out, is that we have an inequity. And it is ironic that Senators who do not want energy production from Federal lands of their States are very much opposed to supporting the States that want to have the development. Whether we talk about CAFE or some reasonable form of revenue back to the States that bear the impact associated with offshore activity, such as Louisiana or others, we get into a fight over equity there. Clearly, Louisiana has to provide the infrastructure to support an offshore activity, but they don't receive necessarily any Federal consideration on revenue sharing that is any more significant than another State that doesn't have that impact.

Ms. LANDRIEU. Mr. President, will the Senator yield?

Mr. MURKOWSKI. I am happy to yield.

Ms. LANDRIEU. The Senator is aware that there is a great injustice on which I hope we can make some headway before this bill leaves the Senate. The injustice is that Federal law allows interior States—and I think rightfully so, and I most certainly support it and would even argue it should be increased—but in the interior States, when they do any kind of mining or resource recovery on Federal land, the State that hosts that Federal land and the surrounding communities share 50 percent to compensate for impacts because there are roads that have to be built.

There are other impacts where if the Federal Government is going to benefit from drilling within your State, even on State land, we think the State should share the benefit.

But the tragedy is that for coastal States, such as Louisiana, Texas, Mississippi, Alabama, and, to some degree, Alaska, you must drill within 3 miles of your coast to get any compensation. So we are sending $4 and $5 billion in royalties and revenues to the Federal Treasury. In addition to sending the oil, in addition to sending the gas, we are also sending huge amounts of money to the Federal Treasury, and our States get nothing, nothing in direct aid.

My next amendment is going to be about changing that. I have an amendment that is going to ask for a portion. I hope everyone will support that. I can't imagine why anyone wouldn't, considering what I have just shown. I thank the Senator for raising this issue.

Mr. MURKOWSKI. I thank the Senator from Louisiana. I will comment on a couple of other points she made. One is that States such as Louisiana and other energy-producing States contribute extraordinarily to the standard of living we all enjoy. We enjoy it without having the impact of resource development in some States.

I would appreciate it if they would leave that one chart up that showed the electricity because that in itself—even though I am not over there, I hope the camera can pick it up—does represent a significant reality that the purple States are contributing for the production of electric energy so that the other States can share a standard of living that is equal to the States that are generating the electric production. That means somebody is burning coal in a purple State, and a red State enjoys theoretically the potential of not the impact of air emissions but the generation of prosperity through inexpensive electricity because of various efficiencies we have in the system.

For a producing State not to get any other consideration seems kind of inequitable when we look at technology and issues of where are we going to generate the power we consume.

That chart specifically is limited to electricity, but it is a very interesting one because it shows a harsh reality. I encourage my colleagues to feel a little guilty if they are a red State. If they are a red State, they are depending on a purple State to support the quality and standard of living they enjoy.

I appreciated the Senator's comment relative to her young son and the reality that we have fought a war over energy oil specifically—before. The paper this morning showed a very dismal picture relative to what is happening in the Mideast, the threat from Iraq. I am always reminded of Senator Mark Hatfield, who was a respected Member of this body from the State of Oregon, who said time and time again: I would rather vote for opening up ANWR than send another American man or woman to fight a war on foreign soil over oil. That is what the Senator is talking about with regard to her own son.

As we look at our vote yesterday, really that vote was over safety. It was families; it was children. We sacrificed to some extent a CAFE for that assurance and that reality. I think we have to look similarly to the merits of our dependence on greater sources of imported oil from overseas and the price we are going to have to pay for it, not just in dollars but American lives. There is a parallel.

Ms. LANDRIEU. Will the Senator yield for one moment? I would ask him if he could imagine if we put some kind of chart up like this where there were some States that said: We want to produce food. And then other States said: No, we are not going to produce any food. We want you to produce the food, and we don't want to produce the food. Not only do we not want to produce the food, but we want to have a moratorium on food production. Not only are we going to have a moratorium on food production in our State, we are going to tell you, the purple States, what kind of food you can grow and how you can grow it, and that is just the way it is going to be.

I realize this might be stretching this analogy, but we have to break through to the American people in some way and explain that there are certain things we all need. We all have to be able to produce them. Food is one. Energy is one.

Then some people will come down here and argue: Senator, this is not right, because some States produce food, some States produce energy, some States produce this, some States produce that, and that is what a union is all about. I have thought about that. But there will not be a moratorium on food. Nobody is saying don't grow food in my State. But, about energy, they are saying we don't want to produce energy in our State. We don't want the gas plants, don't want the oil; we don't want to produce it through nuclear or through coal. Some States are even going so far as to say: We don't want the electricity lines. They are not nice to look at. We don't want merchant powerplants.

How in the heck do they think, when you walk into a building, these lights go on? There is some electricity line, or a powerplant, or there is some man or woman in a coalfield working for power production. We have done a great disservice to our country by not making this connection. It is very dangerous. I thank the Senator from Alaska.

Mr. MURKOWSKI. I thank the Senator from Louisiana. I look forward to seeing her amendment, which I intend to cosponsor and support.

As we reflect on this debate, make no mistake about it, yesterday's vote was a vote where we were willing to give up CAFE for the safety of our children. I think that is pretty basic. We are going to have the same opportunity to address the parallel when we get to the issue specifically of trying to reduce our dependence on imported oil—whether we want to trade off domestic production here at home, the opening of ANWR, or, indeed, recognize the threat we have to young men and women fighting a war overseas on foreign soil over oil.

I will take a few moments to remind our colleagues that our President had some very strong words today for Saddam Hussein. Yesterday, during his press conference, he shared them with many of our colleagues. I want to quote from that press conference. I ask that Members who haven't looked at the front page of the Washington Post to recognize the potential threat we have with regard to our relationship with Iraq. Yesterday he said:

> I am deeply concerned about Iraq. . . . This is a nation run by a man who is willing to kill his own people by using chemical weapons, a man who won't let the inspectors into the country, a man who's obviously got something to hide.

Further, the President states:

> And he is a problem, and we're going to deal with him . . . we've got all options on the table. . . . One thing I will not allow is a nation such as Iraq to threaten our very future by developing weapons of mass destruction.

We know that Saddam Hussein has been up to no good. We have not had inspectors there for over 2½ years, and we have reason to believe he has a missile development capability. He has already shown it in the Persian Gulf war and with the missiles that were fired at Israel. We have every reason to believe he has a biological, and perhaps a nuclear, capability. We know he has been developing weapons of mass destruction.

Now, the President said:

> We've got all the options on the table.

I don't need to remind my colleagues what Saddam Hussein means to the world in which we live. He is much more than just one of the world's greatest threats to peace and stability. He is more than just an enemy with whom we went to war. Unfortunately, he is a partner at the same time. He is a partner we rely on to power our economy. What is going to happen to the roughly million barrels a day we import each day when and if President Bush's words turn into deeds? Are we still going to be able to count on Saddam Hussein for a million barrels a day? How are we going to replace that oil?

I want colleagues to understand an important reality of one of our efforts on the energy bill. By an overwhelming majority, 62 to 38, yesterday's vote on CAFE was a victory for common sense, for the American family, and the American worker. As I indicated earlier, it was a very basic vote where we gave up CAFE for the safety of our citizens and our children. By insisting that sound science decides where we should set our fuel standards, we protected America's ability to choose the automobiles that meet their needs and the American workers who build them.

But in so doing, those who objected to this more reasonable approach to CAFE standards for reducing our dependence on foreign oil—that was basically rejected as an alternative. Keep in mind that one of the treaties of that particular concept was that we don't need to develop more oil here at home. We don't need to develop ANWR. We can do it through CAFE savings.

Well, perhaps that might have been possible, but that was simply addressed in real terms by a rejection of that thought. So that alternative of CAFE savings—picking up what we would otherwise have to perhaps depend on in ANWR, opening up domestic oil and gas reserves—was rejected.

Between the CAFE victory and the President's words on Iraq, I think it is clear we have to act to fill the energy voids. If we are not going to do it through CAFE, how are we going to do it? If we are going to terminate our relationship with Iraq under some set of circumstances, that is certainly going to affect our ability to import oil. Where will we get the difference?

The Senator from Louisiana said it right. Charity begins at home. We have to develop those areas where we have possible oil and gas potential to lessen our dependence on foreign oil.

I think her theory of holding each State accountable is a good one. We have technology and ingenuity within our States. Some States may be able to generate energy from solar, or wind, or nuclear. Let's get on with it here at home.

We have a lot of coal in this country, and we have gas offshore, and we have oil potential in certain areas. Let's commit ourselves to becoming more energy independent. We can do that if we concentrate on it.

Isn't that a good thing for the American economy? If we made this kind of a commitment, you would see the OPEC cartel come to an emergency meeting where they would say, just a minute, maybe we should lower the price of oil, maybe we should make a little more available—instead of what they are doing now.

So I think the Senator from Louisiana brought up some interesting ideas, and we should concentrate a little bit more on getting our act together. You have heard it time and again, but one of the major sources is the promise of ANWR. ANWR has more oil in it than Texas currently shows in reserves. It offers us an opportunity to potentially eliminate Iraqi dependence for more than a century or 30 years from Saudi Arabia. With American technology, we can reach oil safely and we can create thousands of jobs.

It is interesting to note that today we are going to have James Hoffa, the Teamster president, for a press conference and one of the things we will be discussing is how to reduce our dependence on foreign oil. One of the items is opening ANWR. That debate lies ahead of us. Keep in mind the realities of the choices we make when we choose from where our oil comes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARPER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARPER. The Presiding Officer and I, before we were hired on as Senators, used to earn our keep by serving as Governors of Indiana and Delaware. As Governors, we were mindful of the prerogatives of the States and our roles and responsibilities as chief executives of our States. We worked through our national and regional organizations to make sure the concerns of our region and the Governors and the States in general were respected.

Whenever a group of Governors today raises a concern about an issue that is before the Congress, I listen. In this case, we have heard from a number of Governors from the western part of the United States raising concerns with respect to the electric reliability provisions that are in the underlying bill before us.

We have had a chance to try to better understand what the concerns of the Governors are, and we have had an opportunity to try to understand how their concerns, if adopted as proposed, would affect the rest of us who do not happen to be from those 14 or so Western States that have banded together to present their message to us.

That having been said, I nonetheless must feel compelled to rise in support of the electric reliability provisions that are in the underlying amendment. Senator BINGAMAN has sent out a Dear Colleague letter to all of us dated yesterday, March 13, on this issue. I urge our colleagues to take a few minutes to read it as we approach the vote at 2 p.m.

The underlying language that is in the bill Chairman BINGAMAN has developed represents what I believe is a simplified approach that places appropriate authority for liability within the Federal Energy Regulatory Commission, which we call FERC. FERC is the proper body to address electric reliability issues. FERC has the expertise to harmonize reliability and to commercialize issues that States and utilities face.

Under Senator BINGAMAN's proposal, FERC can objectively defer to regional and State solutions if FERC does not think they have the expertise and that the expertise lies elsewhere. They have the flexibility to look elsewhere for those solutions.

I believe what Senator BINGAMAN has provided for us is a thoughtful compromise. It is based on the premise that a reliability structure should be both simple and dependable. The language in the underlying bill requires FERC to implement a system that applies to all regions in what I believe is a fair manner. It also includes a flexibility to defer, as I said earlier, where appropriate, to regional entities and to States. I believe this is a good solution to the important issue of ensuring the reliability of our electric grid. The electric grid is a national infrastructure, and the oversight of its reliability should be national in scope as well.

This morning Senator BINGAMAN introduced into the RECORD a letter from PJM. PJM is the entity which coordinates the electric grid in Delaware and in five other States in the mid-Atlantic region. PJM is recognized, we believe, as the best in the country in ensuring the reliability of our grid. They said they support Senator BINGAMAN's efforts as well. So do I.

I would be surprised if our colleagues, especially those from the mid-Atlantic or from the Northeast, voted for the amendment that is being offered by the Senator from Wyoming later today, particularly if they will take the time to listen to the input, as I have, from their PJM in their part of the country, and especially if they will take the time to read this letter. It is a Dear Colleague letter from Senator BINGAMAN.

As Governors, we always tried to find solutions that were simple and dependable: The old "kiss" principle, keep it simple stupid. I often find that would underlie what we attempted to do. We would often seek, as Governors, to make sure what we tried to do for one region of the country did not somehow inconvenience or undermine the interests of another part of the country.

My concern about what our friends from the West have proposed is it is not simple and it would undermine and put the rest of us at a disadvantage.

I urge my colleagues to support Senator BINGAMAN's position in the underlying bill and oppose the amendment of Senator THOMAS.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MILLER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I say to my friend from Oregon, when the time arrives that he has his amendment in hand, I will be happy to yield the floor to him.

In the meantime, I note that after the 2 o'clock vote Senator BINGAMAN will lay down an amendment. The purpose of the amendment, as I understand it, is to change the renewable portfolio in the underlying bill. The underlying bill says in effect that 10 percent of the electricity in this country must be renewables by a certain time. Senator BINGAMAN's amendment changes that to 8½ percent, lowering it. Senator JEFFORDS will offer an amendment to raise that amount to 20 percent—double the amount in the underlying bill. Following that, Senator KYL of Arizona will offer an amendment to delete all renewables from the bill.

Senators will have an opportunity to vote for a lowering of the amount from 10 to 8½ percent, sponsored by Senator BINGAMAN and others; they will have an opportunity to vote for raising that standard to 20 percent; or eliminating them altogether. We will complete those votes this afternoon sometime.

Although the amendment has not been laid down, I will speak in support of the Jeffords amendment. Why would I do that? The State of Nevada would benefit significantly from renewable energy because the Nevada Test Site—where we for 50 years have set off nuclear weapons and are still performing testing—could produce enough electricity for the whole United States, every need in the United States for electricity, by putting solar panels that cover the Nevada Test Site. There is that much sun. We are not going to do that, but we could.

Also, the State of Nevada is the most mountainous State in the Union. We have more mountains than any State in the Union, except Alaska. We have 340 separate mountain ranges. We have 32 mountains over 11,000 feet high. As a result of that, we have wind all over the State of Nevada. Nevada, other than Alaska, is the most dangerous State in which to fly. Why? Because of the mountains. We have weather changing very quickly because of the mountains. People do not realize Nevada is the most mountainous State except for Alaska.

People think of Nevada as being desert, like Las Vegas. That is not the case. We have, in addition, the ability to produce large amounts of energy with sun. We have the ability to produce large amounts of energy with wind. However, it does not stop there. Nature gave Nevada also the greatest geothermal resource in the United States.

I remember when I first went to Reno. I traveled from Reno to Carson City, about 25 miles. Driving along that road on the side is steam coming from the ground. I had never seen anything like that before. The steam is from the heat of the Earth. What we have been able to do is tap that heat. Now we are producing electricity in Nevada, the geothermal energy. That is why I am so in favor of the Jeffords proposal.

Senator MURKOWSKI, my friend from Alaska, wants to produce more energy as a result of this bill. He wants to produce energy in the ANWR wilderness. That is not going to happen.

On the other side, people want to cut down the consumption of fuel. That was debated all day yesterday with

CAFE standards. That is not going to happen.

On one side, we have Members who want more production out of Alaska and are not going to get it; and those who want to cut down the consumption of fuel on automobiles will not get it.

Where does that leave us? It leaves us with the opportunity to demand that we do more with renewables. We can do that. There is no question we can do that. We are not as well advanced in technology as we should be, but we could be. The link between environment and energy must be forged and tempered in this century. I know everyone understands the importance of developing renewable energy resources in homes and businesses without compromising our air or water quality. Senator JEFFORDS, in his position as Chairman of the Environment and Public Works Committee, is in a very good position to proceed on this. That is what he is going to do. He will offer a second-degree amendment to increase the supply of renewables. He will offer that at a later time.

Congress needs to step up to the plate and diversify this Nation's energy supply by stimulating the growth of renewable energy, America's abundant and untapped renewable energy, and fuel our journey to a more prosperous tomorrow. We should harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide clean, renewable energy for our Nation.

Other nations are developing renewable energy sources at a faster rate than we are in the United States. Ten years ago, America produced 90 percent of the world's wind power; today, 25 percent of the world's wind power. Germany has the lead in wind energy, and Japan in solar energy. They are using technology that we developed, but we are not moving forward on it. They have surpassed us because their governments have provided support for renewable energy production and use.

In the United States today, we get less than 3 percent of our electricity from renewable energy sources such as wind, solar, and geothermal. But the potential from a State such as Nevada is unbelievably large. To meet the goals for 2013, for example, Nevada has, through their State legislature, indicated they must produce more electricity. I am proud of the State of Nevada for doing that. They have set goals. If they set goals, there is no reason we as a Federal Government cannot set goals.

In Saudi Arabia—we refer to them as the energy source of the world—they literally can punch a hole on top of the ground and oil comes out. We do not do that in the United States; it is hard to get our oil. However, Nevada is referred to as a Saudi Arabia of geothermal. My State can use geothermal to meet a third of its electricity needs. Today, this source of energy produces only a little over 2 percent of our electricity needs. We must reestablish America's leadership in renewable energy.

How can Congress help? Clearly, the two most important legislative means are a renewable portfolio standard and a production tax credit. The renewable portfolio standard provides a strategic framework for renewable energy development while the production tax credit acts as a market force. They are both essential. We need a permanent production tax credit to encourage businesses to invest in wind farms, geothermal plants, and solar arrays.

Within the stimulus bill we passed, and the President signed last week, there is a tax credit for wind. We had that before. It is so important. All over America we have companies wanting to go forward with wind farms. They could not do it because they did not have the tax credit. Now, within a short period of time, they are off and running again.

When the wind energy tax credit first came into being, it took a little over 22 cents to produce a kilowatt of electricity by wind. At the same time, coal and natural gas was 2 cents to 3 cents. Wind was way behind these other two sources. But today, because of the tax credit, wind is the same price as coal and natural gas. That is why we need to make sure we have a production tax credit. It would cause people to invest in wind farms. We also need it, though, Mr. President—we do not have the same tax credit for Sun, solar. We do not have it for geothermal. We do not have it for biomass—and we need to get that. That is why I am looking forward with great interest to the Finance Committee Chairman's work, Senator BAUCUS, to offer something on this bill to allow us to do that.

A permanent tax credit would provide business certainty and ensure the growth of renewable energy development. It would signal America's long-term commitment to renewable energy. As I have already said, I look forward to Senator BAUCUS's bill.

I hope to have more to say about the production tax credit when we begin debate on the tax provisions of the energy bill. For the time being, let me focus my remarks on the need for a national renewable portfolio standard.

I see the Chairman of the Environment and Public Works Committee is in the Chamber. I say to my friend, I have been indicating you are going to offer a second-degree amendment at a subsequent time to the Bingaman amendment, which has not yet been laid down.

I have been laying on the Senate all the reasons you are so visionary in offering this amendment.

We have to do this. I said earlier to those here in the Chamber that this energy bill has turned into an interesting bill. On the one hand, people want to produce more by drilling in ANWR. That is not going to happen. We also wanted to increase the fuel efficiency of cars. That is not going to happen. I think all we have left to point to for progress with energy policy in this country is your amendment.

I really do believe we need to do more with wind, Sun, geothermal, and biomass. So I commend and certainly applaud my friend from Vermont for his work in this area.

As I indicated, there is no question that the amendment of Senator JEFFORDS, which I understand will call, in 2020, for a 20-percent renewable portfolio standard—starting at 5 percent in 2005. A 20-percent goal is achievable.

I am proud that Nevada has adopted the most aggressive renewable portfolio standard in the Nation, requiring that 5 percent of the State's electricity needs be met by renewable energy resources in 2003—that is next year—and then climbing to 15 percent by the year 2013.

If Nevada can meet its renewable energy goal of 15 percent by 2013, then the Nation certainly should be able to meet its goal, 20 percent, in the Jeffords amendment.

To meet the goals of 2013, Nevada will develop 400 megawatts of wind, 400 megawatts of geothermal, and will do other things such as solar and biomass facilities. But it can be done. If it can be done in Nevada, it certainly can be done in the rest of our Nation. Fourteen States have already adopted a renewable portfolio standard. Why? Because they believe it works. We need a renewable portfolio standard, national standard, to ensure the energy security of this Nation and diversify our energy supply; to reduce the price volatility in energy markets; to set clear, reachable goals for the growth of renewable energy resources; to establish a system of tradable credits that allow a utility flexibility to meet these goals and reduce the cost of renewable energy technologies to create a national market.

I was listening to public radio one morning last week. I was stunned to hear a report of an article in the Journal of the American Medical Association that linked, clearly, lung cancer to soot particles from powerplants and motor vehicles. This study was exhaustive—500,000 people in 16 American cities whose lives and health have been tracked since 1982, for 20 years. Experts gave the study high marks.

The conclusions are obvious. We need to improve the quality of our air for the health and well-being of the American people.

These adverse health effects cost us billions in medical care, and their cost in human suffering cannot be measured.

My good friend, Senator JEFFORDS, knows better than anyone that America needs to build its energy future on an environmental foundation that doesn't compromise air and water quality.

If we begin to factor in environment and health effects, the real cost of energy becomes more apparent. At the Nevada Test Site, I have indicated to the Senate what could happen there with solar power production. But a new wind farm there—it has already received permission from the DOE to be built—will provide 260 megawatts to meet the needs of 260,000 Nevadans. The energy cost for this wind farm will be 3 cents to 4.5 cents per kilowatt hour with the benefit of production tax credits. There are concerns about migratory birds, but basically that is the only environmental impact—some birds may hit the windmills. We will work on that, but that is the only environmental impact. There are no adverse health impacts to humans.

Taking health and environmental effects into account, wind still costs, as I have indicated, about 3 cents per kilowatt hour. Compare that to coal.

About half the electricity in the United States is generated by coal. It is going to be that way for a while. But in Nevada, it is an even higher percentage. That is why development of clean coal technology is vital. I supported Senator BYRD in all his efforts for clean coal technology. We have a northern Nevada clean coal plant. Energy costs for new coal plants are about the same as wind. But coal mine dust killed 2,000 U.S. miners a year. Since 1973, the Federal black lung disease benefits program has cost $35 billion. Coal emissions cause pollution and adverse health effects. Taking health and environmental effects into account, using coal actually costs us, some say, up to 8.3 cents per kilowatt hour.

So a national renewable energy portfolio standard by 2020 will not only protect the environment and the health of our citizens, it would create nearly $80 billion in new capital investments, and $5 billion a year in property tax revenues to communities.

Renewable technologies are highly capital intensive. As a result, we typically pay much more in income taxes per megawatt produced than conventional fossil fuel plants. A recent analysis by the National Renewable Energy Laboratory points out that Federal royalties and income taxes generated by geothermal plants are 3 to 4 times that of electricity produced from new natural gas combined-cycle powerplants.

So replacing conventional powerplants with renewable powerplants mean more tax revenue to the Treasury, even with the production tax credit in place.

In places such as Nevada, expanding renewable energy production will provide jobs in rural areas, areas that have been largely left out of America's recent economic growth.

I say to my friend from Vermont, I appreciate the information in your legislation that says rural electrics will not be bound by this. So people do not have to worry about these local areas having to meet this 20-percent margin. Renewable energy, as an alternative to traditional energy sources, is a commonsense way to make sure American people have a reliable source of power at an affordable price.

The World Energy Council estimates that global investment in renewable technologies over the next 10 years will total up to $400 billion. With a renewable portfolio standard in place, American companies will be ready to lead the way in the 21st century by tapping the Nation's vast potential of clean renewable energy. Congress should pass energy legislation with a vision that looks to the future and assures the Nation of continued prosperity and a cleaner environment.

This Congress, this Senate, must commit ourselves to renewable energy for the security of the United States, for the protection of our environment, and for the health and welfare of our people.

The PRESIDING OFFICER. The Senator from Oregon.

AMENDMENT NO. 3014 TO AMENDMENT NO. 2917

Mr. WYDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself and Mrs. FEINSTEIN, proposes an amendment numbered 3014.

Mr. WYDEN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish within the Department of Justice the Office of Consumer Advocacy)

On page 57, between lines 17 and 18, insert the following:

SEC. 253. OFFICE OF CONSUMER ADVOCACY.

(a) DEFINITIONS.—In this section:

(1) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) ENERGY CUSTOMER.—The term "energy customer" means a residential customer or a small commercial customer that receives products or services from a public utility or natural gas company under the jurisdiction of the Commission.

(3) NATURAL GAS COMPANY.—The term "natural gas company" has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a), as modified by section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)).

(4) OFFICE.—The term "Office" means the Office of Consumer Advocacy established by subsection (b)(1).

(5) PUBLIC UTILITY.—The term "public utility" has the meaning given the term in section 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

(6) SMALL COMMERCIAL CUSTOMER.—The term "small commercial customer" means a commercial customer that has a peak demand of not more than 1,000 kilowatts per hour.

(b) OFFICE.—

(1) ESTABLISHMENT.—There is established within the Department of Justice the Office of Consumer Advocacy.

(2) DIRECTOR.—The Office shall be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate.

(3) DUTIES.—The Office may represent the interests of energy customers on matters concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission—

(A) at hearings of the Commission;

(B) in judicial proceedings in the courts of the United States; and

(C) at hearings or proceedings of other Federal regulatory agencies and commissions.

Mr. WYDEN. Mr. President, I commend the Senator from Nevada for the excellent statement on the importance of renewable energy. He and Senator JEFFORDS have really made the case.

I want it understood that I very much share Senator REID's views with respect to renewable energy. He and Senator JEFFORDS have really been our leaders.

This amendment has been cleared on both sides of the aisle.

As I begin my remarks, I would especially like to express my appreciation to Senators BINGAMAN, MURKOWSKI, LEAHY, and HATCH. All of them have been very gracious in terms of working with me on this issue.

This amendment would establish within the Department of Justice the Office of Consumer Advocacy. This is especially important right now because our Nation's electric power system is undergoing dramatic changes. New sources of power are produced by State-regulated utility companies. Unregulated power marketers are providing an increasing share of new power generation in this country.

At the State level, many States—in fact, the majority of the States—have put in place consumer advocates whose job it is to stand up for the energy ratepayer. The fact is that across this country, in the last year, America's energy consumers—particularly senior citizens and small businesses—have many millions of dollars taken from their pockets. The fact is that the Federal Government really is not in a position to deal with many of the rate hikes, nor are the State governments, because much of this activity relates to energy trading and energy activity that is interstate in nature.

We have the States across the country trying to stand up for the ratepayer. Many of the legislatures have created these consumer advocates that monitor energy prices to make sure the State-regulated utilities are charging fair rates. But when power is being traded like pork bellies and so much of the energy business has moved interstate, the State advocates have no way to investigate or address the wholesale power prices that eventually raise retail consumer rates and that are spawned by interstate activity.

What I am proposing in this legislation—which is a part of what my colleagues, Senators BINGAMAN, MURKOWSKI, HATCH, and LEAHY, have already made clear—is that we will continue to refine this bill as we go through the legislative process, and we will create a Federal advocate for the energy consumer. That advocate at the Department of Justice will have the authority to address the interstate trading of wholesale power and to spotlight unfair wholesale price hikes before they get to the State-regulated utilities and their retail ratepayers.

My view is that consumer advocates provide an independent watchdog over a variety of important issues that come before the Federal Energy Regulatory Commission and a number of agencies that affect energy policy and the American consumer.

Power, of course, used to be produced and sold by State-regulated utilities. Those advocates were able to watchdog the entire process. But today, with State advocates being forced to rubberstamp a lot of these electric rate increases caused by spikes in interstate wholesale prices, consumers are more vulnerable than ever before. The purpose of this amendment is to close the gap which is leaving consumers unprotected from wholesale wheeling and dealing.

When prices spike in the wholesale energy market, the fact is that our States and public utility commissions really do not have the authority to challenge these rate increases due to increased wholesale prices. But the Federal consumer advocate could ask for protection of consumer interests. If the increases weren't just and reasonable, the advocates could represent the consumer in a complaint before the Federal Energy Regulatory Commission, challenging those prices.

Some may say as they consider this issue that there really isn't a need for a Federal advocate, that utilities and other buyers of energy can bring cases on their own at the Federal Energy Regulatory Commission if someone is manipulating the market. But that approach won't work when the buyer of energy is the utility owned by an energy marketer. The utility isn't going to bring a case at the Federal Energy Regulatory Commission against its parent company.

In cases where a utility engages in transactions with the parent company, the consumer advocate can independently investigate to make sure the utility ratepayers are not harmed by deals which enrich the parent company at the expense of the utility and its ratepayers.

A number of organizations support this legislation. I want to take a minute to particularly commend the American Association of Retired Persons. I have worked with them on these issues, going back to my days when I was codirector of the Oregon Gray Panthers and ran a voluntary legal aid program for the elderly. They have pulled together a grassroots juggernaut on behalf of this effort involving the public interest—research organizations, State associations of advocates for ratepayers, and the ones that I think do a very good job given the limited tools they have today.

I ask unanimous consent that a set of letters endorsing this amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

WASHINGTON DC,
February 28, 2002.

DEAR SENATOR: As the Senate begins consideration of S. 517, the comprehensive energy bill, we urge you to support several amendments that would protect consumers, especially as electricity markets continue to be deregulated.

First, Senator Wyden will likely be introducing an amendment to create an Office of Consumer Advocacy to handle energy issues within the Department of Justice (DOJ). This new office will represent the interests of consumers within the Federal Energy Regulatory Commission (FERC), before the courts and in front of Congress. Having an independent energy ombudsman within DOJ will provide important protections for consumers as FERC continues to deregulate the electricity market. Nothing demonstrates the need for this office more than the price spikes and blackouts in the western electricity market in 2000–2001. Moreover, the office will serve to protect consumers as FERC performs its general day-to-day energy sector oversight functions, which will become ever more crucial as the growing Enron scandal unfolds and efforts are made to provide greater oversight of energy trading markets.

With regard to the energy trading markets, Senator Feinstein is planning to address regulatory shortcomings made evident by Enron's collapse through an amendment that would provide for regulatory oversight by the Commodity Futures Trading Commission (CFTC) of derivative transactions on energy commodities. This would ensure that energy traders cannot operate without appropriate federal oversight that makes market transactions transparent. Given that it was the CFTC that initially allowed these types of transactions to escape scrutiny, it is important that Congress be explicitly clear in this legislation regarding what it expects of the CFTC in closing this loophole. In addition, we believe that it would be appropriate for FERC to have a greater role in this area as its primary concern should be the stability of the nation's energy markets, while the CFTC is set up to protect investors.

To further address the market problems that have become clear in the wake of the western electricity crisis, Senator Cantwell is planing to offer an amendment that would direct FERC to define precisely what a competitive market is and establish rules for when market-based rates will be permitted. In addition, the amendment would put in place market monitoring procedures so that FERC can better detect problems, before they lead to a complete breakdown in the market, and give FERC more authority to take action to protect consumers when the market is failing. This change is necessary to ensure that electricity suppliers do not continue to manipulate the market to the detriment of consumers, as was seen in the western market in 2000–2001.

S. 517 would simply repeal the Public Utility Holding Company Act (PUHCA) in its entirety, including consumer protections that have been in place for decades. Now, more than ever, it is clear that these protections are absolutely necessary. We believe that regulators could have used their authority under PUHCA to prevent some of the abuses that have come to light in the Enron debacle. If there are going to be amendments to PUHCA to make it more relevant to today's situation, then Congress must take affirmative steps to ensure that PUHCA's consumer protection provisions remain in force, and where necessary are strengthened. For example, Senator Wyden will likely offer an amendment, which we support, to require that transactions between utilities and their affiliates be transparent, and to shield consumers from the costs and risks of interaffiliate transactions. The amendment would provide for: Streamlined FERC review of utility diversification efforts to ensure that there is appropriate regulatory oversight so that consumers are not the victims of abusive affiliate transactions; and structural limits on affiliate transactions to protect not only consumers, but unaffiliated competitors as well.

Finally, Senators Dayton and Conrad are planning to offer an amendment that would ensure that mergers in the energy sector "promote the public interest," based on objective criteria that would be evaluated by FERC. Under current law, all that is necessary for merger approval is a determination that the merger is "consistent with the public interest." Given the wave of mergers sweeping through the electric industry, and the collapse of meaningful competition in California and other states, we believe that a more protective standard than the current one is necessary to adequately protect consumers from abuse. FERC must hold the public interest paramount in evaluating any potential energy company mergers. The Dayton/Conrad amendment would: Establish criteria for FERC to consider in order to determine that a merger would "promote the public interest," including efficiency gains, impact on competition, and its ability to effectively regulate the industry; clarify that these provisions would apply to all potential financial arrangements (not just stock acquisitions) which could lead to exertion of control over the entity, including partnerships; and clarify that FERC review applies to all electric and gas combinations.

We would also like to reiterate our organizations' support for Senator Jeffords' efforts to include a national renewable portfolio standard in the legislation, which would help diversify our energy mix and avoid future energy shortages and price spikes. We also support the Kerry/Hollings provision in the legislation to raise the national corporate average fuel economy (CAFE) standards, which will likewise help to provide energy security and protect the environment. In addition, we urge you to oppose efforts that will damage a pristine Alaskan ecosystem, supposedly in the name of energy security—the supply is too limited, the environment too fragile, and the costs too high.

Thank you for considering the needs and concerns of consumers while moving forward with this legislation. Please do not hesitate to contact us if you have any questions or need any information regarding how this comprehensive energy package will affect consumers.

Sincerely,

ADAM J. GOLDBERG,
Policy Analyst, Consumers Union.
MARK N. COOPER,
Director of Research, Consumer Federation of America.
ANNA AURELIO,
Legislative Director, U.S. PIRG.

NATIONAL ASSOCIATION OF
STATE UTILITY CONSUMER ADVOCATES,
Silver Spring, MD, March 5, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am writing to express the National Association of State Utility Consumer Advocates strong support for an amendment we expect to be offered by Senator Wyden establishing an Office of Consumer Advocacy in the Department of Justice.

Restructuring experiences in the states have consistently shown that the road to competition is a rocky one. In many instances, consumers have faced higher prices and limited, if any, choices. State consumer advocate offices have worked diligently to protect consumers during this difficult transition.

However, they have found their limited resources (half of our members' budgets are $1 million or less with less than 10 employees) stretched to the limit, particularly as wholesale prices set by FERC in Washington increasingly determine what consumers ultimately pay back home. Most consumer advocate offices simply do not have the resources to fight in both venues.

An Office of Consumer Advocacy would give residential consumers much needed representation in Washington and a fighting chance to benefit from legislation passed by Congress. We urge you to support this critical amendment.

Thank you for your leadership to enact comprehensive energy legislation.

Sincerely,

CHARLES A. ACQUARD,
Executive Director.

Mr. WYDEN. Mr. President, as I indicated earlier, my colleagues—particularly Senators BINGAMAN, MURKOWSKI, LEAHY, and HATCH—have been very gracious in working with me on this position. We are going to continue to work with them as this legislation is considered in the Senate and when this bill gets to conference.

As we go forward with this today, I hope we will ensure that there is a strong Federal presence to advocate for the consumer. I think these advocates at the State level do a good job given their limited resources.

Given the fact that so much of the energy business has moved interstate, and those interstate transactions can result in higher bills to small businesses in Georgia, Oregon, and across this country for senior citizens and others of modest means, I think we need to now have a Federal advocate.

I am pleased we have been able to assemble a bipartisan group that is going to help pass this today and continue to work to refine it as it is considered through the evolution of this legislation in the Senate and in conference.

I ask the Senate to approve the amendment at this time.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BINGAMAN. Mr. President, this is a good amendment. I congratulate the Senator from Oregon for his leadership in bringing this amendment to the Senate and for us to consider it as part of this bill. It has been cleared on both sides. I am authorized by the Republican manager as well to indicate that.

There is a lot already in the bill that protects consumers. Obviously, a main theme of this bill is to empower and protect consumers. This will add to that and further strengthen the bill.

We very much appreciate the cooperation of the other side in having this amendment added.

I urge all colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3014) was agreed to.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I am going to address, in a few moments, the pending issue involving the energy bill, particularly when it comes to the renewable portfolio standard for energy. Before I do that, though, I ask the indulgence of the Senate for a few moments to address an unrelated issue which I think is of critical importance to our Nation.

(The remarks of Mr. DURBIN are printed in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise to speak to the pending matter being debated concerning the renewable portfolio standard.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, if I may propound a unanimous consent request before my colleague from Illinois continues with his comments, I ask unanimous consent, since we have a vote at 2 o'clock on the Thomas amendment, that at 1:50 we reserve 10 minutes equally divided between Senator THOMAS and myself where he can explain his amendment, and I can explain the arguments against it.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I will try to make my presentation briefer so they have more time if needed. I thank the Senator from New Mexico for his leadership on this issue.

This is supposed to be an energy bill which is going to give America more energy security, make us more independent of foreign oil sources, clean up our environment, and provide for the energy needs of the growing American economy in the 21st century. That is a tall order for any single piece of legislation.

What happened on the floor of the Senate yesterday calls into question whether or not we are facing this challenge responsibly. If we cannot pass a fuel economy standard, a fuel efficiency standard for cars and trucks in America, then we have given a great victory not only to the special interests who are fighting it but a great victory to OPEC. Yesterday was a wonderful day of victory for OPEC and all of the foreign oil producers who have America hooked on foreign sources of oil.

We came to the Senate floor and, by a vote of 67 to 32, better than a 2-to-1 margin, we rejected the notion that we would establish new fuel efficiency standards for cars and trucks in America. We haven't had such a standard since 1985. So for 17 years, no progress has been made. And by its decision, 67 to 32 yesterday, this Senate said: And we are not interested in changing it in the future.

The Senate gave authority to NHTSA, the National Highway Transportation Safety Administration, to take a look at it, consider it, view it, wrestle with it, to get back to us when they want to. That is totally unacceptable. It is an abdication of our responsibility to future generations. It is a decision which will come back to haunt us as we continue to be dependent on foreign energy sources.

This is going to drag us into political tight fixes and situations around the world where American lives will be at stake because the Senate does not have the courage to stand up and say to the American people: we need to give real leadership; to say to the Big Three in Detroit: you can do a better job, you can make better cars and trucks, and we challenge you to do it over a period of time; and to say to the American people: yes, you may not be able to buy the fattest, biggest SUV that can come out of your dream sequence, but we believe you can have a vehicle that is safe and fuel efficient for you and your family and your business.

We were unwilling to do that yesterday—too much to ask of the American people to consider that possibility. I looked at some of the comments that were written and said on the floor yesterday suggesting that the American people are just too self-centered to be prepared to make any sacrifices for the good of this country. How could anybody start with that premise after what we have seen since September 11?

This country is prepared to roll up its sleeves and fight the war on terrorism. This country is prepared to sacrifice if necessary to make us more secure. The families and businesses across this country are waiting for leadership from this Congress to make this a better, safer, and stronger Nation.

Yesterday, colleagues in opposition to fuel efficiency said: We wouldn't dare ask Americans to consider making that kind of sacrifice.

I am sorry. We missed a golden opportunity. I am afraid today we are about to do the same thing. It is bad enough that we can't have fuel efficiency standards. Now we are talking about what is known as a renewable portfolio which means looking at alternative forms of energy that do not threaten the environment and give us energy independence.

I applaud Senator JEFFORDS of Vermont. I was happy to cosponsor his amendment. He says America should move to the point where in the year 2020, about 18 years from now, 20 percent of our electricity is generated from renewable sources. Today it is about 4 percent. The underlying bill sets a goal of about 10 percent.

Why is this important? Because as we find other sources for electricity, we lessen our dependence on foreign sources, and we also have a cleaner environment. We create a new industry to promote and produce this technology which is going to make us less and less dependent on our current sources for the generation of electricity. Those sources would obviously be, in most instances, coal; in some instances it would be gas, natural gas; oil; or it could be nuclear.

I come from a State that produces coal. I would like to see us return to the day when coal becomes an environmentally responsible alternative to other sources of energy. I have voted, for 20 years, and I will continue to do so, for research to find ways to use that coal in an environmentally sensible way so that we can promote energy sources in the United States not at the expense of America's public health. We need to do that.

At the same time, we need to look to other sources that are benign, sources that can produce electricity without damaging the environment in any way. One of those that is clearly obvious is wind power. This is a new concept for a lot of people. They have not seen the wind generating stations across the United States, but they are popping up all over the place. Senator GRASSLEY from Iowa is in the Chamber. The State of Iowa is seeing more and more of the wind-generated turbines that are, frankly, generating electricity for small and large uses. That makes a lot of sense, and it is part of the renewable portfolio.

It is important for us to keep an eye on these elements that can give us energy independence and a cleaner environment.

Wind power is used for electricity. It lights our homes, our office buildings, and powers our industries. It is very misleading for people to say we don't need to worry about wind power; we are going to go and drill for oil and gas in the Arctic; we are going to go to the ANWR area, the National Wildlife Refuge. That seems to be the only answer from the other side of the aisle when you talk about America's future energy needs. I think that is a false choice and a bad choice. There are many other concepts of conservation and fuel efficiency and making certain that we have alternative fuels that are going to be encouraged.

Can this be done? Can we really move to a 20-percent standard by the year 2020? We would have to work hard at it. We would have to have leadership in Washington. Take a look at some of the other countries around the world that have said they are going to do the same thing. Denmark, Spain, and Germany are already near 20 percent in their electricity production just from wind turbines alone. The European Union has a goal of reaching 22-percent renewable energy in electricity by the year 2010. The State of Nevada has a 15-percent RPS by 2013. Connecticut and Massachusetts are looking for similar goals. The State of California is currently at 12 or 13 percent in their renewable portfolio. The city of Chicago, under the leadership of Mayor Daley, has said they will move toward more wind power as a source of electricity.

In individual settings around the country and around the world, leaders are stepping up and saying: We accept the challenge. We believe we can do this. Whether we are going to use wind power, solar energy, geothermal or biomass, there are ways to do it that can be attained and attained successfully.

There will be critics who will come to the floor and say this is an idea that is also flawed, much like fuel efficiency in vehicles. They will toss out this opportunity for us to look ahead with vision and determination to become a nation that is more energy secure, more energy independent, and using sources of energy that are more environmentally acceptable.

I say to my colleagues: I hope we don't gut this provision when it comes to the renewable portfolio. Senator JEFFORDS has a valuable suggestion. I hope it is offered and that it passes. Please, let's not go any further down the chain lower than the 10 percent that is being called for by the underlying bill. If this is truly going to be an energy bill to meet our Nation's energy needs, we have to address the real issues of fuel efficiency, of conserving energy in this country, and of finding alternative sources that are environmentally acceptable.

At this point, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, under the unanimous consent agreement entered into, we reserved 10 minutes—5 for myself, 5 for Senator THOMAS—and I think the protocol is that since Senator THOMAS has the amendment, he would want his 5 minutes last. I will go ahead with my statement at this point and urge people not to support the Thomas amendment.

Let me, once again, make the large points that need to be made. I will put up the map of the country again. These are the electricity regions that are all over the country. This largest one, by far, of course, is in the western part of the country and contains 14 States. The amendment before us, which Senator THOMAS offered, is an amendment that the Western Governors' Association has put together, which, as I see it, does several things.

First, it dramatically complicates the process by which we try to ensure that the system for transmitting power around this country is reliable. Let me put up another chart that tries to make that point. I will not go through every detail of it. I will try to make the point that if a complaint is filed and it is indicated that some utility is not abiding by the standards that need to be abided by in order to ensure the reliability of the system, and it is not doing what is required, then under Senator THOMAS'S amendment you have a very complex procedure that could, in fact, take place, where the electric reliability organization that is called for in his amendment decides it wants to take action, and before it can, it is required to give notice, have a hearing. If it decides to take action, all it is permitted to do is impose a penalty. It cannot compel compliance or issue an order compelling compliance, as FERC can.

This electric reliability organization is also required to approve regional entities and delegate enforcement authority to them; and there are presumptions written into this that say, just in the western part of the country, just in this area here in the pink, there are rebuttable presumptions that anything they do is right—that FERC has one set of standards that apply to the rest of the country, but in this area there are rebuttable presumptions that what is done is accurate.

In my view, this complicates matters. It is an inconsistent set of rules. It is not an appropriate set of national rules. It is not fair, quite frankly, to the rest of the country. I come from a State that is in this area, so perhaps I should be on the other side of this issue. But this is not good national policy. In my view, it is not fair to a lot of the other States. We have letters I have put into the RECORD already to indicate that various of the regional transmission organizations are upset about this inconsistent treatment.

Quite frankly, the complexity of this amendment undercuts any meaningful accountability in the system. We have been trying to ensure that someone can be held accountable when the lights go out, when the electricity quits flowing. You have to know whom to call to say they have fallen down on the job: it was your responsibility to do this, and you have fallen down on the job.

Under this amendment, it is going to be really tough to tell whom you ought to call because the electric reliability organization might be the right one, or the regional entity might be, or FERC might have some authority. Quite frankly, we can see the time down the road when we can wind up with a hearing in the Energy Committee, the lights will have gone out somewhere in the country, power will have failed, and we will call in the FERC Commissioners and say: What is the problem? Why were you not doing your job? They will say: We were doing our job. Under the statute you passed, you told us to presume these people knew what they were doing. It was a rebuttable presumption. We took you at your word. It turns out they didn't know what they were doing.

I think the proposal we have in the underlying bill is far preferable, much simpler. It puts accountability right at FERC and gives FERC flexibility to continue to defer to the industry organization, continue to defer to regional organizations, as they determine appropriate. I urge people to oppose the Thomas amendment on those grounds.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, we have gone over this pretty thoroughly. We have pretty much explained the direction we are taking.

I might say this to the Senator from New Mexico regarding his last comment that FERC would have the authority to make these decisions. Now we have local input and different kinds of things, but FERC has the authority. To make the suggestion that FERC would somehow say we could not do it simply is not accurate.

So we are trying to ensure transmission grids and delivery of electricity that will be safe and reliable. Consumers need that. The lights will go on, and they must stay on.

The amendment I am offering establishes a nationwide organization that has the authority to establish and enforce reliability standards. The new reliability organization would be run by participants and be overseen by FERC. The idea that somehow there is no authority here is simply not true. The reliability organization would be made up of representatives of everybody affected—residential, commercial, industrial, State, independent power producers, electric utilities, and others, as opposed to only FERC.

There is no question but that we need a new system. The question is—we can do it in different ways—how will we do it? It gives all the responsibility to FERC and sets the standards. We agree that we need protection. It is not whether we need it, but it is how we get it. I think the Daschle bill takes the wrong approach; hence our amendment. We know there are great differences in geography, market designs, and economics over the different parts of the country. So we want to have those people in those areas having input into how to resolve it in that particular area. FERC is not necessarily sensitive to those particular changes and differences that are there. So we believe very strongly we need to do that.

There is a very important question to the Northwest, particularly, and that is standards applicable for transmission from Mexico and Canada. The Canadian import of power is particularly important, of course, and we don't want to let that happen. So this amendment addresses these concerns. It converts the existing NERC voluntary reliability system into a mandatory reliability system.

The new reliability organization will have enforcement powers with real teeth to ensure reliability. The amendment provides mandatory reliability rules that will apply to all uses of the transmission grid. No loopholes, nobody is exempted. It is the kind of thing, certainly, that most of us believe is the direction we ought to take in government; that is, to empower local people who are experts in what they are doing.

FERC has been working for a very long time. When we look at the California situation of last summer, we see that reliability was the issue that was least important. Reliability was there. So we ought to use that experience rather than trying to build a new bureaucracy in FERC which doesn't have the authority or the capability of doing these kinds of things.

I urge that you vote for this amendment.

If I might, I ask unanimous consent that Senator SHELBY be added as a cosponsor to the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Idaho.

Mr. CRAIG. I strongly support what the Senator from Wyoming has brought to the floor. As we have moved to restructure the electrical systems of our country, the Senator from New Mexico sweepingly turns it into a Federal single authority without the kind of flexibility we have sought.

The Senator from Wyoming is absolutely correct. What we have had has stood the test of time. Western Governors believe in that. If you want to take the authority away from the States and put it with the bureaucracy in Washington, DC, then you would oppose the Senator from Wyoming. I believe that is exactly the opposite direction in which we are heading. Therefore, I hope my colleagues will support the amendment dealing with the reliability issue of this important title.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I make a point of order that the pending amendment violates section 302(f) of the Congressional Budget Act of 1974.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I move to waive the pertinent section of the Budget Act, and I ask for the yeas and nays.

I also have to add, we did not even know about this until 10 minutes ago. We have not even had time to look at what they are talking about. The Budget Committee is not able to tell us. I guess if my colleagues want to play this game, we can do it on the whole bill.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER (Mrs. CARNAHAN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 60, nays 40, as follows:

[Rollcall Vote No. 49 Leg.]

YEAS—60

Allard
Allen
Baucus
Bennett
Bond
Boxer
Brownback
Bunning
Burns
Campbell
Cantwell
Cochran
Collins
Conrad
Craig
Crapo
DeWine
Domenici
Dorgan
Ensign
Enzi
Feinstein
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kohl
Kyl
Lincoln
Lott
McCain
McConnell
Miller
Murkowski
Murray
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wyden

NAYS—40

Akaka
Bayh
Biden
Bingaman
Breaux
Byrd
Carnahan
Carper
Chafee
Cleland
Clinton
Corzine
Daschle
Dayton
Dodd
Durbin
Edwards
Feingold
Fitzgerald
Graham
Harkin
Inouye
Kennedy
Kerry
Landrieu
Leahy
Levin
Lieberman
Lugar
Mikulski
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Specter
Stabenow
Torricelli
Wellstone

The PRESIDING OFFICER (Mrs. CARNAHAN). On this vote the yeas are 60 and the nays are 40. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order fails.

If there is no further debate, the question is on agreeing to the amendment No. 3012 of the Senator from Wyoming.

The amendment (No. 3012) was agreed to.

Mr. REID. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOMENICI. Madam President, I will comment for a couple of minutes regarding what we went through in the last 20 minutes. I note the presence of the majority whip on the floor, for whom I have the greatest respect and total trust in terms of fair treatment.

Regarding the point of order raised on this amendment, which no one knew about until it was raised, from what I can tell, on our side of the aisle—it would have been a good and fair thing had it been called to the attention of the proponent of the amendment. I assure Members, had the opponents of the amendment prevailed on the point of order, on this particular amendment, all one had to do was change it. Instead of directed spending, it would be subject to an appropriation and it would no longer be subject to a point of order, from what I have been informed in my conversations with the Parliamentarian.

So that means we would just go through two votes because somebody thought making a point of order on the Budget Act would have gotten rid of that amendment. It would not have. Had that vote been 59 instead of 60, we would fix the amendment, re-offer it, and do what I just said by way of altering it.

That could have all been understood between enlightened staffers and Senators who would like to do that. I don't think the Senators were aware of it. I just raise it because it shocked me that this very important amendment, which I worked on and participated in, was subject to a point of order. I didn't know it or I would have advised them to fix it.

I yield the floor.

I say to Senator BINGAMAN, no aspersions on you whatsoever on that.

Mr. BINGAMAN. Madam President, just to make clear for the information of my colleague, I did advise the sponsor of the amendment about a half hour before the vote that I had been informed that a Budget Act point of order could be raised, and I would intend to raise it. I understand from him now that was not adequate time for him to get the advice he needed in this connection. Perhaps we should have delayed the vote for a longer period. That was not even considered by me or him.

At this point, unless there are other Members seeking recognition, I will offer another amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I thank my colleague from New Mexico. I encourage Members to have our staffs try to work a little more closely so we can avoid duplication.

Clearly, I personally had not been notified, although I was off the floor. I was across the street with some of the folks who were putting on a press conference. As a consequence, I had staff going back and forth.

Rather than belabor that point, I think the recognition that clearly we had an alternative, as the senior Senator from New Mexico indicated, under a budget provision, suggests that in the future we could work a little more closely to ensure we move along because there may be other points of order on other amendments that will be coming up.

I encourage Senator BINGAMAN to proceed with his proposed amendment, and we will move on with this process. We look forward to participating.

AMENDMENT NO. 3016 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Madam President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN] proposes an amendment numbered 3016 to amendment No. 2917.

Mr. BINGAMAN. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the provisions relating to the Renewable Portfolio Standard)

On page 67, strike line 6 and all that follows through page 76, line 11, and insert the following:

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

“SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

“(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning in calendar year 2005, each retail electric supplier shall submit to the Secretary, not later than April 1 of the following calendar year, renewable energy credits in an amount equal to the required annual percentage specified in subsection (b).

“(b) REQUIRED ANNUAL PERCENTAGE.—

“(1) For calendar years 2005 through 2020, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources shall be the percentage specified in the following table:

“Calendar Years	**Required annual percentage**
2005 through 2006	1.0
2007 through 2008	2.2
2009 through 2010	3.4
2011 through 2012	4.6
2013 through 2014	5.8
2015 through 2016	7.0
2017 through 2018	8.5
2019 through 2020	10.0

“(2) Not later than January 1, 2015, the Secretary may, by rule, establish required annual percentages in amounts not less than 10.0 for calendar years 2020 through 2030.

“(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of renewable energy credits—

“(A) issued to the retail electric supplier under subsection (d);

“(B) obtained by purchase or exchange under subsection (e); or

“(C) borrowed under subsection (f).

“(2) A credit may be counted toward compliance with subsection (a) only once.

“(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

“(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

“(A) the type of renewable energy resource used to produce the electricity,

“(B) the location where the electric energy was produced, and

“(C) any other information the Secretary determines appropriate.

“(3)(A) Except as provided in paragraphs (B), (C), and (D), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates from the date of enactment of this section and in each subsequent calendar year through the use of a renewable energy resource at an eligible facility.

“(B) For incremental hydropower the credits shall be calculated based on the expected increase in average annual generation resulting from the efficiency improvements or capacity additions. The number of credits shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

“(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

"(D) For renewable energy resources produced from a generation offset, the Secretary shall issue two renewable energy credits for each kilowatt-hour generated.

"(E) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

"(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(6) The Secretary may issue credits for existing facility offsets to be applied against a retail electric suppliers own required annual percentage. The credits are not tradeable and may only be used in the calendar year generation actually occurs.

"(e) Credit Trading.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use within the next four years.

"(f) Credit Borrowing.—At any time before the end of calendar year 2005, a retail electric supplier that has reason to believe it will not have sufficient renewable energy credits to comply with subsection (a) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric suppliers to meet the requirements of subsection (a) for calendar year 2005 and the subsequent calendar years involved; and

"(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

"(g) Credit Cost Cap.—The Secretary shall offer renewable energy credits for sale at the lesser of 3 cents per kilowatt-hour or 200 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2005, the Secretary shall adjust for inflation the price charged per credit for such calendar year, based on the Gross Domestic Product Implicit Price Deflator.

"(h) Enforcement.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a), unless the retail electric supplier was unable to comply with subsection (a) for reasons outside of the supplier's reasonable control (including weather-related damage, mechanical failure, lack of transmission capacity or availability, strikes, lockouts, actions of a governmental authority. A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) shall be subject to a civil penalty of not more than the greater of 3 cents or 200 percent of the average market value of credits for the compliance period for each renewable energy credit not submitted.

"(i) Information Collection.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(j) Environmental Savings Clause.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(k) State Savings Clause.—This section does not preclude a State from requiring additional renewable energy generation in that State, or from specifying technology mix.

"(l) Definitions.—For purposes of this section—

"(1) Biomass.—

"(A) Except with respect to material removed from National Forest System lands, the term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oil.

"(B) With respect to material removed from National Forest System lands, the term 'biomass' means fuel and biomass accumulation from precommercial thinnings, slash, and brush.

"(2) Eligible facility.—The term 'eligible facility' means—

"(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after the date of enactment of this section; or

"(B) a repowering or cofiring increment that is placed in service on or after the date of enactment of this section at a facility for the generation of electric energy from a renewable energy resource that was placed in service before that date.

"(3) Eligible renewable energy resource.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass (excluding solid waste and paper that is commonly recycled), landfill gas, a generation offset, or incremental hydropower.

"(4) Generation offset.—The term 'generation offset' means reduced electricity usage metered at a site where a customer consumes energy from a renewable energy technology.

"(5) Existing facility offset.—The term 'existing facility offset' means renewable energy generated from an existing facility, not classified as an eligible facility, that is owned or under contract to a retail electric supplier on the date of enactment of this section.

"(6) Incremental hydropower.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity after the date of enactment of this section at a hydroelectric dam that was placed in service before that date.

"(7) Indian land.—The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(8) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) Renewable energy.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(10) Renewable energy resource.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass (including municipal solid waste), landfill gas, a generation offset, or incremental hydropower.

"(11) Repowering of cofiring enforcement.—The term 'repowering or cofiring enforcement' means the additional generation from a modification that is placed in service on or after the date of enactment of this section to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.

"(12) Retail electric supplier.—The term 'retail electric supplier' means a person, that sells electric energy to electric consumers and sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year; except that such term does not include the United States, a State or any political subdivision of a state, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative.

"(13) Retail electric supplier's base amount.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by—

"(A) an eligible renewable energy resource;

"(B) municipal solid waste; or

"(C) a hydroelectric facility.

"(m) Sunset.—This section expires December 31, 2030.".

Mr. BINGAMAN. Madam President, this amendment I am offering is a substitute amendment for the provision that is in the bill at the current time related to renewable portfolio standards. I am offering it today to ensure we establish a clear policy statement of our need as a nation to diversify our power generation sector.

This amendment establishes a renewable portfolio standard for the electricity sector. This is the corollary, as I see it, to the renewable fuel standard that we have heard so many laudatory statements about yesterday. This amendment will ensure that all retail sellers of electricity have a portion of their generation—produce a portion of their generation from renewable resources.

The amendment is modeled after the very successful Texas program that President Bush implemented when he was Governor of Texas. The basic outline is as follows.

All retail sellers with annual sales greater than a million megawatt hours will be required to contract for and secure a certain amount of generation annually from eligible renewable resources. Most co-ops and municipals would be exempt.

Beginning January 2005, 2 years after the date of enactment, retail suppliers will be required to include a minimum of 1 percent of renewables in their electricity sales. The percentage would increase annually by .6 percent until 2020.

There are several adjustments to the calculation based on existing renewables. A retailer can subtract from its sales base all existing generation from renewable generation resources, including hydro. The renewable resources include solar, wind, ocean, biomass, landfill gas, geothermal, generation offsets from renewables that are "net metered" at a customer's facility, and generation from incremental hydropower improvements and incremental generation from repowering or cofiring.

For new renewables placed in service after the date of enactment, the retailer will get one credit per kilowatt hour generated; 2 credits for net metered offsets; and 2 credits for grid-connected renewables on Indian land. Retailers can apply the credits to their own obligations, or they can sell the credits.

Existing nonhydro renewables, including municipal solid waste, can be used to offset a retail provider's own annual obligation, but they could not be used for credit trading.

To facilitate the ramp-up of the program, retailers can start to accrue credits from the date of enactment, which they can bank to use within the next 5 years.

The first year of the program, the retailer may borrow against expected generation to be installed within the next 3 years. The price cap of the lesser of 3 cents per kilowatt hour or 200 percent of the average market value of credits for the previous year is contained in the bill.

This is not a guarantee for any renewable generator. This is not a new version of PURPA. Every renewable developer will have to compete in the marketplace. There will be no bureaucrats dictating prices.

I think this would be a major step forward in ensuring that we do develop a diverse set of sources from which we can generate power in this country. I commend to my colleagues the reports on the experience they have had in Texas, in particular, since we have modeled this proposal closely after what was approved in Texas.

I think it is an excellent proposal. I hope very much at the conclusion of our deliberations on this renewable portfolio issue, this amendment can be adopted.

I understand my colleague from Vermont is here and has a second-degree amendment.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Madam President, I ask for the yeas and nays on the Bingaman amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. MURKOWSKI. Madam President, I believe Senator BINGAMAN and I can just indicate amendments that we have. I will certainly defer to you on Senator JEFFORDS. We have a couple of Collins amendments, I believe, on our side, and a Kyl amendment that we know about at this time.

Mr. BINGAMAN. Madam President, for the information of my colleague, I am not familiar with the Collins amendments. But I do know of Senator JEFFORDS' intent to offer an amendment, and I did know of Senator KYL's intent to offer an amendment. I will be glad to consult with my colleague about any additional amendments that would be offered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I direct a question to the Senator from Alaska through the Chair: The Collins amendment applies to the same subject matter?

Mr. MURKOWSKI. In response to the Senator from Nevada, it is my understanding that they do. One is, I believe, on existing renewables, that they would count. I am not sure that I have information on the other one at this time, but I will be happy to provide it.

Mr. REID. I say to my friend from Alaska, it would be good if today we can finish this renewable part of the amendment package. We do know, as has been talked about here, the amendment of the Senator from New Mexico decreases what is in the bill 8.5 percent.

The Jeffords amendment increases it to 20 percent, and the Kyl amendment would wipe out all of them.

We will be happy to work procedurally any way possible to have a fair vote and have this issue resolved. Maybe we could do all these votes later this evening.

Mr. MURKOWSKI. I would be happy to encourage Senators on our side to come over with their amendments.

The PRESIDING OFFICER. The Senator from Vermont.

AMENDMENT NO. 3017 TO AMENDMENT NO. 3016

Mr. JEFFORDS. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Vermont [Mr. JEFFORDS] proposes an amendment numbered 3017 to amendment No. 3016.

Mr. JEFFORDS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in the RECORD under "Amendments Submitted.")

Mr. JEFFORDS. Madam President, I rise to offer an amendment which would do more to encourage development of renewable energy in this country than any other provision in the legislation currently before us.

My amendment will gradually increase the amount of electricity generated by renewable energy in this country to 20 percent by 2020.

I am deeply convinced that it is not only possible to achieve this goal, it is the best policy for this country, and for our energy future.

For over 20 years I have pushed clean, renewable energy in this Congress.

In fact, 25 years ago when I came into this body, we were in another energy crisis. That was brought about by the oil cartel that was holding up oil coming from the Middle East. We suffered greatly with long lines of cars. I have been involved with this kind of a problem ever since then. In fact, during that period of time where we had problems created by the OPEC cartel, I was able to offer very significant amendments, working with my partners at the time.

For instance, at that time, we introduced an amendment to make sure we had a photovoltaic effort going on which would help increase the utilization of renewable energy by looking to the Sun for the answer. That was a time when a number of us had come to Congress and were freshmen, but we knew the kind of chaos we had.

The amendment was to the appropriations bill. It was an $18 million amendment. I remember it very well. When I went to offer it, the chairman of the subcommittee, Tom Bevill of Alabama, came up to me and wrapped his arm around me. He said: Son, you don't offer amendments to appropriations bills until you have checked with me. I said: Gee, I am sorry, but I can't wait for that. He said: Well, why not? I said: Because I have 80 cosponsors. He said: 80 cosponsors? I said: Yes, 80 cosponsors. He said: Well, I guess we will have to go ahead.

We went ahead. It passed. We created a photovoltaic industry in this Nation at that time which brought forward a considerable amount of energy relief.

In addition, at the same time, three of us—Congressman Mineta, Congressman Blanchard, and myself—introduced one to create development for wind energy. At that time, we did not know who was going to get the credit, so we all kind of flipped coins. The winner was Congressman Blanchard from Michigan who went on to be Governor. Of course, Norm Mineta is now Secretary of Transportation. And I am still here.

But those really were the only two significant renewable energy provisions that passed. They are still there. They were important contributions. But it is time for us to put further emphasis and create further opportunities with respect to the renewable energy field.

It is hard not to, when you see the lakes and forests in my State dying from acid rain.

We have to clean up our act.

It is hard to read the health statistics from air pollution, particularly for the very young and elderly, and not worry about the emissions that continue to pour from this country's smokestacks.

It is difficult not to care about renewable energy when the northern maple trees are disappearing and our ocean temperatures are rising.

We all should care. I am disappointed that this White House and many in this Congress do not care quite enough.

It is unconscionable to continue to shackle ourselves to fuels that dirty our air and water, and that compromise our national security, when clean, abundant, and affordable domestic alternatives exist.

We owe something better to our children, to our environment and to our future.

The amendment that I am offering this morning would gradually increase the amount of electricity produced from renewable energy nationwide, reaching 20 percent by the year 2020.

States are already out in the forefront on this issue, with 12 States having already enacted renewable energy standards and almost a dozen others actively considering one.

Governor Bush signed one into law in Texas in 1999. Nevada law currently requires that 15 percent of state electricity come from renewable energy by 2013, and California is on the verge of passing a state requirement of 20 percent renewables by 2010. This is twice as aggressive as the standard in my amendment.

The technology to produce renewables is clearly sufficient to meet these standards.

During the more than 20 years that I have been in this Congress, the costs of generating wind and solar energy have decreased by 80 percent. Throughout the world, wind is the fastest growing source of electricity generation, and in this country wind-generated electricity is generally competitive with traditional fossil and other fuels.

In 2001, the U.S. wind industry installed $1.7 billion worth of new generating equipment. As this chart illustrates, current installed wind capacity almost doubled between 2000 and 2001, bringing total wind capacity in the United States to 4,258 megawatts, representing billions of dollars in jobs and investments.

These two very different windmill projects, one from the 1800s and a modern Texas wind farm, illustrate how wind has moved from the past, and into our future.

This Hawaii power plant is operating on geothermal energy, which is also found abundantly throughout the American West.

This office complex in Louisville, KY, is heated and cooled by geothermal heat pumps.

Vast sources of biomass, such as the wood pulp that fires this California power plant, are found throughout the United States. Biomass currently generates more electricity than any other U.S. renewable resource.

As for solar, the Sacramento Municipal Utility District estimates that if every home built in California subdivisions each year had photovoltaic energy roofs similar to the one in this picture, they would produce the energy equivalent of a major 400 to 500 megawatt power plant every year.

So the technology to produce renewable energy is clearly here. The resources also are here. Vast quantities of wind power are found along the East Coast, the West Coast, across large parts of the American West and across the Appalachian Mountain Chain. North Dakota also has consistent wind energy sufficient to supply 36 percent of the electricity needed in the lower 48 states.

The United States has the technical capacity to generate 4.5 times its current electricity needs from a combination of wind, bioenergy, and other renewable resources.

As to affordability, Federal studies have consistently shown that a Federal renewables standard of 20 percent will have little or no impact on overall consumer energy costs. The most recent study by the Department of Energy's Energy Information Administration has found that consumer prices for electricity under a 20 percent standard would be largely the same as without one, resulting in an increase of only 3 percent by 2020.

Further, as indicated on the chart—with purple indicating "business as usual," and green representing a 20 percent RPS by 2020—EIA studies have shown that by 2020, a 20 percent Federal RPS would have no measurable impact on overall consumer energy bills, which would include electricity bills along with home heating and cooling bills, and commercial and industrial energy costs. So the technology is there, the resource is there, and the costs to consumers are minimal.

Despite this, the contribution of renewables to the U.S. electricity market is still well under 3 percent. We must help promote these industries, the same way this Federal Government of our has assisted traditional fuels such as coal, oil and gas, nuclear and hydropower throughout their histories. We must level the playing field for the renewables industry and facilitate market entry of these valuable resources.

Why focus so much on these resources? Renewable energy is good for the environment, provides jobs and investment, and increases our energy security.

The U.S. Department of Energy has found that, as the demand for energy grows, without changes to Federal law, U.S. carbon emissions will increase 47 percent above the 1990 level by the year 2020. However, as this chart shows—with green representing carbon emissions with a 10 percent RPS by 2020, purple representing a 20 percent RPS by 2020 and pink showing the improvements that can be made by additional energy efficiency provisions—with a 20 percent renewables standard, U.S. carbon dioxide emissions will decrease by more than 18 percent by the year 2020.

Adding renewables to our energy mix will also reduce emissions of mercury, sulfur dioxide, and nitrogen dioxide, which contribute to the problems of smog, acid rain, respiratory illness, and water contamination.

A Federal 20 percent renewable energy standard will create thousands of new, high-quality jobs and bring a significant new investment to rural communities. It will create an estimated $80 million in new capital investment, and more than $5 billion in new property tax revenues.

It will bring greater diversity to our energy sector, creating greater market stability, and reducing our vulnerability to terrorist attacks to our energy infrastructure.

For all these reasons, I strongly support a requirement that would achieve the maximum amount of renewable energy production in this country.

Claims that a 20 percent renewable portfolio standard by 2020 is impossible to achieve, would cost the American consumer billions, and would place an undue burden on industry are simply not supported by the facts. Clearly, renewable standards below this 20 percent are easily achievable, and should be strongly supported by this body.

I urge my colleagues to support inclusion of a strong renewables standard in this bill. Without such a standard, I think we all must question whether this bill is in fact going in the right direction to ensure a clean, secure America.

My amendment creates a renewable energy standard under which utilities would be required to gradually increase the amount of electricity produced from renewable energy resources, starting at 5 percent in 2005 and leveling out at 20 percent in 2020. That is plenty of time to adjust, plenty of time to make sure we can get to that goal without really creating any problems

This level allows a long ramp-up time before utilities must begin to comply, and also gives them the flexibility of adjusting their renewable energy generation within 5 year increments rather than every year.

My amendment places a cap on the cost of renewable energy credits by allowing retailers to purchase credits directly from the Secretary of Energy at 3 cents per credit, thereby ensuring price predictability for retail suppliers.

The amendment recognizes the special economics of small entities, and excludes small retailers which sell 500,000 megawatt hours or less of electric energy from the requirements of the bill.

However, my amendment recognizes that not only do we want to encourage renewable energy production and purchase by these small entities, they comprise a large part of the market for larger retailers. The amendment therefore directs the Secretary of Energy to apply money generated by the purchase of renewable energy credits to a program to maximize generation and purchase of renewable energy by these small retailers.

My amendment will also allow utilities credit for existing renewable energy production, thereby increasing the potential for additional renewable production from existing facilities and rewarding those who have taken the initiative to develop green energy.

Madam President, how much time do I have?

The PRESIDING OFFICER. There is no time limit.

Mr. JEFFORDS. Madam President, I yield the floor.

Mr. BINGAMAN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JEFFORDS. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Madam President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. JEFFORDS. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Madam President, is there a quorum call in progress?

The PRESIDING OFFICER. There is not.

Mr. HELMS. I understood there to be one.

Madam President, I ask unanimous consent that it be in order for me to make my brief remarks seated at my desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

(The remarks of Mr. HELMS are printed in today's RECORD under "Morning Business.")

Mr. HELMS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I rise to enlighten my colleagues about renewables because we are going to be spending a good deal of time on the issue of renewables. Senator JEFFORDS has called for an increase to the underlying bill.

I want to make sure everybody knows that we didn't suddenly find renewables. Renewables have been around for a long time. Some Members aren't too sure of where we have been on renewables. Some are of the opinion that we haven't spent much money, time, or attention. Let me try and turn that around because we have spent $6.4 billion on renewables in the past 5 years. That money has been well spent. We are going to continue to spend money on renewables.

We spent $1.5 billion in direct research and development for renewables; $500 million for solar; $330 million for biomass; $150 million for wind; $100 million for hydrogen; and nearly $5 billion in tax incentives; $2.6 billion in reduced excise taxes for alcohol fuels, ethanol. So it is not that we have been asleep in this process.

The problem we have is that nonhydro renewables make up less than 4 percent of our total energy needs and less than 2 percent of our electric consumption. I am sorry Senator JEFFORDS is not present. But it isn't that we don't support renewables; the question is, At what price?

As I indicated, we spent $6.5 billion in the last 5 years, and we have about 4 percent of our total energy needs in nonhydro renewables, and less than 2 percent of our electric consumption. We can throw enough money at this. The question is, How much do taxpayers and consumers want to pay?

We have some charts. Before I show these charts, I want to show other charts that show a little bit about the footprint of renewables. There is a misunderstanding on what kind of footprint is involved in the consideration of renewables and the application of that footprint.

If you want to talk about solar, it certainly has an application in certain areas. In my State of Alaska in the wintertime, it doesn't work very well. Go up to Barrow where there are probably 4 months of darkness; solar panels aren't going to work very well. Go down to the Southern States; clearly they have an application. But they also have a footprint. The same is true with windmills. They have a significant footprint. I will show you some of those charts as soon as the staff brings them to the Chamber.

The point I want to make is, we haven't walked into the discovery that renewables are important. They are important. They are so important we have spent $6.5 billion in the last 5 years. They are so important that while we have concentrated on them, they still only address 4 percent of our total energy needs and less than 2 percent of electric consumption.

Let me show you a little bit about renewables. They are worthy of consideration and further examination. Wind power is real as long as the wind blows, but sometimes the wind doesn't blow. Around here, we can usually generate enough hot air to keep a little draft going. Sometimes it doesn't blow. This is the San Jacinto wind farm located outside of Banning, CA. If you have driven from Los Angeles to Palm Springs, you have driven through it. I guess we all have our views of the beautiful mountains and what lies between the vision. That is a lot of windmills. They are probably in this picture, 150 windmills in the background. Some of them work; some don't.

Sometimes the transmissions are torn up because the wind doesn't always blow at the same velocity. Sometimes there are problems. Engineering advancements have come along, and it is a significant contributor to energy. What about the footprint? This particular wind farm, which is one of the largest in the United States, takes about 1,500 acres, and the energy production is 800 million kilowatts of electricity. What does that equate to? That is about 1,360 barrels of oil. So here we have an equation, 1,500 acres of footprint producing 1,360 barrels of oil.

I hate to be rhetorical, but in comparison, what does 2,000 acres of ANWR produce? One million barrels of oil.

Some people suggest that these windmills are Cuisinarts for the birds. The birds do have a bit of a time getting through there if they are flying low. The point is, there is a footprint to renewables.

There are a couple other renewables we think highly of and want to promote. This is one: Solar panels. Solar panels produce the energy equivalent of 4,400 barrels of oil a day. That is

2,000 acres; 2,000 acres of solar panels is a lot of acreage. Two thousand acres of ANWR produce 1 million barrels of oil a day. So, again, we are simply talking about comparisons. It would take two-thirds of the State of Rhode Island to equate to 448,000 acres which would produce as much energy as 2,000 acres of oil in ANWR. So we virtually cover two-thirds of Rhode Island with solid solar panels.

We have another significant contribution to energy, and that is ethanol. Ethanol is made from corn. There is a comparison here because if you took 2,000 acres of ethanol from the farm, 2,000 acres, and produced the energy equivalent of that, it would produce 25 barrels of oil a day.

Mr. President, 2,000 acres of ANWR will produce a million barrels a day. So you are talking about an awful lot of acreage to produce an equivalent. All I am talking about is a footprint. It would take 80 million acres of farmland, or all of the land of New Mexico and Connecticut, to produce as much energy as we can get out of 2,000 acres of ANWR.

I think I have made my point, Mr. President. There is a footprint. Renewables are important. They do cost money. The question is, How much does the American taxpayer want to pay?

I rise in opposition to the renewable portfolio mandate. I oppose the Federal renewable mandate in the underlying Daschle bill. I oppose the Federal renewable mandate proposed by Senator BINGAMAN's amendment, and I also oppose the Federal renewable mandate proposed by Senator JEFFORDS. The reason is all three are the same theme: Federal command and control of the market.

Now, all three propose that the Federal Government—Congress, as a matter of fact—decides what kind of energy we like and don't like and, as a consequence, force the markets to comply with our views of political correctness. Let me say that again. Congress decides what kind of energy we like and what kind we don't like. Do we want Congress to pick the energy "flavor of the month," so to speak, pick the winners and the losers based on regional or local politics? It is one thing to support technologies on resource development by tax incentives or grants or other direct programs. We do that with conservation, renewables, and our basic fuels. We encourage exploration and development in the ultra deepwaters of the Gulf of Mexico, as we should. That is one thing, but arbitrary dictates on what you must buy, well, that is another issue.

I oppose Federal command and control of the market. We have a free market in this country. If there is anything that we should have learned from the past 200 years in this Nation's existence, it is that free markets work and Government command and control, as a rule, doesn't work. I think the proof is out there.

For example, in the 1960s and 1970s, we tried to micromanage the natural gas business. What did we get? We got shortages and price spikes. When we deregulated natural gas, we got an abundant gas supply and lower prices.

Even more fundamental, the U.S. exists today and the Soviet Union does not exist. Our economy is the envy of the world. Their economy collapsed. I have no doubt that this Nation, and our industry, can meet any demand we put upon them. There is no question that it can. If we put a man on the Moon, we can certainly build all the windmills we want.

So the question isn't, Can it be done? The question is, Should it be done? Should we dictate the market—have Congress tell consumers what is good energy and what is bad energy; what they should buy or should not buy?

Mr. President, the consumers are better able to decide what is in their own best interest than is Congress. If consumers want to pay extra for "green power," then they should be able to do it. A number of States have created programs to allow them to do that. In Colorado, for example, there is a very robust market for green energy.

But I ask: Why should Congress tell consumers to purchase something they don't want and that might not even be available? In my opinion, the mandate is not honest. Those States with portfolio mandates have considered the costs and the fuel mix that is available and made a decision.

This amendment decides that customers in Maine—which already has a locally established 30-percent mandate based on local decisions—must buy wind and solar renewables.

On its face, the amendment admits that there are utilities that will not have access to the particular mix of fuels that the sponsors support. Their customers will be forced to pay for credits and to pay for power that they may never receive—power that is uneconomical and not available in their particular area.

Why is there this fascination with Federal preemption of State decisions? If the Northwest wants to develop clean, emission-free hydro, why must they buy credits to support solar in from the Southwest? The argument will be made that we need to foster renewables in order to lessen our dependence on foreign energy. That is a good argument—as far as it goes. But if they are really serious about lessening our foreign dependence, we need to do much more: Nuclear power—there is no cleaner form of power, zero emissions—oil from Alaska and other regions, such as the gulf, that have been shut down; coal—we have all kinds of coal in this country; we are the Saudi Arabia of coal; hydroelectric generation—zero emissions. It amazes me that some people consider hydro nonrenewable.

Let me focus for a moment on the Federal renewable dictate in the underlying Daschle bill, which is very similar to the Bingaman amendment. The Daschle renewable dictate would require a 600-percent increase in renewables by the year 2020. Let me repeat that—a 600-percent increase in renewables by 2020.

As I indicated in my earlier statement on renewables and what our percentage was, clearly, it is a cost. We have expended $6.4 billion in the last 5 years, and it still constitutes less than 4 percent of our total energy needs and less than 2 percent of our electric consumption.

So the question is, If we are going to follow the Daschle renewable dictate, we would require a 600-percent increase in renewables by 2020, at what cost? Well, I don't think this is achievable. It might be, but it would drive costs simply through the roof. After 20-plus years of PURPA, and billions of dollars of renewable tax credits and other Federal subsidies, renewables today provide a very small percentage of U.S. electric power—approximately 2 percent.

The 10-percent additional renewable dictate, by 2020, would require 6 times the amount of renewables we are currently generating. Is a 10-percent dictate achievable? Well, anything is achievable, but at what cost?

We have a chart that shows what the Energy Information Administration of the Department of Energy has done. It is an analysis of the proposed 10-percent renewable portfolio mandate. The EIA estimates that the cost of renewable portfolio mandate will grow to $12 billion per year by 2020.

Let me refer to the chart. This chart is perhaps a little difficult to comprehend, but what we have are credits moving up in the blue to the very top, where we are comparing, if you will, the penalty payments and the credit purchases. The credit purchases are in the light blue and the penalty is in the dark red.

As we start from 2005 with the credits, you can see they are roughly at $2 billion, and they go up in the year 2017 to approximately $10 billion. And they go up more with the advent of the penalty payments.

So this attempts to show simply the escalating costs associated with trying to achieve this 10-percent renewable portfolio mandate. There is a corresponding reference as well. The theory is, as the renewables go up, the gas consumption comes down, and when the renewables go up, the price of gas goes down, and the price of renewables comes down. So you have a bit of a tradeoff there, and we can debate that.

The fact remains this kind of an increase to 10 percent from our current 4 percent—actually 2 percent, less than 2 percent electric consumption, 4 percent of total energy—comes at a significant cost.

Who is going to pay that, Mr. President? The consumers are going to pay it. There is nobody else out there. The companies are not going to be able to offset that cost out of their capital.

It is estimated that over a 15-year period, between 2005 and 2020, the renewable portfolio dictate will cost a total of about $30 billion. Wilbur Mills once said: A billion here, a billion there; after a while, it all adds up to real money. To an average family of four struggling to pay their grocery bill and put kids through college, this is a lot of money.

As is pointed out by the Energy Information Administration analysis of the renewable portfolio mandate:

> In simple terms, a renewable portfolio standard is a way of subsidizing . . . renewables . . . through a fee on . . .

What?

> coal, gas, nuclear, and oil facilities.

It has to come from somewhere. It does not come from thin air. It is at the expense of our more traditional energy sources. In other words, it is one thing. It is a Btu tax. Remember that: Btu tax. Where have you heard it? It was one of the first efforts of the Clinton administration when they came into office. They tried to put on a Btu—British thermal unit—tax on energy. They failed, coming in the back door.

EIA says consumers will not see most of this cost in terms of higher retail rates. Instead, it will be paid for by other segments of the power industry. I am not that optimistic about EIA's assessment of cost or impact to consumers. EIA's numbers are based on a set of assumptions about technology—sending, transmission capacity—economics which may or may not pan out.

If there is anything more certain than death and taxes, it is that the utilities will pass on consumer costs. In other words, as I have said, anything more certain than death and taxes is the utilities will pass on to the consumers the costs.

The only exception to that was in California when California chose not to pass on the cost to the consumers because they capped retail rates and were not allowed to pass through the true cost of electricity. And what did we have? We had some of the major generating companies in the United States in chapter 11. We learned something from that, but hopefully we will not forget it so soon.

Those costs are going to show up in consumer electric bills one way or another, you can be sure of that. Do not be lulled to sleep by assertions that the renewable dictate is a free ride. If you believe that, I have a bridge to sell you in Ketchikan, and it has not even been built yet.

Let me point out some of the requirements of the renewable dictate. Under these circumstances, if the utility is not able to meet its renewable portfolio through generation, it is going to have to purchase the credits from someone else who is generating electricity or pays a Federal penalty. They have to do it one way or another. In other words, consumers in regions and States that do not have renewable opportunities will have to pay for electricity they do not even receive.

Let me repeat that. Consumers in regions or States that do not have renewable opportunities will have to pay for electricity they do not even receive. I do not know how many people you know, Mr. President, but I know a lot of people who would not want to do that.

How much is this going to cost the consumer in New York or Chicago? It is clear what is going on. It is a Btu tax—a British thermal unit tax—which will transfer massive amounts of money to one politically favored segment of the electric power industry. What is that? Renewable source. I find it unacceptable to require consumers to subsidize large renewable generators, such as—well, let's choose Enron as an example, to the tune of up to $12 billion per year.

I also wonder why this Federal mandate is necessary. These 14 States have already established a renewable portfolio mandate program. They, too, would be preempted.

I admire what these States have done. They have taken the initiative to establish a State renewable portfolio mandate. They did it themselves: Arizona, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, Wisconsin.

This is the market working. People in those States are concerned. They want renewables and are ready to pay for them. They have set up a system, and it works.

This legislation would mandate it across the country. The renewable mandate would thus penalize those States that have already acted to establish a renewable program by requiring these States to replace their State program with a new Federal program. For Heaven's sake, if it works in these States, why not leave it alone? They are doing their job. People are happy. They would be increasing or rejecting. Other States have considered and rejected a renewable portfolio mandate as being unworkable or too expensive.

Senator JEFFORDS wants to raise the renewable dictate. What does he want to raise it to? He wants to raise it to 20 percent. I oppose that. I think it is impractical, unrealistic, and beyond reasonable costs.

Senator BINGAMAN's amendment differs from the underlying Daschle bill in a relatively minor aspect. It retains the 10-percent mandate from the underlying bill and gives double credits to renewables on Indian land, gives credit for not using energy, and it lengthens the program by 50 percent out to the year 2030.

I have a little problem with extending these programs out to 2010, 2020, 2030. My problem is, how many of us are going to be around here in 30 years or 28 years to be held accountable for what we are setting as a standard today? It lengthens the program by 50 percent by the year 2030.

We should hold ourselves accountable for realistic goals in the future and not put them out so far that other people are going to come along and look at it and say that was simply unattainable or the cost of it was beyond comprehension.

In a nutshell, the Bingaman amendment makes only minor changes to the Daschle bill. I oppose the Bingaman amendment as well, just as I oppose the Daschle renewable dictate.

I believe Federal command and control of the market leads to terrible distortions, economic waste, and inefficiency. It is bad for consumers and bad for our economy.

I will support Senator KYL when he offers his amendment to allow the States to set up their own renewable portfolio program. As I mentioned before, 14 States already have them. They seem very happy with them. They are working. Why do we always have to jump into something the States seem to be doing reasonably well with a Band-Aid as if this is a Federal project and we should take the initiative away from the States. The best government is the government closest to you.

As I mentioned before, 14 States already have it. Senator KYL's amendment will allow States to set up their own renewable portfolio program. The Kyl amendment requires each State utility commission and each nonregulated utility to consider offering consumers renewable energy if available, but it does not require them to do so—only consider doing it. If a State or nonregulated utility concludes that a renewable program is not in their consumers' best interest, then they should be free to not adopt it. That is exactly what the Kyl amendment does.

If a State adopts the program, then consumers will still be free to decide whether or not green power is worth the cost. Consumer choice has worked well in States such as Colorado where 2 percent of the customers have chosen to pay a modest premium to have their power generated by wind turbines, and I believe there is some of that in California as well. Allowing consumers to decide what is in their best interest is the essence of good public policy.

I have a letter signed by 32 trade associations in opposition to the renewable portfolio mandate in this bill.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 5, 2002.

Hon. THOMAS A. DASCHLE,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: We are writing to express our deep concern over the economic impact of the renewable electricity portfolio mandates contained in the Substitute Amendment (the Energy Policy Act of 2002) to S. 517. This renewable portfolio standard would require that 10 percent of all electricity generated in 2020 must be generated by renewable facilities built after 2001. The renewable portfolio standard would become effective next year, and the amount of renewable generation required would increase every year between 2005 and 2020. While we believe that renewable source of generation should have an important, and growing, role in supplying our electricity needs, the provisions contained in the Substitute Amendment are not reasonable and cannot be achieved without causing dramatic electricity price increases. This in turn would have the unintended consequence of reducing the competitiveness of American businesses in the global economy and, thereby, reducing economic growth and employment.

Today, according to the Energy Information Administration, non-hydro renewables placed in service over past decades make up only about 2.16 percent of the total amount of electricity generated in the United States. However, even this modest existing renewable capacity will not count under the Substitute Amendment toward satisfying the renewable portfolio requirement. Generally, under that Amendment, renewable facilities that can be used to meet the 10 percent minimum must be placed in service in 2002 or thereafter. Therefore, compliance with the Substitute Amendment's 2.5 percent renewables mandate for 2005 would require doubling the amount of non-hydro renewables that we now have in just three years—even though it took us more than 20 years to get to where we are today.

In addition, because the Substitute Amendment requires that 10 percent of all electricity generation, not capacity, must come from renewables, vast numbers of renewable electricity-generating facilities will have to be built. Wind energy, perhaps the most promising non-hydro renewable technology, operates effectively only between 20 percent to 40 percent of the time. Solar is also intermittent. Therefore, the actual amount of newly installed capacity needed to generate enough electricity to meet the Daschle Amendment's requirements could well exceed 20,000 megawatts by 2005. To put this into context, according to the American Wind Energy Association, we currently have less than 5,000 megawatts of installed wind capacity in the United States.

Simply imposing an unreasonably large, federally mandated requirement to generate electricity from renewables will not guarantee that enough windmills and other renewable facilities can be built on schedule; that the wind (or sun or rain) will cooperate; or that the generating costs will be as low as would be the case from a more diverse, market-dictated portfolio of conventional, as well as renewable and alternative fuels. If retail suppliers do not comply with the mandate, they would face a 3 cent per kilowatt hour civil penalty. Some may suggest that this penalty would operate as a "cap" on the inevitable run up of electricity costs under the Amendment. Even if this penalty were effective at limiting skyrocketing electricity costs—and experience with similar "penalties" indicates that it will not—the penalty still would constitute an almost doubling of current wholesale electricity prices for renewable power. Clearly, electricity rates will substantially increase if the Substitute Amendment becomes law.

The Federal government's past record in choosing fuel "winners and losers" is dismal. The Powerplant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas in electric powerplants and discouraged its used in many industrial facilities, was essentially repealed less than a decade later when its underlying premises were conceded to be wrong. While holding back the use of natural gas, the Federal government spent billions of dollars attempting to commercialize "synthetic fuels," including oil shale and tar sands, with little to show for its efforts.

While we believe that the Federal government has an important role to play in encouraging the development of renewable and other energy technologies, we are troubled when that role turns to mandates and market set-asides for one particular fuel or technology. Mandates and set-asides usually don't work, and create unintended consequences far more severe than the underlying problem being addressed.

For these reasons, we respectfully request that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate or mitigate the harmful economic consequences of the renewable fuels portfolio mandate.

Sincerely,
Adhesive and Sealant Council, Inc.
Alliance for Competitive Electricity
American Chemistry Council
American Iron and Steel Institute
American Lighting Association
American Paper Machinery Association
American Portland Cement Alliance
American Textile Manufacturers Institute
Association of American Railroads
Carpet and Rug Institute
Coalition for Affordable and Reliable Energy
Colorado Association of Commerce and Industry
Edison Electric Institute
Electricity Consumers Resource Council
Independent Petroleum Association of America
Industry Energy Consumers of America
International Association of Drilling Contractors
Interstate Natural Gas Association of America
National Association of Manufacturers
National Lime Association
National Mining Association
National Ocean Industries Association
North American Association of Food Equipment Manufacturers
Nuclear Energy Institute
Ohio Manufacturers' Association
Oklahoma State Chamber of Commerce & Industry
Pennsylvania Foundry Association
Pennsylvania Manufacturers' Association
Texas Association of Business and Chambers of Commerce
U.S. Chamber of Commerce
Utah Manufacturers Association
Westbranch Manufacturers Association.

Mr. MURKOWSKI. The signers represent a broad range of affected industries, including chemicals, metals, paper, textiles, cement, carpeting, petroleum, natural gas, mining, nuclear power, as well as the U.S. Chamber of Commerce.

A Federal renewable dictate is, in my opinion, bad energy policy, bad social policy, and bad economic policy.

I thank the Chair for persevering with me, and I yield to Senator BINGAMAN.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will say a few words about the various amendments we are considering this afternoon. I proposed an amendment to the underlying bill which does modify the provisions we had related to this issue of a renewable portfolio standard, and that is the pending first-degree amendment, and essentially that calls for us trying to increase the generation of electricity from renewable energy sources over the next 18 years, between now and the year 2020, up to 10 percent. That is what we have proposed in the amendment I sent to the desk.

Senator JEFFORDS has sent a second-degree amendment to the desk, and he has asked that we change that goal and requirement, and that instead of going to 10 percent of power having to be generated from renewable sources, it should be 20 percent. He has made his statement in support of that, and he has indicated a desire to come back and reiterate those points before we actually cast a vote on his amendment.

Then there is also, as I understand it, expected to be an amendment by Senator KYL from Arizona which will essentially eliminate any kind of a Federal program or requirement to increase the amount of renewable energy that utilities generate. So those are the three main issues before us.

Obviously my position, which is I think is clear to all my colleagues, is that the 10-percent goal we have in the bill and in the substitute I have sent to the desk is an appropriate goal. It is something we can achieve. It makes sense. It moves us, as a country, in the direction we ought to be going. It reduces our dependence on fossil fuels in very important ways.

There are some obvious reasons why I think it is important we act on this as part of a national energy bill. When one looks at a comprehensive energy bill, which we are now debating, there are various things that can be done. The supply can be increased, and we are trying to increase the supply of energy from our traditional sources, from oil and gas, from coal, from nuclear, from hydroelectric power. All of those are existing sources of energy upon which we believe we are going to remain dependent. They should continue to flourish. We support that and we have provisions in the bill that support them.

I firmly believe it is also important we put a particular emphasis on renewable power, renewable energy sources. It is important we do that to get a diverse set of sources. It is important we do that because the renewable energy sources do not produce emissions. They are extremely benign to the environment and there are substantial benefits in job creation, quite frankly, from putting a heavier emphasis here.

I will put up a couple of charts I referred to earlier in the debate so people can be reminded this is where we produce electricity today. This is "Electricity Generation by Fuel." There seems to be a lot of information on this chart, but it is pretty clear what the big points are.

The first big point is, this is from the period 1970 to the year 2020. So over this 50-year period, it shows that by far the biggest contributor to electric generation today is coal. It has been all along. It continues to be, it is going to be in the future—that is a given—and we have provisions in this bill to encourage additional research to try to find ways to continue using coal in the most environmentally benign way possible.

Down beneath that we have nuclear. This is as of the year 2000 in this period. The next line is nuclear. Nuclear accounts for something in the range of 20 percent of the power we produce today in this country. It will continue to account for a substantial portion of the power we produce for the indefinite future, even if there are no nuclear powerplants built, and there may well be. I do not know the answer to that.

The other fuel, which is now third as far as the contributors to electrical generation, is natural gas. That is this green line. Although it is third now, we can see that it is growing dramatically as a contributor to electricity generation in this country. We are now in a situation where today 69 percent of the electricity we generate in this country comes from two fuels: coal and natural gas. That is going to change by the year 2020, unless we enact legislation in the nature of this renewable portfolio standard that I have proposed.

The way that is going to change is we are going to be much more dependent upon those two fuels, coal and natural gas, by the year 2020 than we are today. Instead of 69 percent, which is where it is today, it will be up to 80 percent. So we will be 80-percent dependent upon those two types of fuel.

Why is this a problem, some might ask. Who cares? It is a problem because price spikes, particularly in natural gas, can play havoc with people's electric bills, can play havoc with our ability to maintain a stable market for electricity in the country.

Eighteen months ago, it was $10 per million Btu of natural gas. Today it is more like two-fifty. There is a tremendous volatility in those prices, and that is what we are setting ourselves up for if we do not diversify the sources of fuel upon which we rely. We do have real concerns about the adequacy of our supply of natural gas as we go forward to the year 2020. We may well be buying a larger and larger percentage of our natural gas in the form of liquefied natural gas that is brought in by tanker from overseas. This is being brought in from the Middle East, from a lot of countries that we do not currently consider particularly stable suppliers.

Just as we are currently dependent upon foreign sources of oil, we can see the day, possibly in the future, when we will be substantially dependent upon foreign sources of natural gas. A lot of that dependence will be because we have not diversified the sources of power to generate electricity.

Also, of course, if one thinks climate change is a problem, which many people do, it is important we try to find some sources of energy that do not contribute to that problem, and that is exactly what we are trying to do with this renewable portfolio standard.

Another one of these charts I think makes the point we have a lot of opportunity to do better in this area. This chart is entitled "The Commitment to Renewable Generation." This is the period 1990 to 1995. The point it makes is, over on the left-hand side, this is the percentage increase in nonhydro renewable generation during that 5-year period, 1990 to 1995. Spain increased their nonhydro renewable generation over 300 percent during those 5 years; Germany increased theirs something around 170, 180 percent; Denmark, nearly 150 percent; Netherlands, about 70 percent; France, something in the range of 30 percent; and then there is the United States. We can see from this chart there was hardly any increase during that 5-year period, in nonhydro renewable generation in the United States.

Frankly, we have a lot of opportunity to catch up with some of the European nations in producing more power from renewable sources.

In my State of New Mexico, I asked why we did not have wind power. I have seen the charts that say New Mexico is a natural source of wind power. We have a lot of wind, particularly this time of year. I found there was very little renewable power generated in my State. I asked if we had any U.S. manufacturers of wind turbines come and put up wind power, and I found out the major manufacturers of wind turbines are in Europe, not in this country. The main market for wind turbines is in Europe, not here.

We may want to do in New Mexico what the neighboring State of Texas has done. We have a love-hate relationship between New Mexico and Texas; it grates on me to say that Texas did something right, but the reality is they have done something right in this area.

Frankly, President Bush did something right in this area when he was Governor of Texas. He signed a law to put in place a renewable portfolio standard that was very much the same in its provisions as we propose as a national program. They have moved ahead very dramatically in adding generation capacity based on renewable energy. It is the kind of action I wish we had taken in New Mexico. I hope we do it in the near future.

I know our major utility in New Mexico is considering putting in a wind farm. They realize it is cost effective. It does make sense. They have seen the successes our neighboring State has had.

Let me show another chart entitled "U.S. Renewable Electricity Consumption." This points out that today 3½ to 4 percent of the electricity that we consume is generated from renewable sources—nonhydro renewable sources. Under this bill, under the renewable portfolio standard we are proposing—not the one Senator **JEFFORDS** is proposing; that is more ambitious, but the one I am proposing—we would increase that between now and 2020 up to around 12 to 13 percent. That is the expectation under this bill.

The green area on the chart is what will be added as renewable generation if this bill is passed with the renewable portfolio standard in it. Absent the renewable portfolio, if the Kyl amendment succeeds and we eliminate any national renewable portfolio standard, the expectation is we would have this orange strip that we are now at, with 3½ percent of our generation coming from nonhydro renewables; that would be the same in 2020. We would still be producing about 3½ percent from nonhydro renewables.

I think there is a very strong case to be made that a forward-looking, comprehensive effort to diversify sources of energy, to deal with global climate change in a responsible way, to ensure we are diversifying our sources and producing all the power we need in the future, would lead us to conclude we ought to have this modest requirement. This is a modest requirement. This is not excessive. There are many people who advocate renewable generation and are critical of what I have proposed as a renewable portfolio standard because they think it is insufficient. They think we should be doing more. I would love to see more. I think this is a realistic proposal given the reality we face today.

My proposal is there for anyone to study and review. I think it would be very good public policy for the country.

I have some letters I call to my colleagues' attention. One is from the American Wind Energy Association, dated March 13.

> While we believe that all of America's renewable energy technologies—wind, solar, geothermal, biomass, and hydropower—are capable of contributing higher levels of electricity generation than would be required by the proposed RPS, the provision is a significant step forward in meeting America's growing energy needs.

In 2001 alone the wind energy industry installed close to 1,700 megawatts of new generating capacity, enough to meet the needs of about 475,000 households. More than half of this new wind power development (915 megawatts) was produced in Texas—a state with the most effective renewable energy requirement law in the nation. In addition to producing electricity without emitting any pollutants, each megawatt of wind power creates at least $1 million in economic activity.

Obviously, I would like to see some of that economic activity in my State. I assume the Presiding Officer would like to see some in his. That would occur as part of the implementation of this.

I also refer to a letter from MidAmerican Energy Holdings Company, which is headquartered in Omaha, NE. The Presiding Officer is familiar with that company. This is a letter to me from David Sokol, chairman and chief executive officer.

DEAR CHAIRMAN BINGAMAN: I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate's comprehensive energy bill. MidAmerican Energy Holdings Company is one of the world's largest developers of renewable energy, including geothermal, wind, biomass and solar.

MidAmerican has been a long-time proponent of both a production tax credit for electricity generated by renewables and a federal government purchase standard for renewable electricity. We strongly support these provisions in the comprehensive energy bill before the Senate, as well as recent modifications to the bill's renewable portfolio standard (RPS) section that will ensure that implementation of the RPS is achievable and affordable.

Renewable electricity can play a critical role in diversifying the nation's fuel mix and providing emissions-free electricity for American consumers. By including both supply and demand side components in the comprehensive energy package, your legislation will benefit the environment and American energy security.

Thank you again for your leadership in promoting renewable energy.

I have one other letter from the American Bioenergy Association. This group is headquartered in Washington. There are various members of the group who have signed the letter to me, dated March 13.

DEAR SENATOR BINGAMAN: We, the undersigned members of the American Bioenergy Association (ABA)—the leading industry group representing biofuels, biomass power, and bioproducts—are writing to thank you for your support to date and to encourage you to offer an amendment for a renewable portfolio standard that is both aggressive and realistic.

It is critical that we level the playing field for renewable energy generation. State RPS programs have met with enormous success. A federal RPS would allow clean energy developers and their customers to use biomass power in all regions of the country where it is technically feasible. The ABA believes that the biomass industry provide a significant contribution to the standard you will offer as a substitute amendment to the Daschle bill. This RPS uses the already oversubscribed Texas legislation as a model. The national policy you propose would allow all renewable energy resources to be developed where they are most applicable.

I have one other brief issued by the National Hydropower Association.

It says:

The National Hydropower Association writes to strongly urge you to support the Energy & Natural Resources Committee Chairman Jeff Bingaman and Majority Leader Tom Daschle's compromise amendment to S. 517 on the Renewable Portfolio Standard.

They go on to explain why they believe that is very much in the interests of the Nation.

Finally, there is a letter I have here from Michael Wilson, vice president of the Florida Power & Light. He says in a letter to me dated March 14:

Please consider this letter an endorsement of the compromise Renewable Portfolio Standard contained in S. 517, the Energy Policy Bill.

As you may know, FPL Group, comprised of the two major subsidiaries—

He lists what those are—

is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested. . . .

He goes on and on and indicates they are intending to add 2000 megawatts of new wind generation over the next 2 years and that this renewable portfolio standard will allow wind generation to contribute to America's energy independence and security.

Mr. President, I ask unanimous consent the letters I referred to be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, March 13, 2002.

Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I write on behalf of the Board of Directors and member companies of the American Wind Energy Association (AWEA) in support of the Renewables Portfolio Standard (RPS) contained in the proposed substitute to S. 517, the Energy Policy Act of 2002.

While we believe that all of America's renewable energy technologies—wind, solar, geothermal, biomass, and hydropower—are capable of contributing higher levels of electricity generation than would be required by the proposed RPS, the provision is a significant step forward in meeting America's growing energy needs.

In 2001 alone the wind energy industry installed close to 1,700 megawatts of new generating capacity, enough to meet the needs of about 475,000 households. More than half of this new wind power development (915 megawatts) was produced in Texas—a state with the most effective renewable energy requirement law in the nation. In addition to producing electricity without emitting any pollutants, each megawatt of wind power creates at least $1 million in economic activity.

The wind industry is proud to support the RPS contained in S. 517, aimed at diversifying America's energy production while also enhancing our efforts to secure cleaner air and a more sustainable energy future. Thank you.

Sincerely,

RANDALL SWISHER,
Executive Director.

MIDAMERICAN ENERGY
HOLDINGS COMPANY,
Omaha, NE, March 14, 2002.

Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate's comprehensive energy bill. MidAmerican Energy Holdings Company is one of the world's largest developers of renewable energy, including geothermal, wind, biomass and solar.

MidAmerican has been a long-time proponent of both a production tax credit for electricity generated by renewables and a federal government purchase standard for renewable electricity. We strongly support these provisions in the comprehensive energy bill before the Senate, as well as recent modifications to the bill's renewable portfolio standard (RPS) section that will ensure that implementation of the RPS is achievable and affordable.

Renewable electricity can play a critical role in diversifying the nation's fuel mix and providing emissions-free electricity for American consumers. By including both supply and demand side components in the comprehensive energy package, your legislation will benefit the environment and American energy security.

Thank you again for your leadership in promoting renewable energy.

Sincerely,

DAVID L. SOKOL,
Chairman and Chief Executive Officer.

AMERICAN BIOENERGY ASSOCIATION,
Washington, DC, March 13, 2002.

Re Renewable Portfolio Standard Amendment.

Hon. JEFF BINGAMAN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BINGAMAN: We, the undersigned members of the American Bioenergy Association (ABA)—the leading industry group representing biofuels, biomass power, and bioproducts—are writing to thank you for your support to date and to encourage you to offer an amendment for a renewable portfolio standard that is both aggressive and realistic.

It is critical that we level the playing field for renewable energy generation. State RPS programs have met with enormous success. A federal RPS would allow clean energy developers and their customers to use biomass power in all regions of the country where it is technically feasible. The ABA believes that the biomass industry provide a significant contribution to the standard you will offer as a substitute amendment to the Daschle bill. This RPS uses the already oversubscribed Texas legislation as a model. The national policy you propose would allow all renewable energy resources to be developed where they are most applicable.

In addition, we applaud your support of a renewable fuels standard, increased biomass research and development, and a production tax credit for biomass. ABA hopes that these policies, along with this strong renewable portfolio standard, will be accepted by the Senate.

Again, the ABA thanks you for your strong support for biomass. We truly believe that, by supporting energy and tax policies in clean, renewable biomass, we can begin to wean ourselves from foreign oil and clean up our air.

Sincerely,
KATHERINE HAMILTON and
MEGAN SMITH,
Co-Directors.

SUPPORTING MEMBERS OF AMERICAN BIOENERGY ASSOCIATION

Biofine, South Glen Falls, NY.
Cargill Dow, Minneapolis, MN.
Chariton Valley RC&D, Chariton Valley, IA.
FlexEnergy, Mission Viejo, CA.
Future Energy Resources Corporation, Norcross, GA.
Genencor International, Rochester, NY.
PureEnergy, Paramus, NJ.
Renewable Energy Corporation, Limited, Charlotte, NC.
Sealaska Corporation, Juneau, AK.
State University of New York (SUNY), Syracuse, NY.

ISSUE BRIEF, MARCH 13, 2002.

The National Hydropower Association (NHA) writes to strongly urge you to support Energy & Natural Resources Committee Chairman Jeff Bingaman and Majority Leader Tom Daschle's compromise amendment to S. 517 on the Renewable Portfolio Standard (RPS).

Senators Bingaman and Daschle's amendment to S. 517 resolves many of the issues associated with their original RPS proposal and clearly recognizes that hydropower, our nation's leading renewable resource, must play an important role in meeting future energy needs.

The amendment that will be offered by the Senators will exempt all existing hydropower from a retail electric supplier's base amount and include incremental hydropower—new hydropower generation at existing facilities through efficiency improvements and additions of new capacity—as a qualifying renewable resource. This policy validates a recent poll which showed that 93% of registered voters believe that hydropower should play an important role in meeting future energy needs. What's more 74 percent of America's registered voters support federal incentives for incremental hydropower.

With the inclusion of incremental hydropower in the Bingaman-Daschle RPS amendment, approximately 4,300 Megawatts (MWs) of new hydro generation could be developed without building a new dam or impoundment. This additional power will provide clean, renewable, domestic and reliable energy for America's energy consumers in an environmentally-responsible way. Senator Jeffords' amendment, however, has no such role for hydropower.

Once again, NHA strongly urges you to vote yes on the Bingaman-Daschle RPS amendment and to oppose the RPS amendment offered by Senator Jeffords.

If you have any questions, please contact Mark R. Stover, NHA's Director of Government Affairs, at 202-682-1700 x-104, or at mark@hydro.org.

FLORIDA POWER & LIGHT COMPANY,
Washington, DC, March 14, 2002.

Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the compromise Renewable Portfolio Standards (RPS) contained within S. 517, the Energy Security Policy Bill.

As you may know, FPL Group, comprised of its two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates the two largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects, and a number of biomass plants. And, significantly, with over 1,400 megawatts of net ownership in wind energy, FPLE is the nation's largest generator of wind power.

FPLE plans on adding up to 2,000 megawatts of new wind generation over the next two years. Due to the wind energy production tax credit (IRC Sec. 45(c)(3)) and the industry's success in reducing production costs, wind energy has become economically feasible. A long-term extension of the credit combined with your RPS will allow wind generation—and, hopefully, other renewable sources—to contribute to America's energy independence and security. Ultimately, such an aim should be the keystone of any American energy policy.

We appreciate your leadership on this important issue, and we strongly support your efforts to enact a fair and balanced RPS. Please do not hesitate to call on me should you require any assistance in your endeavor.

Sincerely,
MICHAEL M. WILSON,
Vice President.

Mr. BINGAMAN. I will have other comments to make later in the debate, but at this point I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BINGAMAN). Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I came to the Chamber in support of the amendment of Senator JEFFORDS. I am proud to join him on this amendment.

We are talking about a portfolio that has to do with renewable energy for production of electricity. The bill would require the amount of electricity produced from renewable to increase from 2.5 percent in 2005 to 10 percent in 2020. This is certainly an improvement in the right direction.

The amendment I am cosponsoring with Senator JEFFORDS argues that the Senate should go higher. We are talking about basically going up to 20 percent by the year 2020.

I wish to make three or four points.

First, I admit that I am speaking as a Senator from Minnesota. For Minnesota, this is a no-brainer. We are a cold-weather State. We are at the other end of the pipeline. When we import barrels of oil—although we are not talking about so much oil, because we also rely on natural gas and coal—we have the following consequences: First of all, we import the energy and we export the dollars—probably to the tune of about $11 billion a year.

The more we can produce of our own energy, the more capital we keep in our communities, and the better it is for our States.

On environmental grounds, I don't, frankly, know what we are doing with more reliance on coal.

In our State, we love our lakes. We are the "land of 10,000 lakes." But if you look in different manuals, you will see the warnings: If you are a woman expecting a child, don't eat fish. We love walleye. Don't eat too many walleye a week; or, don't eat any; or, for small children, don't let them eat walleye. One way to get to the hearts of Minnesotans is to talk about walleye. Why? Because of airborne toxins, poison, PCBs, acid rain, and coal.

What in the world are we doing relying more on coal, relying more on fossil fuels, and relying more on utility industries that barrel us down a path which goes exactly in the wrong direction?

Minnesota is rich in wind. In rural Minnesota and farm country, we are talking about biomass electricity. We are talking about solar. We are talking about renewables. We are talking about safe energy. We are talking about clean technology. We are talking about small business opportunities. We are talking about job-intensive and job-creating industries that are respectful of the environment, that are respectful of our community, that lead tomorrow's economic development, and that make all the sense in the world.

When we are able to rely more on renewable energy policy—we have the technology—we are far less dependent not only on Mideastern oil but we are far less dependent on large energy companies that end up being the ones making decisions that affect all of our lives, not always so much for the good.

I am pleased to join Senator JEFFORDS. Frankly, I know the votes on this. I don't think we will get very many votes. As a matter of fact, maybe we will. I shouldn't say that on the floor of the Senate before the vote. But there are other amendments that want to go below 10 percent.

I must admit that the position I take in this debate doesn't get me a heck of a lot of support from the utility industry. That is true. I am not sure I had much in the beginning anyway. But, with all due respect, I do know what is best for my State. I don't think it is just for Minnesota. I think it is good for people in this country.

I will say this one more time. Our country is behind the curve. Clean technology is going to be a big growth industry. We can do so much better than we are doing right now. We can do that if we set a target, and we make it clear that we are committed to making sure that renewable energy is much more a part of the production of electricity.

Look again at what we do that is good. We do a so much better job for our environment. Coal, I mentioned. Nuclear power. I am not giving a speech today in this Chamber that says: Let's dismantle all the nuclear powerplants. As a matter of fact, that is not my position. But we do not know what to do with the waste. We are going to now build more plants which are incredibly capital intensive.

I think the Presiding Officer is one of the people here who knows the most about finances. I am not even sure it is a go from the point of view of cost-effectiveness.

But beyond that, can anybody tell me whether or not we should be going forward with more nuclear powerplants when we do not even know what to do with the waste right now? In case anybody has not noticed, our good friends from Nevada do not want it there. If all of us were Senators from Nevada, we would take the same position. And there are some legitimate questions that are being raised about Yucca Mountain.

Then others say: Well, maybe not. Then it should be above ground, in dry-cast storage. Then others will say: What about the transportation of it?

So we do not know what to do with the waste. Yet we are now talking about maybe we are going to rely more on nuclear power. We do not know what to do with the expense. By the way, most people do not want the plants near where they live. There are all sorts of public health concerns. I have already mentioned coal. What do we need? More acid rain? Why do we want to rely on these big utility companies to basically be in charge of our energy future? Have the consumers of the country maybe noticed they are not always so kind to us in terms of the bills that we pay?

We could make the decisionmaking much more back at the State level, much more back at the community level with renewable energy policy. Between the potential of wind and biomass electricity and solar, along with what we have been talking about with biodiesel and other clean alternative fuels, such as ethanol, we have a real opportunity. It is a perfect marriage. I will finish on this point and then take a question from my colleague. It is a marriage made in Heaven between being respectful of the environment and a huge growth industry, which is much more small business oriented, with the creation of more jobs and keeping capital in the community and having better economic development.

It could be done, and it should be done. If we took a poll, 80 percent of the American people would agree. The only problem is, these utility companies and this big energy industry have too much clout. They have too much money, they have too much power, and they have too much influence. We should be reaching beyond 10 percent. I think Senator JEFFORDS and I are attempting to lay down a landmark because we want to be part of the debate and, at a very minimum, not turn the clock backward and even go below the 10-percent requirement. Frankly, we should be doing much better.

Mr. REID. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. REID. Does my friend agree that on this energy bill yesterday he and I were terribly disappointed because we had the opportunity to do something about consumption in this country, to cut the amount of fossil fuels we use, by making our automobiles more energy efficient, and we lost on that? Does the Senator agree that we lost on that?

Mr. WELLSTONE. That is correct.

Mr. REID. Also, there is an effort here where some think we can produce our way out of the energy crisis in which we find ourselves. Does the Senator acknowledge, out of the worldwide reserves of petroleum, the United States has 3 percent, including Alaska, and the rest of the world has 97 percent? Does the Senator acknowledge that as a fact?

Mr. WELLSTONE. That is correct.

Mr. REID. So I say to my friend, I do not personally know how we are going to produce our way out of this situation. We are not going to do it by drilling in ANWR. So when this legislation is ended, we are going to get nothing out of ANWR, and we are going to have no more fuel-efficient vehicles.

So I ask my friend, isn't the only thing left for the American consumer to look to with pride that we will have done on the energy bill is to do something with renewables? Isn't that right?

Mr. WELLSTONE. Mr. President, I thank my colleague from Nevada because that is why I said to Senator JEFFORDS earlier today that I would be out here joining him on this amendment.

Frankly, the rest of my time on this bill will be on this renewable portfolio because this is the only item left in the bill that is strongly proconsumer and also enables our country to reduce our energy consumption and presents some alternatives to barreling down exactly the wrong path. Absolutely.

The sad thing—I know this sounds a little arrogant; and I don't mean to sound arrogant; and I don't think I am being arrogant—I used to be on the Energy Committee. If we took a poll, about 80 percent of the people in this country would agree, saying: Absolutely, more renewables. We really like that idea. We like it because of the environment. We like it because we can keep the capital in our community. We like it because small businesses can develop. We like it because it is job intensive. We like it because it is good for our country's independence.

Remember, with electricity we are talking less about oil; we are talking about coal, nuclear, whatever.

I am not arguing conspiracy. And I am not arguing every Senator who votes the other way votes that way because of money. That is a horrible argument to make. We could all say that about each of us on every vote.

I will say this. Institutionally, from a sort of systemic point of view, the unfortunate thing is there are these huge energy conglomerates, these big utility companies. They do not want to budge from the monopoly they now have. They do not want to see this alternative future. But, boy, this is the direction in which we have to go. That is why I thank Senator JEFFORDS and am honored to be a part of this debate and do this amendment with him.

Am I making sense?

Mr. REID. Of course. That is why I came to the Chamber, because the Senator is making a lot of sense. I feel so desperate to get something that helps the American consumer when we finish this energy bill, which we have been talking about for so long.

Does the Senator realize that in 1990 the United States produced 90 percent of the electricity produced by wind? We produced 90 percent 10, 11 years ago. Today, we produce—not 90 percent—25 percent of the power. Germany—the relatively small area of Germany—produces more electricity by wind than we do.

Mr. WELLSTONE. Yes. I say to my colleague, first of all, again, wind is near and dear to my heart. You should see Buffalo Ridge in Minnesota. We produce much of the wind power in the country in Minnesota.

Brian Baenig, who does wonderful work here, points out that there have been two Department of Energy analyses, and they have found, under a 20-percent renewable portfolio standard, total consumer energy bills would be lower in 2020 than "business as usual" because this would also reduce the natural gas prices. This would be far better for our consumers. But also other countries—that is what I was saying earlier—are putting us to shame. The thing of it is, this isn't just an environmental issue. This is also, I say to both colleagues in the Chamber, a business issue.

Mark my words—let me shout it from the mountaintop of Senate today—clean technology will be a huge growth industry in this new century. We should be at the cutting edge of it, we should be nurturing it, and we should be promoting it. It is absolutely the right direction in which to go.

That is what is so important about this amendment.

Mr. REID. I say to my friend from Minnesota, I join with him in complimenting the Senator from Vermont, the chairman of the Environment Committee, for moving this issue forward. I think he has not done it in a tepid fashion. I say that because we should be able to do this. There are 14 States in the United States that have renewable portfolios. States do it. Why can't we, as a country, do it? The answer is there is no reason in the world we should not be able to do this.

I believe this so much that, in addition to this—I say to my friend from Minnesota, he talked about the cost. One of the costs that he cannot attribute to alternative energy is what it saves in lost lives, what it saves in added health care costs for this country.

The three of us in this Senate Chamber are not kids. We have all lived a long time and are very fortunate in that regard. But we can all remember, even the State of Vermont, as pristine as the State of Vermont is, how the air quality has changed over our lifetimes.

Mr. WELLSTONE. I say to the Senator, on the whole issue of air quality, I am out here with a little bit of a sense of urgency. I want to hold on to this standard, and I want to increase it because it is the best thing for my State.

It is for all the reasons I just mentioned, but also having to do with what we love the most. We love our lakes and rivers and streams. In fact, I don't know how it came to be. It is as though people in the country have lost their sense of indignation. Their expectations are so lowered about the environment. I am surprised that people are not furious. I think they are, but they don't know what to do.

As to a lot of our beautiful lakes, people are being told with regard to lake after lake after lake in Minnesota, if you are expecting a child, don't eat the fish. If you have little children, don't let them eat the fish because of the air toxins. This is acid rain. This is coal. This is mercury poisoning.

I want to put a stop to it. That is in part what the amendment is about, much less all the good economic and energy efficiency arguments I could make.

I yield the floor and thank both of my colleagues. I am proud to join them in this effort.

The PRESIDING OFFICER (Mr. CORZINE). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I commend my good friend. He has articulately outlined and put the issues in focus as to what we are discussing. Coming from Vermont, one of the States that has the most desire, perhaps, to take advantage of the situation, going to my own personal history back to 1939, I was just a kid, but we had the first commercial windmill in the United States. It was working fine until a hurricane blew it away. It was an example to us of what the potential is.

Now we have windmills going over the State, up and down the State. Hopefully, there will be more and more. We have them located in nice places that do not spoil the view. What a great source of energy to take advantage of, especially in a State that is really being hard hit by all of the acid rain and other stuff that floats to us from places known and unknown. But I want to share with everyone the experiences we have had.

Going back again, 29 years ago, the wind energy program started. It has come quite a ways, but now is the time to really maximize its utility and to keep this Nation going in the direction which will lead us away from the huge problems we have with being so dependent upon foreign oil and all those matters.

Perhaps my good friend, the leader, can tell us what we are going to do next, but at this point I will save the floor and then come back.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. In response to the Senator from Vermont, Senator KYL is tied up in the Judiciary Committee. They are on a very important judicial nomination now dealing with an appellate court judge to be or not to be. Therefore, he is unable to come and offer his amendment at this time. There have been a number of things we have talked about doing. One would be to vote soon on the Jeffords amendment, then debate the Kyl amendment as soon as he gets here, and vote on that tonight or tomorrow. That is where we are.

The Senator has arrived. I say to my friend—because I know he has been so tied up in the Judiciary Committee; I listened to his statement on television—the Bingaman amendment has been laid down. That calls for 10 percent, but the growth on renewables is ramped up more slowly and gives credit to hydropower and existing renewables. The Jeffords amendment is a second-degree amendment. That calls for raising the renewables to 20 percent. It is my understanding the Senator from Arizona wishes to offer an amendment to eliminate the renewables in this bill.

Maybe we could have a brief quorum call to explain to the Senator what procedurally we would like to do.

Mr. KYL. Might I inquire, my understanding is the pending second-degree amendment would have to be disposed of before I could offer my second-degree amendment. It would have to be defeated. I guess it could prevail either way. Then I would offer a second-degree amendment.

Mr. REID. We would be happy to work that out with the Senator however he wishes. We have talked about it for a couple days, this being the case. The only question is when we vote on his amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, the pending business is the Jeffords amendment. I am going to speak briefly to that. I am also going to assume we are going to be disposing of that amendment sometime around 5 o'clock. If the vote on that amendment is in the negative, then I will offer an amendment in the nature of a second degree to the underlying Bingaman amendment. I will discuss that. In order to conserve time, I will discuss some elements of that right now, while there is no other business pending. I will have to go back to the Judiciary Committee and vote on the Pickering nomination as soon as that rollcall starts. I can at least take some of the time necessary to respond to my colleague from Vermont and also describe the amendment I intend to offer.

I am going to show the nature of the cost of the Jeffords amendment and the underlying Bingaman amendment in a moment on the charts behind me. I will describe the issue before us and what my approach is, as opposed to the approach that has been presented so far by the Senators from New Mexico and Vermont.

The underlying bill has a premise, which is that it is a good thing for the U.S. Government to foster the increased production of electricity through so-called renewable energy sources. Now, current law does that through a series of incentives—some tax breaks—to entities that develop windmill farms or solar energy production or other kinds of so-called renewable electrical energy production. That costs quite a bit of money—about a billion dollars a year. But the idea is that we need to foster the development of these renewable sources because they are good energy; whereas, existing nuclear and oil-fired, coal-fired, or gas-fired are not the preferred sources of energy production.

Today there is something in the neighborhood of 2 percent of our energy being supplied by so-called renewables. The definition of renewable, by any logic, would also include hydropower. That, as I understand it, accounts for about another 7 percent of the electrical generation in the country. So the total of renewables would be about 9 percent. But, of that, only 2 percent is the nonhydro kind of energy. The idea is to get that to a much higher percentage.

In fact, I have to put a footnote here. One of the problems is that the Bingaman amendment has been very much in flux. It has changed at least three times since last night at 11 o'clock—that I am aware of—in terms of the amount of coverage. I am not sure right now whether it mandates that 8.5 percent of the electricity be generated by renewables and what the definition is or whether it is 10 percent. It has gone back and forth yesterday and today.

The underlying bill has a philosophy that the U.S. Government must now go beyond the mere incentives for renewable energy electricity production and move toward a mandate, and that the U.S. Government now has the responsibility to tell utilities all over the United States of America that they must, under penalty of law—severe penalties, which I will get to in a moment—produce a certain percentage of their electricity through the use of these so-called renewable energy sources, such as solar, wind power, biomass, and the like—10 percent, as I understand it. Again, I think the underlying Bingaman amendment may be 8.5 percent now, but it is not clear to me at this time.

That is a mandate not just on the States but one that will directly impact all electric customers throughout the United States because, obviously, most utilities are not just going to say, thank you, we will be happy to pay for that. It costs a lot more than production through nuclear, coal, or gas. I think they are going to pass those costs on to the consumers. That is what they are entitled to do and probably will do.

We are talking about basically a Btu tax on the electric customers of the United States of America. I say a Btu tax because the reality is that the cost is going to be shifting to the people who buy their power that is produced by coal or nuclear or gas from those who produce it from these so-called renewable sources of energy production.

The way the U.S. Government will do this is through a Federal law, which we are debating right now, on a mandate to the State that the utilities in the State must achieve this level of production within a timeframe. Essentially, the timeframe goes for the next 15 years—roughly, from 2005, when it begins, to 2020, a 15-year period. We have the cost calculations for that. I will get though that in a moment.

There is an alterative way to do this. Senator JEFFORDS said, "10 percent isn't good enough; I propose we go to 20 percent."

I hope my colleagues will agree that is not a good idea, that we do not want to mandate that kind of percentage on the States. In fact, we should not mandate anything. That goes to my alternative, which is to say the States must consider all of these alternatives, including a mandate of a percentage of renewable energy production, even consideration of a program, a so-called green program whereby customers within a State would be entitled to buy renewable energy as long as they were willing to pay the cost of it, and the producers there must produce that energy so that under the law, all of the States would have to consider all of these different options, but they would be required to implement no particular option.

It is the difference, on the one hand, between those of us in the Senate and the House of Representatives knowing what is best for the entire country: We know that 10 percent or 20 percent or 8.5 percent is exactly the right number; that we should mandate production through renewable energy sources regardless of what the cost of that may be, versus my proposal which says: We can suggest to the States that they consider different forms of incentives or even mandates if they want to do that, but we should leave it up to the States to decide what they want to implement.

There are three or four different reasons that I think this is a better approach. First, obviously, is I do not think the source of all wisdom in the United States resides in 100 U.S. Senators. I think there are a lot smarter people in the States with respect to the particular needs of their States.

I point out to the distinguished Presiding Officer, for example, that on the east coast, the opportunities for solar and wind power are not great. So the net result of the passage of the Bingaman amendment or the underlying bill or the Jeffords amendment is going to be a huge transfer of wealth from New Jersey, New York, Massachusetts, and other States, to States such as mine, Arizona, which has lots of sunshine and can produce lots of solar energy, and California that has lots of solar energy opportunities and windmills to produce wind energy.

There will be a huge transfer of wealth. Why? Because the law will say: If you do not produce electricity through these renewable sources, then you have to pay a penalty, you basically have to buy credits from those States that do, and that is going to cost you money. Do you get electricity from it? No. You just pay money, and that keeps you out of trouble. You do not get any electricity for what you are paying. But the cost of the penalties or the cost of doing this either way is going to be passed on to your electric customers.

I say to any of my friends from the States that are not blessed, shall we say, with a lot of wind or sun: Get ready, you are going to be sending a lot of money to States in the Southwest, States such as Arizona that I represent.

Let me give an idea of the cost. Let's look at how much it is going to cost to develop this renewable production capability. It is represented by the blue. It starts in the year 2005 on the far left-hand side where the arrow is pointing. That is about $2 billion a year cost to produce this much power with renewable sources. This is gross cost.

The far line on the chart is the year 2020. The blue line goes up to about $10 billion a year to produce the power, but under the law, as the bill is currently written, there would be little incentive to continue to build the facility since it sunsets. My understanding is the amendment may remove the sunset, but the total cost is the same either way.

The red represents the penalties that will have to be paid because you cannot build the generating capability to meet the requirement called for under the law. That would total just about $12 billion a year in the year 2020.

Whether it is the actual construction of the facilities or the payment of the penalties, we are talking just under $12 billion a year. Much of that, as I said, is going to be paid by States that do not develop the generation but have to buy the credits and send them to the States that do provide the generation and excess amount of that generation. The total amount of that is $88 billion over the 15-year period. That is $88 billion gross cost.

To show what the pending Jeffords amendment will do, it is even worse.

The Jeffords amendment: Starting in the year 2005, $20 billion a year, which goes up to, in the year 2020, more than $22 billion a year; again, the production capacity lining out at about $13 billion a year and the remainder in penalty, but there is a total gross cost of about $23 billion, and the total cost over the 15 years is about $181 billion.

Have we done a cost-benefit analysis to understand what we are going to be getting with $181 billion? These charts are produced by the U.S. Department of Energy. They have done the numbers, but nobody has done a cost-benefit analysis of what we are going to get out of this.

Some say: Maybe this will replace some of the fuels that are currently being used, such as coal or oil, and therefore there will be less demand for those particular fuels, so the cost of those fuels will go down, so energy produced by coal or gas will go down—you get the idea.

That may happen, but obviously we are still talking about a huge cost to implement this law. Let's just take a wild presumption and say that all of this generation replaced the generation from natural gas and it drove the gas prices down to such an extent that we ended up with a wash, which is not the case even according to the Department of Energy, but even if we did that, what would that represent? It represents a Btu tax, as I said, on nuclear, coal, oil, and gas production, and even hydro production, as a matter of fact, and a big wealth transfer from States that would have to buy the credits to States that generate the electricity from the preferred fuels, these so-called renewable sources.

I think that is bad public policy. It is arrogant on the part of the Federal Government to mandate something such as this, to presume we would know the right mix of fuels to use in producing electricity in this country, to require that some States would get hurt by it more than other States, to not have ever done any kind of cost-benefit analysis, notwithstanding the huge costs involved.

I am assuming, by the way, that this is possible, that we can do this, even though 2 percent of the generation today is through the so-called renewable sources. This is why President Bush supports our approach, which is a voluntary approach by the States where the States can determine themselves what mandate to impose.

By the way, 14 States already have a mandate. My State has a 2-percent mandate. The State of Maine has a 30-percent mandate. Texas has a mandate. What the President believes is each State should be able to decide for itself, based on its unique circumstances, what is possible in that State. It may be in my State it is possible to do a lot of wind and solar generation. It may not be so possible in New Jersey or New York. That is why each State ought to determine for itself what the mix should be, of course, based upon what it is willing to impose upon the retail and wholesale customers in the respective States.

I spoke with the Secretary of Energy today, who assured me I could represent to all of my colleagues that he supports the Kyl amendment, that he opposes the underlying Bingaman amendment and the underlying bill and, of course, the Jeffords amendment, which would all impose by Federal mandate a standard for renewable portfolio.

Let me address this cost in another way. As I said, this is a mandate. The Federal Government already provides an incentive, and the cost of that incentive right now is about $2 billion over a 2-year period. This is the production tax credit which will be renewed, extended, and expanded in terms of its scope. That is what came out of the Finance Committee, on which I sit.

We are going to be providing for expanded and extended tax credits for the production of electricity through these renewable fuels. It is not necessary for the U.S. Government to mandate it as long as we can achieve that result through the use of the tax incentives which we will be, as I say, dealing with here a little bit later on, but that is what came out of the committee.

I want now to address briefly this question of discrimination. It is apparent to me that the effort being made is to round up votes by picking and choosing between the politically correct fuels and those that are not politically correct and making some other changes in the amendments so some areas are impacted and other areas are not. Let me give an illustration.

We know this underlying amendment of Senator BINGAMAN and the amendment of Senator JEFFORDS that is pending would both impose significant unfunded mandates on the States and localities. Part of this is due to the fact that States would have to buy credits. Part of it is due to the fact there are a lot of municipal power producers in almost every State.

It is my understanding—and I would love to be corrected by the Senator from New Mexico if I am wrong on this—that as a result of the fact that a point of order would lie against his amendment because of this unfunded mandate, the provision with respect to municipal generation or public subdivision generation, Federal or State or local, has been removed from the bill. I will assume, unless I am corrected, that is the case. I am seeing a nod, so that is good.

I do not think we should impose this mandate on our political subdivisions. So that would remove the point of order with respect to the generation.

I am not sure with respect to the purchase of credits, and I would have to analyze that. But at least what we have done is to say that 10 percent of the power, more or less, that is produced in the country by the municipal generators would not be subject to this mandate.

In my State I have a fairly large public power producer and a bunch of little co-ops and a couple of very large investor-owned utilities. So I ask: Is it fair for the Senate to impose upon one group a mandate that 10 percent or 20 percent or even 8½ percent of power be generated by renewables, whereas it would not apply to the political subdivisions?

I am happy for the political subdivisions. I am glad they do not have the mandate applied to them, although they do in the case of Arizona because the State applies a mandate, but that is the determination of the State. I do not think it is fair. I think it is discriminatory.

I also understand hydro is treated a little differently; that hydro is only considered a renewable resource. Now if water is not renewable, I do not know what is. Water over the dam has always been considered a renewable, the best of the renewable resources, but it is not politically correct by certain environmental groups and so it is not included, except to the extent there are incremental economic improvements or efficiency improvements in the electrical generation facility, the dam through which the water passes. You rewind the turbines and that gives a greater efficiency, and apparently you get some credit for doing that. But otherwise you get no credit for hydrogeneration.

I understand Senator COLLINS will have an amendment to say, wait a minute, in Maine we do a lot of hydrogeneration and we should get some credit for that. I understand that may be accepted. I do not know whether or not it will be, but clearly there is discrimination going on when one kind of clearly renewable resource counts but another kind does not count. Why would we have a double credit for solar energy or energy produced on Indian lands versus biomass or hydro, for that matter, or wind? Why is that? Perhaps the authors of the bill could explain that to us.

In other words, my point about discrimination is we have done some picking and choosing, some winners and losers. It, again, is the arrogance of Federal power that we decide what is best. Based upon science? Based upon the merits? No, based upon what it is going to take to get the amendment passed. That is what is happening.

Let us get real specific about it. What we are doing is trying to construct something that can pass, and what I am saying is that the fairest and most nondiscriminatory way of all is to say, let each State decide for itself. That is really fair. So if New Mexico decides to do solar generation, it can do that. If my State of Arizona says, wait a minute, you mean we are going to have to put acres and acres of shiny mirrors in our pristine desert that we love to look at because it is so beautiful—that is the way we could generate that power in Arizona is through solar—that is how we would have to do it? We are going to be required to degrade our environment by putting—I do not know how many hundreds of acres of mirrors it would take to generate this solar power; that is how we would do it, I guess——

I think the State of Arizona would say that is environmentally unacceptable; we are not going to do that. We are not going to spoil the beauty of our State, not to mention what would happen to the flora and fauna that could be affected in an adverse way by such a massive amount of solar in the State of Arizona. I think we would like to make that decision ourselves. If it is possible to produce, let us say, 3 percent of power through solar generation in Arizona, and our people in the State decide that can be done and it can be done in an environmentally sensitive way, and that is a good thing, then let the State of Arizona decide that.

I do not think representatives from the State of Florida, which also has a lot of good sun, or the State of Vermont, which may not have quite as much sun, should be dictating that to the State of Arizona.

I have one more point, and then I will make the rest of my points later.

The procedure—and I will close very quickly—as I understand it, is we have the underlying bill, that pending to that is a Bingaman amendment that would reduce the Federal mandate to 8½ percent, but it still would be a Federal mandate—and correct me if I am wrong on that, but it would exclude the municipal providers and it has a phase-in period different from the underlying bill; those are some of the essential differences between that and the underlying bill—that the pending second-degree amendment is a Jeffords amendment that would mandate 20 percent and does not exclude the municipal generators, and if that is defeated, then we would be back to the point I could offer my second-degree amendment, which very simply provides that the States must consider the alternative of renewable fuels generation, as well as consumer choice, so the consumers could require that they be provided renewable fuel electricity if they are willing to pay for it but it would be up to each individual State as to what to order.

What I would hope is we would defeat the Jeffords amendment, that we could then approve the Kyl amendment which would be a substitute for the underlying Bingaman amendment, and there may be later some clarifying amendment by Senator COLLINS that we would consider at that point. That would deal with the subject of renewable fuels, and I think it would do so in a fair way, in a nondiscriminatory way, in a way that would not necessarily cost as much, although each State could decide to impose those costs on themselves if they chose to do so in a way that would be consistent with the President's energy plan and a way that I suggest to my colleagues would be much more likely to be successful with our House colleagues in a conference on this bill.

So I hope when we get to the point, after I have offered my amendment, we will be able to support that which will have the effect of defeating the underlying Bingaman amendment.

Excuse me. I stand corrected. I am advised the Bingaman amendment is still at 10 percent, but it pushes out to the year 2019. So it is still a 10-percent mandate.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. During the debate today, the Bingaman amendment was changed, it was modified, and a substitute maintaining the 10 percent of the bill made it a different way of getting there. I made the same mistake the Senator of Arizona did today.

Prior to the Senator from Arizona leaving, I wanted to make a unanimous consent request. I ask unanimous consent that the time until 5:35 p.m. today be for debate with reference to the Jeffords second-degree amendment No. 3017, with the time equally divided and controlled in the usual form; that at 5:35 p.m., the Senate vote on or in relation to the Jeffords amendment; that upon disposition of amendment No. 3017, Senator KYL be recognized to offer a second-degree amendment to the Bingaman amendment No. 3016; that no intervening amendment be in order prior to disposition of either amendment, nor any language which may be stricken.

I further ask that Senator CRAIG be recognized for 25 minutes; and that Senator NELSON be recognized for 5 minutes—Senator CRAIG has no objection to Senator NELSON going first—and that Senator JEFFORDS have the final 5 minutes prior to the vote that would occur at 5:35.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Florida.

Mr. NELSON of Florida. Hearing this debate, it reminds me a little bit about the debate on miles per gallon, whether or not that would be etched into law that would have to be met.

If we do not set such a standard, we will never get to it. If we do not set a percentage of years that are required in the energy production, we are not going to have that standard to meet.

I support the amendment of the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I believe under the unanimous consent agreement I have 25 minutes.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, we are discussing a very important amendment to a very complicated bill that will once again require a Federal mandate to meet a specific goal; or should we allow our States, through the incentive of the marketplace, to meet the goals relating to certain levels of energy production being of a given type.

The reason I mention this is that, for the past couple of weeks, we have witnessed an unprecedented attempt to write very complex legislation on the floor of the Senate—an electricity title of an energy bill.

Three years ago, Senator MURKOWSKI, then serving as chairman of the Energy and Natural Resources Committee, on which I am privileged to serve, laid out three criteria for action as we move toward the development of a comprehensive energy policy.

Deregulate where possible; streamline when deregulation is not possible; and the third, respect the prerogatives of the States.

While that was not a mandate of the committee, it was certainly something to which all Members largely agreed.

To that, I add a fourth elementary principle that I think is pertinent in crafting the legislation: Know what we are doing when we legislate and when we grant new authority or change our delegation of authority to a regulatory agency. In other words, look at the whole and not just each of the pieces now scurrying to the Chamber to be attached to this Title of the Bill.

Title 2 fails all four tests.

The approach we are taking to create this Title is simply too dangerous for me: Trying to write complex legislation without understanding it, without allowing our staffs in a bipartisan way to collectively make sure all the pieces fit together. Somehow politics leads us to this very precarious endeavor.

A few general observations before I go into the provisions of this title that the Senator from Vermont is amending. We have this month received a landmark Supreme Court decision on the authority of the Federal Energy Regulatory Commission to order transmission restructuring that has significant implications on the balance of Federal-State responsibility and authority for regulation of public utilities.

The majority opinion requires careful analysis in light of the statements, on the one hand, that the Federal Commission could not assume jurisdiction over retail transmission without possibly running afoul of the Federal Power Act that gave jurisdiction to States over retail sales, and, on the other hand, that the Commission could take control if it makes certain factual findings.

Mr. President, what have I just said? Has anyone really, here, understood the intricacy of what I have just said. Are we, today, measuring our actions against what the Supreme Court laid down recently?

We must know how far the Commission can go now and how far we want it to go before we enact this law. Yet there is fundamentally no effort to make that happen. The Commission has pursued a restructuring program to establish regional transmission organizations, a virtual stand-alone transmission business, as the Commission called it in 1999.

Before we enact a law, we need to carefully study that new reality. How does the Supreme Court's decision in New York v. FERC affect those regional transmission organizations or RTOs? I note also that in all these hundreds of pages of comprehensive energy bill, not one word addresses the issue of regional transmission organizations.

How can we enact a title on electricity without taking RTOs into account, now that the Supreme Court has ruled? Yet we are not doing that. If we are to call the electric title "comprehensive," then we have just taken a big chunk out of it, letting what the Court has said stand without explanation in the context of the current policies of the Federal Energy Regulatory Commission.

Even if we choose to remain silent on this important topic of the day, our choice should be a conscious one, clearly expressed and based on a complete record and, at a minimum, after hearings in the committee of jurisdiction, not the lapse of haphazardly working out numerous specifics on the floor of the Senate.

We are now in a scurry with amendments, one that has just been offered and one that is about to be offered. Staff are over speaking with the Budget committee right now, seeing if amendments violate the Budget Act. Why? Because they were never tested, discussed, or reviewed in jurisdictional committees. So we are literally at this moment doing something that to my knowledge rarely occurs on the floor of the Senate.

Many experts and the administration's "National Energy Policy Report" note that this country needs more investment in transmission. Better returns bring investment. The Commission, in its RTO rule in 1999, provided for certain kinds of price reforms to make investment more attractive. This title has not one word on the reform of transmission rates or prices.

Even if we conclude that it is not necessary to address the issue in a statute because we support the course that the Commission is on, our conclusion should come from conscious choice after hearings in the appropriate committee—not, as I have already said, the lapse of haphazardly legislating on the floor.

If you read these provisions, and I have, you will notice that, except for repeal of the Public Utility Holding Company Act of 1935 and the Public Utility Regulatory Policy Act of 1978—two obsolete statutes, I think most recognize, whose repeal I support—not one word in the title takes authority away from the Federal Government.

So as was our intent in 1992 to move electrical production in this country away from a structured environment, we now have an amendment on the floor that takes us back to Federal mandates and Federal controls under the Federal Energy Regulatory Commission.

I would like to spend a few minutes now, before my time runs out, on some of the other provisions within this electrical title. Mr. President, let me assure you. At the end of the day, this is what I plan to do.

I have filed at the desk an amendment, an amendment that would strike the electric title as it is proposed and amended by the actions of the Senate. In striking it, my amendment would replace the reliability language that was just put in this afternoon, and would include the current language in the bill repealing PURPA and PUHCA. It would also include consumer protection language that is currently in the bill covering information disclosure, consumer privacy, and involuntary slamming and cramming.

These provisions address issues that have been debated in Committee and considered for quite some time. The provisions offered fall within a general consensus that has evolved over the several years. These provisions will do no harm, and will advance important solutions to problems that have hobbied efforts to assure that our electricity system remains the most reliable in the world as well as ensure that consumers of electricity are protected. Leaving the Title as is does not advance deregulation, or a reform, but reregulation and a move towards the centralizing of Federal authority at the Federal Energy Regulatory Commission.

Let me go to a provision in the bill, if I can: electricity mergers. The provision raises the floor on merger review to $10 million from $50,000. How many transactions does it affect? I doubt that anyone has any idea. There have been no hearings, no analysis of the market to determine the impact of this proposal. More importantly, section (a)(1)(D) gives the Federal Government jurisdiction over acquisitions of generating plants, unless they are used exclusively in retail. Utilities sell at wholesale and retail, largely from the same plants. They don't create separate generating facilities for those kinds of purposes. This section blurs the distinction between regulation of retail suppliers of electricity, traditionally the province of the States, with the regulation of wholesale supply of electricity.

Why? Have States not been vigilant? Have they been too restrictive? Will the Federal Commission now preempt State procedures for assuring adequate supply? Will the Commission now use generation acquisitions as a club to force restructuring, as it did with mergers previously?

No one knows the answer to what I believe is a significant question that I have just asked. Yet if we had done our homework in committee, those answers would already be on the table. You or I may agree or disagree on them, but at least we would not be on the floor asking what is going on and what are we doing. On the floor we cannot swear in witnesses and ask questions. We cannot deliberate and write a committee report.

Finally, on mergers, paragraph (5) says:

> The Commission shall, by rule, adopt procedures for the expeditious consideration of applications. . . .

I like that.

It goes on to say:

> Such rules shall identify classes of transactions or specify the criteria for transactions that normally meet the standards established in paragraph (4).

What does "normally" mean? If you have ever watched these kinds of transactions or determinations, then you better understand what the word means because there is a long history of meaning as determined by Courts of law.

In the vacuum of the floor deliberations, we don't know nor will FERC understand our intent because they will have to thumb through pages and pages of CONGRESSIONAL RECORD instead of a full committee report.

Going further, if the Commission does not act within 90 days on these transactions, such application shall be deemed granted.

Maybe that is fine. Now comes the hook:

Unless the Commission finds that further consideration is required to decide the issues and the Commission issues one or more orders tolling the time for acting on the application for an additional 90 days.

What am I saying? How complicated is that? Is there a clear understanding of what is intended here?

The provision appears to permit the Commission to recoil from the very speed the proposal is attempting to introduce.

As I said, I am generally for speed in decision-making, within reason, so that it isn't dragged out month after month and hundreds of thousands, if not millions, of dollars are lost and ultimately recouped from the ratepayers.

Under this provision, as I read it, the Commission could take away with one hand what we have required with the other.

What standard do we set here to make sure FERC doesn't toll away the 90 days into long delay? How does FERC intend to use this loophole? What has FERC done in the past? We cannot know because in the Chamber we cannot hold a hearing to get an interpretation from the Commission itself or legal and consumer groups as to what they believe the intent would be and how they would choose to carry it out.

That is the reality.

Let me touch on one other subject, market-based rates.

This section in the legislation on the floor would tell the Commission it can do what it wants because this section says it shall consider "such factors as the Commission may deem relevant." That is a phenomenal grant of authority.

The Federal Commission can use this as a club for forcing restructuring, as it has in the past forced, and it can again force utilities to buy and sell electricity against their will, subordinate capital retail consumers, reveal proprietary information, and join regional transmission organizations. Each of these goals appears very much to be in the Commission's sights as we speak.

The section lists possible factors: "the nature of the market and its response mechanisms." What does "the nature" of the market mean? Response mechanisms? What kind? And to what? To me, the best response mechanism we have is the law of supply and demand. But that is not necessarily the response mechanism at which the Federal Energy Regulatory Commission would be looking.

My colleagues may argue that the Commission knows what it means. Maybe so. But we need to know what this means before we give the Commission such vast authority.

Revocation of market-based rates in section (f) says FERC shall set the just and reasonable rates by order. Under what terms? From the time it does so forward, or can FERC subject utilities to open-ended retroactive refunds, as it is trying to do now?

Of course, in all of those situations we have seen the frustration that has been brought about by the attempt of FERC to do this recently. We don't know because we are legislating on the fly again without committee deliberations.

How about a refund effective date?

This section changes the date from which the Commission can order refunds of existing rates. Current law makes it, at the earliest, 60 days from the complaint or FERC investigation. This gives utilities time to digest the complaint to know the extent of their jeopardy. Sixty days also gives companies time to secure financial hedges and, most importantly, in this era of post-Enron disclosure, to make timely disclosure to the investors, the shareholders, and security regulators.

Perhaps other considerations of consumer protection outweigh these harms. But can anyone tell me what they are? Has the current law harmed anyone? Will this fix any harm? This would not have appeased my colleagues from California two summers ago, I can tell you that. We cannot know when we legislate from the floor.

I could go on. My time is running out. I will speak more about this possibly tomorrow and on Monday because I want to walk my colleagues through the substance of this title and to justify why I think it is necessary to strike this Title and replace consensus provisions. We must do no harm and we do no harm by establishing not only reliability but by repealing obsolete law—PURPA and PUHCA and by putting in the kind of consumer protections that all of us, or most of us, have agreed are fitting and proper.

That is what we ought to do in the Senate. But there is a rush to judgment today in a time when the committee has had no opportunity to hold this fine print up to the light of day and to have our staff in a bipartisan way—our professional staff who have dealt with this law and the Federal Energy Regulatory Commission for years—to examine it and at least give us the reasonable interpretation of what all of this might mean.

If I have confused anyone today, I hope I have because this is phenomenally complicated law. My guess is that most of my colleagues have not read the bill. If they had, they could not understand it. That is in no way to impugn the chairman of the committee. It is his bill. My guess is he is ready, and certainly his staff is. But when it deals with the kind of complications that I bring out and the simple interpretation that can turn a utility on its head, destroy hundreds of millions of dollars of investment, or redirect it in another manner, it is time we understand what "normal" means in the eyes of the Federal Energy Regulatory Commission, and a lot of other words that are now injected into what could become new utility law for this country.

I will conclude my remarks for the day. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, if I may, I would like to respond to some of the statements that have been made by my colleagues.

First of all, my friend from Alaska quoted a figure of $6.4 billion having being spent in the last 5 years on renewable energy. That sounds like a lot. The Congressional Joint Committee on Taxation estimates that between 1999 and 2003 the oil and gas industry received $11 billion in direct tax breaks—over three times what was given, in that sense, to renewables.

If you want to take a look at where your money ought to go, it ought to go where you can get the best buck. It is certainly not with coal.

These kinds of subsidies have been there for decades and decades—in some years greater than others. For example, in a typical year, $21 billion in Federal subsidies go to fossil fuels, $11 billion to nuclear, and $1 billion to renewables.

Again, when you look at energy costs with those kinds of subsidies, renewables are obviously the best way to go. But you have to have the sources to be able to provide the electricity.

As to the cost of the Federal 20 percent RPS, I note that the U.S. Department of Energy has consistently found that it will not raise the average overall energy sector costs at all.

My friend says that whatever costs are incurred are passed on to the consumer. That is true. Consumers also pay the massive cost from powerplant emissions, both environmental and health related.

For instance, recent studies have shown that emissions from coal-fired plants lead to a massive 12-percent increase in lung cancer. Obviously, if you are using wind, you do not have any ramifications.

The Senator from Alaska, who just came back to the Chamber, points to a large "footprint" from wind turbines. Let me show you this picture, which shows how wind turbines are indeed "multiple use" in the best sense, with farmers able to raise crops and graze livestock beneath them.

The wind energy alone from a 20-percent renewable standard will provide $1.2 billion in new income for farmers, ranchers, and rural landowners. That is $1.2 billion in income to our farmers.

My amendment of a 20-percent standard by 2020 is achievable, good for the economy, good for consumers, and good for the environment.

I urge all Members to please support my amendment. We have to make progress. It has been some 30 years that we have been working on renewables. The successes are growing, and they are spreading throughout world. But we are not maximizing it. In this Nation, we are not taking anywhere near the advantage we should in renewables.

So I urge my colleagues to vote for my amendment. Hopefully, this will lead to a much more prosperous future for not only the energy users but for those who produce the energy, such as those on our farms.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. How much time is remaining prior to the vote?

The PRESIDING OFFICER. There are 4 minutes 12 seconds under the control of Senator CRAIG.

Mr. MURKOWSKI. I thank the Chair.

My colleague was referring to millions rather than billions. I think he used the term "billions of dollars saved." I think on the chart it shows "millions." But nevertheless, I——

Mr. JEFFORDS. The total was $1.2 billion.

Mr. MURKOWSKI. So $1.2 billion. The chart said $125 million.

Mr. JEFFORDS. That was only for that farm.

Mr. MURKOWSKI. Just that farm?

Mr. JEFFORDS. Yes.

Mr. MURKOWSKI. I thank the Senator.

I want to make a point on renewables because renewables certainly have a value. But this isn't the first time we have come to find the contribution of renewables.

We have expended $6.4 billion on renewables in the past 5 years. We are going to continue to do that at a relatively high rate.

We have had $1.5 billion for R&D, $500 million for solar, $330 million for biomass, $150 million for wind; and $100 million for hydrogen; almost $5 billion in tax benefits, and $2.6 billion in reduced excise taxes for alcohol fuels.

I support renewables, as does virtually every Member of this body. But the question in my mind, of increasing to the point that the Senator has suggested—an aggressive 10 percent to 20 percent—will cost an extraordinary amount of money when you consider that nonhydro renewables make up less than 4 percent of our total energy needs and less than 2 percent of our electricity consumption.

So we need a realistic national energy strategy that includes renewables as part of a balanced energy portfolio. But let's not fool the public into thinking that renewable energy can replace coal, oil, natural gas, and nuclear anytime soon.

Even if we adopt an aggressive 10- to 20-percent RPS, where will the other 80 to 90 percent of our electric needs come from? Fossil and nuclear, clearly.

Even with 3 to 5 percent renewable fuels, the other 95 to 97 percent would still come from oil. Let's move it. Let's recognize the world moves on oil.

As a consequence, Mr. President, I encourage Members to reject the proposed doubling of renewables simply because the cost-benefit ratio is so far out of line with what is technically achievable.

I think the National Research Council that reviewed the Department of Energy's renewable energy programs would substantiate that substantial improvements in performance and reductions in the costs of renewable energy technologies certainly have been made. But deployment goals for renewable technologies are based on unreasonable expectations and on unrealistic promises, and to mandate this would put an extraordinary cost on the consumer. And I assure you, that is where the costs would have to be passed.

So I encourage Members to reject the proposal.

The PRESIDING OFFICER. All time is yielded back.

The question is on agreeing to the Jeffords amendment No. 3017. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from New Jersey (Mr. TORRICELLI) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 29, nays 70, as follows:

[Rollcall Vote No. 50 Leg.]

YEAS—29

Baucus
Boxer
Cantwell
Chafee
Clinton
Collins
Corzine
Daschle
Dodd
Durbin
Feingold
Feinstein
Fitzgerald
Harkin
Jeffords
Kennedy
Kerry
Leahy
Lieberman
Mikulski
Murray
Reed
Reid
Sarbanes
Schumer
Snowe
Specter
Wellstone
Wyden

NAYS—70

Akaka
Allard
Allen
Bayh
Bennett
Biden
Bingaman
Bond
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Carnahan
Carper
Cleland
Cochran
Conrad
Craig
Crapo
Dayton
DeWine
Domenici
Dorgan
Edwards
Ensign
Enzi
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Johnson
Kohl
Kyl
Landrieu
Levin
Lincoln
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Torricelli

The amendment (No. 3017) was rejected.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WELLSTONE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, there will be no more votes tonight.

In consultation with the Republican leader and the managers of the bill, and Senator REID, I do not believe we are in a position to come to any further conclusions on amendments tonight. So I do not expect there will be any additional rollcalls.

There will be a rollcall vote on one of the two judicial nominations pending on the calendar tomorrow morning at 9:15. Then there will be an additional vote on the second judicial nomination on Monday at 6 o'clock. So Senators should be made aware that tomorrow morning we will have a vote on a judicial nomination. It appears that may be the only vote we will have scheduled tomorrow, unfortunately. Then, on Monday, we will have a second vote which may or may not be the only vote. We are not sure at this time.

UNANIMOUS CONSENT AGREEMENT—H.R. 2356

Mr. DASCHLE. Mr. President, we have been working with colleagues on both sides of the aisle with regard to the campaign finance reform bill. I am now in a position to announce that we are able to reach a unanimous consent agreement on the motion to proceed to the campaign finance reform bill.

So I ask unanimous consent that, at 3 p.m., Monday, March 18, the Senate proceed to the consideration of Calendar No. 318, H.R. 2356, the campaign finance reform legislation, and that the cloture vote on the motion to proceed be vitiated.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, we will continue to take this matter one step at a time. We are encouraging Senators to express themselves on campaign finance reform tomorrow, or on energy tomorrow. My hope is that the Senator from Arizona, Mr. KYL, and other Senators who wish to be heard on their amendments, will offer them tomorrow, will debate them tomorrow, will make sure that we use the day we have available to us tomorrow to move the legislative process along. That is also true on Monday. We will come in at 3. We encourage Senators to offer amendments on the campaign finance reform bill on Monday. We will have further discussions, of course, with our colleagues with regard to the campaign finance reform bill. I will say, if there are amendments to be offered, we will have debate and further consideration of those amendments on Monday and Tuesday.

It would be my expectation to file cloture on the bill for a cloture vote on Wednesday, as we currently expect it. That would then require the vote, as I have said on many occasions, no later than Friday, which would accommodate our schedule for the balance of next week.

I have said, and will repeat, if there is a way we can resolve whatever other outstanding procedural questions between now and Monday, or between now and Wednesday, I am certainly more than ready to do so. But I appreciate at least this progress. We will have more to say beginning Monday.

I yield the floor.

Mr. MURKOWSKI. Will the majority leader yield for a question?

Mr. DASCHLE. I will be happy to yield.

Mr. MURKOWSKI. Assuming, Mr. President, the schedule of campaign finance being resolved Wednesday, is it the majority leader's intention, then, to go back to energy?

Mr. DASCHLE. Mr. President, the Senator is correct. My hope is we can finish this bill sometime soon. It would be my desire to continue to work on it until we do so, with the exception, of course, of the campaign finance reform bill.

Mr. MURKOWSKI. And, Mr. President, recognizing that may be extended, I gather the agreement is still under consideration, but if it is prolonged, do you intend to proceed and conclude campaign finance and then ultimately go back to energy?

Mr. DASCHLE. The Senator is correct.

Mr. MURKOWSKI. I thank the Chair. I thank the leader.

Mr. DASCHLE. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. LOTT. Mr. President, let me inquire about the parliamentary situation. Is the energy bill still pending, and is there an amendment pending at this time?

The PRESIDING OFFICER. The energy bill is pending, and the Bingaman plan to the energy bill is pending.

NOMINATION OF CHARLES PICKERING

Mr. LOTT. Mr. President, notwithstanding that, and after a discussion with Senator DASCHLE, I will take leader time to make some remarks about the vote just taken in the Judiciary Committee. I yield myself leader time.

The PRESIDING OFFICER. The Senator has that right.

Mr. LOTT. Mr. President, this is my 14th year in the Senate. There have been a lot of high moments and low moments in that tenure. I certainly worked very hard, and in my position as majority leader, I learned a lot of lessons. As you go along, sometimes you do things that Senators agree with, and sometimes they do not—on both sides of the aisle. I understand that.

But I must say that I feel about as bad about the Senate right now as I have in the years that I have been watching the Senate and that I have been in the Senate. I think the Senate Judiciary Committee just participated in a miscarriage of justice. I am very much concerned about the effect it is going to have on the Senate, and on our relationship on both sides of the aisle.

The Senate Judiciary Committee just voted against the nomination of Judge Charles Pickering from Mississippi to move from the Southern District Court of Mississippi to the Fifth Circuit Court of Appeals. They voted against, as I understand, reporting out his nomination unfavorably, and they voted against reporting out his nomination without recommendation. That was not exactly the sequence, or exactly the motion. The fact is they have voted against the nomination of this very fine man.

I think for the Judiciary Committee to take the action as they did is very unfortunate and very unfair to a man I have known directly and personally for about 40 years.

I know him as an individual. I know his family. I have been in his home. I have been to football games with him. I have been to campground rallies with him, and I know him very well. He certainly is qualified and certainly deserves better treatment than he has received in this process. I think this is a continuation of the politics of personal destruction. I think his character has been smeared. I think a lot of incorrect information and misleading information was put out about the judge. That was wrong.

Now a number of Senators are saying: Well, yes, we realize that information is not right but voted against him anyway. As a matter of fact, this judge has been very courageous and has been a moderating force and a leader in trying to bring about reconciliation and bringing people together—not drive them apart, particularly in the area of race relations in our State.

I think one thing that strikes me so hard and has hurt me about this is because, once again, I believe this is a slap at Mississippi, my State. I think that some people thought: Oh, well. Good. This is a Federal district judge. He is a known conservative. He is a known Republican. He was selected on the recommendation of TRENT LOTT and THAD COCHRAN by President George W. Bush, and he is from Mississippi. This is one we can nail. He surely must have a bad record over his lifetime, being from that State, on race relations.

Now, people and members of the media that had earlier been critical of him said: No, no, no. We didn't mean that. We never really said that. We take it back. Maybe he has been OK in this area, but now our complaint is something about his demeanor on the bench that we don't like.

But I think, once again, there are people trying to use the ghosts of the past to keep us from rising up and looking toward the future together in a positive way.

When you have African Americans, women, and just about every Democrat in the State saying this is a good man and he ought to be confirmed, you ought to begin to ask yourself something. In fact, somebody said: Well, the national NAACP said he shouldn't be confirmed. However, the local people within the NAACP who know him best say he should be confirmed. When asked about that, and about the response of the people who know him best, one of the critic's responses was: well, they were duped. You don't dupe a lot of people when you live in Laurel, MS, on issues such as race relations. Everybody knows everybody. Everybody knows where you were in 1967, where you were in 1980, and where you have been in the 1990s.

So I take it personally. I am hurt by the attacks on this fine man. He does feel strongly about his faith. He is a believing Christian. He is an active participant in the church. He was president of the Mississippi Baptist Association. He was president of the Mississippi Gideon Association.

Is that a problem? Is that a disqualification?

This is the second nomination I have seen this year where it has looked as though if you feel strongly about your faith—your Christian faith—that there is something suspicious about that. Whatever your faith is—I think if you are committed to your faith—it should not be a disqualification from office. One of the things I admire most about JOE LIEBERMAN is that he feels strongly about his faith, and he goes to extra lengths to abide by it, even during the campaign.

I remember during the campaign of 2000 when I came into National Airport. The campaign plane of the Vice Presidential candidate for the Democrats was sitting there at the airport on Saturday. Most of us were campaigning like crazy on Saturday. But not JOE LIEBERMAN. He was fulfilling his commitment to his faith.

So, all of this bothers me. It is an attack on my State. It is an attack on the nominee's religion. It is an attack on his positions on race, which have been inaccurately portrayed. I think this is a real tragedy I am so sorry to see.

I saw a letter in a newspaper just last night from an African American. I think maybe it was a paper in New Jersey. The caption of the letter was "The Fruit Never Falls Very Far From the Tree". This was an African American talking about his run for Congress. I guess he was an incumbent House Member, a Democrat, and he was running in the primary. When he got to a particular site, he didn't really have enough equipment to put up his signs. When he started working and scurrying around trying to get it done, Congressman CHARLES "CHIP" PICKERING showed up.

He said: We will help you. Take some of our stuff. He didn't win, but Charles "Chip" Pickering went on to win. It is a small thing. But it tells you a lot about a man and about a man's son.

Charles Pickering's son worked for me. Chip Pickering is one of the finest young men I have known. He was a missionary behind the Iron Curtain. He was my legislative director, and a great legislator. He not only knew the substance, but he knew the art of the possible. Senator FRITZ HOLLINGS can tell you that we got the telecommunications bill passed because of the brilliance of Congressman CHIP PICKERING, the son of this nominee. This young man has now worked day and night to try to help his dad get through this unfair crucible—now without success.

I feel like I failed him. I have tried to understand: Why is this happening? What is happening here? Is it just about this man? I don't think so. No. I think it is a lot bigger than that. I think it is really directed at future Supreme Court nominees. This is a message to the President. You send us a pro-life conservative man of faith for the Supreme Court, and we will take care that he or she does not get confirmed.

That is what it is really about. But I also think it is a shot at this man. I think it is a personal shot at me. This is a: "We will show you; you didn't always move our nominees" payback. But, as I recall, the Judiciary Committee under the Republicans didn't kill a single nominee during the Clinton years in the committee. We did defeat one of them, but we first reported him out of the committee and then defeated him on the floor with a recorded vote. Yes, there were some that didn't get through the process. There were some that took a long time to get through.

But again, I think this is payback. The problem with payback is, where does it ever end? You know: We paid you back. You pay us back. Now we are going to pay you back. Where does it end? Is this the way for the Senate to act? Is this the process which this body should use to confirm judges?

Senator JOE BIDEN, in 1997, said: Hey, these nominees should not be killed in the Judiciary Committee. As he put it, "Everyone that is nominated is entitled to have a shot, to have a hearing, and to have a shot to be heard on the floor and have a vote on the floor."

Where in the Constitution does it say that the Senate Judiciary Committee will decide on the confirmation of nominees? The Constitution says the Senate is to give its advice and consent. That's where Senator BIDEN was in 1997. I think a week or so ago he kind of hinted at the same sentiment again, particularly when you have straight party-line votes.

But I think really, under any conditions, these judicial nominees should come to the floor for a vote. It does not take a whole lot of time. But maybe we need to try to find a way to work something such as that out.

But in the meantime, it is obvious that this very fine judge has been treated very badly. I think it is beneath the Senate and its dignity when we do that to nominees.

Judge Pickering will not be the loser. He is and will be revered more than ever in my State. Former Governor William Winter came up and talked about him. The sitting attorney general came up and said: We ought to confirm him. So did the sitting Lieutenant Governor. These are all Democrats.

Again, this man's stature has gone up, not down, in the State. And this whole process probably greatly enhances his son's stature as a Congressman in the State of Mississippi. His head will be high and he will be a sitting judge. And he will handle himself with dignity and honesty, like he always has.

No, he is not the loser. We are the loser. We have lost the services of a good man. And we have demeaned the institution by what has happened in this instance.

Every newspaper in our State—every one—has editorialized and run news stories about this, saying this is wrong. And these newspapers are like the news media up here, they are not exactly your basic Republican-leaning organizations. These are Gannett newspapers, Thompson newspapers, the national newspaper chains. And they rip me regularly, as they do most Republicans and most conservatives. But every one of them, including the Clarion-Ledger in Jackson, MS, the Sun Herald on the Mississippi gulf coast and the Northeast Mississippi Journal have editorialized about how unfair, unfortunate, and really dastardly this deed has been.

I ask unanimous consent that this editorial from the Tupelo Daily Journal be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Tupelo Daily Journal, Mar. 11, 2002]

5TH CIRCUIT FIASCO

ATTACKS ON PICKERING LIKELY TO BE SUCCESSFUL

Twelve years ago, the U.S. Senate approved Charles Pickering's nomination for a federal district court judgeship unanimously. This week, it's likely that President Bush's nomination of Pickering to the U.S. 5th Circuit Court of Appeals won't even make it out of the Senate Judiciary Committee.

Democrats on the committee, under pressure from liberal interest groups, oppose Pickering. They've either bought into or allowed the grossly distorted picture of Pickering as an unreconstructed, Old South segregationist to go unchallenged.

It doesn't matter that Mississippi Attorney General Mike Moore, a well-known figure in the national Democratic Party, led a delegation to Washington last week in support of Pickering and took him letters of support from Democratic Gov. Ronnie Musgrove, Lt. Gov. Amy Tuck and former Gov. William Winter, himself a respected leader in national party circles.

It doesn't matter that black political and civil rights leaders in south Mississippi who have worked with Pickering for decades almost uniformly support his nomination, a fact confirmed when the New York Times—which editorially opposes Pickering's confirmation—sent a reporter to Laurel to look into his relationships with those leaders.

It doesn't matter that the American Bar Association, hardly a conservative bastion, has given Pickering its top rating of "highly qualified."

What matters is that Pickering is a political and judicial conservative whose nomination happens to come along at a time when the left is looking to send a message to the president that they'll fight him—and win—on appellate court nominees, including Supreme Court choices.

No one who has been before him in the 12 years he has been on the federal bench has stepped forward to say that Pickering was anything but fair and unbiased. Those who know Pickering know a man whose deep religious faith—an attribute looked upon with suspicion by some of his opponents—has been the impetus for his active role in racial reconciliation efforts in Mississippi. They also know a man whose personal character and integrity has never been questioned—until now, when the political ends apparently justify the means in some people's minds.

When confronted with his support in Mississippi among the people—Democrat and Republican, black and white—who have known him longest and best, opponents have simply said that those opinions don't matter, or even that Pickering has duped the home folks. They know the real Pickering, they say, and he's a right-wing extremist who'll turn back the clock on civil rights by decades.

This is sheer demagoguery, made all the more deplorable because it exploits Mississippi's easy-mark image to smear a man who doesn't deserve it. The only bright side of all this is the way so many politically and racially diverse Mississippians have rallied to Pickering's defense.

Barring a political miracle, Pickering's nomination appears doomed. This political mugging will say a lot more about the perpetrators than about their victim.

Mr. LOTT. Mr. President, I am going to read it because it sort of sums up what a lot of the editorials are saying in these newspapers.

It is entitled: "5th Circuit Fiasco."

Twelve years ago, the U.S. Senate approved Charles Pickering's nomination for a federal district court judgeship unanimously. This week, it's likely that President Bush's nomination of [Judge] Pickering to the U.S. 5th Circuit Court of Appeals won't even make it out of the Senate Judiciary Committee.

Democrats on the committee, under pressure from liberal interest groups, oppose Pickering. They've either brought into or allowed the grossly distorted picture of Pickering as an unreconstructed, Old South segregationist to go unchallenged.

It doesn't matter that Mississippi Attorney General Mike Moore, a well-known figure in the national Democratic party, led a delegation to Washington last week in support of Pickering and took him letters of support from Democratic Gov. Ronnie Musgrove, Lt. Gov. Amy Tuck and former Gov. William Winter, himself a respected leader in national party circles.

Madam President, All those people have been leaders in trying to help move our State forward in many ways, including in race relations. Let me continue from the editorial.

It doesn't matter that black political and civil rights leaders in south Mississippi who have worked with Pickering for decades almost uniformly support his nomination, a fact confirmed when the New York Times—which editorially opposes Pickering's confirmation—sent a reporter to Laurel to look into his relationships with those leaders.

It doesn't matter that the American Bar Association, hardly a conservative bastion, has given Pickering its top rating of "highly qualified."

Madam President, this is not in the article, but I will say from my standpoint, that I am always concerned that the American Bar Association looks particularly hard to find some improper demeanor on the bench, or some hint of some misunderstanding of the Constitution, or some slight in a racial area regarding Republican nominees. But no, not in this instance, they found Judge Pickering highly qualified, the highest rating they can give a judge.

Now reading on from the editorial:

> What matters is that Pickering is a political and judicial conservative whose nomination happens to come along at a time when the left is looking to send a message to the president that they'll fight him—and win—on appellate court nominees, including Supreme Court choices.
>
> No one who has been before him in the 12 years he has been on the federal bench has stepped forward to say that Pickering was anything but fair and unbiased. Those who know Pickering know a man whose deep religious faith—an attribute looked upon with suspicion by some of his opponents—has been the impetus for his active role in racial reconciliation efforts in Mississippi. They also know a man whose personal character and integrity have never been questioned—until now, when the political ends apparently justify the means in some people's minds.
>
> When confronted with his support in Mississippi among the people—Democrat and Republican, black and white—who have known him longest and best, opponents have simply said that those opinions don't matter, or even that Pickering has duped the home folks. They know the real Pickering, they say, and he's a right-wing extremist who'll turn back the clock on civil rights by decades.
>
> This is sheer political demagoguery, made all the more deplorable because it exploits Mississippi's easy-mark image to smear a man who doesn't deserve it. The only bright side of all this is the way so many politically and racially diverse Mississippians have rallied to Pickering's defense.
>
> Barring a political miracle, Pickering's nomination appears doomed. This political mugging will say a lot more about the perpetrators than about their victim.

Madam President, this is an editorial from a newspaper that certainly isn't known for endorsements, on a regular basis, of Republicans or conservatives. So I think it sums up very well what has happened here.

Now, the larger question is what does it mean for the committee and the Senate? I am not going to let go of this. This is going to stick in my mind for a long time, but I am going to try to look at from a broader perspective.

There are still eight nominees pending before the Judiciary Committee that were sent there last May—I think May 8 or 9——

Mr. McCONNELL. Ninth.

Mr. LOTT. May 9th for the circuit court: men, women, and minorities who have not even had a hearing to date.

Now, I realize that the majority changed hands in June, but these were the first nominees sent up. They are some of the best intellectually qualified nominees to come before the Senate in a long time.

Judge Pickering who was nominated later on May 25th has endured not one, but two hostile hearings. However, the remaining eight nominees from May 9th have not even their first hearings. Why not?

It is true that district judges have moved along a little better. I think there are over 50 court nominees now pending before the Senate. This cannot continue.

I went through the same thing when I was majority leader. And there were complaints on the other side. A lot of things were done by the other side to tie up the Senate and make it difficult to get our work done. And that is unfortunate. But I think that we are fixing to see the same thing occur from our side this time.

We cannot let stand a plan to deny President Bush his nominees to the federal courts. If they are not qualified by education, by experience, if there are some ethical problems, opposition to them is understandable. Don't move them, don't vote on them, don't confirm them. But if we don't see marked progress in general, and if we don't see an end to the orchestrated character assassinations, the Senate will not be the same for a long time. I don't mean it as a threat. I mean it as a requirement, and, therefore something we should find a way to avoid if possible.

It is hard for me to really express the disappointment and the passion I feel about this because I am so disappointed in how this unfair and unfounded episode has turned out. But I could not let this vote go unnoted or without a response this very night.

So I wish to begin the process by offering a Sense-of-the-Senate resolution. It is a simple one. It basically cites the statistics of the nominations that are pending, the vacancies. There are 96 current judicial vacancies. It does talk about what has happened in previous administrations. And all it says is:

> It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

Isn't a year long enough to at least have a hearing? That is all it says, just a hearing.

I do want to take a minute to thank President Bush for nominating a fine jurist in Charles Pickering and for sticking by him. I really appreciated the fact he had a press conference yesterday and commenting how fine a man he is and that he should be confirmed. The President also said it is not about this one man; it is about a quality system of justice in our Federal judiciary. That is what has suffered here.

AMENDMENT NO. 3028

Mr. LOTT. I ask unanimous consent that the pending amendment be set aside, and I send an amendment to the desk.

Mr. REID. Reserving the right to object.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada.

Mr. REID. Madam President, I was present in a conversation that the majority leader and minority leader had just a short time ago. It is my understanding that the distinguished Senator from Mississippi will allow, if Senator DASCHLE chooses, to offer a second-degree amendment at some subsequent time. The majority leader has not yet decided.

Mr. LOTT. Madam President, I certainly would have no objection to that. That was my understanding. I think we ought to have a full debate. I assume the Democrats are going to vote for the resolution I have offered. If they have something else they want to offer, fine. Let's have a full debate on it. Maybe that will begin a process that will lead to some changes in the way we are doing things. I hope for the best.

Mr. REID. Continuing my reservation, the majority leader has indicated to me and to the minority leader that he has not decided whether he wants to offer a second-degree amendment. The courtesy of the Senator from Mississippi is appreciated.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3028:
>
> At the appropriate place, add the following:
>
> **"SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.**
>
> (a) FINDINGS.—The Senate finds that—
>
> (1) the Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;
>
> (2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;
>
> (3) seventeen of the 31 vacancies on the Courts of Appeals have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts;
>
> (4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 of the 22 circuit court nominations that he submitted to the Senate were confirmed; and
>
> (5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.
>
> (b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary

Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

Mr. LOTT. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I would like to respond very briefly to the minority leader's comments.

I am a member of the Senate Judiciary Committee. Let me say at the outset that one of the most painful assignments I have found serving in Congress, particularly in the Senate, is to stand in judgment of another person. We are called on to do that regularly in the advice and consent process. It is never easy, particularly when there is controversy and particularly when you end up voting against that person for whatever reason.

I cannot appreciate the pain that the minority leader feels at this moment. A good and close friend of his has not been successful before the Senate Judiciary Committee, and his words, I am sure, were heartfelt about his love for Judge Pickering and his close friendship. Whatever I am about to say I hope will in no way reflect negatively on what is clearly a strong personal friendship between the minority leader and Judge Pickering. But there are two or three points which I would like to make so that they are clear on the record.

I have served on the Senate Judiciary Committee for 4 of the 6 years now that I have been in the Senate. I have witnessed the Senate Judiciary Committee under the control of Republicans, and I have seen it for the 8 months that the Democrats have been in control. I can tell you that the courtesies that were extended to Judge Pickering in terms of a timely hearing were extraordinary.

They were extraordinary because his first hearing was in October of last year, when this Capitol complex was virtually closed down for security reasons. Exceptional efforts were made to keep our word to Judge Pickering that he would have a full hearing. It was impossible to use the ordinary buildings we use, so the hearing was held in the Capitol Building. Many of us stayed over to give him his opportunity for testimony.

At that hearing, it was established that he had some 1,000 or 1,200 unpublished opinions as a Federal district court judge, and we made it clear we wanted to review those before making a final decision. So a second hearing was scheduled. And as soon as those had been reviewed, that hearing was held in February. The hearing went on for the better part of a day under the chairmanship at the time of Senator FEINSTEIN of California.

Judge Pickering was given complete opportunity to explain his point of view and to answer all questions—another timely hearing. That led to the decision today on Judge Pickering's nomination to the Fifth Circuit Court of Appeals.

I could go into detail, but I will not, about why I voted against Judge Pickering. There was one point that was raised by Senator LOTT as minority leader which I must address. It is a point that, frankly, should not be left unresolved on the floor of the Senate. Until Senator LOTT came to the floor and announced the religious affiliation of Judge Pickering, I had no idea what it was. No question was ever asked of Judge Pickering about his religious affiliation—none whatsoever. Nor in any private conversation with any member of the committee was that subject ever raised. To suggest that anyone on this committee voted against Judge Pickering because of his religious belief is just wrong.

I will say this: If anyone ever raises that issue concerning any nominee, I hope they will join me in protesting questioning a person's religious belief, which should have nothing whatsoever to do with the qualifications to serve this country.

That issue never came up. To suggest he was rejected for that reason is just wrong. There were many questions that were raised. Those can be addressed tomorrow, and I am certain they will be by Senator PATRICK LEAHY, chairman of the Senate Judiciary Committee, and others who will comment on the activities of the committee. I will leave that to them entirely.

I do want to make clear for the record one last point. The Fifth Circuit has been a controversial circuit—it is a circuit that includes the States of Texas, Louisiana, and Mississippi—controversial in that since 1994, no vacancy had been filled in the Fifth Circuit until last year when President Clinton submitted the names of three judges to fill vacancies to that Fifth Circuit. Not a single one of his nominees was even given the courtesy of a hearing. Those judges were pending before the Judiciary Committee under the control of the Republican Party for an extraordinarily long period of time. Let me be specific.

Jorge Rangel, nominated in July of 1997, was returned in October of 1998. It sat before the Senate Judiciary Committee under the direction of the Republican Party for 15 months with no action taken. An effort to fill this vacancy in the Fifth Circuit and the nominee was never even given the courtesy of a hearing.

Enrique Mareno, nominated by President Clinton in September of 1999, renominated in January of 2001, was finally withdrawn in March of 2001; 17 months pending before the Senate Judiciary Committee; never given the courtesy of a hearing.

Alston Johnson, nominated April of 1999, finally, his name was withdrawn 23 months later—never even given the courtesy of a hearing in the same Fifth Circuit. Now, the minority leader comes before us and says all of the nominees of President Bush as of last year have to receive immediate hearings before this committee.

Well, let the record reflect that the action taken today on Judge Pickering was the 43rd Federal judge who has been considered by the Senate Judiciary Committee since control of the Senate passed to the Democrats. More Federal judges have been reported out of the Senate Judiciary Committee under Chairman PAT LEAHY, a Democrat, with a Republican President in the White House, than in 4 of the years that the Republicans controlled the Senate Judiciary Committee and President Clinton, a Democrat, was in the White House.

To suggest we are blocking and stopping the efforts of the President to fill judicial vacancies is just wrong and not supported by the facts.

Let me add one last thing. To suggest this is some discriminatory action against people who live in the Fifth Circuit is wrong as well. The fact that Judge Pickering was from Mississippi, frankly, had no relevance as far as I was concerned. Just last year, Judge Edith Clement of Louisiana, nominated by President Bush to fill a spot on the Fifth Circuit, was approved in record time by a unanimous vote on the Senate Judiciary Committee and a unanimous vote on the floor of the Senate.

For the record, so there is no doubt about it, Judge Edith Clement was conservative, a Republican, and a member of the Federalist Society, and none of those things slowed down the consideration of her nomination by the Judiciary Committee. We gave Judge Clement her opportunity to serve, and we gave President Bush his nominee in record time. We extended courtesies to Judge Clement which were denied consistently by the same Committee under Republican leadership when President Clinton was in the White House.

So I think the record has to be clear in terms of where we stand and where we are going. I am troubled that we have reached this impasse, and I hope we can find our way through it. But I hope the record will be clear as we go through this consideration. For those who have argued that someone called Judge Pickering a racist, I have not heard that word used in reference to Judge Pickering, and repeatedly, on both sides of the table, Democrat and Republican, today in the Senate Judiciary Committee, that conclusion was rejected. I personally reject it. I don't believe Judge Pickering is a racist. I believe if you look at his personal history, you will find he did things in the fifties and sixties in Mississippi which he personally regrets, and said as much to the committee.

Let me be honest. We have all done things in our lives that we regret. It should not be held against him, and it wasn't.

He has also done exceptionally good things in the area of civil rights, and that was made a part of the record as well. Judge Pickering was judged on the basis of his service on the Federal district court bench. Good people can reach different conclusions about whether or not his service merited a promotion to the appellate court. A majority of the Judiciary Committee today adjudged that it did not.

I am not going to take any more time, other than to say it is an unfortunate outcome for a close friend of the minority leader, but I think the committee treated him with courtesy, treated his nomination with dispatch, and gave him every opportunity to present his point of view. He was given better treatment by this committee than many of the nominees submitted by the Clinton White House. I think that shows we are going to start a new day when it comes to the Judiciary Committee. We want to work with the White House so that people who have excellent legal and academic credentials, of the highest integrity and with moderate political views, have a chance to serve.

Mr. HATCH. Mr. President, if that is treating a person good, I would hate to see one who is treated badly, is all I can say. I am going to talk a little about Judge Pickering before I am through.

I have been hearing comments about how badly the Clinton nominees were treated. Lately, I have heard Democrats suggesting that their treatment for Bush nominees is payback for how I treated Clinton nominees when I was chairman.

I want to take a moment to defend my record on Clinton nominees. I first want to state that President Clinton got 377 Federal judges confirmed during the time I was either ranking member or chairman of the Judiciary Committee. That is a number which is only 5 short of the all-time record that Ronald Reagan had of 382. President Clinton would have had 3 more than Reagan—385—had it not been for Democrat holds and objections on this floor. Keep in mind President Reagan had 6 years of a favorable Republican Senate. President Clinton had 6 years of the opposition party Senate, where I was chairman, and he still got that many judges through.

By the way, to talk in terms of the 2 or 3 people I have been hearing about all day who did not get hearings, think of the 54 who were left hanging when Bush I left office—54 Republicans. Terry Boyle, who has been renominated by President George W. Bush, has been sitting in committee since May 9. John Roberts, about whom I had a conversation with one of the Justices—and he said John Roberts is one of the two greatest appellate lawyers appearing before the Supreme Court today—has been sitting there since May 9. Both were first nominated by President George H.W. Bush, and were 2 of the 54 nominees that the Democrats left hanging at the end of his Administration.

I admit 6 nominees were put up so late that, literally, nobody could have gotten them through. So say 48 were left hanging. Compare that to when President Clinton left office. By the way, when Bush I left office, there were 97 vacancies, and 54 were left hanging—but we can reduce it to 48 because of the 6 who were probably nominated too late. When President Clinton left office, there were 67 vacancies—30 less than when the Democrats held the committee, when George Bush the first was President. There were 41 nominees left hanging when Clinton left office. Of the 41, there were 9 put up so late that it was a wash; in other words, it was just to make it look good. They could not have gotten through no matter who tried.

In essence, there were 32 nominees left hanging at the end of the Clinton Administration versus 48 who were left hanging at the end of the first Bush Administration. Of those 48 left hanging, I can match the Senator from Illinois and every other Democrat person for person, and much more, with decent, honorable, wonderful people who just didn't make it through. But you haven't heard us come to the floor every day, or in the Judiciary Committee every day, talking about how badly they were treated, even though they were treated badly. People like John Roberts, one of the greatest appellate lawyers in the history of the country.

Think of that—382 for Reagan, the all-time champion, with the opposition party in the minority for 6 of those years, and 377 for Clinton, with the opposition party in the majority for 6 of those years. Comparing the number confirmed to the number nominated, President Clinton enjoyed an 85 percent confirmation rate on the individuals he nominated.

There were only 68 article III Judicial nominees who were nominated by President Clinton, in all of his 8 years, who did not get confirmed. Of those, 3 were left at the end of the 103rd Congress, when the Democrats controlled the Senate. That leaves 65. Of those, 12 were withdrawn by the President, leaving 53. Nine were nominated too late for the Congress and committee to act on them or they were lacking paperwork. That leaves 44. Now, 17 of those lacked home State support, which was often the result of a lack of consultation with home State Senators. There was no way to confirm them without ignoring the senatorial courtesy that we afford to home State Senators in the nomination process. That left 27. One nominee was defeated on the floor, which leaves only 26 remaining nominees.

Of these, some had other reasons for not moving that I simply cannot comment on because of the security of the committee. So in all 6 years I chaired the committee, while President Clinton was in office, we are really only talking about 26 nominees who were left hanging.

During the first Bush administration, when the Democrats controlled the committee, 59 nominees were not confirmed. I don't know the reasons for all of those. There probably were some. But if you look at those 59 nominees and subtract the 1 who was withdrawn, that leaves 58 Bush I nominees who weren't confirmed over the course of 4 years. If you take the 65 Clinton nominees who were not confirmed over my 6 years, and take away the 12 who were withdrawn, that leaves 53.

So at the end of the day, even subtracting only the withdrawn nominees, there were only 53 Clinton nominees the Senate didn't act on in the 6 years I was chairman, while the Democrats allowed 58 nominations to perish in the committee in only 4 year's time. Do not tell me they were abused. That is part of the process. Some of these people we do not have time to get through. There are reasons why they cannot get through—for a number of them, for instance, there is not support of home State Senators.

Of those 41 nominees left at the end of the 106th Congress, 1 was eventually confirmed in the 107th Congress. Twelve lacked home State support or had incomplete paperwork. That leaves only 20 nominees who did not go forward at the end of the Clinton administration.

There were 41 Clinton nominees left in committee at the end of the 106th Congress when Clinton left office. When Bush left office, there were 54 nominees left in committee, as I said. So the argument that this all began because the Republicans were unfair to Clinton nominees is simply untrue. We were not. I was more fair to Clinton in confirming nominees than the Democrats were to President George H.W. Bush.

I also heard the allegation that Republican inaction during the Clinton Presidency is to blame for the current vacancy crisis. This is untrue. There were only 67 vacancies at the end of the 106th Congress. Today there are nearly 30 more vacancies; 96 after almost a year. Madam President, 11.2 percent of the Federal judiciary is vacant. At the end of my tenure as chairman during the Clinton Presidency, that rate was only 7.9 percent.

We are in the middle of a circuit court vacancy crisis, and the Senate is doing virtually nothing whatsoever to address it.

There were 31 vacancies in the Federal courts of appeals when President

Bush sent us his first 11 circuit nominees on May 9 last year, and there are 31—the exact same number—today. We are making no real progress.

Eight of President Bush's first 11 nominees have not even been scheduled for hearings, including John Roberts and Terry Boyle (both of whom were on the nomination schedule of the first President Bush but who did not get a hearing back then). This time around, they have been pending for 309 days as of today. All of these nominees received qualified or well-qualified ratings from the American Bar Association.

A total of 22 circuit court nominations are now pending for those 31 vacancies, but we have confirmed only 1 circuit judge this year and only 7 since President Bush took office.

The Sixth Circuit is half-staffed, with 8 of its 16 seats vacant. That is a crisis. They cannot function appropriately. This crisis exists despite the fact we have seven Sixth Circuit nominees pending motionless before the Judiciary Committee right now.

Although the Michigan Senators are blocking 3 of those nominees by not returning blue slips, the other 4 are completely ready to go. All have complete paperwork, good ratings by the ABA, and most importantly, the support of both home State Senators.

The DC Circuit is two-thirds staffed with 4 of its 12 seats sitting vacant. This is despite the fact that President Bush nominated Miquel Estrada and John Roberts, who have not yet been given a hearing and whose nominations have not seen the light of day since they were nominated better than 300 days ago. There is simply no explanation for this situation other than stall tactics.

The Senate Democrats are trying to create an illusion of movement by creating great media attention concerning a small handful of nominees in order to make it look like progress.

Some try to blame the Republicans for the circuit court vacancy crisis. That is complete bunk. Look at the record.

Some have suggested that 45 percent of President Clinton's circuit court nominees were not confirmed during his Presidency. That number is a bit of Enron-ization. It is inflated by double counting individuals who were nominated more than once.

For example, by their numbers, Marsha Berzon, who was nominated in the 105th Congress and confirmed in the 106th Congress, would count as 2 nominations and only 1 confirmation. If you remove the double counting and count by individuals, without counting withdrawn nominees, President Clinton nominated 86 individuals for the circuit courts and only 21 were not confirmed. That is 24 percent as opposed to 45 percent.

Of those 21 nominees who were not confirmed, 9 lacked home State support, one had incomplete paperwork, and another was nominated after the August recess in 2000. That leaves 10 circuit court nominees who did not receive action, some of which had issues I cannot discuss publicly.

As I said, there are currently 31 circuit court vacancies. During President Clinton's first term, when Republicans controlled the Judiciary Committee, circuit court vacancies never exceeded 21 at the end of any year.

There were only 2 circuit court nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit court nominees were pending in committee at the end of last year.

At the end of President Clinton's second year in office, the Senate had confirmed 19 circuit judges, and there were only 15 circuit court vacancies.

In contrast, today, in President Bush's second year, the Senate has confirmed only one circuit court nominee, and there are 22 pending, and 17 of those are considered emergency positions.

At the end of 1995, my first year as chairman, there were only 13 circuit court vacancies left at the end of the year. At the end of 1996, the end of President Clinton's first term and in a Presidential election year, there were 21 vacancies, only 1 higher than the number the Democrats left at the end of 1993 when they controlled the Senate and Clinton was President.

Taking numbers by the end of each Congress, a Republican-controlled Senate has never—never—left as many circuit court vacancies as currently exist today. At the end of the 104th Congress, the number was 18. At the end of the 105th Congress, that number was 14, and even at the end of the 106th Congress, a Presidential election year, that number was only 25. Today there are 31 vacancies in the circuit courts.

Despite all the talk, and lack of action, the unmistakable fact is that there is a circuit court vacancy crisis of 31 vacancies, which is far higher than the Republicans ever let reach, and the current Senate leadership is doing nothing about it. Actually, I should correct myself. They are doing something about it. They are making it grow even larger. They have acted with a deliberate lack of speed, and that is something the American people do not deserve.

Having said this to set the record straight, there are always a few nominations that have a difficult time whether the Republicans or Democrats are in control. I have to admit, I wish I could have gotten a few more through when I was the committee chairman, but everybody who knows, who really watched the process, knew that I pushed people through, against the wishes of a significant number of outside people. I told a number of the conservative groups to get lost because they were basically distorting the judicial process.

Having said all that, let me talk about Charles Pickering because I am disappointed in what happened today. The real problem that many of the interest groups have with Charles Pickering is he does not think as they do. These groups want to impose an ideological litmus test on judicial nominees. They will mount a campaign against any nominee who does not agree with their position on abortion, civil rights, and a host of other issues, and they will try to label anyone who disagrees with them as an extremist who is out of the mainstream. But the key here is that a nominees's personal or political opinion on such issues is irrelevant when it comes to the confirmation process.

The real question is whether the nominee can follow the law, and Judge Pickering has certainly proved that he can. Judge Pickering has demonstrated an ability to follow the law. This is reflected in his low reversal rate of a half percent during his decade-plus tenure as a district court judge.

Although I have heard some of my colleagues complain about his 26 reversals, let's put this in context. Judge Pickering in his nearly 12 years on the Federal bench handled 4,000 to 4,500 cases.

In all of those cases, he has been reversed only 26 times. This is a record to be proud of, not a reason to vote against him.

I suspect many of my colleagues' misperceptions about Judge Pickering's record as a district judge stem from the gross distortion of that record by the liberal special interest groups. For example, one often-cited area of concern is Judge Pickering's record on Voting Rights Act cases, but the bottom line is that Judge Pickering has decided a total of three of those cases on the merits: Fairley, Bryant, and Morgan. None of these cases was appealed, a step that one can reasonably expect a party to take if it is dissatisfied with the court's ruling.

Moreover, the plaintiffs in the Fairley case, including Ken Fairley, former head of the Forrest County NAACP, have written letters in support of Judge Pickering's nomination. Judge Pickering's qualifications are also reflected in his ABA rating, which some members of the committee have referred to as the "gold standard" in evaluating judicial nominees. The ABA, of course, rated Judge Pickering well qualified for the Fifth Circuit.

I also find it ironic that many of the complaints Judge Pickering's opponents have lodged against him pertain to events that occurred before he became a Federal district court judge, a position for which he was unanimously confirmed by both this committee and the full Senate.

The way liberal special interest groups are working and have worked to change the ground rules on judicial confirmations is evident in the nomination of Charles Pickering for the Fifth Circuit Court of Appeals. This is a gentleman who had overwhelming support in his home State of Mississippi from Democrats and Republicans alike, from the Democrat attorney general of the State, and from prominent members of the African-American community.

Those who know Judge Pickering well know he has worked to improve race relations in Mississippi. For example, he testified against the Imperial Wizard of the KKK for firebombing a civil rights activist in Mississippi in 1967, at great risk to both himself and his family. He hired the first African-American Republican political worker in Mississippi in 1976; represented a black man falsely accused of robbing a 16-year-old white girl in 1981 and won the case for him; chaired a race relations committee for Jones County, Mississippi, in 1988; served on the board of the Institute of Racial Reconciliation at the University of Mississippi since 1999; and worked with at-risk African-American youth in Laurel, Mississippi, in 2000.

I have to say I was pleased that my colleagues on the other side said they do not believe he is a racist and they do not believe that such a case can be made, and they were disappointed that some tried to make it.

I say, in addition, Judge Pickering has compiled an impressive record as a Federal district court judge. During his more than 11 years on the bench, he has disposed of an estimated 4,000 to 4,500 cases, but he has been reversed only 26 times. This means his reversal rate is roughly one-half of 1 percentage point and is lower than the average reversal rate for Federal district court judges in this country.

Despite this impressive career, Judge Pickering had become the target of a smear campaign instigated and perpetrated by liberal Washington interest groups and lobbyists with their own political agenda, some of whom called him, in essence, a racist. These groups painted a caricature of a man that bears little resemblance to reality, all in the name of attempting to change the ground rules for the judicial confirmation process and impose their political litmus test for all of President Bush's judicial nominees.

We are now seeing the same thing starting with another circuit court of appeals nominee, D. Brooks Smith, with the same type of approaches they have used against Judge Pickering.

We had a number of Senators say they voted against Judge Pickering because of his 26 reversals, some of which they considered questionable in the areas of voting rights, in the area of civil rights, in the area of prisoners' rights, and in the area of employment rights. We blew those arguments away today because we cited nearly every case about which they are complaining. They claim Judge Pickering did not follow settled law, and we showed that there was not settled law in many of those cases.

We did not hear those cases really argued today from the principal people who argued them before. They could not. So what did we hear an argument on? The Swan case. Now what was the Swan case? The Swan case the case of a cross burning on the lawn of an African-American family.

I might mention that is a vicious, rotten, lousy thing for anybody to do.

Of the three boys who did it, one of them was a vicious racist who had shot into the house with a gun. Because two of them cooperated, the Justice Department prosecutors gave them basically a giveaway, easy sentence. The third was absolutely drunk at the time. He had not shot into the home, he had not issued any racist comments, but he was with them. He did not think he did anything wrong. He contested the case, lost, and under the mandatory minimum he had to be sentenced to 7 years.

The judge did not think that was right, that the other two really were as or more culpable, and when he looked and found out that this young man had never made a racist comment and he was drunk at the time, he thought it was a tremendous injustice. So what he did was he complained to one of his friends, Frank Hunger, who was with the Justice Department at the time, but not at the Civil Rights Division at the Civil Division. Swan still got a sentence of 27 months, a fairly long time when his two co-defendants got only home confinement and probation.

Because he talked to Frank Hunger, who was with the Civil Division, not the Civil Rights Division, we had efforts to paint that as a tremendous violation of ethics. Hardly. Hunger does not even remember the conversation and is one of the strongest supporters of Judge Pickering, a Democrat from the Clinton Administration Justice Department. He is very disappointed with what happened to Judge Pickering's nomination.

There are other things I would like to say, but I know my colleague would like to speak. I will close with this: I am sorely disappointed with the vote on Judge Pickering's nomination. I am sorely disappointed with the way these outside groups tried to paint Mississippi as the old South, prejudiced, rotten, acting in ways that fly in the face of civil rights, when there have been so many strides made, part of them made because of the efforts of Judge Charles Pickering.

I do not understand this type of thing. In each case in which a nominee was stopped in Committee, I have wondered why they were stopped.

I do not live in Mississippi, but I feel for the people of Mississippi because this action today, it seems to me, is a condemnation of a State that does not deserve it, and a condemnation of a Federal judge who went through the Senate the first time unanimously, who has served well for nearly 12 solid years, and who now has a reputation besmirched because of what I consider to be phony allegations which should never have been accepted.

I am disappointed. But unfortunately, that is the way it is around here. I hope we do not have to put up with much more of this in the future.

I notice my colleagues want to speak, so I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, it is my understanding the Senate is still on S. 517; is that right?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. The Senator from Arizona is still present. It is my understanding he is not going to offer his amendment tonight. Is that right?

Mr. KYL. Yes.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business with Senators allowed to speak therein for a period not to exceed 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CHARLES PICKERING

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Madam President, one of our colleagues earlier, in talking about the Pickering nomination, talked about the difficulty of making judgments. Of course, that is what they pay us to do. It is sometimes difficult. But what is really important for us to be sure of is that the judgment we make is our own, independent judgment, made with integrity, and not influenced by unfair charges or pressure from groups outside the Senate.

I think a nominee is entitled to that. If charges are made against a nominee, we ought to hear about them. We ought to find out if they are correct. Maybe delay the vote and have another hearing, if that is what is required, so be it. But when the nominee can show that the charges against him in case after case after case after case are not justified charges, and there are perfectly good and sound reasons for the actions he has taken, that his words are being taken out of context, outside the normal bounds of any kind of fair criticism, when he can explain that in matter after matter after matter that the charges are untrue, I believe the members of the Senate Judiciary Committee ought to listen to that. Senators should not allow friends from the outside, who have an agenda and a commitment to defeating a nominee who they have picked as the person they want to go after, to control the situation and, in effect, cast a vote in these matters. That is what I am concerned about.

Judge Pickering came before our committee. He was a superb witness. He testified with integrity, with skill, with understanding. He is a man I believe the committee related to well. I was very impressed with his testimony, his whole history as a lawyer and as a judge and as a human being. I thought, what a wonderful presentation he made. But it seemed not to have changed a single vote.

When point A was knocked down, we would go to point B, and when that was knocked down, to point C. Finally, we ended up with the most weak excuses, weak reasons that I do not believe rise to the level, in any way, that would justify rejecting this fine man.

He finished No. 1 in his law class at the University of Mississippi School of Law, an excellent school of law. He decided to go back home where his family were farmers, in the dairy business, in Laurel, MS.

Some suggested he did a lot of things in the past, in the 1960s, of which he wasn't proud. They said over and over again, with great unctuousness: We don't think he's a racist. We are not saying he's a racist. But he is a southerner, you know, from Laurel. We have some complaints up here in Washington about him.

What did his record look like? In the 1960s, things were not easy in Laurel, MS. Having grown up in the rural South, I know that. I know a lot of people made choices they are very greatly disappointed that they made, many years ago. A lot of us should have been more alert to fighting more aggressively for civil rights than we were. I was in high school in those years and I remember the debates that came about. I know how deeply the passions and feelings were running.

In Laurel, there was a trial of a Klansman who was involved in a murder. Judge Pickering, in the 1960s, signed a warrant for his arrest in that murder.

Another case involved a head of the Ku Klux Klan in that area. It was a tense case in a tough time. Something needed to be done to send a signal to that jury that good men and women, in Laurel, MS, knew that he ought to be convicted of the crimes he committed.

Judge Pickering volunteered and testified as a character witness against that defendant, saying that he had a bad reputation for violence in the community. Nobody, I am sure, relished having to do that task at that time. Sure enough, the next election, he lost that election. And the Klan bragged that was the reason, that they got the man who went against them.

That is his background. He has a superb legal mind. He finished at the top of his class at the University of Mississippi. A man, faced with difficult times, was on the right side of the issue.

We had Charles Evers, the brother of Medgar Evers, the slain civil rights worker in Mississippi visit members of the Judiciary Committee. He came up here on Judge Pickering's behalf and spoke strongly and passionately for him. As did an African-American judge. As did others who came. By the way, I think 26 out of 26 living Presidents of the Mississippi Bar Association endorsed Judge Pickering. But this group came here. I asked them, each one of them: During the 1960s and into the 1970s, when civil rights was really a matter of some courage in the South, was Judge Pickering on the good guys' side or the bad guys' side? They all said he was on the right side. He was on the good guys' side. He took actions to reach out and to build harmony and he believed that is important.

He, in fact, serves now as co-chairman—or did until recently—with former Governor Winter, a Democrat of Mississippi, on the Ole Miss Commission to Promote Racial Harmony. He was chosen to be co-chairman of that commission.

Oh, but they say we didn't accuse him of being a racist. He is hostile to employment cases. So Senators HATCH and DEWINE went through all the employment cases that he dealt with, delineated the two, I believe, that were reversed on matters unrelated to the merits, really, of employment cases. I also point out in the state of Mississippi, there are a group of lawyers who specialize in employment cases representing plaintiffs who sue to get their jobs back or for damages for mistreatment. The top plaintiffs' lawyer in Mississippi, who practiced before Judge Pickering many times, wrote an op-ed in the Mississippi paper. Not just a letter, he wrote an op-ed in the paper with his name on it, saying Judge Pickering should be confirmed; the plaintiffs' lawyer said that Judge Pickering is a fair man and that Judge Pickering treated employment cases fairly in court.

Why would we want to even continue to talk about that issue after that matter is raised? But still people do.

There were other complaints. They said he had asked lawyers to write letters on his behalf and that this somehow violated ethics. We had a professor who said this was ambiguous at best, and cited histories going back to Learned Hand, where judges got letters written on behalf of nominees. So I don't think that was the matter.

They said he had them given to him. The Department of Justice asked him to collect the letters and have them sent up. The U.S. Department of Justice asked him to collect those letters and send them forward. It was during the time of the anthrax scare, when the mail was shut down. They wanted him to be sure to collect them all so they could be sent straight to the Department of Justice so they could be disseminated to those of us in the Senate who needed to know about it.

I am, frankly, concerned for about the suggestion that there is an unfairness, or an excessive conservative bent on the Fifth Circuit Court of Appeals. The Fifth Circuit is one of the great circuits in America. It has consistently had some of the great judges in America. I just had the honor to participate in the swearing in of Ginny Granade, the granddaughter of Judge Richard Reeves on the old Fifth Circuit to a Federal judgeship in my hometown of Mobile. She worked for me for 12 years when I was U.S. attorney there. She is one of the finest people I know. She has never been political in any way. She was confirmed and is now serving there. But the old Fifth Circuit and the Fifth Circuit today is a great circuit. It has a good record of being affirmed by the U.S. Supreme Court.

We have had some concerns about the Ninth Circuit Court of Appeals, I will admit. I have raised that issue on occasion. One year the Ninth Circuit had 27 out of 28 cases that went to the Supreme Court of the United States reversed. Year after year—one year it was 13 out of 15. The Ninth Circuit has the highest record of reversals of any circuit in America by far. The Fifth Circuit is nowhere close.

I opposed, I will admit, two nominees to the Ninth Circuit. But they were confirmed.

I would have to add, however, that my concerns have been a bit validated in that Judges Paez and Berzon, the two I did vote against, those two judges on separate occasions have eviscerated and declared unconstitutional the "three strikes and you are out" law in the State of California which the State supreme court, which is not a conservative court had previously upheld.

I will just note that was discretion. Perhaps there was a legal basis for those reversals of the important California habitual offender law. Maybe the law needs to be changed by the legislature. But judges ought to be reluctant to be whacking out long-established State law of this kind. I am interested in studying those cases.

At any rate, I believe we had a good process in the last 8 years of President Clinton. In 8 years, 1 judge was voted down—1 judge was voted down in 8 years—and 377 judges were confirmed.

When President Clinton left office, there were only 41 judges nominated and pending unconfirmed.

When former President Bush left office, on the other hand, in 1992, there were 54 judges nominated and unconfirmed.

It is clear that at least 13 fewer judges were pending when Senator HATCH chaired the committee and the Republicans left office than when the Democrats controlled the Senate and President Bush left office—a very similar circumstance. I think it is impossible to say that President Clinton's judges were abused.

With regard to the historic right of Senators to refuse to submit the blue slip, giving home State Senators, in effect, an ability to block nominees in their home States, that did slow down some of the nominees and keep them from being confirmed. Whether those Senators were right or not, I don't know. But it is a power we have always held.

Let me say this: Do the Democrats in the Senate say this is an abuse of power and ought to be reduced, and it is something that ought not be allowed to go forward? No, they do not. They are now pushing to expand the power of the home State Senators beyond what we have had in the past to block nominees.

I am very sad for the Pickering family, and the young CHIP PICKERING, the Congressman from Mississippi. He is one of the very finest Members of the House of Representatives. He loves his father. It was painful for me to see him have to sit through all of that today. But he is a strong young man. His father has a great record. He has served well. I am sure he too will bounce back from this.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I would like to address the Senate in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NOMINATION OF JUDGE THOMAS PICKERING

Mr. KYL. Mr. President, I heard the distinguished minority leader speak a couple of hours ago on behalf of the resolution which he submitted to the Senate for its consideration, and hopefully a vote perhaps Tuesday of next week, in which he called for moving forward in a way that was less politicized with respect to judicial nominations. He had just witnessed the defeat in the Senate Judiciary Committee of his candidate for the Fifth Circuit Court of Appeals from his State of Mississippi. The President had nominated this fine man, Judge Thomas Pickering. The judge currently sits on the Federal district court. President Bush nominated him to serve on the Fifth Circuit.

The minority leader had witnessed his defeat in the committee just a few moments before and expressed himself, I thought, quite eloquently, without anger but with a great deal of sadness. I share that sadness tonight because I think a very fine man has been ill treated.

Some of my colleagues have said the process was fair. And I don't argue that the process was unfair. But what I argue was unfair was the characterization of the man. It was done so that there would be a reason to vote against him.

As I will point out in a moment, I think the real reason there were objections to Judge Pickering was that he was a conservative from Mississippi nominated by President Bush. There were too many groups on the outside. Yes, I do think they had some influence with Members of the Senate and characterized him as an extremist, as out of the mainstream, and therefore it became difficult for some Senators to vote for him.

I wish to make it clear that this was not a vote by the Senate. For those who might be watching, what happened today was the Senate Judiciary Committee voted along party lines to defeat his nomination. The majority would not agree to send him to the Senate, as has been done in a few cases, without a recommendation, or even with a negative recommendation. The reason is that had he come to the full Senate for consideration, because of the expressions of support by some members of the majority party, it is clear he would have been confirmed. They were unwilling to let the full Senate vote on him so that he could be confirmed.

There is a question about the advice and consent clause of the Constitution which speaks to the advice and consent of the Senate being exercised by just 10 members of the Judiciary Committee. I think that perhaps is the right of the majority on the Judiciary Committee. But I am not necessarily certain—at least certain in some cases—that it is the right thing to do. It was not a full Senate vote that defeated Judge Pickering; it was just the committee.

The unfair characterization of Judge Pickering was designed to find some reason or some rationale for voting against him.

Why do I say that?

There were a lot of different charges: One, that he was a racist. No Senator was ever willing to stand up to make that charge. There were cases cited. But nobody was ever willing to make that charge.

There was a suggestion that he had collected some letters to support him and that it was unethical. There is no ethics provision that says that one way or the other. As a matter of fact, none of us can stand up and say, yes, or, no, it wasn't. But I think had a decision been made on that basis alone, it would have been extraordinarily unfair.

The American Bar Association, which rated Judge Pickering well qualified, considered all of these matters, obviously. Certainly, the American Bar Association's imprimatur of qualification has been one of the standards most of the members on the majority side have held up as justifying a vote for or against a nominee. When the ABA says this candidate is qualified, it is a little hard for me to justify an assertion that somehow he was unethical because he collected letters of support on his behalf and presented them to the full Senate.

There was an argument made that he had done a lot of reversals. I heard that for several weeks. This morning before the committee, Senator HATCH debunked that totally. The reversal rate is good by any standard. If you take the total number of cases, it is far below the average judge. If you take the number of appeals, it is below the average judge.

If you are going to say how his record stands up against all other judges, he is much better than the average Federal judge.

The reversal rate—25 out of some 5,000 cases—is hardly a reason to vote against him. That was debunked.

This morning, I heard that the reason one Senator was voting against him was that the nomination was so controversial that it was polarizing.

I must say, it is a little like saying, don't you stick your chin out at me or I will hit you, and you will have started a fight. It is hard for me to figure this one out because some outside groups object to a candidate, create a fuss and a stir about the candidate, and the candidate, therefore, becomes controversial. We are supposed to vote against him? There have been a lot of controversial people in history.

I cited this morning people such as Martin Luther King, Jr., Sir Thomas More, and Justice Hugo Black. History is replete with great people who were indeed controversial. In fact, it took courage to stand up for them at the time that they were controversial. But they were right. And the people who stood with them at the time have been validated in their view of what was right, and in their courage.

It seems to me as constitutional officers we have an obligation to follow our constitutional duty and make our decision based on whether a person is qualified or not, not based upon whether that person is controversial.

There is also a very significant undercurrent of retribution. Hardly any conversation about Judge Pickering could occur without members of the majority party saying: And let us remind you of all of the judges who were treated unfairly when Republicans were in power in the Senate and President Clinton was the President.

Only one judge was defeated on the floor of the Senate, and I do not think any were defeated in the committee, as Judge Pickering was today. But there were some judges who did not get a hearing. Maybe there were too many. But I think that it is quite unfair to try to dream up reasons to vote against somebody if the real reason is that you do not like what happened to some of President Clinton's nominees. That is not right.

We talk about the cycle of violence in the Middle East and say we have to stop it. Yet some people apparently are willing to maintain a different kind of cycle of retribution in the Senate.

I think what it boils down to is a matter of philosophy. I think, if people are honest with themselves, a lot of this boils down to the fact that some members of the majority are uncomfortable supporting a conservative nominated by President Bush. And some on the committee have been courageous enough to, in fact, say that.

One of the Senators from the majority this morning said: Look, I think that he's out of the mainstream. I think that President Bush is nominating waves of conservative ideologues, and that offends my sense of what is proper, and, therefore, I am going to vote against that kind of nominee.

That is an honest statement, at least, even though I think it is very wrong. But I think that really is the reason why a lot of people decided not to support this nominee. And the question is, A, are they right? And, B, is that right?

Well, are they right? I do not doubt that Judge Pickering may be characterized as a conservative, but he has been on the Federal bench for a long time, and I have not seen anybody say that his decisions reflected some kind of conservative bias. Moreover, one man's conservative is another man's mainstreamer, or however you want to characterize it.

I think we get on a slippery slope when a Senator from New York says, for example: Why, those candidates are outside the mainstream. They are conservative ideologues. I say: Gosh, they look pretty good to me. Of course, I am a conservative from Arizona. So it is all in the eye of the beholder. The question is, Who got elected as President of the United States?

I remember when Al Gore said in one of the debates with George Bush: You don't want to elect George Bush because, if he gets elected, he will nominate conservatives to the bench. Everybody in the country knows that whoever is elected President is going to nominate people they like to the bench.

President Clinton nominated a lot of people I thought were pretty liberal. I did not vote for all of them, but I voted for a lot of them because they were qualified, I had to admit. But I thought they were liberal. They were liberal. And I did not like that. And they have added to liberal courts. But, again, he was elected President, not me. I am a conservative from Arizona.

You can characterize President Clinton however you want to characterize him. He had the right to nominate candidates of his choice because he got elected by the whole country. And so did George Bush.

I daresay that George Bush probably is a better representative of the mainstream of America than a lot of individual Senators in this body who are answerable to specific constituencies in Arizona or New York or New Jersey or Minnesota or whatever State it might be. Therefore, I think it is wrong for any of us to have a litmus test of politics determining our vote for judges on the courts. I think if they are qualified, if the ABA says they are qualified, if we acknowledge they are qualified, then we should not be voting against them just because of their judicial philosophy.

That brings me to the conclusion here.

When I saw the distinguished minority leader express himself tonight, after his fellow Mississippian had been defeated in the Senate committee, and he offered his sense of the Senate, I admired Senator LOTT because what he was saying, in effect, was: I am not going to forget this personally. But it is time to move on and stop this business of retribution, this business of saying Clinton judges were treated unfairly, so, therefore, we are justified in doing the same to President Bush's nominations.

What TRENT LOTT was saying was let's move on. Let's stop this nonsense. And the way we can do it is to begin to deal with the backlog of circuit court nominees that we face today. And he pointed out the statistics. Only one of the nine nominees of just about a year ago—on May 9—have even had a hearing. There is no excuse for that. There is absolutely no reason that all nine of these candidates could not have had a hearing.

Judge Pickering is only one. The other eight have not had hearings. Miguel Estrada, for example: No hearing. He is right here. There is no problem. He can have a hearing. But it is going to be a year before he can even conceivably have a hearing now. There is clearly something wrong when that is the situation.

So what Senator LOTT said was let's have a sense of the Senate and agree as a Senate that at least those eight nominees of May 9, 2001, should have a hearing by May 9, 2002; that is not too much to ask; and it isn't. So I hope all of my colleagues will join us in supporting it.

Now, that does not guarantee it, but it expresses the sense of the Senate that we ought to do it. I think that is a good way for us to begin to put some of this acrimony behind us.

I remain disappointed about Judge Pickering. I am resigned to the fact that he is not going to be, at least for now, confirmed to the circuit court. But I do think we can learn from this exercise, adopt Senator LOTT's resolution, agree to hold hearings on these judges, and then, of course, follow through with action by the committee and then action by the full Senate.

The statistics are such that in order for this Senate to confirm the same number of judges that were confirmed for President Reagan, the first President Bush, and President Clinton, in their first 2 years of office—the measure for the end of this current year—we would have to hold a hearing every single week—we, the Senate Judiciary Committee, of which I am a member—that we are in session until the end of this year, with five district court judges and one circuit court judge per hearing.

We would have to do that every single week. And the committee would have to vote on five district court nominees and one circuit court nominee. The full Senate would have to vote on five district court nominees and one circuit court nominee every single week. That is just for us to confirm the same number of judges for President Bush, the second, as we confirmed for his father and for President Clinton and for President Reagan.

Obviously, we have dug ourselves a big hole. We have to start to get out of this hole. An old rancher friend of mine once said: If you're in a hole and want to get out, the first thing you want to do is stop digging.

We have to stop the delay and the recrimination and get on to confirming qualified judges. The best way to do that is to commit to holding hearings and having the Judiciary Committee vote on those nominees. If they vote a nominee down, all right, but let's make sure it is on the qualifications and not some excuse. Then bring those nominees who are supported to the floor so the full Senate can act on them as a body.

I support Senator LOTT's resolution. I hope my colleagues will do so when we have a chance to vote on it, perhaps Tuesday, so we can move beyond the kind of actions that I believe characterize Judge Pickering's rejection today. I hope this is the last time we will have to have a conversation such as this.

I appreciate the Presiding Officer's patience.

APPEAL IN THE LOCKERBIE CASE

Mr. KENNEDY. Mr. President, today justice was shining as the Scottish court in the Netherlands upheld the conviction of Libyan intelligence officer Abdel Basset al-Megrahi for the terrorist bombing of Pan Am flight 103 over Lockerbie, Scotland on December 21, 1988.

In this heinous crime, Libyan terrorists blew up Pan Am flight 103, ruthlessly murdering 270 innocent people, including 189 Americans. Until the September 11 terrorist attack, the Pan Am case was the most fatal terrorist atrocity in American history.

Since 1989, our Nation has joined the victims' families to bring the terrorists to justice and to compel the Libyan Government to acknowledge its responsibility for this terrible act. Today, after more than 13 years, a measure of justice has finally been achieved.

This verdict by the Scottish court is a victory for the families of the victims who have been tireless advocates for justice. Thirteen families from Massachusetts lost loved ones in the Pan Am flight 103 attack. Over these 13 difficult years, we have worked with them and the other families to bring about today's verdict.

From the outset, the families of the victims have translated their grief into action. They stood up to powerful interests of the oil industry, and they have kept the prosecution of those responsible for the death of their loved ones at the top of our Nation's agenda. This trial and this verdict would not have happened without their impressive and ongoing efforts.

Discussions between the American, British, and Libyan Governments regarding compliance with outstanding U.N. Security Council resolutions are underway in London.

Now that the legal case has run its course, diplomatic efforts will intensify to ensure that the Government of Libya fully and satisfactorily complies with Security Council resolutions before sanctions can be permanently lifted.

In Security Council Resolution 748, the United Nations required the Libyan Government to comply with requests addressed to Libyan authorities by the governments of France, the United Kingdom, and the United States. One of those requests clearly states that the British and American governments expect the Government of Libya to "accept complete responsibility for the actions of Libyan officials."

This requirement must be fulfilled completely, totally, and unequivocally. The United States Government has consistently maintained that the Libyan Government carried out this atrocity. Indeed, when two Libyan intelligence officials were indicted in 1991, State Department spokesman Richard Boucher said: "This was a Libyan Government operation from start to finish. The bombing of Pan Am 103 was not a rogue operation."

Although the explosion did not take place on American soil, America was clearly the target of this attack. The Scottish court concluded that Libya was responsible for the bombing, and the Libyan regime must accept that responsibility as well. As the London discussions proceed between our government, the British Government and the Libyan Government the U.S. must make it crystal clear that we will accept nothing short of an explicit acceptance of responsibility by Qadhafi's government to satisfy this condition.

Security Council Resolution 748 also requires the Libyan Government to "disclose all it knows of this crime, including the names of all those responsible." The head of Libyan intelligence, Musa Kusa, has been participating in the trilateral discussions in London. At the time of the Pan Am bombing, Musa Kusa was the Deputy Chief of Intelligence, working under colonel Qadhafi's brother-in-law, and he should be able to provide a significant amount of information to satisfy this condition. I expect that the U.S. Government is asking Musa Kusa to provide this information with the goal of fulfilling this requirement.

Another clear requirement of Security Council Resolution 748 calls on the Libyan Government to "pay appropriate compensation." Discussions are underway between private attorneys and the representatives of the Libyan Government to address this condition. I am aware that the State Department is not directly involved in these negotiations. However, our government must ensure that any financial agreement is not considered a substitute for acceptance of responsibility accompanies the financial agreement.

Finally, the Security Council Resolution calls on the Government of Libya to "commit itself definitively to cease all forms of terrorist action and all assistance to terrorist groups and promptly, by concrete actions, demonstrate its renunciation of terrorism." Libya has in the past supported, trained, and harbored some of the most notorious terrorist groups in the world. Our Government must be convinced, beyond a doubt, that Libya has abandoned all support for terrorism before concluding that this requirement has been satisfied.

The Congress has consistently stated its view that the Libyan Government must fulfill all Security Council resolutions related to the Pan Am 103 bombing, most recently when it overwhelmingly approved a five-year extension of sanctions in the Iran Libya Sanctions Act.

I know the administration is working diligently on this matter, and I look forward to full and satisfactory compliance with Security Council resolutions. These brave families deserve no less.

Mr. President, this tragedy took place 13 years ago. It is instructive for all of us to understand that the only way we are going to be able to deal with terrorists is by developing the kind of hard-edge determination, resolution, persistence in pursuing justice that this case has followed over 13 years.

Too often, with the kinds of challenges we are facing, we find out that there is a flurry of activity, and then we find other forces come to bear to try to override the underlying issues which are basically at stake. We have seen the powerful interests of the oil industry trying to push aside the sanctions which we have had in effect. We have seen powerful interests in Europe as well try to discount these sanctions.

It is only because the United States has been resolute, determined, and persistent over the period of 13 years, both in the area of sanctions as well as pursuing this in the international courts, that we have the judgment as we have seen today. That judgment is extremely clear in pointing out responsibility to the world. The Scottish court is pointing the world to the cause of the terrorism which took 13 families from my State, 67 members of the U.S. Armed Forces, and scores of other Americans. This is a victory for those families.

It is a very important step that has been taken. It is a reaffirmation in our system of justice, and it is a clear indication to countries around the world that the United States is going to be consistent and persistent to bring those who have created terror to justice, no matter how long it takes.

APPLAUDING THE JUSTICE DEPARTMENT FOR THEIR LEADERSHIP IN THE LAWSUIT AGAINST THE TOBACCO INDUSTRY

Mr. DURBIN. Mr. President, about 13 years ago I went to get on an airplane in Phoenix, AZ. I was a Member of Congress. I was late for my plane, as usual. I came running into the airport, went to the United ticket counter, and said: Can I still make the plane? And the lady at the counter said: Yes, I think you can. Hurry up. I said: Can you get me a seat in the nonsmoking section of the plane? It was too late. She said: The only seat I have left is a middle seat in the smoking section of the plane. So I said to her: Isn't there something you can do? She looked down at my airline ticket and at my title and said: No, Congressman. But there is something you can do.

So I got on that airplane and sat in a middle seat in the smoking section between two chain-smoking sumo wrestlers and thought to myself: There has to be a better way.

When I got off that plane, I decided to offer an amendment to ban smoking on airplanes across America, and was successful, to the surprise of myself and everybody else. No one had ever beaten the tobacco lobby on the floor of the House of Representatives. We did it by five votes. It was very bipartisan. It came over to the Senate. Senator Lautenberg of New Jersey picked up the cause. He was successful on this side. We put into law a ban on smoking on airplanes, which I think was the domino that triggered smoking being banned all across America, in restaurants, in office buildings, in hospitals, and not only on planes, but on trains and buses. There has been a real revolution in just 13 years.

But the battle against the tobacco companies goes on. I give credit to a lot of those who followed after that historic legislation, particularly the State attorneys general who filed lawsuits against tobacco companies and successfully brought in billions of dollars to States because of the fraud perpetrated on the public by the tobacco industry.

I was happy to support those State suits. But at the same time, President Clinton was President, and many of us said: Why isn't the administration in Washington doing the same thing? Why don't we bring a lawsuit on behalf of taxpayers across America who have had to pay out billions of dollars for medical care for tobacco-related disease and death? Why shouldn't they be compensated, as the States successfully prosecuted the tobacco companies for compensation at the State level?

To their credit, in the closing days of the Clinton administration, they prepared a lawsuit and started it against the tobacco companies by the Federal Government. And then, with the change in the administration, there was a question as to whether or not this new administration would still dedicate its resources and determination to successfully prosecute the same lawsuit.

We were concerned because initially there was criticism that the Department of Justice was putting too much money into this lawsuit. Attorney General John Ashcroft, as a Senator in this Chamber, was critical of this lawsuit against the tobacco companies. So many of us had justifiable concerns about whether or not the Federal Government would really vigorously pursue the lawsuit against the tobacco industry.

I am happy to report to you today that what has been disclosed within the last several weeks gives us great encouragement because we now have had disclosed documents that have been prepared by our Government, by our Department of Justice, demanding, in this lawsuit, changes in policy by the tobacco companies which could not be more encouraging.

Many of the things I am about to read to you have been proposed by people such as myself concerning the tobacco industry for years, and it has fallen on deaf ears in Congress. Congress is one of the worst places in the world to go and discuss the tobacco issue. The tobacco lobbyists are all over the Capitol. The tobacco interests fund campaigns right and left, and they make it very difficult for anything to be done on Capitol Hill. That is why the courts have been more successful.

But let me give you an idea of a number of the things this administration is asking for as part of their lawsuit which would really change the way tobacco products are going to be sold in America.

It would restrict all cigarette advertising to black and white print-only formats, with 50 percent of the space dedicated to graphic health warnings. In other words, all the glamour and glitz of the billboards, and all the other advertising on cigarette packaging and in magazines, would be replaced by very stark and clear black and white advertising with very graphic health warnings.

This is not a new idea. The Canadians have been in this business for a long time. Other countries around the world, such as Poland, for example, have started doing things relating to tobacco advertising the United States should have done years ago.

It would require cigarette packaging, under this demand from the Department of Justice, to carry health leaflet inserts.

It would end trade promotions and giveaways.

It would ban all vending-machine sales, which is the avenue by which many underage smokers start their habit.

It would forbid "light," "low-tar," or "mild" labels, which are deceptive on their face.

It would require the industry to publicly disclose all ingredients, additives, and toxic chemicals.

It would require the industry to publicly disclose manufacturing methods and marketing research.

And it would eliminate the slotting fees paid to retailers for favorable placement of tobacco products.

This is an amazing array of remedies being asked for by the Department of Justice. I stand in this Chamber as someone who has been skeptical of their commitment. I applaud them for the real leadership they are showing in this lawsuit. If this is a change of heart in the administration, let this Democrat stand here and be the first to praise the administration for its leadership.

We need this. We need a commitment not just of resources, but a commitment of talent at the Department of Justice to make this legal action successful. Congress now needs to ensure, in our appropriation, that we adequately fund the Department of Justice to pursue this lawsuit. Give the Department of Justice the resources it needs to fight the tobacco industry. They are going to put together hundreds of lawyers to defend their miserable product and their practices. We need to have a team just as good and well funded on our side.

I can tell you as well, don't be deceived by the advertising from the tobacco industry. They have not changed. The Department of Justice uncovered documents that show, as recently as 1997, when the State settlements were being negotiated, the tobacco industry was conducting studies so that they could determine the brand preferences of young smokers between the ages of 12 and 20. Despite all of that beautiful advertising put on by Philip Morris and other companies on the television, which says: No we can't sell you these cigarettes, kiddo; you know what the law is. The fact is, this industry would die if they could not recruit teenage smokers. They are still trying to find ways to reach them.

As long as they are doing that, this insidious effort to make addicts of our children so that they ultimately become hooked and die from tobacco-related disease has to be fought every step of the way. It is time for us in Congress to wake up to the need for the Food and Drug Administration to have new authority to regulate tobacco products. They have slipped through the cracks entirely too long when it comes to Government oversight. It is time to change it.

IN MEMORY OF TOM WINSHIP

Mr. KERRY. Madam President, I share a loss which many in New England, and Massachusetts particularly, feel today. Thomas Winship, editor of the Boston Globe from 1965 to 1984, and a champion of the role that the American newspaper plays in our lives and the lives of our country, died early this morning after a long and brave battle with cancer, leaving behind his wife Beth, a sister, Joanna Crawford; two sons, Lawrence and Ben; two daughters, Margaret and Joanna, and eight grandchildren.

Our condolences from all in the State of Massachusetts and all who knew him. Our prayers go out to them today as they grieve the passing of this very special man.

Their loss is also our country's loss. I can say without embellishment that Tom Winship was one of America's great newspapermen. He was an extraordinary editor, a giant among a generation of editors that includes people such as Ben Bradlee and Joe Lelyveld, and a host of others, all of whom were a band of brothers at that time, who sought to change the face of America, our politics, our culture, and our lives, in a positive way, using their power of the print to be able to reach the American people with what they thought were best interpretations and aspirations of our country.

Tom was a man who lived the word "citizen" to its fullest. He loved his family, his country, his community, and the newspaper business, all with a burning passion. In his years at the Boston Globe, he left an indelible mark on the newspaper lore of our Nation. It is not an exaggeration to say that through his efforts and the efforts of others, they made a real and a significant contribution, certainly to the history of Massachusetts, of New England, and, in the conglomerate of all of them, of the country.

I first met Tom Winship when I was a young veteran, recently returned from Vietnam. I went to see him to talk about the war, a visit which led to a friendship that lasted some 31 years. When we veterans came to Washington in the early 1970s to speak our minds about the war in which we had fought, as veterans who believed we had no other choice but to tell another side of the story, something we thought was not sufficiently reported, Tom Winship showed a special and personal interest. He understood the meaning of that effort. He insisted that his paper cover that story, our story, and I think, even fairly stated, America's story. He insisted that be covered when others were not so sure that was wise or that it mattered.

Tom's courage was measured not just in printing "The Pentagon Papers," for which he was bitterly attacked by some, but in covering all the words of the time—harsh words sometimes, honest words always, and words that might much more easily, were it not for him, have been ignored.

Tom's brand of special leadership did not begin or end with Vietnam. Perhaps it began even with the civil rights movement when he faced not just the segregation of the South but a segregation that he also recognized existed at home in the North. It was also his early activism, his willingness to protect the environment in the days when Rachel Carson and her book "Silent Spring" touched a new consciousness about clean air, clean water, and the birth of the environmental movement that never could have reached full momentum without Tom's stewardship of a newspaper determined to make it an issue.

It was the unflinching effort to press for reforms—in Massachusetts, in the State legislature, in the State constitution—and his creation of the Globe's Spotlight Team that awoke citizens to what was happening in too many instances in government, that made it possible for a new generation of reformers, Governors, to have a voice and find the platform that ultimately helped usher in the modern era of politics in our State.

On all these issues and so many more, it was Tom Winship who never shied away from steering the Boston Globe by his own moral compass. He believed that a newspaper served an important national purpose: To report the news, yes, but also, he believed equally importantly, to help his fellow citizens understand how events in their neighborhoods and beyond their borders impacted their lives. He believed in the role of the newspaper to help frame choices for each of us, to help us find a direction as a people, to open our eyes to the outcomes and possibilities which, as it always is in a democracy, are left up to the people to decide.

Tom thought it was entirely appropriate to make public a sense of moral outrage about the actions of people in public life whose choices or whose unwillingness to make choices, their inaction, came into conflict with the public interest. Tom Winship did not easily accept the changes he perceived in America's print media which seemed more and more interested in personality and conflict and less and less interested in ideas and ideals. Tom's sense of what was news and what was merely new never shifted. It was seared into him by his passion for a debate on big choices and his deep and unshakable belief that the newspapers were there to help us wrestle with those decisions.

For his enduring faith in the responsibility of journalists to our country, and for his remarkable energy spent to preserve that special role of the American newspaper in our democracy, for his courage in fighting to put real news, however contentious, on the front pages of America's consciousness, Tom earned the enormous and unfailing respect of his peers. He also earned the admiration of a generation of activists and outsiders who might well have otherwise been written out of our Nation's dialog.

For all that he did in his life and throughout his career, Tom leaves an enormous legacy, one that will endure, even as newsprint fades and newspapers yellow with age. It will not be just a memory but a standard, a standard that teaches us lessons about telling the truth and focusing on what is really important. When you lose a man such as Tom Winship, your first instinct is to say you will not see another one like him. But knowing what we do about Tom Winship, knowing all he stood for and all he accomplished, we also know he would not want that. He simply would not believe it. He would want us to think that the world we live in, in the future will be a world with more people pursuing the same goals, with more people who believe they can change things and follow his example.

He would have believed nothing less than that. Although the standard he set is exceedingly high, it will mean so much more to our country to see another generation that walks the path Tom Winship so courageously blazed for all of us.

I yield the floor.

OTTO REICH IS ON THE JOB

Mr. HELMS. Madam President, this past Monday, March 11, I was among the hundreds of Otto Reich's friends and supporters when he was sworn in by Secretary of State Colin Powell to serve as Assistant Secretary for Western Hemisphere Affairs.

His nomination had been delayed, to a frivolous extent, by a few Senators who held a grudge against Mr. Reich because he so ably served President Reagan in the 1980s as head of the U.S. Office of Public Diplomacy for Latin America.

Now, on this past Monday, March 11, surrounded by his family, his two daughters held the Holy Bible on which Otto placed his hand while taking the oath of office by Secretary Powell. There followed a thunderous and prolonged applause when the oath was concluded and Secretary Powell turned over the podium to Secretary Reich.

Madam President, it occurs to me that many will find Otto Reich's remarks on that occasion of special interest. Therefore, I ask unanimous consent that the text of those remarks be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY OTTO J. REICH UPON HIS SWEARING-IN AS ASSISTANT SECRETARY FOR WESTERN HEMISPHERE AFFAIRS, IN THE BENJAMIN FRANKLIN ROOM, U.S. DEPARTMENT OF STATE, MARCH 11, 2002

Mr. REICH. As President Bush would say, "Basta."

Thank you very much, Mr. Secretary, for those very kind words and for your presence here. I know how busy your schedule is and I very much appreciate your officiating at this ceremony.

Excellencies, Senator Helms—Chairman Helms, Secretary Martinez, colleagues from many years of service in the U.S. Government, Army buddies, un-indicted co-conspirators, friends, family, and special guests:

I know many of you have traveled many hours to be here, and I want to thank you all for sharing this important occasion with me and with my family. I believe, however, the delegation from Panama holds the record for the longest distance traveled. If anybody else has traveled longer, we have a prize for you afterwards.

As much as I appreciate your presence, my first words of gratitude, on behelf of myself and my brother, my family and my fellow Cuban-Americans, must go to this most generous of countries, the United States of America.

As most of you know, my country of birth, Cuba, lost its liberty to a totalitarian dictatorship forty-three years ago. My family, like so many other nonpolitical families, was in danger simply because of our love of liberty, which ran counter to the communist ideology being imposed by force on that island.

The United States of America opened its doors to us, as it has done for millions yearning to breathe free. It did not ask anything in return, except allegiance and respect for the laws. It protected our lives, gave us liberty and the opportunity to pursue our happiness.

The Greek philosopher Thucydides said that Justice is the right of any person to do those things which God gave him the ability to do. By that or any other definition, this is a just country. Our nation is not perfect, but it allows its citizens to do that for which

God gave them the ability. To say that I am proud to be an American is the height of understatement.

I want you to reflect for a minute on what you have just witnessed: where else but in the United States of America could the son of Jamaican immigrants rise to be the National Security Advisor to the President, then become the highest ranking officer in the most powerful Armed Forces in the world and then the Secretary of State.

Where else could he administer the oath of office to another son of the Caribbean—half-Cuban, half-Austrian, half-Catholic, half-Jewish—and charge him with directing our country's relations with the 34 nations of our home hemisphere. But I don't want you White Anglo Saxon Protestants out there to despair. There is room in our society for you, too.

I wish all of you had the opportunity I now have to work with Secretary Powell and President Bush. I have been in meetings with them and with heads of state or foreign ministers of other nations. And in private, in staff meetings, I can tell you that you would sleep better at night knowing how calm, competent, strong and dedicated they are.

I would sleep better at night also, except for Deputy Secretary Armitage calling me to ask where is the memo that was supposed to be upstairs by close of business!

I am proud today not just because I am being sworn in to this office. I was proud when I was given the opportunity by this country to be the first one in my family to graduate from college, and then to obtain a graduate degree; to be an officer in the U.S. Army; and to be sworn-in three previous times to Presidential appointments. I am proud of every single job I have performed in service to our country.

Much has been written in the so-called "prestige press" about my previous work. Some of it even true! There were charges of "covert propaganda" by the office I headed in the 1980's: the Office of Public Diplomacy for Latin America and the Caribbean. Well, Mr. Secretary, today I have a confession to make about the work of that office. Now that the Statute of Limitations has expired, I think it is safe for me to confirm what so many on the other side suspected: Yes, the Office of Public Diplomacy for Latin America and the Caribbean was single-handedly responsible for the downfall of the Soviet Union!

There are so many things for which I am grateful today. Like two beautiful and intelligent young ladies who held the Bible. The person responsible for their being smart and pretty is here, their mother—Connie—my friend and former wife, and someone who made many sacrifices to help get me to where I am today. I don't think anyone has a more supportive ex-spouse than I do. Thank you, Connie.

And also here is another very special lady, Lourdes Ramos, who this past weekend accepted my proposal of marriage. Thank you, Lourdes. I look forward to our life together. It's a busy weekend.

Standing up here, I stand figuratively on the shoulders of all of you. Each of you is here because you had something to do with my being here, some more than others. As George Orwell said in Animal Farm, "All animals are equal but some are more equal than others."

I am not going to start naming the names of those who are more equal than others, but you know who you are. Since I can't possibly name each one, please consider yourselves properly singled out.

I do want to thank President Bush and Secretary Powell not only for selecting me to this incredibly exciting post, but for sticking with me in the face of unfair, anonymous or just plain false charges. I want to thank those who kept encouraging me to "Hang In There."

Believe me, I hung in there and I have the rope burns around my neck to prove it!

But how could I not persevere? I am an American. When the Founding Fathers pledged their lives, their fortunes and their sacred honor to create this experiment in democracy in 1776, they did not qualify their words. They didn't say they were going to reconsider if they ran into some resistance from the British. Well, I was not going to reconsider either.

How could I? My late parents were not quitters, and they are proud of my service to their adopted country. My mother was a poet and a free spirit. She was also practical and hard-working, a telephone operator and a union member.

I like to remind my Democrat friends that I come from a labor union family and am proud to have served the only U.S. President to have been president of a labor union: Ronald Reagan, the man who with his foreign policy vision and courage laid the groundwork for the end of the Evil Empire. And by the way, with the help of a lot of people who are in this room, such as Ambassador Kirkpatrick, Secretary Powell, and many others.

How could I quit? The memory of my father would not have let me. He left his home in Vienna in August of 1938, after being beaten up numerous times by Nazi thugs because of his Jewish religion. He rode 700 kilometers on a motorcycle, driven by his best friend, a Catholic, to the Swiss border, and crossed the Alps on foot into Switzerland.

He made his way to France and joined the French Foreign Legion so he could fight the Nazis who had taken over his beloved Austria. The same Nazis who would later kill his parents, my grandparents, along with millions of other innocent victims.

More than a year after the French Army surrendered, he boarded a Portuguese freighter in Casablanca, headed for Jamaica and Cuba, and in 1942 he landed in Havana, where he found work, met my mother, started a family and hoped he could finally live in peace.

I would not be deterred, also because of the memory of my maternal grandfather, Juan Fleites. At the age of fifteen, exactly one hundred and seven years ago, in 1895, he joined the Cuban insurgents who were fighting for Cuba's independence from the Spanish. He was too young to serve as a warrior, so he became a medic's assistant and a stretcher-bearer, helping to carry the casualties off the battlefield and cleaning their wounds as best he could.

Secretary Powell is rightfully proud of his heritage and his accomplishments as a military officer and a civilian. But I am also proud, Mr. Secretary, that my grandfather served in Cuba's liberation army under a general named Antonio Maceo.

Maceo was the equivalent of the Chairman of the Joint Chiefs of Cuba's insurrection. He was a black man and the descendant of slaves. Today we would call him Afro-Cuban. Over one hundred years ago, Cubans of all races willingly fought and died for their independence under the general they called "El Titan de Bronze," the Titan of Bronze, in honor of the color of his skin.

Antonio Maceo was the highest-ranking military officer of African heritage in this hemisphere until Colin Powell came along. And today I am proud to serve under another "Titan de Bronze."

Much has been made of my Cuban-American heritage. One group said that I couldn't possibly handle our relations with this hemisphere because I don't have the right temperament, by virtue of my ethnic background. They actually put that in writing. They said that I can't make rational decisions because of my ideology! Well, they are not saying that anymore, because I had them all arrested this morning!

Seriously, I think it is time that Cuban Americans cease to be the one ethnic group which the media still finds acceptable to denigrate. How could I not persevere to be appointed into what I think is the best job in the government? Where else can you work twice the number of hours as in the private sector, make half the money, and get public abuse in the process? As my father would have said: "Such a deal!"

I am part of a great team of professionals, both career and non-career. I am both excited and apprehensive about this assignment, because seldom have we faced as many challenges and opportunities simultaneously in the Americans as we do today.

This is a continent of contrasts: incredible wealth and unbearable poverty; freedom and repression; world class literature and high illiteracy; abundance and injustice. It is a continent where peasants and workers and laborers work from dawn to dusk, but reach the end of their lives in misery. What is the reason for that? It is not for lack of resources.

This continent has all the natural and human resources necessary to achieve levels of development like those of Europe or North America.

The creative forces of all the population must be allowed to flourish. Governing elites must encourage, not discourage, individual initiative. People must be given the freedom to produce and then to enjoy the fruits of their work.

There is too much false nationalism and not enough commitment to national advancement. Those who keep the masses of the people from climbing the social and economic ladder are condemning their nations to perpetual underdevelopment.

We must battle a number of threats all at once: terrorism, drug trafficking, common crime, disease, ignorance, illiteracy, poverty, apathy, racism, despotism, selfishness. As Secretary Powell mentioned—corruption. Corruption is the single largest obstacle to development in the developing world. Those who steal from the public purse are doing as much harm to their country as a foreign invader would.

Whether it is the policeman who takes a $2 bribe to tear up a traffic ticket or the Cabinet official who takes $2 million to rig a government contract, they are doing untold damage to their countries.

But in adversity there is opportunity. For each financial collapse there is the possibility of recovery. For every war there is the prospect of peace. The Mexican patriot, Benito Juarez, said "El respeto al derecho ajeno es la paz." Peace, he said, is achieved through respect for the rights of others. And when governments and persons follow Juarez's advice and respect the civil, political and economic rights of others, we will have peace.

The U.S. cannot solve all the problems of this Hemisphere. But we can help those who help themselves.

Finally, as I said earlier, questions were raised about my ideology. If you want to know what my ideology is, you need not go far. Just drive a few blocks from here to the Jefferson Memorial.

Inscribed in the largest letters at the highest point of the inside of the monument is a quotation from that great Virginian and first Secretary of State: "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man." That is where my American ideology is founded.

As Thomas Jefferson's words remind us, our struggle against tyranny is not finished. Since September 11, exactly six months ago today, we are more determined and indivisible than at any time since World War II. Whether they are terrorists in Afghanistan or Colombia, or despots in Baghdad or Havana, anyone trying to impose tyranny over the mind of man has earned our eternal hostility.

Thank you all for sharing this very important day with me and my family.

God Bless you and God Bless this great country of ours.

ARSENIC-TREATED RESIDENTIAL-USE LUMBER PROHIBITION ACT

Mr. NELSON of Florida. Mr. President, I take this opportunity to share with the Senate a letter I received from a 13-year-old named Kevin from St. Cloud, FL. It is a town in Osceola County, near Orlando, FL, in the center of our State. Kevin writes this letter, and I will read part of it:

> I'm 13 years old and a Boy Scout of America. I would like to address you about a problem in a local park, that may be a problem in other parks. The park near my house has arsenic in the wood.
>
> Please help with this quickly. I have a little brother who plays in the park.

That is from a 13-year-old writing to a Senator.

Kevin, I hear you. I hope my colleagues do, too.

Kevin is addressing a problem many families and communities all across our Nation now find themselves confronting. They are all asking the question: Is my local park safe from the arsenic-treated wood which, when the rains come, leach the arsenic from the playground wood into the soil? Should I tell my children they cannot play in the park because of the wood that is treated as a preservative with arsenic?

What I found is that local officials, county commissioners, city commissioners all across Florida and many other States have raised similar questions about the use of arsenic to treat wood in playgrounds and backyard decks. The fact is, none of these communities has been given any clear guidance of what to do about arsenic-treated wood in their parks, in their backyards, and neither have the parents of kids such as Kevin. That is why I wanted to share Kevin's letter with the Senate today. The Senate has an opportunity, after more than two decades of delay, to finally ban the use of arsenic-treated wood and to provide parents and communities and local officials the information needed so they can make intelligent decisions about safety.

While the Environmental Protection Agency recently announced a voluntary phaseout of arsenic-treated wood, this agreement with the wood-preserving industry does not go far enough. For one, it is only a voluntary agreement, reminiscent of a voluntary agreement 20 years ago that the industry did not honor. Remember, we are talking about arsenic which can cause cancer and other serious illnesses, which is what this little boy from St. Cloud, FL, is writing me about because his little brother plays in the park.

Many European countries recognized the dangers long ago. It is time we get serious about a process we know can be harmful to children and consumers. The EPA has studied and negotiated this issue to death. Yet the best deal for consumers that they can come up with is a voluntary phaseout. Also, the EPA agreement with the wood-preserving industry fails to provide enough guidance to consumers, fails to provide the guidance to parents and local government officials about what to do with all that arsenic-treated wood on those playgrounds about which little Kevin is writing.

I urge my colleagues to join me in enacting legislation I filed to permanently ban this potentially harmful product. It is S. 1963.

TRIBUTE TO MARVIN SEDWAY

Mr. REID. Mr. President, I rise today to celebrate the official opening of the Marvin Sedway Middle School in Las Vegas, NV. This state-of-the-art facility provides an enduring tribute to one of Nevada's most esteemed and courageous political figures.

Marvin Sedway was a man with a ferocious spirit. His language was rough and his determination was fearless, but in everything that he did, Marvin was dedicated to the betterment of Nevada. As a State assemblyman he demonstrated an unwavering dedication to the children of his State and made their education his top priority.

Marvin Sedway moved to Las Vegas from New York City when he was 13 years old. In 1946 he graduated from Las Vegas High School and then he attended the University of Nevada at Reno. After completing his professional education at Pacific University in 1954, Marvin worked as an optometrist for almost 40 years. Throughout his career, Marvin Sedway's compassion and generosity were evident. It was widely known that Marvin volunteered thousands of hours to serve handicapped and underprivileged children who could not afford proper care.

Even before his election to the Nevada State Assembly in 1983, Marvin was an integral part of the Nevada political scene. In 1958 Marvin was a member of the Democratic Party Reform Commission, and in 1968 he became the State chairman of the "Humphrey for President" campaign. Marvin was also selected by several Nevadan Governors, including my good friend Governor Mike O'Callaghan, to serve on various State boards. He was a member of the Governor's Task Force on Rural Health Emergency Services and an advisory board member for Clark County Community College. In addition, he served as secretary of the State Board of Optometric Examiners and president of the Clark County Mental Health Society.

As a member of the Nevada State Assembly, Marvin gained prominence across the State for his service as chairman of the Assembly Ways and Means Committee, which allowed him to determine which bills would survive and which bills would not move forward. Marvin used his coveted position to advocate for those who often are voiceless including welfare mothers and low-income workers and families. In addition, while many others shied away from unpopular tax increases, Marvin's courage led him to support increases that would fund the State's expanding services and social programs.

Marvin's greatest cause was improving the education of Nevada's school children. He was a great believer in the importance of a strong public education system and continuously pushed for increasing funds for State schools. Throughout his 8 years in the Nevada State Assembly and even before then, he worked to ensure that Nevada's children had the resources to improve their lives, receive a solid education, and fulfill the American dream.

When Marvin Sedway died of lung cancer on July 7, 1990 at the age of 61, Nevada lost a great leader. But as the doors of the Marvin Sedway Middle School officially open, we can celebrate his legacy as a public servant committed to education. Thousands of young Nevadans will be educated in this remarkable facility, fulfilling Marvin's hopes and ambitions for Nevada's children.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 1994 in Sioux City, IA. Two gay men were attacked when two intruders broke into their residence. The assailants, Anthony L. Smith, 17, and Henry White, 18, were charged with first-degree burglary and second-degree criminal mischief under the State hate crime statute.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

RETIREMENT SECURITY ADVICE ACT OF 2002

Mr. BOND. Mr. President, today I am adding my name as a co-sponsor of the Retirement Security Advice Act of 2002, S. 1978, introduced by my good friend from Arkansas, Senator TIM HUTCHINSON. I do so, and submit this statement for the RECORD, because the bill holds important implications for small businesses in this country and the millions of Americans they employ.

In 1996, we created the Savings Incentive Match Plans for Employees SIMPLE, as a pension-plan option for small firms in this country. The goal was a simple one: provide a pension plan with low administrative costs for employers so they can offer pension benefits to encourage employees to save for their retirement. I am pleased that these plans have become quite popular, and together with the other pension simplifications and improvements enacted in the last five years, they have contributed to better access to pension benefits by small businesses and their employees.

Greater retirement savings, however, have raised new and complex issues for many employees who have seen their pension accounts grow substantially. As the Ranking Member of the Committee on Small Business and Entrepreneurship, I have heard many constituents raise difficult questions in this area: What are appropriate investments for my personal circumstances and risk tolerance? Should I buy stocks, bonds, annuities, or something else? How should I diversify my investments? When should I modify my investment mix? And so on.

The importance of these questions has increased substantially in light of recent high-profile business failures and more generally because of the economic downtown. Gone are the days of the momentum market where any dollar invested seemed to grow with little effort or risk.

The return to more cautious investing has left employees who participate in employer-sponsored pension plans in a real dilemma, hire an outside investment advisor or go it alone in most cases. Why? Current pension rules effectively preclude most employers from offering investment advice to their employees. In fact, recent estimates are that only about 16 percent of participants have access to investment advice through their pension plan. In today's complex investment environment that is simply too little help for employees who are trying to manage their retirement security.

Senator HUTCHINSON's bill addresses this situation in a responsible way. For most businesses, and particularly small firms, the logical place to look for an investment advisor would be the company that manages the plan's investment options or an affiliated firm. Under Senator HUTCHINSON's bill that option would now be available, opening the door for countless businesses to offer this important benefit at a low cost to their employees who participate in the company's pension plan. In addition, by allowing more businesses to offer investment-advice benefits, the bill creates an opportunity for increased competition among investment advisors, which can lead to better advice products and lower costs overall.

Senator HUTCHINSON's bill, however, does not simply change the rules to help the business community. It also includes critical protections for the plan participants. Investment advisors must satisfy strict requirements concerning their qualifications, and they must disclose on a regular basis all their business relationships, fees, and potential conflicts of interest directly to the participants. In addition, and arguably most importantly, the investment advisor must assume fiduciary liability for the investment advice it renders to the employee participants in the plan. In short, if the investment advisor does not act solely in the interest of the participant, it will be liable for damages resulting from the breach of its fiduciary duty. Together, the bill's provisions provide substantive safeguards to protect the interests of the plan participants who take advantage of the new investment-advice benefit.

Some have contended that a better alternative is to force small businesses to engage an independent third party to provide investment advice. I disagree. The result would simply be the same as under current law. Cost is a real issue for small businesses seeking to offer benefits like pension plans and related investment advice, hence, the genesis of the SIMPLE pension plan. As under the current rules, if the only option is a costly outside advisor, the small firm will not offer the investment-advice benefit. As a result, we would not move the ball even a yard further, employees would still be left to their own devices to figure out the complex world of investing or they would have to seek out and hire their own advisor, which few have the wherewithal to do.

More to the point, nothing under the Hutchinson bill prevents a business from engaging an independent advisor if the employer deems that the best alternative. The standard under the Hutchinson bill for selecting the investment advisor is prudence; the same criteria that the employer must exercise under current law when selecting the company that manages the pension plan and its investment options. If a prudent person would not hire or retain the investment advisor, then under the Hutchinson bill, the employer should not do so either or face liability for breach of fiduciary duty. Again, additional protection for the plan participants.

In my assessment, investment advice is an increasingly important benefit that employees want and need. Moreover, small businesses in particular need the flexibility to offer benefits that keep them competitive with big companies as they seek to hire and retain the very best employees possible. And when we talk about small business, we are not dealing with an insignificant employer in this country. In fact, according to Small Business Administration data, small businesses represent 99 percent of all employers and provide about 75 percent of the net new jobs in this country.

The Retirement Security Advice Act provides a carefully balanced and responsible solution to this situation. Most importantly, it provides a solution that employers will actually use to offer the investment advice sought by their employees who struggle to put money aside in the hopes of having a nest egg that someday will provide them with a comfortable retirement. I am pleased to co-sponsor this bill and look forward to working with my colleague from Arkansas to see it enacted into law.

REMEMBERING THE VICTIMS OF SEPTEMBER 11

Mrs. BOXER. Mr. President, today, I speak with great pain in my heart as our country remembers the victims of September 11. Monday was the 6-month anniversary of the attack on the World Trade Center and the Pentagon. Once again, I want to offer my condolences for the people who lost family members, friends, and loved ones.

The amazing generosity and outpouring of love expressed by so many people in our country over these past six months has been heartwarming, and I have never seen such unity.

Our country has been through a very difficult time. Each of us will remember where we were when we heard the news that commercial planes were turned into weapons against the World Trade Center and the Pentagon. Each of us will remember how we felt when we realized the incredible devastation of terrorism in our midst.

On that day I was in the Capitol in a meeting with Senate Majority Leader TOM DASCHLE and several other Senators when the planes struck the World Trade Center. As we evacuated the Capitol building, our brave Californians on Flight 93 were bringing down the plane, hijacked by the terrorists and most likely headed for us. I truly believe that those Californians on Flight 93 that day have made it possible for me to be here today.

Even as time has gone on, all I can think of is the people on those planes, every one of whom had a family. It is the families today that are coping with the results of September 11, and it is the families that will continue to keep the memory of the victims alive in all of our hearts. We have decided to fight and stand up for them and their memories.

I want to read the names of the victims—in the planes, in the Towers, and in the Pentagon—from the State of California: David Angell and Lynn Angell, Seima Aoyama, Barbara Aresteguis, Melissa Barnes, Alan Beaven, Berry Berenson, Yeneneh Betru, Carolyn Beug and Mary Alice Wahlstrom, Mark Bingham, Deora Bodley, Touri Bolourchi, Richard Guadagno, Daniel Brandhourst and David Brandhourst, Charles "Chic" Burlingame III, Thomas Burnett, Suzanne Calley, Jefferey Collman, Jason Dahl, Dorothy Dearaujo, Darlene Flagg, Dee Flagg, Wilson Flagg, Lisa Frost, Ronald Gamboa, Andrew Garcia, Edmund Glazer, Jeremy Glick, Lauren Grandcolas, Andrew Curry Green, Stanley Hall, Gerald Hardacre, John Hofer, Stephen Hyland, Barbara Keating, Chandler Keller, Jude Larson, Natalie Larson, Daniel John Lee, Maclovio "Joe" Lopez, Dora Menchaca, Hilda Marcin, Nicole Miller, Mildred Naiman, Laurie A. Neira, Christopher Newton, Jacqueline Norton and Robert Norton, Ruben Orneda, Jerrold Paskins, Thomas Pecorelli, Robert Penniger, Mari-Rae Sopper, Hilda Taylor, Douglas Stone, Alicia Titus, Otis Tolbert, James Trentini and Mary Trentini, Pendyala Vamsikrishna, Timothy Ward, John Wenckus, John Yamnicky, Sr.

Every generation has its time of testing. For my parents it was World War II, and for their parents it was World War I. Now, this our time, and this our challenge.

THE UNINSURED

Mr. SMITH of Oregon. Mr. President, I rise today to give tribute to some of the health care heroes in my home State of Oregon. During a recent visit to the Volunteers in Medicine Clinic in Eugene, OR, I was tremendously impressed by the strong public service ethic of the professionals who deliver high quality health care to their uninsured clients.

In 1999, a concerned group of citizens in Eugene, OR, convened to study the extent of the health insurance problem in Lane County. It found that 28,000 of their friends and neighbors in the county were uninsured. Of these, almost half were working families or low-income people.

As a result of that study, the Volunteers in Medicine Clinic came about. Under the executive director and board chair, Sister Monica Heeran, the mission of the clinic is to meet the health and wellness needs of the working poor by providing free medical care.

The Volunteers in Medicine model relies on practicing and retired medical professionals to serve individuals and families who have limited access to health care, typically the working poor. Over 300 health care professionals have generously given their time for this worthy cause that has helped hundreds of families secure a medical home.

One of the volunteers at the Volunteers in Medicine Clinic is Dr. John Haughom, vice chair of the Board and volunteer physician. He told me about a woman he had seen recently at the clinic, Mrs. Gonzalez, who had presented with a large mass under her right jaw. It had been growing for some time, but she had not sought medical care because she knew she could not afford it. Dr. Haughom diagnosed Mrs. Gonzalez with non-Hodgkins lymphoma and was able to arrange for the best possible treatment for her advanced condition. As she was treated, Dr. Haughom continued to visit her at her workplace. He clearly shared her joy when she told him that a surgeon had been able to remove the entire tumor, and that her recovery is expected to be complete.

I also heard from a patient who had gone to the Volunteers in Medicine Clinic with what he thought was a case of acid reflux—heartburn. In addition to being given medication to control the symptoms, the patient was referred to a cardiologist, who advised the patient to get an angiogram. It turned out that the underlying condition was no less than five clogged arteries, and the patient was scheduled for open-heart surgery the following day, which saved his life.

In both these cases, the high-quality care by dedicated medical professionals clearly saved the lives of these patients.

In my mind, every single person who volunteers his or her time at the Volunteers in Medicine Clinic is a true health care hero. It is truly inspiring to see what can happen when people share a vision and work to make life better for thousands one patient at a time. Today, I salute the work and workers of the Volunteers in Medicine Clinic, true heroes for Oregon.

CELEBRATING GIRL SCOUTS

Mr. NELSON of Nebraska. Mr. President, I rise today during the celebration of the 90th anniversary of the Girl Scouts of the U.S.A., to express my support for this respected organization.

The mission of the Girl Scouts is to help all girls grow strong. Girl Scouting empowers girls to develop to their full potential and to develop values that provide the foundation for sound decision-making. Scouting teaches girls to relate positively to others and to contribute in constructive ways to society.

Through Girl Scouting, girls acquire self-confidence, learn to take on responsibility, and are encouraged to think creatively and act with integrity. Girl Scouts take part in activities that teach them about science and technology, finance, sports, health and fitness, the arts, global awareness, and community service. These experiences allow Girl Scouts to develop the qualities that are essential in developing strong leaders.

Perhaps the best proof that Girl Scouting has had an important impact on women leaders in our country is the fact that over two-thirds of our doctors, lawyers, educators, and community leaders were once Girl Scouts.

I also would like to thank the many volunteers who make the Girl Scouts such a successful organization. These mentors and role models are essential in providing support to girls and empowering them to realize their potential and to achieve.

I think it is important to take this time today to celebrate and recognize the contribution Girl Scouting has made to our society by providing positive role models for girls and by encouraging them to become good citizens and effective future leaders.

Mr. SANTORUM. Mr. President, I would like to take this opportunity to recognize the Girl Scouts of the USA, as they are celebrating their 90th anniversary this week. Today, as the result of founder Juliette Gordon Low's vision, 2.7 million girls in more than 233,000 troops are learning the skills and building the character necessary to make a positive impact in the world. It is the Girl Scouts mission to help all girls grow strong by empowering them to develop their full potential, relate positively to others, and contribute to society. The Girl Scouts recognize the importance of training girls to become effective leaders by instilling in them strong values, increasing their social awareness, giving them responsibilities, and encouraging them to think creatively and act with integrity. The Girl Scouts also provide experience and instruction through a wide range of activities related to science and technology, money management and finance, sports, health and fitness, the arts, global awareness, and community service.

This significant undertaking would not be possible without the commitment and sacrifice of Girl Scout adult members. I would like to note that 99 percent of the nearly one million adults involved with the Girl Scouts are volunteers. Their willingness to invest in the girls of America is highly commendable and is the kind of service that President Bush has been praising and encouraging. It provides a perfect example of the good that can be accomplished when dedicated people get involved in their communities. More than 50 million Girl Scout alumnae are a testament to their success. Over two-thirds of our doctors, lawyers, educators, community leaders, and women Members of Congress were once girl scouts, as were 64 percent of the women listed in Who's Who of American Women.

Another facet of the Girl Scouts that makes them so admirable is the diverse membership they embrace. Troops can be found in every kind of community; girls are not limited by racial, ethnic, socioeconomic, or geographic boundaries. The Girl Scouts continue to expand, with troops now meeting in homeless shelters, migrant farm camps, and juvenile detention facilities. And because of a Girl Scouts initiative, called Girl Scouts Beyond Bars, girls can meet in prisons where their mothers are incarcerated. In addition to creating more troops, the organization has also established a research institute and has received funding to address violence prevention.

The Girl Scouts is an organization that we in this country are very proud of. The combination of educational and service-oriented programs and exemplary leadership produces the caliber of responsible citizens America needs, especially in this time of uncertainty. So today I would like to thank the Girl Scouts for their outstanding contribution to our society, and I want to express my firm support and congratulations as they strive to carry out the mission that was begun 90 years ago.

Mr. INHOFE. Mr. President, often when we think of Girl Scouts, we think of those delicious cookies that come to our door every year, delivered by smiling-faced girls. But we may not realize the positive impact Girl Scouts has had on so many women in our society.

Established by Juliette Gordon Low in 1912, Girl Scouts has evolved from a group of 18 girls in Savannah, GA to a national membership of 3.8 million. This week Girl Scouts celebrates its 90th anniversary and I want to recognize these exceptional girls and women who work so hard to become leaders in our society.

Currently, more than 50 million women are Girl Scout alumni, over two-thirds of which are doctors, lawyers, educators, and community leaders. Today, there is even a "Troop Capitol Hill" which is made up entirely of congresswomen who are honorary Girl Scouts.

In a time when more positive role models are needed, Girls Scouts often become good citizens and strong leaders through learning self-confidence, responsibility, and the ability to think creatively and act with integrity. They also participate in activities that teach them about science and technology, money management, sports, health and fitness, the arts, global awareness, community service, and much more.

In my State of Oklahoma, the Girl Scouts—Red Lands Council has launched an initiative to serve girls who have special financial and educational needs. This project has allowed many girls to become Girl Scouts who might not have otherwise had the opportunity.

Please join me in recognizing this outstanding organization for its role in giving today's girls a chance to become tomorrow's leaders.

Mr. DOMENICI. Mr. President, I rise today to congratulate the Girl Scouts of America on celebrating 90 years of making a difference in the lives of millions of girls and young women. Founded by Juliette Gordon Low on March 12, 1912, the Girl Scouts of America has a long and storied tradition of providing girls with the tools they will need to be successful members of our communities. America is a better country because this organization has led the way in preparing girls for leadership roles.

I have long supported efforts and organizations that help our young people deal with the very unique challenges they face. The Girl Scouts is an organization that is doing just that. In fact, that is exactly the mission of the Girl Scouts. I am proud of the efforts that the Girl Scouts has made in understanding and addressing the needs of girls.

As you know, I believe that we need to do better in teaching math and science to our young people. This is particularly true when it comes to our girls and young women. I am told that women constitute only 22 percent of our scientists and engineers in spite of making up 46 percent of our work force. The Girl Scouts is working successfully to change this through the Girls at the Center program, the National Science Partnership, the Elliott Wildlife Values Project, and one of the newest initiatives, Girls Go Tech. These programs have been very successful in helping girls realize their full potential in the areas of Math and Science and I look forward to the continued success of these programs.

Another feature of the Girl Scouts that I am excited about is its volunteer component. I believe that the Girl Scouts is exactly the type of organization that the President has referred to in his call for more volunteers. I don't think anyone could disagree when I say that this organization is only successful because of the efforts of its volunteers. Over 99 percent of the adults involved in the Girl Scouts volunteer their time.

In closing, I want to thank the women who came by my office yesterday to share with me the exciting things that the Girl Scouts of America is doing in my state of New Mexico. Based on the quality of women who made the long trip to our nation's capitol, I am confident in predicting much continued success for this organization in our state and in this great country.

Mr. MILLER. Mr. President, I rise today to recognize the contributions an extraordinary organization has had on the lives of young women in America. In 1912, the Girl Scouts of America was founded in my home State of Georgia by a visionary young lady named Juliette Gordon Low. Juliette's hope was to bring girls together in the spirit of service and community. Within a few years of the establishment of the first troop, the Girl Scouts had expanded to many different cities across the country, and had opened their doors to girls of all races and backgrounds. Since that time, the Girl Scouts have been a symbol of leadership in this country, from their involvement in relief efforts during the Great Depression to their activism for civil rights and environmental responsibility in the turbulent 60s and 70s. The Girl Scouts have celebrated traditional values like volunteerism and have taught young women the importance of leadership, financial literacy, good health, and global awareness.

Today, Girl Scouts organizations across America play a role in the lives of over 3.7 million young women. On this, the 90th anniversary of the creation of the Girl Scouts in Savannah, GA, I wish to recognize the vision of Juliette Gordon Low and the contributions of the Girl Scouts of America to the development of the intelligent, self-confident young women who play such an important role in America today.

Mr. BUNNING. Mr. President, today I would like to take the opportunity to honor the Girl Scouts of the United States of America for all that they have accomplished for America's young women. This week, the Girl Scouts is amazingly celebrating its 90th anniversary, and I believe it appropriate that we congratulate all involved with this storied institution for having the courage and capability to withstand and conquer the hands of time.

March 12, 1912, Juliette "Daisy" Gordon and 18 girls from Savannah, Georgia gathered for what was to become the first official meeting of the Girl Scouts. Like most great innovators, Juliette Gordon began her journey with a very simple and progressive idea. She thoroughly believed that every young woman deserves the opportunity to fully develop physically, mentally, and spiritually. Today, the Girl Scouts of the United States of America has a membership of 3.8 million—2.7 million girl members and over 900,000 adult members. That small southern group of 18 Savannah women has grown over the last 90 years into the largest organization for girls in the world. Through its membership in the World Association of Girl Guides and Girl Scouts, Girl Scouts is part of the worldwide family of 10 million girls and adults in 140 countries. They even received a charter from the United States Congress in 1950 officially establishing the Girl Scouts of the United States of America.

By enrolling in the Girl Scouts, a young women is afforded the unique opportunity to enhance her communication and social skills, to develop a strong sense of self, to participate in innovative programs, and to foster her creative side. At the different levels of Girl Scouting, girls learn relevant and applicable skills relating to science and technology, money management and finance, health and fitness, community service, sports, and global awareness. These young women are learning how to be productive and proactive citizens, who will some day have the chance to change the way the world works. In fact, over two-thirds of women doctors, lawyers, educators, community leaders, and members of Congress in the United States were once proud participants in the Girl Scouts. In 1999 "Troop Capitol Hill" was founded to honor those women members of Congress who were in the Girl Scouts. Furthermore, 64 percent of the women listed in the Who's Who of American Women were at one point Girl Scouts. The Girl Scouts has found a successful way to bring out the best in its young women, and I personally thank the leaders and supporters of this great organization for continually producing strong and bright young women committed to making this country a better place to live.

I would now like to pay a special tribute to the Girls Scouts of Kentucky. In the Commonwealth of Kentucky, over 43,000 girls and 13,000 adult volunteers participate in the Girl Scouts. In fact, all five of my daughters were Girl Scouts and six of my beautiful granddaughters are currently learning what it means to live by The Girl Scout Law. Girl Scouts of Kentucky has made a substantial effort to reach out to young girls who typically might not be able to be involved in the program due to monetary issues. They have even gone as far as to establish troops in homeless shelters and low-income housing projects. The women of Girl Scouts of Kentucky have gone above and beyond their call of duty to ensure that every young woman in the Commonwealth has the opportunity to realize the vision Juliette Gordon set out in 1912. I ask that my fellow colleagues join me in applauding their selfless efforts.

Finally, I would like to share with my colleagues the timeless words of The Girl Scout Law.

I will do my best to be
  honest and fair,
  friendly and helpful,
  considerate and caring,
  courageous and strong, and
  responsible for what I say and do and to respect myself and others,
  respect authority
  use resources wisely
  make the world a better place, and
  be a sister to every Girl Scout.

Mrs. CLINTON. Mr. President, on the occasion of the 90th anniversary of the Girl Scouts, I want to take this opportunity to discuss the exciting work of the Girl Scouts in New York State. I am proud to report that over 190,000 girls participate in New York Girl Scout troops, with the help of over 50,000 adult volunteers.

For 90 years, the Girl Scouts have been hard at work building the self-esteem of girls, raising awareness about the importance of public service, building character, and developing leadership skills. Today, as scouting enters the 21st century, Girl Scouts in New York are involved in a series of new projects and outreach efforts.

Immediately after September 11th, New York troop leaders quickly revised a curriculum on tolerance and diversity to include the attack on New York and our country. The revised curriculum helped to provide local leaders across the State with the tools they needed to help girls deal with our national tragedy.

New York Girl Scouts are reaching out to new members in underserved communities. Troop leaders are working through the schools and through housing programs to recruit girls who may not be familiar with scouting, and to create opportunities for new experiences and challenges.

The Genesee Valley Girl Scouts offer an innovative conflict resolution program that provides anger and conflict management training for middle school girls referred by school guidance counselors. Role-playing is used to teach girls a range of peaceful solutions to different situations. This program has been a huge success: 88 percent of participants maintained or improved school attendance, 72 percent maintained or improved their GPA and 82 percent reduced disciplinary problems.

From Buffalo to Chappaqua, from Elmira to Long Island, Girl Scout troops across New York are committed to public service projects that help instill in our youth the importance of helping others. And girls across the State are learning the value of hard work and commitment through their efforts to meet the requirements of merit badges.

Every year in New York, a small number of girls are honored with the Gold Award, the highest achievement award given by the Girl Scouts. In order to be eligible for a Gold Award, a Girl Scout must first meet the requirements of a series of awards that require leadership and work on behalf of their community. Gold Award recipients must also design and follow through with an extensive community service project. I want to take this opportunity to congratulate the New York Gold Award honorees for their great public service accomplishments and commitment to scouting.

As a member of the Honorary Congressional Girl Scout Troop and a former Girl Scout, I encourage my colleagues to support Girl Scouts in the 21st century. I look forward to working with New York Girl Scouts to help create opportunities for girls and to encourage youth involvement in public service.

ADDITIONAL STATEMENTS

IN RECOGNITION OF DR. CHARLES H. WRIGHT: DOCTOR, HISTORIAN, AND CIVIC LEADER

• Mr. LEVIN. Mr. President, I ask the Senate to join me today in extending my condolences to the family and friends of Dr. Charles H. Wright, who passed away on March 7, 2002. During his 83 years, Dr. Wright left an indelible mark on this country through his work as a doctor, a civil rights leader, a community activist and a leader in the national movement to create museums celebrating the history, culture and accomplishments of African Americans.

Legend has it that it was Charles Wright's mother who inspired him to attend medical school, by declaring at age eight that he would become a doctor. Growing up in segregated Alabama, to parents who's own education stopped at elementary school, Wright had to overcome many obstacles to make his mother's dream a reality. But, as those who knew Dr. Wright can attest, he was not one to shy away from a challenge. He did attend medical school, and in 1946 he moved to Detroit, where he served his community as an obstetrician/gynecologist. He delivered more than 7,000 babies, including those of some of my staff. Today, you can still meet adults in Detroit who will refer to themselves as "Dr. Wright's babies."

Dr. Wright was always concerned about the plight of black people, both here and in Africa. He answered the call of Dr. Martin Luther King, traveling to the South to protest and to help those protesters who required medical assistance. He worked to end discrimination in hospitals, where empty beds were being denied to blacks because the hospital refused to put black patients and white patients in the same room together. He traveled to newly post-colonial Africa to work in villages lacking adequate health care resources. He helped raise money so that African children could come to American universities. He was constantly driven to serve others, and to serve those whom he felt he could best help.

Dr. Wright is perhaps best known as the man responsible for Detroit's Museum of African American History, the largest such museum in the world. Inspired by his travels to Africa, and concerned that the children he was helping to bring into the world had no place to learn about themselves and their history, he decided to create a museum dedicated to educating people about the contributions of African Americans to society. In 1965, he opened the International Afro-American Museum in the basement of his home and office. Investing significant amounts of his own money and time into the museum, it eventually outgrew his home and was moved into a new, larger building in the heart of Detroit's University Cultural Center and was renamed the Museum of African American History.

That museum moved again in 1997 to an even larger building, and has received international recognition as one of the finest museums of its kind. In 1998, it was renamed the Charles H. Wright Museum of African American History in recognition of the vision and dedication of Dr. Wright. Each year millions of Americans of all races visit this museum and learn about the history of African Americans, ensuring that Dr. Wright's legacy will live on and be passed down to future generations.

Dr. Wright's life should serve as an example to all Americans. Throughout all his endeavors, he stressed the values of education, understanding and overcoming obstacles. But perhaps most importantly, he lived his life in service to others. While he will be sorely missed by those whose lives he touched, he will long be remembered for all that he gave.●

TRIBUTE TO KYLIE WHITE

● Mr. BROWNBACK. Mr. President, I would like to take this moment to recognize Kylie White, a fifth grade student at Lowther South Intermediate School in Emporia KS. Kylie was recently selected as the Kansas recipient of the Nicholas Green Distinguished Student Award from the National Association of Gifted Children.

The NAGC—Nicholas Green Distinguished Student Awards program—recognizes excellence in young children between third and sixth grade who have distinguished themselves in academics, leadership, or the arts. This program is funded by the Nicholas Green Foundation, established by Maggie and Reg Green, and the Nicholas Green Scholarship Fund, both created to honor the memory of the Green's seven-year-old son Nicholas, who was killed in a drive-by-shooting while vacationing in Italy in 1994. The program highlights high-ability students across the country, demonstrating that gifted and talented children come from all cultures, racial and ethnic backgrounds, and socioeconomic groups.

The NAGC—Nicholas Green Distinguished Student Award honors America's outstanding students, who serve as role models for all of our Nation's children as they strive for excellence. I am proud that Kylie has been selected to receive this honor on behalf of the State of Kansas. I wish her continued success in all of her future endeavors.

I ask consent that Kylie's NAGC—Nicholas Green Distinguished Student Award composition be printed in the RECORD following my remarks.

The composition follows:

"Mama, a problem is only a problem until you solve it." These were the words I spoke when I was only three. Ever since then I have been solving all different kinds of problems, whether they only took a couple minutes or months to figure out. What I like about problems is that each and every one of them is different and you have to pull together all of your knowledge and creativity to figure them out.

I got interested in problem solving when I was little. My Dad taught me how to solve all kinds of problems. Whether it was figuring out the money in Monopoly or deciding how to make a stable structure out of Legos all kinds of "problems" were tackled. I was very lucky to have great first and second grade teachers who daily stretched my skills and encouraged me to set high goals. Mrs. Davidson and Ms. Newton taught me how to really push myself.

In second, third and fourth grades, my principal offered the "Principal's Problem of the Week." These were optional challenging word or math problems that always got me thinking. I was awarded top "Principal's Problem of the Week Solver" three consecutive years. In grade school I went to the library once every week and solved challenging problems for gifted children.

I've been in Odyssey of the Mind for three years now. Odyssey of the Mind is a team problem-solving competition with both "long-term" and "spontaneous" problems. The long-term solution you work on for months before you go to the competition. The spontaneous problem's name kind of explains itself. You get the problem and usually you get 1 minute to think and 2 minutes to answer. The team I was on in fourth grade made it all the way to World Finals in Knoxville, Tennessee. Raising the money to get there was a problem in itself. We had a lot of fun there and we took 25th place out of 44 teams in our division even though we were a very young team.

This year in 5th grade my biggest challenge has been learning how to speak French. I have also served as a peer mentor in a group for students having problems making and maintaining friendships. I like helping others solve their problems.

Problem solving opens up a lot of opportunities for me. The cure for cancer is a problem. Putting the pieces together at a crime scene and helping find a serial killer are important problems that will help people feel safer in their beds. I could help people solve their problems if I were to become a psychologist. I could be a teacher and help kids learn how to solve problems. Or maybe I could be a top presidential adviser and solve international problems.

Problems solving is a way to exercise your brain. It is a fun way to expand your knowledge horizon. I hope to stay at it for a long, long time.●

RECOGNITION OF THE LYON COLLEGE CONCERT CHOIR

● Mrs. LINCOLN. Mr. President, I rise today in recognition of the Lyon College Concert Choir on the occasion of their performance at the National Cathedral, March 17, 2002. Lyon College, located in Batesville, AR, offers a liberal arts education of superior quality in a personalized setting. A selective, independent, undergraduate, residential teaching and learning community affiliated with the Presbyterian Church, USA, Lyon encourages the free intellectual inquiry essential to social, ethical and spiritual growth. With a rich and scholarly and religious heritage, Lyon develops, in a culture of honor, responsible citizens and leaders committed to continued personal growth and service. We in Arkansas are extremely proud of the young people from Lyon College who will fill the cathedral with song on March 17.●

CITY OF ABSECON CELEBRATES CENTENNIAL

● Mr. CORZINE. Mr. President, it is with great pride that I bring to your attention the lovely waterfront community of Absecon, which is celebrating its centennial year on March 24, 2002. Absecon, originally Absecum, comes from the Algonquin Indian word Absegami, meaning "Across Little Water." Located in Atlantic County, Absecon was incorporated as a city on March 24, 1902. It is governed by an elected body consisting of a mayor and council members. The community, which lies adjacent to Atlantic City, encompasses 6 square miles and is predominantly residential, with a population of approximately 7,700 residents.

Finding the area lush with pines, cedars, and bayberry bushes, early English settlers in Absecon earned their living clamming and oystering. Soon wharves lined the creek, and boats large and small were built along the banks of this bustling seaport. In 1795, Thomas Budd purchased 10,000 acres of land in what later became Atlantic County. He paid 4 cents an acre for the land on which Atlantic City now stands. It was called Further Island, further from Absecon, and later called Absecon Beach and finally became Atlantic City. The land was originally purchased for control of the waterways and not for farming.

In 1819, Dr. Jonathan Pitney, saddlebags brimming with medical supplies, a blanket, and clothing, rode into Absecon on horseback to set up his medical practice. Only 21 years old, Dr. Pitney came to Absecon after completing 2 years as an assistant in a hospital on Staten Island, following his graduation from a New York medical school. Few in the village could have known that this young doctor would one day become famous and be forever known as the "Father of Atlantic City." For by

1834, the village known as Absecum in Galloway Township still only consisted of a tavern, store, and 8 to 10 dwellings.

When not visiting patients, Dr. Pitney could always be found strolling the shoreline taking in the sea air. It did not take long for Dr. Pitney to realize the benefits of the sea air and to determine that this area was magical and had the ideal climate for a health resort. Convincing the municipal authorities that a railroad to the beach would be beneficial, he was to be responsible for the construction of the railroad east across New Jersey through the salt marshes to Absecon Island, now Atlantic City. Shortly thereafter, Dr. Pitney again became a leading force in the Village, petitioning Congress to construct a lighthouse at the north end of Absecon Island. Years later the Absecon Lighthouse was constructed putting an end once and for all to the countless scores of shipwrecks along the shoals and beaches near "Graveyard Inlet."

By 1899, Absecon's population was only 530 people but, in March of 1902 the legislature of the State of New Jersey approved an act to incorporate Absecon City in the County of Atlantic, as a city. From these humble beginnings, Absecon has grown to become a charming city by the water, housing a Central Business District and Light Industrial areas.

I invite my colleagues to join me in congratulating Mayor Peter C. Elco and the citizens of Absecon on their centennial. May they have another 100 years of prosperity and community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 12:06 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2341. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

MEASURE REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2341. An act to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.

MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar

H.R. 2175. An act to protect infants who are born alive.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5730. A communication from the Secretary of the Interior, transmitting a draft of proposed legislation entitled "Bureau of Land Management Appropriations Reauthorization Act of 2002"; to the Committee on Energy and Natural Resources.

EC–5731. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation entitled "Analog Spectrum Lease Fee Act"; to the Committee on Commerce, Science, and Transportation.

EC–5732. A communication from the General Counsel of the Department of Commerce, transmitting a draft of proposed legislation entitled "Promoting Certainty in Upcoming Spectrum Auctions Act"; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 206: A resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week".

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title and with an amended preamble:

S. Res. 207: A resolution designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day".

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 221: A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers..

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1356: A bill to establish a commission to review the facts and circumstances surrounding injustices suffered by European Americans, Europeans, Latin Americans, and European refugees during World War II.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. KENNEDY for the Committee on Health, Education, Labor, and Pensions.

Sally Strop, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education.

By Mr. LEAHY for the Committee on the Judiciary.

Don Slazinik, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years.

Kim Richard Widup, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HARKIN (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 2013. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. FEINGOLD (for himself and Ms. COLLINS):

S. 2014. A bill to provide better Federal interagency coordination and support for emergency medical services; to the Committee on Governmental Affairs.

By Mr. SMITH of New Hampshire:

S. 2015. A bill to exempt certain users of fee demonstration areas from fees imposed under the recreation fee demonstration program; to the Committee on Energy and Natural Resources.

By Mr. MURKOWSKI:

S. 2016. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2017. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; to the Committee on Indian Affairs.

By Mr. BINGAMAN:

S. 2018. A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes; to the Committee on Indian Affairs and the Committee on Energy and Natural Resources; jointly, pursuant to the order of March 14, 2002, with instructions that if one Committee reports, the other Committee have twenty calendar days, excluding any period where the Senate is not in session for more than three days, to report or be discharged.

By Mr. SARBANES:

S. 2019. A bill to extend the authority of the Export-Import Bank until April 30, 2002; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SCHUMER:

S. Res. 226. A resolution designating April 6, 2002, as "National Missing Persons Day"; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 177

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 177, a bill to amend the provisions of title 39, United States Code, relating to the manner in which pay policies and schedules and fringe benefit programs for postmasters are established.

S. 780

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 780, a bill to amend the Internal Revenue Code of 1986 to allow individuals who do not itemize their deductions a deduction for a portion of their charitable contributions, and for other purposes.

S. 952

At the request of Mr. GREGG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 952, a bill to provide collective bargaining rights for public safety officers employed by States or their political subdivisions.

S. 1258

At the request of Mr. DORGAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1394

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1394, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 1617

At the request of Mr. DODD, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1752

At the request of Mr. CORZINE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1752, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV and other sexually transmitted diseases.

S. 1794

At the request of Mr. CLELAND, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1794, a bill to amend title 49, United States Code, to prohibit the unauthorized circumvention of airport security systems and procedures.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1899, a bill to amend title 18, United States Code, to prohibit human cloning.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. RES. 206

At the request of Mr. MURKOWSKI, the names of the Senator from Delaware (Mr. BIDEN), the Senator from Iowa (Mr. GRASSLEY), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. FRIST), and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

S. RES. 221

At the request of Mr. DEWINE, his name was added as a cosponsor of S. Res. 221, a resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

S. CON. RES. 84

At the request of Mr. SCHUMER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Wisconsin (Mr. KOHL) were added as cosponsors of S. Con. Res. 84, a concurrent resolution providing for a joint session of Congress to be held in New York City, New York.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HARKIN (for himself, Mr. DURBIN, Mrs. CLINTON, and Mr. SCHUMER):

S. 2013. A bill to clarify the authority of the Secretary of Agriculture to prescribe performance standards for the reduction of pathogens in meat, meat products, poultry, and poultry products processed by establishments receiving inspection services; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. HARKIN. Mr. President, today I am introducing the Meat and Poultry Pathogen Reduction Act of 2002. On December 6, 2001, the Fifth Circuit Court of Appeals upheld and expanded an earlier District Court decision that removes the U.S. Department of Agriculture's, USDA, authority to enforce its Pathogen Performance Standard for *Salmonella*. Passage of this bill is vital because the Fifth Circuit's decision in

Supreme Beef v. USDA, Supreme Beef, seriously weakens the substantial food safety improvements adopted by USDA in its 1996 Hazard Analysis Critical Control Point and Pathogen Reduction, HACCP, rule.

According the Fifth Circuit's opinion in Supreme Beef, today, USDA does not have the authority to enforce Performance Standards for reducing viral and bacterial pathogens. This decision seriously undermines the new meat and poultry inspection system.

The Pathogen Performance Standard rule recognized that bacterial and viral pathogens were the foremost food safety threat in America, responsible for 5,000 deaths, 325,000 hospitalizations and 76 million illnesses each year. To address the threat of foodborne illness, USDA developed a modern inspection system based on two fundamental principles.

The first was that industry has the primary responsibility to determine how to produce the safest products possible. Industry must examine its plants and determine how to control contamination throughout the food production process, from the moment a product arrives at their door until the moment it leave their plant.

The second, even more crucial principle was that plants nationwide must reduce levels of dangerous pathogens in meat and poultry products. To ensure the new inspection system accomplished this, USDA developed Pathogen Performance Standards. These standards provide targets for reducing levels of pathogens and require all USDA-inspected facilities to meet them. Facilities failing to meet a standard may be shut down until they create a corrective action plan to meet the standard.

So far, USDA has only issued one Pathogen Performance Standard, for Salmonella. The vast majority of plants in the U.S. have been able to meet the new standard, so it is clearly workable. in addition, USDA reports that Salmonella levels for meat and poultry products have fallen substantially. The Salmonella standard, therefore has been successful. The Fifth Circuit Court's decision threatens to destroy this success and set our food safety system back by years.

The other major problem is that we have an industry dead set on striking down USDA's authority to enforce meat and poultry pathogen standards. Ever since the original Supreme Beef decision, I have spent many hours trying to find a compromise that will allow us to ensure we have enforceable, science-based standards for pathogens in meat and poultry products. I have previously introduced legislation to address this issue and I have worked with industry leaders attempting to reach a reasonable compromise.

However, despite repeated attempts to address industry concerns, industry has continually back-tracked and moved the finish line. Many times, I have made changes in my legislation to address their concerns of the moment only to have them come back and say we have not gone far enough. We cannot let the intransigence of the meat and poultry industry place our children and our families at increased risk of getting ill or dying, because some in the industry want to backtrack on food safety.

I plan to seek every opportunity to get the Meat and Poultry Pathogen Reduction Act enacted. I think it is essential, both to ensuring the modernization of our food safety system, and ensuring consumers that we are making progress in reducing dangerous pathogens.

I hope that both parties, and both houses of Congress will be able to act to pass this legislation without delay. The public's confidence in our meat and poultry inspection system depends on it.

Mr. DURBIN. Mr. President, today I am joining Senator HARKIN in introducing legislation that will clarify the United States Department of Agriculture's, USDA, authority to enforce pathogen reduction standards in meat and poultry products. I am pleased to join in this very important effort.

Make no mistake, our country has been blessed with one of the safest and most abundant food supplies in the world. However, we can do better. While food may never be completely free of risk, we must strive to make our food as safe as possible. Foodborne illnesses and hazards are still a significant problem that cannot be passively dismissed.

The Centers for Disease Control and Prevention, CDC, estimate that as many as 76 million people suffer from foodborne illnesses each year. Of those individuals, approximately 325,000 will be hospitalized, and more than 5,000 will die. Children and the elderly are especially vulnerable. In terms of medical costs and productivity losses, foodborne illnesses cost the nation billions of dollars annually, and the situation is not likely to improve without decisive action. In fact, the Department of Health and Human Services predicts that foodborne illnesses and deaths will increase 10–15 percent over the next decade.

In an age where our Nation's food supply is facing tremendous pressures, from emerging pathogens to an ever-growing volume of food imports, from changing food consumption patterns to an aging population susceptible to food-related illnesses, and from age-old bacterial threats to new potential food security risks, we must have a stronger system in place to ensure the safety of our food.

A key tool for addressing foodborne illness in this country has been USDA's Pathogen Reduction/Hazard Analysis and Critical Control Point, PR/HACCP, regulations that were phased in beginning in January 1998. Under these regulations, USDA developed a scientific approach aimed at protecting consumers from foodborne pathogens. Instead of a system based on sight, smell and touch, USDA moved to a system that would successfully detect harmful pathogens whether visible or not and keep them from entering the food supply. A major part of this system included testing for Salmonella, which is not only one of the most common foodborne pathogens, but also one of the easiest to detect. USDA used this testing data to determine if meat and poultry plants were producing products that were safe for human health.

Research indicates that USDA's system was working well. According to former Secretary of Agriculture, Dan Glickman, the testing techniques were successful in controlling Salmonella and other deadly pathogens. In less than three years, the Salmonella standard was working, cutting the incidence of Salmonella in ground beef by a third.

USDA's pathogen testing regulations provided consumers with much needed confidence in the safety of meat and poultry products. However, that confidence has been shattered by a recent court decision. Last December, the 5th Circuit Court of Appeals ruled that USDA could not close down the meat processor Supreme Beef, Inc., a supplier providing products to our Nation's school children through the Federal school lunch program, even after USDA inspectors tested and found the presence of potentially harmful levels of Salmonella at the plant on three separate occasions. The result of this court case is that USDA can no longer ensure that meat and poultry plants comply with pathogen standards. This creates a significant risk that meat and poultry products contaminated with common but potentially deadly foodborne pathogens will be sold to unsuspecting consumers.

The legislation we are introducing today will clarify USDA's authority to enforce strong safety standards for contamination in meat and poultry products. Specifically, this legislation will provide the Secretary of Agriculture with the clear authority to control for pathogens and enforce pathogen performance standards for meat and poultry products. Only with this authority will the Secretary of Agriculture be able to ensure the safety of the meat and poultry products sold in this country.

The court's decision in the Supreme Beef case is a step back for food safety. We must work together to ensure that USDA has the necessary authority to enforce pathogen performance standards that will protect public health. Let's not turn our back on food safety and consumer protection at such a critical time for food safety and security. I encourage my colleagues to join us in this effort to protect our food supply and public health.

By Mr. FEINGOLD (for himself, and Ms. COLLINS):

S. 2014. A bill to provide better Federal interagency coordination and support for emergency medical services; to the Committee on Governmental Affairs.

By Mr. FEINGOLD. Mr. President, I rise today with my colleague from Maine to introduce legislation that will help to improve and streamline Federal support for community-based emergency medical services. Our proposal will also provide an avenue for local officials and EMS providers to help Federal agencies improve existing programs and future initiatives.

Five Federal agencies currently provide technical assistance and funding to State and local EMS systems. These Agencies are the National Highway Traffic Safety Administration, the Department of Health and Human Services' Health Resources and Services Administration, the Centers for Disease Control and Prevention, the Federal Emergency Management Agency's U.S. Fire Administration, and the Centers for Medicare and Medicaid Services.

Last year, the General Accounting Office cited the need to increase coordination between these agencies as they address the needs of local emergency medical service providers. According to GAO, these needs, including personnel, training, equipment, and more emergency personnel in the field, tend to vary between urban and rural communities.

The Federal Government needs to step up to the plate and provide support to our firefighters, EMTs, emergency physicians, emergency nurses, state medical directors, and others who provide the emergency care to those in need. And the Federal agencies must listen to their priorities. We have five Federal agencies currently involved in supporting EMS services, but they lack coordination and the necessary input from our local EMS providers.

Over the past few years, each of the five Federal agencies has separately initiated attempts to promote activities to strengthen support for EMS providers and address the needs cited in the GAO report. While these efforts are certainly welcome, our legislation will help to coordinate and prioritize Federal EMS activities that support first responders, and at the same time, ensure effective utilization of taxpayer dollars.

This legislation does not begin to address many of the challenges facing our local EMS providers, but it is an important first step. I know it is an important step because this legislation is a direct result of the input by Wisconsin's fire chiefs, members of Emergency Medical Service Board and others. In particular, I would like to thank Dr. Marvin Birnbaum of the University of Wisconsin, Fire Chief Dave Bloom of the Town of Madison, and Dan Williams, the Chair of Wisconsin's EMS advisory board, for their advice and guidance.

I am also pleased that my legislation has support from public health groups such as the American Heart Association and other important groups such as the State EMS Directors. In particular, I would like to express my appreciation to Steve Hise of the State EMS Directors and Karl Moeller of the American Heart Association for their input and consistent advocacy on issues facing the EMS community.

We must be aggressive in seeking the advice of our local EMS providers, and helping them to attain the resources that they need to provide effective services. They are on the front lines, and deserve our support. I ask my colleagues to join me in taking this important first step to cosponsor this legislation and improve and streamline Federal support for community-based emergency medical services.

By Mr. SMITH of New Hampshire:

S. 2015. A bill to exempt certain users of fee demonstration areas from fees imposed under the recreation fee demonstration program; to the Committee on Energy and Natural Resources.

Mr. SMITH of New Hampshire. Mr. President, I rise today to introduce legislation that would provide equity and fairness to the application of the Recreational Fee Demonstration Program, or the Fee Demo Program, as it is more commonly called. This bill, the Host Community Fairness Act, would exempt local residents from fees imposed as part of the Fee Demo Program.

As I am sure my colleagues are all aware, the Fee Demo Program, which started in fiscal year 1996, was established to fund recreational and resource needs, and repair facilities throughout our national forests, parks and other public lands. Currently, each land management agency can establish any number of fee projects and retain and spend all the revenue collected. However, at least 80 percent of the fees collected are retained at the site where collected. The program was originally supposed to end at the end of FY98; however, due to extensions that have occurred through the appropriations process, it is now set to expire at the end of FY04.

While I agree that the intentions of this program are good, there are flaws that must be addressed. What concerns me most is double-taxation for the local residents who live in and around these Fee Demo areas. These individuals should not also be required to pay to use these lands. Especially when they already suffer from a decreased tax-base due to the presence of Federal lands in their community and who help to provide emergency services. It is wrong to ask them to pay to use land that they already support and is essentially in their own backyard.

Just to be clear, this legislation would exempt residents of any county or counties that host any Federal land that has a Fee Demo project from paying the fee, regardless of where in the forest or park the fee is being imposed. When I say Federal land, I mean any National Forest, National Park, National Wildlife Refuge or Bureau of Land Management land.

I would like to take a moment to talk about how this impacts the State of New Hampshire. Nearly 50-percent of Berlin, New Hampshire, which has a population of about 10,000, falls within the boundaries of the White Mountain National Forest. Unfortunately, the city of Berlin has dealt with several economic setbacks, including the recent closure of a local paper mill, its largest employer. When this situation is combined with the fact that half their land is tied up in the National Forest, the result is a severe hit to this city's tax base. Asking these citizens to pay a fee to hike in their own backyard is not only unfair, it is also wrong. I think it is also reasonable to assume that this kind of economic situation is not unique to host communities in New Hampshire.

Finally, it should be noted that a clear and convincing majority of the New Hampshire House of Representatives sent a message to the U.S. Congress regarding their serious concerns with this program. On February 14, 2002, the New Hampshire House overwhelmingly voted in favor of a resolution that clearly outlines what they see as the negative effect this program has had on their local communities.

The New Hampshire House is one the largest parliamentary bodies in the world. Its 400 members receive only a $100 per year stipend and they are truly citizen legislators. The resolution's primary sponsors included both Republicans and Democrats as well as the Speaker of the House and the former Speaker of the House, who is now a State Senator.

What concerns me most with what these citizen legislators are saying is that, ". . . the Recreational Fee Demonstration Program has undermined the longstanding goodwill between the White Mountain National Forest and New Hampshire citizens and communities . . ." and ". . . the traditional support of the New Hampshire citizens for activities such as trail maintenance and fire safety have been compromised . . .". As the senior Senator from New Hampshire, I find these statements very disheartening. In New Hampshire, there is a longstanding tradition of open access to both public and private lands. The Fee Demo program runs counter to that tradition. Members of Congress have a duty to their constituents to maintain a cooperative relationship between the Federal land management agencies and the communities that are required to host them.

Enactment of the Host Community Fairness Act is one small step we can take in addressing these legitimate concerns and restoring the goodwill previously enjoyed between the Federal lands across this country and their host communities.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Host Community Fairness Act of 2002".

SEC. 2. LOCAL EXEMPTIONS FROM USER FEES.

Section 315 of the Department of Interior and Related Agencies Appropriations Act for Fiscal Year 1996 (16 U.S.C. 460*l*–6a note; Public Law 104–134) is amended—

(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively; and

(2) by inserting after subsection (b) the following:

"(c) LOCAL EXEMPTIONS FROM USER FEES.—

"(1) IN GENERAL.—A person that resides in a county in which a fee demonstration area is located, in whole or in part, shall be exempt from any recreational user fees imposed under this section for access to any portion of the fee demonstration area.

"(2) ADMINISTRATION.—The Secretary of the Interior and the Secretary of Agriculture in consultation with affected State and local governments, shall establish a method for identifying and exempting persons covered by this subsection from the user fees.".

By Mr. MURKOWSKI.

S. 2016. A bill to authorize the exchange of lands between an Alaska Native Village Corporation and the Department of the Interior, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. MURKOWSKI. Mr. President, I rise today to introduce legislation to address a critical concern for one of Alaska's rural villages.

The village of Newtok, in far western Alaska, is facing the loss of its homes and facilities to ever-encroaching erosion by the Ninglick River. The village is presently located on the north bank of the river, just downstream of a sweeping bend, which is reclaiming the bank at a rate of several feet per year.

By at least 2008, some homes will no longer be habitable and the village airport will begin to suffer irreparable damage. It is critical for the future of Newtok's residents that Congress act this year to make provision for the relocation of the village.

Newtok is located within the boundaries of the Yukon Delta National Wildlife Refuge. Under the Alaska Native Claims Settlement Act of 1971, Newtok had land selection rights within the Refuge. Most of the lands selected by and conveyed to the village by the United States lie on the north side of the Ninglick River, although a portion of the village land holdings are on Nelson Island, to the south.

The village has identified 5,580 acres on Nelson Island that will be more suitable for a permanent village location. The land on Nelson Island is higher in elevation and is underlain with rock and gravel. Furthermore, it is situated such that hydraulic forces of the river are unlikely to pose any future threat to the well-being of the village.

The proposed legislation authorizes an equal value exchange of lands between the Fish and Wildlife Service and the Newtok Native Corporation, the ANCSA corporation organized by the village which owns the Newtok Village lands. The proposed exchange is the first important step in allowing the Newtok villagers to relocate their village to safe ground.

The exchange is proposed primarily for health and safety reasons, to protect the lives and property of Alaska Native villagers. However, there is a direct benefit to the broader interest of the United States. The land Newtok proposes to relinquish contains habitat of higher value for geese, brant, and Spectacled Eider than the land on Nelson Island that has been selected for the new village location. Thus the Yukon Delta National Wildlife Refuge, while receiving lands of equal economic value in the exchange, will actually be receiving lands of greater value for waterfowl habitat.

We should not underestimate the importance of congressional action this year on this matter. It will take several years to actually relocate the village. Facilities must be constructed and homes must be built. Before any of that can begin, the land must be exchanged. I therefore urge my colleagues to support this important legislation.

By Mr. CAMPBELL (for himself and Mr. INOUYE):

S. 2017. A bill to amend the Indian Financing Act of 1974 to improve the effectiveness of the Indian loan guarantee and insurance program; to the Committee on Indian Affairs.

Mr. CAMPBELL. Mr. President, it is my pleasure to introduce the Indian Financing Act Amendments of 2002 to improve the effectiveness of an economic development program essential to our Native American community. As one of the legislative flowerings of President Nixon's "Special Message to Congress on Indian Affairs," the Indian Financing Act joins the Indian Self Determination and Education Assistance Act as pillars of Federal Indian policy. Since Congress enacted the Indian Financing Act of 1974 and established the Indian Revolving Loan Fund program, the Secretary of the Interior has had the ability to insure and guaranty the repayment by qualified Native American borrowers of small business loans issued by private banks and lenders. The focus of the loan program is commercial lending to Native American-owned businesses who cannot otherwise obtain financing in conventional credit markets.

The Indian Revolving Fund Program has grown over the past 28 years to reach $60 million in annual lending to Native Americans, though the need for capital in Indian economies far outstrips this amount. The "Mortgage Finance News" reports that for housing finance alone, there is $2.7 billion in pent-up demand in the Indian community. In addition, the "Native American Lending Study" released by the Community Development Financial Institutions shows, there are great needs in Native communities for more capital and liquidity. These unmet needs are holding back the growth of Indian economies.

The purpose of a Federal loan guaranty is to stimulate the private lending community into being more active with clients and customers they should be serving. Under the current Indian guaranteed loan program, the lender shares in the cost of any loan default, and is not 100 percent guaranteed by the government.

Lenders across the country have told the Committee on Indian Affairs that a major problem restraining their participation in this program is the lack of liquidity once the loan is made. These small business loans tend to stay on the books for a long time. They are paid down but not as rapidly refinanced as conventional loans. Therefore, a bank has its capital tied up in these loans, and cannot easily turn around and use that capital again.

The financial community long ago came up with a system to respond to this general need, and that is to allow investors to buy loans on the secondary market. This is the cornerstone for our private mortgage market and the essential job of Fannie Mae and Freddie Mac. But it is also an important part of commercial lending. The Small Business Administration, which makes loan guarantees available through over 1,000 lenders nationwide, 17 years ago recognized the importance of secondary market for its SBA loan guarantees. At its request, Congress enacted legislation which allows for the orderly transfer and sales of the guaranteed portion of the SBA loans through a secondary market fiscal transfer agent. This system operates largely at no cost to the government, as the fees for the transfer are paid by the buyers and sellers of the loans, and not passed back to the borrowers.

The SBA loan program is highly successful. It assists smaller lenders who may not regularly participate in these government programs by giving them a standardized and simple process for transfer of the loan. The use of the fiscal transfer agent ensures that loan repayments made to the original lender are properly flowed through any investors. Most importantly, the ability of the SBA to regulate or otherwise discipline originating lenders is unimpeded by the secondary market.

The "Indian Financing Act Amendments of 2002" directs the Secretary of the Interior to take similar steps to the SBA program by allowing the efficient functioning of a secondary market for Native American loans or loan guarantees made by the Interior Department.

It is my hope that the Indian Financing Act Amendments of 2002 will profoundly effect Native American small business owners throughout the United States, and that the support of the Department, and the Native American and financial communities, we can effect positive change not just for Native American small business owners, and for Indian communities generally.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2017

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian Financing Act Amendments of 2002.".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the Indian Financing Act of 1974 (25 U.S.C. 1451 et seq.) was intended to provide Native American borrowers with access to commercial capital sources that, but for that Act, would not be available through loans guaranteed by the Secretary of the Interior;

(2) although the Secretary of the Interior has made loan guarantes available, acceptance of loan guarantees by lenders to benefit Native American business borrowers has been limited;

(3) 27 years after enactment of the Act, the promotion and development of Native American-owned business remains an essential foundation for growth of economic and social stability of Native Americans;

(4) acceptance by lenders of the loan guarantees may be limited by liquidity and other capital market-driven concerns; and

(5) it is in the best interest of the guaranteed loan program to—

(A) encourage the orderly development and expansion of a secondary market for loans guaranteed by the Secretary; and

(B) expand the number of lenders originating loans under that Act.

(b) Purposes.—The purposes of this Act are—

(1) to stimulate the use by lenders of secondary market investors for loans guaranteed by the Secretary of the Interior;

(2) to preserve the authority of the Secretary to administer the program and regulate lenders;

(3) to clarify that a good faith investor in loans guaranteed by the Secretary will receive appropriate payments;

(4) to provide for the appointment by the Secretary of a qualified fiscal transfer agent to administer a system for the orderly transfer of the loans;

(5) to authorize the Secretary to—

(A) promulgate regulations to encourage and expand a secondary market program for loans guaranteed by the Secretary; and

(B) allow the pooling of the loans as the secondary market develops; and

(6) to authorize the Secretary to establish a schedule for assessing lenders and investors for the necessary costs of the fiscal transfer agent and system.

SEC. 3. LOAN GUARANTEES.

Section 205 of the Indian Financing Act of 1974 (25 U.S.C. 1485) is amended—

(1) by inserting "(a) In General.—" before "Any loan"; and

(2) by adding at the end the following:

"(b) Transfer of Loans and Unguaranteed Portions of Loans.—

"(1) Transfer.—

"(A) In general.—The lender of a loan guaranteed under this title may transfer to any person—

"(i) all of the rights and obligations of the lender under the loan, or in an unguaranteed portion of the loan; and

"(ii) the security given for the loan or unguaranteed portion.

"(B) Regulations.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

"(C) Notice.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

"(2) Effect of transfer.—On any transfer under this subsection, the transferee shall—

"(A) be considered to be the lender under this title;

"(B) become the secured party of record; and

"(C) be responsible for—

"(i) performing the duties of the lender; and

"(ii) servicing the loan or portion of the loan, as appropriate, in accordance with the terms of guarantee of the Secretary of the loan or portion of the loan.

"(c) Transfer of Guaranteed Portions of Loans.—

"(1) Transfer.—

"(A) In general.—The lender of a loan guaranteed under this title, and any subsequent transferee of all or part of the guaranteed portion of the loan, may transfer to any person—

"(i) all or part of the guaranteed portion of the loan; and

"(ii) the security given for the guaranteed portion transferred.

"(B) Regulations.—A transfer under subparagraph (A) shall be consistent with such regulations as the Secretary shall promulgate under subsection (g).

"(C) Notice.—A lender that completes a transfer under subparagraph (A) shall give notice of the transfer to the Secretary (or a designee of the Secretary).

"(D) Acknowledgement.—On receipt of notice of a transfer under subparagraph (C), the Secretary (or a designee of the Secretary) shall issue to the transferee the acknowledgement of the Secretary of—

"(i) the transfer; and

"(ii) the interest of the transferee in the guaranteed portion of a loan that was transferred.

"(2) Effect.—Notwithstanding any other provision of law, with respect to any transfer under this subsection, the lender shall—

"(A) remain obligated under the guarantee agreement between the lender and the Secretary;

"(B) continue to be responsible for servicing the loan in a manner consistent with the guarantee agreement; and

"(C) remain the secured creditor of record.

"(d) Full Faith and Credit.—

"(1) In general.—The full faith and credit of the United States is pledged to the payment of all loan guarantees made under this title.

"(2) Validity.—

"(A) In general.—Except as provided in subparagraph (B), the validity of a guarantee of a loan under this title shall be incontestable if the guarantee is held by a transferee of a guaranteed obligation whose interest in a guaranteed loan has been acknowledged by the Secretary (or a designee of the Secretary) under subsection (c)(1)(D).

"(B) Fraud or misrepresentation.—Subparagraph (A) shall not apply in a case in which the Secretary determines that a transferee of a loan or portion of a loan transferred under this section has actual knowledge of fraud or misrepresentation, or participates in or condones fraud or misrepresentation, in connection with the loan.

"(e) Damages.—The Secretary may recover from a lender any damages suffered by the Secretary as a result of a material breach of an obligation of the lender under the guarantee of the loan.

"(f) Fee.—The Secretary may collect a fee for any loan or guaranteed portion of a loan transferred in accordance with subsection (b) or (c).

"(g) Regulations.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall promulgate such regulations as are necessary to facilitate, administer, and promote the transfer of loans and guaranteed portions of loans under this section.

"(h) Central Registration.—On promulgation of final regulations under subsection (g), the Secretary shall—

"(1) provide for the central registration of all loans and portions of loans transferred under this section; and

"(2) contract with a fiscal transfer agent—

"(A) to act as a designee of the Secretary; and

"(B) on behalf of the Secretary—

"(i) to carry out the central registration and paying agent functions; and

"(ii) to issue acknowledgements of the Secretary under subsection (c)(1)(D).

"(i) Pooling.—

"(1) In general.—Nothing in this title prohibits the pooling of whole loans, or portions of loans, transferred under this section.

"(2) Regulations.—The Secretary may promulgate regulations to effect orderly and efficient pooling procedures under this title.".

By Mr. BINGAMAN:

S. 2018. A bill to establish the T'uf Shur Bien Preservation Trust Area within the Cibola National Forest in the State of New Mexico to resolve a land claim involving the Sandia Mountain Wilderness, and for other purposes; to the Committee on Indian Affairs and the Committee on Energy and Natural Resources; jointly, pursuant to the order of March 14, 2002, with instructions that if one Committee reports, the other Committee have twenty calendar days, excluding any period where the Senate is not in session for more that three days, to report or be discharged.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce a bill that would create a unique area within the Cibola National Forest in New Mexico, entitled the T'uf Shur Bien Preservation Trust Area. The importance of this bill cannot be overstated. It would resolve, through a negotiated agreement, the Pueblo of Sandia's land claim to Sandia Moutain, an area of significant value and use to all New Mexicans. The bill would also maintain full public ownership and access to the National Forest and Sandia Mountain Wilderness lands within the Pueblo's claim area; clear title for affected homeowners; and grant the necessary rights-of-way and easements to protect private property interests and the public's ongoing use of the Area.

The need for this bill and the basis for Sandia Pueblo's claim arise from a 1748 grant to the Pueblo from a representative of the King of Spain. That grant was recognized and confirmed by Congress in 1858, 11 Stat. 374). There remains, however, a dispute over the location of the eastern boundary of the Pueblo that stems from an 1859 survey of the grant. That survey fixed the eastern boundary roughly along the top of a foothill on the western slope of the mountain, rather than along the true crest of the mountain. The Pueblo has contended that the interpretation of the grant, and thus the survey and subsequent patent, are erroneous, and that the true eastern boundary is the crest of the mountain.

In the early 1980's, the Pueblo approached the Department of the Interior seeking a resurvey of the grant to locate the eastern boundary of the Pueblo along the main ridge of Sandia Mountain. In December 1988, the Solicitor of the Department of the Interior issued an opinion rejecting the Pueblo's claim. The Pueblo challenged the opinion in federal district court and in 1998, the court issued on Order setting aside the 1988 opinion and remanding the matter to Interior for forther proceedings. *Pueblo of Sandia* v. *Babbitt*, Civ. No. 94-2624, D.D.C., July 18, 1998. The Order was appealed but appellate proceedings were stayed for more than a year while a settlement was being negotiated. Ultimately, on April 4, 2000, a settlement agreement was executed between the United States, Pueblo, and the Sandia Peak Tram Company. That agreement was conditioned on congressional ratification, but remains effective until November 15, 2002.

In November, 2000, the Court of Appeals of the District of Columbia Circuit dismissed the appeal for lack of jurisdiction because the District Court's action was not a final appealable decision. Upon dismissal, the Department of the Interior proceeded with its reconsideration of the 1988 Solicitor's opinion in accord with the 1998 Order of the District Court. On January 19, 2001, the Solicitor issued a new opinion that concluded that the 1859 survey of the Sandia Pueblo grant was erroneous and that a resurvey should be conducted. Implementation of the opinion would therefore remove the area from its National Forest status and convey it to the Pueblo. The Department stayed the resurvey, however, until after November 15, 2002, so that there would be time for Congress to legislate the settlement and make it permanent.

To state the obvious, this is a very complicated situation. The area that is the subject of the Pueblo's claim has been used by the Pueblo and its members for centuries and is of great significance to the Pueblo for traditional and cultural reasons. The Pueblo strongly desires that the wilderness character of the area continue to be preserved and its use by the Pueblo protected. Notwithstanding that interest and use, the Federal Government has administered the claim area as a unit of the National Forest system for most of the last century and over the years has issued patents for several hundred acres of land within the area to persons who had no notice of the Pueblo's claim. As a result, there are now several subdivisions within the external boundaries of the area, and although the Pueblo's lawsuit specifically disclaimed any title or interest in privately-owned lands, the residents of the subdivisions have concerns that the claim and its associated litigation have resulted in hardships by clouding titles to land. Finally, as a unit of the National forest system, the areas has great significance to the public and in particular, the people in the State of New Mexico, including the residents of the Counties of Bernalillo and Sandoval and the City of Albuquerque, who use the claim area for recreational and other purposes and who desire that the public use and natural character of the area be preserved.

Because of the complexity of the situation, including the significant and overlapping interests just mentioned, Congress has not yet acted in this matter. In particular, concerns about the settlement were expressed by parties who did not participate in the final stages of the negotiations. I have worked with those parties to address their concerns while still trying to maintain the benefits secured by the parties in the Settlement Agreement. I believe the legislation that I have introduced today is a fair compromise. It provides the Pueblo specific rights and interests in the area that help to resolve its claim with finality but also, as noted earlier, maintains full public ownership and access to the National Forest system lands. In that sense, using the term "Trust" in the title recognizes those specific interests but does not confer the same status that exists when the Secretary of the Interior accepts title to land in trust on behalf of an Indian tribe.

Most importantly, the bill I am introducing today relies on a settlement as the basis for resolving this claim. Although other approaches have been circulated, this bill is the only one with the potential to secure a consensus of the interested parties. Not only is a negotiated settlement the appropriate manner by which to resolve the Pueblo's claim, it also allows for a solution that fits the unique circumstances of this situation. To my knowledge, Sandia Pueblo's claim is the only Indian land claim that exists where the tribe may effectively recover ownership of federal land without an Act of Congress. Nonetheless, the parties have negotiated a creative arrangement to address the Pueblo's interest, protect private property, and still maintain public ownership of the land. That is to be commended and I am proud to introduce this legislation to preserve the substance of that arrangement.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 226—DESIGNATING APRIL 6, 2002, AS "NATIONAL MISSING PERSONS DAY"

Mr. SCHUMER submitted the following resolution; which was referred to the Committee on the Judiciary:

S. Res. 226

Whereas Saturday, April 6, 2002, marks the 24th birthday of the University of Albany student, Suzanne Lyall, who has been missing since March 2, 1998;

Whereas through her disappearance, Suzanne Lyall has come to represent thousands of other missing persons;

Whereas in 2001, there were 198,575 persons over the age of 18 reported missing to law enforcement agencies nationwide;

Whereas many of those reported missing may be victims of Alzheimer's disease or other health related issues, or victims of foul play;

Whereas regardless of age or circumstances, all missing persons have families who need support and guidance to endure the days, months, or years they may spend searching for their missing loved ones; and

Whereas it is important to applaud the committed efforts of families, law enforcement agencies, and concerned citizens who work to locate missing persons and to prevent all forms of victimization: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 6, 2002, as "National Missing Persons Day"; and

(2) requests that the President issue a proclamation that—

(A) calls upon the people of the United States to observe the day with appropriate programs and activities; and

(B) urges all Americans to support worthy initiatives and increased efforts to locate missing persons.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3012. Mr. THOMAS (for himself, Mr. Campbell, Mr. Shelby, Mr. Crapo, and Mr. Smith, of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3013. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3014. Mr. WYDEN (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3015. Mrs. CARNAHAN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3016. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3017. Mr. JEFFORDS (for himself, Mr. Wellstone, and Mr. Kerry) proposed an amendment to amendment SA 3016 proposed by Mr. Bingaman to the amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3018. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3019. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3020. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3021. Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3022. Mrs. BOXER (for herself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3023. Mrs. LINCOLN (for herself, Mr. Bond, Mr. Johnson, Mrs. Carnahan, Mr. Hutchinson, Mr. Harkin, Mr. Grassley, Mr. Bunning, Mr. Bayh, and Mr. Craig) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3024. Mr. VOINOVICH (for himself, Ms. Landrieu, Mr. Smith, of New Hampshire, and Mr. Inhofe) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3025. Mr. INHOFE (for himself and Mr. Conrad) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3026. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3027. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3028. Mr. LOTT proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) supra.

SA 3029. Mr. REID (for Mr. Allard) proposed an amendment to the bill S. 1372, to reauthorize the Export-Import Bank of the United States.

SA 3030. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3012. Mr. THOMAS (for himself, Mr. Campbell, Mr. Shelby, Mr. Crapo, and Mr. Smith of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 21, strike line 16 and all that follows through page 23, line 24 and insert the following:

"Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following after section 215 as added by this Act:

"SEC. 216. ELECTRIC RELIABILITY.

"(a) Definitions.—For purposes of this section—

"(1) 'bulk-power system' means the network of interconnected transmission facilities and generating facilities;

"(2) 'electric reliability organization' means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

"(3) 'reliability standard' means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

"(b) Jurisdiction and Applicability.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

"(c) Certification.—

"(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(2) Following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

"(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

"(B) has established rules that—

"(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

"(ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

"(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations, or other appropriate sanctions); and

"(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

"(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

"(d) Reliability Standards.—

"(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

"(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or modification to a reliability standard, but shall not defer with respect to its effect on competition.

"(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

“(e) Enforcement.—

“(1) An electric reliability organization may impose a penalty on a user or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

“(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

“(B) files notice with the Commission, which shall affirm, set aside or modify the action.

“(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

“(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

“(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

“(f) Changes in Electricity Reliability Organization Rules.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

“(g) Coordination With Canada and Mexico.—

“(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

“(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

“(h) Reliability Reports.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

“(i) Savings Provisions.—

“(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk-power system.

“(2) This section does not provide the electric reliability organization or the Commission with the authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

“(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

“(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

“(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

“(j) Application of Antitrust Laws.—

“(1) In general.—To the extent undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

“(A) activities undertaken by an electric reliability organization under this section, and

“(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

“(2) Rule of reason.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

“(3) Definition.—For purposes of this subsection, 'antitrust laws' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

“(k) Regional Advisory Bodies.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each state, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the regional are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

“(l) Application to Alaska and Hawaii.—The provisions of this section do not apply to Alaska or Hawaii.”.

SA 3013. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 226, line 23, strike “Act,” and all that follows through page 227, line 2, and insert “Act.”.

SA 3014. Mr. WYDEN (for himself and Mrs. Feinstein) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 57, between lines 17 and 18, insert the following:

SEC. 253. OFFICE OF CONSUMER ADVOCACY.

(a) Definitions.—In this section:

(1) Commission.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) Energy customer.—The term “energy customer” means a residential customer or a small commercial customer that receives products or services from a public utility or natural gas company under the jurisdiction of the Commission.

(3) Natural gas company.—The term “natural gas company” has the meaning given the term in section 2 of the Natural Gas Act (15 U.S.C. 717a), as modified by section 601(a) of the Natural Gas Policy Act of 1978 (15 U.S.C. 3431(a)).

(4) Office.—The term “Office” means the Office of Consumer Advocacy established by subsection (b)(1).

(5) Public utility.—The term “public utility” has the meaning given the term in section 201(e) of the Federal Power Act (16 U.S.C. 824(e)).

(6) Small commercial customer.—The term “small commercial customer” means a commercial customer that has a peak demand of not more than 1,000 kilowatts per hour.

(b) Office.—

(1) Establishment.—There is established within the Department of Justice the Office of Consumer Advocacy.

(2) Director.—The Office shall be headed by a Director to be appointed by the President, by and with the advice and consent of the Senate.

(3) Duties.—The Office may represent the interests of energy customers on matters concerning rates or service of public utilities and natural gas companies under the jurisdiction of the Commission—

(A) at hearings of the Commission;

(B) in judicial proceedings in the courts of the United States;

(C) at hearings or proceedings of other Federal regulatory agencies and commissions;

SA 3015. Mrs. CARNAHAN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XVII, add the following:

SEC. 1704. NATIONAL ACADEMY OF SCIENCES STUDY OF PROCEDURES FOR SELECTION AND ASSESSMENT OF ROUTES FOR SHIPMENT OF SPENT NUCLEAR FUEL.

(a) IN GENERAL.—The Secretary of Transportation shall enter into an agreement with the National Academy of Sciences under which agreement the National Academy of Sciences shall conduct a study of the procedures by which the Department of Energy, together with the Department of Transportation and the Nuclear Regulatory Commission, selects routes for the shipment of spent nuclear fuel.

(b) ELEMENTS OF STUDY.—In conducting the study under subsection (a), the National Academy of Sciences shall analyze the manner in which the Department of Energy—

(1) selects potential routes for the shipment of spent nuclear fuel;

(2) selects a route for a specific shipment of spent nuclear fuel; and

(3) conducts assessments of the risks associated with shipments of spent nuclear fuel.

(c) CONSIDERATIONS REGARDING ROUTE SELECTION.—The analysis under subsection (b) shall include a consideration whether, and to what extent, the procedures analyzed for purposes of that subsection take into account the following:

(1) The proximity of the routes under consideration to major population centers and the risks associated with shipments of spent nuclear fuel through densely populated areas.

(2) Current traffic and accident data with respect to the routes under consideration.

(3) The quality of the roads comprising the routes under consideration.

(4) Emergency response capabilities along the routes under consideration.

(5) The proximity of the routes under consideration to places or venues (including sports stadiums, convention centers, concert halls and theaters, and other venues) where large numbers of people gather.

(d) RECOMMENDATIONS.—In conducting the study under subsection (a), the National Academy of Sciences shall also make such recommendations regarding the matters studied as the National Academy of Sciences considers appropriate.

(e) DEADLINE FOR DISPERSAL OF FUNDS FOR STUDY.—The Secretary shall disperse to the National Academy of Sciences the funds for the cost of the study required by subsection (a) not later than 30 days after the date of the enactment of this Act.

(f) REPORT ON RESULTS OF STUDY.—Not later than six months after the date of the dispersal of funds under subsection (e), the National Academy of Sciences shall submit to the appropriate committees of Congress a report on the study conducted under subsection (a), including the recommendations required by subsection (d).

(g) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Commerce, Science, and Transportation, Energy and Natural Resources, and Environment and Public Works of the Senate; and

(2) the Committee on Energy and Commerce of the House of Representatives.

SA 3016. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 67, strike line 6 and all that follows through page 76, line 11, and insert the following:

Title VI of the Public Utility Regulatory Policies Act of 1978 is amended by adding at the end the following:

"SEC. 606. FEDERAL RENEWABLE PORTFOLIO STANDARD.

"(a) MINIMUM RENEWABLE GENERATION REQUIREMENT.—For each calendar year beginning in calendar year 2005, each retail electric supplier shall submit to the Secretary, not later than April 1 of the following calendar year, renewable energy credits in an amount equal to the required annual percentage specified in subsection (b).

"(b) REQUIRED ANNUAL PERCENTAGE.—

"(1) For calendar years 2005 through 2020, the required annual percentage of the retail electric supplier's base amount that shall be generated from renewable energy resources shall be the percentage specified in the following table:

"Calendar Years	**Required annual percentage**
2005 through 2006	1.0
2007 through 2008	2.2
2009 through 2010	3.4
2011 through 2012	4.6
2013 through 2014	5.8
2015 through 2016	7.0
2017 through 2018	8.5
2019 through 2020	10.0

"(2) Not later than January 1, 2015, the Secretary may, by rule, establish required annual percentages in amounts not less than 10.0 for calendar years 2020 through 2030.

"(c) SUBMISSION OF CREDITS.—(1) A retail electric supplier may satisfy the requirements of subsection (a) through the submission of renewable energy credits—

"(A) issued to the retail electric supplier under subsection (d);

"(B) obtained by purchase or exchange under subsection (e); or

"(C) borrowed under subsection (f).

"(2) A credit may be counted toward compliance with subsection (a) only once.

"(d) ISSUANCE OF CREDITS.—(1) The Secretary shall establish, not later than one year after the date of enactment of this section, a program to issue, monitor the sale or exchange of, and track renewable energy credits.

"(2) Under the program, an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits. The application shall indicate—

"(A) the type of renewable energy resource used to produce the electricity,

"(B) the location where the electric energy was produced, and

"(C) any other information the Secretary determines appropriate.

"(3)(A) Except as provided in paragraphs (B), (C), and (D), the Secretary shall issue to an entity one renewable energy credit for each kilowatt-hour of electric energy the entity generates from the date of enactment of this section and in each subsequent calendar year through the use of a renewable energy resource at an eligible facility.

"(B) For incremental hydropower the credits shall be calculated based on the expected increase in average annual generation resulting from the efficiency improvements or capacity additions. The number of credits shall be calculated using the same water flow information used to determine a historic average annual generation baseline for the hydroelectric facility and certified by the Secretary or the Federal Energy Regulatory Commission. The calculation of the credits for incremental hydropower shall not be based on any operational changes at the hydroelectric facility not directly associated with the efficiency improvements or capacity additions.

"(C) The Secretary shall issue two renewable energy credits for each kilowatt-hour of electric energy generated and supplied to the grid in that calendar year through the use of a renewable energy resource at an eligible facility located on Indian land. For purposes of this paragraph, renewable energy generated by biomass cofired with other fuels is eligible for two credits only if the biomass was grown on the land eligible under this paragraph.

"(D) For renewable energy resources produced from a generation offset, the Secretary shall issue two renewable energy credits for each kilowatt-hour generated.

"(E) To be eligible for a renewable energy credit, the unit of electric energy generated through the use of a renewable energy resource may be sold or may be used by the generator. If both a renewable energy resource and a non-renewable energy resource are used to generate the electric energy, the Secretary shall issue credits based on the proportion of the renewable energy resource used. The Secretary shall identify renewable energy credits by type and date of generation.

"(5) When a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of this Act, the retail electric supplier is treated as the generator of the electric energy for the purposes of this section for the duration of the contract.

"(6) The Secretary may issue credits for existing facility offsets to be applied against a retail electric suppliers own required annual percentage. The credits are not tradeable and may only be used in the calendar year generation actually occurs.

"(e) CREDIT TRADING.—A renewable energy credit may be sold or exchanged by the entity to whom issued or by any other entity who acquires the credit. A renewable energy credit for any year that is not used to satisfy the minimum renewable generation requirement of subsection (a) for that year may be carried forward for use within the next four years.

"(f) CREDIT BORROWING.—At any time before the end of calendar year 2005, a retail electric supplier that has reason to believe it will not have sufficient renewable energy credits to comply with subsection (a) may—

"(1) submit a plan to the Secretary demonstrating that the retail electric supplier will earn sufficient credits within the next 3 calendar years which, when taken into account, will enable the retail electric suppliers to meet the requirements of subsection (a) for calendar year 2005 and the subsequent calendar years involved; and

"(2) upon the approval of the plan by the Secretary, apply credits that the plan demonstrates will be earned within the next 3 calendar years to meet the requirements of subsection (a) for each calendar year involved.

"(g) Credit Cost Cap.—The Secretary shall offer renewable energy credits for sale at the lesser of 3 cents per kilowatt-hour or 200 percent of the average market value of credits for the applicable compliance period. On January 1 of each year following calendar year 2005, the Secretary shall adjust for inflation the price charged per credit for such calendar year, based on the Gross Domestic Product Implicit Price Deflator.

"(h) Enforcement.—The Secretary may bring an action in the appropriate United States district court to impose a civil penalty on a retail electric supplier that does not comply with subsection (a), unless the retail electric supplier was unable to comply with subsection (a) for reasons outside of the supplier's reasonable control (including weather-related damage, mechanical failure, lack of transmission capacity or availability, strikes, lockouts, actions of a governmental authority. A retail electric supplier who does not submit the required number of renewable energy credits under subsection (a) shall be subject to a civil penalty of not more than the greater of 3 cents or 200 percent of the average market value of credits for the compliance period for each renewable energy credit not submitted.

"(i) Information Collection.—The Secretary may collect the information necessary to verify and audit—

"(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section,

"(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary, and

"(3) the quantity of electricity sales of all retail electric suppliers.

"(j) Environmental Savings Clause.—Incremental hydropower shall be subject to all applicable environmental laws and licensing and regulatory requirements.

"(k) State Savings Clause.—This section does not preclude a State from requiring additional renewable energy generation in that State, or from specifying technology mix.

"(l) Definitions.—For purposes of this section—

"(1) Biomass.—

"(A) Except with respect to material removed from National Forest System lands, the term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oil.

"(B) With respect to material removed from National Forest System lands, the term 'biomass' means fuel and biomass accumulation from precommercial thinnings, slash, and brush.

"(2) Eligible facility.—The term 'eligible facility' means—

"(A) a facility for the generation of electric energy from a renewable energy resource that is placed in service on or after the date of enactment of this section; or

"(B) a repowering or cofiring increment that is placed in service on or after the date of enactment of this section at a facility for the generation of electric energy from a renewable energy resource that was placed in service before that date.

"(3) Eligible renewable energy resource.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass (excluding solid waste and paper that is commonly recycled), landfill gas, a generation offset, or incremental hydropower.

"(4) Generation offset.—The term 'generation offset' means reduced electricity usage metered at a site where a customer consumes energy from a renewable energy technology.

"(5) Existing facility offset.—The term 'existing facility offset' means renewable energy generated from an existing facility, not classified as an eligible facility, that is owned or under contract to a retail electric supplier on the date of enactment of this section.

"(6) Incremental hydropower.—The term 'incremental hydropower' means additional generation that is achieved from increased efficiency or additions of capacity after the date of enactment of this section at a hydroelectric dam that was placed in service before that date.

"(7) Indian land.—The term 'Indian land' means—

"(A) any land within the limits of any Indian reservation, pueblo or rancheria,

"(B) any land not within the limits of any Indian reservation, pueblo or rancheria title to which was on the date of enactment of this paragraph either held by the United States for the benefit of any Indian tribe or individual or held by any Indian tribe or individual subject to restriction by the United States against alienation,

"(C) any dependent Indian community, and

"(D) any land conveyed to any Alaska Native corporation under the Alaska Native Claims Settlement Act.

"(8) Indian tribe.—The term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(9) Renewable energy.—The term 'renewable energy' means electric energy generated by a renewable energy resource.

"(10) Renewable energy resource.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass (including municipal solid waste), landfill gas, a generation offset, or incremental hydropower.

"(11) Repowering or cofiring enforcement.—The term 'repowering or cofiring enforcement' means the additional generation from a modification that is placed in service on or after the date of enactment of this section to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section.

"(12) Retail electric supplier.—The term 'retail electric supplier' means a person, that sells electric energy to electric consumers and sold not less than 1,000,000 megawatt-hours of electric energy to electric consumers for purposes other than resale during the preceding calendar year; except that such term does not include the United States, a State or any political subdivision of a state, or any agency, authority, or instrumentality of any one or more of the foregoing, or a rural electric cooperative.

"(13) Retail electric supplier's base amount.—The term 'retail electric supplier's base amount' means the total amount of electric energy sold by the retail electric supplier to electric customers during the most recent calendar year for which information is available, excluding electric energy generated by—

"(A) an eligible renewable energy resource;

"(B) municipal solid waste; or

"(C) a hydroelectric facility.

"(m) Sunset.—This section expires December 31, 2030.".

SA 3017. Mr. JEFFORDS (for himself, Mr. Wellstone, and Mr. Kerry) proposed an amendment to amendment SA 3016 proposed by Mr. Bingaman to the amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

Beginning on page 1, strike line 5 and all that follows through page 9, line 8, and insert the following:

SEC. 606. FEDERAL RENEWABLE ENERGY STANDARD.

SEC. 1. DEFINITIONS.

In this section:

(1) Biomass.—The term 'biomass' means—

(A) organic material from a plant that is planted exclusively for the purpose of being used to produce electricity; and

(B) nonhazardous, cellulosic or agricultural animal waste material that is segregated from other waste materials and is derived from—

(i) a forest-related resource, including—

(I) mill and harvesting residue;

(II) precommercial thinnings;

(III) slash; and,

(IV) brush;

(ii) an agricultural resource, including—

(I) orchard tree crops;

(II) vineyards;

(III) grain;

(IV) legumes;

(V) sugar; and

(VI) other crop by-products or residues;

(iii) miscellaneous waste such as—

(I) waste pallet;

(II) crate;

(III) dunnage; and

(IV) landscape or right-of-way tree trimmings, but not including—

(aa) municipal solid waste;

(bb) recyclable postconsumer wastepaper;

(cc) painted, treated, or pressurized wood;

(dd) wood contaminated with plastic or metals; or

(ee) tires; and

(iv) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to biological fertilizer, oil, or activated carbon.

(2) Incremental hydropower.—The term "incremental hydropower" means additional generation capacity achieved from increased efficiency after January 1, 2002, at a hydroelectric dam that was placed in service before January 1, 2002.

(3) Landfill gas.—The term "landfill gas" means gas generated from the decomposition of household solid waste, commercial solid waste, and industrial solid waste disposed of in a municipal solid waste landfill unit (as those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.)).

(4) RENEWABLE ENERGY.—The term "renewable energy" means electricity generated from—

(A) a renewable energy source; or

(B) hydrogen that is produced from a renewable energy source.

(5) RENEWABLE ENERGY SOURCE.—The term "renewable energy source" means—

(A) wind;

(B) biomass;

(C) incremental hydropower;

(D) landfill gas; or

(E) a goethermal, solar thermal, or photovoltaic source.

(6) RETAIL ELECTRIC SUPPLIER.—

(A) IN GENERAL.—The term "retail electric supplier" means a person or entity that sells retail electricity to consumers, and which sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

(B) INCLUSIONS.—The term "retail electric supplier" includes—

(i) a regulated utility company (including affiliates or associates of such a company);

(ii) a company that is not affiliated or associated with a regulated utility company;

(iii) a municipal utility;

(iv) a cooperative utility;

(v) a local government; and

(vi) a special district.

(7) SECRETARY.—The term 'Secretary' means the Secretary of Energy.

SEC. 2. RENEWABLE ENERGY GENERATION STANDARDS.

(a) RENEWABLE ENERGY CREDITS.—

(1) IN GENERAL.—Not later than April 1 of each year, each retail electric supplier shall submit to the Secretary renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of non-hydropower electricity sold to consumers during the previous calendar year.

(2) RATE.—The rates charged to each class of consumers by a retail electric supplier shall reflect an equal percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (b).

(3) ELIGIBLE RESOURCES.—A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (b).

(4) STATE RENEWABLE ENERGY PROGRAM.—

(A) IN GENERAL.—Nothing in this section precludes any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State.

(B) LIMITATION.—A State may limit the benefits of any State renewable energy program to renewable energy generators located within the boundaries of the State or other boundaries (as determined by the State).

(b) REQUIRED RENEWABLE ENERGY.—Of the total amount of non-hydropower electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

Calendar years:	**Percentage of renewable energy each year:**
2005–2009	5
2010–2014	10
2015–2019	15
2020 and subsequent years	20

(c) SUBMISSION OF RENEWABLE ENERGY CREDITS.—To meet the requirements under subsection (a)(1), a retail electric supplier may submit to the Secretary—

(1) renewable energy credits issued under subsection (d) for renewable energy generated by the retail electric supplier during the calendar year for which renewable energy credits are being submitted or the previous calendar year; or

(2) renewable energy credits—

(A) issued under subsection (d) to any renewable energy generator for renewable energy generated during the calendar year for which renewable energy credits are being submitted or the previous calendar year; and

(B) acquired by the retail electric supplier under subsection (e); or (3) renewable energy credits acquired from the Secretary for a cost equal to three cents per renewable energy credit in 2003 dollars, adjusted for inflation.

(d) SMALL UTILITY PROGRAM.—The Secretary shall apply proceeds from the sale of renewable energy credits acquired under subsection (c)(3) to a program, utilizing a competitive bidding process, to encourage maximum renewable energy generation and/or purchase by retail electric suppliers which sold not 500,000 megawatt-hours or less of electric energy to consumers for purposes other than resale during the preceding calendar year.

(e) ISSUANCE OF RENEWABLE ENERGY CREDITS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to issue, monitor the sale or exchange of, and track renewable energy credits.

(2) APPLICATION.—

(A) IN GENERAL.—Under the program established under paragraph (1), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

(B) REQUIREMENTS.—An application under subparagraph (A) shall identify—

(i) the type of renewable energy resource used to produce the electric energy;

(ii) the State in which the electric energy was produced; and

(iii) any other information that the Secretary determines appropriate.

(3) NUMBER OF RENEWABLE ENERGY RESOURCE CREDITS.—

(A) IN GENERAL.—The Secretary shall issue to an entity 1 renewable energy credit for each kilowatt-hour of electric energy that the entity generates through the use of a renewable energy resource in any State in calendar year 2002 and each year thereafter.

(B) PARTIAL CREDIT.—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

(4) ELIGIBILITY.—To be eligible for a renewable energy credit under this subsection, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator.

(5) IDENTIFICATION OF RENEWABLE ENERGY CREDITS.—The Secretary shall identify renewable energy credits by—

(A) the type of generation; and

(B) the State in which the generating facility is located.

(6) FEE.—

(A) IN GENERAL.—To receive a renewable energy credit, the entity shall pay a fee, calculated by the Secretary, in an amount that is equal to the lesser of—

(i) the administrative costs of issuing, recording, monitoring the sale of exchange of, and tracking the renewable energy credit; or

(ii) 5 percent of the national average market value (as determined by the Secretary) of that quantity of renewable energy credits.

(B) USE.—The Secretary shall use the fee to pay the administrative costs described in subparagraph (A)(i).

(f) SALE OR EXCHANGE.—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit.

(g) VERIFICATION.—The Secretary may collect the information necessary to verify and audit—

(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

(3) the amount of electricity sales of all retail electric suppliers.

(h) ENFORCEMENT.—

(1) IN GENERAL.—The Secretary may bring an action in United States district court to impose a civil penalty on a retail electric supplier that fails to comply with subsection (a).

(2) AMOUNT OF PENALTY.—A retail electric supplier that fails to submit the required number of renewable energy credits under subsection (a) shall be subject to a civil penalty of not more than 3 times the estimated national average market value (as determined by the Secretary) of that quantity of renewable energy credits for the calendar year concerned.

SA 3018. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, in the table between lines 10 and 11, in the item relating to calendar year 2004, strike "2.3" and insert "1.8".

SA 3019. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 195, strike line 19 and all that follows through page 196, line 4, and insert the following:

"(B) PETITIONS FOR WAIVERS.—

"(i) IN GENERAL.—The Administrator, in consultation with the Secretary of Agriculture and the Secretary of Energy, shall approve or disapprove a State petition for a waiver of the requirement of paragraph (2) within 30 days after the date on which the petition is received by the Administrator.

"(ii) FAILURE TO ACT.—If the Administrator fails to approve or disapprove a petition within the period specified in clause (i), the petition shall be deemed to be approved.

SA 3020. Mrs. FEINSTEIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 189, line 3, strike "2004" and insert "2005".

On page 189, line 5, strike "2004" and insert "2005".

On page 189, line 8, strike "2004" and insert "2005".

On page 189, in the table between lines 10 and 11, strike the item relating to calendar year 2004.

On page 193, line 10, strike "2004" and insert "2005".

On page 194, line 21, strike "2004" and insert "2005".

On page 196, line 17, strike "2004" and insert "2005".

On page 197, line 4, strike "2004" and insert "2005".

On page 199, line 4, strike "2004" and insert "2005".

On page 199, line 17, strike "2004" and insert "2005".

SA 3021. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 204, strike line 15 and all that follows through page 205, line 8, and insert the following:

"Notwithstanding any other provision of federal or state law, a renewable fuel, as defined by this Act, used or intended to be used as a motor vehicle fuel, or any motor vehicle fuel containing such renewable fuel, shall be subject to liability standards no less protective than any other motor vehicle fuel or fuel additive.".

SA 3022. Mrs. BOXER (for herself and Mrs. FEINSTEIN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 191, strike lines 8 through 11 and insert the following:

"(4) CELLULOSIC BIOMASS ETHANOL.—

"(A) IN GENERAL.—For the purpose of paragraph (2)—

"(i) except as provided in clause (ii), 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 1.5 gallons of renewable fuel; and

"(ii) 1 gallon of cellulosic biomass ethanol shall be considered the equivalent of 2 gallons of renewable fuel if the cellulosic biomass ethanol is derived from agricultural commodities and residues.

"(B) CELLULOSIC BIOMASS ETHANOL CONVERSION ASSISTANCE.—

"(i) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of cellulosic biomass ethanol to assist such producers in building eligible facilities for the production of cellulosic biomass ethanol.

"(ii) ELIGIBLE FACILITIES.—A facility shall be eligible to receive a grant under this paragraph if the facility—

"(I) is located in the United States; and

"(II) uses cellulosic biomass ethanol feed stocks derived from agricultural commodities and residues.

"(iii) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this paragraph such sums as may be necessary for fiscal years 2003, 2004, and 2005.".

SA 3023. Mrs. LINCOLN (for herself, Mr. BOND, Mr. JOHNSON, Mrs. CARNAHAN, Mr. HUTCHINSON, Mr. HARKIN, Mr. GRASSLEY, Mr. BUNNING, Mr. BAYH, and Mr. CRAIG) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 142, strike lines 8 through 11 and insert the following:

SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

"(2) USE.—

"(A) IN GENERAL.—A fleet or covered person—

"(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

"(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

"(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).".

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking "CREDIT NOT" and inserting "TREATMENT AS"; and

(2) by striking "shall not be considered" and inserting "shall be treated as".

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term "light duty motor vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

SA 3024. Mr. VOINOVICH (for himself, Ms. LANDREIU, Mr. SMITH of New Hampshire, and Mr. INHOFE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 119, between lines 10 and 11, insert the following:

Subtitle B—Growth of Nuclear Energy

SEC. 511. COMBINED LICENSE PERIODS.

Section 103c. of the Atomic Energy Act of 1954 (42 U.S.C. 2133(c)) is amended—

(1) by striking "c. Each such" and inserting the following:

"c. LICENSE PERIOD.—

"(1) IN GENERAL.—Each such"; and

(2) by adding at the end the following:

"(2) COMBINED LICENSES.—In the case of a combined construction and operating license issued under section 185(b), the duration of the operating phase of the license period shall not be less than the duration of the operating license if application had been made for separate construction and operating licenses.".

SEC. 512. SCOPE OF ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Chapter 10 of title I of the Atomic Energy act of 1954 (42 U.S.C. 2131 et seq.) is amended—

(1) by redesignating sections 110 and 111 as section 111 and 112, respectively; and

(2) by inserting after section 109 the following:

"SEC. 110. SCOPE OF ENVIRONMENTAL REVIEW.

"In conducting any environmental review (including any activity conducted under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332)) in connection with an application for a license or a renewed license under this chapter, the Commission shall not give any consideration to the need for, or any alternative to, the facility to be licensed.”.

(b) CONFORMING AMENDMENTS.—

(1) The Atomic Energy Act of 1954 is amended—

(A) in the table of contents (42 U.S.C. prec. 2011), by striking the items relating to section 110 and inserting the following:

“Sec. 110. Scope of environmental review.
“Sec. 111. Exclusions.
“Sec. 112. Licensing by Nuclear Regulatory Commission of distribution of certain materials by Department of Energy.”;

(B) in the last sentence of section 57b. (42 U.S.C. 2077(b)), by striking “section 111 b.” and inserting “section 112b.”; and

(C) in section 131a.(2)(C), by striking “section 111 b.” and inserting “section 112b.”.

(2) Section 202 of the Energy Reorganization Act o f 1974 (42 U.S.C. 5842) is amended—

(A) by striking “section 110 a.” and inserting “section 111a.”; and

(B) by striking “section 110 b.” and inserting “section 111b.”.

Subtitle C—NRC Regulatory Reform

SEC. 521. ELIMINATION OF DUPLICATIVE ANTITRUST REVIEW.

Section 105 of the Atomic Energy Act of 1954 (42 U.S.C. 2135) is amended by striking subsection c. and inserting the following:

“c. CONDITIONS.—

“(1) IN GENERAL.—A condition for a grant of a license imposed by the Commission under this section shall remain in effect until the condition is modified or removed by the Commission.

“(2) MODIFICATION.—If a person that is licensed to construct or operate a utilization or production facility applies for reconsideration under this section of a condition imposed in the person's license, the Commission shall conduct a proceeding, on an expedited basis, to determine whether the license condition—

“(A) is necessary to ensure compliance with subsection a.; or

“(B) should be modified or removed.”.

SEC. 522. HEARING PROCEDURES.

Section 189a.(1) of the Atomic Energy Act of 1954 (42 U.S.C. 2239(a)(1)) is amended by adding at the end the following:

“(C) HEARINGS.—A hearing under this section shall be conducted using informal adjudicatory procedures unless the Commission determines that formal adjudicatory procedures are necessary—

“(i) to develop a sufficient record; or

“(ii) to achieve fairness.”.

SEC. 523. AUTHORITY OVER FORMER LICENSEES FOR DECOMMISSIONING FUNDING.

Section 161i. of the Atomic Energy Act of 1954 (42 U.S.C. 2201(i)) is amended—

(1) by striking “and (3)” and inserting “(3)”; and

(2) by inserting before the semicolon at the end the following: “, and (4) to ensure that sufficient funds will be available for the decommissioning of any production or utilization facility licensed under section 103 or 104b., including standards and restrictions governing the control, maintenance, use, and disbursement by any former licensee under this Act that has control over any fund for the decommissioning of the facility”.

Subtitle D—NRC Personnel Crisis

SEC. 531. ELIMINATION OF PENSION OFFSET.

Section 161 of the Atomic Energy Act of 1954 (42 U.S.C. 2201) is amended by adding at the end the following:

“y. exempt from the application of sections 8344 and 8468 of title 5, United States Code, an annuitant who was formerly an employee of the Commission who is hired by the Commission as a consultant, if the Commission finds that the annuitant has a skill that is critical to the performance of the duties of the Commission.”.

SEC. 532. CONTRACTS WITH THE NATIONAL LABORATORIES.

Section 170A of the Atomic Energy Act of 1954 (42 U.S.C. 2210a) is amended by striking subsection c. and inserting the following:

“c. CONTRACTS, AGREEMENTS, AND OTHER ARRANGEMENTS WITH THE NATIONAL LABORATORIES.—Notwithstanding subsection b. and notwithstanding the potential for a conflict of interest that cannot be avoided, the Commission may enter into a contract, agreement, or other arrangement with a national laboratory if the Commission takes reasonable steps to mitigate the effect of the conflict of interest.”.

SEC. 533. NRC TRAINING PROGRAM.

(a) IN GENERAL.—In order to maintain the human resource investment and infrastructure of the United States in the nuclear sciences, health physics, and engineering fields, in accordance with the statutory authorities of the Commission relating to the civilian nuclear energy program, the Nuclear Regulatory Commission shall carry out a training and fellowship program to address shortages of individuals with critical safety skills.

(b) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2002 through 2005.

(2) AVAILABILITY.—Funds made available under paragraph (1) shall remain available until expended.

SA 3025. Mr. INHOFE (for himself and Mr. CONRAD) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 407, line 4, after “including”, insert “flexible alternating current transmission systems,”.

SA 3026. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 247, between lines 10 and 11, insert the following:

SEC. 903. STATE ENERGY PLANS.

(a) IN GENERAL.—No later than 1 year after the date of enactment of this Act, each State shall submit to the Secretary of Energy a plan that outlines possible methodologies that would ensure that, by the date that is 10 years after the date of submission of the report, the amount of energy produced in the State will be equal to at least 85 percent of the amount of energy consumed in the State (as those amounts are measured by the Energy Information Agency).

(b) FAILURE TO SUBMIT A PLAN.—

(1) IN GENERAL.—After the date that is 1 year after the date of enactment of this Act, a State that has not submitted a plan under subsection (a) shall not receive any funding authorized by this Act or any amendment made by this Act until the State submits a report.

(2) EXCEPTION.—Paragraph (1) does not apply to funding authorized under subsection (b) or (e) of section 2602 of the Low Income Housing Energy Assistance Act of 1981 (42 U.S.C. 8621).

SA 3027. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title II and insert:

“TITLE II—ELECTRICITY

“Subtitle A—Consumer Protections

“SEC. 201. INFORMATION DISCLOSURE.

“(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information:

“(1) the nature of the service being offered, including information about interruptibility of service;

“(2) the price of the electric energy, including a description of any variable charges;

“(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

“(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

“(A) the product or its price;

“(B) the share of electric energy that is generated by each fuel type; and

“(C) the environmental emissions produced in generating the electric energy.

“(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

“SEC. 202. CONSUMER PRIVACY.

“(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

“(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes.

"(1) to facilitate an eclectic consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

"(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

"(3) to protect the rights or property of the person obtaining such information;

"(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

"(5) for law enforcement purposes; or

"(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

"(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

"(d) DEFINITIONS.—As used in this section:

"(1) The term "aggregate consumer information" means collective data that relates to a group or category of retail electric consumers, from which individual consumer identifies and characteristics have been removed.

"(2) The term "consumer information" means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

"SEC. 203. UNFAIR TRADE PRACTICES.

"(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

"(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by law or the electric consumer.

"SEC. 204. APPLICABLE PROCEDURES.

"The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

"SEC. 205. FEDERAL TRADE COMMISSION ENFORCEMENT.

"Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

"SEC. 206. STATE AUTHORITY.

"Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules or procedures regarding the practices which are the subject of this subtitle.

"SEC. 207. DEFINITIONS.

"As used in this subtitle:

"(1) The term 'aggregate consumer information' means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

"(2) The term 'consumer information' means information that relates to the quantity technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

"(3) The term 'electric consumer', 'electric utility', and 'State regulatory authority' have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

"Subtitle B—Electric Reliability

"SEC. 208. ELECTRIC RELIABILITY.

"Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following after section 215 as added by this Act:

"SEC. 216. ELECTRIC RELIABILITY.

"(a) DEFINITIONS.—For purposes of this section—

"(1) 'bulk-power system' means the network of interconnected transmission facilities and generating facilities;

"(2) 'electric reliability organization' means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

"(3) 'reliability standard' means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

"(b) JURISDICTION AND APPLICABILITY.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

"(c) CERTIFICATION.—

"(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

"(2) Following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

"(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

"(B) has established rules that—

"(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

"(ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

"(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations; or other appropriate sanctions); and

"(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

"(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

"(d) RELIABILITY STANDARDS.—

"(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

"(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or modification to a reliability standard, but shall not defer with respect to its effect on competition.

"(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

"(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

"(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

"(e) ENFORCEMENT.—

"(1) An electric reliability organization may impose a penalty on a user or owner or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

"(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

"(B) files notice with the Commission, which shall affirm, set aside or modify the action.

"(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

"(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and shall be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

"(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

"(f) CHANGES IN ELECTRIC RELIABILITY ORGANIZATION RULES.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment,that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

"(g) COORDINATION WITH CANADA AND MEXICO.—

"(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

"(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

"(h) RELIABILITY REPORTS.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

"(i) SAVINGS PROVISIONS.—

"(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk-power system.

"(2) This section does not provide the electric reliability organization or the Commission with the authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

"(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within the State, as long as such action is not inconsistent with any reliability standard.

"(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

"(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

"(j) APPLICATION OF ANTITRUST LAWS.—

"(1) IN GENERAL.—To the extent undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

"(A) activities undertaken by an electric reliability organization under this section, and

"(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

"(2) RULE OF REASON.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

"(3) DEFINITION.—For purposes of this subsection, 'antitrust laws' has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

"(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

"(l) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska or Hawaii."

"Subtitle B—Amendments to the Public Utility Holding Company Act

"SEC. 209. SHORT TITLE.

"This subtitle may be cited as the "Public Utility Holding Company Act of 2002".

"SEC. 210. DEFINITIONS.

"For purposes of this subtitle:

"(1) The term "affiliate" of a company means any company, 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company.

"(2) The term "associate company" of a company means any company in the same holding company system with such company.

"(3) The term "Commission" means the Federal Energy Regulatory Commission.

"(4) The term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing.

"(5) The term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale.

"(6) The terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935 (15 U.S.C. 79z–5a, 79z–5b), as those sections existed on the day before the effective date of this subtitle.

"(7) The term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power.

"(8) The term "holding company" means—

"(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

"(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon holding companies.

"(9) The term 'holding company system' means a holding company, together with its subsidiary companies.

"(10) The term 'jurisdictional rates' means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

"(11) The term 'natural gas company' means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale.

"(12) The term 'person' means an individual or company.

"(13) The term 'public utility' means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce.

"(14) The term 'public utility company' means an electric utility company or a gas utility company.

"(15) The term 'State commission' means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate utility companies.

"(16) The term 'subsidiary company' of a holding company means—

"(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

"(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this subtitle upon subsidiary companies of holding companies.

"(17) The term 'voting security' means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

"SEC. 211. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

"The Public Utility Holding Company Act of 1935 (15 U.S.C. 79 et seq.) is repealed.

"SEC. 212. FEDERAL ACCESS TO BOOKS AND RECORDS.

"(a) In General.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

"(b) Affiliate Companies.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

"(c) Holding Company Systems.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

"(d) Confidentiality.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

"SEC. 213. STATE ACCESS TO BOOKS AND RECORDS.

"(a) In General.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, the holding company or any associate company or affiliate thereof, other than such public utility company, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

"(1) have been identified in reasonable detail by the State commission;

"(2) the State commission deems are relevant to costs incurred by such public utility company; and

"(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

"(b) Limitation.—Subsection (a) does not apply to any person that is a holding company solely by reason of ownership of one or more qualifying facilities under the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601 et seq.).

"(c) Confidentiality of Information.—The production of books, accounts memoranda, and other records under subsection (a) shall be subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information.

"(d) Effect on State Law.—Nothing in this section shall preempt applicable State law concerning the provision of books, accounts, memoranda, and other records, or in any way limit the rights of any State to obtain books, accounts, memoranda, and other records under any other Federal law, contract, or otherwise.

"(e) Court Jurisdiction.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

"SEC. 214. EXEMPTION AUTHORITY.

"(a) Rulemaking.—Not later than 90 days after the effective date of this subtitle, the Commission shall promulgate a final rule to exempt from the requirements of section 224 any person that is a holding company, solely with respect to one or more—

"(1) qualifying facilities under the Public Utility Regulatory Policies of Act of 1978 (16 U.S.C. 2601 et seq.);

"(2) exempt wholesale generators; or

"(3) foreign utility companies.

"(b) Other Authority.—The Commission shall exempt a person or transaction from the requirements of section 224, if, upon application or upon the motion of the Commission—

"(1) the Commission finds that the books, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility or natural gas company; or

"(2) the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility or natural gas company.

"SEC 215. AFFILIATE TRANSACTIONS.

"(a) Commission Authority Unaffected.—Nothing in this subtitle shall limit the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) to require that jurisdictional rates are just and reasonable, including the ability to deny or approve the pass through of costs, the prevention of cross-subsidization, and the promulgation of such rules and regulations as are necessary or appropriate for the protection of utility consumers.

"(b) Recovery of Costs.—Nothing in this subtitle shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company, public utility, or natural gas company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

"SEC. 216. APPLICABILITY.

"Except as otherwise specifically provided in this subtitle, no provision of this subtitle shall apply to, or be deemed to include—

"(1) the United States;

"(2) a State or any political subdivision of a State;

"(3) any foreign governmental authority not operating in the United States;

"(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

"(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

"SEC. 217. EFFECT ON OTHER REGULATIONS.

"Nothing in this subtitle precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

"SEC. 218. ENFORCEMENT.

"The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825e–825p) to enforce the provisions of this subtitle.

"SEC. 219. SAVINGS PROVISIONS.

"(a) In General.—Nothing in this subtitle prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this subtitle.

"(b) Effect on Other Commission Authority.—Nothing in this subtitle limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

"SEC. 220. IMPLEMENTATION.

"Not later than 18 months after the date of enactment of this subtitle, the Commission shall—

"(1) promulgate such regulations as may be necessary or appropriate to implement this subtitle (other than section 225); and

"(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this subtitle and the amendments made by this subtitle.

"SEC. 221. TRANSFER OF RESOURCES.

"All books and records that relate primarily to the functions transferred to the Commission under this subtitle shall be transferred from the Securities and Exchange Commission to the Commission.

"SEC. 222. INTER-AGENCY REVIEW OF COMPETITION IN THE WHOLESALE AND RETAIL MARKETS FOR ELECTRIC ENERGY.

"(a) Task Force.—There is established an inter-agency task force, to be known as the "Electric Energy Market Competition Task Force" (referred to in this section as the "task force"), which shall consist of—

"(1) 1 member each from—

"(A) the Department of Justice, to be appointed by the Attorney General of the United States;

"(B) the Federal Energy Regulatory Commission, to be appointed by the chairman of that Commission; and

"(C) the Federal Trade Commission, to be appointed by the chairman of that Commission; and

"(2) 2 advisory members (who shall not vote), of whom—

"(A) I shall be appointed by the Secretary of Agriculture to represent the Rural Utility Service; and

"(B) 1 shall be appointed by the Chairman of the Securities and Exchange Commission to represent that Commission.

"(b) Study and Report.—

"(1) Study.—The task force shall perform a study and analysis of the protection and promotion of competition within the wholesale and retail market for electric energy in the United States.

"(2) Report.—

"(A) Final report.—Not later than 1 year after the effective date of this subtitle, the task force shall submit a final report of its findings under paragraph (1) to the Congress.

"(B) Public comment.—At least 60 days before submission of a final report to the Congress under subparagraph (A), the task force shall publish a draft report in the Federal Register to provide for public comment.

"(c) Focus.—The study required by this section shall examine—

"(1) the best means of protecting competition within the wholesale and retail electric market;

"(2) activities within the wholesale and retail electric market that may allow unfair and unjustified discriminatory and deceptive practices;

"(3) activities within the wholesale and retail electric market, including mergers and acquisitions, that deny market access or suppress competition;

"(4) cross-subsidization that may occur between regulated and nonregulated activities; and

"(5) the role of State public utility commissions in regulating competition in the wholesale and retail electric market.

"(d) CONSULTATION.—In performing the study required by this section, the task force shall consult with and solicit comments from its advisory members, the States, representatives of the electric power industry, and the public.

"SEC. 223. GAO STUDY ON IMPLEMENTATION.

"(a) STUDY.—The Comptroller General shall conduct a study of the success of the Federal Government and the States during the 18-month period following the effective date of this subtitle in—

"(1) the prevention of anticompetitive practices and other abuses by public utility holding companies, including cross-subsidization and other market power abuses; and

"(2) the promotion of competition and efficient energy markets to the benefit of consumers.

"(b) REPORT TO CONGRESS.—Not earlier than 18 months after the effective date of this subtitle or later than 24 months after that effective date, the Comptroller General shall submit a report to the Congress on the results of the study conducted under subsection (a), including probable causes of its findings and recommendations to the Congress and the States for any necessary legislative changes.

"SEC. 224. EFFECTIVE DATE.

"This subtitle shall take effect 18 months after the date of enactment of this subtitle.

"SEC. 237. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such funds as may be necessary to carry out this subtitle.

"SEC. 225. CONFORMING AMENDMENTS TO THE FEDERAL POWER ACT.

"(a) Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

"(b) Section 201(g) of the Federal Power Act (16 U.S.C. 824(g)) is amended by striking "1935" and inserting "2002".

"(c) Section 214 of the Federal Power Act (16 U.S.C. 824m) is amended by striking "1935" and inserting "2002".

"Subtitle C—Amendments to the Public Utility Regulatory Policies Act of 1978

"SEC. 244. COGENERATION AND SMALL POWER PRODUCTION PURCHASE AND SALE REQUIREMENTS.

"(a) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—Section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a-3) is amended by adding at the end the following:

"(m) TERMINATION OF MANDATORY PURCHASE AND SALE REQUIREMENTS.—

"(1) IN GENERAL.—After the date of enactment of this subsection, no electric utility shall be required to enter into a new contract or obligation to purchase or sell electric energy under this section.

"(2) NO EFFECT ON EXISTING RIGHTS AND REMEDIES.—Nothing in this subsection affects the rights or remedies of any party with respect to the purchase or sale of electric energy or capacity from or to a facility under this section under any contract or obligation to purchase or to sell electric energy or capacity on the date of enactment of this subsection, including—

"(A) the right to recover costs of purchasing such electric energy or capacity; and

"(B) in States without competition for retail electric supply, the obligation of a utility to provide, at just and reasonable rates for consumption by a qualifying small power production facility or a qualifying cogeneration facility, backup, standby, and maintenance power.

"(3) RECOVERY OF COSTS.—

"(A) REGULATION.—To ensure recovery by an electric utility that purchases electric energy or capacity from a qualifying facility pursuant to any legally enforceable obligation entered into or imposed under this section before the date of enactment of this subsection, of all prudently incurred costs associated with the purchases, the Commission shall issue and enforce such regulations as may be required to ensure that the electric utility shall collect the prudently incurred costs associated with such purchases.

"(B) ENFORCEMENT.—A regulation under subparagraph (A) shall be enforceable in accordance with the provisions of law applicable to enforcement of regulations under the Federal Power Act (16 U.S.C. 791a et seq.).'

"(b) ELIMINATION OF OWNERSHIP LIMITATION.—

"(1) Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)) is amended to read as follows;

"(C) 'qualifying small power production facility' means a small power production facility that the commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.'.

"(2) Section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)) is amended to read as follows:

"(B) 'qualifying cogeneration facility' means a cogeneration facility that the commission determines, by rule, meets such requirements (including requirements respecting minimum size, fuel use, and fuel efficiency) as the Commission may, by rule, prescribe.".

SA 3028. Mr. LOTT proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, add the following:

"SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

(a) FINDINGS.—The Senate finds that—

(1) The Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;

(2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;

(3) seventeen of the 31 vacancies on the Courts of Appeals have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts;

(4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 of the 22 circuit court nominations that he submitted to the Senate were confirmed; and

(5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

SA 3029. Mr. REID (for Mr. ALLARD) proposed an amendment to the bill S. 1372, to reauthorize the Export-Import Bank of the United States; as follows:

At the end of the bill, add the following:

SEC. 7. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Board of Directors of the Tennessee Valley Authority;" and inserting "the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;"; and

(2) in paragraph (2), by striking "or the Tennessee Valley Authority;" and inserting "the Tennessee Valley Authority, or the Export-Import Bank,".

(b) SPECIAL PROVISIONS.—The Inspector General Act of 1978 is amended—

(1) by redesignating section 8I as section 8J and inserting after section 8H the following new section:

"§ 8I. Special Provisions Relating to the Export-Import Bank of the United States

"(a) IN GENERAL.—The Inspector General of the Export-Import Bank shall not prevent or prohibit the Audit Committee from initiating, carrying out, or completing any audit or investigation or undertaking any other activities in the performance of the duties and responsibilities of the Audit Committee, including auditing the financial statements of the Export-Import Bank, determining when it is appropriate to use independent external auditors, and selecting independent external auditors. In carrying out the duties and responsibilities of Inspector General, the Inspector General of the Export-Import Bank shall not be prevented or prohibited from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Audit Committee shall make available to the Inspector General of the Export-Import Bank the reports of all audits the Committee undertakes in the discharge of its duties and responsibilities.

"(b) AUDIT COMMITTEE.—For purposes of this section, the term 'Audit Committee' means the Audit Committee of the Board of

Directors of the Export-Import Bank or any successor thereof.";

(2) in section 8J (as redesignated), by striking "or 8H of this Act" and inserting "8H, or 8I of this Act".

(c) Executive Level IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

"Inspector General, Export-Import Bank.".

(d) Initial Implementation.—Section 9(a)(2) of the Inspector General Act of 1978 is amended by inserting "to the Office of the Inspector General," after "(2)".

(e) Technical Corrections.—Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after "Community Service";

(B) by striking "and" after "Financial Institutions Fund;"; and

(C) by striking "and" after "Trust Corporation;"; and

(2) in paragraph (2), by striking the second comma after "Community Service".

(f) Effective Date.—The amendments made by this section shall take effect on October 1, 2002.

SA 3030. Mr. SCHUMER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerhships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 186, strike line 9 and all that follows through page 205, line 8.

On page 236, strike lines 7 through 9 and insert the following:

is amended—

(1) by redesignating subsection (o) as subsection (p); and

(2) by inserting after subsection (n) the following:

"(o) Analyses of Motor Vehicle Fuel Changes.—

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 9:30 a.m., in open session to receive testimony on the atomic energy defense activities of the Department of Energy, in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies: Oversight of the Accounting Profession, Audit Quality and Independence, and Formulation of Accounting Principles."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 3 p.m., to conduct a hearing on the nominations of the Honorable Joann Johnson, of Iowa, to be a member of the National Credit Union Administration Board; and Ms. Deborah Matz, of New York, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on S. 1991, National Defense Interstate Rail Act on Thursday, March 14, 2002, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 10 a.m., to hear testimony on "Reimbursement and Access to Prescription Drugs Under Medicare Part B."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 2 p.m., to hold a nomination hearing.

Agenda

Nominees: The Honorable Richard M. Miles, of South Carolina, to be Ambassador to Georgia; the Honorable James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; Mr. Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg; and Mr. Lawrence E. Butler, of Maine, to be Ambassador to The Former Yugoslav Republic Macedonia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "The Future of American Steel: Ensuring the Viability of the Industry and the Health Care and Retirement Security for Its Workers," during the session of the Senate on Thursday, March 14, 2002, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 14, 2002, at 10 a.m., in room 485 of the Russell Senate Office Building to conduct on oversight hearing on the President's budget request for Indian programs for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Competition, Innovation, and Public Policy in the Digital Age: Is the Marketplace Working To Protect Digital Creative Works?" on Thursday, March 14, 2002, in Dirksen room 106, at 10 a.m.

Witness List: Mr. Richard D. Parsons, CEO Designate, AOL Time Warner, Inc.; Dr. Craig R. Barrett, President and CEO, Intel Corporation; Mr. Jonathan Taplin, CEO, Intertainer; Mr. Joe Kraus, Founder, Excite.com and DigitalConsumer.org; and Mr. Justin Hughes, Professor, UCLA Law School.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 14, 2002, at 2 p.m., in Dirksen Room 106.

Tentative Agenda

I. Nominations

Charles W. Pickering, Sr. to be U.S. Circuit Court Judge for the 5th Circuit.

To be United States Attorney: Jane J. Boyle for the Northern District of Texas; Matthew D. Orwig for the Eastern District of Texas; and Michael Taylor Shelby for the Southern District of Texas.

To be United States Marshal: Don Slazinik for the Southern District of Illinois and Kim Richard Widup for the Northern District of Illinois.

II. Bills

S. 1356, The Wartime Treatment of European Americans and Refugees Study Act. [Feingold/Grassley/Kennedy]

S. 924, Providing Reliable Officers, Technology, Education, Community Prosecutors, and Training In Our Neighborhoods (PROTECTION) Act of 2001. [Biden-Specter]

III. Resolutions

S. Res. 207, A Resolution to Designate March 31, 2002 as "National Civilian Conservation Corps Day" [Bingaman]

S. Res. 206, A resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week". [Murkowski]

S. Res. 221, A resolution to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers. [Campbell]

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 10 a.m., for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentations of the Gold Star Wives of America, the Fleet Reserve Association, the Air Force Sergeants Association, and the Retired Enlisted Association. The hearing will take place in room 345 of the Cannon House Office Building.

I also ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 2 p.m., for a hearing on the nominations of Robert H. Roswell to be Under Secretary for Health of the Department Veterans Affairs and Daniel L. Cooper to be Under Secretary for Benefits of the Department of Veterans Affairs. The hearing will take place in room 418 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, March 14, 2002, from 9:30 a.m.-12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AIRLAND

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Airland of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 14, 2002, at 2:30 p.m. in open session to receive testimony on Army Modernization and Transformation, in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. THOMAS. Madam President, I ask unanimous consent that an intern from our office, Steve Ripley, be granted the privilege of the floor for today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DAYTON. Mr. President, I ask unanimous consent that my staff, Jennifer Havrish, be granted the privilege of the floor during consideration of amendment No. 3008.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I also ask unanimous consent that Cindy Bethell, a fellow in my office, to be granted access to the Senate floor for the consideration of the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that floor privileges be granted to Christopher Reed, a detailee of the Justice Department to my Judiciary Committee staff.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT REFERRAL OF S. 2018

Mr. REID. Mr. President, I ask unanimous consent that S. 2018, the T'uf Shur Bein Preservation Trust Area Act, be jointly referred to the Committee on Energy and Natural Resources and Indian Affairs; that if one committee reports the bill, the other committee have 20 calendar days for review, excluding any period where the Senate is not in session for more than 3 days; provided further that if the second committee fails to report the measure within a 20-day period, then that committee is automatically discharged and the measure is placed on the Senate Calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA COLLEGE ACCESS IMPROVEMENT ACT OF 2002

Mr. REID. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (H.R. 1499) to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the House agree to the amendment of the Senate to the title and agree to the amendment of the Senate to the text to the bill (H.R. 1499) entitled "An Act to amend the District of Columbia College Access Act of 1999 to permit individuals who graduated from a secondary school prior to 1998 and individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school to participate in the tuition assistance programs under such Act, and for other purposes", with the following House amendment to Senate amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia College Access Improvement Act of 2002".

SEC. 2. PUBLIC SCHOOL PROGRAM.

Section 3(c)(2) of the District of Columbia College Access Act of 1999 (sec. 38–2702(c)(2), D.C. Official Code) is amended by striking subparagraphs (A) through (C) and inserting the following:

"(A)(i) in the case of an individual who begins an undergraduate course of study within 3 calendar years (excluding any period of service on active duty in the armed forces, or service under the Peace Corps Act (22 U.S.C. 2501 et seq.) or subtitle D of title I of the National and Community Service Act of 1990 (42 U.S.C. 12571 et seq.)) of graduation from a secondary school, or obtaining the recognized equivalent of a secondary school diploma, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education;

"(ii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, and is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002, was domiciled in the District of Columbia for not less than the 12 consecutive months preceding the commencement of the freshman year at an institution of higher education; or

"(iii) in the case of any other individual and an individual re-enrolling after more than a 3-year break in the individual's post-secondary education, has been domiciled in the District of Columbia for at least 5 consecutive years at the date of application;

"(B)(i) graduated from a secondary school or received the recognized equivalent of a secondary school diploma on or after January 1, 1998;

"(ii) in the case of an individual who did not graduate from a secondary school or receive a recognized equivalent of a secondary school diploma, is accepted for enrollment as a freshman at an eligible institution on or after January 1, 2002; or

"(iii) in the case of an individual who graduated from a secondary school or received the recognized equivalent of a secondary school diploma before January 1, 1998, is currently enrolled at an eligible institution as of the date of enactment of the District of Columbia College Access Improvement Act of 2002;

"(C) meets the citizenship and immigration status requirements described in section 484(a)(5) of the Higher Education Act of 1965 (20 U.S.C. 1091(a)(5));".

SEC. 3. PRIVATE SCHOOL PROGRAM.

Section 5(c)(1)(B) of the District of Columbia College Access Act of 1999 (sec. 38–2704(c)(1)(B), D.C. Official Code) is amended by striking "the main campus of which is located in the State of Maryland or the Commonwealth of Virginia".

SEC. 4. GENERAL REQUIREMENTS.

Section 6 of the District of Columbia College Access Act of 1999 (sec. 38–2705, D.C. Official Code) is amended—

(1) by striking subsection (b) and inserting the following:

"(b) ADMINISTRATIVE EXPENSES.—

"(1) IN GENERAL.—The Mayor of the District of Columbia may not use more than 7 percent of the total amount of Federal funds appropriated for the program, retroactive to the date of enactment of this Act (the District of Columbia College Access Act of 1999), for the administrative expenses of the program.

"(2) DEFINITION.—In this subsection, the term 'administrative expenses' means any expenses that are not directly used to pay the cost of tuition and fees for eligible students to attend eligible institutions.";

(2) by redesignating subsections (e) and (f) as subsections (f) and (g);

(3) by inserting after subsection (d) the following:

"(e) LOCAL FUNDS.—It is the sense of Congress that the District of Columbia may appropriate such local funds as necessary for the programs under sections 3 and 5."; and

(4) by adding at the end the following:

"(h) DEDICATED ACCOUNT FOR PROGRAMS.—

"(1) ESTABLISHMENT.—The District of Columbia government shall establish a dedicated account for the programs under sections 3 and 5 consisting of the following amounts:

"(A) The Federal funds appropriated to carry out such programs under this Act or any other Act.

"(B) Any District of Columbia funds appropriated by the District of Columbia to carry out such programs.

"(C) Any unobligated balances in amounts made available for such programs in previous fiscal years.

"(D) Interest earned on balances of the dedicated account.

"(2) USE OF FUNDS.—Amounts in the dedicated account shall be used solely to carry out the programs under sections 3 and 5.".

SEC. 5. CONTINUATION OF CURRENT AGGREGATE LEVEL OF AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The District of Columbia College Access Act of 1999 (sec. 38–2701 et seq., D.C. Official Code) is amended by adding at the end the following new section:

"SEC. 7. LIMIT ON AGGREGATE AMOUNT OF FEDERAL FUNDS FOR PUBLIC SCHOOL AND PRIVATE SCHOOL PROGRAMS.

"The aggregate amount authorized to be appropriated to the District of Columbia for the programs under sections 3 and 5 for any fiscal year may not exceed—

"(1) $17,000,000, in the case of the aggregate amount for fiscal year 2003;

"(2) $17,000,000, in the case of the aggregate amount for fiscal year 2004; or

"(3) $17,000,000, in the case of the aggregate amount for fiscal year 2005.".

(b) CONFORMING AMENDMENTS.—

(1) PUBLIC SCHOOL PROGRAM.—Section 3(i) of such Act (sec. 38–2702(i), D.C. Official Code) is amended by striking "and such sums" and inserting "and (subject to section 7) such sums".

(2) PRIVATE SCHOOL PROGRAM.—Section 5(f) of such Act (sec. 38–2704(f), D.C. Official Code) is amended by striking "and such sums" and inserting "and (subject to section 7) such sums".

Mr. REID. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendments, and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to S. 2019 introduced earlier today by Senator SARBANES.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2019) to extend the authority of the Export-Import Bank until April 30, 2002.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, and the motion to reconsider be laid on the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 2019) was read the third time and passed, as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF EXPORT-IMPORT BANK.

Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, the Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through April 30, 2002.

EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 141, S. 1372, the Export-Import Bank reauthorization.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1372) to reauthorize the Export-Import Bank of the United States.

There being no objection, the Senate proceeded to consider the bill.

Mr. SARBANES. Mr. President, I rise in support of S. 1372, the Export-Import Bank Reauthorization Act. This legislation, which was reported out of the Committee on Banking, Housing, and Urban Affairs by a 21–0 vote, would reauthorize the Export-Import Bank through September 30, 2006.

The Export-Import Bank of the United States was created in 1934 and established under its present law in 1945 to aid in financing and promoting U.S. exports. The Bank operates under a renewable charter, the Export-Import Bank Act of 1945, and was last authorized in 1997 through September 30, 2001. A short-term extension through March 31, 2002 was contained in the Foreign Operations Appropriations bill enacted last year. It is thus urgent for the Congress to act on this reauthorization in order for the Eximbank to remain open and able to assist U.S. exporters to compete in international markets. In order to ensure that the Ex-Im Bank will be able to continue to function until this reauthorization bill is enacted, I am also seeking consent today on a short-term extension of the authorization of the Ex-Im Bank until April 30, 2002.

In my view, there are two compelling market-based reasons for the existence of the Ex-Im Bank. First, the Ex-Im Bank has a critical role to play in leveling the playing field for U.S. exporters by matching the public financing made available by foreign governments. In addition, the Ex-Im Bank provides leverage to U.S. negotiators seeking to achieve international agreements to limit the use of government export subsidies. U.S. exporters are able to compete effectively in international markets on the basis of price and quality. When foreign governments provide subsidized financing for their exporters, U.S. exporters are placed at a competitive disadvantage.

Second, emerging market economies can pose credit risks of such magnitude that commercial banks are reluctant to finance U.S. exports to those countries even though they may present extraordinary opportunities for U.S. exporters. The Ex-Im Bank has the difficult but important task of weighing the project in light of the country risk rating and determining if a guarantee should be provided for a commercial export loan that would make possible an export deal that otherwise would not occur.

For these reasons, the Export-Import Bank has traditionally enjoyed strong bipartisan support in the Congress. That support is reflected in the unanimous 21–0 vote in the Banking Committee in support of this legislation. I would like to thank Senator BAYH, Chairman of the International Trade and Finance Subcommittee, and Senator HAGEL, the Ranking Member of the Subcommittee, for their strong support and leadership on this legislation. I would also like to thank Senator GRAMM, the Ranking Member of the Banking Committee, for his cooperation in moving this important legislation forward.

There are four key issues addressed in this legislation: the term of the reauthorization of the Ex-Im Bank; the competitive challenge posed to the Bank by foreign market windows; Ex-Im Bank financing for small business; and the collection of information on the activities of foreign export credit agencies as part of the Ex-Im Bank's annual report. Following is a brief discussion of these issues, as well as a discussion of an amendment that will be offered on the floor by Senator ALLARD to establish an Inspector General for the Eximbank.

The legislation intentionally provided an authorization until September 30, 2006 in order to take the reauthorization of the Ex-Im Bank out of the Presidential election cycle. When the reauthorization of the Ex-Im Bank falls in the first year of a President's term, it runs the risk that a new President will be taking office, as occurred last year. In that case, a new Administration must struggle not only to put in place a new Chairman of the Ex-Im Bank but also cope with providing leadership for the reauthorization of the Ex-Im Bank as well. The Banking Committee believed that it makes more sense to put the reauthorization of the Ex-Im Bank in the second year of a President's term to assure that a new Ex-Im Bank Chairman has been put in place and has been on the job with sufficient time to provide leadership for the reauthorization of the Bank.

The second issue addressed in the legislation is the competitive challenge to the Ex-Im Bank posed by foreign market windows. In hearings held in the International Trade and Finance Subcommittee last year, witnesses from industry, academia, and the Administration commented on the growing challenges to U.S. exporters posed by foreign market windows.

Market windows are government-sponsored enterprises (for example, government owned or directed financial institutions) which provide export financing at below market rates. However, the foreign governments—notably Germany and Canada—which support them claim that these enterprises are not official export credit agencies, and thus not subject to the disciplines of the OECD Arrangement. Currently, two government entities operate very active market windows. They are the German market window KfW and the Canadian market window, the Export Development Corporation (EDC). The result is that these foreign market windows can provide subsidized export financing outside the OECD Arrangement and give their exporters a competitive advantage over U.S. exporters. Also, because these foreign market windows are not subject to the OECD disciplines, there is often a transparency problem—it is difficult to find out the terms of the financing they provide.

The Ex-Im Bank Act currently authorizes the Ex-Im Bank to "provide guarantees, insurance, and extensions of credit at rates and on terms and other conditions which are fully competitive with the Government-supported rates and terms and other conditions available for the financing of exports of goods and services from the principal countries whose exporters compete with the United States." Since market windows are government-supported entities, the Ex-Im Bank views its current statute as providing Ex-Im Bank authority to match windows financing (but not to create its own market windows institutions). The Bank Committee agreed with that view. However, the Banking Committee believed it would be helpful to make this authority explicit so as to remove any question about Ex-Im Bank's authority and also to send a message to the foreign market windows of U.S. concern about their operations.

As a result, the legislation contains two provisions which address market windows. The first provision directs the executive branch to seek increased transparency over the activities of market windows in the OECD Export Credit Arrangement. If it is determined that market windows are disadvantaging U.S. exporters, the U.S. would be directed to seek negotiations in the OECD for multilateral disciplines and transparency for market windows.

The second provision authorizes the Ex-Im Bank to provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement to match financing terms and conditions that are being offered by market windows if such matching advances negotiations for multilateral disciplines and transparency within the OECD, or when market windows financing is being offered on terms that are more favorable than available from private financial markets. Ex-Im Bank could also match market window financing when the market window refuses to provide sufficient transparency to permit Ex-Im Bank to determine the terms and conditions of the market window financing. The Banking Committee understood that Ex-Im Bank has the authority to match market windows financing that is consistent with the terms of the OECD Arrangement.

In addition, the Banking Committee held the view that increased information was needed on the activities of foreign market windows. As a result, the bill specifies that the Bank's annual report to Congress on export credit competition should include information on export financing available to foreign competitors through market windows.

The Banking Committee believed that it was very important to make clear that Eximbank has the authority to match market windows financing in order to allow U.S. exporters to compete on a level playing field, and to direct the executive branch to seek negotiations in the OECD for multilateral disciplines and transparency for market windows financing.

The third issue is small business financing by the Eximbank. The Banking Committee has strongly supported the Ex-Im Bank's efforts to provide financing for small business. The Ex-Im Bank Act currently requires that "the Bank shall make available, from the aggregate loan, guarantee, and insurance authority available to it, an amount to finance exports directly by small business concerns which shall not be less than 10 percent of such authority for each fiscal year."

The legislation increases the requirements to 18 percent. According to the Ex-Im Bank, in FY 2000 small business comprised 18 percent of the total value of all Ex-Im Bank financing authorizations and 86 percent of all transactions supported by Ex-Im Bank. In FY 1999 these numbers were 16 percent and 86 percent respectively. In FY 1998 they were 21 percent and 85 percent respectively.

The Banking Committee believed that the requirement for Ex-Im Bank small business financing could reasonably be raised to a level of 18 percent without causing disruption to Ex-Im Bank's lending programs. Ex-Im Bank remains free to go above this level, as it has in the past, but the Committee was concerned the requiring a higher level could have the unwanted effect of tying up available Ex-Im Bank resources if the Ex-Im Bank could not achieve higher levels of small business financing in a given year.

The legislation makes a number of changes to Ex-Im Bank reporting requirements to ensure more timely and complete reporting of the activities of foreign export credit agencies.

The legislation requires the Ex-Im Bank to submit its annual competitiveness report to Congress not later than June 30 of each year. Currently, the annual competitiveness report comes to Congress in late summer/early autumn, too late to be used for any oversight or legislation in any given year. Also, with the current submission date, the Advisory Committee's annual recommendations, completed in December each year, are 8 to 9 months old. Finally, by moving the reporting date to June 30, the Ex-Im Bank will have ample time to include data on other export credit agencies, in light of the fact that the Berne Union reports on global export credit agency activity come in 45 days after the close of each quarter.

As previously mentioned, the legislation also specifies that the Bank's annual competitiveness report to Congress should include information on export financing available to foreign competitors through market windows. The legislation also requires the Ex-Im Bank to estimate the annual amount of export financing available from the government and government-related agencies and include that information in Ex-Im's annual competitiveness report.

Finally, during the Banking Committee markup on the legislation, Senator Allard offered an amendment that would have established an Inspector General for the Ex-Im Bank. Members of the Banking Committee agreed in principle that Ex-Im Bank could benefit from having an Inspector General, but concerns were raised about how an Inspector General provision should be structured. Senator Allard withdrew his amendment with the understanding that an effort would be made to reach an agreement so that this issue could be addressed on the Senate floor. An agreement has been reached on an amendment by Senator ALLARD, which he will offer on the floor, to establish an Inspector General for the Eximbank that is acceptable to the members of the Banking Committee.

I believe that S. 1372, the Export-Import Bank Reauthorization Act, is a very balanced piece of legislation which will assure that the Export-Import Bank will be able to continue to provide critically needed export financing to U.S. exporters to compete in foreign markets. I urge my colleagues to support this legislation.

Mr. BAYH. Mr. President, I rise today to offer my support for the charter reauthorization of the Export-Import Bank of the United States. The Ex-Im Bank was last reauthorized in 1997, and its charter expired in September of last year.

As Chairman of the Subcommittee on International Trade and Finance, I held two hearings last year in order to craft a bipartisan reauthorization bill that is both helpful to the Bank and to the export community. The present bill, which authorizes the Ex-Im Bank for 5 years, includes a number of important provisions that will help make the Bank more competitive with other export credit agencies.

Among other provisions, this bill requires Ex-Im to submit its Competitiveness Report to the Banking Committee by June 30 of each year. It will be more helpful to the Committee to receive that report earlier in order to be able to use its information during the reauthorization. The bill also requires Ex-Im to compile and analyze data regarding market windows and their effects on the Bank's competitiveness for the annual Competitiveness Report. This will give the Committee a clearer understanding of the amount of market window activity taking place around the world. Finally, the bill requires the Bank to estimate the annual amount of export financing available from the government and government-related agencies and to include that information in Ex-Im's Competitiveness Report. This provision would essentially require Ex-Im to rank itself against other export credit agencies.

Although the Ex-Im Bank has played an important role in increasing our country's exports, there have been a few instances in which the Bank has lent its support to exports that have helped foreign companies who are engaged in dumping products into our domestic market. For this reason, I offered an amendment to Bank's reauthorization that would prohibit the extension of a loan or guarantee to any entity subject to a countervailing or anti-dumping order. I will continue working with Senators SARBANES, DODD, GRAMM, and HAGEL to develop a compromise version of my amendment that will improve the Ex-Im Bank's adverse economic impact standards.

I understand that some people who favor a pure model of economics would view the Export-Import Bank as essentially a subsidy that would be unnecessary in the give and take of free markets and free economy. My own view is that while that model has some merit in terms of economic theory, we do not live in a theoretical world. We live in a real world. America is currently suffering from a significant balance of trade deficit that will undoubtedly have an impact on our currency and overall economic health in years to come. It is essential that we work to provide a level playing field for American companies, particularly at a time when many of our foreign competitors receive financial support for their exports from their own governments. If our competitors offer their exporters assistance, so should we.

Since its creation in 1934, the Export-Import Bank of America has contributed greatly to the welfare and well-being of America's economy. I hope that we will allow the Bank to continue its function, and I encourage my colleagues to support reauthorization of this important organization.

Mr. REID. Mr. President, I understand Senator ALLARD has an amendment at the desk. I ask unanimous consent the amendment be considered and agreed to, the motion to reconsider be laid on the table; that the bill, as amended, be read a third time, passed, and the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3029) was agreed to, as follows:

(Purpose: To establish an Inspector General at the Export-Import Bank of the United States)

At the end of the bill, add the following:

SEC. 7. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Board of Directors of the Tennessee Valley Authority;" and inserting "the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;"; and

(2) in paragraph (2), by striking "or the Tennessee Valley Authority;" and inserting "the Tennessee Valley Authority, or the Export-Import Bank,".

(b) SPECIAL PROVISIONS.—The Inspector General Act of 1978 is amended—

(1) by redesignating section 8I as section 8J and inserting after section 8H the following new section:

"§ 8I. Special Provisions Relating to the Export-Import Bank of the United States

"(a) IN GENERAL.—The Inspector General of the Export-Import Bank shall not prevent or prohibit the Audit Committee from initiating, carrying out, or completing any audit or investigation or undertaking any other activities in the performance of the duties and responsibilities of the Audit Committee, including auditing the financial statements of the Export-Import Bank, determining when it is appropriate to use independent external auditors, and selecting independent external auditors. In carrying out the duties and responsibilities of Inspector General, the Inspector General of the Export-Import Bank shall not be prevented or prohibited from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Audit Committee shall make available to the Inspector General of the Export-Import Bank the reports of all audits the Committee undertakes in the discharge of its duties and responsibilities.

"(b) AUDIT COMMITTEE.—For purposes of this section, the term 'Audit Committee' means the Audit Committee of the Board of Directors of the Export-Import Bank or any successor thereof.";

(2) in section 8J (as redesignated), by striking "or 8H of this Act" and inserting "8H, or 8I of this Act".

(c) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

"Inspector General, Export-Import Bank.".

(d) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 is amended by inserting "to the Office of the Inspector General," after "(2)".

(e) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after "Community Service";

(B) by striking "and" after "Financial Institutions Fund;"; and

(C) by striking "and" after "Trust Corporation;"; and

(2) in paragraph (2), by striking the second comma after "Community Service".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

The bill (S. 1372), as amended, was read the third time and passed, as follows:

S. 1372

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Export-Import Bank Reauthorization Act of 2001".

SEC. 2. EXTENSION OF AUTHORITY.

Section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) is amended by striking "2001" and inserting "2006".

SEC. 3. SUB-SAHARAN AFRICA ADVISORY COMMITTEE.

Section 2(b)(9)(B)(iii) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(9)(B)(iii)) is amended to read as follows:

"(iii) The sub-Saharan Africa advisory committee shall terminate on September 30, 2006.".

SEC. 4. GUARANTEES, INSURANCE, EXTENSION OF CREDIT.

Section 2(b)(1)(A) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(A)) is amended—

(1) in the fourth sentence, by striking "on an annual basis" and inserting "not later than June 30 each year";

(2) in the fifth sentence, by inserting "(including through use of market windows)" after "United States exporters"; and

(3) by inserting after the fifth sentence, the following new sentence: "With respect to the

proceeding sentence, the Bank shall use all available information to estimate the annual amount of export financing available from other governments and government-related agencies.".

SEC. 5. FINANCING FOR SMALL BUSINESS.

Section 2(b)(1)(E)(v) of the Export-Import Bank Act of 1945 (12 U.S.C. 635(b)(1)(E)(v)) is amended by striking "10" and inserting "18".

SEC. 6. MARKET WINDOWS.

The Export-Import Bank Act of 1945 (12 U.S.C. 635 et seq.) is amended by adding at the end the following new section:

"SEC. 15. MARKET WINDOWS.

"(a) ENHANCED TRANSPARENCY.—To ensure that the Bank financing remains fully competitive, the United States should seek enhanced transparency over the activities of market windows in the OECD Export Credit Arrangement. If such transparency indicates that market windows are disadvantaging United States exporters, the United States should seek negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement.

"(b) AUTHORIZATION.—The Bank is authorized to provide financing on terms and conditions that are inconsistent with those permitted under the OECD Export Credit Arrangement—

"(1) to match financing terms and conditions that are being offered by market windows on terms that are inconsistent with those permitted under the OECD Export Credit Arrangement, if—

"(A) matching such terms and conditions advances the negotiations for multilateral disciplines and transparency within the OECD Export Credit Arrangement; or

"(B) transparency verifies that the market window financing is being offered on terms that are more favorable than the terms and conditions that are available from private financial markets; and

"(2) when the foreign government-supported institution refuses to provide sufficient transparency to permit the Bank to make a determination under paragraph (1).

"(c) DEFINITION.—In this section, the term 'OECD' means the Organization for Economic Cooperation and Development.".

SEC. 7. INSPECTOR GENERAL OF THE EXPORT-IMPORT BANK.

(a) ESTABLISHMENT OF POSITION.—Section 11 of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or the Board of Directors of the Tennessee Valley Authority;" and inserting "the Board of Directors of the Tennessee Valley Authority; or the President of the Export-Import Bank;"; and

(2) in paragraph (2), by striking "or the Tennessee Valley Authority;" and inserting "the Tennessee Valley Authority, or the Export-Import Bank,".

(b) SPECIAL PROVISIONS.—The Inspector General Act of 1978 is amended—

(1) by redesignating section 8I as section 8J and inserting after section 8H the following new section:

"§ 8I. Special Provisions Relating to the Export-Import Bank of the United States

"(a) IN GENERAL.—The Inspector General of the Export-Import Bank shall not prevent or prohibit the Audit Committee from initiating, carrying out, or completing any audit or investigation or undertaking any other activities in the performance of the duties and responsibilities of the Audit Committee, including auditing the financial statements of the Export-Import Bank, determining when it is appropriate to use independent external auditors, and selecting independent external auditors. In carrying out the duties and responsibilities of Inspector General, the Inspector General of the Export-Import Bank shall not be prevented or prohibited from initiating, carrying out, or completing any audit or investigation, or from issuing any subpoena during the course of any audit or investigation. The Audit Committee shall make available to the Inspector General of the Export-Import Bank the reports of all audits the Committee undertakes in the discharge of its duties and responsibilities.

"(b) AUDIT COMMITTEE.—For purposes of this section, the term 'Audit Committee' means the Audit Committee of the Board of Directors of the Export-Import Bank or any successor thereof.";

(2) in section 8J (as redesignated), by striking "or 8H of this Act" and inserting "8H, or 8I of this Act".

(c) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after the item relating to the Inspector General of the Environmental Protection Agency the following:

"Inspector General, Export-Import Bank.".

(d) INITIAL IMPLEMENTATION.—Section 9(a)(2) of the Inspector General Act of 1978 is amended by inserting "to the Office of the Inspector General," after "(2)".

(e) TECHNICAL CORRECTIONS.—Section 11 of the Inspector General Act of 1978 is amended—

(1) in paragraph (1)—

(A) by striking the second semicolon after "Community Service";

(B) by striking "and" after "Financial Institutions Fund;"; and

(C) by striking "and" after "Trust Corporation;"; and

(2) in paragraph (2), by striking the second comma after "Community Service".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2002.

ORDERS FOR FRIDAY, MARCH 15, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:15 a.m. tomorrow, Friday, March 15; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that the Senate proceed to executive session to consider Calendar No. 704, and the Senate vote on the nomination, without intervening action or debate; further, that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I therefore ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, any statements thereon appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, we certainly appreciate you today for being so courteous and patient and waiting for everybody to complete their work.

My only comment is, after all this debate for several hours today, it is interesting that tomorrow the Senate will be on a judicial nomination.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:23 p.m., adjourned until Friday, March 15, 2002, at 9:15 a.m.

NOMINATIONS

Executive nominations received by the Senate March 14, 2002:

DEPARTMENT OF AGRICULTURE

PHYLLIS K. FONG, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF AGRICULTURE, VICE ROGER C. VIADERO, RESIGNED.

FEDERAL MARITIME COMMISSION

STEVEN ROBERT BLUST, OF FLORIDA, TO BE A FEDERAL MARITIME COMMISSIONER FOR A TERM EXPIRING JUNE 30, 2006, VICE ANTONY M. MERCK, TERM EXPIRED.

DEPARTMENT OF LABOR

W. ROY GRIZZARD, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE JOHN MARTIN MANLEY, RESIGNED.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

EVELYN DEE POTTER ROSE, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006, VICE RICHARD J. STERN, TERM EXPIRED.

CELESTE COLGAN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2008, VICE JOHN N. MOLINE, TERM EXPIRED.

WILFRED M. MCCLAY, OF TENNESSEE, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006, VICE BILL DUKE.

EXTENSIONS OF REMARKS

GIRL SCOUTS

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mrs. CAPPS. Mr. Speaker, I rise today to commemorate 90 years of Girl Scouting.

I am pleased that many of my colleagues have also chosen to celebrate and espouse the accomplishments of this time-honored organization.

Once a Girl Scout myself, I proudly support the cultural, political, social, and economic advancements of the millions of girls across the nation.

Girl Scouts of the USA instills young women and girls with a balanced set of values and varied skills, beneficial to the development of every girl who is often vulnerable during these early stages of growth.

Girl Scouting empowers girls to rise to their full potential and relate positively to others.

In addition, the organization creates a foundation for sound decision-making so that these girls may confront society head on and contribute to it.

Not only is Girl Scouting a positive experience for its members, but the organization's advocacy on the national level in building solid communities enabled the Girl Scouts to create a research institute.

With the help of government funding the Girl Scouts have addressed such issues as violence prevention and the digital divide with activities that encourage girls to pursue careers in science, math, and technology.

In my district, the Girl Scouts of Tres Condados number 15,000 members strong.

I am proud to report that two of these young girls were recently awarded Lifesaving Medals of Honor.

The last time these Girl Scouts medals were awarded was 16 years ago.

Nine-year old Lindsey Papa received the award after saving her brother in a boating accident. While others were trying to free the boy from the boat propeller, Lindsey hit the switch that shut off the engine, saving her brother's life.

And amazingly, seven-year old Courtney Harmon received the award when she performed the heimlich maneuver on her classmate saving the classmate's life.

We can undeniably give some credit to the Girl Scouts for training Courtney in First Aid and CPR. Courtney exemplifies how invaluable a First Aid and CPR education can be for children and in schools.

And we can also attribute Lindsey's ability to make sensible decisions under pressure to her Girl Scout experiences.

The remarkable acts of these two young girls are a testament to the objectives of the Girl Scouts.

There are more than 233,000 troops and groups throughout the United States and Puerto Rico. And over 300 local Girl Scout councils offer the opportunity for Girl Scout membership.

I have always encouraged students—males, and young females especially—to get involved in issues that are of importance to them in their communities.

No other organization provides all girls everywhere with the tools and resources entirely favorable to their upbringing.

Girl Scouts is an outlet accessible to all girls, with links to an endless array of possibilities, expression and creativity.

I know the Girl Scouts of the USA will well outlive this 90-year anniversary and continue to be a positive and significant societal influence for centuries to come.

TRIBUTE TO NORM HOFFMAN

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. THOMAS. Mr. Speaker, I rise today to memorialize my friend and former colleague, Norm Hoffman, who was killed in a road accident one year ago today.

Bakersfield suffered a significant loss with the death of Norm Hoffman. Norm was an extraordinary man in many ways, and he left his mark deep on the Bakersfield community. The Bakersfield City Council has officially designated March 16 as Norm Hoffman Day, and this Saturday, Norm will also be honored by the dedication of a memorial on the Bakersfield College campus where he was a beloved teacher to hundreds of students both inside and outside of the classroom.

Norm was a dedicated athlete and fitness enthusiast. He was distinguished early by his athletic ability, but didn't find his real love, cycling, until later in life. As a college student, Norm was the NCAA champion in the half-mile at Oregon State and only a hamstring injury kept him from competing for a spot on the 1964 Olympic Team. In the 1970's, Norm took up and excelled at bodybuilding, winning the Mr. Kern County abdominal muscle group award and bulking up to 260 pounds. However, he found his greatest athletic success and enjoyment when he began cycling after age 40.

The list of Norm's successes in cycling go on and on: four-time national champion in the 40 kilometer time trials; three national and world records; and consideration for a place on the 1988 Olympic time trials team at age 46. The most important of his achievements; however, is also his legacy: a whole generation of local cyclists who were inspired to take up the sport from his example. Norm's influence on the community is clearly visible. Chances are that most of the many cyclists you'll see on the bike path on Saturday morning owe their involvement in the sport to Norm Hoffman.

Norm was a familiar sight to many of us in Bakersfield, as he cycled to and from Bakersfield College greeting his many friends with a wide grin. His determination, vitality, boundless energy and dedication to others are devoutly missed, but despite his absence, Norm continues to serve as an inspiration and as a role model to the many people who knew his indomitable spirit.

GIRL SCOUTS' 90TH ANNIVERSARY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. COLLINS. Mr. Speaker, ninety years ago, in Savannah, Georgia, Juliette Gordon Low formed an organization for girls. The original Girl Scout troop consisted of 18 girls from the Savannah community. Today, the Girl Scout organization has grown to include more than 3.7 million current members, and more than 50 million girls and women have at one time or another been members of the Girl Scouts of America.

The Girl Scouts of America was recognized by this body in 1950 by a Congressional Charter. Today, they are part of a global family that serves more than 140 nations and has more than 10 million members.

While we all are familiar with Girl Scout Cookies, what many people are not aware of is the diverse make-up of Girl Scout Troops in this nation and around the world. Currently in the United States there are more than 233,000 troops meeting in homes, churches, schools and community centers. Nearly one million adults volunteer serve as leaders to teach girls self-confidence and skills, and to encourage them to think creatively and to act with integrity.

In addition to conventional troops, Girl Scouts meet in detention centers, and group homes. They meet, in homeless shelters, and in migrant farm camps, and some meet via the Internet. The goal is to allow as many girls as possible to develop their full potential; relate positively with others; develop values that provide the foundation for sound decision-making; and to contribute to society.

In a day and age of less-than-positive role models, it is vital that our young people have the opportunity to grow and be influenced by positive mentors, and to learn skills that will help them to be productive and conscientious members of society.

The Girl Scouts have established a research institute, work to address violence prevention, and are encouraging girls to pursue careers in science, math, and technology.

I am proud the Girl Scouts began in my home state. I am proud one of my granddaughters is a Girl Scout. I am proud of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

contributions this fine group has made to the nation and to the world. Congratulations to the Girl Scouts of America on their 90th birthday. I wish them many more years of service in the fulfillment of their mission to nurture girls and help them build character and skills for success.

IN RECOGNITION OF NATIONAL PEANUT BUTTER DAY

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. CHAMBLISS. Mr. Speaker, today is National Peanut Butter Day—a time to celebrate one of America's favorite foods. National Peanut Butter Day is part of the month long celebration of National Peanut Month. It offers a time to recognize the nutritional and economic values of peanuts. The state of Georgia ranks number one in the nation in peanut production growing peanuts in 79 countries and 45 percent of all peanuts grown in the United States. The industry has been a mainstay in south Georgia's economy for over 60 years and continues to benefit our local economy. The eighth congressional district of Georgia is second largest producer of peanuts in the nation.

Not only are peanuts an important part of our economy, but they offer nutritional benefits by providing essential vitamins and minerals. They are an excellent source of the B vitamin folic acid, which can prevent birth defects and lower the risk of heart disease. One serving of peanuts provides protein, vitamin E, niacin, folate, phosphorus, and magnesium, which can help lower blood pressure and decrease the risk of diabetes in women.

National Peanut Month and Peanut Butter Day provides us the opportunity to recognize the benefits of peanuts as well as the hard work of all the people in the peanut industry. Mr. Chairman, I hope you will join me today in recognizing National Peanut Butter Day and National Peanut Month.

A TRIBUTE TO THE 90TH ANNIVERSARY OF GIRL SCOUTS USA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. FARR of California. Mr. Speaker, I rise today to celebrate the 90th anniversary of Girl Scouts USA. For ninety years, Girl Scouts has had a proven track record of empowering girls to become leaders, helping adults be positive role models and mentors for children and helping build solid communities.

When founder Juliette Gordon Low assembled 18 girls ninety years ago she started what would become the largest organization of girls in the world. It was because of her vision, that girls now have access to a forum to develop mentally, spiritually, and physically. Girl Scouts promotes the ideas of fun, friendship and power of girls together. Through experiences such as cultural exchanges, outdoor experiences and community service projects girls learn life skills. They acquire self-confidence and expertise, take on responsibility, are encouraged to think creatively and act with integrity—qualities essential in good citizens and great leaders.

The Girl Scout Mission is "to help all girls grow strong." I hope we can follow the examples set by the Girl Scouts and remember the great importance of coming together to give back to our communities.

CLEAN DIAMOND TRADE

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. HALL of Ohio. Mr. Speaker, I rise today to update my colleagues on recent progress made in the battle against the scourge of conflict diamonds. The U.S. House of Representatives has been at the forefront of this work, and I am proud of our action on the Clean Diamond Trade Act last year—landmark legislation that would advance this fight. However, this problem requires a broader solution than the United States can implement alone. I am pleased to report that yesterday, the United Nations General Assembly endorsed the Kimberley Process's efforts to craft a system of customs controls capable of ending this blood trade.

International Efforts.—That work is far from complete, and a critical next step will be taken next week as representatives of civil society, the diamond industry, and more than 35 countries gather to finish the job. If they rise to the challenges conflict diamonds pose, we soon will have a mechanism for preventing rough diamonds that fund war from being traded as legitimate gems.

Yesterday, the non-governmental organizations whose exposés of this blood trade instigated this work warned all involved in this work that a flawed agreement may be worse than none at all. More needs to be done on monitoring and enforcing the system, making it transparent through the publication of key statistics on the secretive trade, and on WTO issues will be critical. NGOs argue that neither embattled civilians in Africa, nor terrorist targets in America, nor the countries and companies that depend on the legitimate trade in diamonds can afford half-measures or complacent confidence that the situation magically will resolve itself. They are absolutely right.

There is another grave flaw in this work: it depends upon a definition of conflict diamonds that senselessly excludes those mined in the Democratic Republic of the Congo. Under the terms of both the Kimberley Process and the Clean Diamond Trade Act, conflict diamonds are only those embargoed by the United Nations. That means that unless the United Nations imposes sanctions on diamonds originating in a war zone, as it has in the case of the wars in Angola, Sierra Leone and Liberia, trade in the diamonds that fuel conflict there cannot be checked by this new international system.

A War for Plunder.—Diamonds are not the cause of what has come to be known as Africa's First World War, but they play a crucial role in sustaining it and spreading misery elsewhere—perhaps even to the United States, because Al Qaeda, Hezbollah, and other radical organizations reportedly have funded their terrorist activities with Congolese diamonds. There is ample evidence that diamonds and other resources have become the reason for the Congo's war, so ending their illegal trade essential. Some of the most compelling reports of the link between plunder and misery have been made by the United Nations' Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo. Here are a few excerpts from them:

> Parties to the war in the DRC are "motivated by desire to control and profit from the natural resources of the [DRC] and . . . they finance their armies and military operations by exploiting those resources."—From the report of the Panel of Experts of April 2001.
>
> The conflict in the [DRC], because of its lucrative nature, has created a "win-win" situation for all belligerents. Adversaries and enemies are at times partners in business. . . . Business has superceded security concerns. The only loser in this huge business venture is the Congolese people.
>
> Illegal exploitation of the mineral and forest resources of the [DRC] is taking place at an alarming rate. The conflict in the [DRC] has become mainly about access, control and trade of five key mineral resources . . . Plundering, looting and racketeering and the constitution of criminal cartels are becoming commonplace in occupied territories. These criminal cartels have ramifications and connections worldwide, and they represent the next serious security problem in the region.
>
> The link between the continuation of the conflict and the exploitation of natural resources would have not been possible if some entities, not parties in the conflict, had not played a key role, willingly or not. Bilateral and multilateral donors and certain neighboring and distant countries have passively facilitated the exploitation of the resources of the [DRC] and the continuation of the conflict; the role of private companies and individuals has also been vital.—From the report of the Panel of Experts of April 2001.
>
> The systematic exploitation of natural resources and other forms of wealth of the [DRC] continues unabated . . . the cease-fire is generally respected on the front line, leaving the exploitation of the resources as the main activity of the foreign troops. There is a clear link between the continuation of the conflict and the exploitation of natural resources. It would not be wrong to say that one drives the other. The military operations and presence in the [DRC] of all sides have been transformed into self-financing activities. . . .
>
> The initial motivation of foreign countries or armies to intervene in the [DRC] was primarily political and security-related in nature; over a period of time, and owing to the evolving nature of the conflict it has become the primary motive of extracting the maximum commercial and material benefits. This holds true for both government allies and rebel supporters.—From the report of the Panel of Experts of November 2001.

United Nations is Dithering.—Despite the eloquent words of the United Nation's experts and diplomats, the impassioned calls for action made by virtually everyone who has examined the situation in the DRC, and the full knowledge that each day of delay has serious consequences for innocent Congolese, the United Nations has continued to dither.

Three months ago, the Security Council "strongly condemned the continued plundering of the [DRC's] natural resources . . . which it said was perpetuating the conflict in the country, impeding economic development and exacerbating the suffering of the Congolese people." But then, instead of acting on the incontrovertible evidence that had been painstakingly gathered, it gave U.N. experts six more months to come up with yet more information and to propose solutions.

Given the complexities of the resource trade, the shifting alliances involved in the war, the thorny issues of sovereignty, and—perhaps determinative—the clear preference of Security Council members to buck tough decisions to a later time, it is not surprising that the Panel concluded in November that:

> exploitation of natural resources in the [DRC] cannot be viewed and dealt with in isolation . . . This is one part of the problem which is inextricably linked to other serious issues in the region.

However, in his presentation to the Security Council, the Panel's Chairman, Mahmoud Kaseem, also warned that "failure to follow up on the recommendations would send a message to traffickers and profiteers that they could continue their activities with impunity."

Few could quarrel with what the Panel advocates: "a resolution of the broader conflict in the [DRC] and the region" and a "rebuilding of the State institutions [which] will require a systematic and sustained approach stretching over many years, and with the full assistance and cooperation of the international community." And of course it is good news that yet another round of peace talks is underway today, and better news that, save for low-intensity conflicts, a cease-fire has largely held for nearly a year. But the report's bad news is what's at issue: that, at the present rate, it will take longer to stop the plundering phase of the war than its shooting phase.

Given the richness of the Congo's resources and its horrifying history since the late 1800s, there is little reason to hope the current era of misery will be either short or less deadly than prior ones. Belgium's exploitation of the Congo left 7–10 million dead and a record of viciousness that almost matches that of the drug-addled rebels who've turned Sierra Leone into a nation of amputees and war victims. Then, after the Congo's independence, Mobutu Sese Seko, the strongman who ruled it with full U.S. support for decades, became one of the world's richest men from the trade in resources that are his people's rightful patrimony. Now, in the years since the Congo descended into chaos and war, these same resources again have turned it into a battleground. As respected journalist Richard C. Hottelet put it:

> One hundred years ago, novelist Joseph Conrad called what was then King Leopold II's private property the "Heart of Darkness" and its exploitation a horror. This vast land is now called the Democratic Republic of the Congo, and what is happening there eclipses Conrad. . . . The Congo, as big as the United States east of the Mississippi, with 50 million people, has become a carcass being chewed at by its elite and its neighbors. They have looted and sold its natural resources on a scale without precedent. This, with the direct or tacit complicity of pious governments and corporations around the world. . . . For Zimbabwe, Rwanda, Uganda and Burundi, the Congo is too rich a cash cow to abandon. From the Christian Science Monitor, May 16, 2001.

Given the Congo's current situation and decades of experience, the question before members of the international community today is straightforward: How long do we intend to wait to act? A small and anemic contingent of UN troops are there now, in a situation that echoes the one in Sierra Leone in the weeks before 500 UN peacekeepers were kidnapped there two years ago. The international community did little until it suffered that humiliation, then hastened to sanction the diamonds rebels used to fund their brazen attacks. Is yet another crisis what the United Nations is waiting for? Can it instead act on the ample evidence of suffering and plunder before the situation takes another turn for the worse?

I share the fervent hopes of many concerned people at the United Nations and elsewhere that a comprehensive approach to ending the plunder of the Congo and securing a lasting peace will be found. But I strongly disagree with the United Nations' apparent conclusion that—if it can't do everything—it shouldn't do anything. The Congo's people, and others threatened by the problems that fester in its chaos, can't want for an over-arching system of controls on every valuable resource this rich country produces. They can't afford another six months of expert investigation of problems that obviously exist, and grand solutions that will take even longer to devise than the Kimberley Process has spent on its system of controlling rough diamonds.

In truth, neither can we Americans. A December 2001 account by Washington Post investigative reporter Douglas Farah detailed the way Al Qaeda, Hezbollah and other radical Islamic groups are funding their terrorist attacks by trading conflict diamonds and other Congolese resources. Africans and Americans have learned together in recent months the hard lesson that averting our eyes is not the way to deal with a problem, however intractable.

Congo: The Next Focus.—The United Nations has tied itself in knots trying not to infringe upon any nation's sovereign rights. I understand its dilemma in trying to determine which nations are participating defensively and which are aggressors, but enough is enough, particularly when it comes to diamonds. I suspect what matters most to consumers is that diamonds' image differs from reality. To Americans in particular—who buy half of the world's diamond gems and jewelry, and 10 percent of its rough diamonds—the fact that a diamond might be funding war is what matters. Whose blood stains their token of love, whether it belongs to a Rwandan soldier or a Zimbabwean, probably isn't nearly as important.

When Kimberley Process nations, the diamond industry, and members of civil society complete the first phase of their efforts against conflict diamonds next week, I hope they will turn their energies to the DRC's forgotten war. Finding a way to close the Congo-sized loophole that threatens to undercut their good work on a global system, and that is leaving the Congolese people untouched by an approach that has proven constructive in other countries torn by wars over diamonds, is essential.

Together with other leaders of the world against conflict diamonds in the House of Representatives, I am drafting legislation that aims to support responsible action on this pressing problem. Unfortunately, this is not something the United States can do unilaterally. Nor is it an issue that should continue to be subsumed to the interests of some U.S. allies who are involved in the Congo's war. The precedent we set in the deadliest war of this decade should not merely serve the narrow interests of any one nation; it should support future work to put diamonds beyond the reach of thugs and terrorists.

I look forward to working with Congressional leaders, the Bush administration, the diamond and jewelry industries, human rights and humanitarian organizations, and others to address this flaw in international efforts to combat conflict diamonds, and to ensure we reach our goal by ending this scourge.

Clean Diamond Trade Act.—In closing, I want to give our colleagues an update on H.R. 2722, the legislation we endorsed 408–6 last November. My hope and that of other sponsors was that the Senate would act quickly on this landmark legislation, both to push other countries to meet their Kimberley Process obligations and to serve as a pilot for this project so any flaws in this approach could be corrected through the legislation the Administration plans to introduce this year.

To my great dismay, that has not happened, and the extraordinary coalition of industry and activists that supported the Clean Diamond Trade Act has collapsed over differences in how Congress should proceed. I remain hopeful that the Senate sponsors of H.R. 2722's companion—which represents a compromise that I brokered between the human rights community and the diamond industry—will find a way through their differences with the Bush Administration and the House so that this bill can be enacted at the earliest opportunity.

I don't quarrel with our Senate partners' preference for stronger legislation; in fact, I share it, and want the record to be clear that their differences are honorable ones grounded in the bill's substance. This is not a partisan issue, as Congressmen WOLF, HOUGHTON and RANGEL and Senators DURBIN, DEWINE, FEINGOLD and GREGG's combined efforts demonstrate.

However, having worked steadily on this issue since I first met the victims of one war over conflict diamonds, and sponsored six different bills aimed at resolving it, I am convinced that there simply is no silver bullet capable of stopping this criminal trade. Giving our Customs agents weapons to battle it, giving activists tools to expose shortcomings in enforcement, finding ways to complement the law through development and diplomacy, and remaining vigilant until this scourge ends are the only real solution.

I hope this work can begin soon, with the United States at the forefront and supported by the international community and this Congress.

CELEBRATING THE 90TH ANNIVERSARY OF THE SUFFOLK COUNTY GIRL SCOUTS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. ISRAEL. Mr. Speaker, I rise to offer my sincere congratulations to the Suffolk County Girl Scouts in celebration of their 90th Anniversary.

Over 35,000 girls participate in Girl Scouts in Suffolk County and it is the largest Girls Scout Council in New York State. In addition, the Girl Scouts of Suffolk County are the "largest youth serving agency" on Long Island.

The Girl Scouts are dedicated to helping girls reach their fullest potential. And one of the keys they do that is by having girls help other girls. Through peer leadership, mentoring and support, the Girl Scouts help our girls make the transition from child to adult.

The Girl Scouts of Suffolk County have designed a special patch that was unveiled yesterday, the six-month anniversary of September 11th, in memory of the horrific tragedy and Attack on America. The patch will be distributed across the nation; to earn it, each girl must participate in four activities that commemorate September 11th.

The Suffolk County Girl Scouts have pledged to perform 90,000 hours of community service benefiting Long Island this year. Their dedication to the community is to be commended.

I wish great success to the Girls Scouts as they embark on this great endeavor to make Suffolk County a better place.

COMMEMORATION OF ST. PATRICK'S DAY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BONIOR. Mr. Speaker, I am pleased to join the Irish community in celebration of St. Patrick's Day.

On March 17, 2002, people from around the world will come together to celebrate the life of St. Patrick, the patron saint of Ireland. During the fifth century, St. Patrick devoted his life to sharing the Christian faith with the native Irish people. As it has been for centuries, the entire Irish community will celebrate the day with music, parades, and family gatherings. When Irish soldiers serving in the English military held the first St. Patrick's Day parade on March 17, 1762, through the streets of New York City, they started a tradition that continues until the present day.

During the mid-1800s, millions of Irish immigrants came to America to seek new lives. Today, the United States is enriched not only by the contributions of these immigrants, but also by that of their sons, daughters, and grandchildren. Irish-Americans have made major contributions to all aspects of American society, including sports, medicine, religion, politics, and the arts.

Their innumerable contributions are why it is appropriate to honor the Irish community with a commemorative postage stamp honoring Irish American Heritage Month. This commemorative stamp would salute the accomplishments of all Irish-Americans and their invaluable contributions to the American way of life. From President John F. Kennedy to F. Scott Fitzgerald to the brave firefighters who gave their lives on September 11, 2001, Irish-Americans have strengthened and enhanced our Nation and it is only appropriate that those contributions be honored and celebrated by all Americans.

America can boast a population of 44 million Irish-Americans and I am proud that my home State of Michigan has a thriving Irish-American community. In our State, many Irish-American organizations work each day to enrich our neighborhoods. These institutions provide invaluable public service, as well as a strong foundation for the community as a whole.

Mr. Speaker, I join the people of Ireland, all those of Irish ancestry around the world and our own Irish-American community in celebrating St. Patrick's Day.

IN RECOGNITION OF AKTINA PRODUCTIONS, INC.

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to pay tribute to AKTINA Productions Inc. This year, AKTINA Productions Inc., which produces Greek-American radio and television programs, will be commemorating the 47th anniversary of the beginning of the battle for independence from British colonial rule waged by Cyprus. In memory of those Cypriots who lost their lives in the struggle for freedom, on March 17, 2002, AKTINA Productions will be hosting an anniversary event entitled "To the Immortals."

Founded in 1993, AKTINA Productions Inc. is a non-profit organization dedicated to promoting Cypriot and Greek culture. Known as the "voice of Cyprus" in America, it emphasizes cultural and educational development through radio and television as well as live performances, including concerts and dance shows.

In May of 1993, AKTINA Productions Inc. had the distinction of introducing the first ever bilingual Greek-American radio show, known as AKTINA FM. AKTINA FM is a live call-in Greek-American Radio Magazine which highlights Greek culture, heritage and tradition and focuses on national and international issues affecting Cyprus and Greece. AKTINA FM is presently heard by more than 500,000 listeners on the radio, and more than 7,000 on the Internet. Call-in segments often feature a wide range of diverse participants and subjects, including education, immigration, health, crime prevention and the arts.

AKTINA FM also facilitates a number of educational programs dedicated to children ranging in ages from 7–17 years. They also offer platforms for children from a variety of ethnic and social backgrounds to display their various talents in poetry, speech, composition and other areas. AKTINA FM also offers a monthly Student Essay Contest in which more than 100 public schools participate and almost all of the Greek-American day and afternoon schools of the Greek Archdiocese in the tri-state area participate. Nearly 60 children ages 7–15 years will take part in the "To the Immortals" anniversary event.

For its many contributions to the community, I ask that my colleagues join me in saluting AKTINA Productions Inc.

GIRL SCOUTS' 90TH ANNIVERSARY

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. PRICE of North Carolina. Mr. Speaker, I am pleased to join the Girl Scouts of the USA in celebrating their 90th anniversary. Since the organization's inception in 1912, the Girl Scouts have taken on the mission of giving all girls the opportunity to develop physically, mentally, and spiritually. For the last 90 years, Girl Scouts has empowered girls to become leaders, helping adults be positive role models and mentors for children, and helping to build solid communities. We have experienced this in our own family and still remember fondly the visit with our daughter to founder Juliette Gordon Low's home in Savannah. Through Girl Scouting, girls acquire self-confidence and expertise, take on responsibility, and are encouraged to think creatively and act with integrity—the qualities that are essential in good citizens and great leaders.

Today, Girl Scouting has a membership of 3.8 million—2.7 girl members and over 900,000 adult members—making it the largest organization for girls in the world. Girl Scouting is available to all girls ages 5–17 through participation in more than 233,000 troops throughout the United States and Puerto Rico. The Pines of Carolina Girl Scout Council, which serves girls in North Carolina's Fourth District, boasts a membership of more than 21,000 girls. As an organization, the Girl Scouts have recently rededicated themselves to ensuring that Girl Scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic or geographic boundaries.

The positive impact that Girl Scouting has on our communities cannot be overstated, and I am proud of the work of the Girl Scouts of the USA, particularly the work which benefits thousands of families in North Carolina. It is my pleasure to congratulate and commend this organization on its 90th anniversary.

HONORING MAYOR LUTHER JONES OF CORPUS CHRISTI, TX

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to my friend, a great man and Mayor Emeritis of Corpus Christi, TX, Mayor Luther Jones, who passed away last week after a very short hospitalization. He was a great man, a beloved friend, and a figure known far beyond Corpus Christi as a moral, lovable man who loved life, his home, and all the people in it.

To see the future, you must stand on the shoulders of a giant. Mayor Jones' political legacy, his legacy of good government, is easily the leadership he exhibited in 1983 when he forced all parties in disagreement about the election of city officials to sit together in the same room until the issue was resolved. His leadership at that moment in our history was pivotal to restructuring the city's election process.

In the highly charged emotions of the time, Mayor Jones saw around the curve of history, and through the sheer force of will, personality, and the righteousness of the cause, he persuaded all parties to find a compromise—modified single member-districts—which changed the face of Corpus Christi politics and offered minorities entry into city government.

As much as he will be remembered for delivering Corpus Christi into the late 20th century in terms of political participation, it is his personal legacy that made him a widely loved friend and leader.

While many in south Texas have extolled the mayor for his contributions to the Nation's military through his leadership at the Corpus Christi Army Depot and his support for education, particularly his successful effort to get a four-year institution of higher learning in Corpus Christi, that was not what was most important to him.

The thing that he loved the most was the school that bore his name, the Luther Jones Elementary School, because he knew the silver bullet, the single most important thing in the life of a young person was education, pure and simple. He knew you had to get kids early to make an impression on them.

The children there loved him, and he loved them. He never missed a graduation; he came to every event and spoke to everyone there. He wanted these young people to know there was an adult who believed in them. And they believe in him.

In the weeks just before the mayor passed, the children at Luther Jones Elementary were building a monument to him. The pentagon-shaped monument had words on each side of it most often associated with the mayor: Integrity, Honesty, Perseverance, Success, and Victory. These were the traits of the only man ever afforded the title of Mayor Emeritus in the history of Corpus Christi.

If the measure of a man is in the number of lives touched, of positive changes made, Corpus Christi Mayor Emeritus Luther Jones will be the yardstick by which the rest of us are measured. I ask my colleagues to join me in remembering this great American patriot today.

RECOGNIZING THE GIRL SCOUTS OF AMERICA

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BOEHLERT. Mr. Speaker, today I rise in recognition of the legacy of Juliette Gordon Low. Ninety years ago this week, she founded an institution—the Girl Scouts of the United States of America—which has since inspired over 50 million American women.

In our nation, over two and a half million young women participate in this institution that has a simple goal—to endow our girls with self-confidence, responsibility, integrity and leadership skills; and to help them develop physically, mentally and spiritually into successful adults.

Further, as Chairman of the House Committee on Science, I would like to commend the efforts of the Girl Scouts to close the gap in math and science education that exists between our boys and our girls. While only around one-fifth of our scientists and engineers are women, the Girl Scouts are working to expose girls to a wide variety of experiences and career choices and open new opportunities for girls in science.

Also today, I would like to recognize the fortieth anniversary of the Foothills Girl Scout Council in my Congressional district. This year, along with other outstanding young women across the country, Jennifer Fleischer, Krystina Novak and Jessica Walker from the Foothills Girl Scout Council have earned the Girl Scout Gold Award. They have done so through considerable efforts and contributions to their communities, and I congratulate them on their wonderful achievements.

Girl Scouts of the United States of America, I salute you at your ninetieth anniversary, and thank you for strengthening the minds, bodies and spirits of America's girls and young women.

GIRL SCOUTS OF AMERICA

HON. ERNEST J. ISTOOK, JR.

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. ISTOOK. Mr. Speaker, this week is the 90th anniversary of Girl Scouting in America. After its founding in 1912, and its Congressional Charter in 1950, it has grown to a membership of over 2.7 million girls. Today, in Oklahoma, there are 25,000 Girl Scouts, with 8,500 volunteers helping girls develop to their full potential. Evidence has demonstrated that the more time a girl spends in Girl Scouts, the more likely she is to be drug free, avoid sexual activity that can lead to unwanted pregnancy, and attend college. I commend all of the leaders across America who are working to make our children's lives better, and to prepare the next generation for a healthy and productive future.

ACKNOWLEDGING AHEPA'S SALUTE TO AMERICA

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BILIRAKIS. Mr. Speaker, I rise to acknowledge the American Hellenic Educational Progressive Association (AHEPA), the largest and oldest association of Americans of Greek heritage and Philhellenes. This entity plans to honor and memorialize members of the community who perished in the tragic events of September 11, 2001. It will also salute those who have carried out courageous acts or performed tremendous philanthropic and humanitarian deeds during one of the most trying moments of our country's history.

The attack on America was an assault upon the values of democracy which have enabled our nation to persevere with strength and resolve for well over two hundred years. These values, given to Western Civilization by the ancient Greeks, comprise our freedoms, our liberty, and our commitment to uphold justice. Together these ideals, combined with the American tradition of tolerance for people of different faiths and ethnic backgrounds, will help us to overcome our current challenges and be victorious in our common fight against terrorism.

On March 25, 2002, in the spirit of that tradition, the descendants of ancient Greece, who as immigrants came to America because of the very democratic ideals fostered by their ancestors, will come together to "Honor America." This event will be hosted by the American Hellenic Educational Progressive Association, an organization founded by visionary Greek immigrants eighty years ago. They will pay their respects to family, friends, neighbors, and fellow citizens, who lost their lives to terror and will express their humble gratitude to those who placed their lives in harm's way to save the lives of others.

President George W. Bush, in an address on November 8, 2001, said our nation was born in a spirit of courage and optimism "as immigrants yearning for freedom courageously risked their lives in search of greater opportunity." The decedents of Greek immigrants offer thanks and pay homage to America, warmly embracing this spirit of optimism and courage that President Bush said "must guide those of us fortunate enough to live here."

I ask my colleagues to join me in recognizing the efforts of the American Hellenic Educational Progressive Association to honor, memorialize, and salute members of the community affected by the sad events of September 11, 2001, during the organization's 35th Biennial Congressional Banquet, held March 25, 2002, in Washington, DC.

HAPPY 90TH ANNIVERSARY, GIRL SCOUTS OF AMERICA

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. JOHNSON of Illinois. Mr. Speaker, I would like to take this time to congratulate and thank the Girl Scouts of the USA for their 90 years of service and dedication to the young women of our nation.

I am extremely blessed to have two extraordinary Girl Scout Councils in my district that truly deserve to be honored during this 90th Anniversary Celebration. Serving over 4,000 girls, the Green Meadows and Centrillio Girl Scout Councils have clearly demonstrated their strong commitment to the development of strong and confident young women. We must not forget that these women are those who will become the future leaders of our communities, our nation, and our world. In addition, the Girl Scouts have throughout their history allowed many adult volunteers the opportunity to reach out to young women in the community and act as positive role models and mentors.

I ask all of my colleagues in the House to join me in taking the time this week and throughout the year of their 90th Anniversary Celebration to honor the Girl Scouts of the USA for their hard work and dedication in providing an atmosphere "Where Girls Grow Strong".

THE SEPTEMBER 11TH, 2001 COMMEMORATIVE COIN ACT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. ROTHMAN. Mr. Speaker, today I introduced the "September 11th, 2001 Commemorative Coin Act" which calls for the introduction of a circulating commemorative coin that would honor the victims of the events of September 11th.

A generation ago, the events of December 7th, 1941 became not only a day of infamy, but also a reference point that no one has forgotten. My father knows precisely where he was on that Sunday in December, just as I suspect nearly all Americans know what they were doing when the World Trade Center and the Pentagon were attacked.

Events of cataclysmic proportion, as well as epic struggles, have long been commemorated on the coinage of various countries. Canada's tombac nickel, for example, issued in 1943, contains a new reverse design from the famous Churchill "V" for victory over the Nazi Axis war machine.

America's circulating coinage is not so different. The heraldic eagles utilized on the reverse of our coinage has had the beak of the eagle pointed, variously, to olive branches of peace, or towards the talons holding arrows of war.

Nonetheless, important historical personages, as well as historic events, have long been common on coinage. That's precisely the reason why the destruction of the World Trade Center in New York, a galvanizing event if ever there was one, deserves permanent memorialization on our nation's coinage.

Striking such a coin would permanently memorialize, for all time, the event that occurred, and to offer some numismatic assurance that it will not be forgotten. It affords a permanent memorial to the more than 3,000 innocent victims—a tribute that they richly deserve.

An article suggesting this was published shortly after the events of September 11 in Numismatic News, a coin collector's periodical. The author is my Mayor, my neighbor and friend, David L. Ganz, of Fair Lawn, New Jersey. David is a former member of the Citizens Commemorative Coin Advisory Committee, and a past president of the American Numismatic Association, and I would like to have the article reprinted in its entirety in the CONGRESSIONAL RECORD.

Mr. Speaker, the events of September 11 call for a distinctive tribute to honor not only those who perished, but also those who remain. I believe that coinage, as it has been for thousands of years, is an appropriate response and urge prompt consideration of the bill introduced today.

[From the Numismatic News, Oct. 2, 2001]

PUT WORLD TRADE CENTER ON NEW HALF DOLLAR

(By David L. Ganz)

America's tragedy that is personified by the destruction of the twin towers of the World Trade Center in New York City, through a vicious, criminal assault on its sovereignty on Sept. 11 in a suicide bombing, is deserving of a lasting tribute.

Coinage, since the time of Caesar, has served the simultaneous purpose of doing the business of commerce and remembering historic events that are worthy of commemoration. In ancient times, coins of that ear were utilized to pay homage to the emperors, to celebrate victories on the battlefield.

Two members of Congress, Rep Elliot Engel, D–N.Y., and J.C. Watts, R–Okla, are evidently planning to introduce legislation creating a "Spirit of America" coin to commemorative the victims of the attacks. Engle, from the Bronx, and Watts, from Oklahoma City, have seen their neighborhoods fall victim to terrorism.

The idea of using the medium of the Caesars to mark our own catastrophe is a good one. Events of cataclysmic proportion, as well as epic struggles, have long been commemorated on the coinage of various countries. Canada's tombac nickel, for example, issued in 1943, contains a new reverse design from the famous Churchill "V" for victory over the Nazi Axis war machine.

America's circulating coinage is not so different. The heraldic eagles utilized on the reverse of our coinage has had the beak of the eagle pointed, variously, to olive branches of peace, or towards the talons holding arrows of war.

The heraldic eagle on the reverse of the silver dollar (1798–1804) is one example of this (pointed toward arrows of war), while the Seated Liberty dollar of 1840–1873 had the eagle's head pointed toward olive branches, as does the Morgan dollar (1878–1921).

In the 20th century, the first circulating commemorative was struck for the centennial of the birth of Abraham Lincoln, in 1909. The Annual Report of the Director of the Mint simply noted that, "With the approval of the Secretary of the Treasury the new design for the bronze one-cent coin was adopted in April 1909. On the obverse the head of Lincoln appears instead of the Indian head which this piece had borne since 1864. The engraver of the mint at Philadelphia was instructed to prepare dies and coinage of this piece was commenced in May. . ."

In March 1931, Congress enacted legislation overturning a portion of the Act of Sept. 26, 1890 (limiting design changes to no more frequently than once in 25 years on circulating coinage) and specifically authorized and directed the Secretary of the Treasury "for the purpose of commemorating the 200th anniversary of the birth of George Washington, to change the design of the 25-cent piece so that the portrait of George Washington shall appear on the obverse, with appropriate devices on the reverse. . ."

Following President Roosevelt's death in 1945, the Mint produced a Roosevelt memorial medal, and also introduced a new circulating commemorative coin design for the dime (dated 1946). Vermeule terms the coin "the logical memorial for Franklin Roosevelt in the regular coinage."

After the assassination of John F. Kennedy, Congress enacted the law of Dec. 30, 1963, directing that the Franklin half be replaced with a design "which shall bear on one side the likeness of the late president of the United States John Fitzgerald Kennedy," a motif which Vermeule terms a "hasty; emotional advent" even though the design is "a tolerable, staidly handsome coin."

The One Bank Holding Company Act of 1970 required a coin to "bear the likeness of the late President of the United States, Dwight David Eisenhower, and on the other side thereof a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon."

In 1973, Congress passed Public Law 93–127 which directed the Treasury Secretary to commemorate the Bicentennial of the American Revolution with a reverse design change for the quarter dollar, half dollar and dollar coin, all of which were intended for circulation, but of which only the quarter dollar really achieved circulation. The colonial drummer boy on the quarter, dated 1776–1976 (and produced in 1975 and 1976 by the Mint) still can be found occasionally in circulation today, a reminder of our Bicentennial celebration a generation ago.

The half dollar (bearing Independence Hall on the reverse), and the dollar (Liberty Bell imposed on the lunar surface) never really achieved circulation. Occasionally, examples of the half are found in circulation. The dollar coin never really entered circulation in the first instance. Collector versions of the coins were struck in silver-clad material, as required by law.

More recently, in 1979, a dollar coin commemorating Susan B. Anthony was produced by the Mint. The reverse was directed to have "a design which is emblematic of the symbolic eagle of Apollo 11 landing on the moon." Its design was identical to that of the Eisenhower dollar authorized in 1970. The coin did achieve partial circulation in some areas of the country, and in that sense is a circulating commemorative coin, but never archieved general circulation success.

Nonetheless, important historical personages, as well as historical events, have long been common on coinage. That's precisely the reason why the destruction of the World Trade Center in New York, a galvanizing event if ever there was one, deserves permanent memorialization on our coinage.

There is a danger, from the close proximity of headlines, to suggest what will become history. But in the same sense that President Roosevelt termed the attack on Pearl Harbor a day of infamy, so, too, the attack on the twin towers of the World Trade Center marks the start of a 21st century war that is unlikely to be over quickly, or events that will be quickly forgotten.

The very metal that the coins are made of is the reason that they should be struck—to permanently memorialize, for all time, the event that occurred, and to offer some numismatic assurance that it will not be forgotten. It affords a permanent memorial to more than 5,000 innocent victims, a tribute that they richly deserve.

Unlike other issues, this one should have no surcharge at all. Even if numismatic versions are authorized, they should be available to the public on the basis of cost plus a modest profit for the Mint.

What should be considered, however, is directing the use of the seigniorage, which, if a half dollar is chosen, would constitute about 46 cents for every coin. If the Mint were to produce 750 million of such coins in a year's time, the seigniorage would be a remarkable down payment on the rebuilding of the World Trade Center, which cost an estimated $350 million per tower to construct when completed in 1973.

To accomplish this, a bill would have to be introduced in the Senate and House, passed by both chambers, and approved by the President. Modestly, here's my proposal to do just that:

2002 CONSTRUCTION INDUSTRY EXPOSITION

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. YOUNG of Alaska. Mr. Speaker, next week the entire construction and construction materials industries are holding a convention, the CONEXPO-CON/AGG, in Las Vegas, NV. More than 125,000 people are expected to attend and over 2,300 exhibitors covering will show their construction material and equipment in 1.9 billion net square feet of indoor and outdoor exhibit space. This convention is one of the best as it draws contractors and construction materials producers from around the world.

Several organizations associated with these events, are conducting their annual conventions in Las Vegas: The Association of Equipment Manufacturers; the National Stone, Sand and Gravel Association, the National Ready Mixed Concrete Association, the America Road and Transportation Builders Association; the Associated General Contractors of America; the Construction Materials Recycling Association; the Concrete Sawing and Drilling Association; the International Road Federation; the National Fluid Power Association; the National Utility Contractors Association and the Society of Automotive Engineers. I congratulate them for the work they do to keep America moving.

Some important facts about these industries should be noted. The construction industry represents 8 percent of our Nation's gross domestic product and accounts for 5 percent of total U.S. employment. The construction industry puts more than $850 billion of products in place annually and employs more than 8.6 million people. Even in a recession, the construction and construction materials industries added 63,000 jobs. These numbers are staggering and impressive and result from the very successful TEA 21 Act that funds the federal highway road program.

These are America's builders. Through their hard work, the wilderness that was America was transformed into a stronghold of productivity and commerce.

These groups build our roads and highways, airports, and rail beds—the networks that connect our cities, our communities, and our families. They build our homes, our workplaces, our churches, our schools, and our hospitals.

They build and maintain our utilities, including water and sewer facilities, natural gas pipelines and telecommunications systems. They build these underground lifelines that keep America secure and thriving.

Not only do they build—they rebuild. In the true spirit of America they responded after September 11 by sending manpower, materials, equipment, and money to the New York City World Trade Center and the Pentagon to help heal the wounds inflicted on America by the terrorist attacks. Members of these associations continue their efforts to erase these scars that mar our landscape.

The construction and construction materials industries have built Americans' a quality of life and ensured a prosperous future for our country and its people.

We all take pride in the work these "Builders of America" do every day. On the eve of CONEXPO-CON/AGG 2002, we extend our sincerest thanks and best wishes to the construction and construction materials industries for a successful trade shows that is "An Experience to Build On."

CLASS ACTION FAIRNESS ACT OF 2002

SPEECH OF

HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Mr. MEEKS of New York. Mr. Chairman, in an age when corporate wrongdoing is a daily front page headline, now is not the time for Congress to bend the rules that allow injured consumers and workers access to the civil justice system.

Proponents of H.R. 2341 insist that a class action crisis threatens the well being of U.S. courts this is simply not true. There is no statistical evidence of a class action crisis. In fact, the Federal and State judiciaries have consistently opposed efforts to "federalize" class actions believing that state courts are perfectly capable of handling their own matters without interference from the Federal judiciary. There is simply no need for massive civil justice reform, especially reform like H.R. 2341 that limits the rights of consumers to seek redress against wrongdoers.

Currently, class action suits provide access to justice for thousands of American consumers and small businesses that would otherwise have no realistic means of taking their case to court. Unfortunately this legislation is an attempt to deny American consumers and small businesses by making plaintiffs jump through multiple hurdles to bring class actions, allowing proponents of this bill to accomplish their policy goal at the expense of consumers who have been harmed by corporate wrongdoers.

Today we are given the opportunity to make a clear choice between the legal rights of powerful corporations that break the rules, and the legal rights of the families, retirees and consumers they harm. Today we cannot turn our backs on those who depend on us. Today we must stand up for those who stand the greater harm by opposing H.R. 2341.

CONGRATULATIONS, GIRL SCOUTS, ON 90 YEARS OF WONDERFUL SERVICE

HON. DAVID VITTER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. VITTER. Mr. Speaker, I rise today to celebrate the 90th anniversary of the Girl Scouts of America. In March 1912, Juliette Gordon Low, a visionary from Savannah, GA, formed an organization that has become the world's preeminent organization dedicated solely to girls.

Girl Scouting encourages girls to develop their full potential, to believe in themselves, to respect others, and to make a contribution to the world around them. In an accepting and nurturing environment, girls build character and skills for success in the real world. In partnership with committed adults, girls develop qualities that will serve them all of their lives—like strong values, a social conscience and conviction about their own potential and self worth.

The Girl Scout Council of Southeast Louisiana provides a positive impact on our entire region by the services and activities they provide. I salute the adult troop leaders who volunteer their time to serve as role models for the thousands of Girl Scouts in our community. As the father of a Brownie, I see first hand the enjoyment and enrichment that Girl Scouting provides.

Could Juliette Gordon Low have known in 1912 when she sold her pearls to give Girl Scouting financial backing that millions of girls would benefit from her generosity? She would be proud to know that Girl Scouting is still going strong and shaping lives. Congratulations Girl Scouts on 90 years of wonderful service.

INTRODUCTION OF THE "GENOMIC RESEARCH AND DIAGNOSTIC ACCESSIBILITY ACT OF 2002" H.R. 3967 AND THE "GENOMIC SCIENCE AND TECHNOLOGY INNOVATION ACT OF 2002" H.R. 3966

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. RIVERS. Mr. Speaker, evidence is mounting that the patenting of human genes is both inhibiting important biomedical research and interfering with patient care. Today I am introducing two bills that address these increasingly troublesome effects of human gene patenting.

Despite resistance from many of our European allies and the popular view in this country that owning the rights to a part of the human body is inappropriate and even immoral, patenting of human genetic sequences is accelerating rapidly. Eight thousand patents on genes or genetic material have already been issued by the Patent and Trademark Office (PTO), including at least 1,500 on human genetic material. Tens of thousands of additional human gene patents await examination by the PTO. And while the criteria for awarding gene patents have been marginally tightened in recent years, progress toward patenting of the entire human genetic sequence continues unabated. There is little doubt that most of the significant claims on our genetic code will be tied up as private property within a very few years.

What does it mean to own a human gene patent? It means that the gene patent holder controls any use of "its" gene, a gene that is found in virtually every human being on the planet. The patent holder can prevent my doctor from looking in my body to see if I have that gene. The patent holder can prevent anyone else from doing research to improve a genetic test or to develop a gene therapy based on that gene.

PTO's grant of total ownership in genes has already led to some very unusual moral and medical dilemmas. In one well-publicized case, Miami Children's Hospital—the owner of the gene responsible for the fatal neurological disorder Canavan disease—is being sued by the families of dead and dying children who provided the tissue samples which enabled the hospital's researchers to discover the gene's function. The Canavan parents had sought the help of hospital researchers in order to develop testing that was accessible and affordable to the public. Instead, when Miami Children's Hospital discovered the Canavan gene, it secretly filed a patent and now prevents doctors from testing or examining patients for the gene without paying the hospital a fixed royalty fee, even though those doctors could do so without using any product or device invented by MCH. The Canavan families claim that the terms under which the hospital is licensing use of the gene are slowing progress into finding a cure or therapy for the disease.

In another example, several European laboratories have refused to recognize—and are attempting to overturn—a patent held by a U.S. company on a gene that is strongly linked to breast and ovarian cancer. The patent holder requires that all tests be shipped to its lab in the United States under the theory that it has the most accurate genetic test available. However, at least one European lab found additional mutations for which the patent holder was not testing. European geneticists claim that the testing fee charged by the patent holder ($2,680) is exorbitant, since they can offer an even more sophisticated test for half that price, and that the terms of the gene license are choking off discovery of other medically important mutations of the gene.

In yet another example, a U.S. firm obtained a patent on a gene by specifying its sequence and its possible importance in a number of diseases. The firm did not mention AIDS in its patent application. Several research groups subsequently discovered the gene's importance in the AIDS infection mechanism. These groups now have to deal with the gene's patent holder to develop their discoveries, even though that owner had no idea of the gene's relevance to AIDS. In a final example, Jonathan Shestack, the producer of the movie Air Force One, began raising money to fund autism researchers. He learned that progress was slow because certain researchers were hoarding patients' tissue samples. They wanted to be the first ones to find the gene and gain commercially.

These and other similar results from the patenting of human genes have led many in the medical and religious communities to conclude that patents should simply not be granted on human genetic sequences. Prohibiting gene patents would of course require a major change to the patent law, an unlikely outcome given the biotechnology industry's strenuous assertion that gene patents are essential to genetic and medical innovation. This is an interesting but debatable proposition. The two bills that I am introducing today, however, do not directly challenge the viability or legality of gene patents. What I seek to do, rather, is to carve out some limited exemptions to the applicability of gene patents. These exemptions are designed to minimize some of the negative impacts of patents on the practice of medicine and the advancement of science. They aim to broaden the availability and usefulness of gene-based diagnostics in the overall health care system, while allowing essential medical progress to continue unabated.

The "Genomic Research and Diagnostic Accessibility Act of 2002" has three major provisions.

RESEARCH EXEMPTION

Section 2 exempts from patent infringement those individuals who use patented genetic sequence information for non-commercial research purposes. This provision would apply to all genetic sequence patents, not just human gene patents. Contrary to the understanding of many scientists, patent law does not protect from patent infringement scientists doing basic, fundamental, non-commercial research when they use patented tools, techniques, and materials. Surveys performed by researchers at Stanford University have shown that many universities and hospitals are avoiding promising genetic research areas because of patent infringement concerns. Another study published earlier this year in the Journal of the American Medical Association found that a majority of geneticists are being denied access to colleagues' data. The JAMA study concluded that withholding data may hinder scientists' ability to replicate the results of published studies and to pursue their own research, and may hurt the education of new scientists. Creating a research exemption would make genetic patent law comparable to copyright law, which has a "fair use" defense that permits socially valuable uses without a license.

It is important to note that this section would not overturn the commercial rights of patent holders. If a research utilizing the exemption makes a commercially viable finding, he or she would still have to negotiate any rights to market the new discovery with the patent holder.

DIAGNOSTIC USE EXEMPTION

Section 3 would exempt medical practitioners utilizing genetic diagnostic tests from patent infringement remedies. This section builds on a provision in patent law, enacted in 1996 after its passage in the House by an overwhelming majority, which exempts health care providers from patent infringement suits when they use a patented medical or surgical procedure. The 1996 law was authored by two legislator/doctors—Representative GANSKE and Senator FRIST—and eliminated the distasteful possibility that doctors would use a less safe surgical procedure rather than risk infringing a patent.

Some biotechnology companies and researchers argue that monopolistic control of genetic diagnostic tests is essential. They claim that without significant investment—investment made possible only by the prospect of total control of the diagnostic revenues—the tests never would have been developed in the first place.

This argument begs the question of whether current patenting policies are in fact serving the broader interests of patients. In my view, they are not. Costs for patented tests can become prohibitive, especially when licensing fees are stacked through a series of tests. Negotiating licenses and fees can be time-consuming and can limit genuine medical progress. And most importantly, control of testing protocols and results in a single laboratory can retard medical knowledge, which has historically progressed through the free exchange of information among the entire medical community. The prospect of owning a profitable genetic test may indeed drive some early innovation, but monopolistic control of a genetic test will ultimately stifle innovation.

I have referred to some of the problems that patents have caused in the field of genetic diagnostics. In a February 7, 2002 article in the journal Nature, four U.S. bioethicists concluded that "gene patents affect the cost and availability of clinical-diagnostic testing." One of the authors, Mildred Cho from Stanford University, has conducted broader surveys suggesting that nearly half of all diagnostic labs have been forced to quit doing certain tests because of gene patents. This is not an outcome that promotes broad, fairly priced diagnostic medicine.

I believe that the interests of patients and the overall health care system in this country will be far better served if laboratories, universities, and the private sector are free to use patented information for the development of diagnostics tests. To those who argue that medical innovation will be stifled by this approach, I would point out that surgeons have been refining their techniques for centuries without patent protection. Furthermore, many genetic advances have and will continue to be made without the allure of profits. Dr. Francis Collins discovered and patented a cystic fibrosis gene at the University of Michigan over ten years ago. Dr. Collins, the current director of the Federal gene-mapping effort, was not motivated by profits and neither was the university. That test is broadly licensed today at a nominal fee and remains an easily affordable service available to thousands of expectant parents.

INFORMATION DISCLOSURE

Section 4 of the bill would require public disclosure of genomic sequence information contained within a patent application when federal funds were used in the development of the invention. The data would be released within 30 days of patent filing, rather than the current 18 months.

This provision is one that should be applied broadly to federally funded research programs, although I have limited it to genomic data in this bill. Legislation enacted in the 1980's enabled universities and small businesses to patent discoveries made with federal funding—a change in patent law that has driven much high-technology innovation in the U.S. economy. Section 4 would not affect the patent rights of these universities and small businesses. It would, however, require that genetic data in a patent application be disclosed promptly through normal scientific channels, both to preclude wasteful duplication of effort by other research teams and to promote broad dissemination. Since the public funded the research, it seems only reasonable that the patent applicant be asked to share the publicly funded results as broadly and as quickly as possible.

THE "GENOMIC SCIENCE AND TECHNOLOGY INNOVATION ACT OF 2002"

This bill provides for an in-depth study by the White House Office of Science and Technology Policy on the impact of Federal policies, especially patent policies, on the rate of innovation, the cost, and the availability of genomic technologies.

A 5–4 Supreme Court ruling in 1980 opened the door for gene patents, which have been central to the development of the U.S. biotechnology industry. Ever since, except for a few minor changes like the Ganske-Frist amendment, genes and other genetic sequences have been treated pretty much like chemicals by the Patent Office. This is not surprising because the Patent Office responds to the will of the Congress and the courts. What is surprising is that there has been almost no thoughtful or scholarly study of the effect of human gene patenting on either scientific progress or the overall health care system. Do patents serve patients well? Do they help or hinder scientific progress? Do they promote innovation? These are fundamental questions that would perhaps have engaged the attention of the Office of Technology Assessment had the Congress not foolishly abolished it in 1995. The Human Genome Program, who has spent nearly $100 million over the past 10 years on "Ethical, Legal, and Social Implications" of the genome project, has funded almost nothing in this area. Meanwhile, the Patent Office continues to review and grant patents, almost by blind momentum alone, without serious consideration of whether these human gene patents are helping us achieve our broader societal goals.

Congress has the ability to change the patent law if it is not serving the public interest. We do so in small or large ways nearly every Congress. It is clearly time to review whether this body of law is working. It is obvious from some of the anecdotes that I have cited that the current system is causing strains. Many labs and universities are steering in the biomedical sciences is becoming increasingly sticky. Genetic tests could become prohibitively costly or inaccessible, or could become engulfed in wasteful, legalistic cross-licensing scrimmages.

This bill would direct the OSTP, through the National Academy of Sciences if it wishes, to study these issues, to report to the Congress with its findings, and to lead the development of Federal policies based on these findings. This would be the first systematic study of where human gene patenting policy is taking us, and it is long overdue.

Some may see a contradiction between these two bills—namely, that the second bill calls for a study of problems for which I have already proposed solutions in the first bill. However, I believe there is ample justification for the limited reforms I propose in the "Research and Diagnostic Act" and that in short order these steps will be shown to serve the public good. A decision on whether Congress should make even more dramatic changes to the genetic patenting regime (for example, by making the diagnostic exemption retroactive) should await further study and discussion. The study called for in the second bill would provide us with guidance for those additional steps.

Abraham Lincoln described the patent system as "adding the fuel of interest to the fire of genius". I am concerned that the current Federal patent policy as applied to genetic sequences may be smothering the fire of genius. Patents are intended to encourage openness and to prevent trade secrets. Current policy, however, appears to be inhibiting research and information sharing, and choking off innovation and the broad availability of novel genetic technologies. I hope that the two bills being introduced today will serve to focus attention on these issues. More importantly, I hope that they will ensure that the fantastic advances in medical genetics are fully harnessed for the benefit not just of patent holders, but also of the broader public.

PROCLAMATION RECOGNIZING FIRE-FIGHTER GERALD L. BAPTISTE—LADDER NO. 9

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. OWENS. Mr. Speaker, as a Tribute to Firefighter Gerald L. Baptiste of Ladder Number 9, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the record:

> Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of Americans, and;
>
> Whereas, more than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;
>
> Whereas, members of the New York City Fire Department, New York City Police Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;
>
> Whereas, more than 300 New York City Firefighters lost their lives in the effort to save others, and
>
> Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;
>
> Whereas, we deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies. Now therefore be it
>
> *Resolved:* That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.
>
> That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.
>
> Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

TRIBUTE TO GAIL TORREANO

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. LEVIN. Mr. Speaker, I rise today to reflect on the contributions of SBC Ameritech Michigan and its President Gail Torreano, as they are both honored on March 22nd by the Oak Park Business and Education Alliance for their outstanding work in the community of Oak Park, Michigan. The Oak Park Business and Education Alliance was established in 1993, and is a nonprofit organization of educators, businesses and government entities that provide assistance to the Oak Park School District to improve the individual education experiences of students and prepare them for the modern workforce.

Ms. Torreano's career and other accomplishments demonstrate her strong commitment to community activism. A graduate of Central Michigan University, she has served as Associate Director of the Michigan Special Olympics in Mount Pleasant. Among the many boards she has served on are the Detroit Chamber of Commerce, Detroit Chapter for the NAACP Fight for Freedom Fund dinner for 2002, Michigan Virtual University, and the Economic Club of Detroit.

SBC Ameritech Michigan has been the recipient of numerous honors and awards including the Michigan Deaf Association "Employer of the Year" in 2001 for their contribution to the professional growth and development of its deaf and hard of hearing employees. They also received the highest commendation from the NAACP 2001 Telecommunications Report Card—a program aimed at measuring corporate America's commitment to people of color. In addition, the American Society on Aging and the National Minority Supplier Development Council named SBC "Corporation of the Year" in 2000.

Ms. Torreano's and SBC's commitment and support of the communities where they serve is, indeed, commendable.

Mr. Speaker, I ask my colleagues to join me in honoring the commitment of SBC Ameritech Michigan and its President, Gail Torreano, to the community of Oak Park and the Business and Education Alliance.

CHINA'S MILITARY EXPANSION

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to discuss an issue of utmost importance to our national security. On Tuesday, March 5th, the Washington Post reported the People's Republic of China has increased its military spending by over 17% for the second consecutive year.

As I have pointed out many times on the House Floor, China's desire is for complete dominance and hegemony in the Asian-Pacific region.

Communist China's attempts to build a nuclear arsenal capable of defeating the United States are undeniable. In that regard, the addition of multiple independently targeted reentry vehicles is the PRC's most significant threat to the United States. This targeted spending increase is clearly designed to close the nuclear gap that exists between the United States and China.

China's military buildup is especially disconcerting considering its much publicized goal of controlling Taiwan. Mr. Speaker, as you know, China has said it will take back Taiwan by whatever means necessary. Along these lines, Chinese military leaders have openly questioned whether the United States would be willing to sacrifice Los Angeles in our attempts to protect Taipei. We must be prepared to defend ourselves against this type of overt aggression.

Mr. Speaker, this is why I have been so vehement in articulating the need to act decisively to build a ballistic missile defense. The fact that our country remains completely vulnerable to a ballistic missile attack is a reflection of our lack of political will to build an adequate defense. The technology for a ballistic missile defense is available, and has been for years and even decades. It is obvious China will neither lay aside its obsessive quest to build and maintain an offensive nuclear missile program, nor cut its massive military spending. There is only one acceptable response to this threat. We need to fully fund a robust ballistic missile defense program, encompassing a variety of technologies and defenses, and we must accomplish this without delay.

Mr. Speaker, at this point in the Record I submit the text of the March 5th article to which I have been referring. I commend this article to our colleagues and all observers of these proceedings.

[From the Washington Post Foreign Service, Mar. 5, 2002]

CHINA RAISES DEFENSE BUDGET AGAIN

(By John Pomfret)

BEIJING.—China will announce another 17 percent rise in defense spending this week, completing a one-third increase in acknowledged military expenditures over the last two years, Chinese and other Asian sources said today.

The increase reflects Beijing's ambition to build a powerful military to complement its robust economy and underpin its strategic position in Asia. But despite more than a decade of big jumps in the defense budget, Asian and Western military officers and Chinese sources said the 2.5-million-member People's Liberation Army, the largest standing fighting force in the world, is struggling with its modernization program, handicapped by low pay, poor morale and difficulty absorbing new weapons.

Finance Minister Xiang Huaicheng will announce an increase of around 17.6 percent in defense spending when he details China's budget on Wednesday during a meeting of the legislature, Chinese sources, Asian diplomats and Chinese-language media reports said. China increased defense spending by 17.7 percent last year; the jump this year will bring its publicly acknowledged defense budget to $20 billion.

China's real defense spending, including funds expended but not reported, is considered the highest in Asia, considerably more than the $45 billion spent annually by Japan. By comparison, the Bush administration has proposed a $379 billion defense budget for the next fiscal year.

Beijing explained its increase last year as a response to "drastic changes" in the military situation around the world, a reference to the U.S.-led war in Kosovo in 1999. This year, sources said, Beijing needs more money to bolster its nuclear forces following the Bush administration's decision to withdraw from the Anti-Ballistic Missile Treaty and continue work on a missile defense system.

China has often voiced concern that, if the United States builds a missile shield, the Chinese nuclear force would lose its strategic deterrent without more and better warheads and delivery vehicles.

China's main modernization efforts, however focus on turning the People's Liberation Army from an army of farmers into a modern, streamlined fighting force and to abandon the People's War doctrine, which involves basic guerrilla tactics in favor of more traditional doctrines used by world powers.

The goal, according to Pentagon reports, is to become a "regional hegemon," project Chinese power into any corner of Asia, protect sea lanes for Chinese oil, replace the United States as the preeminent power in the region and use Chinese power to guarantee reunification with Taiwan.

To do so, China has embarked on a shopping spree for weapons from Russia, Israel and South Africa and a worldwide hunt for technology to improve its nuclear weapons and rocketry programs. China was the world's biggest arms importer in 2000, according to the Stockholm International Peace Research Institute. It will probably be so again in 2001 and 2002, analysts say.

Starting in 1997, China shed 500,000 troops from the army, transferring them to the People's Armed Police, which deals with internal security. It has also launched an ambitious program to enhance training, education and living standards for the men and women currently in uniform.

Chinese analysts consider morale a major problem for the army. One Western military attache who has had links with the Chinese military since the 1980s described the army as facing a "spiritual crisis."

"It has lost its revolutionary elan," he said. "It is no longer a tough, ragtag force of creative and motivated guerrilla fighters. It has become rigid, bureaucratized and slow."

Morale problems are reflected regularly in the People's Liberation Army Daily, the army's newspaper, where complaints about bad pay, lack of vacation time and poor training are routine. Last week, the military, responding to years of complaints, promised to increase its rations budget by 20 percent, the newspaper reported.

Once a route out of the countryside for smart young men, the army no longer can attract the talent it needs, Chinese sources said, because other opportunities have arisen with economic reforms. Among the upper levels of society, an army career is almost a joke. Practically no students from Beijing or Qinghua universities, China's most prestigious, consider a career in the military, which pays a colonel less than $350 a month.

Reform-minded senior Chinese military officers regularly compare the army to a state-owned enterprise burdened by aging, untrainable workers. "What can you do with someone who is 45 and has grown up in the old PLA?" said one Chinese major general. "There are thousands of people like this. Many are officers, and because we can't do anything with them, our younger officers are angry and leaving the service."

A good percentage of training, up to 30 percent in some cases, is taken up with political indoctrination, Chinese sources said. "Political reform is not just necessary for the economy to grow faster," said one former officer who recently left the army because it lacked opportunities. "It's a prerequisite for military modernization, too."

As a result, Chinese soldiering suffers. Western military officers in Beijing said one reason China is so reticent about participating in U.N. peacekeeping is that its units are incapable of operating independently.

In peacekeeping, the basic unit is a platoon, about 10 to 20 troops. "But they cannot function as a platoon," said a Western officer. "Once they are detached from the mother ship, they freeze up. In peacekeeping, if you don't have smart people commanding your small units, the situation can turn catastrophic very fast."

More broadly, the PLA's reputation still has not recovered from the killings around Tianamen Square during the pro-democracy demonstrations of 1989. The PLA's efforts to save people during floods in the summer of 1999 helped for a while. But, simultaneously, many stories arose of local military leaders leading smuggling rings.

Jokes about corruption in the military and its obsession with politics are now routine. When Japanese Self-Defense Forces sank an intruding vessel, believed by Tokyo to be a North Korean spy boat, inside China's 200-mile exclusive economic zone in December, China's navy did not dispatch a ship to monitor the incident. "They must have been busy," the punch line went, "studying the 'Three Represents' [the latest political philosophy of President Jiang Zemin] or smuggling."

China's military acquisitions have been substantial. Recent Russian weapon and equipment sales have included 72 Su-27 fighter-ground attack aircraft; 100 S-300 surface-to-air missiles; 10 Il-76 transport aircraft; four Kilo-class submarines and two Sovremenny-class destroyers. China has also signed a contract to assemble at least 200 more Su-27s at the Shenyang Aircraft Corp. in northeastern China.

But an Asian military officer estimated that 60 percent of the Su-27s cannot fly, either because they are broken or because the pilots lack the skill to fly them. "Their men are 20 years behind ours in terms of their skill at handling and repairing these sophisticated machines," he said. "This gap in personnel is not easily closed."

China's purchases of the Sovremenny-class destroyers were touted as another sign of Beijing's new ability to project force and challenge U.S. influence in Asia. But attempts to purchase an early warning radar system failed in July 2000 when the United States blocked Israel from selling China an Il-76 aircraft equipped with AWACS-style radar, a system Israel calls the Phalcon.

"Without the Phalcon," said a Western attache', "the Sovremenny is a sitting duck."

Mr. Speaker, while China's military expansion poses a real threat to the United States, we have the technology to build a real missile defense shield, and should be directing the necessary funds to build and deploy such a system without delay.

PAYING TRIBUTE TO ANN SHEETS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

March 14, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Ann Sheets, an incredible woman who tragically passed on much too soon. She was loved by each and every person whose life she touched, and will be sorely missed by all who knew and loved her. She was a person of unquestioned integrity and of unparalleled morality, and it is my hope that her life will serve as a model to the many children she so lovingly taught, as she is truly an inspiration to us all. As her family mourns her loss, I believe it is appropriate to remember Ann and pay tribute to her for her warm heart, and her many contributions to her community and her state.

Ann lived her life in a manner befitting the friendship and love bestowed upon her by her colleagues, students, friends and family. She was raised in Steamboat Springs, where she graduated from high school. She went to work at Junction Square, where she continued to work while attending college at Mesa State. Eventually, Ann became a librarian at Chatfield Elementary School, where her love for children and education enabled her to excel, and make her a favorite with everyone involved in the school. She was able to touch the lives of students each and every day by sharing her love of reading. It is no small feat to turn children on to reading, but Ann was able to do it with the same ease and grace that was the hallmark of her life.

Mr. Speaker, we are all terribly saddened by the loss of Ann Sheets, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that she left with all of us. Ann Sheets' life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring her life to the attention of this body of Congress.

IN HONOR OF GIRL SCOUTS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. SANCHEZ. Mr. Speaker, I rise to honor the Girl Scouts of the USA who are celebrating their 90th anniversary this week. Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls.

There are 3.7 million Girl Scouts—2.7 million young women and 915,000 adult members. The first group of Girl Scouts was organized by Juliette Gordon Low, the founder of the Girl Scouts, on March 12, 1912. The Girl Scouts were chartered by the U.S. Congress on March 16, 1950.

Girl Scouts help girls develop their full individual potential; relate to others with increasing understanding, skill, and respect; and contribute to the improvement of society through their abilities, leadership skills, and cooperation with others. With myriad enriching experiences, such as fields trips, sports, skill-building clinics, community service projects, cultural exchanges, and environmental stewardships, the girls are able to fulfill the Girl Scouts mission.

Please join me in honoring the Girl Scouts for their continued effort in making girls grow stronger and develop their full potential.

ON THE FATE OF LCDR MICHAEL "SCOTT" SPEICHER, USN, AND AMERICA'S MISSING IN ACTION

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. FORBES. Mr. Speaker, I am very distraught today over our failure to resolve the disappearance of LCDR Michael Scott Speicher. Commander Speicher was the first American lost in the 1991 gulf war. His F/A-18 Hornet was shot down west of Baghdad in the early morning hours of January 17. After Kuwait was liberated and the tenuous cease-fire agreement reached, the Iraqi government returned remains of a person that was supposed to be Commander Speicher. DNA and blood type testing would reveal that it was not. Years later, after a debate over whether Commander Speicher was killed in action or simply missing, intelligence sources now believe that Commander Speicher may be alive and a prisoner of Iraq.

America has a moral obligation to every Soldier, Sailor, Airman, Marine, and Coast Guardsmen that it sends into harm's way to accurately determine their fate and expend all efforts to return their remains to their families. Scott Speicher's family doesn't have closure because no search and rescue mission was ever launched. When a covert mission was proposed to go into Iraq in 1994 to investigate the crash site, a senior Pentagon official said, "I do not want to have to write letters home to the parents to tell them that their son or daughter died looking for old bones." Who will write the letter to Scott Speicher's family explaining why he may still be alive?

We cannot trust the Iraqis to help us. The Iraqi government has already failed to deliver CDR Speicher or his remains at the end of the gulf war; and they delayed an investigation into the crash site until they had time to pick it over. Scott Speicher is the only American unaccounted for from the gulf war, but there are many unaccounted personnel missing from other conflicts. We need to renew our efforts to locate those who gave all in service of their country, and return them to their families.

INTRODUCTION OF WILDFIRE RESOLUTION

HON. RICHARD W. POMBO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. POMBO. Mr. Speaker, After seeing the destruction that happened last year during the fires seasons, I concluded that Congress must be prepared to respond to these catastrophic events before the 2002 wildfire season begins.

When forests catch fire, a catastrophic event occurs. These types of fires are extremely intense. The fires literally destroy every sign of life and can rage for thousands of acres. The costs of fighting these fires are astronomical. During the 2001 wildfire season, 81,681 fires burned 3,555,138 acres that killed 15 firefighters and threatened rural communities nationwide. The year before in 2000, more than 7.4 million acres burned—equivalent to a 6-mile-wide swath from Washington, DC to Los Angeles, CA. These fires destroyed 861 structures and cost the Federal government $1.3 billion in suppression programs.

Quite simply, our Federal strategy to handle catastrophic wildfire is not adequately addressing a looming crisis. The Federal Government must take action to prevent the loss of wildlife habitat and protect rural communities.

This is why I am asking you to please join me in cosponsoring this Wildfire Resolution expressing the Sense of the U.S. Congress to: (1) fully implement the Western Governors Association "Collaborative 10-year Strategy for Reducing Wildland Fire Risks to Communities and the Environment" and (2) to prepare a National Prescribed Fire Strategy that minimizes risks of escape. America needs to know Congress understands the forest-health crisis is causing these fires and that Congress is taking action.

In managing our forests, it is very important to remember that they are in constant transformation. A particular forest now will look much different in 10 years, and in about 50 years will not even look like the same forest. Sometimes a forest can get overpopulated with trees.

While some trees become diseased creating enormous amount of fuel that leads to catastrophic fires.

Reducing forest density and improving the ability of healthy forests to survive expansive wildfires must become the No. 1 priority for Federal forest managers. This is not a timber industry issue—it is a forest-health issue. Thinning practices necessary to ensure our forests are able to survive future catastrophic wildfires must begin without further delay.

It is time for Members of Congress to set aside political rhetoric and make the tough decisions necessary to end catastrophic losses of wildlife habitat, forest resources and most importantly, human lives on all Federal forest lands. I ask unanimous consent that the resolution be printed in the RECORD following my remarks.

IN HONOR OF JASON DEAN CUNNINGHAM

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. GALLEGLY. Mr. Speaker, I rise to honor the heroic memory of Air Force Senior Airman Jason Dean Cunningham, who died March 4, 2002, during a firefight with America's enemies in the mountains of eastern Afghanistan. Airman Cunningham is to be laid to rest today in Arlington National Cemetery.

Jason lived briefly in my district with his wife, Theresa, and her parents, Lucy and Lito DeCastro, in Camarillo, CA. Jason's parents, Lawrence Dean and Jackie Cunningham, hail from Gallup, NM. Theresa joined the Navy after graduating from Rio Mesa High School and met Jason while both were stationed in Italy.

At that time, Jason also served in the Navy. He switched to the Air Force 2½ years ago to become a pararescueman—a paramedic who has trained at a special forces levels. Jason underwent 2 years of intense training in airborne, scuba and survival schools, search and rescue, and, of course, medical training to join this elite group of lifesavers. He was assigned to the 38th Rescue Squadron at Moody Air Force Base, near Valdosta, GA.

By all accounts, Jason was a dedicated and skilled airman, and a dedicated and loving family man. He and Theresa have two daughters, Kyla, 4, and Hannah, 2.

On March 4, he and six others died trying to rescue a Navy SEAL. It is important to remember them as well, for they fought by Jason's side and will be with him for all eternity: Sgt. Bradley Crose, 22, of Orange Park, Florida; Spc. Marc A. Anderson, 30, of Brandon, Florida; Pfc. Matthew A. Commons, 21, of Boulder City, Nevada; Petty Officer 1st Class Neil Roberts, 32, of Woodland, California; Tech. Sgt. John A. Chapman, 36, of Windsor Locks, Connecticut; and Army Sgt. Philip J. Svitak, 31, of Joplin, Missouri.

Jason is the second serviceman from my district to die in Afghanistan since the hostilities began. Special Forces Staff Sgt. Brian Cody Prosser of Frazier Park, CA, died in Afghanistan in December. Considering the relatively low casualty rate so far, that's a high percentage for a congressional district. But the people in my district were patriotic long before September 11. They believe strongly in freedom and know deep in their hearts that freedom often comes with a price. Jason and Brian joined the military to protect their families, friends and neighbors from America's enemies. We forever will be grateful.

Mr. Speaker, we are deeply saddened by the loss of Jason Dean Cunningham but our resolve is strong. Our enemies must know that when they attack us they will be destroyed.

I ask my colleagues to join me in sending our heartfelt sympathy to Jason's family and to all those who have lost loved ones in the pursuit of freedom.

HONORING OUR NATION'S FARMERS AND CELEBRATING NATIONAL AGRICULTURE WEEK

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. OSE. Mr. Speaker, next week, March 17, 2002, we celebrate National Agriculture Week. From the apple orchards of upstate New York and cattle ranches of Texas, to the farm belt of the Midwest and rice fields of California, we are a nation built by farmers and ranchers. We take this week to honor those who produce our food and fiber, and to call attention to what needs to be done to protect our agricultural heritage, our way of life and our safe and plentiful food supply. It is the strength of this agricultural community that has made the United States the "bread basket of the world."

My home of California is our nation's most productive agricultural producers, producing more than $27 billion worth of product each year. The people of our state and nation benefit from this agricultural bounty every day in affordable, high-quality food, fiber, flowers and forest products.

Farmers are good stewards of the land and take pride in their work to protect the environment. Farmers and ranchers care for the land in many ways—from sustainable forestry practices to sound and safe pest management programs and grazing programs.

Farmers are also good conservationists, and have written the book on doing more with less. In the last 30 years, agriculture's share of water has remained constant, but farmers and ranchers have boosted production on a tonnage basis an impressive 67 percent during the same period. Farmers provide habitat for many species of wildlife, including the waterfowl of the Pacific Flyway. Many farmers are working towards better and more environmentally friendly methods of pest control—such as box homes for bats and barn owls, or pest resistant plants and bacteria that combat pests while reducing the reliance on pesticides.

In addition to their environmental benefits, farmers, ranchers, vintners and other members of the agricultural community are an important part of California's economy. A University of California study recently found that farmers generate about $59 billion in personal income for Californians or 6.6 percent of the stat's annual personal income. California agriculture also contributes 1.1 million jobs to the state, about 7 percent of the total workforce.

It is my great honor and pleasure to represent many of the men and women of California Agriculture in this House. Please join me next week in recognizing their contributions and thanking them for all they do to make this great nation what it is today.

HONORING THE GIRL SCOUTS OF AMERICA

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BOOZMAN. Mr. Speaker, I rise today to pay tribute to the Girl Scouts of America, who recently celebrated their 90th Anniversary.

Girl Scouting began on March 12, 1912. The founder Juliette Gordon Low assembled 18 girls from Savannah, Georgia, for a local Girl Scout meeting. The group was brought together because of her belief that all girls should be given the opportunity to develop physically, mentally and spiritually.

The Girl Scouts' mission is to help all girls grow strong. To that end, Girl Scouting empowers girls to develop to their full potential; relate positively to others; develop values that provide the foundation for sound decision-making; and contribute to society. Through the years, the Girl Scouts have continued to address contemporary issues affecting girls, while maintaining its core values. The organization's foundation is still based on the Girl Scouts' Promise and Law, just as it was in 1912.

Today, the Girl Scouts of America has a membership of 2.7 million girl members and over 900,000 adult members. In the state of Arkansas the Girl Scouts is 18,000 girl members and 7,000 adult members strong. They promote many beneficial programs, such as in-school scouting, and also promote qualities including diversity and responsibility. This program is one of the few private programs to still teach patriotism and the democratic process. The qualities that girls learn from this organization helps to guarantee a brighter future for Arkansas and the United States of America.

Mr. Speaker, thank you for giving me the opportunity to honor the Girl Scouts of America.

STATEMENT IN HONOR OF ST. PATRICK'S DAY AND OUR SEPTEMBER 11TH FIREFIGHTERS

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. McCARTHY of Missouri. Mr. Speaker, on March 17, 2002 the people of Kansas City will once again participate in the wearing of the Green and celebrate our Irish heritage. The tradition dates back to the 1800's and has grown to the third largest St. Patrick's celebration in the United States. This will be a St. Patrick's Day Parade like no other as participants and spectators will be wearing green, but seeing red, white, and blue. Our honored guests will be members of the New York's Port Authority, Police Department, and Fire Department.

On September 11, 2001, these brave first responders put their lives on the line for individuals in the World Trade Towers and surrounding structures. We at the Capitol watched in horror with the plane attack on Tower II, and felt the impact of the attack on the Pentagon. The world observed the courage and a selflessness of these men and women who rush to danger so that others will survive. Americans watched with pride and tears cognizant of the loss of life and families that would forever be altered.

As a community, we have witnessed the bravery of our own first responders. Kansas Citians along with the rest of our Nation volunteered their services in the 9/11 rescue efforts. Locally, the firefighter's boot became the means for every citizen to contribute to the relief of the 9/11 survivors. I attended the New York Giants v. Kansas City Chiefs game at Arrowhead Stadium, and witnessed an emotional tribute and the generosity as I, along with my firefighters, collected donations from fans. I consider this a privilege especially after having witnessed the devastation of ground zero. The representatives from New York who are participating in the Kansas City St. Patrick's Day Parade and the people of New York have the respect and admiration of us all.

Mr. Speaker, as we celebrate St. Patrick's Day, I will participate as one of over 200 entries in the third largest parade in the Nation. As a proud American, I ask that you join the citizens of Kansas City as we salute our heroes of 9/11 and especially our honored guests from New York participating in the parade:

From the Port Authority: Officers Frank Dowd, Bob Moore, Brian Dunwoody, John O'Donnell, and Patrick Harty.

From the New York Police Department: Detective Steve Eizikowitz, Detective Mike Davis, Kevin Douthit, and Patrick Kelly.

From the Fire Department of New York: Lieutenant Joe Huber, Carl Punzone, Bob Fraumeni, and Josh Lomask.

Mr. Speaker, I ask my colleagues to join me today in honoring our first responders throughout the United States, as we observe the courage of St. Patrick.

CONGRATULATING THE GIRL SCOUTS OF THE USA ON THEIR 90TH ANNIVERSARY

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. ROHRABACHER. Mr. Speaker, as Co-Chairman of the Congressional Scouting Caucus I wish to congratulate the Girl Scouts of the USA on the occasion of their 90th anniversary.

When I was a boy, I thought girls were icky. And as a boy I thought all Girl Scouts did was camp, sell cookies and do crafts. Well, I have dramatically changed my opinion about girls, and the Girl Scouts have changed as well.

Today, the Girl Scouts is three million girls strong, with 900,000 adults volunteers. Girl Scouts now can earn merit badges that develop skills in chemistry, math, marketing, sports, computer science, aerospace and the environment.

The Girl Scouts have developed programs that deal with the real problems young women face today. The Girl Scouts are actively working to discourage teen pregnancy, cultivate girls whose parents are incarcerated, mentor disadvantaged young women and encourage the academic achievement that will be so critical in their future.

These programs expose girls from all walks of life to all the wonderful possibilities open to them in work, play, and service to others. The Girl Scouts develop healthy interests, skills and habits that serve young women for a lifetime.

It is a long, long way from when Juliette Lowe founded the Girl Scouts on March 12 of 1912. But 90 years later the Girl Scouts are still teaching the basic values contained in the Girl Scout law: "to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do." These basic, timeless values prepare our girls to take on the mantle of leadership as they enter adulthood. And for that, I congratulate the Girl Scouts of America for their invaluable contribution to the success of our girls and the good of America.

THE FALLEN HEROES FLAG ACT OF 2002, H.R. 3968

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. GILMAN. Mr. Speaker, it is with great pride that I introduce H.R. 3968, the Fallen Heroes Flag Act of 2002. This Act provides for a flag flown over our Capitol to the immediate family of our nation's brave firefighters, law enforcement officers, emergency medical technicians (EMT's), and to other relief workers whose lives are lost in the line of duty. This Act ensures that our future generations of public servants who may pay the ultimate price for their service to our communities and our nation are accorded the honor, the dignity and respect that they deserve.

As we pass the six-month anniversary of the barbaric terrorist acts perpetrated against the people of our great nation, we are reminded, once again, of the heroic acts of bravery, devotion to duty and self-sacrifice that our firefighters, law enforcement officers, emergency medical technicians and other relief workers rendered to us. Their great heroism was not just exhibited by those who following their rescue efforts, re-entered the crumbling buildings with the certain knowledge that they would pay the ultimate price; but for those who labored at Ground Zero, day after day, searching not only for survivors, but for their brave colleagues and our fellow citizens who perished on that day.

All too often we take our firefighters, law enforcement officers, EMT's, and relief and rescue workers for granted. The events of September 11th provided us with a glimpse into their lives, hard work, excellence, devotion to public service and to our communities that our brave public servants give each and every day. We must never forget the great service that they provide to our nation!

Mr. Speaker, as is customary with our fallen military heroes, this act will provide the immediate family member of our fallen public servants with the symbol of our great nation—our flag, as a tribute for the respect, admiration and appreciation that must be accorded to our brave firefighters, law enforcement officers, emergency medical technicians and our relief and rescue workers who have made the ultimate sacrifice.

Accordingly, I urge all of our colleagues to join as co-sponsors of the Fallen Heroes Flag Act of 2002, as our way of honoring the work and lives of our brave, devoted and dedicated fallen heroes.

H.R. 3968

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fallen Heroes Flag Act of 2002".

SEC. 2. PROVIDING CAPITOL-FLOWN FLAGS FOR FAMILIES OF LAW ENFORCEMENT AND RESCUE WORKERS KILLED IN THE LINE OF DUTY.

(a) IN GENERAL.—At the request of the immediate family of a fire fighter, law enforcement officer, emergency technician, or other rescue worker who died in the line of duty, the Representative of the family may provide the family with a Capitol-flown flag, together with the certificate described in subsection (c).

(b) NO COST TO FAMILY.—A flag provided under this section shall be provided at no cost to the family.

(c) CERTIFICATE.—The certificate described in this subsection is a certificate which is signed by the Speaker of the House of Representatives and the Representative providing the flag, and which contains an expression of sympathy from the House of Representatives for the family involved, as prepared and developed by the Clerk of the House of Representatives.

(d) DEFINITIONS.—In this section—

(1) the term "Capitol-flown flag" means a United States flag flown over the United States Capitol in honor of the deceased individual for whom such flag is requested; and

(2) the term "Representative" includes a Delegate or Resident Commissioner to the Congress.

SEC. 3. REGULATIONS AND PROCEDURES.

(a) IN GENERAL.—Not later than 30 days after the date of the date of the enactment of this Act, the Clerk shall issue regulations for carrying out this Act, including regulations to establish procedures (including any appropriate forms, guidelines, and accompanying certificates) for requesting a Capitol-flown flag.

(b) APPROVAL BY COMMITTEE ON HOUSE ADMINISTRATION.—The regulations issued by the Clerk under subsection (a) shall take effect upon approval by the Committee on House

Administration of the House of Representatives.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated from the applicable accounts of the House of Representatives for fiscal year 2003 and each succeeding fiscal year such sums as may be necessary to carry out this Act.

SEC. 5. EFFECTIVE DATE.

This Act shall take effect October 1, 2002, except that no flags may be provided under section 2 until the Committee on House Administration of the House of Representatives approves the regulations issued by the Clerk of the House of Representatives under section 3.

A TRIBUTE TO THE LATE EDITH BRISKER VILLASTRIGO

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. LEE. Mr. Speaker, I rise today with great sadness and deep respect in paying tribute to a woman with the courage to envision a peaceful world. Mrs. Edith Brisker Villastrigo passed away on Sunday, August 26, 2001, in Silver Spring, MD.

Mrs. Villastrigo's commitment and dedication to peace in the world, as well as to other issues affecting women spanned for more than four decades.

Mrs. Villastrigo immigrated to the United States from Gomel, Russia, in the 1920s. Her long record of activism began with union organizing in Chicago, Illinois, and Pittsburgh, PA.

A visionary and advocate for peace, Mrs. Villastrigo helped lead the Women Strike for Peace organization, opposed the Vietnam War and challenged the Nixon administration and its policies by protesting at the Washington Monument.

In the 1980s, she fought for peace on an even broader scale, helping to lead protests against Star Wars and nuclear proliferation. Her passion inspired us all.

Mrs. Villastrigo's death represents a tremendous loss to the peace community as well to her family, friends, admirers, and supporters. But as we mourn her death, we also remember the legacy of hope and inspiration Edith left behind as a true leader and voice for peace.

Her passion and mission for peace show us how one person's vision, dreams and actions can inspire and make a difference for all who seek peace in the world.

Mr. Speaker, I would like to extend my deepest condolences to the late Mrs. Villastrigo's children, her sister, her grandchildren, her friends and supporters throughout the world.

To Mrs. Villastrigo—may the world receive the love, peace, and compassion you gave it. God Bless.

IN HONOR OF UCI UNDERGRADUATE SCIENCE STUDENTS

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. SANCHEZ. Mr. Speaker, today I rise to honor eight undergraduate science students from the University of California, Irvine for their award-winning work at the student poster competition at the American Association for the Advancement of Science's (AAAS) Annual Meeting.

Biological sciences majors Rafael Gonzalez, Matilde Gonzalez, Sylvia Jaramillo, and psychology major Bonnie Sue Poytress won first place recognition for their posters. Biological science majors Cheryse Furman, Kathi Lynn Hamor, David Hernandez, and Sarah Lopez earned honorable mentions for their entries.

The AAAS is the world's largest organization of scientists. The AAAS Annual Meeting offered an interdisciplinary blend of more than 130 symposia, plenary and topical lectures, poster presentations and exhibits. The poster session included about 300 posters presented by national and international undergraduate and graduate students.

Scientific posters provide a visual snapshot of a research project, using a brief amount of text and extensive visuals to explain the work. These posters are usually presented with others of a similar topic and are judged for the quality and originality of the data.

I am extremely proud to represent such talented minds! Please join me in honoring these eight UCI undergraduate students for their hard work and achievements.

REMARKS ON CHINA

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. SCHAFFER. Mr. Speaker, our government's consideration of China as a force for peace among its neighbors is impossible to substantiate and is overwhelmingly refuted by the facts. Our own good intentions are not sufficient to overcome the fact that China is a force for war, building up its military strength in warlike preparations aimed at its Asian neighbors such as Taiwan, and extending to the United States.

Policies of engagement with China do not excuse a lack of diligence by the United States over China's ballistic missile threat and arms buildup, as well as its failure to abide by non-proliferation agreements such as the one it signed in November 2000 to halt the sale of ballistic missiles and technology for the delivery of weapons of mass destruction.

In February 2002 Secretary of State Colin Powell noted how China's proliferation of ballistic missiles remained "an irritation in the relationship" between it and the United States. This irritation understates China's reliance on ballistic missiles as a key component of its military power, including their use as precision weapons capable of deep penetration without the delivery of weapons of mass destruction—conventional warfare.

In February 2002 CIA Director George Tenet, in testimony before the U.S. Senate, warned about China's increasing military power, saying,

> Over the past year, Beijing's military training exercises have taken on an increasingly real-world focus, emphasizing rigorous practice in operational capabilities and improving the military's actual ability to use force.

Mr. Tenet added,

> This is aimed not only at Taiwan but also at increasing the risk to the United Stats itself in any future Taiwan contingency. China also continues to upgrade and expand the conventional short-range ballistic missile force it has arrayed against Taiwan.

Mr. Tenet noted the link between China's threat to Taiwan and its threat to the United States.

I believe this House and our nation's president recognize the link between China's threat to Taiwan and the United States. In his question-and-answer session with Chinese students at Qinghua University in Beijing, when asked why he did not use the term "reunification" with China and Taiwan, President George W. Bush responded by referring to the Taiwan Relations Act, "which says we will help Taiwan defend herself if provoked."

The United States must be wary of China's subtle rhetoric. The PLA understands only one language—the language of military strength to force one's will upon another, just as communism was forced on China through the barrel of a gun as stated by Mao Zedung. While China may cloak its intent in soft words of diplomacy, in 1995 and 1996 it launched ballistic missiles off the coast of Taiwan in a show of force to intimidate it and the Far East.

China's diplomatic overtures to Taiwan lack sincerity. Vice Premier Qian Qichen's remarks on Taiwan in January 2002, supposedly extending goodwill to Taiwan and interest in holding talks, were apparently intended as propaganda to divide Taiwan's president from his party, and create an impression of goodwill in advance of our president's visit.

Shortly after Qian's remarks, China's Vice Foreign Minister Li Zhao-xing firmly repeated China's demand that Taiwan accept China's view of "one China" before it would negotiate with Taiwan's duly elected democratic government. He suggested how Qian's remarks did not represent a major softening of China's position and demand for eventual reunification. He further noted how Taiwan would be the most important topic of our Bush's visit.

China's overtures to Taiwan need to be understood in the context of its United Front strategy seeking to isolate Taiwan, and divide Taiwan's ruling DPP party by playing on the economic interests of DPP members who may have business relations with China. In addition, China is continuing to entice Taiwan to invest in it, seeking economic and technological growth.

In his February Senate testimony, Mr. Tenet warned how China's arms buildup directed at Taiwan represented an increasing risk to the United States. What may not be as apparent is how China's buildup of intermediate and long-range ballistic missiles, including the road-mobile, solid-fuel DF-31 ICBM, threaten the United States and U.S. forces in the Pacific.

These intermediate and long-range ballistic missiles form part of China's Long Wall Project as explained by the Taipei Times in May 2001:

> The Long Wall Project is aimed at the US, not Taiwan. The Chinese military leadership plans to put longer-range ballistic missiles in the southwestern provinces so that they can cover US military targets in the Pacific . . .
>
> They can fire, for instance, a Dong Feng-31 at a US navy battle group shortly after the group leaves its base in Hawaii. The Long Wall Project is basically a deterrent against the US' fighting forces in the Pacific . . .

While the use of ballistic missiles against U.S. naval vessels may seem implausible, it forms part of China's asymmetrical military strategy, seeking to counter U.S. strengths by exploiting its vulnerabilities. Moreover, it is feasible as should be realized by the accuracies the United States obtained from its Pershing II intermediate-range ballistic missile equipped with a radar-guided terminal seeker.

The United States has no defense against DF–31 ICBM. The U.S. Navy has no defense against the DF–31, nor does it have any defense against China's short and intermediate-range ballistic missiles, which can threaten American forces and bases in the Far East and Pacific.

China's probable attainment of an operational capability with its DF–31 ICBM by the end of December 2001, and its probable deployment of the DF–31 at two or more base in 2001 should be of grave concern to the United States.

China recognizes how the United States and its armed forces are undefended from ballistic missiles, with the exception of the short-range Patriot, which is inadequate against intermediate and long-range ballistic missiles. China plans to exploit this weakness with a maximum of surprise.

To support its use of ballistic missiles in conventional warfare, even against ships, China has not only developed accurate ballistic missiles, it is building reconnaissance satellites. These satellites include the Ziyuan–1 and Ziyuan–2 earth resource satellites believed to be for observingforeign military forces. The ZY–2, launched on September 1, 2000, is credited with a photographic resolution of about nine feet. Other reconnaissance satellites include the Haiyang-1 (HY–1) ocean color surveillance satellite expected to be launched by June 2002, and its follow on Haiyang-2 (HY–2).

Accurate ballistic missiles and the ability observe U.S. forces from space will give China the potential ability to attack U.S. ships at sea and in port. This capability is being enhanced by China's development of an integrated command and control system called Qu Dian, which relies on its Feng Huo-1 military communications satellite launched on January 26, 2000. Qu Dian, considered a major force multiplier, is similar to the U.S. Joint Tactical Information Distribution System, or JTIDS, and boasts a secure, jam-resistant, high capacity data link communication system for use in tactical combat. In addition to its potential use GPS and Glossnas satellite navigation, has developed its won Beidou navigation satellites.

Along with a integrated command and control system, China's improvements in inertial and satellite-aided navigation of ballistic missiles with potential breakthroughs in ballistic missile terminal guidance will give it a new form of precision attack, faster than relying of cruise missiles or aircraft.

The effect of China's ballistic missiles delivering a surprise blow must not be underemphasized. This type of attack, capable of being carried out with non-nuclear warheads, represents a new form of conventional warfare for the 21st century. Such an attack could occur in an hour. It could not only result in a major loss of U.S. military strength, It could create a sudden tide of momentum for China's regular forces to successfully challenge the United States.

The only comparison would be the German blitzkrieg unleashed against France in 1940. U.S. forces would be unlikely to respond in an effective manner, especially as the United States has not taken vigorous steps to counter its vulnerability to ballistic missiles.

The January 2002 CIA Report on Foreign Ballistic Missile Threats and Developments noted the transforming effect of China's ballistic missile forces as applied to its buildup of short-range ballistic missiles near Taiwan:

> China's leaders calculate that conventionally armed ballistic missiles add a potent new dimension to Chinese military capabilities, and they are committed to continue fielding them at a rapid pace. Beijing's growing short-range ballistic missile force provides China with a military capability that avoids the political and practical constraints associated with the use of nuclear-armed missiles. The latest Chinese SRBMs provide a survivable and effective conventional strike force and expand conventional ballistic missile coverage.

This transformation applies to China's intermediate and long-range ballistic missiles as well, providing China with a capability for threatening the United States and its armed forces.

This development of China's military strategy was noted in the June 2000 Department of Defense Report on China's military power:

> Chinese strategists believe that if a war against a technologically superior foe breaks out, the enemy likely will deploy forces rapidly and then launch a massive air campaign. While the enemy is assembling its forces, there exists a window of opportunity for preemptive strike. This approach—"gaining the initiative by striking first"—is viewed as an effective method to offset or negate the advantages possessed by a more advanced military foe.

The only possible defense against China's ballistic missile threat is a strong and effective U.S. ballistic missile defense. This defense, to be effective against China's development of decoys, multiple warheads, and other countermeasures, needs to focus on the deployment of a space-based defense building on the research and development conducted under the Strategic Defense Initiative during the Reagan administration and his successor's administration.

The advantages of a space-based ballistic missile defense include global coverage, boost phase interception, and multiple opportunities for intercepting a ballistic missile. These advantages are not inherent with a ground-based interceptor defense, which is currently under development, which will have limited coverage, no opportunity for boost phase defense, and fewer opportunities for intercepting a missile.

Space-based defenses such as the *Brilliant Pebbles* space-based interceptor and Space Based Laser were shown to be technologically feasible a decade ago, but their programs were either terminated or cutback because of intense political opposition from Congress during your father's administration, or because of opposition from President Clinton who cutback U.S. missile defense programs, especially for space-based defenses like *Brilliant Pebbles,* which he terminated in 1993.

Mr. Speaker, our President's decision to withdraw from the obsolete and violated 1972 Anti-Ballistic Missile Treaty should have opened the door for the United States to build the most effective ballistic missile defense possible using space as that treaty was especially intended to cutback advanced U.S. ballistic missile defense programs employing space-based defenses such as lasers or interceptors.

In this respect, the amendment by Congress at the end of 2001 that reduced funding for space-based defenses, and cut the Space Based Laser program for fiscal year 2002 from $170 million to $50 million must be viewed in a shameful light, a case of seeking an inferior defense at greater cost.

The failure of the Missile Defense Agency to pursue space-based defenses and emphasize their value to Congress is inexcusable. These defenses are not far off into the future. They were shown to be technologically feasible years ago.

In March 2002 China increase its official defense budget by 17.6 percent. This follows a 17.7 percent increase in 2001. These increases follow its five-year plan increasing its stated defense budget 15–20 percent annually. China's actual defense budget has been estimated at three to five times the size of its official budget. These increases are aimed at the United States. China is modernizing its forces to a high-tech military deploying accurate ballistic missiles as the edge of its military transformation.

In contrast, the United States is only beginning to rebuild its military after a protracted decline lasting more than a decade, and this year's increase is largely attributable to housekeeping matters rather than an effort to modernize U.S. forces, or research and development, or the acquisition of a space-based ballistic missile defense.

The United States must recognize the peril it faces from China's transformational military strategy built around the ballistic missile, a transformation that can be seen in its DF–31 ICBM apparently aimed at U.S. forces.

Mr. Speaker, such an attack from China directed at U.S. forces could come before the end of this year. I would strongly urge you and our colleagues to take immediate action to overcome our vulnerability and include steps toward the support of a space-based ballistic missile defense.

Mr. Speaker, I hereby submit for the RECORD various sources supporting my remarks.

Mr. Speaker, I have also submitted these identical observations and conclusions to the President by letter which I have posted today.

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TRIBUTE TO DR. ALEXANDER E. BAILEY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. LEVIN. Mr. Speaker, I rise today to reflect on the work of Alexander E. Bailey, Ed.D., as he is honored for his exemplary community work by the Oak Park Business and Education Alliance on March 22, 2002. The Oak Park Business and Education Alliance was established in 1993 and is a nonprofit organization of educators, businesses and government entities that provide assistance to the Oak Park School District to improve the educational experience of students.

Dr. Bailey's life of service began in the military, where he was a specialist in the U.S. Army Security Agency. After his military service, Dr. Bailey chose education as his field of study. Dr. Bailey began his career as a teacher at Paul Washington High School in Philadelphia, Pennsylvania. In 1971, he received a Bachelor of Arts degree in Elementary Education; in 1972, he received a Masters of Arts degrees in Counseling; in 1980, he became an Education Specialist, and in 1983, he earned a Doctorate of Education.

He continued his training at Yale University for the Training for School Development program from 1984–1986, as well as attending the University of California for Effective Teaching Strategies, Training for Trainers 1985–1987 and Harvard University for the Institute on Multi-Cultural Education in 1989.

After serving in various educational positions on the east coast he came to Michigan's Oak Park School District. Since 1991, Dr. Bailey has been a dynamic leader of the Oak Park School District serving as the Superintendent. Dr. Bailey is the author of several published works and presentations, some of which include "Strategies for Effective Alternative Education Programs", "Do You Know Your Child?" and "Appeal Motivation That Works."

Dr. Bailey's professional and civic affiliations are numerous, among them the Ethnic Task Force for the city of Oak Park, The Children's Center, African-American Superintendent's Group, the American Personnel and Guidance Association and the Oak Park Business and Education Alliance.

Mr. Speaker, I ask my colleagues to join me in honoring Dr. Bailey for his many accomplishments and service to the community of Oak Park and to the Business and Education Alliance.

HONORING DAVID C.G. KERR

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of David C.G. Kerr, a deeply respected lawyer in the Tampa Bay community who recently lost his battle with Lou Gehrig's disease.

David, a veteran of the Korean War, worked at Tampa's Macfarlane, Ferguson and McMullen for nearly 40 years, specializing in transportation, admiralty and corporate law. He served as lead corporate counsel for a number of key Tampa real estate projects, including Harbour Island, Tampa Palms and the Ice Palace.

David quickly became known for his great intellect and dedication to his job. He successfully argued two cases before the U.S. Supreme Court, one of which established a principle in international admiralty law, and he served as his firm's chairman from 1990 to 1993. David also spent 39 years as general counsel and executive director of the National Juice Products Association, the industry's largest trade association.

David will be remembered across the state for his work outside of the office. He served Florida's business and legal communities in countless ways, as President of Hillsborough County Bar Association in 1967, on the Florida Bar Association's board of directors in 1971, as president of the Greater Tampa Chamber of Commerce in 1979, and chairman of its Committee of 100 in 1977. Later, at the request of Governors Bob Martinez and Lawton Chiles, David headed the Florida Transportation Commission and served as a member of the commission from 1987 to 1999. In this role, David succeeded remarkably in minimizing politics and moving Florida's transportation projects forward.

Closer to home, David was a member of the University of Tampa's Board of Trustees, and was an active member of St. Andrew's Episcopal Church and Ye Mystic Krewe of Gasparilla.

I will remember David as a wonder role model for young people who desired to succeed in their business or profession and serve the community. David did everything with a dignity and grace that brought out the best in everyone with whom he worked. I am eternally grateful for the constant guidance and encouragement he gave me starting in my years as a teenager. David similarly touched the lives of hundreds of young people.

On behalf of the people of Tampa Bay, I would like to extend my heartfelt sympathies to David's family.

PROCLAMATION RECOGNIZING CAPTAIN VERNON RICHARD—LADDER NO. 7

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. OWENS. Mr. Speaker, as a tribute to Captain Vernon Richard of Ladder Number 7, a member of the Vulcan's Society and one of the fallen heroes of September 11th, I would like to insert the following proclamation into the RECORD:

Whereas, September 11, 2001 was a day of horror and tragedy that will forever live in the memory of American, and;

Whereas, More than 3,000 people from many occupations, nationalities, ethnic groups, religions and creeds were brutally murdered by terrorists, and;

Whereas, Members of the New York City Fire Department, New York City Policy Department, Port Authority and other Public Safety Personnel, through their valiant, courageous and heroic efforts saved the lives of thousands under unprecedented destructive circumstances, and;

Whereas, More than 300 New York City Firefighters lost their lives in the effort to save others, and;

Whereas, Congressman Major R. Owens and the people of the 11th Congressional District salute the bravery and dedication of all who gave their full measure of devotion, and;

Whereas, We deem it appropriate to highlight the courage and valor of individuals and groups in a variety of forms and ceremonies. Now therefore be it

Resolved: That on this 10th Day of March, Two Thousand and Two, Congressman Major R. Owens, and representatives of the people of the 11th Congressional District, pause to salute the sacrifices of these honored men, and to offer their heartfelt condolences to families of these African American Firefighters who died at the World Trade Center on September 11, 2001.

That the text of this resolution shall be placed in the Congressional Record of the United States House of Representatives.

Given by my hand and seal this 10th day of March, Two Thousand and Two in the Year of our Lord.

PERSONAL EXPLANATION

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. HINOJOSA. Mr. Speaker, I regret that I was unavoidably detained in my Congressional District. Had I been present, I would have voted "yes" on Rollcalls 53, 54, 56, 57, 58, 59, 60, 61, 63, and 64. I would have voted "no" on Rollcalls 55 and 62.

TOBACCO LIVELIHOOD AND ECONOMIC ASSISTANCE FOR OUR FARMERS ACT OF 2002

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I am pleased to be an original cosponsor of the Tobacco Livelihood and Economic Assistance for our Farmers Act of 2002. This bill couples my legislation, the National Youth Smoking Reduction Act—which would allow the Food and Drug Administration to regulate tobacco—with legislation to end the current tobacco marketing quota program. I would also like to thank my colleague Mr. McIntyre, the sponsor of this bill, for his hard work and leadership.

For someone who never touched a cigarette, I now know a great deal about tobacco. It is an extremely complex issue in which the public health, the needs of farmers, and the rights of Americans must all be taken into consideration. Often, it appears an impossible task to bring the stakeholders together; nevertheless, I am convinced there is a solution. When I introduced the National Youth Smoking Reduction Act last June, it was my intent to put forward the idea that we could devise a regulatory scheme to keep tobacco products away from those too young to legally purchase them while simultaneously maintaining the rights of adults to make their own decisions regarding tobacco use. This bill expands upon that concept by demonstrating that a solution for our farmers is complementary to the other elements of this debate.

For centuries, tobacco has been a cornerstone of the agricultural economy of the Commonwealth of Virginia and other tobacco growing states. American tobacco has always been regarded as the highest quality tobacco available. Despite this fact, American growers are increasingly vulnerable to lower quality—but less expensive—foreign leaf. While the quota marketing system has been a valuable tool to support and stabilize the income of the tobacco farmer, it has also created an artificial cost that has made it all the more difficult for the American grower to compete. Growers and their communities are dependent on tobacco for their economic survival; however they now find themselves trapped—forced to continue growing an increasingly unprofitable crop without the necessary resources to transition away from the current dysfunctional system.

Ending the quota is something we must do in order to save the economic viability of our tobacco farmers. We must also recognize that the quota system has created an asset—the quota itself—the value of which must be compensated to those who own or use it. Farmers have been increasingly supportive of the idea of a buy-out, as was the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health in its report published last year. Until now, the question of how to fund a buy-out was always a major obstacle. This bill, however, takes an innovative approach by proposing to fund the buy-out through the imposition of user-fees. These user-fees will initially provide the resources to fund both FDA regulatory actions and the buy-out. Once the buy-out has been completed, the user-fees will be used to fund FDA actions and other tobacco-related programs.

I realize it is a mistake to consider tobacco growers as a homogeneous lot. The needs and concerns of flue-cured growers differ from the needs and concerns of burley growers. The needs and concerns of Virginia growers are not the same as the needs and concerns of North Carolina growers. However, a vital concern to all growers is the question—what will the post buy-out world hold for me? We have taken steps in this bill to ensure fair compensation so that those who choose to stop growing tobacco can do so. For those that choose to continue to grow tobacco, not only will they be compensated for their quota's loss of value, but they are guaranteed that tobacco production will remain in those areas where it has been traditionally grown.

I have no tobacco farmers in my district, but I am a Virginian. Tobacco is a part of our culture—it was this crop that made the Colony of Virginia economically viable almost four hundred years ago. As we transitioned from colony to commonwealth, tobacco remained a keystone to our way of life. To this very day, the golden leaf adorns our statehouse. With this in mind, I say to the small farmers and rural communities whose fortunes have been tied to tobacco for generations, I will continue to work with you to ensure tobacco can remain a viable option for you. I recognize more may be necessary to keep all production from transferring to large farms. I am confident that by working with the other members of the Virginia delegation, the Virginia Farm Bureau, and all organizations dedicated to the well being and prosperity of tobacco growers in the Commonwealth of Virginia that our small tobacco farms can survive and prosper in a post buy-our world.

In closing, let me state that I am eager to start the debate on tobacco. I hope my colleagues will join in so that a constructive, beneficial solution can be crafted.

CONGRATULATING SAINT PATRICK ROMAN CATHOLIC CHURCH IN EAST CHICAGO, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct pleasure to congratulate Saint Patrick Roman Catholic Church in East Chicago, Indiana, as it celebrates its 100th anniversary as a congregation, on March 17, 2002, the Feast Day of St. Patrick. The anniversary celebration will begin with an afternoon Mass celebrated by Bishop Dale J. Melczek. Following the Mass, the parishioners will enjoy an evening filled with entertainment and dancing as they observe this milestone in the church's history.

Nestled among the smokestacks of the steel mills in the Indiana Harbor, St. Patrick Church has risen from its humble beginnings to serve as a cornerstone of the East Chicago community. Founded in 1902, the parish of St. Patrick was the first Roman Catholic Church established in the Indiana Harbor. Under the guidance of Father Thomas Mungoven, eight families met for Sunday Mass in Klein Hall on Michigan Avenue. With the strength of their faith to bolster their spirits, this small congregation constructed a church of their own. On January 25, 1903, the parish of St. Patrick celebrated its first Mass in its new home. By 1909, the parish grew to include 87 families from mostly Irish and Slavic backgrounds.

Over the years, as other ethnic groups were drawn to the area by the opportunities offered in the steel mills, the composition of East Chicago grew more diverse. Irish and Slavic families now welcomed Hispanic and African-American Catholics into the congregation. In 1986, in an effort to involve new parishioners in Sunday services, Father John Ambre instituted Masses in Spanish.

As the parish mission statement attests, the members "strive to be a welcoming community celebrating our cultural diversity; foster harmony and reconciliation among parishioners and the community . . . ." Embracing the Christian ideals of loving thy brothers and sisters and honoring they neighbors, the parishioners have opened the doors of St. Patrick to those in need of a spiritual home. When other ethnic parishes in East Chicago closed, St. Patrick welcomed these Catholics with open arms. In 1987, when St. Francis of Assisi Parish closed, St. Patrick installed the cornerstone of this church in its vestibule walls, a symbolic gesture affirming the acceptance of these new members into the church community. Again, when Assumption of the Blessed Virgin Mary Parish closed in 1998, rather than allowing the church to fade from the memories of its former parishioners, St. Patrick added the altar to its own sanctuary. St. Patrick represents more than a building where worshippers meet once a week for a service; it truly embodies the tenets of the faith it espouses.

Since 1997, the current pastor, Father Fernando de Cristobal, has used his position as a spiritual leader to promote various cultural activities in order to better educate the entire congregation. For the Feast of Our Lady of

Guadelupe, a holy day revered in Mexico, the celebration includes Las Mananitas, or morning songs, offered to the Virgin Mary and mariachi music, followed by a midnight Mass. On June 24th, the parish honors Saint John the Baptist, the patron saint of Puerto Rico, with a bilingual mass and a banquet. Keeping with this spirit of diversity, the centennial celebration will feature Irish dancers and bagpipes in an effort to pay tribute to the parish's Irish heritage.

Mr. Speaker, I ask you and my other distinguished colleagues to join me today in commending the parish family of St. Patrick Church, under the guidance of Father Fernando de Cristobal, as they prepare to celebrate the 100th Anniversary of their founding. All past and present parishioners and pastors should be proud of the numerous contributions they have made out of the love and the devotion they have displayed for their church.

GUN VIOLENCE IN LYNBROOK

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mrs. MCCARTHY of New York. Mr. Speaker, I rise to extend my deepest sympathy to the families of Reverend Lawrence Penzes and Eileen Tosner, both of whom were fatally shot Tuesday morning during 9 a.m. mass at Our Lady of Peace Church in Lynbrook, New York.

Reverend Penzes, 50, was ordained in 1978, and he became pastor at Our Lady of Peace in 1994. It is safe to say he was the backbone of the church. Parishioners remember him as a wonderful, generous and outgoing lay leader who touched countless lives. Other members of the Rockville Centre diocese commend his commitment to the Catholic faith and community.

Penzes has been instrumental in helping his church community of 2,400 families through the 6 months following September 11. He organized several sessions on dealing with stress, and continued his regular trips to U.S. armed forces stationed around the world. Other notable ways he served our country was his time as a chaplain in the local police force, and the air force.

Eileen Tosner, 73, was a devout Irish Catholic whose life revolved around her family, friends and community. She was a quiet but active woman who was always willing to help with whatever task was at hand. She worked at the church and volunteered on Sundays at the local VFW Post 2307 during bingo games. Up until two years ago, she helped other senior citizens by working as a companion and a helper. Often she could be found at the Lynbrook senior citizens center with her friends.

She was married to her husband Frank for more than 50 years, and together they had five children. Tosner's life wasn't easy; she had two paralyzed siblings, and two of her sons died of cancer. But all throughout her life, despite her difficulties, she remained deeply religious.

My heart is with the parishioners, the clergy and staff of Our Lady of Peace who witnessed this brutal violence. We must all say a prayer and light a candle for the community near Our Lady of Peace that was affected by this tragedy. The neighbors, police, emergency personnel and the nearby schools were all senselessly victimized as well.

I was in the vicinity of the church when the shooting occurred. Many of the local roads were blocked; those living nearby were basically under house arrest. Police covered the streets as they looked for the shooter, who had taken cover in a nearby home. Four hundred schoolchildren were being held indoors at the church school.

This isn't a new occurrence. Random acts of gun violence against innocent people happen all the time. A lot of Americans don't think it can happen to them, but my neighbors and I know all too well the pain that gun violence brings. It has happened everywhere: on trains, in schools, homes, the workplace. And now, in a place of worship.

It is unbelievable, yet it's true.

I have processed the details of what happened yesterday. I'm not standing here on a soapbox. I'm not talking about a certain piece of legislation.

I'm talking about safety. I'm talking about our children's safety, our neighbors' safety, the safety of different religious worshipers.

I think it's obvious. Gun violence wreaks havoc in our lives in various ways, not the least of which is the loss of safe places in our community. If we can't be safe at church, at school, on commuter trains, in our workplaces or at home, where does that leave us?

I urge you to seriously consider the havoc gun violence creates in our society. Better yet, consider its effect on your community. Please take a minute to think about it before it's too late.

May God be with us all.

TRIBUTE TO THE DEPARTMENT OF VETERANS AFFAIRS ON THE THIRTEENTH ANNIVERSARY OF THEIR BECOMING A CABINET DEPARTMENT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to mark the thirteenth anniversary of the Department of Veterans Affairs becoming a Cabinet Department. As Chairman of the House Committee on Veterans' Affairs, I am privileged to work with thousands of dedicated employees of the Department to improve the delivery of benefits and services to our nation's 25 million veterans and their families.

On October 25, 1988, President Ronald Reagan signed the Department of Veterans Affairs Act (H.R. 3471 in the 100th Congress), legislation I cosponsored and strongly supported. This Act led to the Veterans Administration (VA) becoming the 14th federal Department of the Executive Branch.

Subsequently, on March 15th, 1989, thirteen years ago this week, the Honorable Edwin Derwinski, was sworn in as the first Secretary of Veterans Affairs. Finally, the nation's veterans had a full and permanent seat at the President's Cabinet table.

The Department of Veterans Affairs is the second largest federal agency in terms of employees, with over 220,000 dedicated men and women providing a range of vital benefits and services for veterans around the country. The VA operates the largest integrated health network in the world, comprised of 163 medical centers, over 800 Community Based Outpatient Clinics, 135 nursing homes, 43 domiciliaries and 73 comprehensive home-care programs. The VA continues to provide quality care to millions of veterans, their families and their survivors.

In addition, the VA operates one of the most important medical research programs in the world, with more than 15,000 research projects at 115 VA medical centers. The Veterans Health Administration (VHA) is on the cutting edge of research on matters ranging from brain trauma to hepatitis C to Alzheimer's disease. The VHA also pays particular attention to the wounds and illnesses of soldiers, sailors, marines and airmen, and recently opened two new Centers for the Study of War-Related Illnesses, one in Washington, DC, and the other in my home state of New Jersey.

The Department of Veterans Affairs maintains a national network of veterans' cemeteries for our nation's veterans, consisting of 119 national cemeteries in 39 states and Puerto Rico and also administers six life insurance programs with 2.2 million policies in force having a face value of $22 billion.

The Veterans Benefits Administration (VBA), created as part of the new Department of Veterans Affairs, oversees a myriad of benefits programs for veterans, including disability compensation, education and training, job placement, home loans, and life insurance. Over 2.7 million veterans receive disability compensation payments for wounds or illnesses resulting from their service to our nation, and an additional 570,000 widows, children and surviving parents of deceased veterans also receive monthly benefit payments.

Mr. Speaker, the VA also operates the GI Bill program, which has provided college education and training to more than 20 million veterans since its creation in 1944. This historic program not only changed the way America looked at veterans benefits, it also changed the nature of higher education and helped to create the modern middle class. In addition, the VA operates the veterans home loan program, which has helped over 16 million former servicemen and women buy their own homes.

Since the creation of the original Veterans Administration in 1930, our nation has recognized the unique contributions and sacrifices of the men and women who have defended our freedom at home and abroad. Today, the Department of Veterans Affairs, ably led by Secretary of Veterans Affairs Anthony J. Principi, continues to provide the benefits and services that our nations veterans have earned.

On the wall outside the VA's main office in Washington, DC, the words of President Abraham Lincoln are engraved on the building: "To care for him who have borne the battle, and his widow and his orphan." This is the mission that draws so many committed men and women to the VA.

Mr. Speaker, it is an honor for me to work on behalf of our nation's veterans and I want to pay tribute to the Department of Veterans Affairs, and especially all of their gifted and dedicated employees, on the 13th anniversary of their becoming a full Cabinet Department of the federal government.

GIRL SCOUTS

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, I rise today to speak in support of a world-class organization that has achieved world-class results.

Founded in 1912 on the simple belief that all girls should be given the opportunity to develop physically, mentally, and spiritually, Juliette Gordon Low assembled a meeting of 18 girls in Savannah, GA. Today, the Girl Scouts of the USA has grown into an organization with membership numbering 3.8 million, far and away the largest organization for girls in the world.

I would especially like to praise the Girl Scouts of Chaparral Council, the local Girl Scout troop from my home district. Chartered in 1958 and serving over 6,000 girls and 2,000 adult volunteers, the Girl Scouts of Chaparral Council have been teaching girls in my district the ideals of character, conduct, and patriotism for almost 45 years. Organizations like the Girl Scouts of Chaparral Council that make me proud to represent the citizens of the first district of New Mexico.

The Girl Scouts of the USA is the world's preeminent organization dedicated solely to girls, where in a positive, nurturing environment, girls build character and skills for success in the real world. In partnership with committed adult volunteers, girls develop qualities such as strong moral values, leadership, a social conscience, and conviction about their own potential and self worth—values that will serve them well the rest of their lives.

Being involved with Girl Scouts enables girls to develop self-confidence and expertise, take on responsibility, think creatively, and act with integrity. Girl Scouts learn the characteristics essential being good citizens and great leaders.

The U.S. Congress chartered the Girl Scouts of the USA on March 16th, 1950, and at present, there is a "Troop Capitol Hill" made up entirely of Congresswomen who are honorary members.

For 90 years, Girl Scouts of the USA has had a proven track record of empowering girls to become leaders, helping adults become positive role models and mentors for children, and helping to build strong communities. Girl Scouts of the USA truly is a place "where girls grow strong!"

EVIDENCE IN CHITHISINGPHORA FAKED, GOVERNMENT ADMITS

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BURTON of Indiana. Mr. Speaker, back in March 2000, just before former President Clinton visited India, 35 Sikhs were massacred in the village of Chithistinghpora in Kashmir. At the time, many people accused the Indian government of this atrocity while the Indian government laid the blame on Pakistani-sponsored militants. A study by the Movement Against State Repression (MASR) and the Punjab Human Rights Organization (PHRO) showed that the Indian government's own forces had killed these innocent Sikhs, a conclusion confirmed by a study from the international Human Rights Organization (IHRO) and by an article in the New York Times Magazine by Barry Bearak. Yet the Indian government maintained the fiction that Pakistanis carried out the massacre. They killed five young Kashmiris, claiming they were responsible, then were force to admit that they were not. Then five other Kashmiris were arrested and charged with the crime.

On March 8, Reuters news service reported that the chief minister of Kasmir, Farooq Abdullah, admitted that the evidence against these Kashmiris was faked. That's right, Mr. Speaker, the "world's largest democracy" faked evidence to falsely convict some Kashmiris of the massacre of these Sikhs in order to set these two minorities against each other. Fortunately, it has not worked. Last year, some Indian troops were caught red-handed trying to set fire to a Gurdwara and some Sikh homes in Kashmir and they were overwhelmed by Sikh and Muslim villagers.

Remember also, Mr. Speaker, that the ruling BJP is part of a militant Hindu nationalist organization the Rashtriya Swayamsewak Sangh (RSS), which published a booklet last year on how to implicate minorities in false criminal cases.

Given the government's admission of fraud in this case, how many other cases have they faked? They admit to holding 52,268 Sikhs as political prisoners, according to a MASR report. Amnesty International says that that tens of thousands of other minorities are also being held as political prisoners in "the world's largest democracy." How many cases have been faked against these prisoners?

Mr. Speaker, it is shameful that the evidence in the Chithistinghpora massacre was faked, and it is shameful that it needed to be. However, the people who carry out atrocities like this massacre are rarely if ever punished. Instead, the state either finds scapegoats like the five Kashmiris it is currently holding or it does nothing. It has found a scapegoat in the killing of Graham Staines, even though every report at the time reported that a mob of people chanting Hindu slogans burned Mr. Staines and his two sons. No one has been punished in the murder of former Akal Takht Jathedar Gurdev Singh Kaunke or in the kidnapping and murder of Jaswant Singh Khalar, who was killed in police custody.

I call on the Indian government to punish those who tampered with the evidence in this case immediately. I also call on the United States to cut off aid with India until they allow people to enjoy basic human rights and a fair, impartial system of justice. We should also press for a free and fair plebiscite on independence for the people of Khalistan, Kashmir, Nagaland, and the other countries seeking their freedom. That is only way to protect their rights and end this kinf of abuse.

KASHMIR GOVT. SAYS SIKH MASSACRE SAMPLES FAKED

(By Ashok Pahalwan)

JAMMU, India (Reuters).—The state government of Kashmir admitted on Friday that forensic samples taken in an attempt to confirm the guilt of five young men blamed for a Sikh massacre two years ago were faked. The killing of 36 Sikhs in remote Chitisingpora village in the violence-racked state of Jammu and Kashmir in March 2000 occurred hours before a visit by U.S. President Bill Clinton to India and drew strong condemnation from him. Indian newspapers have alleged that soon after the massacre security forces picked up five innocent youths, killed them in a stage-managed gun battle, burned their bodies and then claimed they were "foreign militants" responsible for the Sikhs' deaths. The bodies of the five youths were exhumed and forensic samples taken only after massive demonstrations in Kashmir by protesters. Kashmir state chief minister Farooq Abdullah told the legislature on Friday "it appears fake samples were sent" to laboratories and apologized for "the injustice done to the people for which I feel ashamed". "We strongly suggest those responsible for collecting and sending the samples had something to hide," he added, promising an investigation into the tampering. India had identified the five youths blamed for the Sikh killings as belonging to the militant separatist groups Lashkar-e-Taiba and Hizbul Mujahideen.

Both groups denied responsibility and, with Pakistan, blamed India for the massacre which they said was aimed at discrediting the Kashmiri independence cause during Clinton's visit. The laboratories to which the samples were sent to establish the youths' identity said they were mislabeled and showed serious discrepancies. Abdullah said a judge would lead the probe, which would take two months. He also said fresh test samples would be taken under the supervision of police and doctors. The Times of India, one of the newspapers which investigated reports that the samples had been falsified, accused the state in an editorial on Friday of a "brazen" cover-up. "From knowingly foisting the charge of terrorism on innocents to eliminating them in a fake encounter . . . (it) is an example of the worst kind of state high-handedness," it said in an editorial. More than 33,000 people have been killed since 1989 when Islamic guerrillas seeking either independence or union with neighboring Pakistan launched a revolt in Kashmir.

Human rights groups have frequently accused Indian security forces of abuses such as summary killings and torture. India has always denied systematic human rights abuses and said that any allegations are investigated and the guilty punished.

IN HONOR OF DR. STEPHEN LIPMAN, SENIOR PASTORIAL COUNSELOR FOR HOSPICE OF PALM BEACH COUNTY

HON. MARK FOLEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. FOLEY. Mr. Speaker, I rise today to honor a man who has been a true asset to his community. His caring and guidance have touched many families and friends in need of support.

I speak of Dr. Stephen Lipman, Senior Pastoral Counselor for Hospice of Palm Beach County for the past 19 years. Fortunately, Steve is not retiring, but is offering his services as the Pastor of the Jupiter Medical Center.

We all know of the fine work Hospice offers and what kind of a person it takes to counsel the individuals and their families whose loved ones are in the transition for their final stages of life.

Dr. Lipman's services have gone beyond that: whether it is counseling young children, lending kindness to the terminally ill or simply offering a smiling face, you can always count on Steve. He exemplifies all that is good in a individual.

I would like to join the communities of South Florida and thank Dr. Lipman for his sincere dedication and years of service.

Mr. Speaker, please let the record reflect the 107th Congress' appreciation for all he has done.

HONORING MOLLIE TAYLOR STEVENSON, SR. AND MOLLIE TAYLOR STEVENSON, JR.

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Mollie Taylor Stevenson, Sr., and her daughter, Mollie Taylor Stevenson, Jr., who are the first living African-American women and native Houstonians to be inducted into the National Cowgirl Museum and Hall of Fame. The organization honors and documents the lives of women who have distinguished themselves by exemplifying the pioneering spirit of the American West. The Stevensons were inducted during a ceremony at the Renaissance Worthington Hotel in Ft. Worth, Texas, on November 9, 2001.

Friends and family know them as "Mollie" and "Lil Mollie". The 89-year-old Mollie, Sr. and the fifty something, Mollie, Jr., reside on their family-owned Taylor-Stevenson Ranch within the city limits of Houston. These women possess grit and determination inherited from Mollie, Sr.'s grandmother, Ann Taylor, who was purchased in 1856 as a 21-year-old slave by Edward W. Taylor. Ann and the owner's son fell in love and because laws of the day forbade interracial marriage, they lived together and reared six children and sent them to college.

Mollie, Sr., the first born child of Major and Hester Taylor, not only inherited her parent's love for the land, but the tradition of pursuing higher education. In 1934, Mollie, Sr. graduated from Fisk University in Nashville, Tennessee, majoring in music and classical piano studies. After graduation, she traveled with the Fisk Jubilee Singers and was a regular guest pianist at Houston's historic Rice Hotel. It was at Fisk where Mollie, Sr. met the love of her life, Benjamin "Big Ben" Stevenson, a seventime All American from Tuskegee Institute, who earned a B.S. in agriculture and animal husbandry in 1931. They were married in a lavish lawn wedding in 1937.

Mollie, Sr. spent most of her adult years fending off attempts to wrest oil-producing property from her through lawsuits, theft, or crafty persuasion. After the death of Mollie Sr.'s grandfather in 1929, relatives, both white and African-American, began to make claims on the oil-rich land. With the death of her father in 1949 and her mother in 1950, the struggle to preserve her birthright escalated and was much like the ranch wars seen in the old westerns. Cattle were stolen and attempts to acquire the valuable oil leases became a frequent occurrence. Mollie took on challengers in and out of court and preserved for her descendants their right to the Taylor-Stevenson lands.

During segregation, Mollie, Sr., and her husband, "Big Ben", created a haven for African-American children barred from all but one of the city's parks. At the Stevenson ranch children could ride horses, play with the ranch animals, eat farm-fresh meals, and spend weekends and summers on the ranch. The Stevensons became well known for their philanthropy and generous spirits. Believing that education was very important, they not only educated their own children, but countless others with food, books, tuition payments and entire college educations. There are regularly scheduled field trips to the ranch and museum, which provides an opportunity to those who would not otherwise have a chance to experience the true nature of a working ranch.

Mollie, Jr., worked as a professional model in Houston, Kansas City and New York, but she was drawn back home where she worked side by side with her mother to preserve their legacy. She established the American Cowboy Museum, a 501(c)(3) organization in 1987. It honors the contributions to Western culture of African Americans, Hispanics, Native Americans, and women. Mollie Jr. has been featured on radio and television and in articles in Ebony, Essence, Texas Highways, Horse Talk and many local newspapers. She has been honored by numerous schools as a motivational speaker and event coordinator. Mollie, Jr. is also a journalist and an active volunteer with the Sugar Shack Trailride and various other rodeo trail ride associations. She is also a member of the Speakers and Black Go Texan Committee of the Houston Livestock Show & Rodeo, the Professional Black Cowboy & Cowgirl Association, the Landowners of Texas, and her favorite, the Diamond L Riding & Roping Club. To acquaint a new generation with this rich history, Mollie offers school tours, leather crafts for visiting children, lectures, a traveling exhibit with quilt display, horseback riding, a mobile petting zoo, and living history presentations. She also encourages young people to consider careers in agribusiness and land ownership and sponsors FFA and 4–H students.

The Taylor-Stevenson Ranch is a treasure that seven generations of the family have fought hard to preserve and on which they still live or maintain various areas. The 150-year-old working ranch is one of the oldest Black-owned ranches in the United States, complete with an assortment of livestock. In the shadows of the 4th largest city in the country, the Stevensons have carved out a legacy that can provide a momentary escape from the hurried pace of the city. About 100 tours and field trips are conducted each year. Heritage tours and family reunions are also a part of the activities arranged by the ranch. During the 1940s and early 50s, the ranch was home to Sky Ranch, an aviation school operated by Tuskegee graduates who were mechanics for the famed World War II Tuskegee Airmen. The property is also officially listed as a Texas Century Ranch, an honor reserved for ranches operated by the same family for more than 100 years and certified by the Commissioner of the Texas Department of Agriculture. The Ranch continues to be run with family love and values. Mollie Stevenson, Sr. is still the matriarch of the ranch, cared for by six of her children and their families who live on the property. The Black Professional Cowboy & Cowgirl Association and also the Black Go Texan Committee recognized Mollie, Sr. as a "Living Legend."

Mr. Speaker, I congratulate Mollie Stevenson, Sr. and Mollie Stevenson, Jr. who have lived their lives as true stewards of their land and community. They are the driving force behind the ongoing success of the ranch and museum. They stand tall over their corner of Houston and give as much to the community as they give to the land. Their ranch is not only a part of Houston's heritage, but it is also a part of a heritage forged by the ceaseless contributions of African-American cowboys and ranchers.

HONORING THE GIRL SCOUTS ON THE OCCASION OF THEIR 90TH ANNIVERSARY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. DINGELL. Mr. Speaker, I am pleased to rise today to pay tribute to the Girl Scouts on their 90th Anniversary.

The Girl Scouts are the world's preeminent organization dedicated solely to girls—all girls. In a nurturing environment, girls are able to build character and skills for success in the real world. Girl Scouting began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls from Savannah, Georgia, for a local Girl Scout meeting. She believed that all girls should be given the opportunity to develop physically, mentally, and spiritually.

Today, Mr. Speaker, that small group of 18 girls from Savannah has blossomed into 3.8 million Girl Scouts nationwide. The Detroit Metro Girl Scouts currently have 32,000 girls involved and it just keeps growing. Not only have the Girl Scouts continued their dedication to building good citizens and leaders, but their organization has established a research institute, received government funding to address violence prevention and is addressing the digital divide with activities that encourage girls to pursue careers in science, math and technology. The Detroit Metro Girl Scouts have set up a program with Lawrence Technological Institute in Detroit, Michigan to further the involvement of young women in the field of technology.

In the Girl Scouts, girls discover the fun, friendship, and power of girls together, through a myriad of experiences, such as extraordinary field trips, sports skill-building clinics, community service projects, environmental stewardships and numerous other character building activities. They provide young women with the opportunity to build a strong mind, body, and spirit through various programs dealing with nutrition, diet, exercise and several other health campaigns including the Campaign for Tobacco-Free Kids and Child Health Day.

Mr. Speaker, the Girl Scouts are an asset to communities all over the United States. I want to thank them for their tireless effort to provide young women with the personal, emotional and intellectual foundation that is essential for building good citizens and leaders. On the occasion of their 90th Anniversary, I would like to ask all my colleagues to salute the Detroit Metro Girl Scouts and their fellow Girl Scouts across the country.

IN HONOR OF THE GIRL SCOUTS' 90TH ANNIVERSARY

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. LUCAS of Kentucky. Mr. Speaker, I rise today in recognition of an outstanding organization that is dedicated to helping girls throughout the world. This organization is the Girl Scouts.

Specifically, I would like to honor the Girl Scouts of Kentucky, and especially the members of Kentucky's 4th Congressional District, which I represent. Founded on March 3, 1912, by Juliette Gordon Low in Savannah, GA, the Girl Scouts have earned the admiration of this great Nation. Juliette Gordon Low had a vision. She wanted all young women to be given the opportunity to develop physically, mentally, and spiritually. After 90 years, Juliette Gordon Low's vision remains the basic mission of the Girl Scouts.

Working as a grassroots organization, the Girl Scouts have changed the lives of millions of girls. Worldwide, the Girl Scouts have over 10 million members, both women and girls, in 140 countries. In Kentucky alone, there are over 44,000 Girl Scouts and 13,000 adult volunteers. And right in the Licking Valley of Kentucky, there are 5,000 Girl Scouts and 1,300 adult volunteers. Mr. Speaker, this is an outstanding organization.

As the Girl Scouts celebrate their 90th anniversary, I would like to conclude with the Girl Scouts promise: "On my honor, I will try: To serve God and my country, To help people at all time, and to live by the Girl Scouts Law."

I ask my colleagues to join me to honor this incredible organization that has changed the lives of millions of Americans and people throughout the world.

HONORING THE DEDICATION OF THE DELAINE EASTIN ELEMENTARY SCHOOL IN UNION CITY, CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. STARK. Mr. Speaker, I rise today to recognize California State Superintendent of Public Instruction, Delaine Eastin, on the dedication of the Delaine Eastin Elementary School in Union City, California.

Delaine Eastin once stated, "I'll never stop fighting for children and education, it's my life's work." As a strong defender of top-quality education in California, Delaine Eastin has proven immeasurably successful at this admirable goal.

As State Superintendent, Delaine Eastin has fought for safer and healthier schools, modern facilities, cutting-edge technology, family-school partnerships, teacher training and professional development, tighter graduation requirements, and increased resources for schools.

She is a dedicated advocate for reduced class sizes, improved reading and mathematics instruction, and the implementation of statewide standards, assessment, and increased accountability for what students should accomplish. She has tirelessly advocated for improved library facilities, strong arts programs, and librarians, counselors, and nurses in all California schools.

Delaine Eastin is currently serving her second term as State Superintendent. Prior to this position, she served as an educator, a Union City city councilwoman, and a four-term State Assemblywoman for Southern Alameda County. She was chair of the Assembly Committee on Education, where she voiced early support for the charter school concept and for strengthened technical and vocational training.

Delaine Eastin is the recipient of many distinguished awards and recognitions, notably the President's Crystal Apple Award from the American Library Association, the Distinguished Alumni Award from the University of California, Santa Barbara, the Woman of Achievement Award from the Women's Fund, and the Leader Award from California Leadership. In addition to the Delaine Eastin Elementary School, a day care center also carries her name.

I am honored to congratulate Delaine Eastin on all of her remarkable accomplishments. Her tireless dedication to improving education in California has assured every child in the state the opportunity for a bright and successful future.

TRIBUTE TO CALVIN RAPSON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating Calvin Rapson on his retirement as Director of UAW Region 1–C. Cal will be honored at a testimonial dinner on May 8th in my hometown of Flint, Michigan.

Cal Rapson began his career with the UAW in 1965 working for the Chevrolet Engine plant. Through his employment with Chevrolet Cal earned a Machine Repair Machinist skilled trades Journeyman classification. After graduating from the UAW–GM apprenticeship program Cal became active in UAW Local 659.

UAW Local Unions are the front lines in providing assistance and better jobsite conditions for workers. Through the various elected positions Cal held with Local 659, he was able to learn every aspect of the Local's day-to-day operations. From grassroots political action, solving health and safety problems and negotiating local contracts, Cal was at the forefront of every fight for justice and equity for the members. In 1982 he was the chair of the UAW Negotiating Team that successfully bargained the UAW–GM Master Agreement.

This success led to his appointment to the UAW International staff that same year. Working with a wide variety of organizations and plants, Cal participated in the global efforts of the UAW to bring fair wages, human rights, and a new approach to international trade to workers in the United States and worldwide. In 1988 Cal was promoted to Coordinator of Active Training Programs at the UAW–GM Human Resources Center. He went on to serve in the UAW GM Department as Administrative Assistant to then UAW Vice-President Stephen Yokich from 1989 to 1995.

Following up his appointment as Assistant Director of Region 1–C in 1995, Cal was named the region's director in 1998. With these two positions Cal came back to his early roots. His service to the Flint community reflects Cal's vision of a better life for workers and their families. He serves on the board of many community organizations including Healthplus of Michigan and the Greater Flint Health Coalition.

A huge Spartan fan, Cal attended Michigan State University. Realizing the importance of education and history Cal now works with Michigan State University, Mott Community College and Lansing Community College to preserve the history of the labor movement and to foster better relations between labor and educational institutions.

Cal Rapson has a deep and abiding respect for the workers in Region 1–C. Having come up through the ranks with most of the workers in this area Cal stated in his director's report, "I have never been prouder to be from this region than after the events of September 11." Under his leadership the local unions raised over $500,000 to benefit the victims of that tragedy. UAW Region 1–C workers donated their time and labor to build vehicles for the New York City recovery operation, replacing those destroyed in the collapse of the World Trade Towers.

Mr. Speaker, I consider Cal Rapson a dear friend and superior advisor. I appreciate his expertise, his common sense, his judgment, his guidance, and discernment. The UAW will miss his contributions to the labor movement. I ask the House of Representatives join me in wishing him the best as he begins his well-deserved retirement.

COMMEMORATIVE BUCKS OF MICHIGAN SCORES BIG FOR HUNTERS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. BARCIA. Mr. Speaker, I rise today to pay tribute to Commemorative Bucks of Michigan on the occasion of its 20th anniversary. I am proud to have written during my years as a state lawmaker the resolution that established Commemorative Bucks as the official record-keeping organization for big game hunters in my home state of Michigan. I am prouder still to be a member of such an outstanding organization and to have one of my hunting achievements included it its record book.

As a non-profit organization, Commemorative Bucks of Michigan collects and maintains records on trophy class Whitetail deer, black bear, elk and turkey taken by legal hunting means in the state of Michigan. Under the strong leadership of President Richard Wilt and previous top officials, Commemorative Bucks has become a premier organization in the state for the promotion and advancement of big game hunting. In addition to its record books, the organization's official publication, "Buck Fax," has become an excellent resource for hunters throughout the state.

The magazine provides a top-notch forum for successful hunters to pass on their personal hunting strategies and display their trophies with their own pictures. It also provides a guide for young novice hunters through information and articles included in "Buck Tail Basics." Moreover, in the interest of community service, "Buck Fax" is mailed free of charge to every high school library in the state and to veterans hospitals.

In addition, both through the magazine and through informational events held across the state, Commemorative Bucks plays a vital role as an advocate for deer management and the cultivation of wildlife as a renewable resource. As all outdoors enthusiasts understand, hunting greatly benefits our efforts to sustain wildlife populations and foster an environment that will protect our resources for future generations. Commemorative Bucks also takes an active role in promoting hunters' rights to ensure that the ability to hunt is not infringed upon by those who fail to understand the importance of hunting.

Mr. Speaker, I ask my colleagues to join me in honoring Commemorative Bucks of Michigan, President Richard Wilt and the entire membership for the significant contributions to hunting made by the organization during the past 20 years. I am confident Commemorative Bucks will continue to honor the achievements of Michigan Hunters and act as an advocate for responsible hunting and wildlife management for many years to come.

THE UNIVERSITY OF WISCONSIN—MADISON MALE BASKETBALL TEAM

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Ms. BALDWIN. Mr. Speaker, I rise today in recognition of the University of Wisconsin—Madison male basketball team who through a season of intense hard work made the 2002 NCAA basketball tournament. After being picked to finish ninth in their league by most pre-season publications, the UW Badgers ended the season with a share of the Big Ten Championship, and a number one seed in the Big Ten Tournament. This championship title was the first the school has seen since the 1946–47 season.

The team began the season with a new coach, Bo Ryan, and had graduated four out of its five starters from last season, and before the season even got underway, lost two of its star freshmen. Under the motivating leadership of Ryan, however, the team finished its regular season with an impressive six-game winning streak to finish the Big Ten season with an 11–5 record and an 18–11 mark overall.

Ending Michigan State's fifty-three home game winning streak in January, and their one-point victory over Indiana, providing the first UW victory over Indiana at Indiana in twenty-five years, were just a couple of the highlights of this exciting Badger season. Their last game, in which the team beat Michigan by twenty points, ended with a sold-out crowd chanting "Big Ten Champs. Big Ten Champs." These Big Ten Champs ended up with an eight seed in the NCAA tournament and will be playing their first game against St. John's University on the evening of Friday, March 15, at the MCI Center in Washington, DC.

I wholeheartedly congratulate the University of Wisconsin Males Basketball Team on their successful season and wish them the best of luck in the NCAA tournament.

PAYING TRIBUTE TO GERTRUDE L. BENZEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 14, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Gertrude L. Benzel of Glenwood Springs, Colorado. Gert peacefully left us on a Saturday morning, March 9, 2002. Gert was a popular member and matriarch of the community and was often sought by many for her listening ear, advice, and warm smile.

Gert was a native of her state, born in 1911 in Delta, Colorado and resided in Grand Junction. In 1942, Gert, along with her late husband Alex, moved to Glenwood Springs and purchased a sheep ranch. Gert soon thereafter found herself desiring to improve the lives of her fellow community members. She was often found spending her time as President of the State Woolgrowers Association, as a charter member of the Glenwood Springs Golf Club, or at various charitable and volunteer organizations throughout the area. What I find truly amazing is how Gert was able to stay completely involved in her pursuits and still be able to raise a family that appreciated and valued the importance of hard work, honor, and perseverance. She raised her children John and Joanne to be respectful and hardworking individuals determined to succeed in their own pursuits. Gert's influence touched many lives outside of her immediate family and she was a well-revered and loving mother, grandmother, wife, sister, and friend to many.

Gert's passing is especially hard for me as she was like a second mother to our family. I have such warm memories of those days of my youth that I spent visiting our neighbors, the Benzels. Whether it was hunting with John, handling sheep up Storm King with Shep (Alex), talking with JoAnne, or watching Jeannie with baby Julie, they were all wonderful times. But truly, I will miss that special time with Gert. The ranch, the golf course, the kitchen (baking cakes for my parents birthday), the kittens, all of it was good living and we will miss her very much.

Mr. Speaker, it is my privilege to pay tribute to Gertrude L. Benzel for the great strides she took in establishing herself as a valuable leader and matriarch of the Glenwood Springs community. Her dedication to family, friends, work, and the community certainly deserves the recognition of this body of Congress, and this nation. Although Gert has left us, her good-natured spirit lives on through the lives of those she has touched. I would like to extend my regrets and deepest sympathies to Gert's family and friends during this sad and difficult time. We're going to miss you Gert.

SENATE—*Friday, March 15, 2002*

The Senate met at 9:15 a.m. and was called to order by the Honorable DEBBIE STABENOW, a Senator from the State of Michigan.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of our Lives, our prayer this morning is to report in for duty. We know it makes a great difference how we think about You and how we conceive of our relationship with You. You are our supreme commander, we are Your servants. Throughout the Bible, the truly great men and women regarded the name "Servant of God" as a description of their highest calling. Patriarchs, priests, prophets, and disciples bore the distinguished title of servants. The psalmist urgently calls us to "Serve the Lord with gladness."—Psalm 100:2. That's our purpose today. As Senators, officers of the Senate, and staff, we all renew our commitment to serve You in our work in government. We are not here to be served but to serve. May no challenge be too momentous nor any assignment too menial for us as Your servants. Our security and esteem are not in titles, positions, power, or turf but in being Your servants, working for Your glory and the good of America. May it be so today, Sovereign Master of our Lives. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DEBBIE STABENOW led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 15, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DEBBIE STABENOW, a Senator from the State of Michigan, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Ms. STABENOW thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

SCHEDULE

Mr. REID. Madam President, shortly the Senate will vote on the confirmation of Executive Calendar No. 704, David Bury of Arizona, to be United States District Judge for the District of Arizona. Following that, we will return to the energy bill. The managers will be ready to accept amendments. We hope there can be some done today between the two managers. There will be no further rollcall votes. The majority leader announced last night we will come in, it appears, at about 3 o'clock on Monday, and further information will be given before we adjourn today.

The leader has also announced we will have at least one vote beginning at 6 o'clock Monday. There could be more than one vote.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF DAVID C. BURY, OF ARIZONA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 704. The clerk will state the nomination.

The legislative clerk read the nomination of David C. Bury, of Arizona, to be United States District Judge.

Mr. LEAHY. Mr. President, today, the Senate is voting on the 41st judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Democrats became the majority party in the Senate. With the confirmation of David C. Bury to the U.S. District Court for the District of Arizona, the Senate will have resolved 6 judicial emergencies since we returned to session just a few short weeks ago and 11 since I became chairman this past summer. As of this week, the Senate has confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under Republican leadership. The number of judicial confirmations over these past 9 months—41—exceeds the number of judicial nominees confirmed during all 12 months of 2000, 1999, 1997, and 1996.

During the preceding 6½ years in which a Republican majority most recently controlled the pace of judicial confirmations in the Senate, 248 judges were confirmed. The larger number, the total judges confirmed during President Clinton's two terms, includes 2 years in which a Democratic majority proceeded to confirm 129 additional judges in 1993 and 1994. During the 6½ years of Republican control of the Senate, judicial confirmations averaged 38 per year—a pace of consideration and confirmation that has already been exceeded under Democratic leadership over these past 9 months. The Republican majority did not proceed on any of the judicial nominations resent to the Senate in January by President Clinton or those initially sent to the Senate in May by President Bush.

In the past 9 months, we have had more hearings, for more nominees, and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995. In each area—hearings, number of nominees given hearings, and number of nominees confirmed—the Judiciary Committee has exceeded the comparable period when Republicans were in power. And 1995 was one of their most productive years. Beginning in 1996, the Republican majority really began stalling the judicial confirmation process. In the 1996 session, only 17 judges were confirmed all year. Judge Bury will be the 13th judge confirmed since January 24 this year, and it is only March.

Under Democratic leadership, we have reformed the process and practices used in the past to deny Committee consideration of judicial nominees. Almost 60 judicial nominees never received a hearing by the Senate Judiciary Committee or received a hearing but were never voted on by the Committee. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

I do not mean by my comments to appear critical of Senator HATCH. Many times during the 6½ years he chaired the Judiciary Committee, I observed that were the matter left up to us, we would have made more progress on more judicial nominees. I thanked him during those years for his efforts. I

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

know that he would have liked to have been able to do more and not have to leave so many vacancies and so many nominees without action.

The speedy confirmation of David Bury to the District Court for Arizona illustrates the effect of the reforms to the process that the Democratic leadership has spearheaded, despite the poor treatment of too many Democratic nominees through the practice of anonymous holds and other obstructionist tactics employed by some in the preceding 6 years.

David Bury will be filling a judicial emergency vacancy seat that has been vacant since 2000, when the new position was created by public law to handle the greater number of criminal and immigration cases in the courts along our Southwest Border. I have worked with the Senators from Arizona, Texas and other Senators from the Southwestern Border States to fill these new judgeships. It is a shame, however, that the Congress did not see fit to create the judgeships needed so desperately in the Southern District of California. Perhaps Senator FEINSTEIN will succeed in doing that this year. I know that I am supporting her efforts and will be trying to help her finally achieve that goal.

David Bury is the second Federal judge confirmed from Arizona in a little more than a month and the third since the change in majority. On February 26th, the Senate confirmed by a vote of 98 to zero Judge Cindy Jorgenson and last December we confirmed Judge Frederick Martone.

There are some who insist that circuit court nominees are being treated unfairly. Nothing could be farther from the truth. By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should. Unlike the many judicial nominees who did not get hearings or were accorded a hearing but were never allowed to be considered by the Committee, we are trying to accord nominees both a hearing and a fair up or down vote.

Until Judge Edith Clement received a hearing on her nomination to the 5th Circuit last year, there had been no hearings on 5th Circuit nominees since 1994 and no confirmations since 1995. Last year we were able to confirm the first new judge to the 5th Circuit in 6 years and help end the Circuit emergency that had been declared in 1999 by the Chief Judge.

Jorge Rangel was nominated to the 5th Circuit in 1997 and never received a hearing on his nomination or a vote by the Committee. His nomination to a Texas seat on the Fifth Circuit languished without action for 15 months.

Enrique Moreno was first nominated to the 5th Circuit in 1999 and never received a hearing on his nomination or a vote by the Committee. His nomination to a Texas seat on the Fifth Circuit also languished without action for 17 months.

H. Alston Johnson was also first nominated to the 5th Circuit in 1999 and never received a hearing on his nomination or a vote by the Committee in 1999, 2000, or the beginning of 2001. His nomination to a Louisiana seat on the Fifth Circuit also languished without action for 23 months.

In contrast, under the Democrat-led Senate, President Bush's nominees to the 5th Circuit, Judge Edith Brown Clement and Judge Charles Pickering, were treated fairly. Both received hearings less than 6 months after their nominations. In fact, Judge Clement was the first Fifth Circuit nominee to receive a hearing since 1994, when Senator BIDEN chaired the Senate Judiciary Committee. She is the first person to be confirmed to that Circuit since 1995.

In contrast to recent, past practices, we are moving expeditiously to consider and confirm David Bury, who was nominated in September, received his ABA peer review in November, participated in a hearing in February, was reported by the Committee in March and is today being confirmed.

This nominee has the support of both Senators from his home State and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our federal courts. I congratulate Mr. Bury and his family on his confirmation today.

Mr. HATCH. Mr. President, I rise to support the confirmation of David C. Bury to be U.S. District Judge for the District of Arizona.

I have had the pleasure of reviewing Mr. Bury's distinguished legal career, and I have come to the opinion that he is a fine lawyer who will add a great deal to the Federal bench in Arizona.

David Bury was born and raised in Tulsa, OK. After graduating from Oklahoma State University in 1964, he attended the University of Arizona College of Law, earning his Juris Doctorate in 1967.

Mr. Bury has been a trial lawyer in private practice for over 34 years, and he has experience in almost every area of civil trial practice—primarily in the area of insurance defense. His clients have included private citizens, large corporation, lawyers, doctors, insurance companies, Pima County, and the State of Arizona. Mr. Bury has defended medical and legal malpractice cases, products liability and construction site cases, governmental entities in false arrest cases, assault and battery cases, United States Code section 1983 actions, and road design and construction cases. He has defended school teachers and school districts. Additionally, he has represented individuals in personal injury and employment cases.

Mr. Bury is a Fellow of the American College of Trial Lawyers and an Advocate in the American Board of Trial Advocates. He is also listed in the "Best Lawyers in America." He has served as a lawyer representative to the Ninth Circuit Judicial Conference, on the Commission on Trial Court Appointments for Pima County, and on the disciplinary committee for the State Bar of Arizona. In addition, Mr. Bury often serves as an arbitrator and has been a guest lecturer for legal and medical organizations throughout his career.

I have every confidence that David Bury will serve with distinction on the Federal District Court for the District of Arizona.

Thank you, Mr. President.

I yield the floor.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of David C. Bury, of Arizona, to be United States District Judge for the District of Arizona? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. REID. I announce that the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Georgia (Mr. MILLER) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Kansas (Mr. BROWNBACK), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. FRIST), the Senator from North Carolina (Mr. HELMS), the Senator from Arizona (Mr. MCCAIN), the Senator from Kentucky (Mr. MCCONNELL), and the Senator from Texas (Mrs. HUTCHISON) are necessarily absent.

I further announce that if present and voting the Senator from Montana (Mr. BURNS) would vote "yea".

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 51 Ex.]

YEAS—90

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Bunning
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lott
Lugar
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow

Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—10

Brownback
Burns
Craig
Frist
Helms
Hutchison
Lincoln
McCain
McConnell
Miller

The nomination was confirmed.

Mr. REID. Madam President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

● Mr. McCAIN. Madam President, due to my absence, I was unable to vote today on the confirmation of David C. Bury as a judge for the United States District Court for the District of Arizona, Tucson Division.

Had I been present today, I would have voted "yea" on Mr. Bury's nomination with whole-hearted enthusiasm for a man of outstanding character and tremendous legal talent.

Without question, Mr. Bury is well-qualified for this position. His reputation precedes him. In the State of Arizona, he has always been a well-respected and highly competent trial attorney. His unblemished 34 years in the practice of law have proven his commitment to the legal profession. Not only does he bring to the Federal bench extensive experience in civil litigation, he will bring to the bench the requisite qualities of patience, fairness and the highest ethical standards. In short, Mr. Bury will be an outstanding Federal judge for our great state of Arizona.

I congratulate him, his wife Debby and his three children on his nomination to the Federal court. They are undoubtedly proud of him not only for this high honor, but also for the rest of his professional accomplishments and his personal commitment to them.

I am very confident that Mr. Bury will be a top-notch public servant who will bring to the Federal judiciary the highest level of professionalism, leadership and dedication. He will make the people in Arizona proud. And for his public service, I thank him.●

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Mr. MURKOWSKI. Madam President, during this lull in the debate of the energy bill I would like to take a moment to thank the Senator from New Mexico and his staff for all of their hard work and cooperation on the Alaska gas pipeline title of this bill.

Mr. BINGAMAN. I thank the Senator for those kind words. This is an important energy policy initiative for the nation. I thought we had a good beginning with the amendments that were offered and debated last week.

Mr. MURKOWSKI. I agree, it was a good start. However, we still have a fair piece to go before we reach the end of this trail. If the Senator would recall during last week's debate I mentioned that there were a number of additional items that would need to be addressed before we completed our legislative effort on this important issue.

These additional items include crafting language that sets procedures in place for allocating initial gas capacity of the pipeline and for any subsequent expansions that might be warranted based on new discoveries or additional needs in Lower 48 markets.

Mr. BINGAMAN. Yes, I do recall the Senator's remarks and I am aware that there are several additional items that are being worked on at the staff level. I particularly hope we will be able to make some improvements that will assist in lowering the overall risk associated with this $20 billion project.

These include enhancing the ability of the Pipeline Coordinator created in the gas pipeline title to keep the numerous Federal and State agencies that will be involved in this project working in a cooperative and coordinated fashion and providing for clear and expedited procedures for resolving legal challenges that might arise during permitting and construction of the pipeline. Streamlining the permitting process will help reduce the risks of delay and added costs to the project.

Mr. MURKOWSKI. I do indeed understand what my friend from New Mexico is saying. This point is especially true when you recall that the oil and gas producers who hold the leases on the Prudhoe Bay gas have stated publicly that the project as it now stands is uneconomical. Any legislative language that adds risk or cost to the project will simply make it impossible to build the Alaska gas transportation system—and this will deny the American consumers with access to a dependable, long-term, and economic supply of domestic natural gas.

Mr. BINGAMAN. I agree with the Senator from Alaska. We must be extremely careful in crafting language for inclusion in the gas title; poorly thought out concepts can add significant risk to this project.

I suggest that we continue our cooperative efforts as we have in the past. I believe that by working together we can get this project built, and that will benefit both the people of Alaska and the entire gas consuming public across the United States.

Mr. MURKOWSKI. I agree completely and I look forward to continuing our efforts. I particularly appreciate the Senator's understanding the need to allow Alaskans access to the North Slope gas reserves. As in the Nation, my State needs abundant and dependable gas supplies to fuel the growth of our economy over the next three decades.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

Mr. BENNETT. Madam President, I ask unanimous consent I might be allowed to speak as in morning business for up to 7 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE PICKERING NOMINATION

Mr. BENNETT. Madam President, we have just confirmed a district judge, and I am delighted with that action. It is an action I wish we would take more often around here.

Last night, the Judiciary Committee refused to send to the Senate Judge Pickering, who was nominated for the circuit court. I wish to make a few comments with respect thereto, and do it in the shadow of the confirmation vote we have just had.

When this session of Congress began, the Senator from Vermont, who now chairs the Judiciary Committee, made it clear he had an extra-constitutional test he would apply to every judge. That is, he insisted we have the statement of the American Bar Association before us before we even consider a judge. I use the term "extra-constitutional" rather than "unconstitutional," as some commentators have, because the Senator has every right to turn to any group or any area he wants in order to make his decision, but a requirement that a judge be recommended by the American Bar Association is not in the Constitution. Therefore, it is an extra-constitutional test.

When Judge Pickering came before the Judiciary Committee, he passed that extra-constitutional test. He was chosen and designated as being well qualified by the American Bar Association. Yet he was voted down by the members of the Judiciary Committee. Some of them said he had racist views. Yet the African Americans in his home State came forward in great numbers to insist that this judge did not have racist views. Indeed, these African Americans who knew him better than African Americans outside of his State insisted he was an excellent judge and an excellent choice for the circuit court. Nonetheless, he was still not sent to the Senate for a vote.

What this means is that the chairman of the Judiciary Committee has an additional extra-constitutional test he is applying to nominees. As he said before, it is his right to put whatever test he wants. But I hope, in courtesy to the Senate, that he and the other members of Judiciary Committee who voted against Judge Pickering will disclose their extra-constitutional test. They did at the beginning of the session. They said, in response to the President, they would not consider him until we have a rating from the American Bar Association. That is an extra-constitutional test we will openly and directly apply.

It is clear from what has happened to Judge Pickering that there is now another extra-constitutional test being applied in secret, that is being applied in camera, and that is being applied in the dark. Those of us who are unaware of what it is are, therefore, unable to discuss it and unable to talk about it or direct our concerns toward it.

Therefore, I formally ask the chairman of the Senate Judiciary Committee, Mr. LEAHY from Vermont, to tell us what the extra-constitutional test that he applied to Judge Pickering is.

The newspapers say he has to pass muster from groups such as People for the American Way. I would rather not get the information from the newspapers. I would rather not have a journalist tell me what is on the Senator's mind. I would rather have the Senator tell us as openly and directly as he can at the beginning of this session what it is he requires before he will vote for someone to come out of the Judiciary Committee for a Senate vote.

It is only fair that we and the constituents in Vermont understand what the test is that the chairman of the Judiciary Committee is applying. At the moment, we are left in the dark.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire.

(The remarks of Mr. GREGG pertaining to the introduction of S. 2020 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. GREGG. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Nevada.

MORNING BUSINESS

Mr. REID. At this time it appears no one is offering amendments on the energy bill. But in an effort to see if that will happen, I think the Senate would be well advised to go into a period of morning business for the next hour. So I ask unanimous consent, because there are a number of Senators wishing to speak as in morning business, that the Senate proceed to a period of morning business with Senators allowed to speak for a period up to 10 minutes each, and that the morning business time expire at 11:15 a.m. today.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

The Senator from Wyoming.

(The remarks of Mr. ENZI pertaining to the introduction of S. 2021 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ENZI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARPER). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the period for morning business be extended until 12 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

BRINGING SOUTH DAKOTA'S STRENGTH TO THE WAR AGAINST TERRORISM

Mr. DASCHLE. Mr. President, 2 months ago, I traveled with some of our other Senate colleagues to Afghanistan and other Central Asian nations.

We wanted to see what progress is being made in the war against terrorism. We also wanted to talk with our allies in the region to try to assess how we might help make their nations hospitable to freedom—and inhospitable to terrorists.

We learned a great deal.

I have already had a chance to share many of my thoughts and observations with Secretary Powell.

Today, I would like to say a few words publicly about the part of our trip that I found the most moving and impressive: the other Americans we met—men and women who are serving our Nation's interests every day in places far from home—often under incredibly challenging conditions.

We met extraordinary people from almost every State. They all deserve our profound appreciation.

I was especially moved by five people I met from my own State. Listening to them, and watching them perform their jobs, made me very proud to be a South Dakotan. It also reinforced my conviction that we will triumph in the war against terrorism.

This week, as we mark the 6-month anniversary of the attacks on our Nation, seems like a fitting time to tell my colleagues about them.

David Nelson, the Senior Economic Counselor in the U.S. Embassy in Berlin, is from Brookings, SD. Day in and day out, he is working to protect America's economic interests in Germany. Since September 11, he has also played a critical role in our efforts to cut off the terrorists' money supplies.

Dr. Jan Riemers is from Bristol, SD. She is the only western doctor in Uzbekistan's capital city of Tashkent. She is a sort of modern-day Albert Schweitzer, who moved her entire family to Uzbekistan so she could serve people who might otherwise never see a doctor.

I also met three remarkable young men who are even more directly involved in the war against terrorism. They are serving our country in uniform. For security reasons, I won't use their names.

One is an Army private from Midland, SD who I met in Uzbekistan. When we met, it had been almost 2 years since his last leave.

On September 11, he was just completing a tour of duty in Bosnia. He and his colleagues had been living in tents and eating MREs—packaged meals—three times a day for several months at that point. He could have come home instead, he volunteered to go to Central Asia to be a part of the war against terrorism. And he said he was honored to do so.

In Afghanistan, I met an Air Force master sergeant from Rapid City. He is involved in delivering two things Afghanistan needs desperately: U.S. military support, and humanitarian assistance.

His efforts helped make possible the military victories we have seen in Afghanistan. They are also part of the reason we have not seen the humanitarian disaster some predicted at the outset of the war.

In Kyrgyzstan, I met an Air Force staff sergeant from Yankton—one of the first U.S. service members deployed to that country. We met at Manas International Airport, where he and other Americans are working to build an air base that will host personnel from several countries and serve as a hub for air operations in Afghanistan. He came out to meet us in the middle of a snowstorm, and he could not have been more excited about his mission.

We ask our service men and women—like these three honorable South Dakotans—to attempt extraordinary things and make extraordinary sacrifices. Time after time, they not only meet our expectations, they exceed them.

In this week, when we mark the 6-month anniversary of the attacks on our Nation, it seems appropriate that we also honor the men and women who are working—and risking their lives—to try to prevent us from ever experiencing that heartache again.

They are true patriots. They come from my State and yours, and from every State and territory in our Nation. They make us proud. And they are making America, and the world, stronger and better.

Mr. President, I ask unanimous consent that the report we have compiled regarding the trip to Afghanistan from January 10 to 19 of this year be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DASCHLE CODEL TO CENTRAL ASIA, JANUARY 10 TO 19, 2002

Senator Daschle led a bipartisan and bicameral Congressional Delegation CODEL to Germany, Uzbekistan, Pakistan, Afghanistan, Kyrgyzstan, and Turkmenistan from January 10 to January 19. The following views expressed in this report, however, reflect only the views and findings of Senators Daschle and Durbin.

SUMMARY OF FINDINGS AND KEY RECOMMENDATIONS

The initial phase of the war on terrorism has been a clear success.

It was evident from our trip to Central Asia that the conduct of the war on terrorism has, to date, produced impressive results. Our troops, President Bush, Secretary Rumsfeld, and Secretary Powell deserve credit and recognition for that success.

U.S. troops are a credit to themselves and the country.

The performance of U.S. troops in Central Asia and Afghanistan has been remarkable and a tribute to the hard work and commitment of the thousands of men and women who are carrying out Operation Enduring Freedom. U.S. personnel are braving harsh weather and very rudimentary accommodations. One Air Force Sergeant said he "had been living in the mud" in Uzbekistan for 3 months, further saying he was honored to be doing so. An Army Colonel in Afghanistan, while eating chicken Chow Mein for the fourth night in a row, observed, "I can't complain, because it's hot [food]." Another Army PFC declared he was proud to have spent the past 3 months serving Afghanistan, notwithstanding the fact that he was deployed to the region 1 week after moving into a new house with his new wife. The morale of U.S. troops is very high, as evidenced by another Army PFC from South Dakota who has not had leave since February 2000 and volunteered to serve in Uzbekistan as he was finishing a tour of duty in Bosnia because he was eager to participate in the war against terrorism.

The U.S. personnel from other U.S. agencies in the region are also a credit to America. Foreign Service officers in Uzbekistan, Pakistan, and Afghanistan are working around the clock—literally—to advance U.S. interests and ensure the safety of American personnel. The Embassy in Tashkent is overcrowded, the Embassy in Kabul is in terrible straits after being overrun by decades of war, and families of personnel at the U.S. Embassy in Islamabad were forced to return to the U.S. as a result of security threats.

On a more personal note, we were proud to meet a number of South Dakotan and Illinois servicemen and women who are serving their country in the region. To a person, they support the mission and take pride in the role they are playing to improve living conditions in the region and defeat international terrorism.

Senator Daschle was also proud of the generosity of South Dakotans was greatly appreciated by Afghans. The delegation delivered three boxes of winter clothing to the Afghan Minister of Orphans, Widows and Martyrs. The clothing was collected by South Dakotan business leaders and students at two separate elementary schools.

The troops' success allow us to focus on consolidating gains.

The successful effort that started as a war in Afghanistan to bring to justice those responsible for the September 11th attacks is shifting to focus on consolidating gains and helping to bring some semblance of economic, political, and physical security to the region. Challenges are many, but the United States undertook a remarkable effort to confront and defeat the first such challenge—widespread hunger.

A remarkable U.S.-led effort to deliver food and shelter has averted humanitarian disaster, which last fall, after years of mismanagement by the Taliban, looked inevitable. But the USG—led by the Department of Defense and USAID with significant assistance from CARE, Catholic Relief Services, Church World Services, International Rescue Committee, and others—provided nearly $200 million worth of food, water, health care and shelter to millions of Afghans in FY 2002.

Challenges remain. It is particularly troubling that Bin Laden, the bulk of the senior Al Qaeda leadership, Mullah Omar and the majority of the Taliban leadership remain at large.

The fact that so many key terrorist leaders are unaccounted for is one factor that contributes to insecurity in Afghanistan, which is increasingly threatening the gains the United States has made in the region. At the time of the trip to Afghanistan, Chairman Karzai and U.S. personnel in the region were clearly concerned about security. Events since the delegation's visit to Afghanistan—such as the fights between warlords in Gardez, the murder of the interim tourism minister, and increasingly alarming reports out of the Administration about a general rise of lawlessness and warlordism, including a specific report that some warlords may be preparing to sabotage the loya jirga set for June—only serve to harden that assessment.

The current configuration of the International Security Force (ISAF) is insufficient to confront this insecurity. At the very least, the ISAF should be expanded beyond Kabul and into other Afghan cities until efforts to train a police force and an Afghan military loyal to the interim government can catch up with this insecurity. While success of the ISAF is not dependent on the U.S. providing ground troops as part of an expanded effort, it is clear that an American component for transportation, intelligence and search-and-rescue is likely to be a precondition for significant international participation in an expanded ISAF.

An increased U.S. military role in support of an expanded ISAF is entirely consistent with the Administration's apparent policy goal of maintaining a U.S. presence in the region, evidenced by the substantial upgrades beginning at Manas Airport in Bishkek, Kyrgyzstan and a more permanent presence being prepared in Uzbekistan and Georgia. This increased American military presence can play an important role in support of the ISAF.

Central Asian Republics have taken significant steps in support of the U.S.—and are urging a long term American presence in return.

Good long term relations with the Central Asian Republics is very much in the national interest of the United States.

Uzbekistan, Kyrgyzstan and even Turkmenistan have demonstrated, with their efforts in Afghanistan, a solid commitment to the war against terrorism.

Uzbekistan agreed to our request for basing and overflight rights, including the right for the United States to maintain a significant troop presence at the airfield at Khanabad. As a result, our two countries signed a Status of Forces Agreement on October 7 and a Memorandum of Understanding on Economic Cooperation on November 7. Last fall, the U.S. also allocated an additional $100 million in assistance for Uzbekistan, and the Administration is reported to be considering an additional tranche of assistance in a supplemental for "front line states" expected to be submitted to Congress in mid-to-late March.

The Government of Uzbekistan has also provided important cooperation with U.S. programs to curb the proliferation of material for use in weapons of mass destruction (WMD). The October 22 agreement between the U.S. and Uzbekistan to begin cleaning up the former Soviet biological weapons test range on Vozrozhdeniya in the Aral Sea is an important step forward in U.S. efforts to halt the proliferation of WMD material. The Government of Uzbekistan also ought to be commended for efforts, supported by the U.S., at strengthening border controls of weapons material.

Kyrgyzstan provided overflight and landing rights and agreed to permit the basing of a large number of coalition personnel and aircraft at the international airport in Manas, a site which will function as a "transportation hub" for coalition efforts in Afghanistan and the region.

Turkmenistan has allowed for some overflight rights and became an important—indeed the principal—conduit of American and international humanitarian assistance into northern Afghanistan.

These steps represent a move toward the West, but sustaining positive long term relationships still demand major improvements on political and economic reform.

Each country claimed that they had made a deliberate and conscious choice to reach out to the West. What is not clear is whether the governments are also committed to embracing universal human and voting rights that have been sorely lacking in each country.

While the U.S. is right to continue cooperating with these governments, significant and sustained economic and political reforms are a pre-requisite to consolidating long term relationships with these countries.

Each country's continuing refusal to enact political reform while at the same time continuing to violate basic human rights will contribute to extremism and threaten the stability that each government argues it is seeking.

The human rights situation in Uzbekistan is abysmal. There is no freedom of association and independent institutions—including the press—are banned. In one telling moment, a human rights leader in Uzbekistan said that the media in Russia—currently being cracked down on by government regulators—is much more free than the Uzbek media. Even the Parliament is largely a rubber stamp for the Karimov government, with little, if any, influence.

Civil society in Uzbekistan has also been drastically restricted. NGOs are not allowed to register or function. The few independent groups that do exist are subjected to harassment based on Soviet practices, including firing "agitators" from state run jobs, confiscating human rights workers passports, confiscating equipment of independent NGOs. Human rights leaders and the U.S. State Department also catalogued instances where the government used torture and prolonged detention to deter other civil society activity.

In Kyrgyzstan, where the United States encouraged the government's bold steps in the early and mid-1990s toward democratization, there has been a dramatic backsliding in its political reform process. Of particular concern are reports of constant pressure on opposition political parties, harassment of journalists who criticized members of the government, and numerous flaws—many apparently deliberate—in the October 29, 2000 presidential elections. In fact, the Office for Security and Cooperation in Europe (OSCE) Office of Democratic Institutions and Human Rights concluded that the October elections "failed to comply with OSCE commitments for democratic elections."

In Turkmenistan, there are no legally registered opposition parties and absolutely no free press. The State Department reports that the most recent elections, in December 1999, "did not even approach minimum international standards." The only officially recognized religions are the Russian Orthodox church and Sunni Islamism; all other faiths face harsh persecution and harassment. In what seems to be a fitting moniker, several analysts refer to insular Turkmenistan as the North Korea of Central Asia. Furthermore, while the leaders of Uzbekistan and Kyrgyzstan at least admitted to having significant human rights problems, the National Security Adviser of Turkmenistan simply dismissed concerns about human rights saying, "I understand that these things [freedom of religion, the media and association] are important for America, but it is simply not time for such reforms in Turkmenistan. Before we do these things, we need time to strengthen our economy."

HIV/AIDS is a growing threat in Central Asia.

The leadership of Uzbekistan and Kyrgyzstan noted their concern regarding the trafficking of Afghan opium to and through their countries, which has contributed to large increases in illicit drug use throughout Central Asia in recent years. According to UNAIDS, this surge in drug use has brought the Central Asian republics to the "verge of a major public health and socio-economic development disaster, in terms of large scale epidemics of HIV/AIDS." As such, the United States should be looking for opportunities to increase funding for bilateral AIDS prevention, care and treatment programs targeted to Central Asia and to increase the annual U.S. commitment to the Global Trust Fund to Fight AIDS, TB and malaria.

Pakistan and President Musharraf are also making a strategic choice to join the West. Concrete steps to confirm and reward that choice will be welcomed.

Pakistan has been a vital ally in the war against terrorism. With its location in a critical region of the world, a nuclear arsenal, and a population set to double in the next 20 years, American national security is undoubtedly improved by President Musharraf's strategic choice.

The January 12 speech by President Musharraf—in which he proclaimed a jihad against extremism—demonstrates that he is ready to take Pakistan back from the extremists. He outlined a far reaching proposal for reforming the Pakistani education system and a systematic crackdown on extremists. Although ultimate success in this effort can only be judged by results, initial efforts suggest that he is committed to this effort.

He has specifically requested U.S. support for reforms to the Pakistani education system, which has been ignored by previous Pakistani governments more interested in investing in weapons systems than social services. The United States should support that effort with significant new resources, closely conditioned on President Musharraf maintaining his commitment to reform. There can be no better investment of U.S. assistance in Pakistan.

President Musharraf's comments about and concrete steps to reform the ISI given widespread reports of its links to extremists are also a reason for optimism. He should be commended for his cooperation on the investigation of the kidnapping and brutal murder of Danny Pearl case. However, as with his speech on fighting extremism, the USG must demand concrete results in this investigation. President Musharraf's seriousness about confronting Islamic extremists—including those responsible for the murder of Pearl—can be further confirmed by Pakistan handing over to the United States Sheikh Omar, the confessed mastermind of the abduction.

Germany taking concrete—and costly—steps in the war on terrorism, but it is concerned about next steps.

German Foreign Minister Fischer referred to the way on terrorism as a fight with a "new totalitarianism." In a war with such extremists, there can be no compromise, just as there could be no compromise with the Nazis.

Germans also reserved blunt language for the conduct of the Saudis in this effort against extremism—"democracy is the necessary pre-condition of defeating terrorism"—and for the lack of concerted effort by Palestinian Authority Chairman Arafat—the decision to start the Intifada in September 2000 was judged an "historic mistake", and "we all may have overestimated how much Arafat wants peace."

Germany has taken seriously its role in this war against totalitarianism, taking concrete and historic steps in the war in Afghanistan and in the law enforcement and investigation efforts in the United States. Germany has deployed troops to Afghanistan as part of Operating Enduring Freedom and in Kabul with the ISAF and German naval vessels are operating in the Indian Ocean off the Horn of Africa as part of international efforts to stop the flow of arms to Somalia.

Just as remarkably, Germany has provided intensive law enforcement cooperation in the investigation of the September 11 attacks. German cooperation has been pivotal to initial success in the United States, including the indictment of Zacarias Moussaoui.

While it does not see another state that has sponsored terrorism to the extent that Afghanistan did, the German government recognizes clearly that this is going to be a "long term war" and appears to be ready to make further contributions to that effort. In particular, the German leadership pointed out Iran—and its clear desire for WMD—as a problem that the west will have to confront.

Given the extent of German cooperation in the first phase of the war against terrorism—and the political price paid by the German government—it was interesting to hear the serious concerns expressed by the German officials about the next phases in the war.

German Government officials noted especially the threat posed by Saddam Hussein—both to his own people and, with his interest in developing weapons of mass destruction, to the region, Europe and the United States.

These officials also noted, however, that forcing military action in Iraq without prior consultation with, if not outright support from, the international community risks a potentially even more threatening set of circumstances in the Gulf with negative impacts on energy security as well as the security of Israel.

THE RETIREMENT OF ALEX LEWIS

Mr. DASCHLE. Mr. President, today the Senate loses one of its most valued employees to retirement. After 35 years of dedicated service, Alex Lewis of the Recording Studio is stepping down.

Alex began work for the Architect of the Capitol in 1967 at the ripe old age of 20. He started work here as an electrician's helper. By the 1970s he was running and maintaining the Senate and House audio systems, moving to the Senate full time in 1991.

In 1994, he helped bring the Senate into the computer age, working tirelessly over many late nights and weekends and under a tight deadline to replace the old Senate sound system with the state-of-the-art digital system we use today.

That can-do attitude, his friendliness and cooperativeness was respected by everyone who worked with him. And, in the last 3 years as studio supervisor, Alex was respected for his caring, consideration, and fairness by everyone here in this body.

Alex said that having the opportunity to be witness to more than three decades of historical events at the Capitol is something he will always treasure. Today, all of us in the Senate family want to express how much we treasure his service to this institution. We thank him and we wish him well.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

(The remarks of Ms. COLLINS, Mr. BOND, and Mr. SMITH of Oregon pertaining to the introduction of S. 2023 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. I ask unanimous consent the Senate extend morning business until 1 o'clock today.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF CHARLES PICKERING, SR.

Mr. HATCH. Mr. President, I rise today to express my deepest-felt disappointment in the decision of the Judiciary Committee yesterday against the nomination of Judge Charles Pickering, a jurist of the highest character and proven dedication to public service.

Mr. President, I will not repeat my defense of Judge Pickering's record, which I addressed here yesterday.

There are particular reasons why I am disappointed and saddened. First, certainly, is the unfairness with which the Judiciary Committee treated Judge Pickering's record.

I feel awful for Judge Pickering and his family for the way that the special interest groups and the liberal activists have distorted his record.

It has come to the point that men and women who put themselves up for public service and the Senate confirmation process are heroes, willing to sacrifice their good name and peace of mind.

I also feel terribly for the people of Mississippi, and about what this decision says to them after the long distance they have traveled to correct past wrongs. I feel terribly for the African Americans from Mississippi who stood by Judge Pickering, at risk to their own reputations.

Opponents have made much of the meager 26 reversals that Judge Pickering has had, an attempt to open old and painful wounds by using the all-too familiar race card and suggesting that Judge Pickering has a poor record in civil rights cases.

They claim that Judge has a poor record on voting rights. In fact, he has had only four voting rights cases—only four—and he has been appealed on the merits in none of them. My staff has counted almost 200 decisions, and there may be more, in which Judge Pickering has applied the various civil rights laws of the United States with neither an appeal nor a reversal.

Opponents sought desperately to find aggrieved litigants with an ax to grind. They have found almost none. That is amazing for somebody who is in the Federal and State courts for much of a legal career. The African American parties who were involved in one of the four voting rights cases have even written to support the confirmation of Judge Pickering—the same judge who ruled against them.

Many of my colleagues are lawyers. They know full well, as did these African American parties who support Judge Pickering that just ruling one way or another in a case does not mean you are against the underlying law. With this, does it mean that every judge who has overturned a drug sentence is pro-drugs? Obviously not. We all know better than that.

The judge's record is clear and distinguished. But I venture to say that the opponents of Judge Pickering are not interested in accentuating the positive record, to say the least. It is not politically expedient to do so.

Take the case of little Jeffrey Hill. His parents believed that their son was entitled to receive a free appropriate education under the Individuals with Disabilities Education Act.

Jeffrey's parents sued and stood alone against the State of Mississippi. Judge Pickering, as he has done in cases involving homosexuals, African-Americans and others, appropriately found that the law in that case required Mississippi to educate handicapped children. Judge Pickering gave little Jeffrey Hill his day in court. He ruled on the law.

Yesterday Senators on the Judiciary Committee received a letter from three dozen members of the House of Representatives, including the former chairman of the House Judiciary Committee, Mr. HYDE.

House Members asked that the Judiciary Committee repudiate extreme liberal, left-of-mainstream special interest groups that have raised Judge Pickering's religious views as an issue, going so far as to attack Judge Pickering for a speech he gave on the Bible when he was president of the Mississippi Southern Baptist Convention.

I ask unanimous consent that the House letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

REPUBLICAN STUDY COMMITTEE,
Washington, DC, March 13, 2002.

HOUSE MEMBERS URGE SENATORS TO REPUDIATE RELIGIOUS TESTS FOR JUDGES

Outside Groups Attempting to Create a Religious Test in Order to Defeat the Nomination of Judge Pickering

WASHINGTON, D.C.—Over three dozen Members of the House of Representatives today sent a letter to Members of the Senate Judiciary Committee asking them to repudiate attempts by groups such as the People for the American Way to establish a defacto religious test preventing persons of faith from serving as federal judges.

Rep. Walter Jones (R–NC), stated, "In their campaign against the nomination of Judge Charles Pickering to the Court of Appeals, a number of outside interest groups have asserted that Judge Pickering is unfit because he 'promotes religion from the bench.' A close examination of these allegations and Judge Pickering's record clearly indicate that what opponents of his nomination are really objecting to is the fact Judge Pickering is personally a man of religious faith."

Rep. Joe Pitts (R–PA) added, "The failure of the Senate Democrats to repudiate the charge that Judge Pickering is unfit for the Judiciary because of his religious faith sends a very clear message: 'So long as Democrats control the Senate, religious people will be prohibited from serving as judges.'"

The text of the letter sent to Senate Judiciary Committee Members is reset on the next page:

MARCH 13, 2002.

Members of the Senate Judiciary
Committee.

DEAR SENATORS: We write to express our grave concern regarding the attempts by some organizations to have the Senate impose what amounts to a religious test on judicial nominees. As you are aware, Article VI of the Constitution specifically forbids the imposition of a religious test.

Groups such as People for the American Way have been leading a campaign in opposition to the nomination of Judge Charles Pickering to the U.S. Court of Appeals for the 5th Circuit. Opponents of Judge Pickering have argued that he is unfit because he "promotes religion from the bench." In support of this charge opponents cite a speech Judge Pickering delivered in 1984 when he was President of the Mississippi Baptist Convention and comments made by Judge Pickering from the bench referencing biblical principles and other religious literature.

Judge Pickering has made clear that he will follow the law and not his particular religious beliefs in the exercise of his judicial duties. Indeed, his record over the past decade as a District Judge clearly indicates that he practiced in the best traditions of the U.S. judicial system, even when making reference to religious literature. Indeed, Chief Justice Earl Warren, Justice Thurgood Marshall, and Justice William Brennan have all made explicit references to the Bible or biblical principles when delivering the opinion of the Supreme Court in cases covering such disparate issues as the Fifth Amendment right against self-incrimination, and the forfeiture and seizure of vessels used for unlawful purposes.

Many of those opposing Judge Pickering's nomination are in effect arguing that a religious person is unqualified to serve in the federal judiciary because he cannot be trusted to separate his personal religious beliefs from his official duties. This is nothing more than a religious test barring any person of faith from holding a judicial office.

We request that you join us in publicly repudiating those who argue that people of faith are unsuited for the federal judiciary. Such arguments run counter to our Constitution and the best practices of the American judiciary.

Sincerely,

Walter Jones, Henry Hyde, Frank Wolf, J.C. Watts, Ernie Fletcher, Ed Whitfield, John Hostettler, John Cooksey, Henry Brown, Charles Taylor, Joe Pitts, Virgil Goode, Dave Weldon, Chris Cox, Steve Chabot, John Shadegg, Pete Hoekstra, Jeff Flake, Sue Myrick, Mike Pence.

John Sullivan, Todd Tiahrt, John Doolittle, Melissa Hart, Jim DeMint, Bob Schaffer, Robert Aderholt, Todd Akin, Kevin Brady, David Vitter, Jo Ann Davis, Bob Barr, Joe Barton, Chris Cannon, Roscoe Bartlett, John Linder, Lee Terry, John Shimkus, Tom Tancredo.

Mr. HATCH. I think that is wrong. Being a member of the Church of Jesus Christ of the Latter Day Saints myself, the only church in the history of this Nation that had an extermination order out against it by the Governor of Missouri at the time, I fully understand terrible religious prejudice. So I decry anybody on the right, or anybody supporting Judge Pickering, calling Senator LEAHY or any other Democrat or any other Member of this body, to criticize their religious perspective or view.

But it certainly was wrong to criticize Judge Pickering's religion and his religious perspective. He is a religious, righteous man, the type of person you would want to have on the bench. And thank goodness he still will be on the bench in the district court, but he won't be able to lend his expertise and talents to the circuit court of appeals.

I join with the concern expressed by my colleagues here and in the House, including Democrats. The fact that an impression has been created that the Senate Judiciary Committee would impose any test, whether a religious test or an abortion litmus test, concerns me greatly.

Republicans refused to establish an abortion litmus test in either direction when we controlled this committee. We confirmed 377 of President Clinton's judicial nominees without imposing such a test.

Maybe this has something to do with the make up of the Judiciary Committee: all the members on one side of the aisle share a single view, but on the Republican side, both views are welcomed.

I might also add, I believe that underlying these attacks on conservative judicial nominees is the issue of abortion. If we had chosen to use that as a litmus test issue, President Clinton would have had very few judges confirmed. If that is going to be the rule, then that is a very bad thing and bad precedent to start. I was told by some of the outside groups that they do not believe anybody should serve on any court in this land who is not pro-abortion.

That is an extreme view. Hopefully that view will never have that much influence on this body, but, unfortunately, I think it does have an influence. I will not ever agree that the Judiciary Committee or the Senate should exercise its advice and consent responsibility in a way that makes an absolutely lock-step demand that nominees think in a particular way on any single issue. Of course, as long as the Democrats are in the majority, I cannot stop them from doing so.

But I can promise this: a decision to impose a litmus test will offend everyone in this country who understands and appreciates the rule of law, the independent judiciary, and the great tradition of debate and acceptance of diversity that have made our country the strong democracy it is today.

Although some Senators on this committee prize diversity as a standard for the confirmation process. It concerns me that some people's definition of diversity includes only those with diverse skin color or ethnicity, and then only if they agree with their liberal views.

Take Miguel Angel Estrada, who the President nominated 310 days ago, almost a year, Mr. President.

Mr. Estrada, an immigrant from Honduras with a distinguished career, would be the first Hispanic on the prestigious Court of Appeals for the District of Columbia Circuit, and yet I read on the front page of the Wall Street Journal today that Democrats are gearing up to do to him what they did to Judge Pickering.

He may be a minority, but he is the wrong kind of a minority, apparently, in the eyes of some of these people. I think that is awful.

Clarence Thomas was a minority, but he was the wrong kind of a minority in the eyes of some of these people. That is awful.

Diversity appears not to include intellectual diversity—diversity of personal viewpoints or religious conviction, that have nothing to do with ability to follow the law.

Some of my Democrat colleagues have openly sought to introduce ideology into the judicial confirmation process, something which I repudiate. I am now concerned that the abortion litmus test would have the same effect as a religious test.

Indeed, most people who are pro-choice hold their position as a matter of ideology. Some even allow their chosen ideology to trump the tenets of their religion. They do so in good conscience no doubt, and I respect that.

But the great majority of people who are pro-life come to their positions as a result of their religious convictions. We view unborn life as sacred. We believe in the words of the Declaration of Independence that we are "endowed by our Creator with certain inalienable rights" and that among these is "life." Many Americans hold this view as a religious tenet, but this view does not affect their ability to interpret the law and precedent, just as skin color does not.

In effect, what is ideology to my Democrat friends is a matter of religious conviction to a large portion of the American people.

When one Senator asked Judge Pickering about Roe versus Wade, Judge Pickering's response was unequivocally that he viewed it as the law of the land and would follow it as a judge, without regard to his private views. Surely, this should be enough. Otherwise, this will mean that no judges with private pro-life views, who derive these views from religious conviction, will ever again be confirmed in a Democrat-led Senate.

To impose an abortion litmus test on private views—call it ideological if you want to—is to exclude from our judiciary a large number of people of religious conviction, who are perfectly prepared to follow the law.

I fear this is the door this Democrat-led Senate could be opening. I can understand why people would believe that a religious test is being imposed.

Certainly, as a former president of the Mississippi Southern Baptist Convention, Judge Pickering's nomination makes concern over a religious test understandable. The recorded attacks of the extreme left, special interest groups based on Judge Pickering's religious views are repugnant, and I do hope that my Democrat colleagues will indeed repudiate such tactics.

Judge Pickering's record on the bench shows that he, in good faith, does understand the difference between the law and private views, and that he has followed the law regardless of personal beliefs.

Judge Pickering has never had an abortion case during his 11 years on the bench, but he has ruled on cases in which the issue of sexual privacy was involved.

Conveniently, opponents ignore Judge Pickering's record on gay issues. It is not surprising that Log Cabin Republicans, the largest, national gay Republican organization, recently issued a press release calling on this Committee to approve the nomination of Judge Pickering and to send it to the floor of the U.S. Senate.

Let me quote from the release. According to Rich Tafel, the executive director of Log Cabin Republicans:

> Judge Pickering reiterated to me his strong belief that all Americans should be treated equally under the law, including gay and lesbian Americans, and his record as a federal judge clearly demonstrates it.

They go on to say:

> Among several cases he has heard, two key cases from 1991 and 1994 demonstrated Pickering has followed the principle of equality under the law for gay Americans going back over a decade.
>
> In 1991, Pickering sharply rebuked an attorney who tried to use a plaintiff's homosexuality in a fraud trial. "Homosexuals are as much entitled to be protected from fraud as any other human beings," Pickering instructed the jury. "The fact that the alleged victims in this case are homosexuals shall not affect your verdict in any way whatsoever."
>
> In 1994, an anti-gay citizens group in the town of Ovett, Mississippi launched a crusade of intimidation and threats to drive out Camp Sister Spirit, a lesbian community being built by a lesbian couple. When the group took Camp Sister Spirit to court, Judge Pickering threw their case out.

They go on:

> His civil rights record is long and distinguished. In 1967, Judge Pickering testified for the prosecution in a criminal hate-murder case against Ku Klux Klan Imperial Wizard Sam Bowers in the death of an African American civil rights worker. When Jones County, Mississippi schools were racially integrated in the 1970's, Judge Pickering and his wife kept their children in the public school system when other white families removed their children. He was a featured speaker at Mississippi NAACP meetings as far back as 1976, when he was chairman of the Mississippi GOP.
>
> In 1981, he defended an African American man who was falsely accused of robbing a white girl at knife point, forcing the case to a second trial after a hung jury and an eventual acquittal. In 1988, he convened and chaired a bipartisan, biracial committee to promote better race relations in Jones County, Mississippi.

And then remarkably Tafel says:

> The judge who threw out the anti-Camp Sister Spirit case and rebuked homophobia from the bench in the Deep South over ten years ago deserves a promotion, not a rebuke.

That is what Tafel said.

I fear that the Judiciary Committee was not as fair to Judge Pickering's record. I am greatly disappointed and profoundly concerned for our country.

What is now occurring is far beyond the mere tug-of-war politics that unfortunately surrounds Senate judicial confirmation since Robert Bork. My Democrat colleagues are out to effect a fundamental change in our constitutional system. Rather than seeking to determine the judiciousness of a nominee and whether a nominee will be able to rule on the law or the Constitution without personal bias, my Democrat colleagues are out to guarantee that our judges are in fact biased. And certainly no person who holds certain religious convictions need apply.

In the America that the Senate Democrats would reshape, citizens will have to worry about the personal politics of the judge to whom they come for justice under the law.

The legitimacy of our courts, and especially the Supreme Court, comes from much more than black robes and a high bench. It comes from the people's belief that judges and justices will apply a judicial philosophy without regard to personal politics or bias.

What my Democrat colleagues are pursuing is an end to the independence of our judiciary with unforeseeable, unintended consequences to the strength of the Republic.

Today is the Ides of March. I would call on my Senate colleagues to "Beware." The fight they started with Judge Pickering is one that others may end. I hope, however, to quote Shakespeare further, that they have not crossed the Rubicon, that the die is not cast.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING SENATOR LEAHY AND THE JUDICIARY COMMITTEE

Mr. REID. Mr. President, I have sat in the Chamber for several hours, all last night and this morning, and when I have not been right here physically in the Chamber, I have listened to some of the statements that have been made regarding what the Judiciary Committee did yesterday; that is, do their job.

The main reason I am here—and it is coincidental my friend is in the building someplace; I saw him just a few minutes ago, Senator LEAHY, the chairman of the Judiciary Committee—during all this process, when the minority has been criticizing the committee, there has not been a word said about Senator LEAHY positive in nature.

I personally believe, speaking on behalf of 50 other Democrats—and if the truth were known, many of the Republicans—that there is not a Senator in this body who is held in higher regard than Senator LEAHY. But even if every Senator in the Senate had no regard for Senator LEAHY, the people of Vermont and the people of America hold him in high regard.

Here is a man who started talking about landmines and how bad they were before it became popular to do so. He was the first to speak out against landmines.

It is hard for me to get out of my mind a trip I took to Africa, Angola. Every place you go there, people are missing arms and legs. The No. 1 business is fixing people with prostheses, mainly women and children, because they are the ones who go out in the fields.

Senator LEAHY has spoken about landmines and our need to do something about them. And we have done things about them.

As to nutrition programs for children—principally children but also people less fortunate than everyone in this Chamber today—Senator LEAHY led the charge with Senators Dole and LUGAR to do something about nutrition programs so that this land of plenty should not have hungry children and people.

In talking about constitutional rights, there is no one—no one—who has been more protective of our Constitution than Senator LEAHY. The first amendment is something he is known for protecting.

Who was the one who slowed down the antiterrorism bill? It was done by Senator LEAHY. And after the bill was written, people gave him accolades for doing that. It was a good bill, and it was as good a bill as it was because Senator LEAHY had the guts—for lack of a better word—after September 11, to say: Whoa. This is the United States. We have a Constitution.

Probably the leading exponent of the Internet, other than Senator LEAHY, is the Presiding Officer, but Senator LEAHY was using his computer before I even knew what one was. He really was one of the first to use, in a modern way, the computer.

Now, the two of you—I am referring to Senator LEAHY and the Presiding Officer, Senator WYDEN—have done wonderful things as the co-leaders of a task force, assigned by Senator DASCHLE, to bring the Senate Democrats up to snuff on the new technology around the country. And a good job has been done there.

One of the really thankless jobs in the Senate is to be a chairman of the Foreign Operations Subcommittee of Appropriations. Senator LEAHY is a person who has a lot of seniority and would have his pick of many different subcommittees. There are 13 of them on Appropriations in the Senate. But he has taken the Foreign Operations Subcommittee because he believes it renders a service to this body, to the country, and the world. It is difficult, but he has been judicious in his leadership of that subcommittee.

I could go on and describe what Senator LEAHY has done that has made a difference in this country. But for people to criticize his chairmanship of the Judiciary Committee is something I will not allow to happen without speaking out.

I am not only proud of Senator LEAHY, but I am proud of the Judiciary Committee—not for what they did yesterday or did not do yesterday—because I am proud of the fact that they have tremendous responsibility.

When I served in the State legislature, I served on the Judiciary Committee. It seemed then, and it seems now in this body, that every difficult issue comes to the Judiciary Committee. Whether it is antiterrorism legislation, abortion matters, or judicial nominations, all the tough stuff comes to the Judiciary Committee. Those 19 people who serve on the Judiciary Committee have a very tough task, led by the senior Senator from Vermont.

(Mr. LEAHY assumed the chair.)

Mr. REID. I rise to defend the Senate Judiciary Committee, not for what they did or didn't do yesterday but because I believe they have a tremendously difficult job. I also wish to defend individually the members of the Judiciary Committee—the Democratic members specifically—on unfounded attacks against these men and women who voted their conscience on the nomination of a judge. This judge was being asked to be elevated to the second highest court we have. The only one above it is the Supreme Court. Reasonable people can disagree about whether this man deserved a promotion, given his record as a judge. I am terribly concerned, however, that some people, even some colleagues, are making this committee vote over one person into an unfortunately acrimonious fight.

It is not the vote of people of goodwill on the confirmation of a judge but the voices of anger and disappointment that will hurt our institution.

I hope we are not entering the era in which any disagreement is vilified and harsh, inappropriate rhetoric is employed to make points with the fringes. We have to have disagreements here. That is what this institution is all about. We have an aisle here that separates Democrats from Republicans. We have different philosophies about a lot of issues. The fact that there was a person who was not approved by a committee doesn't mean the institution is falling apart. It shows the strength of the institution. The American people should be glad we don't agree on everything.

I have heard a lot of talk, as I have listened since yesterday evening, about religion. I have had three Democratic Senators come to me and say they had no idea what Judge Pickering's religion was. I have since learned he is a Baptist. I don't think it had anything to do with what happened. I know it had nothing to do with what his religion is. I never heard it mentioned in the hearings I watched. It was not anything I read about in the newspaper. This is just a red herring people have thrown out to try to make this into a much more difficult situation than it should be.

Whether a nominee goes to a church, a temple, a mosque, or not, has not been used by Congress in the consideration of any judicial nomination, and it should not be. Article VI of the Constitution requires that no religious test shall ever be required as a qualification for any office or public trust under the United States. But the responsibility to advise and consent on the President's nominees is one that the Senators take very seriously.

I have attended meetings where individual Senators have been very concerned about what they do on any particular issue, whether it deals with antiterrorism, a specific part of that legislation, whether it deals with a specific matter dealing with abortion, or a judicial nomination. Some of our Democratic Senators have been receiving calls and criticism based on their religious affiliations.

The Judiciary Committee is made up of Catholics, Jews, Protestants. People who are Democratic members of that committee have been receiving phone calls since last night saying: You did this because you are a Jew; you don't like Baptists; you are Catholic; you don't like Baptists. This is really a big stretch.

There are strong views on both sides regarding this matter of yesterday. But so what? There is nothing wrong with that.

One of the subjects I want to touch on briefly today is to express some concern about statements from the administration, including from the President, that the Senate's treatment of judicial nominees "hurts our democracy." His statement is unsettling, unfounded, and it is a misunderstanding of the fundamental separation of powers in the Constitution, the checks and balances in the Founders' design.

In our democracy, the President is not given unchecked powers to pack the courts and give lifetime appointments to anyone who shares his view. Instead, the Constitution provides a democratic check on the power of appointment by requiring the advice and consent of the Senate.

This little document was given to me by Senator ROBERT BYRD. He signed this little worn document. It means a lot to me personally. I carry it with me almost every day. Sometimes I forget it, but not often. It gets in the way of a lot of things we try to do around here. The Constitution gets in our way because the Constitution prevents us from doing certain things.

We have three separate but equal branches of government. That is the way it is. This little document established three separate but equal branches of government. The legislative branch of government has all the power that the executive branch of government has and all the power the judicial branch of government has. We have responsibilities also given to us by the Constitution. For someone to say that the Senate's treatment of judicial nominees hurts our democracy is a terrible disappointment.

George W. Bush is President of the United States, not King of the United States. He is President Bush. He is President George, not King George.

I also want to take a minute and respond to the criticism that circuit court nominees are being treated unfairly. I believe nothing could be further from the truth. By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should. Unlike the many judicial nominees who did not get hearings or were accorded a hearing but were never allowed to be considered for a vote by the committee, we are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up-or-down vote.

Senator DASCHLE on this floor and in press conferences has said that we are not going to be in a payback mode. We are not going to treat them like they treated us. If we did, Judge Pickering would not have had two hearings. I said last night in closing, after I listened to all the speeches, as we were going out: Isn't it interesting the item of business today, Friday, that what we are going to do is a judicial approval. We voted on a judge. We approved an Arizona judge. Arizona has two Republican Senators. This is not payback time.

Until Judge Edith Clement received a hearing on her nomination to the Fifth Circuit court last year, there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995. If Senator LEAHY wanted to get even, he had a lot of even to get because he was not very well treated as a ranking member of that committee. In 1999 the Fifth Circuit declared an emergency because it had three vacancies that had not been filled. Last year, in 2001, we were able to confirm the first new judge in the Fifth Circuit in 6 years.

Jorge Rangel was nominated to the Fifth Circuit in 1997 by Bill Clinton and never received a hearing on his nomination or a vote by the committee—never. His nomination to a Texas seat on the Fifth Circuit languished without action for 15 months.

Enrique Moreno was first nominated to the Fifth Circuit in 1999 and never received a hearing on his nomination or a vote by the committee. His nomination to a Texas seat on the Fifth Circuit languished without action for 17 months.

H. Alston Johnson was first nominated to the Fifth Circuit in 1999 and never received a hearing on his nomination or a vote by the committee in 1999, 2000, or the beginning of 2001. His nomination to a Louisiana seat on the Fifth Circuit languished without action for about 2 years.

In contrast, under the Leahy-led Judiciary Committee, President Bush's nominees to the Fifth Circuit: Edith Brown Clement and Judge Pickering, were treated fairly. Both received hearings less than 6 months after their nominations. In fact, Judge Clement was the first Fifth Circuit nominee to receive a hearing since Judge James Dennis had a hearing when Senator BIDEN chaired the Judiciary Committee in 1994. She is the first person confirmed to that circuit since Judge Dennis's confirmation almost 7 years ago.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are, regrettably, ignoring recent history. At the end of the 106th Congress, December 15, 2000, there were 76 vacancies on the Federal courts. There were 80 when President Bush took office. There were an unusual number of retirements taken by Federal judges during the first 6 months of this Republican President. By the time the Senate was permitted to reorganize after change in minority, the number reached 111. Since then, 41 judicial nominees have been confirmed, and another one was confirmed this morning. there will be another one on Monday. There are currently nine vacancies due to retirements and deaths, but our rate of confirmation is greater than the rate of attrition. We have made more progress than was made in 4 of 6 years of Republican leadership.

On January 3 of last year, there were 26 vacancies on the Federal appellate courts, some of these seats had been vacant for years, since 1994, 1995, 1996, 1997, 1998, 1999, and 2000. Because of these long standing vacancies, President Clinton renominated nine court of appeals nominees who had either not been given a hearing or a vote by the Senate Judiciary Committee under Republican leadership. None of those nominees received hearings or votes last spring before the change in majority, and in fact no nominees were confirmed by the time the Democrats became the majority.

By the time the Senate was permitted to reorganize last summer there were 32 vacancies on the circuit courts. Since that time, an additional six vacancies have arisen on the circuit courts. In spite of the extraordinary rate of attrition since the presidential election, combined with the number of long-standing vacancies that were not acted upon during years of Republican control, we have kept up with the rate of attrition and exceeded it. We are doing what the Republican majority did not do: keep up with the rate of attrition and move in the right direction. While there are now 31 seats open on the appellate courts—most of which were left vacant by Republican tactics in the previous six years—seven nominees to the court of appeals have already been confirmed, and next week we will have a hearing on another circuit nominee who I hope will turn out to be uncontroversial and well regarded by people from both sides of the aisle. Our task is made easier when the President works with members of both parties to nominate consensus nominees who are not outside of the mainstream and whose record demonstrates that they will follow precedent—not try to find a way around it.

The one thing I have not mentioned, Mr. President, is not only have we had a change in leadership, but keep in mind what happened since the change in leadership: September 11. We didn't have places to hold hearings. I attended a hearing down here in the Capitol. People were jammed into this room. I don't think most people would have had the hearing. Senator LEAHY decided to have the hearing. If that wasn't enough, we had an anthrax scare that closed down our building, and 50 Senators in the Hart Building were told they couldn't come in and their staffs couldn't come in. That anthrax threat was directed toward Senator DASCHLE. Then we had one directed toward Senator LEAHY.

As I said as I began my remarks today, there should be accolades given to the chairman of the Judiciary Committee for what he has done to allow the process to proceed as fast as it has. Our friends on the other side of the aisle didn't even have excuses for holding up action. This Judiciary Committee has had lots of reasons for holding it up, but they pushed it ahead anyway. September 11, anthrax—they go ahead anyway.

Through the efforts of the Democratic Senators on the Senate Judiciary Committee 14 hearings have been held on judicial nominees. In only nine months of Democratic leadership, seven circuit court nominees have been confirmed. Only seven circuit court nominees were confirmed on average in each year of Republican leadership. During the Republican majority in the past six years, there was even one year in which no, zero, court of appeals nominees were voted out of Committee.

At the beginning of the year, Senate Judiciary Committee Chairman LEAHY outlined his plan to reform the process and practices used in the past, under Republican leadership, to deny Committee consideration of judicial nominees. Almost 60 judicial nominees never received a hearing by the Senate Judiciary Committee or received a hearing but were never voted on by the Committee. We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time.

Mr. President, I repeat, as a Senator, there is no more difficult committee on which to serve than the Judiciary Committee. The issues are complex, difficult, hard. But this Judiciary Committee is one that has done extremely well. And if there were a Super Bowl, this committee would be placed in it. If there were a coach of the year, it would be the chairman of the Committee, Senator PAT LEAHY.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. I thank the Chair.

(The remarks of Mr. SMITH are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SMITH of Oregon. I thank the Chair, and I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATES WITH MORE GUNS HAVE MORE GUN DEATHS AMONG CHILDREN

Mr. LEVIN. Mr. President, a few weeks ago the Harvard School of Public Health released a study that shows children are dying from gun violence at higher rates in States with higher levels of gun ownership. The study, "Firearm Availability and Unintentional Firearm Deaths, Suicide, and Homicide among 5 to 14 Year Olds," appears in the February 2002 issue of The Journal of Trauma.

According to Center for Disease Control and Prevention statistics cited in the study, only motor vehicles and cancer claim more lives than do firearms among children 5 to 14 years old. The Harvard study presents evidence of a correlation between the level of gun ownership in a State and the number of gun related deaths on the State level. The study asserts that children living in the five States with the highest levels of gun ownership were more than 16 times more likely to die from unintentional firearm injury, almost seven times more likely to die from firearm suicide and more than three times more likely to die from firearm homicide than children in the five States with the lowest levels of gun ownership.

Most fatal firearm accidents and suicides occur when children and teens discover firearms at home that have been left loaded or unsecured. The Child Access Prevention Act is a common sense approach that attempts to address one part of this problem. This legislation would hold adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition accountable. Adults who fail to lock up their firearm and ammunition would be held liable if the weapon was taken by a child and used to kill or injure another person or him or herself. The bill would also increase the penalties for selling a gun to a juvenile and create a gun safety education program that includes parent-teacher organizations and local law enforcement. The legislation is similar to a State law which President Bush signed into law during his tenure as the Governor of Texas. The Harvard study only reinforces my support for this legislation.

SETTLING THE SOFTWOOD LUMBER DISPUTE: POSSIBILITIES AND PROBLEMS

Mr. KYL. Mr. President, the Bush administration is currently involved in negotiations to settle a dispute regarding the importation of Canadian softwood lumber.

Softwood lumber is essential for building quality, affordable homes in the United States.

Its price and availability have a major impact on the U.S. economy, workers and consumers. The U.S. homebuilding industry employs 6.5 million people. The Census Bureau estimates a price increase of $1,500 for the average new home—expected if an export tax or duty is imposed on Canadian softwood lumber coming into the U.S.—which would prevent approximately 450,000 families from qualifying for a home mortgage. These families are likely to be less advantaged groups in the population.

Quite simply, Canadian softwood lumber is needed here. It has different qualities than the lumber produced in the U.S. and is used for different purposes. The southern yellow pine produced in the U.S. cannot replace Canadian spruce-pine-fir, which is used by American home builders for interior walls. These homebuilders use U.S. southern yellow pine for decks and flooring because of its strength and ability to accept hard treatment. But if southern yellow pine were used in interior walls, unlike Canadian spruce-pine-fir, it could twist, warp and shrink causing nails to "pop." Obviously, this would result in problems for home builders and consumers.

There are a number of proposed settlements that raise legal and practical concerns. These proposed settlements range from the imposition by the Canadian government of an "export tax" on the sale of Canadian lumber to U.S. companies, to mandated minimum prices established by both governments. Such settlements will cause volatility in lumber markets without adequately considering the disadvantages for U.S. consumers.

I urge the administration to base its decision on existing U.S. and international trade law, and I implore the administration to exclude from any settlement provisions that would impose a de facto, foreign country-imposed sales tax on U.S. homebuyers.

90TH ANNIVERSARY OF THE GIRL SCOUTS

Mr. ROBERTS. Mr. President, today I would like to recognize the Girl Scouts of America who are celebrating their 90th anniversary. As the largest organization for girls in the world, the Girl Scouts promote self confidence, values, integrity, and leadership. Through this worthwhile organization, girls are able to build character, skills for success, and have fun while doing it.

For a moment, I would like to brag about the Girl Scouts of Kansas. With over 40,000 girls and over 10,000 adult members in Kansas, the Girl Scouts are an active and necessary presence in my home State.

Throughout Kansas, the Girl Scouts are involved in various volunteer and community activities. Some programs include: Promoting anti-violence education; helping children of parents who are going through divorce; reaching out to immigrant children; organizing activities between girls and their incarcerated mothers; partnering with the Boys and Girls Club of America on various projects.

I am proud of all our Girl Scouts, most especially the ones in Kansas. Through the promotion of science, technology, health, fitness, and friendship, these girls will grow up to be outstanding young women. I commend all the Girl Scouts on their success and their commitment to this organization.

Ms. SNOWE. Mr. President, I rise today to recognize the 90th anniversary of the founding of the Girl Scouts, and congratulate the organization for its outstanding and unflagging efforts to make a positive impact on America's girls and young women for the past 90 years.

While the Girl Scouts Organization has successfully adapted to the changing times since its founding in 1912, thankfully its core values have remained the same, to teach young girls about their physical health and well-being, provide a place for them to acquire self-confidence and expertise, help them achieve their full potential, encourage them to act with integrity and character, and instill in them the importance of contributing to society and their community.

The Girl Scouts of Maine exemplify these values. In addition to fostering the programs that are at the core of girl scouting, the Girl Scouts of Maine have been visionary in creating an initiative to provide young girls, ages 9–12, education on bone health awareness. Considering that the National Osteoporosis Foundation recently found that 30 million women over the age of 50 have some form of osteoporosis, it is critical that girls learn to foster these healthy habits during their formative years.

In another example of the innovative work of the Girl Scouts of Maine, the Kennebec Council has launched the Women Investing In Girl Scouts, or WINGS, program. This effort strives to link Maine's vulnerable young girls with successful working women to provide these young girls with guidance and mentoring through their most pivotal and difficult years, in the hopes of decreasing the numbers of Maine girls who fall victim to eating disorders, drug and alcohol abuse, and illegal activity and providing a positive influence at a crucial time.

I was heartened to recently learn that one in every seven girls in the State of Maine participates in the Girl Scouts. That's over 12,000 girls, a remarkable level of participation in a State of just one-and-a-quarter million people. Worldwide, the Girl Scouts boast a thriving membership of 3.8 million strong, and this membership continues to grow and prosper.

I again want to congratulate the Girl Scouts for 90 years of success, and wish the organization all the best as it embarks on its next 90 years.

Mr. KOHL. Mr. President, I rise today to enthusiastically commend the good work of the Girl Scouts of the USA, on this week of their 90th Anniversary. For nine decades, this organization has been instrumental in the nurturing and development of millions of American youth in all communities, reaching beyond racial, ethnic, and socioeconomic barriers. Today, Girl Scouting has a membership of 3.8 million, making it the largest organization for girls in the world. In my home State of Wisconsin, there are 77,000 girls, one in five, who currently participate in Scouts.

One cannot quantify the positive impact the Girl Scouts have had on this country and our youth. Countless girls have emerged from this wonderful organization with the qualities and values we hope our children will embody. Countless girls have left Scouts strong and confident; thoughtful and creative; dedicated and involved; responsible and trustworthy. Countless girls have used their experiences in Scouts to develop a deep sense of justice, honor and integrity. Countless girls have matured into role models, leaders and public servants in their communities. I have had the pleasure of talking with numerous Girl Scouts and Girl Scouts alumni who have described the positive role Scouts has played in their lives. There are so many more stories that have, and can, be told about the extraordinary impact this organization has had.

I believe the best example of what the Girl Scouts represent is the Girl Scout Gold Award Young Women of Distinction. Each year, 10 young women receive this achievement, the organization's highest, for their exemplary sense of community service. I am proud to recognize one of those women: Elsa, a 17-year-old, who hails from

Shorewood, WI. Elsa established the Avenue Store, a clothing ministry for low-income individuals in the Milwaukee area. As chairman of the board of the store, Elsa worked with a board of adults, established guidelines for the store, and designed and implemented a voucher system for obtaining clothes. She also worked with more than 60 schools and agencies in her community and trained over 50 volunteers. In the project's first year, the Avenue Store served over 500 people from several homeless shelters. Elsa is a fine citizen, who embodies the profound impact Girl Scouts have on their community and society.

Today, Girl Scouts of the USA continues to flourish, helping millions of girls grow strong. Girl Scouts continues to empower girls to develop their full potential; to relate positively to their peers; and to develop values that provide the foundation for good decision-making. It is my great honor to congratulate the Girl Scouts for 90 years of strengthening America's youth, and I wish them all the best as they extend this tradition for 90 years and beyond.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in August 1991 in Longview, WA. A gay man was beaten by two attackers. The assailants, Mark H. Granger, 27, and Michael J. Watts, 39, were charged with first degree assault in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

THE 99th BIRTHDAY OF REAR ADMIRAL ELLIOTT BOWMAN STRAUSS, USN (Retired)

• Mr. MCCAIN. Mr. President, I rise today to speak on the occasion of the 99th birthday of a true American patriot Rear Admiral Elliott Bowman Strauss, USN (Ret.). His lifetime of extraordinary service to this great Nation has been an inspiration to us all.

Elliott Bowman Strauss was born in Washington, DC on March 15, 1903, son of the late Admiral Joseph Strauss, USN, and Mrs. Mary Sweitzer Strauss, and grandson of the late Brigadier General N. B. Sweitzer, USA. He attended Hotchkiss School in Lakeville, CT, and entered the U.S. Naval Academy, Annapolis, Maryland, on appointment at large in June 1919. He was graduated and commissioned Ensign on June 7, 1923, and subsequently progressed in rank to that of Captain, to date from May 1, 1943. On July 1, 1953, he was transferred to the Retired List of the U.S. Navy and advanced to the rank of Rear Admiral on the basis of citation for actual combat.

After graduation from the Naval Academy in June 1923, he had four months' duty in the Bureau of Ordnance, Navy Department, Washington, DC, then reported to the plant of William Cramp and Sons, Philadelphia, to assist in fitting out the USS *Concord*. He served on board that light cruiser from her commissioning, November 3, 1923, until September 1925, during her shakedown cruise to South Africa. He next served in the USS *Hannibal*, assigned to survey duty on the southern coast of Cuba, and from November 1926 until November 1927, served in the USS *Arkansas*, flagship of Battleship Division Two, Scouting Fleet.

He remained at sea for 2 years, serving successively in the destroyers *Toucey* and *Blakeley*, then had a tour of shore duty at the Naval Torpedo Station, Newport, Rhode Island. In June 1932, he joined the USS *Manley*, operating in the Atlantic, and later in the Pacific, and from May until September 1934 served as her Executive Officer. He returned to Newport for a tour of duty at the Naval Training Station after which, from November 1935 until September 1937, he was Assistant U.S. Naval Attache at the American Embassy, London, England. While there he was a Delegate to the Third Assembly, International Union of Geodesy and Geophysics, at Edinburgh, in 1936, and on May 12, 1937, was awarded the British Coronation Medal at the coronation of King George VI of England.

Upon his return to the United States in the Fall of 1937, he was designated Aide and Flag Lieutenant on the Staff of Rear Admiral Alfred W. Johnson, USN, Commander Training Detachment, U.S. Fleet, and was attached to the flagship, USS *New York*. He later served in the same capacity when Admiral Johnson was made Commander Atlantic Squadron, U.S. Fleet. During the period October 1939 until December 1940, he commanded a destroyer, the USS *Brooks*, after which he served as Navigator of the USS *Nashville*, light cruiser, until October 29, 1941, participating in the expedition which took the first Marines to Iceland in July 1941.

He returned to London, England as U.S. Naval Observer just prior to the outbreak of World War II in December 1941, and served on the staff of Admiral Lord Louis Mountbatten, Chief of Combined Operations, during the early war period, taking part in the Allied raid on Dieppe, August 19, 1942. In November 1943, he reported to Commander U.S. Naval Forces, Europe, and was assigned duty with Task Force One Hundred Twenty-two, later serving on the Staff of the Allied Naval Commander in Chief, Admiral Sir Bertram Ramsey, until August 1944.

He was awarded the Bronze Star Medal, with Combat "V", and the following citation: "For meritorious achievement as the United States Naval Representative on the Staff of the Chief of Combined Operations in the Dieppe Raid, and while serving on the Staff of the Allied Naval Commander in Chief during the Invasion of Normandy. Embarked as an observer in a British destroyer which rendered close fire support during the Allied raid on Dieppe on August 19, 1942, Captain (then Commander) Strauss obtained information of great value to the United States and Great Britain in the planning and execution of subsequent operations. Ordered to the Normandy beaches on D plus 2–Day, he applied his comprehensive knowledge of the build-up procedure in solving far shore shipping problems which threatened to delay the operation. Serving with distinction, skill and courage despite enemy air and ground attack throughout these missions to halt German aggression, Captain Strauss upheld the highest traditions of the United States Naval Service."

On October 12, 1944, he assumed command of the USS *Charles Carroll*, an attack transport which finished her share of the follow-up operations in connection with the Southern France campaign, and sailed on October 25 for Norfolk, Virginia. Assigned to Transport Division Fifty-two, Pacific Fleet, she left on January 4, 1945, for the South Pacific, carrying supplies and personnel to Guadalcanal, Manus and Bougainville. In February, with Transport Squadron Eighteen, she became a part of Amphibious Group Four, Task Force Fifty-one, in preparation for a major operation, and on April 1, 1945, successfully landed her assault troops and their equipment on the designated beaches at Okinawa Jima. She had aboard the late Ernie Pyle, beloved newspaper man who covered her assault operations in his articles shortly before his death. The *Charles Carroll* served as Flagship of Commander Transport Division Sixty-three from May until July 1945.

Detached from that command on August 6, 1945, Rear Admiral, then Captain, Strauss returned to the United States for duty in the Office of the Chief of Naval Operations, Navy Department, Washington, DC. From July until September 1946, he was attached to the Military Staff Committee of the

Security Council of the U.S. in New York serving as a naval advisor to the First General Assembly of that body in January 1946, then reported to the Federal Shipbuilding and Drydock Company, Kearney, New Jersey. There, he had charge of fitting out the USS *Fresno*, CL–121, and from her commissioning on November 27, 1946, until December 1947, commanded that light cruiser.

He returned to London, England, and from January 6 to December 10, 1948, was a student at the Imperial Defense College. In February 1949, he reported to the Navy Department to serve as Head of the Strategic Applications and Policy Branch of the Strategic Plans Division, under the Deputy Chief of Naval Operations, Operations. Two years later he was detached for sea duty organizing and in command of Destroyer Flotilla Six, and in March 1952 was again ordered to the Office of the Chief of Naval Operations where he was Head of the Long Range Plans Branch.

On August 11, 1952, he was ordered to the Office of the Deputy for Defense Affairs, Office of Special Representative in Europe for Mutual Security Administration, Paris, France. On September 28, 1953, after his retirement in July of that year, he was ordered detached from that assignment, but to continue duty in Paris as Staff Assistant Secretary of Defense for International Security Affairs, Office of Foreign Economic Defense Affairs, with his duty station in the U.S. Mission to NATO and European Regional Organization, Paris.

From August 1956 until March 1957, Rear Admiral Strauss was Director of Engineering at Bucknell University, Lewisburg, PA.

On April 6, 1957, Rear Admiral Strauss was named Chief of the new American Foreign Aide Mission to Tunisia. There he directed a $5.5 million program providing commodities and technical assistance for the rest of the fiscal year ending June 30, a program which in 1958 had risen to more than $20 million, and by the time of his detachment in August 1960, had put more than $100 million into the Tunisian economy. In 1960, he served as personal representative of the Secretary of State as a member of a three-man team to evaluate the effectiveness of the Mutual Aid program to Pakistan, this assignment extended from September 1960 to January 1961. In January 1961, Rear Admiral Strauss initiated, as Director, the A.I.D. mission to the Malagasy Republic and served there until February 1963. He retired from A.I.D. in May 1963. In July 1965, Rear Admiral Strauss became a public member of the Foreign Service Inspection Corps. He was a member of the team inspecting Embassy, Tel Aviv and Consulate General Jerusalem, July—September 1965.

In addition to the Bronze Star Medal with Combat "V", Rear Admiral Strauss has the American Defense Service Medal; European-African-Middle Eastern Campaign Medal; Asiatic-Pacific Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; and National Defense Service Medal. He was made an honorary Commander of the Order of the British Empire and has the Croix de Guerre of France, with palm.

Rear Admiral Strauss was married in 1951 to Miss Beatrice Schermerhorn Phillips, daughter of former Ambassador and Mrs. William Phillips of Beverly, MA. He has three children by a former marriage: Elliott MacGregor Strauss, Armar Archbold Strauss, and Lydia Saunderson Strauss Delaunay. His usual residence is Washington, DC.

Rear Admiral Strauss is a member of the Pilgrims of the United States, the Chevy Chase Club and Army and Navy Club of Washington, DC; the New York Yacht Club; and the Buck's Club, and the International Sportman's Club, both of London, England.•

TRIBUTE TO HOOSIER ESSAY CONTEST WINNERS

• Mr. LUGAR. Mr. President, I rise today to congratulate a group of young Indiana students who have shown great educative achievement. I would like to bring to the attention of my colleagues the winners of the 2001–2002 Eighth Grade Youth Essay Contest which I sponsored in association with the Indiana Farm Bureau and Bank One of Indiana. These students have displayed strong writing abilities and have proven themselves to be outstanding young Hoosier scholars. I submit their names for the Congressional Record because they demonstrate the capabilities of today's students and are fine representatives of our Nation.

This year, Hoosier students wrote on the theme, "World-Wide Meals from Hoosier Farms." I submit for the Record the winning essays of Crista Dismore of Scott County and Joseph Jochim of Gibson County. As State winners of the Youth Essay Contest, these two outstanding students are being recognized on Friday, March 15, 2002 during a visit to our Nation's Capitol.

The essays follow:

World-Wide Meals From Hoosier Farmers

(By Christa Dismore, Scott County)

Indiana farms can contribute significantly to the production of food for people around the world. Agriculture in Indiana is a large industry with 65,000 farms containing 15.5 million acres of farmland. Hoosier farmers will use new technologies to increase their crop yield, produce healthier food, and sell their crops to more specialized markets.

Farming is becoming more like science. In Indiana, corn production is king. Through improvements in technology such as new equipment, safer pest control, and hybrid seed the yield per acre has increased from 40 to 150 bushels per acre. Also, the farmers will be able to raise livestock that is less fattening for our bodies because of a new science, genomics, which allows researchers to make changes in plants and animals. This technology will be important in keeping Indiana a leader in food production since Indiana farmers supply our dinner tables with bacon, eggs, steaks, and milk. Indiana farms will become more specialized in that they will only raise one type of animal instead of a variety of animals. An example is Rose Acre Farms in southern Indiana which raises chickens to produce eggs.

Indian agriculture affects my daily life because my grandfather grows a large garden and my father sells farming equipment. I eat tomatoes, corn, green beans, potatoes, beets and broccoli from the garden. My dad tells me abut tillers, loaders, backhoes, and trailers that farmers use. In Austin, Indiana, Morgan Foods is one of the nation's largest condensed soup manufacturers and many of my friends' families work there.

Hoosier farmers will do their part in providing the world with food. Indiana has three of the most well-known research universities, a prominent agricultural school, and many science-based companies that will help Indiana to become a leader in meeting the world-wide demands on the food supply.

World-Wide Meals From Hoosier Farms

(By Joseph Jochim, Gibson County)

As I sit next to my Dad in his combine, I watch as it husks, shells, and cleans the bright yellow kernels of corn. I'm amazed at the large amount of corn, soybeans, and wheat he can grow and harvest to help feed our world. He pays close attention to the markets world-wide as well as international trade agreements between countries that affect our prices.

Indiana, as well as the rest of the U.S. grain belt states, supply two-fifths of the world's supply of corn. Corn is Indiana's leading crop. Much of this corn is fed to Indiana's livestock like hogs, cattle, and poultry. This meat is exported to countries like Japan, Canada, China, and Mexico. Since October 1, 2001, we had corn sales to South Korea, Russia, Israel, Uganda/Angola, and Montenegro. Locally, Azteca Milling processes white corn purchased from area farmers into white flour. This is sold world-wide for products like tortillas and tamale shells.

Soybeans are another of Indiana's valuable farm products. So far this year, sales of our soybeans have increased to Indonesia, Canada, China and Mexico. We also export soybeans to Japan, Algeria, South Korea, Peru, and China.

With increasing technology, mechanization, productivity, and soil conservation, Indiana's farmers are increasing their yields. Improvements and discoveries in genetics and plant breeding are helping us to produce more nutritious foods that require less pesticides and herbicides. For example, in Indiana we commonly use soybeans resistant to the herbicide Roundup. Therefore, less herbicide, field cultivating, and fuel is used.

In addition, Indiana helps supply whole meal food assistance to the needy in areas like Southeast Asia.

I'm proud that Indiana and my dad help produce whole meals like grains, vegetables, fruit, dairy products, and meats to feed the world's growing population.

2001–2002 District Essay Winners

District 1: Eric Jensen (Starke County) and Anne LaFree (St. Joseph County).

District 2: Zach Heimach (DeKalb County) and Melinda Hohler (DeKalb County).

District 3: Kevin Lange (Benton County) and Brittany Scherer (Benton County).

District 4: Aaron Poole (Jay County) and Heather Meitzler (Huntington County).

District 5: Jason Allen (Vermillion County) and Marina Nicholson (Morgan County).

District 6: Aaron Nees (Marion County) and Hillary Foltz (Delaware County).

District 7: Matt Steves (Greene County) and Christina Riggle (Daviess County).

District 8: Greg Rennekamp (Rush County) and Lauren Haas (Franklin County).

District 9: Joseph Jochim (Gibson County) and Lynn Fletcher (Warrick County).

District 10: Jonathan Raichel (Scott County) and Christa Dismore (Scott County).

2001–2002 COUNTY ESSAY WINNERS

Bartholomew: Sarah Michael and Sam McAleese, St. Bartholomew Catholic School.

Benton: Kevin Lange and Brittany Scherer, Benton Central Jr. HS.

Cass: Heath Karnafel and Kayla Somers, Columbia Middle School.

Clay: MacKenzie Watson, Clay City Jr. HS.

Daviess: Christina Riggle, Washington Jr. HS.

Delaware: Zachary Rabenstein and Hillary Foltz, Heritage Hall Christian School.

DeKalb: William Zachary Heimach and Melinda Hohler, DeKalb Middle School.

Franklin: Andrew Sparks, Laurel School, and Lauren Haas, St. Michael School.

Gibson: Joseph Jochim, Owensville Community School.

Greene: Matt Steves, Linton-Stockton Jr. HS, and Laura Bartlow, Calvary Christian School.

Hamilton: Brett Finkelmeier and Claire Harwood, Carmel Jr. HS.

Hancock: Curtis Merlau, Greenfield Middle School.

Hendricks: Chris Beard and Jana Emmelman, Kingsway Christian School.

Henry: Brian Butler and Amy Wenning, Tri Jr. HS.

Howard: Eric Talbert and Rachele Carter, Western Jr. HS.

Huntington: Heather Meitzler, Huntington Catholic School.

Jackson: Ryan Hirtzel and Laura Kilpatrick, Seymour Middle School.

Jasper: Jason Simmons and Amy Streitmatter, Rensselaer Middle School.

Jay: Aaron Poole and Shannon Rines, East Jay Middle School.

Knox: Martha Vance, North Knox Jr. HS.

Lake: Matt Trocha, DeMotte Christian School, and Stephanie Strnatka, St. Michael School.

Madison: Aron Brown and Alison Denny, Southside Middle School.

Marion: Aaron Nees and Tracy Horan, St. Jude School.

Monroe: Brandon Petesch, Batchelor Middle School.

Morgan: Matt Gegg and Marina Nicholson, Mooresville Christian Academy.

Posey: Kelley Clem, North Posey Jr. HS.

Rush: Greg Rennekamp, Benjamin Rush Middle School.

St. Joseph: Michael Chartier, St. Matthew Cathedral School, and Anne LaFree, Jackson Middle School.

Scott: Jonathan Raichel and Christa Dismore, Austin Middle School.

Spencer: Matt Kaufman and Breanna Faulkenberg, Heritage Hills Middle School.

Starke: Eric Jensen and Andrea Bastin, Oregon-Davis Jr. HS.

Vanderburgh: Chris Mutschler, St. James School.

Vermillion: Jason Allen and Elisha Marie Chancey, North Vermillion Jr. HS.

Wabash: Cody White and Erica Grossman, Northfield Jr. HS.

Warrick: Nathan Rice and Lynn Fletcher, Boonville Jr. HS.

Washington: Casey Nesmith and Casey Parker, West Washington Jr. HS.

Wayne: Timothy Mosley and Kaitlin Vaughn, Centerville Jr. HS.

Wells: Nathan Meyer and Janelle Meyer, Bethlehem Lutheran School.●

PASSING OF JOHN M. EISENBERG

● Mr. FRIST. Mr. President, John Eisenberg, director of the Agency for Healthcare Research and Quality, AHRQ, succumbed to a brain tumor this past Sunday. Although John had battled his illness for months, his death was a disturbing shock to many. He had done so much to improve healthcare in this Nation, and I know there was much more he wanted to do. Still, John leaves a legacy—both professional and personal—so large that it cannot and will not be forgotten.

John Eisenberg was an outstanding public servant. He did not play partisan politics. Nor could he be corrupted by power. Simply put, he was passionate about people. It was his mission to improve the quality of health care in America. He dedicated his life to that mission as the director of the Agency for Healthcare Research and Quality, as a founder of the Congressional Physician Payment Review Commission, and as a member and leader of countless other societies, associations, and institutes. For John, public service was more than his job; it was his life's calling, which he answered with distinction and excellence.

I consider myself privileged to have worked with John Eisenberg for many years and on many issues. He taught me so much not just about improving the quality of healthcare, but about being a leader by transforming the way people think about issues and institutions. I know he had an impact on leaders in all branches of government, and men and women at all levels of government respected him. And as for the medical community: John was one of them. I have heard this often and, even with the event of his passing, I still hear it today.

As a physician, John Eisenberg saved the lives of many. As a leader, he enhanced the lives of millions. As a friend, he touched the lives of us all. The largeness of his life and legacy will endure in our memories and warm our hearts for many years to come. John Eisenberg will be known as more than one of the good ones, but one of the best there ever was and ever will be.●

MESSAGE FROM THE HOUSE

At 11:23 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2146. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children.

MESSAGES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2146. An act to amend title 18 of the United States Code to provide life imprisonment for repeat offenders who commit sex offenses against children; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5733. A communication from the Assistant Director, Office of General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Personal Property" ((RIN1120–AA46) (64 FR 36750)) received on March 14, 2002; to the Committee on the Judiciary.

EC–5734. A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Exemption Amendments Under 18 U.S.C. 208(b)(2)" (RIN3209–AA09) received on March 14, 2002; to the Committee on Governmental Affairs.

EC–5735. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report on the certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5736. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Schedule of Fees for Consular Services, Department of State and Overseas Embassies and Consulate" (22 CFR Parts 22, 41, 42, and 51) received on March 14, 2002; to the Committee on Foreign Relations.

EC–5737. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002–3" received on March 12, 2002; to the Committee on Finance.

EC–5738. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Check the Box Regulations, section 301.77701–3" ((RIN1545–AY16) (TD 8970)) received on March 12, 2002; to the Committee on Finance.

EC–5739. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Waiver of Certain Accuracy-Related Penalties Upon Disclosure of Tax Shelter" (Ann. 2002–2, 2002–2 IRB) received on March 12, 2002; to the Committee on Finance.

EC–5740. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Requirement Relating to Certain Exchanges Involving a Foreign Corporation" ((TD 8938) (LR–230–76)) received on March 13, 2002; to the Committee on Finance.

EC–5741. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Average of Farm Income" ((RIN1545–AW05) (TD 8972)) received on March 13, 2002; to the Committee on Finance.

EC–5742. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Dollar-Value LIFO Regulations; Inventory Price Index Computation Method" (RIN1545–AX20) received on March 13, 2002; to the Committee on Finance.

NOMINATIONS DISCHARGED

The following nominations were discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of March 15, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Maribeth McGinley, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Andrew Ladis, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Wright L. Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG:

S. 2020. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

By Mr. ENZI:

S. 2021. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BOND (for himself and Mr. GRASSLEY):

S. 2022. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. BOND, Mr. HUTCHINSON, and Mr. SMITH of Oregon):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in expensing under section 179; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2024. A bill to amend title 23, United States Code, to authorize use of electric personal assistive mobility device on trails and pedestrian walkways constructed or maintained with Federal-aid highway funds; to the Committee on Environment and Public Works.

ADDITIONAL COSPONSORS

S. 159

At the request of Mrs. BOXER, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 159, a bill to elevate the Environmental Protection Agency to a cabinet level department, to redesignate the Environmental Protection Agency as the Department of Environmental Protection Affairs, and for other purposes.

S. 490

At the request of Mr. EDWARDS, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 490, a bill to provide grants to law enforcement agencies that ensure that law enforcement officers employed by such agencies are afforded due process when involved in a case that may lead to dismissal, demotion, suspension, or transfer.

S. 1258

At the request of Mr. DORGAN, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1335

At the request of Mr. KENNEDY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1335, a bill to support business incubation in academic settings.

S. 1617

At the request of Mr. DODD, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1876

At the request of Mrs. CLINTON, the name of the Senator from Alaska (Mr. MURKOWSKI) was added as a cosponsor of S. 1876, a bill to establish a National Foundation for the Study of Holocaust Assets.

S. 1961

At the request of Mr. GRAHAM, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1961, a bill to improve financial and environmental sustainability of the water programs of the United States.

S. 1984

At the request of Mr. BUNNING, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1984, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 1991

At the request of Mr. HOLLINGS, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from North Dakota (Mr. DORGAN), and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. 1995

At the request of Ms. SNOWE, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1995, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. RES. 206

At the request of Mr. MURKOWSKI, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. Res. 206, a resolution designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S.Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG:

S. 2020. A bill to establish the Department of National Border Security; to the Committee on Governmental Affairs.

Mr. GREGG. Madam President, I rise today to introduce a piece of legislation which tries to address one of the oppressive problems we have in confronting the issues of terrorism in our country as we move forward; that is, checking our borders and making sure we have control over the people who are coming into our country and how they can come into our country.

As a nation, we have traditionally had very open borders, which is something in which we take great pride. Unfortunately, people who wish to cause us harm, people who wish to kill Americans, people who wish to kill Americans by the thousands, and who have stated that their sole purpose in life is to kill Americans, have taken advantage of that openness. Certainly we saw on September 11 the situation that occurred.

We have 100,000 miles of coastline, 2,000 miles of land border with Mexico, and 4,000 miles of land border with Canada. Last year, we had 127 million automobiles come across those borders, 11 million trucks, 2 million railcars, and 1 million commercial airplanes. More than 500 million people were admitted to the United States last year. You can see that our borders are aggressively used.

There is great international commerce, which there should be, and we want to continue that. But one of the problems we have is that the agencies responsible for managing our borders have been disoriented, dysfunctional, spread about, and uncoordinated. We have seen some really horrendous instances of mismanagement. We have also seen instances that have occurred as a result of failure of communication. We have seen failures that have occurred as a result of turf fights between different agencies. We have seen agencies which have found their purpose to be unfocused in their execution of the protection of the borders.

The most recent and startling and almost unbelievable example, of course, was the delivery of visas to a Florida flight school just this week for two people who committed the atrocities in New York. America is outraged. Clearly, the President was shocked. All of us were shocked that that would happen. That was a total example of an incredible breakdown in the systems which are managing our borders; that is, the INS.

What I propose today is to try to get some coherence into this effort, to bring together the agencies which are responsible to protect our borders, to put them all under one management structure, and to create a new Cabinet-level Department, which would be called the "Department of National Border Security."

Under this Department, we would take the various agencies which have responsibility for managing our borders and protecting our Nation and put them into this Department so that they would be communicating with each other and have a streamlined management and command process—something which they do not have today.

Included in this Department would be, for example, the U.S. Customs Service, the U.S. Coast Guard, large elements of the Immigration and Naturalization Service, including, of course, Border Patrol, and elements of the DEA which have responsibility for border security in the area of drugs, and the Agriculture Quarantine Inspection Program, which obviously controls food that comes into the country.

The result of putting all these groups together in one management structure will be that there will be, hopefully, a coordinated approach to managing our borders. It doesn't guarantee it. But it is very clear that the system we have today, because of the lack of coordination, because of the overlapping authority, because of the turf issues, and because of the lack of centralized directional command is not working.

I happen to be ranking on a committee which has specific jurisdiction over funding for the Justice Department and the State Department and which has a large percentage of responsibility for our border activities, especially the INS. I can tell you from my own experience as the ranking member, and formerly as chairman, of that Subcommittee on Commerce, Justice, State, and the Judiciary of the Appropriations Committee, that unless we get these parties together functioning under one umbrella of leadership, we are simply not going to get our borders under control.

Is this the full answer to the problem—the reorganizing of these Departments? Absolutely not. There also has to be the intention on the part of the parties who are serving these Departments to accomplish the goal. There has to be leadership on the part of the administration to accomplish the goal of border security and making it more efficient.

But as a practical matter, without this first step I personally do not think we are ever going to get the type of coordination that is required in order for leadership in this area to be effective.

What we have today in this arena is that these various Departments are spread across the Government. On top of it, we have each reporting to a separate Department Secretary. On top of that, we have the Homeland Security Director, of course. Overseeing all of it, we have the President. As a result, even though everybody wants to go in the same direction, it is like six or seven horses pulling in opposite directions. By bringing them all under the same tent, we will have a centralized activity.

We should not, for example, be housing the Customs Service in one building, the Border Patrol in another building, the DEA in another building, and have them not generally communicating with each other at a border crossing point; or have the resources of one agency be in surplus at one border crossing point while the resources of another agency are strapped at the same crossing point and not having them be able to work together to try to more effectively manage those resources so that we get the most efficient use out of the people, the parties, and the items involved.

All of that problem which exists today with tremendous dysfunctionalism between these various agencies as they try to relate to each other, all of that problem is a function of the fact that they all report up separate stovepipes, and the only generally coordinating event that occurs comes from the President and the new Homeland Security Director. But that person, Governor Ridge, has no legislative authority and no budget authority. Therefore, as a practical matter, other than having the good will of the President behind him, he does not have a whole lot of authority.

So when you have one Department over here—let's say, Treasury, with Customs—and one Department over here—let's say, INS, with the Border Patrol, and Justice heading that Department up—you tend to have people who are functioning independent of each other, who, although they may have the good intentions to communicate with each other, really do not and do not work effectively as a result of that. We do not get the best responsiveness.

So it is just logic, it is just good governance, and, for that matter, good management—which I recognize maybe is anathema to government—that all the people who are responsible for one function of the Government, which is protecting our borders, be functioning under the same leadership structure and, therefore, reading off of the same page. That is what this new Department will create.

This new Cabinet level Department will set up a structure where everybody who is responsible for the border will report to a single Cabinet leader and, as a result, will be functioning off the same page relative to the way the border is managed. Hopefully, then we will be getting the most efficient and effective use of those people who are making a genuinely good effort today but a lot of which is involving just the spinning of wheels because of the lack of coordination. Then we will get coordination into that good effort and, as a result, get better border protection.

This is a thought which is not necessarily original to me. However, it is obvious to me. As the ranking member and former chairman of the committee which has jurisdiction over a chunk of this area of responsibility, it is something I believe we need to do. I believe there are other groups who have looked at the border who have agreed with this approach.

The Third Annual Report to the President and the Congress of the Advisory Panel to Assess Domestic Response Capabilities for Terrorism Involving Weapons of Mass Destruction, which essentially was Governor Gilmore's commission, came to the same conclusion: that there had to be a better centralization. They did not do it in the terms of forming a new Department, but they came to the same substantive conclusion that there had to be a better coordination, collection, and organization of the information coming into the country and of the tracking of people coming into the country.

The Hart-Rudman Commission, Roadmap to National Security, Imperative for Change, which reported on February 15, came to the exact conclusion that I am proposing in the bill:

> Steps must be taken to strengthen the three individual organizations themselves.

They were talking here about Customs, Border Patrol, and the Coast Guard.

> We recommend the creation of an independent Homeland Security Agency with responsibility for planning, coordinating, and integrating various U.S. Government activities involving homeland security.

This does not go completely to that point, but it goes a long way in the area of border activity in that it creates a Centralized Border Center. They also suggested that that group, which they called the Homeland Security Agency, should include the Coast Guard, the Customs, the Border Patrol, and it should have Cabinet level operational effect.

Even the White House has acknowledged there is a lack of coordination in this area. It was interesting, in relation to that, Governor Ridge made the statement: If you asked me today who is responsible for the border, I would say to you, in response, what part of the border? The borders remain disturbingly vulnerable to terrorism. There is no direct line of accountability for agencies charged with protecting them.

So I think Governor Ridge clearly sees the problem as I see it, which is that we do not have a coordinated central management point for all border crossing activity. It makes no sense to have Customs in Treasury, INS in Justice and DEA in Justice, and the Coast Guard over in Transportation with no coordinated central management point for all border crossing activity. When these agencies serve to protect the border as their primary responsibility, and with the threat of terrorism that we confront today, they should clearly be together managing the issue of protecting our border as a coordinated unit under a Cabinet level Secretary.

That is what the legislation which I am introducing today does.

By Mr. ENZI:

S. 2021. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, I appreciate this opportunity to speak this morning. I will speak on a favorite topic of our area of the country, the packer concentration. It is a huge problem for our ranchers in keeping them from getting what they should be getting for raising the livestock for this country. So I rise to introduce a bill that amends the Packers and Stockyards Act to reform livestock formula price contracts. This bill aims to rid the livestock industry of pricing schemes which take advantage of hard-working ranchers. It requires contracts to contain a fixed base price and to be traded in open public markets.

Currently, there are four packers that slaughter 80 percent of the cattle in the United States. They hold the supply of livestock captive in a number of ways.

Captive supply is when packers either own livestock or contract to purchase livestock more than 2 weeks before slaughter. Packers use captive supply to ensure their slaughter lines have consistent inventory. I will not argue with that original goal, for that goal. Captive supply makes good business sense. All businesses want to maintain a steady supply of inputs to ensure their production and control costs.

But packers go beyond good organization and business performance to market manipulation. I have been working on this problem for 5 years and, so far, all we have been able to do is prove that there is a packer concentration.

With captive supply, packers can purposefully drive down the market price by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers who have not aligned with specific packers.

Most of us have not signed a formula price contract to sell a load of livestock, but many of us have sold a house. To illustrate the seriousness of this problem, and make it a little easier to understand, let's explore how you would sell a house with a formula price contract in a market structured like the current livestock market.

It is March, and you know you will be selling your home in July. As a wise seller, you want to have a buyer for your home before that time. Now, what if it turns out that the other people do not really buy homes from each other anymore, and what if, in fact, you found out there were only four main companies that handled over 80 percent of all of the real estate transactions? You would have no choice but to deal with one of those companies.

Now, one of them would offer you a contract stating that you will receive $10,000 over the average price of what other similar homes are selling for in your area in July. Sounds like a good deal, doesn't it?

To manage your risk and ensure a buyer, you have been practically forced to sign a contract that does not specify how much you will receive. It says you will receive $10,000 over the average price at that time. There should be a tingle of fear in the pit of your stomach and it will mature to full-fledged panic when you close the deal in July. This is why. The four real estate companies have been planning. They decide to pull away from the market so all the home selling in July that is not contracted to these four companies floods the market and the price for homes in your area drops $12,000.

What have you done? By trying to manage your risk in a limited market, you sold your home for $2,000 less than what the average price should have been, if there would have been a normal open market such as we have in the housing market.

Livestock producers face that same problem. Yesterday there were 91,906 head of cattle arriving at packing plants for slaughter. Forty-four percent of those were bought by a formula price marketing arrangement. Now you know what that means.

Just like the housing example, the money that producers lose in formula price contracts adds up over a year. When totaled, captive supply costs producers an estimated average of $1 billion per year, according to a study done by an Oregon State University professor.

I am sure you didn't notice when you went to the grocery store to buy your beef that the price was lower because it is not. The packer concentration controls the price at that end, too.

Another Senator from Wyoming faced the same concentration of market power in the packing industry 80 years ago. A predecessor to the Senate that held the seat I hold now, Senator John B. Kendrick, said:

> [The packing industry] has been brought to such a high degree of concentration that it is dominated by a few men. The packers, so-called, stand between hundreds of thousands of producers on one hand and millions of consumers on the other. They have their fingers on the pulse of both the producing and consuming markets and are in such a position of strategic advantage they have unrestrained power to manipulate both markets to their own advantage and to the disadvantage of over 99 percent of the people of this country. Such power is too great, Mr. President, to repose in the hands of any men.

This great power Senator Kendrick talked about resides in the hands of the packers once again.

My bill does two things to change the situation. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong. Under this bill, livestock contracts must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price at the point of sale and time of sale.

You may hear allegations that this bill ends quality driven production, but this bill does not prevent adjustments to the base price for quality grade or other factors that are outside of the packer control. It prevents packers from changing the base price based on factors that they do control. You also may hear that this bill ends traditional forward contracting. However, contracts that are based on the futures market are also exempted from the bill's requirements because the futures market is not controlled by the packers.

My bill also limits the size of contracts to the equivalent of a load of livestock, meaning 40 cattle or 30 swine. It doesn't limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers from being shut out of deals that contain thousands of livestock per contract.

In the past I have tried to get some transparency of reporting. The packer concentration has influenced the rules so they didn't have to report on the prices they are paying. You go into a market blind. We thought we had the problem solved, and they helped to influence a little 3/60 rule so if less than three packers or contracts were sold in a day, or if more than 60 percent of the market was by one of them, they didn't have to report. It virtually wiped out reporting in the sheep industry. We have some changes in that, but some changes for transparency need to be made.

There are a number of benefits accompanying this bill. It effectively increases buyer competition without resorting to increasing buyer numbers through a messy packer breakup. It gives fair access to all producers to compete for contracts on a level playing field with big producers. This bill encourages public and electronic trading of great numbers of livestock, providing greater price transparency. That is where we are trying to go on all of this.

Simply put, this bill makes packers and livestock producers bid against each other to win a contract—no more secret deals. We know the packers are engaging in secret deals.

Mr. President, I ask unanimous consent to print in the RECORD this advertisement I have collected.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Argus Leader, Sioux Falls, SD, Feb. 3, 2002]

SENATOR JOHNSON'S FARM BILL AMENDMENT IMPERILS THE JOB SECURITY OF HIS OWN CONSTITUENTS AND WOULD DESTROY THE PORK AND BEEF INDUSTRY

To The Argus Leader Editor and the People of Sioux Falls and South Dakota: We want to call your attention to and correct certain misleading and untrue statements that have been made by or attributed to Senator Tim Johnson and published in the Argus Leader on January 27, 2002 about Smithfield Foods, John Morrell, and our plant in Sioux Falls.

SENATOR TIM JOHNSON FALSE STATEMENT NUMBER ONE

"The bipartisan Johnson-Grassley Amendment does not negatively affect the John Morrell pork slaughter and processing plant in Sioux Falls."

Fact: The Johnson Amendment (S. Amdt. 2534) to the Senate Farm Bill (S. 1731) prohibiting meat packers from owning livestock farms or controlling livestock for more than 14 days would have a huge negative impact on the future of the Morrell plant in Sioux Falls and its 3,200 employees. Our company is both a meatpacker and a producer and we have made major investments in our system to provide a healthy product to consumers at the lowest possible price and to assure them of food safety, uniformity, and consistency in those products. The Johnson Amendment, if it becomes law, would have a major negative impact on our company and the red meat industry as it exists today. A clear choice for packers that own livestock or contract for livestock would be to sell or close facilities. The Sioux Falls plant, which is nearly 100 years old, and the oldest hog processing plant in our system by far, would head the list of candidates. Critical to this plant's future and continued operation is an assured and stable supply of high-quality hogs grown to our demanding specifications as to care, quality and food safety. Hogs represent the "fuel" that drives the plant. Without an assured and stable quality livestock supply, we cannot meet the demands and requirements of our customers.

Restrictive laws such as the Johnson-Grassley-Wellstone Amendment already have had a major negative impact on the agri-business economy of South Dakota. As a result of the state's restrictive farming practices (Amendment E), the hog supply to our plant now comes 20% from South Dakota, 40% from Minnesota, 20% from Canada, and the remaining 20% from other midwestern states. As a result of unnecessary government regulations such as Amendment E, hog production in South Dakota declined 50% during the period 1995 to 2001.

Senator Johnson and his staff have offered no study or analysis of the impact that his Amendment would have on the agri-business economy not only of South Dakota but also on the entire country. On the other hand, eight leading agri-business economists from the country's leading land-grant universities, led by Wayne Purcell (Alumni Distinguished Professor of Agricultural and Applied Economics, Virginia Tech University) and including Dillon Feuz (Professor of Agricultural Economics, University of Nebraska), Glenn Grimes (Emeritus Professor of Agricultural Economics, University of Missouri), Marvin L. Hayenga (Professor of Economics, Iowa State University), Stephen R. Koontz (Professor of Agriculture and Resource Economics, Colorado State University), John D. Lawrence (Professor of Economics and Director ISU Beef Center, Iowa State University), Ted C. Schroeder (Professor of Agricultural Economics, Kansas State University), and Clement E. Ward (Professor of Agricultural Economics, Oklahoma State University), have recently published an independent study that concludes that the Johnson Amendment would have disastrous effects on major sectors of the agri-business economy.

Their study says that the amendment would actually lower hog prices because of the great glut of supply that would result from divestiture; that it would give back the advantage and gain that the U.S. industry has made over the last 15 years to foreign countries such as Argentina, Brazil, Canada and Australia; that it would cause companies like ours to essentially forfeit billions of dollars of investments that we have made to move the U.S. to the forefront of the industry; that it would have a major negative impact on credit availability of farmers who would no longer be able to rely on firm contracts with packers to use as security with their bank lenders; and that it would give the efficient, vertically-integrated poultry industry an even greater competitive advantage over the pork and beef industries than it now currently enjoys.

Had Senator Johnson bothered to conduct any study or analysis, or reviewed any public USDA figures, he would have found that in the last ten years, producers have been profitable in 8 of those years, and the division of the pork dollar shows retailers with the greatest share, producers with the second greatest share, and the packers in a distant third position.

SENATOR TIM JOHNSON FALSE STATEMENT NUMBER TWO:

"Johnson said he has been assured by Morrell and its parent company, Virginia-based Smithfield Foods Inc., that the Sioux Falls plant operates within the restrictions of the amendment."

Fact: This is a false statement and we are astonished that Senator Johnson would place his name behind it. Senator Johnson has never extended the courtesy or taken the time to meet with senior officers of Smithfield Foods. In recent years, I personally traveled to Washington, once with Richard Poulson, another senior officer of Smithfield Foods, and on another occasion with Patrick Boyle, president and chief executive officer of the American Meat Institute, to meet with Senator Johnson by prior scheduled appointment to discuss issues in South Dakota. On both occasions, Senator Johnson was "too busy" to meet with us and delegated a junior staffer to attend the meeting in his stead.

Despite the fact that Senator Johnson has had no interest in meeting with Smithfield officials, his staff was fully advised of the precarious nature of the Sioux Falls plant prior to his introducing his Amendment to the Farm Bill. Our Sioux Falls plant manager traveled to Washington on December 28, 2001 to meet with Senator Johnson and his aides and told them that the greatest negative impact of his Amendment would be on his own constituents and that the Amendment in the end will benefit no one but the poultry industry. Smithfield Foods wants to make it quite clear to Senator Johnson that he can take full credit for putting 3,200 jobs at peril by causing South Dakota's third-largest employer to reconsider it's prior decision to pursue a major renovation, update, and expansion of the Sioux Falls plant, or to build a new, more modern plant in South Dakota to take advantage of the strong local work force and rural ethic that is so important to our business.

Smithfield Foods will dedicate its resources and make its future investments in states and countries where we are welcomed by the elected and appointed state, federal or other governmental officials. We consider Senator Johnson's actions in pursuing his Amendment to be hostile to the survival of the pork industry, Smithfield Foods, the Morrell plant, and to our employees in Sioux Falls because he was made fully aware of the consequences of his amendment before he introduced it.

It is unfortunate that Senator Johnson would sponsor such an ill-conceived piece of legislation even after the Senate Agriculture Committee had voted it down in December by a vote of 12–9. He doesn't seem to understand that his state's anti-corporate farming laws have already delivered a near fatal blow to South Dakota's hog growing industry and that his current action is simply another nail in the coffin. One of the more puzzling things about Senator Johnson's Amendment is that he apparently seeks to destroy the

> red meat industry while leaving the poultry industry untouched. For years the poultry industry has taken major market share away from the red meat industry because of its ability to own and control by contract the quality of its livestock supply.
>
> Background: Smithfield Foods' involvement with John Morrell and the Sioux Falls Plant.
>
> After all the other major industry players had for years rejected the opportunity to buy John Morrell and to keep the plants open, Smithfield Foods agreed to purchase the company in 1995. The Sioux Falls plant was losing money at the time Smithfield purchased it and would have closed had we not purchased it. Today, the plant is profitable. It contributes in excess of $1 billion a year to the South Dakota economy. How did this transformation happen? The answer is quite simple: Smithfield has invested over $65 million in the Sioux Falls plant since 1995. Studies have shown that every new job at John Morrell creates several additional new jobs in South Dakota.
>
> While the plant today is stable and profitable, we are faced with the reality that we need to make improvements to the nearly 100-year-old facility or to build a new plant in Sioux Falls or elsewhere. Prior to Senator Johnson's ill-conceived Amendment, our planning was focused on maintaining the plant location in South Dakota. But we will not invest our resources in states where we cannot have a responsible relationship with elected and appointed officials.
>
> Conclusion: We are not certain whose interests Senator Johnson thinks he represents with his Amendment to the Farm Bill. He certainly does not represent the interests of the 3,200 workers at our John Morrell plant. He has taken no steps to acquaint himself with the true facts, nor has he commissioned any studies to determine the true impact and cost of his Amendment, and he has totally ignored the considered decision and vote (12 to 9) of the Senate Agriculture Committee not to approve his Amendment.
>
> We want Senator Johnson to understand the true impact of his ill-conceived Amendment and it is as follows:
>
> If the Johnson Amendment becomes law, Smithfield Foods will neither rebuild the Sioux Falls plant, or build a new plant in South Dakota, nor will we make any further investment in South Dakota, or for that matter in any other state whose public officials are hostile to our ongoing operations and our industry.
>
> Very Truly Yours,
>
> JOSEPH W. LUTER III,
> *Chairman and Chief Executive Officer,*
> *Smithfield Foods, Inc.*

Mr. ENZI. This ad was run on February 3, 2002, in the Sioux Falls, SD, newspaper, the Argus Leader, in response to an amendment banning packer ownership of livestock that we did on the farm bill recently. It was paid for by Smithfield Foods, Inc., a large hog producing and pork processing company. The advertisement claims that the company wants Senator JOHNSON to understand the true impact of his ill-conceived amendment. I also supported his amendment and was a cosponsor, and I voted for it along with 50 of my colleagues. The advertisement, as you can see, from the Argus Leader, states:

> If the Johnson amendment becomes law, Smithfield Foods will neither rebuild the Sioux Falls plant, or build a new plant in South Dakota, nor will we make any further investment in South Dakota, or for that matter in any other state whose public officials are hostile to our ongoing operations and our industry.

If the packers are dealing fairly, why would they resort to scare tactics such as this? Does this mean my State will be blacklisted, too? Let me tell you what has happened in Wyoming. When we were doing this amendment, people who had contracts were being called, saying, you are going to lose 3 cents per pound on your beef if this goes through. They are buying all the beef. They are paying the prices, and they are setting them.

Packer ownership of livestock is only a small portion of the packer captive supply problem. My bill would put an end to the rest of the packers' manipulative power. What they are referring to there takes care of 5 percent of the problem. It is the best we have been able to do against the packers. What I am proposing will only take care of another 35 percent of the problem. There is a long way to go. Eventually the consumer should get the best prices and the people taking the most risk ought to get a fair price.

It is important to remember why we are doing this. All producers should have a fair chance to compete against each other in an honest opportunity to get the highest price for their product. Cattle grown on family ranches in Wyoming help to feed the entire United States. I value the small and medium-sized producers' ability to provide quality products for consumers. Big business may be more efficient, but it lacks the loyalty to a locale that our small producers have. We can see this in the advertisement I have just added to the RECORD.

The packers are threatening to leave an area that has been economically dependent upon them for over 90 years. That isn't loyalty to a community. That is the behavior of a bully. In Wyoming, we must encourage our small producers to remain in business and compete. The loyalty to small communities that our small and medium-sized businesses have ensures they will continue to enrich our main streets.

Some of my colleagues may be wondering why this bill is needed after we passed the amendment banning packer ownership of livestock. The ban on packer ownership of livestock would address one small portion of the captive supply problem—about 5 years—but it would not address the large number of contracts based on the formula prices that I explained using the housing market example. Formula contracts provide the packers with monopolistic power over the livestock market.

I ask my colleagues to rid the livestock industry of pricing schemes which take advantage of hard-working ranchers and farmers. I mentioned that this amendment only affects 5 percent of the market. It is a very important 5 percent of the market. It is a very important start. I am hoping the people on the conference committee will make sure this provision remains in the bill and makes a start toward fairness in the livestock industry—fairness for the small producer versus the packing concentration.

We need to end the secret deals and the unfair contracts. I ask my colleagues to give your constituents the opportunity to compete on a level playing field.

By Mr. BOND (for himself and Mr. GRASSLEY):

S. 2022. A bill to amend the Internal Revenue Code of 1986 to modify the unrelated business income limitation on investment in certain debt-financed properties; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce the Small Business Investment Company Capital Access Act of 2002, whose purpose is to increase the amount of venture capital available to small businesses. I am pleased that my good friend from Iowa, Senator GRASSLEY, the ranking member on the Senate Finance Committee, has agreed to be the principal cosponsor of this important bill.

During the past 18 months, there has been a significant contraction of the private-equity market. During this same period, the Small Business Administration's Small Business Investment Company program has taken on a significant role in providing venture capital to small businesses seeking investments in the range of $500,000 to $3 million.

Small Business Investment Companies, SBICs are government-licensed, government-regulated, privately managed venture capital firms created to invest only in original issue debt or equity securities of U.S. small businesses that meet size standards set by law. In the current economic environment, the SBIC program represents an increasingly important source of capital for small enterprises.

While Debenture SBICs qualify for SBA-guaranteed borrowed capital, the government guarantee forces a number of potential investors, namely pension funds and university endowment funds, to avoid investing in SBICs because they would be subject to tax liability for unrelated business taxable income, UBTI. More often than not, tax-exempt investors generally opt to invest in venture capital funds that do not create UBTI. As a result, 60 percent of the private-capital potentially available to these SBICs is effectively "off limits."

The Small Business Investment Company Capital Access Act of 2002 would correct this problem by excluding government-guaranteed capital borrowed by Debenture SBICs from debt for purposes of the UBTI rules. This change would permit tax-exempt organizations to invest in SBICs without the burdens of UBTI record keeping or tax liability.

In 1958, Congress created the SBIC program to assist small business owners in obtaining investment capital. Forty years later, small businesses continue to experience difficulty in obtaining investment capital from banks and traditional investment sources. Although investment capital is readily available to large businesses from traditional Wall Street investment firms, small businesses seeking investments in the range of $500,000–$3 million have to look elsewhere. SBICs are frequently the only sources of investment capital for growing small businesses.

Often we are reminded that the SBIC program has helped some of our Nations best known companies. It has provided a financial boost at critical points in the early growth period for many companies that are familiar to all of us. For example, when Federal Express needed help from reluctant credit markets, it received a needed infusion of capital from two SBA-licensed SBICs at a critical juncture in its development stage. The SBIC program also helped other well-known companies, when they were not so well-known, such as Intel, Outback Steakhouse, America Online, and Callaway Golf.

What is not well known is the extraordinary help the SBIC program provides to Main Street America small businesses. These are companies we know from home towns all over the United States. Main Street companies provide both stability and growth in our local business communities. A good example of a Main Street company is Steelweld Equipment Company, founded in 1932, which designs and manufacturers utility truck bodies in St. Clair, Missouri. The truck bodies are mounted on chassis made by Chrysler, Ford, and General Motors. Steelweld provides truck bodies for Southwestern Bell Telephone Co., Texas Utilities, Paragon Cable, GTE, and GE Capital Fleet.

Steelweld is a privately held, woman-owned corporation. The owner, Elaine Hunter, went to work for Steelweld in 1966 as a billing clerk right out of high school. She rose through the ranks of the company and was selected to serve on the board of directors. In December 1995, following the death of Steelweld's founder and owner, Ms. Hunter received financing from a Missouri-based SBIC, Capital for Business, CFB, Venture Fund II, to help her complete the acquisition of Steelweld. CFB provided $500,000 in subordinated debt. Senior bank debt and seller debt were also used in the acquisition.

Since Ms. Hunter acquired Steelweld, its manufacturing process was redesigned to make the company run more efficiently. By 1997, Steelweld's profitability had doubled, with annual sales of $10 million and 115 employees. SBIC program success stories like Ms. Hunter's experience at Steelweld occur regularly throughout the United States.

In 1991, the SBIC program was experiencing major losses, and the future of the program was in doubt. Consequently, in 1992 and 1996, the Committee on Small Business worked closely with the Small Business Administration to correct deficiencies in the law in order to ensure the future of the program.

Today, the SBIC Program is expanding rapidly in an effort to meet the growing demands of small business owners for debt and equity investment capital. And it is important to focus on the significant role that is played by the SBIC program in support of growing small businesses. When Fortune Small Business compiled its list of 100 fastest growing small companies in 2000, 6 of the top 12 businesses on the list received SBIC financing during their critical growth year.

The Small Business Investment Company Capital Access Act of 2002 is important for one simple reason: once enacted it paves the way for more investment capital to be available for more small businesses that are seeking to grow and hire new employees. According to the National Association of Small Business Investment Companies, NASBIC, a conservative estimate of the effect of this amendment would be to increase investments in Debenture SBICs by $200 million from tax-exempt investors in the first year and $400 million in the second year. Government-guaranteed SBIC leverage commitments equal to $400 million in year one and $800 million in year two would be added to the private capital. Thus, total year one capital available for investment would equal $600 million and total year two capital would equal $1.2 billion.

Data developed by Venture Economics for the period 1970–1999 indicates that one job is created for every $22,600 investment in a small company. At that rate, this bill could be responsible for the creation or support of as many as 62,000 jobs within the next two years, whether within companies receiving investments directly or within those firms benefiting indirectly through increased sales of goods and services to the former companies.

And the cost? Industry experts estimate that if the change were effective now, there would be less than a $1 million in lost tax revenues. About $1.5 billion in private capital is invested in Debenture SBICs. A NASBIC poll of Debenture SBICs indicates $30.3 million of that amount is from tax-exempt investors. For the previous 10 years, Debenture SBIC returns have averaged 7.78 percent. Applied to the $30.3 million, that would result in lost taxable income of $2.36 million per year. If all of that were taxed at the top 39 percent rate, the tax revenue loss would be $922,000 per year.

The cost is low and the potential for economic gain is great. Passage of the bill will make the Government's existing SBIC program more effective in providing growth capital for America's small business entrepreneurs.

And most importantly, it will provide sorely needed capital for the sector of our economy that provides about 75 percent of the net new jobs, small businesses. That is a real stimulus that would cause new investments to be made and the creation of critically needed new jobs. Our economy is primed for this kind of support, and I urge my colleagues to support this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2022

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Investment Company Capital Access Act of 2002".

SEC. 2. MODIFICATION OF UNRELATED BUSINESS INCOME LIMITATION ON INVESTMENT IN CERTAIN DEBT-FINANCED PROPERTIES.

(a) IN GENERAL.—Section 514(c)(6) of the Internal Revenue Code of 1986 (relating to acquisition indebtedness) is amended—

(1) by striking "include an obligation" and inserting "include—

"(A) an obligation",

(2) by striking the period at the end and inserting ", or", and

(3) by adding at the end the following:

"(B) indebtedness incurred by a small business investment company licensed under the Small Business Investment Act of 1958 which is evidenced by a debenture—

"(i) issued by such company under section 303(a) of such Act, or

"(ii) held or guaranteed by the Small Business Administration.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to acquisitions made on or after the date of the enactment of this Act.

By Ms. COLLINS (for herself, Mr. BOND, Mr. HUTCHINSON, and Mr. SMITH of Oregon):

S. 2023. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in expensing under Section 179; to the Committee on Finance.

Ms. COLLINS. Mr. President, I rise today to introduce legislation to benefit our Nation's small businesses—the backbone of our economy. I am very pleased to be joined by several of my colleagues, including Senator BOND, Senator TIM HUTCHINSON, and Senator GORDON SMITH. All of these Senators have been steadfast proponents and supporters of small businesses throughout their Senate career. Today, we are introducing legislation to allow small businesses to expense more of their investments in equipment and property.

In short, we are introducing legislation to help small businesses grow.

The importance of small businesses to our economy cannot be overstated. According to the Small Business Administration, small firms account for three-quarters of our Nation's employment growth and almost all of the net new jobs. That is certainly true in my home State of Maine. These are good jobs, jobs that make our communities strong.

Mr. President, last Friday the Senate overwhelmingly passed a critical piece of legislation designed to boost our economy. The legislation extends benefits for an additional 13 weeks to an estimated 3 million unemployed workers who have exhausted, or will soon exhaust, their regular unemployment benefits before being able to find new work. This program will help put food on the table for an estimated 23,000 unemployed workers in Maine by providing money for extended benefits.

The economic recovery legislation also includes "bonus depreciation" provisions that will encourage mostly larger firms to invest in new property and equipment. Again, that is another provision I support. It includes a number of other important proposals, including one that is near and dear to me providing tax relief to teachers who reach deep into their own pockets to buy supplies and materials for their students. Yet my biggest regret about the economic recovery package we passed last week is that it does very little for smaller businesses. I think that is disappointing and I think that is wrong because it is small businesses that tend to lead our economy out of recession.

Often, I think we take smaller businesses for granted. When times are good, we expect small businesses to create vast numbers of good, new jobs for American workers, and when times are tough, we count on small businesses to resuscitate our sluggish economy. Time and time again, entrepreneurs lead the Nation down avenues of new economic opportunity, and our expectations rise with each remarkable success story. But if we expect so much from small businesses, if we count on them to this degree, we owe it to them to create a climate that nurtures and rewards entrepreneurship.

That is why we have come together to introduce this straightforward legislation. Under section 179 of the Tax Code, a taxpayer with a relatively small amount of annual investment may elect to deduct up to $24,000 of the cost of qualifying property and equipment placed in service in any given year. The deduction is phased out for taxpayers who invest over $200,000 per year.

Our bill would permit small businesses to expense their new equipment purchases up to $40,000 per year. In other words, we would be increasing the section 179 expensing limit from $24,000 to $40,000. That is a fairly significant increase, but it should be; the last time Congress increased the small business expensing limit was back in 1996. An adjustment is well overdue.

Section 179 is critically important to small businesses. Direct expensing allows a small employer to avoid the complexities of the depreciation rules as well as unrealistic recovery periods for many assets. For example, under current law, a computer must be depreciated over 5 years. Now, all of us know that the useful life of most computers is only 2 or 3 years, at best.

Expensing also addresses a top concern of small businesses that has been exacerbated by the recent recession. The concern is access to capital.

I served for a time as the New England Administrator of the Small Business Administration, and I know there are so many small companies where the owner of the company has a wonderful concept, a workable business plan, yet lacks access to capital to get the business underway or to grow it to the next level. The concern is access to capital, which the Small Business Administration has called the "greatest economic policy challenge" for rapidly growing businesses.

One indication of the need for additional financing is the amount of venture capital invested into the United States. In the year 2000, a record $103 billion was invested. But in 2001, that total fell by 65 percent, to $36.5 billion. When we see this decrease in access to venture capital, inevitably, it seems, women-owned companies and minority-owned firms are disproportionately affected and are shut out of the capital market.

By raising the section 179 limit, our bill, in effect, will reduce the cost of capital for small businesses nationwide and it will free up additional capital for small businesses to purchase more plant and equipment.

I have spoken to small business owners in my home State of Maine, and they have told me time and again that an increase in the small business expensing limit would make a real difference to them. It would allow them to expand their businesses, thus create more good, new jobs.

Terry Skillins of Skillins Greenhouses is a fourth-generation Maine family business founded in 1885. It is a good example of what I am talking about. Skillins Greenhouses employs between 70 and 120 employees, depending on the season, in its landscaping, greenhouse, and floral businesses. Terry told me the company is looking to expand but that to do so takes money. From tractors, to conveyor belts, to specialized machinery, the equipment needed to expand is expensive. Terry said raising the small business expensing limit to $40,000 would help tip the scales in favor of his proceeding with an expansion, particularly if the increase were made permanent. Terry said his business plan extends over a number of years and, hence, knowing the expensing limit would be increased permanently, he could and would use a significant multiyear savings to expand his business.

We offered a small business expensing amendment to the economic recovery bill back in January. The amendment was offered by my colleague from Missouri, Senator BOND, and myself. It included exactly the same increases as I am proposing in the bill we are introducing today. I point out that our amendment passed the Senate by an overwhelming vote of 90 to 2. So, clearly, there is an understanding among our colleagues that this tax change is long overdue and that it would make a real difference to the small businesses in our country.

Today, I am inviting all of our colleagues to join us in cosponsoring this bill, which is strongly supported and has been endorsed by the National Federation of Independent Business, our Nation's largest small business organization. In that regard, I ask unanimous consent that a letter from Dan Danner, senior vice president of the NFIB, be printed in RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, March 14, 2002.

Hon. SUSAN COLLINS,
U.S. Senate,
Washington, DC.

DEAR SENATOR COLLINS: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I commend you for introducing The Section 179 Small Business Expensing Bill. The Collins-Bond-Hutchinson-Smith bill will increase the amount of equipment purchases, allow small businesses to expense each year from the current $24,000 to $40,000 and most importantly, make this language permanent.

Many small businesses are currently struggling to cope with the recession and the events of September 11th. Increasing the expensing limit would provide small and growing firms with the funds to make critical investments and keep their firms running and growing, creating new jobs.

This legislation will also help small business by eliminating burdensome record keeping involved in depreciating equipment. And it adjusts the investment limit on expensing from 200,000 to $325,000.

Small business is the major job generator for the economy. Let's give them the tools to grow, hire more employees, and lead this country out of recession.

Sincerely,

DAN DANNER,
Senior Vice President, Public Policy.

Ms. COLLINS. Mr. President, this is a change that makes sense. I hope we will adopt it this year. It is long overdue to change our tax policy to reflect the modern-day realities of running a small business.

Mr. BOND. Mr. President, the bill offered by Senator COLLINS today is intended to simplify the tax rules for small businesses as they purchase new equipment to sustain and expand their businesses. I am pleased to be the lead co-sponsor on this important small business legislation.

The bill parallels the amendment that Senator COLLINS and I offered to the economic-stimulus legislation considered on the floor in January and makes the increase in the expensing limits permanent. The Bond-Collins amendment was approved by the Senate by a vote of 90–2.

While some may think that small business is not that important, let's be clear about the role they play in our economy. Small business: represents 99 percent of all employers; employs 51 percent of the private-sector workforce; provides about 75 percent of the net new jobs; contributes 51 percent of the private-sector output; and represents 96 percent of all exporters of goods.

In short, size is the only "small" aspect of small business.

Our bill would permit small businesses to expense their new equipment purchases up to $40,000. The current annual limit is $24,000.

The bill also increases the limitation on the total amount of property that a small business can place in service during a year before triggering a phase-out of the annual expensing amount. Under the amendment, a business would be able to claim the full $40,000 in expensing if it purchased no more than $325,000 of property during the year. Under current law, the phase-out limitation is only $200,000. To the extent that a business exceeds the phase-out limit, the annual expensing amount declines.

Direct expensing allows small businesses to avoid the complexities of the depreciation rules as well as the unrealistic recovery periods for most assets. For example, under current law a computer must be depreciated over 5 years even though the useful life is most likely 2–3 years at best.

These provisions have several important advantages, especially in light of the current economic conditions.

By allowing more equipment purchases to be deducted currently, we can provide much needed capital for small businesses.

With that freed-up capital, a business can invest in equipment, which will benefit the small enterprise and, in turn, stimulate other industries.

In addition, that's more money available to keep employees working and hopefully hire new employees.

Moreover, new equipment will contribute to continued productivity growth in the business community, which Federal Reserve Chairman Alan Greenspan has repeatedly stressed is essential to the long-term vitality of our economy.

Finally, these modifications will simplify the tax law for countless small businesses. Greater expensing means less equipment subject to the onerous depreciation rules.

In short, the equipment-expensing change I propose are a win-win for small businesses consumers, equipment manufacturers, and our national economy as a whole.

Mr. SMITH of Oregon. Mr. President, I rise today to respond to the urgent needs of small businesses in my home State of Oregon. Oregon small businesses are in need of help as the state's economy deals with poor growth and high unemployment.

In an effort to boost both small business and the Oregon economy I am proud to introduce legislation with Senator COLLINS that will provide tax relief for small firms, the section 179 small business expensing bill.

Economic recovery must include job creation. In Oregon most new jobs are created by the State's 270,000 small businesses. Small businesses have a broad impact on Oregon's economy and are essential to its well-being.

Oregon ranks third in the Nation in small businesses per capita. Oregonians are independent and creative and much of this creativity goes into the wide diversity of small businesses that exist in my State. Therefore it is imperative that we bolster and strengthen the small business community in Oregon.

One critical way in which we can help small firms is by raising the threshold for expensing equipment purchases.

Currently, companies may expense equipment purchases up to $24,000 of the cost of equipment and depreciate the remainder.

This legislation will increase the amount small businesses can expense per purchase to $40,000 and increase the total investment from the current $200,000 to $325,000 annually.

This limit of $325,000 on total purchases of equipment in a single year applies to the smallest of companies.

Only the smallest of firms that are struggling to stay afloat and seek to grow by buying equipment would be able to take advantage of this expensing.

This would provide a greatly needed boost to small businesses in Oregon, allowing them to move forward on job hiring and capital investment plans that they have had to put aside during the downturn of recent days.

This legislation is strongly supported by the National Federation of Independent Businesses and I would like to enter into the RECORD a letter from Dan Danner expressing the importance of this increase to small businesses.

I believe these changes will ease the record-keeping burden of depreciating such equipment and fill free up capital that can be used to create and sustain new jobs, expand current small businesses, and encourage the creation of new businesses as well.

All of these economic actions will boost the Oregon economy at a time it is still sorely needed. Businesses will use the extra money to purchase new equipment, which will help an economic expansion.

Creating new jobs for Oregonians who were laid off last year lessens the burden on the State economy and puts unemployed Oregonians back to work.

In conclusion, I would like you to know that this critical legislation that would boost small businesses in Oregon was initially part of the economic stimulus legislation that the Senate passed overwhelmingly in January. I call on all of my colleagues to support this legislation and swiftly give small businesses across the Nation and in my State this important boost.

I ask unanimous consent that the letter to which I referred previously be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL FEDERATION OF
INDEPENDENT BUSINESS,
Washington, DC, March 15, 2002.

Hon. GORDON SMITH,
U.S. Senate,
Washington, DC.

DEAR SENATOR SMITH: On behalf of the 600,000 members of the National Federation of Independent Business (NFIB), I commend you for introducing The Section 179 Small Business Expensing bill. Your bill will increase the amount of equipment purchases, allow small businesses to expense each year from the current $24,000 to $40,000 and most importantly, make this language permanent.

Many small businesses are currently struggling to cope with the recession and the events of September 11th. Increasing the expensing limit would provide small and growing firms with the funds to make critical investments and keep their firms running and growing, creating new jobs.

This legislation will also help small business by eliminating burdensome record keeping involved in depreciating equipment. And it adjusts the investment limit on expensing from $200,000 to $325,000.

Small business is the major job generator for the economy. Let's give them the tools to grow, hire more employees, and lead this country out of recession.

Sincerely,

DAN DANNER,
Senior Vice President, Public Policy.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. REID. Mr President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "Child Care: Helping Parents Work and Improving the Well-being of Children" during the session of the Senate on Friday, March 15, 2002, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, MARCH 18, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 3 p.m. on Monday, March 18; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin consideration of H.R. 2356, the Campaign Finance Reform Act; further, that at 5:30 p.m., the Senate proceed to executive session to consider Calendar No. 705, with 30 minutes for debate, equally divided between the chairman and ranking member of the Judiciary Committee, prior to a vote on the nomination, with no intervening action or debate; further, that it be in order to request the yeas and nays on the nomination at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that following the disposition of the nomination, the motion to reconsider be laid upon the table, any statements relating to the nomination be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED AND EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the HELP Committee be discharged from further consideration of the nominations of Amy Apfel Kass, Andrew Ladis, Wright Lassiter, Jr., to be members of the National Council on the Humanities, and Maribeth McGinley to be a member of the National Council on the Arts. I further ask unanimous consent that the Senate proceed to the consideration of Calendar No. 727, the nomination of Sally Stroup to be an Assistant Secretary for Postsecondary Education; that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed in the RECORD, the President be immediately notified of the Senate's action, and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

NATIONAL COUNCIL ON THE HUMANITIES

Amy Apfel Kass, of Illinois, to be a Member of the National Council on the Humanities for a term expiring January 26, 2004.

Andrew Ladis, of Georgia, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

Wright Lassiter, Jr., of Texas, to be a Member of the National Council on the Humanities for a term expiring January 26, 2006.

NATIONAL COUNCIL ON THE ARTS

Maribeth McGinley, of California, to be a Member of the National Council on the Arts for a term expiring September 3, 2006.

DEPARTMENT OF EDUCATION

Sally Stroup, of Virginia, to be Assistant Secretary for Postsecondary Education, Department of Education.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

NATIONAL INHALANTS AND POISON PREVENTION WEEK

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 325, S. Res. 206.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 206) designating the week of March 17 through March 23, 2002 as "National Inhalants and Poison Prevention Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motions to reconsider be laid upon the table; and that any statements related to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 206) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 206

Whereas according to the National Institute on Drug Abuse, inhalant use ranks third in popularity behind use of alcohol and tobacco for all youths through the eighth grade;

Whereas the over 1,000 products that are being inhaled to get high are legal, inexpensive, and found in nearly every home and corner market;

Whereas using inhalants even once to get high can lead to kidney failure, brain damage, or even death;

Whereas inhalants are considered a gateway drug, one that leads to the use of harder, more deadly drugs; and

Whereas because inhalant use is difficult to detect, the products used are accessible and affordable, and abuse is so common, increased education of young people and their parents regarding the dangers of inhalants is an important step in our Nation's battle against drug abuse: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of March 17 through March 23, 2002, as "National Inhalants and Poison Prevention Week";

(2) encourages parents to learn about the dangers of inhalant abuse and discuss those dangers with their children; and

(3) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate activities.

NATIONAL CIVILIAN CONSERVATION CORPS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 326, S. Res. 207.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 207) designating March 31, 2002, and March 31, 2003, as "National Civilian Conservation Corps Day."

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary with an amendment in the nature of a substitute, with an amendment to the preamble, and an amendment to the title, as follows:

Whereas the Civilian Conservation Corps, commonly known as the CCC, was an independent Federal agency that deserves recognition for its lasting contribution to natural resources conservation and infrastructure improvements on public lands in the United States and for its outstanding success in providing employment and training to thousands of Americans;

Whereas March 31, 2002, is the 69th anniversary of the signing by President Franklin D. Roosevelt of the Emergency Conservation Work Act, a precursor to the Civilian Conservation Corps Act that established the CCC;

Whereas, between 1933 and 1942, the CCC provided employment and vocational training for more than 3,000,000 men, including unemployed youths, more than 250,000 veterans of the Spanish American War and World War I, and more than 80,000 Native Americans in conservation and natural resources development work, defense work on military reservations, and forest protection;

Whereas the CCC coordinated a mobilization of men, material, and transportation on a scale never previously known in time of peace;

Whereas the CCC managed more than 4,500 camps in every State and the then-territories of Hawaii, Alaska, Puerto Rico, and the Virgin Islands;

Whereas the CCC left a legacy of natural resources and infrastructure improvements that included planting more than 3,000,000,000 trees, building 46,854 bridges, restoring 3,980 historical structures, developing more than 800 state parks, improving 3,462 beaches, creating 405,037 signs, markers, and monuments, and building 63,256 structures and 8,045 wells and pump houses;

Whereas the benefits of many CCC projects are still enjoyed by Americans today in national and state parks, forests, and other lands, including the National Arboretum in Washington, *DC, Bandelier National Monument in New Mexico, Great Smoky Mountains National Park in North Carolina and Tennessee, Yosemite National Park in California, Acadia National Park in Maine, Rocky Mountain National Park in Colorado, and Vicksburg National Military Park in Mississippi;*

Whereas the CCC provided a foundation of self-confidence, responsibility, discipline, cooperation, communication, and leadership for its participants through education, training, and hard work, and participants made many lasting friendships in the CCC;

Whereas the CCC demonstrated the commitment of the United States to the conservation of land, water, and natural resources on a national level and to leadership in the world on public conservation efforts; and

Whereas the conservation of the Nation's land, water, and natural resources is still an important goal of the American people: Now, therefore, be it

Resolved, That the Senate—

(1) designates March 31, 2002, as "National Civilian Conservation Corps Day"; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Amend the title so as to read: "Designating March 31, 2002, as 'National Civilian Conservation Corps Day'."

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the resolution be agreed to, as amended, the amendment to the preamble be agreed to, the preamble, as amended, be agreed to, the amendment to the title be agreed to, the motions to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment in the nature of a substitute was agreed to.

The resolution (S. Res. 207), as amended, was agreed to.

The amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The amendment to the title was agreed to.

COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY LAW ENFORCEMENT OFFICERS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 327, S. Res. 221.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 221) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Mr. President, I am proud to be an original cosponsor of this resolution to honor our Federal, State, and local law enforcement officers who gave the ultimate sacrifice for our public safety. I commend Senator CAMPBELL for his leadership in submitting Senate Resolution 221, which recognizes May 15, 2002, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty.

I want to recognize the other cosponsors of this resolution: Senators HATCH, BIDEN, DEWINE, CANTWELL, ALLARD, ALLEN, BINGAMAN, BUNNING, COCHRAN, GREGG, HUTCHINSON, ROCKEFELLER, and THOMAS.

Since my time as a State prosecutor, I have always taken a keen interest in law enforcement in Vermont and around the country. Vermont has the reputation of being one of the safest States in which to live, work and visit, and rightly so. In no small part, this is due to the hard work of those who have sworn to serve and protect us, and we should do what we can to honor them and their families.

Our Nation's law enforcement officers numbering more than 700,000 men and women—put their lives at risk in the line of duty everyday. No one knows when danger will appear and what form it will take. Unfortunately, in today's violent world, even pulling over a driver for speeding may not necessarily be "routine." The events of the past year and the ensuing relentless vigilance on the part of our peace officers in guarding against further such attacks have proven this.

Guardians of the peace face more risks than ever in these times. All law enforcement officers across the Nation deserve our heartfelt respect and appreciation on Peace Officers Memorial Day.

Mr. REID. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to, en bloc; that the motion to reconsider be laid upon the table; and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 221) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 221

Whereas the well-being of all citizens of the United States is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens as guardians of peace;

Whereas peace officers are on the front line in preserving the right of the children of the United States to receive an education in a crime-free environment, a right that is all too often threatened by the insidious fear caused by violence in schools;

Whereas 70 peace officers died at the World Trade Center in New York City on September 11, 2001, the most peace officers ever killed in a single incident in the history of the Nation;

Whereas more than 220 peace officers across the Nation were killed in the line of duty during 2001, 57 percent more police fatalities than the previous year, and the deadliest year for the law enforcement community since 1974;

Whereas every year, 1 out of every 9 peace officers is assaulted, 1 out of every 25 peace officers is injured, and 1 out of every 4,400 peace officers is killed in the line of duty; and

Whereas on May 15, 2002, more than 15,000 peace officers are expected to gather in Washington, D.C. to join with the families of their recently fallen comrades to honor those comrades and all others who went before them: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes May 15, 2002, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

ORDER FOR RECORD TO REMAIN OPEN

Mr. REID. Mr. President, I ask unanimous consent that the RECORD remain open today, Friday, March 15, until 2 p.m., for the introduction of legislation and the submission of statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the next rollcall vote will occur on Monday, March 18, at 6 p.m.

ADJOURNMENT UNTIL 3 P.M. MONDAY, MARCH 18, 2002

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:17 p.m., adjourned until Monday, March 18, 2002, at 3 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 15, 2002:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MARIBETH MCGINLEY, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE ARTS FOR A TERM EXPIRING SEPTEMBER 3, 2006.

AMY APFEL KASS, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004.

ANDREW LADIS, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

WRIGHT L. LASSITER, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2006.

THE JUDICIARY

DAVID C. BURY, OF ARIZONA, TO BE UNTIED STATES DISTRICT JUDGE FOR THE DISTRICT OF ARIZONA.

DEPARTMENT OF EDUCATION

SALLY STROUP, OF VIRGINIA, TO BE ASSISTANT SECRETARY FOR POSTSECONDARY EDUCATION, DEPARTMENT OF EDUCATION.

HOUSE OF REPRESENTATIVES—*Monday, March 18, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. OTTER).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 18, 2002.

I hereby appoint the Honorable C.L. "BUTCH" OTTER to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of Redemption, humanly we are always in search for freedom. Sometimes oppression comes from outside ourselves; sometimes our limitations are from within. Your spirit alone sets us internally free to realize peace.

The Mosaic Passover and Exodus and the Paschal Mystery of Jesus' death and resurrection help us interpret how You always lead Your people through suffering and death to the everlasting freedom You promise.

Enable Members of Congress to enter by faith into the approaching feasts and experience the mysterious promise You present to us today. Guide them with an integrity of life and good judgment to lead Your people to greater and lasting freedom.

Some people need to be freed of sickness and hunger; some need to be freed of injustice and terrorism. Some are caught in their own patterns of prejudice and revenge; some are desperate because of their anger and greed. In subtle yet profound ways, Lord, Your spirit can free people from self-interest, loneliness and compulsions. In Your own way, bring all beyond their imagining to the fulfillment of Your promise within them.

Renew America these days in a new moral consciousness that will have the world respect us once again as the land of the free and the home of the brave, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 1372. An act to reauthorize the Export-Import Bank of the United States.

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

COMMUNICATION FROM FORMER STAFF ASSISTANT TO THE HONORABLE JIM McCRERY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jennifer Lawrence, former staff assistant to the Honorable JIM McCRERY, Member of Congress:

MARCH 14, 2002.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for trial testimony issued by the United States District Court for the Western District of Louisiana in a criminal case pending there.

After consultation with the Office of General Counsel, I have determined that it is consistent with the precedents and privileges of the House to comply with the subpoena.

Sincerely,

JENNIFER LAWRENCE,
Former Staff Assistant to Congressman Jim McCrery of Louisiana.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002, was referred to the Committee on Financial Services.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. tomorrow for morning hour debates.

There was no objection.

Accordingly (at 2 o'clock and 4 minutes p.m.), under its previous order, the House adjourned until tomorrow, March 19, 2002, at 12:30 p.m., for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5914. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Cranberries Grown in the States of Massachusetts, et al.; Increased Assessment Rate [Docket No. FV01-929-3 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5915. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Dried Prunes Produced in California; Increased Assessment Rate [Docket No. FV01-993-3 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5916. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines Grown in California; Increased Assessment Rate [Docket No. FV01-916-2 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5917. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Increased Assessment Rate [Docket No. FV01-948-3 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5918. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Domestic Dates Produced or Packed in Riverside County, California; Increased Assessment Rate [Docket No. FV01-987-1 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5919. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Fresh Bartlett Pears Grown in Oregon and Washington; Increased Assessment Rate [Docket No. FV01-931-1 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5920. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tart Cherries Grown in the States of Michigan, et al.; Modifications to the Rules and Regulations Under the Tart Cherry Marketing Order

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

[Docket No. FV01-930-3 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5921. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Watermelon Research and Promotion Plan; Subpart D—Referendum Procedures [FV-01-701 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5922. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV02-920-1 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5923. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve percentages for 2000-01 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV01-989-3 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5924. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Producer Referenda on Mandatory Grading [Docket No. TB-02-03] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5925. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tobacco Inspection; Growers' Referendum Results [Docket No. TB-00-23] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5926. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Hass Avocado Promotion, Research, and Information Order; Referendum Procedures [FV-01-706-FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5927. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Limes Grown in Florida and Imported Limes; Suspension of Regulations [Docket No. FV01-911-2 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5928. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Winter Pears Grown in Oregon and Washington; The Establishment of a Supplemental Rate of Assessment for the Beurre d'Anjou Variety of Pears and of a Definition for Organically Produced Pears [Docket No. FV01-927-1 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5929. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Reporting Requirements for Imported Hazelnuts [Docket No. FV01-982-3 FR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5930. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Extensions of Payments of Principal and Interest (RIN: 0572-AB60) received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5931. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance Processing Fees [OPP-30118; FRL-6774-3] (RIN: 2070-AB78) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5932. A communication from the President of the United States, transmitting his requests for FY 2003 budget amendments for the Departments of Commerce, Defense, Labor, Transportation, and the Treasury; the Environmental Protection Agency; and the Federal Emergency Management Agency; (H. Doc. No. 107-189); to the Committee on Appropriations and ordered to be printed.

5933. A letter from the Vice Chairman, Export-Import Bank of the United States, transmitting a statement with respect to a transaction involving U.S. exports to Brazil U.S. exports to Turkey, Mongolia, the Czech Republic, and Brazil, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5934. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Ohio; Technical Amendment [OH132-4; FRL-7155-2] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5935. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Unregulated Contaminant Monitoring Regulation for Public Water Systems; Establishment of Reporting Date [FRL-7157-3] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5936. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production [FRL-7155-9] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5937. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Country Reports on Human Rights Practices for 2001," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

5938. A letter from the Director, Congressional Budget Office, transmitting the report to waive deduction of pay requirement for a reemployed annuitant; to the Committee on Government Reform.

5939. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Endangered Status for the Buena Vista Lake shrew (Sorex ornatus relictus) (RIN: 1018-AG04) received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5940. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries, 2002 Specifications [Docket No. 011109274-1301-02; I.D. 102501B] (RIN: 0648-AP06) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

5941. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Withdrawal of the Federal Designated Use for Shields Gulch in Idaho [FRL-7157-1] received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5942. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Fee Schedule for Payment of Ambulance Services and Revisions to the Physician Certification Requirements for Coverage of Nonemergency Ambulance Services [HCFA-1002-FC] (RIN: 0938-AK30) received March 5, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on March 15, 2002]

Mr. NUSSLE: Committee on the Budget. House Concurrent Resolution 353. Resolution establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007 (Rept. 107-376). Referred to the Committee of the Whole House on the State of the Union.

[Submitted March 18, 2002]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. S. 1622. An act to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001 (Rept. 107-377). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. H.R. 2804. A bill to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse" (Rept. 107-378). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. BURTON: Committee on Government Reform. H.R. 3925. A bill to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, with an amendment; referred to the Committee on the Judiciary, and Ways and Means for a period ending not later than March 19, 2002, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of those committees pursuant to clause 1(k) and (s), rule X. (Rept. 107-379, Pt. 1). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. YOUNG of Alaska (for himself, Mr. OBERSTAR, Mr. LOBIONDO, and Ms. BROWN of Florida):

H.R. 3983. A bill to ensure the security of maritime transportation in the United States against acts of terrorism, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H.R. 3984. A bill to amend the Patriot Act to permit an alien lawfully admitted for permanent residence whose spouse died as a result of a terrorist activity on September 11, 2001, to apply for naturalization under the conditions that would have applied if such death had not occurred; to the Committee on the Judiciary.

By Mr. HAYWORTH (for himself and Mr. PASTOR):

H.R. 3985. A bill to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community; to the Committee on Resources.

By Mr. QUINN (for himself, Mr. NADLER, Mr. WALSH, Mrs. MALONEY of New York, Mr. FOSSELLA, Mr. ENGEL, Mr. GILMAN, Mr. ISRAEL, Mrs. KELLY, Mr. TOWNS, Mr. KING, Mrs. MCCARTHY of New York, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. GRUCCI, Mrs. LOWEY, Mr. SWEENEY, Mr. HINCHEY, Mr. REYNOLDS, Mr. MCNULTY, and Mr. RANGEL):

H.R. 3986. A bill to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001; to the Committee on Transportation and Infrastructure.

By Mr. BEREUTER:

H.R. 3987. A bill to extend the authority of the Export-Import Bank until April 30, 2002; to the Committee on Financial Services.

By Mr. GEKAS:

H.R. 3988. A bill to amend title 36, United States Code, to clarify the requirements for eligibility in the American Legion; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 3989. A bill to authorize additional appropriations to the National Institutes of Health for research on the early detection of and the reduction of mortality rates attributed to breast cancer; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself and Mr. EVANS):

H.R. 3990. A bill to provide for the application of the Department of Veterans Affairs benefit for government markers for marked graves of veterans at private cemeteries to veterans dying on or after September 11, 2001; to the Committee on Veterans' Affairs.

By Mr. LATOURETTE (for himself and Mr. COSTELLO):

H. Con. Res. 354. Concurrent resolution authorizing the use of the Capitol Grounds for the District of Columbia Special Olympics Law Enforcement Torch Run; to the Committee on Transportation and Infrastructure.

By Mr. FERGUSON:

H. Con. Res. 355. Concurrent resolution congratulating Hadassah, the Women's Zionist Organization of America, on its 90th anniversary and wishing the organization continued success in its efforts on behalf of all people; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. WALDEN of Oregon.

H.R. 183: Mr. BERMAN and Mr. BALDACCI

H.R. 218: Mr. CULBERSON and Mr. HOEFFEL.

H.R. 250: Mr. LINDER and Mr. HOEKSTRA.

H.R. 274: Mr. SCHIFF.

H.R. 608: Mr. BARCIA.

H.R. 632: Mr. BARTLETT of Maryland.

H.R. 951: Mr. SMITH of Washington, Mr. DIAZ-BALART, and Mr. DICKS.

H.R. 1011: Mr. WHITFIELD, Ms. HOOLEY of Oregon, Ms. MCKINNEY, Mr. DICKS, and Mr. GRUCCI.

H.R. 1081: Mrs. MORELLA.

H.R. 1184: Mr. DELAHUNT and Mrs. CLAYTON.

H.R. 1265: Ms. ESHOO.

H.R. 1360 Mr. CROWLEY and Mr. HILL.

H.R. 1520: Mr. NORWOOD, Mr. CUNNINGHAM, Ms. RIVERS, and Ms. MCKINNEY.

H.R. 1577: Mr. FLAKE, Mr. WELDON of Florida, Mr. HAYES, Mr. BOEHLERT, and Mr. GOODE.

H.R. 1598: Mr. BALLENGER, Ms. MCCOLLUM, Mr. BOEHLERT, Mr. WICKER, and Mr. SANDERS.

H.R. 1616: Ms. WATERS.

H.R. 1784: Mrs. MINK of Hawaii.

H.R. 1904: Mr. CAPUANO, Mr. BACA, Mr. CUMMINGS, Mr. JACKSON of Illinois, and Mr. HINCHEY.

H.R. 1990: Mr. HOEFFEL.

H.R. 2063: Mr. WU.

H.R. 2162: Ms. ROYBAL-ALLARD.

H.R. 2219: Mr. TIAHRT.

H.R. 2515: Mr. ROSS.

H.R. 2624: Mr. SMITH of Texas.

H.R. 2638: Mr. BLAGOJEVICH, Mr. SESSIONS, Mr. HEFLEY, Mr. CANTOR, and Mr. MASCARA.

H.R. 2806: Mr. WELDON of Pennsylvania.

H.R. 2874: Ms. LOFGREN.

H.R. 2931: Mr. BISHOP.

H.R. 3113: Mr. WYNN.

H.R. 3139: Mr. PLATTS.

H.R. 3236: Ms. PELOSI, Ms. DEGETTE, and Mr. GEORGE MILLER of California.

H.R. 3238: Mr. STUPAK.

H.R. 3244: Ms. NORTON and Mr. LARSON of Connecticut.

H.R. 3340: Mr. PLATTS.

H.R. 3443: Mr. LIPINSKI and Ms. CARSON of Indiana.

H.R. 3524: Mr. GRUCCI.

H.R. 3569: Mr. BOSWELL.

H.R. 3669: Mr. HORN.

H.R. 3694: Mr. HOUGHTON, Mrs. MORELLA, Mr. HULSHOF, Ms. PRYCE of Ohio, Mr. HAYWORTH, and Mr. POMEROY.

H.R. 3698: Mr. TIAHRT.

H.R. 3825: Mr. SESSIONS, Mr. BALDACCI, and Mr. FROST.

H.R. 3831: Mr. HALL of Ohio, Mr. CALVERT, and Mr. FROST.

H.R. 3836: Ms. HARMAN, Mr. SNYDER, and Mr. MCGOVERN.

H.R. 3853: Mr. JEFF MILLER of Florida.

H.R. 3897: Mr. FILNER, Mr. DUNCAN, Mr. ISAKSON, Mrs. ROUKEMA, Mr. ANDREWS, Mr. KOLBE, Mr. PAYNE, Mr. TURNER, Ms. RIVERS, and Mr. KLECZKA.

H.R. 3906: Mr. HONDA, Mr. FROST, Mr. FRANK, Mr. SCHROCK, and Mr. PENCE.

H. Con. Res. 4: Mr. ROHRABACHER and Mr. TANCREDO.

H. Con. Res. 99: Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mr. MEEKS of New York, Mr. MATSUI, Mr. EVANS, and Mr. BERRY.

H. Con. Res. 199: Mr. MORAN of Kansas and Mr. KLECZKA.

H. Con. Res. 265: Mr. CHAMBLISS, Mr. BEREUTER, Mr. TOWNS, Ms. HARMAN, Mr. DAVIS of Illinois, and Ms. JACKSON-LEE of Texas.

H. Con. Res. 291: Mrs. BONO and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 346: Mr. ANDREWS.

SENATE—*Monday, March 18, 2002*

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, a thousand years in Your sight are like yesterday when it is past. Lord of Time, You divide our lives into years, months, weeks, and hours. As we live our lives, You make us very conscious of the passage of time, the shortness of time to accomplish what we want, and our impatience with other people's priorities in the use of time. We have learned that work expands to fill the time available, but also that deadlines are a part of life.

Here we are at the beginning of a crucial week before the Spring recess begins on Friday. Grant the Senators and their staffs an expeditious use of the hours of this week to accomplish what really needs to be done. Help the parties work together to finish what is crucial for America. Grant us all an acute sense of the value of time and our accountability to You for using it wisely. We believe there is enough time in this week to do what You want done. We press on without pressure but with promptness to Your timing. You are always on time, in time to help us in the use of time. For You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT C. BYRD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The Senator from Nevada is recognized.

ORDER OF PROCEDURE

Mr. REID. As if in executive session, I ask unanimous consent that the vote on confirmation of Executive Calendar No. 705 occur at 5:50 p.m. today, with the remaining provisions of the previous order in effect.

Mr. LOTT. Reserving the right to object, let me clarify if I may. We are moving the vote under this unanimous consent agreement from 6 p.m. to 5:50, and I assume, because we are moving that vote to begin earlier—some Senators might have thought it would begin at 6—if necessary we might delay the conclusion somewhat.

Mr. REID. I say to my friend, it would be the first time we ever delayed a vote, but we will do that.

Mr. LOTT. There is a first time for everything.

I withdraw my reservation.

Mr. REID. I ask unanimous consent we now proceed to a period of morning business until 4:30 today.

I see the Republican leader. I ask he be allowed to speak first, of course, and then Senator GRASSLEY wishes to speak for up to 8 minutes, and then Senator BYRD would speak for up to 40 minutes.

Mr. LOTT. Mr. President, we are extending the morning business for an hour and a half; I presume that time would be equally divided.

Mr. REID. We will do our best to equally divide it. The only two speakers we know of are Senators GRASSLEY and BYRD. But if someone comes in, we will make sure the minority has equal billing until 6 p.m. It could be hard to get Members over here. We hope others are coming. We will make sure we are as fair as we can in allocating the time.

The PRESIDENT pro tempore. Is there objection to the first request with respect to setting the vote at 5:50 p.m.?

Without objection, it is so ordered.

Is there objection to the second request?

Without objection, it is so ordered.

The PRESIDENT pro tempore. The Senator from Iowa, Mr. GRASSLEY.

TRADE PROMOTION AUTHORITY

Mr. GRASSLEY. Mr. President, I rise to speak on a subject that I hope will be on the Senate's agenda after we come back from Easter recess, which I think starts at the end of this week. That issue is Trade Promotion Authority for the President.

It is time for the Senate to pass Trade Promotion Authority, not only for President Bush, because he has asked for it, but because every President ought to have this authority. The President needs this authority to help in the reduction of non-tariff trade barriers as well as tariffs and to negotiate international trade agreements.

It has been over a decade since our Nation has had Trade Promotion Authority for the President. Since that time, we have fallen further behind. This map shows how far behind we are. It shows that the rest of the world is no longer going to stand around and wait for the United States to show leadership on trade.

Here you can see all these countries in red. That sea of red represents 111 countries that are a party to more than 130 free trade agreements that do not include the United States of America. The United States was not at the negotiating table for these 130 free trade agreements. How many free trade agreements do we have with other countries? Three!

Until just last year, with the passage of the Jordan Free Trade Agreement, it had been over 6 years since the United States enacted a free trade agreement with another country. Our failure to act, in fact, does make a difference.

While we stay on the sidelines, the rest of the world moves ahead, concluding an average of twenty new free trade agreements every year. The European Union alone has signed preferential agreements with 27 countries and is right now working on 15 more. That means other countries are writing the rules of trade, and the United States is not at the table. The rules these other countries write are not designed to benefit U.S. companies and U.S. workers. When other countries write the rules of trade, we lose.

In the absence of Trade Promotion Authority, we have allowed our foreign competitors to make deals that have placed U.S. interests at a disadvantage. If we do not pass Trade Promotion Authority soon, then we are going to continue to fall further and further behind. We will sit on the sidelines and our competitors will continue to make deals that exclude us—it's a game plan for failure.

Without Trade Promotion Authority, American negotiating power to bring down trade barriers is severely limited. Foreign competitors will continue to weave a web of preferential trade and investment opportunities for themselves, and we will fall further behind. American companies, workers, and farmers are paying a high price for our inaction. Compared to their foreign counterparts, U.S. exporters often face higher tariffs, higher costs, and greater administrative delays, and even less favorable investment opportunities and protection.

While other countries negotiate free trade agreements, ensuring that their products sail across borders tax free, American workers face high tariffs that erode their competitive edge.

I will just give one example: Caterpillar, a corporation headquartered in the State of Illinois. Caterpillar's motor graders, made in the United States for export to Chile, face nearly $15,000 in tariffs whereas Caterpillar, making those same motor graders in Brazil for export to Chile, only face a tariff of $3,700. That ought to get anybody's attention about the importance of negotiating down these barriers.

Further, when Caterpillar's competitors produce the same product in Canada, it can be exported to Chile free of tariffs because of the Canada-Chile free trade agreement.

We cannot continue to put U.S. workers at a disadvantage in the international marketplace. Isolationism is a failed policy that damages U.S. interests on many levels. This year the Senate has the ability to reject this failed policy by bringing up and passing Trade Promotion Authority. This is not the time for us to take a pass on policies that could enhance our global competitiveness and increase our economic stature worldwide.

Presidential leadership is very obvious in the war on terrorism. We have a strong diplomatic component to that. We have a strong military component to that. But we also need a strong economic component to the President's leadership, and that can come in part through this President having Trade Promotion Authority.

The Senate Finance Committee reported Trade Promotion Authority out of our committee last year in its usual way of doing business, by a strong bipartisan vote of 18 to 3. I am confident when this bill comes to the floor it will receive bipartisan support from the entire Senate.

So it is time to get this bill, Trade Promotion Authority, on the Senate floor and get it passed. Renewing Trade Promotion Authority will help level the global playing field and create countless opportunities for our workers, our farmers, and our businesses.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. LOTT. Mr. President, may I inquire how much time is remaining on Senator GRASSLEY's request?

The PRESIDING OFFICER. There remain 45 seconds.

Mr. LOTT. I ask unanimous consent he be allowed an additional 10 minutes so I may address some questions to him.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues for allowing that.

Mr. President, I say to Senator GRASSLEY from Iowa that I appreciate his remarks today, and I appreciate the work he has done in this area. I know he feels very strongly about the need for free trade and having open markets, but also that it be fair trade.

I know it is very important to a State such as Iowa, which not only is very much involved in the manufacturing area but particularly in agriculture because we could export a lot more of our agricultural products. So I thank him for the position he takes as a Senator from the great State of Iowa but also as a leader on the Finance Committee, both as former chairman and now as ranking member.

I emphasize, once again, the point he made that this Trade Promotion Authority was reported out of the Finance Committee by a vote of 18 to 3, which was a very wide, bipartisan vote.

I should note both the majority leader and minority leader voted for that package. Yet this bill has been languishing. The House passed this legislation on December 6 of last year. I think the Senate should have acted last year. It did not. I think it is imperative that we act within the near future.

I inquire of Senator GRASSLEY, has he been given any indication as to when this might come to the Senate for full Senate action? Does he know what commitments have been made?

Mr. GRASSLEY. We were told sometime this spring. Spring is fleeting. That is why I hope we can get a date definite that it will be brought up and it can be passed.

It will be particularly fruitful and beneficial to the President to have Trade Promotion Authority now as he goes to the international conference at Monterey this week. It would be nice if he had it as he is going to visit Peru; as he is going to visit El Salvador. Wherever the President is going to go, this issue always comes up.

As I talked to Bob Zoellick, the U.S. Trade Representative who does our negotiations, the fact that the President does not have this authority weakens our position at the international conferences we attend, particularly now as we are beginning negotiations in Geneva, on what is called the Doha Round—it was agreed to last November, a brand new round of negotiations that hopefully will be finalized for about 3 years—for the President to be credible and his people to be credible at the negotiating table, we must have Trade Promotion Authority.

Mr. LOTT. My impression is that after we complete the energy legislation, and presumably the campaign finance reform issue—I guess that could be even after the Easter recess—the next order of business would be the budget resolution. Then Senator DASCHLE indicated we would go to trade at that point. I am not sure exactly what that means I presume sometime in late April or May.

But I do agree we need to act on this legislation. It is very unfortunate we did not move the Andean Trade Promotion Authority, which has also been reported by the House and been reported out by the Finance Committee but has not been cleared by the Senate. The President will be going to Peru this very week. The ambassadors and foreign ministers and Presidents of those countries, the Andean countries, had requested this legislation be passed, and indicated to me it had gone beyond being an issue of trade; it had gotten to be a very serious political problem in those countries. I am wondering about what exactly is the U.S. commitment to opportunity, trade options, and prosperity in those regions.

Of the countries which Senator GRASSLEY has listed, more and more countries are trading with these countries in Central and South America. We are really not in there the way we should be.

Recently, I had occasion to be in Spain, and I was surprised to find how much involvement Spain has in Central and South America, including, I believe, Spain owning the second largest bank in Central America.

That is just one example of what has happened there. These countries have an ever-growing number of free trade agreements. Yet the United States has only three trade agreements.

Is that correct?

Mr. GRASSLEY. We negotiated three trade agreements. Of these countries, 111 have negotiated 130 trade agreements.

Mr. LOTT. Mr. President, I am also very much worried. It appears that the way this will be brought to the floor, once again, is setting it up in such a way that the Senate may not be able to act. On bill after bill, we have seen that recently. That happened with the stimulus bill. It happened with agriculture. We are not sure what the outcome is going to be on the energy bill.

When you bring a bill to the floor, and the substance of that bill is such that we have to write it on the floor of the Senate, that is a problem. But in the case of trade, I also see that we are being told it has to be coupled with trade adjustment assistance.

While there is a bipartisan feeling that there needs to be some assistance available in dealing with dislocated workers, at least on the interim basis, it includes, for instance, health care provisions that are going to be extremely controversial.

To say that bill has to come to the floor providing COBRA health insurance provisions for trade adjustment assistance in order to get trade promotion authority is to set ourselves up in such a way that it will be very hard—and maybe even impossible —to get this very important legislation through.

Does Senator GRASSLEY care to comment on that?

Mr. GRASSLEY. It is a very divisive issue. As Senator LOTT brought up about tax benefits for COBRA insurance, there was divisiveness during the debate on economic stimulus, and it kept economic stimulus from passing.

It seems to me that a bill that was voted out of committee by 18 to 3 should not be handled in any other spirit than the spirit of that vote within the Finance Committee, which is typical of the way the Senate ought to work, and also a follow-on of how our committee has always worked to produce good bills which have come out of the committee most of the time with bipartisan support.

In so many other areas other than just this one, I compliment my Democrat counterpart, Senator BAUCUS, and his staff for trying to work through some of the disagreements that might come up on the floor of the Senate.

I think there is a terrible pressure for more to be done, and that it is going to be divisive. I hope we can get past that. For instance, in the case of health insurance and incentives for the unemployed to have health insurance, that is a very worthy issue. But that ought to come up in the context of dealing with the issue, as the President has presented it, of tax credits for all of the uninsured so they will be able to buy health insurance. We should not take that issue up with the very narrow part of the unemployed because of the relationship to trade. That should come up as an issue for all of the uninsured, and we should deal with that as a separate issue.

Mr. LOTT. Mr. President, I thank Senator GRASSLEY for his comments. I take this occasion to emphasize that particular point, and serve notice that this could be an area of major concern and a serious problem in producing a result on trade promotion authority. It would be a tragic example if we do not succeed in this area. Once again, that would mean the Senate has failed to do its work, especially after such good bipartisan work has been done in committee.

I encourage Senator GRASSLEY and Senator BAUCUS to continue in the spirit in which they reported this bill from committee to the full Senate.

I yield the floor.

Mr. GRASSLEY. Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

OPPOSITION TO THE SECTION 245(i) PROVISION AND AMNESTY FOR ILLEGAL ALIENS

Mr. BYRD. Mr. President, last week, CNN broke the news that, six months after the attacks on the World Trade Center and the Pentagon, the Immigration and Naturalization Service finally provided a confirmation notice to a Florida flight school that two of the suicide hijackers who died on September 11 had been approved for student visas.

The American people must have been shaking their heads in dismay. Certainly many politicians viewed the incident with incredulity and anger. Our President said he was "plenty hot." The Attorney General promised an investigation. Legislators and pundits have called for the restructuring—and even for the abolishment—of the INS.

I find it hard to understand the apparent shock. That this incident occurred should come as no surprise to anyone who has read anything in recent months about the inept manner in which our immigration system is apparently operating. In the aftermath of the September 11 attacks, the American people heard repeatedly about the lapses in our immigration laws that allowed these terrorists to enter our country. Three of the terrorists were in the country on expired visas and should have been deported. Countless federal reports and investigations have concluded that INS is plagued by backlogs and delays. The agency has little sense of who is crossing our borders, and can't track individuals once they are inside the country.

As if to try to provide some logic for its bumbling, the INS said in a statement last week that it had no information at the time that it approved these student visas that either man was tied to terrorist groups. I hardly find any comfort in that. It doesn't explain why Mohammed Atta's visa extension kept winding its way through the bureaucratic process for months after he became recognized internationally as a brutal terrorist.

Since September 11th, the Administration has sought to reassure the American people that this government was taking steps to reinforce that invisible barrier that ostensibly protects our citizens from foreign threats. The American people were told that this government is doing all that it can to strengthen our borders and make Americans safe.

But then this CNN report is unveiled, reinforcing the negative impression that most Americans have of our Nation's border security.

If the American people went to bed last Tuesday night in dismay over this latest INS debacle, they must have been absolutely dumbfounded when they awoke Wednesday morning to learn that the House of Representatives had passed, at the request of the President, what amounts to an amnesty for hundreds of thousands of illegal aliens, many of whom have not undergone any—any—background or security check.

Supporters of the House-passed extension of the so-called Section 245(i) provision were quick to claim that it is not an amnesty. The issue, they argue, is where you fill out your paper work—here or abroad. That is nonsense—N-O-N-S-E-N-S-E, nonsense. Section 245(i)—amnesty is amnesty—pure and simple.

The section 245(i) provision, which expired last April, allows undocumented immigrants to seek permanent residency without leaving the United States, if—if—they pay a $1,000 fee and have a close relative or employer sponsor them. Without the provision, these immigrants would be forced to leave the country, and under tougher illegal immigration reforms passed in 1996, be barred from reentering for up to 10 years.

If waiving tougher penalties for illegal aliens is not a form of amnesty, then I don't know what is.

Those who support reviving the 245(i) provision impress upon us that there are many, many individuals who came to this country legally, but became lost in the huge backlog of paperwork at the Immigration and Naturalization Service. Thus their visas expired while they were awaiting the processing of paperwork and they continued to live in the United States illegally and undetected.

I don't doubt that many of these individuals are well-meaning and have attempted to follow the law. I recognize that many of these individuals, if not for some type of legal exemption, will have to leave the country and be separated from their families. But we must not forget that three of the September 11 terrorists were living in the United States on expired visas. An additional two terrorists—Mohammad Atta and Marwan al-Shehhi tried to change their visa status while they were in the United States, and, thus, were allowed to begin their flight training at a Florida school. And as we learned in these last few days, not only did the Immigration and Naturalization Service never catch them, but months after September 11, the Immigration and Naturalization Service was still issuing paperwork clearing the way for these two terrorists to enter the stream of American society.

These terrorists weren't hiding from the system, they were exploiting the flaws in the system. Reviving the 245(i) provision reopens another crack in the system through which a potential terrorist can crawl. What the CNN story says to me is not that we should be more lenient with visa applicants, but that we should be much tougher, with visa applicants.

The section 245(i) provision poses a dangerous risk to our border security by compromising the all-important State Department background checks being conducted on potential immigrants in their home countries. By allowing hundreds of thousands of illegal aliens to apply for permanent residency in our country, section 245(i) allows them to sidestep face-to-face interviews at U.S. consulates in their own countries. U.S. consular officers abroad offer unmatched expertise in their host country's social conditions. They are knowledgeable of police records. They are knowledgeable of fraudulent document operations. They are knowledgeable of political extremist groups. Under section 245(i), U.S. consulate officers would not fully exercise this expertise in screening immigrants for permanent residency.

Supporters of the 245(i) provision will tell us that we can rely on a thorough INS background check. Ha-ha. Don't forget that if the visa applicants fail the INS security check, they are already inside the country. If they fail that check, they are already inside this country. And because of the ineptitude of the INS, they may have been living in this country for months and, who knows, perhaps years. We cannot afford to have a weaker visa screening standard for illegal aliens who are given the opportunity to permanently reside in our country.

Moreover, an extension of the 245(i) provision would contribute significantly to the INS' dangerously overloaded processing backlog. The Immigration and Naturalization Service currently faces a backlog of roughly 4 million cases, and we can expect an additional half a million visa application filings if section 245(i) is revived. The fact that the INS is notifying a Florida flight school of Mohammed Atta's student visa approval 6 months after the September 11 attacks clearly suggests that the Immigration and Naturalization Service cannot handle further increases in its workload. What's more, it does not make a whit of sense to place these new obligations on an agency that both the administration and Members of Congress are suggesting will undergo dramatic reforms in the coming months.

All of that is to say nothing about the message that we send abroad to potential immigrants who are waiting patiently to legally enter this country. Section 245(i) acts as an incentive, a lure, for illegal immigration by suggesting that it is quicker and more convenient to enter the country illegally than to wait outside the United States to complete the visa application process.

These are serious concerns that the Senate will need to address before it acts on this issue. The American people and the Congress should know the answers to these questions. In fact, there are a number of questions that ought to be raised as we consider changes to our immigration system, but I am becoming increasingly doubtful that the administration really wants to provide the answers.

The administration has been very quiet about its reasons for asking the Congress to renew the 245(i) provision. The White House issued only a three-paragraph statement last week in supporting the House-passed extension of 245(i), which states in the first paragraph:

> The Administration strongly supports House passage of H.R. 1885 . . . This legislation reflects the Administration's philosophy that government policies should recognize the importance of families and help to strengthen them.

Mr. President, I support recognizing the importance of families. I am sure that every Senator here is all for families. In fact, I have yet to meet an anti-family politician.

But this Government's first obligation, especially in light of what happened on September 11, ought to be that of protection of American families, and the 245(i) provision does not meet that test in the wake of September 11.

Last week, the Homeland Security Director unveiled a color-coded system to alert Americans of varying levels of terrorism threats. Governor Ridge warned that the United States remains on an elevated threat level and that the corresponding yellow light signifies that there is still a "significant threat" of a terrorist attack. Certainly, the administration would want to explain to the American people, as well as to the Congress, why an amnesty that streamlines and shortcuts background checks for illegal aliens is not a threat to our domestic security.

The suggestion has been raised in the media that the House passed this amnesty, at the President's request, so that Mr. Bush would have a legislative achievement to tout at his meeting with Mexican President Vicente Fox this week. The broader amnesty for 3 million illegal Mexican immigrants that the President proposed prior to the September 11 attacks has been indefinitely shelved, and it has been suggested that an extension of the section 245(i) provision is a substitute for that proposal. Last week the Washington Times quoted the majority whip in the other body as saying, "The president says he needs it, and we're going to do it." The paper also quoted a Republican aide saying, "That's the only reason we're doing it. What the president wants, the president gets."

I hope that is not the case. I hope that party politics is not the sole consideration in a matter as grave as this.

The suggestion has also been raised that the House passed an extension of Section 245(i), and included it as part of a so-called border security bill, to pressure the Senate into quickly passing similar border security legislation that is pending before it. Well, this Senator from, West Virginia will not be pressured into passing legislation. The Senate is a deliberative body. Senators have a responsibility to consider and to throughly debate legislation that comes before this body, especially legislation that raises as many concerns as section 245(i). I raise these concerns and I shall continue to raise them. The administration chose not to address these concerns last week when the House acted on the 245(i) provision.

Mr. President, the American people and the Congress cannot be expected to have confidence in our efforts to secure our borders, if they see the administration advocating legislation that seems to fly in the face of tighter border security. The administration must explain why, on the same day that the Homeland Security Director would issue an elevated state of alert, the White House would push through the House an amnesty for illegal aliens that would weaken our visa screening processes. Doesn't make much sense, does it? The right hand seems not to know what the left hand is doing.

It is lunacy—sheer lunacy—that the President would request, and the House would pass, such an amnesty at this time. That point seems obvious to the American people, if not to the administration.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE CREDIT CARD USE

Mr. GRASSLEY. Mr. President, it is quite obvious to everybody that the United States is at war and that every effort must be made to support our men and women in uniform, particularly those who are putting their lives on the line. And who knows, that might be anybody who is in the military at a time of war. You don't go to war if you don't go to war to win.

It is with some frustration that I address the Senate on a problem within the Department of Defense where it seems as if everybody is not pulling together as a team ought to pull together in order to win the war.

I want to share my views on the latest results of an ongoing oversight investigation of the Department of Defense credit card use. This is a joint effort supported by the General Accounting Office. I have had the privilege of teaming up with Congressman HORN of California on this issue. What we are trying to do is put the spotlight on a very costly problem at the Department of Defense. The Pentagon is a bureaucratic place and, as most bureaucratic places, if there are problems, the glare of the public spotlight is never welcome. But shedding light is the heart and soul of one of our most important responsibilities as Members of Congress, and that is to do oversight and make sure the laws are faithfully executed and that the money is spent according to the intent of Congress. Too often, we just spend our time worrying about passing laws rather than making sure laws are followed and money is spent according to the intent of Congress. So oversight is very important.

This is a way of bringing exposure to problems, and exposure is a great remedy enhancer. Every time I peer into the inner recesses of the Department of Defense credit card account, I see more abuse and fraud and that makes me ask myself: How bad can it really get? So we need to keep the spotlight on full power and the beam focused until we get to the bottom of the pit and figure out what needs to be done.

Today there are 1.7 million Department of Defense credit cards in circulation that generate over $9 billion in expenditures annually. There are two types of credit cards: purchase cards and travel cards. There are 1.4 million travel cards versus only 200,500 purchase cards. Most of the dollars, however, are on purchase card transactions, albeit that there is only about 12 percent as many purchase cards as travel cards. So we have $6.1 billion per year generated versus $3 billion for the travel cards.

A credit card, as everybody knows, is a financial instrument. It is, in fact, a license to spend money. Every shred of evidence that I have seen says that the internal controls at the Pentagon are weak or nonexistent. Credit cards in a zero-controlled environment are very dangerous and not very good for the taxpayers of this country. That means there is an army of 1.7 million strong, authorized to spend money with no checks and balances. The potential for abuse and fraud is virtually unlimited.

I understand the thinking behind the credit cards when they were first put out by the Defense Department. That thinking and the theory behind it is very good. Unfortunately, it is the execution that is so poor. We want the men and women serving in the Armed Forces to have the tools they need to carry out their duties effectively. A credit card is one of those modern devices that is supposed to make it easier for them to get the job done quickly and effectively, without a whole lot of wasteful paperwork. Who is going to argue with Government having less paperwork? But in simplifying the travel and purchase processors, each cardholder is given the authority to spend money. The authority to spend money in the name of the taxpayers is an awesome responsibility. That authority carries heavy responsibilities.

Unfortunately, this awesome responsibility is not taken very seriously at the Pentagon. That criticism is not directed at Secretary Rumsfeld. He is trying hard to clean up a longstanding financial mess. My criticism is directed at the bureaucrats who are supposed to oversee the program. The Department of Defense credit cards are issued willy-nilly with no credit checks. Just think of that—credit cards to people who are not given credit checks. The results are predictable. The cards are being abused with impunity. The Department of Defense credit cards are being taken on shopping sprees and the cardholders think they are immune from punishment. The sad commentary is that they are immune from punishment. They should not be, but they are. That is the way it works out, I guess.

We have zero accountability with purchase cards and zero accountability with travel cards—until recently. There is a little improvement in the area of travel cards. Now, the fact that there is zero accountability is a root cause of the problem. That is why we have to be overseeing this issue regularly—because of the lack of accountability. If there was accountability, none of this would be happening.

The General Accounting Office is reporting on how bad the problem really is. The General Accounting Office has examined 300 transactions at two Navy offices in San Diego. Now, just 300 transactions might sound to be too little to draw some conclusions, but the results just from those 300 are devastating and supports the evidence of a lack of accountability. Despite such a small sample, the General Accounting Office has uncovered extensive fraud and abuse, and more is being found each day.

This is the tip of the iceberg, and here is a sample of how these credit cards are abused: in bars, strip joints, and gambling casinos; for large cash withdrawals from ATM machines; clothing at upscale department stores, such as Macy's and Nordstrom; designer leather goods and expensive luggage; gift certificates, $1,500 each; $200 robots at Toys 'R Us; groceries, kitchen appliances, and home computers. Get this. They were even used for breast enlargement operations. You name it, it seems as if the people who have these credit cards do it, and it is all personal business. If they need it, they buy it with Department of Defense plastic, and they keep what they buy, no questions asked.

Now, there is a proposal to raise the purchase limit from $2,500—where it is now—to $25,000. As I see it, if that price goes up, if that purchase limit goes up, new cars and homes are next, rather than groceries and home computers.

The General Accounting Office's 300-transaction sample, with just 300 people being investigated, yielded over a half million dollars in fraudulent and abusive purchases. Either the taxpayers or the bank gets stuck with the bill, depending upon which card is used. So in the case of the purchase card, when shopping is done, the Government is responsible for paying the bill, and most bills are paid promptly with no questions asked. With a purchase card, the taxpayers get shafted upfront. To my knowledge, the Government has never asked anyone to return an unauthorized purchase or repay the money, even when abuse is known to the authorities.

In the case of travel cards, by comparison, the responsibility of the individual cardholder goes with the travel card expenses. The taxpayer at this point is out of the loop, at least upfront, but I will tell you how they get stuck in the end.

When the cardholder of a travel card incurs legitimate travel expenses, that person is supposed to file a travel voucher, get reimbursed, and then pass the money on to the bank; in this case, the Bank of America has all these credit cards.

All too often, the cardholder simply pockets the money, the tax dollars, and then the bank, when the cardholder does not pay the bill, is left holding the bag. When the travel card is used to cover personal expenses, which happens with alarming regularity, those bills are paid late, very late, sometimes never, and in this case the military personnel or the Department of Defense employees have no interest charges, so the abuser gets an interest-free loan.

The bank has equipped the Pentagon with an antifraud detection device. It is called EAGLS. It gives agency program coordinators an online capability to detect unauthorized transactions on any account, and it only takes a second to determine if a trooper is getting cash at a local ATM machine without orders, but it does not work because no one is minding the store.

As I said at a hearing last July when I first brought this up, if the Pentagon knows this is happening and if the Pentagon does nothing, it seems to me that makes the Department of Defense party to this bank robbery, and the robbery is still in progress.

We have a bank upfront sustaining unacceptable losses and all consumers doing business with that bank pay higher prices, and in the end the taxpayers get shafted, too, because when the bank has to write off this bad debt, it is written off as a business expense and that bank pays less corporate taxes to the Federal Treasury.

The only difference with the purchase card is the taxpayers get shafted upfront. In the case of Bank of America being shafted first, if they have to write this off as bad debt—and there is a lot of bad debt—they do not pay as much taxes, and so the taxpayers pay anyway.

The bank has reached a breaking point. Remember, this is the Bank of America. It is losing too much money. So on February 11, 2001, the bank fired a warning shot across the bow. The bank is turning up the pressure. It declared its intent to cancel the U.S. Army account, 413,029 of these cards at midnight, this month, this year. That got somebody's attention in a hurry, and negotiations are underway between the Bank of America and the Department of Defense.

Mr. President, you might say there is a glimmer of hope on the horizon, and the reason for hope comes from a brandnew Department of Defense policy called salary offsets. One might call it garnishment of salary.

Before I explain this new policy, it is important to understand why the Department of Defense travel card program is teetering on the brink of disaster.

As of November last year, 46,572 Department of Defense personnel had defaulted on more than $62 million in official travel expenses, and the bad debt was growing at the rate of $1 million per month, making the Department of Defense default rate six times the industry average.

Here is a government, which is supposed to be setting a good example, having a default rate six times what the bank would normally expect from anybody else using credit cards.

For a business that is interested in profit, a pile of bad debt, like what I am talking about, with no accountability makes for an intolerable situation. Something had to give.

In October of last year, the bank and Department of Defense agreed to take action. The salary offset program was born. There are now 31,579 accounts enrolled in the offset program; in other words, a garnishment of wages. So far, the offset payments total $5.2 million.

Salary offsets provide some measure of accountability, but there are limitations. For one, the money was taken from the bank in big chunks, but it is repaid in little dribbles here and there over a long period of time. There are loopholes. Ten percent of the unpaid accounts will slip right through the net due to retirements, bankruptcies, and dollar offset limits. The bank still expects about $2 million to $4 million a year to fall through the cracks and be written off as bad debt, but that is considered somewhat better because that is consistent with the industry average.

In addition, most of the older accounts in default will never be captured by offsets. The bank will still have to eat $40 million of unrecoverable debt. Even though there is not any hard data yet, the bank expects salary offsets to reduce the default rate, in their words, to negligible levels. That is the good news, but there is still bad news.

Salary offsets are having little or no effect on the high delinquency rates. Delinquencies have actually risen since the salary offset policy has been put in place. That is because offsets do not kick in for 120-plus days, 4 months past billing. Payments are due within 30 days of billing.

Today the Department of Defense has outstanding balances of $370 million. About 30 percent of the dollars owed for official travel expenses are more than 30 days past due, and 15 percent are 60 days past due. One in five Department of Defense accounts is overdue for payment. That is four to five times the industry average.

The 3-month gap between the payment due date and offsets means the bank has to float a loan—it is a free loan for Department of Defense abusers—that costs the bank $4 million to $5 million a year.

Wouldn't you like to get an interest-free loan this way by using a Government credit card?

A prime driver behind delinquencies is the use of the card to cover personal expenses. Mr. President, you may remember I mentioned several cases in a speech last year about egregious abuse of the Department of Defense credit cards. There is the case of Marine Sgt. A. Lopez who ran up a $19,581 bill for personal expenses and then left the service and the unpaid bill when his enlistment was up.

We have a person by the name of P. Falcon, Army, with an unpaid bill of $9,847, including $3,100 spent at a nightclub. We have a dead sailor named T. Hayes who spent $3,521; Q. Rivera, Army Reserve, whose wife spent $13,011 on a shopping spree in Puerto Rico. And we have R. Walker, Air National Guard, with an unpaid balance of $7,428, including his wife's gambling debts.

Now, in the past 8 months, since this was exposed, only one of these accounts has been paid off, and that was P. Falcon, who had the bill for $9,847, including $3,100 spent at the nightclub. He has paid his bill. Every expense posted to his account was personal. However, he is under investigation.

The others have the same large, unpaid balances that I told my colleagues about last July. Some are under investigation. More aggressive offsets and late fees might help to bring this kind of abuse to a screeching halt. I hope the Defense Department proceeds down that course.

Some real leadership at the top would also help. One of the most powerful elements of leadership is a setting of examples of excellence. Setting a good example should include paying credit card bills on time.

Officers in our military branches should always set the example. Unfortunately, the bad news is there are 713 commissioned officers who have defaulted on $1.1 million in charges. All of these accounts are in chargeoff status or unpaid for 7 months or more. The rank of these officers ranges from junior lieutenants up to senior colonels and a Navy captain. Individual unpaid balances top out at $8,000. Some of the charges on these accounts look suspicious and need investigation.

Commissioned officers who run up $1.1 million in bad debts set a terrible example for the rank and file. Somebody over in the Pentagon needs to come down hard on officer scofflaws.

Credit card abuse in the military will never stop until officers clean up their act. I have provided a list of these 713 commissioned officers who defaulted on their accounts, along with the unpaid balance for each officer. I have also sent a letter to Secretary Rumsfeld because I want him to see the list and determine what action should be taken in this matter because officers should be setting an example, although anybody who commits this sort of action is doing wrong, particularly in time of war when every resource we have in the Defense Department and elsewhere ought to go towards winning that war.

One last example: The General Accounting Office has uncovered a disturbing case involving alleged purchase and travel card fraud by one person, Ms. Tanya Mays. She was assigned to the Navy Public Works Department San Diego. Ms. Mays took her purchase card on a Christmas shopping spree, and in a few short days ran up a bill of $11,551 at Macy's, Nordstrom, and Circuit City. She bought gift certificates worth $7,500, a Compaq computer, Amana range, groceries, and clothing, all at taxpayer expense.

She presented the bill to her Navy supervisor who signed and certified for payment, and it was paid in full. She also used her travel card to buy airline tickets for her son that cost another $722. When Ms. Mays left the Public Works Department, she was allowed to keep her purchase card. I guess they figured she might need it again, and they were right. She did, this time for a personal car rental, and Public Works gladly paid the bill.

I find this Mays case very troublesome. She has allegedly made a number of fraudulent purchases. Yet there seems to be a total disregard for accountability. Ms. Mays has not been asked to repay the money she allegedly stole. No disciplinary action has been taken. In fact, she was moved to a bigger job and given a promotion in October 2001. She is now assigned to the Army's top level financial management office in the Pentagon, and I am told she is in charge of cash integration.

When one of these cases is put under a microscope, it seems as if the whole problem comes into sharper focus.

Her case is not unique. There is another one. I am going to call him Nick. His last name is Fungcharoen. I am not going to repeat that, obviously. He used his travel card exclusively for personal expenses. Over a period of 2 years, he charged nearly $35,000, including medical expenses of $4,000. On the surface, it appears as if he spent most of the money romancing a waitress he met at the Hooter's Bar and Grill in Jacksonville, FL. Her name was Jennifer Gilpin.

After they got to know each other, she asked him for money to have her breast enlargement operation. He agreed and took her to a surgeon. Dr. John J. Obi, M.D., performed the operation, and Nick used his Department of Defense credit card to pay the bill.

When the relationship soured, the case ended up in small claims court. Nick had retired on disability and wanted his money back. The judge became alarmed that Nick testified proudly he had used his government-issued credit card to pay the doctor. Nick whipped out the card in the courtroom and showed it to the judge. The judge examined the card and read the inscription that says, "for official government travel only."

The judge stated in total disbelief, "You paid for this breast enlargement with a government credit card?"

After the revelation, the judge simply said, "Let's not go there."

That case is unique. It is unique because the cardholder paid his bill, though not always on time. So I have two problems with all of that.

The point is, we have to get this stopped. We have to make sure all of the resources of the Defense Department are not used for playing games with government credit cards but are used to make sure we win the war on terrorism.

I yield the floor.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I ask unanimous consent that I be allowed to speak for 25 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana is recognized.

Mr. LUGAR. I thank the Chair.

(The remarks of Mr. LUGAR pertaining to the introduction of S. 2026 are located in today's RECORD under "Statements on Introduced bills and Joint Resolutions.")

Mr. LUGAR. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, if morning business is closed, what would be the order before the Senate?

The PRESIDING OFFICER. Under the previous order, the Senate would proceed to H.R. 2356.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Is there any more time for morning business?

The PRESIDING OFFICER. There is not.

Mr. REID. Mr. President, I ask for the regular order.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, today with the opening of this debate, we take the first step toward passing the McCain-Feingold/Shays-Meehan bill in the Senate and take one of the final steps toward banning soft money.

I am grateful for all the hard work that has brought us to this moment—of course, the work done by the reform community, the work done by the outstanding leaders in the other body to pass this bill last month, and, most of all, the work done by my colleagues here in the Senate, under the leadership of Senator McCAIN of Arizona.

A year ago, we had an excellent debate about campaign finance reform here on this floor. In fact, it began almost exactly a year ago, on March 19. We had an outstanding exchange of ideas, we held numerous votes, and we worked hard on both sides of the issue. I believe that that debate enriched this body, and that it enriched the McCain-Feingold bill.

In the end, the will of the Senate was done, and we passed the bill in a strong bipartisan vote of 59–41. A year later, we are here again on the floor working to pass reform. But this time it is different. This time, we already know where the Senate stands. And we know that all that stands between this bill and the President's desk is the Senate's final consideration of the bill this week.

With the strong vote for McCain-Feingold last year, the Senate recognized the importance of our responsibility as representatives of the people and as stewards of democracy. As long as we allow soft money to exist, we risk damaging our credibility when we make the decisions about the issues that the people elected us to make.

The people sent us here to wrestle with some very tough issues. They have vested us with the power to make decisions that have a profound impact on their lives. That is a responsibility that we take very seriously. But today, when we weigh the pros and cons of legislation, many people think we also weigh the size of the contributions we got from interests on both sides of the issue. And when those contributions can be a million dollars, or even more, it seems obvious to most people that we would reward, or at least listen especially carefully to, our biggest donors.

So a year ago we voted to change the system. And now, both bodies have fully and fairly debated the issues and discussed the merits of this bill. We have given this important issue the time and consideration it deserves. Now, very simply, it is time to get the job done. It is time to get this bill to the President.

I believe the Senate is ready to repair a broken system. And make no mistake about it, the way the soft money and issue ad loopholes are being abused today has devastated the campaign finance system. More than that, these loopholes have weakened the effectiveness of this body and cast doubt on the work we do. They have weakened the public's trust in government; in a very real sense, they have weakened our democracy.

I know many of us here are tired of seeing headlines that imply that legislative outcomes here are not a result of our own will or good judgment, but a result of our desire to please wealthy donors. We are tired of those headlines, and so are the American people. The people know that the system can function better when soft money doesn't render our hard money limits meaningless, and when phony issue ads don't make a joke of our election laws. And they also know that this is our best chance in years to do something to effect real change.

This week we can show them, just as we did a year ago in this Senate, that we are ready for change, and that we are going to make that change happen.

As we embark on this discussion about campaign finance reform on the floor today, it is remarkable how much has changed since the Senator from Arizona and I introduced this bill in September of 1995, and even since we stood here a year ago. Both sides of Capitol Hill have finally acknowledged the demand of the American people that we ban soft money contributions, after years of soft money scandals and embarrassments that have chipped away at the integrity of this body.

As many commentators have noted, the collapse of Enron gave the campaign finance reform issue momentum prior to the House vote in February. But I would note that our effort has been given momentum by many other campaign finance scandals that have occurred just in the last few years. I think they are actually more than we care to remember.

Soft money has had an increasingly prominent role in party fundraising over the last 12 years. In 1988 the parties began raising $100,000 contributions for the Bush and Dukakis campaigns—an amount unheard of before the 1988 race. By the 1992 election, the year I was elected to this body, soft money fundraising by the major parties had doubled, rising to $86 million. In successive election cycles the amount of soft money raised by the parties has simply skyrocketed. In 2000 soft money totals were more than five times what they were in 1992. It was already a lot in 1992. In 2000, it was five times already what it had been 8 years earlier.

And along with the money, came the scandals—soft money and scandals have gone hand in hand for more than a decade now. First, the mere fact that soft money was being raised in such enormous amounts was a scandal in the early 1990s. But then we had the Lincoln Bedroom, and the White House Coffees, and Charlie Trie and John Huang and Johnny Chung. And then, of course, the Presidential pardons coming under suspicion at the conclusion of the Clinton administration. We faced questions in this body as we considered bills regulating tobacco and telecommunications and the Patients' Bill of Rights, while at the same time we raised soft money from the industries and interest groups that had a huge stake in those bills. The public watched with increasing skepticism as we appeared to act—or fail to act—on legislation based on the demands of wealthy soft money donors. With the enormous influx of soft money being raised by both parties, with every vote we cast the public wondered, and had reason to wonder, was it the money?

Of course of late we have seen yet another scandal take shape—the Enron debacle. As the Enron story unfolded, I think many of us were reminded why the Supreme Court, in its famous 1976 Buckley versus Valeo decision, said that the appearance of corruption, not just corruption itself, justifies congressional action to place some limits on our campaign finance system.

In the Buckley case, the Supreme Court understood that public mistrust of government is destructive to democracy. From a constitutional point of view, it hardly matters whether that mistrust is based on actual misconduct or simply its appearance.

In the case of Enron's collapse, the need to address public mistrust has been paramount for Congress and the administration as they have investigated the company's alleged wrongdoing. When a corporation such as Enron leaves devastated employees and fleeced shareholders in its wake, the public depends on us—on Congress and the administration—to determine what went wrong and defend the public interest. But the potential for a conflict of interest in a case such as this is clear: Many of the elected officials who were asked to sit in judgment of Enron, including Members of Congress, the Attorney General, and the President of the United States, have been accepting, and even asking for, campaign contributions from Enron for years. And the political parties have pocketed more than $3.5 million in unregulated, unlimited soft money from Enron since 1991.

Congress has moved forward with the investigations into Enron's conduct, despite the potential conflict of interest the political contributions might pose. The reality is that this is all too familiar territory for Congress. Every day Members of Congress accept huge campaign contributions with one hand and vote on issues affecting their contributors with the other. And, every day the public naturally questions whether their Representatives are giving special treatment to the wealthy interests that fund their campaigns and bankroll their political parties.

The Enron scandal, and all the soft money scandals that have come before, illustrate the permanent conflict of interest—the permanent conflict of interest—that unlimited soft money contributions to the parties have created for elected officials in the Capitol and at the White House. Both parties have gladly accepted Enron's soft money contributions over the years, and now those contributions are compromising our ability to address the Enron collapse, and countless other issues that come before the Congress. More than that—more than that—they compromise the public's confidence in our ability, and our will, to do anything about it.

While eliminating soft money will not cure the campaign finance system of every ill, it will, in fact, end a system of unlimited donations that has blatantly put political access and influence up for sale. Enron is just one in a long line of corporations, unions, and wealthy individuals that has exploited the soft money loophole to buy influence with Congress and the executive branch at the very highest levels. So banning soft money will help to untangle the web of money and influence that has made Congress and the White House so vulnerable to the appearance of corruption for far too long.

In the coming days we will face the final test of this long legislative battle and take our final steps toward enacting these hard-fought reforms into law. Passing campaign finance reform is within our grasp, and so, finally, is a renewed integrity for our democratic process.

Of course, while the soft money ban is central to the bill, and is the most important feature of the bill, this bill contains reforms on a variety of other issues.

I say to the Presiding Officer, of course, you were one of the principal authors of very important provisions relating to so-called phony issue ads that make the bill even stronger.

A number of amendments were added on the Senate floor last year that improved and strengthened the bill. Almost all of them are in the bill now before us that we hope, by the end of the week, will be sent to the President.

Mr. President, I ask unanimous consent that a section-by-section analysis of the bill be printed in the RECORD immediately following my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. FEINGOLD. Thank you, Mr. President.

Mr. President, the debate is finally here. Our bipartisan coalition is strong and resolute. And the moment for reform has arrived.

After 6½ years of work on this bill, and more than a decade of scandals that have threatened the integrity of our legislative process, I do believe this body is ready to get the job done for the American people. I believe the American people have waited long enough.

Mr. President, I yield the floor.

EXHIBIT NO. 1

THE BIPARTISAN CAMPAIGN REFORM ACT OF 2002—SECTION BY SECTION ANALYSIS

TITLE I: REDUCTION OF SPECIAL INTEREST INFLUENCE

Sec. 101(a). Soft Money of Political Parties. Creates new Section 323 of the Federal Election Campaign Act (FECA) to prohibit soft money in federal elections.

Sec. 323(a). National Committees. Prohibits national party committees and entities controlled by the parties from raising, spending, or transferring money that is not subject to the limitations, prohibitions, and reporting requirements of the FECA (i.e., soft money).

Sec. 323(b). State, District and Local Committees. Subject to the Levin amendment, requires any money spent on "Federal election activities" by state or local parties, and entities controlled or acting on behalf of those parties or an association of state or local candidates to be subject to the limitations, prohibitions, and reporting requirements of the FECA (i.e., hard money.) This will close the state party loophole. "Federal election activities" are defined in Section 101(b) of the bill.

Under the Levin amendment, the section permits state or local parties to spend soft money on voter registration and get out the vote activity that does not mention a federal candidate as long as no single soft money donor gives more than $10,000 per year to any state or local party organization for such purposes, the money is not spent on broadcast advertising other than ads that solely mention state or local candidates, the money is not raised by federal candidates, national parties, or party committees acting jointly. The spending of this money will require an allocation of hard money to soft money. The state or local party organization must raise the hard and soft money for this allocation on its own, and money to be spent under this provision may not be transferred between party organizations.

Sec. 323(c). Fundraising Costs. Requires national, state, and local parties to use hard money to raise money that will be used on Federal election activities, as defined by the bill.

Sec. 323(d). Tax-Exempt Organizations. Prohibits national, state, and local parties or entities controlled by such parties from making contributions to or soliciting donations for 501(c) organizations which spend money in connection with federal elections or 527 organizations (other than entities that are political committees under the FECA, state/district/local party committees, or state or local candidates' campaign committees). This provision will prevent the parties from collecting soft money and laundering it through other organizations engaged in federal electioneering.

Sec. 323(e). Federal Candidates. Prohibits federal candidates or individuals holding federal office and any entities established, financed, controlled, or acting on behalf of such candidates or officeholders from raising or spending soft money in connection with federal elections. The restrictions of this section do not apply to federal officeholders who are running for state office and spending non-Federal money on their own elections, so long as they do not mention other federal candidates who are on the ballot in the same election and are not their opponents for state office. The restrictions also do not prevent a federal candidate or officeholder from attending, speaking at, or appearing as a featured guest at a fundraising event for a state or local political party.

Candidates are permitted to solicit up to $20,000 from an individual per year specifically for voter registration and get out of the vote activities carried out by 501(c) organizations. The provision also clarifies that candidates may solicit unlimited funds for 501(c) organizations where the solicitation does not specify the use of the money, and the organization's principal purpose is not voter registration or get out the vote activities.

Sec. 323(f). State Candidates. Prohibits candidates for state or local office from spending soft money on public communications that promote or attack a clearly identified candidate for Federal office. Exempts communications which refer to a federal candidate who is also a candidate for state or local office.

Taken together, these soft money provisions are designed to shut down the soft money loophole as comprehensively as possible. By including entities established, maintained, controlled, or acting on behalf of federal and state officeholders and candidates, they also prohibit so-called "leadership PACs" or "candidate PACs" from raising or spending soft money in connection with Federal elections and are designed to prevent the evasion of the law by federal or state candidates or officeholders using 501(c)(4) or 527 organizations.

Sec. 101(b). Definitions. Provides definitions for certain terms used in the soft money ban.

Federal election activity means voter registration activities within 120 days before a federal election, get out the vote activity and generic campaign activity in connection with an election in which federal candidates are on the ballot (even if state candidates are also on the ballot), and public communications that refer to a clearly identified federal candidate and support or oppose a candidate for that office (regardless of whether those communications expressly advocate the election or defeat of a candidate.) These are the activities that state parties must pay for with hard money (except as specifically provided under the bill).

Generic campaign activity means campaign activities like general party advertising that promote a political party but not a candidate.

Public communication means a communication to the general public by means of broadcast, cable, satellite, newspaper, magazine, outdoor advertising, mass mailing, telephone bank, or any other general public political advertising.

Mass mailing is a mailing of more than 500 identical or substantially similar pieces within any 30 day period.

Telephone bank means more than 500 calls of an identical or substantially similar nature within a 30 day period.

Sec. 102. Increased contribution limits for state committees of political parties. Increases the amount that individuals can give to state parties from $5,000 to $10,000. See Section 307 for additional increases in contribution limits.

Sec. 103. Reporting requirements. Requires national political party committees, including congressional campaign committees to report all receipts and disbursements and state party committees to report all receipts and disbursements and state party committees to report all receipts and disbursements for Federal election activities and receipts and disbursements for activities permitted by the Levin amendment (i.e., spending of capped soft money donations on certain forms of voter registration and get-out-the-vote). Requires itemized reporting of receipts or disbursements of over $200. Eliminates the building fund exception to the FECA's definition of contribution. Accounts to raise money for office buildings were one of the original soft money accounts before the loopholes exploded in the 1996 election with the use of soft money for political advertising.

TITLE II: NON-CANDIDATE CAMPAIGN EXPENDITURES

SUBTITLE A—ELECTIONEERING COMMUNICATIONS

Section 201–203 have come to be known as the "Snowe-Jeffords amendment."

Sec. 201. Disclosure of Electioneering Communications. Requires anyone who spends over $10,000 in a calendar year on electioneering communications to file a disclosure statement within 24 hours after reaching that amount of spending and again within 24 hours of each additional $10,000 of spending. Electioneering communications are defined as broadcast, cable or satellite communications that mention the name or show the likeness of a clearly identified candidate for Federal office within 60 days of a general election or 30 days of a primary election, convention, or caucus, and which is targeted to the candidate's state/district. Electioneering communications do not include news broadcasts, communications that constitute independent expenditures because they contain express advocacy, or candidate debates and advertisements for candidate debates. The FEC may promulgate additional exceptions for advertisements that do not attack, oppose, promote or support a clearly identified Federal candidate.

The disclosure statement must identity the person or entity making the disbursement, the principal place of business of that person if it is not an individual, the amount of each disbursement of over $200 and the identity of the person receiving the disbursement, and the election to which the communication pertains and the candidate or candidates who are identified. If the disbursement is made from a segregated account to which only individuals can contribute, the disclosure statement must also reveal the names and addresses of the contributors of $1,000 or more to that account. If the disbursement is not made from such a segregated account then all donors of $1,000 to the organization making the expenditure must be disclosed. Money in the segregated account can be used for purposes other than electioneering communications, and the spending on other activities need not be disclosed, but all contributors to the account must be informed that their money might be used for electioneering communications.

Sec. 202. Coordinated Communications As Contributions. Makes clear that electioneering communications that are coordinated with candidates or with political parties are deemed to be contributions to the candidate supported by the communication. Because contributions to candidates are limited in the case of individuals, or prohibited in the case of groups (other than through a PAC), this provision essentially prohibits electioneering communications from being coordinated with candidates or parties.

Sec. 203. Prohibition of Corporate and Labor Disbursements for Electioneering Communications. Bars the use of corporate and union treasury money for electioneering communications. Corporations and unions are prohibited from spending their treasury money on electioneering communications, and groups and individuals may not use corporate or union treasury money for such ads (corporations and unions could finance such advertisements through their political action committees). The provision includes a number of special operating rules designed to prevent evasion of this prohibition through pass-throughs, laundering, or contribution swaps. 501(c)(4) and 527 organizations, which are technically corporations, are permitted to make electioneering communications as long as they use individual money contributed by U.S. citizens, U.S. nationals, or permanent legal residents and make the disclosures required by Section 201 (but see Section 204). If they derive income from business activities or accept contributions from corporations or unions, they must pay for electioneering communications from a separate account to which only individuals can contribute.

Sec. 204. Rules Relating to Certain Targeted Electioneering Communications. Withdraws Section 203's exemption for 501(c)(4) or 527 organizations that run electioneering communications targeted to the electorate of the candidate mentioned in the communications. The net effect of this provision is to apply the Snowe-Jeffords prohibition on running sham issue ads paid for with corporate or union treasury funds to non profit advocacy groups (501(c)(4)'s) and political organizations (527's). Should this provision be struck down as unconstitutional, the prohibition on the use of union or for-profit corporation treasury money for electioneering communications would remain intact, as would the disclosure requirements.

SUBTITLE B—INDEPENDENT AND COORDINATED EXPENDITURES

Sec. 211. Definition of Independent Expenditure. Clarifies the statutory definition of independent expenditure to mean an expenditure expressly advocating the election or defeat of a clearly defined candidate that is not made in coordination with a candidate.

Sec. 212. Reporting Requirements for Certain Independent Expenditures. Requires any person, including a political committee, who makes independent expenditures totaling $10,000 or more until the 20th day before the election to file a report with the FEC within 48 hours. An additional report must be filed within 48 hours of any additional independent expenditures of $10,000 or more. In the last 20 days before the election, a report must be filed within 24 hours of each independent expenditure totaling more than $1,000.

Sec. 213. Independent Versus Coordinated Expenditures by Party. Requires political parties to choose in each election between making the limited expenditures permitted to be coordinated with a candidate under 2 U.S.C. §441a(d) and making unlimited independent expenditures. Parties would make that choice with their first expenditure with respect to a particular election after their nominee has been chosen. If a party makes an independent expenditure, it may not make a coordinated expenditure with respect to that election. If it makes a coordinated expenditure, it may not make an independent expenditure. For purposes of this section, all national and state party committees are considered to be one entity so a national party cannot make an independent expenditure if a state party has made a coordinated expenditure with respect to a particular candidate.

Sec. 214. Coordination with Candidates or Political Parties. Provides that an expenditure made by a person, other than a candidate, in coordination with a political party will be treated as a contribution to the party. In addition, the FEC's current regulations on coordinated communications paid for by persons other than candidates are repealed nine months after enactment. The provision instructs the FEC to promulgate new regulations on coordination between candidates or parties and outside groups, addressing a number of different situations where coordination might be found. It provides that the new regulations shall not require formal collaboration or agreement to establish coordination.

TITLE III: MISCELLANEOUS

Sec. 301. Use of Contributed Amounts for Certain Purposes. Codifies FEC regulations relating to the personal use of campaign funds by candidates. Contributions will be considered converted to personal use if they are used for an expense that would exist irrespective of the campaign or duties as an officeholder, including home mortgage or rent, clothing, vacation expenses, tuition payments, noncampaign-related automobile expenses, and a variety of other items.

Sec. 302. Prohibition of Fundraising on Federal Property. Amends 18 U.S.C. §607 to provide controlling legal authority that it is unlawful to solicit or receive a campaign contribution from a person who is located in a federal room or building. It is also unlawful to solicit or receive a campaign contribution while located in federal room or building.

Sec. 303. Strengthening Foreign Money Ban. Prohibits foreign nationals from making any contribution to a committee of a political party or any contribution in connection with federal, state or local elections, including any electioneering communications. This clarifies that the ban on contributions to foreign nationals applies to soft money donations.

Section 304. Modification of Individual Contribution Limits in Response to Expenditures From Personal Funds. Allows Senate candidates who face opponents who spend large amounts of their personal wealth to raise larger contributions from individual donors. The provision sets up three different "triggers" that vary according to the size of the candidate's state. When a wealthy candidate's personal spending passes the first trigger amount, the individual contribution limits are tripled. At the second trigger, the opposing candidate can raise six times the limits from individual donors. And at the third trigger, party coordinated spending limits are lifted. The amount of additional fundraising or spending at all trigger levels is limited to 110% of the amount of personal wealth spent. The provision also prohibits all candidates from raising contributions to repay loans they make to their own campaigns of over $250,000. Section 316 further limits the amount of additional fundraising that can be done by Senate candidates under this provision: See section 319 for a similar provision applicable to House candidates.

Sec. 305. Limitation on Availability of Lowest Unit Charge for Federal Candidates Attacking Opposition. Requires candidates seeking to avail themselves of the lowest unit charge for advertising available under Section 315(b) of the Communications Act of 1934 to provide written certification that if they refer to another candidate in the advertisement they will include in the advertisement a photo of themselves and a clearly legible statement that they have approved and paid for the ad. Both items must appear in the ad for no less than four seconds.

Sec. 306. Software for Filing Reports and Prompt Disclosure of Contributions. Requires the FEC to promulgate standards for software vendors to develop software that will allow political committees to report receipts and disbursements to the FEC immediately, and allow the FEC to immediately post the information on the Internet immediately. Once such software is available, the FEC is required to make it available to all persons required to file reports. Once software provided to a person required to report, it shall be used notwithstanding the current time periods for filing reports.

Sec. 307. Modification of Contribution Limits. Provides for increases in certain contribution limits. The maximum amount that an individual can give to a federal candidate is increased from $1,000 to $2,000 per election. These limits will be indexed for inflation. The maximum amount that an individual can give to a national committee of a political party each year is increased from $20,000 to $25,000. The maximum aggregate amount that an individual can give to parties, PACs, and candidates combined per year is increased from $25,000 per year (current law) to $95,000 per cycle, including not more than $37,500 per cycle to candidates, and reserving $20,000 per cycle for the national party committees. The amount that a senatorial campaign committee can contribute to a Senate candidate is increased from $17,500 to $35,000. All of the limits increased in this section are indexed for inflation beginning with a base year of 2001, and the increased limits apply to contributions made on or after January 1, 2003.

Sec. 308. Donations to Presidential Inaugural Committee. Requires a Presidential Inaugural Committee to file a report with FEC within 90 days of the inauguration disclosing all donations of $200 or more. Foreign nationals (as defined in 2 U.S.C. §441e(2) are prohibited from making any donation to an Inaugural Committee. The FEC is required to make public and post on the Internet any Report filed under this section within 48 hours of its receipt.

Sec. 309. Prohibition no Fraudulent Solicitation of Funds. Prohibits a person from fraudulently misrepresenting that he or she is speaking, writing, or otherwise acting on behalf of a candidate or political party for the purpose of soliciting campaign contributions.

Sec. 310. Study and Report on Clean Money Election Laws. Requires the GAO to conduct a study of the clean money, clean election systems in Arizona and Maine. The study shall include a number of statistical determinations with respect to the recent elections in those states and describe the effect of public financing on the elections in those states. The GAO shall report its findings to Congress within a year of enactment.

Sec. 311. Clarity Standards for Identification of Sponsors of Election-Related Advertising. Amends and supplements the FECA's current requirements that the sponsors of political advertising identify themselves in their ads. Additional provisions include: (1) applies the requirements to any disbursement for public political advertising, including electioneering communications; (2) requires the address, telephone number, and Internet address of persons other than candidates who purchase public political advertising to appear in the ad; (3) requires candidate radio ads to include a statement by the candidate that he or she has approved the communication; (4) requires a television ad to include the same audio statement along with a picture of the candidate or a full screen view of the candidate making the statement, and a written version of that statement that appears for at least 4 seconds; and (5) requires persons other than candidates to run ads to include a statement that that person "is responsible for the content of this advertising."

Sec. 312. Increase in Penalties. Increases from one year to five years the maximum term of imprisonment for knowing and willful violations of the FECA involving the making, receiving, or reporting of any contribution, donation, or expenditure aggregating $25,000 or more during a calendar year. Provides that criminal fines of up to $250,000 may also be assessed for prohibited contributions or expenditures of that amount, or of up to $100,000 for violations totaling less than $25,000 in a year.

Sec. 313. Statute of Limitations. Extends the statute of limitations for violations of the FECA from three to five years.

Sec. 314. Sentencing Guidelines. Directs the U.S. Sentencing Commission to: (1) within 90 days of the effective date promulgate a guideline, or amend an existing guideline, for penalties under FECA and related election laws; and (2) submit to Congress an explanation of any such guidelines and any legislative or administrative recommendations regarding enforcement. Specifies considerations for such guidelines, including that they reflect the serious nature of violations of the FECA and the need to aggressive and appropriate law enforcement action to prevent violations.

Sec. 315. Increase in Penalties Imposed for Violation of Conduit Contribution Ban. Increases the maximum civil penalty that can be assessed by the FEC for a violation of the conduit contribution prohibition in 2 U.S.C. §441f from the greater of $10,000 or 200 percent of the contribution involved to $50,000 or 1,000 percent of the amount involved. Increases the maximum term of imprisonment for a criminal violation of the conduit contribution ban involving amounts of between $10,000 and $25,000 from one to two years, and increases the maximum criminal penalty to the greater of $50,000 or 1,000 percent of amount involved. The minimum criminal penalty shall be 300 percent of the amount involved.

Sec. 316. Restriction on Increased Contribution Limits by Taking into Account Candidate's Available Funds. Modifies the amount of additional fundraising that a candidate who faces a wealthy opponent can do under the increased contribution limits set out in Section 304. If the non-wealthy candidate has raised more money than the wealthy candidate, the amount of fundraising under the increased contribution limits is decreased by one half of the difference between the two candidates fundraising (excluding the amount of personal wealth that the wealthy candidate has contributed) as of June 30 and December 31 of the year before the election.

Sec. 317. Clarification of Right of Nationals of the United States to Make Political Contributions. Clarifies U.S. Nationals are allowed to make political contributions.

Sec. 318. Prohibition of Contributions by Minors. Prohibits anyone 17 years of age or younger from making political contributions.

Sec. 319. Modification of Individual Contribution Limits for House Candidates in Response to Expenditures from Personal Funds. Allows House candidates who face opponents who spend large amounts of their personal wealth to raise larger contributions from individual donors. When a wealthy candidate's personal spending exceeds $350,000, the individual contribution limits are tripled. In addition, party coordinated spending limits are lifted. The total amount of permitted additional fundraising and party expenditures is limited to the "opposition personal funds amount." That amount is determined by taking the opponent's personal wealth spending and subtracting the amount the candidate spends of his or her own personal wealth and one-half of the fundraising advantage, if any, that the candidate may have over the opponent. Thus, the amount of additional fundraising and party expenditures can never exceed the amount of personal wealth devoted by the opponent.

TITLE IV: SEVERABILITY; EFFECTIVE DATE

Sec. 401. Severability. Provides that if any provision of the bill is held unconstitutional, the remainder of the bill will not be affected.

Sec. 402. Effective Date. Provides that the Act will take effect on November 6, 2002 (the day after the 2002 election), except for the increased contributions limits contained in section 307. After November 6, 2002, the parties may spend any remaining soft money only for debts or obligations incurred in connection with the 2002 election (including any runoff or recount) or any previous election, but only for expenses for which it would otherwise be permissible to spend soft money. No soft money may be spent on office buildings or facilities after the effective date.

Sec. 403. Judicial Review. Provides that any action for declaratory or injunctive relief to challenge the constitutionality of any provision of the Act or any amendment made by it must be filed in the United States District Court for the District of Columbia where the complaint will be heard by a three judge court. Appeal of an order or judgment in such an action shall be reviewable only by appeal directly to the Supreme Court of the United States. Such appeal must be taken by notice of appeal filed within 10 days of the judgment and a jurisdictional statement must be filed within 30 days of the entry of a final decision. The District Court and the Supreme Court must expedite the case. Allows a Member of Congress to intervene in support of or in opposition to a party to the case. The Court may make orders that similar positions be filed jointly or be represented by a single attorney at oral arguments.

TITLE V: ADDITIONAL DISCLOSURE PROVISIONS

Sec. 501. Internet Access to Records. Requires the FEC to make all designations, reports, statements, and notifications available on the Internet within 48 hours of receipt.

Sec. 502. Maintenance of Website of Election Reports. Requires the FEC to maintain an Internet site to make all publicly available election reports accessible to the public and to coordinate with other agencies that receive election-reports to allow such reports to be posted on the FEC's site in a timely manner.

Sec. 503. Additional Monthly and Quarterly Disclosure Reports. Requires candidates to file quarterly reports instead of semi-annual reports in non-election years. National parties are required to file monthly reports rather than having a choice between monthly and quarterly reports.

Sec. 504. Public Access to Broadcasting Records. Requires radio and television broadcasting stations to maintain records of requests to purchase political advertising time, including requests by candidates or by advertisers intending to communicate a message relating to a political matter of national importance. The records must be made available for public inspection and must include the name and contact information of person requesting to purchase the time, the date and time that the advertisement was aired, and the rates charged for the time.

Mr. DODD. Mr. President, first, I want to acknowledge my good friend, colleague and ranking member on the Rules Committee, Senator MITCH MCCONNELL of Kentucky.

While he and I may be on opposite sides of this issue, we are on the same side of another issue—the election reform legislation which is now pending before the Senate. I would much prefer to be with him on an issue rather than against him.

I think all my colleagues agree that he is a formidable advocate for his position. Even if a resolution is clear on this legislation at the end of the day, I suspect this will not be the end of Senator MCCONNELL's advocacy with regard to campaign finance reform issues.

I turn now to the matter at hand. I rise today to express my optimism that Congress will enact real campaign finance reform this week.

We must not use this week to merely re-debate legislation already fully debated and adopted by both chambers of Congress.

Only final passage is the proper tribute to the culmination of years of extraordinary bicameral and bipartisan leadership provided by my good friends and colleagues.

In the Senate, the leaders of campaign finance reform are Senator JOHN MCCAIN of Arizona and Senator RUSS FEINGOLD of Wisconsin. In the House, the leaders are Congressman CHRISTOPHER SHAYS of Connecticut and Congressman MARTIN MEEHAN of Massachusetts.

On February 14, 2002, the Shays-Meehan Bipartisan Campaign Finance Reform Bill, H.R. 2356, was adopted by a vote of 240–189 in the House. On April 2, 2001, the McCain-Feingold Bipartisan Campaign Finance Reform bill, S. 27, was adopted by a vote of 59–41 in the Senate.

Interestingly, today is only one day short of being a full year from when the Senate started debate on the McCain-Feingold measure—March 19, 2001.

Last year, I was honored to serve as floor manager for the Senate debate on campaign finance reform legislation. I was equally as honored to be counted as one of the 59 votes to adopt the McCain-Feingold bill.

I stand in the same shoes today. It is a high honor to serve as floor manager of the Senate debate on the Shays-Meehan measure. I will be equally as honored to be counted among the many Members who will vote in a bipartisan manner to adopt this reform bill.

I congratulate my colleagues in both chambers for the hard-fought success that this legislation reflects.

I especially wish to take this time to extend my sincere congratulations to my good friend, Congressman CHRIS SHAYS.

It is with a sense of parochial pride in this House action that the major cosponsor of the legislation, who is a longstanding friend of mine and a Member of the Connecticut delegation, has been a principled advocate of campaign finance reform for years.

I want to express the tremendous sense of pride of all the people of Connecticut to CHRIS SHAYS for his outstanding efforts to achieve real campaign finance reform on behalf of all Americans.

Our Senate debate will only confirm that the House merely adopted virtually the same bill as the Senate approved after a robust debate on April 2, 2001.

In general, both bills would change the way political parties raise and spend money, regulate issue advertising, increase contribution limits, improve disclosure requirements, and make other changes to campaign finance law.

Specifically, both bills would ban unrestricted "soft money" contributions to political parties by corporations, unions, and individuals;

Both bills would restrict end-of-campaign advertising funded by organizations that name a Federal candidate;

Both bills would increase the aggregate limits on contributions by individuals to candidates, PACs, and parties; and

Both bills would improve disclosure of campaign finance activity.

Thee are a few minor differences between the House and Senate passed bills. For example, there is a difference in the contribution limits for an individual.

Under the House bill, an individual may contribute a total of $95,000 in 2 years to candidates, PACs, and parties. under the Senate bill, an individual may contribute a total of $37,500 in 1 year to candidates, PACs, and parties. Under both bills, an individual is nevertheless limited to an annual maximum contribution of $37,500 to candidates.

Another difference between the two bills is that the House bill eliminates Senator TORRICELLI's amendment requiring the lowest unit rate for the purchase of broadcast advertisements.

Finally, the House bill extends to House candidates the "millionaires amendment."

These are all very minor differences that serve to make the two bills substantially the same. As a result, the Senate would not benefit from an extended debate on re-hashing the same issues in this version of the Shays-Meehan legislation. Last year's open and full Senate debate on these same issues in McCain-Feingold remains sufficient for our purposes today, which is to pass comprehensive campaign finance reform.

It is my fervent hope that we pass this legislation with a minimum amount of debate. This is not a "mission impossible," given the fact that the House bill is virtually a mirror image of the Senate-passed bill.

The Senate already participated in weeks of full, open and unrestricted debate on campaign finance reform. And the Senate already voted on both the substance of the bill and all relevant amendments to the bill.

Now the question becomes whether yet another extended Senate debate will serve to ensure certain improvements in the bill or, to the contrary, only serve to ensure further delay of the bill?

On balance, I believe the risk of delay far outweighs the potential for legislative improvements. There is no perfect legislation. Attempting to craft perfect legislation only serves to jeopardize the Senate's ability to send this measure to the President for signature.

Instead of becoming law, the Shays-Meehan bill would be on yet another journey. It would be a candidate for a Senate-House conference or additional House debate. Either of these scenarios would kill any real chance to enact campaign finance reform in the 107th Congress.

I urge my colleagues to consider this road well traveled for decades. It is time to resist exploring new and substantive forks in the road.

As do many of my colleagues on both sides of the aisle, I feel strongly about the need for comprehensive campaign reform. Time and again we have seen thoughtful, appropriate—and, I must emphasize, bipartisan—efforts to stop the spiraling money chase that afflicts our political system, only to see a minority of the Senate block further consideration of the issue.

It is almost as if the opponents of reform are heeding the humorous advice of Mark Twain, who once said, "Do not put off until tomorrow what can be put off till day-after-tomorrow just as well."

It is now long past the day-after-tomorrow. We simply cannot afford to wait any longer to do something about the tidal wave of special-interest money that is drowning our system of government.

Oscar Wilde once observed that "A cynic is a person who knows the price of everything and the value of nothing." I fear that the exploding dominance of money in politics has created a similar atmosphere of cynicism in our political system—an environment where the value of ideas, of debate, of people in general, is overwhelmed by the price tag of free speech and political success.

The worst aspect of the current financing system is its affect on eroding public confidence in the integrity of our political process.

The real concern is that the escalating amounts of money pouring into our elections is having a corrupting influence on our political system. The public perception of the problems of corruption and the appearance of corruption is that large political contributions to candidates and political parties provide those donors with preferred access and influence over American public policy—and the average American has neither the access nor influence in Washington.

The more money that is required to run for office, the more influence that the donors—wealthy individuals, corporations, labor unions, and special interest groups—have over elected officials and public policy.

The real harm to avoid is having the concerns of the average voters completely usurped by the money and influence of these powerful individuals, corporations, and interest groups.

It is this concern—the relationship of money to power—that is casting a vote of "no confidence" in the integrity of our electoral process. It is this devastating harm of corruption and the appearance of corruption that campaign finance reform seeks to avoid. To date, Congress has an unacceptable record since we have only sought to avoid the remedy for the harm.

Unfortunately, not only does historical data tend to support this pessimistic view—the current data sustains this view.

Take a cursory look at raising and spending soft money in the November 2000 Presidential and congressional elections. It sends one message—our financing system is in urgent need of repair.

According to the center for responsive politics, the total amount spent on the 2000 Presidential and congressional campaigns was approximately $3 billion. This price tag is up from $2.2 billion in 1996 and $1.8 billion in 1992.

According to the Federal Election Commission, the Democratic and Republican parties raised $1.2 billion in 2000—a 36 percent increase over the $881 million raised by the parties in 1996.

In that same period, democrats raised over $245 million in soft money, while Republicans raised over $249 million in soft million. the parties use soft money funds for so-called issue ads and other so-called party building activities.

In that same period, Democrats raised over $275 million ion "hard money," while Republicans almost doubled that amount in fundraising with over $465 million in hard money. The parties use hard money funds for direct contributions to candidates and other activities to advocate the election or defeat of candidates for Federal office.

The Brennan Center for Justice at New York University School of Law conducted a study on television advertising in the 2000 Federal elections. The Brennan Center found that the Presidential election was the first election in history where the major national political parties spent more on television ads than the candidates themselves spent—the Democratic and Republican national committees together spent over $80 million on TV ads, a lot more than the $67 million spent by Vice-President Gore and Governor Bush.

The Brennan Center found that the vast amount of money spent by the parties on TV ads was "soft money," the unregulated and unlimited party donations from corporations, labor unions, and wealthy individuals.

The Brennan Center found that spending by groups in congressional campaigns on so-called issue ads increased from $10 million in 1998 to $32 million in 2000.

Finally, the Brennan Center also found that only a small percentage of party soft money is spent for get-out-the-vote and voter mobilization activities. Only 8.5 cents of every dollar goes to GOTV and voter registration activities while 40 cents of every dollar goes to purchase ads to support or defeat candidates for Federal office.

In contrast to all this financial participation in elections, according to the Federal Election Commission report on the 2000 Federal elections, just under 105.4 million Americans voted in the Presidential election. That is 51 percent of the Census Bureau's estimated voting age population of over 205.8 million Americans.

The voter turnout figure of 51 percent in 2000 was somewhat higher than the 49 percent turnout for the 1996 Federal elections—the first time in modern political history when less than half of the eligible electorate turned out to vote for President.

This means that the voter turnout has declined sharply—from over 63 percent of the voting age population in 1952 to slightly over 51 percent of the voting age population in 2000.

Arguably, while there are no accurate national statistics, it is sufficient to project that there is only a small percentage of individual donors with average income who actually contribute to political campaigns.

These statistics tell the story of a system in which a small percentage of individual donors are making ever larger contributions, while at the same time more and more voters have lost such confidence in our elections that they do not even feel it is worthwhile to vote.

Do any of us really believe this is acceptable? Do any of us believe that this is not a system in need of comprehensive reform?

If we are to break the grip that money currently holds on our campaigns, we must enact legislation that will stop the flow of unregulated money in the political system and limit the flow of regulated money into Federal campaigns.

We must restore common sense by eliminating the opportunities for legalisms and loopholes that mock the spirit of our campaign finance laws. We must give those who enforce the law the resources they need to ensure that the campaign financing system is lawful and fair.

I look forward to participating in the process of winding-down the campaign finance debate. I also look forward to working with my colleagues—on both sides of the aisle—and to adopting this moderate legislation that restores the proper balance of money to politics and restores the American people's confidence in our current financing system.

I urge each of my colleagues to put aside any and all partisanship and personal ambitions to join me in de-emphasizing the importance of money in politics.

This is not a complicated task. We desperately need to ensure that the average American is heard in Washington over the din of special interest voices. We must ensure that the exercising of Americans' free speech in the political process is not governed by the price tagon contribution amounts that can be raised and spent on Federal elections. As Supreme Court Justice Stevens wrote in the Nixon v. Shrink Missouri Government PAC case, "Money is property, money is not speech."

This is why Congress has an obligation to enact comprehensive, meaningful, and real campaign finance law and pass the law now.

The action we take today will signal to all Americans that exercising their first amendment right to free speech and association outside the beltway has now been heard inside the beltway.

Americans have waited long enough. Congress has the first opportunity in a generation to clean up a political system that most Americans believe is polluted by campaign contributions, or the appearance of such pollution. There is no room for wavering or using a philosophical, legal or factual excuse for killing this legislation. This is a real chance to curb the role of money in politics.

It has been decades since Congress took similar comprehensive action with the enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford to do is wait any longer—now is the time to enact the Shays-Meehan/McCain-Feingold legislation. The American people have waited long enough!

I fully support this legislation as the best effort that Congress can make to enact real campaign finance reform. I stand ready to do what I can to make reform a reality in the 107th Congress.

I yield the floor.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, I ask unanimous consent that I may be allowed to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE COURAGE OF INGRID BETANCOURT, CLARA ROJAS, MARTHA DANIELS, AND THE COLOMBIAN PEOPLE

Mr. DODD. Mr. President, just an hour or so ago, I made a call to Colombia, South America, and spoke with the husband of Ingrid Betancourt, who, as many may know, is the woman candidate for President of Colombia who was recently kidnaped.

I expressed to Ingrid Betancourt's husband the sincere hopes of all of us here that his wife be returned to safety soon, that she be allowed to continue in her efforts as a candidate in that country in the upcoming presidential election, and I told Mrs. Betancourt's family that the hopes and prayers of all of us in the United States are with them in these very difficult hours.

Colombia is a nation under tremendous stress and pressure, and the level of violence there has tremendously escalated since the collapse of the Pastrana-FARC peace talks. President Pastrana has tried his entire Presidency to come up with a peaceful resolution of the 40-year-old conflict in that country, and he deserves great credit for the efforts he has made from the very first days of his Presidency up until just a few days ago, when those talks finally broke down completely.

Currently, rebel forces are doing everything in their power to compromise the fragile democracy of that country. Guerrillas have bombed electrical towers, bridges, and waterworks while mining highways and increasing the number of roadblocks on Colombia's streets. As a result, more than 110 towns, representing 10 percent of Colombia's urban centers, have been left in darkness, and 76 municipalities in 6 provinces have had their phone service cut out completely.

Colombian citizens are living each day in fear while enduring tremendous domestic hardship. President Pastrana has warned his people more attacks are likely, and the citizens of Colombia are frightened, to put it mildly.

Even worse, FARC rebels have undertaken a violent offensive against public figures, stepping up the frequency of political attacks that were already too common in the months before the collapse of the peace talks on February 20. For years, the FARC—the organization I described—and other rebel forces in Colombia, have financed their violent siege of terror by kidnaping Colombian citizens and demanding ransom. When the ransom is not paid, the hostages are killed, and new hostages are taken. It is a vicious cycle that repeats over and over again, taking a toll on the spirit of this beleaguered nation. Indeed, at this point close to 4,000 people have died in Colombia since the beginning of hostilities; kidnappings are about 3,000 a year. At the same time, rebel groups have executed several political figures, including mayors, judges, members of the legislature, and candidates. As elected officials ourselves, this is a development that we should be particularly enraged by, and one that should draw the attention and concern of all people in democratic countries around the globe.

On March 3, Martha Catalina Daniels, a Colombian Senator, was tortured and killed near Bogota by guerrilla fighters while attempting to negotiate the release of hostages kidnaped by leftist rebels. After her torture, she was shot at close range with two bullets to the head, and then dumped in a ravine off a country road. A staffer and a friend of Senator Daniels were also killed in this vicious attack against decency and democracy, not to mention the value of human life.

Senator Daniels was the fourth member of the Colombian Congress to be killed since the middle of last year while working in her elected capacity as a representative of the Colombian people. Could you imagine similar events happening in our Capitol? There would be tremendous public outcry, and the Government would respond swiftly and decisively. Just because this crime happened in conflict-torn Colombia does not mean that we should allow this execution to pass by without public comment or outcry in this, the greatest Congress on the planet. We must stand with our democracy-loving colleagues around the world in condemning these attacks. This crime was a vicious and merciless murder of a dedicated and courageous public servant and her staff who were simply doing their jobs—jobs that we and our staffs do everyday. In recognition of this commitment, Senator Daniels' sacrifice will not be forgotten by the Colombian people or her friends in America. Her death will not be in vain.

Yet the assault on democracy in Colombia is not only targeted at those who hold office. Rebels also have targeted national candidates for public office as Colombia prepares for an upcoming presidential election. On February 23, Colombia presidential candidate Ingrid Betancourt, and her chief of staff, Clara Rojas, were seized while driving toward the southern war zone of San Vicente del Caguan. Mrs. Betancourt's driver and two journalists accompanying her were held and released, but Mrs. Betancourt and Ms. Rojas were kept in custody—a clear sign that this kidnaping was intended to send a signal to the political class in Colombia. The FARC, who are believed to have perpetrated this crime, currently hold five other politicians hostage and are attempting to cripple democracy in this Nation by force. However, the Colombian Government rightly refuses to negotiate with these terrorists for fear that concessions would encourage even more kidnapings in the future, and the situation is presently at a standoff.

Mrs. Betancourt has been allowed to fax her family to assure them of her well-being, and she has expressed her concern for her family, friends, and country. Even now, as a prisoner, she stands by her democratic principles. As she suffers, she seeks to bring international attention to the problem of violence in Colombia through her plight. Mrs. Betancourt's daughter has stated that her mother has indicated her desire that people be conscious of what is happening in Colombia and recognize that a war is going on in that country every day. She seeks to use her own situation as a rallying point for the international community against violence in Colombia.

I spoke to Mrs. Betancourt's husband this afternoon, and expressed my sympathy to him and his family, and my admiration for his courageous wife, and expressed as well those same sentiments on behalf of all of us in this Chamber. I pray for her safe and quick return.

Attention in America is rightly focused on Afghanistan and the war against terrorism. However, we cannot allow the brave sacrifices of people like Ingrid Betancourt to go unnoticed. We have to reserve some of our attention to expend on the festering problems of Colombia. If we turn our backs on this corner of the world, I fear that we may see another situation arise like that which we saw when we ignored Afghanistan after the Soviet occupation. We cannot and should not allow this to happen.

And so, I ask my colleagues on both sides of the aisle to be deeply aware of the sacrifices of people such as Martha Daniels, Ingrid Betancourt, and their staffs. They have paid the ultimate price for their commitment to democracy and have shown great courage by serving as politicians in such a volatile and strife-torn country. Their service is a testament to the democratic commitment of the vast majority of Colombian people, a commitment that was reconfirmed on March 11, when huge numbers of Colombians went to the polls even though they had been threatened with violence as they sought to execute their constitutionally given right to vote.

Colombia is a troubled country in desperate need of our assistance and the assistance of other democratic nations around the globe. But the spirit of democracy lives on in the dedicated public servants and citizens of our friend and neighbor to the South.

I want the Colombian Government, and more importantly the people of Colombia, to know their courage and sacrifice has been noted by the American people and by this individual in this body speaking, I am very confident, on behalf of all of us in this Chamber in urging the FARC and other organizations to cease in the abduction of political figures, to cease in the abduction of innocent civilians, in that country and to go back to the bargaining table and try to figure out a way to resolve this four-decade old conflict. The deaths and the abductions shredding this country deserve the attention of this Congress, the American people, and freedom-loving people everywhere.

I ask my colleagues to take an active interest in this problem and act as friends of Colombia. The Colombian people, people like Ingrid Betancourt and Martha Daniels, deserve no less.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I congratulate my colleague, Senator DODD, for a very eloquent and compelling statement in regard to the tragedies that are going on in Colombia today. I think he does very well in expressing the sentiments of all the Members of the Senate. I thank him for that eloquent comment.

Colombia must be looked at not just as a place we worry about in regard to drugs coming into this country, not just as a country that we have to partner with to try to deal with our mutual drug problem, the production of drugs, and the huge consumption of drugs in the United States, although we are partners in that effort, but we also must understand that what is going on in Colombia is a direct threat to the democracy of Colombia.

Senator DODD has spelled out very well what has been going on. We do have a longstanding democracy in this hemisphere, a democracy that has been a friend of the United States for many years that is, in fact, imperiled. When we make a decision about what assistance we can and will give in the future, we need to keep that in mind.

(The remarks of Mr. DEWINE pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. I thank the Chair.

(The remarks of Mr. DURBIN pertaining to the introduction of S. 2027 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DURBIN. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF RANDY CRANE TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the hour of 5:38 having arrived, the Senate will now go into executive session and proceed to the consideration of Executive Calendar No. 705, which the clerk will report.

The legislative clerk read the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Parliamentary inquiry, Mr. President. When is the vote scheduled?

The PRESIDING OFFICER. It is scheduled for 5:50 p.m.

Mr. LEAHY. Is there time reserved to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 6 minutes.

Mr. LEAHY. I understood the Senator from Vermont had 10 minutes.

The PRESIDING OFFICER. The time is divided equally between 5:38 and 5:50.

Mr. LEAHY. I thank the Chair.

Mr. President, we are voting on our 42nd judicial nominee to be confirmed since last July when the Senate Judiciary Committee reorganized after the Senator majority changed. With the confirmation of Robert Randall Crane to the U.S. District Court for the Southern District of Texas—and I predict we will accept him—the Senate will have resolved 7 judicial emergencies since we returned to session a few short weeks ago, 14 judicial emergencies since I became chairman.

As of this week, the Senate has confirmed more judges in the last 9 months than were confirmed in 4 out of 6 years under the Republican leadership. I have heard some inaccurate statements—I am sure innocently enough but mistakenly—by my friends on the other side of the aisle. As of this week, we will have confirmed, in 9 months, more judges than were confirmed in 4 of the 6 total years under the Republican leadership. In fact, the number of judicial confirmations over these past 9 months exceeds the number of judicial nominees confirmed during all 12 months for the years 2000, 1999, 1997, and 1996.

During the 6½ years the Republicans controlled the Senate, judicial nominations averaged 38 a year. We have done more than that in 9 months. In the past 9 months, we have had more hearings for more nominees and had more confirmations than the Republican leadership did for President Clinton's nominees during the first 9 months of 1995.

On the chart we took 9-month increments. In the first 9 months that the Republicans led the committee, they had 9 hearings; we had 14; they confirmed 36 and we confirmed 42. Looking at the first 3 months of the session, we will have confirmed 14. During the first 3 months of each session they were in charge the following occurred: In March 1995, they confirmed 9; in March of 1996, they confirmed 0; by March of 1997, they confirmed 2; by March of 1998, the high-water mark, they had 12; by March of 1999, they had 0; by March of 2000, they had 7; by March of 2001, they had 0; we have done 14.

We tried to have a pace faster than the Republicans when they chaired the Judiciary Committee, when they controlled the Senate, and so far we have done that. Some have expressed concern how this Senate, under this leadership, has handled nominations of President Bush. So far he will have won 41 out of 42 nominations. As great as the football team is in Nebraska, they would be delighted to win 41 out of 42, as would any team.

In 1999, when the Republicans controlled the Senate, in the whole year, they confirmed 26 district judges and 7 circuit judges. In the year 2000, for the whole year, they confirmed 31 district judges and 8 circuit judges. In the first 6 months of last year, when they controlled the Senate, they had 0. In the past 9 months—remember, these are comparing whole years—in the past 9 months, we have had 35 district judges, 7 courts of appeal.

Take the average number of days between nomination and confirmation, figuring we have to wait extra time for the ABA: they took 182 one year; 212 days another year; 232, another; 178, another; 196, another. The Democrats average considerably less.

Reviewing today's nominations illustrates the effect of the reform process that the Democratic leadership has spearheaded.

The PRESIDING OFFICER. The Senator has used 6 minutes.

Mr. LEAHY. Mr. President, I see no other Member seeking recognition. I ask consent the vote still be at 5:50 and I be allowed to use the time until 5:50.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we will have a vote today on Randy Crane. There are Members who have stated, because the Democrats took over the full committee in July of last year, we would try to do the same thing to the Republicans that the Republicans did to the Democrats; that is, slow up and refuse to confirm judges. Of course, the figures show the opposite. The speedy confirmation of Randy Crane to the district court in Texas illustrates the effect of the reforms on the process that the Democratic leadership has spearheaded.

Despite the poor treatment of too many Democratic nominations through the practice of anonymous holds and other tactics employed during the past 6½ years, Randy Crane will be filling a judicial emergency vacancy seat that has been vacant since the year 2000 when the new position was created.

I worked with the Senators from Texas and other Senators along the southwestern border to fill this vacancy. In fact, Randy Crane is the second Federal judge confirmed from Texas in just the past few months.

Not too long ago when the Senate was under Republican control, it took 943 days to confirm Judge Tagle to the Southern District of Texas. She was nominated in August of 1995 and made to wait until March of 1998, stalled for 3 years, then passed unanimously—a lot different than the nomination of Michael Schattman to a vacancy on the Northern District of Texas. He never got a hearing. I recall 2 years ago, Ricardo Morado, who served as mayor of San Benito, TX, was nominated for a vacancy and never got a hearing or vote. They could have had those votes. We could have moved forward to fill those vacancies. This Senate and this Judiciary Committee is trying to fill them. They could have long ago been filled by nominees from President Clinton, but the fact is the Republicans refused to even allow a vote. We are not doing the same.

Unlike the many judicial nominees who were given a hearing but never allowed to be considered by the committee, we try to make sure President Bush's nominees get both a hearing and a vote by the committee. Until Judge Edith Clement of Louisiana received a hearing on her nomination to the Fifth Circuit last year, after the shift in majority, there had been no hearings on Fifth Circuit nominees since 1994 and no confirmations since 1995. In fact, we confirmed the first new judge of the Fifth Circuit in 6 years, even though there was a judicial circuit emergency.

Jorge Rangel was nominated to the Fifth Circuit in 1997 and never received a hearing on his nomination, or a vote, in 15 months. Enrique Moreno was nominated for the Fifth Circuit in 1999 and he never received a hearing on his nomination or a vote by the committee.

H. Alston Johnson was also first nominated to the fifth circuit in 1999 and never received a hearing on his nomination or a vote by the committee in 1999, 2000, or the beginning of 2001.

Despite the support of both of his home State Senators, his nomination to a Louisiana seat on the fifth circuit also languished without action for 23 months.

In contrast, under the Democrat-led Senate, President Bush's nominees to the fifth circuit, Judge Edith Brown Clement and Judge Charles Pickering, were treated fairly. Both received hearings less than 6 months after their nominations.

In fact, Judge Clement was the first fifth circuit nominee to receive a hearing since Judge James Dennis had a hearing, when Senator BIDEN chaired the Senate Judiciary Committee in 1994. She is the first person to be confirmed to that circuit since Judge Dennis' confirmation in 1995.

In contrast to recent, past practices, we are moving expeditiously to consider and confirm Randy Crane, who was nominated in September, received his ABA peer review in November, participated in a hearing in February, was reported by the committee in March and is today being confirmed.

This nominee has the support of both Senators from his home State and appears to be the type of qualified, consensus nominee that the Senate has been confirming to help fill the vacancies on our Federal courts. I congratulate Mr. Crane and his family on his confirmation today.

Following the votes on the Pickering nomination last Thursday by the Judiciary Committee, there have been a number of unfounded and unfair attacks against Democratic members of the Judiciary Committee. Reasonable people can disagree about whether Judge Pickering deserved a promotion, given his record as a judge. I am sorry, however, that some have chosen to make that committee action into an unfortunately acrimonious fight.

It is unfortunate that some are going out of their way to intervene, for example, in a matter before the Rules Committee, and objected to a bipartisan request for oversight funds—to be evenly divided between the committee's majority and minority—in order better to fulfill our increased oversight responsibility and make sure that agencies such as the FBI and the INS are doing their jobs appropriately.

In the wake of September 11, Senator HATCH and I submitted the joint request on behalf of the committee with oversight jurisdiction over the Department of Justice and its components. We wanted to assess the management, training, and resource lapses in the FBI, INS, and in the other Department of Justice agencies to ensure that these agencies know what they did wrong and to avoid a recurrence of those tragic events.

We were reminded just last week of the need for this kind of oversight when additional problems at the INS surfaced. It is too bad that some are choosing to obstruct this important effort.

That retribution is now threatening the important work of the committee and the functioning of the Senate. I hope we are not entering an era in which any disagreement is vilified, and harsh, inappropriate rhetoric, is employed to make political points with the extreme elements.

This scorched earth campaign in which unrelated nominations and bills and oversight responsibilities are being compromised is not in the best interests of the Senate.

I recall that even in our disappointment after the Republicans rejected the nomination of Judge Ronnie White in a party-line floor vote in 1999, I proceeded to vote for the confirmation of Ted Stewart of Utah.

The committee vote on the Pickering nomination was not a sneak attack or a "lynching."

It was not a nomination of which Senators had indicated that would vote one way and then went into a closed party caucus and were instructed to vote another. It was not a party-line vote insisted upon by party leaders. It was not a matter in which the committee held a pro forma hearing and then refused over a period of weeks and months to bring the matter to the committee agenda for an up or down vote.

It was not a circumstance where the nominee was not afforded the opportunity to hear Senators' concerns and respond to those concerns. It was not a circumstance where the nominee was not asked about concerns and cases and his own actions at his hearing.

This was a case in which I responded to the request of a Senator to proceed to schedule a quick hearing on a judicial nomination.

As Senators reviewed this nomination, they had concerns. They asked the nominee about those concerns. The committee assembled a record, which was the record of the nominee's official actions as a Federal judge. The committee then held a follow-up hearing to allow the nominee another opportunity to make his best case and respond to Senators' concerns and then provided a further opportunity through written questions and answers.

After delaying committee action for 2 weeks at the request of the Republican leader and the ranking Republican on the committee, we met and debated the merits of the nomination for over 4 hours before voting.

I believe that the members of the Judiciary Committee based their votes on their review of the record and their having measured the nominee against the standard each Senator must develop for voting on lifetime appointments to the Federal courts. I regret that some are questioning the motives of Senators.

The Senators on the Judiciary Committee, both Republican and Democratic, are seeking to exercise their responsibilities with respect to their votes appropriately, on the merits and in accordance with their standards for such matters.

In spite of fair treatment, hearings and a vote, on Thursday, attacks arose suggesting that Senate Democrats have imposed an unconstitutional religious test to the nomination of Judge Pickering to the appellate court. I hesitate to dignify such a scurrilous allegation with a response, but I feel I must set the record straight. The Democratic members of the committee have never inquired into Judge Pickering's religion. It had no place in the deliberations.

These charges, that the Democratic Senators on the committee have voted against Judge Pickering based in any way based on his religion are outrageous, unfounded, and untrue. Whether a nominee goes to church, temple, or mosque, or not, has not been used by anyone in this Senate in the consideration of a judicial or any nominee.

Article VI of the United States Constitution requires that "no religious test shall ever be required as a qualification to any office or public trust under the United States." In accordance with the separation of church and state embodied in our Constitution, no religious test has been applied to this nominee or any other.

I recall the recent reports indicated that Justice Scalia had recently commented on the religion of judges and suggested that Federal judges who are Catholic should consider resigning if imposing the death penalty was a moral problem for them. But no Senator, at any time during the consideration of the Pickering nomination, commented unfavorably on his religion.

The responsibility to advise and consent on the President's nominees is one that I take seriously and the other members of the Judiciary Committee take seriously. Senator SCHUMER and Senator FEINSTEIN chaired fair hearings on Judge Pickering's nomination. I regret that they and others on the committee have been subjected to unfair criticism and attacks for fulfilling their duties.

Some of our Democratic Senators have been receiving calls and criticism based on their religious affiliations. That is wrong. Other Senators have been insulted and called names for asking questions of the nominee and for disagreeing with this choice for the court of appeals. That is regrettable.

There are strongly held views on both sides. But while Democrats and most Republicans have kept to the merits of this nomination, it is unfortunate that some have chosen to vilify, castigate, unfairly characterize, and condemn without basis Senators working conscientiously to fulfill their constitutional responsibilities.

I also want to express concerns about recent statements from the administration, including from the President, that the Senate's treatment of judicial nominees "hurts our democracy."

This statement reveals an unsettling misunderstanding of the fundamental separation of powers in our Constitution and the checks and balances in the Founder's design.

In our democracy, the President is not given unchecked powers to pack the courts and to give lifetime appointments to anyone who shares certain ideological views.

Instead, the Constitution provides a democratic check on the power of appointment by requiring the advice and consent of the Senate.

Each Senator on the committee made up his or her own mind on whether to vote for the promotion of Judge Pickering to the Court of Appeals. The Senators on the committee studied Judge Pickering's record as a judge. The committee's vote was part of our democratic process.

This democratic check on the President's appointment power demonstrates our democracy in action, not action that "hurts our democracy." By having fair hearings and voting on nominees, up or down, the Judiciary Committee is proceeding as it should.

The administration should not throw gasoline onto this combustible situation. It could, instead, recognize its role in sending division nominations to the Senate and seek to work with us to find and appoint consensus nominees.

Unlike the many judicial nominees who did not get hearings or were accorded a hearing but were never allowed to be considered for a vote by the committee, we are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up or down vote.

Those who assert that the Democrats have caused a vacancy crisis in the Federal courts are ignoring recent history.

There were an unusually high number of retirements taken by Federal judges after the November 2000 election. Moreover, by the time the Senate was permitted to reorganize after the change in majority, the number of vacancies have reached 105 and was rising to 111, including 32 vacancies on the courts of appeals. That is the situation I inherited and the Democratic majority in the Senate was faced with last summer.

Since then this is the 42d judicial nominee to be confirmed, including seven judges to the courts of appeals. Contrary to what some might say, the Democratic majority has actually been keeping up with attrition and we have started moving the vacancy numbers in the right direction—down. By contrast, from January 1995, when the Republican majority took over control of the Senate until they relinquished it in June 2001, Federal judicial vacancies rose by 65 percent, from 63 to 105.

Already, in less than 9 months in the majority, we have made more progress than was made in 4 whole years of Republican leadership, 2000, 1999, 1997, and, of course, 1996.

Within the past 9 months, after the change in majority, we have confirmed 42 judges, including 7 to the courts of appeals.

In all of 2000, the Senate confirmed fewer, only 39 judges, and in 1999 fewer still, only 33 judges, with 7 to the courts of appeals.

We are doing what the Republican majority did not do: keeping up with the rate of attrition and moving the numbers in the right directions. Tomorrow we are scheduled to hold another hearing on another court of appeals nominee, at the request of Senator ENZI.

I hope this nominee will turn out to be uncontroversial and well-regarded by people from both sides of the aisle.

Our task is made easier when the President works with members of both parties to nominate consensus nominees who are not outside of the mainstream and whose record demonstrates that they will follow precedent, not try to find a way around it.

Tomorrow's hearing will be our 15th for judicial nominees within the last 9 tumultuous months. That is more hearings on judges than the Republican majority held during any full year. In only 9 months we have confirmed as many court of appeals nominees, seven, as the Republican majority averaged per year while they were in control.

Indeed, in the 76 months in which a Republican majority recently controlled the pace of judicial confirmations only 47 judges were confirmed to the 78 vacancies that existed on our Federal courts of appeals. We have confirmed seven in less than 9 months already. The Republicans went one entire congressional session, 1996, refusing to confirm even a single court of appeals nominee.

We are holding more hearings for more nominees than in the recent past. We have moved away from the anonymous holds that so dominated the process from 1996 through 2000. We have made home State Senators' blue slips public for the first time. We have drastically shortened the average time for confirmation proceedings.

What had grown during Republican control to over 230 days on average is now down to 74 days from receipt of the ABA peer review to confirmation for the 42 judges we have confirmed over the last 9 months.

However, because the Republicans refused to hold hearings on so many of President Clinton's nominees there were an enormous number of vacancies we inherited. Under Democratic leadership, we have tried to fill those vacancies as quickly as possible.

By moving first on the nonideological and well qualified of President Bush's nominees we can fill the most vacancies in the least amount of time. With controversial, less qualified judges we spend much more of time. With consensus, well-qualified nominees we could have confirmed a dozen judges in the same amount of time the committee devoted over the last 5 months to the Pickering nomination.

It is not possible to repair the damage caused by long standing vacancies in several circuits overnight, but we are contributing to improved conditions in the 5th, 10th, and 8th circuits, in particular. We will do our best to remedy as many circumstances as possible.

I understand we have time before the vote. The distinguished ranking member has come to the floor. I yield the floor.

Mr. HATCH. I thank my colleague for his courtesy.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I will say a few words before the vote. I ask unanimous consent I be permitted to proceed for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, the vote will still be at 5:50 because Senators have commitments.

Mr. President, I rise to support the nomination of Robert Randall Crane to be U.S. District Judge for the Southern District of Texas.

I have had the pleasure of reviewing Mr. Crane's distinguished legal career, and I have come to the conclusion that he is a fine lawyer who will add a great deal to the federal bench in Texas.

Randy Crane is a native Texan who graduated with honors from the University of Texas School of Law when he was only 22 years old. He clerked for the McAllen, Texas, firm of Atlas & Hall during the summers of 1986 and 1987, joined the firm as a full-time associate in 1988, and became a partner in 1994. During his fourteen-year legal career, Mr. Crane has handled primarily civil cases, including commercial litigation, personal injury matters, and toxic torts. He has also gained valuable experience in several criminal cases, including a large federal drug conspiracy case.

Mr. Crane currently serves as a Director of the Texas-Mexico Bar Association, which seeks to promote cross-border dialogue of common legal issues, resolution of cross-border legal issues, education about United States and Mexico legal systems, and attorney networking for answering questions about the two legal systems.

I have every confidence that Randy Crane will serve with distinction on the federal district court for the Southern District of Texas.

Mr. President, I must take a moment to respond to some of the comments made by my colleague, the distinguished Senator from Vermont, regarding the pace of judicial confirmations. The Senator has made much of comparing the pace of confirmations under Republican and Democratic control of the Judiciary Committee. This has involved comparing 9 months to 12 months, 9 months to 9 months, 3 months to 3 months, and so on. Of course, anyone knows that you can manipulate statistics to achieve the result you want. I find the bottom line numbers to tell a more compelling story. And the bottom line is that we have 94 vacancies in the Federal judiciary today—the exact same number as we did at the end of last session, and only slightly fewer than we did when the Democrats took control of the Senate in June of last year.

The bottom line numbers are even more compelling when you look at the number of circuit court vacancies.

When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress—it represents stagnation.

In contrast, at the end of 1995, which was the Republicans' first year of control of the Judiciary Committee during the Clinton administration, there were only 13 circuit vacancies.

In fact, during President Clinton's first term, circuit court vacancies never exceeded 21 at the end of any year—including 1996, a presidential election year, when the pace of confirmations has traditionally slowed.

Moreover, there were only 2 circuit nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit nominees were left hanging in committee at the end of last year.

Last Thursday, Senator LOTT introduced a resolution calling for the confirmation of each of the circuit court judges nominated by President Bush on May 9 of last year.

We are coming up on the one-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received qualified or well-qualified ratings from the American Bar Association.

This is problematic because it is no secret that there is a vacancy crisis in the federal circuit courts, and that we are making no progress in addressing it.

A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office.

In light of the vacancy crisis, we cannot afford to let only 10 Senators defeat a circuit nominee. This is a question of process, not of seeking favorable treatment.

For all these reasons, it is imperative to support Senator LOTT's resolution to get hearings and votes for our longest pending circuit nominees. Given the vacancy crisis in our circuit courts, I cannot imagine anyone voting against it.

Mrs. HUTCHISON. Mr. President, I rise today to speak on behalf of Randy Crane, who is the next nominee for the Federal judiciary who will be voted on by the Senate this afternoon. I am proud to support Randy Crane's nomination to be a Federal judge for the Southern District of Texas.

Texas' Southern District has the third highest number of filings of criminal cases in the country. It is tremendously overburdened. The nonpartisan Judicial Conference of the United States has designated the court as a "judicial emergency."

Randy Crane has an outstanding record of academic qualifications, legal experience, and public service to make him an excellent Federal judge. He has been unanimously approved by the American Bar Association.

A graduate of the University of Texas at Austin, Randy Crane received his law degree with honors at the University of Texas School of Law at the age of 22. He is currently a partner with one of the outstanding law firms of Texas, Atlas & Hall, a law firm in McAllen, TX. He has been active in the State bar of Texas and a director of the Texas-Mexico Bar Association.

Randy Crane is a native of south Texas, and he is of Mexican American heritage. Randy Crane has strong relationships within the local community. He is highly respected and has been very active in McAllen. Everyone I have talked to who lives in McAllen knows Randy Crane and thinks so highly of him.

His community involvement includes working with the McAllen Independent School District helping children, trying to make sure they have a quality public education system in McAllen. He is active with the American Cancer Society, youth soccer, and Little League baseball.

I urge my colleagues to support the nomination of Randy Crane to the Federal bench. This is a vacancy that needs to be filled quickly, and we have a quality candidate to fill that need.

The President has made this nomination, and his nomination has received bipartisan support. So I look forward to a unanimous vote on behalf of Randy Crane, and getting help down to this Southern District that so desperately needs the attention because of its high caseload.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Randy Crane, of Texas, to be United States District Judge for the Southern District of Texas? On this question, the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New York (Mr. SCHUMER), and the Senator from New Jersey (Mr. TORRICELLI) are necessarily absent.

Mr. NICKLES. I announce that the Senator from Missouri (Mr. BOND), the Senator from Arizona (Mr. MCCAIN), the Senator from North Carolina (Mr. HELMS), and the Senator from Arizona (Mr. KYL) are necessarily absent.

I further announce that if present and voting the Senator from North Carolina (Mr. HELMS) would vote "yea."

The PRESIDING OFFICER (Mrs. LINCOLN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 52 Ex.]

YEAS—91

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Hatch
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner
Wellstone
Wyden

NOT VOTING—9

Bond
Harkin
Helms
Johnson
Kyl
Landrieu
McCain
Schumer
Torricelli

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is laid on the table, and the President shall be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

The majority leader is recognized.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002—Continued

CLOTURE MOTION

Mr. DASCHLE. Madam President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:
>
> Russell D. Feingold, Tom Daschle, Tim Johnson, Byron L. Dorgan, Bob Graham, Daniel K. Inouye, Joseph R. Biden, Jr., Patty Murray, James M. Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, E. Benjamin Nelson, Harry Reid, Richard J. Durbin, Jon Corzine, Thomas R. Carper.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Madam President, we anticipate a cloture vote on Wednesday on campaign reform. I have talked with the Senator from Kentucky. I am not averse to—in fact, I would encourage our colleagues to return to the energy bill and continue the debate on the energy bill. But if Senators have a desire to speak on campaign reform, to be heard on it, they are certainly entitled to do so. We will be on campaign reform on Wednesday.

If we get a unanimous consent agreement, it may be for a shorter period of time. Barring that, we will then stay on it through the end of the period, assuming we get cloture on Wednesday.

Mr. McCONNELL. Will the Senator yield?

Mr. DASCHLE. Yes.

Mr. McCONNELL. I want to give the leader an update. We have had very fruitful negotiations today on the technical corrections package. I see my friend from Wisconsin. We have been bouncing back and forth for a couple of days. We are very close to finishing that. I hope we will be able to enter into a unanimous consent agreement that would advance the cloture vote sooner and have a limited time agreement under which you can have a scheduled cloture vote; then, hopefully, some kind of agreement related to the technical package—a Senate resolution that both sides agree on, with a brief debate, giving the proponents and opponents of the bill enough time to describe their views, and then go to final passage, all of which I hope can be done in a few hours. I am optimistic that it won't take much of the Senate's time to complete this job.

I see my friend from Wisconsin on the floor. I hope he will see things the same way I do and we might be able to get this off of your plate sometime tomorrow.

Mr. DASCHLE. Madam President, I am very pleased to receive that report. I look forward to talking more with the Senator from Kentucky, the Senator from Wisconsin, and others, as the day unfolds tomorrow.

Senators should be prepared, beginning tomorrow morning, for votes. We will see if we can schedule some debate on the energy bill and move forward with amendments on the energy bill until some agreement can be reached.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

MISSILE DEFENSE TESTING AND THE BALLISTIC MISSILE THREAT

Mr. COCHRAN. Madam President, there have been two important events relating to missile defense programs that occurred last week, which I would like to bring to the attention of the Senate.

First is the successful test last Friday night of our Nation's long-range missile defense system. This was the fourth successful test against an intercontinental ballistic missile and it was much more complicated than earlier tests have been, in that the target warhead was accomparied by three decoys. Despite the presence of these countermeasures, the interceptor was able to destroy the ICBM warhead.

The target warhead was launched on a missile from California, nearly 5,000 miles from the interceptor. The target warhead itself was a cone about 4 feet high and 2 feet wide at its base. The decoys were about the same size. Sensors were able to track these objects along their flightpath and give their location to a battle management system. The battle management system computed an intercept point and launched the interceptor. The interceptor missile received information about the target's position and characteristics, and while it was still several hundred miles from the target warhead, the kill vehicle separated from its booster rocket, its infrared sensors then detected the target, and its guidance system fired small rocket motors to guide the vehicle into a collision with the warhead. The target was destroyed by the force of this collision. All of this took place in just a few minutes in outer space, at closing speeds in excess of 20,000 miles an hour.

This impressive event cannot be considered routine, but it is becoming regular. The regularity with which our missile defense testing is succeeding is very encouraging. Although slowed down by uncertain funding and ABM Treaty restrictions in the past, the missile defense program is now showing the benefits of the support provided by Congress over the past few years and of the new seriousness with which President Bush has attacked this problem.

There is still much technical work to be done, and problems are bound to occur, as they do in all weapons programs. But the continued testing success of our ground-based missile defense system—as well as in other missile defense systems such as the Patriot PAC-3 and the sea-based midcourse system—suggests that we are steadily making progress and moving toward the time when we will no longer be defenseless against ballistic missile attack.

The other event I want to mention in this context was last week's testimony before our Governmental Affairs Subcommittee on International Security by Mr. Robert Walpole, National Intelligence Officer for Strategic and Nuclear Programs at the CIA. Mr. Walpole testified on an unclassified CIA report published last December entitled "Foreign Missile Developments and the Ballistic Missile Threat to the United States Through 2015." Compared with the 1999 version of this report, Mr. Walpole said the missile threat to the United States had increased in significant ways. He also said specifically, where it was previously judged that the United States would probably face an intercontinental ballistic missile threat from Iran by 2015, it is now said by our intelligence community to be most likely the same level of threat assigned to North Korea. And North Korea's Taepo Dong-2 missile, which previously was assessed at having a range of up to 6,000 kilometers, is now judged to have a range of 10,000 kilometers if configured with two rocket stages, and 15,000 kilometers if it is equipped with a third stage, as was its predecessor.

A 15,000 kilometer range is sufficient, according to Mr. Walpole, to reach all of North America with a payload large enough to carry a nuclear weapon. The report notes that the proliferation of missile technology also has become worse. The witness said Iran was now assuming a more significant role as a supplier of this technology to other nations. Finally, Mr. Walpole noted that the United States needs to be vigilant against both terrorism and long-range missile threats, saying:

> We've got to cover both threats.

As we fight a war against terrorism, we cannot lose sight of the fact that other threats are just as serious. The CIA's report on the missile threat is a timely reminder of that, and last Friday's successful missile defense test is an encouraging sign that we are making progress in preparing to answer that threat.

The PRESIDING OFFICER. The Senator from Nevada.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators allowed to speak therein for a period not to exceed 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

90TH ANNIVERSARY OF GIRL SCOUTS OF AMERICA

Mr. LOTT. Mr. President, I rise on this occasion to wish a happy 90th Anniversary to the Girl Scouts of the USA, and invite my colleagues to join me in recognizing the organization in their 90th year of building character, confidence, and skills necessary for success in girls throughout the country. Founded on March 12, 1912, when Juliette Gordon Low assembled 18 girls from Savannah, GA, Girl Scouts of the USA has grown to a current membership of 3.8 million, making it the largest organization for girls in the world. On March 16, 1950, the Girl Scouts of the USA became the first national organization for girls to be granted a Federal charter by Congress.

I am proud to say that Girls Scouts in the State of Mississippi are active and growing stronger every day. I recently visited with Kitty Mauffray, Dorothy Shaw, Ann Billick, Jean Lee, Dr. Mary Cates, and Rowell Saunders, representatives from the Girl Scouts Councils of Mississippi. I am pleased to know that at the present time, with 45,000 girls enrolled, 1 out of 9 girls in Mississippi is a Girl Scout. I am sure that these numbers will continue to grow.

I would also like to recognize the Girl Scouts of Mississippi for their commitment to community service. Not only do they routinely visit nursing homes, help to beautify our cities and towns, and work to improve the quality of life for children less fortunate than themselves, but I understand that in the aftermath of September 11, Girl Scouts across Mississippi worked to collect donations and created many cards of sympathy and support for victims of this national tragedy. The Girl Scout Law states that each scout will do her best to "make the world a better place," and I think that these girls have done just that.

Girl Scouts of the USA recognizes that girls need leadership skills, self-assurance, and social conscience to become strong women. I offer my sincere congratulations to the Girl Scouts of the USA for fulfilling this need, and wish them the best of luck in the future as they continue to help girls grow strong and instill values that will last a lifetime.

Ms. CANTWELL. Mr. President, I rise today to congratulate the Girl Scouts on their 90th anniversary celebration which took place on March 12, 2002.

The first Girl Scout meeting took place in Savannah, GA on March 12, 1912 when Juliette Gordon Low gathered eighteen girls together. Ninety years later, with 3.7 million members, the organization continues to offer girls of all ages, races and socio-economic backgrounds the opportunity to grow, develop friendships, challenge themselves, and gain valuable life experiences.

There are 40,000 Girl Scouts in my home state of Washington. These girls are among millions nationwide who are preparing themselves to be future leaders. By examining high-tech careers, developing money management skills, participating in the arts and sports, and learning about other cultures, Girl Scouts are making themselves well rounded individuals who will no doubtedly lead our country to great things in the years to come. Girl Scouts serve to better our environment, our community and our country.

I would like to highlight the accomplishments of one of my constituents, Girl Scout Katie Grimes. Katie is one of ten women to receive the National Women of Distinction Award which recognizes women who have demonstrated enormous courage and strength. Katie, using many of the skills she developed in the Girl Scouts, founded the Federal Way Autism Support Group in Federal Way. Katie, who herself is autistic, is well aware of the acute needs of autistic individuals and their families and worked diligently to establish the first support group in her community. I am pleased that the Federal Way Autism Support Group now supports over ninety families in the area and I am hopeful that Katie's organization will serve as a national model to provide comfort and assistance to the thousands of people who are afflicted with autism.

I was thrilled to have been invited by my State Girl Scouts Councils to join in the first Honorary Congressional Girl Scout Troop. I am pleased to join my female colleagues, Representatives JO ANN EMERSON and ELLEN TAUSCHER, and Senators HUTCHISON and MIKULSKI as a member of this troop. I look forward to working with my colleagues in Troop Capitol Hill, and Girl Scout troops across the country to identify the many challenges facing girls and young women today and ways we can assist them to overcome these obstacles.

Again, I wish to congratulate the Girl Scouts on their 90th anniversary milestone and thank them for the important and valuable work that they continue to do.

Mr. ALLEN. Mr. President, I rise today in recognition of the 90th anniversary of the Girl Scouts of the USA.

Girl Scouting began on March 12, 1912, when founder Juliette Gordon Low assembled 18 girls from Savannah, GA. She believed all girls should be given the opportunity to develop physically, mentally and spiritually. Girl Scouts of the USA was chartered by the U.S. Congress on March 16, 1952.

That belief in personal development has evolved into today's Girl Scout mission; to help all girls grow strong.

The Girl Scouts have grown leaps and bounds from that first meeting of 18 girls in 1912. There are more than 233,000 troops throughout the United States and Puerto Rico available to all girls ages 5–17. Today, there is a membership of 3.8 million worldwide, making it the largest organization in the world for girls. More than 50 million women are Girl Scout alumnae, including my wife, Susan, and our daughter, Tyler.

We celebrate today the principles on which the Girl Scouts were founded: Empowering girls to develop their full potential; teaching girls to relate well with others; developing values that provide the foundation for sound decision-making; and making positive contributions to society.

Girl Scouting continues to apply these principles to current issues with programs that encourage girls to bridge the digital divide; pursue careers in science, math and technology; learn how to manage money; and to grow into healthy, resourceful citizens.

Troop meetings take place without regard to socioeconomic or geographic boundaries. Meetings take place in homeless shelters, migrant farm camps, and juvenile detention facilities. There are even meetings which assist girls who are relocating, whether across the State or around the world, with support and help them adjust to new locations. The Girls Scouts mobilized immediately following September 11 to provide resources for girls and their families dealing with fear and loss.

Let us commend this organization for the positive role it has played in the lives of million of girls and women in Virginia, across the Nation, and around the world. I applaud their efforts and wish them the best for another tremendous 90 years of Girl Scouting in the USA.

Mr. HAGEL. Mr. President, I rise today to congratulate the Girl Scouts of America on their 90th Anniversary.

Since Juliette Gordon Low founded the Girl Scouts in 1912, this organization has provided young girls with the leadership skills to make a difference in their communities and our world. Girl Scouts teach self-confidence, responsibility and integrity at a young age and these core values stay with girls throughout their lives.

Today, more than 3.7 million girls in over 233,000 troops are learning new skills, developing talents and building friendships across geographic, ethnic and socioeconomic lines. Through scouting, Girl Scouts participate in community service projects, cultural exchanges, athletic events and educational activities. None of this would be possible without the generosity and commitment of parents and community members who donate their time to help shape the lives of young girls through the Girl Scouts.

In Nebraska, I represent more than 20,000 Girl Scouts, I am also a proud Girl Scout parent.

I congratulate and thank the Girl Scouts on their 90th year.

46TH ANNIVERSARY OF TUNISIA'S INDEPENDENCE

Mr. LIEBERMAN. Mr. President, I rise today to acknowledge the anniversary on March 20 of the independence of Tunisia, an Arab republic and friend of the United States for forty-six years. Americans of my generation recall the principles advanced by Tunisia's first leader, Habib Bourguiba, in setting the country on its historic course, liberty, modernity and religious tolerance. Today, under President Zine Abidine Ben Ali, the country continues its substantial progress toward establishing an export-oriented market economy, raising real per capita income, combating poverty, educating its girls and boys equally well, and improving the standard of living for all its citizens. As we applaud these achievements, we also wish the Tunisian people and their leaders perseverance and success in building a society of justice, civil rights, and pluralistic, participatory democracy.

This body and the American people today can thank Tunisia for its steadfast support during its membership on the United Nations Security Council in 2001. In the weeks and months after September 11, the Security Council adopted several resolutions that embodied U.S. objectives for combating global terrorism and freeing Afghanistan from the yoke of a repressive regime that granted safe haven to al-Qaida. Tunisia, the sole Arab member state on the Council at that time, worked closely and constructively with the United States in that crucial diplomacy.

So, on this, the 46th anniversary of Tunisia's independence, we recognize an international friend and express our commitment to continued cooperation and mutual progress over the years to come. We are fortunate to count Tunisia among our friends and partners in North Africa, the Middle East, and on the global stage.

4-H 100TH ANNIVERSARY

Mr. DEWINE. Mr. President I rise today to recognize the National 4-H organization upon it's 100th anniversary this year. The organization, symbolized by the famous four leaf clover, has become synonymous with rural America and agriculture. While 4-H has its roots in many States, I am proud to say that the youth organization got its primary start in my home State of Ohio—in Springfield.

I would like to take a few minutes today to remind my colleagues about how 4-H evolved into what it is today. In doing so, we need to step back and remember what our Nation was like at the beginning of the 20th century and how the field of agriculture was suffering from the industrial revolution.

As a result of the industrial revolution, our nation experienced, for the first time, a greater number of people living in cities than in small, rural agricultural communities. As a new generation of farmers were talking about moving to "the big city," many began to fear a lapse in the traditional teaching techniques in which parents taught their children how to farm. Additionally, the industrial revolution brought about new technologies, many of which greatly affected farming techniques. At first, unfortunately, few people knew about these technologies—let alone how to use them. As concerns continued to grow, many communities were forced to develop programs that sought new and innovative ways of teaching the next generation of farmers.

The most successful of these programs was created in Springfield, OH. It was there, in 1902, that Albert B. Graham, superintendent of the Clark County school system, first established agricultural classes. Recognizing that many people would have a difficult time with the concept of learning farming outside of the family, Graham established a club that offered Saturday morning classes in the basement of the county building. Families coming into town to do their weekly shopping could drop off their children at the courses. In a sense, it was a form of daycare, but one in which the boys and girls were kept busy learning how to examine soil with litmus paper and how to tie knots and splice ropes. They even examined droplets of milk under microscopes.

Eventually, Graham expanded this program with help from the Ohio Agricultural Experiment Station and the dean of agriculture at The Ohio State University, itself a land-grant college. Ohio State took quickly to this course concept, as it offered the university an effective way to communicate with farmers throughout Ohio. By 1903, Graham's agriculture club had over 100 members, and by 1904, 13 such countywide clubs had been organized in Ohio. You might say that Graham had planted the seed for the 4-H organization, and it sprouted quickly.

It didn't take long before similar clubs grew nationally. Around this time, a clover became a commonly known symbol for club members, who wore the symbol on their lapels. Another landmark for 4-H came in 1906, when Thomas Campbell, an assistant to George Washington Carver, was hired to establish youth farming organizations for African-American farmers in the south. At a time in our Nation when the racial divide ran deep, 4-H was clearly ahead of its time.

By 1914, a mere decade after 4-H's creation, President Woodrow Wilson signed the Smith-Lever Act into law, establishing the Cooperative Extension System. This system offered a mechanism through which 4-H programs could receive Federal funds.

Now jump forward to today. The 4-H organization continues to be one of the most active youth organizations in our Nation, with chapters not only in the United States, but throughout the world. 4-H clubs have expanded from rural to urban areas, where they provide a new group of kids with essential leadership skills and community service involvement. National 4-H meetings have even become platforms for presidents and other national officials to voice their ideas for agriculture and other policies.

The fear of an agriculture system eroding away with the expansion of cities continues to this day, as we have witnessed the massive growth in urban sprawl. But, this merely furthers the need for 4-H. Although today's 4-H organization may be larger than the original 100 members and our communication has increased from town meetings to Internet chat rooms, the organization's principles of Head, Heart, Hands, and Health remain the same. Without question, the lessons and skills 4-H members learn will last a lifetime.

I am proud to know that organizations, like 4-H, are there to help guide our next generation of farmers, teachers, and even elected officials toward a better tomorrow. I also am proud to say that my wife, Fran, and I have had children go through the 4-H program for 24 straight years now—in fact, last year was our eighth and youngest child, Anna's first year in 4-H.

I congratulate 4-H on their centennial anniversary, and I wish them the best for their next 100 years.

ADDITIONAL STATEMENTS

TRIBUTE TO MAJOR GENERAL JOHN S. PARKER

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to Maj. Gen. John S. Parker of the U.S. Army Medical Corps. Major General Parker has served our Nation for more than 39 years. He has distinguished himself and the Army Medical Command while serving in several positions of increasing responsibility. Major General Parker capped his illustrious career as Commander of the United States Army Medical Research and Material Command at Fort Detrick, MD.

During his extraordinary military service, General Parker has shaped every part of the Army Medical Department, from direct patient care, training, personnel management, and installation management, to doctrine development, policymaking, research and medical product development. His mark on military medicine extends far beyond the Department of Defense and into the international community.

We in the Senate saw the important work of Ft. Detrick in researching defenses against biological attacks when Senator DASCHLE received an anthrax-laden letter last October. Major General Parker's command responded by swiftly and accurately identifying the anthrax here on Capital Hill.

Major General Parker's service embodies the best traditions our military services have to offer. This soldier, statesman, scientist, and commander has displayed the highest level of commitment to our most precious resource, America's armed forces.

I thank John and his wife Julie for their tireless dedication to serving the United States and the Army. They have served our Nation with honor. I wish John and Julie well as they enter a new phase of their lives.•

TRIBUTE TO AGNES SCULLY FISTER

• Mr. MCCONNELL. Mr. President, I rise today to pay tribute to Agnes Scully Fister, who died January 9, 2002, at the age of 85.

Agnes made it easy for people to remember her, leaving behind a legacy as a loving wife, mother, grandmother, and friend. She was a unique individual who cherished life, enjoyed going to church, and loved meeting and talking to people. She married Louis A. Fister and was blessed with a wonderful family that included four sons and two daughters. Agnes will be remembered for many different reasons, not the least of which is her dedication to her family and friends.

A native of Kentucky, Agnes was born in Lexington to Ed and Sarah Scully. She graduated high school from St. Catherine's Academy and later went on to work as a children's clothing buyer for retail stores such as Purcell's, Embry's, Wolfe Wiles, McAlpins, and Tots 'n Teens.

Agnes was a devoted Catholic and a long-time member of St. Paul Catholic Church. St. Paul played a significant role in Agnes' life and is where she was baptized, received first Holy Communion, was confirmed, and married. Upon her passing away, St. Paul is also where her family and friends gathered to say their goodbyes and to celebrate her life.

I am certain the legacy left behind by Agnes Fister will live on. I offer my deepest condolences to her family, especially her children, 20 grandchildren, and 26 great grandchildren. I ask my colleagues to join me in honoring the memory of Agnes Scully Fister. She was an outstanding Kentuckian and will be missed.●

TRIBUTE TO DUANE HARRIS

● Mr. MILLER. Mr. President, I rise today in recognition and honor of my friend and an outstanding public servant, Mr. Duane Harris of St. Simons Island, GA. Duane will be retiring on April 1 of this year from his position as the Director, Coastal Resources Division, of the Georgia Department of Natural Resources. His retirement comes after some three decades of service to the people of the State of Georgia and this Nation.

Duane has served in the very important position of Coastal Director since 1982, during a time of extraordinary challenge for the Department of Natural Resources. The Coastal Division encompasses all of our beautiful Golden Isles where we take great pride in our magnificent beaches, salt water and fresh water wetlands, and the living creatures that depend on those ecosystems for life itself.

In Georgia, as elsewhere in our Nation, the coastal area is where we find some of the greatest pressures for development and population growth, and the inevitable confrontation between those pressures and environmental protection. And in this difficult arena, Duane Harris has served with remarkable distinction.

Duane joined the Georgia DNR on July 1 of 1970. His service to the State's coastal resources through the years has been diverse and distinguished. In his initial job of Wildlife Biologist he worked in developing the baseline characterization of marine fisheries resources in Georgia, including assessing shrimp and blue crab stocks and formulating management decisions regarding harvest seasons in specific areas. He conducted a coast-wide inventory of Georgia's oyster resources and was one of the founders of Georgia's very popular Artificial Reef Program in the 1970's. He has championed that program's growth to a system that now consists of more than 30 inshore and offshore reefs, providing an essential marine habitat.

Duane was instrumental in the establishment and expansion of the Coastal Division's 24-hour on-call network, which has provided round-the-clock response to fish kill, sea turtle and marine mammal strandings since the 1980's. He has personally responded to numerous situations involving strandings and injured birds, sea turtles, and porpoises. Duane is the contact that local officials, the Coast Guard, Law Enforcement, and coastal citizens call upon when no one can be reached. He has also worked tirelessly as a volunteer for DNR's annual Weekend for Wildlife celebration since its inception in 1989.

Let me also note that Duane is not simply someone who works to enforce a rulebook. He is an innovative and thoughtful planner who helps shape new policies. For example, during the 1990's, he played a pivotal role in the passage of far-reaching legislation to benefit Georgia's unique coastal environment when he spearheaded the successful regulatory implementation of The Protection of Tidewaters Act, O.C.G.A. Sections 52–1–1 through 52–1–10, and the Right of Passage Act, O.C.G.A. 52–1–30 through 52–1–39, in 1992, culminating in the removal by 1999 of the last remaining river houses that were causing environmental degradation and other problems.

Duane worked very hard to provide information to local municipalities and county governments about the benefits of a federally-approved Georgia Coastal Management Program, and has assisted in the development of the Georgia Coastal Management Act, O.C.G.A. Section 12–5–320, in 1997, and its very successful implementation since that time.

Over the past 4 years, Duane Harris spearheaded the efforts to regulate driving on Georgia's remote barrier island beaches in a manner consistent with the Shore Protection Act. Duane took the lead on all required administrative procedures, facilitating a lengthy citizen advisory process initiated in August 1998. He formulated the resulting regulations to afford the needed protection to shorebirds, nesting sea turtles, and the fragile dune environment while accommodating the interests of legally-recognized property holders. This was a sensitive and controversial issue, for which he forged a reasonable system of regulation. Following adoption of these rules in December 1998, he worked to implement them prior to the onset of the 1999 sea turtle nesting season.

Duane recently led the deliberations of a diverse Marsh Hammocks Advisory Council in an examination of the issue of development of coastal marsh hammocks and back barrier islands. His regional and national conservation service includes serving as chairman of both the South Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission.

At the State and local level, he has brought a marine conservation perspective to the numerous boards, steering committees, task forces, civic and service organizations on which he has served, including the Leadership Georgia Board of Trustees, the Brunswick Rotary, the Brunswick-Golden Isles Chamber of Commerce, and the Keep Brunswick-Golden Isles Clean and Beautiful Board. In recognition of his marine conservation expertise and contributions, he is member of the Skidaway Foundation Board.

This outline of Duane's career gives us an appreciation of his professional record, but it does not come close to illuminating the strength of his career. It takes a leader of special qualities to meet the challenges of administering the laws and regulations that govern coast areas. It takes a person of accomplishment in scientific skills, but it also takes a person of patience, honesty, and integrity. And it takes a person who can deal directly and effectively with immediate and difficult problems.

That is why Duane, in my mind, embodies the special qualities of public service that are so important to this Nation. I know that many of my colleagues have had distinguished careers of service to local and State governments prior to their election to the Senate. Service in the Senate is an extraordinary honor and an extraordinary responsibility and opportunity. At the same time, we are in many ways insulated from the direct consequences of policies on the lives of people.

As Lieutenant Governor and then Governor of Georgia, I had the privilege of face-to-face contacts with citizens in need, and I struggled with the difficult task of solving real and immediate problems. I learned that it is men and women like Duane Harris who are truly the "hands-on" public servants throughout this great country. They must, on a daily basis, operate the enforcement programs that transform laws and regulations into action. They must make quick decisions that affect people's lives and livelihoods.

I am proud to have known Duane Harris for many, many years as both a dedicated public servant and a friend. I will also add that he is one of the best fishermen you will ever have the opportunity to meet, and I understand that after some 30 years of service to the State of Georgia, that is exactly what he plans to do, go fishing. Except that he will be doing that as a professional fishing guide with his own boat.

Duane is still a young man, and I know that as a private citizen he and his accomplished wife, Carol, will continue to be a source of great strength and leadership to their community. He is the kind of man who will always carry out his work with unselfish energy and sound values.

On behalf of all of my colleagues in the United States Congress, I would like to thank Duane Harris for his devotion to his duty and express my heartfelt thanks for a job well done.●

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5744. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Report concerning Energy Fleet Alternative Fuel Vehicle Acquisition for Fiscal Year 2000 and the Department's plans for Fiscal Years 2001 and 2002; to the Committee on Energy and Natural Resources.

EC–5745. A communication from the Acting Associate Department Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a nomination for the position of Deputy Administrator, received on March 15, 2002; to the Committee on Small Business and Entrepreneurship.

EC–5746. A communication from the Assistant Director, Office of the General Counsel, Federal Bureau of Prisons, transmitting, pursuant to law, the report of a rule entitled "Inmate Financial Responsibility Program: Spending Limitations" ((RIN1120–AA49)(64 FR 72798)) received on March 14, 2002; to the Committee on the Judiciary.

EC–5747. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report concerning the Commission's Budget Request Justification for Fiscal Year 2003; to the Committee on Rules and Administration.

EC–5748. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Special Monthly Compensation for Women Veterans Who Lose a Breast as a Result of a Service-Connected Disability" (RIN2900–AK66) received on March 15, 2002; to the Committee on Veterans' Affairs.

EC–5749. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Claims Based on Exposure to Ionizing Radiation" (RIN2900–AK87) received on March 15, 2002; to the Committee on Veterans' Affairs.

EC–5750. A communication from the Acting Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Part 41, Listing Standards and Conditions for Trading Security Futures Products" (RIN3038–AB87) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5751. A communication from the Acting Executive Director, Commodities Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "17 CFR Parts 1, 3, 4, 140, and 155; Rules Relating to Intermediaries of Commodity Interest Transactions (66 FR 53510, October 23, 2001)" (RIN3038–AB56) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5752. A communication from the Under Secretary, Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Availability of Information National Agricultural Statistic Service" (CFR Part 3601) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5753. A communication from the Under Secretary, Research, Education and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Availability of Information, Economic Research Service" (7 CFR Part 3701) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5754. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report relative to Horse Protection Enforcement for calendar year 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5755. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning Student Loan Interest Rate Amendments; to the Committee on the Budget.

EC–5756. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, report numbers 564 through 571 of the Pay-As-You-Go Calculations dated December 25, 2002; to the Committee on the Budget.

EC–5757. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, report numbers 572 and 573 for the Pay-As-You-Go Calculations dated December 25, 2002; to the Committee on the Budget.

EC–5758. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, a report entitled "Radionuclides in Drinking Water: A Small Entity Compliance Guide"; to the Committee on Environment and Public Works.

EC–5759. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Administration and Resources Management, received on March 15, 2002; to the Committee on Environment and Public Works.

EC–5760. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, a report concerning the Commission's licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–5761. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information regarding a nomination confirmed for the position of Assistant Administrator for Solid Waste and Emergency Response, received on March 15, 2002; to the Committee on Environment and Public Works.

EC–5762. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a change in previously submitted reported information regarding a nomination confirmed for the position of Assistant Administrator for Environmental Information, received on March 15, 2002; to the Committee on Environment and Public Works.

EC–5763. A communication from the Acting Assistant Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the position of Assistant Administrator for Research and Development, received on March 15, 2002; to the Committee on Environment and Public Works.

EC–5764. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Secondary Direct Food Additives Permitted in Food for Human Consumption; Correction" (Doc. No. 00F–1482) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5765. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Sunscreen Drug Products for Over-the-Counter Human Use; Final Monograph; Partial Stay; Final Rule" (RIN0910–AA01) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5766. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Exports: Notification and Record keeping Requirements" (Doc. No. 98N–0583) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5767. A communication from the Director of Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5768. A communication from the Director of Regulations Policy and Management, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Foreign Establishment Registration and Listing" (RIN0910–AB21) received on March 15, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5769. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, Prescription Drug User Fee Act Financial Report for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5770. A communication from the Secretary of Education, transmitting, pursuant to law, the Annual Report of the National Advisory Committee on Institutional Quality and Integrity for Fiscal Year 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–5771. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments" (RIN0960–AF31) received on March 15, 2002; to the Committee on Finance.

EC–5772. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "LMSB Fast Track Dispute Resolution Pilot Program" (Notice 2001–67, 2001–49) received on March 15, 2002; to the Committee on Finance.

EC–5773. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002–9) received on March 15, 2002; to the Committee on Finance.

EC–5774. A communication from the Assistant Secretary of Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, the first Report of the Task

Force on the Prohibition of Importation of Products of Forced or Prison Labor; to the Committee on Finance.

EC-5775. A communication from the Administrator of the Department of Human Services, transmitting, pursuant to law, a notification on the status of a report on the impact of payment rates adopted by states Medicaid programs when they meet their obligation to pay for Medicare cost-sharing on behalf of qualified Medicare beneficiaries (QMBs) received on March 15, 2002; to the Committee on Finance.

EC-5776. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Modifications of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals" (42 CFR Part 447) received on March 15, 2002; to the Committee on Finance.

EC-5777. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (66 FR 53114)" (44 CFR Part 65) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5778. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Determinations 66 FR 53112" (Doc. No. FEMA-D-7515) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5779. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations 66 FR 53117" (44 CFR Part 67) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5780. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations 66 FR 53115" (Doc. No. FEMA-P-7606) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5781. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Real Estate Settlement Procedures Act Statement of Policy 2001-1: Clarification of Statement of Policy 1999-1 Regarding Lender Payments to Mortgage Brokers, and Guidance Concerning Unearned Fees Under Section 8(b)" ((RIN2502-AH74) (FR-4714-N-01)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5782. A communication from the Assistant General Counsel for Regulations, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Strengthening the Title I Property Improvement and Manufactured Home Loan Insurance Programs and Title I Lender/Title II Mortgage Approval Requirements" ((RIN2502-AG95) (FR-4246-F-02)) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC-5783. A communication from the Managing Director, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Affordable Housing Program Amendments" (RIN3069-AB04) received on March 15, 2002; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HUTCHINSON (for himself and Mr. LOTT):

S. 2025. A bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse or fraud relating to the Medal of Honor; to the Committee on Veterans' Affairs.

By Mr. LUGAR:

S. 2026. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on Armed Services.

By Mr. DURBIN (for himself, Mr. DEWINE, and Mr. FEINGOLD):

S. 2027. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. REID, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 170, a bill to amend title 10 , United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 920

At the request of Mr. BREAUX, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 920, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Colorado (Mr. CAMPBELL) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1295

At the request of Ms. STABENOW, her name was added as a cosponsor of S. 1295, a bill to amend title 18, United States Code, to revise the requirements for procurement of products of Federal Prison Industries to meet needs of Federal agencies, and for other purposes.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1786

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1786, a bill to expand aviation capacity in the Chicago area.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1876

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1876, a bill to establish a National Foundation for the Study of Holocaust Assets.

S. 1924

At the request of Mr. LIEBERMAN, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1978

At the request of Mr. HUTCHINSON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1978, a bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to promote the provision of retirement investment advice to workers managing their retirement income assets.

S. RES. 132

At the request of Mr. CAMPBELL, the names of the Senator from Utah (Mr. HATCH) and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HUTCHINSON (for himself and Mr. LOTT):

S. 2025. A bill to amend title 38, United States Code, to increase the rate of special pension for recipients of the Medal of Honor and to make that special pension effective from the date of the act for which the recipient is awarded the Medal of Honor and to amend title 18, United States Code, to increase the criminal penalties associated with misuse of fraud relating to the Medal of Honor; to the Committee on Veterans' Affairs.

Mr. HUTCHINSON. Mr. President, I rise today to introduce the Living American Hero Appreciation Act. This legislation honors those Americans that have exhibited the highest levels of courage. It ensures that the recipients of the Medal of Honor receive the recognition and support that they earned through their acts of bravery. As the war on terrorism progresses, I believe that it is important that we remember those that have already fought for our Nation, and placed themselves in peril in order to defend our freedom.

As the senior Senator from Arkansas, I'm very proud that my State has produced over 20 Medal of Honor recipients. Three of these courageous individuals still live in Arkansas. Clarence Craft of Fayetteville and Nathan Gordon of Morrilton received their medals as a result of heroism in World War II. Nick Bacon of Little Rock was cited for his courage in Vietnam. Nick has continued his service to our Nation as the Director of the Arkansas Department of Veterans Affairs.

This legislation will ensure that our Nation's Medal of Honor recipients receive the recognition that they've earned. It will raise their special pension to $1,000 a month. More significantly, though, it will ensure that recipients receive pension payment for the period between the act of heroism for which the individual was given the medal, and the actually issuance of the medal. These courageous individuals should not be penalized for administrative delays in issuing the decoration. Finally, this bill includes increased criminal penalties for the unauthorized purchase, possession of a Medal of Honor, and for false impersonation of a Medal of Honor recipient.

I want to thank Congressman CURT WELDON for his hard work in getting this bill passed by the House of Representatives. It is my privilege to introduce the Senate version of this bill, and I look forward to working with my colleagues for its swift passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2025

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Living American Hero Appreciation Act".

SEC. 2. INCREASE IN RATE OF SPECIAL PENSION FOR MEDAL OF HONOR RECIPIENTS AND RETROACTIVITY OF PAYMENTS TO DATE OF ACTION.

(a) INCREASE IN SPECIAL PENSION.—Section 1562(a) of title 38, United States Code, is amended by striking "a special pension at the rate of" and all that follows through the period at the end and inserting "a special pension, beginning as of the first day of the first month that begins after the date of the act for which that person was awarded the Medal of Honor. The special pension shall be at the rate of $1000, as increased from time to time under section 5312(a) of this title.".

(b) COST OF LIVING ADJUSTMENT.—Section 5312(a) of such title is amended by inserting after "children," the following: "the rate of special pension paid under section 1562 of this title,".

(c) LUMP SUM PAYMENT FOR EXISTING MEDAL OF HONOR RECIPIENTS.—The Secretary of Veterans Affairs shall, within 60 days after the date of the enactment of this Act, make a lump sum payment to each person who is, immediately before the date of the enactment of this Act, in receipt of the pension payable under section 1562 of title 38, United States Code (as amended by subsection (a)). Such payment shall be in the amount equal to the total amount of special pension that the person would have received had the person received special pension during the period beginning as of the first day of the first month that began after the date of the act for which that person was awarded the Medal of Honor and ending with the last day of the month preceding the month that such person's special pension in fact commenced. For each month of such period, the amount of special pension shall be determined using the rate of special pension that was in effect for that month.

SEC. 3. CRIMINAL PENALTY FOR UNAUTHORIZED PURCHASE OR POSSESSION OF MEDAL OF HONOR OR FOR FALSE PERSONATION AS A RECIPIENT OF MEDAL OF HONOR.

(a) UNAUTHORIZED PURCHASE OR POSSESSION.—Section 704 of title 18, United States Code, is amended—

(1) in subsection (a) by striking "IN GENERAL.—Whoever" and inserting "IN GENERAL.—Except as provided in subsection (b), whoever"; and

(2) by amending subsection (b) to read as follows:

"(b) MEDAL OF HONOR.—

"(1) IN GENERAL.—Whoever knowingly wears, possesses, manufactures, purchases, or sells a Medal of Honor, or the ribbon, button, or rosette of a Medal of Honor, or any colorable imitation thereof, except when authorized under regulations made pursuant to law, shall be fined under this title or imprisoned not more than one year, or both.

"(2) DEFINITIONS.—As used in this subsection:

"(A) The term 'Medal of Honor' means—

"(i) a medal of honor awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14;

"(ii) a duplicate medal of honor issued under section 3754, 6256, or 8753 of title 10 or under section 504 of title 14; or

"(iii) a replacement of a medal of honor provided under section 3747, 6253, or 8751 of title 10 or under section 501 of title 14.

"(B) The term 'sells' includes trades, barters, or exchanges for anything of value.".

(b) FALSE PERSONATION.—(1) Chapter 43 of such title is amended by adding at the end the following new section:

"§ 918. Medal of honor recipient

"(a) Whoever falsely or fraudulently holds himself out as having been, or represents or pretends himself to have been, awarded a medal of honor shall be fined under this title or imprisoned not more than one year, or both.

"(b) As used in this section, the term 'medal of honor' means a medal awarded under section 3741, 6241, or 8741 of title 10 or under section 491 of title 14.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"918. Medal of honor recipient.".

By Mr. LUGAR:

S. 2026. A bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes; to the Committee on Armed Services.

Mr. LUGAR. Mr. President, I rise today to introduce the Nunn-Lugar/CTR Expansion Act. My bill would authorize the Secretary of Defense to use up to $50 million of unobligated Nunn-Lugar/Cooperative Threat Reduction funds for non-proliferation projects and emergencies outside the states of the former Soviet Union.

In 1991, I introduced the Nunn-Lugar/Cooperative Threat Reduction legislation with former Senator Sam Nunn of Georgia. The program was designed to assist the states of the former Soviet Union in dismantling weapons of mass destruction and establishing verifiable safeguards against the proliferation of those weapons. For more than 20 years the Cooperative Threat Reduction Program has been our country's principal response to the proliferation threat that resulted from the disintegration of the custodial system guarding the Soviet nuclear, chemical, and biological legacy.

The Nunn-Lugar program has destroyed a vast array of former Soviet weaponry, including 443 ballistic missiles, 427 ballistic missile launchers, 92 bombers, 483 long-range nuclear air-launched cruise missiles, 368 submarine ballistic missile launchers, 286 submarine launched ballistic missiles, 21 strategic missile submarines, 194 nuclear test tunnels, and 5,809 nuclear warheads that were mounted on strategic systems aimed at us. All this has been accomplished at a cost of less than one-third of 1 percent of the Department of Defense's annual budget. In addition, Nunn-Lugar facilitated the removal of all nuclear weapons from Ukraine, Kazakstan, and Belarus.

Nunn-Lugar also has launched aggressive efforts to safeguard and eliminate the former Soviet chemical and biological weapons arsenals. The Nunn-Lugar Program has been used to upgrade the security surrounding these dangerous substances and to provide civilian employment to tens of thousands of Russian weapons scientists. We are now beginning efforts to construct facilities that will destroy the Russian arsenal of chemical warheads.

The continuing experience of Nunn-Lugar has created a tremendous non-proliferation asset for the United States. We have an impressive cadre of talented scientists, technicians, negotiators, and managers working for the Defense Department and for associated defense contractors. These individuals understand how to implement non-proliferation programs and how to respond to proliferation emergencies. The bill I am introducing today would permit and facilitate the use of Nunn-Lugar expertise and resources when non-proliferation threats around the world are identified.

The Nunn-Lugar/CTR Expansion Act would be a vita component of our national security strategy in the wake of the September 11 attacks. The problem we face today is not just terrorism. It is the nexus between terrorists and weapons of mass destruction. There is little doubt that Osama bin Laden and al-Quaeda would have used weapons of mass destruction if they had possessed them. It is equally clear that they have made an effort to obtain them.

The al-Quaeda terrorist attacks on the United States were planned to kill thousands of people indiscriminately. The goal was massive destruction of institutions, wealth, national morale, and innocent people. We can safely assume that those objectives have not changed. As horrible as the tragedy of September 11th was, the death, destruction, and disruption to American society was minimal compared to what could have been inflicted by a weapon of mass destruction.

Victory in this war must be defined not only in terms of finding and killing Osama bin Laden or destroying terrorist cells in this or that country. We must also undertake the ambitious goal of comprehensively preventing the proliferation of weapons of mass destruction.

Let me propose a fairly simple and clear definition of victory. Imagine two lists. The first list is of those nation-states that house terrorist cells, voluntarily or involuntarily. Those states can be highlighted on a map illustrating who and where they are. Our stated goal will be to shrink that list nation by nation. Through intelligence sharing, termination of illicit financial channels, support of local police work, diplomacy, and public information, a coalition of nations led by the United States should seek to root out each cell in a comprehensive manner for years to come and maintain a public record of success that the world can observe and measure. If we are diligent and determined, we can terminate or cripple most of these cells.

But there should also be a second list. It would contain all of the states that possess materials, programs, or weapons of mass destruction. We should demand that each of these nation-states account for all of the materials, programs, and weapons in a manner that is internationally verifiable. We should demand that all such weapons and materials be made secure from theft or threat of proliferation, using the funds of that country and supplemented by international funds if required. We should work with each nation to formulate programs of continuing accountability and destruction.

Victory, then, can be succinctly stated: we must keep the world's most dangerous technologies out of the hands of the world's most dangerous people. This requires diligent work that shrinks both lists. Both lists should be clear and finite. The war against terrorism will not be over until all nations on the lists have complied with these standards.

Despite the tremendous progress realized by the Nunn-Lugar program in the former Soviet Union, the United States continues to lack even minimal international confidence about many foreign weapons programs. In most cases, there is little or no information regarding the number of weapons or amounts of materials a country may have produced, the storage procedures they employ to safeguard their weapons, or plans regarding further production or destruction programs. We must pay much more attention to making certain that all weapons and materials of mass destruction are identified, continuously guarded, and systematically destroyed.

As the United States and our allies have sought to address the threats posed by terrorism and weapons of mass destruction in the aftermath of September 11, we have come to the realization that, in many cases, we lack the appropriate tools to address these threats. Traditional avenues of approach such as arms control treaties and various multilateral sanction regimes have met with some success, but there is still much work to do. In some cases, it is unlikely that the existing multilateral frameworks and non-proliferation tools retain much utility. In fact, several nations have announced their intention to continue to flout international norms such as the Non-Proliferation Treaty.

Beyond Russia and other states of the former Soviet Union, Nunn-Lugar-style cooperative threat reduction programs aimed at weapons dismantlement and counter-proliferation do not exist. The ability to apply the Nunn-Lugar model to states outside the former Soviet Union would provide the United States with another tool to confront the threats associated with weapons of mass destruction.

The precise replication of the Nunn-Lugar program will not be possible everywhere. Clearly, many states will continue to avoid accountability for programs related to weapons of mass destruction. When nations resist such accountability, other options must be explored. When governments continue to contribute to the WMD threat facing the United States, we must be prepared to apply diplomatic and economic power, as well as military force.

Yet we should not assume that we cannot forge cooperative non-proliferation programs with some critical nations. The experience of the Nunn-Lugar program in Russia has demonstrated that the threat of weapons of mass destruction can lead to extraordinary outcomes based on mutual interest. No one would have predicted in the 1980s that American contractors and DOD officials would be on the ground in Russia destroying thousands of strategic systems. If we are to protect ourselves during this incredibly dangerous period, we must create new non-proliferation partners and aggressively pursue any non-proliferation opportunities that appear. The Nunn-Lugar/CTR Expansion Act would be a first step down that road. Ultimately, a satisfactory level of accountability, transparency, and safety must be established in every nation with a WMD program.

My legislation is designed to empower the Administration to respond to both emergency proliferation risks and less-urgent cooperative opportunities to further non-proliferation goals. When the Defense Department identifies a non-proliferation opportunity that is not time sensitive, when the near-term threat of diversion or theft is low, it should consult with Congress. In such a scenario my bill would require the Secretary of Defense to notify the appropriate congressional entities of his intent to utilize unobligated Nunn-Lugar funds and to describe the legal and diplomatic framework for the application of non-proliferation assistance. Congress would have time to review the proposal and consult with the Department of Defense. This process would closely parallel the existing notification and obligation procedures that are in place for Nunn-Lugar activities in the former Soviet Union.

However, proliferation threats sometimes require an instantaneous response. If the Secretary of Defense determines that we must move more quickly than traditional consultation procedures allow, my legislation provides the Pentagon with the authority to launch emergency operations. We must not allow a proliferation or WMD threat to "go critical" because we lacked the foresight to empower DOD to respond. In the former Soviet Union the value of being able to respond to proliferation emergencies has been clearly demonstrated. Under Nunn-Lugar the United States has undertaken time-sensitive missions like Project Sapphire in Kazakstan and Operation Auburn Endeavor in Georgia that have kept highly vulnerable weapons and materials of mass destruction from being proliferated.

This type of scenario does not mean Congress will abandon its oversight responsibilities; the Secretary of Defense will be required to report to the appropriate congressional entities within 72 hours of launching of a mission describing the emergency and the conditions under which the assistance was provided. The review process permits Congress to investigate the incident and decide if the authority needs to be restricted or amended.

In consulting with the administration on this legislation, we explored how to create the flexibility necessary to respond to WMD threats while protecting congressional prerogatives and maintaining the necessary checks and balances. Accordingly, I have included several conditions beyond the strenuous reporting requirements.

First, my bill permits the Secretary of Defense to provide equipment, goods, and services but does not include authority to provide cash directly to the project or activity. This preserves one of the basic tenets of the program: Nunn-Lugar is not foreign aid. In fact, more than 80 percent of Nunn-Lugar funds have been awarded to American firms to carry out dismantlement and non-proliferation assistance programs in the former Soviet Union.

The bill also requires the Secretary of Defense to avoid singling out any particular existing Nunn-Lugar project as an exclusive or predominate source of funds for emergency projects outside the former Soviet Union. In other words, it is my intent that the Pentagon utilize resources from a number of different Nunn-Lugar projects so as to reduce any impact on the original, on-going Nunn-Lugar program in the former Soviet Union. The Secretary also is required to the maximum extent practicable, to replace any program funds taken on emergency operations in the next annual budget submission or supplemental appropriations request.

Lastly, if the Pentagon employs the emergency authority to carry out non-proliferation or dismantlement activities in two consecutive years in the same country, the Secretary of Defense must submit another report to Congress. This report would analyze whether a new Nunn-Lugar-style program should be established with the country in question. If the Pentagon has successfully carried out cooperative threat reduction activities 2 years in a row with a country, we should explore how to expand this cooperation. We should also recognize that where sustained cooperation has been developed it is likely to be more efficient to provide assistance through an established Nunn-Lugar-style program.

The Nunn-Lugar/CTR Expansion Act can make valuable contributions to the implementation of the war on terrorism and our non-proliferation policy. It is not a silver bullet, and it cannot be used in every circumstance, but it is our best option in carrying out cooperative non-proliferation activities outside the former Soviet Union.

There are always risks when expanding a successful venture into new areas, but we must give the Administration every opportunity to interdict and neutralize the proliferation of weapons of mass destruction. This new venture, like its predecessor, will take time to organize and to establish operating procedures. But I am hopeful that a decade from now, we will look back on this effort and rejoice in our persistent and successful efforts to provide great security for our country and the world at critical moments of decision.

I ask my colleagues to join with me in passing this important legislation.

By Mr. DURBIN (for himself, Mr. DEWINE and Mr. FEINGOLD):

S. 2027. A bill to implement effective measures to stop trade in conflict diamonds, and for other purposes; to the Committee on Finance.

Mr. DURBIN. Madam President, today I have introduced a new bill along with Senator MIKE DEWINE, a Republican from Ohio, and Senator RUSS FEINGOLD, a Democrat from Wisconsin, which intends to address the U.S. response to the scourge of conflict diamonds.

In war-torn areas in Africa, rebels and human rights abusers, with the complicity of some governments, have exploited the diamond trade, particularly alluvial diamond fields, to fund their guerrilla wars, to murder, rape, and mutilate innocent civilians, and kidnap children to be part of their guerrilla forces.

Since November, the press has reported a connection between al-Qaida operatives and conflict diamonds. Those connections were noted in advance of the September 11 attack. It stands to reason that when we have a terrorist organization and a country such as the United States in concert with its allies trying to trace the financial transactions that fund this terrorism, the terrorists will look for some other coin of the realm, some other way to fund their operations. Conflict diamonds turned out to be one of the most easy, portable, and least detected way to do it.

It is quite clear that Hezbollah, another terrorist organization in the Middle East, has had a long history of dealing in conflict diamonds.

While the conflict diamond trade comprises anywhere from an estimated 3 to 15 percent of the legitimate diamond trade, it threatens to damage an entire industry worldwide, an industry that is important to the economies of many countries and critical to a number of developing countries in Africa.

How does it work?

The terrorists go into the diamond fields where the natives of West Africa are trying to find these alluvial diamonds in the streams and the mud as they used to pan for gold in California and Alaska. They terrorize the local natives. They line them up in a row and walk through and hack off their feet and their hands until the natives and the miners in the circumstance are absolutely terrified. They threaten them with mutilation, with rape, and torture, destroying their villages and their lives. They literally become slaves to these terrorists, who then grab the diamonds and sell them into the terrorist networks.

Governments, the international diamond industry, and nongovernmental religious organizations have worked hard to address this complicated issue. They have set an impressive example of public and private cooperation. For the last 18 months, many countries involved in the Kimberly Process have been working to design a new regimen to govern the trade in rough diamonds. About 70 percent, by some estimates, of all the diamonds that are mined and found in the world are sold in the United States. The United States needs to show a leadership role in dealing with conflict diamonds so the terrorists know it is not going to be easy. We are going to make it more difficult. We are going to try to establish controls so we know if diamonds were brought into the trade by illegal or legal means.

Last year, I introduced a bill called the Clean Diamonds Act, S. 1084, along with Senators DEWINE and FEINGOLD, to reflect the consensus that had developed between the religious and human rights communities and the diamond industry on the U.S. response to this issue. Senator JUDD GREGG, who had introduced his own amendments and legislation dealing with this issue in the past, joined in cosponsoring our bill, as did a bipartisan group of 11 additional Senators.

In the House of Representatives, Congressmen TONY HALL and FRANK WOLF have been leaders on this issue. They introduced several bills to address it. They worked with the Ways and Means Committee and the administration to pass the bill last November, H.R. 2722, the Clean Diamonds Trade Act, which, while a step forward, I am afraid, did not do enough to meet the original intent of our congressional effort. I had hoped Senator DEWINE, Senator FEINGOLD, and I might be able to work out an agreement with the administration to make some changes to strengthen the House-passed bill, but unfortunately that has not happened.

In the meantime, the international effort is continuing. Talks that we hope will one day lead to a final session of the Kimberly Process are underway today, tomorrow, and Wednesday in Ottawa. I am concerned key issues remain unresolved or have been addressed in ways that could undermine the whole initiative, leading to the failure to produce an effective Kimberly agreement.

Specifically, the negotiators need to address the issues of independent monitoring, the collection of reliable statistics, and the need for a coordinating body to implement the agreed-upon system of controls on rough diamond exports. In addition, the U.S. General Accounting Office, in its February 13 testimony entitled "Significant Challenges Remain in Deterring Trade in Conflict Diamonds," outlined other potential witnesses in transparency, accountability, and risk assessment, particularly relating to controls from the mine to export.

We have decided we need to introduce a new, stronger Senate version of the Clean Diamonds Trade Act to move this issue forward and to address developments such as the revelations about terrorist exploitation of diamonds and the potential weaknesses in the international agreement.

Think about these diamonds moving across the world. You can put a fortune in your hand, put it into your pocket, and walk through any metal detector undetected. You can carry them on an airplane around the world, use them as people would use gold ingots or checking accounts. They are fungible wherever you go.

Our bill includes a broad definition of conflict diamonds, so it covers the conflicts in the Democratic Republic of the Congo, not simply areas that have been singled out by the United Nations Security Council resolutions. Our definition also covers the terrorists named by President George Bush in his Executive Order 13224.

The House bill does not give the authority to the President that he has already under the International Emergency Economic Powers Act and has already in fact exercised to implement existing U.N. Security Council resolutions, nor does the House bill require the President to do anything to respond to this problem.

Our bill requires the President to prohibit the importation of rough diamonds from countries not taking effective measures to stop the trade in conflict diamonds if that prohibition is in the foreign policy interest of the United States.

It is clear to me those responsible for the conflict diamond trade will stop at nothing in their efforts to circumvent the international efforts being negotiated. To transform a rough diamond into a polished diamond for purposes of import classification, all someone needs to do is make one cut. That distinction in the House-passed bill is a terrible loophole. The importation of polished diamonds or jewelry containing diamonds is a potentially huge loophole as well through which conflict diamonds could have been imported into the United States. The House-passed bill did not protect against that loophole.

The House bill also does not require but only permits the President to prohibit the importation of specific shipments of polished diamonds or jewelry containing diamonds into our country, if he has credible evidence they were produced from conflict diamonds. Our bill requires it.

Our bill also permits the President to prohibit the importation of polished diamonds and jewelry containing diamonds from countries that do not take effective measures to stop the trade in conflict diamonds.

With these two provisions, we hope to send a strong message that the United States will close the polished diamond and diamond jewelry loopholes so that American consumers can have confidence that the diamond they buy for an engagement, an anniversary, or another milestone in their lives is from a legitimate and responsible source.

Finally, our bill eliminates the safe harbor provision contained in the House bill which would allow circumvention of the Kimberly Process before an agreement were even finalized. While these negotiations are proceeding and while we are trying to secure the cooperation of all parties concerned, this is not the time to undercut it.

The world was shocked and horrified by the murder, mutilation, and terror imposed on the people of Sierra Leone by rebels funded with conflict diamonds. The moral outcry by religious and human rights groups galvanized governments and the diamond industry to address the problem. Now is the time to close the deal and to secure an effective agreement, not an exercise in public relations. Now is also the time to have strong U.S. legislation to say to the world the United States will do as much as it can to stop this scourge.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objections, the bill was ordered to be printed in the RECORD, as follows:

S. 2027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Diamond Trade Act".

SEC. 2. FINDINGS.

Congress finds the following:

(1) Funds derived from the sale of rough diamonds are being used by rebels, state actors, and terrorists to finance military activities, overthrow legitimate governments, subvert international efforts to promote peace and stability, and commit horrifying atrocities against unarmed civilians. During the past decade, more than 6,500,000 people from Sierra Leone, Angola, and the Democratic Republic of the Congo have been driven from their homes by wars waged in large part for control of diamond mining areas. A million of these are refugees eking out a miserable existence in neighboring countries, and tens of thousands have fled to the United States. Approximately 3,700,000 people have died during these wars.

(2) The countries caught in this fighting are home to nearly 70,000,000 people whose societies have been torn apart not only by fighting but also by terrible human rights violations.

(3) Human rights advocates, the diamond trade as represented by the World Diamond Council, and the United States Government recently began working to block the trade in conflict diamonds. Their efforts have helped to build a consensus that action is urgently needed to end the trade in conflict diamonds.

(4) The United Nations Security Council has acted at various times under chapter VII of the Charter of the United Nations to address threats to international peace and security posed by conflicts linked to diamonds. Through these actions, it has prohibited all states from exporting weapons to certain countries affected by such conflicts. It has further required all states to prohibit the direct and indirect import of rough diamonds from Angola and Sierra Leone unless the diamonds are controlled under specified certificate of origin regimes and to prohibit absolutely for a period of 12 months the direct and indirect import of rough diamonds from Liberia.

(5) In response, the United States implemented sanctions restricting the importation of rough diamonds from Angola and Sierra Leone to those diamonds accompanied by specified certificates of origin and fully prohibiting the importation of rough diamonds from Liberia. In order to put an end to the emergency situation in international relations, to maintain international peace

and security, and to protect its essential security interests, and pursuant to its obligations under the United Nations Charter, the United States is now taking further action against trade in conflict diamonds.

(6) Without effective action to eliminate trade in conflict diamonds, the trade in legitimate diamonds faces the threat of a consumer backlash that could damage the economies of countries not involved in the trade in conflict diamonds and penalize members of the legitimate trade and the people they employ. To prevent that, South Africa and more than 30 other countries are involved in working, through the "Kimberley Process", toward devising a solution to this problem. As the consumer of a majority of the world's supply of diamonds, the United States has an obligation to help sever the link between diamonds and conflict and press for implementation of an effective solution.

(7) Articles XX and XXI of the General Agreement on Tariffs and Trade 1994 allow members of the World Trade Organization to take measures to deal with situations such as that presented by the current trade in conflict diamonds without violating their World Trade Organization obligations.

(8) Failure to curtail the trade in conflict diamonds or to differentiate between the trade in conflict diamonds and the trade in legitimate diamonds could have a severe negative impact on the legitimate diamond trade in countries such as Botswana, Namibia, South Africa, and Tanzania.

(9) Initiatives of the United States seek to resolve the regional conflicts in sub-Saharan Africa which facilitate the trade in conflict diamonds.

SEC. 3. DEFINITIONS.

In this Act:

(1) CONFLICT DIAMONDS.—The term "conflict diamonds" means—

(A) rough diamonds the importation of which is prohibited by United Nations Security Council Resolutions because that trade is fueling conflict;

(B) in the case of rough diamonds not covered by subparagraph (A), rough diamonds used by any armed movement or an ally of an armed movement to finance or sustain operations to carry out systematic human rights abuses or attacks against unarmed civilians; or

(C) diamonds that evidence shows fund the al-Qaeda international terrorist network and related groups designated under Executive Order No. 13224 of September 23, 2001 (66 Federal Register 49079).

(2) DIAMONDS.—The term "diamonds" means diamonds classifiable under subheading 7102.31.00 or subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(3) POLISHED DIAMONDS.—The term "polished diamonds" means diamonds classifiable under subheading 7102.39.00 of the Harmonized Tariff Schedule of the United States.

(4) ROUGH DIAMONDS.—The term "rough diamonds" means diamonds that are unworked, or simply sawn, cleaved, or bruted, classifiable under subheading 7102.31.00 of the Harmonized Tariff Schedule of the United States.

(5) UNITED STATES.—The term "United States", when used in the geographic sense, means the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. MEASURES TO PREVENT IMPORTS OF CONFLICT DIAMONDS.

(a) AUTHORITY OF THE PRESIDENT.—Notwithstanding any other provision of law, the President shall prohibit, in whole or in part, the importation into the United States of rough diamonds, and may prohibit the importation into the United States of polished diamonds and jewelry containing diamonds, from any country that does not take effective measures to stop trade in conflict diamonds as long as the prohibition is consistent with the foreign policy interests of the United States, including the international obligations of the United States, or is pursuant to United Nations Security Council Resolutions on conflict diamonds.

(b) EFFECTIVE MEASURES.—For purposes of this Act, effective measures are measures that—

(1) meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds;

(2) meet the requirements of an international arrangement on conflict diamonds, including the recommendations of the Kimberley Process, as long as the measures also meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds; or

(3) contain the following elements, or their functional equivalent, if such elements are sufficient to meet the requirements of United Nations Security Council Resolutions on trade in conflict diamonds:

(A) With respect to exports from countries where rough diamonds are extracted, secure packaging, accompanied by officially validated documentation certifying the country of origin, total carat weight, and value.

(B) With respect to exports from countries where rough diamonds are extracted, a system of verifiable controls on rough diamonds from mine to export.

(C) With respect to countries that reexport rough diamonds, a system of controls designed to ensure that no conflict diamonds have entered the legitimate trade in rough diamonds.

(D) Verifiable recordkeeping by all companies and individuals engaged in mining, import, and export of rough diamonds within the territory of the exporting country, subject to inspection and verification by authorized government authorities in accordance with national regulations.

(E) Government publication on a periodic basis of official rough diamond export and import statistics.

(F) Implementation of proportionate and dissuasive penalties against any persons who violate laws and regulations designed to combat trade in conflict diamonds.

(G) Full cooperation with the United Nations or other official international bodies examining the trade in conflict diamonds, especially with respect to any inspection and monitoring of the trade in rough diamonds.

(c) EXCLUSIONS.—The provisions of this section do not apply to—

(1) rough diamonds imported by or on behalf of a person for personal use and accompanying a person upon entry into the United States; or

(2) rough diamonds previously exported from the United States and reimported by the same importer, without having been advanced in value or improved in condition by any process or other means while abroad, if the importer declares that the reimportation of the rough diamonds satisfies the requirements of this paragraph.

SEC. 5. PROHIBITION OF POLISHED DIAMONDS AND JEWELRY.

The President shall prohibit specific entries into the customs territory of the United States of polished diamonds and jewelry containing diamonds if the President has credible evidence that such polished diamonds and jewelry were produced with conflict diamonds.

SEC. 6. ENFORCEMENT.

(a) IN GENERAL.—Diamonds and jewelry containing diamonds imported into the United States in violation of any prohibition imposed under section 4 or 5 are subject to the seizure and forfeiture laws, and all criminal and civil laws of the United States shall apply, to the same extent as any other violation of the customs and navigation laws of the United States.

(b) PROCEEDS FROM FINES AND FORFEITED GOODS.—Notwithstanding any other provision of law, the proceeds derived from fines imposed for violations of section 4(a), and from the seizure and forfeiture of goods imported in violation of section 4(a), shall, in addition to amounts otherwise available for such purposes, be available only for—

(1) the Leahy War Victims Fund administered by the United States Agency for International Development or any successor program to assist victims of foreign wars; and

(2) grants under section 131 of the Foreign Assistance Act of 1961 (22 U.S.C. 2152a).

SEC. 7. REPORTS.

(a) ANNUAL REPORTS.—Not later than one year after the effective date of this Act, and every 12 months thereafter, the President shall transmit to Congress a report—

(1) describing actions taken by countries that have exported diamonds to the United States during the preceding 12-month period to implement effective measures to stop trade in conflict diamonds;

(2) describing any new technologies since the date of enactment of this Act for marking diamonds or determining the origin of rough diamonds;

(3) identifying those countries that have exported diamonds to the United States during the preceding 12-month period and are not implementing effective measures to stop trade in conflict diamonds and whose failure to do so has significantly increased the likelihood that conflict diamonds are being imported into the United States;

(4) describing appropriate actions, which may include actions under sections 4 and 5, that may be taken by the United States, or actions that may be taken or are being taken by each country identified under paragraph (3), to ensure that conflict diamonds are not being imported into the United States from such country; and

(5) identifying any additional countries involved in conflicts linked to rough diamonds that are not the subject of United Nations Security Council Resolutions on conflict diamonds.

(b) SEMIANNUAL REPORTS.—For each country identified in subsection (a)(3), the President shall, every 6 months after the initial report in which the country was identified, transmit to Congress a report that explains what actions have been taken by the United States or such country since the previous report to ensure that conflict diamonds are not being imported from that country into the United States. The requirement to issue a semiannual report with respect to a country under this subsection shall remain in effect until such time as the country implements effective measures.

SEC. 8. GAO REPORT.

Not later than 3 years after the effective date of this Act, the Comptroller General of the United States shall transmit a report to Congress on the effectiveness of the provisions of this Act in preventing the importation of conflict diamonds under section 4. The Comptroller General shall include in the report any recommendations on any modifications to this Act that may be necessary.

SEC. 9. SENSE OF CONGRESS.

(a) INTERNATIONAL ARRANGEMENT.—It is the sense of Congress that the President should take the necessary steps to negotiate an international arrangement, working in concert with the Kimberley Process referred to in section 2(6), to eliminate the trade in conflict diamonds. Such an international arrangement should create an effective global system of controls covering countries that export and import rough diamonds, should contain the elements described in section 4(b)(3), and should address independent monitoring, the collection of reliable statistics on the diamond trade, and the need for a coordinating body or secretariat to implement the arrangement.

(b) ADDITIONAL SECURITY COUNCIL RESOLUTIONS.—It is the sense of Congress that the President should take the necessary steps to seek United Nations Security Council Resolutions with respect to trade in diamonds from additional countries identified under section 7(a)(5).

(c) TRADE IN LEGITIMATE DIAMONDS.—It is the sense of Congress that the provisions of this Act should not impede the trade in legitimate diamonds with countries which are working constructively to eliminate trade in conflict diamonds, including through the negotiation of an effective international arrangement to eliminate trade in conflict diamonds.

(d) IMPLEMENTATION OF EFFECTIVE MEASURES.—It is the sense of Congress that companies involved in diamond extraction and trade should make financial contributions to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to the President $5,000,000 for each of the fiscal years 2002 and 2003 to provide assistance to countries seeking to implement any effective measures to stop trade in conflict diamonds described in section 4(b), if those countries would have financial difficulty implementing those measures.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect on the date of the enactment of this Act.

Mr. DEWINE. Mr. President, today I wish to talk about legislation that Senator DURBIN, Senator FEINGOLD, and I introduce today to address the continued profitable sale of what we refer to as conflict diamonds. We have been working together on this matter for some time, along with our colleagues in the House of Representatives, Congressman TONY HALL from my home State of Ohio and Congressman FRANK WOLF of Virginia.

We have been working to help those in Africa who are suffering at the hands of this illicit diamond trade. Last spring, we introduced a similar bill to put pressure on the international community to implement a global agreement to stem the conflict diamond trade.

While the House passed a weaker version of that bill last November, my Senate colleagues and I have been working with the administration to pass a stronger, more meaningful bill. Unfortunately, these negotiations thus far have not been successful. That is why we join together today in the introduction of a new and even stronger measure: legislation that reflects both trade and humanitarian concerns.

The introduction now is particularly significant, as the international community begins the final session of the Kimberly Process today in Ottawa.

During these negotiations, it is critical that the United States send a strong message to the international community, a message that says we are committed to these efforts and are fighting for a strong, effective Kimberly agreement.

Mr. President, I believe the United States must take this leadership role so we can get ultimately the strongest possible agreement. That is the message I believe our bill sends today. I will spend a few minutes talking about why this bill is so important and why it is vital we get a strong measure passed and eventually signed into law.

The diamond trade is one of the world's most lucrative industries. With its extreme profitability, it is not surprising a black market trade has emerged alongside the legitimate industry. The sale of illicit diamonds has yielded disturbing reports in the media linking even Osama bin Laden to this trade. On February 22, 2001, the U.S. District Court trial, United States v. Osama bin Laden, attests to this.

Additionally, there is an established link between Sierra Leone's diamond trade and well-known Lebanese terrorists.

It is also not surprising that diamond trading has become an attractive and sustainable income source for violent rebel groups around the world, particularly in Africa. The information I am talking about today in regard to terrorists has been reported in the public news media. Currently in Africa, where the majority of the world's diamonds are found, there is ongoing strife and struggle resulting from the fight for control of the precious gems. While violence has erupted in several countries, including Sierra Leone, Angola, the Congo, and Liberia, Sierra Leone in particular has one of the worst records of violence.

In that nation, rebel groups, most notably the Revolutionary United Front, the RUF, have seized control of many of that country's diamond fields. Once in control of a diamond field, the rebels confiscate the diamonds. Then they launder them on to the legitimate market through other nearby nations, such as Liberia, and ultimately finance their terrorist regimes and their continued efforts to overthrow the government.

Over the past decade, the rebels reaped the benefits of at least $10 billion in smuggled diamonds, and the fact is it could be a lot more than that. Since the start of the rebel quest for control of Sierra Leone's diamond supply, the children of this small nation have borne the brunt of the insurgency. For over 8 years, the RUF has conscripted children, often as young as 7 or 8 years old. These soldiers and their makeshift army have ripped an estimated 12,000 children from their families. After the RUF invaded the capital of Freetown in January 1999, at least 3,000 children were reported missing.

As a result of deliberate and systematic brutalization, children soldiers have become some of the most vicious and effective fighters within the rebel factions. The rebel army, child soldiers included, has terrorized Sierra Leone's population, killing, abducting, raping, and hacking off the limbs of victims with machetes. This chopping off of limbs is the RUF's trademark strategy.

I believe we can do something about this. We can, in fact, make a difference. We have the power to help put an end to the indiscriminate suffering and violence in Sierra Leone and elsewhere in Africa. As the world's biggest diamond customer, purchasing the majority of the world's diamonds, the United States has tremendous clout. With that clout, we have the power to remove the lucrative financial incentives that drive the rebel groups to trade in diamonds in the first place.

Simply put, if there is no market for their diamonds, there is little reason for the rebels to engage in their brutal campaigns to secure and then protect their diamonds. That is why our legislation is aimed at removing the rebels' market incentive. We need to work together with the international community to facilitate the implementation of a system of controls on the export and import of diamonds so that buyers can be certain their purchases are not fueling the rebel campaign.

Specifically, our new bill attempts to move this issue forward and to strengthen U.S. policy. For example, our bill would require the President to prohibit the importation of rough diamonds from countries not taking effective measures to stop the trade in conflict diamonds.

It also addresses potential loopholes associated with polished diamonds and diamond jewelry and includes a broader definition of conflict diamonds so that it includes conflicts in the Democratic Republic of the Congo and other areas as well.

These are a few of the important provisions that were omitted in the House version, provisions that are essential in this legislation to make the difference we want to make. I urge my colleagues in the Senate to support this new bill and send an important message to the international community. As I see it, we do have an obligation, I think a moral obligation, to help eliminate the financial incentives for the illicit traders. We owe it to those who unwittingly buy these conflict diamonds but, more importantly, we owe it to the children who have suffered far too long.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3031. Mr. ROCKEFELLER (for himself, Mr. DURBIN, Mr. BAYH, Mr. KENNEDY, Mrs. CLINTON, Mr. HARKIN, Mrs. LINCOLN, Ms. MIKULSKI, Mr. CORZINE, Mr. SCHUMER, Mrs. CARNAHAN, Mr. TORRICELLI, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. JEFFORDS, Mr. LEAHY, Mr. DASCHLE, Mr. KERRY, Mr. WELLSTONE, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS

SEC. 01. TEMPORARY INCREASE OF MEDICAID FMAP.

(a) Permitting Maintenance of Fiscal Year 2001 FMAP for Last 3 Calendar Quarters of Fiscal Year 2002.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2002 is less than the FMAP as so determined for fiscal year 2001, the FMAP for the State for fiscal year 2001 shall be substituted for the State's FMAP for the second, third, and fourth calendar quarters of fiscal year 2002, before the application of this section.

(b) Permitting Maintenance of Fiscal Year 2002 FMAP for Fiscal Year 2003.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2003 is less than the FMAP as so determined for fiscal year 2002, the FMAP for the State for fiscal year 2002 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2003, before the application of this section.

(c) Permitting Maintenance of Fiscal Year 2003 FMAP for Fiscal Year 2004.—Notwithstanding any other provision of law, but subject to subsection (g), if the FMAP determined without regard to this section for a State for fiscal year 2004 is less than the FMAP as so determined for fiscal year 2003, the FMAP for the State for fiscal year 2003 shall be substituted for the State's FMAP for each calendar quarter of fiscal year 2004, before the application of this section.

(d) General 1.50 Percentage Points Increase Through Fiscal Year 2004.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), for each State for the second, third, and fourth calendar quarters of fiscal year 2002 and each calendar quarter of fiscal years 2003 and 2004, the FMAP (taking into account the application of subsections (a), (b), and (c)) shall be increased by 1.50 percentage points.

(e) Further Increase for States With High Unemployment Rates Through Fiscal Year 2004.—

(1) In general.—Notwithstanding any other provision of law, but subject to subsections (g) and (h), the FMAP for a high unemployment State for the second, third, and fourth calendar quarters of fiscal year 2002, or any calendar quarter of fiscal year 2003 or 2004, (and any subsequent such calendar quarters after the first such calendar quarter for which the State is a high unemployment State regardless of whether the State continues to be a high unemployment State for the subsequent such calendar quarters) shall be increased (after the application of subsections (a), (b), (c), and (d)) by 1.50 percentage points.

(2) High unemployment state.—

(A) In general.—For purposes of this subsection, a State is a high unemployment State for a calendar quarter if, for any 3 consecutive months beginning on or after June 2001 and ending with the second month before the beginning of the calendar quarter, the State has an average seasonally adjusted unemployment rate that exceeds the average weighted unemployment rate during such period. Such unemployment rates for such months shall be determined based on publications of the Bureau of Labor Statistics of the Department of Labor.

(B) Average weighted unemployment rate defined.—For purposes of subparagraph (A), the "average weighted unemployment rate" for a period is—

(i) the sum of the seasonally adjusted number of unemployed civilians in each State and the District of Columbia for the period; divided by

(ii) the sum of the civilian labor force in each State and the District of Columbia for the period.

(f) Increase in Cap on Medicaid Payments to Territories.—Notwithstanding any other provision of law, with respect to the second, third, and fourth calendar quarters of fiscal year 2002, and each calendar quarter of fiscal years 2003 and 2004, the amounts otherwise determined for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa under section 1108 of the Social Security Act (42 U.S.C. 1308) shall each be increased by an amount equal to 6 percentage points of such amounts.

(g) Scope of Application.—The increases in the FMAP for a State under this section shall apply only for purposes of title XIX of the Social Security Act and shall not apply with respect to—

(1) disproportionate share hospital payments described in section 1923 of such Act (42 U.S.C. 1396r–4); or

(2) payments under titles IV and XXI of such Act (42 U.S.C. 601 et seq. and 1397aa et seq.).

(h) State Eligibility.—A State is eligible for an increase in its FMAP under subsection (d) or (e) or an increase in a cap amount under subsection (f) only if the eligibility under its State plan under title XIX of the Social Security Act (including any waiver under such title or under section 1115 of such Act (42 U.S.C. 1315)) is no more restrictive than the eligibility under such plan (or waiver) as in effect on October 1, 2001.

(i) Definitions.—In this section:

(1) FMAP.—The term "FMAP" means the Federal medical assistance percentage, as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(2) State.—The term "State" has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SA 3032. Mrs. LINCOLN (for herself, Mr. COCHRAN, Mr. TORRICELLI, Mr. WELLSTONE, and Mrs. MURRAY) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

DIVISION —MISCELLANEOUS

SEC. 01. DELAY IN MEDICAID UPL CHANGES FOR NON-STATE GOVERNMENT-OWNED OR OPERATED HOSPITALS.

(a) Findings.—Congress finds that non-State government-owned or operated hospitals—

(1) provide access to a wide range of needed care not often otherwise available in underserved areas;

(2) deliver a significant proportion of uncompensated care; and

(3) are critically dependent on public financing sources, such as the medicaid program.

(b) Moratorium on UPL Changes.—The Secretary of Health and Human Services may not implement any change in the upper limits on payment under title XIX of the Social Security Act for services of non-State government-owned or operated hospitals published after October 1, 2001, before the later of—

(1) September 30, 2002; or

(2) 3 months after the submission to Congress of the plan described in subsection (c).

(c) Mitigation Plan.—The Secretary of Health and Human Services shall submit to Congress a report that contains a plan for mitigating the loss of funding to non-State government-owned or operated hospitals as a result of any change in the upper limits on payment for such hospitals published after October 1, 2001. Such report shall also include such recommendations for legislative action as the Secretary deems appropriate.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Republican leader, in consultation with the Democratic leader, pursuant to Public Law

68-541, as amended by Public Law 102-246, appoints Tom Luce, of Texas, as a member of the Library of Congress Trust Fund Board for a term of 5 years.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. I ask unanimous consent that the Senate proceed to executive session to consider Calendar Nos. 728 and 729, en bloc; that the nominations be confirmed; the motions to reconsider be laid upon the table; the President be immediately notified of the Senate's action; any statements appear at the appropriate place in the RECORD; and the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

DEPARTMENT OF JUSTICE

Don Slazinik, of Illinois, to be United States Marshal for the Southern District of Illinois for the term of four years.

Kim Richard Widup, of Illinois, to be United States Marshal for the Northern District of Illinois for the term of four years.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

ORDERS FOR TUESDAY, MARCH 19, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Tuesday, March 19; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of H.R. 2356, the Campaign Finance Reform Act; further, that the Senate recess from 12:30 to 2:15 p.m. for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. As negotiations continue on campaign finance reform, we expect to resume consideration of the energy bill tomorrow. There are a number of important amendments on which we can work. The Feinstein amendment has been pending, and Senator KYL, I hope, will be ready to offer his amendment so we can finalize the debate on the alternative energy consideration in this bill. There are a lot of things to do tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Tuesday, March 19, 2002, at 10 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 18, 2002:

THE JUDICIARY

RANDY CRANE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS.

DEPARTMENT OF JUSTICE

DON SLAZINIK, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

KIM RICHARD WIDUP, OF ILLINOIS, TO BE UNITED STATES MARSHAL FOR THE NORTHERN DISTRICT OF ILLINOIS FOR THE TERM OF FOUR YEARS.

EXTENSIONS OF REMARKS

IN MEMORY OF STEVE M. NATHAN

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. CALVERT. Mr. Speaker, I rise today to honor and pay tribute to an individual whose dedication to the community and to the overall well being of the city of Norco, California, was unparalleled. Norco was indeed fortunate to have such a dynamic and dedicated business and community leader who willingly and unselfishly gave of his time and talents to make his community a better place in which to live and work. The individual I am speaking of is Steve M. Nathan. I was fortunate to have been able to call him my friend. He passed away last week at the Corona Regional Medical Center after complications from surgery at the age of 76.

With true valor and love of country he served in the United States Air Force and saw combat during World War II as a B–26 Aerial Gunner where he flew 26 missions over Germany. After 25 years of service, he retired as a Senior Master Sergeant in 1968 and moved to Norco. Steve then founded and operated Norco Alarms, Inc. until his retirement in 1990. A fixture in the community, Steve was a talented businessman and never shied away from community involvement.

Mr. Nathan gave much during his years to his community and the whole Inland Empire. He began his record of community service by becoming a member of the Norco Planning Commission in 1970, served over 12 years on the Norco City Council and was elected Mayor twice during that span. Steve was also elected and served as Chairman of the Riverside Transit Agency, appointed to the Riverside County Jury in 1993, serve on the California Grand Jurors Association Board, was the current three term President of the Norco Historical Society, a member of the California Rehabilitation Center Citizen Advisory Board, the Corona Masonic Lodge, Norco Lions Club, the Norco American Legion Post 328 and the Norco Chamber of Commerce.

His passion for community service was matched by his passion for hunting for artifacts. He traveled many parts of the world as he enjoyed his metal detecting hobby and spent two weeks each summer in England where he hunted for artifacts. He was an avid Board Member of the Riverside Treasure Hunters Club.

He is survived by his wife, Audry Murphy Nathan, two sons, Scott Nathan and his wife Emmi, Dennis Nathan and his wife Jane, two grandchildren, Nicole and Bryan, his sister Toni Nathan and brother-in law Chuck Nathan. Steve was preceded in death by his wife of 54 years, Doris Nathan. My prayers go out to them for their loss.

Mr. Speaker, looking back at Steve's life, we see a man dedicated to his family and community—an American whose gifts to the Inland Empire and southern California led to the betterment of those who had the privilege to come in contact or work with him. Honoring Steve's memory is the least that we can do today for all that he gave over his lifetime.

IN RECOGNITION OF THE 1ST ANNUAL QUEEN CITY CLASSIC CHESS TOURNAMENT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to recognize the 1st Annual Queen City Classic Chess Tournament, which will be held in the clubhouse of Cincinnati's Paul Brown Stadium on April 6, 2002.

Chess has been played for centuries, and it is one of the oldest games still played today by literally millions of people around the world. It is a challenging game for youth which can improve a child's ability to concentrate and can boost his or her self-esteem, which often leads to improved performance in the classroom. Chess also teaches players of all levels important skills (logical sequencing, careful planning, patience, strategy and good sportsmanship) that will be invaluable throughout their lives.

The 1st Annual Queen City Classic Chess Tournament was organized by a local community leader, Penny Pomeranz, as a way to provide children in the Cincinnati region with more opportunities to play chess in a competitive environment and to encourage children to learn to play chess early in life. It will bring together kindergartners to high school seniors from Ohio, Kentucky and Indiana.

Mr. Speaker, I hope my colleagues will join me in recognizing Cincinnati's 1st Annual Queen City Classic Chess Tournament. All of us in the Cincinnati area appreciate Penny's hard work, and we wish her and all the organizers the best on the Tournament's debut on April 6.

HONORING PEGGY BAXTER

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Ms. LEE. Mr. Speaker, I rise today to honor Peggy Baxter for her generous contributions to the community and to the patients of Oakland Children's Hospital.

A resident of Oakland, Ms. Baxter has been the Administrative Director of Governmental and Community Affairs at Children's Hospital and Research Center at Oakland. Serving a diverse population, the hospital is both a regional pediatric referral center for Northern California and the medical safety net for thousands of uninsured Bay Area children. Ms. Baxter is charged with keeping elected officials and community leaders aware of the impact of societal problems on the patients and families of Children's Hospital Oakland.

Ms. Baxter has long been an advocate of women taking decision-making roles in the political process. Her work on behalf of women seeking elected office began during her college years and includes fund-raising and campaign management. She is a founding member of Black Women Organized for Political Action and was president of the Oakland-Berkeley Chapter.

Peggy Baxter served on the Board of Directors of the Marcus A. Foster Educational Institute and Lincoln Child Center. She was president of the Alameda County Unit of the American Cancer Society and was secretary of the California Division of the American Cancer Society. At Beth Eden Baptist in Oakland, she is Vice Chairman of Trustees. Ms. Baxter received her Bachelor degree in sociology and education from Hampton University in Virginia and holds a Masters degree in social work from the University of Denver.

Ms. Baxter has been an assiduous champion of women and children throughout her career. She has been not only a friend but a hero to me and countless others. I thank her for her wisdom, her counsel, and her assistance throughout the years.

I want to congratulate Peggy as she retires and wish her godspeed as she begins this exciting new chapter of her life.

I am honored to join Ms. Baxter's family, friends and colleagues to salute the phenomenal Peggy B. Baxter.

HONORING JANICA KOSTELIC

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Janica Kostelic for her spectacular performance at the 2002 Winter Olympics.

Ms. Kostelic is a 20-year-old young lady from Croatia who won four medals (three gold and one silver) during the Olympics in Salt Lake City. In celebration, her home country has placed her picture on a postage stamp. Over 100,000 people gathered to meet Janica upon her return to Zabreg, Croatia. People missed work and schools canceled classes so they could greet the newly dubbed "Snow Queen". This skiing sensation finished two runs in 2 minutes, 30.01 seconds. Janica is the first Alpine skier to win four medals at a single Winter Olympics. She won gold in the giant slalom, the slalom, and the combined

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Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

event, and silver in the super giant slalom; she was the only Croatian to win a medal. Janica's brother, Ivica, also competed at the 2002 Winter Olympics.

The Kostelic family has endured many setbacks while trying to support their children's Olympics aspirations. Their country only has two ski resorts, so the family had to travel around Europe often sleeping in their car and living on salami and pickle sandwiches. Their tremendous efforts and fortitude, however, paid off tremendously for Janica and Ante, her father and coach. The family made many sacrifices, but their willpower allowed for Janica's incredible victories.

Mr. Speaker, I rise today to congratulate Janica Kostelic on her outstanding achievements at the 2002 Winter Olympics. I invite my colleagues to join me in wishing Ms. Kostelic and her family many more years of continued success.

A TRIBUTE TO THE DOWNEY EAGLE

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. HORN. Mr. Speaker, on March 29, 2002, Barbara and Jerry Andrews will suspend publication of The Downey Eagle after nine years. This news was greeted with sadness by all those who have admired the paper for all these years. Because of the importance of The Downey Eagle to the City of Downey and surrounding areas, I wish to pay tribute to the Andrews family for their commitment and devotion to their community.

The Downey Eagle has provided its readers with all of the elements that make community newspapers so essential: news from the city council, civic groups, community organizations, cultural, educational, and arts events, wedding announcements and obituaries, opinion columns based on local insights and a lively letters page for the community to discuss local opinions and events. All this with wonderful photos which accompanied many stories. A publication such as this not only provides information, but also helps to promote progress. The Downey Eagle has helped build cohesion and a sense of community among its readers.

Because my wife's father, uncle, and grandfather were all in the community newspaper business, I appreciate the difficulties involved with getting out a local paper week after week. In addition to the sheer physical challenge of producing a first class publication every seven days, a publisher must balance the competing interests of various and very passionate groups. Making these decisions takes sensitivity and both Barbara and Jerry Andrews have been available and responsive throughout the publication of The Downey Eagle. They presented balanced civic news, people news, and editorial commentary.

Essential to the success of The Downey Eagle has been its energetic and talented editor, John Adams. A veteran newspaperman, who previously worked for the San Francisco Chronicle, among other major publications, John has been the chief writer, editor, and photographer for the paper. He has tirelessly covered thousands of community events, conducted similar numbers of follow-up interviews, and produced article after article that was fair, accurate, and insightful.

As The Downey Eagle ceases to publish later this month, Barbara, Jerry, and John can take great pride in all that they have accomplished over the past decade. They have set a high standard for what a community newspaper can and should be, and they take the grateful thanks of all of us as they pursue new challenges.

GIRL SCOUTS CELEBRATE 90 YEARS

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. YOUNG. Mr. Speaker, today I rise to celebrate the 90th anniversary of the Girl Scouts. Girl Scouting began on March 12, 1912, when founder Juliette Gordon Low assembled 19 girls from Savannah, Georgia, for a local Girl Scout meeting. She believed that all girls should be given the opportunity to develop physically, mentally and spiritually. The Girl Scout mission is to help all girls grow strong values and ideals which will serve them throughout their lives. In Alaska alone 8,000 girls and 3,000 volunteers annually participate in Girl Scouts. This program is especially important to me because I married a former Girl Scout, Lu Young. My wife's former troop leader, Evolyn Melville continues to be a very close friend. At the time my wife was a Girl Scout her troop was the furthest North, eight miles above the Arctic Circle. Through Girl Scouting girls make friendships that last a lifetime, acquire self-confidence, take on responsibility, and are encouraged to think creatively. Girl Scouts have a bright and promising future. Some of the Girl Scouts future goals include addressing the digital divide and encouraging girls to pursue careers in science, math, and technology. Happy birthday Girl Scouts and I look forward to hearing of your future accomplishments.

GIRL SCOUTS OF THE USA

HON. BRIAN D. KERNS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. KERNS. Mr. Speaker, I rise today in honor of the Girl Scouts of the USA. This week, the Girl Scouts celebrate their 90th Anniversary. For nearly a century, this organization has helped millions of girls develop into responsible, respectful, and caring young women. By actively promoting patriotism, integrity, community service, and self-reliance the Girl Scouts of the USA is empowering each of its members to develop to her full potential, as both an individual and as a thoughtful citizen. There are currently almost 3 million young ladies involved in the Girl Scouts—and each one is committed to making our nation and the world a better place. By embracing and acting upon the values of the Girl Scouts, they are doing just that.

The Girl Scouts is dedicated to involving young ladies in every community; rural farm communities, urban centers, and suburban neighborhoods. Indeed, the Girl Scouts of the USA plays a role throughout each of our districts, and it is helping shape a future generation of teachers, doctors, computer specialists, mothers, and even Members of Congress. The Girl Scouts has and will continue to demonstrate that young ladies, through hard work and discipline, can become anything they aspire to be.

On the 90th anniversary of the founding of the Girl Scouts, I rise to share my thanks to the great service they are doing for young women, the State of Indiana, and for our Nation. Our country is truly a better place because of Girl Scouts of the USA.

HONORING JOHN SMALE AS HE IS INDUCTED INTO THE ADVERTISING HALL OF FAME

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, March 18, 2002

Mr. PORTMAN. Mr. Speaker, I rise today to honor a friend and distinguished constituent, John Smale, the retired Chairman and CEO of The Procter & Gamble Company and former Chairman of General Motors Corporation, who will have the honor of being inducted into the American Advertising Federation's Advertising Hall of Fame in New York City on March 19, 2002.

The Advertising Hall of Fame is the most prestigious honor bestowed in the advertising industry. It is awarded to individuals who have set the standard for lifetime advertising excellence. John Smale joins a notable group of industry luminaries that includes David Ogilvy, Ray Kroc, Jay Chiat, William Bernbach and William Paley.

John Smale was selected because he has been a major proponent of the power of advertising to build brands and an advocate of building global brand loyalty through advertising. He is truly a pioneer and an innovator. He joined Procter & Gamble in 1952 and later, as an associate advertising manager in 1958, he began informing the American Dental Association (ADA) about Crest toothpaste's fluoride-based anti-cavity research. After the ADA awarded Crest its first seal of approval in 1960, Crest became the category leader with its "Look Ma, no cavities" advertising campaign.

Under his leadership as Chairman of the Board and Chief Executive Officer in the 1980s, John engineered an aggressive series of landmark changes that restructured the company from the coveted brand management system—where products compete against one another—to a broader one of category management. Significantly, this allowed the P&G manager to oversee both the product and its advertising. He was committed to new product development and invested $2 billion into new acquisitions that resulted in tremendous growth, making the company the nation's leading personal care products company. He did this while emphasizing P&G's strengths in market research and without compromising its basic values. During his tenure, the company expanded from 24 categories to 39, and owned the leading brand in most of them.

John Smale engineered other important company changes, many targeted to the company's enormous global expansion. In Japan, the world's second largest consumer market, he hired Japanese managers, and required those from the U.S. to study Japanese language and culture. In 1992, he was elected Board Chairman of the General Motors Corporation where he also designed a major restructuring program.

But his significant influence didn't end in the corporate boardroom; he is also an effective civic leader. In the late 1980s, he unselfishly chaired the Cincinnati Infrastructure Commission—known as the Smale Commission—and enlisted other community leaders in an examination of ways to make critical improvements in the city's infrastructure. The Commission's report is widely viewed as the most comprehensive assessment of the city's physical assets. He has also served on the Board of Directors of the Partnership for a Drug-Free America, the Nature Conservancy, and the National Park Foundation; a trustee of the Cincinnati Institute of Fine Arts and the Cincinnati Museum Association; a member of the Board of Governors of United Way and the National Advisory Board of Goodwill Industries of America.

John Smale is an innovator and achiever. One veteran corporate analyst ranked him as one of the top three chief executives of the past half century. As he receives advertising's most prestigious honor, we congratulate him and thank him for his vision, his commitment and his service to his community and his country.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 19, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 20

9:30 a.m.

Governmental Affairs

To hold hearings to examine issues with respect to the collapse of the Enron Corporation, focusing on credit rating agencies.

SD–342

Armed Services

Personnel Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on recruiting and retention in the military services.

SR–232A

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2003 for the Environmental Protection Agency.

SD–138

Commerce, Science, and Transportation

To hold hearings to examine competition in the local telecommunications marketplace.

SR–253

10 a.m.

Judiciary

Technology, Terrorism, and Government Information Subcommittee

To hold hearings to examine identity theft and information protection.

SD–226

Banking, Housing, and Urban Affairs

To continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies.

SD–538

Budget

Business meeting to mark up a proposed concurrent resolution setting forth the fiscal year 2003 budget for the Federal Government.

SD–608

Health, Education, Labor, and Pensions

Business meeting to mark up S. 1992, to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans; and S. 1335, to support business incubation in academic settings.

SD–430

Environment and Public Works

To hold hearings to examine legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control.

SD–406

Appropriations

Defense Subcommittee

To hold closed hearings to examine an overview of intelligence programs.

S–407 Capitol

1:30 p.m.

Appropriations

Treasury and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 2003 for the Office of Management and Budget.

SD–192

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS.

345 Cannon Building

Appropriations

Agriculture, Rural Development, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2003 for public health, nutrition and regulatory agencies.

SD–138

2:30 p.m.

Armed Services

Strategic Subcommittee

To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on national security space programs and strategic programs.

SR–232A

Intelligence

To hold closed hearings to examine pending intelligence matters.

SH–219

MARCH 21

9 a.m.

Governmental Affairs

Business meeting to consider issuance of various subpeonas to employees of Enron.

SD–342

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine airport capacity expansion plans in the Chicago area.

SR–253

Judiciary

To hold hearings to examine reform of the Federal Bureau of Investigation, focusing on lessons learned from the Oklahoma City bombing.

SD–226

Finance

To hold hearings on the nomination of Randal Quarles, of Utah, to be Deputy Under Secretary of the Treasury for International Affairs.

SD–215

9:45 a.m.

Indian Affairs

Business meeting to consider pending calendar business.

SR–485

10 a.m.

Indian Affairs

To hold hearings on S. 958, to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, 326–K.

SR–485

Health, Education, Labor, and Pensions

To hold hearings to examine the Individuals With Disabilities Act, as it applies to children and schools.

SD–430

Finance

To hold hearings to examine corporate tax shelters.

SD–215

Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Federal Bureau of Investigation, Immigration and Naturalization Service, and the Drug Enforcement Administration, all of the Department of Justice.
SD–124

Appropriations
Transportation Subcommittee
To hold hearings to examine security challenges presented by transportation of cargo.
SD–138

Banking, Housing, and Urban Affairs
To continue oversight hearings to examine accounting and investor protection issues raised by the fall of the Enron Corporation and by other public companies.
SH–216

Armed Services
Readiness and Management Support Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense and the Future Years Defense Program, focusing on the readiness of U.S. Armed Forces for all assigned missions.
SR–232A

11 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2003 for the National Institutes of Health of the Department of Health and Human Services.
SD–192

2 p.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine homeland defense, focusing on assessing the needs of local law enforcement.
SD–226

2:30 p.m.
Appropriations
District of Columbia Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the District of Columbia Courts, Court Services, and Offender Supervision Agency.
SD–192

APRIL 9

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Navy equipment required for fielding a 21st century capabilities-based Navy.
SR–222

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD–226

CANCELLATIONS

MARCH 21

2 p.m.
Appropriations
Interior Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2003 for the Department of the Interior.
SD–138

POSTPONEMENTS

MARCH 20

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the General Accounting Office, Congressional Budget Office, and Government Printing Office.
SD–124

MARCH 21

2:30 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings to examine federal research and development issues.
SR–253

SENATE—*Tuesday, March 19, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear God, today we want to live out the true meaning of the motto of our Nation, "In God We Trust." All through this day we will live the psalmist's admonition for successful living: "Commit your way to the Lord, trust also in Him, and He shall bring it to pass."—Psalm 37:5. We claim the meaning of the word "commit" in Hebrew as "to roll over." We roll over our burdens from our shoulders onto Your mighty shoulders.

We begin this day very conscious of the burdens we have tried to carry ourselves: personal needs, physical problems, concerns for people we love, friends about whom we worry, plus all the responsibilities of work, and our unfinished projects and proposals. We take all of these and roll them over onto You. We trust You to give us strength to work today free of fretting frustration. We accept Your invitation through Peter: "Let God have all your worries and cares, for He is always thinking about you and watching everything that concerns you."—1 Peter 5:7, Living Bible.

Thank You, that You have lightened our load of what we could not carry alone and strengthened our backs for what You call us to carry with Your help. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 19, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of H.R. 2356, the Campaign Finance Reform Act. Cloture was filed yesterday. Therefore, Senators have until 12:30 today to file first-degree amendments. Unless agreement is reached on final passage of campaign finance, the Senate will vote on cloture tomorrow morning.

While negotiations continue on campaign finance, we expect to resume consideration of the energy reform bill. I see Senator FEINGOLD. We will be happy if there are statements he or others wish to make on that legislation. But as I have indicated, unless there is some movement in the way of some amendments, we will try to get back to the energy reform bill.

Senator FEINSTEIN is here to move forward on the matter on which she and Senator GRAMM have been working for about a week now.

Mr. LOTT. Mr. President, will the Senator from Nevada yield?

Mr. REID. I will be happy to yield.

Mr. LOTT. I know there have been a lot of negotiations back and forth on getting agreement on how to proceed on campaign finance reform. I was under the impression that perhaps an agreement was close.

Mr. REID. That is my understanding.

Mr. LOTT. Do you have information on that, and when do you expect we would try to enter into an agreement? Because obviously that affects the schedule of how we proceed on other issues, the energy bill in particular.

Mr. REID. Senator DASCHLE has authorized me to say that whenever there is agreement, he will move forward on it immediately. The fact is, there just has not been one yet, to my knowledge.

Mr. FEINGOLD. Mr. President, if I could speak just for a moment—and I thank the minority leader—just to make it clear, the cloture motion has been filed. It will ripen tomorrow. Regardless of the other discussions and negotiations, our understanding is that will go forward. There are, however, negotiations going on with regard to some technical aspects, and we hope that can be worked out.

I want to be clear because sometimes it seems as if, in these conversations, people think the two are linked and nothing will move forward. The campaign finance bill is going forward and it will be voted on tomorrow, as a cloture vote, unless there is some agreement. But, yes, as the minority leader has suggested, there are some conversations and discussions going on that we hope will be fruitful.

Mr. REID. I say to my friend from Wisconsin, that is what I did say earlier. We have the votes scheduled tomorrow, and I ask Senators to file amendments, if they have them, by 12:30 today. It is my understanding, I say to both the Republican leader and the Senator from Wisconsin, that any agreement that is being talked about will call for a vote tomorrow anyway. That is my understanding.

Mr. FEINGOLD. That is correct.

Mr. REID. I think we can look forward to a cloture vote tomorrow on this bill, regardless of what happens.

I hope there will be some progress on the energy bill. In addition to the work of Senator FEINSTEIN, we also have the alternative fuels problem we wish to have resolved. I hope Senator KYL will come over as soon as possible today to offer his amendment. That would pretty much do for the alternative fuels problems we have with this legislation.

So it is contemplated there will be rollcall votes in relation to the energy bill throughout the day.

The Senate will recess from 12:30 to 2:15 p.m. today for our weekly party conferences. I appreciate everyone's courtesy, waiting while I made this brief announcement. I do hope, though, that everyone understands we are going to try to move forward on the legislation we have before us, campaign finance reform, and it is my understanding we can only get to the energy bill today after having moved off campaign finance reform. Is that true?

The ACTING PRESIDENT pro tempore. That is correct.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2356, which the clerk will report.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The assistant legislative clerk read as follows:

A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

Mr. REID. Mr. President, what is the regular order?

The ACTING PRESIDENT pro tempore. The Senate is now considering H.R. 2356.

Mr. REID. I ask we now move to the energy bill—that is the regular order? Is my understanding correct that calling for the regular order would call up the energy bill at this time?

The ACTING PRESIDENT pro tempore. Calling for the regular order with respect to the energy bill would bring the energy bill to the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

Mr. REID. Mr. President, I maybe misspoke. I ask for the regular order as it relates to the energy bill that Senator BINGAMAN has been marshaling the last several days.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding for the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Mr. REID. Mr. President, on the energy bill, what is the pending amendment?

The ACTING PRESIDENT pro tempore. The pending amendment is the Lott amendment, No. 3028.

Mr. REID. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AMENDMENT NO. 2989, AS MODIFIED

Mrs. FEINSTEIN. Mr. President, I call for the regular order with respect to my amendment.

The ACTING PRESIDENT pro tempore. The amendment of the Senator from California is now pending.

Mrs. FEINSTEIN. Mr. President, I send a modification to the desk.

The ACTING PRESIDENT pro tempore. The amendment is so modified.

The amendment, as modified, is as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS AND METALS TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

“(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.”.

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

“(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity or an exempt metal commodity described in section 2(j)(1).”; and

(2) by adding at the end the following:

“(j) EXEMPT TRANSACTIONS.—

“(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES AND EXEMPT METALS COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity or exempt metal commodity shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b;

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

“(i) provide for the enforcement of the requirements specified in this subsection; and

“(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

“(D) section 12(e)(2); and

“(E) section 22(a)(4).

“(2) BILATERAL DEALER MARKETS.—

“(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

“(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

“(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

“(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

“(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

“(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

“(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

“(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

“(I) require the real time publication of proprietary information; or

“(II) prohibit the commercial sale of real time proprietary information.

“(3) REPORTING REQUIREMENTS.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

“(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

“(A) sections 4b, 4c(b), 4o, and 5b; and

“(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

“(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

“(6) APPLICABILITY.—This subsection does not apply to—

“(A) a designated contract market regulated under section 5; or

“(B) a registered derivatives transaction execution facility regulated under section 5a.”.

(c) Contracts Designed to Defraud or Mislead.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) Prohibition.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person;

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

"(3) willfully to deceive or attempt to deceive any person by any means; or

"(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person."

(d) Conforming Amendments.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (7)"; and

(ii) in paragraph (3), by striking "paragraph (4)" and inserting "paragraphs (4) and (7)"; and

(B) in subsection (i)(1)(A), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) or section 4(c)";

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking "any contract market or" and inserting "any contract market,"; and

(B) by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility";

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking "section 2(h)" and inserting "subsection (h) or (j) of section 2";

(4) in section 5b (7 U.S.C. 7a-1)—

(A) in subsection (a)(1), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(B) in subsection (b), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) of section 2 or section 4(c)".

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) In General.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

"(G) Personnel Matters.—

"(i) In general.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

"(ii) Compensation.—

"(I) In general.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(II) Additional compensation.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(III) Comparability.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

(b) Conforming Amendments.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) the Commodity Futures Trading Commission.".

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking "General Counsel, Commodity Futures Trading Commission."; and

(B) by striking "Executive Director, Commodity Futures Trading Commission.".

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) section 2(a)(6)(G) of the Commodity Exchange Act.".

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting "the Commodity Futures Trading Commission," after "the Farm Credit Administration, ".

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

"(i) Jurisdiction Over Derivatives Transactions.—

"(1) In general.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

"(2) Meetings.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

"(A) conditions and events in energy trading markets; and

"(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

"(3) Liaison.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.".

Mrs. FEINSTEIN. Mr. President, I rise on behalf of Senators Fitzgerald, Cantwell, Corzine, Wyden, Leahy, Boxer, and Durbin in modifying our amendment on energy derivatives.

As you know, we discussed this issue on the floor before, and the senior Senator from Texas had some concerns. So we spent a good deal of time talking with him and his staff. We have also kept in touch with our cosponsors. We have agreed on some modifications. There are some modifications that the Senator from Texas sought that the cosponsors and I could not agree to. So this modification represents where we agree and not where we disagree.

I begin by explaining two terms in the amendment. The first term is "a derivative." A derivative is a financial instrument traded on or off an exchange, the price of which is directly dependent upon an underlying commodity, such as natural gas or electricity. An "over-the-counter" or "swap" contract is an agreement whereby a floating price is exchanged for a fixed price over a specified period. It involves no transfer of physical energy, and both parties settle their contractual obligations in cash.

Although energy derivatives make up only 4 percent of all derivative transactions, energy swaps make up 80 percent of all energy derivatives. So these are important terms.

What our amendment does is subject electronic exchanges, such as Enron Online, Dynegydirect, and IntercontinentalExchange—these exchanges trade energy derivatives—to the similar oversight reporting and capital requirements as other exchanges, such as the Chicago Mercantile Exchange, the New York Mercantile Exchange, and the Chicago Board of Trade. However, since the vast majority of energy derivative transactions are over the counter, the Commodity Futures Trading Commission has insufficient authority, at present, to investigate and prevent fraud and price manipulation, and parties making these trades are not required to keep records of their trades. In other words, there is no transparency. There is no record and there is no oversight of these particular trades.

So our amendment simply requires these parties to keep records of their transactions, which is what most companies do in any event.

If it turns out there is a fraud allegation, the CFTC will have a record to review. This is the same fraud and manipulation authority the Commodity Futures Trading Commission has for every other commodity and it is the same authority they had until Congress passed the Commodity Futures Modernization Act in 2000. That act exempted energy and metals trading from regulatory oversight, and excluded it completely if the trade was done electronically. Before this act, it was all included. Following the act, it was excluded. That was around June of 2000.

The problem and why we need this legislation: Presently, energy transactions—those about which I am not speaking, but the other energy transactions—are regulated by the Federal

Energy Regulatory Commission when there is actually a delivery of the energy commodity.

What do I mean? If I buy natural gas from you, and you deliver that natural gas to me, the Federal Energy Regulatory Commission has the authority to ensure that this transaction is both transparent and reasonably priced. In other words, FERC has regulatory authority when the energy is actually delivered. However, energy transactions have become increasingly complex over the past decade. So, today, energy transactions do not always result in a direct delivery, and thus a giant loophole has opened where there is no transparency, no records, and no oversight. And that is not when I sell it to you to deliver it but when I sell it to you and you sell it to somebody else, who sells it to somebody else, who sells it to somebody else, and then it is delivered. Those interim trades are in no way, shape, or form transparent. They are done in secret. There is no oversight and there is no record.

So I can purchase from you a derivatives contract, which is a promise that you will deliver natural gas to me at some point in the future. I may never need to physically own that gas, so I can at a small profit sell that gas to someone, who can then turn around and sell it yet to someone else, and so on and so forth, as I have just pointed out. The promise of a gas delivery can literally change hands dozens of times before the commodity is ever delivered. Even then, it may never get delivered if the spot market price is lower than the future price that comes due on that day. That is what I meant about saying it is very complicated.

In fact, about 90 percent of the energy trades represent purely financial transactions, not regulated by either the Federal Energy Regulatory Commission, or the CFTC. So as long as there is no delivery, there is no price transparency. We do not know the price or the terms for 90 percent of the energy transactions. Let me repeat that. Today, no one knows the price or the terms for 90 percent of the energy transactions.

Again, this lack of transparency and oversight only applies to energy. It does not apply if you are selling wheat or pork bellies or any other tangible commodity. As I said, there is a very big loophole here. What we seek to do is simply close that loophole.

How did this happen? The answer is, the Commodity Futures Modernization Act, signed into law in 2000, exempted energy and minerals trading from regulatory oversight and also exempted electronic trading platforms from oversight. That is the online trading that occurs. In a sense, what the legislation did was set up two different systems: treating electronic trading platforms differently from other platforms, and treating energy commodities different from other commodities.

Up until 2000, energy derivative transactions were regulated in a similar fashion to other transactions, and all energy transactions were subject to antifraud and antimanipulation oversight. Electronic trading platforms were treated like all other platforms. These were the standards that were in place until June of 2000. Up until that time, if a gas or electricity commodity was delivered, FERC had oversight, and there was transparency; if there was not delivery, the CFTC had the authority. So the loophole arose just 2 years ago.

At the time of the 2000 legislation, no one knew how the exemptions would affect the energy market. It was a new market. They wanted to see growth. So they kind of unleashed it and said: All this can go on without the light of day.

We have a much better idea today because of what we have learned since then. It didn't take long for Enron Online and others in the energy sector to take advantage of this new freedom—and, to an extent, secrecy—by trading energy derivatives absent any regulatory oversight or transparency. Thus, after the 2000 legislation was enacted, Enron Online began to trade energy derivatives bilaterally, over the counter, in a one-to-one transaction, without being subject to any regulatory oversight whatsoever.

It should not surprise anyone that, without transparency, prices went right up. Was Enron and its energy derivatives trading arm, Enron Online, the sole reason California and the West had an energy crisis 18 months ago? Of course not. Was it a contributing factor to the crisis? I believe it was.

Unfortunately, because of the energy exemptions in the 2000 Commodities Futures Modernization Act, which took away the CFTC's authority to investigate, we may never know for sure since there are no records.

For me, this issue comes down to some fundamental questions. Why shouldn't there be transparency in the energy market? Why should the CFTC not have antifraud, antimanipulation authority when there is fraud and manipulation in the market? And why shouldn't California's energy ratepayers and customers and consumers and ratepayers in other States enjoy the same CFTC protections as ranchers and farmers do today?

The modification of our amendment results from the discussions my cosponsors and I had with Senator PHIL GRAMM, who approached us to express his concern that our bill could inadvertently impact financial derivatives. We made several changes to accommodate Senator GRAMM's concerns, and we were hopeful we could reach agreement with him. However, there are four additional points where we did not reach agreement: exempting energy swaps from CFTC antifraud and antimanipulation authority; deleting all public price-transparency requirements; exempting all electronic exchanges from requirements that they maintain sufficient capital to carry out their operations, based on risk; and finally, eliminating metal derivatives from oversight.

As I said before, energy swaps—this is a point of contention between us—comprise as much as 80 percent of energy derivatives transactions so this change would have taken the teeth out of our amendment. We consulted with our cosponsors. They did not want to agree to it. I believe Senator FITZGERALD is coming to the Chamber to speak to this.

Additionally, our amendment states that electronic trading forums should hold capital commensurate with the risk, which seems a reasonable expectation to me. The public can already access information from nonelectronic exchanges simply by picking up the business section of a daily newspaper. I don't understand the rationale for wanting to limit the public's access to data on electronic exchanges.

There is ample evidence that fraud and manipulation can occur and have already occurred in the metal sector.

This was borne out by several scandals over the past decade, including the 1996 Sumitomo case. In Sumitomo, it was found that U.S. consumers were overcharged $2.5 billion because of a Japanese company's manipulation of the copper markets. These were changes that we simply could not agree to.

Why do my cosponsors and I feel so strongly about the need to pass this amendment? First, the debate is nothing new. In November of 1999, the Federal Reserve, the Department of Treasury, the SEC, and the CFTC issued a report on derivatives titled "Over the Counter Derivative Markets and the Commodity Exchange Act, A Report of the President's Working Group on Financial Markets." This report was signed by the Federal Reserve Chairman, the then-Secretary of Treasury, the then-SEC Chairman, and the then-CFTC Chairman.

What the report found was the case had not been made that energy or other tangible commodities should be exempted from CFTC oversight. In fact, the report found that because of the immaturity of the energy market, the lack of liquidity in the market and finite supplies in energy markets, energy markets were more susceptible to manipulation than the deep and liquid financial markets.

Recent history has certainly borne that to be correct. These commodities are more subject to manipulation.

On June 21, 2000, shortly after the President's working group issued its report, the Banking Committee and Agriculture Committee held a hearing on the report and Senator LUGAR's Commodity Futures Modernization

Act. Let me read from the committee report:

> The Commission has reservations about the bill's exclusions of OTC derivatives from the Commodities Exchange Act. On this point the bill diverges from the recommendations of the President's Working Group, which limited the proposed exclusions to financial derivatives. The Commission believes the distinction drawn by the Working Group between financial (nontangible) and non-financial transactions was a sound one and respectfully urges the Committees to give weight to that distinction.

Eight days later, Chairman LUGAR marked up his CFMA bill in conference. This is what he had to say:

> The Chairman's Mark also addresses concerns regarding this bill's exclusion of institutional energy transactions from the act. Our bill no longer excludes those transactions from the act. With the resolution of this provision, the CFTC has indicated it will fully support our legislation.

Much to his credit, Chairman LUGAR eliminated the exemption for energy transactions to accommodate the CFTC and the President's working groups. But—and this is a big "but"—Enron and others lobbied in the House and, as it turned out, this was never reflected in the final provision that passed Congress as part of a much bigger bill at the end of the 106th Congress. There is already a legislative history.

More recently, the Senate Energy and Natural Resources Committee held a hearing on January 29 on energy derivative trading, where CFTC Chairman Jim Newsome and FERC Chairman Pat Wood both testified and explained the regulatory burdens that prevent them from fully investigating Enron Online.

Let me be candid; I am truly amazed at the opposition to this amendment. Why should anyone be able to set up an online trading platform without any reporting, disclosure, or capital requirements and without any regulatory oversight whatsoever? Why should companies that are engaging in an over-the-counter transaction not have to keep a record of this transaction? Everyone else does. And why, if there is fraud or market manipulation, should there not be a regulatory agency that can investigate and cite wrongdoing?

What I cannot understand is how this amendment is somehow antibusiness. On the contrary, the amendment is all about making markets work.

I call your attention to the recently released report by the Cambridge Energy Research Associates Study and Accenture titled "Energy Restructuring at a Crossroads, Creating Workable Competitive Power Markets."

The report cites 12 recommendations for making energy markets function effectively, including having the CFTC expand its oversight to include energy derivative trading, as it did before 2000.

The report recognizes that transparency, disclosure, and reporting requirements instill confidence in markets and provide assurances for investors that there will not be fraud and manipulation.

This is also why the amendment is supported by the Chicago Mercantile Exchange, the New York Mercantile Exchange, Cambridge Energy Research Associates, Mid-America Energy Holding Company, PG&E, and Southern California Edison. They have to pay the higher prices for energy if it is traded back and forth. They want to know if these trades increase prices for the purposes of manipulation. Calpine, the American Public Gas Association, the American Public Power Association, the Texas Independent Producers and Royalty Association, the California Municipal Utilities Association, the Consumers Union, the Consumer Federation of America, the Derivatives Institute, U.S. PIRG, the Transmission Access Policy Study Group, and all four FERC Commissioners.

I would like to read into the RECORD the letter from the Chairman of the Federal Energy Regulatory Commission, Mr. Pat Wood, III, dated March 7:

> Thank you for calling to my attention your proposed amendment to clarify federal oversight of financial transactions involving energy commodities. Your amendment would clarify that these transactions are within the jurisdiction of the Commodity Futures Trading Commission, thus revoking current exemption for such transactions under the Commodity Exchange Act and extending the Act to apply comprehensively to financial transactions based on energy commodities.
>
> From our first meeting last Spring, you know how strongly I feel about customers having access to the broadest range of useful market information. Information on financial as well as physical transactions is a key part of market transparency. Billions of dollars are now at stake in these markets. The consequences of a major participant's collapse are illustrated by the Enron bankruptcy. Federal oversight of such trading is appropriate. Your amendment can ensure greater transparency in these markets, and this transparency can help provide an early warning signal to those charged with protecting the public interest.

Mr. President, I ask unanimous consent to print other letters in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EDISON INTERNATIONAL,
March 7, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for asking Edison International for our views on your amendment to S. 517, the Senate Energy Policy Act of 2002. As you know, Edison shares your concern over possible manipulation of the California electricity market by some market participants, which helped contribute to the serious problems the state faced from out of control energy prices. Your amendment would provide for transparency in the electric derivatives trading market, an industry that is currently exempted from regulation under the Commodity Futures Modernization Act of 2000 (CFMA).

I support your amendment, with a suggestion for your consideration to further refine it. Our company and others use energy derivatives trading to protect and hedge their actual physical assets, as opposed to companies that conduct trading with no or few physical assets. There should be guidance in the final language which recognizes the difference between these two types of businesses, particularly regarding any further capital requirements. Otherwise companies that trade in order to hedge physical assets may be required to pay twice—once in order to obtain capital for the assets and a second time in order to meet any capital requirements to back their trades.

Thanks again for all your efforts on behalf of California consumers and businesses.

Sincerely,

JOHN F. BRYSON,
Chairman of the Board and Chief Executive Officer.

PG&E CORPORATION,
Washington, DC, March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: We are writing today in reference to the amendment you will be offering to the Senate Energy bill, containing the substance of legislation you and several of your colleagues introduced earlier to provide regulatory oversight over energy trading markets, as amended.

At the outset, we applaud your efforts to ensure public and consumer confidence in the operation and orderly functioning of the energy marketplace. As you know, the industry relies heavily on these markets and products to manage risk for the benefit of consumers of electricity. We thus appreciate your willingness to work with us and other market participants to address areas of interest and concern as the provisions of your amendment have been debated and refined. As presently drafted, we view your amendment as providing an increased level of oversight, while ensuring the continued ability of market participants to utilize these instruments as part of overall risk management strategies. We therefore support your amendment.

Thank you for your hard work in this area, and we look forward to continuing to work with you and others on matters of national energy policy.

Sincerely,

STEVEN L. KLINE,
Vice President, Federal Governmental & Regulatory Relations.

MIDAMERICAN ENERGY HOLDINGS CO.,
Omaha, NE, March 5, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing in support of your effort to ensure that there is transparency and appropriate federal oversight of energy futures trading markets.

As I testified before the Senate Energy and Natural Resources Committee last month, I have long been concerned that the type of exchange run by Enron before its collapse offered opportunities for manipulation. Enron was the largest buyer, the largest seller and the operator of an unregulated exchange. In view of the revelations of the last several months regarding Enron, the unregulated nature of these markets has raised serious concerns regarding the ability of the federal government to ensure that energy trading and futures markets are operating in the interest of the public and market participants.

As the Senate addresses this issue, it is important to remember that electric and gas markets as a whole responded to the Enron collapse without disruption, so legislation should not compromise the liquidity of these markets. I applaud your determination to keep your amendment focused on oversight and transparency and am encouraged that you, along with Senators Cantwell and Wyden, have pledged to work with market participants to continue to perfect this proposal as debate on the comprehensive energy bill continues.

Ensuring public confidence in the integrity of energy futures markets is a critical component of establishing a modernized regulatory framework for the electric and natural gas industries. I am pleased to support your effort and commend you on your work on this important issue.

Sincerely,

DAVID L. SOKOL,
Chairman and CEO.

AMERICAN PUBLIC POWER ASSOCIATION,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
Senate Hart Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: On behalf of the American Public Power Association (APPA), an association representing the interests of more than 2000 publicly owned electric utility systems across the country, I would like to express support for your amendment regarding the regulatory treatment of energy derivative transactions which is expected to be offered during consideration of S. 517, the Energy Policy Act of 2002.

As we understand it, your amendment repeals exemptions and exclusions from regulation, originally granted by the Commodity Futures Trading Commission, for bilateral derivatives and multi-lateral electronic energy commodity markets. Further, your amendment helps ensure that entities involved in running on-line trading forums maintain open books and records for investigation and enforcement purposes. Ensuring sufficient regulatory oversight and market transparency are critical steps towards helping prevent market abuses and protecting consumers.

As you are aware, on December 3rd Enron filed for Chapter 11 bankruptcy protection. At the same time, forward markets on the West Coast fell by 30% despite the fact that no other changes in operations, hydroelectric supply, or fossil fuel prices took place at the time. This has led some to believe that Enron may have been using its market dominance to "set" forward prices. Your amendment will help avoid such potential abuses in the future.

APPA commends you for taking a leadership role on this critical issue. We look forward to working with you on this and other amendments aimed at providing effective and sustainable competition while protecting consumers from market abuses.

Sincerely,

ALAN H. RICHARDSON,
CEO & Executive Director.

CALPINE CORP.,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing to let you know of Calpine's support for additional oversight of certain energy derivative markets, as intended by your proposed amendment to S. 517. While we have not seen any evidence that energy trading was the cause of either the California energy crisis or Enron's demise, we do believe there is a crisis of confidence in the energy markets and that your amendment will assist in restoring much needed public confidence in the energy sector.

We support the amendment's strengthening of the CFTC's anti-fraud and anti-manipulation authority and its provision for increased cooperation and liaison between the CFTC and the FERC. We are also pleased that your amendment addresses concerns about the oversight and transparency of the electronic trading platforms. It is important that such facilities, which play a significant price discovery role in the energy trading markets, be subject to appropriate reporting and oversight by the CFTC.

However, I also understand that typical over the counter bilateral trading operations, such as those that operate from a trading desk where various potential counterparties are separately contacted by phone or email, are not intended to be treated as electronic trading facilities under your amendment. This is an important distinction and one that I understand you intend to further clarify in report language.

Calpine would like to thank you for your efforts to advocate reasonable measures to ensure the integrity of the important energy trading markets and we stand ready to provide you with any information or assistance that you may need.

Sincerely,

JEANNE CONNELLY,
Vice President—Federal Relations.

Austin, TX, March 6, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senator, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINSTEIN: We understand that later today, you will introduce an important measure designed to bring greater transparency to natural gas markets. We believe that improved transparency will reduce price-markups charged in transactions that take place after natural gas leaves the wellhead and before it reaches the burner tip. Thus your measure will benefit both consumers and producers. We support the modified version of S. 1951 that you intend to offer as an amendment to the Senate Energy Bill.

We understand that the amendment:

(1) will not grant any price control authority under the Federal Power Act or Natural Gas Act;

(2) will continue to allow energy commodities (actually all commodities other than agricultural commodities) to be traded on electronic trading facilities that currently qualify as exempt commercial markets, provided that the trading facilities register, meet net capital requirements, file reports, and maintain books and records;

(3) will require participants in such markets to maintain books and records; and

(4) will apply these requirements to electronic trading facilities which permit execution with multiple parties and non-binding bids and offers, and will require books and records to be kept by participants in facilities that permit bilateral negotiations.

TIPRO believes that this measure will tend to improve price transparency in natural gas markets, leading to a more efficient and stable marketplace. The relatively modest requirements outlined above should not unduly reduce liquidity for gas traders. Accordingly, TIPRO endorses your amendment.

Sincerely,

GREGORY MOREDOCK,
National Energy Policy Committee Chairman.

AMERICAN PUBLIC GAS ASSOCIATION,
Fairfax, VA, March 5, 2002.

Re: S. 517

Hon. DIANNE FEINSTEIN,
Hart Senate Office Building, U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The American Public Gas Association (APGA) is very pleased that you have taken the lead to amend the Commodity Exchange Act (CEA). You revisions to S. 517, which amends the CEA, brings the trading of energy products, including natural gas spot and forward prices, under the appropriate jurisdiction of Commodity Futures Trading Commission (CFTC). As a result, your amendment will reduce the various risks imposed on consumers by a partially unregulated energy trading market.

As you know, Enron operated in what was essentially an unregulated environment. While there will be much more to come in the wake of Enron, one thing is perfectly clear today—our federal government has an obligation to make sure that no important trading activities fall between the cracks leaving some energy markets without a federal agency with oversight authority. Your amendment remedies this glaring deficiency.

APGA is fully committed to support your effort to reverse the action Congress took just 15 months ago in the Commodities Futures Modernization Act (CFMA). The CFMA amended the CEA by allowing some energy contracts to be traded with no government oversight. We firmly believe that the CFTC must have at its disposal the necessary jurisdiction and authority to protect the operational integrity of energy markets so that (1) transactions are executed fairly, (2) proper disclosures are made to customers, and (3) fraudulent and manipulative practices are not tolerated.

In December of 2000, when the CFMA was under consideration in the Senate, APGA submitted a Statement for the Record to the U.S. Senate Committee on Energy and Natural Resources during a hearing on the "Status of Natural Gas Markets." In the statement, we expressed a concern that the proposed legislation would codify an exemption for energy commodity transactions that would shield those energy transactions from the oversight and review of the CFTC. Enron took advantage of this gap in regulatory oversight. Your amendment will close that gap. Consumers across the country will benefit from your efforts because they are less likely to be victimized by activities that occur in a market where the CFTC exercises oversight.

Again, public gas utilities and the hundreds of communities that we serve commend you for your thoughtful and deliberate leadership on this very important issue. While there may be some who will oppose this amendment, one need not look far to see whether the opposition is looking out for the best interests of Wall Street or Main Street. We pledge to work with you in any way we can to pass this much-needed amendment. Please let me know how I can assist you.

Sincerely,

BOB CAVE,
President.

U.S. COMMODITY FUTURES
TRADING COMMISSION,
Washington, DC, March 7, 2002.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: Thank you for calling to ask that I provide you with my views of your proposed amendment to the energy bill pending before the Senate. The amendment would bring transparency to markets and provide Congress and the public with the assurance that no exchange offering energy commodity derivatives transactions would go completely unregulated. Moreover, it would restore to the federal government those basic tools necessary to detect and deter fraud and manipulation. Therefore, I strongly support the amendment.

In my previous correspondence with you, I indicated that under the current law none of our federal regulators could give you any definitive assurance that there was no manipulative or fraudulent activity in energy markets in the wake of the Enron collapse. This is due, in part, to the lack of transparency demanded of energy markets and more significantly to the fact that certain exchange markets such as EnronOnline are completely unregulated.

Consumers are the ultimate beneficiaries of properly functioning derivatives markets, whether those markets are private—like EnronOnline—or public—like the New York Mercantile Exchange. By the same token, consumers are the ultimate victims when markets are manipulated, or otherwise affected by unlawful behavior.

I am a firm believer in the efficiencies that derivatives markets bring to bear on cash commodity markets and the consequent benefits to market users and to consumers. However, such derivatives markets should, in the public interest, adhere to certain, minimal regulatory obligations. Your amendment is a prudent response to the issues highlighted by the Enron episode.

Sincerely,

THOMAS J. ERICKSON,
Commissioner.

Mrs. FEINSTEIN. I thank the Chair.

To summarize, if the western energy markets over the past 2 years have shown us anything, it is that the light of day and records must be available on all transactions. If the western energy markets and California have shown us anything, it is that there must be Federal oversight. And if what has happened in the last 2 years tells us anything, it is that the trading of these particular commodities should not be in secret.

Mr. President, this amendment aims to clear up those three points. It does so. I recognize there is opposition. I recognize the banks oppose it. Why do the banks oppose it? Because they have set up an online trading exchange, the IntercontinentalExchange, to do just what Enron Online did. Dynegy opposes it. Williams opposes it because they are doing the same thing now.

There is this burgeoning market of trading up the price of energy in secret. It is wrong. The light of day must be shed on it, and it should be treated as are all other aspects of trades. My cosponsors and I feel very strongly about this.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, how can a case be more overwhelming than the case of the Senator from California? Who could possibly be in favor of a situation where transactions could be undertaken and no records kept? Who could possibly be in favor of granting a license for fraud and manipulation? The answer is no one.

The problem is that each of these points that is outlined has no factual basis in the law. The plain truth is that there is extensive recordkeeping currently required under law. That recordkeeping was strengthened in the 2000 extension of the authorization of the Commodity Exchange Act. I will read from the legislation as we get to it.

The 2000 Act provided specific antifraud authority for the CFTC in exactly the areas for which the Senator from California calls. It provided authority to intervene in the case of price manipulation. In fact, everything that the proponents of this amendment claim they are for is part of current law as amended by the 2000 Act.

I have offered and we have negotiated—and I thank the Senator from California for the negotiations—to try to work out an agreement so that we can have an amendment go forward with broad support. We have failed to succeed in that effort, and I will outline in a moment why we have failed to do that.

Before I do, let me start at the beginning. This amendment has as strong a coalition of opponents as any amendment that has been offered, and not one of them opposes what the proponents of the amendment say they want to do. Not one of them opposes required recordkeeping. Not one of them opposes the granting of antifraud authority. Not one of them opposes granting the ability to intervene in the case of price manipulation. Every opponent of this amendment favors what the proponents of the amendment say that it does, but they oppose what the amendment in fact does.

I will read from the list of the opponents: Alan Greenspan, testifying twice before committees of Congress—the Financial Services Committee in the House and the Banking Committee in the Senate. In as strong words as Alan Greenspan ever utters and in as clear a form as he could possibly pronounce it, he opposes this amendment, not because he opposes the intent of the Senator from California, but because he opposes what the amendment, if adopted, would do—the unintended consequences—which is what this debate is about.

The Secretary of the Treasury is adamantly opposed to this amendment and has joined Chairman Greenspan in talking about the potential impacts on the American economy of a decision we would make in this proposal that has nothing to do with energy futures but everything to do with a swap industry which is now $75 trillion in annual volume and which has become part of virtually every business in America where that business tries to insure itself against risk.

These swaps are tailored transactions between two economic entities that are able, through their transaction, to provide greater certainty in providing jobs, growth, and opportunity for the American economy. In fact, Chairman Greenspan has said that the growth in the derivatives markets may very well be a major factor in the resilience of the American economy today and why we, in fact, did not have a recession.

I urge my colleagues to read the letter which the Secretary of the Treasury and the Chairman of the Board of Governors of the Federal Reserve System sent to the two leaders.

I ask unanimous consent the letter to which I just referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MARCH 12, 2002.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We are writing to express our serious concerns with an amendment to be offered by Senator Feinstein and others to S. 517, the national energy policy bill. We are committed to ensuring the integrity of the nation's energy markets. However, we question whether it is necessary to reopen the Commodity Futures Modernization Act of 2000 (CFMA) to achieve that objective. Amending the CFMA as proposed by Senator Feinstein could re-introduce legal uncertainties into off-exchange derivatives markets and other markets—uncertainties that were thought to have been settled as a result of the CFMA's enactment.

Accordingly, we urge Congress to defer action on Senator Feinstein's proposal until the appropriate committees of jurisdiction have a change to hold hearings on the amendment and carefully vet the language through the normal committee processes.

The CFMA expressly maintained the Commodity Futures Trading Commission's (CFTC) anti-fraud and anti-manipulation authority with respect to off-exchange energy derivatives markets covered by the Commodity Exchange Act (CEA). Thus, it appears that the CFTC may have sufficient current authority to address instances of fraud or price manipulation in energy derivatives markets. Congress should carefully evaluate the adequacy of the CFTC's current authority before it attempts to re-open the CFMA.

The CFMA was the culmination of a long, difficult process, which provided much needed clarification regarding the scope of the CEA for all off-exchange derivatives instruments, not just energy products. Any effort to undo the delicate compromises achieved in that legislation should be undertaken only after careful reflection. Otherwise, such legislation could jeopardize the contribution that off-exchange derivatives have made to the dispersion of risk in the economy. These instruments may well have contributed significantly to the economy's impressive resilience to financial and economic shocks and imbalances.

Similar letters have been sent to Senators Harkin, Lugar, Sarbanes, Gramm, and Daschle.

Sincerely,

PAUL H. O'NEILL,
Secretary, Department of the Treasury.
ALAN GREENSPAN,
Chairman, Board of Governors of the Federal Reserve System.

Mr. GRAMM. This amendment is also opposed by the Securities and Exchange Commission, which has the principal responsibility in the American economy for antifraud and antimanipulation enforcement with regard to securities transactions. If their whole purpose in existing, if their major mandate, is to deal with exactly the problems which the amendment proposes to deal with, why is the SEC adamantly opposed to this amendment? Because of unintended consequences, because the amendment, in fact, does not achieve its stated goals, but it does other things that are potentially very harmful to the economy.

The Chairman of the Commodity Futures Trading Commission, the very Commission that would be empowered by this amendment, has come out in very strong opposition to the amendment. This amendment is opposed by the International Swaps and Derivatives Association, the American Bankers Association, the ABA Securities Association, the Financial Services Roundtable, the Futures Industry Association, the Securities Industry Association, and the Chamber of Commerce of the United States.

Why would the Chamber of Commerce of the United States be opposed to this amendment? Are they in favor of fraud, manipulation, and the absence of recordkeeping? No. They are concerned that the amendment will have a harmful effect outside the futures area as it relates to natural gas and electricity, and, in the process, will do harm to the entire economy.

This amendment is strongly opposed by the National Mining Association. I can understand bringing Enron into the debate as it relates to natural gas and electricity, but why we should bring in mining I do not understand. There will at some point in this debate be an amendment which is part of our disagreement, to focus the provisions of this amendment on natural gas and electricity. If that is the concern, then why not focus the attention on that concern rather than getting into areas such as metals? I have seen no evidence—in fact, I will point out that Chairman Greenspan has seen no evidence—that derivatives trading by Enron, or by anybody else, had anything to do with the energy spike in prices in California.

Going back to the beginning, first of all, this is a debate I was pulled into when the 2000 bill was written. The provision relating to energy was written in the House, and the version of those provisions that finally passed in the House and came to the Senate was never changed again. My concern about the bill at the time, that held the bill up for 3 months and almost killed the bill at the end of 2000 in the final session of that Congress, the lameduck session of that Congress, had to do with exactly the issue which is before us, and that is unintended consequences.

Nobody in the Senate knows what a derivative is, and I speak for myself in saying that deep down I have a conception of what a derivative is. I might pass a freshman course in finance in college in giving a definition of derivative, but these are very complicated, tailored instruments, each instrument being unique, which is why it has, from the very beginning of its trading, been deregulated.

One of the arguments that has been made over again, as the debate on this amendment has started, is that somehow the 2000 legislation exempted these derivatives and swaps from regulation. That is totally false, totally inaccurate. They have never been regulated. In fact, Congress acted in passing the Futures Trading Practice Act in 1992 to give the CFTC specific power to exempt these derivatives and swaps as being inappropriate for regulation under the CFTC, which has the job of regulating futures, not tailored swaps between sophisticated customers. The Congress passed the Futures Trading Practice Act in 1992 that directed the CFTC to grant these exemptions. Those exemptions were granted. The exemption for energy was granted under the Clinton administration with a Democrat Chairman of the CFTC. That issue has never been controversial before. Nor have these swaps and derivatives ever come under Federal regulation in terms of an ongoing regulatory process.

In fact, the 2000 Act, far from exempting something which had never been subject to regulation, added to the strength of the CFTC exactly the powers that the proponents of this amendment would like us to believe their amendment does, and they believe their amendment does. There is no bad faith on this amendment. It is simply trying to understand very complicated issues when no Member of the Senate knows what a derivative is. It is very difficult to understand what swaps are, impossible to comprehend a $75 trillion industry. Unless one is directly involved in mining, banking, or securities, it is very difficult for me to comprehend what this whole market is about.

All I know is, it has grown to $75 trillion. It is the envy of the world, and Alan Greenspan, who is not the embodiment of God's voice on Earth, when it comes to financial matters in the U.S. economy, speaks with more knowledge and more authority than anybody else when he says that disturbing these markets could have a detrimental impact on the economy and that the resilience of the economy in the face of the recession might very well have been due to the growth of this derivatives market. I say at least let's put a little sign up that says: Danger, high voltage. Do not be fooling around in here if you do not know what you are doing.

Let's talk about these issues. As we have listened to these speeches and been moved by them—I have been moved by them to support the intent of the amendment—we are really not far apart, and I will outline where we differ.

First of all, let me quote from the 2000 Act that the Congress adopted in the waning days of the session in the year 2000. I will go to page 43 of the Senate companion bill, S. 3283. This is in paragraph (4) of section 2(h) of the Commodity Exchange Act. Paragraph (4)(B) gives the Commodity Futures Trading Commission the power to intervene and enforce any action where fraud is present.

In listening to the proponents of this amendment, one would believe there is no power whereby the CFTC can intervene in cases of fraud. Not only does that power exist, but it was strengthened in the 2000 legislation, a provision written in the energy section of the bill in the House of Representatives.

In paragraph (4)(C), we have the provision relating to price manipulation, and the Commission is given the power to intervene in cases where price manipulation occurs.

As we have listened to this debate, we have heard the question, well, how can you do anything if these markets are conducted with no records?

I will read the language of the bill in paragraph (4)(D):

> . . . such rules and regulations as the Commission may prescribe if necessary to ensure timely dissemination by the electronic trading facility of price, trading volume, and other trading data to the extent appropriate, if the Commission determines that the electronic trading facility performs a significant price discovery function for transactions . . .

It then goes on and specifically outlines the power of the Commission. Now, let me make it clear that I am in favor of, and will support, strengthening these provisions. I am in favor of giving the CFTC the power to require that records be kept, to require that they be kept to the level so that you can reconstruct the transaction, to require that the data under the Commodity Exchange Act be kept for 5 years so that you can reconstruct individual transactions. I am willing to support—and so are all the opponents of this bill, as far as I am aware—strengthening antiprice manipulation and strengthening the anti-fraud provisions.

The point I want to make is these provisions are already law, and they are in the 2000 Act. To the extent they can be strengthened without affecting other markets that are in no way related to electricity and natural gas so that we can deal with what the proponents of this amendment intend to achieve, I am in favor of it. The problem is the amendment, as now written, does many things that go beyond this. If we can focus it on electricity and natural gas, if we can limit it to these provisions, we would have an agreement, and I assume we would get a unanimous vote.

But here are some problems, and let me outline them. First of all, everybody needs to understand that we have a wholesale market for swaps and derivatives, tailor-made products. These are products that are not sold on exchanges. Let me make it clear. I have been chairman of the Banking Committee. I have worked with the exchanges in Chicago and New York. As we say in our business, I have many friends who are associated with the exchanges in Chicago and New York. But when they go to bed every night and they say their prayers, they say: God, please kill the $75 trillion swaps industry and make those people buy these derivatives and swaps on my market and pay me a commission and buy them in thousand-unit lots. If you love me, God, please do this for me. Now, it may hurt the American economy, but it would be so good for me.

Now, there is an element of that going on here. There was an element of it going on in the 2000 Act. There has been an element of it going on forever. People try to promote their own interests, we understand that. There is no issue where all the special interests are on one side. There seems to be a conception that we try to perpetrate that there is good and there is evil and there are special interests and public interests and they are competing against each other. The plain truth is normally there are special interests all over the ballpark. And that is not all bad. I will note that I have always felt if you are going to catch hell no matter what you do, even lawmakers will do the right thing.

There has been an ongoing effort, since the emergence of derivatives and swaps, to force them on to the futures exchanges. I could give you a long and, in this case, happy history. It will suffice to simply say this: First of all, these swaps have never been sold on market exchanges such as the Chicago Mercantile Exchange, Chicago Board of Trade, the New York Mercantile Exchange. They sell standardized products at both the wholesale and retail level. When we are talking about swaps, we don't have a retail swap industry in America. When the 2000 bill was written—and I was involved in those sections of that legislation that had to do with banking products—we simply allowed the swaps business as it related to wholesale users, namely banks, securities companies, manufacturers, et cetera, to function on an over-the-counter basis. We agreed that the case would be different should a retail market ever occur in these products—that is, a situation where individuals would buy them; your aunt might buy one. I can't imagine, and I would not advise that, I would not do it—but we agreed in the 2000 bill, in the bank products section of the bill that if a retail market ever came into existence, at that point a decision would be made as to who would regulate it and how.

Now, these products have never been under regulation, are not sold on exchanges; they are individually negotiated instruments, highly sophisticated and, obviously, they yield great value because people buy and sell them—$75 trillion worth. Alan Greenspan, as I said, said these have now become a mainstay and a stabilizing influence in the American economy.

Here are the problems that I see with the amendment as it is written. I will elaborate some on each of them. First of all, it permits the CFTC to regulate contracts regardless of whether they are futures contracts. The CFTC has jurisdiction over futures. It does not have, never has had, and I hope never will have jurisdiction over non-futures derivatives or swaps at the wholesale level. As the amendment is now written, it would impose CFTC regulations on companies operating electronic bulletin boards, where bids and offers are posted for various commodities—facilities such as Blackbird, as one example—even if futures contracts are not traded on those bulletin boards. My view is, if our objective is to provide more information—and I am for more information—why should we be taking action to kill off bulletin boards that are simply providing purchase and sale prices to customers?

Another point, this amendment—and I don't quite understand why it does it—would make the use of advanced technology a trigger for CFTC regulation, so that if a bank or an insurance company, or an investment company sets up an electronic computer system whereby people can come together, negotiate, purchase, and sell a swap or a derivative, if they use the computer to do it, they could come under regulation. If they do the same transaction over the phone, they don't come under CFTC regulation.

This amendment brings under the Commodity Exchange Act and under the jurisdiction of the CFTC instruments that are not futures. The CFTC is an agency that is trained and has expertise in futures; that is, say that I am contracting to deliver natural gas at the hub in Louisiana on a certain date, and so I sell a future for that delivery, and someone buys it. That is the kind of transaction that the CFTC is chartered to regulate. It is not chartered, nor has it ever been chartered, nor has it ever regulated, these tailored swaps and derivatives.

Let me quote Alan Greenspan because he has gone out of his way to make statements on this, and he has been asked questions about this. Since this has been raised in relation to energy and to California, in particular, let me just, if I can, go through some of the things Alan Greenspan has said without wasting everybody's time in reading huge volumes of statements. Chairman Greenspan of the Federal Reserve Board on March 7, 2000, stated before the Senate Banking, Housing, and Urban Affairs Committee that with respect to the existence of a nexus between energy derivatives and Enron's demise: "I haven't seen any."

Alan Greenspan said, when questioned before the Banking Committee, that he saw no relationship between derivatives and the demise of Enron. In fact, the derivatives part of Enron has subsequently been sold to another company that is in the process of reinvigorating it, creating 800 jobs, and paying off some of the debt of Enron, including debt to employees. This is a part of Enron that is alive and well, though not under the control of Enron, which as we know is in bankruptcy.

Chairman Greenspan stated before the House Banking Committee on the same issue:

> What I sense happened is that they ran [why Enron failed] into losses which they basically endeavored to obscure. It had nothing to do with derivatives.

I could go through the quotes in greater detail, but when asked, Did derivatives have anything to do with the price hike in California? Chairman Greenspan said no. When asked if they had anything to do with the failure of Enron, he said it had nothing to do with derivatives.

He also stated before the Senate Banking Committee on March 7:

> We've got to allow for that system to work because if we step in as government regulators we will remove a considerable amount of caution.

In other words, not only did he say he was concerned about us getting into other areas, but he was concerned, if we had more Government regulation of these sophisticated instruments, people would come to rely on the Government and actually might be less cautious in financial matters.

I quote the following:

> I think that act [the 2000 commodity exchange reauthorization] in retrospect was a very sound program, passed by the Congress, and I don't see any particular need to revisit any of the issues that were discussed at length at this time.

Let me read what he said in particular in response to a question by Senator MILLER of Georgia who asked the following question, and I am reading from the raw transcript. In response to Senator MILLER of Georgia who asked whether there is a nexus between energy derivatives, including their regulation and the California energy crisis, here is what Chairman Greenspan said:

> We don't need to revert to derivatives to get a judgment as to why prices did what they did. My recollection is that 2 years ago or so the sort of capacity buffer that the California electric power system has was the typical 15 percent for its summer back loads, which is what generally a regulated industry has because you respectively guarantee a rate of return on capability which is not being used, but that 15 percent kept prices down. As the years went on, the demand went up in California and no new capacity came on stream. That 15 percent gradually dissolved because there's no way to have inventory of electricity—there are battery systems—but they are just inadequate. You get into a situation where the demand load, if it is running up against a limited capacity and the demand tends to be price inelastic, you can get some huge price spikes. So you don't need derivatives to explain what happened to price.

Now, let me try to sum up because I have covered a lot of areas.

Mr. LOTT. Will the Senator yield?

Mr. GRAMM. I am happy to yield.

Mr. LOTT. With all due respect to the Senators in the Chamber who perhaps understand this issue, I have serious doubts how many Senators really understand what we are talking about here. I was trying to understand what the Senator was saying, and it sounds pretty complicated to me. I hope we won't do a test here to ask Senators to define what a derivative is. In fact, we have been checking Webster's, trying to make sure we understand the definition of derivative. After having read the definition, I don't think it clears up anything.

Who has jurisdiction of this? Is it the Agriculture Committee or is it the Banking Committee?

Mr. GRAMM. They both have jurisdiction. The Agriculture Committee has jurisdiction as it relates to fundamental commodities. The Banking Committee has jurisdiction as it relates to financial products. You have a problem in that the amendment applies not just to futures but to other derivatives and to swaps, which are under the jurisdiction of the Banking Committee.

The problem is, the last time we dealt with this area, we spent 4 months dealing with it in committee. We dealt with it extensively in debate and conference and ended up, in total, taking about 7 months to deal with it.

Mr. LOTT. Has this amendment been considered or had hearings in Banking, or in Agriculture, as to its implications and what the impact would be?

Mr. GRAMM. No.

Mr. LOTT. Isn't this clearly an extremely complicated area with which we are dealing?

Mr. GRAMM. There are two approaches, it seems to me, that make sense. One is to call on the major agencies—the Fed, the SEC, and the CFTC—to take a look at the amendment on a truncated basis, say 45 days, and give a comprehensive report and definition. That would be one approach.

The other approach would be to try to work out the concerns that the SEC and the Federal Reserve have raised. Those concerns are trying to narrow this down to electricity and natural gas, which is the real concern.

Mr. LOTT. If the Senator will yield, I was under the impression there had been serious and extended negotiations between yourself and Senator FEINSTEIN and perhaps others in trying to work out a compromise.

Mr. GRAMM. There were serious negotiations. I think Senator FEINSTEIN made a good effort on her part. Senator FITZGERALD was involved. When it got right down to it, an agreement could not be reached on the narrowing of this to include futures but not swaps and or other derivatives, to focus it just on electricity and natural gas, which is where the concern is.

The reason Chairman Greenspan has chosen to speak out on this on three different occasions, the reason he has talked to Members, and when they called him, called them back, is that he is very concerned about unintended consequences. The problem is it is hard to debate unintended consequences.

Mr. LOTT. One final point and I will let the Senator give his summation. This is a very complicated area that could have unintended consequences, no question. We should not be trying to write legislation in this area in the Senate without very careful thought and consideration by committees. I think it is a very serious mistake to be considering this amendment in this way.

Just so Senators will understand, Webster's defines "derivative" as:

> The limit of the ratio of the change in a function to the corresponding change in its independent variable as the latter change approaches zero.

I am sure you got that. That makes my point. We don't know what we are doing here, and we should not be acting in this area.

Mr. DORGAN. Will the Senator from Texas yield for a question?

Mr. GRAMM. I am happy to yield for a question.

Mr. DORGAN. Mr. President, the minority leader was asking about the definition of a derivative. I ask the Senator from Texas, could he not find the definition of a derivative by talking to people who used to run Long Term Capital Management? As the Senator from Texas will recall, it lost a fortune sufficient so that it almost took down the American economy.

The Fed had to have a Sunday night rescue package to try to prevent LTCM from collapsing. I would expect an awfully good definition of derivatives. They are risks that are now falling through the cracks of regulators, which come from an understanding of Long Term Capital Management.

Mr. GRAMM. If the Senator will yield, I would respond that, if we had a hearing, I do not think they would be the people we would call on to give us advice. I was thinking of the Chairman of the SEC, perhaps former Chairmen, the Chairman of the Commodity Futures Trading Commission, the Chairman of the Board of Governors of the Federal Reserve System.

I might say about Long Term Capital, that they went broke by making bad decisions. They didn't go broke because of the existence of financial instruments. They went broke because they made bad choices in the use of those instruments. You cannot blame the instrument. It is like blaming thermometers—saying I hate thermometers because every time they register above 100 degrees it is hot. It is not the thermometer's fault. So it is clear that we have had people go broke. I guess my feeling is that we simply need to know more about this.

As I have said from the beginning, if we can make some simple changes in this I could be for it, and I believe everybody who I quoted here today would be for it. Let me just tell you what the amendments would be.

First of all, the focus of this amendment is supposed to be on natural gas and electricity. The problem is, when you get into energy in general, and also into metals, you cast a very wide net. And while the plain truth is—and I believe it—that there is no evidence to substantiate any claim that the price spike in California had anything to do with the existence of derivatives on natural gas and on electricity, under the circumstances and especially given the precedent set in the 2000 law, I am in favor of, and I believe everyone who opposes the amendment is in favor of, strengthening the provisions of law related to antimanipulation, antifraud, and recordkeeping. That much we agree to. That part of the amendment is agreed to.

But I believe, and all these other groups from the bankers to the Federal Reserve Board, to the SEC, to the CFTC believe, that one of the ways you could improve this—they are all still very nervous about this amendment, even if we made all these changes—but if you could narrow it just to electricity and natural gas they would see that as an improvement.

The amendment is about the CFTC, and it ought to be about futures, not about swaps. That is getting into another agenda, and that agenda is basically expanding markets on exchanges. And we should not be getting involved in deciding where a product is bought and sold and who ought to be buying and selling and who should benefit economically and who should not.

This whole question of capital is a very important issue. At the risk of just overstating the case and oversimplifying, this is the problem. Many of these mechanisms, whereby trades are sold—or undertaken—just bring buyers and sellers together. They never take ownership of the derivative or the swap. So to make them put up capital based on the transactions, if they don't ever take ownership, how does it make any sense to make them put up some part of $75 trillion when none of their own money is at risk?

So that requirement, if you are not very careful, ends up killing off the market for no purpose. If you are not taking ownership, if all you are doing is bringing a bank and an insurance company together, why should you have to put up capital based on the transaction?

Then you have the toughest of the issues, and I admit this is a hard one. If you look at it one way, it seems like how can anybody be against it. If you look at it another way, it makes little sense. This is the point.

What we have agreed to in this amendment, sitting down—and again I thank the Senator from California for being willing to sit down and try to work it out—what we have agreed to is extensive recordkeeping, under the Commodity Exchange Act. Any of these platforms that bring together buyers and sellers of these instruments would have to keep records for 5 years—which is the same thing that any futures dealer has to do. They would have to keep them at a level where the individual transaction could be reconstructed. They would have to make it available to the CFTC when the CFTC is looking at a potential for fraud and a potential for price manipulation. And they have to provide it in whatever form the CFTC wants: price, trading volume, other trading data to the extent appropriate, which the Commission determines as being appropriate.

The question is, Should they have to make it public? This is the question. When you are talking about the prices that you and I see every day when we go to Wal-Mart or when we go to buy a pair of tennis shoes, we are used to dealing in the world we deal in as consumers where people not only want to make prices public, but they pay money to publish them in the newspaper. But Wal-Mart does not make public what it pays for the things it buys. Wholesale transactions in America are proprietary information.

So that is part of the reason you have this tremendous opposition from the entire financial structure of the country. Everyone has agreed to the CFTC having the data in whatever form they want, and the ability to intervene. But when you are dealing with wholesale proprietary information as to how people are brought together in these transactions, where if I am a trading floor, or if I am one of these people who is a middle man, bringing buyers and sellers together, and I have a way of doing it, I don't want to share my trade secrets with somebody else.

So we are not talking about retail prices. The CFTC has total access if there is fraud, price manipulation—they can intervene. But in terms of these wholesale transactions requiring that these prices be made public, and that these transactions would be made public, it would be like requiring a shoe store to make public what it paid Nike for tennis shoes.

That is something we do not do in any industry in America of which I am aware. Granted, if you are choosing which side to be on in the debating club in high school, you want to be on the side of disclosure of wholesale prices. But if you are trying to have efficiency in the running of the greatest economy in the history of the world, you want retail prices to be public, you want the Government to have access to data so, if somebody is engaged in an illegal, fraudulent, or manipulative activity, you can intervene, but to make people make public wholesale prices is something we do not do because that is proprietary information. How people put their business together, what kind of deals they make with Nike—that is private information.

So I urge my colleagues, again: Can we focus this down on electricity and natural gas to be sure we do not have these unintended consequences?

Second, can we focus it just on futures?

Third, can we at least require that capital requirements are not based on the transactions that come through your purview but on any risk you take or ownership you take? Can you imagine if you had some job collecting money and consummating transactions for somebody, and you had to put up capital based not on what you invested or the risk you have, but of your gross and net volume? No company in America that has a huge volume could possibly deal with the problem. When you are dealing with a $75 trillion industry, it becomes even more important.

And, finally, any information that Government needs to prevent wrongdoing in wholesale transactions—if there is something we have not agreed to that would make people feel more confident, I am willing to sit down to try to see if we can work it out. But proprietary information on a wholesale level is something that we do not do in other places.

So I urge my colleagues, if we can, there are two ways of working this out, it seems to me: One, to do an amendment to send the matter to these three agencies for evaluation on an expedited basis. Let them report back. Let the committees of jurisdiction hold a hearing so we can hear from people who know something about this area, rather than simply talking among ourselves. That is one approach.

Another approach is to go back one more time and see if we can deal with these concerns. When the people who have been entrusted by us to make these markets work, and work fairly, and work efficiently—such as Chairman Greenspan—when they and their staff have raised an issue, it seems to me we have an obligation to try to see if we understand it and to see if we can fix the concern.

So my guess is we are probably agreed on 90 percent of the things that are in this amendment. But the 10 percent we differ on is very important.

Finally—and I will conclude because I see the leader, with the right of prior recognition, in the Chamber—let me say if we could work something out, I think we would serve the public's interest. I think having a series of votes, where we really do not understand what we are doing, is not in the public's interest. You feel uncomfortable as a Senator saying that, but these are complicated issues.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. Mr. President, a further definition of "derivative": "A financial instrument whose characteristics and value depend upon the characteristics and value of an underlying instrument or asset, typically a commodity, bond, equity, or currency. Examples are futures and options."

I am sure that further clarifies the earlier definition that was read.

AMENDMENT NO. 3033 TO AMENDMENT NO. 2989

Mr. President, I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3033 to amendment No. 2989.

Mr. LOTT. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;

(2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;

(3) seventeen of the 31 vacancies on the Courts of Appeals have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts;

(4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 to the 22 circuit court nominations that he submitted to the Senate were confirmed; and

(5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

Mr. LOTT. Mr. President, I have made the point here—and Senator GRAMM was making the point very strongly—that this first-degree amendment clearly needs additional work, additional consideration. The committees of jurisdiction should have an opportunity to work on it. I had hoped that some accommodation could be worked out. I am still hopeful of that. But I do not think we are ready to go forward at this time.

Having said that, I also think it is very important the Senate take a position with regard to judicial nominations. This second-degree amendment is the resolution that was offered last week. There has been no indication of how we would proceed on that. All it would say is the first nine circuit judge nominations that were offered last May—May of 2001—would have a hearing—just a hearing—by May 9, 2002.

This issue is very important to our country, and it needs to be considered in the order in which it was pending before we came back to the Feinstein amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 2989, AS MODIFIED

Mr. FITZGERALD. Mr. President, I am pleased to rise in support of Senator FEINSTEIN's amendment. I want to address and rebut a number of things my good friend from Texas said.

I have as much respect for Senator GRAMM as I do for anybody in this body. It is going to be a great shame that he is retiring this year because I will miss him dearly. I think this is, perhaps, the first time in my 3 years in the Senate that I have ever risen in opposition to Senator GRAMM, but I do disagree with him. I do not think this is a complicated issue.

I think it is a relatively simple issue. I think what it comes down to is that 2 years ago, when we passed the Commodity Futures Modernization Act, we patterned our bill after the recommendations of the Presidential Working Group, which included the Chairman of the CFTC, the Chairman of the SEC, and the Chairman of the Federal Reserve Board. And they had recommended that we create three categories of regulation.

One was a designated contract market which would be our Board of Trade and Mercantile Exchange in Chicago or the NYMEX in New York. There would be heavy regulation on those designated contract markets.

The other recommended level of regulation was the so-called DTEF, the derivatives transaction execution facilities. Those would be online bilateral trading facilities that could be trading derivatives online. They would be regulated but with lighter regulation than the full-blown regulation of designated contract markets.

And, finally, we created an exclusion for financial OTC derivatives. The opponents of this amendment have created the false impression that somehow the amendment by Senator FEINSTEIN and myself intrudes upon the now essentially excluded financial derivatives industry. There is no regulation by the CFTC to speak of for all the financial derivatives that are out there, mainly between banks. Our amendment would not impose any regulation on the banks in that regard or on others who engage in purely financial derivative transactions. This has nothing to do with that.

Instead, we are simply closing off an exemption that applied to just a handful of online trading companies that happen to be trading energy and metals. At the last minute, over in the House, they were exempted, not just from one or two levels but from all levels of regulation. And this exemption applied to literally just a handful of companies. It was a special carveout that is upheld by absolutely no public policy rationale.

The companies that benefited from this exemption included, of course, Enron Online. There is a company called ICE, the Intercontinental Exchange; they benefited from this exemption.

The reason banks are interested in this issue is not because they are worried we are imposing some kind of legal uncertainty on financial derivatives but, instead, because a couple of banks have a big ownership interest in this totally exempt energy online trading facility, ICE.

And, finally, there is another company called TradeSpark that is owned by a couple of energy companies.

So you have three companies that essentially got a special carveout from the whole scheme of regulation that originated with the President's Working Group.

The President's Working Group, in essence, said financial derivatives, interest rate swaps, for example, between banks would be exempt from regulation by the CFTC.

I take issue with Senator GRAMM when he says no Member of the Senate knows what a derivative is. I do. I grew up in a banking family. I was on the board of many banks. I was a general counsel of a publicly traded bank holding company. We used to enter into interest rate swaps. When our banks wanted to do a lot of fixed rate mortgages, we wanted interest rate protection. We would go protect ourselves against an increase in interest rates by entering a swap with another bank.

There should be no fear, whatsoever, out there that that market would be disturbed by our amendment because it has absolutely nothing to do with it. We would not impose any requirements on banks entering into interest rate swaps, for example. Instead, the intent of our amendment is to close off an exemption, a special carveout for online energy trading companies that makes no sense.

The President's Working Group distinguished between financial commodities of an infinite supply, such as interest rate swaps, and said those should be excluded. And they are excluded. We maintain that exclusion.

But they said: Finite commodities such as agricultural commodities—corn, soybeans, pork bellies—or metals—gold, silver—finite physical commodities such as that in which there is a finite supply and in which, theoretically at least, the market could be cornered, there should be some regulation for those markets.

The President's working group further said that there should be full-bore regulation if the trading is in an open outcry pit such as we have at the Board of Trade and the Mercantile Exchange in Chicago. There is full-blown regulation. But there is a lighter degree of regulation, some regulatory oversight, for online exchanges that trade those physical, finite-quantity commodities.

It is that level of regulation that we are seeking to impose on these now exempt online energy transaction facilities.

Senator GRAMM cited section 4(g) of the Commodities Act. He said we already have recordkeeping requirements in the CFMA; we already have the ability for the CFTC to go after fraud if they find it.

I looked at section 4(g). Guess what. Section 4(g) does say that the Commission shall adopt rules requiring that a contemporaneous written record be made, as practical, of all orders for execution on the floor or subjected to the rules of each contract market—a contract market is a board of trade like the Chicago Board of Trade—or a derivatives transaction execution facility. Those are the online transaction facilities we are talking about that are regulated.

The fact is, earlier in this act we created a special category for these online energy and metal firms such as ICE which is in turn owned by Morgan Stanley and Goldman Sachs. They have a rifleshot exemption in this code, and this section 4(g) that Senator GRAMM talked about does not apply to them because they are exempt from the definition of derivatives transaction execution facility. That is back earlier in the act.

What we need to do is close this loophole. What public policy rationale upholds the picking out of a couple of online firms and saying: You are going to be exempt from the requirements of the act? It doesn't make any sense.

Now, we did have good-faith negotiations with Senator GRAMM. He has proposed regulating natural gas and electricity contracts that are traded online but exempting metals and oil contracts. Why does that make any sense? Shouldn't everybody be playing on a level regulatory playing field? Why should some business have a regulatory advantage? That isn't what America is all about. We want all businesses to be playing on the same level playing field. If some succeed because they work harder, have better products, and they are smarter, that is great. But when they succeed or make a lot of money because the Government has sponsored some special advantage based on their power and their adeptness at playing the political game in Washington, that is not right. That is not what America is all about, giving a special carve-out to a few companies. It doesn't make sense.

Now, I happen to agree with Senator GRAMM on one point. I have seen no evidence that the trading by online energy trading firms had anything to do with the spike in oil or electricity prices on the west coast. I certainly doubt that is the case.

But that is not why I am here supporting this amendment. Instead, I am supporting this amendment because I think price discovery is very important to consumers.

Senator GRAMM was saying we never require retailers to disclose the wholesale prices they pay. That is true. But this is not really analogous to going to buy something at Wal-Mart. This is more analogous to buying a stock from a broker. You call up your broker, and you ask them to buy 100 shares of IBM stock. They can look up on the New York Stock Exchange and get one of the latest quotes, and they can tell you. Let's just say it is $100 a share. You go buy the 100 shares for $100 a share, and then your broker gets a commission.

The problem with this kind of trading is that the customer can't see the prices. In the case of your going to your broker and buying 100 shares of IBM, you can find out what the price was on the New York Stock Exchange. It is different with an online energy trading firm. You may call them up and say you want a contract for, let's say, natural gas or something, and you will pay $265 for the contract.

Well, what if the person from the online energy company looks up and he finds he can buy it at $263? But then he resells it to you at $265. You never would know the difference, would you, because you would never know the wholesale price at which he got it.

I am sure no one at Enron Online would ever cheat their customer in the way I just described. I am sure that would never happen, or that this would ever happen in ICE or TradeSpark—that they would use their superior knowledge of the wholesale market and the lack of knowledge of their customer to make a few extra points. I am sure that would never happen.

But let's just say that this could happen, that there could be some dishonest people in those companies. And in addition to wanting to make a commission for selling that contract at $265, they might want to take a little bit of markup, a little bit of kickback. It probably happens in the political business when we all buy our direct mail. You are always wondering how much your direct mail firm is actually paying for their printing and mailing. You know they are marking it up, and you try to guard against it.

But that very same thing could happen when you are trading with one of these online customers. That is why I do believe it is important for the CFTC to have the ability to require these companies to report their volumes and to report their prices. That is protection for the consumer.

Oddly, I think ICE, Enron Online, and TradeSpark would have more customers if they were regulated by the CFTC than they now have. I will tell you this: I would never go trade with them because I would have no idea at what wholesale prices they were buying. I wouldn't use them. I would go to a regulated board of trade where I could be sure there were some safeguards for me. I wouldn't trade with somebody such as that, an online energy company. And I believe their businesses are smaller than they otherwise would be if there were some protections for consumers.

It is much like our stock markets. Our capital markets have exploded in the last 50 or 60 years. We have the best capital formation markets in the world. I do believe that our securities laws have helped foster that strong capital market. If you go back to the 1920s and before, when there was really no regulation, or go back before the Federal Trade Commission, when there was absolutely no regulation of our stock markets, the little guys didn't get involved in that at all because they figured it was an insider game and that the deck was stacked against them. They were right; the deck was stacked against them.

Since we have put in protections for the consumer, we have banned insider trading and made a lot of manipulative practices illegal, more and more Americans have felt comfortable investing in the stock market to the point that we now have over 50 percent of Americans investing their own stocks directly or indirectly. If there were this light level of regulation that Senator FEINSTEIN and I are suggesting with our amendment, that would be good for these companies that want to uphold this special privilege that exempts them from all regulatory oversight.

Now, I also note that there is a Senator who probably knows as much as any of the derivatives experts in this country about derivative transactions, and that is Senator JON CORZINE of New Jersey. Senator CORZINE was chairman of Goldman Sachs, which is an owner of IntercontinentalExchange. He has joined us as a cosponsor of this amendment.

I think this is an outstanding amendment. I think it is very simple. We are closing off a special deal that just applies to a few firms. There is no public policy rationale that supports the special deal these firms have. We are making the treatment of all firms the same under the Commodity Futures Modernization Act. It makes perfect sense. We are doing so in a way that was originally recommended by the President's Working Group.

I appreciate the hard work of my colleague from California and also my colleague from Texas. We have had a lot of negotiations. I think one thing we have done is conclusively demolish any argument that this represents any threat at all to financial derivatives. They are not affected in any way.

Senator GRAMM initially said this was his primary concern. We worked on it, and we have modified the amendment to make it crystal clear that we have no intent of affecting the financial derivatives markets. Those are excluded and will continue to be excluded. We are simply trying to close off a special loophole that applies to a handful of companies. I think it is very good public policy. Let's close this exemption that was stuck in by the House at the last minute when they passed the CFMA.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GRAMM. Mr. President, might I ask if the Senator will give me about 3 minutes to respond to these points before they get cold in everybody's mind? Would that work for her?

Ms. CANTWELL. How long?

Mr. GRAMM. I think I can do it in 3 minutes.

Ms. CANTWELL. I will wait.

Mr. GRAMM. Mr. President, first of all, I thank the distinguished Senator for giving me 3 minutes. She did not have to do that.

Let me be brief. First of all, if you go back and read the Commodity Exchange Act, as amended, you will find that what I said, in fact, was correct. There are exempt commodities, which have always been exempt, have never been regulated, but they are exempt, except as provided in these paragraphs.

Then we go through a reference to anti-fraud, anti-price manipulation, and recordkeeping. So they are exempt from the normal process because these are huge wholesale markets among sophisticated dealers that have never come under regulation. But they are not exempt from anti-fraud, anti-price manipulation, and from recordkeeping. I wanted to be sure that we all knew that was true.

The Senator says the working group favored his amendment. There is only one problem with that. Every member of the working group has written a letter opposing the amendment. The Chairman of the Federal Reserve Board, the Secretary of the Treasury, the Chairman of the Commodity Futures Trading Commission, and the Securities and Exchange Commission Chairman are the members of the working group. The Senator takes a sentence from their report that he says bolsters his argument. But every member of the working group who wrote the report, and who is charged with it today, opposes the amendment. I have seen no evidence that anybody who held these positions during the Clinton administration supports the amendment either.

Special carve-out? There is no special carve-out. We are getting back to a myth. Let me remind my colleagues that, as I look at the 2000 bill as it was passed, Senator FITZGERALD was an original cosponsor of the bill. What this legislation did was simply clarify to a legal certainty something the President, the Secretary of the Treasury, and the Federal Reserve Board wanted to do, and that was that these sophisticated wholesale products that had never been regulated by anybody in the history of this country—and since we invented them, and nowhere else were they started, that I am aware of—that they were exempt from normal regulation, but they were subject to anti-fraud, anti-price manipulation, and recordkeeping.

In terms of buying a stock, that is where all this confusion comes from. The example is a good one, but it has nothing to do with the point. We are not talking about the same product. Every swap is not a future, it is a specific, custom contract. They are not homogeneous. If they are, then they are not exempt. These are individually negotiated contracts. They are not bought by individual, retail investors, such as our colleague from Illinois. They are bought by banks and mining companies and those businesses trying to protect themselves against risk.

I thank the Senator from Washington for yielding me this time.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to urge my colleagues to approve this amendment that we have been debating, which would subject energy derivatives trading to the same degree of regulatory scrutiny as many other commodities. Senator FEINSTEIN and others have worked hard to bring about a fair resolution to this issue, and to the chaos brought upon many Western States in the electricity crisis as it unfolded.

What I think is important to understand is exactly what this amendment does. First and foremost, my colleagues must recognize that this legislation is designed to close a specific loophole—the Enron loophole—that allowed Enron and other online traders to sell energy futures behind closed doors, without any form of safeguards for consumers or investors whatsoever.

At its core, our amendment would allow the Commodity Futures Trading Commission to treat energy futures similar to other regulated commodity futures. It does not give the CFTC any new powers that it does not already have over many other futures markets. This legislation deals specifically with energy futures, without tampering with regulation of financial derivatives as much of the floor debate would lead you to believe.

Some have claimed that by subjecting energy derivatives to the same level of regulatory scrutiny as other commodities, we would be imposing some sort of unacceptable level of "uncertainty" on these markets. I find that argument fundamentally flawed. How, then, does one explain the prominence and global importance of other American markets, such as NYMEX, already under the CFTC jurisdiction? They don't seem to be struggling because of oversight and scrutiny by the CFTC.

In fact, I believe that by subjecting trading platforms, such as Enron Online, to the same transparency and antifraud rules as other types of exchanges, we will actually be increasing the confidence of market participants. They can know with certainty that prices for energy derivatives are not the result of manipulation. And believe me, in my State, consumers have a lot of doubt about why they are paying a 50-percent rate increase in energy prices. Under this amendment, consumers can rest assured that they will not become the casualties of gaming in these markets. That is very important.

To quote the New York Mercantile Exchange, the world's largest trader of energy futures:

> With numerous reports of reduced confidence in market integrity in the wake of the Enron bankruptcy, never has it been more important to restore faith in that great American resource, our competitive markets.

Some have suggested that there has not yet been conclusive evidence that Enron manipulated derivative markets and, they argue, that alone is reason enough not to proceed.

Mr. President, there never will be conclusive evidence of such market manipulation, if Enron Online and businesses like it are allowed to continue operating in secret. I ask the opponents of this amendment to think about the ramifications of this situation on the ongoing investigation into price manipulation in my home state. As I said, in my State, consumers have seen rates increase up to 50 percent in long-term contracts that they are going to have to live with for many years. In fact, Enron is still buying power at cheap prices, marking it up, and selling it to utilities at higher prices because of these long-term contracts. Yet, FERC's investigation into these price hikes has been severely hampered by the lack of information surrounding swaps transactions done in secret.

The task of investigating Enron's collapse and Enron Online's impact on energy markets has been made infinitely more complex by virtue of the fact that no one was required to maintain books or records that would have shown this clear pattern of irregular trading. Instead, we are saddled with this post hoc investigation that may well last years.

Some colleagues talked a lot about the President's Working Group recommendations, and some have suggested we delay this legislation. What is interesting is that many of the names thrown about this morning, Alan Greenspan, then-Secretary of Treasury Larry Summers, SEC Chairman Arthur Levitt, and CFTC Chairman Bill Ranier, were signatories to the President's Working Group report given to Congress before passage of the Commodity Futures Modification Act of 2000. While it is true that the report supported exemptions for over-the-counter derivatives, the report included significant cautionary notes.

The President's Working Group basically issued a warning saying: commodities with finite supplies are more easily subject to price manipulation.

Obviously, those of us from the West know how finite the energy supplies can be, as California, Washington, and other States experienced the unbelievable skyrocketing of prices.

What we, the cosponsors of this amendment, are talking about here is how to implement the Working Group's recommendations on antifraud provisions. We are saying transaction information should be collected and kept. Then, if there is a suspicion of fraud, investigators will have something tangible to examine.

The Working Group unanimously recommended that there should be an exclusion for bilateral transactions between sophisticated counterparties, but it made specific note: Other than transactions that involve nonfinancial commodities with finite supplies.

The Working Group recommended an exclusion from the Commodity Exchange Act for derivatives traded on electronic trading systems provided systems limit participation to sophisticated counterparties trading for their own accounts and are not used to trade contracts that involve nonfinancial commodities—again culling out nonfinancial commodities with finite supplies.

The Working Group noted the danger of exempting these transactions, including energy derivatives, from regulatory scrutiny, and they did this in November of 1999. These are precisely the transactions that our amendment would put under the jurisdiction of the CFTC.

Unfortunately, these cautionary notes were not heeded by Congress and were instead translated into a statutory exemption for bilateral energy derivatives and electronic exchanges in the context of the Commodity Futures Modernization Act of 2000. I can tell you, my State has suffered greatly because of this exemption and has not been able to find out whether price manipulation has actually occurred.

I also suggest that my colleagues take note of the Working Group's recommendation that the regulatory regime should be reevaluated from time to time. In the aftermath of Enron's collapse, a reevaluation is certainly warranted.

Again, to quote from the President's Working Group:

> Although this report recommends the enactment of legislation to clearly exclude most over-the-counter financial derivatives transactions from the Commodities Exchange Act, this does not mean that transactions may not, in some instances, be subject to a different regulatory regime or that a need for regulation of currently unregulated activities may not arise in the future.

Specifically, the Working Group recommends the enactment of a limited regulatory regime aimed at enhancing market transparency and efficiency may become necessary. That is what we are doing.

We are saying that these things may have come about because of the Enron collapse. We have seen, while Congress may have acted in 2000 thinking this exemption was the right thing to do, this exemption cost consumers—if not the high rates they are paying directly—it has at least cost them confidence in the system.

We must restore that confidence by opening up the energy derivatives market to transparency and oversight. I urge my colleagues to support this very important amendment and to tell the American public that Congress is acting to protect them from the kinds of loopholes that Enron was able to walk through and cost consumers higher energy prices in this country.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Washington. I do not know anyone who has been more concerned about what has been happening with electricity markets than Senator CANTWELL. She has really tried to help her constituents and the consumers in this area. I am very pleased she has been in the leadership of this amendment.

I particularly thank the Senator from Illinois, Mr. FITZGERALD, for straightening out the record from the perspective of somebody intimately involved in the banking industry.

Let me tell you how all of this boils down for me. It is this: Should some parts of this trading community essentially be exempt from any form of transparency, from recordkeeping or from oversight? That is the bottom line. We are not trying to do anything that is horrendous. All we are saying is they should have oversight, they should keep records, and there should be information for the public that the Commodity Futures Trading Commission would find to be nonproprietary. This is, in essence, all we are trying to do.

I have a hard time understanding how one has to have a large degree of sophistication in the industry to want to shed the light of day on some of these trades.

Maybe California was impacted by these trades and maybe California was not impacted by these trades, but I can tell you this: The price of electricity in California in 1999 was $7 billion. The price the next year was $27 billion. It went up fourfold. Something happened other than the fact there was a huge demand and no supply. There was trading.

We saw it with natural gas coming in to California. Natural gas prompts the price of electricity, and when it is $59 a decatherm in southern California and $8 a decatherm in New Mexico, when the cost of transportation from New Mexico to that place in California is only $1, one has to look at what has happened to boost that price way up.

So all we are saying is to put it back the way it was before. Give the CFTC jurisdiction.

It is being made light of that the CFTC does not support this action. The CFTC has three members. One of the members supports what we are trying to do, and his name is Thomas Erickson.

I will quickly read what he says.

> This amendment would bring transparency to markets and provide Congress and the public with the assurance that no exchange offering energy commodity derivatives transactions would go completely unregulated. Moreover, it would restore to the Federal Government those basic tools necessary to detect and defer fraud and manipulation. Therefore, I strongly support the amendment.

That is one member of the regulatory body out of three members to whom we are trying to give this responsibility. So there is nothing nefarious about the amendment.

As I pointed out, all members of the FERC support the amendment, as well as the Chairman of the FERC, whose letter I read into the RECORD. They know something about these matters. They know what derivatives are. They know the transparency and recordkeeping and oversight.

Whether there was a carve-out for two or three companies or not, I am not going to comment because I do not know. I do know there is this one narrow exemption whereby all of these online trades go on not in the light of day but in the dark of night, so to speak. Nobody knows what they are. There are no records kept of them. Therefore, whether the CFTC thinks it has some jurisdiction or not does not really make a difference because they cannot go back and look at records of trades, compare them wholesale versus retail prices, and know whether there was any price manipulation or not. So sure, investigate. If there are no records, there is no evidence. Therefore, there is not much that is going to come from the investigation.

So all we are trying to say is because this has become a huge, burgeoning online business, subject it to all of the same regulations and oversight that every other part of the trading community has. It does not take a Philadelphia lawyer to understand that. I do think it benefits consumers, I do think it benefits responsible trading, and I do think it benefits a level playing field for everyone who is trading in these markets. I think it provides that level of consumer protection. Some people, say, oh, there is a reason why the NYMEX and the Chicago Board of Trade want it. They want to force everybody on their exchanges. No, not true. If it is easier to trade online, you can trade online, no problem with it, but there should be a record kept of the trades. There should be transparency, and information that the CFTC deems is not proprietary but should be in the public domain can, in fact, be in the public domain, and that, finally, there is some regulatory body that when there is an allegation of fraud would step in.

For example, I would like the CFTC to take a look at the California situation, evaluate the record and tell us, was there price manipulation? Was online trading of natural gas manipulated to artificially raise prices? They might try to do it now, but they would have no records on which to base any investigation. Therefore, that is what this amendment is all about.

Sure, I know there are people who do not like it. There are people who have tried to obfuscate about it, but is the consumer going to be better off because the light of day is shed on these trades in a market that is billions and billions of dollars? I think so. I cannot understand how anybody feels disadvantaged because there is transparency, there is oversight, or there is recordkeeping that is required in every single level of trading on any market that exists in America today.

So if anyone takes the time to read these letters, I think they will find we are doing nothing nefarious. We are simply trying to bring the light of day to provide a record and to provide some regulatory oversight to a huge, burgeoning market.

When I talked to Mr. Greenspan, and I did on two occasions, what he was concerned with was financial certainty. What I would say to him is this brings financial certainty. This lets everybody who trades online know there is some regulation. Just as you have regulation with FERC, if you deliver natural gas directly to an entity, if you are trading gas in between the delivery, there also is certainty—a certainty that one must keep a record, a certainty that the record can become public, and a certainty that there is some Federal oversight as there is everywhere else.

I see no reason at all why there should be this widespread exemption, particularly at a time when we have seen these prices escalate beyond anyone's expectation. Nobody could think that someone could be selling electricity at $30 a megawatt and overnight have that price go to $300 and then $3,000 without the opportunity for the light of day to be shed on it, and also have some records and some oversight.

It is a very simple thing we are doing. It existed before the year 2000. All we are saying is give the CFTC this oversight. It is supported by FERC. It is supported by the New York Mercantile Exchange. It is supported by the Chicago Exchange. It is supported by people who deal in electricity and natural gas, the municipal systems. It may not be supported by the banks that want to run an exchange in this secret way. It may not be supported by some who would like to see this anonymity continue. But if my colleagues believe that light of day is important, then please vote for this amendment.

I yield the floor.

The **PRESIDING OFFICER** (Mrs. CARNAHAN). The Senator from Idaho.

Mr. **CRAPO**. Madam President, I appreciate the opportunity to rise in opposition to this amendment. We have heard a lot of debate today about a very complicated topic that has been discussed, that understanding derivatives is very difficult to do. Since this debate started and I began working on this issue, even in years previous as we tried to address the issue, I still have to go back again and again to the experts who help us to understand the issue.

The first point I want to make is: We spent the better part of a year, a couple of years ago, working on this entire issue of how transactions called derivatives are regulated as they deal with commodities. We had a Presidential Working Group with which then-President Clinton worked, and we relied on the advice of that working group in setting up the model we put forward to help us address how we in the United States should regulate and manage transactions in commodities known as derivatives.

I am going to try in a few minutes to give a little bit of structure to how we did that, but the first point is we spent a tremendous amount of time with congressional committees working on it over a long period of time, and with a Presidential panel working on it, and an advisory group, and we came together with an approach that we then brought forth as legislation which became law and which President Clinton signed into law, and which we have now been working under for a few short years.

This amendment will change that approach. Before I get into what we are talking about and try to put a little order to what the whole debate is about in terms of the structure of the law, let me state the conclusion that Alan Greenspan gave in answer to me in a Banking Committee hearing a few weeks ago when I said to the Chairman: Chairman Greenspan, is this amendment going to be good for America?

His answer to me—and I will read his words in a few minutes if I need to, but his answer, in essence, was he believed the way we had set it up was working, that it provided a resiliency to our markets in the United States and that resiliency was, in his opinion, probably one of the big factors in our ability to have the strength in our economy to rebound as fast as we did when the recessionary trends hit us.

In other words, the recessionary trends we are hopefully now starting to see ourselves grow out of were lessened, and the time we had to spend in that financial trough was reduced because we had the resiliency in our derivatives transactions that we put into place as a result of this very thorough study we went through just a few years ago.

This amendment seeks to change that. The arguments are in that act we passed a few years ago. There was a rifleshot created, a specific exemption for a few commodities that was not fair, and all commodities should be treated equally. The reality is the reverse. We created basic categories in the law we passed. This amendment is a rifleshot amendment to pick out just a couple commodity groups and say these commodity groups should have been treated differently.

How did the law we passed last time work? The question, again, is how are we going to regulate derivatives and commodities that are going to be marketed through derivatives transactions. First, there was an entire category we said we were going to exclude, we would not regulate. Those are called financial derivatives. This includes Treasury bonds, foreign exchange, interest rates, things that happen in the financial industry.

The Senator from Illinois discussed how banks and others deal in these transactions. They are totally excluded.

Another category of commodities included, because historically they have been included and traded on exchanges and derivatives transactions, was the agricultural commodities. They were included with full regulation, full coverage. They are now traded on these boards.

All other commodities were exempted. I use the word "exempt" as opposed to "exclude" because it is different than how we treat financial transactions. Financial derivatives were excluded; no regulation. Agricultural commodities were included; complete regulation. All other commodities were exempted, meaning they were not going to be regulated and forced on to the exchanges and forced to be traded in the ways that the agricultural commodities were, but they were still subject to very important regulatory controls. The Senator from Texas has already gone over those. Those were protections against fraud. They would be subject to the antifraud protections, the anti-price manipulation protections, and the recordkeeping protections. All other commodities, other than agricultural and financial transactions, are still subject to those types of fraud, price manipulation, and recordkeeping requirements under the act.

What has happened with this amendment? From that category called "all other commodities," the amendment seeks to pick out just two commodity groups: Energy and minerals. That is the rifleshot, saying we do not like the categorization we did a few years ago; we need to take energy and minerals and move them to another category. The arguments given in favor of it are because we need more recordkeeping control and protection. That is included under the act.

The other argument is that we should not treat one group different from any other group. Frankly, as I indicated, we already have exemptions and exclusions and coverage in different categories. I ask this question: If the argument is that regulation is good and therefore we should not have any commodity derivatives transaction that is not regulated, why not, instead of having a rifleshot amendment that regulates only energy and mineral transactions, bring all the financial transactions in as well?

If people are at risk in America today because we are not regulating derivatives transactions, why shouldn't we have regulated derivatives transactions and Treasury bonds? People's retirement depends on their investment in Treasury bonds. Financial transactions, like foreign exchange and interest rates, are every bit as important to the investor in America as are energy or mineral transactions—and, in fact, probably more so if you look at the financial transactions and all of the other types of commodities not included when we did the act before.

If we do that, we take the resiliency out of the markets and make it harder for this Nation's financial system to work effectively. If you accept the argument that everybody should be under the same rules and nobody should be rifleshot out, we should cover everybody and have no exclusion for financial transactions and no exclusion for any commodities. Instead, that is not what the working group recommended.

I make another point. It has been argued somewhat subtly, but I think the point has been clearly argued, investors are at risk because they do not have information about these derivatives transactions. These transactions are not investor transactions. This is not a situation where an investor is looking at a transaction and saying: I think I will invest in that derivative or I will see if I can buy into this derivative transaction.

What is going on is the transfer of risk from those who hold a higher risk situation but do not want to maintain that risk or are not in a financial position to maintain that risk to someone in a better position to maintain risk. We talk about what derivatives transactions do. They transfer risk from one who cannot manage it as well to one who can manage it better. It helps our economy be resilient.

These are transactions between extremely sophisticated managers—whether they be people who are transacting in energy commodities or in minerals commodities. There is not a situation where an investor is being shown a document and being asked to invest in a particular instrument. This is not like a stock market sale or transaction. This is a negotiated contract between sophisticated buyers and sellers who are working in the marketplace to try to reduce risk, which brings strength and stability to the economy and, as Greenspan said, helped in this last recession to bring us back more rapidly.

What we are being asked to do is to shackle it and make it so that these transactions cannot occur except over the board. These transactions have to be regulated like the agricultural transactions.

There has been a lot of talk about who supports and who opposes this amendment. There is already in the RECORD a letter from our Secretary of the Department of Treasury and from the Chairman of the Board of Governors of the Federal Reserve System, Paul H. O'Neill and Alan Greenspan, who strongly say we should maintain the current system. I read from the very last part of their letter:

> [Such legislation] could jeopardize the contribution that off exchange derivatives have made to the dispersion of risk in the economy. These instruments may well have contributed significantly to the economy's impressive resilience to financial and economic shocks and imbalances.

So you have the Secretary of the Treasury and the Chairman of the Federal Reserve saying: Do not shackle our economy this way.

We also have the Commodity Futures Trading Commission itself, the Chairman, representing the majority point of view, stating that there is no shown reason for us to change the structure we achieved after such careful debate previously.

We also have the Securities and Exchange Commission saying there is no need for this change and we should walk carefully.

We are talking about the Government regulators—the Department of Treasury, the Federal Reserve, the SEC, the CFTC—saying there is no need for this.

What is the private sector saying? Those opposed to this amendment are those who deal in these transactions: The International Swaps and Derivatives Association, the American Bankers Association, the ABA Securities Association, the Bond Market Association, the Financial Services Roundtable, the Futures Industry Association, the Securities Industry Association, and the U.S. Chamber of Commerce, the point being that those in our economy who deal with derivatives are saying to us: We don't want to have a rifleshot amendment that takes energy and mining transactions and moves them over.

Again, I want to go back and summarize a little bit. We have a situation here in which we had a Presidential working group that said we should set it up the way we did. We set it up the way we did. It worked. Those who deal with our financial markets in America have said it brings us and brought us the resilience we needed this last time when our economy had the shocks and turmoil we have faced in the last few years. It has been working.

There was also testimony in the hearings we held before the Banking Committee and elsewhere, where those who have tried to tie the failure to regulate derivatives transactions to some kind of problem in the energy markets in California, or to the Enron collapse, have been able to show no real evidence of that. If there were evidence of that, then I think that is something that would be a valid debate for us to have in the Senate.

Instead, I have sat here now for hours this morning, listening to the debate, and it has come down to basically two points, as I understand the reasons that have been put forth for this amendment.

They are that we need to have more information available for investors and those in the industry who might want to look at these transactions to see if there was fraud or whatever. And the response to that argument again is that they are already subject to the Act's anti-fraud provisions, their anti-price discrimination provisions, and their recordkeeping provisions, and that these are not investor transactions.

Then there are those who say it is just a good thing for us to have everybody under the same rules and nobody should get any exemptions. If that is the case, we should amend the amendment to bring in all commodities, including those that are excluded, such as the financial transactions, and those that are exempted, such as the commodities that are not agricultural.

Again, I am not recommending that. I am simply saying the argument that everybody should be under the same rules does not carry with regard to these kinds of transactions. If it did, then the amendment should be much broader than it is.

The bottom line here is this: If there is some basis for us to consider changing the law, which we worked so hard to put together a few years ago, then that process of determining the change that needs to be made and evaluating the facts and the arguments behind why such a change should be made should first go through the regular process of legislating here in this Congress; namely, the committees with jurisdiction should take jurisdiction over these issues and establish the analysis. We should hold hearings.

If there is an argument that somehow the Enron situation is connected to how we regulate derivatives transactions, then we should hold hearings. Those hearings should probably be in the Agriculture Committee, which is where the jurisdiction of this amendment lies. But somewhere we should have hearings to find out whether such a connection is real and, if so, what the connection is and why it occurred. That will guide us, then, in terms of figuring out how we might create a better regulatory mechanism.

The same is true if there are those who contend that somehow the California energy collapse and the circumstances that occurred there were caused by failure to properly regulate energy derivatives. Again, no connection has been made in the minds of those who work in the marketplace. But if there is an argument that such a connection is there and that it justifies a change in the law, then shouldn't we have a study of it? Shouldn't we evaluate it? Shouldn't we have a hearing—at least one? Shouldn't we let the committees of jurisdiction dig into this and go through the process we did before? Maybe we need another Presidential advisory board.

If the results of the last system are not adequate, we could add to them and supplement them. But we should study the issue and try to find out what facts justify such an argument and, if there is any validity to it, what caused it, so we can then understand how to regulate it better.

The bottom line is that we have had none of this. We have had no hearings. We have had no committee evaluation. We have had nothing, other than a several-hour debate in this Chamber. We had a couple hours of debate a week or so ago and now a couple of hours more today. But we have not had the opportunity to get to the bottom of all of these arguments, whether they be factual allegations or arguments about the proper mode of regulation.

I suggest what we need to do is to refer this amendment to the appropriate committees of jurisdiction and let them conduct the studies, conduct the evaluations. In fact, what might even be a better solution is to refer this issue to the appropriate regulators.

At some point in time I may submit an amendment to do just that, to let the CFTC and the other appropriate regulators have a period of time—the Senator from Texas suggested maybe a short period such as 45 days—to dig into this matter and give a report to Congress about what they have found out about all the alleged contacts between wrongs in our society that might be related to something here dealing with derivatives.

Again, if they find anything in that context, then the appropriate committees of jurisdiction can have hearings and review these issues, determine if there is any merit whatsoever in proceeding forward with changing our regulatory scheme, and then in a very effectively fine-tuned way figure out how we should change the law.

To me it seems very clear: if we do not have the kind of threat that some suggest we have, and if we do have the potential strength in our economy that is provided by having this flexible system of commodities transactions regulations, it would be very dangerous for us to move into a new regulatory system without understanding where we are heading.

This is one of those circumstances in which it is far too important for our economy for us to take a risk of unintended consequences.

One of the most significant things we will face with regard to this amendment, in my opinion, is the list of unintended consequences that could occur.

The Senator from Texas indicated earlier it is really hard to debate unintended consequences because we really don't know what they are, because they are unintended, uninformed—something of which we are unaware. It is something about which, if we held hearings and went through the regular legislative process on this issue, we would identify. Then whatever consequences flowed from what we were doing would be understood and supposedly intended by those who supported it.

Instead, we are being asked here on very short notice, without the kind of debate we need, to regulate in a way that is not necessary one section of our economy—the energy and the minerals transactions related to derivatives.

Again, if the argument is going to be made that we need to protect investors in America, it is hard to see that because these are not investor transactions; they are transactions between highly sophisticated individuals. If it is true that derivatives are somehow a threat to the investor community and the safety of the investments of the American public is at risk because of something wrong with the way we manage derivatives, then why don't we cover all commodities? As I said earlier, it seems to me the question of how we regulate Treasury bonds or foreign exchange or interest rates or other financial transactions is every bit as important to the American investor as is the question of how we regulate minerals or how we regulate energy transactions.

I know in today's climate, with the Enron collapse and with the energy troubles we faced a few years ago in California, there are those who want to look at every aspect of financial and other transactions relating to energy and see if there is some way we can improve it. But I suggest it does not necessarily mean that more regulation and more government bureaucracy is the best way to solve these problems, particularly when you have the Secretary of the Treasury and the Chairman of the Federal Reserve telling us we have to have the kind of resiliency in our economy that derivatives provide to us.

In conclusion, I believe the bottom line is that each side can point to those who support their positions and those who oppose them. Each side can come up with arguments about why what we are doing now is or is not working. But no side can say we have the background information necessary to make this decision, because we have not had the kind of hearings and congressional evaluation of this issue we should have had.

Because of that, I stand firmly opposed to the amendment. I believe ultimately the American people will be much better served if we do our jobs in the Senate the way our procedures are set up to do them. The procedures and the policies of the Senate have been established to make very clear that we can have the time to evaluate issues such as this and do the study necessary to have good, solid support.

I also believe, as has been indicated by those who debate here, if we went through that process I have suggested—having a study and then further congressional evaluation and then maybe propose legislation—we would probably have much more support for whatever came forth, if anything. We would build the collaboration, we would build the consensus, and we would come forward, because the one thing that there has been agreement on today is that nobody wants to have the problems we saw occur in California.

Nobody wants to see any kind of fraud or abuse from financial transactions or derivatives transactions. Everybody is willing to make sure that antifraud provisions and price protection provisions and the recordkeeping provisions are adequately available for derivatives transactions as necessary, so that we do not cause or increase any risk of problems in the economy.

If we will follow the procedures and the processes of the Senate, let this matter be handled by the committee of jurisdiction, which I believe is probably the Agriculture Committee, and then let other related committees handle their parts of it, with studies in support from the private sector and from our regulating agencies, I believe we can get the information necessary for us to do a good job, build consensus, and come forward with a solution that can be broadly supported on both sides of the aisle.

I thank the Chair very much for this time.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mrs. CINTON).

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENT NO. 2989, AS MODIFIED

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, I rise again, as I did a week ago when we debated derivatives, in opposition to the derivatives amendment. It offers no solutions to problems that caused either

Enron or the California energy crisis. In fact, the amendment we have is a solution looking for a problem.

I am glad we have had a little time to study the amendment further because we have asked a number of regulators what their position is regarding the additional regulation of this relatively new form of business. We have heard from two regulators who have jurisdiction over the trading markets. They both have come back with the same response: This is not needed at this time.

CFTC Chairman Newsome has said:

> This amendment would rescind significant advances brought about by the Commodity Futures Modernization Act.

In response to a letter I sent to the Securities and Exchange Commission, Chairman Pitt responded:

> The Securities and Exchange Commission believes this legislative change is premature at this time.

This amendment will disrupt a market that is working efficiently and providing important tools for energy companies. For instance, this amendment would require new capital requirements on electronic trading exchanges, even if they simply match buyers and sellers. These exchanges bear no risk associated with trading but this legislation could provide additional new taxes.

This amendment also provides new regulation on metals. I don't know of anyone who can point to how metals had anything to do with Enron or the California energy crisis. The regulatory model for metals has offered no problems. In fact, if you take a look at the derivatives market, there isn't a problem with any of the markets. I will speak about that in a moment.

Yet the supporters of this amendment believe we should quickly enact some new form of regulation to oversee the metals market. Enron was not caused by the trading of energy derivatives. As I said last week, Enron was not an energy trading problem. Enron was not an accounting problem. Enron was a fraud problem.

In fact, when the Chairman of the Federal Reserve, Alan Greenspan, was asked at a Senate Banking Committee hearing whether a nexus existed between energy derivatives trading and the collapse of Enron, he responded that "he hadn't seen anything" that would indicate that.

Why are we rushing to regulate an emerging business when the collapse of Enron was likely caused by potentially illegal acts by executives and, furthermore, that the collapse of Enron did not cause a blip on the scope of derivatives trading?

I know this is something everybody uses on a daily basis. In the example I gave a week ago, I cited some examples of things that might help to understand derivatives trading. I will not go into that again. I am kidding about this being something that everybody works with on a daily basis. In fact, we have been taking some classes in my office on how to spell "derivatives." It isn't a common, ordinary thing, but it is a new market that we have looked at extensively, held hearings on, and have done work on in the past through the regular channels. Again, there was not a blip in that system when Enron went down.

We recently passed the Commodities Futures Modernization Act. Most of us in the Senate worked on this legislation extensively.

This legislation examined the regulation of energy derivatives. This legislation was debated at public hearings. It was negotiated. It was drafted over a significant period of time with full participation and input from members of the Clinton administration and the committees of jurisdiction. What emerged was the proper amount of regulatory oversight for the trading of energy derivatives.

I also wish to comment on a letter sent to Senator LOTT by Secretary of the Treasury O'Neill and Chairman Greenspan. In it they write:

> We urge Congress to defer action on Senator Feinstein's proposal until the appropriate committees of jurisdiction have a chance to hold hearings on the amendment and carefully vet the language through the normal committee processes.

We know from history that hearings can make a difference on a bill, that working it through the committee process allows a lot more flexibility in actually working an issue and bringing it to light on the Senate floor, without some of the difficulties we have had on this particular amendment, which has been in the negotiation stage for about a week and a half. But the floor operation does not allow the kind of flexibility that could correct problems and lead to good legislation.

Madam President, this is all we are asking. I haven't heard anyone say we should not examine the issue. However, we should address it through the normal legislative process so we could learn exactly the ramifications of the amendment. I don't believe anybody has come to the floor and given us a thorough accounting of what would happen to the energy trading markets, the swap markets, or the metal markets if this law were enacted tomorrow.

We all want to solve the problems posed to us by Enron and the California energy crisis. But this amendment will not solve those problems. This amendment may add to those problems. Once again, I ask Members to oppose this amendment.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, at approximately 3 o'clock today, Senator KYL is going to come to offer his amendment dealing with renewables. I spoke with Senator KYL. He says the debate on that should take some time. He did not say how much time. It may take a matter of hours. What we would do at that time is move off the Feinstein amendment. I have spoken with her.

With respect to the matter relating to the second-degree amendment Senator LOTT offered dealing with judges, there will be an arrangement made that we could vote on his amendment and perhaps side by side tomorrow.

I hope anyone wishing to speak on derivatives will come and do that as soon as possible. I understand Senator BOXER wishes to do that at this time. We will get into what I think is a very important debate dealing with Senator KYL's amendment on renewables at approximately 3 o'clock.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, what is the pending business?

The PRESIDING OFFICER. The Lott second-degree amendment to the Feinstein derivatives amendment.

Mrs. BOXER. Madam President, I rise to speak in behalf of the Feinstein derivatives amendment which I think is a very important amendment for us to adopt.

Senator FEINSTEIN's amendment, of which I am a cosponsor, narrows a gap in the oversight of the energy market. It is very simple. It would require the Commodity Futures Trading Commission to regulate the energy derivatives market.

We all know that derivatives are very complicated, and I know Senator FEINSTEIN has spent a good deal of time educating the Senate on derivatives. The point is very clear. It used to be that the energy derivatives market was regulated by the CFTC. It is the way it used to be, and it is the way it should be.

The CFTC should have the ability to obtain information critical to market oversight and to make market information public if the CFTC determines that it is, in fact, in the public interest to do so.

Senator FEINSTEIN has gained the support of the New York Mercantile Exchange and various consumer organizations. I have to say, as someone who has long fought for the rights of consumers, this amendment is crucial for consumers. We know in California what can happen when energy markets go secret and you do not know what is happening, except one day you wake up and find you cannot afford to heat or air-condition your house, and if you are a business, you can no longer afford to pay the energy bill.

I have to say from my heart that if the Senate walks away from this amendment, then it is giving a message to the country that we do not care much about this whole Enron scandal. Enron worked very hard to change regulations and laws to remove all government oversight. In my home State, they actually were under no oversight at all. One of the places there was oversight was the derivatives market under the Commodity Futures Trading Commission, and that was changed. Therefore, there was no oversight, and there was no way to ensure that the market was transparent—in other words, you could see the various transactions that led to the final energy bill—and it allowed, after they got out of the CFTC, for this online trading to go on in secret.

Clearly, in my opinion, Enron manipulated the electricity market for one reason, and one can explain it in one word: secrecy. They operated in secrecy. There was only one agency to mind the store, the Federal Energy Regulatory Commission.

This administration was wined and dined by Enron, and they did nothing to help California—zero, nothing—for almost a whole year. We saw the biggest transfer of wealth from ordinary working people to these energy companies. Enron had a methodical plan to free itself of any and all Government oversight so they could cooperate in secret and trade up the price of energy in secret through financial arrangements, including derivatives.

Senator FEINSTEIN has a very good amendment that will restore transparency to these sales. That is why I am very proud to support it, and that is why I say to you that it will be the first test vote on whether we learned anything from this Enron scandal, and more than that, are we willing to do something about the problems that led to the whole crisis in California.

In 1992, Enron worked to remove energy derivative contracts from Government regulations. This resulted in Enron being able to hide information about individual trades from Government oversight. That is why Senator FEINSTEIN has written this amendment. Let's go back, she says, to the days when there was oversight over these online trades.

Once the contracts were outside Government oversight, Enron lobbied Congress to remove the trading itself from Government regulation, and in 2000, Enron was successful and was allowed to create an unregulated subsidiary that could buy and sell electricity, natural gas, and other energy commodities in huge volumes without any Government oversight.

As I said, we know what happened. The prices soared in my home State. My State suffered a devastating economic crisis. I have a chart that shows the demand went up in that 1 year that Enron got out of any oversight 4 percent; energy prices in toto went up 266 percent.

I will never forget meeting with Vice President CHENEY after trying desperately to get a meeting with him—this goes for me, Senator FEINSTEIN, and other Members of the California congressional delegation. Do you know what he said to us? We told him to look at the prices: How can we sustain this? All of California spent $7.4 billion on energy in 1999, and then in 2000 when Enron got out of oversight, it shot up to $27 billion? How can we sustain it? He looked at us and said with a straight face: You are using too much energy.

I say again to the Vice President and anyone who happens to be watching, California on a per capita basis is the most energy efficient State in the Union. We use less energy than any other State.

We are a model in that regard. We have 34 million people plus, but on an individual basis we use less.

Our energy went up by only 4 percent and our prices went up by 266 percent, and one of the reasons for this is Enron was allowed to trade online in secret. They sold the same energy over and over, sometimes, they say, as many as 14 and 15 times before it got to the consumer.

No oversight. People can make the argument that deregulation everywhere is a wonderful thing, and I am willing to listen to it, but I have to say, when it comes to a commodity that people need to live, they need it to heat their homes; they need it in hospitals to make sure an operation will not be terminated in the middle of it because of the loss of energy.

The Chair was talking about how many proud farmers are in her State. I say to the Chair, in my State I went to a meeting in the central valley—and the Chair has been there, I know—where they have all kinds of farming. One of the big industries is the poultry industry. They were so fearful that the refrigeration would go out and this poultry would spoil, some of it would make people sick, or they would have to throw it out.

The bottom line is, energy is not a luxury, it is a requirement. So when we go ahead and take the whole energy area outside of any type of reasonable regulation, we are setting up a horror story for people. I can truly say, we went through that and I want to spare that from happening in the State of the Chair—the Senator from New York has already gone through enough trauma for any Senator—and I want to stop it from happening anywhere in this great country of ours. The first test case is the Feinstein amendment to restore some type of oversight to this online trading.

There is a gentleman from San Marcos, CA, who wrote to President Bush. He sent me a copy. This was during the electricity crisis. He said:

> I am a father and a husband in a single income family. My wife and I very carefully planned our family economics in order to give our daughter the benefits of having a full-time parent at home. We are currently spending money on electricity bills that should be going into family investments for college or retirement planning.

This gentleman was so right. What happened was no regulation, the ability for Enron and others to completely manipulate the market. Senator FEINSTEIN's amendment, which has been second-degreed by a whole different subject about judges—and I am all for voting on that, but it should not have been done to this. We need a clean vote on her amendment to restore some sense of transparency and honesty to the electricity business.

This is another story I read about in the San Diego Union-Tribune when we were having our troubles. There is a pizza store called Big Top Pizza where the electricity bill went from $200 to $646—a 223-percent increase. It kind of mirrors what happened to my State. That happened in 1 month. Imagine as a business person seeing that kind of increase. I also read about a florist where their electricity bill went up 135 percent.

When we talk about these things, they may not sound as though they are so related to the amendment. The amendment talks about making sure we have an electricity business we can monitor to make sure it is fair and just and we do not have unjust and unreasonable prices. If we cannot see through this system—which is currently the case because no one is monitoring it—this is going to happen again. It is going to happen to other good people in other States.

In closing, I cannot say enough about how much I thank Senator FEINSTEIN for coming to the Senate with this amendment. What she is doing is looking at our experience in California and saying, how can we do something quite simple, which we always did before, which is to make sure we do not have people facing this type of escalation in costs, manipulation of prices, all done in secret, nobody looking over their shoulder, and who pays the price? The good American people and the good consumers of this country.

I hope we will have an outstanding vote in favor of the Feinstein amendment, and I hope we can begin then to attack the basic causes of what happened in my State—an unregulated industry, out of control, insider trading going on by the people at the top without one care in the world for the shareholders, for the consumers, and for the people.

Jeffrey Skilling, the CEO of Enron, made a "joke" about California which was: California and the Titanic are very much alike. The one difference is at least the Titanic went down with its lights on. That was supposed to be a humorous joke.

The bottom line is Enron turned out to be the Titanic, and if we do not learn lessons and if we do not move now to correct what happened, I do not know why we are here. That is how strongly I feel.

I yield the floor.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. DORGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, my understanding is we are awaiting midafternoon for an amendment that will be offered, we are told, by Senator KYL. I should not speak for him, but I am told the amendment will strike the renewable portfolio standard in its entirety.

What is the renewable portfolio standard? To some, when we talk about an energy policy, debate on that term sounds like a foreign language—a renewable portfolio standard. It means an attempt by this country to develop different approaches, using renewable, limitless supplies of energy to produce electricity in our country.

There are some who despair this energy bill that is designed to try to take us into a new day and a new approach to energy policy, does not have the CAFE standard that was voted on last week. Some are concerned about that. Frankly, with or without the CAFE standard, this piece of legislation does include some significant areas of improvement in dealing with the efficiency of the transportation sector. It does, for example, provide very significant financial inducements for people to buy automobiles that have new sources of power: fuel cell automobiles, hybrid automobiles, and others. We recognize that if you are going to deal with this country's energy problem, you have to deal with efficiency of the energy used in transportation. That is true. I understand that. There are many ways to do that.

Remaining in this bill are important provisions, including significant tax benefits to consumers with which they can purchase a car that meets certain specifications, or a vehicle that meets certain specifications with respect to gas mileage, the kind of power train it has, and other issues. So while some despair about the vote we had last week, let me say there remains in the bill significant areas of efficiency dealing with transportation.

But that is not the issue now. The issue is a renewable portfolio standard with respect to the production of electricity. The question for all of us has always been, when we debate energy on the floor of the Senate, will we develop new policies? Will we really turn a corner or will we simply repeat the debate we had a quarter of a century ago and beef it up just a little bit so we can debate it again a quarter of a century from now?

Will our policy simply be yesterday forever? Is that our policy? It is that just to dig and drill and dig and drill represents our policy for the next 25 years?

Look, I support digging and drilling, provided it is done in an environmentally acceptable way. We must produce new energy. We must and will produce new oil and natural gas and use coal. We must do that because we cannot solve our energy problem without producing more, but we must do it also in a way that is environmentally acceptable.

As we transition toward more production and more efficiency and more conservation, we also must, then, turn to this other issue of trying to find new sources of energy so we do not just rely on digging and drilling: new sources of energy such as wind energy, biomass, solar energy, geothermal, and more.

When we produce electricity in this country, there are several ways for us to do it. We have in the past traditionally mined coal and used coal in power plants to produce electricity and move that electricity over a series of transmission wires to places in America where it is needed. Other plants use natural gas as the principal fuel. But there are other ways to produce electricity.

We now have newer technology—wind turbines. Those wind turbines have the capability, with much more effectiveness, to take that energy from the air and, through those turbines, create electricity. That electricity can be moved around the country where it is needed.

Likewise, with solar energy, geothermal energy, biomass—we also can produce electricity using renewable and limitless supplies of energy.

We must, when this bill leaves the Senate, have a renewable portfolio standard that is reasonably aggressive, and one that is workable. The renewable portfolio standard of 10 percent is one that we agreed to, generally speaking, when we wrote the bill earlier. Some have talked about 20 percent, which others have said is too aggressive. There are still others in our Chamber who say there should be no renewable portfolio standard, there should be no standard by which we achieve more in limitless and renewable sources of energy for the production of electricity.

I could not disagree more with that position. For us to write an energy bill in the Senate and say, let's just keep producing electricity the same old way, let's not really have any changes, let's not stretch ourselves, let's not turn the corner with respect to energy supply, I think is not a step forward at all. That is not new policy. That is, as I said, yesterday forever. We will not be here in most cases, 25 years from now, someone will have a new idea for a new energy policy. It will be digging more and drilling more.

That is not new, and it does not resolve our issues in the long term that are so important for this country.

September 11 described for all of us the fact that this is a pretty uncertain and dangerous world in some respects. We have talked a great deal since September 11 about national security. Madmen, sick, twisted, demented people who live in caves in Afghanistan, plot the murder of thousands of innocent Americans in America's cities. So we talk about national security and we prosecute a war against terrorism and we talk about homeland security and it is all very important. But there is another part of national security that is also very important. That is the security or the lack of it that comes with the need to get 57 percent of our oil, our energy supplies of oil and natural gas from abroad—most of which come from Saudi Arabia and Kuwait, in one of the most unsettled regions of the world.

Connecting our country's need for oil to a supply from a region that is so unstable and so uncertain is not a smart policy for this country. We have ratcheted this up to almost 60 percent of our energy supply coming from abroad—most of it coming from a region that is a very unstable region. We need to begin stepping that back. One way to start doing that is by reaffirming this afternoon that we believe in a renewable portfolio standard; that is, we believe in a standard by which we want this country to aspire to a goal, an achievable goal and a real goal of having 10 percent of its electric energy produced by renewable and limitless sources of energy.

I mentioned wind a moment ago. Wind energy is something that has, now, the capacity to produce a substantial amount of new energy for us. My home State of North Dakota is last in numbers of trees, as I have told my colleagues from time to time. We rank 50th in native forestlands, so we are dead last in numbers of trees. But according to the U.S. Department of Energy, we are No. 1 in wind. We are what they call the Saudi Arabia of wind energy. Putting up a turbine with the capability to take the energy from the wind and, through that turbine, turn it into electricity and move it across transmission lines makes good sense for this country. It is renewable; it is limitless; it is good for our environment; it just makes good sense.

That is why just one step in this energy bill that would be helpful for this country—just one—is to reaffirm today that we believe in this standard, in stretching our country to at least achieve the 10-percent level on alternative energy for the production of electricity. That is all we are talking about.

In North Dakota, for example, we have some transmission issues we have to deal with in order to produce more wind energy. I hope we can move to produce more energy from wind, from biomass, from solar, but we also have to find ways to transmit it through transmission lines. We are talking now in this legislation that Senator BINGAMAN brought to the floor about new technologies for transmission lines. It is for a range of initiatives. I was helpful in working on some incentives to try to move us toward composite conductor technology, for example, which is one technology, to double or triple the efficiency of transmission lines. If you can triple the efficiency of transmission lines, you don't have to build new corridors. You can move substantially more electricity across the grid system in this country to where it is needed.

The point is, we have a lot to do. This legislation does a lot. I believe this afternoon we will be confronted with an amendment that says, no, let's step back and not do quite as much. In the area of a renewable portfolio standard, it would be awful, in my judgment, for the Senate not to stand for and perhaps even improve that which is already in the bill. The 10-percent standard that is in the bill, with respect to some agreements, as I understand it, has been changed a bit. Perhaps we could even strengthen that. The point is, we ought not retract; we ought not step backwards on this issue.

So when Senator KYL offers his amendment, I hope we can have an aggressive debate today and have a vote in which this Senate, by a very strong majority, says: We insist on a renewable portfolio standard in this bill. It is the right way and the right step for this country, to make a break towards less dependence on foreign oil and more national security for this country, by having a renewable and limitless source of energy well into the future.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Republican leader.

Mr. LOTT. Mr. President, I asked questions this morning as to when we might be able to get an agreement on proceeding to the campaign finance reform issue. I know there have been a lot of efforts underway—Senator MCCONNELL, Senator MCCAIN, Senator FEINSTEIN, and others. Of course, I know the House has a real interest in this.

This morning I was beginning to feel that we were going to have to nudge it a little bit to get this worked out and get it agreed to so we could get a vote and move on to other issues without it interrupting them—the energy bill, for instance—even further.

UNANIMOUS CONSENT REQUESTS

I ask unanimous consent that notwithstanding the provisions of rule XXII, the Senate now proceed to the cloture vote with respect to H.R. 2356, the campaign finance reform bill, with the mandatory quorum being waived. I further ask unanimous consent that following that vote, again notwithstanding rule XXII, the Senate proceed to the consideration of a Senate resolution, the text of which is at the desk; further, the resolution be agreed to and the motion to reconsider be laid upon the table.

I further ask unanimous consent that the Senate then resume consideration of H.R. 2356 and the time until 6 tonight be equally divided between Senators MCCONNELL and MCCAIN.

I further ask unanimous consent that no amendments be in order to the bill and, at 6 tonight, the bill be read the third time and the Senate then proceed to a vote on passage of the bill with no intervening action or debate.

Finally, I ask unanimous consent that when the Senate receives from the House a technical corrections bill regarding campaign finance reform or a concurrent resolution which corrects the enrollment of H.R. 2356, and the text has been cleared by Senators MCCONNELL and MCCAIN, then the Senate immediately proceed to its consideration, the bill be read the third time and passed, or the resolution be agreed to, with the motion to reconsider laid upon the table and with no intervening action or debate.

Here is my point and why I make this request. I believe it is ready. I think it is time we bring this to conclusion. I think we can get a vote on it at 6 o'clock tonight, and then we would be prepared to get back to energy or other issues that the Senate would desire.

Mr. MCCONNELL. Will the leader yield?

Mr. LOTT. I am glad to yield, Mr. President.

Mr. MCCONNELL. Let me concur with what the leader said. As a Senator who has fought for many years to defeat that bill, I believe it is clear that position is not going to prevail.

We had good negotiations over a technicals correction to the bill. The consent request to which the Republican leader has asked that we agree gives Senator MCCAIN and myself, who have been on opposite sides of this issue, a chance to review a subsequent technicals bill that passes the House. Either one of us would have the right to veto it. We are very close to an agreement.

I agree with the Republican leader that there is certainly no necessity to have any all-night sessions or any of these other scenarios we hear have been suggested to the press, since the opponents of this bill are ready to move on with it. That is what this consent agreement makes clear.

I commend the Republican leader for offering it.

Mr. REID. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The deputy majority leader.

Mr. REID. I do congratulate the leader. It is really important we have gotten this far. We are very close. I say, however, Senator FEINGOLD and others—but especially Senator FEINGOLD—need to make sure the resolution referred to in this request is appropriate—and the correcting bill. I have no doubt they will be approved by Senator FEINGOLD. To my knowledge, he has not yet signed off on these.

I ask that the Republican leader and Senator MCCONNELL recognize it is really important that we get this out of the way. No one wants to spend all night here. We have so many other important things to do. I think there is no reason we can't work something out in the next little bit. But I have to do, as I have indicated, what needs to be done. I will do that. As a result of that, I object at this time.

The PRESIDING OFFICER. Objection is heard.

The Republican leader.

Mr. LOTT. If I could inquire of Senator REID, I understand he needs to confer with other Senators, and we would perhaps need to do that even more on our side.

But let me clarify, this did not include the technicals correction; is that correct?

Mr. MCCONNELL. What it does is set up a procedure by which, even after the passage of Shays-Meehan, if the technical corrections on which we are working is agreed to and is passed by the House and comes over here, in order to make sure it is one on which we still agree, Senator MCCAIN or I could veto it; otherwise, it could come up and be passed.

The point I think the leader is making is that we are ready to move on. It is time to pass this bill. We understand debate is largely over and we would like to wrap it up.

Mr. LOTT. I emphasize that point, Mr. President. When I was talking to Senator REID this morning, there were still, I guess, negotiations—or not even negotiations—the technical corrections were being reviewed by a number of people, including House people, and it seemed to be moving very slowly and seemed to be holding up the final disposition of this issue. And this looks to me as if that problem is taken care of by doing it this way.

So I just would inquire of Senator REID——

Mr. REID. If the leader will yield.

Mr. LOTT. Certainly.

Mr. REID. The Republican leader is absolutely right. We did have a conversation today. We have heard a lot of talk the last week or so that things have all been wrapped up. But we never really got to that point. I think we are almost there. This is a tremendous step forward from where we were this morning. I have no reason to doubt that we can be back here very shortly and enter into this agreement. We will make sure the Senator from——

Mr. LOTT. You are indicating, then, you hope very shortly we could come back perhaps and propound—or perhaps you would want to propound something such as this?

Mr. REID. I think we will be in a posture to do that very quickly.

Mr. LOTT. I thank you.

Mr. REID. I see both Republican leaders. Senator KYL is in the Chamber. What we wanted to do is move to his amendment dealing with renewables to get that issue out of the way. And I see Senator BOND and Senator LINCOLN in the Chamber. They have an amendment that may be agreed to.

I ask my friend, Senator NICKLES, are you going to speak on the derivatives issue?

Mr. NICKLES. I am going to speak on the energy bill.

Mr. REID. Yes. I am just wondering; Senator KYL is back in the Chamber, and he has had so many dry runs.

Mr. NICKLES. I will speak on the Kyl amendment as well.

Mr. REID. If we get this campaign finance agreement, everyone will step aside, of course, and we will move to that. I indicated to the staff on the Republican side, we are going to work something out tomorrow so we can go to an amendment the Republican leader has pending on the Feinstein amendment.

So what I would like—I am sorry to have been interrupted, but it was important I be.

I ask unanimous consent that the Senate now resume the Bingaman amendment No. 3016 and that Senator KYL be recognized to offer a second-degree amendment to the Bingaman amendment.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Reserving the right to object, the Senator from Arkansas has an amendment that I plan to cosponsor. I do not think it will be controversial. We do not have it fully cleared.

I talked to the Senator from Arizona. He does not seem to have an objection. I ask if the Senator from Arkansas might be permitted to go.

Mr. REID. I say to my friend, it is my understanding that the Senator from Arkansas and the Senator from Missouri wish to lay down an amendment, and with the hope that it will either be accepted or finished at some later time. But after your initial statements, we could go to Kyl. It should not take too long; is that correct?

Mr. LOTT. Reserving the right to object—and I do so to save time—I know Senator REID is trying to make use of time while he works out clearances. I would object right now to going to Kyl. In the meantime, we have Senator NICKLES who would like to speak, and also Senators LINCOLN and BOND, and then we can communicate and see if we can't get an agreement on the Kyl amendment after we get through this. But I object at this point.

Mr. REID. The only thing I would ask: Senator KYL has been over here like a yo-yo. I hope he will not go too far away, so maybe we can lay this down a little later.

The PRESIDING OFFICER. Objection is heard.

The Senator from Arkansas.

Mrs. LINCOLN. Mr. President, what is the pending amendment?

The PRESIDING OFFICER. The Lott second-degree amendment to the Feinstein first-degree amendment.

AMENDMENT NO. 3023 TO AMENDMENT NO. 2917

Mrs. LINCOLN. Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 3023.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Arkansas [Mrs. LINCOLN], for herself, Mr. BOND, Mr. JOHNSON, Mrs. CARNAHAN, Mr. HUTCHINSON, Mr. HARKIN, Mr. GRASSLEY, Mr. BUNNING, Mr. BAYH, and Mr. CRAIG, proposes an amendment numbered 3023 to amendment No. 2917.

Mrs. LINCOLN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels)

On page 142, strike lines 8 through 11 and insert the following:

SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

"(2) USE.—

"(A) IN GENERAL.—A fleet or covered person—

"(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

"(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

"(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).".

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking "CREDIT NOT" and inserting "TREATMENT AS"; and

(2) by striking "shall not be considered" and inserting "shall be treated as".

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term "light duty motor vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

Mrs. LINCOLN. Mr. President, I am very pleased to be joined in offering this amendment with my good friend from my neighboring State of Missouri, Senator BOND. Senator BOND and I have worked together on numerous issues during our tenure in the Senate, and I am pleased to work with him again.

I am also pleased to be joined by Senators JOHNSON, CRAIG, CARNAHAN, HUTCHINSON, HARKIN, GRASSLEY, BUNNING, and BAYH as cosponsors of this amendment. I ask unanimous consent to add Senators CARPER, FITZGERALD, DAYTON, and DORGAN as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. LINCOLN. The purpose of this amendment is to place biodiesel fuel on an equal footing with every other alternative motor fuel in this Nation.

Biodiesel is a clean-burning alternative fuel that can be produced from domestic renewable sources, such as agricultural oils, animal fats, or even recycled cooking oils.

It can be used in compression-ignition diesel engines with no major modifications. It contains no petroleum, but it can be blended with petroleum at any stage in the production and delivery process from the refinery to the gas pump. Biodiesel is simple to use. It is biodegradable. It is nontoxic and essentially free of sulfur and aromatics. It is completely user friendly.

Although new to our country, its use is well established in Europe with over 250 million gallons consumed annually. The Energy Policy Act of 1992 set a national objective to shift the focus of national energy demand away from imported oil toward renewable and domestically produced energy sources. When EPACT was passed in 1992, it recognized ethanol, natural gas, propane, electricity, and methanol as alternative fuels. The original list of alternative fuels did not include biodiesel because the technology had not been fully developed at that point.

EPACT set a goal to replace 10 percent of petroleum-based fuels by the year 2000 and 30 percent by the year 2010. However, a GAO report issued in July of last year noted that "limited progress had been made in increasing the numbers of alternative fuel vehicles in the national vehicle fleet and the use of alternative fuels" as compared to the conventional vehicles and fuels.

We have not met the original EPACT goals of replacing 10 percent of the petroleum-based fuels by the year 2000, and we are not on track to meet the goal of 30 percent by the year 2010. In fact, we have not even come close. That is partly a result of not allowing all alternative fuels to be used to meet that EPACT alternative fuel mandate.

My amendment will significantly increase the use of alternative fuels by enacting a temporary program to allow covered fleets to meet up to 100 percent of the EPACT purchase requirements through the use of biodiesel. Currently, covered fleets can meet up to 50 percent of purchase requirements with biodiesel.

The amendment would also require the Secretary of Energy to conduct a study evaluating the availability and cost of alternative-fueled vehicles and alternative fuels.

The provisions of this amendment would automatically sunset after 4 years. At that time, covered fleets would again be able to satisfy only 50 percent of purchase requirements with biodiesel. This temporary program, in conjunction with the Energy Department study, is necessary to determine if vehicle and fuel markets are significantly developed to support continuing the purchase mandates or if a further extension to the biodiesel credit program is warranted. We must allow all alternative fuels to count toward EPACT's alternative fuel requirements.

Our amendment will allow us to make the most of existing opportunities. By offering an additional option for the use of alternative fuels, we will widen the possibilities for these fuels to be made more widely available. Fleets will continue to have the option to choose the complying vehicles and fuels that best meet their needs.

This amendment is not expected to affect fleets that are currently using ethanol or natural gas. But this amendment does provide a further option for alternative-fueled vehicles. Furthermore, it does not directly displace natural gas or ethanol sales since biodiesel is used in medium and heavy-duty trucks rather than light-duty vehicles.

It is in the best security interest of our Nation to reduce our reliance on foreign energy suppliers. We can no longer afford to be subject to the whims of the foreign cartels such as OPEC which successfully manipulate the price of oil.

Added to these threats posed by OPEC and the instability of the Middle East are the even more threatening possibilities we face in other parts of world. Developments in many regions of the world where much of today's energy supplies are obtained—West Africa, the Caspian Sea, Indonesia, and on and on—clearly serve notice that our Nation cannot continue to depend on these areas for our future energy needs. These events make it even more pressing than ever that we proceed forward with developing our own domestic alternative energy resources.

By allowing fleets to meet 100 percent of their AFV requirement by using biodiesel, we will take a positive step toward moving this country away from dependence on petroleum-based motor fuels and toward alternative motor fuels.

The time to start investing in renewable energy sources is now. We have taken far too long to get to this point. There are many other nations way ahead of us in using these types of alternative fuels. I urge my colleagues to support our amendment to work hard on being able to present the realities of the fact that we are there. We have products now that we can be using. If we can provide the incentives and the abilities to make sure the marketplace can become ready for these alternative fuels, we are on the cusp of finding the solution.

I appreciate the support of my colleague in working with me. I look forward to a very positive reception of our amendment with the wonderful cosponsors we have. I know the Senate will be ready to move forward on this one. I appreciate all the work Senators have put into this alternative fuels effort.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I particularly appreciate the great work of my colleague from Arkansas. There is a lot of rivalry across the border, but on this one, the Senators from Arkansas and Missouri and many other States are working together.

I have just come from a very exciting session outside with the National Biodiesel Board Assistant Secretary, J. D. Penn; USDA; Congressman HULSHOF; members of the Missouri Soybean Merchandising Council talking about the benefits that soy diesel can provide to our environment, to reducing our dependence on imported oil, and to strengthening our rural economy.

They had a wonderful old soy diesel truck that the Missouri Soybean Council first brought here 10 years ago. That baby is still running, still smells sweet. You follow that diesel down the road, you don't get smoke coming out of it that smells like burning tires. Think of french fries. It is not only cleaning up the air, but it is using a renewable fuel. We have been talking about renewable fuels; they are doing it. They are doing it in my State and Arkansas and Illinois and Iowa and Delaware, I gather. It works.

This is a fuel that doesn't require special kinds of newfangled engines. Right now the B–20 blend is being used in major bus fleets. The St. Louis Bi-State Transit Authority has agreed to use 1.2 million gallons of soy diesel in a B–20 blend. We are working with the Kansas City Area Transit Authority, which covers Kansas and Missouri, to use it. We have worked with Ft. Leonardwood in Missouri to train soldiers using soy diesel for battlefield smoke rather than petroleum diesel. Again, the real problem is that soldiers get hungry when they smell that soy diesel smoke.

I think it is particularly useful because studies have shown there are dangers from using regular diesel in school buses, and soy diesel can significantly clean up the emissions from buses as well.

What we are doing is very simple, as my good friend from Arkansas has already pointed out. We are just changing a qualification or limitation that was in the 1992 Energy Policy Act. We have not seen the progress we expected under that act, also known as EPACT, to displace 10 percent petroleum by 2000 and 30 percent by 2010.

One of the problems is the limitations on the use of biodiesel or soy diesel because they don't require alternative-fueled vehicles. Incidentally, the CAFE amendment proposed last week by the Senator from Michigan and myself and adopted on the energy bill specifically mandated that the alternative-fueled vehicles that are mandated in the existing act actually use alternative fuels. And soy diesel is one way of getting there.

What we believe is important under the Energy Policy Act is to allow 100 percent of the usage of biodiesel to be applied toward the requirement.

Now, the fleets that are using it include the Army, Air Force, Marines, NASA, Department of Agriculture, national parks, State departments of transportation, in Missouri, Iowa, Ohio, Virginia, Maryland, and others, and public utilities, such as Commonwealth Edison, Georgia Power, Kansas City Power and Light, and Duke Energy.

These fleets have found the biodiesel fuel use option to give them more flexibility to comply with their requirements, while more directly addressing the original intent of EPACT—displacing foreign petroleum sources. These fleets, particularly public utility fleets, that are strapped for resources have urged Congress to lift the 50-percent limitation on biodiesel fuel use credits. In addition to more directly addressing the primary intent of EPACT, the biodiesel fuel use provision serves to address the secondary intent of EPACT, which is providing for cleaner air emissions.

According to Government estimates, 90 percent of heavy-duty fleet emissions come from the oldest vehicles in the fleet. New vehicles that are being purchased are much cleaner. Biodiesel offers a solution to cleaning up the emissions of older vehicles.

Lifting the 50-percent limitation on biodiesel—which does not exist for any other alternative fuel—will serve to enhance the effectiveness of the EPACT program. Biodiesel offers one of the best ways immediately to reduce our reliance on foreign petroleum through the use of our existing national infrastructure and current and future diesel technology.

I would love to discuss the benefits of soy diesel at great length. If anybody has any questions, the Senator from Arkansas or I will be more than happy to discuss them. But given the fact that we do have many contentious provisions and amendments to discuss, we will limit our comments, unless somebody wants to get into a debate. We welcome the opportunity to provide more information on it.

With that, I simply urge all of my colleagues to support this amendment. It has tremendous bipartisan support in the heartland. I think, as more people look at it, this should be overwhelmingly accepted. I urge colleagues to look at it and ask questions and support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I am going to make a few comments concerning the Senate and then the energy bill that is pending, and maybe a couple of amendments that are pending as well.

I am very concerned, as an individual Senator who has been in the Senate for 22 years, about how the Senate is working—or, in some cases, not working. I am concerned about the pending bill and the fact that I have served on this committee for 22 years and I didn't have a chance to offer an amendment. I am also concerned about how the bill has grown. It started out at 400-some pages. The second bill, dated February 26, had 539 pages. The bill we have pending, dated March 5, has 590 pages.

This bill never went through committee and didn't have a committee markup. I didn't have a chance to amend it, to read it, or to improve it. The full Senate failed to have this opportunity as well. Twenty members of the Energy Committee didn't have that chance, either. So we now face the situation where we are amending on the floor; we are significantly rewriting it on the floor. There were provisions that didn't belong in the bill in the Energy Committee on CAFE. That belonged in the Commerce Committee, but they didn't mark it up there, either. We had to amend that on the floor and fight that battle. Those provisions on CAFE standards would have impacted every automobile user, consumer, every person in the country. It would have made automobiles less safe, and it would have cost thousands of jobs and thousands of dollars per automobile. But we didn't have that debate in committee. We didn't have a committee report to say what the impact would be.

We didn't have the committee report dealing with the energy bill, either. We didn't have minority views and majority views, which we usually do. Some people said it had been done before. It hasn't been done in the Energy Committee. I have been on the committee for 22 years. Every major substantive piece of legislation in the Energy Committee has been bipartisan and has gone through the legislative process. Deregulation of natural gas comes to mind. That was a very complicated, comprehensive bill. We had both Democrat and Republican support.

But we didn't take these steps this case. We find ourselves rewriting this, discussing it, and educating Members on the floor.

I noticed that Senator DASCHLE, when he was referring to the Judiciary Committee, made this quote in a news conference on March 6. I have it behind me:

> If we respect the committee process at all, I think you have to respect the decisions of every committee. I will respect the wishes and the decisions made by that committee, as I would any other committee.

Then he said on March 14: Committees are there for a reason, and I think we have to respect the committee jurisdiction, responsibility, and leadership, and that is what I intend to do.

That statement, I happen to agree with. It is just that we did not agree with it when it came to the energy bill. So we have been wrestling with this bill now for a couple of weeks. We may well spend another couple of weeks on it. It is because we didn't do it in the committee. And so for the majority leader to say he respects the process, we didn't respect the committee process when we dealt with the energy bill, unfortunately. We didn't respect it when we dealt with CAFE standards, which would have gone through the Commerce Committee. Now we are not respecting the committee process in dealing with the Feinstein amendment. That didn't go through the Banking Committee or the Agriculture Committee.

I happened to listen to the debate by Senators GRAMM, ENZI, and FEINSTEIN. I concur that most Members don't know much about the issue. I put myself in that majority group of Members. When you start talking about derivatives and futures contracts, and so on, maybe your eyes glaze over and you say: Doesn't somebody else work on this issue? We are going to be deciding that on the floor of the Senate. We never had a committee hearing on Senator FEINSTEIN's proposal. Senator GRAMM says it has impacts of $75 trillion. That is a lot of money. That is a lot of contracts. That is a lot of issues.

Should we not have committee hearings on that in the Agriculture Committee, in the Banking Committee, where they deal with that issue and where they have expertise? I would think so.

We are going to be dealing with an issue of renewables. Senator KYL has an amendment on renewables. We had an amendment last week that Senator JEFFORDS offered, 20-percent renewables. He ended up getting 30-some votes. Did the renewable section pass out of committee? No. But we are going to pass a law that is going to mandate that every utility in the country has to come up with renewables of 10 or 20 percent? What is the impact of that? What does that mean to consumers on their utility bills? Is it even achievable?

What do you mean by renewables? When we look at the underlying definition that is in the Daschle-Bingaman bill, renewables doesn't count hydro. Most of the definitions I have seen of renewables count hydro. According to this amendment, we are not going to count it as a renewable. We are going to count solar, wind, biomass, and a few other things; and if you add that together, that is about 1.5 percent of our electricity production. We are going to waive a law, or a bill and say, bingo, you have to be at 10 percent, or maybe 20? What does that mean? How much does that cost?

Senator KYL has an amendment saying, hey, let's tell the States, do consider renewables, give them flexibility on how to do it, and count hydro when you define renewables, as does everybody else in the world. Every State counts hydro as a renewable. But it is not in this bill. Wow. That little amendment, the 10-percent mandate for States to have renewables—I have been trying to figure out how much it costs. I have checked with experts. I get one figure of $88 billion over 10 or 15 years. Other people are speculating since it simply depends on which renewable you are talking about. Is it hydro or wind? We subsidized some renewables—a lot.

Wind energy right now has a tax credit. I think it is about 1.7 cents per kilowatt. That is the equivalent of 40-some percent of the wholesale cost of electricity. That is a pretty large subsidy.

I guess wind energy could take up the balance. Can we take wind energy from .2 percent of energy production up to 10 percent? I do not know. We are going to have hundreds of square miles of windmills if we do. Is that the right thing for our country to do, and can we do it without massive subsidies—we being the taxpayers—paying a significant portion of the energy cost? I do not know, but we are getting ready to vote on an amendment in the next day or two that will mandate this 10 percent. Is it going to be wind energy? Is it going to be solar? A lot of people are getting ready to vote and do not have a clue how much it will cost or if it is even achievable.

I support Senator KYL's amendment, and I hope my colleagues will as well.

The Senate is not working and I am critical of the Energy Committee and I am offended because as a member of the Energy Committee, as someone who has invested a lot of time on that committee, for me not to have any input on the composition of this bill is offensive to the process.

I read Senator DASCHLE's comments. He said: I will respect the wishes and the decisions made by that committee as I would with any other committee.

The wishes of the committee were not respected when it came to the energy bill. We did not get that chance. We disenfranchised I know every Republican member on the committee.

I have only been on the Energy Committee 22 years. Senator MURKOWSKI has been on it 22 years. Senator DOMENICI has been on it 26 years, maybe longer, plus or minus. That is a lot of years not to have a chance to offer an amendment during a committee markup.

When Senator DASCHLE said he was going to respect the wishes and decisions of the committee, he did not respect the wishes of the committee when it came to this major legislation, one of the most important pieces of legislation we will consider all year long. He did not respect the wishes of the Commerce Committee when it came to CAFE standards because they did not get to mark up the bill. They did not get to vote on it.

And I look at some of the other committees. It came to the Agriculture Committee. The Agriculture Committee did report out a bill but, for the first time in my Senate career, it reported out a bill on an almost straight party vote. I think there was one member who crossed over. The committee came up with a very partisan agriculture bill for the first time.

In addition, we had a partisan Finance Committee bill. We did not get the stimulus package through. The Senate is not working.

The Judiciary Committee last week failed to approve the nomination—or send to the floor—of Judge Pickering who is now a district court judge. It is the first time in 11 years that the Judiciary Committee defeated a nominee in committee, and 11 years ago is when the Democrats controlled the Senate.

I know I heard my colleagues, the leaders on both sides, say: We want to treat all judicial nominees fairly and give them appropriate consideration. Circuit court nominees have not been treated fairly by the Democrats who are running the Judiciary Committee today. They have not been treated fairly.

There are 29 people President Bush has nominated for circuit court nominees. They have been nominated to be on the circuit court—29. Seven have been confirmed; two or three of those were Democrats nominated by the previous administration supported by Democratic colleagues. We have done 7 out of 29. One was defeated. We have now had a hearing on two. There are 19 who have never had a hearing—19.

There is a tradition in the Senate—maybe I should educate my colleagues—there is a tradition in the Senate that we give Presidents their nominations by and large. If there is a problem with the nomination, fine, let's hold it, discuss it and debate it, but, by and large, Presidents have the majority of their nominations through the Judiciary Committee and through the Senate in their first 2 or 3 years as President.

I have a chart that shows President Reagan in his first 2 years got 98 percent of his judges through, including 19 of 20 circuit court nominees. The first President Bush got 95 percent of his circuit court nominees, 22 out of 23. I might mention, that is when the Democrats controlled the Senate. Somebody said: No, Republicans controlled the Senate when Ronald Reagan was President. Yes, we did, but Democrats controlled the Senate when President Bush 41 was President, and he got 93 percent of his judges in the first 2 years and 95 percent of the circuit court nominees.

President Clinton in his first 2 years, with a Democratic Senate—got 19 of 22 circuit court judges, 86 percent of circuit court judges, and by the end of his second year, he got 90 percent of all of his judges confirmed. He got 129 judges. He got 100 judges confirmed in his second year.

Why all of a sudden now with President Bush we have only done 24 percent? We have done 7 out of 29 circuit court nominees—7 out of 29. That is pathetic. President Bush nominated nine on May 8 of last year. Nine. We have disposed of one—that was Judge Pickering—and seven were confirmed out of that nine. Eight have not even had a hearing.

Miguel Estrada, a Hispanic who immigrated to this country from Honduras when he was a young man—he immigrated, frankly, with nothing. He could not even speak English. He graduated with honors from Harvard. He has argued 16 cases before the Supreme Court, and he has not even had a hearing. John Roberts argued 36 cases before the Supreme Court. He was nominated in May of last year. He has not even had a hearing.

We have only dealt with one-fourth of the circuit court nominees, while the three previous Presidents had 90-plus percent confirmed. 90-plus percent circuit court nominees in the three previous administrations, Democrats and Republicans, were confirmed, and now we have only confirmed 7 out of 29—that's one out of four.

That is not working. The Senate is not working. This institution I love is not working. The Energy Committee did not work. It did not mark up a bill. So now we have to rewrite the bill on the floor.

The Commerce Committee did not work. The Agriculture Committee is becoming partisan. We have never had a partisan agriculture bill in decades. The Finance Committee could not even report out a stimulus package. Eventually, we took half a package from the House and adopted it when in the past the tradition of the Senate has always been, whether you are talking about Bob Dole, Bob Packwood, or Russell Long, we had bipartisan tax bills almost every time, and we could not get it done this year.

Mr. President, I am critical of the process. I happen to love this institution. I want the Senate to work. I want Members to do what Senator DASCHLE said: Have the committee process work. It is not working, and it is not working in committee after committee.

I urge my colleagues that we lower the partisan rhetoric and do our job in committees and respect Members. I will also make a comment on Judge Pickering. It is unconscionable to me to believe that this fine judge was defeated. It is unbelievable to me to think Members would not confirm a nominee who is a close friend of the Republican leader.

I cannot imagine that we would do something like that to the Democratic leader. I cannot imagine that ever happening to Bob Dole. I cannot imagine it happening to George Mitchell. I cannot imagine it happening to Howard Baker.

The Senate has really stooped, in my opinion, pretty low. Maybe in a way I am afraid we are trespassing where we should not go. It is very important that we step back and we figure out what is the right way to legislate, what is the right way to consider nominees. If people are nominated to be a district court judge or a circuit court judge, they are entitled to a hearing, they are entitled to a vote whether Democrats are in charge of the Senate or Republicans are in charge of the Senate.

I am not saying we did it perfect either when the Republicans were in charge. I do think, by and large, we ought to let people have a vote certainly the first 2 and 3 years of a President's term. Maybe in the last year of their term it is understood they do not get a lot of judges: Let's wait and see how the election goes. Particularly if the judges are nominated in the last few months of a Presidential term, there are legitimate reasons to wait until after the election.

Let us come up with a little better understanding. We should not hold people in limbo and maybe hold careers in jeopardy or on hold when we have outstanding people who are willing to serve, and in many cases at a great financial sacrifice. The President has nominated good people and they cannot even get a hearing? Something is wrong. Something is wrong on the Sixth Circuit Court when they only have 8 out of 16 positions filled. In other words, they have half that circuit court vacant. Something is wrong. The Senate is not working.

President Bush has nominated several outstanding nominees to the Sixth Circuit and they should have a chance to have a hearing and to be voted on. I am confident that the overwhelming majority would be confirmed.

I saw Senator DASCHLE's comments when he said we ought to follow the Senate committee process. I agree with that. It is unfortunate we have not been doing it. What happened last week in the Judiciary Committee, where Judge Pickering was defeated, I hope people do not go down that road. Right now the Democrats are in control, but barely. My guess is Republicans—I have been in the Senate where the leadership has changed. I think this is the fourth time, and I am sure I am going to be in the Senate where it is going to change again, and maybe again and again. Who knows?

So people should recognize they can be in the majority, they can be in the minority. So to treat nominees the way they are being treated now, because they happen to be a circuit court nominee, is not right. I will also tell my colleagues on the Democrat side I will make the same statement when Republicans are in control. I do not think we should hold people indefinitely and not give them hearings. I do not think we should confirm 24 percent of the circuit court nominees. I think that is pathetic, and we need to do better. We need to do much better, and I hope and expect that the Senate will.

I ask unanimous consent that short biographies of the eight nominees who were nominated on May 9 for the circuit court of appeals be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 9TH NOMINEES

JOHN G. ROBERTS, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Mr. Roberts is the head of Hogan & Hartson's Appellate Practice Group in Washington, D.C. He graduated from Harvard College, summa cum laude, in 1979, from the Harvard Law School, where he was managing editor of the Harvard Law Review. Following graduation he clerked for Judge Henry J. Friendly of the United States Court of Appeals for the Second Circuit, and the following year for then-Associate Justice William H. Rehnquist. Following his clerkship, Mr. Roberts served as Special Assistant to United States Attorney General William French Smith. In 1982 President Reagan appointed Mr. Roberts to the White House Staff as Associate Counsel, a position in which he served until joining Hogan & Hartson in 1986.

Mr. Roberts left Hogan & Hartson in 1989 to accept appointment as Principal Deputy Solicitor General of the United States, a position in which he served until returning to the firm in 1993. Mr. Roberts has presented oral arguments before the Supreme Court in more than thirty cases.

MIGUEL ESTRADA, NOMINEE TO THE COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA

Miguel A. Estrada is currently a partner in the Washington, D.C. office of Gibson, Dunn & Crutcher LLP, where he is member of the firm's Appellate and Constitutional Law Practice Group and the Business Crimes and Investigations Practice Group. Mr. Estrada has argued 15 cases before the U.S. Supreme Court. From 1992 until 1997, he served as Assistant to the Solicitor General of the United States. He previously served as Assistant U.S. Attorney and Deputy Chief of the Appellate Section, U.S. Attorney's Office, Southern District of New York.

Mr. Estrada served as a law clerk to the Honorable Anthony M. Kennedy of the U.S. Supreme Court from 1988–1989, and to the Honorable Amalya L. Kearse of the U.S. Court of Appeals for the Second Circuit from 1986–1987. He received a J.D. degree magna cum laude in 1986 from Harvard Law School, where he was editor of the Harvard Law Review. Mr. Estrada graduated with a bachelor's degree magna cum laude and Phi Beta Kappa in 1983 from Columbia College, New York. He is fluent in Spanish.

TERRENCE BOYLE, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 4TH CIRCUIT BIOGRAPHY

Terrence Boyle is the Chief Judge of the United States District Court for the Eastern District of North Carolina. He was appointed to the bench in 1984 and was unanimously confirmed by the Senate. Chief Judge Boyle began his career working in Congress, where he was Minority Counsel for the House Subcommittee on Housing, Banking & Currency from 1970 through 1973. He later served as the Legislative Assistant for Senator Jesse Helms before going into private practice in 1974 in the North Carolina firm of LeRoy, Wells, Shaw, Hornthal & Riley.

Since joining the federal bench Chief Judge Boyle has been appointed twice by Chief Justice Rehnquist to serve on Judicial Conference committees. From 1987 to 1992 he served on the Judicial Resources Committee, and from 1999 to the present he has served as a member of the Judicial Branch Committee. Chief Judge Boyle has sat by designation on the United States Court of Appeals for the Fourth Circuit numerous times, and has issues over 20 opinions for that court.

MICHAEL MCCONNELL, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT BIOGRAPHY

He is currently the Presidential Professor at the University of Utah College of Law. McConnell received a B.A. from Michigan State University (1976) and a J.D. from the University of Chicago (1979), where he was Order of the Coif and Comment Editor of the University of Chicago Law Review. Upon graduation, he served as law clerk to Chief Judge J. Skelly Wright on the United States Court of Appeals for the District of Columbia Circuit, and then for Associate Justice William J. Brennan, Jr., on the United States Supreme Court.

Professor McConnell was Assistant General Counsel of the Office of Management and Budget (1981–83), and Assistant to the Solicitor General (1983—85), after which he joined the faculty of the University of Chicago Law School in 1985. He has published widely in constitutional law and constitutional theory, with a speciality in the Religion Clauses of the First Amendment. He has argued eleven cases in the United States Supreme Court. He has served as Chair of the Constitutional Law Section of the Association of American Law Schools, Co-Chair of the Emergency Committee to Defend the First Amendment, and member of the President's Intelligence Oversight Board.

PRISCILLA OWEN, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 5TH CIRCUIT

Priscilla Owen is currently a Justice on the Supreme Court of Texas. Prior to her election to that court in 1994, she was a partner in the Houston office of Andrews & Kurth, L.L.P. where she practiced commercial litigation for 17 years. She earned a B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. She was a member of the Baylor Law Review. Thereafter, she earned the highest score in the state on the Texas Bar Exam.

Justice Owen has served as the liaison to the Supreme Court of Texas' Court-Annexed Mediation Task Force and to statewide committees regarding legal services to the poor and pro bono legal services. She was part of a committee that successfully encouraged the Texas Legislature to enact legislation that has resulted in millions of dollars per year in additional funds for providers of legal services to the poor.

JEFFREY SUTTON, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 10TH CIRCUIT

Mr. Sutton is currently a Partner in the firm of Jones, Day, Reavis & Pogue of Columbus, Ohio. After graduating first in his class from the Ohio State University College of Law, Mr. Sutton served as a clerk to the Honorable Thomas Meskill, United States Court of Appeals, Second Circuit. The next year he clerked for United States Supreme Court Justices Lewis F. Powell, Jr., and Antonin Scalia. Mr. Sutton has argued nine cases and filed over fifty merits and amicus curiae briefs before the United States Supreme Court, both as a private attorney and as Solicitor for the State of Ohio. In his role as Solicitor between 1995 and 1998, Mr. Sutton oversaw all appellate litigation on behalf of the Ohio Attorney General, as well as state litigation at the trial level.

For the past eight years Mr. Sutton has held the post of adjunct professor of law at Ohio State University College of Law, teaching seminars on the constitutional law. In addition, Mr. Sutton teaches continuing legal education seminars on the United States and Ohio Supreme Courts to Ohio state court judges and develops curriculum for appellate judges on behalf of the Ohio State Judicial College. Mr. Sutton is a member of the Board of Directors of The Equal Justice Foundation and of the National Council of the College of Law, and is a four-time recipient of the Best Briefs award by the National Association of Attorneys General.

DEBORAH COOK, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE 6TH CIRCUIT

Justice Deborah Cook was elected to the Ohio Supreme Court in 1994 for a six-year term. She was reelected in November 2000. She served as a Judge of the Ninth District Court of Appeals in Ohio for four years prior to taking the Supreme Court bench. Following graduation from Law School until her election to the Court of Appeals, Justice Cook was a member of Akron's oldest law firm, Roderick Linton, and the firm's first female partner. Justice Cook received her Bachelor of Arts and her Juris Doctor degrees from the University of Akron. In 1996 the University of Akron presented her with an Honorary Doctor of Laws Degree. Justice Cook was president of Delta Gamma and president of her senior class at the University of Akron.

Justice Cook is a recipient of the Delta Gamma National Shield Award for Leadership and Volunteerism and the Akron Women's Network 1991 Woman of the Year. In 1997 she received the University of Akron Alumni Award. She and her husband founded a college scholarship program benefitting 23 underprivileged children from the 4th grade through graduation, with the guarantee of four years' college tuition. She has been called by the Cincinnati Post a "clear-headed, intellectually rigorous jurist with a good grasp of the big picture . . . She has served with distinction." (October 8, 2000).

DENNIS SHEDD, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

Dennis Shedd has been a judge for the United States District Court for South Carolina since 1990. Judge Shedd graduated Phi Beta Kappa from Wofford College in 1975, received a juris doctor from the University of South Carolina in 1978, and received a Masters of Laws from Georgetown University in 1980. From 1978 through 1988, Judge Shedd served in a number of different capacities in the United States Senate including Counsel to the President Pro Tempore and Chief Counsel and Staff Director for the Senate Judiciary Committee. Upon leaving the Senate staff in 1988, Judge Shedd became of counsel in the firm of Bethea, Jordan & Griffin while simultaneously maintaining his own Law Offices of Dennis W. Shedd.

From 1989 to 1992, Judge Shedd was an adjunct professor of law at the University of South Carolina. While serving in his current capacity as a United States District Court Judge for the District of South Carolina, Judge Shedd has been a member of the Judicial Conference Committee on the Judicial Branch and its subcommittee on Judicial Independence. Judge Shedd is actively involved in community activities in his home of Columbia, South Carolina including his participation helping to organize and promote drug education programs in the local public schools.

Mr. NICKLES. I yield the floor.

The PRESIDING OFFICER (Mr. JOHNSON). The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending business for the purpose of sending an amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3038 TO AMENDMENT NO. 3016

Mr. KYL. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. KYL], for himself, Mr. MILLER, Mr. WARNER, and Mr. MURKOWSKI, proposes an amendment numbered 3038 to amendment No. 3016.

In lieu of the matter proposed to be inserted, insert the following:

(a) REQUIREMENT.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(14) GREEN ENERGY.—

"(a) Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

"(b) Renewable sources of electricity include solar, wind, geothermal, landfill gas, biomass, hydroelectric and other renewable energy sources, as may be determined by the appropriate state regulatory authority.".

(b) PRESERVATION OF STATE AUTHORITY.—Nothing in this Act affects the authority of a State to establish a program requiring that a portion of the electric energy sold by a retail electric supplier to electric consumers in that State be generated by energy from any particular type of energy.

Mr. KYL. Mr. President, I have laid down an amendment to the underlying Bingaman amendment, which I think sets up a classic choice for our colleagues. We have been selling this energy bill and especially the electricity section of it as promoting competition, the market economy, and deregulation.

The underlying Bingaman bill is exactly the opposite of deregulation. It is reregulation by the U.S. Government in a new and extraordinary way. The amendment I have laid down is an attempt to move forward with deregulation, keeping the Federal Government out of the business of telling Americans what they have to do.

The Bingaman amendment reminds me of the old Soviet-style command economy, where the Soviet government told the people of Russia what it was going to have produced and they had to buy it. It did not allow choice of production or consumption. The United States understands that is a road to ruin, but the Bingaman amendment says the U.S. Government is going to mandate, to require, to compel that 10 percent of the electricity sold at retail in this country be produced with certain fuels, certain politically correct fuels.

They have been described as renewables, but not all renewables count because some renewables are more equal than others, to borrow the phrase from the animal farm. No, only those politically correct renewables will count toward the requirement that 10 percent of the electricity the people of this country buy in the future be from this particular energy source.

It does not matter how much it costs. It does not matter what good it does. It does not matter how hard it is to do. It does not matter how discriminatory it is among different people within the country. None of that matters. What matters is that people in Washington know best, and so the U.S. Government is going to tell people how much electricity they have to buy from these unique sources of fuel: Biomass, wind, solar, and geothermal. Other renewables such as hydropower, for example, do not count. There is something wrong with hydropower. That is the underlying Bingaman amendment.

The Kyl amendment says let us leave it up to the States. Fourteen States already require some percentage production of electricity with renewables, as defined by the States. They are moving toward the production of power through this so-called green energy, and that is fine. My own State has a requirement that 2 percent of the energy sold at retail be produced in this fashion, all the way up to the State of Maine requirement that 30 percent be produced through this kind of renewable fuel, and that is fine.

What the Kyl amendment says is each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available. Then it defines renewable sources to include solar, wind, geothermal, landfill gas, biomass, hydroelectric, and any others as the State may determine are appropriate. Then it says that nothing in the act affects the authority of the State to establish a program requiring that a portion of the energy source come from renewables. So we require the States to take a look at it, but we do not tell them what they have to do because I do not think we know best.

I know the conditions in the State of Arizona are a lot different from the conditions in New York, for example. I do not think that New Yorkers would be able to produce much solar electrical power, but we can sure do that out in Arizona.

I heard my colleague from North Dakota, Mr. DORGAN, say his State of North Dakota had been defined as the Saudi Arabia of wind. I say wonderful. Then let them produce electricity through wind power. I am not stopping them. Senator BINGAMAN is not stopping them from doing that. The State of North Dakota can produce 100 percent of its power from wind generation if it wants.

It is interesting to me that North Dakota is not in that list of States that requires any production of retail electricity from renewable fuels—Arizona, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, Wisconsin. Where is the Saudi Arabia of wind? It is not here.

The people of North Dakota who have all of this resource must have some reason why they are not taking advantage of it. And since we are providing a tax credit of a billion dollars a year to those who produce electricity through these renewables, one would think that would be a big incentive. As a matter of fact, that is how we are getting the renewable produced energy in the country today. We provide a carrot, a big tax credit. We just extended it for 2 more years in this bill at a cost of $2 billion. So there is a big incentive to produce electricity with taxpayer subsidy.

As I recall, the subsidy is something like 1.7 cents per kilowatt hour for wind generation, which is about 40 percent or so of the cost of producing the power. That is a pretty generous subsidy. So if a State such as North Dakota has that much capacity to produce it, then why does it not produce it? Why does the Senator from that State say, look, we have decided, or we have not decided, to require this in our own State, but we are going to require it for everybody else and then maybe it will work for us.

Maybe what they are saying is we can have a lot of production in our State if everybody else has to buy it from us. Maybe that is it.

As a matter of fact, it transpires that there are a couple of utilities that apparently have access to a lot of wind generation, and they are lobbying pretty hard to get this bill passed. The reason? They are going to get the U.S. Government to tell everybody else they have to buy power from these particular producers.

We have always been against oligarchy, monopolies, in this country. Why would the U.S. Government force people to buy a particular kind of energy knowing it is only produced by a very few sets of utilities today? Talk about a windfall. I suggest the Energy Committee ought to look at this very carefully, take a little inventory of who is producing this and who is not. My guess is there are a very few, very special people who are going to benefit from this big time. I would like to know who they are. I would like to know to whom they have contributed in their campaigns. I would like to know whom they have lobbied.

There has been criticism of energy people talking to Vice President CHENEY before he came up with the administration's energy plan. I would like to know who, on behalf of these particular utilities, has talked to whom and what kind of support there is to enrich this small group of utilities that would take advantage of this particular amendment. I would like to know that.

However, we did not have any markup in the Energy and Natural Resources Committee. That was taken away from the Energy and Natural Resources Committee on which I sit. We had no opportunity to get into that. We are going to be asking some of those questions. We never had a cost-benefit analysis. We have no idea whether this is going to do any good and, if so, how much good, and how you can quantify it, but we do know how much it will cost. On the order of $88 billion, for starters. That is only until the year 2020. After that, it is $12 billion a year. Who pays? The electric customers. Is it equal for all of the electric customers in the country? No, it turns out it is not. If you are fortunate enough to be a State that can produce this renewable energy electricity, it will not cost. You get to sell credits to the States that do not produce it. They have to buy the credits. What do they get for that? Nothing. They do not get any electricity. What they get is a pass from the Federal Government from having to build those renewable energy sources themselves.

What we are doing is creating a big new market in electric credits. This is a la Enron—not producing anything but creating credits. As a matter of fact, as I read the Bingaman amendment, it is not restricted to production in the United States. In fact, I believe it is contemplated British Columbia electrical production could be imported into the United States for the credits it would be provided. As a matter of fact, I don't understand why other countries would not get into this, too. The Three Gorges Dam in China might well qualify. Since the generators have not been put in the Three Gorges Dam, that would be incremental additional electrical production by hydro—the only way you can count hydro.

Since it is not limited by the current language, as I read the amendment, what we are doing is creating a trading market in electrical renewable energy credits which might well enrich not just a few special companies in the United States but some foreign countries as well. Who pays the tab? The electrical retail consumer.

I have this challenge for my friends who think it is a wonderful idea: How will they feel when somebody runs an ad against them in their next campaign that says: Are you sick and tired of high electric energy rates? You have Senator So-and-So to thank for that because he got a bill passed that required, by the authority of the U.S. Government, your electrical retail seller to buy 10 percent of the energy from these costly renewables or, if you do not buy that, to buy the credits. The credits, of course, will cost a lot of money. As a matter of fact, these credits probably will become a very valuable commodity.

The way the Bingaman amendment works, as I understand it, the generator does not get the credits. If I have an electrical generating facility in Arizona and I decide to create a lot of solar-powered generation and I know there is a big market for electricity in California, I sell a lot of this power to California so the folks in Los Angeles can air-condition their homes or for whatever they need the power. I don't get the credit for that. The retailer in Los Angeles is the one that gets the credit for whatever renewable fuel is used in the production of that electricity.

What does that mean? First of all, if I have any retail customers myself, I will try to keep that power. Although electricity is fungible, I will somehow try to allocate it to my retail customers. But if I have extra power, what I might do is, instead of applying it to my requirement, I might simply say I have this much on the market, and I will withhold it from the market, and I will see how much it would bring on the market.

Of course, our friends from California complained about the fact that Enron and others withheld energy from the market, thus driving the cost up.

A retail seller in Los Angeles is going to need a lot of renewable power in order to meet this mandate. Where is that company going to get the renewable power? It will have to buy it from somebody. If that electricity or those credits are withheld from the market long enough, the cost of the credits will escalate substantially. There is nothing in the bill that prevents that.

There is no regulatory regime, although I am sure once we get going, there will be a very big regulatory regime. It is fraught with potential for fraud and abuse. Once we see all of that happening, we will have to have a director of this and that, with a big bureaucracy and a lot of law enforcement and penalties in order to enforce the law so it will not be abused. We will have the Enron situations, and there will be a big hue and cry, and we will all want to prevent that, so we will establish more bureaucracy. The Soviet survival command economy will march on as we have to enforce the policy we dictate.

What are we going to do? Are we going to force people to sell the credits they have accumulated? Are we going to say they can only sell them for a certain amount of money? As I read the Bingaman amendment, there is one other place you can buy the credits. You can buy them from someone who has already produced the power or, I gather, if it is not available, you can buy it from the Department of Energy. The Department of Energy, even though it does not produce anything, would be able to sell these credits at something like 200 percent their value or 3 cents a kilowatt hour. Actually, the Federal Government might make some money on this.

Who pays the tab? The retail electric customers. Is that what this is all about: Another way to tax the American people? It kind of sounds like it to me. As a matter of fact, there are two new taxes in this legislation. One is the tax of which I just spoke, and the other is a Btu tax by any other name. Remember when we defeated the Btu tax? It was a tax on coal-fired, oil-fired, gas-fired, and nuclear production of electricity. We said: That is not fair. That is what is embodied in the Bingaman amendment and the underlying bill. We are favoring some energy sources over others.

What are the ones in disfavor, out of favor? Nuclear, coal, hydro, oil, and gas. That is how we produce about 98 percent of the power in the country today. Those are out of favor. The people who get their electricity from those sources will pay a tax to those who are willing to pay for and generate the power through the renewable fuels or who buy the credits. There will be a tremendous transfer of wealth in this country. If you live in the State of New York and New York has a hard time producing wind power or solar-powered generation, then the retail seller in New York will have to somehow acquire credits to offset the fact that you cannot generate that kind of power in New York. Who is going to pay the cost of those credits? The retail customers of the New York utilities. And to whom are they going to be paying them? They are going to be paying them to the favored States, those that actually could produce this renewable fuel energy. This is the equivalent of a Btu tax. If you are going to get your power from coal or nuclear, for example, you are going to pay a big premium. Your customers are going to have to pay because you are not producing electricity with the favored fuels.

That is wrong. This legislation is costly, it is discriminatory, it walks away from deregulation, and imposes a massive new regulation of what we can buy in this country, it is anti-American, and it also will favor the few to the cost of the many. We don't even know who those few are. They know who they are. They are lobbying for this legislation. But I suggest we better know who they are before we vote on it or this is going to come around and bite folks.

I know some of my colleagues say, Oh, I need a green vote. I need to impress my environmentalists.

I have two responses to that. Vote your conscience. Do whatever you want to do. But if you are just trying to do this to impress some environmental constituents, think about all the rest of the constituents, the ones who have to buy electricity. Do they count? They are the ones who are going to have to pay the bill. I hope they remember at election time that they are just as important as this environmental community that wants a green vote out of some of my colleagues.

Why are you willing to impose a requirement on others that they buy a particular product that one of your friends has to sell? To me that is very unfair.

This is one more thing that makes this unfair. There was a point of order that lay against part of this amendment as it pertained to a mandate on the municipalities and State-owned and co-ops and others that are the political subdivisions that generate and sell power. Because it would have required a significant expense for them, it was an unfunded mandate and would have been subject to a point of order. So Senator BINGAMAN has wisely agreed to take the mandate out as it relates to those particular sellers of power and generators of power. I think that is a good thing.

The problem is, it creates a great disparity and distinction between those generators on the one hand and the investor-owned generators and sellers on the other hand. Now we have a massive discrimination. The municipals do not have to comply but the investor-owned utilities do have to comply. To their credit, the power association for the municipals, and many of the individual municipals and political subdivisions that are currently exempted, have taken the position that the underlying Bingaman bill is still a bad proposition. It is bad on principle, regardless of the fact they do not have to comply with it now. But they are also concerned that in the end they will have to comply, that they were only removed from its provisions because a point of order lay, and that there would be an attempt later to include them in it—among other things, because it is unfair for one group of utilities to be treated one way and another group to be treated another way.

I appreciate that they have not backed off their opposition to the bill notwithstanding the fact that temporarily they are not subject to its provisions.

I note the cosponsor of my amendment to leave this to the States, the Senator from Georgia, is present. For the purpose of allowing him to comment on this for a moment, I would like to yield to him and then, when he has completed all he wants to say, regain the time so I can make some more comments. I would like to yield to my colleague from Georgia, Senator MILLER.

Mr. MILLER. I thank the Senator from Arizona.

Mr. BINGAMAN. Mr. President, I will not object to this procedure, although it is a little unusual. I would like a chance to respond to the Senator from Arizona at some point here. So I do not want him yielding time to various people around the floor for the whole afternoon. I am glad to have the cosponsor, Senator MILLER, go ahead and speak and then, when the Senator from Arizona concludes, I will expect to speak at that point.

Mr. KYL. That is certainly acceptable to me, and I appreciate the sentiment of the Senator from New Mexico. I simply saw my colleague from Georgia and wanted him to have an opportunity to interrupt my presentation.

The PRESIDING OFFICER. Is the Senator from Georgia seeking recognition in his own right?

Mr. MILLER. I ask to be recognized for up to 5 minutes to speak on the legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MILLER. I thank the Senator from New Mexico. I will be very brief.

I rise in support of the Kyl/Miller amendment on the renewable portfolio standard. As a Governor and now a Senator, I have always been sensitive to the real-world effects of policy. I want to tell you about some of the real-world effects of the issue before us today, the issue of renewable fuels.

I commend the majority leader and the Senator from New Mexico for including the subject of renewable fuels in the debate on the comprehensive energy bill. I think it is very important for us to be able to enjoy the comfortable life we all expect and still leave a clean planet to our children and our grandchildren. Using renewable fuels helps our society to fulfill these goals.

But when I read the original provisions on renewable fuels in S. 517, they give me pause. I understand Senator BINGAMAN's intent in putting a renewable standard in this bill. I think that is good. With all due respect, however, I believe he is going about it in the wrong way.

Perhaps it is because of my previous life, but I trust State governments. I trust the people who run them, and I think we need to trust the States to create a renewable standard that meets both their needs and their capabilities. We do not need to hand them an expensive Federal standard that they will not be able to meet.

Fourteen States already have renewable programs in place, and this amendment would preempt them. It would be saying to them: We are smarter. We know better.

States would be forced to pass renewable legislation to meet conditions mandated by the Federal Government. I don't think that is how it should work.

These blanket conditions do not take into account the needs and requirements of each individual State, and they are different. What works in Georgia might not work in New Mexico, and vice versa.

My State of Georgia, I am proud to say, has been a leader in the production of reliable low-cost energy. If the underlying amendment is enacted, consumers in Georgia could end up paying for credits to subsidize renewables in other parts of the country. Georgia would be forced to pay for a benefit that it will never receive, and I do not think that is right.

In my State of Georgia, the Governor has commissioned an energy task force to examine current and future needs for energy generation in the State. This will include a formal study and recommendations for how to use renewable fuel sources, and how to best take advantage of Georgia's available natural resources.

The task force will also assess the demand for renewable energy to determine if the cost and benefit will be supported by electricity users in the State. These are the people who know and understand Georgia's energy needs and capabilities. These are the people who should be in charge of regulating Georgia's renewables. That is why Senator KYL and I have introduced this amendment. That is why I urge my fellow Senators to support it. Our amendment encourages the use of renewable fuels, but it lets the States decide how to do this.

This Nation can attain the goal of cleaner energy, but we must do it in the right way. We must let the States decide for themselves the level of renewable fuel that works best for each of them.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. KYL. I would like to say to the Senator from Alaska, I have a couple more points I want to make before I conclude as does, I know, Senator BINGAMAN.

I ask unanimous consent to have printed in the RECORD numerous letters in support of the Kyl amendment.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN PUBLIC POWER
ASSOCIATION,
Washington, DC, March 19, 2002.

Hon. JON KYL,
Senate Hart Building,
Washington, DC.

DEAR SENATOR KYL: On behalf of the American Public Power Association (APPA), an association representing the interests of more than 2,000 publicly owned electric utility systems across the country, I would like to express support for your amendment regarding renewable portfolio standards (RPS) which is expected to be offered during consideration of S. 517, the Energy Policy Act of 2002.

While APPA has consistently supported efforts to expand the use of renewable energy, we nevertheless oppose the use of federal mandates as a mechanism to achieve that goal. APPA has always maintained that decisions of this type are best made at the local level.

Your amendment would shift the RPS program to Section 111(d) of the Public Utility Regulatory Policies Act of 1978. This would, in effect, remove the federal mandate and leave decisions related to a RPS to the discretion of State and local regulatory bodies. Further, your amendment preserves the ability of States and local governing bodies to create and implement their own renewable energy programs. This will enable a balanced approach, which takes into account the unique and diverse characteristics of regions and customer bases, to promoting renewable energy sources. For these reasons APPA supports your amendment.

While APPA continues to have major concerns with the current language in Title II—Electricity of the bill, I commend you for taking a leadership role on this critical issue.

Sincerely,

ALAN H. RICHARDSON,
President & CEO.

NATIONAL ASSOCIATION
OF MANUFACTURERS,
Washington, DC, March 14, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: On behalf of the National Association of Manufacturers and the 18 million people who make things in America, I urge you to oppose federal mandated renewable portfolio standards, and support the amendment to be offered by Senator Jon Kyl (R-AZ) to the Energy Policy Act of 2002 (S. 517). The NAM represents 14,000 members (including 10,000 small and mid-sized companies) and 350 associations serving manufacturers and employees in every industrial sector and all 50 states.

The NAM will consider any votes that may occur on the renewable portfolio standards as possible Key Manufacturing Votes in the NAM Voting Record for the 107th Congress. The NAM strongly urges you to support the renewable portfolio amendment that will be offered by Senator Kyl, and oppose the amendments to continue the federal mandates (using different levels) that will be offered by Senator Jeff Bingaman (D-NM) and Senator James Jeffords (I-VT).

Now is not the time to raise electricity rates by mandating construction of renewable (mostly wind) technologies to generate electricity—mandates that may not be achievable and may threaten electricity reliability.

A one-size-fits-all national standard is not in the best interests of the economy and energy security. States that do not have adequate wind resources, or have already invested heavily in renewable energy that will not be counted toward meeting the mandates, will suffer disproportionately under the Jeffords and Bingaman amendments.

Senator Kyl's amendment will encourage the various states to tailor renewable portfolios to meet the needs and wishes of their citizens, instead of having the federal government dictate which energy sources each state must use to generate electricity.

Congressionally mandated renewable portfolio increases will have negative consequences for manufacturers and consumers, while doing little to address our nation's energy security goals. As the manufacturing sector struggles out of its 18-month recession, it is vital that the Senate help—not hurt—America's economy.

The nation needs a balanced energy policy that will serve as the foundation for economic growth. Please support Senator Kyl's amendment to eliminate the federal renewable mandate, which will dramatically improve S. 517 and help to further that goal.

Sincerely,

MICHAEL E. BAROODY,
Executive Vice President.

MARCH 5, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: We are writing to express our deep concern over the economic impact of the renewable electricity portfolio mandates contained in the Substitute Amendment (the Energy Policy Act of 2002) to S. 517. This renewable portfolio standard would require that 10 percent of all electricity generated in 2020 must be generated by renewable facilities built after 2001. The renewable portfolio standard would become effective next year, and the amount of renewable generation required would increase every year between 2005 and 2020. While we believe that renewable sources of generation should have an important, and growing, role in supplying our electricity needs, the provisions contained in the Substitute Amendment are not reasonable and cannot be achieved without causing dramatic electricity price increases. This in turn would have the unintended consequence of reducing the competitiveness of American businesses in the global economy and, thereby, reducing economic growth and employment.

Today, according to the Energy Information Administration, non-hydro renewables placed in service over past decades make up only about 2.16 percent of the total amount of electricity generated in the United States. However, even this modest existing renewable capacity will not count under the Substitute Amendment toward satisfying the renewable portfolio requirement. Generally, under that Amendment, renewable facilities that can be used to meet the 10 percent minimum must be placed in service in 2002 or thereafter. Therefore, compliance with the Substitute Amendment's 2.5 percent renewable mandate for 2005 would require doubling the amount of non-hydro renewables that we now have in just three years—even though it took us more than 20 years to get to where we are today.

In addition, because the Substitute Amendment requires that 10 percent of all electricity generation, not capacity, must come from renewables, vast numbers of renewable electricity-generating facilities will have to be built. Wind energy, perhaps the most promising non-hydro renewable technology, operates effectively only between 20 percent to 40 percent of the time. Solar is also intermittent. Therefore, the actual amount of newly installed capacity needed to generate enough electricity to meet the Daschle Amendment's requirements could well exceed 20,000 megawatts by 2005. To put this into context, according to the American Wind energy Association, we currently have less than 5,000 megawatts of installed wind capacity in the United States.

Simply imposing an unreasonably large, federally mandated requirement to generate electricity from renewables will not guarantee that enough windmills and other renewable facilities can be built on schedule; that the wind (or sun or rain) will cooperate; or that the generating costs will be as low as would be the case from a more diverse, market-dictated portfolio of conventional, as well as renewable and alternative fuels. If retail supplies do not comply with the mandate, they would face a 3 cent per kilowatt hour civil penalty. Some may suggest that this penalty would operate as a "cap" on the inevitable run up of electricty costs under the Amendment. Even if this penalty were effective at limiting skyrocketing electricity costs—and experience with similar "penalties" indicates that it will not—the penalty still would constitute an almost doubling of current wholesale electricity prices for renewable power. Clearly, electricity rates will substantially increase if the Substitute Amendment becomes law.

The federal government's past record in choosing fuel "winners and losers" is dismal. The Powerplant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas in electric powerplants and discouraged its use in many industrial facilities, was essentially repealed less than a decade later when its underlying premises were conceded to be wrong. While holding back the use of natural gas, the federal government spent billions of dollars attempting to commercialize "synthetic fuels," including oil shale and tar sands, with little to show for its efforts.

While we believe that the federal government has an important role to play in encouraging the development of renewable and other energy technologies, we are troubled when that role turns to mandates and market set-asides for one particular fuel or technology. Mandates and set-asides usually don't work, and create unintended consequences far more severe than the underlying problem being addressed.

For these reasons, we respectfully request that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate or mitigate the harmful economic consequences of the renewable fuels portfolio mandate.

Sincerely,

Adhesive and Sealant Council, Inc.
Alliance for Competitive Electricity.
American Chemistry Council.
American Iron and Steel Institute.
American Lighting Association.
American Paper Machinery Association.
American Portland Cement Alliance.
American Textile Manufacturers Institute.
Association of American Railroads.
Carpet and Rug Institute.
Coalition for Affordable and Reliable Energy.
Colorado Association of Commerce and Industry.
Edison Electric Institute.
Electricity Consumers Resource Council.
Independent Petroleum Association of America.
Industrial Energy Consumers of America.
International Association of Drilling Contractors.
Interstate Natural Gas Association of America.
National Association of Manufacturers.
National Lime Association.
National Mining Association.
National Ocean Industries Association.
North American Association of Food Equipment Manufacturers.
Nuclear Energy Institute.
Ohio Manufacturers' Association.
Oklahoma State Chamber of Commerce & Industry.
Pennsylvania Foundry Association.
Pennsylvania Manufacturers' Association.
Texas Association of Business and Chambers of Commerce.
U.S. Chamber of Commerce.
Utah Manufacturers Association.
Westbranch Manufacturers Association.

MARCH 19, 2002.

Hon. JON KYL,
U.S. Senate, Senate Hart Office Building, Washington, DC.

DEAR SENATOR KYL: The undersigned associations urge you to support the "renewable portfolio standards" (RPS) amendment expected to be offered today by Senator Kyl and Senator Miller to S. 517, the Energy Policy Act of 2002.

The Kyl/Miller RPS amendment will preserve the ability of each State to decide for itself and its own citizens which appropriate mix of renewable and alternative energy sources is optimal for their own preferences and needs. In addition, the amendment will ensure that businesses and homeowners alike will have more affordable and reliable electricity supplies in the future, with renewable energies being an important and appropriate part of the energy mix.

The Senate should not adopt a one-size-fits-all national mandate for an arbitrary quota for renewable energy use in producing electricity, such as is currently in section 265 of S. 517. Sen. Bingaman's amendment attempts to make the mandates in S. 517 more technically feasible, but his amendment still mandates an aggressive, nationwide renewable portfolio standard that will raise costs, threaten electricity reliability and create inequities among not only energy sources, but also among States and electricity generators.

Many States do not have access to optimal wind energy locations or large volumes of inexpensive biomass. Under Sen. Bingaman's amendment, consumers in these States would have to pay for electricity generated in other States that have more access to renewable energy. In addition, the Bingaman amendment treats electricity generators differently—large private utilities are covered, but, inexplicably, public electricity generation is exempt, at least for the present.

Finally, adopting a mandated federal renewable quota will establish a framework for additional market interference in the future, such as by raising the percentage of the portfolio or extending the mandate to other electricity generators or other energy users. Such portfolio mandates fly in the face of the goals of reasonable electricity policy—to increase competition and efficiency in the electricity market and to lower consumer costs.

We urge you to vote for the Kyl/Miller amendment to eliminate mandated federal renewable portfolio standards and replace them with a provision that encourages the States and their citizens to determine their own goals for renewable energy sources. Please support the Kyl/Miller amendment to forge a sound energy policy that will promote economic growth and prosperity for all Americans.

Sincerely,

The Adhesive and Sealant Council, Inc.
American Chemistry Council.
American Iron and Steel Institute.
American Paper Machinery Association.
American Petroleum Institute.
American Portland Cement Alliance.
American Textile Manufacturers Institute.
Association of American Railroads.
Edison Electric Institute.
Electricity Consumers Resource Council.
National Association of Manufacturers.
National Electrical Manufacturers Association.
National Lime Association.
National Mining Association.
Natural Gas Supply Association.
U.S. Chamber of Commerce.
National Restaurant Association.
US Oil & Gas Association.

Mr. KYL. Second, if I could, I would like to make a couple of points in conclusion and then respond to any questions or comments that Senator BINGAMAN would like to make, and I also want to hear what our ranking member, Senator MURKOWSKI, wants to say because I know he and I were both looking forward to having an opportunity to work on this issue in the Energy Committee. As I noted, we didn't have that opportunity.

I appreciate what the Senator from Georgia just said. As a former Governor of the State, he appreciates, probably more than most of us, the responsibilities of the publicly elected officials and the need to know what works and what does not work in any given State and what is fair for the people within their State. That is really the basis for the Kyl-Miller amendment: to allow the States to determine what is in their best interest.

I note that in more than 90 utilities across the country there is already a green pricing policy, what they call green pricing, which allows consumers to request and pay for the cost of this green power. In other words, they can say, I want 50 percent of my power to come from renewable sources, or whatever it is, and whatever the cost of that is, the utility is required to provide that power to them and charge that cost to them. That is a customer's option.

That is one of the specific provisions in the Kyl-Miller amendment. Obviously, this would be preempted, as with the other State programs, with the underlying Bingaman amendment.

I also make the point that I did not make earlier, which is that the administration, Secretary Spencer Abraham specifically, has told me he is supportive of the Kyl amendment and not supportive of the Bingaman proposal.

Another thing I want to do is make the point that section 263 of the bill allows the Federal Government to purchase a percentage of its electricity from renewable sources—I am quoting now—"but only to the extent economically feasible and technically practicable," and the minimum required purchase is 7.5 percent, while section 265 imposes a 10-percent mandate on private utilities, and it does not include the "economically feasible and technologically practicable" waiver. So again, there is another double standard here. The Federal Government is not required to do as much as the private utilities are required to do and has a special waiver that it can exercise. If this is such a great idea, why wouldn't we apply it to the Federal Government just as much as we would to the private sector? I do not really have an answer to that.

I make a point, too, that with respect to the cost-benefit analysis, one of the concerns I have had is that the ability of States to provide power through renewables is not without tradeoff. I will show you a couple charts that illustrate this point.

In the case of the Southwest, where we have a lot of sunshine, maybe this is the "Saudi Arabia for solar power," but it is at significant cost. This chart illustrates the fact that you are going to have to have an enormous quantity of desert covered with these reflective mirrors, about 2,000 acres of solar panels, it is estimated, to produce the energy equivalent to 4,464 barrels of oil per day. Two thousand acres of ANWR would produce a million barrels of oil a day. So for the equivalent 2,000 acres: In one case, you get a million barrels of oil, and in the other case you get the equivalent of 4,400 barrels of oil.

It would take 448,000 acres, or two-thirds of the entire State of Rhode Island, of solar panels to produce as much energy as the 2,000 acres of ANWR that are available for energy production here.

I do not know exactly how many square miles, but one of the assessments was it would take 2,000 square miles to produce the same amount of energy that would be produced by a nuclear generating facility. If that is true, you would have a corridor 5 or 10 miles wide on either side of the highway all the way from Tucson to Phoenix with these reflective mirrors. I have not done the environmental analysis of that. I know it would not be very attractive. I do not know what the other costs to the environment would be. But that is the problem. We have had no environmental analysis.

The same problem exists with respect to wind generation. Wind generation, we understand, has certain environmental consequences. It is not very friendly to birds, although with more and more of the Federal subsidy, they have been working on ways to design the propellers so they turn more slowly and therefore give the birds a little bit better chance.

But 2,000 acres of wind generators produce the energy equivalent to only 1,815 barrels of oil each day; again, compared to a million barrels of oil that would be produced out of the same number of acres in ANWR. It would take 3.7 million acres of wind generators, or all of the States of Connecticut and Rhode Island combined, to produce as much energy as just 2,000 acres of ANWR.

Now the 2,000 acres, we have said before, is roughly the equivalent of Dulles International Airport. So you can get an idea, if you take Dulles Airport on the one hand and the States of Connecticut and Rhode Island on the other hand, you get a little bit of an idea of some of the tradeoffs involved. I do think there has been adequate consideration of the kind of tradeoffs that would be required to produce the massive amounts of energy that are called for under this legislation as a substitute for other ways of producing power.

As I understand it, the way the Bingaman amendment works is that each public power, or, that is to say, investor-owned utility supplier, would be annually required to report to the Secretary of Energy several facts: One, how much their electric retail load is; what percentage of that was produced by renewable fuels; how they acquired that renewable fuel—was it by production purchased through a wholesaler or renewable credit, or in whatever form it was—and then there would be an audit done. In the first year, it would be 1 percent required, the year 2005; and it would escalate to 10 percent by the year 2019.

You would exclude the eligible renewables, municipal waste, and hydro from that, and the credits would have to be from sources other than existing hydro. The only way you could get additional hydro, or any hydro credit, would be if you did something such as rewinding the generators or, in some other way, added to the efficiency of a particular unit.

As I said earlier, you could acquire, at a 200-percent market cost, a credit from the Department of Energy as well, even though energy would not be producing any new power. What would the cost of this be?

According to the Energy Information Administration of the Department of Energy, you are looking at a cost, starting in the year 2005, of about $2 billion, escalating, by the year 2020, to a cost of about just a little bit under $12 billion per year. And most of that would be from production. There would be a small amount through penalty payments because of the assumption not a whole 100 percent of the production could actually be achieved at that point. Every year thereafter, for the next 10 years, you would be paying $12 billion a year. So you are talking about $88 billion of gross cost, in addition to $12 billion each year thereafter until the year 2030. That is a lot of money that would have to be paid by the retail customers of the utilities.

Just a couple questions, and then I will give Senator BINGAMAN a chance to respond and perhaps answer some of these questions.

I made the point before that it does not appear to me the generation of the renewables is required to be within the State in which the electricity is sold. So, presumably, you would have a credit trading system throughout the United States. And I do not even see a limitation to power produced in the United States. As a matter of fact, as I understand it, as drafted, incremental hydro from B.C. Hydro would count, and then a retail supplier from the United States could use that as a required percentage to be achieved under the legislation.

One of the concerns—I guess another question I would have—is whether there is actually a reverse incentive not to produce power with renewables. I know that is the intention of the sponsors of the amendment. But I think it could quite work in exactly the opposite direction. Because of the tradeable credits that are being created under this legislation, you would actually have an interest in withholding those credits from the market and even preventing the siting of any new generation.

Here is the concern I have for those of us who are in the West where there is some potential for some new generation. In my State of Arizona, in the State of Nevada, in the State of New Mexico, and others, a very large percentage of the land is owned by the U.S. Government. In the State of Arizona, only 12 percent or 13 percent of the land is privately owned. Another 12 or 13 percent is owned by the State. The rest is held in trust by the U.S. Government. In Nevada, it is approximately 90 percent.

You would have to have a lot of permits to cross Nevada Federal lands for either the generation or the transmission. Every action is a Federal action. They have to have an environmental impact statement. And the opportunities to prevent the establishment of energy generation and transmission throughout the Western United States are substantial.

I suspect there would be an incentive on the part of those who have a monopoly on the generation of this power right now to maintain that monopoly by finding ways to throw roadblocks in the way of the production of this power, especially those States, as I said, where there is substantial Federal land-ownership such as my State of Arizona. Both because there would be an incentive to withhold the credits from the market in order to enhance their value and because there would be the natural tendency to use the Government yet again to advance economic purposes by withholding approval of competitive generation, I suspect there could be actually a diminution in renewable generated power than an enhancement of that power.

I am especially sensitive to the concerns of those from California who charge that there was a deliberate attempt to withhold energy from the California market which jacked up the prices there. And we all know that California consumers suffered as a result of much higher prices just 1 year ago.

These are some of the concerns and questions I have. I am anxious to understand how the amendment is intended to work and how it could be made to work in such a way that it would not be as costly as I indicated; how it would not be discriminatory; how it would not preempt the States that already have programs such as this, that I indicated; how it wouldn't impact the environment in a negative way; how it would not result in the trading of credits to the detriment of the retail purchasers in States that would have to buy those credits; and, in fact, how it would work in States such as Maine where you already have a very high percentage of renewable energy required, 30 times the amount that is required in my own State of Arizona. Yet there would not be any credit for the sale of that to other States, notwithstanding their high production from renewable energy.

To cite an analogy, one of my staff members said he didn't quite understand why this was such a great idea. I tried to explain it to him. He said: I still don't understand. Grapefruit is really good for you, but I don't quite understand. Should the Federal Government then pass a law that mandates 10 percent of all the fruit sold in the country be grapefruit?

He said: That might help my State of Arizona because we grow a lot of grapefruit. I guess we could set up a trading deal where people in New York would have to buy a credit since they couldn't actually produce grapefruit. Since it is so good for you, if I am in a preferred position politically, I might have the clout to pass a law that says that 10 percent of the fruit has to be grapefruit. That might be a good idea.

I really don't think that it is any business of the Federal Government to impose that on the American people. Let the free market work. Let's get back to deregulation. That is what this whole electric section of the energy bill was supposed to be about in the first instance: To deregulate, to reduce cost; not to reregulate and increase costs; to provide more local control of the situation, not more Federal control.

This underlying Bingaman amendment goes exactly in the wrong direction, which is why Senator MILLER and I have proposed an amendment to require the States to look at this but not require them to impose any particular percentage mandate. Let's let each State decide what is best for their local retail electrical customers. If after a period of years that we carry these significant tax credits, where we are promoting renewables, we still haven't gotten to the point where people think we need to be, we can take another look at this.

My guess is we are going to continue to march on to produce as much of this energy as we can in an economic and feasible way, and the percentage is going to increase over time. And we can at that time determine whether we want to replace some of the existing generation with this kind of new generation.

Now is not the time to be imposing this kind of requirement on the country with its additional costs, with its discrimination, and with so many questions that could have been answered, had we done this in committee, that obviously have not been answered.

I ask my colleagues to support the Kyl amendment. Let's lay this Bingaman amendment aside, see how things work for a while before we try to regulate the market with a brandnew, very costly and discriminatory Federal mandate.

Mr. MURKOWSKI. Mr. President, I wonder if the Senator will yield for a question.

Mr. KYL. I am happy to yield.

Mr. MURKOWSKI. I didn't hear all the debate. Do I understand that there is nothing in the Bingaman-Daschle bill that would prohibit a scenario that would suggest that maybe the Three Gorges dam, which is in the process of being completed and would classify perhaps as an incremental renewable, could theoretically sell credits to U.S. firms that would need credit in order to comply with a 10-percent mandate by the year 2020; so this is not limited to just encouraging U.S. construction and development of new renewables that would give them credit?

Mr. KYL. Mr. President, I asked the question of the staff people, who have read and reread and reread the underlying bill and the Bingaman amendment, if there was any limitation on from where the credits came. And they told me they could find none. There is no State limitation, no border between the United States and Canada, or other border, so that indeed you could end up with a worldwide credit system, not just one as among the different States of the United States.

Mr. MURKOWSKI. And a follow-up to that: As an example, I have been over to the Yangtze River. I have seen the construction of the Three Gorges dam. It is truly one of the largest construction projects in the history of the world, much like the projects that occurred on the Columbia River in the 1930s where we attempted to reduce flooding and combat the tremendous source of energy.

But my question is, With the potential credits available to them because of the size of that project, wouldn't it be attractive to acquire these credits at a relatively inexpensive price rather than putting in renewables that would be mandated by the amendment?

Mr. KYL. I say to the Senator, I think he is on to something here. That is really a third reason why there would be a disincentive to produce new renewables here in the United States. The Senator is quite right. There would be an incentive to acquire those credits from abroad because you could undoubtedly do it much cheaper because there would be so much hydroenergy produced out of this dam.

Of course, Senator BINGAMAN can answer this question, but under his amendment, if we were—obviously, we will not be able to do this—able to build a dam here in the United States, you would not be able to get any renewable credit from that. The only way you get any credit from hydro would be if you went back in and made the generator more efficient. Then all you would get is that incremental improvement in output in terms of renewable credit.

As I understand it, the Three Gorges dam is essentially constructed, but the generation equipment has not yet been embedded in it. Therefore, if that is the situation when the bill becomes effective, that would qualify as incremental electrical generation above and beyond what the dam produced on the effective date of the act.

Mr. MURKOWSKI. That is something I think we should bring out in the debate, and perhaps we can get enlightenment. Clearly, I am sure that is not what it was designed to do. The obvious objective was to try to encourage renewables being built and not to acquire credits that might be relatively inexpensive.

I thank the Senator.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I will be very brief. I rise to make a couple of comments in response to the presentation by the Senator from Arizona. He has clearly thought through this and done a fair amount of homework. He brought some charts with him and gave some examples of why he thinks this is bad legislation.

I think he makes a terrible mistake by suggesting that this is not national in scope. The implication of the proposal by the Senator from Arizona is to say: If it is to be done, let's let the States do it. This is not something that ought to be a matter of national policy.

Let me make a couple of comments about that. We would have had the same kind of discussion over 20 years ago when we first discussed the Clean Air Act in Congress. People said: Let's leave it to the States. This isn't something we ought to do nationally. This is not a national responsibility or a national goal. Let the States do it.

We didn't do that. We said: As a matter of national purpose, this country deserves clean air. We passed clean air standards. Why? Because the Congress demanded it and said: This is a matter of national purpose and a matter of developing national standards, and national aspirations for our country.

On the issue of energy, the question is: Are we going to write a national energy bill and have an energy policy that turns the corner and moves us in a different direction in certain areas—Yes or no? It is not a question of can we do it. We can. The question proposed by the Senator from Arizona is, Should we do it? He says no.

Now, can we do it? Let me show you this chart. This is from the U.S. Department of Energy's National Renewable Energy Laboratory. This chart shows the biomass resources in this country. The dark shades of green represent the potential kilowatts per county in America. Solar, geothermal, and wind resources: all of these represent real potential to extend America's energy supply with renewable energy.

Now, it is perfectly reasonable for someone to say, I don't think we ought to do it. I don't think it is a matter of national policy. It is a perfectly reasonable position—wrong, but reasonable.

If we are going to address energy policy in the Senate, then we have to begin describing a new policy, and we have to begin describing it as a sense of national purpose.

I recall a story about Mark Twain being asked to debate. He said he would be happy to debate as long as he could be on the negative side. They said: You don't even know the subject yet. He said: The negative side requires no preparation.

The affirmative proposal that is offered by Senator BINGAMAN is to develop a renewable portfolio standard. That is an affirmative proposal. Why? Because it will advance the interests of this country, extend America's energy supply, reduce our reliance on foreign energy, and improve America's security.

What are the consequences of doing nothing? My colleague mentions the free market. The free market has allowed us to import 57 percent of our oil supply from overseas, largely from Saudi Arabia. Is that the free market that helps this country? I don't think so. I think it makes our country and our economy more dependent on an oil supply that comes from one of the most unsettled areas in the world.

What if, God forbid, tomorrow morning a terrorist should shut off that supply of oil from Saudi Arabia and Kuwait to the United States? Our economy would be flat on its back. If we wake up tomorrow morning at 6:30 and turn on the morning news and discover that, God forbid, somebody has interrupted this flow of energy from the Middle East, our country's economy is going to be flat on its back. We all know that this puts America's economy in jeopardy. That is why, as we develop a new energy policy, it is incumbent upon us to look at these new approaches.

The renewable portfolio standard can be controversial, yes, I understand that. Every new idea is controversial. But it is essential to pull this new policy along and to say that it is good for our country, good for our economy, and good for American security. That is our requirement in the Senate.

Now, my colleague from Arizona said that the State of North Dakota doesn't have a renewable portfolio standard. That is true. It should. I am not in the State legislature. If I were, I would propose it. But North Dakota doesn't have an RPS. That is precisely why we need a national policy. Some might have an RPS at the State level; some states might not. Some might care about it; some might not. Some might think it would be fine to go from a 57- to a 70-percent reliance on foreign oil. Some might think that is fine because the cheapest oil in the world comes from the Persian Gulf. But it is not fine. We all understand that. It puts our economy in jeopardy. It imposes on our national security in a very significant way.

So the question is not, Do we understand these things? The question is, Are we as a Congress going to do something about it? Are we really going to decide there are certain national energy goals and aspirations that we have as a country?

Let me end as I began. We have had this debate before. We had this debate on clean air and clean water standards over two decades ago. We had people who didn't want those standards. "Don't you dare impose these burdens on State and local governments," they said. Good for those policymakers. Good for them for having the courage to say, let's do this as a country, let's make progress in addressing this national issue.

That is exactly what the Bingaman renewable portfolio proposal in this energy bill is designed to accomplish. It says, let's address this issue, let's aspire to higher goals, let's understand that energy comes not just in a pipe or by digging it out of the ground. It comes from the sun, wind, biomass, and geothermal resources. There isn't any reason that this country ought not aspire to do more in these areas. That is what this standard is about.

As I said, it is easy to take the opposing side. It is more difficult to assume the responsibility to be on the affirmative side. But the affirmative side here is saying, let's do this as a country. That is the right side.

I hope when the Senate finishes this debate, it will say, yes, this is the right thing to do—not State by State, but as a nation. This is what we aspire to do as a nation, to extend our energy supply, to make us less dependent upon Middle East oil, and to use limitless and renewable sources of energy to help strengthen our country.

I yield the floor.

Mr. MURKOWSKI. I wonder if my good friend will yield for a question.

Mr. DORGAN. I am happy to yield for a question.

Mr. MURKOWSKI. I appreciate that. We have had a long relationship on energy matters. I look with interest at the chart the Senator has displayed. The one thing that strikes me is the areas. Obviously, the areas that can generate solar relatively efficiently is the South and Southwest, as indicated by my colleague, with the red concentrated area, including Arizona and New Mexico. To some extent, that leaves the rest of the country without the same potential advantage.

I find it rather curious, in looking across from the solar down to geothermal, most of that is on the west coast, in California. There is not much on the east coast. The wind, on the far right of the chart, suggests that the northern areas along the Canadian border, and other areas, have a predominance of wind. Of course, the green is the biomass.

If we address the combination of circumstances on how we resolve our energy crisis and address renewables, there seems to be a tradeoff, because I am sure the Senator from North Dakota would agree that the biomass concepts suggest burning carbon, and we can address that through technology. Nuclear, of course, would not show any significant emissions.

The problem I have is that portions of this bill do not really get us there from here. For example, in this bill, we are prohibited from using any timber products from public land sales, with the exception of preconditioned thinning. So I can refer to the language specifically. It says:

> With respect to material removed from national forest systems land, the term biomass means fuel and biomass accumulated from preconditioned, thinning slash and brush.

So I take that to mean there would be a very narrow use of any of the products from public lands. In my State, we are all public lands, so we could not develop biomass because we can't use the slash, the bark, any of the remains for biomass. I think that is an effort in this legislation. I ask if my colleague agrees with me or not, where clearly we have an oversight, because that doesn't allow some States that really have no private or State timber to utilize the waste for biomass production. Is that not kind of an inconsistency?

Mr. DORGAN. My colleague from New Mexico will speak next and will describe some of the policies with respect to public lands.

I say this to the Senator from Alaska. If you take a look at this chart—the import of this chart—it shows a fairly balanced representation across the country, to be able to achieve limitless, renewable sources of energy that we don't really aspire to harness these days. We are trying to see if we can pull the country along with a national standard to actually harness energy from these renewable resources.

I understand there are some concerns about certain areas of the portfolio standard, and we can have some discussion about those concerns. But I do believe that the principle here to aspire to have the country using more renewable energy.

The Senator from Arizona, I think, toward the end of his presentation, described his real objection. It is not with some problems over resources on public lands.

His problem is he believes that we ought not to mandate anything and that the free market ought to help increase our use of renewables. That is the underlying objection.

I do not know whether the import of the question of the Senator from Alaska is——

Mr. MURKOWSKI. In my State of Alaska, for example, I am precluded by this language, and I am going to have to go out——

Mr. DORGAN. Let me finish my thought. I have the floor, Mr. President.

Mr. MURKOWSKI. I am going to have to go out and buy credits which is not——

The PRESIDING OFFICER. The Senator from North Dakota has the floor.

Mr. DORGAN. My point was this: If the Senator from Alaska is saying he has some concerns about timber, but he believes there ought to be a renewable portfolio standard, that is one thing. My point is the author at the end of his presentation said: I do not think we ought to impose a mandate on the States. This should be left to the States, No. 1, so it is not a national policy to embrace. Second, let's let the free market handle this.

My response to that is, the free market has gotten us to the point where over 50 percent of our oil is imported, mostly from Saudi Arabia. If you think it strengthens national security, good for you. I am not saying you believe that. No one believes we are in the position of increasing our national security by increasing the amount of oil that comes from the most unstable part of the world.

That is the point and the reason we need a renewable portfolio standard.

Mr. MURKOWSKI. I assume the Senator from North Dakota is aware that some of the predominant wind areas are in my State of Alaska in the high Arctic. I suggest there is little enthusiasm for putting up windmills associated with the Arctic National Wildlife Refuge where there is lots of wind. We have inconsistencies in this. We expended $7 billion in renewables, and now we are talking about a mandate that is going to cost the consumers of this country a considerable amount of money. The problem I have with the bill is we have not had this kind of conversation, as the Senator knows, in the committee process. We are doing this on the floor, and that is difficult.

The problem I have with this particular application of the chart is the inequity associated with what is good for the Southwest does not necessarily address what is good for the east coast or the South.

The PRESIDING OFFICER. Senators are advised that the Senator from North Dakota has the floor.

Mr. DORGAN. Mr. President, let me make a final point that I think is important. The mandate here is going to strengthen this country's national security and energy security. We can decide to do nothing. We can decide, as my colleague from Arizona has, that we ought to essentially ignore this and let State-by-State judgments be made. We can decide that whatever the free market determines is our future. But that, in my judgment, does not resolve the need for a national energy policy that stretches this country and moves it in a different direction—one that I believe will strengthen national security by reducing our reliance on foreign oil.

Does anybody in the Senate want to stand at their desk in the Senate and say: We really think it is good for the country, we really believe it strengthens America's national security to have 57 percent of our oil coming from the Middle East or from foreign sources? Is anyone missing what is happening in the Middle East these days? Does anybody believe it does not injure our national security to be so dependent on that source of oil?

If you believe—and I think almost everyone in this Chamber does believe—it actually hurts our national security to be that dependent, then we ought to strive as a nation to find ways to change that. I am not talking about Arizona, Alaska, North Dakota, or New Jersey by themselves. The Nation ought to strive to back away from that dependency.

If my colleagues believe that, the question is, What is the menu of changes that allows us to reduce our dependence on foreign oil?

One answer is the Bingaman proposal in the energy bill that aspires to have a renewable portfolio standard of 10 percent; 10 percent coming from renewable, limitless sources of energy.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DORGAN. I would be happy to yield.

Mr. REID. The Senator is aware, I am sure, that out of all the petroleum reserves in the world, the United States has 3 percent, and the rest of the world has 97 percent. Is the Senator aware of that?

Mr. DORGAN. Yes.

Mr. REID. Is it pretty fair to state it is very difficult for us to produce our way out of the problem we have with petroleum products?

Mr. DORGAN. I say to my colleague from Nevada, that is the case. We cannot produce our way out of this problem. We certainly can produce. We had a vote in the Senate about production in the Gulf of Mexico. I supported that. I also support incentives to increase production of oil and natural gas.

Yes, I do think we have to increase production and do it in an environmentally sensitive way. We have to do a lot of other things and do them well as a matter of national policy. That is the point of having an energy policy debate on the floor of the Senate.

If, in fact, the result of an energy policy debate is to say let the States do whatever they want to do, that is a kind of yesterday-forever strategy. Members of the Senate will, 25 years from now, be having the same debate. The suits will have changed, the names will have changed, and the people occupying the desks in the Senate will have changed, but nothing else will have changed.

Mr. MURKOWSKI. Will the Senator yield for another question?

Mr. DORGAN. I will be happy to yield.

Mr. MURKOWSKI. I wonder if the Senator can explain to me how any of the examples he has given on that chart will significantly reduce our imports of oil from foreign nations? He is talking about the generation of electricity from these sources, but we do not move out of Washington, DC, on hot air. It takes oil. There is no oil associated with those particular examples.

We have to be careful in our definition of energy. There are many kinds of energy. The Senator is absolutely right, those are important alternatives. But to suggest somehow this is directly related to reducing our dependence on imported oil, I think the Senator would agree with me there is very little coalition there because we are talking about two different things.

Mr. BINGAMAN. Will the Senator yield for another question?

Mr. DORGAN. Let me say, I do not agree with him, but I will be happy to yield for a question.

Mr. BINGAMAN. Will the Senator from North Dakota acknowledge one reason why we are interchanging these various issues of wind power, solar power, and oil is because the Senator from Alaska has been using charts for the last 2 weeks that try to equate the two and try to make the point that we have to keep drilling more and more of Alaska in order to avoid using wind power?

Mr. DORGAN. Not just the Senator from Alaska, but the Senator from Arizona, in the points he made toward the end of his presentation, specifically talked about the size of the devices to gather solar energy that would be required to offset X amount of oil. I believe it was 2,000 acres, something the size of Dulles Airport.

He said: Here is the amount of wind energy; here are the number of wind turbines it would take to offset a certain amount of oil.

The point is, when we talk about a renewable source of energy, we are talking about electricity. That is the case. How do you generate electricity? You generate it through electric generating plants. We can put coal in them, use natural gas—there are a number of ways to generate electricity.

Our colleague, for example, from Utah, now drives this hybrid car I saw parked in front of the Capitol yesterday. His car uses less petroleum, because it runs, in part, on battery-powered electricity.

Renewable and limitless sources of energy will help us reduce our supply of imported oil. I am not suggesting, and I would not suggest, that doing all we can on renewables takes us far down the road in relieving us from the substantial amount of oil we now receive from abroad. I am not suggesting that at all.

I do believe, especially in the area of production of electricity, we have opportunities to do things in a different way. The question in the Senate is, Do you want to do that or don't you? Some say, no. The same attitude prevailed, as I mentioned, on the clean air and clean water debates about 20 years ago with respect to this energy debate.

My hope is that at the end of the day on the Kyl amendment we will vote no and say we really do want to be involved in a different way with respect to production of electricity.

Mr. REID. Will the Senator yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. Just a few miles out of Las Vegas—I explained this to the Senator, and I want to see if he remembers this—we are going to build a wind site at the Nevada Test Site. We have permission from DOE to do that. Within 2½ years, that will be producing 260 megawatts of electricity, enough to satisfy the needs of 260,000 people in Las Vegas.

Will the Senator agree that is a pretty good step in the direction for wind energy?

Mr. DORGAN. A leading question, but of course I agree. Take a quarter of an acre of land, put on it a 1-megawatt, new, very efficient wind turbine, and produce electricity that is used to power 1,000 homes. Pretty good deal? I think so. With 160 acres of land, especially with the new turbines, you can produce electricity for nearly 160,000 homes in this country.

My point is, this is the right thing to do. Let's do it as a matter of national policy. Let's establish a national renewable portfolio standard.

Let me finally say, as I conclude, I understand it is controversial. I understand why some people do not want to do it. In fact, there are some people who have never wanted to do anything for the first time. I understand that, too. But if we are talking about national energy policy, and we end the day in the Senate having done nothing that is new, then we have only postponed for another 25 years a debate that is identical to the one we are having today, and we will find ourselves in exactly the same situation. Let's hope between now and then we do not encounter some dramatic circumstance that really shuts off the supply of energy that is critical to our country.

Mr. REID. Will the Senator yield for one last question?

Mr. DORGAN. Yes.

Mr. REID. The Senator's predecessor, Quentin Burdick, I remember once when he came back from North Dakota in February. I read in the papers and saw on the news there was a terrible storm in North Dakota. I said to him: That must have been a bad weekend, Senator Burdick.

He said: Bad weekend? It was a good weekend. I love that weather. The wind blows there all the time, and we like the wind.

I say that to remind the Senator from North Dakota, as he said earlier today, the Saudi Arabia of wind is North Dakota. I can see that from the map. I never realized, even though Senator Burdick told me the wind blew there all the time, he was really right.

I have said in this Chamber, if one looks at geothermal resources, the Saudi Arabia of geothermal is Nevada. So I would hope Nevada—we have a lot of wind. We do not nearly match what happens in North Dakota, but it is not bad. I hope when we complete this legislation there are some goals set whereby the potential of Nevada with geothermal and the potential of North Dakota with wind can be realized.

Is that what the Senator is saying, simply that we should set some marks and guidelines and try to reach them?

Mr. DORGAN. That is exactly the case. We have the potential to do things in a different way, and we ought to use that potential. Now we can decide to ignore it, as my colleague from Arizona would have us do, or we can decide to embrace it, believing it will strengthen this country and move us toward greater energy security.

I believe it makes sense to take the natural, renewable resources that exist and produce energy from them. I do not want the Senator from Nevada to leave this Chamber somehow describing to others that North Dakota has bad weather. That certainly should not be a conclusion that is left. North Dakota is a wonderful State. It has perhaps more sunshine than the State of Nevada. We have a little bit of a breeze, and it is fairly constant. That is why it ranks well in wind energy. It is a great State, with a great temperature, and a great climate, and the Senator from Nevada should visit it more often.

The point is, we also have the opportunity to, from that general breeze I have described, capture the energy and use it to extend America's energy supply, just as is done with geothermal in the Southwest, biomass in the East, and solar resources in much of the country, especially the Southwest.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I think the expectation was I would speak at this point in response. I know Senator JEFFORDS from Vermont has been waiting to speak, and I will allow him to go ahead at this point. Then Senator VOINOVICH will follow Senator JEFFORDS, and then I will respond after Senator VOINOVICH.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I listen to this debate and at times it gets discouraging because I was around 27 years ago when the cars were lined up trying to get gasoline and the people of this country were absolutely ballistic about the fact that we were hostage to the oil suppliers in the Middle East.

We did some authorization in the hopes we would build an energy supply and this Nation would make it so that those kinds of situations would never occur again. Here we are, with the recognition of the volatility in the Middle East, again ignoring the possibility of moving forward to ensure we do not become subject to that kind of control by the Middle East.

So I oppose very strongly the practical effect of Senator KYL's amendment. The practical effect will be to remove all renewable energy production from this bill. It would strike the modest 10 percent provision in the underlying Daschle bill and leave us with effectively nothing. It would strike the 10 percent renewable energy standard, even though most recent studies by the Department of Energy estimate that a 10 percent national renewable energy standard would cause consumer energy prices to decline by almost $3 billion by the year 2020. It is hard to understand why we would not want to encourage clean energy, energy which causes our consumer costs to go down.

The amendment before us, however, says no to clean energy, no to reducing carbon dioxide, no to reducing smog and acid rain, and no to assisting our American companies to expand domestically and to compete in the thriving international market.

I cannot support this amendment. It simply is not an option for me to go home to my State of Vermont and tell them I have done nothing to try to slow the flow of emissions from fossil fuel powerplants into Vermont's air and water. Remember, this is an air pollution problem as well.

As chairman of the Environment and Public Works Committee, it is not an option for me to ignore the fact that electricity production is the leading source of carbon dioxide emissions in this country, accounting for over 40 percent of that total. I cannot be blind to the fact that the powerplants contribute significantly to emissions of sulfur dioxide, nitrogen oxide, and mercury. These pollutants greatly increase asthma, lung cancer, and other health risks, and contaminate our air and our water. We must enhance production of clean, domestically produced, renewable energy in this country, and we can.

The amendment offered by my colleague from Arizona would reject all Federal renewable energy standards and instead require utilities to offer consumers energy from renewable resources. It would also allow States to continue to establish State standards for renewable energy.

States already are establishing State renewable energy standards, and utilities are already offering consumers green energy. Federal legislation along that line is already happening. It is not necessary. Even if such legislation were needed, it would not be enough. We would still have a national renewable energy shortage. We would have no standard.

A nationwide standard would address the reality that electricity is generated on a regional basis. Many State standards require that renewable energy credits come from energy generated from within State boundaries. A national renewable standard would enable utilities to meet requirements by purchasing and selling renewable energy outside of the State boundaries. A national renewable standard would therefore guarantee broad, long-term, and cross-regional renewable power generation.

To date, only 12 States have established State renewable energy mandates, although others are actively considering them. A national standard would increase renewable energy production, thereby expanding environmental and health benefits and facilitating greater market entry of renewables into the energy sector.

As is indicated by this chart, public opinion polls constantly show that an overwhelming majority of voters nationwide favor requiring power companies to generate electricity from alternative energy sources. A 2002 survey conducted by the Mellman Group found that 70 percent of those surveyed favor requiring power companies to generate 20 percent—that was my amendment awhile back, which received a pretty good vote—from renewable sources, even if it would raise their monthly electricity bills by $2 or more.

Polls conducted by Texas utilities show consumers are willing to pay as much as $5 per month to receive energy from renewable sources. This is almost five times as much as the Department of Energy has found that the national renewable energy standard of 20 percent would cost consumers.

Without a strong provision to expand the use of renewable fuels, I have to question why we are here at all. If all we are doing is continuing business as usual, we might as well finish up and go home. We do not need massive new legislation simply to preserve the status quo. Before we do that, however, I think we need to remember that renewables will not only help clean our environment and provide countless new high-tech jobs, they will also diversify our energy use. In our current security conscious environment, that is worth doing.

Mr. President, I ask unanimous consent to have printed a letter written to myself and other Members by several former national security experts regarding a contribution of renewable portfolio standards to our national energy security.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 19, 2001.

Senators THOMAS A. DASCHLE, TOM HARKIN, ROBERT C. BYRD, CARL LEVIN, JEFF BINGAMAN, JAMES M. JEFFORDS, MAX BAUCUS, JOSEPH R. BIDEN, JR., TRENT LOTT, RICHARD LUGAR, TED STEVENS, JOHN W. WARNER, FRANK H. MURKOWSKI, ROBERT C. SMITH, CHARLES E. GRASSLEY, JESSE HELMS.

DEAR SENATORS: Americans are aware of the enormous and complicated tasks ahead in dealing with the consequences of the unprecedented September 11th attack against our Nation.

There are many corrective actions that require lead-times that could be months or even years. But, there are actions that can and must be taken now. One of those critical actions is to advance America's energy security. The Congress will soon act on that issue.

It is not enough just to ensureuninterruptible supplies of transportation fuels and electricity. We must also act to advance the security of those supplies, and the nation's ability to meet its needs in all corners of the country at all times. Our refineries, pipelines and electrical grid are highly vulnerable to conventional military, nuclear and terrorist attacks.

Disbursed, renewable and domestic supplies of fuels and electricity, such as energy produced naturally from wind, solar, geothermal, incremental hydro, and agricultural biomass, address those challenges. Fortunately, technologies to deliver these supplies have been advancing steadily since the Middle East fired its first warning shot over our bow in 1973. They are now ready to be bought, full force, into service.

But, while the U.S. Government has committed intellectual and monetary resources to developing these technologies, the status quo marketplace is unwilling to accommodate these new supplies of disbursed and renewable fuels and electricity. Speedy action by the Administration and the Congress is critical to establish the regulatory and tax conditions for these renewable resources to rapidly reach their potential.

Fortunately, such actions are under consideration by the Energy, Environment, and Finance Committees. We urge the Energy Committee to immediately adopt the Renewable Portfolio Standard (for electricity) as well as provisions to ensure ready interconnection access to the electric grid, and cost-shared funds to the state public benefit funds to continue essential support for emerging technologies and the provision of electricity to the truly needy. We urge the Environment Committee to immediately adopt the Renewable Fuels Standards in conjunction with measures to deal with environmental issues. Finally, we urge the Finance Committee to immediately adopt residential solar credits and renewable energy production tax credits, including a provision for fuels (liquid, gaseous and solid fuels), or their Btu equivalent, similar to the fuel provision tax credit made available in Section 29 of the Internal Revenue Code.

These actions will also develop new industries and jobs, strengthen communities, enhance the environment, and assist in the stabilization of greenhouse gases. On the transportation fuels issue, ethanol, biodiesel and other biofuels will slow the flow of dollars to the Middle East, where too many of those dollars have been used to buy weapons and fund terrorist activities.

Consequently, we also recommend a major and concerted effort to assemble the talent and resources needed to launch a "Liberty Ship" type program to convert agricultural wastes and cellulosic biomass into biofuels, biochemicals and bioelectricity. The technology to do so is in place; all that is lacking is the political will to deploy it.

Sincerely yours,

R. JAMES WOOLSEY,
Former Director, Central Intelligence.
ROBERT C. MCFARLANE,
Former National Security Advisor to President Reagan.
Admiral THOMAS H. MOORER, USN (Ret),
Former Chairman, Joint Chiefs of Staff.

Mr. JEFFORDS. On September 19, shortly after the attacks on the World Trade Center and the Pentagon, James Woolsey, former Director of the CIA, ADM Thomas H. Moorer, former Chairman of the Joint Chiefs of Staff, and Robert C. McFarlane, former National Security Adviser to President Reagan, sent a letter urging in the strongest possible terms that we must take immediate action to address our energy security.

One portion of the letter reads:

> Americans are aware of the enormous and complicated task ahead in dealing with the consequences of the unprecedented September 11 attack against our nation. . . . There are actions that can and must be taken now. One of these critical issues is to advance America's energy security. . . . We urge the Energy and Natural Resources Committee to immediately adopt the renewable portfolio standard.

Mr. President, I urge my colleagues to join with me in heeding this advice from the great leaders of our Nation who know best why we should do this. I strongly disagree with the amendment offered by Senator KYL.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. I rise today in support of the amendment offered by my colleague, Senator KYL. I ask unanimous consent I be made a cosponsor of this amendment.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, it is so ordered.

Mr. VOINOVICH. Mr. President, I applaud the efforts of my colleagues on the other side of the aisle to encourage the use of renewable electricity generation. I agree that renewable energy is an important part of the future and should be developed. I also strongly believe renewable energy sources are vital as this country seeks to diversify energy supplies and decrease our dependence on foreign sources to meet our energy needs.

However, I cannot support the renewable portfolio standard included in the underlying amendment because it mandates unrealistic levels of renewable usage in a short period of time at the virtual expense of all other sources of electricity generation. Instead, I believe the amendment of the Senator from Arizona is a reasonable approach to making renewable energy a greater piece of our overall energy mix. One point that seems to get lost in the debate over the use of renewables is America relies very little on renewable sources of energy right now and will for the foreseeable future.

This chart shows a breakdown of how our electricity is generated today. Coal contributes 52 percent; nuclear energy is 20 percent; natural gas is 16 percent. For all electricity generation by renewables nationwide, and that includes geothermal, hydro, biomass, as well as wind and solar, the total generation is only 9 percent. When that is broken down, hydro is 7.3 percent of the renewables; biomass, wood, waste, and others is 1.1 percent; geothermal is .4 percent; and wind and solar is .2 percent.

This last number is important, since a number of my colleagues have put quite a bit of faith in solar and wind power. However, the American consumer does not appear to share that enthusiasm which is evidenced by the fact that wind and solar combined make up only .2 percent of our current electricity generation. Another startling but little known fact is, if you do not include existing hydropower as renewable, which the underlying amendment does not, again, renewables are only 1.7 percent of our electricity generation.

Although the amendment includes incremental hydropower prospectively, it still will make up a very small portion of the electricity generation in our country.

Now, when you factor what the Department of Energy believes our electricity usage will be over the next 20 years, you see that the use of coal will continue to rise, natural gas will rise dramatically, nuclear fuel remains fairly level and hydropower remains steady. At the bottom is petroleum, and just above that, non-hydro renewables increase slightly. These projections show, renewables will make up a very small portion of the production of energy in this country for the next 15 to 20 years.

However, the underlying amendment says, regardless of market forces, America is going to dramatically increase its use of renewables. In fact, the underlying amendment stipulates we must develop a mandatory minimum standard for renewable energy of 10 percent for our electricity generation by the year 2020. The only way I can see that we can accomplish this mandate, if it is implemented, is for energy-producing companies to take a dramatic turn toward using renewables. That means they have to cut back on clean coal technology, put the brakes on natural gas, which is the current energy source of choice in America, and restrict the further development and use of nuclear power. This will have a particularly dramatic impact on energy producers in regions of our country that do not currently rely on a tremendous amount of renewable resources.

For example, in my home State of Ohio, our use of renewable energy is much lower than the national average. Renewables, including hydropower, generate 1 percent. Remove hydro from this number and the State of Ohio generates less than .4 percent of its electricity from renewable sources. This is predominantly biomass power which comes mostly from wood-burning boilers in woodworking and paper manufacturing industries.

However, there are many other States which rely on renewable sources for electricity generation. According to 1998 data from the Energy Information Administration, at least 10 percent of the electricity generated in 16 States comes from renewable power sources. Of these 16 States, 5 States receive more than 50 percent of their electricity from renewable sources, and the primary source is hydroelectric power. Four of the five States—Idaho, Oregon, South Dakota, Washington—rely on hydroelectric power for more than 60 percent of their electricity.

Maine is the only State east of the Mississippi to rely on more than 50 percent of electricity generation from renewables, 30 percent coming from hydro and 30 percent coming from other renewable fuels. Regions, and even individual States, that currently have a high percentage of renewable energy sources would be less impacted by the requirements of the underlying provisions. However, forcing a mandatory minimum will unduly burden States such as Ohio.

I don't want my colleagues to misunderstand me. I do believe we need to continue to invest in renewable forms of energy. They are environmentally friendly and contribute to meeting the requirement of national energy self-reliance, and as the technology gets better, have the potential to become inexpensive.

Right now, electricity from renewable energy sources is very expensive. However, we need to realize that the current research and development costs make a practical national application of a mandatory minimum renewable standard very difficult. Renewables simply do not have the capacity to meet our needs in the timeframe established in the underlying amendment. Their growth will come, however, and we should support research funding that will get us to the point where renewables are a viable energy option.

In fact, over the past 5 years, Congress has provided more than $7 billion in tax incentives and other programs to assist renewables. Recently, we extended a renewable energy tax credit for $1 billion, and the Finance Committee has reported legislation that provides an additional $3 billion.

However, I believe it is not prudent for the Senate to mandate a renewable standard. The amendment offered by the Senator from Arizona, on the other hand, lets the free market decide.

If the demand for energy derived from renewable sources exists, then I have no doubt that energy suppliers will respond to their customers and satisfy the demand, just as they are doing in Cleveland, OH.

Last year, the Northeast Ohio Public Energy Council made an agreement with Green Mountain Energy Company in Texas to supply customers in eight northeast Ohio counties with electricity. Green Mountain Energy Company uses a blend of sources including wind, water, and solar energy. Customers in these counties were able to make the decision themselves if they wanted to purchase the power instead of being mandated to purchase green power.

Having spent 10 years as Mayor of Cleveland, and as mayor I ran a municipally-owned utility, and 8 years as Governor, I have developed some very strong beliefs regarding federalism and the role of our various levels of government.

The Kyl amendment lets the States decide whether a mandatory renewables program is something they would want to implement for their residents. Right now, 14 States have already implemented mandatory RPS programs. This is consistent with the policy of the National Governors' Association, which states that any Federal legislation should:

> . . . allow a State to decide what mix of renewable technologies should be included in any renewable portfolio package implemented in a State.

The amendment offered by the Senator from New Mexico does eliminate the original language which would require that larger municipally owned utilities meet the RPS standard, but it still does not address the fact that this mandate will ultimately be paid for by ratepayers. In Cleveland, and in many of our cities and communities nationwide, a lot of these ratepayers are poor and a lot of them are elderly and it would be hard for them to afford the cost of this standard.

If you look at this chart, the people who seem to be left out are the ratepayers. They seem to be left out so often from debates we have here on the floor of the Senate. These are the least of our brethren, the ones who were the most affected a year ago when the demand for natural gas in this country went way up and their utility bills skyrocketed.

If you look at people with annual income under $10,000, you see that almost 30 percent of their income goes for energy costs. If you are in an income bracket between $10,000 and $24,000, you spend 13 percent on energy costs; and of course if you make over $50,000, only 4 percent of your income is spent on energy. There are a lot of people in this country who can afford that. But I have to tell you, there are a lot of people in this country who cannot afford it.

Last winter, in the midst of the heating cost increase, I held a meeting in Cleveland with Catholic Charities, Lutheran Housing and the Salvation Army and heard first-hand the effects of the high energy costs were having on the people who could least afford it. Many of them were just hanging on trying to stay in their own homes.

I am concerned about them and I think that the Senate should be concerned about them as well.

I honestly believe if the decision to implement a Renewable Portfolio Standard is left to the discretion of the Governors in the States, many of them will go forward with it. Some states will not go as fast as other ones, but overall we will probably achieve the goal of the sponsors of the Bingaman amendment, but do it without mandating it throughout the country in each and every State.

Renewables and conservation need to be a bigger part of our energy policy—I agree with that. But we have to be realistic about our challenge. These two strategies do not have the capacity to meet our growing energy needs in the timeframe mandated in the underlying amendment.

I have to say, anyone who says renewables are going to take care of the energy needs of this country by the year 2020 just is not being intellectually honest in terms of what renewables can do.

We are going to need more coal, we are going to need more nuclear power, we are going to need more natural gas, we are going to need more hydropower and other renewables, we are going to need more conservation. We are going to need it all.

I think the Senator from Arizona is on the right track with his amendment and I urge my colleagues to support his amendment. It encourages the use of renewable power without mandating it and meets our energy, environmental and economic needs in a responsible way.

I yield the floor.

Mr. WELLSTONE. Will the Senator yield for a moment?

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator CANTWELL, since we are both in the Chamber.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I have heard the discussion by the two sponsors of the amendment, Senator KYL and Senator MILLER, and, of course, now Senator VOINOVICH and my colleague, Senator MURKOWSKI, who is the ranking member of the Energy Committee. I want to try to respond to some of the points that were made and put this issue in some kind of perspective as I see it.

First of all, why are we even proposing this amendment? Why does my underlying amendment that Senator KYL would propose to eliminate—why does my underlying amendment try to move us in the direction, as a country, of using more renewable energy to produce electricity? Why is that a priority for the country?

I have essentially the same chart as that to which my good friend from Ohio referred, and it has the same basic information on it.

This chart points out that when you look ahead—we do now depend primarily on coal. We do now depend heavily on nuclear. We do now depend heavily on natural gas. And renewables are not a major part of our energy mix, particularly the nonhydro renewables are not a major part of our energy mix.

One of the purposes we have in this energy legislation—and in this particular renewable portfolio standard provision—is to diversify the sources from which we generate power, so when we get to 2020 the chart I show you in this Chamber does not look exactly like it looks now as I am pointing to it here.

Today, in 2002, about 69 percent of the electricity we generate in this country is produced from coal and natural gas. If we do not adopt something such as this renewable portfolio standard, the expectation is that by 2020 it will be 80 percent produced by those two fuels. That is too much concentration. That is not smart.

The Presiding Officer is familiar with investment strategies. One of the simplest, most basic investment strategies is to diversify so you are not too dependent on what happens to one particular thing. We are too dependent today on what happens to the price of natural gas.

My colleague from Ohio was citing the terrible plight which many people in this country faced when natural gas prices went up 100 percent, 200 percent 18 months ago. I certainly saw that in my State. Many of the people I represent were very adversely affected. That is what we are trying to get away from with this renewable portfolio standard.

We are trying to say some of this electricity that is produced in the country—some modest amount of it—I would be the first to admit that this amendment to require up to 10 percent by the year 2020 is a modest amendment. I think it is very doable. It is a movement in the right direction, but it is a modest requirement. We are saying, let's at least do that. Let's at least require utilities to do the best they can, wherever they are located, to generate some of the electricity they sell from renewable sources. So that is what we are about here.

This chart I have shown before on the Senate floor. It tries to make the point that as compared to other countries, particularly in Europe—that is what is reflected on the chart—the United States has done much less in the way of trying to generate energy from renewable sources. It shows on the chart that Spain has had a 300-percent increase from the years 1990 to 1995; Germany, over 150 percent; Denmark, nearly 150 percent; the Netherlands, over 50 percent; France, a substantial amount. The United States is the one shown on the chart with the yellow circle around it. We have been moving ahead at a very, almost imperceptible, rate.

So what we are trying to do with this legislation is incentivize and require that some action be taken to move toward more production of energy from renewable sources.

My friend from Arizona, in his zeal, referred to this as "Soviet style command and control." This proposal, which we brought to the Senate floor, is essentially the same as President George W. Bush signed into law in Texas. We all know how sympathetic he is to Soviet style command and control. It has worked tremendously in Texas. In fact, there are all sorts of articles being written about how successful that State has been in increasing the use of renewables, and increasing the generation of power from renewables, and how the rest of the country ought to learn something from Texas. What we are trying to do here is learn something from Texas.

I see the majority leader in the Chamber. If he has comments or a statement to make, I would be glad to yield to him at this point.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. I thank the distinguished Senator from New Mexico for his kindness.

Mr. President, I make an announcement that there will be no more rollcall votes tonight. We will pick up, hopefully, on the Kyl amendment tomorrow and have a vote on it at some point shortly after we reconvene.

TECHNICAL AMENDMENTS NEGOTIATIONS

Mr. President, I also announce that it appears it is unlikely we are going to reach an agreement with regard to the so-called technical amendments that have been the subject of a good deal of discussion and negotiation over the last several days. I appreciate the effort made by many of our colleagues. That will, as we have all understood, necessitate the cloture vote tomorrow.

My expectation is that we will come in late morning and then have the cloture vote and begin the debate on the campaign finance reform bill. Perhaps we still may reach some agreement with regard to the technical amendments, but at least as of this hour no agreement has been reached.

Senator McCAIN has indicated to me he is not in a position to agree to the amendments that have been discussed. As a result, while I encourage further discussion, I do want people to know that it is very likely, I would say, we could have that cloture vote as early as late tomorrow morning. So I want to inform my colleagues of that.

I would be happy to yield to the Senator from Kentucky.

Mr. McCONNELL. If the leader will yield, I must say that I am somewhat frustrated. The leader may or may not know that Senator McCAIN and I have had three meetings on this subject. My staff and his staff, and others on the other side of that issue, worked for 3 weeks to resolve six very small items. There were 10 meetings between the staffs of Senators McCAIN and FEINGOLD and mine, several phone conversations daily when staff was permitted to speak to each other, phone conversations late at night and over the weekend. Late last night, Senators McCAIN and FEINGOLD provided a draft incorporating two technical changes of their own, to which we immediately agreed. In fact, we agreed to all of Senators McCAIN's and FEINGOLD's provisions and their changes. And I have been representing to my colleagues for over a week now we were almost there.

I was hoping we would be able to end this debate with everybody feeling good about the situation, but I must say I am not sure I have been dealt with in good faith, having worked on this now for 3 weeks, and every time I am told we are almost there, we are never there.

So I think the majority leader is correct. That is where we seem to be. But I am going to say, I am astounded. This is my 18th year in the Senate. I have been involved in a lot of negotiations—never one so painful over so little: six rather small items.

So I do think we are going to wrap this bill up tomorrow. It is too bad we will not, apparently, be able to pass a technical package that would benefit both sides because of our inability to bring this to conclusion.

But I say to the leader, as I have said repeatedly over the last week, we are anxious on this side, those of us who oppose this bill, to complete it. And, hopefully, we can wrap it up tomorrow, not only the cloture vote but final passage, and the resolution that I believe we have agreed upon, which is separate from the technical amendments. It is really regretful that we negotiate for 3 weeks over relatively small items and cannot seem to get there.

So let me say to the leader, we look forward to wrapping this bill up tomorrow—we know it is essentially over—and hope we can do it in a minimal amount of time.

Mr. DASCHLE. I thank the Senator from Kentucky. I appreciate all of his efforts. I said a moment ago, I still hold out the possibility that some agreement can be reached. And, of course, the cloture vote does not preclude that. So we will keep talking.

I think Senators should be on notice that the cloture vote will take place, and, hopefully, we can then reach some kind of unanimous consent agreement with regard to the time required for further debate on the bill prior to the time we have a final passage vote.

I thank my colleagues and yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

AMENDMENT NO. 3038

Mr. BINGAMAN. Mr. President, let me just speak for a few more minutes and conclude my comments. I know there are others waiting to speak on this Kyl amendment.

One of the issues that was raised by the Senator from Georgia was a concern about whether or not this preempted States from doing what they wanted to do about renewable energy generation. It does not do that. There is no way that we in any way preempt a State from taking action.

There are many States that have taken action which far exceeds the standards to which we would be holding them. So this is not in any way an effort to preempt States. It is an effort to move them along this road, and some of them are already a great deal of distance down this road.

Let me also discuss the idea of wealth transfer. My colleague from Arizona has said repeatedly that this is a terrible thing because some States are at such a terrible disadvantage. The truth is—and the various maps that my friend from North Dakota showed earlier make the point very clearly—we do not specify in this legislation which type of renewable resource be used. Instead, we allow each State to use whatever is available to them. There are a great many different resources available.

Finally, let me talk about cost. There has been a real concern that the cost of this provision would be substantial for ratepayers, for various individuals.

I have the Energy Daily, which is a well-known publication in town and around the country. This is dated March 12. There is an article entitled "EIA Sees RPS Having Little Impact On Prices."

What that means is that the Energy Information Administration was asked by my colleague, Senator MURKOWSKI, to do a study on what would be the impact of this provision on prices?

Mr. VOINOVICH. Mr. President, will the Senator yield for a question?

Mr. BINGAMAN. I am pleased to yield.

Mr. VOINOVICH. You have just stated that many States have already implemented greater RPS standards than required in your amendment. In my statement, I said 14 already have RPS standards. But this bill does mandate a 10-percent renewable requirement on all the States. In a State like Ohio, we are currently generating less than four-tenths of 1 percent of our electricity with non-hydro renewable power sources. We are also facing some dramatic increases in electric generation costs to reduce the pollution from coal-fired plants by using clean coal technology. About 85 percent of our plants use coal today.

I can't believe an RPS in Ohio will reach 10 percent because in all probability, the utilities that serve my State, if this goes in as a mandate, will buy credits and then the cost of those credits will be passed on to Ohio ratepayers.

Mr. BINGAMAN. Let me respond: There clearly are some challenges for some States in this legislation, but I am persuaded that there are ways for them to meet those challenges through coal-fired generation, using biomass. That is one way to do it. We are glad to work with the Senator to be sure that the legislation has the flexibility in it so that this is a goal that can be achieved in his State by utilities operating in his State. I think it can be.

If I could just conclude the description of this study, this is the study by the Energy Information Administration, it concludes:

> . . . that the retail price impacts of a requirement that electricity generators provide at least 10 percent of their output from renewable sources by 2020 "are projected to be small because the price impact of [the program] is projected to be relatively small when compared with the total electricity costs and to be mostly offset by lower gas prices."

Then they go on to say:

> The study, which was requested by Sen. Frank Murkowski of Alaska . . . concludes that increased electricity generation from renewables would have the biggest impact on natural gas-fired prices, which EIA said would drop as a result of competitive pressure from renewables.

So the chart my friend from Ohio put up showing gas prices going through the ceiling, as they did 18 months ago, that would be less likely if there were other sources from which energy was being generated.

Mr. President, I have other points I can make. I know there are several Senators who have been waiting quite a while to speak. I may have an opportunity later on before the vote to conclude my comments.

Mr. President, I have a series of letters in support of the underlying Bingaman amendment that Senator KYL would wipe out with his amendment. I ask unanimous consent those letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL HYDROPOWER ASSOCIATION,
Washington, DC, February 20, 2002.
Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: The National Hydropower Association (NHA) writes to ask you to support Majority Leader Tom Daschle and Energy & Natural Resources Committee Chairman Jeff Bingaman for their inclusion of "incremental hydropower" in the Renewable Portfolio Standard (RPS) contained in S. 517, the "Energy Policy Act of 2002." Additionally, we ask that you oppose any efforts to modify or remove incremental hydropower from the RPS when the bill is considered on the Senate floor and to support S. 517's RPS in the event of an "up-or-down" vote.

Both Democrats and Republicans have recognized the importance of hydropower—our nation's leading renewable technology—in meeting future energy demands. What's more 93 percent of registered voters overwhelmingly support an important role for hydropower in the future, and 74 percent favor incentives for increased hydropower production at existing facilities.

With the inclusion of incremental hydropower in the RPS, approximately 4,000 Megawatts (MWs) of new hydro generation could be developed meeting today's environmental standards at existing hydropower facilities—none of which would require the construction of a new dam or impoundment. This is enough power for four million homes—clearly a significant contribution to our nation's energy supply.

The most commonly used definition of incremental hydropower, including that of S. 517, allows new hydro generation to be achieved from increased efficiency or additions of new capacity at an existing hydroelectric dam. This concept is based on extensive discussions and a general agreement between the hydropower industry, a segment of the environmental community and other members of the renewable energy community.

NHA strongly supports Senators Daschle and Bingaman for their inclusion of incremental hydropower in S. 517 and hope you will do the same. What's more, we hope you'll support the RPS when it is debated on the Senate floor as it will allow America to rely more on clean, renewable energy.

If you have any questions, please contact Mark R. Stover, NHA's Director of Government Affairs, at 202-682-1700 x-104, or at mark@hydro.org.

Sincerely,

LINDA CHURCH CIOCCI,
Executive Director.

FLORIDA POWER & LIGHT COMPANY,
Washington, DC, March 14, 2002.
Hon. JEFF BINGAMAN,
Chairman, Energy and Natural Resources Committee, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR CHAIRMAN BINGAMAN: Please consider this letter an endorsement of the compromise Renewable Portfolio Standard (RPS) contained within S. 517, the Energy Security Policy Bill.

As you may know, FPL Group, comprised of its two major subsidiaries, Florida Power & Light (FPL) and FPL Energy (FPLE), is one of America's cleanest, most progressive energy companies. Our commitment to the environment is manifested by FPL's diverse generation mix and by FPLE's largely renewable energy portfolio. FPLE operates the two largest solar projects in the world, over 1,000 megawatts of hydroelectric power, a number of geothermal projects, and a number of biomass plants. And, significantly, with over 1,400 megawatts of net ownership in wind energy, FPLE is the nation's largest generator of wind power.

FPLE plans on adding up to 2,000 megawatts of new wind generation over the next two years. Due to the wind energy production tax credit (IRC Sec. 45(c)(3)) and the industry's success in reducing production costs, wind energy has become economically feasible. A long-term extension of the credit combined with your RPS will allow wind generation—and, hopefully, other renewable sources—to contribute to America's energy independence and security. Ultimately, such an aim should be the keystone of any American energy policy.

We appreciate your leadership on this important issue, and we strongly support your efforts to enact a fair and balanced RPS. Please do not hesitate to call on me should you require any assistance in your endeavor.

Sincerely,

MICHAEL M. WILSON,
Vice President.

CALPINE CORP.,
Washington, DC, March 14, 2002.
Hon. JEFF BINGAMAN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR BINGAMAN: On behalf of Calpine Corporation, I am writing to convey our support for the Renewable Portfolio Standards (RPS) amendment that I understand you plan to offer.

We support a reasonable RPS that will provide a market-based incentive for increasing the amount of energy that is produced by renewables. Your amendment is a significant improvement over both the existing Senate energy bill language and the Jeffords amendment to be offered on this subject. We particularly support the fact that your amendment treats all types of renewable energy the same.

We also believe that an RPS is only workable when it is coupled with tax incentives for the production of renewable energy and we strongly support the production tax credit for basic renewables that is contained in the underlying energy bill.

As the world's largest producer of geothermal energy, we are concerned, however, that only new renewable capacity will be eligible to receive tradable credits under the RPS. While I understand your desire it to encourage new capacity rather than reward past behavior, it seems that there should be some recognition for early action. Perhaps when this issue comes to conference, you might consider a system whereby existing renewable capacity is eligible for credits that phase out over time. We would certainly be willing to work with you on such a proposal.

Finally, I want to thank you for your leadership in guiding this energy legislation through the Senate. The bill contains some important features that will help to promote more competitive markets and we appreciate everything you have done to maintain these features and oppose amendments that would turn away from open access and competition.

Sincerely,

JEANNE CONNELLY.

MIDAMERICAN
ENERGY HOLDINGS COMPANY,
Omaha, NE, March 14, 2002.
Hon. JEFF BINGAMAN,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate's comprehensive energy bill. MidAmerican Energy Holdings Company is one of the world's largest developers of renewable energy, including geothermal, wind, biomass and solar.

MidAmerican has been a long-time proponent of both a production tax credit for electricity generated by renewables and a federal government purchase standard for renewable electricity. We strongly support these provisions in the comprehensive energy bill before the Senate, as well as recent modifications to the bill's renewable portfolio standard (RPS) section that will ensure that implementation of the RPS is achievable and affordable.

Renewable electricity can play a critical role in diversifying the nation's fuel mix and providing emissions-free electricity for American consumers. By including both supply and demand side components in the comprehensive energy package, your legislation will benefit the environment and American energy security.

Thank you again for your leadership in promoting renewable energy.

Sincerely,

DAVID L. SOKOL,
Chairman and
Chief Executive Officer.

AMERICAN WIND ENERGY ASSOCIATION,
Washington, DC, March 13, 2002.
Hon. JEFF BINGAMAN,
Chairman, Senate Energy and Natural Resources Committee, U.S. Senate, Washington, DC.

DEAR CHAIRMAN BINGAMAN: I write on behalf of the Board of Directors and member companies of the American Wind Energy Association (AWEA) in support of the Renewables Portfolio Standard (RPS) contained in the proposed substitute to S. 517, the Energy Policy Act of 2002.

While we believe that all of America's renewable energy technologies—wind, solar, geothermal, biomass, and hydropower—are capable of contributing higher levels of electricity generation than would be required by the proposed RPS, the provision is a significant step forward in meeting America's growing energy needs.

In 2001 alone the wind energy industry installed close to 1,700 megawatts of new generating capacity, enough to meet the needs of about 475,000 households. More than half of this new wind power development (915 megawatts) was produced in Texas—a state with the most effective renewable energy requirement law in the nation. In addition to producing electricity without emitting any pollutants, each megawatt of wind power creates at least $1 million in economic activity.

The wind industry is proud to support the RPS contained in S. 517, aimed at diversifying America's energy production while also enhancing our effort to secure cleaner air and a more sustainable energy future. Thank you.

Sincerely,

RANDALL SWISHER,
Executive Director.

GEOTHERMAL ENERGY ASSOCIATION,
Washington, DC, March 14, 2002.

DEAR SENATOR: This afternoon, Senator Bingaman plans to offer a substitute for the RPS provisions in S. 517 that the geothermal industry urges you to support.

While we believe that significantly more renewable energy could be brought on-line over the next twenty years, the Bingaman amendment would establish an important national minimum requirement for new renewable development. This will help ensure the continued growth and health of renewable industries and will have positive economic and environmental benefits for our Nation.

Moreover, the Bingaman proposal would preserve the essential market-based approach that is at the heart of a renewable portfolio standard. This proposal—together with the provisions proposed by the Senate Finance Committee that would equalize renewable tax treatment by expanding the production tax credit to include geothermal energy—will stimulate market forces to develop reliable and cost-effective renewable technologies to help meet our country's energy needs..

On behalf of the geothermal industry, I strongly encourage you to support the Bingaman amendment and the renewable energy tax provisions reported by the Senate Finance Committee.

Sincerely,

KARL GAWELL,
Executive Director.

The PRESIDING OFFICER. Under a previous order, the Senator from Minnesota is recognized, followed by the Senator from Washington.

Mr. WELLSTONE. What I can do is—I would be pleased to speak for myself; I know Senator MCCAIN wants to speak—if I could get 10 minutes before the vote tomorrow to speak, I would be pleased to relinquish the floor last.

Mr. BINGAMAN. Mr. President, I am not in a position to commit to that without the assistant majority leader, floor leader, to talk about that. I don't know what the procedure is. Since we are jumping from the energy bill to the campaign finance reform bill and back every few minutes, it is very difficult for me to commit to that.

Mr. MCCAIN. May I just ask my friends from Minnesota and from New Mexico—three of us are on the floor. We would take about 2 minutes to kind of clear up a problem that has arisen. If I could ask unanimous consent that we could take a maximum of 3 minutes, 1 minute each.

Mr. WELLSTONE. Mr. President, that would be fine. I ask unanimous consent that I just immediately follow them.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. And then I would be followed by Senator CANTWELL as in the original agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

TECHNICAL AMENDMENTS NEGOTIATIONS

Mr. MCCAIN. Mr. President, I will take less than 1 minute. We have been working with the Senator from Kentucky, the Senator from Wisconsin and I have, and our staffs. We have come up with a package of technical amendments with which we are in agreement. We are ready to move that package. There seems to be a problem with another Member, a very senior Member. I hope we can get that worked out.

I do have it worked out. I think we should be ready to move forward tomorrow. I think we have had good-faith negotiations.

I yield to either one of my colleagues.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. I said before the Senator from Arizona had arrived that I was totally frustrated. I recounted all the meetings he and I and our staffs had had, and I was exasperated that we seemed to have gotten so close and not been able to complete it. I confirm what the Senator from Arizona said, that we have reached an agreement among the three of us on this technical package. We would like to be able to move it, and we would plead with our colleagues on both sides of the aisle to give us a chance. I don't think there are three Members of the Senate who know any more about the subject than we do. Our positions are pretty well established. We have actually reached agreement, and we would hope that the Senate would let us act on it in some kind of consent arrangement sometime tomorrow.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, there have been good-faith negotiations. I agree with the Senators from Arizona and Kentucky that we have finally reached agreement on the technical amendments package. There is a different Member of the Senate who has a concern about it. Because we are operating on the basis of a unanimous consent, we have to deal with that. But we have finally reached the point where the actual provisions are something we can agree on, and we are hoping we can work this out.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I assume we will have time to talk about campaign finance reform.

AMENDMENT NO. 3038

As a matter of fact, I think I can do it in just a couple of minutes. Last week when we had the debate on the Jeffords amendment, to increase the renewable portfolio to 20-percent electricity, I spoke at some length. I just want to pick up on a couple of points that Senator BINGAMAN made, and probably my colleague from Washington can speak about this with more eloquence. Nobody, to respond to the Senator from Ohio, is making the argument that, by 2020, we will be totally independent from fossil fuels. No one is making that argument. It's really a "straw man" argument.

I think the question is whether or not we will, no pun intended, continue to barrel down the fossil fuel energy path. Will we continue to rely primarily on oil, coal, or on other fossil fuel? Or do we want to take a new direction. I, frankly, think this is going to be a test vote for a new direction in energy policy. I think the Senator from New Mexico agrees that this is going to be a test vote on this bill. This 10-percent renewable energy portfolio, which is from my point of view too little, makes this legislation a reform bill—it makes this an energy bill that is sensitive to how we produce energy in connection with the environment. It takes us down a different energy path.

The different path is significant for many States. For example, in Minnesota, we produce enough wind to produce all of our electricity through wind, when the technology is there. In fact, Minnesota, South Dakota, and North Dakota, Nebraska and Kansas could produce enough energy through wind generation to produce electricity for the whole country.

So there is enormous potential here. In addition to wind, we have biomass to electricity, solar, and geothermal. When my colleague from Ohio was giving some projections, I think he missed the point about the potential of efficient energy use and where that figures in. Again, one more time, it is a marriage ready to be made between being much more respectful of the environment, clean technology, many more small business opportunities, keeping dollars and capital in our States and our communities, national security, and less dependent on Middle Eastern oil.

Look at what happened last year with natural gas prices. We would be much less dependent on a few giant energy conglomerates for energy.

This is pro-environment, pro-consumer, pro-small business, pro-clean technology, and is going to be a huge growth industry in our country. Frankly, the only folks who are really opposed to this renewable portfolio standard are some Senators are opposed because they think it is a mistake to have a mandate or a subsidy. Although I have to tell you, the oil and gas industry have gotten huge subsidies over the years. Last year the House passed a bill with over $30 billion in tax breaks, most of them going to oil, coal, and the nuclear industry. Now that is a government subsidy. If I were to look back over the last 50 years of energy policy, it would be a massive amount of money we have given to the fossil fuel energy industry. We don't want to stack the deck against renewables. We want to nurture and promote energy policy for all of the good reasons I have tried to outline.

Frankly, if we can't hold on to this 10 percent renewable energy portfolio, then I don't think we have much of a form bill here at all.

This is a key vote. That is why I wanted to speak briefly about it. I hope we will get a strong vote against the Kyl amendment, and I think we will. I think it should be defeated.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Ms. CANTWELL. Mr. President, I rise to speak in opposition to the Kyl amendment. We are debating this energy bill against the backdrop of one of the country's most severe energy crises, which has definitely impacted ratepayers in my State and in many parts of the West.

After September 11, the war against terrorism even more underscores the need for us to develop a national energy policy that helps create more independence. It is clear that the time has come for us to enact a 21st century energy policy. But we will fail if this bill is simply about the extent to which we should increase oil production or determine the best route for pipelines. We will fail if we do not learn from the lessons of the past and recognize that we are on the cusp of a revolution of energy technology that could be as significant as the revolution in computing technology.

We are faced with a clear choice: We can go down the path of debating false choices of conservation versus production, regulation versus deregulation, nuclear versus fossil. But I think it is time that we recognize what is at the core of the debate is this 21st century energy policy; about developing a new policy that will lead us to a system of cleaner, more efficient, distributed power, located closer to the homes and businesses that it is built to serve.

Mr. President, the renewable portfolio standard we are debating today is the centerpiece of our effort of a 21st century energy policy marked by environmentally responsible sources of energy. An aggressive renewables portfolio standard will help this Nation diversify its energy, level the playing field for renewable resources, and encourage investment in clean energy technology. A transition to clean, renewable sources of energy will help stabilize increasing and volatile fossil fuel prices, ease energy supply shortages and disruptions, clean up dangerous air pollution, and reduce emissions of greenhouse gases.

Again, arguments in favor of a strong Federal renewables portfolio standard are straightforward. An RPS will spur more environmentally responsible generation, diversify electricity sources, and that is enhancing and helping to protect our economy from price spikes; and, three, create a national market for renewables and clean energy technology, spurring innovation and reducing their cost—potentially for international export.

Today, less than 2 percent of the Nation's electricity is generated by nontraditional sources of power such as wind, solar, and geothermal energy. This has to change. By putting a renewables portfolio standard in place, we will set the Nation down a path toward a more independent, sustainable, and stable power supply.

I want to emphasize just how important it is to diversify our generating resources. As many of my colleagues are aware, last year the Pacific Northwest suffered the second worst drought in the history of our State. In Washington State, about 80 percent of our generation comes from hydroelectric sources. So because of this drought, consumers in my State were exposed far more directly to the pervasive market dysfunction activity that happened in the West. As a result, many of our utilities have had to raise their retail rates by as much as 50 percent.

So I believe we must diversify our resource portfolio, but to accomplish this goal, many of our utilities are making a tremendous investment in new generation. Much of it is from ample renewable resources. We realize the investment in renewables is affordable and a perfect complement to our hydroelectric base. For example, I visited, in our State, the Stateline Wind Project last August, which is located in Walla Walla, WA. The wind farm, which went into operation December 13, consists of 399 turbines and has a capacity to produce 263 megawatts of electricity. That is enough energy to serve almost 70,000 homes. So this is working.

The Bonneville Power Administration, which supplies about 70 percent of the power consumed in Washington State, has set a goal of obtaining a total of a thousand megawatts of energy.

Many of our small and rural utilities are banding together to invest in wind projects, and the Yakima Tribe is also exploring similar options.

As we consider the renewables portfolio standards provisions of this bill, I think it is important to recognize the tremendous untapped potential that these renewables represent. Washington State and the Pacific Northwest have begun to make this investment. With the construction now underway, our regional renewable resources, excluding most hydropower, will soon approach 4 percent—far surpassing the national average. But I believe we can still do better.

A strong renewables portfolio standard will create the market certainty that companies and utilities need to continue down the path toward resource diversification and technological innovation. Specifically, increasing our supply of renewable resources makes not just environmental sense but also economic sense. A study released last November, sponsored by a group of Northwest utilities and interest groups, estimated that the international market for clean energy technologies will grow to $180 billion a year over the next 20 years—that's right, $180 billion a year over the next 20 years.

It is in our national economic interest to set policy that will ensure the United States captures a major part of this market.

Already the Northwest has a $1.4 billion clean energy industry that is on track to grow to $2.5 billion over the next several years, creating 12,000 new jobs in our region. That is right, 12,000 new jobs in our region.

With the right public policies in place, we can attain 3.5 percent of the worldwide market for clean energy technologies, including not just generation but smart-grid transmission technologies needed to bring power to market more efficiently and create as many as 35,000 new jobs in the Northwest.

Developing the clean energy technology industry on a national level means job creation. We need a Federal renewable portfolio standard both to break our century-old reliance on traditional fossil fuels and to create predictable markets for renewable technologies and lay the groundwork for even greater innovations.

Last week, the Senate was unable to make meaningful progress on the important issue of corporate average fuel economy standards for our Nation's vehicles. We had an opportunity before us to alleviate threats to our national energy and economic security posed by our dependence on imported oil. Nonetheless, it is important that we make progress today in this particular area and make sure that we make a renewable standard an important part of this legislation.

The renewable portfolio standard is one of the thresholds that will determine whether the Senate really does create an energy policy that sets itself apart from the 19th century focus of digging, burning, and drilling and focuses more importantly on these 21st century technologies.

Now is the time to enact an energy policy that will help us meet these goals. A strong renewable portfolio standard will encourage use of renewable sources and reduce harmful air and water pollution from coal and fossil fuels. It will help ensure a sustainable, secure energy supply and protect our environment for future generations. It will create the investment, income, and jobs in our communities, especially our rural areas.

These are the characteristics that I think should be part of our 21st century energy policy. I ask my colleagues to support a strong renewable portfolio standard and, most importantly, oppose any efforts to strip from this bill or in any way undermine this measure which I believe is critical. I urge my colleagues to vote against the Kyl amendment and to vote instead for a strong renewable portfolio standard.

I yield the floor.

The PRESIDING OFFICER (Mr. DAYTON). The Senator from Arizona.

Mr. KYL. Mr. President, I wish to respond to some of the comments made relative to my amendment by various Senators who have spoken since I laid that amendment down earlier this afternoon.

First, I ask unanimous consent to print in the RECORD two letters from the Public Service Commission of the State of Florida, both dated March 18, 2002, one to the Honorable BILL NELSON and the other to the Honorable BOB GRAHAM, the two Senators from the State of Florida.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

STATE OF FLORIDA,
PUBLIC SERVICE COMMISSION,
Tallahassee, FL, March 18, 2002.

Re: Energy Legislation (Substitute Amendment 2917 to S. 517).

Hon. BILL NELSON,
U.S. Senator, Hart Senate Office Building, Washington, DC.

DEAR SENATOR: The purpose of this letter is to let you know that the Florida Public Service Commission has major concerns with the 400-page Substitute Amendment currently being addressed by the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for States in ensuring reliability of all aspects of electrical service-including generation, transmission, and power delivery services and should not authorize the FERC to preempt State authority to ensure safe and reliable service to retail customers. Also, we support the Kyl amendment on the renewable portfolio standard.

In particular, our concerns are:

(1) Electric Reliability Standards.

The substitute amendment would limit the States' authority and discretion to set more rigorous reliability standards than the Federal Energy Regulatory Commission (FERC) over transmission and distribution. In fact, the Substitute Amendment appears to provide no role for States at all on transmission reliability. Yet, the Florida Legislature has carefully set out statutory authority for the PPSC over transmission.

If legislation moves forward, Congress should expressly include in the bill a provision to protect the existing State authority to ensure reliability transmission service. We note that the Thomas amendment passed. The amendment appears to strengthen state authority. In that regard, the amendment is better than the overall bill under consideration. Our interpretation is that the amendment will not restrict state commission authority to adopt more stringent standards, if necessary.

(2) Market Transparency Rules.

The section is silent on State authority to protect against market abuses, although it does require FERC to issue rules to provide information to the States. State regulators must be able to review the data necessary to ensure that abuses are not occurring in the market.

(3) Public Utilities Regulatory Policy Act (PURPA).

The FPSC supports lifting PURPA's mandatory purchase requirement, but States should be allowed to determine appropriate measures to protect the public interest by addressing mitigation and cost recovery issues. Thus, we do not support preempting State jurisdiction by granting FERC authority to order the recovery of costs in retail rates or to otherwise limit State authority to require mitigation of PURPA contract costs. States that have already approved these contracts are better able to address this matter than the FERC.

(4) Federal Renewable Portfolio Standards.

This requires that beginning with 2003, each retail electric supplier shall submit to the Secretary of Energy renewable energy credits in an amount equal to the required annual percentage to be determined by the Secretary. For the year 2005, it will be less than 2.5 percent of the total electric energy sold by the retail electric supplier to the electric consumer in the calendar year. For each calendar year from 2006 through 2020, it shall increase by approximately .5 percent.

The Secretary will also determine the type of renewable energy resource used to produce the electricity. A credit trading system will be established. While a provision is established to allow states to adopt additional renewable programs, we continue to have concerns. Thus, we strongly support the Kyl amendment which provides some flexibility to the States.

The FPSC believes that States are in the best position to determine the amount, the time lines, and the types of renewable energy that would most benefit their retail ratepayers. This is particularly true in the case of States without cost-effective renewable resources. A one-size-fits-all standard will likely raise rates for most consumers.

(5) Consumer Protection.

The FPSC is concerned with language in Section 256 that requires that State actions not be inconsistent with the provisions found in the bill. While the FPSC favors strong consumer protection measures, preempting States by Federally legislating retail consumer protections is not necessary. States are better positioned to combat retail abuses. States are partners with federal agencies in these efforts to ensure consumer protection.

The critical role of State Commissions in the analogous area of implementing the Federal Telecommunications Act provision against slamming (the unauthorized switch of a customer's primary telecommunications carrier) serves as a good example. The Federal Communications Commission saw the benefit of having State Commissions carry out the anti-slamming program. State Commissions are simply better situated and have a more in-depth understanding of the abuses in the consumer protection arena. As a result, Florida's slamming rules are actually more strict and provide better remedies to the consumers than the FCC rules. We would like to retain the ability to take similar steps in the energy area if warranted.

It is our understanding that there are now 100–200 amendments. We are in the process of reviewing all of them. In the meantime, please call us with questions on them. We appreciate that your staff has been in frequent contact with FPSC staff.

In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

STATE OF FLORIDA,
PUBLIC SERVICE COMMISSION,
Tallahassee, FL, March 18, 2002

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U.S. Senator, Hart Senate Office Building, Washington, DC

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It is our understanding that there are now 100–200 amendments. We are in the process of reviewing all of them. In the meantime, please call us with questions on them. We appreciate that your staff has been in frequent contract with FPSC staff.

In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

Mr. KYL. Mr. President, what those two letters say is that the Kyl amendment should be adopted and the Bingaman amendment should lose. They are echoing the sentiments of a lot of other groups both in the private and public sectors. I have put in the RECORD some other letters from the public sector and associations that strongly support the Kyl amendment.

I wish to respond to some of the comments from colleagues that have been made in response to my presentation. My colleague from North Dakota made the point that we should have a national energy policy just like the Clean Air Act and that is why we need a national energy bill.

There is a difference between a national policy and a Federal policy. We do have national problems, but not all national problems are best solved by a Federal solution.

In this case, we have a combination because we have clearly decided that the Federal Government does need to be directly involved in the national energy policy debate, but we do not say —none of us says—the Federal Government should take it all over; it is a Federal problem; therefore, we have a Federal solution.

Most of what we do as a nation we do as private sector operatives, as State and local governments, and then, of course, the U.S. Government does a fair amount of directing and financing of programs, but clearly we cannot run everything from Washington, DC.

The Bingaman amendment does deviate from this otherwise pretty commonsense approach to American life by saying: This is not just a national problem; we do not need just a national solution, we need a Federal solution to the point that we are going to mandate, compel, require, under penalty of law, that you will produce 10 percent of your power through renewable sources or else.

I actually misstated that a little bit. It is not produce, it is sell. We are requiring that the retailer account for 100 percent of the power sold so that you can prove to the Department of Energy that 10 percent of that power sold came from renewable sources. You do not have to produce it yourself. You either have to buy it from somebody who produced it or you have to buy credits from somebody who produced it or you have to buy credits from the Department of Energy that does not produce anything. But if you are willing to assess your retail customers for that, then you can get away without producing it yourself.

Either way, the energy is going to cost you something; it is going to cost them something. In one case, you actually have to buy it from somebody, and, in the other case, you have to buy it from somebody or the Department of Energy. There is a big difference between having a national policy and having a Federal mandate.

There are a lot of items in this bill that are OK, and they have national scope to them. There are a lot of items in the President's plan that are national in their scope, but they do not all provide for Federal mandates, and that is a distinction we need to make.

As a matter of fact, the Senator from Washington just talked about the need for Federal encouragement. In fact, her exact statement was: We need a policy to encourage the use of renewable energy as part of a 21st century national plan. I agree we need to encourage, but there is a big difference between encourage and require.

The encourage part we already have in the law. As a matter of fact, under this bill we are actually extending and expanding the tax credit that we currently provide for renewable energy sources to encourage greater production of that renewable energy. In fact, it would not make any economic sense to produce this without the Federal Government subsidy of 1.7 cents per kilowatt hour, for example, for wind generation. One could not compete in wind generation without this Federal tax credit which provides roughly 40 percent of the cost of the production of the power.

We do encourage, in a big way. We are already doing the encouraging part. The question is whether we should have both a carrot and a stick. I am all for the carrot approach, but I do not think the Federal Government should be taking a stick to people who buy electricity and say you have to buy 10 percent renewable power or we are going to make you pay for it. That is exactly what the Bingaman amendment does.

What the Kyl-Miller amendment says is, let the States decide. If we are going to have a national policy for this national problem, then let's let all the States within the country decide what is best for them.

I am intrigued by the chart that is on the easel behind the distinguished chairman of the Energy Committee. The Senator from North Dakota used that chart to illustrate that we have potential renewable resources throughout the country.

He demonstrated that by pointing to four different kinds of renewable energy power source. Biomass and solar, I guess that is the one that is very bright red down in my part of the country. Then geothermal in the lower left, and wind power in the lower right, and certainly in the State of North Dakota there is a bright red color, the Saudi Arabia of wind power in North Dakota, and in South Dakota, it seems.

What one can see from those four charts is the renewable opportunities are very divergent around the country. They are distributed not fairly in one sense but in a very disparate way.

The distinguished Presiding Officer does not have much of a shot, it seems, for wind power or geothermal power or solar power, but there might be some good biomass opportunities. I certainly hope so, because it is going to have to be produced or credits are going to have to be bought from somebody else who can produce it.

The real story behind these four charts is not the disparity and the fact there are winners and losers and there will have to be trading among the States, but according to the EIA report dated February 2002—that is the Energy Information Agency of the Department of Energy—on page 16, and I am quoting, only wind capacity is projected to make significant change between the renewable portfolio standard and the baseline, or the status quo.

In other words, of all of these renewables—solar, geothermal, biomass, and wind—that have been examined by the Department of Energy, the only one projected to make a significant change is wind power. There are a couple of reasons for that. The amount of the subsidy that has been used to develop the wind power industry and the general efficiencies with respect to wind power make it the only one economically viable, even close to being economically viable, as a producer of mass amounts of energy of the four basic renewables.

As much as we would like to produce it from solar power in the Southwest, the economics are not there, even with the substantial Federal subsidies. The same is true with respect to geothermal and biomass. I would like to burn more biomass in the State of Arizona. It is not an efficient way to produce power. The Btu content is not there.

So of these four basic energy sources, only wind power, the Department of Energy says, can really make a significant difference. That is a fact.

What is the importance of that fact? Well, first of all, the Senator from South Dakota and the Senator from North Dakota are sitting pretty good when it comes to production of electricity from wind power, it would seem, and maybe a couple of other States which I cannot quite see on that chart. Maybe northern Idaho, it looks like, and it looks like a little piece of Oklahoma. I hear the wind blows pretty well there, and I think there is a red dot where Oklahoma is, but that is about it. The rest of us do not appear to have a great deal of capacity to generate by wind power.

What does that mean? That means a transfer of wealth from all of the other parts of the country into those regions.

I am not suggesting the proponents of the legislation all are from those particular States. That is not true. But it is true that those who would utilize that resource in those areas would stand to gain the most. That is why I ask my colleagues to consider the discrimination that exists in this legislation. If we left it to the States to decide what percentage to set and how to define the renewable so as to take advantage of what is available in their locales, and how to set the timeframe so they could achieve some reasonable level, that would be one thing. That is what we have done. Fourteen of the States, including my State of Arizona, do have a renewable requirement. If we mandate at the Federal level, we are saying in Washington we know best for the entire country and this is a one-size-fits-all proposition now, we are going to define what counts as renewable and, by the way, hydropower does not. That is the first big difference.

We know full well going into this that only one of these sources, wind power, has a chance to really make a significant difference anytime in the foreseeable future. So the reality is we are not talking about renewables, we are talking about wind.

As I said before, I would kind of like to know who the winners and losers are if we are going to pass this bill. I do not want to buy a pig in a poke.

There was a lot of talk about Enron investing in certain kinds of energy and then trying to get the Federal Government to make everybody else trade in that particular energy or to make it easier to trade in that energy, and there were a lot of us in the Senate and elsewhere who criticized a Federal policy that would have favored a particular entity or group of entities within our economy. That should not be what the use of Federal power is all about.

If we are going to talk about deregulation as the goal in this legislation, why would we be imposing a brandnew kind of regulation over the market that mandates that fully 10 percent of the energy has to come from a particular source—in this case, the reality, wind? That is what the Department of Energy says is the only renewable that can make a significant difference as part of a renewable portfolio. It only exists in a few parts of the country in abundance, apparently. So who are the winners and losers? What are the people in other parts of the country going to have to pay to the producers in this limited area of the United States for the privilege of continuing to generate power from oil or gas or coal or nuclear or hydro?

What are we going to have to pay to those areas that have the benefit of a lot of wind in their State? Nobody knows for sure. The Department of Energy calculates the gross cost at about $88 billion for the first 15 years; $12 billion each year thereafter. Of what is that cost comprised? It is the equivalent of credits or penalties. In other words, one is either going to have to produce it or they are going to have to buy a credit—and they estimate what that credit will cost—or they will pay a penalty because they did not do one of those two things. They calculate the cost of that at $88 billion, plus $12 billion a year thereafter after the first 15 years, after the year 2020. That is a huge cost passed on to the retail consumer.

There is also some evidence that if that much of the market replaces other energy sources, and there is a big footnote here, the question is: Will it replace or will it be providing additional energy because the energy needs of the country will grow over time? Let us assume we remain static, stagnant, and therefore the universe is exactly what we can envision today; we actually replace some natural gas or coal. The idea is the cost of that fuel will then go down because there is not as much demand for it, and so the people who get generation from those sources will be paying less because there will be lower fuel. As a theoretical proposition, that cannot be argued.

I suggest we have done no cost-benefit analysis. The committee has not looked at this. We really do not know what might happen 25 years out into the future in terms of the market price of these various kinds of fuels, but we do have pretty good numbers as to what the penalties and the credits are going to cost because they are fixed in the statute.

As a matter of fact, one could buy the credits from the Department of Energy at a very specific 200 percent of market or certain kilowatts per hour. So the costs are going to be significant to the retail purchasers of power. There is going to be discrimination from one part of our country to the next because the only real renewable that can be utilized under this legislation, according to the Department of Energy, is wind power, and the opportunities for that are somewhat limited.

As a result, to those who say we need a national policy, I say, yes, we need a national policy, not a Federal policy, one that takes into account all of these differences. So let us stick with the State option that currently exists.

Tomorrow our colleague from Texas, Senator GRAMM, is going to address the allegation that this bill is, after all, patterned after the Texas legislation, so what could possibly be wrong with it? Well, somebody from Texas can explain what the Texas legislation does, and I will let Senator GRAMM do that, but I would note the first point, which is that Texas did something on its own for the State of Texas does not mean therefore that the Senate should say everybody else has to do the same thing. I daresay, as much as I like Texas and Texans—I did not say how much; I said "as much as I do"—I am not willing to say whatever Texas does is what everybody else in the country should be mandated to do. So bully for Texas.

Arizona has a standard as well. I am not really keen on mandating that the rest of the country do exactly what Arizona did. So I am not much impressed by the fact that part of this is patterned after what Texas did. The Senator from Texas will point out why it really is not that much like the Texas plan.

Leaving that aside, it is irrelevant. The fact that one State did it a certain way suggests to me that the State found a way to make it work for itself and other States ought to look at it, too. But the State of Maine did not copy Texas. Maine has a 30-percent requirement. Should we pick Maine instead of Texas as the great example to follow and require everybody to have 30 percent? If 10 percent is good, why not 30 percent? I ask my friends, if the object is to diversify, if 10 percent is good, why not 30 percent?

One of my colleagues said the United States is too dependent on coal and natural gas. I have an answer. We can drill for oil at ANWR and produce more nuclear power. That is a great way to diversify.

There is a problem. One of my colleagues from Washington State said: We need to diversify because in the Northwest, where we rely so much on hydro, we are getting killed by the drought. And it shows there won't be as much hydro available, so we need to diversify.

Let's examine that. We get some hydropower in the State of Arizona, but we have diversified by relying a lot more on nuclear, oil, and coal. We know there can be a drought and therefore that renewable is not as much of a sure thing as our coal supply, our natural gas supply, or our nuclear energy supply.

How about wind? Can you get wind power when the wind does not blow? No. How about solar? Can you get solar power when the Sun does not shine? No. That is why with all of the so-called renewables, because they are not as sure a thing as the other sources—which is why we use the other sources—we have to combine them with some other source. We have to combine them with a storage capacity or some other source so when the Sun is not shining, where the wind is not blowing, or the water is not flowing, you have stored the energy or you have an alternative source to provide that energy. That is one of the reasons these are not part of the baseline energy production in the country.

Think about it. It is why you would not want to have too much dependence on these unreliable resources. We call them renewable because we know there will always be wind, sun, and water, but you do not know exactly when or where.

We have an almost inexhaustible supply of coal in this country and we have spent millions to generate clean coal technology. We are producing a very large percentage of power in this country on clean coal. We added scrubbers. We demand all kinds of things that take the pollution out of the air. We now produce very clean power with coal.

Natural gas is even cleaner. It is available where we are able to provide the exploration. Today we have an abundant supply of natural gas. And, of course, nuclear is virtually inexhaustible. We can produce nuclear power energy for centuries to come. It is the cleanest burning fuel, in effect. It produces no pollution whatever. Its supply is virtually inexhaustible.

To those who say we should diversify in order not to be dependent upon a particular source of energy, and use the example of hydropower, I say you are absolutely right; that is why we do not rely upon these renewables. They are not dependable, as are the other major sources of electrical generation in the country today.

Why should the Federal Government be mandating unreliable sources for generation if we want to become more energy dependent and diversify our capacity and have greater ability to be assured of power production in the future? This is folly. This is like going back to the 18th century. Windmills are great. If you are in the middle of ranch country, you have to have a windmill to pump the water. It is a great way to do it. But it is not a great way to generate thousands of megawatts of power to serve our great cities in the United States in the 21st century. At best, it is a supplemental source of power and we encourage it. We provide tax credits for it.

The Kyl amendment will permit customers to say this is what we want, and if they want it, the States let them buy it at cost. I don't think we should be mandating all sellers of electricity have to provide more and more and more of their power from less and less and less reliable sources—all in the name of diversification and a new energy policy that is going to make us "safer" and less reliant upon others? It does not make any sense.

There was a suggestion that the Federal mandate is not a preemption of the State plans. I beg to differ with my colleague. It certainly preempts the States that have decided to have no renewable portfolio and preempts those that want a different kind of standard than the Federal standard. There may be some things in common with some of the States that provide a requirement but only to the extent is it not preemption. To a far greater extent it is preemption.

To say it does not transfer wealth from one part of the country to another clearly is erroneous. It will result in that disparity and differential treatment.

I also pointed out other discriminatory features: this does not apply to governmental entities such as Bonneville and TVA or other governmental producers but investor-owned utilities. Why? What is the policy rationale for that? I happen to know, so I will explain.

If it had applied to the governmental entities, that part of the bill would have been subject to a point of order because it constitutes an unfunded mandate, imposing huge costs on those governmental subdivisions which under our law, now at least, we cannot do without subjecting that proposal to a point of order by the Members of the body. To avoid that point of order, the sponsor of the amendment wisely removed those utilities from the requirement of renewables. That creates a great imbalance. The investor utilities have to comply.

The public sector utilities do not have to comply. That is not fair. I guarantee we will see the customers of one screaming because they have higher utility bills.

I take my hat off to the municipal power producers that have written letters saying, notwithstanding the fact we are temporarily out of this bill, we still think it is a bad idea. It is not fair for our competitors that we have an advantage over them. And besides that, we are not too sure you will not try to come back and do it to us at a later time.

I appreciate their willingness to help out their competitors. There is probably some self-interest in it, but it does not matter. They are right.

There is also discrimination with respect to States such as Maine that have a huge hydro generation right now. They call that a renewable. But the Bingaman amendment does not. Maine says hydro is good; This is a renewable source and we count it toward our 30-percent requirement. The Bingaman amendment says, no, we do not let you count that for this Federal standard. The only thing you can count is if you somehow rewind the generators there and get a little more capacity out of this hydrodam in the future. We will let you count that incremental savings, that economy that you effected or the additional production, as going toward the renewable. Why do we discriminate in that way? Why do we count solar twice as much as geothermal? Why do you get twice as much credit on an Indian reservation? It looks as if there was a lot of looking at special interests and politics and issues such as dealing with the point of order issue rather than sound policy.

They talk about national energy policy. This looks to me as if it is a lot more than a national energy policy. There are a lot more different considerations than would go into a real national energy policy.

I hope my colleagues who have already said to some folks—and I acknowledge this—I need a green vote, I need to show I am pro-environment, that being for renewable energy will demonstrate that, I hope they ask themselves the following questions: What are all of my constituents who buy power going to think about that? I suggest that is almost everybody who is eligible to vote. You might want to please an energy company here or there or some environmental group here or there. But you are going to have to be accountable to all of the people who use electricity in your State.

For those who are going to have to buy credits from elsewhere, it is going to cost and they are going to wonder why their power bills have gone up. If that is the way you are inclined to vote, you are going to have to be prepared to explain that to them. I daresay there are probably going to be some political opponents or people in the media who are going to remind the folks about how this happened. So that is the first thing I think you are going to have to answer; you are going to have to answer to the people who buy the power at greater cost because you needed to have an environmental vote.

Second, there is the matter of discrimination. How are you going to be able to explain that it is going to cost you, but it doesn't cost somebody else in the country, just because of where you happen to live and where the wind happens to blow? You are going to have to explain that.

Frankly, to the extent solar power could be produced in my State, I could say I am really for this and I might benefit. The problem is, we don't have that much wind potential, as a result of which we are still going to be losers, so it wouldn't matter anyway.

I don't want to make somebody else suffer to buy a product I produce except at the marketplace. If people need to buy what I can make available because they need it and the market is open to their purchase of it, then that is great and I am willing for Arizona companies to make some money on that. But I don't want to use the Federal Government as my hammer, as my agent, to say I have something I want to sell and I can't figure out a way to make people buy it. I know, I will get the Federal Government to pass a law to say people have to buy it. That is the way I will take care of my investment.

That is wrong and that is what a few people are urging us to do. I am not talking about people in the body here, of course. I am talking about some folks on the outside. They have the good fortune of having a resource they would like to be able to sell. They would like to make some money on it and they haven't been able to do it that well yet because it is not that economical. The way they get it done is to have Congress pass a law to say you have to buy it. I don't think that is what the Federal Government should be all about.

We are going to be taking up campaign finance reform tomorrow and my colleague, Senator MCCAIN, has made a point that I totally agree with him on, that the real problem here ultimately is that the Federal Government has become so powerful now that everybody comes running to the Federal Government to seek special benefits because the Government can grant those benefits. It becomes very valuable after a while, so people decide they want to spend money influencing governmental policy.

In the abstract that is fine. We understand that is the way it is in a democracy, and there is nothing wrong with spending money to influence Government policy. But when you have a lot of money and you can influence the Federal Government to make people buy something that you have to sell that you could not sell to them otherwise, that is wrong. It is an abuse of power. Frankly, it is something that we as Senators should not countenance.

We should say to those people: Look, go develop a product that can sell. We have already given you a big tax break. If you can't sell it based upon that and you can't convince the State utility commissions or Governors or legislators to mandate a particular level of renewable energy resource in your own State, don't come to the Federal Government and ask us to do your work for you by forcing everybody to buy your product.

That is wrong. That is what creates the problem with the campaign finance issue—we make the Government so powerful that it can make or break businesses and therefore they all come rushing to us to get us to change Federal policy and to use it as a hammer rather than as an inducement.

I hope my colleagues will be able to answer these questions when they vote and that they will conclude we are really better off at this point in our history saying: We are not ready for an absolute Federal mandate. It is better to let the States decide this. With the encouragement that we provide through the tax incentives, we will see what kind of progress we can make toward the goal that we want. Then we will reevaluate it to see if we really want to impose something on the American purchaser of electricity.

As I said before, we have to be very careful about mandating the use of unreliable energy sources. The renewables, with all due respect to those who think they are the great wave of the future, renewables provide some capacity for diversification, some ability to produce power in the future, but they should not be considered a good idea for baseload or for any significant portion of power requirements as a mandate because they are simply not that reliable.

I hope colleagues will consider supporting the Kyl amendment, and, as a result of that, it will eliminate the underlying Bingaman amendment.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I have a unanimous consent request, that amendment No. 3023 be modified with the language that is at the desk. This modification is technical in nature.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 3023), as modified, is as follows:

(Purpose: To expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels)

On page 185, strike lines 9 through 14 and insert the following:

SEC. 817. TEMPORARY BIODIESEL CREDIT EXPANSION.

(a) BIODIESEL CREDIT EXPANSION.—Section 312(b) of the Energy Policy Act of 1992 (42 U.S.C. 13220(b)) is amended by striking paragraph (2) and inserting the following:

"(2) USE.—

"(A) IN GENERAL.—A fleet or covered person—

"(i) may use credits allocated under subsection (a) to satisfy more than 50 percent of the alternative fueled vehicle requirements of a fleet or covered person under this title, title IV, and title V; but

"(ii) may use credits allocated under subsection (a) to satisfy 100 percent of the alternative fueled vehicle requirements of a fleet or covered person under title V for 1 or more of model years 2002 through 2005.

"(B) APPLICABILITY.—Subparagraph (A) does not apply to a fleet or covered person that is a biodiesel alternative fuel provider described in section 501(a)(2)(A).".

(b) TREATMENT AS SECTION 508 CREDITS.—Section 312(c) of the Energy Policy Act of 1992 (42 U.S.C. 13220(c)) is amended—

(1) in the subsection heading, by striking "CREDIT NOT" and inserting "TREATMENT AS"; and

(2) by striking "shall not be considered" and inserting "shall be treated as".

(c) ALTERNATIVE FUELED VEHICLE STUDY AND REPORT.—

(1) DEFINITIONS.—In this subsection:

(A) ALTERNATIVE FUEL.—The term "alternative fuel" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(B) ALTERNATIVE FUELED VEHICLE.—The term "alternative fueled vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(C) LIGHT DUTY MOTOR VEHICLE.—The term "light duty motor vehicle" has the meaning given the term in section 301 of the Energy Policy Act of 1992 (42 U.S.C. 13211).

(D) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(2) BIODIESEL CREDIT EXTENSION STUDY.—As soon as practicable after the date of enactment of this Act, the Secretary shall conduct a study—

(A) to determine the availability and cost of light duty motor vehicles that qualify as alternative fueled vehicles under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.); and

(B) to compare—

(i) the availability and cost of biodiesel; with

(ii) the availability and cost of fuels that qualify as alternative fuels under title V of the Energy Policy Act of 1992 (42 U.S.C. 13251 et seq.).

(3) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that—

(A) describes the results of the study conducted under paragraph (2); and

(B) includes any recommendations of the Secretary for legislation to extend the temporary credit provided under subsection (a) beyond model year 2005.

Mr. BINGAMAN. Mr. President, I know my colleague from Nevada is here to speak on this amendment, so I yield the floor to him.

The PRESIDING OFFICER. The Senator from Nevada.

UNANIMOUS CONSENT AGREEMENT—H.R. 2356

Mr. REID. Mr. President, I have a unanimous consent request I would like to propound to the Senate. I see my friend from Kentucky, who has spent so much time allowing us to arrive at this point. I hope we can work this out for everyone's benefit.

Mr. President, I ask unanimous consent that at 10 a.m. tomorrow, that is Wednesday, the Senate resume consideration of H.R. 2356, the campaign finance reform bill, with the time until 1 p.m. equally divided between the leaders or their designees prior to the vote on the motion to invoke cloture, with the mandatory live quorum under rule XXII being waived; further that, if cloture is invoked, there be an additional 3 hours of debate equally divided between the two leaders or their designees, that upon the use or yielding back of time, the Senate vote on passage of the act with no amendments or motions in order, with no intervening action or debate; further, if cloture is not invoked this agreement is vitiated.

I further ask unanimous consent that immediately after final passage of the bill, the Senate proceed to the immediate consideration of a Senate resolution, the text of which is at the desk, and that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from Kentucky.

Mr. McCONNELL. Reserving the right to object, and I am not going to object, I say, once again, that what is missing from this consent agreement is a technical corrections package which Senators McCAIN and FEINGOLD, and I have agreed to. This is the first time in the history of this debate, over all of these years, that the three of us have actually agreed to something.

Regrettably, it has now been objected to by someone else on that side of the aisle. I say to my friend, the assistant majority leader, I hope at sometime during the course of the day tomorrow we can get that objection cleared up and hopefully Senators McCAIN, FEINGOLD, and I will offer a unanimous consent agreement tomorrow related to this technical package which the three of us have agreed to and hopefully we can work out some way tomorrow to clear that as well.

But I have no objection to this package as far as it goes. The only caveat I issue is that we hope to be able to achieve yet another consent agreement tomorrow, to move a technical package out of the Senate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. REID. Mr. President, I am grateful to the Senator from Kentucky for his work on this issue. It has been a very difficult thing for him, but he has persevered and we have gotten to the point where we are now and look forward to trying to work on the other problem that he mentioned today.

I will be very brief. I know the hour is late. I say to the Republican manager of this legislation that at such time as the Senate gets back on this legislation, the first thing that will be done is move to table this Kyl amendment. I explained that to the floor staff. I have explained that to Senator KYL. But we thought, rather than doing that today—we had the right to do that earlier today—that there was interest in this. Even though we had the right to do that, we wanted to make sure everyone had an opportunity to speak on this. People can speak as long as they want on this tonight.

But I do say that as soon as we get back to this legislation, unless there is some kind of an agreement that we will vote on this motion where we would have 10 minutes equally divided or 20 minutes equally divided, something reasonable, the majority leader will seek recognition to move to table because we have spent enough time on renewables.

AMENDMENT NO. 3038

Mr. President, I feel very strongly we need to diversify the Nation's energy supply by stimulating the growth of renewable energy.

America's abundant and untapped renewable resources are essential for the energy security of the United States, for the protection of our environment, and for the health of the American people.

We should harness the brilliance of the Sun, the strength of the wind, and the heat of the Earth to provide clean, renewable energy for our Nation.

I rise in opposition to the amendment by Senator KYL to strike provisions in this important legislation that would establish a renewable portfolio standard. The prospect of passing an energy bill without a renewable portfolio standard, to me, is embarrassing. It should be, I would think, to the country.

We have already told the automobile industry to build the cars as big as they want, using as much gas as they want. We are not going to increase fuel efficiency standards. So I think we can at least go this step further.

In the United States today, we get less than 3 percent of our electricity from renewable energy sources about which I have spoken—wind, Sun, geothermal, and biomass—but the potential is much greater.

This visual aid in the Chamber says it all.

In Nevada, we have great resources for geothermal. If you look on the map, you'll see that we also have wind all over the State. As the Senator from Alaska has heard me say, Nevada is the most mountainous State in the Union, except for Alaska. We have over 300 mountain ranges. We have 32 mountains over 11,000 feet high. By Alaska standards, I guess that is not very high. We have one mountain that is 14,000 feet high. By most standards, Nevada is a pretty mountainous part of the world.

In many of those areas we already have people who are beginning the development of wind farms, especially with the production tax credit that was passed for wind energy as part of the economic stimulus package. So, the credit for wind energy has been renewed, which is good. There is a 260-megawatt wind farm being constructed at the Nevada test site, as we speak. So there really are a lot of resources in Nevada and around America for this alternative energy.

My friend, who I have the greatest respect for, the junior Senator from Arizona, has talked a lot about the cost in dollars of renewable energy. It reminds me that many years ago there was a company called the Luz Company, which was in Eldorado Valley, near Boulder City, NV. In this big valley, they wanted to build a big solar energy plant—about 400 megawatts.

They went to the Nevada Public Service Commission, and they were turned down. Why? Because, in effect at that time there was a law and a regulation by the utilities commission saying that you had to have power produced that was the cheapest. Solar was not the cheapest in actual dollars. But it is cheaper in many ways when it comes to providing clean air for my children and grandchildren who live in Las Vegas.

What has happened? In that valley today they have natural gas plants. They are clean, but they are not as clean as solar energy. I think it would have been wonderful to build that solar facility. The cost is not always the dollars it takes to build a power plant. The cost is other things including environmental and health effects. What does it do to foul the air? What does it do to people's health? What does it do to the environment?

That is why we need more alternative energy. It is more than just the cost that we see in dollars and cents that you can add up when you build a plant. It is the dollars and cents in people's health, people's comfort.

Eldorado Valley used to be as clear as the complexion of a newborn baby. Not anymore. So the potential for renewable energy in real terms is significant.

Senator DORGAN from North Dakota has talked about wind. The "Saudi Arabia in America for wind" is North Dakota. The "Saudi Arabia in America for geothermal" is Nevada. We need to change what we have been doing in the past and diversify the Nation's energy supply.

My State could use geothermal energy to meet one-third of its electricity needs—a State which will soon have 2.5 million people—but today this source of energy only supplies about 2½ percent of the electricity needs in Nevada.

I have said before that I remember the first time I drove from Reno to Carson City. I saw this steam coming out of the ground. I thought, what is that? I had never seen anything like that. It was heat coming from the depths of the Earth. Every puff that came out of the ground was wasted energy. We need to harness that steam energy and produce electricity.

Other nations are doing better than we are doing. We started out doing great, but now we are falling behind. They are using a lot of equipment that we have developed. We need to stimulate the growth of renewable energy and become a world leader.

Drawing energy from a diversity of sources will protect consumers from energy price shocks and protect the environment from highly polluting fossil fuel plants.

Fourteen States have already enacted a renewable portfolio standard, including Nevada, which has the most aggressive standard in the Nation.

I hope the Senate will be willing to establish a national portfolio standard with achievable goals. I support Senator BINGAMAN, but I think his goal of 10 percent is too low. I supported Senator JEFFORDS' amendment. I think we should go for 20 percent.

In Nevada, we are going to require 15 percent of the State's electricity needs be met by renewable energy by the year 2013. That is pretty quick.

We must diversify the Nation's energy supply by stimulating the growth of renewable energy. This is essential to the energy security of the United States, the protection of the environment, and the health of the American people.

My friend from Arizona, the junior Senator, has stated that renewables are more expensive than conventional power sources, including nuclear. But I would just mention in passing, no electric utility of which I am aware—I could be wrong—has ever declared bankruptcy because of investments in renewable energy. But I do know that El Paso Electric, on the other hand, was driven into bankruptcy by its investment in the Palo Verde nuclear plant in Arizona.

I think we need to be aware of the volatile nature of the supplies and price of natural gas. There have been charts shown earlier today where you see the amount of natural gas that is going to be used in the future.

From 1970 up until 2020, natural gas is just going up in consumption, but the price variables during that period of time, because of supply and demand, have been really like a teeter-totter. With renewables, you do not have that. You have price stability.

I am a big fan of coal. We have a lot of resources in America for coal. But I am for clean coal technology. We should be spending more, not less, money on clean coal technology. In the United States, we have more coal than the rest of the world. We need to figure out a way to use coal that burns clean. We have not done a real good job on that. We have made progress, but we need to do more.

I hope we defeat the Kyl amendment. I cannot imagine an energy bill that has no renewable energy in it. I heard people get on the floor and say: Well, we have to look at this State by State. Some States are more able to produce alternative or renewable energy. That is probably true, but remember, we are not saying, in this legislation, it has to be State-by-State. We are saying utilities have to do that. As we know, we have excluded co-ops and a lot of the smaller producers.

But there is no reason in the world these big utilities should not use renewables for part of their portfolio. That is what we are saying. It is not a State-by-State issue; it is a utility by utility issue.

I hope we resoundingly defeat the Kyl amendment. If there were ever an amendment that deserves defeat, it is the Kyl amendment. We need to encourage the growth and development of renewable energy resources in our great country.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened very carefully to my good friend, the majority whip, and I am certainly fascinated by the example he has given with regard to geothermal.

Geothermal has a tremendous potential in certain parts of the United States. One of the problems, however, is that a lot of our geothermal is adjacent to or in national parks. Clearly, there is a tradeoff there as to whether or not we want to develop that. But in many cases, particularly out in California, there has been enough public pressure to suggest that this natural phenomena should remain untouched. As a consequence, to a large degree the potential has not been realized to the extent it might have.

I am also inclined to question the tactics and the strategy of the Democratic side relative to the announcement that the amendment is going to be tabled. That sounds like a fishing expedition to me. They are going to make a determination of just where the votes are, and it might make it easier for some Members to simply justify their vote by saying, well, we tabled it. That doesn't really mean that we have a position one way or another on it.

Mr. REID. Will the Senator yield for a comment?

Mr. MURKOWSKI. Without losing the floor, I will.

Mr. REID. Of course. We would be happy if Senator KYL and/or the Senator from Alaska wanted to have an up-or-down vote. We would agree to that also.

Mr. MURKOWSKI. All I know is that I was advised that the majority had made the decision to table it. I was not aware that the minority had made the decision. I can only comment on what I have heard. In any event, I would certainly honor the statement by the whip, as well as Senator KYL, as to just how this is disposed of. But if indeed the commitment and the agreement is that we will have a tabling motion, it appears we will have a tabling motion.

Again, I remind my colleagues, that kind of determination, in my opinion, is a bit of a finesse. There is other terminology I could use. Members have different ways of justifying tabling motions. We are all quite aware of it. I would prefer to see an up-or-down vote.

We have had a good debate on this issue. Some of the things, however, that I think we have overlooked are, this isn't the first time we have come up with renewables in this country or discussed it or debated it or argued the merits. Clearly, there is a tremendous merit to renewables. But the question is, How fast and how far can we move?

I am told that about 4 percent of our entire energy mix comes from renewables. That includes hydro. Two percent of our electricity is generated from renewables. That is significant as well. But, clearly, when you understand we have spent some $6.5 to $7 billion investing in renewables, in tax credits, in subsidies, in loans, I am sure it is well spent, but we have had a reasonable concentration.

So as we look at the mix now and say, here we are going to have a mandate, a 10-percent mandate, we ought to look at just what the cost of this is and how significant it is going to be, what effect it is going to have on the economy. I know that is what Senator KYL has been commenting on for some time.

First, I would like to address a couple of statements made in this debate. One is that the U.S. is too dependent on coal and natural gas. I would be happy to be corrected, but I believe that was the statement made by the chairman. We can do something about that if we wish. We could concentrate on nuclear energy. I don't see any great support for nuclear energy in this package, even though it is clean and the consequences of any air quality emissions are nonexistent. We have a problem with the waste, but everything seems to have a tradeoff.

Certainly, we could go to my State and open up ANWR. That would address dependence on coal and natural gas.

But we have to recognize the role of coal in this country. The United States is the Saudi Arabia of coal. U.S. coal, for all practical purposes, is never going to run out. The question is the technology of cleaning up the coal.

I notice a good deal of attention has been given to the chart of the majority. That chart was rather interesting because it proposed biomass. Let's not make any mistake; I don't think a lot of people know what biomass is.

Biomass is primarily wood waste. What do you do with wood waste? You burn it. And when you burn it, you generate heat. The heat generates, in the process of generating in a boiler, steam. The steam goes into a turbine, and it generates electricity.

But is it magic? No, it has tremendous emissions. I know in my State, a few small sawmills that, by the Environmental Protection Agency, have been mandated to burn their waste. They have to use so darn much fuel oil to get it hot enough to burn that the economics are out the window.

Another thing that I can't understand why the majority doesn't face up to is the provision in here that says you can't use any wood waste from public land. What does that mean?

In my opinion, that is another finesse. I have another word for it, but I shall refrain. It simply is in response to America's environmental community. It doesn't want any timber harvesting in the national forests, which is where the public lands are. It says you can't, in your biomass mix, use anything from the national forests other than residue that has come from thinning. In other words, you can have a mill that has a timber sale in the forest, and they have mill ends, they have bark, they have sawdust. In this legislation, you can't use it.

That is not a practical way. The specific reading deserves to go into the RECORD. These are the things that are wrong with this particular bill. That is why I think it is so important to recognize the contribution of the Kyl amendment. We will pick that up in a minute.

Nevertheless, it is a crass inconsistency. Good heavens, what difference does it make? Waste is waste. If you have cut a tree from a national forest legitimately, you could make lumber out of it, but you can't use the residue for biomass. The issue here is obvious to those of us out West. This is to discourage harvesting in the national forests.

What are you going to do in my State of Alaska? I don't have any nonpublic timber. We have two forests. We would have to, under this legislation, go out and buy credits. We couldn't make biomass because all our timber, all our sawdust, all our mill ends come from those forests. Let's get realistic.

I will have to offer an amendment, and I am prepared to do it.

Let me read what it says here. This is on page 6:

> With respect to material removed from the national forest system lands, the term "biomass" means fuel and biomass accumulation from precommercial thinning, slash and burn.

That is the limitation. You can't use the residue from a commercial tree that you take out of the forest.

That is inconsistent with the utilization of the product. What are you supposed to do, waste it? Save this and waste that?

The chart wasn't ours, but it was an interesting chart because it showed biomass. And, again, biomass is not the magic it is cracked up to be because you have to burn it. To burn it, you have emissions. Because of emissions, you have to address air pollution. Air pollution means technology. Technology means cost. Don't think you are going to get a free ride with biomass.

Solar works great in Arizona and New Mexico, the Southern States. It doesn't work in Barrow, AK. We have a long dark winter where the sun never rises above the horizon for about 3 months. Solar has an application, I grant you. I don't belittle it. But nevertheless, the footprint is pretty broad. You would have to cover several States with solar panels to equal what I can produce from ANWR in 2000 acres. I can produce 1 million barrels a day, and it would take somewhere in the area of two-thirds, three-quarters of the entire State of Rhode Island.

We had some discussion earlier today relative to wind generation. Wind generation has an application. I think one of the tremendous application of wind generation is using it to fill dams. In other words, the technology is relatively simple because when the wind blows, the wind powers electric pumps or generators that pump water from a lower area to an upper area. And then you have the fall into the turbines and you can generate. There is a lot of thought that says that some areas near saltwater, where you have canyons and so forth, you could theoretically dam up a little inlet where you have wind, and you could have the wind generating power for the pumps. And then you pump the saltwater up and run it through the generator. You are really picking up something if that is the kind of technology you are talking about. But make no mistake, there is a footprint.

This chart shows San Jacinto, CA, between Banning and Palm Springs. I have driven through there many times. If you look at it, it is rather astounding because you see literally hundreds of these windmills. And some of them are turning; some are not. Sometimes they have technical problems because the wind pitch and velocity is such that it can tear up the transmissions.

We have some in a few areas of Alaska where they actually have brakes on the ends of the blades. It has a tendency to brake itself rather than tear the transmissions up or to get ice on them, and so forth.

But the point I want to make here is that this is about 2,000 acres of a wind-generating area that is committed to the placement of the wind generators and the towers, and that equates to making about 1,815 barrels of oil. So the footprint there, 2,000 acres, equates to 1,815 barrels of oil in an equivalent energy Btu comparison. Yet 2,000 acres of our area, in ANWR, will produce a million barrels of oil. So there is a tradeoff. So we have solar, and we have wind, and we have biomass. They are all meaningful, they all make a contribution, but they have a certain cost to them. Now, there is either biomass, wind, solar, geothermal—I mentioned geothermal and a good portion of those, unfortunately, are in or adjacent to our parks.

Another point made earlier in the debate is that this is not a State preemption. It really is a State preemption, Mr. President. It preempts those States that have decided that a renewables portfolio standard is not in the consumers' interests. There are 14 now that have come in voluntarily. But this legislation would mandate that all States achieve it.

Let's take the State of Michigan, for example. What is in it for Michigan? I am not from Michigan. I can't speak about it, other than to share some observations that the staff has made. But we have some wind in Michigan; some solar; not much hydro potential; biomass—I suppose there is some; geothermal, very little. But they clearly don't have a significant segment of one of these alternatives available. So what are they going to do? Well, probably buy credits.

Another thing that came out of the debate that is wrong with this legislation is there is nothing to prohibit. The Three Gorges dam on the Yangtze River in China, which is about completed—but they are putting in turbines now, and so forth—it is my understanding that would qualify for credits. That is a pretty big project—one of the largest hydroprojects ever undertaken in the history of the world. Are we going to see a situation where utilities are going to be allowed to go buy credits? There is nothing in the legislation to prohibit it.

That isn't the intent. The intent is to encourage the development of renewables.

That is another thing wrong with this legislation. I am sure this can be corrected; nevertheless, it suggests that we have left an open door in this concept of buying credits.

Another point that was brought up in the debate is the issue of transferring wealth from one part of the United States to another. It is fair to say that the State of California, with a large population, dynamic economy, depends on energy coming from the outside. They would rather buy energy than develop their own. We saw that last year in the crisis in California. We have seen it time and time again. My good friends from Louisiana have indicated that they get a little tired of this "not in my backyard" business. Louisiana is developing oil and gas offshore. They are subject to the impact of that on their school systems, roads, and so forth. Do they get anything extra? No. The OCS goes into the Federal Government fund. Yet they are generating this for the benefit of other States.

So it is not fair, necessarily, to consider this transfer of wealth from one part of the United States to another. In other words, those areas that have the potential of generating biomass from either solar or wind are not going to have to buy credits. Others that don't have this availability are going to have to do so. I suggest to you this is not necessarily equitable.

There are other examples that I think deserve a little examination; that is, under this mandate, each electric utility, other than public power—and why is that, Mr. President? We have investor-owned power and we have public power. But we make a distinction here. We do the mandate on every electric utility other than public power. What is the politics of that? I don't know, Mr. President, but I know public power opposes it, and they have prevailed. They don't have to maintain a mandate. You are a businessman, Mr. President, and so am I. What does this mean?

This means that investor-owned power companies are not necessarily going to have the same comparative cost mechanism because investor-owned companies are going to have to go out and buy credits or put an investment in renewables.

Does that mean public power can increase their rates a little bit to coincide within investor-owned? Who pays that, and is that kind of a windfall profit? I don't know, but I think every Member who is going to vote on this ought to be able to go home and explain this because it is not equitable. Power produced by investor-owned and by public power—they both do a good job, but why are we excluding one? It is because of the politics. They don't want it. I would like to hear the debate from the other side, but I see they have adjourned for the evening—at least on that side of the aisle. I would like to hear an explanation of that.

So what we have here is each electric utility other than public power must have one renewable credit for the required percentage of its retail sales. That starts at 1 percent and increases to 10 percent in the year 2020. Who are we exempting, Mr. President? We are exempting Bonneville, which you heard of, out West, and TVA, WAPPA, which are significant power groups in their own right, entitled to the process; nevertheless, the public and we should question this.

To obtain a credit, a utility can, one, count its existing wind, solar, geothermal, or biomass, but not hydro. Well, I have been chairman of the committee, and I have been ranking, and how they can conclude that hydro is nonrenewable is beyond me. But I have made my case. It looks as if they have put this in here so it will fit. That is what is wrong.

This legislation has been shopped on the other side to the point where it has accommodated virtually every special interest group. That is what is wrong with it. It never had the process that normally takes place around here, and that is the committee process, where the legislation is developed within the committee, the bill is introduced, referred to the committee, hearings held and markups and so forth. We know the history. But it is beyond me that the media has not picked up on the injustice of that.

The majority leader obstructed the committee of jurisdiction —Energy and Natural Resources—to do this. He said it was too contentious. He pulled it away from the chairman. Here we are on the floor of the Senate at 7:10 enlightening one another as to what is in the legislation. That should have been done in the committee process. It was not and that is a tragedy.

It is kind of interesting, to make a parallel—I will not make an issue of this, but what is good for the goose is good for the gander. Somebody made an observation of that nature, where we had the majority leader, in the Pickering nomination, on a question relative to sending the matter directly to the floor, taking it up, and resolving it on the floor. Oh, no, we had to observe the traditional process of the committee jurisdiction. I don't know why it is not good enough for the Energy Committee, but it certainly applies in the case of Judge Pickering. I don't want to go down too many rabbit trails this evening, but I wanted to point out an inconsistency.

As I have indicated, to obtain a credit, a utility can count existing wind, solar, geothermal, and biomass, but not hydro.

It can build a new renewable powerplant or purchase the credit from another new renewable powerplant or purchase the credit from the Secretary of Energy. Is the Secretary of Energy going to be selling these credits? Is that revenue to the Federal Government? What is it worth? What is it going to cost?

My understanding is the average cost of electricity is about 3 cents per kilowatt hour. You are going to have to pay something for these credits. I am told it may be another 3 cents. So that is 6 cents. That is going to be passed on to the consumer, Mr. President. Public power is not going to pay it, just investor-owned companies. Isn't there some kind of subsidy, tax credit, associated with this of about 1.7 cents?

We are now taking power that usually goes to the consumer, about 3 cents, and that consumer is now going to be paying about 7.5 cents. Is anybody concerned about that? I do not see a lot of concern. Evidently the public is just willing to pay from the investor-owned business only an increase from 3 cents to 7.5 cents. Think about that: Every Member and staff who is watching, you had better be prepared to explain that to your ratepayers and your consumers. That is the price you are paying for this mandate.

In the early years of the renewable portfolio program, there will be few tradeable credits because only new facilities produce credits for sale. The renewable credit would be, as I said, about 3 cents per kilowatt hour through the wholesale market price of power. This is on top of the 1.7 per kilowatt hour renewable tax credit. That substantiates what I said.

Let's talk about a few key States.

West Virginia: American Electric Power serves the bulk of West Virginia. Ninety-seven percent of the American Electric Power Generation is from coal. A smaller portion is from natural gas and nuclear, and eight-tenths of 1 percent is hydro. We are told that American Electric Power could not meet the renewable portfolio standard through existing renewable generation. They would have two choices: Build new renewable powerplants or purchase credit.

New York: Consolidated Edison serves New York City. Con Ed has disposed of most of its generation, as we know, and now purchases 95 percent of its electricity. All of its remaining generation is gas fired and located within the city of New York. Con Ed could not build renewables production in New York City to satisfy its renewable portfolio requirement. It would have to purchase credits to satisfy the renewable portfolio standard requirement. They simply cannot do it in New York. They acknowledge that.

Arkansas: Arkansas is served by Entergy. It is 98 percent natural gas, nuclear, and coal, and only 2 percent hydro or wind. It would not meet its RPS—renewable portfolio standard—requirement through existing wind generation. It would have to purchase credits to satisfy the RPS requirement.

Illinois: Exelon serves most of Illinois, including Chicago. It is 88 percent nuclear, coal, and natural gas, and 8 percent hydro. They would have to build renewables or purchase credits to meet the RPS requirement.

What are they going to do? Are they going to purchase them or build them? They are going to make a business decision, and the business decision is going to be made on the quickest return on investment. That is what you make business decisions on—the least risk and the highest return. Are they going to build renewables or buy? It depends on the mix.

I do not think we have really reflected because the other side is so anxious to salvage something in this energy bill. This energy bill can only be salvaged by good amendments because it was a bad bill to start with. It has been improved dramatically. I support the continued process, but the continued process toward a good bill can only be resolved by amendments.

The Kyl amendment is not a vote against renewables; it is a vote for States, it is a vote for consumers, and it is a vote for the freedom to choose.

This is not in the House bill. What is going to happen when it goes over to the House for conference? There is nothing in the House bill. We all have a little idea what the House is going to do.

The Bingaman amendment, in my opinion, subsidizes renewables at the expense of coal, natural gas, and nuclear power. What does that mean? To me that is a Btu tax, British thermal unit tax. It was the first legislation introduced by former President Clinton when he first took office, looking for revenues: We are going to put on a Btu tax.

Do my colleagues know what happened? He was defeated because the public said: This country is energy rich. We have a broad choice of energy mix. We have coal, we have oil, we have natural gas, we have renewables, we have biomass, and you want to tax us first thing.

This is a Btu tax on coal, natural gas, and nuclear power, make no mistake about it. Fourteen States have existing programs with different fuel mixes, and they would be preempted by this legislation.

Senator KYL's amendment replaces the Bingaman renewable mandate—and remember, renewable mandate; we all know what mandate means: you must do it—Senator KYL's amendment would replace it with a program to encourage renewables without preempting the States, without micromanaging the market.

What is the matter with the way this market is working? Fourteen States have initiated programs because they believed it was in the interest of their State, the consumers, the air quality, and good citizenship. But, no, we are going to mandate it, and at what cost?

The Kyl amendment requires State utility commissioners—and I use the words "to consider"; it is not a mandate—"to consider the merits of a green energy program." It does not order them to implement one. It says consumers can purchase green power if they want to; they are not required to. And I guess the utilities can charge them for green power if it is higher. There is nothing wrong with that if that is what they want.

Over the past 5 years, Congress has provided more than $7 billion in subsidies, tax incentives, and other programs to assist renewables. As I said earlier, I support those. That is how we bring on technology. But you do not get a free ride from it. If we do make this mandate the law, we are going to increase the cost of electricity to the consumer, but only for the investor-owned company, because that is to whom it applies. It does not apply to public power. I have yet to get an explanation as to why. We all know why. It is politics. They do not want it. They want to enjoy a differential. Is the public aware of that? Are they aware why one source of power should enjoy the benefits and not another?

If you happen to have public power providing you with energy, you are going to break. If you are an investor-owned business, you do not. This is not the American way, and people ought to begin to understand this. Members had better be able to explain it when they go home.

Now the Bingaman amendment, in my opinion, is not good policy, frankly. I have the greatest fondness for my friend Senator BINGAMAN, but what it does, it picks winners and losers; it favors types of fuel based on politics, not policy; exempts public power, although there is no policy justification.

On the other hand, the Kyl amendment points out fundamental philosophical differences between—and we have heard that today—Daschle-Bingaman. We really want consumers to choose for themselves. On the other side, they want the Government to choose for the consumer. That is what this Daschle-Bingaman proposal is all about.

We want the States to make decisions on the needs of the people. They want the Federal Government in charge. This issue, renewable mandates, is opposed by the United Mine Workers, Public Power, Investor Owner Utilities. Chamber of Commerce—well, I have an explanation, and I appreciate that. I want to make sure the record reflects it because I have been saying that this would benefit Public Power, but I have been corrected by my staff to say that Public Power also is opposed to it.

Why is Public Power opposed to it? Because they are fearful it will be lost in committee, and they will in the committee process be also included in this mandate.

The record should reflect my reference to Public Power and the clarification.

So the renewable mandate is opposed by the Chamber of Commerce, United Mine Workers, Public Power, Investor Owned Utilities.

The fear that Public Power has is they will be exposed in committee and have to be subject to this as well.

I think all Members should consider the merits of what we are getting into, the precedence we are setting, and the emotional argument associated with: Gee, we have to do something on renewables. We have not been able to respond on CAFE. We have not been able to move in a manner in which we could address even the pickup issue, on which we had a vote. Let us make sure the legislation we pass is good legislation; that it is well thought out; it is applicable; that it does something meaningful that is in the appropriate role of government to do, as opposed to what I think the States are doing very nicely by themselves. They are proceeding, should they wish, with their own renewable mandate proposal, and that is where I think these types of decisions belong.

I think we would all agree as Members of the Senate that one size does not fit all.

With the recognition it is late, I am prepared to yield the floor. I believe we will be on this bill in the morning. Might I ask the Presiding Officer what the order of tomorrow might be again for those of us who might not have heard the majority whip?

The PRESIDING OFFICER. There will be a cloture vote tomorrow at 1 p.m. on campaign finance reform.

Mr. MURKOWSKI. If I may ask further, upon the conclusion is there any order from the leader as to what we would go to?

The PRESIDING OFFICER. There is no special order. The Senate, by default, will resume consideration of the energy bill.

Mr. MURKOWSKI. I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3039 TO AMENDMENT NO. 2917

Mr. REID. Mr. President, I send a technical correction to the desk with respect to amendment No. 2917. I ask unanimous consent that the amendment be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3039) was agreed to, as follows:

On page 555, line 14, after "Secretary", insert "shall".

Mr. REID. Mr. President, for the information of the Senate, this technical correction is simply the addition of the word "shall" on page 555 of the amendment.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING FRED SCHEFFOLD

Mrs. CLINTON. Mr. President, I would like to take this opportunity to honor the late Fred Scheffold, a battalion chief with the New York City Fire Department and one of the many NYC firefighters who so bravely gave their lives on September 11, 2001.

Today, I had the honor of meeting Fred's widow, Mrs. Joan Scheffold, and their daughter, Karen Scheffold-Onorio, at a news conference in the Mansfield Room of the U.S. Capitol Building. They were here to join my distinguished colleagues, Senators STABENOW, ALLEN and KYL, and me to announce the next steps in the implementation of the Unity in the Spirit of America Act, the USA Act.

The USA Act is legislation introduced by Senator STABENOW that establishes a program to name national and community service projects in honor of victims killed as a result of the terrorist attacks on September 11. The measure was signed into law by President Bush in January. To recognize the heroism of New York Firefighter Fred Scheffold, and all the victims of September 11, I ask unanimous consent that the statement of Joan Scheffold be printed in the RECORD. It is a warm and loving tribute to a heroic husband, father, and American.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REMARKS BY MRS. JOAN SCHEFFOLD, MARCH 19, 2002

The world lost many treasures on September 11th, and I mourn the loss of my own gem, my husband Fred. Fred's 32 year career with the NYC Fire Department brought him to many corners of New York and on the morning of September 11, he was just finishing his 24 hour tour as a Battalion Chief in East Harlem. When the alarm came in, he rushed to the scene along with the Chief who was relieving him. Like so many others that day, he was not obligated to respond to the alarm but he did so out of the sense of duty and the simple fact that he knew his help and expertise would be needed.

But, he was so much more than just a fireman who was lost on September 11. As an avid runner, skier, and golfer, he inspired our 3 daughters to reach their highest goals and set them higher once again. A talented painter and sculptor, our home and yard are decorated with many of his pieces, including a giant insect made of metal and wood on the front lawn and a front door painted purple. A self-proclaimed "news junkie", he read everything that he could get his hands on and could hold an intelligent conversion about any topic. Essentially, he had a lifelong love of learning.

He had the unique ability to make you feel like you were the only one in the room when you were talking to him and that what you were saying was the most interesting thing he's heard all day. But he never failed to end the conversation by making you laugh.

We mourn the loss of Freddie every single day. He was a magnificent human being and a beautiful soul who will never be forgotten. Fred's memory has been celebrated in many ways including a scholarship fund that has been established at his alma mater in the Bronx and trees that have been planted in his honor. We hope that we can continue to honor his life and the lives of those 3000 others lost on September 11 through projects of the Unity in the Spirit of America Act.

SALT LAKE 2002 PARALYMPIC WINTER GAMES

Mr. HATCH. Mr. President, during the last 2 weeks of February, the world watched the 2002 Winter Olympic Games held in our home State of Utah. The success of these games and the achievement of the competing athletes have been recognized as high points in the long Olympic tradition. We are all proud of the spectacular athletic accomplishments of the participation and support of this outstanding event.

Today I rise, as a Senator from the great State of Utah, to call attention to and express support for the Salt Lake 2002 Paralympic Games which concluded with the closing ceremony this past Saturday.

As meaningful and significant as the 2002 Winter Olympic Games have been, the Paralympic Winter Games, perhaps, elevate that significance, for paralympic athletes must not only excel in athletic skill and prowess, but must also accommodate a disabling condition.

During the 10 days of the Salt Lake 2002 Paralympic Winter Games, world-class athletes brought together their minds, their bodies, their spirits, and their determination to pursue the highest level of performance and commitment.

I especially want to recognize the fantastic achievements of our athletes from Utah. Steve Cook showed incredible speed and skill earning four silver medals in cross country skiing events—the 5K, the 10K, as an anchor on the relay, and the biathlon.

No less exceptional was Muffy Davis who was awarded three silver medals in alpine skiing. Her performances were stellar.

Lacey Heward excelled in both the Super G and the Giant Slalom, winning bronze medals in both events.

Also winning two bronze medals was Christopher Waddell in the Giant Slalom and downhill skiing event. Christopher also captured a silver medal in alpine skiing.

Monte Meier, through strength and courage won a silver medal in alpine skiing. Our alpine skiing is exceptional in Utah.

Stephani Victor earned a bronze in the downhill skiing through her great diligence and prowess.

No less outstanding is the participation of Daniel Metivier and Keith Barney, who also gave their all in these games. The stellar achievement of our Utah athletes has been magnificent. I am so proud of their excellence.

While it is fitting that the U.S. Senate express recognition and praise to these outstanding athletes, I cannot forget to applaud their dedicated coaches, trainers, and families. These individuals provide the needed unconditional support for the athletes. Though they stand in the background, they are no less deserving of Olympic glory.

I compliment the U.S. Olympic Committee, which is designated as the National Paralympic Organization. Under the direction of President Sandy Baldwin and Chief Executive Officer Lloyd Ward, the U.S. Olympic Committee has offered their incredible support for these games.

I also pay tribute to the Salt Lake Organizing Committee, SLOC, for taking the challenge to improve on the success of the Utah Winter Olympics by organizing and carrying out the 2002 Paralympic Winter Games. Nancy Gonsalves, who has been at the head of this venture for the Salt Lake Organizing Committee, is to be commended.

My colleagues might be interested to learn that this was the first time the Paralympic Winter Games have been held in the United States. It was also the first time a local organizing committee assumed the responsibility for the organization, acquiring of sponsors, and staging of the games. The contributions of the sponsors, the volunteers, and SLOC were essential to the success of the Salt Lake 2002 Winter Paralympic Games. The commitment of the people in Salt Lake City and the great state of Utah deserve our appreciation and recognition.

In addition, I wish to give special recognition to the national media for the attention they gave to the Paralympic Winter Games. The purpose of the 2002 Paralympic Winter Games, the events, and the individual stories of the athletes were covered more extensively by the national and international media than in any previous Paralympic games. This coverage suggests that we, as a society, not only recognize outstanding physical performance requiring concentration, dedication, and discipline, but, in addition, we recognize the challenges that must be accommodated by people with disabilities. These Paralympic Games proved that there is no limit to what an individual can accomplish.

The Salt Lake 2002 Paralympic Winter Games enriched the lives of thousands of people with disabilities and their families. Even more important, they enriched the lives of those of us fortunate enough to live free of disability. I wish to commend the dedication and commitment of the athletes, their families, their trainers, the Salt Lake Organizing Committee, and the citizens of the great State of Utah.

Mr. BENNETT. Mr. President, I rise today to join my colleague from Utah in recognizing the outstanding success of the Salt Lake 2002 Paralympic Winter Games. Ten days after the conclusion of the Winter Olympic Games, another group of elite athletes from around the world gathered in Salt Lake City to push the limits of physical achievement. These athletes, along with their coaches, trainers, families, and many volunteers, made the 2002 Paralympic Winter Games a remarkable 10-day event.

The paralympic movement began in 1948, when Sir Ludwig Guttmann organized a sports competition for World War II veterans with spinal cord injuries in Stoke Mandeville, England. From that small beginning came what we now know as the Paralympic Games, which have grown dramatically in recent years. The Salt Lake games were the eighth official Paralympic Winter Games, with over 1,000 world class athletes from 36 countries competing in 100 medal events.

While the athletes at the Paralympic Games all have some form of disability, the level of competition is no less intense. Because the games emphasize the participants' athletic achievements rather than their disabilities, spectators quickly forget that these athletes face special challenges and instead focus on the thrill of competition.

I am proud of the accomplishments of my State during the past 2 months. The Paralympic Games were an outstanding partner to the Olympic Games. I congratulate everyone involved, especially the athletes, who showed us that with dedication and commitment, no obstacle is too great to overcome.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 8, 2002, in Missoula, MT. A lesbian couple and their 22-month-old son were victims of an arson attack. An intruder broke into their home, poured accelerant throughout, and set it on fire while the victims slept. The attack came 4 days after the couple received statewide publicity for suing their employer for same-sex domestic partner benefits.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

ADDITIONAL STATEMENTS

SORROW TO SOLACE

- Mr. HELMS. Mr. President, I decided that the CONGRESSIONAL RECORD should use the same heading, "Sorrow To Solace," on what I am about to say to the Senate as the Raleigh (N.E.) News and Observer used on its heart-rending story on March 12 about Christelle Geisler.

Who is Christelle Geisler? For openers, she is a charming student at Raleigh Meredith College whose home is in Hickory, NC, in the western part of my State. But that does not tell the real story about Christelle, so let me begin at the beginning of my brief relationship with her a few days ago.

James Humes was waiting for me when I arrived at my Senate office in the Dirksen Building. In the hallway were a number of other visitors. James Humes is well known and highly respected in this city. He looks like Winston Churchill, he walks like Winston Churchill, he sounds like Winston Churchill. He served a stint as speech writer for a President of the United States; he is a well-known and highly respected author, his most recent book bearing the title, "Eisenhower and Churchill," with a subtitle reading, "The Partnership That Saved The World."

Jamie Humes and I met Christelle Geisler at the same moment. Christelle giggled quietly in appreciation of Jamie Humes' imitation of Churchill. The three of us had our picture taken together; then Jamie departed with her appealing smile and her good manners. I recall being disappointed that she could not stay longer.

An hour or so later I found a portion of The News and Observer's March 12th story about Christelle. It began with the three-word heading I asked to appear at the top of these remarks in the Senate this morning. The subhead: "A Girl Scout uses what she learned from grief to help other teens".

It is a touching story about how Christelle having written a brochure designed to help other teenagers cope with grief. Catawba County, Christelle's home county, has distributed hundreds of copies of the brochure.

At this point, allow me to ask to print in the RECORD the News and Observer story, written by Kelly Starling, to finish the heart-warming story about a young lady who has been honored by the Girl Scouts of America because she wanted to help others in their time of grief.

The article follows:

[From the Raleigh News and Observer, Mar. 12, 2002]

SORROW TO SOLACE

A GIRL SCOUT USES WHAT SHE LEARNED FROM GRIEF TO HELP OTHER TEENS

(By Kelly Starling)

At the sound of the front door closing, her ears always perked up. She listened for the rap of a briefcase hitting the wood floor. Then the patter of shoes that meant Daddy was home. Christelle Geisler would dart from her bedroom, speed down two flights of stairs and into his arms. He kissed her and his two younger daughters. Then he gave the gifts: a coral necklace from the Philippines or dolls from Indonesia, a Japanese kimono.

She was dad's girl.

Phillippe Geisler traveled a lot, looking for new merchandise for his furniture store. He journeyed to foreign countries searching. and attended North Carolina furniture shows. Home in Hickory, Christelle was his buddy. She filed papers at his office. They played tennis. He teased her about practicing violin.

He was on a business trip in Florida one July night when the doorbell rang. Christelle, then 15, turned away from "Law and Order," got up and squinted through the peephole. Two policemen stood on her porch. They asked for her mother, then ushered her to another room: There had been a car accident, they explained. Police suspected that . . .

Christelle, who had been listening by the open door, howled.

"I don't think I've screamed so loud in my life," Christelle said. "It was just raw emotion."

She recalled that three-year-old memory last week sitting on a wooden bench across from the chapel at Meredith College, where she is a freshman. Gazing at the pond, Christelle wore a distant look. Grief is hard for adults to manage. But when you're a teenager, she said, the voyage can be even lonelier. Everyone thinks they know what you're feeling. There are few resources to help you cope.

The night she learned of her father's crash, Christelle walked around like a zombie, she said. When her boyfriend, Brian Giovannini, called later that night, she was crying.

"She was always daddy's little girl," he said. "She went to him for strength, for advice. When something came up in her life, he was the first person she talked to."

That night, Christelle slept with her mother, Marie-Alix, in bed. Her baby sister, Margot, who would turn 2 in the following week, was asleep in a nearby cradle. In coming days, they picked up her sister Emilile from violin camp. And the ordeal began.

She learned the details of her father's death: His car had malfunctioned, gone over the median strip, landed in oncoming traffic, flipped over. He was 40. She endured the days-long wait for his body to be brought home. Neighbors cleaned their house. They brought food.

"We had ham for about two months," she said.

But Christelle couldn't eat. She kept to herself, stayed away from the phone. The one time she did pick it up, the caller asked about her father's organs; her dad was a donor. She just wished the reality would go away: She had just one parent. No father to help her choose her first car that fall. Or walk her down the aisle one day.

"She couldn't believe it," Giovannini said. "Even after the funeral, it was hard for her to accept."

Life changed. At school that fall, Christelle kept up with homework and her clubs. But in the evening, with time alone to focus on herself, she faced the pain. Christelle cried in her room. Her mother sent her to a church counselor, and to a school counselor. Christelle resented them, feeling that they didn't understand what she was facing. Mail addressed to him arrived. Friends who had been out of town when the crash happened asked about her dad. People kept dredging up his death.

"You have to face it again and again," she said. "What I hated the most was 'I've been there' from people who hadn't even lost a parent yet. How could they tell me it was going to be OK?"

A CHANCE TO HELP

Christelle found solace in going to church each week and becoming more active in youth group. "It had more meaning for me," she said.

Then Christelle came up with the idea of researching teen grief for a Girl Scout project. She had been a Girl Scout since second grade, rising from Brownie to Senior Cadette. She loved the support system the organization gave her, which helped her learn more about herself. She earned all of the pins and completed almost all the projects she needed to earn a Gold Award, the Scouts' highest honor. The only thing left to do was a research project: Teen grief, she decided, was the perfect subject.

She started working toward the award in January of her senior year, going to public and college libraries. She found scant to nothing on the subject of teen grief. She tried Barnes & Noble: same thing.

She met JoAnn Spees, director of the Council on Adolescents of Catawba County. Spees helped her find enough information to start her research and talked with her about her plan to present it. Christelle decided that her research could benefit more than herself: She would create a teen-to-teen brochure for others struggling with grief.

"She is one of the most capable young women I've ever met," Spees said. "She's very talented, has an incredible joie de vivre and a maturity level beyond her years."

Now, Christelle had a cause, Spees said. After visiting the Council, Christelle left with books and diaries on grief to read at home. She read everywhere, even on the beach. She interviewed classmates who had lost parents to illness. She talked to psychologists, to teachers whose parents had died when they were young. The Gold Award project required 50 hours of research; Christelle, who completed the project that October, logged more than 92.

Her desire to learn was never sated. What were the stages of grief she would go through? What would Emilie and Margot face? Her notebook was the size of a phone book when she finished. Her journal was full of pages expressing her jumble of feelings: denial sometimes, longing the next.

The brochure she created is simple and powerful. A childlike drawing of a heart graces the cover. Inside, there's a road map showing the journey through grief with exits to shock, the "whys" (why them? why me? why now?) and healing. She reminds teens that there's no speed limit or deadline for working through grief. On the back, she offers tips and explains that she is a teen who has lost someone too.

The brochure not only earned Christelle her Gold Award—an honor achieved by about 3,500 Girl Scouts each year—but also led to her being named one of this year's Girl Scout Gold Award Young Women of Distinction—an honor shared by only 10 Scouts. Christelle was chosen because of the impact her brochure had on the community, said Michele Landa, spokeswoman for Girl Scouts of the USA. Catawba County's council on Adolescents has circulated more than 800 copies to school counselors, pediatricians and psychologists. It has been used to help students at a school where three teens died in a car accident. Everyone always wants more, Spees said.

As part of her award, Christelle is in Washington, D.C., this week for a Girl Scout anniversary celebration and gala. She is thought to be the first North Carolina Girl Scout to receive the honor since the award began three years ago, Landa said. Christelle will receive a White House tour and attend a luncheon presided by U.S. Supreme Court Justice Sandra Day O'Connor. She is scheduled to meet influential women such as fashion designer Vera Wang U.S. Senate candidate Elizabeth Dole and Kathryn Sullivan, the first American woman to walk in space.

"Isn't that cool?" Christelle said.

AN EMERGING WOMAN

Doing the research, Spees said, gave her a deeper sense of maturity. She had always been self-assured. But when Christelle spoke at a luncheon put on by the Council on Adolescents last year, Spees saw an emerging woman.

"She was calm, confident," Spees said. "She just had a sense of new control, a peace that she was conveying. Before it was a cause, but now that the project was finished she found a sense of closure."

At Meredith, Christelle looks young in a pale yellow cardigan and jeans, her smooth skin and dark brown ponytail accented by a red and green striped bow. But she has grown in ways that don't show. She pulls out a memorial card with a grainy black and white picture of her dad, showing his hair parted on the side, his quirky smile.

"I see so much of my sisters in him now," she said, looking at the picture while the chapel bells ring. "His smile is exactly like my little 4-year-old's. I'll never be able to look at her and not see him. Dad is with us in his own way."

It has been three years, but Christelle still returns to her grief from time to time. Thinking about a special moment with her dad can cause the tears to run again. She gains comfort from the silver circle of moons and suns on her finger—the ring he bought her in Charleston, S.C., and that she still wears every day. And she leans on her faith. She has even taught her youngest sister that to talk to Daddy she can pray Sometimes you have to turn things over to God, she said, and everything will be OK.●

IN RECOGNITION OF NOTTINGHAM INSURANCE & FINANCIAL SERVICES

● Mr. TORRICELLI. Mr. President, I rise today to recognize Nottingham Insurance & Financial Services which is being honored by the Mercer County Chamber of Commerce with its Outstanding Small Business of the Year.

Nottingham Insurance & Financial Services represents one of the great success stories of family owned businesses. Since its founding in 1917, it has seen 4 generations of family members in successful perpetuation grow and expand its business. Over the years, it has grown from providing property and casualty services to the residents of Central New Jersey to providing group health and life insurance, and financial services.

While also providing valuable insurance and financial services to the residents of Central New Jersey, Nottingham Insurance & Financial Services has also played a vital role in the community. They support numerous youth leagues and teams while also serving on several local board and organizations such as the Hamilton Township Library Board of Trustees and Meals on Wheels of Hamilton.

Nottingham Insurance & Financial Services is a fine example of the positive and vital role that local businesses play within our communities.●

HONORING SHARON DARLING

● Mr. BUNNING. Mr. President, I rise today to pay tribute to a truly inspiring woman, Ms. Sharon Darling. Ms. Darling is this year's recipient of the prestigious National Humanities Medal. President Bush and First Lady Laura Bush will be personally presenting this award to Ms. Darling at a ceremony to take place next month.

Sharon Darling is the founder and president of the National Center for Family Literacy, NCFL, a non-profit organization located in Louisville, KY, recognized world-wide for their effectiveness and innovativeness in teaching children and adults to read. The NCFL, founded in 1989, has worked diligently year after year in an attempt to bring about a positive change in the level of family literacy rates. This group has been soulfully dedicated to placing family literacy on the national agenda and has been very successful through their efforts. The NCFL rightly understands that to live without an education is to live without a future.

Sharon Darling got her start in education 35 years ago in the basement of the Ninth & O Baptist Church. The basement of this Baptist Church is where she first began to teach illiterate adults to read. It was also the first time she began to realize that she could make a difference in people's lives. She recognized that without access to knowledge, these people would never possess the ability to fight their way out of poverty or empower themselves with the gift of rational thought. If they cannot read, no amount of money or Federal assistance will help.

Throughout her career in education, Sharon has spent time as a teacher, administrator, and educational entrepreneur, constantly working to develop new and improved strategies for teaching children and adults how to read and how to interpret what they read. She has served as an advisor on issues dealing with education to governors, policy makers, business leaders, and foundations across the country. She has been and remains an invaluable resource to the educational community.

The National Humanities Medal will not be the first time Sharon has been recognized for her work. She received the 2000 Razor Walker Award from the University of North Carolina for her contributions to the lives of children and youth; the Woman Distinction Award from Birmingham Southern University in 1999; the Albert Schweitzer Prize for Humanitarianism from Johns Hopkins University in 1998; the Charles A. Dana Award for Pioneering Achievement in education in 1996; and the Harold W. McGraw Award for Outstanding Educator in 1993. She has also received several honorary doctorate degrees for her contributions to education and has been featured on the Arts & Entertainment television network's series, "Biography." Her latest accolade places her in the company of such great men and women as Stephen Ambrose, Ken Burns, and Toni Morrison. The National Humanities Medal is the Federal Government's highest honor recognizing achievement in the humanities.

Sharon Darling has been a shining star for the literacy movement throughout her career as an educator, guiding the unfortunate into a land of opportunity. I congratulate Ms. Darling for this much deserved distinction and thank her for striving to make the world a better place to live and to learn.●

TRIBUTE TO MICHIGAN'S OLYMPIANS

● Ms. STABENOW. Mr. President, I rise to commend the residents of the State of Michigan who participated in the recently concluded 2002 Winter Olympics.

"Swifter! Higher! Stronger!" That's the Olympic motto.

I am proud to say that at least 13 athletes who call or have called Michigan their home followed that motto and competed with the world's best in this year's Winter Olympics. Among them was Naomi Lang, the first Native American to compete in the history of the Winter Olympics and who placed 11th in ice dancing.

Athletes included members of the men's Silver Medal hockey team: Chris Chelios, of Detroit; Mike Modano, of Livonia; Brian Rafalski, of Dearborn, Brian Rolston, of Flint; Doug Weight, of Warren, and Mike York, of Waterford.

Other athletes from Michigan were: Women's hockey team Silver Medalists Shelley Looney, of Brownstown Township and Angela Ruggiero, of Harper's Woods; Mark Grimmette, of Muskegon, and Chris Thorpe, of Marquette, who won the Silver and Bronze medals respectively in the men's luge doubles; Jean Racine, of Waterford, who placed 5th in the women's bobsled, and Todd Eldredge, of Lake Angelus, who placed sixth in men's singles figure skating.

I am so proud of all of them!

Besides these wonderful athletes, I am pleased to say that another 15 Olympic competitors and one coach came from the U.S. Olympic Education Center based at Northern Michigan University in Marquette.

These athletes didn't just do Michigan proud, or the Nation proud; they made the whole world of amateur athletics proud.

They, and all the great athletes who participated, gave us a chance to share together in another motto of the Winter Olympics, "Celebrating Humanity."

It was impossible to watch these games without marveling at all the hard work and dedication these young people brought to the games.

So, again, let me congratulate the athletes from Michigan as well as the athletes from across our Nation and around the world who gave us a chance to watch the best compete against each other and together celebrate the spirit of humanity, the spirit of the Olympics.●

TRIBUTE TO MR. CLIFFORD C. LAPLANTE

● Mr. WARNER. Mr. President, I rise today to pay tribute to a great American who has served his country well. For over five decades, Cliff LaPlante has dedicated himself to supporting the defense needs of the Nation. Born in upstate New York, Cliff entered the service of his country as an Air Force officer during the Korean War. During his 20 years of Air Force service, Cliff specialized in acquisition matters where he helped ensure that our troops were provided with the best equipment our industrial base could provide.

Cliff became well known to this body long before leaving the Air Force in his role as a legislative liaison officer to Capitol Hill. He truly distinguished himself as a trusted and admired representative of the Air Force.

Selected to be a full Colonel in 1970, Cliff decided to forgo this much deserved promotion and instead served for eight years as the Boeing Company's first full-time liaison representative to Capitol.

In 1979, Cliff joined the General Electric Company where he has remained for the past 23 years helping General Electric to "Bring Good Things to Life."

Now, after more than 50 years of service, Cliff is retiring from General Electric, to begin yet another chapter in his life. Together with his wife, Cecilia, Cliff has established a charitable foundation called "Children Come First." This foundation is dedicated to helping underprivileged children. In the same spirit that has exemplified all of Cliff's past undertakings, he will devote much of his time lending a helping hand to kids to ensure they have a chance filled with hope for tomorrow.

I will miss this jaunty man with the fast walk and warm, charming personality. Along with all my colleagues who have enjoyed his friendship over the years, I wish him well in his latest "retirement" and the best of luck with his "Children Come First" Foundation.●

IN RECOGNITION OF MAYOR DOUGLAS H. PALMER

● Mr. TORRICELLI. Mr. President, I rise today to recognize Mayor Douglas Palmer of Trenton, NJ who is being honored by the Mercer County Chamber of Commerce as its Citizen of the Year.

Mayor Palmer has achieved a long list of accomplishments since becoming the mayor of his hometown. Under Mayor Palmer's leadership, tremendous strides have been made in the Trenton area. He has overseen the construction and rehabilitation of hundreds of new homes for working families and created numerous economic development projects that have led to the lowest unemployment rate in a decade.

Some of Mayor Palmer's most impressive achievements include the work he has done for the children of Trenton. He established the "Trenton Loves Children" program, representing the city's first comprehensive program for children that ensures preschoolers will receive free immunizations against childhood diseases. He also brought the country's first federally funded Weed and Seed anti-drug program to Trenton.

In light of Mayor Palmer's achievements as mayor of Trenton, he serves as an exemplar of the positive goals that can be achieved by a mayor who is a tireless advocate for his community.●

TRIBUTE TO DESIGNER TICKETS & MORE

● Mr. BUNNING. Mr. President, I rise today to honor a very special teacher and group of students from Estill County High School. Yesterday in Frankfort, Connie Witt and her students received a Springboard Award and a $2,000 grant from the Appalachian Regional Commission. Ms. Witt and her students were recognized for their success running Designer Tickets & More, a school-based printing business, which prints designs on everything from bumper stickers to ball caps.

Six years ago, Connie Witt, who has taught business classes at Estill County High School for nine years, received free ticket-making software in the mail. Ms. Witt, an entrepreneur at heart, thought it would be a shame to let this software go to waste, so she decided that, with the help of a few students, she could be in charge of printing tickets for the district basketball tournament. Soon, Ms. Witt and her student staff realized the value of their work and were suddenly printing designs on business cards, buttons, mousepads, and mugs. Today, the business known as Designer Tickets & More serves more than 300 customers in Estill County. They have been lauded by their customers as efficient, creative, and affordable. The students redirect their profits back into the business as an insurance policy for progressive thinking.

Students who wish to participate in this business venture must submit resumes and go through an interview process just as if they were applying for a job in my office. From among the applicants, Ms. Witt chooses chief executive officers, department heads, and employees. The students are held responsible for clocking in and out and must inform their boss if they will be unable to come to work due to sickness or vacation. Up to 30 students are in charge of running the business each semester. They are required to make sales calls, fill out order forms, design creative products, and prepare invoices. I applaud Ms. Witt for the phenomenal job she has done creating an educational atmosphere where students can learn not only about business basics such as inventory and sales but also life-skills such as leadership and responsibility.

I ask that my fellow colleagues join me in congratulating Designer Tickets & More on receiving a Springboard award and for their hard work and dedication. I believe Ms. Witt has discovered an effective and educational way to teach Kentucky's future business leaders the importance of teamwork, commitment, and responsibility.●

IN RECOGNITION OF THE ROBERT WOOD JOHNSON UNIVERSITY HOSPITAL

● Mr. TORRICELLI. Mr. President, I rise today to honor The Robert Wood Johnson University Hospital. At the forthcoming 132nd Mercer County Chamber of Commerce annual awards dinner, the Robert Wood Johnson University Hospital will be recognized with the Mercer County Chamber of Commerce's Distinguished Corporation of the Year Award for its outstanding efforts in providing support for the postal workers facing the potential exposure to anthrax.

As our nation's Capitol, Florida, and the New York/New Jersey Area faced the fallout of anthrax laced letters, the Robert Wood Johnson University Hospital did its part to help our nation. After it came to light on October 13th that the anthrax-tainted letter sent to the NBC offices was processed at the United States Post Office on Route 130 in Hamilton, the Robert Wood Johnson University Hospital stepped forward to meet the needs of the community. Under the dynamic leadership of Christy Stephenson, the hospital assessed the potential need for Cipro within the community and took steps to secure the amount of Cipro the situation required.

Further, understanding the urgent need for its services, the hospital accommodated its schedule to treat the patients from the anthrax exposure area while continuing to keep its appointments with regular clients.

As an exemplary corporate citizen of the Mercer County community, Robert Wood Johnson University Hospital's efforts during this time of crisis were of life saving importance to over sixteen hundred individuals. I am proud to know that we have such fine institutions looking after the healthcare of New Jersey residents.●

PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO NATIONAL UNION FOR THE TOTAL INDEPENDENCE OF ANGOLA (UNIT) FOR THE PERIOD SEPTEMBER 26, 2001 THROUGH MARCH 25, 2002—MESSAGE FROM THE PRESIDENT—PM 77.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 19, 2002.*

THE 2002 TRADE POLICY AGENDA AND 2001 ANNUAL REPORT ON THE TRADE AGREEMENTS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 78.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2002 Trade Policy Agenda and 2001 Annual Report on the Trade Agreements Program, as prepared by my Administration as of March 1, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 19, 2002.*

MEASURE HELD AT THE DESK

The following resolution was ordered held at the desk by unanimous consent:

S. Res. 227. A resolution to clarify the rules regarding pro bono legal services by Senators.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5784. A communication from the Regulations Officer of the Federal Motor Carrier Safety Administration, transmitting, pursuant to law, the report of a rule entitled "Motor Carrier Identification Report" ((RIN2126–AA57)(2002–0002)) received on March 12, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5785. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Saugatuck River, CT" ((RIN2115–AE47)(2002–0025)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5786. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Harlem River, NY" ((RIN2115–AE47)(2002–0024)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5787. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Three Mile Creek, Alabama" ((RIN2115–AE47)(2002–0023)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5788. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Norwalk River, CT" ((RIN2115–AE47)(2002–0028)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5789. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115–

AE47)(2002–0030)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5790. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, Florida" ((RIN2115–AE47)(2002–0029)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5791. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hackensack River, NJ" ((RIN2115–AE47)(2002–0027)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5792. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Hampton River, NH" ((RIN2115–AE47)(2002–0026)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5793. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Port of Tampa, Tampa Florida (COTP Tampa 01–097)" ((RIN2115–AA97)(2002–0047)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5794. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Missouri River, Mile Marker 646.0 to 645.6, Fort Calhoun, Nebraska (COTP St. Louis 02–001)" ((RIN2115–AA97)(2002–0046)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5795. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Missouri River, Mile Marker 532.9 to 532.5, Brownville, Nebraska (COTP St. Louis 02–002)" ((RIN2115–AA97)(2002–0045)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5796. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Jamaica Bay and Connecting Waterways, NY" ((RIN2115–AE47)(2002–0031)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5797. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Chevron Multi-Point Mooring, Barbers Point Coast Honolulu, HI (COTP Honolulu 01–005)" ((RIN2115–AA97)(2002–0052)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5798. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ohio River Mile 119.0 to 119.8, Natrium, West Virginia (COTP Pittsburgh 01–001)" ((RIN2115–AA97)(2002–0050)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5799. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Ohio River Mile 34.6 to 35.1, Shippingport, Pennsylvania (COTP Pittsburgh 01–001)" ((RIN2115–AA97)(2002–0049)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5800. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations: Port of Charleston, South Carolina (COTP Charleston 01–145)" ((RIN2115–AA97)(2002–0048)) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5801. A communication from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Grant Fellowships: (1) National Marine Fisheries Service—Sea Grant Joint Graduate Fellowship Program in Population Dynamics and Marine Resource Economics; and (2) Sea Grant—Industry Fellowship Program: Request for Applications for FY 2002" received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5802. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; North Pacific Halibut and Sablefish IFQ Cost Recovery Program" received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5803. A communication from the Legal Advisor, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems: Petition of Richardson, Texas" ((FCC 01–293)(CC Doc. No. 94–102)) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5804. A communication from the Legal Advisor to the Chief, Cable Services Bureau, Federal Communications Commission, transmitting , pursuant to law, the report of a rule entitled "Implementation of the Satellite Home Viewer Improvement Act of 1999: Broadcast Signal Carriage Issues" ((CS Doc No. 00–96)(FCC–01–249)) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5805. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report of the Maritime Administration (MARAD) for Fiscal Year 2000; to the Committee on Commerce, Science, and Transportation.

EC–5806. A communication from the Assistant Administrator of the Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "NOAA Climate and Global Change Program, Program Announcement" received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5807. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area" received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5808. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5809. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Transportation for Security, received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5810. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Actions for the Recreational and Commercial Salmon Seasons from the U.S.-Canada Border to Cape Falcon, Oregon" (I.D. 092601B) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5811. A communication from the Acting General Counsel, Consumer Product Safety Commission, transmitting, pursuant to law, the report of a rule entitled "Child-Resistant Packaging for Certain Over-The-Counter Drug Products; Correction" (FR Doc. 01–31400) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5812. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; McCall, Idaho and Pinesdale, Montana" (MM Doc. No. 01–93) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5813. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Savoy, Texas" (MM Doc. No. 01–149) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5814. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations; Oswego and Granby, New York" (MM Doc. No. 00–169) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5815. A communication from the Senior Legal Advisor to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Section 73.202(b), Table of Allotments, TV Broadcast Stations; Elk City, Oklahoma and Borger, Texas (MM Doc. No. 01–134) received on March 15, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5816. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions" (RIN3206–AJ40) received on March 15, 2002; to the Committee on Governmental Affairs.

EC–5817. A communication from the Office of the Special Counsel, transmitting, pursuant to law, the Counsel's Annual Report for Fiscal Year 2000; to the Committee on Governmental Affairs.

EC–5818. A communication from the Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the agency's report submitted in accordance with the requirements of the Federal Managers' Fiscal Integrity Act of 1982, and the Inspector General Act of 1988; to the Committee on Governmental Affairs.

EC–5819. A communication from the Director of the Trade and Development Agency, transmitting, pursuant to law, a report on the activities of the U.S. Trade and Development Agency Currently Procures from Outside Sources; to the Committee on Governmental Affairs.

EC–5820. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5821. A communication from the Administrator of the General Service Administration, transmitting, pursuant to law, a report concerning new mileage reimbursement rates for Federal employees who use privately owned vehicles while on official travel; to the Committee on Governmental Affairs.

EC–5822. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the lists of General Accounting Office reports for October 2001; to the Committee on Governmental Affairs.

EC–5823. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the Semiannual report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5824. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the Authority's unaudited general-purpose Financial Statements for the fiscal year ending September 30, 2001; to the Committee on Governmental Affairs.

EC–5825. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5826. A communication from the Vice President of Human Resources, CoBank, transmitting, pursuant to law, a report relative to the ACB Retirement Plan for the year calendar year 2000; to the Committee on Governmental Affairs.

EC–5827. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Department's Accountability Report for fiscal year 2001; to the Committee on Governmental Affairs.

EC–5828. A communication from the Secretary of Energy, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

H.R. 2739: To amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 205: A resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with an amended preamble:

S. Res. 213: A resolution condemning human rights violations in Chechnya and urging a political solution to the conflict.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. BIDEN for the Committee on Foreign Relations:

*James W. Pardew, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: James W. Pardew, Jr.

Post: Ambassador to Bulgaria.

Contributions, Amount, Date, and Donee:

Self: None.

2. Spouse: Mary K. Pardew, None.

3. Children and Spouses: Major and Mrs. Paul Pardew, Jon N. Pardew, David A.J. Pardew, None.

4. Parents; Frances Pardew, $35.00, October 2001, William J Clinton Foundation; James Pardew, deceased.

5. Grandparents: Mr. and Mrs. John Sample, deceased; Mr. and Mrs. Thomas J. Pardew, deceased.

6. Brothers and Spouses: John T. Pardew, none.

7. Sisters and Spouses: None.

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*Richard Monroe Miles of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Richard Monroe Miles.

Post: Georgia.

Contributions, Amount, Date and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Richard Lee Miles, none; Elizabeth Miles, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Deceased.

7. Sisters and Spouses: Louise Angell (Richard Angell), none; Lois Navarro (husband deceased), none; Donna Peabody, none.

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*Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Peter Terpeluk, Jr.

Post: Ambassador of Luxembourg.

Contributions, Amount, Date, and Donee:

1. Self:

1997–1998 Election Years: $1,000, 10/30/97, ARM PAC; $500, 5/5/98, Defend America PAC; $750, 10/12/98, Susan B. Anthony List PAC; $1,000, 2/10/98, Missourians for Kit Bond (Senate) (MO); $500, 1/26/98, Citizens for Bunning (Congress) (KY); $500, 10/14/97, (John) Ensign for Senate (NV); $50, 9/29/98, Ferguson for Congress (NJ); $1,000, 10/16/98, (Peter) Fitzgerald for Senate (IL); $250, 10/16/97, Friends of Mark Foley for Congress (FL); $1,000, 10/29/97, Matt Fong for US Senate (CA); $250, 3/24/98, (Jon) Fox for Congress (PA); $250, 3/24/98, (Jon) For for Congress (PA); $1,000, 10/29/98, (Jon) Fox for Congress (PA); $125, 3/97, Bill Goodling for Congress (PA); $1,000, 10/20/98, (Jim) Greenwood for Congress (PA); $1,000, 10/22/98, Friends of Connie Morella for Congress (MD); $500, 3/25/98, Friends of Senator Nickles (Senate) (OK); $334, 4/24/97, Paxon for Congress (NY); $300, 8/29/97, Portman for Congress (OH); $500, 9/27/97, Regula for Congress (OH); $350, 10/29/98, Regula for Congress (OH); $500, 2/98, Shelby for Senate (AL); $2,000, 6/97, Arlen Specter for Senate (PA); $1,000, 6/25/97, Voinovich for Senate (OH); $500, 5/19/97, Weldon for Congress (PA); $500, 10/22/97, Weldon for Congress (PA); $335, 10/1997, Hagel for Senate (NE).

1999–2000 Election Years: $500, 9/13/00, Susan B. Anthony List Candidate Fund; $500, 2/19/99, Defend America PAC; $500, 4/29/97, Abraham Senate 2000 (MI); $1,000, 7/28/98, Ashcroft 2000 (for Senate) (MO); $1,000, 9/21/99, Ashcroft 2000 (for Senate) (MO); $300, 10/12/00, Bayou Leader PAC; $1,000, 3/30/99, Bush for President (TX); $1,000, 11/22/99, Bush for President Compliance Fund Ctte; $1,000, 3/23/99, DeWine for Senate (OH); $1,000, 8/5/99, English for Congress (PA); $610, 4/20/99, Foley for Congress (FL); $89, 3/14/00, Foley for Congress (FL); 1,000, 10/26/00, Bob Franks for US Senate, Inc.; $1,000, 9/12/00, friends of Dylan Glenn (for Congress) (GA); $500, 3/22/00, Greenwood for Congress (PA); $73, 10/14/99, Kuykendall for Congress (CA); $500, 3/10/99, John Kyl for

US Senate (AZ); $1000, 9/28/00, Lazio for Senate (NY); $1,000, 10/11/00, Stenberg for Senate (NE); $300, 9/28/00, Tauzin for Congress (LA); $1,000, 10/14/00, Shelby for Senate (AL).

2001 Election Year: $1,000, 06/2001, Reynolds for Congress.

2. Diane G. Terpeluk (spouse):

1997–1998 Election Years: $750, 10/12/98, Susan B. Anthony List (PAC); $500, 10/27/97, Weller for Congress (IL); $1,000, 7/17/98, Faircloth for Senate (NC); $250, 3/20/98, Mike Forbes for Congress (NY); $250, 3/20/98, Hayworth for Congress (AZ); $1,000, 11/13/97, Fong for Senate (CA); $1,000, 10/14/98, Fong for Senate (CA); $1,000, 3/27/97, Ferguson for Congress (NJ); $250, 10/13/98, Pappas for Congress (NJ); $250, 3/20/98, Nielsen for Congress (CT).

1999–2000 Election Years: $500, 9/13/00, Susan B. Anthony List (PAC); $1,000, 3/30/99, Bush for President; $1,000, 11/10/99, Friends of George Allen (Senate) (VA); $10,000, 5/11/00, RNC Presidential Trust; $500, 9/28/00, Walsh for Congress (NJ); $1,000, 9/12/00, Friends of Dylan Glenn (for Congress) (GA); $1,000, 10/12/00, Stenberg for Senate 2000 (NE); $1,000, 10/3/00, Republican State Central Committee of MD; $1,000, 10/30/00, Greenleaf for Congress.

2001 Election Year: $1,000, 6/27/01, Collins for Senate (ME).

3. Peter Terpeluk III (son): None; Meredith A. Terpeluk (daughter): None.

4. Catherine L. Terpeluk (mother) (deceased): None; Peter Terpeluk (father) (deceased): None.

5. Katherine Long (maternal grandmother) (deceased): None; Peter Long (maternal grandfather) (deceased): None; Anna Terpeluk (paternal grandmother) (deceased): None; George Terpeluk (paternal grandfather) (deceased): None.

6. Paul Terpeluk (brother): $1,000, 5/14/97, Citizens for Arlen Specter; $1,000, 8/6/97, Committee to Re-elect Ed Towns; $250, 10/22/98, Ellen Sauerbrey for Governor (MD); Sandra Terpeluk (sister-in-law): $250, 10/22/98, Ellen Sauerbrey for Governor (MD); $100, 9/13/00, Maryland Victory 2000.

7. Patricia Lynn Terpeluk Anderson (sister): None; Tom Anderson (brother-in-law): None.

*Lawrence E. Butler, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Lawrence E. Butler.

Post: Ambassador to the Former Yugoslav Republic of Macedonia.

Contributions, Amount, Date, and Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Charles E. Butler, none.

4. Parents: Charles L. Butler, deceased; Joan Haskell Hardy, deceased.

5. Grandparents: Lewis and Elizabeth Whipple Butler, deceased; Norman and Lillian Haskell, deceased.

6. Brothers and Spouses: None.

7. Sisters and Spouses: C.J. Butler & Stephen Coughlan, $100, 9/01, Shaheen For Gov.; $100 1996 Dole for Presi; Barbara & Phil Merrill, $3,000, 2000, Mark Lawrence for Senate; $1,000, 1992, DNC.

*Robert Patrick John Finn, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Nominee: Robert Patrick John Finn.

Post: Kabul, Afghanistan.

Contributions, Amount, Date, Donee:

1. Self: None.

2. Spouse: None.

3. Children and Spouses: Edward Frederick Finn, none.

4. Parents: Deceased.

5. Grandparents: Deceased.

6. Brothers and Spouses: Edward and Linda Finn, $300, 1998, 1999, 2000, 2001, Dem. Party, William and Eileen Finn, none.

7. Sisters and Spouses: John Smith, none; Margaret and James Hartigan, none; Elizabeth and Edwin Dowling, none.

*Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

*Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning Jeffrey Davidow and ending George E. Moose, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 20, 2001.

Foreign Service nominations beginning Gustavio Alberto Mejia and ending Joseph E. Zadrozny, Jr., which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on December 20, 2001.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SCHUMER (for himself and MRS. CLINTON):

S. 2028. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson, of Albany, New York, for acts of valor during World War I and to direct the Secretary of the Army to conduct a review of military service records to determine whether certain other African American World War I veterans should be awarded the Medal of Honor for actions during that war; to the Committee on Armed Services.

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2029. A bill to convert the temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. CONRAD:

S. 2030. A bill to establish a community Oriented Policing Services anti-methamphetamine grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 2031. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

By Mr. DURBIN:

S. 2032. A bill to amend the Employee Retirement Income Security Act of 1974 to provide for improved disclosure, diversification, account access, and accountability under individual account plans; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2033. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. VOINOVICH (for himself, Mr. FEINGOLD, Mr. LEVIN, Mr. DEWINE, and Mr. WARNER):

S. 2034. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MCCONNELL (for himself, Mr. MCCAIN, and Mr. FEINGOLD):

S. Res. 227. A resolution to clarify the rules regarding the acceptance of pro bono legal services by Senators; ordered held at the desk.

ADDITIONAL COSPONSORS

S. 606

At the request of Mr. CRAPO, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 606, a bill to provide additional authority to the Office of Ombudsman of the Environmental Protection Agency.

S. 966

At the request of Mr. DORGAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 966, a bill to amend the National Telecommunications and Information Administration Organization Act to encourage deployment of broadband service to rural America.

S. 1022

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1050

At the request of Mr. SANTORUM, the name of the Senator from Oklahoma (Mr. NICKLES) was added as a cosponsor of S. 1050, a bill to protect infants who are born alive.

S. 1606

At the request of Mr. NELSON of Florida, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1606, a bill to amend title XI of the Social Security Act to prohibit Federal funds from being used to provide payments under a Federal health care program to any health care provider who charges a membership of any other extraneous or incidental fee to a patient as a prerequisite for the provision of an item or service to the patient.

S. 1617

At the request of Mr. DODD, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Colorado (Mr. CAMPBELL) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from California (Mrs. BOXER), the Senator from Louisiana (Mr. BREAUX), the Senator from New Jersey (Mr. CORZINE), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Indiana (Mr. LUGAR) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1777

At the request of Mrs. CLINTON, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1911

At the request of Mr. INHOFE, the names of the Senator from Arkansas (Mrs. LINCOLN) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 1911, a bill to amend the Community Services block Grant Act to reauthorize national and regional programs designed to provide instructional activities for low-income youth.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. RES. 109

At the request of Mr. REID, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Missouri (Mrs. CARNAHAN), the Senator from Kansas (Mr. BROWNBACK), the Senator from New York (Mr. SCHUMER), and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Columbia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3008

At the request of Mr. DAYTON, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of amendment No. 3008 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

AMENDMENT NO. 3023

At the request of Mrs. LINCOLN, the names of the Senator from Delaware (Mr. CARPER), the Senator from Illinois (Mr. FITZGERALD), the Senator from Minnesota (Mr. DAYTON), and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of amendment No. 3023 proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WARNER (for himself and Mr. ALLEN):

S. 2029. A bill to convert the temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

Mr. WARNER. Mr. President, I rise today to introduce bipartisan, bicameral legislation to help ensure the continued effective administration of justice in the Commonwealth of Virginia. I am joined in the Senate on this initiative by my colleague Senator GEORGE ALLEN. Congressman ROBERT SCOTT is introducing similar legislation today in the House of Representatives.

Simply put, the legislation we are introducing today will convert a temporary judgeship in the Eastern District of Virginia into a permanent one. Without swift passage of this legislation, the Eastern District of Virginia could lose an authorized judgeship, thus placing an even greater workload on the already hard working judges that serve in this judicial district.

By way of background, in 1990, Congress authorized a temporary judgeship for the Eastern District of Virginia, bringing the total number of authorized judgeships in that district to ten, nine permanent judgeships and one temporary judgeship.

In 2000, Congress looked closely at the heavy caseload the judges of the Eastern District of Virginia carried, and as a result Congress authorized one additional permanent judgeship. With the advice of Senator ALLEN and me, President Bush has nominated Mr. Henry Hudson to fill this judicial vacancy. I strongly support Mr. Hudson's nomination and look forward to him receiving a confirmation hearing and a vote in the full Senate. Mr. Hudson has been deemed "well qualified" by the American Bar Association.

Thus, to date, eleven judgeships are currently authorized on the Eastern District of Virginia's bench. However, the temporary judgeship in the Eastern District of Virginia is set to expire with the first vacancy occurring after April 8, 2002. Thus, when one of the active judges on the Eastern District bench retires, takes senior status, or passes away, that position will not be filled, thus leaving the court with one less authorized judgeship than it has currently. It is important to note that Mr. Hudson's nomination will not be effected by the lapsing of the temporary judgeship.

If the temporary judgeship in the Eastern District of Virginia lapses, and this judicial district loses an authorized judgeship, an already overworked judiciary will be without relief.

The Judicial Conference of the United States recommends that a district have a newly authorized judgeship when the weighted filings per judge exceed 430 cases. In 2001, the weighted caseload per judge on the Eastern District was 617. If Virginia's temporary judgeship expires, the per judge weighted caseload would sky-rocket to 679 cases per judge.

Moreover, it is now clear based on experience that the Department of Justice has prosecuted and will continue to prosecute terrorist cases in the Eastern District of Virginia. Already, the Eastern District is proceeding with the cases of Zacaris Moussaoui and John Walker Lindh. While the judges on the Eastern District bench stand ready to proceed with these and other cases, these cases could significantly increase the numbers of cases and the complexity of cases the judges on this bench preside over.

Given its already high case load and given the fact that the Eastern District is facing the likelihood of even a higher caseload with the terrorist prosecutions, the Eastern District of Virginia is in a unique position. Converting the temporary judgeship to a permanent one will provide some relief.

Accordingly, Congressman SCOTT, Senator ALLEN and I have joined together in support of this legislation that will simply allow the Eastern District to continue to maintain its current level of eleven district court judges.

This request is inherently reasonable. We are simply asking to maintain the status-quo of eleven authorized judgeships on the Eastern District bench. Meanwhile, the Judicial Conference currently recommends one additional permanent judgeship and the conversion of a temporary judgeship to a permanent judgeship.

I ask Chairman LEAHY and Senator HATCH to swiftly report this legislation from the Judiciary Committee, and I urge my colleagues to support final passage. Time is of the essence. We must ensure that the judicial system in the Eastern District of Virginia continues to be able to serve Virginians, and indeed the country, in an efficient manner.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2029

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT JUDGESHIP FOR THE EASTERN DISTRICT OF VIRGINIA.

(a) CONVERSION OF TEMPORARY JUDGESHIP TO PERMANENT JUDGESHIP.—The existing judgeship for the eastern district of Virginia authorized by section 203(c) of the Judicial Improvements Act of 1990 (28 U.S.C. 133 note; Public Law 101-650) shall, as of the date of enactment of this Act, be authorized under section 133 of title 28, United States Code, and the incumbent in that office shall hold the office under section 133 of title 28, United States Code (as amended by this Act).

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table contained in section 133(a) of title 28, United States Code, is amended by striking the item relating to Virginia and inserting the following:

"Virginia:
Eastern 11
Western .... 4".

By Mr. CONRAD:

S. 2030. A bill to establish a community Oriented Policing Services anti-methamphetamine grant program, and for other purposes; to the Committee on the Judiciary.

Mr. CONRAD. Mr. President, today I introduce legislation intended to marshal the resources of the Federal Government, the expertise of State and local law enforcement, and the eyes, ears, and caring of our Nation's communities, to work together to eradicate the scourge of methamphetamine from our Nation.

Meth statistics are startling, not only for what they say about where we are currently, but even more important about the potential magnitude of the problem in our very near future. Nationwide U.S. Drug Enforcement Administration, DEA, meth lab seizures have increased seven-fold from 1994 to 2000. The North Dakota lab seizure numbers are even more dramatic: a nearly twenty-fold increase from 1998 to 2001. Among 2001 high school seniors, 6.9 percent had tried meth; the eighth-grade figure was 4.4 percent. Even more startling perhaps is that 28.3 percent of high school seniors said it was "fairly easy" or "very easy" to obtain meth. This is particularly alarming because meth is more addictive than cocaine, leading to paranoia, aggression, violent behavior, and hallucinations, and ultimately, and amazingly quickly, to brain damage similar to Alzheimer's disease, stroke, and epilepsy.

The COPS Anti-Methamphetamine Act of 2002 has one aim, to focus the principles of community policing on the problem of methamphetamine. Since its inception in 1994, the Community Oriented Policing Services COPS, program has been a catalyst for establishing a partnership between police and the community, leading to a reduction in crime and a strengthening of our neighborhoods. It is now time to tightly focus the COPS success on our nation's meth scourge.

Until now, meth use and production has too often occurred underground and below the radar screens of local law enforcement. My COPS methamphetamine initiative, by bringing the community and the local police closer together, will help law enforcement to react more quickly before a meth epidemic get ingrained in a locality, to weed it out before its roots get too deep. If a meth problem already exists in a neighborhood, the community-oriented policing model will allow police to have a better pulse on the drug market, on both the supply and the demand ends to better know the market's pressure points.

My initiative calls for five years of grants, at $75 million a year, to be given to localities for programs aimed at anti-meth enforcement, production, prevention, treatment, training, and intelligence-gathering efforts. And because meth is such a problem in rural States like North Dakota, I include a mechanism to ensure that smaller localities get their fair share of funding.

Meth is a continuing problem and challenge in our nation and in North Dakota, and I have been a strong supporter of providing the resources for local law enforcement to combat this drug. In 1998, for example, I was able to include North Dakota in the Midwest High Intensity Drug Trafficking Area, which has provided additional Federal funding to ensure that Federal, State, and local law enforcement works better as a team. The last piece of the puzzle is to ensure that local police are able to work as closely as possible with the community. It is simply imperative that if we are going to eradicate our Nation's spreading meth epidemic, and the countless associated shattered lives and futures lost, we all need to work together.

I urge my colleagues to support this legislation, and I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2030

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the "COPS Anti-Methamphetamine Act of 2002".

SEC. 2. GRANTS AUTHORIZED.

The Attorney General shall make grants on a competitive basis to State and local community policing programs aimed at anti-methamphetamine enforcement, production, prevention, treatment, training, and intelligence gathering efforts.

SEC. 3. USE OF FUNDS.

(a) IN GENERAL.—Grants made under section 2 may be used to support personnel salary, equipment, and technology upgrades, officer overtime, and training.

(b) ASSISTANCE FROM COPS OFFICE.—The Community Oriented Policing Services (COPS) Office in the Department of Justice shall work directly with participating State and local community policing programs to assist in crafting innovative anti-methamphetamine strategies.

SEC. 4. APPLICATION.

Each eligible entity that desires a grant under this Act shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may reasonably require.

SEC. 5. SUPPLEMENT AND NOT SUPPLANT.

Grant amounts received under this Act shall be used to supplement, and not supplant, other funds received by State and local community policing programs to assist in the methamphetamine problem.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $75,000,000 for each of fiscal years 2003 through 2007.

(b) LIMITATION.—Not less than 50 percent of the amount appropriated in each fiscal year under subsection (a) shall be awarded to local community policing programs that serve a population of not more than 150,000.

By Mr. LEAHY (for himself and Mr. BROWNBACK):

S. 2031. A bill to restore Federal remedies for infringements of intellectual property by States, and for other purposes; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, in June 1999, the U.S. Supreme Court issued a pair of decisions that altered the legal landscape with respect to intellectual property. I am referring to Florida Prepaid versus College Savings Bank and its companion case, College Savings Bank versus Florida Prepaid. The Court ruled in these cases that States and their institutions cannot be held liable for damages for patent infringement and other violations of the Federal intellectual property laws, even though they can and do enjoy the full protection of those laws for themselves.

Both Florida Prepaid and College Savings Bank were decided by the same five-to-four majority of the justices. This slim majority of the Court threw out three Federal statutes that Congress passed, unanimously, in the early 1990s, to reaffirm that the Federal patent, copyright, and trademark laws apply to everyone, including the States.

I believe that there is an urgent need for Congress to respond to the Florida Prepaid decisions, for two reasons.

First, the decisions opened up a huge loophole in our Federal intellectual property laws. If we truly believe in fairness, we cannot tolerate a situation in which some participants in the intellectual property system get legal protection but need not adhere to the law themselves. If we truly believe in the free market, we cannot tolerate a situation where one class of market participants have to play by the rules and others do not. As Senator SPECTER said in August 1999, in a floor statement that was highly critical of the Florida Prepaid decisions, they "leave us with an absurd and untenable state of affairs," where "States will enjoy an enormous advantage over their private sector competitors."

This concern is not just abstract. Consider this. In one recent copyright case, the University of Houston was able to avoid any liability by invoking sovereign immunity. The plaintiff in that case, a woman named Denise Chavez, was unable to collect a nickle in connection with the university's alleged unauthorized publication of her short stories. Now, just a short time later, another public university funded by the State of Texas is suing Xerox for copyright infringement.

The second reason why Congress should respond to the Florida Prepaid decisions is that they raise broader concerns about the roles of Congress and the Court. Over the past decade, in a series of five-to-four decisions that might be called examples of "judicial activism," the current Supreme Court majority has overturned Federal legislation with a frequency unprecedented in American constitutional history. In doing so, the Court has more often than not relied on notions of State sovereign immunity that have little if anything to do with the text of the Constitution.

Some of us have liked some of the results; others have liked others; but that is not the point. This activist Court has been whittling away at the legitimate constitutional authority of the Federal Government. At the risk of sounding alarmist, this is the fact of the matter: We are faced with a choice. We can respond, in a careful and measured way, by reinstating our democratic policy choices in legislation that is crafted to meet the Court's stated objections. Or we can run away, abdicate our democratic policy-making duties to the unelected Court, and go down in history as the incredible shrinking Congress.

Just last month, the Court decided to intervene in another copyright dispute, to decide whether Congress went too far in 1998, when we extended the period of copyright protection for an additional 20 years. Many of us on the Judiciary Committee cosponsored that legislation, and it passed unanimously in both Houses. A decision that the legislation is unconstitutional could place further limits on congressional power.

About 4 months after the Florida Prepaid decisions issued, I introduced a bill that responded to those decisions. The Intellectual Property Protection Restoration Act of 1999 was designed to restore Federal remedies for violations of intellectual property rights by states.

I regret that the Senate did not consider my legislation during the last Congress. It has now been nearly 3 years since the Court decisions opened such a troubling loophole in our Federal intellectual property laws. We should delay no further.

Last month, the Judiciary Committee held its first hearing on the issue of sovereign immunity and the protection of intellectual property. I want to thank again everyone who participated in that hearing, which helped greatly to clarify the issues and challenges posed by the Court's new jurisprudence.

Today, I am pleased to be reintroducing the Intellectual Property Protection Restoration Act with my friend and fellow Judiciary Committee member, Senator BROWNBACK. I commend the Senator from Kansas for taking a stand on this important issue. I am also proud to have the House leaders on intellectual property issues, Representatives COBLE and BERMAN, as the principal sponsors of the House companion bill, H.R. 3204.

This bill has the same common-sense goal as the three statutes that the Supreme Court's decisions invalidated: To protect intellectual property rights fully and fairly. But the legislation has been re-engineered, after extensive consultation with constitutional and intellectual property experts, to ensure full compliance with the Court's new jurisprudential requirements. As a result, the bill has earned the strong support of the U.S. Copyright Office and the endorsements of a broad range of organizations including the American Bar Association, the American Intellectual Property Law Association, the Business Software Alliance, the Intellectual Property Owners Association, the International Trademark Association, the Motion Picture Association of America, the Professional Photographers of America Association, and the Chamber of Commerce.

In essence, our bill presents States with a choice. It creates reasonable incentives for States to waive their immunity in intellectual property cases, but it does not oblige them to do so. States that choose not to waive their immunity within 2 years after enactment of the bill would continue to enjoy many of the benefits of the Federal intellectual property system; however, like private parties that sue States for infringement, States that sue private parties for infringement could not recover any money damages unless they had waived their immunity from liability in intellectual property cases.

This arrangement is clearly constitutional. Congress may attach conditions to a State's receipt of Federal intellectual property protection under its Article I intellectual property power just as Congress may attach conditions on a State's receipt of Federal funds under its Article I spending power. Either way, the power to attach conditions to the Federal benefit is part of the greater power to deny the benefit altogether. And no condition could be more reasonable or proportionate than the condition that in order to obtain full protection for your Federal intellectual property rights, you must respect those of others.

I hope we can all agree on the need for corrective legislation. A recent GAO study confirmed that, as the law now stands, owners of intellectual property have few or no alternatives or remedies available against State infringers, just a series of dead ends.

We need to assure American inventors and investors, and our foreign trading partners, that as State involvement in intellectual property becomes ever greater in the new information economy, U.S. intellectual property rights are backed by legal remedies. I want to emphasize the international ramifications here. American trading interests have been well served by our strong and consistent advocacy of effective intellectual property protections in treaty negotiations and other international fora. Those efforts could be jeopardized by the loophole in U.S. intellectual property enforcement that the Supreme Court has created.

The Intellectual Property Protection Restoration Act restores protection for violations of intellectual property rights that may, under current law, go unremedied. We unanimously passed more sweeping legislation earlier this decade, but were thwarted by the Supreme Court's shifting jurisprudence. We should enact this legislation without further delay.

I ask unanimous consent that the text of the bill and a section-by-section summary of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2031

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "Intellectual Property Protection Restoration Act of 2002".

(b) REFERENCES.—Any reference in this Act to the Trademark Act of 1946 shall be a reference to the Act entitled "An Act to provide for the registration and protection of trade-marks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

SEC. 2. PURPOSES.

The purposes of this Act are to—

(1) help eliminate the unfair commercial advantage that States and their instrumentalities now hold in the Federal intellectual property system because of their ability to obtain protection under the United States patent, copyright, and trademark laws while remaining exempt from liability for infringing the rights of others;

(2) promote technological innovation and artistic creation in furtherance of the policies underlying Federal laws and international treaties relating to intellectual property;

(3) reaffirm the availability of prospective relief against State officials who are violating or who threaten to violate Federal intellectual property laws; and

(4) abrogate State sovereign immunity in cases where States or their instrumentalities, officers, or employees violate the United States Constitution by infringing Federal intellectual property.

SEC. 3. INTELLECTUAL PROPERTY REMEDIES EQUALIZATION.

(a) AMENDMENT TO PATENT LAW.—Section 287 of title 35, United States Code, is amended by adding at the end the following:

"(d)(1) No remedies under section 284 or 289 shall be awarded in any civil action brought under this title for infringement of a patent issued on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such patent, except upon proof that—

"(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to a patent if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the patent, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the patent.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(b) AMENDMENT TO COPYRIGHT LAW.—Section 504 of title 17, United States Code, is amended by adding at the end the following:

"(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

"(1) No remedies under this section shall be awarded in any civil action brought under this title for infringement of an exclusive right in a work created on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

"(A) on or before the date the infringement commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to an exclusive right if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the exclusive right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(c) AMENDMENT TO TRADEMARK LAW.—Section 35 of the Trademark Act of 1946 (15 U.S.C. 1117) is amended by adding at the end the following:

"(e) LIMITATION ON REMEDIES IN CERTAIN CASES.—

"(1) No remedies under this section shall be awarded in any civil action arising under this Act for a violation of any right of the registrant of a mark registered in the Patent and Trademark Office on or after January 1, 2002, or any right of the owner of a mark first used in commerce on or after January 1, 2002, if a State or State instrumentality is or was at any time the legal or beneficial owner of such right, except upon proof that—

"(A) on or before the date the violation commenced or January 1, 2004, whichever is later, the State has waived its immunity, under the eleventh amendment of the United States Constitution and under any other doctrine of sovereign immunity, from suit in Federal court brought against the State or any of its instrumentalities, for any infringement of intellectual property protected under Federal law; and

"(B) such waiver was made in accordance with the constitution and laws of the State, and remains effective.

"(2) The limitation on remedies under paragraph (1) shall not apply with respect to a right of the registrant or owner of a mark if—

"(A) the limitation would materially and adversely affect a legitimate contract-based expectation in existence before January 1, 2002; or

"(B) the party seeking remedies was a bona fide purchaser for value of the right, and, at the time of the purchase, did not know and was reasonably without cause to believe that a State or State instrumentality was once the legal or beneficial owner of the right.

"(3) The limitation on remedies under paragraph (1) may be raised at any point in a proceeding, through the conclusion of the action. If raised before January 1, 2004, the court may stay the proceeding for a reasonable time, but not later than January 1, 2004, to afford the State an opportunity to waive its immunity as provided in paragraph (1).".

(d) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO PATENT LAW.—

(A) IN GENERAL.—Section 296 of title 35, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 29 of title 35, United States Code, is amended by striking the item relating to section 296.

(2) AMENDMENTS TO COPYRIGHT LAW.—

(A) IN GENERAL.—Section 511 of title 17, United States Code, is repealed.

(B) TABLE OF SECTIONS.—The table of sections for chapter 5 of title 17, United States Code, is amended by striking the item relating to section 511.

(3) AMENDMENTS TO TRADEMARK LAW.—Section 40 of the Trademark Act of 1946 (15 U.S.C. 1122) is amended—

(A) by striking subsection (b);

(B) in subsection (c), by striking "or (b)" after "subsection (a)"; and

(C) by redesignating subsection (c) as subsection (b).

SEC. 4. CLARIFICATION OF REMEDIES AVAILABLE FOR STATUTORY VIOLATIONS BY STATE OFFICERS AND EMPLOYEES.

In any action against an officer or employee of a State or State instrumentality for any violation of any of the provisions of title 17 or 35, United States Code, the Trademark Act of 1946, or the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), remedies shall be available against the officer or employee in the same manner and to the same extent as such remedies are available in an action against a private individual under like circumstances. Such remedies may include monetary damages assessed against the officer or employee, declaratory and injunctive relief, costs, attorney fees, and destruction of infringing articles, as provided under the applicable Federal statute.

SEC. 5. LIABILITY OF STATES FOR CONSTITUTIONAL VIOLATIONS INVOLVING INTELLECTUAL PROPERTY.

(a) Due Process Violations.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that deprives any person of property in violation of the fourteenth amendment of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(b) Takings Violations.—

(1) In general.—Any State or State instrumentality that violates any of the exclusive rights of a patent owner under title 35, United States Code, of a copyright owner, author, or owner of a mask work or original design under title 17, United States Code, of an owner or registrant of a mark used in commerce or registered in the Patent and Trademark Office under the Trademark Act of 1946, or of an owner of a protected plant variety under the Plant Variety Protection Act (7 U.S.C. 2321 et seq.), in a manner that takes property in violation of the fifth and fourteenth amendments of the United States Constitution, shall be liable to the party injured in a civil action in Federal court for compensation for the harm caused by such violation.

(2) Effect on other relief.—Nothing in this subsection shall prevent or affect the ability of a party to obtain declaratory or injunctive relief under section 4 of this Act or otherwise.

(c) Compensation.—Compensation under subsection (a) or (b)—

(1) may include actual damages, profits, statutory damages, interest, costs, expert witness fees, and attorney fees, as set forth in the appropriate provisions of title 17 or 35, United States Code, the Trademark Act of 1946, and the Plant Variety Protection Act; and

(2) may not include an award of treble or enhanced damages under section 284 of title 35, United States Code, section 504(d) of title 17, United States Code, section 35(b) of the Trademark Act of 1946 (15 U.S.C. 1117 (b)), and section 124(b) of the Plant Variety Protection Act (7 U.S.C. 2564(b)).

(d) Burden of Proof.—In any action under subsection (a) or (b)—

(1) with respect to any matter that would have to be proved if the action were an action for infringement brought under the applicable Federal statute, the burden of proof shall be the same as if the action were brought under such statute; and

(2) with respect to all other matters, including whether the State provides an adequate remedy for any deprivation of property proved by the injured party under subsection (a), the burden of proof shall be upon the State or State instrumentality.

(e) Effective Date.—This section shall apply to violations that occur on or after the date of enactment of this Act.

SEC. 6. RULES OF CONSTRUCTION.

(a) Jurisdiction.—The district courts shall have original jurisdiction of any action arising under this Act under section 1338 of title 28, United States Code.

(b) Broad Construction.—This Act shall be construed in favor of a broad protection of intellectual property, to the maximum extent permitted by the United States Constitution.

(c) Severability.—If any provision of this Act or any application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected.

Intellectual Property Protection Restoration Act of 2002 Section-by-Section Summary

Recent Supreme Court decisions invalidated prior efforts by Congress to abrogate State sovereign immunity in actions arising under the federal intellectual property laws. The Court's decisions give States an unfair advantage in the intellectual property marketplace by shielding them from money damages when they infringe the rights of private parties, while leaving them free to obtain money damages when their own rights are infringed. These decisions also have the potential to impair the rights of private intellectual property owners, discourage technological innovation and artistic creation, and compromise the ability of the United States to advocate effective enforcement of intellectual property rights in other countries and to fulfill its own obligations under international treaties. The Intellectual Property Protection Restoration Act of 2002 creates reasonable incentives for States to waive their immunity in intellectual property cases and participate in the intellectual property marketplace on equal terms with private parties. The bill also provides new remedies for State infringements that rise to the level of constitutional violations.

Sec. 1. Short Title; References. This Act may be cited as the "Intellectual Property Protection Restoration Act of 2001."

Sec. 2. Purposes. Legislative purposes in support of this Act.

Sec. 3. Intellectual Property Remedies Equalization. Places States on an equal footing with private parties by eliminating any damages remedy for infringement of State-owned intellectual property unless the State has waived its immunity from any damages remedy for infringement of privately-owned intellectual property. Intellectual property that the State owned before the enactment of this Act is not affected.

Sec. 4. Clarification of Remedies Available for Statutory Violations by State Officers and Employees. Affirms the availability of injunctive relief against State officials who violate the Federal intellectual property laws. Such relief is authorized under the doctrine of *Ex parte Young*, 209 U.S. 123 (1908), which held that an individual may sue a State official for prospective relief requiring the State official to cease violating federal law, even if the State itself is immune from suit under the eleventh amendment. This section also affirms that State officials may be personally liable for violations of the intellectual property laws.

Sec. 5. Liability of States for Constitutional Violations Involving Intellectual Property. Establishes a right to compensation for State infringements of intellectual property that rise to the level of constitutional violations. Compensation shall be measured by the statutory remedies available under the federal intellectual property laws, but may not include treble damages.

Sec. 6. Rules of Construction. Establishes rules for interpreting this Act.

Mr. BROWNBACK. Mr. President, I am pleased to join Chairman LEAHY in sponsoring S. 2031, a bill that will protect intellectual property rights fully and fairly by complying with the Court's new constitutional requirements. This bill builds upon the same common-sense goals as the statutes that Senator HATCH championed a decade ago. I would like to commend both members for their outstanding leadership in this area. My hope is that S. 2031 will finally bring closure to our efforts in trying to clarify a complex and difficult issue for both Congress and the Courts.

There are two sides to this issue and both are compelling. For individuals and companies who make the investment and take the risk in creating new products and services, their property rights are at stake when a state infringes upon their intellectual property. States on the other hand also want to protect their sovereignty under the Constitution and want to assert their intellectual property rights especially in the context of private/public partnerships where ownership issues may be in doubt, creating the prospect for protracted litigation.

That is why this inherent conflict demands congressional action. With the arrival of the digital revolution where exact copies and reproductions can be made without limitations, this is an important economic issue for individuals and companies trying to compete in the marketplace. The question is how to fashion a legislative remedy in light of recent Supreme Court decisions that struck down previous attempts to bring clarity to the issue.

I believe the Leahy/Brownback bill is a reasonable compromise solution without running afoul of the constitutional issues highlighted by the Supreme Court in Seminole Tribe and the Florida Pre-paid cases.

S. 2031 presents States with a choice. It creates reasonable incentives for States to waive their sovereign immunity in intellectual property cases. States that choose not to waive their immunity within 2 years after enactment would continue to enjoy many of the benefits in the intellectual property marketplace. However, like private parties that sue States for infringement, States that sue private parties for infringement will not be able to recover any money damages unless they waive their immunity from liability in intellectual property cases. All other remedial actions will continue to be available to State litigants.

As Chairman LEAHY previously observed, this is clearly constitutional and avoids the concerns raised by the Courts with regard to past statutes addressing this matter. Under the Constitution's Article I spending power, Congress can attach limited conditions to a State's receipt of Federal funds. Similarly, it would seem to me that a State's receipt of Federal intellectual property protection under Article I's intellectual property power can similarly be conditioned. Especially in light of the commercial implications of this bill, it seems reasonable to expect that a condition to respect the rights of others is a necessary and logical complement to obtaining the full protections of the Federal intellectual property rights.

I would also add that a recent GAO study initiated by Senator HATCH when he chaired the Judiciary Committee confirmed the lack of alternatives or remedies against State infringers.

I would also like to add that this matter has repercussions which extend far beyond the domestic realm. The United States is one of the leading proponents for the enforcement of intellectual property rights throughout the world. That's why we cannot afford to be inconsistent in our own observance of intellectual property rights. Through international agreements such as TRIPs and NAFTA, the United States has vigorously challenged international institutions and other nations to adopt and enforce more extensive intellectual property laws. When States assert sovereign immunity for the purpose of infringing upon intellectual property rights, it damages the credibility of the United States internationally, and could possibly even lead to violations of our treaty obligations. Any decrease in the level of enforcement of intellectual property rights around the world is likely to harm American businesses, because of our position as international leaders in industries like pharmaceuticals, information technology, and biotechnology.

I urge my colleagues to support this bill which provides a balanced and appropriate intellectual property remedy for American inventors and investors without compromising the sovereign rights of States under our Constitution.

By Mr. CHAFEE (for himself, Mr. REED, Mr. KERRY, and Mr. KENNEDY):

S. 2033. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAFEE. Mr. President, I rise today to introduce a bill to reauthorize funding for the John H. Chafee Blackstone River Valley National Heritage Corridor. I am pleased to be joined by three of my colleagues, Senators REED, KERRY and KENNEDY, as original cosponsors of this legislation. Representative Patrick Kennedy is joining this effort by introducing companion legislation in the House today.

Since the Corridor's inception on November 10, 1986, the Blackstone River Valley has undergone a profound rebirth. The Blackstone River, once polluted and neglected, has been transformed into an object of tremendous community pride and national importance. Historians recognize the Valley of the Blackstone River, gracefully winding through 24 communities in the States of Massachusetts and Rhode Island, as the birthplace of the American Industrial Revolution. Slater Mill, founded by the textile maker Samuel Slater in the 1790's, was the first to adapt English machine technology to cotton-yard manufacturing powered by water wheels. The success of the Slater Mill heralded in America's first factory-based industry of mass production, with accompanying communities dedicated to the production of manufactured goods. Gradually, this new "Rhode Island System of Manufacturing" led to profound changes economically, socially and culturally across the new nation.

This nationally significant story was all but forgotten when Senator John H. Chafee authored Federal legislation to establish the Blackstone River Valley National Heritage Corridor with the purpose of preserving and interpreting for present and future generations the uniqueness and significant historical value of the Blackstone Valley. A Corridor Commission, consisting of federally-appointed local and State representatives from Massachusetts and Rhode Island, was established to work in partnership with the National Park Service to carry out the mission of the Blackstone Corridor. For over 15 years, the Corridor Commission and its Heritage Partners have worked to instill a vision of community revitalization, historic preservation, and environmental protection in the Blackstone Corridor. The Corridor is a truly unique national park area, for the Federal Government does not own or manage any of the land or resources within the system. Yet, the Blackstone Corridor includes cities, towns, villages and almost 1 million people, and has become a model for other heritage corridors across the country.

Working in partnership with two State governments, dozens of local municipalities, businesses, nonprofit historical and environmental organizations, educational institutions, and many private citizens, the Corridor Commission has instilled a sense of community and identity to the residents of the Blackstone Corridor. These partnerships have resulted in the reversal of a long-standing lack of investment in the Valley's historic, cultural and natural resources. A Valley-wide identity program has placed over 200 educational signs across the Corridor to guide visitors into the Blackstone and its heritage sites. Key historic districts and sites have been preserved through the assistance of the Commission and its partners working to identify critical historic preservation funding and assistance. The water quality of the Blackstone River has seen dramatic improvements through cooperative, community-driven projects that have worked to ensure more consistent water flows; the protection of open space along the valley; the initiation of local river cleanups; and the remediation of toxic sites along the river's banks.

Since 1986, Congress has established three accounts for the management of the Corridor: the Operation Account providing funding for National Park Service staff support; the Technical Assistance Account to provide assistance to communities and Corridor partners; and the Development Fund to provide construction funding for the implementation of interpretive programming, river restoration, historic preservation, tourism and economic development and educational activities within the Corridor. A 10-year plan, completed by the Commission in 1998, outlines a strategy for the implementation of development funds by focusing on the "resource protection needs and projects critical to maintaining or interpreting the distinctive nature of the Corridor."

The legislation I am introducing today, along with Senators REED, KERRY, and KENNEDY, will reauthorize the Development Fund account to provide $10 million in Federal funding from fiscal years 2003 through 2006. This authorization is consistent with the Blackstone Corridor's 10-year Plan guiding the Corridor's future development needs. Development funding will be used to move forward with projects that include a bi-State 45 mile long Blackstone bikeway; construction of river access points for recreational and tourism opportunities; renovation and reuse of historic structures and surrounding landscapes; and educational programs to raise the awareness of the Corridor's significance in the region.

With over 15 years of success and a number of challenges lying ahead, we urge Congress' continued support for the John H. Chafee Blackstone River Valley National Heritage Corridor. The Blackstone Corridor tells the story of the beginnings of America's movement into the industrial era. We must allow the telling of this story to continue.

I ask by unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.

Section 10 of Public Law 99-647 (16 U.S.C. 461 note) is amended by striking subsection (b) and inserting the following:

"(b) DEVELOPMENT FUNDS.—There is authorized to be appropriated to carry out section 8(c) for the period of fiscal years 2003 through 2006 not more than $10,000,000, to remain available until expended.".

Mr. KERRY. Mr. President, I rise in support of legislation that has been filed today to reauthorize the development fund for the John H. Chafee Blackstone River Valley National Heritage Corridor. The bill is sponsored by Senator CHAFEE, and I am proud to be an original cosponsor.

The John H. Chafee Blackstone River Valley National Heritage Corridor was established by Congress in 1986 to recognize and preserve the natural, cultural and historical resources of the region. I would like to read a description of the Blackstone River written by the National Park Service. I think it captures its special nature.

> The Blackstone River Valley illustrates a major revolution in America's past: the Age of Industry. The way people lived during this turning point in history can still be seen in the valley's villages, farms, cities and riverways—in a working landscape between Worchester, Massachusetts and Providence, Rhode Island. In 1790, American craftsmen built the first machines that successfully used waterpower to spin cotton. America's first factory, Slater Mill was built on the banks of the Blackstone River. Here, industrial America was born. This revolutionary way of using waterpower spread quickly throughout the valley and New England. It changed nearly everything. Two hundred years later, the story of the American Industrial Revolution can still be seen and told in the Blackstone River Valley. Thousands of structures and whole landscapes show the radical changes in the way people lived and worked. The way people lived before the advent of industry also can be seen on the land, and the choices for the future are visible as well. For good and bad, each generation makes its choices and changes the character of life in the valley. Today, the rural to city landscapes tell the story of this revolution in American history. Native Americans, European colonizers, farmers, craftsmen, industrialists, and continuing waves of immigrants all left the imprint of their work and culture on the land. The farms, hilltop market centers, mill villages, cities, dams, canals, roads, and railroads are physical products of tremendous social and economic power.

With the assistance of the National Park Service, the Commission has forged collaborative partnerships with a new spirit of ownership among government leaders, private investors and residents for the river resources and communities. The Blackstone has been called "America's hardest working river" because of its industrial legacy. That same description could apply to the people who have decided themselves to making the Blackstone River Valley National Heritage Corridor a success today. The natural value and historical importance of the Blackstone and the dedication of the people involved is why I am eager to support Senator CHAFEE's legislation.

By Mr. VOINOVICH (for himself, Mr. FEINGOLD, Mr. LEVIN, Mr. DEWINE, and Mr. WARNER).

S. 2034. A bill to amend the Solid Waste Disposal Act to impose certain limits on the receipt of out-of-State municipal solid waste; to the Committee on Environment and Public Works.

Mr. VOINOVICH. Mr. President, I rise today to introduce legislation along with a bipartisan coalition of my colleagues, Senators FEINGOLD, DEWINE, LEVIN, and WARNER that will allow States to finally obtain relief from the seemingly endless stream of solid waste that is flowing into States like Ohio, Michigan, Wisconsin, and Virginia.

Our bill, the Municipal Solid Waste Interstate Transportation and Local Authority Act, gives State and local governments the tools they need to limit garbage imports from other States and manage their own waste within their own States.

Each year, Ohio receives well over one million tons of municipal solid waste from other States. Over the last four years, annual levels of waste imports have been steadily increasing, and estimates for 2000 indicate that Ohio imported approximately 1.8 million tons of municipal solid waste. While these shipments are not near our record level of 3.7 million tons in 1989, I believe an import level of nearly two million tons of trash is still entirely too high.

Because it is cheap and because it is expedient, communities in a number of States have simply put their garbage on trains or on trucks and shipped it to be landfilled in States like Ohio, Indiana, Michigan, Pennsylvania, and Virginia. This is wrong and it has to stop.

Many State and local governments in importing states have worked hard to develop strategies to reduce waste and plan for future disposal needs. As Governor of Ohio, I worked aggressively to limit shipments of out-of-state waste into Ohio through voluntary cooperation of Ohio landfill operators and agreements with other States. We saw limited relief. However, Ohio has no assurance that our out-of-state waste numbers won't rise significantly, particularly in light of last year's closure of the Fresh Kills landfill on Staten Island. Unfortunately, the Federal courts have prevented States from enacting laws to protect our natural resources from being utilized as landfill space. What has emerged is an unnatural pattern where Ohio and other States, both importing and exporting, have tried to take reasonable steps to encourage conservation and local disposal, only to be undermined by a barrage of court decisions at every turn.

Quite frankly, State and local governments' hands are tied. Lacking a specific delegation of authority from Congress, States that have acted responsibly to implement environmentally sound waste disposal plans and recycling programs are still being subjected to a flood of out-of-state waste. In Ohio, I set up a comprehensive recycling program when I was Governor that was meant to reduce the waste-stream and help protect our environment. However, the actions of other States have worked to undermine our recycling efforts because Ohioans continue to ask why they should recycle to conserve landfill space when it is being used for other States' trash. Our citizens already have to live with the consequences of large amounts of out-of-state waste—increased noise, traffic, wear and tear on our roads and litter that is blown onto private homes, schools and businesses.

Ohio and many other States have taken comprehensive steps to protect our resources and address a significant environmental threat. However, excessive, uncontrolled waste disposal from other States has limited the ability of Ohioans to protect their environment, health and safety. I do not believe the Commerce Clause requires us to service other states at the expense of our own citizens' efforts.

A national solution is long overdue. When I became governor of Ohio in 1991, I joined a coalition with other Midwest Governors—Governor BAYH now Senator BAYH, of Indiana, Governor Engler of Michigan and Governor Casey, and later Governors Ridge and O'Bannon, of Pennsylvania—to try to pass effective interstate waste and flow control legislation.

In 1996, Midwest Governors were asked by congressional leaders to reach an agreement with Governor Whitman of New Jersey and Governor Pataki of new York on interstate waste provisions. The importing States quickly came to an agreement with Governor Whitman of New Jersey—the second largest exporting State—on interstate waste provisions. We began discussions with New York, but these were put on hold indefinitely in the wake of their May, 1996 announcement to close the Fresh Kills landfill.

The bill that my colleagues and I are introducing today reflects the agreement that Ohio, Indiana, Michigan, and Pennsylvania reached with then-Governor Whitman.

For Ohio, the most important aspect of this bill is the ability for states to limit future waste flows. For instance, they would have the option to set a "permit cap," which would allow a State to impose a percentage limit on the amount of out-of-state waste that a new facility or expansion of an existing facility could receive annually. Or, a State could choose a provision giving them the authority to deny a permit for a new facility if it is determined that there is not a local or in-state regional need for that facility.

These provisions provide assurances to Ohio and other States that new facilities will not be built primarily for the purpose of receiving out-of-state waste. For instance, in 1996, Ohio EAP had to issue a permit for a landfill that was bidding to take 5,000 tons of garbage a day—approximately 1.5 million tons a year—from Canada alone, which would have doubled the amount of out-of-state waste entering Ohio. Thankfully this landfill lost the Canadian bid. Ironically though, the waste company put their plans on hold to build the facility because there is not enough need for the facility in the State and they need to ensure a steady out-of-state waste flow to make the plan feasible.

In addition, this bill would ensure that landfills and incinerators could not receive trash from other States until local governments approve its receipt. States could also freeze their out-of-state waste imports at 1993 levels, while some States would be able to reduce these levels to 65 percent by the year 2006. This bill also allows States to reduce the amount of construction and demolition debris they receive by 50 percent beginning in 2007.

States also could impose up to $3-per-ton cost recovery surcharge on out-of-state waste. This fee would help provide States with the funding necessary to implement solid waste management programs.

Unfortunately, efforts to place reasonable restrictions on out-of-state waste shipments have been perceived by some as an attempt to ban all out-of-state trash. On the contrary, we are not asking for outright authority for states to prohibit all out-of-state waste, nor are we seeking to prohibit waste from any one State. We are merely asking for reasonable tools that will enable state and local governments to act responsibly to manage their own waste and limit unreasonable waste imports from other states. Such measures would give substantial authority to limit imports and plan facilities around our own states' needs.

I believe the time is right to consider and pass an effective interstate waste bill. The bill we are introducing today is a consensus of importing and exporting States—States that have willingly come forward to offer a reasonable solution.

States like Ohio should not continue to be saddled with the environmental costs of other States' inability to take care of their own solid waste. We in Ohio have worked hard to address our own needs. We are actively recycling and working to reduce our waste-stream to preserve our environment for future generations. Congress must act now to prevent this problem from spreading further to our neighbors out West and to help our neighbors in the East better manage the trash they generate.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2034

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Municipal Solid Waste Interstate Transportation and Local Authority Act of 2002".

SEC. 2. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

(a) IN GENERAL.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) is amended by adding at the end the following:

"SEC. 4011. AUTHORITY TO PROHIBIT OR LIMIT RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT EXISTING FACILITIES.

"(a) DEFINITIONS.—In this section:

"(1) AFFECTED LOCAL GOVERNMENT.—The term 'affected local government', with respect to a facility, means—

"(A) the public body authorized by State law to plan for the management of municipal solid waste for the area in which the facility is located or proposed to be located, a majority of the members of which public body are elected officials;

"(B) in a case in which there is no public body described in subparagraph (A), the elected officials of the city, town, township, borough, county, or parish selected by the Governor and exercising primary responsibility over municipal solid waste management or the use of land in the jurisdiction in which the facility is located or proposed to be located; or

"(C) in a case in which there is in effect an agreement or compact under section 105(b), contiguous units of local government located in each of 2 or more adjoining States that are parties to the agreement, for purposes of providing authorization under subsection (b), (c), or (d) for municipal solid waste generated in the jurisdiction of 1 of those units of local government and received in the jurisdiction of another of those units of local government.

"(2) AUTHORIZATION TO RECEIVE OUT-OF-STATE MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'authorization to receive out-of-State municipal solid waste' means a provision contained in a host community agreement or permit that specifically authorizes a facility to receive out-of-State municipal solid waste.

"(B) SPECIFIC AUTHORIZATION.—

"(i) SUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), only the following, shall be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) an authorization to receive municipal solid waste from any place within a fixed radius surrounding the facility that includes an area outside the State;

"(II) an authorization to receive municipal solid waste from any place of origin in the absence of any provision limiting those places of origin to places inside the State;

"(III) an authorization to receive municipal solid waste from a specifically identified place or places outside the State; or

"(IV) a provision that uses such a phrase as 'regardless of origin' or 'outside the State' in reference to municipal solid waste.

"(ii) INSUFFICIENT FORMULATIONS.—For the purposes of subparagraph (A), either of the following, by itself, shall not be considered to specifically authorize a facility to receive out-of-State municipal solid waste:

"(I) A general reference to the receipt of municipal solid waste from outside the jurisdiction of the affected local government.

"(II) An agreement to pay a fee for the receipt of out-of-State municipal solid waste.

"(C) FORM OF AUTHORIZATION.—To qualify as an authorization to receive out-of-State municipal solid waste, a provision need not be in any particular form; a provision shall so qualify so long as the provision clearly and affirmatively states the approval or consent of the affected local government or State for receipt of municipal solid waste from places of origin outside the State.

"(3) DISPOSAL.—The term 'disposal' includes incineration.

"(4) EXISTING HOST COMMUNITY AGREEMENT.—The term 'existing host community agreement' means a host community agreement entered into before January 1, 2002.

"(5) FACILITY.—The term 'facility' means a landfill, incinerator, or other enterprise that received municipal solid waste before the date of enactment of this section.

"(6) GOVERNOR.—The term 'Governor', with respect to a facility, means the chief executive officer of the State in which a facility is located or proposed to be located or any other officer authorized under State law to exercise authority under this section.

"(7) HOST COMMUNITY AGREEMENT.—The term 'host community agreement' means a written, legally binding agreement, lawfully entered into between an owner or operator of a facility and an affected local government that contains an authorization to receive out-of-State municipal solid waste.

"(8) MUNICIPAL SOLID WASTE.—

"(A) IN GENERAL.—The term 'municipal solid waste' means—

"(i) material discarded for disposal by—

"(I) households (including single and multifamily residences); and

"(II) public lodgings such as hotels and motels; and

"(ii) material discarded for disposal that was generated by commercial, institutional, and industrial sources, to the extent that the material—

"(I) is essentially the same as material described in clause (i); or

"(II) is collected and disposed of with material described in clause (i) as part of a normal municipal solid waste collection service.

"(B) INCLUSIONS.—The term 'municipal solid waste' includes—

"(i) appliances;

"(ii) clothing;

"(iii) consumer product packaging;

"(iv) cosmetics;

"(v) disposable diapers;

"(vi) food containers made of glass or metal;

"(vii) food waste;

"(viii) household hazardous waste;

"(ix) office supplies;

"(x) paper; and

"(xi) yard waste.

"(C) Exclusions.—The term 'municipal solid waste' does not include—

"(i) solid waste identified or listed as a hazardous waste under section 3001, except for household hazardous waste;

"(ii) solid waste resulting from—

"(I) a response action taken under section 104 or 106 of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9604, 9606);

"(II) a response action taken under a State law with authorities comparable to the authorities contained in either of those sections; or

"(III) a corrective action taken under this Act;

"(iii) recyclable material—

"(I) that has been separated, at the source of the material, from waste destined for disposal; or

"(II) that has been managed separately from waste destined for disposal, including scrap rubber to be used as a fuel source;

"(iv) a material or product returned from a dispenser or distributor to the manufacturer or an agent of the manufacturer for credit, evaluation, and possible potential reuse;

"(v) solid waste that is—

"(I) generated by an industrial facility; and

"(II) transported for the purpose of treatment, storage, or disposal to a facility (which facility is in compliance with applicable State and local land use and zoning laws and regulations) or facility unit—

"(aa) that is owned or operated by the generator of the waste;

"(bb) that is located on property owned by the generator of the waste or a company with which the generator is affiliated; or

"(cc) the capacity of which is contractually dedicated exclusively to a specific generator;

"(vi) medical waste that is segregated from or not mixed with solid waste;

"(vii) sewage sludge or residuals from a sewage treatment plant; or

"(viii) combustion ash generated by a resource recovery facility or municipal incinerator.

"(9) New host community agreement.—The term 'new host community agreement' means a host community agreement entered into on or after the date of enactment of this section.

"(10) Out-of-state municipal solid waste.—

"(A) In general.—The term 'out-of-State municipal solid waste', with respect to a State, means municipal solid waste generated outside the State.

"(B) Inclusion.—The term 'out-of-State municipal solid waste' includes municipal solid waste generated outside the United States.

"(11) Receive.—The term 'receive' means receive for disposal.

"(12) Recyclable material.—

"(A) In general.—The term 'recyclable material' means a material that may feasibly be used as a raw material or feedstock in place of or in addition to, virgin material in the manufacture of a usable material or product.

"(B) Virgin material.—In subparagraph (A), the term 'virgin material' includes petroleum.

"(b) Prohibition of Receipt for Disposal of Out-of-State Waste.—No facility may receive for disposal out-of-State municipal solid waste except as provided in subsections (c), (d), and (e).

"(c) Existing Host Community Agreements.—

"(1) In general.—Subject to subsection (f), a facility operating under an existing host community agreement may receive for disposal out-of-State municipal solid waste if—

"(A) the owner or operator of the facility has complied with paragraph (2); and

"(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

"(2) Public inspection of agreement.—Not later than 90 days after the date of enactment of this section, the owner or operator of a facility described in paragraph (1) shall—

"(A) provide a copy of the existing host community agreement to the State and affected local government; and

"(B) make a copy of the existing host community agreement available for inspection by the public in the local community.

"(d) New Host Community Agreements.—

"(1) In general.—Subject to subsection (f), a facility operating under a new host community agreement may receive for disposal out-of-State municipal solid waste if—

"(A) the agreement meets the requirements of paragraphs (2) through (5); and

"(B) the owner or operator of the facility is in compliance with all of the terms and conditions of the host community agreement.

"(2) Requirements for authorization.—

"(A) In general.—Authorization to receive out-of-State municipal solid waste under a new host community agreement shall—

"(i) be granted by formal action at a meeting;

"(ii) be recorded in writing in the official record of the meeting; and

"(iii) remain in effect according to the terms of the new host community agreement.

"(B) Specifications.—An authorization to receive out-of-State municipal solid waste shall specify terms and conditions, including—

"(i) the quantity of out-of-State municipal solid waste that the facility may receive; and

"(ii) the duration of the authorization.

"(3) Information.—Before seeking an authorization to receive out-of-State municipal solid waste under a new host community agreement, the owner or operator of the facility seeking the authorization shall provide (and make readily available to the State, each contiguous local government and Indian tribe, and any other interested person for inspection and copying) the following:

"(A) A brief description of the facility, including, with respect to the facility and any planned expansion of the facility, a description of—

"(i) the size of the facility;

"(ii) the ultimate municipal solid waste capacity of the facility; and

"(iii) the anticipated monthly and yearly volume of out-of-State municipal solid waste to be received at the facility.

"(B) A map of the facility site that indicates—

"(i) the location of the facility in relation to the local road system;

"(ii) topographical and general hydrogeological features;

"(iii) any buffer zones to be acquired by the owner or operator; and

"(iv) all facility units.

"(C) A description of—

"(i) the environmental characteristics of the site, as of the date of application for authorization;

"(ii) ground water use in the area, including identification of private wells and public drinking water sources; and

"(iii) alterations that may be necessitated by, or occur as a result of, operation of the facility.

"(D) A description of—

"(i) environmental controls required to be used on the site (under permit requirements), including—

"(I) run-on and run off management;

"(II) air pollution control devices;

"(III) source separation procedures;

"(IV) methane monitoring and control;

"(V) landfill covers;

"(VI) landfill liners or leachate collection systems; and

"(VII) monitoring programs; and

"(ii) any waste residuals (including leachate and ash) that the facility will generate, and the planned management of the residuals.

"(E) A description of site access controls to be employed by the owner or operator and road improvements to be made by the owner or operator, including an estimate of the timing and extent of anticipated local truck traffic.

"(F) A list of all required Federal, State, and local permits.

"(G) Estimates of the personnel requirements of the facility, including—

"(i) information regarding the probable skill and education levels required for job positions at the facility; and

"(ii) to the extent practicable, a distinction between preoperational and postoperational employment statistics of the facility.

"(H) Any information that is required by State or Federal law to be provided with respect to—

"(i) any violation of environmental law (including regulations) by the owner or operator or any subsidiary of the owner or operator;

"(ii) the disposition of any enforcement proceeding taken with respect to the violation; and

"(iii) any corrective action and rehabilitation measures taken as a result of the proceeding.

"(I) Any information that is required by Federal or State law to be provided with respect to compliance by the owner or operator with the State solid waste management plan.

"(J) Any information that is required by Federal or State law to be provided with respect to gifts and contributions made by the owner or operator.

"(4) Advance notification.—Before taking formal action to grant or deny authorization to receive out-of-State municipal solid waste under a new host community agreement, an affected local government shall—

"(A) notify the State, contiguous local governments, and any contiguous Indian tribes;

"(B) publish notice of the proposed action in a newspaper of general circulation at least 15 days before holding a hearing under subparagraph (C), except where State law provides for an alternate form of public notification; and

"(C) provide an opportunity for public comment in accordance with State law, including at least 1 public hearing.

"(5) Subsequent notification.—Not later than 90 days after an authorization to receive out-of-State municipal solid waste is granted under a new host community agreement, the affected local government shall give notice of the authorization to—

"(A) the Governor;

"(B) contiguous local governments; and

"(C) any contiguous Indian tribes.

"(e) Receipt for Disposal of Out-of-State Municipal Solid Waste by Facilities

Not Subject to Host Community Agreements.—

“(1) Permit.—

“(A) In general.—Subject to subsection (f), a facility for which, before the date of enactment of this section, the State issued a permit containing an authorization may receive out-of-State municipal solid waste if—

“(i) not later than 90 days after the date of enactment of this section, the owner or operator of the facility notifies the affected local government of the existence of the permit; and

“(ii) the owner or operator of the facility complies with all of the terms and conditions of the permit after the date of enactment of this section.

“(B) Denied or revoked permits.—A facility may not receive out-of-State municipal solid waste under subparagraph (A) if the operating permit for the facility (or any renewal of the operating permit) was denied or revoked by the appropriate State agency before the date of enactment of this section unless the permit or renewal was granted, renewed, or reinstated before that date.

“(2) Documented receipt during 1993.—

“(A) In general.—Subject to subsection (f), a facility that, during 1993, received out-of-State municipal solid waste may receive out-of-State municipal solid waste if the owner or operator of the facility submits to the State and to the affected local government documentation of the receipt of out-of-State municipal solid waste during 1993, including information about—

“(i) the date of receipt of the out-of-State municipal solid waste;

“(ii) the volume of out-of-State municipal solid waste received in 1993;

“(iii) the place of origin of the out-of-State municipal solid waste received; and

“(iv) the type of out-of-State municipal solid waste received.

“(B) False or misleading information.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(C) Availability of documentation.—The owner or operator of a facility that receives out-of-State municipal solid waste under subparagraph (A)—

“(i) shall make available for inspection by the public in the local community a copy of the documentation submitted under subparagraph (A); but

“(ii) may omit any proprietary information contained in the documentation.

“(3) Bi-state metropolitan statistical areas.—

“(A) In general.—A facility in a State may receive out-of-State municipal solid waste if the out-of-State municipal solid waste is generated in, and the facility is located in, the same bi-State level A metropolitan statistical area (as defined and listed by the Director of the Office of Management and Budget as of the date of enactment of this section) that contains 2 contiguous major cities, each of which is in a different State.

“(B) Governor agreement.—A facility described in subparagraph (A) may receive out-of-State municipal solid waste only if the Governor of each State in the bi-State metropolitan statistical area agrees that the facility may receive out-of-State municipal solid waste.

“(f) Required Compliance.—A facility may not receive out-of-State municipal solid waste under subsection (c), (d), or (e) at any time at which the State has determined that—

“(1) the facility is not in compliance with applicable Federal and State laws (including regulations) relating to—

“(A) facility design and operation; and

“(B)(i) in the case of a landfill—

“(I) facility location standards;

“(II) leachate collection standards;

“(III) ground water monitoring standards; and

“(IV) standards for financial assurance and for closure, postclosure, and corrective action; and

“(ii) in the case of an incinerator, the applicable requirements of section 129 of the Clean Air Act (42 U.S.C. 7429); and

“(2) the noncompliance constitutes a threat to human health or the environment.

“(g) Authority To Limit Receipt of Out-of-State Municipal Solid Waste.—

“(1) Limits on quantity of waste received.—

“(A) Limit for all facilities in the state.—

“(i) In general.—A State may limit the quantity of out-of-State municipal solid waste received annually at each facility in the State to the quantity described in paragraph (2).

“(ii) No conflict.—

“(I) In general.—A limit under clause (i) shall not conflict with—

“(aa) an authorization to receive out-of-State municipal solid waste contained in a permit; or

“(bb) a host community agreement entered into between the owner or operator of a facility and the affected local government.

“(II) Conflict.—A limit shall be treated as conflicting with a permit or host community agreement if the permit or host community agreement establishes a higher limit, or if the permit or host community agreement does not establish a limit, on the quantity of out-of-State municipal solid waste that may be received annually at the facility.

“(B) Limit for particular facilities.—

“(i) In general.—An affected local government that has not executed a host community agreement with a particular facility may limit the quantity of out-of-State municipal solid waste received annually at the facility to the quantity specified in paragraph (2).

“(ii) No conflict.—A limit under clause (i) shall not conflict with an authorization to receive out-of-State municipal solid waste contained in a permit.

“(C) Effect on other laws.—Nothing in this subsection supersedes any State law relating to contracts.

“(2) Limit on quantity.—

“(A) In general.—For any facility that commenced receiving documented out-of-State municipal solid waste before the date of enactment of this section, the quantity referred to in paragraph (1) for any year shall be equal to the quantity of out-of-State municipal solid waste received at the facility during calendar year 1993.

“(B) Documentation.—

“(i) Contents.—Documentation submitted under subparagraph (A) shall include information about—

“(I) the date of receipt of the out-of-State municipal solid waste;

“(II) the volume of out-of-State municipal solid waste received in 1993;

“(III) the place of origin of the out-of-State municipal solid waste received; and

“(IV) the type of out-of-State municipal solid waste received.

“(ii) False or misleading information.—Documentation submitted under subparagraph (A) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(3) No discrimination.—In establishing a limit under this subsection, a State shall act in a manner that does not discriminate against any shipment of out-of-State municipal solid waste on the basis of State of origin.

“(h) Authority To Limit Receipt of Out-of-State Municipal Solid Waste to Declining Percentages of Quantities Received During 1993.—

“(1) In general.—A State in which facilities received more than 650,000 tons of out-of-State municipal solid waste in calendar year 1993 may establish a limit on the quantity of out-of-State municipal solid waste that may be received at all facilities in the State described in subsection (e)(2) in the following quantities:

“(A) In calendar year 2003, 95 percent of the quantity received in calendar year 1993.

“(B) In each of calendar years 2004 through 2007, 95 percent of the quantity received in the previous year.

“(C) In each calendar year after calendar year 2007, 65 percent of the quantity received in calendar year 1993.

“(2) Uniform applicability.—A limit under paragraph (1) shall apply uniformly—

“(A) to the quantity of out-of-State municipal solid waste that may be received at all facilities in the State that received out-of-State municipal solid waste in calendar year 1993; and

“(B) for each facility described in clause (i), to the quantity of out-of-State municipal solid waste that may be received from each State that generated out-of-State municipal solid waste received at the facility in calendar year 1993.

“(3) Notice.—Not later than 90 days before establishing a limit under paragraph (1), a State shall provide notice of the proposed limit to each State from which municipal solid waste was received in calendar year 1993.

“(4) Alternative authorities.—If a State exercises authority under this subsection, the State may not thereafter exercise authority under subsection (g).

“(i) Cost Recovery Surcharge.—

“(1) Definitions.—In this subsection:

“(A) Cost.—The term ‘cost’ means a cost incurred by the State for the implementation of State laws governing the processing, combustion, or disposal of municipal solid waste, limited to—

“(i) the issuance of new permits and renewal of or modification of permits;

“(ii) inspection and compliance monitoring;

“(iii) enforcement; and

“(iv) costs associated with technical assistance, data management, and collection of fees.

“(B) Processing.—The term ‘processing’ means any activity to reduce the volume of municipal solid waste or alter the chemical, biological or physical state of municipal solid waste, through processes such as thermal treatment, bailing, composting, crushing, shredding, separation, or compaction.

“(2) Authority.—A State may authorize, impose, and collect a cost recovery charge on the processing or disposal of out-of-State municipal solid waste in the State in accordance with this subsection.

“(3) Amount of surcharge.—The amount of a cost recovery surcharge—

“(A) may be no greater than the amount necessary to recover those costs determined in conformance with paragraph (5); and

“(B) in no event may exceed $3.00 per ton of waste.

“(4) USE OF SURCHARGE COLLECTED.—All cost recovery surcharges collected by a State under this subsection shall be used to fund solid waste management programs, administered by the State or a political subdivision of the State, that incur costs for which the surcharge is collected.

“(5) CONDITIONS.—

“(A) IN GENERAL.—Subject to subparagraphs (B) and (C), a State may impose and collect a cost recovery surcharge on the processing or disposal within the State of out-of-State municipal solid waste if—

“(i) the State demonstrates a cost to the State arising from the processing or disposal within the State of a volume of municipal solid waste from a source outside the State;

“(ii) the surcharge is based on those costs to the State demonstrated under subparagraph (A) that, if not paid for through the surcharge, would otherwise have to be paid or subsidized by the State; and

“(iii) the surcharge is compensatory and is not discriminatory.

“(B) PROHIBITION OF SURCHARGE.—In no event shall a cost recovery surcharge be imposed by a State to the extent that—

“(i) the cost for which recovery is sought is otherwise paid, recovered, or offset by any other fee or tax paid to the State or a political subdivision of the State; or

“(ii) to the extent that the amount of the surcharge is offset by voluntary payments to a State or a political subdivision of the State, in connection with the generation, transportation, treatment, processing, or disposal of solid waste.

“(C) SUBSIDY; NON-DISCRIMINATION.—The grant of a subsidy by a State with respect to entities disposing of waste generated within the State does not constitute discrimination for purposes of subparagraph (A).

“(j) IMPLEMENTATION AND ENFORCEMENT.—A State may adopt such laws (including regulations), not inconsistent with this section, as are appropriate to implement and enforce this section, including provisions for penalties.

“(k) ANNUAL STATE REPORT.—

“(1) FACILITIES.—On February 1, 2003, and on February 1 of each subsequent year, the owner or operator of each facility that receives out-of-State municipal solid waste shall submit to the State information specifying—

“(A) the quantity of out-of-State municipal solid waste received during the preceding calendar year; and

“(B) the State of origin of the out-of-State municipal solid waste received during the preceding calendar year.

“(2) TRANSFER STATIONS.—

“(A) DEFINITION OF RECEIVE FOR TRANSFER.—In this paragraph, the term ‘receive for transfer’ means receive for temporary storage pending transfer to another State or facility.

“(B) REPORT.—On February 1, 2003, and on February 1 of each subsequent year, the owner or operator of each transfer station that receives for transfer out-of-State municipal solid waste shall submit to the State a report describing—

“(i) the quantity of out-of-State municipal solid waste received for transfer during the preceding calendar year;

“(ii) each State of origin of the out-of-State municipal solid waste received for transfer during the preceding calendar year; and

“(iii) each State of destination of the out-of-State municipal solid waste transferred from the transfer station during the preceding calendar year.

“(3) NO PRECLUSION OF STATE REQUIREMENTS.—The requirements of paragraphs (1) and (2) do not preclude any State requirement for more frequent reporting.

“(4) FALSE OR MISLEADING INFORMATION.—Documentation submitted under paragraphs (1) and (2) shall be made under penalty of perjury under State law for the submission of false or misleading information.

“(5) REPORT.—On March 1, 2003, and on March 1 of each year thereafter, each State to which information is submitted under paragraphs (1) and (2) shall publish and make available to the public a report containing information on the quantity of out-of-State municipal solid waste received for disposal and received for transfer in the State during the preceding calendar year.”.

(b) CONFORMING AMENDMENT.—The table of contents of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) is amended by adding after the item relating to section 4010 the following:

“Sec. 4011. Authority to prohibit or limit receipt of out-of-State municipal solid waste at existing facilities.”.

SEC. 3. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 2(a)), is amended by adding after section 4011 the following:

“SEC. 4012. AUTHORITY TO DENY PERMITS FOR OR IMPOSE PERCENTAGE LIMITS ON RECEIPT OF OUT-OF-STATE MUNICIPAL SOLID WASTE AT NEW FACILITIES.

“(a) DEFINITIONS.—In this section:

“(1) TERMS DEFINED IN SECTION 4011.—The terms ‘authorization to receive out-of-State municipal solid waste’, ‘disposal’, ‘existing host community agreement’, ‘host community agreement’, ‘municipal solid waste’, ‘out-of-State municipal solid waste’, and ‘receive’ have the meaning given those terms, respectively, in section 4011.

“(2) OTHER TERMS.—The term ‘facility’ means a landfill, incinerator, or other enterprise that receives out-of-State municipal solid waste on or after the date of enactment of this section.

“(b) AUTHORITY TO DENY PERMITS OR IMPOSE PERCENTAGE LIMITS.—

“(1) ALTERNATIVE AUTHORITIES.—In any calendar year, a State may exercise the authority under either paragraph (2) or paragraph (3), but may not exercise the authority under both paragraphs (2) and (3).

“(2) AUTHORITY TO DENY PERMITS.—A State may deny a permit for the construction or operation of or a major modification to a facility if—

“(A) the State has approved a State or local comprehensive municipal solid waste management plan developed under Federal or State law; and

“(B) the denial is based on a determination, under a State law authorizing the denial, that there is not a local or regional need for the facility in the State.

“(3) AUTHORITY TO IMPOSE PERCENTAGE LIMIT.—A State may provide by law that a State permit for the construction, operation, or expansion of a facility shall include the requirement that not more than a specified percentage (which shall be not less than 20 percent) of the total quantity of municipal solid waste received annually at the facility shall be out-of-State municipal solid waste.

“(c) NEW HOST COMMUNITY AGREEMENTS.—

“(1) IN GENERAL.—Notwithstanding subsection (b)(3), a facility operating under an existing host community agreement that contains an authorization to receive out-of-State municipal solid waste in a specific quantity annually may receive that quantity.

“(2) NO EFFECT ON STATE PERMIT DENIAL.—Nothing in paragraph (1) authorizes a facility described in that paragraph to receive out-of-State municipal solid waste if the State has denied a permit to the facility under subsection (b)(2).

“(d) UNIFORM AND NONDISCRIMINATORY APPLICATION.—A law under subsection (b) or (c)—

“(1) shall be applicable throughout the State;

“(2) shall not directly or indirectly discriminate against any particular facility; and

“(3) shall not directly or indirectly discriminate against any shipment of out-of-State municipal solid waste on the basis of place of origin.”.

(b) CONFORMING AMENDMENT.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 1(b)) is amended by adding at the end of the items relating to subtitle D the following:

“Sec. 4012. Authority to deny permits for or impose percentage limits on new facilities.”.

SEC. 4. CONSTRUCTION AND DEMOLITION WASTE.

(a) AMENDMENT.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 3(a)), is amended by adding after section 4012 the following:

“SEC. 4013. CONSTRUCTION AND DEMOLITION WASTE.

“(a) DEFINITIONS.—In this section:

“(1) TERMS DEFINED IN SECTION 4011.—The terms ‘affected local government’, ‘Governor’, and ‘receive’ have the meanings given those terms, respectively, in section 4011.

“(2) OTHER TERMS.—

“(A) BASE YEAR QUANTITY.—The term ‘base year quantity’ means—

“(i) the annual quantity of out-of-State construction and demolition debris received at a State in calendar year 2003, as determined under subsection (c)(2)(B)(i); or

“(ii) in the case of an expedited implementation under subsection (c)(5), the annual quantity of out-of-State construction and demolition debris received in a State in calendar year 2002.

“(B) CONSTRUCTION AND DEMOLITION WASTE.—

“(i) IN GENERAL.—The term ‘construction and demolition waste’ means debris resulting from the construction, renovation, repair, or demolition of or similar work on a structure.

“(ii) EXCLUSIONS.—The term ‘construction and demolition waste’ does not include debris that—

“(I) is commingled with municipal solid waste; or

“(II) is contaminated, as determined under subsection (b).

“(C) FACILITY.—The term ‘facility’ means any enterprise that receives construction and demolition waste on or after the date of enactment of this section, including landfills.

“(D) OUT-OF-STATE CONSTRUCTION AND DEMOLITION WASTE.—The term ‘out-of-State construction and demolition waste’ means—

“(i) with respect to any State, construction and demolition debris generated outside the State; and

“(ii) construction and demolition debris generated outside the United States, unless the President determines that treatment of the construction and demolition debris as out-of-State construction and demolition waste under this section would be inconsistent with the North American Free Trade Agreement or the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)).

"(b) Contaminated Construction and Demolition Debris.—

"(1) In general.—For the purpose of determining whether debris is contaminated, the generator of the debris shall conduct representative sampling and analysis of the debris.

"(2) Submission of results.—Unless not required by the affected local government, the results of the sampling and analysis under paragraph (1) shall be submitted to the affected local government for recordkeeping purposes only.

"(3) Disposal of contaminated debris.—Any debris described in subsection (a)(2)(B)(i) that is determined to be contaminated shall be disposed of in a landfill that meets the requirements of this Act.

"(c) Limit on Construction and Demolition Waste.—

"(1) In general.—A State may establish a limit on the annual amount of out-of-State construction and demolition waste that may be received at landfills in the State.

"(2) Required action by the State.—A State that seeks to limit the receipt of out-of-State construction and demolition waste received under this section shall—

"(A) not later than January 1, 2003, establish and implement reporting requirements to determine the quantity of construction and demolition waste that is—

"(i) disposed of in the State; and

"(ii) imported into the State; and

"(B) not later than March 1, 2004—

"(i) establish the annual quantity of out-of-State construction and demolition waste received during calendar year 2003; and

"(ii) report the tonnage received during calendar year 2003 to the Governor of each exporting State.

"(3) Reporting by facilities.—

"(A) In general.—Each facility that receives out-of-State construction and demolition debris shall report to the State in which the facility is located the quantity and State of origin of out-of-State construction and demolition debris received—

"(i) in calendar year 2002, not later than February 1, 2003; and

"(ii) in each subsequent calendar year, not later than February 1 of the calendar year following that year.

"(B) No preclusion of State requirements.—The requirement of subparagraph (A) does not preclude any State requirement for more frequent reporting.

"(C) Penalty.—Each submission under this paragraph shall be made under penalty of perjury under State law.

"(4) Limit on debris received.—

"(A) Ratchet.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B).

"(B) Reduced annual percentages.—A limit on out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

"(i) in calendar year 2004, 95 percent of the base year quantity;

"(ii) in calendar year 2005, 90 percent of the base year quantity;

"(iii) in calendar year 2006, 85 percent of the base year quantity;

"(iv) in calendar year 2007, 80 percent of the base year quantity;

"(v) in calendar year 2008, 75 percent of the base year quantity;

"(vi) in calendar year 2009, 70 percent of the base year quantity;

"(vii) in calendar year 2010, 65 percent of the base year quantity;

"(viii) in calendar year 2011, 60 percent of the base year quantity;

"(ix) in calendar year 2012, 55 percent of the base year quantity; and

"(x) in calendar year 2013 and in each subsequent year, 50 percent of the base year quantity.

"(5) Expedited implementation.—

"(A) Ratchet.—A State in which facilities receive out-of-State construction and demolition debris may decrease the quantity of construction and demolition debris that may be received at each facility to an annual percentage of the base year quantity specified in subparagraph (B) if—

"(i) on the date of enactment of this section, the State has determined the quantity of construction and demolition waste received in the State in calendar year 2002; and

"(ii) the State complies with paragraphs (2) and (3).

"(B) Expedited reduced annual percentages.—An expedited implementation of a limit on the receipt of out-of-State construction and demolition debris imposed by a State under subparagraph (A) shall be equal to—

"(i) in calendar year 2003, 95 percent of the base year quantity;

"(ii) in calendar year 2004, 90 percent of the base year quantity;

"(iii) in calendar year 2005, 85 percent of the base year quantity;

"(iv) in calendar year 2006, 80 percent of the base year quantity;

"(v) in calendar year 2007, 75 percent of the base year quantity;

"(vi) in calendar year 2008, 70 percent of the base year quantity;

"(vii) in calendar year 2009, 65 percent of the base year quantity;

"(viii) in calendar year 2010, 60 percent of the base year quantity;

"(ix) in calendar year 2011, 55 percent of the base year quantity; and

"(x) in calendar year 2012 and in each subsequent year, 50 percent of the base year quantity.".

(b) Conforming Amendment.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 3(b)), is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4013. Construction and demolition debris.".

SEC. 5. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL MUNICIPAL SOLID WASTE FLOW CONTROL.

(a) Amendment of Subtitle D.—Subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.) (as amended by section 4(a)) is amended by adding after section 4013 the following:

"SEC. 4014. CONGRESSIONAL AUTHORIZATION OF STATE AND LOCAL GOVERNMENT CONTROL OVER MOVEMENT OF MUNICIPAL SOLID WASTE AND RECYCLABLE MATERIALS.

"(a) Flow Control Authority for Facilities Previously Designated.—Any State or political subdivision thereof is authorized to exercise flow control authority to direct the movement of municipal solid waste and recyclable materials voluntarily relinquished by the owner or generator thereof to particular waste management facilities, or facilities for recyclable materials, designated as of the suspension date, if each of the following conditions are met:

"(1) The waste and recyclable materials are generated within the jurisdictional boundaries of such State or political subdivision, as such jurisdiction was in effect on the suspension date.

"(2) Such flow control authority is imposed through the adoption or execution of a law, ordinance, regulation, resolution, or other legally binding provision or official act of the State or political subdivision that—

"(A) was in effect on the suspension date;

"(B) was in effect prior to the issuance of an injunction or other order by a court based on a ruling that such law, ordinance, regulation, resolution, or other legally binding provision or official act violated the Commerce Clause of the United States Constitution; or

"(C) was in effect immediately prior to suspension or partial suspension thereof by legislative or official administrative action of the State or political subdivision expressly because of the existence of an injunction or other court order of the type described in subparagraph (B) issued by a court of competent jurisdiction.

"(3) The State or a political subdivision thereof has, for one or more of such designated facilities—

"(A) on or before the suspension date, presented eligible bonds for sale;

"(B) on or before the suspension date, issued a written public declaration or regulation stating that bonds would be issued and held hearings regarding such issuance, and subsequently presented eligible bonds for sale within 180 days of the declaration or regulation; or

"(C) on or before the suspension date, executed a legally binding contract or agreement that—

"(i) was in effect as of the suspension date;

"(ii) obligates the delivery of a minimum quantity of municipal solid waste or recyclable materials to one or more such designated waste management facilities or facilities for recyclable materials; and

"(iii) either—

"(I) obligates the State or political subdivision to pay for that minimum quantity of waste or recyclable materials even if the stated minimum quantity of such waste or recyclable materials is not delivered within a required timeframe; or

"(II) otherwise imposes liability for damages resulting from such failure.

"(b) Waste Stream Subject to Flow Control.—Subsection (a) authorizes only the exercise of flow control authority with respect to the flow to any designated facility of the specific classes or categories of municipal solid waste and voluntarily relinquished recyclable materials to which such flow control authority was applicable on the suspension date and—

"(1) in the case of any designated waste management facility or facility for recyclable materials that was in operation as of the suspension date, only if the facility concerned received municipal solid waste or recyclable materials in those classes or categories on or before the suspension date; and

"(2) in the case of any designated waste management facility or facility for recyclable materials that was not yet in operation as of the suspension date, only of the classes or categories that were clearly identified by the State or political subdivision as of the suspension date to be flow controlled to such facility.

"(c) Duration of Flow Control Authority.—Flow control authority may be exercised pursuant to this section with respect to any facility or facilities only until the later of the following:

"(1) The final maturity date of the bond referred to in subsection (a)(3)(A) or (B).

"(2) The expiration date of the contract or agreement referred to in subsection (a)(3)(C).

"(3) The adjusted expiration date of a bond issued for a qualified environmental retrofit.

The dates referred to in paragraphs (1) and (2) shall be determined based upon the terms and provisions of the bond or contract or agreement. In the case of a contract or agreement described in subsection (a)(3)(C) that has no specified expiration date, for purposes of paragraph (2) of this subsection the expiration date shall be the first date that the State or political subdivision that is a party to the contract or agreement can withdraw from its responsibilities under the contract or agreement without being in default thereunder and without substantial penalty or other substantial legal sanction. The expiration date of a contract or agreement referred to in subsection (a)(3)(C) shall be deemed to occur at the end of the period of an extension exercised during the term of the original contract or agreement, if the duration of that extension was specified by such contract or agreement as in effect on the suspension date.

"(d) Indemnification for Certain Transportation.—Notwithstanding any other provision of this section, no State or political subdivision may require any person to transport municipal solid waste or recyclable materials, or to deliver such waste or materials for transportation, to any active portion of a municipal solid waste landfill unit if contamination of such active portion is a basis for listing of the municipal solid waste landfill unit on the National Priorities List established under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 unless such State or political subdivision or the owner or operator of such landfill unit has indemnified that person against all liability under that Act with respect to such waste or materials.

"(e) Ownership of Recyclable Materials.—Nothing in this section shall authorize any State or political subdivision to require any person to sell or transfer any recyclable materials to such State or political subdivision.

"(f) Limitation on Revenue.—A State or political subdivision may exercise the flow control authority granted in this section only if the State or political subdivision limits the use of any of the revenues it derives from the exercise of such authority to the payment of one or more of the following:

"(1) Principal and interest on any eligible bond.

"(2) Principal and interest on a bond issued for a qualified environmental retrofit.

"(3) Payments required by the terms of a contract referred to in subsection (a)(3)(C).

"(4) Other expenses necessary for the operation and maintenance and closure of designated facilities and other integral facilities identified by the bond necessary for the operation and maintenance of such designated facilities.

"(5) To the extent not covered by paragraphs (1) through (4), expenses for recycling, composting, and household hazardous waste activities in which the State or political subdivision was engaged before the suspension date. The amount and nature of payments described in this paragraph shall be fully disclosed to the public annually.

"(g) Interim Contracts.—A contract of the type referred to in subsection (a)(3)(C) that was entered into during the period—

"(1) before November 10, 1995, and after the effective date of any applicable final court order no longer subject to judicial review specifically invalidating the flow control authority of the applicable State or political subdivision; or

"(2) after the applicable State or political subdivision refrained pursuant to legislative or official administrative action from enforcing flow control authority expressly because of the existence of a court order of the type described in subsection (a)(2)(B) issued by a court of the same State or the Federal judicial circuit within which such State is located and before the effective date on which it resumes enforcement of flow control authority after enactment of this section,

shall be fully enforceable in accordance with State law.

"(h) Areas With Pre-1984 Flow Control.—

"(1) General authority.—A State that on or before January 1, 1984—

"(A) adopted regulations under a State law that required or directed transportation, management, or disposal of municipal solid waste from residential, commercial, institutional, or industrial sources (as defined under State law) to specifically identified waste management facilities, and applied those regulations to every political subdivision of the State; and

"(B) subjected such waste management facilities to the jurisdiction of a State public utilities commission,

may exercise flow control authority over municipal solid waste in accordance with the other provisions of this section.

"(2) Additional flow control authority.—A State or any political subdivision of a State that meets the requirements of paragraph (1) may exercise flow control authority over all classes and categories of municipal solid waste that were subject to flow control by that State or political subdivision on May 16, 1994, by directing municipal solid waste from any waste management facility that was designated as of May 16, 1994 to any other waste management facility in the State without regard to whether the political subdivision in which the municipal solid waste is generated had designated the particular waste management facility or had issued a bond or entered into a contact referred to in subparagraph (A) or (B) of subsection (a)(3), respectively.

"(3) Duration of authority.—The authority to direct municipal solid waste to any facility pursuant to this subsection shall terminate with regard to such facility in accordance with subsection (c).

"(i) Effect on Authority of States and Political Subdivisions.—Nothing in this section shall be interpreted—

"(1) to authorize a political subdivision to exercise the flow control authority granted by this section in a manner inconsistent with State law;

"(2) to permit the exercise of flow control authority over municipal solid waste and recyclable materials to an extent greater than the maximum volume authorized by State permit to be disposed at the waste management facility or processed at the facility for recyclable materials;

"(3) to limit the authority of any State or political subdivision to place a condition on a franchise, license, or contract for municipal solid waste or recyclable materials collection, processing, or disposal; or

"(4) to impair in any manner the authority of any State or political subdivision to adopt or enforce any law, ordinance, regulation, or other legally binding provision or official act relating to the movement or processing of municipal solid waste or recyclable materials which does not constitute discrimination against or an undue burden upon interstate commerce.

"(j) Effective Date.—The provisions of this section shall take effect with respect to the exercise by any State or political subdivision of flow control authority on or after the date of enactment of this section. Such provisions, other than subsection (d), shall also apply to the exercise by any State or political subdivision of flow control authority before such date of enactment, except that nothing in this section shall affect any final judgment that is no longer subject to judicial review as of the date of enactment of this section insofar as such judgment awarded damages based on a finding that the exercise of flow control authority was unconstitutional.

"(k) State Solid Waste District Authority.—In addition to any other flow control authority authorized under this section a solid waste district or a political subdivision of a State may exercise flow control authority for a period of 20 years after the enactment of this section, for municipal solid waste and for recyclable materials that is generated within its jurisdiction if—

"(1) the solid waste district, or a political subdivision within such district, is required through a recyclable materials recycling program to meet a municipal solid waste reduction goal of at least 30 percent by the year 2005, and uses revenues generated by the exercise of flow control authority strictly to implement programs to manage municipal solid waste and recyclable materials, other than incineration programs; and

"(2) prior to the suspension date, the solid waste district, or a political subdivision within such district—

"(A) was responsible under State law for the management and regulation of the storage, collection, processing, and disposal of solid wastes within its jurisdiction;

"(B) was authorized by State statute (enacted prior to January 1, 1992) to exercise flow control authority, and subsequently adopted or sought to exercise the authority through a law, ordinance, regulation, regulatory proceeding, contract, franchise, or other legally binding provision; and

"(C) was required by State statute (enacted prior to January 1, 1992) to develop and implement a solid waste management plan consistent with the State solid waste management plan, and the district solid waste management plan was approved by the appropriate State agency prior to September 15, 1994.

"(l) Special Rule for Certain Consortia.—For purposes of this section, if—

"(1) two or more political subdivisions are members of a consortium of political subdivisions established to exercise flow control authority with respect to any waste management facility or facility for recyclable materials;

"(2) all of such members have either presented eligible bonds for sale or executed contracts with the owner or operator of the facility requiring use of such facility;

"(3) the facility was designated as of the suspension date by at least one of such members;

"(4) at least one of such members has met the requirements of subsection (a)(2) with respect to such facility; and

"(5) at least one of such members has presented eligible bonds for sale, or entered into a contract or agreement referred to in subsection (a)(3)(C), on or before the suspension date, for such facility,

the facility shall be treated as having been designated, as of May 16, 1994, by all members of such consortium, and all such members shall be treated as meeting the requirements of subsection (a)(2) and (3) with respect to such facility.

"(m) RECOVERY OF DAMAGES.—

"(1) PROHIBITION.—No damages, interest on damages, costs, or attorneys' fees may be recovered in any claim against any State or local government, or official or employee thereof, based on the exercise of flow control authority on or before May 16, 1994.

"(2) APPLICABILITY.—Paragraph (1) shall apply to cases commenced on or after the date of enactment of the Solid Waste Interstate Transportation and Local Authority Act of 1999, and shall apply to cases commenced before such date except cases in which a final judgment no longer subject to judicial review has been rendered.

"(n) DEFINITIONS.—For the purposes of this section—

"(1) ADJUSTED EXPIRATION DATE.—The term 'adjusted expiration date' means, with respect to a bond issued for a qualified environmental retrofit, the earlier of the final maturity date of such bond or 15 years after the date of issuance of such bond.

"(2) BOND ISSUED FOR A QUALIFIED ENVIRONMENTAL RETROFIT.—The term 'bond issued for a qualified environmental retrofit' means a bond described in paragraph (4)(A) or (B), the proceeds of which are dedicated to financing the retrofitting of a resource recovery facility or a municipal solid waste incinerator necessary to comply with section 129 of the Clean Air Act, provided that such bond is presented for sale before the expiration date of the bond or contract referred to in subsection (a)(3)(A), (B), or (C) that is applicable to such facility and no later than December 31, 1999.

"(3) DESIGNATED.—The term 'designated' means identified by a State or political subdivision for receipt of all or any portion of the municipal solid waste or recyclable materials that is generated within the boundaries of the State or political subdivision. Such designation includes designation through—

"(A) bond covenants, official statements, or other official financing documents issued by a State or political subdivision issuing an eligible bond; and

"(B) the execution of a contract of the type described in subsection (a)(3)(C),

in which one or more specific waste management facilities are identified as the requisite facility or facilities for receipt of municipal solid waste or recyclable materials generated within the jurisdictional boundaries of that State or political subdivision.

"(4) ELIGIBLE BOND.—The term 'eligible bond' means—

"(A) a revenue bond or similar instrument of indebtedness pledging payment to the bondholder or holder of the debt of identified revenues; or

"(B) a general obligation bond,

the proceeds of which are used to finance one or more designated waste management facilities, facilities for recyclable materials, or specifically and directly related assets, development costs, or finance costs, as evidenced by the bond documents.

"(5) FLOW CONTROL AUTHORITY.—The term 'flow control authority' means the regulatory authority to control the movement of municipal solid waste or voluntarily relinquished recyclable materials and direct such solid waste or recyclable materials to one or more designated waste management facilities or facilities for recyclable materials within the boundaries of a State or political subdivision.

"(6) MUNICIPAL SOLID WASTE.—The term 'municipal solid waste' has the meaning given that term in section 4011, except that such term—

"(A) includes waste material removed from a septic tank, septage pit, or cesspool (other than from portable toilets); and

"(B) does not include—

"(i) any substance the treatment and disposal of which is regulated under the Toxic Substances Control Act;

"(ii) waste generated during scrap processing and scrap recycling; or

"(iii) construction and demolition debris, except where the State or political subdivision had on or before January 1, 1989, issued eligible bonds secured pursuant to State or local law requiring the delivery of construction and demolition debris to a waste management facility designated by such State or political subdivision.

"(7) POLITICAL SUBDIVISION.—The term 'political subdivision' means a city, town, borough, county, parish, district, or public service authority or other public body created by or pursuant to State law with authority to present for sale an eligible bond or to exercise flow control authority.

"(8) RECYCLABLE MATERIALS.—The term 'recyclable materials' means any materials that have been separated from waste otherwise destined for disposal (either at the source of the waste or at processing facilities) or that have been managed separately from waste destined for disposal, for the purpose of recycling, reclamation, composting of organic materials such as food and yard waste, or reuse (other than for the purpose of incineration). Such term includes scrap tires to be used in resource recovery.

"(9) SUSPENSION DATE.—The term 'suspension date' means, with respect to a State or political subdivision—

"(A) May 16, 1994;

"(B) the date of an injunction or other court order described in subsection (a)(2)(B) that was issued with respect to that State or political subdivision; or

"(C) the date of a suspension or partial suspension described in subsection (a)(2)(C) with respect to that State or political subdivision.

"(10) WASTE MANAGEMENT FACILITY.—The term 'waste management facility' means any facility for separating, storing, transferring, treating, processing, combusting, or disposing of municipal solid waste.".

(b) TABLE OF CONTENTS.—The table of contents in section 1001 of the Solid Waste Disposal Act (42 U.S.C. prec. 6901) (as amended by section 4(b)), is amended by adding at the end of the items relating to subtitle D the following:

"Sec. 4014. Congressional authorization of State and local government control over movement of municipal solid waste and recyclable materials.".

SEC. 6. EFFECT ON INTERSTATE COMMERCE.

No action by a State or affected local government under an amendment made by this Act shall be considered to impose an undue burden on interstate commerce or to otherwise impair, restrain, or discriminate against interstate commerce.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 227—TO CLARIFY THE RULES REGARDING THE ACCEPTANCE OF PRO BONO LEGAL SERVICES BY SENATORS

Mr. MCCONNELL (for himself, Mr. MCCAIN, and Mr. FEINGOLD) submitted the following resolution, which was ordered held at the desk:

S. RES. 227

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to intervene in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

(3) shall not require the establishment of a legal expense trust fund; and

(4) shall be governed by the Select Committee on Ethics Regulations Regarding Disclosure of Pro Bono Legal Services, adopted February 13, 1997, or any revision thereto.

(b) This resolution shall supersede Senate Resolution 321, adopted by the Senate on October 3, 1996.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3033. Mr. LOTT proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3034. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table.

SA 3035. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, supra; which was ordered to lie on the table.

SA 3036. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, supra; which was ordered to lie on the table.

SA 3037. Mr. TORRICELLI (for himself and Mr. CORZINE) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3038. Mr. KYL (for himself, Mr. MILLER, Mr. WARNER, Mr. MURKOWSKI, and Mr. VOINOVICH) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by

Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3039. Mr. REID (for Mr. BINGAMAN) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 3033. Mr. LOTT proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Judiciary Committee's pace in acting on judicial nominees thus far in this Congress has caused the number of judges confirmed by the Senate to fall below the number of judges who have retired during the same period, such that the 67 judicial vacancies that existed when Congress adjourned under President Clinton's last term in office in 2000 have now grown to 96 judicial vacancies, which represents an increase from 7.9 percent to 11 percent in the total number of Federal judgeships that are currently vacant;

(2) thirty one of the 96 current judicial vacancies are on the United States Courts of Appeals, representing a 17.3 percent vacancy rate for such seats;

(3) seventeen of the 31 vacancies on the Courts of Appeals have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts;

(4) during the first 2 years of President Reagan's first term, 19 of the 20 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President George H. W. Bush's term, 22 of the 23 circuit court nominations that he submitted to the Senate were confirmed; and during the first 2 years of President Clinton's first term, 19 of the 22 circuit court nominations that he submitted to the Senate were confirmed; and

(5) only 7 of President George W. Bush's 29 circuit court nominees have been confirmed to date, representing just 24 percent of such nominations submitted to the Senate.

(b) SENSE OF THE SENATE.—It is the Sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2001.

SA 3034. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY CANDIDATES.

(a) IN GENERAL.—Title III of the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.), as amended by section 318, is further amended by adding at the end the following new section:

"LIMITATION ON ACCEPTANCE OF OUT-OF-STATE CONTRIBUTIONS BY CANDIDATES

"SEC. 325. (a) LIMITATION.—

"(1) SENATE CANDIDATES.—A Senate candidate and the candidate's authorized committee shall not accept, during an election cycle, contributions from persons other than individuals residing in the candidate's State in an amount exceeding 40 percent of the total amount of contributions accepted during the election cycle.

"(2) HOUSE CANDIDATES.—A House candidate and the candidate's authorized committee shall not accept, during an election cycle, contributions from persons other than individuals residing in the candidate's congressional district in an amount exceeding 40 percent of the total amount of contributions accepted during the election cycle.

"(b) TIME TO MEET REQUIREMENT.—A candidate shall meet the requirement of the applicable paragraph of subsection (a) on the date for filing the post-general election report under section 304(a)(2)(A)(ii).".

(b) DEFINITIONS.—Section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431), as amended by section 304(c), is further amended by adding at the end the following new paragraphs:

"(27) SENATE CANDIDATE.—The term 'Senate candidate' means a candidate who seeks nomination for election, or election, to the Senate.

"(28) HOUSE CANDIDATE.—The term 'House candidate' means a candidate who seeks nomination for election, or election, to the House of Representatives.".

SA 3035. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . LIMIT ON CONGRESSIONAL USE OF THE FRANKING PRIVILEGE.

Section 3210(a)(6)(A) of title 39, United States Code, is amended to read as follows:

"(A) A Member of Congress shall not mail any mass mailing as franked mail during a year in which there will be an election for the seat held by the Member during the period between January 1 of that year and the date of the general election for that office, unless the Member has made a public announcement that the Member will not be a candidate for election to any Federal office in that year (including the office held by the Member).".

SA 3036. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . RIGHTS OF EMPLOYEES RELATING TO THE PAYMENT AND USE OF LABOR ORGANIZATION DUES.

(a) PAYMENT OF DUES.—

(1) RIGHTS OF EMPLOYEES.—Section 7 of the National Labor Relations Act (29 U.S.C. 157) is amended by striking "membership" and all that follows and inserting the following: "the payment to a labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation as a condition of employment as authorized in section 8(a)(3).".

(2) UNFAIR LABOR PRACTICES.—Section 8(a)(3) of the National Labor Relations Act (29 U.S.C. 158(a)(3)) is amended by striking "membership therein" and inserting "the payment to such labor organization of dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation".

(b) REQUIREMENTS FOR USE OF DUES FOR CERTAIN PURPOSES.—

(1) WRITTEN AGREEMENT.—Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

"(h)(1) An employee subject to an agreement between an employer and a labor organization requiring the payment of dues or fees to such organization as authorized in subsection (a)(3) may not be required to pay to such organization, nor may such organization accept payment of, any dues or fees not related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless the employee has agreed to pay such dues or fees in a signed written agreement that shall be renewed between the first day of September and the first day of October of each year.

"(2) Such signed written agreement shall include a ratio, certified by an independent auditor, of the dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation and the dues or fees related to other purposes.".

(2) WRITTEN ASSIGNMENT.—Section 302(c)(4) of the Labor Management Relations Act, 1947 (29 U.S.C. 186) is amended by inserting before the semicolon the following: ": *Provided further*, That no amount may be deducted for dues unrelated to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation unless a written assignment authorizes such a deduction".

(c) NOTICE TO EMPLOYEES RELATING TO THE PAYMENT AND USE OF DUES.—Section 8 of the National Labor Relations Act (29 U.S.C. 158), as amended by subsection (b)(1), is amended by adding at the end the following:

"(i)(1) An employer shall post a notice that informs the employees of their rights under section 7 of this Act and clarifies to such employees that an agreement requiring the payment of dues or fees to a labor organization as a condition of employment as authorized in subsection (a)(3) may only require that employees pay to such organization any dues or fees related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation. A copy of such notice shall be provided to each employee not later than 10 days after the first day of employment.

"(2) The notice described in paragraph (1) shall be of such size and in such form as the Board shall prescribe and shall be posted in conspicuous places in and about the plants and offices of such employer, including all places where notices to employees are customarily posted.”.

(d) Employee Participation in the Affairs of a Labor Organization.—Section 8(b)(1) of the National Labor Relations Act (29 U.S.C. 158(b)(1)) is amended by striking “therein;” and inserting the following: “therein, except that, an employee who is subject to an agreement between an employer and a labor organization requiring as a condition of employment the payment of dues or fees to such organization as authorized in subsection (a)(3) and who pays such dues or fees shall have the same right to participate in the affairs of the organization related to collective bargaining, contract administration, or grievance adjustment as any member of the organization;”.

(e) Disclosure to Employees.—

(1) Expenses reporting.—Section 201(b) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(b)) is amended by adding at the end the following: “Every labor organization shall be required to attribute and report expenses by function classification in such detail as necessary to allow the members of such organization or the employees required to pay any dues or fees to such organization to determine whether such expenses were related to collective bargaining, contract administration, or grievance adjustment necessary to performing the duties of exclusive representation or were related to other purposes.”.

(2) Report information.—Section 201(c) of the Labor-Management Reporting and Disclosure Act of 1959 (29 U.S.C. 431(c)) is amended—

(A) by inserting “and employees required to pay any dues or fees to such organization” after “members”;

(B) by striking “suit of any member of such organization” and inserting “suit of any member of such organization or employee required to pay any dues or fees to such organization”; and

(C) by striking “such member” and inserting “such member or employee”.

(3) Regulations.—The Secretary of Labor shall prescribe such regulations as are necessary to carry out the amendments made by this subsection not later than 120 days after the date of enactment of this Act.

(f) Effective Dates.—

(1) In general.—Except as provided in subparagraph (B), this section and the amendments made by this section shall take effect on the date of enactment of this Act.

(2) Use of dues.—The amendments made by subsections (b) and (c) shall take effect on the date that is 60 days after the date of enactment of this Act.

SA 3037. Mr. TORRICELLI (for himself and Mr. Corzine) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. . EXTENSION OF SUPERFUND, OIL SPILL LIABILITY, AND LEAKING UNDERGROUND STORAGE TANK TAXES.

(a) Excise Taxes.—

(1) Superfund taxes.—Section 4611(e) is amended to read as follows:

“(e) Application of Hazardous Substance Superfund Financing Rate.—The Hazardous Substance Superfund financing rate under this section shall apply after December 31, 1986, and before January 1, 1996, and after the date of the enactment of the Energy Policy Act of 2002 and before October 1, 2007.”.

(2) Oil spill liability tax.—Section 4611(f) is amended to read as follows:

“(f) Application of Oil Spill Liability Trust Fund Financing Rate.—The Oil Spill Liability Trust Fund financing rate under subsection (c) shall apply after December 31, 1989, and before January 1, 1995, and after the date of the enactment of the Energy Policy Act of 2002 and before October 1, 2007.”.

(3) Leaking underground storage tank rate.—Section 4081(d)(3) is amended by striking “April 1, 2005” and inserting “October 1, 2007.”.

(b) Corporate Environmental Income Tax.—Section 59A(e) is amended to read as follows:

“(e) Application of Tax.—The tax imposed by this section shall apply to taxable years beginning after December 31, 1986, and before January 1, 1996, and to taxable years beginning after the date of the enactment of the Energy Policy Act of 2002 and before January 1, 2007.”.

(c) Technical Amendments.—

(1) Section 4611(b) is amended—

(A) by striking “or exported from” in paragraph (1)(A),

(B) by striking “or exportation” in paragraph (1)(B), and

(C) by striking “and Exportation” in the heading.

(2) Section 4611(d)(3) is amended—

(A) by striking “or exporting the crude oil, as the case may be” in the text and inserting “the crude oil”, and

(B) by striking “or exports” in the heading.

(d) Effective Dates.—

(1) Excise taxes.—The amendments made by subsections (a) and (c) shall take effect on the date of the enactment of this Act.

(2) Income tax.—The amendment made by subsection (b) shall apply to taxable years beginning after the date of the enactment of this Act.

SA 3038. Mr. KYL (for himself, Mr. Miller, Mr. Warner, Mr. Murkowski, and Mr. Voinovich) proposed an amendment to amendment SA 3016 proposed by Mr. Bingaman to the amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(a) Requirement.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

“(14) Green energy.—

“(a) Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

“(b) Renewable sources of electricity include solar, wind, geothermal, landfill gas, biomass, hydroelectric and other renewable energy sources, as may be determined by the appropriate state regulatory authority.”

(b) Preservation of State Authority.—Nothing in this Act affects the authority of a State to establish a program requiring that a portion of the electric energy sold by a retail electric supplier to electric consumers in that State be generated by energy from any particular type of energy.

SA 3039. Mr. REID (for Mr. Bingaman) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 555, line 14, after “secretary”, insert “shall”.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. INOUYE. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, March 21, 2002, at 9:45 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to be followed immediately by a hearing on S. 958, a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326-A-1, 326-A-3, and 326-K.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 9:30 a.m., in open and closed session to receive testimony on the worldwide threat to United States interests.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 9:30 a.m., to conduct an oversight hearing on “Accounting and Investor Protection Issues Raised by Enron and Other Public Companies.”

The committee will also vote on the nominations of the Honorable Joanne Johnson, of Iowa, to be a member of the National Credit Union Administration Board; and Ms. Deborah Matz, of New York, to be a member of the National Credit Union Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, March 19, 2002, at 2:30 p.m., on the nomination of VADM Thomas Collins to be commandant of the U.S. Coast Guard and immediately following an Oceans, Atmosphere, and Fisheries Subcommittee on oversight of the U.S. Coast Guard budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Tuesday, March 19, 2002, at 2:30 p.m., to conduct a hearing, entitled "Mobility, Congestion and Intermodalism," to examine fresh ideas on transportation demand, access, mobility, and program flexibility. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.,

COMMITTEE ON FINANCE

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m., to hear testimony on "Child Care: Supporting Working Families."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:15 p.m., to hold a business meeting.

Agenda

The Committee will consider and vote on the following agenda items:

Legislation: H.R. 2739, an act to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes; and S. Res. 213, a resolution condemning human rights violations in Chechnya and urging a political situation to the conflict.

Additional items to be announced.

Nominations: Mrs. Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator (Economic Growth, Agriculture, and Trade) of the United States Agency for International Development; Mr. Robert B. Holland III, of Texas, to be United States Alternate Executive Director of the International Bank for Reconstruction and Development for a term of 2 years; the Honorable Robert P. Finn, of New York, to be Ambassador to Afghanistan; the Honorable Richard M. Miles, of South Carolina, to be Ambassador to Georgia; the Honorable James W. Pardew, of Arkansas, to be Ambassador to the Republic of Bulgaria; Mr. Peter Terpeluk, Jr., of Pennsylvania, to be Ambassador to Luxembourg; and Mr. Lawrence E. Butler, of Maine, to be Ambassador to the former Yugoslav Republic of Macedonia.

Foreign Service Officer Promotion Lists: FSO Promotion List, Jeffrey Davidow, Ruth Davis, and George Moose, for the personal rank of Career Ambassador in recognition of especially distinguished service over a sustained period, dated December 20, 2001; and FSO Promotion List, Gustavio A. Mejia, dated December 20, 2001.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions, Subcommittee on Children and Families and Committee on Finance. Subcommittee on Family Policy be authorized to meet for a hearing on "Child Care: Supporting Working Families," during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a nominations hearing on Tuesday, March 19, 2002, in Dirksen room 226 at 10 a.m.

Tentative Witness List

Panel I: The Honorable Arlen Specter; the Honorable John B. Breaux; the Honorable Robert Bennett; the Honorable Craig Thomas; the Honorable Rick Santorum; the Honorable Mary L. Landrieu; the Honorable Mike Enzi; and the Honorable W.J. "Billy" Tauzin.

Panel II: Terrence L. O'Brien to the U.S. Court of Appeals for the 10th Circuit.

Panel III: Lance Africk to the U.S. District Court for the Eastern District of Louisiana; Paul Cassell to the U.S. District Court for the District of Utah; and Legrome Davis to the U.S. District Court for the Eastern District of Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION, AND FEDERAL SERVICES

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs' Subcommittee on International Security, Proliferation and Federal Services be authorized to meet on Tuesday, March 19, 2002, at 10 a.m., for a hearing regarding "The Federal Workforce: Legislative Proposals for Change."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, March 19, 2002, at 2:30 p.m., in open session to receive testimony on maximizing fleet presence capability and ship procurement and research and development in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDING PUBLIC LAW 107-10

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 330, H.R. 2739.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 2739) to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read the third time and passed, the motion to reconsider be laid upon the table with no intervening action or debate, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2739) was read the third time and passed.

ORDER FOR MEASURE TO BE HELD AT THE DESK

Mr. REID. I ask unanimous consent that S. Res. 227 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR COMMITTEES TO FILE LEGISLATIVE AND EXECUTIVE CALENDAR BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding any adjournment or recess of the Senate, the Senate committees may file reported legislative and executive calendar business on Wednesday, April 3, from 11 a.m. to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 20, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. tomorrow, Wednesday, March 20. I further ask consent that on Wednesday, immediately following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate proceed under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will vote on cloture on the campaign finance reform bill at 1 p.m. tomorrow. We will come in at 10 a.m. and vote at 1 p.m.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:27 p.m., adjourned until Wednesday, March 20, 2002, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, March 19, 2002*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 19, 2002.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

THE ECONOMY

Mr. WELLER. Mr. Speaker, today, we are a Nation at war, we are working to build our homeland security, and we are suffering an economic recession. I am proud to say that our commander-in-Chief, President Bush, has shown strong, resolute leadership in the war against terrorism and has been working to build our homeland security as well as giving Americans the opportunity to go back to work.

One thing we must not forget in this war against terrorism is that it is not going to begin or end in Afghanistan. The war against terrorism could last years, not just months. But also, if we are going to win the war against terrorism, we have to recognize that we must get our economy moving again.

As we look back, over 1 year ago when President Bush became President, he inherited a weakening economy, an economy that was getting weaker by the day; and the President said that we need to give Americans more spending money, we need to cut taxes, we need to take 20 cents out of every dollar of our budget surplus and give that back to the American workers to help the economy. Well, that tax cut was signed into law in June of this past year, eliminating the marriage tax penalty, eliminating the death tax, and lowering taxes for every American.

Economists were telling us by Labor Day that it was working, the economy was beginning to be on the rebound. Then, of course, the tragedy of September 11 occurred. That terrorist attack on American soil cost thousands of Americans their lives; and since September 11, the psychological blow on the economy of that terrorist attack has cost almost a million Americans their jobs. So we need to get the economy moving again. We need to give Americans the opportunity to go back to work.

Now, I am proud to say that House Republicans have fought hard and led the way to give Americans the opportunity to go back to work. Four times this House of Representatives passed an economic stimulus package and economic security legislation, helping those laid off with extended unemployment benefits and providing incentives for investment and the creation of jobs. We want American workers to be able to go back to work. That is our goal. We recognize that in the past decade it was investment in jobs that created economic growth.

I am proud to say that the fourth time was a charm. After this House fought month after month, October, November, December, January, and just a few weeks ago we passed for the fourth time legislation to give Americans help, as well as the opportunity to go back to work. Our Democratic friends relented and worked with us in a bipartisan way, and we were able to put on the President's desk legislation to help American workers, and the President signed it into law.

With the economic stimulus and security package we have helped American workers who have been laid off with extended unemployment benefits, and we have also provided incentives for investment and the creation of jobs. This legislation will provide an opportunity to give businesses who purchase assets an opportunity to write that off quicker with something we call 30 percent expensing, or some call bonus depreciation. It essentially provides a way to recover the cost of that pickup truck or that computer or that piece of telecommunications equipment much more quickly.

The benefit of that is felt when a business buys a pickup truck. There is, of course, an auto worker who makes that pickup truck, as well as the parts that go in it, and there is a worker who services and installs equipment in that pickup truck. There is also a worker who is going to operate that pickup truck for that business. That creates jobs and rewards investment. And I am proud to say that the 30 percent expensing was the centerpiece of our economic stimulus plan in rewarding investment.

The legislation will also help homeland security. Many businesses in America felt it was important after September 11 that they make their businesses, their plants, their stores, their offices, their places of business safer and more secure for their workers, their customers, and their visitors; and so their purchase of extra security equipment, safety equipment, software and cybersecurity equipment costs money. The 30 percent expensing will help them recover the cost of investing in cybersecurity and surveillance equipment and software and other measures to ensure their workplace and business is more safe and secure for those who visit or work there.

We also recognize that many companies this year, because of the recession, are losing money. We gave an opportunity for those companies that are currently losing money to be able to come up with some investment capital to reinvest in jobs within their company, even though they are losing money this year, by allowing them to go back 5 years, to a year they may have made some money, and apply this year's loss to that profitable year. They will essentially get a tax refund and can then use those dollars to invest in job creation. That is what it is all about.

We want to get this economy moving again, and so that is why we wanted to provide investment incentives with 30 percent accelerated depreciation as well as giving those companies losing money this year the opportunity to carry back this year's loss and come up with investment capital.

I am proud to say this House has acted. We are giving American workers the opportunity go back to work, we are helping those unemployed; and I am proud to say House Republicans lead the way.

ARAFAT IS THE PROBLEM, NOT THE SOLUTION

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from New

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

York (Mr. ENGEL) is recognized during morning hour debates for 5 minutes.

Mr. ENGEL. Mr. Speaker, as we speak here today, Vice President CHENEY and General Zinni are both in the Middle East trying to help in the peace efforts. I think it is very important, though, to put things in perspective as the fights and the clashing between the Palestinians and the Israelis continue.

For a number of months now, many months, there has been the question of what is Arafat doing to stop terrorism and can Arafat actually stop terrorism? Is he able to do it and does he want to do it? I would like to call the attention of my colleagues to an article last week that appeared in USA Today, and it is right here, blown up, and it says, "Terrorist says orders come from Arafat. Al-Aqsa Martyrs Brigade leader says group is integral to Palestinian chief's Fatah."

I think it has been very, very clear that not only is Yasir Arafat not the solution to stopping terrorism in the Middle East, he is the problem. He is the one that is sanctioning the terror in the Middle East. Three-quarters of the terrorist attacks directed against innocent Israeli civilians in the past several months all come from organizations to which Arafat is the leader, the Al-Aqsa Brigade, Fatah Tanzim, these are all groups under the control of Yasir Arafat.

So it is not simply a matter of can he control terrorism and will he control it, it is simply a matter of he is the terrorist. He has never changed. Some people can change and grow, but he has never changed. Terrorism is used as a negotiating tool, and it is something that countries cannot tolerate.

It does not matter what one feels about the Israeli response. It does not matter what one feels about how terror is being fought. President Bush put it best. He said, you are either with the terrorists or you are with us.

We launched a campaign in Afghanistan to root out terrorist cells not because the Government of Afghanistan, the Taliban, as abhorrent as they are, were doing the terrorist attacks, but the Taliban were aiding and abetting al Qaeda, which was carrying out the terrorist attacks.

Now, if we go to Afghanistan, and rightfully so, and I support everything President Bush has done and everything our brave men and women are doing over there, but if it is right for us to fight terrorism against innocent civilians, and as a New Yorker we all know the pain of the World Trade Center, and as someone who works in Washington, we all know the pain of what happened at the Pentagon, but if we have the right to fight terrorists on the other side of the world, surely Israel has the right to fight terrorism right in their own back yard. Repeatedly, Arafat has been asked to curb terrorism. And again not only is he not doing it, according to this article, which is very accurate, he is directing the terrorist attacks.

Now, I am glad Vice President CHENEY has not met with Arafat. He is in the Middle East now and he said he would meet with Arafat under one condition, that the Palestinians need to embrace the Tenet plan. And what does the Tenet plan say? It simply says, stop the violence as a first step to negotiations. But the Palestinians, under Arafat, do not want to stop the violence; they want to use it as a negotiating tool. This has been a constant with them.

Violence and terrorism against innocent civilians cannot be used as a negotiating tool, and it is never acceptable no matter what the grievances are. Blowing yourself up and taking 15 people with you, killing innocent kids at pizza shops and discotheques is not acceptable. And if it is not acceptable in New York or in Washington or Virginia, it is not acceptable in Tel Aviv or Jerusalem either. It is not acceptable anywhere in the world. So I think it is very, very important that we look and see what is happening in the Middle East, who is carrying out these terror attacks against innocent civilians.

Now, I hope that when Vice President CHENEY is going around to the capitals to try to line up U.S. support for whatever we wind up doing in Iraq, I think it is important that he is doing that, but I, frankly, do not think the security of innocent civilians in Israel should be sacrificed. And if the people in the Arab capitals are saying, well, you know, this Palestinian-Israeli question is a problem and we cannot get Arab support for any incursion in Iraq unless that ends, Israel should not be used as a sacrifice because we want Arab support for Iraq.

Let us say the way it is. Arafat is the terrorist, he is the problem, he is not the solution.

THE BUDGET

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, this week we are taking up the budget. We are going to increase the limit on how deep this government can go into debt. Every year we spend more tax dollars and we add more government services, and my concern is that too many Americans are becoming too dependent on government.

By the next election, this fall, a majority of Americans will be dependent on Federal Government for their health, their education, their income, or their retirement benefits. Some suggest that as many as 60 percent of households receive more than $10,000 a year from government in the form of retirement, health care, welfare or other benefits. At the same time, Mr. Speaker, the number of taxpayers paying for these benefits is rapidly shrinking.

The question is, how well can any free nation survive when a majority of its citizens heavily dependent on government services no longer have the incentive to restrain the growth of government? As we all know, over the last 50 years, American attitudes have been shifting from cherishing self-sufficiency and personal responsibility to wanting a little more security from the Federal Government to assure them of a certain number of benefits. Government benefits, once concentrated on the needy, now extend into the middle and upper-middle class households, even as more and more Americans see their income tax liabilities decrease.

Today, the majority of Americans can vote themselves more generous government benefits at little or no cost to themselves. As a result, they have really little incentive to restrain the continued growth of big government and the benefits big government dangles before them. Fifty percent of Americans now pay less than 4 percent of the total individual income taxes, while the top 5 percent pay nearly 55 percent of the individual income taxes. At the same time, the folks who are paying the least for government are receiving the most benefits. Americans who receive nearly half of the Federal Government benefits pay only, listen to this, Mr. Speaker, pay only 1 percent of the individual income taxes.

□ 1245

Many of these beneficiaries are poor, but an increasing number are middle-class retirees who enjoy extra income and health care through Social Security and Medicare. This is help we say from government, but it is from the other taxpayers of this country.

Our founders created a system where taxes are the price for government benefits and services. The idea is that voters would restrain the growth and expansion of government because of the personal costs to themselves in taxes. Our founders built into the original Constitution a provision that prohibited taxes based on income because they wanted people to achieve. That was the motivation. This provision, however, was amended by the 16th amendment. As a result, a near majority of voters now pay little or no income taxes while they receive an increasing number of government benefits.

The extreme progressiveness of our Tax Code has reduced, and in some cases eliminated, any cost of government for a growing number of voters. At the same time, many of these voters are dependent on government for much of their income, their health care, and other government services. It is like handing someone a menu at a restaurant and saying this bill is already paid for, and then asking them to make an order. I think it is a difficult offer to refuse, and it is the same way with government.

Limited government is ultimately essential to our economy's strength and freedom. The success of the United States is built on the free enterprise motivation that those who learn, work hard, and save are better off than those who do not. As that becomes less true with bigger and more intrusive government, we not only diminish that motivation, we lose more of our personal liberty and freedom. This is a growing threat to our way of life, and we can no longer ignore the kind of influence that it generates.

PRESIDENT'S BUDGET PROPOSES TO USE SOCIAL SECURITY TRUST FUND

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, tomorrow the House will take up the Republican budget resolution. I am extremely disappointed with President Bush's budget on a number of fronts, but I am particularly outraged with the President's budget on Social Security, which is the issue I would like to discuss this afternoon.

The Congressional Budget Office published a report on March 6 showing that the President's budget proposes to spend $1.6 trillion of the Social Security trust fund surplus over the next 10 years. Let me make it clear. The President is proposing to use Social Security surplus money; and let me add that $1.6 trillion is not just a dip into the surplus, it's a deep dip that will amount to two-thirds of the entire Social Security surplus.

Not only is this unacceptable to me, this amounts to basically $261 billion more than the administration previously claimed. I would like to call the Bush administration the "broken promise administration" when it comes to many issues, but especially with regard to the issue of Social Security.

If I remember correctly, Mr. Speaker, the Republicans last year promised to protect 100 percent of the Social Security surplus. Ironically, the White House Web site today features a quote from President Bush saying, "We are going to keep the promise of Social Security and keep the government from raiding the Social Security surplus." The reality, of course, is that is not the case. If we take into account the President's optimistic projections, understatement of future costs and the ignorance of other costly elements, it becomes clear that the Bush budget spends the Social Security surplus over the next decade and beyond.

What we are seeing today with the Bush administration is the most radical fiscal reversal in American history. Last year the Republicans inherited trillions of dollars in surplus over the previous Clinton administration. The budget that we are debating today indicates that in one 1 year there has been a decline in that surplus by $5 trillion. The obvious answer to this Republican fiscal irresponsibility is last year's $1.7 trillion tax cut and this year's proposed $674.8 billion tax cut.

As a result of these Republican tax cuts primarily for the wealthy, the Bush budget rapidly deteriorates the Social Security surplus for day-to-day operations of the Federal Government. Democrats believe that the Social Security surplus should be rightfully rewarded to America's seniors. That is what it is all about. We made a promise to protect Social Security, not only because it was one of the most successful social programs, but also because we want to ensure that our seniors receive the benefits they deserve after years of hard work and years of paying into the system.

Social Security we know provides an unparalleled safety net for the vast majority of America's seniors. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income. For these reasons and a lot of others, we as Democrats must do everything in our power to defeat the Republican budget. We must do this in an effort to protect and strengthen the Social Security program for the short and long term, and to keep our promise of allowing generations of retirees to live with independence and dignity.

Mr. Speaker, I call upon my colleagues to defeat the Republican budget tomorrow for many reasons, but primarily because it spends the Social Security trust fund.

PRESIDENT'S BUDGET CANNOT BE RESPONSIBLY APPROVED

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Virginia (Mr. MORAN) is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, today the House budget resolution goes before the Committee on Rules, and it comes to the House floor tomorrow. This is a budget that we are not familiar with in terms of the underlying assumptions because up until now we have been using numbers from the Congressional Budget Office. Maybe some people that watched the machinations of the budget process in earlier years will recall that our Republican colleagues shut down the Congress, shut down the government twice, insisting on Congressional Budget Office numbers instead of OMB numbers. Well, now they have reversed course and decided that they want OMB numbers because they are more optimistic, and they do not want the Congressional Budget Office numbers which are more conservative.

We think this is a time to be cautious and conservative about our projections. Last year we used a 10-year projection because if we went out over 10 years, there was a $5.6 trillion surplus, and that enabled our colleagues on the Republican side to justify a $1.7 trillion tax cut.

But now they do not want that 10-year projection, they only want a 5-year budget because of that $5.6 trillion surplus; $5 trillion has disappeared. Where has it gone? Well, the biggest single component of that loss is attributable to the tax cuts; 43 percent of it. The lost surplus is due to the tax cuts. About 23 to 25 percent is attributable to the economy. The rest is attributable to additional legislation, particularly increases in defense and homeland security.

So we are spending more, we are keeping the tax cuts, and yet we do not have the money to pay for it. What does that mean? That means that this budget that will be on the floor tomorrow assumes that we will take $2.2 trillion out of Social Security and Medicare trust funds. We are going to have a deficit of $224 billion just in this budget year, $830 billion over 5 years. But when we go out 10 years, then it really starts to count.

The problem is that over this next decade, we have a fiscal crisis facing us because that is when the baby boom generation retires. Mr. Speaker, 77 million people in that baby boom generation will retire and double the number of people depending upon Social Security and Medicare. That is why this budget just takes us to the cusp of that point when they retire. These are people born right after World War II in 1945 and 1946. We can do the calculations. They start retiring in 2007 and 2008. We will not have provided for their retirement costs. I say we, to emphasize the fact that, I am a member of that baby boom generation. My parents' generation fought the "isms," Nazism, communism, fascism, and gave us so much better a life than they had inherited from their parents. And what are we going to do? We are going to leave to our children the responsibility to pay for our retirement costs, our health care costs through Medicare, and to pay off a debt of over $3 trillion. That is what this budget does that our children will have to face tomorrow.

It makes a number of other cuts that do not seem to be particularly justified. We are in a recessionary period, and to cut $14 million out of housing for the homeless doesn't seem right. To take $80 million out of the Leave No Child Behind education legislation the President has gone around the country touting and taking credit for, and we agree, it is bipartisan legislation, and now we are going to take $80 million out of that program? To take $338 million out of low-income heating assistance, the LIHEAP program? No that's not right.

No, Mr. Speaker, this is not a budget that this Congress can responsibly approve.

SOCIAL SECURITY AND THE PRESIDENT'S BUDGET

The SPEAKER pro tempore. Pursuant to the order of the House of January 23, 2002, the gentleman from Texas (Mr. RODRIGUEZ) is recognized during morning hour debates for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today in support of the nearly 100,000 Social Security beneficiaries that live in my district, nearly 70 percent of whom are 65 years of age and older and are seniors.

Today, like so many of us, seniors stand in the recent tragic events that have left an imprint on our national landscape forever. They are uneasy about their lives and the security of their future. Now is the time to address their fears, not the time to wage a war on the benefits they rely on to live.

I am disturbed by the number and tone of letters and phone calls I have received from constituents. Many seniors 70, 80, and 90 years old have expressed concern over the solvency of Social Security. They want their leaders in Washington to be responsible in their actions and not take chances with their future and the future of their children.

I am further disturbed when I receive the administration's budget recommendations. The administration proposes a budget that takes needed Social Security surpluses out of the Social Security trust fund, not just 1 year, but every year for the next 10 years.

This year alone, the budget would drain $262 billion in Social Security funds. Ultimately, the administration's proposed budget takes more than $1.5 trillion out of the Social Security surplus. The President and the House Republican leadership, just a few months ago, including some Democrats, claimed that we would also support and establish the Social Security and Medicare surpluses that would be saved for Social Security and Medicare. Now the budget saves virtually nothing of Social Security or Medicare.

Recently, the CBO released an analysis of the administration's proposed budget. They concluded that the budget raids Social Security and threatens the solvency of the program for future generations.

□ 1300

Further, they project large deficits for the next several years. They project a $121 billion deficit next year, and by the end of President Bush's term in 2004, a $262 billion deficit.

However, the administration has, for the first time since 1988, rejected the more conservative economic predictions of the CBO and, instead, are using the optimistic, unrealistic figures produced by the Bush administration's Office of Management and Budget. When they looked at the cuts, they looked at how our economy was last March and they projected for the next 10 years the same type of economy. As my colleagues well know, you cannot even predict what our weather is going to be next year.

They took that prediction because it was a very positive prediction. But we should not have assumed that those dollars and that the economy would remain the same way. Alarmingly, the OMB figures for the administration hide the true cost of the administration's sponsored tax cuts. We cannot and must not enact budgets with our heads in the sand. We must look at the dollars that we have now and realistically pay down our debt as we should and make sure we hold that obligation to take care of our seniors.

Our seniors have questions. They want to know how we have squandered the surplus in just 1 year. And, of course, a lot of us, and for good reason, are concerned about our economy. We do talk about the fact that 9/11 had a big impact on our economy. In fact, economists now tell us that half of the problem that we find ourselves in is a result of the tax cut and half is due to 9/11.

Republicans and the administration successfully pushed a tax cut during the first half of this session. This irresponsible tax cut cost $1.7 trillion. Now they want additional tax cuts. So tomorrow we get to see additional tax cuts, at a time when we have declared war. When we are at war, we have always had a war tax. We have always been responsible for paying down what we owe.

We need to be responsible as we move forward. Indeed every dollar of the additional tax cut would come directly out of the Social Security trust fund. We are paying for this war on the backs of our senior citizens' pension fund. We ought to be ashamed of ourselves.

What our seniors need is for all of us to work together and give them the sense of security. They do not need fancy gimmicks like certificates and promises of benefits with no legal guarantee. What they need is a responsible budget that takes care of our budget and considers the fact that we are at war and that should be our first priority, taking care of our seniors and our national defense.

These figures increase significantly if you are a woman or a minority. Social Security is the only safety net to keep many of our seniors out of poverty.

Social Security has lifted over 11 million seniors out of poverty and reduced the elderly poverty rate to less than 10%.

Now is not the time for gimmicks and broken promises. We must make the choices that reveal our values as a nation and we must keep our promises.

THE BUDGET

The SPEAKER pro tempore (Mr. CULBERSON). Pursuant to the order of the House of January 23, 2002, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, when the House and Senate wrote their budget resolutions last year, Members were assured by the President of huge surpluses as far as the eye could see. The projected surpluses held great promise. They were expected to be large enough to address long-term solvency issues of Social Security and Medicare and for important priorities like a prescription drug benefit and education.

Since then, most of the surpluses have evaporated because of last year's unaffordable Bush tax cut and the spending necessitated by the tragic events of September 11. The Republicans in the House want to cut taxes further and spend more, and be congratulated for their fiscal responsibility.

While we all recognize the need to protect our country from international terrorists and rogue nations, the administration has requested a military budget of $396 billion in fiscal year 2003. This 1-year increase of $45 billion will be the largest increase in military budget authority since 1966 at the height of the Vietnam War. This increase alone, the $45 billion increase alone, is larger than the annual military budget of every other country in the world. In fact, the nations that President Bush called the "axis of evil," North Korea, Iran and Iraq, our military budget will be 15 times the combined military budget of theirs.

While this budget is being touted for fighting terrorism, the bulk of the funding is committed to buying weapons systems designed or conceived during the Cold War. The missile defense system, a knockoff of President Reagan's failed Star Wars missile defense program, gets $8 billion in the Republican budget, even though it is not clear that this system will ever work or ever defend the United States from any of the actual threats that we actually face. In fact, it has failed test after test after test.

In addition to massive new spending on dated military technologies, the Republican budget also includes provisions that would cut taxes by $591 billion over the next 10 years, making last year's tax cut permanent and providing a host of new tax cuts to America's wealthiest companies like Enron, IBM, American Airlines, Ford, GM, and to the wealthiest individuals in this country. The share of these tax cuts going to the top 1 percent of wage earners, top 1 percent richest people, would exceed the share going to the bottom 80 percent. The top 1 percent receives 45 percent of the tax cut's benefits even though they now pay only 21 percent of Federal taxes. The bottom 80 percent gets only 28 percent of the tax cut's benefits with an average cut of only $430.

Republicans claim the typical family of four will be able to get, quote, at least $1,600 more of their own money when the plan is fully effective. However, more than 85 percent of taxpayers will get less than that amount. Many will get nothing. One-third of families with children receive no tax cut at all. More than half of all black and Hispanic families will receive nothing under this plan, even though 75 percent of those families have at least one working parent.

Under this plan, a single mother with two children and a $22,000 annual income gets zero from the tax cut. A retired widow with no children and an income of $30,000 would get $300 but a couple making $550,000 with no children would get a tax break of $19,000.

Unfortunately, once we are done paying for military spending increases and new tax cuts, there is little left for other pressing concerns. For the last many years, literally millions of retired seniors have not been able to afford the medicines they need. We have all talked about this in our campaigns. Yet the President's budget includes only $190 billion for Medicare modernization and prescription drugs. It is not anywhere near the amount to fill the prescription drug gap in the Medicare program.

Bipartisan estimates say that to ensure that retirees have access to adequate, just adequate, prescription drug benefit coverage would cost at least $700 billion over 10 years. The President's budget has only $190 billion. The Republican budget we will vote on tomorrow has only $300 billion, because of the tax cuts. It will cost the Nation much more than that if we remain indifferent to the possible trade-offs that seniors face every day when it comes to their health. Our senior citizens are being forced to ration health care, not based on cost effectiveness, but on how far they can stretch a fixed income to pay for exorbitantly expensive medicines.

The U.S. is the wealthiest nation on earth. We are not a drug industry puppet. We must do better by our seniors. Investing too little in prescription drug benefits is like paying to put half a roof on our house.

Mr. Speaker, I am afraid the Republican budget with huge tax cuts is taking us down the same road we traveled last year. We will not be able to do other things that Americans are demanding of us.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 7 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 2 p.m.

PRAYER

Rabbi Joseph F. Mendelsohn, Heska Amuna Synagogue, Knoxville, Tennessee, offered the following prayer:

The prayer I am about to offer is not original, rather it is read by Jewish congregations throughout the United States every Saturday morning during Sabbath services.

Our God and God of our ancestors, we ask Your blessings for our country, for its government, for its leaders and advisors, and for all who exercise just and rightful authority. Help them to administer all affairs of state fairly, that peace and security, happiness and prosperity, justice and freedom may forever abide in our midst.

Creator of all flesh, bless all the inhabitants of our country with Your spirit. May citizens of all races and creeds forge a common bond in true harmony to banish all hatred and bigotry and to safeguard the ideals and free institutions which are the pride and glory of our country.

May this land under Your Providence be an influence for good throughout the world, uniting all people in peace and freedom and helping them to fulfill the vision of Your Prophet: "Nation shall not lift up sword against nation, neither shall they experience war any more."

And let us say, Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. COBLE. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COBLE. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. DUNCAN) come forward and lead the House in the Pledge of Allegiance.

Mr. DUNCAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI JOSEPH MENDELSOHN OF HESKA AMUNA SYNAGOGUE, KNOXVILLE, TENNESSEE

(Mr. DUNCAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN. Mr. Speaker, we are privileged to have as our guest chaplain today Rabbi Joseph Mendelsohn of the Heska Amuna Synagogue in Knoxville, Tennessee, to lead us in our opening prayer. Heska Amuna, loosely translated, means "stronghold of faith," and "strong faith" are words that could certainly be used about the life of Rabbi Mendelsohn.

This is the first time since I have been a Member of the House, and I am in my 14th year now, this is the first time I have had a member of the clergy from my district lead us in prayer, and I am very honored.

Rabbi Mendelsohn was a longtime congregant and leader in conservative Jewish congregations throughout California. He became so dedicated to his faith that he decided to fulfill his dream of becoming a full-time member of the rabbinical clergy.

Known in Knoxville as "Rabbi Joe," he has been well received, not just by his congregation, but also by his fellow clergymen of all faiths in east Tennessee. Apparently he is doing a great job, because the congregation has seen a very significant increase in membership since his arrival.

Pace and Karen Robinson, two well-respected and long-time members of the congregation, said, "We are glad that Rabbi Joe came to Knoxville and became a part of our community by leading us into the 21st century."

Rabbi Mendelsohn is one of the finest men I have ever met, and I am honored to have him as our guest chaplain for the United States House of Representatives on this occasion.

PRIVATE CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Private Calendar. The Clerk will call the bill on the Private Calendar.

NANCY B. WILSON

The Clerk called the bill (H.R. 392) for the relief of Nancy B. Wilson.

Mr. COBLE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

SUDAN

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I rise to raise again the policies of the government of Sudan and its treatment of its people.

Christians, Muslims, and Animists who do not submit to the Khartoum regime's control are targeted for destruction.

In addition to its daily war against the Sudan's people, which includes destroying villages, killing the men and selling women and children into slavery, the government issues draconian punishments for crimes.

One recent report details an 18-year-old illiterate Christian, Abok Alva Akok, who was raped but was sentenced to death because she could not produce the four male witnesses required under Muslim Sharia law.

International outcry caused her sentence to be overturned, but the court then sentenced her to a "rebuke" of 75 lashes, carried out immediately. During the proceedings, she was denied legal representation.

Mr. Speaker, the Khartoum regime not only denies justice to the Sudan's people, gives out harsh punishments, and permits active slave trade, but also is carrying out a brutal war to destroy the people of southern Sudan.

Khartoum's brutal policies must be stopped.

STOP THE RAID ON SOCIAL SECURITY

(Mr. SANDLIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDLIN. Mr. Speaker, we must stop the raid on Social Security in this country. Last year, the administration stood in front of the United States Congress and promised us, My budget protects all $2.6 trillion of the Social Security surplus for Social Security and Social Security alone.

Later in the year, leadership on the other side of the aisle said, The House of Representatives is not going to go back to raiding the Social Security and Medicare trust funds.

Yet, the reality is that the Republican budget did not protect the Social Security fund. Despite voting five times for the Social Security lockbox, today we are breaking that promise and raiding Social Security, to the tune of $1.8 trillion.

Blue Dogs and other conservative Democrats across the country warned that the shaky projections of surplus, on which much of last year's budget was based, could so easily turn into deficits. That prediction has come true.

We are now being asked to consider another budget proposal that does not even try to disguise the raid on the Social Security surplus. Thirty-two million current retirees depend on Social Security income, and that number is increasing. Congress must stop this attack on Social Security.

IN A WARTIME BUDGET, CONGRESS PUTS FIRST THINGS FIRST

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, we are not raiding Social Security, not one penny. Back home in the Lone Star State, we say, "Don't mess with Texas." To the terrorists, I say, "Don't mess with the U.S." We are at war, and this is a wartime budget, putting first things first.

Here are three of them:

National security tops the list, homeland security tops the list, and economic security tops the list. Also, this will be the largest increase in defense spending in over 20 years.

This wartime budget gives President Bush all the resources necessary to meet the Nation's top priorities: winning the war, strengthening our homeland security, investing in the future of our Armed Forces, and keeping our promises to our veterans.

A vote for this wartime budget is a vote for America's freedom. A vote for this wartime budget is a vote for America's security.

BUDGET, DEBT, AND SOCIAL SECURITY

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Mr. Speaker, let us face the facts: Without last year's tax cut, we could have paid our entire Federal debt by 2008. That occurred before September 11. That is the fact.

Even with already dipping into Social Security, this budget proposes new tax cuts. In fact, the gentleman from Illinois (Speaker HASTERT) said he wants to make the Bush tax cuts permanent. Both of these actions would divert money that could have been used to strengthen Social Security and pay down the national debt.

In the post-tax cut budget world we now live in, the national debt will still exist far into the future. Prior to the tax cut, it was projected that from 2002 to 2011, the government would owe $709 billion in interest. We pay over $1 billion of interest on the debt every day. That is scandalous.

Members can shake their heads all they want. That is a fact of life. They should look at their own budget. Without a surplus, I do not know how we can protect the long-term solvency of Social Security or Medicare.

INDO-AMERICAN FRIENDSHIP RESTORED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, last Tuesday I welcomed to Capitol Hill India's Ambassador to the United States, Lalit Mansingh, and Minister Ajay Swarup. I applaud the Indian government, in supporting the war on terrorism, America and India are the world's two largest democracies, for fighting the common enemy of international terrorism. Together, America and India can make South Asia and the world a safer place.

I am happy to see economic ties with India booming. Trade increased since 1991 from $15 million to $15 billion today, and 2 million Indian-Americans have enriched America with their business acumen.

With the victory of democracy in the Cold War, friendship has been restored between the people of India and America. I support President Bush's initiatives in building a strong partnership between America and India.

I commend the efforts of Ambassador Mansingh and Minister Swarup in their efforts to bring America and India closer together as allies.

URGING COLLEAGUES TO SUPPORT THE BUDGET RESOLUTION, WHICH LEAVES NO VETERAN BEHIND

(Mr. SMITH of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, next year there will be 700,000 more unique veteran patients in the VA health care network than were projected just 1 year ago. And as our veteran population continues to age and medical costs continue to skyrocket, we can expect to see this trend continue for most of the decade.

As chairman of the Committee on Veterans Affairs, I have been working with my colleagues to ensure that next year's budget meets the documented needs of our Nation's 25 million veterans.

Mr. Speaker, I am very pleased to say that, under the leadership of the budget chairman, the gentleman from Iowa (Mr. NUSSLE), the budget resolution that comes to the floor will not only maintain our sacred commitments, but will actually expand vital health care for our veterans.

The VA's budget will grow to a record $56.9 billion, including a whopping 12 percent increase in VA health care. That is $2.8 billion for veterans' health care.

It is a good budget, and I commend the chairman, the gentleman from Iowa (Mr. NUSSLE), for crafting this outstanding budget to our Nation's veterans.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 18, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 15, 2002 at 11:27 a.m. That the Senate agreed to the House amendment to the Senate amendments to the bill H.R. 1499.

Appointments: Board of Trustees of the American Folklife Center of the Library of Congress.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

PROVIDING FOR BINDING ARBITRATION IN LEASES AND CONTRACTS ON RESERVATON LANDS OF GILA RIVER INDIAN COMMUNITY

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3985) to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

The Clerk read as follows:

H.R. 3985

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, (69 Stat. 539; 25 U.S.C. 415) is amended by adding at the end the following new subsection:

"(f) Any lease entered into under the Act of August 9, 1955 (69 Stat. 539), as amended, or any contract entered into under section 2103 of the Revised Statutes (25 U.S.C. 81), as amended, affecting land within the Gila River Indian Community Reservation may contain a provision for the binding arbitration of disputes arising out of such lease or contract. Such leases or contracts entered into pursuant to such Acts shall be considered within the meaning of 'commerce' as defined and subject to the provisions of section 1 of title 9, United States Code. Any refusal to submit to arbitration pursuant to a binding agreement for arbitration or the exercise of any right conferred by title 9 to abide by the outcome of arbitration pursuant to the provisions of chapter 1 of title 9, sections 1 through 14, United States Code, shall be deemed to be a civil action arising under the Constitution, laws or treaties of the United States within the meaning of section 1331 of title 28, United States Code.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

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Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I look forward to working with my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA) this afternoon on the legislation.

Mr. Speaker, the Gila River Indian community is currently a finalist in the new Arizona Cardinals Stadium site selection process. In connection with the possible development of the stadium on the Gila River Indian Community's reservation, the issue has arisen regarding the need for certainty with respect to resolution of contract disputes between the Gila River Indian Community and its business lease tenants.

Many of the community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate and any arbitration decision may be enforced in either tribal or Federal court. Unfortunately, tenants and their lenders remain uncomfortable with the tribal court for a variety of reasons, and Federal courts would lack jurisdiction over contract disputes between private business entities and Indian tribes.

In addition to the possible development of a stadium site, the community has developed the business part for high-end commercial uses. Since potential business partners see no viable means to enforce contract and land lease arbitration provisions, some very good potential tenants for the community's business park and other potential business partners have in the past decided to look elsewhere. Providing potential tenants with a Federal court remedy if the community refuses to arbitrate according to agreed-to lease provisions will cause quality developers to be more interested in leasing land in the business part because leases will be more financeable and marketable.

The Salt River Pima-Maricopa Indian Community, also in my congressional district, has been successful in attracting commercial tenants to its various projects. One reason for its success is a unique Federal statute that Congress adopted in 1983. This statute basically provides that with respect to Salt River leases, Federal courts have jurisdiction to enforce agreements to arbitrate and any resulting arbitration decision. To a large extent, this statute has enabled Salt River leases to be financeable and marketable. Attorneys for the Salt River Pima-Maricopa Indian Community report that there has never been any Federal court litigation filed pursuant to the statute since it was adopted nearly 20 years ago. Still the statute has provided assurance to tenants that, if necessary, there is an available forum other than tribal court to enforce Salt River's agreement to arbitrate lease disputes.

Mr. Speaker, I would also mention that the introduction of this legislation does not in any way imply any preference for the selection of the Gila River Indian Community for the site of the Arizona Cardinals stadium. I feel that both the Gila River Indian Community site and the city of Mesa site will serve as excellent possibilities for construction of a new stadium. This legislation, however, will help ensure that the best possible business environment will exist if the stadium is to be built. Therefore, I would urge passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to commend my good friend and colleague, the gentleman from Arizona (Mr. HAYWORTH) for his management of this piece of legislation.

Mr. Speaker, I rise in support of H.R. 3985, a bill to assist the Gila River Indian Community in the State of Arizona with the plans of economic development of tribal lands. I want to thank and congratulate again the two sponsors of this legislation, the gentleman from Arizona (Mr. HAYWORTH) and also my good friend, the gentleman from Arizona (Mr. PASTOR) for their hard work in bringing this bill before us today. Both gentlemen from Arizona are good friends of Indian tribes and are often at the forefront of issues important to all of our Native American community.

The Gila River Indian Community is one of the several Indian tribes which has taken full advantage of the proceeds it receives from a well-run gaming facility to diversify into a comprehensive economic development plan. It is a true success story that this Indian tribe, which not so long ago was impoverished, stands at the brink of becoming the home of the Arizona Cardinals National Football stadium. Years of good management, principles, smart business practices and innovative thinking on behalf of the tribal leaders has brought them to this point.

In order to encourage business development on the Gila River Reservation, the tribe has adopted standard provisions in its commercial agreements which provide for arbitration should any dispute arise. This legislation will provide Federal court jurisdiction to enforce both agreements for arbitration and any resulting arbitration decisions.

Unfortunately, many non-Indian businesses still lack a full understanding of tribal courts and remain uncomfortable with the prospect of pursuing disputes there. The tribe has asked Congress to provide this Federal court remedy to assist them in their economic pursuits. In a letter to the Committee on Resources ranking member, the gentleman from West Virginia (Mr. RAHALL), Gila River Indian River Community Governor Donald Antone, Sr., wrote, "The community has found this formulation to provide a level of comfort to certain non-Indian businesses who are largely unfamiliar with tribal governments and their judicial system."

This is an example of tribal self-determination at its finest, and I wish to commend Governor Antone and the Gila River Tribal Council continued success as they blend their ancient culture with moderate economic developments to enhance the lives of all their members.

Mr. Speaker, I just want to mention the fact that the Arizona Cardinals National Football team was mentioned here. I have had a couple of my cousins that have played for the Cardinals. In fact, one currently plays for the Arizona Cardinals. His name Ma'o Tosi. He is only six-foot-five and he weighs 300 pounds. I would like to offer my challenge to our Native American community, where are your Jim Thorpes and Jimmy Sixkillers? We need more of them. I would like to suggest to my friend from Arizona (Mr. HAYWORTH), I would be more than happy to accommodate any of your needs, if you need more Samoan football players for the Arizona Cardinal team.

With this in mind, Mr. Speaker, I urge my colleagues to support this legislation. Again, I thank my good friend from Arizona (Mr. HAYWORTH).

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA). For purposes of full disclosure, we should point out he is quite right. In fact, both the University of Arizona and Arizona State University have enjoyed great success with athletes from American Samoa, and for purposes of full disclosure, my alma mater, N.C. State, enjoyed the services of Niko Noga as middle guard.

We appreciate the athletic prowess of our friends, but more than football, and obviously, we are focused on this possibility, but in spite of football you can see, really, we are looking at financial opportunities and economic possibilities for the Gila River Indian Community, much like the Salt River Pima-Maricopa Community, also in my district, has enjoyed. So this legislation which we join together in a bipartisan fashion to champion today is all about economic opportunity. That is the real possibility we champion here today, even as we certainly tip our rhetorical cap to the great athletes of American Samoa who have performed so admirably in the State of Arizona.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think this is also a classic example where we find that we recognize the sovereignty of our Native American people, but at the same time we also recognize that there is a sense of flexibility where if there are problems that are needful, not only from the business community, to allow issues that need to be taken or arbitrated or adjudicated, be taken to the Federal courts. I think this is an example of where the States and the tribes can work together and provide solutions to whatever problems arise. I think this legislation provides for that.

Mr. Speaker, again I commend both of my friends, the gentlemen from Arizona (Mr. PASTOR and Mr. HAYWORTH) for working together with our Indian tribes and with the members of the business community of Arizona that we now have provided a resolution to the problem that we have been faced with.

I commend my good friend for his efforts.

Mr. Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I would thank my friend, the gentleman from American Samoa (Mr. FALEOMAVAEGA), and let me simply say that it is my hope that this example can be replicated to offer economic opportunity throughout the width and breadth of Indian country as we move in the days ahead. I would urge my colleagues to support the legislation.

Mr. PASTOR. Mr. Speaker, I rise today as an original co-sponsor of this important legislation which will help to bring needed economic development opportunities to the Gila River Indian Community located in Phoenix.

In recent months, there have been many inquiries to the Gila River Indian Community from potential tenants for purposes of creating establishment of business. These businesses will not only provide needed job opportunities, but also serve the consumers of Phoenix.

However, one of the persistent questions of potential tenants concerns how lease disputes might be resolved. Many of the Community's commercial contracts provide for arbitration of disputes. They further provide that the agreement to arbitrate may be enforced in either Tribal or Federal Court. There exists, however, an unusual and troubling circumstance associated with this practice. Unfortunately, some tenants and their lenders are uncomfortable with the use of Tribal Courts, and Federal Courts generally lack jurisdiction over landlord-tenant disputes.

This legislation is simply an attempt to make potential business developers and their lenders more comfortable with the method used to settle any disputes or disagreements.

A similar arrangement is already in place with the Salt River Pima-Maricopa Indian Community, and it is my understanding that there has never been any Federal Court litigation filed since the statute was adopted almost 20 years ago. Still, the statute has provided assurances and peace of mind to the businesses who have located there. This legislation would virtually establish the same legal proceedings and options for the Gila River Indian Community.

The Gila River Indian Community fully supports this legislation.

Mr. Speaker, again, I wish to express my support for this legislation and ask my colleagues to vote for passage.

Mr. HAYWORTH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 3985.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LEASE LOT CONVEYANCE ACT OF 2002

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 706) to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico, as amended.

The Clerk read as follows:

H.R. 706

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lease Lot Conveyance Act of 2002".

SEC. 2. FINDINGS.

The Congress finds that the conveyance of the Properties to the Lessees for fair market value would have the beneficial results of—

(1) eliminating Federal payments in lieu of taxes and associated management expenditures in connection with the Government's ownership of the Properties, while increasing local tax revenues from the new owners;

(2) sustaining existing economic conditions in the vicinity of the Properties, while providing the new owners of the Properties the security to invest in permanent structures and improvements; and

(3) adding needed jobs to the county in which the Properties are located and increasing revenue to the county and surrounding communities through property and gross receipt taxes, thereby increasing economic stability and a sustainable economy in one of the poorest counties in New Mexico.

SEC. 3. DEFINITIONS.

In this Act:

(1) FAIR MARKET VALUE.—The term "fair market value" means, with respect to a parcel of property, the value of the property determined—

(A) without regard to improvements constructed by the Lessee of the property;

(B) by an appraisal in accordance with the Uniform Standards for Federal Land Acquisitions; and

(C) by an appraiser approved by the Secretary and the purchaser.

(2) IRRIGATION DISTRICTS.—The term "Irrigation Districts" means the Elephant Butte Irrigation District and the El Paso County Water Improvement District No. 1.

(3) LESSEE.—The term "Lessee" means the leaseholder of a Property on the date of enactment of this Act, and any heir, executor, or assign of the leaseholder with respect to that leasehold interest.

(4) PROPERTY.—The term "Property" means any of the cabin sites comprising the Properties.

(5) PROPERTIES.—The term "Properties" means all the real property comprising 403 cabin sites under the administrative jurisdiction of the Bureau of Reclamation that are located along the western portion of the reservoirs in Elephant Butte State Park and Caballo State Park, New Mexico, including easements, roads, and other appurtenances. The exact acreage and legal description of such real property shall be determined by the Secretary after consulting with the Purchaser.

(6) PURCHASER.—The term "Purchaser" means the Elephant Butte/Caballo Leaseholders Association, Inc., a nonprofit corporation established under the laws of New Mexico.

(7) RESERVOIRS.—The term "reservoirs" means the Elephant Butte Reservoir and the Caballo Reservoir in the State of New Mexico.

(8) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. CONVEYANCE OF PROPERTIES.

(a) IN GENERAL.—The Secretary shall convey to the Purchaser in accordance with this Act, subject to valid existing rights, all right, title, and interest of the United States in and to the Properties and all appurtenances thereto, including specifically easements for—

(1) vehicular access to each Property;

(2) drainage; and

(3) access to and the use of all ramps, retaining walls, and other improvements for which access is provided under the leases that apply to the Properties as of the date of the enactment of this Act.

(b) CONSIDERATION.—As consideration for any conveyance under this section, the Secretary shall require the Purchaser to pay to the United States fair market value of the Properties.

SEC. 5. TERMS OF CONVEYANCE.

(a) SPECIFIC CONDITIONS.—As conditions of any conveyance to the Purchaser under this Act, the Secretary shall require the following:

(1) LEASEHOLDERS' OPTION.—The Purchaser shall grant to each Lessee of a Property an option—

(A) to purchase the Property at fair market value; or

(B) to continue leasing the Property on terms to be negotiated with the Purchaser.

(2) ADMINISTRATIVE COSTS.—Any reasonable administrative cost incurred by the Secretary incident to the conveyance under section 6 shall be reimbursed by the Purchaser.

(b) RESTRICTIVE USE COVENANT.—

(1) IN GENERAL.—To maintain the unique character of the area in the vicinity of the Reservoirs, the Secretary shall establish, by the terms of conveyance, use restrictions to carry out paragraph (2) that—

(A) are appurtenant to, and run with, each Property; and

(B) are binding upon each subsequent owner of each Property.

(2) ACCESS TO RESERVOIRS.—The use restrictions required by paragraph (1) shall ensure that—

(A) public access to and along the shoreline of the Reservoirs in existence on the date of enactment of this Act is not obstructed;

(B) adequate public access to and along the shoreline of the Reservoirs is maintained; and

(C) the operation of the Reservoirs by the Secretary or the Irrigation Districts shall not result in liability of the United States or the Irrigation Districts for damages incurred, as a direct or indirect result of such operation, by the owner of any Property conveyed under this Act, including—

(i) damages for any loss of use or enjoyment of a Property; and

(ii) damages resulting from any modifications or construction of any reservoir dam.

(c) TIMING.—

(1) IN GENERAL.—The Secretary shall convey the Properties under this Act as soon as practicable after the date of enactment of this Act and in accordance with all applicable law.

(2) REPORT.—If the Secretary has not completed conveyance of the Properties to the Purchaser by the end of the 1-year period beginning on the date of the enactment of this Act, the Secretary shall, before the end of that period, submit a report to the Congress explaining the reasons that conveyance has not been completed and stating the date by which the conveyance will be completed.

(d) REIMBURSEMENT OF PURCHASER'S COSTS.—The terms of conveyance shall authorize the Purchaser to require each Lessee to reimburse the Purchaser for a proportionate share of the costs incurred by the Purchaser in completing the transactions pursuant to this Act, including any interest charges.

SEC. 6. RESOLUTION OF CLAIMS AND DISPUTES.

After conveyance of the Properties to the Purchaser, if any Lessee has a dispute with or claim against the Purchaser or any of its officers, directors, or members arising from the Properties, the Lessee shall promptly give written notice of the dispute or claim to the Purchaser. If such notice is not provided to the Purchaser within 20 days after the date the Lessee knew or should have known of such dispute or claim, then any right of the Lessee for relief based on such dispute or claim shall be waived. If the Lessee and the Purchaser are unable to resolve the dispute or claim by mediation, the dispute or claim shall be resolved by binding arbitration.

SEC. 7. FEDERAL RECLAMATION LAW.

No conveyance under this Act shall restrict or limit the authority or ability of the Secretary to fulfill the duties of the Secretary under the Act of June 17, 1902 (32 Stat. 388, chapter 1093), and Acts supplemental to and amendatory of that Act (43 U.S.C. 371 et seq.).

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 706, sponsored by the gentleman from New Mexico (Mr. SKEEN), directs the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir in New Mexico, to transfer 403 recreational lots on the two reservoirs to private ownership. This transaction will be done at fair market value. Congress expects that the cost of the appraisal and surveys will be included as reimbursable costs to the purchaser. The manager's amendment clarifies several technical issues regarding the transfer of the properties.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Mexico (Mr. SKEEN), the bill's sponsor, to offer further information on this legislation.

Mr. SKEEN. Mr. Speaker, I rise today to ask the House of Representatives to support passage of H.R. 706, legislation that will allow citizens to purchase the lands on which their homes were built near a Bureau of Reclamation project in southern New Mexico.

The Elephant Butte Reservoir story begins in the 1930s as the government offered people the opportunity to build recreational homes on the land leased from the U.S. Bureau of Reclamation. The covenants in the lease agreements required leaseholders to make substantial investments on the 400-plus sites under this program. It was every leaseholder's hope that the government would someday privatize the leased land and offer it for sale through a purchase option.

The Bureau throughout most of the 20th century apparently felt that some day they might need this land if the dams were ever enlarged. We now believe that the modification or enlargement will never occur.

While legislation enacted by Congress in 1984 allowed the leaseholders of Lake Sumner in New Mexico, where recreational homes also existed, the opportunity to purchase their lots, the residents of Elephant Butte remained in a lease-only situation.

Despite my previous efforts, including the introduction of prior-year legislation, and established patterns of government transfers, the project remained lease-only and lease lot holders remained in limbo.

There are two issues that had to be resolved with the Bureau of Reclamation in order to facilitate a successful transfer. These included property appraisal and the number of lots that would be sold.

My bill, H.R. 706, addresses each of these issues in a fair and equitable manner. In effect, all current leaseholders would have the opportunity to purchase the land on which their homes currently exist as an unapproved, lakefront appraised value.

Finally, the bill guarantees continued public access to the water. I do want to thank the House Committee on Resources for their assistance and especially the Subcommittee on Water and Power chairman, the gentleman from California (Mr. CALVERT), and his talented staff for their assistance and patience in working with me on this important bill.

This legislation is carefully crafted to resolve these issues, and we must not lose the sight of the fact that this is really a story about people, their lives, and the role of the government in the settling of the West.

In closing, Mr. Speaker, I ask Members to do what is right by passing this legislation. It is time that we offer these fine people the opportunity to purchase the land that many have leased for over 60 years.

I thank the gentleman from Arizona (Mr. HAYWORTH) for his kindness.

Mr. HAYWORTH. Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend the distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations, the gentleman from New Mexico (Mr. SKEEN) as the principal author of this legislation.

Mr. Speaker, the amendment would transfer title to 43 lakefront lots and improvements within the Bureau of Reclamation's Rio Grande Project in New Mexico and Texas to the Elephant Butte/Caballo Leaseholders Association.

☐ 1430

In the late 1940s, reclamation leased one-half acre lakefront sites to visitors using tents, campers or other temporary structures. Over time, permanent structures and other improvements replaced the temporary structures, and many are now used on a full-time basis.

The amendment reflects changes recommended by the Interior and Justice Departments. It requires the leaseholders to pay market value, without regard to improvements made by the lessees.

Certainly there is no question that this legislation is necessary as a relief for these lakefront property owners; and again, I commend the gentleman from New Mexico (Mr. SKEEN), the chairman of our Committee on Appropriations' Subcommittee on Interior. I urge my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

Though this oft times is far from the roar of the grease paint and the smell of the crowd, this is another commonsense piece of legislation that we will move on today to reaffirm what is really, we call it bipartisan but basically nonpartisan, focusing on results for real people.

The gentleman from New Mexico (Mr. SKEEN), the dean of that State's delegation, put it quite succinctly, and I think very poignantly, when he said this legislation ultimately is about people and doing what is right; and it is in that spirit that I would commend this legislation to the full body. I congratulate the gentleman from New Mexico (Mr. SKEEN) on a commonsense piece of legislation.

I thank, once again, the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his help on this and the help of all the members of the committee to expedite this process to do the right thing.

Mr. Speaker, I urge passage of this legislation, and I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to remind my colleagues, this piece of legislation had the full, bipartisan support of the Committee on Resources. It also has the support of the administration, and I urge my colleagues to support this bill.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 706, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL PARK OF AMERICAN SAMOA BOUNDARY ADJUSTMENT ACT

Mr. HAYWORTH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1712) to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. BOUNDARY ADJUSTMENT OF THE NATIONAL PARK OF AMERICAN SAMOA.

Section 2(b) of the Act entitled "An Act to establish the National Park of American Samoa" (16 U.S.C. 410qq–1(b)), approved October 31, 1988, is amended—

(1) by striking "(1)", "(2)", and "(3)" and inserting "(A)", "(B)", and "(C)", respectively;

(2) by inserting "(1)" after "INCLUDED.—"; and

(3) by adding at the end the following new paragraph:

"(2) The Secretary may make adjustments to the boundary of the park to include within the park certain portions of the islands of Ofu and Olosega, as depicted on the map entitled 'National Park of American Samoa, Proposed Boundary Adjustment', numbered 82,035 and dated February 2002, pursuant to an agreement with the Governor of American Samoa and contingent upon the lease to the Secretary of the newly added lands. As soon as practicable after a boundary adjustment under this paragraph, the Secretary shall modify the maps referred to in paragraph (1) accordingly.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. HAYWORTH) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

H.R. 1712, introduced by our committee colleague, the gentleman from American Samoa (Mr. FALEOMAVAEGA), would authorize the Secretary of the

Interior to make adjustments to the boundary of the national park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park.

Created in 1988, the national park of American Samoa preserves the tropical forests and archeological and cultural resources of American Samoa and its associated coral reefs. In fact, Mr. Speaker, the national park of American Samoa preserves the only paleotropical rain forest in the United States.

Mr. Speaker, expanding the park's boundaries to include land and water on the islands of Ofu and Olosega would protect additional coral communities that harbor great diversity of species, including the endangered hawsbill, preserve high concentrations of medicinal plans, and offer increased scuba diving and hiking opportunities, while at the same time preserve subsistence fishing, which is protected by the park's enabling legislation.

Finally, Mr. Speaker, unlike all other units in our national park system, the National Park Service would lease, rather than purchase, the additional lands. Currently, the park service manages 9,000 acres of land and water on the islands of American Samoa through a 50-year lease. The additional lands and waters would also be leased by the park service.

Mr. Speaker, I would urge my colleagues to support H.R. 1712, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to certainly thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquent statement in support of this legislation. I also want to thank the Republican and Democratic House leadership, the gentleman from Utah (Mr. HANSEN) and the gentleman from West Virginia (Mr. RAHALL), our full committee leaders, and the gentleman from California (Mr. RADANOVICH) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), with the Subcommittee on National Parks, Recreation and Public Lands, for their support in bringing this bill to the floor today. H.R. 1712 will make adjustments to the boundary of the national park of American Samoa.

Mr. Speaker, the U.S. territory of American Samoa is located approximately 2,400 miles directly south of Hawaii. The national park in American Samoa is located on three separate islands: Tutuila, Ofu and Ta'u. The islands of Ofu and Olosega, portions of which would be added to the park under this legislation, are small islands which lie adjacent to each other and are connected by a short bridge.

In 1998, I received a request from the village chiefs of Sili and Olosega, on the island of Olosega, to include portions of their village lands within the national park. The chiefs noted the important role the park plays in preserving the natural and cultural resources of the territory, and indicated that the village councils believed there are significant cultural resources on village lands which warrant consideration for addition to the park.

About 2 years ago I had asked the National Park Service to conduct studies to determine if there were cultural and natural resources on the island which warranted inclusion in the park. The park service completed reconnaissance surveys on the islands of Olosega and a portion of the island of Ofu and reported on both.

The National Park Service concluded in part: the archaeological significance of Olosega Island cannot be understated. Sites on the ridgeline and terraces may offer an important opportunity for the study and interpretation of ancient Samoa. The number and density of star mounds (31), the great number of modified terraces, about 46 sites, and homesites of about 14, the subsistence system, and the artifacts available are all important findings. This is particularly significant in that they were recorded in only 3 days of visual surveys on only a portion of the island.

The National Park Service researchers also discovered that on top of this particular island of Olosega, were several acres of medicinal plants that are found nowhere else in the Samoan islands. This leads me to my next point, Mr. Speaker, about the importance of this unique national park.

One of the world's most renowned ethnobotanists, Dr. Paul Cox, who is currently the director of the National Tropical Botanical Garden on the island of Kauai in the State of Hawaii, conducted a series of research and study of several of the ancient Samoan medicinal plants. From one of these plants a substance called protrastin has now been discovered. It has been found that protrastin may have beneficial properties for the treatment of HIV/AIDS.

About two weeks ago, my district was privileged to host one of the world's most renown marine ocean scientists, Dr. Sylvia Earle. Believe it or not, Dr. Earle continues to explore the ocean as a scuba diver, and in doing so, found that one of the rarest giant clams in the world can only be found in the Samoan islands.

Mr. Speaker, the national park of American Samoa is continuing to develop. Established in 1988 by Public Law 100–571, the park took several years to become operational. Today, however, tourists are visiting and schoolteachers are using the park as an educational resource to help the students learn more about Samoan history and ancient culture, the environment and ecological conservation. The park is preserving the area within its boundaries; but as the population grows, from about 22 percent, considerable pressure has been placed on these undeveloped areas.

The additions proposed by this legislation will preserve important sections of the remaining natural and cultural resources of the territory.

Again, because of the historical significance of this park, I respectfully request and ask my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman from American Samoa (Mr. FALEOMAVAEGA) going into more detail about this unique national park and exactly the treasures there, the opportunities there and things that are worth saving there within the confines of that park and why it is necessary to move forward in this legislation. I would join him in earnest bipartisan support for this because I think it is a scientific treasure for us and one that, as he has pointed out, with the medicinal value of plants and other things there, things that may hold the key to medical miracles and marvels yet to come.

It is in that spirit that I would urge passage of the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, again, I thank the gentleman from Arizona (Mr. HAYWORTH) for his eloquence and his remarks.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1712, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HAYWORTH. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

COMMENDING PENTAGON RENOVATION PROGRAM

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 368) commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.

The Clerk read as follows:

H. RES. 368

Whereas the Pentagon was struck by a horrible act of terrorism on September 11, 2001, taking the lives of 125 employees at the Pentagon and 64 hostages on a hijacked airplane;

Whereas a renovation effort, known as Phoenix Project, is underway to restore the damaged portion of the Pentagon, and is pushing to have Pentagon personnel back to work in that portion of the building by September 11, 2002, just 1 short year after the terrorist attack;

Whereas, initially working 24 hours a day and 7 days each week, the outstanding men and women of the Pentagon Renovation Program have demonstrated the Nation's resolve and know-how, and are 6 weeks ahead of schedule in the reconstruction effort;

Whereas the 400,000 square feet of demolition work, which had to be completed before reconstruction work could begin, was completed in just 1 month, when it was estimated to take 4 to 7 months for the job; and

Whereas the renovation effort is comprised of 15 percent government and 85 percent contracted personnel, and these individuals have clearly dedicated themselves to making this important institution whole again: Now, therefore, be it

Resolved, That the House of Representatives commends the great work that the Pentagon Renovation Program and its contactors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SAXTON) and the gentleman from Hawaii (Mr. ABERCROMBIE) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

GENERAL LEAVE

Mr. Saxton. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 368, commending the great work that the Pentagon renovation program and its contractors have accomplished in swiftly repairing the Pentagon after the devastating attack of September 11, 2001. I thank our distinguished colleague, the gentleman from Florida (Mr. FOLEY), for sponsoring this resolution.

Shortly after the tragic event of September 11, I led a small delegation to visit the Pentagon. The devastation was truly appalling, and I was sure that a lengthy period would be required to repair such extensive damage. Of course, I am glad to report that I was wrong.

The dedication and superhuman efforts of the Pentagon renovation program office and its contractors have defied all predictions in their ability to work miracles. The removal of the debris and restoration of the damaged area aptly called the Phoenix Project has amazed the world in the speed of its operation.

The damaged wedge had been virtually renovated as part of the ongoing project to refurbish the Pentagon before the plane struck last September. Determined to finish the job and have people back at their desk by September 11 of this year, the dedicated team of government and contract employees went into immediate action. Work on the crash site was conducted around the clock for three months and is now down to a mere 20 hours a day. I understand that workers had to be forced to take time off for Christmas and have protested the cessation of the 24-hour day operations.

The pace and skill of this reconstruction effort is truly a masterpiece of American ingenuity and effort and is a positive reaction to the evil of September 11 of last year.

□ 1445

Mr. Speaker, all involved in this extraordinary effort deserve our deepest gratitude.

Finally, Mr. Speaker, as chairman of the Subcommittee on Military Installations and Facilities, I pay close attention to military construction projects. I have never seen one proceed at this pace and sincerely hope that there is never a reason to proceed at this pace again. But these intrepid souls have shown the world what American spirit and resolve are all about. Many have worked on this project and they are heroes, in my mind.

Mr. Speaker, I am sure that Members will all support H. Res. 368, but, Mr. Speaker, let me just commend the gentleman from Florida (Mr. FOLEY) for his great efforts in bringing this resolution to us. It is something that I think is very worthwhile for us to note here in an official way today.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 368, introduced by my colleague, the gentleman from Florida (Mr. FOLEY), as indicated by the gentleman from New Jersey (Mr. SAXTON), and endorsed by numerous other Members of the House. The resolution commends the outstanding progress made thus far by the Pentagon Renovation Program and its contractors in reconstructing the section of the Pentagon damaged by the terrorist attack.

On September 11, 2001, Mr. Speaker, our Nation suffered four unprovoked terrorist attacks, three of which found their aim in two of our most powerful symbols of strength and democracy. Two days after the attacks, the Army asked the gentleman from New Jersey (Mr. SAXTON), myself, and several other Members involved in the Subcommittee on Military Construction to visit the Pentagon site and survey the damage sustained there. Like the rest of the American public, we were stunned by the gash in what had previously seemed to be the impenetrable exterior of the Pentagon.

What really caught our attention, though, was the work already under way. A small city of support was buzzing on the lawn. Firefighters were still battling flare-ups and hot spots, and military and civilian personnel were securing the building and sifting through the debris. No one was waiting to be told what to do. They were just doing what they knew needed to be done.

The Pentagon Renovation Program has exceeded every expectation. The American public realized the significance of healing this visible wound as soon as possible, and the Phoenix Project has made it a reality. Government and contract personnel put their shoulders to the wheel, at times laboring around the clock, to tear down the most severely damaged sections and to rebuild it from the ground up. Demolition was supposed to take 7 or 8 months, Mr. Speaker. The team completed it in 1 month and 1 day. That is the power of American resolve.

I have the utmost confidence that the Renovation Program will meet its ultimate goal to have people back at their desks by September 10, 2002. There could be no greater tribute to those who lost their lives than to know that the men and women of the Department of Defense are once again doing the business of the country from their proper Pentagon offices.

Mr. Speaker, let us honor these Americans, public workers and private citizens, willing to dedicate themselves to the rebuilding of our national morale.

Mr. Speaker, I reserve the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding me this time and, thus, giving me the opportunity to praise so many fabulous and phenomenal workers at the Pentagon.

I would first like to thank the gentleman from Arizona (Mr. STUMP), Chairman of the Committee on Armed Services, for expediting this important resolution. The Committee worked especially quickly with the staff from the Pentagon to move this resolution forward, House Resolution 368, for which I know all of us are grateful. Within 48 hours, 70-plus colleagues on both sides of the aisle quickly joined me in saluting the men and women at the Pentagon.

Mr. Speaker, anyone who has driven by the Pentagon recently has been a firsthand witness to the amazing determination and depth of the American spirit. That spirit is embodied in all the workers who are resurrecting the Pentagon in a reconstruction project aptly named Project Phoenix. Just 6 short months ago, terrorists attempted to attack and raze a symbol of America. They found they could barely scratch the surface.

From the individuals who immediately responded to the attack delivering triage, to the many people affected by the explosion, to the ongoing efforts of Project Phoenix, America's resolve and strength are clear and evident. Anyone who has seen the Pentagon lately has seen a miracle of reconstruction, and behind that miracle are all the workers who have clearly taken hold of this project, showing the world that what evil tries to destroy can be rebuilt stronger, bigger, and better.

It is as clear as the Pentagon itself that these workers are adding more than bricks and mortar to this cherished building; they are leaving an imprint of their dedication that rose from the ashes of September 11. Starting almost immediately after the attack, workers labored 24 hours a day to clear the area of over 400,000 square feet of debris, a project they completed amazingly in only a little more than 1 month. They are now 6 weeks ahead of schedule, with an ever-visible goal in site.

Above the construction site on the building is a clock counting down to September 11, 2002. The workers made a commitment that they would have Pentagon employees working back at their desks in the outer ring of the Pentagon by September 11, 2002. And as that clock counts down, it is a constant reminder of the importance of this work.

Mr. Speaker, what these workers have displayed is a deep, true dedication that cannot be feigned. It must come from within. And it for that dedication that I introduced this resolution and received such overwhelming support from my colleagues. I know others will speak today: the gentleman from Virginia (Mr. MORAN), the gentleman from Virginia (Mr. DAVIS), the gentlewoman from Maryland (Mrs. MORELLA), and others joining us on the House floor today. We invite everyone on Thursday, at 1 p.m., to the Pentagon for a formal presentation of this proclamation.

One more word, Mr. Speaker, and I know that the gentleman from Virginia (Mr. MORAN) and the gentleman from Virginia (Mr. DAVIS) know this personally, we have spent a lot of time talking about the tragedy in New York, and at times I feel we have actually slighted those brave men and women who were killed in the ashes of this devastation just a short mile and a half from this complex. I salute their families as well and the memory of those loved ones lost, and just want to assure them that every person's life that was taken by terrorists will never be forgotten. While we salute the tremendous accomplishments of the men and women on the construction site, let us not leave this floor without spending a moment to commemorate those brave men and women who serve us daily in uniform, those who lost their lives, who never returned home, but stood vigil over this great Nation of ours.

Mr. ABERCROMBIE. Mr. Speaker, I yield 5 minutes to the gentleman from Virginia (Mr. MORAN), who is representing the Pentagon here today, as it resides in his district.

Mr. MORAN of Virginia. Mr. Speaker, I thank my friend and colleague from Hawaii for yielding me this time, and I thank my friends and colleagues, the gentleman from Florida (Mr. FOLEY) and the gentleman from New Jersey (Mr. SAXTON), as well as all those involved in this resolution.

Since the Pentagon is in my congressional district, it would be tempting to take credit for the extra $1.1 billion that we added to the supplemental appropriations bill last year to make this possible, but in fact, the gentleman from California (Mr. LEWIS) and the gentleman from Pennsylvania (Mr. MURTHA), the chairman and ranking member of the Subcommittee on Defense of the Committee on Appropriations, do deserve recognition for making this request a priority. But I know that they would agree that the most deserved credit, as the resolution says, goes to the tireless work of the men and women charged with the actual rebuilding of the Pentagon.

On September 11, a day forever to be marked in infamy in United States history, one of our Nation's historic landmarks and the operational center of the world's most powerful military was struck by the evils of international terrorism. This heinous act caught us by surprise; however, in the days that followed, our steely resolve triggered an overwhelming military response and an unprecedented effort to rebuild our defiled monument.

Titled the Phoenix Project, the renovation of the Pentagon is an ongoing demonstration of U.S. technological and civil engineering advances. It is in operation 24 hours a day, 6 days a week, consists of construction shifts running from 6:30 a.m. until 2:30 in the morning, from the early hours before daybreak until long after the sun sets. These American workers are demonstrating our Nation's collective resolve to rise from the ashes and go forward undeterred in our efforts to wipe out the terrorist threat.

While the renovation is running like a well-oiled machine, its success could not be maintained without the dedication and deep-seated devotion of the work crews responsible for its execution. As a testament to their efficient labors, the demolition, slated for completion in 7 months, the demolition, was incredibly finished in just 1 month. The blood, sweat and, undoubtedly, tears shed by these hardworking individuals is a true example of America's work ethic and ingenuity.

The purpose of this resolution, as I know my friend from Florida (Mr. FOLEY) would agree, is simply to take a moment from our day to salute these patriots. We proudly stand to honor their efforts and wait in anticipation for the 1-year anniversary of September 11 when the culmination of their labor will come to fruition and America's living monument to its military superiority will be whole again and built stronger than ever.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding me this time and for having this resolution come to the floor of the House. I rise in strong support for House Resolution 368.

I want to thank the gentleman from Florida (Mr. FOLEY) for introducing the resolution, which I am proud to be a cosponsor of. The resolution commends the efforts of the many individuals and organizations that have done a remarkable job at the Pentagon in the Pentagon renovation effort.

The Phoenix Project is already 6 weeks ahead of schedule, as my colleagues heard, and demolition work that was supposed to take 7 months has taken only 1. The crew, made up of government workers and contractor personnel, has built the skeleton for the outer ring in just 6 months and is on schedule to be open again by this coming September 11. How remarkable.

I also want to mention the efforts of AMEC. This is a design and construction company in my district, Montgomery County, Maryland, for the work they have done during this renovation. They actually were responsible for the wedge-one renovations that were basically completed right before September 11. AMEC has now been leading the efforts in refurbishing wedge one, and I applaud their work.

Specifically, I want to thank their wonderful team: Brett Eaton, Dave Coffman, Karl Johnson, John Macenczak, William Rock Viner, Greg Vachon, Sing Banh, Eric Sin, Michael Palumbo, Shaul Kopyto, David Conner, Avis Woods, David Clint, and Claude Bernier. These individuals, as well as hundreds of others who have worked tirelessly since September 11, deserve commendation, and I hope that all Members of this House will support this in this very important resolution.

Yes, I toured the Pentagon several days after September 11, and I look forward to being at the presentation of this resolution at the Pentagon on Thursday, March 21, to say thanks.

Mr. ABERCROMBIE. Mr. Speaker, I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume, prior to yielding back the balance of my time, because I would just like to say that the folks who are rebuilding the Pentagon are setting a great example for the rest of America and the rest of the world. But I think it is equally important today that we do not forget the thousands of other people who are involved in activities that are related to the attack on the Pentagon.

Obviously, there were people who lost their lives on September 11 and in the following days, and there are people involved today at the Pentagon who are not involved in the rebuilding effort. There are people involved in other Federal agencies around the world, and there are U.S. troops in places like Afghanistan, and Tajikistan, and in Yemen, in Georgia; and there are Marines standing at their posts at embassies all around the world.

□ 1500

Mr. Speaker, these people are all people who deserve a great deal of credit. But today we choose to single out one group of people who are setting an example of American resolve. That resolve, however, is shared by those I just mentioned and many others. So let the word go out to the terrorists and the would-be terrorists that we are here and we take note of what has occurred during the last 6 months. They should take note, as well, about how serious we are.

Mr. Speaker, the men and women who are rebuilding the Pentagon are an example of that, but they are not the only example of that. We thank them for what they are doing, and I again pay my great thanks to the gentleman from Florida (Mr. FOLEY) for bringing this resolution to us today. We look forward to joining the gentleman from Florida (Mr. FOLEY) in the presentation that will take place in the next day or so.

Mr. WOLF. Mr. Speaker, I rise today in strong support of House Resolution 368.

My Congressional District, the 10th of Virginia, lost nearly 30 people at the Pentagon to the tragic events of September 11, 2001. This resolution commends the Phoenix Project which is the ongoing effort at the Pentagon to rebuild the damaged section by September 11, 2002. Like the Phoenix which rose out of the ashes, the project is running on schedule because Phoenix team members are working around the clock, 6 days per week, to bring the Pentagon back from the "ashes." It is those workers today who we congratulate and thank.

The reconstruction of the Pentagon will rebuild the damaged building and also help heal emotional wounds. It also sends a message to the terrorists that America cannot be defeated. Our ideals and freedoms will not waiver in the face of terrorism.

I am honored to be speaking in support of this resolution. It is important that we not forget the courage and bravery of all those affected by the events of September 11.

I urge your unanimous support for this resolution to honor those brave Americans who died on September 11 and to thank those workers who are rebuilding the Pentagon.

Mr. TOM DAVIS of Virginia. Mr. Speaker, it is with great honor and pride that I rise today to pay tribute to the men and women who have worked so hard to rebuild the Nation's military headquarters and a national icon.

Although born out of tragedy, the current reconstruction project represents an opportunity to memorialize permanently and prominently our Nation's history of resilience in the face of adversity. I congratulate the workers and contractors who are ahead of schedule in repairing the huge hole blown out of the Pentagon on Tuesday, September 11, 2001, by a terrorist-hijacked airliner.

The efforts of those involved in reconstruction have enabled the Pentagon to get back to business—waging war in Central Asia and destroying those networks responsible for the terrorist attacks in Washington, New York, and Pennsylvania. The demolition of the wounded section took only 1 month and a day to complete, aided by 24-hour days, 7 days a week and landfills that stayed open all night. Weary workers celebrated the day they finished, November 19, by placing a Christmas tree on the Pentagon's roof. It marked a turning point toward the positive: they would stop tearing down and start building up.

Mr. Speaker, in closing, I would like to congratulate the crews at the Pentagon who have toiled tirelessly for more than 3 months now, trying to fix what was broken, replace what was destroyed, and put back together a meticulous, 20-year, $1.2-billion renovation effort that was already well along at the time of the attack.

Mr. SAXTON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 368.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. FOLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

UTAH PUBLIC LANDS ARTIFACT PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3928) to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

The Clerk read as follows:

H.R. 3928

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Utah Public Lands Artifact Preservation Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the collection of the Utah Museum of Natural History in Salt Lake City, Utah, includes more than 1,000,000 archaeological, paleontological, zoological, geological, and botanical artifacts;

(2) the collection of items housed by the Museum contains artifacts from land managed by—

(A) the Bureau of Land Management;

(B) the Bureau of Reclamation;

(C) the National Park Service;

(D) the United States Fish and Wildlife Service; and

(E) the Forest Service;

(3) more than 75 percent of the Museum's collection was recovered from federally managed public land; and

(4) the Museum has been designated by the legislature of the State of Utah as the State museum of natural history.

SEC. 3. DEFINITIONS.

In this Act:

(1) MUSEUM.—The term "Museum" means the University of Utah Museum of Natural History in Salt Lake City, Utah.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. ASSISTANCE FOR UNIVERSITY OF UTAH MUSEUM OF NATURAL HISTORY.

(a) ASSISTANCE FOR MUSEUM.—The Secretary shall make a grant to the University of Utah in Salt Lake City, Utah, to pay the Federal share of the costs of construction of a new facility for the Museum, including the design, planning, furnishing, and equipping of the Museum.

(b) GRANT REQUIREMENTS.—

(1) IN GENERAL.—To receive a grant under subsection (b), the Museum shall submit to the Secretary a proposal for the use of the grant.

(2) FEDERAL SHARE.—The Federal share of the costs described in subsection (a) shall not exceed 25 percent.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $15,000,000, to remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3928 would direct the Secretary of the Interior to assist the University of Utah by making a grant to the University of Utah Museum of Natural History in Salt Lake City, Utah, to help pay for the Federal share of the costs of construction of a new natural history museum. The Federal share, however, would not exceed 25 percent of the total cost.

Mr. Speaker, while the museum holds large collections of objects and specimens recovered from State and private lands, the vast majority of the collection has come from public lands in Utah and the surrounding States in the Intermountain West. In fact, more than 75 percent of the museum's collection contains artifacts from lands managed by the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, and the Bureau of Indian Affairs.

The building which currently houses archeological, paleontological, zoological, geological, and botanical artifacts poses serious environmental threats to the collection, lacks good public access, and contains very small and outdated exhibits.

Mr. Speaker, for its part, the University of Utah has acquired the land for a new building, and the State of Utah has committed $800,000 for its annual operations and has collected $11 million towards the construction of the new building.

Mr. Speaker, I believe this is a good example of a public-private partnership. I urge my colleagues to support H.R. 3928.

Mr. Speaker, there is one thing I would like to say concerning the bill. Too often in this town there is more emphasis placed on who gets the credit rather than what is the right thing to do. I would like to thank the gentleman from Utah (Mr. MATHESON), who has worked tirelessly on this issue; and I want the record to show that without his ability to make compromises, we would not be here today.

I have learned in my 22 years that the most successful legislators are those willing to take up the pick and the shovel and go to work. The gentleman from Utah (Mr. MATHESON) has demonstrated his willingness to do that.

The Members of the other body also deserve credit for this initiative. They have been a friend to the museum for years. Although we have the luxury of expending the legislative process over here and expediting it, I hope that Members of the other body will be able to carry this legislation from here and let us get this done. I urge my colleagues to support H.R. 3928.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the distinguished chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN), for his eloquent remarks and as a cosponsor of this important legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON), the chief cosponsor of this legislation.

Mr. MATHESON. Mr. Speaker, I rise today to give support to H.R. 3928, a bill that would provide the Natural History Museum at the University of Utah with the means to restore, protect, and preserve our shared natural heritage.

In 1824, a philanthropist named James Smithson bequeathed his fortune to the government of the United States in order to found an institution to "increase the diffusion of knowledge among men."

In 1846 the United States established the Smithsonian Institution and established the wise and remarkable precedent of the value of public investment in institutions of science, research, and heritage.

Mr. Speaker, in Utah we have an institution that houses 1 billion years of the history of life on our planet. It is an institution that holds three-quarters of a million artifacts detailing tens of thousands of years of Native American life throughout the Rocky Mountain and Great Basin areas of our country.

It contains over 30,000 specimens of mammals, one of the 30 largest collections in the western hemisphere, and its 18,000 specimen reptile collection contains one of the largest turtle assemblages in the world.

It is an institution that houses one of the world's great paleontology collections. Its 12,000 specimen vertebrate fossil collection is dominated by 150 million-year-old dinosaurs from the Jurassic period, as well as Ice Age mammals such as giant bears, mammoths, and mastodons.

What I have just described is just a fraction of the resources provided by the University of Utah's Natural History Museum. It is a treasure unsurpassed in the western United States.

However, these resources are under threat. First, they are housed in a converted library built during the 1930s. It is a building constructed for the close, claustrophobic stacking of books, not for the storage of artifacts. Most of the ceilings throughout the building are 7 feet 2 inches high, which makes dinosaur storage somewhat of a problem.

Climate control and water systems are woefully antiquated. The humidity and temperature in the display and storage areas have wide swings. This inconsistency puts tremendous strain on the increasingly fragile collections. It is plausible to think that a child's Pokemon cards might be at less risk for damage than some of the pieces in this collection.

The university, along with private donors and the State government, have embarked on an ambitious project to build a new museum that would be a centerpiece for cultural and scientific education in the Intermountain West.

This project will be a partnership in every sense of the word. State and private donors have promised to match every Federal dollar with three of their own. The university's donors and alumni network view this as a priority project for Utah and are actively engaged in its development.

The university has already contributed the 14 acres for the development. The State has guaranteed the operating funds for the facility at $800,000 per year. To date, close to $12 million has been raised from private donors. This includes $10 million from the Emma Eccles Jones Foundation.

Unlike many museums throughout the country, 75 percent of the museum's holdings are owned outright by the Federal Government, with more than 90 percent of some collections coming from Federal lands. That means that these artifacts, fossils, and specimens belong to the people of the United States. These exhibits and collections are part of our collective national heritage. With Congress' help, we can save these treasures for future generations of Americans.

Mr. Speaker, I want to give special thanks to the distinguished chairman of the Committee on Resources. I thank the gentleman from Utah (Mr. HANSEN) for his diligence, dedication, and commitment to this project. This was a collaborative effort in every sense. The gentleman from Utah (Mr. HANSEN) is a true gentleman legislator, and this Chamber will be diminished by his upcoming departure.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. CANNON).

Mr. CANNON. Mr. Speaker, I rise today in support of H.R. 3928, the Utah Public Lands Artifact Preservation Act.

Before Utah was home to the Olympics, it was home to dozens of Native American tribes, ancient plants, wildlife and dinosaurs. The rich history of this region has been a looking glass into the natural history of America. Scientists have used the millions of artifacts discovered here to preserve the past and gain knowledge for the future.

The University of Utah houses over a million artifacts from this region. Though famous for the exhibits that feature tens of thousands of ancient mammals, reptiles, dinosaurs, and Native American artifacts, the museum serves a much greater purpose. It will also serve as a center for science literacy and educating students about the natural history of the Columbia Plateau.

Mr. Speaker, 75 percent of the artifacts have been recovered from federally managed land. With this grant from the Department of the Interior, the museum will continue to promote cultural diversity of the region for future generations. I applaud the gentleman from Utah (Mr. HANSEN) and all others who have worked to make this bill a reality.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I commend the members of the Utah delegation for their bipartisanship in supporting this legislation. It goes without saying that this was also true when the proposed bill was brought before the Committee on Resources. I commend our chairman, the gentleman from Utah (Mr. HANSEN), and the gentleman from Utah (Mr. MATHESON) for their cosponsorship of this bill, and the gentleman from Utah (Mr. CANNON) for his remarks and his support.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3928.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

VACATING ORDERING OF YEAS AND NAYS ON H.R. 1712, NATIONAL PARK OF AMERICAN SAMOA BOUNDARY ADJUSTMENT ACT

Mr. FALEOMAVAEGA. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and pass the bill, H.R. 1712, as amended, to the end that the Chair put the question on the motion de novo.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from American Samoa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. HAYWORTH) that the House suspend the rules and pass the bill, H.R. 1712, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and exclude extraneous material on the four Committee on Resources bills considered today, H.R. 3928, H.R. 706, H.R. 1712, and H.R. 3985.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

☐ 1515

EXTENDING AUTHORITY OF EXPORT-IMPORT BANK

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2019) to extend the authority of the Export-Import Bank until April 30, 2002.

The Clerk read as follows:

S. 2019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SECTION 1. EXTENSION OF EXPORT-IMPORT BANK.

Notwithstanding the dates specified in section 7 of the Export-Import Bank Act of 1945 (12 U.S.C. 635f) and section 1(c) of Public Law 103–428, The Export-Import Bank of the United States shall continue to exercise its functions in connection with and in furtherance of its objects and purposes through April 30, 2002.

The SPEAKER pro tempore (Mr. OTTER). Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. LAFALCE. Mr. Speaker, it is my intention to yield 10 minutes of my 20 minutes to the gentleman from Vermont (Mr. SANDERS) so that he can manage that 10 minutes in opposition to the bill. I will manage 10 minutes of the 20 minutes in support of the bill.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. LAFALCE) and the gentleman from Vermont (Mr. SANDERS) each will control 10 minutes.

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

This Member rises today in support of S. 2019, which is being considered under the suspension of the rules. This legislation extends the authorization of the Export-Import Bank until April 30, 2002. This Member would also note that he introduced identical House companion legislation, H.R. 3987.

Under current law, the authorization of the Export-Import Bank expires on March 31, 2002. If this short-term authorization extension is not signed into law, the Export-Import Bank could engage in no new transactions and would have to wind down its current operations as of the expiration date. On March 14, 2002, the Senate passed this Ex-Im extension bill and a separate Ex-Im authorization bill. It is important that the House debate and approve the Senate extension bill today so that the President can sign this into law before the March 31 expiration date.

At the outset, this Member would like to thank the distinguished chairman of the Committee on Financial Services from Ohio (Mr. OXLEY) for his leadership on Ex-Im Bank issues and for that of the distinguished gentleman from New York (Mr. LAFALCE) and the distinguished gentleman from Vermont (Mr. SANDERS) for their help and assistance and for their support of this legislation in general. This Member has, of course, a special interest since he chairs the House Financial Services Subcommittee on International Monetary Policy and Trade, which has jurisdiction over the Ex-Im Bank.

The Export-Import Bank is an independent U.S. Government agency that provides direct loans to buyers of U.S. exports, guarantees to commercial loans to buyers of U.S. products and insurance products which greatly benefit short-term small business sales. To illustrate the importance of the Ex-Im Bank, in fiscal year 2000 the Bank invested over $15 billion in exports through loans, guarantees and insurance by which the Ex-Im Bank financed exports such as civilian aircraft, electronics, engineering services, vehicles, agricultural products, et cetera, for businesses of all sizes. The Export-Import Bank, I stress, is intended to be only the lender of last resort and is not intended to compete with private lenders.

On October 31, 2001, the House Committee on Financial Services passed H.R. 2871, a more comprehensive and 4-year authorization bill, by voice vote. That legislation, among other things, would require that the Export-Import Bank earmark at least 20 percent of its total financing for small businesses. Under current law, the Ex-Im Bank is required to use only 10 percent of its total financing for small businesses. This authorization bill also would require the Export-Import Bank to continue to increase its investment in Africa.

Moreover, an amendment was accepted at the full committee markup, which was offered by the distinguished gentleman from Pennsylvania (Mr. TOOMEY), that would address Ex-Im

Bank's transaction with a Chinese steel producer. This legislation would also make a clarification in the administration of the Tied Aid War Chest which finances tied aid transactions. However, a veto threat by the Treasury Department over the relationships and disputed powers of the Treasury and the Export-Import Bank and lost time in sporadic negotiations between the committee and the executive branch have delayed the committee in bringing H.R. 2871 to the House floor for action. Thus, the need for this extension.

In conclusion, this Member urges his colleagues to support this short-term extension for the Export-Import Bank until April 30, 2002.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this measure to ensure that the operations of the Export-Import Bank are not interrupted for a 30-day period while we continue our work on a multiyear reauthorization of the Bank. I am hopeful that we will use these additional 30 days to resolve any remaining issues with H.R. 2871, the multiyear authorization bill that was reported out of the Committee on Financial Services on a bipartisan voice vote.

It is important, Mr. Speaker, that we put to rest as quickly as possible any uncertainties about the Bank's ability to operate in the months ahead. Mind you, it is our position that we should bring the bill to the floor of the House, that was reported out of the Committee on Financial Services. There are issues in dispute. We hope they can be resolved before they come to the floor. If not, they should be brought to the floor and they should be voted upon, which is what we are elected to do. And so, while I support this 30-day extension to keep the operations of the Bank functioning, this should not be viewed as a sign on the part of the Republican leadership that they can continue to delay consideration of those issues over which certain Members disagree.

The Export-Import Bank promotes U.S. exports, but it does so for very specific reasons. First, Ex-Im operates in a very competitive international environment in which export credit agencies in other countries are increasingly aggressive in supporting the exports of our competitors. Ex-Im is critical in countering these transactions and, in doing so, providing leverage for the United States to negotiate a gradual reduction in export subsidy activities amongst OECD members. In short, absent the United States Ex-Im Bank, U.S. exporters would find themselves competing at a disadvantage against foreign exporters who enjoy government subsidies.

Secondly, Ex-Im provides critical export financing in cases where there is a market failure in private lending. Frequently, these failures relate to the nature of the exporter. Small businesses too often face problems obtaining private credit for export transactions. Failures also relate to the nature of the export market. Markets in sub-Saharan Africa and elsewhere in the developing world are frequently overlooked by private export credit. Ex-Im goes where private lenders are unwilling to go to the ultimate benefit of these developing countries, the United States and the global economy.

Finally, I would like to highlight very briefly the importance of H.R. 2871, the bill that was reported out of the Committee on Financial Services but that the Republican leadership refuses to bring to the floor for a vote. In addition to reauthorizing the bank for 4 years rather than 30 days, the bill contains important provisions that will better define and guide Ex-Im's policies and programs. I am hoping that we will have the opportunity to take up that bill within the next 30 days.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. LAFALCE. I yield to the gentleman from Nebraska.

Mr. BEREUTER. I thank the gentleman for yielding.

I want to tell the gentleman that it is not the Republican leadership that is delaying the movement of this bill to the floor. It is a matter of dispute between Treasury and, I might say, our committee and also a matter of dispute between Treasury and the Export-Import Bank as to whether or not Treasury has a veto over the use of the Tied Aid War Chest, which the gentleman and I both support; and we are trying to have the committee's position prevail and avoid a veto threat in the process.

Mr. LAFALCE. It is my position that the Treasury does not determine what bills come to the floor of the House of Representatives, that it is the House Republican leadership that makes that determination.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

As the ranking member of the Subcommittee on International Monetary Policy and Trade, I rise to express my strong concerns regarding the reauthorization of the Export-Import Bank.

Mr. Speaker, many supporters of the Export-Import Bank argue that the Bank is necessary because it creates jobs and it helps out small business. Obviously, when you spend hundreds of millions of dollars, you are going to create jobs. You could drop money out of an airplane and you would create jobs.

The question is, given the amount of money that we spend, given the risk to American taxpayers, is the Export-Import Bank doing a good enough job in creating work for the American people? And I would submit very strongly that that is not the case. And if the Export-Import Bank is not thoroughly reformed in terms of its goals and the way it functions, it should not continue to exist.

The problem that I have with the Export-Import Bank is that we continue to primarily fund many of the largest corporations in America, who openly acknowledge and are very proud of the fact that they are laying off hundreds of thousands of American workers and taking our jobs to China, to Mexico, and to other desperate developing countries where people are being paid pennies an hour to do human labor. Essentially what the Export-Import Bank says is, "Thank you, large corporation, for laying off thousands of American workers; and as your reward for doing that, hey, come on in line and we're going to give you a loan or a loan guarantee or some other kind of subsidy."

I am sure that that policy and that approach makes sense to somebody, especially the well-paid CEOs of the large multinational corporations and their lobbyists and friends who contribute huge sums of money into the political process, but I do not think it makes sense to the average American worker or the average American taxpayer. How could we have a so-called job-creating program when the major recipients of Export-Import loans and guarantees are the major job cutters in the United States of America?

Some of my opponents will say, well, they are creating jobs. I acknowledge that. But the fact of the matter is, given the huge amount of money that is being spent, given the leverage that the Export-Import Bank has, they are doing a poor job. And in my view, you do not reward companies that publicly acknowledge to the world that they are going to China to hire people at 30 cents an hour and then you say to those people, "No problem. Come on in line and you're going to get taxpayer dollars."

Mr. Speaker, last summer I worked with the subcommittee chairman from Nebraska (Mr. BEREUTER), a good friend of mine, who is doing a very good job on this issue. Together, we introduced a bill, H.R. 2517, that would have addressed this problem in a very serious way. H.R. 2517 would have prevented companies from receiving Export-Import Bank assistance if they lay off a greater percentage of workers in the United States than they lay off in foreign countries.

For example, if a company lays off 20 percent of its American workforce but only lays off 10 percent of its foreign workforce, that company would be denied future Export-Import Bank assistance unless it restored those American jobs. I know that people think that is a radical idea. Imagine telling American companies who want taxpayer money that they cannot just willy-nilly lay off American workers. Imagine them having to come forward and say that they want to grow jobs in their company.

The other aspect of the legislation that the gentleman from Nebraska (Mr. BEREUTER) and I worked on together was to put more emphasis on small business help for the Export-Import Bank. The fact of the matter is, it is not Boeing, it is not General Electric, it is not the large multinationals that are creating jobs in this country; it is small business. I say that if small businesses want help in creating jobs in the United States, let us support them. And if Boeing and General Electric want to take jobs to China, that is fine, but do not come to the taxpayers of this country and ask for support.

I should mention, Mr. Speaker, that that legislation had the support of eight major labor unions and one prominent business group, including the United Steelworkers, the International Association of Machinists, UNITE, Boilermakers, Pace, the United Electrical Workers, the Independent Steelworkers Union, the Teamsters and the U.S. Business and Industry Council.

□ 1530

I would like to ask my good friend, the gentleman from Nebraska (Mr. BEREUTER), the chairman of the subcommittee, if he will support me in allowing me to bring this amendment to the floor of the House so that the Members have a chance to vote on that.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I must hedge my answer. As I told the gentleman, I am not at all reluctant to have that issue voted on, as the gentleman suggested, and as we had originally described it. I am concerned about a wide-open rule.

So perhaps the gentleman, if we do not bring this on the suspension calendar, would assist me in making our case to the Committee on Rules to avoid some things that I think would be very detrimental in general to the public interests were it to be offered under a completely open rule.

Mr. SANDERS. Mr. Speaker, reclaiming my time, I would be happy to work with my friend on that approach.

Mr. Speaker, the issue here is whether working families in this country, many of whom are working longer hours for low wages, should be providing hundreds of millions of taxpayer dollars each year to large multinational corporations who are laying off hundreds of thousands of American workers. That is the issue.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield such time as he may consume to the distinguished gentleman from Illinois (Mr. MANZULLO), who represents an area with a wide and important export base.

Mr. MANZULLO. Mr. Speaker, I rise in support of S. 2019, which will give us another month to work out the remaining details with Ex-Im's reauthorization.

I represent Rockford, Illinois, which in 1981 led the Nation in unemployment at 25.9 percent. More people were unemployed in Rockford then proportionally than during the so-called Great Depression. Rockford is about 35 or 36 percent manufacturing base, compared to most cities, which are half of that.

There are about 60 companies in the district that I represent, and hundreds of sub-subcontractors, that comprise the $232 million worth of products that they sell to Boeing Corporation, a so-called multinational corporation. Of course they are multinational corporations. They make airplanes. Those are big companies. But a corporation is composed of the people that work for it, the labor union that works there at Hamilton Sundstrand that supplies $232 million worth of products, and the 60 other small business people and the hundreds of unknown sub-subcontractors.

Ex-Im Bank makes possible millions of dollars for small business people, many of whom do not even know their products are going into an aircraft that has been sold by a "multinational corporation" which somehow is supposed to be the cynosure of evil in this Nation. That is what Ex-Im Bank does. It tries to level the playing field in this highly competitive, unfair world, so that American manufacturers can compete on a level playing field with manufacturers from other countries. That is what Ex-Im Bank does. That is the whole purpose of it.

In fact, Ex-Im Bank makes jobs in the United States. Ex-Im Bank makes jobs in the United States. Let me say it three times. Ex-Im Bank makes jobs in the United States. Were it not for the Ex-Im Bank, Boeing would not be as competitive, and thousands of people would be laid off in the congressional district that I represent. Those are the facts as to the relationship between Ex-Im Bank and so-called large multinational corporations.

But I am also chairman of the Committee on Small Business, and I agree that Ex-Im Bank has to reach out to help small business exporters. The number of small business exporters has more than tripled over the past decade. They comprise 97 percent of all U.S. exporters. Last year, 86 percent of their transactions and 18 percent of the dollar volume of Ex-Im went to small businesses, and it continues to rise. I would therefore urge my colleagues to support S. 2019 and work over the next month to come up with a final bill.

Mr. LAFALCE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time, and I commend the hard work and leadership not only of the ranking member, but the chairman of the Subcommittee on International Monetary Policy and Trade; and I appreciate very much the important, thoughtful views of the gentleman from Vermont (Mr. SANDERS). Yet on this issue, I support the ranking member and others in requesting the authorization of the Export-Import Bank for an additional 30 days.

The Export-Import Bank is tremendously important to the district that I represent and to the State that I represent. New York City is a major exporting center. Just 3 weeks ago, a woman came to my office and expressed her support for the Ex-Im Bank. She had created a perfume called Akabar, it is a very small business, and she stated without the support of the Export-Import Bank, she would not be able to export it, as she is now, to Italy and many European countries.

Many large and small businesses in my district are benefited by the work and support of the Export-Import Bank. I hope that in the course of the next month the final reauthorization for 4 years through 2005 will be completed so that the bank can get on with its tremendously important work. I understand that there are final negotiations on remaining issues and that these negotiations are progressing, and I compliment the bipartisan leadership of the Committee on Financial Services for working to complete this process in a timely manner.

The Export-Import Bank is a worthwhile institution, a successful government entity, that facilitates American businesses and worker interests by making exports possible to areas of the world that would not otherwise be open to U.S. companies. The Export-Import Bank is an independent Federal agency that helps to finance the export of American products and services that would not go forward, which in turn sustains and grows U.S. jobs. In its 68-year history, the Ex-Im Bank has supported over $400 billion of U.S. exports, sustaining and creating millions of high-paying U.S. jobs, many in the district I represent.

In fiscal year 2001 alone, the Ex-Im Bank supported $12.5 billion of U.S. exports to emerging markets around the world. This business enabled many U.S. companies to maintain and even expand their workforces.

The Ex-Im Bank's financing does more than support jobs at exporting companies. It helps sustain and create jobs at tens of thousands of U.S. suppliers around the country who participate indirectly in Ex-Im Bank-financed exports. These indirect exporters, many of which are small businesses, supply components, services and technology to U.S. exporters of a wide range of products and services, as diverse as environmental technology, construction and agricultural equipment, amusement park rides, aircraft, furniture, computer and telecommunications technology.

Export-Import Bank financing has a ripple effect that sustains jobs at companies large and small throughout the United States economy in almost every State and the great majority of congressional districts. Through the bank's loan guarantees, insurance and direct-lending programs, Ex-Im programs account for approximately 2 percent of all U.S. exports annually.

By leveraging the appropriation we grant Ex-Im, the bank returns a very good investment to the United States taxpayers. For every dollar of taxpayer money invested in the bank's program budget, we have seen returns of $15 in credit support for transactions.

Over the course of the past year, the gentleman from Nebraska (Chairman BEREUTER) and the gentleman from Vermont (Mr. SANDERS), the subcommittee ranking member, held a series of extremely informative, thoughtful hearings on the bank. We heard testimony from the business community, labor and environmental organizations. The final product, that I hope we will fully extend next month, builds on the important input that we got at these hearings.

I might add that the bill includes an amendment that I offered in the Committee on Financial Services giving the bank explicit authority to turn down an application for Ex-Im loan guarantees or insurance when there is evidence that a foreign company had practiced fraud in the past. The full authorization also continues the bank's commitment to small businesses and to working with African countries.

This is a very important institution. I just want to reiterate that it is very supportive to the exports in my district and in New York State and many other States. I urge this temporary reauthorization and hope we will have a full reauthorization coming before this body soon.

Mr. SANDERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, after all is said and done, one of the major economic crises facing this country is the decline of manufacturing; the fact that we have roughly a $400 billion trade deficit; the fact that it is harder and harder for the American people to find products made in the United States of America when they go shopping, whether it is textiles, and that industry has suffered a huge loss and the loss of God only knows how many jobs, shoes, sneakers, which used to be big in New England where I am from, televisions, toys, bicycles, phones, U.S. flags, increasingly made in China by American companies who threw American workers out on the street and went abroad to exploit people who make 20 to 30 cents an hour who cannot form unions and who have very little civil liberties.

This is a huge issue that must be dealt with if we are going to protect decent-paying jobs in America and if they are going to protect wages so that people can earn family-based incomes.

I continue to believe and will always believe that it makes no sense for the taxpayers of this country to reward those multinational corporations who throw American workers out on the street and run abroad. I do not think it is too much to ask them to invest in this country and create jobs here.

As far as I understand it, in terms of the forms associated with the Export-Import Bank, there is not even a line there that asks these companies to pledge to create new jobs in the United States of America, because they could not sign that pledge in good honesty, in a straightforward way, because they do not believe in creating new jobs in America. They believe in going abroad in many instances and paying people sub-standard wages.

So I think we have to use every opportunity we can, whether it is the Export-Import Bank, whether it is OPIC, to start addressing this issue, and force these very large companies who have been throwing American workers out on the street to reinvest in this country and put our people to work. American workers who lose their jobs from companies who go to China should not be asked with their tax dollars to help these very same companies throw other American workers out on the street.

Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I conclude our debate here today, I want to thank my colleagues on the committee and subcommittee for their support in attempting to craft important reauthorization legislation that makes some reforms that I think are necessary. These reforms, and many others, are always resisted by the executive branch; but it is our responsibility as Congress, as authorizers, to in fact do what is appropriate to make sure the programs work, that they serve their original purposes or such new purposes as the Congress assigns.

□ 1545

I want to particularly thank the gentlewoman from New York (Mrs. MALONEY) for her very constructive approach to the committee's deliberations and her continued support for the Export-Import Bank.

I would say to the ranking members of the committee and the subcommittee, I have confidence we can work together to put together a structured rule that will provide an opportunity to debate the crucial amendments that were offered, but not successfully, at the subcommittee or committee level, and still avoid some of the things that would be very much contrary to the national interest.

Mr. Speaker, I ask my colleagues to support the legislation.

Mr. PAUL. Mr. Speaker, reauthorizing taxpayer support for the Export-Import Reauthorization Act for every 1 day, much less for a month violates basic economic, constitutional, and moral principles. Therefore, Congress should reject S. 2019.

The Export-Import Bank (Eximbank) takes money from American taxpayers to subsidize exports by American companies. Of course, it is not just any company that receives Eximbank support—rather, the majority of Eximbank funding benefits large, politically powerful corporations.

Proponents of continued American support for the Eximbank claim that the bank "creates jobs" and promotes economic growth. However, this claim rests on a version of what the great economist Henry Hazlitt called "the broken window" fallacy. When a hoodlum throws a rock through a store window, it can be said he has contributed to the economy, as the store owner will have to spend money having the window fixed. The benefits to those who repaired the window are visible for all to see, therefore it is easy to see the broken window as economically beneficial. However, the "benefits" of the broken window are revealed as an illusion when one takes into account what is not seen; the businesses and workers who would have benefited had the store owner not spent money repairing a window, but rather had been free to spend his money as he chose.

Similarly, the beneficiaries of Eximbank are visible to all; what is not seen is the products that would have been built, the businesses that would have been started, and the jobs that would have been created had the funds used for the Eximbank been left in the hands of consumers.

Some supporters of this bill equate supporting Eximbank with supporting "free trade," and claim that opponents are "projectionists" and "isolationists." Mr. Speaker, this is nonsense, Eximbank has nothing to do with free trade. True free trade involves the peaceful, voluntary exchange of goods across borders, not forcing taxpayers to subsidize the exports of politically powerful companies. Eximbank is not free trade, but rather managed trade, where winners and lowers are determined by how well they please government bureaucrats instead of how well they please consumers.

Expenditures on the Eximbank distort the market by diverting resources from the private sector, where they could be put to the use most highly valued by individual consumers, into the public sector, where their use will be determined by bureaucrats and politically powerful special interests. By distorting the market and preventing resources from achieving their highest valued use. Eximbank actually costs Americans jobs and reduces America's standard of living!

The case for Eximbank is further weakened considering that small businesses receive only 12–15 percent of Eximbank funds; the vast majority of Eximbank funds benefit large corporations. These corporations can certainly afford to support their own exports without relying on the American taxpayer. It is not only bad economics to force working Americans, small business, and entrepreneurs to subsidize the exports of the large corporations; it is also immoral. In fact, this redistribution from the poor and middle class to the wealthy is the most indefensible aspect of the welfare state, yet it is the most accepted form of welfare. Mr. Speaker, it never ceases to amaze me how members who criticize welfare for the poor on moral and constitutional grounds see no problem with the even more objectionable programs that provide welfare for the rich.

The moral case against Eximbank is strengthened when one considers that the government which benefits most from Eximbank funds is communist China. In fact, Eximbank actually underwrites joint ventures with firms owned by the Chinese government! Whatever one's position on trading with China, I would hope all of us would agree that it is wrong to force taxpayers to subsidize in any way this brutal regime. Unfortunately, China is not an isolated case: Colombia, Yemen, and even the Sudan benefit from taxpayer-subsidized trade courtesy of the Eximbank!

There is simply no constitutional justification for the expenditure of funds on programs such as Eximbank. In fact, the drafters of the Constitution would be horrified to think the federal government was taking hard-earned money from the American people in order to benefit the politically powerful.

In conclusion, Mr. Speaker, Eximbank distorts the market by allowing government bureaucrats to make economic decisions in place of individual consumers. Eximbank also violates basic principles of morality, by forcing working Americans to subsidize the trade of wealthy companies that could easily afford to subsidize their own trade, as well as subsidizing brutal governments like Red China and the Sudan. Eximbank also violates the limitations on congressional power to take the property of individual citizens and use them to benefit powerful special interests. It is for these reasons that I urge my colleagues to reject S. 2019.

Mr. OXLEY. Mr. Speaker, I rise in strong support of this measure and encourage my colleagues to join me in voting in favor of extending the authorization of the Export-Import for an additional thirty days while the details of the full authorization are finalized. The Financial Service Committee has been working diligently to bring this authorization to completion, however; the events of September 11 and the anthrax contamination on Capitol Hill have delayed the process considerably. The full reauthorization makes several strong improvements to the Ex-Im charter, which will enable it to deliver more U.S. goods to foreign customers. We are currently in negotiations with the Department of the Treasury to finalize some technical concerns with the full reauthorization and expect to have resolution of these issues soon.

This thirty day extension of Ex-Im's authorization will enable the Bank to continue its important work of encouraging U.S. exports overseas and promoting U.S. jobs. Ex-Im plays a key role in leveling the playing field between U.S. and foreign based exporters. Without the activities of Ex-Im, U.S. exporters would be at a distinct disadvantage against foreign exporters who receive subsidies from their foreign export credit agencies. With the help of Ex-Im loans, insurance and guarantees, U.S. exporters can counter export credits offered to foreign competitors and reach critical overseas markets. Ex-Im helps increase the number of U.S. exports, it encourages trade and it helps sustain U.S. jobs.

Without this extension, Ex-Im will have to wind up its current outstanding business and will not be able to make any new commitments for the export of U.S. manufactured goods. This will have a negative effect on jobs and will inhibit our economic recovery at a time when we are working to emerge from a period of high unemployment and low growth. Passage of this measure is critical to the U.S. economy, to U.S. workers and to U.S. manufacturers.

In a perfect marketplace there would be no need for export credit agencies, however; the realities of today's international trading system demand that Ex-Im operate aggressively to support the sale of U.S. products abroad. Every major actor in international trade utilizes an export credit agency similar to the Ex-Im Bank to promote its trade initiatives. Ex-Im keeps U.S. exporters competitive, without it foreign manufacturers would be able to enter important emerging markets without any competition from U.S. business.

Mr. Speaker, by opening foreign markets to U.S. products, the U.S. economy improves and more American workers have good paying manufacturing jobs. I encourage all Members to vote in favor of this 30 day extension, which will help maintain U.S. based jobs and drive our economic recovery.

Mr. BEREUTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. OTTER). The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the Senate bill, S. 2019.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING AMENDMENTS ACT OF 2002

Mr. BEREUTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2509) to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States, or any political subdivision thereof, on a reimbursable basis, as amended.

The Clerk read as follows:

H.R. 2509

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bureau of Engraving and Printing Security Printing Amendments Act of 2002".

SEC. 2. PRODUCTION OF DOCUMENTS.

Section 5114(a) of title 31, United States Code (relating to engraving and printing currency and security documents), is amended—

(1) by striking "(a) The Secretary of the Treasury" and inserting:

"(a) AUTHORITY TO ENGRAVE AND PRINT.—

"(1) IN GENERAL.—The Secretary of the Treasury"; and

(2) by adding at the end the following new paragraphs:

"(2) ENGRAVING AND PRINTING FOR OTHER GOVERNMENTS.—The Secretary of the Treasury may, if the Secretary determines that it will not interfere with engraving and printing needs of the United States, produce currency, postage stamps, and other security documents for foreign governments, subject to a determination by the Secretary of State that such production would be consistent with the foreign policy of the United States.

"(3) PROCUREMENT GUIDELINES.—Articles, material, and supplies procured for use in the production of currency, postage stamps, and other security documents for foreign governments pursuant to paragraph (2) shall be treated in the same manner as articles, material, and supplies procured for public use within the United States for purposes of title III of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; commonly referred to as the Buy American Act).".

SEC. 3. REIMBURSEMENT.

Section 5143 of title 31, United States Code (relating to payment for services of the Bureau of Engraving and Printing), is amended—

(1) in the first sentence, by inserting "or foreign government" after "agency";

(2) in the second sentence, by inserting "and other" after "administrative"; and

(3) in the last sentence, by inserting "or foreign government" after "agency".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nebraska (Mr. BEREUTER) and the gentlewoman from New York (Mrs. MALONEY) each will control 20 minutes.

The Chair recognizes the gentleman from Nebraska (Mr. BEREUTER).

GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2009, the Bureau of Engraving and Printing Security Printing Amendments Act of 2002. The bill allows the Treasury Department's currency printer, under certain well-defined circumstances, to print currency and other security documents for foreign countries.

One of the bedrocks of a strong, modern economy is a currency in which a country's citizens have faith. Unfortunately for every currency, strong or otherwise, there are people who seek to create counterfeits, either to enrich themselves or to shake faith in the economy and the government, or both.

Counterfeiters have existed as long as there has been money. Mr. Speaker, in fact, the United States Secret Service, which does such a good job of protecting the President and senior government officials, originally was formed as an anticounterfeiting squad. The Secret Service is so impressive at this task that few of us ever look at our paper money to check its authenticity. Sadly, that is not the case in many other countries.

Today, with the increasingly global economy and the advances in technology, the temptation to counterfeit and the means to do so are ever more available. It is difficult enough for the Secret Service and our currency printer, the Bureau of Engraving and Printing, or the BEP, to stay ahead of this threat. That is why, as we know, the Treasury Department is expected to start issuing a newly designed set of currency beginning sometime next year, a mere 6 years after the last redesign.

But if it is hard for us to outwit counterfeiters, imagine the difficulties facing smaller countries, even if they are not in a state of war or undergoing the stress of massive corruption, or are being subjected to an out-of-control drug business.

Good currency security takes constant research and development, and it takes sophisticated printing techniques. This is why smaller countries typically approach other, larger governments instead of private printers to have their currency printed. Australia, England, the United Kingdom, and some of the European countries have been doing this for decades.

While our Mint has the authority to make coins for other countries, the Bureau of Printing does not, and it has always had to send the business elsewhere, overseas. Frankly, Mr. Speaker, that has been a loss to this country for several reasons. While under no circumstances would the printing contemplated in this bill be a moneymaker, there are some clear foreign policy advantages to being able to accommodate such a request from a friendly nation, especially when there would be no cost to the taxpayers.

There also are advantages to having our topnotch printers and engravers be able to become familiar with cutting-edge currency and security techniques that may be requested by countries, but which may not reasonably be suitable for the massive printing runs that our own country's currency demands.

As the gentleman from Louisiana (Mr. BAKER), a member of the committee, has pointed out, many of the techniques that first appeared in another country's currency printed by the BEP might appear later in a more advanced form in our currency, because the Treasury has estimated the need to redesign our paper money every 6 to 7 years from here on out to keep it secure.

This bill is essentially the same language as that originally introduced last year at the request of the administration by the gentleman from New York (Mr. KING), with the strong support of the gentlewoman from New York (Mrs. MALONEY). In turn, that language was itself similar to language introduced in the previous Congress, at the previous administration's request, by the gentleman from Alabama (Mr. BACHUS) and passed by the subcommittee, the committee, and the full House. The only changes are limitations on the authority to print for foreign governments only.

The original bill also authorizes the printing of security documents for the States of the United States, and the addition of a "buy America" clause. With the exception of the latter, the House passed this language as part of the USA Patriot Act of 2001 last fall.

Three conditions are required before the BEP could print currency for another country: The Secretary of State has to certify that such an effort is consistent with the foreign policy goals of the United States; the job must not interfere with the BEP's main job of printing currency for the U.S.; and all real and imputed costs, administration and capital investments as well as paper, ink, and labor, must be recovered.

Mr. Speaker, in the last decade the BEP has had to turn away requests from Kuwait and more recently Mexico for the U.S. to bid on printing their currency. Without this bill, it would be impossible for the Bureau to print, if asked, new currency for Afghanistan, which desperately needs a secure currency, as at least two different versions of the Afghani now circulate, in addition to suspected counterfeits.

In conclusion, Mr. Speaker, I will include an opinion from the Secret Service on H.R. 2509. I believe we already have that consent. It concludes, "The Secret Service supports the passage of this legislation, as it would serve as a proactive tool against the counterfeiting of U.S. currency."

Mr. Speaker, this country demonstrably benefits by the strengthening of other countries' currency regimes. Plainly said, making counterfeiting harder leads to fewer counterfeiters. Especially if there is no cost to the United States taxpayer, I can think of no reason not to advance the bill immediately, sending it to the other body as quickly as possible.

Mr. Speaker, I ask for its immediate passage.

Mr. Speaker, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 2509, Mr. Speaker, the Bureau of Engraving and Printing Security Printing Amendments Act of 2001.

The subcommittee chairman, the gentleman from New York (Mr. KING), and I introduced this legislation last year. It is the product of bipartisan negotiations and consultation with the administration. It closely tracks legislation that passed last year in the 106th Congress, and I urge its timely enactment.

This noncontroversial legislation gives Treasury the ability to produce security documents, postage stamps, and currency for foreign countries. In the last decade, several countries, including Turkey, South Africa, Mexico, and Kuwait have approached the U.S. about printing security documents on their behalf. This legislation will grant the Bureau of Engraving and Printing this authority.

In no way will printing foreign currency interfere with the production of U.S. currency. Rather, it will benefit our national interests in several ways.

First, there is currently excess capacity at the BEP, and foreign currency will only be printed by the Bureau as long as capacity is available.

This additional work will benefit the BEP, allowing its expert printers to further refine their skills.

Any investments the BEP will make to purchase equipment and materials to produce currency for other countries will be reimbursed.

The entire operation should have a positive effect on the U.S. Treasury, and create U.S. additional jobs.

Beyond the economic benefits, the legislation will further U.S. interests around the world. No printing for a foreign government will take place without the express approval of the Secretary of State, who will ensure that all approved work is in the national interest.

Perhaps most importantly, passage of this bill will allow the BEP to share its anticounterfeiting expertise with the countries whose currency it will produce.

In the aftermath of the attacks on New York City and Washington, we have learned more than we ever wanted to know about the inner workings of terror cells. We now know that in many ways Terror, Incorporated, works like every other business, and requires money to operate.

This legislation will allow the U.S. to help foreign countries prevent counterfeiting of their currency, and allow the BEP to continue to develop expertise it can use domestically.

This legislation has tangible benefits to U.S. taxpayers and foreign policy. I urge its adoption.

Mr. KOLBE. Mr. Speaker, I rise in support of the Bureau of Engraving and Printing Security Printing Amendments Act, H.R. 2509, to authorize the Bureau of Engraving and Printing to produce currency, postage stamps, and other security documents at the request of foreign governments, and security documents at the request of the individual States of the United States on a reimbursable basis. The U.S. Mint already has similar authority. This legislation makes sense. We need to modernize our legal tender and H.R. 2509 is a positive step in this direction.

I introduced legislation to comprehensively modernize our money system—the Legal Tender Modernization Act (H.R. 2528). We need to modernize our money to improve the convenience and effectiveness of its daily use. Legal tender should not add to market inefficiencies. I believe it is better to spend taxpayer money on education, health care, national security, and other important national needs rather than on an inefficient legal tender system.

The Legal Tender Modernization Act essentially accomplishes five objectives. It establishes a five year commemorative $2 bill program similar to the 50 State quarter program, requires cash sales to be rounded up or down to the nearest five cent increment to reduce the circulation of the penny, authorizes the Department of the Treasury to produce currency for foreign governments, as does H.R. 3509, clarifies that seigniorage (the difference between the face value of money and the cost to produce it) is part of the federal budget, and makes permanent current law prohibiting the redesign of the $1 bill.

Since there has been so much attention given to this issue, let me explain in more detail the rounding system I am proposing to reduce the use of the penny. The penny would continue to be legal tender, but would not be necessary in cash transactions. The total value of any cash transaction would be rounded up or down so that no pennies would be required. Again, let me stress that the rounding would be applied to the total transaction costs, after taxes, and only for cash transactions.

Here's how it would work:

If the final amount contains 1 or 2 cents, the amount would be rounded to 0 cents.

If the final amount contains 3, 4, 6, or 7 cents, the amount would be rounded to 5 cents.

If the final amount contains 8 or 9 cents, the amount would be rounded to 10 cents.

Rounding will not occur if the total amount is 2 cents or less or if the payment is made by a negotiable instrument, electronic fund transfer, money order, or credit card. Also, the rounding occurs after discounts and taxes so state or municipalities will receive the exact amount of any tax imposed.

This system favors neither the consumer nor the retailer because the probability of rounding up or down is 50 percent either way. For example, if you wanted to purchase some frozen lemonade mix that costs 98 cents, you would pay $1.00. However, if you chose to buy two frozen lemonade mixes for $1.96, you would pay $1.95. The calculation becomes more complicated by factoring in any taxes on the final sales amount. And if you are shopping at a grocery store, you must factor in the weight of produce and recognize that some items are taxable and others are non-taxable. As you can see, there would be no way for businesses to establish a pricing structure so that they could make an extra 2 cents on every transaction or that would cause price increases. It is important to note also that a similar rounding technique is used at overseas US military bases and in Australia and New Zealand, and gasoline is priced in nine-tenths of a cent and rounded up.

The rounding system has several advantages. First, it would save the taxpayer money. The penny has very low or no profit margin for the Mint. In fact, the General Accounting Office reported in 1997 that the penny is unprofitable. Second, it would save businesses and customers money by reducing transaction time (some estimate up to 2.5 seconds/transaction) and time spent waiting in lines, reducing the need for rolled coins (there are costs associated with wrapping and transporting pennies), and reducing errors when employees spend time counting pennies.

It is past time for our legal tender system to be improved, and I understand concerns about changing this system. Change is always met with resistance. New area codes were not welcomed by people, but I think a greater good is achieved by allowing our telecommunications infrastructure to address growth. Changing or introducing new coinage or currency is no different. In 1914, England went from a coin to a note, even though the public opinion did not support this change. Canada went the other direction from a note to a coin against the wishes of the public, but the public now accepts this coin.

I urge my colleagues to support this legislation. It moves us one step closer to a comprehensive modernization of our legal tender.

Mr. OXLEY. Mr. Speaker, the problem of counterfeiting of currency is serious and getting worse in a number of places throughout the world.

Terrorists, rebels and drug traders seek more money with which to ply their deadly trades. Some seek to destabilize economies or governments, or merely to get something for nothing. And with the rapidly improving computer technology—scanners, color printers and powerful PC's available very inexpensively—it isn't even necessary anymore for counterfeiters to know how to run a complicated printing press.

Recognizing this trend, the Committee on Financial Services, and then the House last fall, included two items aimed at strengthening anti-counterfeiting efforts around the world as part of the anti-money laundering portion of the USA PATRIOT Act, the first major Congressional reaction to the terror attacks of September 11.

One of the pieces of legislative language was aimed at helping our Secret Service, the government's anti-counterfeiting agency, help arrest and more severely punish people who counterfeit U.S. currency, or people who counterfeit foreign currency while on U.S. soil. The other sought to allow the Treasury Department's currency printing arm, the Bureau of Engraving and Printing, to print currency for foreign governments on request.

One of the two provisions survived conference with the other body, Mr. Speaker, and the Secret Service has been using those authorities aggressively to pursue and incarcerate counterfeiters in this country and, in some cases, to assist foreign governments in tracking down those who would counterfeit U.S. currency overseas.

We are here today to again pass the other provision, Mr. Speaker, and I urge strong support for this bill both here and in the other chamber. I should note that the House has passed this legislation now three times—this will be the fourth—but that for reasons of timing as much as anything else the Senate has not yet acted on the bill. I hope that by sending H.R. 2509 across the Rotunda early enough in this legislative session there will be adequate time for them to act, and that there will be a renewed appetite to pass this bill that manifestly helps the United States, as well as those whose currency we may end up printing in a more secure fashion.

Mr. Speaker, counterfeiters are clever and determined, because the payoff if they are successful is so great. Imagine the level of profit in a country in, say, South America, with a standard of living much lower than ours, if one can produce high-denomination banknotes for a few pennies' worth of materials.

Many countries simply lack the printing capability, or the research-and-development skills, to design and produce currency that is difficult to counterfeit even at a time they most need a strong currency. Mr. Speaker, passage of this bill will allow, if a set of very carefully defined conditions are met, countries to ask the BEP to print their currency. The bill stipulates that there be no cost to U.S. taxpayers, no interference with the production of U.S. banknotes and that such work be in harmony with U.S. foreign policy goals.

Passage of H.R. 2509 would create benefits to the United States beyond strengthening the currency and economies of our friends, although the value of that should not be underestimated. The sheer number of banknotes printed for the U.S. economy is so great that security features used in each note must be foolproof and uniform. However, gaining the expertise to produce those features in high volumes is often a long, tedious process. Printing the much smaller volumes of currency for smaller countries would allow our top-notch printers and engravers to work with cutting-edge techniques that, as Mr. BAKER of Louisiana points out, may someday end up in use in our own money.

This is important because the Secret Service and the Bureau of Engraving have told Congress that it will be necessary to redesign U.S. banknotes regularly every six or seven years from here on out to keep them secure. Indeed, while the first redesign of U.S. currency since the 1920s began in 1996, the next new series is expected to be issued starting next year.

Mr. Speaker, H.R. 2509 would, if enacted, have an added advantage: if counterfeiting of world currencies becomes too difficult, it will be more difficult for counterfeiters to fund their lethal schemes. That, in turn, means not only fewer attacks on the integrity of foreign currency but, as the Secret Service notes, fewer attacks on the integrity of U.S. currency as well.

Mr. Speaker, the United States Secret Service does a terrific job of policing counterfeiting of U.S. banknotes—so good that although we should really pay more attention to the money in our pocket, few if any of us actually examine it for fakes, because we know there aren't going to be any. Passing this legislation and allowing the Treasury Department and the Department of State to work with other countries to move their own currencies in the direction of similar security—all at no cost to the taxpayer—seems to me to be such an easy call that I cannot imagine any serious opposition.

I urge immediate passage of this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I urge support for the legislation, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 2509, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BEREUTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING UNEMPLOYMENT ASSISTANCE FOR VICTIMS OF SEPTEMBER 11, 2001 TERRORIST ATTACKS

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3986) to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

The Clerk read as follows:

H.R. 3986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXTENSION OF UNEMPLOYMENT ASSISTANCE.

Notwithstanding section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)), in the case of any individual eligible to receive unemployment assistance under section 410(a) of that Act as a result of the terrorist attacks of September 11, 2001, the President shall make such assistance available for 39 weeks after the major disaster is declared.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3986 amends the Robert T. Stafford Emergency Assistance and Disaster Relief Act to extend the period of eligibility for disaster unemployment assistance for the Presidential disaster declared as a result of the terrorist attacks on September 11, 2001, at the World Trade Center and the Pentagon.

H.R. 3986 extends the provision of disaster unemployment assistance from 26 to 39 weeks for those workers who lost their jobs at the World Trade Center in New York and at the Pentagon in the Washington metropolitan area as a direct result of the September 11 attacks.

Under the Stafford act, the disaster unemployment assistance program is for persons who become unemployed as a direct result of a disaster and who are not eligible for State insurance or any other unemployment benefits.

The New York State Department of Labor administers the Disaster Unemployment Assistance Program on behalf of the Federal Emergency Management Agency. Disaster unemployment assistance is only payable during the disaster assistance period, and this legislation will extend that period until June 15, 2002.

The bill does not amend section 410 of the Stafford act to permanently extend disaster unemployment assistance payments; it merely creates an extension only for the disaster declaration stemming from the September 11 attacks.

This bill provides much needed assistance to displaced individuals for a sufficient period of time. I commend the bipartisan effort by the committee leadership, and especially the work of the New York delegation, for their hard work in bringing this bill to the floor. I support the bill.

Mr. Speaker, I reserve the balance of my time.

□ 1600

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Alaska (Mr. YOUNG), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Ohio (Mr. LATOURETTE), and the gentleman from Illinois (Mr. COSTELLO) for shuttling this bill through committee and to the floor. I also want to thank the gentleman from New York (Mr. QUINN) for working with me to bring this bill to the floor.

As most Members know, this legislation will extend by 13 weeks disaster unemployment assistance, or DUA. DUA is extended only to those people who lost their jobs as a direct result of the September 11 terrorist attack on our country, but who do not qualify for normal unemployment insurance.

Currently, the number of people receiving DUA stands at 2,500. That is what we are talking about in this bill, 2,500 people, although as individuals find work, hopefully this number will decline. These people overwhelmingly hold blue collar jobs and are the lowest paid in our economy. They include hotel workers, janitors and window washers. They are the most vulnerable members in our society and most in need of our help. Funding for this program is already in place by way of last year's supplemental appropriations act for New York disaster relief.

This legislation is urgent as DUA benefits have already terminated. Without this extension, thousands of victims of the attack on our country will be left without any help in an economy that in New York has been devastated not only by the national economic melee, but also by the disaster of September 11. While we cannot make people whole from the effects of the devastating attacks of September 11, we must do all we can to ease the transition of these people from tragedy back to normal life.

The Senate already passed this legislation last December. S. 1622, authored by Senator CLINTON of New York, included a 26-week extension. In fact, the Committee on Transportation originally passed a bill, S. 1622, the Senate bill, by voice vote afterwards substituted for the bill that I introduced in the House. Unfortunately, in order to get this bill to the floor we had to make this bill only a 13-week extension.

As I said earlier, DUA benefits run out in New York on March 17, which is to say 2 days ago, and in Virginia on March 21, which is 2 days from now. It is imperative that these people know as soon as possible that their benefits will be extended or renewed.

I must point out that unlike regular unemployment, an individual is not entitled to 26 weeks which may be extended to 13 weeks. The program expires 26 weeks after the disaster is declared, and we are extending that by 13 weeks. An individual who started, perhaps because of bureaucracy, getting his assistance in November does not get anywhere near 26 weeks; it is cut back. So it differs between regular unemployment insurance there.

I urge the House and Senate to pass this legislation as soon as possible and send it to the President for his signature.

Again, I want to thank the chairman and the rest of the House for their support as we continue to recover from the devastation of September 11, both at home and abroad. I would also like to point out that the necessity for this legislation, for this emergency assistance to people, window washers, janitors, who worked at the World Trade Center and were deprived of their jobs by direct enemy action, but yet cannot get regular unemployment insurance, also shows us the necessity of restoring our unemployment system to what it was. Only about one-third of people who are laid off now get unemployment insurance because the restrictions that many States have imposed are so high.

It used to be 60 percent and now it is down to one-third.

So this bill shows the necessity for restoring the strength of our once-vibrant unemployment insurance system so that workers like this would be covered without the necessity of special legislation on their behalf.

I thank the chairman and the rest of the House for their support.

Mr. Speaker, I reserve the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN).

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 3986 this afternoon and urge my colleagues to vote in favor of bill later this afternoon.

As we stated, H.R. 3986 extends the period of availability of disaster unemployment assistance for individuals who lost their jobs as a direct result of the terrorist attacks on the United States on September 11, 2001. The Federal Emergency Management Agency, FEMA, administers this part of the disaster unemployment assistance program pursuant to Section 410(a) of the Stafford Relief and Emergency Assistance Act to provide unemployment assistance to persons who become unemployed as a result of major disasters.

Our distinction here, Mr. Speaker, is that we are talking about disaster unemployment assistance as opposed to straight unemployment assistance.

This program currently provides disaster unemployment assistance to qualified individuals for a period not to exceed 26 weeks. Mr. Speaker, we are just about there right now at the 26-week period.

Individuals from Northern Virginia and New York City are eligible for disaster unemployment assistance only if they are not receiving other types of unemployment assistance. We do not want to duplicate. This legislation extends that period of eligibility from 26 to 39 weeks. It will help roughly 2,500 Americans at a minimal cost, roughly about $2 million.

This bill enjoys broad bipartisan support. As the gentleman from New York (Mr. NADLER) pointed out, it sailed through the Committee on Transportation and Infrastructure, as well as a voice vote in the Senate.

In only a few hours before its introduction, Mr. Speaker, I was able to secure the support of over 20 colleagues from New York State alone. That amount of support in such a short period of time I think is indicative of the importance and timeliness of this legislation.

I want to thank any fellow New Yorkers for their hard work and dedication on this issue, in particular, a special thanks to the gentleman from New York (Mr. NADLER) for his relentless pursuit of the passage of this bill. Mr. Speaker, his constituents are the ones that are most affected by this bill, and he has worked tirelessly on their behalf, as well as all New Yorkers. I am hopeful that the Senate can take up the measure after it passes the House today and send it to the President for his signature as soon as possible.

Swift action will allow these hard-working Americans to continue to receive the benefits they so desperately need. As is always the case, it is time, Mr. Speaker, to thank the people who worked on the bill: our majority leader who allowed us to bring it under suspension today; the gentleman from Louisiana (Mr. COOKSEY), the gentleman from Alaska (Mr. YOUNG), and I have mentioned the gentleman from New York (Mr. NADLER) already.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from New York (Mr. NADLER) for yielding me time.

Mr. Speaker, after September 11 hundreds of thousands of Americans lost their jobs and were forced to seek unemployment benefits. Earlier this month we voted to extend unemployment benefits for an additional 13 weeks. Unfortunately, the extension we approved on March 7 does not apply to those who receive unemployment benefits through the Federal Emergency Management Agency. Today we are considering legislation that would address that oversight.

Unemployment benefits are crucial to those who have lost their jobs in order to pay their bills and preserve their dignity. In the same way Social Security provides our Nation's 32 million seniors with crucial monthly income, it helps pay for their costly prescription drugs and otherwise keeps them out of poverty.

Unfortunately, the Republican budget for 2003 taps into the Social Security trust fund every year for the next 10 years, over $1.8 trillion through 2012. That is simply unacceptable in this country.

The legislation we are considering today provides funding for unemployment benefits for those directly affected by September 11. The budget we will consider tomorrow also contains funding for important initiatives that were begun as a result of September 11. Our military must continue to pursue terrorists and prevent attacks. However, we must also prevent a raid on the Social Security trust fund and reject the Republican plan to raid the fund once again.

Even as we continue to support the war on terrorism and those who lost their jobs as a result of the attacks, we must also continue to support our Nation's working families and seniors by protecting the Social Security surplus. We need to protect seniors and working families who have worked hard and played by the rules.

Preserve Social Security, do not raid it. Help our families that were directly affected by September 11. Do not make them worry about the future.

Mr. COOKSEY. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Speaker, the unprecedented suffering our country endured on September 11 has been met with unprecedented compassion. The American people have shown their true colors in the wake of the attacks by selflessly giving their time and money to the victims of the attacks. People from all over come to New York now. They come to visit, hold hands and it helps us. This helps us to recover, and we from New York thank you for coming. Please come in great numbers and spend money. It will help us a lot.

Congress is continuing to show its strong commitment to help those most affected by September 11. This bill would extend unemployment benefits to those individuals who lost their jobs as a direct result to the attacks to 39 weeks after a major disaster has been declared. It is common-sense legislation. It says that Congress will protect American families and see them through tough economic times brought on by these attacks until they can get back on their feet.

I would like to thank the gentleman from New York (Mr. QUINN), my fellow New York Republican for his work on this issue; and I thank the gentleman from Louisiana (Mr. COOKSEY) for allowing me the time.

It is important legislation. I urge my colleagues to vote in favor of H.R. 3986.

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I am pleased that we are finally voting on legislation that would extend disaster unemployment benefits to workers who lost their jobs because of September 11.

I would like to thank particularly my colleagues, the gentlemen from New York (Mr. QUINN and Mr. NADLER) for their hard work. I especially want to note the efforts of the gentleman from New York (Mr. QUINN) who again shows how the State of New York is pulling together in a bipartisan way to help New York City after the terrorist attacks.

I would also like to thank Senator CLINTON for her hard work in assisting those workers left out of standard unemployment assistance. Too many working families are still suffering because of the terrorist attacks.

While I am pleased that we are finally extending relief to New Yorkers who would otherwise not receive unemployment and who lost their jobs as a result of the disaster, it is unfortunate that this legislation has come in at the very last minute. Many New Yorkers and workers would have lost their unemployment benefits in the next weeks if we had not extended these benefits and if we had not ended these political games and brought this legislation to the floor. I only hope that the bill reaches the President's desk in time so that there is not a lapse in benefits.

However, our work is not done. Now that we have extended unemployment benefits for the workers laid off as a part of the recession nationwide and unemployment benefits for those directly affected by September 11 who would not otherwise have received benefits, we must now turn our efforts to ensure that all laid-off workers, both in New York and across the country, who are now going without health care, get the coverage that they desperately need.

Health care is one of our basic necessities. It is vital that we do not forget that there are workers who are facing a multiple of dilemmas. Not only are they unemployed, but they must also figure out how to afford necessary health care for their children. Seven-point-nine million Americans currently are unemployed. Because most workers depend upon employer-provided health coverage, millions of people are likely without health care.

We must work to make sure that we get this assistance to them now.

Mr. COOKSEY. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Speaker, I thank the gentleman from Louisiana (Mr. COOKSEY) for his leadership on this issue and for bringing it promptly to the floor.

Mr. Speaker, I rise today in strong support of H.R. 3986, a bill to extend the period of availability of disaster unemployment assistance for those most affected by the terrorist attacks of September 11 and their families. The extension would take it out a full 39 weeks.

On September 11 the Nation endured a domestic assault upon American values and our democratic way of life beyond anything anyone could have previously imagined. Thousands of innocent people lost their lives, thousands lost their homes, their businesses and their jobs. Thousands more lost their families' livelihood. The attack caused the loss of 110,000 jobs in New York alone; another 270,000 are at risk.

Twenty percent of the downtown New York office space has been damaged or destroyed. In Northern Virginia the Pentagon attack has greatly impacted local businesses, especially those at or around Reagan National Airport.

The impacts of September 11 will extend further and longer than those of any other major disaster in our history. As such, our Nation and our government must respond to the overwhelming needs of the September 11 victims and their families. This bill ensures that our government keeps its responsibility to those Americans by extending unemployment benefits and ensuring economic solvency for the affected families.

In the case of the World Trade Center attacks, this insurance will be eligible for many of the small business owners, small restaurant operators, janitors and other blue collar workers who no longer have jobs, or who are unable to reach their jobs in the case where the building was destroyed, or have become the sole breadwinner for the household because the head of the household died or cannot work because of a disaster-related injury.

This bill is important to the well-being of those most impacted by the September 11 terrorist attacks, and I are urge my colleagues to support this important legislation.

I would like to especially thank the majority leader, the gentleman from Texas (Mr. ARMEY) for the expeditious scheduling of this important legislation; and I would also like to thank the gentleman from New York (Mr. QUINN) for his consistent and strong leadership on behalf of our State, New York, and for all working men and women in America.

I urge all my colleagues to support this important bill. It is timely, the right thing and the necessary thing to do.

I thank the gentleman for yielding me time.

□ 1615

Mr. NADLER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, it is unfortunate we have to come out here and put Bandaids one after another on this unemployment benefit. Where the other body has passed 26 weeks, we ought to do 26 weeks; but I guess we will get a chance to do another bill.

What is really missing here, though, is the health care benefits if someone is drawing unemployment. The average in this country is somewhere around two and a quarter a week. I am sure in New York it is a little higher than that. Let us say it is $300 a week. So they get $1,200 a month. Now, if they had health care benefits before, they do not have enough out of $1,200 to go out and pay the premiums for health insurance. So they have the double hit of no money to live on and no health care if something happens to them.

Most of the working Americans in the situation in New York that they got into were covered with insurance, and they have been able to build up little bit of equity and little bit of future for themselves. All it takes is one illness, one injury and they are wiped out; and there is a bill here, it is Discharge Petition Number 6, that is for House Resolution 3341, which gives 75 percent of COBRA benefits, plus it gives additional money to States for their Medicaid programs so that they can cover the other 25 percent.

We could cover everybody in health care, but 6 months after the incident on 9/11 we still have not done anything on health care. Now, if we care about those people, it is nice to talk about unemployment benefits, and I am for this bill; but where is the plan to help them get covered with their health care? Are we counting on Medicare in New York to take care of it? I will bet that the New York legislature is struggling with that.

The next issue ought to be House Resolution 3341, which is a discharge petition. We have got 177 signatures. So anybody who really wants to help New Yorkers, go sign 6.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Speaker, many workers lost their jobs as a result of the September 11 attacks on America. Several of those workers are still jobless and continue to struggle financially.

H.R. 3986 provides a much-needed 13-week extension of those benefits for those workers who lost their jobs as a result of the terrorist attacks and are ineligible for traditional unemployment assistance. These workers represent part of the millions unemployed in America.

Many of these laid-off workers lost more than just steady paychecks. They also lost critical benefits and crucial benefits. Many have lost their family health coverage, joining the ranks of the uninsured.

Before we give more tax cuts to large corporations, we should protect workers and their families by extending the COBRA benefits and providing some reimbursement for premium payments.

A few months ago, even the Bush administration had proposed that an income stimulus package should include some type of subsidy to help unemployed workers to be able to afford to purchase COBRA coverage. This a step in the right direction. However, for many of the workers eligible for COBRA coverage when they are laid off, the high cost of coverage acts as a powerful barrier, making it difficult to purchase even with Federal and State subsidies, and a tax credit will not serve as a panacea for assisting workers with COBRA coverage.

Therefore, we should also consider other options for the majority of workers who do not have access to COBRA coverage because their incomes are too low. The average cost of group insurance for family coverage is now approximately $7,000 a year. This is exceptionally high premiums for unemployed workers to afford.

One temporary option is for States to provide coverage through their Medicaid programs to allow low-income workers to be able to afford access to health care coverage. Democrats have proposed helping States meet the increase in Medicaid costs by temporarily increasing the Federal matching rate and protecting State Medicaid programs from further budget cuts.

There must be some relief for low-income workers who lose their jobs and their health insurance. We should not relegate uninsured workers and their families to the low costs or no cost health care safety nets provided by the local communities to provide that service.

Safety net providers such as public hospitals and community health centers are already struggling to meet the needs of their indigent and the uninsured population despite the growing deficits faced by municipal and State governments.

By extending similar benefits to workers affected by the September 11 attacks, the House has again made some progress in meeting the needs of the unemployed workers. It is now time for us to act quickly and provide health care coverage to the unemployed workers and their families.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman from New York (Mr. NADLER) has 7½ minutes remaining, and the gentleman from Louisiana (Mr. COOKSEY) has 11½ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in support of the bill which directs the Federal Government to extend unemployment benefits to workers in New York and Virginia who would otherwise fail to qualify for unemployment benefits under State law.

It is a fine idea, and it is a good bill, as far as it goes; but it does not go nearly far enough to address the real economic pain of millions of American families in other States who are being unfairly denied unemployment benefits. These workers in many of these instances lost their jobs just as directly by the attack on 9/11 as the people in New York or Virginia. The people in San Francisco and Las Vegas and New Orleans, or Orlando, L.A., Dallas or Miami, they lost their jobs almost immediately, matter of hours, matter of days in the hotel and restaurants, resorts, convention centers, and rental car agencies; but most of these people are not eligible for unemployment. So even though they lost their jobs, through no fault of their own, even though they lost their jobs as a result of the terrorist activity, they are not getting unemployment.

Historically, unemployment benefits have covered more than half of all unemployed workers. Coverage rates during past recessions have approached 70 percent, but that is not the case in the current situation.

Over the last decade, the changes in State laws, and many of those States that I read, significantly reduced the percentage of workers who receive unemployment benefits. Only 43 percent of the unemployed workers in 2001 and only 40 percent of the unemployed women workers received unemployment benefits. In 15 States, less than 35 percent of unemployed workers received unemployment benefits. In 10 States, less than 30 percent of unemployed workers received unemployment benefits.

Why does the leadership continue to refuse to bring this kind of legislation to the floor to make sure that all of these workers who suffered as a result of 9/11, all of the workers who lost their jobs directly because of that activity, would get the unemployment benefits, if they are necessary to hold their families together while they are waiting for the economy to recover, while they are waiting for their jobs to return in many of the areas of our country, especially those areas impacted by tourists and convention business? We have employees that are working one shift a week trying to hold on to their jobs for when that recovery comes because they are not eligible for unemployment benefits.

Mr. Speaker, this legislation is a fine piece of legislation for those people in New York, New Jersey, and in the Virginia area; but it does not address the needs of hundreds of thousands of America workers who were devastated every bit as much as those workers on 9/11.

Today, we find that almost 98 percent of all workers in America pay into unemployment insurance, but less than 40 percent of them are covered. It is just an unacceptable fact that these people will be denied the benefit of the money they pay into. The Federal Government ought to step in and have a uniform unemployment system for all Americans.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from New York (Mr. NADLER) has 5 minutes remaining. The gentleman from Louisiana (Mr. COOKSEY) has 11½ minutes remaining.

Mr. NADLER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Speaker, I rise today in support of H.R. 3986, which extends disaster unemployment assistance; and I commend my colleagues from New York for the hard work that they are putting in to try and make sure that people who have been victims of 9/11 are at least afforded some kind of relief.

The disaster of September 11 demands that we focus on the needs of the many, many victims of that attack. However, life is going to be tougher not only for the victims of 9/11 but for most Americans because, as I review what we are doing right here in the Congress of the United States, I am disappointed with the budget resolution that the Republicans have voted out of committee.

This budget resolution is a $2.1 trillion resolution that claims to be able to fund an extended and expanded war and to also fund the domestic needs, the unemployment needs, the health needs, and the education needs of this country despite the fact that we have passed out a $1.7 trillion tax cut for the 2002 budget that benefits the wealthiest corporations and individuals in the country, and in addition to that, another $40 billion in tax cuts that was recently passed in the so-called economic stimulus legislation.

Because of the policies of this administration, we have reduced our surplus by $4 trillion, and we are now faced with dipping into Social Security, $1.8 trillion over the next 10 years. Despite voting five times for the Social Security lock box, today we are breaking that promise and raiding Social Security.

It is indeed important that we address the needs of those who lost their jobs. However, what about the future? What about the retirement of Americans who expect Social Security benefits to be there for them when they retire?

I want my colleagues to know that the Republicans are breaking the promise of protecting Social Security. I mentioned that we have voted five times for the Social Security lock box. We cannot escape the fact that, yes, we can do some Bandaid and temporary protections. For those in New York and others where we extend unemployment benefits, we come up with some additional support for disaster unemployment assistance, but the fact of the matter is this: we are doing nothing to protect the future for these workers.

We are doing nothing to protect Social Security. Social Security is now at risk. It is at risk because this administration has done away and is doing away with the budget surplus that had been built up under the past administration; and because of that, whatever we do today is very temporary and these very same workers will be faced with a bleak future because we are dipping into Social Security.

Americans must be concerned about the fact that now our Social Security benefits for the future are at stake.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself the remaining time.

I am glad here we are finally today, two days after the benefits ran out in

New York, two days before they run out in Virginia. Unfortunately, this bill is not as the bill Senator CLINTON originally passed in the Senate, as the bill that almost passed here by unanimous consent last December but arrived a few minutes too late from the Senate, and as the bill that I sponsored that was reported out of the committee unanimously about 3 weeks ago did, all of those bills said a 26-week extension.

Unfortunately, this bill only says 13-week extension. Unfortunately, this also means that the Senate is going to have to take time presumably next week or later this week to change its bill to match our 13 weeks before it goes to the President, and there will be at least a week interruption in benefits because we delayed in doing our job in getting this bill to the floor.

As I said before, we are not talking here about 39 weeks of benefits for individuals, but of 39 weeks of eligibility for the program from the date the disaster was declared. Most people did not start getting DUA right away. It took the bureaucracy some time. They started getting it in November or December, which means they are getting it for less than 26 weeks and with this bill for less than 39 weeks.

We will probably have to, in light of how difficult it is for some people who were thrown out of work specifically by the attack on our country, we will probably have to be back here extending it for another 13 weeks later.

I am appreciative of the work especially of the gentleman from New York (Mr. QUINN) and the gentleman from Indiana (Mr. HOSTETTLER) and of others and of the gentleman from Alaska (Mr. YOUNG) and the gentleman from Minnesota (Mr. OBERSTAR), who helped get this bill to the floor; and I am hopeful that we will pass this bill today so that the interruption in benefits for the people in New York and in Virginia who were victimized by the attack directly will be as short as possible, and I extend my appreciation to all of them. And I urge approval of this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 3986, a bill to extend the period of availability of disaster unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001. The bill extends the unemployment assistance period from 26 to 39 weeks.

The Disaster Unemployment Assistance (DUA) program provides unemployment benefits to individuals who have become unemployed because of a Presidentially declared disaster. The Department of Labor has been delegated the authority to administer the program for which the Federal Emergency Management Agency (FEMA) is responsible under Section 410 of the Disaster Assistance Act.

It is important to note that DUA will not be paid to someone who receives regular unemployment compensation or private income protection insurance compensation unless that person's other program eligibility expires and weeks of unemployment continue in the disaster assistance period. DUA will then be paid to those individuals at the same weekly benefit rate that they were receiving under the other compensation program. These requirements ensure that there is no duplication of benefits.

Extending the DUA program is particularly important because it covers the self-employed, low-wage earners, and those who fall between the cracks of our regular unemployment insurance programs. Since the program is available only in the wake of such terrible disasters as we experienced on September 11, the help that it provides is especially vital in helping families get back on their feet.

The Stafford Act originally provided for up to 52 weeks of disaster unemployment assistance, but during the Reagan Administration, the FEMA programs were subject to many budgets cuts and disaster unemployment assistance was reduced to 26 weeks. Many Members of Congress opposed these cuts at the time.

Last December, after months of work by Senators CLINTON and SCHUMER, the other body passed a bill, S. 1622, to extend the disaster unemployment assistance period from 26 to 52 weeks. The Gentleman from New York, Mr. NADLER, had already introduced a companion House bill and he made every effort to have the House consider S. 1622 on the final day of the First Session of the 107th Congress. Regrettably, the House Leadership did not clear the bill for consideration before we adjourned.

The Gentleman from New York has continued to actively work the issue almost everyday since the Other Body passed the bill. He shepherded the Senate bill through our Committee, and with the strong support of Chairman YOUNG, Subcommittee Chairman LATOURETTE, and Subcommittee Democratic Ranking Member COSTELLO, we reported that bill unanimously, in an effort to speed the bill to the President's desk and avoid causing the disaster victims to suffer a lapse in benefits.

Although I wish we were simply sending the Senate-passed bill, S. 1622, to the President, it is imperative that we move this new bill, H.R. 3986, forward today, even though it only extends the benefits by 13 weeks. Unfortunately, time is of the essence now. It has been three months since the Other Body acted and the benefits for disaster unemployment insurance are now running out. The disaster unemployment insurance benefits for victims of the World Trade Center attack ended last Sunday, March 17. Similarly, the benefits for victims of the Pentagon will end on March 21.

There are so many tragic stories that could be told to help illustrate why this extension of disaster unemployment assistance is so critical at this time. For example, Mr. John Ortiz worked at the Marriott Hotel at the World Trade Center. He is not eligible for regular unemployment assistance and he has been receiving disaster unemployment assistance since mid-October. He has also been helped by two charities, Safe Horizon and the Red Cross, with the money covering needed expenses such as rent. He has looked for other work within the hotel industry, but has not been able to find a new job. The hotel industry has been so dramatically affected by the events of September 11, that there are very few available jobs, if any at all. Mr. Ortiz feels lucky that he does not have children to support, but says there are many, many families who do have children and are in desperate need of help. He is but one of the approximately 2,500 people who will benefit from this legislation. All of these people are trying their best to help themselves by searching each day to find a job, develop new skills, find assistance from charitable programs, pay their rent, and simply survive.

I commend the gentleman from New York, Mr. QUINN, for recrafting this legislation to ensure its House passage. I also thank Mr. NADLER for his efforts—he is a champion for all of the victims of September 11, and I commend him for his stalwart dedication. I am hopeful that the Other Body will be able to quickly consider this legislation and clear it for the President's consideration.

Mr. Speaker, these victims of the September 11 terrorist attacks have struggled enough; as Americans, we must help them in their time of need.

I urge all Members to support H.R. 3986.

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 3986, a bill to extend unemployment assistance administered by the Federal Emergency Management Agency for qualifying individuals who lost their jobs as a direct result of the September 11 terrorist attacks.

While the heroic clean-up and recovery efforts continue unabated, the unprecedented devastation caused by the attacks is still starkly evident today in lower Manhattan and at the Pentagon. The attacks destroyed twenty percent of downtown New York City's office space and led directly to the loss of over 100,000 jobs.

In Virginia, the three week shut down of Reagan National Airport led to the loss of nearly 20,000 jobs. Under current Federal law, individuals who lost their jobs as a direct result of terrorism are able to receive 26 weeks of unemployment assistance through FEMA. However, many of these individuals are still struggling to find work while facing the prospect of the termination of this assistance.

Accordingly, this important and timely legislation will extend the assistance for an additional 13 weeks. As we continue our collective efforts to rebuild our Nation's economy, let us also ensure that those men and women who were directly affected by the attacks are not forgotten. As a co-sponsor of this legislation and as a proud New Yorker, I urge my colleagues to support this measure.

Mr. COSTELLO. Mr. Speaker, I am pleased that this much-needed bill has been scheduled for consideration in an effort to pass it before the benefits lapse. I would like to thank Chairman DON YOUNG, Ranking Democratic Member OBERSTAR and the Subcommittee Chairman STEVEN LATOURETTE for speeding this bill through our Committee. I would also like to commend Mr. NADLER for his diligence on this issue and his longstanding commitment to the victims of the tragedy on September 11th and in particular to the people of New York.

Mr. Speaker, although I support this legislation, I do wish that we were able to pass the original bill that passed the other body in December and through the Transportation and Infrastructure Committee in February. It was important to pass the legislation before the benefits lapse and I am hopeful that this bill will be enacted soon.

I support H.R. 3986, which extends unemployment assistance under the Stafford Act. This bill extends the period that victims of the terrorist attacks of September 11th would be eligible for unemployment benefits to 39 weeks. Currently, the Disaster Unemployment Assistance (DUA) benefit period begins with the week following the disaster incident or date thereafter that individual became unemployed and can extend up to 26 weeks after the date of declaration or until the individual becomes re-employed. The Department of Labor has been delegated the authority to administer the program, for which FEMA is responsible. In fact, the Stafford Act originally provided for 52 weeks of benefits—this legislation would simply restore unemployment benefits to that level.

The expansion of these benefits would help the more than 2,200 workers who lost their jobs as a direct result of the attacks on September 11th but don't qualify for regular unemployment assistance. Many of these individuals are in low wage jobs and are among the neediest of assistance, especially given our current economy. They need this extension to help them move forward again after experiencing the worst terrorist event in our nation's history.

Mr. Speaker, this is good legislation, and urge my colleagues to join me in supporting it.

□ 1630

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 3986.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

JAMES R. BROWNING UNITED STATES COURTHOUSE

Mr. COOKSEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2804) to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse."

The Clerk read as follows:

H.R. 2804

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse located at 95 Seventh Street in San Francisco, California, shall be known and designated as the "James R. Browning United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "James R. Browning United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. COOKSEY).

Mr. COOKSEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2804 designates the United States Courthouse located at 95 Seventh Street in San Francisco, California, as the James R. Browning United States Courthouse.

Judge Browning was born in Great Falls, Montana, in 1918. He attended the public schools of Belt, Montana, before enrolling at Montana State University where he earned both his Bachelor's degree and his law degree. Judge Browning graduated at the top of his law school class in 1941 while also serving as the editor-in-chief of the Law Review.

After law school, Judge Browning worked for 2 years with the Department of Justice's Antitrust Division before enlisting in the Army in 1943. Judge Browning served with military intelligence in the Army, rising from private to first lieutenant and earning a Bronze Star in the process.

After the war, Judge Browning again worked as an attorney with the Department of Justice, serving in various positions for 6 years before leaving government service for private practice. After 5 years in private practice, Judge Browning returned to government service as a clerk of the United States Supreme Court, a position he held until named to the Federal bench in 1961 by President Kennedy.

Judge Browning served for nearly 40 years on the Ninth Circuit Court of Appeals. He participated in over 1,000 published appellate decisions and was the author of many per curiam opinions. For 12 years, Judge Browning also served as the Chief Judge of the Ninth Circuit. During his tenure, he oversaw the implementation of numerous reforms that increased the efficiency of the circuit's operation and which eliminated a large backlog of pending cases. Many of these reforms were later adopted by other circuit courts.

This naming is a fitting tribute to a dedicated public servant. I support the legislation and I encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2804, introduced by the gentlewoman from California (Ms. PELOSI), is a bill to designate the United States Courthouse located at 95 Seventh Street in San Francisco in honor of Judge James R. Browning.

Since President Kennedy appointed him to the Federal bench in 1961, Judge Browning has served the public for over 40 years. In 1976, Judge Browning became the Chief Judge for the Ninth Circuit, the largest court in the country, and he served in that capacity for 12 years. He is a prolific writer and worker, publishing over 1,000 appellate decisions and authoring many other per curiam opinions.

He is richly deserving of having this courthouse named after him, and I want to thank the gentlewoman from California (Ms. PELOSI) and the other Members of the delegation from California for introducing this bill.

Mr. Speaker, I include for the RECORD a letter in support of this legislation from William C. Canby, Jr., a United States Circuit Judge in Phoenix, Arizona.

U.S. COURTHOUSE,
Phoenix, AZ, September 6, 2001.

Re H.R. 2804: The James R. Browning United States Courthouse.

Hon. JAMES L. OBERSTAR,
U.S. House of Representatives, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE OBERSTAR: This letter is in support of H.R. 2804, a bill to designate the headquarters of our court, the United States Courthouse at 95 Seventh Street in San Francisco, as the "James R. Browning United States Courthouse."

Jim Browning has served our court magnificiently for the last forty years. For twenty-one of those years, I have been privileged to be one of his colleagues. Jim Browning was Chief Judge for my first several years on this court, and he exemplified, as he still does, exactly what a great judge should be. He is judicious, impartial, tolerant and, perhaps above all, so infused with good will toward his fellow men and women that he imparts a considerable degree of that quality to all who come in contact with him. Everyone across the entire spectrum of our courts respects Jim Browning. Our courthouse could not have a more fitting name!

I understand that some celebrations of Jim Browning's tenure will be coming up in the near future; it would be wonderful if H.R. 2804 were law by that time, so that the events could be combined with a dedication.

We would all be most grateful if you would support the prompt passage of H.R. 2804.

Respectfully,
WILLIAM C. CANBY, JR.,
U.S. Circuit Judge.

Mr. Speaker, I reserve the balance of my time.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank my colleague, the gentleman from New York (Mr. NADLER), for yielding me this time and for his lovely statement on behalf of Judge Browning. I also want to commend my colleague, the gentleman from Louisiana (Mr. COOKSEY), for his kind words as well.

Mr. Speaker, I wish that every Member of this House could meet Judge

Browning. They would then know why we feel so privileged to be naming this courthouse for him and the joy we feel in paying tribute to his excellent service to our country.

I rise in support of H.R. 2804, which designates, as has been mentioned, the U.S. Courthouse located at 95 Seventh Street in San Francisco as the James R. Browning United States Courthouse.

Judge Browning has been an outstanding jurist and a brilliant administrator for the Ninth Circuit Court for the past 40 years. By crafting creative solutions to a large case backlog and a slow appeals process, Judge Browning has improved our judicial system both in the Ninth Circuit, and everywhere his reforms have been emulated. I urge my colleagues to honor him today for his lifetime of service.

I would like to thank the chairman of the Committee on Transportation and Infrastructure, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from Minnesota (Mr. JIM OBERSTAR), for their efforts to bring this bill before the House. It would not have been possible without them. I am also pleased to note this bill is strongly supported by a bipartisan group of Members from throughout the Ninth Circuit's area of jurisdiction. The bill's cosponsors and other supporters are still returning from the West Coast and are unable to join us, as they would like to, on the floor today.

Again, Mr. Speaker, I want to thank the gentleman from Louisiana (Mr. COOKSEY) and the gentleman from New York (Mr. NADLER) for their very appropriate and generous remarks. And I also want to commend Judge Browning's former law clerks, led by Michael Rubin, who championed the idea of naming this historic courthouse after this extraordinary judge.

James Browning was born in Great Falls, Montana, and received his undergraduate and law degrees from the University of Montana. After graduation, he joined the Antitrust Division of the Department of Justice where he worked for 2 years before being inducted to the U.S. Army infantry as a private. Serving 3 years in the Pacific theatre in military intelligence, he attained the rank of first lieutenant and was awarded the Bronze Star.

After his military service, Judge Browning returned to the Justice Department, serving in several positions in the Antitrust Division before becoming Executive Assistant to the Attorney General. In 1953, he left government service for a successful career in private practice, during which he lectured at the law schools of New York University and Georgetown University.

His desire to be in public service was strong, however, and he left private practice after 5 years to become the Clerk of the U.S. Supreme Court. What a high honor. As has been mentioned, in 1961, President John F. Kennedy appointed James Browning as a Circuit Judge of the U.S. Court of Appeals for the Ninth Circuit, over 40 years ago.

The Ninth Circuit includes all of the Federal courts in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska, Hawaii, Guam and the Northern Mariana Islands. His exemplary tenure as a circuit judge was marked by his extensive involvement in the Judicial Conference of the United States. He examined issues of judicial conduct, court administration, and the organization of the Ninth Circuit.

I take this time, Mr. Speaker, because so many of our colleagues cannot be here and wanted to have so much of Judge Browning's record on the record.

Judge Browning became Chief Judge of the Ninth Circuit in 1976. At that time, the appeals court in particular faced a large backlog of cases, and substantial delays in deciding appeals were common. Judge Browning immediately undertook innovative steps to improve the functioning of the Ninth Circuit. He convinced Congress to add new judges to the court of appeals. He instituted new methods of case processing in order to manage the increased case loads. He established a bankruptcy appellate panel to hear bankruptcy appeals for the entire court. He revamped communication among the justices.

And his innovations worked. The restructuring he instituted paid rich dividends, including the elimination of the court's backlog and a reduction by half in the time needed to decide appeals. His reforms have been examined and repeated throughout the Nation.

Mr. Speaker, on behalf of, as I say, so many of my colleagues who are traveling now from the West and cannot be here, I am pleased to request of our colleagues that they vote "yes" in support of naming this building. It has been said that "Justice deferred is justice denied." I ask my colleagues today to honor a man whose innovations have helped ensure that "Justice comes in time."

James R. Browning has been an exceptionally able and dedicated public servant. He is a wonderful person. I urge my colleagues to honor him today by voting for H.R. 2804, to designate the Federal Courthouse at 7th and Mission Streets in San Francisco, by the way a building that was restored after the earthquake to a beautiful, beautiful state, and I invite all my colleagues to visit, hopefully, the James R. Browning United States Courthouse.

Mr. OBERSTAR. Mr. Speaker, H.R. 2804 is a bill to designate the courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse". I commend our colleague, Congresswoman PELOSI, for her diligence and hard work in bringing this bill through the Committee. I also thank Subcommittee Chairman LATOURETTE, Ranking Member COSTELLO, and Committee Chairman YOUNG for working with me to ensure that the bill received expeditious consideration.

Judge Browning is a tireless and effective advocate for the Ninth Circuit, where he served as a U.S. District Court Judge for nearly 40 years. In 1976, the year Judge Browning became the circuit's Chief Judge, there was no guarantee of a speedy disposition of litigation. Substantial delays were commonplace, and the volume of cases far exceeded the capacity of the courts. Judge Browning convinced Congress and advocacy groups that reducing the size of the Ninth Circuit was not the answer. He then undertook a series of administrative reforms to ensure the prompt, effective administration of justice, and other circuits subsequently adopted many of these ideas. This bill honors his dedication to public service and his innovative reshaping of the procedures in the largest and busiest circuit in the country.

Judge Browning introduced new methods of case processing and control. He established an executive committee to facilitate administative decisions, and the Bankruptcy Appellate Panel to hear bankruptcy appeals. He reduced the size of the Judicial Council and thus made decision-making more effective. He also decentralized the procurement and budgeting systems, and was instrumental in establishing the Western Justice Center Foundation, a non-profit organization dedicated to improving the legal system by encouraging collaborative work and research.

Judge Browning is a native of Montana, and a decorated veteran of World War II. Prior to joining the Federal Court in 1961, he worked at the U.S. Department of Justice and served as a law clerk at the Supreme Court. Judge Browning is known for his collegiality, courtesy, and support and mentoring of younger judges and court employees. He is a beloved member of the Ninth Circuit.

It is fitting and proper to honor Judge Browning's distinguished career with this designation. I urge all of my colleagues to join me in supporting H.R. 2804.

Mr. LANTOS. Mr. Speaker, I rise today in strong support of H.R. 2804, legislation to name the U.S. Court of Appeals Building at 7th and Mission Streets in San Francisco, the "James R. Browning U.S. Court of Appeals Building". I first want to commend my good friend and distinguished colleague, Congresswoman NANCY PELOSI, who is the sponsor of this legislation.

It is most appropriate that we name the 100-year-old San Francisco Federal Appeals Court building after Judge James R. Browning in recognition of his 40 years of distinguished service on the federal bench and his service for 12 years—from 1976 to 1988—as Chief Judge of the Ninth Circuit Court of Appeals.

Mr. Speaker, Judge Browning received his legal education at the University of Montana Law School, where he achieved the highest scholastic record in his class and served as editor-in-chief of the Law Review. After graduation in 1941 Judge Browning joined the Antitrust Division of the Department of Justice. Two years later, he answered his country's call and was inducted as a Private in the Army. He served in the Pacific Theater for three years, earning a Bronze Star. Upon his return to the United States, Judge Browning rejoined the Department of Justice, where he quickly rose to Chief of the Northwest Regional Office of the Antitrust Division, working out of the Seattle office. He was then called back to Washington, DC to become Assistant Chief of the General Litigation Section of the Antitrust Division.

In 1951 Judge Browning moved from the Antitrust Division to the Civil Division of the Department of Justice, and shortly afterwards became Executive Assistant to the Attorney General of the United States. While in this position, he organized and was then appointed Chief of the Executive Office of United States Attorneys. In 1953 Judge Browning left the Department of Justice for private practice as a partner at Perlman, Lyons & Browning, but continued to lecture on Antitrust Law at both the New York University Law School and the Georgetown University Law Center.

Mr. Speaker, after five years in private practice Judge Browning left private practice to become Clerk of the U.S. Supreme Court. In this position he held the Bible at the time John F. Kennedy took the oath of office from Chief Justice Warren when he was sworn in as President in 1961. He was the last Clerk of the U.S. Supreme Court to perform this task. Since 1961, the Bible in all cases has been held by the spouse of the President-elect.

It was President Kennedy who appointed Judge Browning to the Ninth Circuit Court of Appeals in 1961, where he has remained in service, for over 40 years, the longest serving Justice in the history of the Ninth Circuit. Today he is the sole remaining Kennedy appointee serving on any court in the United States.

Mr. Speaker, after serving on the court for 15 years, Judge Browning was elevated to Chief Judge of the Ninth Circuit, which position he held from 1976 to 1988. During his time as Chief Judge, Judge Browning was an influential member of the Judicial Conference of the United States and an active participant in resolving major problems facing the federal judiciary. He has an impressive record of achievement in the Ninth Circuit. Despite calls to reduce the size of the Court, Judge Browning implemented reforms to increase the efficiency of the Court by increasing the number of judges in the Circuit, reducing the enormous backlog of pending case work, and halving the time needed to decide appeals.

With a jurisdiction that includes all the federal courts in California, Oregon, Washington, Arizona, Montana, Idaho, Nevada, Alaska, Hawaii, Guam and the Northern Mariana Islands, Judge Browning utilized computers and information technology to increase the speed and efficiency of the courts. This included creating a computerized case screening and processing system which allowed geographically disparate judges to maintain docket contract and avoid intra-circuit conflicts. Judge Browning also created three geographic administrative subdivisions headed by senior active judges within each region to decentralize decision-making and increase productivity.

Mr. Speaker, Judge Browning emphasized the importance of collegiality and civility among judges on the Ninth Circuit, and encouraged the use of email, telephone conferences, symposia, conferences and other meetings to increase interpersonal contacts and mutual understanding among Ninth Circuit and District Court judges. With these steps, he succeeded in cutting in half the time needed to decide appeals and eliminating the case backlog at the same time that the circuit expanded in size.

In recognition of his extraordinary service to the federal judiciary Judge Browning was the recipient of the Edward J. Devitt Distinguished Service to Justice Award in 1991, and the American Judicature Society's Herbert Harley Award in 1984.

Mr. Speaker, I am delighted that this legislation will name the San Francisco Federal Appeals Court building after Judge James R. Browning in recognition of 40 years of distinguished service on the federal bench. The building, currently unnamed, is simply known as the Old Post Office Building. It is very fitting that this building in which we uphold justice as enshrined in our constitution, be named after a distinguished jurist who has dedicated his life to upholding our system of justice.

Mr. COOKSEY. Mr. Speaker, I reserve the balance of my time.

Mr. NADLER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COOKSEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 2804.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. COOKSEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. COOKSEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3986 and H.R. 2804, the measures just under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

URGING GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 339) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002, parliamentary elections, as amended.

The Clerk read as follows:

H. RES. 339

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy or experiences setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine's efforts to integrate into Western institutions;

Whereas in recent years, incidents of government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas $154,000,000 in technical assistance to Ukraine was provided under Public Law 107–115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), a $16,000,000 reduction in funding from the previous fiscal year due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists, such as the case of Heorhiy Gongadze;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the Presidential election of 1999, according to the final report of the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE on that election, failed to meet a significant number of OSCE election-related commitments;

Whereas according to the ODIHR report, during the 1999 Presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, and members of the media viewed as not in support of the President were subject to harassment by government authorities, while proincumbent campaigning by state administration and public officials was widespread and systematic;

Whereas the Law on Elections of People's Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, which was cited in a report of the ODIHR dated November 26, 2001, as making improvements in Ukraine's electoral code and providing safeguards to meet Ukraine's commitments on democratic elections, does not include a role for domestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of an election campaign in an imprecise manner which could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in the campaign period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated $4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by violations by many parties during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given by many political groups in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents:

Now, therefore, be it

Resolved, That the House of Representatives—

(1) acknowledges the strong relationship between the United States and Ukraine since Ukraine's independence more than 10 years ago, while understanding that Ukraine can only become a full partner in Western institutions when it fully embraces democratic principles;

(2) expresses its support for the efforts of the Ukrainian people to promote democracy, the rule of law, and respect for human rights in Ukraine;

(3) urges the Government of Ukraine to enforce impartially its newly adopted election law, including provisions calling for—

(A) the transparency of election procedures;

(B) access for international election observers;

(C) multiparty representation on election commissions;

(D) equal access to the media for all election participants;

(E) an appeals process for electoral commissions and within the court system; and

(F) administrative penalties for election violations;

(4) urges the Government of Ukraine to meet its commitments on democratic elections, as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE), with respect to the campaign period and election day, and to address issues identified by the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE in its final report on the 1999 Presidential election, such as state interference in the campaign and pressure on the media; and

(5) calls upon the Government of Ukraine to allow election monitors from the ODIHR, other participating states of OSCE, and private institutions and organizations, both foreign and domestic, access to all aspects of the parliamentary election process according to international practices, including—

(A) access to political events attended by the public during the campaign period;

(B) access to observe voting and counting procedures at polling stations and electoral commission meetings on election day, including procedures to release election results on a district-by-district basis as they become available; and

(C) access to observe postelection tabulation of results and processing of election challenges and complaints.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume, and at the outset, I would like to recognize some exemplary students from Hamilton High School West and Vicki Schoeb, their dedicated teacher, and thank them for being here to observe the workings of the Hill, especially the proceedings of the House. They are very much welcomed to this Chamber.

Mr. Speaker, today the House moves to the timely consideration of H. Res. 339, which urges the Government of the Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31 parliamentary elections. I would like to thank our majority leader, the gentleman from Texas, (Mr. ARMEY), for his commitment to schedule this timely and important resolution this week so that it happens before and so that, hopefully, it will have some impact on the proceedings.

I was pleased to be one of the original sponsors of this resolution which acknowledges the strong relationship between the United States and Ukraine, urges the Ukrainian Government to enforce impartially its new election law, and urges the Ukrainian Government to meet its OSCE committments on democratic elections. I strongly encourage my colleagues to support this measure.

Mr. Speaker, the Helsinki Commission, which I chair, has a long-standing record of support for human rights and democratic development in Ukraine. Commission staff will be observing the upcoming elections, as they have done for virtually every election in Ukraine since 1990. The stakes in the Ukrainian elections are high both in terms of the outcome and as an indication of the Ukrainian Government's commitment towards democratic development and integration into Europe.

Mr. Speaker, I think it is important to underscore the reason for this congressional interest in Ukraine. The clear and simple reason: An independent, democratic, and economically stable Ukraine is vital to the well being of all Ukrainians to the stability and security of Europe; and we want to encourage Ukraine in recognizing its own often-stated goal of integration into Europe.

Despite the positive changes that have occurred in the Ukraine since independence in 1991, including the economic growth over the last 2 years, Ukraine is still undergoing a difficult path towards transition. The pace of that transition has been distressing, slowed by insufficient progress in respect for the rule of law, especially by the presence of widespread corruption, which continues to exact a considerable toll on the Ukrainian people. They deserve better, Mr. Speaker, than what they have gotten.

Another source of frustration is the still-unresolved case of murdered investigative journalist, Heorhiy Gongadze. And let me say one thing about him, as well as his widow. Last year, at the OSCE parliamentary assembly which I led, to Paris, my colleagues will remember that we honored him posthumously for his great work and because he paid the ultimate price for his convictions—death.

The flawed investigations of this case and the case of another murdered Ukrainian journalist, Ihor Aleksandrov, call into question Ukraine's commitment to the rule of law. And I can assure you, Mr. Speaker, that going on into the next weeks and months the Helsinki Commission will continue its vigilance. We plan on holding hearings to look into this even further, hopefully keeping pressure on the Ukrainian Government simply to do the right thing.

There have also been a number of disturbing cases of violence and threats of violence. For example, 78-year-old Iryna Senyk, a former political prisoner and poetess, who was campaigning for the pro-reform party, our Ukraine bloc, was badly beaten by unknown assailants.

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Such unchecked violence has created an uncertain atmosphere.

Most of independent Ukraine's elections have met international democratic standards for elections. The 1999 presidential elections were more problematic, and the OSCE Election Mission Report on these elections asserted that they "failed to meet a significant number of the OSCE election-related commitments."

Mr. Speaker, it remains an open question as to whether the March 31 elections will be a step forward for Ukraine. With less than 2 weeks until election day, there are some discouraging indications, credible reports of various violations of the election law, including, one, campaigning by officials or use of state resources to support certain blocs or candidates; second, the denial of public facilities and services to candidates, blocs or parties; three, governmental pressure on certain parties, candidates and media outlets; and, four, a pro-government bias in the public media, especially the government's main television network, UT–1.

Mr. Speaker, these actions are inconsistent with Ukraine's freely undertaken OSCE commitments and undermine its reputation with respect to human rights and democracy. A democratic election process is a must in solidifying Ukraine's democratic credentials and the confidence of its citizens and in its stated desire to integrate with the West.

During his visit to Ukraine last week, the President of the OSCE Parliamentary Assembly, Adrian Severin, expressed concern over the mistrust in the election process among certain candidates as well as a general skepticism as to whether or not the elections would be truly free and fair, and encouraged Ukrainian officials to take quick measures to ensure that it is a free and fair election and that the outcome is credible.

Mr. Speaker, I ask that the summary of the most recent Long Term Observation Report on the Ukrainian elections prepared by the nonpartisan Committee of Voters of Ukraine, be submitted for the RECORD.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair must remind the Member that the rules do not permit references to or introductions of persons in the galleries.

Mr. HOEFFEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 339 and compliment the gentleman from New Jersey (Mr. SMITH) for his cosponsorship of this important resolution, for his passionate statement on the floor today, and for his work behind the scenes to get this resolution on the floor today. It was not easy to do. We were running short on time. This is the last week of our session before the Ukrainian parliamentary elections on March 31, and the gentleman from New Jersey (Mr. SMITH) worked with dispatch and effectiveness behind the scenes. I am sure that the freedom-loving people of Ukraine are glad that the gentleman did, as well.

Mr. Speaker, I also want to thank the gentleman from Illinois (Mr. HYDE) of the Committee on International Relations and subcommittee chair, the gentleman from California (Mr. GALLEGLY), for their commitment to move this bill forward. There were several bumps in the road, but cooperation carried the day. We kept the bill in a strong and effective form, and I compliment all on the majority side for bringing this resolution forward.

I certainly compliment the gentlewoman from New York (Ms. SLAUGHTER), co-chair with the gentleman from Colorado (Mr. SCHAFFER) of the Ukrainian Caucus in the House. The gentlewoman from New York (Ms. SLAUGHTER) is the prime sponsor of this important legislation.

We are all here today to promote this legislation, which urges the Government of the Ukraine to ensure a democratic, transparent, and fair parliamentary election on March 31. The resolution also urges the Government of Ukraine to implement basic tools in order to ensure free and fair elections, including a transparency of election procedures, access for international election observers, multiparty representation on election commissions, and equal access to the media for all election candidates.

Mr. Speaker, this is the third parliamentary election in the Ukraine since they gained their independence 10 years ago. It is the most critical. This is a big deal in the Ukraine. If they fail to continue to move forward with democratic reforms, if this is not a fair and free election, it will be a major setback to the cause of democracy in Ukraine.

It is very appropriate for this government, as friendly as we are with the people and the Government of Ukraine, to urge that the government in Ukraine do everything in its power to ensure the fairness and openness of this election process.

Ukraine has come a long way in the last 10 years. Its economy grew more than 6 percent last year. It has voluntarily given up the third largest nuclear arsenal in the world, and has consistently sought to eliminate its existing stockpile of strategic missiles. There are basic political reforms under way in the country, and we have friendly relations with the Ukraine and we want those relations to continue to be as friendly and supportive as possible.

But significant challenges remain. The gentleman from New Jersey (Mr. SMITH) and others have indicated the challenges that we have. There are restrictions on basic democratic freedoms in the country. The nuclear plants I mentioned are in desperate need of appropriate clean up. The media suffers from blatant government harassment and pressure, and government corruption runs rampant.

There have been a number of activities and accusations involving the government that are terribly disturbing. The gentleman from New Jersey (Mr. SMITH) has talked about the unsolved murder of the brave journalist Heorhiy Gongadze in September 2000, and the gentleman from New Jersey (Mr. SMITH) and I participated in the Parliamentary Assembly of the Organization for Security and Cooperation in Europe held last July in Paris in which the OSCE awarded a prize to the widow of Mr. Gongadze in honor of his great service and the sacrifice he made in support of freedom of the press.

I, as does the gentleman from New Jersey (Mr. SMITH), remember well the passionate speech that Mrs. Gongadze made in Paris a year ago. I am happy to tell the gentleman from New Jersey that Mrs. Gongadze visited my district this past weekend and spoke again with great passion at the Ukrainian Educational and Cultural Center of Greater Philadelphia on a panel called to discuss the importance of the Ukrainian elections identified as "Ukraine at a Crossroads"; and her passion for democratic reforms remains unabated, as is her desire, as is ours, to determine and hold accountable those that murdered her husband.

The OSCE, through their Office of Democratic Institutions and Human Rights, has issued a final report on Ukraine's most recent national election, the presidential election of 1999, and indicates that that election was marred by violations of Ukrainian election law and failed to meet a number of OSCE election commitments. There was state interference with the campaign and government pressure on the media.

This month's election has been reviewed ahead of time. There is a group called the Committee of Voters of Ukraine, the leading Ukrainian watchdog group on elections; and they have reported numerous violations in the run-up to the 2002 parliamentary election. So the challenge is still present. This is a very important watershed election in Ukraine. They have got to get this right. They cannot slip back and repeat the mistakes of the 1999 presidential election. They must continue to move forward; and it is very appropriate for this Congress, this House, to urge the Government of Ukraine to run as fair and open an election as possible.

Mr. Speaker, Ukraine strives to realize a more robust democracy, and it needs our encouragement and support. It has both, and I urge all of my colleagues to support this legislation.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 338, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Pennsylvania (Mr. HOEFFEL) for his comments. The gentleman's statement was right on point.

I think it is important to underscore the good work that the Committee of Voters of Ukraine are actually doing. Between February 23 and March 10, 225 long-term observers visited 622 cities and 712 political party branches. They attended 578 events conducted by political groups. They are making a Herculean effort to ensure that the upcoming elections are free and fair and impartial. They deserve our highest support and praise and congratulations for being so committed to fair and free elections in Ukraine. The Committee is comprised of true patriots of Ukraine. They are brave and resourceful and they deserve the full support of every Member of this body.

Mr. Speaker, I include for the RECORD the summary of the Long Term Observation Report of the Committee of Voters of Ukraine.

SUMMARY

In October 2001, the Committee of Voters of Ukraine (CVU) began its long-term observation of the 2002 parliamentary election process. CVU is a non-partisan citizens' election monitoring organization with 160 branches throughout the Ukraine. CVU will report regularly until the March 31, 2002 elections.

Between February 23 and March 10, 225 long-term observers visited 622 cities and 712 political party branches, and attended 578 events conducted by political groups. CVU observed the same kinds of violations as in the previous three-week period. Some types of violations decreased in number, while others increased.

Each time a problem was reported to an observer, the head of the regional CVU organization called the individual making the report to verify it and obtain details. In many cases, witnesses are reluctant to talk about violations, fearing retribution from their employers or others.

CVU has noticed a few positive developments since its last report. In the past three weeks, voter education programs in the mass media have become more robust. Likewise, election commissioners are receiving practical training from non-governmental organizations. Some television stations have also been showing debates between various political leaders.

Nonetheless, the pre-election period continues to be marked by substantial violations of Ukrainian law. The main types of offenses recorded by CVU during the last week of February and first two weeks of March were:

Campaigning by state officials or use of state resources to support favored political candidates and groups. The block "Za Edu" (For a United Ukraine) was the principal, but not exclusive beneficiary of this support.

Government pressure on certain political parties, candidates, and media outlets.

Interference in election campaigns through violence, threats of violence or destruction of campaign materials.

Illegal campaign practices by candidates offering free goods and services to voters and distributing unregistered campaign materials.

Executive branch interference in the election process has decreased somewhat since the previous three week period, although it remains a key feature of the electoral environment. As before, the principal beneficiary of this assistance is the bloc "Za Edu" and its candidates in single mandate constituencies. Much of this interference takes place openly; in many cases, government officials involve themselves in the electoral process in an apparent attempt to win favor with their superiors. Although CVU has witnessed fewer instances of this kind of violation, this does not necessarily suggest that executive branch officials are behaving more impartially. In many cases, they have simply shifted their attention away from the parliamentary elections to oblast (state) and local races, which are not covered in this report.

Conversely, legal provisions requiring free and transparent campaigning are being ignored with increasing frequency. Criminal interference in campaigns has gone up; in turn, parties and single-mandate candidates are breaking the election law more often.

Some candidates, parties, and citizens whose rights have been infringed are beginning to lodge formal complaints with election commissions and the courts. Some commissions have responded by warning parties and candidates accused of campaign violations to respect the law. No state officials has been punished for abuse of office, however. While CVU has uncovered no evidence that state interference in the election has been ordered by senior government authorities, neither have these authorities punished any accused lawbreakers or acted preemptively to ensure neutrality on the part of their subordinates.

ELECTION COMMISSIONS

The country's central and constituency election commissions appear to functioning relatively well. Most are following proper procedure and trying to respond to appeals in a timely manner. Where problems with district commissions do exist, they are more likely to be found in eastern and southern regions of Ukraine.

The formation of polling-place election commissions (PECs) has not gone smoothly, however. Instead, this process has been marked by confusion and numerous violations of proper procedure. Detailed information on the make-up of the country's roughly 33,000 PECs was supposed to be released by February 27 Article 21.13 of the election law, but this requirement was not observed in most areas. Hence, an analysis of the make-up of the commissions is not possible at this time.

CVU is concerned that the provisions of Ukraine's election law that provide for multi-partisan representation on election commissions have not been respected in spirit. In many areas, local executive bodies have taken advantage of the weaknesses of political parties to appoint election commissioners who nominally represent a party but who are, in practice, loyal to the local administration alone. CVU has witnessed numerous cases where election commissioners are unaware even of identity of the party they are supposed to represent. Clearly, a good deal of the blame for this problem also lies with the parties, which have been incapable of recruiting trusted members to serve as commissioners in many parts of the country.

Mr. HOEFFEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his comments and simply add that we take elections for granted in this country. We know how important they are, but we assume that they will be fair and open and transparent. We need to do everything in our power to encourage the same in the emerging democracies in Europe. Those countries, such as Ukraine, emerging from the tyranny of the Soviet bloc, for 10 years a new independence and freedom has been observed in Ukraine; but this election is of critical importance. They have got to get it right. We have to help them get it right, and this legislation is dedicated to that proposition.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, I thank the distinguished gentleman from Pennsylvania (Mr. HOEFFEL) for championing this very important resolution to put our Nation and the Congress on record in highest hopes that the elections this year in the Ukraine will ensure a democratic, transparent, and fair election process leading up to March 31. Their parliamentary elections will be held on that date. Of course the chairman of the full committee, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Pennsylvania (Mr. HOEFFEL) have traveled together to that part of the world and have made such a difference in carrying the banner of freedom's institutions into regions of our world where heretofore people had not been able to exercise their full democratic rights.

Having just returned from the Ukraine myself and having had the really historic opportunity to meet with nearly 300 of their younger citizens, and people representing nongovernmental organizations that are monitoring the elections and trying to produce information so people know what they are voting about, we can see a change, a glacial change occurring there for the better. But without question, people of that nation must feel free and unintimidated as they go to the polls, and they must understand what the various candidates' platforms are; and it is safe to say that that kind of transparency and information has not been easily available.

Sometimes it is hard here, but there the systems are just not robust. It is not easy to understand how a party slate or individuals on it might actually support a certain program, and it is hard to distinguish among the major blocs and the people in those blocs. I would add an encouraging word for passage of this resolution and a great hope that the Government of Ukraine will ensure that the election process is open. Let flourish those who are attempting to help people understand the issues and understand what those who are running actually will champion in their own programs once elected to RADA or local office. This kind of information should be more broadly available. The Internet should be allowed to function so people will share information across regions and become more informed about what their vote actually means.

The task before the Ukrainian people of building a more open and free society is enormous. That is true in Russia also and many of the former republics of the Soviet Union.

□ 1700

I know that I detected, especially among the young, such a great hope, such a feeling that they had the future of the country in their hands. They are looking for us to pass this resolution to give a signal that our country stands and walks alongside those who are trying to build more open and free societies. In fact many young people who are 21 years of age are running for office in some of the towns, or are trying to run for parliament, to try to change the laws in order to make property traded freely with a mortgage system. They are fighting for laws so loans can be made by a regular bank and have a free credit system established. They want an educational system that is available to all so students are able to learn critical thinking methods. All of these challenges lie ahead of those young leaders.

And so to the young people in our country, I encourage them to pay attention to Ukraine, the most important nation in Central Europe. As it goes, so will the nations around it. I rise in very strong support of House Resolution 339 and want to thank so very much the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. HOEFFEL) for bringing this to the attention of the entire world, indeed. We respectfully say to the people of Ukraine, vote, vote wisely, monitor the elections, help to move your country forward, as I know the hearts of your people tell you they want.

I express my fullest support for this resolution.

Mr. HOEFFEL. Mr. Speaker, I thank the gentlewoman, a real leader on Ukrainian issues in the House. I compliment her on her remarks.

Mr. PAUL. Mr. Speaker, I strongly oppose H. Res. 339, a bill by the United States Congress which seeks to tell a sovereign nation how to hold its own elections. It seems the height of arrogance for us to sit here and lecture the people and government of Ukraine on what they should do and should not do in their own election process. One would have thought after our own election debacle in November 2000, that we would have learned how counterproductive and hypocritical it is to lecture other democratic countries on their electoral processes. How would members of this committee—or any American—react if countries like Ukraine demanded that our elections here in the United States conform to their criteria? So I think we can guess how Ukrainians feel about this piece of legislation.

Mr. Speaker, Ukraine has been the recipient of hundreds of millions of dollars in foreign aid from the United States. In fiscal year 2002 alone, Ukraine was provided $154 million. Yet after all this money—which we were told was to promote democracy—and more then ten years after the end of the Soviet Union, we are told in this legislation that Ukraine has made little if any progress in establishing a democratic political system.

Far from getting more involved in Ukraine's electoral process, which is where this legislation leads us, the United States is already much too involved in the Ukrainian elections. The U.S. government has sent some $4.7 million dollars to Ukraine for monitoring and assistance programs, including to train their electoral commission members and domestic monitoring organizations. There have been numerous reports of U.S.-funded non-governmental organizations in Ukraine being involved in pushing one or another political party. This makes it look like the United States is taking sides in the Ukrainian elections.

The legislation calls for the full access of Organization for Security and Cooperation in Europe (OSCE) monitors to all aspects of the parliamentary elections, but that organization has time and time again, from Slovakia to Russia and elsewhere, shown itself to be unreliable and politically biased. Yet the United States continues to fund and participate in OSCE activities. As British writer John Laughland observed this week in the Guardian newspaper, "Western election monitoring has become the political equivalent of an Arthur Andersen audit. This supposedly technical process is now so corrupted by political bias that it would be better to abandon it. Only then will countries be able to elect their leaders freely." Mr. Speaker, I think this is advice we would be wise to heed.

Other aspects of this bill are likewise troubling. This bill seeks, from thousands of miles away and without any of the facts, to demand that the Ukrainian government solve crimes within Ukraine that have absolutely nothing to do with the United States. No one knows what happened to journalist Heorhiy Gongadze or any of the alleged murdered Ukrainian journalists, yet by adding it into this ill-advised piece of legislation we are sitting here suggesting that the government has something to do with the alleged murders. This meddling into the Ukrainian judicial system is inappropriate and counter-productive.

Mr. Speaker, we are legislators in the United States Congress. We are not in Ukraine. We have no right to interfere in the internal affairs of that country and no business telling them how to conduct their elections. A far better policy toward Ukraine would be to eliminate any U.S.-government imposed barrier to free trade between Americans and Ukrainians.

Mr. GALLEGLY. Mr. Speaker, since regaining its independence in 1991, Ukraine's democracy has made significant progress but has not been without its difficult periods. Nowhere has the integrity of the country's political system been more challenged than in its electoral process.

On March 31, Ukraine will hold its third election for parliament. This election will be a critical test of the strength of Ukraine's evolving democracy and its new election laws.

Given the importance of a strong and stable Ukraine in the region, the importance of our relations with Ukraine and our keen interest in Ukraine's continued emergence as a responsible, democratic member of the international community, we are naturally interested in the electoral process as well as progress the country has made in the areas of human rights, rule of law, freedom of expression and the strength of its democratic institutions.

In this context, the United States Congress, through H. Res. 339, expresses its interest in, and concerns for, a genuinely free and fair parliamentary election process which enables all the various political parties and election blocs to compete on a level playing field; allows the voters to acquire objective information about the political candidates; and expects all parties to the election to observe their own laws.

Historically, since 1991, elections in Ukraine have been marred by problems such as intimidation of journalists and opposition candidates; denial of access to the media; unbalanced news coverage; abuse of power and political position by government officials; and the illegal use of public funds. Today, we have received reports from Ukraine that the current election period has been beset by similar allegations of individuals or groups illegally trying to influence the outcome of the elections.

This is not to say that the overall electoral process is seriously flawed. The Ukraine parliament has passed a positive new election law. What H. Res. 339 does say, however, is that the reported abuses of the election law have to be stopped, that the government has the responsibility to enforce its election law fairly, and that every effort must be taken to ensure that a free, fair and transparent election take place on March 31.

This resolution we are considering today does represent a genuine concern that the reported activities of some could cast a negative cloud over these elections and the entire democratic process in Ukraine.

The authors of this Resolution are to be congratulated for bringing these problems to our attention, and we hope the resolution is seen in a positive and constructive way inside Ukraine.

By addressing these concerns, Ukraine can only be better off and its democracy made stronger

I urge passage of this resolution and reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am proud to be joined by my colleagues, Representatives JOSEPH HOEFFEL and CHRISTOPHER SMITH, in offering this important resolution. H. Res. 339 urges the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to its March 31 parliamentary elections.

Just over 10 years after gaining its independence from the Soviet bloc, Ukraine stands at a crossroads. On Sunday, March 31, Ukraine will hold its third parliamentary elections since becoming independent. It is widely believed that the outcome of the parliamentary elections will determine whether Ukraine continues to pursue democratic reforms, or experiences further political turmoil.

As a founding member and Co-chair of the Congressional Ukrainian Caucus, I have watched the growth of this new nation with keen interest. Their path to democratization has not been easy. More troubling, however, has been a series of scandals involving government corruption over the past 2 years. In April 2001, I was troubled to learn about the Ukrainian Parliament's vote to remove reform-minded Prime Minister Viktor Yushchenko. This change in government came in the midst of the ongoing political turmoil resulting from allegations over the involvement of President Leonid Kuchma in the case of murdered journalist Heorhiy Gongadze. Meanwhile, reports of government corruption and harassment of the media have raised concerns about the Ukrainian government's commitment to democratic principles. I have spoken out for a more democratic Ukraine and expressed my continued concern about the lack of progress in the Gongadze case and recent political instability.

According to the Organization for Security and Cooperation in Europe Office of Democratic Institutions and Human Rights' final report on Ukraine's most recent national election, the presidential election of 1999 was marred by violations of Ukrainian election law and failed to meet a significant number of OSCE election commitments. There is now concern that the 2002 parliamentary elections will be compromised by similar violations. Recent reports on the 2002 parliamentary elections released by the Committee on Voters of Ukraine (CVU), a leading Ukrainian watchdog group on elections, have cited numerous violations in the campaign process.

The intent of this resolution is to make the Government of Ukraine aware that the U.S. Congress is monitoring the conduct of the parliamentary election process closely, and will not just be focusing on Election Day results. My resolution urges the Government of Ukraine to enforce impartially the new election law signed by President Kuchma in October. The resolution also urges the Government of Ukraine to meet its commitments on democratic elections and address issues identified by the OSCE in its final report on the 1999 elections, such as state interference in the campaign and pressure on the media. Finally, the resolution calls upon the Government of Ukraine to allow both domestic and international election monitors access to the parliamentary election process.

It is my hope that this resolution will send a clear message to the Government of Ukraine that the U.S. Congress will not simply rubber stamp funding requests for Ukraine without also considering the serious issues involved in Ukraine's democratic development. In particular, the conduct of the 2002 parliamentary elections will have a major impact on funding considerations when Members of Congress are again confronted with the task of blancing their support for the U.S.-Ukrainian relationship with Ukraine's progress in making democratic reforms.

I urge my colleagues to vote for H. Res. 339, and I encourage the Government of Ukraine to conduct a democratic, transparent, and fair parliamentary election process on March 31.

Mr. HOEFFEL. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H.Res. 339, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO ANGOLA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–190)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report prepared by my Administration on the national emergency with respect to the National Union for the Total Independence of Angola (UNITA) that was declared in Executive Order 12865 of September 26, 1993.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 19, 2002.*

2002 TRADE POLICY AGENDA AND 2001 ANNUAL REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–191)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

As required by section 163 of the Trade Act of 1974, as amended (19 U.S.C. 2213), I transmit herewith the 2002 Trade Policy Agenda and 2001 Annual Report on the Trade Agreements Program, as prepared by my Administration as of March 1, 2002.

GEORGE W. BUSH.
THE WHITE HOUSE, *March 19, 2002.*

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 3 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on approval of the Journal and on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

The Journal, de novo;

H. Res. 368, by the yeas and nays;

H.R. 2509, by the yeas and nays; and

H.R. 2804, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

The vote on H. Res. 339 will be postponed until tomorrow.

THE JOURNAL

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 363, nays 44, answered "present" 1, not voting 26, as follows:

[Roll No. 65]

YEAS—363

Abercrombie
Ackerman
Akin
Andrews
Baca
Bachus

Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wynn
Young (AK)

NAYS—44

Aderholt
Allen
Baird
Borski
Capuano
Costello
Crane
DeFazio
English
Filner
Fossella
Gutknecht
Hall (OH)
Hastings (FL)
Hefley
Hilliard
Hinchey
Holt
Hulshof
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Moore
Paul
Peterson (MN)
Ramstad
Sabo
Schaffer
Stark
Strickland
Stupak
Taylor (MS)
Thompson (MS)
Udall (NM)
Visclosky
Waters
Weller
Wu

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—26

Armey
Barcia
Berkley
Biggert
Blagojevich
Blunt
Brady (PA)
Condit
Davis (IL)
Dingell
Fattah
Gutierrez
Lewis (CA)
Lipinski
Lucas (KY)
Lucas (OK)
Riley
Rush
Schakowsky
Shays
Shows
Souder
Sweeney
Traficant
Watts (OK)
Young (FL)

□ 1854

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOLEY). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

COMMENDING PENTAGON RENOVATION PROGRAM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 368.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SAXTON) that the House suspend the rules and agree to the resolution, H. Res. 368, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 66]

YEAS—413

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald

Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel

Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland

Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—21

Armey
Barcia
Biggert
Blagojevich
Brady (PA)
Condit
Davis (IL)

Dingell
Gutierrez
Herger
Lewis (CA)
Lipinski
Lucas (OK)
Riley

Rush
Schakowsky
Shays
Shows
Sweeney
Traficant
Young (FL)

□ 1905

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BUREAU OF ENGRAVING AND PRINTING SECURITY PRINTING AMENDMENTS ACT OF 2002

The SPEAKER pro tempore (Mr. FOLEY). The pending business is the question of suspending the rules and passing the bill, H.R. 2509, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nebraska (Mr. BEREUTER) that the House suspend the rules and pass the bill, H.R. 2509, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 11, not voting 20, as follows:

[Roll No. 67]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt

DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel

Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha

Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer

Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan

Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—11

Flake
Goode
Goodlatte
Kingston

Manzullo
Miller, Jeff
Ose
Paul

Rohrabacher
Schaffer
Tancredo

NOT VOTING—20

Armey
Baird
Barcia
Biggert
Blagojevich
Brady (PA)
Condit

Davis (IL)
Dingell
Gutierrez
Lewis (CA)
Lipinski
Riley
Rush

Schakowsky
Shays
Shows
Sweeney
Traficant
Young (FL)

□ 1915

Mr. KINGSTON and Mr. MANZULLO changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "To authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.".

A motion to reconsider was laid on the table.

JAMES R. BROWNING UNITED STATES COURTHOUSE

The SPEAKER pro tempore (Mr. SIMPSON). The pending business is the question of suspending the rules and passing the bill, H.R. 2804.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Louisiana (Mr. COOKSEY) that the House suspend the rules and pass the bill, H.R. 2801, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 1, not voting 30, as follows:

[Roll No. 68]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clement
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—1

Miller, Gary

NOT VOTING—30

Armey
Baird
Barcia
Biggert
Blagojevich
Bonilla
Brady (PA)
Clayton
Condit
Cummings
Davis (FL)
Davis (IL)
Dingell
Gutierrez
Lewis (CA)
Linder
Lipinski
Pascrell
Riley
Roukema
Rush
Schakowsky
Shays
Shows
Smith (TX)
Solis
Sweeney
Traficant
Velázquez
Young (FL)

□ 1926

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 371) expressing the sense of the House of Representatives regarding Women's History Month.

The Clerk read as follows:

H. RES. 371

Whereas Women's History Month provides our country the privilege of honoring the countless contributions that American women have made throughout our history;

Whereas these contributions have enriched our culture, strengthened our Nation, and furthered the Founders' vision for a free and just Republic that provides opportunity and safety at home and is an influence for peace around the world;

Whereas since its beginnings, our land has been blessed by noteworthy women who played defining roles in shaping our Nation. Sakajawea was a Native American woman who befriended the explorers, Meriwether Lewis and William Clark, 150 years ago as they crossed the great Northwest. She helped Lewis and Clark's expedition complete the first successful overland transcontinental journey. Lucretia Mott courageously wrote and spoke against slavery and the lack of equal rights for women, helping America recognize the inherent wrong in the institutional subjugation of others and the need to strive for equality, freedom, and justice for all. Elizabeth Blackwell was the first woman in America awarded a medical degree, and she dedicated her pioneering efforts as a physician to helping others;

Whereas Helen Keller overcame debilitating physical disabilities, showing us the power of a determined human spirit. Clara Barton developed a vision for helping others through her service to the wounded during the Civil War. She realized that vision by founding the American Red Cross after the war, an organization that has since become renowned for its effectiveness in helping those who suffer or are in need;

Whereas recently, the Red Cross reached out to aid Afghan women traumatized by the repressive rule of the intolerant Taliban regime, which for years had mercilessly oppressed Afghanistan and Afghan women in particular;

Whereas today, thousands of United States women are furthering the cause of freedom through service in government, the military, and other organizations, as we seek to defeat terrorism and bring justice to those responsible for the September 11 attacks;

Whereas the history of American women is an expansive story of outstanding individuals who sacrificed much and worked hard in pursuit of a better world, where peace, dignity, and opportunity can reign;

Whereas the spirit of loving determination that shaped these pursuits continues to serve as an example to those who seek to better our Nation;

Whereas American women of strength, vision, and character have long influenced our country by contributing their time, efforts, and wisdom in vastly diverse ways to improve and enhance our government and communities, our schools and religious institutions, our businesses and the military, and the arts and sciences; and

Whereas women also have fundamentally shaped our civilization in the care and nurturing of families.

Whereas today, women in the United States are furthering the Founders' vision by working to advance freedom, increase equality, and administer justice in every corner of our land, through their everyday work in schoolrooms, boardrooms, courtrooms, homes, and communities: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the many contributions American women have made to help make our Nation free, strong, and a force for peace and justice around the world,

(2) encourages every American to learn more about these important contributions and to celebrate their noble legacies as we work to build a brighter future for our Nation and for all of the world's people, and

(3) calls upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentlewoman from Maryland (Mrs. MORELLA).

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 371.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 371, introduced by our distinguished colleague, the gentlewoman from West Virginia (Mrs. CAPITO), acknowledges the importance of Women's History Month. I commend her for bringing this resolution to the floor.

Women's History Month, the month of March, recognizes the many contributions American women have made to make our Nation free, strong, and a force for peace and justice around the world.

Women's History Month also encourages every American to learn more about these important contributions, and to celebrate the noble legacies of women as we work to build a brighter future for our Nation and for all the world's people.

Furthermore, Women's History Month calls upon all the people of the United States to observe this month with appropriate programs, ceremonies, and activities. Women's History Month provides our country the privilege of honoring the countless contributions that American women have made throughout our history. Women have enriched our culture and strengthened our Nation. Women have furthered the Founders' vision for a free and just republic that provides opportunity and safety at home and is promoting peace around the globe.

Mr. Speaker, there are countless examples of women who have contributed to our society. It would take us all evening to go through that litany.

To give just a flavor or a touch of some important examples set by women, we need look no further than Helen Keller, who overcame debilitating physical illness; Elizabeth Blackwell, the first woman in America awarded a medical degree; Clara Barton, who developed a vision for helping others through her service to the wounded during the Civil War. She later founded the American Red Cross, an organization that has since become renowned for its effectiveness in helping those in suffering or in need.

There was Sacajawea, a Native American woman who guided the famous Lewis and Clark expedition.

Indeed, Mr. Speaker, thousands of women across our Nation are furthering the cause of freedom and opportunity. They serve in government, the military, and other organizations. They serve in Congress.

Women are playing an important role as we seek to defeat terrorism and bring justice to those responsible for the September 11 attacks. The best example is President Bush's distinguished national security adviser, Condoleezza Rice.

Women of strength, vision, and character have long influenced our country with their time, efforts, and wisdom in vastly diverse ways to improve and enhance worthwhile causes in their individual communities.

Mr. Speaker, I urge my colleagues to support this important resolution.

Mr. Speaker, I ask unanimous consent that the distinguished gentlewoman from West Virginia (Mrs. CAPITO) be permitted to control the remainder of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am delighted to join with my colleagues in expressing our very enthusiastic support of this resolution, which seeks to recognize Women's History Month.

One would think that we would not need to have a special resolution or a special designation of a month in order to raise the consciousness and appreciation of the people all across the country on the many contributions that women have made in all fields of human endeavor, whether it be sciences or in exploration or in politics or in all manner of social services.

□ 1930

But the fact remains that we do have this month, and it is very important that the Congress pay special note of this month and its designation in order to call upon all institutions, all entities, all organizations and people, schools in particular, that this month has special significance for the women all across this country.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. MILLENDER-McDONALD), the cochair of the Women's Caucus in support of this resolution.

Ms. MILLENDER-McDONALD. Mr. Speaker, I would like to thank my dear friend and colleague, and a woman who has established herself as a leader in this country. I would really like to speak about my very own Congresswoman, the gentlewoman from Hawaii (Mrs. MINK), the first Asian American ever to be elected to this body, and what a leader she has become and she is.

The gentlewoman from Hawaii (Mrs. MINK) was instrumental in passing Title 9 in this Chamber to enable our young girls to see opportunities that they had not seen before in the fields of sports and other areas of education. We have such a leader as the gentlewoman from Hawaii (Mrs. MINK) with us today, who is helping to groom the younger Members who are coming in and helping them to learn the process of this august body.

As we recognize Women's History Month, it is the leaders such as the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from Maryland (Mrs. MORELLA) and others who have distinguished themselves in this body.

Mr. Speaker, I last evening spoke to a group of women veterans in celebration of this particular week dedicated to women veterans. We find that women have increased in our armed services from about 7 percent to 14 percent. They are now not only just the nurses in our armed forces, but they serve now and are really flying fighter planes in Afghanistan and other parts of the world, as we know, and see hot spots throughout the world. Certainly women have positioned themselves on the front lines of these very hot spots.

Women have positioned themselves in high tech, in viewing tomorrow's era, in viewing tomorrow's world, where young women will become scientists and biologists. And so today I am happy to recognize Women's History Month and to advance the leadership of women throughout the globe and to even put a spotlight on the women of this House, those who have been leaders for all of us.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I stand here in support of Women's History Month and Resolution 371. Before 1970, women's history was rarely the subject of serious study. Since then, however, this field has undergone a metamorphosis. Today, almost every college offers women's history courses and most major graduate programs offer doctoral degrees in the field.

It is no secret that the representation of women and men in government is not equal, but it is also worth noting that this Congress has the most females ever serving in the history of the United States. The strides women have made into public service, holding leadership positions on all levels of government, is something we should recognize and celebrate.

I would like to take a moment and recognize some remarkable women from West Virginia: Phyllis Curtain, a remarkable opera star; Pearl S. Buck, a fantastic author; Mattie Lee, a woman who created a home for women, where they could live and work early in the 1920s and 1930s in our country; Karen LaRoe, President of the West Virginia University Institute of Technology; Bertie Cohen, a community volunteer; and Henrietta Marquis, a physician in Charleston, West Virginia, who recently passed away, who practiced into her 90s. These women, all West Virginians, all different, were pioneers of their time.

We know that democracy needs all genders, races, religions and ethnicities to participate in order to provide proper representation. As a mother and a wife, I think I bring a different perspective to the debate over issues than a husband or father would. Neither one is more right than the other, just different. The plurality of these different people working together as one government can better serve West Virginia and the rest of America.

I stand here today to celebrate all of the bold actions and wonderful achievements of the women who have gone before me. I ask my colleagues to stand up as we celebrate Women's History Month and work to broaden our perceptions to include all of those who normally could be excluded, especially in giving our sisters and daughters an opportunity to serve their communities, their States and their country.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as we ask this House to recognize Women's History Month, I think it is important to know how this whole project began.

In 1970 women's history was a very fledgling idea. It was started by the Education Task Force of Sonoma County, California. A Commission on the Status of Women was initiated and they put together a Women's History Week for that county. Our colleague, the gentlewoman from California (Ms. WOOLSEY), told me early on of her participation in establishing and recognizing this week. There were many projects that people participated in.

Finally, in 1979, the director of the Sonoma County Commission established a Women's History Institute, and from there it grew and grew until March of 1980 when President Jimmy Carter issued a Presidential message to the American people encouraging the recognition and celebration of women's history all throughout America. And so, from that point of March 1980, the recognition of women's history week at that time was part of the national agenda.

The Senators on the other side cosponsored a joint resolution and on March 8, 1981, the first national Women's History Week was established. This has provided for the establishment of many clearinghouses. All across the country, schools have also adopted it as a project, and women within local communities have been recognized for the outstanding work that they have performed not only for their community but for the State.

In 1987, at the request of national women's organizations, museums, libraries and other leaders in this country, the national Women's History Project was formed, and Congress was petitioned to expand the national celebration to an entire month. So, since 1987, this has been a great event for women to celebrate.

So I am very pleased on behalf of our colleagues to join in this request to have the House unanimously endorse the designation of March as National Women's History Month for the year 2002.

Mr. Speaker, I yield back the balance of my time.

Mrs. CAPITO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank my colleague from Hawaii (Mrs. MINK) for her wonderful statement and also for the pioneering ways that you did that allowed me to come and be elected this very first time to my first term in Congress. I thank the gentlewoman for her contributions, and I thank her in joining me in celebrating March as Women's History Month.

I urge all of the Members to support this resolution and to reflect upon our democracy. This special month creates an opportunity for all of us to remember the women who have played a critical role in the life of our great country.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 371.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mrs. CAPITO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed until tomorrow.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BILIRAKIS) is recognized for 5 minutes.

Mr. BILIRAKIS. Mr. Speaker, today I proudly rise to celebrate Greek Independence Day and the strong ties that bind the nations of Greece and the United States.

One hundred eighty-one years ago the people of Greece began a journey that would mark the symbolic rebirth of democracy in the land where those principles of human dignity were first espoused. They rebelled against more than 400 years of Turkish oppression.

The revolution of 1821 brought independence to Greece and emboldened those who still sought freedom across the world. I commemorate Greek Independence Day, Mr. Speaker, each year for the same reasons we celebrate our Fourth of July. It proved that a united people, as is taking place today, a united people, through sheer will and perseverance can prevail against tyranny.

The lessons the Greeks and our colonial forefathers taught us provide strength to victims of persecution throughout the world today. Men such as Aristotle, Socrates, Plato, and Euripides developed a then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said, "We make war that we may live in peace."

On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit in the struggle against oppression.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth president, expressed his belief in freedom for Greece saying, "We must send our free-will offering. The Star Spangled Banner must wave in the Aegean . . . a messenger of fraternity and friendship to Greece."

It should not surprise us that the Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, "To the ancient Greeks we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness."

□ 1945

Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty and committed to the ideal that each citizen deserves the right of self-determination.

We must always remember that the freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past, in Greece, in America, and all over the world.

Clearly apparent in the aftermath of the September 11 attacks, freedom comes with a price. Thousands have sacrificed their lives to protect that freedom. Today, American military personnel are tracking terrorism at its many sources. It is another reminder that freedom must be constantly guarded. In the words of President Bush in his recent State of the Union address: "It is both our responsibility and our privilege to fight freedom's fight."

Madam Speaker, on this 181st birthday of Greek independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirms our common democratic heritage. This occasion also serves to remind us that we must never, never take for granted the right to determine our own fate.

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Men such as Aristotle, Socrates, Plato, and Euripides developed the then-unique notion that men could, if left to their own devices, lead themselves rather than be subject to the will of a sovereign. It was Aristotle who said: "We make war that we may live in peace." On March 25, 1821, Archbishop Germanos of Patras embodied the spirit of those words when he raised the flag of freedom and was the first to declare Greece free.

Revolutions embody a sense of heroism, bringing forth the greatness of the human spirit. It was Thomas Jefferson who said that, "One man with courage is a majority." Quoting Jefferson on the anniversary of Greek independence is particularly appropriate. Jefferson, and the rest of the Founding Fathers, looked back to the teachings of ancient Greek philosophers for inspiration as they sought to craft a strong democratic state. And in 1821, the Greeks looked to our Founding Fathers for inspiration when they began their journey toward freedom.

The history of Greek Independence like that of the American Revolution, is filled with many stories of courage and heroism. There are many parallels between the American and Greek Revolutions.

Encouraged by the American Revolution, the Greeks began their rebellion after four centuries of Turkish oppression, facing what appeared to be insurmountable odds. Both nations faced the prospect of having to defeat an empire to obtain liberty. And if Samuel Adams, the American revolutionary leader who lighted the first spark of rebellion by leading the Boston Tea Party, had a Greek counterpart, that man would be Alexander Ypsilantis.

Ypsilantis was born in Istanbul, and his family was later exiled to Russia. Ypsilantis served in the Russian army, and it was there, during his military service, that he became involved with a secret society called the "Philike Hetairia," which translated means "friendly society." The "friendly society" was made up of merchants and other Greek leaders, but the intent of the society was to seek freedom for Greece and her people.

The group planned a secret uprising for 1821 to be led by Ypsilantis. He and 4,500 volunteers assembled near the Russian border to launch an insurrection against the Turks. The Turkish army massacred the ill-prepared Greek volunteers, and Ypsilantis was caught and placed in prison, where he subsequently died. However, the first bells of liberty had been rung, and Greek independence would not be stopped.

When news of Greek uprisings spread, the Turks killed Greek clergymen, clerics, and laity in a frightening display of force. In a vicious act of vengeance, the Turks invaded the island of Chios and slaughtered 25,000 of the local residents. The invaders enslaved half the island's population of 100,000.

Although many lives were sacrified at the altar of freedom, the Greek people rallied around the battle cry "Eleftheria I Thanatos"—liberty or death, mirroring the words of American Patriot Patrick Henry who said: "Give me liberty or give me death." These words embodied the Greek patriots' unmitigated desire to be free.

Another heroic Greek whom many believe was the most important figure in the revolution was Theodoros Kolokotronis. He was the leader of the Klephts, a group of rebellious and resilient Greeks who refused to submit to Turkish subjugation. Kolokotronis used military strategy he learned while in the service of the English Army to organize a force of over 7,000 men. The Klephts swooped on the Turks from their mountain strongholds, battering their oppressors into submission.

One battle in particular, where Kolokotronis led his vastly outnumbered forces against the Turks, stands out. The Turks had invaded the Peloponnese with 30,000 men. Kolokotronis led his force, which was outnumbered by a ratio of 4 to 1, against the Turkish army. A fierce battle ensued and many lives were lost, but after a few weeks, the Turks were forced to retreat. Kolokotronis is a revered Greek leader, because he embodied the hopes and dreams of the common man, while displaying extraordinary courage and moral fiber in the face of overwhelming odds.

Athanasios Diakos was another legendary hero, a priest, a patriot, and a soldier. He led 500 of his men in a noble stand against 8,000 Ottoman soldiers. Diakos' men were wiped out and he fell into the enemy's hands, where he was severely tortured before his death. He is the image of a Greek who gave all for love of faith and homeland.

While individual acts of bravery and leadership are often noted, the Greek Revolution was remarkable for the bravery and fortitude displayed by the typical Greek citizen. This heroic ideal of sacrifice and service is best demonstrated through the story of the Suliotes, villagers who took refuge from Turkish authorities in the mountains of Epiros. The fiercely patriotic Suliotes bravely fought the Turks in several battles. News of their victories spread throughout the region and encouraged other villages to revolt. The Turkish Army acted swiftly and with overwhelming force to quell the Suliote uprising.

The Suliote women were alone as their husbands battled the Turks at the front. When they learned that Turkish troops were fast approaching their village, they began to dance the "Syrtos," a patriotic Greek dance. One by one, rather than face torture or enslavement at the hands of the Turks, they committed suicide by throwing themselves and their children off Mount Zalongo. They chose to die rather than surrender their freedom.

The sacrifice of the Suliotes was repeated in the Arkadi Monastery of Crete. Hundreds of non-combatants, mainly the families of the Cretan freedom fighters, had taken refuge in the Monastery to escape Turkish reprisals. The Turkish army was informed that the Monastery was used by the Cretan freedom fighters as an arsenal for their war material, and they set out to seize it. As the Turkish troops were closing in, the priest gathered all the refugees in the cellar around him. With their consent, he set fire to the gunpowder kegs stored there, killing all but a few. The ruins of the Arkadi Monastery, like the ruins of our Alamo, still stand as a monument to liberty.

News of the Greek revolution met with widespread feelings of compassion in the United States. The Founding Fathers eagerly expressed sentiments of support for the fledgling uprising. Several American Presidents, including James Monroe and John Quincy Adams, conveyed their support for the revolution through their annual messages to Congress. William Harrison, our ninth President, expressed his belief in freedom for Greece, saying: "We must send our free will offering. 'The Star-spangled Banner' must wave in the Aegean . . . a messenger of fraternity and friendship to Greece."

Various Members of Congress also showed a keen interest in the Greeks' struggle for autonomy. Henry Clay, who in 1825 became Secretary of State, was a champion of Greece's fight for independence. Among the most vocal was Daniel Webster from Massachusetts, who frequently roused the sympathetic interest of his colleagues and other Americans in the Greek revolution.

It should not surprise us that the Founding Fathers would express such keen support for Greek independence, for they themselves had been inspired by the ancient Greeks in their own struggle for freedom. As Thomas Jefferson once said, "To the ancient Greeks . . . we are all indebted for the light which led ourselves . . . American colonists, out of gothic darkness." Our two nations share a brotherhood bonded by the common blood of democracy, birthed by Lady Liberty, and committed to the ideal that each individual deserves the right of self-determination.

We all know that the price of liberty can be very high—history is replete with the names of the millions who have sacrificed for it. Socrates, Plato, Pericles, and many other great scholars throughout history warned that we maintain democracy only at great cost. The freedom we enjoy today is due to a large degree to the sacrifices made by men and women in the past—in Greece, in America, and all over the world.

Clearly apparent in the aftermath of the September 11th attacks, freedom comes with a price. Thousands have sacrificed their lives to protect our freedom. Today, American military personnel are tracking terrorism at its many sources. It is another reminder that freedom must be constantly guarded. In the words of President Bush in his recent State of the Union address, "it is both our responsibility and our privilege to fight freedom's fight."

Mr. Speaker, on this 181st birthday of Greek Independence, when we celebrate the restoration of democracy to the land of its conception, we also celebrate the triumph of the human spirit and the strength of man's will. The goals and values that the people of Greece share with the people of the United States reaffirms our common democratic heritage. This occasion also serves to remind us that we must never take for granted the right to determine our own fate.

GREEK INDEPENDENCE DAY

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY of New York. Madam Speaker, I rise also today with my colleague, the gentleman from Florida (Mr. BILIRAKIS), the co-chair of the Hellenic Caucus, which I chair with him, to recognize the Hellenic Americans and their heritage and their tremendous contribution to our country and really to the world.

The ancient state of Greece inspired our country in so many ways, from the architecture, the design of the very building in which we are residing right now, to the design of our government; and today we pay tribute to Greece's declaration of independence from the Ottoman Empire on March 25. In 2002 it will be the 181st anniversary.

History tells us that in 1821 Greece rose up in a bloody revolt against the repressive might of the Ottoman Empire. Determined to end 400 years of slavery or die in the attempt, Greek patriots began their unyielding struggle for liberty and independence.

The legend says that on March 21, 1821, Bishop Germanos of Patras hoisted the Greek flag at the monastery of Agia Lavra in the Peloponnese in an act of defiance that marked the beginning of the war of independence.

At a time when we in the United States are fighting to preserve our democracy from terrorists, I find a great deal of significance in our firemen raising the American flag at the World Trade Center after the attack on September 11. That act symbolized our war for democracy and freedom, as did the flag at Agia Lavra many years ago.

To honor Greek Independence Day and honor the victims and heroes of September 11, the Federation of Hellenic Societies of New York is sponsoring the annual Greek Independence Day Parade for New York City. As many of my colleagues know, New York City is the home of the largest Hellenic population outside of Greece and Cyprus.

I would now like to place in the RECORD the members of the board of directors, the officers, all of whom are organizing this important tribute.

The members of the Board of Directors are:

Bill Stathakos, President; Demos Siokis, 1st Vice President; Peter Michaleas, 2nd Vice President; Demetrius Kalamaras, 3rd Vice President; Demetrios Demetriou, General Secretary; Demetrios Katchulis, 1st Ass't. Secretary; Chris Orfanakos, 2nd Ass't Secretary; Elias Tsekerides, Treasurer; George Kalivas Ass't Treasurer; Ekaterine Livanis, Public Relations.

Andreas Savva; Antonios Fokas; Avgitides Anastasios; Christos Gousis; Demosthenes Triantaffylou; Ektor Polykandriotis; Eleftherios Avramidis; Jhon Zapantis; Maria Kalas; Paul Hatzikyriakos; Stelios Manis; Legal Advisors; Gregory Sioris and Attorney at Law, Katerine Nikiforou, Esquire.

This year, the board has elected the grand marshals for the parade. They will be from both sides of the ocean, representing the strong bond and friendship between Greece and the United States. From the U.S. Alax Spanos and Denise Mehiel; and from Greece, Apostolos Kakkomanis and Dora Kakoyiani. Ms. Kakoyiani was a victim of a terrorist who assassinated her husband. These outstanding individuals will lead the parade to symbolize that no terrorist can extinguish the light of democracy and freedom.

As the representative of the 14th Congressional District, where a large number of my constituents are of Hellenic descent, I have often had the opportunity to speak with them about the victims and heroes of 1821. Today, we speak also about the heroes and victims of 2001.

The Hellenic community, as every community in New York and worldwide, was hit heavily by the travesty of September 11. Those of Hellenic decent that were lost that day were: Ioanna Ahladiotis; Anastasios-Ernestos Alikakos; Katerina Bandis; Peter Brennan, a firefighter; John Catsimatides; Thomas A. Damaskinos; Anthony Demas; Gus Economou; Michael Eleferis, also a firefighter; Anna Fosteris; Kenneth Grouzalis; Steve Hagis; Bill Haramis; Nick John; Steve Kokinos; Danielle Kousoulis; James Maounis; George Merkouris; Peter-Constantios Moutos; James Papageorge; George Paris; Theodoros Pigis; Daphni Pouletsos; Richard Poulos; Tony Savvas; Muriel Siskopoulos; Timothy P. Soulas; Andreas Stergiiopoulos; Michael Tarrou; Michael Theodoridis; William Tselepis; Jennifer Tzemis; Steve Zannettos; Gus Zavvos; Steve Savvas, from the New York Police Department; and Prokopios Paul Zios. These victims are the patriots. They gave their lives on that terrible attack against our country and our democracy.

The members of the fire department, police department, port authority and military will continue to lead this war and to protect us on the homeland and abroad.

On this day of independence and strong bond with Greece, the Hellenic and Philhellenic community remember that the future has much to offer: the Olympics in Greece and New York; the efforts of the Hellenic Caucus to seek a peaceful understanding with Turkey on the issues of the Greek Islands and Cyprus occupation.

On this day of Greek independence, let us remember the words of Plato: "Democracy is a charming form of government, full of variety and disorder, and dispensing a kind of equality to equals and unequals alike."

I ask the Members of the Congress to rise with me and pay tribute to the heroes of 1821 and 2001. We will not forget you.

Zeto E Eleftheria. Se Ollo to Kosmo.

Mr. GILLMAN. Madam Speaker, I am pleased to rise in support of the celebration of Greek independence, and I thank our colleagues, the gentleman from Florida, Mr. BILIRAKIS and the gentlelady from New York, Mrs. MALONEY, who have once again shown great leadership in their efforts to organize this special order for Greek Independence Day.

Since the people of Greece declared their independence on March 25, 1821, the people of the United States and Greece have enjoyed close relations, and generations of Greek immigrants have helped to strengthen and enrich the relations between our two nations. However, our mutual devotion to democratic ideals is rooted deep in history. Some 2,500 years ago, ancient Greek city-states helped to plant the seeds of democratic thought among men. The admiration that our Founding Fathers had for those very ideals are evident in our own Constitution, and in the letters our Founding Fathers exchanged with one another in charting the course for American democracy.

Since the rebirth of a democratic Greece in 1974, a vibrant Greek democracy serves once again as an inspiration to its neighbors and the world. Our two Nations continue to stand together as friends and allies in a region of the world beset by strife and hardship.

Accordingly, I wish to thank the people of Greece for their continued friendship, and I invite my colleagues to join me in honoring the Nation of Greece on the 181st anniversary of its independence.

Mr. VISCLOSKY. Madam Speaker, I join my colleagues today to recognize the 181st anniversary of Greek Independence Day. As the U.S. Representative of a region with over 5,000 people of Greek descent, I know that this important event will be joyously celebrated throughout Northwest Indiana.

I would like to honor not only this important day in Greek history, but the strong and unique relationship that exists today between the United States and Greece. The development of modern democracy has its roots in ancient Athens. The writings of Plato, Aristotle, Cicero and others were the first to espouse the basic tends of a government of the people and by the people. While these ideals were not always followed in ancient Greece, these writings provided a roadmap for later governments in their attempts to establish democracy in their countries.

The Founding Fathers of the United States were particularly influenced by the writings of the ancient Greeks on democracy. A careful reading of "The Federalist Papers" reveals the significant role the early Greeks played in the formation of our government. Thomas Jefferson called upon his studies of the Greek tradition of democracy when he drafted the Declaration of Independence, espousing the ideals of a government representative of and accountable to the people. Decades later, these ideas were a catalyst in the Greek uprising and successful independence movement against the Ottoman Empire—the event we celebrate today.

On March 25, 1821, the Archbishop of Patros blessed the Greek flag at the Aghia Laura monastery, marking the proclamation of Greek independence. It took 11 years for the Greeks to finally defeat the Ottomans and gain their true independence. After this long struggle against an oppressive regime, Greece returned to the democratic ideals that its ancestors had developed centuries before.

Today, the United States' relationship with Greece is as strong as ever. Greece has been our ardent supporter in every major international conflict of this century, and they play an important role in the North Atlantic Treaty Organization and the European Union. Greece has also been a key participant in the United Nations peacekeeping force in Bosnia, providing troops and supplies. In turn, the United States has worked to attain a peaceful settlement to the conflict in Cyprus, the island nation that was brutally invaded by Turkey in 1974.

Madam Speaker, I would thank our colleagues, Mr. BILIRAKIS and Mrs. MALONEY, for organizing this Special Order, and I join all of our House colleagues in recognizing Greek Independence Day. I salute the spirit of democracy and family that distinguish the Greek people, as well as their courage in breaking the bonds of oppression 178 years ago. I look forward to many more years of cooperation and friendship between our two nations.

Ms. PELOSI. Madam Speaker, I rise today to commemorate the 181st anniversary of Greek Independence Day, and I thank my colleagues, Mr. BILIRAKIS, and Mrs. MALONEY, for their leadership on Greek-American issues and for organizing today's tribute.

Greece has long held a special place in the hearts and minds of Americans. From the architecture of this building to the design of our government, we are indebted to the best ideas of the Greeks. They brought us a rational explanation for the universe, provided the basis for Western medical science, and laid the foundation of Western philosophy on which our country is built. As Thomas Jefferson acknowledged, "to the ancient Greeks, we are indebted for the light which led ourselves out of Gothic darkness."

As the ancient state was an inspiration to the United States, the modern state of Greece is a trusted friend. From the first World War to the current struggle against terrorism, Greece and the United States have fought side by side for the principles of liberty and self-determination the ancient Greeks set forth so eloquently. A valued member of NATO, Greece today is a thriving democracy that Aristotle would recognize and of which he would be proud.

But it almost wasn't this way. For nearly 400 years, the land that gave the world democracy lived under tyranny. Between 1453 and 1821, as part of the Ottoman Empire, the Greek people lived without freedom of religion, access to education, or representative government. Surrounded by the ruins of their noble heritage, however, they never lost their identity as a free people. On March 25, 1821, drawing inspiration from our own struggle for independence, the revolution against the oppressive Ottoman rule began. The revolution succeeded, and a free, democratic nation was reborn.

Here in the United States we are blessed by the presence of many Greek-Americans. In San Francisco, the Greek-American community is a vibrant part of our wonderful diversity. From the daily contributions of thousands of hardworking citizens to the leadership of former Mayors George Christopher and Art Agnos, Greek-Americans have enriched San Francisco and our nation.

After enjoying the recent Winter Olympics in Salt Lake City, the world now turns its attention to the 2004 summer games to be held in Athens, Greece. The 108th anniversary of the modern Olympics will be held where the games were born some 3,000 years ago. The innovations of ancient Greece continue to light our world, and modern Greece, our friend and ally, continues to uphold its legacy.

It is my honor, as a member of the Congressional Caucus on Hellenic Issues, to join my colleagues in celebrating Greek Independence Day.

Mr. MCGOVERN. Madam Speaker, I am proud to be able to participate in honoring 181 years of Greek Freedom and Independence. I want to express my appreciation to Congressman BILIRAKIS and Congresswoman MALONEY for their leadership on Greece and Cyprus and for keeping all Members informed and educated on Hellenic issues.

While there is much to celebrate this year about Greece—its strong and growing economy, its role in the European Union, and the preparations for the 2004 Summmer Olympics—I most want to mention the clear and unwavering support that Greece has given to the international campaign against terrorism.

In his address to the U.N. General Assembly on November 13, 2001, Foreign Minister George Papandreou called for the abandonment of rivalries and a new spirit of international cooperation in a "common fight for humanity" against terrorism. Mr. Papandreou went on to describe a global community engaged in issues and programs that are very near and dear to my own heart, calling on nations to reach beyond their borders to alleviate disease and starvation, to oppose sex, religious and racial discrimination, to protect the environment, to include the poor in the benefits of development, and to provide equal educational opportunities.

Greece has known the scourge of terrorism and has long fought a battle against domestic and international terrorist groups. Now Greece is a full partner in the international war against terrorism. It has provided the United States the use of its airspace, air bases and naval facilities on Crete, as well as intelligence sharing and investigation of suspect bank accounts that may be linked to terrorist activities worldwide. In addition, Greece has sent several C–130 planes with food and other needed supplies for Afghan refugees, offered to send peacekeeping troops to Afghanistan, and is working with the international community in the development of post-conflict development priorities for Afghanistan.

Greece has long been a crossroads for many cultures. As such, we have much to learn from Greece about diversity, tolerance, democratic inclusion, and how to create a genuine multicultural society that honors its past and looks forward to the challenges of the future.

I am proud to be able to honor Greece on 181 years of freedom and independence.

Mr. LANTOS. Madam Speaker, as we approach Greek Independence Day, it is a great honor for me to pay tribute ton one of the United States' most important allies and one which is held in such deep affection by millions and millions of Americans.

Western civilization as we know it today owes the deepest debt and, indeed, its very origins, to the Greek nation. Greek philosophy, sculpture, and theater set standards to which today's practitioners still aspire. And, as the cradle of democracy, Athens is the spiritual ancestor of our own Republic. The history of Greek independence is one of the inspiring stories of our time. It is the tale of the revival of an ancient and great people through sheer commitment, sacrifice, and love of freedom and heritage. Transmitted through the generations, the ideals of the ancient Greeks inspired their revolutionary descendants in the nineteenth century, and great and gallant stalwarts of the War of Independence such as Theodore Kolokotronis and Rigas Velestinlis wrote of their belief in the rights of man.

The histories of the United States and Greece have been intimately intertwined ever since the beginning of modern Greek sovereignty. The cause of Greek independence evoked sympathy throughout the Western world. Well known is Lord Byron, whose uncompromising commitment to Greece was epitomized by his declaration "In for a penny, in for a pound." Less renowned but no less committed were the many American Philhellenes, who repaid their debt to Greek culture by crossing the ocean to fight for Greek liberation. I am pleased that these American citizens were honored with a monument in Athens 2 years ago.

Greek citizens also crossed the ocean in the other direction, emigrating to the United States, where they enjoyed great success and shared their prosperity with their kinfolk in their original homeland. They have served as a bridge of understanding between our two nations, and they have refreshed America with their spirit, their patriotism, and their hard work. Today, some five million Americans claim Greek ancestry, with understandable pride.

Greece is one of less than a handful of nations which has stood shoulder-to-shoulder with the United States in every major war of the 20th century. Our close relations became even closer after World War II. The Truman Doctrine helped save Greece from communism, indeed helped save it for the Western world, and the Marshall plan helped in its economic regeneration. In 1952, Greece joined NATO, formalizing the deep, mutual commitment of Greece and the rest of the Western world to protecting freedom.

In more recent times, Greece has been one of the world's amazing success stories. A full-fledged member of the European Union for two decades, Greece has become increasingly prosperous; it has whipped chronic inflation and qualified to join the "Euro currency zone." Its once unsettled domestic politics has long since given way to an incontestably stable, yet colorful, democracy.

Greece remains our critical strategic partner in today's post-cold war world. We cooperate closely in promoting peace and stability in the Balkans. Economic ties with Greece are vital to virtually every Balkan state. Athens has been a firm supporter of inter-communal talks in Cyprus, and it remains committed to a just, lasting, and democratic settlement of the Cyprus issue. And I'm sure everybody in this body applauds Greece's historic and courageous effort to resolve differences with its neighbor Turkey.

Madam Speaker, I congratulate the Greek people on the 181st anniversary of their independence and I join my colleagues in thanking them for their vast contributions to world civilization and especially to our Nation.

Ms. ROS-LEHTINEN. Madam Speaker, it is an honor today to join my colleagues, Representatives BILIRAKIS and MALONEY in celebrating Greek Independence Day.

Much like the ruins of ancient Greece, the traditions and thoughts this society brought to the world are still standing. On this day which marks Greece's Independence, we celebrate the spirit of liberty and self-determination as manifested in 1821 when Greece began a 7 year struggle against the Ottoman empire, which led to the restoration of democracy to the land of Aristotle and Plato.

Madam Speaker, as the first Olympic flame ignited in ancient Greece spread the spirit of sportsmanship and friendship around the world for centuries to come, Greece gave the world the tool with which to create a more just and peaceful society that continues to spread across the globe today—democracy. Hence, as the Olympic flame makes its way back to Athens in 2004, we celebrate today, that 181 years ago, democracy was returned to its birthplace continuing to make Greece a pillar of liberty and civility for the world to look onto.

The tenants of rule of law, due process, and civil liberties were philosophical notions in ancient society, which the modern world took, developed and solidified in legal customs and traditions creating a safer world for the oppressed. Artistotle spoke of democracy and said, "If liberty and equality are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." It is this legacy of democracy which our forefathers emulated for our young republic in its founding days.

It is not surprising to see an ever stronger partnership between the United States and Greece in forging a commitment to democracy and respect for every individual's inherent right to freedom around the world. Greece was a strong ally of this country during World War II and is a continual friend in NATO. Today, as the world once again joins together to fight terror and oppression, the country of Greece has made valuable contributions in terms of personnel and technical support for his global effort.

Greece's commitment to peace and stability in the Aegean region can be further noted through the continual leadership it has displayed in helping shepherd along the current talks taking place in Cyprus.

Madam Speaker, the democratic heritage shared by the United States and Greece make them formidable allies in the defense of democracy around the world. It is with great joy that I stand here today and join the Greek Community in celebrating their Day of Independence.

Mr. COYNE. Madam Speaker, I rise today to join in this special order commemorating Greek Independence Day.

At the time of the American Revolution, most of Greece was part of the Ottoman Empire. At that time, Greece had been under Ottoman rule for 400 years. Some Greeks held positions in the Ottoman government, and Greek merchants throughout the empire were active and successful, but the Greek people were unwilling subjects of the Ottomans. Greek Orthodox Christians were a religious minority within the empire, and were subject to discrimination on that basis. Moreover, the Ottoman Empire had begun the long, slow period of decline that would end in its disintegration in the wake of World War I. The Ottoman government was becoming increasingly characterized by corruption and violent oppression.

In the late 1700s and early 1800s, the Greek people developed a national identity. Many Greeks began to come into greater contact with Western Europeans, and through these contacts they gained exposure to the ideas of liberty and self-government that had been developed in ancient Greece and revived in modern times by the French and American revolutions. The development of a vision of an independent Greek nation at that time was due in no small part to the interaction of these radical ideas with the increasing depredations of the Ottoman government.

In March of 1821, Greek patriots rebelled against the Ottomans. The rebellion lasted for eight tumultuous years, but the Greek people persevered in their uphill struggle.

The Greeks' heroic struggle inspired support from people in Western Europe and the United States. Many people in these countries developed an interest in Greek culture, architecture, and history. Europeans and Americans identified with the Greek people because of the ancient Greece's legacy as the cradle of democracy. A number of private citizens like Lord Byron were so inspired by the Greeks' fight for freedom that they actually traveled to Greece and risked their lives to support this revolution. Many of the people of Europe pressured their governments to intervene on the side of the Greeks, and as a result, in 1826 Great Britain and Russia agreed to work to secure Greek independence. France allied itself with these states the following year. Foreign assistance helped turn the tide, and in 1829 the Ottoman Empire signed a treaty recognizing Greece as an autonomous state.

Madam Speaker, it is important that we recognize the courage and heroism of these early Greek patriots, who fought and died for the same principles of freedom that inspired our forefathers to rebel against Great Britain. I am pleased to join our country's many Greek-American citizens in observing this very special day.

Mr. SWEENEY. Madam Speaker, I rise in support of celebrating March 25, 2002, as Greek Independence Day. The ancient Greeks developed the concept of democracy, in which the supreme power to govern was vested in the people. The Founding Fathers of the United States drew heavily on the political experience and philosophy of ancient Greece in forming our representative democracy.

Greece is one of only three nations in the world, beyond the former British Empire, that has been allied with the United States in every major international conflict in the twentieth century. Greece played a major role in the World War II struggle to protect freedom and democracy through such bravery as was shown in the historic Battle of Crete and in Greece presenting the Axis land war with its first major setback, which set off a chain of events that significantly affected the outcome of World War II.

Greece and the United States are at the forefront of the effort for freedom, democracy, peace, stability, and human rights. Those and other ideals have forged a close bond between our two nations and their peoples.

March 25, 2001, marks the 180th anniversary of the beginning of the revolution that freed the Greek people from the Ottoman Empire and it is proper and desirable to celebrate with the Greek people and to reaffirm the democratic principles from which our two great nations were born.

Mr. HOLT. Madam Speaker, today I rise to honor the Greek people and their successful struggle for independence from Ottoman occupation that began nearly 181 years ago. Greek Independence Day has special symbolic resonance for Americans. Our forefathers founded our democratic system of government on the principles of popular representation introduced to this world by the ancient Athenians.

Our word democracy is, in fact, of Greek derivation and literally translates as people ("demo") rule ("kratos"). The ancient Greek experiment with democracy, however, was a visionary aberration that was centuries ahead of its time. Democracy did not last long in Ancient Greece as the fist of empires—Romans, Byzantine, and Ottoman—silenced democratic yearnings for nearly two millennia.

Although democracy temporarily disappeared, the Greeks continued to thrive and prosper. As the Roman Empire expanded in the early centuries after the birth of Christ, the Greek peoples dominated the eastern half of the Roman Empire, known as Byzantium, and it was in the Greek city of Constantinople where the Roman emperor Constantine converted himself and the entire Roman Empire to Christianty.

Upon the fall of Rome in 476 AD, the Greek-led Byzantine Empire emerged as a potent force in the world and the protectorate of Christian Orthodoxy. The Greeks remained strong and independent until the Central Asian Ottomans crushed the Byzantine armies and conquered the spiritual capital of the Byzantine world at Constantinople in 1453.

The victory of the Ottomans cast the Greek speaking peoples into more than 400 years of occupation. But even while under the yoke of Ottoman rule, the Greeks were an impressive force. As successful and educated merchants, they dominated the Ottoman middle class and were the backbone of the Ottoman economy.

Still, the Greeks were not meant to be subject peoples and they began to oppose the imperial policies of the Ottoman government. Greeks, many of whom were educated in the universities of the West, began to adopt revolutionary ideas from France, Great Britain, and the United States. The concept of the nation-state, self-determination, and liberal democracy found their ways into the Greek villages and cities from Athens to Constantinople.

On March 25, 1821, Greek patriots from the southern tip of the Peloponnese to the northern outskirts of Macedonia finally rebuked the yoke of the Ottomans and declared the independence of the Greek people from subjugation. At first, the Hellenic fighters met with violent failure, but their just cause ignited the imaginations of their people and of scores of Western philhellenes, such as the English poet Lord Byron, who left their homelands to fight and die with the Greeks for their liberation.

The United States was never far from the minds of the revolutionary Greeks, nor was the struggle of the Greeks unnoticed by Americans. As Greek revolutionary commander Petros Mavromichalis, one of the founders of the modern Greek state, said to the citizens of the United States in 1821, "It is in your land that liberty has fixed her abode and . . . in imitating you, we shall imitate our ancestors and be thought worthy of them if we succeed in resembling you."

By 1833, the Greeks had secured independence and with it a place in history as the first of the subjugated peoples in Europe to overthrow their Ottoman masters.

As the Greek nation developed and grew, it emerged as a stalwart ally of the United States. The Greek people fought alongside the American and Allied forces in both of the world wars of the twentieth century. The Greeks again took up arms against their Ottoman foes in the First World War and then handed the Axis powers their first defeat in World War II when the Greek army pushed back the forces of Mussolini. Soon after, however, they would suffer through a long and painful Nazi occupation.

After World War II, Greece became an instrumental member of the NATO alliance. Greece's strategic location made it a vital buffer between the Western Democratic world and Soviet Communism.

Over the last 30 years, Greece has made major strides forward for its people. In 1974, Konstantine Karamanlis finally restored democracy to Greece, bringing representative government back to its birthplace. Greece became a member of the European Community and then the powerful European Union.

Today, Greece continues to move in the right direction thanks to the enlightened leadership of Prime Minister Costas Simitis. He and Foreign Minister George Papandreou are working with their Turkish counterparts to end generations of strained relations between Turkey and Greece. Economically, Greece is prospering and recently became a member of the European Monetary Union. In 2004, Greeks will display their successes to the world when they host the Olympics, another Greek invention, in Athens.

Strategically, Greece remains important. It is a force of stability in the volatile Balkans where it continues to promote open markets and democracy. The Greek government is also united with the United States in its war on terrorism. Greece has sent a troop contingent to participate in the international force in Afghanistan and has allowed U.S. aircraft use of its airspace and its airbases.

I cannot overstate the importance of strong ties between Greece and the United States. As an American citizen who believes firmly in the principles of democracy and as a representative of thousands of Greek-Americans that live in Central New Jersey, I rise today in humble recognition of Greek Independence Day.

Mr. KNOLLENBERG. Madam Speaker, I rise today to celebrate the 181st anniversary of Greek independence. One hundred and eighty one years ago, after nearly 400 years of oppression under the Ottoman Empire, the courage and commitment to freedom of the Greek people prevailed in a revolution for independence. It is an honor today to celebrate Greek Independence Day in the House of Representatives.

Greece and the Greek people have made remarkable contributions to the United States and societies throughout the world. The achievements of Greek civilization in art, architecture, science, philosophy, mathematics, and literature have become legacies for nations across the globe. In addition, and most importantly, the Greek commitment to freedom and the birth of democracy remains an essential contribution for which we as Americans are eternally grateful.

Greek civilization has inspired the American passion for truth, justice, and the rule of law by the will of the people. The forefathers or our Nation recognized the spirit and idealism of ancient Greece when fighting for American independence and drafting our Constitution. Forty-five years after our own revolution for independence, this tradition and commitment to freedom was carried forward by the Greek people through their successful revolutionary struggle for sovereignty.

Greek Americans can take pride today in the contributions of Greek culture and in their ancestors' sacrifice. The effects of the vibrant Greek people can be witnessed throughout the United States in our government, culture, and economy, as well as in our commitment to freedom and democracy throughout the world. We, as Americans, are grateful for these gifts.

Madam Speaker, it is important for us to recognize and celebrate this day together with Greece to reaffirm our common democratic heritage. I am proud to join in this celebration and offer my congratulations to Greece and Greeks throughout the world on this very special day.

Mr. CROWLEY. Madam Speaker, it is with great pleasure that I offer my congratulations to the Hellenic Republic on the 181st anniversary of its independence from the Ottoman Empire.

Two and a half millennia ago, Greek philosophers and politicians developed the democratic ideals that inspired our Founding Fathers and became the foundation for the American political system. Greek thinkers made discoveries that for thousands of years helped advance the world's knowledge of science, medicine, mathematics, and astronomy. Greek drama and poetry became the model, in many ways, for much of Western literature. The list of Greek contributions to world culture is endless.

After freeing itself from foreign domination, including nearly 400 years under Ottoman rule and occupation by Nazi Germany, Greece is once again a fierce proponent of freedom and democracy. It is a key NATO ally, a partner in the war against terrorism, a critical contributor to stability in the Balkans, and a participant in the International Security Assistance Force that is working to bring peace and stability to Afghanistan. Greek military observers and police serve in United Nations Peacekeeping missions on the Iraq-Kuwait border, on the Ethiopia-Eritrea border, and in Bosnia, Kosovo, and the Republic of Georgia. The democratic ideals of ancient Greece continue to thrive in the Hellenic Republic today.

The 3 million Americans of Greek descent have made critical contributions to American business, culture, education, art, and politics and helped ensure the success of this great nation.

Madam Speaker, my fellow colleagues, please join in congratulating the Greek government and our fellow Americans of Greek heritage as they celebrate the 181st anniversary of Greek independence.

Mr. ROTHMAN. Madam Speaker, I rise today to pay tribute to Greek Independence Day.

In this year following the horrific terrorist attacks on our Nation, in which our democratic society has been challenged like never before, it is important that we join together and honor the ideals that embody Greek Independence Day. On this 181st anniversary of the decision by the Greek people to rise up against the Ottoman Empire and live freely, we celebrate democracy, a common bond that the United States shares with Greece.

For the thousands of Greek-Americans that I represent, Greek Independence Day celebrates the sacrifice made by their family members, friends, and fellow countrymen. The decision by the Greeks to govern themselves was a courageous action, and we honor the spirit of those who lost their lives in this quest for freedom. This spirit will be on display for all the world to see when Athens hosts the Olympic Games in 2004.

During this celebration of Greek Independence, Congress memorializes the sacrifice of a generation of Greeks so that freedom and independence could be secured for the Greek people. America is involved in a similar struggle now. As we continue our struggle based on our love of democracy, freedom, rule of law, tolerance and justice, we draw strength and inspiration from the Greek people who shed blood and tears in their struggle for independence.

Today, we honor the just cause that the Greek people fought for in 1829, and I join my colleagues in recognition of this special anniversary and the strong U.S.-Greece relationship.

Mr. ACKERMAN. Madam Speaker, I am honored to rise today to salute the nation of Greece and celebrate the 181st anniversary of Greek independence from the Ottoman Empire. This great day in Greek history commemorates the successful struggle of the Greek people for national sovereignty.

The Ancient Greeks forged the notion of democracy, something for which the United States and the rest of the world will always be thankful. Indeed, we owe Greece the inspiration for our own democratic form of government. As Thomas Jefferson pointed out, Greece is "the light which led ourselves out of Gothic darkness". I think it is safe to say that the Founders of both Greece and the United States would be proud of the tremendous achievements of both nations.

Throughout the past 181 years, there have been repeated challenges to the independence of Greece, yet its people have stridently fought to maintain both their democracy and their independence. The United States and its people have been proud to stand by her and provide strength, assistance and friendship to overcome those struggles. Greeks across the United States and throughout the world have much to celebrate on this great day of independence.

Today, the United States shares many common threads with Greece, including commitments to democracy, peace and human rights. Greece has sent us her sons and daughters in past generations, helping us to build our proud nation. We will not forget the fierce resistance with which Greece opposed the Axis powers in World War Two, nor their equally staunch resistance to the expansion of communism in the war's immediate aftermath. Greece has been one of our strongest allies ever since. For nearly 5 decades now Greece has been a key NATO member, helping to stabilize its area of the Mediterranean. Since Greece and the United States share many interests and many values, the celebration of the 181st Anniversary of Greek Independence gives us the opportunity to call for an even closer collaboration between both our countries.

Madam Speaker, I am pleased to have this opportunity to celebrate once again Greek culture and to toast the Greek people. It is an honor to rise and commemorate the 181st Greek Independence Day. On this day we celebrate more than just Greece's independence, we celebrate Greece as a nation and as a friend.

Mr. MCNULTY. Madam Speaker, the American people join with the people of Greece in celebrating the 181st Anniversary of the revolution that freed the Greek people from the Ottoman Empire.

The bedrock of our close relationship with Greece is our mutual devotion to freedom and democracy and our unshakable determination to fight, if need be, to protect these rights.

Greek philosophers and political leaders—Cleisthenes and Pericles and their successors—had great influence upon America's Founding Fathers in their creation of these United States.

We, as a nation, owe a great debt to Greece. Greece is the birthplace of democracy, as we know it.

Thomas Jefferson said, "To the ancient Greeks, we are all indebted for the light which led ourselves (American colonists) out of Gothic darkness."

The terrorist attacks of September 11, 2001 were an attack on democracy and freedom—not just against our people, but also against all freedom-living people everywhere in the world. The Greek people understand this.

I congratulate the people of Greece and wish them a Happy National Birthday.

Mr. WOLF. Madam Speaker, I want to congratulate the Greek people on the 181st anniversary of Greek independence from the Ottoman Empire. The thoughts and ideas emanating from the Greek Isles have had a profound influence on the world. Ancient Greece's embrace of democracy, contributions in philosophy, spirit of athletic competition, and fierce adherence to freedom have shaped America in deep and significant ways. America would not be the country it is without the remarkable influence of Greece.

Again, I congratulate the Greek people on their country's day of independence and hope for many, many years in which freedom and democracy reign throughout Greece.

Ms. HARMAN. Madam Speaker, today, as Greece celebrates its 181st anniversary of its struggle for independence, I join my colleagues in congratulating the people of Greece and Greek-Americans, many of whom I am proud to call constituents.

When we celebrate Greek Independence Day, we celebrate the fight for freedom. Ancient Greece was the world's first democracy. With modern Greece, it stands as an example to people around the world of overcoming tyranny.

Since its war of independence, Greece has been a strong ally to the United States. In turn, the U.S. has opened its heart to multitudes of Greek immigrants. The contributions of the Greek community in the United States are immeasurable.

The strong relationship between Greece and the United States is steeped in culture, history, and philosophy and remains of critical importance. Since September 11, Greece shared in our loss—21 of its citizens died at the World Trade Center—and has stepped up its efforts to combat terrorism at home and abroad. Equally important is Greece's membership in NATO, and its role in ensuring the security of Europe's southern flank.

I remain committed to strengthening U.S.-Greek ties, and to working on issues of interest to the Greek American community, including a permanent solution in Cyprus.

I thank my colleagues, Mr. BILIRAKIS, for organizing this special order to highlight the important contributions of Greece to our country.

Mr. PAYNE. Madam Speaker, I rise today, as a member of the Human Rights Subcommittee, to join in commemorating the 181st Anniversary of the revolution that freed the Greek people from the Ottoman empire.

I congratulate Greece on celebrating its 181st anniversary. The Greek people have much to be proud of.

As a senior member of the International Relations Committee, I have long been involved in, and have followed issues affecting the Greek-American community.

I am aware that Greece achieved its independence from the Ottoman Empire in 1829.

During the second half of the 19th century, and the first half of the 20th century, it gradually added neighboring islands and territories with Greek-speaking populations.

Following the defeat of communist rebels in 1949, Greece joined NATO in 1952. A military dictatorship, which in 1967 suspended many political liberties and forced the king to flee the country, lasted seven years.

Democratic elections in 1974 and a referendum created a parliamentary republic, and abolished the monarchy.

Greece joined the European Community or EC is 1981 (which became the EU in 1992).

I originally introduced a bill in March 2000, calling for the return of the Parthenon Marbles to their rightful home in Greece.

I am re-introducing that same bill tonight.

Madam Speaker, I strongly urge my colleagues to join me in congratulating the Greek people in their celebration of democracy. Once again, congratulations on your 181st anniversary celebration!

Mr. KIRK. Madam Speaker, I rise today to commemorate the 181st anniversary of the revolution that earned the independence of the Greek people from the Ottoman Empire. Nearly 400 years ago, after the fall of Constantinople, Bishop Germanos of Patras raised the Greek flag at Agia Lavras, sparking a powerful revolution against the Ottoman oppressors.

Following the triumphs of 1821, Greece continued to prove itself as a loyal ally of the United States and an internationally recognized advocate of democracy. Greece is one of only three nations in the world beyond those of the former British Empire to be allied with the United States in every major international conflict of the 20th century. In the Balkans, Greece has played a steady hand of democracy in the face of regional unrest and instability.

Now, in the wake of September 11, Greece again stands firm with the United States. Our efforts in the war against terror would not be as successful without the continued assistance from our allies in Greece. Greece's role as a stable democracy and key NATO ally is critical as the international community fights against global terrorism.

On this special occasion, I commend and thank the Greek people for their spirit and their ongoing pursuit of peace. To Greece, a free and democratic ally: "Cronia polla hellas".

Mr. PALLONE. Madam Speaker, on March 25th, Greece celebrates its 181st year of independence. I am here tonight to praise a society that represents, in a historical sense, the origins of what we call Western culture, and, in a contemporary sense, one of the staunchest defenders of Western society and values. There are many of us in Congress, on both sides of the spectrum, who are staunchly committed to preserving and strengthening the ties between Greek and American people. I would particularly like to thank the co-chairs of the Hellenic Caucus, Congressman BILIRAKIS from Florida, and Congresswoman MALONEY from New York for their fine leadership and their tireless efforts to strengthen the ties between our two countries.

Just two years after the Greek people began the revolution that would lead to their freedom, one of our predecessors in this Chamber, Massachusetts Congressman Daniel Webster, referring to the 400 years during which the Greeks were ruled by the Ottoman Empire, observed, "These Greek people, a people of intelligence, ingenuity, refinement, spirit, and enterprise, have been for centuries under the atrocious and unparalleled Tartarian barbarism that ever opposed the human race."

The words Congressman Webster chose then to describe the Greek people—intelligence, ingenuity, refinement, spirit, and enterprise—are as apt today as they have ever been.

In the years since, Americans and Greeks have grown ever closer, bound by ties of strategic and military alliance, common values of democracy, individual freedom, human rights, and close personal friendship.

The qualities exhibited by the nation of Greece, Madam Speaker, are a reflection of the strong character and values of its individual citizens. The United States has been greatly enriched as many sons and daughters of Greece made a new life in America. They, and their children and grandchildren, have enriched our country in countless ways, contributing to our cultural, professional, commercial, academic, and political life.

The timeless values of Greek culture have endured for centuries, indeed for millennia. As Daniel Webster noted, 400 years of control by the Ottoman Empire could not overcome the Greek people's determination to be free. But, I regret to say, Madam Speaker, to this day, the Greek people must battle against oppression. For almost 27 years now, Greece has stood firm in its determination to bring freedom and independence to the illegally occupied nation of Cyprus.

Given instability around the world, now is a good time to heal the wound in Cyprus that has poisoned the relations between Greece and Turkey for so many years.

I am concerned, however, that Turkey is once again not negotiating in good faith. Over the years, I have become quite familiar with the Turkish side's well-known negotiation tactics. The Turkish side agrees to peace negotiations on the Cyprus problem only for the purpose of undermining them once they begin and then blames the Greek Cypriots for their failure.

The time has come for Denktash to realize his demands for recognition of a separate state are not acceptable. The framework has already been laid by the United Nations Security Council's Resolutions establishing a bizonal, bicommunal federation with one single international personality and one single citizenship.

Like their forefathers who were under the control of a hostile foreign power for four centuries, the Cypriot people hold fast in defiance of their Turkish aggressors with every confidence that they will again be a sovereign nation. They will. And the United States will be by their side in both the fight to secure that freedom and the celebration to mark the day when it finally arrives.

I will continue to work with my colleagues here in Congress to ensure that the United States government remains on the right side of this issue—because there is no gray area when it comes to this conflict.

In closing I want to congratulate the Greek people for 181 years of independence and thank them for their contributions to American life.

INTRODUCTION OF CONCURRENT RESOLUTION SUPPORTING THE PEOPLE OF IRAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. GUTKNECHT) is recognized for 5 minutes.

Mr. GUTKNECHT. Madam Speaker, I rise tonight to talk about a resolution which I have had drafted and will be introducing very shortly, and I hope my colleagues will join in supporting. I would like to read it tonight. It is a resolution supporting the people of Iran:

"Concurrent resolution, expressing the sense of Congress in support of the people of Iran and their legitimate quest for freedom, economic opportunity, and friendship with the people of the United States.

"Whereas, the first day of spring, celebrated by millions worldwide as Nowruz, the Persian Iranian New Year, symbolizes renewal, birth and new beginnings;

"Whereas, the people of the United States respect the Iranian people and value the contribution that Iran's culture has made to the world civilization over three millennia;

"Whereas, the United States recognizes the legitimate aspiration of the Iranian people for democratic, civil, political and religious rights and the rule of law;

"Whereas there exists a broad-based movement and desire for political change in Iran that represents all sectors of Iranian society, including youth, women, students, military personnel and religious figures and that is pro-democratic, seeking freedom and economic opportunity;

"Whereas, the Iranian people have increasingly expressed their frustration at the slow pace of reform while still pursuing nonviolent change in their society;

"Whereas, in four consecutive elections the Iranian people have opted for nonviolent reform;

"Whereas, following the tragedies of September 11, 2001, thousands of Iranians filled the streets spontaneously and in solidarity with the United States and the victims of the terrorist attacks; and

"Whereas, the people of Iran deserve the support of the American people.

"Now, therefore, be it resolved by the House of Representatives, the Senate concurring, that the Congress of the United States expresses its heartfelt gratitude and appreciation to the courageous people of Iran for their brave expressions of support following the September 11, 2001, attacks on the United States;

"Two, recognizes and supports the people of Iran in their daily struggle for democracy, reform, human rights, economic prosperity and the rule of law;

"Three, makes a clear distinction between the peace-loving people of Iran, endowed with a rich culture and history and the unelected officials of Iran; and

"Four, urges the President of the United States to:

"A, engage and support the people of Iran in their legitimate aspiration for freedom and democracy;

"B, to continue to pursue areas of common interest with the people of Iran while taking an uncompromising stance on terrorism, weapons of mass destruction, and the human rights of Iranian citizens; and

"C, to use available diplomatic means to support the Iranian people's demand for an immediate release of all political prisoners and for the removal of the ban on the freedom of the press."

Madam Speaker, I hope my colleagues will join me in supporting this important resolution. We need to send a clear message that we stand with the freedom-loving people of Iran.

FISCAL RESPONSIBILITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Madam Speaker, in the memory of our former beloved colleague, Claude Pepper of Florida, who fought at our side in 1938 to preserve the Social Security system, I rise this evening to make my remarks.

I want to talk about fiscal responsibility, responsibility to our Nation, responsibility to the future, responsibility to our children, responsibility to our senior citizens.

Hubert Humphrey used to place particular emphasis on those Americans who are in the dawn of life and those who are in the twilight of life. I also rise to talk about fiscal responsibility to our veterans who have sacrificed and are sacrificing so much to keep freedom's flame burning brightly in America and throughout the world.

Last week the Congressional Budget Office reported that the President's budget spends $1.63 trillion of the Social Security trust fund surplus over the next 10 years. That is $261 billion more than the administration initially claimed. The budget office also reports that the President's policies spend Social Security trust fund money in every single year for the foreseeable future.

We have heard the administration officials, and some Republican leaders are extremely unhappy with the Congressional Budget Office for telling the truth; but that is why we have a Congressional Budget Office, to provide nonpartisan information, whether we like the results or not. We rely on it to be factual.

Tomorrow, Madam Speaker, this body will take up the President's budget for fiscal year 2003, and the unfortunate reality is that the President's policies will lead to the exhaustion of the entire Social Security trust fund surplus for the next 10 years and then some, according to the House Committee on the Budget minority staff.

The administration does this by using off-the-books accounting. We learned from the Enron-Arthur Andersen scandal that off-the-books accounting can get us into big trouble in a hurry. Indeed, even the administration admits that it spends some of the Social Security surplus despite Republican promises last year they would protect 100 percent of the Social Security trust fund surplus.

Remember the lock box promise? Well, the Republicans have picked the lock and are proceeding to take our money out of the lock box every day, money that belongs to the senior citizens of this country.

The Bush administration inherited a $5.6 trillion surplus; but now 8 months later, $4 trillion is gone and that jumps to $5 trillion next year if we take their budget on its word.

Madam Speaker, this is the most radical fiscal reversal in American history. The budget surplus is exhausted, deficits are back, and the lock box is gone.

What does it mean? For one thing it means that Congress may not be able to provide relief for the Medicare providers who are facing deep cuts in reimbursement.

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It means veterans will have to pay more for prescription drugs. The Veterans Administration is proposing to raise the copayment for veterans by 250 percent.

It means the wealthiest Americans will continue to get giant tax cuts, but American's 35 million senior citizens will not get a prescription drug benefit.

It means that programs for women, infants, and children will be endangered. For the people in the dawn of life and the twilight of life, this budget gives the back of its hand, and it is not right.

Over the 5-year period from 1996 to 2000, Enron paid no taxes for 4 of the last 5 years and received a net tax rebate of $381 million. This includes a $278 million rebate in the year 2000 alone. Over the same period, the company's profits, before Federal income taxes, totaled $1.785 billion. Just their profits. In none of those years was the company's pretax profit less than $87 million. At the 35 percent tax rate, Enron's tax on profits in the last 5 years should have been $625 million. But the company was able to use tax benefits from stock options and other loopholes to reduce its 5-year tax to substantially less than zero. Among the loopholes that Enron used to avoid tax liability was the creation of more than 800 subsidiaries in tax havens such as the Cayman Islands.

Madam Speaker, is it any wonder that we cannot do the right thing for America's children, for America's veterans, and America's seniors? Is it any wonder that this Congress cannot act responsibly? Is it any wonder that the Social Security trust fund is being violated every day, even as I speak here?

As long as the big campaign contributors call the shots in Washington, we are going to see continued raids on the lockbox, and the American people are going to have to pay the bills that Enron, with an assist from the politicians, avoided.

The responsible vote tomorrow on the budget resolution is "no."

FISCAL YEAR 2003 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. HINOJOSA) is recognized for 5 minutes.

Mr. HINOJOSA. Madam Speaker, this week we in the U.S. Congress will debate the budget resolution for fiscal year 2003. Last year, after almost a decade of work, we finally had a budget surplus. This year, we will again plunge into deficit spending and raid the Social Security and Medicare trust funds.

No Member of Congress is opposed to paying the necessary cost of defending our country, securing our homeland, and supporting our military personnel. However, this defense did not have to come at the expense of other important domestic programs. We are in this fix because the trillion dollar tax cut over 10 years, enacted last year, left us no room to deal with the emergency we are now facing.

I want the people of the 15th District of Texas to know what the 2003 budget will mean to them. It means that people in my district will not get vital assistance to combat our decade-long water drought because the President has eliminated the Drought Assistance Program from the 2003 budget.

It means the "One Stop Capital Shop" that helps small minority businesses stay in business in the poorest county in the Nation will have to close.

It means there will be even less funding to combat the epidemic of tuberculosis, hepatitis, and HIV/AIDS that is rampant on the southern border and, if not checked, will spread throughout the country.

Finally, it means that the bipartisan education bill, of which we were all so proud because President Bush signed it in January 2002, will not be fully funded, and poor and minority children will again be shortchanged. That is not right.

CITIZEN SOLDIER AND AMERICAN PATRIOT RELIEF ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon (Ms. Hooley) is recognized for 5 minutes.

Ms. HOOLEY of Oregon. Madam Speaker, yesterday the Oregon National Guard's 42nd Air Ambulance Company, headquartered in our State capital, Salem, Oregon, received word it had been activated in support of Operation Enduring Freedom.

The Air Ambulance is no stranger to call-ups. They were last activated to serve in Bosnia, where they garnered heavy acclaim. Nor is the Oregon Guard a stranger to call-ups. Although we have just over 6,000 Guardsmen and women, Oregon trails only Texas and Georgia in the number of activated troops, and each of those States has 20,000-plus soldiers and airmen.

That is a testament to the Oregon Guard's military readiness, especially in light of the fact that we do not have any active duty military bases in our State, except for Umatilla Depot, which is largely a repository for chemical weapons.

As I speak, F–15s from the Oregon Air Guard are patrolling the skies above North America, being assisted by air traffic control units. All this is happening while an additional 500 Guardsmen are preparing for a lengthy deployment in the Sinai Desert, and a military intelligence company from Lake Oswego is rotating through Bosnia.

Madam Speaker, these deployments come at a high personal and professional cost. Activated Guardsmen and women not only leave behind their families, they leave behind careers and their own businesses. Additionally, the Pentagon often activates these units for 179 days, a day short of the 180-day-period which would give nonprior-service Guards VA benefits. Many of these activated troops lose their private health insurance, forcing their families to enroll in military health insurance plans, which means a whole new set of doctors, dentists, and pharmacists to deal with.

The list of hardships goes on and on. They are well known to anyone who cares about the impact this war is having on our local communities. That is why I think it is important that our Guards and Reservists receive more than just a pat on the back for the job they are doing in this war against terrorism.

I am developing comprehensive legislation which would remedy some of the concerns I just mentioned. The Citizen Soldier and the American Patriot Relief Act recognizes the sacrifices made by our citizen soldiers, and I look forward to sharing it with my colleagues.

Until then, I ask that every American keep all of our troops in their thoughts and their prayers. It is because of our military men and women and their service, and their service alone, that we enjoy the privilege of meeting in this institution, free from terror and other failed attempts to strip away our liberty.

I thank all of our military men and women for their service.

THE FISCAL YEAR 2003 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. MILLENDER-MCDONALD) is recognized for 5 minutes.

Ms. MILLENDER-MCDONALD. Madam Speaker, I rise today as we celebrate Women's History Month to review some of the budget items that impact on women's issues.

There are some issues in the FY 2003 budget proposal impacting on women that I would like to bring to the attention of my colleagues.

It was disappointing, Madam Speaker, to find that the title X family planning program is not going to see an increase in funding. In fact, the program will be level funded at $266 million for the 2003 fiscal year.

Title X is the only Federal program devoted solely to the provision of family planning and reproductive health care. The program is designed to provide access to contraceptive supplies and information to all who want and need them. Title X is designed to assist low-income women. For many clients, especially women of color, title X clinics provide the only continuing source of health care and health education.

A growing number of uninsured women desperately need this care offered by title X clinics, because they cannot meet the increase in cost of Federal services. If the title X program had kept pace with inflation in recent years, it would now be funded at $564 million. That would have been more than double the current level.

We Democratic women are pleased to see that the budget would provide $8.4 million for the Women's Bureau at the Department of Labor. Unfortunately, this is a decrease of $1.8 million from the 2002 fiscal year. The question I have, Madam Speaker, is what services to women are going to be cut to make up for this shortfall?

Already, one organization has been threatened with closure. Women Work, the national network for women's employment, was led to believe that the Women's Bureau did not intend for its continuing funding. Happily, this did not happen. Programs continue to be needed to assist women to find their way into employment. The Women's Bureau, especially the decentralized Women's Center, have played a major role in this area and deserve to be fully funded.

The welfare of children is, of course, of great concern to all of the Members of this House, not just the women Members. I am pleased to see that this budget includes $421 million for child welfare and abuse programs. These funds provide services to prevent child abuse and neglect. While it is laudable that this money has been allocated to such a worthy cause, it must be noted that the funding has been maintained at the same level as last year.

Americans want to see all children in happy and safe homes and protected from abusive situations. For this reason, Democrats would like to see these programs strengthened.

It is pleasing to see that the Centers for Disease Control and Prevention will receive $5.8 billion in this budget, but Democratic women have noted that there will be a decrease of $1 billion from the 2002 fiscal year. This is a very large reduction in the CDC budget.

We all agree that every child born should be a healthy baby. It is disappointing to see that the Birth Defects and Developmental Disabilities Center will receive $1 million less than last year.

There is also a tragic imbalance and racial disparity in terms of babies born in the African American and white communities in our country. A black baby born today is twice as likely to die within the first year of life as a white baby. That baby is twice as likely to be born prematurely and at low birthweight. In order to help address these major problems and health concerns, we would like to see a modest amount of $3 million restored to the Public Health Service's Office of Minority Health that is located in the Department of Health and Human Services.

The Fiscal Year 2003 budget includes $156 million for environmental disease prevention. This is a $1 million reduction. Cutting funding for environmental disease prevention is another unfortunate budgetary reduction.

Madam Speaker, we Democrats are deeply disappointed with this budget and believe that it will have some very unfortunate repercussions for the well-being and provision of social and health services to the American public, and particularly how these cuts will affect women.

2003 BUDGET RESOLUTION AND NATIONAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Madam Speaker, several of our colleagues on the other side of the aisle have risen tonight to decry the budget that has been proposed by the majority party and that we will be voting on tomorrow, the budget resolution, that is to say, and they have each identified specific parts of it that they find unattractive, unappealing, or in some way something that they can complain about.

The real issue, of course, that is perhaps annoying to them, I think, or at least discomforting to them, and the one that was never referenced, but is the one accurate representation of the budget resolution that the majority party will offer tomorrow, is that it is balanced. That is to say, this budget resolution will set out for the Congress of the United States and for the American people a budget that will spend no more money than we will take in.

Now, this is something that is not very comfortable to the minority party. They have really not operated under that kind of restriction for as long as they held control of this House. For 40 years, of course, profligate spending of the minority party Members, when they were in control of this House, put us into a situation that we in fact had robbed the Social Security trust fund every single year. There were IOUs in that trust fund that approximated $800 billion by the time that we took over.

In the last 4 years, something again that the minority party does not discuss when they talk about the budget or our control during that period of time, in the last 4 years we have paid down almost $450 billion of the national debt. That is an unheard of, unprecedented phenomenon that came as a result, of course, of the fact that we had an economy that was expanding and government revenues were increasing.

But does anyone listening to the debate tonight on this floor think for a second that if the Democratic Party had been in charge during that particular period of time that we would have taken the dollars coming in to the government and not spent them on new programs and expanding the Federal Government?

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Madam Speaker, I hasten to add that I think even Members of the other party would recognize that is the history that they give us. So to come tonight, and I am sure as will happen tomorrow to the floor of the House of Representatives, and talk about the need to be more concerned or more focused on the budget issue begs the question.

What happened when they had the reins of control here? What did they do? The fact is that they spent not only every dollar that came in, but hundreds of billions of dollars that did not come in, hundreds of billions of dollars that we had to borrow from the taxpayers.

We have tried to change that direction in the last 4 years; and we are going to offer a balanced budget, a frightening concept perhaps to the other side, but it is one with which they will have to deal.

The primary issue that I raise tonight is not, however, the one dealing with the budget. There will be plenty of discussion dealing with that tomorrow; but it is the issue of our national security, because of course that is the most important thing with which this Congress can ever deal. Whether we are talking about budget or anything else, the reality is we have relatively few true responsibilities given to us by the Constitution of this Nation. They are delineated in the Constitution, and the Constitution is added to by the Bill of Rights.

The last of the 10 amendments to the Constitution is very specific, and it says in case there is something you are confused about in the list of things that are the responsibility for the Federal Government, we are going to make it even more clear, that is, if it is not clear, it is not your responsibility, it is the responsibility of the States and the people therein.

But there is something that is uniquely our responsibility, and that is the defense of the Nation. We cannot rely upon States individually to raise the budget to defend the country through any other process. That, of course, is our responsibility. There are several ways to do that. One is to make sure that our military is quality funded, make sure that the men and women serving in the military of the United States have every possible weapon at their disposal and in our arsenal that would first protect them; and, secondly, get the job done wherever we send them.

Time and again when we are watching television or reading reports in the Congress about the marvelous and incredible undertakings with which the military is involved, we recognize that the valor of the men and women who serve really and truly is the bottom line. We can give them all of the equipment in the world, but it boils down to the individual that is there on the field of battle and what is in his or her heart at the time. We can be proud and we are proud of the people that serve in our military, and we work hard to make sure that they have what is necessary to get the job done and to protect them because they are, in turn, protecting the Nation.

We recognize that the fight for the Nation, that the battle goes on in a variety of different venues. It is not like any other war. This has been said many times. The war we are in is not like any other war we have ever been in, or likely to be in, in that it will not be marked by a confrontation between two huge armies until one capitulates and the state that they represent or are fighting for has fallen. That is certainly not going to be the conflicts of the 21st century. The conflict arises in Afghanistan, the Republic of Georgia, the Philippines, and Indonesia. All over the world, we find we have to stamp out the tentacles of fundamentalist Islam as represented by al Qaeda specifically, and the terrorists who have as their end-desire the destruction of this Nation.

We know that is the case, and we know we are doing a good job there. I commend the President of the United States for his leadership and my colleagues for their support of all of the appropriations that have been passed and made available so that all of the people out there are fully equipped.

But there is another thing, there is another side to this battle that we pay little attention to, unfortunately. Far too little attention. It is the battle that goes on to defend our own borders.

The one thing that is typical in this battle, in this war, typical to other kinds of wars we have been in, is the fact of invasion where large numbers of people come across the border of one country undetected without permission of the country they are entering; and some of them, certainly not all, thank God at this point in time, but some of them have ill-intent. Some of them choose and come here with the very purpose of doing us harm.

Many others, unfortunately, who come across the border, do not choose to do us any physical harm, but are not really connected to the United States in any way similar to the immigrants who have come to the United States in the heyday of immigration, in the past 100 years or so. For the most part, people coming into the United States during that period of time, during the 1800s, early 1900s, came with the distinct purpose to separate themselves from the land from which they came, and to attach themselves to a new land and a new idea and new set of principles. They wanted to break the political and even linguistic ties they had with their country of origin and start something new. They committed to America. Of course they wanted a better life and of course they looked forward to giving their children a better life, just like the immigrants of today do.

But there is a significant difference. Millions of people are looking for that better life, but they are not disassociating themselves from the country of their origin, not linguistically, not culturally and sometimes not even politically.

Today, as I speak, we find that there is something happening in the United States which has never happened before, and that is a dramatic rise in the number of people who are here in this country, relatively recent immigrants to the United States, who claim dual citizenship. That is to say they claim to be both Americans and citizens of the country of their origin. They choose not to break those ties. Now that I would suggest, Madam Speaker, has never happened before. That is a new phenomenon. Something is peculiar about that, and something is dangerous about that when we talk about what is going to be necessary in order for us to survive this clash we are in with international terrorism, which can be characterized as a clash of civilizations.

Samuel Huntington in a book I reference often called "Clash of Civilizations" talks about the fact that the United States will be significantly hobbled in its ability to lead the West if we ourselves are a cleft Nation, a Nation divided in half. That is exactly what is happening to us, and one of the reasons why I have raised the concern about massive immigration, legal and illegal, into the United States, over the past couple of decades.

The agency to which we entrust the responsibility for protecting our borders and for helping us maintain some sense or even a tiny bit of hope that we can actually control the process of who comes in, for how long, for what purpose and knowing when they leave, the agency to which we entrust that responsibility is the INS, the Immigration and Naturalization Service.

This agency has 35,000 employees. It has a budget of about $7.5 billion. In the budget resolution we are going to pass tomorrow, it will call for about a billion dollar increase. It is an increase of 250 percent over the last 10 years. I bring that up because we are going to hear from that agency when we talk about the problems within it that they do not have enough money, they do not have the resources. They will talk about not having enough people, but in fact we have actually increased the number of people serving in the INS by 83 percent over the last decade. A 250 percent budget increase, 83 percent personnel increase, and what do we have to show for it? We have an agency that is incapable of managing the responsibility that is given to it. They are both incapable and undesiring of doing so, and that is the real crux of the matter here.

Madam Speaker, if we had an agency made up of people from the top to the bottom who had the intent, the desire internally to patrol the borders of the United States and make sure that our Nation is secure against people who are coming in illegally, making sure that the people who do get by them there are found in the United States and deported, making sure that the people who are here even legally but then commit some crime, taken to court and ordered deported, making sure that those people leave the country, if we had an agency like that, we could be somewhat sympathetic to their needs and desires and to their protestations of wanting to do a better job.

Today, the Subcommittee on Immigration of the Committee on the Judiciary held hearings; and called in front of them, among others, were the commissioner, the head of the INS, Mr. Ziglar. I want to preference my remarks by saying that Mr. Ziglar seems to be a very nice man, a very pleasant individual. I have no doubt of that. Certainly that is my observation.

But I am going to make another observation here; and that is from everything I have been able to see, read and hear about Mr. Ziglar and the situation in the INS, I will say that he is in water way over his head; that he is not really capable to do what we have asked him to do. Perhaps we should not blame him. Perhaps the fact that we brought him from a position that had absolutely nothing to do with immigration, perhaps the fact that he has absolutely no background in the area of immigration or immigration control, perhaps that is the problem; that no one with a similar background could possibly be expected to begin to wield control in an agency of 35,000 people, all bureaucrats for the most part, or I should say they are mostly bureaucrats. I think there are 5 or 6 political appointees in that entire agency.

And it is difficult, certainly, I know. I ran the Department of Education's regional office for 12 years, and I am aware of the difficulty of trying to manage an enterprise that is peopled by employees who have civil service protection, and in my case had the protection of the public employees union. It is difficult to fire somebody from doing a bad job.

Indeed, Mr. Ziglar said in a recent television interview which I watched, when he was questioned about the problems in the INS, specifically what was going to happen to the people who had approved the visas for Mohammed Atta and his colleague Marwan al-Shehhi, the visas that arrived on March 11, 2002, 6 months to the day after they were killed in their attack on America, visas arriving at the school that they were attending to learn to fly, that has made the news. That has made a lot of people begin to say, What is going wrong? That is a peculiar thing.

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When Mr. Ziglar was questioned about this, he said, I can fire no one, absolutely no one that was responsible for this. I have control over five or six people, but that is it.

We remember that the President said he was furious, he was mad, hopping mad or some words to that effect, but no one was fired. Furious is another way I think you could describe the President of the United States about this incident. But no one was fired. Four or five people had their job titles changed. That was it. That was the response to the visa flap.

It is almost incredible, Madam Speaker, but it is indicative of the problem we are having with this agency and our need to do something about it.

As I say, Mr. Ziglar came from a situation that did not give him any sort of real background. He came to this position after having served as the Sergeant at Arms and Doorkeeper for the Senate. That was his job. That is his background. Again, I want to reiterate, I am sure he is a very pleasant fellow. That is not the issue. The issue is, we are in a world of hurt here.

There is another aspect to his philosophy that needs to be brought up. He has stated on more than one occasion that he is a lifelong Libertarian. Fine. There are certain aspects of Libertarian philosophy that I think are intriguing, but the fact is, there is one part of it that is quite peculiar when you consider that to then place him as the head of the INS, the agency designed to help us control the border because, of course, Libertarians believe that we should have no borders, that borders are sort of artificial and sort of anachronistic barriers to the flow of goods, trade, ideas and people, therefore, we should abolish them and have these open borders.

Not only does he feel that way, but the one political appointment he was able to bring in as his second in command is a gentleman who shares those feelings exactly, coming from the Cato Institute. The Cato Institute is again an organization of, I think, great allure for some people, I use some of their stuff myself, but the Cato Institute is a Libertarian think tank. Their position on these issues of immigration is quite clear, open borders.

They have every right to espouse that position at the Cato Institute. Mr. Ziglar, when he was the Doorkeeper for the Senate, had every right to feel that way, to espouse that point of view. He is now the Commissioner of the INS. I would suggest that that is akin to the old fox in the henhouse. There are a million analogies you can come up with, but it is a wrong place to be for him. He is the wrong person to put there.

Now he is forced to try to defend the actions of this agency which heretofore have been allowed to essentially begin an open border or continue the process of developing open borders, because it is not unique to this administration, of course; but now, because of 9/11, because of all these embarrassing things that have happened, he is forced to try to defend this situation and to say, we really are trying. Because he is not going to stand up and say, I am still committed to open borders, I do not think, so he is going to have to suggest that there is a way he is going to deal with this.

But in reality, Madam Speaker, there is nothing that is going to change in that agency, and there are bills, I know, that are being proposed to do that, to actually split the agency in two so that it has as its one responsibility the complete, what I call social work side of immigration, the benefits side, helping people get their green card, helping people become legalized; that is one thing. And then the other side is enforcement. Today they are sort of a mixed bag, and they do neither one, not just they do not do it very well, they are a complete disaster in both cases.

So just splitting that agency, keeping all the people there, the same people who internally, in their minds, are not on the right side of the issue, they are not intent on trying to defend our borders, Mr. Ziglar actually said that himself at some point in time in a more candid interview, I think it was, with, I think it was the New York Times. He said, "I don't like the policeman part of my job. I don't want to be a policeman. I don't like that." Of course, the reality is, most of the people who are there in that agency do not like it and do not want to be that.

I am going to try to narrow it down, because I am not talking about the men and women who serve on the border, the Border Patrol people, the agents whose job it is to try to find people in the United States who are here illegally. For the most part, I should tell you that almost every single one of them I have met, and I have met many, are dedicated to doing exactly what that job says. They are dedicated to trying to stop people from coming here illegally and find them when they are here, but they know that there is absolutely no support they get from anyone up the ladder in their administration. They are, most of them, afraid to talk openly about this.

Mr. Cutler today did testify in the hearing that I mentioned, the Subcommittee on Immigration from the Committee on the Judiciary. Mr. Cutler felt a little freer to talk today because, frankly, he was fired last week. Although the INS will suggest it was not because he is a whistleblower, I think that it is hard to make that case. I think he was fired because he is a whistleblower. That sends, of course, shock waves throughout the INS. People become less and less willing to say what they know to be the case.

I had a similar situation, someone, not a patrol agent but a judge, an immigration law judge several months ago called my office because he knows that I have been a critic of the INS. He said, "I've got to tell you something. I've been a law judge for X number of years," I will not say, because that could help identify him and he wants to be sure we do not do that. He says, "I have been an immigration law judge for several years. I am frustrated to the point that I just don't know what to do, because every single day I try my best to make sure that the people who are brought in front of me, that the adjudication process is fair; and when I know there is someone who should be sent back, who should be deported because they have robbed somebody, murdered somebody, raped somebody," because frankly, Madam Speaker, you do not come in front of an immigration court just because you have overstayed your visa. That is not it. Usually you have gotten caught doing something and then they find out, by the way, you are here as an alien or an illegal, and they bring you to immigration law court.

He said, "Every single day, I bring the gavel down and order someone to be deported and some of these people have made threats against the United States. Every day they walk out of my courtroom and they walk right back into American society."

I said, "How can that be? What happens?"

He said, "The problem is at that point in time, the INS is in charge of incarcerating, taking them away. And they just don't do it. They just don't do it. Oftentimes the INS comes into the courtroom and they are supposed to be the prosecutor in the case, but they act as the defense attorney. I know that there are thousands," he says, "I think hundreds of thousands of people who have been allowed to essentially walk, people that I know I and my colleagues have ordered to be deported for various reasons who are still simply out there."

I said, "How many do you think?"

He said, "I've done some preliminary checking here, and I think there are at least 200,000."

I said, "That's incredible. I'll check with the INS."

Of course we called them. I often say on the floor of the House here that the logo for the INS, something that should be on all of their documents, on the top of everything they send out, the logo on their Web site for the INS should simply be a person shrugging their shoulders. That is it. INS, that guy going, "I don't know, I'm not sure." Because that is all you get from them, whenever you call them, "I don't know, I'm not sure. Could be."

We said, "Do you realize there are a couple of hundred thousand people, that someone has alleged that there are a couple of hundred thousand people here?"

They say, "We don't know." We kept, of course, pushing the issue. Finally, we got the INS to say that yes, they looked into it and maybe there were 200,000 people, 250,000 people.

Shortly thereafter, I cannot remember the exact time line, but I happened to be at a meeting with Mr. Ziglar, the head of the INS. He was here in the House, he was meeting Members of the House. I went up to him at the conclusion of his speech. I said, "Mr. Ziglar, do you know about these people who have been ordered to be deported but they are still here?" He said, "Well, no, I don't."

I said, "Do you know how many we're talking about?" He said, "No, I really don't."

I said, "There are at least a couple of hundred thousand." He said, "That have been ordered deported?"

I said, "Yes." He said, "I don't know. I don't know anything about that."

It was shortly thereafter that we got the information from the INS and it was, they said, a couple of hundred thousand. It turns out, because we pressed the issue and because the media kept hounding them about exactly how many are there, how many have been actually ordered deported, they put out some sort of directive, whatever, they sent something to Congress.

In fact, after that, Mr. Ziglar testified under oath in Congress to a specific number. He said there were 314,000 that they had identified. Remember, he told me first he had no idea, he had no idea what I was talking about, he did not know that there was anything like that happening, he certainly did not know how many. But several months after that he testified in front of the Congress, 314,000.

Recently, a reporter for "Human Events," Mr. Joseph D'Agostino, has been doing his own work and looking at the records. According to his analysis, it looks to him like there were 425,000 in just the last 5 years, from 1996 to 2000. We do not know because there is no record of anything that happened before 1996, people who walked away who are still here.

So he went back to the INS. He said, "Could this be? I have come up with at least 425,000. We don't know. That is just from 1996. We don't know. It could be a lot more than that. It could be double that amount."

They said, "Well, you're right, we're not sure ourselves. We're not sure ourselves."

Then today I am told, in response to this, they said, "We don't think he is right, either." But, Madam Speaker, this was evidently something that Mr. Ziglar said in response to a question, that he does not think these numbers that Mr. D'Agostino has pointed out are right. He does not know.

But this is the guy that told me he did not know it even existed. So why would we feel comfortable in listening to him tell us what the real numbers are when he did not know that they even had a problem? This is the head of the agency. We do not know how many. Let us say it is between 300,000 and 1 million. I think from everything I can read, that is a pretty good guess. Between 300,000 and 1 million people have simply walked out of immigration law courts and back into society.

This is a national security issue.

I started out my comments this evening by explaining that we are in a war. We are fighting it overseas, but we are not doing a very good job fighting it here at home. The borders are undefended and unprotected for the most part. Good men and women, working hard, but frankly all we do is we hand them a sieve to hold back the flood.

They know that they are working really almost against their own agency. They will tell me that and they would tell you that if you went down on the border today, Madam Speaker, and you talked to them, they know that their agency does not support their efforts.

That has got to be the most frustrating feeling, to be putting your life on the line, and I assure you they do. There have been seven killed in the recent past, seven Border Patrol people, by people who are simply waiting. By the way, not waiting just to cross the border and waiting for this Border Patrol agent to get by, but waiting to ambush them, waiting in the bushes to ambush them, just to kill them, because they hate America, for whatever reason, I do not know, but there have been seven killed in the line of duty. I was made aware of that when I went down there, and that is in the recent past. It is getting worse. It is getting more dangerous all the time.

I have tried to portray the picture, an accurate picture of the INS, of the organization to which we have entrusted the responsibility of protecting the border.

□ 2045

I have indicated that they have two roles: one is in enforcement and one is in the social work side of things, the benefit side of things.

Let me tell you about a GAO report that came out just a month ago, released February 15. By the way, this is one of a series of GAO reports on this particular agency. This report focuses on the benefit side, the social work side of INS, the thing they tell us they like to do and that they are good at.

The GAO says the INS allows the fraud to flourish by stressing that applications must be processed quickly. In some districts, adjudicators who decide whether a benefit will be granted are ordered to spend no more than 15 minutes on an application. This effectively discourages checking for fraud, the study says.

The GAO found that 90 percent of 5,000 petitions for workers sought by foreign companies, particularly in the Los Angeles area, were fraudulent, a 90 percent fraud rate. An official in the INS operations branch said that a follow-up analysis of about 1,500 petitions found 1,499 fraudulent.

This is the same agency and, by the way, these are the things that we just a few nights ago on this floor, we actually passed something called 245(i), and it provides amnesty for people who are here illegally. If they come in, all they have to do now, they can be here illegally, but we have said to them, that, okay, come on in and give us your application to determine if you are here under certain guidelines, whether you have had a job for a long time, whether you are married.

We know the last time we did this, by the way, fraud was rampant. Sham marriages occurred in the hundreds of thousands. Bogus documents for work histories were drawn up. We know that. We know what happens. And we are going to entrust to the INS the responsibility to look at another 1 million.

By the way, Madam Speaker, the 1 million or so that will apply as a result of the 245(i) extension that we passed will be added to the 4.5 million backlogged applications that the INS has right now, so there will be 5.5 million backlogged. What do you think the INS will do when they are told they have 15 minutes for every one of these things? Does anybody think anybody is going to get really checked here to determine whether the background is appropriate for coming into this country?

Now, I am told the 245(i) extension is going to be held up in the Senate, partly because Mr. DASCHLE does not want to give this win to the President, partly because a particular Member of the Senate, of the other body, I should say, has decided to put a "hold" on it.

I hope the hold works. I hope they hold it forever. I hope they never, ever, let it go in the Senate, for whatever reason. I do not care. If they want to do some political shenanigans, whatever it is, I hope they hold it and do not pass 245(i), because it is the wrong thing to do.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). The Chair would remind the Member to refrain from improper references to the Senate.

Mr. TANCREDO. I thank the Speaker for that reminder.

The issue is, of course, this particular agency and the security of the Nation is dependent upon having an organization like the INS do its job, do it effectively and efficiently. I hope that I have indicated to you and to the Members and our colleagues the difficulty we would have if we were to just give this agency the responsibility to actually increase border security. It has to be abolished.

We have to start with something new. It has to be something we create. The President today, as I understand, has called for something far more dramatic, far more significant than the original proposal to just split the agency into two parts. He has called for the complete elimination of this part of the agency, the enforcement side, creating a brand new one that would combine various other offices, various other functions of other agencies, including Customs and Agriculture, perhaps DEA, putting them into one agency, with the clear purpose, the clear line of authority, with people who are not philosophically inclined to open borders, but actually have a belief that they have a responsibility to help defend our borders. He has called for that today, and I applaud his call for a new agency, brand new, new people, and I would suggest we take it out of Justice and perhaps put it into Governor Ridge's Homeland Security Agency. That would be appropriate.

Now, we have to do something like that, and it will be dramatic. It is a big test of our will in this body and in the other body as to whether or not we can actually accomplish this, because, of course, there is a lot of turf we are going to be treading on, and in this town turf is very important and people do not give up their turf, even a tiny little bit of it, without a big fight.

What we are saying here is we have to take some things away from you, and some things away from you, and we have to put it into another agency. It is going to be tough.

It has to be done, and I will tell you why. People will often say, hey, who are we really afraid of? Are we afraid of the people coming across the borders? They are just coming for jobs. They are not really coming here to do us any harm and that sort of thing.

Madam Speaker, I am going to be quoting from something here, an article that was put out on WorldNetDaily, written by J. Zane Walley. A lot of the references I will be making will be to this particular article. It is called "Arab Terrorists Crossing the Border."

This was a very elucidative analysis, I think, of the problem, and something that every American should be aware of, especially when we talk about the need to make sure that we are fighting the war on terrorism both here and abroad, because if we do not have a two-front war, we will certainly lose.

The article says that to date, the U.S. Border Patrol has apprehended, and this is up to this time of the year, 158,722 illegals, just in the year 2001. By the Border Patrol's own admission, it catches one alien in five, and admits that about 800,000 have slipped across this year. Others contend that this is inaccurate. These are the ranchers down there, and they contend the agency only nets one in ten. An estimate is that over 1.5 million unlawful aliens have crossed into America in what the Border Patrol calls the Tucson Sector. By the way, that is just one part of our border, of course.

Many border ranch owners are validly apprehensive of speaking about their desperate situation because of likely retribution by narco-militarists, the drug runners, and coyotes, the smuggling of human beings. Unsolved murders and arsons are alarmingly ordinary in Cochise County, so pure fear keeps locals from speaking on the record.

The foot traffic is so heavy that the back country has an ambience of a garbage dump and smells like an outdoor privy. In places, the land is littered a foot deep with bottles, cans, soiled disposable diapers, sanitary napkins, panties, clothes, backpacks, human feces, used toilet paper, pharmacy bottles, syringes, et cetera.

U.S. Border Patrol agents are doing the best they can, considering their sparse numbers and the impossible terrain they patrol in four-wheel drive vehicles, quad-runners and on foot. Agents of the Border Patrol have their other fears besides being ambushed by rock-chucking illegals and confrontations with assault rifle-armed narcos. They are not allowed to speak about what they cope with each day.

This is what I mentioned, Madam Speaker, as being endemic in this agent. They have intimidated their employees so that they are afraid to speak out in what they see to be as clear violations of the regulations they are asked to uphold.

One agent who spoke anonymously said, Look, I can tell you a lot of stories, but I have to be unnamed or I will be blackballed and might lose my job. He worriedly added, I have a family depending on me.

Another agent of supervisory rank stated that smuggling traffic of Mexicans has really slowed. We are experiencing a tremendous increase in what he calls OTMs. That is border lingo for "other than Mexicans." When queried about the ethnic makeup of the OTMs, he answered Central and South Americans, Orientals and Middle Easterners.

When he was questioned about that further, Middle Easterners, he said yeah, it varies, but about one in every ten that we catch is from a country like Yemen or Egypt.

Border Patrol spokesperson Rene Noriega stated that the number of other than Mexican detentions has grown by 42 percent. Most of the non-Mexican immigrants are from El Salvador or other parts of Central America, she said, but added that the agents have picked up people from all over the world, including the former Soviet Union, Asia, and the Middle East.

Arabs have been reported crossing the Arizona border for an unknown period. Border rancher George Morgan encounters thousands of illegals crossing his ranch on a well-used trail. He relates a holiday event:

"It was Thanksgiving, 1998, and I stepped outside my house and there were over 100 crossers in my yard. Damnedest bunch of illegals I ever saw. All of them were wearing black pants, white shirts and string ties. Maybe they were hoping to blend in," he chuckled. "They took off. I called the Border Patrol, and a while later Agent Dan Green let me know that they had been caught. He said all were Iranians."

According to Border Patrol spokesman Rob Daniels, 10 Egyptians were arrested recently near Douglas, Arizona. Each had paid $7,000 to be brought from Guatemala into Mexico and then across the border.

According to the San Diego Union Tribune, hours after the 9–11 attacks on the World Trade Center and the Pentagon, an anonymous caller led Mexican immigration officials to 41 undocumented Iraqis waiting to cross into the United States.

The Associated Press reported that Mexican immigration police detained 13 citizens of Yemen on September 24, 2001, who reportedly were waiting to cross the border into Arizona. The Yemenis were arrested Sunday in Agua Prieta, across the border from Douglas. Luis Teran Balaguer, in the northern state of Sonora, said the evidence indicates that they have nothing to do with terrorist activities.

The Agua Prieta newspaper clearly did not agree with his assessment. The editor, Jose Noriega Durazo, claimed in a front page El Ciarin headline, "Arab terrorists were here." He quoted Agua Prieta police officials as identifying the 13 Yemenis as terrorists.

Reportedly the Mexican immigration police returned the Yemenis to a federal detention center near Mexico City, but the new information would indicate they were released and returned to Agua Prieta.

Carlos Carrillo, assistant chief, U.S. Border Patrol, Tucson Sector, told WorldNetDaily in a telephone interview Monday that nine Yemenis were reportedly holed up in a hotel in the border town of Agua Prieta, Sonora. "We have passed the tip on to the FBI," he said. When pressed for information, he said he could not confirm the number, because they were under OP/SEC, which is a counter-intelligence acronym for "operations security."

The Border Patrol field patrol agent, who spoke anonymously, confirmed the presence of nine Yemenis. The agent said they could not get a coyote to transport them, and they are offering $30,000 per person, with no takers.

The article goes on. Some people are being offered $50,000, specifically of Arab descent. This is happening at the same time that we are debating whether or not we actually can control our own borders or whether we should.

Today I had an interesting discussion with a member of the press, specifically a lady I think from USA Today, and it became apparent after a short time she was annoyed with the fact that I was pressing for border control. She put the pad away for a second and talked to me, you know, sort of "off the record"; and she said you cannot really expect to do this. We are going to turn into a police state. Are you really going to try to keep these people out?

So I said to her, Tell me the alternative to trying to defend the border. Just tell me what you think the alternative is? It is to abandon it. There is no other way.

You have two options. You either defend the border as well as you possibly can, and it does not mean we will absolutely be sure that no one will ever be able to get into the country without our permission. Of course not.

□ 2100

But we do everything that we can do, just like the President has said that we are going to do outside the country. He said we are going to do everything we have to do.

I ask the President to do everything that he can do, and I certainly will do everything I can do, and I will ask my colleagues in this body to do everything that we as a body can do to stop people from coming into the United States illegally, because it is dangerous.

It is not just the person coming across to get a job in a factory or a field somewhere. We cannot discriminate. We do not know. It is not easy to determine which one is coming across illegally for some purpose that is benign and which one is coming across illegally for some purpose that is quite deadly. It is impossible for us to know that.

We have only one ability, only one charge, only one responsibility. That is to defend the border against all people coming across illegally. It is our responsibility as a Congress, and although there are many people who shy away from it, who are frightened by that because they know that politically we will be attacked by the immigration support groups and various other organizations, and by people who in fact have as their purpose, even here in this body, there are many reasons that many people vote against tightening immigration laws. Some are directly political.

Some people know that massive numbers of immigrants coming into the United States, legally and illegally, will end up supporting the Democratic Party, and therefore they say, we do not want to reduce immigration, whether we are talking legal or illegal.

Many people on our side are split in that Libertarian camp that say, "I want open borders," or say, "I want cheap labor." That is the problem we deal with here.

But I ask all of my colleagues to overcome those very parochial, partisan interests in the hope of and in the desire to try and defend America as successfully as we are doing in Afghanistan. It is imperative that we do it here, also. Our very Nation's survival is at risk.

We recognize that, and we respond to the call that the President makes when we appropriate money and in every other way indicate our support for the effort to fight terrorism overseas. But why, why, Madam Speaker, is it so hard for us to get the same job done here in the United States?

It should be the first place we look, it should be the first thing we do, because the defense of this country begins at the defense of its borders.

FISCAL RESPONSIBILITY AND THE BUDGET

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under the Speaker's announced policy of January 3, 2001, the gentleman from Kansas (Mr. MOORE) is recognized for 60 minutes as the designee of the minority leader.

Mr. MOORE. Madam Speaker, last year it was announced by the Congressional Budget Office that, and I am talking about February of last year, that the projected surplus over the next 10 years would be approximately $5.6 trillion. At that time, the surpluses ran as far as the eye could see, and everybody was talking about the surpluses and how we might use those surpluses to benefit our country.

In fact, the debate at that time was how we might use those surpluses to pay down our national debt, which was approximately $5.7 trillion at that time. The debate was how much we should pay down our surplus and whether we should pay down our surplus or if we should pay down our surplus, if we might pay it down too fast.

In fact, Chairman Alan Greenspan of the Federal Reserve Board said there would be some danger in paying down our national debt too quickly.

Well, that problem has been solved. We no longer have surpluses. In fact, and I am not pointing fingers or blaming anybody here, but as the result of an economic slowdown, as a result of the horrible tragedy that confronted our Nation on September 11 last year, the economy slowed down, number one. It was really put into a tailspin on September 11. The surpluses have virtually disappeared.

In fact, the $5.6 trillion surplus last year that was projected over the next 10 years this year, in February of this year, was projected by the Congressional Budget Office to be approximately $1.6 trillion. Somebody said to me when I was back home, what did you all do with the other $4 trillion? I said, well, it was a projected surplus. Projections are hopes for the future.

In fact, I speak virtually every weekend when I go home to either college classes or high school classes, government classes. I remember several months ago speaking to one high school government class. I was talking to them about the virtues of fiscal responsibility and paying down our national debt, and what Chairman Greenspan has taught us about long-term interest rates benefiting and being lowered as a result of fiscal responsibility and fiscal restraint.

I talked to this class about surpluses and deficits, and I said finally to the class, these high school seniors in the government class, "How would you define a projected surplus?" One girl raised her hand, and she said, "Maybe yes, maybe no." I thought, what a great definition. She could probably give good instruction to some of our colleagues here in Congress who think that we can spend projected surpluses, which we know not to be the case.

It is often said that our children are our future. I think no issue goes more directly to the heart of our Nation's future than the debt limit, because what we do now and what we do in the future is going to affect our children, our grandchildren, and their children, because they are going to have to pay off the debt, whatever debt we accumulate.

I think, again, Congress could learn something from our children and do something better for our children. Apparently, Congress is one of the only groups that has not heard that surpluses can disappear, and now we are paying the price and have to make some tough choices.

The President wants to raise and Secretary O'Neill wants to raise the debt limit by roughly $750 billion. This would raise the public debt from $5.95 trillion to $6.65 trillion. I am asking, and again, I am not here to lay blame or point fingers; certainly, the recession I do not believe was the President's fault, and certainly September 11 was not the President's fault. The Congress and the administration should take a hard look at our long-term budget priorities before writing a huge blank check, though, of $750 billion.

I believe it is irresponsible to raise borrowing limits today without planning to protect our children and grandchildren from the consequences of our debt in the future. Lower numbers would be more acceptable at this time. I believe our discussion of the debt limit should be part of an overall discussion as to how to balance the budget.

We cannot throw away and we should not throw away all the progress we made over the last several years in terms of fiscal responsibility in this country. There was a lot of pain involved, and I think we learned some tough lessons, but I think Chairman Greenspan is exactly right: If we can show fiscal responsibility and fiscal restraint, it is going to have a beneficial impact on long-term interest rates, and that affects everybody in this country who borrows money for a mortgage, for a car loan, or any other type of consumer loan.

Too many people in Congress, both sides, Republicans and Democrats, worked too hard to balance the budget to so easily slip back into our old habits. I hope that does not happen.

The President said several times, and I agree with the President wholeheartedly, there are a couple of times when it is appropriate and sometimes necessary to engage in deficit spending, short-term deficit spending. One is in time of war, and the other is in time of recession.

We were in recession, we are told now we are coming out of recession, but we may still be in a time of war. I do not begrudge what the President has done and what Congress has done in supporting the President in terms of some deficit spending. But what I do want and what I think we desperately need in this country is a plan to get us back to fiscal responsibility when the threat to our Nation is past.

When they borrow, when families and businesses put together plans to pay off their debt, I go home virtually every weekend and I hear from families that they live by three simple rules, and they wish Congress would as well: Number one, do not spend more money than you make; number two, pay off your debts; number three, invest in the basics and for our future.

The basics for the country are national security, national defense, Social Security, Medicare, some transportation, things of that nature. The basics for a family are food, shelter, education, health care, and all the things that I think we could agree on.

I really think that Congress and this country need to be more like families in managing their budgets. Our government really should not be any different. We need a long-term plan to pay off our debt. Raising the debt limit by $750 billion just allows Congress to continue its free-spending ways. We should not give a blank check to a Congress that has proven it cannot control its own spending.

Several of my colleagues and I have offered a substitute budget that would raise the debt limit by approximately $100 to $150 billion up to the end of this fiscal year, September 30 2002. This would prevent a fiscal default, it would stabilize markets, and it gives Congress and the President time to develop a long-term plan to return to balanced budgets and fiscal responsibility.

We should not play partisan games with the financial health of our country. An unprecedented Federal default would wreak havoc on our economy. But that is only slightly worse than the bleak outlook we will leave our children if we do not get back to fiscal restraint and fiscal responsibility.

Higher debts now mean higher taxes for our children, and that is grossly, grossly unfair. We are willing to raise the debt limit, but it must be part of a plan to balance the budget and stop spending the Social Security surpluses. Nothing less than our future and the future of our children and future generations in our country is at stake.

Madam Speaker, I yield to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Madam Speaker, I thank the gentleman from Kansas for yielding to me. It is good to be here on this floor tonight with our fellow Blue Dog Democrats, who have consistently stood up in this Congress for fiscal responsibility.

I think all of us tonight have a great deal of concern about the suggestion that we increase our statutory debt ceiling, because we all know that the statutory debt ceiling is the last remaining line of defense to protect us from total fiscal irresponsibility in Washington.

We all thought that there was another line that protected us from fiscal irresponsibility, and that is the pledge of this Congress never to spend the Social Security trust fund monies on anything other than Social Security.

Back in 1997, all of us here tonight were present when we voted for the Balanced Budget Act of 1997. It reversed a trend that had been present in the Federal Government for 30 years of spending every year more money than the government took in. And for 3 years after that Balanced Budget Act, we actually had a surplus in the everyone.

As the gentleman from Kansas pointed out, just a year ago it was projected that we would have over $5.6 trillion in surplus funds flowing into the Federal Treasury over the next decade, but then came a major tax cut, a recession, and a war. That surplus has disappeared.

This year, for the first time in the last 4 years, the Congress is looking at a budget that will once again return us into deficit spending, will rob the Social Security trust funds of those payroll taxes that are paid in by the working people of this country for Social Security, and that money will once again be spent to run the general government. That is wrong. And since we have crossed that line of spending Social Security trust fund monies, something that we pledged on the floor of this House not to do at least half a dozen times in votes cast by the Members here, there is no other protection against fiscal irresponsibility except the statutory debt ceiling. That is that limit in law that says that the Federal Government cannot go over a total of $5.9 trillion into debt.

Most of us cannot understand how in the world we ever got in a position that we would authorize over $5 trillion in debt, but when the administration comes to this Congress and says that we have to increase the debt ceiling by $750 billion, any Member who is fiscally conservative will say, wait a minute, where is the line of defense to protect us from fiscal irresponsibility now? It will be gone.

Now, we all understand that in times of national emergency, there may be justification for a short period of deficit spending if we are in a war, as we are now. The recession has brought Federal revenues down. It could be that the emergency presented by war would say in the short term deficit spending may be necessary, but only short term.

What we have projected now by the Congressional Budget Office is a decade of ever-increasing national debt.

□ 2115

Deficit spending is wrong. We would not do it at our house or yours. We would not do it in your business or mine because we know it just would not work. We all understand that we need to pay our debts. Why cannot Washington understand that same principle? The reason is that government can print money, and we are going to continue to print money if we increase the statutory debt ceiling, and that debt is going to be owed by our children and by our grandchildren.

Our debt today costs this country and the taxpayers of this Nation almost a billion dollars a day just to cover the interest payments on that national debt. What a waste of resources. Think what we could do if we could save that almost billion dollars every day we spend on interest. Talk about waste in government. The biggest item of waste in government today is the almost billion dollars that we pay every day in interest on that national debt.

So the Blue Dog Democrats believe that holding the line on increasing the debt ceiling is the only way to protect this Congress from continuing down that reckless path of going deeper and deeper and deeper into debt. I think we all understand that when we are in war, as I said a moment ago, we may have to do deficit spending in the short term; and we would all understand if there was a proposal before this House to increase the debt ceiling enough to cover the needs of national defense in time of war, but that is not what the proposal is. The proposal is many times over that amount, and it is designed to allow this Congress to continue down a road of deficit spending for at least another 2 years.

We have got to hold the line. We need to stand up for limiting the amount of increase in the debt ceiling. It is our only line of defense in order to prevent this Congress from fiscal irresponsibility.

We all know that increasing debt is morally reprehensible. Why should we spend money today, whether it is for defense or any other purpose, and expect our children some day to pay for it?

We are in a war today. Many men and women are in uniform in faraway places tonight, defending freedom, fighting for this country. They are making a tremendous sacrifice, and yet it seems that the American people are not being called on to join in that sacrifice because the American people have been given a pass, a pass that says, you do not have to pay for this war now. You can let your children pay for it.

So when those young men and women in uniform return to our country and begin to enter the workforce and build their careers and their life savings, they would have to look forward to paying for the war that they fought in the first part of the 21st century.

Now that is wrong. And the only way we can stop it is to hold the line on the request to increase the debt ceiling in our law.

We know that as we continue to increase debt, the demand for credit from our government increases, and it has the effect, the economists tell us, of increasing the interest rate on all kinds of loans sought by American families. So if we continue down the road of fiscal irresponsibility and allow this debt to continue to mount and mount and mount, not only do we have increasing interest costs to the Federal Government, but the cost of borrowing money for every American family will be higher because the Federal Government's appetite for credit pushes all interest rates up for everybody. So if you want to buy a car or buy a new home and finance it through a home mortgage, or send your kids to college and have to borrow the money to do it, you will pay higher interest rates in the years ahead because of the fiscal irresponsibility of your Federal Government.

We hope that the Members of this Congress will join with the Blue Dogs in standing up for fiscal responsibility, for paying down that $5 trillion debt instead of allowing it to continue it to go up. That is an issue that is important to the American people and the American family, and our failure to deal with it responsibly will result in fiscal catastrophe for this country because we cannot continue to allow debt to mount higher and higher and higher.

So I am very hopeful that our colleagues in the House will join with the Blue Dog Democrats and stand up for the proposition that we should not increase the debt ceiling by the amount of money that has been requested, and preserve that one last line of defense for fiscal responsibility.

Mr. MOORE. Madam Speaker, at this time I would like to recognize another gentleman from Texas (Mr. STENHOLM), and I yield to him.

Mr. STENHOLM. Madam Speaker, I thank my friend for taking the time tonight to permit us again to discuss in what we hope are very rational, simple-to-understand terms what we are proposing.

About a year ago we stood on this floor in opposition to the budget that ultimately passed. We are in the minority. When you are in the minority you usually lose. But we also stood on the floor and offered some comments and some suggestions that we thought made a little bit of common sense.

That projected surplus that everybody was talking about was projected. It was a guesstimate. It was an estimate. It was not necessarily real. It was not necessarily unreal. But we thought the conservative thing to do with our economic game plan for America was simply to take half of it and pay down the national debt. We were ridiculed by some saying that we were going to pay down the debt too fast.

Others suggested that it was the people's money and, therefore, we are going to give it back to them. Very popular suggestion. Some of us were also reminding people that it was the people's debt. Again, we were told do not worry about it. The national debt, the debt ceiling, is not going to have to be increased for 7 years. And we said, we hope you are right. We hope that these estimates are right. But just in case there may be an emergency, and we were not prophetic, no one could have foreseen September 11, 2001, but it happened.

We did not believe necessarily the stock market was going to go up forever. We have always recognized that there are going to be ups and downs; and we had just come through 8 years, the longest single economic expansion in the history of our country doing whatever we were doing until the 1990s, which happened to be beginning to balance the Federal budget.

And I give credit to my friends on the other side for being a part of that. And that is what we are here tonight saying, look at some of the things we did and said in the last 6 or 8 years and try to be a little bit consistent.

What we are suggesting is that some of the same things that occurred in 1996 in which the majority party, the same folks that are in control tonight, demanded that "The President of the United States and the Congress shall enact legislation in the first session of the 104th Congress to achieve a balanced budget not later than the fiscal year 2002 as estimated by the Congressional Budget Office."

What an irony. Here we are, March 19, 2002, recognizing that the balanced budgets that we have achieved over the last 2 or 3 years are now out the window as far as the eye can see. The President's budget that he submitted to the Congress does not balance without using Social Security for the next 10 years.

We Blue Dogs are suggesting that is irresponsible budgeting; that we, in fact, are not unreasonable to ask the leadership of this body in the budget tomorrow and in the actions coming up to submit a plan that will balance the Federal budget by 2007 without using Social Security trust funds. That is all that we ask.

Some of us have been here and voted consistently for these type of budgets. That is what I hope to do again tomorrow. But tonight we are calling attention to the fact that we believe it is irresponsible to ask the Congress to borrow $750 billion without a plan of how we are going to get our budget back in balance, other than the plan that we are now under which, by their own administration, does not balance until, well, it does not. We do not go out past 10 years. In fact, this budget we will consider tomorrow is going out only 5; that is what is bothering us.

We are perfectly willing to vote for a clean debt ceiling increase with certain provisos. I do not want to see us go through what we did back in 1995 and 1996 in which we had members of the other party standing on this floor threatening to impeach Secretary Rubin for doing the things that we are now being told by the majority leadership that we are going to do, borrow on our employees, our civil service, military retirement, borrow on those retirement funds and temporarily suspend paying interest in order to get by. Why do that?

There are those of us in the Blue Dog coalition that are looking for a way to be bipartisan on something other than the war. I do not understand why the leadership of this House demands when it comes to fiscal policy that the only votes that will ever come on this floor are those that get 218 Republican votes, when there are some of us, we heard the gentleman from Texas (Mr. TURNER), we heard the gentleman from Kansas (Mr. MOORE). We do not just say that we want to return to fiscal responsibility; we are prepared to act. But the budget that is submitted tomorrow by the chairman of the Committee on the Budget's own admission is not in balance.

And, again, I repeat what the gentleman from Kansas (Mr. MOORE) said, 2003 is a different story. We are at war, an unusual war by the fact that it has not been declared by Congress and yet we are at war, and we understand that and we are perfectly willing to fund whatever it takes, both domestically and internationally, to cover that cost.

But why, we ask, would we want to just arbitrarily give a blank check to borrow $750 billion without a plan of how we are going to use it? What are we going to spend it for? Why should we just arbitrarily send the bill to our children and grandchildren for $750 billion additional, following an economic game plan that has already put us into a position where we cannot balance the budget for 10 years without going into the Social Security trust fund after we voted last year five times on the lockbox, cross my heart, we are not going to touch Social Security again. And yet, here we are, the first action of this year, we are going to do it again.

Not with my vote. But if we can have a little bit of cooperation, some of us submitted an alternative today that we will talk about tomorrow. But tonight we are just talking about a simple request.

□ 2130

What is it that is so wrong about submitting a plan that will get us to balance? What is it that is so right by sending a plan up that we have got to change the manner in which we score it? We agreed back in 1995 on a massive vote, and there were 148 of my friends on this side and 48 Democrats that voted and said we want the President to submit a balanced budget. In fact, we demand that the President submit a balanced budget; and we want that budget to protect future generations, ensure Medicare solvency, reform welfare, provide adequate funding for Medicaid, education, agriculture, national defense, veterans, and the environment. Furthermore, the balanced budget shall adopt tax policies to help working families and to stimulate future economic growth. That is what we said in 1996; and we got 277 votes for it, including 48 Democrats, 229 Republicans.

What happened? If that is what we required President Clinton to do, why are we not equally asking President Bush, and I do not think it will take a whole lot of encouraging. I think this President will be amenable. In fact, I am almost sure he will be amenable, but why is that some on the other side refuse to bring that kind of a resolution to the floor and instead think of ways to circumvent, to circumvent the law of the land, to circumvent how we in fact avoid increasing the debt ceiling on a clean up and down vote, when the same folks and I will read quote after quote after quote of the same folks that said so many bad things when it was Secretary Rubin doing it?

We Blue Dogs pride ourselves in consistency. We are not perfect. I am sure that somebody will find something that I have done or said that is not totally consistent, but I bet I will be 90 percent consistent in saying let us submit a plan for how we balance our budget without touching Social Security and Medicare. As we Blue Dogs stood on this floor last year and argued for our budget in which we said take half of the projected surplus, pay down the debt, take the other half, divide it equally between the necessary increases in spending for defense, for education, for health care, for veterans and for agriculture, and the other 25 percent, a tax cut targeted at helping the economy and working families.

Well, we lost on our plan. If we had passed our plan, we would have been in a heck of a lot better shape tonight on all accounts, but today is a new year. Tonight we stand up again in asking, submit a balanced budget plan. Show us why we need to arbitrarily borrow $750 billion. Show us what the money is going to be used for. The best way to do that is to go slow, to go slow. Do not just give us a blank check anymore than if you were a father and your son had just exceeded his credit card, and you are not going to go out and say, well, great, son, that was wonderful that you exceeded your limit, I am going to give you another $2,000 on your credit card; just keep on doing whatever you have been doing. Families, we do not operate that way. We should not operate the country that way.

So tonight we are just, in fact, saying we are ready to support a plan. We will roll up our sleeves and work with my colleagues on a plan. Try us. Just try us and see what might happen, instead of the partisanship that we see time and time again on economic issues. And here I will say if my colleagues sincerely believe in their budget, if they sincerely believe that it is in our Nation's best interest to borrow on our children's and grandchildren's grand future and the next 10 years and the Social Security trust fund, then just stay with my colleagues' budget and I will respect them for that.

Anybody that stands up on this floor and does what they say they believe in and stands behind it with their vote and argues for it, I will respect them; and I hope they respect those of us that have a little bit different version of this, and we will be arguing for that tomorrow, assuming we will be allowed to have our amendment on the floor tomorrow and have that amendment, which I certainly expect and hope that we will.

With these comments I would now yield back to the gentleman and to other of my colleagues who have come here to discuss this issue tonight, and I thank him for yielding.

Mr. MOORE. Madam Speaker, I yield to the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Madam Speaker, proudly I stand here tonight, with my Blue Dog colleagues, a group that not only just offers rhetoric but is ready to back up what we say. That is why I am proud to be a member of this organization. We are consistent. We say what we mean with integrity and we intend to accomplish, if we have the cooperation from the other side of the aisle, what needs to be accomplished on behalf of this great Nation and the Americans that deserve the best attention.

So I want to thank my colleagues for their comments, for giving me this opportunity to speak on such important issues.

I want to make it clear that I understand the need for the President's increased investment in defense and homeland security. However, I do not want this to come at the cost of economic security for our folks at home.

First and foremost, we need a budget that is made up of honest numbers. One of the most frustrating things I have experienced since I have been a Member of Congress, now my second term, is to think we would go to the ultimate degree to press for investigating private corporations such as we are right in the midst of now, the Enrons, and saying you mean your accounting firms do not even know what is what, what the numbers are, no one can come forward and swear in front of our committees on a Bible that these are accurate numbers?

Yet we as elected officials from all across America cannot even agree what is in the bank or what is real or what is funny money or fuzzy or what is projected versus what we can really count on. We really know, if the honest truth was brought out, we really know, but not very many in this political game will step forward and admit it because with that comes a price; and no matter what the price is, for me I have to tell my colleagues the honest truth about the honest numbers.

We need a budget that is honest in numbers. We need to base it on the CBO, Congressional Budget Office, and not the OMB, the Office of Management and Budget, estimates. We bring fiscal discipline to this body. The Blue Dogs and others that might share our philosophical positions bring fiscal discipline.

As a former teacher I always like to break down the real root words and meanings of words that we throw around that is supposed to mean a lot. Do my colleagues know where discipline comes from? The word disciple. We can reflect on disciples of Christ. Disciple means the ultimate example, someone to pattern your life after, to live by, to hold up in esteem, on a pedestal. That is what we are as elected officials. We are disciples, offering discipline when it comes to spending, with honest numbers. Let us follow the examples of the ultimate people of integrity in our history.

For the past couple of years, the Republican leadership has made promises to protect Social Security, but this budget is far from protecting Social Security. Many of my constituents depend on Social Security as a means of comfort after they have worked hard all their lives. I am talking about the most frail, elderly citizens, the lowest echelon of income in America.

The budget calls for tapping the Social Security trust fund to support other government programs every year for the next 10 years at the tune of $1.5 trillion. Our Nation cannot afford to put our Social Security system at risk when it is depended on by so many of our most vulnerable citizens.

The budget must address the declining Social Security trust fund. We must pay down the public-held debt; and I know and I understand there is a serious question, whether we should increase the debt limit coming soon; but I believe we need to hold off on increasing the debt limit unless there are certain provisions that we can come to agreement on that would help preserve what we know is true with honest numbers until we can bring the budget into balance without putting the Social Security surplus into jeopardy. That is the balancing act. We can do it if we have the will.

As Americans, it is our job to work together to take care of our folks at home. As politicians, it is up to us to come up with the best possible way to do that. We need to work together. It is easy to say that every day we need to work together, to come up with a plan that will fight the war on terror but at the same time does not sacrifice the needs of our citizens at home.

The citizens in my district are downright puzzled, confused, as to where the surpluses went; and I know we have outlined all the real things that happened that took our surpluses away. We can talk about September 11, a terrible event, still paying the price, probably will for several years to come, psychologically, emotionally, financially, economically, every way possible. The recession, played down, really underestimated, and yet was real and still is, and give away in whatever way you want to define spending up here.

Some say spending is when you want your project funded. Spending takes on a lot of different definitions since I have been here and found out. Spending is about what my colleagues want to accuse the other side of the aisle or the other people of using it for; but when it is for my colleagues' purposes, and the majority, it is not called spending. We use something else to justify what are not real numbers, honesty in budgeting.

Finally, the priorities. If we do not think it is priority for the Americans to entrust their elected officials to manage their money, how much did we hear about we want to return their money? What do my colleagues think Social Security is that is checked off of everybody's check every week for several years as these elderly people are now in the end of their life waiting for? The word "security" means stable, someone can depend on it. Not true. It is not true.

I just hope that we can work together, come up with a plan that will give some compromises to some, stipulative outline of issues that will bring us to a reasonable debt limit; and then when we get down to the end of the summer, early fall, we will know exactly where we stand; but until then, we better be cautious. We better be truthful with the American people and save Social Security, pay down the national debt, win the war on terrorism.

Can we do it? We are the greatest country in the world. I bet my colleagues we can do it.

Mr. MOORE. Madam Speaker, next I yield to the distinguished gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Madam Speaker, I am not going to add a lot to what my colleagues have said on the technical side of it. I just want to say that I came here from Tennessee in 1988; and when I came here, people said, John, please, if you get elected, go up there and do something about this horrendous national debt. We are borrowing more money every year as a people than we can pay back in our lifetimes, and we want you all to do something about it. Please, if you go up there, concentrate on retiring the debt and living within our means.

Now, we have tried to do that and I have been here, the gentleman from Texas (Mr. STENHOLM) has been here longer than I have, and this is hard. This is not easy. The easiest thing that anybody who seeks political office can do is to promise a road or a bridge or a dam and promise to cut taxes all at the same time. That is what we hear on the stump, and this is really tough work that we are trying to do here as Blue Dogs because we are doing something that is oftentimes not politically expedient.

We do things that we hope are in the best interest of the country and our children that are not maybe politically popular today.

□ 2145

I mean, it is tough to stand here with a new President, as we did last year, and say we really need to slow down on all these projections and all of these ideas that money is flowing into Washington as far as the eye can see. That is what we were told.

We said, to be conservative in our own business, if it were our own business, we would not run it that way. We would not devote 100 percent of a projection for 10 years to a program that we did last year. We tried to say, that is not a conservative view, it is not the way we would run our own businesses. Why on earth do our colleagues want us to run the country's business that way?

So last year, as my colleague, the gentleman from Texas (Mr. STENHOLM), said, we were unsuccessful when we tried to say we need to slow down on this.

And the funniest thing I have heard since I have been here is when people around here actually, with a straight face, said that we are in danger of paying off the debt too quickly. That reminded me of a guy my size, weighs 400 pounds, and the first night on my diet somebody asks me how I feel and I say I am worried about becoming emaciated. To me, that was almost ludicrous, but that really is what we were told by people with a straight face.

As the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), and the gentleman from Texas (Mr. TURNER) have said, nobody is prophetic. We do not know, I certainly do not know what the price of cotton is going to be next Friday, yet we are supposed to base how we conduct the business of our citizens of this country on these projections.

And by the way, the gentleman from Illinois (Mr. PHELPS) was talking about us, and we do have a very special place here because we are privileged people to represent free men and women. That is an honor that none of us deserve, but as President Jimmy Carter said, the highest office in this land of ours is that of citizen, because a citizen is the owner of our country.

So we are very, very privileged people to be where we are, and with that privilege comes an awesome responsibility. And sometimes that responsibility is to do tough things; to say, look, in response to, we need to give the people their money back, it is theirs. Well, kids are people, too, and they do not have a voice here. But they are people, and there are a bunch of them that are not yet born, and we are spending their money tomorrow if we pass this budget, and they do not even know about it.

Somebody asked me one time if I would agree to a supermajority to raise taxes. I said, no, there is plenty of pressure in this system not to raise taxes. But I will vote for a supermajority to borrow money, because the people we are spending their money are not here to tell us, please do not do that to me, I am 2 years old.

But what my colleagues are doing is going to not only make sure that our citizens are overtaxed, because they do not have the willpower to say no to either a tax cut that is irresponsible or to a spending program that is irresponsible. My colleagues do not have the willpower to say no to that, so they want to put it on me. That is basically what has been going on around here, and it is very simply wrong.

So as the gentleman from Texas (Mr. TURNER) said, this debt limit is really one of the last lines of defense we have to insist that the people who run the House here, the majority party, bring a budget to the floor. We cannot bring anything to the floor. We can ask for it, as we did tonight in the Committee on Rules, a substitute that puts at least in place some safeguards, but we cannot bring anything to the floor here because we are in the minority. And that is all right as long as we are treated fairly and we get a vote on what we have asked for and then people know.

But it is not easy to stand here as someone who asks for votes every 2 years and say, as much as I would like to, we just simply cannot afford that program in west Tennessee or middle Tennessee or east Tennessee or wherever; or we cannot afford to do some of the taxing initiatives in terms of tax cuts that we have been doing. We do not have the money. So I would hope that as we go into the budget debate tomorrow, we would keep in mind that we are not just talking about ourselves, but we are talking about our country.

I have been to countries that do not have a government. I have been to a country that is broke. And I have yet to find a country on the face of the earth that is strong and free and broke. And that is where we are headed when we are paying a billion dollars a day in interest. And that is going up every day because we simply, in the here and now, say let us give the people back their money, they earned it, it belongs to them. And it does, except kids are people, too, and we have not done them right. And anybody who says we have, I would have to take violent disagreement with that.

We are going to be overtaxed the rest of our lives, and we should be, because we are paying 13 percent interest before we ever get to tanks, before we ever get to any of the projects that we need in the country to give private enterprise the opportunity, with the infrastructure that only government can provide, the ability to grow and create private sector jobs, which is, after all, the backbone of the country. We understand that. But we are going to be overtaxed the rest of our lives because people back in the 1970s and 1980s spent more money than they were willing to pay for, and now we are being asked to do the same thing.

We are going to make sure, if we keep on this course, that not only are we overtaxed the rest of our lives, but our children are going to be overtaxed all of their working lives because we simply cannot find within ourselves the ability to make tough, hard decisions that are not politically expedient.

So, Madam Speaker, I appreciate my colleague, the gentleman from Kansas (Mr. MOORE), for having this special order tonight and inviting us to participate.

Mr. MOORE. Madam Speaker, I thank the gentleman from Tennessee, and next I am going to yield to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. Madam Speaker, I thank the gentleman from Kansas for yielding to me and also thank him for the extraordinary and bipartisan work he has done to try to bring America's budget into balance.

America needs a wartime budget. We need a budget that will provide the resources necessary to win the war on terrorism, that will stimulate our economy without aggravating our deficits, and that will protect and reform Social Security and Medicare but not finance the war out of its trust funds. In sum, our country needs a budget that will call on the American people to make sacrifices to win, sacrifices they are willing to make if only their leaders will have the courage to ask and speak plainly.

The President's budget is not there yet. The budget we will vote on in the House this week calls for the most significant increase in military spending in more than two decades, and that increase will enjoy bipartisan support. The budget also proposes significant new tax cuts, and the House leadership has also signaled its interest in making last year's tax cuts permanent. Domestic spending increases only slightly or remains flat. And the budget requires sacrifice.

There is only one problem: It is not we who are being asked to sacrifice. It is our children.

Advocates of the budget call it balanced. Regrettably, it is anything but balanced. The $2.1 trillion budget uses $200 billion in Social Security trust funds to pay for other programs, spends all of the Medicare surplus on priorities other than paying down the national debt, fails to count the cost of the $43 billion economic stimulus package just signed by the President, assumes that spending levels on domestic priorities will be reduced, including the President's own education initiative, and that mammoth problems, like the growth of the alternative minimum tax, will go unaddressed.

But even these glaring omissions are not enough to balance the budget. The gimmickry goes further.

The budget addresses only the next 5 years, not 10, to hide big late-year costs. And the budget relies on the

White House's own budget numbers rather than the nonpartisan Congressional Budget Office estimates, which are more conservative. Although institutional memories are sometimes short, I am sure none will forget that only 6 years ago the House Republicans shut down the government twice when President Clinton failed to use CBO estimates to balance the budget.

It is no wonder that Secretary of the Treasury O'Neill will soon be before Congress asking us to raise the debt limit so that the United States of America can borrow another $750 billion on top of the $5.9 trillion we already owe to continue paying its bills. Only last year, the Secretary predicted that an increase in the debt limit would not be necessary for 7 years, and the President and Congress vowed we would never dip into Social Security.

It is true that the war on terrorism and long- deferred improvements to our military readiness have required the largest increase in the defense budget in two decades. But this increase of $45 billion in military costs and almost $20 billion in homeland security are but a fraction of the multi-trillion dollar change in the Nation's economic projections over the next 10 years. The tax cut recession played a much more significant role in expending the anticipated surplus, with the recession having the largest impact in the short term and the tax cuts playing a more prominent role in the long term.

But whatever the causes of our current economic shortfall, the fact remains that the administration has yet to come up with a budget and an intermediate or even long-term plan to restore balance to our budget and stop deficit spending.

When we had a $5.6 trillion surplus and no war, we could afford a substantial tax cut, and I supported the President. But now we are at war, we have no surplus, and we are spending the Social Security trust fund. To propose dramatic new tax cuts at a time like this, or to make permanent those we enacted before, before it is clear whether we can afford them, means financing the war out of our parents' retirement and out of our children's education; and this just is not right.

While it may be necessary to deficit spend in the short term, while we are at war and not yet fully recovered from the recession, Congress should work with the administration to develop a balanced budget for America's future that does not rely on raiding Social Security. Everything must be on the table. Secretary O'Neill's request for a mammoth increase in our national debt should be rejected in favor of a small, short-term increase and a plan to return our country to balanced budgets.

America has always been willing to sacrifice to win its wars. She still is. But she must be asked by leaders who are willing to speak candidly about what is at stake and what it will take to win. She must be asked by those with faith in the essential generosity of the American people and who will not tell us that we can have our cake and eat it too. Our prosperity and that of our children may depend on it.

Mr. MOORE. Madam Speaker, I thank the gentleman from California. I also want to thank the gentleman from Texas (Mr. TURNER), the gentleman from Texas (Mr. STENHOLM), the gentleman from Illinois (Mr. PHELPS), and the gentleman from Tennessee (Mr. TANNER) for their remarks this evening.

I think we have heard for just about the last hour, Madam Speaker, some really good advice about what we need to be looking at in the future and what we need to do as a country. We can always choose the easy path; or we can try to do what is right by our children, by our grandchildren, and for our country. Doing what is right may sometimes be harder, but it has its own rewards.

I think we need to look at fiscal responsibility and a plan back to fiscal discipline for the future of our great country.

THE BUDGET; AND THE LAYOUT OF THE EASTERN UNITED STATES VERSUS THE WESTERN UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Madam Speaker, before I start on my night-side chat, so to speak, to cover some issues that are very important in regards to the layout of the United States, the eastern United States and the western United States, and how the lands are situated, I do want to bring up a couple of points that were discussed by some of the previous speakers.

Specifically, I would like to bring my colleagues' attention to the remarks made by the gentleman from Texas (Mr. TURNER). The gentleman from the State of Texas says that Americans, speaking of the war in Afghanistan, and I am quoting him fairly accurately I think, he says that Americans are taking a pass on this. I am not sure that that is what the gentleman intended. In fact, many of the remarks I heard previously are remarks I agree with. But nobody is taking a pass on what happened on September 11 in this country, the least of which would be the American people.

Because of the fact that we have to go into debt to finance this war effort does not mean the American people are taking a pass on it. Our situation on September 10 was a whole lot different than our situation on September 11. We did not anticipate on September 10 having to spend the kind of money that we realized on September 11 and days that followed were necessary. No American is taking a pass on this. Every American is contributing to this. We have a lot of Americans that are working in this country, and their tax dollars are going into this.

So I do not think the gentleman really intended his remarks to be quite as stinging as at least I took them.

□ 2200

Madam Speaker, let me mention a couple of other things that I think were brought out in the gentleman's remarks. Not speaking specifically to the gentleman from Texas (Mr. TURNER), but some of the people that share his ideas, they speak courageously about the fact that we need to have a balanced budget and vote no, but there are some who speak very bravely on one hand, but when it comes on votes which impact your State, you vote the other direction; you vote to continually increase the budget.

You talk about how fiscally conservative you are and how we need to keep the budget in balance and how the other party is trying to spend our children's future into oblivion, and I do not know how many times I hear the term Social Security. Show me one Congressman who wants to eliminate Social Security. Well, the war in Afghanistan, the spending on the war in Afghanistan, we threaten Social Security. If we do not win that war, everything is threatened.

Madam Speaker, I would be very interested in seeing where some of my colleagues that have just spoken, for example, where their votes were on the farm bill. The farm bill has a great impact on the State of Texas. That farm bill has gone up dramatically. That is a tough vote to take. That is one of the votes that they speak of. Maybe it is not the popular thing to do, but it is the right thing to do. The right thing to do. Let us check a specific legislator or Congressman who speaks about how we are going into debt and how the budget continues to increase; and if they are from a farm State, let us see how they vote on the farm bill or the highway bill, the bill that benefits their State with specific projects.

On one hand they say that they voted for new highways, and then they go to the conservative sections of their State and say I want a balanced budget. We cannot have our cake and eat it too; but at the microphone there is an obligation to say that Americans are not getting a pass. We are all contributing. It has to be a bipartisan debate.

I should say, and I notice one of my colleagues from the State of Texas is standing here, the gentleman's comments were pretty much in line. I do not disagree with what the gentleman from Texas said. I think it is very important that we have a balanced budget and we need to keep a handle on the debt. The management of that debt was a whole lot different on September 10 than it was on September 11, or 2 years ago when our economy was booming than it is today when our revenues have decreased.

The management of the debt was so important 3 years ago, but now take a look at what that debt is today and take a look at the small businesses that are going out of business today. They need some tax relief. This is not the time to increase taxes on small businesses.

Mr. STENHOLM. Madam Speaker, will the gentleman from Colorado yield?

Mr. MCINNIS. Madam Speaker, I would be happy to yield to the gentleman from Texas.

Mr. STENHOLM. Madam Speaker, concerning what the gentleman from Texas (Mr. TURNER) was saying a moment ago, was also characterized in my own comments, is in agreement with the gentleman's statements concerning September 11, 2001. That is the point that we are making tonight and we have been trying to make, is that things did change. Therefore, we do not necessarily believe that the budget that was put in place last year before 9–11 should be arbitrarily sent forward without adjusting not only for the expenditures, but also for the fact that we are going borrowing the Social Security trust funds in order to meet current operating expenses.

We would welcome the opportunity to work together with the other side in the same spirit that the gentleman began his remarks tonight. Things have changed; and, therefore, we believe that we need to change our economic game plan to bring us back into balance, and we look forward to working with the gentleman.

Mr. MCINNIS. Madam Speaker, reclaiming my time, I do not disagree with the gentleman. My sensitivity arose when I heard one of my colleagues talk about how Americans are taking a pass on the war in Afghanistan. We have disputes here regarding our budget, and we have disputes on which programs ought to be funded and which ought not to be funded; but I can tell my colleagues, there are some who stand up on one hand and say we need a balanced budget. On the other hand, when a huge bill like a farm bill or highway bill comes which has an impact on your district, you vote for those projects. That is where you get into problems here. I am just saying if you are going to preach the good word, you ought to follow the good word. That is all I am saying.

Let me move on to the issue that I came here primarily to address this evening. I find myself continually taking the microphone on the House floor to try and talk and have a conversation about those of us who live in the West, our issues in the West compared with those issues that you deal with in the East. Instead of taking on a whole gamut of issues, I have tried to narrow it down to two specific issues I want to cover in the next few weeks, issues of which there are distinct geographical lines between the eastern United States and the western United States.

Those two issues are, number one, water; number two, public lands. Tonight I intend spending most of my time on public lands, but I think it is important to cover first of all the water issue. The eastern United States has suffered from a drought this year, including the Rocky Mountains. Colorado, where I come from, we have not had the kind of snowfall we are accustomed to.

But on an average year in the East, one of your big problems is getting rid of the water. Our problem is storing the water. Unfortunately, when the good Lord made our country, the good Lord did not equally divide the water resources with the population. The good Lord did not spread the water equally across the country.

In fact, if Members look at the map of the United States, and if I drew a line that went from here, that came down probably about like this, and then up about here, this section of the country to my left would have 73 percent of the water. So this section would have 73 percent of the water in the country.

If you went over here in the Northeast and took a little box like this and came down here, so you intersect at this point right here, that section of the country would have about 13 percent of the water. Then the balance of the country, this huge portion right here, the portion where I live, has 14 percent of the water, although it has over half the land mass of the Nation.

So water is a huge difference between the West and East. The State of Colorado, our lowest elevation is about 3,500 or 3,400 feet. Colorado is the highest State in the Nation. It is the highest area of the continent, the Rocky Mountains. Colorado is the only State in the Union that has no incoming water for its use. All of the water in the State of Colorado flows out for other people's use.

The Colorado River, for example, when we compare it to the Mississippi, it is not as big as compared to the Mississippi, but it is critical in the West. The Colorado River supplies water for 23 States, 24 million people, probably more now because that statistic is a couple of years old; 24 million people depend on that water for their drinking water. The Colorado River is one of five rivers that have their headwaters in the State of Colorado. We have the Rio Grande, the Platte, the Arkansas, the Colorado, et cetera. That is why they call Colorado the Mother of Rivers. But water is something that I urge my eastern colleagues, when we have issues that come up and we hear about our dam storage projects or Lake Powell or Lake Mead, do not summarily agree with some of the more radical movements in our country that say those dams ought to be taken down. These dams are critical for our existence in the West.

In the West from a State like Colorado, for a period of about 60 to 90 days we have all of the water we could possibly use. When does that period of time fall? That period of time falls starting about right now. It is called the spring runoff. In Colorado we have over 300 days of sunshine a year, but that does not mean that it is warm enough to melt the snow. This time of year we get temperatures close to 70 degrees and drop down to 20 degrees at night. The spring is starting. Those massive amounts of snow that have accumulated in the mountains will begin this runoff.

For this 60- to 90-day period of time, water is plentiful; and that usually does not coincide with the time of need for agriculture. Most of the water across our country is used for agriculture. It is not used for direct human consumption, although obviously going into agriculture, it ends up in human consumption. It is that period of time after the 60 to 90 days that we are concerned. We have to have the ability to store the water.

If we take a look back at the Native Americans and the first people that occupied the West to the best of our knowledge, you will find that they stored water. Why? Because you cannot exist in that country without the storage of water. We do not have enough water on a continual basis that comes down for us to be able to exist year round. That is why we have those storage projects; and, unfortunately, we cannot ever really time what days are going to be the warmest days. Some years the sun in Colorado, which is almost always out during the day, the sun in Colorado sometimes heats up faster than we thought. Days in March, for example, which we thought would be around 40 or 50 degrees may jump up to 70 degrees. So the water may run off sooner than expected.

There are a lot of factors of nature we have to deal with; and, yes, we have to alter nature, not alter nature where there is permanent damage, but to provide for mankind. We cannot just ignore the use of the water. We have to divert and grow our crops. I ask for understanding because I know that in some of these upcoming bills, including the farm bill, there are I think people with good behavior, colleagues with good intent, who are inserting water language in things like the farm bill that do not impact people in the East because they do not deal with the issue. The water law in the West is different than the water law in the East, but the ramifications to the people of the West on some of the water language that is being inserted in some of these bills is huge. It has very significant impacts, and rarely does an Eastern Congressman insert into a bill language dealing with water that has a beneficial or a positive meaning for water in the West.

We constantly find ourselves in the West, because we have the smallest population in the country, we constantly find ourselves under siege when it comes to issues of water. I am asking for more understanding from my colleagues of the East because a lot of people depend on that water that comes out of the West. A lot of my colleagues that are from the East do not really know. I bet some did not know until tonight that our water law is significantly different than the water law in the East. Take a look at what the water laws are for the State of Massachusetts or the State of Kentucky, and compare it to the water laws of the State of Colorado or the State of Utah. We have two entirely different systems, water systems, and the law recognizes that.

That is why we have two distinct sets of water laws for those States. But it is unfair for one State to impose obligations or to impose some kind of commitment on another State's water system when that State does not have a clear understanding of the water law of the other State. Or, unfortunately, in some cases they do have a clear understanding of the damage that that language will do to water in the West, and they intentionally insert it in.

□ 2215

That is why we in the West constantly feel we have to be on guard, especially when it comes to our water issues.

We could talk about water for the rest of the evening, but I want to cover that in more detail later on. I want to talk about now the other distinct difference between the East and the West, and that is our lands. Public lands.

Public lands are just exactly how it sounds, lands owned by the public, lands owned by the government. In the East, there are very few lands that are owned by the government. In the East, when we first settled this country, of course, our population came in the East. Our primary population was on the East Coast. The idea, when our country was first settled, that the government would own the land was only an idea of temporary duration. People were trying to get away from the British throne where the government controlled you. They wanted independence. They wanted the ability to cultivate their own lands. They wanted the ability to own land, to have the right of private property.

And so when our country was first settled, any lands that were owned by the government or conquered by the government or purchased by the government were very quickly turned over to private ownership. People got to enjoy that right of private property.

But soon what happened is, they began to settle the West. You began to see a vast accumulation. If you look over here on this chart, the color on this chart reflects government lands. Look at the East. Where is the white part of the chart? It is in the eastern United States. Your public lands, your massive amounts of public lands are not in the East; they are in the West. They are not spread evenly around the country. The public lands are concentrated in one portion of our country and that is the western United States.

Needless to say, there are big differences between somebody who lives on land that is not surrounded by public lands, where the government owns very little of your neighbor's land, or is not your neighbor, versus somebody who has the Federal Government as a neighbor, who is completely surrounded by government ownership.

My district is a good example. In my district, there are approximately 120 communities; 119 of those 120 communities are completely surrounded by Federal lands. If you take a look at my district, we have four national parks. We have any number of national monuments. We have BLM lands. If you take a look at this, just make that comparison, I will point out, if you look to my left, my district is right here, this colored area of the map. Compare that even to eastern Colorado or compare that to some of these other States, Illinois or even back here in Kentucky, Virginia, some of these States over here on the East Coast. You do not see that public land.

And so we in the West, just like our water, feel like we have to take even a more aggressive or progressive step toward trying to work with our colleagues in the East to say, look, we are dealing with something that you never deal with. We are dealing with something of which our life is entirely dependent upon and you do not have to worry about that dependency. In the East you are not dependent on Federal lands or public lands for your well-being. In the West, we are completely surrounded by them.

What do I mean by dependence on public lands? Think about it. Pick a town that many of you would know right off the top, Aspen, Colorado. I was just in Aspen yesterday. Aspen is a community completely surrounded by public lands. You cannot drive to Aspen without crossing public lands. You cannot fly to Aspen without flying over public lands. You cannot recreate near Aspen without recreating on public lands. You cannot have any water in Aspen without getting it either coming across public lands, stored upon Federal lands or originating on Federal lands. You cannot have a cellular tower without it being on public lands. You cannot have power come in your community without it coming across public lands. These are issues that for the most part my good colleagues in the East do not have to deal with. And we have to deal with it.

And so my purpose here this evening is to just kind of give you an idea of the vastness of the public lands and the concentration of those public lands in the western United States.

If you take a look at the forest, we often hear about the forests in the West. Here is an interesting factor for you. Do you know that the forests in the eastern United States, the forests over in this area as compared to the forests in the western United States are about equal? That is kind of surprising. In other words, the forest land in the East is about equal to the forest land in the West. So what is the difference? The difference is that the forests in the East are privately owned. The forests in the West are government-owned.

Here is another interesting thing for you. More than 80 percent, if you take a look at the lands here, 80 percent of your public lands are in the West. Take a look at your national parks. There are at least 375 to 400 national parks. Let us say it is 375. Of the 375 national parks, 114 of those parks are in the West. So roughly a third to almost a fourth. A little over a third of the national parks are in the West. But 87 percent of the national parklands are in the West.

So your national parks in the East, you may have a national park, but your land mass is very small. Why? Because it is primarily private property. But when you come to the West, we only have about one-fourth, a little over one-third of the parks, yet we have over 87 percent of the land that is located in the West.

Before I take this map off, let me just reemphasize. The color on this map depicts government lands. Let me give a little history, very briefly, before I take this map off. Primarily the reason that you have got these massive amounts of Federal lands, in the early days it was fully expected that the citizens of this country would have private property, the right to have private property. They were trying to escape the throne, so the government was not going to own that land. Then as the country began to expand, our leaders in Washington said, how do we encourage people to leave the comfort of the East Coast and to go west to conquer the land, so to speak?

Back then a deed did not mean anything. If John and Susan had a deed to a piece of property, it did not mean much like it does today. Today a deed protects your interest and protects your rights. You do not have to possess the land, to be on it, to own it. But in the old days, you had to be on the land probably with a six-shooter strapped to your side. You could not just have a deed. It did not mean much. You needed to get out there and sit on it.

And so what we saw happen was a policy begin to become developed that, look, we have got to give some kind of incentive to these people to go to the West. We cannot let this land go unoccupied or some other foreign country will take the land from us. We need to get our people onto these lands. How do we do it? And somebody came up with the idea, let's do the same thing that we did in the Revolutionary War. What we did in the Revolutionary War is, we tried to bribe the British soldiers to join the American forces, and in exchange for them deserting the British forces, we would give them land, land that they could own, land that they could have of their own, land grants.

That is what our leaders in Washington, D.C., decided to do, give land grants to the settlers that go to the West. If they go out there, we will give them 160 acres if they till the land, cultivate the land, live on the land, and they use the land as if it were their own. We will give them 160 acres or 320 acres. As you can see, as depicted on this map, that worked pretty well until they hit this area.

What is this area? A good part of that area is the Rocky Mountains. What happens when you hit the mountains, when you hit 3,000 feet in elevation? That is the lowest elevation in the State of Colorado. Where I live is at about 5,000. The average elevation in the State of Colorado is 6,000 feet and this area of Colorado represents the highest place on the continent. When you get into the Rocky Mountains, all of a sudden instead of taking 160 acres to support a family, it may take 500, 1,000 or 2,000 acres to support a family. You can feed a lot of cattle on 160 acres in the East. Sometimes you cannot even feed one cow on 160 acres in the West.

So they came running back to Washington, D.C., and said, look, the people are not settling in the mountains, they are going around. They are going to the valleys in California. They cannot support themselves with just 160 acres.

So a very conscious decision was made, not a decision to keep the land in the West in the government's hands so no generation could ever utilize that; in fact, just the opposite. The decision was made, look, because we have given so much land to the railroads and we are under a lot of political heat for doing that, we cannot really give out the 3,000 acres or 2,000 acres or whatever would be the working equivalent of 160 acres in the East, so let us go ahead and keep these lands in the government's name and let the people go out there and use the land as if it were their own. There are certain responsibilities that they would have to carry out, and as time goes by and we understand more of the issues of land use, of environmental use, of water and so on, we put more and more guidance in place of how to utilize those lands, but we have always protected the concept called multiple use, a land of many uses.

When I grew up, the government lands, as you entered government lands, especially as you entered national forests, there was always a sign there that said, for example, "You are entering the White River National Forest, a land of many uses."

That is how the land in the West was developed, the land of many uses, whether it is recreational uses, whether it is to cultivate a field, whether it is to build a home, whether it is to use the water, whether it is to protect and enjoy the environment in those areas, it is a blend of those uses. Oftentimes, here, we are challenged with very, I guess, targeted groups, very special interest groups who live in the East and who enjoy the comfort of the East and who are not threatened by public lands. Their special interest is to eliminate our way of life in the West by eliminating the concept of multiple use.

We have right now, for example, dealing with public lands, some wealthy individuals who have moved into several of our States, including the State of Colorado, and are filing across-the-board blanket objections to every grazing permit, not grazing permits where they think they can prove somebody was bad, a bad operator on the land, and if we have got a bad operator on the land, get rid of them; we do not object to that.

But what they are doing is, they are taking their big money out of the East, they are taking the money in their pockets and they are putting it out and they are trying to eliminate all grazing, all use of the public lands for our farmers and ranchers. Remember, if you are talking about some State out here that does not have public lands, that is not a big issue to you. But if you are talking about the State of Colorado or Wyoming or Idaho or Utah or Montana, big parts of California, you are talking about our livelihood.

Think about it: The elimination of our farmers and our ranchers to be able to utilize the land in a responsible fashion through a permit process that is monitored during the period of time that they utilize that, this group of wealthy individuals are filing legal actions and other types of actions to eliminate that use of public lands.

It is their goal, over time, to eliminate multiple use. They think the toughest people out there to take down will be the farmers and the ranchers, because there is still a feeling of romance about farming and ranching in our country. So they figure if they can take out the big ones first, then they can go after the other things that we depend upon.

For example, our usage of water. As I said earlier, keep in mind that in these vast areas of the West, almost all our water comes across Federal lands, is stored upon Federal lands or originates on Federal lands. So the next thing they will go after is any kind of use of water that flows across Federal lands or originates on Federal lands. And we have already seen some effort in that way.

Obviously, they are going to try to take out ski areas, eliminate the use of being able to ski. They will go after the recreational use. They have pretty well eliminated in many of these States timbering and things like that. So we have a big challenge out there facing these public lands.

To take a comparison, I want to show the U.S. holdings, the government holdings as they are in the United States. This is, I think, a very helpful chart. I will direct you to the chart to my left of major U.S. land holdings.

The Federal Government owns more than 31 percent of all the lands in the United States. By the way, in my comments here, I am talking about the continental United States. In Alaska, I think 98 percent of that State is owned by the Federal Government. If you want to see what kind of impact it has on the Native Americans up there, of all the people that are in those lands, ask the gentleman from Alaska (Mr. YOUNG), for example.

□ 2230

Its impact is dramatic. State-owned, 197 million acres. The Federal Government owns about 700 million acres. These are interesting breakdowns. The BLM owns 268 million acres; the Forest Service, 231 million acres. Now, remember what I said. The forests in the East are about equal to the forests in the West, but the big difference between the forests located in the East and the forests located in the West is the forests in the East are privately owned. The forests in the West are owned by the Federal Government.

Other Federal, about 130 million acres. The Park Service has 75 million acres. Recognize my comment there earlier. We have about 375 national parks; 114 of those 375 are in the West. Although we only have 114 national parks, those national parks take in 87 percent, 87 percent of the Federal park land in this country.

Tribal lands. Now, look at this. The Bureau of Land Management, we really have two agencies out there that manage the land for the people. One of them is the United States Forest Service. That is right here. The Forest Service manages an area of the West larger than the size of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, and New York all combined. That is Forest Service responsibilities.

The Bureau of Land Management is responsible for a land mass larger than

California and Oregon combined, mostly the drier rangeland used for grazing, mineral and energy exploration, as well as recreation. Those two agencies manage, are the primary management agencies, for us, the people, for the Federal Government out in the West.

What I am asking my colleagues to do, and why we often find ourselves at battle, not Republican and Democrat, but a lot of times East to West, where we find those differences, the origin of a lot of those differences is the fact that we in the West are concerned that some of our colleagues in the East do not understand the differences in lifestyle that come about as a direct result of whether or not your land is owned by the government or the land you own is surrounded by the government.

Let me show another chart. Keep in mind what I said earlier about the gentleman from Alaska (Mr. YOUNG) and the State of Alaska, that 96 or 98 percent of that State is owned by the Federal Government. So you can see a difference.

I have prepared a chart that gives you some States in the West and the amount of government ownership of land compared to States in the East. By the way, the population here is in States in the East. The majority of your population is on the East Coast and the State of California.

Let us look at these western States. First of all, this box: 88 percent, 88 percent of the Nation's Federal public lands outside of Alaska lie in 11 Western States. That is where I am from. That is the message; that is the story we are trying to tell tonight.

In one of my subsequent conversations with my colleagues here, I am going to bring some letters. I am going to tell you about some of the families in the West, about how the West was won, so to speak, about survival out there. It is tough. What you hear about are the Aspens and the areas like that, all in my district, which I am very proud of. But you need to hear about the little towns like Meker, Colorado, or Craig, Colorado, or Lander, Wyoming, or some these areas, and take a look at the good lifestyle that these people provide for their families.

But let me go on. Eleven contiguous western States, Nevada, 82, 83 percent roughly of that State is owned by the Federal Government. Compare it with Connecticut, less than 1 percent.

The State of Utah, 63 percent of the State of Utah is owned by the government; Rhode Island, about one-third of one percent.

Idaho, 61 percent owned by the government; New York, about three-fourths of one percent.

Oregon, 52 percent; Maine, just a little under 1 percent.

The State of Wyoming, almost half the State is owned by the government, compared to the State of Massachusetts, 1.3 percent of that State.

Arizona, 47 percent; Ohio, 1.3 percent.

California, almost half the State of California; Indiana, less than 2 percent.

Colorado, 36 percent; Pennsylvania, 2 percent.

New Mexico, 33 percent; Delaware, 2 percent.

Washington, 28 percent; Maryland, 2 percent.

Montana, 28 percent; New Jersey, 3 percent.

Where we see a difference, where we see a rift, so to speak, or see what we perceive as a lack of understanding, is from some of our colleagues in these States and the people of these States; and that is why I am standing here in front of you this evening.

When you take a look at the differences, what you have and what we have, and the differences it makes in your life style, whether it is whether you get water, whether it is your transportation, whether it is your recreation, whether it is your environment, this is where we see a lot of problems originate between the States, because we in the West oftentimes feel that our good friends and our fellow citizens in the East do not understand the need for us to have the concept of multiple use.

My guess is that in most of these States, go up to Rhode Island and stop 100 people on the street. Ask how many of them know what is the concept of multiple use, what does multiple use mean. Give them a hint: it applies to the Western United States. What does multiple use mean?

My guess is out of 100, 99 cannot tell you. I am not saying they are ignorant or being critical of them; I am just saying it is not in their environment. They are entirely removed from the concept of multiple use. They are entirely removed from the ramifications of public lands.

But you go to a State like Alaska, for example, which is 98 percent owned by the government, or Nevada, and stop 100 people in Nevada and say what is the concept of multiple use? What is the concept of public lands? You are going to get an entirely different viewpoint, because those people experience it.

My purpose here this evening with my colleagues is to tell you that as we talk about some of these land-use decisions, as we talk about the Endangered Species Act, as we talk about our national parks, as we talk about our Bureau of Land Management, as we talk about the U.S. Forest Service, as we talk about people that recreate, whether it is on a mountain bike or kayaking, or as we talk about water in the West, understand, please understand, there is a clear distinction between how and what the ramifications are of those issues here in the East versus those in the West.

I have often heard people say, well, now, just a minute, SCOTT. This land belongs to all of the people, and that we people in the East, you should pay more attention to us, because this land in the West, that should be preserved.

I do not disagree with that comment at all, and we do a darn good job of it. We do a darn good job, because, you know what, we depend on that land. If we abuse the land, we suffer first.

But what kind of gets under our hide, gets under our saddle back there in the West, is when we have people who say to us, look, go ahead and kick the people in the West off their lands; but since we privately own it in the East, it will not have any impact on us.

What we are saying to our colleagues in the East is, look, understand what the concept is. Before you draw a position down, before you take a vote, try and determine or take a look or educate yourself on the concept of multiple use.

You know, when you hear from somebody, for example, the National Sierra Club, I do not think the National Sierra Club, which carries a lot of heavy weight here in the United States Congress, I do not think they have ever supported a water storage project in the history of that organization. Now, a lot of the things that that organization may do might be good; but before you sign on in opposition to water projects in the West, before you sign on to some of the ridiculous things that have come out, like, for example, take down the dam at Lake Powell and let the water go, understand what water in the West means; understand what multiple use in the West means.

The public lands in this country, as I have said over and over in my comments this evening, are not evenly spread across the 50 States. In fact, they are concentrated in about 11 States. That is where the majority of your holdings are. Eighty-some percent of those government lands are in those 11 States. The consequences to those 11 States are a whole lot different than the consequences to the other 39 States, some of whose public lands, really, are just the local courthouse.

So in conclusion and as a summary of these remarks tonight, I am just asking that my colleagues in the East begin to have a better understanding of what we face in the West. We are here in the West and we speak loudly from the West because, one, we are small in number because of population; but we also have the clearer understanding of what it is like to live with the government at your back doorstep, at your front doorstep and your side windows. Everywhere you look you have got government around you.

I would ask my colleagues from the East, work with us in the West. Help us protect that concept of multiple use. Help us continue our balanced use of the lands out there. Help us provide for future generations by using a balanced approach and by not automatically saying no water storage, not automatically saying no grazing, not automatically saying no utilization, not automatically saying take the recreation off those forests lands or take the recreation from those BLM lands.

We are totally and completely dependent upon these lands. We could not live in those States, nobody, nobody could live out there in those States in the West without this multiple use concept of Federal lands.

RECESS

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DIAZ-BALART) at 12 o'clock and 45 minutes a.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–380) on the resolution (H. Res. 372) providing for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3924, FREEDOM TO TELECOMMUTE ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–381) on the resolution (H. Res. 373) providing for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. DAVIS of Illinois (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. SHOWS (at the request of Mr. GEPHARDT) for today and March 20 on account of a death in the family.

Mr. SHAYS (at the request of Mr. ARMEY) for today on account of personal reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. MILLENDER-MCDONALD) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY of New York, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Ms. HOOLEY of Oregon, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, March 20 and 21.

Mr. GUTKNECHT, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. MORAN of Kansas, for 5 minutes, today.

Mr. KIRK, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 46 minutes a.m.), the House adjourned until today, Wednesday, March 20, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5943. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Distance Learning and Telemedicine Loan and Grant Program (RIN: 0572–AB70) received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5944. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Extension of Redemption Date for Unsold 2001 Diversion Certificates [Docket No. FV02–989–3 IFR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5945. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Irish Potatoes Grown in Colorado; Suspension of Continuing Assessment Rate [Docket No. FV01–948–2 FIR] received March 6, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5946. A letter from the Assistant Secretary of the Navy, Department of Defense, transmitting notification of the Department's decision to study certain functions performed by military and civilian personnel in the Department of the Navy for possible performance by private contractors, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

5947. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Austria for defense articles and services (Transmittal No. 02–19), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5948. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to the Republic of Korea for defense articles and services (Transmittal No. 02–17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5949. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06–02 which informs the intent to sign an amendment to the Memorandum of Agreement (MOA) between the United States and Israel concerning Counterterrorism Research and Development, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

5950. A letter from the Deputy Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule —Rough Diamonds (Sierra Leone & Liberia) Sanctions Regulations—received February 1, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

5951. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5952. A letter from the Assistant General Counsel for Regulatory Law, Department of Energy, transmitting the Department's final rule—Guide to Preventing Computer Software Piracy—received January 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

5953. A letter from the Director, Office of Personnel Management, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

5954. A letter from the Director, United States Trade and Development Agency, transmitting a consolidated report on audit and internal management activities in accordance with the provisions of the Inspector General Act and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

5955. A letter from the Register of Copyrights, Library of Congress, transmitting a schedule of proposed new copyright fees and the accompanying analysis; to the Committee on the Judiciary.

5956. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Tariff of Tolls [Docket No. SLSDC 2002–11529] (RIN: 2135–AA14) received February 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5957. A letter from the Chairman, Department of Transportation, transmitting the Department's final rule—Electronic Access to Case Filings—received February 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5958. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dowty Aerospace Propellers Type R334/4–82–F/13 Propeller Assemblies [Docket No. 2001–NE–50–AD; Amendment 39–12623; AD 2002–01–28] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5959. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company GE90 Series Turbofan Engines [Docket No. 98–ANE–17–AD; Amendment 39–12622; AD 2002–01–27] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5960. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 2002–NM–07–AD; Amendment 39–12611; AD 2002–01–17] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5961. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company CF6–80E1 Model Turbofan Engines [Docket No. 2001–NE–45–AD; Amendment 39–12595; AD 2002–01–04] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5962. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes [Docket No. 2001–NM–385–AD; Amendment 39–12609; AD 2002–01–15] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5963. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model SE 3130, SE 313B, SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B Helicopters [Docket No. 2001–SW–38–AD; Amendment 39–12625; AD 2002–01–30] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5964. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model EC 155B Helicopters [Docket No. 2001–SW–71–AD; Amendment 39–12627; AD 2001–26–54] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5965. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS350B, AS350B1, AS350B2, AS350BA, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, and AS355N Helicopters [Docket No. 2001–S W–74–AD; Amendment 39–12626; AD 2001–26–55] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5966. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747 Series Airplanes [Docket No. 2000–NM–350–AD; Amendment 39–12512; AD 2001–23–13] (RIN: 2120–AA64) received March 7, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

5967. A letter from the Secretary, Department of Health and Human Services, transmitting a report on Agency Drug-Free Workplace Plans, pursuant to Public Law 100—71, section 503(a)(1)(A) (101 Stat. 468); jointly to the Committees on Appropriations and Government Reform.

5968. A letter from the Deputy Secretary of Defense, Department of Defense, transmitting a report on "The Appropriate Executive Agency for the Cooperative Threat Reduction (CTR) Programs"; jointly to the Committees on Armed Services and International Relations.

5969. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the fiscal years 1997–1999 Low Income Home Energy Assistance Program, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

5970. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Nursing Home Data Compendium 2000"; jointly to the Committees on Energy and Commerce and Ways and Means.

5971. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; jointly to the Committees on International Relations and Appropriations.

5972. A letter from the Congressional Liaison Officer, United States Trade and Development Agency, transmitting a prospective funding obligations which require special notification under section 520 of the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002; jointly to the Committees on International Relations and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 372. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007 (Rept. 107–380). Referred to the House Calendar.

Mr. SESSIONS: Committee on Rules. House Resolution 373. Resolution providing for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors (Rept. 107–381). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3925. Referral to the Committees on the Judiciary and Ways and Means extended for a period ending not later than April 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HOUGHTON:

H.R. 3991. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; to the Committee on Ways and Means.

By Mr. BOEHLERT (for himself, Mr. Pascrell, and Mr. Quinn):

H.R. 3992. A bill to establish the SAFER Firefighter Grant Program; to the Committee on Science.

By Mr. BRADY of Texas:

H.R. 3993. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate reporting and return requirements for State and local candidate committees and to avoid duplicate reporting of campaign-related information; to the Committee on Ways and Means.

By Mr. HYDE (for himself, Mr. Lantos, Mr. Gilman, and Mr. Ackerman):

H.R. 3994. A bill to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries; to the Committee on International Relations.

By Mrs. ROUKEMA (for herself, Mr. Green of Wisconsin, Mr. Oxley, Mr. Andrews, Mr. Lucas of Kentucky, Mr. Bereuter, Mr. Bachus, Mr. King, Mr. Ney, Mr. Barr of Georgia, Mrs. Kelly, Mr. Riley, Mr. Gary G. Miller of California, Mr. Cantor, Mr. Grucci, Mr. Rogers of Michigan, Mr. Tiberi, Mr. Leach, Mr. Shays, Mr. LaTourette, Mr. Jones of North Carolina, Ms. Hart, Mr. Ferguson, and Mr. Pickering):

H.R. 3995. A bill to amend and extend certain laws relating to housing and community opportunity, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOEHLERT (for himself and Mr. Hall of Texas):

H.R. 3996. A bill to amend the Federal Water Pollution Control Act to authorize appropriations for water pollution control research, development, and technology demonstration, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILÁ:

H.R. 3997. A bill to amend the Richard B. Russell National School Lunch Act to clarify requirements with respect to the purchase of domestic commodities and products by school food authorities in Puerto Rico under the school lunch and breakfast programs; to the Committee on Education and the Workforce.

By Mr. CALLAHAN:

H.R. 3998. A bill to suspend temporarily the duty on ethyl pyruvate; to the Committee on Ways and Means.

By Mr. CALLAHAN:

H.R. 3999. A bill to suspend temporarily the duty on 5-Chloro-1-indanone; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Lewis of Georgia, Mr. Bereuter, Mr. Hinchey, Mr. Foley, Mr. McNulty, Mr. Deal of Georgia, Ms. Carson of Indiana, Mr. Bonilla, Mrs. Christensen, Mr. Sessions, Mrs. Jones of Ohio, Mr. LaTourette, and Mr. Davis of Illinois):

H.R. 4000. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRANE (for himself, Mr. Sam Johnson of Texas, and Mr. Sessions):

H.R. 4001. A bill to amend the Internal Revenue Code of 1986 to decrease the floor for the deduction for medical care to two percent of adjusted gross income; to the Committee on Ways and Means.

By Mrs. DAVIS of California:

H.R. 4002. A bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs; to the Committee on Ways and Means.

By Mr. HEFLEY (for himself, Mr. Udall of Colorado, Mr. Pallone, Mr. Saxton, Mr. Moran of Virginia, Mr. Greenwood, Mr. Castle, Mr. Andrews, and Mr. Pascrell):

H.R. 4003. A bill to protect diverse and structurally complex areas of the seabed in the United States exclusive economic zone by establishing a maximum diameter size limit on rockhopper, roller, and all other groundgear used on bottom trawls; to the Committee on Resources.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Langevin, Mr. McGovern, and Mr. Neal of Massachusetts):

H.R. 4004. A bill to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island, and for other purposes; to the Committee on Resources.

By Mr. KING (for himself, Mrs. Maloney of New York, Ms. Norton, Mr. Acevedo-Vilá, Mrs. Christensen, Mr. Faleomavaega, and Mr. Underwood).

H.R. 4005. A bill to provide for a circulating quarter dollar coin program to commemorate the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and for other purposes; to the Committee on Financial Services.

By Mr. KING (for himself, Mrs. McCarthy of New York, Mr. Grucci, Mr. Gilman, Mr. Rangel, Mrs. Lowey, Mr. Weiner, Mr. Serrano, Mr. Quinn, Mr. Engel, Mr. Fossella, Mr. Towns, Mr. Sweeney, Mr. Reynolds, Mr. McNulty, Mr. Houghton, Mr. Crowley, Mrs. Kelly, Mr. Walsh, Mr. Meeks of New York, Mr. Israel, Mr. McHugh, Mr. Boehlert, Ms. Velázquez, Mr. LaFalce, Mr. Owens, Mr. Hinchey, Mrs. Maloney of New York, Mr. Ackerman, Ms. Slaughter, Mr. LaHood, Mr. Brady of Pennsylvania, Mr. Neal of Massachusetts, Mr. Abercrombie, Mr. Capuano, Mr. Coyne, Mr. Leach, Mr. Ortiz, Mr. Rodriquez, Mr. Ferguson, Mr. Lynch, and Mr. Shays.

H.R. 4006. A bill to designate the United States courthouse located at 100 Federal Plaza in Central Islip, New York, as the "Alfonse M. D'Amato United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. SIMMONS:

H.R. 4007. A bill to designate the facility of the United States Postal Service located at 66 South Broad Street in Pawcatuck, Connecticut, as the "Vincent F. Faulise Post Office Building"; to the Committee on Government Reform.

By Mrs. THURMAN (for herself and Mr. Andrews):

H.R. 4008. A bill to amend the Family and Medical Leave Act of 1993 and title 5, United States Code, to allow leave for individuals who provide living organ donations; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOYER (for himself, Mrs. Morella, Ms. Norton, Mr. Wynn, Mr. Moran of Virginia, and Mr. Wolf):

H. Con. Res. 356. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. PAYNE:

H. Con. Res. 357. Concurrent resolution expressing the sense of the Congress that the Parthenon Marbles should be returned to Greece; to the Committee on International Relations.

By Mr. RYUN of Kansas (for himself, Mr. Walsh, Mrs. McCarthy of New York, and Mrs. Capps):

H. Con. Res. 358. Concurrent resolution supporting the goals and ideals of National Better Hearing and Speech Month, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STRICKLAND:

H. Con. Res. 359. Concurrent resolution expressing the sense of Congress opposing the enactment of any proposal for the establishment of a deductible for veterans receiving health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. CAPITO:

H. Res. 371. A resolution expressing the sense of the House of Representatives regarding Women's History Month; to the Committee on Government Reform.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 198: Mr. Otter.

H.R. 303: Mr. Pence and Ms. Velázquez.

H.R. 360: Mr. Ortiz.

H.R. 397: Mr. Fletcher and Mr. Weller.

H.R. 476: Mr. Sullivan.

H.R. 489: Mr. Forbes and Mr. Baird.

H.R. 510: Ms. Slaughter and Mr. Tierney.

H.R. 556: Mr. Owens.

H.R. 848: Mr. Hoeffel.

H.R. 854: Mr. Manzullo, Mr. Davis of Illinois, and Mr. Lynch.

H.R. 858: Mr. Moore and Mr. Andrews.

H.R. 914: Mr. Lucas of Kentucky.

H.R. 953: Mr. Bonior, Mr. Leach, and Mr. Ramstad.

H.R. 1051: Mr. Pastor, Mr. Green of Texas, Mr. Baca, and Mr. Costello.

H.R. 1108: Mr. Reyes.

H.R. 1143: Mr. Udall of New Mexico, Mr. Owens, and Mr. Snyder.

H.R. 1146: Mr. Jeff Miller of Florida.

H.R. 1184: Mr. Bentsen and Mr. Costello.

H.R. 1213: Mr. Green of Texas.

H.R. 1214: Mr. Strickland.

H.R. 1305: Ms. Kilpatrick.

H.R. 1307: Mr. Dicks.

H.R. 1354: Ms. Berkley, Mr. Wexler, and Mr. Terry.

H.R. 1433: Mr. Waxman.

H.R. 1475: Ms. Watson, Mr. Sandlin, Mr. Reyes, and Mr. Capuano.

H.R. 1556: Mr. Boozman, Ms. DeGette, Mr. Berry, Mr. Upton, Mrs. Davis of California, Mr. Etheridge, and Mr. Lynch.

H.R. 1581: Mr. Radanovich.

H.R. 1604: Mr. Berry.

H.R. 1609: Mr. Neal of Massachusetts, Mr. John, Mr. Matheson, Mr. Foley, Mr. Lynch, and Mr. Etheridge.

H.R. 1626: Mr. Rothman.

H.R. 1672: Mr. Towns, Mr. Stark, and Mrs. Maloney of New York.

H.R. 1673: Mr. Simpson.

H.R. 1683: Mr. Wexler, Mr. Capuano, Mr. Gutierrez, Ms. McKinney, and Mrs. Christensen.

H.R. 1784: Mr. Stark.

H.R. 1795: Mr. Gibbons and Mr. Doolittle.

H.R. 1877: Mr. Simmons.

H.R. 1904: Ms. DeGette.

H.R. 1978: Mr. Kildee.

H.R. 1990: Mr. Brown of Ohio.

H.R. 2125: Mr. Tanner and Mr. Traficant.

H.R. 2207: Mrs. Jones of Ohio.

H.R. 2254: Ms. McKinney, Mr. Conyers, and Mr. Sweeney.

H.R. 2322: Mr. Sullivan.

H.R. 2339: Mr. Strickland.

H.R. 2349: Mrs. Capito.

H.R. 2406: Mr. McDermott.

H.R. 2487: Mr. Lampson.

H.R. 2570: Mr. Clement, Mr. Holt, Mr. Sanders, Ms. Rivers, Mrs. Clayton, Mr. Waxman, and Mr. Costello.

H.R. 2631: Mr. Weller and Mr. Goode.

H.R. 2674: Mr. Baca.

H.R. 2800: Mr. Pence.

H.R. 2806: Mr. Delahunt.

H.R. 2820: Mr. Edwards, Ms. Woolsey, Mr. Cooksey, Mr. Berry, Mr. Mica, Mr. Lampson, Mr. Green of Wisconsin, Mr. Whitfield, Mrs. Kelly, and Ms. McCollum.

H.R. 2980: Mr. Toomey.

H.R. 3002: Mr. Otter.

H.R. 3025: Mr. Bartlett of Maryland.

H.R. 3027: Ms. Norton, Mr. Pallone, Mr. Rush, Mr. Wynn, Mr. Rangel, and Mr. Payne.

H.R. 3100: Mr. Houghton.

H.R. 3113: Mr. Capuano, Mr. Towns, Mr. Ackerman and Mr. Serrano.

H.R. 3130: Mrs. Wilson of New Mexico, Ms. Dunn, Mr. Dooley of California, Ms. Harman, Mrs. Maloney of New York, Mr. Reyes

Mr. LIPINSKI, Ms. RIVERS, Ms. ESHOO, Mr. BOUCHER, and Ms. LOFGREN.

H.R. 3206: Mrs. JOHNSON of Connecticut and Mr. SIMMONS.

H.R. 3207: Mr. LYNCH.

H.R. 3230: Mr. LAMPSON.

H.R. 3231: Mr. FLAKE, Mr. WILSON of South Carolina, Mr. YOUNG of Alaska, Mr. BARR of Georgia, Mr. MCINTYRE, and Mr. CASTLE.

H.R. 3244: Mr. CLYBURN, Mr. CAPUANO, Mr. TANNER, Mr. ORTIZ, Mr. WAXMAN, Mr. RODRIGUEZ, Mr. CLEMENT, and Mr. PICKERING.

H.R. 3279: Mr. NADLER.

H.R. 3320: Mr. OWENS.

H.R. 3321: Mr. YOUNG of Alaska and Mr. BALDACCI.

H.R. 3336: Mr. WEXLER and Mr. LYNCH.

H.R. 3382: Mr. NADLER.

H.R. 3388: Mr. FOLEY.

H.R. 3414: Mr. BALDACCI and Ms. RIVERS.

H.R. 3443: Mr. RUSH and Mr. ROGERS of Michigan.

H.R. 3450: Mr. KENNEDY of Rhode Island, Mrs. DAVIS of California, Mr. LAHOOD, Mr. SHOWS, Mr. DEUTSCH, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Ms. CARSON of Indiana, Mr. MEEHAN, and Mr. BOUCHER.

H.R. 3464: Mr. GILCHREST, Mr. SABO, Mr. LOBIONDO.

H.R. 3498: Mr. ETHERIDGE.

H.R. 3524: Mr. POMEROY.

H.R. 3580: Mr. RUSH, Mr. EHRLICH, Mr. WYNN, and Mr. BURR of North Carolina.

H.R. 3597: Mr. PASCRELL, Mr. FILNER, and Mr. TIERNEY.

H.R. 3605: Mr. SAM JOHNSON of Texas.

H.R. 3626: Mr. WEINER.

H.R. 3661: Mr. GORDON, Mr. LAMPSON, Mr. OWENS, and Mr. SAM JOHNSON of Texas.

H.R. 3679: Ms. LOFGREN and Mr. RUSH.

H.R. 3713: Mr. SCHIFF, Mr. FOLEY, and Mrs. MINK of Hawaii.

H.R. 3717: Mr. PETERSON of Minnesota, Ms. SANCHEZ, Mr. ROSS, Mr. THOMPSON of Mississippi, and Mr. POMEROY.

H.R. 3733: Mr. RODRIGUEZ.

H.R. 3741: Mr. ISAKSON, Mr. SESSIONS, and Mr. NORWOOD.

H.R. 3782: Mr. BOSWELL, Mr. CUMMINGS, and Mr. WAMP.

H.R. 3792: Mr. LOBIONDO, Mrs. DAVIS of California, Ms. MCCARTHY of Missouri, Mr. MCGOVERN, Mr. KILDEE, Ms. MCKINNEY, and Mrs. MINK of Hawaii.

H.R. 3794: Mr. SCHIFF, Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, Mrs. DAVIS of California, Mr. MATSUI, Mr. HOLDEN, and Ms. MCCOLLUM.

H.R. 3798: Mr. SCHAFFER, Mr. LINDER, and Mr. PENCE.

H.R. 3802: Mr. SCHAFFER and Mr. UNDERWOOD.

H.R. 3812: Mr. BARTLETT of Maryland.

H.R. 3814: Mr. DAVIS of Illinois and Mr. FILNER.

H.R. 3818: Mr. DINGELL, Ms. KAPTUR, Mr. LYNCH, and Mr. BORSKI.

H.R. 3827: Mrs. EMERSON, Mr. PICKERING, Mr. HAYES, and Mr. JONES of North Carolina.

H.R. 3833: Mr. ROGERS of Michigan.

H.R. 3834: Mr. WALSH and Mrs. THURMAN.

H.R. 3884: Mrs. JOHNSON of Connecticut, Mr. LEVIN, Mr. STARK, Mr. MATSUI, Ms. KAPTUR, Ms. SLAUGHTER, Ms. BROWN of Florida, Mr. SANDERS, Ms. CARSON of Indiana, and Ms. JACKSON-LEE of Texas.

H.R. 3899: Mr. MASCARA and Mr. HILLIARD.

H.R. 3911: Mr. BONILLA, Mr. SHERMAN, and Mr. SIMMONS.

H.R. 3924: Mrs. CAPITO, Mr. MORAN of Virginia, Mrs. JO ANN DAVIS of Virginia, Mr. SCHROCK, Mr. OSE, and Mr. WOLF.

H.R. 3926: Ms. HOOLEY of Oregon.

H.R. 3929: Mr. LAMPSON, Mr. MOORE, and Ms. JACKSON-LEE of Texas.

H.R. 3933: Mr. WAXMAN.

H.R. 3938: Mr. SIMMONS.

H.R. 3946: Mr. PENCE and Mr. KERNS.

H.R. 3953: Mr. ENGLISH.

H.R. 3955: Mr. UNDERWOOD.

H.R. 3959: Mr. PASTOR.

H.R. 3968: Mr. FROST, Mr. TANCREDO, Mr. KING, Mr. JACKSON of Illinois, and Ms. BROWN of Florida.

H.R. 3969: Mr. WYNN.

H.R. 3985: Mr. KILDEE.

H.J. Res. 81: Mr. BRYANT.

H. Con. Res. 42: Mr. COYNE, Mrs. MEEK of Florida, Mr. UNDERWOOD, and Mrs. THURMAN.

H. Con. Res. 99: Mr. BRADY of Pennsylvania, Mr. ACKERMAN, Mr. MCDERMOTT, and Mr. RANGEL.

H. Con. Res. 260: Mrs. MINK of Hawaii and Mr. OLVER.

H. Con. Res. 315: Mr. HAYES.

H. Con. Res. 320: Mr. HALL of Ohio, Mr. ANDREWS, Mrs. MEEK of Florida, and Mr. FARR of California.

H. Con. Res. 336: Mr. JACKSON of Illinois.

H. Con. Res. 346: Ms. KILPATRICK, Mrs. MALONEY of New York, Mr. BERMAN, Ms. MCKINNEY, and Mr. HORN.

H. Con. Res. 351: Mr. LANTOS, Mr. HORN, Ms. KAPTUR, and Ms. KILPATRICK.

H. Res. 346: Mr. BARR of Georgia, Mr. JONES of North Carolina, and Mr. LAHOOD.

H. Res. 368: Mr. OSBORNE, Mr. KIRK, Mr. REYES, Mr. HORN, Mr. LATOURETTE, Mr. PLATTS, Mr. JEFF MILLER of Florida, and Mrs. BIGGERT.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H. CON. RES. 353

OFFERED BY: MR. ENGEL

AMENDMENT NO. 1:

Paragraph (1)(A) of section 101 (the recommended levels of Federal revenues) is amended by increasing revenues for the fiscal years set forth below as follows:
Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (1)(B) of section 101 (the amounts by which the aggregate levels of Federal revenues should be reduced) is amended by reducing the reduction for the fiscal years set forth below as follows:
Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (2) of section 101 (the appropriate levels of new budget authority) is amended by increasing new budget authority for the fiscal years set forth below as follows:
Fiscal year 2003: $500,000,000.
Fiscal year 2004: $500,000,000.
Fiscal year 2005: $500,000,000.
Fiscal year 2006: $500,000,000.
Fiscal year 2007: $500,000,000.

Paragraph (3) of section 101 (the appropriate levels of total budget outlays) is amended by increasing total budget outlays for the fiscal years set forth below as follows:
Fiscal year 2003: $15,000,000.
Fiscal year 2004: $135,000,000.
Fiscal year 2005: $305,000,000.
Fiscal year 2006: $395,000,000.
Fiscal year 2007: $420,000,000.

Paragraph (13) of section 103 (Income Security (600)) is amended by increasing new budget authority and outlays for fiscal years 2003 through 2007 as follows:
Fiscal year 2003:
(A) New budget authority, $500,000,000.
(B) Outlays, $15,000,000.
Fiscal year 2004:
(A) New budget authority, $500,000,000.
(B) Outlays, $135,000,000.
Fiscal year 2005:
(A) New budget authority, $500,000,000.
(B) Outlays, $305,000,000.
Fiscal year 2006:
(A) New budget authority, $500,000,000.
(B) Outlays, $395,000,000.
Fiscal year 2007:
(A) New budget authority, $500,000,000.
(B) Outlays, $420,000,000.

EXTENSIONS OF REMARKS

PORTUGUESE INSTRUCTIVE SOCIAL CLUB INCORPORATED

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to celebrate the 80th anniversary of the Portuguese Instructive Social Club Incorporated (PISC). The Club commemorated this important milestone on Saturday, March 16, 2002.

In the early 1900's, Portuguese immigrants started making Elizabeth, New Jersey their new home. The Portuguese Instructive Social Club was born out of pride for the founder's heritage, and as a way to preserve Portuguese culture, language, and traditions. The Club provided a support structure to help immigrants adjust to American culture, the English language, and a new way of life.

The Club became a reality thanks to the dynamic leadership of Amadeu Correia and a group of fellow Portuguese immigrants. Officially founded on March 18, 1922, the Portuguese Instructive Social Club became the center of the Portuguese community in Elizabeth. The Club was first located at 131 Pine Street, later moved to 131 Third Street, and today is located at Routes 1–9 and Portugal Grove Street in Elizabeth, New Jersey.

Over time, the Portuguese-American community has grown considerably, and with its growth, the Club began offering more activities to its members. By 1925, the Club included a drama group, an orchestra, and a soccer team. Ten years later, on January 20, 1935, a new group emerged, the "Ladies Auxiliary of the Portuguese Instructive Social Club." In 1935, Amadeu Correia founded the Portuguese School, then known as "Escola 1 de Dezembro," with a class of about 30 students. Today, the school is known as "Amadeu Correia School," with an average of 275 students. In 1940, the "Youth of the PISC" introduced new activities, such as bowling, basketball, soccer, and youth dances. On February 7, 1970, after a major fundraising drive, the new Portuguese Instructive Social Club in Elizabeth, New Jersey was inaugurated.

Today, I ask my colleagues to join me in honoring the Portuguese Instructive Social Club Incorporated for providing 80 years of camaraderie and the preservation of Portuguese culture and traditions in New Jersey.

TRIBUTE TO MRS. MARGARET ERVING

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Mrs. Margaret Erving, born in Iowa City. Mrs. Erving graduated from high school in Fort Dodge, Iowa, and was immediately inducted into the United States Air Force, completing her training at Lackland Air Force base in Texas. She spent 5 years in the Air Force, in which time she attended the United States Air Force Supply School in Denver, Colorado. She is a graduate of the College of New Jersey, having earned a bachelor of science degree with a major in sociology, and a minor in business administration.

Mrs. Erving began her career at Fort Monmouth on February 2, 1980, and completed over 27 years of civilian/military service there. Her beginning position was that of a GS–3 Supply Clerk in the Directorate of Materiel Management.

Since her debut in 1980, Mrs. Erving has served in several capacities including Supply, Quality Assurance, and Logistics positions. In February 1981 she was chosen to participate in the Quality Assurance Career Intern Program, and was promoted to the GS–1910–5 position in the Directorate of Materiel Management. That same year Mrs. Erving qualified and was promoted to the grade of GS–1910–9. In June 1983 she was promoted again to the grade of GS–11 in the Directorate of Quality Operations/Communications, Automatic Data Processing Section where she worked until 1985 at which time she was promoted to grade GS–12 Quality Assurance Specialist in the Directorate of Product Assurance and Test. In 1987 she was reassigned to the Communications Directorate MSE (Mobile Subscriber Equipment) branch, from which she is now retiring. In this position she traveled widely both in and out of the Continental United States, journeying to destinations such as Germany, France, England, Sweden, and Canada.

Mrs. Erving's efforts have been outstanding, and she has, consequently, received numerous awards and accolades for her accomplishments and the Retrofit Program. Some of her awards include the Good Conduct Medal, sustained Superior Performance awards between the years 1995 and 2002. Certificates of Achievement in 1989 and 1995, Special Act Awards, and a letter of appreciation from Major General Robert I. Nabors, former Commanding General, United States Army, Communications-Electronics Command at Fort Monmouth, New Jersey. In 1991, she was yet again promoted to the temporary position of GS–13.

Mrs. Erving's external activities include being a life member of the National Council of Negro Women; member of the NAACP; member of the church of the Good Shepard, Willingboro, NJ; substitute school teacher, Willingboro, NJ public school system; a charter member of the women in military service; and vice-president and treasurer of Jonmar creations, an ethnic greeting card company founded and operated by her husband, John Erving, Jr.

For continuing efforts to make a difference both in her own community and the world, Mrs. Margaret Erving deserves our praise and recognition.

TRIBUTE TO UKRAINIAN CONSULATE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LEVIN. Mr. Speaker, I rise today to celebrate the opening of the Ukrainian Consulate in Michigan, which will officially begin operations on March 23, 2002.

The opening of this consulate in Michigan demonstrates the special relationship the United States has with Ukraine, and signifies the importance of the Ukrainian-American community in southeastern Michigan. There are approximately 200,000 Americans of Ukrainian descent residing in Michigan, with the vast majority living in the Detroit metro area, and they have contributed greatly to the diversity and the prosperity of the region.

Since first arriving in the United States, Ukrainian-Americans have done well in all aspects of American historical, socio-cultural, and political life. Their sons and daughters have grown up to be doctors, professors, lawyers, and other professionals. They have been a vital part of the industrial life in Michigan, and served nobly in the armed services of this Nation. Yet, even as they embraced America, Ukrainian-Americans have maintained their rich cultural history and ethnic identity, and sought to teach fellow Americans about this culture.

Nowhere is this culture more in evidence than at the Ukrainian Cultural Center, which serves as the home for the consulate in Warren, MI. The Ukrainian Cultural Center is home to more than 40 arts, civic, educational, social, sports, and youth organizations, including the member organizations of the Ukrainian Congress Committee of America branch for southeastern Michigan.

The center is an integral part of not only the Ukrainian community, but all of metropolitan Detroit and Michigan. With the addition of the consulate, the center now is able to assist Ukrainian-Americans in Michigan and to facilitate trade, cultural and academic programs, and exchanges between Ukraine and Michigan.

The consulate became a reality through the tireless efforts of the men and women of the Committee in Support of the Consulate of Ukraine in Michigan. Borys Potapenko, who served as chairman of the committee, and Bohdan Fedorak, who has been designated Honorary Consul of Ukraine in Michigan, have routinely devoted so much of their time to the Ukrainian community through the years.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The opening of the consulate demonstrates that the partnership between our nations is increasingly being strengthened. This is another milestone along that road. It is not the end of the journey.

So I ask my colleagues to join me as we extend our sincere congratulations to the people of Michigan and around the Nation on the opening of the Ukrainian Consulate in Michigan.

HONORING MATTHEW CROFT

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in congratulating a young student from Michigan who has achieved national recognition for exemplary volunteer service in his community. Matthew Croft of Waterford has just been named one of Michigan's top two honorees in the 2002 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each State, the District of Columbia, and Puerto Rico. Matthew will be honored today with a ceremony to be held at his school.

Matthew is being honored for developing and implementing a program to buy bicycle safety helmets for needy first- and second-grade children. As an eighth grader at Marist Academy, Matthew belongs to a group called STAND or Students Taking a New Direction. This group was organized to leadership through doing for others and learning to make healthy choices. After reading an article that stated only 20 percent of bike riders in Michigan wore helmets, Matthew decided to take action. He approached his fellow students in STAND and persuaded them to help correct this problem. Matthew helped organize several fundraisers, he obtained matching funds from AAA, and he approached retailers in the area to get a discount on the cost of the helmets.

Once the helmets were purchased, Matthew was one of four presenters explaining to the elementary students that it is "cool" to wear helmets. The students at Whitmer Resource Center in Pontiac responded enthusiastically. Through Matthew's efforts more young children in Pontiac are practicing bicycle safety and wearing headgear that may save their lives.

Matthew should be extremely pleased to be singled out from such a large group of dedicated volunteers. He is an example of the important role young Americans play in our communities. I ask the House of Representatives to join me in commending Matthew, his fellow students and faculty at Marist Academy and their families for making this a better world.

PRESIDENTIAL AWARDS FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SUNUNU. Mr. Speaker, I rise to the floor today to honor some very important people in the lives of New Hampshire's children—teachers.

I am proud to recognize the accomplishments of nine recipients of the Presidential Awards for Excellence in Mathematics and Science Teaching. These nine recipients are now candidates for the national award.

Like all teachers, they are hard working and dedicated to their students. They instill curiosity and drive to explore ideas and concepts that will help their students in the classroom and throughout their academic pursuits.

The teachers are recognized for their professional performance and for significantly improving their students' understanding of science and mathematics.

The recipients are science and math teachers in elementary, middle, and high schools from all across New Hampshire. I applaud each one of them for their hard work.

In science, the recipients are: Deborah Morill Bates, of Bluff Elementary School, in Claremont; Laura Elise Dreyer, of McKelvie Middle School, in Bedford; Diane Barbara Savage, of Nashua Senior High School, in Nashua; and Dennis Paul Vienneau, of Moultonborough Academy, in Moultonborough.

In mathematics, the recipients are: Catherine Stavenger, of Memorial Elementary School, in Bedford; Janet Christina Valeri, of Mt. Pleasant Elementary School, in Nashua; Terry Reginald Bailey, of Pinkerton Academy, in Derry; Catherine Brownrigg Burns, of McKelvie Middle School, in Bedford; and Dianne Jaye Klabechek, of Belmont Middle School, in Belmont.

On behalf of your students, your schools, and your state, I salute you.

TRIBUTE TO REVEREND RONALD L. OWENS

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to Reverend Ronald L. Owens residing in the Sixth District of New Jersey. He is celebrating his 25th year in the ministry.

Reverend Owens is currently the Senior Pastor of the New Hope Baptist Church of Metuchen, New Jersey. On Friday, April 12, 2002, his church will recognize his illustrious career and dedication to Metuchen and surrounding communities. Reverend Owens graduated from Northeastern Bible College in Essex Falls. He also has earned a degree from the Virginia Union University in Richmond, Virginia. Presently, he is a candidate for the Doctorate in Ministry from Andersonville Baptist Seminary in Camille, Georgia.

At the New Hope Baptist Church he has the unique honor of pastoring the church he attended in his youth. The church has grown to more than five hundred active members, with more than thirty active ministries serving the community. Reverend Owens has a noteworthy career. It includes serving as a member of the Board of Supervisors for Field Ministry at Princeton Theological Seminary and the Ad-Hoc Committee for Minority Recruitment for Robert Woods Medical School at Rutgers University. Additionally, he has acted as the president of the Metuchen/Edison Clergy Association and former Vice-Chairman of the Democratic Party of Middlesex County in the State of New Jersey. Lastly, he was President and CEO of the House of Hope Community Development Corporation of New Jersey.

Outside of his career, he spends time with his adoring wife of thirty-years, Cheryl Owens, and his two daughters, Tracey and Kimberly. He also enjoys spending time with his four grandsons, Adam II, Joshua, Blair, Jr., and Brandon. Through his ministry he spreads the word of God and provides spiritual leadership. Now entering his twenty-fifth year of service, I would like to congratulate Reverend Ronald L. Owens on this momentous occasion.

IN HONOR OF DR. JOSE R. SANCHEZ-PENA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Jose R. Sanchez-Pena for his many contributions to the Hispanic community. He will be honored by the Federation of Cuban Musicians in Exile on Sunday, March 17, 2002, at Mi Bandera restaurant in Union City, NJ.

Dr. Jose R. Sanchez-Pena is currently an assistant professor of medicine at the University of Puerto Rico and the University of Medicine & Dentistry of New Jersey.

He is a member of Barnert Memorial Hospital in Paterson, NJ. In Passaic, NJ, he is a member of Beth Israel Hospital, Saint Mary's Hospital, and General Hospital Center. He is the Medical Director at Gregory Medical Associates, Comprehensive Medical Evaluations, and Gregory Surgical Services.

Dr. Jose R. Sanchez-Pena is an asset to the Hispanic community, providing excellent medical care to countless Hispanics at his medical offices in Manhattan, Queens, Jersey City, West New York, Paterson, Passaic, and Hoboken. Having medical licenses in New York, New Jersey, Indiana, Puerto Rico, and the Dominican Republic, he is able to extend his services to a diverse group of individuals.

Not only does he attend to people's medical needs, but his services also benefit the community, as he is a medical consultant for the Social Security Administration, the Immigration and Naturalization Services, and Workmen's Compensation in the State of New York and New Jersey.

Today I ask my colleagues to join me in honoring Dr. Jose Sanchez-Pena for his many contributions to the medical community and the Hispanic community of New Jersey.

TRIBUTE TO JASON CUNNINGHAM

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, it rained in Washington last Wednesday. By Thursday morning the sun was burning through the mist that blanketed Arlington National Cemetery. On the north side of a ridge near a grove of evergreen trees an Air Force honor guard carried Jason Cunningham's casket to his final resting place.

There were six honorary pall bearers who followed the casket up the incline to where the family and a small cluster of others waited. Those six all wore the maroon berets of the Air Force elite pararescuemen. There were dozens of PJs there, mostly from Jason's squadron in Georgia. All of them had completed their PJ training at Kirtland Air Force Base.

Over the ridge to the south of where we stood two cranes lined the sky where crews work feverishly to rebuild the Pentagon. You could hear the throb for work from the site and it was comforting, somehow, to know that even as we grieve deeply for those lost we are rebuilding and going on.

Jason Cunningham was a New Mexican and, by all accounts, a good man who was willing to risk his life in daring missions to rescue others. That's what PJs do. When Navy SEAL Petty Officer Neil Roberts was left behind after his helicopter was attacked in a mountain valley in Afghanistan, Jason and his team went in to try to rescue him. They got into a vicious fire fight. Jason, the Navy SEAL, and five others were killed. Eleven Americans were wounded.

Even when you know a cause is just, when those who fight do so willingly, when you know it's a fight we have to win, the grief is just as deep. The rifle shots of the honor guard, the echoes of taps, the rescue choppers flying by in a last salute, the wide-eyed children of a soldier who won't be coming home, weighed heavily on everyone at Arlington on Thursday.

There were thousands of New Mexicans who would have been at Arlington if they could have. I went to represent them and to let the Cunninghams know that the thoughts and prayers of thousands of New Mexicans are with them. We are sorry that Jason isn't coming home and grateful for his service and his sacrifice defending us and our way of life.

Operation Anaconda has been the costliest battle so far in Afghanistan. There will be more battles in this war against terrorism. Let's keep the troops in our thoughts and prayers.

CONGRATULATING THE GIRL SCOUTS OF THE USA ON ITS 90TH ANNIVERSARY

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PETRI. Mr. Speaker, I rise today to, somewhat belatedly, congratulate the Girl Scouts of the USA on reaching its 90th anniversary as an organization.

The organization had its origins in 1912 with an 18-girl group in Savannah, Georgia. From those rather humble origins it has grown to its current strength of 3.8 million members, in cluding 900,000 adult members. The Girl Scouts also boast 50 million alumnae. This is the largest organization for girls in the world.

Since the organization's inception, the Girl Scout experience has helped girls acquire self-confidence and expertise, learn to think creatively and develop habits of honor and integrity that are essential in good citizens and great leaders. Many of our educators, doctors, lawyers, elected officials and other community leaders were once Girl Scouts.

The benefits of Girl Scouting are delivered by a dedicated group of people—adult volunteers. Ninety-nine percent of all the adults involved in Girl Scouting are volunteers who give their time to advance the noble goals and purposes of Scouting, teaching their charges about community service, science, money management, health, fitness, and other useful skills and talents. In a time when we are trying to encourage more community involvement, we need to take the time to recognize an organization that has been leading the way for decades.

Again, I am pleased to congratulate this group, which has been such an integral part of the American social fabric, as it reaches an important milestone.

TRIBUTE TO ALACHUA ELEMENTARY SCHOOL'S 2002 QUIZ BOWL TEAM

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. THURMAN. Mr. Speaker, I am here today to pay tribute to six remarkable elementary school students, Kyle Carlisle, Kaytlynn Cunningham, Varsha Ramnarine, Jonathan Stewart, Alexandria Whann, and Courtney Wilkerson, their teacher, Shirley Tanner, and their school for triumphing in the Florida competition of the 2002 National Thinking Cap Quiz Bowl.

Located in Alachua, a tiny city of approximately 6000 people, Alachua Elementary School serves less than 500 students in grades three through five. Principal Jim Brandenburg described the 107-year-old school as a "community school" and credited community involvement for the school's quality, explaining that, "Alachua is a stable community. Many parents and grandparents of our students also attended Alachua Elementary. We don't have a lot of money, but parental involvement and community support help make up for that."

Mr. Brandenburg further states, "There are no shortcuts to quality education. We have resisted the instructional fads that promise instant success and focused on essential skills and good teaching. You can't 'microwave' sustained high achievement in school or anywhere else. It really comes down to high expectations and hard work."

Alachua Elementary is often referred to as "the little school that can . . . and does." It has been honored as a Blue Ribbon school and has received numerous awards for student achievement from the School Board of Alachua County. Furthermore, this is the third consecutive year that Alachua's Quiz Bowl team has won first place in the state. For Alachua, a poor rural school, the win was particularly rewarding since they competed against schools from metropolitan areas of Florida and also private schools across the state.

Mrs. Tanner, Teacher of the Gifted and Technology Resource Teacher, began the school's involvement in this challenging scholastic competition several years ago. The test consists of 100 computer-generated multiple-choice questions covering all school subjects, current events, and trivia. Each fifth-grade student on the team studied incredibly long hours and practiced weekly for over two months to prepare for the competition.

Mrs. Tanner said, "I am far more impressed with their determination and perseverance than by the fact that they won the state competition. They had no idea what questions would be on the test. No notes of any kind may be used during the test; only pencils and paper are permitted. Research, teamwork, and test-taking strategies were the keys to success. Since the total score was based on both speed and accuracy, the team had to be quick calm and knowledgeable about many subjects."

Now let me tell you a little more about these wonderful kids:

Kyle Carlisle, the son of Roy and Ellen Carlisle, became an expert on Government. His leisure time is spent reading and playing computer games of strategy. Kyle's favorite subject is Math. His goal in life is to have a career in Computer Science. Kyle said, "Being on the quiz bowl team was a lot of work, but it was fun." Mrs. Tanner said of him, "The same day that Kyle qualified for the team, he began researching various topics and shared this information with teammates. Kyle was responsible for answering questions on Government and in charge of entering the team's answers via the mouse. He did a flawless job in an extremely stressful position."

Kaytlynn Cunningham, the daughter of John and Nancy Short, became the expert in Language Arts. Her interests include singing, gymnastics, creative writing, bike riding, and swimming. Kaytlynn's favorite subject is Language Arts, and she wants to be a teacher. Her comment was, "I spent a lot of time learning a vast quantity of information, but I know I will be able to use it later in life." Mrs. Tanner commented, "Kaytlynn is a talented young lady. Soon after the 9/11 tragedy, Kaytlynn sang, 'Amazing Grace' at the school's Open House Program. The song was so beautifully and emotionally sung that few dry eyes were in the audience. She regularly appears as a news anchorperson on the school's closed-circuit broadcasting station, WALA."

Varsha Ramnarine, the daughter of Vishnu and Kay Ramnarine, plays softball, reads and plays basketball. She was the team's math expert. Her favorite subject is, of course, Mathematics. Her career desire is to be a pediatrician. She said "The test was not as hard as I expected. Maybe it was because we were prepared." Mrs. Tanner responded, "We would not have scored nearly so well without Varsha's expertise in math concepts and computation. I was amazed at her quick answer to the math questions without the need to compute with pencil and paper."

Jonathan Stewart, the son of Tim and Chris Stewart, spends weekends riding his dirt bike, camping, and playing football. His specialty was Sports and Leisure. His favorite subject is also Mathematics, and Jonathan's career choice is to be a veterinarian. Jonathan commented, "The research was hard and took a lot of time, but it helped prepare us for the test. The hardest lesson to learn, though, was teamwork." Mrs. Tanner remarked, "Jonathan is a quick learner. The team depended on him to answer correctly all the sports questions. Jonathan, a pleasure in the classroom, always wears a mischievous and intriguing smile."

Alexandria Whann, the daughter of Lloyd and Elise Whann, enjoys swimming, piano, and traveling. Her knowledge of Social Studies meant that the team answered the geography questions correctly. Not surprisingly, her favorite subjects are Social Studies and Spelling. Her comment about the team was, "Mrs. Tanner is the best advisor a team could have. She insisted that we do our best." Mrs. Tanner said, "Alex has a marvelous sense of humor and a playful attitude. She really got excited answering questions at the weekly practices, but during the competition, she was calm, confident, and accurate."

Courtney Wilkerson, the daughter of Kenneth and Candis Wilkerson, enjoys reading, swimming, traveling, and creative writing. Her area of expertise was Science, Current Events, and Miscellaneous. Her favorite subject is Mathematics, and she wants to be a lawyer. Courtney's response was, "Studying for the competition was a lot of hard work, but in the end, it was worth it." Mrs. Tanner said "Courtney's contribution cannot be over-emphasized. It seemed that every week in practice, I'd think of something else under the category of 'Miscellaneous' that she needed to learn. She never complained about the additional work."

These six students are to be congratulated for their determination, perseverance, and scholastic aptitude. These qualities were rewarded with a First Place finish in the state of Florida.

COMMENDING THE ACHIEVEMENTS OF FERNANDO ZAZUETA

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. LOFGREN. Mr. Speaker, we rise to recognize the remarkable achievements of Fernando Zazueta, the Founding Chairman of the Mexican Heritage Corporation of San Jose. Mr. Zazueta is a leader in the community and has been an invaluable friend to us both.

Fernado Zazueta was born in Culiacán, Sinaloa, Mexico and was raised as a migrant farm worker in California. He attended sixteen separate schools before graduating from San Jose High School in 1957, and then from San Jose State University in 1962. During law school, Mr. Zazueta was president of the Ralph Bunche Society of International Law and treasurer of the Law Students Association. As a result of his involvement in the student Court Interpreter Program, Mr. Zazueta published a Law Review article entitled "Attorney's Guide to the Use of Court Interpreters with an English and Spanish Glossary of Criminal Law Terms" and served as a special consultant to Arthur Young and Company in the development and presentation of a statewide study. Fernando Zazueta was a key contributor to a published report for the California Judicial Council regarding an assessment of the language needs of the California population as they related to the California justice system.

Fernando Zazueta has been an active member of local, county, state and national bar associations and served as both treasurer and president of La Raza National Lawyers' Association of California. Mr. Zazueta served on the State Bar Commission on Judicial Nominees Evaluation for two terms, during which the commission evaluated hundreds of nominees for gubernatorial appointment.

As chairman of the 1979 Community Advisory Council of San Jose Unified School District, Fernando Zazueta examined proposals to alleviate the ethnic and racial isolation of students. Additionally, he has held numerous directorships for nonprofit organizations such as the International Hospitality Center in San Francisco, the San Jose Museum of Art, and the San Jose Convention and Visitor's Bureau. He served on the Board of the San Jose Unified Educational Foundation, which raises over $100,000 for school sports through its annual Celebrity Waiters Luncheon.

Fernando Zazueta has been the founder and Board Chairman of the Mexican Heritage Corporation sine 1988, and headed an effort by the corporation to complete the Mexican Heritage Plaza, a $34 million cultural center in East San Jose. Mr. Zazueta has also been instrumental in establishing an annual civic recognition of the founding of the Pueblo de San Jose de Guadalupe as the first civil settlement in California.

Fernando Zazueta's other civic and volunteer contributions are too numerous for us to list here. He has been an integral part of our community for as long as we can remember, for which we are truly grateful. As a friend and as a neighbor, his dedication and enthusiasm is treasured.

IN HONOR OF GREEK INDEPENDENCE DAY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GEKAS. Mr. Speaker, as we read daily about the difficult fight for freedom that our armed forces are undertaking around the world, let us consider the similarly difficult mission that the people of Greece fought 181 years ago.

On March 25, 1821, Greek citizens, who were at that time living under the oppressive tyranny of the Ottoman Empire, united together to rise up and courageously fight an overwhelming enemy. Though they were many times outnumbered on the battlefield, they endured and ultimately defeated the Ottomans because of the values for which they fought, namely independence and freedom. More powerful than the weapons of the Ottomans, these values provided the inspiration to fight with conviction and purpose.

Today, the United States of America and Greece unite together in a stand against the forces of terrorism. Though this time the numbers of those fighting are to our advantage, our enemy is extremely deceptive, unpredictable, and willing to attack innocent people.

The noble War of Independence that the Greeks fought reminds us today that freedom and independence do not come without cost. We call upon these righteous values held by Greeks and Americans alike to endure these difficult times. Just as Greece defeated its enemy and gained sovereignty, we will defeat our enemy and preserve our freedom.

I stand today to reaffirm our solidarity with Greece and to celebrate their Independence Day from which we can draw much inspiration during our own time of war.

ON THE 110TH ANNIVERSARY OF THE DAILY CARDINAL

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to extend my congratulations to the oldest student newspaper on the University of Wisconsin-Madison campus, The Daily Cardinal, on its 110th anniversary on April 4. The Daily Cardinal is a steady and celebrated component of campus life—as vital a presence as the Union Terrace, Camp Randall, or Bascom Hall.

For more than a century, The Daily Cardinal has informed students, faculty, and staff on the UW-Madison campus. Through the years, the paper's staff has met serious challenges with courage and determination while maintaining standards of journalistic excellence.

The success of The Daily Cardinal must be attributed to its hardworking staff members, past and present, who juggle their roles as students and journalists or businesspeople, often with little or no recognition. The enduring success of The Daily Cardinal is most certainly due to their dedication and hard work.

It's truly an honor for me to represent the students, faculty, and staff of the UW-Madison and especially those who sustain its award-winning student paper, The Daily Cardinal.

THE MEDICAL COST DEDUCTION ACT OF 2002

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. CRANE. Mr. Speaker, I am pleased to join with my friend and colleague Mr. Johnson of Texas to introduce the Medical Cost Deduction Act of 2002. This legislation makes health care more affordable by allowing individuals to deduct most of their medical expenditures that exceed 2 percent of their Adjusted Gross Income (AGI).

The rising costs of health care are a major concern for many Americans. Whether it is increased costs in health insurance premiums or the high cost of prescription drugs that seniors pay out of their own pocket, if it is unaffordable, many of these individuals will go without necessary health care treatment. The Medical Cost Deduction Act will help lower the tax burden and help families defray the rising costs of health care.

Since 1942, taxpayers that itemize have been able to deduct health care costs that are in excess of a statutory percentage of their AGI. The current threshold where deductions begin is after 7.5 percent of AGI. Because of this relatively high floor, few taxpayers that itemize can reduce their taxable income through the existing deduction because their unreimbursed medical expenses are unlikely to exceed 7.5 percent of their AGI. For instance, under current law, a taxpayer with an income of $30,000 would need to have out-of-pocket health care costs of $2,250 before they could begin taking deductions. Under my proposal that reduces the AGI requirement to 2 percent, that same taxpayer can start taking medical care deductions after $600 in expenses.

Back in 1954 when the threshold for deductibility of health expenses was lowered from 5 percent to 3 percent, the House Ways and Means Committee included in it's report that there is a "general agreement that limiting the deduction only to expenses in excess of 5 percent of AGI does not allow the deduction of all extraordinary medical expenses." By lowering the deduction for medical expenses to 2 percent of AGI seniors may be able to better afford necessary medications and individuals may be better able to afford increased health care premiums. Mr. Speaker, I ask for my colleagues for their consideration and support of the Medical Costs Deduction Act.

CANADA LOVES NEW YORK

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HOUGHTON. Mr. Speaker, as we passed the six month mark since September 11th, I was reminded of one of the more exuberant showings of support from one of our nation's strongest allies. Our good neighbor to the north, Canada.

On September 11, 2001, Canadians shared the pain brought on by the events of that morning. Many Canadians wondered what they could do. Our good friend, Canadian Senator Jerry Grafstein, Co-Chair of our U.S.-Canada Interparliamentary Group, was one of the first to contact me to express his condolences and to commiserate. He, like everyone, wanted to know what he could do to help.

Then, following Mayor Giuliani's speech at the United Nations where he invited the world to come to New York to help get things back to normal, Jerry and many of his friends decided that the best thing they could do would be to organize a weekend for Canadians to visit New York en masse, contribute to the economy of New York, and physically show their support.

Almost immediately, Jerry, his wife Carole, and a handful of outstanding volunteers from the Toronto area went to work.

Publishers of the leading newspapers in Toronto ran full-page ads. TV and radio quickly followed suit. Canadian stars in sports and entertainment rallied to create several ads in support of the venture, each taping 30–60 second spots at no cost. Even movie theater owners offered to run the ads when the Harry Potter movie opened in cinemas across Canada.

Other businesses made in-kind and monetary donations to the effort including Air Canada, who made discount air fares to New York available from across Canada.

New Yorkers also made generous donations to the effort. The Roseland Ballroom was made available at a very nominal rate and venue insurance was donated. Owners of the large screens in Times Square offered to run the ads for free to attract the thousands of Canadians living in New York to the event. Mayor Giuliani issued a proclamation declaring December 1, 2001, "Canada Loves New York Day" in New York City. President Bush also sent a message commending the volunteers for their efforts.

It was thought that three to four thousand Canadians would attend the rally on December 1st. It is estimated that over 26,000 people actually did attend. Many of them didn't even get near the Roseland Ballroom, but no one complained. It was a tremendous event—one that I will not soon forget.

So, Mr. Speaker, I just wanted to thank Senator Grafstein and all of the volunteers who worked tirelessly to make that effort a tremendous success. It is another in a long list of reasons as to why the United States and Canada are the closest of allies.

TRIBUTE TO MONMOUTH COUNTY FOODBANK

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. PALLONE. Mr. Speaker, I would like to call the attention of my colleagues to the FoodBank of Monmouth and Ocean Counties in the 6th District of New Jersey.

On Friday, February 22, the FoodBank formally celebrated the opening of its new 42,000 square feet warehouse facility at 3300 Route 66, Neptune Township. Member charities and invited guests toured the new facility. A dedication ceremony honored Arthur M. Goldberg, for whom the facility is named, for his generosity as a major contributor to the building campaign.

Other guests included major contributors, member charities, volunteers and political dignitaries who have played important roles in enabling the FoodBank to build the facility.

The FoodBank currently distributes over 2.5 million pounds of emergency food annually to more than 200 church and synagogue food pantries, soup kitchens, shelter for the homeless, shelter for abused women and children, day care programs for low-income children and homes for the elderly and disabled throughout Monmouth and Ocean counties.

The new facility will enable the FoodBank to provide more food for those in need. With the additional space, new programs will also be started that impact on the root causes of hunger. These include a job skills program in culinary arts and community gardens that will help people to grow some of their own food.

For continuing to make a difference in the community fighting hunger, the FoodBank of Monmouth and Ocean Counties warrants praise. Their new warehouse facility is a great step forward in their cause.

HONORING THE 46TH ANNIVERSARY OF THE INDEPENDENCE OF THE REPUBLIC OF TUNISIA

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. BENTSEN. Mr. Speaker, I rise to acknowledge the Republic of Tunisia's 46th anniversary on March 20, 2001. It was 46 years ago that the Republic of Tunisia was formally established as an independent country. Over the years, Tunisia has forged a strong and solid relationship with the United States that extends beyond bilateral ties to issues of world peace and economic partnership.

The close and solid relationship between Tunisia and the United States at the bilateral level has steadily grown from U.S. assistance to the young Tunisian nation in the early years to a constructive and fruitful partnership between two countries for the sake of development and prosperity. This relationship entered a new important phase when Tunisia joined the coalition to fight the scourge of terrorism in the wake of the September 11th attacks.

The population of Tunisia numbers approximately 9.6 million inhabitants, with more than 62 percent in urban areas. The official language of Tunisia is Arabic, while French and Italian are also spoken. Increasingly, English is also spoken among a growing number of Tunisians. The overwhelming majority of the population is Muslim, and the official religion is Sunni Islam. Christian and Jewish communities practice their faith freely and contribute to Tunisia's rich cultural diversity. The family remains the basic unit of Tunisian society. Enjoying total equality of rights with men, women have gained a good measure of autonomy and are able to pursue their own careers on an equal footing with men. Tunis, the capital, with a population of about one million, is one of the principal cosmopolitan urban centers of the Mediterranean.

Strengthened by economic achievements in recent years, Tunisia is starting the new millennium with confidence and serenity. It expects to reinforce and deepen the reforms it has initiated in order to face the challenges of the new stage and integrate its productive system into the world economy. Tunisia continues to be a model for developing countries. It has sustained remarkable economic growth and undertaken reforms toward political pluralism.

Mr. Speaker, Tunisia continues to preserve the safety and security of its people and to protect its borders while moving ahead with deliberate and steadfast conviction to further strengthen the democratic values that our two countries share as foundations for free and open societies. I wish to congratulate the citizens of Tunisia and its elected officials as they commemorate their 46th Anniversary and wish them the best for many more years of continued peace and prosperity.

COMMEMORATING THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF THE USA

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HUNTER. Mr. Speaker, last week marked the 90th anniversary of the Girl Scouts of the USA. Founded on March 12, 1912, with the belief that all girls should be given the opportunity to develop physically, mentally, and spiritually, Juliette Gordon Low assembled 18 girls from Savannah, Georgia, for the first Girl Scout meeting. From its initial 18 members, the Girl Scouts flourished to today's membership of over 3.8 million.

The mission of the Girl Scouts is to provide a venue where young girls can learn and develop the necessary skills to help them reach their full potential. They have also implemented successful programs, opening up more opportunities for girls in areas such as sports, technology, and science.

Girl Scouts are given the self-confidence that is important to developing active citizens and superior leaders. President Bush recently requested that every American perform 4,000 hours of community service over their lifetime and the Girl Scouts are in step with the President's challenge. The San Diego chapter boasts a volunteer rate of 90 percent among its girls in such projects as helping out in hospitals and planning nature trails.

I ask that my colleagues join me in congratulating the Girl Scouts for providing 90 years of positive guidance to our nation's young women and future leaders.

POSTHUMOUS TRIBUTE TO THE LATE REV. JOSEPH COATS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of our community's most genuine and unsung leaders, the late Rev. Joseph Coats. Indeed, he was also one of the noblest of God's faithful servants. His untimely demise last Sunday, March 3, 2002 leaves a deep void in our leadership toward our ongoing struggle to achieve equality of opportunity and unity among all people.

Born in Alamo, Georgia on January 28, 1927, he married Catherine Coats in 1949. Eight children were born out of this blessed union, with one son preceding him in death. He received his Theology degree from South Bible Seminary, and was subsequently ordained a minister on April 23, 1966. He was then assigned the pastorship of the Glendale Baptist Church in South Miami's Richmond Heights community. In the early days of his ministry his congregation numbered only 150 members. He would pick up in his old station wagon other members who had no way to get to church.

Historic milestones defined Rev. Coats' life of service. In 1969 he led his church in becoming the first African-American church to join the white Southern Baptist Convention. Predictably, his fellow Black ministers castigated him to no end for this move. They even ostracized him. When queried about this stance, he was wont to firmly state that ". . . we simply taught Christ here—not black and white. I preached impartiality and unity, and our members saw people as people . . ."

With great Faith in pursuing God's mission for him, he courageously persevered during that very trying period until such time when many more African American churches joined the Convention. Rev. Coats served as Pastor of Glendale for 30 years before he retired. Upon his retirement the congregation grew to some 3,000, although thousands more continue to flock to his revered church eager to hear him preach God's good news of salvation and redemption.

My state of Florida and most specifically, Miami-Dade County on the southern end, will surely miss his wisdom and expertise. The longevity of his commitment to the well-being of the less fortunate among us, particularly the voiceless and the underrepresented, has indeed become legendary. When I think of his early work in his church's involvement with the civil rights movement, it parallels much of Florida's and the nation's history as we struggled through the harrowing challenges of racial equality and simple justice.

I came to know this quintessential man of God in his understanding of and commitment to the underdogs of our community. Blessed with a lucid common sense and a quick grasp of the issues at hand, Rev. Coats was also blessed with the rare wisdom of recognizing both the strengths and limitations of those who have been empowered to govern. The acumen of his intelligence and the timeliness of his vision were felt at a time when our community and the state of Florida needed someone to put in perspectives the simmering agony of disenfranchised African-Americans and other minorities yearning to belong and pursue the American Dream.

I vividly recall the times when government and community leaders met to douse the still-burning embers of Liberty City and Overtown during the racial disturbances in the early 1980s. His was the firm voice of reason and the steadying influence of conscience. Wisely, he articulated his credo that we have got to learn to live and reach out to each other, or run the risk of shamefully reaping the grapes of wrath from those who have been left out.

Rev. Coats truly exemplified a calm but reasoned leadership whose courage and advocacy appealed to our noblest character as a nation. While he will be missed by the men and women of good will in my community and beyond, I will join my constituents in celebrating the wonderful gift of his life at the funeral services this Monday, March 11, 2002 at Glendale Baptist Church. We will honor and thank God for sending Rev. Coats to grace our paths and take up our struggles at a time when we most needed him.

My pride in sharing his friendship is only exceeded by my eternal gratitude for all that he has sacrificed on our behalf. This is the magnificent legacy by which we will honor his memory.

IN HONOR OF JUSTICE HUGH J. O'FLAHERTY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize former member of the Supreme Court of Ireland, Justice Hugh J. O'Flaherty as an honored guest to our country and to welcome him to celebrate St. Patrick's day with the Cleveland law firm, Collins & Scanlon. Justice O'Flaherty displayed integrity, character, and intelligence throughout his nine year tenure on the Court. We are fortunate to have him visit our country and share his knowledge.

Hugh J. O'Flaherty, was born in Killarney, County Kerry, Ireland. He studied law at the University College in Dublin. He was called to the Bar of Ireland in 1959 and became senior counsel in 1974. In 1990 Mr. O'Flaherty was appointed to the Supreme Court of Ireland. The court holds jurisdiction similar to the Supreme Court of the United States. Justice O'Flaherty carried out his duties with sound judgement and expertise. He has shared his wisdom by lecturing at the law schools at Fordham University and Duquesne University and by addressing numerous bar conferences in the United States as well as Australia.

I ask my colleagues to join me in rising to honor this truly remarkable individual for his distinguished years of service to Ireland's judicial system.

OPPOSING CERTIFICATION OF SERBIA

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ENGEL. Mr. Speaker, I rise to express my opposition to certification of Serbia to receive U.S. assistance. Belgrade has not met the conditions included in the law by Senator MITCH MCCONNELL and does not deserve to be certified by President Bush. As my colleagues are aware, certification must take place by March 31, 2002.

Until Serbia releases all of the Albanian prisoners under its control, stops funding parallel institutions in Bosnia and Kosova, protects minority rights and the rule of law, and fully cooperates with the International Criminal Tribunal for the former Yugoslavia, it should not be certified to receive assistance from the United States. While I look forward to the day when Belgrade is a constructive and cooperative player in the Balkans, the President must apply the standards Congress has laid down in law and deny certification.

In support of this position I include a letter from Richard Lukaj, Chairman of the Board of the National Albanian American Council, in the CONGRESSIONAL RECORD.

March 17, 2002.

DEAR SENATOR/REPRESENTATIVE: On March 31, 2002, the United States Congress will consider Serbia's eligibility for continued U.S. donor assistance. The National Albanian American Council would like to share with you some of its concerns, as well as point out Serbia's failure to fulfill any of the conditions posed by Congress last year.

According to Congress's decision, financial assistance to Serbia will continue after March 31, 2002 only if the President has made the determination and certification that Serbia is:

Cooperating with the International Criminal Tribunal for the former Yugoslavia including access for investigators, the provision of documents, and the surrender and transfer of indictees or assistance in their apprehension;

Taking steps to implement policies which reflect a respect for minority rights and the rule of law, including the release of political prisoners from Serbian jails and prisons, and

Taking steps that are consistent with the Dayton Accords to end Serbian financial, political, security and other support which has served to maintain separate Republika Srpska institutions.

A quick overview of these conditions indicates that Serbia and the Federal Republic of Yugoslavia (FRY) have failed to comply with any of them, and moreover, they have engaged in additional actions that run counter to Congress' intent and the administration's efforts to bring peace and stability to the region.

COOPERATION WITH THE INTERNATIONAL CRIMINAL TRIBUNAL

The trial of former Yugoslav dictator Slobodan Milosevic at the ICTY raised the hopes of many in the Balkans that the victims of war crimes will finally see justice being served. However, while the new Serbian government extradited Milosevic to The Hague at the last moment in a clear attempt to get financial support, it is doing disappointingly little to cooperate with the ICTY in the arrest of other indicted war criminals. Just last month, the Tribunal's Chief Prosecutor, Carla Del Ponte, labeled Yugoslav president Vojislav Kostunica as the "chief obstacle" to cooperation and denounced his direct complicity in the efforts to protect Ratko Mladic, the Bosnian Serb general wanted by ICTY for masterminding and executing some of the most heinous crimes against humanity during the Bosnian war. Recently, the Serbian Prime Minister Zoran Djindjic emphatically stated that his government would make no efforts whatsoever to apprehend Mladic.

In addition, four other Milosevic associates wanted for war crimes committed in Kosova remain free men and actively engage in high governmental or military positions. One of the indicted war criminals, Milan Milutinovic, maintains his post as president of Serbia, while Dragoljub Ojdanic, the former Chief of Staff of the Yugoslav Army, continues to hold a high ranking post within the Yugoslav Army. On March 9th, Kostunica's party, a key member of the ruling alliance, refused to endorse a draft law on cooperation with the UN Hague Tribunal. Moreover, both Kostunica and Djindjic, rather than seizing the opportunity presented by Milosevic's trial to initiate a debate within Serbia on the issue of war crimes, have instead made statements denouncing the Tribunal as the "last hole on the flute," thus seriously undermining its legitimacy and credibility in the eyes of the Serbian public.

These and additional facts are mentioned in the recently published human rights report by the U.S. Department of State. The report forthrightly notes that "[w]ith the exception of the transfer of Slobodan Milosevic and a few other war criminals, the Government's cooperation with the Yugoslav War Crimes Tribunal (ICTY) decreased significantly during the year. [. . .] [A]t year's end, several indictees remained at liberty, and, in at least one case, still in an official position in Serbia." The report further states that the FRY government "has been uncooperative in requests for documents regarding crimes committed by Serbs against other ethnic groups, and in arranging interviews with official and nongovernmental witnesses."

Clearly, the post-Milosevic governments of Serbia and Yugoslavia are failing utterly in keeping their international commitments for cooperating with the ICTY. The Secretary of State should use the upcoming March 31 cut-off date for U.S. assistance to the FRY government to press for full cooperation by the FRY government with the ICTY. The administration, too, should signal to Belgrade and beyond that it values international justice, and overcome perceptions that it does not fully support the tribunal's work.

RELEASE OF ALBANIAN POLITICAL PRISONERS FROM JAILS AND PRISONS AND THE RULE OF LAW

Despite Congress' unequivocal language and the pressure from the international community, Serbia continues to hold hostage 157 Kosovar Albanian prisoners, rounded up and transported to Serbia during the withdrawal of Serb forces from Kosova in 1999. These prisoners were tried in artificially created courts, tortured brutally, and forced to make false confessions under extreme duress. While President Kostunica frequently claims his respect for the rule of law, he has too easily overlooked many of the legal discrepancies involved in the cases of the Albanian prisoners. To date, Mr. Kostunica has overturned just two cases and this only after direct intervention by leading political figures of the international community.

The recently published human rights report by the U.S. Department of State also has indicated Serbia's failure to adequately address the issue of these prisoners, alongside a host of other problems in its treatment of minority populations. We could not agree more with what Senator Helms stated in the floor debate last year: "Each day Belgrade keeps people like Albin Kurti, Isljam Taci, Berisa Petrit, and Sulejman Bitici [Albanian political prisoners] locked behind bars is another day that Belgrade has continued the horrors and injustice of the Milosevic regime. And this is totally unacceptable." The United States Congress, as well as the international community, should condemn any attempt by the Serb and FRY authorities to continue to use these Albanian prisoners as hostages, should resist the temptation to equate them with ordinary convicted criminals, and should ask for their immediate and unconditional release.

Furthermore, the reality of today's Serbia and FRY is very far from our country's notions of the rule of law. Aside rampant corruption and organized crime, the government and the justice system in Serbia and FRY not only are failing to bring about any resemblance of rule of law and justice in their country, but are engaged in systematic efforts to obstruct justice by destroying all evidence pertaining to war crimes issues. In the words of Natasa Kandic, a leading Serb Human Rights activist, even "judges, prosecutors and police chiefs are destroying any remaining papers that might implicate them [for war crimes in Kosova], forging documents, and testing the strength of the wall of silence." For example, despite the concern expressed by Senator McConnell last year, the investigation into the murder of the three American brothers of Albanian descent from New York, cold bloodedly killed after the war and whose remains were found in a mass grave in Serbia, had not started as late as February 4, 2002 according to Ms. Kandic.

Ironically, even Vojislav Sesclj, leader of the nationalist Serbian Radical Party has recently accused police generals Sreten Lukic and Goran Radosvljevic of "initiating, organizing, transporting, and burying bodies of Kosovar Albanians in locations near Belgrade" and accused the "authorities for keeping quiet about it!" Over 800 hundred bodies of Albanians found in mass graves in Serbia are under the supervision of the head of the Serb police since April, 2001. There has been no effort to return these bodies to the families in Kosova. As Ms. Kandic so poignantly writes " [N]o more questions are asked in Serbia about mass graves, the people whose remains are buried in them, their names, how they died, who gave the orders, who carried them out, and who covered up the evidence." Instead, Serbia's own Milosevic is cheered by the public and politicians as a star in a basketball game.

ENDING SERBIAN FINANCIAL, POLITICAL, SECURITY AND OTHER SUPPORT FOR THE MAINTENANCE OF SEPARATE OR PARALLEL INSTITUTIONS IN BOSNIA AS WELL AS KOSOVA

Although this letter is not focused on Serbia's or FRY's relations with Bosnia and Herzegovina, it is relevant to mention that instead of taking steps towards complying with this condition, Serbia and the FRY have been very obstructionist to the Dayton Peace Accords in a variety of ways. The FRY has never ratified the Accords and continues to finance the entire Republika Srpska Army (VRS) and security forces. Furthermore, VRS command and control structures tie directly into Yugoslav Army structures, violating Annex 1–A of the Dayton Peace Accords.

On top of violating Dayton Peace Accords, Serbia and the FRY are in clear violation of the United Nations Security Council Resolution 1244. Belgrade continues to finance and maintain illegal parallel administrative, police, and security structures in Kosova. Paradoxically, a large quantity of the funds that supports these illegal parallel structures is drawn from international aid and potentially from assistance that is given by the United States. According to Deputy Premier Nebojsa Covic, Serbia has on its payroll as many as 29,800 people who illegally operate inside Kosova. The most visible example are the so called "bridge-watchers" in the town of Mitrovica who, in an all too clear attempt to partition this territory from the rest of Kosova, violently prevent the free movement of the Albanian population into their own homes as well as do not allow the Government of Kosova and the UNMIK representatives to establish and assert their authority in the northern part of the town. Covic himself has admitted that these troops operate under Belgrade's control and with Belgrade's direct financial support.

OTHER ACTIONS OR INACTIONS THAT PRESENT A THREAT TO THE REGIONAL STABILITY

In addition to the failure to fulfill the conditions posed by the U.S. Congress, Belgrade continues to present a threat to the regional stability by refusing to take responsibility for the carnage and suffering its predecessors instigated in this last decade but instead choosing to continue fuel nationalistic and hate propaganda to their constituents, as well as by embarking in a foreign policy agenda that is a prelude of further destabilization.

As it is clearly stated in a recent report by a well known international think tank (attached herein), in Serbia, the parliament, media, and even its religious institutions frequently serve as a setting and an instrument for the most blatant and prejudiced hate speeches particularly against Albanians, Jews, and other minority groups. While Yugoslav officials led by President Kostunica himself have firmly discouraged any efforts to openly and honestly face the past and tell the Serbian public the truth for the events of this past decade, Serbia's leaders, including Serbian Premier Zoran Djindjic and Deputy Premier Nebojsa Covic, have been all too willing to continue to refer to all Albanians as "terrorists," just as Milosevic is doing in the Hague, in a clear attempt to exploit to their political advantage our country's tragedy of September 11 and raise discontent among America's politicians and public towards Albanians. This at a time when it is widely known, and recently confirmed by a Gallup poll, that together with Israel, Albanians are after September 11, as well as before, among the strongest supporters of the United States in the world, second only to the American people.

Furthermore, Belgrade has set sail in a foreign policy agenda that is a prelude of further regional destabilization. There are clear indications that Belgrade and Skopje are forging anti-Albanian alliances with anti-Western character. For example, despite the efforts of the United States and the international community to discourage the selling of weapons to Skopje, according to Macedonian sources, Belgrade is the second biggest supplier of military aid after Ukraine. It is noteworthy that while the military structures of Albanians in Kosova, FYROM, and Southern Serbia have kept their promises and have demilitarized beyond the extent required by the international community, while the U.S. is contemplating a reduction of the U.S. forces in the region and has suggested the same for the military structures of the Republic of Albania, all of Albanian's neighbors are continuously beefing up their military arsenal, dangerously shifting the military balances in the area.

Most importantly, in a clear provocation to the Kosovar Albanians and to the authority of the United Nations, last year Belgrade and Skopje signed an agreement that attempts to change Kosova's borders and gives away 2500 hectares (close to 6000 acres) of Kosova's land to FYROM. This move has been widely rejected by the Kosovar Albanian political leaders as well as the population at large. This agreement should not be endorsed or supported by the United States Congress and Administration as it creates the dangerous precedent of giving Belgrade the authority to give away Kosova's territory in complete disregard of the United Nations mandate over Kosova as well as against the will of Kosova's citizens.

These actions do not contribute to peace and stability. On the contrary, they are designed to stir up tensions, provoke the Albanian population, and then present them as the source of instability in the region and thus justify FRY's actions and inactions and thereby divert attention from problems within the FRY and originating in Belgrade.

CONCLUSION

The failure of Serbia and FRY to fully cooperate with ICTY, the refusal to release the Albanian prisoners, its continued maintenance and support of illegal parallel structures inside Kosova, the unwillingness of Belgrade to openly face and denounce the calamity its predecessors have caused, the continued tolerance and active support for hate speech and similar mentality, the highly destabilizing and provocative actions in relation to its neighbors, all confirm that Belgrade continues to be a source of future tension and instability in the region and as such, it should not be rewarded by the United States Congress and the international community.

Upon the fall of the Milosevic regime, Yugoslavia was readmitted to the United Nations and the Organization for Security and Cooperation in Europe. While in our opinion, such reinstatement was done hastily and without full guarantees of cooperation and compliance, Belgrade's further reintegration and the financial aid it receives from the United States and the rest of the world should be conditional upon at least the following:

In relation with cooperation with ICTY the FRY should: (1) Transfer all indictees to The Hague, including those on active political or military duty as well as the retired officials. (2) Provide ICTY access to all relevant archives and documents. (3) Clearly and visibly change its policy of public denigration and dismissive attitude towards the ICTY and its legitimacy. (4) Provide information and assistance in tracing Milosevic's and other criminals'funds be them in Serbia or in illegal bank accounts in Greece or elsewhere. (5) Provide information on the discovery of other known mass graves located in Serbia.

In relation with Kosova the FRY should: (1) Release all the remaining Kosovar Albanian prisoners. (2) Stop financing, training, and operating parallel security forces and counterintelligence personnel as well as parallel civilian administrative structures. (3) Support (and not hinder) the Kosovar Government and UNMIK efforts to assert their authority in the north of Kosova. (4) Stop all efforts to depict Albanians as "terrorists" but rather publicly admit their wrongdoing as an important good will effort towards reconciliation. (5) Return to their families the bodies of the Albanians found in mass graves.

In relation with its neighbors the FRY must demonstrate its commitment to regional peace and stability by: (1) Not hindering international community's efforts to sustain peace in FYROM. (2) Discontinuing to funnel and sell weapons to FYROM in a clear disregard of international community's will and policy (3) by bringing to an end its efforts to stir up tensions in the region by forging dubious alliances and signing and attempting to enforce provocative agreements.

As the U.S. Administration and Congress assist the FRY in the quest for normalization, it must face—and act on—the reality that the FRY still causes significant regional instability and is not in compliance with the conditions established under the impeding March 31, 2002 deadline. No matter what actions the Yugoslav or Serbian government takes out of pragmatism in these remaining few weeks, we urge our government to insist on a clear and clean break of the current Yugoslav and Serb government from the policies and practices of its predecessor. It should do so by refusing to certify Serbia's eligibility for further U.S. assistance, by not extending the Most Favorite Nation status to FRY, and by insisting that all the above-listed conditions are fulfilled before FRY's efforts for further integration in the international community are endorsed.

We as Albanian-Americans are looking forward to the time when Serbia will become a constructive player that contributes to the peaceful and harmonious development of Southeastern Europe. However, until that time comes, our Congress and the international community must avoid the temptation to bend the rules for Belgrade and must hold FRY to the same high standards that have been rightly required of other countries in the area.

On behalf of the National Albanian American Council,

RICHARD LUKAJ,
Chairman, Board of Trustees.

HONORING THE CONTRIBUTIONS OF MR. LES CAMPBELL

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. OLVER. Mr. Speaker, I rise today to recognize the public service contributions of Mr. Les Campbell of Belchertown, MA. Mr. Campbell's work as a nature and wildlife photographer is well known in Massachusetts' First District and throughout New England. In addition to founding several photography organizations and serving as an active or honorary member of countless others, Mr. Campbell is a tireless resource for the young photographers with whom he enjoys sharing his knowledge. Mr. Campbell, now retired, was a lifelong government employee at the Quabbin Reservoir. He has been a champion for keeping that magnificent body of water untouched by development.

On March 29, 2002 The Valley Portfolio, a community photographic resource center in Springfield, MA will present to Mr. Campbell a lifetime achievement award at a reception. On this day, members of our community will gather to celebrate his contributions and accomplishments. Mr. Campbell's awards and citations could fill a gallery. He may be the only photographer ever to receive four awards from the Photographic Society of America: (1) the Buxton Award (1958) as the world's leading exhibitor of nature prints that year, (2) the Stuyvescent Peabody Award (1972) as "the PSA member who has contributed the most to pictorial photography," (3) the Victor H. Scales award (1973) for "diligent and meritorious service to photography and the Society and especially for his untiring efforts to teach and interest young people in photography and the arts," and (4) the Appreciation Award (1981), the Society's highest award and the only one selected by its officers.

Mr. Campbell's organizational skills are legendary among those who have served alongside him in the various clubs and organizations he founded to which he belonged. In 1967 he originated Focus: Outdoors, an annual three-day environmental conference that drew as many as 1,000 participants. Mr. Campbell was named an honorary member of the New England Camera Club Council in 1968, that organization's highest award.

As president of the New England Camera Club Council he took a sleepy organization with only 13 member clubs and increased that number to 83, increased the council's treasury from less than $25 to more than $7,000, and created a weekend conference at the University of Massachusetts that grew from 300 to 2,000 participants in five years.

Most recently, Mr. Campbell began the Pioneer Valley Photographic Artists, a group of talented photographers committed to elevating photography's role as a fine art.

Mr. Campbell's skills also extend to the mechanical side of photography. He invented the Vis-0-Tray slide storage and editing system in the 1960s to facilitate organizing slides for presentations. To photograph water skiers, he created a special platform on the towboat that has since been copied by other photographers.

Mr. Speaker, I take this opportunity to thank Mr. Les Campbell for his creative and positive influence on the art of photography in our community.

GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GILMAN. Mr. Speaker, I would like to take this opportunity to inform my colleagues of the success of the Gilman International Scholarship Program established to benefit low income college students receiving benefits in its first year of operation. Our Scholarship Program sponsored by the United States Department of State, Bureau of Educational and Cultural Affairs and administered by Institute of International Education, encourages American students to study abroad by providing specified grants. This is an opportunity to gain knowledge and experience first hand that they may not have otherwise due to the costs.

In the 2001–2002 academic year 302 awards were made to students from among 2,771 applicants from 44 states plus Puerto Rico. The awards were split with 68 percent going to semester long programs, 24 percent to academic year programs, and 8 percent to quarter and other programs. These numbers by themselves are impressive, however, when they are combined with the number of states and institutions represented it gets even better. These students represent 172 different colleges, universities, and community colleges. I am proud that this Scholarship Program has reached such a broad cross-section of eligible students. Moreover, it is gratifying that 32 percent of that cross-section represents minority students.

Our Scholarship Program is placing students in countries other than the more traditional Western Europe states. I am happy to note that only 41 percent of our students have studied in Western Europe. Asia and Oceania drew 28 percent of our participants and the Western Hemisphere drew 17 percent. The remaining 14 percent chose either Africa, Eastern Europe, the Middle East, or had a program that allowed them to travel to multiple regions. It is gratifying that with the world opening to them these participants chose to take advantage of it and study in every region available to them. The idea of an open world also carries over to the fields of study represented. There are 41 different fields represented between the 4 different programs offered.

The I.I.E and State Department have admirably implemented this program, and the reward is with the number of students seeking to participate. With such interest, I hope our scholarship will continue to grow to provide more students with this excellent opportunity.

BENJAMIN A. GILMAN INTERNATIONAL SCHOLARSHIP PROGRAM STATISTICAL OVERVIEW: ACADEMIC YEAR 2002

Total applications received: 2771.
Total awards: 302.
Home States represented: 39 plus DC and PR.
Institutions represented: 170.
Destination countries: 41.
$5000 awards given 261
$3000 awards given 41

LENGTH OF STUDY ABROAD

Semester: 69%.
Academic/full year: 25%.

ETHNICITY (AS REPORTED BY APPLICANT)

Asian or Pacific Islander: 12%.
Black/Non-Hispanic: 11%.
Hispanic: 8%.
White: 55%.
Other: 5%.
No answer given: 9%.

WORLD REGION DISTRIBUTION (USING COUNTRY OF DESTINATION)

Africa: 8%.
Asia and Oceania: 29%.
Middle East: 1%.
Europe(including Russia & NIS): 42%.
Western Hemisphere: 20%.

GENDER

Female: 72%.
Male: 28%.

LEVEL OF STUDY

Freshman: 1%.
Sophmore: 10%.
Junior: 53%.
Senior: 36%.

REPRESENTATIVE CAPPS REMARKS TO THE AMERICAN MEDICAL ASSOCIATION

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. DINGELL. Mr. Speaker, I want to pay tribute to the skill, tenacity, and leadership of our colleague and my friend, Rep. LOIS CAPPS. I have served with many fine people over the course of my career in the House of Representatives and she is among the best. She fights every day for the people of her district, and for causes that affect virtually every member of our society. She does this with great skill and even greater courage. I have come to admire her strength, compassion, commitment, and drive. It is with great respect and affection that I request that a copy of her recent remarks to the American Medical Association be included in the Record. I recommend that all of my colleagues read them with great care.

STATEMENT OF REP. LOIS CAPPS, AMERICAN MEDICAL ASSOCIATION CONFERENCE, MARCH 10, 2002

OPENING

Thank you very much for inviting me here to speak today. It is an honor to spend some time with my colleagues in health care.

I have been asked to speak to you about the Democratic Party's agenda on health care.

But I am not sure there should be a separate "Democratic" or "Republican" agenda on health.

Though politics often suffuses the debate about health care, we should not come at this issue from a political perspective.

I have only recently in my life become an elected official. And I do not consider myself as simply a politician.

Instead, I think of myself in the terms that defined the forty years of my career before I came to Washington.

I am a nurse. I am a health care provider. It is my calling. And I think of myself in my new job as just a different kind of health care provider. I may have traded in my nursing uniform and medical equipment for legislation and committee action. But my goal is still the same. I am obliged to care for the health of my patients, whether they are the students in the Santa Barbara school system, the patients in Yale New Haven Hospital, or the seniors on Medicare across America. And I am proud to bring the benefits of this lifetime of nursing experience to the halls of Congress. And I think my experience has taught me well. As medical professionals we have learned that we need to carefully examine symptoms, check vitals, run tests, and thoughtfully consider our options. Then we select the best course of action we can think of.

We don't look at the label on a medication to see if it has a D or an R on it. We don't look to see if Tom Daschle or George Bush recommended a particular treatment. We call on all of our medical training and professional experience. We often consult other doctors and nurses, because we have learned that health care is better when provided by a team. And this is how the Congress needs to approach the challenges facing today's health care system.

Most of my colleagues, on both sides of the aisle, are genuinely interested in reaching across party lines to come up with good solutions. But a few are more interested in opposing the other party's members than in solving our problems. They are unwilling to engage in a debate on the issues, but would rather stymie their opponents ideas, be they Republican or Democrat, for political gain.

I am a nurse. Sen. Kyl is a lawyer. My colleague, the Ranking Member of the Health Subcommittee, Sherrod Brown is a teacher. Rep. Ganske is a doctor and Rep. Norwood is a dentist. Some of us are Democrats and some of us are Republicans. It is going to take all of our varied experience, expertise, and perspectives to develop real solutions to the challenges we face today.

OVERVIEW

And we face real challenges. A few minutes ago I suggested that Congress should treat health care problems the way a doctor treats a patient. So let's do that now.

Let's check our nation's health care vital signs and look at some of its symptoms. There are 125,000 vacant nursing positions across the country. Physician fees under Medicare have grown 13% less than the costs of practice since 1992. Approximately 56 million Americans are not protected by any state or federal patient protections. 40 million Americans are on Medicare. 78 million baby boomers will start to join them in the next decade. Annual spending on prescription drugs by seniors has grown 116%, from $18.5 billion in 1992 to $42.9 billion in 2000. And 43 million Americans are without health insurance of any kind.

These are not strong and stable vital signs. They point to several problems we must address in order to get our patient, the health of our nation, out of critical care.

NURSING

First of all we have to make sure that the health care infrastructure is there to care for all Americans. This leads us to the nursing shortage. I admit I have a bias when I talk about this issue. I think nurses are terribly important to our health care system.

I know first hand the challenges facing the nursing profession and the consequences if we fail to meet them. And today the nursing community is facing a dire situation. With an aging nursing workforce approaching retirement, and a dwindling supply of new nurses, we are facing an incredible shortfall of well trained, experienced nurses. To make matters worse this will peak just as the baby boom generation begins to retire and require a greater amount of care.

I have written legislation, the Nurse Reinvestment Act, to deal with both the immediate and the long-term problems we face. This legislation included proposals: To improve access to nursing education, to entice young people into nursing, to create partnerships between health care providers and educational institutions, and to support working nurses as they seek more training.

This past December, the House passed a slimmed down version of my bill, and the Senate passed legislation more like what I originally envisioned. We are now trying to work out the differences.

I deeply appreciate the support of the AMA for my legislation. We are close to finishing it and we would not be here without your support.

PHYSICIAN FEES

And just as we need to make sure patients have nurses, we also need to make sure they can see their doctors. As you are all aware, the reimbursement rates for physicians' services under Medicare saw a disastrous cut of 5.4% this year. This cut has already had a terrible impact on health care in my district and, I am sure, across the country. If these cuts are not corrected quickly they will be devastating to medical professionals and our ability to provide quality health care. I know you have been deeply frustrated by these cuts, as have I. And you have begun changing your practices to accommodate new economic reality.

A doctor's office is usually a small business. But as you well know, unlike most small businesses your decisions have life and death consequences.

Some doctors in my district have left private practice altogether. Others are threatening to. Many who stayed in private practice said that they could no longer afford to accept new Medicare patients. And others simply left Medicare all together.

This has meant that many seniors across the country are scrambling to find new doctors so they can continue to get the care they need and deserve. Along with a couple of my colleagues I introduced legislation to freeze physician fees at the 2001 level until Congress could find a long-term fix. And when Chairman Bilirakis, Ranking Member Brown, Chairman Tauzin, and Ranking Member Dingell introduced their own legislation to keep the cut minimal. I was pleased to join them in their efforts and was able to get 146 of my colleagues to ask the Speaker for a vote on this issue.

But, in spite of the bipartisan agreement on this issue, the bill has not been brought to the House floor. I know you will keep the pressure on the House leadership to bring this issue to a vote. I will too. We need to solve this problem now.

PBOR

But making sure there are enough doctors and nurses will only take us so far. We must also make sure that patients can get access to the benefits they need. We must pass a Patient's Bill of Rights.

Again I want to take my hat off to you and your organization for your steadfast commitment to this. The AMA and its members have been critical to our progress so far toward real patient protections. We live in an era of astounding new medical developments but also rising health care costs. The insurance companies and managed care plans are understandably looking for ways to control those costs. This can have a positive effect on health care by making it more affordable.

Years ago in California I saw this lead to more coverage of preventive care. But the pendulum has swung too far towards cost control. Now there is too much pressure to cut corners and to skimp on care. Abuses of patients' rights to quality health care are too common. There needs to be a counterforce on the side of quality care—on the side of the patients. And that counter-force is the Patient's Bill of Rights.

We have to make sure that medical decisions are made by medical professionals and their patients, and not by accountants. This is why I have supported this legislation. I am very proud to be standing by the AMA on this issue. And I remain confident that we can get this bill through this year.

MEDICARE RX BENEFIT

Unfortunately, I am not so optimistic about passing a Medicare prescription drug benefit for seniors. In the last twenty years we have seen a revolution because of prescription drugs. They are virtually miracle treatments. But they have also become brutally expensive and are a much larger percentage of health care costs than we ever expected. The high cost of these medications has been a problem for many people. But it has particularly hit our seniors. They routinely take several medications for various everyday health concerns. But their fixed incomes cannot pay for them. And Medicare offers little help. You and I would not even consider taking on health insurance that does not cover prescription drugs. But seniors are left looking to Medicare + Choice to pay for their prescription drugs. Medicare HMOs were promoted as an avenue of hope, but have increasingly cut back on benefits, raised premiums and copayments, and often just packed up and left areas deemed as "unprofitable" leaving seniors with no where to turn.

We hear again and again about seniors choosing between food on the table and life saving medication. We really can and should do better than that for older Americans. They expect it and they deserve it. I believe we must establish a benefit that is universal, voluntary, affordable, and accessible to all. Unfortunately, the Administration has continued to focus on expanding the failed Medicare HMO program and helping the poorest seniors. I think about the countless seniors on the Central Coast of California who have shared their personal stories with me about crushingly high drug prices, I know in my heart that prescription drug coverage is not a political issue. It is simply the right thing to do.

UNINSURED

Another critical issue is the 43 million Americans with no insurance coverage whatsoever. For them, health care, with or without prescription drug coverage, is nothing but a fantasy.

These are people like you and me, who are being forced to gamble with their health and with their livelihoods. They have to bet that they will stay healthy and not require health care. Each day, they wonder if today is the day that their luck will run out. Is today the day that they or a loved one will contract a terrible disease? Will today be the day that they or their family are stricken by something that will fill their life with pain and bankrupt them? They should not have to face these fears without the security that insurance can provide.

In my time as a school nurse in Santa Barbara, I saw too many families without insurance. I saw the defeated look of shame on their faces as they struggled to figure out how to get their children and themselves necessary health care. This is something we can fix if we put our hearts and minds to it. Some people believe that the best way to address this problem is through tax credits. I have to say that I am skeptical. I am concerned that tax credits might not cover the costs of insurance and may inadvertently draw people out of employer-based insurance, driving up premiums for those left behind.

Others have called for Medical Savings Accounts, but these may end up pulling healthy people out of insurance plans and leaving the ill in, again raising the costs to those most in need of help. I think we might be better off pursuing an expansion of existing health care programs or helping small businesses get access to the low rates that large businesses get. But any of these solutions will cost a great deal of money. And so it is essential that we find the best, most cost-effective method. That is why it is absolutely necessary to keep up dialogue and debate, without shutting out ideas,

You and I may disagree on the best way to help the uninsured. But we will help them faster if we are willing to hear from each other and work towards a consensus. We cannot afford the arrogance of the idea that there is no way but our own.

BUSH BUDGET

We will see this clearly as we set the budget for next year. The President has laid out some laudable priorities in his health care budget. He calls for more funding for the NIH and efforts to prepare communities for bioterrorism. But at the same time the budget cuts funding for community health coordination, chronic disease programs, and efforts to train doctors and other health professionals. I think these cuts are counterproductive. So I will work with the President and my colleagues on this budget, hopefully without the partisan bickering that has filled past debates.

CLOSING

Our patient, the health of America, is faced with too many diseases and conditions to simply lie on its hospital bed as we engage in petty squabbles about who came up with what idea. We will only be able to solve our problems if we are willing to work together, respect and embrace our opponents, and clamber for a common ground to meet on.

I thank you for listening to me, and I look forward to working with you to accomplish these goals.

PAYING TRIBUTE TO THE GENESEE VALLEY ROTARY

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to congratulate the Genesee Valley Rotary Club on their 25th anniversary. It is my wish to commend Jack Hamady, Ray Kelley and Jerry Wittemore for their efforts in founding the club in May, 1977.

The Genesee Valley Rotary Club has lead the community in service for the past 25 years. They participate and operate several community service projects, such as the Salvation Army Christmas Bell Ringing, the WFUM–TV28 telethon, and the Big Brothers/Big Sisters Bowling Challenge.

Mr. Speaker, I ask my colleagues to join me in congratulating the Genesee Valley Rotary Club. May its leadership and all of those involved know of my high regard for this exemplary organization and its excellence in community service.

TRIBUTE TO FRANKLIN H. BERRY, JR.

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SAXTON. Mr. Speaker, I rise today to pay tribute to a good friend as he is honored by the Toms River-Ocean County Chamber of Commerce for his extraordinary contributions to the community.

In many fields of service, through business endeavors and volunteerism, Franklin Berry has served the residents of Ocean County faithfully for many years.

Having served in the New Jersey General Assembly as well as Ocean County government, he led the citizens not only of the county, but also of New Jersey with dedication and commitment.

His participation in the Toms River Student Loan Fund as well as the Southern Regional Scholarship Fund has enabled many young people to seek higher education when they might otherwise have been unable to do so.

Franklin Berry serves with many local organizations such as the National Conference of Christians and Jews, Jersey Shore Council Boy Scouts of America and the Toms River Area Family YMCA. His time and efforts have brought about opportunities for understanding and improvement to the community and the families who reside there.

A community mainstay for many years, Franklin Berry's willingness to lend a hand to any worthy group or organization in need of his services is the basis for his selection for the prestigious award for which he is being honored by the Chamber.

I congratulate him and wish him many more years of service to others.

ON THE REALIGNMENT AND CLOSURE OF AMERICA'S MILITARY READINESS

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. FORBES. Mr. Speaker, I am very distraught today over the inclusion of a Base Realignment and Closure provision in last year's National Defense Authorization Act. I do not buy into so-called BRAC 'success' stories. I will be the first to stand up and congratulate sound accounting of our taxpayers' money, however, BRAC does not represent sound accounting. The truth of the matter is that reducing military construction for Fiscal Year 2003 will not solve the Army's financial problems. Furthermore, according to the Government Accounting Office, BRAC cost and savings estimates are imprecise. According to the Congressional Research Service, in the early years of the past four rounds of BRAC, base closure costs greatly exceeded savings. On more than a few occasions, facilities that were closed under BRAC were needed again, and in some cases, reopened. In 2005, the bases spared by the next round of BRAC will still need the same improvements, but in the meantime, the decision to freeze construction at bases that might be BRACed will only hurt our people living there—hurt our soldiers and their families. We need to protect our soldiers' families. And just as we need to protect them from terrorists, we also need to protect them from the elements—from Mother Nature who reminds them just how leaky their roofs are. We need to protect them from being uprooted in the name of savings that will not materialize for a decade and may, in all actuality, never materialize.

A few weeks ago First Lieutenant Tallas Tomeny was killed in the line of duty. I extend my condolences to his family. While we mourn the loss of all of our soldiers, this loss is so much sadder because Lieutenant Tomeny was not killed in Afghanistan, or the Balkans, or Egypt, or Korea, or any of the other numerous places our soldiers are stationed around the world. He was killed in North Carolina during an exercise held off base, and he was shot by a Sheriff s deputy who mistook him for a criminal. While we sit here and continue to talk about closing Vieques and continue to talk about closing bases, a soldier has lost his life because his training was being held in a civilian community instead of on a military training area. We need to reconsider the decision to close facilities where our forces can train safely.

125TH BIRTHDAY OF THE ADVANCE OF BUCKS COUNTY NEWSPAPER

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GREENWOOD. Mr. Speaker, I rise today to recognize the 125th birthday of The ADVANCE of Bucks County newspaper. Founded in Hulmeville, Pennsylvania in 1877, the ADVANCE has provided hometown news to its readers in a weekly paper continuously for the past 125 years.

The ADVANCE has been a part of my family's required reading for as long as I can remember. My father's career as a township supervisor and the local district justice were covered, and when my younger brother was riding a pony and it ran away with him, his picture made the paper!

I still depend on the ADVANCE for hometown news, to learn about local community issues and upcoming events.

I would like to offer my heartiest congratulations to Editor Nancy Pickering and the rest of the staff at the ADVANCE, past and present.

TRADE WITH UKRAINE

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. SCHAFFER. Mr. Speaker, last week, I posted letters to the President of Ukraine, Mr. Leonid Kuchma, and the Prime Minister of Ukraine, Anatoliy Kinakh regarding a pending incident in Ukraine involving an American-based company. Cargill International is the owner of the cargo aboard a Liberian shipping vessel, the MV Monarch, which has been seized and the contents impounded by the Ukrainian government. Thirty-five thousand metric tons of sugar carried on the ship was to be delivered in Ukraine. However, the seizure of the product has raised serious questions among our colleagues regarding the risks associated with Ukrainian trade and the desirability of Ukraine as a stable, reliable trading partner.

As you know Mr. Speaker, I remain a firm advocate of enhanced trade relationships between Ukraine and the United States, and believe this House should aggressively pursue prudent policies which draw the two democracies together, and for a variety of strategic and humanitarian reasons. While the pending episode is rightfully regarded by some here as a serious impediment to the maturation of trade relations, I am hopeful it will be resolved soon. I am mindful indeed of the significance of the dispute which is why I have taken to the floor today to alert our colleagues to the actions I have taken so far in this matter.

In addition to speaking personally to Ukraine's ambassador about the need to resolve the issue of Cargill's sugar shipment, I have been in regular contact with our embassy in Kyiv, our ambassador there, multiple U.S. business representatives, and many of my contacts in the Ukrainian government and in Ukraine's parliament, the Verkhovna Rada. The nature of my conversations follow the text of the letters I conveyed to Ukraine's president, and prime minister which I hereby submit for the RECORD.

MARCH 14, 2002.

His Excellency LEONID KUCHMA,
President of Ukraine,
Ukraine.

DEAR MR. KUCHMA: Your immediate attention, intervention, and response to Ukraine's confiscation of property belonging to an American-based corporation, Cargill International SA, CISA, is hereby requested. I strenuously urge you to help me resolve this extremely volatile situation which is clearly capable of damaging the relationship between our nations. As you know, I have devoted six years of my service in the U.S. Congress toward improving the Ukrainian/US relations, and I am fearful much of our recent progress will be lost to the current episode involving the seizure of cargo, legally the property of CISA, by Ukraine's Black Sea Regional Customs authority.

The ship, MV Monarch, carrying 35,000 metric tons of raw cane sugar was seized in January 2002. The stated grounds for seizure, namely the alleged inability to substantiate the existence of an American company involved in the transaction, have been resolved. However, neither the ship, nor its cargo, have been released. In fact, the latest information indicates the ship has been moved to berth at a port in Illychivesk, where off-loading has commenced, and the security of the product is in jeopardy.

The international implications of this issue are quite serious. American product being unjustly detained, confiscated and off-loaded will certainly damage Ukraine's desirability as an international market and trade partner. The sugar cargo in question is clearly the property of CISA and is being off-loaded without the owner's consent. Your intervention and leadership in resolving this situation would do much to restore and maintain Ukraine's commitment to freemarkets and reliable international relations. Thank you in advance for your urgent attention to this serious matter.

As always, I am at your disposal to engage any meaningful effort advancing our nations' friendship and cooperation.

Very truly yours,
BOB SCHAFFER,
Member of Congress,
Co-Chairman Congressional Ukrainian Caucus.

TUNISIAN INDEPENDENCE DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. GILMAN. Mr. Speaker, I rise to take this opportunity to inform my colleagues that Wednesday, March 20, 2002, marks the 46th anniversary of Tunisia's independence. I invite my colleagues to join in extending our congratulations to the leaders and people of this important ally. The Republic of Tunisia has been and continues to be a model of economic growth, while keeping Islamic fundamentalism at bay.

However, the relationship between the United States and Tunisia is much older than Tunisia's 46th Anniversary of its independence may suggest. The United States first signed a treaty of peace and friendship with Tunisia in 1797. During World War II, Tunisia's nationalist leaders suspended their struggle against France in order to support the Allied cause, and, in 1956, the United States was the first world power to recognize Tunisia's independence.

Today Tunisia and the United States enjoy friendly bilateral relations. The Tunisian government has contributed military contingents to U.N. peacekeeping missions in Cambodia, Somalia, the Western Sahara, and Rwanda. Cooperation between the Tunisian and U.S. military has been growing, with an increasing number of joint exercises.

At the same time, after years of hard work, Tunisia has produced one of the highest standards of living in the region. U.S. bilateral economic assistance programs have ended principally because of Tunisia's resounding success in social and economic development. Tunisia's prudent fiscal and debt management policies also have given Tunisia access to international capital markets. Thus, Tunisia is one of the few countries to graduate successfully from development assistance and join the developed world.

Whether protecting Mediterranean shipping lanes against Barbary pirates, opposing the Nazi war machine in North Africa, supporting Western interests during the Cold War, or serving as an island of peace and security in a sea of troubles, the United States has always been able to count on Tunisia for its support regarding the important issues of the day.

Accordingly, I invite my colleagues to join in congratulating all Tunisians as they celebrate the 46th anniversary of their nation's independence.

CELEBRATING THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HONDA. Mr. Speaker, I rise today to honor the Girl Scouts of the United States of America, which is celebrating its 90th anniversary this month. On March 12, 1912, Juliette Gordon Low organized the first group of eighteen Girl Scouts in Savannah, Georgia. She believed that all girls should be given the opportunity to develop physically, mentally, and spiritually. Today, there are 2.7 million girls in Girl Scouts of the USA, and over 900,000 adult members.

The Girl Scout mission is to help all girls grow strong. To that end, Girl Scouting empowers girls to develop to their full individual potential; relate positively to others; develop values that provide the foundation for sound decision-making; and contribute to the improvement of society through their abilities, leadership skills, and cooperation with others. Girl Scouts of the USA continues today to expand its programs to address contemporary issues affecting girls, while maintaining its core values. The organization's foundation is still based on the Girl Scout Promise and Law, just as it was in 1912.

Girl Scouting helps our country's young women discover the fun, friendship, and power of girls together. Through an array of enriching experiences, Girl Scouts acquire self-confidence and expertise, take on responsibility, and are encouraged to think creatively and act with integrity—qualities essential in good citizens and great leaders. At the same time, they learn a great deal about science and technology, money management and finance, health and fitness, the arts, global awareness, and much more. I personally have shared in the wonderful experience of Girl Scouting, when a number of the young women volunteered in my office last summer.

Juliette Gordon Low envisioned Girl Scouting as a profound force in the lives of all girls. In 2001, Girl Scouts of the USA launched a major initiative to continue to fulfill the foundational principle that every girl deserves the opportunity to learn the leadership and life skills that will help her achieve her goals. Through "Girl Scouting: For Every Girl, Everywhere," Girl Scout volunteers and staff are working to ensure that Girl Scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic or geographic boundaries. The initiative aims to encourage broader membership from minorities, especially among Latina and Asian American girls. It also seeks to increase participation of teenage girls and girls with disabilities. One of the primary missions of Girl Scouts of the USA is to make the positive experience of its programs available to girls everywhere. In addition to schools and backyards, Girl Scout troops now meet in homeless shelters, migrant farm communities, juvenile detention centers, Native American reservations, and even online via the Internet.

With "Girl Scouting: For Every Girl, Everywhere," Girl Scouts of the USA hopes to truly reflect the face of America and to ensure that every girl who wants to join Girl Scouts has the opportunity to do so. This goal is in keeping with its long and proud history of diversity and inclusiveness. For 90 years, Girl Scouts has had a proven track record of empowering girls to become leaders, helping adults be positive role models and mentors for children, and helping to build solid communities. I salute Girl Scouts on this tremendous milestone, and am confident that Girl Scouts is sure to continue this tradition for the next 90 years and beyond.

RECOGNIZING THE GIRL SCOUTS' 90TH ANNIVERSARY

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. QUINN. Mr. Speaker, It gives me great pleasure to rise today to recognize the Girl Scouts as the pre-eminent all girls organization in the world. Founded on March 12, 1912 in Savannah, Georgia, the Girl Scouts organization celebrates Its 90th Anniversary of service to the girls and women of America.

The Girl Scouts serves the unique interests of girls by providing girls with programs designed especially for them in an all-girls setting.

The Girls Scout Council of Buffalo & Erie County, Inc., joins Councils throughout the United States, and Girl Scouts everywhere, in celebration of the 90th Anniversary of Girl Scouting in the USA, and its 85th year of service to the girls of Western New York.

The year 2002, marks nine decades of Girl Scouts providing girls with age-appropriate programs that help to impart good moral values, life skills, a respect for themselves and others, a foundation necessary for girls to become contributing adult members of their communities.

Girl Scout Troops in Buffalo & Erie County, Inc., and Girl Scouts across America, take their role as patriotic Americans more seriously than ever. Two of their public service endeavors include airlifting donations of Girl Scout Cookies and letters of encouragement to the women and men of the U.S. armed services stationed in Afghanistan and donating dollars to the children of Afghanistan.

The Girls Scouts of Buffalo & Erie County serve their immediate community through Gifts of Caring and Bronze, Silver and Gold Award service projects, that not only provides individuals with the necessities of life, but also helps to uplift the spirits of the homeless and less fortunate members of society.

I hope that all of my colleagues will join me in honoring the Girl Scouts.

INTRODUCTION OF THE LONG-TERM CARE SUPPORT AND INCENTIVE ACT

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. DAVIS of California. Mr. Speaker, I rise today to talk about an important issue facing our community: the affordability of long-term care. People today are living longer and healthier lives than ever before. When the Declaration of Independence was signed, the average life expectancy was 23. In the United States today, life expectancy at birth is 80 years.

While this increased life expectancy is allowing us to live fuller lives, it is also presenting us with serious financial challenges. Half of all older Americans who live alone will "spend" themselves into poverty after only 13 weeks in a nursing home.

My own family had to make difficult emotional and financial decisions when my father needed care. My dad was a pediatrician, and always lived a full life. When he needed care, my sisters and I struggled to find the perfect place for him to live.

We wanted to make sure he was happy and received high quality medical care. We searched for months to find the right place for our dad and we learned very quickly how expensive long-term care is. Fortunately, we had the financial resources to take care of him, but many families do not.

My experience with my dad renewed my commitment to improve our long-term care system. I took on this mission in Congress and I am pleased today to introduce the Long Term Care Support and Incentive Act. This much needed legislation will make a real difference for San Diegans carrying for older family members.

First, the bill will give a $4,000 tax credit for seniors with long-term care needs and their caregivers. We know how many sacrifices families make to take care of their loved ones. They miss work, or in some cases are forced to give up their jobs. They pay for expensive medical supplies and equipment, and bare the burden of enormous medical bills. This tax credit will help ease their financial burden.

The second section of my legislation will establish a tax deduction for long-term care insurance premiums. As the long-term care needs in our community increase, we must face the reality that many seniors do not have family or friends to take care of them full time.

This is particularly important to women. Women live longer than men. Often times, women are the primary caregivers for their husbands. After their husbands pass away, there is often no one around to take care of them.

Long-term care insurance can help fill this gap, but premiums can be expensive. My legislation will make long-term care insurance more affordable by allowing individuals over 65 to deduct 75 percent of the cost of their premiums and individuals under 65 to deduct 50 percent of the cost of their premiums.

In addition, I have included several important consumer protections in the bill to ensure that people are purchasing responsible insurance plans that will adequately meet their long-term care needs.

The bill requires plans to include:

Mandatory inflation protection;

A lifetime deductible requirement that ensures policy holders must only pay their deductible one time in their lifetime;

Mandatory interchangeability so that individuals can determine where their benefits are spent;

A care coordination program that ensures seniors receive assistance in planning and securing the services they need.

By encouraging people to plan ahead for the future and purchase long-term care insurance, we can ensure that seniors live dignified and independent lives. I urge all of my colleagues in Congress to work with me to pass it quickly into law.

A TRIBUTE TO THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. ETHERIDGE. Mr. Speaker, today I rise to pay tribute to the Girl Scouts of the United States of America. Earlier this month, the Girl Scouts celebrated their 90th Anniversary, and it is appropriate for us to take time to honor their contributions to our nation.

The Girl Scouts were founded by Juliette Gordon Low on March 12, 1912 in Savannah, Georgia and were chartered by Congress on March 16, 1950. Today, the Girl Scouts boast 3.7 million members, 2.7 million of whom are daisies, brownies, junior scouts, cadets, and senior scouts. And they are supported by almost one million adult volunteers. The Girl Scouts is a truly worldwide organization partnering with the World Association of Girl Guides and Girl Scouts to create a family of ten million girls and adults in 140 countries.

As the former State Superintendent of North Carolina's public schools, I understand how important the Girl Scouts are to the development of our young women. The Girl Scouts are working to encourage young women to pursue careers in science and technology through a number of innovative science and math education initiatives. These initiatives provide girls with mentors, role models, and the technological resources to prepare them to succeed in the 21st Century.

Through Girl Scouts girls become strong women and good citizens. They participate in a number of activities that are designed to foster friendship, and build character. They learn leadership skills, teamwork, and core values that will guide them throughout their lives. These values are outlined in the Girl Scout Law:

> I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout.

More than 50 million women in the U.S. have been Girl Scouts. Today these women are America's doctors, lawyers, teachers, and mothers. The lessons they learned in their childhood from their field trips and projects are still being applied today. Our nation is stronger today because of the Girl Scouts. I am proud to join my colleagues in saluting the Girl Scouts and look forward to what the next 90 years will bring.

HONORING TADELE WORKU FOR SERVICE TO OUR COMMUNITY

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. FILNER. Mr. Speaker and colleagues, I rise today to honor Tadele Worku, recipient of the 2001 Yoshiyama Award for Exemplary Service to the Community, presented to him by The Hitachi Foundation at an awards ceremony on Monday, March 18, 2002 in Washington, DC. The Foundation named ten high school seniors nationwide as recipients of this prestigious award—ten young people who exemplify the best in creativity, accomplishment, and service to their communities.

Tadele is a 2001 graduate of Hoover High School in my home town of San Diego, California. He is receiving this award to recognize his contribution to the Ethiopian community in San Diego. Upon his arrival as a refugee from Ethiopia four years ago, he became aware that Ethiopian children in his neighborhood did not know how to read and write their native language. Tadele set to work to develop a tutoring program for these children. While their parents attended church, he worked with their children, teaching the Ethiopian alphabet and language and exposing them to the Ethiopian literature, tradition, and culture.

In addition, Tadele provided tutoring in math and science to the children who needed assistance. He also worked with young adults in the computer center of the local library and volunteered in a San Diego homeless shelter. By becoming so involved in service to others, Tadele has truly become a part of his new community, a bond which has helped him overcome a difficult exile from Africa where his mother and grandfather were killed and his father incarcerated for their political beliefs.

The Yoshiyama Award, which Tadele has received, was established in 1988 with a gift from Hirokichi Yoshiyama, former president and chairman of Hitachi, Ltd., the company that established The Hitachi Foundation in 1985. The goal of this non-profit, philanthropic Foundation is to promote social responsibility through effective participation in global society. The Hitachi Foundation is proud to highlight the achievements of the young people of our country, the leaders of their generation.

I am pleased to take this opportunity to congratulate Tadele Worku on this prestigious award and to thank him for his compassionate commitment to his community.

A TRIBUTE TO ROBERT BLACKEY, OUTSTANDING HISTORY PROFESSOR

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LEWIS of California. Mr. Speaker, I rise today to honor the accomplishments of Robert Blackey, a professor of history at California State University at San Bernardino, located at the western edge of the 40th District of California. Professor Blackey is the 2001 honoree of the Eugene Asher Distinguished Teaching Award, the highest award given by both the American Historical Association and the Society for History Education in recognition of outstanding teaching and advocacy for history teaching.

Long an advocate of good teaching, Professor Blackey's instructional techniques and knowledge of his subject matter have, over the course of his thirty plus years of teaching, made history come alive for his students. Blackey understands the adage "History is to society what memory is to the individual" and that humanizing the study of the past makes it relevant to the young minds of the present.

In making the award, the historical association quoted a former student's nomination, saying not only is Professor Blackey "a dynamic speaker and discussion leader, but he enriches his lectures with slides, photographs, art, music, and observations from his travels around the world. He brings the people of history to life through visual and verbal illustrations that humanize them; he also helps students to think historically and to appreciate the larger themes that he weaves throughout his classes." Through his work as editor of the teaching column in Perspectives, vice president of the AHA Teaching Division, chief reader for Advanced Placement European History, perennial workshop leader, and frequent guest speaker in secondary school classrooms, Professor Blackey has made an outstanding contribution to history teaching, the association said.

Blackey's efforts at serving others don't stop at the university's edge. He has served as Chair of the school's history department as well as social science coordinator. Additionally, his work includes having served as vice president of the American Historical Association and is an elected member of The College Board's National Academic Council. Blackey also works with Project Upbeat, an innovative program that inspires middle school students to attend and succeed in college.

Mr. Speaker, I applaud Professor Blackey's dedication to his profession and his continuing efforts to help students appreciate and understand history. I ask you and my colleagues to join his fellow professors, his friends, and his family in congratulating him for his record of success.

CLASS ACTION FAIRNESS ACT OF 2002

SPEECH OF

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Mr. BLUMENAUER. Mr. Chairman, I rise today in opposition to H.R. 2341, the Class Action Fairness Act of 2001. This legislation would make it more difficult for injured consumers to seek relief from corporate abuses. This is not the type of legislation that we in Congress should be supporting in the wake of the Enron debacle.

I would also like to state my position on some of the amendments being offered on H.R. 2341. Several of the amendments are directly attributable to many of the alleged disgraceful, if not illegal, acts performed by a few major corporations in the past couple of years. These acts include records being sealed, even though public health and safety were at stake, and document shredding. Despite the outrage that some corporate behavior has created for me and the American public, some proposed amendments were not well-defined to deal with this illegal conduct. My "nay" votes on certain amendments reflect this concern, however I condemn the corporate behavior that prompted these proposals.

HOUSE CONCURRENT RESOLUTION TO PREVENT ANY INCREASE IN VETERANS' HEALTH CARE DEDUCTIBLE

HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. STRICKLAND. Mr. Speaker, in response to the President's fiscal year 2003 budget, I am introducing this Sense of Congress to oppose the Administration's recommendation to impose a $1,500 deductible on the health care for "Priority Group 7" veterans. Just recently the VA increased the veteran prescription drug co-payment by 250%. The President's budget proposal calls on Congress to legislate a $1,500 deductible for their health care. This deductible is unacceptable and an unnecessary hardship to place upon veterans. It is my hope that by introducing this Resolution, this Congress will speak as one body and make it clear that we will not break America's promises to our veterans.

TUNISIA 46TH ANNIVERSARY OF INDEPENDENCE

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. KIRK. Mr. Speaker, today, I would like to recognize a great ally of the United States, Tunisia, as she celebrates 46 years of independence. In 1797, the United States signed a Treaty of Peace and Friendship with the North African country of Tunisia. Over 150 years later, Tunisia peacefully gained independence from France. Today, we congratulate Tunisia for 46 years as an independent nation.

The Republic of Tunisia has remained a steadfast friend to the United States, joining Allied forces during World War II and continuing support throughout the Cold War. Now, in the wake of September 11, Tunisia has once again emerged as a true ally, supporting our current efforts in the war against terror. Based on her geopolitical location, Tunisia's cooperation in the campaign to root out terrorists is absolutely critical.

Today, Tunisia enjoys a burgeoning economy, as the nation's per capita income continues to grow substantially. One of Tunisia's most valuable assets has been its continued willingness to support a Middle East peace process. Despite being surrounded by nations engulfed in political turmoil, Tunisia continues to take an active role in combating international unrest.

I congratulate Tunisia on 46 years of independence and look forward to the United States' continuing strong relations with Tunisia for years to come. Please join me in celebrating the 46th Anniversary of Tunisia's independence.

INTRODUCTION OF THE HOUSING AFFORDABILITY FOR AMERICA ACT OF 2002

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. ROUKEMA. Mr. Speaker, today I am introducing the Housing Affordability for America Act of 2002 which will increase the availability of affordable housing and expand homeownership and rental opportunities across the country.

This country is facing a growing affordable housing problem for low and moderate-income families and for those with special needs. Last year, the Housing Subcommittee held a series of hearings to explore housing affordability and availability. In those hearings, we heard from community activist, housing experts, local and federal government officials and representatives from the home building, real estate and mortgage industries on the obstacles to home ownership and affordable rental housing across the country.

If we are to expand home ownership and affordable rental opportunities, then we must encourage new production of affordable single and multifamily housing. We must break down the barriers that prevent certain segments of the population from realizing the American dream of homeownership. One way to do that is to provide opportunities that allow families to acquire and build wealth toward the goal of homeownership. That means there must be affordable, available rental housing as a family's first step. This bill includes provisions targeted at not only expanding home ownership opportunities but also providing affordable rental opportunities.

The Housing Affordability for America Act makes mid-course corrections of housing programs that are underused, duplicative or have been hindered by muddled objectives. This legislation provides increased flexibility for local governments and programs so that they can better meet the needs of their individual communities.

First, the bill includes a housing production and preservation program within HOME targeted toward very low and extremely low income families. In addition, we provide flexibility and increased leverage opportunities for local governments and local decision-makers so they can better meet the needs of their individual communities.

The FHA program was originally designed to encourage lenders to make credit more readily available and at lower rates for various purposes that might otherwise go unmet. In this bill, we strengthen the FRA program and provide additional tools to encourage homeownership opportunities and to increase the supply of affordable rental housing for all Americans.

Needless regulation adds to the cost of housing. By reducing the cost of regulation, we can lower the cost of homeownership. That is why this bill would require a housing impact analysis of any new rule of a Federal agency that has an economic impact of $100,000,000 or more. H.R. 3191, the "Home Ownership Opportunities for Public Safety Officers and Teachers" has also been incorporated into this legislation.

Finally, we reauthorize HOPE VI, HOPWA, the Homeless Housing Programs, and the Native American Housing Act.

Housing is the number-one consumer product in America. While the homeownership rate in this country is an impressive 68%, there are still some that are unable to share in that dream. We have an opportunity with this bill to make an impact on affordable housing by addressing the issue of growing housing need. This legislation is the first stop—a precursor to the forthcoming reports from the Millennium and Senior Housing Commissions which will help to outline further steps that will be necessary in the future.

It is time that we restored confidence and accountability to our nation's housing programs and policies. This legislation will go a long way toward reaching that goal.

SENATE—*Wednesday, March 20, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of truth, who calls us to absolute honesty in everything we say, we renew our commitment to truth. In a time in which people no longer expect to hear the truth, or what's worse, don't see the need consistently to speak it, make us straight arrows who hit the target of absolute honesty. Help us to be people on whom others always can depend for unswerving integrity.

May the reliability of our words earn us the right to give righteous leadership. Thank You for the wonderful freedom that comes from a consistency between what we promise and what we do. You are present where truth is spoken. Thank You for reigning supreme in this Senate Chamber today. In the name of our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable E. BENJAMIN NELSON led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 20, 2002.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable E. BENJAMIN NELSON, a Senator from the State of Nebraska, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. E. BENJAMIN NELSON thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. The Senate will resume consideration of the Campaign Finance Reform Act in a brief minute or two. The Senate will vote on cloture at 1 p.m. We have received word there may be an effort to move the vote up a little bit because of a meeting at the White House. We will be happy to take that under consideration. If cloture is invoked, there will be an additional 3 hours of debate prior to final passage of campaign finance reform.

We have already had a number of requests for people to speak between 12 and 1 p.m. We would like to reserve that time for the two leaders and those who have been so active in supporting this bill: Senators FEINGOLD and McCAIN, and Senators McCONNELL and GRAMM in opposition thereto. People desiring to speak on this legislation should get over here and do that now because the time between 12 and when we vote on this will be jammed with Members most directly involved on the bill.

We will move this vote up if the minority wants us to do that, and we ask Members to move as quickly as possible.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, we have ended up with a little more time on this debate than we earlier thought. As the principal opponent of the bill, I want to lock in a time for my final statement on the bill. Should cloture be invoked and we are in the 3-hour postcloture period, I ask unanimous consent I be allowed to give my final statement at 2 p.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Republican leader.

Mr. LOTT. Mr. President, I apologize to Senator REID. I came in as he was wrapping up his remarks.

With regard to the time on the vote at 1 p.m., there has been some indication maybe we could start that vote 10 minutes earlier. What is anticipated?

Mr. REID. I indicated there has been some talk of that. I will discuss that with the majority leader. It probably would work to everyone's advantage to move that up. We will do that as soon as possible.

If I could have the attention of the Senator from Kentucky, just so we could have some idea because other people wish to speak, do you have an idea how long you wish to speak at 2 p.m.? You can have as much time as you want.

Mr. McCONNELL. I believe I control the time on this side, unless the leader wants to control the time. I could use up to an hour during that period, beginning at 2 p.m.

I have one other request on this side for an extensive amount of time, and that is Senator GRAMM of Texas, who was going to speak from 12 to 1, but I gather others are requesting that same period.

Mr. REID. In response to my friend from Kentucky, what we are going to try to do, even though it is not part of the consent, is work back and forth on the time. Senator GRAMM certainly deserves extended time on this most important issue. I was thinking we would do it by process of elimination: majority leader, the minority leader wishes to speak, you wish to speak during that period, Senators McCAIN and FEINGOLD don't wish to speak. Then we will get back to you right away and maybe you want to speak later or both times.

Mr. McCONNELL. Since I will be controlling an hour and a half of the precloture time, I will try to work that out in such a way to accommodate Senator GRAMM. Senator HUTCHISON of Texas is here to use some of our time. We will be happy to begin.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

BIPARTISAN CAMPAIGN REFORM ACT OF 2002

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of H.R. 2356, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 1 p.m. shall be equally divided between the two leaders or their designees.

The Senator from Nevada.

Mr. REID. Before the Republican leader leaves, it would be to everyone's interest to have the vote start at 12:50. All other provisions of the unanimous consent agreement would be in effect.

Mr. LOTT. I think that is the wise thing to do. I appreciate the cooperation on that; is that a unanimous consent request?

Mr. REID. It is.

Mr. LOTT. We would have no objection to that. So it is 12:50.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Kentucky.

Mr. McCONNELL. I yield to the distinguished Senator from Texas such time as she may desire.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Kentucky for leading the effort to point out some of the flaws in this campaign finance reform bill. This has been a long process. Everyone knows how hard it is to get a bill into final form. Frankly, we are being asked to vote cloture on a bill that we have not debated since it came from the House. There are some flaws in this bill. I don't think it is unreasonable to request the ability to have some amendments to try to correct the flaws.

Most people would like to see campaign finance reform. There are flaws in the current system. However, this bill does not fix all of them. It does some harm, in place of good. To have no amendment capable of changing it is a very bad process that will result in a bad bill.

Last year I proposed several reforms that were in a bill I introduced. I am glad to see included in the current legislation a provision that limits the amount of loans a candidate can repay, loans made to his or her own race. But there are several provisions I introduced that are not included in the bill.

First, I believe an inordinate amount of campaign contributions can come from outside a person's home State or district. You can say: Make that an issue. Just tell everyone the majority of a person's contributions are coming from outside the State.

But what we are doing in this bill is exacerbating the problem. In the bill I introduced last year, I said that 60 percent of campaign contributions should come from a Member or candidate's home State or district, because I do not think a group from outside the State should be able to drown out the people of the State or district. The bill that is before us today is going to allow outside groups, whose contributors we do not know, to have unregulated access to the system and limit the capability of parties whose contributors are made public. We are going to have situations, especially in a small State, where the people of that State can be totally drowned out by interest groups in Washington, DC.

I think we are creating a monster by not putting in a limitation on how much you can raise outside the State. I think that could severely hamper the people of the State, especially a small State, from having their views, expressed through their contributions, able to be heard and not be drowned out by outside groups from another State or district. So that was not good in the bill, and I think the provisions that are in the bill make it worse.

One of the provisions that is in the bill that I am very worried about allows unregulated special interest groups to raise and spend unlimited amounts of soft money without any real reporting requirements. I really do not know who the contributors are to a private group that decides to become politically active, which they have the right to do. It is their freedom of speech. Anyone can buy time for a television ad or newspaper ad or send out a flier. You do not have to know who the contributors are. But we have elevated the status of groups such as that by curtailing the ability of our political parties, which have played a vital role in getting out the vote and informing people about the nominees of that political party. We are limiting the amount of soft money that can go to the political parties while outside groups are not limited at all. I think that is a blow to the political system, and I think it is really against what the bill's backers would want.

In addition, I think the bill tramples the principle of freedom of speech by restricting broadcast advertising for 60 days before an election. This is the part of the bill that I think is unconstitutional. How many times have we heard that a large portion of the voting public really doesn't focus on the campaign until 2 weeks before the election? A poll taken 2 weeks before an election is not really valid, and any candidate will tell you that, because so much can happen in that last 2 weeks. That is when the majority of the public begins to collect the data they have been getting in the mail to start studying it. They start to listen to what is being said on television, which is where most people get their news. Now people are just beginning to tune in, the heat is on, and we are restricting the capability for that broadcast message.

I think this is an area of free speech with which we cannot afford to tamper, to lessen the capability to be heard in this medium. I think this is what will be thrown out in the end.

I have to say I do not like the idea of voting cloture on a bill that has just come back from the House, has been amended in the House, and to say the Senate really should not have the ability to amend the bill because if we do that, somehow it will delay it further and we may not ever get it to the President. That goes against everything we stand for in a representative democracy where we have two bodies. Specifically, we have two bodies so you can make sure you cover all the bases because when one body passes a bill, the other one may see something that is different or they may find a mistake. We have seen that happen many times. To say: do not tamper with this bill that the House just passed, pass it intact, is an incredible statement, especially when the sponsors of a bill say they are trying to open the political system.

We are closing the Senate in an effort to open the political system? Somehow that does not pass the logic test.

I am going to vote against cloture. I think it is premature. If the bill is closed to debate, if cloture is invoked, I will certainly vote against a bill that I think has tremendous flaws in its treatment of fundamental rights in our country.

I would like to see some reforms in our system. I introduced a bill that I thought had legitimate reforms. The few parts of my legislation that are included I appreciate. I think there are good parts of this bill. But I cannot in good conscience vote for a bill that I think will hamper free speech and will tilt the balance of power away from accountable political parties in favor of unaccountable interest groups from Washington, DC, whose supporters I do not even know, I have no idea who they are, and I will not be able to get that information in any reasonable manner under the bill that is being tested today on the Senate floor if we invoke cloture and the bill is passed without any amendments.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

Mr. McCONNELL. Before the Senator from Texas leaves the floor, I would like to commend her for an outstanding statement. I listened carefully to all her words. I just would point out what a wise observation she made about the 60-day blackout period. This bill seeks to make people go register with the Federal Government and raise hard dollars in order to have the right to say anything about any of us within 60 days of an election—unless you own a newspaper. If you own a newspaper, you are exempt from everything.

This bill, I say to my friend from Texas, sort of singles out various groups for preferential treatment. If you are a big corporation that owns a newspaper, you have no restraints. If you are a big corporation that doesn't own a newspaper, you have a bunch of restraints. So the effort here is to give some people more first amendment rights than others. That is among the things, in my judgment, that make this bill constitutionally flawed.

I congratulate the Senator from Texas for her comments and observations.

Mrs. HUTCHISON. I say to the Senator from Kentucky, I think that is the part that is going to go first under the constitutional challenge. We have been, for over 200 years in this country, protective of every media outlet, trying to assure that there is no outlet that will be closed—other than the person who yells "Fire!" in a crowded theater, who could do harm. But other than that, to pick one medium and say you are going to have severe restrictions and redtape and bureaucracy before anything can be heard on your medium, but the other medium would have no restrictions whatsoever, is beyond comprehension when you read the Bill of Rights. It is beyond comprehension.

I can't imagine that our Founding Fathers would have envisioned we would even attempt something such as this. At least they had the foresight to put speech as our most important right and gave the Supreme Court the capability to check the Congress when they would violate such an important right.

Mr. McCONNELL. It is as if the supporters of this bill and the owners of the newspapers who are so enthusiastically behind this bill think that newspapers have greater first amendment rights than any of the rest of us. The court decisions over the years have made it very clear that, while we do have freedom of the press—I support that, and the Senator from Texas supports that—everyone else has a right to speak at any time without undue interference.

The Senator from Texas has pointed out one of the obvious flaws. There are others, all of which will now unfortunately have to go through the courts to be sorted out.

I thank her for her statement. I thought it was an important contribution to our closing debate today.

Mrs. HUTCHISON. I thank the Senator from Kentucky for continuing to look at these bills in great detail. We have tried to offer amendments that might clear these constitutional challenges. I know the Senator from Kentucky has tried to do that without success. That is why we are here today. But our Founding Fathers, who probably never envisioned television, had the foresight to know that freedom of speech was inviolate under our Constitution. They gave us the clear language of the Bill of Rights, and they gave us a third branch of government—the Supreme Court—to protect us.

Thank you, Mr. President. I yield the floor.

Mr. McCONNELL. Mr. President, I reserve the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

If neither side yields time, the time will be equally divided on both sides.

Mr. McCONNELL. Mr. President, Parliamentary inquiry: Does that happen automatically? If there are no speakers, the time runs equally on both sides?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum, and I ask that the time be equally divided under the quorum.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. FEINGOLD. Mr. President, how much time does the Senator desire?

Mr. WELLSTONE. Fifteen minutes.

Mr. FEINGOLD. I yield 15 minutes to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I thank my colleague.

I wish to speak today about the campaign finance reform bill. This is a step in the right direction, for sure.

When this bill came to the floor in 1995, I was an original cosponsor with Senator THOMPSON. First of all, there are a couple of ways in which it is weaker than before. One of the ways has to do with raising the individual spending limits to $2,000.

It is interesting that during the last election 4 citizens out of every 10,000 Americans made contributions greater than $200. Only 232,000 Americans gave contributions of $1,000 or more. That was one-ninth of 1 percent of the voting-age population. By bumping the spending limits up, I think we just simply further maximize the leverage and the influence, and, frankly, the power of the wealthiest citizens in the country. I regret that. I oppose it. But it is part of the bill.

There was an amendment I had in the bill which would have changed a word or two in the Federal Election Commission Code that would have allowed States to voluntarily move toward a public system, a system of public financing, or partial public financing—a kind of clean money/clean election effort. I think we received 36 votes for that amendment. I would like to have seen the sponsors of the legislation support it because I think we could have passed it. I think it would have strengthened the bill.

Frankly, I think you would have a lot of energy back in the States—in the States of Minnesota and Nebraska—where people could say: Listen, if we in our State want to have some kind of public or partial-public financing, it would have to be an agreed upon spending limit applied to Federal races, let us do it.

I think it would have been wonderful to see the energy back at the State level and see people have more of a chance to organize. I dearly would have liked to have seen that amendment agreed to.

However, I think we need to have some victories. I think that passing this legislation—I thank both Senators McCAIN and FEINGOLD for their effort—will whet people's appetite for more. I think we need victories in the reform area. That is why I support this legislation far more than any other reason. I don't like to increase spending limits. I would like to have seen limits on public financing if States wanted to move forward with that. I certainly will be introducing that bill separately. I certainly will have another vote on that. I think we can get to 50 votes. Ultimately, I would like to see a system of clean money/clean elections. But I believe overall, even with some misgivings, that their piece of legislation represents a huge step forward.

Let me point out again by way of analysis that the problem is 80 percent of the money is hard money. No one should have any illusion that if we pass this legislation we are getting big money out of politics. This legislation is the first step. It is not the last step. It is important that we have a victory. It is important that people in the country can say now we can do more. I hope that will be the direction in which we go.

I want to, however, talk to what I think is the strength of this bill, which has to do with the prohibition on soft money, getting unaccounted for money contributions—$200,000, $300,000, $400,000, $500,000 or whatever—out of politics. Of course, what the political parties said, at least initially what some people said is we can't give up all of that soft money; it will weaken political parties. I don't think so. I think it would be wonderful to see both political parties have to get back to more rational politics. I think it would be wonderful to see both political parties have to rely on smaller contributions. I think it would be wonderful to see both political parties having to be more connected to the ordinary citizens, which I mean in a positive way, not in a pejorative sense.

The most controversial provision of this legislation was an amendment I submitted on the floor of the Senate. I would like to speak about this amendment. This was one of the toughest fights I have had in the Senate.

When you see an editorial in the New York Times in which you are characterized as not being a reformer, and having offered an antireform amendment, it is hard to take because, for me, ever since I have been in the Senate, after the 1990 election, reform has been at the top of my agenda.

I do not know how many amendments I have brought to the floor dealing with this whole question of how you get money out of politics. I do not know how many battles I have fought. I cannot recount them all. As I said, I was pleased to be one of original two cosponsors of this legislation.

But when this bill came to the floor of the Senate, my concern was that we would have a prohibition of the soft money going to the political parties and to corporations and unions but there would be no prohibition of soft money going to all kinds of other groups and organizations that would proliferate and would basically raise soft money and go on television with these sham issue ads, in which case I was not even sure the legislation would be a step forward.

If we had less of this money going to the parties but more of it going to all kinds of independent groups and organizations—"Americans For This" and "Americans For That"—that could raise $200,000, $300,000, $400,000, $500,000 at a crack and put it into these sham issue ads, I do not think we would be any better off.

So the amendment I offered to this bill said we would also have the same prohibition on soft money applied to all of these independent groups that applied to all of these sham ads. This is not to say that any organization cannot raise money and put on ads 60 days before an election. But what we do say is, you have to abide by the same spending limits as everybody else. That was the amendment.

I say to colleagues in this Senate Chamber, I do not think I have ever done this more than once in the last 11½ years—I hope not because it will come off a little self-serving—but I am really proud of that amendment, and I feel vindicated because—do you what want to know something?—in the House of Representatives, there were many Members who wanted to make sure we did not create this huge loophole, who wanted to make sure the prohibition of soft money would apply to these sham issue ads as well. That was part of the reason they supported this legislation.

So by having the same feature, the same provision in both bills, we did not have to make this change in the House It kept this bill out of a conference committee. I remind my colleagues of that. We did not have to go to conference committee. We were able to get the necessary number of votes in the House of Representatives. The bill came back to the Senate, and we are where we are.

This is one of the two major provisions of this campaign finance reform bill. I point out to Senators, on both sides of the aisle, in my view, this is one of the critical features because, again, I am pleased to go after the soft money. I wish we did not raise the hard money contributions. I still think we have a lot of work to go after big money in politics. But if we were going to have a prohibition on the soft money to the parties, and to the unions and corporations, and we were not going to be doing anything about all kinds of other groups and organizations that could then raise all this money, in huge sums, and then put on these sham issue ads, then we would not have been any better off. We would have had a huge loophole.

I am proud of the fact that I brought that amendment to the floor. I regret how tough a fight it was, although I do not mind tough fights. It was a victory. I certainly regret some of the characterization of that amendment. I would remind any number of different newspapers, as a matter of fact, subsequent to that battle in the Senate, many papers have now editorialized for that amendment. It is one of the critical provisions in the bill. It made it possible for us to pass it in the House because many Representatives were saying: Wait a minute, if you have this loophole, we are going to weaken the parties and we are going to enhance the strength of all these different interest groups everywhere. So it made it possible to pass it in the House. It meant that the House bill and the Senate bill—because certainly Congressmen MEEHAN and SHAYS wanted this feature in the bill—were in identical form. It meant we did not have to go to conference committee. It meant we got the bill before us. And it means we are going to pass the bill before us today.

So I am really proud of that work. For me, this has been 11 years of fighting over this issue. I do not think there is anything more important we can do than to pass this legislation. I am sure we will get cloture, if we have a cloture vote. I am sure this bill will pass by the end of the day. I am sure this bill will be a significant reform and a significant step forward. It will not be a great leap sideways.

I am sure people in the country will feel better about the fact we have passed some reform legislation. I am also sure no one in Minnesota and no one in the United States of America should believe we have now created a level playing field, where you do not have to be a millionaire to run, where you do not have to depend upon big money to win, where you get a lot of the big money out of politics and you get more ordinary citizens back into politics.

We are not there yet. This bill does not get us there. But do you know what? It is a step forward. It is a victory for the citizens in the country. I think it is a victory for good government. It is not Heaven on Earth, but it makes the political Earth a little better on Earth.

I am very pleased we are finally at this point. For me, there have been many years of struggle on this question. And I will finish where I started, and I will say this. I apologize, in a kind of a self-aggrandizing way—I am fiercely proud of the fact that this controversial provision and amendment was an amendment I brought to the Senate. We won it in a tough fight. There was plenty of attack over it. We needed to plug that loophole. We needed to make sure the soft money did not flow to all these different interest groups that would basically then take over all the campaigns. I am honored to be a part of this reform bill.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, first of all, I commend our colleague from Minnesota for his typical eloquence. I, too, think he offered a very valuable amendment and one that, as he has explained, ran the risk of sinking the legislation, but that did not make the amendment any less worthy. For oftentimes, in a situation where a proposal makes all the sense in the world, for a variety of other reasons it may make it difficult to continue the process.

But his point about treating some organizations differently than others is based on sound logic. I commend him for his efforts and his participation in the debate on this subject matter and for his longstanding commitment to the issue of campaign finance reform.

Today is, in fact, one of those historic days. It may not look that way at this particular moment in the Chamber where every seat is not occupied, but we are coming down to the final hours of what has been a very lengthy, contentious, and highly charged debate, going back years in this country. It will come to a culmination, I am told, possibly as early as this afternoon. We will vote, finally, on a package dealing with campaign finance reform.

It is an issue I have supported over the years, since arriving in the Congress, for that matter, in the other body, where I served for some 6 years before coming to the Senate 21 years ago.

The issue of campaign finance reform—in the wake of Watergate in the mid-1970s, which spawned the underlying legislation that dealt with Presidential races and campaign finance issues—has been an ongoing discussion and debate for many years and one I have associated myself with as both a Member of the other body and a Member of this body.

The action we are going to take later today is going to rewrite one of our Nation's Federal campaign finance laws in a very fundamental way. As has been stated over and over again, the Senate will approve legislation addressing what the American people believe is maybe the single most egregious abuse of our campaign finance system, and that is the raising and spending of unlimited and unregulated so-called soft money in our Federal elections.

It is not the only problem in our campaign finance laws. It is not the only answer. But it is the answer around which a majority of Members here could coalesce. I would have preferred a system that has been used at the Presidential level, which I think has worked very well. And every American President, regardless of party, has embraced it, going back to the late

1970s: Ex-Presidents Ronald Reagan, George Bush, Sr., the father, as well as President Clinton, and President Bush, the son. All have embraced the principle of matching campaign contributions, public support, with limits, prohibitions, and disclosure on the amounts spent on campaigns. To their credit, every Republican candidate and Democratic candidate have done so.

While it is extremely expensive to run for President, in the absence of that structure, I think we would have watched the cost in Presidential campaigns double, triple, maybe quadruple what it is today.

Today, there is not a majority of Members of this body or the any other body who would support a similar structure for congressional races, Senate or House. So no matter how good the idea may be, if you can't muster 51 votes here and a majority in the House, then the idea is only that: it is a good idea, but it lacks the ability to build the necessary majority support for the idea to become law.

This is the formula we have been able to coalesce around, to either ban, or place specific and real limits, on soft money in our Federal elections. While others may wish we had a different formula, it seems to me that not to do anything because you are unable to get your formula adopted would be a huge mistake.

I strongly support this approach, although I might have preferred others.

The exploding use of soft money that permeates our campaign system is, of course, having, in the minds of many, a corrupting influence, suggesting that large contributions by donors to officeholders, candidates, and political parties provide those donors with preferred access and influence over public policy.

Whether or not that is the case is immaterial, I have never suggested, I have never known of a particular Member whom I thought cast a ballot because of a contribution. In the minds of most people—a sad commentary—maybe not most, but many people, that is the case. That is what they think happens. So it then becomes a fact to them. Whether or not the reality lines up with that perception is something else. But if in the minds of Americans, our public citizens at large, in whom we must maintain the confidence of an electoral democratic process, our campaign financing system is so corrupted by large contributions, that is a stark reality with which we have to contend.

That is what our distinguished colleagues from Arizona and Wisconsin, Senators McCAIN and FEINGOLD, and their supporters have had in mind over the years.

It is not unreasonable that the public perception of even the appearance of corruption erodes public confidence in the integrity of our electoral process and the independence of our democracy. If the McCain-Feingold/Shays-Meehan legislation does nothing else but eviscerate the soft money loophole, it will be considered the most effective reform in decades. I am convinced this legislation is narrowly tailored to strike the appropriate and constitutionally sound balance between the two competing values scrutinized by the Supreme Court in the historic case of Buckley v. Valeo: Protecting free speech and limiting "the actuality and the appearance of corruption."

It has been decades since Congress took similar comprehensive action with enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford to do is wait any longer. Now is the time to enact the McCain-Feingold/Shays-Meehan legislation. The American people have shown an incredible amount of patience in waiting for this law to be enacted.

I predict this debate will find its place in history. The debate, going back to the end of March and early April of 2001, will go down as one of the most significant, worthwhile debates in the recent history of this institution. Everyone had a chance to offer whatever amendments they wanted to on the bill. It was free flowing. It was actually an ongoing debate and discussion about ideas. The Senator from Minnesota, during that period, offered his amendment. We had many other ideas being offered by a number of Senators that had a chance for full discussion and airing. We then had the opportunity to vote those amendments.

I compliment the Democratic leader, TOM DASCHLE, for his willingness and his leadership in providing the opportunity for every Member to have full input in the rush of passage. This issue was of paramount importance to the continued health of our democracy. The majority leader's handling in the winding-down process of the campaign finance debate exemplified the Senate at its best. The Senator from Nevada, Mr. REID, played a very important role as well in seeing to it that everyone had a chance to be heard as we went through that historic debate last year.

Now, as we prepare for the final passage, the unrestricted opportunity to offer and debate amendments, the unrestricted opportunity for all parties to complete negotiations for a technical corrections bill, and the opportunity for all Members to be heard are the hallmarks of the world's greatest deliberative body. We should all be proud to be Members of it, as we finalize this product.

At the same time, I also acknowledge the influence and the passion the Senator from Kentucky has brought to this issue. He is the ranking member of the Rules Committee, the former chairman. I have said on other occasions, he embraces an unyielding belief in how the financing of our campaigns should be accomplished. There are concerns about the constitutionality of certain provisions, whether or not this is the way we ought to be regulating speech in this country. I disagree with Senator McCONNELL with respect to his conclusions that most or some of these provisions are unconstitutional with respect to first amendment right to free speech and association. However, I admire people who have strong beliefs and are willing to fight for them. Whatever else one may say about the substance of this debate, we all admire the commitment and strength of Senator McCONNELL and his commitment to his ideas and how hard he has fought for them.

Certainly Senators FEINGOLD and McCAIN, Congressman SHAYS, and Congressman MEEHAN deserve the lion's share of credit for pursuing this issue. They have been unyielding in their determination in the face of a lot of criticism, a lot of people pushing in the other direction. They stuck with it. As a result, we are about to adopt historic legislation that will bear their names. Whatever else they may accomplish—and they have in many other areas—I know for Senators FEINGOLD and McCAIN, the accomplishment of campaign finance reform will culminate one of their finest hours of public service. They have rightly received the acknowledgment for their efforts in bringing this bill to its final conclusion.

I support this legislation. I thank the Democratic leader and whip, Senator REID, the two sponsors of the bill in the Senate, and those who have opposed it. This has been one of the finer debates in which I have participated in my service in the Senate, the culmination of which is not going to alter the course of history, but it is going to bring a significant, profound, and worthwhile change in how we finance our campaigns for public office at the Federal level.

For all these reasons, I am privileged and honored to be associated with campaign finance reform legislation and commend those who have been engaged in this debate in helping us to arrive at this moment.

The ACTING PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, the Senator from Connecticut, in his usual way, passed a lot of accolades to everyone except himself. This was one of the most difficult to manage bills I have seen on the floor. Senator DODD managed that bill as well as I have ever seen a bill managed during the time I have been in the Senate. I thank him for his compliments to the leader and to me. We just basically stood and watched him do all that he did to get to the point where it passed. It was extremely difficult. I thank him.

Based on a conversation I had this morning on the floor with the Republican leader, I ask unanimous consent that time beginning at 12:30 today be equally divided and controlled as follows: Senator LOTT or a designee from 12:30 to 12:40; Senator DASCHLE or a designee from 12:40 to 12:50.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Senator DODD, who would normally manage the bill, has other obligations. The majority leader has asked that the time be controlled and designated by the Senator from Wisconsin, Mr. FEINGOLD, whose name is associated with this important legislation.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from Nevada. I strongly agree with him with regard to the outstanding job the Senator from Connecticut did in managing this bill. It was truly masterful and essential, given the open and difficult nature of the process. I thank him for his kind words.

How much time remains on our side?

The ACTING PRESIDENT pro tempore. There are 44 minutes at this time, not counting the time for the leadership just prior to the vote.

Mr. FEINGOLD. Thank you, Mr. President.

I am about to yield to one of the Senators who was very helpful on this issue. I have been through many of the turning points on this issue over 7 years. One of the clear turning points was the group of Senators who arrived after the 2000 election. None has been more loyal and helpful in the process than the Senator from Missouri. I am grateful for her support on this issue.

I yield 10 minutes to Senator CARNAHAN from Missouri.

Mrs. CARNAHAN. Mr. President, today marks the final stage for congressional action on campaign finance reform legislation. That we have reached this point is a testament to the leadership of my colleagues, JOHN MCCAIN and RUSS FEINGOLD. I thank them for their dedication. The American people are grateful to them for helping to restore our democracy.

Our Founding Fathers gave us a tremendous gift: the experiment in self-government, an experiment that embodies faith in mankind, a revolutionary idea of governance.

To those who say Americans have deviated from this course, to those who say Americans have become apathetic or disinterested, I say Americans cherish their democracy as never before.

Dating back to the birth of our Nation, numerous observers have visited America's shores to witness firsthand the wonders of this Government. In "Democracy in America," Alexis de Tocqueville commented on the trust vested by the American people in their elected officials. He said:

> The electors see their representatives not only as a legislator for the state, but also as the natural protector of local interests in the legislature; indeed, they almost seem to think that he has a power of attorney to represent each constituent.

Certainly, De Tocqueville identified a sacred trust—a trust still held and cherished by the American people. We, as elected officials, must not jeopardize that trust. Voters understand the danger of money in politics. Voters understand that the so-called special interests can have an insidious effect on good government. They have seen Enron reel and topple. Between 1989 and 2001, Enron contributed nearly $6 million to Federal parties and candidates. It is fair for our constituents—many of whom lost their savings when Enron collapsed—to ask what Enron got in return. Now voters are calling for our Government to take action to prevent special interests from having the ability to whisper in the ear of elected officials simply because their campaign coffers have been filled.

The clarion call for action can no longer be ignored. We must have systemic change. The legislation before us today cleans up our system and strengthens our democracy. Banning unlimited contributions eliminates the very worst aspect of our campaign finance system: huge contributions that distort the democratic process.

Banning soft money will not make our system perfect, but it will cleanse our politics and make it possible for the voices of ordinary Americans to be heard. No longer will wealthy special interest groups have an advantage over average, hard-working citizens. By diminishing the role of money in politics, this bill will help to ensure that elected officials spend less time fundraising and more time doing the job they were elected to do.

This bill will strengthen democracy by strengthening the faith that Americans have in their elected officials and Government. No one understands the connection between campaign finance reform and love of country better than my colleague, JOHN MCCAIN. His service and his sacrifice for the Nation stand as an inspiration for all of us. His dedication to the cause of reform is a continuation of that service.

Vaclav Havel once said that "democracy is like a horizon, always approaching." Democracy has always been a work in progress.

In fact, I am reminded of a story once told about President Eisenhower, who had a painting hung in his office—the Oval Office. It was a painting of the signing of the Declaration of Independence. The strange thing about the painting was that it was not completed. It was only two-thirds complete. There was some raw, unfinished canvas in one corner. Someone asked him: "Why did you hang such a picture?" He said: "I found it in the basement of the White House. The painting had been commissioned many years earlier, but the painter had died before the work was completed." But Eisenhower hung it anyhow because he said it reminded him that democracy is an unfinished work and that there is room in the picture for all of us. Campaign finance reform reminds us that democracy is an unfinished work, and the passage of this bill will ensure us that there is room in the picture for all of us.

Thank you, Mr. President.

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. FEINGOLD. Mr. President, I yield 5 minutes to one of our most steadfast supporters of this bill from the time we began, from the time we were sworn in together as Senators, the Senator from California, Mrs. BOXER.

Mrs. BOXER. Mr. President, I say to Senator FEINGOLD, thank you very much for your work on this bill that we are about to pass. You and Senator MCCAIN were steadfast, and you never gave up. You focused and you fought, and every time there was back sliding, you refused to give up. I think it is a model for all of us, and it is a model for young people to see that if you have a goal and you stick with it, and it is right, you are going to win in the end—eventually.

Having said that, I just hope this is the start of going back to one of the original ideas of Senators FEINGOLD and MCCAIN, which was really to limit campaign spending. There are a couple of wonderful things about the bill on which we are about to vote for which I want to say thank you.

No longer will Federal candidates have to go and ask for unlimited sums of money for our parties and be put in a position where, even if, of course, we are not going to give special privilege to the people giving it, it has that appearance of a conflict of interest. And the American people have every right to question what we do if they look and see the large sums of money we receive. I think the Enron scandal brought this home. I think people felt terrible that they had taken these sums. That was the system. They may have done absolutely nothing to help a company that had gone astray, but it looks bad.

I say to Senators FEINGOLD and MCCAIN, thank you for that provision.

Soft money is out of the picture for Federal candidates, and that is a good thing for us. We still have to raise, however, large sums of money. In the case of California, it is an obscene amount of money because of the cost of television, the cost of mail, the cost of grassroots organizing in a State of 34 million people—we are talking about sums required in excess of $20 million. Believe me, when I say $20 million, that is on the low side of what you really need to spend in order to get your message across in light of vicious attacks that will come.

Another good thing about McCain-Feingold: Those vicious attacks that have come from large soft money contributions will not be able to come 60 days before your election. That is a big plus because that is what we find—that candidates at the end simply cannot respond to this barrage of activity.

So I feel personally grateful, going into an election cycle, that in 2004 candidates will not have this burden to raise hundreds of thousands of dollars from one source in soft money. That will not be allowed. I think that is good for the candidate. I think that is good for the country, it is good for the legislative process. We will not be hit by these last-minute ads with unregulated soft money at the end, to which we will be unable to respond.

I want to work on this further. We still have a big problem. One thing got knocked out of the bill, which was ensuring that the lowest rates would be available to us on television. That got knocked out of the bill. I am still forced, and so are my colleagues from these high-cost States, to have to scramble to raise funds from individuals to get our message out on TV.

Unfortunately—although I always run a grassroots campaign, as many of my colleagues do—in these large States, even if one works 24 hours a day, morning, noon, and night, one cannot meet all the voters, the millions of voters. We have to rely on TV and radio. It is very costly. We will still have to do that, a few thousand dollars at a time, which means we are going to be very busy.

Until we can limit campaign spending, we are going to be in this terrible situation. We all know, including Senator FEINGOLD, this bill is not the be-all or the end-all, but it is a strong start, and I am proud to stand shoulder to shoulder with my colleagues on this one. I hope we get an overwhelming vote and can celebrate the fact that, after all these many years, we are moving to get control of a system that is out of control.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. REED). The time of the Senator has expired.

Who yields time? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank the Senator from California. I could not agree with her more. This is a modest step, it is a first step, it is an essential step, but it does not even begin to address, in some ways, the fundamental problems that exist with the hard money aspect of the system.

I pledge to work with Senator BOXER and everybody else to continue the efforts to accomplish more.

Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator from Wisconsin has 32 minutes.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I yield 45 minutes of my time to the distinguished senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, this issue has been talked about at great length, and has been the focus of attention in Washington, DC, but I do not believe it has been or is the focus of attention on Main Street, America.

We are coming to the end of the debate where it appears this bill will be passed by the Senate in the same form it was passed by the House, then sent to the President, and signed into law.

I wish this morning to talk about the issue that is before us and to explain why I am very strongly opposed to the bill. I think it is a case study in the power of special interest. I thank Senator McCONNELL for his leadership on the issue.

I will begin with another observation. I congratulate Senator MCCAIN and Senator FEINGOLD. If there is anything we know about democracy, it is that majority rule does not exist in practice. In a democracy, intensity determines the outcome of debate on public policy. It is the willingness of often a small number of people who care passionately about something, who have overriding and burning interest, their willingness to stay with that issue and to fight for it day after day, week after week, month after month, and to ultimately wear down those who do not care equally.

Anyone who does not understand that does not understand American democracy. We are here today because of the intense desire of a relatively small number of people to see this bill become law. I congratulate Senator FEINGOLD and Senator MCCAIN. I believe they are both wrong, but they are not wronghearted. In my opinion, they are wrongheaded on this issue even though they both believe that what they are doing is in the interest of America. As Thomas Jefferson said long ago: Good men with the same facts often disagree.

Why am I so strongly against this bill? First of all, I am not running again. I am about to close out my public life and exit the public stage, as Washington expressed it.

I am profoundly opposed to this bill, first because it is clearly unconstitutional.

Elected officials take an oath to support and defend the Constitution against all enemies, foreign and domestic. In the early days of the Republic, the oath was taken very seriously. Officials took it as a charge to themselves, given their individual capacity. I went to Korea when the first real election in history had occurred, and they swore in a new President. It really came home to me how different our system is. When he swore on behalf of the people of Korea, he swore an oath to the people. Under our system we do not swear any oath to the people. I took no oath to the people of Texas. The oath I took was to uphold, protect, and defend the Constitution against all enemies, foreign and domestic. That was the oath.

In the early days, each individual who took that oath took it upon themselves to make a judgment, to determine what was and what was not constitutional. Since they had put their hand on the Bible, they took constitutionality issues very seriously. I am sure John Marshall, when he introduced judicial review in his famous Supreme Court rulings that had a profound, positive impact on America, never foresaw the day would come when Members of Congress might put their hands on the Bible and swear to uphold, protect, and defend the Constitution and then say: It is not up to me to make a determination as to whether something is constitutional; that is up to the courts.

Long ago, 24 years ago, when I took the oath, I did not say I swear to uphold, protect, and defend the Constitution based on what the courts may some year in the future decide. I swore to uphold, protect, and defend the Constitution given my ability to read and understand that document.

On that basis alone, I oppose this bill. This bill is as blatantly unconstitutional as any bill which has ever been written, any bill which has ever been adopted by the Congress of the United States.

I want to mention two areas where it is clearly unconstitutional. I am a free man and an American, and if I discovered that living in College Station, TX, was a new Thomas Jefferson—and I am waiting for another one to come back—and I wanted to sell my house and raise money to tell the country about it, do I not have that right?

When the Founders wrote the first amendment, they were not concerned about commercial speech. They were concerned about free speech, and they wrote: Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof or abridging the freedom of speech or of the press or the right of the people to peaceably assemble and to petition the Government for the redress of grievances.

Does anybody doubt that my right to sell my property and tell the Nation another Thomas Jefferson is in our midst is guaranteed under the first amendment of the Constitution of the United States? How dare anybody tell me I cannot sell my property or mortgage my future, or disinherit my children in order to tell the world there is another Thomas Jefferson.

The Founding Fathers would be amazed that any such proposal could ever be considered seriously. They would be astounded it could happen.

I am hopeful that the Supreme Court will use the flaming letter of the Constitution to strike down this bill.

The second problem with this bill has to do with equal justice under the law. If I am the New York Times, I am a for-profit company. My stock is on the New York Stock Exchange. I am driven by the same motives—many of our colleagues would say greedy motives—as every other for-profit institution in America. Does anybody doubt the New York Times, the Washington Post, or the Dallas Morning News is a for-profit business? If they doubt it, they should have been on the Commerce Committee when the head of the Washington Post testified in favor of legislation to prevent any telephone company from getting into the communication business to compete with the Washington Post.

The New York Times is a for-profit enterprise, and so is the New York Stock Exchange. They are both equally committed to making money. They are both driven by the bottom line.

They are both good investments today. Yet under this bill the New York Times has freedom of speech. They can editorialize all they want in editorial space that would cost hundreds of thousands, and perhaps millions of dollars, for the New York Stock Exchange to purchase. They can routinely state their views on the editorial page and, quite frankly, through their news reporting, and they do it every single day on the front page and on the editorial page. They have a right to do it. But why should the New York Times have a larger say in the election of the President of the United States than the New York Stock Exchange?

When did God decree freedom of speech existed only if one owns a newspaper or a television station or if they are a commentator? What about people who work for a living and who want to be heard?

How can we write a law that treats the New York Stock Exchange differently from the New York Times?

What this bill provides is unequal speech, privileged speech. So I am opposed to this bill because it is patently unconstitutional.

Let me try to explain, as best I can in the time I have, how all of this came about, in my opinion, and what this is all about. First of all, you have heard the endless hollering about political influence. Political influence arises from the fact people want to influence the Government. In fact, the Founders understood that and they wrote it into the first amendment of the Constitution that the right to petition the Government would not be abridged.

People want to influence the Government for two reasons, it seems to me. One, the Government spends $2 trillion a year. Most of it, it spends without competitive bidding. The Government grants privileges worth billions of dollars, grants special favors routinely, even sets the price of milk to benefit people who have assets of $800,000 by stealing from schoolchildren who are poor. That is the Government, and people want to influence it.

The second reason people want to influence Government is because they love their country and they want to affect its future. I assume no one is interested in preventing that kind of influence. This bill does that.

Let me set that aside because that is not what we are debating. Does anybody believe if we stop this massive flow of money into the process, that the Government is going to stop setting the price of milk? Does anybody believe if we stop this soft money corruption of the political process, that the Government is not going to give away $2 trillion this year? By limiting the ability of people to petition their Government, we do not eliminate political power; we simply redistribute it. We take it away from one group; we give it to another.

The proponents of this bill would have Members believe that by banning soft money we are reducing political influence. We are not reducing political influence at all. We are redistributing political influence. Who are we taking it away from? We are taking it away from people who are willing and able to use their money to enhance their free speech guaranteed by the Constitution. Who are we giving it to? We are giving it to the people who have unequal free speech under this bill. We are giving it to the media. We are giving it to the so-called public interest groups. What a misstatement of fact. These are the same people, the Common Causes and the Ralph Naders who won't tell you where they get their money.

Under this bill, Ralph Nader can come to my State and denounce me as he has on many occasion. I wear it as a badge of honor. But he will never have to tell anybody under this bill where he gets his soft money.

We have had ads run in favor of this bill by groups spending soft money. They are not talking about banning their ability to spend it. They are talking about banning everybody else's ability to spend it. What blatant hypocrisy. But there it is.

What this bill does is not reduce political influence but redistribute it, take it away from working people who commit their own money to enhance their speech and give it to the media and the special interest groups that use the media to magnify their speech.

Is it not amazing when you list those who support this bill, they all fall into the category of the people who gain political power from the passage of this bill? The New York Times never tires of editorializing in favor of this bill. But they are perhaps close with the Washington Post as the biggest beneficiaries of this bill, because their speech will still ring while the speech of others will be muted. So a one-eyed man is king in a world of the blind.

Mr. McCONNELL. Will the Senator yield?

Mr. GRAMM. I am happy to yield to the Senator.

Mr. McCONNELL. The New York Times and the Washington Post editorialized on this subject an average of once every 5½ days for the last 5 years.

Mr. GRAMM. But they have done more than editorialize. They have engaged in a type of McCarthyism. Let me explain.

Every day we read in the paper that the Senator from Kentucky or the Senator from Texas or the Senator from Rhode Island or the Senator from Wisconsin get so much money from Arthur Andersen or Enron or U.S. Steel. Yet, verifiably, none of us ever received money from Arthur Andersen or Enron or U.S. Steel or any other company. Those who say we did, know we did not, because it is illegal. Corporations cannot contribute to campaigns.

Yet all one has to do is open the daily paper to find that almost on any issue now, as this has turned into a great symphony, almost on any issue that is being debated, if you care about something, everybody who agrees with you who has ever contributed to you is listed—but not as individuals. They are listed by what profession they are in or what company they work for.

It is McCarthyism to say that all the accountants who contributed to me—and God knows if there is a living CPA who has not contributed to me, shame on you; shame on you—every CPA in America should have contributed to me. I understand debits and credits. I have spent a political lifetime talking about balancing the books. If you are a CPA and you have not contributed to me, you may be guilty of malpractice.

This is the point. To say that the people in my State who work for Arthur Andersen were representing Arthur Andersen when they contributed to me is totally false and it is exactly the guilt-by-association process that the media has denounced over and over again. Yet in the most effective way, they promoted this bill. They have committed McCarthyism routinely. Routinely. I defy them to go to any accounting firm in America—and there isn't one where there are not a lot of people who have supported me—and find where there was a directive from the company to give me money. Everybody knows that is a felony. That is illegal.

Yet long ago the Washington Post, the New York Times, and virtually every other newspaper in America stopped saying a Senator received contributions from employees of Arthur Andersen. They say he received funds from Arthur Andersen.

It is not just editorializing every 5 days. It is changing the very meaning of words, and distorting the very English language to create this conception that somehow the whole system is corrupted by free speech, all the while knowing they will be the biggest beneficiaries of limiting other people's free speech.

The Dallas Morning News, I am proud to say, the most important paper in my State—maybe I should say the Houston Chronicle—has always endorsed me. But in any election I probably have 80,000 or 100,000 individual donors and they contribute and give me the ability to tell my side of the story. So if the newspaper or the television station or somebody who has the ability to express an opinion has an opinion different than mine, I have an opportunity to tell my side of the story. Under this bill, that ability is limited, and that is profoundly wrong and unconstitutional.

The problem, it seems to me, goes even further because in the end we are tilting the balance of power to a very small group of people. It was the involvement of people in contributing their money that destroyed the smoke-filled room, that ended the back-room deal, that literally brought politics into everybody's living room. This bill is a movement back to the smoke-filled room. This concentrates political power in fewer and fewer and fewer hands. This is fundamentally antidemocratic. It violates what the Founding Fathers understood as being important.

The Founders knew the country was not peopled by angels because they were not angels. The Founders understood that people had their own special interests, that people could have corrupt views. So they provided the maximum number of people with influence so the evil of the few was offset.

As I often say, I love the issues that are hotly debated. Because if politicians know they are going to catch hell no matter what they do, they will normally do the right thing. It is when nobody is paying attention on one side and everybody on the other side is organized that bad things happen.

I have heard my colleagues say: I don't want these outside groups involved in my election. Pardon me? Since when was it their election? When I am running for public office, it is not my election. It doesn't belong to me. It belongs to the people of Texas. Often, when I ran, there have been mean groups that have come to the State and said bad things about me.

This election does not belong to me. It does not belong to my opponent. It belongs to the people—and not just the people of Texas because I am a United States Senator. I cast votes that affect people who live everywhere. My service has affected people who live in every State in the Union, every town in every State in the Union. They have a right to be involved in my campaign. They don't have a right to vote, but they have a right to speak.

Many of my colleagues have said: I don't want those groups involved. There is an inconvenience in free speech—if people aren't saying what you want them to say. But is it not dangerous to end their ability to speak? If this bill really stood—and I do not believe it will—I think you would have a concentration of power in the media and in these special interest groups that use the media—Common Cause, Nader—it would be harder and harder for people to get their view out if their view differs with the established power structure. More and more decisions about who wins elections would be made by editors and by special interest groups.

There will be more smoke-filled rooms—I don't guess people smoke anymore, but whatever it is they do in these rooms, there will be more of it. You will have more athletes elected, you will have more celebrities elected.

The problem is, this new Thomas Jefferson may not be a star. He may not even be attractive. He might not be extraordinarily articulate. The original Thomas Jefferson was a very poor speaker, from all we know. But his ideas were revolutionary. In fact, I think if you had to choose the most important man of the last thousand years—you would have to give it to two people: Thomas Jefferson for political freedom; and Adam Smith for economic freedom. The two of them together had the revolutionary idea of our time.

I am afraid, under this bill, that we will not discover the next Thomas Jefferson. I am afraid, under this bill, that other things will be more important. As you narrow the vision of a great country, you narrow its future. The Bible says, "Where there is no vision, people perish."

I wonder what will occur when the American people are ready to be led in another direction, but the power structure does not want to go there. How are the people ever going to hear the other side of the story?

These are very important issues. We have never debated an issue more important than this. Yet there is no interest in this issue because, as a result of all these years of distorting the English language, keeping up a drumbeat, gradually politicians have been worn down. Now people can say: I can violate the Constitution, I can endanger the future of America, or I can get a bad editorial in the New York Times. Of course they decide they do not want the bad editorial in the New York Times.

So that is where we are. I am relatively confident this bill will be struck down by the Supreme Court. What a paradox it will be, what a happy day it will be for me and for the Senator from Kentucky, since this bill has no severability clause in it, if it is struck down, only the parts struck down die. What a great triumph for freedom it would be if all of the parts of the bill that limited free speech were struck down as unconstitutional, and only the part of the bill that enhances free speech by simply updating for inflation the limits on individual contributions remained. Could it happen? It has happened before.

My colleagues on the other side of the aisle are going to vote for this, in large part because they believe this tilts the playing field toward them.

It may very well be that it will not. It may very well be that, in the end, we did not fulfill our oath, but our Constitution is a powerful document, and when we pass a law and the President signs it because of the pressures of the moment and the consensus in the media, then it has to stand the test of the Supreme Court. They are only across the street. But across the top of their building is written, "Equal Justice Under Law." This bill destroys equal justice under the law. And anyone who could sit under that roof with a good conscience is going to feel called upon to take the Constitution seriously and will strike down this law. In doing so, they will live up to the high expectations of the founders.

Let me conclude by congratulating the Senator from Kentucky. It is fun to be in front of television cameras. It makes you feel important. It gives you sort of a notoriety. People recognize you. It doesn't last very long, but they do. And it is awfully easy to stand up and defend things that are popular. It is very difficult to defend ideas that are unpopular, to be attacked every day in the media because of the position you take.

There are not many people who are tough enough to do that. There are probably only three or four—five people in the Senate, and I am being generous.

A lot of people get into politics because they want to be loved. Then, when an issue comes along where your principles are on one side and love is on the other, it is hard.

I have watched and I have read those editorials vilifying the Senator from Kentucky. I know it has been hard, and I just want to say that I don't know whether they will ever build a monument to the Senator from Kentucky, but he is already memorialized in my heart. I will never forget the fight he has made on this bill. I thank him.

The Constitution does not work by itself. It requires a few good men. The Senator from Kentucky is one of those good men.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum, and ask that the time be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, unfortunately, he has left the floor, but I just wanted to thank the distinguished Senator from Texas for his brilliant speech outlining the deficiencies of the bill, which will pass later today. I am extraordinarily grateful for his overly generous comments about my work on this issue. I assure him that the vote today is not the end. There is litigation ahead. We will have announcements about the litigation team in the near future. I share the hope of the Senator from Texas that the unfortunate parts of this bill, which he outlined so skillfully, will indeed be struck down in the courts. I can assure him that we are going to give it our best shot and that we will have an extraordinarily talented legal team spanning the illogical divide in this country to take this case forward and to give it our very best effort and to protect the first amendment, which he outlined so skillfully in his comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the time under the quorum call about to begin be equally charged against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I yield myself such time as I need.

Mr. President, on September 7, 1995, 6½ years ago, the senior Senator from Arizona and I introduced the first version of the McCain-Feingold campaign finance reform bill. It was a different bill from the bill we are about to pass today, but it was a different world then. The Senate that year was controlled by the Republican party. The majority leader was Bob Dole. The occupant of the White House was a Democrat, Bill Clinton, still in his first term. Still far in the future, unimaginable to any of us then, were an impeachment trial, an impossibly close Presidential election, and of course, September 11.

The world of campaign finance was much different, too. Still to come was the 1996 Presidential campaign with campaign finance abuses that by now we refer to in shorthand—the White House coffees, the Lincoln Bedroom, the Buddhist temple fundraiser, Roger Tamraz. Still ahead were the extraordinary revelations of the Thompson investigation concerning fundraising abuses by both political parties. Still in the future was the explosion of phony issue ads by outside groups and by the political parties—hundreds of millions of dollars spent to influence elections through a loophole that assumes that the advertising is not meant to influence elections.

Most amazing, as I look back on these many years, is the growth since then of the soft money outrage, which has become the central focus of our campaign finance reform effort over the past several years. When we first introduced our bill—I have to be honest about this—soft money was still in, if not its infancy, then, at the most, it was in its adolescence.

When we first introduced the bill in 1995, banning soft money was on our list of provisions, but we listed it, actually, as the sixth component of the bill, coming after, believe it or not, the problem of reforming the congressional franking privilege. I noted in that speech, with some emerging outrage, that the political parties had raised—I kid you not—"tens of millions of dollars" in 1995 alone, a figure that, of course, is absolutely nothing compared to what we see today.

The soft money loophole surely came of age in the 1996 elections, and has only kept growing since then. In the 1992 election cycle, the parties raised a total of $86 million. In 1996, that number more than tripled to $262 million. And in 2000, soft money receipts nearly doubled again to $495 million, nearly half a billion dollars.

As the world of campaign finance has changed, so has the McCain-Feingold bill. In late 1997, in the wake of the Thompson investigation, we reluctantly concluded that we needed to first focus our efforts on closing the biggest loopholes in the system: the soft money and the phony issue ads. But narrowing the bill, obviously, did not make it easy to pass. As those two loopholes have grown in importance, and more and more money has flowed through them into our elections, the commitment of the major players in the political system to protect them has only increased.

Indeed, there was a time when the opponents of campaign finance reform called soft money "sewer money" and proposed banning it in their own alternative bill. Now, instead, they champion soft money as essential to the health and stability of the political parties and that it is somehow now protected by the first amendment, even though they wanted to eliminate it and called it "sewer money" before.

But a few things have not changed a bit since Senator McCAIN and I began this journey together. One is our commitment to bipartisan reform. Both Senator McCAIN and I mentioned this in our first speeches in 1995. We knew then that a partisan effort on this issue would be doomed to failure.

In my speech, I noted that we were both speaking to Members of both parties about our bill, and that "we are not dividing up the Senate because this has to be a product of the Senate." This had to be a product of the whole Senate, both parties.

That hope was put to the test last year when this body engaged in an extraordinary 2-week floor debate on campaign finance reform, with an open amendment process and a vote on final passage for the first time since 1993. We had 27 rollcall votes in that debate. Thirty-eight amendments to the bill were offered and 17 were adopted. This bill is truly the work product of the Senate as a whole. That is a major reason why it will soon be headed to the President for signature.

Another thing that has not changed since 1995, of course, is the need for reform. If anything, it has increased as much as the amount of soft money contributed to the parties has increased. In 1995, I noted that the public had reason for concern when big money was being poured into legislative efforts such as the telecommunications bill and regulatory reform legislation. Since then, the list of legislative battles where money has seemed to call the shots has gotten longer and longer: the bankruptcy bill, product liability legislation, the tobacco wars, financial services modernization, the Patients' Bill of Rights, China MFN. I could, obviously, go on and on.

I have called the bankroll on this floor more than 30 times since June 1999. These days, major legislation almost never comes to this floor without interests, often on both sides, that have made major soft money contributions to the political parties. We need to look no further than the work we do on this Senate floor to see the appearance of corruption—the appearance of corruption—that justifies banning soft money.

A few years ago an advocacy group unveiled a huge "FOR SALE" sign and held it up for an afternoon on the steps of the east front of the Capitol. We have seen similar images for years in political cartoons. A constituent once wrote to me that perhaps Senators should wear jackets with corporate logos on them like race cars. We laugh at these images, but inside we cringe, because this great center of democracy is truly tainted by money. Particularly after September 11, all of us in this Chamber hope the public will look to the Capitol and look to the Senate with reverence and pride, not with derision. Our task today is to restore some of that pride. I believe we can undertake that task with our own sense of pride, because we know it is the right thing to do, and we know it has to be done.

Another thing that has not changed since we first introduced the McCain-Feingold bill in 1995 is the determination of the opposition to defeat reform. Early in 1996, when we were approaching our first vote on the McCain-Feingold bill and the first filibuster against our bill, a coalition began to meet to plot our defeat. The Washington Post described the coalition as "an unusual alliance of unions, businesses, and liberal and conservative groups."

I called them at the time—and continue to call them—the Washington gatekeepers: the major players in politics and policy in this town for whom campaign money is the currency of influence.

The National Association of Business PACs even began to run ads against House Members who cosponsored the bill, and they threatened to withhold financial support in the next election. Even before our bill had seen its first debate, the status quo had organized to kill it. And their efforts have continued unabated throughout the last 6½ years.

The opposition has plainly made our task more difficult, but it also now makes our victory more satisfying. Because as we stand on the verge of enacting this major accomplishment, we in the Congress who have supported this effort know we have acted not out of self-interest, and not for the special interests but for the public interest. This bill is for the American people, for our democracy, and for the future of our country.

When a previous effort to reform the campaign finance system failed in an end-of-session filibuster in late 1994, then-Majority Leader George Mitchell said this on the floor:

> The fact of the matter is, Mr. President, every Senator knows this system stinks. Every Senator who participates in it knows this system stinks. And the American people are right when they mistrust this system, where what matters most in seeking public office is not integrity, not ability, not judgment, not reason, not responsibility, not experience, not intelligence, but money.

This bill will not fix every problem in our campaign finance system. The Presiding Officer and I have talked about this throughout the years of his steadfast support for our efforts. This bill will not miraculously erase distrust and suspicion of the Congress overnight. It will not completely end the primacy of money in politics that so disturbed Senator Mitchell. But the bill is a step in the right direction. It is a step in the right direction.

After so many years of effort, and so many disappointments, the public has reason to be gratified by what we are about to do, and to look with hope to what we can accomplish together when the monkey of soft money is finally lifted off our backs.

As elated as we are about finally finishing this long battle for reform, I cannot leave the floor without noting that the war is not over. We must be vigilant as the Federal Election Commission promulgates regulations to implement the legislation. And, of course, we face a certain court challenge by opponents of reform who will argue that it violates the Constitution.

I assure my colleagues of two things: First, we have had one eye on the eventual court challenge ever since we started this process. This bill has been carefully crafted to take account of the Supreme Court's decisions in this area. Can I guarantee that every provision will survive a Court challenge? Of course not. But I can tell you that we have done our very best to design these reforms in a constitutional manner.

Second, we plan to be active participants in the legal fight that will undoubtedly end in the Supreme Court of the United States, perhaps as early as a year from now.

We will be similarly active in pressing the FEC to promulgate regulations that fulfill—that fulfill, not frustrate—the intent of the Congress in passing this bill. The Senator from Arizona and I did not fight for 6½ years to pass these reforms only to see them undone by a hostile FEC. The role of the FEC is to carry out the will of the Congress, to implement and enforce the law, not to undermine it.

I call on each of the Commissioners, regardless of political party or personal views on our reform effort, to be true to that role and to the oaths of office they took.

I urge my colleagues to join with us in overseeing the crucial work of the FEC and to participate in its rulemaking proceedings where appropriate.

In addition, even after we have enacted this law, there will be other reforms to do. We need to look at the cost of broadcast advertising and consider whether those having a license to use the public airwaves ought to be required to provide free airtime to promote democratic discourse during election campaigns.

In my opinion, we need to again consider the possibility of public funding of congressional elections, following the very successful experience with clean money systems in Maine and Arizona.

Finally, we must remain vigilant to guard against the next abuse of the campaign finance system when it comes, as it surely will.

I thank all of my colleagues for their patience and their support. I know this battle has been difficult for many of them. The pressure to preserve the status quo was intense. Inertia is a powerful force against change. We have all compromised at least a little in order to achieve this final result. Many Members have cast difficult votes. They have sometimes followed Senator MCCAIN and me down a path without knowing exactly where it would lead. I am grateful for the trust they have shown in us, and I thank them from the bottom of my heart.

Before I close, I pay special tribute to my partner in this effort, the Senator from Arizona. When Senator MCCAIN called me shortly after the 1994 elections and asked me to join with him in bipartisan reform efforts, I could never have imagined we would be standing here together on this day on the verge of a great victory for the American people. He just didn't tell me how long it would take. I truly believe his courage and dedication, demonstrated in so many ways over so many years, are the reasons the Bipartisan Campaign Reform Act of 2002 will soon become the law of the land.

My respect for him has grown with every challenge we have faced together. He is a great legislator, a great leader, and, above all, a great friend.

Our work on this bill, JOHN MCCAIN, has been the highlight of my professional life. Your friendship means more to me than you will ever know. Thanks, JOHN.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I think I am the last Senator on this side of the aisle who served on the conference committee that produced the bill that was declared unconstitutional in Buckley v. Valeo. In the 8 years I served as assistant Republican leader on the floor, many times I was involved in debates concerning actions to try to get back to the subject of campaign reform.

On May 26, 1983, I introduced the constitutional amendment to allow Congress to regulate and limit expenditures and contributions in Federal elections.

In 1986, I put in the RECORD a campaign finance study which showed very strong public opposition to publicly funded congressional campaigns, and I have maintained this stance against publicly funded campaigns for Congress since.

In 1986, Senator HOLLINGS introduced a constitutional amendment, and I cosponsored that with him, again trying to limit expenditures in Federal elections.

In 1987, I was part of the debate on S. 2, which would have provided publicly funded Senate campaigns. And it was my argument then that we should have full disclosure of soft money and that the issue ad sponsorship and subsidized mail rates for 501(c) nonprofits should be regulated, as well as limiting the PAC influence on our elections.

In June of 1987, I introduced S. 1326, which required unions, corporations, PACs, and all parties to report all attempts to influence Federal elections, including voter registration and get-out-the-vote drives. It would have required notice and disclosure of independent expenditures and prohibited coordination of independent expenditures, but it would have increased contribution limits for individuals facing wealthy opponents.

I am pleased to say that at that time I was ranking member of the Committee on Rules, in 1987, and that Senators McCONNELL and McCAIN cosponsored S. 1326.

In this Congress, I voted to send the Senate campaign finance bill to conference committee and stated at the time it was my hope that a conference would produce a fair and balanced bill. This bill has not gone to conference. Instead, now we have a bill that tilts the balance of power away from accountable political parties towards nonprofit interest groups whose donors are often shielded from disclosure. These nonprofits often exist side by side: 501(c)(3) and 501(c)(4) corporations use tax-deductible contributions to support their overhead expenses, which allows them to spend more money on issue ads which are not regulated by this bill.

As ranking member of the Rules Committee in 1987, I tried to eliminate all soft money. That legislation, I believe, would have provided substantial new disclosure requirements to rein in the nonprofit groups which now overwhelm the political process.

In terms of this legislation, I have reached the conclusion that it, too, is unconstitutional. If the bill that was reviewed in Buckley v. Valeo was unconstitutional, this one surely is. It does not provide a level playing field. It does not deal with the pernicious problem of 501(c)(3) and (c)(4) nonprofit corporations. I will not put it in the RECORD now, but Senator Kasten at one time made a study of the influence of those corporations, and he has been gone for a long while. Their influence has grown. This bill just gives them more and more power over the election process.

In my opinion, we should stop picking at the edges of this issue and pass a constitutional amendment to solve the problems created by the Supreme Court in the Buckley case.

I shall vote against this bill.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Oklahoma.

Mr. NICKLES. Mr. President, we are concluding a great debate that has lasted for years. I compliment the primary sponsors of this legislation, Senators McCAIN and FEINGOLD, for their tenacity, perseverance, and stubbornness in making this event happen. They have been very committed to their cause, and I compliment them for that. I like to see my colleagues and friends who have very strong beliefs work to enact legislation to implement those beliefs. They have done that today. They will be successful today. I congratulate them and compliment them.

I also compliment my friend from Kentucky, Senator McCONNELL, as well as Senator GRAMM, for their tenacity in opposing this particular legislation. I happen to agree with them on the substance of the issue. It is great to see a deliberative body, a body that is able to have friendships that are very strong and opinions that are very strong, express itself and do so in the form of debate and with significant discussion. We have done that. We have done it, frankly, over the course not just of this legislative session, but over 2 or 3 years.

Looking at the substance of this legislation, we have had a great debate. We have had good leadership. We have had very dedicated individuals who have committed a great portion of their legislative career either promoting or opposing this legislation. It has been good for the body. It has been a good debate on strong issues—strong issues because we are dealing with the Constitution.

When we are sworn to take the office of a U.S. Senator, we are sworn to uphold the Constitution. It is not done lightly. It is done by every Member of the Senate.

The Constitution says that Congress shall make no law respecting establishment of religion or prohibit the free exercise thereof or abridging the freedom of speech.

Our forefathers believed so strongly about this particular section, it is the first amendment. If you read the papers at the time, some of our forefathers thought that wasn't necessary; it was almost a given. Others said: No, we need to make sure we have the fundamental freedoms of religion, speech and assembly. Let's make it the first amendment, even though it is self-evident. So they did. This was the first amendment to the Constitution.

Now we are going to be telling some groups: Wait a minute you can influence ads or have involvement in campaigns, but if you want to say Senator GRAMM from Texas is the best Senator ever, you have to do that in a particular way.

Well, you can only do that with certain kinds of money, but not other kinds. Maybe you think he is the worst Senator, and you want to run an ad that says that. Some groups are going to have a hard time doing that. They are going to have to abide by a host of new legalities. We are infringing on free speech, in my opinion; though that will ultimately be contested in court.

I happen to have faith and confidence in the judicial branch. It will be a very interesting argument before the Supreme Court, and I have no doubt that my colleagues from Arizona, Wisconsin, Kentucky and Texas, and perhaps from Oklahoma, will witness that argument before the Supreme Court. It may be one of the most exciting and interesting hours of debate before the highest court in the land. I look forward to that. I won't dwell on it much further. I think the bill has a constitutional problem. I think we are, in some ways, infringing and impeding free speech.

I want to talk about a few other components in the legislation. In some ways, I think the bill was improved from the way it left the Senate. When this bill left the Senate, it had a provision that said politicians get lower broadcasting rates—the so-called Torricelli amendment. I opposed that amendment vigorously, but I lost on the floor of the Senate. I am pleased to say the provision was removed in the House. I didn't think we should pass campaign reform, act as if we are doing great things, then have people find out that politicians get preferential rates over others.

I find the bill faulty when it says we are going to ban soft money, but with an effective date that is after the next election. If we are going to do it, shouldn't it be immediate? Now you are going to see a little splurge of spending, with groups trying to raise all the soft money they can. I also find the bill to be faulty from the standpoint that it will limit soft money going to local parties, but not soft money and other funding going to interest groups that will certainly try to influence elections. My guess is that we will hamper or reduce the influence and effectiveness of national parties. However, now you will soon have a lot of special interest groups that will grow in their influence, that will raise a lot more money, that will enhance their get-out-the-vote efforts, et cetera. So you are going to have a multiplication of special interest groups, where their power will grow, where they will be outside the national party effort, but they will be independent—maybe—and they will be very much trying to influence elections.

So instead of having, more or less, two major political parties, you may have a multitude of special interest groups with a lot of money trying to influence elections. We will have to see. I think you can win elections if you have the best candidates, no matter what the rules are. So it is in the interest of both parties to recruit the best candidates, and may the best candidates win.

One other comment where the bill falls short, and where I tried to fix this on the floor and was not successful. Unfortunately, we didn't make sure that all political contributions were voluntary. It bothers me to think we are going to have campaign reform and still have millions of Americans who are compelled to contribute to campaigns against their will, with which they don't agree, which they are opposed to; that is still the law of the land. It should not be, but it is. We could have fixed it and we did not. So to have, in this day and age, people who are compelled to contribute to organizations who make contributions to political parties against their will, I think is wrong. And then to say, yes, they can file for a refund, and maybe get some of it back eventually, after the election, after the money has been used for the purpose with which they disagree, is not a satisfactory solution. Nobody should be compelled to contribute unless they agree to it in advance, including any political cause with which they disagree. They should not be compelled to contribute to an organization or political party unless they agree with it. We didn't fix that in this legislation, unfortunately. I hoped we could pass legislation that I could be supportive of and which would meet the constitutional test. I don't believe this particular bill does.

I don't think this bill is the end of the world, as some have indicated. We will let the courts decide whether or not it is constitutional. The bill has some positive provisions. I think indexing or updating the hard money amount, allowing individuals to contribute more is a positive change. So I compliment our colleagues for that. It has some other sections dealing with running against a millionaire candidate, and so on. I think those are good sections as well. So it is not all wrong. I do hate to pass anything that would curb an individual's or group's ability to participate in the election process.

Regretfully, I will be voting against this bill—again, with no angst or anxiety against the proponent. I compliment them for their efforts and their success today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I yield to the Senator from Arizona such time as he may require.

Mr. McCAIN. Mr. President, I thank the Senator from Oklahoma for his kind remarks about those of us who support legislation that he opposes. It is typical of his generosity and spirit. I thank him very much.

I also want to thank my friend from Wisconsin, about whom I will speak later on today. As always, he contradicts Harry Truman's old adage that "if you want a friend in Washington, go out and buy a dog," because he is a very dear friend, and it has been one of the great privileges of my life to get close to him. It is a privilege knowing a truly honest man.

Mr. President, we have reached, at long last, the point when meaningful reform in our campaign finance laws is within our reach; in fact, it appears to be imminent. Although some of the measure's detractors have argued that the American public doesn't care about this issue, I think the outpouring of public support proves otherwise.

In an online poll conducted by Harris Interactive, 65 percent of those polled favored campaign reform to ban soft money. While my colleague from Texas, who spoke earlier, was correct in saying that we are determined, he is incorrect in asserting that we are a determined minority. In a CNN/Time poll last March, 77 percent of Americans described the current way in which candidates for Federal office raise money for campaigns as either "corrupt" or "unethical."

There has been some shrill media opposition to this bill, particularly in the weeks since the House approved it by a vote of 240 to 189. The support for campaign finance reform that is reflected in newspapers around the country, I think, more accurately reflects the public sentiment on the issue. Mr. President, I ask unanimous consent that several articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 17, 2002]

BUSH 2000 ADVISER OFFERED TO USE CLOUT TO HELP ENRON

(By Joe Stephens)

Just before the last presidential election, Bush campaign adviser Ralph Reed offered to help Enron Corp. deregulate the electricity industry by working his "good friends" in Washington and by mobilizing religious leaders and pro-family groups for the cause.

For a $380,000 fee, the conservative political strategist proposed a broad lobbying strategy that included using major campaign contributors, conservative talk shows and nonprofits to press Congress for favorable legislation. Reed said he could place letters from community leaders in the opinion pages of major newspapers, producing clips that Reed would "blast fax" to Capitol Hill.

"We are a loyal member of your team and are prepared to do whatever fits your strategic plan," Reed wrote in an Oct. 23, 2000, memo obtained by The Washington Post. "In public policy," he wrote, "it matters less who has the best arguments and more who gets heard—and by whom."

The memo offers a glimpse into the relationship between Enron and the influential conservative, who was first recommended to the company in 1997 by Karl Rove, now a senior adviser to President Bush. Reed, head of the Altanta-based consulting firm Century Strategies, is the former executive director of the Christian Coalition and current chairman of the Georgia Republican Party.

Reed has drawn criticism for his 1997 work on one Enron issue, a Pennsylvania deregulation matter, but Century Strategies Vice President Tim Phillips said yesterday the firm's relationship with Enron continued until October 2001, when it ended by "mutual agreement."

Phillips said Enron never finalized the specific lobbying job outlined in Reed's memo, but he declined to answer questions about what tasks Reed did carry out for the Houston company. Reed did not return phone calls.

Last month Judicial Watch, a conservative watchdog group, asked for a federal investigation into whether Rove arranged the 1997 Enron contract to avoid paying Reed from Bush campaign funds. Others have questioned whether the Bush camp had hoped to ensure Reed's allegiance during the early days of the campaign.

Enron has offered little information about its dealings with Reed, one of many prominent political figures and commentators the company cultivated ties with before it collapsed in bankruptcy late last year. Rick Shapiro, the Enron vice president to whom Reed addressed the memo, declined to comment.

Reed's influence has escalated over the last decade. He claims credit for helping Bush win several key presidential primary victories, and he has served as an adviser to members of Congress. Since 1997, when Reed opened Century Strategies, his consulting clients have included political candidates and corporations with interests in Washington. He dropped Microsoft Corp. as a client in 2000 after charges that he had lobbied Bush on behalf of the software company while Bush was governor of Texas.

The seven-page memo to Enron illustrates for the first time how Reed pitches his services to major corporations and how he draws on alliances he forged during ideological battles fought alongside conservative religious leaders. It also shows how political consultants have increasingly brought tactics once seen only in campaigns into the legislative arena.

Enlisting Reed's aid would have been in character with Enron's strategy of aligning itself with high-visibility political figures and pundits. Those who have accepted pay from Enron for their advice and other help include Bush economic adviser Lawrence B. Lindsey, Weekly Standard editor William Kristol, economist Paul Krugman, CNBC commentator Larry Kudlow, U.S. Trade Representative Robert B. Zoellick and incoming Republican National Committee chairman Marc Racicot.

Reed referenced his previous Enron work in the October 2000 memo, noting Enron had seen his "capabilities at work in the 1997 effort in Pennsylvania," where Reed helped Enron build support for electricity deregulation. "Since that time, we have built a formidable network of grass-roots operatives in 32 states," he wrote.

Reed offered to mobilize that network in an effort to deregulate the electricity market. At the time, Enron was seeking open access to the nation's power grid so it could compete with traditional utilities.

Reed's memo stresses that his firm's "long history of organizing these groups makes us ideally situated to build a broad coalition" benefiting Enron. He said Enron's arguments for deregulation were less important than commanding attention by enlisting the aid of elected officials' friends and supporters.

"There are certain people—a friend or family member, key party person, civic or business leader, or major donor—whose correspondence must be presented to the [elected] official for his personal reading and response," Reed wrote.

Such prominent figures could act as surrogates for Enron while pressing lawmakers to rewrite statutes, Reed said.

"We have the capacity to generate dozens of high-touch letters from an elected official's strongest supporters and the most influential opinion leaders in his district," he wrote. "Elected officials and regulators will be predisposed to favor greater market-oriented solutions if they hear from business, civic, and religious leaders in their communities."

Reed's memo said his organization had a record of harnessing the "minority community" and the "faith community" to support his clients.

Reed proposed two lobbying strategies, one costing $177,000 and the other $386,500.

"I will assume personal responsibility for the overall vision and strategy of the project," he wrote. "I have long-term friendships with many members of Congress."

Reed proposed sending 20 "facilitating letters" to each of 17 members of the congressional commerce committees that handle deregulation. Under the proposal, Enron would pay Reed's firm $170,000 for generating the letters, each signed by a third party.

Reed asked Enron to pay his firm $25,000 to generate letters to the editors of newspapers, each signed by a prominent figure. "These op-eds and letters are then blast faxed to elected officials, opinion leaders and civic activists for use in their own letters and public statements." He said his firm had recently "placed" opinion pieces in The Washington Post and the New York Times.

A $79,500 telemarketing campaign would have cold-called citizens and offered to immediately patch them through to Congress.

"For one recent client, we generated more calls to a U.S. Senate office than had been received since impeachment" of President Bill Clinton, he wrote. "The result was a major victory for the client."

Finally, Reed said he had enjoyed "great success" in using conservative news-talk programs to spread his clients' message to "faith-based activists."

"Our public relations team has extensive experience booking guests on talk radio shows, and has excellent working relationships with many hosts," he wrote, proposing a $30,000 fee.

"We look forward to working with Enron," he said.

[From the Washington Post, Mar. 19, 2001]

Why This Lobbyist Backs McCain-Feingold

(By Wright H. Andrews)

As a Washington lobbyist for more than 25 years, I urge Congress to make a meaningful start on campaign finance reform and pass the McCain-Feingold bill. While many lobbyists privately express dismay and disgust with today's campaign finance process and are in favor of reforms, most have not expressed their views publicly. I hope more lobbyists will do so after reading this "true confession" by one of their own.

I am not an ivory-tower liberal, nor do I naively believe we can or should seek to end the influence of money on politics. I have engaged in many activities most reformers abhor, including: (1) making thousands of dollars in personal political contributions over the years, (2) raising hundreds of thousands of dollars, including "soft money," for both political parties and (3) counseling clients on how to use their money and "issue ads" legally to influence elections and legislative decisions. Why, then, does someone like me now openly call for new campaign finance restraints, at least on "soft" money and "issue" advertising? Quite simply because, as a Washington insider, I know that on the campaign finance front things have mushroomed out of control. In the years I have been in this business I have seen our federal campaign finance system and its effect on the legislative process change dramatically—and not for the better.

I believe that individuals and interests generally have a right to use their money to influence legislative decisions. Nevertheless, I know that lobbyists, legislators and the interests represented increasingly operate in a legislative environment dominated by the campaign finance process, and its excesses are like a cancer eating away at our democratic system.

There is no realistic hope of change until Congress legislates. I readily admit that I will continue, and expand, my own campaign finance activities—just as will most of my colleagues—until the rules are changed.

Right now there is an ever-increasing and seemingly insatiable bipartisan demand for more contributions, both "hard" and "soft" dollars. The Federal Election Commission has reported that overall Senate and House candidates raised a record $908.3 million during the 1999–2000 election cycle, up 37 percent from the 1997–1998 cycle. The Republican and Democratic parties also raised at least $1.2 billion in hard and soft money, double what they raised in the prior cycle. Soft-money donations from wealthy individuals, corporations, labor groups, trade associations and other interests have shown explosive growth. In addition, millions of dollars in unregulated "non-contribution" contributions are being plowed into the system through "issue ads."

Today's levels of political contributions and expenditures are undercutting the integrity of our legislative process.

Ironically, congressional lobbyists in general are better, more professional, more ethical and represent more diverse interests than in the past. Our elected officials today also are generally honest, hard-working and well-meaning. But millions of Americans are convinced that lobbyists and the interests we represent are unprincipled sleazeballs who, in effect, use great sums of money to bribe a corrupt Congress.

Many citizens believe that using money to try to influence decisions is inherently wrong, unethical and unfair. While supporting reforms and recognizing citizen's concerns, I disagree; I find little problem with political interests seeking to influence elected officials through contributions and expenditures at moderate levels, provided this is publicly disclosed and not done on a quid-pro-quo basis. The First Amendment allows every individual and interest to use its money to try, within reason, to influence Congress. And influence comes not just from political contributions; it also comes from using money, for example, to hire lobbyists, purchase newspaper ads and retain firms to generate "grass-roots" support.

I nonetheless think the time has come to temper this right. We have reached the point at which other interests and rights must come into play. Campaign-related contributions and expenditures at today's excessive levels increasingly have a disproportionate influence on certain legislative actions. Unlimited "soft" money donations and "issue ad" expenditures in particular are making a joke of contribution limits and are allowing some of the wealthiest interests far too much power and influence.

Moreover, the ability of legislators to do their work is being reduced by the demands of today's campaign finance system. Many, especially senators, now must devote enormous amounts of time to fundraising.

Any significant new campaign finance limits that Congress adopts will have to survive certain challenges in the Supreme Court. If Congress carefully crafts legislative restrictions, the court will, I believe, uphold reasonable limits by following reasoning such as it used in the Nixon v. Shrink Missouri Government PAC case, in which it noted that "the prevention of corruption and the appearance of corruption" is an important interest that can offset the interest of unfettered free speech.

Some lobbyists continue to support the present campaign finance system because their own abilities to influence decisions, and their economic livelihoods, are far more dependent on using political contributions and expenditures than on the merits of their causes. Others feel strongly that virtually no campaign contribution and expenditure limits are permissible because of the First Amendment's protections. And some, like me, believe additional restraints on campaign finance are required and allowable if properly drafted.

As to those in the last category, I invite and encourage them to work with me in Lobbyists for Campaign Reform, a coalition to urge Congress to pass meaningful campaign finance reforms, starting with the basic McCain-Feingold provisions.

[From the Washington Post, Mar. 5, 2002]

Just do It

The Senate has already voted once in favor of campaign finance reform legislation; now it's time to step up again and finish the job. Last month House reformers won passage of their version of the bill, fighting off "poison pill" amendments to produce legislation that the Senate could accept without a conference. Since that vote, even two senators who oppose the bill have acknowledged that it's time to move ahead on this issue: Sens. Gordon Smith (R–Ore.) and Ben Nelson (D–Neb.) said they won't support a filibuster to block the measure. But Kentucky Republican Sen. Mitch McConnell, a leading opponent, continues to seek delay. Today he is expected to ask Senate Republicans to help him hold up consideration of the bill until he can win approval of a package of what he describes as technical amendments. But Republicans shouldn't go along. Sen. John McCain (R–Ariz.) says it's time to bring the measure to a vote, and he's right. Stop the foot-dragging. Majority Leader Tom Daschle ought to bring the House bill to the floor as soon as possible. Senators should approve it, rejecting any amendments that would force a conference, and the president should sign it. The bill, as we've said before, doesn't solve every problem or close every loophole. Some needed reforms aren't addressed; other problems will doubtless arise as time goes on. But this measure takes on the trouble that's dragging down the system right now: the exponential growth of unregulated "soft-money" donations from corporations, unions and wealthy individuals. This flood of money, nearly $500 million in the 2000 election cycle, eats away at public trust by creating the sense that those big-money donations aim to buy access. It creates an atmosphere in which at least some businesses feel obliged to contribute in order to protect their interests. It blows away the limits that the 1974 campaign finance law attempted to impose on the influence of the wealthiest donors.

This is a system that needs changing. The bill would do that by banning soft-money contributions to national parties and taking federal candidates out of the business of soliciting big soft-money gifts for political parties. A majority of both houses is on record in support of these reforms. It's now up to the Senate to make sure the effort doesn't falter. End the delaying tactics. Just do it.

[From the Washington Post, Feb. 11, 2002]

ARMAGEDDON

We don't see it in quite the same apocalyptic terms as Speaker Dennis Hastert, who likened this Wednesday's House vote on campaign finance reform to Armageddon. But the vote is plenty important. Lawmakers can wash some $500 million in big-money contributions out of the federal system: the cash from corporations, unions and wealthy individuals that was supposed to be banned from individual campaigns but that parties and officeholders have learned to use for the benefit of specific candidates. These are the funds that often come from players who give to both sides in a contest, contributions clearly aimed at buying access to officeholders. It's long been clear that this corrupting flood should be stanched. The House has recognized it twice before, when members passed essentially the same legislation that will be before them on Wednesday. Now they need to summon the courage to do it again, when it counts.

It's because the vote actually matters that it might feel like the end of the world to Mr. Hastert. He and other Republican leaders are putting on the pressure, warning Republican members that the GOP stands to lose its majority in the House if this reform becomes law. Of course Rep. Tom Davis of Fairfax, who chairs the Republican House campaign committee, has been arguing the opposite, pointing out that his party has a big lead in raising the $1,000 contributions that would remain legal and taunting Democrats that they're the ones who would be hurt by reform. The truth is that incumbents on both sides of the aisle are addicted to the big bucks and, like all addicts, they'll say anything to safeguard their supply—including pretending to favor reform while they look for a hundred different ways to derail it. But most legislators also know that their dependence on big-money lobbyists hurts democracy and curdles public attitudes toward government. Reform will prevail if members who supported it before stay the course. "There are a hundred ways to defeat this bill," Rep. Christopher Shays (R-Conn.) told reporters last week. "But only one way to win."

He ought to know: He's been down this road before. Reformers have been trying unsuccessfully to rein in the soft money system for many years. The bill he and Rep. Martin Meehan (D-Mass.) sponsored passed the House in 1998 and 1999. In both those years the leadership tried to block a vote. Both times supporters began the unusual maneuver of gathering signatures for a discharge petition to require the measure to be brought before the House; leaders compromised when the petitions looked likely to succeed, and voluntarily scheduled votes. This year Speaker Hastert threw up the barricades again, only this time he didn't move until supporters actually obtained the required 218 signatures, a majority of the House. Local Republican Reps. Connie Morella, Wayne Gilchrest and Frank Wolf deserve credit for signing the petition despite the opposition of their own party leaders. Now the bill will come to the floor under a complicated rule that allows consideration of two substitute measures and a series of amendments.

The procedure may be complex, but the goal is simple: Pass the Shays-Meehan bill in a form that will allow the Senate, which has already passed a companion measure, to accept it without a conference committee. A vote that leads to any other outcome is a vote to kill campaign finance reform. That means members must reject the alternative proposed by Rep. Robert Ney (R-Ohio) and unfortunately cosponsored by Democratic Rep. Al Wynn of Prince George's County. That bill purports to cap soft money contributions rather than ban them outright, but it is sham reform. Its limits are so high that it would have permitted 80 percent or more of the soft money donations made in the last campaign cycle. Members must also reject "poison pill" amendments that would derail the bill in the Senate. And no one can get away with claiming that he or she is voting against Shays-Meehan because amendments approved in the Senate have made the reform bill too weak. The alternative to this bill is no real reform at all. And that's not an alternative that anyone, least of all voters, should accept.

[From USA Today, Feb. 15, 2002]

CAMPAIGN REFORM, AT LAST

Thanks, Enron.

Twenty-seven years after Watergate-era reforms sought to curb the clout of megabuck money in politics, Congress finally voted Thursday to close a loophole that has allowed the law to be flouted since 1988.

Following on last year's Senate passage of a similar bill, the victory is sweet. But it required a bitter, uphill fight against House leaders who shamelessly fought to keep a half-billion-dollar stream of "gifts" pouring in.

Ironically, reformers probably have the corporate scoundrels at Enron to credit for their success. For more than a decade, Republicans and Democrats, the House, Senate and White House took turns killing campaign reform. Twice in the late 1990s, House-passed reforms were blocked by Senate filibusters. Last year, the House sidetracked a Senate-passed reform bill.

This time, defenders of the seamy status quo were counting on an about-face by colleagues who previously had postured as reformers, confident changes would never become law.

Enron made that politically impossible. The company clearly enjoyed exceptional clout in energy-policy decisions and appointments, even though the $6 million Enron and its executives showered on federal politicians during the past decade didn't place it at the top of the list of generous special pleaders.

Still, Enron's outrageous abuse of investors and employees, coupled with its exceptional political charity—greasing the treasuries of 95% of the Senate and 67% of the House—made it a poster child for the sordid intersection of money and politics.

The long-overdue reform would largely prohibit what's called "soft money"—dollars from corporations, labor unions and wealthy individuals that are given to political parties, then funneled into federal campaigns to avoid Watergate-era contribution limits. They made up the bulk of Enron's giving.

Reform still faces hurdles: repassage in the Senate over a filibuster threat and President Bush's equivocations. Even if the victory stands, those determined to keep buying what's euphemistically called "access" to politicians—access that ordinary folk don't have—are already testing new evasions.

The ultimate answer is public financing, allowing qualified candidates to run without pandering themselves to monied interests. Four states are trying that now.

But closing the outrageous loophole for special interests is a vital first step in restoring democracy to the democratic process.

Mr. McCAIN. Mr. President, following the cloture vote, assuming the outcome of the vote is what I hope and believe it will be, I will again seek recognition to offer further comments on what I consider to be one of the most critical legislative measures on which I have had the privilege to work. Today's vote, as reflected in these and other countless newspaper articles and editorials, is about curbing the influence of special interests. Now is the time to enact real reform and return the power to the people and restore their faith in the Government.

Mr. President, next to me—the next speaker—is a person who played a very key and vital role in the formulation of this legislation. A lot will be written about how this 7-year odyssey came to an end. One of the chapters in that book will be the time when Senator THOMPSON, the Senator from Tennessee, and Senator FEINSTEIN, the Senator from California, engaged in delicate operations. The bill was basically dead when they began those negotiations. I won't go into the details of them. But through a near miraculous turn of events, because of the dedicated efforts of Senator THOMPSON and Senator FEINSTEIN, we reached an agreement on crucial parts of the bill, and we were able to move forward. I will be grateful to my friend from Tennessee for many reasons, but that is only one of them in the long list of debts that I owe him. I thank my friend from Tennessee, who will speak next.

I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Tennessee as well. He was there from the very beginning. He has been incredibly helpful on the floor and in negotiations. I yield him such time as he may require.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I thank my colleagues from Wisconsin and Arizona. Their leadership in this matter has been noted many times. It cannot be stressed too much.

It is another indication that people who are intent on doing something they believe is good for the country can, if they are willing to spend a few years on it, take something that has apparently little support and wind up having substantial support.

We are about to see that happen, and Senator McCAIN and Senator FEINGOLD are to be congratulated for leading the fight, taking the slings and arrows, and doing something that I think is going to wind up benefiting our political system, this institution, and, most importantly, what we are supposed to be about more than anything else, benefiting the Nation.

It has been pointed out that there are problems with this legislation. It is pretty extensive. No doubt the opponents of this legislation are correct in that. I know of no legislation of this type that is not complex and without problems.

It has been pointed out there will probably be some unintended consequences. No doubt that is correct.

It has been pointed out that people will start from day 1, after this is over, looking for loopholes, looking for the soft spots. "You cannot do anything about money," they say. And there is no doubt people will be looking for loopholes.

They even say that certain portions are unconstitutional. They are probably correct about that. Fortunately, we have a clause that will not cause the rest of the bill to fall. I believe the major portions of the bill and the more important parts of the bill are constitutional, according to decisions the Supreme Court has already made.

I am willing to concede those points. Those points are not unusual or indigenous to this bill. They are things we see all the time. Once we get through the meat grinder, the legislative process, we rarely come with a perfect piece of legislation. This has an awful lot of good in it, and it is going to do some good.

The argument that we will have to change it in another 20 years does not concern me that much. We had legislation that worked in this area for about 20 years, and it did a pretty good job. Then we had to change it, and that is what we are doing now. There is nothing wrong with that. There is nothing to be afraid of with regard to that.

We have to keep in mind the history—where we have been—to know where we are going. It is true that loopholes developed in the law. That is what we are about today. It has been said of the last law that was passed in 1974, major legislation, that it was a failure. I disagree. That law was a public financing system for Presidential elections, and it was pretty much an even playing field. The candidates spent about the same amount of money. There was not any scandal, Democratic or Republican, during that period of time. Sometimes the incumbent won, sometimes the challenger won. To me, that is the United States of America. That situation prevailed for approximately 20 years.

In the 1990s all that changed. We had an administration that was willing to take chances with the law and legal interpretations that no one, until that point, was willing to take. We had a regulatory environment in which decisions were made that were inconsistent, contradictory, complex, and hard to understand.

If we put all that together, we wind up with the result we have today. But we should not denigrate the fact that we can legislate in this area to some good effect.

I have spent a lot of time in this Chamber talking about reasons we should not regulate in many areas. I believe the government closest to the people is the best. I believe in our principles of federalism. I believe State and local governments should step up and assume the responsibilities they traditionally have had in this country for 200 years. I believe all of that. But surely the most conservative of us must recognize that there are certain areas which are within the Federal province.

Certainly national defense comes to mind. Recently we have been working on our national parks and what is happening to them. Those are responsibilities the Federal Government has taken on. We have taken on the responsibility of our infrastructure and items of that nature.

I believe the election of Federal officials falls into that category. If we as a body cannot take a look at our system, why it is working and not working, and legislate in that area, I do not know in what area we can properly regulate. I have no problem stepping up to the plate, as we did in 1974, and saying we are going to place some limitations on contributions and we are going to have a system of Presidential campaigns where we are not going to have millions and millions of dollars of soft money pouring in from unions and corporations throughout this Nation. It worked for a good period of time, and we are about to do something that is going to work for another good period of time.

It is important that we keep in mind the nature of the problem we are trying to address. We are not federalizing something that does not pertain to the Federal Government. We are not creating some new regulatory scheme. We probably cannot get all the regulations under the current system in this Chamber. They are complex. They are confusing. They are extensive. We already have that system.

Explain to me the rules that pertain to what the State parties can do vis-a-vis the national parties. They can trade money back and forth, percentages for this, percentages for that. It would take the brain power of a nuclear scientist to figure it out. That is the current situation. So we should not be bashful about stepping up, recognizing the problem, and believing we can do something about it. It is our responsibility to do something about it.

What is that problem? The problem simply is this: We have gone from a situation in this country where we financed our Federal campaigns with small contributions and a lot of people to a system where we are more and more dependent on huge entities giving tremendous amounts of money and a future that points toward fewer people being involved in the process.

We have gone from a situation where the maximum contribution solicited was $1,000 to a situation where those raising the money would consider themselves foolish if they spent too much time on raising those hard dollars when they can pick up the phone to these big outfits and raise it many times that. You are not a player anymore unless you have $20,000, $30,000, $40,000, $50,000, or $100,000.

The same entities pick up our expenses for the convention. There is a tremendous amount of money now coming into play that was not there a short time ago. We have a system now that benefits the politicians and benefits the parties, and we try to make folks think it is our birthright. It has not always been that way. It is a recent creation, and it is not a good creation.

Why is it not good? It is not good to have legislators or Presidents be too dependent on people for whom they are supposed to be making laws that affect their lives. When the very people who have legislation before you are coming to you with greater and greater amounts of money for your political campaign, that creates a potential conflict of interest that we simply do not need. It does not look good. The American people think, the average Joe on the street thinks, that with that much money being paid to that few people, they are expecting something for it.

The PRESIDING OFFICER. Time has expired. Twenty-six seconds remain in opposition.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Senator from Tennessee have 30 additional seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMPSON. I appreciate that, Mr. President. I will wind up by saying we have a chance to address this constant scandal waiting to happen. We are making headway to do something that will reduce the cynicism in this country that will help this body, that will help us individually, and will trade increased hard money limits for the reduction of soft money, a tradeoff that will help challengers reach a threshold credibility when they want to challenge us in these races.

So I commend my colleagues for this legislation. There is much more good in this than ill, and I think it will help this institution and ultimately this country.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank my colleague from Tennessee for all his support and his excellent statement.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I want to add my voice to the many this morning who have spoken with some relief and satisfaction and confidence about the outcome of the vote. There are many who can take credit for the success we are about to experience, but none more than the colleague who is sitting to my left, Senator FEINGOLD. He and Senator McCAIN have been extraordinary in their persistence and their willingness to negotiate, to compromise but yet to hold fast to the principles that make this legislation worthy of its passage and historic in its nature.

We are concluding one of the most important debates we will have had in this Congress. Thomas Paine, the famed revolutionary, once offered an explanation for why corrupt systems often last so long. He said:

> A long habit of not thinking a thing wrong gives it a superficial appearance of being right and raises, at first, a formidable cry in defense of custom.

That is certainly true of the way we pay for campaigns in this country. Our reliance on special interest money to run political campaigns is such an old habit that for a long time it had the superficial appearance of being right. But not anymore. The American people understand that special interest money too often influences who runs, who wins, and how they govern.

While there is still a vocal minority who deny it, a clear majority of this Congress and an overwhelming majority of the American people know our current campaign finance system is broken. Now is the time to fix it.

Almost 1 year ago, the Senate passed the McCain-Feingold campaign finance reform bill. At the time, we had 2 solid weeks of debate and we passed a good, strong bill. Opponents of reform in the House used every argument and excuse, every imaginable ploy, to stop the bill from becoming law.

For a while, it looked as if they had won, but 1 month ago the reformers turned the tide. The House passed the Shays-Meehan bill, and the President has indicated he will sign it. Now it falls to the Senate, which started this process, to finish it, and today with this vote we will.

I am a realist. I know this bill does not address every flaw in our system, and I know there are those who are already looking for ways to work around this bill. But as Senator FEINGOLD has often said, it does show the public we understand the current system does not do our democracy justice.

It curbs some of the most egregious injustices. It bans soft money, the unlimited, unregulated contributions to political parties. It curbs issue ads, those special interest ads that clearly target particular candidates in an attempt to influence the outcome of an election. It calls for greater disclosure and increases penalties for violation of the law.

Often those who are the loudest and decry the abuses of our current system are the staunchest defenders of that system.

If you really are outraged by the abuses, you need to fix the system that invites them. If you want to fix the system, now is the time to do it. There are those who have argued and will continue to argue that in an attempt to make things better we will only make things worse. But since its founding, the goal of America has been to strive for that more perfect union our Founders envisioned.

To say we should not attempt to make things better begs the question: "Is what we have now good enough?" Is it "good enough" that half of the government has to recuse itself from an investigation of a failed company because it spread around so much money to those who were involved, to so many people in that community? Is it "good enough" that in every election the amount of money spent goes up and the number of people voting goes down? Is it "good enough" that the current system is more loophole than law?

If we look at the rising tide of money in politics, the influence that money buys and the corrosive effect it has on people's faith in government, the answer, then, is clearly no.

Ours is a government "of the people, by the people, and for the people." It is not a government of, by, and for some of the people.

With this vote, we stand on the verge of putting the reigns of government back into the hands of all people. We owe that in large measure to the stewardship and commitment of our colleagues, Senators McCAIN and FEINGOLD. Time and again, they have refused to compromise their principles in the face of incredible pressure, but time and again they have acted in the national interest rather than their respective partisan interests. So I thank them for their service to our Republic and to the Senate.

It has taken us a long time to get to this point. The last time Congress strengthened our political system by loosening the grip of special interest money was 1974, more than a generation ago. Congress may not have another chance to pass real campaign reform for yet another generation, long after most of us will have left.

Passing this bill will likely have a profound impact on each of us for the rest of our time here, and none of us can be absolutely sure what that impact will be. But we know this: The status quo is not acceptable and today it will end. The currency of politics should be ideas, not dollars. It is time for us to start putting the currency back into circulation.

After years of debate and months of delay, let us do this one final thing. Let us take the power away from special interests and give it back today to the American people where it belongs. We can do that today. The time is now.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. The hour of 12:50 has arrived. Under the previous order, the clerk will report the motion to invoke cloture.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on Calendar No. 318, H.R. 2356, a bill to provide bipartisan campaign reform:
>
> Russell D. Feingold, Tom Daschle, Tim Johnson, Byron L. Dorgan, Bob Graham, Daniel K. Inouye, Joseph R. Biden, Jr., Patty Murray, James M. Jeffords, Jeff Bingaman, Debbie Stabenow, Max Baucus, E. Benjamin Nelson, Harry Reid, Richard J. Durbin, Jon Corzine, Thomas R. Carper.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 2356, an act to amend the Federal Election Campaign Act of 1971, shall be brought to a close?

The yeas and nays were ordered under rule XXII. The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 68, nays 32, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—68

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Frist
Graham
Grassley
Hagel
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain

Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Stevens
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—32

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Ensign
Enzi
Gramm
Gregg
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Lott
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thurmond
Voinovich

The PRESIDING OFFICER (Mr. CORZINE). On this vote, the yeas are 68, the nays are 32. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, is it correct that there are now going to be 3 hours of debate on the bill equally divided?

The PRESIDING OFFICER. The Senator is correct.

Mr. FEINGOLD. Mr. President, we are enormously gratified by the vote on cloture. We know that some Members who don't even support the underlying bill thought it was appropriate and correct to bring the debate to a close at this point. We thank all of our colleagues for such a tremendous showing of support to bring this issue to a conclusion.

With that, I am very pleased to yield 7 minutes to one of the strongest supporters of this legislation and a tremendous ally, the Senator from New York.

Mr. SCHUMER. Mr. President, I congratulate my colleagues, the Senators from Arizona and Wisconsin, as well as our majority leader, for the great job they have done. We even reached more than two-thirds. So if they ever change the law, go back to the old filibuster law, we will still have an ability to win this vote. My hat is off to both Senators for their focus, their steadfastness, and for their great victory today.

I rise in strong support of this bill on the campaign finance system. It has been a long time in coming, but we are now on the verge of making history. With this vote, we are one giant step closer to a new era of campaign finance, a new era of voter confidence in our government, and a new era of better and stronger democracy.

Again, I thank everyone, particularly Senators MCCAIN and FEINGOLD, and Senator DASCHLE, for their unyielding leadership and their dedication to seeing these reforms enacted. It takes more than you can even imagine to get something such as this done. Senators, you did it. Our Nation owes you our thanks.

We all know that soft money is slowly but inexorably poisoning the body politic. One hundred years ago, we outlawed corporate contributions to campaigns; we thought we did. Twenty-five years ago, we outlawed unlimited giving to campaigns, or believed we did then, too. But today soft money makes a mockery of all three of these rules. The $450 million in soft money raised by the two parties in the last election doubled the amount given in the 1996 election. It had no limit, but the size of the donors' bank account was obviously intended to influence Federal elections.

We have to restore the system of regulated contributions. If we don't, the cynicism and distrust and lack of engagement that are already so pervasive will continue to spread. Our citizens are increasingly tuned out from our democratic process. Voter turnout for the 1998 election was 36 percent, the lowest turnout for a nonpresidential election in 56 years. In presidential elections, turnout has declined 13 percent since 1960.

We all know that banning soft money won't cure all of this by itself, but it will help restore the impression and the reality that politics is more than a game played by and for only those who can afford to give.

This bill creates new requirements that will ensure the integrity of our campaign system. It bans national parties from raising and spending soft money. It bans Federal candidates and officeholders from raising soft money. It bans State and local parties from using soft money to pay for TV ads and election activities that mention specific candidates. It bans corporate and union funding of sham issue ads prior to elections, and it requires disclosure of individual and group donations for these ads.

Opponents of campaign finance reform claim this bill will harm grassroots politics because the spending limits will force the national parties to focus on national candidates and not on the local candidates. The bill's opponents have it wrong. Campaign finance will strengthen our grassroots political system by breaking the parties' reliance on a handful of very wealthy contributors and forcing them to build a wider base of small donors and grassroots supporters everywhere.

In addition, the bill includes a narrow exemption so that local political parties can raise a limited amount of soft money.

There are some who believe this infringes on the first amendment. I cannot believe the Founding Fathers thought that the right to put the same commercial on 5,112 times was intended to be protected by the first amendment. No amendment is absolute—not the first, not the second, not any of them. This seems to me to be a reasonable limitation.

In fact, I hope the Supreme Court will reconsider Buckley v. Valeo so that we can go further in terms of reform because this bill takes us almost as far as you can get given the constraints of Buckley. And that seems to me to be one of the worst decisions rendered by the Supreme Court in the last 25 years.

We take an important step by voting for campaign finance reform. I hope we will complete the job, either this week or next month, of strengthening our electoral system by passing electoral reform as well.

Chairman DODD has been heroic in his efforts to get the bipartisan bill finalized and back to the Senate floor. I will do everything I can to help him meet that goal. Once we have enacted this legislation and election reform—one that shuts down loopholes in financing of campaigns and the other that modernizes the actual voting mechanisms; one limiting some influence from the top, the other increasing influence at the bottom—we will have brought our democracy into the 21st century and made it stronger and more vital than it has been in years.

The first step, today's step, is to vote for campaign finance reform. I urge my colleagues to join me in doing what we all know is the right thing: to support this bill and to remove soft money from our elections.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I have permission from Senator MCCONNELL to yield myself 10 minutes.

Mr. LEVIN. Mr. President, I ask unanimous consent that following the Senator from Iowa, I be recognized for 10 minutes, as authorized by the Senator from Wisconsin.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise to explain my opposition to this bill but also to point out that I voted for cloture because it is quite obvious that we have reached closure on this bill, and we might as well get to final passage and move on.

I could just as well vote yes and look like a reformer, but looking at it cynically and looking at the history of the 1974 legislation, previous reform attempts have evolved into a money machine for politics. Congress meant to reform the process in 1974, but it has been proven that legally money is going to find its way in to support political speech. I could find a way to rationalize voting yes on this bill to look like a reformer.

Still, down the road there are going to be people who are very astute at finding a way within the law to spend money in the support of political speech. Because the democratic process in the United States is so central to our way of life, there should not be any impediments whatsoever put in the way of getting political ideas adequately explored, particularly during a Presidential election. I am not going to look like a reformer. I am going to vote no on this legislation. And the reason is this: I see people get worked up about the fact that candidates spend large sums of money in their campaigns—I will use myself as an example. Every sixth year my campaign might spend roughly $2.3 million to get reelected. My campaign does. My junior partner from Iowa has generally spent about $6.5 million. But whether it is $2.5 million or $6.5 million, it is all spent to promote ideas. That is what our form of government is all about—the expression of ideas and the implementation of ideas. What is wrong with that? But to do so, I might spend, let's say, $2.3 million, to be reelected.

Now, why do people get all worked up about $2.3 million, when you watch the Super Bowl commercial on Super Bowl Sunday, and one 30-second commercial costs about $2.3 million? Are we ready to say that it is OK on one Sunday afternoon out of a year that it is OK for commercial free speech, for people to spend $2.3 million for a 30-second ad, and it is wrong for a candidate and his supporters for a whole year of an election to spend approximately that amount of money? No.

I think political speech is even more important than commercial free speech, and that we ought to do everything we can to perpetuate more political free speech than we do, instead of trying to curb it.

It is quite obvious that I think we should not pass this legislation. The American people deserve an open system—one that shines in the full light of day on campaign contributions, and that ought to be the ruling force—not the amount of money.

At the same time, we should make it easier for citizens to become engaged in the electoral process. However, the campaign finance bill before us contains fatal flaws. The one I am going to mention has been talked about so much that I almost do not need to repeat it. That is the most egregious problem with this legislation—the provision that limits the free speech of some organizations 60 days before an election. Whether it is an individual or an organization, why curb discussion of any political issue in America? Groups from across the political spectrum would be prohibited from communicating their views if they even refer to a candidate for Federal office. I don't think we should put a damper on any organization speaking at any time in the United States about political ideas, but especially 60 days before an election. Limiting political discourse at election time solves nothing and it curbs the advancement of democracy.

It also goes against the grain of one of our most fundamental rights, the right of freedom of speech. Political speech is what the authors of the Bill of Rights were talking about, although it has been expanded way beyond political speech, to even cover commercial speech.

But I also believe that the complete ban on soft money in this bill goes too far. Political parties raise this money to finance voter registration drives, get out the vote activities, and communications about issues that parties stand for. These are essential functions of a political party. They are also activities that increase voter participation.

Effective limitations on soft money are necessary to reduce real and perceived corruptions in the system, but a complete ban would undermine the role of national political parties. Who is going to fill the void in the process if we tie the hands of the parties? The Democrats have always relied upon labor unions to man phone banks and get people to the polls. That would not change the result of this bill. The Republicans, however, don't have an external organization to fall back on. Republicans rely on the party to build and mobilize their grassroots network. This bill takes the Republicans' organizational ability and cuts it off at the knees, but it leaves the other party untouched. They have legitimate ideas that ought to be explored, but so do we. That is hardly a balanced approach.

A big reason why soft money spending has increased in the first place is the limitations on campaign contributions by individuals. The cap on individual donations has been frozen at the same level since 1974. This made the individual contributions work less and less over the years.

I am pleased that this bill increases the individual contribution limit amount and indexes it for inflation. It is high time we put more emphasis back on individuals by individual citizens instead of corporations or unions.

On the other hand, the new prohibitions on soft money will simply cause an increase in spending on other areas. For instance, spending on issue ads can impact a campaign but is not regulated. Some have advertised the new restrictions as getting the money out of politics, but they don't get the money out of politics—or they don't get rid of the money in politics. They only shift it from one place to another.

In fact, this point is illustrated by an article that appeared in Roll Call, February 21, entitled "House Democrats Make Plans to Circumvent Campaign Reform." This article described a promise that was made, apparently, by the House minority leader to a group of Democratic Members. He assured them that he would help raise money for certain outside groups aligned with the Democrats, despite the new fundraising restrictions that he supported. These groups can then turn around and use this money to run unregulated issue ads to the benefit of Democrat candidates. This example belies the contention that a soft money ban will solve the problem of money in politics.

The best method of combating the influence of money in politics is to require full disclosure of campaign donations. I don't care even if it is to the penny. We can try to regulate ethical behavior by politicians, but the surest way to cleanse the system is to let the Sun shine in. We must allow the voters to hold candidates accountable.

I have been a longtime advocate of comprehensive disclosure requirements. In fact, this bill contains several positive reforms. It increases the number of times candidates have to report contributions to the FEC, and it makes report information more accessible to the public. This bill also increases penalties for campaign finance law violations and provides for tough new sentencing guidelines. These are precisely the sorts of reforms of which we should be doing more. However, some of the purported reforms in this bill simply won't work and may even be counterproductive. I am not the only one to spot the problems in this bill.

Recent editorials in the two largest newspapers in the State of Iowa highlight many of the same concerns I have just outlined.

Many attempts were made in both the House and the Senate to fix the problems with this bill, but to no avail.

If this bill passes in its current form, I believe we will have lost an important opportunity to enact a balanced and sensible package of real reforms to our campaign finance system. Therefore, I must reluctantly vote against the final passage of this bill.

Mr. President, I ask unanimous consent to print several editorials and an article in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Cedar Rapids (IA) Gazette, Feb. 22, 2002]

NOT MUCH "REFORM" IN CAMPAIGN FINANCE BILL

How much reform will actually emerge from campaign finance legislation now being fine-tuned in Washington?

One has to wonder, given comments by Rep. Jim Nussle, R–2nd District, to the Gazette editorial board Monday. On the morning of its final vote, Nussle observed, he felt "Shays-Meehan no longer looked like Shays-Meehan."

One provision "that was snuck in, in the middle of the night" said the reforms don't apply to the 2002 election. "If it's so bad, and so corrupting and so illegal and so rotten, then let's get rid of it," Nussle said. But that stayed in, so that makes me suspicious.

"The other thing that makes me suspicious is that you can borrow against soft money. You can borrow hard money with your soft money, and after the election, pay off your debt of hard money, with soft money. That was another exception." Soft money refers to unlimited and unregulated donations to national political parties. hard money, which falls under federal regulation, involves contributions by individuals to candidates or a party committee. "Now all these parties are going to be borrowing money," Nussle said.

That didn't get much attention, Nussle continued, "because Shays-Meehan has now become a slogan. You either vote for Shays-Meehan or you're against campaign finance reform."

The final version of Shays-Meehan allows either party to build or buy a building, "even though only one party is going to do this," Nussle continued: "You can't do that now. You can't do any of those activities now, but they're all made exceptions as part of this bill."

Nussle believes in full disclosure. That's the Gazette's long-held view. (He also said he doesn't use, raise or need "soft money.")

Nussle claims to be one of only 13 in Congress who fully disclose contributions, "following the letter of the law."

"I've always thought that maybe it should be the 13 of us who write the bill and not the other 400–500 and whatever that would be, because, quite honestly, unless you're willing to follow the law, you don't have much standing to complain about the law." Good point.

Reform? Change? No way. This legislation is only so much post-Enron chest-thumping—an attempt to appear to be doing something. Money, meanwhile, will just find new routes to intended targets. Had Congress enacted real measures to better assure that voters know who's contributing to who, at least then you'd have a basis on which to judge candidates.

[From the Des Moines Register]

CAMPAIGN "REFORM" WON'T WORK

While members of the U.S. House of Representatives engaged in what Speaker Dennis Hastert called political "Armageddon" over campaign finance last week, most Americans were riveted by a scandal unfolding at the Winter Olympics.

It's worth considering how the two events are alike, and how they are different. While both politics and sports would be ruled by merit, not money, the question is who makes the decisions.

What drew extra attention to the Olympics was the allegation of misconduct in the judging of the figure-skating competition. But putting aside the issue of possible corruption, the question is whether medals should be awarded by a panel of judges or by applause meters. Obviously, experts should make the call.

In the case of American-style democracy, however, the applause meter is supposed to rule, but a lot of people believe the meter is broken by the corrupting influence of campaign money. Legislation designed to fix it was passed by the House in the small hours of the morning Thursday.

But it no cure, and could make matters worse.

The Shays-Meehan campaign finance "reform" is advertised as preventing "special interests' from buying influence in Congress. It would, among other things, ban "soft money" given to national political parties to evade the limits on contributions to individual candidates.

Like previous efforts to "reform" campaign financing, this one would simply channel the money into a different pocket. Just as the post-Watergate cap on individual contributions led to political-action committees and soft money. Those with the will and the wallet to influence the political process will find a way around this legislation, too, if it becomes law.

Meanwhile, the bill adds to the already burdensome regulatory bureaucracy that terrorizes the poor candidate who does not have an army of lawyers and accountants to figure out the rules. For incumbents with big treasuries, however, there is much to like in this bill: It doubles the amount an individual may give to a candidate for federal office, and it would prohibit "special interest" groups from putting "attack ads" on TV within two months of election day.

Besides raising obvious constitutional questions, this bill is wrong in principal. If people desire to spend their own money on a political candidate or a cause, they have that right under the First Amendment. "Special interest" include ordinary people in groups, whether it's the National Rifle Association or the National Abortion Rights Action League.

The law stops short of banning independently wealthy individuals from using their own money to get themselves elected. Why shouldn't someone with the same resources be able to put his or her money on someone else?

It is naive to believe it possible to legislate good behavior by politicians. Instead, let the democratic applause meter do its work: Give citizens quick and easy access to campaign-finance reports, and if they don't like what they see, they can boo the rascals off the ice.

[From Roll Call, Feb. 21, 2002]

HOUSE DEMS MAKE PLANS TO CIRCUMVENT CAMPAIGN REFORM

(By Alexander Bolton)

As comprehensive campaign finance reform nears its expected enactment, House Democratic lawmakers have already adopted strategies for redirecting the flow of large contributions to outside groups aligned with their party, a move they hope will help them regain control of the Chamber.

House Minority Leader Dick Gephardt (D–Mo.) has assured African-American members of his caucus that he will raise money for groups such as the National Association for the Advancement of Colored People (NAACP) and the Southwest Voter Project to pay for their voter registration and get-out-the-vote operations.

Reform legislation sponsored by Reps. Chris Shays (R–Conn.) and Marty Meehan (D–Mass.) that passed the House last week bans soft money but allows federal lawmakers to raise funds in $20,000 increments for outside organizations as long as those groups are "nonpartisan." The loose restrictions would allow party leaders to direct hundreds of thousands of dollars for such groups.

Though the NAACP is officially nonpartisan, many Republicans believe it is closely allied with the Democratic Party. One GOP operative said Gephardt's plans are a cynical attempt to exploit legal loop-holes for political gain.

"It's disgusting they're crying for reform when they're already cutting deals with tax-exempt organizations like the NAACP that were playing politics in the 2000 election," said Matt Keelan, a prominent Republican fundraiser who has approximately 20 clients in the House.

Keelan and many other Republicans are still steamed over an NAACP-funded ad from the 2000 campaign that reminded black voters of the racially motivated murder of James Byrd Jr. They feel it was an implicit attack on then-Gov. George Bush's commitment to civil liberties, and one of the reasons Bush garnered few votes from the black community.

Other Democrats say they will also raise funds for outside groups to turn out the party's base on Election Day.

"I would formulate voter education and registration projects that would be funded by people like myself," said Rep. Alcee Hastings (D–Fla.). "We can go to all the people that we know. There's no limit on nonprofit organizations."

"The Democratic Party has to do that as well," Hastings added.

Gephardt pledged to raise the funds for outside groups last week during a private meeting with Reps. Jim Clyburn (D–S.C.), Bennie Thompson (D–Miss.), Lacy Clay (D–Mo.), Earl Hilliard (D–Ala.) and Carolyn Cheeks Kilpatrick (D–Mich.), who were wavering in the support for the Shays-Meehan legislation.

A representative from the NAACP also attended the meeting.

Republicans say the ability of outside groups to continue campaign activities on behalf of the parties is one of the reasons Shays-Meehan is unfair.

"The bill still does not create a level playing field," said Rich Bond, former chairman of the Republican Party. "An inherent advantage has been given to outside groups that are predominantly Democratic."

Clyburn, a onetime opponent who voted for the bill, said he switched his position because of Gephardt's assurances. Clay and Kilpatrick also voted for the bill.

However, some lawmakers were not convinced that outside groups could replace the party's grassroots activities, activities that will be curtailed by a soft-money ban.

"I've been involved in too many elections in my lifetime to leave questions unanswered to the point where I have to just take people at their word," said Thompson, referring to Gephardt's promise. "The opportunity for [minority] participation and the opportunity for [minorities to participate in] elections in the South has been hard fought for."

"I was not satisfied enough with what was on the table at the time to change my vote," he added. "There were not enough specifics to give me comfort."

Thompson's spokesman, Lanier Avant, said that state parties do not have the resources to mobilize voters.

"We have no confidence in the state parties to fund those efforts," Lanier said. "We need the national soft dollars."

"We'll see if [Gephardt] comes through on his word to redirect his money to the NAACP," he added.

Rep. Harold Ford Jr. (D–Tenn.), a supporter of Shays-Meehan and member of the Congressional Black Caucus, said that anxiety over minority voter turnout was unfounded.

"I believed all along those activities would not be harmed or undermined," said Ford.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, our Federal election finance laws are totally broken and a sizeable majority of the Members of Congress know the time has come to fix them. Enough is enough. We have had enough of the soft money loophole—with its contributions of unlimited dollars that fuel campaigns despite laws which are intended to strictly limit contributions to candidates. We have had enough of the candidate ads disguised as issue ads and paid for with money outside the statutory limits. And, we have had enough of the solicitations by our elected officials and the officers of our national political parties, soliciting huge sums of money by offering insider access to government decisionmakers.

In the 1970s, we passed laws to limit the role of money in Federal elections. Our intent was to protect our democratic form of Government from the corrosive influence of unlimited political contributions and the appearance of corruption which can be created when large sums of money are solicited by and for officeholders and candidates.

We wanted to ensure that our Federal elected officials are neither in reality not in perception beholden to special interests who are able to contribute large sums of money to candidates and their campaigns. Our election laws were designed to protect the public's confidence in our democratically elected officials.

For many years those laws worked fairly well. The limits they set seemed clear. Individuals weren't allowed to give more than $1,000 to a candidate per election or $5,000 to a political action committee, or more than $20,000 a year to a national party committee or $25,000 total in any one year. Corporations and unions were prohibited from contributing to campaigns, except through regulated and limited political action committees.

That is the law on the books today.

Yet over the past few years, we have see almost geometric growth of contributions of hundreds of thousands of dollars, even millions of dollars, from individuals, corporations, and unions, and even contributions from foreign sources. How is that possible, we ask.

Our pretty good law—setting limits on the size and source of contributions—had gaping holes punched in it, the largest of which is the soft money loophole. That is the loophole that allows parties to raise unlimited amounts of money from individuals as well as corporations and unions so long as they use the money for activities that don't expressly, explicitly advocate the election or defeat of a candidate. That's why you have a $1.3 million contribution to the Republican National Committee from just one company or a $450,000 contribution from one couple to the Democratic National Committee.

Yet, the Supreme Court in Buckley was clearly aware of the likelihood of persons trying to evade the limits by giving huge sums to the parties to help candidates. This is apparent in the Court's discussion in upholding the $25,000 overall limit under current law. In describing the legitimacy for the overall $25,000 limit, the Court called it "a modest restraint," serving to "prevent evasion of the $1,000 contribution limitation by a person who might otherwise contribute massive amounts of money to a particular candidate through the use of unearmarked contributions to political committees likely to contribute to that candidate or huge contributions to the candidate's political party." Those words precisely described a potential evasion of the intended limits on contributions to candidates by giving to parties. The Court explicitly said it was constitutional to stop it. But that evasion of our intent is exactly what is happening today with the soft money loophole, and that is exactly what this bill will stop.

So the Supreme Court saw clearly the possibility of efforts to get around the $1,000 contribution limit per election, and it ruled in Buckley that Congress had properly sought to prevent that by imposing the $25,000 overall cap on contributions from any individual in any calendar year. What the Court did not see, and what we did not see at the time, was the end run around contribution limits by using the soft money loophole.

The Federal Election Committee's recent figures show the tremendous growth in soft money fundraising. It reports that during the year 2001—a nonelection year—Democratic national party committees reported $69 million in soft money contributions or 26 percent more than in 1999; Republican national party committees reported $100 million in soft money contributions or 68 percent more than in 1999. The FEC states that soft money contributions have more than doubled for both national parties since 1997. The loophole has destroyed the law. There are no effective limits.

How do the parties attract large soft money contributions? Often they offer access—access to decisionmakers in return for tens or hundreds of thousands of dollars. The parties advertise the sale of access for huge sums. It's blatant. Both parties do it—openly.

Large contributors to the DNC got to attend one of dozens of coffees with the President in the White House. Large contributors to the Republican Party were entitled to have breakfast with the Republican congressional leadership and lunch with the Republican Senate and House committee chairman of the contributor's choice. There are dozens and dozens of examples like this. The record is chock full of them, and should anyone want specific examples, I refer them to the six volume report in 1997 by the Governmental Affairs Committee on the state of our campaign finance system. That investigation collected ample evidence of soft money contribution of hundreds of thousands even millions of dollars destroying the contribution limits in federal law and creating the appearance of corruption in the public's eye.

Look at one case that surfaced in our 1997 hearings—the case of Roger Tamraz, a large contributor to both parties, who became the bipartisan symbol for what is wrong with the current system. Roger Tamraz served as a Republican Eagle in the 1980s during Republican administration and a Democratic trustee in the 1990s during the Democratic administration. Tamraz was unabashed in admitting his political contributions were made for the purpose of obtaining access to people in power. Tamraz showed us in stark terms the all too common product of the current campaign finance system—using unlimited soft money contributions to buy access. And despite the condemnation of Tamraz's activities, when asked at the hearing to reflect on his $300,000 contribution to obtain access, Tamraz said, "I think next time, I'll give $600,000."

Do these large money contributions create an appearance of improper influence by big contributors? In Buckley v. Valeo, the Supreme Court answered for the American people—it found an appearance of corruption created from the size of the contribution alone without even looking at the sale of access. The Court in that case upheld contribution limits as a reasonable and constitutional approach to deterring actual and apparent corruption of federal elections in the Buckley case. Here is what the Court said: .

> It is unnecessary to look beyond the Act's primary purpose—to limit the actuality and appearance of corruption resulting from large individual financial contributions—in order to find a constitutionally sufficient justification for the $1,000 contribution limitation. Under a system of private financing of elections, a candidate lacking immense personal or family wealth must depend on financial contributions from others to provide the resources necessary to conduct a successful campaign. To the extent that large contributions are given to secure political quid pro guos from current and potential office holders, the integrity of our system of representative democracy is undermined. Of almost equal concern is . . . the impact of the appearance of corruption stemming from public awareness of the opportunities for abuse inherent in a regime of large individual financial contributions. Congress could legitimately conclude that the avoidance of the appearance of improper influence "is also critical . . . if confidence in the system of representative government is not to be eroded to a disastrous extent."

The Court went on to say:

> And while disclosure requirements serve the many salutary purposes discussed elsewhere in this opinion, Congress was surely entitled to conclude that disclosure was only a partial measure and that contribution ceilings were a necessary legislative concomitant to deal with the reality or appearance of corruption inherent in a system permitting unlimited financial contributions, even when the identities of the contributors and the amounts of their contributions are fully disclosed.

The Buckley Court repeatedly endorses the concept that contributions without limits, alone, are enough to create the appearance of corruption and to justify the imposition of limits.

For instance, the Buckley Court said:

> Not only is it difficult to isolate suspect contributions but, more importantly, Congress was justified in concluding that the interest in safeguarding against the appearance of impropriety requires that the opportunity for abuse inherent in the process of raising large monetary contributions be eliminated.

Selling access in exchange for contributions would only take the Court's concerns and justification for limits a step further.

What do these unlimited soft money contributions allow the parties to do? They allow them to pay for ads which they claim are ads about issues, but in reality, they're ads clearly intended to help elect or defeat candidates.

In Buckley, the Supreme Court held that we could put limits on electioneering-type communications under specified circumstances. The Court said that Congress could limit contributions for those communications that "in express terms advocate for the election or defeat of a clearly identified candidate for federal office." In one of the most famous footnotes of a Supreme Court case, the Court tried to describe what it meant by its finding, citing what has come to be known as the seven magic words and phrases: "communications containing . . . words . . . such as: 'vote for,' 'elect,' 'cast your ballot for,' 'Smith for Congress,' 'Vote against,' 'defeat,' 'reject.'" So long as these types of words are not used in a communication, a television ad for instance, the Court held, the communication would not be subject to contribution limits.

Over time, the parties have developed ads which avoid these types of words but which by anyone's estimation are promoting the election or defeat of a candidate.

Listen to this ad from the Republican National Committee on behalf of then Presidential candidate Bob Dole.

> Mr. Dole. We have a moral obligation to give our children an America with the opportunity and values of the nation we grew up in.
>
> Voice Over. Bob Dole grew up in Russell, Kansas. From his parents he learned the value of hard work, honesty and responsibility. So when his country called, he answered. He was seriously wounded in combat. Paralyzed, he underwent nine operations.
>
> Mr. Dole. I went around looking for a miracle that would make me whole again.
>
> Voice Over. The doctors said he'd never walk again. But after 39 months, he proved them wrong.
>
> A Man Named Ed. He persevered, he never gave up. He fought his way back from total paralysis.
>
> Voice Over. Like many Americans, his life experience and values serve as a strong moral compass. The principle of work to replace welfare. The principle of accountability to strengthen our criminal justice system. The principle of discipline to end wasteful Washington spending.
>
> Mr. Dole. It all comes down to values. What you believe in. What you sacrifice for. And what you stand for.

That ad was called an "issue ad" and paid for with the unlimited contributions of soft money to the Republican National Committee. That is viewed as permissible under current law because that ad does not explicitly ask the viewer to vote for or support Bob Dole. It just spends its whole time extolling him before election day. If it added words at the end that say what the ad is all about, "Vote for Bob Dole," it would be treated as a candidate ad, not an issue ad, and would be subject to the hard money limits; that is, it could only be paid for with contributions subject to limits. Any reasonable person who hears that ad knows it is an ad supporting the candidacy of Bob Dole. It is not an ad about welfare or wasteful government spending. It should have to be paid for with regulated or hard money contributions. But that is not the case today. It will be the case when we pass McCain-Feingold.

The Democrats avail themselves of the same loophole. In the 1996 Presidential campaign the Democratic National Committee ran ads on welfare and crime and the budget which were basically designed to support President Clinton's reelection. At our hearings on the campaign finance system, Harold Ickes was asked about these DNC ads and the extent to which the people looking at the ads would walk away with the message to vote for President Clinton. "I would certainly hope so," he said. "If not, we ought to fire the ad agencies."

To get around the reasonable limits of the 1974 law, parties and candidates seized on the Buckley Court's seven magic words by arguing if any election activity was not expressly for the election or defeat of a candidate—that is it did not include those seven magic words—then it was outside the scope of the law's limits. In a terrible irony then, the Buckley case unwittingly contained the seed—the seven magic words test—for undermining the law.

The McCain-Feingold bill will address the subterfuge of sham issue ads, and does so in a clear, direct manner that will not subject it to concerns of vagueness, which need to be foremost in our minds when addressing matters of free speech. The bill would require any radio or television ad that refers to a clearly identified candidate that is broadcast within 60 days of a general election or within 30 days of a primary election to be treated as an ad seeking to influence the outcome of an election and therefore paid for with funds subject to contribution and disclosure limits. The bill would require any national party running such an ad to pay for that ad with hard money. Any nonparty group running such an ad that costs $10,000 or more a year would have to identify itself as the sponsor of the ad, disclose the cost of the communication and disclose the names and addresses of its donors of $1,000 or more.

The bill does not prohibit such ads from being aired by nonparty groups with unregulated money; it only requires disclosure of the sponsoring group's major contributions if the group spends over $10,000 on such ads. This is a very reasonable and modest limitation on political advocacy. It is very clear in order to withstand charges of ambiguity. And it addresses the reality. Any reasonable person knows when seeing these sham issue ads that they are really about electing or defeating the candidates named in them.

The research by the Brennan Center confirms that for us.

First, the Brennan Center found that of the 57,863 ads aired by non-party groups in the final 60 days of the 2000 election where a candidate was mentioned, only 331—or less than 1 percent—were genuine issue ads "primarily aimed at providing information on a policy matter." That means that 99 percent of the group-sponsored ads were in fact ads to promote or defeat the election of a candidate.

Second, the Brennan Center study found that of the ads actually run by candidates and paid for with hard money specifically on behalf of their election or defeat, only 9 percent used the seven magic words and phrases identified by the Supreme Court. That is compelling evidence that the magic words identified by the Supreme Court are not a complete test of what constitutes electioneering ads. More is at work here than just the seven magic words identified by the Supreme Court.

Some argue that if we only close the soft money loophole to political parties, the money we cut off to the parties will be redirected to special interest groups. I believe it will not happen that way because candidates and public officials running for reelection and their agents will not be allowed to solicit it, the parties will not be allowed to raise it, and the contributors will not be able to buy access to us with it. This bill would prohibit a candidate or office holder from soliciting soft money for private organizations running issue ads. Will contributors of these large sums want to buy access to the Sierra Club or the National Rifle Association? Dubious. Will they be able to buy access to us through these unlimited contributions to third parties? No. If that were to occur, then it would be in direct violation of the law. Under this soft money ban, public officials and candidates will be out of the soft money fundraising business, and that's a very important step we will be taking with this legislation. The official with power, and the candidate seeking to be in a position of power, won't be able to solicit huge sums of money and sell access to themselves for their campaign or for outside groups.

We have been here before—trying to pass campaign finance reform, trying to stop the explosion of soft money. Three years ago I asked this body the question: "Will it be different this time?" It was not. But this time the answer is it will. We are going to pass this legislation, send it to the President, and respond to the vast majority of the American people who want it.

In doing so, we are hopefully going to change politics in America. No one really knows which party in the end is going to be advantaged or disadvantaged by the changes we are making to the law today. But we know for certain that the body politic itself will be dramatically benefitted. That is because we will be taking the solicitation of big money by people in power and people seeking power out of American politics and with it will go the appearances of favoritism and corruption.

The political landscape will change when this bill takes effect. It will be filled with more people and less influence; more contributors and smaller contributions; more democracy and less elitism. This is a good decision by Congress for the country, and we have those persistent and hardy souls like Senator McCAIN, Senator FEINGOLD, Congressman MEEHAN, and Congressman SHAYS to thank, as well as inspiring citizens like Granny D who walked across the country to make her case, and the members of the coalitions in each of our States, like the Michigan Campaign Finance Network.

It is not often that we get the opportunity to legislate in a way that will so dramatically affect the core of how we operate. This is that time, and I am privileged to have worked for this bill's passage and to vote to send it to the President of the United States for enactment.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. Mr. President, will the Senator yield to me for just a brief time? I do not want to encroach on Senator McCONNELL's right to speak at this time, but will the Senator yield me 2 minutes?

Mr. LEVIN. Mr. President, I am sure Senator FEINGOLD would be happy to yield a couple of minutes if he were present. So on his behalf, I yield 3 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased Congress is making this effort to reform the campaign finance laws. When the last election resulted in a Senate that was evenly divided between Republicans and Democrats, it occurred to me there could not be a better time for the Senate to take up this legislation and try to write a bill that improved our Federal election finance laws. It is a subject with which we are all very familiar. It makes it very difficult, therefore, for the Senate to work on an issue such as this.

We are all biased in one way or the other because of experiences we have had, but my experience was, as a candidate for Congress in the early 1970s, at a time when we had passed the first major reform of Federal election laws, that the 1972 elections were the first real test of the reforms. Some of the law had been ruled unconstitutional, but virtually every candidate had to report, for the first time, where he was getting the money he was spending in his election and how he was spending it. These reports had to be made to the Federal Election Commission. A copy had to be filed with the secretary of state in the State where one was a candidate.

As to disclosure, people had a right to know where the money was coming from to support candidates, and how they were spending it, who they were giving the money to, if they were giving money to people, or if they were buying ads. Whatever was being done with the money, it had to be reported.

What has happened over time is others have become so involved in the process—organizations, parties, other individuals, buying ads, getting involved, spending money, raising money, to influence the outcome of elections—the people have lost their right to know. It has been taken away from them by the way the law has worked in practice.

So this is an effort to address that in a meaningful way, to require disclosure by groups that are buying ads to influence the outcome of elections, how they are raising their money, who is behind this.

When one watches a TV ad, they do not know who bought it. If a candidate buys it, the people know. If a candidate for office buys an ad in the paper, there has to be a disclaimer showing who bought it. Everybody in the country now is involved, but nobody knows who these folks are because they use names such as the Good Government Committee.

The whole point is, there is a lot that needs to be changed. This bill is an important first step in making some changes that are long overdue. I am glad I was able to support the cloture motion to bring the debate to a halt. We have had an opportunity to fully discuss it in the Senate. The House has taken its time for discussion. It has been a tough battle, but we have produced a bill now and it is time to pass it and send it to the President.

The Court is going to have an opportunity to review it. If there are unconstitutional provisions, those will be struck down, and there may be some in this bill. It is not a perfect bill, but it is time to pass the bill because it accomplishes some actions that are long overdue and that will help the election process.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the time remaining between now and 2 p.m. be divided between Senators CANTWELL and JEFFORDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Ms. CANTWELL. Mr. President, I campaigned on the issue of transforming our election process and said repeatedly I would make it a top priority in the Senate. It was a tremendous experience last year to participate in the debate on this legislation and assist Senators McCAIN and FEINGOLD with the passage of this legislation from the Senate the first time. It took an extra year to get this bill through the House and send it to the President, but my wait has been nothing like that of the wait of the Senators from Arizona and Wisconsin who have endured repeated efforts through the years. I want to give them my heartiest congratulations for an extraordinary accomplishment that is truly in the public's interest.

Campaign finance is at the heart of every issue we deal with in Congress. From energy, to health care, to gun control, to bankruptcy, political interest groups that use money to make their agenda heard all too often are larger than the public's interest in framing the debate. This legislation will move the debate closer to the public.

This bill is about slowing the ad war. It is about calling sham issue ads what they really are. It is about slowing political advertising and making sure the flow of negative ads by outside interest groups does not continue to permeate the airwaves. Ninety-eight million dollars worth of these ads ran in the 2000 election by narrowly focused special interest groups based out of Washington, DC. This legislation will change that and again focus these debates more on the public agenda. This bill also stops the unlimited flow of corporate contributions, or soft money, that contributed to the volume of ad wars in the 2000 election.

This bill forces all of us—candidates, parties, and groups that seek to influence the outcome of elections—to play by the same rules and raise and spend money in lower amounts.

This is a banner day for Congress. This bill is a huge step forward in the right direction. There is much more work that needs to be done in reforming our political system. I am glad this day has finally come, and I urge my colleagues to support this very important legislation that has endured because of the hard work of two Senators.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today with a sense of pride that the

Congress will soon pass comprehensive campaign finance reform. It has been a long time in coming, and the perseverance of Senators McCain and Feingold should be recognized as the reason we are here today. I would especially like to thank my colleague, Senator Snowe, for all her hard work and leadership in developing the language in this bill, the so-called Snowe-Jeffords provisions, which is a full and fair solution to the proliferation of electioneering communications.

The last time Congress passed comprehensive campaign finance reform I was running for the House of Representatives for the first time. That campaign was waged between me and my opponent door-to-door, meeting the voters, standing on the street corner talking to the voters, or debating the issues at public forums. Our constituents knew who we were, what we stood for, and who was saying what about whom.

Fast forward 28 years and today a campaign is waged on television and radio, many times by people and groups who the voters do not know. The Americana people deserve better from their candidates and campaigns. This bill, soon to be law, will make many needed changes to our campaign finance system and reconnect the electorate with their candidates for federal office.

I am especially proud of the provisions in this legislation that reform the law concerning broadcast advertisements near an election that escape even minimal disclosure by not using the "magic words." These electioneering communications are cleverly and clearly seen by the electorate to be trying to influence their vote, but the true nature of the sponsors and funding for these advertisements remain cloaked in the veil of secrecy. The American public deserves to know who is trying to influence their vote, and the Snowe-Jeffords provisions will provide them this necessary information.

We will hear from some speakers during this debate that they are absolutely certain these provisions are unconstitutional and will be struck down by the court. I wish I could guarantee to my colleagues that these provisions will be found to be constitutional by the Supreme Court, but I am not so foolhardy as to predict the outcome of any case before the Supreme Court. I can, however, assure my colleagues that we have examined the important court decisions, talked to legal scholars, and reviewed the research on the topic to craft a provision that we believe will withstand constitutional scrutiny by the Supreme Court.

A recently released study on the 2000 elections by the Brennan Center For Justice clearly demonstrates the need for the Snowe-Jeffords provisions, and the care we took in crafting these clear and narrow requirements. In the 2000 elections approximately $629 million was spent on television advertising for federal elections. This represents an all-time high. Even looking at the amount spent just on Congressional races, the $422 million spent in 2000 overwhelms the $177 million spent just 2 years earlier. That gives you an idea of what is occurring.

The "magic words" standard created by the Supreme Court in 1976 has been made useless by the political realities of modern political advertising. Even in candidate advertisements, what many would say are clearly advertisements made to convince a voter to support a particular candidate, only 10 percent of the advertisements used the "magic words." Parties' and groups' use of the magic words is even smaller, with as few as 2 percent of their ads using the magic words. By not using these "magic words," these advertisements escape even the most basic disclosure and keep the public in the dark about who is trying to influence their vote.

One of the most important findings of this comprehensive study of television advertising during the 2000 elections is that the Snowe-Jeffords provisions are exceptionally well crafted and not too broad. Of the 50,950 group issue advertisements featuring federal candidates aired during the relevant time period, only 331 were about a genuine issue or bill pending before Congress. Stated another way, the Snowe-Jeffords provision correctly identify 99.4 percent of the advertisements as electioneering in nature and subject to the restrictions of the provision. I do not know how the opponents of this provision can say, faced with this empirical data, that our provision is too broad in nature.

It is important that the public know the background and facts behind the Snowe-Jeffords provisions. Material on this provision can be found at www.senate.gov/~jeffords/03202002cfr.html.

I ask unanimous consent that some additional material concerning the Snowe-Jeffords provision be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Campaign Finance Reform—Fact & Fiction

(Based on findings from Buying Time 2000: Television Advertising in the 2000 Federal Elections)

1. Fiction: Shays-Meehan would cut out genuine issue speech.

Facts:

Of all the group ads that would have been captured had the Shays-Meehan 60-day test been in effect in the 2000 general election, exactly three unique ads, accounting for a tiny 0.6% of all spots, were perceived as genuine issue advocacy.

In 1998, the comparable statistic was two unique ads.

Only 3% of all group ads perceived to be genuine issue ads mention a candidate.

Beyond that, the Shays-Meehan test closely tracks the actual prevalence of electioneering ads: 79% of electioneering ads by groups are captured by the 60-day test.

2. Fiction: The "magic words" test adequately distinguishes election-related speech from issue advocacy.

Facts:

Candidates, themselves, who are indisputably engaged in electioneering, used magic words only 10% of the tie in 2000 (4% in 1998).

97% of ads perceived to be electioneering did not use magic words, in both 1998 and 2000.

All political party ads were perceived to be electioneering, even though political parties use magic words only 2.3% of the time. (In 1998, 95% were electioneering, but only 1.2% used magic words.)

The magic words test is not nearly the bright line adherents believe it to be: Numerous ads in 2000 were hard to classify as express advocacy or not.

3. Fiction: Genuine issue advocacy peaks closer to an election, becasue that is when voters are most attuned to the issues.

Facts:

The number of genuine issue ads actually declines close to the election, but electioneering spikes: about half (51%) all genuine issue ads occur in the four-month period between April and July, while only 19% occur in the two months before an election.

The percentage of group-sponsored political ads that mention candidates increases from 12% during the first half of the calendar year, to 50% in July and August, to 61% in September, to 69% during the rest of the election cycle. (The comparable statistics in 1998 were 34% in the first half of the year, 62% in July and August, 82% in September, and 95% during the rest of the cycle.)

4. Fiction: Soft money is needed for party-building and voter-mobilization activities.

Facts:

Only 8.5 cents of every soft money dollar is spent on activities that might even remotely be considered voter mobilization, while 38 cents on the dollar is spent on media and issue advocacy.

100% of all political party ads are perceived as electioneering (93% in 1998).

92% of all political party ads never so much as mention the name of the political party (85% in 1998).

The political parties are spending so much money on TV ads, all depicting candidates, that they actually outspent the candidates themselves in the 2000 presidential election—$81 million to $71 million.

Party spending on House races ($43 million) was targeted only to competitive races—a mere 48 races in all. A third of all that spending ($14 million) was reserved for six House races.

5. Fiction: Soft money is used to enhance the prospects of candidates of color.

Facts:

Less than 7% of spending by parties on advertising in connection with House races went to races involving candidates of color.

Of the 42 races in which the Democratic Party aired television ads, just three involved candidates of color. None of those three were among the top recipients of party advertising.

6. Fiction: Shays-Meehan will unfairly trap unwary bit players, like unsophisticated individuals and small grassroots groups.

Facts:

At least 98.5% of the political advertising in 2000 was sponsored by political parties, corporations, unions, and major national organizations.

EXECUTIVE SUMMARY OF BUYING TIME 2000: TELEVISION ADVERTISING IN THE 2000 FEDERAL ELECTIONS

SUMMARY OF KEY FINDINGS

1. Approximately $629 million was spent on television advertising by all candidates, parties, and groups in the 2000 federal elections. This figure represents an all-time record spent on political advertising. Even when looking at just congressional races, the $422 million spent in 2000 far exceeds the $177 million spent on political television ads in the 1998 congressional elections.

2. The magic words standard that some use to distinguish express advocacy from issue advocacy has no relation to the reality of political advertising. None of the players in political advertising—candidates, parties, or groups—employ magic words such as "vote for," "vote against," "elect," or anything comparable with much frequency in their ads. Only 10% of candidates ads ever used magic words, and as few as 2% of party and groups ads used magic words.

3. Special interest groups increased their expenditures of political advertisements nine-fold since 1998, breaking all previous records. Conservatively estimated, special interest groups spent about $98 million on political television ads in 2000—more than 58% of that spending went for electioneering issue ads.

4. Parties made record-breaking use of issue advocacy in the 2000 elections. In addition to spending more on television advertising relative to the presidential general election than the candidates themselves, political parties primarily aired issue ads rather than ads using magic words in order to sidestep federal campaign finance laws limiting the amounts and sources of contributions.

5. All of the so-called party issue ads, bar none, were electioneering in nature. None of these party ads qualified as genuine issue ads. The proportion of party ads that were positive in tone dropped since 1998, from 28% to 24%.

6. Genuine issue advocacy by groups is overwhelmed in the final 60 days of an election and is replaced by electioneering issue ads. Approximately 86% of group-sponsored issue ads aired within 60 days of the 2000 general election were electioneering issue ads rather than genuine issue ads.

7. A legislative proposal (the Snowe-Jeffords Amendment) to establish a test for express advocacy based on whether an ad identifies a candidate within 60 days of the general election would be a substantial improvement over the magic words test. If the Snowe-Jeffords 60-day bright-line test had been in place in 2000, only a fraction (less than 1%) of ads subject to financial disclosure would have been genuine issue ads.

Preserving the integrity of the American campaign finance system requires constant vigilance. Each election cycle brings new innovations in campaign finance evasion as parties, candidates and groups strive to bend the system to their benefit. At times the existing rules and regulations seem more like fiction than fact, and new reforms at the federal level seem doomed before they are even proposed. However, public opinion has started to catch up with those who have for years taken advantage of the system in the pursuit of electoral success. Regardless of refined legal or policy distinctions in types of advertisements, the public is keenly aware that most political ads are indeed electioneering ads and that the political players are sidestepping federal campaign finance laws. The legal community has begun to catch up, recognizing the futility of the magic words test and taking steps to draft a more sophisticated standard for regulating electioneering. Political scientists, too, have drafted new laws and have responded to the dearth of information about the nature and scope of electioneering issue ads by conducting studies to shed light on this once-secretive tool.

Combining the insights from these three communities adds to the likelihood that public policy will emerge that is grounded in common sense, legal expertise, and scholarship. The shared effort of citizens, lawyers, and political scientists working hand-in-hand with legislators creates room for optimism about a system few deny is in dire need of repair.

Mr. JEFFORDS. I yield the floor.

The PRESIDING OFFICER (Mrs. CARNAHAN). Under the previous order, the Senator from Kentucky is recognized.

Mr. McCONNELL. How much time do I have?

The PRESIDING OFFICER. Seventy-nine and a half minutes.

Mr. McCONNELL. Madam President, I yield myself whatever time I may consume within that time period.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I begin by citing the ultimate campaign reform: The first amendment to our Constitution. It says Congress shall make no law—no law—abridging freedom of speech or of the press. I refer to freedom of the press because it is the robust exercise of that freedom which has brought us today to assault the freedom of speech. Over the past 5 years, the New York Times and the Washington Post have joined forces to publish an editorial an average of every 5½ days on campaign finance reform.

To buy that editorial space in the New York Times or the Washington Post, it would cost $36,000 and $8,000, respectively, for each editorial. Multiply that amount by the number of editorials of each paper, and it equals a total value of $8 million in unregulated soft money advertising that frequently mentions Federal candidates. Of course, that type of corporate, big media, soft money expenditure will not be regulated in this new law.

Why is the press, the institution that has unlimited free speech, so interested in restricting the speech of everyone else? Let's take a closer look. The unconstitutional issue ad restrictions in this bill purport to limit advertising within proximity to an election. However, it does not, interestingly enough, apply to newspaper ads. So the already powerful corporations that control the news—and, in many instances, the public policy—in America will get more power and more money under this new law. One has to wonder why that blatant conflict of interest has not been more thoroughly discussed in a debate about the appearance of such conflicts.

Outside groups such as Common Cause have devoted many years and millions of dollars to lobbying this issue in the House and in the Senate. Why not? Their fundraising will explode if this bill passes. They no longer have to compete with party committees for soft dollars. Shays-Meehan permits every Member of the House and the Senate to raise soft money for these outside groups.

The bill we are about to pass allows Members of the House and Senate to raise soft money for these outside groups. I am told this unlimited, undisclosed, unregulated soft dollar fundraising has, in fact, already begun.

Although the facts about the provisions of this bill are almost always misrepresented, the driving mantra behind the entire movement is that we are all corrupt or that we appear to be corrupt.

We have explored corruption and the appearance of corporation before in this Chamber. You cannot have corruption unless someone is corrupt. At no time has any Member of either body offered evidence of even the slightest hint of corruption by any Member of either body. As for the appearance of corruption, our friends in the media who are part and parcel of the reform industry continue to make broad and baseless accusations.

It has been reported that the reform industry spent $73 million from 1997 to 1999 on this issue. Of course, that was all soft money. These are all soft dollar expenditures used to fuel negative perceptions of Federal officeholders and candidates. Scandal, or perceived scandal, sells papers and gets viewers. In the nonstop competition to be the next Woodward and Bernstein, the reform industry relentlessly works to raise questions in our minds.

In short, I believe the appearance of corruption is whatever the New York Times says it is. Add to that, cash-strapped, scandal-hungry newspapers and unlimited foundation donations to the reform industry, and you are in full-scale corruption mode. The actual facts are rarely relevant.

I request that these two articles documenting the hypocritical actions of the reform industry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the National Review, Feb. 12, 2000]

THE CAMPAIGN-FINANCE SMEAR

(By Rich Lowry)

No one has done more to create an "appearance" of corruption in politics than campaign-finance reformers.

A typical complaint of campaign-finance reformers is that politics is too negative and dishonest.

One might expect therefore that advocates of reform would feel some obligation not to be so negative in the way they depict politicians, or at the very least to be truthful when they do decide to "go negative" against political opponents.

Alas, no one has done more to create an "appearance" of corruption in politics than campaign-finance reformers who ignore or distort facts to make reckless charges of corruption.

Consider The American Prospect, which has a heavy-breathing editorial in its most recent issue decrying how corporations have supposedly stolen away our democracy.

"By buying politicians," The American Prospect writes of Enron, "a favored corporation promoting a new kind of scam simply purchased immunity from regulatory oversight."

Note that there is no "seems," or "appears," in this sentence. It is an outright assertion of bribery, in the cause of promoting corporate fraud.

Given the gravity of this charge, it would be nice if there were some evidence for it.

What the Prospect offers is Wendy Gramm, who "as chief commodities regulator under Bush I, slipped in a midnight rule-change after the 1992 election to exempt Enron's trades from oversight."

"She was rewarded," according to the Prospect, "with a seat on the Enron board and hundreds of thousands of dollars in income."

Sounds pretty sinister. Except the Prospect conveniently neglects to spell out what exactly was involved in this "Enron exemption."

Actually, it wasn't an Enron-specific matter but a ruling that affected a whole new class of trades—nine other companies lobbied for it—that was coming to the fore in the early 1990s.

Here's USA Today (apparently a more nuanced and sophisticated source than the Prospect) on the rule: "Despite the appearance of a trade-off, even Gramm's critics concede that the commission's ruling was a smart move. The energy derivatives market was growing rapidly, and there were worries that without an exemption, the Chicago Board of Trade might sue anyone selling an energy derivative outside of its centralized market."

I frankly don't know enough about derivatives to say with any assurance whether the Gramm ruling was a mistake or not, but it's obviously a subject of dispute. So, before condemning Wendy Gramm for her venal motives, it would be nice to hear some arguments about why she was wrong.

The Prospect offers none.

Maybe the Prospect thinks that the Chicago Board of Trade, which opposed this move, was right. But wouldn't Gramm then have simply been doing the bidding of another moneybags interest out to protect its business, the Chicago Board of Trade?

This is why the campaign-finance reformers, on their own terms, can always win the argument—there are well-heeled interests on all sides of most disputes in Washington, so someone can always be portrayed as selling out to some interest or other.

But the Prospect's treatment of Wendy Gramm is almost responsible compared to the way it smears her husband: "When Enron needed another favor in 2000, her husband, Sen. Phil Gramm of Texas, got yet another regulation waived."

As far as I can tell, this is a regurgitated charge that Ramesh Ponnuru has already dissected on NRO: "Public Citizen had Gramm 'muscling through' the offending provision. In fact, Gramm had almost nothing to do with it.

"He didn't write it: It came to the Senate from the House, where it was part of a bill that passed by a large margin. He didn't usher it through the Senate: It was considered by the Agriculture Committee, of which he was not a member, rather than the Banking Committee, which he chaired. Indeed, Gramm blocked the bill that included the provision for several months because he objected to other provisions. He did, however, eventually vote for the bill, like most congressmen. It included the offending provision, which had hardly been altered during the legislative process."

So, what's so amazing about the Prospect smear is that it's a discredited one. The Washington Post, the Philadelphia Inquirer, and the Atlanta Journal-Constitution have already run corrections for repeating this charge.

I called American Prospect editor Robert Kuttner to try to ask him if he's going to do the same. He didn't return my call. But it will be interesting to see if the Prospect, which makes such a fuss in its editorial about "corporate accountability," cares as much about journalistic accountability. [Ed. note—someone from the Prospect has e-mailed saying that they will correct this.]

All this really amounts to what campaign-finance reformers call "mud slinging." That's why I can't understand why McCainiacs and other campaign-finance reformers say they want to raise the level of public discourse, when they so relentlessly run it down by imputing corrupt motives to everyone in Washington.

In the case the Prospect, however, this isn't quite accurate—it wants to impute nasty motives not to everyone, but to conservatives in particular.

"The ideology of deregulation," it writes, "provided cover for the cronyism."

This is rather extraordinary, to say in effect that a whole way of looking at the world—a viewpoint based on philosophy and ideas—is really only a cover for corruption. Not only is this a stilted, cynical, and false charge, it is ideologically loaded.

Nowhere in its editorial does the Prospect excoriate the Clinton administration for signing the Kyoto treaty, something that meant a lot to Enron. That's because regulation is presumed to be public spirited, even if an evil corporation is pushing for it.

Part of the liberal motive for campaign-finance reform is clearly to try to systematically prevent American companies from protecting themselves from government regulation. It will be a corruption-free world, in short, only when liberals get everything they want.

Until then, smear away.

[From the National Review, Mar. 11, 2002]

THE GAGGERS AND GAG-MAKING

HYPROCRISY AMONG THE CAMPAIGN-FINANCE REFORMERS

(By Bradley A. Smith)

It's a common scene in Washington. Lobbyists representing powerful, well-financed special interests sit behind closed doors with members of Congress drafting legislation. Outside Washington, their dollars finance TV ad campaigns in the districts of wavering House members, hoping to pressure them into supporting the bill. Highly technical and complex legislation is then unveiled in the middle of the night, and most members of Congress have no time to read it before debate begins the next morning. Efforts by grassroots groups to amend the bill to protect their members are rebuffed, and though the bill contains provisions that even its sponsors admit are probably unconstitutional, such objections are shunted aside.

You may think this is a description of a special interest trying to benefit from some arcane budget bill, but in fact it is a description of the Shays-Meehan campaign-finance-regulation bill that passed the House in the wee hours of February 14. The passage of Shays-Meehan shows that those who think campaign-finance reform will reduce the influence of money in politics are mistaken.

Supporters of campaign-finance regulation like to portray themselves as an underfunded, scrappy grassroots coalition. However, a study conducted last year for the American Conservative Union by election-law attorney Cleta Mitchell found that groups dedicated to promoting campaign-finance reform spent over $73 million over the three-year period from 1997 through 1999. By comparison, the Center for Responsive Politics (CRP), one of the most prominent campaign-finance-reform organizations, lists total political spending by the "mortgage banking" industry at under $12 million, and by "Health Services and HMOs" at under $14 million, for the four-year period from 1997 through 2000. Even the dreaded drug manufacturers contributed just $28 million over that four-year period, or 40 percent of that spent in just three years by groups promoting campaign-finance regulation. Yet the campaign-finance regulators always portray these industries as colossally and harmfully big spenders.

Actually, Cleta Mitchell's study understates the spending by campaign-finance-reform groups. It does not include spending by many of the groups' affiliated 501(c)(4) committees, and misses some significant groups completely. To give just one example, it does not include spending by the National Voting Rights Institute (NVRI), which describes itself as "a prominent legal and public education center in the campaign finance reform field." NVRI, which argues that private campaign contributions violate the Constitution, is frequently quoted in the New York Times and other major papers. Meanwhile, the CRP overstates industry giving, as it includes in its figures individual contributions by any person employed by a company in the industry, and in certain cases even contributions by the employee's spouse. Thus, if the non-working spouse of an Enron employee earning $45,000 a year gave $200 to the campaign of George W. Bush, the CRP reports that as both an "Enron" contribution and a contribution from the "energy/natural resources" industry.

Arguably, money is the only thing that has kept the issue of campaign-finance regulation alive. With public-opinion polls consistently showing that campaign-finance reform is of little interest to the public, most of the groups advocating reform rely on six- and even seven-figure grants from giant foundations such as Ford, Carnegie, and Joyce for funds. With the notable exception of Common Cause (which has a budget of about $10 million a year), these groups usually have a few individual supporters. Such individual support as they do have comes almost entirely in the form of large gifts from a handful of politically liberal multi-millionaires, such as George Soros and Silicon Valley entrepreneur Steven Kirsch.

These groups respond that their money does not represent "special interests." But their scorekeeping belies this claim. Surely if a $200 contribution by the wife of a mid-level Enron employee is "special interest" money, so are the six-figure expenditures made to promote campaign-finance reform by investment banker Jerome Kohlberg. Similarly, the Pew Charitable Trusts, to take just one example, have given considerably more in grants to advocate campaign-finance regulation than Enron gave in soft money to advocate energy deregulation. And these foundations and groups have other interests that are advanced by silencing their opposition. Pew, for example, also advocates environmental regulation and funds Planned Parenthood. If it can quiet political opposition from business and National Right to Life, it benefits. While one might describe foundations such as Pew, or organizations such as CRP, as disinterested entities concerned with the public welfare, one might just as accurately describe them as unaccountable organizations with lots of money and no members. Even Common Cause, the one reform group with a membership base, is small fry compared with other groups. With some 200,000 members, it describes itself as a "citizen's lobbying organization." But it describes the National Rifle Association, which has over 4.2 million members, as a "special interest." Indeed, many corporations represent hundreds of thousands or even millions of individual shareholders and employees. Why aren't they "citizen lobbies"?

CYNICAL CAMPAIGN, CYNICAL TOWN

Pro-reform organizations have used their massive war chests to run one of the most cynical campaigns in the history of cynical Washington. Even though corporations and unions are prohibited from making contributions directly to candidates, a casual observer looking at CRP's website without reading the fine print would conclude that the largest direct contributors to every member of Congress are corporations and unions. This is because of the center's practice of attributing contributions by individuals to their employers. Another trick, in an apparent effort to inflate the perception of corporate influence, is to lump together contributions made over many years. Thus, organizations such as Common Cause and the CRP routinely issue press releases and studies showing huge corporate contributions, significant portions of which occurred as much as a decade ago. In some cases, more than half the Congress has turned over in the intervening years. Yet another misleading tactic is to lump together all contributions by "industries." So a 1997 Common Cause report on the influence of the "broadcast industry" listed total contributions from the "industry" over a ten-year period. No allowance was made for the fact that many of the contributions went to individuals no longer—or perhaps never—in Congress or for the fact that the "broadcast industry" is hardly monolithic: Affiliates often quarrel with networks, networks with one another, radio with television, and so on. The reform organizations also frustrate any sense of perspective. In the current frenzy over Enron, for example, it is not mentioned that Enron's total soft-money contributions constitute a minuscule fraction of 1 percent of total soft money raised over the period cited.

Meanwhile, virtually every legislative action can be and is portrayed as a sellout or payback to some "special interest." So if Enron got a favorable regulatory ruling over opposition from the Chicago Board of Trade, it was a payback to Enron. But since the Board of Trade is also a powerful interest, any ruling the other way would not have been portrayed as a victory for principle or a defeat for Enron, but as a payback to the Board of Trade. All roads lead to corruption. That politicians might actually be acting on convictions or keeping campaign promises is given no credence. Few have worked harder to convince the American people that their representatives are corrupt, and their votes and participation meaningless, than the campaign-finance reformers. That they have done so on the flimsiest of evidence only adds to the shame.

The Enron scandal, which pushed Shays-Meehan over the top, is a perfect example. Reformers gleefully argued that the Enron bankruptcy proved that Shays-Meehan was necessary, with no evidence that Shays-Meehan could have prevented it. Even Rep. Shays admitted that Enron is going to have access "by the fact of who it is and what it does" (its money aside). Reform advocates misleadingly claim that over 250 members of Congress have received "Enron" contributions, when in fact they mean that those members have received contributions from people who worked for or owned stock in Enron. They do not mention that Shays-Meehan does not limit these contributions, and in fact raises the ceiling on them.

Then too, Shays-Meehan was supported down the homestretch by a television "issue advertising" campaign funded by the Campaign for America (CFA), a creation of Jerome Kohlberg. These ads ran in the congressional districts of wavering congressmen. In addition, CFA operated phone banks in 30 congressional districts. This campaign was paid for with unregulated soft money. In a classic example of "free speech for me but not for thee," most of that spending would remain legal under Shays-Meehan.

However, the heart of the operation to pass Shays-Meehan was not grassroots lobbying, but old-fashioned Washington lobbying. Though supporters had been pushing the bill since the 107th Congress first met in January 2001, and though the sponsors had been gathering signatures on a discharge petition to force the bill to the floor since July, they still spent the evening before the opening of the House debate, and part of the day on which the bill was being debated, redrafting the legislation. According to press reports, pro-reform lobbyists, including former McCain 2000 counsel Trevor Porter, Democracy 21's Fred Wertheimer, and Don Simon of Common Cause, drafted key portions of the bill, at times working out of offices in the Capitol. The final version of the complex, 86-page bill was unveiled a few minutes before midnight.

The bill, as it emerged from this redraft, included a highly technical provision allowing parties to pay off hard-money debts incurred before the 2002 elections (hard money being limited contributions from individuals and PACs, which may be used for any purpose) with soft money (unlimited contributions from corporations, unions, and wealthy individuals, which normally cannot be used to expressly advocate the election or defeat of specific candidates). The provision favored Democrats, who have plenty of soft money but are short on hard money. Republican operatives cried foul and charged that the provision was an intentional effort to benefit the Democrats. The more likely explanation is that it was simply an error caused by the haste of last-minute drafting. But imagine the outcry these same "reform" groups would have raised had lobbyists for any other interest helped draft a bill, and accidentally included a technical error beneficial to the bill's primary supporters in Congress. Would the reformers have given the drafters the benefit of a doubt? Never. The error briefly jeopardized the bill and drew a veto threat from the White House, before supporters used a parliamentary maneuver to change the language before the final vote.

WHERE THE FAT CATS SIT

Assuming it becomes law, the bill will not end the influence of money in politics, but instead will drive such influence further underground. A glimpse of the future may have occurred at a dinner last October that raised $800,000 for the Brennan Center, a pro-reform group. Co-chaired by pro-reform senators Hillary Clinton and Charles Schumer, and featuring Sen. John McCain, the dinner was underwritten by corporate donors, who were solicited to attend. Sponsors included over two dozen large law firms with Washington lobbying practices, plus such corporations as Coca-Cola, Philip Morris, and, naturally, Enron. If money is truly corrupting, corporations hoping to curry favor with officeholders might decide that support for such groups is a wise idea, or officeholders might "suggest" that corporations with business before their committees make donations to such groups. Shays-Meehan limits the right of federal officeholders to solicit money for political parties and other groups, but specifically allows lawmakers to continue to solicit funds for entities such as the Brennan Center.

Beyond that, the bill will probably strengthen special interests, benefit incumbents, and harm grassroots politics. The limits on soft-money contributions mean that corporations and unions may be pressured to do more independent spending to help their legislative allies. This will give these interests more control over the process, and will reduce the historical role of parties in brokering diverse and often competing interests. The limits on issue ads in the 60 days before an election will mean that such ads will run earlier, making campaigns longer and putting a greater premium on early fundraising. This will benefit incumbents, even as it requires them to spend more time raising funds. True grassroots politics—spontaneous political activity by individuals and groups—suffers from regulation and has been on the decline ever since the Federal Election Campaign Act was first passed in 1971. The added complexity of this bill will probably kill off such activity altogether. Indeed, Federal Election Commission chairman Davis Mason says that the incredible complexity of the bill is likely to lead to "invidious enforcement, singling out disfavored groups or causes" and "subjecting regulated groups to harassment by political opponents."

However, the giant foundations that have financed the drive for reform will remain untouched. So will the recipients of their largesse, such as Democracy 21 and the Center for Responsive Politics, and the lobbyists of Common Cause. Big-business lobbyists also emerge unscathed—indeed, corporations may devote more resources to lobbying. But groups that rely less on lobbying and more on campaign support to candidates, grassroots organizing, and issue ads to rally public support will suffer.

But that, too, is a common Washington story.

Mr. McCONNELL. With no basis in fact or reality, the media consistently and repeatedly alleges that our every decision can be traced back to money given to support a political party. I trust that every Member in the Chamber recognizes how completely absurd, false, and insulting these charges are. We have been derelict in refuting these baseless allegations. I doubt we will ever see a headline that says 99 percent of Congress has never been under an ethics cloud. That is a headline we simply will not see.

Each Member is elected to represent our constituents. We act in what we believe is the best interest of the country and, obviously, of our home States. Does representing the interests of our State and our constituents lead to corruption or the appearance of corruption? These allegations are not an attack on us, they are an attack on representative democracy.

What we are talking about today is speech: the Government telling people how, when, and how much speech they are allowed. This wholesale regulation of every action of every American anytime there is a Federal election is truly unprecedented.

The courts have consistently upheld the free speech rights of individuals and of parties. Even in the most recent case of Colorado II, the Court made clear that parties are not to be treated any worse than any other organization in the protection of constitutional rights. This legislation falls far short of that charge. The Shays-Meehan bill weaves a bizarre web of restrictions and prohibitions around parties and candidates while simultaneously strengthening the power of outside groups and the corporations that own newspapers.

This legislation is remarkable in its scope. Indeed, this legislation seeks no less than a fundamental reworking of the American political system. Our Nation's two-party system has for centuries brought structure and order to our electoral process. This legislation seeks, quite literally, to eliminate any prominence for the role of political parties in American elections. This legislation favors special interests over parties and favors some special interests over other special interests. It treads on the associational rights of groups by compelling them to disclose their membership lists to a greater extent than ever before contemplated. It hampers the ability of national and State parties to support State and local candidates. It places new limits on the political parties' ability to make independent and coordinated expenditures supporting their candidates.

Many of these provisions are directly contrary to existing Supreme Court precedent.

Let me repeat that. Many of the provisions in this bill that is about to pass the Senate are directly contrary to existing Supreme Court decisions.

Equally remarkable is the patchwork manner in which this legislation achieves its virtual elimination of political parties from the electoral process. It seeks to achieve a pernicious goal via a haphazard means, and the real loser under this legislation is the American voter, who no longer can rely on the support of a major political party as an indicia of what that candidate stands for.

So let me walk you through how this legislation will affect all of us. First, let's look at the national parties. Shays-Meehan will eliminate nearly 50 percent of the fundraising receipts of the national parties. National parties will be forced to conduct their wide array of Federal and State party activities with only half the revenue. Shays-Meehan will eliminate 90 percent of the cash on hand of the national parties. If Shays-Meehan were law in 2001, the total cash on hand for all six national party committees would have dropped from $66 million to $6 million.

Let's go over that one more time. If Shays-Meehan had been in effect last year, the total cash on hand for the six national party committees would have dropped from $66 million down to $6 million: For the three national Republican committees it would drop from $56 million down to $19 million; and for the three national Democratic Party committees, from $10 million down to a debt of $13 million.

So, on this chart behind me, you can see on the reality of what Shays-Meehan does. You can see that for the national party committees last year, the year 2001, their actual cash, both hard and soft. You can also see what kind of cash on hand they would have under Shays-Meehan with the soft money eliminated.

You see the Republican National Committee would have gone from $34 million down to $16 million; the Democratic National Committee from $2 million down to a $10 million debt; the National Republican Senatorial Committee from $12 million down to $7.5 million, the Democratic Senatorial Committee from $4.1 million down to a debt of $50,000, the Republican Congressional Committee from $9.6 million to a debt of $4.3 million, and the Democratic Congressional Committee from $3.5 million down to a debt of $3 million.

What does that all mean? That means this bill eviscerates the national party committees. It singles out six national committees out of all the committees that may exist in America and takes away a huge percentage of their receipts. By eliminating so-called soft money, or non-Federal money, national party support for State parties and local candidates will be dramatically reduced if not entirely eliminated in the next cycle.

The national Republican Party committees gave $130 million to State parties and $13 million to State and local candidates in soft money in the last cycle, the 2000 cycle. The national Democratic Party committees gave $150 million to State parties—more than the national Republican Party committees did—$150 million to State parties and $6 million to State and local candidates in non-Federal money. Where will all the soft money go? Where will it all go?

It is going to go to outside groups. We, the Members of the Congress, will be able to raise it for them. The soft money will also go to the newspapers because they can sell advertising in proximity to the election when no one else can.

Let's go over that one more time. We are taking this money away from the parties, shifting it to outside groups, and restricting their ability to spend it on advertising in any media, except newspapers. No wonder the newspapers are for this bill. This is a great deal for them. Not only are they unregulated in their speech—and they should be, I defend their right to have unregulated speech—but their business managers are going to be pretty excited about this bill as well. It is going to be a windfall for them.

Let's take a look at coordinated versus independent expenditures under this bill. Shays-Meehan significantly limits party support of Federal candidates as well. We just talked about the impact on the State and local level, but Shays-Meehan also significantly limits party support of Federal candidates, people such as us. Under this bill, parties are prohibited from engaging in both independent and coordinated party expenditures after a candidate has been nominated. The bill treats all party committees, from State and local to the national party, as a single committee. So let's take a look at how this works.

If the Atlantic City Republican Party makes a $500 independent expenditure on behalf of a Senate candidate in New Jersey, the party is then prohibited from making a permissible $900,000 coordinated party expenditure in New Jersey. If you are scratching your head wondering about this, let's go over it one more time.

The Atlantic City Republican Party in New Jersey makes a $500 independent expenditure on behalf of a U.S. Senate candidate in New Jersey. Then the national party committee is prohibited from spending the permissible $900,000 coordinated that we have been allowed to do for a quarter of a century.

The impact is even more severe for Presidential candidates. If a local party anywhere in America makes a $300 independent expenditure on behalf of a Presidential candidate, the nominee of that party will lose the entire party coordinated expenditure—roughly $13.7 million in 2000. Remember, even though the Presidential race is usually publicly funded after the convention, there is an amount of money that both national parties are able to spend on behalf of the Presidential candidate after the convention.

In 2004, the Democratic and Republican Presidential nominees are going to have to police every local committee in America. It is a big country, 50 States, incredible number of municipalities and party committees up and down the system. If any one of them makes a $300 independent expenditure on behalf of the Presidential candidate, then the candidate loses $13.7 million.

My colleagues on the other side of the aisle have spent time in New Hampshire lately. There are a number of aspiring Presidential candidates over there on the Democratic side. They ought to read this provision very carefully because, if they get the nomination, some errant Democratic local chairman somewhere in America who decides to go out and be helpful—or maybe to be mischievous if he is not in favor of the nominee—and makes an independent expenditure of $300, he could cost the nominee close to $14 million in coordinated expenditures in the general election.

This is fraught with the potential for mischief. One thing we know about politics, if mischief is possible, mischief will occur. I think we can stipulate that.

Now let us look at what Shays-Meehan does to party conventions.

Shays-Meehan will end national party conventions as we have known them. The soft money ban covers the committees that are created to host these grand events. In 2000, the Federal convention grant from the Treasury of the United States was $14 million for each major party. That is also about the same amount that was spent on security alone at each of the conventions. The rest of the money needed to put on the two conventions came in soft dollars. All of that will be gone.

Looking at the conventions in 2004, if you are chairman of the Democratic National Committee, or the Republican National Committee, you will be confronted with a very difficult decision: Do you want to put on a 4 day convention with 80 percent less funding? Or do you want to spend hard dollars that would otherwise be used to help elect the President to pay for the convention? All the soft money that you used to put on the convention the last time is now gone.

Come to think of it, maybe a middle-size town like my hometown, Louisville, might qualify to hold a convention. That would probably be a short convention with very few people at it. Louisville could make a pitch for both the Democratic and Republican Conventions in 2004. The parties will be able to spend only $15 million. It will probably only last for a day or two. There might be fewer people there. We could probably handle that in our hotels. It is always a bit of a stretch to put all the people up in hotels during Kentucky Derby time of the year. But we might be able to work that out. This could be a windfall for cities of roughly a million across America.

But do we really want to skinny down the conventions, or eliminate the conventions? I know a lot of our colleagues don't particularly like going to them. It is a nonstop event from morning until night. But if you are a precinct worker out in Oregon and have worked in the party trenches over the years and you get to be a delegate, it is a big deal. It is something you will remember the rest of your life. It is the only opportunity you will ever have to meet the county chairmen from some county in South Carolina on the other side of the country. It is the one time every 4 years that we have truly national parties where Republicans and Democrats from all over the country come together to nominate their candidate for President. Even though there has not been any suspense at the conventions for a long time, I can tell you the delegates who come to the Republican Convention—and I believe the delegates that go to the Democratic Convention—think it is a wonderful opportunity to participate in something that is important for America. Unfortunately, we may have seen the end of the conventions as we know them because this bill takes away about 80 percent of the funding of the national conventions.

In case you think that national conventions might be run through State parties, Shays-Meehan also closes that option by allowing the use of soft money only for State, district, or local political conventions. Perhaps the outside groups will step in and fill the gap. We will be able to raise money for them, or maybe even the unrestricted media will somehow find a way to fill the gap.

Now, what will be the effect of this new legislation on Federal officeholders and candidates? Shays-Meehan federalizes our every action and our every conversation. The big losers under this bill are State and local candidates and our State parties. Under Shays-Meehan, we can only raise money for State and local candidates within the hard money limits and restrictions, which is $2,000 per election.

Let me explain to my colleagues how that will work. In 39 States, statewide candidates are currently allowed to receive more than $2,000 per election, and some of them allow corporate contributions to candidates.

For example, the individual contribution limit in Wisconsin for a Governor's race is $10,000 per election. But Federal officeholders and candidates will only be able to raise $2,000 per election for the Governor's race. This bill federalizes our involvement in State and local races as well.

In Virginia, under state law, there are no contribution limits or restrictions for State and local candidates. But under this bill, Federal officeholders and candidates will only be able to raise $2,000 per election for statewide candidates.

Again, in Virginia—which allows unlimited individual corporate and union contributions directly to candidates with full disclosure—if Senator WARNER or Senator ALLEN wanted to be involved in the Governor's race over there, they would be in a difficult position going to a fundraiser that they didn't sponsor, because it would have to be limited to $2,000 contributions for the candidate.

This bill federalizes the involvement of Senators and Congressmen in State and local races by making our rules apply to them no matter what the State law is. Under Shays-Meehan, we can only raise soft dollars for State parties within the hard dollar limits and restrictions, and $10,000 from individuals. But 40 States allow State parties to receive more than $10,000 per year. Some of them even allow corporate contributions to State parties.

For example, in Arizona, there is no limit on the amount an individual can contribute to a State party's State account. Federal officeholders and candidates will only be able to raise $10,000 per year for that State account, even though that is not Arizona State law.

In Illinois, there are no contribution limits or restrictions on contributions to a State party's State account.

But Federal officeholders and candidates who are involved in raising money for the State party State account in Illinois will only be able to raise $10,000 per year no matter what the Illinois law is.

But have no fear, my colleagues. The House has provided us with an alternative. We may not be able to do it for State parties except within the Federal regulations, but we can raise unlimited soft money from any source for outside groups so long as their primary purpose is not voter registration, voter identification, get out the vote, and generic campaign activity. Make sure the group's primary purpose is issue advocacy, and then raise as much as you can from anyone you can. Don't worry. It will never be disclosed.

The perverse effect of this is that we can do a lot more for an outside group than we can do for our own State party in our home State. Under this bill, if you fancy voter registration, voter identification, get out the vote, and generic campaign activity, you can raise $20,000 per year from individuals from any outside group specifically for those activities. All that money is soft money.

Let us go over it one more time.

If a Federal officeholder wants to raise money for a State party, Federal rules apply. But if a Federal officeholder wants to raise money for an outside group, its wide open. So there won't be any less soft money raised around here. My prediction is there will be more soft money around. It will just be raised for outside groups rather than for the party.

Let us take a look at the effect on State and local parties. State and local party operations are impacted dramatically by Shays-Meehan. This bill eliminates the national parties as a source of non-Federal support for their State activities. But it also heavily restricts how they operate.

Last year, we addressed in a limited way the problem of this bill federalizing generic voter registration and get-out-the-vote drives. The so-called Levin amendment was adopted by a voice vote in the Senate to incorporate that change.

However, the House has placed such extensive restrictions on the fundraising and spending by State parties for voter activities that the so-called Levin provision is now virtually meaningless. State parties will be forced to use only hard-dollar, Federal dollars, to benefit State and local candidates.

Shays-Meehan prohibits party transfers, joint fundraising, fundraising by us for the State account, and also prohibits State parties from broadcasting generic, "Vote Republican," or "Register Democrat" messages.

Not only are we the big losers under the House scheme, but State and local candidates who run in Federal election years suffer as well. State and local candidates who are running in Federal election years—that happens all the time, all the time, all across America. The big winners, yet again, are the outside groups and, of course, the news media.

As for hard-dollar contributions to State parties, Shays-Meehan actually lowers the total amount of hard money that an individual can contribute during a 2-year election cycle to State parties. Shays-Meehan creates a $37,500 per-cycle annual aggregate sub-limit that individuals can contribute to State parties. Under current law, if an individual were so inclined, he could give $50,000 per cycle in hard dollars to State parties. So we are actually going backward, and this is at a time when State parties are forced to do much more with much less.

Let's look at the effect on State and local candidates. National parties will be extremely limited in their ability to not only make contributions to State and local candidates, but also to promote issues of State and local importance in conducting voter drives. Members of Congress are similarly restricted in what assistance we can provide the State and local candidates.

Shays-Meehan even regulates the conduct of State and local candidates—from fundraising to advertising. State and local candidates will be forced to burn campaign funds to retain lawyers to guide them through the myriad State, and now Federal, regulations on their State and local campaigns.

Now, let's take a look at the outside groups and compare the outside groups to the national party committees.

Make no mistake about it, soft money will exist, and it will thrive under Shays-Meehan everywhere, except at the party committees.

Here are a few short examples: Corporations, labor unions, and outside groups will continue to use 100-percent soft money to run issue ads. We have no idea how much they spend because corporations and labor unions do not disclose these details about their soft money. But, national parties will be forced to use 100-percent hard dollars. Corporations, labor unions, and outside groups will continue to use soft money to raise the hard money for their PACs.

Let me repeat that. Corporations, labor unions, and outside groups will continue to use soft money to raise the hard money for their political action committees. But national parties will be forced to use 100-percent hard money because there will no longer be any soft money for the parties to raise hard money.

As we all know, direct mail has high overhead, very high overhead. The national party committees will not only have to build their buildings with hard dollars, and put on their conventions with hard dollars, they will also have to do their direct mail fundraising with 100-percent hard dollars. But corporations, labor unions, and outside groups will use 100-percent soft dollars, even to raise hard money for their political action committees. Corporations, labor unions, and outside groups will even continue to use soft money for activities such as voter registration and get-out-the-vote efforts.

According to news reports, the AFL–CIO plans to raise dues 60 percent to fund their $35 million effort this year. Again, we have no idea how much soft money the unions spend because they do not disclose it. National parties will have to use all hard dollars to do the very same thing that corporations, labor unions, and outside groups will be able to spend 100-percent soft dollars doing.

Stand-alone PACs, such as EMILY's List, for example, will continue to raise and spend a mix of hard and soft money, but not national parties. They will only be able to raise and spend hard dollars.

What about us Members? Members will still be allowed to maintain leadership PACs—that is good—and even have a soft dollar account for those PACs. So Members of Congress will be able to have leadership PACs that raise both hard and soft dollars. But national parties will only be able to raise and spend hard dollars.

The bottom line is this bill does not take money out of politics, it just takes the parties out of politics.

Now let's look at issue ad restrictions. The Shays-Meehan issue ad provision muzzles political speech based solely upon the timing of the speech. A person or a group must report to the Government whenever they mention the name of a candidate in any broadcast, cable, or satellite communication within 30 days of a primary or 60 days of a general election. Corporations and labor unions are totally censored during that period. The censorship extends to nonprofit corporations such as the Sierra Club and the NAACP on the left, and the National Right to Life Committee and the NRA on the right.

Let me use a recent example of how this provision will work. Just this past week, within 30 days of the primary, the American Civil Liberties Union ran two issue advertisements in Illinois. One was a broadcast radio ad, the other was a newspaper ad.

If this legislation is passed today, the radio ad falls within the issue ad prohibitions and restrictions, so it could not be run, however, the newspaper ad is not affected. So in the following ad—run just this past week by the ACLU in Illinois—on the radio, the female announcer said:

> [We're] waiting for our Congressman, Dennis Hastert, to protect everyone from discrimination on the job.
>
> As Speaker of the House, Representative Hastert has the power to stop the delays and bring the Employment Non-Discrimination Act—ENDA—up for a vote in Congress. It's about fairness. It's time to ensure equal rights for all who work, including lesbians and gay men, and make sure that it's the quality of our work that counts, and nothing else.

And later in the ad, the male announcer says:

> Protecting workers from discrimination, or more delays?

And the female announcer says:

> Take action now. Send Speaker Hastert a letter urging him to support fairness and bring ENDA to the floor. . . .

That is the radio ad. Under Shays-Meehan, it cannot be run.

But alas, a newspaper ad, under this bill, could be run.

The newspaper ad says:

> Speaker of the U.S. House of Representatives, Rep. Hastert has the power to stop the delays and bring the Employment Non-Discrimination Act—ENDA—up. . . .

And on and on.

It is exactly the same as the radio ad. So under Shays-Meehan, if your ad is on the radio, you cannot run it; if your ad is in the newspaper, you are OK.

This kind of arbitrary and capricious stifling of political speech is the essence of the issue ad restrictions in this bill. Both advertisements are issue speech. Both advertisements ran at the same time. However, only one advertisement invokes the jurisdiction of a newly created speech police.

I ask unanimous consent that an ACLU press release be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ACLU DOUBLE PLAY: NEW AD BLASTS WORKPLACE DISCRIMINATION AGAINST GAYS, SHOWS FLAWS IN CAMPAIGN FINANCE LEGISLATION

WASHINGTON.—In a move that both showcases the problem of workplace discrimination in America and the constitutional flaws of campaign finance legislation, the American Civil Liberties Union today began running a series of radio and newspapers issue ads that would be outlawed under a campaign finance bill likely to soon become law.

The advertisements are running in the Chicago media market and urge Speaker of the House Dennis Hastert, who represents a suburban Chicago district, to use his position to bring the Employment Non-Discrimination Act to a full vote in the House.

"This is a dramatic double play," said Laura W. Murphy, Director of the ACLU's Washington National Office. "Not only have we highlighted the urgency of making employment non-discrimination a top priority in Congress, but the ads also demonstrate in practice how campaign finance legislation will effectively gag political speech."

The ACLU has long advocated a system of public financing as a means of increasing access to the political process without impinging on protected political speech. The ACLU's ad, which Murphy argued is both completely non-partisan and politically essential, is a perfect example of the beneficial political speech that would be silenced by the Shays-Meehan bill that the Senate is expected to take up on Monday.

The ads, because they are being broadcast during a 30-day window before a primary election, would be forbidden if the Senate passes and President Bush signs the Shays-Meehan bill. The ACLU has long been a vigorous opponent of the measure and its Senate counterpart, the McCain-Feingold bill, because they would curb political speech.

"Ironically, our radio ads would be outlawed by the bill," Murphy said, "but our virtually identical newspaper ads that are running on Monday would continue to be acceptable."

The ACLU said that passage of ENDA would guarantee that individuals could not be discriminated against in the workplace based on their real or perceived sexual orientation. The ads urge listeners and readers to visit the ACLU's website—http://www.aclu.org/ENDA—where they can learn more about the provisions of ENDA and send a free fax to Speaker Hastert urging action in the House on the proposed legislation.

"It's important to remember that the ACLU would not be the only group impacted by the new law," Murphy said. "This ad could just as easily be something from the NRA, Common Cause or the Right to Life Committee. The censorship in Shays-Meehan wouldn't be discriminating."

Mr. McCONNELL. Reformers apparently are not concerned by the fact that this provision flies in the face of more than a quarter of a century of court decisions striking down such attempts to restrict issue speech. The FEC will be the speech police to track these ads, something that will prove nearly impossible to enforce in a Presidential election year when there will be only a couple of months without censorship somewhere.

Remember, in a Presidential election year, the primaries are going on at different times beginning in Iowa and going through the season. Since this bill cracks down on issue speech within 30 days of a primary, somewhere in America you will be within 30 days of a primary when you are running for President. So the blackout period will be in effect somewhere virtually throughout the entire year.

For those who dare to speak within the 30- to 60-day window—30 days before the primary or 60 days before the general election—they will have to report to the FEC. However, unlike every political committee registered with the FEC, the regulated speakers will only have to report receipts of $1,000 or more, not $200 or more as is required of other committees. Therefore, very few donations will end up being disclosed.

Conveniently for the Washington Post and the New York Times, the restriction and disclosure provisions apply only to broadcast ads and not to print ads. So, once again, we have sort of a capricious selection of preferred media—restrictions on the broadcast media but no restrictions on the print media. No wonder the newspapers are so enthusiastic about this legislation, not just on the editorial page but over in the business department. The newspaper business managers all across America are cheering for this bill.

By focusing only on broadcast media, this restriction allows unions to continue their efforts with unregulated and undisclosed soft money. The breadth of this provision may also restrict communications via the Internet and other high-tech modes of communication which are satellite based.

There are loopholes, of course, for outside groups. Reformers claim this bill will increase disclosure and shine the light on big money in politics. This is, of course, not true. Unions will continue to funnel hundreds of millions of dollars of hard-working union member dues into the political process without ever disclosing one red cent.

Last spring during the Senate debate, in a moment of rank hypocrisy, the Senate voted to reject a provision that simply required corporations and unions to disclose all of their political activities, just their political activities. It was voted down in the Senate.

Interestingly, the AFL–CIO just voted to increase, by 60 percent, the mandatory contributions collected by the unions from their members. These are mandatory contributions—these are not voluntary. In fact, in increasing the mandatory contributions, the unions eliminated all voluntary contributions.

In the 2000 cycle alone, unions contributed $83 million to political campaigns—that we know about. We will never know how many hundreds of millions of dollars the unions spent on many of their political activities because it is never reported. This bill does nothing to address that problem.

I submit two articles for printing in the RECORD. One is entitled "The Organized Labor Loophole," and the other is entitled "AFL–CIO To Boost Mandatory Donations." I ask unanimous consent that they be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 16, 2002]

THE ORGANIZED LABOR LOOPHOLE

For several years, there has been much hysteria about how soft money has corrupted the political process. Democrats, self-serving media organizations and Sen. John McCain (the Keating Five-tainted presidential aspirant whose campaign was trounced by George W. Bush) have been shedding crocodile tears over soft money. As it happens, during the 1999–2000 electoral cycle, each of the two major political parties raised about $250 million in soft money from corporations, unions and individuals. Every dime of those evenly divided soft-money donations was publicly disclosed. Any interested voter was free to make his own informed judgment about the source and the size of the soft-money contributions the parties received.

The real scandal involving soft money, however, relates to the fact that labor unions have been laundering the dues of their members through their union treasuries and into the coffers of the Democratic Party. This, despite the fact that voter-exit polls have revealed that nearly 40 percent of union workers and members of their households have voted for the Republican presidential candidate since 1980. Yet, even this scandal pales in comparison to the hundreds of millions of dollars in indirect and in-kind contributions that labor unions routinely make on behalf of the Democratic Party. These sorts of contributions are, of course, never disclosed. Indeed, labor economist Leo Troy of Rutgers University has testified before Congress that unions regularly spend and estimated $500 million during each two-year cycle to elect Democrats. Yet, only a relatively small portion of these funds—specifically, the soft-money donations and the contributions from political action committees (PACs)—are disclosed.

The audacious operations of the National Education Association (NEA) demonstrate precisely how scandalous labor's gambit has been. As the Landmark Legal Foundation has meticulously documented in several complaints filed with the IRS and the Federal Election Commission, the nonprofit, tax-exempt NEA has literally spent tens of millions of dollars since 1994 on political operations. Each year, however, according to Form 990 that is required by the IRS, the Washington-based NEA claims that not a dime of its resources is expended on political matters. Since at least 1994, Form 990's line 81a, where the NEA is required to "[e]nter the amount of political expenditures, direct or indirect," has been blank. Anyone who reviews Landmark's complaints, which are available on its web site (landmarklegal.org), can appreciate how staggering the NEA's annual violations truly are.

While Landmark has concentrated on the NEA's national affiliate, the Heritage Foundation has attempted to review Form 990s filed with the IRS by teachers unions representing the 100 largest, public-school districts and the 50 representing them at the state level. These included affiliates of both the NEA and the American Federation of Teachers (AFT), the other major teachers union.

By law, these NEA and AFT affiliates are required to provide copies of their most recently filed Form 990s to anyone requesting them. In fact, many affiliates refused Heritage's request. Nevertheless, apart from the contributions by their PACs, only two of the 63 Form 990s examined by Heritage reported any "political expenditures, direct or indirect" on line 81a. (National Education of

New York and the Hawaii State Teachers Association reported "direct or indirect" political expenditures of $69,272 and $136,285, respectively—political spending, if Landmark's review of the NEA's national affiliate is any guide, that is probably drastically understated.) Equally revealing was the fact that those forms showed average-annual-dues income exceeding $4.1 million, while expenditures for collective bargaining—a union's principal purpose—averaged a mere $103,000.

Once Senate Republicans cast the deciding, filibuster-proof votes to ban soft money, which, in practice, Republicans have used to balance the "under-the-radar" political spending by labor unions on behalf of Democrats, those GOP senators will have nakedly exposed themselves to the loophole-smashing tactics of a labor-Democratic cabal.

[From the Boston Globe, Feb. 27, 2002]

AFL–CIO TO BOOST MANDATORY DONATIONS, HOPES TO SPEND $35M ON NOVEMBER ELECTIONS

(By Sue Kirchhoff)

NEW ORLEANS.—John Sweeney, AFL–CIO president, said yesterday labor leaders plan about a 60 percent increase in mandatory contributions for political activities in order to help the organization meet its goal of pouring $35 million into get-out-the-vote and advertising efforts before the November elections.

The proposal, which faces a final vote in May, was one in a series of efforts by the AFL–CIO executive council, meeting in New Orleans, to regroup in the face of a recession that has hit workers hard. There are splits among unions over specific issues, such as an energy bill now moving through the Senate, and unease that labor has won few victories despite its enormous financial support of Democrats.

New figures released yesterday showed an increase in union membership in 2001, but the gains were nowhere near the goal of recruiting a million workers a year. The AFL–CIO membership rose by about 326,000 to 13.25 million. Most of the increase, however, was due to affiliation with existing unions. The AFL–CIO, which has consolidated some offices, said it would shift dozens of workers to political activities and union organizing. Union leaders approved an economic agenda that focuses on health care, retirement security, and jobs, and made it clear that a candidate's willingness to actively support union organizing efforts would be a key factor in endorsements and financial support.

"We will advance an economic agenda for working families. If we don't do it, no one will," said Sweeney, attacking the Bush administration for what he called "shameful" insensitivity toward workers.

But labor's antagonism toward the White House does not extend to all Republicans. Asked at a news conference whether his goal was to elect a Democratic Congress, Sweeney said carefully, "It's fair to say that we want a House that's controlled by supporters of the working-family agenda." He said moderate Republicans had been willing to work with unions.

Other union leaders emphasized their desire to focus on issues, not party orientation. Union efforts are expected to overwhelmingly favor Democrats, but more Republicans may get support than in the past. With 36 governors races this year, unions plan to focus more of their effort on state activities.

"They're [Democrats] getting nervous as we talk about being issue-driven because no one likes to compete," said Andrew L. Stern, president of the Service Employees International Union, the nation's largest. His group has weathered criticism for supporting, among other issues, a health proposal by New York's Republican governor, George Pataki.

Labor Secretary Elaine Chao, who was received "politely" during private meetings, underscored White House efforts to make inroads with select unions, such as the Teamsters, which has split with Democrats to support a Republican plan to drill in the Arctic National Wildlife Refuge. As the Senate opens debate on the energy bill, autoworkers say they are also worried about proposals to increase fuel-efficiency standards.

"I'm very much committed to fostering a good working relationship with labor, but that has to be a two-way street," Chao said. She promised the unions she would carefully review a new lawsuit against the poultry industry over ergonomics. The suit was announced yesterday.

Currently, the AFL–CIO funds political activities through a 6.5-cents-per-month assessment on workers and voluntary contributions from member unions. Under the proposal, the mandatory assessment would increase to 10.5 cents, but the voluntary fund-raising would stop. The change, which would take effect in July, would contribute $3.5 million of the forecast $35 million for this election cycle. That total includes $12 million, however, that has already been spent on political activities. Union officials said there was fund-raising fatigue and the desire to have more stable funding.

Mr. McCONNELL. Let's take a look at the media. One of the largest loopholes in this bill is reserved for the media. I ask unanimous consent that the full text of George Will's February 25 column from Newsweek and his March 10 column from the Washington Post be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Newsweek, Feb. 25, 2002]

VIRTUE AT LAST! (IN NOVEMBER)

(By George F. Will)

Presidential Press Secretary Ari Fleischer, pioneering new frontiers of fatuity, says some parts of the Shays-Meehan campaign-finance bill please his boss and others do not. "But ultimately the process is moving forward, and the president is pleased." Ultimately, in Washington, the celebration of "process" signals the abandonment of principle.

President Bush's abandonment of his has earned him at least $61 million (see below) and the approval of The New York Times. It praises his "positive role" and gives him "considerable credit" for the passage of the bill, which has received so much supportive editorializing from the Times, in news stories and editorials, that it should be called Shays-Meehan-Times.

What pleased the Times is that Bush did next to nothing to discourage—in fact Fleischer issued a statement that encouraged—passage of a bill chock-full of provisions that Bush, who swore an oath to defend the Constitution, has said violate the First Amendment. Two years ago he affirmed this principle expressed by Supreme Court Justice Clearance Thomas: "There is no constitutionally significant distinction between campaign contributions and expenditures. Both forms of speech are central to the First Amendment." When asked about the principle that it is hostile to First Amendment values to limit individuals' participation in politics by limiting their right to contribute, he said, "I agree." Asked if he thinks a president has a duty to judge the constitutionality of bills and veto those he considers unconstitutional, he replied: "I do."

Now he seems ready to sign Shays-Meehan-Times. Why? Could it have something to do with the fact that the bill raises from $1,000 to $2,000 the limit on individuals's contributions to House, Senate and presidential candidates? Candidate Bush got $1,000 contributions from 61,000 people. If he can get just that many to give $2,000—for a sitting president, that should be a piece of cake—the bill that he says "makes the system better" will be worth an extra $61 million to him in 2004.

The ardent-for-reform Washington Post—the bill should have been called Shays-Meehan-Times-Post—baldly asserts (talk about the triumph of hope over experience) that the bill "will slow the spiral of big-money fundraising." Actually, the 2003–04 election cycle probably will see the normal increase in political spending. The difference will be that in the next cycle much more of the political giving will be more difficult to trace. The soft money that Shays-Meehan-Times-Post bans—contributions to parties—must be reported. Henceforth much of that money will go to independent groups that will not have to report the source of the money that finances their issue advertising.

One of the bill's incumbent-protection measures says that a candidate whose opponent is very wealthy can receive contributions larger than $2,000. But the Supreme Court has held that the only constitutional justification for limiting political contributions is to prevent corruption or the appearance thereof. So this bill claims, in effect, that the appearance of corruption from a large contribution varies with the size of one's opponent's wallet.

Another incumbent-convenience provision makes it much more difficult for independent groups—labor unions, corporations, nonprofit entities (individuals are another matter; see next paragraph)—to run ads that so much as mention a House, Senate or presidential candidate within 30 days of a primary or 60 days of a general election—if effect, after Labor Day.

In the name of protecting regular people from rich people, the bill has this effect: A millionaire can write a check for $1 million and run a political ad that the National Rifle Association or the Sierra Club could not run using $1 contributions from 1 million individuals.

Most representatives who voted for the bill probably do not know half of what is in it. They cannot know. No one will know until there have been years of litigation about Federal Election Commission regulations issued to "clarify" things. What, for example, if meant by "coordination"? Consider.

There are dollar limits on contributions to candidates, but not on spending for political advocacy by independent individuals or groups—unless they are coordinated with the candidate. In that case they are counted as contributions to the candidate, and thus limited. The bill says coordination includes "any general or particular understanding" between such an individual or group and a candidate. If proper law gives due notice of what is and is not permitted, this is not the rule of law.

Opinion polls invariably show negligible public interest in campaign-finance reform, but almost every congressional district has at least one newspaper hot for reform. Media cheerleading for the bill has been relentless. For example, NBC's Katie Couric, advocating passage of what should be called the Shays-Meehan-Times-Post-Couric bill, wondered whether Enron's collapse would make "people say, 'Enough is enough! This has got to happen!'" The media know that their power increases as more and more restrictions are imposed on everyone else's ability to participate in political advocacy.

The bill repeals the politicians' entitlement to buy advertising at the lowest rate stations charge any buyer. This will mean hundreds of millions of dollars of extra revenue for broadcasters. Is this a reward for the media's support? Is there an appearance of corruption here? Never mind. But note this. Repeal of the entitlement is another gift from incumbents to themselves. Challengers usually have less money, so they will be most hurt by higher ad rates.

The bill's authors say soft money is (a) scandalous and (b) not to be tampered with until after they have re-elected themselves. That is, they refused to ban soft money until they have spent all that their parties have raised and will frenetically raise until November. It is going to be that kind of year.

[From the Washington Post, Mar. 10, 2002]

A MATTER OF APPEARANCES

(By George F. Will)

The New York Times and The Washington Post are guilty of corruption. To be precise, they probably are guilty only of the appearance of corruption, as they define it. But as they so frequently tell us, the appearance of corruption is the equal of actual corruption as a justification for campaign finance reform, for which they have tirelessly campaigned.

The Supreme Court has said that preventing corruption or the appearance of it is the only constitutional justification for limits on political contributions, most of which finance the dissemination of political speech. So advocates of the House-passed Shays-Meehan campaign finance reform bill and of its close cousin, the Senate-passed McCain-Feingold bill, pretend (we shall come in a moment to what they are really doing) that their aim is merely to prevent corruption and—this is more important because it is more ubiquitous—the appearance of it.

Well. Shays-Meehan, which the Senate will accept as a replacement for McCain-Feingold, no longer contains a provision that is in McCain-Feingold that would have strengthened the requirement that television stations sell time to candidates at the low rates the stations charge their best customers. The House dropped this provision from the bill.

Broadcasters lobbied hard for this action, which will be worth many millions of dollars to television stations. But that probably was not the primary reason the House did it. Nor was the reason just gratitude for the media's cheerleading for Shays-Meehan. Rather, the House probably did it primarily to help incumbents: Challengers usually have less money and hence are hurt more by high broadcasting rates.

However, our concern is not with the motives of the House in removing the provision, but with the appearance the removal creates regarding two passionate advocates of Shays-Meehan. The New York Times Co. owns eight network-affiliated television stations, and The Washington Post Co. owns six such stations. Shays-Meehan is potentially a windfall for both companies. Gracious.

The Times and The Post incessantly instruct their readers that the appearance of corruption exists when someone who has benefited an elected official with a campaign contribution then benefits from something the official does. But contributions are not the only, or even the most important, benefits that can be conferred upon elected officials. The support by powerful newspapers for a political official's legislation can be much more valuable to the politician than the maximum permissible monetary contribution ($2,000 under current law, $4,000 after Shays-Meehan becomes law) to his campaign.

It probably would be unfair to ascribe the Times' and The Post's support for Shays-Meehan to corruption. But it would be no more unfair than are the Times, The Post and other reform advocates in routinely impugning the motives of politicians who are conservative (or liberal) and hence support particular conservative (or liberal) policies after, but not because, they have received contributions from people who support those policies.

Stil, the appearance of corruption on the part of the Times and Post, which are exquisitely sensitive about (other people's) appearances, is compounded by this fact: The media, which comprise the only intense constituency for campaign finance reform, advocate expanded government regulation of all political advocacy except that done by the media.

Many reformers' ostensible concern about the appearance of corruption is just for appearances. The politicians' real concern is to silence their critics. Recently John McCain gave the game away.

He was discussing the bill's provision that puts severe—for many groups, insuperable—impediments on any group wanting to run a broadcast ad that so much as refers to a candidate within 30 days of a primary or 60 days of a general election. He said: "What we're trying to do is stop"—note that word—"organizations like the so-called Club for Growth that came into Arizona in a primary, spent hundreds of thousands of dollars in attack ads. We had no idea who they were, where their money came from."

McCain's attack was recklessly untruthful. He knows perfectly well what the club is—a mostly Republican group formed to support fiscal conservatives. The only ad the club ran—a radio ad—contained not a word of attack: It was an entirely positive endorsement of a candidate's views, and it did not mention or even refer to anyone else. All contributions to the club over $200 are disclosed.

But on one matter McCain, who wishes he could criminalize negative ads, was candid. He—like the Times and Post—is trying to stop others from enjoying rights they now enjoy.

Mr. McCONNELL. Shays-Meehan restricts the free speech rights of individuals, parties and groups, but not the media. The issue ad restrictions are so onerous that many individuals and groups will choose not to speak. But, of course, the media will still be free to speak their mind.

I ask unanimous consent that an article by Pete du Pont, former Governor of Delaware, entitled "Just A Gag? Congress Prepares To Repeal Freedom Of Speech," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Feb. 13, 2002]

JUST A GAG?

(By Pete Du Pont)

The anti-First Amendment crowd is at work in Washington this week, attempting to limit political speech during election campaigns. Their vehicle is the Shays-Meehan campaign-finance bill, and their goal is to drive the money out of politics—even if it requires driving free speech out of political campaigns.

Rep. Harold Ford (D., Tenn.) wondered on television last summer why "any organization regardless [of whether] they are Democrat or Republican, conservative or liberal, [should] be allowed to come in and influence the outcome of elections solely to advance some narrow interest of theirs."

Why should they be allowed? Because the First Amendment says it's their right. Because the framers of the Constitution believed, as James Madison and Alexander Hamilton argued in Federalist No. 51, that the civil rights of citizens in the new republic depended on the voices of many interests being heard. And because if only candidates and the establishment media are allowed to speak in the 60 days before an election—which is the intent and effect of the Shays-Meehan bill—ordinary people will be all but voiceless and powerless in the crucial period during an election.

No doubt members of Congress think that is a good idea, because it is much easier to get re-elected if your opponent lacks the resources to mount an effective campaign. What elected official wants groups interested in some issue mucking about in his voting record and being able to air what they find in prime time?

But the question under debate is whether people of similar beliefs—be they anti-death-penalty liberals or pro-life conservatives, unions or corporations or nonprofits—may pool their resources to increase their political impact by talking on television about issues and candidates in the 60 days (the only days that really count) before an election.

Shays-Meehan says no; journalists can talk on television or radio, but others interested in an issue cannot. But the First Amendment is very clear that our opinions as citizens and the opinions of the press are equally protected. ("Congress shall make no law . . . abridging the freedom of speech, or of the press.") And so was the U.S. Supreme Court in Buckley v. Valeo, the definitive and unanimous 1976 campaign-regulation decision: "The concept that the government may restrict the speech of some elements in our society in order to enhance the relative voice of others is wholly foreign to the First Amendment."

What Shays-Meehan (and its Senate counterpart, McCain-Feingold) does is restrict the speech of challengers and enhance the speech of incumbents; it restricts the speech of citizens and thus enhances the speech of the media on issues they care about.

In an earlier column, I discussed some of the difficulties of political speech bans. But consider the actual effect of McCain-Feingold: Planned Parenthood and People for the American Way, the National Rifle Association and Americans for Tax Reform, your local Stop the Highway or Cut Property Taxes Committee—all of them among Rep. Ford's "narrow interest" organizations—would be forbidden to use their resources to run "electioneering communications" after Labor Day in an election year. But every newspaper and television station in your town and state could still support or denigrate every candidate every day. Why would any sensible person vote to limit the speech of individuals and organizations but not that of the media, which have as many opinions and biases as each of us does?

When McCain-Feingold was before the Senate last March, 40 senators voted for Sen. Fritz Hollings's proposed constitutional amendment that would exclude campaign speech from the protection of the First Amendment. As wrongheaded as it is, it is at least honest. Shays-Meehan's supporters propose to achieve the same result by stealth, for they know full well that a constitutional amendment has no chance of passing.

It is hard to imagine anything worse for the republic than to have campaign speech regulated, supervised, watched, controlled and authorized or prohibited by an agency of the national government. Our Founding Fathers carefully wrote the right to express our views on the issues of the day into the Constitution, and we should make sure it is not written out.

Mr. McCONNELL. Many of Shays-Meehan's restrictions on political discussion by outside groups only apply to discussions in the broadcast media—not in the print media. If you happen to own a newspaper, or happen to be a newspaper, then these restrictions do not apply.

It is no mystery why the New York Times and the Washington Post have joined forces to run an editorial in favor of campaign finance reform once every 5½ days for the last 5 years. More than once a week, every week, for the last 5 years. The newspapers are huge winners under this bill—they have a blatant conflict of interest—which I don't recall reading about on any of their editorial pages. Nor do I recall seeing any news stories in their papers about their blatant conflict of interest and what big winners they are financially as a result of the passage of this bill.

Let's take a look at fundraising for outside groups. The largest loophole for outside groups is that we in Congress can raise soft money for them. This huge loophole was literally added at the 11th hour over in the House in order to secure enough support for this bill so that it would pass in the House of Representatives. This bill shuts off money to political parties but turns the spigot wide open on contributions to outside interests.

What the reformers don't tell you is that the soft money contributed to the national parties was already fully disclosed. Our friends up in the press gallery and the American public knows how much soft money the parties received. It has been disclosed for years. But for some reason, the reformers believe a system of raising undisclosed soft money for outside groups is better; it is better to allow Members of Congress to raise undisclosed soft money for outside groups than to allow Members of Congress to raise disclosed soft money for political parties. If you can make any sense of that, give me a ring sometime.

The parties will be replaced by an underground network of outside groups for whom we can raise unlimited, undisclosed sums of soft money. Let me be clear: There are numerous groups for whom Members can raise unlimited, undisclosed corporate and union soft money. Let me give you some names: Common Cause, the Sierra Club, the NAACP, NARAL, and NOW. This is a great day for them, a banner day for them.

Now there are other loopholes in Shays-Meehan for specific outside groups. Let's take a look at Indian tribes. In the 2000 cycle, Indian tribes contributed almost $3 million to Federal political campaigns. They used their general treasury for contributions, independent expenditures, and to run issue ads. This bill does not cover any of their activities.

A recent article from Fox News concluded that Indian tribes could soon contribute more money than any other interest group in America.

I ask unanimous consent that the full text of that article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIVES SLIP THROUGH BIG LOOPHOLE IN CAMPAIGN FINANCE

(By Katie Cobb)

LOS ANGELES.—Native American groups, or sovereign tribes that live alongside other U.S. citizens but are subject to several exemptions from U.S. tax and other laws, are getting another break in the campaign finance reform law meant to reduce the impact of special interests on political campaigns.

"They are basically just reaching into the till that is full of business and gambling money and writing checks to politicians and political parties," said Jan Baran, an elections law attorney.

While most special interest groups will lose their ability to donate soft money and are limited to low caps on direct contributions if and when the campaign finance bill is enacted, tribes which participate in the $5 billion a year Indian gaming industry will not be subject to the same rules.

An existing rule by the Federal Elections Commission already exempted tribes from the same contribution limits that apply to other Americans. But lawmakers, who had an opportunity to close the loophole during recent debate on the measure, decided to leave the exemption in place.

"Under the current law, individuals have an overall cap of $25,000 a year that they can give to candidates and federal political committees. Indian tribes don't have that overall aggregate cap," said Ken Gross, a former counsel for the FEC.

The exemption allows Indian tribes to donate the maximum amount to every single candidate running for federal office, easily totaling hundreds of thousands of dollars in cash each election cycle.

"They have a big pot of money to use and make political contributions and as long as they distribute it on a per candidate or per committee basis within the limits, there is no cap on how much they can spend so they are in a good position," Gross said.

And give they do. During the 1994 election cycle, Indian gaming groups gave more than $600,000 to federal candidates and political parties. In 1996, they gave close to $2 million and during the 2000 cycle, nearly $3 million. Millions more went to state candidates.

"We have taken a long time. We suffered a lot because we didn't understand this political process and now that we have learned the process and we have a level playing field, we have got to be treated fair," said Erine Stevens, chairman of the National Indian Gaming Association.

The exemption could put Indian tribes in a position to donate more than any other single interest group in America.

Politicians don't seem to mind. Lawmakers don't appear in a hurry to close the loophole during a House and Senate reconciliation conference. And if the bill is signed into law by the President, Indian groups can start cashing in their chips.

Mr. McCONNELL. Let's take a look at the trial lawyers. Shays-Meehan does not cover trial lawyers who organize as partnerships—which most lawyers do these days—rather than corporations. Lawyers gave more than $112 million in the 2000 election cycle alone. They are free to run issue ads at any time without restriction. This bill does nothing to change that.

Madam President, I ask unanimous consent that a copy of an editorial by James Wooton on this matter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Feb. 27, 2002]

CAMPAIGN FINANCE LAWYER LOOPHOLE

(By James Wooton)

A great irony could emerge from the 107th Congress: The purportedly populist campaign finance reform bill being considered by Congress would stifle debate on legal reform—a vital consumer and shareholder issue—while creating a loophole for the most powerful special interest in Washington: plaintiffs' class action lawyers.

As it relates to independent expenditures and issue advertisements, these bills don't cover trial lawyers because lawyers commonly take their compensation as individuals and, therefore, are not treated as "corporations" subject to the restrictions in the legislation. Whether or not they intend it, the bill's authors would grant a license to these trial lawyers, who ante up tens of millions of dollars in campaign contributions a year and, in doing so, would further empower a new class of wealthy individuals with an aggressive political agenda. The Shays-Meehan/McCain-Feingold bills unwittingly step into a major public-policy battle between plaintiffs' trial lawyers and the U.S. business community in a way that's certain to produce a clear loser: The American public. Legal reform is a concept abhorred by these lawyers because it would rein in the filing of frivolous lawsuits and put a lid on the lottery-like legal fees that have made some trial lawyers fabulously rich. They remember well the bullet they dodged when President Clinton vetoed the 1996 Federal Products Liability bill. Since that bill's demise, the trial bar has been rewarded handsomely: The total of the top 10 jury verdicts increased twelvefold from 1997 to 1999.

Because legal reform could help curb the "lawyer tax" that increases the cost of consumer goods and services by $4,800 annually for a family of four and degrades the value of investments, the public has a lot at stake in this battle.

Today, personal injury lawyers already are on top of the world. Freshly infused with the expectation of billions in fees from tobacco litigation, they are investing heavily in Senate elections to build a barrier against any future legal reforms. If lawyers were ranked among industries, they would be No. 1 on the list of donors to political campaigns. According to the Center for Responsive Politics, lawyers contributed more than $110 million in the 2000 election cycle, $77 million of which went to Democrats. Members of the Association of Trial Lawyers of America alone gave $3.6 million to federal campaigns over the same period.

The battle over legal reform takes place on many fronts, from electing or selecting reform-minded officials, to educating the public about the need for reform, to engaging in grass-roots and legislative lobbying and, ultimately, to enacting reform legislation. To be sure, personal injury lawyers and American businesses both engage in these activities. Unfortunately for the public, Shays-Meehan/McCain-Feingold would hobble American businesses involved in this debate while leaving trial lawyers armed to the teeth.

For instance, the legislation would impose a gag rule, prohibiting corporations from running broadcast issue ads that even mention the name of a candidate for a 60-day blackout period before a general election and 30 days before a primary. Personal injury lawyers would face no such obstacle.

Shays-Meehan/McCain-Feingold contains other booby traps that could confound business efforts to inspire needed reforms to our legal system. A gag rule, for example, would bar corporations from running ads that simply ask viewers to "Call Senator Jones and urge him to support legal reform bill X." During the blackout period, corporations would even be prohibited from running ads that name the principal sponsors of this bill.

Undoubtedly these are unintended consequences of Shays-Meehan/McCain-Feingold. The fact is that the courts are more solicitous of the free speech rights of individuals than corporations. Although some campaign reform advocates have expressed disdain for the greedy plaintiffs' bar and supported legal reform, the campaign finance bills would give more power to personal injury lawyers while crippling the business community's efforts to restore sanity to our civil justice system. Any congressional supporters of common-sense legal reform should be wary of a bill that could significantly empower the plaintiffs' trial bar to block these needed reforms.

Mr. McCONNELL. Let's take a look at a specific provision of this bill. The provision on "coordination."

In addition to protecting the American people's right to free speech and association, the first amendment protects the rights of Americans to petition their Government for redress of grievances. This right is essential to our representative democracy.

We meet with constituents and with citizens groups—who in this debate are simply referred to as "special interests"—to help determine how best to effectuate the wishes of the American people. We meet with these folks every day. Our meetings with fellow Americans is thus one of the most important things that occurs in the democratic process.

The Shays-Meehan "coordination" provision affects our ability to meet with constituents and citizen groups. There is a danger posed by an overbroad coordination standard in this bill. By subjecting candidates, officeholders, and citizens groups to civil and criminal liability for innocuous—and, indeed, necessary—contacts, the "coordination" provisions in Shays-Meehan do great damage to the constitutionally protected right of Americans to petition their Government for the redress of grievances.

The Shays-Meehan coordination provisions repeal existing FEC regulations on coordination, and they direct the agency—they order the agency—to promulgate new ones. In doing so, the bill ties the FEC's hands by specifically prohibiting the FEC from issuing regulations that require "agreement" or "formal collaboration" before subjecting a candidate, officeholder, or citizens group to civil or criminal liability for a "coordinated communication."

Let's sum it up. In other words, Congress is prohibiting the FEC from drafting coordination regulations that meet the constitutional requirement of being neither vague nor overly broad. We have, by this act, given instructions to the Federal Election Commission that they cannot draft regulations that meet a constitutional requirement of being neither vague nor overly broad. This bill seeks to shut down the process of interacting with constituents.

Citizens groups and candidates will be subject to prosecution if the Government deems an otherwise lawful "issue communication" to be a prohibited corporate contribution simply because groups have met with candidates or officeholders about public policy issues and then run ads on those issues.

For example, if a Member meets with a group about legislation that both the Member and the group support, and the group then runs ads promoting that legislation or those policies, someone—anyone—could then file a complaint charging that the Member and the group "coordinated" the communication.

Because Shays-Meehan bars the FEC from requiring that there be an agreement or formal collaboration to establish that the ad was coordinated, a group and a candidate can be liable for receiving and making, respectively, prohibited contributions. It will not matter that the Member disagrees with the ad or even that he did not know anything about it. It won't make a bit of difference.

Instead of requiring an actual agreement or formal collaboration before liability can be established, Shays-Meehan allows the Government to use simple presumptions to show "coordination" when, in fact, it may not exist.

Citizens groups, both on the left and on the right, oppose Shays-Meehan's coordination provisions. These groups recognize they will face intrusive and costly investigations, prosecution, civil fines, and penalties, and even criminal liability—even criminal liability—simply because they meet with Members and candidates about issues and then promote a policy agenda that happens to overlap with the Member's policy agenda.

I ask unanimous consent that letters from the National Right to Life, the NRA, the American Civil Liberties Union, and the NAACP opposing the coordination provisions in Shays-Meehan be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL RIGHT TO LIFE COMMITTEE
AND NATIONAL RIFLE ASSOCIATION,
March 19, 2002.

Re Coordination Minefield in Section 214 of H.R. 2356.

Senator MITCH MCCONNELL,
Ranking Minority Member, Committee on Rules and Administration, U.S. Senate, Washington, DC.

DEAR SENATOR MCCONNELL: Under current law, no relationship of "coordination" exists unless there is an actual prior communication about a specific expenditure for a specific project which results in the expenditure being under the direction or control of a candidate, or which causes the expenditure to be made based upon information provided by the candidate about the candidate's needs or plans.

However, Section 214 of the Shays-Meehan bill (H.R. 2356), in the form passed by the House on February 14, 2002, would obliterate that clear rule, and replace it with a new standard for "coordination" that would place incumbent lawmakers, advocacy groups, and unions at great legal risk for engaging in cooperative or parallel activities in support of common legislative goals—or even merely for transmitting information about an incumbent lawmaker's position on public polity issues.

Section 214 of the bill explicitly nullifies the current Federal Election Commission (FEC) regulations governing "coordination." The bill commands the FEC to develop new regulations that "*shall not require agreement or formal collaboration to establish coordination.*" [emphasis added] The bill goes on to dictate a number of issues that must be addressed in new regulations.

"SUBSTANTIAL DISCUSSION" TRAP

Section 214 requires new "coordination" regulations that must, among other things, address "payments for communications made by a person *after substantial discussion* about the communication with a candidate. . ." [emphasis added]

Many groups submit questionnaires to members of Congress and other "candidates," some of them covering many different specific issues. Other groups use standardized forms by which a candidate can "pledge" to endorse a certain legislative initiative—for example, the balanced budget amendment, or the Equal Rights Amendment, or "a ban on soft money." These written inquiries are often accompanied by written or verbal communications intended to convey why the position(s) advocated by the group are good public policy, worthy of the support of a lawmaker or would-be lawmaker. But even completing the questionnaire or pledge alone could be sufficient to constitute "substantial communication," since the lawmaker presumably returns the document to the group with the clear understanding that the group intends to convey his or her position to members of the public.

If the group does so by means that cost money, the group may soon be the target of a complaint that it made an illegal campaign "contribution," due to the "coordination" that occurred between the lawmaker and the group. Moreover, as explained below, if the group's spending constituted an illegal corporate "contribution," then the member of Congress has also "received" an illegal corporate contribution (and, no doubt, committed another violation by failing to report this "contribution"). Such a complaint may well do the incumbent lawmaker both legal harm and political harm, even though he did no more than convey his position(s) to a group of interested citizens.

Here is another example of "substantial discussion" that could lead to legal difficulties for a group (and for an incumbent lawmaker). Early in a congressional session, representatives of six groups met with Senator Doe to discuss what language they, and he, will use to collectively promote Doe's landmark bill to ban widgets. The six groups then spend money to communicate with the public, including Senator Doe's constituents, regarding the urgent need to enact the "Doe-Jones Widget Ban Act." The campaign manager for the senator's challenger then files a complaint, alleging that the groups have a "coordinated" relationship with Doe, and therefore the expenditures promoting Doe's bill are actually "contributions" to Doe's campaign. The legal consequences for the groups could be grave, because "contributions" by incorporated groups and unions have long been illegal.

But the consequences for the incumbent lawmaker could be equally grave, because if the groups' expenditures to promote his bill are deemed to be "contributions," then he also has violated three provisions of law: (1) he has received illegal "contributions" from corporations or unions; (2) he has received "contributions" in excess of the $2,000 limit; and (3) he has failed to report the "contributions" that he received from the groups.

"COMMON VENDORS" TRAP

The bill also commands that the FEC's new regulations must address "payments for the use of a common vendor." This provision is a license for regulations under which both members of Congress and groups would be at constant risk of entering into a "coordination" relationship merely because they both purchase services from the same pollster, ad agency, or other "common vendor." Under such a regulation, a group can establish "coordination" with a member of Congress without the lawmaker being able to prevent it, or even knowing about it until after the fact. On the other hand, a member of Congress could unilaterally make it more difficult for numerous groups of their right to express themselves about his record, merely by making purchases from the leading vendor or vendors of certain services (e.g., mailing houses, pollsters) in a given area.

The bill also requires the new regulations to address communications made by "persons who previously served as an employee of a candidate or a political party." The bill contains no time limit on the "disability" that would result from such prior employment. The bill's language would permit, for example, the FEC to write regulations under which involvement in a group's public communications by someone who had worked for a political party years earlier would automatically "coordinate" all federal candidates of the same political party who is discussed in that group's communications to the public.

POLITICAL ACTION COMMITTEES

Above, we have described ways in which a member of Congress could unwittingly and unknowingly become "coordinated" with an incorporated group or union, and thereby be charged with receiving illegal "contributions." There is an additional consequence once this has occurred: If the political action committee (PAC) connected to the "coordinated" corporation or union expends more than $5,000 on any activities in support of the lawmaker (or in opposition to his opponent)—even without any prior knowledge or involvement by the candidate—then those contributions also would also be regarded as illegal "contributions." This is because once the parent corporation or union is deemed to have become "coordinated" in any of the ways outlined above, its connected PAC also becomes "coordinated" and thus loses its legal right to make independent expenditures in excess of $5,000 to support or oppose any candidate—and the candidate is guilty of "receiving" an illegal contribution if the PAC makes such expenditures.

Consequently, a Member of Congress could easily become guilty of violating federal election law if he unknowingly becomes "coordinated" with a group, and the group's PAC subsequently makes expenditures over $5,000 without the Member's prior knowledge, much less consent.

In closing, we believe that the coordination provision (Section 214) in the Shays-Meehan bill infringe upon our First Amendment right to free speech and right to petition the government for redress of grievances. Therefore, we strongly oppose this provision.

Respectfully,

DAVID N. O'STEEN,
Executive Director, National Right to Life Committee.
CHARLES H. CUNNINGHAM,
Director, Federal Affairs, National Rifle Association.

AMERICAN CIVIL LIBERTIES UNION AND NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE,
Washington, DC, February 27, 2002.

Senator RUSS FEINGOLD,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR FEINGOLD: At your earliest convenience we would like to meet with you and your staff to discuss the coordination provisions of the House-passed version of the Shays-Meehan bill (H.R. 2356) that the Senate may soon take up.

We believe that Section 214 (provisions on coordination) will have a chilling effect on our ability to communicate with Members of Congress and our constituencies about important issues that arise in the legislative context. Because the provisions are so vaguely worded, we also think that the Federal Election Commission (FEC) will have the ability to subject groups to unwarranted investigations to determine if our motivation is really to affect the outcome of legislation or to affect the outcome of a campaign.

Shays-Meehan substantially changes current law by explicitly nullifying the current (and clear) FEC regulations governing "coordination." Under current law, no relationship of "coordination" exists unless there is an actual prior communication about a specific expenditure for a specific project, which results in the expenditure being under the direction or control of a candidate. In addition, under current law coordination exists if the expenditure is made based upon information provided by the candidate about the candidate's needs or plans.

Under Section 214 of the Shays-Meehan bill the FEC is directed to issue regulations that cover communications we have with federal candidates. These new regulations "shall not require agreement or formal collaboration to establish coordination." Another part of Section 214 states that the new FEC regulations should address "payments for communications made by a person after substantial discussion about the communication with a candidate . . ." We think that these vaguely worded directives concerning our activities could cause legal nightmares for our groups and the candidates with whom they work.

The ACLU and the NAACP often meet with members of Congress to learn about their positions on issues. After those meetings we sometimes decide to assist them (or lobby against them) on their legislative initiatives. After these conversations our groups may decide to convey the substance of these meetings through mass communications such as full page advertisements in newspapers, mass mailings, radio ads and the like. If we spend money to engage in these communications, we could be the target of a complaint accusing us that we made an illegal campaign "contribution" due to the "coordination" that occurred between the lawmaker and our groups. Indeed we have often been asked by a lawmaker to mobilize our grass roots on an amendment or bill that they may be offering. This has happened numerous times on issues ranging from civil rights laws to welfare reform. Just because we work closely with a Senator or Representative on a policy issue does not mean that we are secretly trying to endorse a particular candidate for re-election. But the new Section 214 provisions of Shays-Meehan will make our activities suspect and prone to investigation and perhaps sanctions by the FEC.

Candidates are also very much at risk as a result of the new coordination language. If the FEC deems that our groups' issue communications really amount to an illegal contribution to a candidate, then the candidate can be fined by the FEC for accepting an "illegal" contribution.

Without completely eliminating this provision, we hope that you will make adjustments in the language of this statute before the Senate takes up the bill later this week. The coordination provisions should not be so vague that they lead to the regulation of communications that are constitutionally protected and are not designed to support or oppose a candidate for federal elective office.

Thank you for your consideration of this urgent request.

Sincerely,

LAURA W. MURPHY,
Director, ACLU.
HILLARY SHELTON,
Director, NAACP.

Mr. McCONNELL. I urge these groups and others who are concerned about their ability to continue to promote issues to join me in challenging the overbroad "coordination" provisions in this bill.

The proponents of this legislation urge that the result I have described to you is not what they have intended.

They have inserted into the RECORD a clarification of how they envision their coordination provisions to operate.

However, neither a colloquy nor legislative history can change clear statutory language. If the drafters did not intend the troubling result I have described, then they should have used different language, or accepted my offer to modify the provision, which is one of the items I discussed with the Senator from Arizona early on in our discussions about the technical corrections to this bill. Instead, they insisted on directing the FEC to find "coordination," when there is no agreement to coordinate.

Madam President, I ask unanimous consent that additional documents from individuals and groups across the political spectrum, which highlight the fundamental problems with this legislation, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Feb. 13, 2002]

IT'S NOT REFORM, IT'S DECEPTION

(By Robert J. Samuelson)

"Washington think" is less about logic than political hustle. If you favor something, you attach it to a popular cause—say, homeland security. If you oppose something, you attach it to an unpopular cause—say, Enron. Bear this in mind as the House debates the Shays-Meehan "campaign finance reform" bill, named after sponsors Christopher Shays (R-Conn.) and Martin Meehan (D-Mass.). The Enron scandal (it's said) demonstrates the corruptness of big political contributions and the need for an overhaul. The argument, though highly seductive, is complete make-believe.

Only by the lax standards of "Washington think" would anyone treat it seriously. It's all innuendo: Enron collapsed because some executives behaved unethically; Enron executives also made political contributions; therefore, the contributions are tainted and the system is rotten. In reality, Enron would have collapsed even if its executives hadn't contributed a penny. The connection between the bankruptcy and political giving is fictitious. Perhaps contributions bought Enron some influence in shaping the White House's energy plan. But given Bush administration's pro-market views, does anyone truly believe the energy plan would have been much different without Enron?

The real lesson is that when Enron desperately needed help, its contributions bought no influence at all. In the 1999–2000 election cycle, Enron, its executives and employees made about $2.4 million in contributions, says the Center for Responsive Politics. Republicans got 72 percent, Democrats 28 percent. That's a lot of money—but not compared with total contributions. In the 2000 election, all House and Senate candidates raised more than $1 billion. Bush and Gore raised $193.1 million and $132.8 million. Political parties and committees raised hundreds of millions more.

Even if Enron deserve help (it didn't), few politicians would have risked public wrath by rushing to its aid. What this episode actually shows is that the breadth of contributions insulates politicians against "undue" influence by large donors. Since the early 1980s, the details of campaign fundraising and spending have changed enormously. But the debate's basic issues have stayed the same and can be distilled into a few questions:

Is campaign spending too high? No. In 2000, all campaigns—including state and local elections and ballot referendums—cost about $3.9 billion, according to the forthcoming book "Financing the 2000 Election" from the Brookings Institution. This is less than four one-hundredths of 1 percent of our national income. It's less than Americans spend annually on flowers ($6.6 billion in 1997).

Do contributions systematically favor one party over another? No. Since the early 1980s, politics has become more—not less—competitive. The closeness of the Bush-Gore election and the present congressional split (Republican House, Democratic Senate) attest to that. Candidates need to raise a threshold of contributions to campaign effectively. But more money doesn't guarantee victory. The Brookings book cites many cases where poorer candidates won. In Michigan, incumbent Republican Sen. Spencer Abraham spent $13 million but lost to Debbie Stabenow, who spent $8 million.

Do rich contributors control Washington? No. Sure, the wealth sometimes get underserved tax and regulatory breaks. But generally they're fighting a rear-guard defense against higher taxes and more regulations. Even after Bush's tax cut, the wealthiest 10 percent of Americans pay roughly half of all federal taxes. Most government benefits (for Social Security, Medicare, Medicaid, food stamps) go to large middle-class or poor constituencies.

Are big campaign contributions a large source of discontent? No. In a recent ABC News-Washington Post poll, respondents rated the government's top 10 priorities. "Campaign finance" finished last, with 14 percent. Last April—before terrorism and the declaration of a recession—it was also last, with 15 percent.

Do restrictions on campaign contributions curb free speech? Yes. Because modern communication—TV, mailings, phone banks, Internet sites—requires money, limits on contributions restrict communication. If communication isn't speech, what is it? The Supreme Court mistakenly blessed some contribution limits in Buckley v. Valeo (1976) but also equated free speech with free spending. As long as the court maintains that free speech involves free spending, putting more restrictions on contributions to political candidates and parties is self-defeating. It simply encourages outside groups (unions, industry associations, environmental groups) with their own agendas to increase campaign spending to influence elections.

The true parallel between Enron and campaign finance is one that "reformers" avoid. Enron's cardinal sin was deception. The company evaded clear financial reporting. Similarly, "campaign finance reform" fosters continuous deceptions. Because politics requires money and is fiercely competitive, every new restriction on contributions inspires ways around the limits—evasions that, though legal, are denounced as "abuses." Why should writing laws that predictably invite evasion be considered a good or moral act?

If Shays-Meehan becomes law, the cycle will continue. It bars most "soft money" political contributions and restricts some "issue ads" before elections. The Supreme Court might toss out some or all of the new limits as unconstitutional. If it doesn't, political operatives will skirt the restrictions. Opinions are divided on which party might benefit. Perhaps neither. Whatever happens, Shays-Meehan will hardly take big money out of politics. The only way to have true "reform" without this legislated hypocrisy is to amend the Constitution and place limits on the First Amendment. Somehow a distinction would have to be created between "spending to communicate" and "communicating."

To make this case would be difficult. In this reporter's opinion, it would also be undesirable. It would stifle political competition and sow resentment. But perhaps reformers can convince the American public otherwise. If they think campaign money is fundamentally corrupting democracy, honesty compels them to take the amendment route. Until they acknowledge that, they will be guilty of the same sins as Enron's executives. They will be describing the world as they wish it to be seen, not as it actually is. Here lies the geninue Enron analogy.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 13, 2002.

DEAR REPRESENTATIVE: We, the undersigned organizations and individuals, represent a diverse array of non-profit public policy advocacy groups. We have a shared belief that your upcoming vote on Shays-Meehan today will create an important record of your stand on the First Amendment rights of issue advocacy groups in the United States. We urge you to oppose this legislation because it contains unwarranted and unconstitutional restrictions on our free speech rights.

We have heard a great deal about so-called "sham issue ads" and the need to regulate such advertising. Until now in the United States, under our First Amendment, we have had the right to express our views through advertising about national issues and about federal elected officials before, during and after elections. Clearly most of Congress realizes that it would be unconstitutional to silence an individual who wants to take out broadcast advertising during this same period; consequently, Shays-Meehan does not silence wealthy individuals. But Shays-Meehan does silence groups like ours that are collectively supported by millions of small contributors who band together to make their views known.

Proponents of Shays-Meehan argue that their bill does not silence our groups. They are wrong. Sections 201, 203, and 204 of H.R. 2356 (like its Senate counterpart) contain unconstitutional restrictions on broadcast, cable and satellite issue ads. The net effect of these provisions is to ban many of our national groups and their affiliates, and all other 501(c)(4) advocacy corporations (but not PACs) from funding TV or radio ads that even mention the name of a local member of Congress for 30 days before a state's congressional primary or runoff, and for another 60 days before the general election. This restriction applies to any ad that "can be received" by 50,000 or more "persons," including minors, within a district—which covers nearly any TV or radio ad, since few persons do not possess TVs and radios.

These restrictions would have widespread impact on issue advocacy throughout the even number years in particular. For example, even today (February 13, 2002) if the bill were law, groups such as Common Cause and Campaign for America would be banned from running a TV or radio ad today in California (March 5th primary) or Texas (March 12th primary) saying simply "Call Congressman Jones to urge him to vote for the Shays-Meehan bill." In effect, groups are being cut out of the dialogue on major national issues.

The Supreme Court has repeatedly held that only express advocacy, narrowly defined, can be subject to campaign finance controls. Shays-Meehan redefines express advocacy in a way that covers our legitimate speech, which is not telling voters to vote for or against a particular candidate. If we dare applaud, criticize or even mention a candidate's name during this 30 day/60 day "blackout" period, we would have to create a PAC where donor names would have to be disclosed to the FEC in a way never before upheld by the courts.

We believe that no group that wants to express its views through broadcast ads should be forced to bear the significant and costly burden of establishing a PAC just to comment during this period. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to merely mention a candidate's name or comment on candidate records. Moreover, having a PAC would by definition make the organization a participant in partisan politics. Rather than risk violating this new requirement, absorbing the cost of compliance or being forced to take partisan stands during elections, it is very likely that some groups will remain silent.

It is clear that the intent and net effect of Shays-Meehan is to shut down legitimate, constitutionally protected issue advocacy. Are you voting to do this to groups who represent millions of Americans? We urge you to reject this approach. Please vote against Shays-Meehan.

Sincerely,

Laura W. Murphy, Director, ACLU Washington Office; Joel Gora, ACLU Campaign Finance Counsel, Professor of Law, Brooklyn Law School; David N. O'Steen, Executive Director, Douglas Johnson, Legislative Director, National Right to Life Committee; Gregory S. Casey, President & CEO, BIPAC (Business Industry Political Action Committee of America); R. Bruce Josten, Executive Vice President, U.S. Chamber of Commerce; Charles H. Cunningham, Director, Federal Affairs, National Rifle Association Institute for Legislative Action.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC, February 12, 2002.

DEAR REPRESENTATIVE: On behalf of the American Civil Liberties Union we are writing to express our opposition to the Shays-Meeham bill, the Bipartisan Campaign Reform Act of 2001, H.R. 2356 as originally introduced and in its subsequent permutations.

Shays-Meehan (in all its various iterations) would:

Unconstitutionally restrict robust political speech by average citizens prior to federal elections (issue advocacy restrictions).

Place restrictions on soft money contributions that support issue advocacy activities (partial bans on soft money).

Create draconian penalties for non-partisan interactions between groups and federal candidates (so-called coordination).

Shays-Meehan penalizes people of moderate means who want to band together to make their voices heard throughout the year, before during and after federal elections. These bills protect incumbents, wealthy individuals, PACs and the press. We have enclosed a fact sheet that presents our objections to Shays-Meehan in more detail.

We urge all members of Congress to vote against this legislation.

Sincerely,

LAURA W. MURPHY.

AMERICAN CIVIL LIBERTIES UNION,
Washington, DC.

ACLU CAMPAIGN FINANCE REFORM FACT SHEET

WHY SHOULD MEMBERS OF CONGRESS VOTE AGAINST H.R. 2356, THE SHAYS-MEEHAN BILL?

1. Shays/Meehan is patently unconstitutional.

The American Civil Liberties Union believes that key elements of Shays-Meehan violate the First Amendment right to free speech because the legislation contains provisions that would:

Violate the constitutionally protected right of the people to express their opinions about issues through broadcast advertising if they mention the name of a candidate.

Restrict soft money contributions and uses of soft money for no constitutionally justifiable reason.

Chill free expression by redefining it as "coordination" through burdensome reporting requirements and greatly expanded FEC investigative and enforcement authority.

H.R. 2356 would burden and abridge the very speech that the First Amendment was designed to protect: political speech.

2. Shays-Meehan would have a chilling effect on issue advocacy speech that is essential in a democracy. H.R. 2356 contains the harshest and most unconstitutional controls on issue advocacy groups. The bill contains:

A virtual ban on issue advocacy achieved through redefining express advocacy in an unconstitutionally value and over-broad manner. The Supreme Court has held that only express advocacy, narrowly defined, can be subject to campaign finance controls. The key to the existing definition of express advocacy is the inclusion of an explicit directive to vote for or vote against a candidate. Minus the explicit directive or so-called "bright-line" test, the Federal Election Commission (FEC) will decide what constitutes express advocacy. Few non-profit issue groups will want to risk their tax status or incur legal expenses to engage in speech that could be interpreted by the FEC to have an influence on the outcome of an election.

A black-out on broadcast, cable and satellite issue advertising before primary and general elections. The bill's statutory limitations on issue advocacy would force groups that now engage in issue advocacy—including non-profit corporations known as 501(c)(4)s—to create new institutional entities in order to "legally" speak within 30 days before a congressional primary or runoff and 60 days before a general election. This restriction applies to any ad that "can be received" by 50,000 or more "persons," including minors, within a district—which covers almost all TV or radio ads, since few persons do not possess TVs and radios. If a group wanted to take out a broadcast, cable or satellite ad during this period they would have to create a PAC where donors would have to be disclosed to the FEC in a way never before sustained by the courts. The opportunities that donors now have to contribute anonymously (a real concern when a cause is unpopular or divisive—see NAACP v. Alabama) would be eliminated.

Being forced to establish a PAC as a condition of commenting on campaign issues could entail a significant and costly burden for many non-profit organizations. Separate accounting procedures, new legal compliance costs and separate administrative processes would be imposed on these groups—a high price to exercise their First Amendment rights to comment on candidate records. Moreover, forcing an organization to take a partisan position is antithetical to the mission of groups like the ACLU that are fiercely non-partisan. It is very likely that some groups will remain silent rather than risk violating this new requirement or absorbing the cost of compliance. The only individuals and groups that will be able to characterize a candidate's record on radio and TV during this 60 day period will be the candidates, wealthy individuals, PACs and the media. Further, members of congress need only wait until days before a primary or general election (as they often do now) to vote for legislation or engage in controversial behavior so that their actions are beyond the reach of public comment and, therefore, effectively immune from citizen criticism.

3. Shays-Meehan redefines "coordination with a candidate" so that heretofore legal and constitutionally protected activities of issue advocacy groups would become illegal.

If the ACLU decided to place an ad lauding—by name—Representatives or Senators for their effective advocacy of constitutional campaign finance reform, that ad would be counted as express advocacy on behalf of the named Congresspersons and, therefore, would be prohibited if the ACLU had prior discussions with that member about those issues. An expanded definition of coordination is disruptive of proper issue group-candidate discussion.

4. Shays-Meehan would impermissibly limit soft money.

Unprecedented restrictions on soft money would make national parties less able to support grassroots activity, candidate recruitment and get-out-the-vote efforts. Restrictions on corporate and union contributions to parties not only trample the First Amendment rights of parties and their supporters in a manner well beyond any compelling governmental interest but they also dry up funds that expand political participation. Further, Shays-Meehan would ban all contributions from parties to non-profit organizations. Political parties frequently give money to non-profit groups to facilitate voter registration and issue-based voter mobilization efforts. These restrictions threaten the very survival of non-profit organizations that exist for these purposes, and will likely further suppress voter turnout by student and minority groups. Political parties are the mainstay of our democracy and they require funds for their electoral and issue advocacy activity. Any concern with large contributions to political parties may be addressed through the less drastic alternative of disclosure.

5. Shays-Meehan does not do anything to "Big Money" in politics except push money into other forms of speech that are beyond the reach of the campaign finance laws.

The Shays-Meehan bill contains misguided and unconstitutional restrictions on issue group speech and, as a consequence, further empowers the media to influence the outcome of elections. None of the proposals seek to regulate the ability of the media—print, electronic, broadcast or cable—to exercise its enormous power to direct news coverage and editorialize in favor or against candidates. This would be clearly unconstitutional. However, if the sponsors of Shays-Meehan have their way, the only entities that would be free to comment in any significant way on candidates' records would be the media, wealthy individuals, PACs and the candidates themselves. Corporations and unions need only to purchase media outlet if they want to have influence over candidates—their wealth and influence will not be abated by these so-called "reforms." Why, then, does Shays-Meehan attack, burden and seek to effectively eliminate only citizen group advocacy?

6. Shays-Meehan makes it harder for ethnic and racial minority, women and non-mainstream voices to be heard prior to an election.

What would happen, for example, if a candidate runs racist, sexist or homophobic ads during the last days of an election and interest groups like the NAACP, NOW or the National Gay and Lesbian Task Force wanted to criticize that candidate by name? Unless they undertook the complicated process of forming a PAC, they would risk violating the issue ad restriction in HR 2356 (the Shays-Meehan bill). Any broadcast ads decrying the candidates behavior that uses the name or likeness of a candidates 30 days before a primary or 60 days prior to a general election—even ads that do not endorse or oppose the candidates—would have to be funded through new disclosed dollars only, not existing non-profit funds. Further, the Shays-Meehan restrictions on soft money would dry up dollars that parties need to conduct voter registration and education, issue and platform development and the like.

7. It creates a "Big Brother" governmental regime for political speech.

This bill would permit the creation of a huge Federal Elections Commission apparatus that would be in the full-time business of determining which communications are considered unlawful "electioneering" by citizens and non-profit groups. None of the major proposals have funds to train or defend citizens or interest groups under the proposed new regulatory regime. Yet the Shays-Meehan legislation contains harsh penalties for failure to comply with the new laws.

8. How does the Shays-Meehan bill compare to the Ney/Wynn bill, H.R. 2360?

The Ney/Wynn bill is far less constitutionally flawed than Shays/Meehan in that it regulates issue advocacy and soft money less restrictively. But Ney/Wynn is still problematic legislation in that it imposes unwarranted regulation of issue advocacy through registration, reporting and disclosure. It creates a kind of "Free Speech Registry" for any organized criticism of incumbent politicians. A group would still have to register with the FEC if it sends written, Internet and broadcast communications. These very same kinds of regulations have been struck down by the federal courts (See United States v. National Committee for Impeachment, 469 F.2d 1135 (2d Cir. N.Y. 1972) and American Civil Liberties Union v. Jennings, 366 F. Supp. 1041 (D.D.C. 1973)). The Ney/Wynn bill would adversely affect issue group publications such as an ACLU Civil Liberties Voting Index (unless it was communicated only internally to members). Such a communication would be subject to onerous and burdensome regulations. Although both bills embody the flawed limit-driven approach to political speech, the Shays/Meehan bill is far more constitutionally onerous.

Shays-Meehan is unconstitutional, unwise and ineffective legislation. The ACLU urges Representatives to vote against H.R. 2356.

Mr. McCONNELL. Although this legislation will pass today, I am confident the Supreme Court will step in to defend the Constitution.

I commend the proponents of this bill for acknowledging the serious constitutional questions that are wrapped up in this legislation and for providing an expedited route to the Supreme Court for an answer to these questions. I am consoled by the obvious fact that the courts do not defer to the Congress on matters of the Constitution, and they should not.

Today is a sad day for our Constitution, a sad day for our democracy, and for our political parties. We are all now complicit in a dramatic transfer of power from challenger-friendly, citizen-action groups known as political parties to outside special interest groups, wealthy individuals, and corporations that own newspapers.

After a decade of making my constitutional arguments to this body, I am eager to become the lead plaintiff in this case and take my argument to the branch of Government charged with the critical task of interpreting our Constitution.

Today is not a moment of great courage for the legislative branch. We have allowed a few powerful editorial pages to prod us into infringing the First Amendment rights of everybody but them. Fortunately, this is the very moment for which the Bill of Rights was enacted. The Constitution is most powerful when our courage is most lacking.

Madam President, I congratulate Senator McCAIN and Senator FEINGOLD for their long quest on behalf of this legislation and also Congressmen SHAYS and MEEHAN.

I particularly thank my devoted staff, who have been deeply involved in this issue—some of them going back to the late 1980s. The Minority Staff Director of the Rules Committee, Tam Somerville, was with me in 1994 when we had the last all-night filibuster in the Senate. It was on this issue. That was a time when we really did get out the cots because we really meant to use them, not just to have a photo op. Hunter Bates, my former Chief of Staff and the former Chief Counsel of the Rules Committee, has been a tower of strength on this issue and will still be, hopefully, involved in our effort as we go forward in the courts. Brian Lewis, my Chief Counsel at the Rules Committee, has been an invaluable member of this team. He is a very skillful lawyer, with a good political sense as well. He also has been deeply involved in the election reform issue, which Senator DODD and I hope to move in the coming weeks. Leon Sequeira, my Counsel at the Rules Committee who works with Brian, is sitting to my right. He is also a valuable member of our team and a terrific lawyer who has made important contributions to this debate.

John Abegg, my Counsel in my personal office, is another bright lawyer, well steeped in the first amendment, who has made an important contribution.

Chris Moore and Hugh Farrish of the Rules Committee staff have also been helpful to me in this effort.

I say to all my staff who have worked on this issue, you make me look a lot better than I deserve, and I thank you so much for your outstanding work, not just for me but for the principles involved in this important debate.

In conclusion, this may be the end of the legislative chapter of this bill, but a new and exciting phase lies ahead as we go to court to seek to uphold the Constitution and protect the rights of individuals, parties and outside groups to comment and engage in political discourse in our country.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator has 18½ minutes.

Mr. McCONNELL. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Madam President, I ask that the time be charged to both sides during the quorum call, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, the Senator from Pennsylvania wishes to address this issue. I yield him 10 minutes if he needs it. If he does not, we will reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair.

Madam President, first and foremost I congratulate the Senator from Kentucky. He is truly a lawyer for the first amendment and for the Constitution of the United States. I listened to most of his remarks. They are about as thorough a discourse on this issue as I have heard. There is not much for me to add, but I will make a couple of comments about what I think we are doing today and the impact it is going to have on the political system.

Assuming this is all held to be constitutional—and I agree with my colleague from Kentucky, I have grave doubts whether that will be the case, but assuming it will all be held constitutional, this will do several things.

No. 1, I got to the Senate and the House of Representatives as a challenger. I came out of nowhere in almost both those situations. I did it the hard way. I had support basically from only one special interest group: the Republican Party. That was it.

In my first race for Congress, I was outspent 3½ to 1. I think I got $10,000 in PAC contributions. I was a nobody. I was a guy who was knocking on doors. The Republican Party said: We will help him a little bit; we will get the folks organized to help out. And they gave me a little money. Guys like me are going to have a lot harder time getting to the Senate or the House of Representatives. None of the special interest groups was fighting for me because they did not think I had a chance. They are going to be the ones to hold the power now.

Political parties are not going to have the resources to support challengers. I heard this comment among my colleagues over and over—it is this frustration level, and I do not mean to point fingers and I will not, but I hear this frustrating comment from my colleagues who support this bill: I am sick and tired of all these people playing around in my election. I am tired of all these outside groups running ads in my election.

Well, excuse me. Excuse me. Gee, I did not realize when I ran for office that this was my election. You see, I thought this was an election for the Senate or, before that, for the Congress. I certainly did not believe I had ownership of this election. But I will tell you, in private meetings, over and over I hear this comment: I am sick and tired of all these people, all these speeches—speeches meaning ads—all these folks attacking me in my election; I want control back over my election.

"My election." If you do not think this is an incumbent protection plan, I guarantee you have not been listening. This is all about protecting incumbents. Do my colleagues think we are going to pass something which helps folks who run against us? How many folks are going to say: I like being here, but I want to give the guy who takes me on a better shot at me? I can guarantee if my colleagues read this bill, there is no way they can see that.

All you bothersome people out there in America who believe you have some right to participate in my election, it keeps you at home. You just stay home. Leave me alone 60 days before my election so I can do what I want to do and tell the people what I want to tell them.

That is the first thing this does—it shuts you up because—you know what?—you are an annoyance. You guys go out there and say things I do not like, I do not agree with, and it may not be true, so we are just going to shut you up. That is the first thing this bill does.

The second thing this bill does is it destroys political parties. One of the great things about this country is that we have had a stable two-party system. Travel around the world and look at other democracies and see fragmented governments, all these very narrow parties. We do not have that in America. We have two very broad mainstream parties. People say that does not leave room for dramatic advances in ideological thought at one end of the spectrum or the other end. That may be true, but it has served this country pretty well.

What we are doing with this bill is shifting power from those broad, mainstream parties that support people not because of any litmus test on the issues, but support them because they run under the broad banner of center or right of center if you are Republican, or center or left of center if you are a Democrat. We are now going to replace that with very highly specialized interests that I believe in the end will begin to develop parties, although not in a formal sense, but begin running candidates because of their ability to funnel undisclosed money to those candidates. We will begin to see more fringe players on the horizon. We may even see many elected.

If we look again at Europe and other places, other democracies, in many cases these fringe or extreme parties tend to hold the balance of power. It is not a very constructive thing at all for this country.

I do not know what possesses someone to think that political parties, for all their good or all their bad, are somehow negative for this country; that having political parties supporting their candidates is somehow bad, is somehow destructive to our political process when, in fact, it is just the opposite. Political parties protect us from extremism by their support of more mainstream ideas.

So this bill destroys, in most respects, political parties and their ability to have influence on elections. It shuts up you. It shuts up you, the average voter in America. It says you need not participate in what we are doing.

Who is the greatest beneficiary? Well, obviously, I mentioned before the greatest beneficiary is the incumbent or the person with incredible deep pockets who can spend their money. Those are the great beneficiaries. If you have a lot of money or you happen to be in here—I got mine, too bad about you—you are going to be OK in this legislation.

I do not know that I would necessarily wave the banner of reform and say that is the end result of this process.

Who else is going to benefit? Senator McCONNELL mentioned this, too. The greatest beneficiaries are the folks who do not have to shut up 60 days before the election. The greatest beneficiaries are candidates and the media. The media is a huge winner.

All of you, Americans, unless you have a newspaper or a radio station or a television station, have to sit on the sidelines when people begin to focus on elections 60 days before. Not the media. If all of you are quieter, their voice naturally becomes louder because it is the only voice out there other than the candidate. Of course, those supporting this measure want to shut you up anyway.

So we now have a system where candidates and the media become the dominant voices in our political structure, and the average American is shut out. And this is reform.

I argue that what we are doing is a direct assault on the first amendment. If one has any doubts about that, in the Senate, at least the last two times that I recall that we debated this issue, there was an amendment offered to McCain-Feingold to amend the Constitution to allow these provisions to be constitutional. Think about this. In the Senate, there was an amendment offered to, in essence, amend the first amendment of the Constitution so this bill would be seen constitutionally.

Over a third of the Senate voted to limit political speech in the Constitution, which brings me to the point I have made many times. I guarantee if we had a vote right now on the first 10 amendments to the Constitution, the Bill of Rights, in the Senate they would not pass, because we know better. We want to keep this power with us, not the people.

Those first 10 amendments were there to protect you, Mr. and Mrs. America; not us, Mr. and Mrs. Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SANTORUM. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. How much time do we have remaining?

The PRESIDING OFFICER. Sixty-one minutes.

Mr. FEINGOLD. I thank the Chair. Now I am delighted to yield 5 minutes to one of the earliest supporters of this legislation from the State, more than any other State at this time in our history, that represents campaign finance reform and somebody who worked every day for 5 or 6 years to make this happen, the Senator from Maine, Ms. COLLINS.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Thank you, Madam President.

Today we stand on the threshold of an accomplishment that for many years had seemed unachievable. We are here because of the tenacious leadership, advocacy, and courage of Senators JOHN McCAIN and RUSS FEINGOLD. How well I remember, after being elected in 1996 and sworn in in early 1997, Senator FEINGOLD coming and meeting with me. He had with him a pile of papers, everything I had ever said on the issue of campaign finance reform. So he knew well I had pledged to the people of Maine my determination to reform our campaign finance laws.

We talked, and I said to him: This sounds very good. How many other Republicans do you have on this bill?

He paused and he said: You mean other than JOHN McCAIN?

I said: Yes.

He said: Well, there is FRED THOMPSON.

I was delighted to sign on as the third Republican to support the McCain-Feingold bill. I wish to pay tribute to my friend RUSS FEINGOLD for his persistence, for his attention to detail, and for never giving up the fight. He and Senator MCCAIN are true heroes.

It is wonderful to be here today. The growth and support for campaign finance reform among members of my party underscores the importance of the legislation and the increasing realization that our campaign system was out of control. My home State of Maine has a deep commitment to preserving the integrity of the electoral process, to opening the doors to public office to many more citizens, and to ensuring that all Mainers, indeed all Americans, have an equal political voice.

In many communities in Maine, this is the season for town meetings, town meetings in which all citizens are invited to debate the issues with their neighbors and to make decisions. This is unvarnished, direct democracy. It is a tradition where those who have more money do not speak any louder or have any more clout than those who have less money. It is a tradition that has made Maine a State that values political participation from all of its citizens.

Maine's tradition of town meetings and equal participation rejects the notion that wealth dictates political discourse. Maine's citizens feel strongly about reforming the campaign finance system, as do I.

Soft money has become the conduit through which wealthy individuals, labor unions, and corporations have been able to evade the campaign contribution limits, as well as the ban on direct corporate and union contributions. The problem with soft money was painfully evident during the 1997 hearings held by my friend and colleague, Senator FRED THOMPSON, before the Committee on Governmental Affairs. We heard from individual after individual who testified about giving hundreds of thousands of dollars in order to buy access. One gave $325,000 to the Democratic National Committee in order to secure a picture with the President of the United States. Another was the infamous Roger Tamraz, who testified the $300,000 he donated to gain access to the White House was not enough and that next time he was prepared to double the amount he would give.

According to the Congressional Research Service, soft money donations nearly doubled in the 2000 election cycle, from $262 million in 1996 to $488 million in the year 2000. Other estimates set the explosion in soft money donations at even higher levels.

Just two Presidential elections ago, soft money contributions totaled $86 million. At the same time, during this period, regulated hard money donations, which all of us wish to encourage to get individuals more involved in the political process, grew by only about 10 percent.

The Federal Election Campaign Act of 1971 has served our country well in many aspects, but the loopholes in the law have swallowed the rules themselves. If left unchecked, soft money threatens to swamp our campaign finance system, and that is why this legislation we are on the threshold of clearing today is so important.

I am also pleased the bill includes an amendment that Senator WYDEN and I offered to raise the level of discourse in campaign ads. Our amendment requires that candidates be clearly identified when they or their authorized committees air negative advertising. When a candidate launches an ad that refers directly to an opponent, whether it is a high-minded discussion of policy differences or a vicious attack on an opponent's character, the candidate should be required to stand by his ad and not hide behind a committee that may not include the name of the candidate.

Our amendment requires the candidate to clearly identify himself or herself as the sponsor of the ad, thus putting an end to disingenuous stealth attack ads.

Finally, I pay tribute to a principled opponent of this legislation, Senator MCCONNELL. We could not disagree more on the substance of this issue, but I respect his tenacity and the strength of his convictions.

The problems in our country campaign finance system are well known. Today, finally, at long last, due to Senator RUSS FEINGOLD and Senator JOHN MCCAIN, we are going to make tremendous progress. I am delighted to have been part of this fight. I am so pleased we are on the verge of sending this landmark legislation to the President of the United States for his signature.

Mr. FEINGOLD. Madam President, I thank the Senator from Maine for her kind words and her courageous leadership on this issue. It is so fitting that the next speaker is the other Senator from Maine. Without Maine, without these Senators, we would not be winning this battle today. That is all there is to it. My hat is off to the State of Maine.

I yield 7 minutes to the senior Senator from Maine.

Ms. SNOWE. I thank Senator FEINGOLD.

Madam President, I am delighted to be here this afternoon to join my colleague from Maine, Senator COLLINS, in support of this campaign finance legislation that clearly will be landmark law for campaign finance in the beginning of this new century.

Ms. SNOWE. Mr. President, I rise today in support of this landmark campaign finance reform bill that has passed the House of Representatives and is before us today. That bill, the so-called "Shays-Meehan" bill, of course is very close to the McCain-Feingold campaign finance reform legislation that we passed in this body last April.

As I have said before, this bill reminds me of that old Beatles song, "The Long and Winding Road." Because, for certain, the road to this day has been marked by long stretches of nothingness, interrupted periodically along the way by dangerous curves, rock-slides, pot holes, jersey barriers, you name it.

And while there were times it looked as though we might fly off the cliff, never to be seen again—or that we might run head-long into one of the myriad procedural roadblocks placed before us here we are, finally at the doorstep of real and meaningful campaign finance reform for the first time in a quarter century.

Without question, we never would have arrived here safely if not for the extraordinary skills of the two men at the wheel—Senators JOHN MCCAIN and RUSS FEINGOLD. Their names have become synonymous with campaign reform, and with good reason. No one has devoted more of themselves to this cause. No one has poured more effort, energy and innovation into bringing about necessary changes in the way in which we finance campaigns in this country.

We say it all the time in this body, but these two truly have worked tirelessly for the success of this legislation. And I can tell you I've been privileged to work with them in trying to forge a bill that will not only address a huge portion of the problem we face, but also a bill that can pass the Congress and be signed into law.

In that light, I also want to recognize and commend Representatives SHAYS and MEEHAN, whose fight in the House reminds me of the story of Hercules' battle with the Hydra—a serpent with nine-heads, one of which was immortal. But Hercules won out by burying that last, immortal head just as Congressmen SHAYS and MEEHAN won out over the multi-faceted offensive of procedural hurdles and killer amendments that was thrown at them. I congratulate them both.

And before I go any further, I also thank my good friend and colleague, Senator JEFFORDS, who has been steadfast and instrumental in helping to forge the compromise language in this bill that has now come to be known as "Snowe-Jeffords." I can't tell you the countless hours and incredible effort he and his staff have put in to develop and hone this language in consultation with leading reformers and constitutional scholars, and I deeply appreciate his commitment to advancing the cause of campaign finance reform.

Indeed, I have never been more optimistic that reform will become reality. The fact of the matter is, the House and Senate are now both on record in support of reform, having passed two bills that achieve the same objectives and goals. And so now the time is upon us. The time has arrived for us to lay aside procedural gymnastics and put away the arcane legislative amendment trees and pass this bill and send it to the President of the United States.

Today, I want to speak to the pressing need for reform . . . the reasons why this bill fits the bill . . . and why I believe in both the effectiveness and constitutionality of what we are about to do.

First, I do not think there can be any doubt that we have a system of financing campaigns in this country that is out of control. And it is out of control in a very literal sense because some critical loopholes have been exploited that takes an entire and ever-growing universe of money out from under the umbrella and enforcement mechanisms of federal election laws and into the realm of "anything goes."

Well, the "if it feels good, do it" approach to financing campaigns in America must come to an end, because it is making a mockery of our election laws. We've all heard by now the story of soft money, and what it represents money that is raised and spent outside the purview of federal election law, even though it unquestionably effects the outcome of Federal elections.

That's the fundamental reason why it's time for soft money to go. Because it's no longer about building up the parties something I have absolutely no problem with whatsoever. It's about money that's being raised in unlimited amounts from unlimited sources to elect candidates for Federal office—something for which we already have well-established rules—rules that are being flouted on a grand and disturbing scale.

This soft money must be incredibly effective in what it does, because every year the parties come more and more under its spell. Just ten years ago, during the Presidential election cycle of 1992, soft money accounted for just 17 percent of total receipts by the two major political parties. But in the last election cycle, that number skyrocketed to 40 percent. To put it another way, the $86.1 million in soft money raised by the two parties in 1992 increased by well over 500 percent in the 2000 elections.

And just think about this—the total amount of soft money raised by both parties in the first half of this current election cycle—$160.1 million—is more than twice the $67.4 million raised in 1997, the first year of the most recent non-presidential cycle. Even more telling is the fact that the current numbers are almost 50 percent more than the $107.2 million raised in 1999—and that was during a Presidential election cycle, when fundraising is typically higher. Where will we be in 10 years, Mr. President? In 20 years?

The amount of money is staggering. But just as bad is the complete lack of accountability assigned to it—even though it is being used to affect the outcome of Federal elections.

No wonder there is a strong sense that campaigns in this country have spiraled out of control. There is a strong sense that elections are no longer in the hands of individual Americans. As the old saying goes, perception becomes nine tenths of reality. And the reality is, we have a system in need of an overhaul.

That's why one of the most critical components of this bill bans soft money for the national parties. But to do that alone is simply not enough. We can't just shut off the flow of soft money to parties and call it a day. We also must close off the use of corporate and union treasury money used to fund ads influencing Federal elections. That's the only way we can claim to have enacted truly balanced and fair reform.

As far back as 1997, I worked to address this thorny issue—how do we ensure freedom of speech while also ensuring the integrity of our election laws? And what I eventually developed in partnership with Senator JEFFORDS and noted constitutional scholars is an easily understandable, narrowly drawn, constitutional method of applying disclosure and restrictions on the sources of funding for electioneering ads masquerading as so-called "issue ads."

What we are talking about are broadcast advertisements that are influencing our Federal elections and, in virtually every instance, are designed to influence our Federal elections. Every focus group and every study group that has been conducted over the last few years proves this, and I'll detail those studies later. And yet, no disclosure is required and there are none of the funding source prohibitions that for decades have been placed on other forms of campaigning.

Why is this so? Because they don't contain the so-called "magic words" like "vote for candidate x" or "vote against candidate x" that make a communication what is called "express advocacy," and therefore, subject to Federal law requiring disclosure and requiring that the ad be paid for with hard money.

These ads must be extraordinarily effective, because their use has exploded within the last decade. According to a 2001 report from the Annenberg Public Policy Center, which has been studying this trend almost since its inception in the 1996 election cycle, in the past three cycles we have seen spending on issue ads go from about $150 million in 1996, to about $340 million in 1998, to over $500 million in 2000. One hundred million of that was spent in the last 2 months alone. And there is not one dime of disclosure required on any of it.

It's time we closed this loophole. It's time to remove the cloak of anonymity. Otherwise, we are saying that it really doesn't matter to the election process. That we should not know who is behind these types of commercials that are run 60 days before the election, 30 days before a primary, whose donors contribute more than $1,000. We ought to have disclosure on these ads where there currently is no disclosure. And that's what the Snowe-Jeffords provision in this bill does, in simple, straightforward and unambiguous terms.

Here's how it works. First, it requires disclosure on individuals and groups running broadcast ads within 30 days of a primary and 60 days of a general election that mention the name of a Federal candidate and are distributed from a broadcaster or cable or satellite service and is received by 50,000 or more persons in State or district where Senate/House election occurs. And the disclosure threshold is high $1,000 which incidentally is five times the contribution amounts candidates are required to disclose.

And second, it prohibits the use of union or corporate treasury money to pay for these ads, in keeping with longstanding provisions of law. Corporations have been banned from direct involvement in campaigns since the Tillman Act of 1907. Unions were first addressed in the Smith-Connally Act of 1943 and the prohibition was finally made permanent in 1947 with the Taft-Hartley Act.

And these laws have stood because the Court has recognized—as recently as 1990 as this quote from Justice Marshall in the Austin versus Michigan Chamber of Commerce decision shows—"the corrosive and distorting effects of immense aggregations of wealth that are accumulated with the help of the corporate form, and that have little or no correlation to the public's support for the corporation's political ideas."

Now, the Snowe-Jeffords provision has been around for a while, and during that time I have heard some pretty outrageous and flat-out false statements made about it, and I would like to take this opportunity to set the record straight on what it does and doesn't do. Indeed, it was said on the floor last March, in defense of an amendment to remove the Snowe-Jeffords language from the bill an attempt that failed by a vote of 28–72 I might add that:

> American citizens would be prohibited from discussing on television or radio a candidate's voting records and positions within 60 days before a general election or 30 days before a primary . . . the 'political speech police' would be saying that you cannot mention a candidate's name; you cannot criticize

that candidate by name . . . if you are part of a citizens group wanting to enter the political debate and engage in meaningful discourse, using the most wide-sweeping medium for reaching the people which is TV, under this provision you cannot do that. You simply cannot enter the debate using television or radio as a mode of communication.

Mr. President, this is a gross mischaracterization of Snowe-Jeffords.

Individuals are free to run ads saying whatever they want whenever they want and unions, corporations and nonprofit 501(c)4 groups can simply form political action committees to which individuals voluntarily contribute up to the amount allowed by law to run ads mentioning a candidate near an election. So it absolutely can be done.

I have also heard it said that the result of this provision would essentially be little or no political speech during the 60-day period before an election. But that simply isn't true. Again, so-called issue ads run on television and radio only, 30 days before a primary and 60-days before a Federal election, that mention a Federal candidate's name, and are seen by the candidate's electorate, would be subject to disclosure—and could not be funded by corporate or union general treasury funds or union dues. And this only applies if you run more than $10,000 of these kind of ads during a calendar year. So we will never effect small groups.

The most important, bottom line components to this legislation are disclosure, and a requirement that these so-called issue ads that are really campaign ads be funded from voluntary, individual contributions just like any other campaign ad.

Let me now give you a quick example of exactly what kinds of ads we would cover, and what ads wouldn't be touched at all. First, the electioneering ad—it doesn't specifically say "vote for" or "vote against" so-and-so—something that would automatically bring it under current law.

"We try to teach our children that honesty matters. Unfortunately, though, Candidate X just doesn't get it. Candidate X urged her employer to buy politicians and judges with money and jobs for their relatives. Candidate X advocates corruption . . . call Candidate X. Tell her government shouldn't be for sale. Tell her we're better than that. Tell her honesty does matter."

Under current law, because this ad doesn't use the so-called magic words, there is no disclosure required on these ads and there are no source prohibitions whatsoever. And we're told by our opponents that we're just supposed to throw up our hands and say, "Oh well, we all know what these ads are doing, but there's not a thing we can do about it."

Now, here is a real issue ad that wouldn't be covered at all by Snowe-Jeffords in any way, shape or form. It says:

(Woman): "We can't pay these bills, John."

(Man): "Prices are as low as when my dad started farming."

(Woman): "It's bad, alright."

(Man): "Farmers are suffering because foreign markets have been closed to us and our own government won't even help."

(Woman): "I hear the Thompsons are going to have to quit farming after four generations."

(Man): "I can't even bear to think about it."

(Announcer): Tell Congress we need a sound, strong trade policy. Call 202-225-3121.

And there are graphics on the screen that show the phone number, that direct viewers to tell Congress that we need to pass initiatives like "IMF Funding" and "Sanctions Reform", and they give the number for the Capitol switchboard. Again, this is a pure issue ad that we wouldn't touch.

Now, some of our opponents have said that we are simply opening the floodgates in allowing soft money to now be channeled through these independent groups for electioneering purposes. To that, I would say that this bill would prohibit members from directing money to these groups to affect elections, so that would cut out an entire avenue of solicitation for funds, not to mention any real or perceived "quid pro quo".

Furthermore, I find it both interesting and remarkable that in many cases our opponents who are making this claim on the one hand are at the same time claiming that we're choking off free speech. That the provision "restricts citizen speech" by "severely limiting the sources of money that can be used for such speech", as FEC Commissioner Bradley Smith wrote in a Wall Street Journal piece on March 20, 2001. So my question is, which is it? Is it opening the floodgates, or is it choking off speech? Because you can't have it both ways.

Opponents have also referred to the NAACP versus Alabama Supreme Court case to say that our disclosure provisions are unconstitutional. And I want to take this opportunity to refute what is yet another misrepresentation.

The fact of the matter is, NAACP was about the disclosure of an entire membership list of a black civil rights organization in Alabama in the 1950's. The law struck down in that case forced the NAACP in Alabama, an issue advocacy organization, to disclose all of its members or to leave the State. I hope no one would suggest that's equitable to today. The bottom line is, we only require disclosure of major donors. And there is no guaranteed right to anonymity when it comes to campaigning. In fact, the court has said time and again that disclosure is in the public interest because it gives the public details as to the nature and source of the information they are getting.

The fact is, any group may be entitled to an exemption from electioneering disclosure laws if it can demonstrate a reasonable probability that compelled disclosure will subject it members to threats or reprisals. But the need for these kinds of limited exceptions don't make the general disclosure rules contained in Snowe-Jeffords unconstitutional.

I want to reiterate to my colleagues that the language in this bill was carefully and narrowly crafted in consultation with noted constitutional scholars and reformers. In doing so, the provision was based on the precept that the Supreme Court has made clear that, for constitutional purposes, campaigning which make no mistake, these ads do—is different from other speech. It builds upon bedrock legal and constitutional principles, extending current regulation cautiously and only in the areas in which the first amendment is at its lowest threshold, such as disclosure and prohibitions on union and corporation spending.

It also was crafted to keep with the spirit of the Supreme Court's requirements that any laws we pass that might have an impact on speech not be overly vague or substantially overlybroad. In fact, let me quote from a scholar's letter from the Brennan Center dated March 12, 2001, which was signed by 70 law professors and scholars from all over the country in support of the constitutionality of McCain-Feingold in general and of this provision specifically.

In the letter, they say, "the Court did not declare that all legislatures were stuck with these magic words—in other words, the terms like "vote for" or "vote against" that denote whether or not an ad contains express advocacy, and therefore is currently subject to regulation—or words like them, for all time. To the contrary, Congress has the power to enact a statute that defines electioneering in a more nuanced manner, as long as its definition adequately addresses the vagueness and overbreadth concerns expressed by the Court."

And the fact of the matter is, Mr. President, we do address those two concerns, and we do so very well. No wonder then that every living person to have served as ACLU President, ACLU Executive Director, ACLU Legal Director, or ACLU Legislative Director—with the exception of current leadership—has signed onto a letter supporting our approach. Every single one of them.

Already I have established how our provision is not even remotely vague. As that Brennan Center scholars' letter says that was signed by 70 scholars, "Because the test for prohibited electioneering is defined with great clarity, it satisfies the Supreme Court's vagueness concerns. Any sponsor will know, with absolute certainty, whether the ad depicts or names a candidate and how many days before an election it is being broadcast. There is little danger that a sponsor would mistakenly censor its own protected speech out of fear of prosecution under such a clear standard."

As for the issue of overbreadth—that we'd be capturing all kinds of ads that aren't electioneering—well, the evidence belies those claims. Just consider how well this test works when compared to what's going on in real life. In the final 2 months of an election, 95 percent of the issue ads Annenberg studied in the top 75 media markets mentioned the names of candidates.

They do it because they know what's effective. These people don't spend umpteen amounts of dollars on ads hoping that maybe they work. They know their message is clear. And they know that using the name of Federal candidates in their ads near the election is an effective way of influencing the election. That's why Snowe-Jeffords keys in on the naming of candidates as one of the triggers of our disclosure regulations.

And the numbers bear out how effective the ads really are. In the final two months before the 2000 election, 94 percent of all the televised issue ad spots were seen as making a case for or against a candidate by the Annenberg study. Ninety-four percent. Now, what was the content of these ads? Well, in the final 2 months of the election, fully 84 percent of those ads seen as electioneering ads were also seen as having an attack component. Over 8 out of every 10 ads were attacking—not comparing or offering information but attacking.

But perhaps most compelling is a recent joint study between the Brennan Center and Kenneth Goldstein of the University of Wisconsin and Jonathan Krasno, visiting fellow at Yale. The report specifically studied issue ads within the context of the Snowe-Jeffords test, during the 2000 elections and in the top 75 media markets.

And you know what they found? They found that just one percent of all those ads run during the year that were viewed as actual genuine issue ads and mentioned Federal candidates were captured by our provision. In other words, of all the so-called issue ads that ran last year and mentioned Federal candidates, 99 percent of those that ran in the last 60 days were seen as electioneering ads. If you had any test that was accurate 99 percent of the time, I believe you'd say that was a pretty good test.

I must emphasize once again that the Supreme Court has never said there is one single, permissible route to determine if a communication is influencing a Federal election. And to explain why that is the case, let me refer to a column written by Norman Ornstein, who was instrumental in developing the Snowe-Jeffords provision along with numerous other constitutional experts.

He said, in 1974, "the Supreme Court rejected as overly broad the 1974 Congressional decision to include in its regulatory net any communication 'for the purpose of influencing' a Federal election. Instead, the court drew a line between direct campaign activities, or 'express advocacy', and other political speech. The former could be regulated, at least in terms of limits on contributions; the latter had greater first amendment protection.

"How to define express advocacy? The High Court in a footnote gave some suggestions to fill the resulting vacuum and to define the difference between the two kinds of advocacy. Express advocacy, the justices said, would cover communications that included words such as 'vote for,' 'vote against,' 'elect,' or 'defeat.' The Court did not say that the only forms of express advocacy are those using the specific words above. Those were examples."

The bottom line is, Buckley versus Valeo is in effect the law of the land because Congress has not superseded it by filling the vacuum in the quarter century that followed. In other words, since 1976, Congress has not passed a law concerning campaign financing, and so hasn't sent any new law to the Court because we haven't done anything in the last quarter century. So the Court has no guidepost. If Congress acts, the Supreme Court will give its due deference to what we do on behalf of protecting our system of elections.

We well know what has happened in the quarter century since. We have seen the kind of development and evolution of these ads—we have a record of how they are seen to be influencing Federal elections. This is a monstrosity that has evolved in terms of the so-called sham ads that are having a true impact on our election process in a way that I do not think the Supreme Court could foresee back in 1976 and we, as candidates, could not possibly envision. Well, now we will.

This is a narrowly crafted, well-vetted provision that is vital if we are to say with a straight face that we have done something to enact real campaign finance reform. Again, I'm pleased to have been able to work so closely with Senators McCAIN and FEINGOLD and others in helping make campaign finance reform both comprehensive and meaningful. This will be a victory for the United States Senate, but most of all a victory for the voters of America.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from Maine for the critical role she has played in this effort and the victory we are about to have.

Now I have the pleasure of yielding to the Senator from Connecticut, who I must say is the person most responsible for what was actually the first piece of campaign finance reform legislation in decades, the bill that addressed the 527 problem. He then was a magnificent candidate on our party for Vice President. Despite his national prominence on that issue, and the wonderful job he did on that, and the heartbreaking loss, he didn't waste any time. He came right back in his own modest way, as a team player, and worked with us to help us pass this bill. I am grateful for that and just think he is a class act.

I am happy to yield 7 minutes to the Senator from Connecticut, Mr. LIEBERMAN.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Madam President, I thank my friend and colleague from Wisconsin for his extraordinary leadership and for his very gracious words, which I appreciate personally.

With the vote on final passage of the McCain-Feingold/Shays-Meehan bill about to occur, we are fast approaching the end of an incredible odyssey, one that, while perhaps not as long as that of the mythical Odysseus, has certainly been every bit as challenging, suspenseful, and epic.

Time and again, the efforts to reform our campaign finance system have faced ruin as its proponents have been forced to sail between their own versions of Scylla and Charybdis, required to resist their own special calls of the Sirens.

But, due to the incredible tenacity and profound principle of our leaders in this struggle, Senators McCAIN and FEINGOLD, Congress has found the strength to reach our own Ithaca here today, and to finally try to clear our house of suitors seeking special favors at the expense of the greater good. For that extraordinary leadership, I thank Senator FEINGOLD and I thank Senator McCAIN. They have made an enormous difference.

I must say, in some senses I joined this odyssey—though I had been interested in it before—but I joined it with a new sense of commitment in 1997, when the Governmental Affairs Committee conducted its year-long investigation into campaign finance abuses in the 1996 Federal elections. With the passage of time, the shock of that investigation's revelations have started to fade. But it is critical that we remember them because they represent precisely what is most wrong with the system we plan to change and precisely what helped to begin in full force the effort that is about to reach a successful conclusion.

We should not forget the cast of characters that we all became familiar within those investigations, hustlers such as Johnny Chung—remember the name—who compared the White House to a subway saying:

> You have to put coins in to open the gates.

Or Roger Tamraz, who told us that he didn't even bother to register to vote because he knew that his huge donations would get him so much more than the vote would.

These men were on the margins. Though they never got what they wanted for their money, their stories and the many more like them contributed to the cynicism too many Americans have about their elected leaders and the skepticism they have about their own ability to influence their Government.

Johnny Chung, Roger Tamraz, and all the rest may have been unusual in the unsophisticated bull-in-a-China-shop way in which they tried to play the system. But their essential insight, if I can call it that, that big dollar donations buy the access that enables you to get what you want, is one that does pervade our political culture. That insight is shared and acted upon daily by the mainstream special interests whose soft money donations have exponentially dwarfed those of the 1996 investigation's and 1997 election's most colorful characters, who use the access they buy to try to mold the Nation's policies and agenda in their own image.

The result has been a system that often leaves the average person disempowered, disinterested, and disengaged from our political process where the average person's annual income, in many cases—mostly doesn't even approach the cost of the ticket to our political parties' most elite fundraising events. This causes the average people, the majority, to continually question why their leaders are taking the actions they take. It causes those of us in public life to work, too often, under a cloud of suspicion, with our citizenry wondering whose interests are being served.

The demise of the Enron Corporation in the last several months is but the most recent example of this phenomenon. It is, I know, regularly stated that Enron is a corporate scandal but not necessarily a political one. That at this moment is quite literally true. It is too early to conclude whether anyone in Government did anything inappropriate or illegal for Enron. But I do know that a company with an ultimately insecure and unethical business model run by individuals of shakier business ethics yet, repeatedly found an open door to the offices of the politically powerful—in no small part, I presume, because of the millions of dollars of political donations the company made.

So this is not Enron's political scandal alone. It is all of ours. That is probably why the Enron scandal may have given this noble effort the final boost it needed to make it to Ithaca.

All of us have been hurt by it. Politicians are under suspicion, legitimate legislative causes have been tarnished only because Enron once supported them, and the American people whose confidence in the integrity of our system has been shaken.

Fortunately, the Senate is about to act to make the system better. None of us is under any illusion that the enactment of this bill will make our system pristine, or eliminate totally the impact of money on politics. As has often been said, money, like water, always seems to find a new place to flow through our political system. But this bill will have an impact. It will be a very good one. That impact will result from the closing of the large soft money loophole that has been allowed to open up in the post-Watergate campaign finance reform laws.

Before yielding the floor, I would like to point with pride to one other part of this bill. This bill includes an amendment that Senator THOMPSON and I have been working on since shortly after the conclusion of the Governmental Affairs Committee's 1997 investigation. That amendment resulted from our frustration that some of the worst actors in the 1996 scandals, individuals who clearly broke the law and were convicted for breaking it, escaped without significant punishment. The reason? The criminal provisions of our campaign finance laws just are not strong enough.

Our amendment remedies that by authorizing felony charges for violations of the Federal Election Campaign Act, expending FECA's statute of limitations, and directing the U.S. Sentencing Commission to promulgate a specific guideline for sentencing for those who violate our campaign finance laws.

The combination of these changes will put teeth into our campaign finance laws and ensure that those who willfully violate them will not again escape without serious consequences.

Finally, I thank Senator FEINGOLD for his reference to the so-called 527 legislation that we worked on together and passed in the Senate. It is a sad irony that on this very day, when we are about to pass the McCain-Feingold/Shays-Meehan bill, the House Ways and Means Committee has adopted a version of 527 which really guts it. I hope my colleagues in the Senate will not accept that undermining of that important campaign finance law.

In sum, for too long we have watched our Nation's greatest treasure, our commitment to democracy, be pillaged by the ever escalating money chase. It is time to say enough is enough. It is time to restore political influence to where our Nation's founding principles say it should be: with the people, with the voters. That is what this proposal will do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Senator from Ithaca—I mean the Senator from Connecticut, for his very fine remarks. I would be remiss if I did not say the occupant of the chair, the Senator from Louisiana, pledged her support at a very critical time, and stood with us all the way through this debate. I thank her for her help on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. McCONNELL. Madam President, I yield 7 minutes of my 8 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

SOFT MONEY BAN AND SHAM ISSUE ADS

Mr. McCAIN. Madam President, I rise as the sponsor of the campaign finance reform bill that was passed last year by the Senate and a few weeks ago by the House, and is currently before the Senate one final time. We have worked for a number of years now for what is before us today: The opportunity to pass significant campaign finance reform legislation and send it to the President for his signature.

Over these years, many have explained why it is imperative that we fix our campaign finance laws, close loopholes that have been exploited to the point of making a mockery of our laws, and put an end to the corrupting influence of big money on our democracy.

I would like to address the two central provisions of our bill—the soft money ban and the provisions dealing with sham issue ads. Working with our friends in the House, we have drafted a bill that promotes important first amendment values, promotes enhanced citizen participation in our democracy, is workable, and is carefully crafted to steer clear of asserted constitutional pitfalls.

Anyone who reads this bill and the debates should come away with the clear understanding that Congress approached this task with a fealty and dedication to the Constitution, and with a desire to get it right. We are acting today to fix a real problem and have made our best effort to do so in a way that will be upheld by the courts.

This bill represents a balanced approach which addresses the very real danger that Federal contribution limits could be evaded by diverting funds to State and local parties, which then use those funds for Federal election activity. At the same time, the bill does not attempt to regulate State and local party spending where this danger is not present, and where State and local parties engage in purely non-Federal activities. We will not succeed in closing the soft-money loophole unless we address the problem at the State and local level. We do this, however, while preserving the rights and abilities of our State and local parties to engage in truly local activity.

In order to close the existing soft money loophole and prevent massive evasion of Federal campaign finance laws, the soft money ban must operate not just at the national party level but at the State and local level as well. We have authority to extend the soft money reforms to the State and local level where it is necessary, as it is here, to protect the integrity of Federal elections. Closing the loophole is crucial to prevent evasion of the new Federal rules.

As we all know, state party spending may not always clearly divide between Federal and non-Federal purposes. For example, when a State party conducts a "get-out-the-vote drive," it benefits both its Federal and non-Federal candidates. Consequently, if the State party committee pays for the drive with soft dollars, the committee is using federally prohibited contributions in connection with a Federal election to benefit federal candidates.

Currently 14 States, Arkansas, California, Florida, Georgia, Idaho, Illinois, Maine, Missouri, Nebraska, Nevada, New Mexico, Utah, Virginia and Wyoming, allow unlimited contributions—that would be barred at the Federal level—from individuals, unions, PACs, and corporations. In addition, 36 States do not restrict soft money transfers from national parties to State and local parties. To illustrate the size of these transfers, in the 2000 election, the national Democratic Party funneled approximately $145 million and the Republican Party transferred $129 million to their affiliated State parties to take advantage of the State parties' ability to spend a larger percentage of soft money on advertisements featuring Federal candidates.

The reports issued by the majority and minority of the Senate Governmental Affairs Committee charged with investigating campaign finance abuses in the 1996 elections illustrate the extent to which the coffers of Federal and State political parties are intertwined. In 1996, the State parties spent money they received from the national parties on advertisements considered key to their Presidential candidate's election. The Minority Report makes clear that State parties often act as mere conduits, exercising no independent judgment over the ads. For example, in an internal memo discussing how to run so-called issue ads using soft money that would benefit Senator Dole's campaign, an RNC official wrote: "Some have voiced concern that buying through the State parties could result in a loss of control on our part. There is absolutely no reason to be concerned about this." The bottom line is, whatever the technical niceties, soft money is being spent by State parties to support Federal campaigns. In fact, much of the soft money spent in the 2000 elections to support Federal campaigns was spent by State parties.

Congress has a compelling interest in ensuring that State parties do not use backdoor tactics to finance Federal election campaigns in this way. It has an interest in ensuring that Federal elections activities are paid for with funds raised in a non-corrupting manner and in accordance with the Federal guidelines.

State parties receive soft money to influence Federal elections in the form of direct contributions to State parties and transfers from national parties for this purpose. Much of this money is then spent on television advertisements attacking or promoting Federal candidates and other activities that we all know are designed to, and do, influence Federal elections. State parties also use soft money to fund "party building activities," such as get-out-the-vote and voter registration drives. But, again, all of us know that these activities, while vitally important to our democracy, are designed to, and do have an unmistakable impact on both Federal and non-Federal elections. Currently, State parties pay for these activities using a mixture of hard and soft money pursuant to allocation formulae set by the Federal Election Commission. But current allocation rules have proven wholly inadequate to guard against the use of soft money to influence Federal campaigns.

While national parties will no longer be able to transfer soft money to State parties, some State parties will still be able to receive large contributions from corporations, labor unions, and wealthy individuals, subject to state laws. So unless we close the loophole at the State and local level, we will be right back to the unacceptable situation of having non-Federal money—large contributions from corporations, labor unions and wealthy individuals—used to affect Federal elections. That is because, one, many States allow unlimited contributions from individuals, unions, PACs, corporations and national parties to State and local parties; and two, we know from experience that State parties are spending massive sums of soft money to influence Federal elections.

Thus, if left unregulated, or merely subject to existing FEC allocation rules, State and local party activity presents the opportunity for massive evasion. Restrictions on the raising of soft money by Federal candidates and officeholders do not, on their own, prevent evasion of the soft money ban. There will always be persons clearly associated with Presidential or other Federal candidates, but not covered by these provisions, who can raise soft money for state parties to funnel into Federal elections. In addition, those who seek to avoid Federal contribution limits can make huge contributions to State and local parties in order to assist particular Federal candidates.

Current law, of course, requires that State and local parties spend exclusively hard money when they engage in certain activities that affect Federal elections. For example, if a State party were to run an ad expressly advocating the election of a Federal candidate, the party would have to pay for the ad with hard money. The bill simply applies this same principle to an additional category of activities, defined as "Federal election activity," that, in the judgment of Congress, also clearly affect Federal elections. By contrast, as the bill makes clear, activities that affect purely non-Federal elections are left unregulated by the bill, and remain subject to the applicable State law.

Some argue that the soft money given to State parties is used only for "party building" that is wholly unrelated to any activity that in design or practice influences Federal elections. This is demonstrably false. The fact is, much of the soft money that goes to State parties is spent on activities that influence Federal elections. In the 1996 Presidential election, for example, State parties spent many millions of dollars on television ads that promoted their Presidential candidates. The money for these ads, moreover, in many cases was either transferred from the national parties or contributed by donors directly to the State parties.

Some have also argued that the Federal Government lacks the constitutional authority to regulate the collection and use of funds by State and local parties. There can be no serious doubt, however, that the Federal Government has the constitutional authority to regulate activity that affects Federal elections, and that soft money is used at the State and local level for this purpose. In fact, existing law already prohibits State and local parties from using soft money to explicitly support a Federal candidate. All that the bill does is extend this existing law to close existing loopholes, thereby ensuring that activities that actually influence Federal elections are subject to Federal limitations and rules, while leaving purely State and local campaign activities by State parties subject to applicable State law.

Finally, the argument that the bill would somehow undermine the status of State and local parties and prevent them from conducting grassroots campaign activities is similarly incorrect. If anything, the massive influx of soft money from the national parties has turned State and local parties into mere pass-through accounts for the national parties and for large, direct contributions from corporations, unions and wealthy individuals. If anything, the bill will return the State and local parties to the grassroots and encourage them to broaden their bases and reach out to average voters.

It is a key purpose of the bill to stop the use of soft money as a means of buying influence and access with Federal officeholders and candidates. Thus, we have established a system of prohibitions and limitations on the ability of Federal officeholders and candidates to raise, spend, and control soft money.

The bill prohibits Federal officeholders, Federal candidates, their agents, and entities they directly or indirectly establish, finance, maintain or control, from soliciting, receiving, directing, transferring or spending funds in connection with an election for Federal office, including funds for any Federal election activity, unless such funds are "hard money."

Furthermore, it prohibits Federal officeholders, Federal candidates, their agents, or entities they directly or indirectly establish, finance, maintain or control from soliciting, receiving, directing, transferring or spending funds in connection with a non-Federal election from sources prohibited from making "hard money" contributions. It likewise prohibits such individuals and entities from soliciting, receiving, directing, transferring or spending funds—in connection with a non-Federal election—from individuals or Federal PACs that are in excess of the "hard money" amounts permitted to be contributed to candidates and political committees by individuals and Federal PACs.

These provisions break no new conceptual grounds in either public policy or constitutional law. This prohibition on solicitation is no different from the Federal laws and ethical rules that prohibit Federal officeholders from using their offices or positions of power to solicit money or other benefits. Indeed, statutes like these have been on the books for over 100 years for the same reason that we're prohibiting certain solicitations to deter the opportunity for corruption to grow and flourish, to maintain the integrity of our political system, and to prevent any appearance that our Federal laws, policies, or activities can be inappropriately compromised or sold.

For example, the Ethics Reform Act of 1989 generally prohibits Members of Congress or Federal officers and employees from soliciting anything of value from anyone who seeks official action from them, does business with them, or has interests that may be substantially affected by the performance of official duties. No one could seriously argue that this prohibition is without a compelling purpose. The same holds true here. We are prohibiting Federal officeholders, candidates, and their agents from soliciting funds in connection with an election, unless such funds are from sources and in amounts permitted under Federal law. The reason for this is to deter any possibility that solicitations of large sums from corporations, unions, and wealthy private interests will corrupt or appear to corrupt our Federal Government or undermine our political system with the taint of impropriety.

The solicitation rules in the bill are also consistent with Federal criminal laws that prohibit Congressional candidates and incumbents, among others, from knowingly soliciting political contributions from any Federal officer or employee or from any contractor who renders personal services. It is also directly akin in purpose to the Federal criminal law that prohibits any person from soliciting or receiving any political contribution in any Federal room or building occupied in the discharge of a Federal officer's or employer's duties.

The rule here is simple: Federal candidates and officeholders cannot solicit soft money funds, funds that do not comply with Federal contribution limits and source prohibitions, for any party committee—national, State or local.

This, of course, means that a Federal candidate or officeholder may continue to solicit hard money for party committees. A Federal candidate or officeholder may solicit up to $25,000 per year for a national party committee from an individual.

Similarly, the Federal candidate or officeholder may solicit up to $15,000 per year for a national party committee from a PAC.

Under the bill, a Federal candidate or officeholder may solicit hard money donations for State party committees to spend in connection with a Federal election, including for voter registration and GOTV activities, of up to $10,000 per year from an individual and up to $5,000 per year from a PAC.

In addition, a Federal candidate or officeholder may solicit money for a State party to spend on non-Federal elections. The amount, however, would be subject to the Federal limits and source prohibitions. Therefore, a Federal candidate or officeholder may solicit up to $10,000 a year from an individual and $5,000 a year from a PAC for a State party's non-Federal account, even if that same individual or PAC has already given a similar amount to the State party's Federal, or hard money, account.

State parties must fund "Federal election activities," including voter registration or get-out-the-vote drives, with hard money, except for certain non-Federal funds that may be used pursuant to the "Levin amendment" to fund such activities. The Levin amendment, however, expressly provides that Federal candidates and officeholders may not solicit the non-Federal funds to be spent under the Levin amendment.

One important restriction in the bill applies to fundraising for so-called Leadership PACs, which are political committees, other than a principal campaign committee, affiliated with a Member of Congress. A Federal officeholder or candidate is prohibited from soliciting contributions for a Leadership PAC that do not comply with the Federal hard money source and amount limitations. Thus, the Federal officeholder or candidate could solicit up to $5,000 per year from an individual or PAC for the Federal account of the Leadership PAC and an additional $5,000 from an individual or a PAC for the non-Federal account of the leadership PAC. The Federal officeholder or candidate could not solicit any corporate or labor union treasury contributions for either the Federal or non-Federal accounts of the PAC. Moreover, under the bill, a Federal candidate or officeholder could not directly or indirectly establish, finance, maintain or control a PAC that raises or spends contributions that do not comply with these limits. Nor could a Leadership PAC controlled by a Federal candidate or officeholder spend funds from its non-Federal account on Federal election activities or in connection with a Federal election.

The bill also restricts fundraising for state candidates. A Federal officeholder or candidate may solicit no more than $2,000 per election from an individual for a State candidate and no more than $5,000 per election from a PAC for a state candidate. These limits correspond to the Federal hard money source and amount limitations for contributions to Federal candidates. Moreover, a Federal officeholder or candidate may not ask a single individual to donate amounts to all state candidates in a 2-year election cycle that in the aggregate exceed $37,500, which corresponds to the aggregate amount of "hard money" that individuals may donate to all Federal candidates over a 2-year cycle.

The bill also restricts fundraising for certain other 527 organizations. A Federal officeholder or candidate may not solicit more than a $5,000 donation in a calendar year from an individual or a PAC for a non-party 527 that is not a Federal committee or State candidate's campaign committee. Furthermore, a Federal officeholder or candidate may not ask a single individual to donate amounts in a 2-year election cycle to multiple 527's of this nature that in the aggregate exceed $37,500—which corresponds to the aggregate amount of "hard money" an individual may donate to PACs over a 2-year cycle.

Proposed new section 323(e)(4)(B) of the Federal Election Campaign Act authorizes the only permissible solicitations by Federal candidates or officeholders for donations to a 501(c) organization whose principal purpose is to engage in get-out-the-vote and voter registration activities described in new section 301(20)(A)(i)&(ii) of the Federal Election Campaign Act. The new section also authorizes the only permissible solicitations for a 501(c) organization that can be made by Federal candidates or officeholders explicitly for funds to carry out such activities.

In these instances, a Federal candidate or officeholder may solicit only individuals for donations and may not request donations in an amount larger than $20,000 per year. Section 323(e)(4)(B) applies only to 501(c) organizations. The section does not authorize any such solicitations for other entities, and it does not authorize solicitations for funds to be spent on so-called "issue ads."

Thus, a Federal officeholder or candidate may not solicit corporate or union treasury donations, or donations from an individual of more than $20,000 per year, for a 501(c) tax-exempt organization where the principal purpose of the organization is to engage in get-out-the vote or voter registration activities as defined in new 2 U.S.C. section 431(20)(A)(i)&(ii). Likewise, a Federal officeholder or candidate may not solicit corporate or union treasury donations or donations from an individual of more than $20,000 per year for any 501(c) tax-exempt organization where the solicitation is explicitly to obtain funds for the organization to engage in such activities.

Conversely, the bill permits a Federal officeholder or candidate to solicit funds without source or amount limitation for a 501(c) tax-exempt organization that is not an organization whose principal purpose is to engage in get-out-the-vote or voter registration activities as defined in new 2 U.S.C. section 431(20)(A)(i)&(ii), provided that such solicitation is not specifically to obtain funds for the organization to engage in Federal election activities or activities in connection with elections.

For example, the bill's solicitation restrictions would not apply to a Federal candidate soliciting funds for the Red Cross explicitly to be used for a blood drive—as this is not an organization whose principal purpose is to engage in get-out-the-vote or voter registration activities and the solicitation is not expressly to obtain funds for such activities.

Finally, the purpose of section 323(e)(4) is to permit only individual candidates or officeholders to assist, in limited ways, section 501(c) organizations. This permission does not extend to an officeholder or candidate acting on behalf of an entity—including a political party.

In addition, I would like to address the growing sham issue advocacy loophole.

What are these so-called "issue ads"? The Supreme Court in its Buckley decision made a distinction in the context of speech by individuals and entities other than candidates and political parties, between speech that promoted a candidate, which the Court called "express advocacy," and speech that addressed public issues, which it called "issue advocacy." The Court held that expenditures for public communications by both candidates and political parties "are, by definition, campaign related," and so are always covered by the campaign finance laws, regardless of the language these ads use. With respect to ads run by non-candidates and outside groups, however, the Court indicated that to avoid vagueness, federal election law contribution limits and disclosure requirements should apply only if the ads contain "express advocacy." In a footnote, the Court gave examples of express advocacy, such as "vote for," "elect," "support," and "defeat." The Supreme Court did not foreclose the possibility that ads with strong electioneering content that omitted the "magic words" could also be limited.

Despite the Buckley holding regarding political parties, the FEC has allowed political parties to get away with using soft money for so called "issue ads." Outside groups, meanwhile, have exploited the "magic words" test, using it to justify advertisements that plainly support or attack Federal candidates without using the "magic words."

The Senate Governmental Affairs Committee investigation found flagrant abuses by both Presidential campaigns in the 1996 elections. Both Presidential candidates raised soft money to spend on sham issue ads. Both Presidential campaigns were directly involved with their party committees in creating and running soft-money funded TV ad campaigns designed to support their candidates.

One example, an RNC commercial entitled "The Story," movingly depicts Senator Bob Dole's recovery from wounds he sustained in World War II. On ABC News, Senator Dole described how the RNC disguised this ad campaign as issue advocacy: "it never says that I'm running for President, though I hope it's fairly obvious, since I'm the only one in the picture!"

Similar abuses have occurred in congressional races. In the 2000 election, the Democratic party, DNC, DSCC and NY State Democratic Party, spent a combined $7.1 million in New York's highly contested Senate race. In one soft money-funded ad, aired in July 2000, the New York State Democratic Committee criticized Republican Representative Rick Lazio's record on prescription drugs for seniors. The ad showcased an elderly couple who were forced to return to work to pay for their medicines. The ad then accused Lazio of voting against a Medicare Drug benefit when he was a member of the House. Another New York Democratic Party soft money advertisement criticized Lazio's record on the Patients' Bill of Rights. The ad said, "Rick Lazio voted against the real enforceable Patients' Bill of Rights. The one endorsed by nurses, doctors, the heart, lung, and cancer societies."

In the November 1997 Special Election to fill Representative Molinari's seat, the RNC poured $800,000 into candidate-specific attack advertisements. For example, the RNC bought this so-called "issue ad":

> The tax bite. Today New Yorkers pay the highest taxes in the country because politicians like Eric Vitaliano keep raising our taxes. Vitaliano raised taxes on families over $7 billion. More taxes for more welfare. Welfare spending went up 46 percent. Then Eric Vitaliano took a big bite for himself, raising his own pay 74 percent. Call Eric Vitaliano. Tell him to cut taxes, not take another bite out of our futures.

Even though this was a special election with only one Republican federal candidate on the ballot, the RNC contended that these ads were issue advertisements intended to educate the voters on the Republican Party's positions.

Likewise, the California Democratic Party ran sham issue advertisements attacking Republican Steve Kuykendall, who was being challenged by former Representative Jane Harman for the 36th District in California during the 2000 Elections. One of the Democratic ads attacked Kuykendall for taking "secret" contributions from Philip Morris Tobacco. The ad went on to say that Kuykendall "voted for weaker penalties for selling tobacco to minors." The ad ends with, "Tell Steve Kuykendall to give the tobacco money back."

The problem of political party soft money ads is addressed in this legislation by banning national parties from raising and spending soft money, and by requiring state parties to spend only hard money on ads that promote or attack Federal candidates, regardless of whether they contain express advocacy.

But the sham "issue ad" problem is not limited to political parties. In 1996, the AFL–CIO spent $35 million on a so-called "issue ad" campaign designed to restore a Democratic majority in the House. It ran ads in 44 Republican districts, spending an average of $250,000 to $300,000 on media in the districts of the 32 House Republicans it targeted. To counter the AFL–CIO campaign, the Chamber of Commerce organized 32 business groups to spend $5 million on a sham "issue ad" campaign of their own. The purpose of this spending was overtly to affect Federal campaigns, as a guide for corporate spending published the same year by the Business-Industry PAC illustrates. The guide listed "issue advocacy" as one of five tools "to be used to help reelect imperiled pro-business Senators and Representatives, defeat vulnerable anti-business incumbents, and elect free-enterprise advocates."

Federal election law has long barred unions and corporations from making expenditures in connection with Federal elections. However, by sponsoring their own putative "issue ads," they circumvent this law. The Snowe-Jeffords electioneering communications provision will help restore the original intent of the law: to keep a tidal wave of union and corporate money out of Federal elections.

A comprehensive study of political ads by the Brennan Center for Justice shows just how parties and outside groups are financing campaign ads with soft money. They evade campaign finance laws prohibiting the use of soft money on campaign ads by studiously avoiding the use of the so-called "magic words" of "vote for" or "vote against" in such ads. But these soft money-funded ads are nonetheless patently campaign ads. Indeed, 97 percent of the electioneering ads reviewed as part of the Brennan Center's "Buying Time 2000" study did not use "magic words". The increasing irrelevance of "magic words" as a criteria for distinguishing between campaign ads and issue discussion is also illustrated by close examination of campaign ads run by candidates, financed with hard money. Even these hard money-funded ads used magic words only 10 percent of the time in 2000—and 4 percent of the time in 1998.

The sham issue ad subterfuge—permitting outside groups to spend supposedly prohibited soft money on campaign ads without disclosing even a dime of that spending—will continue unless Congress draws a more accurate line between campaign ads and issue ads. Clearly, even a casual observer would concede that "magic words" is a dramatically underinclusive test for determining what constitutes a campaign ad.

This bill would simply subject soft money-funded campaign ads that masquerade as issue discussion to the same laws that have long governed campaign ads. Under the bill, corporations and labor unions could no longer spend soft money on broadcast, cable or satellite communications that refer to a clearly identified candidate for Federal office during the 60 days before a general election and the 30 days before a primary, and that are targeted to that candidate's electorate. These entities could, however, use their PACs to finance such ads. This will ensure that corporate and labor campaign ads proximate to Federal elections, like other campaign ads, are paid for with limited contributions from individuals and that such spending is fully disclosed.

This attempt to put teeth back into our campaign finance laws is carefully crafted to pass constitutional muster. According to the Brennan Center's "Buying Time 2000" study, less than one percent of the group-sponsored soft-money ads covered by this provision of the bill were genuine issue discussion, more than 99 percent of these ads were campaign ads. This degree of accuracy is more than sufficient to overcome any claim of substantial overbreadth. Of course, the bill's bright line test also gives clear guidance to corporations and unions regarding which advertisements would be subject to campaign law and which advertisements would remain unregulated.

Furthermore, the bill does not explicitly or implicitly purport to depart from the Supreme Court's holding in FEC versus Massachusetts Citizens for Life, Inc., 479 U.S. 238 (1986) ("MCFL"), or any other Supreme Court precedent. In MCFL, the Supreme Court found that a nonprofit, nonstock corporation, MCFL, had violated the Federal Election Campaign Act's prohibition on the use of general corporate treasury funds by making an expenditure in connection with a Federal election, but that the act's prohibition as applied to MCFL was unconstitutional, given its unique non-business purpose and character.

MCFL was expressly formed to promote political ideas and could not engage in business activities; MCFL had no shareholders or anyone else who could make a claim for its assets or earnings; and MCFL was not established by a business corporation or labor union, and it did not accept contributions from such entities.

This legislation does not purport in any way, shape, or form to overrule or change the Supreme Court's construction of the Federal Election Campaign Act in MCFL. Just as an MCFL-type corporation, under the Supreme Court's ruling, is exempt from the current prohibition on the use of corporate funds for expenditures containing "express advocacy," so too is an MCFL-type corporation exempt from the prohibition in the Snowe-Jeffords amendment on the use of its treasury funds to pay for "electioneering communications." Nothing in the bill purports to change MCFL. The definitions and provisions of this bill, like every other law, are subject to the Supreme Court's decisions.

Mr. FEINGOLD. Madam President, I thank the Senator from Arizona for his excellent presentation on the central provisions of our bill. I wholeheartedly agree with the points he has made.

WEALTHY CANDIDATES

Mr. LEVIN. Mr. President, I would like to ask my colleagues a question concerning the various new limits with respect to individual contributions to candidates in the bill. There is a general increase of the individual contribution limits, but there are also provisions that raise the possibility of additional increases if a candidate faces an opponent who spends a great deal of his or her personal fortune in a race. Can the sponsors discuss their analysis of how those provisions might affect Congress's authority to limit individual contributions?

Mr. McCAIN. I thank the Senator from Michigan for his question. The bill increases the individual contribution limit to a candidate from $1,000 to $2,000 per election. It provides, in addition, higher limits for contributions made to candidates running against opponents who spend large amounts of personal wealth. Those higher contribution limits are set forth in section 304 of the bill.

The Supreme Court in Buckley upheld the $1,000 contribution limit established by the 1974 law as a permissible measure that serves the compelling governmental interests of deterring corruption and the appearance of corruption. This ruling was in substance reaffirmed by the Court's decision in 2000 in Nixon v. Shrink Missouri PAC. It is now very well settled law that Congress has the power to set reasonable limits on individual contributions to candidates. The Court has never said that the number picked by Congress is the upper or lower limit on a reasonable determination. Indeed, it rejected the argument in Shrink, that the diminished purchasing power of the Missouri contribution limit because of inflation caused it to be an unreasonably low amount.

It is possible that someone would attempt to challenge the $2,000 contribution limit in light of the higher limits provided for some races in section 304, and to argue that both limits cannot serve the same interests of preventing corruption. Congress has concluded that contributions in excess of $2,000 present a risk of actual and apparent corruption. Section 304 does not take issue with this conclusion. In this limited context, however, Congress has concluded that the contribution limits—despite their fundamental importance in fighting actual and apparent corruption—should be relaxed to mitigate the countervailing risk that they will unfairly favor those who are willing, and able, to spend a small fortune of their own money to win election.

We believe that Congress can reasonably determine that in the case of a candidate running against a wealthy opponent and having to raise extraordinary amounts of money to keep pace with that opponent's personal spending, that the risk of actual or apparent corruption from higher, yet still limited, contribution limits is small enough to permit candidates to raise those greater contributions in those particular circumstances.

Mr. FEINGOLD. I agree with the comments of the Senator from Arizona. I believe the Court's decisions indicate that a range of contribution limits would be constitutional depending on the circumstances. Certainly, the determination through difficult negotiations in this bill that the limit should be raised to $2,000 per election, but not higher, is an indication that Congress believes that in most races contributions of greater than that amount present the appearance of corruption.

EFFECTIVE DATE

Ms. COLLINS. Madam President, when the McCain-Feingold bill passed the Senate, it was to be effective 30 days after enactment. Would the sponsors please explain the decision to change the effective date of the bill to November 6, 2002, and discuss the transition rules that apply after that date? In addition, can they please clarify their intent concerning the campaign finance rules that will govern runoff elections should there be any in 2002?

Mr. MCCAIN. I thank the Senator for her question. Because of the delay in getting the bill through the House, it became clear that there would be a number of very complicated transition rule issues and implementation problems if we were to try to put the bill into effect for the 2002 elections. We reluctantly determined that it would simply not be practical to apply new rules in the middle of the election cycle. To change the rules in the middle of the campaign would have created uncertainty and potential unfairness, particularly since primaries are imminent in some States.

It is our intent, however, that the provisions of this bill will be fully in effect for the 2004 election cycle. In order to provide a certain end to the soft money system, and completely insulate the 2004 elections from that system, the bill provides for an effective date of Wednesday, November 6, 2002, the day after the 2002 elections. After that date, no further soft money will be raised. The November 6, 2002, effective date will permit an orderly transition to the new soft money free world.

Now as to the transition rules, we do allow soft money that the parties raise before November 6, 2002, to be used on expenses incurred in connection with the 2002 elections, and we intend that permission to apply to runoff elections, recounts, or election contests arising out of this year's elections as well. We also do not intend the bill substantive provisions concerning advertising, such as Title II and the "stand by your ad provisions", wealthy candidates, sections 304, 316, and 319, and contributions by minors, section 318, to apply to 2002 runoff elections. In addition, in the event that a runoff election occurs after November 5, 2002, the national party would—until January 1, 2003, be able to spend soft money received before November 6, 2002 to pay for the costs of non-Federal activities incurred in connection with, and before the date of, that runoff election, and the state parties could spend soft money on Federal election activities in connection with the runoff, as under current law.

On the other hand, the increased contribution limits in the bill take effect on January 1, 2003.

Mr. FEINGOLD. I agree with my friend from Arizona. Let me note, in addition, that the new effective date also helps to ensure that an expedited court challenge to the law can be resolved well before the 2004 election campaign gets underway. We recognize that a court challenge to this bill is not only likely, but inevitable. We welcome the challenge and firmly believe the courts will uphold what we have done.

In section 403, the bill provides expedited judicial review rules and rules for an orderly process of intervention in the litigation that could theoretically be filed shortly after the President signs the bill. That this will allow the litigation before a three-judge court here in Washington, DC, to have progressed substantially even before the operative provisions take effect in November. This expedited judicial review process will assist an orderly transition from the old system to the new system under this bill. Furthermore, the FEC is charged with promulgating soft money regulations well before the date that the soft money ban will take effect. In short, with enactment of the bill, promulgations of key regulations, and a prompt and efficient resolution of the litigation, we will be in a position in which a new campaign finance system can be implemented in a certain and sure fashion for the 2004 elections.

SECTION 323(F)(1)

Mr. THOMPSON. Madam President, I understand that questions have been raised about the provisions of the bill that prevent State candidates from spending non-Federal money on ads that mention Federal candidates. Can the sponsors clarify how these provisions might affect a State candidate spending money on an ad that touts that candidate having received the endorsement of a Federal candidate or officeholder?

Mr. FEINGOLD. I am pleased to have the opportunity to clarify this provision, which is one of a number of provisions in the soft money ban intended to prevent new loopholes for spending soft money from developing. New §323(f)(1) prohibits State candidates and officeholders from spending non-Federal money on public communications that refer to a clearly identified candidate for Federal office, regardless of whether a State candidate is also mentioned. This restriction, however, only applies to communications that promote, support, attack or oppose the Federal candidate, regardless of whether the communication expressly advocates a vote for or against a candidate.

Thus, it is not our intention to prohibit State candidates from spending non-Federal money to run advertisements that mention that they have been endorsed by a Federal candidate or say that they identify with a position of a named Federal candidate, so long as those advertisements do not support, attack, promote or oppose the Federal candidate, regardless of whether the communication expressly advocates a vote for or against a candidate. The test for whether a communication is covered by §323(f)(1) will be whether the advertisement supports or opposes the Federal candidate rather than simply promoting the candidacy of the State candidate who is paying for the communication. That will be up to the FEC to determine in the first instance, but I believe that State candidate will be able to fairly easily comply with this provision. All we are trying to prevent with this provision is the laundering of soft money through State candidate campaigns for advertisements promoting, attacking, supporting or opposing Federal candidates.

SECTION 212

Mr. LEVIN. Madam President, section 212 of the bill modifies reporting requirements for independent expenditures. Can the sponsors discuss the changes to current law that they intend to make in this section?

Mr. MCCAIN. I would be happy to explain this provision. Section 212 is intended to increase the disclosures of independent expenditures. Current law require such reports to be filed within 24 hours of the making of expenditure aggregating $1,000 or more, if the threshold amount of expenditures is reached within the last 20 days before an election. We add a provision requiring disclosure within 48 hours if independent expenditures totaling $10,000 or more are made prior to the 20th day before the election.

As part of the Department of Transportation appropriations bill for 2001, Public Law No. 106-46, Congress required that these "24 hour reports" be received by the Commission within 24 hours, rather than simply mailed within that time, which is the standard interpretation of the term "filing" in the law. We do not intend in §212 to change that requirement. Because these reports are very time sensitive, we believe they should be received by the Commission within the time period specified. Indeed, we believe that the Commission should have the authority to require any other time sensitive report required by this bill, such as the 24 hours reports required under §§304 and 319 also to be received within 24 hours. The ready availability of fax machines and other forms of electronic communications should make it fairly easy to comply with this requirement.

HOUSE-PASSED CAMPAIGN FINANCE LEGISLATION

Mr. FEINGOLD. Madam President, as my colleagues are aware, the House passed the McCain-Feingold/Shays-Meehan campaign finance reform bill in the early morning hours of February 14, 2002. The bill that we are debating today, and that we will pass and send to the President this week, is the exact bill that the House passed. During the debate on the bill, Congressman CHRISTOPHER SHAYS of Connecticut spoke on the floor at some length about the compelling need for the Congress to ban soft money. He related the enormous growth of soft money over the last decade and the appearance of corruption that these unlimited contributions from unions, corporations, and wealthy individuals cause. Using examples such as the Enron debacle, the Hudson Casino controversy, the tobacco industry, and the infamous Roger Tamraz, Congressman SHAYS illustrated how soft money damages public confidence in the legislative process. He includes statements from former Members of Congress of the power of money in providing access to lawmakers and the public cynicism that results when these stories become known.

Mr. SHAYS' remarks appear in the CONGRESSIONAL RECORD of February 13, 2002 at pages H351–H353. I entirely agree with Mr. SHAYS' statement. In my view, it explains very well the appearance problem that soft money creates and provides an excellent justification for the action we are about to take in this bill.

Mr. McCAIN. I agree with my friend from Wisconsin, and I endorse Mr. SHAYS' discussion on the reasons that Congress must act to ban soft money. Let me also call to my colleagues' attention a statement that Mr. SHAYS made on February 13, 2002, concerning the functioning of the soft money ban, and in particular, the Levin amendment. The Levin amendment concerning state parties' use of non-Federal funds was added to the bill here on the floor last year. It was modified, and in my view improved, on the House side. My colleague from Wisconsin and I participated in the negotiations that yielded the final terms of the Levin amendment contained in the House bill. Mr. SHAYS explains quite well the way that the Levin amendment in the final bill is supposed to function, and the restrictions, or what some have called "fences," that we hope and believe will prevent the Levin amendment from becoming a new soft money loophole. Mr. SHAYS' discussion appears in the RECORD on pages H408–H410 on February 13, 2002.

Mr. FEINGOLD. I thank the senior Senator from Arizona for highlighting that particular part of the legislative history. I also believe Mr. SHAYS does an excellent job of explaining how the Levin amendment is supposed to work. In addition, Mr. SHAYS discussed how the provisions of the bill dealing with electioneering communications permit the FEC to promulgate regulations to exempt certain communications that are clearly not related to an election and do not promote or attack candidates. I also endorse that discussion, which appears in the RECORD of February 13, 2002, at pages H410–H411.

Mr. McCAIN. I agree with my friend from Wisconsin that these statements express our intent in this bill quite well.

SECTION 301

Mr. LIEBERMAN. Madam President, can the sponsors clarify section 301 of the bill concerning the conversion of campaign funds to personal use, and in particular whether any change from current law was intended concerning the ability of candidates to transfer excess campaign funds to their parties?

Mr. FEINGOLD. Section 301 of the bill amends 2 U.S.C. section 439a to specify which candidate expenditures from campaign funds would be considered an unlawful conversion of a contribution or donation to personal use. The language continues to allow candidates to use excess campaign funds for transfers to a national, State or local committee of a political party. It is the intent of the authors that—as is the case under current law—such transfers be permitted without limitation. Furthermore, while the provision is intended to codify the FEC's current regulations on the use of campaign funds for personal expenses, we do not intend to codify any advisory opinion or other current interpretation of those regulations.

SOFT MONEY FINANCING OF STATE PARTY OFFICE BUILDINGS

Mr. THOMPSON. Madam President, I note that the bill deletes a provision of current law that permits national party committees to raise soft money to pay for their office buildings. Can the sponsors discuss the intent of the law concerning the raising of non-Federal money by State parties for their office buildings?

Mr. FEINGOLD. The Senator is correct that as part of the soft money ban, the legislation deletes language in current law expressly excluding donations to a national or state party committee specifically to finance the purchase or construction of a party office building from the definition of "contribution." Accordingly, a national party committee may no longer receive non-Federal donations for the purpose of purchasing or constructing any party office building, or for any other purpose.

Likewise, Federal law will no longer allow a State or local party committee to receive non-Federal donations to purchase or construct a State or local party office building where such donations would violate that State's laws relating to permissible sources and amounts of non-Federal donations to such a party committee.

The bill does not, however, regulate State or local party expenditures of non-Federal donations received in accordance with State law on purchasing or constructing a State or local party office building. It is the intent of the authors that State law exclusively govern the receipt and expenditure of non-Federal donations by State or local parties to pay for the construction or purchase of State or local party office buildings. Thus, non-Federal donations received by a State or local party committee in accordance with State law could be used to purchase or construct a State or local party office building without any required match consisting of Federal contributions.

CLARIFYING TERMS IN THE BILL

Ms. COLLINS. Madam President, I would like to ask the sponsors a question concerning the term "refers to" in certain provisions of the bill. I have heard the argument made that the definitions of "Federal election activity" and "electioneering communication" are somehow vague because they are defined to include a communication that "refers to a clearly identified candidate for Federal office." Can the sponsors address that argument?

Mr. FEINGOLD. I would be happy to respond to my friend from Maine, and I appreciate her question. In the bill, the phrase "refers to" precedes the phrase "clearly identified" candidate. That latter phrase is precisely defined in the Federal Campaign Election Act to mean a communication that includes the name of a federal candidate for office, a photograph or drawing of the candidate, or some other words or images that identify the candidate by "unambiguous reference." A communication that "refers to a clearly identified candidate" is one that mentions, identifies, cites, or directs the public to the candidate's name, photograph, drawing, or otherwise makes an "unambiguous reference" to the candidate's identity.

SECTION 213

Mr. THOMPSON. Madam President, I would like to ask the sponsors to explain section 213 of the bill concerning independent and coordinated expenditures made by party committees. Can the sponsors also discuss how this provision is consistent with the Supreme Court's decision in the Colorado cases?

Mr. McCAIN. I would be happy to respond to the Senator's question. Section 213 of the bill allows the political parties to choose to make either coordinated expenditures or independent expenditures on behalf of each of their candidates, but not both. This choice is to be made after the party nominates its candidate, when the party makes its first post-nomination expenditure—either coordinated or independent—on behalf of the candidate.

This provision is entirely consistent with the Supreme Court's rulings in the two Colorado Republican cases. In the first of those cases, the Court held that a party had a constitutional right to make unlimited independent expenditures, using hard money funds, on behalf of its candidates. But of course, those party expenditures must be fully and completely independent of the candidate and his campaign. The second Colorado Republican case held that Congress may limit the size of coordinated expenditures made by parties on behalf of their candidates, in order to deter corruption and the appearance of corruption that could result from unlimited expenditures that are coordinated.

This provision fully recognizes the right of the parties to make unlimited independent expenditures. But it helps to ensure that the expenditure will be truly independent, as required by Colorado Republican I, by prohibiting a party from making coordinated expenditures for a candidate at the same time it is making independent expenditures for the same candidate. We believe that once a candidate has been nominated a party cannot coordinate with a candidate and be independent in the same election campaign. After the date of nomination, the party is free to choose to coordinate with a candidate, or to operate independently of that candidate. If it chooses the former, it is subject to the limits upheld in Colorado Republican II. If it chooses the latter, it is free to exercise its right upheld in Colorado Republican I to engage in unlimited hard money spending independent of the candidate.

Section 213 provides, for this purpose only, that all the political committees of a party at both the state and national levels are considered to be one committee for the purpose of making this choice. This will prevent one arm of the party from coordinating with a candidate while another arm of the same party purports to operate independently of such candidate. This provision is intended to ensure that a party committee which chooses to engage in unlimited spending for a candidate is in fact independent of the candidate.

Mr. FEINGOLD. I agree with the Senator from Arizona's answer to the question from the Senator from Tennessee.

SECTION 214

Mr. LIEBERMAN. Madam President, I would like to ask the sponsors a question concerning section 214 of the bill, which deals with coordination. Some concern has been expressed about this provision by outside groups that participate in the legislative process through lobbying and grassroots advertising and also participate in electioneering through their PACs, or currently, through sham issue ads. Can the sponsors explain what is intended by section 214, and answer the concerns expressed by some of these organizations?

Mr. FEINGOLD. I would be happy to address this question, and I thank the Senator from Connecticut for raising it. It is important that our intent in this provision be clear.

The concept of "coordination" has been part of Federal campaign finance law since Buckley versus Valeo. It is a common-sense concept recognizing that when outside groups coordinate their spending on behalf of a candidate with a candidate or a party, such spending is indistinguishable from a direct contribution to that candidate or party. Accordingly, such coordinated spending by outside groups is, and should be, treated as a contribution to the candidate or party that benefits from such spending. As such, it is subject to the source and amount limitations under federal law for contributions to federal candidates and their parties. An effective restriction on outside groups coordinating their campaign-related activities with federal candidates and their political parties is needed to prevent circumvention of the campaign finance laws.

The bill bans soft money contributions to the national political parties, which totaled $463 million during the 2000 election cycle. Specifically, under the bill, corporations and unions can no longer donate amounts from their treasuries to the national parties, and wealthy individuals can no longer write six-figure checks to the national parties. The legislation shuts down the soft money loophole in order to prevent the corruption and unseemly appearances that arise when national parties and Federal officeholders solicit unlimited donations from special interests and then spend those donations to support federal candidates.

Absent a meaningful standard for what constitutes coordination, the soft money ban in the bill would be seriously undermined. In the place of outside special interests donating six-figure checks to the national parties to be spent on Federal elections, these entities could simply work in tandem with the parties and Federal candidates to spend their own treasury funds—soft money—on federal electioneering activities. This would fly in the face of one of the main purposes of the bill to get national parties and Federal candidates out of the business of raising and spending soft money donations.

Unfortunately, based on a single district court decision, the Federal Election Commission's current regulation defining when general public political communications funded by outside groups are considered coordinated with candidates or parties fails to account for certain types of coordination that may well occur in real-world campaigns. The FEC regulation is premised on a very narrowly defined concept of "collaboration or agreement" between outside groups and candidates or parties.

This current FEC regulation fails to cover a range of de facto and informal coordination between outside groups and candidates or parties that, if permitted, could frustrate the purposes of the bill. For example, if an individual involved in key strategic decision-making for a candidate's political advertising resigned from the candidate's campaign committee, immediately thereafter joined an outside organization, and then used inside strategic information from the campaign to develop the organization's imminent soft money-funded advertising in support of the candidate, a finding of coordination might very well be appropriate. The FEC regulation, however, would find coordination neither in this circumstance nor in various other situations where most reasonable people would recognize that the outside entities' activities were coordinated with candidates. This would leave a loophole that candidates and national parties could exploit to continue controlling and spending huge sums of soft money to influence federal elections.

The dangers of coordinated soft money spending were noted by Senator FRED THOMPSON during his Committee's review of 1996 election activity. The Minority Report of the Senate Committee on Governmental Affairs states:

> The fact that coordination of soft money spending and fundraising has become commonplace and expected should be examined by Congress. By permitting such coordinated efforts to raise soft money and spend it on political activities that advance the interests of presidential campaigns, the federal election laws create a tremendous loophole to both contribution limits and spending limits. As the Chairman [Senator Thompson] has acknowledged:
>
> Acceptance of this activity would allow any candidate and his campaign to direct and control the activities of a straw man . . . . For such activity, these straw men could use funds subject to no limit and derived from any source . . . . If the interpretation is that this is legal and this is proper, then we have no campaign finance system in this country anymore.

To remedy this problem, the bill requires the FEC to reexamine the coordination issue and promulgate new coordination rules. These rules need to make more sense in light of real life campaign practices than do the current regulations. The bill accordingly repeals this FEC regulation and requires that the Commission promulgate a replacement regulation. The bill does not change the basic statutory standard for coordination, which defines and sets parameters for the FEC's authority to develop rules describing the circumstances in which coordination is deemed to exist.

Section 214 directs the FEC to promulgate new regulations on coordinated communications and lists four specific subjects that the FEC must address in those new regulations. It does not dictate how the Commission is to resolve those four subjects.

On one issue, section 214 does direct the outcome of the Commission's deliberations on new regulations. The current FEC regulations say that a communication will be considered to be "coordinated" if it is created, produced or distributed "after substantial discussion" between the spender and the candidate about the communication, "the result of which is collaboration or agreement." This standard is now contained in 11 C.F.R. § 100.23(c)(2)(iii).

The FEC's narrowly defined standard of requiring collaboration or agreement sets too high a bar to the finding of "coordination." This standard would miss many cases of coordination that result from de facto understandings. Accordingly, section 214 states that the Commission's new regulations "shall not require agreement or formal collaboration to establish coordination." This, of course, does not mean that there should not be a finding of "coordination" in those cases where there is "agreement or formal collaboration." But it does mean that specific discussions between a candidate or party and an outside group about campaign-related activity can result in a finding of coordination, without an "agreement or formal collaboration."

Existing law provides that a campaign-related communication that is coordinated with a candidate or party is a contribution to the candidate or party, regardless of whether the communication contains "express advocacy." Accordingly, the bill provides that an "electioneering communication" that is coordinated with a candidate or party is considered a contribution to the candidate or party.

Mr. McCAIN. If the Senator from Wisconsin would yield, let me elaborate a bit on his discussion, with which I completely agree, and address the specific concern raised by some of these groups.

It is important for the Commission's new regulations to ensure that actual "coordination" is captured by the new regulations. Informal understandings and de facto arrangements can result in actual coordination as effectively as explicit agreement or formal collaboration. In drafting new regulations to implement the existing statutory standard for coordination—an expenditure made "in cooperation, consultation or concert, with, or at the request or suggestion of" a candidate—we expect the FEC to cover "coordination" whenever it occurs, not simply when there has been an agreement or formal collaboration.

On the other hand, nothing in the section 214 should or can be read to suggest, as some have said, that lobbying meetings between a group and a candidate concerning legislative issues could alone lead to a conclusion that ads that the group runs subsequently concerning the legislation that was the subject of the meeting are coordinated with the candidate. Obviously, if the group and the candidate discuss campaign related activity such as ads promoting the candidate or attacking his or her opponent, then coordination might legitimately be found, depending on the nature of the discussions. We do not intend for the FEC to promulgate rules, however, that would lead to a finding of coordination solely because the organization that runs such ads has previously had lobbying contacts with a candidate.

Section 214 represents a determination that the current FEC regulation is far too narrow to be effective in defining coordination in the real world of campaigns and elections and threatens to seriously undermine the soft money restrictions contained in the bill. The FEC is required to issue a new regulation, and everyone who has an interest in the outcome of that rulemaking will be able to participate in it, and appeal the FEC's decision to the courts if they believe that is necessary.

CONTRIBUTIONS BY MINORS

Ms. COLLINS. Madam President, I wanted to ask the sponsors about a provision that was not included in the Senate bill—the prohibition on contributions by minors. Can you explain the justification for this new provision?

Mr. McCAIN. The Senator is correct that section 318 was added in the House. It is an important provision, and the Senator from Wisconsin and I supported it being included in the bill.

Under the FEC's current regulations at 11 C.F.R. § 110.1(i)(2), children under the age of 18 may make contributions to political candidates and committees as long as the child knowingly and voluntary makes the decision to contribute. In addition, the child must make the contribution out of his or her own funds, which the child is in control of, such as the proceeds of a trust or money in a savings account in the child's own name.

Unfortunately, notwithstanding these regulations, we believe that wealthy individuals are easily circumventing contribution limits to both political candidates and parties by directing their children's contributions. Indeed, the FEC in 1998 notified Congress of its difficulties in enforcing the current provision. Its legislative recommendations to Congress that year cited "substantial evidence that minors are being used by their parents, or others, to circumvent the limits imposed on contributors."

Accordingly, Section 318 of the bill prohibits individuals 17 years old or younger from making contributions or donations to and a candidate or a committee of a political party.

We believe it is appropriate for Congress to prohibit minors from contributing to campaigns because we agree with the Commission that there is substantial evidence that individuals are evading contribution limits by directing their children to make contributions. According to a Los Angeles Times study, individuals who listed their occupation as student contributed $7.5 million to candidates and parties between 1991 and 1998. Upon further investigation, some of these contributions were made by infants and toddlers. In another instance, the paper found that two high school sisters contributed $40,000 to the Democratic Party in 1998. When asked about the contribution, the high school sophomore answered that it was a "family decision."

We believe that this and other examples justify the prohibition on minor contributions that is included in the bill as a way to prevent evasion of the contribution limits in the law. In our view, this provision simply restores the integrity of the individual contribution limits by preventing parents from funneling contributions through their children, many of whom are simply too young to make such contributions knowingly.

We recognize that many individuals under the age of 18 support candidates with great fervor and feel passionately about public issues. We do not mean to suggest that children should not be able to participate in the political system. They are free to volunteer on campaigns and express their views through speaking and writing. We simply believe that allowing them to contribute to candidates presents too great a risk of abuse, especially since the existing, more limited, FEC regulation has failed to prevent such abuse.

Mr. FEINGOLD. I thank the Senator from Arizona for his remarks on this topic. I agree that this provision addresses a serious problem of abuse that has been amply demonstrated.

Mr. McCAIN. Madam President, I ask unanimous consent that several news reports detailing numerous instances in which wealthy individuals have circumvented contribution limits by directing their children's campaign contributions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MEMBERS CASH IN ON KID CONTRIBUTIONS

(By Alex Knott)

Nine-year-old John Baxter of Knoxville, Tenn., didn't even know that he had donated $2,000 in 1994 to Republican Fred Thompson's Senatorial campaign. Yet he's one of the 2,100 students whose names appear at the Federal Election Commission as having made campaign contributions in the 1993–94 election cycle.

The third-grader at Shannon Dale Elementary School has donated $3,000 to political campaigns since he was eight years old, according to FEC records.

"I don't know about that," said Baxter. "My dad takes the money out of our accounts." Baxter said he's never heard of the "Contract with America," and did not know whether Thompson is a Republican or a Democrat. Though many parents make donations on behalf of their children without their participation, the FEC warns that these donations are illegal unless made with the child's full knowledge.

According to Ian Stirton, an FEC public affairs spokesman, students who are minors can legally contribute funds to federal elections, "but it says in the law that the donations must be made 'knowingly and willingly.'"

"Now for an 8-year-old to be able to make these contributions, 'knowingly and willingly,' they would be pretty precocious, but it is legal for them to do so," Stirton said.

"I guess I'm into politics a little," Baxter said. He is not alone. His older brother Joseph, 11, says that he also has made donations to a couple of campaigns recently.

"I've heard that I've given money to (GOP presidential candidate and former Tennessee Gov.) Lamar Alexander and to Fred Thompson, but I don't know how much I gave them," Joseph Baxter said.

Their older sisters Jennifer, 12, and Elizabeth, 14, have also made political donations. Together, the four children have donated a total of $12,000 in the last three years.

Their father, William Baxter, is the president of Holston Gases Inc. in Knoxville. He says the donations made by his children are legal because they each have accounts in their names from which the money is drawn, even though some of them are not aware of the contributions.

"We have custodial accounts set up for all our children," William Baxter said.

The money in the children's accounts has accumulated through inheritance and annual gifts from their parents, according to their father. William Baxter said he has control of the money in the accounts and has made some of the withdrawals for the children's political contributions.

The FEC would not comment on the specific case, but Stirton said that not only must all donations by minors be made knowingly and willingly but that the money can't be given to minors for the sole purpose of making political contributions.

"People can't just donate money in the names of others, "Stirton said. "It would make the laws of disclosure ineffective."

In the past the FEC has investigated incidents in which campaign donations have been made without the named contributor's consent. No specific cases were mentioned by Stirton, but he said that parents who are found to have knowingly and willingly broken these FEC laws could face up to $10,000 in civil penalties or an amount equal to 200 percent of any contribution made.

All the donations made by the Baxter children were in amounts of $1,000 and consisted of contributions to Thompson's Sensational campaign and Alexander's presidential bid.

"It's very admirable,' William Baxter said about his family's contributions. "I think more people should make contributions. A real change took place during the last election, and I'm glad we were a part of that change."

Thompson's spokesman, Paul Clark, said the Baxter children may have forgotten about their donations because of their age.

"It was a year ago, and it appears that they were fully aware of the contributions," Clark said. "It's not some laundering operation."

Clark also said that Thompson's campaign officials tried to be "extremely careful to follow FEC regulations."

Thompson was fourth among the top ten Members to receive campaign funds from donors listed as students in the 1993–94 election cycle, with the attorney/actor-turned-politician raking in more than $25,000.

A Roll Call study of FEC records from that Sens. Ted Kennedy (D-Mass), with $63,300 in contributions; Bill Frist (R-Tenn), $43,500; and Frank Lautenberg (D-NJ), led the pack in student donations last cycle.

Rounding out the top ten were Thompson, $25,800, and Sens. Spencer Abraham (R-Mich), $25,750; Kay Bailey Hutchison (R-Texas), $25,500; Joseph Lieberman (D-Conn), $24,250; Dianne Feinstein (D-Calif), $23,900; John Kerry (D-Mass), $23,500; and Chuck Robb (D-Va), $20,250.

For attorney Loren Hershey, of Falls Church, Va., campaign giving is also a family affair. He and his three children have made 22 contributions totaling $26,000, over the last five years.

Hershey says that his children made their donations knowingly and willingly and that they "participated in the decisions" to make contributions to the campaigns.

Hersey's three children have donated $10,000 since 1992, including his daughter Amelia, 11, who began her generosity to politicians with a $1,000 donation to the Clinton for President Committee at the age of eight.

Amelia, who is a fifth-grader at Bailey's School for the Arts and Sciences, during the 1993–94 election cycle also made $1,000 contributions to the campaigns of Sen. Chuck Robb (D-Va) and former Rep. Leslie Byrne (D-Va).

Not all of the students listed by the FEC are minors. Some are university undergraduates, law students, and even politicians.

In the last election cycle, Maryland Lt. Gov. Kathleen Kennedy Townsend (D) donated $250 to the Senatorial campaign of her uncle, Ted Kennedy, while she was listed as a student, according to FEC documents.

Jennifer Croopnick, 24, of Newton Mass., was surprised to find out that she had donated $1,000 to Rep. Joe Kennedy (D-Mass).

"I don't know what you're talking about," said Croopnick, who was then a graduate student at New York University. "I never donated money for any campaigns. I don't have much money."

Though Croopnick said she hasn't personally donated any money for political campaigns in the past, she did offer a solution as to where the funding may have come from.

"I'm not exactly sure how those donations were made," she said. "My father probably made the donation in my name."

Croopnick's father Steven, an employee of LTC Management in Cambridge, didn't return numerous phone calls, and his wife Bonnie had no comment regarding the contribution.

A statement released last week by Kennedy's office read: "We made a great deal of effort to make sure every contribution is proper. We have never knowingly accepted any improper contribution. We assume that when we receive a contribution, the donor knows they have made it.

"In this case, it was a donation from a 24-year-old individual. We had no reason to believe she was unaware of the contribution."

SUNDAY REPORT; MINOR LOOPHOLE; YOUNG DONORS ARE INCREASINGLY PADDING POLITICAL COFFERS. OFFICIALS FEAR THAT CHILDREN ARE BEING USED TO EVADE ELECTION LAWS

(By Alan C. Miller, Times Staff Writer)

At age 10, Skye Stolnitz of Los Angeles contributed $1,000 to the 1996 presidential campaign of Republican Lamar Alexander. Her dad said the funds came from Skye's personal checking account.

Asher Simon was 9 years old when he gave $1,000 each to Sen. Dianne Feinstein (D-Calif.) and two other Democrats in 1994. Asher's mother said the boy "supports candidates he agrees with."

Lindsey Tabak, then 15, donated $20,000 to the Democratic Party in 1996. Asked about the source of the money, Lindsey said: "I know it was in my name." These youngsters are part of a developing trend in the world of political money: contributors who donate generously even though they're not old enough to drive a car or register to vote. On paper at least, children and high school and college students gave a total of $7.5 million in political donations from 1991 through 1998, according to a Times study of federal election records.

In many cases, as with Skye, Asher and Lindsey, the children's donations came on the same day or about the same time that their parents gave the maximum contribution allowed under federal law.

Campaign finance experts say the practice of student giving has become one of the most blatant ways that affluent donors circumvent federal limits.

"This is an area of great abuse where you have the absurd situation of small children supposedly contributing their own money to a candidate of their own choice," said Donald J. Simon, executive vice president of the watchdog group Common Cause. "Obviously, in many cases, what's going on is simply a way for the parents to beat the contribution limits."

Parents interviewed for this story insisted that the children contributed their own funds and were not part of any scheme to skirt federal limits. But the Federal Election Commission has regarded student giving as such a potentially serious loophole that it has urged Congress to ban donations by minors, based on the "presumption that contributors below age 16 are not making contributions on their own behalf," according to the commission's 1998 legislative recommendations.

Federal law places no minimum age on donors but requires that the funds be "owned or controlled exclusively" by contributors and that they give "knowingly and voluntarily." Also, parents are specifically prohibited from giving money to their children to make political donations.

In each election, the law allows individual donors of any age to give $1,000 to a candidate and $20,000 to a political party in so-called hard money, which can only be used to advocate the election or defeat of specific candidates. There are no contribution limits on "soft money" donated to the parties for a broad range of political uses.

The analysis, conducted for The Times by the independent Campaign Study Group of Springfield, Va., shows that young contributors are giving increasingly large amounts to federal candidates and campaign committees. Since 1991, donors identified as "students" made 8,876 federal contributions of $200 or more and in 163 instances gave $5,000 or more.

Student donors gave nearly $2.6 million for the 1996 presidential election—a 45% increase over 1992. Complete computerized data for the 1998 elections are not yet available.

The study understates the full extent of donations by minors because political committees often fail to report a contributor's occupation as required by law and donors are not asked to provide their ages. The Times identified the ages of donors through public records and interviews.

ONLY ONE PARENT FINED SINCE 1975

Youthful donors attract little scrutiny from the FEC, which is responsible for civil enforcement of U.S. election laws. The agency rarely investigates allegations arising form donations by minors: Since 1975, it has investigated and closed only four such cases, levying one $4,000 fine against a parent for donating money through a child.

Representatives for the Democratic and Republican parties said they do not solicit contributions from the children of donors.

Yet veteran campaign operatives, speaking on the condition of anonymity, said that major donors are often reminded that family members may also contribute. While professional fund-raisers are instructed to inform such donors of the legal requirements, other individuals soliciting contributions may "forget the niceties," one longtime Democratic campaign advisor said. Campaign finance experts even have a name for the practice: "family bundles."

The sponsors of the sweeping bipartisan campaign finance bill that passed the House last year included a provision that would have banned all donations to candidates and political parties from individuals under 18. The bill stalled in the Senate. The sponsors reintroduced the legislation last month with the same proposed ban on child donors.

The Times study found at least four donors age 10 or under who gave $1,000 or more. In two additional cases that were previously reported, donors were so politically precocious that they were still in diapers.

'. . . ON BEHALF OF MY DAUGHTER'

On Jan. 25, 1996—the same day her parents made identical donations—Skye Stolnitz, then 10, gave $1,000 to the Republican presidential primary campaign of former Tennessee Gov. Alexander.

"It was my decision based on what I thought was in her best interest," said Skye's father, Scott A. Stolnitz, a dentist in Marina del Rey. "I felt that Lamar Alexander at the time had the solutions for education in America, which I was very concerned about on behalf of my daughter."

He said that the $1,000 came from Skye's checking account, which he funds. Stolnitz said that he discussed the donation with his daughter, "even at that tender age. I told her what I was doing and why. She did not object."

He said he was "not aware" of federal laws that require donors to make such decisions on their own and had no intention of exceeding contribution limits.

When young Asher Simon made $1,000 contributions to Feinstein, then-House Speaker Thomas S. Foley (D-Wash.) and then Rep. Lee H. Hamilton (D-Ind.) in 1994, both his parents also gave to the same candidates during the same election cycle, including the maximum to Feinstein and Foley. This was the only time that Asher, who is now 13, made a federal contribution, records show.

Herbert Simon, Asher's father, is a leading developer of shopping malls and, along with his brother, owns the Indiana Pacers professional basketball team. Diane Meyer Simon, a former Democratic National Committee member, said that her son "comes from a very political family that has a long tradition of supporting candidates."

The Simons, who own homes in Indianapolis and Santa Barbara, have donated nearly $1 million to candidates and party committees since 1991, records show.

Asher's four older siblings gave an additional $40,750. Rachel and Sarah Simon contributed the same amounts to the same candidates as Asher when they were about 14 and 12, records show.

"Whatever payments were made were in trust accounts and accounted for properly," said Robert F. Wagner, an attorney for Diane Meyer Simon. "This is a very, very decent family. . . . There was no intent to do anything improper."

The FEC permits political donations from a trust fund but requires that the beneficiary make the donation "knowingly and voluntarily." The key to the propriety of such a donation is how much control the beneficiary exercises over the trust fund, election law attorneys said.

HIGH SCHOOL SISTERS GIVE $40,000 TO PARTY

Lindsey Tabak was a high school sophomore and her sister, Lauren, a senior in Livingston, N.J., when each contributed $20,000 to the Democratic Congressional Campaign Committee on Oct. 29, 1996. Twelve days earlier, their parents, Mark H. Tabak and Judy Wais Tabak, each gave the maximum legal donation to the committee.

Lindsey said her contribution "was like a family decision that we would donate the money to the Democratic Party."

Asked whose money it was, she replied: "It's like the family's . . . I'm not sure where it came from. I know it was in my name."

Mark Tabak, who manages a firm that invests in international health-care ventures, said that the money came from his daughter's trust funds, a portion of which is earmarked for political and charitable contributions. He called it "a collective decision" to help the Democrats try to retain control of Congress.

"I assure you that this was not a scam to bypass hard-money limits," Tabak said, noting that he and his wife could have given unlimited sums of soft money to the Democratic group. Political parties prefer hard-money donations because of the restrictions imposed on how they spend soft money.

Both major political parties have benefited from student donors. Since 1991, Democrats have raked in $4.3 million and Republicans received $2.7 million.

Many of the student contributors were old enough to attend college, according to public records and interviews. Some of these donors contributed to the same campaigns, in similar amounts and at the same times as their parents.

CONTRIBUTIONS OFTEN MATCH PARENTS'

Take the case of Steven P. St. Martin. The son of a wealthy Louisiana attorney, he gave a total of $35,000 to various Democratic campaigns between 1991 and 1998 when he was a college and law school student. His contributions often matched those of his father, Michael X. St. Martin, his mother or his brothers, records show.

"I make my contributions completely on my own," said Steven St. Martin, now an attorney in Houma, La. He declined to explain the correlation between his donations and those of his family. "It's kind of personal," he said.

Two estranged daughters of Dallas billionaire Harold C. Simmons alleged that their father used trust funds to make political contributions in their names without their permission. This was part of a broader lawsuit claiming that Simmons squandered the trusts on various expenses.

The trust for one daughter, Andrea Simmons Harris, gave $36,500 to Republican candidates between 1991 and 1993 when she was a student in her mid-20s, records show. Simmons and other family members usually made the maximum legal donations to the same recipient on the same day.

Simmons, who denied wrongdoing, agreed last year to pay his adult daughters $50 million each to drop the suit seeking his removal as trustee of the family fortune.

At the other end of the "student" spectrum are the diaper donors.

Bradford Bainum was 18 months old when he made the first of four contributions to Democratic candidates in 1992 and 1993, records show. He gave $4,000 by the time he was 2.

His father, Stewart Bainum Jr., executive of a nursing home chain and former Maryland state senator, acknowledged donating in the name of his son as well as exceeding contribution limits in a 1997 settlement with the FEC. He paid a penalty of $4,000.

This is the only time since the current campaign finance system was established in 1975 that the FEC fined a donor in a case involving contributions by a minor.

The FEC may impose penalties up to the amount of a contribution for giving in the name of another person or twice the amount if the transgression is knowing and willful. The agency may also find that a parent exceeded the contribution limit by donating through a child.

"It's not an easy area of the law to enforce," said Ian Stirton, an FEC spokesman. "Somebody has to know this is going on."

Still, the agency has acknowledged serious concerns over the practice of student giving.

Lois G. Lerner, the FEC's associate general counsel, said that, while commission members have not yet addressed this issue, the agency "has realized in recent years that people are trying to get as much money into the process as they can and this is an area where it's pretty easy to do so."

Parent donors may also trip over state election laws.

Al Checchi, the multimillionaire former Northwest Airlines chairman who ran for governor of California last year, acknowledged in 1997 that he arranged two contributions in the names of his children without their knowledge.

Checchi's business partner, who controlled the Checchi children's trust accounts, sent $500 checks in the names of Adam and Kristin Checchi to the 1990 gubernatorial primary campaign of Democrat John K. Van de Kamp. That same day, Checchi and his wife each gave Van de Kamp $1,000, the legal limit under California law at the time.

Checchi said the children—ages 12 and 9 at the time—were unaware of the donations. He said he did not know that such donations would pose a problem; they were returned by the campaign.

Campaign finance experts said that some parent donors, who are unfamiliar with the intricacies of election laws, may unwittingly use their children as conduits.

Kenneth A. Gross, an election law attorney and former FEC enforcement chief, said that his advice for clients is simple: "I certainly discourage any giving by children."

THE BOOK ON STUDENT GIVING

Contribution between 1991 and 1998:

Number of federal campaign contributions: 8,876 (Includes only contributions of $200 or more.)

Total amount contributed by students: $7.5 million.

Number of students contributing a total of $5,000 or more: 163.

Source: Federal Election Commission records.

DEEP POCKETS, SHORT PANTS

Each of these students gave the same maximum donations to federal candidates or political parties as their parents. Their parents or representatives defended the contributions, saying that the money was their children's that the youths contributed voluntarily and that the parents were not trying to evade federal limits by giving through their children.

Donor, Recipient and Parents: (Student) Skye Stolnitz (age 10*)

Amount: $1,000.

Date: Jan. 25, 1996

Donor, Recipient and Parents: (Recipient) Lamar Alexander for President

Donor, Recipient and Parents: (Parents) Dr. Scott A. Stolnitz (father)

Amount: $1,000

Date: Jan. 25, 1996

Donor, Recipient and Parents: (Parents) Cindy B. Stolnitz (mother)

Amount: $1,000

Date: Jan. 25, 1996

Explanation: "It was my decision based on what I thought was in her best interest," her father said.

Donor, Recipient and Parents: (Student) Asher Simon (age 9)

Amount: $1,000

Date: Sept. 12, 1994

Donor, Recipient and Parents: (Recipient) Sen. Dianne Feinstein (D-Calif.)

Donor, Recipient and Parents: (Parents) Herbert Simon (father)

Amount: $1,000

Date: May 12, 1994

Donor, Recipient and Parents: (Parents) Diane Meyer Simon (mother)

Amount: $1,000

Date: Oct. 21, 1993

Explanation: Asher "supports candidates he agrees with," his mother said.

* * * * *

Donor, Recipient and Parents: (Student) Lindsey Taback (age 15)

Amount: $20,000

Date: Oct. 29, 1996

Donor, Recipient and Parents: (Recipient) Democratic Congressional Campaign Committee

Donor, Recipient and Parents: (Parents) Mark H. Tabak (father)

Amount: $20,000

Date: Oct. 17, 1996

Donor, Recipient and Parents: (Parents) Judy Wais Tabak (mother)

Amount: $20,000

Date: Oct. 17, 1996

Explanation: The contribution "was like a family decision that we would donate money to the Democratic Party," Lindsey said.

* * * * *

Donor, Recipient and Parents: (Student) Elizabeth Heyman (age 7)

Amount: $1,000

Date: Sept. 26, 1988

Donor, Recipient and Parents: (Recipient) Sen. Joseph I. Lieberman (D-Conn.)

Donor, Recipient and Parents: (Parents) Samuel J. Heyman (father)

Amount: $2,000**

Date: Dec. 12, 1987

Donor, Recipient and Parents: (Parents) Ronnie F. Heyman (mother)

Amount: $2,000**

Date: Dec. 15, 1987

Explanation: "The children were asked and they thought it was a great idea," said Michael Kempner, a spokesman for the Heymans.

* * * * *

Donor, Recipient and Parents: (Student) Benjamin Lipman (age 9)

Amount: $1,000

Date: June 19, 1987

Donor, Recipient and Parents: (Recipient) Pierre S. "Pete" du Pont IV for President

Donor, Recipient and Parents: (Parents) Ira A. Lipman (father)

Amount: $1,000

Date: June 18, 1987

Donor, Recipient and Parents: (Parents) Barbara Lipman (mother)

Amount: $1,000

Date: June 18, 1987

Explanation: That was a way "to expose the children to political candidates and get them involved in the process," Ira Lipman said.

All ages given were at time of donation

Total includes maximum contributions for both primary and general elections

Sources: Analysis of Federal Election Commission records by the Campaign Study Group, other public records and interviews

CONTRIBUTION PROPOSAL BY FEC

This is the Federal Election Commission's 1998 recommendation for legislation to prohibit contributions by minors:

Recommendation: The commission recommends that Congress establish a presumption that contributors below age 16 are not making contributions on their own behalf.

Explanation: The commission has found that contributions are sometimes given by parents in their children's names. Congress should address this potential abuse by establishing a minimum age for contributors, or otherwise provide guidelines ensuring that parents are not making contributions in the name of another.

Source: FEC Annual Report

Mr. LUGAR. Madam President, I rise today to speak on the campaign finance reform bill that is before us. I have been involved in elections for the school board, for mayor of a major city, for the U.S. Senate, and for the Republican presidential nomination. My experiences suggest that our present system is outdated and often distorted. Yet I have never believed that we should pass a bill just because it has been labeled "reform." As dysfunctional as our current campaign finance system is, it can be made worse.

But in 2001, the U.S. Senate held a genuine debate on campaign finance reform that embraced multiple points of view on the issue. Amendments were considered and debated on their merits. The underlying bill changed dramatically. The Senate reached a conclusion that could not have been predicted before the debate began.

This conclusion did not correspond to the ideal system of even a single Senator. In reviewing the 28 votes that we cast on that bill, I found that I had disagreed with the position of every other Senator at least five times during the votes. I expect that most other Senators would find that they also took a unique path through the bill. We all have our own ideas about what a campaign finance system should look like. Although, I do not support every provision of this bill, on balance, I believe that it is a constructive attempt to improve a deeply flawed campaign finance system.

Even as we move to pass this bill it is important to admit the limitations of our work. The compromise bill before us will not bring an end to corruption or attempts to influence politicians improperly. We should be skeptical of both extravagant claims of success and dire predictions of disaster.

This update was necessary, in part because the lines between soft and hard money were becoming indistinguishable. The development of so-called "victory funds" and other schemes for transferring party soft money to candidates was undermining the meaningfulness of hard money contribution limits. In addition, soft money fundraising clearly had been linked to malfeasance in the 1996 presidential election and had assumed a role within the campaign finance structure that almost guaranteed future instances of campaign finance violations and improper influence.

The bill also takes the important step of raising contribution limits for candidates facing an opponent who commits large amounts of personal wealth to a campaign. Our current campaign finance system ensures huge advantages for independently wealthy candidates, because their personal funds are not subject to contribution limits. Parties now spend a great deal of energy recruiting millionaires to run for office, because it is the simplest way to apply millions of dollars—sometimes tens of millions—to a political race virtually free of regulation. As more restraints on fundraising are added, the incentive to recruit millionaire candidates increases. The risk is that personal wealth will become a qualification for candidacy—particularly with respect to the Senate. The millionaires amendment in this bill will not eliminate the advantage of wealthy candidates, but it will substantially reduce the current incentives that place personal wealth near the top of qualifications for candidacy.

Despite some excellent provisions, this bill will not be implemented without concern. The history of campaign finance law does not provide optimism that restrictions aimed at preventing the entry of money into politics will succeed. Our experience has been that when one inlet for political money is closed or narrowed, that money flows into the system through other inlets. By increasing hard money limits left untouched since the mid-1970s, the bill encourages some soft money contributions to flow toward hard money, the most accountable form of political contribution. But we also will see increases in money flowing through interest groups and non-candidates who seek to influence an election but who cannot be held accountable by voters at the polls.

In addition, any campaign finance reform proposal must come to grips with the U.S. Constitution and its guarantee of freedom of speech. Protection of political speech was at the heart of the founding of our nation. We have little leeway in passing laws that regulate the amount or content of political expression. The fact that Congress is charged in the Constitution with the responsibility to hold elections does not relieve it from the requirement that it do so in a manner that is consistent with free speech.

I do not believe that it is possible for Congress to write a comprehensive campaign finance bill in this era without stimulating a Court challenge. With the passage of this bill, Congress has made a good faith attempt to improve disclosure and protections against corruption. However, even proponents should admit that this bill raises legitimate First Amendment questions that will have to be reviewed by the Supreme Court.

This bill will not be the end of the campaign finance debate. I am hopeful, however, that our experience with McCain-Feingold will improve the conduct of future debate. Too often, despite good intentions by many participants, the debate on campaign finance reform has not always been constructive. Too often the debate has centered on simplistic absolutes and cynical implications that all money is corrupting.

We know that virtually every reform proposal involves complex trade-offs between preventing corruption and protecting Constitutionally-guaranteed freedoms of political expression. Americans don't like to think in these terms because we want to believe that measures to prevent corruption and ensure freedom of speech are goals that should not be subject to compromise. We don't like the idea of having to make hard choices that might result in less freedom or more corruption.

Those who support stricter campaign finance laws should admit that many such proposals raise legitimate Constitutional questions, negatively impact First Amendment freedoms of expression, and could produce unintended consequences for political participation. Those who have supported the status quo, must recognize that our current system is seriously flawed and that campaign contributions have been corrupting in some very important cases.

Campaign finance is an issue that demands elevated debate on the nature of freedom of speech and fair elections—the most basic instruments of our democracy. Reasonable people should be able to differ on prescriptions without questioning each other's motivations or integrity. The U.S. Senate should strive to be a model of civility and reasoned deliberation on this issue.

Mr. KERRY. Madam President, today we take an important first step toward reforming our campaign finance system. After an election in which $3 billion was spent in an effort to elect or defeat candidates, we are finally taking action to attempt to make our campaign finance laws meaningful. However, there are predictable consequences from this legislation that will not be positive and will require further attention to the issue of campaign finance reform.

The money spent on the 2000 election should come as a surprise to no one. Soft money, an important target of this bill, has increased at a remarkable pace. Year after year, there has been a steady and dramatic increase in the amount of money raised and spent on elections. For example, in 1992, Democrats raised $30 million in soft money. In 1996, the Democrats more than tripled that amount and raised $107 million in soft money. In the 2000 Democrats raised $243 million in soft money.

The Republican party has consistently proven itself to have even more fund-raising prowess than the Democrats, but the trends are exactly the same, with substantial increases year after year. In 1992, the Republican party raised $45 million in soft money. In 1996, they raised $120 million in soft money. And in 2000, the Republican party raised $244 million in soft money. The American people have become almost numb to these kinds of staggering figures, and they have come to expect fund-raising records to be broken with each election cycle. And, what is far worse for our Democracy is that the public also believes that this money buys access and influence that average citizens don't have.

In addition to the overwhelming amounts of soft money that were raised and spent in 2000, hundreds of millions of dollars were also spent on so-called issue ads. Now, I'm not talking about television ads that truly discuss the issues of the day. I'm talking about ads that air just before an election that show candidates, surrounded by their families, American flags waving in the background, that tell of the candidates' service to the Nation, or heroic actions during a war. Anyone who sees an ad like this believes it is a campaign ad. But, because of a quirk in the law, even these most blatant of campaign ads are called issue ads. As such, the contributions that pay for them are unlimited and relatively undisclosed. Yet, in many cases, these ads shape the debate in a race, and they most certainly are intended to shape the outcome.

Those ubiquitous television ads are purchased by all kinds of organized special interests to persuade the American people to vote for or against a candidate. These ads, usually negative, often inaccurate, are driving the political process today. Do they violate the spirit of the campaign finance laws in this country? They certainly do. But, don't take my word for it. Listen to the executive director of the National Rifle Association's Institute for Legislative Action, who said, "It is foolish to believe there is a difference between issue advocacy and advocacy of a political candidate. What separates issue advocacy and political advocacy is a line in the sand drawn on a windy day."

The bill that we are sending to the President takes a step toward reform. It is important to know that it is also firmly rooted in prior laws. Federal law has prohibited corporations from contributing to Federal candidates since 1907. Labor unions likewise have been barred from contributing to candidates since 1943. In addition, the post-Watergate campaign finance law caps individual contributions at $25,000 per calendar year, and permits individuals to give no more than $20,000 to a national party, $5,000 to a political action committee, and $2,000 to a candidate. These limits were put in place after the country learned a hard lessen about the corrupting influence of money in politics.

Nowhere in these laws are there any provisions for soft money. That aberration came into play in 1978 when the Federal Election Commission gave the Kansas Republican State Committee permission to use corporate and union funds to pay for a voter drive benefitting Federal as well as State candidates. The costs of the drive were to be split between hard money raised under Federal law and soft money raised under Kansas law. The FEC's decision in the Kansas case gives parties the option to spend soft money any time a Federal election coincides with a State or local race. A creation not of Congress, but of a weak, politically motivated Federal agency, soft money is a loophole to our system that is long overdue for eradication.

Despite what the foes of this bill claim, banning soft money contributions does not violate the Constitution. The Supreme Court in Buckley versus Valeo held that limits on individual campaign contributions do not violate the first amendment. If a limit of $1000 on contributions by individuals was upheld as constitutional, then a ban on contributions of $10,000, $100,000 or $1 million is also going to be upheld. Buckley, too, said that the risk of corruption or the appearance of corruption warranted limits on individual campaign contributions. Soft money contributions to political parties can be limited for the same reason.

Like soft money, issue advocacy has a history that defies the intent of campaign finance laws. In what remains the seminal case on campaign finance, Buckley, the Supreme Court held that campaign finance limitations applied only to "communications that in express terms advocate the election or defeat of a clearly identified candidate for Federal office." A footnote to the opinion says that the limits apply when communications include terms "such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" The phrases in the footnote have become known as the "magic words" without which a communication, no matter what its purpose or impact, is often classified as issue advocacy, thus falling outside the reach of the campaign finance laws.

Until the 1992 election cycle, most for-profit, not-for-profit, and labor organizations did not attempt to get into electoral politics via issue advocacy. That year, one advocacy group pushed the envelope and aired what was, for all intents and purposes, a negative campaign ad attacking Bill Clinton. Because the ad never used Buckley's "magic words," the Court of Appeals decided that the ad was a discussion of issues related rather than an exhortation to vote against Clinton in the upcoming Presidential election.

That ad and others like it opened the flood gates to more so-called issue advocacy in 1996, when countless special interests started overwhelming the airwaves with millions of dollars in ads that looked like campaign ads, but, because they avoided those magic words, were deemed issue-ads.

Opponents of this proposal will also argue that any effort to control or limit sham issue ads would violate the First Amendment. They argue that as long as you don't use the so-called "magic words" in Buckley, such as "vote for" or "vote against," you can say just about anything you want in an advertisement. But that is simply not what the Supreme Court said in Buckley. It said that one way to identify campaign speech that can be regulated is by looking at whether it uses words of express advocacy. But the Court never said that Congress was precluded from adopting another test so long as it was clear, precise and narrow.

A final argument opponents of reform like to make is that we spend less on campaigns than we do on potato chips or laundry detergent. But I would ask the proponents of this argument whether what we are seeking in our democracy is electioneering that has no more depth or substance than a snack food commercial. Despite the ever-increasing sums spent on campaigns, we have not seen an improvement in campaign discourse, issue discussion or voter education. More money does not mean more ideas, more substance or more depth. Instead, it means more of what voters complain about most. More 30-second spots, more negativity and an increasingly longer campaign period. Less money might actually improve the quality of discourse, requiring candidates to more cautiously spend their resources. It might encourage more debates, as was the case in my own race against Bill Weld in 1996, and it would certainly focus the candidates' voter education efforts during the period shortly before the election, when most voters are tuned in, instead of starting the campaign 18 months before election day.

Shays/Meehan takes an important step that begins to tackle the problems of soft money and issue advocacy. I support this legislation that has been championed by two very able colleagues, but I would note one serious shortcoming of the bill. It won't curb the rampant spending that drives the quest for money. Unfortunately, we all recognize that creating spending limits is not a simple proposition. In the 1976 Buckley case, the Supreme Court struck spending limits as an unconstitutional restriction of political speech. An important caveat to its decision is that spending limits could be imposed in exchange for a public benefit. I wish we had at our disposal a number of bargaining chips, public benefits that we could trade in exchange for spending limits. However, unless the Supreme Court reverses itself, something I am certainly not expecting in the near future, we must accept that if we want to limit the amounts spent on campaigns, we must provide candidates with some sort of public grant.

I realize that a lot of my colleagues aren't ready to embrace public funding as a way to finance our campaigns. But it is, in my opinion, the best constitutional means to the important end of limiting campaign spending and the contributions that go with it. Ultimately, I would support a system that provides full public funding for political candidates. I will continue to support clean money as the ultimate way to truly and completely purge our system of the negative influence of corporate money. I would also support a partial public funding system as a way to wean candidates from their reliance on hard money and get them used to campaigning under generous spending limits. I offered an amendment to McCain/Fiengold that would have provided sweeping reform in the form of a partial public funding system, but I recognize that we are a long way away from enacting such a program. Nevertheless I will continue to support and work for that type of reform as a way to end the cycle of unlimited money being raised and spent on our elections.

This bill is a way to break free from the status quo. However, as with any reform measure, there are always going to be possibilities for abuse. The fact that some people will try to skirt the law is not a reason for us to fail to take this incremental movement towards repairing the system. But, it does mean we must ensure that this the first, rather than the last, step for fundamental reform. I have supported campaign finance reform for 18 years and I believe that even legislation that takes only a small step forward is necessary to begin to restore the dwindling faith the average American has in our political system. We can't go on leaving our citizens with the impression that the only kind of influence left in American politics is the kind you wield with a checkbook. I believe this bill reduces the power of the checkbook and I will therefore support it.

Mr. DURBIN. Madam President, today we are at the pivotal point where long-sought meaningful campaign finance reform is finally within reach. It's been a winding journey spanning seven years. I am pleased to have been part of the quest, and proud to have been an original cosponsor of the McCain-Feingold bills since my arrival in the Senate in January 1997.

It was a privilege to have been part of the two-week historic debate last March. As I remarked last year, the open and freewheeling debate on amendments in which we engaged was truly the United States Senate at its finest, and an experience I had hoped to enjoy when I sought this office.

This bill isn't a magic elixir. It won't cure all ills. No one has suggested it is a gleaming pot at the end of the rainbow.

Personally, I am disappointed that it doesn't include what I think is an essential ingredient of true reform: ensuring non-preemptible lowest unit broadcast rates for candidates, which this body approved overwhelmingly by a vote of 69–31 on March 21, 2001, one year ago tomorrow. Until we deal with both sides of the equation, the supply and the demand, I do not believe we will have solved the whole problem of money in politics.

But this bill does go a long way to change the system set up over 27 years ago, a system which over time has been severely exploited and eroded so far beyond the intent of Congress that the levels of unregulated soft money are growing at a far faster rate than increases in hard, regulated dollar donations.

I stand in support of this bill and urge my colleagues to join me in voting to send this bill to President Bush.

I also salute and congratulate Senators RUSS FEINGOLD and JOHN MCCAIN, valiant partners in a tireless, seven-year roller-coaster ride loaded with some spills and turns, filled with a few detours and disappointments. These two leaders are true models of how bipartisan tenacity and determination can triumph over adversity. I trust that the history books will reflect how their persistence and stewardship on this issue truly made a positive difference and profound impact.

To them, I say, thank you. The American people owe you a debt of gratitude.

Mr. KENNEDY. Madam President, as the Senate concludes debate on campaign finance reform, I want to commend Senator DASCHLE for his leadership in bringing this important issue to a successful conclusion. I thank Senator MCCAIN and Senator FEINGOLD for their commitment and hard work in crafting meaningful, bipartisan campaign finance reform legislation.

The enormous amounts of special interest money that flood our political system have become a cancer in our democracy. The voices of average citizens can barely be heard. Year after year, lobbyists and large corporations contribute hundreds of millions of dollars to political campaigns and dominate the airwaves with radio and TV ads promoting the causes of big business.

During the 2000 election cycle alone, according to Federal Election Commission records, businesses contributed a total of $1.2 billion to political campaigns. A Wall Street Journal article reported that $296 million, almost two-thirds of all "soft money" contributions given in the last election, came from just over 800 people, each of whom gave an average of $120,000. With sums of money like this pouring into our political system, it's no surprise that the average American family earning $50,000 a year feels alienated from the system and questions who's fighting for their interests.

The first step in cleaning up our system is to close the gaping loophole that allows special interests to bypass existing contribution limits and give huge sums of money directly to candidates and parties. These so-called "soft-money" contributions have become increasingly influential in elections. From 1984 to 2000, soft money contributions have sky-rocketed from $22 million to $463 million—an increase of over 2000 percent. We cannot restore accountability to our political system, until we bring an end to soft money. McCain-Feingold does just that.

Another vital component of meaningful reform is ending special interest gimmickry in campaign advertising. Today, corporations, wealthy individuals, and others can spend unlimited amounts of money running political ads as long as they do not ask people to vote for or against a candidate. These phony issue ads, which are often confusing and misleading, have become the weapon of choice in the escalating war of negative campaigning. The limits McCain-Feingold places on these ads will help clean up the system and make it more accountable to the American people.

Although the reforms in the McCain-Feingold bill are not a magic bullet that will solve all our problems, they do represent important and long over due changes to the system. Passage of campaign finance reform legislation is also a signal to the American people that their elected representatives can and will put the interests of the people above those of wealthy special interests.

Mr. MURKOWSKI. Madam President, I rise to elaborate on my vote on H.R. 2356, the latest effort at campaign finance "reform." I voted against the McCain-Feingold bill earlier this Congress, and I see little improvement in the bill we are currently debating. For this reason, I will vote against the latest attempt at campaign finance "reform."

I oppose this legislation on two grounds. First, the bill creates new loopholes for groups to exploit, and fails to create a level playing field in the political process. Second, the bill continues to impose unconstitutional restrictions upon every American's right to free speech and association. After 7 years of debate over this legislation, we are still left with a fundamentally flawed bill that attempts to strip away long-held protections cherished by Americans and restrict access to the marketplace of ideas.

I am particularly dismayed that the proponents of this legislation have decided to create loopholes and exceptions for 501(c)(4) organizations. Some would suggest that the bill bans "issue ads" from corporate and nonprofit interest groups 30 days before a primary, and 60 days before a general election. Yet, the crafters of the language have allowed non-profit advocacy groups, 501(c)(4) organizations, a free shot at candidates and limited restrictions on their poisonous "issue ads." As long as their advertisement is not targeted, by name, at a political candidate, they face no restriction 60 days, or even 1 day, before an election.

These independent groups will be allowed to accept special interest contributions, and then fill the airwaves with issue ads—often distorting facts in their attempt to attack a candidate's record. While these ads will not name a specific candidate, so as to not be deemed "targeted" communications, they will continue to influence elections in the favor of special interest groups.

Also, I continue to object to the proponents' efforts to extinguish constitutionally protected free speech rights. The last time Congress passed through a "reform" bill, in 1974, the Supreme Court eviscerated a majority of the provisions. They explicitly rejected as unconstitutional efforts to have the Government regulate "issue advocacy," limit independent expenditures, and mandate limits on campaign spending.

The Buckley Court wrote that:

> in a republic where the people [not their legislators] are sovereign, the ability of the citizenry to make informed choices among candidates for office is essential, for those elected will inevitably shape the course that we follow as a nation.

Participating in government—getting your voice heard, so to speak—is one of the most valuable and treasured rights that each citizen enjoys. This is particularly true when an individual or group wants to express their views during the election of those who govern.

Citizens, candidates, groups, and national parties all should have a voice in elections and government. It is at that moment, the moment when there is a true marketplace of ideas, that democracy lives up to its meaning. Any attempt to stifle comments, criticism, or expression is an attempt to limit speech. Political speech is speech, plain and simple.

Efforts to regulate political speech are the real reason we're here in the first place. Today's abuses are the natural consequence of past attempts to suppress free speech. Current campaign finance laws are complex and antiquated.

We need to be enforcing the laws that are currently on the books. We need to make sure that every political contribution is accounted for, and that disclosures are immediately posted for public scrutiny. Clearly the American public has a right to know who is paying for ads, and who is attempting to influence elections. Sunshine is what the political system needs—not restrictions on basic rights.

The debate over campaign finance "reform" is not over, and I look forward to swift review of this measure by the Federal judiciary. I am confident that the courts, again, will protect the rights of citizens and preserve the openness of our political system.

Mr. NELSON of Nebraska. Madam President, I rise today to talk about campaign finance reform.

As a veteran of four statewide campaigns, I believe, as many of my colleagues do, that the current campaign finance laws are—in a word—defective. Our country was founded on the principles of freedom and justice. As I see it, the present system for financing federal campaigns undermines those very principles.

I believe that in its current form, the campaign finance system tends to benefit politicians who are already in office—some folks call it incumbent insurance. I prefer to call it a problem.

Thus, I whole-heartedly believe that the time has come for meaningful campaign finance reform. Before us today, we have a bill that purports to fix the system. Unfortunately, I do not believe the Shays-Meehan bill does the job. In fact, in some respects, I think this bill will make the current system worse.

In the effort to find a culprit for the faults in the present campaign finance system, soft money has become a scapegoat. While I agree that unlimited soft money contributions raise important questions, banning soft money to the parties would be unproductive and, ultimately, ineffective. Chances are, if we succeed at blocking the flow of soft money from one direction, it will eventually be funneled into campaigns from another.

Furthermore, some soft money contributions are used for get-out-the-vote efforts—for the promotion of voter registration and party building—valuable efforts that encourage voter participation. Though some changes were made to ease the inevitable burden on GOTV and voter registration efforts, as a practical matter, the effects will still be devastating to the political parties and their activities.

A more realistic approach in lieu of banning soft money would be to cap the contributions at $60,000, as prescribed by the Hagel-Nelson bill that we debated and voted upon last year. I would have offered that proposal as an amendment again this year, but I can count the votes as easily as everyone else. It failed last year, 60-40. The votes simply aren't there. I dislike this bill, but I don't want to hold up the inevitable.

For that reason, I do support cloture on this bill. Although I believe it is fundamentally flawed, the bill before us should be allowed to stand or fall on its own merits—on a final vote that decides the direction this issue will take once and for all. We've been at a stalemate on this issue for too long and it is time to move on.

As an individual who has spent a lot of time on the campaign trail, I have put a great deal of thought into what I believe is the right direction for campaign finance reform. My campaign experience with one group in particular has bolstered my support for efforts to limit so-called "issue ads." This organization, funded by secret, undisclosed contributors, ran issue ads throughout my campaign distorting my position on one issue, which was unrelated and irrelevant to their purported purpose. This group was accountable to no one and did not have to disclose its true agenda. Because it operated in virtual secrecy, it was impossible to hold them accountable for distorting the truth.

It only follows that I am pleased with the Snowe-Jeffords provision in the bill before us, which addresses some of the problems created by so-called issue ads funded by special interest groups and corporations. This provision will hold these groups more accountable for their ads by imposing strict broadcasting regulations and increasing disclosure requirements, effectively putting light where the sun doesn't shine in issue advocacy.

Unfortunately, as many of my colleagues have pointed out, this provision is arguably the most susceptible to being struck down as unconstitutional by the Supreme Court. If the Shays-Meehan bill had a non-severable clause that would protect it from selective dissection by the Supreme Court—which we unsuccessfully tried to include in the McCain-Feingold bill last year—I would be much more inclined to support this bill.

It now seems likely that parts of this bill will be struck down in court, creating, in effect an off-balance piece of legislation that will penalize some groups—the political parties—while giving "issue advocacy" groups more influence. This will alter the very basis of our political system and give disproportionate power to the least accountable groups around.

I cannot support any legislation that will not only not fix our current problems but will create new ones by putting candidates of all parties at the mercy of these shadow groups, while at the same time taking away much of their ability to respond.

Accordingly, I simply cannot vote for this bill.

Mr. CORZINE. Madam President, today the Senate approved historic legislation that will change the way we manage our democracy in the new century. The changes called for in the McCain-Feingold/Shays-Meehan legislation are long overdue and vitally important to restoring the integrity of our electoral process.

For the past several years, the amount of unregulated soft money in our campaign system has reached staggering proportions. Soft money has had the insidious effect of holding too many political candidates accountable to large individual donors rather than the people they are elected to represent. In the 1999-2000 campaign season, $495.1 million poured into the coffers of both the Democrats and the Republicans. This was a truly bipartisan problem, and now we have a truly bipartisan solution. Soft money was a scourge on our political process that we are much better off without.

Before I go further, let me express my gratitude to two brave Senators: RUSS FEINGOLD of Wisconsin and JOHN MCCAIN of Arizona. We all know that it was through their tireless work and their laser-like focus that this piece of legislation has become law. By the time I arrived in the Senate a little over a year ago, the groundwork had already been laid. The traps had already been run. Year after year, the two Senators who lent their names to McCain-Feingold came to the Senate floor to deliver stirring oratory on the importance of this legislation. But no bill was passed. They visited with their colleagues in closed-door meetings. But many Senators remained unconvinced. Now—finally—these two stalwarts can move on to other issues. McCain-Feingold has passed, and for that, they have my deepest gratitude and admiration.

As happy as I am about the passage of this legislation, I would be remiss if I did not voice my regret at the failure of the final legislation to include a provision to address the skyrocketing cost of campaign advertisements. In recent years, television networks have reaped tremendous profits by exploiting the importance of broadcast advertising in the final weeks of a modern campaign. The price of airtime has become prohibitive to cash-strapped campaigns. And the simple fact of the matter is that media costs drive campaign costs. Any solution to the campaign finance problem is fundamentally incomplete if it fails to address what drives the demand for campaign money: expensive media.

During Senate consideration of McCain-Feingold, I was proud to cosponsor an amendment introduced by the senior senator from New Jersey, Mr. TORRICELLI. That amendment would have required television networks to offer candidates for federal office commercial time that cannot be preempted at the lowest price offered to any advertiser. It is only appropriate that, in exchange for the lucrative stewardship of the public airwaves, broadcasters provide candidates access to the airwaves at a discounted rate. It is unfortunate that because Shays-Meehan does not include the Torricelli provision, the lowest unit charge amendment will not become law at this time.

But, this should not and will not be the last time campaign finance reform is debated on the Senate floor. We have many more important campaign finance issues to explore, from improving the access of candidates to broadcast media to introducing aspects of public financing into the system. I look forward to continuing to work to improve the system.

Having said that this legislation is an important step in the right direction. I was proud to support it. And I again congratulate my colleagues, Senators FEINGOLD and MCCAIN, for their outstanding leadership.

Mr. SARBANES. Madam President, last spring, after years of debate and delay, a majority of the Senate agreed with the American public that our system of campaign financing needs repair and passed a significant campaign finance reform bill. Last month, the House of Representative passed similar campaign finance reform legislation. Now the Senate has taken up this House bill, and today this body will pass a comprehensive campaign finance reform bill. This legislation is long overdue.

With every passing election cycle, money plays a greater and greater role, and we run the risk of weakening the public's trust in our democratic system of government. In short, our constituents are losing faith in our ability to serve their interests over the interests of those who contribute to our campaigns. People are growing cynical about public life. They are staying away from the polling place in increasingly large numbers, in large part due to the perception that money, rather than the popular will, drives electoral outcomes. Under these circumstances, meaningful campaign finance reform becomes necessary to protect our system of government and our way of life.

While no legislation can completely solve the problems in our campaign system, this campaign finance reform bill makes real progress in the fight against corruption. I wish to express my dismay that this issue requires a cloture vote. The Senate debated this legislation for two weeks last year, and voted 59-41 to pass it. Yet, some Republican Senators still seem bent on derailing this bill, a bill that is clearly the will of the House of Representatives, the Senate, and most importantly, the American people. After the cloture vote, the Senate will be able to do what it should have done long ago, pass meaningful campaign finance reform legislation.

Mr. DOMENICI. Madam President, I rise today to speak about campaign finance reform. I want to express my concerns about this legislation and explain why I decided to vote for it in spite of those concerns.

I believe there are problems with the way we finance campaigns in this country. Many Americans feel there is too much money in politics. They believe this money is a corrupting influence on the politicians they send to represent them in Washington, D.C. Reports of politicians taking money from foreign sources, while already illegal, has served to strengthen the perception that money rules the political process.

The large number of extremely wealthy candidates who spend large amounts of their own money to finance their campaigns reinforces this perception. Many people believe that candidates are attempting to buy their way into office. For that reason, I am very pleased that the version we will be voting on contains my wealthy-candidate provision. By enacting this common sense provision, the playing field will be leveled for candidates who are not able to spend unlimited amounts of their own money. Instead, this legislation will raise the limits on contributions to their campaigns in proportion to the amount of personal money that the wealthy candidate spends.

Reports of large donations by corporations and unions lead many to believe that access to politicians is for sale only to the highest bidders. Many will argue that a few corrupt politicians are the problem rather than the system. I believe this is true, but for many disenchanted voters, perception is reality. Because people are disgusted with the system, many choose not to participate. Our system is lesser for that lack of participation.

It is for these reasons that I have decided to vote for Campaign Finance Reform.

When I voted for McCain-Feingold in the Spring of last year, I did so with reservations. I also expressed my hope that the House would improve on it and, if it came back to the Senate, we would have an opportunity to clear up any remaining problems.

While this legislation did pass the House, and the House did improve it in some ways, the House did not address all of my concerns. In the original Senate-passed version, we added the Levin amendment so State parties could compete with other outside groups. Unfortunately, the House weakened this provision, and now the State parties will be at a significant disadvantage when it comes to promoting candidates and issues. I think it is only fair that these two groups should be able to compete on a level playing field.

An additional concern I have with this legislation is the "Coordination" provision. As this legislation currently defines it, there will be a great deal of uncertainty about what is considered "coordination" between a candidate and parties or outside groups. I believe we should keep the current rule which requires agreement or formal collaboration to establish "coordination."

Perhaps my greatest concern is about the constitutionality of the provision that prohibits "electioneering communication" within the last 60 days of a general election or 30 days of a primary. There is very little doubt that the constitutionality of this and other provisions will be challenged shortly after this legislation is signed into law. Fortunately, the expedited review clause requires anyone who challenges the constitutionality of this legislation file suit in the U.S. District Court for the District of Columbia. A three-judge panel will decide the case and any appeal will be directly to the U.S. Supreme Court. This expedited review process will ensure that all questions about the constitutionality of this legislation will be resolved swiftly so that any unconstitutional provisions are quickly stricken.

Normally, the Senate would have the opportunity to make the small changes that most agree would make this legislation much more effective. I am disappointed that the most adamant Senate proponents of this legislation bunkered down to prevent any improvements. I understand that they are concerned about the success of this legislation should it go to back to the House or to conference. Unfortunately, this concern will probably prevent us from doing as good a job as we should have. This leaves us with two disappointing choices: send an imperfect bill to the President or do nothing at all. I will vote for this legislation because I believe in this instance we must at least take a step forward.

Mrs. FEINSTEIN. Madam President, the Senate is poised to pass H.R. 2356, the bipartisan campaign finance reform bill. The momentum for the bill is building. The President has indicated that he is inclined to sign this bill. We could be on the brink of enacting the first significant campaign reforms in a generation.

I would like to make a couple of observations: First, I want to salute the sponsors of S. 27, the Senate companion measure, Senators McCain and Feingold. We are considering this bill only because of the sheer force of their collective will. They have suffered innumerable set-backs pushing for this legislation over the past several years. But they never got discouraged; they never let up. Their dedication to this cause has been extraordinary.

Second, numerous public opinion polls have indicated that the American people overwhelmingly support campaign reform, but do not rank the issue as a priority. I think that's because they have grown discouraged about the likelihood of Congress passing such reform. Maybe, just maybe, we will show the American people that we are capable of beating the odds, of coming together and doing something difficult.

House Resolution 2356, the "Shays-Meehan" bill, is sufficiently similar to S. 27 that Senators who support campaign finance reform ought to have no hesitation voting for final passage.

Most importantly, both bills get so-called "soft money" out of Federal elections. The bill we are about to pass prohibits all soft money contributions from corporations, labor unions, and individuals to the national political parties or candidates for Federal office.

Furthermore, State political parties that are permitted under State law to collect these unregulated contributions would be prohibited from spending them on any activities relating to a Federal election.

The soft money ban is the most significant, and necessary, campaign finance reform we can make. Soft money threatens to overwhelm our system and the public's confidence in its integrity.

In 1988, Michael Dukakis, the Democratic candidate for President, and Vice President Bush, the Republican candidate, raised a total of $45 million in unregulated soft money donations.

Just 8 years later, President Clinton raised $124 million and the Republican candidate for President, former Senator Dole, raised $138 million.

In the 1999–2000 election cycle, Democrats raised $245 million, and Republicans raised just under $250 million.

One of the very biggest soft money donors during the 1999–2000 cycle was Enron.

In its 1976 ruling in Buckley versus Valeo, the Supreme Court upheld limits on so-called "hard money" campaign contributions. The Court argued that such contributions, unregulated, could lead to corruption through quid pro quo relationships, or at least the appearance of corruption, which is also harmful to a democracy.

Well, if we are worried about corruption, or the appearance of corruption, with regard to hard money contributions, which are limited and disclosed, we ought to be doubly worried about soft money contributions, which can be unlimited, and are largely undisclosed.

Fortunately, we are about to put an end to soft money contributions.

The soft money ban will work because we came to a reasonable compromise with regard to raising some of the existing hard money contribution limits by modest amounts, and indexing those limits for inflation.

I am proud that I helped to negotiate that compromise, along with the senior Senator from Tennessee and several other Members from both sides of the aisle.

The Senate voted 84–16 to approve the compromise we worked out.

Our compromise: doubles the limit on hard money contributions to individual candidates from $1,000 per election to $2,000 per election; increases the annual limit on hard money contributions to the national party committees by $5,000, to $25,000; increases the annual aggregate limit on all hard money contributions by $12,500, to $37,500; doubles the amount that the national party committees can contribute to candidates, from $17,500 to $35,000; and indexes these new limits for inflation.

So under the Thompson-Feinstein amendment to S. 27, the individual aggregate contribution limit, the amount that can be given to PACs, parties, and candidates combined, is increased from the current $25,000 per year to $37,500 per year.

That is a $75,000 per cycle limit, but only $37,500 of that can be given to candidates because all contributions to candidates are charged against the aggregate in the year of the election.

The House bill creates a $95,000 per cycle aggregate limit. Of that, $37,500 can be given to candidates and $57,500 can be given to parties and PACs. But to actually max out, an individual must contribute $20,000 of the aggregate to national party committees.

This all sounds very complicated, but the net change is that the House bill adds an additional $20,000 per cycle to the aggregate limit, but that increase is reserved for contributions national parties. That is a reasonable change.

The hard money increases will reinvigorate individual giving. They will reduce the incessant need for fund-raising. They will give candidates and parties the resources they need to respond to independent campaigns. They will reduce the relative influence of PACs.

The Thompson-Feinstein amendment, by increasing the limit on individual and national party committee contributions to Federal candidates, will reduce the need for raising campaign funds from political action committees, PACs.

Our amendment, therefore, will reduce the relative influence of PACs, making it easier to replace PAC monies with funds raised from individual donors.

The concern about PACs seems unimportant now, compared with the problems that soft money, independent expenditures, and issue advocacy present. But we shouldn't dismiss the fact that PACs retain considerable influence in our system.

I know that some campaign reform advocates are uncomfortable raising any hard money contribution limits by any amount.

I would argue that modest increases are imperative for the simple reason that the current limits were established under the Federal Election Campaign Act, FECA, Amendments of 1974, Public Law 93-443, and haven't been changed since. That was 27 years ago!

I have spoken previously about how the costs of campaigning have risen much faster than ordinary inflation over the past 27 years these limits have been frozen.

The advantage of modestly lifting some of the limits is that doing so will reduce the time candidates have to spend fund-raising, time better spent with, prospective, constituents.

During the 2000 election, my campaign had over 100 fund-raisers. That took time. Time to call. Time to attend. Time to say thanks. And that was time I couldn't spend doing what my constituents want me to do.

The task of raising hard money in small contributions unadjusted for inflation is just too daunting, for incumbents and challengers alike.

Particularly in the larger States such as California, where extensive television and radio advertising is imperative, it is not uncommon for Senators to begin fund-raising for the next election right after the present one ends and they often find themselves "dialing for dollars" instead of attending to other duties.

Let's be honest with each other and the American people: campaigning for office will continue to get more and more expensive because television spots are getting more and more expensive.

Regrettably, one action the House took during its consideration of H.R. 2356 was to strip the provision Senator TORRICELLI successfully offered to S. 27 that entitled candidates and political parties to receive the "lowest unit rate" for non-preemptible broadcast advertisements within 45 days of a primary election or 60 days of a general election.

Under the House bill broadcast television, radio, cable, and satellite providers will be able to continue charging candidates and national committees of political parties higher advertising rates.

I am disappointed the House took this action but will support the bill nonetheless. A half of a loaf of bread is better than no bread.

Independent campaigns conducted by groups that are accountable to no one threaten to drown out any attempt by candidates or the parties to communicate with voters.

Spending on issue advocacy by these groups, according to the Congressional Research Service, rose from $135 million in 1996 to as much as $340 million in 1998. Then it rose again, to $509 million in 2000. Most of this money is used for attack ads that the American people have come to loathe.

It is likely that spending on so-called issue advocacy, most of which is thinly disguised electioneering, probably will surpass hard money spending, and very soon. It has already surpassed soft money spending.

Clearly, the playing field is being skewed. More and more people are turning to the undisclosed, unregulated independent campaign.

The attacks come and no one knows who is actually paying for them. I believe this is unethical. I believe it is unjust. I believe it is unreasonable and it must end.

Fortunately, the House kept intact the "Snowe-Jeffords" provisions regarding these sham issue ads.

The House bill defines "electioneering communications" as any broadcast, cable, or satellite communications which refer to a clearly identified candidate for Federal office and are made within 60 days of a general election or 30 days of a primary.

Anyone making electioneering communications costing $10,000 a year or more must disclose to the Federal Election Commission, FEC, the sponsor of the communication within 24 hours, and the names of those who contribute $1,000 or more to the sponsor within that election cycle.

The bill prohibits union or corporate treasury funds from being used for electioneering communications.

The bill we are about to pass will staunch the millions of unregulated soft dollars that currently flow into the coffers of our political parties, and replace a modest portion of that money with contributions that are fully regulated and disclosed under the existing provisions of the Federal Election Campaign Act.

People aren't concerned about individual contributions of $1,000, and I don't think they will be concerned about donations of $2,000.

No, what concerns people the most about the current system are the checks for $250,000, or $500,000, or even $1 million flowing into political parties.

These gigantic contributions are what warp our politics and cause people to lose faith in our Government and they must be halted. They give the appearance of corruption.

I represent California, which has more people, 34 million, than 21 other States combined. I just finished my 12th political campaign. For the 4th time in 10 years, I ran statewide. Running for office in California is expensive: I have had to raise more than $55 million in those four campaigns.

I can tell you from my experiences over the years that I am committed to campaign reform, and I am heartened that we are about to pass H.R. 256.

Is it a perfect bill? No. Will it be subject to challenges in court? Undoubtedly. But I think it is a strong bill and I'm optimistic that it will withstand the courts' scrutiny. And as I said earlier, it is our best chance at reform in a generation.

Campaign reform goes to the heart of our democracy. The way we currently finance and conduct our campaigns is a cancer metastasizing throughout the body politic.

It discourages people from running for office and it disgusts voters. So they simply tune out, in larger and larger numbers.

Discouragement, disgust, frustration, apathy, these feelings don't bolster our democracy, they weaken it.

We have an opportunity here, a rare opportunity, to do the right thing and pass H.R. 2356.

Mr. DODD. Madam President, today is, in fact, an historic day. As the Senate prepares to go to final passage on the McCain-Feingold/Shays-Meehan legislation on campaign finance reform, we are taking necessary action that the American people have been seeking for years.

Today's Senate action will accomplish a fundamental rewrite of our Nations Federal campaign finance laws. The Senate will approve legislation addressing what the American people believe is the single most egregious abuse of our campaign financing system, the raising and spending of unlimited and unregulated "soft money" in our Federal elections.

The exploding use of soft money that permeates our campaign system is having a corrupting influence suggesting that large contributions by donors to officeholders, candidates, and political parties provide those donors with preferred access and influence over public policy.

The average voter of average means who cannot contribute thousands of dollars to campaigns has neither the access nor influence in Washington. Even the mere appearance of corruption erodes public confidence in the integrity of our electoral process and the independence of our democracy.

The use of "soft money" is not the only problem. This legislation is not the only answer. But it is the answer around which a majority of members could coalesce.

If the Shays-Meehan legislation does nothing else but eviscerate the soft money loophole, it would still be effective and real reform.

But my colleagues in both Chambers have accomplished much more with this legislation. I enumerate the provisions that are most important in this Senator's opinion: First and foremost, the bill essentially bans the raising, spending and transferring of unregulated and unlimited "soft money" by national parties in Federal elections.

The bill prohibits the use of soft money to purchase any broadcast advertisement that mentions a Federal candidate within 30 days of a primary and 60 days of a general election.

The bill prohibits the use of treasury funds of corporations, labor unions, and nonprofit interest organizations to purchase broadcast, cable or satellite television advertisements that mention a Federal candidate, target the ad to the candidate's voting population and air within 30 days of a primary or 60 days of a general election.

The bill allows an exception for the use of soft money by State and local parties to conduct get out the vote and voter registration activities that do not mention a Federal candidate so long as no single donor contributes more than $10,000 per year.

The bill deems as a contribution any communication that is coordinated with candidates or political parties. The bill also requires the Federal Election Commission to promulgate new rules on coordination.

The bill enhances full disclosure of the money flow. It requires disclosure to the Federal Election Commission within 24 hours by any one who makes an independent expenditure that is more than $10,000 for broadcast, cable or satellite ads within 20 days of a general election.

The bill increases certain contribution limits. It doubles the individual contribution limits, from $1,000 to $2,000 per election, to Presidential, Senate, and House candidates and indexes the limit to inflation;

The individual limit is increased from $20,000 to $25,000 to national committees of a political party; and

The aggregate individual contribution limit to parties, PACs, and candidates per year is increased from $25,000 per year to $95,000 per election cycle, including not more than $37,000 to candidates and $20,000 for the national party committees.

The bill triples hard-money limits for House candidates facing wealthy, self-financed candidates spending $350,000 of their own money on a campaign. Senate candidates would qualify for up to six times the individual limit depending on the amount spent by their wealthy opponents and the population of their State.

Finally, the effective date is this November 6, 2002, one day after the congressional general elections. In addition, the effective date is January 1, 2003 for any changes to the contribution limits. This means that the 2002 Federal elections will be unaffected by this new law.

As I noted previously, while I may disagree with certain aspects of a few provisions, I fully support this legislation as the best effort that Congress can make to enact real campaign finance reform.

There are two provisions, in particular, that continue to cause me some concern.

First is the so-called "millionaire's provision" which purports to level the playing field for candidates who face wealthy challengers. Arguably a laudable goal, the provision ignores the fact that many incumbent who face wealthy challengers have healthy campaign treasuries, sometimes amounting to several million dollars. In such cases, this provision serves mainly as an incumbent protection provision. There continues to be no recognition of the considerable war chests that some incumbents have ready for use in Federal elections. This kind of provision works against the public policy goals of campaign finance reform.

Second, although I reluctantly supported the Senate amendment to increase the individual hard money contribution limits, I did so only in the context of achieving broader reform.

Quite simply, at that time, the increase in the hard money limits was the price to be paid to gain sufficient support from our Republican colleagues for banning soft money and placing proper restrictions on so-called sham issue ads.

Of particular concern to me is the indexing of these contribution increases to inflation. That only ensures the continuing upward spiral of more money into our campaign finance system.

Notwithstanding these two concerns, I am convinced that this legislation is narrowly tailored to strike the appropriate, and a constitutionally sound, balance between the two competing values scrutinized by the Supreme Court in Buckley v. Valeo, protecting free speech and limiting the "actuality and the appearance of corruption."

It has been decades since Congress took similar comprehensive action with the enactment of the Federal Election Campaign Act of 1971. The one thing we cannot afford to do is wait any longer, now is the time to enact the McCain-Feingold/Shays-Meehan legislation. The American people have waited long enough.

I am privileged and honored to be part of the majority in support of campaign finance in general and this legislation in particular. In fact, there has never been a perfect campaign financing system because adjustments will always have to be made as legal and factual ingenuity outpaces the laws.

It is an issue I have supported over the years since arriving in the Congress, including my time in both the House as well as the Senate.

I stand ready to do what I can to make reform a reality in the 107th Congress.

This final debate may find its place in history, along with the Senate debate during the weeks of March 19, 2001–April 2, 2001, as one of the greatest Senate debates in the last decade, both in terms of substance and impact on our system of democracy.

I have been privileged and honored to serve as floor manager of this measure, along with the Senator from Kentucky, Senator MITCH MCCONNELL. As my colleague from Kentucky has alluded to, the stakes in this legislation are considerable for many interested parties.

I thank all of my colleagues for their patience and cooperation throughout this winding-down process and compliment them all for a difficult job well done in enacting comprehensive campaign finance reform.

First, I must acknowledge that the Senate would not be here today in this historic posture if not for the determined leadership of TOM DASCHLE. No individual Member has been more consistent in support of campaign finance reform than our leader. And, no Member has worked harder behind the scenes to hold the Democratic caucus together in support of this issue.

Majority Leader DASCHLE took several procedural actions to formally ensure timely final passage of this measure before recess. The talk of overnights and virtually "around the clock" sessions to accommodate a filibuster, if necessary, were not a threat but a reality. Campaign finance is serious business. It is a major priority on the majority leader's agenda.

It is only with his leadership that the Senate's work was completed by not only guaranteeing a timely vote on the legislation but also guaranteeing an opportunity for all Members to represent their views on the matter. I further compliment the majority leader for his willingness to provide the opportunity for a free debate even in the rush of final passage. This issue is of paramount importance to the continued health of this democracy.

The majority leader's handling of this winding-down process of campaign finance debate exemplified the Senate at its best. The freeflow of ideas, the unrestricted opportunity to offer and debate amendments, and the ability of all Members to be heard are the hallmarks of this Senate, the world's greatest deliberative body.

At the same time, I must also acknowledge the powerful influence of my colleague, the ranking member of the Rules Committee, for his devotion to the principles of free speech and association. His unyielding belief that most, if not all, proposed campaign finance reforms are not only unwise, but unconstitutional.

I think all my colleagues would agree that Senator McCONNELL is a formidable advocate for his position. While we hear from the good Senator today, we are sure to hear from him in the future, even if in a different capacity.

I congratulate my esteemed colleagues and good friends and the foremost leaders in campaign finance reform. Since 1995, the Senate leaders of campaign finance reform are Senator JOHN McCAIN of Arizona and Senator RUSS FEINGOLD of Wisconsin. In the house, the leaders are Congressman CHRISTOPHER SHAYS of Connecticut and Congressman MARTIN MEEHAN of Massachusetts.

I acknowledge them for their vision in recognizing the powerfully negative influence of the money chase in our financing system. Their dogged persistence and patience in striving to craft a consensus on reform legislation that addresses the worst aspects of the current system is now paying off.

I must express my great respect to my colleagues in the Democratic caucus, under the very able leadership of Majority Leader DASCHLE, along with a small group of courageous Senators across the aisle, who have put aside their own short-term political interests and voted time and again in favor of comprehensive, commonsense, and badly needed campaign finance reform.

I also thank the numerous staff who have assisted in facilitating consideration of this measure, not the least of which are our Democratic floor staff, including Marty Paone, Lula Davis, and Gary Myrick, along with the outstanding democratic cloakroom staff.

I also want to extend my special appreciation to Jennifer Duck and Michelle Ballantyne of Senator DASCHLE'S staff, along with Mark Childress and Mark Patterson, who were invaluable in offering much needed expertise and guidance on bringing this legislation to final passage.

Of equal assistance with both the substance and the procedures for this legislation were the staff of Senators FEINGOLD and McCAIN, including Bob Schiff, Ann Choiniere and Jeanne Bumpus.

I also want to acknowledge the contributions of Senator McCONNELL'S staff, including Hunter Davis of his personal staff, and Tam Somerville, Brian Lewis, and Leon Sequeira of the Rules Committee minority staff.

Finally, I want to thank Shawn Maher and Sheryl Cohen of my personal office staff, and Kennie Gill, the Democratic staff director and chief counsel of the rules committee as well as Veronica Gillespie, my elections counsel on the rules committee staff.

This has been one of the most remarkable legislative experiences I have had the pleasure of working on during my time in the Senate. For all these reasons, I am privileged and honored to be associated with this legislation. But I must emphasize, the primary winners are all American citizens.

Mr. BENNETT. Madam President, like the Senator from Kentucky, I have done everything I could throughout my time in the Senate to see that this bill does not become law. As the Senator from Kentucky, I can count and have thrown in the towel and become somewhat philosophical about it.

I read in the newspapers about lawyers who are meeting down on K street even as we speak drawing up their alternative plan on the assumption that the President will sign this measure. It becomes very clear that the amount of money in politics will not diminish as a result of this bill. It will simply stop flowing to political parties, where it is regulated and reported, and start flowing into dark corners where we will have no idea how it is gathered. We will have no idea who is behind it, and we will see it pop up in campaigns in ways that political parties would never use.

That, I believe, is a genuine and proper aspect of the future that we face.

It makes no difference to me personally because this is an incumbent protection bill. It virtually guarantees that parties will be handicapped in their effort to recruit challengers since the parties can no longer promise the challengers the kind of support they have been giving in the past. Challengers will be thrown into the never-never land of depending upon unknown special interest groups to come in without coordination and hopefully help the challenger. But as we have seen in my own State of Utah, many times the ads run by these special interest groups actually damage the people they are supposed to help.

When the money was spent by parties, the challenger could call the party and say: Knock it off. But when it is spent by a special interest group, the challenger loses control of his campaign and is at the mercy of unknown forces and unreported money.

That, I believe, is the future. But that is not why I have been so vigorous in opposing this bill. It is not why the Senator from Kentucky has been so vigorous in opposing this bill.

We both took an oath to uphold and defend the Constitution of the United States when we came to this body. I believe that oath is the most serious statement I have ever made in this Chamber.

The Senator from Kentucky has led this fight fearlessly and courageously. The driving force has been our conviction that this bill is an affront to James Madison, Alexander Hamilton, and the others who created the Constitution and who gave us freedom of speech in the first amendment in the first place.

If you read the 10th Federalist, which I have done in this Chamber, you find that Madison lays out very specifically and very clearly how the factions can control democracy if they are not handled in a proper way. The most significant proper way to deal with the scourge of factions is to have full disclosure and full understanding of what is going on with this. With this bill, we drive political money into the dark corners.

While it is a sad day, in my view, it is nonetheless a good day. Like the Senator from Kentucky, I believe I have fought the good fight. I have lost, as has he, but I have been proud to be one of his lieutenants as he has been the captain of this fight. He is going to carry the fight on through the courts, which is his constitutional right. I believe the courts will side with him, and the positions he has taken in this debate more often than they will differ.

We will have a future. The Republic still lives. We will not see anything change for the better, in my view. And those of us who have stood on principle walk out with our heads held high.

I congratulate the other side. They have fought fair. They have fought vigorously. I have had a number of conversations with Senator FEINGOLD in which we have both expressed our affection for each other but our deep disagreement on this issue. I trust that affection will continue even as the disagreement does.

I close by paying tribute to Senator McCONNELL for the leadership he has shown, for the valiance that he has demonstrated, and for, in my view, the constitutional loyalty and fidelity he has given the United States in this time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Madam President, I thank the Senator from Utah, who has been in every one of these debates over the last decade. He has been a stalwart, articulate supporter of the first amendment. I am grateful for his friendship and for his kind words about our work on this great cause. I assure him, as expressed, that it is not over yet. We have another day in court. I thank the Senator from Utah for his kind words.

I understand I have a minute remaining. Is that right?

The PRESIDING OFFICER. Two minutes.

Mr. McCONNELL. Madam President, I ask unanimous consent that I be allowed to use those 2 minutes as the last speaker on this side of the issue. I don't intend to be the last speaker before the vote but the last speaker on this side of the issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I yield 6 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Madam President, I thank the Senator from Wisconsin for yielding time and offer my congratulations to Senator FEINGOLD and Senator McCAIN for an extraordinary effort against all the odds over a long period of time which brings the Senate to this moment.

Like many of my colleagues, I intend to join in only a matter of moments in voting for the most fundamental campaign finance reform to reach this Congress in several decades. It is an important moment for the Congress. It is an attempt to restore public confidence and also to give ourselves a sense of confidence.

None of us feels good about the financial pressures under which this institution operates. None of us feels good knowing that the public believes that all Americans do not stand equally in the eyes of the Senate. It is a situation that cannot endure.

Today, we decide that it will not endure. I have supported every form of campaign finance reform for each of the 20 years in which I have served in the Congress. This is the most important.

There are critical components of the legislation that I think make a great contribution: Elimination of soft money, raising the hard money limits, and the controlling of independent expenditures in the final weeks of a campaign. But I also think it is important not to raise expectations that all problems are being solved or that this is the last time our generation will need to make adjustments in the manner in which campaigns operate in America.

First, the legislative fight over campaign finance reform is about to end. The judicial fight is about to begin. All of us recognize that the attempt to control independent expenditures may not be constitutional. If the courts indeed find that this is an infringement on free speech, the delicate balance of this legislation will be broken. Soft money will have been eliminated and fundraising by the political parties will be controlled. But independent groups would largely operate without restriction. It would be regrettable. I believe the courts will be in error. But it could happen. If it happens, and if the courts rule that the control of independent expenditures is unconstitutional, there is a risk that both the political parties and Federal candidates are to be nothing more than spectators in American elections with interest groups controlling the debate, raising the funds, and distorting the process.

The challenge for this Congress, if that is the ruling of the court, is that we must return and find a way to ensure that candidates and political parties are not dominated by these independent voices.

Second, this is an extraordinary victory for the controlling of campaign fundraising in large amounts to restore some sense of equality among donors, and, more importantly, among citizens.

But the greatest unfinished aspect of the agenda in political reform is campaign spending. Campaign fundraising will never be brought into permissible limits with an acceptable demand on candidate time or amounts of money raised until the fundamental problem of campaign expenditures is addressed.

This Senate met that responsibility. By a vote of 69 to 31, the Senate voted to reduce the cost of television advertising to the lowest unit cost. It was a critical reform, because most Federal candidates will tell you, it isn't just how much money is being raised, it is the time spent raising it, the extraordinary amounts of money that need to be accumulated. And 85 percent of that money is going to television networks.

In an extraordinary act of hypocrisy, the same television networks, which have championed the cause of campaign finance reform, spent millions of dollars on lobbyists and exerted the very kind of financial pressure this legislation is intended to eliminate in saving themselves from being part of campaign finance reform.

The provisions reducing the cost of television advertising were eliminated in the House of Representatives. We must never give up on that fight. Without these provisions reducing the costs of Federal campaigns by some manner or some form, money will find its way into the political system.

In this legislation, we may vote to eliminate soft money to political parties, but if that demand remains on Federal candidates, some system will be invented or found, some loophole developed, to get the money into the system.

I am proud to vote for this legislation. But I challenge the Senate, as McCain-Feingold is passed: Make it the beginning of a reform, not the end of reform. Let us return, next year, or even in the coming months, and challenge ourselves to do better: reduce the cost of campaigns, continue to find the mechanisms to assure every American that they have an equal chance and an equal voice to be heard.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Madam President, I thank the Senator from New Jersey. I certainly agree, there is much more to be done in our generation on campaign finance reform. I look forward to participating in that.

Madam President, how much time do we have remaining?

The PRESIDING OFFICER. Twenty-nine minutes.

Mr. FEINGOLD. Madam President, I yield myself such time as I need.

Madam President, I thank the many Members of this body, past and present, who have helped to bring us to this moment. Most important, as I mentioned in my other statement, the most important person I have to thank is, of course, my friend, JOHN McCAIN.

I also thank our earliest supporters, who gave their support to the McCain-Feingold bill when it was first introduced in the 104th Congress, Senators such as John Glenn, Paul Simon, Nancy Kassebaum-Baker and Alan Simpson, who gave us crucial bipartisan support when this effort was just getting off the ground. This kind of bipartisan bill wasn't totally unprecedented. But it was pretty unusual, and the support of those distinguished Senators lent important credibility to our effort in its early days.

I particularly thank Senator CARL LEVIN for his leadership and support during every debate we have had on this bill since 1996. His insight on the substance of the issue, and on the workings of this body have been absolutely crucial to the advancement of this legislation. Senator LEVIN is as tenacious and committed as any Member of this body. We truly would not be here today if he were not on our team.

I also thank our distinguished colleague, Senator SUSAN COLLINS, for her invaluable contributions to this effort. She came on board our bill as a freshman Senator in 1997, despite tremendous pressure from her caucus. Over the years, we have met together with many of our colleagues. She has been a tireless advocate for reform, a terrific ally in this fight, and I am proud to call her a friend and a colleague.

I, again, thank Senator JOE LIEBERMAN, who has been a steadfast supporter of reform, and who helped to build crucial momentum for this legislation with his leadership on the 527 disclosure bill in the last Congress. The success of that legislation was a great breakthrough after so many years when any reform effort was stonewalled by our opponents. The day that bill passed the Senate, I remember thinking that enactment of the McCain-Feingold bill was not going to be far behind.

And, of course, the great breakthrough at the beginning of this Congress was the day when Senator THAD COCHRAN joined us in introducing this bill. I have great respect for Senator COCHRAN, and his support on this bill has been invaluable. I cannot thank him enough for his commitment to this legislation. Once he joined our effort, he was with us with every ounce of determination and grace that he brings to all of his work here in the Senate.

One of our newest Members, Senator MARIA CANTWELL, also gave us important momentum when she made campaign finance reform a central issue in her campaign, and gave this bill her strong support. After her victory, the oft repeated claim that no Senator has ever lost an election over this issue could simply no longer be made.

Senator JOHN EDWARDS and Senator CHUCK SCHUMER have both been terrific assets on this issue, especially right here on the Senate floor. Both of them have devoted a great deal of their time, and skill as debaters, to this bill, and I am very grateful for their efforts.

The efforts of Senator OLYMPIA SNOWE and Senator JIM JEFFORDS to craft the provision on phony issue ads that came to be known as the Snowe-Jeffords legislation have been essential to this bill. They worked tirelessly to put together a balanced provision that gets at the root of the issue ad problem, and I thank them for their tremendous contribution. The Snowe-Jeffords provision is an integral part of our bill, and their mastery of this topic was invaluable to us.

I am deeply grateful to Senator FRED THOMPSON for his longstanding and steadfast support of this bill, and for his great skill and fairness in negotiating an agreement on hard money limits that the vast majority of this body could support. Without that agreement, we simply could not have moved this bill through the Senate. I also pay special tribute to Senator THOMPSON for the work he did investigating the 1996 campaign finance scandals. Senator THOMPSON cut his political teeth with his work on another great scandal in our Nation's history known as watergate, but his work in 1997 showed the Nation that the campaign finance issue is truly a bipartisan problem with a bipartisan solution. We will miss FRED THOMPSON leadership in the Senate.

I also thank Senator CHRIS DODD for his tremendous work as floor manager on the Democratic side, especially during the extraordinary and sometimes unpredictable debate we had last year. He led us through those 2 weeks with grace and humor and a fierce passion for reform that I deeply respect and for which I am deeply grateful.

I of course, thank the Democratic Leader, Senator TOM DASCHLE, and his very able staff, for everything they have done to bring about the success of this legislation. In the fall of 1997, the entire Democratic Caucus united behind this legislation, and that unity has been crucial to our success.

We are soon to have the vote on final passage because TOM DASCHLE was true to the principles of this party and led our caucus to follow through on our commitment we made to reform 4½ years ago. I am proud of the bipartisan effort we have made, but I am also proud to be a Democrat, and I deeply appreciate the solid support of my caucus on this issue.

This list of thank-yous would not be complete without thanking my own staff. They have worked tirelessly to help me move this legislation forward, and they have done so with great skill and dedication. First I thank my chief counsel, Bob Schiff, for the outstanding contributions he has made to this legislation and to the cause of reform, and for the various all- night efforts he had to put in to get this thing done. I also thank my chief of staff, Mary Murphy, and other staffers, past and present, who have worked to make this moment possible, including Kitty Thomas, Andy Kutler, Sumner Slichter, Bill Dauster, Susanne Martinez, and Tom Walls. I also thank Jeanne Bumpus, Mark Salter, Mark Buse, and other members of Senator MCCAIN's staff, past and present—in some ways it seemed as if we merged our staffs to accomplish this—and I thank them for their outstanding contributions to this bill. They have been a pleasure to work with. Many other current and former staffers from my office, and from other Senate and House offices, have also made vital contributions to the progress of this bill. Madam President, I ask unanimous consent that a list of their names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

From Senator FEINGOLD's staff and former staff: Mary Bottari, Laura Grund, Ari Geller, Ben Hawkinson, Rebecca Kratz, Anne McMahon, Brian O'Leary, Mary Frances Repko, Thomas Reynolds, Mary Ann Richmond, Hillary Wenzler, Kirsten White, Trevor Miller, Brad Jaffe, Tom McCormick, Rea Holmes, Rebecca Kratz, and many others who have worked for Senator FEINGOLD and currently are on his staff.

Other Senate Staff: Linda Gustitus, Elise Bean, Andrea LaRue, Laurie Rubenstein, Michael Bopp, Mary Mitshow, Steve Diamond, Jane Calderwood, John Richter, Eric Buehlmann, Hannah Sistare, Bill Outhier, Brad Pruitt, Maureen Mahon, Martin Siegel, Sharon Levin, Beth Stein, Nancy Ives, Glenn Ivey.

From the House staff: Amy Rosenbaum, Glen Shor, Dan Manatt, Paul Pimental, Katie Levinson, Alison Rak, Kristin Miller, Len Wolfsen, Kit Judge, Steve Elmendorf, George Candanis.

From the Congressional Research Service: Joe Cantor and Paige Whitaker.

Mr. FEINGOLD. Madam President, I deeply appreciate the hard work of so many Members of the other body who fought for years to pass this legislation. Of course, especially, my thanks and those of Senator MCCAIN go to Representatives CHRIS SHAYS and MARTY MEEHAN for their determination and outstanding leadership on this issue, as well as to the House Minority Leader, DICK GEPHARDT.

I also recognize the contributions made by many other House Members, including Representatives ZACH WAMP, MIKE CASTLE, LINDSEY GRAHAM, NANCY PELOSI, JIM MATHESON, HAROLD FORD, SANDER LEVIN, JIM TURNER, JIM LEACH, JIM GREENWOOD, SHERWOOD BOEHLERT, AMO HOUGHTON, NANCY JOHNSON, MARK KIRK, TOM PETRI, TODD PLATTS, MARGE ROUKEMA, ROB SIMMONS, JOHN LEWIS, CHARLIE STENHOLM, BARNEY FRANK, STENY HOYER, JOHN CONYERS, and SILVESTRE REYES, and former Representatives TOM CAMPBELL and LINDA SMITH.

Our bill also benefitted immeasurably from the incredible effort put in by outside organizations in support of this legislation. I recognize the outstanding contributions made by Fred Werthheimer and Democracy 21. I also thank Don Simon, Scott Harshbarger, Meredith McGehee, Matt Keller and the staff of Common Cause for their tireless work to pass this legislation. Joan Claybrook and the staff of Public Citizen, including Frank Clemente and Steve Weissman, made crucial contributions to the progress of this bill. I also very much appreciate the work of Jerome Kohlberg, Cheryl Perrin, and Elaine Franklin of Campaign for America and Charles Kolb and Ed Kangas of the Committee for Economic Development to move this legislation forward.

I realize that is a long list of people and organizations to thank. But it has been almost 7 years, and the praise I offer is well deserved. Without the work of these people, not just during this Congress but over many years, we would not have reached this exciting moment for reform and for our democracy.

How much time remains on our side?

The PRESIDING OFFICER (Mr. WYDEN). Twenty-one minutes.

Mr. FEINGOLD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, it gives me enormous pleasure to yield 15 minutes for the last major comments on this bill on our side to the man who made it all happen and started the whole thing and carried it to the finish, the Senator from Arizona, Mr. McCAIN.

Mr. McCAIN. Mr. President, I thank my colleague and friend for yielding this time to me. I am grateful to my colleagues and the many people who have brought us to this point. This legislation will provide much-needed reform of our Federal election campaign laws.

With the stroke of the President's pen, we will eliminate hundreds of millions of dollars of unregulated soft money that have caused Americans to question the integrity of their elected representatives.

This is a good bill. It is a legally sound bill. It is a fair bill that benefits neither party but that profits our political system and that will, I hope, help to restore the public's faith in government.

So much has been said about the substance of this bill which has been hashed out literally for years and considered and reconsidered and perfected on the Senate floor in preparation for House passage. Therefore, I would like to take this opportunity to say thank you to a few people who have made this happen.

First, I extend my sincere appreciation and gratitude to my friend Senator FEINGOLD for his unwavering commitment to this cause. He has been a wise counsel and a stalwart partner through these years, and I will forever be proud to have my name associated with him on this issue and other reform issues.

On occasion, politicians step up and match rhetoric with actions. RUSS FEINGOLD, at a time when there was about to be a flood of soft money advertising into his State in a very close and hard-fought political campaign, said no. RUSS FEINGOLD showed enormous courage because he was willing to put his political career on the line for what he believed.

I thank the majority leader, Senator DASCHLE, for his steadfast support that enabled us to pass the McCain-Feingold bill last April and to bring it back this week for a final vote. I thank the Republican leader, Senator LOTT, for his commitment to an open debate and for keeping the process fair. The majority and minority whips, Senators REID and NICKLES, have my sincere thanks as well.

Senator DODD managed our side of the debate with his typical skill and good humor. I thank Senator LEVIN as well for his critical contributions to the compromises that attracted majority support for the bill in both Houses of Congress.

I am grateful to all my colleagues, supporters and opponents alike, for their contributions to the bill and to the debate. I would like to personally thank Senate Republican supporters, particularly Senator THOMPSON whom I will miss more than I can say. His friendship and wise counsel have been not only important to me as a Senator but were a critical element in achieving the legislative result we achieved in the Senate.

To Senator COCHRAN, one of the senior Members and most well liked and respected Members of the Senate, who came on board on this issue at a time when we needed the credibility of a man of his stature, I will always be grateful. Senators SNOWE and COLLINS, I think the State of Maine can be proud of both of those Senators, including Senator SNOWE's contribution over one of the more difficult aspects of this legislation, the so-called Snowe-Jeffords amendment, without which it would not have been possible to pass this legislation.

I am grateful for the valued support of Senators SPECTER, CHAFEE, FITZGERALD, LUGAR, and DOMENICI, who gave legitimacy to our claims of bipartisan cooperation. I am grateful again, as I am so often, to Senator CHUCK HAGEL. It takes a brave and committed soul to take it upon himself, as he did a few weeks ago, to attempt to facilitate a resolution to this measure between myself and the other supporters of this bill and Senator McCONNELL. It is in large part due to his efforts that we have that resolution today.

Senate passage of a bill, of course, is only half—or less than half, really—of the legislative battle. If it were not for the untiring work of Congressmen CHRIS SHAYS and MARTY MEEHAN, the House sponsors of this legislation, we would not be here today. I will always hold them in the highest regard for their tenacious, unrelenting commitment to our shared goal. House minority leader GEPHARDT worked many long hours to hold the support of the vast majority of his caucus, and I am greatly indebted to him.

I salute also the Members who signed the discharge petition that forced House consideration of this bill, and the brave Republicans in particular who voted for its passage.

As I told my colleague Senator McCONNELL a few weeks ago, I won't miss our annual contests on this issue. No one in his right mind would want to continue against so formidable a foe. I can only hope, however, that should I ever find myself again in a pitched legislative battle—shy as I am of entering into them—that my opponent is as principled as Senator MITCH McCONNELL. It has been a worthy effort by all involved, and I will always appreciate the dedication shown by all of my colleagues in their efforts to champion their beliefs.

I am compelled to mention a few indispensable supporters. In particular, I thank Fred Wertheimer of Democracy 21; all the good, dedicated folks at Common Cause: Scott Harshbarger, Meredith McGeehee, Matt Keller, and Don Simon, including Scott Harshbarger's talented and wonderful predecessor Ann McBride; Jerry Kolberg's Campaign for America; and the Committee for Economic Development. I am thankful also to Trevor Potter, a former FEC Commissioner, for his insight and sound political advice, and to Rick Davis who kept us focused on the big picture and provided invaluable strategic advice.

I can't begin to name the many thousands of people not in this Chamber who have fought so hard and long and who gathered under the umbrella of a group called Americans for Reform. I want to mention the efforts by AARP, the League of Women Voters, Public Citizen, a broad coalition of religious organizations, Carla Eudy and the staff and supporters of Straight Talk America, for their tireless contributions in this effort and the honor of their friendship. Thanks also to my friend John Weaver for his help and guidance.

I ask unanimous consent to print in the RECORD a list of the staffers of the Senators who contributed significantly to this legislative effort.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE STAFFERS:

Senator COCHRAN—Brad Prewitt and Clayton Heil.

Senator COLLINS—Michael Bopp and Lynn Dondis.

Senator DASCHLE—Andrea LaRue and Mark Childress.

Senator DODD—Kennie Gill and Veronica Gillespie.

Senator FEINGOLD—Mary Murphy, Bob Schiff, Bill Dauster.

Senator FEINSTEIN—Gray Maxwell and Mark Kadesh.

Senator HAGEL—Chad Woff.

Senator JEFFORDS—Eric Buehlmann.

Senator LEVIN—Linda Gustitus, and Ken Saccoccia.

Senator LIEBERMAN—Laurie Rubenstein.

Senator LOTT—Sharon Soderstrom.

Senator McCAIN—Mark Buse, Mark Salter, Brooke Sikora, Joe Donoghue, and Ann Begeman.

Senator McCONNELL—Tamara Somerville, Hunter Bates, Andrew Siff, and Brian Lewis.

Senator SCHUMER—Martin Siegel.

Senator SNOWE—Jane Calderwood and John Richter.

Senator THOMPSON—Bill Outhier, Hannah Sistare, and Fred Ansell.

Mr. McCAIN. In particular, I thank Mary Murphy and Bob Schiff, of Senator FEINGOLD's staff, for all their work on this issue over the years. Let me also express my heartfelt gratitude to my former staffer Mark Buse, who recently left the Hill after working by my side on this issue for many years. This would not have been possible without him. I thank as well Mark's successor as Republican staff director on the Commerce Committee, Jeanne Bumpus, who, in an incredibly short period of time, became expert on the many issues involved in this legislation and was an invaluable support to me.

I also want to thank my administrative assistant and alter ego, Mark Salter, for his continued efforts not only here but in a broad variety of ways. I am grateful for his friendship.

Mr. President, the proponents of this legislation have had, and continue to have, one purpose: to enact fair, bipartisan, campaign finance reform that seeks no special advantage for one party or another. Once we complete the Senate debate and vote on final passage, it will be up to the President to take the action that his spokesmen and advisors have led us to believe he will take—to sign the bill into law. It is my hope that he will deem it appropriate to do this.

The supporters of campaign finance reform have differences about what constitutes ideal reform, but we have subordinated those differences to the common good. We all recognized one very simple truth: that campaign contributions from a single source that run to the hundreds of thousands or millions of dollars are not healthy to a democracy. Is that not self-evident? It is to the American people Mr. President. It is to the people.

The reforms I believe we are about to pass will not cure public cynicism about politics. Nor will it completely free politics from influence peddling or the appearance of it. But I believe it might cause many Americans who are at present quite disaffected from the practices and institutions of our democracy to begin to see that their elected representatives value their reputations more than their incumbency. And maybe that recognition will cause them to exercise their franchise more faithfully, to identify more closely with political parties, to raise their expectations for the work we do. Maybe it will even encourage more Americans to seek public office, not for the privileges bestowed on election winners, but for the honor of serving a great nation. If by today's vote we make even small progress in this direction, I think we have rendered good service to our country, and I am proud of it.

I respectfully ask my colleagues for their votes in support of final passage of this bill.

I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, how much time remains?

The PRESIDING OFFICER. Nine minutes.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I understand I have 2 minutes left.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCONNELL. Mr. President, regretfully, this bill is going to pass and, in all likelihood, be signed by the President. I say "regretfully" because, for those who wanted to reduce the amount of money in politics, this certainly will not do that. Not even close. It will dramatically take money away from the parties and then shift it to outside groups. The reason we know how much soft money the parties raise is because it is disclosed. But we will not know how much is given to the outside groups and who gives it because it is not disclosed. After this bill passes, outside groups will continue to raise unlimited amounts of soft money from all sources. In fact, Members of Congress will be able to raise unlimited amounts of soft money for those groups. It will be completely legal, and permitted by this legislation.

We could have dealt with the issue of corruption, or the appearance of corruption—and I have to say "appearance" because there has been no evidence whatsoever of actual corruption—we could have dealt with an appearance problem by capping soft money, just as we capped hard money 25 years ago. That would have allowed the six national party committees to still be national committees, to still be able to support State and local candidates with non-Federal dollars. But, no, we decided to completely eliminate nonfederal money to the parties only—certainly a step not required to deal with the alleged appearance of corruption.

So, first, this bill will greatly weaken the parties and shift those resources to outside groups that will continue to engage in issue advocacy, as they have a constitutional right to do, with unlimited and undisclosed soft money.

Ironically, the bill allows Members of Congress to raise that unlimited soft money for outside groups but not political parties. We are now able to do more for outside groups than we are able to do for our own political parties.

Secondly, the bill seeks to impose a gag order on groups that have the audacity to mention people like us within 60 days of an election, by saying they have to go to the Federal Government—to register with the Federal Election Commission—and raise hard dollars just so they can mention candidates like us within 60 days of an election.

For those two reasons, and for many more, I urge colleagues to vote no on final passage.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, thanks to the courtesy of Senator McCAIN, it is my honor to bring the debate to a close. I will make a few brief comments and perhaps we can proceed to final passage of the bill.

First of all, I wish to indicate my respect for the Senator from Kentucky. This has been a tremendous battle. We have had in this Chamber 3 weeks in the last 2 years debating this issue. I think it has been a very good process, and I certainly take seriously his arguments. Although we may have to pursue this matter in the courts, as we have done in some other matters, it is always an honorable venture.

The main point I make, in conclusion, is that I believe in maybe 20 or 30 years people will say: You know, there was a time when Members of Congress could actually ask people for $100,000, $500,000, or a million-dollar contribution, and it was perfectly legal. I think it will remind people of the stories we have heard about how there used to be briefcases full of cash floating around this building.

It is almost unbelievable that there ever was a time in our recent history—in the last few years—when these kinds of almost inherently corrupt contributions could be given from corporate treasuries, union treasuries, or by individuals. It was a loophole that completely swallowed all the laws we had. They were imperfect laws. The hard money rules were the rules we had concerns about when we started this initiative. We wanted to fix that.

This soft money system grew in such a way that we invited some of the greatest corruption in the history of our country. So it is my hope that 25 or 50 years from now people will say: How could you have possibly had a time when unlimited contributions were allowed? I look forward to people saying that.

The reason I mention that time in the future is that, more than anything else, I care about this issue because of the young people in this country. I care about it because, believe it or not, I was once 18. I am looking at the pages here who help us. When I was 16, 17, 18, I thought maybe I would have a chance to go into politics someday. Not a single person ever said to me: Well, you have to be a millionaire or you have to be able to access $500,000 or a million-dollar contribution. I was a person of average means, so it looked to be an area that maybe I could go into, and it excited me.

Nothing has bothered me more in my public career than the thought that young people, looking to the future, might think that it is necessary to be multimillionaires or somehow have access to the soft money system, in order to participate—being able to participate as a voter and, yes, even being able to participate as a candidate as part of the American dream.

Today, we hope to return a little bit of that dream to you. Yes, someday, as

JOHN MCCAIN has said, you are going to have to clean it up again because every 20 or 30 years the system needs some work.

In the name of the young people of this country, whom I know will provide the enthusiasm to support future reforms, I want to bring the debate to a close.

I yield the floor and the remainder of my time.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. If there are no amendments to be offered, the question is on third reading and passage of the bill.

The bill (H.R. 2356) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 60, nays 40, as follows:

[Rollcall Vote No. 54 Leg.]

YEAS—60

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Domenici
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Miller
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Snowe
Specter
Stabenow
Thompson
Torricelli
Warner
Wellstone
Wyden

NAYS—40

Allard
Allen
Bennett
Bond
Breaux
Brownback
Bunning
Burns
Campbell
Craig
Crapo
DeWine
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
McConnell
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Stevens
Thomas
Thurmond
Voinovich

The bill (H.R. 2356) was passed.

Mr. REID. I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(Disturbance in the Visitors' Galleries.)

The PRESIDING OFFICER. Expressions of approval or disapproval are not permitted in the gallery.

TO CLARIFY ACCEPTANCE OF PRO BONO LEGAL SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will consider a resolution.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 227) to clarify the rules regarding the acceptance of pro bono legal services by Senators.

Mr. MCCONNELL. Mr. President, this Senate resolution S. Res. 227 is very similar to a Senate resolution passed by this body in 1996. That 1996 resolution—S. Res. 321—was passed to ensure that Senators who wanted to challenge the constitutionality of the Line Item Veto Act could do so using unlimited pro bono legal services, subject to regulations promulgated by the Ethics Committee.

It is clear that the campaign finance bill that passed today—H.R. 2356—will be challenged in court if the President signs it into law. The Senate resolution which passed today makes it clear that any Member of this body may receive pro bono legal services in connection with any action challenging the constitutionality of that law.

This body is in agreement on this issue. There is no need for debate or a vote. This new Senate resolution ensures that the Senate will continue its tradition of permitting Members to utilize unlimited pro bono legal services when challenging legislation that raises serious constitutional questions.

The PRESIDING OFFICER. Under the previous order, the resolution is agreed to and the motion to reconsider is laid upon the table.

The resolution (S. Res. 227) was agreed to, as follows:

S. RES. 227

Resolved, That (a) notwithstanding the provisions of the Standing Rules of the Senate or Senate Resolution 508, adopted by the Senate on September 4, 1980, or Senate Resolution 321, adopted by the Senate on October 3, 1996, pro bono legal services provided to a Member of the Senate with respect to any civil action challenging the constitutionality of a Federal statute that expressly authorizes a Member either to file an action or to intervene in an action—

(1) shall not be deemed a gift to the Member;

(2) shall not be deemed to be a contribution to the office account of the Member;

(3) shall not require the establishment of a legal expense trust fund; and

(4) shall be governed by the Select Committee on Ethics Regulations Regarding Disclosure of Pro Bono Legal Services, adopted February 13, 1997, or any revision thereto.

(b) This resolution shall supersede Senate Resolution 321, adopted by the Senate on October 3, 1996.

Ms. LANDRIEU. Mr. President, I begin by adding my compliments to Senators FEINGOLD and MCCAIN for their extraordinary efforts in passing and helping to usher through a far-reaching piece of legislation that will hopefully close the loopholes and help Members conduct campaigns that truly meet the spirit and intent of the reform laws we have passed over the course of the last couple of years. We need to have the kind of campaigns of which we can all be proud, ones that allow people in this Nation to express their views, yet have campaigns and financing and funding that are fully and completely disclosed. I thank them and acknowledge their work.

Mr. WARNER. Madam President, today I rise to address issues related to my vote on H.R. 2356, the Bipartisan Campaign Finance Reform Bill.

For some time President Bush has clearly indicated his willingness to sign campaign reform legislation passed by the Congress. I have great respect for his judgement and this was an important consideration in making my decision to support this legislation.

The Bipartisan Campaign Finance Reform Bill is not perfect legislation, but I believe it may be the best the Congress is able to produce. I approached both McCain-Feingold and now the Bipartisan Campaign Finance Reform Bill with an open mind and feel it is in the best interests of the nation to implement achievable reform legislation rather than hold out for perfect—and probably unattainable—reform legislation.

During each of the last two Congresses I introduced my own campaign finance reform bills—"The Constitutional and Effective Reform of Campaigns Act," or "CERCA." My proposals have been good faith efforts to strike middle ground in this important debate and were offered as alternatives to the bills that have been debated before the full Senate in the past. The principal points in my bills were enhanced disclosure, increased hard dollar contribution limits, a cap on soft money and paycheck protection.

As chairman of the Rules Committee during the 105th Congress, I chaired twelve or more hearings on campaign reform including the funding of campaigns. My bill was a result of these 2 years of hearings, discussions with numerous experts and colleagues, and the result of over 2 decades of participating in campaigns and campaign finance debates.

My bill capped soft money thereby addressing the public's legitimate concern over the propriety of large soft money donations while allowing the political parties sufficient funds to maintain their headquarters and conduct their grassroots effort.

The Bipartisan Campaign Finance Reform Bill bans all soft money. And while I would have preferred merely to cap soft money as we already cap hard money, a total ban is the only option currently on the table.

In addition to the issue of soft money, there is the issue of raising the hard money caps. Candidates for public office are forced to spend too much time fundraising at the expense of their legislative duties.

The current individual contribution limit of $1,000 has not been raised, or even indexed for inflation for over 20 years. This situation requires candidates to spend more and more time seeking more and more donors.

The Bipartisan Campaign Finance Reform Bill increases the individual contribution limits to $2000 and indexes that limit for inflation. My campaign finance legislation contained a similar provision which ensured that a greater percentage of political contributions would be fully reported and available for all to see.

It is my firm belief that the Congress has a responsibility, in accord with the constitution, to balance the rights of those who care to participate in the political process with the desire to improve accountability and responsibility within the campaign system.

Precisely because of my concern that previous campaign finance reform proposals did not adequately respect the First Amendment Freedom of Speech, I was compelled to write my own campaign reform proposals that focused on disclosure and accountability.

Clearly, today's legislation faces constitutional challenge, however, those decisions will ultimately have to be resolved by the judicial branch of Government.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Resumed

The PRESIDING OFFICER. The clerk will report the pending business.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Lott amendment No. 3033 (to amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

Lincoln modified amendment No. 3023 (to amendment No. 2917), to expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels.

Kyl amendment No. 3038 (to amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity.

Mr. REID. Mr. President, if this unanimous consent agreement is approved, the majority leader has authorized me to announce there will be no more votes tonight.

I ask unanimous consent there be 2 hours for debate remaining today with respect to the Kyl second-degree amendment numbered 3038, with the time equally divided and controlled in the usual form, with no intervening amendment in order prior to a vote in relation to the Kyl amendment; that when the Senate resumes consideration of S. 517 on Thursday, March 21, there will be 4 minutes of debate equally divided and controlled in the usual form; that upon the use or yielding back of that time, without further intervening action or debate, the Senate vote in relation to the Kyl amendment; provided further, 30 minutes of the Democratic time be under the control of Senator LANDRIEU.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. We have discussed this on our side and adhere to the proposal by the majority whip.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. REID. Pursuant to the order previously entered, I ask that the Senator from Louisiana now be recognized for 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Louisiana.

AMENDMENT NO. 3038

Ms. LANDRIEU. I rise, Mr. President, to speak about the pending business, which is the energy bill that has been laid down by Senator BINGAMAN and worked on very aggressively on both sides of the aisle.

We are trying to fashion an energy bill that works for our Nation and accomplishes a couple of very broad goals. One of those goals that I think is most crucial and critical to meet in terms of the outcome of this debate is the goal of energy independence for the United States of America.

The goal is self-reliance. It is a value, a tradition of America that has served this Nation very well, that we produce what we consume. We relied on our strengths and our resources to lift this country from a cluster of small colonies over 200 years ago, to a great nation, perhaps the greatest nation ever to be born and developed in this world, using a political system that, while not perfect, is admired by many countries and used as a model.

We have also proven that our free enterprise system, our economy, the rule of law, the transparency of our financing, the ability to gather capital and invest in business, really produces great wealth, not just for the few but for the many. That is the challenge of this world. It is not just to enrich a few, but it is to build a broad middle class, to lift those up off the bottom and to provide opportunity as far as the sky for those at the top. We, again, are perfecting that in the United States. We are not there yet. I would like to see this continue.

I came to the Senate to try to work on a lot of different ideas, frankly, about how we could continue this great progress. One of the goals central to the continuation of this is—what does our economy need besides good ideas and a infusion of capital? What else does our economy need to grow? One of the things it needs is power. It needs electric power. It needs power to run the various factories and enterprises and systems that undergird this economic growth.

We find ourselves debating how we can achieve greater efficiencies as well as greater supplies of energy to generate this power. There is a debate about what are the best ways to generate this power. That is part of what the Kyl amendment is about.

I think the renewable portfolio that we are debating is something worth fighting for. Before I get into that, let me make a few broad comments.

I spent some time last week on this floor, arguing that we have declared one Declaration of Independence, but we need now, after over 200 years of living under that declaration, to declare a new Declaration of Independence, and that would be an independence from foreign sources of oil and gas.

In my book, the No. 1 reason for that is national security. That is very clear to the American people now, post-September 11. The American people are beginning to put together the compromises that unfortunately have to be made in our foreign policy when we depend so heavily on sources of energy from some of the most unstable and unfriendly places in the world.

Americans are starting to ask the question: Why would we import millions of barrels of oil from Iraq when we have sanctions against that country, when we are flying sorties over that country and bombing them at least once a week, trying to protect America's interests?

Our veterans are starting to ask this question: Why are we sending our young people to try to protect these oil and gas supplies when we have such an ample supply here in the United States?

Last week I spoke about why it was important for us to develop the supplies of oil and gas in our Nation. In Louisiana we have off our shores one of the great sources of energy for this country.

There are any number of leases, both active and those that have not been leased yet, tracts of land, that can produce ample supplies of gas and oil which can move our country forward. We have to ask ourselves: Why would we be dependent on foreign sources when there are resources right here at home? There are resources not only off the shore of Louisiana and Mississippi and Alabama, but off Florida, some parts of the east coast and the west coast, as well as in a small portion of Alaska which could provide a tremendous resource for this Nation.

Veterans are beginning to ask that question. Senior citizens are beginning to ask that question, as are taxpayers, who pick up the tab for this war on terrorism. Believe me, it is a heavy burden. It is a burden we are willing to bear.

This chart shows the riches of offshore Louisiana. We have been proud to help this Nation produce the oil and gas necessary to fuel the greatest economy on Earth and we are doing it in a much more environmentally sensitive way. There is tremendous potential out here.

The reason I am in the Chamber today is not to go into more detail about this exactly, but to also say that as strongly as I feel about increasing the production of fossil fuels, I also am aware—which is why I am going to oppose the Kyl amendment—this Nation needs to do a great deal more to pursue and develop our renewable portfolio. We need new sources of power that are not finite, sources such as solar and wind power.

While I do not like all the details of the mandates, I do think we would be very remiss in the Senate if we did not attach to Chairman BINGAMAN's bill a renewable mandate. Our ultimate goal is not only low emissions. Not only do renewables lower our emissions and improve our environment, but most importantly it helps relieve our dependence on foreign sources of oil and gas.

So I am opposing the Kyl amendment and joining with Senator BINGAMAN, asking both Democrats and Republicans to let us have a strong vote for renewables. I do not agree exactly with the way this amendment has been crafted. I am hoping in conference it will be perfected to make sure we are providing the right incentives for renewables in such a way that consumers do not have to pick up too great a tab.

I think this amendment can be worked with. But to pass this energy bill off the floor of the Senate without a real commitment to renewables would be a mistake. It will not get us any closer any faster to a point where Americans can say we don't need Iraq, we don't need Saddam Hussein, and we don't need places in the Mideast to send us oil.

With renewables, with a focus that Senator DOMENICI is leading us on in a more robust, safe, environmentally friendly nuclear infrastructure—which now produces 20 percent of the power in our Nation—with Domenici and Landrieu and others' amendments that have been offered to this bill, we can increase nuclear production in a smart and sophisticated way and provide even additional power.

The third leg is opening up domestic production in our Nation.

The Gulf of Mexico is divided into the western section, which is off Texas, and the middle section, which is off Louisiana and Mississippi. Then the eastern section, which is part of Alabama and Florida, has been closed to drilling. In the middle section, each one of these dots represents 3 miles. We are looking at about 200 miles off our shore. The red dots and red squares are leases that are actually under production.

There is gas coming into our Nation through huge pipelines which distribute gas and power to many States in this country. It is estimated by MNF that there is 100 trillion cubic feet of natural gas in just this one section of the gulf.

Natural gas meets the new environmental emission standards. Natural gas burns cleaner. Natural gas taken from the Gulf of Mexico is distributed to people all over the southern part of the United States. Supplies are shipped to the southern parts of the United States, thereby generating wealth, creating jobs, and creating opportunities—good jobs where men and women can feed their families, pay the mortgage on their house, send their children to school, and put some money in the bank for their families so they can be upwardly mobile and become a solid part of the middle class—not jobs flipping hamburgers or carrying luggage that are in some ways dead-end jobs. They are good for starter jobs, but they are not good if you are trying to send kids to school or college. These are good jobs that can be created right here in the United States.

We have 100 trillion cubic feet of gas. Technology allows us to get it. We could supply the Nation for 5 years from just this part of the gulf. We need about 22 trillion cubic feet a year.

Imagine if we could have a bill that could leave this floor. That would be quite a miracle. I believe in miracles. I have seen quite a few of them in my life. If we had a bill that could leave this floor and open domestic production in an environmentally safe and sound way—open production around the country that is closed, including ANWR—and have attached to this bill a real effort to create and generate renewable energy, we could potentially within a few years wean ourselves off the oil and gas coming from places in the world that we don't want to have to be involved in unless absolutely necessary, because it requires the support of the Treasury and the life and health of Americans.

I know there will be Members who do not agree and want to support the Kyl amendment. But I oppose it on the principle that we need a strong, renewable portion.

The Senator from New Mexico, understanding there were some initial objections, has modified his original amendment that was laid down. He has tried to hone it down to an acceptable principle on renewables.

Again, we can fix it, enhance it, and massage it in conference. But we can make a strong statement on this floor about renewables and about independence and getting away from our dependence on foreign oil and gas sources.

I will be back in the next couple of days to talk about some specific things that Louisiana, Mississippi, Alabama, Texas, Oklahoma, and other producing States are doing. The technology is advancing. We are making many improvements to the environment. We are minimizing the footprint and maximizing the advantages for the American public so the necessary power can be provided for the growth and development in this Nation.

I wanted to speak about the Kyl amendment and to urge adoption of this particular amendment which will make renewables and conservation a strong part of our equation, and also to give us the independence we deserve, for which our veterans have fought. We will continue to fight for liberties, freedoms, and values. We will succeed in the long run.

Thank you, Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DAYTON). Without objection, it is so ordered.

Mr. NICKLES. Mr. President, I see my friend and colleague from New Mexico.

I have mentioned in two or three speeches my displeasure about how this bill was brought to the floor. I will not repeat that speech again. But this bill presented to us is the third iteration. It is a 590-page bill with a renewables section. I was preparing to debate the renewables section. Now I find the renewables section has been amended two or three times.

I am looking at the renewables section. I ask my colleague from New Mexico to correct me if I am wrong.

The mandate requiring utilities and retail electric suppliers to produce 10 percent of their electric power from renewable sources does not include public power. Is that correct?

Mr. BINGAMAN. Mr. President, it does not include either public power or co-ops. Of course, the pending amendment is the Kyl amendment, which is a substitute for the amendment I proposed, which is also a change from the underlying bill to which the Senator is referring.

Mr. NICKLES. If the Senator will yield a little bit further, in the original bill, public power was included in the renewable mandate. Is that correct?

Mr. BINGAMAN. That is correct.

Mr. NICKLES. I thank my colleague for the clarification.

Mr. President, this is an important statement for my colleagues in the Northwest. It is an important exemption. I have heard many people on the floor of the Senate say: Well, renewables don't cost anything. If renewables don't cost anything, why do we exempt Bonneville Power?

Why do we exempt the city of Los Angeles? Why do we exempt TVA, the Tennessee Valley Authority? Why do we exempt public entities, period, if this is so good for the private sector?

People say it does not cost anything, and renewables are so beneficial to the general well-being of a national energy policy. Why are we exempting such a large portion—rural co-ops, public powers, large municipalities? I fail to see the wisdom in it. It may well be that if we did it, those public entities would be screaming because we would be increasing their costs.

I hope everybody understands, I support the Kyl amendment because it will not cost nearly as much as the underlying Bingaman proposal, not the one that is in the bill but the one that has now been offered before the Senate.

I have tried to calculate how much it costs. Costs happen to be important. I hope everybody realizes, if we do not adopt the Kyl amendment, or something close to it, we will be—by this act of Congress, by the Bingaman amendment, by the renewables mandate—increasing utility costs, electricity bills all across the country. I say that because we may well do it. I want people to know there is going to be a cost involved.

You don't put on a mandate on that says you have to have 10 percent of your power come out of what is classified as a renewable, an incremental renewable, with a new cost—and that power may cost two or three times as much as the marketplace power costs—and then pretend it does not cost anything.

How much does it cost? I did some calculation of a utility in my State, Oklahoma Gas & Electric. We calculated how much energy they produce. We calculated the cost of compliance assuming they did not have wind power, and so on, so they would have to purchase it. In the bill, the replacement cost they could get from the Government would be for these credits which would be 3 cents per kilowatt hour.

So if you calculate that, for Oklahoma Gas & Electric, the largest utility in my State, it would cost them $62 million—not an insignificant cost. It is an increase in the cost to a utility in Oklahoma of about 5 percent; in fact, that would be for most of the utilities in the country.

Let's see if I have one from Minnesota. You are looking at a cost increase of about 5 percent. You might say, how did you calculate that? I will give you a thumbnail sketch.

You mandate that 10 percent of the cost must be in renewables. The most efficient of the incremental renewables is wind energy. For wind energy, the cost will be at least 3 cents per kilowatt hour, plus there is a tax credit of 1.7 cents per kilowatt hour. So the total is 4.7 cents.

Guess what. The market wholesale cost of electricity right now is 2.2, 2.3 cents. You are talking about an increase; you are talking about a cost to both the taxpayers and the consumers of 4.7 cents, just to start. So you are talking about something twice as much as the cost of electricity in the country, and you are saying 10 percent of it has to be in the renewables. If you take just 10 percent of the power costs—and it says the energy consumed or the energy produced must be more expensive or twice as expensive—you have increased their cost by at least 5 percent.

I do not know if people around here are really cognizant, but the more I learn about this renewable section, the more I am flabbergasted of how people are thinking they are going to vote for it and not increase costs. It is an enormous cost increase—enormous, in the billions of dollars. It is billions of dollars that transfer from basically fossil fuel plants to certain areas or certain companies that produce so-called credits or they can buy the credits from the Government. If they can buy the credits from the Government, the Government has a big new fundraiser in this, a big tax increase that utility payers are going to be paying.

I make mention of two or three issues. The original Bingaman amendment that was in this section did not exclude public power. It did not exclude the city of Los Angeles, which, incidentally, has a powerplant and consumption as big as Oklahoma Gas & Electric—pretty good size—and they are exempt. Oklahoma Gas & Electric is not exempt, but the city of Los Angeles is.

I heard the Senator from California, Mrs. BOXER, say, yes, these renewables are great. If they are so great, why don't they apply to the city of Los Angeles? Why doesn't it apply to Bonneville? Why doesn't it apply to TVA? Why doesn't it apply to municipalities? Why doesn't it apply to co-ops?

There is support from co-ops. They don't want to have their cost go up. Certainly, we don't want to mandate that the municipalities have their cost go up. We don't want the cost to go up for public power. We will exempt them and maybe buy some votes. But who are we going to sock it to? Oh, we will sock it to anybody else that happens to be a privately owned utility. We will sock it to them. There may be one or two that might benefit. Maybe they will produce enough of the credits so they can sell them, so they can sell the electricity. They can get tax credits of 1.7 percent. And they can get the credit from other utilities that do not have enough credits to meet their 10-percent mandate.

They get three times the value of electricity from the Government. They will get almost a 200-percent rate of return from the Government, and they get to sell the electricity. That is a pretty good deal for a couple utilities. But for consumers, they get a bill.

Some people say it does not make any difference because this is hidden. This is not going to come as a tax in the form of Congress issuing a tax increase. We are not doing that. We are telling the utilities: You go do it. We are mandating that you do it. And you bill your customers, who happen to be our constituents.

We ought to rename this section, "Renewable Section of Congress Increasing Electricity Prices," because that is what it is. It is a Btu tax. It is a tax increase. It is a utility rate increase, pure and simple. You cannot mandate that 10 percent of the marginal power has to be increased from certain renewable sources.

It is very interesting to note, a renewable source is not hydro under the definition in the bill. They left out hydro, which is as renewable as any. Oh, it is left out. Why? I don't know why, but it was left out. It is renewable, but we are just not going to define it, so it is left out. The more you find out about this amendment, the proposal by my colleague from New Mexico, the less sustainable it is.

I wish to mention a few companies—we have gotten this from the Energy Information Administration, Department of Energy—and with how much energy they produce, and with the 10-percent renewable requirement, and assuming they have to purchase the offset, the credits, how much will it cost: the Public Service Utility of New Hampshire, $21 million—a pretty good hit—Kansas City Power & Light, $16 million; Kansas Gas & Electric, $27 million; Nevada Power Company, $50 million; Sierra Pacific Power Company, $24 million; Arizona Public Service Company, $67 million; Tucson Electric, $24 million; Pacific Gas & Electric, $216 million.

Guess what. Pacific Gas & Electric was having a hard time staying out of bankruptcy. They actually filed for bankruptcy. We are going to put on a mandate that they have to spend $216 million. We are exempting Bonneville but not exempting Pacific Gas & Electric. Maybe they have offsets to reduce that. Maybe they have enough wind energy to do it, but I doubt it.

Georgia Power, $223 million. I could go on and on. My point being, I do not think this amendment has been well thought out. I do not think we have had a hearing on this proposal. The proposal deals with billions and billions of dollars of increases in electricity costs.

Some people are saying, oh, let's just have a renewable standard of 20 percent, 10 percent. Oh, it is all doable. We have to have renewables.

I believe in renewables. I want to have renewables. And I want to encourage wind power and encourage other alternative sources of energy. But I just don't know that we want to pass a law that says you must have 10 percent of your power from this source defined as a renewable, and, oh, we forgot to include hydro, and we don't care how much it costs. That is really the impact of this amendment. Consumers beware.

I compliment Senator KYL because I think he has come up with an affordable substitute, one that encourages alternative sources but does not mandate it, does not dictate that your electricity prices will be increasing by 5 or 10 percent, which I believe is the case in the underlying amendment. Senator KYL's amendment treats all utilities fairly. The amendment proposed by my colleague from New Mexico socks it to some utilities but it exempts a bunch of other utilities.

Why should California be exempt and Texas and Oklahoma not be exempt?

That doesn't quite seem right to me. Why is the Northwest exempt? Why is Bonneville exempt and the privately owned utilities are not? They already have lower utility rates in many cases because they have Federal hydropower, which is pretty cheap. It was built a long time ago. So they already have low rates, and we are going to exempt them. But the other rates, no, you are stuck. We are going to sock it to you. I just question the wisdom of that.

I hope my colleagues will look at this long and seriously. Seldom do we have an amendment that will have such a significant impact of billions of dollars, and seldom do we have as many colleagues kind of absentee as far as knowing what the impact of this amendment would be on their constituents. I would like for people to pause and think.

I will be happy to share information that the Energy Department has provided us on what this might cost your utilities and what your utilities will have to pass on to the constituents. It won't cost the utilities money. They will charge that added, mandated cost from this Senate to their customers. So the utilities won't pay it.

I have mentioned a few of these. MidAmerican Energy Company faces 44.6 million dollars in increased utility prices. They will only transfer these costs to their customers. The truth is, a lot of those customers are going to be companies that maybe are struggling to survive, that maybe are having a hard time creating jobs. And we are going to increase their utility prices by 5 or 10 percent. Some companies, some corporations, commissions, maybe the Texas Railroad Commission will say: We really don't want this to happen to the residential consumers, so we will just have the increase and sock it to the big users.

There won't be as much political fallout. There might be a loss of jobs in the process. Maybe they will make it apply equitably to residential consumers as well. They will have a big increase. Then people will go ballistic.

People will say: Wait a minute, where did this mandate come from? It came from Congress in the year 2002. We didn't see it in our bill until 2004, or maybe we didn't see it fully implemented until 2008. It passed in the year 2002 because somebody thought it was a good idea.

I think my colleague from Arizona has the right idea. I hope our colleagues will support it. I hope they will start looking at the underlying cost that is in this so-called Bingaman amendment. I hope they will look at the cost of that amendment and say: Isn't there a better way, a more affordable way? Should we not include hydro in renewables? Shouldn't we include public power? If we are going to mandate it on all private power, should we not include public power as well? If we are going to have a universal energy policy, why would we exempt rural electric co-ops? Why would we exempt municipalities, enormously large public power such as Bonneville and TVA?

It is a mistake. I urge my colleagues to support the Kyl substitute to the Bingaman amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from New Mexico has 30 minutes, and the minority has 45 minutes.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes. I know I have a couple colleagues here who also want to speak. I know there are also, perhaps, Members on the other side.

First of all, the Kyl amendment is a stark contrast with what we are otherwise trying to do with a renewable portfolio standard. The Kyl amendment is very simple in that it says:

> Each electric utility shall offer to retail customers electricity produced from renewable sources to the extent that it is available.

That is fine, but "to the extent it is available." And they do that today. They offer electricity produced from renewable resources or sources to the extent that it is available.

What we are trying to do with the Bingaman amendment, with establishing a renewable portfolio standard, is to provide some assurance that it will be available so that some portion of the power produced by large utilities will, in fact, be produced from renewable sources.

My colleague from Oklahoma says usually the price of electricity is 2.2 cents per kilowatt hour. I think that was the figure he mentioned. According to the figures we were given by the Energy Information Agency, the average cost in this country for electricity is 4.3 cents per kilowatt hour, not 2.2.

Mr. NICKLES. Will the Senator yield? I am talking about wholesale cost which is the replacement cost where if you have incremental renewables going into the system, they are paid the wholesale cost, not the retail cost.

Mr. BINGAMAN. This is a wholesale cost figure I just gave you, 4.3 cents. We are glad to share the information with you.

He says that we don't have hydro in here. We do have hydro as one of the items that a utility gets credit for when determining the base against which the percentage applies. So that we give them full credit for hydro in that.

Then we say, taking that base to the extent that they expand their energy generation from increments of hydropower, that those will count.

Mr. NICKLES. Will the Senator yield to make sure we are both on the same wavelength?

Mr. BINGAMAN. I yield to my friend from Oklahoma.

Mr. NICKLES. Any incremental new hydro would count as renewable. I concur.

Mr. BINGAMAN. That is exactly right.

Mr. NICKLES. Would the Senator agree with me, in your definition of 10 percent renewables, existing hydro is not counted in that definition?

Mr. BINGAMAN. Mr. President, regaining the floor, I agree that it is not. That is for a very simple reason. If you do count existing hydro in that 10 percent, certain States, particularly in the northwest part of the country—and also Maine—far exceed that. There would be a tremendous disparity between the extent of the renewables they have in their base or that they get credit for as compared to the rest of the country.

What we are trying to do with the Bingaman amendment is to provide an incentive for the addition of additional renewable power. To the extent they can do that with hydro, we give them credit for it.

Let me talk about some of the figures. I would be anxious to see the calculation to which the Senator from Oklahoma was referring. As I understood his explanation, he gave us figures for what each of these utilities would have to pay in order to comply with this provision, assuming they had to buy all their credits.

Mr. NICKLES. That is correct.

Mr. BINGAMAN. That was what I understood him to say. The truth is, many of the utilities—I don't know about all of them—he named are not going to have to buy any credits. They are already producing power from renewable sources, substantial amounts of power.

To suggest that PG&E in California is going to have to be going out and buying credits at the highest possible price is just not the real world. PG&E already produces power from renewables. Arizona Public Service is another example. He mentioned MidAmerican and how this would cost MidAmerican $40-some-odd million.

I have a letter here from David Sokol, chairman and chief executive officer of MidAmerican, where he writes:

> Dear Chairman Bingaman:
>
> I am pleased to write in support of your efforts to include provisions to promote the development of renewable energy resources for electric generation in the Senate's comprehensive energy bill.

Then he goes on to write that his company is "one of the world's largest developers of renewable energy, including geothermal, wind, biomass and solar."

Continuing from the letter:

> Renewable electricity can play a critical role in diversifying the nation's fuel mix and providing emissions-free electricity for American consumers.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. BINGAMAN. There will be other opportunities for me to speak. I know I have some colleagues who wish to speak at this point. I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I know my colleague from Virginia has been patient. I rise to make a couple points. The wholesale power cost, which my colleague alluded to, was 4.-some cents. The spot market on wholesale power cost in the Pennsylvania and New Jersey and Maryland exchange was 2.1 cents to 3 cents from January to March. And Palo Verde is 2.2 cents to 4.3 cents between January and March. Those are current prices that I just wanted to mention.

If a utility, for whatever reason, doesn't have 10 percent renewable—and most all utilities don't; there might be one or two, but most of them don't—— they are either going to have to reduce it or buy it. If they have to buy it, the cost is up to 3 cents. There is also a 1.7-cent tax credit. That equals 4.7 cents. That is still 100 percent more than what the marketplace is providing in the examples my colleague and friend from New Mexico mentioned.

But I am just saying the spot price in some big areas in the country is 2 cents to 3 cents. You are talking about a rate of return for this incremental power of over 100 percent more than market price today. That is expensive. That will greatly increase costs, and somebody will have to pay for it. Ultimately, electric consumers will pay for it. They need to know that before we pass this amendment.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I think the Senator from Virginia was here before me.

Mr. KYL. Mr. President, we are under a time agreement and we are going to be running out of time if things other than the pending amendment are allowed to intercede into this debate. Our vote is set to be cast first thing in the morning, as I understand it. So whatever debate we have, we have to do tonight.

We have at least an hour of speakers on our side, starting with the Senator from Texas and myself, and the Senator from Oklahoma, I guess, is done, and then we have the Senator from Idaho and the Senator from Wyoming, at least. As a result of that, I think we ought to proceed with debate on the pending business so that we can fit within our timeframe and be ready to vote tomorrow morning.

Ms. LANDRIEU. Mr. President, may I inquire if, under the previous order, we are entitled to alternate from one side to the other on the amendment, given the time allocated to us?

The PRESIDING OFFICER. There was no order to provide for that.

Ms. LANDRIEU. I ask unanimous consent that we simply alternate during the time of the amendment, within the amount of time allocated.

Mr. KYL. Mr. President, to the extent that the time is available, we can do that.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I will try to be brief. There are just a couple of points I want to make.

First of all, a big deal has been made out of the fact that Texas, in its electricity deregulation legislation, had a renewable energy provision in it. In fact, the point has been made—erroneously—that this is just what you have in Texas and it was George W. Bush who signed that bill into law. I want to straighten that out because the Bingaman amendment is nothing like what we have in Texas.

First of all, in Texas we have a provision that is related to renewable generation capacity, not to how much renewable power you sell, because when you have a windmill—and I may be the only Member of the Senate who owns a windmill, and I will talk about that later—but you have a windmill, sometimes the wind doesn't blow. Sometimes the sun doesn't shine. So the Texas provision is based on capacity, not generation.

Secondly, the Texas provision is that, by 2009, we have the capacity to generate 2,000 megawatts from alternative sources. We currently generate about 73,000 megawatts, which is roughly 3 percent renewable energy, not the 10 percent provision in the Bingaman amendment.

Finally, renewable energy in Texas is renewable energy. In the state of Washington, hydropower is not renewable energy according to this bill, even though it rains there constantly. Certainly, you can argue that hydropower is at least as renewable as chicken manure and pig manure and cow manure, all of which will be subsidized under this energy bill, in terms of electricity production. In Texas, we have a much broader definition of what a renewable is.

So, one, our standard is based on capacity, not generation, because you have to have the flexibility with these alternative sources. Two, it is roughly 3 percent, not 10 percent. Three, it counts one of the most common renewable sources, which is hydropower. I think that is a very big difference. So to say that this is somehow what we did in Texas is simply not accurate.

Now, I want to touch on a couple of other things. First of all, I think we are getting carried away here with these alternative sources. On my place in Texas, I have a windmill. It is a really pretty windmill and it is called High Lonesome Windmill; it is high and lonesome, and it is sitting on a hill. It pumps water into a storage tank, and there is an overflow valve that runs down to the pond that keeps water there for turkey, deer, hogs, and whatever happens by. I think it is fair to say that this windmill is beautiful. I also think it is fair to say that 100 windmills would be an eyesore.

So when you are talking about generating 10 percent of the energy of the United States with things such as wind power, please consider that one windmill is not bad. But if you put a hundred or a thousand of them on my place, the place would be an eyesore. When we are talking about this, I think it is fair to keep that in mind.

I join the Senator from Oklahoma in saying, look, you can have it one way, or you can have it another way, but you can't have it both ways. If this renewable energy is a good deal, how come it is not a good deal for everybody? It seems to me it is absolutely outrageous to say, Los Angeles, CA, doesn't have to abide by the law and sell renewable power through its municipal utility, but Dallas, TX, does. Bonneville Power doesn't have to abide by the law, but their competitor has to, and rural cooperatives don't have to abide by the law.

Well, look, if renewable power and an inflexible federal mandate is a good thing, how come it is not good for everybody? There is no way that can be defended. That is plain old rotten, special interest vote-buying which basically says: We know this is a provision that will cost a lot of money. You have political interests that are for it, and in order to get it passed and impose it on the poor people who can't get out from under it by cutting a political deal, we are going to exempt Los Angeles, CA and other municipal and public power providers. Give me a break. That is about as outrageous as it can be.

Finally, I believe there is a drafting error in this bill. In looking at this bill in a cursory way, I don't see any requirement that if I buy these credits, I buy them from Americans. Can I buy these credits from people in China? I don't see in the bill a provision that says I have to buy credits from Americans. Can I buy them from Mexicans, from the Canadians, from China, from Russia, or from Uzbekistan? My question is: How well is this whole process thought out? When you let people buy credits, you are not producing more energy, you are basically spreading the misery.

I hope Senator KYL's amendment passes. I am going to vote for it. But if it doesn't pass, maybe a fallback position ought to be that if any electric company is going to have to raise their power rates by more than 5 percent, maybe they ought be able to join Los Angeles, maybe they ought to be able to join Bonneville Power, maybe they ought to be able to join the cooperatives and be exempt. This is clearly going to cost a lot of money because if it weren't costing a lot of money, why does everybody want to get out from under it?

I think the amendment of Senator KYL is a good one. It sets a goal. But something is very wrong economically in telling people, no matter whether it is feasible or not, no matter whether it can be achieved or not, no matter how much it costs, that unless you are one of these privileged people who have an exemption, you have to generate 10 percent of your power by 2020 with these alternative sources; and, after that, over the next 10 years, then the Secretary of Energy can set the rate at wherever they want to set it. God forbid we should have some lunatic as the Secretary of Energy in 2021. They would have the power under this bill, unilaterally, to set this rate anywhere they want to set it, other than below 10 percent.

Is that a wise delegation of power? Should we give anybody in America that much unilateral power? I do not think so.

This provision is riddled with special interest loopholes. I think it is an unworkable mandate of the worst sense and violates the logic of economics. It is nothing like the Texas provision. I hope we can adopt the Kyl amendment.

I am afraid that all these people who have gotten exemptions are going to vote for it now. If I represented Los Angeles, maybe I could say: Look, this could hurt, it could be expensive, but it will not affect you; I cut this deal. Or maybe if I got power from the TVA, I could say: Yes, I am worried about this, but do not worry, I covered us.

I sometimes think I have some persuasive power, but I do not think I am good enough to defend this provision. I do not think I could defend a provision, and standing with great righteousness, by saying: Renewable power is what we need, but we do not need it in Los Angeles, we do not need it in TVA, we do not need it in municipals, we do not need it for rural America. If it is so good, why do we not need it for those things?

Mr. BINGAMAN. Will the Senator yield?

Mr. GRAMM. That is my question. I will be happy to yield.

Mr. BINGAMAN. The information I have been given—and I am interested if this is accurate, as the Senator from Texas understands it—Texas also excludes from their requirement municipals and co-ops, just as we are doing in this bill.

Mr. GRAMM. I wondered how they got such a bad provision passed.

Mr. BINGAMAN. They have a provision that requires 4.3 percent of all sales be from renewables in the year 2009, which is where their bill stops going forward. Our provision calls for 3.4 percent by the year 2009 and has the same exclusions they have in Texas.

If the Senator has any contrary information, I want to——

Mr. GRAMM. Let me reclaim my time, and I will finish because there are other people who want to speak. First of all, I went through the differences with the Texas program. I do not see how you can defend exemptions if you support the policy. Had I been in the Texas Legislature, I would not have voted for this provision. Let me make that clear. I would not have voted for it.

However, it is very different from the proposal here. It is much more modest. It does count hydroelectric power as a renewable. It is based on generation capacity, not actual sales. In other words, it is far more reasonable if you are going to adopt an unreasonable policy.

Let me make one additional point. If this turns out to be nonsense and we get to 2007 or 2008 in Texas and we discover that our power rates are going through the ceiling because Texas did it, Texas can undo it. If they do not undo it, people can move. They can move to New Mexico.

The problem is, when we mandate it from Washington, then the fact that it is a disaster in Texas does not mean it is going to get changed in Washington.

Why not let the States do what Texas did: Set out a policy that makes sense for them, and then if it does not work, they can change it. Why should we be dictating in Washington what is good for the States—what is good for Louisiana, what is good for Arizona, what is good for New Mexico?

My legislature adopted a policy they thought was good for Texas. We are going to override it with this Federal bill. If anybody thought it was good—I personally do not—but if anybody thinks it is so good, why not leave it alone? But we are not going to leave it alone; we are going to override it.

I am afraid with all these exemptions, the fix is in, but this is really bad policy. The Senator from Arizona has a good amendment. I hope it is adopted, and I commend it to people. I hope they will vote for it. I hope people who received all these exemptions will simply say: If I needed the exemption to vote for it, what about people who represent States that did not get exemptions? That is why we need the Kyl amendment. That way, States can make up their own minds. They are no less responsible than we are. They care no less about the environment than we do. They are no less informed than we are. In fact, they are probably much better informed about their own circumstances.

I am strongly in favor of the amendment, and I commend the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I rise in opposition to the Kyl amendment. I wish to speak for a few minutes to add to my remarks of just a few moments ago.

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New Mexico has 24 minutes 37 seconds.

Mr. BINGAMAN. How much time does the Senator from Louisiana intend to use?

Ms. LANDRIEU. Ten minutes.

Mr. BINGAMAN. That will be fine. I yield 10 minutes to the Senator from Louisiana.

Ms. LANDRIEU. Mr. President, the Senator from New Mexico has done an extraordinary job in leading us through this obviously quite contentious energy debate. It is the result of so many different views of different regions, with each having its own set of natural resources and demands. It is very hard to come up with a national policy that works for our Nation and also respects our regions and States.

If we do not change the direction in which this Nation is headed—dependent and unable to produce the energy necessary for our Nation to grow and develop—our economy and our national security will be jeopardized.

I commend the Senator from New Mexico for staying tough and holding the line and trying to move a bill out of the Senate and into conference where it can be perfected.

I oppose the Kyl amendment and support Senator BINGAMAN's efforts on renewables. There might be a better way, a better method than mandates. Recognizing that the House did not put in any substantive provisions for renewables in its energy bill, I hope we can explore this issue between the time this bill leaves the floor and gets to conference where I hope it will be perfected and balanced in promoting renewables.

While the Senator from Texas does not evidently think windmills might work and does not like the way they look, many people do like the way windmills look. There are many regions that are having success with wind power.

In Spain, Germany, and Denmark, wind power supplies over 20 percent of their electricity. It really is a wonderful thought that we can use the brains God has given us to create technology to generate power from wind. I am sure it is somewhat more expensive. I am sure there are kinks to be worked out, but do not lead people to believe that it is not being done in an efficient way.

Mr. President, I ask unanimous consent to print in the RECORD a fact sheet from the Union of Concerned Scientists, an EIA study that says: "National Renewable Energy Standard of 20 Percent is Easily Affordable."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Union of Concerned Scientists]

EIA STUDY: NATIONAL RENEWABLE ENERGY STANDARD OF 20% IS EASILY AFFORDABLE

A national renewable portfolio standard (RPS) to provide 20% of US electricity from wind, solar, geothermal, and biomass energy by 2020 would cost energy consumers almost nothing, according to a recent study by the U.S. Department of Energy's Energy Information Administration (EIA). A national RPS increasing these resources from 2% today to 20% by 2020 is included in the Renewable Energy and Energy Efficiency Act of 2001 (S. 1333), proposed by Sen. Jeffords (I-VT) and five other Senators.

The EIA report, using high estimates of renewable energy costs (see discussion below), shows that under a 20% RPS, total consumer energy bills (other than for transportation) would be roughly the same as business as usual through 2006 and only $2.8 billion or 0.7% higher in 2010. By 2020, total bills would be $580 million (0.1%) lower with an RPS.

Other studies using more realistic assumptions and incorporating the energy efficiency incentives in S. 1333 show that consumers could receive 20% of their electricity from renewable sources and save billions of dollars (see below).

EIA found that a 20% RPS would increase average electricity prices (the cost per unit of electricity) by only 3% over business as usual levels in 2010 and 4% in 2020. With a 20% RPS, electricity prices in 2020 are still projected to be nearly 7% lower than they are today.

Even these small increases in electricity prices are largely offset, however, by lower natural gas prices. Because an RPS creates a more diverse and competitive market for energy supply, EIA finds that these market forces would reduce natural gas prices and bills.

Diversifying the electricity mix with renewable energy also helps stabilize electricity prices by easing pressure on natural gas prices and supplies. Under a 20% RPS, average consumer natural gas prices are 3% lower than business as usual in 2010 and 9% lower in 2020. These lower prices would save gas consumers $10 billion per year by 2020.

The net present value cost of a 20% RPS would be only $14 billion over the next 18 years. With ongoing natural gas savings after 2020, an RPS would likely produce net savings for consumers.

A 20% RPS would also help reduce emissions from power plants. Under an RPS, carbon emissions from power plants would be 55 million metric tons or 8% lower than business as usual in 2010 and 137 million metric tons or 18% lower in 2020, according to EIA.

CORRECTING EIA ASSUMPTIONS AND COMBINING AN RPS WITH EFFICIENCY PRODUCES ADDITIONAL SAVINGS

Several other studies have found that using more realistic assumptions and combining an RPS with strong energy efficiency policies would produce additional savings for consumers.

The DOE Interlaboratory Working Group (IWG), consisting of the five national energy research labs, corrected a number of EIA's assumptions (see below) and found that, when combined with energy efficiency programs, an RPS of 7.5% by 2010 would save consumers over $65 billion per year by 2020 (1997$).

At the request of Senator Jeffords, EIA used IWG assumptions and found that the combination of an RPS of 7.5% by 2010, advanced energy efficiency measures, and four-pollutant emission reduction targets similar to those proposed by Senator Jeffords in S. 556 would save consumers $64 billion per year by 2020 on their energy bills.

UCS' Clean Energy Blueprint report, which used similar assumptions to the IWG for renewable energy technologies, shows that an RPS of 20% by 2020, with the energy efficiency incentives in S. 1333, would save consumers $35 billion per year by 2020 or a net present value of $70 billion over 18 years.

The Clean Energy Blueprint found that additional efficiency incentives, including for combined heat and power plants, would increase annual savings to $105 million per year in 2020 and net present value savings to $440 billion over 18 years.

EIA OVERESTIMATES THE COSTS OF RENEWABLE ENERGY

The DOE Interlaboratory Working Group found that EIA significantly overestimates the cost of adding renewables to the system. The EIA:

Uses higher cost and worse performance assumptions for most renewable technologies than recent experience and projections by the utilities' Electric Power Research Institute and DOE;

Arbitarily increases the capital cost of wind, biomass, and geothermal technologies by up to 200% in a given region after a fairly small amount of the regional potential is met;

Limits the penetration of variable output resources like wind and solar power to 15% of a region's electricity generation; in parts of Germany, Denmark and Spain, wind power is already providing more than 20% of total electricity generation;

Assumes that renewable energy generation will cost 4 to 5 cents more per kilowatt-hour than electricity from natural gas plants between 2010 and 2020.

USC also found that both the EIA and the IWG limit the amount of biomass that can be co-fired in existing coal power plants to 5% of the plant's input. Recent experience from around the world has shown coal plants can be co-fired with up to 10–15% biomass.

Ms. LANDRIEU. Mr. President, Senator BINGAMAN is rightly arguing that while this amendment may need to be perfected, we must develop a portfolio of renewable fuels in this Nation if we are to reduce our dependency on foreign oil and other sources of power.

Let me show a chart that will clearly illustrate that. This is electricity generation by fuel. We, right now, have most of our electricity generated from coal sources with a rising number of generators and powerplants fueled by natural gas. Since Louisiana is the second largest producer of natural gas, I most certainly represent the interests of people wanting to see more domestic production of natural gas.

However, we have not been able to move very much this line representing renewables.

We hope to increase renewables because by improving our domestic sources of energy, or increasing them, whether from coal, natural gas, nuclear, or renewables, we by virtue of that reduce our dependency on foreign oil sources.

By increasing renewables, we can improve our domestic fuel supply. There are several reasons, I suggest, why this is a good thing to do.

First, as I said, we need to reduce our dependency on fossil fuels. Even as someone who comes from a State that produces a lot of oil and gas, I know that one of these days those wells are going to dry up. I certainly hope this does not occur in the foreseeable future, but one day they will, because they are a finite source. Renewables are infinite. They are, as their definition says, renewable. We can get renewables, create renewable energy, and continue generating power for our industries.

Domestic energy production, whether it is through oil, gas, wind, coal, biomass, or solar, increases jobs in our country. One of the things we spend a great deal of time talking about is how we can create good-paying jobs, jobs where people can make a living, have a living wage, save, send their children to college, purchase a home. Those things are really very important. They are important to all of our States.

Investing in renewables technology generates jobs. Domestic production creates jobs in America. We are all for helping the world create jobs. We would like to see a great middle class created in every country in the world, but our first objective is to create jobs for the citizens of this Nation.

The third reason renewables are a good thing is that they give us diversity. Why do we need diversity? We need diversity because in a competitive system no industry, no generator of electricity, or no region should be held hostage in the event natural gas prices soar. They potentially could switch to another source of fuel. If that source of fuel were too high, they could switch to another source of fuel, thereby keeping prices stable and low, and generating and increasing competition.

So by increasing renewables, we increase the options for businesses and electric generators so the consumers are ultimately benefitted. Consumers see their prices rise when there are monopolies, and when people have no choice but to get power from either gas or oil.

So as we write a bill that helps this country to expand the choices of fuel, consumers will be helped and taxpayers will see their bills lowered.

The fourth reason I support renewables is that they are the cleanest option.

Now I have been in this Chamber talking about natural gas. I am very proud of the work we do in Louisiana, as well as Texas, and Mississippi. We produce a lot of natural gas. It meets the standards set by the EPA and our own state laws and regulations. We hope to continue to produce natural gas for this country.

I will put up the other chart which shows how much the natural gas comes off the shores of Louisiana and is literally piped through an extensive system of pipelines to other parts of the country. We are proud of this.

We would like to see more pipelines coming from different places so we could provide clean natural gas for the Nation. People in Louisiana, even though we are proud of our natural gas and proud to be able to contribute it to the Nation, believe in renewables because they also give us additional sources that will come into the country from a variety of different places.

Renewables are theoretically better dispersed around the country because they can be created through solar, wind, or biomass. So the advantage of renewables is not only that they are clean and efficient, but they also help us redistribute the sources of power, giving us a greater balance, so there are not blackouts in California or brownouts on the east coast. That is something in this debate I believe we have to keep foremost in our mind.

The PRESIDING OFFICER. Will the Senator suspend. The Senator is under an existing order in which she had time in her own right which has now been expired. So does the Senator from New Mexico wish to yield 10 additional minutes to the Senator from Louisiana, as he did before?

Ms. LANDRIEU. Will the Senator yield an additional 1 minute?

Mr. BINGAMAN. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. The fifth reason is it is American technology that is at the base of these technological advances in renewable energy. However, we are not using them. They are being used by European nations. Our technology is developed at our universities, in our laboratories, with our scientists, with our engineers, but we are not taking advantage of these renewables. The Europeans have done it in a period of 5 years, from 1990 to 1995. As I said earlier, Spain increased its renewable resources by 300 percent, Denmark by 150 percent, and the Netherlands over 50 percent.

In conclusion, I think a solution to our dependence on foreign oil is more robust domestic production with a real commitment to renewables. If we do those two things, we can reach independence, which I think our country and our citizens, whether they live in California, Louisiana, or New York, would cheer about. That is why I am opposing the Kyl amendment and supporting Senator BINGAMAN. Again, I hope for perfection through the conference process, but I also hope this bill retains a renewable portfolio and sends an important message to the American people that we can stake our claim to an independent future.

The PRESIDING OFFICER. As a point of clarification, the Chair announces the Senator from New Mexico has 22 minutes 29 seconds remaining; the Senator from Arizona has 29 minutes 54 seconds remaining.

The Senator from Arizona.

Mr. KYL. Mr. President, I will take a few minutes to respond to the Senator from Louisiana, and then the Senator from Alaska would like to speak, unless there is an intervention on the other side.

The Senator from Louisiana had four basic reasons that she supports the Bingaman approach and opposes mine. I will go through each of those.

Her first reason was we have become too dependent upon foreign oil and that if we have renewables to generate electric power, that will somehow solve the problem. Well, the Senator from Louisiana could not be more wrong. I wish she would put the chart back up which showed the dispersal of the various energy sources. We saw at the very bottom of that chart there was a red line. That is the oil that is used to generate electricity in this country—hardly anything. We do not generate electricity with oil in the United States, as the chart showed. Transportation flows on oil—that is how we drive our cars—but we do not generate electricity with it.

So if the argument is we have to reduce our dependence upon foreign oil in the generation of electricity and therefore go to these renewable resources, nothing could be further from the truth.

The Senator's chart was accurate that we produce electricity in this country with nuclear generation, with gas, and with coal. That is where we get our energy production. So the argument that somehow this will help us reduce dependency on foreign oil is absolutely untrue.

I also will comment on the fact that the Senator from Louisiana said we will run out of oil and gas someday. Well, someday we will, but, again, we do not produce electricity with oil and we have a lot of coal, virtually an inexhaustible supply of coal. We could generate all of the electricity that this country could use for centuries on the coal we have in this country. We have been spending a lot on clean coal technology, so we can now do it in a very clean way. Nuclear power is essentially inexhaustible. So if one is talking about oil and gas running out as a reason we have to go to renewables, again, it is absolutely false.

Finally, with regard to this first argument, the Senator from Louisiana said: After all, wind is free. She then went on to correct herself and say: Of course, there is some cost to producing it.

Indeed, we subsidize the cost of wind power at 40 percent of what it costs, and it still cannot compete, which is why the proponents of wind power want to have the U.S. Government force people to buy their product, because it cannot compete on the open market. These renewables are, in fact, not free.

The final point of the first argument was that the Union of Concerned Scientists, a reputable group, indeed, says that even a 20-percent mandate would be very affordable. Let's examine that for a minute, because the second reason was we needed to diversify our fuel for electrical generation in order to keep prices lower. The assumption was this would keep prices lower.

Again, she is wrong. We have today the figures from the Department of Energy agency that puts these figures together, the Energy Information Administration. I can read the figures for every single utility in every single State as to what the increases will be. This is a pretty conservative estimate because they only take the power that is being purchased today—not 15 or 20 years from now—and they have not indexed for inflation.

I suspect we all agree inflation will go up. All they took was the 3 cents per kilowatt hour, which is the basic cost that you would buy it from the Department of Energy, and projected that 3 cents per kilowatt hour—not 3 cents per kilowatt hour adjusted for inflation.

What would the costs be? I will take Louisiana, the State of the Senator who just spoke. I will leave out for part of this discussion the municipals, but I will bring them in to show it is the same for the municipals. I begin with private utilities in Louisiana.

For the CLECO Power Company, the cost of this is $25.5 million, an increase in retail of 4½ percent. Entergy, Gulf States Louisiana and New Orleans is $60 million, $89 million, and $17 million, respectively, with an increase in prices to the retail customer of over 5 percent, 4½ percent, and 3.86 percent.

Mr. BINGAMAN. Will the Senator yield?

Mr. KYL. I am happy to yield.

Mr. BINGAMAN. I ask, why does my colleague, who sponsored this amendment, mention how much it will cost Entergy to comply with the underlying Bingaman amendment; why are they supportive of the Bingaman amendment and strongly opposing the Kyl amendment if this is going to be expensive for them?

Mr. KYL. I am happy to answer the question of my colleague. It will not cost energy companies a penny but cost energy's customers. That is the whole point. We are the ones who will pay, not the power company.

The reason this particular power company supports it—I understand they will have to answer for themselves—they have invested in wind power. As I pointed out yesterday, according to the Energy Information Administration of the Department of Energy, the only renewable that will provide any significant increase in power is wind power. Naturally, those companies that invested in wind power love it. They cannot sell it today, even with a 40-percent subsidy, but if the Federal Government makes people buy the product, then they will be able to sell it. That is why they like it. Their customers will pay for it; they won't be paying for it.

Let me turn to my State. I will pick some other States at random. In my State of Arizona, the private utility Arizona Public Service is the biggest at $67 million, a 3.72-percent increase. The Salt River Project, which would be temporarily exempted, is $66 million, up 4.63 percent. Another private utility, Tucson Electric, is $24.5 million, up 3.69 percent.

The percentage increases are from 3 percent up to under 30 percent. How would you like to be getting power from the Welton Mohawk Irrigation District, with a 29½-percent increase? Fortunately, it is one of the political subdivisions that is currently excluded from the bill. Certainly they hope to remain excluded.

In California, Pacific Gas and Electric is $260 million, over a 3-percent increase. San Diego Gas and Electric is $45 million. Southern California Edison is $221 million. The total in that State—again, under the conservative assumptions—is three-quarters of a billion dollars.

Mr. BINGAMAN. Would the sponsor of the amendment yield for another question?

Mr. KYL. I am happy to yield.

Mr. BINGAMAN. As I understand these figures, they are calculations of what it would cost these utilities to buy 10 percent of their power now.

Mr. KYL. At the end of the time they are required.

Mr. BINGAMAN. To buy this on the assumption they are producing nothing from renewable power, is that correct?

Mr. KYL. They had to have a number representing cost and the cost number that it used was the one in your bill, in your amendment, the amendment of the Senator from New Mexico, which is that you can buy this from the Department of Energy at 3 cents per kilowatt hour.

Mr. BINGAMAN. There is nothing in this analysis that acknowledges that most, if not all, of the utilities that have been mentioned produce renewable power from renewable sources now and have great ability to add to that as the years progress, is that not right?

Mr. KYL. No, it is not right. In fact, many of the people or companies that sell to power retail do not produce with renewable sources today. They have to buy credits. The assumption is based upon the value of the credits as set forth in the amendment of the Senator from New Mexico.

Yes, some will build renewable energy electrical generation. The cost of that could well exceed that 3 cents per kilowatt hour. This could be a conservative estimate, especially since it is not indexed for inflation.

We are talking about a number today that in 20 years is obviously going to be substantially higher. I am trying to indicate a relative fact; namely, that the cost to consumers is going to escalate dramatically. That is what this information demonstrates.

Now to the next point. The Senator from Louisiana said we have to diversify to keep prices lower. I have indicated the Department of Energy knows the prices are not going to be lower. These are all of the estimates from the Department of Energy itself.

But there is another point about diversifying; that is, if you are going to diversify, you need a reliable source. Certainly if the wind does not blow, you did not generate power on a windmill. If the Sun does not shine, you don't generate power from a solar power. If the water does not flow through a dam, you do not have hydropower. That is why the baseloads of the utilities is coal, nuclear, and gas. Those are available, they are reliable, and that is why for these renewables you always have to have backup, a storage battery, or a backup when it gets dark and the Sun does not shine or you have a drought and the water does not flow or the wind does not blow.

The third point is renewables would create jobs. I know my colleagues would agree exploring in ANWR would create more jobs than windmills. That is evident.

The fourth argument is renewables are better dispersed and are clean. Nuclear is clean, too. Hydro is clean. But I don't see a big rush for hydro or nuclear power.

With respect to dispersal, it is interesting that the chart the Senator from North Dakota exhibited yesterday showed the renewable fuels dispersed all over the country, but each one is conglomerated in a particular area.

For example, solar is obviously going to be produced best in the Southwest. Hydro is best produced in the Northwest. Wind power, interestingly, is produced best in North Dakota, South Dakota, and Oklahoma, as I recall. The geothermal was in certain other areas. If you are not in one of those areas, and since wind is the only economical source of producing the power, you are out of luck; you will have to import credits; you will have to buy credits from the place it is produced and your customers get nothing for that. They do not get electricity; they just get credits. The electricity company gets credits so the owners do not go to jail or pay a big fine.

The bottom line with respect to the arguments made, and they have been made by others as well, the renewables have some very limited potential, if they are highly subsidized, which is what we are doing, and we have extended the subsidy for them, and we are all for doing that, but you cannot count on renewables in any significant percent unless you are willing to pay a very high price, and unless you are willing to discriminate against some regions of the country, that is to say, unless you are willing to force the electric consumers in one part of the country to pay a lot more than the electric consumers in another part of the country. That does not make sense to me as a national energy policy.

Unless there is someone on the other side wishing to speak, I yield 7 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on our side?

The PRESIDING OFFICER. Seventeen minutes.

Mr. MURKOWSKI. I wonder if I can take 7 minutes.

Mr. KYL. Yes, 7 minutes.

Mr. MURKOWSKI. Mr. President, I would like to follow up a little bit on the Senator from Arizona, Senator KYL. He has mentioned an awful lot about cost. I think we need to address this in specifics.

Let's assume a utility must purchase the credits. Let's assume we have a utility that generates no new renewables. They make that decision. Let's take the hypothetical utility. I am going to be specific. I am going to take one that we can identify and we have the information relative to the cost.

Let's assume retail sales are a billion kilowatt hours. What we would have to do is to take 10 percent of the renewable portfolio standard that is in effect times 10 because we are looking for a 10-percent renewability. That means roughly 100 million kilowatt hours of renewable—that is 10 percent of a billion—times 3 cents per kilowatt hour. That is $3 million for renewable credits. That $3 million would be passed on to the ratepayers.

Let's take an actual utility. I hope the delegation from Wisconsin is here because the Wisconsin Electric retail sales for the year 2000 were 3.173 billion kilowatt hours, times 10 percent renewable portfolio standard; that is, 317 million kilowatt hours, times 3 cents per kilowatt hour, which is $9.5 million for renewable credits. That is what they are going to go out and buy if, indeed, they do not develop renewables. Whether they make that decision or not, the point is it is going to cost their consumers. It is going to cost their consumers $9.5 million. What is that going to amount to, to the average consumer? What is the ratepayer going to pay in Wisconsin? He is going to have a 5-percent increase. I do not think it is fair to suggest, by any means, that somehow these renewables are going to just come on.

I ask unanimous consent we have printed in the RECORD a letter from a group that happens to support specifically the Kyl amendment. They want to support the modified language in the Kyl amendment in order to mitigate and eliminate the harmful economic consequences for the renewable fuels portfolio mandate.

I also ask unanimous consent a letter from the Florida Public Service Commission be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATE COMMITTEE ON ENERGY
AND NATURAL RESOURCES,
Washington, DC, March 5, 2002.

Hon. FRANK H. MURKOWSKI,
U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: We are writing to express our deep concern over the economic impact of the renewable electricity portfolio mandates contained in the Substitute Amendment (the Energy Policy Act of 2002) to S. 517. This renewable portfolio standard would require that 10 percent of all electricity generated in 2020 must be generated by renewable facilities built after 2001. The renewable portfolio standard would become effective next year, and the amount of renewable generation required would increase every year between 2005 and 2020. While we believe that renewable sources of generation should have an important, and growing, role in supplying our electricity needs, the provisions contained in the Substitute Amendment was not reasonable and cannot be achieved without causing dramatic electricity price increases. This in turn would have the unintended consequence of reducing the competitiveness of American businesses in the global economy and, thereby, reducing economic growth and employment.

Today, according to the Energy Information Administration, non-hydro renewables placed in service over past decades make up only about 2.16 percent of the total amount of electricity generated in the United States. However, even this modest existing renewable capacity will not count under the Substitute Amendment toward satisfying the renewable portfolio requirement. Generally, under that Amendment, renewable facilities that can be used to meet the 10 percent minimum must be placed in service in 2002 or thereafter. Therefore, compliance with the Substitute Amendment's 2.5 percent renewables mandate for 2005 would require doubling the amount of non-hydro renewables that we now have in just three years—even though it took us more than 20 years to get to where we are today.

In addition, because the Substitute Amendment requires that 10 percent of all electricity generation, not capacity, must come from renewables, vast numbers of renewable electricity-generating facilities will have to be built. Wind energy, perhaps the most promising non-hydro renewable technology, operates effectively only between 20 percent to 40 percent of the time. Solar is also intermittent. Therefore, the actual amount of newly installed capacity needed to generate enough electricity to meet the Daschle Amendment's requirements could well exceed 20,000 megawatts by 2005. To put this into context, according to the American Wind Energy Association, we currently have less than 5,000 megawatts of installed wind capacity in the United States.

Simply imposing an unreasonably large, federally mandated requirement to generate electricity from renewables will not guarantee that enough windmills and other renewable facilities can be built on schedule; that the wind (or sun or rain) will cooperate; or that the generating costs will be as low as would be the case from a more diverse, market-dictated portfolio of conventional, as well as renewable and alternative fuels. If retail suppliers do not comply with the mandate, they would face a 3 cent per kilowatt hour civil penalty. Some way suggest that this penalty would operate as a "cap" on the inevitable run up of electricity costs under the Amendment. Even if this penalty were effective at limiting skyrocketing electricity costs—and experience with similar "penalties" indicates that it will not—the penalty still would constitute an almost doubling of current wholesale electricity prices for renewable power. Clearly, electricity rates will substantially increase if the Substitute Amendment becomes law.

The Federal Government's past record in choosing fuel "winners and losers" is dismal. The Powerplant and Industrial Fuel Use Act of 1978, which prohibited the use of natural gas in electric powerplants and discouraged its use in many industrial facilities, was essentially repealed less than a decade later when its underlying premises were conceded to be wrong. While holding back the use of natural gas, the Federal Government spent billions of dollars attempting to commercialize "synthetic fuels," including oil shale and tar sands, with little to show for its efforts.

While we believe that the Federal Government has an important role to play in encouraging the development of renewable and other energy technologies, we are troubled when that role turns to mandates and market set-asides for one particular fuel or technology. Mandates and set-asides usually don't work, and create unintended consequences far more severe than the underlying problem being addressed.

For these reasons, we respectfully request that you support efforts to modify the language in section 265 of the Substitute Amendment to S. 517, in order to eliminate or mitigate the harmful economic consequences of the renewable fuels portfolio mandate.

Sincerely,

Adhesive and Sealant Council, Inc.,
Alliance for Competitive Electricity,
American Chemistry Council,
American Iron and Steel Institute,
American Lighting Association,
American Paper Machinery Association,
American Portland Cement Alliance,
American Textile Manufacturers Institute,
Association of American Railroads,
Carpet and Rug Institute,
Coalition for Affordable and Reliable Energy,
Colorado Association of Commerce and Industry,
Edison Electric Institute,
Electricity Consumers Resource Council,
Independent Petroleum Association of America,
Industrial Energy Consumers of America,
International Association of Drilling Contractors,
Interstate Natural Gas Association of America,
National Association of Manufacturers,
National Lime Association,
National Mining Association,
National Ocean Industries Association,
North American Association of Food Equipment Manufacturers,
Nuclear Energy Institute,
Ohio Manufacturers' Association,
Oklahoma State Chamber of Commerce & Industry,
Pennsylvania Foundry Association,
Pennsylvania Manufacturers' Association,
State of Florida Public Service Commission,
Texas Association of Business and Chambers of Commerce,
U.S. Chamber of Commerce,
Utah Manufacturers Association,
Westbranch Manufacturers Association.

PUBLIC SERVICE COMMISSION,
CAPITAL CIRCLE OFFICE CENTER, 2540
SHUMARD OAK BOULEVARD,
Tallahassee, FL, March 18, 2002.

Re: Energy Legislation (Substitute Amendment 2917 to S. 517)

Hon. BILL NELSON
U.S. Senator, Washington, DC.

DEAR SENATOR NELSON: The purpose of this letter is to let you know that the Florida Public Service Commission has major concerns with the 400-page Substitute Amendment currently being addressed by the Senate. It is extremely preemptive of State Commission authority. If legislation moves forward, we ask that it provide a continuing role for States in ensuring reliability of all aspects of electrical service-including generations, transmission, and power delivery services and should not authorize the FERC to preempt State authority to ensure safe and reliable service to retail customers. Also, we support the Kyl amendment on the renewable portfolio standard.

In particular, our concerns are:

(1) ELECTRIC RELIABILITY STANDARDS

The substitute amendment would limit the States' authority and discretion to set more rigorous reliability standards than the Federal Energy Regulatory Commission (FERC) over transmission and distribution. In fact, the Substitute Amendment appears to provide no role for States at all on transmission reliability. Yet, the Florida Legislature has carefully set out statutory authority for the FPSC over transmission.

If legislation moves forward, Congress should expressly include in the bill a provision to project the existing State authority to ensure reliable transmission service. We note that the Thomas amendment passed. The amendment appears to strengthen state authority. In that regard, the amendment is better than the overall bill under consideration. Our interpretation is that the amendment will not restrict state commission authority to adopt more stringent standards, if necessary.

(2) MARKET TRANSPARENCY RULES

This section is silent on State authority to protect against market abuses, although it does require FERC to issue rules to provide information to the States. State regulators must be able to review the data necessary to ensure that abuses are not occurring in the market.

(3) PUBLIC UTILITIES REGULATORY POLICY ACT (PURPA)

The FPSC supports lifting PURPA's mandatory purchase requirement, but States should be allowed to determine appropriate measures to protect the public interest by addressing mitigation and cost recovery issues. Thus, we do not support preempting State jurisdiction by granting FERC authority to order the recovery of costs in retail rates or to otherwise limit State authority to require mitigation of PURPA contract costs. States that have already approved these contracts are better able to address this matter than the FERC.

(4) FEDERAL RENEWABLE PORTFOLIO STANDARDS

This requires that beginning with 2003, each retail electric supplier shall submit to the Secretary of Energy renewable energy credits in an amount equal to the required annual percentage to be determined by the Secretary. For the year 2005, it will be less than 2.5 percent of the total electric energy sold by the retail electric supplier to the electric consumer in the calendar year. For each calendar year from 2006 through 2020, it shall increase by approximately .5 percent.

The Secretary will also determine the type of renewable energy resource used to produce the electricity. A credit trading system will be established. While a provision is established to allow states to adopt additional renewable programs, we continue to have concerns. Thus, we strongly support the Kyl amendment which provides some flexibility to the States.

The FPSC believes that States are in the best position to determine the amount, the time lines, and the types of renewable energy that would most benefit their retail ratepayers. This particularly true in the case of States without cost-effective renewable resources. A one-size-fits-all standard will likely raise rates for most consumers.

(5) CONSUMER PROTECTION

The FPSC is concerned with language in Section 256 that requires the State actions not be inconsistent with the provisions found in the bill. While the FPSC favors a strong consumer protection measures, preempting States by Federally legislating retail consumer protections is not necessary. States are better positioned to combat retail abuses. States are partners with federal agencies in these efforts to ensure consumer protection.

The critical role of State Commissions in the analogous area of implementing the Federal Telecommunications Act provision against slamming (the unauthorized switch of a customer's primary telecommunications carrier) serves as a good example. The Federal Communications Commission saw the benefit of having State Commissions carry out the anti-slamming program. State Commissions are simply better situated and have a more in-depth understanding of the abuses in the consumer protection arena. As a result, Florida's slamming rules are actually more strict and provide better remedies to the consumers than the FCC rules. We would like to retain the ability to take similar steps in the energy area if warranted.

It is our understanding that there are now 100–200 amendments. We are in the process of reviewing all of them. In the meantime, please call us with questions on them. We appreciate that your staff has been in frequent contact with FPSC staff.

In conclusion, we request that you take these points into consideration as energy legislation progresses. Please do not hesitate to call if we may be of further assistance.

Sincerely,

LILA A. JABER,
Chairman.

Mr. MURKOWSKI. I might observe, the State of Florida is in company here with a lot of other corporations. Nevertheless, I think what we have is people who are suggesting that, indeed, we have not examined sufficiently the ramifications of just what this mandate is.

It has worked, in my opinion, with the States. Fourteen States have mandated renewables. It is working. Now we are coming out and saying one size fits all.

In my State, if I want to have biomass, I am left out in the cold because I do not have anything but timber on public land. But it says in here that unless it is slashing, I can't even use waste from mature logs that happen to be harvested. I can't use the bark, can't use the sawdust, unless there is an amendment to this. Maybe we can get over that.

There is not an awful lot of thought that has gone into this. In my opinion, it has been an effort to try to accommodate various concerns. Yes, renewables are good. We ought to really have renewables. But we are forgetting how much it costs. We are also forgetting a very important feature associated with renewables, and that is we continue to support fundamentally the funding that we have had, which has been in the area of almost $7 billion in the last 5 to 6 years in developing these renewables. But they do not come free.

When we do a mandate, I really question the wisdom of it. I know it is very convenient to walk out of here and say we have all voted for renewables. That is comforting. It is good. But by the same token, the public ought to know there is no free ride here.

As we look at biomass, a lot of people aren't knowledgeable. They don't really know what happens. What you do is you burn wood products. You get emissions. Emissions are a problem, and we are concerned about it. I do not see any great emphasis here for nuclear, which is clean and generates a tremendous amount of power.

We have inconsistencies relative to whether we include hydro as a renewable. Certainly, in my opinion, it is. We are going to get into a debate on this, I think, over an amendment by one of our Republican Members from Maine who wants to exclude, if you will, Maine. I am going to have a hard time supporting an exemption for one State and not another.

I see my friend, the Senator from New Mexico. I am going to sit down now and let Senator DOMENICI be recognized, if it is the preference of the junior Senator of New Mexico.

The PRESIDING OFFICER. The Senator from Alaska has consumed the 7 minutes.

Mr. MURKOWSKI. I yield the remainder of my time, and I will give it to the Senator from New Mexico.

The PRESIDING OFFICER. The Senator from New Mexico. The Senator has 10 minutes remaining.

Mr. DOMENICI. Senator BINGAMAN, I would not keep us here this evening, but I will be busy in the morning because of a markup, so I will use some time tonight.

First, before we are finished with our debate and votes, I will return to the Chamber and give a rather detailed analysis of the positive things in this bill for nuclear power for the future of our country and the world. While I mention that, I thank Senator BINGAMAN again for his leadership on Price-Anderson.

We have overcome one major hurdle. It is clear that you could not have been considering significant additions to the utility electric generating powerplants that would be powered by nuclear if we had not done that. But there are many things in this bill that will cause those who think nuclear power can, indeed, be part of the American scene to say that Congress is recognizing that and is paving the way for innovation, new approaches to nuclear power, which may, indeed, help us enormously in terms of ambient air quality and achieving minimal emissions in the generation of electricity.

But I come to the Chamber tonight as one who looks at my record with reference to research on renewables. I think I have a pretty good record.

Perhaps it would be fair to say that with all the support we have given to these kinds of sources of energy, we have not done as well as we should have. But during the 6 years I chaired the Energy and Water Development Subcommittee on Appropriations, we provided well over $2 billion in support for research just in that one bill alone.

There has been real progress on renewables, especially in the cost of wind power over time. I hope a lot more progress will be made as time progresses. But I have very great concerns with the imposition of this renewable standard on the American public.

The current bill, as I understand it, requires that 10 percent of all electricity be derived from new renewable sources by the year 2020 or be subject to a 3-cent-per-kilowatt-hour penalty. I don't believe this standard can be met without causing significant increases in electric prices. If you were going to increase electric prices to get more electricity, that would be one thing. But I think we are going to increase all electric costs because of the mandate of 10 percent of these renewable sources that are enumerated in this bill.

Remember that this mandate applies only to the privately owned utility companies. It does not apply to public ones, as I understand it. So it will just be a mandate on the privately owned companies in this country.

At least in my office, there has been a bit of an outcry over this proposal, including a concern from the Public Service Company of New Mexico, the principal utility company, and indications that to meet this requirement they believe it is going to cost New Mexico users considerably more money. I met with them again today. They still believe that to meet this 10 percent mandate, the utility company costs in New Mexico will have to go up, and go up substantially. To put it simply, utilities have to provide power, whether the sun shines and the wind blows or not.

The costs of Senator BINGAMAN's amendment are partly driven by the way the renewable portfolio is structured. We have discussed this with him and with his staff.

One of my strongest concerns involves the wording in the amendment that focuses on energy generated by solar and wind renewable sources.

To put it simply, utilities have to provide power, which I have just indicated, whether the Sun shines or the wind blows or not. Solar and wind, by their very nature, are intermittent sources of power. On average, these sources deliver about one-third of their capacity as actual energy. Under this bill, they are required to produce 10 percent of the electricity. But as I am indicating now, it is not based upon capacity but rather on energy produced and used. That means you will have to pay three times as much to get to the 10 percent.

Now these renewables account for a small fraction of the portfolio. A utility can fairly easily find some other small source to cover those days when you don't have Sun or wind. But as that renewable fraction climbs, the utilities are placed in the position of having to build the renewable source to meet this mandate, and then, on top of that, build a stable baseload capacity from some other stable source to use when the Sun and the wind don't cooperate.

This leads to what everyone should understand to be a double whammy on the ratepayer. I could even argue that it is a triple whammy on the ratepayer because they not only have to pay for the renewable capacity—that is only useful about one-third of the time—and the baseload capacity to cover the other two-thirds of the time, but they also have to pay the cost differential for renewable power. Even with wind, which is the most economical of the renewables, the cost differential is at least 2 cents per kilowatt-hour, translating in terms of costs today to the American public of at least $11 billion annually. Somebody will pay for it.

By the year 2020, the annual cost will be what I have just described. It will be parts of that $11 billion as we move up, because you won't just wait and go to 2020 and start producing, you will clearly have to start using the solar, or wind, or whichever energy is allowed under this amendment.

Another way of estimating it is the penalty of 3 cents per kilowatt-hour that is imposed for the failure to meet the standard and to figure that as a cost. I have tried to do that. In New Mexico, this would lead to a figure as high as $40 million a year in additional electricity costs. States such as ours are already reeling from unfunded mandates such as the arsenic standard. They don't need more help from the Federal Government to extract higher electricity rates to meet new standards, unless there is no other way to get America's energy crisis—to control it and to preserve and protect our ambient air.

I believe there are other ways. I believe we can change this amendment so it won't be so onerous. I will be discussing that prospect with the manager of the bill, but not this evening. I will not offer any amendment with reference to changing the structure, but I will talk about it. Perhaps it can be considered before we leave the floor or in conference as something that will be looked at to make it more realistic instead of this capacity and energy dichotomy which I have just explained.

We can greatly simplify the planning of utilities and minimize the substantial burden of this new standard by simply switching from an "energy-generated" basis to a "capacity" basis. That would make it easy to measure. It would produce a modicum of reasonableness in this bill. It would be completely predictable.

When a company puts in a megawatt of wind capacity, the capacity is known, even though the power derived from the resource is not known. It is probably only around 300 kilowatts.

Let me repeat that when a company puts in a megawatt of wind capacity, that capacity is known, even though the power derived from the resource is not known. And it is probably only 300 kilowatts, one-third of the credit I have just described.

When I talk about the intermittent nature of renewables, I hope my colleagues know this is no exaggeration. I have seen the actual data from a large wind farm in Minnesota. At times it does a great job, but there are times when that same farm has to draw power from the grid to power its instruments because they are inoperative when the wind hasn't blown for a certain amount of time. Thus, they are a user of energy during some period of time when the wind is down.

It is not as simple as people think. If this is going to be implemented using the definitions in this bill, it will be extremely difficult. Interpretations will have to be made. I believe before too long we ought to straighten that out, make it far more intelligible, more simple, and something that is more rational.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico, the chairman of the committee.

Mr. BINGAMAN. Mr. President, how much time remains in opposition to the Kyl amendment?

The PRESIDING OFFICER. Twenty-two minutes.

Mr. BINGAMAN. How much for the proponents?

The PRESIDING OFFICER. The time has expired.

Mr. BINGAMAN. Mr. President, I will not use the full 22 minutes, but I would like to summarize some key points in response to some of the debate we have heard today.

A major criticism of the Bingaman amendment—which we have been talking about, as well as Senator KYL's amendment—has been that the proponents of Senator KYL's amendment—Senator KYL, and others—believe that to require the generation of some portion of a utility's power from renewable sources is going to dramatically increase utility prices.

All I will do is once again refer, as I did yesterday, to the study which Senator MURKOWSKI, my colleague, the ranking member on the Energy Committee, requested of the Energy Information Administration. He asked them to study this exact issue. And he was very specific. He said: Please study this and do not consider any tax benefit we are providing for any of these renewable energy sources.

They came back with their conclusion. They concluded—I am now quoting from an article in the Energy Daily dated March 12—"that a 10 percent renewable portfolio standard would have little impact on future electricity prices."

That was their conclusion. They spent some time on this. They have capable people in the Energy Information Administration, and they were being asked to study this by Senator MURKOWSKI, who was hoping, I am sure, they would conclude something else so he could use their study as part of his argument on the Senate floor.

Let me go on with what is said in this article. It says:

> The study, released Friday, concludes that the retail price impacts of a requirement that electricity generators provide at least 10 percent of their output from renewable resources by 2020 "are projected to be small because the price impact of [the program] is projected to be relatively small when compared with total electricity costs and to be mostly offset by lower gas prices."

It is clear to me that we have some scare tactics going on here. We have all these allegations: All these utilities are going to see this cost added, that cost added.

The reality is that many of the utilities that were cited here as having to anticipate great cost increases will not see any cost increase because they will be sellers of renewable power, both to their customers and, perhaps, to other utilities because they have been forward thinking and they have been developing renewable power as one of the sources for energy.

The simple fact is, every utility in this country—virtually every utility in this country—is going to have to add capacity. They are going to have to add additional generation capacity over the next 18, 20 years, over the period that this amendment covers. Most of them are doing so now.

In my home State, very near my hometown—I live in the southwest part of New Mexico; that is where I grew up, Silver City, NM—the three nearest communities to my hometown all have brandnew electricity generating plants going in. They are being constructed as we speak. There is one in Las Cruces, NM. There is one in Deming, NM. There is now going to be one in Lordsburg, NM. In each case, it is very interesting—and two of those are by one company; one is by another company—they are gas-fired generating plants. And that is typical. Ninety-five percent of the new generation which is being constructed in this country for meeting future demand is gas-fired generation. That is great. That is very good for my State because we produce a lot of gas in New Mexico. We can sell that gas, so we are very happy about it.

If you look at this chart, you get a little concerned because when you go from 2000 out to 2020, you can see that our dependence upon natural gas as a source for energy electricity generation grows and grows and grows. Whereas today we are 69-percent dependent upon coal and natural gas to generate electricity in this country, and by 2020 we are going to be 80-percent dependent upon those two fuels, unless we adopt the Bingaman amendment to try to add some diversity to the different sources of power upon which we can rely.

People might say: Why am I concerned about the fact that we are getting more and more dependent on natural gas? As I say, my State benefits from that. The reason I am concerned is, No. 1, we are not producing as much natural gas as we are consuming, and we are not expected to in coming years. Accordingly, there is going to be a shortfall, and we are going to start either finding more expensive natural gas somewhere or we are going to start importing more and more of our natural gas in the form of LNG from the Middle East and other places. So that as we are now dependent upon foreign sources of oil, then we will be dependent not only on foreign sources of oil but also foreign sources of natural gas in order to generate electricity in this country. So that concerns me.

The other reason is the price. The price of natural gas today is low. Everybody is happy because their electric bills are low. But I can remember 18 months ago when the price of natural gas was $8 and $10 rather than the $2.50 or so that it is today.

We have provisions in this comprehensive energy bill that encourage more production of nuclear power. We have provisions that encourage the coal industry in this country by funding substantial additional research as to how we can use coal in an environmentally acceptable way. We have natural gas provisions that encourage more natural gas production. All of that I support. All of that is important for our future.

But as well as that, we need to also have provisions that encourage more use of renewables. That is what we have. We have this provision in here that tries to say to these utilities: Fine, do all these other things, but, at the same time, start giving some serious attention to the need to develop renewable energy sources.

This is not a heavy lift. We are saying, in the year 2005, we think each utility in the country ought to produce 1 percent—1 percent—of the power they generate from renewable sources of one kind or another. And then we say, in the year 2006, it ought to be maybe 1.6 percent. So it goes up in a very modest way. And we have all sorts of flexibility so they can trade with others if they are having difficulty in meeting their requirement.

The truth is, a great many utilities will meet the requirements of this bill very soon. They will have no problem at all. The truth is, a lot of States have not gotten their act together to do anything. They should have. This will prompt them to do something.

My State is one of those. We are listed as one of the top States in the country for wind energy as a resource because we have a lot of wind in New Mexico, particularly this time of year, in the spring. The reality is, though, we have no wind farms in New Mexico. If this becomes law, we will have wind farms in New Mexico. Frankly, the power produced from those wind farms, in my view, will likely be cheaper than the power produced from some of these gas generating plants if the price of gas goes up where I think it is likely to go over the next 10 to 15 years.

All of these estimates about how much this is going to cost, and that it is going to cost these enormous amounts, all assume a very low price for gas. If you think the price of gas is going to stay below $3 per MCF, then you have no problem with using natural gas from now on.

I am concerned, though, when the price of natural gas goes to $5, goes to $6, goes to $8, where it was before. In those circumstances, people are going to be very glad they have some alternative sources for energy so they can moderate the increase they will see in their utility bills. That is what we are trying to do.

There are great environmental benefits from using renewable energy sources. We all know that. Also, I think it is just smart. We are having a lot of debates about Enron and pensions. We had a hearing this morning in the Health and Education Committee. Everybody said: Everyone knows you ought to diversify your investments, you ought to diversify your portfolio, that you should not put all your eggs in one basket. That is common sense when you are making investments. It is also common sense when you are looking for a portfolio of energy sources. It is common sense to say: Let us diversify so we are not too dependent upon any one source of power.

That is exactly what we are trying to do with this amendment. I think my underlying amendment is a good one. The Kyl amendment just takes the guts out of it. The Kyl amendment is very simple. I cited this earlier in my comments. This is classic. It says:

> Each electric utility shall offer to retail consumers electricity produced from renewable sources, to the extent it is available.

I favor that. That is what they are doing today. They are offering it to the extent it is available. The Kyl amendment is just a prescription for the status quo. What we are saying is, let's make it available, and let's make it available in large quantities. There are a lot of Americans who would like to buy more power from renewable sources. Let's make it available. That is what our renewable portfolio standard tries to do. The Kyl amendment would undo that.

For that reason, I oppose it strongly and urge my colleagues to oppose it.

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. BINGAMAN. Mr. President, until we can get a better read from the leadership as to whether they have additional business to transact, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield back the remainder of my time on the Kyl amendment.

The PRESIDING OFFICER. All time is yielded back.

MORNING BUSINESS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that Senators be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oregon.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 2037 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

CAMPAIGN FINANCE REFORM

Mr. WYDEN. Mr. President, I know the hour is late, but I want to take just a couple of additional minutes to talk about the campaign finance legislation that passed today. I very much appreciate the indulgence of the Presiding Officer. I just have a few minutes I want to use to discuss the landmark bill that passed today.

First, as so many colleagues, I salute Senators MCCAIN and FEINGOLD. They are a model of what it takes to get a tough proposal through the Congress. They simply would not take no, literally. From the time I came to the Senate, both of them double-teamed me and made it clear they were going to stay at it until I had come around to the value of supporting their legislation. In fact, I went on record in support of the legislation as soon as I came to the Senate, and I wanted to talk to them about some additional ways to strengthen the bill.

One of those additional proposals has become a part of the legislation that passed the Senate today. I want to touch on it briefly.

I offered this proposal with our friend and colleague, Senator SUSAN COLLINS of Maine. It is called the stand-by-your-ad requirement. It is a significant step forward in promoting accountability in the political process. It will provide a meaningful step to slow the corrosion of the political process and essentially the corrosion that springs from a lack of Federal responsibility when Federal candidates take to the airwaves to win elections but do not want to be held accountable.

The stand-by-your-ad proposal that was included in the legislation we voted on today is straightforward. It says simply that to qualify for the special advertising discount given to candidates now for Federal office, those candidates have to personally stand by any mention of an opponent in a radio or television ad by placing a photo on the screen and stating he or she personally approved the broadcast or personally identify themselves in a radio ad and reading a statement saying they have approved the ad.

First amendment rights are protected under this proposal. Candidates can say anything they please. They just have to personally stand by their remarks to get the discount. They can say anything they want, however farfetched and however extreme. As long as it is allowed under Federal law, they can still say it. To get the discount, if they are going to attack their opponent—of course, that is almost invariably what happens when you mention an opponent in an ad—they have to stand by that ad and personally be held accountable.

If a candidate chooses not to stand by a reference to an opponent, they will buy their ad time at a rate comparable to that charged a commercial user at the station.

Take Nebraska, Oregon, or any part of the country. What happens now, in effect, is the local car dealer or restaurant or other private sector firm has to pay more for various ads because there are subsidies that are given for political campaigns. We are saying that to get those subsidies, to get those discounts, you have to stand by your ad. A candidate who is going to say something positive or negative about an opponent has to own up to it, not just edit together a bunch of shadowy pictures to cover up the fact he or she is the one making the statement.

What this means is that if you want to get the discount with respect to your campaign, you are not going to be able to hide anymore behind those grainy pictures and bloodcurdling music. You are not going to be able to paint your opponent as somebody who looks like they just came out of prison and has not had a chance to get cleaned up and has had every possible dastardly act impugned to them. You are not going to be able to do that any longer. You are going to have to own up to what you say and not just run these grainy pictures and frighten kids and families with bloodcurdling music in an effort to score points at your opponent's expense.

As the Chair knows, we are all campaign veterans in this body and know a little bit about how in a campaign the sucker punches happen. They are not made on the stump while the candidate stands there with the band and bunting all around. They are made on TV; they are made on radio when the announcer's voice comes on in the most sinister way and shadowy pictures appear saying a vote for your opponent is pretty much a vote to end Western civilization. That is what happens in a campaign. You have again and again portrayed your opponent not as somebody with whom you disagree on the issues but someone who is going to be a threat to the American way of life, and the accusing candidate's face and voice are nowhere to be found, and it is easy for folks to forget—conveniently to forget—who is doing the attacking.

I bring a special awareness to this issue because in the Senate special election with Senator SMITH, with whom I work on a great many issues and publish a bipartisan agenda at the start of each Congress, meeting me more than halfway as a colleague and friend in the Senate, he and I were in a campaign that was completely and totally out of hand, and many Oregonians simply did not want to vote. They got to the point where they said: The stench in this debate on both sides is so great, we are turned off the political process altogether.

I made the judgment in that race that I was going to take all the ads off the air about Senator SMITH. I said: This is not what I went into public service for—to attack somebody else. The reason I got involved with the Gray Panthers—and I was codirector of the senior citizens group for 7 years before I was elected to the House—is because I was interested in ideas, the best ideas. I did not care if they were Democratic or Republican ideas. Oregon on a bipartisan basis came up with breakthroughs in home health care and a variety of other ways to serve senior citizens.

I looked at what was happening in the Senate special election and said: This is completely contrary to everything I have stood for since my days with the Gray Panthers and contrary to all the reasons for which I went into public service. I went into public service to offer ideas and creative suggestions for making my State and my country a better place, and all of a sudden in that Senate special election, I was not recognizing what was being said in my name because all of it was just the opposite of positive. It was just attack, attack, attack.

My colleague, Senator SMITH, to his credit, shares my view that our campaigns got completely out of hand.

For about 3 weeks, the people of Oregon had balance in their hand. I made no reference to Senator SMITH at all. I took all of the ads off the air that mentioned his name and talked only about the kinds of initiatives I wanted to pursue, issues we talked about in the Senate today such as the bipartisan proposal Senator SNOWE and I have on prescription drugs.

I admit I come to this question of attack ads colored by a truly searing experience I had in 1996 and it is why Senator COLLINS and I felt so strongly about trying to make this change.

I think owning up to statements about what a candidate says about their opponent is going to make a difference. I think it is going to cause a candidate to think twice before they go forward with these negative blitzes on their opponents. I am going to be frank. That is what I wanted to see American politics be all about after 1996. That is why I have tried to keep it positive and to focus on areas where in the public policy arena people can be helped, people can be empowered, and they can make choices that make a difference for their lives.

Certainly the debate on campaign finance reform has been contentious, but I think we can all agree that reasonable ideas can help clean up this process, reasonable ideas can help drain the swamp that has become the way political campaigns are financed and run in much of this country.

I believe the stand-by-your-ad proposal, which holds candidates accountable, and which I was honored to have a chance to work with Senator COLLINS of Maine, is going to help clean up campaigns. It is going to help make candidates more accountable and make the politics and political discourse in this country more positive and more open.

I yield the floor.

LEAVE OF ABSENCE

Mr. STEVENS. Mr. President, I ask unanimous consent that I be excused from presence in the Senate starting at 5:30 tomorrow evening until the Senate reconvenes after the Easter recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

46TH ANNIVERSARY OF TUNISIA INDEPENDENCE

Mr. INOUYE. Mr. President, I wish to recognize the country of Tunisia, which is celebrating the 46th anniversary of its independence from France.

I appreciate Tunisia's economic achievements. Tunisia's Gross Domestic Product has increased an average of 5.5 percent in the past 4 years, and inflation is slowing. The government has worked to increase privatization, and its prudent approach toward debt is commendable. The United States in 2000 exported approximately $350 million in goods to Tunisia, and I believe our diplomatic ties will strengthen as our trading activities increase. Stability in the Middle East is of paramount importance to both our countries, and I thank Tunisia for its past efforts to work toward peace.

Tunisia's policies toward women's rights and non-Muslims' religious freedoms are exemplary in the Arab world, and I hope the nation's leaders will continue to work toward promoting greater political freedom and respect for human rights throughout the region.

More than 200 years ago, the United States and Tunisia signed a Treaty of Peace and Friendship, and I look forward to many more years of cooperation between our nations.

Mr. ALLEN. Mr. President, I rise today to commemorate the forty-sixth anniversary of Tunisian Independence from France.

The Republic of Tunisia is a great ally of the United States. Since her independence, Tunisia has become a model for economic development. The Tunisian economy has been opened up to the outside world, and in 1995, Tunisia became the first country south of the Mediterranean to sign a free-trade agreement with the European Union.

Tunisian President Ben Ali has been instrumental in implementing a stable and effective constitutional government, protecting democracy and increasing political participation by all citizens. The Republic of Tunisia also has a commendable record on human rights, protecting all citizens. In addition, Tunisia has actively contributed to the search for a lasting peace in the Middle East, offering unwavering support to the Middle East peace process.

While Tunisia has become a great contributor to the world both economically and culturally, as Americans, we must also remember the tremendous role Tunisia played during World War II as part of the Allied Force and the support Tunisia offered the United States during the Cold War. For this, we will always be grateful.

The United States was the first country to recognize Tunisia's independence in 1956, and it is only fitting that we take the time to reflect on Tunisia's contributions to the world. I congratulate the Republic of Tunisia and its citizens, and I urge my colleagues to do the same.

MUNICIPAL SOLID WASTE INTERSTATE TRANSPORTATION AND LOCAL AUTHORITY ACT OF 2002

Mr. FEINGOLD. Mr. President, yesterday I joined as an original cosponsor of legislation introduced by my Midwestern colleague, the Senator from Ohio, Mr. VOINOVICH. This legislation is similar to legislation introduced by the Senator from Ohio and the Senator from Indiana, Mr. BAYH, in the previous Congress. I am pleased to be working with the Senator from Ohio on this very important issue. I know that he, as a former Governor, is intimately aware of the concerns that the growing trash trade poses for the States that we represent.

We in the Midwest, especially those of us fortunate enough to be from the Great Lakes States, enjoy a very high quality of life, beautiful scenery, small, neighborly towns, and spectacular natural resources. We hold it as a particular point of pride that we, in many instances, have the luxury of avoiding many environmental problems, and we have structured our State and local governments in Wisconsin to try to be sure that we continue to avoid them. We in Wisconsin, however, are unable to protect our communities, which have done a good regulatory job, from having to deal with the solid waste mess created by our neighboring communities in other States. Instead, my State has been forced to accept other States' municipal solid waste in ever increasing amounts.

We need to enact legislation to give back to States the power to be able to control the flow of waste into State-licensed landfills from out-of-State sources. This legislation would give states the tools to do just that. It gives States the power to freeze solid waste imports at the 1993 levels, and to charge a $3 per ton fee on out-of-State trash. States that did not accept out-of-State waste in 1993 would be presumed to prohibit receipt of out-of-State waste until the affected unit of local government approves it. Facilities that already have a host community agreement or permit that accepts out-of-State waste would remain exempt from the ban. States would also be allowed to set a statewide percentage limit on the amount of waste that new or expanding facilities could accept. The limit cannot be lower than 20 percent. Finally, States, under this bill, are also given the ability to deny the creation of either new facilities or the expansion of existing in-State facilities, if it is determined that there is no in-State need for the new capacity.

My home State has tried to address this issue repeatedly on its own, without success. On January 25, 1999, a Federal appeals court struck down a 1997 Wisconsin law that prohibits landfills from accepting out-of-State waste from communities that don't recycle in compliance with Wisconsin's law. Wisconsin's law bans 15 different recyclables from State landfills. Under the law, communities using Wisconsin landfills must have a recycling program similar to those required of Wisconsin communities under Wisconsin law, regardless of the law in their home State. About 27 Illinois towns rely on southern Wisconsin landfills. Since the law took effect, waste haulers serving those communities have had to find alternative landfills for their clients, incurring higher transportation costs in the process. Ilinois-based Waste Management Inc. and the 1,300-member National Solid Waste Management Association were the entities that challenged Wisconsin's law.

By recycling, Wisconsin residents have reduced the amount of municipal waste heading to landfills. Since the State's previous out-of-State waste law was struck down by the appeals court in 1995, the amount of non-Wisconsin waste in Wisconsin landfills has tripled. When the law was in effect, 7.7 percent of the municipal waste in Wisconsin came from out of State. That has risen to more than 22.9 percent since the law was struck down. Though this legislation will not afford Wisconsin the ability to block garbage containing recyclables from our landfills, it will at least give my State the ability to address the overall volume of waste entering our State.

In 1995, I supported flow control legislation sponsored by the Senator from New Hampshire, Mr. SMITH, and drawn substantially from the work of the former Senator from Indiana, Mr. Coats. I have been very concerned that the Senate, which passed that bill by a significant majority vote of 94–6, has not taken up legislation to address this issue since that time. The issue of interstate waste control affects my home State and more than 20 other States. For years, States have been faced with the challenge of ensuring safe, responsible management of out-of-State waste, and the need for State control is even more acute today than it was in 1995. Congress is the only body that can give the States the relief that they need from being overwhelmed by a tidal wave of trash.

We need to take prompt action on this matter, and this legislation is a good first step. I urge my colleagues to consider lending this bill their support.

WE WERE SOLDIERS ONCE

Mr. CLELAND. Mr. President, as terrorists attacked our shores and bombarded our sense of security on September 11, 2001, Americans, and indeed freedom-loving people everywhere, wondered aloud how the United States would respond. They didn't have to wait long for an answer. Americans rose to the occasion by donating blood, by volunteering for relief efforts, and by enlisting in America's armed forces. But such is the American way. When duty calls, Americans are ready to answer.

With the military action in Afghanistan and the many theaters of the war on terror serving as a backdrop, the movie, "We Were Soldiers," chronicles one of the first major battles of the Vietnam War, and conveys the leadership and heroism of the units that served in the Battle of the Ia Drang Valley. Lt. Colonel Harold Moore led a battalion of First Cavalry soldiers into battle, displaying a sense of leadership that fostered comradery but at the same time illustrated the great stakes for which they were fighting. During my own service in Vietnam as a member of the Army's First Cavalry, I felt the same bond with the men around me, and I am pleased that this film was able to capture that bond so well.

The Vietnam War, unlike any other conflict beyond America's borders, was a war that polarized public opinion. It was a struggle that took place far from home that, to many people, had little impact on day-to-day life in the United States. But this movie succeeds in putting human faces on the countless lives lost, as well as on the veterans who returned home to a changed country. Although that is the context in which Ia Drang occurred, the movie does a remarkable job not focusing on politics. Rather it is about the love and deep bond between men in battle, fighting for their lives. Lt. Colonel Moore summed up his dedication to his men perfectly when he told them that although they may not all make it back alive, he could guarantee they'd all make it back home.

The story of the Battle of Ia Drang is one of grit and determination. But it is also one of staggering loss. In November of 1965, some 450 men, under the command of Lt. Colonel Moore, were dropped into a small clearing in the Ia Drang Valley. They were immediately surrounded by more than 2,000 Northern Vietnamese soldiers, and confronted with the type of conflict that would mark the war in Vietnam for years to come. Three-hundred-five of those 450 men never made it home; their names are inscribed on the third panel to the right of the apex, Panel 3-East, of the Vietnam Veterans Memorial in Washington, DC, and in the thoughts of all Americans, men and women for whom they sacrificed their lives. As President John F. Kennedy said, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality." The men of Ia Drang certainly paid the ultimate price in protecting our freedom, and this movie ensures that their story will not fade with time. But "We Were Soldiers" does more than simply tell a story from the history books. It reminds us all that it is our mothers and fathers, sisters and brothers, friends and neighbors who serve in America's armed forces. The men and women who protect our values every day are deserving of their places in our thoughts and prayers, and we are forever grateful.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred June 26, 1992 in St. George, NY. Two men yelling anti-gay slurs held a gay man and beat him. One of the assailants, Seth Melendez, 21, of New Brighton, was charged in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

GREEK INDEPENDENCE DAY

Mr. SARBANES. Mr. President, I rise today in observance of the 181st anniversary of Greece's independence and to pay tribute to the heroic Greek patriots who, against tremendous odds, ended nearly 4 centuries of oppressive foreign domination of their homeland. This arduous struggle continued for eight years, until 1829, when independence was secured and the first steps were taken toward the establishment of the modern Greek state. Just as the founders of the new American nation looked to ancient Greece for inspiration and instruction, barely a generation later, Greek patriots took inspiration from the American Revolution, seeing in its success a promise of their own future. The reigning monarchies of Europe were universally skeptical of the uprising in Greece, but in the newly independent United States, it won overwhelming sympathy.

For nearly 200 years, the American and Greek peoples have shared a profound commitment to democratic principles, and both have worked to create societies built on these values. In the two World Wars that devastated the last century, Greece fought heroically in the allied struggles for freedom and democracy. Similarly, during the cold war, Greece was a bulwark against totalitarian aggression and emerged as a democratic nation with a vigorous economy, a strong partner of the United States, and a full member of both NATO and the European Union. This progress is manifested by the fact that Greece will host the 2004 Olympic Games. Likewise, Greece's presence in the Balkan and Eastern Mediterranean, as the only member of the European Union in those regions, enables it to play a stabilizing role and serve as a model for other nations in that area as they seek to establish stable democratic institutions and modern economic systems.

The U.S.-Greece partnership has also been strengthened many times over by the distinctive contributions which Greek Americans have made to every aspect of life in our nation—in the arts, in business, in science, and in scholarship. As Greek Americans have made this remarkable progress, they have also preserved important traditional values of hard work, education, and commitment to family and church—principles that strengthen and invigorate our communities.

Greek Independence Day therefore provides us with an appropriate moment to reflect on the many ways in which the past and the future are knitted together. As we recall the long ago events of March 25, 1821, we are mindful of the courage and sacrifice of those who worked and struggled to build the democratic institutions that are the guarantors of freedoms for not only the Greek, but for peoples throughout the world. We both rejoice in and revere these institutions, and we take this occasion to commit ourselves once again to preserving and strengthening them for generations yet to come.

COMMENDING THE GIRL SCOUTS ON THEIR 90TH ANNIVERSARY

Mr. FITZGERALD. Mr. President, I would like to take a moment to commend the Girl Scouts on their 90th anniversary, which was celebrated last week with the passage of a resolution designating the week of March 10 through March 16, 2002, as "National Girl Scout Week." In less than a century, the Girl Scouts have gone from a group of 18 girls in Savannah, GA, to a worldwide organization with a current membership of over 3 million. In Illinois alone, there are 19 chapters across the state working to keep alive Juliette Gordon Low's mission of inspiring girls to reach their highest potential.

Today, the Girl Scouts are helping girls develop the skills and interests they need to be happy and productive citizens in the 21st Century. Through their many programs for girls aged 5 to 17, the Girl Scouts encourage community service, a clean environment, a healthy and active lifestyle, and an interest in world affairs.

I would also like to recognize the work of over 900,000 volunteers who generously give their time and efforts to make the Girl Scouts a celebrated success.

I urge all of my colleagues to join me in congratulating the Girl Scouts and the millions of girls who have put so much hard work into their scouting.

Mrs. LINCOLN. Mr. President, today I would like to pay tribute to an organization that, over the last 90 years, has helped millions of girls build the character and skills needed for success as adults.

The Girl Scouts of the U.S.A. is celebrating its 90th anniversary this month. From its modest founding by Juliette Gordon Low, who brought 18 girls from Savannah, Georgia, together in March 1912 to focus on physical, mental and spiritual development, Girl Scouts has grown to a membership of 3.8 million. That makes it the largest organization for girls in the world.

Through Girl Scouting, girls acquire self-confidence, learn responsibility, and develop the ability to think creatively and to act with integrity. It offers girls opportunities to learn about science and technology, money management and finance, sports, health and fitness, the arts, global awareness, community service, and much, much more.

On top of that, Girl Scouts of the U.S.A. has established a research institute, which addresses violence prevention and seeks to bridge the digital divide by offering activities to encourage girls to pursue careers in math, science, and technology.

Girl Scouts of the U.S.A. has a long and distinguished history of helping girls develop into healthy, resourceful women with a strong sense of citizenship. More than 50 million women are Girl Scout alumnae. Over two-thirds of our female doctors, lawyers, educators, and community leaders were once Girl Scouts. With a track record like that, there is no doubt that Girl Scouts of the U.S.A. will be serving American girls for many years to come. I look forward to standing here again in 2012 to salute the Girl Scouts on their centennial.

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE OPENING OF THE CONSULATE OF UKRAINE IN MICHIGAN

● Mr. LEVIN. Mr. President, I rise today to pay tribute to an important event that will be occurring in my home State of Michigan this weekend. On Saturday, hundreds of individuals will gather to celebrate the opening of the Consulate of Ukraine in Michigan. This consulate will be located at the Ukrainian Cultural Center in Warren, MI.

For a millennium, the Ukrainian people have successfully fought to maintain and preserve their unique culture, language, religion and identity. Such resiliency and perseverance stands as an inspiration for free people everywhere, and bears witness to the depth, character and vibrancy of Ukrainian culture.

During the course of the past one hundred years, Michigan has become home to a vibrant Ukrainian community that currently numbers over 200,000 people, the vast majority of whom reside in the Detroit metro area. Many of the Ukrainians who moved to Michigan came here in search of freedom and the opportunities provided by our nation. The Ukrainian people who came to the United States left behind the horrors of Czarist Russia, the famines of 1932 and 1933, Nazi encroachment and Communist rule, but they did not leave behind their love for the nation and the culture they left behind.

These immigrants played a vital role in the development of Detroit and our nation. Ukrainian-Americans worked in the plants and mills that made Detroit the Arsenal of Democracy. While some Ukrainians served the cause of freedom at home, others have fought bravely in our nation's military to preserve our freedom. Ukrainian-Americans have contributed greatly to the prosperity of this nation, while maintaining ties to their culture and heritage. The Consulate of Ukraine in Michigan will enhance and expand the ties which unite the United States and Ukraine. It will serve the people of Michigan, and will lead to increased social, cultural and economic interaction between the two nations.

Many people worked hard to make this Consulate a reality. In particular, I would like to thank Borys Potapenko and Bohdan Fedorak for their efforts to make the opening of this Consulate possible. I am sure that my Senate colleagues will join me in celebrating the opening of the Ukrainian Consulate in Michigan.●

TRAGIC ANNIVERSARY FOR CAMBODIA

● Mr. McCONNELL. Mr. President, March 30 marks the fifth anniversary of the horrific terrorist attack against the Khmer Nation Party (KNP) in Phnom Penh, Cambodia.

Nineteen people were killed, and 141 injured, when four grenades were thrown during a legal and peaceful rally organized by opposition leader Sam Rainsy to protest the lack of justice and the rule of law in Cambodia. Among the injured was American democracy-worker Ron Abney.

Sam Rainsy's message was right on the mark. There was no justice in Cambodia then, and there is none today.

On this tragic anniversary, the United States and other freedom-loving countries should condemn the corrupt and ineffective Royal Government of Cambodia (RGC) for failing to protect its citizens and to investigate and bring to justice the perpetrators of this terrorist crime.

Unlike hard line Prime Minister Hun Sen and certain diplomats in Phnom Penh, this Senator has not forgotten those murdered and injured by terrorists on March 30, 1997. This Senator vividly recalls the desecration by Cambodian authorities of the Buddhist stupa erected by the opposition party in the memory of those senselessly killed. And this Senator is left wondering why the RGC expended more time and effort destroying the stupa than investigating the crime itself.

I ask that the U.S. Senate honor the memory of those slain in the terrorist attack by having the names of the victims publicly known appear in the RECORD following my remarks. The victims and their families remain in my thoughts and prayers are:

Mr. Cheth Duong Daravuth; Mr. Han Mony; Mr. Sam Sarin; Ms. Yong Sok Neuv; Ms. Yong Srey; Ms. Yos Siem; Ms. Chanty Pheakdey; Mr. Ros Sear; Ms. Sok Kheng; Mr. Yoeun Yorn; Mr. Chea Nang; and Mr. Nam Thy.•

ST. JUDE'S COUNCIL OF THE KNIGHTS OF COLUMBUS IN BLACKWOOD, NJ

• Mr. CORZINE. Mr. President, I would like to bring to your attention the good and charitable works of the Knights of Columbus St. Jude's Council Number 12092 in Blackwood, NJ.

Founded in February of 1882 by Father Michael J. McGivney, the Knights of Columbus, the strong right arm of the Church, has grown to become the largest society of Catholic men in the world. More than 1.6 million men in 12,000 chapters from the United States, Canada, Mexico, the Philippines, Cuba, Panama, the Dominican Republic, Guam, Spain, and the Virgin Islands belong to this lay organization in the Catholic Church.

Knights of Columbus are Catholic men committed to patriotism, charity, and unity. And St. Jude's Council Number 12092 in Blackwood, NJ is no exception to this rule. Following the devastating events of September 11, St. Jude's Council immediately mobilized their members to assist the victims families. Whether it was holding a blood drive or a fund-raising concert, St. Jude's Council was there offering a helping hand to the many family members who lost loved ones.

To affirm that our Nation stands united, the Knights distributed 1,000 posters of the American flag to the citizens of Blackwood to display in a show of support for our Nation and our servicemen and women. The St. Jude's Council has also hung ten large American flags throughout the town, a moving tribute for all who drive through the town to see. At another community event planned to honor the victims of the World Trade Center, Karl Wirtz, a member of St. Jude's Council, lovingly created a replica of the New York City Firefighters raising the American flag at Ground Zero.

But these acts of kindness and solidarity are nothing new to St. Jude's Council, as volunteer service and charitable contributions are the hallmarks of the Knights of Columbus. It was on these bedrock principles that the Order was founded over a century ago and St. Jude's Council remains true to these principles today. Always active in their community, the Knights have held a fund-raiser for a seriously ill boy, offer a CPR course for local citizens, and assist the police department in getting out an anti drug/alcohol message through the DARE Program. The Knights also provide religious education and activities for the young people in the community.

What is all the more remarkable is that in these hectic times, all of these charitable acts have been performed in addition to the responsibilities of family and career.

It is my pleasure to commend the Knights of Columbus St. Jude's Chapter for all of the good deeds they have done and continue to do for the State of New Jersey. Congratulations to St. Jude's Council Number 12092 may you continue to be, In Service to One. In Service to All.•

TRIBUTE TO ELISE TOLLIVER OF NICHOLASVILLE

• Mr. BUNNING. Mr. President, I rise today to honor Elise Tolliver of Nicholasville, Kentucky for her most recent accomplishment in the field of education. Elise, who attends East Jessamine Middle School, was recently named a United States National Award winner in English by the United States Achievement Academy (USAA).

The USAA, which was founded to recognize the outstanding students in America's colleges and secondary schools, received nearly 19,000 nominations from junior and senior high schools across America in 2000–2001. The USAA selects its winners based upon the recommendation of teachers, coaches, counselors, and other qualified sponsors and upon the Standards of Selection established by the Academy. The criteria includes a student's academic performance (the average GPA of all USAA members is 3.8), interest and aptitude, leadership qualities, level of responsibility, enthusiasm, motivation to learn, ability to set and achieve goals, citizenship, attitude, cooperative spirit, dependability, and recommendation from a teacher or director.

Elise should be extremely honored and proud to receive such an honorable distinction from such a highly respected source. This award speaks not only to her ability to learn and apply her acquired knowledge but also to her ability to lead by positive example both in and outside of the classroom. As Winston Churchill so plainly stated, "The most important thing about education is appetite." Elise has proven without a doubt to her peers, teachers, and now the nation that she in fact possesses this "appetite" to learn and constantly improve upon her self-being. I applaud Elise's efforts and urge her to continue to reach for the stars. I will be very interested to see how far her reach will extend.•

TRIBUTE TO CHRISTOS NICKOLAS KALIVAS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Christos Nickolas Kalivas, the first Greek American from Manchester, NH to be killed in action during World War I. He is being honored at the re-dedication ceremony of Kalivas Park in Manchester on March 23, 2002. The city has completed extensive renovations and upgrading of the park in anticipation of the event.

Christos was born on September 24, 1885 in the village of Vithos in Kozanis, Macedonia, Greece. In 1908, he left his wife, Vasilike, and daughter, Gilkeria, to immigrate to the United States in search of a better life. He hoped to eventually raise enough money to bring his family to the U.S. as well. Unfortunately, the difficult economic conditions of World War I made this goal impossible and he was forced to live with relatives in Manchester and work as a laborer for ten years.

In May of 1918, he entered the United States Army. Just two months later, on July 6, he went overseas as a member of Company C, 16th infantry, 1st division. He was killed in action during the October 1918 Meuse-Argonne offensive in France, one month before the war ended. Tragically, he had never reunited with his family.

Christos represented the citizens of New Hampshire and the United States with courage and bravery. I commend the contribution he made in our Nation in a time of despair. It is truly an honor and a privilege to represent him in the U.S. Senate.•

NATIONAL AGRICULTURE WEEK

• Mr. GRASSLEY. Mr. President, Secretary of Agriculture Veneman has proclaimed this to be "National Agriculture Week." In this spirit, I rise today to recognize the countless and immeasurable contributions of hard-working farm families across the country who throughout our nation's history have worked relentlessly to ensure the food security of our nation and to eliminate hunger around the world.

Some of my colleagues may believe I sound like a broken record when it comes to my advocacy for the nation's mid-section and its hard-working food producers. But I like to remind them about an old saying: "We're only nine meals away from a revolution." In other words, empty stomachs can prompt a traditionally law-abiding populace to mob hysteria and mayhem. A stable food supply brings social stability.

For seven decades the Federal Government has recognized the importance of maintaining a farm safety net to ensure America's homegrown food security. The tragic event of September 11 underscored the significant responsibilities the Federal Government must undertake to protect our national security interests at home and abroad.

Safeguarding the American public and shielding the U.S. economy, transportation infrastructure, health care delivery systems, energy supplies, natural resources and production agriculture from the threats of 21st century terrorism have become Washington's top priority. This effort must include a farm safety net that works to ensure our farmers and ranchers are able to continue feeding America by making a decent living off the land. Otherwise, American consumers could well find themselves at the mercy of foreign suppliers at the grocery store much like we are today at the gas station.

We must not forget our nation's long agrarian heritage. In 1790, ninety percent of the nation's labor force were farmers—feeding a population of only 4 million.

Today, with less than 2 percent of our population actively engaged in agriculture, our nation's family farmers feed a U.S. population of 265 million, along with millions of others around the world.

The contributions of the agriculture industry on our economy are many. Agriculture is the largest positive contributor to our nation's balance of trade. Last year, American farmers exported $53 billion worth of commodities. The State of Iowa alone exported more than $3 billion worth of corn, soybeans, live animals, and red meats.

Moreover, according to the Department of Agriculture, each dollar from agricultural exports generates another $1.47 in additional economic activity. Twenty-four million Americans depend on agriculture for their livelihoods.

Despite the enormous contributions of farming to our country, today, fewer and fewer people have direct ties to life on the farm, and fewer still depend solely on farming for their livelihood. Technological efficiencies and mechanical advances on today's farm require less labor to produce more food. While fewer hands may be needed on the farmplace, new opportunities exist in food production and value-added agriculture to keep future generations of Iowans productive contributors in the food chain.

In conclusion, farming has come a long way over the last 100 years. The horse-drawn plow has turned into a tractor-drawn, fully-computerized farm implement. In the next 100 years, farmers will again serve as pioneers in newly-tilled fields of emerging technologies.

The world's food producers will not only feed the world but expand their traditional contribution to humanity as advances in agricultural sciences allow raw food to carry health, disease-resistant benefits for consumers.

Whatever the future may hold, I will keep my nose to the grindstone in Washington to help Iowa's century farms and farm families enjoy another 100 years of prosperity.•

IN RECOGNITION OF BEATRICE CORBIN

• Mr. TORRICELLI. Mr. President, I rise today to recognize the distinguished career of one of my constituents, Mrs. Beatrice Corbin of Vineland, New Jersey. She truly exemplifies a life, selflessly dedicated to service, and she is held in the highest regard by the members of her community. As evidence of Mrs. Corbin's widespread admiration and appreciation, she has been honored with the Alzada Clark Community Activism Award by the Coalition of Black Trade Unionists in New Jersey. This award is a magnificent recognition of an individual who has tirelessly given of herself throughout her career, and it is my privilege to acknowledge her today in the United States Senate.

In her capacity as Commissioner of the Vineland Housing Authority, she has brought hope to an entire community through her leadership and dedication. Indeed, her career is marked by an unyielding commitment to young people and uplifting those living in poverty as she has served as an advisor to the Martin Luther King Academy for Youth and Center and Field Director for the Southwest Citizens Organization for Poverty Elimination.

Her outstanding record of service is also distinguished by a long list of prestigious awards including the Harriet Tubman Award, the Liberty Bell Award, the National Political Congress of Black Women Award, the NAACP and Bridgeton African American Award and an induction into the Comberland County Black Hall of Fame.

Mrs. Corbin has met every challenge, every task and every duty with unwavering faith and an unflinching commitment to the people she serves. I am proud to recognize her today as one of New Jersey's Best.•

IN RECOGNITION OF MELVIN R. SCOTT, JR.

• Mr. TORRICELLI. Mr. President, I rise today to recognize Melvin R. Scott, Jr., who will be receiving the Nelson Mandela Education Award from the Coalition of Black Trade Unionists.

Throughout his distinguished career, Mr. Scott has served his fellow Americans in two vital capacities, serving in the U.S. Army and as an educator. After serving as a Training Officer at Fort Campbell and undertaking advance training at the Infantry School at Fort Benning, he went overseas and served in the Korean War. During his service in Korea, Mr. Scott was honored with the Bronze Star, a Medal of Commendation, and an Expert Infantry Badge with clusters.

After Mr. Scott's tour of duty in Korea, he returned to the United States and began his career in education. He began as a substitute teacher in Pittsburgh and through hard work became a member of the Vineland Board of Education in New Jersey on which he still currently serves. As a member of the board, Mr. Scott has overseen all federally funded programs since 1965. He has also been named Teacher of the Year and served in interim capacities as Principal of the Bridgeton Summer Program and Vice-Principal at Bridgeton Elementary School.

In addition to his military service and time as an educator, Mr. Scott has also been an active member of his community. He was President of the Health Service Committee for the City of Vineland for eleven years, is a member of the South Jersey Umpires Association, on the Red Cross Advisory Committee for the City of Vineland, and is a member of numerous other organizations.

Mr. Scott is truly a distinguished American. We are all better off for the dedication he has shown to protecting his nation and to bettering the lives of his fellow New Jerseyans.•

IN RECOGNITION OF ERNEST D. COURSEY

• Mr. TORRICELLI. Mr. President, today I rise to honor Ernest D. Coursey, a true citizen and servant of Atlantic City, New Jersey. As a leader of the City's Council, he has worked diligently to improve the daily lives of his neighbors and bring opportunity and hope to the thousands who call Atlantic City home. For his work and commitment, Mr. Coursey will receive the Charles A. Hayes Award, named for an outstanding public servant, a veteran of the United States Congress, and passionate defender of civil, human, and worker's rights.

First elected Third Ward Councilman on the Atlantic City Council in 1991, Mr. Coursey quickly emerged as a leader. He rose first to Council Vice President and later to Council President, while never forgetting his constituents, focusing on the needs of children and Seniors. His annual holiday events, food drives and Senior and Youth Days united the entire city and increased the sense of community.

After serving on the City's Council, he was appointed Confidential Aide to the Mayor. This new role has enabled Mr. Coursey to bring his considerable leadership skills and knowledge of the residents' needs to the entire City. As a life-long Atlantic City resident, Ernest D. Coursey has demonstrated his commitment to public service and to the citizens of his hometown. His receipt of the Charles D. Hayes Award is not only a fitting recognition of his many accomplishments, but is also an appropriate tribute to the legacy of Charles Hayes. It is my privilege to acknowledge Mr. Coursey today.●

TRIBUTE TO LEAMON HOOD

● Mr. TORRICELLI. Mr. President, I rise today to pay tribute to Leamon Hood, who will soon receive the Nelson "Jack" Hood Award for his commitment to the labor community, and his political and social activism.

Leamon was born in 1937 in Jackson Georgia, a small town outside of Atlanta. The fifth of seven children to former sharecroppers, Leamon lived there for the first 15 years of his life, before moving to Atlanta after the death of his mother. In his senior year in high school, Leamon dropped out to join the United States Navy, where he subsequently earned his G.E.D. and was trained as a Certified Air Mechanic.

It was after he left the Navy in 1960 that Mr. Hood first experienced the string of job discrimination, when racist hiring practices prevented him from getting employment as a civilian aircraft mechanic. As a result, Leamon went to work as a janitor in a paint manufacturing company. However, he again was confronted with discrimination when in 1962 he was fired from his job as a janitor after refusing to join the Teamsters Union, which at the time contractually restricted blacks to jobs in the service department. Ultimately, Leamon became a school custodian in Atlanta and helped organize the Classified School employees into AFSCME. Yet even though he helped to organize his peers into AFSCME, Leamon himself refused to join again as a result of the persistent segregation and discrimination he found in the union.

That finally changed in 1964, when the new President of AFSCME, Jerry Wurf, removed all official racial barriers of segregation and discrimination. Leamon joined the union, and became one of its most active members, at one point even seeking to become President of his local. Though he lost that bid, Leamon remained active and in 1967 he became one of the charter members in the Union's Staff Intern Program, which trained members to organize.

Since 1970 Leamon has served as an organizer throughout the country, including stints as an Area Director in Michigan, Tennessee, Florida, Georgia, and several other states. In 1999 he was appointed a Regional Director responsible for Delaware, Pennsylvania, and New Jersey, where he currently serves.

It is my firm belief that Leamon will continue this fine tradition of service in the years to come, and will remain a tireless advocate on behalf of those in the labor community. I congratulate him on receiving the Nelson "Jack" Hood Award, and consider it a privilege to honor him today on the Senate floor.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the presiding officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 706. An act to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico.

H.R. 1712. An act to authorize the Secretary of the Interior to make adjustments to the boundary of the National Park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes.

H.R. 2509. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis.

H.R. 2804. An act to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse."

H.R. 3928. An act to assist in the preservation of archaeological, paleontological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake City, Utah.

H.R. 3985. An act to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases," approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

H.R. 3986. An act to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

The message also announced that the House has passed the following bill, without amendment:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 706. An act to direct the Secretary of the Interior to convey certain properties in the vicinity of the Elephant Butte Reservoir and the Caballo Reservoir, New Mexico; to the Committee on Energy and Natural Resources.

H.R. 1712. An act to authorize the Secretary of the Interior to make minor adjustments to the boundary of the National park of American Samoa to include certain portions of the islands of Ofu and Olosega within the park, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 2509. An act to authorize the Secretary of the Treasury to produce currency, postage stamps, and other security documents at the request of foreign governments on a reimbursable basis; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 3928. An act to assist in the preservation of archaeological, paleonotological, zoological, geological, and botanical artifacts through construction of a new facility for the University of Utah Museum of Natural History, Salt Lake city, Utah; to the Committee on Energy and Natural Resources.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2804. An act to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse."

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 20, 2002, she had presented to the President of the United States the following enrolled bill:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5829. A communication from the Secretary of Defense and the Secretary of Veterans' Affairs, transmitting jointly, pursuant to law, the Report on Health Care Resources Sharing for Fiscal Year 2001; to the Committee on Veterans' Affairs.

EC–5830. A communication from the Acting Associate Deputy Administrator for Management and Administration, Small Business Administration, transmitting, pursuant to law, the report of a nomination for the position of Chief Counsel for Advocacy, received on March 18, 2002; to the Committee on Small Business and Entrepreneurship.

EC–5831. A communication from the Administrator of the Small Business Administration, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Small Business and Entrepreneurship.

EC–5832. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, U.S. and Foreign Commercial Service, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary and Director General, received on March 18, 2002; referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986, to the Committees on Banking, Housing, and Urban Affairs; and Commerce, Science, and Transportation.

EC–5833. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, transmitting, pursuant to law, the report of a nomination confirmed and the change in previously submitted reported information for the position of Under Secretary for International Trade Administration, received on March 18, 2002, referred jointly, pursuant to the order of January 30, 1975 as modified by the order of April 11, 1986; to the Committees on Banking, Housing, and Urban Affairs; and Finance.

EC–5834. A communication from the Chairman of the Office of the General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Final Rules and Explanation and Justification on Independent Expenditure Reporting" received on March 15, 2002; to the Committee on Rules and Administration.

EC–5835. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Amendment to Election Cycle Reporting" received on March 15, 2002; to the Committee on Rules and Administration.

EC–5836. A communication from the Director, Office of White House Liaison, Department of Commerce, Economic Development Administration, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Economic Development, received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5837. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification Under the Beaches Environmental Assessment and Coastal Health Act" (FRL7161–5) received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5838. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Listing the Desert Yellowhead as Threatened" (RIN1018–AI35) received on March 18, 2002; to the Committee on Environment and Public Works.

EC–5839. A communication from the Vice Chairman of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Turkey, Mongolia, the Czech Republic, and Brazil; to the Committee on Banking, Housing, and Urban Affairs.

EC–5840. A communication from the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Amendment of Community Investment Cash Advance Programs Regulation" (RIN3069–AA99) received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5841. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Export Enforcement, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5842. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Under Secretary for Export Administration, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5843. A communication from the Director of the Office of White House Liaison, Department of Commerce, Bureau of Export Administration, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Export Administration, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5844. A communication from the Director of the Office of White House Liaison, Department of Commerce, International Trade Administration, Trade Development, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the position of Assistant Secretary for Trade Development, received on March 18, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5845. A communication from the Assistant General Counsel for Regulatory Law, Freedom of Information and Privacy Acts Division, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Privacy Act: Implementation" (RIN1901–AA69) received on March 18, 2002; to the Committee on Energy and Natural Resources.

EC–5846. A communication from the Assistant General Counsel for Regulatory Law, Office of Environment, Safety and Health, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Integrated Safety Management System Guide (Volumes 1 and 2)" (DOE G 450–1B) received on March 18, 2002; to the Committee on Energy and Natural Resources.

EC–5847. A communication from the Chairman of the Surface Transportation Board, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "STB Ex Parte No. 542 (Sub-No. 8) Regulations Governing Fees for Services Performed in Connection With Licensing and Related Services—2002 Update" (Board Decision No. 32552) received on March 14, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5848. A communication from the Secretary of the Commission, Bureau of Competition, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Section 802.21" (RIN3084–AA23) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5849. A communication from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Ocean Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "General Grant Administration Terms and Conditions of the Coastal Ocean Program: Announcement of Opportunity" (RIN0648–ZA92) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5850. A communication from the Deputy Assistant Administrator for Fisheries for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; 2001 Quotas and Management Measures for Yellowfin and Juvenile Bigeye Tuna" (RIN0648–AO48) received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5851. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for Legislative and Intergovernmental Affairs, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5852. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Chief Financial Officer and Assistant Secretary for Administration, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5853. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of General Counsel, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5854. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Deputy Secretary, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5855. A communication from the Director, Office of White House Liaison, Office of the Secretary, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Secretary of Commerce, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5856. A communication from the Director, Office of White House Liaison, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the nomination for the position of Under Secretary and Director of the PTO, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5857. A communication from the Director, Office of White House Liaison, National Telecommunications and Information Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for Communications and Information, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5858. A communication from the Director, Office of White House Liaison, Economics and Statistics Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Under Secretary for Economics Affairs, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5859. A communication from the Director, Office of White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for Technology Policy, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5860. A communication from the Director, Office of White House Liaison, Technology Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination and a change in previously submitted reported information for the nomination for the position of Under Secretary of Technology, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5861. A communication from the Senior Attorney, Financial Management Service, Treasury Department, transmitting, pursuant to law, the report of a rule entitled "Payment of Federal Taxes and the Treasury Tax and Loan Program" (RIN1510–AA79) received on March 15, 2002; to the Committee on Finance.

EC–5862. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Payment of Duties on Certain Steel Products" (RIN1515–AD07) received on March 18, 2002; to the Committee on Finance.

EC–5863. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Federal Health Care Programs; Fraud and Abuse; Revisions and Technical Corrections" (RIN0991–AB09) received on March 18, 2002; to the Committee on Finance.

EC–5864. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Modifications of the Medicaid Upper-Payment Limit for Non-State Government-Owned or Operated Hospitals; Delay of Effective Date of a Final Rule" (RIN0938–AL05) received on March 18, 2002; to the Committee on Finance.

EC–5865. A communication from the Director, Office of White House Liaison, International Trade Administration, Import Administration, Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for Import Administration, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5866. A communication from the Director, Office of White House Liaison, International Trade Administration, Market Access and Compliance (MAC), Department of Commerce, transmitting, pursuant to law, the report of a nomination confirmed and a change in previously submitted reported information for the nomination for the position of Assistant Secretary for MAC, received on March 18, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5867. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Revised Medical Criteria for Determination of Disability, Musculoskeletal System and Related Criteria" (RIN0960–AB01) received on March 18, 2002; to the Committee on Finance.

EC–5868. A communication from the Director of the Workforce Compensation and Performance Service, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Cost-of-Living Allowances (Nonforeign Areas); Various Allowance Rate Adjustments" ((RIN3206–AJ15) (RIN3206–AJ26)) received on March 15, 2002 ; to the Committee on Governmental Affairs.

EC–5869. A communication from the Deputy Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of the Agency's Inventory Commercial Activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5870. A communication from the Executive Director of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the Board's Audit Reports Regarding the Thrift Savings Plan for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5871. A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture; Extension of Filing Dates for Certain Confidential Financial Disclosure Report Filers" (RIN3209–AA00) received on March 18, 2002; to the Committee on Governmental Affairs.

EC–5872. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5873. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Annual Report on the Federal Equal Opportunity Recruitment Program (FEORP) for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–5874. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–5875. A communication from the Inspector General of Social Security, transmitting, pursuant to law, the Office of the Inspector General Fiscal Year 2002 Annual Audit Plan; to the Committee on Governmental Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. SARBANES for the Committee on Banking, Housing, and Urban Affairs.

*JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2007.

*Deborah Matz, of New York, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2005.

By Mr. LEVIN for the Committee on Armed Services.

Air Force nomination of Brig. Gen. George P. Taylor, Jr.

Air Force nomination of Lt. Gen. Bruce A. Carlson.

Air Force nomination of Lt. Gen. Robert C. Hinson.

Air Force nomination of Maj. Gen. Duncan J. McNabb.

Air Force nomination of Lt. Gen. Joseph H. Wehrle, Jr.

Air Force nomination of Maj. Gen. Thomas B. Goslin, Jr.

Air Force nomination of Lt. Gen. Leslie F. Kenne.

Air Force nomination of Maj. Gen. William R. Looney III.

Army nomination of Colonel Kevin T. Ryan.

Army nominations beginning Brigadier General Jeffrey L. Gidley and ending Colonel Timothy J. Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Army nomination of Maj. Gen. James R. Helmly.

Navy nomination of Rear Adm. (lh) Stephen S. Israel.

Navy nomination of Rear Adm. Michael F. Lohr.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORDS on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Timothy S. Claseman and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Air Force nominations beginning Richard E. Bachmann, Jr. and ending Donald R. Yoho, Jr., which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Army nominations beginning Dewitt T Bell, Jr. and ending Jon M Wright, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Army nominations beginning Bobbie A. Bell and ending David J. Wellington, which nominations were received by the Senate and appeared in the Congressional Record on February 26, 2002.

Air Force nomination of David H. Conroy.

Air Force nomination of Edward A. Laferty.

Air Force nominations beginning Michelle D. Adams and ending Carol L. Westfall, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Robert K. Abernathy and ending Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Army nomination of Donald E. Ebert.

Army nomination of Clifford D. Friesen.

Army nomination of Gregory A. Brouillette.

Army nominations beginning *Amy M. Bajus and ending *Antoinette Wrightmcrae, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 27, 2002.

Air Force nominations beginning Wesley J. Ashabranner and ending David L. Walton, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nomination of Michael Hajatian, Jr.

Air Force nomination of Catherine S. Lutz.

Air Force nomination of Karen L. Wolf.

Air Force nominations beginning Albert G. Baltz and ending Duane Kellogg, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nominations beginning James C. Demers and ending Carlos E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record on February 28, 2002.

Air Force nominations beginning Derrick K. Anderson and ending Joseph R. Wallroth, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nominations beginning Matt Adkins, Jr. and ending Stephen M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning *David E. Bentzel and ending *Shannon M. Wallace, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning *Abad Ahmed and ending *Larry J. Wooldridge, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nominations beginning Kimberlee A. Aiello and ending *Chunlin Zhang, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Army nomination of James R. Kish.

Marine Corps nominations beginning Raymond J. Faugeaux and ending Marianne P. Winzeler, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Navy nominations beginning Jennifer R. Flather and ending Stephen J. Williams, which nominations were received by the Senate and appeared in the Congressional Record on March 6, 2002.

Air Force nomination of Joseph Wysocki.

Air Force nominations beginning Richard L. Fullerton and ending William P. Walker, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Air Force nominations beginning William P. Albro and ending Delilah R. Works, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

Army nominations beginning *Sharon M. Aaron and ending Joellen E. Windsor, which nominations were received by the Senate and appeared in the Congressional Record on March 13, 2002.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. JEFFORDS (for himself, Mrs. CLINTON, and Ms. SNOWE):

S. 2035. A bill to provide for the establishment of health plan purchasing alliances; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2036. A bill to authorize the appointment of additional Federal district court judges for the middle and southern districts of Florida, and for other purposes; to the Committee on the Judiciary.

By Mr. WYDEN (for himself and Mr. ALLEN):

S. 2037. A bill to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

By Mrs. CLINTON (for herself, Mr. KERRY, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. CORZINE, Ms. STABENOW, and Mr. SCHUMER):

S. 2038. A bill to provide for homeland security block grants; to the Committee on Environment and Public Works.

By Mr. DURBIN (for himself, Mr. GRASSLEY, Mr. HARKIN, Mr. DASCHLE, Mr. LEAHY, Mr. SCHUMER, Mr. NELSON of Nebraska, and Mr. BIDEN):

S. 2039. A bill to expand aviation capacity in the Chicago area; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. JOHNSON (for himself and Mr. DASCHLE):

S. Res. 228. A resolution honoring the memory of the USS *South Dakota* and its World War II crew on the occasion of the 60th Anniversary of the commissioning of the USS *South Dakota;* to the Committee on Armed Services.

By Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. HUTCHISON, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, and Ms. STABENOW):

S. Res. 229. A resolution condemning the involvement of women in suicide bombings; considered and agreed to.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 508

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 508, a bill to authorize the President to promote posthumously the late Raymond Ames Spruance to the grade of Fleet Admiral of the United States Navy, and for other purposes.

S. 548

At the request of Mr. HARKIN, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 548, a bill to amend title XVIII of the Social Security Act to provide enhanced reimbursement for, and expanded capacity to, mammography services under the medicare program, and for other purposes.

S. 999

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1022

At the request of Mr. WARNER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1211

At the request of Ms. CANTWELL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1211, a bill to reauthorize and revise the Renewable Energy Production Incentive program, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statures of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1922

At the request of Mr. HUTCHINSON, the name of the Senator from Montana

(Mr. BAUCUS) was added as a cosponsor of S. 1922, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 1992

At the request of Mrs. MURRAY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1992, a bill to amend the Employee Retirement Income Security Act of 1974 to improve diversification of plan assets for participants in individual account plans, to improve disclosure, account access, and accountability under individual account plans, and for other purposes.

S. 2003

At the request of Mr. NELSON of Florida, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2026

At the request of Mr. LUGAR, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 2026, a bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

S. RES. 219

At the request of Mr. GRAHAM, the names of the Senator from Arizona (Mr. KYL) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

AMENDMENT NO. 3032

At the request of Mrs. LINCOLN, the names of the Senator from New Jersey (Mr. CORZINE), the Senator from Massachusetts (Mr. KERRY), the Senator from Minnesota (Mr. DAYTON), the Senator from New York (Mrs. CLINTON), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 3032 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mr. NELSON of Florida):

S. 2036. A bill to authorize the appointment of additional Federal district court judges for the middle and southern districts of Florida, and for other purposes; to the Committee on the Judiciary.

Mr. GRAHAM. Mr. President, an estimated 200,000 new Floridians every year move into the Sunshine State, making Florida one of the fastest growing States in the Nation. As the population increases, so do the number of people seeking justice from the Federal Courts in our State.

Few are more familiar with these demands than the judges and personnel of the United States Courts in Florida's Middle and Southern Districts. The Judicial Conference of the United States has established a benchmark caseload standard of 430 case filings per judgeship. This is a goal that is rarely met in Florida's Middle and Southern Districts.

In fact, the number of case filings per judgeship in the Southern District has remained above 500 since 1995; at the end of last year it stood at 609. In the Middle District the courts' weighted caseload with 547 per judgeship at the end of 2001, 27 percent above the Conference standard.

In light of this considerable burden on Florida's judges and the outlook for continued growth within the State, the United States Judicial Conference has recommended that Congress add one permanent and one temporary judgeship to the Middle District and one permanent judgeship in the Southern District.

It is in accordance with these recommendations that my colleague from Florida and I introduce legislation to establish these needed judgeships. It is my hope that these additional judges will help to alleviate the heavy burden currently placed on Florida's Federal courts.

The administration of justice will continue to be a challenge in Florida's Federal courts unless adequate resources are committed. Perhaps the most egregious example of this lack of resources is in the Fort Myers division of the Middle District, where judge's criminal caseloads stand at an astounding ninety percent above the national average.

As Florida continues to grow, this burden will only increase. The services provided by the Federal judiciary must grow to meet these demands. I urge the Senate to support this legislation, ensure adequate resources for the administration of justice, and uphold the United States Constitution's guarantee of fair and speedy justice.

Mr. NELSON of Florida. Mr. President, Florida's Middle and Southern District Courts desperately need additional judges. These jurisdictions are among the busiest in the Nation and they face an avalanche of new cases which threaten to further delay the administration of justice for thousands of Floridians. Simply put, Florida's judges are overwhelmed and unable to handle this many cases.

Today, Senator GRAHAM and I are introducing legislation which will create one additional permanent judgeship for the Middle District of Florida and one additional permanent judgeship for the Southern District of Florida. Our legislation also creates a temporary judgeship for the Middle District which will expire following the first vacancy on the court which occurs no sooner than seven years after the confirmation date of the individual named to fill the temporary position.

Our intention is to ensure that Florida's Federal courts have the jurists necessary to exact timely justice. After reviewing current judges' caseloads and consulting with the districts' chief judges, we believe authorizing new judgeships is absolutely essential to ensuring that these jurisdictions are able to meet their statutory and constitutional obligations. Florida's Federal courts need these judges and Senator GRAHAM and I intend to do everything we can to get them.

I look forward to working with my colleagues on the Judiciary Committee to quickly pass this legislation, so that we can bring relief to Florida's Middle and Southern District Courts.

By Mr. WYDEN (for himself and Mr. ALLEN):

S. 2037. A bill to mobilize technology and science experts to respond quickly to the threats posed by terrorist attacks and other emergencies, by providing for the establishment of a national emergency technology guard, a technology reliability advisory board, and a center for evaluating antiterrorism and disaster response technology within the National Institute of Standards and Technology; to the Committee on Commerce, Science, and Transportation.

Mr. WYDEN. Mr. President, earlier today, along with my friend and colleague, Senator ALLEN of Virginia, I introduced bipartisan legislation that would establish the technology equivalent of the National Guard. It is an effort we have been pursuing in the

Science, Technology, and Space Subcommittee. I am very pleased to have the Presiding Officer of the Senate on the subcommittee and pleased that he is in the chair as we discuss this legislation tonight.

This is a subject we have been working on since September 11 and the tragedy that struck our country that day.

We are all aware that the public sector, government, military, and law enforcement have begun a very significant mobilization effort to fight terrorism. It is a laudatory effort, one I fully support. This public effort is not going to be successful alone, if we don't take steps to tap the tremendous technology and science talents of America's private sector.

Considering the enormous technological challenges faced on September 11, the quality of emergency response is more than exceptional. But the many private companies and their science and technology experts who rushed to offer their help that day have told our committee they can do more. They can move faster, and they can help save more lives if the U.S. Congress provides a portal, an opportunity for them to more accessibly participate and offer their talents. That is why the legislation Senator Allen and I offered today, the Science and Technology Emergency Mobilization Act, provides an opportunity to tap those talents of the private sector.

It doesn't create a large bureaucracy. It is not going to snarl our private companies in red tape. It is simply going to provide a gateway to bring the resources of the private sector to bear in the war against terrorism.

I believe, just as John F. Kennedy gave America's youth a forum for public service, now is the time for our Government to throw open its doors to a new generation raised on information technologies that will be able to respond to the wide variety of technology and science-related challenges that arise in the wake of a terrorist attack or other disaster.

The legislation we are offering today offers four opportunities to capitalize on the immense technology resources of our Nation. One I am especially pleased about would establish a virtual technology reserve. As my colleagues know, we have a strategic petroleum reserve in our country. It is an energy insurance policy, an energy bank, in effect, that we can tap when we are in a crunch with respect to oil products. I think we ought to look at technology as the same sort of resource.

So we have created a virtual technology reserve in our legislation that would allow communities all across this country to put in place a preexisting database of private sector equipment and expertise that they could call upon in the case of an emergency. Access to this database would enable Federal, State, and local officials, as well as nongovernmental relief organizations, to locate quickly whatever technology or scientific help they might need from the private sector.

For example, a city official tasked with setting up a command center in the wake of an emergency might need laptop computers and high capacity telecommunications equipment. A State health director facing a potential bioterrorism incident might need to locate experts with expertise concerning a specific pathogen and to obtain special detection and remediation technology as soon as possible. An emergency official coordinating in the field rescue and recovery efforts might need a batch of hand-held radios or might need to bring in mobile cellular units to expand local cellular coverage and capacity so people on the ground can communicate.

In all of these instances, the key is locating equipment and expertise quickly. By turning to our virtual technology reserve, these officials would have a quick way to identify companies that have what they need and companies that have expressed their willingness to help in an emergency.

The Wyden-Allen legislation has several other provisions that we believe will help make a meaningful difference in this fight against terrorism. The legislation provides for the formation of rapid response teams of science and technology experts. It establishes a clearinghouse and test bed for new antiterror technologies. Suffice it to say, our Government has received thousands and thousands of ideas, unsolicited, from private companies and citizens all across this country with respect to products to aid in the fight against terrorism. And there is no systematic way to evaluate the quality of those products.

The bipartisan legislation we brought to the Senate today would provide that test bed and a plan to have those products evaluated.

Finally, our legislation provides for pilot projects to help overcome a problem that seems incomprehensible in a communications center as advanced as the east coast of the United States. We saw on September 11 that first responders, people on the front lines, police and fire and others, were not able to communicate to each other. Before our subcommittee, we were told that on the east coast of the United States, arguably the most sophisticated communications center on the planet, there were firemen actually hand walking messages to their colleagues because all of the available communications systems—the hard-wire systems, the land lines, the cell lines—was down. So we badly need to have innovative work done in trying to make interoperable these communications systems that our first responders need.

Our Subcommittee on Science, Technology, and Space found, as we analyzed the events of September 11, that the private sector was ready, willing, and able to contribute, but too often they were up against obstacles when they wanted to help. Some couldn't get proper credentials to access disaster sites. Some simply could not find the right place to offer their people their expertise and equipment and were literally knocking on doors offering to help, and people literally could use their skills.

On December 5 of last year, FEMA Director Joe Allbaugh testified before our subcommittee that emergency response officials could have used the help of people in the technology sector to set up databases to track the missing and injured, as well as the goods and services being donated. But what Director Allbaugh has said—and he has been very helpful in this effort—was there simply wasn't a centralized go-to desk to provide experts for immediate needs.

In the event of a bioterror attack, we have been told by the health authorities that communities would face the very same confusion. Right now, if a town is hit with a biological agent and local officials are looking for the closest medical authority, there is no comprehensive list of certified experts to help them.

Suffice it to say, in our effort to try to come up with a coordinated plan to fight terrorism, there are going to be some difficult issues. I have great sympathy for Tom Ridge as he tries to bring together these agencies—perhaps 20 agencies—that are going to be involved in this effort. There are going to be some very difficult decisions that have to be made to maximize the talents and work of these agencies.

But it seems to me the idea of having a preexisting database, so that in communities in Florida, and in Oregon, and across this country, if you are hit with a bioterror agent or have a calamity involving a terrorist attack, that you would have a preexisting database of individuals who can help and companies that are willing to donate equipment. That strikes me as eminently doable, something practical that the Government can do to make a real difference. That is why our virtual technology reserve and setting up these databases can make a real difference.

In addition to that virtual technology reserve, the Wyden-Allen bill seeks to move experts into a community as rapidly as possible when problems arise. To that end, in our bill we provide for the creation and certification of national emergency technology guard teams. We call these teams NET guard teams. They would be made up of volunteers with technology and science expertise, and they would be organized in advance and available to be mobilized on short notice.

After consulting at length with leaders in the Bush administration, we have decided that these unique teams ought to be modeled after the urban search and rescue teams that are now under FEMA and the medical response teams under the Department of Health and Human Services. But instead of providing search and rescue or medical services, which, of course, is what is available today, the NET guard teams would provide the technology, information, and communications support to help rescuers work more effectively. Once assembled, NET guard teams can provide technology-related help in the aftermath of floods, earthquakes, and other natural disasters as well.

In the testimony Director Allbaugh gave to the subcommittee, we were told that the technology challenges that are facing crises such as the September 11 attacks are not just technology problems, they are problems that ultimately cost lives. The essence of this legislation is about saving lives, and one way it can do that is to establish a structure to form and activate what we call NET guard teams of technology experts who can step in when crises occur.

We also think science and technology experts from the Nation's leading private sector companies have a role to play before disaster strikes. Clearly, we need to respond more effectively when there is a disaster. But it is only common sense to utilize the talents and energy of those in the private sector in a preventive way as well, and that is also a key feature of our bipartisan legislation.

Since September 11, thousands of experts and entrepreneurs have contacted the Federal Government offering new technologies. We would like to have those evaluated. That evaluative kind of effort can go forward as we employ a preventive kind of strategy for our leaders in the private sector and for purposes of making sure we accept and evaluate and implement these ideas that are now flooding in from around the country.

We create a Center for Civilian Homeland Security Technology Evaluation. It is going to have two purposes. It will serve as a national clearinghouse for security and emergency response technologies, helping to match companies with innovative technologies with the Government agencies that need them; it would provide a single point of contact to which both companies and Government agencies could turn to have their technology proposals addressed.

What we have heard in our committee—and I have been told as well in the Commerce Committee, and in other forums—is that the private sector really doesn't know where to turn. Should they go to the Department of Health and Human Services? They have been interested in ideas from private sector leaders. Should they go to the Department of Defense? They are interested as well. We establish a center for evaluating technologies, so there will be a central clearinghouse for companies to know where to turn.

More particularly, the center will operate a test bed to evaluate the ability of proposed technologies to satisfy Government needs. This test bed will work in conjunction with existing Federal agencies and the national laboratories. It is not meant to be a technology gatekeeper, somehow having the Federal Government picking winners and losers, but it is designed to assist agencies that are now telling us they do not have the capability to evaluate these technologies on their own. This test bed is necessary, in my view, to keep new technologies from slipping through the cracks.

I don't want to see American lives lost because the Federal Government could not find a way to accommodate fresh, new ideas from our leaders in the technology and science area.

The legislation springs, as I have touched on, from firsthand accounts of what happened on September 11. Here in the Capital and in New York, the terrorist strikes flattened telecommunications and information networks. Many people of New York wandered the streets, unable to find out anything about an injured or missing loved one or even to register their names. Web sites, voice mail, and e-mail systems of relief organizations filled up and crashed.

When emergency workers moved in, they told us they were hindered by the fact that their communications systems could not work together. Courageous emergency workers told our subcommittee that communications breakdowns made their job more difficult and more dangerous as well.

So for that reason, we would establish a pilot program under which grants of $5 million each would be available for seven pilot projects aimed at achieving interoperability of communications systems used by fire, law enforcement, and emergency preparedness and response agencies.

In simple English, what that is all about is making sure the police, fire, and health agencies can communicate with each other. It is probably as important as anything the Government can do. But because in many instances there are overlapping authorities in different systems, we are not making that possible in our country. It involves a lot of complicated issues, many of which the occupant of the chair and I have a chance to wrestle with in the Commerce Committee. Certainly spectrum or forum are a part of it.

At a minimum, we ought to test out through the pilot projects in the bipartisan bill we are introducing today some ideas for making it easier for police, fire, and health to communicate and save the lives of citizens, and certainly make their lives less dangerous as well.

The Nation's top technology companies have been very involved in developing this effort, including Intel, Microsoft, America Online, and Oracle, that have all expressed support for the legislation. All of them believe that creating a high-technology reserve talent bank—a talent bank that serves as a new force to confront a new threat—and the other initiatives proposed in the Wyden-Allen bipartisan legislation make sense. I thank them and other leaders in the private sector for their involvement.

In drafting the legislation, I have consulted with a number of leaders in the administration in the antiterrorism effort, including Director Allbaugh; Richard Clarke, the President's Special Advisor for Cybersecurity; Commerce Secretary Donald Evans; and John Marburger of the Office of Science and Technology Policy. To a person, they have been very responsive and they have met us more than halfway in terms of making their own time and that of their staffs available. Senator ALLEN and I appreciate their bipartisan commitment.

I pledge tonight to continue to work with them and, on a bipartisan basis, with the administration and with colleagues in the Congress on both sides of the aisle, to move this bill forward as rapidly as possible.

At this point, I ask unanimous consent that letters in support from several of the Nation's leading technology companies be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

INTEL CORPORATION,
Santa Clara, CA, March 18, 2002.

Hon. RON WYDEN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR WYDEN: I write to express our support for the "Science and Technology Emergency Mobilization Act", your legislation—soon to be introduced—that would establish a national emergency technology guard and a civilian homeland security evaluation center within NIST. This legislation would provide a means for enhancing emergency response and recovery of information technology infrastructure in the event of major disasters such as the events on September 11 of last year.

A national strategy for ensuring the resiliency of our IT infrastructure against attacks and natural disasters is long overdue, particularly as our country has become increasingly dependent on the interconnected digital network. We look forward to working with you on the details of this legislation in committee and on the floor as it moves toward enactment.

Again, we applaud your leadership and forward vision on the need for strengthening our information technology backbone.

Sincerely,

ANDREW S. GROVE,
Chairman of the Board.

ORACLE CORPORATION,
Washington, DC, March 18, 2002.

Hon. RON WYDEN,
United States Senate, Washington, DC.

SENATOR WYDEN: I am writing to express Oracle's support for the "Science and Technology Emergency Mobilization Act", your proposed legislation that would establish a national emergency technology guard, and a "virtual technology reserve" consisting of a database of private sector equipment and expertise that emergency officials may call upon in an emergency. This legislation would improve and enhance emergency response capabilities, particularly the recovery of information technology infrastructure, in the event of major disasters such as the events on September 11 of last year.

As you well know, this country has become increasingly dependent on continued operation of its vast information networks. That is why a national strategy to ensure the resiliency and continued operation of our information technology infrastructure against attacks and national disasters is critical. Oracle looks forward to working with you on the details of your proposal as it moves through the legislative process.

On behalf of Oracle, thank you for your leadership on issues important to maintaining our nation's technology infrastructure.

Sincerely,

ROBERT P. HOFFMAN,
Director.

MICROSOFT CORPORATION,
Washington, DC, March 19, 2002.

Hon. RON WYDEN,
United States Senator, Washington, DC.

DEAR SENATOR WYDEN: We welcome the opportunity to comment on your legislation to create a reserve of technology and science experts capable of responding to national cyber emergencies. We applaud your ongoing leadership on this and other key technology matters in the United State Senate.

Microsoft is deeply engaged in security matters. Our Trustworthy Computing Initiative, recently announced by Bill Gates, places a primary emphasis on security, privacy and reliability across our products, services and operations.

We agree with you that, in case of a national cyber emergency, the Federal Government should draw upon the brightest minds in industry in its efforts to protect Federal agencies and other critical entities. In fact, on September 11th our Chief Security Officer was called to active military duty to support the government's response to the attacks. He recently left Microsoft to become the Vice Chairman of the President's Critical Infrastructure Protection Board.

We view your focus on a National Emergency Technology Guard, like our Trustworthy Computing Initiative, as a means to strengthen America's cybersecurity via better trained personnel.

We thank you again for the opportunity to comment on this matter and commend you once again for your ongoing leadership in cybersecurity.

Sincerely,

JACK KRUMHOLTZ,
Director, Federal Government Affairs,
Associated General Counsel.

AOL TIME WARNER,
Washington, DC, March 19, 2002.

Hon. RON WYDEN,
Hon. GEORGE ALLEN,
United States Senate, Washington, DC.

DEAR SENATOR WYDEN AND SENATOR ALLEN: On behalf of AOL Time Warner, I would like to express my appreciation for your efforts and leadership in the area of antiterrorism and disaster response, including the development of legislation to address this critical issue.

September 11th forever changed the way our country thinks about crisis response and emergency management, and has made all of us realize the importance of working together as a team when disaster strikes. Like so many other organizations and individuals across the country and around the world, we at AOL Time Warner watched with horror as the tragic events of that day unfolded—and did what we could to contribute to the immediate needs of the emergency response personnel, from financial and humanitarian assistance to technical support.

Since that time, we have participated in numerous discussions, including several ongoing initiatives led by the Administration, about both how to prevent such a catastrophe in the future and how to mitigate the effects of such a disaster should the unthinkable occur again. It is clear from these discussions and from our experiences on that day, that one of the most critical objectives in formulating a disaster response strategy is to ensure the functioning of our communications infrastructure in the event of an emergency.

Your legislation, "The Science Technology Emergency Mobilization Act," recognizes the important role played by volunteers—like those from our company and countless and countless others across the nation—in providing technical assistance to enhance communication in times of crisis, and creates a mechanism for coordinating and deploying such assistance in a systematic fashion during a national emergency. We believe that this type of voluntary partnership between industry and government is vital to ensuring that disaster response and recovery efforts are coordinated and effective.

We are grateful for your work on this issue of such importance to our nation, and look forward to continuing to work with both Congress and the Administration on matters relating to security and critical infrastructure.

Sincerely,

SUSAN A. BROPHY,
Senior Vice President, Domestic Public Policy,
AOL Time Warner.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 228—HONORING THE MEMORY OF THE U.S.S. SOUTH DAKOTA AND ITS WORLD WAR II CREW ON THE OCCASION OF THE 60TH ANNIVERSARY OF THE COMMISSIONING OF THE U.S.S. SOUTH DAKOTA

Mr. JOHNSON (for himself and Mr. DASCHLE) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 228

Whereas March 20, 2002, marks the 60th Anniversary of the commissioning of the U.S.S. South Dakota;

Whereas the U.S.S. South Dakota and her crew served with distinction throughout World War II;

Whereas the U.S.S. South Dakota served in many of the major battles of the Pacific Campaign, including the engagements in support of the battle for Guadalcanal, the Battle of the Santa Cruz Islands, the invasions of the Gilbert Islands and Marshall Islands, the Marianas Campaign, the Battle of the Philippine Sea, the invasions of Leyte and Luzon in the Philippines, the invasions of Iwo Jima and Okinawa, and attacks on the home islands of Japan;

Whereas, from February through August of 1943, the U.S.S. South Dakota operated in the Atlantic Ocean, and served there with the British Home Fleet;

Whereas the U.S.S. South Dakota and her crew became the most decorated American battleship of World War II, having been awarded 13 battle stars;

Whereas the U.S.S. South Dakota became one of only four battleships to be awarded the Navy Unit Commendation;

Whereas Admiral Chester W. Nimitz used the U.S.S. South Dakota as his flagship for the surrender of Japan in Tokyo Bay;

Whereas the U.S.S. South Dakota served as the flagship for Admiral William F. Halsey on the return of the Navy's Third Fleet to the United States after World War II ended; and

Whereas the memory of those who served and those who died on the vessel are honored at the U.S.S. South Dakota Memorial in Sioux Falls, South Dakota: Now, therefore, be it

Resolved, That the Senate—

(1) remembers the service of the U.S.S. South Dakota and its World War II crew on the occasion of the 60th Anniversary of the commissioning of the U.S.S. South Dakota;

(2) commends the members of the World War II crew of the U.S.S. South Dakota for their dedicated service to the United States during that war;

(3) pays solemn tribute to those who were killed or wounded on the decks of the U.S.S. South Dakota; and

(4) honors the lasting legacy of the great fighting spirit of the U.S.S. South Dakota and its crew.

THE U.S.S. SOUTH DAKOTA

Mr. JOHNSON. Mr. President, I rise today to submit a resolution honoring the 60th anniversary of the commissioning of the USS *South Dakota*.

The USS *South Dakota* was the lead ship of a class of 35,000-ton battleships and was officially commissioned on March 20, 1942. Few ships in the history of the United States Navy have had such a distinguished service record or have been as integral to the defense of our Nation. The Resolution I am submitting today honors both the USS *South Dakota* and her dedicated crew.

The USS *South Dakota* served throughout World War II, and became the most decorated American battleship of the war having been awarded 13 battle stars. In addition, the South Dakota became one of only four battleships to receive the Navy Unit Commendation.

While the South Dakota spent the majority of its service in World War II in the Pacific, it did serve in the Atlantic along with the British Home Fleet from February to July 1943. However, no one can deny that the crew truly distinguished themselves in the Pacific

Campaign. Very few of the battles fought in that theater of operation occurred without the support of the USS *South Dakota*. In fact, the South Dakota saw action at the battle for Guadalcanal, the Battle of the Santa Cruz Islands, the invasions of the Gilbert Islands and Marshall Islands, the Marianas Campaign, the Battle of the Philippine Sea, the invasions of Leyte and Luzon in the Philippines, the invasions of Iwo Jima and Okinawa, and attacks on the home Islands of Japan. All told, the USS *South Dakota* was credited with sinking three enemy ships and downing 64 enemy aircraft during the war.

The proudest moment for the crew may have been when the South Dakota served as the flagship for Admiral Chester W. Nimitz during the surrender of Japan in Tokyo Bay on September 2, 1945. For the ship, its crew, and our Nation, this signalled the end of World War II and our complete victory over the forces of fascism. Following the surrender of Japan, the South Dakota was the flagship for Admiral William F. Halsey during the return of the fleet to the United States.

On the 60th Anniversary of its commissioning, I would like to take this opportunity to thank the crew of the USS *South Dakota* for their service to our Nation. Their contributions to the freedoms we enjoy today is a debt we can never fully repay. I ask my colleagues to join with me in remembering the USS *South Dakota* and honoring the lasting legacy of her crew.

SENATE RESOLUTION 229—CONDEMNING THE INVOLVEMENT OF WOMEN IN SUICIDE BOMBINGS

Mrs. BOXER (for herself, Ms. MIKULSKI, Mrs. FEINSTEIN, Mrs. MURRAY, Mrs. HUTCHISON, Ms. SNOWE, Ms. COLLINS, Ms. LANDRIEU, Mrs. LINCOLN, Ms. CANTWELL, Mrs. CARNAHAN, Mrs. CLINTON, and Ms. STABENOW) submitted the following resolution; which was considered and agreed to:

S. RES. 229

Whereas on October 24, 2001, the Senate approved amendment No. 1941 to H.R. 2506 of the One Hundred Seventh Congress expressing the sense of the Senate that suicide bombings are a horrific form of terrorism that must be universally condemned as terrorist acts;

Whereas it has been reported that an influential High Islamic Council has issued an edict that women should join men as suicide bombers;

Whereas the Al-Aqsa Martyrs Brigades, a radical offshoot of the Fatah movement, has announced that it has created a special unit for women suicide bombers;

Whereas incidents, including a February 27, 2002, suicide bombing that injured 3 people and a January 27, 2002, suicide bombing that killed 1 person and injured an estimated 150 more, show an alarming trend in the use of women to carry out terrorist attacks against Israel;

Whereas troubling statements have been made suggesting that the involvement of women in carrying out suicide bombings will result in women achieving equal rights with men;

Whereas women throughout the world bravely serve in militaries that act in accordance with international law and custom; and

Whereas the involvement of women in carrying out suicide bombings is contrary to the important role women must play in conflict prevention and resolution: Now, therefore, be it

Resolved, That the Senate—

(1) reaffirms the condemnation of all suicide bombings as terrorist acts, made by the Senate in Senate amendment No. 1941 to H.R. 2506 of the One Hundred Seventh Congress on October 24, 2001;

(2) deplores those acts as contrary to the values and ideals of people everywhere; and

(3) calls on women of the world not to emulate a self-destructive, brutal, and murderous crime.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, March 20, 2002, at 10 a.m. to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, March 20, 2002, at 9:30 a.m. on competition in the local telecommunications marketplace.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, March 20, 2002 at 9:30 a.m. to conduct a hearing to receive testimony on legislative initiatives that would impose limits on the shipments of out-of-State municipal solid waste and authorize State and local governments to exercise flow control. The hearing will be held in SD-406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 20, 2002 at 10:00 a.m. to consider the nomination of Randal K. Quarles to be Assistant Secretary for International Affairs of the U.S. Department of the Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, March 20, 2002, at 2:00 p.m., for a joint hearing with the House of Representatives' Committee on Veterans Affairs, to hear the legislative presentations of American Ex-Prisoners of War, the Vietnam Veterans of America, the Retired Officers Association, the National Association of State Directors of Veterans Affairs, and AMVETS. The hearing will take place in room 345 of the Cannon House Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, March 20, 2002 at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Personnel of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 20, 2002, at 9:30 a.m., in open session to receive testimony on recruiting and retention in the military services in review of the defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the Subcommittee on Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, March 20, 2002, at 2:30 p.m., in open session to receive testimony on national security space programs and strategic programs in review of the defense authorization request for fiscal year 2003.

Witnesses

Panel 1: The Honorable E. C. "Pete" Aldridge, Under Secretary of Defense for Acquisition, Technology and Logistics; the Honorable Peter B. Teets, Under Secretary of the Air Force and Director, National Reconnaissance Office; and General Ralph E. Eberhart, USAF, Commander in Chief, United States Space Command.

Panel 2: Admiral James O. Ellis, Jr., USN, Commander in Chief, United States Strategic Command; Major General Franklin J. Blaisdell, USAF, Director, Nuclear and Counterproliferation, Office of the Deputy Chief of Staff for Air and Space Operations, United States Air Force; and

Rear Admiral Dennis M. Dwyer, USN, Director, Strategic Systems Programs, United States Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Ms. LANDRIEU. Mr. President, I ask unanimous consent that Neil Naraine, a fellow in my office, be granted the privilege of the floor for the remainder of the debate on the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION DISCHARGED AND PLACED ON THE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and that the Environment and Public Works Committee be discharged from further consideration of the nomination of J. Paul Gilman, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency, and that the nomination be placed on the Executive Calendar.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the following nominations: Calendar Nos. 730 through 736, and the nominations on the Secretary's desk under Foreign Service; that the nominations be confirmed; that the motions to reconsider be laid upon the table; that any statements relating to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate return to legislative session without any intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF STATE

James W. Pardew, of Arkansas, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Bulgaria.

Richard Monroe Miles, of South Carolina, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Georgia.

Peter Terpeluk, Jr., of Pennsylvania to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Luxembourg.

Lawrence E. Butler, of Maine, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

Robert Patrick John Finn, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Afghanistan.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Robert B. Holland, III, of Texas, to be United States Alternate Executive Director of the International Bank For Reconstruction and Development for a term of two years.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Emmy B. Simmons, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development. (New Position)

NOMINATIONS PLACED ON THE SECRETARY'S DESK

FOREIGN SERVICE

PN1310 Foreign Service nominations (3) beginning Jeffrey Davidow, and ending George E. Moose, which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2001.

PN1311 Foreign Service nominations (95) beginning Gustavio Alberto Mejia, and ending Joseph E. Zadrozny, Jr., which nominations were received by the Senate and appeared in the Congressional Record of December 20, 2001.

LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now return to legislative session.

MEASURE READ THE FIRST TIME—H.R. 2804

Mr. REID. Mr. President, it is my understanding that H.R. 2804, which was just received from the House, is at the desk. I ask for its first reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2804) to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as James R. Browning United States Courthouse.

Mr. REID. I now ask for its second reading and object to my own request.

The ACTING PRESIDENT pro tempore. Objection is heard.

EXTENDING PERIOD OF UNEMPLOYMENT ASSISTANCE FOR VICTIMS OF TERRORIST ATTACKS OF SEPTEMBER 11, 2001

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to H.R. 3986.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The senior assistant bill clerk read as follows:

A bill (H.R. 3986) to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, and any statements related thereto be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 3986) was read the third time and passed.

CONDEMNING INVOLVEMENT OF WOMEN IN SUICIDE BOMBINGS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to S. Res. 229, submitted earlier by Senator BOXER and others.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 229) condemning the involvement of women in suicide bombings.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 229) was agreed to.

The preamble was agreed to.

(The text of the resolution, with its preamble, is printed in today's RECORD under "Statements on Submitted Resolutions.")

URGING FAIR ELECTION PROCESS IN UKRAINE

Mr. REID. I ask unanimous consent that the Senate proceed to Calendar No. 328, S. Res. 205.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 205) urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31, 2002 parliamentary elections.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution (S. Res. 205) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 205

Whereas Ukraine stands at a critical point in its development to a fully democratic society, and the parliamentary elections on March 31, 2002, its third parliamentary elections since becoming independent more than 10 years ago, will play a significant role in demonstrating whether Ukraine continues to proceed on the path to democracy or experiences further setbacks in its democratic development;

Whereas the Government of Ukraine can demonstrate its commitment to democracy by conducting a genuinely free and fair parliamentary election process, in which all candidates have access to news outlets in the print, radio, television, and Internet media, and nationally televised debates are held, thus enabling the various political parties and election blocs to compete on a level playing field and the voters to acquire objective information about the candidates;

Whereas a flawed election process, which contravenes commitments of the Organization for Security and Cooperation in Europe (OSCE) on democracy and the conduct of elections, could potentially slow Ukraine's efforts to integrate into western institutions;

Whereas in recent years, government corruption and harassment of the media have raised concerns about the commitment of the Government of Ukraine to democracy, human rights, and the rule of law, while calling into question the ability of that government to conduct free and fair elections;

Whereas Ukraine, since its independence in 1991, has been one of the largest recipients of United States foreign assistance;

Whereas $154,000,000 in technical assistance to Ukraine was provided under Public Law 107–115 (the Kenneth M. Ludden Foreign Operations, Export Financing, and Related Programs Appropriations Act, Fiscal Year 2002), a $16,000,000 reduction in funding from the previous fiscal year due to concerns about continuing setbacks to needed reform and the unresolved deaths of prominent dissidents and journalists;

Whereas Public Law 107–115 requires a report by the Department of State on the progress by the Government of Ukraine in investigating and bringing to justice individuals responsible for the murders of Ukrainian journalists;

Whereas the disappearance and murder of journalist Heorhiy Gongadze on September 16, 2000, remains unresolved;

Whereas the presidential election of 1999, according to the final report of the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE on that election, was marred by violations of Ukrainian election law and failed to meet a significant number of commitments on democracy and the conduct of elections included in the OSCE 1990 Copenhagen Document;

Whereas during the 1999 presidential election campaign, a heavy proincumbent bias was prevalent among the state-owned media outlets, members of the media viewed as not in support of the president were subject to harassment by government authorities, and proincumbent campaigning by state administration and public officials was widespread and systematic;

Whereas the Law on Elections of People's Deputies of Ukraine, signed by President Leonid Kuchma on October 30, 2001, was cited in a report of the ODIHR dated November 26, 2001, as making improvements in Ukraine's electoral code and providing safeguards to meet Ukraine's commitments on democratic elections, although the Law on Elections remains flawed in a number of important respects, notably by not including a role for domestic nongovernmental organizations to monitor elections;

Whereas according to international media experts, the Law on Elections defines the conduct of an election campaign in an ambiguous manner and could lead to arbitrary sanctions against media operating in Ukraine;

Whereas the Ukrainian Parliament (Verkhovna Rada) on December 13, 2001, rejected a draft Law on Political Advertising and Agitation, which would have limited free speech in the campaign period by giving too many discretionary powers to government bodies, and posed a serious threat to the independent media;

Whereas the Department of State has dedicated $4,700,000 in support of monitoring and assistance programs for the 2002 parliamentary elections;

Whereas the process for the 2002 parliamentary elections has reportedly been affected by apparent violations during the period prior to the official start of the election campaign on January 1, 2002; and

Whereas monthly reports for November and December of 2001 released by the Committee on Voters of Ukraine (CVU), an indigenous, nonpartisan, nongovernment organization that was established in 1994 to monitor the conduct of national election campaigns and balloting in Ukraine, cited five major types of violations of political rights and freedoms during the precampaign phase of the parliamentary elections, including—

(1) use of government position to support particular political groups;

(2) government pressure on the opposition and on the independent media;

(3) free goods and services given in order to sway voters;

(4) coercion to join political parties and pressure to contribute to election campaigns; and

(5) distribution of anonymous and compromising information about political opponents:

Now, therefore, be it

Resolved, That the Senate—

(1) acknowledges the strong relationship between the United States and Ukraine since Ukraine's independence more than 10 years ago, while understanding that Ukraine can only become a full partner in western institutions when it fully embraces democratic principles;

(2) expresses its support for the efforts of the Ukrainian people to promote democracy, the rule of law, and respect for human rights in Ukraine;

(3) urges the Government of Ukraine to enforce impartially the new election law, including provisions calling for—

(A) the transparency of election procedures;

(B) access for international election observers;

(C) multiparty representation on election commissions;

(D) equal access to the media for all election participants;

(E) an appeals process for electoral commissions and within the court system; and

(F) administrative penalties for election violations;

(4) urges the Government of Ukraine to meet its commitments on democratic elections, as delineated in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (OSCE), with respect to the campaign period and election day, and to address issues identified by the Office of Democratic Institutions and Human Rights (ODIHR) of OSCE in its final report on the 1999 presidential election, such as state interference in the campaign and pressure on the media; and

(5) calls upon the Government of Ukraine to allow election monitors from the ODIHR, other participating states of OSCE, and private institutions and organizations, both foreign and domestic, full access to all aspects of the parliamentary election process, including—

(A) access to political events attended by the public during the campaign period;

(B) access to voting and counting procedures at polling stations and electoral commission meetings on election day, including procedures to release election results on a precinct by precinct basis as they become available; and

(C) access to postelection tabulation of results and processing of election challenges and complaints.

CONDEMNING HUMAN RIGHTS VIOLATIONS IN CHECHNYA

Mr. REID. I ask unanimous consent the Senate proceed to Calendar No. 329, S. Res. 213.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 213) condemning human rights violations in Chechnya and urging a political solution to the conflict.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution and preamble be agreed to en bloc, that the amendments to the preamble be agreed to, the preamble as amended be agreed to, the motion to reconsider be laid upon the table, and any statements therein be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments to the preamble were agreed to.

The resolution (S. Res. 213) was agreed to, as follows:

S. RES. 213

Whereas the United States Department of State Country Reports on Human Rights for 2001 reports that the "indiscriminate use of force by [Russian] government troops in the Chechen conflict resulted in widespread civilian casualties and the displacement of hundreds of thousands of persons";

Whereas the United States Department of State Country Reports on Human Rights for 2001 reports that Russian forces continue to arbitrarily detain, torture, extrajudicially execute, extort, rape, and forcibly disappear people in Chechnya;

Whereas credible human rights groups within the Russian Federation and abroad report that Russian authorities have failed to launch thorough investigations into these abuses and have taken no significant steps toward ensuring that its high command has taken all necessary measures to prevent abuse;

Whereas there are credible reports of specific abuses by Russian soldiers in Chechnya, including in Alkhan-Yurt in 1999; Staropromysloviski and Aldi in 2000; Alkhan-Kala, Assinovskaia, and Sernovodsk in 2001; and Tsotsin-Yurt and Argun in 2002;

Whereas the Government of the Russian Federation has cracked down on independent media and threatened to revoke the license of RFE/RL, Incorporated, further limiting the ability to ascertain the extent of the crisis in Chechnya;

Whereas Chechen rebel forces are believed responsible for the assassinations of Chechen civil servants who cooperate with the Government of the Russian Federation, and the Chechen government of Aslan Maskhadov has failed unequivocally to condemn these and other human rights abuses or to distance itself from persons in Chechnya allegedly associated with such forces; and

Whereas the Department of State officially recognizes the grievous human rights abuses in Chechnya and the need to develop and implement a durable political solution: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the war on terrorism does not excuse, and is ultimately undermined by, abuses by Russian security forces against the civilian population in Chechnya;

(2) the Government of the Russian Federation and the elected leadership of the Chechen government, including President Aslan Maskhadov, should immediately seek a negotiated settlement to the conflict there;

(3) the President of the Russian Federation should—

(A) act immediately to end and to investigate human rights violations by Russian soldiers in Chechnya, and to initiate, where appropriate, prosecutions against those accused;

(B) provide secure and unimpeded access into and around Chechnya by international monitors and humanitarian organizations to report on the situation, investigate alleged atrocities, and distribute assistance; and

(C) ensure that refugees and displaced persons in the North Caucasus are registered in accordance with Russian and international law, receive adequate assistance, and are not forced against their will to return to Chechnya; and

(4) the President of the United States should—

(A) ensure that no security forces or intelligence units that are the recipients of United States assistance or participants in joint operations, exchanges, or training with United States or NATO forces, are implicated in abuses;

(B) seek specific information from the Government of the Russian Federation on investigations of reported human rights abuses in Chechnya and prosecutions against those individuals accused of those abuses;

(C) promote peace negotiations between the Government of the Russian Federation and the elected leadership of the Chechen government, including Aslan Maskhadov; and

(D) re-examine the status of Chechen refugees, especially widows and orphans, including consideration of the possible resettlement of such refugees in the United States.

ORDERS FOR THURSDAY, MARCH 21, 2002

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:45 a.m., Thursday, March 21; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the Senate will vote in relation to the Kyl amendment shortly after we convene tomorrow morning.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:17 p.m., adjourned until Thursday, March 21, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate March 20, 2002:

EXECUTIVE OFFICE OF THE PRESIDENT

KATHIE L. OLSEN, OF OREGON, TO BE AN ASSOCIATE DIRECTOR OF THE OFFICE OF SCIENCE AND TECHNOLOGY POLICY, VICE KERRI-ANN JONES.

DEPARTMENT OF LABOR

KATHLEEN M. HARRINGTON, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT SECRETARY OF LABOR, VICE SUSAN ROBINSON KING.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

THOMAS MALLON, OF CONNECTICUT, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2004, VICE DONALD L. FIXICO.

AFRICAN DEVELOPMENT FOUNDATION

WALTER H. KANSTEINER, ASSISTANT SECRETARY OF STATE (AFRICAN AFFAIRS), TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 27, 2003, VICE GEORGE EDWARD MOOSE, TERM EXPIRED.

CLAUDE A. ALLEN, DEPUTY SECRETARY OF HEALTH AND HUMAN SERVICES, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE AFRICAN DEVELOPMENT FOUNDATION FOR A TERM EXPIRING SEPTEMBER 22, 2003, VICE JOHN F. HICKS, SR., TERM EXPIRED.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

STEPHAN WASYLKO, OF NEW YORK

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

MERRITT T. COOKE, OF PENNSYLVANIA
DAVID W. FULTON, OF VIRGINIA
JOHN A. HARRIS, OF TEXAS
CHARLES KESTENBAUM, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER MINISTER:

SUZANNE K. HALE, OF VIRGINIA

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

NORVAL E. FRANCIS JR., OF VIRGINIA
LARRY M. SENGER, OF WASHINGTON

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

DANIEL K. BERMAN, OF CALIFORNIA
GARY C. GROVES, OF VIRGINIA
DEBRA D. HENKE, OF VIRGINIA
MAURICE W. HOUSE, OF OKLAHOMA

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASS STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

GARY V. KINNEY, OF VIRGINIA
PAULINE G. JOHNSON, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

CAROLYN ROSE BLEDSOE, OF VIRGINIA
KARL FICKENSCHER, OF MARYLAND
MICHELLE ALLISON GODETTE, OF FLORIDA
JOAKIM ERIK PARKER, OF CALIFORNIA

DEPARTMENT OF COMMERCE

LAURIE A. FARRIS, OF VIRGINIA
SARAH ELIZABETH KEMP, OF WASHINGTON
PATRICK T. WALL, OF ALABAMA

DEPARTMENT OF STATE

TIMOTHY M. STATER, OF VIRGINIA
TERESA WILKIN, OF THE DISTRICT OF COLUMBIA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

LYNN KRUEGER ADRIAN, OF FLORIDA
HEATHER ARMSTRONG, OF PENNSYLVANIA
CAROLYN BYRD BRYAN, OF VIRGINIA
MICHAEL CAREY BURKLY, OF CALIFORNIA
SHERRY F. CARLIN, OF FLORIDA
CAROLINE F. CONNOLLY, OF MASSACHUSETTS
FERNANDO COSSICH, OF FLORIDA
MARCUS A. JOHNSON JR., OF VIRGINIA
KATHARINE JOANNA KREIS, OF CONNECTICUT
CATHERINE A. MALLAY, OF VIRGINIA
JED DOUGLAS MELINE, OF NEW YORK
BETHANNE MOSKOV, OF NEW YORK
ANN B. POSNER, OF SOUTH DAKOTA
HARRY GEORGE PROCTOR, OF VIRGINIA
MICHAEL SAMPSON, OF WASHINGTON
ANNE L. TERIO, OF VIRGINIA

DEPARTMENT OF COMMERCE

TYRENA LAVETTE HOLLEY, OF THE DISTRICT OF COLUMBIA
VIRGINIA KRIVIS, OF FLORIDA
JOHN S. LARKIN II, OF TEXAS

DEPARTMENT OF STATE

RAMIN ASGARD, OF NEW JERSEY
ANNE-MARIE CASELLA, OF NEW YORK
NAOMI CATHERINE FELLOWS, OF CALIFORNIA
WILLIAM A. MARJENHOFF, OF VIRGINIA
KAREN L. OGLE, OF MICHIGAN

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

JENNIFER L. BACHUS, OF KANSAS
HUNTER HUIE CASHDOLLAR, OF TENNESSEE
ROBERT E. COPLEY, OF COLORADO
JESSE STARR CURTIS, OF ARIZONA
ALEXANDER N. DANIELS, OF CALIFORNIA

ADRIENNE MARIE GALANEK, OF NEW YORK
JAMES GARRY, OF THE DISTRICT OF COLUMBIA
JOHN MICHAEL FRANCIS GRONDELSKI, OF NEW JERSEY
THOMAS J. GRUBISHA, OF PENNSYLVANIA
HEATHER GUIMOND, OF THE DISTRICT OF COLUMBIA
JENNIFER ANN HARHIGH, OF PENNSYLVANIA
EDWARD P. HEARTNEY, OF CALIFORNIA
AARON M. HELLMAN, OF CALIFORNIA
PATRICIA LYNN HOFFMAN, OF PENNSYLVANIA
KURT J. HOYER, OF CALIFORNIA
ROGER KENNA, OF VERMONT
JASON NEIL LAWRENCE, OF CALIFORNIA
HEATHER CHRISTINE LIPPITT, OF ILLINOIS
HENRY MARTIN MCDOWELL IV, OF ALABAMA
KEVIN DAVID MCGLOTHLIN, OF FLORIDA
JOSEF E. MERRILL, OF CALIFORNIA
IRENEO BONG TAN MIQUIABAS III, OF OHIO
ANDREW BENJAMIN MITCHELL, OF TEXAS
ERIN STROTHER MURRAY, OF WEST VIRGINIA
BRIAN THOMAS NEUBERT, OF NEW YORK
ALAIN G. NORMAN, OF MARYLAND
MARIA DE GUADALUPE OLSON, OF ILLINOIS
BENJAMIN RALPH OUSLEY, OF NORTH CAROLINA
LAWRENCE JAMES PETRONI, OF NEW YORK
PAUL EVANS POLETES, OF SOUTH DAKOTA
ELIZABETH C. POWER, OF TEXAS
ALAN SENET PURCELL, OF KENTUCKY
JEFFREY KIMBALL RENEAU II, OF NEW HAMPSHIRE
JOHN CARTER ROBERTSON, OF TEXAS
MATTHEW P. ROTH, OF KANSAS
JEFFERY ALBERT SALAIZ, OF TEXAS
JOSEPH E. SALAZAR, OF TEXAS
AARON HESS SHERINIAN, OF CALIFORNIA
ANNE R. SORENSEN, OF NEW YORK
MARY PAULINE STICKLES, OF MARYLAND
JENNIFER D. SUBLETT, OF MISSOURI
CHRISTINA LOUISE TOMLINSON, OF VIRGINIA
REBECCA J. VARNER, OF MAINE
STEPHEN SPENCER WHEELER, OF CALIFORNIA
ERIC MARSHALL WONG, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

SAMUEL E. ADAMS, OF VIRGINIA
JASON M. ANDERSON, OF VIRGINIA
MARLENE C. ANDERSON, OF NEW MEXICO
HEIDI F. APPLEGATE, OF VIRGINIA
ANDREW BAUMERT, OF VIRGINIA
JEFFREY AARON BEALS, OF NEW YORK
DAVID J. BENNER, OF VIRGINIA
JANET L. BERN, OF VIRGINIA
VINCENT M. BROWN, OF VIRGINIA
ALLEN J. BURNETT, OF VIRGINIA
DAVID A. CARMAN, OF VIRGINIA
S. MICHAEL CAVENDISH, OF VIRGINIA
MARA CLEARY, OF VIRGINIA
AMY E. CONLEY, OF VIRGINIA
TIMOTHY EVAN COOPER, OF VIRGINIA
DAVID B. COPE, OF THE DISTRICT OF COLUMBIA
WILLIAM A. COSTANZA, OF VIRGINIA
STEVEN J. CRONIN, OF THE DISTRICT OF COLUMBIA
GERARD A. DENION, OF VIRGINIA
BRYAN MICHAEL DEWITT, OF VIRGINIA
DAVID A. DISTEFANO, OF VIRGINIA
GARY WAYNE DODSON, OF VIRGINIA
TERRY DEAN DUNCAN, OF MICHIGAN
MICHAEL B. DYE, OF OREGON
BRENDAN H. ENGLEHART, OF VIRGINIA
MIRIAM E. FAUGHNAN, OF THE DISTRICT OF COLUMBIA
BORIS L. FERRELL, OF VIRGINIA
ANNE C. FICHTER, OF VIRGINIA
MELISSA A. FRITTS, OF WEST VIRGINIA
ROBERT GAHNBERG, OF VIRGINIA
KEITH E. GAINEY JR., OF VIRGINIA
SUSAN M. GUTHRIE, OF VIRGINIA
ROBERT J. HAYES JR., OF VIRGINIA
CHRISTOPHER C. HOCH, OF MARYLAND
KIMBERLY CELESTE JEMISON, OF VIRGINIA
JOAN E. KANE, OF CALIFORNIA
DANIEL J. KASHAWLIC, OF VIRGINIA
GLENN V. KAYLOR, OF VIRGINIA
CINDY S. KIM, OF VIRGINIA
JI YOUNG ELIZABETH KIM, OF THE DISTRICT OF COLUMBIA
SAMUEL L. KING, OF VIRGINIA
HOWARD JON MADNICK, OF VIRGINIA
JAMES D. MANOWN, OF VIRGINIA
CARA MARTIN-CRUMPLER, OF VIRGINIA
DEBORAH M. MASTERS, OF VIRGINIA
KIMBERLY MCCULLOCH, OF MARYLAND
COLLEEN M. MCGRATH, OF VIRGINIA
STEPHAN B. MERCIER, OF THE DISTRICT OF COLUMBIA
BARBARA L. MERCKER, OF VIRGINIA
DEBRA L. MOSBACHER, OF ARIZONA
CYNTHIA G. MOSS, OF VIRGINIA
RICHARD PAUL PERISTERE, OF VIRGINIA
MARC ELIAS POLYMEROPOULOS, OF VIRGINIA
MIRIAM RAMOS, OF VIRGINIA
LEONARD RICHARDSON, OF VIRGINIA
MARTHA RODRIGUEZ-ZABEL, OF VIRGINIA
KEVIN RUPP, OF VIRGINIA
MATTHEW L. SALVETTI, OF THE DISTRICT OF COLUMBIA
CATHERINE A. SHANKS, OF VIRGINIA
PAUL RAYMOND SHAYA, OF VIRGINIA
JAMES E. STEJSKAL, OF VIRGINIA
KEVIN G. THOMAS, OF VIRGINIA
TIMOTHY ANDREW TRAX, OF VIRGINIA
WILLIAM J. TUTTLE, OF VIRGINIA
LAUREN G. TWINAM, OF VIRGINIA
AMANDA GERARD WALLIS, OF VIRGINIA
GREGORY DONALD WELLS, OF THE DISTRICT OF COLUMBIA
KENNETH J. WILKINSON, OF VIRGINIA
ZACHARY M. WYATT, OF THE DISTRICT OF COLUMBIA
EDWARD W. YASKO, OF VIRGINIA

SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF STATE

CLIFTON MCCLURE JOHNSON, OF THE DISTRICT OF COLUMBIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JAMES E. STEPHENSON, OF FLORIDA

DEPARTMENT OF DEFENSE

CHARLES S. ABELL, OF VIRGINIA, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS. (NEW POSITION)

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. RICHARD L. KELLY, 9290

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MARILYN D. BARTON, 7283

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

LARRY O.* GODDARD, 8792

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY NURSE CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

MARY B. BEDELL, 8703

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

RODNEY E. HUDSON, 4486 JA

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 531 AND 624:

To be colonel

JAMES R. UHL, 8703

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

LAWRENCE J. HOLLOWAY, 8384

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

ERIC DAVIS, 4347
FRANK D. ROSSI, 7051

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 20, 2002:

DEPARTMENT OF STATE

JAMES W. PARDEW, OF ARKANSAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

RICHARD MONROE MILES, OF SOUTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO GEORGIA.

PETER TERPELUK, JR., OF PENNSYLVANIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO LUXEMBOURG.

LAWRENCE E. BUTLER, OF MAINE, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA.

ROBERT PATRICK JOHN FINN, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO AFGHANISTAN.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ROBERT B. HOLLAND, III, OF TEXAS, TO BE UNITED STATES ALTERNATE EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

EMMY B. SIMMONS, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

FOREIGN SERVICE NOMINATIONS BEGINNING JEFFREY DAVIDOW AND ENDING GEORGE E. MOOSE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

FOREIGN SERVICE NOMINATIONS BEGINNING GUSTAVIO ALBERTO MEJIA AND ENDING JOSEPH E. ZADROZNY, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON DECEMBER 20, 2001.

HOUSE OF REPRESENTATIVES—*Wednesday, March 20, 2002*

The House met at 10 a.m.

The Reverend Sylvia Sumter, Unity of Washington Church, Washington, D.C. offered the following prayer:

Let us come together. O Heavenly and most gracious Creator, God, we acknowledge Your presence and blessed Spirit, for You alone are omnipotent, full of truth, love and mercy; and we are a Nation under Your righteousness and justice. As we seek Your countenance, let the light of Your infinite wisdom be the guiding force for the Members of this Congress and the work of the United States House of Representatives. Grant that they may endeavor to do Your will for the absolute goodness and blessing of this great land.

May each one work from the place that is the highest and best within them for the good of all in our Nation, and may they be abundantly blessed in so doing. May the light of God surround them; may the love of God enfold them; may the power of God protect them; and may the presence of God watch over them, for wherever You are, all is well. And so it is. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. McNULTY. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. McNULTY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 55, answered "present" 1, not voting 27, as follows:

[Roll No. 69]

YEAS—351

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (SC)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clyburn
Coble
Collins
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Stump
Sullivan
Sununu
Sweeney
Tanner
Tauscher
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiberi
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Whitfield
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—55

Aderholt
Baird
Borski
Brady (PA)
Brown (OH)
Capuano
Condit
Costello
Crane
DeFazio
English
Filner
Fossella
Gillmor
Gutknecht
Hastings (FL)
Hefley
Hill
Hilliard
Hinchey
Jackson-Lee (TX)
Jones (OH)
Kennedy (MN)
Kucinich
Larsen (WA)
Larson (CT)
Lewis (GA)
LoBiondo
Matheson
McDermott
McNulty
Menendez
Miller, George
Moore
Oberstar
Peterson (MN)
Phelps
Pomeroy
Ramstad
Sabo
Schaffer
Schakowsky
Strickland
Stupak
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tiahrt
Udall (CO)
Udall (NM)
Visclosky
Waters
Watkins (OK)
Weller
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—27

Barr
Blagojevich
Buyer
Clay
Clement
Deutsch
Dingell
Doyle
Ehrlich
Fattah
Gutierrez
Lantos
Lipinski
Markey
Platts
Rush
Sessions
Shadegg
Shows
Stark
Tauzin
Terry
Tierney
Traficant
Weldon (PA)
Wexler
Young (AK)

☐ 1024

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. FOSSELLA). Will the gentlewoman from California (Ms. MILLENDER-McDONALD) come forward and lead the House in the Pledge of Allegiance.

Ms. MILLENDER-McDONALD led the Pledge of Allegiance as follows:

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REVEREND SYLVIA SUMTER

(Ms. MILLENDER-McDONALD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MILLENDER-McDONALD. Mr. Speaker, please join me in welcoming the Reverend Sylvia Sumter, the Senior Minister at Unity Church here in Washington, D.C., and today's guest Chaplain.

It is most fitting that in this month dedicated to recognizing the many accomplishments of women, this Chamber is blessed by the words of a truly inspirational woman. Entering into a nontraditional vocation, Reverend Sumter has excelled, and has become a role model for women everywhere who wish to assume pastoral duties.

Prior to coming to Washington, D.C., Reverend Sumter served as the Chairperson of Communication Studies and Skills for the Unity School of Religious Studies in Unity, Missouri. Reverend Sumter has traveled around the country conducting workshops and seminars, as well as serving as guest speaker at churches, institutions of higher learning, and professional and business organizations, as she held her constant commitment preaching her faith in God, and empowering her gender.

Mr. Speaker, I would like to take this opportunity to thank Reverend Sumter for all of her accomplishments in her field, and to thank women throughout the world for those agendas and vocations they espouse to advance the status of women every day.

URGING GOVERNMENT OF UKRAINE TO ENSURE A DEMOCRATIC, TRANSPARENT, AND FAIR ELECTION PROCESS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 339, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 339, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 1, not voting 25, as follows:

[Roll No. 70]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—25

Blagojevich
Clay
Cox
Davis (FL)
Dingell
Ehrlich
Ford
Gutierrez
Johnson (CT)
Lantos
Lipinski
Mica
Murtha
Nethercutt
Payne
Rush
Sanders
Shadegg
Shows
Stark
Sullivan
Tauzin
Thomas
Traficant
Weldon (PA)

□ 1047

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2739. An act to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

The message also announced that pursuant to Public Law 68–541, as amended by Public Law 102–246, the Chair, on behalf of the Republican Leader, in consultation with the Democratic Leader, appoints Tom Luce, of Texas, as a member of the Library of Congress Trust Fund Board for a term of five years.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will entertain 10 one-minutes on each side.

CONGRATULATING RYDER SYSTEM, INC., AND GREGORY T. SWINTON ON RECEIPT OF 2002 GREEN CROSS FOR SAFETY AWARD

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Ryder Systems, a leader in supply chain and transportation management, and especially its President and Chief Executive Officer, Gregory T. Swinton. The National Safety Council has selected Ryder and Mr. Swinton to receive the Council's 2002 Green Cross for Safety.

This award is given for exemplary commitment to workplace safety and corporate citizenship. Mr. Swinton is the first supply chain and transportation executive to receive this honor. Since joining Ryder in 1999, Mr. Swinton has identified safety as one of the company's top five goals.

Please join me in congratulating and recognizing the wonderful safety standards that Ryder has achieved, and most especially Gregory T. Swinton for his commitment to recognizing the importance of safety in our workplace.

LOOPHOLES IN GUN SAFETY LAWS MUST BE CLOSED

(Mrs. McCARTHY of New York asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. McCARTHY of New York. Mr. Speaker, I rise to extend my deepest sympathy to the families of the Reverend Larry Penzes and Eileen Tosner. Both were fatally shot last week during a 9 a.m. mass at Our Lady of Peace Church in Lynbrook, Long Island. My heart is with the parishioners, the clergy and staff of Our Lady of Peace who witnessed this brutal violence.

However, what is equally disturbing is that this could have been prevented. The assailant had a history of mental health problems. However, he was able to purchase a rifle several days before the attack because most States do not provide mental health records to FBI NICS database.

According to the General Accounting Office, for every 75,000 people who attempt to buy a gun, only one was denied through NICS based on the mental health criteria. This is one of the loopholes in our gun safety laws that must be closed.

Gun violence wreaks havoc in our lives in various ways, not the least of which is the loss of safe places in our communities. If we are not safe in our churches, our schools, our trains, where are we going to be safe?

I urge this body to seriously consider the havoc gun violence creates in our society. Better yet, consider its effect on your community. It can happen anywhere.

RECOGNIZING KIM MENESINI, D.A.R.E. EDUCATOR OF THE YEAR FOR NEVADA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to recognize the effort of Ms. Kim Menesini, who was recently named the D.A.R.E. Educator of the Year for Nevada.

As a resident of Nevada for 25 years and as a teacher in Lyon County for over 20 years, Ms. Menesini has remained committed to ensuring that her students not only learn how to read and write and do the basic mathematics, but also how to just say "no" to drugs and alcohol.

Ms. Menesini has been involved with the Nevada D.A.R.E. drug program for more than 10 years, because this program tries to help kids build strength through self-esteem and offers them alternatives to saying "no" to drugs and alcohol.

According to Lyon County Deputy Sheriff Patrick Marble, Ms. Menesini's fifth grade students at Sutro Elementary School in Dayton, Nevada, know that she will support and guide them in a positive and loving way. There are reasons the students love and respect her.

Congratulations, Ms. Menesini, on your award, and thank you for your dedication to the children of Nevada and for the future of our Nation.

PROPOSED BUDGET OPENS SOCIAL SECURITY LOCKBOX

(Mrs. THURMAN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. THURMAN. Mr. Speaker, I rise today to talk about Social Security and the President's budget. As we all know, the budget resolution is going to come to the House today, and I think it is very important that we highlight what the budget will do to Social Security.

Not too long ago, I stood up here with over 400 of my Democratic and Republican colleagues and voted for a lockbox for Social Security. We made a promise to the American people that we would not spend any Social Security dollars on anything but Social Security.

But, Mr. Speaker, that is just what the Republican budget resolution does. It spends $1.6 trillion of Social Security dollars to fund other things like the tax cuts. That is not my analysis, that is Congressional Budget Office analysis. Instead, we should be doing something to address the impending baby-boomer retirement.

I invite my Republican colleagues to sit down with myself and the rest of the Democrats to develop a sound plan for the future of Social Security and the rest of the budget. We need a plan that preserves Social Security, not one that uses the money to fund other agenda items.

REMEMBERING MARTIN AND GRACIA BURNHAM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today marks the 298th day that Martin and Gracia Burnham have been held captive by Muslim terrorists in the Philippines.

A couple of weeks ago our spirits were raised as we heard of a new video showing Martin and Gracia. Our initial enthusiasm at the confirmation that they are still alive and healthy quickly dissipated as we realized the videotape was much older than claimed. Though the cameraman claims the tape is from mid-January, many signs point to it being shot much earlier, earlier even than the tape released in December.

Martin and Gracia's clothes are in much better condition than in the video shot in November. Martin is not wearing glasses that he received in November and wore on the previous video. Martin's beard is shorter, and the Burnhams are much healthier looking than in November. So we still await recent pictures and statements from Martin and Gracia.

The tape is noteworthy, however, because for the first time the Abu Sayyaf Group, or the ASG, indicates that it regards itself as part of Osama bin Laden's al Qaeda network, something we have long suspected. This admission should give the Philippine government and their military added incentive to quickly track down and capture the ASG. It should also embolden our government to do as much as they can to free our fellow Americans.

As always, I ask you to join me in prayer for Martin and Gracia and their loved ones, so that this nightmare may soon be over.

RAIDING THE SOCIAL SECURITY TRUST FUND

(Ms. KILPATRICK asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KILPATRICK. Mr. Speaker, I rise today to oppose the President's budget and the Republicans' budget.

Some months ago, this House stood almost unanimously and said we would put the Social Security monies in a lockbox. The lockbox is smashed. We are spending Social Security, $1.6 trillion of it, in this budget resolution that is before us today. In addition, Medicare is being cut billions of dollars.

Our seniors, who have built this country, have no medical insurance. Our health care industry is about to crash. This budget resolution is a sham.

Come on, Republicans, we can do a lot better. Let us take care of America's people and America's seniors.

KEEPING FISCAL DISCIPLINE DURING DIFFICULT TIMES

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TANCREDO. Mr. Speaker, I rise today to praise the work of the chairman of the Committee on the Budget, the gentleman from Iowa (Mr. NUSSLE), and the Republican members of that Committee on the Budget. As we all know, this year has been very challenging as the results of the attacks of September 11 and the downturn in our economy.

Mr. Speaker, we will hear a lot of people talking about this budget today. As always, a great deal of rhetoric will emanate from this House. There is one thing that seems to frighten the members of the Democratic minority here more than anything else.

There are a couple of words that absolutely petrify them, apparently; it is called "balanced budget." They do not know what it is, they had never had one during the time they were in charge of this body, but we are presenting them with one today. It is a scary thing for them, unfortunately.

Mr. Speaker, it is important to note that if we accepted all of the 17 amendments offered in the Committee on the Budget this year by members of the minority, we would increase spending over the next 5 years by $205 billion and require $175 billion in additional taxes. That is the old way of doing business. There is a better way. It is called a balanced budget. It is called defending America, and that is what this budget does.

CESAR CHAVEZ, A GREAT AMERICAN HERO

(Mrs. DAVIS of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DAVIS of California. Mr. Speaker, I rise today to recognize an historic event in San Diego, the renaming of Crosby Street in Barrio Logan to Caesar E. Chavez Parkway.

Guided by local leaders Councilman Ralph Inzunza, Rachel Ortiz, Luis Natividad, Sam Duran, Carlos and Linda Legerrette, and pushed along by the San Diego Cesar Chavez Commemoration Committee, the Parkway paves the way for the renaissance of Barrio Logan.

Chavez's commitment to fair wages, better working conditions, decent housing and quality education is still alive and well in San Diego. I am proud of my constituents and the efforts of local leaders to honor this humble yet great man.

Cesar Chavez deserves to be honored as a great American hero. His dedication to human rights and justice warrants his birthday being seriously considered a national holiday.

I hope my colleagues will join me in giving Chavez his rightful place in American history.

CELEBRATING 90TH BIRTHDAY OF DOROTHY HEIGHT, PRESIDENT AND CEO OF NATIONAL COUNCIL OF NEGRO WOMEN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today in celebration of the 90th birthday of Dorothy Height. We will be celebrating this wonderful event tonight. She is the President and CEO of the National Council of Negro Women. She grew up under the tutelage of Mary McCleod Bethune and is a member of my great sorority, Delta Sigma Theta Sorority, Incorporated, and I am so pleased to stand up.

But, see, Dorothy Height would want me to stand on the floor today and talk about a what? He said a balanced budget? This is not a balanced budget. I cannot believe the man even had the nerve to stand there and say that. Balanced budget on the back of seniors who need Social Security, and Dorothy Height, a 90-year-old woman, needs Social Security. Balanced on the backs of seniors who need Medicare. Dorothy Height needs Medicare. Balanced on the back of seniors who need housing. Fortunately, Dorothy Height has housing.

Mr. Speaker, give me a break. Balanced budget? I do not even believe he had the nerve to let those words come out of his mouth. We are balancing it on the back of the senior citizens who need it most.

□ 1100

SEEKING INFORMATION ON WHEREABOUTS OF MIRANDA GADDIS AND ASHLEY POND

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, I come before the House today to once again alert those who may be watching in Oregon and across the Nation to the disappearance of two young girls from my district. Miranda Gaddis and Ashley Pond, both 13 years of age, students of Gardiner Middle School in Oregon City and teammates on the school dance team, have been reported missing.

Ashley disappeared January 9, and Miranda vanished March 8. Both were last seen by their mothers early in the morning as they left their homes at the Newell Village Creek apartments to catch the bus to school on South Beaver Creek Road.

Investigators continue to hold out hope that the girls will come home. They believe that the girls may have been abducted by a person or persons that they knew.

If Members have any information regarding Ashley and Miranda's whereabouts, I ask them to please contact the FBI office or the Oregon City Police Department at 503–657–4964.

REPUBLICAN "BALANCED BUDGET" WILL RAID SOCIAL SECURITY TRUST FUND AND CUT FUNDS FOR EDUCATION AND SENIOR HEALTH

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, I rise to sound the alarm, particularly for our baby boomers. This budget breaks into the Social Security trust fund, breaks into the lockbox, and raids the trust fund to the tune of $1.6 trillion. Members remember the lockbox. It was our solemn promise not to touch Social Security trust fund money. Well, that has been obliterated.

My friends on the Republican side of the aisle would be quick to say, well, you have to understand, the deficit is caused by the war. Not so. Only 10 percent of our deficit is caused by the war. Almost half of that deficit is caused by tax breaks for the very rich.

What happens?

We raid Social Security, creating an insolvency for baby boomers about to enter retirement age.

We underfund education. We make a great noise about passing the Leave No Child Behind Act. What do we do in this budget? We underfund education by 16 percent. That is not right.

We talk about prescription drugs, but this budget underfunds prescription drugs for seniors. This is an unfair budget. It raids the Social Security trust fund, and it should be rejected.

CELEBRATING THE BIRTHDAY OF CESAR CHAVEZ, AN AMERICAN HERO

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Mr. Speaker, as we approach the end of March, we approach the birthday of Cesar Chavez, a positive role model for the Latino community, a hero. Caesar Chavez touched the lives of millions with his nonviolent struggle for justice, education, and equality. He was a beacon of hope.

But Cesar Chavez views the challenges he faced as a motivation to help farmworkers whose suffering he shared. In 1962, Caesar Chavez founded the National Farmworkers Association, the predecessor to the United Farmworkers of America.

He organized farmworkers to campaign for fair working conditions, reasonable wages, and decent housing and health conditions. He sacrificed himself for human rights and for dignity. He left a legacy for each and every one of us, and for generations to come.

He has received the Presidential Medal of Freedom, the Martin Luther King, Jr., Peace Prize, and was nominated for the Nobel Prize.

No one better symbolizes Latino empowerment than does Caesar Chavez. He is a symbol of hope, and we will never forget his words. The challenge of life, justice, and equality will ever ring in our lives: Si, se puede; yes, we can. We should honor his birthday by celebrating it, and I am hopeful we will pass that legislation.

CONGRATULATIONS ON A GREAT SEASON TO DIVISION I STATE BOYS' BASKETBALL CHAMPIONS, THE CATHEDRAL HIGH SCHOOL PANTHERS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, the city of Springfield, Massachusetts, is known worldwide as the birthplace of basketball. It is also where the new Basketball Hall of Fame is being constructed on the historic banks of the Connecticut River. And today, it is the home of the Division I State basketball champions, the Cathedral High School Panthers.

On Saturday night in the Worcester Centrum, Cathedral defeated Brookline by a score of 75 to 71 to capture their first State crown. Led by coach Gene Eggleston, the Panthers are now the third team from western Massachusetts to earn this coveted State athletics title.

In addition, the boys' basketball team has now won four of the six last western Massachusetts championships.

Mr. Speaker, their accomplishments speak for themselves. As a former teacher at Cathedral, I know the importance the school places on education and athletics, and the great job that the Sisters of St. Joseph do. They should take great pride in the character demonstrated by the boys' basketball team on and off the court this weekend when they earned the right to be called the very best team in the Commonwealth of Massachusetts.

Congratulations on a great season to the Cathedral High School Boys' Basketball State Champions.

ACKNOWLEDGING WOMEN FROM THE 18TH CONGRESSIONAL DISTRICT OF TEXAS FOR THEIR ACTIVISM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in acknowledging that the Bush budget does nothing for Americans and it does nothing for women.

This month is a month when we commemorate the history of women in America, and I would like to acknowledge, from the 18th Congressional District, women who are part of the winds of political change and activism: Christie Adair, Irma Leroy, Ninfa Lorenzo, Kathy Whitmire, Eleanor Tinsley, Helen Huey, Christian Hartung, Madge Bush, Esther Williams, Beverly Clark, Judge Betty Brock Bell, Sylvia Garcia, Carol Alvarado, Carol Galloway, Ada Edwards, and Lisa Berry Dockery, all women who realize that we must stand up and be counted for what is right in our community, and stand up and be counted to make sure that for all of the spoils of America, all the issues that deal with a good quality of life, women of this community and women that I have just listed have all been advocates for helping those in their communities.

They are our heroes. They are part of America's history. They are part of the history of women in America.

PROVIDING FOR CONSIDERATION OF H.R. 3924, FREEDOM TO TELECOMMUTE ACT OF 2002

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 373 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 373

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to my friend, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, the resolution before us today is an open rule providing for the consideration of H.R. 3924, the Freedom to Telecommute Act of 2002.

The rule allows the chairman of the Committee of the whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD. Finally, the rule provides for 1 motion to recommit, with or without instructions.

Mr. Speaker, I am pleased today that the House is considered the Freedom to Telecommute Act. Currently, a Federal agency may refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This legislation would prohibit agencies from continuing this practice. That a potential contractor would allow its employees to telecommute when appropriate would not disqualify or reduce the chances of that company winning a Federal contract.

The bill also requires that the GAO, General Accounting Office, make a report to Congress within 1 year of enactment on the compliance by agencies with telecommuting regulations.

In the past 25 years, telecommuting has become an increasingly attractive option for employees in the workplace, and, I would also add, a commonsense addition to the workplace. Technology advances have allowed more and more employees to telecommute, allowing them to work from anywhere at any time. In fact, it is estimated that 19 million people enjoy the benefits of telecommuting today.

As our country continues to engage in the war on terrorism, we are obviously all more sensitive to the concerns regarding safety and security. This bill takes into consideration these concerns, allowing an exception to be made if the contracting officer certifies in writing that telecommuting would conflict with the needs of that agency.

For example, this exception could apply if a contractor deals with classified or sensitive information.

Mr. Speaker, the rest of the workplace has recognized the advantages of telecommuting. The benefits include encouraging a more productive work force, increasing employee morale and quality of life, as well as helping the environment by eliminating pollution from increasing commuter traffic.

Under the leadership of my good friend, the chairman, the gentleman from Virginia (Mr. DAVIS), the Subcommittee on Technology and Procurement Policy has been a champion of developing and promoting telecommuting as an option in the Federal workplace. I believe that we should share the same vision and that the Federal Government should be the leading advocate for the best practices for the workplace, not lagging behind.

Mr. Speaker, I urge support for this open rule, as well as the commonsense legislation it underlies.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, advances in computer and telecommunications technology have opened the door for more and more Americans to work from their homes if they so choose. More than 45,000 Federal employees exercised their option to telecommute for 52 days or more in 2001.

A footnote right there. This being the seat of creativity, my reading and that of the gentlewoman from New York (Ms. SLAUGHTER) is that "telecommute" joins the lexicon of new verbs, because to our knowledge, it did not exist before. So I am kind of proud of us for coming up with something that takes into consideration all of the technology that is setting upon our great Nation and our world.

These Federal employees were among the 19 million Americans who telecommuted at least once last year. Telecommuting holds a host of advantages for America's workers and employers. It allows workers the flexibility to perform their jobs and manage their demanding personal lives at the same time.

Businesses can use telecommuting to retain valuable workers whose personal and extracurricular obligations would otherwise force them to take a leave of absence, or, worse, terminate their employment altogether.

Telecommuting also has the potential to reduce gridlock and automobile pollution by allowing workers to skip the rush hour commute.

As the gentleman from Texas (Mr. SESSIONS) already noted, H.R. 3924, the Freedom to Telecommute Act, modifies Federal procurement rules to allow private contract employees working for Federal agencies the option to telecommute when executing their duties under those contracts. These workers will join Federal employees who are already able to telecommute under existing law.

If a Federal contracting officer feels that telecommuting would be inconsistent with agency needs, he or she would be permitted under this legislation to prohibit it, thus creating workplace flexibility and ensuring security at the same time.

The legislation basically is noncontroversial. It was passed out of the Committee on Government Reform unanimously, and I urge my colleagues to support it on the floor this morning.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say that I appreciate the gentleman from Florida (Mr. HASTINGS) for his support of this bill.

Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. TOM DAVIS), chairman of the Subcommittee on Technology and Procurement Policy.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise in support of the open rule for H.R. 3924, the Freedom to Telecommute Act of 2002. I believe this is a noncontroversial bill, but I think it is one long overdue in this House.

Telecommuting is something we ought to encourage. I want to thank the gentleman from California (Mr. DREIER) and the Committee on Rules for moving swiftly to bring this bill to the floor. Their efforts to ensure that we can vote on this important bill I think will expand opportunities for telecommuting.

H.R. 3924 will prevent Federal agencies from restricting potential contractors from participating in the bidding process if they use telecommuters to fulfill the contract. Congress has passed bills over the last several years that actually direct Federal agencies to develop and promote telework programs. Unfortunately, the current acquisition policy sends the wrong message about the importance of telework in the modern workplace.

Telework is a popular movement that has gained tremendous momentum over the last 25 years. Today, an estimated 19 million Americans telework. Employees are drawn to it because it offers improved quality of life. It increases morale. It generates greater productivity because there are fewer office distractions.

□ 1115

Telecommuting is a family-friendly policy that accommodates employees with health problems or child care problems or elder care responsibilities. It also eases traffic congestion, and in this region that is very important, by getting motorists off the roads at key hours and allowing them to telecommute either from their home or from telecommuting work stations. And by easing traffic congestion, not only is it friendlier and saves motorists time, but it helps the environment due to increased vehicle emissions.

Our Subcommittee on Technology and Procurement Policy has held two hearings about telecommuting. We heard from both public and private sector witnesses about their efforts to develop and implement such programs in their organizations. Many of them have been very successful in employee retention, in employee recruitment and in productivity. The testimony revealed that telecommuting is often used as a human capital management initiative in the private sector and in a few Federal agencies. It allows employees greater flexibility in their work environment, and it enhances their quality of life.

It is costly to recruit people, to hire people, to train new staff on a constant basis. If they are used strategically, telecommuting programs keep organizations competitive and are critical to maintaining continuity and efficiency in the workplace. Federal managers have been reluctant to embrace the concept because they would no longer be in a position to monitor employees directly. I submit, Mr. Speaker, this is the old model. That is the work model from the industrial era. Today's workers operate quite differently. The Federal managers have to move away from such out-dated process-oriented measures. We need to encourage the government to become a results-driven organization, to learn from the efficiencies that the private sector has produced.

By allowing Federal agencies to contract with companies that employ telework initiatives, they are directly exposing them to the employees. I think this helps the Federal level to encourage our managers to use more of it. It helps to reverse negative managerial attitudes toward telecommuting in the Federal Government.

But among contracting officers there has been reluctance to encourage bids from companies that utilize telecommuting, again, operating under the old concepts that if we are not there watching over an employee, somehow the work is not getting done. That is most often done with security concerns in mind.

H.R. 3924 provides contracting officers with the necessary guidance for encouraging telecommuting among potential Federal contractors. An exception is made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception could apply if a contractor deals with classified or sensitive information. You do not want to let out information to some foreign Web site or information. This will ensure that Federal marketplaces continue to be a competitive choice among contractors.

H.R. 3924 would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

We ought to be encouraging it, not prohibiting it. I urge my colleagues to support the rule and the underlying bill, H.R. 3924.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to my good friend, the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida (Mr. HASTINGS) for his leadership.

Mr. Speaker, I am rising to support the rule of the Freedom to Telecommute Act and to acknowledge the importance of the underlying bill. Particularly as this relates to independent contractors, it certainly is distinctive from full-time employees. With independent contractors there is a valid basis, saving money and helping with child care issues. It is good that this bill is moving its way to the floor of the House.

I would argue and make mention of the fact that there are still many other issues that we must address. I believe that the very fact of this rule indicates the necessity for addressing the need to finish our work and to do more work as it relates to the budget, particularly as we look prospectively at the rule on the budget that has only 2 hours for this body, 435 Members of Congress, to be able to discuss one of the most vital responsibilities that this Congress has. And I would hope that the time we spend on this rule supporting this very valid legislation would cause us to think about the time that we have to utilize and debate on the budget resolution, particularly as we look at the Republican budget and the budget of the President, that has clearly squandered the surplus that is going after Social Security and slashes the lock box of which all of us have had such a strong and vital commitment.

Only 2 hours of debate is the cause that we have. And I believe that 2 hours of debate does not equate to the time we are spending on the telecommute resolution and the telecommute bill. I think it is important to note that the budget resolution of the Republicans dissipates most of the Social Security surplus and decimates all of the Medicare surplus for the next 5 years. In fact, it is evident that we have a situation that shows us that the President's budget surplus shorts Medicare $226 billion; $226 billion is what the President's budget does to Medicare. The Republican resolution shows only 5 years of budget figures instead of 10. The Republican resolution uses OMB, Office of Management and Budget, rather than CBO figures, which we all know the Congressional Budget Office is far more objective.

The Republican resolution omits numerous impending budgetary costs so, therefore, it undermines and misrepresents how much money we have left. The Republican resolution pays more lip service to prescription drug benefits. It gives nothing to my constituents who ask me time after time, senior citizens, about when are they going to get their prescription drug benefit. And then, of course, the Republican resolution on the budget does not even fund the education bill. If you want to see the results, in fact, the education bill, leave no child behind, has been cut by the Republican budget. And something that impacts Houston most of all is to realize that his budget and the Republican budget guts mental health federally funded evidence-proven programs. Coming from Houston, seeing the tragedy of Andrea Yates, knowing how important it is for intervention and prevention dollars in the budget, it is an outrage.

I would say this is a good rule on the telecommute bill. I would say the bill itself is a good bill. But the question becomes what are we doing about the budget? Why do we have this short period of time? And when you ask us why the minority does not have a budget, let me just point you to Newt Gingrich, because it is the responsibility of the majority to put a budget that America can be proud of. We are not proud of this budget, and we stand by the fact it is up to you all to fix the problem. You have not fixed it. You have decimated the needs of Americans as it relates to the domestic budget.

It clearly decimates the domestic policies of this country, and it speaks to the contrast of the words of the President some many months ago when he said the bipartisan education bill was a priority by not leaving any child behind. How can you do that if your budget cuts that very authorization? I would simply argue to my friends and colleagues on the other side of the aisle, would it not have been better in times like these for us to have been able to fight together for more funding for homeland security, more funding for education, more funding for health care, more funding for mental health needs, more funding for housing, and more funding for economic development in our communities? Yet what we have here is a raiding of Social Security and a killing of Medicare and no relief for our seniors with a prescription drug benefit and no relief for our veterans and our military personnel.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, last night in the Committee on Rules we had a fabulous opportunity to speak not only about this telecommuting bill but also about the budget. And last night I spoke to the senior Democrat who is on the Committee on the Budget and I said is there one penny, one penny that is being taken away from Medicare, Social Security or Medicaid? Not one penny in this new budget. Not one penny.

The second thing I would like to speak about that the gentlewoman from Texas (Ms. JACKSON-LEE) talked about is the lock box. Dag-gum right we passed a lock box, but the other body has not. The other body has not taken this important legislation up so it is not the law of the country. So the things which we as Republicans have talked about in this House for a long time, of making sure that the American public has the growth and the opportunity and the take-home pay for jobs and opportunity in this country for retirement security is exactly what this budget is all about.

Mr. Speaker, I yield such time as he may consume to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I am sorry the gentleman is not in the Chamber because I want to say some very nice things about him. I am talking, of course, about the author of this important measure, the gentleman from Virginia (Mr. TOM DAVIS). He has been on the forefront of our effort to realize that the technology revolution has brought about some incredible changes to our lives. And clearly when it comes to the issue of telecommuting, dealing with the Washington, D.C. metropolitan area is a very high priority because we have so many serious problems here. I happen to hail from Los Angeles where we have even worse problems. In fact, I like to say that I live in two of the most congested areas on the face of the Earth, Los Angeles, California, and Washington, D.C. where we have very serious traffic problems.

So the idea of encouraging telecommuting is something that I believe is important for us to pursue and I think it is very apropos that the gentleman from Virginia (Mr. TOM DAVIS) lead the charge in doing that.

Let me say that this rule is an open rule that will allow for a free-flowing debate on this issue, and I think there should be a strong bipartisan consensus on it. And my colleagues have begun the debate on the budget process, as we proceed with the rule, the special rule for consideration of telecommuting legislation; and we are going to have an opportunity to discuss this during the rule debate this afternoon. But let me just say that it is very clear that the package which we have come forward with first on the rule which allows for the consideration of legitimate substitutes, there was not a legitimate substitute put forward, and that is the reason that we made the decision as has traditionally been the case that only legitimate substitutes would be given an opportunity for consideration.

The supposed substitutes that were put forward were simply, as described by one of the authors, perfecting amendments to the chairman's proposed budget, to the budget that came from the Committee on the Budget and some modifications of numbers going from utilization of the Congressional Budget Office for the scoring process to the Office of Management and Budget. And so we are going to have this afternoon a very important debate with this war-time budget that we are going to be addressing.

I believe that we should enjoy strong bipartisan support because when we came together following September 11 behind the President of the United States with the number one priority being to win the war on terrorism, this budget that we will be voting on is directly tied to that shared bipartisan American goal that we have. And so I hope very much that we will be able to have strong support for it.

Mr. Speaker, I thank my friend from the State of Virginia for yielding me time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I note that the distinguished chairperson of the Committee on Rules, I apologize, he is walking out not because he knew I would say something regarding what he said. In that debate on last evening in the Committee on Rules and as late as 12:30 this a.m., I certainly, and my colleagues certainly, raised the question of us having sufficient time to discuss this war-time budget.

I did not think and I said so and I do not think that the limited time that we have is going to be sufficient for all of the Members of the House of Representatives who so desire to come forward and discuss the particulars of this budget. The chairman is absolutely correct. There is no distinction between a Democrat or a Republican on homeland defense and on the security of our Nation and pursuing the necessary defense in order that we may be secure. But there is a distinction on whether or not we are going to fund education or if we are going to fund housing for the disabled or if we are going to take care of the energy and environmental considerations. And some of us see the necessity to avoid some of the tax consequences that have been put forward.

Mr. Speaker, I yield 3 minutes to my good friend, the distinguished gentleman from Massachusetts (Mr. TIERNEY).

□ 1130

Mr. TIERNEY. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for yielding me the time.

Mr. Speaker, I rise to address this rule on the suspension today and indicate that I suspect that this particular bill is going to meet with a great deal of agreement on both sides of the House. I do regret, however, that this rule probably has more time allotted to discussion and debate than the rule on the budget will and the rule on the budget being in comparison so much more important in dealing with such a large part of what it is that we do here and what we do for the American people and at their behest.

I would have to say that there is no difference between the Republican-Democratic stand when it comes to making sure that our national security is taken care of and that our homeland security is taken care of. We stand together. We stand united. We support the protection of this country at all times.

There is, however, a significant amount of difference, and if we had ample time on the rules to discuss that and on the bill itself to discuss it between what our beliefs are and the right way to proceed with the economic and social security of people in this country. Everybody understands the financial commitment that we will have to make toward our national security and toward homeland security, but there is a great deal of disagreement as to whether we should be accelerating tax breaks for very wealthy individuals when we should be standing united as a country and putting some investment into the education and to the health care and to the building of roads and bridges and to protection of our homeland, and that is where the debate, if we had time on the rule and if we had time on the bill itself, would come into play.

Very frankly speaking, this is a situation where this rule does not allow enough time in comparison. This rule gives more time than is needed for a bill and the other rule does not.

POINTS OF ORDER

Mr. TOM DAVIS of Virginia. Mr. Speaker, point of order, relevancy. I make a point of order the gentleman is not discussing the rule at hand.

Mr. TIERNEY. Mr. Speaker, the gentleman that just spoke was not discussing it either.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman will suspend.

The pending special order of business provides for the consideration of the telecommuting bill. It does not provide for the consideration of the budget resolution. The Members will confine their remarks to the issue of consideration of the telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I will make a note on that, that as the last speaker was speaking about the process of the Committee on Rules last night, not pertaining to this bill, the Chair was completely silent on that, and I would like some fair treatment as this moves forward and would expect it from my colleague from New York, who has been known in the past to be a person of fairness, and I would expect that to apply here.

The SPEAKER pro tempore. The gentleman from Massachusetts will suspend.

The Chair normally awaits a relevancy point of order from the floor. The Chair does not take initiative.

Mr. TIERNEY. Mr. Speaker, I did not hear what the Chair had to say on that. I did not hear anything when the other speaker was speaking, and I cannot hear the Chair now either.

The SPEAKER pro tempore. The Chair does not normally take initiative on a relevancy point of order.

The gentleman from Massachusetts may proceed in order.

Mr. HASTINGS of Florida. Mr. Speaker, point of order.

The SPEAKER pro tempore. The gentleman from Florida will state his point of order.

Mr. HASTINGS of Florida. Mr. Speaker, then all of us, myself and the chairperson of the Committee on Rules, that have spoken, our words should be taken out of the RECORD for the reason that they were not relevant?

The SPEAKER pro tempore. It would take a unanimous consent request in order to remove those words from the RECORD.

The gentleman from Massachusetts may proceed in order.

Mr. TIERNEY. Mr. Speaker, let me proceed to talk on the rule for a second. I think one of the reasons that we are speaking here is that while this rule on this particular bill by suspension allows more than adequate time to talk about that rule, the rule on the budget does not allow enough time to talk about that rule nor does the budget debate allow for enough time on that.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order that the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate.

The SPEAKER pro tempore. The Chair will remind the gentleman and all Members that remarks should be confined to the pending special order of business and the underlying telecommuting bill.

Mr. TIERNEY. Mr. Speaker, I would just suggest to the Chair that my memory being fine, I was discussing and comparing the rule under the telecommunications bill with the rule for the budget, and I think that if I am talking about the rule and making a comparison I am in fact speaking germanely and on the RECORD, and while my colleagues have tried, the majority, to stifle that debate on the budget and stifle our debate on the budget rule, I do not think it is permissible to stifle our debate on this rule where we are drawing that kind of comparison.

The SPEAKER pro tempore. If the gentleman can maintain a nexus to the pending special order of business, he may proceed.

Mr. TIERNEY. Mr. Speaker, I thank the Speaker because it is difficult to maintain a nexus, but we do have to take opportunity that we can to make sure that we are at least heard to some degree on this budget that is coming up and make sure that we use whatever time we can to make sure people understand that there is a difference between the parties when it comes to dealing with the social and economic security of this country. We can talk under the rules all we want about being able to step out and protect our Nation and there is no disagreement, but there ought to be a debate as between accelerating tax cuts and accelerating the tax cuts for the wealthy versus doing things for the economic security of this country.

POINT OF ORDER

Mr. SESSIONS. Mr. Speaker, I make a point of order.

I think the gentleman is in violation of House rule XVII, which requires a Member to confine himself to the question under debate. We are speaking today about telecommuting, and that is what this rule is concerning and on the floor at this time, and I would ask for the Chair to rule upon this again, sir.

The SPEAKER pro tempore. The Chair will require the gentleman from Massachusetts not to dwell on the merits of the budget resolution. It is not before the House at this point in time.

Mr. TIERNEY. Mr. Speaker, I thank the Speaker. I understand that my colleagues on the other side do not want us to dwell on the budget comparisons and on those issues, and so I will try again to confine my remarks to the rule, understanding how assiduously they have worked to make sure we do not get into an extended debate about the economic and social security of our country and the comparison with tax breaks and acceleration of tax breaks for the wealthy.

Continuing on this rule, Mr. Speaker, this rule gives us plenty of time, as I said before, to discuss in fact an issue that is not in great contention, and it is remarkable that we have so much time to discuss a bill that comes under a great deal of agreement and so little time to discuss other bills that, in fact, have a great deal of disagreement and issues of very significant importance to this country.

Mr. Speaker, I rise to oppose this Rule because it denies the American people a full and fair debate to the fiscal year 2003 budget resolution, and denies America's First Responders a full and fair debate over whether this budget will assist them as they assist us in fighting terrorism.

As we all know, our nation's first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th and the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

This Amendment—which the Majority refused to allow to come up for a vote—calls for Congress to include some relief for America's First Responders who have so ably served our country. It addresses FEMA's State and Local Terrorism Preparedness Initiative which requires local first responders to put up a burdensome (and for many, unaffordable) 25% local "match" in order to receive ANY assistance. The Amendment concludes that "Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable."

This amendment, the substance of which was communicated to the Budget Committee last week by 114 Members of Congress—Democrats and Republicans from urban and rural districts across the country—is a budget neutral remedy to a problem faced by first responders in my district and across the country. The letter was signed by Representatives ABERCROMBIE, ACKERMAN, ANDREWS, BACA, BALDACCI, BALDWIN, BECERRA, BERKLEY, BERMAN, BLAGOJEVICH, BLUMENAUER, BONIOR, BOSWELL, S. BROWN, CAPPS, CAPUANO, CARDIN, B. CARSON, CHRISTENSEN, CLAYTON, CLEMENT, CLYBURN, COYNE, CROWLEY, CUMMINGS, D. DAVIS, DELAHUNT, DELAURO, DOGGETT, EDWARDS, FARR, FILNER, FRANK, GORDON, G. GREEN, GRAHAM, HARMAN, HINCHEY, HOEFFEL, HOLT, HONDA, HOUGHTON, HYDE, JACKSON, TUBBS JONES, W. JONES, KILDEE, KIND, KUCINICH, LAFALCE, LAMPSON, LANGEVIN, LANTOS, LARSEN, LARSON, B. LEE, JACKSON LEE, J. LEWIS, LOBIONDO, LOFGREN, LYNCH, MALONEY, MARKEY, MATSUI, MCCARTHY, MCGOVERN, MCKINNEY, MCNULTY, MEEKS, MENENDEZ, MILLENDER-MCDONALD, G. MILLER, MOORE, NADLER, NEAL, NORTON, OLVER, PALLONE, PASCRELL, PASTOR, PAYNE, PELOSI, PHELPS, QUINN, RAHALL, RIVERS, RODRIGUEZ, ROSS, SANDLIN, SAWYER, SCHAKOWSKY, SCHIFF, SCOTT, SHOWS, SKELTON, SLAUGHTER, SNYDER, SOLIS, STUPAK, SWEENEY, M. THOMPSON, THURMAN, TIERNEY, TOWNS, TURNER, M. UDALL, T. UDALL, WAMP, WATSON, WAXMAN, WELDON, WOOLSEY, WU, and WYNN, all of whom share a commitment to ensuring that local first responders receive our support and resources to fight terrorism.

This Amendment is co-sponsored by a number of my colleagues who simply want the opportunity to show our First Responders that our budget includes resources for them to protect and defend our communities. I thank Representatives JOHN BALDACCI, TAMMY BALDWIN, ROD BLAGOJEVICH, SHERROD BROWN, MICHAEL CAPUANO, STEVE LYNCH, BOB MATSUI, NANCY PELOSI, CIRO RODRIGUEZ, LUCILLE ROYBAL-ALLARD, MAX SANDLIN, and TOM SAWYER for their support in this important effort.

Our Local Terrorism Preparedness Initiative Amendment will allow creativity and flexibility in shaping policy, so that lawmakers may either waive the match for fiscal year 2003, reduce the 25% percentage, and/or explore a "soft match" whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match—at no additional cost to the taxpayers.

Congress has an historic opportunity to assist local communities: by relieving them of this unfunded mandate; by rewarding the entrepreneurial and patriotic spirit in so many districts like my own in Massachusetts where first responders have put aside turf issues and worked cooperatively to create Local Emergency Planning Committees and other cross-jurisdictional response strategies to serve the American people; and by ensuring that local first responders may continue to serve as America's first line of defense.

Our nation's first responders are in desperate need of assistance from the Federal government for homeland security efforts and they deserve a full and fair debate over whether Congress is prepared to respond to their urgent needs in this year's budget.

Because the Majority refused to allow this debate, I urge my colleagues to stand up for America's First Responders and against this unfair rule.

This Amendment to H. Con. Res. 353, the FY 2003 Budget Resolution, calls for Congress to include some relief for America's First Responders who have so ably served our country after the terrorist attacks of September 11th and the anthrax attacks of October, 2001. It addresses FEMA's proposed $3.5 billion State and Local Terrorism Preparedness Initiative—$2.625 billion of which will be directed toward local communities—which requires local first responders to put up a burdensome (and for many, unaffordable) 25% local "match" in order to receive ANY assistance. The Amendment concludes that "Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable."

This bipartisan effort includes a letter signed by 114 Members—Democrats and Republicans from urban and rural districts across the country—seeking a budget neutral means to relieve local police, fire and emergency responders of this unfunded mandate and to ensure that local first responders may continue to serve as America's first line of defense. (Please see an attached copy of the letter with a list of signatories.)

If passed, the Amendment will allow flexibility in shaping policy, so that lawmakers may either waive the match for FY 2003, reduce the 25% percentage, and/or explore a "soft match" whereby communities that have together incurred over a billion dollars in overtime costs for police, fire and medical personnel can individually designate the expenses incurred after September 11th as part of their match.

At the end, add the following new section:

SEC. . LOCAL TERRORISM PREPAREDNESS ASSISTANCE.

(a) FINDINGS.—The Congress finds that—

(1) our Nation's first responders rose to the occasion in recent months, answering the

call to protect and stabilize our communities after the terrorist attacks of September 11th as well as the anthrax attacks of October 2001;

(2) communities incurred over a billion dollars in overtime costs for police, fire and medical personnel, and stand to incur similar unreimbursed expenses as the war on terrorism continues;

(3) the proposed $3.5 billion for FEMA's State and Local Terrorism Preparedness Initiative, $2.625 billion of which would be directed toward local communities might not allow most first responders to participate because of an onerous 25 percent local match prerequisite for Federal assistance; and

(4) Congress can fashion a budget-neutral remedy to assist communities that otherwise could not afford to participate in the State and Local Terrorism Preparedness Initiative through waiver or reduction of the local match requirement, thereby relieving local police, fire and emergency responders of this unfunded mandate and ensuring that local first responders may continue to serve as America's first line of defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Government should assist local communities who stand ready to participate in FEMA's Local Terrorism Preparedness Initiative by waiving the 25 percent local match prerequisite or by reducing the percentage as much as practicable.

CONGRESS OF THE UNITED STATES,
Washington, DC.

Hon. JIM NUSSLE,
Chair, House Budget Committee, Cannon House Office Building, Washington, DC.
Hon. JOHN SPRATT,
Ranking Member, House Budget Committee, O'Neil House Office Building, Washington, DC.

DEAR CHAIRMAN NUSSLE AND RANKING MEMBER SPRATT: We are writing to respectfully request that the fiscal year 2003 budget resolution include a waiver for local first responders in desperate need of assistance from the Federal government for homeland security efforts.

As you are aware, our nation's first responders rose to the occasion in recent months, answering the call to protect and stabilize our communities after the terrorist attacks of September 11th as well as the anthrax attacks of October 2001. Communities incurred over a billion dollars in overtime costs for police, fire and medical personnel—and stand to incur similar unreimbursed expenses as the war on terrorism continues.

While we are encouraged by the President's proposed increases in homeland security spending, particularly the $3.5 billion for FEMA's proposed State and Local Terrorism Preparedness iniative—$2.625 billion of which will be directed toward local communities—we note with concern that the Administration's proposed budget might not allow most local communities to participate because of an onerous (under current circumstances cited above) 25% local "match" prerequisite for federal assistance. Congress has an historic opportunity to assist local communities by adding $875 million to this package, thereby relieving them of this unfunded mandate, and ensuring that local first responders may continue to serve as America's first line of defense. In the event that the Committee cannot fund the $875 million, we respectfully request that you waive the local match or reduce the percentage as much as possible and adjust local terrorism preparedness appropriations accordingly.

We recognize the difficult choices that you face this fiscal year. However, we continue to believe that funding for local homeland security efforts demands our attention and assistance.

Thank you for your consideration of our request.

Sincerely,

Representatives Abercrombie, Ackerman, Andrews, Baca, Baldacci, Baldwin, Becerra, Berkley, Berman, Blagojevich, Blumenauer, Bonior, Boswell, S. Brown, Capps, Capuano, Cardin, B. Carson, Christensen, Clayton, Clement, Clyburn, Coyne, Crowley, Cummings, D. Davis, Delahunt, DeLauro, Doggett, Edwards, Farr, Filner, Frank, Gordon, G. Green, Graham, Harman, Hinchey, Hoeffel, Holt, Honda, Houghton, Hyde, Jackson, Tubbs Jones, W. Jones, Kildee, Kind, Kucinich, LaFalce, Lampson, Langevin, Lantos, Larsen, Larson, B. Lee, Jackson Lee, J. Lewis, LoBiondo, Lofgren, Lynch, Maloney, Markey, Matsui, McCarthy, McGovern, McKinney, McNulty, Meeks, Menendez, Millender-McDonald, G. Miller, Moore, Nadler, Neal, Norton, Olver, Pallone, Pascrell, Pastor, Payne, Pelosi, Phelps, Quinn, Rahall, Rivers, Rodriguez, Ross, Sandlin, Sawyer, Schakowsky, Schiff, Scott, Shows, Skelton, Slaughter, Snyder, Solis, Stupak, Sweeney, M. Thompson, Thurman, Tierney, Towns, Turner, M. Udall, T. Udall, Wamp, Watson, Waxman, Weldon, Woolsey, Wu, and Wynn.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Speaker, I rise today in support of the Freedom to Telecommute Act of 2002.

For many years, the government contracting industry has been forced to lag behind because many government agencies prohibit their contractors from allowing telecommuting. This legislation will help them move into the 21st century.

Many of the country's most technologically advanced companies have embraced telecommuting as a cost-savings measure that is good for companies, good for employees and good for families. For far too long the demands of the job have conflicted with the demands of the family, and workers have had to choose between the two. For many workers, a 9 to 5 workday is not feasible.

Rather than neglecting their duties at home in order to work, telecommuting allows them to supplement their traditional workday or to occasionally work from home. Some businesses have also found it advantageous to offer telecommuting as an alternative to the traditional office environment. This practice saves money, and when the government is the customer, the savings can be passed along to the American taxpayer.

This legislation permits government contractors to take advantage of telecommuting opportunities. We will all benefit from this change to procurement policies. Government contracts will be completed faster and more efficiently, saving us all money and taxes. The deterrents to working more than the normal workday will be removed if employees can work from home and contractors will invest money in their product rather than costly overhead.

The increased number of telecommuters will also take people off the roads during heavy commuting hours, reducing congestion and helping our environment.

The most important change that will result from this legislation is the benefits that will result for the employees of government contractors. They will be able to spend more time with their family, while still meeting their work commitments. Moms and dads will be able to stay at home with a sick child and still be able to work. Moms and dads can take their kids to soccer practice and return to work when they get home.

The district I represent in Norfolk and Virginia Beach has hundreds of companies who contract with the Defense Department. By allowing their employees to telecommute, many of these contractors will save money and give the government the ability to spend money on our Nation's national security priorities rather than more costly government contracts.

Mr. Speaker, this legislation is pro-taxpayer, pro-business and pro-family. I thank my good friend the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the Subcommittee on Technology and Procurement Policy, for submitting this legislation, and I urge my colleagues to support it.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 17½ minutes remaining, and the gentleman from Texas (Mr. SESSIONS) has 16 minutes remaining.

Mr. HASTINGS of Florida. Mr. Speaker, I would ask the gentleman from Texas (Mr. SESSIONS) if he has additional speakers. At this time we have none and we are prepared to close.

Mr. SESSIONS. Mr. Speaker, I would respond to the gentleman and tell him that we do have one additional speaker and then I would close. We will go ahead and allow my speaker, allow the gentleman from Florida (Mr. HASTINGS) to close and then we will do the same. It is my understanding there will be a vote on this rule.

Mr. HASTINGS of Florida. Mr. Speaker, I would say to the gentleman from Texas (Mr. SESSIONS), as of 5 minutes ago there was no vote requested.

Mr. SESSIONS. Mr. Speaker, I am trying to advise Members that may be listening there is a potential to have a vote on the rule.

Mr. Speaker, I yield as much time as she may consume to the gentlewoman from West Virginia (Mrs. CAPITO).

Mrs. CAPITO. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time, and I thank most especially the gentleman from Virginia (Mr. TOM DAVIS) for bringing this Freedom to Telecommute Act on the floor.

I rise in support of the rule and of the bill, H.R. 3924. This legislation is vital to transforming our entire workforce into the model for the 21st century.

In the year 2000 there were 2.8 million regularly employed teleworkers in the United States, growing about 20.6 percent from the previous years. A recent telemarketing cost-benefit analysis suggests telework arrangements can save employers $3,000 per year per employee.

There is no doubt that this family friendly work arrangement is more productive both for the employer and the employee and will become more commonplace in the next century, but currently Federal Government employers lag far behind their private counterparts in accepting and implementing alternative work methods such as telecommuting. Many Federal employers are stuck in the old style of management, believing that employees must be in the employer's sight in order to be productive and effective, and that I believe is a problem.

In my home district of West Virginia, particularly in the Eastern Panhandle area, which is very close to Washington, D.C., there are many Federal employees who endure a tremendously long commute every day. These hours in the car or on a train cause stress or strain and they prevent parents from spending more time with their families.

The Jefferson Telecenter in Ranson, West Virginia, has been a wonderful resource for setting up a more family friendly work environment. I was just there yesterday and visited with an employee from the EPA who expressed her arrangement was very satisfactory, both for her and for her employer.

These personal stories of a better quality of life where people can spend more time with their children and less time in a car are ample evidence that Congress should be more open to telecommuting opportunities.

I urge my colleagues to join me and pass not only the rule but the act.

I again want to thank the gentleman from Virginia (Mr. TOM DAVIS) for his constant vigilance in the area of telecommuting, and I want to join with him in every effort to see that this moves forward to bring us to a more productive workforce.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

There were points of order against this debate that were raised by my colleagues on the other side, and there was a citation to the specific rule that ostensibly and allegedly was violated and rulings from the Speaker and the Parliamentarian's advices in that regard, all on this particular rule with reference to telecommunication.

After all the bluster of the past few minutes, let me remind my friends on the other side that under their budget fewer people will be able to telecommute because there will be fewer jobs. That is simply the point we were trying to make, and telecommunication in the final analysis, the contractors that we are trying to protect are people who will be dealing with Medicare, people dealing with hospitals and health care, people dealing with roads, people dealing with education, all of these telecommuters that we are about the process of trying to protect.

Thus, we saw some of my colleagues come down here to the floor to discuss the fact that I raised last evening, and that is that we did not have enough time to discuss those matters that are germane, and there is a distinction in this rule and the rule that we will be discussing on the more germane points having to do with this Nation's security both economically as well as its defense.

Let me just say, stifling debate is the antithesis of opening up the process that we are trying to do on this telecommunications rule.

Mr. Speaker, I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Today, we have had a rule that we debated on telecommuting. We have underlying legislation that the gentleman from Virginia (Mr. TOM DAVIS), through his subcommittee, has brought to the floor today. We had a vigorous debate. Seems like we have agreement on this bill.

I am very proud of not only the work that the gentleman from Virginia (Mr. TOM DAVIS) does but also the Committee on Rules for its fair rule, a one-hour debate which we provide on any piece of legislation that is important enough to come to the floor.

Mr. Speaker, I urge my colleagues to join me in supporting this rule and the underlying legislation which will allow all workers to enjoy the all-around benefits of telecommuting, the Federal employees.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

☐ 1145

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 373 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 3924.

☐ 1145

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3924) to authorize telecommuting for Federal contractors, with Mr. FOSSELLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Chairman, I ask unanimous consent that Members may have 5 legislative days in which to revise and extend their remarks on the bill now under consideration.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 3924, the Freedom to Telecommute Act of 2002. I want to thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, for his assistance in bringing this to the floor, as well as the ranking member, the gentleman from California (Mr. WAXMAN); and the ranking member of my subcommittee, the gentleman from Texas (Mr. TURNER); and also the gentleman from Virginia (Mr. WOLF), my colleague from Virginia, who has been a pioneer in the area of telecommuting throughout this Congress and previous Congresses.

Mr. Chairman, we have seen a tremendous push for competitors to enter the marketplace. As the economy has cooled and the Federal Government appears to be ramping up on spending, vendors are now turning to the government marketplace as the first stop, not the last. Current acquisition law hampers the expansion of the government marketplace because Federal agencies may, under current law, refuse a bid proposal from a potential contractor that utilizes telecommuting in its work force. This is a hindrance to some contractors wishing to participate in the Federal marketplace. It also reduces the pool of contractors from whom the Federal Government can procure innovative services and technologies, and by so doing, of course, raises the cost to the American taxpayer and limits the number of items and the breadth of items that we can purchase that will accomplish the governmental mission.

H.R. 3924 would prohibit Federal agencies from continuing this practice. An exception is made if the contracting officer certifies in writing that telecommuting would conflict with the needs of the agency. For example, this exception may apply if a contractor deals with classified or sensitive information. This will ensure that the Federal marketplace continues to be a competitive choice among contractors.

The bill would also prohibit agencies from issuing solicitations that would reduce the scoring of a potential contractor's proposal if that contractor utilizes telecommuting.

Technological advances make telecommuting an attractive choice for employees because it allows them to work almost anywhere at any time. Telecommuting has caught on over the last 25 years and has become an option for Federal employees just over the last decade. Today, we estimate that close to 19 million people telework, and that number is increasing.

Private sector organizations and Federal agencies with telecommuting programs receive significant benefits. Telework has gained in popularity since it promotes a productive workforce and increases morale and quality of life, often resulting in higher rates of worker retention. The potential for increased productivity exists because of reduced office distractions: fewer phone calls, no water cooler chats, less commuting time going back and forth to work. Therefore, employees have increased time uninterrupted at work to do their jobs.

As a Member from northern Virginia, I know what it is like to sit in the worst traffic congestion in the country. Telecommuting reduces congestion on our roads, and it helps the environment by eliminating a significant number of vehicle trips during peak hours. Telework is also a very family-friendly initiative. It offers parents the choice of providing care and supervision for their own children while continuing their careers. It also accommodates employees with health problems or elder care or day care responsibilities.

The Subcommittee on Technology and Procurement Policy, which I chair, has been encouraging the development and promotion of telecommuting policies for the Federal Government. Last year, we conducted two oversight hearings to examine Federal agencies' progress in this area. We found that telecommuting is an excellent recruitment and retention tool that the Federal Government can use to address its human capital management crisis. The Federal Government should be a telecommuting leader. We should not be following industry. We should not be following our contractors. We ought to be leading the way. But, unfortunately, Federal agencies have been reluctant to embrace this concept.

For example, Federal managers are resistant to the concept because they would no longer be in the position to monitor employees directly. This attitude ignores the increased employee morale and productivity that results. The testimony before our subcommittee shows that the private sector is turning to this because it increases employee morale, it increases employee retention, it helps in recruitment, and, most of all, it increases productivity. It is time for Federal managers to shift their focus from a process-oriented performance measurement to a results-driven measurement.

When the Federal Government contracts with companies that embrace telework initiatives, the Federal workforce is directly exposed to this concept. Managers who have been reluctant to embrace this concept get to see it firsthand. This is one more way to help break down the managerial barriers that exist today to successful telecommunications and telecommuting in the Federal Government.

Federal agencies continue to grapple with barriers to acquiring the goods and services they need in order to meet their mission objectives. Agencies require better management approaches and purchasing tools government-wide to facilitate the efforts of acquisition managers in meeting agency goals.

As chairman of the Subcommittee on Technology and Procurement Policy, I am working with our minority members in the administration to accomplish broader acquisition reform. For example, I recently introduced H.R. 3832, the Services Acquisition Reform Act, SARA, which directs the Federal Government to adopt management reform techniques modeled after those in the private sector.

The current Federal services acquisition policy precludes companies with innovative human capital management models from participating fully in the Federal marketplace. And the loser is the Federal Government, which does not get the value and it does not get the competitive nature of these groups. The taxpayers also lose because they do not get the lower prices that competition brings. This sends the wrong message to Federal agencies, and it sends the wrong message to potential contractors.

Federal agencies receive mixed messages about the value of telecommuting under current law. Congress has passed a variety of legislation promoting telecommuting in the Federal workplace, and yet we turn around and restrict Federal contractor employees from implementing similar policies. At the same time, we are striving to create an acquisition system for the Federal Government that is modeled after the best practices of the private sector. But our current policy prevents the private sector from utilizing a critical management initiative such as telecommuting.

At the Subcommittee on Technology and Procurement Policy's two hearings on this topic, we heard from companies such as AT&T and Siemens Enterprise Networks. Both companies testified about the benefits of their telecommuting programs. They highlighted the strategic value of these programs as recruitment and retention tools.

Moreover, at the Subcommittee on Technology and Procurement Policy's September 6, 2001, hearing, we heard testimony from the Information Technology Association of America, the ITAA. Harris Miller, ITAA's president, testified about the challenges his organization's member companies face in the contracting process when they offer their employees the flexibility of telework. Contracting officers are reluctant to allow contractors to telecommute. As I already mentioned, H.R. 3924 will solve this problem.

As the Federal Government transforms its services' contracting processes from one that is performance-based to a results-driven process, human capital management strategies need to be adjusted accordingly. Human capital is of primary importance to private sector organizations. The Federal Government should encourage this viewpoint among its contractors and incorporate it into the agencies' management structures.

We are way behind the 8 ball on this at the Federal level; and this legislation, I think, will move us a step forward. So I encourage my colleagues to help expand telecommuting opportunities for Federal contracting employees, and I ask my colleagues to join me in supporting H.R. 3924.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to rise in support of H.R. 3924, and I commend Chairman DAVIS for his work on this legislation. It is very clear, I think to all of us, that the Federal Government faces a severe and looming human capital crisis; and one of the ways, one of the ways that we can encourage a strong Federal workforce is to utilize some of the management principles that the private sector has adopted. And we know for certainty that the private sector has been much more aggressive in promoting the use of telecommuting in the private sector than has the Federal Government.

The benefits to the Federal Government would be to improve worker productivity, morale and retention, and to improve recruitment of Federal workers. And to do so, the gentleman from Virginia (Mr. TOM DAVIS) has proposed in this legislation an encouragement to the private contractors, those who contract with the Federal Government, a provision that would prohibit them from outright banning the use of telecommunication unless there is some clear and distinct justification for doing so, such as national security or some other practical prohibition that would keep those employees of that private contractor from being able to engage in telecommuting.

Advances in information technology have made it so that many jobs in our society can be conducted from many locations. People can, in fact, perform work at home, on the Internet, rather than coming in to the traditional office. We look at the numbers of how many people are utilizing telecommunication in the private sector and we see, according to the latest figures, that there are about 19 million Americans who telecommute as a part of their job, and that number is rising. But when we look at the Federal Government, according to the Office of Personnel Management, there are only about 45,000 employees, or about 2.6 percent of our Federal workforce, that telecommute once a week, and almost half of those are in a single agency.

So we can see that the Federal Government has, in fact, lagged behind the private sector. Now, this bill is designed to encourage the greater use of telecommuting in the Federal Government. And it is interesting to note that though this is a very significant piece of legislation to the gentleman from Virginia, who represents northern Virginia, where we have a large Federal workforce, the encouragement of telecommuting could in fact provide Federal employment opportunities as far away as my district in east Texas. Because if jobs can in fact be performed at home through the use of the Internet, perhaps some of those very lucrative Federal jobs could be spread around, Mr. Chairman, to some of the rest of us.

So I am very pleased to be able to join my colleague in support of this legislation to encourage further use of telecommuting in the Federal Government.

Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume, and let me just say that there is no reason jobs could not go to east Texas, or anywhere else under telecommuting, where we could get the best and the brightest to be able to perform their duties and not have to have them in the current work-structured atmosphere, an outmoded structure that the Federal Government now operates under.

I want to again thank the gentleman from Texas (Mr. TURNER) for his help and assistance on this legislation. He has been a most constructive partner in our efforts to better utilize telecommunicating and acquisition reform. Hopefully, the time is not too distant when we will find thousands more parents in the Washington area and other areas able to telecommute, giving them more time to drive their kids back and forth to their piano lessons, to see their kids' practices and games or visit their schools, to adjust to appropriate medical appointments their kids may have; and, frankly, just to have more time with their families. With greater family satisfaction, I think, goes greater worker productivity.

□ 1200

It means for the Federal Government our ability to recruit and retain good people and keep them in this business, something that over the long term for the American taxpayer lowers our costs and gets better value for our tax dollars. This is an important first step. I urge adoption of this measure.

Mr. BLUMENAUER. Mr. Chairman, I come to the floor today to support H.R. 3924, the Freedom to Telecommute Act. This bill does the right thing by permitting federal agencies to allow contractors to telecommute.

Telecommuting is an integral part of building livable communities because it gives people more choices in their work, for their families and for our environment. Not everyone can live next-door to his or her workplace, but with telecommuting, more people can work from home when appropriate and we can reduce the troublesome peak-hour demand on our transportation systems.

In 2001, one in five American workers, or 28 million Americans were telecommuters and the growth of telecommuting is impressive. The number of U.S. telecommuters grew from roughly 19 million in 2000 to 32 million in 2001 and experts predicts that more than 137 million workers will be involved in some sort of remote work by next year.

Increasingly, private and public organizations are adopting telecommuting as a successful workforce strategy because telecommuting helps recruit new employees, expand the labor pool and provide staffing flexibility. It also reduces sick leave, increases productivity, reduces stress and protects the environment. In fact, if 10 percent of the nation's workforce were able to telecommute only one day a week, we would cut 24.4 million driving miles, eliminate 12,963 tons of air pollution and conserve more than 1.2 million gallons of fuel each week.

I urge my colleagues to support this bill that helps build more livable communities by promoting telecommuting.

Mr. WOLF. Mr. Chairman, I rise in support of H.R. 3924, the Freedom to Telecommute Act of 2002. Mr. Chairman, I have been a strong advocate of telecommuting and believe that it can be a major answer to solving traffic congestion around the country. It's simple. Fewer cars equal less traffic equal less pollution.

The federal government is already on the way to making telework a standard option for federal employees. Two years ago I included a provision in the transportation spending bill which requires federal agencies to identify employees whose jobs would be appropriate for telework one or more days each week. By the end of last year, each agency was required to offer the telework option to 25 percent of these eligible employees and to continue offering the option to an additional 25 percent until 100 percent of federal employees who are able to telework can.

My friend and colleague from Virginia, Representative DAVIS who strongly supports the federal telework program, has sponsored the Freedom to Telecommute Act on the floor today. This bill to authorize telecommuting for federal contractors will partner with my provision requiring federal agencies to allow workers to telework. It only makes sense that if we are working to encourage federal employees to be teleworking, we should also be allowing employees of federal contractors who work side by side with federal workers the option to telecommute.

A George Mason University study found that by reducing cars on the road by 3 percent, you can reduce traffic delays by 10 percent. This means if we can get 6 percent of the workforce to telecommute, we can reduce traffic congestion by 20 percent.

Studies show that employees are more productive when they telework. They also have a higher quality of life and more time to spend with their families instead of sitting in traffic. Teleworking also saves businesses money by freeing up expensive office space. Add in the benefit of cleaner air from fewer cars on the road and teleworking adds up to a win-win situation for everyone.

I urge a unanimous vote for H.R. 3924.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 3924 is as follows:

H.R. 3924

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom to Telecommute Act of 2002".

SEC. 2. AUTHORIZATION OF TELECOMMUTING FOR FEDERAL CONTRACTORS.

(a) AMENDMENT TO THE FEDERAL ACQUISITION REGULATION.—Not later than 180 days after the date of the enactment of this Act, the Federal Acquisition Regulation issued in accordance with sections 6 and 25 of the Office of Federal Procurement Policy Act (41 U.S.C. 405 and 421) shall be amended to permit the use of telecommuting by employees of Federal contractors in the performance of contracts with executive agencies.

(b) CONTENT OF AMENDMENT.—(1) The amendment issued pursuant to subsection (a) shall, at a minimum, provide that solicitations for the acquisition of goods or services shall not set forth any requirement or evaluation criteria described in paragraph (2) unless the contracting officer first—

(A) determines that the needs of the agency, including the security needs of the agency, cannot be met without any such requirement; and

(B) explains in writing the basis for that determination.

(2) A requirement or evaluation criteria under this paragraph is a requirement or evaluation criteria that would—

(A) render an offeror ineligible to receive a contract award based on the offeror's plan to allow its employees to telecommute; or

(B) reduce the scoring of an offeror's proposal based upon the contractor's plan to allow its employees to telecommute.

(c) GAO REPORT.—Not later than one year after the date on which the amendment required by subsection (a) is published in the Federal Register, the Comptroller General shall submit to Congress an evaluation of—

(1) compliance by executive agencies with the regulations; and

(2) conformance of the regulations with existing law, together with any recommendations that the Comptroller General considers appropriate.

(d) DEFINITION.—In this section, the term "executive agency" has the meaning given that term in section 105 of title 5, United States Code.

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

Are there any amendments to the bill?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KNOLLENBERG) having assumed the chair, Mr. FOSSELLA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3924) to authorize telecommuting for Federal contractors, pursuant to House Resolution 373, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8(c) of rule XX, the Chair will reduce to 5 minutes the minimum time for an electronic vote on the motion to suspend the rules and agree to H. Res. 371, which vote will be taken immediately after the vote on passage of H.R. 3924.

The vote was taken by electronic device, and there were—yeas 421, nays 0, not voting 13, as follows:

[Roll No. 71]

YEAS—421

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Blagojevich
Davis (FL)
Gutierrez
Lipinski
Lofgren
Morella
Northup
Peterson (PA)
Rush
Shadegg
Shows
Traficant
Weldon (PA)

☐ 1225

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 71, I was unavoidably detained. Had I been present, I would have voted "yea."

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore (Mr. FOSSELLA). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 371.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Maryland (Mrs. MORELLA) that the House suspend the rules and agree to the resolution, H. Res. 371, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 423, nays 0, not voting 11, as follows:

[Roll No. 72]

YEAS—423

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—11

Blagojevich
Davis (FL)
Ehrlich
Gutierrez
Lipinski
Morella
Rush
Shadegg
Shows
Traficant
Weldon (PA)

☐ 1236

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION TO ADJOURN

Mr. SANDLIN. Mr. Speaker, in protest of this rule and since passage of this rule would require spending the Social Security surplus, I move that the House do now adjourn.

The SPEAKER pro tempore (Mr. FOSSELLA). The Chair will remind the gentleman from Texas that the motion to adjourn is not debatable.

The question is on the motion to adjourn offered by the gentleman from Texas (Mr. SANDLIN).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDLIN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 77, noes 337, answered "present" 1, not voting 19, as follows:

[Roll No. 73]

AYES—77

Allen
Baird
Baldwin
Bentsen
Berkley
Berry
Boyd
Brown (FL)
Carson (OK)
Clay
Clyburn
Conyers
Coyne
Cummings
Davis (IL)
DeFazio
Deutsch
Dicks
Doggett
Evans
Farr
Filner
Frank
Frost
Gephardt
Gordon
Hall (OH)
Hastings (FL)
Hilliard
Hinchey
Holt
Honda
Jackson (IL)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
LaFalce
Langevin
Lantos
Lee
Lewis (GA)
Lowey
Markey
McDermott
McNulty
Meek (FL)
Mink
Olver
Owens
Pastor
Pelosi
Pomeroy
Price (NC)
Roybal-Allard
Sabo
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Slaughter
Smith (MI)
Smith (WA)
Solis
Stark
Thompson (MS)
Tierney
Towns
Udall (CO)
Velázquez
Waters
Watson (CA)
Wexler
Woolsey
Wu
Wynn

NOES—337

Abercrombie
Ackerman
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berman
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Gekas
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Jackson-Lee (TX)
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)

Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meeks (NY)
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Oxley
Pallone
Pascrell
Paul
Payne
Pence
Peterson (MN)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (NJ)
Smith (TX)
Snyder
Souder
Spratt
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Gilchrest

NOT VOTING—19

Blagojevich
Carson (IN)
Diaz-Balart
Emerson
Ganske
Gutierrez
Istook
Johnson (CT)
Lipinski
Millender-McDonald
Peterson (PA)
Ros-Lehtinen
Rothman
Rush
Shadegg
Shows
Traficant
Watkins (OK)
Weldon (PA)

☐ 1256

Mrs. JO ANN DAVIS of Virginia and Messrs. MATSUI, KLECZKA, and MOORE changed their vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 372 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 372

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. After general debate the Committee shall rise and report the concurrent resolution, as amended, to the House. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

The SPEAKER pro tempore (Mr. FOSSELLA). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

MOTION TO ADJOURN

Ms. SLAUGHTER. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn offered by the gentlewoman from New York (Ms. SLAUGHTER).

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. SLAUGHTER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 72, noes 333, not voting 29, as follows:

[Roll No. 74]

AYES—72

Ackerman
Allen
Baird
Baldwin
Bentsen
Berkley
Bonior
Boyd
Brown (FL)
Carson (OK)
Clay
Clyburn
Conyers
Coyne
Davis (IL)
DeFazio
Dicks
Doggett
Eshoo
Farr
Filner
Frank
Frost
Gephardt
Hastings (FL)
Hilliard
Hinchey
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kilpatrick
LaFalce
Lampson
Langevin
Lantos
Lee
Lewis (GA)
Lowey
Markey
McDermott
McNulty
Meek (FL)
Meeks (NY)
Mink
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rodriguez
Roybal-Allard
Sanders
Sandlin
Schakowsky
Scott
Slaughter
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Watson (CA)
Woolsey
Wynn

NOES—333

Abercrombie
Aderholt
Akin
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bereuter
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Borski
Boswell
Boucher
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Collins
Combest
Condit
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Etheridge
Everett
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Istook
Jenkins
John
Johnson (IL)
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kerns
Kildee
Kind (WI)
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Kucinich
LaHood
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Menendez
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Osborne
Ose
Otter
Paul
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds

Rivers
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ross
Roukema
Royce
Ryan (WI)
Sabo
Sanchez
Sawyer
Saxton
Schaffer
Schiff
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Toomey
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Young (AK)

NOT VOTING—29

Blagojevich
Carson (IN)
Dooley
Emerson
Evans
Gutierrez
Issa
Johnson (CT)
Johnson, Sam
Kleczka
Millender-McDonald
Miller, George
Moran (VA)
Oxley
Platts
Riley
Ros-Lehtinen
Rothman
Rush
Ryun (KS)
Serrano
Shadegg
Sherwood
Shows
Smith (WA)
Taylor (NC)
Traficant
Weldon (PA)
Young (FL)

□ 1316

Mr. WEXLER changed his vote from "aye" to "no."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only on the matter before us.

Mr. Speaker, H. Res. 372 is a closed rule which has been crafted to bring forward the annual Congressional budget resolution. While this differs in some ways from years past, it does reflect the fact that the previous 6 months has been anything but typical in the United States of America. As with all legislation considered by this body in the wake of the September 11 terrorist attacks, we have found ourselves in a unique situation where the traditional way of doing things has been modified by both sides to meet the more important priorities of a Nation fighting a war.

I am very pleased that the motion to adjourn and the one that preceded it both showed that even though there were 77 Members, or 72 Members in the second vote of the loyal opposition who do want to adjourn, that on a large bipartisan basis, most of this body wants to get on with this important work of the budget, and I think it is in that bipartisan spirit that we present this rule.

For a number of years, we have gotten into the admirable habit of managing debate on the budget by asking that all amendments be drafted in the form of substitutes so that Members could consider the whole picture as we debate and weigh spending priorities, which is, after all, our first mission here. Although we set out to continue that practice this year, unfortunately no real alternatives were offered.

While some may claim and some will claim that some near substitutes were offered, the proposals were actually modifications to process rather than substance, and they in no way qualified as full substitutes.

Despite rhetoric that I am sure we will hear as we always do in this particular debate that states otherwise, this rule provides a healthy forum for debate of our Nation's budget, and that is what we will be about this afternoon. It provides for 3 hours of general debate with 2 hours confined to the Congressional budget, equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget. Additionally, 1 hour of what we call Humphrey-Hawkins debate on the subject of economic goals and policies will be equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK), the House chairman and ranking member of the Committee on Joint Economics respectively.

The rule further waives all points of order against consideration of the concurrent resolution and provides that the amendment in the nature of a substitute printed in the report of the Committee on Rules shall be considered as adopted in the House and in the Committee of the Whole, and the rule permits the chairman of the Committee on the Budget to offer amendments in the House to achieve mathematical consistency.

Finally, the rule provides that the concurrent resolution shall not be subject to a demand for a or division the question of its adoption. So this is a fair rule. It is a practical rule and it fits the circumstances that we have today very well.

Mr. Speaker, in previous years the beginning of the budget season was a time when Members of this body would show the full color of their beliefs. Like in that other great rite of spring, the growth of the cherry blossoms, Washington explodes with new life and vividness as the great budgetary debates began, and we heard lots of good ideas. We argued over what programs should grow, what should prosper, what should be cut. We disagreed about how much money should be used to pay down debts and how much should be given back to the citizens, and we debated about lockboxes and highway funds, and in short, we argued about what are the proper responsibilities of the government, how do we go about our spending.

In all my years on Capitol Hill I have seldom met a Member of this body who did not believe that security and defense are among the most basic and essential duties of government, and that is what this budget is about, our national security. In fact, this budget is about three types of security.

First, it is about fiscal security for the Nation. This budget increases our defense spending by 13 percent so that well-paid, well-trained and well-equipped soldiers can defeat and deter all those who wish to harm the United States of America and its citizens at home and abroad.

The budget also provides $38 billion for new homeland defense spending. This money will be used to monitor our borders, improve intelligence collection, secure airports and better equip first responders for acts of terrorism, and indeed, we have seen some amazing heroic acts from those first responders.

Second, this budget is about economic security. It continues to pay down the national debt and retains important tax cuts for families and businesses. Additionally, this budget provides money for investments in energy, transportation and agriculture. Collectively, these measures will ensure that our economy continues to turn the corner away from recession and towards sustained prosperity.

Third, this budget is about personal security. It secures the commitments that our government has made to its citizens. It increases spending for veterans programs, and in my district that is particularly welcome news. It increases spending for education funding, for Medicare costs and environmental needs, and of course, Social Security is protected.

All of America's most important social spending programs are maintained and increased under this budget. In total this $2.1 trillion budget the gentleman from Iowa (Mr. NUSSLE) has put together meets all of America's longstanding commitments while it greatly increases funds for programs that will safeguard the lives of our families, our neighbors, our fellow citizens in this time of unusual peril.

Many may try to argue that this is the first deficit budget in recent years or that some favorite project of theirs is not sufficiently funded. Many will even try to claim both of these at the same time, and it is true that some projections show we will run a modest deficit this year, but in the last 6 months our Nation has been through war and recession. The small deficit we may face this year is a minor cost considering the urgency of defense needs and given the fact that all major social programs are fully funded.

Further, most budget experts agree that for the rest of the decade after this emergency year we can expect increasing budget surpluses.

When I speak to my constituents back home in southwest Florida, the last thing in the world they are concerned about is which political party scored points in this debate today. What matters to them now is that their government steps up and does the job that it was created to do to protect their lives and their liberty. It is our duty to give the American people a budget that does precisely that.

This is a fair rule to bring forward, an excellent budget. I urge passage of the rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for yielding me the customary 30 minutes.

Mr. Speaker, I oppose this closed rule. I oppose the cynicism it embraces and the contempt it demonstrates for honest debate. With this rule, the Republican leadership has blocked amendments offered by Democrats, all in an effort to adapt a flawed and disingenuous budget.

Our side of the aisle has made clear that the President has the firm support of this caucus when it comes to waging war on terrorism, and as a ninth generation American whose ancestors have fought in every United States conflict since the Revolutionary War, I am keenly aware of the sacrifices that war calls for.

I am also keenly aware that national security does not abrogate us from pursuing the priorities important to the country. Mr. Speaker, we have promises to keep. Generations of Americans have poured billions of dollars into Social Security and Medicare with the promise that these vital programs would be there for them when they and their loved ones retired. This body has voted five separate times to put Social Security and Medicare in a lockbox and throw away the key. Yet this budget resolution breaks that promise.

Indeed, the measure before us wipes out most of the Social Security surplus and decimates all of the Medicare surplus over the next 5 years. Thirty-two million retirees rely on Social Security income, and that number is increasing every day.

Mr. Speaker, I am still stunned that we have fallen so far so fast. In less than a year a surplus of $5.6 trillion shrank by $4 trillion. This is the worst fiscal reversal in American history and for what? A single-minded obsession with tax cuts that overwhelmingly benefit the very wealthy in this Nation, and do not be fooled by today's rhetoric. The negative impact of the budget priorities of the majority were already stinging many Americans well before the tragedy that unfolded September 11. In fact, 43 percent of the surplus was already gone by then due to the tax cut.

Why then in the midst of this fiscal problem do we now hear that the leadership in the House is demanding further tax cuts a month from now? Why are we jeopardizing the Nation's future for a press hit during tax time?

This administration and leadership of the body has squandered an extraordinary opportunity for reasons largely unrelated to the war. The budget reverses a decade of fiscal progress and takes the country back down a perilous path of unending deficits. From 2002 through 2012, budget surpluses are converted into budget deficits, and Social Security and Medicare trust funds are raided with abandon.

Mr. Speaker, virtually every independent analysis of this budget has dubbed it a sham. It omits numbers in the second 5 years even though we have employed 10-year projections since Congress passed the Balanced Budget Act. Even more ominously this resolution uses OMB rather than CBO estimates in an effort to hide the real impact of the budget. Instead of relying on Congress' nonpartisan CBO estimates, the majority chose to use the much rosier estimates provided by the administration's political appointees at OMB.

My colleagues may recall that in 1995 the other side shut down the government to insist on the use of CBO estimates. If CBO should prove correct rather than OMB, virtually the entire Social Security surplus will be gone for the next 10 years.

At the very least the Committee on Rules should have allowed an amendment by Mr. MORAN to pull in the reins on deficit spending to allow us to return to fiscal responsibility. The committee should have allowed the gentleman from Texas (Mr. STENHOLM) to offer his substitute, which simply used realistic CBO cost estimates to shape the Nation's budget.

Moreover, Democrats had hoped to offer amendments on a host of issues. In addition to undermining Social Security and Medicare, the resolution woefully underfunds education, a prescription drug benefit, efforts to fight HIV and AIDS. The list goes on and on.

This close ruled kills honest debate on these and other issues.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Texas (Mr. SESSIONS), a member of the committee.

Mr. SESSIONS. Mr. Speaker, I thank the gentleman from Florida (Mr. GOSS) for allowing me a few minutes to talk about the budget, the Republican budget, that has run through committee.

The gentleman from Iowa (Mr. NUSSLE) in that committee has done a fabulous job and I want to talk about some of the great things that this budget does.

First of all, as the parent of a child with Down's syndrome, I am very pleased to know that we are going to continue providing schools with money for IDEA. It is important that this Congress understand that IDEA and the education of our children is important. We have increased funding.

We have made sure that as we go through this budget that we make sure that not one penny has been taken from Medicare, Medicaid or Social Security. Last night in the Committee on Rules, I had an opportunity to speak with not only the chairman of the Committee on the Budget but also the ranking member and asked the question specifically, is there one penny that we have taken out? That answer is no.

We have continued to make sure we pay down debt. We have continued to make sure that veterans receive not only an increase of the money we give them but that we continue to focus on the efficiency of those programs.

We make sure in this budget that not only do we talk about homeland security, which is probably the number one issue combined with winning the war, but we fully fund those requests that come from our President to make sure that those things happen with making sure the military and homeland security gets their money.

We are making sure that we do things to support funding of not only education and homeland security but we are also making sure that we are giving the money to NIH. NIH funding has doubled now since 1996. We are making sure that we take care of the needs of a growing Nation, a Nation that needs NIH to solve and give us cures related to medicine.

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So what we are doing in this budget is going through and making sure that the priorities of this Nation are taken care of. We are increasing funding some places, but we are making sure that homeland security and the defense of this country is taken care of. At a time when we are at war, what we are doing is not having deficit spending. We are making sure that we end with a balance here. And at a time when increasingly it is more and more difficult to find enough money to keep spending, we are making sure that priorities are taken care of.

I am proud of not only what this Republican bill does, but last night we heard from the other side, the Democrats, that they do not intend to offer a budget. I think it is very insincere for someone to come and attack you for doing the heavy lifting when in fact they do not present their own budget. It is easy to attack one piece or another, one place or another, but when you put together an entire budget, which is what we have done, I think it deserves the support of this House, and that is what I support.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I rise in opposition to this rule. I speak as the ranking member of the Committee on Armed Services, and I speak with those who wear the uniform of our country in mind.

The vote on this resolution might well be the most important national defense vote cast this year. In my opinion, the rule that is being offered today shortchanges national defense. Let me explain.

The top line that is recommended is a $48 billion increase. I think that is fine. We have needed that for some time. However, there is a $10 billion so-called reserve fund that we are not allowed to appropriate. My amendment that was offered at the Committee on Rules, and that was denied, would fix that flaw and fix that error. So what this amounts to is a $10 billion zero, a cut in the proposed figure of $48 billion down to a $38 billion increase.

Under the Constitution, our duty is clear: article one, section 8 requires that the Congress of the United States raise and maintain the military. We cannot delegate that duty, as is proposed in this rule and in this resolution. We cannot give it to anyone else, the Secretary of Defense, though he is a fine man; the President, or anyone else. As Harry Truman once said, and the little sign said on his desk: "The buck stops here." The buck stops on national security and national defense right with us.

I cannot offer, as a result of the Committee on Rules' denial of my amendment, a pay increase that should equal the pay increase that the soldiers and those in uniform received last year. They cannot receive the military construction money that is needed. And just today, General Joe Ralston revealed in testimony and showed us in pictures the dilapidated family housing that our people live in in Europe. We need more Navy ships, ammunition, and unfunded requirements.

It is our duty. It is not a political thing; it is our duty under the Constitution to vote against this rule.

Mr. GOSS. Mr. Speaker, may I inquire of the time that remains on either side?

The SPEAKER pro tempore (Mr. LATOURETTE). The gentleman from Florida (Mr. GOSS) has 20 minutes remaining, and the gentlewoman from New York has 22½ minutes remaining.

Mr. GOSS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. FROST).

Mr. FROST. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Since September 11, Americans have united in historic fashion, pulling together as a national family to face down the new dangers of terrorism, and Democrats remain committed to ensuring our troops have all the resources they need to win the war on terrorism. There is no partisan debate over defending America. But that is not the only challenge facing us right now, Mr. Speaker.

Mr. Speaker, I can only assume that my friends on the other side of the aisle are great fans of Lewis Carroll. You remember Lewis Carroll. He is the fellow who wrote "Alice in Wonderland." We have a situation where down is up and up is down. Republicans say, oh, we do not touch the Social Security surplus. We do not take a penny out of Social Security. Well, down is up and up is down, my colleagues, because, in fact, this budget uses $1 trillion of the Social Security and Medicare surplus the first 5 years and $2 trillion over a 10-year period.

Over the past 12 years, America has fallen into a very deep and dangerous budgetary hole, one that poses a great threat to Social Security and other priorities like education, prescription drugs, and homeland security. Since Republicans passed their budget last year, America has lost $5 trillion of the proposed surplus. That is nearly 90 percent of our national nest egg down the drain.

Mr. Speaker, last year, we were planning to pay off America's national debt. This year, the Bush administration wants to increase the debt ceiling so all Americans can go deeper into debt. Before last year, we were using the Social Security surplus to strengthen Social Security. In fact, this House overwhelmingly passed five different lock boxes, pledging not to spend Social Security on other government programs. But this year, Republicans have broken their promise to America and offered a budget that raids Social Security in each of the next 10 years.

Mr. Speaker, there is only one way to dig ourselves out of this hole and that is by working together as a national family to restore fiscal responsibility and honest budgeting. That is how families across the country operate. They sit down at the kitchen table and take an honest look at their expenses, their debts, and their income. Mr. Speaker, that is why Democrats have repeatedly urged Republicans to forget politics as usual and join us at the negotiating table to work out a bipartisan budget.

Unfortunately, Republicans refuse to even acknowledge the mess they have made or the threat it poses to Social Security. Instead, their budget cooks the books yet again and tries to pass off another bad check on the American people. Mr. Speaker, Republicans are hiding behind budget gimmicks and accounting tricks that no self-respecting accountant would stomach, unless he worked for Enron.

Republicans are desperate, Mr. Speaker. They are desperate to hide the fact that the Republican budget is a trillion dollar raid on Social Security, one that still increases the debt and shortchanges priorities like education and prescription drugs. Additionally, as the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Mississippi (Mr. SHOWS) have pointed out, Republicans are seriously shortchanging health care for veterans and military retirees.

Vote "no" on the rule and "no" on the budget.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Charlotte, North Carolina (Mrs. MYRICK), the hub of most good flights going to Florida these days, and a member who does great work on our Committee on Rules.

Mrs. MYRICK. Mr. Speaker, I thank the gentleman for yielding me this time. I think over this next period of hours we are going to be hearing a lot of rhetoric about Social Security and what is happening to Social Security. It seems to be the keynote of the day.

I just wanted to commend the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for what he has done in bringing this budget forward.

I came here, like a lot of others, in 1995, with the commitment that we are going to balance the budget; and in 1997 we were able to achieve that, and we have been doing that every year since. And Chairman NUSSLE is keeping us on that path.

We have paid down debt; and, yes, we can move the numbers around, people seem to be good at that, but we have paid down almost a half trillion dollars in debt so far, and that is really a good start. We are going to be paying down more, and we have a commitment to continue to do that as well as protecting Social Security over these next few years.

And I will say that anybody who is receiving Social Security today, or is close to receiving Social Security or Medicare, should not be misled in any way by people saying, oh well, it is not going to be there for them. They are perfectly fine. We are talking about the future, which we are going to be working on.

I cannot help but make the comment that if previous leaderships over the past 30 years, before we took over in 1995, had not spent the Social Security surplus specifically for other government programs, they used it every year, if that had not happened, that money would still be there and we would not be having any argument whatsoever of whether there was enough money for Social Security. That point seems to get lost when we are doing debate.

So, Mr. Speaker, I just wanted to bring that to everyone's attention and again commend Chairman NUSSLE for the good job he has done in protecting our future with the war and our homeland defense and our economic security; and I urge my colleagues to vote "yes" on the rule and "yes" on the budget.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. HASTINGS) my colleague on the Committee on Rules.

Mr. HASTINGS of Florida. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, this budget is a case study in poor leadership and fiscal management. It serves as an example of what goes wrong when you fail to think ahead.

Mr. Speaker, the general theme of this year's budget resolution is a reckless disregard for the obvious. After all, the resolution does not account for the last 5 years of last year's tax cut, and it certainly does not account for real CBO numbers.

What the majority's figures do account for is a more than 5 percent cut in nondefense related spending and an additional $28 billion in tax cuts. They account for a 16 percent shortchanging of "leave no child behind," and they account for the elimination of the Social Security and Medicare trust funds.

The resolution also accounts for cuts in health care, law enforcement, energy production, environmental protection, not enough money for election reform, housing for the elderly, the capital fund for housing, homeless assistance cuts; and all the way across the board we find this.

Basically, Mr. Speaker, what has happened is the lock box has been unlocked, thrown away, retooled, and made into an ATM machine.

Mr. GOSS. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, for the purpose of a colloquy with a colleague.

Mr. CHAMBLISS. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, I rise today to engage in a short colloquy with the chairman of the House Committee on the Budget.

It is my desire to clarify where the increase in the money authorized for health-related spending will go. I would like to stress the importance of providing funding for the Center for Disease Control buildings and facilities in respect to winning the war on terrorism.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I would be pleased to enter into that colloquy with the very distinguished gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman.

One of today's most serious potential threats to our national security is bioterrorism. The CDC is a major and integral part of the homeland defense because of its ability to identify, classify, and recommend courses of action in dealing with biological and chemical threats.

In addition to working in asbestos-laden facilities, many highly trained scientists perform their research in facilities that lack safety features, such as sprinkler systems and adequate electrical and air flow systems, and, as a result, limits the agency's ability to recruit and retain the world-class scientists.

The multiyear master plan, put together by the CDC for adding to and replacing infrastructure at its Atlanta location, has received wide bipartisan support in the House and the Senate. Addressing the deficiencies will greatly benefit all Americans. It will enhance CDC's ability to respond to emergencies as well as provide the desperately needed facilities required for day-to-day public health and research activities.

Last year, we provided $250 million for upgrading out-of-date equipment and restore dilapidated facilities at CDC. The CDC needs an additional $300 million to provide the 4th year of construction funding for a new infectious disease laboratory, which will include greatly needed bio-safety level-four hot labs, construction of a new environmental toxicology lab, and greatly needed security updates.

The budget resolution for fiscal year 2003 calls for $223.5 billion in health-related spending, which is a $22.8 billion increase from the $200.7 billion in fiscal year 2002. It is my understanding that fiscal year 2003 total spending for HHS's bioterrorism efforts would rise to $4.3 billion, an increase of $1.3 billion above the 2002 level. These funding levels will support critical homeland security initiatives. This includes funding for improvement to buildings and facilities at CDC.

Mr. Speaker, can the gentleman clarify that the increase in health funding would include improvements and modernization of facilities at CDC?

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Mr. NUSSLE. Mr. Speaker, the gentleman is correct. The budget resolution assumes $4.3 billion to counter the threat of bioterrorism. Emphasis, I believe, should be given to hospitals and other public health facilities, research and development, and it does accommodate the Georgia CDC lab in Atlanta.

Mr. CHAMBLISS. Mr. Speaker, if the gentleman would continue to yield can the gentleman clarify that the budget resolution will accommodate at least $300 million of the $4.3 billion for improvements to the buildings and facilities at the CDC in Atlanta, Georgia, an amount that was authorized in the bioterrorism bill passed by the House and the Senate last year?

Mr. NUSSLE. Mr. Speaker, the gentleman is correct, it would accommodate for a facility such as the gentleman has described in Atlanta, Georgia, $300 million for CDC.

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for his clarification of this matter.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, first of all, whatever this Congress does, we have to respect funding for national security. But while protecting ourselves from foreign enemies, we should fund programs that protect seniors and children, too. This budget fails to protect children or senior citizens.

In fact, according to this chart, this budget spends the Social Security surplus and the Medicare surplus for the next 10 years. For the next 3 years, we go into deficit spending over and above the surpluses in Medicare and Social Security. More than 40 million Americans are without health insurance, and yet there is nothing in this budget that does anything for them. There is no prescription drug benefit for seniors. The expectation of the cost is $750 billion. This budget does not even make a down payment on that.

Many States like Texas have trouble funding its SCHIP program which provides health care for children. There is nothing in this budget that allows the $3 billion for our States to have insurance for our children. To cap this off, the government is backing deficit spending for 3 years, and for the next 10 with Medicare and Social Security, as Members can see from this chart.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Speaker, I rise in opposition to the rule and would like to identify another reason for opposing this rule. We need to have a credible plan to get back to the balanced budget without relying on the Social Security Trust Fund once we have gotten control over this war on terrorism that the chairman of the Permanent Select Committee on Intelligence has alluded to and pulled out of this recession.

This budget resolution provides no such credible plan. A trigger, which a number of us offered which received a Republican vote in the Committee on the Budget, stated that next year the House had to produce a budget resolution that put the budget in balance without using the Social Security Trust Fund, and it had to be a 5-year plan. There is no such provision in this bill today. We are headed down a path without regard to how we are going to debate spending and tax cut proposals as far as how it impacts our ability to get back to a balanced budget, to pay down the debt, to help keep interest rates low, to prepare Medicare and Social Security for its future solvency when the baby boomers begin to retire in 2006.

Mr. Speaker, we need a plan. This budget resolution does not do it. The trigger is such a plan, and it ought to be part of a debate we have today.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. ISRAEL).

Mr. ISRAEL. Mr. Speaker, it is with great sadness that I rise to speak against this rule. I and my moderate Blue Dog colleagues sought to present a reasonable, bipartisan alternative that would have adopted the majority's budget, but would have required us in Congress to do what every American with a bank book is required to do, and that is to keep it balanced.

This rule does not allow for discussion of a bipartisan alternative. It does not allow for discussion about prescription drugs for seniors. It does not allow for discussion about squandering our surplus, or allow for a full debate on avoiding a raid on the Social Security and Medicare trust funds every year for the next 10 years.

Mr. Speaker, I have repeatedly voted with my Republican friends and with the President when I felt that they were reaching across party lines to develop bipartisan consensus on real problems. I had hoped that we would be able to do that with this budget and this rule, but this rule does not provide for that. It is unfair. It is undemocratic. It is the majority's way or no way; and on that basis we should defeat this rule and come back and develop true bipartisan consensus on a balanced budget, a strong defense and meets the needs of working families.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a member of the Committee on the Budget.

Mr. KIRK. Mr. Speaker, I rise in strong support of this budget. We have led on our side. We have a plan to protect Social Security. We have a plan to prosecute the war and provide for tax relief for Americans.

The other side's leadership has ordered them not to produce a budget. The gentleman from South Carolina is a very fine Member of Congress who would have been able to put together a good alternative had he been allowed to. But instead, there is no plan on the other side. When we look at the options, the options are to raise taxes, cut defense spending, go further into debt. We have no leadership on the other side. Thank goodness our majority has led on this topic.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I take a back seat to no one in support of a strong budget and increased intelligence spending, but these priorities can and should be met in the context of a balanced budget with balanced priorities. I voted for such a budget over a decade, and each time that budget has been supported by the Blue Dogs, of which I am a Member. One does not have to be from the South, unless we count southern California, or a male, to be a Blue Dog, and I proudly am one and proudly support a fiscally responsible budget.

This time, for the first time, the Blue Dog proposal has not been made in order, and so we do not have on the table and we will not be able to vote for a balanced budget proposal with balanced priorities.

I strongly oppose this rule. I strongly oppose the notion that many of us on a bipartisan basis are not in favor of balanced budgets. I think as we talk about homeland security, we can only achieve that in a context of economic security which we risk destroying by this vote today. Vote "no" on this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE. Mr. Speaker, I am here to oppose the rule. The President has asked for bipartisanship, and I have bent over backwards to be bipartisan. In fact, I voted for the President's tax cut last year. When we were asked to be bipartisan, we have tried. In fact, a group of us, the Blue Dogs, submitted a substitute budget using all of the numbers in the Republican budget with two differences: One, that we used Congressional Budget Office numbers, the same numbers used for the last 10 years, not switching numbers; number two, that we added a midyear review in August in case the projections do not come out the way that we hope they will.

So when we hear a Member on the other side say there was not an alternative or substitute budget submitted, it is not true. They can say black is white, but it does not make it true. They have the votes, and they denied our substitute budget. They denied us the opportunity to present a substitute budget. They know that the numbers do not add up.

Mr. Speaker, why is a review important? Because Congress right now is in the Social Security funds and will be in $200 billion by the end of the next fiscal year, and $1 trillion over the next 10 years if things are not changed. Under the present budget and the proposal, it is a trillion dollars into Social Security funds over the next 10 years. I voted for the tax cut. I want a chance to work with the other side in a bipartisan manner, but it is not happening. We reached out to them and basically were slapped in the face.

I wish we could start this over because we could work together given half an even and fair chance. The President and the Secretary of Treasury have asked for a $750 billion increase in the debt limit. That is a $750 billion blank check. I think Congress has a responsibility to make sure that we oversee the use of that money and not write blank checks or provide blank checks to any person.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, the gentleman from Illinois (Mr. KIRK) invoked my name, and let me assure the gentleman, I am a free agent. I am comfortable with the decision that our caucus has made and our leadership has made. Frankly, we tried to produce a budget resolution, and we found to have a competing resolution on the floor and an apples-to-apples comparison, we would have to use the gimmicks and the devices the other side used to get the results they achieve. We did not want to do that for a couple of reasons, not the least of which we did not want to go to 5 years. We think a 10-year budget is proper. We did not want to use OMB, as complacent as they can be sometimes in helping Members get the bottom line that they want. We wanted to stick with the Congressional Budget Office, the neutral and nonpartisan group.

Mr. Speaker, for these and many other reasons, we decided not to do a budget resolution; but there will be a Democratic resolution. It will be presented in the other body by Senator CONRAD.

Mr. GOSS. Mr. Speaker, I yield 3 minutes to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Speaker, I rise in strong support of the rule and the underlying legislation. As a member of the Committee on Rules and the Committee on the Budget, I congratulate the gentleman from California (Chairman DREIER) on a fair rule, for allowing for open debate, and for the gentleman from Iowa (Mr. NUSSLE) for producing a wartime budget that recognizes the need to secure our homeland, win the war on terror, and bolster our economy.

By providing record increases in defense spending, providing for greater intelligence networking and funding antiterrorism measures, our budget takes a comprehensive approach to winning the war on terror.

By including funds for aviation security, defending against biological attacks, and securing America's borders, our budget makes homeland defense our highest priority. By allowing American taxpayers to keep $66 billion more of their own money during the next 5 years through economic stimulus tax relief, our budget helps stabilize and secure our economy.

Mr. Speaker, there has been much discussion lately about the importance of a balanced budget. I have always been a strong proponent of balanced budgets; but even proponents of proposals for balanced budget constitutional amendments like we addressed several years ago, those allow flexibilities when emergencies occur. Surely this time of national emergency, war and economic distress more than justifies temporary budget flexibility.

Mr. Speaker, I would like to highlight four aspects of this resolution which are of particular interest to my area of the Pacific Northwest: First, as chairman of the House Nuclear Cleanup Caucus, I am pleased that the Committee on the Budget has included my provision to set the Department of Energy's nuclear cleanup budget at $6.7 billion for next year, and a total of $1.1 billion to be available to fully implement the Department of Energy's accelerated cleanup effort.

Second, by including bipartisan language authored by myself and the gentlewoman from Oregon (Ms. HOOLEY), our budget highlights local fish recovery efforts in the Pacific Northwest. People in central Washington and throughout the region are dedicated to ensuring the survival of our salmon. It is crucial that the Federal Government and Pacific Northwest residents continue to work together to address the entire range of factors impacting fish populations.

Further, this budget serves our growers and farmers by fully providing for the expansion of the Market Access Program included in the House farm bill. Funding for this program will more than double from $90 million to $200 million in order to open new markets and expand trade opportunities for American agricultural products.

Finally, the budget resolution provides $700 million in additional borrowing authority for the Bonneville Power Administration. This additional borrowing authority is supported on a bipartisan basis by all Members from the Pacific Northwest.

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This increase will be used to assist the BPA in upgrading and building transmission lines that are urgently needed. I am pleased that this resolution fully funds the President's request for additional borrowing authority.

Accordingly, I urge my colleagues to vote for the rule and the underlying resolution.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentlewoman from New York for yielding time.

Mr. Speaker, if there is anything bipartisan about this budget resolution, it is probably our mutual displeasure with it. I do not think anyone is satisfied with this budget. And even if my colleagues on the other side accept the bottom line, that this budget resolution will run a real deficit and then continue to spend Social Security and Medicare dollars to pay for general government for years to come, I would say this year's partisan budget process does not permit a single substantive amendment, not in the Budget Committee, not in the Rules Committee, not on the House floor.

I mention only one. Yesterday, I asked the Rules Committee to make in order an amendment that would have made improvements to this budget, specifically to increase our investment in research and development. It was not allowed. This budget resolution does provide increased funding for the National Institutes of Health, but it does not provide enough funding for general scientific research and development through the National Science Foundation and other agencies. The NSF, the National Science Foundation, provides the backbone for the science and the scientists that are necessary to ensure that this Nation remains a leader. In other words, if the NIH investment is going to pay off, we need to make an investment in the other areas of science research and development.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for yielding me this time. I take to the floor in the strongest possible opposition to this unfair rule. I cannot believe my colleagues on this side that can stand up and say, "Support this fair rule."

But the first thing I want to say today is let the record clearly state, and I could not agree more, that Congress must join the President to provide for the security of our Nation, our troops, our law enforcement officials, and everyone else who is fighting the war on terrorism. We agree. However, it is cowardly, not patriotic, to use this vitally important priority for all of us as a scapegoat for abandoning all fiscal responsibility and the budget process in the pursuit of this unfair rule.

As a member of the minority, I do not expect I am going to win very often on the floor. But I do expect the majority to show a modicum of respect for the democratic process, if not for Democrats. To have every single Democratic amendment, both a complete substitute as well as numerous single bullet amendments, completely shut out of the debate is outrageous. What really bothers me about this, I remember the times in the last 23 years in which I have stood up with you on this side of the aisle when you were in the minority and demanded that you have an opportunity to have your amendments on the floor and debated and usually I was with you.

But yesterday the Rules Committee said "no" to the gentleman from Kansas (Mr. MOORE), the gentleman from Tennessee (Mr. TANNER), and myself when under the rules that you sent to us, we brought you a complete substitute and you said, "No, we do not wish to allow you to have 1 hour of debate on a substitute." We offered the good hand of friendship to you and you said "no." That is your privilege. That is your privilege. You can do so. But it is not just a few Blue Dogs or the Democrats who have a problem. The majority seems determined to ignore it, but they have the same problem that needs to be solved and that is a deficit.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. STENHOLM. I yield to the gentleman from California, the chairman of the Committee on Rules, that denied me an opportunity to have debate.

Mr. DREIER. Mr. Speaker, let me just say that in the testimony that the gentleman from Texas gave yesterday before the Committee on Rules, he made it very clear that what he was offering was, and this is a direct quote, "a perfecting amendment to the chairman's budget." That is how he described what did come forward, he said as a substitute. He described it as a perfecting amendment to the chairman's budget. I thank my friend for yielding.

Mr. STENHOLM. I take back my time from the chairman and say that these are the rules of the House. The Rules Committee said to all people who brought a rule, "Bring a budget that is scored by CBO." We did. The gentleman from Iowa (Mr. NUSSLE) did not bring a budget to the Committee on Rules scored by CBO. You ignored your own rules in allowing the gentleman from Iowa to come forward with an OMB-scored when your rules and what you instructed me to do is come CBO-scored. You chose to ignore it, which you can do. You can waive any rule any time you want to in the majority. But let me remind the gentleman that the chickens will come home to roost.

You are going to have to vote to borrow $750 billion, and it is going to be more than that with the economic game plan you folks are on. You are going to get to stand up and provide 218 votes to increase the debt ceiling when we could have been with you and we offered to be with you in a bipartisan way to the President saying, We do not have to resort to games; we can do it under the rules of the House and we can do it bipartisanly. But no thanks, you did not want any part of that.

There is justice in this world, and you are going to get a chance pretty soon to borrow that money in an up and down vote and explain why you are doing it when you could have had something better.

Mr. GOSS. Mr. Speaker, I yield again such time as he may consume to the distinguished gentleman from Iowa (Mr. NUSSLE), chairman of the Committee on the Budget, for a colloquy.

Mr. YOUNG of Alaska. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Alaska, the distinguished chairman of the Committee on Transportation and Infrastructure.

Mr. YOUNG of Alaska. I thank the gentleman for yielding.

Mr. Speaker, I rise to engage in a colloquy with the gentleman from Iowa on H. Con. Res. 353, the fiscal year 2003 House budget resolution.

Mr. NUSSLE. I am pleased to enter into a colloquy with the gentleman.

Mr. YOUNG of Alaska. First of all, I would like to commend Chairman NUSSLE of the Committee on the Budget for bringing this resolution to the floor. I am very pleased with the cooperative working relationship that has developed between our two committees.

As you know, the President's budget proposes an $8.6 billion, or 27 percent, reduction in highway funding, from $31.8 billion in fiscal year 2002 to $23.2 billion in fiscal year 2003. Most of this proposed decrease in funding is based on the revenue-aligned budget authority provision of the Transportation Equity Act for the 21st Century, otherwise known as TEA-21, which I continue to support in principle. However, it is simply too harmful to our State transportation budgets and our economy to allow such a dramatic funding cut to take place next year. Therefore, my goal has been to restore the highway program to a reasonable, sustainable funding level of at least $27.7 billion, which is the funding level envisioned by fiscal year 2003 in TEA-21. Any language to the contrary in the report accompanying H. Con. Res. 353 does not accurately reflect my views on this subject.

My position on this issue is made clear in H.R. 3694, the Highway Funding Restoration Act. H.R. 3694 calls for highway funding of not less than $27.7 billion in fiscal year 2003. The words "not less than" are profoundly important to me and the 315 cosponsors of the legislation. This is a fluid process, and I reserve the right of my committee to move this bill or some version of it in the future if necessary. If it becomes clear to me that the highway trust fund can sustain a higher funding level and at that time there is significant support for restoring more than $4.4 billion in fiscal year 2003, then I will actively support a further increase in highway funding. The budget resolution adds $4.4 billion for highways and highway safety, thereby increasing funding for the highway program to $27.7 billion. This is a significant improvement over the President's budget. For that and other reasons, I support the resolution and urge my colleagues, on my committee especially, to do likewise.

I would like to clarify my views with the gentleman from Iowa and ask if there is anything in H. Con. Res. 353 that would preclude adding more than $4.4 billion to the highway program at some point in the future.

Mr. NUSSLE. I thank the gentleman for his leadership on this issue and also for the cooperation between our committees. I agree with the gentleman from Alaska that there is nothing in this resolution that would preclude adding more than $4.4 billion to the highway program under certain circumstances. For instance, such a further increase could be possible if conference negotiations with the Senate result in a higher funding level for highways or if the Appropriations Committee, as an example, would allocate additional outlays to its transportation subcommittee by reducing outlays in some other function.

I understand the gentleman will continue to work with the Budget Committee to help modify the caps, including those for highways and transit to, among other things, accommodate the additional transportation spending and to smooth out the year-to-year fluctuations in the revenue adjustments made under the RABA provision of TEA-21. I appreciate the gentleman's leadership on this.

Mr. YOUNG of Alaska. I thank the gentleman for his comments. I will work with him as I have told him before not only on the floor but in private to provide both the general purpose and transportation caps to, among other things, reflect the increase in highway spending. I want to thank the gentleman again for his good work.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Speaker, all of us have to vote against this rule, because all of us have voted to do so. Unless you were just elected in the past year, every single one of us have voted to protect Social Security and Medicare if at all possible. I offered the most reasonable amendment you could imagine, a trigger amendment. All it said was that we will give you a pass this year but beginning next year, if the Congressional Budget Office tells us that we are operating at a deficit, that we will have to dip into Social Security trust funds, then the Budget Committee has to produce a path, a budget plan over 5 years to bring us back into balance without using Social Security. That is all it does. If you vote against the rule, you are saying that you are letting off the Budget Committee from coming up with a 5-year plan that is not based upon raiding Social Security trust funds. And this budget does do that. That is the problem with this budget.

There is a $224 billion deficit in this year's budget that is paid for by Social Security Trust Funds. Over the next 5 years, $830 billion comes out of the Social Security trust funds. Over the next 10 years, $1.6 trillion is going to come from Social Security trust funds. All we are saying is that as of next year, if you find that we are still operating at a deficit, give us a plan, a 5-year plan that will enable us to be good to our word, because five times we have voted for the lock box. Five times. 228 Republicans have voted for the lock box, saying we are not going to use Social Security to balance the budget. Yet here we are today, about to do exactly what we promised never to do.

If you vote for the rule, you are rejecting an amendment that simply said give us a 5-year plan to get out of the reliance upon Social Security trust funds. Let us balance this budget with general funds revenue, not take it from the trust funds, not put the burden on our children to have to come up with our retirement and our Medicare health funds. That is all we are asking for, to be good to our word. We are on record. We gave allowances if we are at a time of war. Or in a weak economy, it does not apply. But all things being equal, the Budget Committee has a responsibility to bring us to balance over 5 years without depending upon the trust funds. And if for no other reason, you need to support that and vote against this rule.

Mr. GOSS. Mr. Speaker, I again yield to the distinguished gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, for purposes of a colloquy.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Florida, the distinguished chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Speaker, I thank the very distinguished chairman of the Budget Committee for yielding.

I rise to engage the distinguished chairman of the Budget Committee in a colloquy.

Mr. NUSSLE. I am pleased to engage in a colloquy with the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, as you know, the budget resolution includes a reserve fund for highways and highway safety. My reading of the relevant provisions indicates to me that if the Appropriations Committee reports a bill with obligation limitations for programs within the highway category in excess of $23.864 billion, then you as the chairman of the Budget Committee may increase the allocation for outlays for the highway program if the Appropriations Committee bill allocates the additional funding in accordance with TEA-21.

□ 1415

In addition, the outlays from the reserve fund cannot exceed $1.18 billion. Is that correct?

Mr. NUSSLE. Mr. Speaker, that is correct.

Mr. YOUNG of Florida. It is also my understanding that the budget resolution does not require the Committee on Appropriations to report a bill containing obligation limitation for programs within the highway category in excess of $23.864 billion. Is that correct?

Mr. NUSSLE. That is also correct.

Mr. YOUNG of Florida. In the course of my review of the budget resolution before us today, I see no provision that establishes discretionary caps in fiscal year 2003 or extends the highway and transit guarantees beyond 2003. Is that accurate?

Mr. NUSSLE. That is also accurate. As a concurrent resolution, the budget before us today does not establish discretionary caps or continue the highway or transit firewalls beyond fiscal year 2003.

Mr. YOUNG of Florida. Would the chairman also agree that discussions on establishing discretionary caps in fiscal year 2003 and beyond and extending the highway and transit firewalls beyond the current fiscal year should include the Committee on Appropriations?

Mr. NUSSLE. I most definitely agree with that. The Committee on the Budget has exclusive jurisdiction over the Budget Enforcement Act, but the chairman and I, I think, have established a good working relationship, and I will continue to consult with the chairman of the Committee on Appropriations.

Mr. YOUNG of Florida. Mr. Chairman, as you have just said, you and I have established great communications. We have had numerous discussions about the need of the Committee on Appropriations to be able to determine the appropriate balance of competing needs and priorities within the discretionary segment of the budget. The needs are great for the prosecution of the war against terrorism, homeland security and other critically important Federal programs. We both recognize that the cuts anticipated in the highway program are too great to be sustained this year, though these reductions in the highway program are required by provisions of existing law in TEA21 in which expenditures must equal receipts. Those provisions were supported by a majority of the House and had the full backing of the highway lobby at the time. Nevertheless, there is a great deal of support to increase spending for highways beyond the collections of the trust fund this year.

By contrast, the resources to fund all these unmet needs are limited. That is why the gentleman from Wisconsin and I introduced legislation that would ensure that any increase for the highway program not come at the expense of other Federal programs. H.R. 3900 adjusts the highway category. It ensures that additional spending is guaranteed for highways in fiscal year 2003.

H.R. 3900 has been referred to your committee. Is your committee expected to report favorably this legislation to ensure that the highway firewalls are increased above the $23.864 billion this year?

Mr. NUSSLE. It is my expectation that my committee will be reporting legislation to ensure that the highway category is increased.

Mr. YOUNG of Florida. Mr. Speaker, I appreciate the commitments of the gentleman from Iowa and the clarity that he has provided to me and to the House today. I would like to add that his job is not the easiest job in the Congress. It is a difficult job to bring all of the divergent views together. I applaud the gentleman for the good job he has done. He can count on my vote for this resolution.

Mr. NUSSLE. Mr. Speaker, reclaiming my time, I thank the gentleman. There is only one more difficult job than mine, and that is to do it 13 times. I certainly respect and admire the chairman of the Committee on Appropriations for his good work.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House of Representatives.

Mr. GEPHARDT. Mr. Speaker, I urge Members to vote against this rule. The rule is unfair. It does not allow an adequate debate on the most important issue we will decide on the floor of this House this year. It is a travesty that we have 3 hours to talk about the most important set of decisions we will make perhaps in a generation.

We should be talking about a different budget today. The budget should be based on values, on opportunity, responsibility and community. But this Republican budget, which is the only thing we are able to consider today, fails on all counts.

It is not honest. It shows deficits as far as the eye can see, in large part because of the Republican economic program that we passed about 9 months ago.

First of all, we have squandered the surplus, squandered the surplus, $4.5 trillion, gone in the flash of an eye. Gone. $4.5 trillion, gone in the flash of an eye. Twelve months ago we had it; now it is gone. Of course, the loss of that surplus means that we cannot fulfill our promise to the lockbox. Five times in this House 220-plus Members of the Republican Party voted solidly for the lockbox. By voting today for this budget, they are breaking into the lockbox. We are not keeping our word.

Let us look at the words. The gentleman from Texas (Mr. ARMEY) declared the House of Representatives is not going to go back to raiding the lockbox. He said, "Not a dime's worth of Social Security or Medicare money will be spent on anything other than Social Security and Medicare."

The gentleman from Iowa (Mr. NUSSLE), the distinguished chair of the committee, said, "This Congress will protect 100 percent of Social Security and Medicare trust funds. Period. No speculation. No supposition. No projections."

These are words that mean something. They are being broken.

The Speaker of the House in the same month said, "Since I have been Speaker, we have not spent a penny of the Social Security Trust Fund, and," he said, "we don't intend to."

Promises are being broken. The contract is being broken. The word, our collective word, is being broken by what we are trying to do here today with this budget.

$1.8 trillion will be spent from Social Security in the next 10 years with this budget. We do not even have time to talk about it, to debate it, to worry about it. We said a number of years ago, let us put Social Security first. This budget puts Social Security last. We are in essence taking money out of the Social Security Trust Fund and we are spending it on everything else. It is last. That is not what we said to the American people.

Then there is prescription drugs. Oh, we all ran ads on prescription drugs. Oh, we are going to take care of prescription drugs.

Where are the prescription drugs in this bill? The program that is described in this Republican budget is paltry. It does not affect most of the senior citizens who thought they were going to get something out of this program, because, once again, I guess it is prescription drugs last in Medicare. We are going to put it behind everything else.

Let me just finally say this: I guess my greatest worry is that we are doing this without anybody in the country much knowing about it. How many people in the country actually know what happened to Social Security in this budget? It is 3 hours, I fear, because we do not want them to know what is happening to their Social Security.

This bill has real live consequences for people, millions of people all over this country. Let me just tell you my story as kind of a symbol or an analogy of what is happening to lots of other people.

My mother called me a week ago and she said, "I bounced some checks." She is 94-years-old and she still keeps her own checkbook. She lives in independent living in St. Louis. She said, "I bounced some checks. It is the first time I have ever done it in my life. Please, when you come home next, sit down with me. We have to figure this out."

So I sat down with her and we went over all of her checks. She lives in independent living. The cost is $2,500 a month. She has got a prescription drug bill of about $600 over that. So her monthly outgo before she gets to spending money is about $3,100 a month. Her Social Security is $1,200 a month. My brother and I, we are lucky. We are fine and we can help her with the difference.

But as we were going over her checks, she kept saying to me, "Dick, what if the Social Security check were to stop coming? How would we do this?" She even suggested to me, "Maybe I ought to move out of this place because we cannot afford it," because her prescription drug bill has been going up every month.

She is 94. She and millions like her and their families should not have to be worrying about all this. What if she were in a family that did not have people like my brother and me who could help her? We are fortunate. What if she did not have that money coming in to take care of her prescription drugs, to pay her monthly bills?

This budget has real live consequences for the people that we represent. Are we going to privatize Social Security? Are we going to cut the benefits? Because that is the logical conclusion of this budget. The President has said he wants to privatize it, which means you have got to come up with a lot of money that is not in this budget. The only way you are going to get it is to cut the benefits. Is that what we are saying to the American people today? I hope it is not.

This is the most important budget that you will vote on probably in your time in this Congress. A year ago we had surpluses; today we are breaking the lockbox. A year ago we had taken care of Social Security first; this budget puts Social Security last. A year ago we had the money for prescription drugs; today we are not going to have a decent prescription drug program.

It is a travesty that we have 3 hours to talk about the most important fiscal decisions that will have consequences in everybody's life in this country.

I urge Members to vote no on a ridiculous rule and vote no if we have to vote on this budget today. Let us get to a summit. Let us get to a discussion. Let us get to a family discussion with the President. Let us work out a budget for America that is a real compromise, that will keep the word and the promise of the United States Congress to the people of this country.

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would advise both sides that each side has 2½ minutes remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding me time.

Mr. Speaker, I rise in opposition to the rule and I am opposed to this budget resolution. It is a budget, unfortunately, that only Enron could love. It is using 5-year numbers instead of 10 years, obviously hiding the impact of the tax cuts exploding in the second 5 years and the impact that is going to have with budget deficits. It is using OMB numbers instead of the Congressional Budget Office, when the same Republican party shut down this place in 1995 accusing President Clinton of doing the exact same thing; and it underestimates the true cost of Medicare spending in the years to come.

As Yogi Berra once said, it is deja vu all over again. It takes us back to the deficit spending of the eighties and early nineties, using Social Security and Medicare trust fund money for other purposes, rather than taking us forward by maintaining fiscal discipline so we can deal with the greatest fiscal challenge facing us today: the aging population. This is happening at exactly the wrong time, Mr. Speaker, just before the 77 million American baby-boomers start retiring in just a few short years.

But this is more than just about the baby-boomers. This is about the future of my 3- and 5-year-old boys, because it will be their generation who will be asked to fix the irresponsibility of what occured last year and what is about to happen today.

I encourage my colleagues to oppose the rule and to oppose this budget resolution.

□ 1430

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if the previous question is defeated, we will be calling a vote on it. I will offer an amendment to this unfair and undemocratic closed rule.

Democrats are seeking to make in order two amendments to the budget resolution. The first is a trigger amendment offered by the gentleman from Virginia (Mr. MORAN), and the second is the Moore-Stenholm-Tanner-Matheson substitute that the majority on the Committee on Rules refused to make in order.

The Moran trigger amendment prohibits the Congress from adopting any budget resolution next year if it does not project a surplus within 5 years. Democrats have offered a vehicle in this trigger amendment that can force the institution to face up to the facts.

The majority has spent some time today complaining that no substitutes were offered in the Committee on Rules. I beg to differ. The gentleman from Kansas (Mr. MOORE) and the gentleman from Texas (Mr. STENHOLM), along with the gentleman from Tennessee (Mr. TANNER) and the gentleman from Utah (Mr. MATHESON), offered a substitute that establishes a budget plan for fiscal discipline. Yet, the Committee on Rules failed to make it in order. Our amendment to the rule would correct this serious failing.

Last year, Mr. Speaker, the President and every House Republican leader promised that every dollar of Social Security and Medicare trust funds would be saved for Social Security and Medicare. With this budget, that promise has been broken.

We want to give the majority one last chance to do the right thing, Mr. Speaker. By defeating the previous question, we can restore honesty to the budget process and protect Social Security.

The time for games has ended. Let us pass an honest budget, or at least a trigger amendment that protects Social Security. It is the right thing to do, and every Member knows it.

I urge a no vote on the previous question.

Mr. Speaker, I ask unanimous consent that the text of the amendment be printed in the RECORD immediately before the vote on the previous question.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. GOSS. Mr. Speaker, I yield the balance of our time to the distinguished gentleman from greater San Dimas, California (Mr. DREIER), chairman of the Committee on Rules.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I have been listening to this debate, and I guess have participated in it briefly with my friend, the gentleman from Texas (Mr. STENHOLM).

I have to say that I am reminded, as I have heard the exchange take place over the last hour or so, of the words of a very famous former Democratic President who was known for his colorful but poignant words when Harry Truman said, "Any jackass can kick a barn down, but it takes a carpenter to build one."

Mr. Speaker, I believe that we have a beautifully crafted budget which has come forward from the hard work of the gentleman from Iowa (Mr. NUSSLE) and the members of the Committee on the Budget working to address a challenge the likes of which the United States of America has never faced, this war on terrorism, while at the same time focusing on the important need to make sure that we have the resources to win the war on terrorism and to address a wide range of other priority needs which have come forward: transportation, which the gentleman from Alaska (Mr. YOUNG) addressed; national security issues; and education issues.

That is why it is so important that we focus on stimulating our economy and making sure that we grow this economy so that we have the resources necessary. Why is it that we have seen this slowdown? Because of September 11 and the slowing economy that followed. And what we have done is we have seen time and energy put into place to craft, like carpenters, this beautiful plan which I believe does deserve bipartisan support because we are all together in our quest to win the war on terrorism, and the way to do it is to make sure that we have the resources necessary and a budget in place that will do that.

What is it that we have gotten from our friends on the other side of the aisle? Absolutely nothing. My friend, the gentlewoman from Rochester, New York (Ms. SLAUGHTER) just talked about the fact that we had substitutes submitted. There were no substitutes submitted.

Mr. Speaker, every single time we have made in order substitutes that have come from the Blue Dogs, from the Progressive Caucus, from the ranking minority member of the Committee on the Budget, and yet, we saw the ranking minority member of the Committee on the Budget tell us that 96 pages, 96 pages, Mr. Speaker, were put into a package which simply criticized the package that came forward from the Committee on the Budget, and in fact, there was no alternative provided whatsoever.

Vote in favor of this rule and in favor of this very fair, responsible budget.

The amendment previously referred to by Ms. SLAUGHTER is as follows:

Strike all after the resolved clause and insert:

That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved in to the Committee of the Whole House on the state of the Union for consideration resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed three hours, with two hours of general debate confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, and one hour of general debate on the subject of economic goals and policies equally divided and controlled by Representative Saxton of New Jersey and Representative Stark of California or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The amendment in the nature of a substitute printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. The concurrent resolution, as amended, shall be considered as read. No further amendment to the concurrent resolution shall be in order except those specified in section 2 of this resolution. Each further amendment may be offered only in the order specified in section 2, may be offered by a Member designated in section 2 or a designee, shall be considered as read, shall be debatable as specified in section 2, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments specified in section 2 are waived. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution, as amended, to the House with such further amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division on the question of its adoption.

SEC. 2. The further amendments referred in the first section of this resolution are as follows:

(a) By Representative Moran of Virginia, debatable for 30 minutes.

After section 303, insert the following new section:

SEC. 304. CIRCUIT BREAKER FOR DEFICIT REDUCTION.

(a) IN GENERAL.—Effective January 1, 2003, if the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit (excluding social security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve balance within 5 years, and shall include such provisions as are necessary to facilitate deficit reduction.

(b) POINTS OF ORDER.—(1) In any fiscal year in which the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the House or the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to CBO's projections and put the budget on a path to achieve balance within 5 years.

(2) In any fiscal year in which the Congressional Budget Office's January Budget and Economic Outlook for any fiscal year projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the House or the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year or cause the budget to fail to achieve balance within 5 years.

(c) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—This section is suspended if—

(1) the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent; or

(2) a declaration of war is in effect.

(b) By Representative Moore of Kansas, debatable for one hour

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2003 and that the appropriate budgetary levels for fiscal years 2004 through 2007 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2007:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(4) SURPLUSES.—For purposes of the enforcement of this resolution, the amounts of the surpluses are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $.
Fiscal year 2004: $.
Fiscal year 2005: $.
Fiscal year 2006: $.
Fiscal year 2007: $.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2003 for Homeland Security are as follows:

(1) New budget authority, $.
(2) Outlays, $.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2007 for each major functional category are:

(1) National Defense (050):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(2) International Affairs (150):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(3) General Science, Space, and Technology (250):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(4) Energy (270):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(5) Natural Resources and Environment (300):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(6) Agriculture (350):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(7) Commerce and Housing Credit (370):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(8) Transportation (400):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(9) Community and Regional Development (450):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(10) Education, Training, Employment, and Social Services (500):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(11) Health (550):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2007:
(A) New budget authority, $________.
(B) Outlays, $________.

(12) Medicare (570):
Fiscal year 2003:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2004:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2005:
(A) New budget authority, $________.
(B) Outlays, $________.
Fiscal year 2006:

(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(13) Income Security (600):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(14) Social Security (650):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(15) Veterans Benefits and Services (700):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(16) Administration of Justice (750):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(17) General Government (800):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(18) Net Interest (900):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(19) Allowances (920):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

(20) Undistributed Offsetting Receipts (950):
Fiscal year 2003:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2004:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2005:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2006:
(A) New budget authority, $.
(B) Outlays, $.
Fiscal year 2007:
(A) New budget authority, $.
(B) Outlays, $.

TITLE II—RESTORING FISCAL DISCIPLINE AND PROTECTING SOCIAL SECURITY

SEC. 201. REVIEW OF BUDGET OUTLOOK.

(a) IN GENERAL.—If, in the report released pursuant to section 202(e)(2) of the Congressional Budget Act of 1974, entitled the Budget and Economic Outlook Update (for fiscal years 2003 through 2012), the Director of the Congressional Budget Office projects that the unified budget of the United States for fiscal year 2003 will be in balance and that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007, then the chairman of the Committee on the Budget of the House is authorized to certify that the budget is projected to meet the goals of a balanced budget and protecting social security.

(b) CALCULATING DISCRETIONARY SPENDING BASELINE.—Notwithstanding any other provision of law, the Director of the Congressional Budget Office shall use the discretionary spending levels set forth in this resolution to calculate the discretionary spending baseline. In calculating the report referred to in subsection (a), such Director shall exclude the emergency appropriations provided in the Emergency Supplemental Appropriations Act for Recovery From and Response to Terrorist Attacks on the United States (Public Law 107-38) in calculating the baseline for discretionary spending.

SEC. 202. REQUIREMENT FOR PRESIDENTIAL PLAN TO RESTORE BALANCED BUDGET AND PROTECT SOCIAL SECURITY SURPLUS.

(a) REQUEST IF UNIFIED DEFICIT PROJECTED.—If the report of the Congressional Budget Office referred to in section 202 projects a unified deficit in fiscal year 2003, the chairman of the Committee on the Budget of the House shall request that the President—

(1) submit to the House a proposal to bring the unified budget of the United States into balance by fiscal year 2003 and the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) into balance by fiscal year 2007, or

(2) submit to the House a request that the unified budget of the United States for fiscal year 2003 be in deficit by [INSERT SPECIFIC DOLLAR AMOUNT] if the President certifies that such deficit amount is related to the costs of war or recession.

(b) REQUEST IF DEFICIT PROJECTED FOR BUDGET EXCLUDING OASDI.—If the report of the Congressional Budget Office referred to in section 202 projects the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in deficit in fiscal year 2007, the chairman of the Committee on the Budget of the House shall request that the President submit to the House a proposal to bring the unified budget of the United States into balance by fiscal year 2003 and the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) into balance by fiscal year 2007.

(c) Text of Proposal.—The proposal shall include—

(1) specific legislative changes to reduce outlays, increase revenues, or both; and

(2) the text of a special resolution implementing the President's recommendations through reconciliation directives instructing the appropriate committees of the House of Representatives and Senate to determine and recommend changes in laws within their jurisdictions to reduce outlays or increase revenues by specified amounts;

sufficient to meet the balanced budget goals described in section 201.

(d) Introduction of President's Proposal.—Within 5 legislative days after receipt of the proposal referred to in subsection (a), the majority leader of the House shall introduce legislation to carry out such proposal.

SEC. 203. CONGRESSIONAL ACTION REQUIRED IF BALANCED BUDGET AND SOCIAL SECURITY PROTECTION GOALS ARE NOT BEING MET.

(a) Requirement for Legislation Restoring Balanced Budget and Protecting Social Security Surplus.—Whenever the President submits a plan to restore balanced budgets and restore the social security surplus under section 202, the Committee on the Budget of the House shall report, not later than September 15, a revised concurrent resolution on the budget for fiscal year 2003 with instructions to committees to achieve reductions in outlays or increases in revenues, or both, sufficient to meet the balanced budget goals in section 201, and appropriately revised section 302(a) allocations to the Committee on Appropriations.

(b) Requirement for Separate Vote To Allow for a Unified Deficit in Fiscal Year 2003.—If the resolution reported by the Committee on the Budget of the House proposes to eliminate less than all of the projected unified deficit in fiscal year 2003, then that committee shall report a separate resolution waiving the balanced budget goal for fiscal year 2003 and authorizing a deficit of a specific amount with a finding that the deficit is a result of economic rescission or costs related to the war on terrorism.

(c) Procedure if House Budget Committee Fails To Report Required Resolution.—

(1) Automatic discharge of house budget committee.—If the Committee on the Budget fails to report the resolution required by subsection (a), then the legislation introduced pursuant to section 202 (legislation implementing the President's plan) shall be automatically discharged from consideration by the committee or committees to which it was referred and it shall be placed on the appropriate calendar.

(2) Consideration by house.—Ten days after the applicable committee or committees have been discharged under paragraph (1), any Member may move that the House proceed to consider the resolution. Such motion shall be highly privileged and not debatable.

(d) Application of Congressional Budget Act.—To the extent that they are relevant and not inconsistent with this title, the provisions of title III of the Congressional Budget Act of 1974 shall apply in the House of Representatives and the Senate to resolutions and legislation under this title and reconciliation legislation reported pursuant to directives included in those resolutions.

SEC. 204. INCREASE IN DEBT LIMIT CONTINGENT UPON PLAN TO RESTORE BALANCED BUDGET AND PROTECT SOCIAL SECURITY.

(a) Temporary Increase in Statutory Debt Limit.—The Committee on Ways and Means of the House shall report a bill as soon as practicable, but not later than March 25, 2002, that consists solely of changes in laws within its jurisdiction to increase the statutory debt limit sufficient to extend the authority of the Secretary of the Treasury to meet the obligation of the Government through, but not later than, September 30, 2002.

(b) Point of Order.—(1) Except as provided by paragraph (2), it shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that increases the limit on the public debt beyond September 30, 2002.

(2) Paragraph (1) shall not apply in the House if—

(A) the chairman of the Committee on the Budget of the House has made the certification described in section 201 that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007; or

(B) the President has submitted a plan meeting the requirements of section 202 and the House has voted on a resolution meeting the requirements of section 203.

TITLE III—RESERVE FUNDS AND ENFORCEMENT

SEC. 301. POINT OF ORDER AGAINST CERTAIN LEGISLATION REDUCING THE SURPLUS OR INCREASING THE DEFICIT AFTER FISCAL YEAR 2007.

(a) Point of Order.—It shall not be in order in the House to consider any bill, joint resolution, amendment, or conference report that includes any provision that first provides new budget authority or a decrease in revenues for any fiscal year after fiscal year 2007 that would decrease the surplus or increase the deficit for any fiscal year.

(b) Exception.—Subsection (a) shall not apply if the chairman of the Committee on the Budget of the House certifies, based on estimates prepared by the Director of the Congressional Budget Office, that Congress has enacted legislation restoring 75-year solvency of the Federal Old Age and Survivors Disability Insurance Trust Fund and legislation extending the solvency of the Hospital Insurance Trust Fund for 20 years.

SEC. 302. CRITICAL DEFENSE NEEDS.

This resolution includes $10 billion in new budget authority requested by the President for fiscal year 2003 within functional category 050, and a corresponding level of outlays that flow from this budget authority, without specified purpose. Therefore, this $10 billion in new budget authority shall be available for critical defense requirements, including additional pay raises for military personnel, military construction, readiness, naval shipbuilding, and other procurement requirements not originally included in the President's budget request for fiscal year 2003.

SEC. 303. RESERVE FUND FOR PRESCRIPTION DRUGS.

(a) In General.—Except as provided by subsection (b), in the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit, the chairman of the Committee on the Budget may revise the appropriate committee allocations for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose.

(b) Funds Available Contingent Upon Balanced Budget and Protection of Social Security.—The chairman of the Committee on the Budget may only make revisions under subsection (a) if—

(1) the chairman has made the certification described in section 201 that the unified budget is projected to be in balance in fiscal year 2003 and that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007; or

(2) the President has submitted a plan meeting the requirements of section 202 and the House has voted on a resolution meet the requirements of section 203.

SEC. 304. RESERVE FUND FOR ADDITIONAL TAX CUTS.

(a) In General.—Except as provided by subsection (b), in the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides for reductions in revenues of not more than $4,431,000,000 for fiscal year 2003 and $27,853,000,000 for the period of fiscal years 2003 through 2008, the chairman of the Committee on the Budget of the House of Representatives may reduce the recommended level of Federal revenues and make other appropriate adjustments for that fiscal year.

(b) Funds Available Contingent Upon Balanced Budget and Protection of Social Security.—The chairman of the Committee on the Budget may only make revisions under subsection (a) if—

(1) the chairman has made the certification described in section 201 that the unified budget is projected to be in balance in fiscal year 2003 and that the budget (excluding the receipts and disbursements of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund) will be in balance by fiscal year 2007; or

(2) the President has submitted a plan meeting the requirements of section 202 and the House has voted on a resolution meet the requirements of section 203.

SEC. 305. RESERVE FUND FOR FISCAL YEAR 2002 SUPPLEMENTAL FOR MILITARY ACTION AND HOMELAND SECURITY.

If the Committee on Appropriations reports a bill or joint resolution providing appropriations requested by the President for military action and homeland security, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for that purpose and if the request by the President is accompanied by a list of rescissions to offset some or all of its costs, the chairman of the Committee on the Budget shall make the appropriate revisions to the appropriate aggregates, allocations, and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment under this section shall not exceed the amount so requested by the President.

SEC. 306. RESERVE FUND FOR SPECIAL EDUCATION.

(a) Fiscal Year 2003.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $7,529,000,000 in new budget authority for fiscal year 2003 for grants to States authorized under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,000,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) FISCAL YEARS 2004-2007.—In the House, if the Committee on Education and the Workforce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes grants to States under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may revise the applicable allocations of the appropriate committees to accommodate a total budget authority and outlay level for such program not in excess of the following: $9,587,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom, $10,755,000,000 in budget authority for fiscal year 2005 and outlays flowing therefrom, $12,047,000,000 in budget authority for fiscal year 2006 and outlays flowing therefrom, and $13,497,000,000 in budget authority for fiscal year 2007 and outlays flowing therefrom (assuming changes from current policy levels of the following: $1,752,000,000 in new budget authority for fiscal year 2004, $2,763,000,000 in new budget authority for fiscal year 2005, $3,894,000,000 in new budget authority for fiscal year 2006, and $5,180,000,000 in new budget authority for fiscal year 2007).

SEC. 307. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation in excess of $23,864,000,000 for fiscal year 2003 for programs, projects, and activities within the highway category (under section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget may increase the allocation of outlays for such committee by the amount of outlays resulting from such excess, but—

(1) only if chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, that establishes such obligation limitation provides that the obligation limitation is made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century;

(2) only if the total amount of obligation limitation for programs, projects, or activities distributed by such formula for fiscal year 2003 exceeds $23,864,000,000; and

(3) does not exceed $1,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the House, section 302(f)(1) of the Congressional Budget Act of 1974 shall be deemed to also apply to the applicable allocation of outlays in the case of any bill or joint resolution that establishes an obligation limitation for fiscal year 2003 for programs within the highway category, or amendment thereto or conference report thereon.

SEC. 308. ADDITIONAL SURPLUSES RESERVED FOR DEBT REDUCTION.

In the House, if after the release of the report pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 entitled the Budget and Economic Outlook: Update (for fiscal years 2003 through 2012), the chairman of the Committee on the Budget determines, in consultation with the Directors of the Congressional Budget Office and of the Office of Management and Budget, that the estimated unified surplus for fiscal year 2003 and for the period of fiscal years 2003 through 2007 exceeds the estimated unified surplus for fiscal year 2003 and for that period as set forth in the report of the Committee on the Budget for this resolution, then the chairman of that committee may increase the surplus or reduce the deficit, as applicable, and reduce the level of the public debt and debt held by the public by the difference between such estimates for that period.

SEC. 309. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

SEC. 310. USE OF CBO ESTIMATES IN ENFORCING THIS RESOLUTION.

The chairman of the Committee on the Budget of the House shall enforce this resolution based upon estimates made by the Director of the Congressional Budget Office using the economic and technical assumptions underlying the Congressional Budget Office's report released on March 6, 2002, entitled "An Analysis of the President's Budgetary Proposals for 2003", except as provided by title II.

SEC. 311. SENSE OF CONGRESS ON THE NEED FOR A NATIONAL HOMELAND SECURITY STRATEGY.

(a) FINDINGS.—Congress finds that—

(1) effective homeland security requires the coordinated efforts of Federal, State, local, and private investment to prevent, prepare for, and respond to terrorist attack;

(2) spending from each entity must proceed from a comprehensive strategy outlining threats, vulnerabilities, needs, and responsibilities for all aspects of homeland security strategy;

(3) there has been no comprehensive threat or vulnerability assessment to guide the homeland security budget;

(4) there has been no comprehensive national homeland security strategy to match priority needs with Federal spending; and

(5) in the absence of a national homeland security strategy, Congress will find it difficult to allocate funds according to the prioritization and required level of need.

Ms. WATERS. Mr. Speaker, I rise to express my extreme displeasure with the budget that is before us today. It can hardly be called a budget—that implies some logic and order to the document.

In reality, the Republicans have filled this budget with "funny math" in order to say that it is balanced and fair. According to the Republicans, this budget protects our domestic agenda and allows for the nation to fight the war on terrorism.

However, this budget is anything but fair. After pushing through $1.7 trillion in tax cuts last year and the $43 billion in tax cuts in the so-called economic stimulus signed into law on March 9, 2002 which largely benefits the wealthiest Americans and corporations, our nation's financial situation has deteriorated at an alarming pace.

Just over a year ago, many experts were estimating a 10 year, $5 trillion surplus. However, under President Bush's watch and because of the tax cuts, $4 trillion of that surplus has disappeared. Over the next ten years we will have to dip into the Social Security surplus—to the tune of $1.8 trillion.

To protect those tax cuts, President Bush and the Republicans in Congress have advocated a budget that cuts and slashes hundreds of millions of dollars from domestic programs. Programs that, up until recently, they have said are their highest priorities.

For example, in the Budget Resolution Congress debated today, the Department of Education's budget is barely increased. In addition, the Republicans have underfunded elementary and secondary education by $4.2 billion. Indeed, they do not even appropriate enough funding for President Bush's signature education legislation, Leave No Child Behind. The budget for that is underfunded $90 million.

The President also campaigned on strengthening health care for all Americans. Since assuming office, he has repeatedly urged Congress to send him legislation that will help Americans with the burdens associated with health care. However, we do not have to look any further than his own budget to see what a low priority he and his party place on health care. While there seems to be a $1.5 billion increase to health care services programs, in reality, the House Republican Leadership has required the elimination or reduction of several important programs in order to achieve this increase. For example, they have eliminated the Community Access Program, which coordinates health care to the under-insured and uninsured offered by public hospitals and community health centers and other community providers. They have also eliminated State Planning Grants, which help provide access to health insurance coverage. Additionally, the budget provides absolutely no assistance to those individuals and families who do not have health insurance, and requires States to return expiring SCHIP (State's Children Health Insurance Program) funds to the US Treasury. This means that 900,000 children would lose their health coverage.

I urge adoption of a budget that will protect the programs that millions of individuals depend on. A budget that will protect Social Security so that retirees can be assured that their benefits will be paid and that future generations will not be saddled with massive tax increases or reductions in benefits. Unfortunately, President Bush and his party have rejected this kind of budget. While I support the President in his efforts to combat terrorism both here and abroad, I am concerned that we are neglecting our domestic responsibilities and putting intense strain on the nation's finances—a strain that will remain for generations after the war on terrorism has been won.

Mr. OTTER. Mr. Speaker, I rise today to express my support of the rule and for fully funding the Individuals with Disabilities in Education Act (IDEA). I am pleased that the Fiscal Year 2003 budget includes $19.6 billion over 10 years for IDEA, however this amount is still a long way from providing states with the 40 percent funding level Congress committed to pay.

Federal IDEA funding assists states in providing invaluable services and educational opportunities for children with disabilities. However, Congress has not fulfilled their financial commitment to the states, and has left states to determine how to pay for IDEA.

Mr. Speaker, Congress should not mandate stringent federal programs without first determining how to fit these programs into the federal budget, and then providing states with the necessary funds to comply with those federal standards. States should not be left to fund programs that are not initiated at the State and local level.

I support the IDEA program and realize the importance of providing disabled youth with the opportunity to gain an equal education. As the former Lieutenant Governor for the State of Idaho, and a former member of the state legislature, I also realize the budget constraints placed on states when federal programs are mandated without funding. As many states face severe deficit spending it is important for Congress to meet its commitments to IDEA, past and present.

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting, if ordered, on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 206, not voting 7, as follows:

[Roll No. 75]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—7

Blagojevich
Gutierrez
Riley
Schaffer
Shows
Tierney
Traficant

□ 1457

Mr. HINOJOSA and Mr. LUTHER changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO RECONSIDER OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I move to reconsider the vote by which the previous question was ordered on the resolution.

MOTION TO TABLE MOTION TO RECONSIDER

Mr. GOSS. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion to table the motion to reconsider offered by the gentleman from Florida (Mr. GOSS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote followed by a 5-minute vote on the resolution, if ordered.

The vote was taken by electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 76]

YEAS—222

Abercrombie
Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Blagojevich
Gutierrez
Knollenberg
Riley
Shows
Traficant

□ 1507

Mr. SULLIVAN changed his vote from "nay" to "yea."

So the motion to table the motion to reconsider was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be 5-minute vote.

The vote was taken by electronic device, and there were—yeas 222, nays 206, not voting 6, as follows:

[Roll No. 77]

YEAS—222

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa

Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—6

Blagojevich
Boyd
Gutierrez
Harman
Shows
Traficant

□ 1518

So the resolution was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LATOURETTE). Without objection, a motion to reconsider is laid on the table.

Ms. SLAUGHTER. Mr. Speaker, I object.

MOTION TO RECONSIDER OFFERED BY MR. DREIER

Mr. DREIER. Mr. Speaker, I move that we reconsider the vote.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I move to lay the motion to reconsider on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. GOSS) to lay on the table the motion to reconsider the vote offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 213, nays 206, not voting 15, as follows:

[Roll No. 78]

YEAS—213

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—15

Blagojevich
Buyer
Callahan
Doolittle
Gutierrez
Hilleary
Hobson
Jenkins
Kennedy (MN)
Kleczka
Lantos
Saxton
Shadegg
Shows
Traficant

□ 1538

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. KENNEDY of Minnesota. Mr. Speaker, this afternoon I was inadvertently detained and missed rollcall vote No. 78, providing for consideration of H. Con. Res. 353, Budget Resolution for Fiscal Year 2003.

Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 372 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution, H. Con. Res. 353.

□ 1538

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budget levels for each of fiscal years 2004 through 2007, with Mr. SIMPSON in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered as having been read the first time.

The text of H. Con. Res. 353, as amended pursuant to House Resolution 372, is as follows:

H. CON. RES. 353

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2003.

The Congress declares that this is the concurrent resolution on the budget for fiscal year 2003 and that the appropriate budgetary levels for fiscal years 2004 through 2007 are hereby set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2003 through 2007:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2003: $1,531,893,000,000.

Fiscal year 2004: $1,626,605,000,000.

Fiscal year 2005: $1,747,988,000,000.

Fiscal year 2006: $1,837,957,000,000.

Fiscal year 2007: $1,927,213,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2003: $4,431,000,000.

Fiscal year 2004: $5,455,000,000.

Fiscal year 2005: $6,418,000,000.

Fiscal year 2006: $5,994,000,000.

Fiscal year 2007: $5,555,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2003: $1,784,073,000,000.

Fiscal year 2004: $1,840,292,000,000.

Fiscal year 2005: $1,930,171,000,000.

Fiscal year 2006: $2,020,704,000,000.

Fiscal year 2007: $2,114,974,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2003: $1,756,432,000,000.

Fiscal year 2004: $1,815,097,000,000.

Fiscal year 2005: $1,899,231,000,000.

Fiscal year 2006: $1,978,512,000,000.

Fiscal year 2007: $2,058,894,000,000.

(4) ON-BUDGET DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the on-budget deficits are as follows:

Fiscal year 2003: $224,539,000,000.

Fiscal year 2004: $188,492,000,000.

Fiscal year 2005: $151,243,000,000.

Fiscal year 2006: $140,555,000,000.

Fiscal year 2007: $131,681,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2003: $6,414,000,000,000.

Fiscal year 2004: $6,762,000,000,000.

Fiscal year 2005: $7,073,000,000,000.

Fiscal year 2006: $7,371,000,000,000.

Fiscal year 2007: $7,661,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2003: $3,495,000,000,000.

Fiscal year 2004: $3,505,000,000,000.

Fiscal year 2005: $3,448,000,000,000.

Fiscal year 2006: $3,369,000,000,000.

Fiscal year 2007: $3,270,000,000,000.

SEC. 102. HOMELAND SECURITY.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal year 2003 for Homeland Security are as follows:

(1) New budget authority, $37,702,000,000.

(2) Outlays, $21,860,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2003 through 2007 for each major functional category are:

(1) National Defense (050):

Fiscal year 2003:

(A) New budget authority, $393,828,000,000.

(B) Outlays, $375,259,000,000.

Fiscal year 2004:

(A) New budget authority, $401,640,000,000.

(B) Outlays, $390,578,000,000.

Fiscal year 2005:

(A) New budget authority, $422,740,000,000.

(B) Outlays, $409,696,000,000.

Fiscal year 2006:

(A) New budget authority, $444,243,000,000.

(B) Outlays, $425,090,000,000.

Fiscal year 2007:

(A) New budget authority, $466,458,000,000.

(B) Outlays, $439,181,000,000.

(2) International Affairs (150):

Fiscal year 2003:

(A) New budget authority, $23,752,000,000.

(B) Outlays, $22,343,000,000.

Fiscal year 2004:

(A) New budget authority, $24,683,000,000.

(B) Outlays, $22,675,000,000.

Fiscal year 2005:

(A) New budget authority, $25,481,000,000.

(B) Outlays, $23,165,000,000.

Fiscal year 2006:

(A) New budget authority, $26,137,000,000.

(B) Outlays, $23,769,000,000.

Fiscal year 2007:

(A) New budget authority, $27,043,000,000.

(B) Outlays, $24,467,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2003:

(A) New budget authority, $22,743,000,000.

(B) Outlays, $22,095,000,000.

Fiscal year 2004:

(A) New budget authority, $23,398,000,000.

(B) Outlays, $22,798,000,000.

Fiscal year 2005:

(A) New budget authority, $23,917,000,000.

(B) Outlays, $23,577,000,000.

Fiscal year 2006:

(A) New budget authority, $24,476,000,000.

(B) Outlays, $24,073,000,000.

Fiscal year 2007:

(A) New budget authority, $25,055,000,000.

(B) Outlays, $24,667,000,000.

(4) Energy (270):

Fiscal year 2003:

(A) New budget authority, $316,000,000.

(B) Outlays, $364,000,000.

Fiscal year 2004:

(A) New budget authority, $157,000,000.

(B) Outlays, $129,000,000.

Fiscal year 2005:

(A) New budget authority, $687,000,000.

(B) Outlays, $644,000,000.

Fiscal year 2006:

(A) New budget authority, $526,000,000.

(B) Outlays, $467,000,000.

Fiscal year 2007:

(A) New budget authority, $532,000,000.

(B) Outlays, $454,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2003:

(A) New budget authority, $29,218,000,000.

(B) Outlays, $29,868,000,000.

Fiscal year 2004:

(A) New budget authority, $30,546,000,000.

(B) Outlays, $30,362,000,000.

Fiscal year 2005:

(A) New budget authority, $31,449,000,000.

(B) Outlays, $30,932,000,000.

Fiscal year 2006:

(A) New budget authority, $30,851,000,000.

(B) Outlays, $31,677,000,000.

Fiscal year 2007:

(A) New budget authority, $31,474,000,000.

(B) Outlays, $32,032,000,000.

(6) Agriculture (350):

Fiscal year 2003:

(A) New budget authority, $23,641,000,000.

(B) Outlays, $24,054,000,000.

Fiscal year 2004:

(A) New budget authority, $23,848,000,000.

(B) Outlays, $23,860,000,000.

Fiscal year 2005:

(A) New budget authority, $22,167,000,000.

(B) Outlays, $22,280,000,000.

Fiscal year 2006:

(A) New budget authority, $21,300,000,000.

(B) Outlays, $21,438,000,000.

Fiscal year 2007:

(A) New budget authority, $21,157,000,000.

(B) Outlays, $21,307,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2003:

(A) New budget authority, $8,800,000,000.

(B) Outlays, $4,985,000,000.

Fiscal year 2004:

(A) New budget authority, $9,274,000,000.

(B) Outlays, $4,192,000,000.

Fiscal year 2005:

(A) New budget authority, $8,798,000,000.

(B) Outlays, $3,128,000,000.

Fiscal year 2006:

(A) New budget authority, $8,015,000,000.

(B) Outlays, $1,910,000,000.

Fiscal year 2007:

(A) New budget authority, $9,405,000,000.

(B) Outlays, $2,361,000,000.

(8) Transportation (400):

Fiscal year 2003:

(A) New budget authority, $63,447,000,000.

(B) Outlays, $60,807,000,000.

Fiscal year 2004:

(A) New budget authority, $66,950,000,000.

(B) Outlays, $59,675,000,000.

Fiscal year 2005:

(A) New budget authority, $67,561,000,000.

(B) Outlays, $60,068,000,000.

Fiscal year 2006:

(A) New budget authority, $68,221,000,000.

(B) Outlays, $61,318,000,000.

Fiscal year 2007:

(A) New budget authority, $68,897,000,000.

(B) Outlays, $63,302,000,000.

(9) Community and Regional Development (450):

Fiscal year 2003:

(A) New budget authority, $14,668,000,000.

(B) Outlays, $17,352,000,000.

Fiscal year 2004:

(A) New budget authority, $15,315,000,000.

(B) Outlays, $17,961,000,000.

Fiscal year 2005:

(A) New budget authority, $15,515,000,000.

(B) Outlays, $17,461,000,000.

Fiscal year 2006:

(A) New budget authority, $15,895,000,000.

(B) Outlays, $15,705,000,000.

Fiscal year 2007:

(A) New budget authority, $16,295,000,000.

(B) Outlays, $15,548,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2003:

(A) New budget authority, $81,037,000,000.

(B) Outlays, $79,090,000,000.

Fiscal year 2004:

(A) New budget authority, $83,241,000,000.

(B) Outlays, $81,746,000,000.

Fiscal year 2005:

(A) New budget authority, $86,477,000,000.

(B) Outlays, $84,023,000,000.

Fiscal year 2006:

(A) New budget authority, $89,463,000,000.

(B) Outlays, $86,353,000,000.

Fiscal year 2007:

(A) New budget authority, $92,734,000,000.

(B) Outlays, $89,259,000,000.

(11) Health (550):

Fiscal year 2003:

(A) New budget authority, $223,536,000,000.

(B) Outlays, $219,931,000,000.

Fiscal year 2004:

(A) New budget authority, $237,930,000,000.

(B) Outlays, $236,645,000,000.

Fiscal year 2005:

(A) New budget authority, $255,817,000,000.

(B) Outlays, $253,959,000,000.

Fiscal year 2006:

(A) New budget authority, $274,576,000,000.

(B) Outlays, $272,695,000,000.

Fiscal year 2007:

(A) New budget authority, $295,541,000,000.

(B) Outlays, $293,035,000,000.

(12) Medicare (570):

Fiscal year 2003:

(A) New budget authority, $237,705,000,000.

(B) Outlays, $237,599,000,000.

Fiscal year 2004:

(A) New budget authority, $245,612,000,000.

(B) Outlays, $245,856,000,000.

Fiscal year 2005:

(A) New budget authority, $272,903,000,000.

(B) Outlays, $272,795,000,000.

Fiscal year 2006:

(A) New budget authority, $292,418,000,000.

(B) Outlays, $292,173,000,000.

Fiscal year 2007:

(A) New budget authority, $317,411,000,000.

(B) Outlays, $317,667,000,000.

(13) Income Security (600):

Fiscal year 2003:

(A) New budget authority, $322,031,000,000.

(B) Outlays, $322,385,000,000.

Fiscal year 2004:

(A) New budget authority, $325,372,000,000.

(B) Outlays, $323,791,000,000.

Fiscal year 2005:

(A) New budget authority, $334,538,000,000.

(B) Outlays, $332,599,000,000.

Fiscal year 2006:

(A) New budget authority, $344,039,000,000.

(B) Outlays, $341,754,000,000.

Fiscal year 2007:

(A) New budget authority, $352,017,000,000.

(B) Outlays, $348,019,000,000.

(14) Social Security (650):

Fiscal year 2003:

(A) New budget authority, $14,303,000,000.

(B) Outlays, $14,303,000,000.

Fiscal year 2004:

(A) New budget authority, $15,170,000,000.

(B) Outlays, $15,170,000,000.

Fiscal year 2005:

(A) New budget authority, $16,063,000,000.

(B) Outlays, $16,062,000,000.

Fiscal year 2006:

(A) New budget authority, $16,863,000,000.

(B) Outlays, $16,863,000,000.

Fiscal year 2007:

(A) New budget authority, $18,013,000,000.

(B) Outlays, $18,012,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2003:

(A) New budget authority, $56,858,000,000.

(B) Outlays, $56,733,000,000.

Fiscal year 2004:

(A) New budget authority, $59,127,000,000.

(B) Outlays, $58,888,000,000.

Fiscal year 2005:

(A) New budget authority, $61,220,000,000.

(B) Outlays, $63,473,000,000.

Fiscal year 2006:

(A) New budget authority, $63,401,000,000.

(B) Outlays, $63,246,000,000.

Fiscal year 2007:

(A) New budget authority, $65,550,000,000.

(B) Outlays, $62,642,000,000.

(16) Administration of Justice (750):

Fiscal year 2003:

(A) New budget authority, $36,948,000,000.

(B) Outlays, $39,320,000,000.

Fiscal year 2004:

(A) New budget authority, $39,663,000,000.

(B) Outlays, $42,219,000,000.

Fiscal year 2005:

(A) New budget authority, $37,606,000,000.

(B) Outlays, $38,201,000,000.

Fiscal year 2006:

(A) New budget authority, $38,880,000,000.

(B) Outlays, $38,775,000,000.

Fiscal year 2007:

(A) New budget authority, $39,776,000,000.

(B) Outlays, $39,550,000,000.

(17) General Government (800):

Fiscal year 2003:

(A) New budget authority, $17,604,000,000.

(B) Outlays, $17,408,000,000.

Fiscal year 2004:

(A) New budget authority, $18,067,000,000.

(B) Outlays, $18,196,000,000.

Fiscal year 2005:

(A) New budget authority, $18,426,000,000.

(B) Outlays, $18,334,000,000.

Fiscal year 2006:

(A) New budget authority, $18,442,000,000.

(B) Outlays, $18,227,000,000.

Fiscal year 2007:

(A) New budget authority, $18,788,000,000.

(B) Outlays, $18,546,000,000.

(18) Net Interest (900):

Fiscal year 2003:

(A) New budget authority, $262,524,000,000.

(B) Outlays, $262,524,000,000.

Fiscal year 2004:

(A) New budget authority, $277,366,000,000.

(B) Outlays, $277,365,000,000.

Fiscal year 2005:

(A) New budget authority, $286,992,000,000.

(B) Outlays, $286,991,000,000.

Fiscal year 2006:

(A) New budget authority, $294,769,000,000.

(B) Outlays, $294,768,000,000.

Fiscal year 2007:

(A) New budget authority, $302,679,000,000.

(B) Outlays, $302,678,000,000.

(19) Allowances (920):

Fiscal year 2003:

(A) New budget authority, −$689,000,000.

(B) Outlays, −$1,791,000,000.

Fiscal year 2004:

(A) New budget authority, −$917,000,000.

(B) Outlays, −$859,000,000.

Fiscal year 2005:

(A) New budget authority, −$816,000,000.

(B) Outlays, −$787,000,000.

Fiscal year 2006:

(A) New budget authority, −$631,000,000.

(B) Outlays, −$609,000,000.

Fiscal year 2007:

(A) New budget authority, −$696,000,000.

(B) Outlays, −$678,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2003:

(A) New budget authority, −$48,197,000,000.

(B) Outlays, −$48,197,000,000.

Fiscal year 2004:

(A) New budget authority, −$56,150,000,000.

(B) Outlays, −$56,150,000,000.

Fiscal year 2005:

(A) New budget authority, −$57,370,000,000.

(B) Outlays, −$57,370,000,000.

Fiscal year 2006:

(A) New budget authority, −$51,180,000,000.

(B) Outlays, −$51,180,000,000.

Fiscal year 2007:

(A) New budget authority, −$53,155,000,000.

(B) Outlays, −$53,155,000,000.

TITLE II—RESERVE AND CONTINGENCY FUNDS

Subtitle A—Reserve Funds for Legislation Assumed in Aggregates

SEC. 201. RESERVE FUND FOR WAR ON TERRORISM.

In the House, if the Committee on Appropriations or the Committee on Armed Services reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides new budget authority (and outlays flowing therefrom) for operations of the Department of Defense to prosecute the war on terrorism, the chairman of the Committee on the Budget shall make the appropriate revisions to the allocations and other levels in this resolution by the amount provided by that measure for that purpose, but the total adjustment for all measures considered under this section shall not exceed $10,000,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

SEC. 202. RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS.

(a) IN GENERAL.—In the House, if the Committee on Ways and Means or the Committee on Energy and Commerce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides a prescription drug benefit and modernizes medicare, and provides adjustments to the medicare program on a fee-for-service, capitated, or other basis, the chairman of the Committee on the Budget may revise the appropriate committee allocations for such committees and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $5,000,000,000 in new budget authority and $5,000,000,000 in outlays for fiscal year 2003 and $350,000,000,000 in new budget authority and $350,000,000,000 in outlays for the period of fiscal years 2003 through 2012.

(b) APPLICATION.—After the consideration of any measure for which an adjustment is made pursuant to subsection (a), the chairman of the Committee on the Budget shall make any further appropriate adjustments.

SEC. 203. RESERVE FUND FOR SPECIAL EDUCATION.

(a) FISCAL YEAR 2003.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that provides in excess of $7,529,000,000 in new budget authority for fiscal year 2003 for grants to States authorized under part B of the Individuals with Disabilities Education Act (IDEA), the chairman of the Committee on the Budget may revise the appropriate allocations for such committee and other appropriate levels in this resolution by the amount provided by that measure for that purpose, but not to exceed $1,000,000,000 in new budget authority for fiscal year 2003 and outlays flowing therefrom.

(b) FISCAL YEARS 2004–2007.—In the House, if the Committee on Education and the Workforce reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that reauthorizes grants to States under part B of the Individuals with Disabilities Education

Act (IDEA), the chairman of the Committee on the Budget may revise the applicable allocations of the appropriate committees to accommodate a total budget authority and outlay level for such program not in excess of the following: $9,587,000,000 in budget authority for fiscal year 2004 and outlays flowing therefrom, $10,755,000,000 in budget authority for fiscal year 2005 and outlays flowing therefrom, $12,047,000,000 in budget authority for fiscal year 2006 and outlays flowing therefrom, and $13,497,000,000 in budget authority for fiscal year 2007 and outlays flowing therefrom (assuming changes from current policy levels of the following: $1,752,000,000 in new budget authority for fiscal year 2004, $2,763,000,000 in new budget authority for fiscal year 2005, $3,894,000,000 in new budget authority for fiscal year 2006, and $5,180,000,000 in new budget authority for fiscal year 2007).

SEC. 204. RESERVE FUND FOR HIGHWAYS AND HIGHWAY SAFETY.

(a) IN GENERAL.—In the House, if the Committee on Appropriations reports a bill or joint resolution, or if an amendment thereto is offered or a conference report thereon is submitted, that establishes an obligation limitation in excess of $23,864,000,000 for fiscal year 2003 for programs, projects, and activities within the highway category (under section 251(c)(7)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985), the chairman of the Committee on the Budget may increase the allocation of outlays for such committee by the amount of outlays resulting from such excess, but—

(1) only if chairman of the Committee on the Budget determines that the bill or joint resolution, or amendment thereto or conference report thereon, that establishes such obligation limitation provides that the obligation limitation is made available solely for programs, projects, or activities as distributed under section 1102 of the Transportation Equity Act for the 21st Century;

(2) only if the total amount of obligation limitation for programs, projects, or activities distributed by such formula for fiscal year 2003 exceeds $23,864,000,000; and

(3) does not exceed $1,180,000,000 in outlays for fiscal year 2003.

(b) RULE OF ENFORCEMENT.—In the House, section 302(f)(1) of the Congressional Budget Act of 1974 shall be deemed to also apply to the applicable allocation of outlays in the case of any bill or joint resolution that establishes an obligation limitation for fiscal year 2003 for programs within the highway category, or amendment thereto or conference report thereon.

Subtitle B—Additional Surpluses Reserved for Debt Reduction

SEC. 211. CONTINGENCY FUND FOR ADDITIONAL SURPLUSES.

In the House, if after the release of the report pursuant to section 202(e)(2) of the Congressional Budget Act of 1974 entitled the Budget and Economic Outlook: Update (for fiscal years 2003 through 2012), the chairman of the Committee on the Budget determines, in consultation with the Directors of the Congressional Budget Office and of the Office of Management and Budget, that the estimated unified surplus for fiscal year 2003 and for the period of fiscal years 2003 through 2007 exceeds the estimated unified surplus for fiscal year 2003 and for that period as set forth in the report of the Committee on the Budget for this resolution, then the Chairman of that committee may increase the surplus or reduce the deficit, as applicable, and reduce the level of the public debt and debt held by the public by the difference between such estimates for that period.

Subtitle C—Contingency Funds for Accounting Changes

SEC. 221. CONTINGENCY FUND FOR ACCRUAL ACCOUNTING.

In the House, the chairman of the Committee on the Budget may make the appropriate changes in section 302(a) allocations of the Committee on Appropriations, the Committee on Armed Services, and the Committee on Government Reform and aggregates, if appropriate, to effectuate and implement the necessary authorizing and appropriation measures to charge Federal agencies for the full cost of accrued Federal retirement and health benefits.

SEC. 222. CONTINGENCY FUND FOR RECLASSIFICATION OF STUDENT AID ACCOUNTS.

In the House, if a bill or joint resolution is enacted that amends the Higher Education Act to make student aid administration subject to annual appropriations, the Chairman of the Committee on the Budget may—

(1) increase the section 302(a) allocation for the Committee on Appropriations by the amount of new budget authority provided by that measure but not to exceed $797,000,000 for fiscal year 2003 and the outlays flowing therefrom; and

(2) make the appropriate adjustment in the section 302(a) allocation for the Committee on Education and the Workforce resulting from the enactment of the bill or joint resolution making the student aid administration subject to annual appropriations.

Subtitle D—Implementation of Reserve and Contingency Funds

SEC. 231. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution—

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to carry out this resolution.

(d) SPECIAL RULE.—In the House, there shall be a separate section 302(a) allocation to the appropriate committees for medicare. For purposes of enforcing such separate allocation under section 302(f) of the Congressional Budget Act of 1974, the "first fiscal year" and the "total of fiscal years" shall be deemed to refer to fiscal year 2003 and the total of fiscal years 2003 through 2012 included in the joint explanatory statement of managers accompanying this resolution, respectively. Such separate allocation shall be the exclusive allocation for medicare under section 302(a).

TITLE III—BUDGET ENFORCEMENT

SEC. 301. RESTRICTIONS ON ADVANCE APPROPRIATIONS IN THE HOUSE.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) EXCEPTION.—In the House, an advance appropriation may be provided—

(1) for fiscal year 2004 for programs, projects, activities or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,178,000,000 in new budget authority; and

(2) for the Corporation for Public Broadcasting.

(c) DEFINITION.—In this section, the term "advance appropriation" means any discretionary new budget authority in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2003 that first becomes available for any fiscal year after 2003.

SEC. 302. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of such Act to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 303. REPORTING REQUIREMENTS FOR THE CONGRESSIONAL BUDGET OFFICE.

The report submitted by the Director of the Congressional Budget Office on or before February 15 of each year pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 shall include the following information for the preceding fiscal year—

(1) a comparison of the different impact between forecasted economic variables used to model projections for that fiscal year and what actually happens;

(2) an identification of the technical factors that contributed to the forecasting inaccuracies for that fiscal year;

(3) a variance analysis between forecasted and actual budget results for that fiscal year; and

(4) recommendations on how to improve forecasting accuracies.

TITLE IV—SENSE OF CONGRESS AND SENSE OF HOUSE PROVISIONS

SEC. 401. COMBATING INFECTIOUS DISEASES.

(a) FINDINGS.—Congress finds that—

(1) the United States has historically taken an unparalleled leadership role in providing humanitarian assistance and relief to the world's poorest people;

(2) that role has included initiatives to expand trade, relieve debt of countries pursuing structural economic reforms, and provide medical technology to improve health and life expectancy around the globe; and

(3) good governance and continued economic reforms are essential to eliminating poverty, encouraging economic growth, and ensuring stability in developing countries.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should continue to assist, through expanded international trade, debt relief, and medical assistance to combat infectious diseases, those countries that reform their economies, promote democratic institutions, and respect basic human rights.

SEC. 402. ASSET BUILDING FOR THE WORKING POOR.

(a) FINDINGS.—Congress finds the following:

(1) For the vast majority of United States households, the pathway to the economic mainstream and financial security is not through spending and consumption, but through savings, investing, and the accumulation of assets.

(2) One-third of all Americans have no assets available for investment and another 20 percent have only negligible assets. The situation is even more serious for minority households; for example, 60 percent of African-American households have no or negative financial assets.

(3) Nearly 50 percent of all children in America live in households that have no assets available for investment, including 40 percent of Caucasian children and 73 percent of African-American children.

(4) Up to 20 percent of all United States households do not deposit their savings in financial institutions and, thus, do not have access to the basic financial tools that make asset accumulation possible.

(5) Public policy can have either a positive or a negative impact on asset accumulation. Traditional public assistance programs based on income and consumption have rarely been successful in supporting the transition to economic self-sufficiency. Tax policy, through $288,000,000,000 in annual tax incentives, has helped lay the foundation for the great middle class.

(6) Lacking an income tax liability, low-income working families cannot take advantage of asset development incentives available through the Federal tax code.

(7) Individual Development Accounts have proven to be successful in helping low-income working families save and accumulate assets. Individual Development Accounts have been used to purchase long-term, high-return assets, including homes, postsecondary education and training, and small businesses.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Federal tax code should support a significant expansion of Individual Development Accounts so that millions of low-income, working families can save, build assets, and move their lives forward; thus, making positive contributions to the economic and social well-being of the United States, as well as to its future.

SEC. 403. FEDERAL EMPLOYEE PAY.

(a) FINDINGS.—The House finds the following:

(1) Members of the uniformed services and civilian employees of the United States make significant contributions to the general welfare of the Nation.

(2) Increases in the pay of members of the uniformed services and of civilian employees of the United States have not kept pace with increases in the overall pay levels of workers in the private sector, so that there now exists (A) a 32 percent gap between compensation levels of Federal civilian employees and compensation levels of private sector workers, and (B) an estimated 10 percent gap between compensation levels of members of the uniformed services and compensation levels of private sector workers.

(3) The President's budget proposal for fiscal year 2003 includes a 4.1 percent pay raise for military personnel.

(4) The Office of Management and Budget has requested that federal agencies plan their fiscal year 2003 budgets with a 2.6 percent pay raise for civilian Federal employees.

(5) In almost every year during the past two decades, there have been equal adjustments in the compensation of members of the uniformed services and the compensation of civilian employees of the United States.

(b) SENSE OF THE HOUSE.—It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 404. SENSE OF THE HOUSE ON MEDICARE+CHOICE REGIONAL DISPARITIES.

(a) FINDINGS.—The House finds that—

(1) one of the goals of the Balanced Budget Act of 1997 was to expand options for Medicare beneficiaries under the Medicare+Choice program;

(2) the funding formula in that Act was intended to make these choices available to all Americans; and

(3) despite attempts by Congress to equalize regional disparities in Medicare+Choice payments in the Balanced Budget Refinement Act of 1999 and the medicare, medicaid, and SCHIP Benefits and Improvement and Protection Act of 2000, rural and other low-payment areas have continued to lag significantly behind their higher-payment counterparts in average adjusted per capita (AAPCC) reimbursements.

(b) SENSE OF THE HOUSE.—It is the sense of the House that if the Committee on Ways and Means reports a bill to reform medicare, it should apply all new funds directed to the Medicare+Choice program to increase funding to counties receiving floor or blended rates relative to counties receiving the minimum update.

SEC. 405. BORDER SECURITY AND ANTI-TERRORISM.

It is the sense of the House that this resolution assumes $380 million in new budget authority and a corresponding level of outlays in functional category 750 (Administration of Justice) for the Immigration and Naturalization Service to implement a visa tracking system as part of a comprehensive plan to protect the United States and its territories from threats of terrorist attack.

SEC. 406. PACIFIC NORTHWEST SALMON RECOVERY.

(a) FINDINGS.—Congress finds that—

(1) Pacific Salmon are historically, culturally, and economically important to the people of the Northwest;

(2) the United States Government has negotiated treaties with the Columbia River Indian tribes;

(3) the National Marine Fisheries Service in December 2000 issued a biological opinion on the Federal Columbia River Power System calling for greater efforts by the Federal Government, to satisfy the ESA standards of section 7(a)(2) of the Endangered Species Act; and

(4) the citizens of the Pacific Northwest are committed to salmon recovery and their hard work in communities throughout the region to advance local solutions deserves Federal assistance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that this resolution assumes that the Pacific Northwest salmon recovery program, administered by Federal agencies on the Federal Columbia River Power System and Pacific coast, should be made a high-priority item for funding.

SEC. 407. FEDERAL FIRE PREVENTION ASSISTANCE.

(a) FINDINGS.—Congress finds the following:

(1) Increased demands on firefighting and emergency medical personnel have made it difficult for local governments to adequately fund necessary fire safety precautions.

(2) The Government has an obligation to protect the health and safety of the firefighting and emergency medical personnel of the United States and to ensure that they have the financial resources to protect the public.

(3) The high rates in the United States of death, injury, and property damage caused by fires demonstrates a critical need for Federal investment in support of firefighting and emergency medical personnel.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Assistance to Firefighters Grant Program, administered by the Federal Emergency Management Agency, has successfully provided financial resources for basic firefighting needs since its inception; and

(2) in the wake of the terrorist attacks of September 11, 2001, the ultimate sacrifice paid by over 300 firefighters, that as Congress makes funding decisions regarding the proposed grants for first responders, local firefighters receive at least as much funding as they did under the Assistance to Firefighters Grant Program.

The CHAIRMAN. General debate shall not exceed 3 hours with 2 hours confined to the Congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK).

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 1 hour of debate on the Congressional budget.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the attention of my colleagues for what I think is a very important, very sober debate today that needs to occur about America's future.

Mr. Chairman, the world changed on September 11. Boy, we have heard those words quite a bit lately from a number of Members in a bipartisan way. We are at war. America suffered a profound national emergency. Our pre-attack recession grew deeper, and any one of those challenges would have made putting a budget together very difficult. But all three at one time, trust me, put a pretty difficult task before this Congress in trying to put a budget plan together. All three could have resulted in deficits for many years.

But when the world changed on September 11, the President came forward with a plan. He provided leadership, and America saw the Congress come together in a bipartisan way. We provided, in a bipartisan way, resources to meet the national emergency, resources to prosecute the war, and about week and a half ago, bipartisan tax relief and job creation resources, as well as worker protection assistance. These were appropriate responses, but these appropriate responses eliminated the surplus.

Americans out there, constituents of all of ours, are still wondering: Is America safe; will I have a good paying job; and what is my family's future going to look like?

First on the question of is America safe, our budget secures our Nation, allows us the resources to win the war, secure the homeland, invest in future technology, and keep our promise to our veterans.

With the budget plan that we put together and that we present to the Congress today, we secure our Nation's future, and we do it in a positive way.

The second question that Americans are asking is will I have a good paying job? Our budget secures a growing economy. It funds job creation and worker protection, adopts a national energy strategy, invests in America's roads and infrastructure, provides for an agriculture safety net, promotes trade and access to our products, and, yes, provides additional tax relief and tax reform. We believe in short what this budget plan does, it creates jobs.

With this budget plan, I believe we secure a growing economy. But Americans are still asking questions. They are asking, do my family and I have a secure future? We cannot forget while we are securing the economy, securing the homeland, that America's priorities must continue. We must secure the future for ourselves and our families, leave no child behind in education, fully fund and reauthorize special education, conserve and protect our environment, access quality and affordable health care. And finally, modernize Medicare and provide prescription drugs for seniors, and protect every penny of Social Security benefits, our pensions, and our savings for the future.

With the plan that we put together, we believe we have better secured our future for ourselves and our families. Without our bipartisan response to the economy and to the war and to protect the homeland, this would have not only been a balanced budget, but even with this budget and even with the short-term borrowing that needs to occur to accomplish those important priorities, under our plan we begin to pay down the national debt again in 2004.

So I believe our mission is undeniable. We must secure America's future. Our strategy is clear. We need security for our Nation, security for a growing economy, and security for ourselves and our families. I believe that our budget makes it happen, together with the fine work of the American people.

We have a plan. There is no doubt that people can quibble with the fact that no plan is perfect in every regard. But the President proposed a plan, we made it better. We are providing positive leadership at this crucial time in American history, and it is time to get that job done.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas (Mr. THORNBERRY) to talk about securing our Nation.

Mr. THORNBERRY. Mr. Chairman, every year during the debate on the budget, someone says it is about more than just numbers, it is about priorities. Certainly since September 11, the priorities of the country have changed.

□ 1545

National security is not just something that happens in a military base or in some far-off country. It touches every household, every workplace, every school and hospital in the country. National security is the first priority of the country, and it is the first priority of this budget.

The first paragraph of the President's budget submission says that the war against terrorism is a war unlike any other in American history. We did not choose this war, but we will not shrink from it; and we will mobilize all the necessary resources of our society to fight and to win.

That is what this budget does. It mobilizes the resources necessary to fight and win the war against terrorism. The budget provides $46 billion, or a 13 percent increase, in defense. Some people think that is too much. Other people do not think it is enough. The committee decided to go with what the President recommended, giving him all of the resources he has asked for to fight this war. We also support the President in focusing on the troops with a 4.1 percent pay hike for the troops as well as an additional 2 percent for some specially targeted mid-career personnel. This budget will help give the troops the tools they need to do their job, with $69 billion in procurement and $54 billion for research and development.

It includes the largest operating and maintenance budget ever at $140 billion; but it also keeps faith with those people who have already served our country, fully funding for the first time in a number of years military health care, expanding concurrent receipt for those who are most severely disabled, and also significantly increasing VA health care by about 12 percent.

In addition to those categories, Mr. Chairman, the budget follows the President's lead in nearly doubling the spending for homeland security. There are some important initiatives here, such as significantly increasing the money for border security. So for the INS, Customs, Coast Guard, which may all be put together soon, there are significant increases in their funding. It improves funding to prepare for bioterrorism with money for hospitals, research for vaccines, strengthening our ability to detect attacks. Most significantly, it has a new program to assist the local policemen, local firefighters and emergency responders with $3.5 billion administered by FEMA so that those local first responders can have money to train, equip and get the things that they need to do.

Mr. Chairman, it is fair to disagree about the spending on any particular program, but the overriding fact of this budget and the overriding fact of our time is that this country is at war against terrorism. It is a different kind of war. Sometimes we will be in a fierce military battle such as we have seen in recent days in Afghanistan. At other times there will be a lull in the military operations. Sometimes the memory of the attacks against innocent Americans are going to be fresh in our minds. At other times those memories will seem to fade, and we face the danger of drifting back into business as usual.

But the truth is it is not going to be business as usual again for a very long time. We are at war. This budget supports the President in fighting and winning that war, it supports the soldiers on the ground in Afghanistan, it supports the people guarding our borders and the other people trying to protect our public health, it supports local policemen and firefighters; and I would suggest, Mr. Chairman, it deserves our support as well.

This is the time to put our money where our mouth is. It is not the time for vague statements and assurances. We put our money where our mouth is with our votes. I suggest we vote for this resolution.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Hampshire (Mr. SUNUNU), vice chairman of the Committee on the Budget.

Mr. SUNUNU. Mr. Chairman, when we set out to put together this budget, our goal was to put together a strong wartime budget, a budget that met the priorities laid out by the President during his State of the Union Address, to fund and win the war on terrorism, to fund our homeland security needs, and to get our economy moving again after the attacks on September 11 and the impact it has had on our economy and not just in Washington and New York but across the country.

We worked hard to put together a budget plan that meets these priorities and in particular on the economy, putting together a budget that lays the groundwork for strong economic growth not just as we move forward in the year but out 2 years, 5 years and 10 years. We put together a budget that fully funded the worker protection act signed by the President earlier this year, extending unemployment benefits and giving businesses, large and small, incentives to invest in new technology, new productivity, accelerating the depreciation that they could take. We have got to remember that jobs are not created here in Washington by legislators. Jobs are created by entrepreneurs and risk-takers and investors. In my home State of New Hampshire, over 60 percent of the jobs come from small businesses. By giving them that incentive to invest, we give them the opportunity to create jobs for others.

We made a commitment to implement a national energy strategy to reduce our dependence on oil imports from the Middle East and from overseas. We made a commitment to invest in roads and infrastructure, something that the chairman of the Committee on Transportation and Infrastructure spoke about with the gentleman from Iowa (Mr. NUSSLE) during a colloquy earlier. We made a commitment to pass a strong farm bill and included that in the budget. We made a commitment to expand opportunities to export American-manufactured products overseas, expand trade and strengthen our economy.

We will hear and have heard a lot of criticism about this budget proposal, but let us remember a few things. If someone wants to change this bill, if someone is criticizing this bill, the spending levels and the priorities, you have got three choices: you can raise taxes to fund those priorities, and I do not think in this economy we should be raising taxes; you can cut defense and homeland security funding to put into a particular domestic initiative, and I think that would be a grave mistake in this environment as we have made a commitment to win the war on terrorism; or you can increase the deficits. Those are your only three choices.

We will hear a lot of scare tactics about Social Security, but let us step back a little bit. The budgets that were opposed by the other side of the aisle over each of the last 4 years, let us look at what they have done. We have paid down over $450 billion in debt. Never have we put public debt as a percentage of our economy at such a low level. And the scare tactics on Social Security, let us look at where the Social Security trust funds are, with and without the tax relief legislation passed last year. The balances in the Social Security trust funds have not been changed one penny.

Do we need to take up legislation to strengthen Social Security? I believe we do. Do we need to fund a prescription drug benefit for Medicare? Absolutely. And we have committed to doing just that. In this budget, there is $350 billion for a Medicare prescription drug benefit that is voluntary, that is affordable, that makes a difference for seniors around the country. We have increased special education funding, something very important to schools in New Hampshire, to a record level. And we have funded $2.6 billion in veterans health benefits and also funded concurrent receipt legislation.

This is a budget that sets good priorities, that I think sets the right priorities; but that does not mean we have not had to make some tough choices. But in not presenting a budget plan, the other side has defaulted on their willingness to make those choices or to set priorities. We heard some discussion about a potential substitute calling for a mid-session review and better CBO scoring. That is not an alternative. That is not a different set of priorities. We need a budget and we need vision. That is what this committee has offered.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. HOEKSTRA), vice chairman of the Committee on the Budget.

Mr. HOEKSTRA. Mr. Chairman, I thank the chairman of the Committee on the Budget for yielding me this time and compliment him for his leadership in putting together a budget that is good for American families. All over America, families will ask, Is this a good budget for America's families? And it is. It is a balanced approach. It balances our national defense needs, our homeland security, economic needs, and the priorities for our families. It is a balanced approach. We have made the critical decisions and we have made the critical choices as to where we will invest the $2.1 trillion.

Again, this budget will be criticized; but our colleagues on the other side have no Democrat substitute. In the Committee on the Budget, we got an idea as to what a substitute might look like if it were proposed. There was $175 billion to $200 billion of new spending. Zero of it would be used to reduce the national debt. Zero would be used for Social Security. Zero would be used for national defense. Zero would be used for homeland security. $175 billion of it, all of it, would be used to increase Washington spending. We do not necessarily believe that that is the best approach for America's families, because if they were not going to increase our national debt, what they would have had to have done is they would have had to have increased taxes. The last time they increased taxes on American families, let us take a look at what they did. They retroactively increased the death tax, they increased taxes on Social Security, they raised Medicare taxes, they raised the gas taxes, they raised personal income tax rates, and they raised the corporate tax rate. That is not a balanced approach for America. We have made the tough decisions that will secure the future for America's families.

Let us take a look at some of the choices that we have made. Let us take a look at what we have done in the area of education. In the last 6 years, we have doubled the investment in our children, the dollars that we have invested in education. This now will enable us to build on those results and continue moving forward in this critical area. The one that perhaps makes the most difference to our local school districts is what we have done for our children with special education needs. Not only do we focus on a priority, but every time we invest in special education we fulfill a commitment that we have made, that we made way back in the 1960s as to funding this and what the Washington commitment would be.

Republican Congresses have tripled funding for IDEA funding in the last 6 years. We increase that by another $1 billion in this budget, and we put in place a plan so that within the next 10 years we will fully fund our commitment. It is our commitment to these special students, and it is our commitment to local school districts which will free up a lot of education dollars at the local district that they can then drive. We maintain our commitment to higher education by continuing to fund Pell grants at $4,000. We increase funding for low-income school districts. We put an emphasis on reading first. We have committed to our families and to America that we will keep our focus on education.

We also will ensure that we improve health care. We have set aside $5.9 billion for bioterrorism. We have set aside $350 billion to develop a Medicare prescription drug plan. We have carried through, and this is the final installment, of doubling funding over 5 years for the National Institutes of Health. We improve veterans health care. We improve community health centers and health center programs for rural areas. We are committed to continuing our focus on health care and retirement.

This is a balanced, good approach that will secure the future for America's families.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, a year ago I closed the debate on the budget by noting that it has taken us almost 20 years, $4 trillion in debt, to escape the fiscal mistakes that we made in the 1980s and to turn this budget around and finally move it out of deficits and into surpluses. But we did it. There is the record of the last 8 years of the Clinton administration: every year a better bottom line.

I went on to say that today, if I had one priority, a year ago, one overriding objective, it was simply this, to make sure that we did not backslide into the hole that we have just dug ourselves out of. That was my objective, I said. That is why I had a problem last year with the Republican resolution, because it left so little room for error. I went on to say I hoped that these blue sky projections that totaled some $5.6 trillion in surpluses over the next 10 years will materialize. It will be a great bounty for all of us. But if they do not and if we pass this resolution, we can find ourselves right back in the red again in the blink of an economist's eye. Mr. Chairman, here we are, back in that hole again. You listen to the other side talk, and you would not even think that we had a problem.

I just pulled two pages out of various economic studies of the budget situation we have got on our hands. Here is CBO's most recent estimate of the deficit in the President's budget. This year it will be $248 billion.

□ 1600

$248 billion. Next year, $297 billion in the red, in deficit. Over the next 10 years, 2003 to 2012, it will be $1.8 trillion in deficit, and that means $1.8 trillion into the Social Security Trust Fund, because that is how you make up that deficit.

They act as if we do not have a problem. They talk about recovering surplus. Look at their own numbers. Next year, a deficit of $224 billion on budget excluding Social Security. Over 4 or 5 years, $830 billion.

Here we are, Mr. Chairman. We have witnessed the biggest fiscal reversal in the history of our country. $5 trillion has vanished, disappeared, it is gone. We had $5.6 trillion last year. Looking at the President's own numbers this year, we have $0.6 trillion if we implement his budget. Last year we had for 10 straight years nothing but black ink on the bottom line, 10 straight years we had on budget surpluses last year.

We talked last year about virtually paying off all of the Treasury's debt held by the public, over $3 trillion worth. This year, this year we have got on budget deficits for 10 straight years. And what are we talking about now? Raising the ceiling on the national debt immediately. The Secretary of Treasury says he needs $750 billion of additional debt ceiling because the national debt is going up, it is not coming down.

Well, here we are, Mr. Chairman, and my problem with this Republican budget is that it presents no plan, no strategy, no way to get us out of this hole. It only leads to bigger deficits and greater debt.

The gentleman from Texas (Mr. STENHOLM) offered a process before the Committee on Rules and defended it on the floor. So did the gentleman from Virginia (Mr. MORAN). They at least had a way to back the budget out of Social Security, which is an objective we all profess at least to hold. It was not made in order. Nothing was made in order, except this resolution under the rule that was presented to us.

So we have a Republican budget in name, but in name only, because it does not have a plan. Oh, it has a default plan, all right. In the absence of any kind of constructive concerted plan, it has a default plan. That default plan is to keep on borrowing and spending Social Security, to revert to the practice that we all foreswore and said we would never ever do again once we reached that summit and were able to get away from that onerous practice.

Why do we have such little time then in the face of such serious matters to debate the most consequential vote that we will cast in this session? It is not because Republicans are eager to get home. It is because their budget will not stand scrutiny, not for long, and they know it. It will not stand scrutiny because it is just the tip of the iceberg. This is not the real budget. This is part of their budget.

Let me give you an example. Last year, in order to shoe-horn the tax bill into the amount allocated for the total tax bill, they phased it in over time, and then in 2010 they did something dramatic, they actually repealed everything that had just been implemented. So we have a repealer in 2010 that undoes tax cuts that were done last year.

We asked, with this 5-year budget, does it provide or anticipate anything with respect to the repeal of the repealer in 2010? We were told emphatically "no." The next day the Speaker said absolutely, we will repeal the sunset provision in the Tax Code. Ari Fleischer at the White House backed him up. Those are pretty high sources.

But you search this budget in vain for any trace whatsoever of the repeal of the repealer in the year 2010. It is not in here. CBO tells us if you put it in there, you have to make a $569 billion adjustment, deduction, to revenues. It is not in there.

Nor is there any provision for fixing the AMT, nor is there any provision for extending popular tax provisions that will expire, nor, for that matter, is there any of the President's request for $675 billion in additional tax relief. It has all been pushed forward into the second 5 years.

This is not some policy wonk debate whether you should do a budget 5 years or 10 years. This is a concerted strategy to shove everything forward and make the first 5 years as good as you possibly can by ducking the issue that will come just over the horizon.

A budget is a plan, we all know that. We have household budgets, and if we had a plan here, if the Republicans had a plan in their budget, they would display it. They would roll it out. Because surely if they had a plan, one goal, one objective in that plan, would be to get the budget out of Social Security, to quit borrowing and spending the Social Security budget.

One of the reasons we have a 5-year budget, one of the reasons that we have Social Security, one of the reasons that we have OMB as a scorekeeper for this budget instead of CBO, is right here. It is this chart right here. These bar graphs right here tell an awful lot.

If you look to the far left axis, you see a little blue stub. That is where the Clinton administration got us. We were, for the first time in 30 years, out of Social Security, out of Medicare. We had a surplus over and above both of those accounts.

2001, you see a little stub below the line. That too is a partial Clinton year. The reason that stub is below the line is that the Republicans shifted a corporate tax payment, $35 billion worth, from September 15 to October 1 to shore up 2002 numbers. Back that artificial shift out and it too is right at the line.

So this is the beginning baseline that the President inherited, the best fiscal situation any President has inherited in modern times. And these are the deficits that are entailed by his budget and these are the results to Social Security and to Medicare. Medicare, the yellow or orange line at the top. Fully consumes the Medicare surplus. $650 billion over the next 10 years, every penny of it. Social Security, 70 to 75 percent of the Social Security surplus is fully consumed over the next 10 years.

The key thing is if you look in the year 2007, which is a terminal year in this budget, if you looked at their budget you might think, well, they have a plan. It looks like the amount of invasion of the Social Security surplus is about to diminish, they are about to turn the corner. But in truth, it keeps on keeping on. There is no plan. There is no result.

This is not the kind of budget that will put us back on the path we were on. We have had some fundamental changes since this time last year, I will be the first to acknowledge it, and I will be the first to say the debate today is not about national defense or homeland defense. We support both, on the same terms and in the same amount.

But we also support Social Security. We also thought we had a good thing going with our fiscal policy last year. We would like to get back on this path. This budget does not lead us back. This leads to more debt, more deficits, more invasion of the Social Security Trust Fund, and it has no plan for resolution of any of those things.

Before this year is out, I hope, earnestly hope, having been here 20 years and struggled and worked to put the budget on an even keel, I hope we will have some solution to this problem. But this is not a solution. This does not lead us in the right direction and this budget should be emphatically defeated.

Mr. Chairman, I yield 12 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this budget is deceptive in at least three respects, and I and a number of colleagues are going to elaborate on that in the next few minutes.

First, it uses a 5-year forecasting window instead of the customary 10-year window; secondly, it bases the forecast on projections generated by the administration's political appointees at OMB, rather than the nonpartisan CBO; and, thirdly, it omits the cost of major initiatives that both parties agree must be enacted.

Since the 1997 Balanced Budget Act, it has been customary to employ 10-year projections in budgeting. Last year, when Republicans were pushing a major tax cut, they were eager to use 10-year projections that put the aggregate cost of their proposal in a more favorable light. Now, when it does not work that way, when it does not suit their purposes, Republicans are providing only a 5-year budget outlook.

This budget further seeks to mask the effect of the Republicans' failed fiscal policies by using OMB projections instead of relying on Congress' official nonpartisan scorekeeper, the CBO. During committee markup, our budget chairman characterized this hat trick as a simple use of the remote control. "If you don't like the weather report," he said, "you might as well change the channel. That is what we are doing."

Yes, indeed, they have changed the channel. Remember, though, that shutting down the Federal Government in 1995 was undertaken by our Republican friends precisely to force a Democratic administration to use CBO estimates. Now House Republicans have decided that CBO's figures are, well, inconvenient. And they are. Just using CBO's baseline estimate of spending under current law exposes a $318 billion hole over 10 years.

It sounds like the bad old days of "rosy scenarios," and it goes straight to the resolution's bottom line and explains the majority's sudden affection for OMB figures.

Finally, this budget omits and understates the cost of things that the Republican leadership has already stated its intent to do. The administration is about to request supplemental appropriations for defense and homeland security. Congress will honor these requests.

The day after the committee markup of this budget, the Speaker himself announced plans to bring to the floor in April larger tax cuts than this resolution permits. The budget resolution accommodates none of this, nor does it provide for a workable Medicare prescription drug benefit, nor for natural disaster relief, nor for critical investments in education, nor for a fix for the Alternative Minimum Tax.

Mr. Chairman, the real Republican budget creates a huge permanent deficit. It spends at least 86 percent of the Social Security surplus and all of the Medicare surplus over the next 6 years, and it heaps up public debt for years to come. Smoke and mirrors cannot hide the fact that the Republican budget spends the Social Security surplus as far as the eye can see, and it has no plan to bring the budget out of deficit and back into surplus.

Clearly, supporters of this budget do not want to reveal the ultimate consequences of their choices, and in the next few minutes my colleagues and I will further elaborate on the ways this budget cloaks its full cost.

Mr. Chairman, I yield to my colleague, the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, we are here on a historic day. This is the first time in 19 years we have had a totally closed rule on the budget; no amendments, no alternatives, one shot, Republican, that is it.

Now, why is that? Well, you have come to the second annual meeting of the county fair where they play the three walnut shell con game. We are playing it again. We played it last year.

The fact is that the first shell here is the budget estimates. Are we going to use OMB or CBO? These people closed the government down in 1995 over whether or not we are going to use OMB or CBO. They said CBO is the only numbers. Now this year, it is OMB. Well, they moved that around.

Then they said last year, we have a lot of money, oh, gosh, we have a lot of money. Look at them 10-year projections. Then things went to pieces. So this year they said let us just look at 5 years. That is enough. That is sufficient enough. That is a second shell.

If you think about it, they have understated the cost of mandatory spending. They talk about the stimulus package we passed last week with $100 billion in it, and they ignore it, totally ignore it. And there is a budget coming within 2 weeks of our getting back here, we will have a supplemental budget out here for the military, and they act in this budget as though that does not even exist. It is like, well, it has to be that third shell. It is somewhere in there, I do not know.

They do not cut the tax cuts they plan to offer. The President put a budget out and said we are going to repeal those tax cuts. And he says no, I want to repeal the repealer. They voted no in the committee on that issue. They are not going to do that, they say.

Right now there are 3 million people paying the Alternative Minimum Tax. Within 5 years you are going to have 30 million people having to figure their income tax twice, and they are just closing their eyes to it. "Do not show me." They just hide everything.

Now, this is the slam-bam-thank-you-ma'am budget. It is going to go through here. It means absolutely nothing. It is a total sham. But what it really is is a generational mugging. It is a mugging of our kids. This shell game is trying to hide from our kids what we are doing to them.

We are starting down the same thing we did in the Reagan years. It was 1983 with a closed budget, a closed rule, and we started down like a rocket. And it took us 20 years to dig out of it. And here we are today, going down that same road.

Now, I hope the kids are watching, because they are playing a shell game on you. They are simply hiding what this costs. They do not want you to know. And they are taking it from Social Security. There is no plan in these shells for how you are going to get out of using Medicare and Social Security.

□ 1615

Everybody here knows that 40 million people are coming down the road toward Social Security and Medicare, and there is nothing.

Mr. PRICE of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman for demonstrating that these arguments about 5 versus 10-year budget numbers and switching to OMB estimates are not just budget wonkery. They have real consequences for our fiscal solvency and for the welfare of future generations.

Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, there is so much chicanery in this Republican budget resolution that it would make even an Enron auditor blush.

Our Republican friends are not happy with the estimates produced by the Congressional Budget Office. They say, we will just write a budget using the administration's far rosier estimates. Did not House Republicans demand 7 years ago that the Clinton administration use CBO estimates? My, what a difference.

Nor is the GOP happy with what the 10-year budget projection would reveal: A stunning loss of $5 trillion in projected surpluses, largely due to last year's tax cut. No problem, we will just write a budget with a 5-year projection. It just disappears like magic.

Everyone in this Chamber knows that the shorter projection is an attempt to conceal the cost of making last year's tax cuts permanent, an estimated $569 billion.

This resolution includes one purposeful evasion after another. But there is one thing our Republican friends cannot hide: The fact that their budget will raid the Social Security and Medicare trust funds every year for the next 10 years, for a total of $2 trillion.

Last year, the majority leader offered these reassuring words: "We must understand that it is inviolate to intrude against either Social Security or Medicare, and if that means foregoing, or, as it were, paying for tax cuts, then we will do just that." They did not. They are not. That promise has turned out to be as empty as the GOP's lockbox.

This budget resolution, Mr. Chairman, is as irresponsible and as dishonest as were the Enron financial statements. And, tragically, the consequences of its adoption could be as negative. Let us reject this resolution.

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Mr. PRICE of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, the reality behind this budget is that we are going to be spending Social Security cash on functions other than Social Security for the next decade.

The second reality is that most of that reflects budget choices that have nothing to do with the war in Afghanistan, the war our brave troops are fighting against the scourge of global terror. I believe the majority does a terrible disservice to our troops to try and hide behind their valor in selling budgets that raid Social Security.

The ultimate effect of the raid on Social Security will in all likelihood be higher taxes for the very men and women fighting this war as they are forced to support baby boomers in retirement years, because the baby boomers passed budgets that ran these terrible deficits.

Reject the majority budget and stop the raid on Social Security.

Mr. PRICE of North Carolina. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. DAVIS).

Mr. DAVIS of Florida. Mr. Chairman, when this debate started, the chairman referred to this as a wartime budget. We are united in the war on terrorism.

What exactly are we fighting for? We are fighting for a democracy. We are fighting for the right to have an open and honest debate on the floor of the House of Representatives about our Nation's priorities. We are failing that standard miserably today, because there was absolutely no response whatsoever to the fact that we are using a faulty set of numbers to have this debate.

For years, there has been universal support for using the Congressional Budget Office, which has been widely referred to as a nonpartisan, apolitical office, so we can discuss how spending proposals and how tax cut proposals affect our ability to have a balanced budget and pay down the massive Federal debt, which influences interest rates and has a lot to do with the solvency of Social Security and Medicare.

Instead of using those numbers, we are left with the flippant comment, "If you do not like the weather, change the channel." Also, we are using the politically-charged Office of Management and Budget numbers. No one disputes that fact. So we are not going to have an honest road map, an honest blueprint with which this body can judge how our spending and tax cut proposals affect our ability to get back to a balanced budget, to keep interest rates low, and to begin to prepare Social Security and Medicare for the solvency of the baby boomers.

We are failing one of the most fundamental tests of our democracy today. For that reason, we should reject the budget resolution.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. DELAY), the distinguished majority leader.

Mr. DELAY. Mr. Chairman, this is a very important day because we are debating a budget that is a very important budget.

It is amazing to me that the other side is arguing, stop the raid on Social Security. When they were in the majority for 40 years, they took the surpluses of Social Security and spent them on big government programs. We are the ones that stopped the raid on Social Security and paid down over $450 billion on the debt on our children.

Mr. Chairman, we have a choice to make today. We can stand with the President in funding the war on terrorism, defending our homeland, and balancing the budget, or we can align ourselves with those who offer no budget for national defense, no budget for homeland security, and no budget for Social Security.

The other party has come here not to praise any budget but to bury it. They are demonstrating the height of fiscal irresponsibility because they offer no budget at all for our country.

These charts offer a very clear picture of the Democrats' budget. This is the Democrats' budget on national security. This is the Democrats' budget on homeland security. This is the Democrats' budget on Social Security.

Republicans, though, Mr. Chairman, strike a very responsible balance. Our budget gives the President the resources he needs to wage a war against international terrorism and bolster our homeland defenses. It also puts us on the path to a balanced budget, and puts us on track to pay down more than $180 billion in debt over the next 5 years.

Republicans are committed to returning to a balanced budget. We are the ones who balanced it in the first place. This is what our budget does: It returns us to a balanced budget so that we can protect the Social Security trust fund and pay down the debt on our children.

For decades, the Democrats have raided the Social Security trust fund, and for years Republicans, by fighting for a balanced budget, have protected seniors.

The attacks on September 11 and the recession forced a short-term wartime deficit spending, but as our economy rebounds and as we demonstrate fiscal restraint, we will move back into a surplus. That is why it is important to hold the line on spending right now.

So from the other side of the aisle we hear a chorus of criticism, but they offer no answers. Democrats all voted to raid Social Security just last year, and they have not offered a budget this year.

We know what they are against, but where is their solution? If they had the courage of their convictions, they would be forced to answer the question that they have been ducking all year long: Do they want to raise taxes, or raid defense and other priorities to pay for more spending?

The Democrats need to tell us whether they are raisers or raiders. Support this budget, and let us go forward for fiscal responsibility.

Mr. NUSSLE. Mr. Chairman, I ask unanimous consent that the gentleman from Texas (Mr. THORNBERRY) be allowed to control 10 minutes of my time.

The CHAIRMAN pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from New Jersey (Mr. SMITH), the chairman of the Committee on Veterans' Affairs.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as chairman of the Committee on Veterans' Affairs, I rise in very strong support of this budget resolution. I want to thank the gentleman from Iowa (Chairman NUSSLE) for crafting a resolution that has the largest increase in veterans' affairs spending, especially discretionary spending, for our veterans.

There is a $2.8 billion increase for health care in this budget. Let me just point out to my colleagues, it is needs-based. This is not something that was just "let us add it for the sake of adding," but it is needs-based.

Next year, there will be about 700,000 new, unique veteran patients. Veterans are flocking to our outpatient clinics and our community-based outpatient clinics and the like because they are getting good health care, 700,000. The budget would provide, like I said, about a $2.8 billion increase.

Let me also point out to my colleagues that other important programs will be funded as a result of this. Last year, we passed historic legislation to help the homeless veterans. That is accommodated by this budget.

We have passed an increase in the G.I. bill, a 46 percent increase in that college education benefit. That is accommodated by this budget.

I believe the gentleman from Iowa (Chairman NUSSLE) deserves our thanks. He sat down with my staff and I and we spent hours going line by line over why this budget needed to be added to, and he met those needs.

I hope that every veterans' service organization, and I have spoken to virtually every one of them, they are happy with what we are doing. It is real, and I would hope my friends on the Democratic side would look at this provision and realize that we are doing justice to our veterans.

It is a good bill and a good resolution. I urge strong support for this.

Mr. THORNBERRY. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Research and Development of the Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding time to me.

If we look across the array of defense requirements, what our men and women in uniform need in terms of ammunition, spare parts, equipment, pay, this budget starts to turn the corner from what I call the Clinton era.

If we look specifically at modernization, at the idea that we need more new trucks, tanks, ships, planes, good equipment for our people, we are spending about $11.9 billion more than we were in the last year of the Clinton administration.

With respect to the ammo shortages, we are going to still have an ammo shortage, but we are cutting that shortage down. We are coming into it with about $2.2 billion extra.

With respect to operations and maintenance, we are coming in with an extra $3 billion or so.

Across-the-board, and we are coming in also with a 4.2 percent pay raise, to follow the minimum 6 percent pay raise of last year.

So we are starting to rebuild national security with this budget. We have a long way to go. I would like to have an extra $50 billion or so in this defense budget, but on the other hand, at least we are starting to turn the corner from some very tragic days of the past 10 years or so, and I very strongly support this budget.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. BILIRAKIS), the distinguished chairman of the Subcommittee on Health of the Committee on Energy and Commerce, who has been a leader on the issue of concurrent receipt.

Mr. BILIRAKIS. Mr. Chairman, I rise in strong support of this budget. For over 17 years, I have been working to eliminate the current offset between military retired pay and VA disability, which unfairly penalizes more than 500,000 military retirees nationwide.

The last Congress took the first steps towards addressing this inequity, and took an additional step towards eliminating the offset by authorizing my repeal legislation, H.R. 303.

I am very pleased, Mr. Chairman, that the budget resolution earmarks over $500 million to fund concurrent receipt as a first step in fiscal year 2003, with increasing amounts over the next 5 years, providing a cumulative total of $5.8 billion.

While this falls short of the funding needed to completely eliminate the current offset, it will provide for a substantial concurrent receipt benefit. And I am very, very thankful, on behalf of all of our veterans out there, to the gentleman from Iowa (Chairman NUSSLE) and other members of the committee, especially the gentlemen from New Hampshire, Mr. BASS and Mr. SUNUNU, the gentleman from Texas (Mr. THORNBERRY), the gentleman from Virginia (Mr. SCHROCK), and the gentleman from Arizona (Chairman STUMP) of the Committee on Armed Services.

The major veterans organizations support this. Let us vote for this budget so we can help our veterans and our military out there.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. SCHROCK), a member of the Committee on Armed Services and the Committee on the Budget.

Mr. SCHROCK. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank the gentleman from Iowa (Chairman NUSSLE) for this outstanding budget.

As we can see from the chart, this budget keeps the promises made to our military families. For so many years, promises have been made and remain unfulfilled, but the buck stops here.

We are funding a military pay raise. Our men and women in uniform are grossly underpaid for the services they provide to this country. We have a 4.1 percent pay increase in this budget.

We are delivering on our promise to improve living standards by increasing pay. In addition, we are improving the living standards for our military families by funding over $4 billion for improving current military family housing, as well as for building brand new housing.

□ 1630

It is unacceptable that we require military families to live in substandard housing facilities. We must support military families by supporting the budget. Finally, we are fulfilling the century-old promise of funding concurrent receipt for our disabled retired veterans. As a retired Naval officer, I believe the delivery of this promise is long overdue. This budget funds concurrent receipt for our veterans, those who need it most. It will send home a real check with real financial benefits. This year we are providing over $500 million for this program and 5.8 billion over the next 5 years.

Our retired veterans desperately need our help. They dedicated their lives to the defense of our country, and it is time we show them how much we appreciate that.

This is a solid budget. It funds programs to improve the quality of life for our military families, and it keeps the promises to our veterans that were made long ago. I encourage my colleagues to support this budget. It is unacceptable for individuals to attack this budget when they do not offer a plan of their own.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from

Florida (Mr. PUTNAM), a member of the Committee on the Budget.

Mr. PUTNAM. Mr. Chairman, the events of September 11 have certainly highlighted the challenges of border security. This budget makes a commitment to the Customs Service, increasing their budget by $619 million; substantially increases the Coast Guard as they meet the challenge of protecting our seaports; and takes a dramatic step towards reforming the INS, as has been so painfully clear that they are in need of reform in the past several days.

This budget keeps its commitment to veterans. It maintains our homeland security, and it reduces the burden of taxation on the American families. This budget is a responsible plan. Where is the other budget? It has been called chicanery. It has been called irresponsible. Where is your plan? Where is the alternative? If these things are so bad, if investing in defense, if investing in homeland security, if reducing the burden of taxation is so bad, where is the alternative? Where can the American people go to read your budget? They can get it online. They can call the Government Printing Office to get ours. Where might they go to read your budget? Where might they see what the alternative is to our plan? Where might they find those?

The Budget Resolution for FY2003 is a balanced, wartime budget that provides and prioritizes three fundamental securities of the United States: national security, economic security, and personal security.

Recently, there has been some discussion on the implications of using CBO's numbers over OMB's numbers. I believe that the use of OMB's number is the right choice and that our wartime budget will secure the future of every American family by making America safer and our economy stronger.

The bulk of the difference between CBO and OMB arises from differences in the starting point. The OMB baseline underlying over the President's budget projected a surplus of $51 billion for the FY2003, increasing to $109 billion in 2004, and totaling $764 billion over the 5-year period 2003–2007. The CBO baseline projects a surplus of $6 billion in 2003, and $61 billion in 2004 and $489 billion of the next 5 years.

There are two principal reasons for the baseline differences between CBO and OMB: (1) different treatment of emergency spending in response to the September 11 terrorist attacks on New York and Washington, and (2) different expectations of the future path of the economy and their implications of tax collections and spending.

By adjusting CBO's surplus estimates to treat emergency spending increases as a one-time occurrence affords us the opportunity to make CBO's baseline estimates project $16 billion for 2003, $77 billion for 2004, and $584 billion over the 2003–2007 period. Thus, the difference in baseline projections amounts to $35 billion for 2003, $32 billion for 2004, and $180 billion over 5 years.

The principal difference between CBO and OMB is how the proposed increase in discretionary spending is portrayed. CBO measures from a baseline that assumes that last year's emergency response spending will recur. CBO also asserts that nondefense discretionary budget authority will be $51 billion below baseline levels over the next five years. The President's policies for nondefense spending would actually exceed the baseline by $34 billion over the next five years, under a baseline that treats the emergency response spending as a one-time event.

The difference in FY2003 between CBO and OMB is attributable to different revenue estimates. Over the next 5 years, slightly more than 60 percent ($110 billion) of the $180 billion difference is largely due to revenues. OMB expects that wages and salaries and corporate profits will constitute a larger share of GDP than does CBO. In addition, OMB projects that the average tax rate on corporate profits will be higher than CBO.

CBO estimates the costs of the President's policy proposals are quite similar to those of OMB. The cost of revenue policies are the same as OMB's for 2003 and 2004, and $1 billion lower than OMB over the next 5 years. Similarly, mandatory policies are estimated to have the same cost for 2003, but are $9 billion higher over the 2003–2007 period. Outlays for discretionary spending are slightly different because CBO assumes higher outlays from defense appropriations.

Our budget provides all the necessary resources to accomplish our three main national security goals: winning the war, strengthening homeland security, and modernizing the armed services. The wartime budget resolution makes the tough choices that are necessary to meet the nation's top priority of winning the war and strengthening our national defense, while continuing to invest in the modernization of the armed forces for 21st century combat. The top priority of the House budget is to provide all the resources necessary to ensure that Americans are free from terror. This budget resolution achieves this objective.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. CRENSHAW), a member of the Committee on the Budget and the Committee on Armed Services.

Mr. CRENSHAW. Mr. Chairman, I would like to just highlight two areas that demonstrate what a sound budget this is in dealing with national defense and homeland security. First of all, there is $3 billion here for what I call "force security." That is to make sure that we protect our men and women in uniform and their families, whether they are here or whether they are abroad anywhere in the world. A lot of that money is going to go for physical assets that you can see and touch, just, for instance, to reinforce an entrance gate to a military installation, to provide fencing to make sure it is off limits, to make sure unauthorized vessels cannot enter our military ports.

And then there is $3.5 billion that goes to FEMA, that will go down to State and local governments, to let the State and local government spend the money as they see fit to equip or train or to hire more policemen, more firemen, more rescue workers, whatever they think is best. Maybe it is to use the money for increased, enhanced communications that we found we needed after a terrorist attack. But I think these are two points that make this a very sound budget. I urge my colleagues to adopt it.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. BASS), the distinguished member of the Committee on the Budget, who has also been a leader on the issue of concurrent receipt.

Mr. BASS. Mr. Chairman, I thank the chairman, and I rise in strong support of the House budget resolution and particularly for the provisions that it addresses in the issue of concurrent pay for veterans.

For over 100 years, soldiers disabled in the line of duty have had their retirement pay offset by disability payments. This is the only group of individuals that suffers from this tragic inequity, and now I am pleased to report that we have included in this budget provisions that will provide over half a billion dollars to start addressing this offset issue, a total funding over 5 years of over $5.8 billion.

In the 7 years that I have served on this committee, 8 now, we have never been able to do this and we do now for the first time in that period of time that I have been on the committee.

I would also note that these provisions have the strong support of the American Legion, the VFW and these other national VSO's.

Mr. Chairman, this is a groundbreaking provision in this budget. I urge that the Congress support the pending budget resolution.

Mr. THORNBERRY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. KIRK), a distinguished member of the Committee on the Budget and the Committee on Armed Services.

Mr. KIRK. Mr. Chairman, this budget funds critical national security programs that will allow the United States to respond, not just to prosecute this war, but to respond to future threats. As this chart shows, the North Korean missile threat to the United States has grown enormously, originally from a scud missile, now to the taepo dong missile, which is able to deliver a weapon of mass destruction against the United States.

More worryingly, North Korean missiles are now being sold to the government of Iran, and these missiles are not only aimed at U.S. Armed Forces in the Persian Gulf but also our allies in Israel which can now be well hit with the no dong and taepo dong systems. Likewise, the Syrian missile threat has grown, especially to our allies in Israel. If you are concerned about the security of U.S. allies, if you are concerned about responding to the missile threat, then you should support this budget. I wish the other side had produced a budget which would outline their program to respond to these threats to America and its allies. Our budget does that, and I urge its adoption.

Mr. THORNBERRY. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman has 1¼ minutes remaining.

Mr. THORNBERRY. Mr. Chairman, the other side has said repeatedly in committee and on the floor that they support the President and his efforts to prosecute the war and to defend the homeland. But the fact is, without the specific budget alterative to compare, we do not know what trade-offs they would make. We do not know how they would achieve it. So what we are left with some verbal assurances without any numbers to back them up.

Mr. Chairman, I think we all understand the political frustration which bubbles up to the fore, particularly when you are facing a very popular President prosecuting a war which touches every American and has the support of the American people. But I would suggest that that frustration is no excuse to fall back on the old tactics of trying to scare people on Social Security. It is no excuse to fail to put forth a budget and only try to take pot shots at the President and this committee's budget.

I would suggest that this is a good budget. It supports the President 100 percent in his efforts to prosecute the war and defend the homeland. And it does it with more than just verbal assurances. It puts hard dollars, hard numbers behind those promises. I think we can all safely support it, and I suggest that Members vote for the budget.

Mr. Chairman, I yield back the balance of my time.

Mr. NUSSLE. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say there is no difference between us when it comes to national defense or homeland defense. Republicans are supporting $383.3 billion for national defense. So do we as Democrats. When it comes time to vote on appropriations bills that really put that money into play, we will be there. We will support it because we support the President in the war on terrorism.

Mr. Chairman, I ask unanimous consent to yield 8½ minutes to the gentlewoman from North Carolina (Mrs. CLAYTON) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are considering a budget resolution. A budget is a document where our Nation tells us what priorities are real to our Nation. It tells us who the winners and who the losers are. It is an area where we should consider our defense and our nondefense. It is an area where we should consider all people, and we should not put people who are vulnerable at risk.

Mr. Chairman, when we think about all the older citizens who are now getting their social security, we know they will now get their Social Security. So this issue is not about those who are getting their Social Security. No, this issue is about senior citizens who are fearful that they would not get their Social Security in the future. This issue is, indeed, putting those senior citizens at risk.

So when people are saying I am wondering, please, do not raid my Social Security, they are also talking perspectively because this budget is a 5-year budget. Furthermore, when you consider our budget last year at April 2001, we had a surplus of $5.6 trillion. It was August, August, not September 11 that we had found that we had spent down to 3.1. The surplus had gone. Indeed, when we began this year in February, we had less than $1 billion, $661 million. Indeed, we are raiding the Social Security trust fund, and they say we are not? We are.

We have now spent all of the unified surplus that is available. The only surplus, I heard my colleague, the gentleman from New Hampshire (Mr. SUNUNU), say that what we should do and we would challenge each other, the only thing we can do is go to the surplus or raise taxes. Well, we are indeed spending a surplus. What surplus are we spending? We are spending the Social Security surplus.

Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. CAPUANO).

Mr. CAPUANO. Mr. Chairman, very simply, all day long we are going to hear a lot of talk about billions and trillions of dollars. I like to make things simple for myself and for my constituents at home. If you take an average worker or maybe a married couple together making $50,000 a year, over the 6 years this budget deals with, both this year and the 5 years projected, they will spend, they will pay $37,200 in Social Security taxes, $37,200. However, under this budget plan, $11,328 of that money will not go into the Social Security trust funds.

They think they are paying taxes for Social Security. It does not go there. What will they get in return for that $11,000? They will get an IOU put in. They will get a bill for interest to pay on the money that is being used to spend; and they might, I am not sure yet, they might get a promissory note sent to them by this Congress. Some people are proposing to send them a little note saying, Trust us; your Social Security taxes are okay.

My constituents do not trust us. They should not trust us. We should leave their Social Security taxes alone in the trust fund that they wanted to have their money put into that they have been told. Working people deserve the truth. They are not getting it today. They will not get it with this budget. We should vote no.

Mrs. CLAYTON. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I was reading the committee report in the resolution, and there is a comment here about the real meaning of balance. It says, "The principle of a balanced budget is more than simply a numbers game in which spending and revenue match up. It reflects the sense that Members of Congress are controlling the budget, not being controlled by it."

Now all these Members on the other side got up and said, we increase spending for this and we increase spending for that. And believe me, I am for most of the stuff that you got up and said. But the fact is you are acting like it is being done for free and it is balanced. But this is where it costs. We are having to borrow against the Social Security trust fund money. That is not free money. That money costs today about 6.5 percent over a 20-year period. That money costs. Who is going to pay that back? Well, not the taxpayers today, but the taxpayers 20 years from now and the taxpayers 30 year from now. I hope to be around doing that. I know the chairman hopes to be around. Our kids will be paying for that as well.

That is the real macroeconomic picture of this budget.

Now this Member will say, I think the mistake we made was last year when we said we bet the ranch on 10-year numbers and the numbers did not pan out, and they did not pan out because of the recession, and they did not pan out because of the war. Many of us said at the time that is why you could not trust 10-year numbers because we did not know what the economy was going to do, and God forbid we might have a war or a flood or something else, and we had all three.

That is why we are in this situation now. This money will have to be paid back before, before we do anything about fixing Social Security for the long run. And that is what is wrong with this budget because the other Members are saying we are going to put more money in this, more money in defense, more money for customs, more money for veterans. We are all for that, but we are acting like it is free money. And there is nothing free about this. It is going to cost the taxpayers. If it will not cost them today, it will cost them tomorrow; and we will be back in the hole that we were in for

20 years beginning in the 1980's. And the taxpayers, unfortunately, myself being one and every Member here being one, will have to dig out. And I think that is what is wrong with this budget.

□ 1645

Mrs. CLAYTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. TURNER).

Mr. TURNER. Mr. Chairman, with today's vote on the Federal budget we have a clear choice. We can go back to deficit spending, raiding Social Security and increasing this Nation's debt or we can choose to travel down the path of fiscal responsibility, balancing the budget, saving Social Security and paying down our debt.

Our Republican friends suggests this is a wartime budget and it should be, but is it right to ask young men and women in uniform to fight this war and then come home and ask their generation to pay for it? I think not.

On at least four occasions since 1999 this House has voted overwhelmingly to put the Social Security Trust Fund in a lockbox, pledging never to use it again to cover the other expenses of government. If any corporate officer in America raided their employee's retirement fund they would be guilty of a felony and locked up for a very long time, but here in Washington, after promising never to do it again, the Republican leadership has presented us a budget that, without apology and without remedy, raids the Social Security Trust Fund.

This is the wrong choice for America and I urge my colleagues to vote no on this irresponsible budget.

Mrs. CLAYTON. Mr. Chairman, I yield myself such time as I may consume.

What we have seen, indeed we have no other choice, they say, other than to raid Social Security, and indeed we had a choice. We had a choice. We could have paid down the debt. Paying down the public debt would have allowed to us to protect Social Security and the Medicare Trust Fund.

Mr. NUSSLE. Mr. Chairman, I ask unanimous consent to yield 10 minutes of my time to the gentleman from New Hampshire (Mr. SUNUNU) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. SUNUNU. Mr. Chairman, I yield myself such time as I may consume.

We have worked in the Committee on the Budget to put together a budget that funds the priorities laid out by the President in his State of the Union address, funding the war against terrorism, funding homeland security and getting the economy moving again, and what we have heard over the last 10 minutes here are a lot of scare tactics.

First and foremost, the suggestion that Social Security taxes paid are not credited to the Social Security Trust Fund. That simply is not true and it is outrageous to scare the American people, let alone to scare someone who is on Social Security today, by suggesting otherwise.

We have heard a lot of discussion about the Social Security surplus. Well, let us look at the budgets that the minority voted against in past years, setting aside the Social Security surplus, paying off $450 billion in debt, and that is one of the reasons we start from a strong foundation.

The suggestion that the Social Security Trust Fund balances are changed one iota because of any tax relief legislation that was passed last year is completely false and misleading. We have put together a budget that funds our economy, encourages investments for small businesses and technology and equipment, strengthens agriculture, funds our highway priorities and keeps the economy moving forward, and I think those are the right priorities.

To criticize the budget without offering any alternative, without offering any other proposal is simply wrong, and those on the other side that voted against the tax relief package last year that would want to repeal it this year in increased taxes, I think are headed in the wrong direction. Those on the other side that would want to cut defense spending are headed in the wrong direction. We funded the right priorities.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. SHAW), someone who has worked hard and probably understands Social Security better than anyone else in this Chamber.

Mr. SHAW. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. SUNUNU) for yielding this time to me.

Sitting here listening to this debate, I find it absolutely outrageous. Either the speakers that have been up talking about raiding the trust fund do not have a clue as to how it works or the debate has been absolutely dishonest. Anyone who says that there are dollars in the Social Security Trust Fund that we are raiding, it is not true. It is absolutely not true.

The whole question with regard to the Social Security Trust Fund from 1970 right up through 1997, every bit of that surplus was being spent yet the dollars were in the trust fund exactly the way they were before. They go into the trust fund. They are replaced by Treasury bills that are put in the trust fund. There are no dollars in the trust fund. There is no way we can go in and raid the trust fund unless we are grabbing Treasury bills out of there.

To listen to the argument that anyone tries to use as a scare tactic I think is below the dignity of this House of Representatives, and I think that this scare tactic is absolutely the low point that I have ever seen in this House of Representatives.

We have a once great party that is now bankrupt of ideas. They have no budget to bring to us. They have no plan to save Social Security. All they can do is throw stones. Sit in the bleachers, sit on the other side and throw stones to us on this side. This is absolutely, I think, outrageous. It is below the dignity of this House.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. COMBEST), the chairman of the Committee on Agriculture.

Mr. COMBEST. Mr. Chairman, I appreciate the gentleman yielding me the time.

Mr. Chairman, in early October of last year this House passed a new approach for farm legislation in a very strongly bipartisan manner and in a margin of over two to one. It was the intent of our committee at that time to have hopefully a conference report that we could bring back to this body and have signed into law a new farm bill sometime last year so that we would begin to be able to deal with the problems that have been confronting the agricultural economy for the last 4-plus years. Unfortunately, there was no item with which we could conference.

However, in February, on Valentine's Day, we finally had that item that we could conference. We are in conference now, and it is this Member's hope that early in April upon our return we will be able to provide to the body a conference report.

We, however, have lapped over into a new budget cycle. What made it possible for us to be able to write that farm bill last year was the strong commitment of the gentleman from Iowa (Mr. NUSSLE), the chairman of the Committee on the Budget, and the good work of the Committee on the Budget in providing $73.5 billion in last year's budget and providing $73.5 billion in this year's budget to allow us to continue.

While much of the focus may be on the Committee on Agriculture as those farm bills are being written, the American farm family owes a great deal of gratitude to the gentleman from Iowa (Mr. NUSSLE) and to the Committee on the Budget for holding their commitment to provide a strong agriculture because where we are today, Mr. Chairman, would not have been possible without that support.

I appreciate it very much. I commend the committee for the work they have done.

Mr. SUNUNU. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman from New Hampshire (Mr. SUNUNU) for yielding me the time.

We have before us today a wartime budget. The fact is that is a difficult task to put together. We have done the responsible thing of assembling just that. It fully funds our national priorities with significant increases in defense spending because we need that for the war that is underway. Huge increases in homeland security, we need that so people will be more secure in their homes. Increases in education, increases in veterans health care, fully funding a prescription drug benefit and, quite importantly, in my judgment, by limiting the growth in the rest of government, but for the extension of unemployment benefits that we all voted for a couple of weeks ago, this budget for fiscal year 2003 is balanced.

We have done the hard work of putting together a wartime budget, and my Democratic friends who are throwing stones, feigning horror, have done so without a single substantive alternative. Are not my colleagues just a little bit embarrassed that they do not have the courage to propose a budget of their own? The only idea frankly that we have heard from the left, although without the courage to put it to a vote, is to repeal last year's tax cut, raise taxes and spend more money.

What would that do for Social Security? Not much. Let me suggest that the idea of raising taxes, while the economy is as weak as it is now, is a terrible idea. We in Congress have a responsibility to be helping people get back to work, to help get this economy moving again, to help people get greater job security, increase the likelihood that people will get raises and improve their standard of living, and the best way to do this frankly is to tear down the barriers to economic growth, tear down the barriers that prevent job creation, and lower taxes do that.

Look at this chart. In the year 2000, as my colleagues can see from this chart, taxes had reached a postwar record high. Not since 1944 had the Federal Government imposed such a huge tax burden on our economy and there is no doubt that many economists agree that that huge tax burden helped to contribute to the economic slowdown, and the fact is we passed tax relief just in time, and this budget accommodates the continued phase-in, gradual though it is, of the tax relief that we passed last year, and that has got to be part of the reason that this slowdown has been relatively mild and it is going to help us get out of this economic decline that we have been in, lessen the severity of it.

The last thing we can do is go back and turn the clock back and go back to those record high taxes. For the sake of job security and economic security for our families, I urge my colleagues to vote for this budget.

Mr. SUNUNU. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. Gary G. MILLER).

Mr. GARY G. MILLER of California. Mr. Chairman, my colleagues should be ashamed of themselves, trying to scare the American people on Social Security, making them believe they are not going to get a check. The gentleman from Missouri (Mr. GEPHARDT), the minority leader, came to the floor and he said, "We should be talking about another budget." The problem is my colleagues do not have a budget. He does not have a budget.

Last week in the markup in Committee on the Budget all my colleagues presented were 40 amendments. Had we accepted the 40 amendments, we would have spent $225 billion more than we are spending. Yet my colleagues accuse us of wasting Social Security moneys.

He said, "It shows deficits as far as the eyes can see. We have squandered $4.5 trillion surplus, gone in the flash of an eye."

My colleagues like CBO numbers. So let us see what they say. We should have had a $283 billion surplus this year, but because of a recession and a bad economy we are down $197 billion. Because of 9/11 spending, we are down $54 billion, and yes, we gave the American people, hardworking families, $40 billion of their own money to keep, to prosper their own families. That is minus $9 billion.

He said, "Our prescription program is paltry." Actions speak louder than words. Where is my colleagues' prescription drug program? They have none. At the same time he comes out and he says, by saying it is paltry, he wants us to spend more money, but my colleagues accuse us of spending the Social Security Trust Fund. Then he gave this sweet story about his mother, and she said what if I do not get my Social Security check next month or next year, what will I do, implying that somehow people are not going to get their Social Security check. That is criminal. This self-righteous hypocrisy on this floor is outlandish.

Mr. SUNUNU. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I have been listening to this debate and watching back in my office, and I have to say it has not been a very proud day for our friends on the left. Here they are, they have got all kinds of complaints about our budget, but they have no budget of their own.

The other thing that came through as I watched this debate in my office on television, and I think it probably came through to the American people as well, what this is is a classic debate between those people who believe in America and those who do not, those who believe our brightest days are yet to come and those who think our brightest days are behind us. It is a debate between optimists who believe in America, who believe that we can fight a war, that we can strengthen our economy, that we can meet the legitimate needs of the American people with this budget, and those who believe we cannot.

I have not given up hope on the American people. I have not given up hope that we can have a brighter day. I believe that the economy is going to get stronger. I believe the tax cuts that we have passed were exactly the right medicine at exactly the right time, and I believe that there is better than a 50-50 chance that we not only will have a balanced budget next year, we are going to actually have a surplus.

That is what the American people want. They want responsible government. They want a responsible budget, and they want people who step up and take that responsibility and pass this budget.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 4 minutes to the gentleman from Pennsylvania (Mr. HOEFFEL) for the purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. HOEFFEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, President Bush started with a balanced budget and budget surpluses as far as the eye could see, but today the GOP budget plan has squandered that surplus, and we will have to borrow $1 trillion from Social Security over the next 5 years and $2 trillion from Social Security and Medicare over the next 10 years just to pay their bills.

The lockbox that we all talked about a year ago has been smashed and the contents have been looted.

□ 1700

This budget does, indeed, represent a generational mugging. The majority is demanding spending programs and tax cuts for themselves, paid for by borrowing Social Security and Medicare dollars from seniors and leaving the bill for our children. This budget is putting money in the form of spending programs and tax cuts into the left-hand pocket of the taxpayer, but taking out money from their right-hand pocket where the trust funds are located.

The Social Security trust fund surplus is estimated to be $2 trillion over the next 10 years. This budget spends $1.5 trillion of those dollars by borrowing that money, plus all of the surplus, $556 billion of the Medicare trust fund, in order to pay these bills. If we take Social Security and Medicare out of the mix, as we all agreed to last year, this year we will have a $244 billion on-budget deficit with similar deficits of that size each year for the next 10 years.

Last year, the CBO, Mr. Chairman, estimated that we could pay off our entire debt by 2011. In just 1 year, after the tax cuts, 9-11, and a short recession, we are now projected to have a debt of $2.8 trillion by 2011. The impact of debt, Mr. Chairman, is higher interest payments by the government. One year ago we were facing $709 billion in interest payments over the next 10 years. Now we are facing $1.8 trillion of interest payments, a $1 trillion increase.

This budget plan alone for the 2003 budget year requires us to pay $220 billion in interest payments, 11 percent of our Federal budget. The impact of higher debt and more borrowing is also higher interest rates paid by consumers. When we borrow in Washington, we drive up the long-term rates and the consumer costs for purchases, such as homes and cars and college tuitions.

We need reduced government borrowing, Mr. Chairman, lower government debt, lower interest rates, and increased savings to continue the growth of productivity and the recovery of our economy. This budget plan will do none of these things and should be defeated.

Mr. Chairman, when you find yourself in a hole, the wise man says, stop digging; stop making the problem worse. Stop the renewed borrowing, stop the return of deficits. Vote "no" on this budget resolution.

Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia (Mr. MORAN).

The CHAIRMAN. The gentleman from Pennsylvania has 45 seconds remaining.

Mr. HOEFFEL. I yield 45 seconds to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, we were just asked to raise the statutory debt ceiling to almost $7 trillion. Why? Because of this budget. This budget increases the interest costs on our debt by over $1 trillion over the next decade. We are going to increase the debt held by the public to over $3 trillion.

The question is, Who pays off this debt? It is not going to be us. Most of us will be retired. We are going to retire with the baby boom generation. We are going to join those 77 million people that will double the number of people on the retirement rolls. We are going to leave it to our kids to pay off this debt and at the same time pay for our Social Security and Medicare costs, and that is not right.

That is why this budget is not right and why it should be defeated. Our kids deserve better.

Mr. SPRATT. Mr. Chairman, I yield 45 seconds to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Chairman, we face some clear challenges. We are in a recession, and we have a war on terrorism to fight. I have to say that some of the aspects of this budget are things I certainly agree with. I appreciate the commitment to our veterans; I can appreciate the commitment to defense spending and homeland defense.

The issue about the long-term plan, about how we get away from deficit spending, that is something we have to work on. And whether or not we pass this budget today, that problem is not going to go away. I would like to call on my colleagues to work together in a more bipartisan way in the future.

We do need to address this issue. It is important to us. Our constituents expect us to work together. We have not done that yet, but I hope we do so sooner than later.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. COLLINS), a very distinguished member of the Committee on the Budget.

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

This budget is a cash-flow management plan for fiscal year 2003 and for 4 years beyond. It is a cash-flow plan that is, in many ways, similar to the cash-flow plans that individuals must manage for themselves, those which families plan while sitting around the kitchen table and small businesses establish when determining how many employees they will hire or how many equipment purchases they will make in the coming year.

In fact, there are over 1 million families today, due to the tragic events of last September, who are planning their finances to weather the emergency situation they are facing in their lives: loss of a job, slowing business revenues, and so forth. Many of these families will borrow or have borrowed from their savings or retirement, life insurance or home equity to ride out the storm.

Mr. Chairman, it is from the cash flow of the taxpayer all across the country that the Federal Government receives its income. When individual family and business budgets are healthy and strong enough to make the necessary and often the discretionary purchases, when they are thriving enough that they are adding jobs to the workforce and expanding business opportunities, the Federal Government's budget is the strongest. Today, we have a deficit cash flow. It is from the lack of consumer confidence caused by the lack of job confidence.

Mr. Chairman, we must examine what has eroded consumer and job confidence. The 7 o'clock news reports tally the market and the unemployment numbers. In February of 2000, the NASDAQ began to plunge from almost a high of 4,700 points; "dot coms" were folding at a rapid pace. In February, the Dow Jones began to fluctuate and plunged in November of 2000. Unemployment numbers began to rise in November of 2000. With such numbers, is it no wonder that job confidence and consumer confidence were eroded?

This decline in confidence, coupled with the significant and unexpected expenditures of the last months, are the major reasons we find ourselves working to establish a responsible budget plan. How has this administration and Congress addressed this decline in confidence? The Congress passed the 2001 Economic Growth and Tax Relief Act for American workers, extended taxpayer cash flow, where our cash flow comes from, by $74 billion in 2001, by over $60 billion in 2002, and by over $90 billion in 2003, plus the stimulus package of $43 billion that we just passed.

In 3 years, Mr. Chairman, the Congress will leave over $300 billion in cash flow to the taxpayers. So, let us look at what has happened when we have had major tax relief over the last few decades. In the 1960s, revenues increased; 1961, $92 billion in revenue for the Federal Government; in 1970, it doubled, $196 billion; in the 1980s, 1981, we had revenues of $599 billion. In 10 years, it increased to over $1 trillion.

Mr. Chairman, the same will happen with the tax relief package that we passed yesterday. This budget is evidence that the Congress trusts the people at home, the people we live with, the people we work beside, the people who are our neighbors running the small and large businesses that are the engine of our economy. And as a reminder, my colleagues, they supply the money we spend here each year.

I trust them and I want them to have more money to spend, to invest, and to use as they see fit. That is why I support this responsible budget, and I urge others to.

Mr. SPRATT. Mr. Chairman, I yield 3½ minutes to the gentlewoman from California (Ms. PELOSI), the minority whip.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time; and I want to recognize first off the excellence with which he has dealt on this budget, and commend him, the members of his committee, and the staff for their excellent work.

Mr. Chairman, today we should have had the opportunity to be engaged in a debate over our Federal budget. This budget debate should reflect the professional judgment and our most imaginative thinking to create a budget for America's future. We do not all agree on every issue, but we should have been able to have a debate about those issues. Instead, we are faced with a closed rule which forecloses some of that debate; and we are, instead, faced with a budget from the Republican side which is a sham.

It is a sham because it hides from view the billions and billions of dollars the Republicans are draining from the Social Security trust fund. It is a sham because it disguises the inadequate prescription drug benefit for seniors as it drains the Medicare trust fund. It is a sham because it ignores the cost of the supplemental appropriations that we know President Bush will be sending to the Congress.

When we review the Republican budget, we have to wonder what happened to all of the budget deficits on the Republican side. Have they become an endangered species? Indeed, I think they have become extinct. For such a long time they fought so fiercely to reduce the Federal deficit and eliminate the national debt, and now they are extinct.

And where did all the Republicans go who voted five times, five times, for a lock box to prohibit using Social Security trust funds for anything but Social Security? Those same Republicans have broken promises to the American people by an all-out raid in this budget on the Social Security trust fund.

In addition to being a sham, this Republican budget is a shame, because it misses an opportunity to create a fiscally sound balanced budget which invests in America's future and grows our economy by creating jobs and lowering interest rates.

I believe, Mr. Chairman, that our Federal budget should be a statement of our national values. I ask my colleagues if it is a statement of their values to raid the Social Security trust fund and decimate the Medicare trust fund; is it a statement of their national values to undermine the ability of Americans to retire in dignity; is it a statement of their values to put our children into oppressive debt to bolster a failed Republican economic plan?

The Republican leadership's budget is a desperate attempt to cover up the total failure of their economic plan. In an attempt to cook the books, the Republicans used the more optimistic OMB estimates, even though they shut down the government in 1995–96, if my colleagues remember that, to insist on CBO estimates.

One year ago, the Republicans promised to protect Social Security, provide a Medicare prescription drug benefit, and pay down the Federal debt. But their budget fails to balance the budget, fails to protect Social Security, fails to provide adequate funding for prescription drugs, and fails to fund the education promises signed into law by President Bush. The request from Treasury Secretary O'Neill to raise the debt limit by $750 billion to finance the government past the 2004 election is an ultimate symbol of the failure of the Republican economic plan.

I urge my colleagues to vote "no," a billion, billion, billion times no, on the Republican sham budget.

Mr. NUSSLE. Mr. Chairman, I yield myself 2 minutes to engage in a colloquy with the gentleman from Oklahoma (Mr. SULLIVAN) involving Social Security.

Mr. SULLIVAN. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Oklahoma.

Mr. SULLIVAN. Mr. Chairman, I thank the gentleman from Iowa for yielding to me.

Social Security is one of our Nation's most successful anti-poverty and retirement programs. Currently, 45 million seniors, their spouses, and their dependents receive Social Security benefits. The strength and viability of this program is a priority for all Members of Congress, Republican, Democrat, and Independent alike. Our Democrat colleagues, however, claim that this budget will somehow endanger Social Security and erode the ability of the Social Security trust fund to pay benefits.

Mr. Chairman, it is my understanding that this budget will not have any impact on the status of the Social Security trust funds whatsoever; is that correct?

Mr. NUSSLE. Reclaiming my time, Mr. Chairman, that is totally correct; and I want to thank my colleague for not only his concern but his leadership in the brief time he has been here in the House.

I would also like to reiterate my own personal commitment to the strength and stability of the Social Security program. Social Security is a promise that neither I nor my Republican colleagues around here take lightly.

The gentleman is correct in his understanding that the budget in no way alters the financial position of the Social Security trust fund. The status of the Social Security trust funds is unchanged by this budget.

Mr. SULLIVAN. Mr. Chairman, if the gentleman will continue to yield, is it true that under this budget the Social Security trust funds continue to grow throughout the 5-year budget horizon?

Mr. NUSSLE. Yes. In fact, we add about $1 trillion to it over the next 5 years after this budget is in effect.

Mr. SULLIVAN. Mr. Chairman, it is my understanding that this budget provides full funding for Social Security benefits and cost of living adjustments for all recipients; is that correct?

□ 1715

Mr. NUSSLE. Mr. Chairman, that is correct. The gentlewoman from North Carolina made a comment earlier about how somebody was concerned whether they would get their benefit check. There is not a senior in America that is not going to get their benefit check under Social Security. Nothing in this budget changes that. I wish Members on the other side would stop that scare tactic.

Mr. SULLIVAN. Mr. Chairman, will the gentleman guarantee me that my grandmother, Katherine Boudreau, will continue to receive her Social Security benefits next month and the months to come for the rest of her life? Also, will the gentleman guarantee me that my constituent, Daisy Burris, with the AARP of Tulsa and the people she represents, will receive her Social Security benefits in the next month and the years to come?

Mr. NUSSLE. Not only are the Social Security benefits of the gentleman's grandmother safe, but all of our Social Security benefits are safe under this budget. By voting for this budget resolution, Members will honor their commitment to their constituents and to the seniors of America. Certainly there are concerns about Social Security on the horizon that we need to be concerned about, but this budget does not change the trust fund whatsoever. Every senior will get those benefits.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from Washington (Mr. MCDERMOTT) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. MCDERMOTT. Mr. Chairman, I yield 2½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Chairman, one of the issues that I hear most about is the high cost of prescription drugs and the incredible struggle that senior citizens have to pay for them. It is clear that this is a major source of worry and distress for seniors and their loved ones. It is time for Congress to listen to our greatest generation and make affordable prescription drug coverage a priority. Unfortunately, a prescription drug benefit that is affordable for all Medicare beneficiaries is not a priority in this Republican budget.

This budget replaces the President's inadequate proposal with its own inadequate proposal. What they are calling a Medicare reserve fund, using numbers from the OMB, this budget claims to increase Medicare spending about $89 billion over 5 years, and $350 billion over 10 years. However, if we used the CBO numbers rather than OMB, this is drastically reduced. Like the rest of the budget, using OMB numbers makes their increase in Medicare spending appear higher than it actually is.

And if this were not enough, the budget also holds the Medicare prescription drug benefit hostage to Medicare reform and a provider payment adjustment. The Medicare reserve fund can only be tapped when a proposal that includes modernization, prescription drugs, and provider payment adjustments is before this House for consideration.

All three issues must be addressed before we can assist our seniors with their prescription drug crisis. A detailed plan for Medicare reform has not yet even been proposed. Meanwhile, seniors have to continue to struggle and wait for prescription drug help. In addition, an independent commission which advises Congress about Medicare provider payments estimates that the adjustments that are coming will consume half of this Medicare reserve fund that has been set aside for all three purposes.

How long must American seniors wait to see a Medicare prescription drug benefit? I believe that this is not the way to treat the retirees of the greatest generation who worked hard, lived through a depression, won a war, raised their families and created the strongest economy in the world. They deserve access to the affordable drugs that they need to stay healthy. I urge my colleagues to vote against this flawed budget.

Mr. Chairman, I rise to join my Democratic colleagues in opposition to the budget on the floor today. I would like to talk about how unfairly this budget treats the senior citizens in our country.

Last year the President and House Republicans went on record saying that the Social Security and Medicare surpluses should be protected and pushed several "lockbox" bills. However, this year their budget spends more than 86 percent of the Social Security surplus in the next five years and spends the entire Medicare surplus for the foreseeable future.

While the Republicans want to send "certificates" to seniors guaranteeing that Social Security checks will keep arriving, they are raiding the Social Security and Medicare surpluses. Then they try to hide the extent of their invasion of these funds by using Office of Management and Budget (OMB) numbers and obscuring from view the effects of their tax policies after 5 years. Seniors are not going to be swayed by this sham budget, especially when it puts their future and their health at risk.

When I'm home in Wisconsin, one of the issues I hear about most (whether in the grocery store on main street or in listening sessions) is that middle class seniors cannot afford to pay for their prescription drugs. It is clear that this is a major source of worry and distress for seniors and their families.

It is time for Congress to listen to our greatest generation and make affordable prescription drug coverage a priority. Unfortunately, a prescription drug benefit that is affordable for all Medicare beneficiaries is not a priority in this Republican budget.

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Mr. McDERMOTT. Mr. Chairman, I yield 2½ minutes to myself.

Mr. Chairman, here we are with another variation of the three shell game. This budget purports to offer a prescription drug benefit. Now if we take the numbers of last year's program and look at how much the Congressional Budget Office says they will cost, it is $400 billion. Do we have $400 billion? No, we have $350 billion. But in Sunday's New York Times, many doctors say they are refusing Medicare patients because they are not being paid enough. Out of that $300 billion, we are going to pay for drug benefits, and we are going to pay for provider reimbursement. We are going to give more money to doctors and hospitals.

If we use the Congressional Budget Office figures, we have only $124 billion. So the reason the other side uses the OMB figures is because it is $350 billion. Which number would Members take? Of course the other side would take the $350 billion.

If we look at this chart, we can see if we pay back the providers what we said we are going to give them, it costs $174 billion out of that $350 billion. If we are using the $124 billion, we cannot even cover the providers. The doctors alone cost $128 billion. So there is not enough money under this one to provide even for the doctors.

Now, let us say we take the $350 billion and we say we are going to do only the doctors, so we are going to do $128 billion. That gives us what, 225, 222. Now, is that enough for a drug benefit? Remember, I said it was $400 billion to do a decent benefit? That is a benefit where seniors pay 50 percent and the government pays 50 percent. Do Members think that is an adequate benefit?

There are 9 million widows in this country who live on Social Security. They make less than $10,000 a year off Social Security. They are supposed to come up with half the drug benefits. If they just have a few things, that is fine. But where are they going to get $1,000 or $2,000 to pay while the government pays the other $2,000?

This simply is an inadequate benefit that they are talking about. Yet the other side tells the people, the President said in the campaign, we will have a prescription drug benefit. The President stood in this well twice and said we are going to have a prescription drug benefit. But there is no money. It is a shell game. They are hiding it and confusing people with statements, but the figures do not lie. Vote "no" on this thing.

The CHAIRMAN. The Committee will rise informally.

The Speaker pro tempore (Mr. PENCE) assumed the chair.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

The SPEAKER pro tempore. The Committee will resume its sitting.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

The Committee resumed its sitting.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS of Oklahoma. Mr. Chairman, I appreciate the work that the gentleman from Iowa has done as our chairman on the Committee on the Budget. I left Congress in 1990, and one of the things that always bothered me was the fact that it seemed like when I sat on the other side, we could never come close to balancing the budget. I would like to say that it is great that we have not only balanced the budget since I have returned, but with the economy growing, we have reduced over $450 billion in debt that was on the backs of our children. I would like to think that has done a great deal to help us in the future.

Yesterday Chairman Alan Greenspan and the Feds decided not to increase interest rates. They realized that there is still some softness out in the economy. I am thankful that we passed the tax relief package nearly a year ago, and also just last week, the job creation and work protection bill in a bipartisan vote. That vote was 417–3. Yes, even with the economic indicators that were soft and started downward in September, the last quarter of 2000 before the Bush administration took office, but really took a downward spiral after September 11, creating a loss of about a million jobs. Let me say, with this job creation work protection bill, not only are we allowing the uninsured to have 13 extra weeks of unemployment insurance, we want to make sure that those who are unemployed have a check and are meeting their obligations.

Also we have done some things with 30 percent expensing which is accelerating activity. Tractor implement dealers in my area, they are out buying. Farmers and ranchers are buying equipment. That is going to help us a great deal more, not only in just the facts, but in the spirit of things in moving this economy forward.

This budget is a compassionate budget because in it we have dealt with unemployment insurance. Yes, we have helped business, and we have helped a lot of individuals. There are work tax credits for welfare to work. It also deals with Native Americans, trying to work with them with accelerated depreciation, and letting them have jobs instead of relying on just gaming and some of the other interests. Native Americans have the worst economic conditions of any group in the United States.

We have a budget here that gives us an opportunity to move this country forward. I encourage a bipartisan vote on it.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to yield 9 minutes to the gentlewoman from Oregon (Ms. HOOLEY) for purposes of control.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Ms. HOOLEY of Oregon. Mr. Chairman, we will not find a Member on this side of the aisle who is not 100 percent supportive of winning this war against terrorism and bolstering our homeland security. However, we cannot forget our domestic priorities. Over the next 5 years, we will cut over $96 billion below what it costs to maintain these programs at their current level.

For the next few minutes what I would like to do is put a human face on some of these funding cuts, and maybe people watching this debate back home will have a better understanding of what this budget does. For example, everybody knows that health care costs are skyrocketing on an annual basis. As a result, 40 million Americans cannot afford health insurance. That includes 9 million children. This budget pretends that these people do not exist.

Compounding that situation is the fact that there are some programs that provide some minimal health care. For example, the rural health care program, it is cut by 41 percent. Telehealth programs are cut by 84 percent. Another problem is the freezing of funding for the Healthy Start program. It is for expectant mothers for prenatal care. I cannot think of any Member here who thinks that depriving mothers of prenatal care is something that we should be doing.

Then there is the matter of our homeland security. The people on the front line are police officers. Yet this budget completely eliminates, not cuts, eliminates the Department of Justice local law enforcement block grant, which is designed to put more cops on our streets. As a result, hundreds of communities across the United States, large and small, will see less cops on the street, meaning we can expect an increase in crime because this budget, as I just stated, eliminates this program.

□ 1730

Then there are our public schools. Every State is having problems with revenues and high enrollments. Just a little over 2 months ago, we had the No Child Left Behind Act signed into law. Most people voted for it. If Members will recall, President Bush made this a pillar of his State of the Union address and rightly so, ensuring that every child has a right to a first-rate education. So what happened to this program? You can see that is what is authorized, that is what we enacted last year, and this is what we are proposing, a $100 million cut just from last year.

As a former teacher, I have also talked to educators in Oregon. One of the things they begged me not to do was pass another Federal program and another Federal mandate without the funds. We are not giving them the funds. Then there is special education. We are funding that at 18 percent. What did the Federal Government promise to do? Twenty-seven years ago we said we would fund it at 40 percent. Are we doing that? No.

We are now starting down the same path with the No Child Left Behind Act. Again we make a promise we are not going to keep.

Mr. Chairman, to talk further about education, I yield 2 minutes to the gentleman from California (Mr. HONDA), a former teacher and principal.

Mr. HONDA. Mr. Chairman, as a former teacher and principal, I rise in opposition to the Republican budget, a budget that claims to leave no child behind, but in reality leaves many children behind.

Just a few months ago, the President and the Congress heralded the enactment of H.R. 1, the Leave No Child Behind Act. Yet as we all know, a bill is meaningless without the necessary funding and many of us wondered if the White House and the House Republicans would put our Nation's money where their mouths were for H.R. 1 when it came time to pass the budget. After looking at the House Republican budget offered today, it has become clear to me that the Republicans have no intention of making good on their promise to improve educational opportunities for our Nation's young people.

The Republican budget cuts funding for H.R. 1 by $90 million. It cuts education programs by $1.8 billion, including programs for teacher quality and after-school centers. The Republican budget also eliminates 28 education programs, including dropout prevention and technology training.

The Republicans say we on the other side of the aisle have no right to voice our beliefs on their plan because we have none to offer. Let me remind my colleagues that last week I offered an amendment in the Budget Committee that would have increased funding for professional development and teacher quality by $325 million, title I funding for disadvantaged students by $2.15 billion, and after-school programs by $250 million from levels proposed in today's Republican budget. Every Republican on the committee voted it down.

Mr. Chairman, I support the President when it comes to the war. I, like all of us in this body, am confident that we will win the global war against terrorism. But I fear this budget may cause us to lose the battle at home to protect and educate future generations of Americans. As a former educator, I urge my colleagues to vote against this resolution that leaves so many of our children behind.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I am extremely concerned whether this education budget is adequate. It is true that there are some program increases; but at a time of increased need and urgency, this increase is the smallest in a decade.

In the end, this education budget leaves me wondering whether we are truly keeping our commitment to our children and our teachers. I know my spirits were up when just 2 months ago the President signed into law the new education bill promising to leave no child behind. I am afraid to say that we are leaving more than a few children behind.

The budget we are debating today actually cuts funding for these programs by $90 million. In fact, this budget funds the No Child Left Behind Act at $4.2 billion below the authorized level. One cannot help but ask if we are keeping our promise. In fact, I fear this budget falls far short of that promise.

Looking at the details, this plan cuts or freezes many elementary and secondary education programs. It cuts programs to improve teacher quality at a time when we need them the most, down by $105 million. It cuts the safe and drug-free schools program, down $102 million. By the way, these programs are working in our communities. And it freezes funding for after-school programs when we need after-school programs more than ever.

However, the truth is that it did not have to be this way. During the Budget Committee markup, we offered amendments to strengthen education, to stand with the President on what he wanted in his education bill. But amendment after amendment to keep the President's promise to leave no child behind were rejected. Republicans rejected an amendment to provide $3 billion more for elementary ed programs. They rejected raising the maximum Pell Grant award for our college students. They rejected an amendment to allow Head Start to serve 1 million more children.

While I could argue that education should always be a top priority, properly investing in education is more critical than ever. A strong commitment to education is good for the economy, and it is good for national security. We support the President on the war and homeland defense. We should be doing more for our children in education.

Ms. HOOLEY of Oregon. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey (Mr. HOLT).

The CHAIRMAN. The gentleman from New Jersey is recognized for 1½ minutes.

Mr. HOLT. Mr. Chairman, there is much in this budget that is not as it appears. We have just now heard the fact that this actually cuts $90 million from the President's much touted Leave No Child Behind Act. It cuts back on educational funding. In the area of the environment, the authors of the budget claim to fully fund the Land and Water Conservation Fund; but in fact if you remove from this the account that funds open space and parkland and preserving critical natural resources, if you remove the items that do not belong in there, that are added, that are not really new spending, budget accounting gimmicks, it actually is a reduction. It does not fully fund the Land and Water Conservation Fund.

With regard to research and development in science, the authors here have claimed that there is an 11 percent increase. Actually if you do their math correctly, it is really closer to 8 percent. But then if you remove the accounting gimmicks, the things that have been added in there that are not new spending in the National Science Foundation, for example, the sea grant program and EPA education programs, you find out that there is really a growth of perhaps 1 percent. This is not enough.

If we shortchange research and development in the United States, we cannot hope to have the kind of economic growth that the authors of this budget resolution are counting on in some magic wand way to get us out of deficit spending. As a Nation we underinvest in research and development. This budget resolution not only fails to balance, it fails to fund our Nation's critical needs.

Ms. HOOLEY of Oregon. Mr. Chairman, if the gentleman will yield, I urge my colleagues to vote against this budget so we can go back to work and put together a genuine bipartisan plan that truly addresses the ever-growing needs of our country.

Mr. NUSSLE. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. WELDON), a very distinguished gentleman, who has some concerns with our budget.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. WELDON).

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 3 minutes.

Mr. WELDON of Pennsylvania. Mr. Chairman, this is the toughest vote that I have made in my 16 years in Congress, because I campaigned for this President and made 200 speeches on his behalf in 25 States and raised a significant amount of money. I do not like to stand up here and announce that I am going to vote against the budget resolution. I have the highest respect for the budget chairman. But, Mr. Chairman, my job in this Congress has been to work on defense issues for our country. I take it seriously like all of my colleagues do.

I took the President at his word when he announced in his State of the Union that he would increase defense spending by $48 billion to make up for the shortfalls of the past decade. But when you analyze that $48 billion, you end up with a potential increase of $38 billion because $10 billion is being set aside for some future uncertain time and need. Of that $38 billion, you end up with about $10 billion to be used for the shortfalls that we have. The other money is going for health care costs; it is going to make up for the unfair budgeting or the unfair accounting process that was used during the Clinton administration where they did not properly account for the cost of the ships and the airplanes that we ordered but did not pay for. The Rumsfeld leadership is trying to correct that and make it right, but the bottom line is $10 billion does not come anywhere near the $25.4 billion shortfall that the service chiefs have testified this year they need beyond the President's budget request. My colleagues on the Committee on Armed Services know that.

Mr. Chairman, the shipbuilding accounts, which I heavily criticized the Clinton administration for over the past 6 years, decrease under this budget by $1.3 billion. We built 19 ships a year under Ronald Reagan. We go down to five ships next year. We just heard in a hearing I chaired, 15,000 more shipbuilders and workers are being laid off. Tactical aviation, our aircraft, the need is 180 aircraft a year. We bought 90 last year. This budget has us buying 87 aircraft.

I realize there are other pressures. I realize you have to fund all the priorities. I am an educator. I want to fund education. I want to fund the environment and other issues. But we have $10 billion that the President said was for defense in that $48 billion that all Americans agree should be spent on the military, and you know as well as I do we will give the President whatever amount of money he needs for a supplemental to pay for the war. This Congress voted 420 to one. The Senate voted 99 to zero. We are not going to deny him whatever he needs to pay for the war. But this $10 billion needs to go for the shortfall we have.

I cannot intellectually and honestly stand up here in spite of the aggressive and successful effort of the gentleman from Arizona (Mr. STUMP) and the gentleman from California (Mr. HUNTER) and my colleagues who fought this good fight and did get some movement. The President has now said he will come to us and that $10 billion may have a partial request for modernization. We do not know how much, and we do not know when.

Mr. Chairman, because of these reasons, I cannot in good conscience vote for this budget. President Bush is my President. I support him. It pains me unbelievably to stand up here and have to say what I am saying. But my job and the job that you have given me as my colleagues is to tell you honestly what we need to provide for our military and this year more than any other our military is being tested. Our soldiers, sailors and Marines are flying aircraft and working on ships that we are not properly replacing.

Unfortunately, I tell my colleagues, and I have not lobbied anyone on my position, that I just cannot in good conscience vote for this bill and I will vote "no" on the budget resolution. I thank the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) for yielding time to me.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

Mr. PENCE. Mr. Chairman, I rise in strong support of the budget resolution. I wish to commend the gentleman from Iowa (Mr. NUSSLE) and the House Committee on the Budget. Just think of it: as a conservative, I believe we must keep careful watch of the public resources that we are given. Balancing the Federal budget must be a priority. Because of the work of the House Committee on the Budget and Chairman NUSSLE, but for our recent effort to help hurting families with an unemployment benefits package, this is a balanced budget. During war and recession, that is an astonishing accomplishment. We do fund our national defense and our homeland security as America's priorities.

And this budget demonstrates fiscal discipline. We just heard from the gentlewoman from Oregon some of what our friends on the other side of the aisle would like us to be spending more in this budget. The truth is, of the 17 amendments that the Democrats offered, it totaled $205 billion in new spending and $175 billion in tax increases to pay for it. Funding national defense, helping hurting families, cutting spending rather than raising taxes, are all good reasons to support this budget.

Mr. NUSSLE. Mr. Chairman, I wish to reserve the balance of the majority's time. We would be prepared then to move to the Joint Economic Committee's time under the rule.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

□ 1745

Mr. HILL. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, as a Member of the House Committee on Armed Services, I have a special appreciation for the work our military does in defending our great country. There should be no doubt, absolutely none, that my colleagues and I stand behind the President as he prosecutes the war on terrorism.

However, in a genuine attempt to work with both parties and the President, I join the gentleman from Texas (Mr. STENHOLM), the gentleman from Tennessee (Mr. TANNER), the gentleman from Kansas (Mr. MOORE) and the gentleman from Utah (Mr. MATHESON) in offering a budget substitute that was denied fair consideration by the Committee on Rules, even though it included the President's own priorities and spending levels and simply adjusted them to reflects the CBO's nonpartisan numbers; fully funded the war on terrorism and homeland security initiatives; held the line on spending; provided for a clean debt limit increase; and required the administration to provide a plan to get our budget back into balance and put Social Security surpluses off limits.

It is mind-boggling to think that the House leadership could have opposed these aims. But they did. I am disappointed that our good faith attempt at cooperation was dismissed, and I urge my colleagues to vote no on the budget resolution.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New Jersey (Mr. SAXTON) and the gentleman from California (Mr. STARK) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first begin by commending the members of the Committee on the Budget for the very commendable job they did in bringing forward this budget proposal, and particularly the hard work of the chairman, the gentleman from Iowa (Mr. NUSSLE), who has worked untiringly throughout the last 6 months, under difficult circumstances, I might add, and often without thanks, for bringing this budget proposal to us. It has been a great job, and I am pleased to stand here and say that I fully support the bill.

Let me also say that, aside from being the chairman of the Committee on Joint Economics, I am also one of the senior members of the Committee on Armed Services, and it is true that the members of the Committee on Armed Services had some reservations about the budget because of the way certain monies were being set aside.

I must say that I have a different read of the current situation than the gentleman who just spoke, however. Throughout the last 48 hours or so, the gentleman from Arizona (Chairman STUMP) has led us in the direction of defining what will ultimately happen with that seemingly elusive $10 billion, and I am perfectly satisfied, after having sat in the Oval Office with the gentleman from Arizona (Chairman STUMP) and most of the senior members of the Republican side of the Committee on Armed Services, to talk with President Bush this morning about what his intentions are, and his intentions are to recommend that those monies be spent this year on measures yet to be defined.

I think it is important to point out that the Committee on Armed Services, upon which I and the just-completed speaker serve, will help define those needs. That is our job.

I am particularly thankful to the President for taking time to explain his position to us this morning, and I am perfectly well satisfied that those monies can be well spent and invested in our national security through this mechanism.

So let me turn now to my real reason for being here today, and that is to try to put into the context what is going on currently with the economy and how this budget proposal fits into that scenario. The budget policies under debate today should be considered, I believe, in the context of the current economic situation and the recent economic history. In that spirit, I would like to say a few words about where the economy has been and where it is going.

My remarks will center on five or six areas. First, where we have been; second, why we got in trouble; third, how the stage was set for recovery; fourth, how the events of September 11 affected our economy in the context of setting the stage for recovery; fifth, where I believe we are now; and, finally, what policies do we need to address to provide for healthy economic growth in the future, and all that in the context of this budget.

Where we have been. In the eighties and nineties we had a phenomenon that many people did not recognize early on in the eighties. We had almost two complete decades of continuous economic growth.

Beginning in 1984, the economy started to grow, and it grew right on through 2000, the first half of 2000, and did not begin to slow until the latter half of 2000. What I said is almost precisely true. There was a very short and mild recession in the second half of 1990 and the first half of 1991. It was 8 months long. But aside from that very short period of interruption in economic growth, that is, and that is very unusual, the longest period of economic growth in our history, the most robust period of economic growth in our history, and we ought to recognize it as being so.

In the middle of 2000 we began to experience a significant slowdown in economic growth. More specifically, the growth of real Gross Domestic Product, consumption, investment, manufacturing activity and employment all began to slow down substantially around mid-2000.

There were several reasons to explain this sharp slowdown. First, the Federal Reserve raised interest rates six times, 175 basis points in total. That put a drag on the economy, and it was intended to slow the economy, because there were certain members of the Federal Reserve Board who believed that the economy was going to overheat, and so a conscious effort was made to increase interest rates.

Second, substantial energy costs, particularly oil prices, increased from early 1999 through 2000, and that additionally created a drag on the economy.

Third, higher interest rates and higher energy prices worked together to produce enough drag on the economy that it weakened the somewhat overvalued stock market, and in turn the downturn in the stock market had a broad effect on the economy.

Finally, fourth, the tax burden or fiscal drag which was present in 1999 and 2000 also had its weakening effect on the economy.

These factors were all influencing the economy by mid-2000, thus the seeds for the slowdown were sown prior to mid-2000. Because of long lags, these factors continued to influence the economy for quite a long time.

I would also like to talk for a minute about how the stage then in 2001 was set for recovery. As the economy remained sluggish or continued to weaken, however, these casual factors moderated or unwound themselves during much of 2001.

For example, the Federal Reserve began to lower interest rates, and, over the next period of time, lowered short-term interest rates by 475 basis points, a very significant thing in terms of our monetary policy.

Second, energy prices retreated. Happily, as people watched the pump price, when they went to the gas station prices dropped dramatically, having a positive effect on the economy or setting the stage for a recovery.

Then stock prices stopped falling and the stock market stabilized, again unwinding one of the factors that produced a drag on the economy the year before.

Finally, the Bush tax cut plan was passed and signed into law in June, setting the stage for a rejuvenation of consumer and business rebound. As a consequence, by late summer of 2001, many economists were expecting a near-term rebound in activity, which began to occur.

The economic impact, however, of the terrorist attacks of September 11 changed this economic outlook in a number of ways. This is very important. We were set to begin a recovery by the end of the summer of 2001, and had it not been, I believe, for the terrorist attacks, that recovery would have proceeded forward.

In the short term, after the attacks, the attacks increased apprehension in the financial markets and adversely affected consumption and investment as confidence waned. So, over the long term, as people looked at the decision process of what they were going to do over the long term, uncertainty created a pessimistic attitude on the part of business people and others which affected our economy. Consumption was down, investment was down, and that acted as a new drag on the economy.

Second, the attacks had a direct adverse impact on certain industries, most notably the airlines, the travel industry, insurance, hotels, and, of course, activities that are related to those businesses.

Also in the long term, increased security costs, it became clear, would raise the cost of running a business and adversely affect productivity and earnings.

If you believe, as I do, that an economy has just so much value, and if, as was true during the eighties and nineties, we were making investments to increase productivity which in turn helped to build our economy, and if we now have to divert some of those investment dollars for security purposes, obviously those purposes, while necessary, do not create the productivity that investment in technology does. So, this was a factor which we believe was very important.

Similarly, spending on unnecessary military and security buildup to some extent crowds out more productive private investment. Consequently, the terrorist attacks may adversely impact productivity growth and the economy's long-term potential for growth.

In sum, as a consequence of the terrorist attack the economy was tipped into recession, as certified by the National Bureau of Economic Research, which now the recession is said to have begun in March.

Where are we now? Currently the preponderance of evidence suggests that the economy is finally coming out of the recession. If so, this recession will be one of the mildest on record. There are reasons for the rebound, which include the Federal Reserve's lower interest rates policies, lower energy prices and tax cuts which were put in place.

Recently, for example, most data are being reported as stronger than expected. For example, real GDP for the fourth quarter was up 1.4 percent, due to particularly strong consumption.

Second, leading indicators are up for the fourth month in a row, another positive sign.

Third, monthly consumption in retail, in auto sales and personal income are improving and holding up extremely well.

Fifth, housing continues to hold up very well.

Sixth, payroll employment gains were registered in February for the first time since last summer. That is right, we gained 66,000 jobs in payroll gains in the month of February.

Finally, there are even some signs of improvement in manufacturing activity, which has been the hardest hit sector. The purchasing managers survey is above 50 and durable goods orders are up, all positive signs.

Further, prices remain behaved and inflation is currently not a problem.

The most likely outcome for the economy is to continue to rebound for at least several more quarters, due in part to inventory rebuilding and continued low interest rates.

□ 1800

Let me move now to the future and why this budget and the policies surrounding it are important.

We should have learned some things from the last 20 years in the economic growth that we saw, and we should have learned some things based on what went wrong in 1999 and the first half of 2000.

Policies. The policies that we need to keep the economy moving are important, particularly important now, as we consider this budget. Given these developments, the question is, what types of economic policies are appropriate to keep the economy moving forward at a healthy pace without inflation?

I believe there are several policies that foster the favorable set of circumstances that we need to create.

First of all, we need to recognize that not all of this has to do with the Congress of the United States; not directly, anyway. The Federal Reserve, as I noted earlier, had a lot to do with both the period of economic growth that we had and something to do with the recession that began or the slowdown that began in 2000.

The Federal Reserve policy of gradually pursuing price stability can foster growth in a number of ways. Such policy lowers interest rates, reduces unnecessary uncertainty in the economy, enables the price system to work better, and acts like a tax cut because it provides for less cost in doing business.

The second factor that I would point out is that, just as was pointed out by John Kennedy in 1963 and just as was pointed out by Ronald Reagan in 1980, low marginal tax rates promote incentives to work, save, and invest, and to innovate. Entrepreneurial activity is fostered, and individuals are encouraged to enter market activity. All this promotes growth without inflation.

So the policies that we saw put in place early in the Bush administration are extremely important, and that is why we have advocated for additional stimulus packages by using tax cuts.

Third, and of particular interest in the context of this budget, government spending constraint had a lot to do with where we were during particularly the last decade. Keeping government spending shrinking as a share of GDP enables more economic resources to be allotted and utilized more efficiently and with productivity in the private sector, so tax policy remains an extremely important factor, as well as restraint in government spending.

Fourth, investment in technological innovations, which I alluded to a few minutes ago, is also extremely important. I will not go into a long explanation of this, but there is something that economists used to refer to which is called the Phillips curve, which says that essentially we cannot have long-term economic growth without inflation. That is because when the economy reaches full employment, because there is a continued demand for labor and a very limited supply, it produces upward wage pressures. Those upward wage pressures are inflationary.

We proved that not to be true in the 1980s and 1990s. It is not true, it did not happen, and the reason we believe it did not happen is because we were successful, as entrepreneurs and as members of society, with introducing new forms of technology that helped productivity, which relieved the pressure on labor costs.

So investment in technology and promoting investment in these things, and innovation, can add productive capacity, thereby allowing for sustained economic expansion without inflation.

Finally, foreign markets play a continuing important role in our understanding of how to promote growth in our economy. Reducing tariff barriers and promoting open markets increases the size of the international sector, and all this helps with economic growth while fostering lower prices.

Increased international integration enables the economy to take advantage of larger markets and become more specialized and more efficient, productive, and competitive. This allows the economy to produce more goods with the same or less input, and to grow faster without inflation; the remarkable strategies that were used by the government, by the private sector, and by the Fed during the eighties and nineties.

Finally, the economic data released in recent weeks suggests the recession appears to be over and the recovery is now under way. In terms of budgetary policy, this means that we can expect the same kinds of things to happen in the future growth period that happened during the last growth period in terms of Federal revenue.

The economic outlook looks positive, and with sound policies in place, longer term prospects for an extended, sustained expansion look promising. The budget resolution sustains the Bush tax cuts and provides for restraint in Federal domestic spending.

Policies that will enhance the prospect for economic growth are present in this budget. I hope in the future we can also agree to make the tax incentives enacted in 2001 permanent, and maximize their positive effect on economic growth.

Mr. Chairman, I ask unanimous consent that the gentleman from Iowa (Mr. NUSSLE) be permitted to control the balance of my time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Joint Economic Committee has been granted the debate on the budget message since the passage of the Full Employment and Balanced Growth Act of 1978 authored by Senator Hubert Humphrey and Congressman Gus Hawkins, and it is our duty to present the views on the current state of the U.S. economy and provide input into the budget debate before us.

Members have just heard the distinguished gentleman from New Jersey (Mr. SAXTON) give us a tremendous amount of economic data and explain very succinctly his opinion of what it will take to get the country growing again.

I am proud to be here today to continue the tradition begun by Senator Humphrey and Congressman Hawkins. However, the budget before us is not one of which either of those gentlemen would be proud.

Rather than leading us down an economic path of balanced growth and full employment, the budget before us today is nothing more than a political document seeking to hide the fact that the House Republicans' fiscal irresponsibility has led us into deficit spending for years to come, and endangers the future of Medicare, Social Security, and our children's education because the trust funds for the two programs for the elderly are used to finance the misplaced priorities of the Republican Party and their fat cat contributors, and the Leave No Child Behind Act has not been left with enough money for a bus ticket to bring the children along.

What this budget is is a document that outlines the Republicans' philosophy, and that is to reduce government and pay no attention to the poor or the disadvantaged among us.

It is interesting that the louder they talk about free enterprise, the more we find that very few of my Republican colleagues have ever had a job in a company they did not inherit, except at the public trough. And the louder they scream about free enterprise, the more we will find they probably earned their money at the expense of taxpayers, and probably we will benefit very little from these $1.5 trillion tax cuts they passed out but it will go to their rich contributors, for whom they seem to spend all their time working in the House to protect, because they certainly are not doing anything to help the people who depend on Social Security or Medicare.

Last year, for example, the House passed the Social Security Lockbox Act by a vote of 407 to 2. The gentleman from Florida (Mr. SHAW) voted for the bill, and said on the House floor, "This legislation prevents Congress from using the Social Security and Medicare surpluses to cut taxes or increase spending." My goodness.

And the gentlewoman from Connecticut (Mrs. JOHNSON) during last year's budget debate on the floor said, "The bottom line is that the HI trust fund is part of the larger fund, and it can be only used for Medicare. And it can be used for Medicare reform, but the Democrats voted for a lockbox, as did we, by a vote of 407 to 2. Everybody voted for it, and the money will stay in the trust fund and it will only be used for Medicare and Medicare reform, so that is just that," said the gentlewoman from Connecticut (Mrs. JOHNSON).

Apparently the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Florida (Mr. SHAW) were wrong about the effects of that legislation, and apparently they no longer care about protecting Social Security and the Medicare trust funds.

I hope the voters in their districts in Connecticut and Florida will ask them, because I am sure that they will both support this Republican budget today; I challenge them not to. And the budget today will decimate the Medicare and Social Security trust funds.

So here we have the Republicans talking about the lockbox, and they are voting and they are going to vote tonight, Mr. Chairman, to destroy Medicare and Social Security.

Mr. Chairman, the gentlewoman from Connecticut (Mrs. JOHNSON) and the gentleman from Florida (Mr. SHAW) opposed amendments to the economic stimulus bill recently.

We had an amendment to extend an increase of employment benefits for displaced workers. The gentleman from Florida (Mr. SHAW) voted no and the gentlewoman from Connecticut (Mrs. JOHNSON) voted no.

We had a bill or an amendment to extend COBRA coverage with a 75 percent subsidy. Both of these stalwart Republicans voted no on that.

We had an amendment to make tax cuts contingent upon not breaking into the Social Security and Medicare surpluses. The gentleman from Florida (Mr. SHAW) and the gentlewoman from Connecticut (Mrs. JOHNSON) both voted no.

So, as I say, Mr. Chairman, the budget here tonight is a farce; it is a sham; it is a joke. The Republicans are here to undermine critical Federal programs so they can give tax cuts to their rich fat cat friends. Who are the losers? Seniors, children, women, working families, poor people, immigrants, the homeless, the environment. The list goes on.

Last year we added we had a $5.6 trillion surplus, and now, after a faltering economy and an enormous tax cut, the surplus is gone. This budget eats up 86 percent of the Social Security surplus over the next 5 years, the entire Medicare trust fund is obliterated for the next decade, and just last year, the Republicans were passing Social Security and Medicare lockboxes to protect these trust funds.

Well, Mr. Chairman, the lockboxes are gone. They not only threw away the key, they gave a duplicate to every one of the rich fat cats who have been supporting their campaigns. There is no drug benefit, there is no education benefit. We are leaving a lot of children behind.

Do Members know what they are going to do? They are going to say, let us have everybody get married. That will resolve the problem of poverty among the poor. What I would like to say, Mr. Chairman, is that poor people, having them get married just gives us a poor couple.

Mr. Chairman, we have education gone, special education funds gone, TANF money increases gone.

Housing? The Republicans think that the homeless, when the weather is nice, are campers, so they would offer them youth hostels, not money for housing. We have here an example of the arrogance of the people who care only for a few rich people in this country turning their backs on the people that the Democrats are trying to help and protect.

Would I raise taxes? In a New York minute. Would I do away with the inheritance tax repeal that the Republicans made to give a few thousand people $40 billion while they will not give the rest of the people drug benefits? You bet.

It is time we start seeing what the American people want. Do they want a few rich fat cats helped, or do they want to continue to see Medicare and Medicaid and Social Security as some of the safety nets for the seniors?

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania (Mr. ENGLISH), a member of the Joint Economic Committee.

Mr. ENGLISH. Mr. Chairman, I wish to lift this debate above the grotesque ad hominem quality we have been hearing too much on the floor today and focus instead on the real direction this budget takes us in.

I have to say, Mr. Chairman, it is important that people understand that I came here in 1994 with the first conservative and the first fiscally responsible Republican majority in my lifetime. At the time we inherited the House, we discovered that we had deficits as far as the eye could see.

In those 8 years, we have seen a radical change in the landscape because we have had a fiscally conservative Congress not spending on impulse, like the previous Congress had. We have trimmed the deficit, we have cut taxes, we have encouraged economic growth.

What is particularly important, Mr. Chairman, we have made a commitment to stay within a range of fiscal responsibility and activity that has allowed us to balance two budgets, and now this year we face the acid test: Can we maintain fiscal discipline under very adverse circumstances.

As this budget evidences, we can do that. Our answer is yes. This is a budget that will meet America's needs while keeping us on a path to balancing the budget as we come out of the recession.

As the Treasury Secretary testified before our Committee on Ways and Means, it is important to understand, the United States has never run a surplus during a recession. The last time someone tried that was Herbert Hoover, and it did not work very well.

□ 1815

And we have never run a surplus during war time. Well, Mr. Chairman, we are in the midst of a serious conflict, and we are trying to work our way out of a recession. And in that context this budget keeps us on a path to a balanced budget. The projected deficit is less than 1 percent of GDP. For most of the other industrialized nations that deficit would be a marvel. And it proves that this budget maintains sensible funding levels. It is a fiscally responsible budget.

Contrary to what we have heard here today, despite the over-heated partisan rhetoric, this takes care of our social needs by funding Medicare with a prescription drug benefit and funding highway projects while adequately funding our national defense. It keeps outside a growth path by preserving tax cuts. We have heard them abominated here today, but the fact is that we need to have a continuing commitment to tax relief in order to provide economic opportunities for millions of Americans. As this country entered into the recession, American working families were suffering under the largest tax burden in history. And I do not doubt that some on the other side would raise taxes in a New York minute.

According to the Joint Economic Committee study: "Delaying, reducing or rescinding the tax cuts for working families would only reduce economic growth." This budget spends money responsibly while not punishing working Americans with back-door tax hikes.

Now today we have heard a lot of very unrealistic figures being thrown around by the other side, but that does not change the fact that this budget reflects the priorities of America and the priorities of the Bush administration. It is virtually unprecedented, Mr. Chairman, that the minority lacks the unit and focus and leadership to offer its own budget blueprint. The majority had the courage and leadership to stand up and offer a workable budget blueprint. We met the needs of working families and workers facing the challenge of finding good-paying jobs.

By contrast, the other party finds itself unable to be all things to all people, and accordingly, has recoiled from offering its own budget. We must support critical homeland security initiatives, fully fund highway and highway safety programs, and provide for the needs of our military. This budget does it, and I hope all of my colleagues will join us in supporting this difficult, but important, compromise.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, it is March madness like I have never seen it before. But I am not talking about college basketball. I am talking about the budget free-fall off the deficit deep end that the Republicans are creating for our country. This creates a $46 billion 1-year deficit. President Bush still has an $800 billion tax break, mostly for the wealthy, still pending in his budget. What is sacrificed? Well, the Social Security trust fund is sacrificed. It is not put in a lock box. It is allowed to be looted. Prescription drugs, it underfunds the promise the Republicans made to seniors on prescription drugs. Education, it undercuts by 60 percent the money that was supposed to have been spent on the poor children in our country.

And where did the March madness begin? It began a year ago when the Republicans said we can have a $1.7 trillion tax cut and it will not effect the Social Security trust fund; it will not effect the Medicare trust fund. But what is happening now? They are both hemorrhaging. This is Enron-onomics. It takes from the poor, from their pension funds, from their health care funds while the wealthy walk off with the vast bulk of the wealth that was being created by everyone.

The greatest generation in nursing homes, the greatest generation with health care bills. And what are we telling them? We are going to loot their social security trust funds, their Medicare trust fund.

March madness. I will tell you who will be mad. The seniors will be mad, they will be angry, they will be outraged when they find out that the Republicans rather than shoring up Medicare, Medicaid. Medicare, half of all the seniors in nursing homes are on Medicaid because they have Alzheimer's. Where is the money 10 years from now for those seniors with Alzheimer's, for those seniors with Parkinsons? Where is the money? Where is the budgeting?

Mr. NUSSLE. Mr. Chairman, I yield myself half a minute.

Where is your plan? Where is the plan? This is a terrible crisis, it sounds like the gentleman from Massachusetts (Mr. MARKEY) just laid out, and you would think the great Democratic Party would come forward with a plan to take us out of this crisis. What do they do? They run to the floor and play politics, they run to the floor and scare seniors, they run to the floor and what do they propose? Absolutely nothing. If we are in a crisis, where is your plan? If we need solutions, where is your budget? If Americans want answers, where are your answers? You have none.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding me time.

Mr. Chairman, and I came back to the floor when my friend, the gentleman from Massachusetts (Mr. MARKEY), was talking about seniors; and he made me very concerned because he was not talking about our budget. There is nothing in this budget that reduces funding for Medicaid. In fact, Medicaid increases. There is nothing in this budget that reduces funding for Social Security. In fact, the trust fund is totally protected. All that has happened since I have been in Congress in the last years with regard to Social Security is two things: one, the Republican-led Congress increased the earnings limit to let people who want to work who are seniors keep their Social Security money. So it increased benefits. The second is in 1993 Bill Clinton proposed reducing benefits by increasing taxes on Social Security beneficiaries. That is all we have done. Otherwise, we have retained the guarantee in law that the social security trust fund is sacrosanct, and it is.

The tax cut last year had nothing to do with the Social Security trust fund. It did not touch the Social Security trust fund. The question is very simply, Are we going to use a surplus to pay down more debt, which is what we have been doing? And we paid down almost a half trillion dollars worth of debt.

I think the seniors out there deserve to get a little truth and honesty in budgeting. What we have done over the last 4 or 5 years is we have reduced the national debt by using the surplus to pay down the debt, and I am all for that. Now we are in a situation where because of the recession and a lowering of receipts and because of the need for us to fund the war on terrorism and protect this country, we are, instead of using more money to pay down the debt, using some money to defend this country and increase our economic performance in the future. That is the facts. None of this relates to the Social Security trust fund.

I am on the Committee on Ways and Means. I work on these issues, as does the gentleman from California (Mr. STARK); and he knows as I know, as does the gentleman from Iowa (Mr. NUSSLE), that the trust fund is sacrosanct. We cannot and will not touch the trust fund. The question is what we do with the surplus. In this budget we in a very responsible way deal with the three issues we have facing this Congress. One is national security, increasing defense, the biggest increase in 20 years. Second is homeland defense. We more than double what we need for homeland defense. And the third is economic security, including retirement security.

And that same tax relief bill that the gentleman from Massachusetts (Mr. MARKEY) talked about as hurting retirement security, helped retirement security. It provided substantial resources for all of our seniors to be able to save more for their own retirement by letting them save more in their IRAs, 401(k)s, defined benefit plans. It increased economic security. It did not risk our seniors' economic security. This is a sound budget.

I urge my colleagues to support it because in fact it keeps the promise to our seniors. It does not touch Social Security. It does not touch Medicare except for an unprecedented $350 billion increase in Medicare funding. More than the United States Senate, with almost every Democrat voting for it, proposed to increase just a year ago. This is something that is unprecedented, to allow our seniors to have prescription drug coverage and to modernize Medicare. This will increase the kind of retirement security we want to provide for all our seniors.

I urge my colleagues to strongly support this budget. Do what is right by our seniors and vote "yes" today.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 20 minutes remaining of this hour. The gentleman from Iowa (Mr. NUSSLE) has 3½ minutes remaining.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I am about to yield a few seconds to the gentleman from Massachusetts (Mr. MARKEY), who realizes that the Democrats had a plan that they took to the Committee on Rules that was not made in order. They had several amendments, none of which were made in order. So we are operating under a gag rule. Our plan and amendments were not allowed. This is kind of the fascism of democracy that operates in a Republican-controlled Committee on Rules. The gentleman from Massachusetts also understands that it is a good thing that lawyers do not teach economics.

Mr. Chairman, I yield 30 seconds to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding me time.

We are operating under an economic plan, the Republican plan of last June. It is only 8 months ago. They said we have plenty of money for a $1.7 trillion tax break. It would not affect our ability to deal with Social Security or Medicare or Medicaid or education. Eight months later with the wealthy taking the bulk of the $1.7 trillion, the greatest generation are now looking out 5 and 10 years from now with our nursing homes flooded with 91 percent of all nursing homes with inadequate care, and no additional funding in order to deal with that long term. That is not right.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Chairman, the chairman of the Committee on the Budget said a couple of minutes ago that we had no plan, but we do have a plan. It is a very simple one. The plan is to defeat this budget resolution which is oppressing the American people and bring to the floor of this House a budget resolution that makes sense; one that does not do what this budget resolution does, which is to invade the Social Security trust fund every year over the course of the next decade.

A decade from now under this plan the Social Security trust fund will have $1.5 trillion less than it has today because this budget resolution invades the social security trust fund every year over the course of the next decade.

This year it spends every dime of the surplus in the Medicare budget. So our principal objection to this budget, first of all, is it does not play straight. It does not play fair. It is not honest with the numbers. And it jeopardizes Social Security and Medicare at a time when we are going to be calling upon those programs because of the larger numbers of retirees that are coming into play. Furthermore, this budget resolution does not live up to its promises. It takes money out of education. We promised money to the State for increased education funding. It does not deliver on that. And it makes virtually impossible a prescription drug program for the elderly.

All of that so it can continue the ruse, the farce, that we can afford the $1.7 trillion tax cut which you rammed through this Congress last year. The money just is not there. And you want to continue to pay for that tax cut and the only way that you can do it is by borrowing money from the Social Security trust fund, $1.5 trillion over the next 10 years, and taking all of the surplus out of Medicare, and by failing to deliver on the promises of health care and education which you have made. That is our plan: get a real budget on this floor.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, Republicans who control the House denied the most responsible fiscally conservative Members of the Democratic Party the right to their alternatives on this floor. You act as a big bully, and now you want to hold it out there as where is your alternatives, where is your suggestions. No matter how you want to paint it, a deficit is a deficit is a deficit; and the Republican budget is swimming in red ink and broken promises. President Bush and every Republican leader promised that they were committed to a balanced budget.

☐ 1830

President Bush and every Republican leader promised that they would put the Social Security surplus in a lockbox and never use it again for other spending, but today, no matter, one thing my colleagues do deny is that Republicans want to take a sledge hammer to that lockbox so they can bust it open and loot the money that hardworking Americans have spent a lifetime contributing. It is that bad and it is that ugly.

The Republicans are doing this because they believe it is the only way that they can cover up the deficits they created as far as the eye can see, and that is why they are only giving us 5-year numbers instead of the 10-year numbers and that is why they are using the overly optimistic OMB estimates instead of nonpartisan CBO numbers.

Democrats spent 8 years putting this Nation on a sound fiscal course, and it has taken Republicans 14 months to undo that. Now they want to blame the recession for everything, but no one here or in the country really believes that this recession can be blamed for deficits 10 years from now.

The fact is we Democrats saved enough for a rainy day like this, but the Republicans spent every penny of it on an irresponsible economic plan, leaving few priorities that they claim to support like education, prescription drug coverage for seniors and environmental protection.

So vote against fiscal irresponsibility. Vote against red ink and deficits. Vote against looting the Social Security and Medicare, and vote against this budget resolution.

Mr. NUSSLE. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I think the plan is starting to materialize. I have been saying the Democrats do not have a plan, but what they are against was the tax cut. Okay. Their plan is to raise taxes. We are starting to see the plan. Starting to see the plan. Raise taxes on the American people. If it is not that, one would think they would come forward with an alternative.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from North Carolina (Mr. WATT), who understands that our plan would only raise taxes on the 1 or 2 percent of the very richest people in this country who the Republicans gave the $1.4 billion tax cut to. It would help low income people for whom the Republicans do not really care.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate both of these fine gentlemen for setting the table for me because the comments I have to make play right into this. I did, during the debate, try to prepare my constituents for this possibility. The problem is that nobody believed what I was saying, and I guess I even had trouble believing it myself. How could over $5 trillion in surpluses, projected surpluses disappear within 1 year? I mean, it was impossible for anybody to comprehend that.

Mr. Chairman, if the gentleman from Iowa would allow me to control my time, that would be helpful to me.

The problem is nobody would believe that this was even possible, but I want to just go through the facts.

This administration has been in office just over 1 year. We had $3.12 trillion, not even including the Social Security surplus projected as a surplus for the next 10 years, and 1 year later it is gone.

Despite the administration's claims that this is all about September 11 or some economic downturn, over 40 percent of that vanishing surplus is due to the tax cut, and the commitment to hold Social Security in a lockbox has vanished. There is no commitment anymore.

A year and a half ago, we were out there worrying about whether or not we were going to pay the debt down too fast in this country and whether that would be detrimental. What are we doing now? We are talking about another trillion dollars or more in additional interest on debt over the next 10 years.

This is all in 1 year. So why could not my constituents believe it? Nobody could believe that this could happen in 1 year. What is the plan? We played out the plan over the last 8 years, and you have done away with it within 1 year. You have done away with it. So if you want to know the plan, the plan is to get you all out of office so that we can have some responsibility in this place again. That is the plan, and I think the American people will understand that that is the plan.

The seniors, the children, the people who care about the environment, they will understand what the plan is when we worked so hard to put this country back on sound economic footing, and you will not even allow a proposed amendment to come to the floor, and you have got the nerve to come in here and say where is your plan. Where is the rule that allows anybody to offer a plan? The Blue Dogs cannot offer a plan. The Black Caucus cannot offer a plan. The Democratic Caucus cannot offer a plan because your rule does not allow any plan other than the demise of this country. That is what your plan is and the American people know what your plan is. They understand.

Now, do you want to give more tax cuts to wealthy people? This is about priorities. This is about priorities. We can either give more tax cuts to wealthy people or we can give better education. We can give more tax cuts or we can give more assistance to prevent AIDS from spreading around the world. We can give more tax cuts to wealthy people or we can do more employment training so people who have been laid off by this recession, so that they can get some jobs. That is what this is all about, and our plan is to get rid of this administration and bring some responsibility back to government.

Mr. NUSSLE. Mr. Chairman, I yield myself 10 seconds.

I rest my case. We are seeing the plan develop before our very eyes. The gentleman said it. Get us out of office, raise taxes and then increase spending. Increase taxes, increase spending; increase taxes, increase spending. Here we go again. Do not tell me my colleagues do not have a plan. They have got a plan. It is called tax and spend.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER), who had a plan to offer and was denied in a rather fascist manner his right to offer amendments here and led by the example by our new Attorney General who feels trampling on the Constitution is the way that fascist governments should run and I guess the way we are going under the Republican leadership, but we will let the gentleman from Tennessee (Mr. TANNER) tell us what his plan was and what the Republicans refused to allow him.

PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman may inquire.

Mr. NUSSLE. Mr. Chairman, could the RECORD be read back? Did the gentleman just call our government a fascist government? I am just wondering if that was what was just said on the floor of the House of Representatives.

Mr. STARK. Mr. Chairman, no. I talked about the fascist wing of the Republican Party.

Mr. NUSSLE. Mr. Chairman, excuse me?

Mr. STARK. Mr. Chairman, the fascist wing of the Republican Party.

Mr. TANNER. Mr. Chairman, let me just say, that we are in a time of war and the President called for unity, and in that spirit, four of us, the gentleman from Kansas (Mr. MOORE), the gentleman from Texas (Mr. STENHOLM), the gentleman from Utah (Mr. MATHESON) and myself, went to the Committee on Rules last night and asked that this amendment be made in order.

Concurrent resolution on the budget for fiscal year 2003, we used their numbers, the Republican numbers. We offered this using their numbers. We offered to extend the debt ceiling till the end of this fiscal year without any strings attached save one, that was that we would be able to review the numbers in August when the CBO numbers come out again to see if we are on the right track and what they say today is actually coming to fact and coming to fruition. We were denied that. That is a plan. This is a budget that we tried to offer last night. Not in order.

People watching may wonder, why is all this arguing going on. I want to tell them. Only the majority can make a legislative body bipartisan. The minority cannot do that. We are like a jackrabbit in a hailstorm, all we can do is just hunker down and take it, and if my colleagues do not want to be bipartisan, when we offer a budget based on their numbers, offering to extend the debt ceiling, without the approval really of our leadership and they turn us down and then come here today and say there is no plan, we do not have plan. Some of us did, I tell my friends. I saw naked raw partisanship work when I was in the majority here and my colleagues are practicing that today when they deny us the ability to at least debate using their numbers, a different approach.

People are not dumb in this country. They know unfair partisanship when they see it, and if they insist on keeping on doing this, we are going to have a very difficult time solving the problems that the people of this country face.

So I would just tell my colleagues that I am very disappointed in the way this debate has gone today, and I hope we can do better in the future.

Mr. NUSSLE. Mr. Chairman, I yield myself 10 seconds.

The very distinguished gentleman who just spoke, his plan does not raise taxes. I thought the plan was to raise taxes. That is what the last four gentlemen just said, to raise taxes. The gentleman basically came to the Committee on Rules with my budget and a trigger.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, we submitted a budget proposal, concurrent resolution on the budget for the fiscal year 2003, using my colleagues' numbers and they were denied. How can my colleague say there is no plan. At least four of us had a plan, and now they come here and say our plan is to raise taxes. Our plan was not to raise taxes. Their plan was. All we asked was to review the numbers in August to see if what they say today is coming true, and we were not even allowed to do that, and naked partisanship is going to get my colleagues in trouble eventually. Got this side in trouble.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington (Mr. McDERMOTT), who understands democracy and the right of debate and free speech.

Mr. McDERMOTT. Mr. Chairman, here we are for round three of the shell game.

This is Humphrey-Hawkins, and we are supposed to be talking about employment. We have got people who are getting off welfare, right? We have got all these women, we want them to go out there, and we are increasing the number of hours they have to work. So we are getting them out there, staying away from their kids even longer.

HHS says under this shell are 15 million children who need day care. Under this shell we find out what the Republicans take care of, 2.7 million children. One would think that if there were 15 million who needed it and they were only covering 2.7 million that they would put in some additional money. I mean they are not going to leave any child behind certainly. They really do care about children. I have heard them come out here and get almost weepy eyed over children, but there is only 2.7 million.

What is under this shell? Nothing. They flat-lined it. They said the money we gave last year is exactly what we are giving this year. What that means, according to the Children's Defense Fund, is 30,000 more kids are going to be out from under this shell. They are not going to be covered by day care, and at the end of 10 years of this they are going to have 114,000 more kids if they keep flat-lining it.

Now, we can try and confuse people, but when a mother leaves the house in the morning and she is going off to a job, she wants to work, raise her level of dignity. She feels good about herself, but she does not feel good and cannot concentrate on what she is doing if she does not know her kid is in good child care, and if we do not supplement what people making $7 an hour in those jobs making beds in the hotels are making, they cannot get good child care.

Do not come out here with that rhetoric about leave no child behind. Vote no on this resolution.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 6 minutes remaining. The gentleman from Iowa (Mr. NUSSLE) has 2½ minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield myself 10 seconds.

Would the gentleman from Washington look under one of those shells and see if there is a Democratic plan? I mean they are leaving the entire country behind by not having a plan. The entire country is left behind by the Democrats today. Please look under that shell and look for a Democratic plan.

Mr. Chairman, I yield 3¼ minutes to the gentleman from Oklahoma (Mr. WATTS), the very distinguished chairman of the Republican Conference.

□ 1845

Mr. WATTS of Oklahoma. Mr. Chairman, I thank the gentleman for yielding me this time. I have heard a lot over the last couple of hours about what the Republican budget does not do, and it is ironic that in this budget we take care of IDEA, which we have been fighting for; we take care of seniors and prescription drugs; we protect the homeland security; we do things for national security; we do things to try to get some growth in the economy.

So I continue to ask the question, Where is the Democrats' plan? Where is their budget? And the fact is they have no budget. That tells the American people there is no vision.

I just want to share something. I could come up here and I would not have to say a word but point out what the Democrats are doing, because they have nothing. Wanted: Democrat budget plan. Suspected of raising taxes on American families; increasing wasteful Washington spending.

And I could go on forever. Again, I ask the question, Where do we go from here? Give me a plan on what you propose to win the war against terrorism. Give me a plan. It is easy to beat up ours, but give me something to show where you want to take the Nation.

Again I ask you the question, What do you want to do to secure the homeland? Are you going to raise taxes? Are you going to cut other programs? What are you going to do?

Give me a fiscal break. What are you going to do to protect America's homeland? Again, I ask the question, since we have taken care of families, we have done things to try to grow the economy, what is the Democrats' plan to grow the economy? Give me a fiscal break. If you are going to beat us up, give us your plan.

We have seen nothing over the last 2 hours, over the last 2 weeks, over the last 2 months. We have seen nothing.

Again, I ask the Democrats, What do you do to help workers? I see nothing in your budget. I have seen no budget that you have submitted. I have seen no vision you have provided. Again, do you want to raise taxes? Do you want to cut programs? Do you want to take care of workers? What do you do to take care of workers? No vision. No budget.

What are you going to do for prescription drugs? We have money in our budget to take care of that need. Again, are you going to raise taxes; cut programs somewhere? Are you going to cut national defense? Give me a fiscal break. If you are going to beat us up, give us your plan.

Nothing for prescription drugs. Again I ask, Where is your plan for health care? No plan. Are you going to raise taxes? Are you going to increase wasteful Washington spending? Are you going to cut homeland security? Are you going to cut national security, the defense budget? What are you going to do to take care of the health care needs?

No plan. No budget. No vision. No nothing. My colleagues just come to the floor and beat us up over the things that we have done trying to help people. What are you going to do for Social Security? Nothing. Zilch. Not nothing. Not nothing do you do. No budget. No vision.

Give me a fiscal break. If you are going to beat us up over our budget, surely somebody's got a budget of their own; surely somebody's got some vision in that party; the great party that once said "All we have to fear is fear itself." Now all you have to offer is fear itself.

Give me a fiscal break. Offer your plan. No budget. No vision. Case closed.

The CHAIRMAN. The gentleman from California (Mr. STARK) has 6 minutes remaining on the subject of economic goals and policies.

Mr. STARK. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from California (Mr. BECERRA), who understands that gagging people and preventing them the right to speech is not incumbent in our democracy, and remembers a time when not all people in this country were allowed to speak out. The Republicans obviously are reverting to those times because they are afraid to hear another plan.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I wish the gentleman from Oklahoma had been here 3 hours ago when we were asking for a chance to speak, to present a budget, to not be gagged, to have a chance under the rules of the House of Representatives, the people's House, to debate. But under the Republican rule, which manages and controls all the time, we do not have an opportunity to present any plan because my colleagues will not give us a chance to present any plan. So what we have to deal with is what you give us.

I remember 2 years ago we had a President who said, and this was during harder times, he said we are going to save Social Security first. It seems now we have a President and colleagues on the other side who say because we have hard economic times, and because we have to pass a budget, we have to take from Social Security first; take these tax cuts, that will go mostly to the well-to-do and large corporations, like Enron; take from Social Security first to fund programs like Star Wars, and you are going to take from education.

Mr. President, please explain to me why you will not fund drug-free school programs. Mr. President, please explain to me why you will not fund dropout prevention programs in our schools. Mr. President, please explain why you and my colleagues on the other side of the aisle will not fund school construction monies so we can build more schools in our overcrowded systems. Mr. President, please explain to me why we gutted the monies for classroom size reduction so our kids would not have to be 30 in a classroom to learn.

Take from Social Security first? I intend to try to save Social Security first. And if I had a chance to present a budget, I would show you how we could save Social Security first. But you do not. Instead, we have a security blanket that is thrown around this budget. Everything is security.

Well, by your raiding Social Security and Medicare by about $1 trillion, we could fund eight wars on terrorism. Instead, we are giving money to the well-to-do and corporations like Enron. Vote against this budget because it does not deserve our vote and the American people do not want it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would remind Members to address their remarks to the Chair and not to the President.

Mr. STARK. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Mrs. DAVIS).

Mrs. DAVIS of California. Mr. Chairman, I rise in opposition to this budget.

The budget before us today reflects a failure to meet the promises made to members of the House Education and the Workforce Committee as we worked to make the compromises needed to create a bipartisan education reauthorization bill known as The No Child Left Behind Act.

One of the key issues was that if we voted to require extensive testing by all schools in the country in order to achieve accountability, we would also supply funding to support the improved teaching that may be needed to help school districts achieve their required goals and avoid expensive penalties. However, this budget cuts The No Child Left Behind Act by $90 million.

It is unconscionable that programs have been cut that were integral to members agreeing to the compromises that led to passage of the Act. Yet, forty programs would be terminated. These include such critical support for children as funding for elementary and secondary school counseling. A second area of support called for in the Act is to place qualified teachers in every classroom; however, the budget eliminates teacher technology training. The list of terminated programs includes the National Writing Project, which gives teachers experience in improving their writing and models best practices. It also cuts funding for another program that sets the standard for identifying accomplished teaching, the National Board for Professional Teaching Standards, which administers a highly lauded national process for identifying the highest quality teachers.

I have selected just these few examples of eliminated programs that would improve teaching quality so that indeed no child would be left behind. But this budget decreases resources for teachers by 4 percent and eliminates high-quality training for 18,000 teachers.

Many members of the House wanted the opportunity to vote to provide funding for a much older federal mandate which has been shamelessly under-supported since 1975, special education. Yet, we have not even been allowed to show our support for phasing in this commitment over a period of years. The modest increase in funding contained in this budget is only a third of the amount that real commitment would offer. Although the Education and Workforce Committee will be working on the reauthorization of the Individuals with Disabilities Education Act in the next Congress, there is no justification for holding this funding commitment hostage in order to implement whatever needed reforms may be agreed to by Congress at that time.

The list of other gaping holes in this budget for education is long—freezing funding rather than providing the $500 million called for in the No Child Left Behind Act to support the 21st Century Community Learning Centers, which provide safe, healthy places for children to learn after school.

While the bill is targeted at the lowest income, lowest performing children, the key portions of that effort contained in Title I are woefully under-funded while the number of poor children mushrooms.

There are no funds to subsidize interest on school modernization bonds needed to address the $127 billion backlog in school repairs, again a program that many members supported.

Finally, high quality child care must be available to enable more children to be ready to learn when they reach kindergarten. Yet, this budget freezes child care funding. What will be the value in reauthorizing the child care block grant this year, when we are told in advance that long overdue reforms cannot be made because there are no additional funds?

As members should be aware, virtually every national education support organization—such as the Parent Teachers Association, the National School Boards Association, and the 100-member consortium of education organizations called the Committee for Education Funding—have expressed their outrage at the inadequate funding for education in this budget.

Is this what our constituents want? Clearly not. A study released yesterday, conducted by the Ipsos-Reid polling and research organization, reported that education was, by a wide margin, the highest national priority for spending on non-military or homeland security programs. An astonishing 85 percent agreed that a good reason to increase federal spending on education was that "our national security depends on our ability to successfully equip our children with the skills and knowledge they will need to function in today's increasing complex world."

The public supports a substantial increase in spending. Their commitment to our children must start with this budget so that no longer will so many be left behind.

Mr. STARK. Mr. Chairman, may I ask how much time is remaining?

The CHAIRMAN. The gentleman from California has 4 minutes remaining.

Mr. STARK. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, there are some of us who remember this world in the 1930s, when Hitler suspended the Bundestag to promulgate conservative ideology and not let people speak. It is a shame that the Republicans in the House, Mr. Chairman, have taken up that same ideology and are denying a chance for debate and open discussion of a budget. It does smack of fascism; and it is too bad, because the American people will recognize that and understand that in a free economy, and in a free country that created programs like Social Security and Medicare and special education and aid for dependent children and aid for people who are unable to care for themselves, for the disabled, that to deny them care is obscene.

I think it will be quite clear that, for whatever reason, whether it is deficits or anything else, that the overwhelming desire of the Republican Party is to destroy programs in the Federal Government, except those few intended for the very wealthy.

Most of the colleagues who are screaming about the war never wore a uniform other than the Boy Scout uniform. And I would like to suggest, as I said before, none of them have worked in free enterprise, which they tout so loudly. And yet, because that is where the campaign contributions come from, in the hundreds of millions of dollars, that is where their allegiance is. They are forsaking the seniors who need health care and who need an economic safety net. They are forsaking our children by denying them the chance to come along and get an education.

I am sure the American public is going to recognize this, and I am sure they are going to recognize it when they see wasteful money spent on things like Star Wars, which will not work, and programs which do nothing except to pay for large defense contractors, who are related to former Republican Presidents, and I think they are going to see that this is an obscene, corrupt, and undemocratic attempt to harm those people who are most fragile in this country only to benefit the 1 or 2 percent of the very wealthiest. And I hope my colleagues will vote down this budget.

Mr. Chairman, I yield the balance of my time to the gentleman from South Carolina (Mr. SPRATT), and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) is recognized for 1½ minutes.

The gentleman from Iowa (Mr. NUSSLE) has 8½ minutes remaining and the gentleman from South Carolina (Mr. SPRATT) has 9½ minutes remaining on the debate on the congressional budget.

The Chair recognizes the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Chairman, I want to thank my friend and colleague for yielding me this time.

Mr. Chairman, the Republican budget is irresponsible, irrational, and just plain wrong. It is a sham, it is a shame, and it is a disgrace.

The Republican budget buries us in a pile of debt and puts us in a much deeper financial hole; and it is the obligation of the Republicans, the majority party, to dig us out.

The Republicans have destroyed the lock box and thrown away the key. Mr. Chairman, Social Security is a sacred trust, a covenant with the American people. It is a promise that should never, ever be broken. But the Republican budget spends $225 billion of the Social Security trust fund on other government programs.

Social Security is a safety net for many Americans, allowing them to live with dignity. But the Republican budget takes away that safety net. Republicans are stealing the Social Security trust fund. The Republicans are taking the security out of Social Security.

Mr. Chairman, I urge all of my colleagues tonight to vote for the people, vote for the old folks, vote for the disabled, and vote against the Republican budget.

Mr. NUSSLE. Mr. Chairman, I yield 2½ minutes to the gentleman from Kentucky (Mr. FLETCHER), a member of the Committee on the Budget.

Mr. FLETCHER. Mr. Chairman, we have heard a lot of strong words, I think even sometimes inappropriate words, disturbing, extreme words this evening, as we have been discussing this budget, particularly from the other side.

All of us agree that these are unusual times. It is a time for tough decisions, a time that defines people. Do they rise to the occasion, or do they cower when they should stand tall? Do they sit quietly when they should speak? Do they freeze when they should lead? I am amazed this evening that at a time like this the Democrats have not stood, they have not spoken, and they have not led. At a time when your country needs vision, they have none.

This year's budget reflects the tough decisions of those willing to lead when events call for a clear vision and clear priorities. Our budget meets the demands of these historic times and provides for our national defense, it provides for homeland security, and it provides for personal security.

Let me talk about health care just briefly. Our plan provides $350 billion to expand and enhance Medicare; to provide a prescription drug plan for our seniors, which is needed; to provide for the reform of Medicare. Would we like to add more? Yes.

□ 1900

But we have added a very reasonable amount. If Members look at prescription drugs, approximately 72 percent of our seniors are covered by prescription drugs. Yet the only thing that we have heard from the other side of the aisle is a plan that would control everything in the medicine box of our seniors, and would displace this money that already provides prescription drugs with an increase in taxes or an increase in deficit.

We also have expanded and enhanced our community health centers, which provide health care for those who fall through the cracks. We have expanded health care for the poor, the children, and the uninsured. We have increased funding for research by doubling the funding for NIH, and we have provided fiscal responsibility.

The other night in the Committee on the Budget when Democrats offered a string of amendments, the sum of those amendments would have increased our deficit by $200 billion. That is why we do not see them offering a budget. That is why we did not see them offering a budget when we marked it up during the committee. If we combined all of those amendments, it would require us to increase taxes by $150 billion to pay for the additional amendments they wanted.

We have not cowered. We have taken a stand, a tough stand in these days that require tough stands. We have provided a budget which establishes the needed priorities, and yet it is remarkable to me that we hear chilling silence when it comes to offering a budget of responsibility.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, there has been a lot of anger on the floor today, and to me this is such a sad day. It is total reversal of all our former self-congratulation. The last administration took credit for beginning our deficit reduction course to save Social Security and Medicare. The majority said oh, no, we are doing it, and the country gave us both the credit. There will be no question where the blame lies for dynamiting the lockbox. The Social Security and Medicare lockbox will be remembered as the most fraudulent metaphor the majority has ever used on this floor.

The majority has taken us back to the dark budget ages of using budget estimates by political appointees rather than by the professionals of the Congressional Budget Office. The American people are always willing to take domestic cuts in time of war. Members will never convince them. They are too smart to be convinced by a budget that tells them we can do tax cuts, fight a war, and defeat a recession at the same time. The seniors and the baby boomers deserve a lot better.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to myself to engage in a colloquy with the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Ohio.

Mr. LATOURETTE. Mr. Chairman, in an earlier colloquy today on transportation spending, I understood a couple of things. One is that although the budget provides for $1.8 billion in outlays, I understood the colloquy to indicate that if the Committee on Appropriations only wanted to appropriate $23 billion for 2003, and not the $27 billion, a little over $27 billion, we on the Committee on Transportation and the Infrastructure expected.

Secondly, I would query the chairman about the firewalls. I understand in the budget resolution we cannot construct firewalls to protect the TEA-21 dollars, and I am wondering where that will come and what the commitment is.

Thirdly, today the Senate marked up their budget and provided for an additional $5.7 billion of Federal highway spending in 2003. I would solicit an opinion from the chairman.

Mr. NUSSLE. Number one, we have a reserve fund for the extra transportation dollars so it would only be released to the Committee on Transportation and Infrastructure if in fact they marked it at that higher level, 4.4 of contract authority, 1.3 in outlays.

Second, on the firewall that was discussed, that is for a future potential budget enforcement act reform bill that we intend to move on the floor.

The third question was whether or not we would try for a higher number with the Senate. We are working to try to get as much money to stimulate the economy as possible. We agree transportation is one of the ways. We will work for as high a number as we can.

Mr. LATOURETTE. Mr. Chairman, I thank the gentleman.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Chairman, I rise to express my disappointment and discouragement with respect to the Republican budget proposal. We are failing the working men and women, children and seniors. My constituents elected me to come here to talk about issues that we are not having a fair chance to discuss. That is why the other side of the aisle hears our loud tone of voice and our cry. There are thousands of people in our districts who are unemployed who were affected long before September 11, who had some hope, who thought that our leadership, that our President, was going to leave no child behind.

The President has decimated our budget with respect to education. He has made promises and broken them. People will have their energy bills cut. The LIHEAP program is going to be slashed. People will have to make a decision whether to buy food or pay the light bill. This is a harsh reality of the Republican proposal, and I stand here to say this is not acceptable and that my constituents in the 31st Congressional District want their voices heard. We want to be able to have our amendments in our presentations in our committees. I ask for a "no" vote on the Republican budget proposal.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I have heard often on this floor today for a call of calm and reconciliation. I have also heard the discussion about the Democrats having no plan. Well, Mr. Chairman, let me say, these four volumes indicate why Democrats cannot have a plan because the Republicans and the administration have squandered the surplus. There is no surplus. This plan invades Social Security. This plan blows up the lockbox.

In fact, my constituents will be asking me why over the last 3 years, when the Democrats had a plan for a prescription drug benefit, why there was no response from the Republicans. Why Social Security is at the point it is when we had a trillion dollar surplus. No plan? We do not need a plan. Those who have destroyed the plan destroyed the surplus, and need to present us with something that Americans can be proud of.

It is interesting that Republicans would talk about homeland security and the war against terrorism. A minuscule amount in this budget is for homeland security. Most of it is squandered away by the invading of Social Security. I ask my colleagues to vote a resounding "no" for this budget because this is not a budget that Americans can stand on. It is a budget that is nothing but smoke and mirrors and walls that do not respond. This is a budget that does not work.

Mr. NUSSLE. Mr. Chairman, I yield 4 minutes to myself.

Mr. Chairman, well, we are coming to the end of this very important debate. We have heard a lot of discussion and debate today about plans and who has got a plan and who does not have a plan. Let us review the bidding very quickly.

The President in response to September 11, the national emergency, the war against terrorism and a recession in our economy put a plan on the table in February. It was not a perfect plan. There has never been in the United States history a perfect budget plan, but he has one.

What did we do in committee last week? We took that plan and we made it better. How? We said special education is going to get a little bit extra. Veterans are going to get a little bit extra. Science is going to get a little bit extra. Homeland security can get extra. We are going to treat defense, and all sorts of things that we thought were important priorities with a little extra, and the President today said the Republican plan is better.

We have taken the President's plan and we have made a better plan. So the President has a plan and the Republicans have a plan. During the last 6 months of the most crucial time in American history, what have the Democrats been doing? Well, three very important things that we did together in a bipartisan way. We said we are going to respond to the national emergency. So we dipped into that surplus, and we took some money out and we said New York needs some help. We did that in a bipartisan way. Every Member voted for it.

Then we said we are not going to let people come into this country and do what they did to the people of America ever again. We will find them. We will beat them. We will win this war, and we will do whatever it takes. In a bipartisan way, we stood together and we funded that war. Every Member voted for it.

Just last week, finally, we all said the economy is just too important for us to allow it to languish or for it to possibly falter. In a bipartisan way, we dipped in there again and took some of that money and said that is what we are going to do. All of this hand wringing about where did the surplus go, my gosh, it just vanished. Members, it did not vanish. Have Members forgotten Osama bin Laden? Have my colleagues forgotten what happened on September 11?

Members are saying the seniors are not going to understand. The seniors won World War II. Our kids understand. Our parents understand. The teachers understand. The nurses understand. Our veterans, by God, understand. So for the other side to run in and tell us now that nobody understands where the surplus went is a bunch of malarkey.

So what did the other side do over the weekend? Instead of writing their own plan, 96 pages of criticism. That is fair. We are living in America. We will fight to the death anybody's right to disagree. That is what America stands for, but at some point in time the other side does not just get to disagree. They have to lead. The great party on the other side of the aisle has led many times in our history, but now it fails.

The minority leader said, "We think the Republican budget in the House is a failure, an absolute, total failure in dealing with the big problems in America," and he let his voice drop.

Did the gentleman come down here with a plan? No. Did he say I have got some ideas? No. Did he criticize? Sure, and he has a right to do that. I will fight for his right to do that. But Members are not allowed to just complain. Members are not allowed to just play politics. At this most crucial time in American history, Democrats have to stand up and say what is important and put their plan on the table. They are not allowed to just snipe from the sidelines and say, oh, we are for national defense and homeland security. Yes, we want a prescription drug benefit. Gosh, we want more than the Republicans do for education. Oh, yes, in fact, we want more for science, and let me think, we want more for all of these things.

We cannot do that without a plan, or without raising taxes. So please, I ask the other side of the aisle to demonstrate their leadership by coming forward with a plan. I beg them. This is too crucial a time in American history for them to let us down.

I implore Members to vote for a plan to win the war and get this country secure again.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, the reason the sign used by the gentleman from Iowa (Mr. NUSSLE) was made yesterday was because the majority knew last night when we went to the Committee on Rules with our plan that we were not going to be able to offer it. So these nice charts we see about not having a plan, we would have a plan today, but the other side of the aisle would not let us offer it.

We would like to look in August and see if what the gentleman says tonight is actually coming true. What the other side of the aisle said last year we know has not come true, and we only ask to review it in August. We used the Republican plan as a gesture of bipartisanship. The other side of the aisle will not let us have a plan, and then they bring all of these charts down here that they made up yesterday and say the Democrats do not have a plan.

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This raw partisanship, people are not dumb, they see it. It is going to get you in trouble just like it got this side in trouble sooner or later.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Here is one reason that we have not produced a plan. It is because the plan that we are confronted with, the budget, so-called, before us, is not a real budget. As I said earlier, it is a tip of an iceberg.

Here are just a few of the things that it does not include. It uses OMB scoring, and therefore it picks up $225 billion because OMB estimates the cost of Medicare by that much less than CBO. It fails to fully fund discretionary spending at the level of inflation, that is all, current policy, and picks up another couple of hundred billion dollars. We do not think that is realistic. If we had to put up a plan that would be comparable on an apples to apples basis, we would have to adopt these and many other devices in this budget which we think would be a bad precedent. That is why we declined to do it. There will be a Democratic plan. Senator CONRAD is producing one as we talk.

Let me just say once again with respect to the war, when the votes come on the defense appropriations bill and on the other appropriations bill with homeland security and national security, Democrats' names will be the board because we back the President and we support those appropriated items.

Let me say something else about the key concern that we have in this budget and the situation we are in today. This graph here shows the extent to which previous administrations have invaded Social Security. The Clinton administration came to office in 1993 inheriting a budget deficit of $290 billion, a record deficit. On February 17, less than a month after being in office, they put on our doorstep a deficit reduction plan which passed this House by one vote. As a result, every year for the next 8 years the bottom line of the budget got better to the point where in the year 2000, we were literally in surplus without counting Social Security or Medicare, the first time in our fiscal history that that happened. It happened under the aegis of the Clinton administration. Sure you cast some of those votes and I cast some of those votes, they were costly votes in most cases; but this is where the handoff occurred to President Bush.

I have seen at least five Republicans come here to the well and tout the fact that you have had $400 billion in debt reduced in the last several years. All of that happened on the Clinton administration's watch. Why did it happen? When you move your budget out of deficit into surplus, you have got money to pay off debt. That is why it happened.

But look what happens. Here at the pinnacle of this summit, there is a handoff to President Bush and immediately things go south. Some of that is due to the fact that we have had fundamentally unexpected, terrible tragedies to occur in this country; and I would be the first to admit that that has had an impact, no question about it. But your tax cuts had an impact, too. Your miscalculation of what the economy was going to do has had a big impact as well. It is at least 40 percent of this. But look at this. And the reason we cannot go with your budget tonight is it has no plan, it has no strategy, it has no way for us to reverse that course which is graphically laid out there, showing you that we are backpedaling right to where we were 10 years ago. After 10 years of progress on the deficit, we are literally backsliding.

Since everybody seems to be poohpoohing the deficit, as if this is a temporary, transitory phenomenon, let me read CBO's analysis, dated March 6, of the President's budget. It says that this year we will incur a deficit under President Bush of $248 billion; $297 billion next year under his budget. Over the next 10 years it says we will incur deficits of $1.8 trillion. The consequence of that is we will be invading Social Security to the tune of $1.8 trillion.

Here is this chart which we have used before. You start with a blue stub there, you start with a blue stub there which shows that we handed off the budget to the Bush administration with a budget out of Social Security and out of Medicare and look what happened. Immediately the red lines below the line begin to appear. The yellow lines up here indicate that every year over the next 10 years we will consume the Medicare surplus. Every year over the next 10 years we will consume the Social Security surplus. There is no way around it. You do not have a plan in your budget to reverse course here. So everyone voting for this budget tonight should understand this is the bottom line that you are voting for, an invasion of the Social Security surplus for the next 10 years. That is the bottom line. What it means is that we will be incurring more debt. We will not be achieving our promise of paying off the debt so that we can alleviate the burden on the Treasury and make it able to meet its Social Security obligations.

This is a 180-degree reversal of where we were last year. That is why we respectfully decline to vote for this budget resolution. We think it is a badly designed element, and we think it will take us back to where we were. We hoped that we had recovered from that from a long time ago, but it does not appear that we have.

Mr. NUSSLE. Mr. Chairman, I yield the balance of my time to the very distinguished gentleman from Illinois (Mr. HASTERT), the Speaker of the House.

Mr. HASTERT. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in support of the President's budget, and I urge my colleagues on both sides of the aisle to support this budget as well. The budget process helps the Congress to decide the spending priorities of this Nation. I am disappointed that some folks on the other side of the aisle have decided not to propose a real substitute. Instead of making tough decisions, some would rather complain from the sidelines.

This Congress has a responsibility to govern. I believe that this budget fulfills our responsibilities to our constituents and to our Nation. I want to congratulate our budget chairman for a job well done. I thank the gentleman from Iowa (Mr. NUSSLE).

Our first responsibility is to defend our Nation. Folks, we are at war. We must spend money to win this war. This budget contains a historic increase in defense spending. Our troops need this money so that they have the weapons, the supplies, the equipment to do the job. Some say that there is not enough money in this budget to fight this war. I assure you if the President needs more money to fight this war, this Congress will make sure that any man or woman who wears the uniform of the United States military and puts themselves in harm's way, they will have the training, the equipment and the weapons and whatever they need to win.

This budget also contains the necessary money for homeland security. On September 11, we found out that terrorists can attack in the most unconventional way. We do not know where they will strike next. We do not know, but we have to be prepared. This budget helps our Nation prepare for these contingencies.

This budget also helps prepare our Nation for other challenges on the domestic front. It includes money to implement the President's ambitious education agenda, so that our schools will teach our children better. It includes the largest financial commitment to a prescription drug benefit in our Nation's history. We reserve $350 billion to Medicare and prescription drugs for seniors in this budget. It also includes important funding for our Nation's veterans and for our Nation's farmers. The President's budget sets the right priorities for our Nation.

My friends on the other side of the aisle, some have criticized our budget with great enthusiasm; but they have failed to offer a real alternative. Why did they not offer an alternative? Some would like to play politics with Social Security. Any realistic budget would have to confront the fact that the surplus disappeared because of the economic slowdown, because of the war and certainly because of domestic terrorism in this country and our willingness to prepare ourselves for it.

Folks, we made a real decision last year. I heard some of our friends talk about surplus. We had a great surplus. We made a conscious decision to take some of that surplus off the table, because we thought moms and dads and local people who make money, punch a time clock, own their small business, they make better decisions with that money in their pocket than the Washington bureaucrats. We also made a conscious decision to pay down debt. During this period of time, we paid down over $450 billion of public debt. I think that is probably better than having that surplus sitting there and being tempting for people here in Washington.

I know people have big plans, big thick books on how to spend that money. But times have changed. We must prepare this Nation to continue to fight the fight that we are in. We must prepare our people for domestic violence and prevent people from coming into this country and have terrorist attacks across this Nation. We need to take care of our senior citizens. We need to take care of our veterans. We need to take care of farmers. This budget does exactly that.

I ask you tonight, put politics aside, put demagoguery aside, and vote for this budget so that we can move forward and this Congress can get its work done.

Mr. SHOWS. Mr. Chairman, I am having this statement placed in the CONGRESSIONAL RECORD today, although I am not physically present. As you know, I have been granted a leave of absence so I can be with my family in Mississippi to attend the funeral of a close relative. For this reason, I was away from the House floor yesterday, March 19, 2002, and am away today, March 20, 2002. I want this statement placed in the RECORD today so that I can be on record on today's most important proceedings pertaining to the Federal budget for Fiscal Year 2003.

Today the House is considering the Federal budget for Fiscal Year 2003. I stand by our President as he leads us in the war against terrorism. But I cannot vote for this budget proposal because I have serious concerns over this Budget's treatment of health car for seniors, veterans and retired military. In addition, Mr. Speaker, the Rules Committee refused to make in order the Blue Dog Coalition budget alternative. I cannot support a rule that will not allow for open, honest debate on a matter as important as the Federal budget.

This proposed Budget fails to address pressing health care needs but includes new unspecified tax cuts—tax cuts that have not even been proposed by anyone or considered by Congress. According to the Congressional Budget Office (CBO), Congress' own accounting agency, there is no budget surplus. Therefore, funding for these tax cuts could only come from Trust Funds that are set aside for health care entitlements such as Social Security and Military Retiree Health Care. I cannot support a budget that threatens the well being of our nation's seniors and veterans, or those who will soon be part of those venerable segments of our society.

A particular matter affecting military retirees is Concurrent Receipt. Certain military personnel qualify for both military retired pay and veterans disability compensation. Current law requires that military pensions be reduced, dollar for dollar, by the amount of VA disability compensation received.

This is an injustice that should have been corrected long ago. The United States government promises certain benefits when young Americans are recruited to serve a career of military service, including health care and pensions upon retirement. Veterans who become disabled in the line of service also earn and deserve their health care benefits.

The proposed FY2003 Budget calls for concurrent receipt for a limited number of disabled retirees, but his Budge is woefully inadequate because it would continue to deny earned benefits to many other disabled retirees.

Yesterday, Congressmen GENE TAYLOR and I attempted to introduce an amendment to the Budget proposal, to fully fund concurrent receipt for military retirees who are also service-connected disabled. Funds for this proposal would have come from funds allotted in the budget for unspecified tax cuts that have not even been proposed or considered by this House. Unfortunately, on a party line vote, the House Rules Committee refused to allow the full House of Representatives to even consider the Shows-Taylor Amendment.

Reducing these promised and earned benefits—to disabled war heroes, of all people—is wrong. The FY2003 Budget Resolution that is being considered is called a "wartime budget." How can we recruit soldiers to fight the War on Terrorism if we continue our legacy of broken promises? Too many military veterans are telling their children and grandchildren not to join the service because the government does not keep its promises. This is precisely why we must keep our promises to our military heroes this year, today.

Mr. BENTSEN. Mr. Chairman, I rise in opposition to H. Con. Res. 353. As a senior member of the House Budget Committee, I am profoundly disappointed with this measure which unrepentantly retreats from the fiscal policies and practices that fostered enormous federal budget surpluses. In the Majority's push to craft a "nominally balanced budget," they have failed to put forth a plan to get our budget on the path to recovery. Further, Mr. Speaker, this budget blatantly ignores what everyone here knows—and what all the major economic forecasters, including CBO, OMB and GAO, told us well before September 11th—the federal budget will be overtaken by escalating budget deficits as the Baby Boom generation begins to retire in just six short years. This budget, which calls for cumulative non-Social Security deficits of $1.052 over the next five years, spending all of the Medicare trust fund surplus and 86 percent of the Social Security surplus, actually worsens our long-term fiscal picture.

Mr. Chairman, last year, I stood on the floor of the House and cautioned against betting the ranch on ten-year estimates that the CBO itself has stressed are highly uncertain. Based on its own track record, CBO concludes that its estimated surpluses could be off in one direction or the other, on average, by about $52 billion in 2001, $120 billion in 2002, and $412 billion in 2006. This year, the Majority seems to have come around to my view—why else would they put forth a budget based on five year numbers? Why indeed? It couldn't be because ten-year numbers would reveal just how much of the Social Security and Medicare surpluses this budget will really consume, could it? It wouldn't be to cloak the fact that over ten years, over half of the projected Social Security surplus will have to be diverted to cover other government functions, according to both the CBO and OMB, would it?

Mr. Chairman, to arrive at a "nominally balanced budget," my colleagues on the other side of the aisle not only ignore the impending budgetary pressures out past 2007 but, for the first time since 1988, discard CBO's projections, now that they have become inconvenient, in favor of rosier OMB estimates. Have they learned nothing from the dramatic reversal in our nation's budget picture? Mr. Speaker, last year, the Majority was more than willing to accept the CBO's estimate of a $5.6 trillion surplus. Now that applying CBO's baseline to their budget resolution will result in a worsening of the non-Social Security deficit, to the tune of $318 billion, over the next decade, the Chairman of the House Budget Committee, my colleague, Mr. NUSSLE, has decided that since he does not like the "weather report" as prepared by CBO, he will simply "turn the channel." Well, Mr. Speaker, while I respect my colleagues right to hope for the best, it does not erase our affirmative duty to prepare for the worst. The hallmark of responsible budgeting is leaving room for error. Last year's budget left no room for error. In fact, by August, we were projecting that for the next seven years, virtually all of the non-Social Security, non-Medicare surplus would be spent, not to improve the programs, not to create a prescription drug benefit under Medicare or even enhance the solvency of these critical programs, but to cover other government expenditures. And, Mr. Chairman, that was well before September 11th and the resulting war on terrorism.

Additionally, Mr. Chairman I would note that to arrive at their "nominal balanced budget" for 2003 the Majority has put the blinders on with respect to the supplemental defense request that we all know is coming next week and has blocked out the memory of their much-touted stimulus bill that was enacted just over a week ago and has a five-year cost of $94 billion. When the stimulus bill is included, this budget has a deficit of $224 billion in 2003 and $830 billion between 2003 and 2007, excluding the Social Security surplus.

Finally, Mr. Chairman, adding insult to injury is the Majority's proposal for a national prescription drug program for seniors. H. Con. Res. 353 claims to create a $350 billion reserve to be spent, over ten years, for not only a drug benefit but also the Medicare "modernization" and provider givebacks. Without ten-year numbers for the rest of the budget, how can this proposal be credible? Further, the budget condition release of monies for a drug benefit on enactment of a Medicare modernization bill and provider payment adjustments. Last week, during the House Budget Committee's mark up of this bill, I offered a reasonable, budget neutral amendment that I offered to create a meaningful voluntary prescription drug benefit within Medicare for all Medicare beneficiaries. Regrettably, it was summarily rejected along party lines. Under my amendment, $69 billion would be added over three years to the Medicare service, raising the total commitment to $158 billion by 2007 and $500 billion over ten years. These additional funds are essential if a Medicare prescription drug benefit is to be available to and affordable for the majority of those receiving Medicare benefits.

Mr. Chairman, I urge my colleagues to join me in rejecting this "spend today, borrow tomorrow" measure that turns its back on hard-learned fiscal of the passed decade and undermine longstanding domestic priorities, such as strengthening Social Security and Medicare, providing a universal prescription drug benefit. Mr. Chairman, I urge my colleagues to make the right choice today and reject this sham budget.

Mr. KIND. Mr. Chairman, I rise today in opposition to H. Con. Res. 353, the FY 2003 Congressional Budget Resolution. The budget resolution is fiscally irresponsible. It spends more than 86 percent of the Social Security surplus and uses up the entire Medicare surplus. There are only six years left before the baby-boom generation begins to retire, and now is not the time to deplete the Social Security and Medicare surpluses.

Over the past eight years we have had budgets culminating in real debt reduction, and a growing surplus that did not rely on Social Security or Medicare. The budget resolution before us today, quickly creates an on-budget deficit of $974 billion over five years according to the Congressional Budget Office.

The tragic attacks on September 11, 2001, the short and shallow recession, and the continuing war on terrorism taken all together did not precipitate the budget deficit. Mr. Chairman, while I support the war on terrorism, and increased homeland security, I did not support the irresponsible tax cut passed last year. The fact is, it consumed approximately 43 percent of the budget surplus and led to our current poor fiscal health.

This budget does not lead to debt reduction or Social Security and Medicare solvency and it does not ensure that our other national priorities are met. Last year, the leadership went down the primrose path by enacting a tax cut that cost our country nearly 2 trillion dollars. But before this year is out we must get the budget back on track.

Further, for the first time in years, the budget resolution is only a five-year budget instead of a ten-year budget. It remains in deficit throughout the next five years, which leaves us to infer the damage that will result in the second five years. In effect, this budget cloaks the large amount of Social Security and Medicare surpluses that will be spent after FY 2007 and it allows the Leadership to avoid deciding whether to sustain the sunset provision of the tax cut passed last spring or extend the tax cuts at an additional cost. This lack of a ten-year plan leads me to believe that either the House Leadership has no long-term plan of recovery or they have a plan that will not stand scrutiny under the public eye. Regardless, this resolution offers no targets, no objectives, and no strategies to return to budget surpluses.

In addition, this budget resolution attempts to make the deficit appear smaller by authorizing non-defense, and non-homeland security discretionary spending at almost five percent below the level necessary to maintain current levels of services. Perhaps, even more disappointing, the resolution cuts funding for the bipartisan No Child Left Behind Act recently signed into law, as well as other cuts in education, health care, and environmental protection.

Mr. Chairman, I am saddened that we are being forced to vote on this irresponsible budget resolution without any opportunity to create a bipartisan fiscally responsible budget. As Members of this great institution, we often deliberate important issues that effect our own and our children's futures. During debates of this nature, I frequently ask myself one simple question; will the vote I am about to cast make the nation and our society better and safer for my two sons, Johnny and Matt, as they live, learn and grow in the 21st Century. For once, let's put their future first, ahead of Washington politics.

Mr. Chairman, I urge my colleagues to oppose the budget resolution for the fiscal year 2003.

Mr. BOEHLERT. Mr. Chairman, I rise in support of this resolution and I want to thank Chairman NUSSLE for the hard work he and his staff did pulling it together.

I just want to point out one feature of the Budget Resolution that may go unnoticed as we debate defense spending and tax policy and other macroeconomic issues.

This budget provides a healthy and needed boost for scientific research—a boost that goes significantly beyond what the Administration called for. I'm especially pleased with the funding for Function 250, the General Science function, which is based on an 11.1 percent increase for Research and Related Activities at the National Science Foundation (NSF).

Our nation's long-range future depends in no small measure on the investments we make today in research and development, and in science and math education. NSF spending is critical to ensuring a healthy R&D and education enterprise. The Budget Resolution recognizes that.

I want to thank Chairman NUSSLE for working so cooperatively with me and with other Members of the House Science Committee to ensure that the Budget paid proper attention to science funding and to balancing the federal research portfolio. We obviously haven't solved all our science funding problems, but this Budget Resolution is an important step in doing so, especially given how tight overall domestic discretionary spending is.

I urge my colleagues to support this Resolution.

Ms. MILLENDER-MCDONALD. Mr. Chairman, I rise today to express my concerns about the budget resolution that is under consideration. I feel very strongly that the budget we are debating is seriously flawed because it contains cuts and funding amounts that are frozen at previous year levels.

Furthermore, the priorities reflected within the budget are a clear indication that vital needs and programs are being sacrificed. I am dismayed about this budget because the majority failed to make in order any of the amendments offered before the Rules Committee that would have restored many of the cuts proposed by the President.

None of the (4) amendments I offered in committee were ruled in order. Consequently, my efforts to restore $379 million for Community Development Block Grants (CDBG's) to the purchasing power level of FY 2002 will not become a reality. These grants are critical to local communities. They fund programs that promote economic development in low- and moderate-income communities and are used to eliminate or prevent slums and blight and to address needs that pose a threat to the health and safety of our communities. The cuts, if implemented, would affect wealthy and low- and moderate-income communities that receive CDBG's.

I also advocated restoring funding for employment and training programs, which was cut by $686 million from the 2001 level. My amendment would have restored the funding for the Youth Opportunity grants program back to its current 2002 level which would have amounted to a nominal add-back of $180.6 million to the program for 2003.

Youth training services prepare low-income youth for academic and employment success. They are vital to curtailing high school dropout rates, increasing college enrollment, and improving the unemployment rate of young adults.

I also sought to restore a modest amount of $3 million to the Public Health Service's Office of Minority Health that is located in the Department of Health and Human Services. The funding would be used to reverse the tragic imbalance and racial disparity in terms of babies born in the African American and white communities in our country whereby a black baby born today is twice as likely to die within the first year of life than a white baby. That baby is twice as likely to be born prematurely and at a low birth weight.

We must do all that we can to determine why out of 1,000 births, 14 African American babies die, while for their white counterparts it is only 6 out of 1,000.

Had my amendment been ruled in order, I would have been able to make the case to have the Secretary of HHS undertake research, in collaboration with other relevant agencies, to help address and eliminate racial health disparities in birth outcomes. This is one of our Government's Healthy People 2010 target goals.

Finally, I offered an amendment that would reduce the proposed $28 billion in new tax cuts in order to pay for the additional highway spending. This amendment adds $1.3 billion to the highway program for 2003 with similar increases in the following years, adjusted for inflation. This would put the total add-back from the President's budget to $5.7 billion, since the budget committee has already added back $4.4 billion.

Continued investment in highway infrastructure will contribute to job creation and protection as the economy recovers from recession. We simply cannot afford to shortchange our infrastructure needs.

Mr. Chairman, these are just some of the shortcomings of the budget being offered today. At this time in our nation's history, we can ill-afford to withdraw our important legacy of social and health services.

Too many Americans are in need and feeling the impact of September 11th. Our Government's support is more vitally required than ever in these difficult days. Our funding of key programs must be sustained, if our fellow Americans are not to lose faith in our leadership.

Money counts for all Americans but if you are unemployed, hungry, elderly and sick, homeless and or a dependent child, it is a lifeline and a commitment that must be kept. Our Government should shortchange no American and that is why this budget is so disappointing. The gap between our socioeconomic reality and this proposal is daunting. The Budget does not add up, Mr. Chairman, and should be voted down.

Mr. LEVIN. Mr. Chairman, I rise in opposition to the budget offered by the Republican Majority.

Today's Washington Post contained a remarkable report that an Antarctic ice shelf the size of Rhode Island just shattered and collapsed into the sea. Scientists say that they have never seen as large a loss of ice mass and that the disintegration was all the more remarkable because of the extraordinary rapidity of the collapse. An ice mass 1,200 square miles in area and 650 feet thick that had existed for 12,000 years disintegrated in 35 days.

I bring this to my colleagues' attention because the disintegration of the Federal Government's budget position over the last year has been nearly as staggering. Eight years of hard-won budgetary gains and fiscal discipline were thrown out the window in a single year. Last year's projected ten-year budget surplus of $5.4 trillion dollars collapsed literally before our eyes, sacrificed to the irresponsible tax and budget policies of the Administration and the Republican Majority in Congress.

Just nine months ago, the Chairman of the Budget Committee said, "This Congress will protect 100 percent of the Social Security and Medicare Trust Funds. Period. No speculation. No supposition. No projections." This promise echoed similar pledges by the Speaker, the Majority Leader, and the Majority Whip to place the Social Security and Medicare surpluses in a lockbox and build a firewall between the Social Security and Medicare trust funds and the rest of the budget.

Well, here we are twelve months later and $4 trillion poorer. The lockbox has been smashed open. The firewall has been breached. The promises of the Republican Majority have been broken. The budget before the House today raids Social Security and Medicare this year. It raids Social Security and Medicare next year. It raids Social Security and Medicare the year after that. It raids Social Security and Medicare for as far as the eye can see.

Last year's budget resolution placed our nation's finances in a deep hole. The budget before the House today digs the hole deeper. It robs us of a chance to address critical needs, like a real prescription drug benefit for seniors and adequate funding to modernize our kids' schools and reduce class size. The return of large, multi-year budget deficits will also make it much more difficult to strengthen the Social Security and Medicare programs in advance of the Baby Boom generation's retirement, which begins in 2008 when the leading edge of the Baby Boom enters their retirement years.

I urge the House to vote down this budget so we can begin work on a bipartisan budget resolution that meets our responsibilities, restores our fiscal health, and keeps faith with the promises all of us have made to the American people.

Mrs. MEEK of Florida. Mr. Chairman, I rise in strong opposition to the Republican's fatally flawed budget resolution. Here we go again. The Republican resolution is simply smoke and mirrors. It's a "pretend" budget so deceptive that if it were an ad, the public would sue for violations of the truth in advertising laws and they would win!

Not even the transparent ploy of using five-year budget estimates from the President's Office of Management and Budget rather than the usual ten-year budget estimates from the non-partisan Congressional Budget Office can hide the fact that the Republican budget resolution would raid virtually all of the Social Security and Medicare surpluses over the next five years in order to pay for the fiscal chaos caused by last year's irresponsible tax bill.

Five times last year, here in the House, we voted almost unanimously for a Social Security "lockbox". The President and the Republican leadership repeatedly pledged their commitment to that Social Security lockbox. In this budget, the Republicans don't just pick the lockbox. They shatter it with a sledge hammer!

Don't be fooled. When you get rid of the accounting smoke and mirrors in the President's budget, the non-defense domestic spending is not even a "current services" budget. This budget is replete with severe program cuts. Cuts that low income Americans simply cannot take. We are left with much less than we had to begin with. Where is the money for a real prescription drug benefit? For affordable housing? For Head Start? For Education? For Job training? For worker health and safety?

The deceptive "pretend" Republican budget ignores the cost of the Supplemental that will be offered as soon as this budget resolution leaves the House. It ignores the cost of providing relief to millions of middle class taxpayers to keep them from being subjected to the alternative minimum tax. It ignores the cost of the Republican proposal to make permanent the tax cuts from last year's bill. It provides woefully inadequate resources for a prescription drug benefit and makes any prescription drug benefit compete with both the cost of provider "givebacks" and the costs of unspecified Medicare "modernization".

Mr. Chairman, we need a budget that provides a real prescription drug benefit, improves education, ensures the solvency of Social Security and Medicare, and pays down the national debt. We need an honest budget, not this sham Republican press release.

Securing our national defense and homeland security, adopting a real prescription drug benefit, improving education, providing affordable housing for the poor and the homeless, maintaining the solvency of Social Security and Medicare, paying down the national debt—that's the American agenda, not continuing to squander our resources on overly large tax cuts tilted toward those who need it least. We can and must do better. Reject the Republican budget.

Mr. SMITH of Washington. Mr. Chairman, like all Americans, I believe that we must meet our most pressing priorities of protecting our country against terrorism, improving our international relations, and growing our economy. I agree with the President that these current challenges warrant small, short-term deficit spending.

However, I am concerned about the lack of sound budgeting practices in the Republican Budget offered today. Under their plan we cannot both address our most pressing current needs, and establish a framework for a long-term, sustainable revenue and spending plan without relying on massive borrowing.

The Republican Budget spends most of the Social Security surplus and all of the Medicare surplus, putting us in terrible position to deal with the impending entitlement crises when the baby boomers retire. Despite promises last year from both the White House and Congress to save every single dollar of the Social Security surplus and Medicare surplus, and Congress' votes for a Social Security "lockbox" five times in the past few years, this budget uses nearly all the Medicare and Social Security surpluses—more than 86 percent of the Social Security surplus and every penny of the Medicare surplus.

The Republican budget also just isn't honest—it doesn't take into account the tax and spending programs that both Republicans and Democrats know Congress is going to pass.

For example, the individual Alternative Minimum Tax will balloon twenty-fold by 2012, affecting 39 million households (34 percent of all taxpayers), but fixing that problem isn't in the budget. Republicans also support making permanent last year's tax cuts, which would cost $569 billion and Speaker DENNIS HASTERT plans to bring up an additional tax cut bill this spring. None of these items are in the budget.

And in terms of spending, the White House has said that it will submit a supplemental appropriations request for defense and homeland security that will certainly be approved by

Congress—but that isn't in the budget either. They are assuming non-defense, non-homeland security discretionary spending will be kept at only five percent of the levels necessary to maintain current levels of services in 2003. We all know that's an unrealistic projection—even under Republican control of Congress, spending has always increased on these programs.

Another problem with the Republican Budget is that it uses the optimistic, rosy projections from the Office of Management and Budget (OMB) rather than the more conservative Congressional Budget Office (CBO) projections. Over the next five years, the difference between CBO and OMB revenue projections is $110.4 billion. OMB also plans on the government spending $48 billion less over the same five year period on mandatory spending programs like Medicare and veterans' benefits. That's a lot of ifs.

To be perfectly honest, I don't really care whether the numbers we use are labeled CBO, OMB or UFO, but I do believe that it's sound budgeting practice to use more conservative numbers when you're balancing your checkbook.

The bottom line is that even with all of these budget tricks and gimmicks that make it look like we can have everything we want, the budget is still in deficit and our debt is still climbing. The budget deficit for next year is projected to be $46 billion, and we'll be in deficit every year for ten years. By 2007, when the baby boomers start to retire, the government will owe more debt to the public—nearly $3.5 trillion—that it does today.

Our federal budget needs to be more balanced and fiscally responsible than today's Republicans proposal.

I had hoped that House Republicans would recognize the need and the real possibility for bipartisan cooperation on developing a proposal for the federal budget. If the House leadership is willing to invite more people to the table, to go to an economic conference as we've suggested, I am confident that we can have a federal budget that will protect the country against terrorism, lend needed support to our military, take care of workers at home, and pay for needed programs like education, healthcare and social security as well as ensuring a strong economic foundation for the future.

Mr. CAMP. Mr. Chairman, I rise today in support of the Fiscal Year 2003 Budget Resolution and to commend my colleagues on the Budget Committee for their hard work and efforts to produce a strong wartime budget that meets the needs of our nation. This budget directly addresses America's security needs—fighting the war on terrorism and protecting American citizens—without neglecting our domestic priorities.

I am especially proud of the way this budget addresses the needs of our nation's 25 million veterans. First of all, discretionary spending for veterans totals $26.8 billion for 2003. That is a 12 percent increase over 2002 levels. VA medical care funding is increased to $23.9 billion and another $1.145 billion is included to prevent instituting a $1500 deductible for Priority 7 veterans.

In addition, this budget provides the funds necessary to correct the concurrent receipt restriction for veterans with 60 percent or higher disability ratings. Current law requires that a veteran's retired pay be reduced by the amount of disability benefits he or she receives. This is an unfair practice and I am proud to support a budget that will end this restriction.

The FY03 budget has the support of the American Legion, the Veterans of Foreign Wars, the AMVETS and many others. Their support further indicates that we are on the right track to meet the critical needs of veterans. I would like to thank Chairman NUSSLE and the Budget Committee for putting this sound resolution together and urge all of my colleagues to support this measure and ensure adequate funding for our nation and our veterans.

Ms. SCHAKOWKSY. Mr. Chairman, on July 11, 2001, Republican House Majority Leader DICK ARMEY said, "We must understand that it is inviolate to intrude against either Social Security or Medicare and if that means forgoing or, as it were, paying for tax cuts, then we'll do that." Unfortunately, the Republican Budget Resolution does not reflect that sentiment in the least. The House Republicans are offering a budget that virtually spends almost the entire Social Security surplus to pay for last year's tax breaks that mostly benefit the wealthy.

I urge all my colleagues to oppose this Budget Resolution and here is why:

First, the Republican Budget Resolution would take over $1 trillion from the Social Security Trust Funds and eliminate the Medicare surplus over the next five years.

The President and every House Republican leader promised last year that every single dollar of the Social Security and Medicare surpluses would be saved for Social Security and Medicare. With this Republican budget, virtually no dollar of the Social Security and Medicare surpluses will be saved for Social Security or Medicare.

The Congressional Budget Office reports that the single biggest factor in the disappearing surplus is the Bush tax cut, not the war on terrorism or the recession.

Second, the Republican Budget Resolution abandons domestic priorities.

The Budget Resolution: cuts $90 million from last year's bipartisan legislation that funds our nation's main elementary and secondary education programs; eliminates the Community Access Programs (CAP) and Health Professions Training program, freezes funding for the Ryan White AIDS Programs, and slashes funding for Rural Health Activities by $54 million; cuts the Violence Against Women Act Grants, and funds the Legal Services Corporations well below needed levels: cuts state and local law enforcement grants by $1.7 billion; funds the Community Development Block Grant program at $379 million below what is needed to maintain current levels; does not include an additional $1.3 billion in federal highway funding requested by the Democrats.

Third, the Republican Budget Resolution does not offer seniors a comprehensive, affordable, and voluntary prescription drug benefit under Medicare.

Finally, the Republican Resolution does not take into account future impending costs like additional funding for homeland security, response to natural disasters, which will require more funds for FEMA and other federal agencies. None of these or other certain or likely contingencies are accommodated in the resolution, making its projections highly suspect.

Mr. BOEHNER. Mr. Chairman, this year's budget provides the resources for education reform while funding a nation at war.

As one of the authors of the bipartisan education bill signed by the President in January, I'm proud to support this budget. It's a compassionate one that reflects our nation's priorities and helps states and local schools meet the promise of education reform.

It's a clear statement that this Congress and this President will not turn its back on our children and their future, even in a time of war.

This budget builds on the significant increases provided for education in recent years—an average annual increase of 14.3 percent over the past four years.

[TEACHERS.] I'm particularly proud of the support this budget provides for school teachers. President Bush and Congress have provided a 35 percent increase in federal teacher quality funds to help states and local schools put a quality teacher in every classroom by 2005. The President's budget request this year maintains this historic level of support. We're asking a lot of teachers, and they deserve our support.

[SPECIAL EDUCATION.] The budget provides a $1 billion increase for special education, putting us on track for full-funding of the Individuals with Disabilities Education Act within 10 years. It also paves the way for us to make long-overdue changes to IDEA to ensure that children with special needs are not left behind. I'm especially grateful that our Budget Committee colleagues have taken this step.

Building on last year's reforms, the budget also:

[LOW-INCOME SCHOOLS.] Provides a $1 billion increase in Title I grants to low-income schools—on top of last year's $1.6 billion increase—focusing resources on the highest-poverty school districts.

[READING FIRST.] Provides a $100 million increase for the President's plan to improve reading instruction by addressing reading difficulties at an early age through proven scientific methods.

[HEAD START.] Increases Head Start by $130 million to increase children's preparedness for learning when they enter school.

[CHARTER SCHOOLS.] Provides $100 million in new funding for charter school facility financing.

[EXPANDED PARENTAL CHOICE.] Funds new tax relief measures, such as education tax credits, to assist parents transferring their children from chronically-failing or dangerous schools.

[HISTORICALLY-BLACK COLLEGES & HISPANIC SERVING INSTITUTIONS.] Provides a 3.6 percent increase for assisting historically black colleges, universities and graduate institutions, as well as Hispanic-serving institutions.

[PELL GRANTS.] Maintains the maximum Pell Grant at a historic high of $4,000.

The budget also paves the way for other priorities such as welfare reform and child care.

Funding for the Child Care Development Block Grant (CCDBG) has more than doubled in the last five years to $2.1 billion. This budget keeps that commitment to help move more Americans toward independence and self-reliance.

I also want to commend the committee for providing significant increases in funding for two key Department of Labor offices that help to safeguard the pension assets and retirement security of American workers. The budget provides a $3 million increase for the Office of Labor Management Statistics, and a $7 million increase for the Office of Inspector General.

Budgets are about tough choices. But there are some who don't want to make choices. There are some who dare to suggest that this budget somehow shortchanges our children.

They say they want more funding for education, but they won't put forth their own budget to tell us how they'd get to that goal. Students, teachers, and parents deserve to know: Which tax would they raise? Which program would they eliminate?

Last week's action in the Budget Committee offered a hint. Last week, Democrats offered 17 amendments to the proposed budget. Taken together, the amendments totaled $205 billion in new spending and $175 billion in new taxes over five years.

Mr. Chairman, in this time of national emergency, what Americans want is leadership—not gamesmanship.

I'm proud to support this budget, which responds to our nation's challenges without forgetting the promise to the children who are our future.

Mr. BLUMENAUER. Mr. Chairman, last year, when the Republican leadership brought their budget resolution to the floor I commented that they were "leading us down a fiscally dangerous path." Now that we are debating the fiscal year 2003 budget resolution, it is clear that the Republican leadership has no intention of exiting that treacherous route.

This 2003 budget resolution, like its 2002 predecessor proposed by the same Republican majority, is fiscally irresponsible and puts at risk Congress's ability to live up to our commitments to public welfare, the environment, and important infrastructure projects.

The Social Security trust fund is being invaded for more than $1 trillion over the five-year budget window. In addition the entire Medicare surplus will be sacrificed. At the same time, the purchasing power of our domestic programs is being reduced by more than $20 billion in fiscal 2003 alone. Instead of providing necessary funding for critical domestic needs, the Republican leadership is taking Social Security and Medicare funds paid from the wages of working people and returning it through tax cuts to the corporations and individuals who are least in need.

The public deserves an honest, long-term budget, but Congress is not able to provide one when there is such a broad disconnect between what the Republican leadership promises and what they deliver. The opportunity for an honest debate with alternatives and amendments has been stifled by the closed rule the Republicans have put into place for the debate of this resolution.

In addition to funding the war on terrorism and ensuring homeland security, my constituents in Oregon want the federal government to fulfill its commitment to domestic priorities, which includes Social Security, the environment, education, and necessary infrastructure projects. This budget resolution fails our domestic priorities and, therefore, I oppose its passage.

Mr. EVANS. Mr. Chairman, this is truly an Enron budget. The Republican Budget Committee has cooked the books and produced the most seriously flawed budget in my career.

The accounting gimmicks are spectacular. We have a 5-year budget instead of the customary 10-year budget. This is because it hides dwindling revenue from the gradually implemented Bush tax cut. If refashioned, a 10-year budget would show much larger deficits. Republicans also chose to use the politically crafted OMB numbers, instead of the non-partisan CBO numbers. Whether we insert political or non-partisan numbers into this resolution, the story is no different at the end of the day. Because all of the accounting tricks in the world cannot hide that we are still raiding Social Security and Medicare. And we are still growing the national debt. The Republican Party is trying to hide a budget deficit of $257 billion next year and that is just plain wrong.

In this budget, providing a Medicare prescription drug benefit and increasing provider payments do not reflect half of what is necessary according to reasonable forecasts. And this budget does not even take into account the additional spending and further tax cuts proposed by the President. This time next year it is very likely we will have a budget deficit double or triple what is reflected in this resolution.

Mr. Chairman, we need an honest budget, one that provides a prescription drug benefit to our seniors, keeps Social Security solvent for the baby-boomers, and does not further saddle the national debt we are leaving to our children. We can provide a budget that does all this by simply ending the greed. So much of our revenue surplus was squandered on a tax cut that benefitted the wealthiest 1 percent of Americans. And last week, the President invited them back to the feeding trough. We must not pay for this giveaway on the backs of our seniors, children, and all those looking to Social Security for their retirement needs.

Mr. Chairman, I urge my colleagues on both sides of the aisle to keep your promises to your constituents and vote down this budget.

Mr. SERRANO. Mr. Chairman, I rise in opposition to the Republican budget resolution for fiscal year 2003.

I understand that the nation is engaged in a vital enterprise in response to the vicious attacks of September 11th. I know that fighting to break up terrorist organizations and protecting our country and our people, which I support, are expensive undertakings and the highest national priorities.

But, Mr. Chairman, they are not our only priorities.

From September 11th on, the President has exhorted the American people to continue our normal activities—perhaps being more aware of what's around us, perhaps putting up with more security hassles and delays—but starving the domestic budget is not going to keep us moving forward as I thought the President meant we should.

We still need to invest adequately in health care, education, job training, law enforcement, clean air and water, energy efficiency, economic development, housing, science and technology.

We particularly need to address the impending retirement of the baby boom generation, strengthening Medicare and Social Security, not diverting their surpluses to general government operations.

At bottom, Mr. Chairman, what we need to do in this budget resolution is identify and provide the resources needed to do both of these things—defend and protect ourselves, and invest in the future—which means we must take another look at the huge, irresponsible tax cuts for the wealthy that were enacted last year.

Some people thought we could make the tax cuts and have plenty of money left over to meet the Nation's needs. They were wrong. This budget misses or avoids opportunities as it promises years of deficit spending. This demonstrates that we must revisit the revenue side and, at a minimum, suspend further cuts until we can afford them.

Mr. Chairman. I am certain we can do better than this budget resolution. I urge my colleagues to vote against it and commit to working together to fashion a new budget resolution that provides the resources to provide both for our security and for our Nation's domestic needs.

Mr. OTTER. Mr. Chairman, I rise today to address the issue of funding veterans military retirement in conjunction with veterans disability compensation. I am pleased that the House fiscal year 2003 budget resolution includes funding to eliminate the veterans retirement and disability concurrent receipt offset. The $6 billion over the next 6 years to gradually provide full benefits to all disabled retirees is long over due.

I firmly believe veterans should not have money taken out of their military retirement to pay for their disability compensation because these are two separate entities that serve two different compensations. I was pleased to cosponsor legislation to repeal this offset, and I am pleased that by providing funding for concurrent receipt, Congress has finally recognized the importance of keeping its promises to those men and women who have risked their lives, and have suffered injuries in preserving our freedom.

Mr. HILLEARY. Mr. Chairman, I rise in support of the Budget Resolution. This is a good budget that will serve our Nation well during this time we are at war with terrorists. It funds our national security as well as addressing our homeland security needs while ensuring that many other problems are addressed.

To touch upon just a few of the many worthy items in this budget, I want to highlight the support in this budget for local firefighters, disabled military retirees, home healthcare and IDEA funding.

Firefighters often provide the backbone of both rural and urban communities in our Nation. They risk their lives in order to save the lives and property of others. I am gratified that the Budget Committee was able to recognize their important contributions by encouraging this Congress to continue to provide grants directly to local firefighters.

I am also pleased that this resolution provides funding to address the concurrent receipt problem facing our military retirees who are disabled. This budget puts us on a path to eliminate the concurrent receipt problem within 5 years for our military retirees who are the most severely disabled.

I also want to applaud the Committee for continuing its commitment to ensure that home healthcare remains available to our elderly. A 15 percent cut in reimbursements to home health providers scheduled for October 1, 2002 will devastate the industry and ultimately force many of our elderly out of their own homes and into hospitals and nursing home facilities.

Finally, this budget continues the commitment of this Congress to work hard toward fully funding its commitment to assist schools in educating students with special education needs. We include $1 billion over last year or a 12 percent increase. Further, we commit to providing 12 percent increases every year over the next 10 years so that we fully fund the commitment made by Congress on IDEA funding.

This budget also does so much more to protect the American people. I commend it to all of my colleagues and urge you to support H. Con. Res. 353, the Budget Resolution for Fiscal Year 2003.

Mr. PASTOR, Mr. Chairman, I rise today in opposition to this misguided budget resolution.

After 28 years of deficit spending and digging our children into deeper and deeper debt, in 1998, we finally balanced the budget and experienced budget surpluses. This lasted for only 5 years, and then a misguided $1.4 trillion tax cut threw us into fiscal irresponsibility once more. Now, this budget sends us into deficit spending as far as the eyes can see.

As bad as deficit spending may be, what is worse, we are once again raiding Social Security and Medicare.

We have taken endless votes in this House to ensure that we protected Social Security. We voted time and time again to place the Social Security trust fund into a "lockbox." But this lockbox has been smashed open and Social Security has been raided so that we can give the wealthiest among us a huge tax cut.

Mr. Chairman, I strongly support the President's efforts to stop terrorism. We must fund our military and homeland security. We must ensure that we are safe to travel our country and the world. We must support our President in this effort.

But, we cannot neglect the other needs of our people. We should fully fund education programs for all ages. We should ensure that our Nation's infrastructure is modern and safe. We must find a way to provide health care for those millions who have no health care options. We must find a way to provide prescription drug coverage for our elderly. And we must do whatever it takes to protect Social Security.

It is my contention that this budget is broken. We might be better served to start over, to sit down with the President and come up with a new plan, a plan that protects us from those who wish to do us harm, a plan to protect our children from ignorance, a plan to protect our elderly from sickness, a plan to protect our children from added fiscal irresponsibility, and a plan to protect Social Security.

Mr. Chairman, I regretfully oppose this budget. Let's start over with the President. If we work together we can do all these things.

Ms. KILPATRICK. Mr. Chairman, the budget resolution we are considering today is more of a campaign pamphlet than it is a deliberative piece of legislation. As a member of the Appropriations Committee, I'm pleased to say that the work of the Budget Committee is no longer grounded in fiscal reality but more apt to produce what we call soundbite legislation. Once again, we are seeing that budget resolutions can engage in flights of fancy, while the Appropriations Committee will be forced to do the hard work of deciding how the real money will be spent in this place. This resolution really makes the budget process a sham. This is a budget that's based less on sound economic assumptions and more on the principles of Enronomics.

The supporters of this budget are working on a selling job to make you believe that this plan will provide a balanced budget by fiscal year 2010. But what we are told is far different from the fiscal reality. This is feel good legislation that will exact fiscal harm and pain in the out years. To hide the real truth, the Republican budget purposely uses 5 year numbers instead of 10.

The Republican budget is simply irresponsible. In its budget, the GOP proposes new tax cuts and funds these cuts by spending hundreds of billions from the Social Security trust fund to pay for other programs. Moreover, the Republican leadership plans to bring to the floor next month even larger tax cuts and has expressed support for making permanent the provisions in last year's tax cut. CBO estimates that by making these tax cuts permanent, revenues would be reduced by $569 billion over 10 years.

Democrats want a budget that reflects our Nation's priorities. Unfortunately, key Democratic amendments on key issues that the majority of Americans care deeply about were blocked by Republicans from reaching the House floor.

An amendment I offered relating to prescription drugs, which would have ensured that seniors receive a prescription drug benefit that is comprehensive and meaningful, was blocked from being considered on the floor. Unfortunately, the $350 billion that the Republicans have proposed in their budget for Medicare reform and prescription drugs would barely make a dent in helping seniors and the disabled in getting the prescription drug coverage they need—and deserve. We have all made this a pledge with our words—the test is to show it with the numbers laid out in the budget resolution. The Republican resolution fails miserably at this test.

Their budget also fails to adequately fund other key priorities so important to Americans and our future, such as education, child care, and environmental protections.

The Republicans budget aims to hide the truth and the real costs over the years. I oppose this budget resolution and urge my colleagues to vote against this resolution.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in House Report 107-380 is adopted and the concurrent resolution, as amended, is considered read.

Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. SIMPSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007, pursuant to House Resolution 372, he reported the concurrent resolution, as amended pursuant to that resolution, back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 221, nays 209, not voting 5, as follows:

[Roll No. 79]

YEAS—221

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Gutknecht
Hansen
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Pryce (OH)

Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—209

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Hall (OH)
Hall (TX)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

NOT VOTING—5

Blagojevich
Ehlers
Gutierrez
Shows
Traficant

☐ 1955

Mr. JOHN changed his vote from "yea" to "nay."

Mr. RILEY changed his vote from "nay" to "yea."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. EHLERS. Mr. Speaker, on rollcall No. 79, adoption of H. Con. Res. 353, Concurrent Resolution on the Budget for FY 2003, I was too late to cast my vote because I was detained in a meeting. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. SHOWS. Mr. Speaker, regarding rollcall votes on today, March 20, 2002:

On rollcall 69, I would have voted "yea" on Approving the Journal.

On rollcall 70, I would have voted "yea" on Motion to Suspend the Rules and Agree, as Amended H. Res. 339, urging the Government of Ukraine to Ensure a Democratic, Transparent, and Fair Election Process Leading Up to the March 31, 2002 Parliamentary Elections.

On rollcall 71, I would have voted "yea" on Passage of H.R. 3924, the Freedom of Telecommute Act.

On rollcall 72, I would have voted "yea" on the Motion to Suspend the Rules and Agree to H. Res. 371, expressing the sense of the House of Representatives regarding Women's History Month.

On rollcall 73, I would have voted "nay" on the Motion to Adjourn.

On rollcall 74, I would have voted "nay" on the Motion to Adjourn.

On rollcall 75, I would have voted "nay" on Ordering the Previous Question on H. Res. 372, providing for consideration of H. Res. 353, the Budget Resolution for Fiscal Year 2003.

On rollcall 76, I would have voted "yea" on the Motion to Table Motion to Reconsider H. Res. 372.

On rollcall 77, I would have voted "nay" on Agreeing to H. Res. 372.

On rollcall 78, I would have voted "nay" on the Motion to Table the Motion to Reconsider H. Res. 372.

On rollcall 79, I would have voted "nay" on Agreeing to H. Res. 353, the Budget Resolution for Fiscal Year 2003.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3694

Ms. DELAURO. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3694, the Highway Funding Restoration Act.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 353, Concurrent Resolution on the Budget, Fiscal Year 2003.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

COMMENDING MEMBERS OF COMMITTEE AND STAFF FOR WORK ON HOUSE CONCURRENT RESOLUTION 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

(Mr. NUSSLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NUSSLE. Mr. Speaker, I would like to first of all thank our competitors today. As the old saying goes, I think it was a saying by a former Speaker, the Democrats are just our opposition; it is the Senate that is the real enemy around here. I realize that is probably not appropriate.

The point I am trying to make is that the gentleman from South Carolina (Mr. SPRATT) and the Democrats on the Committee on the Budget did an admirable job of presenting their points of view, both in committee and here on the floor today. I want to thank them for that, and I would also like to thank our staffs.

We get to come on the floor and do all of this debating, but the preparation to put this budget together, like it or not, is done by a lot of work during a lot of hours, many of them late nights, by our staff. Rich Meade and Tom Kahn and the whole gang at the Committee on the Budget do an excellent, professional job.

Again, as I say, like the budget or not, it is professional work and they need to be commended for that.

Mr. SPRATT. Mr. Speaker, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Speaker, throughout this year, the gentleman from Iowa (Chairman NUSSLE) and I have tried to maintain an amicability and civility in the committee, which has worked between us because there is a natural relationship of friendship between us to start with.

I commend him for the manner in which he has handled this on the floor. We have deep disagreements, but nevertheless, we have been able to disagree yet not be disagreeable. It is partly because of the manner with which the gentleman has tackled this whole thing, and I commend him for that.

Let me also say to the House staff, they have worked, on both sides, long hours, hard hours. If Members want to see some evidence of the output, look at the walls of this place, at all of the posters they have presented, only a fraction of which ever made it in the well of the House; but nevertheless, they will be seen between now and the next several weeks.

They won, but we will revisit this, I am sure, many times in the future. In any event, I thank the gentleman for the manner in which he has worked.

Mr. NUSSLE. Probably much to the chagrin of many Members who had to listen to this part of the debate.

PERMISSION FOR COMMITTEE ON EDUCATION AND THE WORKFORCE TO HAVE UNTIL MIDNIGHT THURSDAY, APRIL 4, 2002, TO FILE REPORT ON H.R. 3762

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the Committee on Education and the Workforce have until midnight on Thursday, April 4, to file a report to accompany H.R. 3762.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONDITIONAL ADJOURNMENT OR RECESS OF HOUSE AND SENATE

Mr. GOSS. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 360) providing for an adjournment or recess of the two Houses, and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. Con. Res. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, March 20, 2002, or Thursday, March 21, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 9, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, March 21, 2002, Friday, March 22, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 8, 2002, or at such other time on that day as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

Sec. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 10, 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 10, 2002.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, AND MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS, NOTWITHSTANDING ADJOURNMENT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until Tuesday, April 9, 2002, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

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CONDITIONAL ADJOURNMENT OF THE HOUSE TO TUESDAY, APRIL 9, 2002

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, March 22, 2002, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 360, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3924.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE, COMMITTEE ON BUDGET, AND COMMITTEE ON EDUCATION AND THE WORKFORCE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture, the Committee on the Budget, and the Committee on Education and the Workforce:

March 20, 2002.

Hon. Dennis Hastert,
Speaker,
House of Representatives,
Washington, DC.

Dear Mr. Speaker: Having been notified of my appointment by the Steering Committee to the House Committee on Energy and Commerce, I hereby tender my resignation from the Committees of Agriculture, Budget, and Education and the Workforce, effective Wednesday, March 20, 2002.

Thank you for your leadership, and I look forward to continuing to work with you on issues important to our party and the nation.

Sincerely,
Ernie Fletcher (KY-6),
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBER TO COMMITTEE ON ENERGY AND COMMERCE

Mr. GOSS. Mr. Speaker, I offer a resolution (H. Res. 375) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. Res. 375

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Energy and Commerce: Mr. Fletcher.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider is laid on the table.

DIRECTING THE CLERK TO MAKE CORRECTIONS IN ENROLLMENT OF H.R. 2356, BIPARTISAN CAMPAIGN REFORM ACT OF 2001

Mr. NEY. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 361) and ask unanimous consent for its immediate consideration.

The Clerk will report the concurrent resolution.

The Clerk read as follows:

H. Con. Res. 361

Resolved by the House of Representatives (the Senate concurring), That in the enrollment of the bill (H.R. 2356) to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform, the Clerk of the House of Representatives shall make the following corrections:

(1) Amend section 103(b) to read as follows:

(b) Building Fund Exception to the Definition of Contribution.—

(1) In general.—Section 301(8)(B) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(8)(B)) is amended—

(A) by striking clause (viii); and

(B) by redesignating clauses (ix) through (xv) as clauses (viii) through (xiv), respectively.

(2) Nonpreemption of state law.—Section 403 of such Act (2 U.S.C. 453) is amended—

(A) by striking "The provisions of this Act" and inserting "(a) In General.—Subject to subsection (b), the provisions of this Act"; and

(B) by adding at the end the following:

"(b) State and Local Committees of Political Parties.—Notwithstanding any other provision of this Act, a State or local committee of a political party may, subject to State law, use exclusively funds that are not subject to the prohibitions, limitations, and reporting requirements of the Act for the purchase or construction of an office building for such State or local committee.".

(2) In section 304(f)(2)(E) of the Federal Election Campaign Act of 1971 (as added by section 201(a) of the bill), strike "as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2))" and insert "(as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)))".

(3) In section 316(c)(2) of the Federal Election Campaign Act of 1971 (as added by section 203(b) of the bill), strike "as defined in section 1101(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2))" and insert "(as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)))".

(4) Amend section 212(b) to read as follows:

(b) Time of Filing of Certain Statements.—

(1) In general.—Section 304(g) of such Act, as added by subsection (a), is amended by adding at the end the following:

"(4) Time of filing for expenditures aggregating $1,000.—Notwithstanding subsection (a)(5), the time at which the statement under paragraph (1) is received by the Commission or any other recipient to whom the notification is required to be sent shall be considered the time of filing of the statement with the recipient.".

(2) Conforming amendments.—(A) Section 304(a)(5) of such Act (2 U.S.C. 434(a)(5)) is amended by striking "the second sentence of subsection (c)(2)" and inserting "subsection (g)(1)".

(B) Section 304(d)(1) of such Act (2 U.S.C. 434(d)(1)) is amended by inserting "or (g)" after "subsection (c)".

(5) In section 214(b), strike "the second sentence of section 402(c)" and insert "section 402(c)(1)".

(6) In section 313(a)(4) of the Federal Election Campaign Act of 1971 (as amended by section 301 of the bill), insert ", without limitation," after "for transfers".

(7) In section 607(a)(2) of title 18, United States Code (as amended by section 302 of the bill), insert "not" after "imprisoned".

(8) In section 301(25) of the Federal Election Campaign Act of 1971 (as added by section 304(c) of the bill), strike "The term" and insert "For purposes of sections 315(i) and 315A and paragraph (26), the term".

(9) Amend section 402 to read as follows:

SEC. 402. EFFECTIVE DATES AND REGULATIONS.

(a) General Effective Date.—

(1) In general.—Except as provided in the succeeding provisions of this section, the effective date of this Act, and the amendments made by this Act, is November 6, 2002.

(2) Modification of contribution limits.—The amendments made by—

(A) section 102 shall apply with respect to contributions made on or after January 1, 2003; and

(B) section 307 shall take effect as provided in subsection (e) of such section.

(3) Severability; effective dates and regulations; judicial review.—Title IV shall take effect on the date of enactment of this Act.

(4) Provisions not to apply to runoff elections.—Section 323(b) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), section 103(a), title II, sections 304 (including section 315(j) of Federal Election Campaign Act of 1971, as added by section 304(a)(2)), 305 (notwithstanding subsection (c) of such section), 311, 316, 318, and 319, and title V (and the amendments made by such sections and titles) shall take effect on November 6, 2002, but shall not apply with respect to runoff elections, recounts, or election contests resulting from elections held prior to such date.

(b) Soft Money of National Political Parties.—

(1) In general.—Except for subsection (b) of such section, section 323 of the Federal Election Campaign Act of 1971 (as added by section 101(a)) shall take effect on November 6, 2002.

(2) Transitional rules for the spending of soft money of national political parties.—

(A) In general.—Notwithstanding section 323(a) of the Federal Election Campaign Act of 1971 (as added by section 101(a)), if a national committee of a political party described in such section (including any person who is subject to such section under paragraph (2) of such section), has received funds described in such section prior to November 6, 2002, the rules described in subparagraph (B) shall apply with respect to the spending of the amount of such funds in the possession of such committee as of such date.

(B) Use of excess soft money funds.—

(i) In general.—Subject to clauses (ii) and (iii), the national committee of a political party may use the amount described in subparagraph (A) prior to January 1, 2003, solely for the purpose of—

(I) retiring outstanding debts or obligations that were incurred solely in connection with an election held prior to November 6, 2002; or

(II) paying expenses or retiring outstanding debts or paying for obligations that were incurred solely in connection with any runoff election, recount, or election contest resulting from an election held prior to November 6, 2002.

(ii) Prohibition on using soft money for hard money expenses, debts, and obligations.—A national committee of a political party may not use the amount described in subparagraph (A) for any expenditure (as defined in section 301(9) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(9))) or for retiring outstanding debts or obligations that were incurred for such an expenditure.

(iii) Prohibition of building fund uses.—A national committee of a political party may not use the amount described in subparagraph (A) for activities to defray the costs of the construction or purchase of any office building or facility.

(c) Regulations.—

(1) In general.—Except as provided in paragraph (2), the Federal Election Commission shall promulgate regulations to carry out this Act and the amendments made by this Act that are under the Commission's jurisdiction not later than 270 days after the date of enactment of this Act.

(2) Soft money of political parties.—Not later than 90 days after the date of enactment of this Act, the Federal Election Commission shall promulgate regulations to carry out title I of this Act and the amendments made by such title.

(10) Add at the end of section 403 the following:

(c) Challenge by Members of Congress.—Any Member of Congress may bring an action, subject to the special rules described in subsection (a), for declaratory or injunctive relief to challenge the constitutionality of any provision of this Act or any amendment made by this Act.

(d) Applicability.—

(1) Initial claims.—With respect to any action initially filed on or before December 31, 2006, the provisions of subsection (a) shall apply with respect to each action described in such section.

(2) Subsequent actions.—With respect to any action initially filed after December 31, 2006, the provisions of subsection (a) shall not apply to any action described in such section unless the person filing such action elects such provisions to apply to the action.

Mr. HOYER. Mr. Speaker, it has been a long and difficult road to campaign finance reform. But it has been a road well worth taking.

With the adoption of this package of technical amendments, the legislative branch will have worked the people's will and taken an important step forward in taming the influence of special interests.

I commend the other body for moving expeditiously on Shays-Meehan.

I urge the President to sign immediately this landmark legislation.

The technical amendments before us, with the exception of one, are just that: Technical. They simply correct minor drafting errors and clarify provisions of Shays-Meehan that this House overwhelmingly passed on February 13.

These amendments will help ensure that this historic reform legislation achieves its central purpose: Banning unregulated soft money donations to the National parties.

The foes of Shays-Meehan have lost the battle in Congress. But they are determined to continue the battle on a new battleground, the Judiciary, and they are apparently determined to do whatever it takes to become lead plaintiff.

Under our system of laws, that is their right.

To help them gain standing, one amendment before us authorizes any member of Congress to challenge this legislation. Supporters of Shays-Meehan are confident the legislation will withstand Constitutional challenge, just as it withstood legislative challenge.

Mr. Speaker, it is time for Shays-Meehan to be sent to the White House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 361.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

APPOINTMENT OF HON. TOM DAVIS OF VIRGINIA OR THE HON. FRANK R. WOLF TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 9, 2002

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 20, 2002.

I hereby appoint the Honorable TOM DAVIS or, if not available to perform this duty, the Honorable FRANK R. WOLF to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 9, 2002.

J. DENNIS HASTERT,
Speaker of the House of Representatives

The SPEAKER pro tempore. Without objection, the appointment is approved.

There was no objection.

APPOINTMENT AS MEMBERS OF NATIONAL MUSEUM OF AFRICAN AMERICAN HISTORY AND CULTURE PLAN FOR ACTION PRESIDENTIAL COMMISSION

The SPEAKER pro tempore. Without objection, and pursuant to section 2(b) of the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (P.L. 107-106), the Chair announces the Speaker's appointment of the following members on the part of the House to the National Museum of African American History and Culture Plan for Action Presidential Commission:

As voting members:

Ms. Vicky A. Bailey, Washington, D.C.,

Mr. Earl G. Graves, Sr., New York, New York,

Mr. Michael L. Lomax, New Orleans, Louisiana,

Mr. Robert L. Wright, Alexandria, Virginia,

Mr. Lerone Bennett, Jr., Clarksdale, Mississippi,

Ms. Claudine K. Brown, Brooklyn, New York.

As nonvoting members:

Mr. J.C. WATTS, Jr., Norman, Oklahoma,

Mr. JOHN LEWIS, Atlanta, Georgia.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WE MUST PASS HATE CRIMES BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, tomorrow is the United Nations International Day for the Elimination of Racial Discrimination. What better way to honor this day than to act upon legislation that will help law enforcement investigate and prevent crimes based on discrimination?

That is why I ask my colleagues to join me to encourage the Republican leadership to bring the gentleman from Michigan's (Mr. CONYERS) bill, H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act, to the House floor.

I would like to take this opportunity to thank my colleague, the gentlewoman from North Carolina (Mrs. CLAYTON), and others that will be here this evening for their commitment to this issue and their time to speak about it.

Hate crimes have been a persistent problem in the United States. The FBI recently released its hate crimes statistics of 2000. Sadly the report indicated that bias-motivated crimes continue to increase. During the year 2000, law enforcement reported 8,063 bias-motivated criminal incidents, indicating a 3.5 percent increase since 1999. In this report, crimes based on race ranked number one, while crimes based on religion and sexual orientation ranked second and third.

The most disturbing part of this report is what it does not show. The official numbers barely scratch the surface of the hate crime problem across the country. The true number of hate crimes actually committed last year could top 50,000 according to the Southern Poverty Law Center. Yet hate crimes continue to go unreported because of victims' fear and lack of law enforcement resources.

Mr. Speaker, hate crimes continue to occur every day in our cities and small town. What is extremely disturbing is that some of these crimes are committed by children who have learned a pattern to hate. Such an incident occurred in my home State of California on March 11 in Huntington Beach, California. Three teenagers confronted a Filipino-American in the rear parking lot of his place of employment.

The teens began shouting racial slurs and "white power" before beating him with metal pipes. After the attack, the victim was even more frightened when he received a call from a person identifying himself as a parent of one of the attackers. This parent proceeded to threaten the victim using racial slurs.

This pattern of violence, Mr. Speaker, cannot continue. Our children are learning to hate from their parents and from their peers. We must set an example in Congress by passing legislation that will help to prevent hate. That is why I am a proud co-sponsor of the gentleman from Michigan's (Mr. CONYERS) bipartisan bill, H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act. And Mr. Speaker, I am joined as a co-sponsor by 203 of my colleagues and a growing chorus that wants the Republican leadership to bring H.R. 1343 to the House floor. This bill would offer a real solution by strengthening existing Federal hate crimes laws. H.R. 1343 allows the United States Department of Justice to assist in local prosecutions as well as investigate and prosecute cases in which violence occurs because of the victim's sexual orientation, disability, or gender. It would also eliminate obstacles to Federal involvement in many cases of assaults or murder based on race or religion.

This legislation is too important to ignore, especially during a week the United Nations is reminding the world to end racial discrimination.

The Republican leadership must bring this bill before the House to show our Nation and the world that hate will not be tolerated in the United States. This Congress has a responsibility to fight against hate. And the Conyers bill will prove that commitment.

DO NOT INITIATE WAR ON IRAQ

The SPEAKER pro tempore (Mrs. JO ANN DAVIS of Virginia). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Madam Speaker, I was recently asked why I thought it was a bad idea for the President to initiate a war against Iraq. I responded by saying that I could easily give a half a dozen reasons why; and if I took a minute, I could give a full dozen. For starters, here is a half a dozen.

Number one, Congress has not given the President the legal authority to wage war against Iraq as directed by the Constitution, nor does he have U.N. authority to do so. Even if he did, it would not satisfy the rule of law laid down by the Framers of the Constitution.

Number two, Iraq has not initiated aggression against the United States. Invading Iraq and deposing Saddam Hussein, no matter how evil a dictator he may be, has nothing to do with our national security. Iraq does not have a single airplane in its air force and is a poverty-ridden Third World nation, hardly a threat to U.S. security. Stirring up a major conflict in this region will actually jeopardize our security.

Number three, a war against Iraq initiated by the United States cannot be morally justified. Arguing that someday in the future Saddam Hussein might pose a threat to us means that any nation any place in the world is subject to an American invasion without cause. This would be comparable to the impossibility of proving a negative.

Number four, initiating a war against Iraq will surely antagonize all neighboring Arab and Muslim nations as well as the Russians, the Chinese and the European Union, if not the whole world. Even the English people are reluctant to support Tony Blair's prodding of our President to invade Iraq. There is no practical benefit for such action. Iraq could end up in even more dangerous hands like Iran.

Number five, an attack on Iraq will not likely be confined to Iraq alone. Spreading the war to Israel and rallying all Arab nations against her may well end up jeopardizing the very existence of Israel. The President has already likened the current international crisis more to that of World War II than the more localized Viet Nam war. The law of unintended consequences applies to international affairs every bit as much as to domestic interventions, yet the consequences of such are much more dangerous.

Number six, the cost of a war against Iraq would be prohibited. We paid a heavy economic price for the Vietnam war in direct cost, debt and inflation. This coming war could be a lot more expensive. Our national debt is growing at a rate greater than $250 billion per year. This will certainly accelerate. The dollar cost will be the least of our concerns compared to the potential loss of innocent lives, both theirs and ours. The systematic attack on civil liberties that accompanies all wars cannot be ignored. Already we hear cries for resurrecting the authoritarian program of constriction in the name of patriotism, of course.

Could any benefit come from all this war mongering? Possibly. Let us hope and pray so. It should be evident that big government is anathema to individual liberty. In a free society, the role of government is to protect the individual's right to life and liberty. The biggest government of all, the U.N. consistently threatens personal liberties and U.S. sovereignty. But our recent move toward unilateralism hopefully will inadvertently weaken the United Nations. Our participation more often than not lately is conditioned on following the international rules and courts and trade agreements only when they please us, flaunting the consensus without rejecting internationalism on principle, as we should.

The way these international events will eventually play out is unknown, and in the process we expose ourselves to great danger. Instead of replacing today's international government, the United Nations, the IMF, the World Bank, the WTO, the international criminal court, with free and independent republics, it is more likely that we will see a rise of militant nationalism with a penchant for solving problems with arms and protectionism rather than free trade and peaceful negotiations.

The last thing this world needs is the development of more nuclear weapons, as is now being planned in a pretense for ensuring the peace. We would need more than an office of strategic information to convince the world of that.

What do we need? We need a clear understanding and belief in a free society, a true republic that protects individual liberty, private property, free markets, voluntary exchange and private solutions to social problems, placing strict restraints on government meddling in the internal affairs of others.

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Indeed, we live in challenging and dangerous times.

RECOGNIZING MS. DIANE S. ROARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

Mr. GOSS. Madam Speaker, in the past, usually during consideration of the Intelligence budget, I have risen before this body and mentioned the superb and thoroughly knowledgeable staff that resides in the Permanent Select Committee on Intelligence, of which we are very proud. These individuals are specially selected because of their knowledge and their understanding of the intelligence world, a world that is actually very arcane and confusing to people who do not spend time in it.

We do not talk a lot about these folks and they do not seek recognition. They are not that kind. They understand that much of the work must be done in secret so as not to betray the sensitive information they handle, but let me assure my colleagues and the American people that this group of dedicated people works very hard, and they dig very deeply into the operations of the Intelligence Community in order to ensure that there is oversight of intelligence activity and that our Nation is secure and the Intelligence Community is playing by the rules.

I want to specifically recognize one of these dedicated people who has served the committee and our country diligently for almost 2 decades. Her name is Diane Roark, and I am sorry to say that when this body reconvenes in April Diane will no longer be on our staff. She is retiring from the House and from government service.

Madam Speaker, Diane first joined the committee in April 1985, having previously served in the Department of Energy, the Department of Defense, and just prior to joining us, on the National Security Council, where she was Deputy Director of Intelligence Programs. Since joining the committee, Diane has excelled in the very difficult, technical areas of our oversight. She was the program monitor for the National Reconnaissance Office where she not only challenged the embedded bureaucracy and made it become more innovative in approaches to future election, but she also forced the office to restructure and reform their fiscal accountability system so that oversight was assured.

Most recently, Diane has been our program manager for the National Security Agency, a vital agency for us. This agency has many, severe challenges, Madam Speaker, and if it were not for the efforts of Ms. Roark, I do believe that our committee's efforts to oversee and advocate for NAS would have been much less effective, and for that she has my personal thanks.

Diane is known as a very dedicated, tough-minded program monitor who digs into the issues and forces agencies to see and understand what they sometimes miss themselves. She is also known as a very knowledgeable task master, and her arrival at an agency is often anticipated with apprehension.

Those managing the community know that she is usually on the mark with her assessments and that she takes the public's trust very well to heart. Recently, one of the senior managers within the community commented on her performance by saying that our staff "is very aggressive in their oversight and has a very serious and in-depth knowledge of our programs, sometimes a better understanding than some of the senior managers do."

I think that this is the type of oversight capability that the American people are entitled to and should demand. I cannot think of any greater tribute for Diane than knowing that agency leaders throughout the community recognize that her instincts and assessments are sound.

So, Madam Speaker, it is with some sadness that I rise today to say farewell to a public servant who has dedicated a career to ensuring our security, each and every one of us. Diane's departure is truly our loss, although I know that her younger son, Bryce, will enjoy having Mom around home more. We are going to miss her.

On behalf of the committee I thank Diane for her professionalism, her dedication, her unfailing commitment to our Nation and its security. We wish her well in her future endeavors, whatever they be. Know that she has served her country well and she will be missed. Job well done.

COMMENDING LOCAL UNITED WAY CHAPTERS FOR CONTINUING SUPPORT OF THE BOY SCOUTS OF AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Madam Speaker, I rise today to commend the 97 percent of all local United Way chapters which continue to support the Boy Scouts of America despite the national campaign to demonize this wonderful organization.

The pressure to abandon the Boy Scouts has been just as intense as the pressure on the scouts themselves to abandon their moral standards and to take God out of the scout oath. Powerful business interests and Hollywood moguls like Steven Spielberg have severed their links with the scouts, and the taxpayer-funded public broadcasting system have attacked them as well. However, an overwhelming majority of the United Way chapters and the American people themselves have not cowered and have stood tall against this disgraceful campaign of intimidation.

In my own constituency, for instance, the Orange County United Way Chapter has given local scout troops and organizations $1.3 million over the last 3 years and has no sign of letting up. Just recently, the City of Huntington Beach, for example, has named itself the Tree City USA for its greenery. Many of those trees in Huntington Beach were planted by local boy scout troops doing their good deeds and community service.

The United Way chapters that did cave into the pressure were mostly from liberal university towns where ordinary decency is often treated with scorn and derision, but in the American heartland, in communities where families jealously guard virtues like loyalty and bravery and reverence, the support for the Boy Scouts has remained steadfast, and I would encourage every American to inquire as to what their local United Way is doing in this controversy.

One of the supreme ironies with this campaign against the scouts is that local Americans, ordinary Americans have stepped up and stepped into the breach to support the scouts when the United Way has pulled its support. This overwhelming backing for the scouts has exposed the opposition for what it is, marginal and well financed and vocal but a vitriolic minority nonetheless.

Mainstream America obviously believes that the Boy Scouts have the right to set their own moral standards and to include God in the scout oath. By the way, the Girl Scouts of America, which have many wonderful programs and are celebrating an anniversary this year, gave in to political correctness when it came to God and their scout oath. It is no longer required for Girl Scouts to acknowledge God in the scout oath. This is especially sad when young girls need a spiritual foundation to cope with the challenges and the temptations faced by today's young people.

The argument of those attacking the scouts has been that the scouts are being discriminatory. Well, yes, but they have a right to base their organization on certain beliefs like in God or in certain standards of behavior, sexual or otherwise. It is called freedom of association, and to those who call this discrimination, I ask, is this not what gay groups and even AIDS organizations do, discriminate? Some ask what do I mean?

Well, does anyone doubt that Christian fundamentalists are being excluded from these organizations, from homosexual and AIDS organizations because these religious fundamentalists might want to preach at these people? Is this not a discrimination against those people's religion? Well, of course, it is a discrimination against their religion, but those groups, just like the scouts, have a right to have associations based on shared values.

When gays were targeted by police for personal abuse and victimized by hatemongers, their rights were obviously being violated, and good people stood up. They united to end this injustice.

Today, it is the right of people with more traditional values, like the scouts, who are being under attack simply for trying to live their own lives with their own moral standards. The scouts in Orange County, for example, have spent hundreds of thousands of dollars in legal fees in order to protect their right to have God in the scout oath. This is intolerable and the scouts are not the only ones facing this stupid political correctness.

Recently the Red Cross in Orange County canceled an appearance of a local school chorus before one of their meetings because the songs that were planned to be sung at that meeting mentioned God, like America the Beautiful. Well, later on the Red Cross apologized but only after a hailstorm of criticism.

What is going on here? Americans have a right not to be forced to participate in what they do not believe, but do not people with religious persuasions have a right to have their own standards? Wake up, America. It can get worse and it will get worse unless we stand tall and we stand together against this kind of nonsense.

NUCLEAR POSTURE REVIEW

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Madam Speaker, there has been a lot of discussion within the Bush administration about where to take the military campaign against terrorism next. The President has already sent military advisers to the Philippines and the Republic of Georgia. His axis of evil comments lumped Iran, Iraq, and North Korea together as potential targets for future U.S. military action. He also indicated he wants to get the United States more deeply involved in Colombia's civil war by helping the government fight guerrilla armies rather than targeting the drug trafficking done by all parties in the war in Colombia.

Article I, section 8 of the United States Constitution grants Congress the exclusive authority to declare war. As commander-in-chief, the President conducts or would conduct day-to-day operations of our U.S. military. The Constitution and the War Powers Resolution of 1973 grants Congress the prerogative to decide whether or not to send U.S. troops into hostility.

The use of force resolution approved by Congress specifically safeguarded Congress' war powers by noting nothing in the resolution supersedes any requirement of the War Powers Resolution.

While Congress overwhelmingly authorized the President to use military force to respond to the September 11 terrorist attacks, the Congressional authorization was limited in scope. Specifically, the joint resolution stated the President is authorized to use all necessary and appropriate force against those nations, organizations or persons he determines planned, authorized, committed or aided the terrorist attack that occurred on September 11, 2001, or harbored such organizations or persons in order to prevent any future acts of international terrorism against the United States by such nations, organizations or persons.

Thus far, the United States intelligence agencies with their secret $32 billion a year budget could not predict the attacks and cannot uncover any links between Iraq and the attackers. Now, many in the administration are latching on to a magazine article written by Seymour Hirsch in the New Yorker who does not get $32 billion a year from the taxpayers, who has uncovered purported links between some Kurds and the al Qaeda as a potential excuse to attack Iraq.

In December, I sent a letter along with a number of other Members of Congress to the President pointing out the limitations on the use of force authorization and reminding him that he would have to come, as his father did, to the United States Congress for authorization if he desired and felt there was a case to be made to attack Iraq. I have as yet to have a substantive response to that letter.

We at this point, I believe, have sort of a budding imperial presidency, the likes of which we have not seen since Richard Nixon.

There are other areas that are very troubling with this presidency. The nuclear posture review. According to a leaked version of the classified nuclear posture review, the Bush administration is contemplating using nuclear weapons as offensive weapons rather than merely to deter an attack against the United States. They now say they would target seven countries, Russia, China, Libya, Syria, Iraq, Iran and North Korea. This, in fact, includes countries who are not known to have nuclear weapons, an extraordinary change in U.S. policy. They want to develop small, more friendly nuclear weapons that could be used, they believe, in limited instances.

Of course, this would blur the line between conventional nuclear arms, would undermine the nonproliferation treaty which 187 countries have signed, including the United States of America, and that is a very disturbing trend. As Ronald Reagan once said, a nuclear war cannot be won and must never be fought.

We have the Anti-Ballistic Missile Treaty, the most successful treaty on arms limitations in the history of the world, which the President wishes to unilaterally abrogate, calling it a relic of the Cold War. The Constitution is more than 200 years old. I would hope that the President would not find that to be a relic. It is still very relevant today, as is the Anti-Ballistic Missile Treaty. If it is scrapped as the President wishes, if he can legally do that, that is in question, it is likely that China, Russia and other countries would engage in a new crash program to expand nuclear weapons against our potential defenses which, of course, as we all know, the Star Wars fantasy does not work in any place, but it is a great place in which to dump two or three or $400 billion of hard-earned taxpayers' money.

Finally, in the defense budget we have seen an extraordinary proposal that we should have a 1-year increase that far exceeds any increases at the height of the Cold War, the Vietnam War, anything since World War II, to build Cold War weapons against enemies that no longer exist. Hopefully this Congress will act soon to rein in this administration, reexert its authority and bring some sanity to these policies.

□ 2030

HATE CRIMES LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Mrs. CLAYTON) is recognized for 5 minutes.

Mrs. CLAYTON. Madam Speaker, I want to thank my colleague, the gentlewoman from California (Ms. WOOLSEY), who asked Members to appear in a Special Order in honor of the United Nations' International Day for the Elimination of Racial Discrimination, which takes place Thursday, March 21. I also want to thank my colleague, the gentleman from Michigan (Mr. CONYERS), who introduced H.R. 1343, the Local Law Enforcement Hate Crimes Prevention Act of 2001.

There is no place in our society for racism, whether in the form of religious and ethnic discrimination or otherwise. Throughout history, wars have been fought over these types of differences. Many lives have been lost and many people uprooted. As in the dark past, today we are still witnessing violence being perpetrated against others with perceived differences. This is something that must be not only rooted out abroad, but we must also root out the ethnic and religious intolerance that we witness in our daily lives right here in our own communities.

Hate crimes, those committed against a group because of racial or religion or sexual orientation, is alive and well in America. Matthew Shepard and James Byrd are notable victims of these types of crimes; but there are many, many other victims as well of this type of crime, this cycle of violence. It has been stated that crimes based on race ranked number one of all the U.S. crimes reported in the FBI's "Hate Crimes Statistics of 2000" status report. The total number of all hate crimes across the Nation increased 3.5 percent from 1999 to 2000. These numbers reflect only the reported crimes. Many crimes continue to go unreported; and many States, because of budgetary reasons, do not keep tallies of crimes that would fall under this category.

The bill introduced by the gentleman from Michigan (Mr. CONYERS) would provide Federal assistance to States and local jurisdictions so that they can more readily report and prosecute hate crimes. It must be understood that violence motivated by race, color, gender, sexual orientation, or disability will not be tolerated.

It is important for Congress to show solidarity with those around the world honoring the United Nations' International Day for the Elimination of Racial Discrimination by showing that we are ready, willing and able to address hate-motivated crimes within our own borders, within our own Nation. Our country and the world is very diverse. It is our diversity that should make us stronger as a Nation, stronger as a world community. Until we eliminate racial, gender, religious, and other types of discrimination, our unity as a country and as a world community will be threatened.

KIDNAPPING OF LUDWIG KOONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. LAMPSON) is recognized for 5 minutes.

Mr. LAMPSON. Madam Speaker, I stand here today in utter shock and disbelief and absolute anger.

For 2 years, I have been telling stories about missing children. For 2 years, I have been talking about internationally abducted children. For 2 years, I have been working with Jeff Koons and his attorneys to help bring his son Ludwig home from Italy. For 2 years, I have not seen progress. No change in Italy, and no response from our own government. I cannot express today the outrage that I feel right now about our Justice Department, our State Department, and the government and judicial systems of Italy.

Since 1984, for 8 years, Jeff Koons has been trying to get his son back, a son who he has legal custody of, who has been abused and neglected and forced to live in a pornographic compound in Rome, Italy, by his mother. On March 4 of 2002, this year, the Supreme Court of Cassation confirmed Ilona Staller's conviction for kidnapping Ludwig from his habitual residence in New York. This means Ilona Staller is a convicted kidnapper; yet Italy is still letting her retain Ludwig.

Yesterday, the Minors' Tribunal in Italy held a so-called hearing on the emergency order to keep Ms. Staller from taking Ludwig to another country, Hungary. And it is a so-called hearing because this hearing was nothing more than a dog and pony show. Ms. Staller was questioned for 15 minutes about her lawbreaking, about her intention to once again take Ludwig to another country. The judge questioned Ludwig, a scared, manipulated and abused 9-year-old little boy, about his wishes, alone, in the judge's chambers, with no witnesses, with no attorneys, with no video. And then the judge comes back in and says he is fine with his life as is.

The best psychologists in both countries, Italy and the United States, and doctors, say that Ludwig is on the brink of no return. Unless he is removed now, there is no telling what damage might be done to him physically and mentally. Yet these experts, the top Italian experts, were not allowed to testify at this so-called hearing.

In the end, the emergency request was denied and Mr. Koons was given 30 days to go prepare briefs and another 20 days to respond. Another 2 months of delay. It is contrary to all applicable principles of public international law and procedure to preclude an American citizen minor, who was kidnapped from his habitual residence, any access to his country of birth, even the temporary visits with his father and paternal family in their country of residence.

Ludwig, who is now approaching adolescence, finds himself in a dire situation that places him in imminent danger of grave and irreparable damage. His critical condition is directly related to his mother's continued abuse and neglect of the minor over the years, combined with her willful and systematic breach of Mr. Koons's visitation rights.

I stand here tonight because I am concerned that Mr. Koons may be subjected to further discrimination and inequitable treatment by the Italian judiciary in these impending proceedings. I stand here a part of the United States Government, and I have to say that I am ashamed. Where are our priorities? Where are our values?

I sit and listen to the politicians sound off about family values in this Chamber every day; yet every day our government lets this little boy remain captive against his will. Where is our State Department? Where is our Justice Department advocating for U.S. citizens? Ludwig Koons is a U.S. citizen.

We saw Blackhawk helicopters recently go in to rescue missionaries in Afghanistan, people who had been there of their own will. Yet our government will not send a letter or make a phone call demanding that this kid be sent back to our country. Do we only go to bat for citizens being held by those who are not our allies? Should we not go to bat for everyone?

Eight years ago, Jeff Koons put his faith in the law. He put his faith in the United States of America. We have not returned that faith. I am asking my colleagues if they will please take the time to ask every constituent of theirs in this country, and that they do the same, and write the President of the United States, write the Attorney General of this country, write the Secretary of State of this country and plead for the return of this child to the United States of America now.

Bring our children home.

WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KIND) is recognized for 5 minutes.

Mr. KIND. Madam Speaker, before I take my 5 minutes, I just want to commend my good friend, the gentleman from Texas (Mr. LAMPSON), for the leadership he has provided on behalf of missing children in our country and the focus that he has given the United States Congress on this very important issue. I know, from observing him work and the passion he brings to the subject, that there would not be half the focus that there is in the United States Congress if it were not for him and the hard work that he is doing in elevating this issue and educating the rest of us, as well as our administration and the rest of the country, with what a serious problem it is. So I thank the gentleman and ask him to continue the good work. I want him to know that there are many of us who are with him every step of the way.

Madam Speaker, tonight I rise in honor of Women's History Month. In 1987, Congress passed a resolution designating the month of March as Women's History Month, and a time to honor, and I quote, "American women of every race, class and ethnic background who have made historic contributions to the growth and strength of our Nation in countless recorded and unrecorded ways."

For 2002, the theme of Women's History Month has been "Women Sustaining the American Spirit." To celebrate this month, I would like to honor four of the numerous women from Wisconsin's history that have sustained the American spirit.

First, I would like to recognize Ada Deer. Ms. Deer, a Native American activist, was born in Keshena, Wisconsin. Nationally known as a social worker, scholar, teacher, and political leader, Ms. Deer was the first female Chair of the Menominee Nation and the first woman to serve as head of the Bureau of Indian Affairs. She continues her work today as a professor at the University of Wisconsin at Madison.

Next, I honor a woman if not well-known to my colleagues is certainly well-known to a lot of our children, Laura Ingalls Wilder. Ms. Wilder was born in a small town on the banks of the Mississippi, Pepin, Wisconsin, which is in my congressional district. Her early years in this area became the basis for her first book, "Little House in the Big Woods," written when she was 65 years old. This was the first of many successful books that comprised the "Little House" series, which is still read by many children today.

Belle Case LaFollette is another woman whose contributions to Wisconsin's history cannot be overstated. Though it was her husband, Fighting Bob LaFollette, who held office, Belle was a political force in her own right. Born in Juneau County, Wisconsin, she was the first female graduate of the University of Wisconsin Law School. Throughout her life she was a tireless advocate on behalf of women's rights and human rights in general.

Finally, I would like to highlight the work of Georgia O'Keefe, born in Sun Prairie, Wisconsin. Ms. O'Keefe was one of the first nationally recognized female American artists. After attending high school in Edgewood, Wisconsin, she studied in New York City, then left the city to become supervisor of art in the Amarillo, Texas, school system. It was in the natural floral landscapes of the Southwest that she discovered the subjects of her most famous paintings.

Each of these women has had an impact not only on Wisconsin's history, but also on the history of our Nation as a whole. Whether in art or literature, activism or teaching, they deserve our remembrance not only during the month of March but throughout the rest of the year as well.

THE BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. DAVIS) is recognized for 60 minutes as the designee of the minority leader.

Mr. DAVIS of Florida. Madam Speaker, tonight several of us are gathered to talk about the budget resolution we passed today, how we got to where we are, and where we need to go in order to protect our Nation's priorities.

I will start by yielding to the gentleman from Wisconsin (Mr. KIND), as soon as he is set up; but we also have joining us tonight the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget, to talk both about how we got to where we are, exactly what we believe the facts to be, because at a minimum the American public deserves to at least have the facts before we debate our different opinions about how we achieve the Nation's priorities; and then to talk a little bit at the conclusion about some of the solutions we have proposed that were rejected.

These solutions were not even allowed to be debated today on the floor of the House of Representatives. But we are confident they will be brought up in the Senate and, hopefully, will be part of a bipartisan solution, because we cannot achieve a solution in this body, working with the President and the Senate, unless it is truly bipartisan.

So at this time I yield to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Madam Speaker, I thank my colleague for yielding to me, and I want to thank him for his leadership on the Committee on the Budget. He has been actively involved in trying to shape bipartisan budget agreements, and his knowledge and insight on the subject is invaluable to the institution, and his leadership is appreciated; and I thank him for all his hard work.

Today, anyone tuning into the deliberations on the House floor probably witnessed one of the most important debates we could have in this session of Congress. It sets the terms of the budget for the rest of the year. And not just for this year, but for many years to come. The budget resolution, although nonbinding, establishes the parameters of where spending is going to occur and how we are going to pay for these budget priorities.

That is why the debate we had, I felt, was very important and very constructive, because it not only affects the Nation in the coming fiscal year, but it will affect our seniors who are currently in the Social Security and Medicare programs, the baby boomers, 77 million of whom are rapidly approaching that retirement age in just a few short years and will start entering some of these very important programs, and also the younger generation, our children and grandchildren, who will be asked to clean up, so to speak, the various mistakes that I feel we are making as a Nation and as a body in the budgets and the economic policies that are then pursued over the next couple of years.

□ 2045

Unfortunately, the budget resolution that was before us today was a budget resolution that only Enron could love. It was full of smoke and mirrors, gimmicks, sleight of hand, and deceit, not in the parameters of the budget resolution, but in how we were going to pay for it and what was going to be sacrificed in the course of the coming year and years based on the decisions that we will be making in the months to come.

Even though we have been debating 10-year budget plans with 10-year forecasts, the majority party decided to go with the 5-year. Perhaps they realized with the $2 trillion tax cut passed last year the effect of the explosion of tax cuts in the second 5 years of this decade and the tremendous impact it is going to have in creating annual structural deficits again.

They also used budget calculations from the OMB within the Bush administration, rather than the established CBO numbers that we have reached bipartisan agreement in using before in scoring all pieces of legislation, not just budget resolutions, but for obvious reasons, because the OMB numbers coming out of the administration are much more rosy and optimistic than what the CBO numbers show. The Director of the CBO is appointed by the majority party. Why they would reject their CBO numbers can only be explained from the fact that the numbers are based on more realistic economic growth scenarios and the impact of the policy decisions contained in the budget resolution.

Interesting enough, it was in 1995 when the Republicans came into the majority for the first time in a while that they shut the country down by demanding that the Clinton administration use Congressional Budget Office numbers rather than their own OMB numbers. A few years later, they flip-flopped on that issue out of political expedience. Medicare spending in the next decade, they are underestimating the true impact of Medicare costs.

Yogi Berra was fond of saying this is deja vu all over again. The budget resolution that we just debated is really a throwback to the economic policies and the budgets that were passed back in the 1980s and the first part of the 1990s. My constituents are surprised to learn when I tell them that the $7.5 trillion national debt that we now hold as a Nation, that 86 percent of that national debt was accumulated during the 1980s and early 1990s. So this large debt that we have outstanding already is a relatively recent phenomenon attributed to the policies that were pursued in the 1980s and the first part of the 1990s which led the country down the road of annual structural deficits, and using the money that is contained in the Social Security and Medicare trust fund for other measures.

Unfortunately, the budget that passed today, even after 1 year when virtually every Member of the House of Representatives is on record as saying we will not touch those trust fund monies, in fact, dips into those trust funds for other government expenditures.

Just to remind Members who voted for that budget resolution today what they said as recently as last year in regards to the sanctity of the trust fund, which I happen to agree with, and as a member of the New Democratic Coalition, we have been working hard to establish fiscal responsibility and keeping hands off these trust funds, realizing this demographic retirement boom is around the corner.

Last June the gentleman from Illinois (Mr. HASTERT) was on the floor stating, "I was very pleased today that the House passed the Social Security and Medicare Safe Deposit Box Act. This important legislation will protect every penny of the Social Security and Medicare surpluses. American workers deserve to know that these important programs will be there for them when they retire."

The budget resolution passed by the Speaker and his party pillages and raids the lockbox proposal that passed last year.

House majority whip, the gentleman from Texas (Mr. DELAY), again during last year's debate, "Trust must be put back into the Social Security Trust Fund. The Republican lockbox legislation locks away the entire Social Security surplus and prevents the funds from being spent on other government programs."

House majority leader, the gentleman from Texas (Mr. ARMEY), during last year's debate, "I think it is very important for us to remember that the first thing this Congress did was to continue to keep a firewall between our Social Security and our Medicare Trust Funds and the rest of the American budget so no dime's worth of Social Security or Medicare money will be spent on anything other than Social Security and Medicare."

Here we are today dipping heavily into those trust funds.

Finally, the House Committee on the Budget chairman, the gentleman from Iowa (Mr. NUSSLE), again last year, "This Congress will protect 100 percent of the Social Security and Medicare trust funds, period. No speculation, no supposition, no projections."

That is why many of us during the course of the debate were raising alarms in regard to the path which we are embarking upon with the budget resolution. But we were reminded by the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget, that we also need to maintain some fiscal discipline and not think about the next election or the next election cycle 3 years from now, but start thinking about the next generation. Our own ranking member, the gentleman from South Carolina (Mr. SPRATT), is quoted as saying during the context of last year's budget debate that set us on the course of these annual structure deficits, "Today I have one priority, one overriding objective, and it is simply this: To make sure that we do not backslide into the hole we just dug ourselves out of. That is my overriding objective, and that is why I have a problem with the Republican resolution, because it leaves so little room for error."

Madam Speaker, 1 year later we have seen how wrong that budget resolution was. There was no built in flexibility for a September 11, for an economic slowdown, and some of these other national emergencies that we must deal with, and hopefully deal with in the short term and get back on fiscal footing again.

What is different today that did not exist in the 1980s and 1990s is we no longer have the luxury of time. We could run some structural deficits during the 1980s and 1990s contributing to the $5.7 trillion in national debt because we had the rest of the 1990s to recover from that. Through the budgets that were passed in 1993 and 1997, it put us back onto a road of fiscal sanity. We were actually able to run budget surpluses in the last 4 years, wall off the Social Security and Medicare trust fund, use the surplus to download our national debt and put us on a firmer financial position to deal with the impending baby boom generation's retirement. We do not have that luxury today.

If we continued down that road that existed in the 1980s and first part of the 1990s, we will not have time to recover. This is not a debate about the baby boom retirement, this is a debate fundamentally about the future of my two little boys, Johnny and Matthew, who are 5 and 3. It is their generation that is going to be asked to clean up the fiscal mess that is being created in today's Congress, by postponing these long-term decisions, by dipping into these trust funds, placing IOUs that will have to be paid back virtually simultaneously when the IOUs with the rest of the national debt have to be paid back.

Madam Speaker, I do not think there is any fiscal possibility or way for them to do it when it is time for them to assume the reins of leadership in this country, for their generation to deal with the aging population, and this massive population that will be existing there drawing from the Social Security and Medicare programs for many years to come. This is really a generational argument that we are having.

Whether we are going to be thinking long term, thinking about the future of our children and grandchildren, helping them to be able to assume the leadership and make the policy decisions that they will be asked to make in the years to come, rather than continuing this black hole of fiscal irresponsibility and adding to their obligations and their burdens when they reach the age of responsibility.

Those are just a couple of issues that I wanted to raise here tonight with my colleagues. I think they are important for us to emphasize and talk about. I think it is important for the American people to tune in for this debate and weigh in to this debate. This is not about whether Democrats support the war against terrorism. We are united on that front. This is about how we can still do that and maintain fiscal discipline and the promises for our aging population, but also the promises we should be making to our children and to future generations.

On that front we are failing them miserably unless we can engage the administration on a budget summit which has been proposed by the leadership of our party, getting the President to the table in order to negotiate a bipartisan agreement of how we can turn this down and get back onto the road to fiscal solvency, walling off the trust fund monies, and downloading the national debt, because we still have time before this massive retirement boom begins to hit our country, which is the greatest fiscal challenge which the country will face for many years to come.

Mr. DAVIS of Florida. Madam Speaker, I yield to the gentleman from Texas (Mr. TURNER), a leader of the Blue Dogs, a paragon of fiscal responsibility among Democrats and Republicans, and a leader on budget issues since he arrived in Congress in 1997.

Mr. TURNER. Madam Speaker, I thank the gentleman for yielding. It is a pleasure to join my colleagues tonight on the House floor to talk about the debate that has been ongoing all day in this House regarding the budget resolution for the upcoming fiscal year.

For many of us it was a very difficult and disappointing day in this House, a day when 435 Members debated the future budget of our Nation, and by a margin of just 6 votes chose to abandon fiscal discipline to raid the Social Security trust fund and to cease the efforts that we have made for the last 4 years to balance the budget and pay down our debt.

The choice that we had before us on the floor today was very clear. We can go back to deficit spending, raid Social Security, increase our debt; or we could have chosen to continue down the path of fiscal responsibility, balancing our budget, saving Social Security, paying down debt.

The Republicans on the floor of this House today suggested that we are in war and that their budget was justified because we are in war. All of us in this House, every Member agrees completely that we must dedicate whatever funds are necessary to win the war against terrorism. No dollar should be spared in this effort.

But is it right to ask the young men and women in uniform who are fighting this war to also pay for it? That is the effect of what happened here on this floor today. Does the majority party believe that it is right to commit to spend whatever is necessary to fund this war without an equal commitment to pay for it? Does the majority party in this House really believe that calling on young men and women in uniform who are today, tonight, sacrificing for our Nation, risking their very lives, to also be the ones that will have to pay the debts that are created by this budget?

□ 2100

Does the majority party in this House really believe it is right to spend whatever is necessary to win the war on terrorism while at the same time telling those 18- and 19- and 20-year-old soldiers that they will be called on to pay for this war when they are in their prime income-earning years? In my humble judgment, that is not the true spirit of American patriotism.

Deficit spending, borrowing money from the Social Security trust fund to fight this war is not only fiscally irresponsible but it is morally reprehensible. It is an injustice to pass the cost of today's war on to the very generation that is tonight fighting this war. What father in any American family would choose to leave an inheritance to his children consisting of a pile of debts, a pile of bills? That is the choice the majority party made in this House today.

After 3 years of budget surpluses achieved by courageous votes of Members of previous Congresses, the majority today refused to face up to the fiscal realities of today. Just 1 year ago, the Congressional Budget Office projected that we would have 10 years of surpluses. This year, the Congressional Budget Office projected that we would show deficits for the next 10 years. At your house or mine, in your business or mine, that would prompt us to change course. But not in this House today. Instead, this House chose to go down the path of fiscal irresponsibility. Yes, it was a sad day for the American people in this House and on this floor this afternoon, because the majority decided it was okay to raid the Social Security trust fund to fund their budget.

On at least four occasions on the floor of this House since 1999, this body has voted overwhelmingly to protect the Social Security trust fund, to put it in what we call the lockbox, pledging never again to spend Social Security funds, the retirement fund of every American, to cover debts incurred in the rest of the budget. If any corporate officer in America raided the employees' retirement fund, they would be guilty of a felony and they would be locked up for a very long time. But here in Washington, after promising never to do it again, the Republican leadership has presented a budget that, without apology and without remedy, raids the Social Security trust fund and returns us to deficit spending and fiscal irresponsibility. This was the wrong choice for the future of America. I am pleased to be on this floor tonight with my colleagues who believe in fiscal responsibility, to stand up for balancing the budget, paying down the debt and protecting Social Security.

Mr. KIND. If the gentleman will yield, I just picked up on a very important issue that the gentleman raised this evening and, that is, who is ultimately paying for the increase in spending or for the tax relief that just passed last year. The gentleman talks about the young men and women who are serving our country now in harm's way overseas and we are blessed that we have such gifted and talented and dedicated individuals looking out after our liberties and our freedoms across the globe in this battle against terrorism. But someone ultimately pays. Unfortunately, while at the same time the majority party delivered tax relief for the most wealthy last year, they are asking to pay for that along with the spending increases in defense and in homeland security through FICA taxes, which we all know is the most regressive form of tax in the Nation, because it is working families, it is low-income working families who have to pay 100 percent of their obligation in FICA taxes to the treasury every year. Those FICA taxes are what goes into the Social Security and Medicare trust funds. So by raiding those trust funds, we are basically saying that we are going to be delivering tax relief to the Bill Gates and the Warren Buffets of this country while at the same time we are going to continue collecting these FICA taxes from hard-working families who, by the way, are the ones offering their young sons and daughters to fight this battle overseas and they are also being asked to shoulder a disproportionate burden, financial burden, in paying for all this stuff. I could not think of anything more inequitable, anything more unfair that we can do to these working families today than the type of economic policies that have been pursued. I thought that that was an important point that the gentleman raised this evening.

Mr. TURNER. The gentleman from Wisconsin is certainly accurate in his assessment, and I think what it comes down to is that in this Nation, at this time of war, all Americans need to recognize that it is not just those young men and women in uniform that are sacrificing for our Nation but all of us must be willing to do so, because our failure to do so does mean, as the gentleman suggests, that the very generation that is fighting this war will later be the generation that is called upon to pay for it.

Mr. DAVIS of Florida. Madam Speaker, I yield to the distinguished gentleman from North Carolina (Mr. PRICE), a senior member of the House Budget Committee.

Mr. PRICE of North Carolina. I thank the gentleman for yielding and for taking out this special order tonight to let us continue the budget debate that has gone on today and that is of such importance to the future of the American people.

Madam Speaker, it was only 10 months ago that we were hearing projections of $5.5 trillion worth of surpluses over the next 10 years in this country. What has happened since then is a fiscal reversal that I believe historians will tell us is unmatched in our history, where we have gone from a $5.5 trillion projected surplus to a projected surplus of essentially half a trillion dollars, and even that is probably an overestimate, because the budget numbers that our Republican friends are working with do not include lots of things that we know are probably going to have to be changed and that they are already advocating themselves. It is a sobering reality that we are dealing with. But instead of dealing with that reality and putting us on a path to improving our situation, the budget our Republican friends have put out here today and that the House has approved is, I am afraid, not only going to ratify the situation but actually deepen our difficulty.

The Social Security surplus is estimated to be about $1.2 trillion over the next 6 years. That was a surplus that we had hoped to not spend on other things but instead to apply to buying down the national debt and therefore preparing ourselves to meet Social Security's obligation in the next decade. But now that Social Security surplus is going to be spent under this Republican budget. Over 86 percent of that surplus is going to be spent.

This chart will illustrate the reality. Last year we were projecting a surplus in the non-Social Security portion of the budget of $100 billion in the near term and then well up into several hundred billion dollars later in the decade. Now, a year later, the Bush budget, passed by this House today, put forward by the Republican leadership, now shows that there not only is no non-Social Security surplus but that we are actually in deficit in the non-Social Security portion of the budget, and that means we will be borrowing from Social Security in order to meet our obligations.

Mr. DAVIS of Florida. Will the gentleman yield?

Mr. PRICE of North Carolina. I will be happy to yield.

Mr. DAVIS of Florida. It seems to me that it is important to understand how we got to where we are to avoid repeating history and going deeper into this hole. I know the Congressional Budget Office which is widely regarded as a nonpartisan, apolitical office analyzed what caused the reversal you have just referred to, how we went from surplus into deficit. Many people believe it is entirely based on the events of September 11 and the money that we understandably have spent and will continue to spend to deal with security at home and abroad.

But could the gentleman elaborate a little bit on what the Congressional Budget Office has explained is the cause of this sudden change from surplus to deficit?

Mr. PRICE of North Carolina. The Congressional Budget Office estimates that actually less than 10 percent of this reversal, less than 10 percent of the disappeared surplus, is related to the war on terrorism. Forty-three percent of it has to do with the President's tax cut, which our Republican friends shouted through last year with assurances that there was plenty of slack, plenty of running room, that we could do this safely and have a trillion left over. But 43 percent of that fiscal reversal has to do with that tax cut and less than 10 percent with the war on terrorism.

This chart will illustrate the situation. All legislation, including the war on terrorism, accounts for 17 percent and the war on terrorism is about half of that. These technical changes and economic changes have to do with the economic downturn and some of the additional costs in Medicare and Medicaid. It is not all any one factor. But the predominant factor is indeed last year's tax cut.

Mr. DAVIS of Florida. If the gentleman will further yield, as I recall there was a Democratic tax cut proposal last year that differed in the size from what was ultimately passed as the Republican tax cut and one of the reasons for that was the Democratic tax proposal also included a plan to more aggressively pay down the massive Federal debt and also built in a cushion to be more conservative, is that correct?

Mr. PRICE of North Carolina. Absolutely. The gentleman is correct. A year ago we were debating Republican and Democratic budget alternatives. The Republican alternative left no margin for error. It basically said let us take the surplus and spend it on a tax cut and let us risk going into the Social Security surplus. The Democratic plan was far more balanced. We also proposed a tax cut, a tax cut that was aimed at estate tax relief, aimed at putting money in families' pockets who most needed it. That was a proposal that I think could have gotten widespread support. But our Republican friends insisted on going way beyond that. We also had built in a disciplined, systematic program of debt reduction, of buying down the national debt. We also provided for some needed investments in defense, in prescription drug coverage under Medicare, and other pressing national priorities. Most of the American people, I think, agreed that this was a more balanced approach and one that left a greater margin for error in case the economy did not perform as we hoped. Now we know in reprospect that our plan would have been far superior and would have avoided this fiscal turnaround that we have now seen.

Mr. KIND. The gentleman has talked about debt reduction, our plan for debt reduction. Obviously during the course of the debate today and also last year, the Republican majority talked about the merits of tax relief and how it could theoretically stimulate the economy, generate more revenues and encourage more growth. They truly believe that. I understand their argument. Could the gentleman explain to us a little bit about the merits of debt reduction and the fiscal reasons for that and the type of economic benefit that that could bring for the Nation.

Mr. PRICE of North Carolina. I thank the gentleman. That is an extremely important point. It is very disappointing to realize that now for 3 years we have been actually buying down the national debt. We have reduced the publicly held debt by something like $400 billion. That has strengthened our country, strengthened our economy, and made us pay less interest each year on that debt service. Why do we want to reduce the debt? Because it is a huge drag on this economy to owe $3.5 trillion in externally held debt. The debt service alone on that burden is $200 billion a year. Any one of our constituents could think of more productive public and private investments. That is simply money down the rathole; $200 billion a year in interest payments. I think the greatest problem is the burden this represents for future generations, particularly at precisely the time when the baby boomers are going to be retiring. These surpluses we are running in Social Security are not going to last forever. Baby boomers are going to start retiring in about 6 or 8 more years and then around 2015 or 2016, all of a sudden we are going to be putting out more money in Social Security benefits than we are taking in in Social Security revenues. What do we have to do at that point? We have to start cashing out those bonds that the Social Security trust fund has been holding all these years. The best single way we could prepare for that obligation is to reduce that publicly held debt, so that we are no longer laboring under that burden, no longer putting out $200 billion worth of interest each year. But I am afraid the situation has precisely been reversed and this budget today that we have been discussing foresees and, in fact, facilitates a huge turnaround in our debt situation.

Mr. KIND. If the gentleman will yield further, I am always interested in listening to Chairman Greenspan when he testifies before our various committees, in the Committee on the Budget, for instance. He is always explaining to us such inherent positive features of debt reduction, not the least of which is the impact on long-term interest rates which can be a hidden tax relief. By keeping debt reduction in check and reducing it will have the beneficial effect of reducing long-term interest rates, making it cheaper for businesses to borrow money, to invest in capital, to create jobs and to hire more people working, making it cheaper for people to afford car payments and home payments and student loan payments and credit card payments. To them, at the Federal Reserve, whether it is Chairman Greenspan, Chairman Volcker before him, the real key to a lot of economic stimulation and growth in the country is what happens with long-term rates.

□ 2115

Through increase in debt and deficits, we have raised those long-term rates because of the reaction from the bond market and financial markets. By maintaining fiscal discipline and reducing our debt burden, it enables those financial markets to reduce the long-term interest rate burden that all working families and all businesses have to confront with.

Mr. PRICE of North Carolina. I think the gentleman is absolutely right. Even before the tragic events of September 11, it was clear that the fiscal policies of our Republican friends and of the Bush Administration were being read by the markets in ways that simply were keeping those long-term interest rates up and were showing that the fiscal projections did not have much credibility. Of course, with this budget we passed today, that problem has been compounded.

A year ago we were looking at essentially paying off the publicly held debt by around 2008 and being in a far stronger position in this country to do what we need to do, most particularly to meet our obligation to Medicare and to Social Security. Now, unfortunately, we are looking at $3 trillion debt levels, an accumulation of $4 trillion more in debt, for as far as the eye can see. This is an enormous fiscal turn around, and if you doubt it has some effect on our yearly bottom line, this chart should illuminate that impact.

Mr. DAVIS of Florida. Madam Speaker, I would like to further elaborate that just a couple of years ago that interest payment figure the gentleman cited was closer to $225 billion, and, just to put that in context for the folks at home, that was almost as much as we spent on Medicare for the entire country for that year.

The good news was we were starting to reduce that interest payment, but now, as I think your chart points out, we are going to actually start borrowing more money again, driving up that interest payment, wasting money and potentially jeopardizing these historically low interest rates that consumers have been enjoying, as the gentleman from Wisconsin (Mr. KIND) has said.

Mr. PRICE of North Carolina. The gentleman from Wisconsin (Mr. KIND) is absolutely right about the threat to the long-term interest situation, and the gentleman from Florida is right about the implication of this kind of debt service, burdening us down each year.

I think the year the gentleman is referring to, the interest payments were actually more than Medicare. As I recall, interest payments were the third largest item in the whole Federal budget, surpassed only by Social Security and by the defense budget.

Mr. SPRATT. If the gentleman will yield, last year, as you well know, we were literally having a debate about how fast we could pay off the Treasury debt held by the public, which is a little less than $3.5 trillion. Republicans were trying to tell us we were providing too much, more than could actually be purchased and bought back.

Now what we see from CBO, this is the Congressional Budget Office's analysis of the President's budget dated March 6, the debt held by the public not only has not gone down, it is actually going up. In 2001, at year's end, the total debt outstanding owed to the public was $3.3 trillion. In 2006, 5 years from then, the debt held by the public will be $3.6 trillion. It will actually go up $300 billion.

Our Republican friends took to the well today and touted the fact that some $300 billion or $400 billion in national debt had been paid off. It was. It was paid off during the Clinton administration, as we got rid of the deficit and put the budget in surplus. But our objective last year was nothing less than to get that debt paid to a very, very low level, a negligible level, so when the baby-boomers retired Treasury would not be burdened with this external debt owed to the public and they could meet the obligations owed to the Social Security trust fund.

Instead we see, looking at these numbers that CBO gave us just a week or two ago, in 2008, when the baby-boomers begin to retire, we will have outstanding debt owed to the public by the Treasury $3.479 trillion, which is about $150 billion more than at the end of 2001. We will not have made any progress at all on the problem. That is such a radical reversal from where we were last year.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman. In the meantime, of course, we will have sunk hundreds of billions of dollars into interest payments, which could have financed, for example, prescription drug coverage under Medicare about three times over, could have rebuilt our crumbling schools, shored up our infrastructure, could have done so many things for our country.

Sometimes these numbers just seem beyond comprehension, but these national debt numbers are not just abstract numbers. They are a yearly drain on this country's resources which, unfortunately, this budget approved here today will only increase the problem.

Mr. SPRATT. If I could go back to what we were discussing a minute ago, Chairman Greenspan, about 2 or 3 years ago when we first began to see daylight, we began to see the budget pull completely out of deficit and into surplus without counting the surplus in Social Security and Medicare, we were able to discern that on the horizon, Chairman Greenspan came to our Democratic Committee on the Budget caucus over in the Library of Congress and spoke to us behind closed doors, off the record.

He said, look, the Fed can get short-term interest rates down, but only you, with fiscal policy, can really bring long-term rates down, and the way you do it is exactly the way what is unfolding right now. If you can convince the financial markets that you are going to retire $3.5 trillion of Treasury debt, then that will mean the Federal Government will not be in the markets crowding out private borrowers, driving up interest rates. Instead, for every dollar you pay off, it will be a dollar added to net national saving, and over time it will drive down interest rates, boost the economy and bring that long-term rate down.

That in itself, if we could have accomplished it, would have been a long step towards ensuring the solvency of Social Security. That was why it was so critically important. This is not some obtuse debate of whether or not it is better to have less or more debt. It is an absolutely essential element towards making Social Security solvent for the long run.

Mr. PRICE of North Carolina. The gentleman is absolutely correct. We need to be systematically and in a disciplined way paying down that debt, and in these fortunate years where the Social Security trust fund is running a surplus, that is exactly the way that surplus should be applied; not for tax cuts, not for new spending, but for debt reduction and for the strengthening of the future of Social Security. That is the path we were on, that is the path we have been now knocked off of.

We all know that we have to do some extraordinary things at this time of national crisis, and you will find no disagreement here today about that, about the need to prosecute this antiterrorism offensive, about the need to shore up our homeland defenses. But the entire fiscal solvency of the country cannot be wrapped up in the antiterrorism offensive. We need to do this and to do it well and to do it right, but we need not to do it at the expense of our country's long-term fiscal strength and fiscal solvency. And that is the debate I am afraid our Republican friends have failed today, as they have projected actually a 5 year budget. They have gone from 10 to 5 year numbers to make it look better, but the fact is our long-term budget prospects are being sacrificed.

Mr. DAVIS of Florida. If I could inquire further of the ranking Democrat on the Committee on the Budget, the biggest fear I have with what happened today is that we have failed to adopt a credible blueprint.

The budget resolution is supposed to be our blueprint. For those of us elected to Congress because we extolled the virtues of the balanced budget and paying down the debt because it was the right thing to do for our children and grandchildren and contributed to lower interest rates and helped preserve Medicare and Social Security, we measure every act we take here, whether it is a tax cut or spending proposal, by how it affects our ability to have a balanced budget and pay down the debt.

Having adopted a budget resolution today which I think clearly fails the test of being an honest yardstick as we go forward, I would say to the gentleman from South Carolina (Mr. SPRATT), I am terribly concerned as we start to debate spending proposals and tax cut proposals over here, we are not going to know where we are in relation to whether it is driving us further into deficit and how we are going to get into it.

Does the gentleman have that fear?

Mr. SPRATT. I will show the gentleman the disparity between the budget on the floor today and the President's budget, and the reason we said this budget we are voting on today is not a real budget.

When the President sent up his budget, he asked for $675 billion in additional tax cuts, on top of the $1.35 trillion cut last year; another $675 billion. Some of it is for things that are going to come up, extenders, that are expiring tax provisions that are very popular and we will all vote for them. The research and experimentation tax credit is a good example. When it expires we will renew it. This budget today provided only $28.8 billion, an allowance of just under $30 billion, versus the President's request for $675 billion. What is the right number?

One of the biggest issues of all is what happens to last year's tax cuts. Passed last June, by agreement with the Senators who voted for it that made up the majority, the amount of revenue reduction was limited to $1.35 trillion. To shoe horn that into the budget, it was phased in over time, and then in the year 2010 everything that was phased in would suddenly become a pumpkin, it would expire, we know that is not going to happen.

Nevertheless, when we got this 5 year budget, they limited it to 5 years because that precluded them from having to deal with the decision, what happens if you make this tax cut permanent? It has a huge effect on revenues and a backwash effect at the present time.

CBO says the impact on revenues from making that permanent is an additional $659 billion, that much less revenue, $659 billion. Our Republican colleagues on the committee, when asked, said no, we have not made a decision about that. This budget makes no implication.

The next day the Speaker said, absolutely, the repealer, sunsetting that tax bill, will be rescinded. It will not stand. Reporters put the same question to Ari Fleischer at the White House. He said unequivocally, it will be repealed.

That is a $659 billion item. You should reduce your revenues in this budget by that amount and ought to have an honest budget. Not a single penny of that tax policy is reflected anywhere in this 5 year budget. That is why we said this is not a real budget. This is the tip of an iceberg. We are not dealing with reality here.

Mr. PRICE of North Carolina. If I could inquire further of our ranking member, is there any provision in this budget for emergency spending?

Mr. SPRATT. None at all, even though we know from historic experience it averages about $6 billion a year. Let me give credit to our chairman, the gentleman from Iowa (Mr. NUSSLE). Last year he wanted to baseline that amount of money. He wanted to take the historic average and put it in the budget every year so we would not have a supplemental that would add it in later. The appropriators and some others did not like that idea, and he ultimately lost and he simply dropped it this year. But you may as well get ready, it will be there. We will have to spend that amount of money. You will have to add it to the bottom line.

Mr. PRICE of North Carolina. Is there any provision for the supplemental appropriations bill that we know will be before us in a few weeks?

Mr. SPRATT. None at all.

Mr. PRICE of North Carolina. Is there any provision for altering the Alternative Minimum Tax so millions of Americans don't bump up against that?

Mr. SPRATT. We know that 1.7 million taxpayers last year had to deal with the AMT, the Alternative Minimum Tax. We know from the Treasury Department over the next 10 years that number will grow to 39 million taxpayers, mostly middle income Americans. The gentleman was here when that bill passed. I was here. It was not intended for middle income Americans. It was intended for upper bracket taxpayers.

Consequently, when they find out that deductions and credits and preferences that we promised them in the Tax Code are not fully available because of this thing called the AMT, they are not going to like it. They will be numerous, rising to 39 million taxpayers.

I am sure we will eventually relent and have to modify that and should modify the AMT. But every time we bring it up and say you have to factor this in to the future planning for revenues, sooner or later we have to do something about the AMT, it gets shoved forward, gets ignored.

That is another element that was simply omitted in the consideration of this budget and a reason we said this is not a real budget. This is not everything that has to be captured and taken into account.

Mr. PRICE of North Carolina. So as bad as these figures look, about the disappeared surplus from $5.5 trillion to $0.5 trillion, that is actually an optimistic view.

Mr. SPRATT. It could very well be worse. There are several things to bear in mind: The surpluses come from a projected, estimated $5.6 trillion. That includes Social Security, all the way to $0.6 trillion. From $5.6 trillion to $0.5 trillion; $661 billion if we implement the President's budget as he sent it up. That is his number. That is their estimate.

However, the President assumes that Medicare will grow at a rate of growth that is $225 billion less than CBO assumes. The President assumes that revenues will be $110 billion higher than CBO assumes. The President assumes that discretionary spending can be held to about $200 billion non-defense discretionary spending, held about 10 percent below the rate of inflation over the next 10 years.

□ 2130

That is probably doable, but it has not been done before, and it is doubtful.

Add all those things together, and that .6 is gone, too. If they are wrong about those three assumptions, we wipe out what is left of any kind of surplus, which means we have fully consumed the Social Security surplus, because that is what it is, the Social Security.

Mr. DAVIS of Florida. Madam Speaker, I think the gentleman from South Carolina (Mr. SPRATT) has referred to probably one of the most devastating aspects of the budget resolution, and that is the Medicare feature.

As the gentleman has mentioned, if we were to have used the true set of numbers that have been relied upon for years, roughly the amount of money available to spend on Medicare would be about $100 billion less than is projected today in the Republican budget resolution.

Mr. SPRATT. Two hundred twenty-five billion dollars less. That is the difference between CBO and OMB. CBO says it will be $225 billion higher than OMB estimates. OMB is estimating a very low percentage rate of growth, 4.5 percent in the next couple of years, which is a dramatic departure with the last several years.

Let us hope it happens, but I doubt that it will.

Mr. DAVIS of Florida. Madam Speaker, I ask the gentleman, where does that leave us on two critical challenges we face: first, assuring there is a reasonable and fair rate of reimbursement to doctors and hospitals in rural areas and overcrowded other hospitals; and how do we begin to credibly fund a Medicare prescription drug benefit, given those numbers?

Mr. SPRATT. If the gentleman will continue to yield, what the Republicans have done in this budget is set up a reserve account. In that reserve account, they have put $89 billion to take care of provider payment adjustments, hospitals, doctors, home health care.

We have an agency called MEDPAC which advises Congress on the Medicare and Medicaid programs, and in particular, on reimbursement rates that are paid providers. They have recommended in all cases increases, and in some cases they have indicated that, for example, the physician reimbursement formula is flawed and needs to be adjusted upward because it has understated what they are entitled to.

In any event, the total of their recommendations over 10 years comes to $174 billion. That is half the amount of money that the Republicans have put in this reserve fund over 10 years.

That has to come out of the provision for Medicare prescription drugs, because what they have done is put in one pot the sum of money that will pay for Medicare prescription drugs and provider payment adjustments, and the provider payment adjustments could eat up half the amount of money and leave very little left over for Medicare prescription drugs.

But then what happens if CBO is right and OMB is wrong? Then we have to take $225 billion from $150 billion and we only have the remainder, $125 billion to pay the providers, who are seeking $175 billion, and to pay for Medicare prescription drugs. It is obviously ludicrously inadequate.

Yet, they touted the prescription drug program repeatedly here on the floor, without telling everybody who is going to be a prescription drug beneficiary, or hopes to be, they are going to be in competition for the providers for the little bit of money that is left in that account.

Over 5 years, if CBO's Medicare estimate is right, there is less than $40 billion over 5 years, spread over 5 years, 40 million people, to pay for prescription drugs. We cannot do it.

Mr. PRICE of North Carolina. Madam Speaker, I thank the gentleman from Florida (Mr. DAVIS) again for taking out these special orders and allowing us to explore these issues in more depth in a way that the 1-minute sound bites on the House floor do not permit.

It is a real service, and I am grateful for being able to participate in it.

Mr. DAVIS of Florida. I would just like to close by saying we have attempted tonight to identify in what we believe to be a credible way the problems facing this Congress, Madam Speaker.

Earlier today we had the debate on beginning to talk about the solutions. One of the solutions that were proposed by a number of us that we hope the Senate will take up on a bipartisan basis is a trigger which would force the Congress to confront the painful fact that we are going deeper into deficit spending, and that once we do manage to get control of this war on terrorism and we pull out of the recession, that the Congress would be forced to develop a 5-year plan to balance the budget, to begin to use an honest set of numbers so we can again begin to prepare for the Social Security and Medicare, for the retirement of the baby boomers, to credibly talk about how we fund a prescription drug benefit for Medicare, and to get back to paying down the debt, reducing our interest payments as a Federal Government, and contributing to lower interest rates for consumers at home.

Madam Speaker, that concludes our presentation tonight.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHADEGG (at the request of Mr. ARMEY) for today until 1:00 p.m. on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KIND) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. RODRIGUEZ, for 5 minutes, today.

Ms. SCHAKOWSKY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. LAMPSON, for 5 minutes, today.

Mr. KIND, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KERNS, for 5 minutes, today.

Mr. GOSS, for 5 minutes, today.

Mr. ROHRABACHER, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, today.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 2739. An act to amend Public Law 107-10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

ADJOURNMENT

Mr. DAVIS of Florida. Madam Speaker, pursuant to House Concurrent Resolution 360, 107th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, March 22, 2002, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 360, in which case the House shall stand adjourned until 2 p.m. on Tuesday, April 9, 2002, pursuant to that concurrent resolution.

Thereupon (at 9 o'clock and 35 minutes p.m.), the House adjourned until 2 p.m. on Tuesday, April 9, 2002, pursuant to House Concurrent Resolution 360, or under the previous order of the House if not sooner in receipt of a message from the Senate transmitting its concurrence in House Concurrent Resolution 360.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

5973. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Isoxadifen-ethyl; Pesticide Tolerance [OPP–301224; FRL–6628–5] (RIN: 2070–AB78) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

5974. A letter from the Deputy Secretary, Department of Defense, transmitting a report on the retirement of Lieutenant General Thomas J. Keck, United States Air Force, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

5975. A letter from the Director, FinCEN, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Special Information Sharing Procedures to Deter Money Laundering and Terrorist Activity (RIN: 1506–AA26) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

5976. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 to assess certain annual lease fees; to the Committee on Energy and Commerce.

5977. A letter from the General Counsel, Department of Commerce, transmitting a draft bill to amend the Communications Act of 1934 and the Miscellaneous Appropriations Act, 2000, to provide certainty regarding the availability of spectrum for use by new licensees in upcoming auctions; to the Committee on Energy and Commerce.

5978. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicaid Program; Modification of the Medicaid Upper Payment Limit for Non-State Government-Owned or Operated Hospitals: Delay of Effective Date [CMS–2134–N] (RIN: 0938–AL05) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5979. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Finding of Failure to submit a Required State Implementation Plan for Particulate Matter, California—San Joaquin Valley [CA073–FON; FRL–7157–9] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5980. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Perfluoroalkyl Sulfonates; Significant New Use Rule [OPPTS–50639D; FRL–6823–6] (RIN: 2070–AD43) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5981. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitues; Correction [FRL–7160–3] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5982. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Outer Continental Shelf Air Regulations Consistency Update for Alaska [Alaska 001; FRL–7158–2] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5983. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Uses of Certain Chemical Substances [OPPTS–50642A; FRL–6819–5] (RIN: 2070–AB27) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5984. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Modification of Significant New Uses of Certain Chemical Substances [OPPTS–50644A; FRL–6817–8] (RIN: 2070–AB27) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5985. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Designations of Areas for Air Quality Planning Purposes; State of Nevada; Technical Correction [NV 074–CORR; FRL–7159–6] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5986. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Operating Permit Program; State of Iowa [IA 150–1150; FRL–7158–6] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5987. A letter from the Chairman (FCC) and Assistant Secretary (NTIA), Federal Communications Commission and the National Telecommunications and Information transmitting a report entitled, "Alternative Frequencies For Use By Public Safety Systems" submitted in accordance with Section 1705 of the Floyd D. Spence National Defense Authorization Act For FY 2001; to the Committee on Energy and Commerce.

5988. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: Standardized NUHOMS–24P, –52B, and –61BT Revision (RIN: 3150–AG88) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

5989. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Spain for defense articles and services (Transmittal No. 02–14), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

5990. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 159–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5991. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 166–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5992. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 118–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5993. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 165–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5994. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 175–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5995. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 169–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5996. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 176–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles to India [Transmittal No. DTC 177–01], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

5998. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certifications and waivers and their justification under section 565(b) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel and of the prohibition against contracting with firms that discriminate in the award of subcontracts on the basis of religion, pursuant to Public Law 103–236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

5999. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

6000. A letter from the Program Manager, Department of the Treasury, transmitting the Department's final rule—Importation of Surplus Military Curio or Relic Firearms—received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6001. A letter from the President and Chief Executive Officer, Overseas Private Investment Corporation, transmitting a report on actions to establish a council to promote greater investment in sub-Saharan Africa; to the Committee on International Relations.

6002. A letter from the Executive Director, Broadcasting Board of Governors, transmitting the semiannual report of the Office of Inspector General covering the period April 1 through September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6003. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6004. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6005. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6006. A letter from the Special Assistant, White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6007. A letter from the White House Liaison, Department of Justice, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6008. A letter from the Acting Inspector General, Selective Service System, transmitting a report in accordance with the Inspector General Act of 1978, as amended, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6009. A letter from the Acting Associate Deputy Administrator for Management and Administration, Small Business Administration, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6010. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule—Independent Expenditure Reporting [Notice 2002-3] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

6011. A letter from the Assistant Director/General Counsel, Department of Justice, transmitting the Department's final rule—Inmate Financial Responsibility Program: Spending Limitations [BOP-1050-F] (RIN: 1120-AA49) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6012. A letter from the Executive Officer, Civil Division, Department of Justice, transmitting the Department's "Major" final rule—September 11th Victim Compensation Fund of 2001 (RIN: 1105-AA79) received March 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6013. A letter from the Assistant Director, General Counsel, Federal Bureau of Prisons, transmitting the Bureau's final rule—Inmate Personel Property [BOP-1051-F] (RIN: 1120-AA46) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6014. A letter from the Staff Director, United States Commission On Civil Rights, transmitting the list of state advisory committees recently rechartered by the Commission; to the Committee on the Judiciary.

6015. A letter from the Senior Attorney, Department of the Treasury, transmitting the Department's final rule—Payment of Federal Taxes and the Treasury Tax and Loan Program (RIN: 1510-AA79) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6016. A letter from the Chief, Regulations Division, ATF, Department of the Treasury, transmitting the Department's final rule—Addition of New Grape Variety Names for American Wines (2000R-370P) [T.D. ATF-466; Re: Notice No. 915] (RIN: 1512-AC26) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6017. A letter from the Chief, Regulations Division Bureau, ATF, Department of the Treasury, transmitting the Department's final rule—Implementation of Public Law 106-544 for Certain Amendments Related to Balanced Budget Act of 1997 (2001R-9OT) [T.D. ATF-467] (RIN: 1512-AC55) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6018. A letter from the Secretary (DOT) and Chairmans, Federal Reserve System, Department of Treasury, Commodity Futures Trading Comm., Securities and Exchange Comm., transmitting a report entitled, "Joint Report on Retail Swaps" as required by Section 105(c) of the Commodity Futures Modernization Act of 2000; jointly to the Committees on Financial Services and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on Ways and Means. H.R. 3669. A bill to amend the Internal Revenue Code of 1986 to empower employees to control their retirement savings accounts through new diversification rights, new disclosure requirements, and new tax incentives for retirement education; with an amendment (Rept. 107-382 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 3669. Referral to the Committee on Education and the Workforce extended for a period ending not later than April 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ISSA (for himself, Mr. PENCE, Mr. BARR of Georgia, Mr. KELLER, Ms. HART, Mr. DOOLITTLE, Mr. GARY G. MILLER of California, Mr. HUNTER, and Mr. FLAKE):

H.R. 4009. A bill to increase the authority of the Attorney General to remove, suspend, and impose other disciplinary actions on, employees of the Immigration and Naturalization Service; to the Committee on the Judiciary, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WELDON of Florida:

H.R. 4010. A bill to provide for a temporary moratorium on visas for certain aliens, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY of New York (for herself, Mrs. MORELLA, Mr. LANGEVIN, and Mr. EVANS):

H.R. 4011. A bill to establish the Stem Cell Research Board to conduct research on the effects of the President's August 9, 2001, stem cell research directive, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 4012. A bill to amend the Communications Act of 1934 to foster the deployment of wireless telecommunications services to consumers in rural areas; to the Committee on Energy and Commerce.

By Mr. SHIMKUS (for himself, Mr. WAXMAN, Mr. FOLEY, Mr. BROWN of Ohio, Mrs. ROUKEMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGELL):

H.R. 4013. A bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FOLEY (for himself, Mr. WAXMAN, Mr. SHIMKUS, Mr. BROWN of Ohio, Mrs. ROUKEMA, Mr. RUSH, Mr. KING, Mr. GREENWOOD, and Mr. DINGELL):

H.R. 4014. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the development of products for rare diseases; to the Committee on Energy and Commerce.

By Mr. SIMPSON (for himself, Mr. REYES, Mr. SMITH of New Jersey, Mr. EVANS, Mr. QUINN, and Mr. SHOWS):

H.R. 4015. A bill to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. MICA (for himself and Mr. YOUNG of Alaska):

H.R. 4016. A bill to amend title 49, United States Code, to extend the time during which air carrier liability for third party damages as a result of a terrorist attack may be limited, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. EVANS (for himself, Mr. REYES, Mrs. DAVIS of California, Mr. DINGELL, Mr. UNDERWOOD, Mr. PASTOR, Mr. MEEHAN, Mr. MALONEY of Connecticut, Mr. ANDREWS, Ms. MCKINNEY, Mr. COSTELLO, and Ms. CARSON of Indiana):

H.R. 4017. A bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to treat as military service under that Act certain National Guard duty under a call to active service for a period of 30 consecutive days or more; to the Committee on Veterans' Affairs.

By Mr. EVANS (for himself, Mr. REYES, Mr. GUTIERREZ, Ms. BROWN of Florida, Ms. BERKLEY, Mr. LYNCH, Mr. UDALL of New Mexico, Mr. PASCRELL, and Ms. CARSON of Indiana):

H.R. 4018. A bill to amend title 38, United States Code, to make improvements in judicial review of administrative decisions of the

Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. WELLER (for himself, Mr. Barcia, Ms. Dunn, Mr. Istook, Mr. Shays, Mr. Ehrlich, Mr. Shimkus, Mr. Goodlatte, Mrs. Capito, Mr. Kerns, and Mr. Gekas):

H.R. 4019. A bill to provide that the marriage penalty relief provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall be permanent; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. Upton, Mr. Rogers of Michigan, Mr. Gibbons, Mr. Gekas, and Mr. Sensenbrenner):

H.R. 4020. A bill to amend the Internal Revenue Code of 1986 to permanently extend the bonus depreciation available under the Job Creation and Worker Assistance Act of 2002; to the Committee on Ways and Means.

By Mr. ALLEN (for himself, Mr. Baldacci, Mr. Barrett, Ms. Carson of Indiana, Mr. Cummings, Mr. Conyers, Mr. Frost, Mr. Langevin, and Mr. Shows):

H.R. 4021. A bill to provide incentives to States to apply for section 1115 waivers to use Federal funds to provide for affordable employer-based health insurance coverage for the uninsured workers of small businesses in the State; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MATSUI (for himself, Mr. Gephardt, Ms. Pelosi, and Mr. Rangel):

H.R. 4022. A bill to enact into law Reform Model 1 as set forth in the report of the President's Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. Gephardt, Ms. Pelosi, and Mr. Rangel):

H.R. 4023. A bill to enact into law Reform Model 2 as set forth in the report of the President's Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. MATSUI (for himself, Mr. Gephardt, Ms. Pelosi, and Mr. Rangel):

H.R. 4024. A bill to enact into law Reform Model 3 as set forth in the report of the President's Commission to Strengthen Social Security; to the Committee on Ways and Means.

By Mr. WELDON of Florida (for himself, Mr. John, and Mr. Matsui):

H.R. 4025. A bill to establish a Federal program to provide reinsurance to improve the availability of homeowners' insurance; to the Committee on Financial Services.

By Mr. BARTLETT of Maryland:

H.R. 4026. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself, Mr. Bereuter, Mr. Boswell, Mr. Calvert, Mr. Cannon, Mr. Carson of Oklahoma, Mr. Cramer, Mr. Dicks, Mr. Dooley of California, Ms. Dunn, Mr. Farr of California, Mr. Inslee, Mr. Larsen of Washington, Mr. Ose, Mr. Smith of Washington, and Mrs. Wilson of New Mexico):

H.R. 4027. A bill to provide grants for law enforcement training and equipment to combat methamphetamine labs; to the Committee on the Judiciary.

By Mr. BOOZMAN (for himself, Mr. Snyder, Mr. Berry, and Mr. Ross):

H.R. 4028. A bill to designate the United States courthouse located at 600 West Capitol Avenue in Little Rock, Arkansas, as the "Richard S. Arnold United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. BRADY of Texas:

H.R. 4029. A bill to direct the Director of the Federal Emergency Management Agency to establish and operate a university-affiliated national integrative center that brings together a broad range of expertise to address the needs of homeland security; to the Committee on Transportation and Infrastructure.

By Mr. CAMP:

H.R. 4030. A bill to amend titles XVIII and XIX of the Social Security Act with respect to reform of Federal survey and certification process of nursing facilities under the Medicare and Medicaid programs; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANNON (for himself, Mr. Hansen, and Mr. Matheson):

H.R. 4031. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Resources.

By Mrs. CAPPS (for herself, Mr. LaTourette, Mr. Waxman, and Mr. Greenwood):

H.R. 4032. A bill to amend titles V and XIX of the Social Security Act and chapter 89 of title 5, United States Code, to provide coverage for domestic violence screening and treatment under the maternal and child health block grant program, the Medicaid Program, and the Federal employees health benefits program; to the Committee on Energy and Commerce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAPUANO (for himself and Mrs. Morella):

H.R. 4033. A bill to provide affordable housing opportunities for families that are headed by grandparents and other relatives of children; to the Committee on Financial Services.

By Mr. CONYERS (for himself, Ms. Lofgren, Ms. Waters, Ms. DeGette, Ms. Brown of Florida, Ms. Lee, Ms. Kilpatrick, Ms. Schakowsky, Mr. Frank, Mr. Berman, Mr. Nadler, Mr. Delahunt, Mr. Wexler, Mr. Meehan, Mr. Jackson of Illinois, Mr. Davis of Illinois, Mr. Clay, Mr. Cummings, Mr. Hastings of Florida, Mr. Weiner, Mr. Crowley, Mr. Markey, Mr. Ackerman, and Mr. Andrews):

H.R. 4034. A bill to extend Brady background checks to gun shows, and for other purposes; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. Kucinich, Mr. Scott, and Mr. Delahunt):

H.R. 4035. A bill to authorize the President to establish military tribunals to try the terrorists responsible for the September 11, 2001 attacks against the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. Evans, Mr. Reyes, and Ms. Brown of Florida):

H.R. 4036. A bill to amend title 38, United States Code, to allow the payment of veterans' benefits in all hospitalization and convalescent claims to begin effective the first day of the month in which hospitalization or treatment begins; to the Committee on Veterans' Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. Berman, Mr. Cannon, Mr. Moran of Virginia, Mr. Diaz-Balart, and Ms. Roybal-Allard):

H.R. 4037. A bill to amend the Nicaraguan Adjustment and Central American Relief Act to identify and register certain Central Americans residing in the United States; to the Committee on the Judiciary.

By Mr. DeFAZIO (for himself, Mr. Filner, Ms. McKinney, Mr. Sanders, Mr. Kucinich, and Mr. Lipinski):

H.R. 4038. A bill to establish a Securities and Derivatives Oversight Commission in order to combine the functions of the Commodity Futures Trading Commission and the Securities and Exchange Commission in a single independent regulatory commission, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DOYLE (for himself, Mr. Allen, Mr. Berman, Mr. Blumenauer, Mr. Bonior, Ms. Brown of Florida, Mr. Capuano, Mr. Costello, Mr. Cummings, Mr. DeFazio, Mr. English, Mr. Farr of California, Mr. Hinchey, Mr. Kildee, Mr. Kleczka, Mr. Kucinich, Ms. Jackson-Lee of Texas, Mr. Lynch, Mr. McGovern, Ms. McKinney, Mr. George Miller of California, Mr. Moran of Virginia, Mr. Neal of Massachusetts, Mr. Pallone, Ms. Rivers, Mr. Rothman, Mr. Saxton, Mr. Shays, Mr. Smith of New Jersey, Mr. Stark, Mr. Udall of Colorado, Mr. Wexler, and Ms. Woolsey):

H.R. 4039. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. EDWARDS:

H.R. 4040. A bill to provide for the conveyance of land at Fort Hood, Texas, to facilitate the establishment of a State-run cemetery for veterans; to the Committee on Armed Services.

By Mr. ETHERIDGE:

H.R. 4041. A bill to suspend temporarily the duty on glufosinate-ammonium; to the Committee on Ways and Means.

By Mr. EVANS (for himself, Ms. Carson of Indiana, Mr. Tom Davis of Virginia, and Mr. Simpson):

H.R. 4042. A bill to amend title 38, United States Code, to prohibit additional daily interest charges following prepayment in full of housing loans guaranteed by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. FLAKE (for himself, Mr. Green of Wisconsin and Mr. Castle):

H.R. 4043. A bill to bar Federal agencies from accepting for any identification-related purpose and State-issued driver's license, or other comparable identification document, unless the State requires licenses or comparable documents issued to nonimmigrant aliens to expire upon the expiration of the aliens' nonimmigrant visas, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on House Administration, the Judiciary, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 4044. A bill to authorize the Secretary of the Interior to provide assistance to the State of Maryland for implementation of a program to eradicate nutria and restore marshland damaged my nutria; to the Committee on Resources.

By Mr. HILL:

H.R. 4045. A bill to authorize the Secretary of Education to carry out a pilot program to promote the preservation of historic school structures; to the Committee on Education and the Workforce.

By Mr. HOEFFEL (for himself, Ms. Kaptur, Mrs. Mink of Hawaii, Mr. Serrano, Ms. Brown of Florida, Ms. McCollum, Mr. Underwood, Mr. McDermott, and Mr. Stark):

H.R. 4046. A bill to provide for congressional review of regulations relating to military tribunals; to the Committee on Armed Services, and in addition to the Committees on Rules, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOUGHTON:

H.R. 4047. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4048. A bill to suspend temporarily the duty on (1R,3R)-3(2,2-dibromovinyl)-2,2-dimethylcyclopropanecarboxli acid (S)-cyano-3-pheonxybenzyl ester; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4049. A bill to suspend temporarily the duty on methyl sulfanilylcarbamate; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4050. A bill to suspend temporarily the duty on 3-(3-5, dicholorophenyl)-N-(1-methylethyl)-2,4-dioxo-1-imidazolidine carboxamide; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4051. A bill to suspend temporarily the duty on (1R,3S)3[(1'RS)(1',2',2',2',-Tetrabromoethyl)]-2,2-dimethylc clop opanecarboxylic acid,(S)-alpha-cyano-3-phenoxybenzyl ester; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 4052. A bill to suspend temporarily the duty on N-phenyl-N'-(1,2,3-thidiazol-5-yl)-urea; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Boehner, Mr. Ballenger, and Mr. Norwood):

H.R. 4053. A bill to assure more equitable results in union elections; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Boehner, Mr. Ballenger, and Mr. Norwood):

H.R. 4054. A bill to provide for civil monetary penalties in certain cases; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Boehner, Mr. Ballenger, and Mr. Norwood):

H.R. 4055. A bill to enhance notification to union members of their rights under the Labor-Management Reporting and Disclosure Act of 1959; to the Committee on Education and the Workforce.

By Mr. LaHOOD:

H.R. 4056. A bill to reduce temporarily the duty on a certain chemical; to the Committee on Ways and Means.

By Mr. LEVIN:

H.R. 4057. A bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means.

By Ms. LOFGREN (for herself, Mr. Honda, Ms. Solis, Mr. Owens, Mr. Menendez, Ms. Pelosi, Mr. Tom Davis of Virginia, Ms. Eshoo, Ms. Sanchez, Mr. Wu, Mr. Berman, Mr. Dooley of California, Mr. Moran of Virginia, Ms. Woolsey, Mr. Lantos, Mr. Pastor, Mrs. Mink of Hawaii, Mr. Matsui, Mr. Thompson of California, Mr. Filner, Mr. Farr of California, Mr. Stark, Mr. Rothman, Ms. Millender-McDonald, Mr. Frank, Mr. Serrano, Mr. George Miller of California, Ms. Roybal-Allard, and Mr. Abercrombie):

H.R. 4058. A bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to require the Immigration and Naturalization Service to verify whether an alien has an immigration status rendering the alien eligible for service in the Armed Forces of the United States and to achieve parity between the immigration status required for employment as an airport security screener and the immigration status required for service in the Armed Forces, and to amend the Immigration and Nationality Act to permit naturalization through active-duty military service during specified military operations; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McNULTY:

H.R. 4059. A bill to provide for homeland security block grants; to the Committee on Transportation and Infrastructure, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. Kucinich, Mr. Pascrell, Ms. Kilpatrick, Mr. Nadler, Mrs. Lowey, Mr. Berman, Ms. Eshoo, Mr. Frost, Ms. Schakowsky, Ms. Solis, and Mr. Filner):

H.R. 4060. A bill to amend the Internal Revenue Code of 1986 to reinstate the taxes funding the Hazardous Substance Superfund and the Oil Spill Liability Trust Fund and to extend the taxes funding the Leaking Underground Storage Tank Trust Fund; to the Committee on Ways and Means.

By Ms. PELOSI (for herself, Mrs. Jones of Ohio, Mr. King, Ms. Slaughter, Ms. DeLauro, Mr. Frost, Mr. Waxman, Mr. Brown of Ohio, Mr. Towns, Mr. Murtha, Mr. George Miller of California, Mr. Filner, Mr. Kucinich, Mr. Lynch, Ms. Woolsey, Mr. Blagojevich, Mr. Tierney, Mr. Hinchey, Mr. Serrano, Ms. Schakowsky, Mr. Jackson of Illinois, Mr. Stark, Mr. Rush, Ms. Lee, Mr. Israel, Mr. Ackerman, Mr. Clyburn, Mr. Kennedy of Rhode Island, Ms. McKinney, Ms. Roybal-Allard, Ms. Brown of Florida, Ms. McCollum, Ms. Solis, Ms. Kaptur, Mr. Rothman, Mr. Capuano, and Ms. Baldwin):

H.R. 4061. A bill to amend the Public Health Service Act to establish a Nationwide Health Tracking Network, and for other purposes; to the Committee on Energy and Commerce.

By Mr. REHBERG:

H.R. 4062. A bill to require the Secretary of the Interior to acquire certain land for the benefit of the Crow Tribe of Montana; to the Committee on Resources.

By Mr. REYES (for himself, Mr. Gephardt, Mr. Filner, Mr. Hinojosa, Mr. Gonzalez, Mr. Ortiz, and Mr. Rodriguez):

H.R. 4063. A bill to improve the health of residents of, and the environment in, the United States-Mexico border area; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, Agriculture, Financial Services, Transportation and Infrastructure, International Relations, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROTHMAN:

H.R. 4064. A bill to enable America's schools to use their computer hardware to increase student achievement and prepare students for the 21st century workplace, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ROTHMAN:

H.R. 4065. A bill to prohibit the use of vending machines to sell tobacco products in all locations other than in locations in which the presence of minors is not permitted; to the Committee on Energy and Commerce.

By Mrs. ROUKEMA (for herself, Mr. Kennedy of Rhode Island, Mr. Brown of Ohio, Mr. Ehrlich, Mr. George Miller of California, Mr. Norwood, Mr. Ramstad, and Mr. Stark):

H.R. 4066. A bill to provide for equal coverage of mental health benefits with respect to health insurance coverage unless comparable limitations are imposed on medical and surgical benefits; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH:

H.R. 4067. A bill to reinstitute the moratorium on foreclosure on FHA single family mortgage loans of borrowers affected by the events of September 11, 2001, and to expand such moratorium to employees of air carriers and aircraft manufacturers who are involuntarily separated after such date; to the Committee on Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT (for himself, Mr. Wolf, Mr. Boucher, Mr. Moran of Virginia, Mr. Goodlatte, Mr. Cantor, Mr. Tom Davis of Virginia, Mrs. Jo Ann Davis of Virginia, Mr. Schrock, Mr. Forbes, and Mr. Goode):

H.R. 4068. A bill to convert a temporary judgeship for the eastern district of Virginia to a permanent judgeship, and for other purposes; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Becerra, Mr. Brady of Texas, Mr. Cardin, Mr. Collins, Mr. Doggett, Ms. Dunn, Mr. Foley, Mr. Hayworth, Mr. Houghton, Mr. Lewis of Kentucky, Mr. McCrery, Mr. McNulty, Mr. Pomeroy, Mr. Portman, Mr. Ramstad, and Mr. Rangel):

H.R. 4069. A bill to amend title II of the Social Security Act provide for miscellaneous enhancements in Social Security benefits, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Becerra, Mr. Brady of Texas, Mr. Hayworth, Mr. Herger, Mr. Lewis of Kentucky, Mr. Pomeroy, and Mr. Ryan of Wisconsin):

H.R. 4070. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide additional safeguards for Social Security and Supplemental Security Income beneficiaries with representative payees, to enhance program protections, and for other purposes; to the Committee on Ways and Means.

By Mr. SHAYS (for himself, Mr. Markey, and Mr. Ryan of Wisconsin):

H.R. 4071. A bill to extend the registration and reporting requirements of the Federal securities laws to certain housing-related Government-sponsored enterprises, and for other purposes; to the Committee on Financial Services.

By Ms. SLAUGHTER:

H.R. 4072. A bill to authorize the Secretary of the Interior to establish a commemorative trail in connection with the Women's Rights National Historical Park to link properties that are historically and thematically associated with the struggle for women's suffrage, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey:

H.R. 4073. A bill to amend the Microenterprise for Self-Reliance Act of 2000 and the Foreign Assistance Act of 1961 to increase assistance for the poorest people in developing countries under microenterprise assistance programs under those Acts, and for other purposes; to the Committee on International Relations.

By Mr. SMITH of New Jersey (for himself, Mr. Berman, Ms. Ros-Lehtinen, and Mr. Delahunt):

H.R. 4074. A bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture; to the Committee on the Judiciary.

By Mr. STARK (for himself, Mr. Frank, and Ms. Rivers):

H.R. 4075. A bill to amend the Internal Revenue Code of 1986 to provide that corporate tax benefits from stock option compensation expenses are allowed only to the extent such expenses are included in a corporation's financial statements; to the Committee on Ways and Means.

By Mr. STUMP:

H.R. 4076. A bill to modify the boundaries of the Agua Fria National Monument in the State of Arizona to clarify Bureau of Land Management administrative responsibilities regarding the Monument, and for other purposes; to the Committee on Resources.

By Mr. STUPAK:

H.R. 4077. A bill to amend title 49, United States Code, to provide an apportionment to a primary airport that falls below 10,000 passenger boardings in a calendar year as a result of the discontinuance of air carrier service at the airport, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of Colorado:

H.R. 4078. A bill to provide for the reclamation of abandoned hardrock mines, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico:

H.R. 4079. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965 to make available additional funds to increase access to the arts through the support of education; to the Committee on Education and the Workforce.

By Mrs. WILSON of New Mexico:

H.R. 4080. A bill to improve mathematics and science instruction in elementary and secondary schools by authorizing the Secretary of Education to make grants for regional workshops designed to permit educators to share successful strategies for such instruction; to the Committee on Education and the Workforce.

By Mr. WYNN:

H.R. 4081. A bill to require contractors with the Federal Government to possess a satisfactory record of integrity and business ethics; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOSS:

H. Con. Res. 360. Concurrent resolution providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate; considered and agreed to.

By Mr. NEY:

H. Con. Res. 361. Concurrent resolution directing the Clerk of the House of Representatives to make corrections in the enrollment of the bill H. R. 2356; considered and agreed to.

By Mr. BROWN of South Carolina (for himself, Mr. Wilson of South Carolina, Mr. Graham, and Mr. DeMint):

H. Con. Res. 362. Concurrent resolution encouraging employers who employ members of the National Guard and Reserve components of the Armed Forces to provide a pay differential benefit and an extension of employee benefits to such members while they serve on active duty, and commending employers who already provide such benefits; to the Committee on Armed Services.

By Mr. CONYERS (for himself, Mr. Rangel, Ms. McCarthy of Missouri, Mr. Abercrombie, and Mr. Hyde):

H. Con. Res. 363. Concurrent resolution extending birthday greetings and best wishes to Lionel Hampton on the occasion of his 94th birthday; to the Committee on Government Reform.

By Mr. COX:

H. Con. Res. 364. Concurrent resolution recognizing the historic significance of the 50th anniversary of the founding of the United States Army Special Forces and honoring the "Father of the Special Forces", Colonel Aaron Bank (United States Army, retired) of Mission Viejo, California, for his role in establishing the Army Special Forces; to the Committee on Armed Services.

By Ms. DUNN (for herself, Mr. Crane, Mr. Tiahrt, Mr. Dicks, Mrs. Biggert, Mr. McDermott, Mr. Smith of Washington, Mr. Hastings of Washington, Mr. Larsen of Washington, Mr. Baird, Mr. Inslee, and Mr. Nethercutt):

H. Con. Res. 365. Concurrent resolution recognizing the 30th anniversary of the historic visit of President Richard Nixon to China, and commending President George W. Bush for his effort to continue to advance a political, cultural, and economic relationship between the United States and China; to the Committee on International Relations.

By Mr. LEACH:

H. Con. Res. 366. Concurrent resolution expressing the sense of Congress to welcome the Prime Minister of New Zealand, the Right Honorable Helen Clark, on the occasion of her visit to the United States, to express gratitude to the Government of New Zealand for its cooperation with the United States in the campaign against terrorism; and to reaffirm commitment to the continuing expansion of friendship and cooperation between the United States and New Zealand; to the Committee on International Relations.

By Mrs. MYRICK (for herself, Mrs. Cubin, and Mrs. Jo Ann Davis of Virginia):

H. Con. Res. 367. Concurrent resolution honoring the life and work of Susan B. Anthony; to the Committee on Government Reform.

By Mr. PAUL (for himself, Ms. McKinney, and Mr. Stark):

H. Con. Res. 368. Concurrent resolution expressing the sense of Congress that reinstating the military draft or implementing any other form of compulsory military service in the United States would be detrimental to the long-term military interests of the United States, violative of individual liberties protected by the Constitution, and inconsistent with the values underlying a free society as expressed in the Declaration of Independence; to the Committee on Armed Services.

By Mr. SAXTON:

H. Con. Res. 369. Concurrent resolution calling upon Yasser Arafat and the leaders of other countries in the Middle East to accept the existence of Israel; to the Committee on International Relations.

By Mr. ISSA (for himself and Mr. Dingell):

H. Res. 374. A resolution calling for an immediate cessation of the violence in the Middle East and a resumption of negotiations to end the conflict in the region; to the Committee on International Relations.

By Mr. GOSS:

H. Res. 375. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mr. ISAKSON (for himself, Mr. KINGSTON, Mr. COLLINS, Mr. NORWOOD, Mr. BARR of Georgia, Mr. DEAL of Georgia, and Mr. CHAMBLISS):

H. Res. 376. A resolution amending the Rules of the House of Representatives to apply the layover requirements for conference reports during the last six days of a session of Congress, to require that certain matter be included in joint explanatory statements accompanying conference reports, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 4082) for the relief of Germalyn Selga Salto and Carl Gino Selga Salto; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. McNULTY.

H.R. 175: Mr. CANTOR.

H.R. 257: Mr. EHLERS.

H.R. 267: Mr. MATHESON.

H.R. 299: Mr. WAXMAN.

H.R. 425: Ms. WOOLSEY and Mrs. DAVIS of California.

H.R. 510: Mr. SHUSTER, Mr. CANTOR, Mr. SULLIVAN, and Ms. CARSON of Indiana.

H.R. 536: Mr. VITTER.

H.R. 600: Mr. THORNBERRY, Mr. BERRY, Mr. GIBBONS, Mr. BONILLA, and Mr. GUTIERREZ.

H.R. 648: Mr. WICKER.

H.R. 701: Mr. BARRETT.

H.R. 709: Mr. KLECZKA.

H.R. 755: Mr. PASCRELL and Mr. BAIRD.

H.R. 778: Mr. CHAMBLILS.

H.R. 781: Mrs. DAVIS of California.

H.R. 1017: Mr. FROST.

H.R. 1030: Mr. EHLERS.

H.R. 1089: Mr. MATSUI and Mr. LEWIS of Georgia.

H.R. 1090: Mr. BARR of Georgia.

H.R. 1109: Mr. DEAL of Georgia.

H.R. 1191: Mr. SHAYS.

H.R. 1296: Mr. BROWN of South Carolina.

H.R. 1305: Mr. LaTOURETTE and Mr. WEXLER.

H.R. 1341: Mr. LAMPSON.

H.R. 1343: Mr. LYNCH.

H.R. 1360: Mr. SWEENEY and Mr. OWENS.

H.R. 1400: Mr. FATTAH, Mr. FORD, and Mr. MATSUI.

H.R. 1462: Mr. INSLEE.

H.R. 1475: Mr. LYNCH, Mrs. CLAYTON, Mr. CRENSHAW, and Mr. SUNUNU.

H.R. 1489: Mr. BARRETT.

H.R. 1520: Mr. LaHOOD.

H.R. 1535: Mr. KINGSTON.

H.R. 1543: Mr. BAIRD.

H.R. 1556: Mr. INSLEE, Mr. SCHIFF, and Ms. LOFGREN.

H.R. 1598: Mr. GUTKNECHT.

H.R. 1613: Mr. JOHNSON of Illinois and Mr. FROST.

H.R. 1683: Mr. BONIOR and Mrs. CARSON of Indiana.

H.R. 1701: Mr. PORTMAN.

H.R. 1723: Mr. OSBORNE.

H.R. 1724: Mr. STENHOLM and Mr. FILNER.

H.R. 1795: Mr. MOORE and Mr. LARSON of Connecticut.

H.R. 1822: Mr. GRUCCI, Mr. McGOVERN, Ms. SCHAKOWSKY, Mr. NEAL of Massachusetts, Mr. HOLT, Mr. SESSIONS, Mr. TANCREDO, Mr. OTTER, Mrs. MINK of Hawaii, and Mr. SIMPSON.

H.R. 1887: Mr. BAKER.

H.R. 1903: Mr. FILNER, Mr. WYNN, Ms. MILLENDER-McDONALD, Mr. MURTHA, Ms. WOOLSEY, and Ms. CARSON of Indiana.

H.R. 1904: Mr. FROST and Mrs. MORELLA.

H.R. 1984: Mr. SHIMKUS.

H.R. 2009: Mr. CLYBURN, Mr. LUCAS of Kentucky, Mr. FATTAH, Mr. HALL of Texas, Mr. KILDEE, Ms. KILPATRICK, Mr. PHELPS, Mr. SKELTON, Mr. SMITH of Washington, Mr. TANNER, Ms. WATSON, Mr. RAMSTAD, Mr. LAMPSON, Mrs. NAPOLITANO, Mr. BECERRA, Mr. BISHOP, Mr. BOSWELL, Mr. STARK, Mr. SHOWS, Mr. STRICKLAND, Mr. WU, Mr. BARCIA, Mr. HOLDEN, Mr. ANDREWS, Mr. PAYNE, Mr. ORTIZ, Mr. LANTOS, Mr. RUSH, Mr. RANGEL, Mr. MARKEY, Mrs. MEEK of Florida, Mr. BOYD, Mr. OBERSTAR, Mr. LYNCH, Mr. LaTOURETTE, Mr. NEAL of Massachusetts, Mr. BAIRD, and Mr. OWENS.

H.R. 2102: Mr. HAYES.

H.R. 2125: Ms. SLAUGHTER and Mr. OBERSTAR.

H.R. 2219: Mr. MATHESON.

H.R. 2354: Mr. POMBO, Mr. ORTIZ, Mr. GARY G. MILLER of California, Mr. OSE, Mrs. TAUSCHER, Ms. ESHOO, and Mr. BONILLA.

H.R. 2426: Mr. MATHESON.

H.R. 2484: Mr. SUNUNU, Mr. ROSS, Mr. MORAN of Virginia, Mr. LYNCH, Mrs. McCARTHY of New York, and Mr. WEXLER.

H.R. 2583: Mr. McINNIS, Mr. PETERSON of Pennsylvania, and Mr. TANCREDO.

H.R. 2605: Mr. MATSUI.

H.R. 2618: Mr. ABERCROMBIE.

H.R. 2638: Mr. WALSH, Mr. HOEFFEL, Mr. HINCHEY, Mr. GEKAS, and Ms. McKINNEY.

H.R. 2654: Mr. KANJORSKI and Mr. McGOVERN.

H.R. 2712: Mr. GOODE.

H.R. 2787: Mr. LYNCH and Mr. GEORGE MILLER of California.

H.R. 2874: Ms. McCOLLUM and Ms. WATERS.

H.R. 2931: Mr. PENCE.

H.R. 2941: Mr. LEACH, Mr. CANTOR, Mr. QUINN, Mr. BARR of Georgia, and Mr. McHUGH.

H.R. 3058: Ms. SANCHEZ, Mrs. NORTHUP, and Mr. SHAW.

H.R. 3068: Mr. ROGERS of Michigan.

H.R. 3113: Mrs. MORELLA, Mr. BACA, Mr. KENNEDY of Rhode Island, Mr. REYES, Mr. PALLONE, and Mr. RANGEL.

H.R. 3183: Mr. FORBES, Ms. HART, Mr. KERNS, Mrs. MINK of Hawaii, and Mr. MORAN of Virginia.

H.R. 3231: Mr. COMBEST and Mr. GIBBONS.

H.R. 3236: Mr. BISHOP, Ms. ROYBAL-ALLARD, and Ms. CARSON of Indiana.

H.R. 3238: Mr. WEXLER and Mr. SIMMONS.

H.R. 3244: Mr. BARTLETT of Maryland, Mr. BECERRA, Mr. BRADY of Pennsylvania, Mr. CHABOT, Mr. CONYERS, Mr. COYNE, Mr. DAVIS of Florida, Ms. DeGETTE, Mr. DIAZ-BALART, Mr. DOOLEY of California, Mr. EDWARDS, Mr. ENGLISH, Mr. FRANK, Mr. GANSKE, Mr. GOODE, Mr. GRAHAM, Mr. HALL of Texas, Mr. HOEFFEL, Mr. KIND, Mr. LEVIN, Mr. MANZULLO, Mr. MATSUI, Mr. DAN MILLER of Florida, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. PORTMAN, Mr. ROHRABACHER, Mr. SABO, Mr. SMITH of New Jersey, Mr. STENHOLM, Mrs. TAUSCHER, Mr. TIAHRT, Mr. TIERNEY, Mr. TURNER, Ms. WOOLSEY, Mr. WU, Mr. JOHN, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. LUTHER, and Mr. WATT of North Carolina.

H.R. 3267: Mr. BONIOR.

H.R. 3320: Mr. FROST and Mr. EHRLICH.

H.R. 3321: Mrs. THURMAN.

H.R. 3332: Mr. BROWN of South Carolina.

H.R. 3333: Mr. BROWN of South Carolina.

H.R. 3375: Mr. FOLEY and Mr. CANTOR.

H.R. 3388: Mr. RUSH and Mrs. MEEK of Florida.

H.R. 3389: Mr. KILDEE, Mr. ALLEN, Mrs. DAVIS of California, Mrs. MINK of Hawaii, Mr. PRICE of North Carolina, Mrs. CLAYTON, Mr. WEXLER, Ms. BALDWIN, Mr. BALDACCI, and Mr. KUCINICH.

H.R. 3414: Ms. WOOLSEY, Mr. LARSON of Connecticut, and Ms. SANCHEZ.

H.R. 3424: Mr. SMITH of Washington, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. EVANS, Mr. YOUNG of Alaska, Mr. GIBBONS, Mr. FATTAH, Mr. BRADY of Pennsylvania, Mr. BORSKI, and Mr. MURTHA.

H.R. 3430: Mr. SHOWS.

H.R. 3436: Mr. GRAVES.

H.R. 3450: Mr. CUMMINGS, Mr. LAMPSON, Mr. SESSIONS, Mr. SUNUNU, Ms. McKINNEY, Mr. CALLAHAN, Mr. NEAL of Massachusetts, Mr. POMEROY, Mr. OXLEY, Mr. GONZALEZ, Mr. FORBES, Mr. TERRY, Mr. MANZULLO, Mr. PAYNE, Mr. RILEY, and Mr. McHUGH.

H.R. 3473: Mr. BRADY of Texas.

H.R. 3479: Mr. HALL of Texas, Mr. SHUSTER, and Mr. GREEN of Wisconsin.

H.R. 3521: Mr. OWENS and Mrs. MORELLA.

H.R. 3524: Mr. CAPUANO.

H.R. 3569: Mr. BERRY and Mr. POMEROY.

H.R. 3586: Mr. ROGERS of Kentucky.

H.R. 3609: Mr. BAKER, Mr. PLATTS, Mr. BISHOP, and Mr. REYES.

H.R. 3612: Mr. LYNCH, Mr. HALL of Ohio, Ms. BALDWIN, Mr. NORWOOD, Mr. BRADY of Pennsylvania, Mr. GUTIERREZ, Ms. LOFGREN, and Mr. CUMMINGS.

H.R. 3625: Mr. CROWLEY, Ms. DeGETTE, Ms. KAPTUR, Ms. McKINNEY, and Mr. RANGEL.

H.R. 3644: Mr. CLAY, Ms. CARSON of Indiana, and Mr. KUCINICH.

H.R. 3661: Mr. UDALL of Colorado and Mr. CANTOR.

H.R. 3670: Mr. LYNCH and Ms. McKINNEY.

H.R. 3675: Mr. PASTOR, Ms. SOLIS, and Mr. LEVIN.

H.R. 3681: Mr. JEFFERSON, Mr. CONYERS, Mr. EDWARDS, Mr. COOKSEY, Mr. KILDEE, Mr. WOLF, Mr. TANCREDO, Mr. BLUMENAUER, Mr. PETRI, Mr. DeFAZIO, Mr. HALL of Texas, Mr. GEKAS, Mr. CAMP, Mr. JOHN, and Mr. BONIOR.

H.R. 3686: Mr. BRYANT and Ms. PRYCE of Ohio.

H.R. 3694: Mr. HASTINGS of Washington and Mr. WATT of North Carolina.

H.R. 3695: Mr. NORWOOD, Mr. KILDEE, Mr. TERRY, Mr. TRAFICANT, Mr. DAVIS of Illinois, and Mr. POMEROY.

H.R. 3701: Mr. SOUDER.

H.R. 3704: Mr. OWENS, Mr. PAUL, and Mr. TOWNS.

H.R. 3710: Mr. WOLF and Mr. DICKS.

H.R. 3713: Mr. FORBES.

H.R. 3714: Mrs. JONES of Ohio, Mr. FILNER, Ms. WOOLSEY, Ms. LEE, Mr. JACKSON of Illinois, Mr. CROWLEY, Mr. KUCINICH, Mr. UNDERWOOD, Mr. FARR of California, and Mr. PAYNE.

H.R. 3733: Mr. KILDEE.

H.R. 3747: Ms. MILLENDER-McDONALD.

H.R. 3771: Mr. EVANS and Mr. KILDEE.

H.R. 3794: Mr. BAIRD.

H.R. 3795: Mr. LIPINSKI and Ms. McKINNEY.

H.R. 3807: Mr. PAYNE and Ms. LEE.

H.R. 3808: Ms. HART and Mr. GRAVES.

H.R. 3818: Mr. BONIOR, Mr. MARKEY, Mr. OLVER, Mr. FARR of California, Mr. LANTOS, Mr. JACKSON of Illinois, and Mr. UDALL of New Mexico.

H.R. 3833: Mr. GREENWOOD and Mr. SKEEN.

H.R. 3834: Mr. DIAZ-BALART and Mrs. MEEK of Florida.

H.R. 3836: Mr. BAIRD, Mr. HOEFFEL, and Mr. BLUMENAUER.

H.R. 3889: Mr. SKEEN, Mr. BOSWELL, and Mr. BALDACCI.

H.R. 3890: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. WEXLER, and Mr. SWEENEY.

H.R. 3897: Mr. PAUL, Mr. COOKSEY, Mr. DEAL of Georgia, Mr. CRAMER, and Ms. BERKLEY.

H.R. 3898: Mr. FRANK.

H.R. 3899: Mr. THOMPSON of California and Mrs. NAPOLITANO.

H.R. 3900: Mr. REYES, Mrs. DAVIS of California, Mr. NEAL of Massachusetts, and Ms. MCKINNEY.

H.R. 3915: Mr. DAVIS of Illinois.

H.R. 3947: Mr. LIPINSKI, Mr. DICKS, and Mrs. WILSON of New Mexico.

H.R. 3951: Mr. GILLMOR.

H.R. 3957: Mr. ISAKSON, Mr. GREENWOOD, Mr. FLETCHER, Mr. TANCREDO, Mr. BURR of North Carolina, Mr. GREEN of Wisconsin, Ms. HOOLEY of Oregon, and Mr. FROST.

H.R. 3961: Mrs. MORELLA.

H.R. 3968: Mr. BALDACCI, Mr. BISHOP, and Ms. MCCARTHY of Missouri.

H.R. 3970: Mr. SAWYER.

H.R. 3973: Mr. GRAHAM.

H.R. 3989: Mr. MCNULTY, Mr. DEUTSCH, Mr. KING, Ms. ROYBAL-ALLARD, Mrs. MCCARTHY of New York, Mr. FROST, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4000: Ms. WOOLSEY and Mr. ANDREWS.

H.R. 4003: Mr. ABERCROMBIE.

H.J. Res. 23: Mr. GREEN of Wisconsin.

H.J. Res. 83: Mr. KILDEE.

H. Con. Res. 164: Mr. FOSSELLA.

H. Con. Res. 169: Mrs. CAPPS, Ms. DELAURO, Mr. KLECZKA, Mr. SANDLIN, Mr. KUCINICH, and Mr. BERMAN.

H. Con. Res. 195: Mr. FRANK.

H. Con. Res. 238: Mr. POMEROY.

H. Con. Res. 290: Mrs. MEEK of Florida, Mr. PAYNE, Mr. HILLIARD, Mr. MEEKS of New York, Ms. BROWN of Florida, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mrs. CHRISTENSEN, Mr. SCOTT, Ms. LEE, Mrs. CAPPS, and Ms. WATSON.

H. Con. Res. 291: Mrs. MORELLA, Mr. HORN, Mrs. CAPITO, and Mr. UNDERWOOD.

H. Con. Res. 301: Mr. KINGSTON, Mr. OTTER, and Mr. GILCHREST.

H. Con. Res. 321: Ms. MCKINNEY, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. WATERS, and Ms. LEE.

H. Con. Res. 341: Ms. CARSON of Indiana.

H. Con. Res. 346: Mr. WU.

H. Con. Res. 350: Mr. TANCREDO, Mr. ROHRABACHER, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. BARTLETT of Maryland, Mr. SAM JOHNSON of Texas, Mr. HERGER, Mr. NORWOOD, and Mr. GRAVES.

H. Con. Res. 351: Ms. LEE, Mr. HASTINGS of Florida, Mr. HONDA, Mr. ABERCROMBIE, Ms. ROS-LEHTINEN, and Mr. CLAY.

H. Res. 225: Mr. ENGEL.

H. Res. 295: Mr. FOLEY.

H. Res. 361: Mr. KILDEE.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3694: Ms. DELAURO.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. STEVE ISRAEL, on House Resolution 352: Gerald D. Kleczka, Thomas M. Barrett, Robert C. Scott, Earl Pomeroy, Nick J. Rahall II, Robert E. (Bud) Cramer, Jr., Edolphus Towns, Marion Berry, Ruben Hinojosa, Michael F. Doyle, William J. Jefferson, Ken Bentsen, Danny K. Davis, Charles W. Stenholm, Allen Boyd, Baron P. Hill, Jim Davis, and Anna G. Eshoo.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 21, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 9

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Navy equipment required for fielding a 21st century capabilities-based Navy.
SR–222

APRIL 10

10:30 a.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT–Comcast merger.
SD–226

SENATE—*Thursday, March 21, 2002*

The Senate met at 9:45 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

The PRESIDING OFFICER. The prayer today will be offered by our guest Chaplain, Dr. Calvin McKinney, Pastor of the Calvary Baptist Church in Garfield, NJ.

PRAYER

The guest Chaplain offered the following prayer:

Gracious Father, beneficent Lord of all mankind, Thou who hast blessed our Nation with blessings beyond measure, with gratitude we pause in this hallowed place simply to say thank You. Thank You for Your presence with us always. Thank You for the joy Your presence brings. Thank You even for the challenge and the responsibility which is ours by virtue of said blessed presence. Your presence with us demands a witness and an example of a demonstration of righteousness, love, peace, and justice; so our prayer is that You will also bless us to be true to Your cause in all the world.

Dear Father, bless the women and men of this august body, which represents a people so blessed by Thee, to always seek Thy way and Thy will as is made clear by Thy word. Bless them in their deliberations to purpose always that such seeks Thy face. For, in so doing, "Thy will, will be done in the earth as it is in the heavens."

Lord, grant now our Senators the wisdom, courage, and tenacity to follow after Thee as they conduct the people's business. Bless them always with humility and a servant spirit. Bless them as they work with our President and the House of Representatives, for whom we seek Thy blessings as well, in the name of Thy beloved Son. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 21, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The acting majority leader is recognized.

MEASURE PLACED ON THE CALENDAR—H.R. 2804

Mr. REID. Mr. President, I understand that H.R. 2804 is at the desk and is due for its second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. Mr. President, I ask that H.R. 2804 be read for a second time and I object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for a second time.

The assistant legislative clerk read as follows:

> A bill (H.R. 2804) to designate the United States Courthouse located at 95 Seventh Street in San Francisco, California, as the James R. Browning United States Courthouse.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

SCHEDULE

Mr. REID. Mr. President, today the Senate will resume consideration of the Energy Reform Act. The Kyl amendment is pending. There will be 4 minutes of closing debate prior to the vote in relation to this amendment.

The majority leader asked me to notify all Members that we are attempting to work out an arrangement on the Lott amendment which has also been offered on this legislation.

We also have been working with the minority to come up with a finite list of amendments. I spoke with Senator MURKOWSKI last evening. He believes we can come up with a finite list of amendments, as does Senator BINGAMAN. If we do that, then we are going to continue to work on this bill and do everything we can to complete it the week we get back. If we don't get a finite list of amendments today, I believe the majority leader will not go to the energy bill when we get back after the recess.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The bill clerk read as follows:

> A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Bingaman amendment No. 3016 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Lott amendment No. 3033 (to amendment No. 2989), to provide for the fair treatment of Presidential judicial nominees.

Lincoln modified amendment No. 3023 (to amendment No. 2917), to expand the eligibility to receive biodiesel credits and to require the Secretary of Energy to conduct a study on alternative fueled vehicles and alternative fuels.

Kyl amendment No. 3038 (to amendment No. 3016), to provide for appropriate State regulatory authority with respect to renewable sources of electricity.

AMENDMENT NO. 3038

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 minutes of debate to be equally divided in the usual form on the Kyl amendment No. 3038.

The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I will go ahead and use the 2 minutes in opposition to the Kyl amendment, and then the sponsor, Senator KYL, will use the final 2 minutes.

The main reason to oppose this amendment is that it totally eliminates, if adopted, any kind of provision in this bill that would move us toward more use of renewable fuels in the future.

We need to diversify our supply of energy in this country. We need to be less dependent on some certain specific sources and more dependent on new technology. That is possible. It is happening. It is not happening as quickly as it should.

Ninety-five percent of today's new power generation that is under construction is gas fired. That is fine as long as the price of gas stays low. But if the price of gas goes back up to what it was 18 months ago, then we are going to see a serious repercussion in the utility bills of all consumers.

This underlying amendment, which the Kyl amendment would eliminate, tries to, in a very modest way, move us toward more use of renewables. It provides that we have 1 percent in the year 2005. Various utilities around this country would be required to produce 1 percent of the electricity they generate from renewable sources. That is not an excessive demand. It goes up in very small amounts each year thereafter.

I believe strongly that the renewable portfolio standard we have in the bill is a good provision. The suggestions Senator KYL and others have made that this is going to drastically increase everyone's electricity bills is not borne out by the analyses that have been made. The Energy Information Administration has analyzed this. At the request of Senator MURKOWSKI, they have concluded that this does not raise energy prices.

The ACTING PRESIDENT pro tempore. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, let me give you the 10 reasons we should support the Kyl amendment.

No. 1, the Bingaman amendment is the command-economy amendment, a 10-percent mandate, and the Kyl amendment is for State choice.

No. 2, the Bingaman amendment is very costly, at $88 billion over 15 years and then $12 billion each year after that—paid for by the electricity consumers.

If you would like to know how much your electricity consumers are going to be paying under the Bingaman amendment, I have all the information right here. You had better consult this before you vote against the Kyl amendment.

No. 3, the Bingaman amendment is discriminatory. The Bingaman amendment provides that some areas subsidize people in other parts of country.

No. 4, hydro is not included. Yet, of all the renewables, hydro is about 7 percent of the electricity production. The other renewables are only about 2 percent.

No. 5, it will benefit just a few companies. According to the Energy Information Administration, wind is the only economical way to produce this power, and it is concentrated in just a few areas.

Do you know who these few special interests are? You should find out before you vote against the Kyl amendment.

No. 6, renewables are not reliable. If the Sun doesn't shine, if the wind does not blow, and if water doesn't flow, you don't get energy. But you do out of coal, gas, and nuclear.

No. 7, we are already subsidizing the renewable fuels to the tune of $1 billion a year.

There is a big difference between encouraging, which we are doing, and compelling.

No. 8, the administration supports the Kyl amendment and opposes the Bingaman amendment.

No. 9, biomass from Federal land does not count.

No. 10, there is no principal reason to discriminate against public and private power; yet private power is included in the Bingaman amendment and public power is excluded.

I will throw in a bonus reason.

The No. 11 reason to vote for the Kyl amendment and against Bingaman is this is the opposite of deregulation, which was supposed to be the whole point of the electricity section of the pending legislation. The 10-percent mandate is regulation and not deregulation.

I urge you to support the Kyl amendment.

RENEWABLE PORTFOLIO STANDARD APPLICATION

Mr. LEVIN. Mr. President, I commend the Chairman for his fairness and diligence in setting a goal for energy suppliers to meet a renewable portfolio standard that ensures power supply from a diverse mix of fuels and technologies. I thank the Chairman and his staff for working with my staff to answer questions concerning how the renewable portfolio standard would work. We understand the definition for qualifying facilities covers existing hydro facilities including pumped storage. This is important to the State of Michigan and we appreciate the clarification.

Ms. STABENOW. Mr. President, I echo the statements of the senior Senator from Michigan, and thank the Chairman for his work on developing a strong renewable portfolio standard. My question is whether renewable power could be measured by plant generating capacity or throughout to the customer.

Mr. BINGAMAN. That is correct. Pumped hydro is included as an existing renewable. With regard to how renewable power is measured, we intend the Secretary of Energy or the Federal Energy Regulatory Commission would set a normalized level for all hydro facilities, taking into consideration capacity and generation at normal or historical average water flows. For other renewable technologies, the volume is calculated based on actual generation. There has been some misunderstanding about the Texas plan, on which my amendment if modeled. The Texas statute set an overall increase in capacity, but in the implementation the requirement was converted to a generation measure. A generation metric is critical to ensure efficient operation of these facilities.

Mr. LEVIN. I thank my friend from New Mexico, the Chairman of the Energy Committee.

Ms. STABENOW. I thank my friend from New Mexico.

The ACTING PRESIDENT pro tempore. All time has expired.

Mr. KYL. Mr. President, I ask unanimous consent that two letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COALITION FOR AFFORDABLE AND RELIABLE ENERGY,
March 19, 2002.

Senator JON KYL,
Hart Senate Office Building,
U.S. Senate, Washington, DC.

DEAR SENATOR KYL: The Coalition for Affordable and Reliable Energy (CARE) endorses your amendment to the Renewable Portfolio Standard (RPS) provisions of the Energy Policy Act (S. 517). While CARE strongly supports the increased use of all domestic energy resources, including renewable forms of energy, we are opposed to prescribed national mandates and timetables for the use of specific energy resources.

CARE is concerned that mandating the use of particular sources of energy will substantially increase the cost of electricity and may be difficult to achieve. Your RPS amendment will, instead, permit states to appropriately consider their individual electricity needs and their ability to meet those needs in affordable and reliable ways. Under your amendment, states will also be free to significantly enhance the use of renewables to generate electricity without the burden of Federal mandates and timetables.

Senator Kyl, on behalf of CARE's broad and diverse membership, I commend you for offering this amendment to the Renewable Portfolio Standard provisions of S. 517 and urge its adoption.

Sincerely,

PAUL OAKLEY,
Executive Director.

ELECTRIC CONSUMERS' ALLIANCE,
Indianapolis, IN, March 14, 2002.

Hon. JON KYL,
U.S. Senate,
Hart Bldg., Washington, DC.

DEAR SENATOR KYL: As the Senate debates energy legislation, Electric Consumers' Alliance commends your attention to these critical policy issues.

As your consideration moves to the finer points of legislation, we strongly urge you to take a thoughtful approach to the issue of Renewable Portfolio Standards—the amount of electric power that must come from certain renewable sources.

> While our group favors a progressive approach to setting goals for the production of green power, we strongly oppose provisions that would set a hard percentage goal that must be attained in any given year. We commend the amendment proposed by Sen. Kyl as a balanced approach to this issue.
>
> From our perspective as the spokesgroup for tens of millions of residential small business ratepayers, artificial targets are unwise for two reasons. First, they hardwire in goals that may prove to be unreasonable (or too lenient) in future years. This may have the effect of indirectly raising consumer prices or sending distorted signals to the market. In other words, good intentions could (and likely will at some point) go astray.
>
> Second, a set percentage goal deprives states of the ability to address these issues and craft a resolution on the basis of local conditions. For instance, economically efficient renewable energy may be much more achievable in rural and sunbelt states that have the potential to develop solar and wind energy.
>
> In conclusion, as you consider the issue of renewable portfolio standards, we urge your support of the flexible approach found in the Kyl amendment.
>
> Sincerely,
>
> ROBERT K. JOHNSON,
> *Executive Director.*

Mr. KYL. Mr. President, have the yeas and nays been ordered on this amendment?

The ACTING PRESIDENT pro tempore. The yeas and nays have not been ordered.

Mr. KYL. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Alabama (Mr. SHELBY) is necessarily absent.

I further announce that the Senator from Virginia (Mr. WARNER) is absent on official business.

I further announce that if present and voting the Senator from Virginia (Mr. WARNER) would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 58, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—40

Allard
Allen
Bennett
Bond
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gramm
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Smith (NH)
Stevens
Thomas
Thompson
Thurmond
Voinovich

NAYS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Cantwell
Carnahan
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Gregg
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Shelby
Warner

The amendment (No. 3038) was rejected.

Mr. REID. I move to reconsider the vote.

Mr. BINGAMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Madam President, I ask unanimous consent that at 12 noon today, Senator LOTT's amendment No. 3033 be considered a first-degree amendment, and that it be laid aside for the amendment which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that there be 3 hours for debate on both amendments, beginning at noon today, equally divided between the chairman and ranking member of the Judiciary Committee, or their designees; that at the conclusion of that time, the Senate vote on Senator LEAHY's amendment, and following disposition of that amendment, the Senate vote on Senator LOTT's amendment, with no intervening action or debate in order prior to the disposition of these two amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, the time from now until noon will be used as follows: Senator ROBERTS has a statement that will take less than 10 minutes; is that right?

Mr. ROBERTS. I imagine, I tell my distinguished colleague, about 12 or 15 minutes.

Mr. REID. Senator MILLER wishes to speak for 10 minutes. We also have a speech that Senator BYRD indicated several days ago he wanted to give which will take more time, approximately 22 minutes.

I say to my friend, the distinguished President pro tempore, who is in the Chamber now, I know the Senator has been involved in other matters this morning. Is it possible for the Senator to speak at a subsequent time or does the Senator wish to speak now?

Mr. BYRD. Madam President, my problem is as follows: The chairman of the Budget Committee, Mr. CONRAD, has told the members of the Budget Committee that we have a long way to go, with many amendments to vote on and to discuss. He intends to finish work on the budget today. That means I have a very limited opportunity to speak. I have two speeches, as a matter of fact, one very short, quite short, and the other one perhaps 25 minutes.

Mr. REID. I am wondering, if I can interrupt and I apologize, will the other Senators allow Senator BYRD to speak—there is no permission needed, I assume.

Mr. ROBERTS. If the distinguished Senator will yield, I have spoken with Senator BYRD, and I will always yield to his request, but I thought we had an understanding that I could precede him for 10 minutes. It will not take too long.

I thought we had an understanding. I know with this new schedule perhaps that is not the case. I leave that up to his judgment.

Mr. BYRD. The distinguished Senator did speak with me at the close of the vote, and I told the Senator I would be very happy and willing for him to precede me. I thought while I went down on the next floor to my office to get my speech that the distinguished Senator would be proceeding and hopefully finished by the time I got back to the Chamber.

Mr. REID. I say to my friend from West Virginia, what the Senator said is valid. We closed the vote after 33 minutes which, of course, if we closed the vote earlier when we should have, this would have been completed.

Mr. BYRD. I did tell the Senator he could speak, he could go ahead of me.

Mr. REID. Can Senator MILLER wait until Senator BYRD finishes his remarks?

Mr. MILLER. Madam President, certainly I will wait.

Mr. BYRD. Madam President, I thank the distinguished Senator.

Mr. REID. Madam President, I ask unanimous consent that the Senator from Kansas be recognized for 12 minutes, Senator BYRD be recognized thereafter, and the Senator from Georgia be recognized after Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kansas.

Mr. ROBERTS. Madam President, I thank Senator BYRD, the institutional protector and flame of the Senate, for allowing me to precede him.

(The remarks of Mr. ROBERTS pertaining to the introduction of S. 2040 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Madam President, I begin my remarks today by quoting from George Bernard Shaw's "Man and Superman," "If history repeats itself, and the unexpected always happens, how incapable Man must be of learning from experience!"

I have been concerned about the issue of energy security for many years now. It was in 1992 that the Congress last passed major energy legislation. Now, for the first time in a decade, events have converged to make possible substantive progress on a national energy policy. But the question remains as to whether or not real progress will be made.

The energy crisis of the 1970s should have been a wake-up call. I argued then and throughout the 1980s and 1990s that it was time to get moving to address our long-term energy problems. Each episode of short supply and higher prices spurred renewed talk about our Nation's lack of an energy policy. But, each time, supplies stabilized, prices dropped, and nothing materialized from all that talk. Will we again let that opportunity slip away?

We have heard much in the previous weeks about electricity, oil and gas supplies, energy efficiency, energy tax incentives, and fuel economy standards. This is typically how we talk about energy. Yet, energy is about much more than that. Energy is about how we live our lives—today and into the future. It is about how we travel to work, how we brew our morning coffee, how the lights come on in this Chamber and permit us to read. It is about the coal-fired electricity that lights this whole Capitol, but it is also about what we can accomplish on the Senate Floor because we have this gift of light. God, in creating the world, said: Let there be light. Too often, though, we take for granted the benefits these lights bring.

Now when we consider energy security, we must think about fuel diversity. We need a diversity of energy resources to make our nation work. Actually, it is much like the Members of the Senate. It takes a variety of Senators, with all of their views and contributions coming from all the sections of the country, from the north, south, east, west, to make this body work. I, myself, am from coal country, C-O-A-L. One may laugh at that suggestion, but it is true. I am coal, C-O-A-L. I have been around the Congress for 50 years, which is a very long time when man's lifetime is considered. I was pulled from the hard scrabble mountains of West Virginia to serve this country. In the end, I hope that if I am pressed enough, testing my spirit and worth, the good Lord might realize that this ole piece of coal and carbon might actually be a diamond in the rough. Each Member of this body represents his or her own constituents' particular interests and energy needs. We come at this from different viewpoints, but, working together, we can mold a strong, comprehensive energy package that will provide long-term energy security.

The events of the last year demonstrate that true national security, economic growth, job protection, and environmental improvements over the long term depend upon a balanced energy plan. The United States must have a comprehensive energy policy that promotes energy conservation and efficiency and the greater use of domestic energy resources, while it ensures the development and deployment of advanced energy technologies and also improves our energy infrastructure. That is a pretty tall order. But all of those components are necessary if we are to reduce our Nation's dependence on foreign energy resources.

As energy debates have ebbed and flowed over the years, so have the public's and media's concerns. These cycles in energy markets—these momentary feasts and sporadic famines—have occurred and will continue to occur in the future. Too often, though, these crises have provoked controversial, knee-jerk solutions that do little to solve what is fundamentally a long-term problem.

For example, in response to the spike in gasoline prices not so many months ago, then-Energy Secretary Bill Richardson jetted off hat-in-hand to the Middle East pleading with Arab nations to increase crude oil production, which would supposedly lower gas prices at home. I also recall several "snake-oil, miracle cures" being debated on the Senate Floor, such as a federal gas tax "holiday" intended to temporarily reduce prices at the pump—a measure that a sensible majority in the Senate voted against.

Such short-term energy crises are brought on by many different catalysts, but they are all based on the same fundamental problem. What we see in the fluctuation of energy prices is a textbook study of how supply and demand can affect the energy markets. Unfortunately, our typical response to an energy crisis is to find a quick-fix solution—one that is designed to cut off the immediate spike, but does nothing to affect the underlying problems.

A number of challenges lie ahead. Our dependence on foreign oil increases every day. Because our domestic production peaked in the early 1970s and our consumption has not diminished since the early 1980s, we grow ever more dependent. This gap is due, in large part, to our dependence on oil for our rapidly expanding transportation sector.

On a positive note, the U.S. is less dependent on foreign oil than many other industrialized nations. However, it is also true that we are reliant on foreign producers for more than 50 percent of our oil supply today compared to less than 40 percent in the mid-1970s. Fortunately, we rely on a more diverse choice of foreign nations, and we are less dependent on Middle Eastern nations, for that growing share of our petroleum imports than twenty-five years ago.

A central question that we have to ask is what primary goal we are striving to achieve through this legislation. How do we balance our growing demand for new energy resources while increasing our need to do so in cleaner, more efficient ways? Will increased domestic oil production reduce our dependence on foreign oil? And, if that is the case, when and how should that occur? Looking to the future, I hope that our mounting dependence on foreign oil would serve as a wake-up call for other energy resources. Unless we can find a way to increase our natural gas supplies over the long term, we will also be increasingly dependent on foreign producers for our growing natural gas demands.

Further, we must understand that there are actually two major energy systems functioning in the U.S. with comparatively little influence on each other. Our transportation system is run almost entirely on oil-based resources. The second system provides power to warm our homes, light our businesses, light our Senate Chamber, run our computers, and cook our meals. It is supplied largely by domestic industries and resources that are in the midst of an historic and difficult transition. The limited overlap between these two energy systems can be simply illustrated. The electric power industry gets 2 percent of its energy from oil—the rest comes from coal, nuclear, natural gas, hydroelectric, as well as other renewable sources. Conversely, 97 percent of the energy use in our transportation sector comes from what? Oil. We must intelligently address the needs of these two energy systems simultaneously in order to provide a comprehensive solution to our energy needs.

Furthermore, if we are to craft a workable energy policy, we must recognize the degree to which it will rely on state and local decisions. Many energy experts agree that the country will need more power plants, more refineries, new refineries, and additional pipelines, but local citizens' groups often do not want these potentially unsightly, but crucial, facilities in their communities. Therefore, a national energy policy must enable government at all levels to work with citizens' groups and private sector interests to better coordinate a cohesive roadmap for the production, transportation, and use of energy. By working to fill energy gaps and avoiding jurisdictional conflicts, while improving a diversity of energy resources, authorities at all levels can promote regulatory certainty, stabilize long-term investments, and promote environmental protection all at the same time.

Over the years, our awareness has grown about the complexity of constructing a balanced energy policy that will not undermine other competing and equally legitimate policy goals. How do we reduce gasoline consumption, when raising its price to achieve a meaningful reduction in demand could be seen as economically disruptive and politically suicidal? How do we encourage the use of alternative fuels and technologies that heighten our energy efficiency, when OPEC nations can simply adjust oil prices to keep conventional sources cheaper than their alternative substitutes? How can we boost domestic energy supplies while protecting the environment?

Furthermore, with the severe budget restrictions we now face, we must examine questions about how the government can afford to meet our nation's future energy commitments. The projected return to deficit budgeting, the recession, and the demands for increased homeland security and for supporting our military abroad, have placed enormous long-term pressures on the entire budget and appropriations process this year, and for as far as the eye can see. Will a long-term energy strategy also be a victim of budgetary constraints? That is a serious question.

I hope not, because the Energy Information Administration estimates that, by 2020, the total U.S. energy consumption is forecast to increase by 32 percent—including petroleum by 33 percent, natural gas by 62 percent, electricity by 45 percent, renewable fuels by 26 percent, and coal by 22 percent. Because our energy needs are expected to grow so quickly, we need to develop and use a diverse mix of energy resources, especially coal, in more economically and environmentally sound ways.

There are those who would like to push coal aside like stove wood and horse power as novelties from a bygone era. But we cannot ignore coal as part of the solution. Over the past several years, I have been diligently assembling a comprehensive legislative package that will promote the near- and long-term viability of coal both at home and abroad. The Senate energy bill provides the opportunity to achieve that goal. Provisions contained in the Senate energy bill extend the authorization for the research and development program for fossil fuels from $485 million in Fiscal Year 2003 to $558 million in FY 2006. Additionally, the bill contains a $2 billion, 10-year clean coal technology demonstration program.

It is undeniable that our quality of life and economic well-being are tied to energy, and, in particular, electricity. Coal is inextricably tied to our nation's electricity supply. Today, coal-fired power plants represent more than 50 percent of electric generation in the United States, and 90 percent of coal produced is used in electricity generation. Coal has become even more important in recent years as a basic necessity for high-technology industries that need this domestic resource for computers and cutting-edge equipment that require a reliable, cost-effective supply of electricity. Coal is America's most abundant, most accessible natural energy resource, but, again, we must find ways to use it in a cleaner, more efficient manner.

The importance of clean coal technologies and the development of future advanced coal combustion and emission control technologies can assure the attainment of these goals. The overall emissions from U.S. coal-fired facilities have been reduced significantly since 1970, even while the quantity of electricity produced from coal has almost tripled. At the same time, the cost of electricity from coal is less than one half the cost of electricity generated from other fossil fuels.

To ensure that coal-fired power plants will help us to meet our energy and environmental goals, the Clean Coal Technology Program and other Department of Energy—DOE—fossil energy research and development programs must develop most efficient, cleaner coal-use technologies. This, in turn, will contribute greatly to the U.S. economy and to reduction in pollution and greenhouse gas emissions.

The DOE fossil energy research and development programs have created a cleaner environment, promoted the creation of new jobs, and improved the competitive position of U.S. companies. The DOE coal-based research program is estimated to provide over $100 billion—$100 billion—in benefits to the U.S. economy through 2020. In addition, the Clean Coal Technology Program has been one of the most successful government/industry research and development partnerships ever implemented. By law, the Federal share of this very successful program cannot exceed 50 percent. But, over the past 15 years, $1.9 billion in Federal spending has been matched by more than $3.7 billion from the private sector; a 2:1 ratio that far exceeds the 1:1 ratio set by law.

The successes of a range of U.S. clean energy technologies are valuable within our own borders. But, by opening new markets and exporting these technologies, we can reap their benefits many times over. This is a tremendous opportunity that cannot be ignored because the clean energy policies and technologies adopted today will have a profound influence on the global economic and energy system for decades to come. The United States should market our clean energy technologies, especially clean coal technologies, to developing nations, like China, India, South Africa, and Mexico, to help them meet their economic and energy needs. Just over a year ago, I initiated the Clean Energy Technology Exports Program, an effort to open and expand international energy markets and increase U.S. clean energy technology exports to countries around the world. This commonsense approach can simultaneously improve economic security and provide job opportunities at home, while assisting other countries with much-needed energy technologies and infrastructure. Furthermore, such technologies can enable these countries to build their economies in more environmentally friendly ways, thus helping to advance the global effort to address climate change.

Climate change and energy policy are two sides of the same coin. Because the vast majority of manmade greenhouse gas emissions are associated with energy use, it is here, in an energy bill, that we need to deal with the long-term challenges associated with global climate change. We need a climate change strategy and we need a climate change strategy badly. We need a climate change strategy that will not just pick at this complex problem by putting in place strategies that will apply in the next 5 or 10 years. We need a comprehensive climate change strategy also that looks 20, 50, and 100 years into the future.

Look at the kind of winter we have had. Look at the kind of winter we have had here in Washington: One snow, 3 inches. Look at the drought that has come upon this area of the country during the winter season. What can we expect for the spring and summer season? What is going to happen to our crops, our livestock, our economy? This is serious.

I have lived a long time—84 years. Something is going on out there. I don't need a scientist to tell me that. With the differences in the winters, the differences in the summers, in the temperatures, in the water level, there is something happening, and we had better be aware of it. We had better do something about it.

I sincerely hope that we will be able to work together in a bipartisan way and not put off addressing these challenging questions on another generation, but we must begin that effort now.

In June 2001, I introduced with Senator STEVENS bipartisan climate change legislation. Our bill received unanimous support in the Government Affairs Committee last year. Our proposal is based on scientifically, technically, and economically sound principles and would put into place a comprehensive, national climate change strategy, including a renewed national commitment to develop the next generation of innovative energy technologies. Senator STEVENS and I believe this is right policy framework, and I hope that my colleagues will not allow this commonsense approach to be undermined or stricken from this bill.

Senator STEVENS and I are aware that there may be an effort to strike this from the bill. But Senator STEVENS and I will stand as one man, as one individual, against any such effort.

I am glad to say that the Byrd/Stevens legislation is included in this energy package, as I have already indicated, for it will provide for the long-term viability of coal as an energy resource.

We must seize this opportunity to learn from past experiences. President Carter spoke to the nation in 1977 about the energy crisis of that era. He said that:

> Our decisions about energy will test the character of the American people and the ability of the President and the Congress to govern this nation. This difficult effort will be the 'moral equivalent of war,' except that we will be uniting our efforts to build and not to destroy.

Those are the words of former President Carter. At that time, energy was a household concern. Lines, long lines at gas stations were a common scene. Everybody remembers that—anybody who was living at that time. We were building a national resolve to craft a comprehensive national energy policy. But the gas lines went away, and so did the sense of urgency about energy.

During my tenure in the United States Senate, I have witnessed the ebb and flow in energy concerns as energy prices rise and fall. I fear that, as a nation, while our energy supplies are plentiful and prices are low, we may have sunk back into somnolence—somnolence—asleep at the wheel. If the United States is going to remain a global economic power, we have to tackle these energy issues. If there was ever a time to come together and craft an intelligent, responsible, bipartisan, long-term energy policy, it is now.

Mr. President, I thank the distinguished Senator from Georgia for his courtesy and his kindness to me and for allowing me to precede him so I could make this speech and then go back to the Budget Committee where we are having votes and where I should be attending right away. I thank him, and I join with him. I know what he is going to say and what he is going to speak about. I shall have something to say about that matter later. I thank him.

I yield the floor.

Mr. WYDEN. Mr. President, I ask unanimous consent that upon the completion of the remarks of Senator MILLER and Senator COLLINS I be allowed to speak. I will be offering a consensus amendment at that time which has been agreed to by both sides.

The PRESIDING OFFICER (Mr. NELSON of Florida). Without objection, it is so ordered.

Under the previous order, the Senator from Georgia is recognized.

(The remarks of Mr. MILLER are printed in today's RECORD under "Morning Business")

Mr. MILLER. Thank you, Mr. President. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3041 TO AMENDMENT NO. 2917

(Purpose: To provide additional flexibility to covered fleets and persons under title V of the Energy Policy Act of 1992)

Mr. WYDEN. Mr. President, I send an amendment to the desk and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

> The Senator from Oregon [Mr. WYDEN], for himself, Mr. Murkowski, Mr. BENNETT, and Mr. SMITH of Oregon, proposes an amendment numbered 3041 to amendment No. 2917.

Mr. WYDEN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. WYDEN. Mr. President, the Energy Policy Act that the Senate has been debating contains a number of strategies to reduce America's dependence on foreign oil and to improve the environment, but it does omit a key technology that can help this country achieve these critically important goals.

That technology is the hybrid electric vehicle. The Senate has heard a lot about hybrids over the last few weeks, and, last week saw a poster of a red SUV—a hybrid vehicle that Ford is developing. Hybrids are coming of age. Anyone who has questions about their benefits can ask our colleague, Senator BENNETT from Utah, who does in fact, drive a hybrid vehicle.

These vehicles can achieve fuel efficiencies that are more than twice the current CAFE standard. Their greenhouse gas emissions are only one-third to one-half of those from conventional vehicles; and for other pollutants, such as nitrogen oxides, they can meet the country's highest emission standards, those set by the State of California.

The overall energy efficiency of hybrid vehicles is more than double of any available alternative fuel vehicle. But the result of this country's current energy policy is that vehicles rated at even 70 miles per gallon are disqualified as counting toward energy efficiency fleet requirements just because they do not use alternative fuels. But, clearly, they more than fulfill the spirit of a modern energy policy that moves this country towards the critical goal of energy independence.

When it comes to alternative fuel, the Energy Policy Act of 1992 is all windup and no pitch. It requires fleet administrators to buy alternative fuel vehicles, but it does not require them to use alternative fuels. In many States, even the best-intentioned fleet administrators have real trouble finding enough alternative fuel. That certainly has been true in my home State of Oregon.

Out of 178,000 fuel stations across the country, only 200 now provide alternative fuel. That is less than one-tenth of 1 percent of our filling stations. The result is, many alternative fuel vehicles are being operated with gasoline, which completely undermines this country's goal of reducing the use of petroleum.

The energy bill before us, wisely, will close that loophole by requiring alternative fuel vehicles to actually use alternative fuels. If passed, by September of next year, 2003, only 50 percent of the fuel that fleets use in their alternative fuel vehicles could be gasoline.

Though the Nation's alternative fuel infrastructure is expanding, the question still remains: What about those States that still lack enough stations where fuel can be purchased? Are they supposed to just let those vehicles sit unused in their parking lots?

The amendment I offer today, with Senator MURKOWSKI, Senator BENNETT, and my colleague from Oregon, Senator SMITH, will provide fleet administrators with the flexibility to choose between alternative fuel vehicles and hybrid vehicles. Like the Energy Tax Incentives Act reported by the Finance Committee, it contains a sliding scale that allows partial credit for hybrid vehicles based on how good their fuel economy is and how much power they have.

For instance, if a hybrid car or light truck averages 2½ times the fuel economy of a similar vehicle in its weight class, it could earn credit worth up to 50 percent of the purchase of an alternative fuel vehicle. Then, based on how much power it has available, it could earn additional credit. So significant credit would only be given to the best performers.

To illustrate what this means, for a hybrid vehicle to get one-half the credit of a 3,500-pound alternative fuel vehicle that averages 21 miles per gallon in the city, that hybrid would have to average over 53 miles per gallon. It is clear what a huge reduction in petroleum use this proposal could mean.

The amendment is supported by a broad range of interests, including the National Association of Fleet Administrators, the National Association of State Energy Officers, Toyota Motor of North America, and the National Rural Electric Cooperatives Association.

I thank my colleagues, particularly Senator MURKOWSKI, Senator BENNETT, and Senator SMITH of Oregon, for all of their efforts in working with me to fashion this bipartisan legislation.

I also thank Chairman BINGAMAN, who has been very helpful with respect to this issue. He is a strong advocate of hybrids.

Mr. President, I ask unanimous consent that the amendment be set aside and that the Senate return to it later in the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who seeks time?

The Senator from Oregon.

Mr. WYDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business for a few minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I gather there is some concern expressed by the majority leader about the pace at which we are proceeding on the energy bill. This often happens in the process of a complex piece of legislation, particularly a piece of legislation that has not gone through the committee process as a consequence of the decision of the majority leader. This has taken a while. We are not through by any means. We still have some contentious issues to address, such as global warming, ANWR, the tax proposal, which is going to take some time.

I want to see this bill passed. It is my intention to keep working with Senator BINGAMAN toward the passage of a comprehensive energy bill. It was with the intention that, by amendment, we would try to craft a bill that would be worthy of the Senate's deliberations. There is no question that, obviously, we were expected to deliver a bill. The reality that the House has done its job and passed H.R. 4 puts the responsibility on the Senate.

The President has outlined energy as one of his priorities, encouraging that we pass comprehensive energy legislation. So the obligation clearly is ours. This afternoon, I gather we are going to go back on judges for an undetermined timeframe. At the conclusion of that, I hope we can again go back to some of the outstanding amendments we have before us on the energy bill.

I also point out to those who suggest we are holding up this bill that we spent a good deal of time off the bill on campaign finance. I am not being critical of that. It is just a reality that the majority leader chose to take us off to complete that particular issue, which has been around for so long.

I want to make the record clear. We have an ethanol amendment, the Feinstein amendment is resolved, and there may be some more amendments coming yet this afternoon. We are working with Senator BINGAMAN and the majority whip, Senator REID, to try to conclude a list of amendments. Our list is about 2½ pages long, I would guess, with around 60 amendments listed. Realistically, there are probably not more than 10 that we are going to have to deal with on that list. I know Senator BINGAMAN and the Democrats are working toward an effort to identify their amendments as well.

I hope that as soon as we get off the judges, we can go back and proceed to move amendments yet today and on into the evening. I have no idea what the schedule is tomorrow, but perhaps the majority whip can enlighten me. I wanted to make it clear from our point of view as to what to anticipate and what we have ahead of us.

Mr. REID. If the Senator from Alaska will yield, I will respond.

Mr. MURKOWSKI. I am happy to yield.

Mr. REID. The matter with the judges will be resolved by 3 o'clock this afternoon. We will take that up in 10 minutes. After that, we will go into whatever amendments the distinguished Republican leader of this bill wants to move. We hope his number of about 10 serious amendments is more accurate than 60. We know that when there is a finite list, a lot of people file relevants and they are not really serious about offering them. Having spoken to the majority leader and Senator BINGAMAN today, we really want to get a finite list of amendments we can put our fingers on, in the hopes of completing this legislation.

If there are 10 amendments dealing with serious subjects, that is doable. If we get 25, 30 amendments, there are some who would recommend to the leader to file cloture and maybe go to something else. I hope that is not necessary. We have spent a lot of time on this bill. It is worthy of time.

There is nothing we can do that is more serious than working on the energy policy of this country. We know the Senator has the ANWR amendment, which has created so much interest, and we hope to get to that soon.

In short, we want to finish this bill as badly as the Senator from Alaska. We hope by this afternoon we can have some light at the end of the tunnel to do that.

Mr. MURKOWSKI. Will the majority whip yield? Is there any indication what we might anticipate tomorrow? Is it too early to make that decision?

Mr. REID. If we have reason to be here, the leader has not said we will have no votes. There could be votes. It is the day before the recess. If we have things we can do and it will lead to our completing this bill when we get back, I am sure the leader will want to work tomorrow.

Mr. MURKOWSKI. I do not want to misunderstand my good friend. Did he indicate there has been a decision there will be no votes tomorrow?

Mr. REID. The leader has said just the opposite; there will be votes. We want to have votes on substantive matters. We do not want to, on the day before the recess, have make-do votes. We are going to have something that is meaningful. With the subject matter that was briefly outlined by the Senator from Alaska, those are very serious matters, and I hope we can be working on some of them tonight and tomorrow.

Mr. MURKOWSKI. I thank the Senator. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I ask unanimous consent that the previous order be delayed and that I be permitted to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2042 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENTS NOS. 3033 AND 3040

The PRESIDING OFFICER (Mrs. CARNAHAN). The Senator from Vermont.

Mr. LEAHY. Madam President, what is the parliamentary situation?

The PRESIDING OFFICER. There are 3 hours of debate to be evenly divided on two amendments dealing with judicial nominations.

Mr. LEAHY. Madam President, earlier this week when the Senate was considering confirming the 42nd judge since the shift in majority last summer, I came to tell the Senate of the progress we have made filling judicial vacancies in the past 9 months. The pace of consideration and confirmation of judicial nominees in the last 9 months exceeds what we used to see in the preceding 6½ years. During that 6½ years under Republican control, vacancies grew from 63 to 105 and were rising to 111. I lay this out so people understand what is happening.

Since July, we have made bipartisan progress. This chart shows the trend lines. During the Republican majority, the vacancies were going up to 111; in the short time the Democrats have been in the majority, those vacancies have been cut down.

The Democrats have controlled the majority in the Senate Judiciary Committee for 9 months. What did we do during that 9 months? We have confirmed more judges—42, all nominated by President Bush. In those 9 months, we confirmed more judges than the Republicans did for President Clinton in the 12 months of the year 2000. We confirmed more judges in those 9 months than the Republicans did during the 12 months of 1999. In those 9 months, we confirmed more judges for President Bush than the Republicans did for President Clinton during the 12 months of 1997. During those 9 months, we confirmed more judges for President Bush than the Republicans did for the 12 months of 1996.

We can compare our 9 months, and we have not finished a full year of being in the majority. In 9 months, we confirmed more judges for President Bush than the Republicans were willing to confirm for President Clinton in 12 months in the years 2000, 1999, 1997, and 1996.

Under Democratic leadership, the Senate has filled longstanding vacancies on the courts of appeal. We exceeded the rate of attrition. In less than 9 months, the Senate has confirmed seven judges to the courts of appeals. We have held hearings on three others. We have drastically shortened the average time, by approximately a third, for confirmation of circuit court nominees compared to the Senate under Republican control between 1995 and 2001. And we are committed to holding more hearings on those where we received blue slips and have consensus nominees. Comparing what the Republicans did during 1999 and 2000, they refused to even hold hearings or vote on more than half of President Clinton's court of appeals nominees.

I mention this because I have always said let's get these people up, have a hearing, and let the committee vote. In the last 6 years, dozens upon dozens of President Clinton's nominees were never even given a vote in the committee. I have tried to reverse that.

Between 1995 and when the Democrats took over the majority, vacancies on the courts of appeal rose to a total of almost 250 percent higher than before. When we finally took over, we were faced with 32 vacancies on the courts of appeal. In spite of this, the Democratic majority has kept up with the rate of attrition by confirming seven judges to the circuit courts in only 9 months and holding more hearings on three more. Particularly, we have been working to improve conditions in the Fifth, Tenth, and Eighth sitting.

During the last 9 months, the Judiciary Committee has restored steady progress to the judicial confirmation process. The Senate Judiciary Committee is doing what it has not done for the 6 years before. We are holding regular hearings on judicial nominees. We are giving nominees a vote in committee, in contrast to the practice of anonymous holds and other tactics employed by some during the period of Republican control. In less than 9 months, the Senate Judiciary Committee has held 15 hearings involving judicial nominations. That is more hearings on judges than the Republican majority held in any year of its control of the Senate. Already, 48 judicial nominees have participated in those hearings.

In contrast, one-sixth of President Clinton's judicial nominees, more than 50, never got a committee hearing nor a committee vote from the Republican majority. This is one of the reasons why there were so many vacancies when President Bush took office.

No hearings were held before June 29, 2001, by the Senate Judiciary Committee, even though they were in control. No judges were confirmed by the Senate from among the nominees received by the Senate on January 3, 2001, or further nominees received from President Bush in May.

This is the background for the sense-of-the-Senate amendment that will be offered by Majority Leader DASCHLE which would confirm that the committee should continue to hold confirmation hearings for judicial nominees as expeditiously as possible. That is true for all judicial nominees, including those first received on May 9 of 2001.

The language offered by Senator DASCHLE also recognizes that with barely 4 weeks in session before May 9, 2002, calling for confirmation hearings on eight controversial courts of appeals nominees is a call that is unheard of. It was certainly never approached during the past 6 years. I would suspect that my friends on the Republican side are most afraid of one thing: They hope the Democratic majority would never do to them and a Republican President what they did as a Republican majority to a Democratic President.

I can assure them as long as I am chairman we will not do to them what they did to us. I am not going to do that. It hurts the independence of the judiciary, and I am not going to do that.

I remember a whole session, in 1996, in which the Republican majority did not confirm a single judge to the courts of appeals; another in which the committee reported only three courts of appeals nominees all year. But we are not going to go back to those days. We are going to do a lot better. But you cannot call for hearings on eight courts of appeals nominees in 4 weeks. That would be asking the current committee to do in 1 month what the committee under Republican leadership did not do for months, in fact sometimes for years.

It is disingenuous to compare the last 9 months with the Senate majority and President of different parties to years when the majority party and the President were the same. A fairer comparison might be with the first 9 months of the 104th Congress, where the parties of the President and the Senate majority were different. That comparison shows we made more progress, held more hearings, confirmed more judges, including courts of appeals judges, than when the party roles were reversed in 1995.

In 1995, we had a Democratic President and a Republican majority. Take their 9 months. They had nine hearings in 9 months with a Democratic majority and Republican President. We actually had 15. I will correct this—15, because we had one Tuesday. In their 9 months, they had 36 confirmations; we have had 42. So we have made more progress, held more hearings, confirmed more judges than when the party roles were reversed in 1995. Actually, 1995 was when the Republicans had one of its most productive years on judges.

In a comparison made between the beginning of the second session of the 104th Congress when the President was a Democrat and the Senate majority was Republican, with the beginning of this, when roles were reversed, that fair comparison shows that we have already confirmed 14 judges this session, including 1 to the court of appeals, while the Republican Senate ended up confirming only 17 judges all year—none to the courts of appeals.

When we finish this first year in the majority, I can assure the Senate our record will be better than the years we saw with the Republicans, by any kind of standard at all. Look at the first 3 months of the session. We have been confirming—we confirmed 14 judges.

In March 1995, in their first 3 months, when they were in charge with a Democratic President and Republican majority, they confirmed 9; by March of 1996 when they were in charge, they confirmed zero; by March of 1997 when they were in charge they confirmed 2; by March of 1998 they hit their zenith, they confirmed 12. They made up for it the next year, March of 1999, they confirmed zero. By March of 2000, they confirmed 7; by March of 2001 they confirmed zero. By March of this year, we confirmed 14.

Madam President, I see the distinguished ranking member of the Judiciary Committee on the floor, so I will yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. For the information of the Senate, the clerk will report by number the amendments currently under consideration.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3033.

The Senator from Nevada [Mr. REID], for Mr. DASCHLE, proposes an amendment numbered 3040.

The amendment is as follows:

AMENDMENT NO. 3040

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

That it is the sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee should along with its other legislative and oversight responsibilities, continue to hold regular hearings on judicial nominees and should, in accordance with the precedents and practices of the Committee, schedule hearings on the nominees submitted by the President on May 9, 2001, and resubmitted on September 5, 2001, expeditiously.

Mr. HATCH. Madam President, here we go again: statistics judo being used on the floor of the Senate courtesy of the Judiciary Committee.

I am going to always address these statistics with the facts. The bottom line is the facts speak for themselves. We have an unprecedented and shocking 31 vacancies on the Federal circuit courts of appeals in this country. That is not progress.

Last Thursday, Senator LOTT introduced a resolution calling for the Judiciary Committee to hold hearings on each of the circuit court judges nominated by President Bush on May 9 of last year.

We are coming up on the 1-year anniversary of those nominations, and yet only 3 of the 11 nominees have had hearings and confirmation votes. All of these nominees have received well-qualified or qualified ratings from the American Bar Association, which some of my Democratic colleagues have described as the gold standard in evaluating judicial nominees.

Why is it so problematic that none of these 8 nominees have received a hearing or vote? It is no secret that there is a vacancy crisis in the Federal circuit courts, and that we are making no progress in addressing it.

Let's take a look at some numbers. A total of 22 circuit nominations are pending in the Judiciary Committee. But we have confirmed only one circuit judge this year, and only seven since President Bush took office.

When Senate Democrats took over the Judiciary Committee in June of last year, there were 31 circuit court vacancies, and there remain 31 circuit court vacancies today. This does not represent progress—it represents stagnation.

In contrast, at the end of 1995, which was Republicans' first year of control of the Judiciary Committee during the Clinton administration, there were only 13 circuit vacancies.

In fact, during President Clinton's first term, circuit court vacancies never exceeded 20 at the end of any year—including 1996, a Presidential election year, when the pace of confirmations has traditionally slowed.

Moreover, there were only two circuit nominees left pending in committee at the end of President Clinton's first year in office. In contrast, 23 of President Bush's circuit nominees were left hanging in committee at the end of last year.

In light of the vacancy crisis, we cannot afford to let only 10 Senators defeat a circuit nominee. This is a question of process, not of seeking favorable treatment.

For all these reasons, it is imperative to support Senator LOTT's resolution to get hearings and votes for our longest pending circuit nominees. Given the vacancy crisis in our circuit courts, I can't imagine anyone voting against it. I must respond to some of the comments that my colleagues across the aisle have made about the pace of judicial confirmations. These comments have included a gross distortion of my record as chairman of the Judiciary Committee during six years of the Clinton administration. Although we have all heard enough of the numbers, I will not hesitate to defend my record when it is unjustly attacked, as it has been over the past week and I think here today.

I believe that the source of many, if not all, of these attacks stems from the defensive posture that many of Democratic colleagues have taken since 10 members of the Judiciary Committee refused to send the nomination of Judge Charles Pickering to the floor for a vote by the full Senate. Some of these colleagues have defended what they call the Senate's fair treatment of judicial nominees in general and Judge Pickering in specific. But the fact of the matter is that the Senate never got the opportunity to vote on Judge Pickering's nomination. The reality is that the 10 Democratic members of the Judiciary Committee determined for the rest of the Senate the fate of Judge Pickering's nomination.

We all know that had it been brought to the Senate he would have gone through with flying colors.

This is despite the fact—or perhaps because of the fact—that had Judge Pickering's nomination been considered by the full Senate, he very likely would have been confirmed, and I think with flying colors.

The committee's treatment of Judge Pickering is problematic for several reasons.

First, during the 6 years that Republicans controlled the Senate during the Clinton administration, not once was one of his judicial nominations killed by a committee vote. The sole Clinton nominee who was defeated nevertheless received a floor vote by the full Senate. Judge Pickering was denied that opportunity. Some of my Democratic colleagues have said that their treatment of Judge Pickering was not payback. In one sense, they are right. If they were interested in treating President Bush's nominees as well as the Republicans treated President Clinton's nominees, the they would have sent Judge Pickering's nomination to the floor for a vote by the full Senate.

Second, the actions of the Democratic members of the committee were clearly orchestrated by liberal special interest groups that have been doing it for years whenever there is a Republican President. It is no coincidence that these groups asked the committee to demand Judge Pickering's unpublished opinions, then—surprise!—the committee announces that it will compel Judge Pickering to produce all of his unpublished opinions.

For judges to go back and go through all their unpublished opinions, if they have been on the bench for very long, is extraordinary.

I do not recall another nominee who has been subjected to a production demand of such scope—except, of course, for Judge D. Brooks Smith, another Bush nominee whom the groups have targeted.

Let me read the text of the letter to Judge Smith. It simply say,

> Copies of your unpublished opinions, not previously produced to the committee, have been requested by Members. Please contact our nominations clerk . . . to arrange transmission of the materials. Thank you for your assistance in this matter.

That is it. There is no explanation for why the committee is demanding these unpublished opinions, and there was no consultation with the Republicans about taking the drastic step of demanding these opinions. This letter, incidentally, was sent to Judge Smith after his confirmation hearing, just as with Judge Pickering. There is nothing fair about subjecting nominees to fishing expeditions simply because the liberal special interest groups do not like them. The committee's treatment of Judge Pickering's nomination was not an example of the committee doing its job, as one of my colleagues described it last week. Instead, it is an example of special interest groups pulling strings. I am deeply concerned about what this means for the fairness with which future judicial nominees will be treated—especially any Supreme Court justice that President Bush may have the opportunity to nominate.

Some of my Democratic colleagues have tried to minimize the effect of their party-line committee vote to defeat Judge Pickering's nomination by declaring that, last year, they held the first confirmation hearing on a fifth circuit judge since 1994. While this is technically true, there is an important fact they leave out: From 1994 to 1997 during the Clinton administration—get this—no fifth circuit nominees were pending for the committee to act on. President Clinton did not nominate another fifth circuit judge until 1997, and that nominee did not have home State support due to lack of consultation from the White House.

And that was the problem. He was not renominated after the end of the 105th Congress. The next fifth circuit judge was not nominated until 1999.

So to say from 1999 they haven't had any work on that fifth circuit just shows the type of sophistry that is used. This one fifth circuit judge who was nominated in 1999, too, lacked home State support due to lack of consultation from the White House.

Finally a third fifth circuit nominee was nominated in 1999. So, in reality, only one of President Clinton's fifth circuit nominees after 1999 could have possibly moved, and I should say that nominee was not nominated until the seventh year of the Clinton presidency.

Now, let's compare this record to the present Bush administration. The Democrats have already killed one of President Bush's fifth circuit nominees, Judge Pickering, who enjoys the strong support of both of his home State senators. If they are being guided by precedent, then my Democratic colleagues have no excuses for refusing to move every other Fifth Circuit Bush nominee who has home State support. One such nominee, Justice Priscilla Owen of Texas, has been pending in committee for over 300 days now without so much as a hearing which brings me to another point.

My Democratic colleagues have argued at length about how fairly they are treating President Bush's judicial nominees, especially his circuit nominees. In fact, last week one of my colleagues said on the floor, "We are trying to accord nominees whose paperwork is complete and whose blue slips are returned both a hearing and a fair up or down vote." This colleague must have forgotten about the eight circuit judges whom President Bush nominated on May 9 of last year and who have been languishing in committee without so much as a hearing for over 300 days. With one exception, the paperwork on all of these nominees has been complete for months. Each of these nominees has received a rating of well-qualified—the highest rating the ABA can give—or qualified from the ABA, which my Democratic colleagues have referred to as the gold standard in evaluating judicial nominees.

The rest of President Bush's circuit nominees have fared just as poorly.

As this chart shows, only 9 percent of his circuit nominees awaiting a committee vote have had a hearing thus far. Nine percent are languishing in the committee—for over 300 days. This means that 91 percent of his circuit nominees, including 8 of his first 11 circuit judges nominated on May 9, have been languishing in committee for no reason, but that the liberal interest groups don't want them to move. These are outside groups.

The failure of the committee to act on these circuit nominees is particularly disturbing in light of the vacancy crisis in the circuit courts.

As this chart illustrates, the number of vacancies in the circuit courts is dramatically higher than it has been during the first 2 years of the most recent Presidential administrations. At the end of the first 2 years of the Herbert Walker Bush administration, there were only 7 circuit court vacancies. At the end of the first 2 years of the first term of the Clinton administration, there were only 15 circuit vacancies. At the end of the first 2 years of the second term of the Clinton administration, there were only 14 vacancies.

Incidentally, I chaired the Judiciary Committee during this time, and there were fewer vacancies than there were when Democrats controlled the Senate during the first 2 years of the first time of the Clinton administration when the Democrats controlled the committee.

Now, let's look at the present administration. There are currently 31 vacancies in the circuit court of appeals. It is a disaster. This is the same exact number of vacancies in the circuit courts that existed when the Democrats took control of the Senate on June 5 of last year.

This does not represent progress. This does not represent fairness. This does not show a good job being done by the Judiciary Committee. It represents stagnation. It is for this reason that I find it more than a little hard to swallow my colleagues' arguments that their pace of judicial confirmations is keeping up with the vacancy rate. The numbers simply tell another story.

We are making absolutely no progress in addressing the vacancy crisis in the Federal judiciary. Even if you look beyond the circuit courts to the full judiciary—and we will just put these numbers up here as shown on the chart—these numbers are not much better.

The end-of-session vacancies during the first 2 years of Republican control of the Senate during the Clinton administration never exceeded the vacancies we now face. At the end of 1995—my first year of chairing the committee—there were 50 vacancies in the Federal judiciary. Only 13 of these vacancies were in the circuit courts—only 13.

At the end of 1996—my second year of chairing the committee—there were 63 vacancies in the Federal judiciary.

I might mention, when Senator BIDEN led the Democrats and chaired the committee—and I thought he did a great job—when he chaired the committee, in the same period, at the end of 1992, there were 97 vacancies. But there were only 63 vacancies at the end of my second year. Only 18 of those were in the circuit courts. Now, that was too many, I admit, but it is certainly not 31 as we have today.

But at the end of last session, there were 94 vacancies in the Federal judiciary. Now, admittedly, the Democrats did not have a full year to take care of it, but, still, 94 vacancies is a high vacancy total at the end of the session.

Now we have 95 vacancies after almost a year, which is a dramatic increase from the 67 vacancies that existed at the end of the 106th Congress. As we have seen, 31 of these vacancies are in the circuit courts.

What does this mean? It means the Senate's pace under Democratic control in confirming President Bush's judicial nominees is simply not keeping up with the increasing vacancy rate, not even in accordance with the precedence and practices of the committee.

I have heard a lot of comments about how they are going to treat Republicans like we treated them, that they are going to treat Republicans just as fairly as we treated them. My gosh, the record shows we are not being treated fairly at all. You might be able to find some things to criticize in any Judiciary Committee chairman's tenure because of the difficulties in working with the other 99 people, but the fact is, this isn't fair.

For anyone who doubts that the vacancy crisis represents a problem, let me point out that the Sixth Circuit Court is presently functioning at 50-percent capacity—50 percent. That is a disaster. Eight of that court's 16 seats are vacant. President Bush nominated seven well-qualified individuals to fill the vacancies on that court.

Two of these nominees, Deborah Cook—a wonderful woman lawyer—and Jeffrey Sutton—one of the finest appellate lawyers in the country—have been pending since May 9 of last year. They were among the first 11 judges that President Bush nominated. Yet they have languished in committee without so much as a hearing, while the Sixth Circuit functions at 50-percent capacity.

Although the Michigan Senators have blocked hearings for the three Bush nominees from Michigan by refusing to return blue slips, the paperwork on the remaining four nominees is complete. Again, nothing stands between them and a confirmation hearing except my Democratic colleagues.

Let me also say that I find it highly unusual that blue slips withheld in one State should be used to denigrate or to hold up judges from another State. I do not think Senators should be given that kind of authority, but that is what is being done here.

Another appellate court that is in trouble is in the DC Circuit, the Circuit Court of Appeals for the District of Columbia, which is missing one-third of its judges. It has only 8 of its 12 seats filled. That is one of the most important courts in our country. It hears cases that other circuits do not hear. It hears an awful lot of administrative law cases. It is a busy court. Yet we only have 8 of the 12 seats filled.

President Bush nominated two exceedingly well-qualified individuals to fill seats on the DC Circuit on May 9 of last year, better than 300 days ago.

Miguel Estrada, a Hispanic, who has a remarkable record, and has argued 15 cases in front of the Supreme Court of the United States, could not even speak English when he came to this country, and is one of the most articulate, impressive, intelligent advocates in our country today—not even given a hearing. Well-qualified by the American Bar Association.

John Roberts: I talked to one of the Supreme Court Justices just a short while ago. He said he is one of the two top appellate lawyers in this country today. He is not particularly an ideologue. This man is a great lawyer. He has Democrat and Republican support. So does Miguel Estrada, by the way.

They are among the most well-respected appellate lawyers in the country. And I should say that Miguel Estrada would be the first Hispanic to ever serve on the Circuit Court of Appeals for the District of Columbia, to sit on this important court.

My friends on the other side talk a lot about diversity, but apparently it is diversity only if the candidates agree with the extreme liberal views of the special interest groups in this town. And they are in this town. They really do not represent the people at large—narrow interest groups. This troubles me. The Judiciary Committee has not granted them a hearing, much less a vote.

If the DC Circuit and the Sixth Circuit are any indication, it appears the committee is doing what it can to avoid filling seats on the courts that need judges the most.

Part of the problem is a reluctance by the committee to move more than one circuit judge per hearing. In fact, I do not believe the Democrats have moved more than one circuit judge per hearing during the entire time they have had control of the Senate.

When I was chairman, I had 10 hearings with more than one circuit nominee on the agenda. In fact, I had hearings with more than one circuit nominee on the agenda in every session in which I was chairman except for the Presidential election years. That is the precedent and the practice of the committee.

Let's stop making excuses. Let's confirm these judges. If we are going to get serious about filling circuit vacancies, then I encourage my Democratic colleagues to move more than one circuit judge per hearing.

One of the more ludicrous charges I have heard is that the Republicans did not confirm any judges while they held the majority in the Senate last year. Let me set the record straight on this. President Bush announced his first 11 judicial nominations on May 9. I scheduled a confirmation hearing on 3 of those judicial nominees—all circuit court nominees—for May 23.

However, some Democratic members of the committee claimed to need more time to assess the nominees. Out of an abundance of caution, a recognition of their feelings, and in the interest of fairness, I agreed to cancel the hearing despite widespread speculation that the Republicans' loss of the majority in the Senate was imminent. As we all know, control of the Senate shifted to the Democrats shortly thereafter on June 5.

So while the Republicans were ready to hold a hearing on 3 circuit judges within 2 weeks of their nomination in May, it took the Democrats until the end of August to hold confirmation hearings on 3 circuit judges. By the way, 2 of them were Democrats, so it is not hard to understand why they would want to get them through. And I wanted to get them through, too. And I want to get them through before, at least one of them, now Judge Gregory.

I have to admit, when these special interest groups on our side came to me, some of the far right groups, I told them: Get lost. And I made some real enemies in the process. But, by gosh, I wanted to do my job as Judiciary Committee chairman.

I know it is a difficult job. And I know my colleague has a very difficult time with colleagues, with outside groups, with all kinds of problems. I had the same problems. But sooner or later, we have to do something about these problems. I have also heard my Democratic colleagues complain that I was unfair because almost 60 Clinton nominees never received a hearing or vote. I have two responses to this charge.

Let me just go to this chart.

First, as the following chart shows, the Democrat who controlled the Senate during the first Bush administration left 59 judicial nominees total, circuit and district nominees, without a hearing or vote at the end of 4 years—59. And they are complaining? In contrast, only 53 Clinton nominees were not confirmed over my 6 years as chairman. But that was in 4 years that they left 59. Now, mine was 53. Yet my Democratic colleagues claim that I was unfair to the Clinton nominees despite the fact they left more Bush 1 nominees unconfirmed in an actual shorter period of time.

Second, many of the Clinton nominees who were not confirmed had good reasons for not moving. As I have mentioned, not including withdrawn nominees, there were only 53 Article III judicial nominees who were nominated by President Clinton during my 6 years as chairman who did not get confirmed. Of those, nine were nominated too late in a Congress for the committee to feasibly act on them or were lacking paperwork. That leaves 44. Seventeen of those lacked home State support, which was often the result of a lack of consultation with home State senators. There was no way to confirm those, no matter how much I would have liked to, without completely ignoring the Senatorial courtesy that we afford to home State Senators in the nominations process, as has always been the case. That leaves 27. of the original 53. One nominee was defeated on the Senate floor, which leaves only 26 remaining nominees. Of those 26, some may have had other reasons for not moving that I simply cannot comment on. So in all 6 years that I chaired the committee while President Clinton was in office, we are really only talking about 26 nominees who were left.

Now I heard one of my Democratic colleagues on the floor last week comparing their pace to mine in increments of months—9 months to 12 months, 9 months to 9 months, 3 months to 3 months, and so on. I must admit that I had a tough time following his argument in light of the astronomical vacancy rate that we now face in the Federal judiciary. But in terms of fairness, let me set forth what I consider to be the bottom line. President Clinton enjoyed an 85 percent confirmation rate on the individuals he nominated. A total of 377 Clinton nominees sit on the Federal bench today. That was with my help in every case.

This number is only 5 short of the all-time confirmation champion, President Reagan, who had 382 judges confirmed by the Senate. I believe President Clinton would actually have had more, had it not been for Democratic holds in the Senate that I knew about at the end of that last session. Keep in mind, President Clinton had 6 years of a Republican Senate, the opposition party, yet had virtually the same number of people confirmed as the all-time champion, President Reagan, who had 6 years of his own party in control of the Judiciary Committee in the Senate. It is astounding to hear some of these arguments against what we did.

Go over it again. President Clinton, with a 6-year opposition party, and me as chairman, had 377 judges confirmed in his 8 years, during 6 of which Republicans controlled the Senate. President Reagan, the all-time champion, got 5 more, 382, and he had 6 years of a favorable party Senate.

I don't think there is much room to be complaining about what happened during the Clinton years.

When President Bush's judicial confirmations start approaching these numbers, then I may be ready to agree that the Democrats are treating President Bush's nominees fairly.

Let me add something more. If you look at this chart, it is pretty important because it shows that the total vacancies at the end of the 102nd Congress were 95. But if you go to the pending nominees not confirmed at the end of Bush 1, there were 11 circuit court nominees and 48 district court nominees, for a total of 59 circuit and district court nominees.

If we go to the end of President Clinton, it really tells the story.

In President Clinton's first 4 years, we had a total of 202 judges confirmed. When the Democrats controlled the committee in 1993, there were 112 vacancies at the end of the session. Mine was 54—53, actually. At the end of 1994, when they controlled the committee, there were 63 vacancies. I remember President Clinton saying that was a full judiciary. Senator BIDEN was the chairman, and I agreed. Somewhere around 60 judges is basically a full judiciary. There may be problems in certain areas, but basically that is a full judiciary.

In 1995, the first year after we took over, there were 50 total vacancies left and only 13 circuit court nominees left. Keep in mind, when the Democrats controlled, on circuit court nominees, there were 20 at the end of 1993 and in 1994 there were 15. That is what you have to do at the end of session—not just choose any 3 months you want to in any year. Let's talk in terms of fairness here and statistics.

Let's go down it again. President Clinton in 1993 nominated five to the circuit court. President Bush has nominated 31—actually more than that. He had 3 nominees confirmed, but there were 20 circuit court nominees at the end of that session. In 1994, he nominated 17, submitted 17; there were 16 who were confirmed. There were 15 left over at the end of 1994. The Democrats controlled the committee. In 1995, he nominated 16; there were 11 confirmed of the 16. That is a far better record than we are hearing about the complaints from the Democrats on what happened under my leadership. There were only 13 left, a 7.3-percent vacancy rate.

In 1996, I was chairman again. We only had four nominations. That is why none was confirmed. It was an election year. Eighteen were left over. If you stop and think about it, that is still 13 fewer than the vacancy rate right now, or the vacancy rate that existed last May 9, 31 vacancies.

In the district courts, if you want to go through it, in 1993 there were 42 nominations submitted; 24 were confirmed. That is when the Democrats controlled the committee. There were 92 vacancies at the end of the session.

In 1994, there were 77 nominations in the district court; 84 were confirmed. And there were only 48 left at the end of that session. In 1995, when I took over, there were 68 nominations; 45 were confirmed. And there were 37 vacancies. In 1996, there were 17 nominations submitted; 17 were confirmed. In that year, 45 at the end of that session.

But if we go to circuit and district courts combined, in 1993, when the Democrats controlled the Senate, there were 47 total nominations submitted. There were 27 that were confirmed when the Democrats controlled the committee and their own President was there. And there were 112 vacancies at the end of that session. In 1994, there were 94 total nominations submitted; there were 100 nominations confirmed. And there were only 63, which is still 10 higher than it was at the end of my tenure, at the end of the session when President Clinton left office.

In 1995, there were 84 nominations submitted; 56 were confirmed. And there were 50 left over at that time. Then in 1996, there were 21 total nominations submitted; 17 confirmed. There were 63 left over.

As you can see, if we compare the statistics, the Democrats were not mistreated. They were treated fairly. Admittedly, it is a tough job being chairman of the Judiciary Committee. These are hot issues. There are always some people in the Senate, whether liberals or conservatives, who don't like certain judges. Let's face it. It is not easy to handle some of those problems. But I have to admit, the Democrats have been treated very fairly. I would like to see us treated just as fairly as they were. With 95 vacancies existing today, it is apparent that the job is not getting done.

I reserve the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. EDWARDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that the time during the quorum call be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I have sought recognition to support the amendment offered by the Senator from Mississippi, Mr. LOTT, our distinguished Republican leader, that the Senate Judiciary Committee shall hold hearings on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

It is my view that this resolution is preeminently reasonable. Senator DASCHLE, the majority leader, has submitted a resolution in the nature of a first-degree amendment saying that the hearings should be conducted expeditiously.

It is my hope there will be a truce on the confirmation battles that have been raging for a very long time—during most of the 22-year tenure I have had in the Senate, all of which has been on the Judiciary Committee. We have seen that when there is a Democrat in the White House—for example, President Clinton—and Republicans controlled the Senate in 1995 through the balance of President Clinton's term—that the same controversy arose. I have said publicly, and I repeat today, that I believe my party was wrong in delaying the nominations of Judge Paez for the Ninth Circuit and Judge Berzon for the Ninth Circuit and Judge Gregory for the Fourth Circuit and the battle along party lines that arose over the nomination of Bill Lann Lee to be Assistant Attorney General for the Civil Rights Division.

Just as I thought Republicans were wrong in the confirmation process during much of President Clinton's tenure, I think the Democrats are wrong on what is happening now with the slowness of the confirmation process.

It may be that, in the final year of a Presidential term, some motivation would exist to delay the process so that if a President of the other party is elected, there might be a different attitude on the nominations.

Certainly those considerations do not apply in a first year or in a second year. The individuals who were nominated by the President on May 9 were very well qualified, I think extraordinarily well qualified, being the first batch submitted by the President.

It would be my hope that we could establish a protocol. I have prepared a resolution which would go beyond what Senator LOTT has called for and would call for a timetable established by the chairman of the committee, in collaboration with the ranking member, to set a sequence for when a nominee for the district court, circuit court, or Supreme Court would have a hearing. Let that be established and let it be followed regardless of who controls the White House and regardless of who controls the Senate.

Then a timetable ought to be established for a markup for action by the committee in executive session, and a timetable should be established for reporting the nomination out to the floor.

There ought to be latitude and flexibility for that timetable to be changed for cause where there is a need for a second hearing or where an additional investigation has to be undertaken. But there ought to be a set schedule which would apply regardless of a Democrat making appointments to a Judiciary Committee controlled by Republicans or a President who is a Republican submitting nominations to the committee controlled by the Democrats. It seems to me that just makes fundamental good sense.

If we established that protocol, it would stay in effect and we would end the political division which is not good for the reputation of the Senate, it is not good for the reputations of the Senators, and most importantly, it is not good for the country.

The resolution I have prepared would further provide that where a vote occurs for a district court judge or court of appeals judge along party lines, that nomination be submitted for action by the full Senate. The rationale behind that, simply stated, is if it is partisan politics, then let the full Senate decide it.

We just went through a bloody battle, and I think a very unfortunate battle, on Judge Pickering. I believe the real issue of Judge Pickering was notice to President Bush about the judicial philosophy of a nominee for the Supreme Court of the United States, if and when a vacancy occurs.

I do not intend to reargue the Pickering matter, and I know the distinguished Senator who is presiding, the Senator from North Carolina, has a different view of the matter, but Judge Pickering is a very different man in 2002 than he was in the early 1970s when he was a State senator from Mississippi, when segregation was the norm. Judge Pickering had a lot of support from people in his hometown of Laurel, MS, who are African Americans, who came in and urged his confirmation.

Judge Pickering is behind us. We ought to learn a lesson from Judge Pickering.

There are six precedents which Senator HATCH has put into the RECORD where nominees turned down for district court or circuit court were considered by the full Senate. That was the practice when Judge Bork was turned down by the Judiciary Committee on a 9-to-5 vote. He was then considered by the full Senate and ultimately defeated 58 to 42, but he was considered by the full Senate.

Justice Thomas had a tie vote in the Senate. We have not had any nominee in my tenure—perhaps no nominee in the history of the Court—more controversial than Justice Thomas. But when the motion was made to submit Justice Thomas for consideration by the full Senate, it was approved 13 to 1.

My resolution further calls for Supreme Court nominees to be considered by the full Senate regardless of the committee vote, and I believe there has been an acknowledgment on all sides—more than a consensus, a unanimous view—perhaps just a consensus, but the general view that a Supreme Court nominee ought to be submitted to the full Senate.

My resolution will also provide that the matter will be taken up by the full Senate on a schedule to be established by the majority leader, in consultation with the minority leader.

We ought to get on with the business of confirmations. Senator LOTT's proposal of a 1-year period I think is preeminently reasonable. One might call it a statute of limitations in reverse. We lawyers believe in statutes of limitations.

Beyond Senator LOTT's amendment, I believe there ought to be a protocol which would establish timetables and a procedure for ending this political gridlock, taking partisanship out of the judicial selection process so that the courts can take care of the business of the country. There are many courts in a state of emergency with too few judges to handle the important litigation of America. I know that is something in which the Presiding Officer has a deep and abiding interest, having spent so much of his life in the trial courts, and I spent a fair part of mine in the trial courts as well. In a sense, the Senate is something of a trial court as well. I hope we get the right verdict here.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I say to my friend from New York, my remarks are very brief and if he would not mind my going ahead, this is the only opportunity I will have to make these remarks prior to the vote.

Mr. SCHUMER. Mr. President, I never mind deferring to the Senator from Kentucky, especially when he is brief.

Mr. McCONNELL. That is a very good habit, and I hope the Senator from New York will continue it.

Mr. President, I commend the former chairman of our committee, Senator HATCH, and Senator SPECTER for their observations about the dilemma in which we find ourselves. Senator SPECTER and Senator HATCH both received a good deal of criticism from a number of Members on this side of the aisle for moving too many Democratic judges during the period when President Clinton was in the White House and the Republicans were in the majority in the Senate. We should listen to them when they engage in this debate.

Senator SPECTER, in particular, was very sympathetic to moving Democratic nominees out of committee and has offered today to discuss a resolution he is going to submit that I think provides a solid bipartisan way to begin to resolve this dilemma in which we find ourselves.

I say to Senator LEAHY, the chairman of the committee, he has been totally fair with us in Kentucky in dealing with our district judges. We had three vacancies in the Eastern District, all of which have been filled. So we certainly have no complaint on that score.

I do want to say something about the Sixth Circuit. The Sixth Circuit is made up of Michigan, Ohio, Kentucky, and Tennessee. It is currently 50 percent vacant. It basically cannot function. It is not because President Bush has failed to act. He has nominated seven individuals for those eight positions, and they have been nominated for quite some time: John Rogers from my State was nominated 93 days ago; Henry Saad, Susan Neilsen, and David McKeague were nominated 134 days ago; Julia Gibbons was nominated 164 days ago; and Jeffrey Sutton and Deborah Cook were nominated an incredible 317 days ago with no hearings on any of these nominees.

Finally, in terms of the Senate as an institution, we cannot function this way. This is simply not acceptable. I think the voters have a right to expect us to do our work. If we are going to come anywhere close to treating President Bush as President Clinton and President Reagan were treated, we are going to have to start having hearings and votes on nominees for these circuit court vacancies.

I know this is a difficult matter. I know it has become increasingly politically charged in the years I have been in the Senate and that both sides have contributed to it. If we are not going to stop that now, then when? This is a good time to sit down in a bipartisan fashion and figure out how we can do what is in the best interest of the country because whether people on the other side like it or not, President Bush is there. He is going to be there for another 3 years for sure. We need to deal with these vacancies at the circuit court level.

I am in strong support of the Lott resolution to ensure the fair treatment of President Bush's judicial nominees.

As the resolution lays out, the situation with judicial vacancies has gotten remarkably worse since President Clinton left office. There were 67 vacancies when President Clinton left office. This vacancy situation has now jumped to 95 vacancies. Thus the percentage of vacancies has climbed from 7.9 percent to 11 percent.

It is a sorry state indeed, when Federal judges are retiring at a faster rate than we can replace them. This vacancy situation is particularly acute on the circuit courts, where, as the resolution notes, 31 of the 96 vacancies exist. This is an astounding 17.3 percent vacancy rates for the courts of appeals—almost one seat out of every five being empty.

As the ranking member of the Judiciary Committee said, my own circuit—the sixth—covering Michigan, Ohio, Kentucky, and Tennessee, is the worse off of all the circuits. Fully one-half of the appellate judgeships on the sixth circuit are vacant. Think of that. Every other seat on the Federal circuit that hears appeals from my constituents is empty. That is alarming.

Now, my friend the chairman—and he is my friend—knows how warmly I feel about him for his handling of the district court vacancies in my home State.

But I must confess, I am at a loss, and am becoming increasingly exasperated, at the inability or outright refusal—at this point, I don't know which—to confirm some judges to my home circuit.

Let me be clear. This is not the President's fault. He has nominated individuals to fill seven of the eight seats on the sixth circuit. Yet none—I repeat none—has even gotten so much as a hearing, even though all of the paperwork of these nominees is complete.

As I said, these individuals have been before the Senate for quite some time:

John Rogers was nominated 93 days ago;

Henry Saad, Susan Neilson, and David McKeague were nominated 134 days ago;

Julia Gibbons was nominated 164 days ago; and

Jeffrey Sutton and Deborah Cook were nominated an incredible 317 days ago.

Back home in Kentucky, if you don't do your job for 10 months, you are probably out looking for work. I think the American people ought to remember that come election time, when they are thinking about who should run the Senate.

On behalf of my constituents, I urge the chairman to take at least some action—some action—and try to get at least a few of these judges confirmed before the end of the year.

To do that, we are going to have to pick up the pace considerably. We hear about how poorly President Clinton was treated—even though he got close to 400 judges and finished in second place all time, only 5 behind President Reagan.

But to equal the number of judges President Clinton got confirmed in his first term, we're going to have to confirm 87 or so judges before the end of the 107th Congress. And to reach that parity, we're going to have to have hearings, markups, and votes on over four judges per week.

We can't just have a nomination hearing for a single circuit court nominee every other week. We can't have a confirmation hearing one week—with maybe one circuit court nominee at best—and a markup the next week. We need to get on a regular pace of having hearings, markups, and floor votes every week for a reasonable number of judges, including circuit judges.

In sum, because the vacancy situation is deteriorating by the day, I am compelled to urge the adoption of the Lott resolution.

I thank the Senator from New York for his indulgence in allowing me to go ahead of him.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I wish to say a few words about judicial nominations and the pending amendment. Our friends on the other side of the aisle made a lot of hay about our record of judicial nominations, but the facts do not support the allegations.

First, under Chairman LEAHY'S leadership in the 9 months since the Senate's reorganization, and despite the disruptions caused by the attacks of September 11 and the anthrax in our offices, we have sent 42 nominees to be voted on. Yet our friends continue to argue we are not holding enough hearings. Forty-two nominees is a huge number.

I remember the hearing we had the day we were evacuated from the Hart Building and all of the office buildings. We had a hearing—that happened to be the first one with Judge Pickering —in a cramped, little room in the Capitol. Senator LEAHY came back once during recess to hold a hearing, I am told. This is clearly not the action of a group trying to hold up judges.

In 1999 and 2000, by contrast, the Republican-controlled committee held only seven hearings all year, and those were entire years, not the few months we have had.

Second, our friends claim we are confirming too few judges. We have put 42 on the bench. That is more than were confirmed in the entire first year of the Clinton administration when the Democrats controlled the Judiciary Committee.

They argue we are stalling. But when one looks at comparable years, Chairman LEAHY'S Judiciary Committee is well ahead of pace. So the claims of stalling ring hollow when one looks at the facts.

Third, when we point to raw numbers, our colleagues change the argument and point to the percentage of seats that remain vacant. Well, a problem cannot be created and then the complaint made that someone else is not solving it fast enough. That is the height of unfairness. That is the height of sophistry.

Our Republican friends controlled the Judiciary Committee during the last 6 years of the Clinton administration, and during that time vacancies on the bench increased some 60 percent. All of a sudden we are concerned about vacancies. What happened in 1998 and 1999 and 2000? We were not concerned with vacancies then—only now.

We are not going to play games and say what is good for the goose is good for the gander. We are not suggesting two wrongs make a right by holding up judges the way it was done previously. Instead, we are going to decrease that, and we have gotten off to a good start.

Addressing the point my good friend from Kentucky made about the Sixth Circuit, yes, there are many vacancies there, and that is because nominees who were put in by President Clinton, Helene White in particular, were held up for very long periods of time.

Now, what is fair if you want to fill the vacancies? What is fair is not for the President to just pick names and say, endorse these, but what is fair is for the President to sit down with all the Senators from the Sixth Circuit, not only the Senators from one party, and come to an agreement about who should be nominated. Maybe Helene White should be nominated now, and then one of the President's selections. Maybe it should be people on whom both sides can agree.

So if there is real concern about filling the Sixth Circuit, I say to my colleague from Kentucky—I wish he were still present—then consult all the Senators of that circuit and we can get judges done like that.

To say, after the other side held up judges whom President Clinton nominated, now we should just, without even aforethought, approve all the judges President Bush nominates, when he does not consult with anyone from this party—and I say that as somebody who greatly respects the President and gets along with him—does not make any sense at all. Do not make the argument about vacancies that you have created unless you are prepared to make this a partnership to fill those vacancies.

That leads to my fourth point. Because so many Clinton nominees never got hearings and never got voted on by the Republican-controlled Senate, the courts now more than ever hang in the balance. Some of the nominees have records that suggest extreme viewpoints. It is our obligation to examine the records closely before we act. The Senate is the last stop before a lifetime appointment on the Federal bench, and so we cannot blindly confirm judges who are a threat of rolling back rights and protections through the courts not over the last 25 years but over the last 70. Some of these judges want to go back to pre-New Deal: Reproductive freedoms, civil rights, the right to privacy, the right to organize, environmental protection, worker and consumer safety.

In my State of New York, the administration has so far worked with us in good faith to select nominees who meet three requirements for judges, at least the three I have told them I care about: Excellence, moderation, and diversity. Nominees who meet these criteria will win my swift support. For those nominees who raise a red flag, whose record suggests a commitment to an extreme ideological agenda, we have to look at them closely.

These days, the Supreme Court is taking fewer than 100 cases a year. That means these appellate court nominees particularly will have, for most Americans, the last word on cases that are the most important matters in their lives. We need to be sure the people to whom we give this power for life are fair minded, moderate—I never like judges too far left or too far right; they both become activists and try to change the law way beyond what the legislature wants—and they have to be worthy of the privilege.

We have worked together with our Republican colleagues on several matters since September 11, and by and large we have done well to keep things bipartisan. Campaign finance reform yesterday was a huge hurdle for us to clear. On election reform, I am optimistic we are very close to a bipartisan solution. The energy bill has a lot of amendments to work through.

Again, in this body, whether you have 51 or 49, much cannot be accomplished unless we work in a bipartisan manner. On judicial nominees, why can we not do the same thing? Both sides ought to be working together to correct imbalances in the court and keep the judiciary within the mainstream. We need nominees who are fair and open minded, not candidates who stick to an ideological agenda. The Constitution mandates this. It is not just the Senate consent; it is the Senate gives advice and consent. As far as the advice part of that phrase goes, there has been very little advice sought of this body. That is the reason we have such a deadlock.

I prefer judges who do not stick to an ideological agenda. I prefer our judges share views with mainstream America. However, I have no problem in voting in favor of some very conservative nominees when there is some balance on the court; there is Scalia on one side, maybe, and a Black or a Douglas on the other side. That would make a great Supreme Court. The issues would be debated.

That is what President Clinton did, by and large. He nominated moderates. We forget that. If you look at an unobjective scale and look at middle America, the nominees of President Bush are much further to the right than President Clinton nominees to the left. Most of the people he nominated were prosecutors, law firm members. It was not a phalanx of legal aide lawyers and people who would tend to be more liberal. Even the moderates toward the end of Clinton's terms did not get a hearing on the Fifth Circuit.

Mr. KENNEDY. Will the Senator yield?

Mr. SCHUMER. I am happy to yield.

Mr. KENNEDY. I thank the good Senator for his presentation today, reviewing the historical background of the record of the committee, as the Senator from Vermont, our chairman, Mr. LEAHY has done—and he has been assaulted and attacked. Senator SCHUMER has also reviewed the unfairness of the treatment of individuals as a result of the Republican activities.

I agree with the Senator from New York. We ought to understand what the Constitution asks of us; that is, have shared power with the Executive. We know this President has the primary responsibility, but it is a shared power. We ought to exercise it in a responsible way. I hope that will be the way in the future.

If there is any benefit that will come from this debate and discussion, perhaps it is that we will have a better understanding, as will the American people, and we will move ahead in trying to get well-qualified people who deserve to be there.

I have a number of echoes that still ring in my mind about how people were treated. Numbers do not always define how people were treated. I was in the Senate when Ronnie White, who had been reported out of our committee, and on a Tuesday afternoon was going to be voted on at 2:15, the Republican caucused on Ronnie White, and without any information to any of the members of the Judiciary Committee, came here, after distorting and misrepresenting his position, and voted unanimously—every single Republican—against him, without any notification, serious distorting, and misrepresentation of his outstanding record as a judge.

Talk about fairness. This was after Senator BOND from Missouri had introduced him to the Judiciary Committee recommending the Judiciary Committee support him, and the Judiciary Committee did support him. But not behind closed doors, with distortion and misrepresentation, in an attempt to humiliate him. Fairness goes there, too, does it not?

Also, I remember the case of Bill Lann Lee very clearly. There are many Horatio Alger stories about the struggle of parents who have sacrificed in order to give the opportunity for education to their children. But they have a hard time mentioning the extraordinary sacrifice of the parents of Bill Lann Lee.

I remember the hearings on Bill Lann Lee. He had been an outstanding civil rights leader. Individuals on the opposite side of his cases came in and testified about his fairness and how he committed to the Judiciary Committee that he was prepared to uphold the law. But not according to the Judiciary Committee and to the majority of the Judiciary Committee. They refused to let him go ahead and get confirmed and let the President of the United States have his own person, his own man in this case, to be the head of the Civil Rights Division.

It is not just numbers; it is how people are treated. I would hope we could get about the business in trying to find a way to work together. I was surprised—I don't know whether the Senator was surprised—to read in the newspaper, and I don't know if it is accurate, about how a principal Presidential adviser indicated they were prepared to take up what they consider a challenge by the Judiciary Committee and continue to nominate individuals who were going to be representative of a particular philosophy.

If we are trying to talk about fairness, trying to talk about balance, trying to talk about quality in the Federal judiciary, I don't know if the Senator finds it perplexing we have representatives of the party talking about fairness, and at the same time principal advisers of the President of the United States are evidently giving reassurances to, in this case the Washington Post, saying to individuals: Not to worry; the administration will continue to support very conservative nominees.

I ask unanimous consent to have this article from the Washington Post printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Mar. 20, 2002]

ROVE TO GROUP: BUSH TO PRESS FOR CONSERVATIVE JUDICIARY

(By Alan Cooperman and Amy Goldstein)

As the Senate Judiciary Committee was voting Thursday evening to reject U.S. District Judge Charles W. Pickering for an appellate court position, presidential adviser Karl Rove was telling an influential Christian political action group that President Bush would continue to nominate conservatives as federal judges.

"We're not going to have a pleasant day today [in the Senate]," Rove told the Family Research Council at the Willard Hotel, according to a tape recording given to The Washington Post by an attendee. ". . . This is not about a good man, Charles Pickering. This is about the future. This is about the U.S. Supreme Court. And this is about sending George W. Bush a message that 'You send us somebody that is a strong conservative, you're not going to get him.'

"Guess what?" Rove added. "They sent the wrong message to the wrong guy."

In addition to sounding a defiant note on judicial nominations, Rove's speech set out a broad agenda for cooperation between the administration and the Christian right.

"There'll be some times you in this room and we over at the White House will find ourselves in agreement, and there'll be the occasion when we don't. But we will share a heck of a lot more in common than we don't. And we'll win if we work together far more often than the other side wants us to," Rove told the group of about 250 Christian political activists from around the country.

During the speech and subsequent question-and-answer session, Rove promised that the white House would push welfare reforms that encourage families and marriage.

He also said the administration would try to find ways to support crisis pregnancy centers that counsel women against abortion. And he predicted a battle in the Senate over administration-backed proposals to ban human cloning. "The other side is winning the P.R. war" to permit laboratory cloning for medical research, he said.

Rove referred to the Senate's action on Pickering's nomination as a "judicial lynching" and said the blocking of such nominees "needs to be the issue in every race around the country for the United States Senate."

Senator Patrick J. Leahy (D-Vt.), chairman of the Judiciary Committee, has denied that the panel is out to block Bush's judicial selections, noting that it approved 42 nominees to federal courts before it rejected Pickering.

Leahy also said the panel had conducted more hearings and votes on federal judgeships since Democrats assumed a majority in the Senate last year than the GOP-led Senate did during the entire Clinton administration.

Mr. KENNEDY. I am interested in any reaction of the Senator.

Mr. SCHUMER. I thank the Senator from Massachusetts for, as always, being right on target. The Senator makes two very good points that I share.

No. 1, it seems we are supposed to remember history. The other side would like us to forget about everything that happened in 1998, 1999, and 2000 and say: Forget all that; just go forward.

Unfortunately, we are left with the burden of going forward based on what happened in the past, based on the fact the bench was empty because there were certain people who did not meet certain criteria; based on the fact, as the Senator from Massachusetts mentions, there was not a process in certain instances—no fault of our good friend from Utah.

The case of Ronnie White was one of the more appalling cases I have witnessed in my 22 years in the Congress, in the House and the Senate. It seems there is a whole new standard. What is so ironic, the second point the Senator from Massachusetts made, we could easily come to agreement if we work in a bipartisan way. Let's not fool anybody. We have not been consulted. We have not been asked for advice. We have not been talked to about where judges should be. It is, instead: Here is the group and you must rubberstamp them. That is not what the Founding Fathers intended.

Most Americans would agree the President and our colleagues from the other side would nominate judges to the right of the mainstream, and we might like judges somewhat to the left of the mainstream. Doesn't it make sense if we consulted we would come together in the middle? It seems to be the view of the other side, all of a sudden—not a consistent view, not a view held for the last decade or two, but all of a sudden—unless you find a judge who has engaged in some kind of egregious conduct, you must approve them. I object to that and I thank the Senator from Massachusetts for bringing this up.

It is perfectly fair to ask people about their judicial philosophy. This is the third position of our government. It is as important as any of the others. We do not just rubberstamp people. The only time in our history when there has not been this kind of debate is when both sides were intent on nominating moderate judges, such as in the Eisenhower administration. But otherwise, in the late 1960s, early 1970s, there were judges way to the left and people on the other side said bring it to the middle. That was fair. We are saying the same thing now.

I just ask my good friend from Massachusetts who has so much experience, doesn't it seem logical that if we were consulted, we would not get everything we wanted; if there was advice as well as consent, that we would come up with moderate, mainstream judges—to the middle, that we would move them quickly, that the process would be truly bipartisan, instead of the hard right talking to the far hard right and deciding that is a compromise?

Mr. KENNEDY. The Senator is absolutely correct. We have seen examples where we have worked together. I can think of the area in which I have been most involved, working with the administration on education reform. We have seen other actions out here—the bioterrorism effort, and just recently working together in our committee—the Senator is a Member—on the whole reform of the immigration system. We have a strong bipartisan effort. We have lines of communication. We do not get everything we need, but that is the way it works.

I daresay our judiciary ought to be the No. 1 area where we are working together because of the key aspect, the protection of the basic and fundamental liberties that are enshrined in the Constitution, ultimately rests with the judiciary. That ought to be the prime example of working together. History has given us those examples.

What we find distressing is, now, the report of Mr. Rove to a group:

Bush to press for conservative judiciary.

It isn't we are going to be pressing for the best qualified members of the judiciary. It isn't going to be the ones who can serve the public best. This is the kind of view that is evident within the administration.

I regret that. I think the Senator has outlined, really, the way we should proceed. I want to give him the assurance—I know the Senator from New York feels this way, and we see the Presiding Officer, the Senator from North Carolina, a member of the Judiciary Committee—we all want to try to get in the courts well-qualified individuals who have a fundamental and core commitment to constitutional rights and liberties.

I thank the Senator and appreciate his comments.

Mr. SCHUMER. I thank the Senator from Massachusetts.

We really hope, on our side, we can work together. We do want to be bipartisan. I think every time the President has reached out his hand, we have tried to move in the direction that brings us to the middle.

Somehow on judicial nominations it is different. I don't know why it is different. Maybe my good friend from Utah would recognize why it is different. I don't know. But he must know that on the Judiciary it is.

I, for one, have no litmus test at all. As I mentioned, I am willing to see balance on the Court. That means some judges to the right and some judges to the left and many in the middle; it is not all over to one side.

President Bush told us he picked judges in the mold of Scalia and Thomas. If you look at the nine members of the Supreme Court, those are the two furthest to the right. One or two Scalias or Thomases, that is one thing. A bench of nine of them, that is not what Americans wanted in the election of 2000. The electorate was moderate and voted towards the middle. A bench filled with conservative judges is not what is in the mainstream of this country. It is unacceptable.

I worry that the administration is willing to take casualties in this fight. They will send up waves of Scalias and Thomases. If one of them gets shot down, there will be another one. It is a small price to pay. They still win and stack the courts. I, for one, don't believe that is the way we should proceed.

Our country is divided ideologically. The mainstream is right in the middle, as it almost always is. There are periods when it is further to the right or left—it is not right now. The Presidential election showed that.

We had two presidential nominees, neither of whom was at the far end of their party—both probably in the middle of their parties—and the election was as close as could be. The American people were not saying give us people on the bench way over to the right—in the 10 percent most conservative; they were saying move to the middle.

Again, there has been no consultation with us, no desire to meet us part of the way—as there is on education, and has to be on budget. Rather, the Administration sends us wave after wave of people way over to the right.

It is not going to create harmony. It is not going to create comity. It is not going to create a full bench. And it is not going to create a fair bench. It is going to give many of us no choice than to vote "no" more often than we would like.

I was at the Supreme Court last week addressing the Judicial Conference of the United States. I spoke to Justice Rehnquist. He was sitting next to me and to other Judges there. I stated my message, and I think it must be repeated.

Our courts are in danger of slipping out of balance. We are seeing conservative judicial activism erode Congress' power to enact laws that protect the environment and women's rights and workers' rights, just to name a few. Like at almost no other time in our past, we are seeing a finger on the scale that is subtly but surely altering this balance of power between Congress and the courts. It is not good for our Government, it is not good for the country, and it should stop.

Moderate nominees, who are among the best lawyers to the bar—the best nominees the bar has to offer—are being confirmed rapidly. The committee has voted in favor of 42 of them in just 8 months. I can tell you for me, as chairman of the Subcommittee on Courts, it is a heck of a lot easier to rapidly confirm nominees when almost everyone agrees that a nominee is legally excellent and ideologically moderate. When issues of diversity are properly accounted for, we move forward hand in hand together.

The debate in the Chamber doesn't do anything to solve the problem we all agree is facing our courts. I agree we have to do better. But doing better doesn't mean an administration that nominates without consultation and thinks that our job should be just to rubberstamp them, pass them through, or give them some kind of ethical check and nothing else. That is not how it is. That is not how it was. That is not how it is going to be.

That leads to my final and fifth point. I think the rhetoric here sometimes gets out of hand. Each side has views that are firmly held. That is why compromise in coming to the middle is important. But anytime that we on this side vote against a nominee the President has put forward, we are accused of playing politics, or even that we are not voting for what we believe is right, but because some evil, malicious groups out there are exerting too much pressure. Groups that support the nominees, the Christian Coalition, for instance, they are great. They are exercising their constitutional right. But a group like the NAACP, that is against a nominee, is exerting too much pressure.

Come on, that is not where this debate ought to be.

How about this idea that we are holding up nominees because we have asked for unpublished opinions? For Judge Pickering, the vast majority of his opinions, huge numbers, were unpublished.

Let's take it the other way. Let's say we would not have asked for his opinions. Let's say we had not spent weeks reviewing them, as we should do with a lifetime appointment to the court of appeals. Everyone in this Chamber knows what would have happened. We would have been accused of voting against the nominee without even reviewing his record.

To suggest there is something wrong with doing a thorough review of a nominee's record is to suggest that either we just rubberstamp confirmations or simply make up our minds on the basis of politics and party and not the record.

The irony is, of course, that some of my friends who are leveling these complaints are the same folks who requested that Clinton nominees not just go over their records, their judicial and legal records, but how they voted as private citizens in statewide referenda. These are my same colleagues who criticize us for saying ideology is relevant. I do not get that.

They want us not to review all the opinions of a nominee, but when the nominees were nominated before, they wanted even to know their private voting records.

Last summer, getting to my conclusion here, I called for us to be more open and honest about how we handle judges. I said we should take judicial philosophy and ideology out from under the rug. I said we should stop playing "gotcha" politics and start saying what we are really thinking, so if one side is opposed to a judge but they don't want to say they are opposed to his record, they don't go look and see what he did 30 years ago and look for some minor, certainly forgivable transgression.

If ideology didn't matter, how come most of the votes on most of the controversial judges, where supposedly it was something somebody did 30 years ago—sometimes it is all the Republicans who think that transgression was terrible and that judge should be voted down, and the Democrats think, oh, no, it is fine. Then the opposite occurs, and then the Democrats say: Oh, that transgression is horrible.

If the votes were evenly scattered throughout our philosophical views and in our party, then fine. But they aren't. We know what is going on here. We ought to do it out in the open.

I am proud to say that judicial philosophy and ideology will influence my vote. It is not a litmus test, but it certainly is part of nominating and considering a judge.

To do that, we have to investigate records and hold hearings where tough questions but fair questions are asked and where nominees have the chance to tell their side of the story.

I chaired the first hearing on Judge Pickering. I was there for the second hearing. Every Senator had a chance to ask every question he or she wanted. Judge Pickering was given every opportunity to answer those questions. The process was fair, and the process worked.

I understand there is a lot of tension around here about that vote. I understand that some feelings were hurt. That doesn't make me happy. I would like to be able to vote for every single judicial nominee who comes before us. But we have an awesome responsibility here. We do the Nation's work.

I couldn't be more proud to be a Member of this august body. I look at my friends, such as the senior Senator from West Virginia, Mr. BYRD, and the senior Senator from Utah, Mr. HATCH, and the majority leader and minority leader. And I see the best the Nation has to offer—fine Senators, all of them. I see Senators who want to bring honor to this institution. As we go forward with these confirmation hearings, we need to do better ourselves to respect the traditions of this body.

It is my profound hope that we will continue to hold hearings, that we will continue to be careful, that we will continue to fully review nominees' records, that we will continue being honest about why we are voting the way we are voting, and also that we can dampen the rhetoric and respect the way each of us approaches these votes.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have been listening to my colleague. It has been very interesting to me. Of course, they brought up Ronnie White. Ronnie White was voted out of the committee. His nomination was at least brought to the floor where he had a vote. Both of his home-State Senators voted against him. Under those circumstances, it is pretty hard to say that other Senators were acting improperly in supporting the home-State Senators. I can tell you right now that when two Senators from any State fail to return a blue slip for a district court nominee, that is basically the end of that district court nominee. If they were split, that nominee might come to the floor. I do not know if that is the position the current Judiciary Committee is taking. But at least White had a vote.

Judge Pickering didn't even get that. I think the reason was that Judge Pickering would have been confirmed on the floor because he is a fine man. Everybody knows it.

To bring up Bill Lann Lee, who was not a lifetime appointment, seems to me goes a little bit far here. I like him. He is a good man. I would have supported him for any other position. But he was a recess appointment. I predicted that one reason we couldn't support him was that he said he was against race-based quotas. Yet his whole experience in California had been built upon bringing actions against municipalities and other bodies on behalf of the organization he represented. The municipality either had to spend millions of dollars in defending itself, even though they probably would have won in the end, or they would have to settle the case. And guess what? Race-based quotas would be imposed upon them.

So some of the defendants just settled the case to get rid of the extra expenses they did not want to go through. That is the way it is done.

I predicted he would use the Civil Rights Division to do exactly that. I think, of course, there was more than a better case that he would do exactly what he did. That doesn't negate the fact that he is a terrific human being and somebody for whom I personally care. But we are talking about a volume of law.

Again, I come back to all the screaming and shouting about how badly Clinton judges were treated. Reagan, the all-time champion with 382 confirmed judges, had 6 years of a Republican Senate. Clinton had 5 fewer, 377 judges, and with 6 years of a Republican Senate, the opposition party.

Where is the argument? I have to say this: We never had 112 vacancies at the end of a session. We never had 95 vacancies at the end of the session, which is where we are today—95 vacancies.

Let me go a little bit further. I truly do love the Senator from New York. We all laughed in committee because he said he loved me and I said I loved him. He is a fine man, and he is a very good advocate. I respect him. His argument is that we should go right to the middle and we should just appoint moderates.

I have to tell you that if that had been the rule when President Clinton was President, we wouldn't have many Clinton judges on the bench today. They weren't exactly moderates. Some were. Some in the Bush administration—in fact, probably a majority will be moderate nominees.

To say that you can't have a liberal on the bench, or you can't have a conservative on the bench, or someone in the mainstream just because one side or the other doesn't want him or her, I think is wrong. Admittedly, we have right-wing groups come in here and start demanding that I stop all these judges. I told them to get lost. I would like to see the Democrat side tell those liberal, left-wing groups to get lost—not that they cannot speak out in this country; of course, they can. But when they start character assassinations as they did with Judge Pickering, I think they ought to be told to get lost. Whenever conservative groups did it, I told them to get lost.

The Senator from New York said the White House has not consulted with Democrats about judicial nominees. But I can count on the fingers of one hand the number of circuit court nominees of President Bush who do not have blue slips supporting their nominee. This goes for numerous States with Democrat and Republican Senators alike. Of course, Judge Pickering had the support of his home-State Senators. There were no blue slips withheld in that case. Both Senators wanted Judge Pickering. I think a majority of the Senate wanted Judge Pickering.

I am not sure what kind of White House consultation my colleagues have in mind. Surely they are not talking about veto power over all of President Bush's nominees regardless of whether they are from their own State. This would fly in the face of the committee blue slip process and precedents we have always had. But that seems to be what they are asking for.

If the White House doesn't come up and consult with Senators who are not from the State that the nominees are coming from—are they are using that as an excuse? The White House does have an obligation to consult. I have told them they have to consult, and I expect them to. I know Judge Gonzales and his team consult with Senators who have people from their States.

Are we going to go as far as Abner Mikva went? The former distinguished judge on the Circuit Court of Appeals for the District of Columbia recently wrote an article stating that he thought President Bush should not nominate anyone to the Supreme Court because he really doesn't have a mandate; he is not really the President of the United States. That is like saying the Defense Department shouldn't really operate; that we should leave it to up to the Senate Committee on Armed Services to solve these problems. That is how ridiculous these arguments get.

The fact of the matter is that liberal Presidents generally appoint more liberal judges; conservative Presidents generally appoint more conservative judges.

I don't think you can categorize George Bush's judicial nominees as purely conservative. They have been in the middle of the mainstream. That doesn't mean because some are conservative that they are outside of the mainstream. The mainstream includes from the left to the right—reasonable people who want to do what is right, who literally are willing to abide by the law, and who deserve these positions.

The Republicans didn't take the position that we just have moderates in the Federal judiciary when President Clinton was President. Frankly, if we had taken that position, we would have been excoriated like you couldn't believe here in the Chamber, or, in fact, anywhere.

The fact of the matter is that all we are asking is fairness. We have 95 vacancies. Last May 9, we had 31 Federal Circuit Court of Appeals vacancies.

Today, we have 31 Federal circuit courts of appeals vacancies—a year later. And we have 8 of the original 11 nominees still sitting in committee without a hearing, some of the finest nominees I have ever seen, none of whom would be categorized as far right, in my opinion, all of whom are in the mainstream, and all of whom have been approved by the ABA either with a "qualified" or a "well qualified" rating, and some of the most important nominees in history.

I am also compelled to respond to a severe mischaracterization that some of my Democratic colleagues have perpetrated about judges. They have repeated that they noticed their first confirmation hearing within minutes of reaching a reorganization resolution in July. While technically true, this declaration leaves out an important fact:

The Democrats took charge of the Senate on June 5 of last year, but failed to hold any confirmation hearings during the entire month of June.

There is simply no basis for asserting that the lack of an organizational resolution prevented the Judiciary Committee from holding confirmation hearings in June, which is precisely what my colleagues have implied.

The lack of an organizational resolution did not stop other Senate committees from holding confirmation hearings in June. In fact, by my count, 9 different Senate committees under Democratic control held 16 confirmation hearings for 44 nominees during the month of June. One of these committees—Veterans' Affairs—even held a markup on a pending nomination.

But in the same period of time, the Judiciary Committee did not hold a single confirmation hearing for any judicial and executive branch nominees pending before us—despite the fact that some of those nominees had been waiting nearly 2 months.

What's more, the lack of an organizational resolution did not prevent the Judiciary Committee from holding five hearings in 3 weeks on a variety of other issues besides pending nominations. Between June 6 and June 27, the committee held hearings on the Federal Bureau of Investigation, charitable choice, and death penalty cases. There were also subcommittee hearings on capital punishment and on injecting political ideology into the committee's process of reviewing judicial nominations.

Although several members were not technically on the committee until the Senate reorganization was completed, there was no reason why Senators who were slated to become official members of the committee upon reorganization could not have been permitted to participate in any nomination hearings. This was successfully accomplished in the case of the confirmation hearing of Attorney General Ashcroft, which was held when the Senate was similarly situated in January.

Instead, we lost the chance to move nominees in June, not because of nominations over reorganization, but because of the failure of the Democratic leadership to schedule hearings.

So, I would hope we can get to confirming judges, rather than offering excuses for why they are not—and having 31 vacancies on the circuits.

Mr. President, I would like to take just a few minutes to address some of the comments that my democratic colleagues have made about Judge Pickering's nomination.

It is no secret that two very different pictures of Judge Pickering emerged from his confirmation battle. One picture was that of a man who took courageous stands against racism at times when doing so was not merely unpopular, but also when it put him and his family at great personal risk. This man endured political and professional sacrifice to stand up for what he believed was right. And, in his more than a decade on the federal bench, this man demonstrated an ability and willingness to follow the law even when he personally disagrees with it. This is the picture of Charles Pickering that I know and the picture I am convinced is accurate.

The other picture of Charles Pickering that emerged was far less flattering. But I am just as convinced that this picture was groundless. It was the product of engineering by extreme left Washington special interest groups who are out of touch with the main stream and have a political axe to grind. Make no mistake about it—these groups have their own political agenda, which is to paint President Bush's nominees as extremists and block them from the federal bench. These are the same groups who came out against General Ashcroft, Justice Rehnquist and even Justice David Souter, when he was nominated to the Supreme Court. They were all then, as they are now singing the parade of horribles.

The groups are committed to changing the ground rules for the confirmation process. There is a new war over circuit nominees, and they demand that the Democrats do whatever possible to stop or slow the confirmation of these fine nominees. For them, the means justify the ends at whatever the cost—including the gross distortion of a man's record and character.

The overwhelming bipartisan support we received for Judge Pickering's nomination from his home state of Mississippi speaks volumes about him. It is very telling that those who know Judge Pickering best, including prominent members of the African-American community in Mississippi, came out in droves to urge his confirmation. In contrast, those who most vociferously opposed his confirmation do not know him, but rather spent the past 7 months combing through his record for reasons to oppose him. They developed chain letters, mass faxes, and Washington position papers. Why? In the words of the leader of one liberal interest group, "We think he (Judge Pickering) is an ideologue."

It doesn't matter to these groups that Judge Pickering had the qualifications, the capacity, the integrity, and the temperament to serve on the federal circuit court bench. He is a judge that would have followed the law and left the politics to the people on the circuit court, just as he has on the district court. But I know that is not what the groups want. They want activists on the bench that support their political views regardless of the law. That is wrong. What matters to them is that Judge Pickering did not meet their litmus test of supporting the right causes, regardless of his demonstrated commitment to following the law.

Although I am deeply troubled by the smear campaign that was waged against Judge Pickering, I am convinced that the accurate picture of Judge Pickering was the one of a man who was committed to upholding the law and who would have been a sterling addition to the Fifth Circuit. I regret that the inaccurate and unfair portrait painted by people whose purpose is to obscure the truth rather than to reveal it persuaded my Democratic colleagues to oppose his nomination.

Of course, the defeat of Judge Pickering's nomination is significant for other reasons as well. He represents the first judicial nominee defeated in committee in over a decade—in fact, since the Democrats last controlled the committee.

When the Republicans were in charge of the Judiciary Committee during 6 years of the Clinton administration, we did not defeat a single nominee in committee. In fact, the only Clinton nominee who was defeated—and who, incidentally, lacked the support of his home state senators—was nevertheless granted a floor vote.

I find it ironic that a number of my Democratic colleagues actively lobbied to get floor votes for Clinton nominees, yet they now have denied a floor vote for Judge Pickering, who has the support of both of his home state Senators and who would very likely be confirmed if his nomination received a floor vote.

And let me talk about Judge Pickering's record. We have talked about ideology. The key here is that a nominee's personal or political opinion on social issues is irrelevant when it comes to the confirmation process. The real question is whether the nominee can follow the law.

Last Thursday, we demonstrated that Judge Pickering has shown in his nearly 12 years on the federal district court bench his ability and willingness to follow the law.

He has handled an estimated 4,000 to 4,500 cases, but he has been reversed only 26 times. This is a reversal rate of less than 1 percent. His reversal rate is better than the average for district court judges both nationwide and in the Fifth Circuit. This is a record to be proud of—not a reason to vote against him.

Some of my Democratic colleagues have complained that Judge Pickering was reversed on well-settled principles of law in 15 cases where he was reversed by the Fifth Circuit in unpublished opinions. This argument is nonsense. Circuit courts reserve publication for the most significant opinions. Reversal by unpublished opinion means that the district judge made a run-of-the-mill mistake. In other words, nobody's perfect—not even federal judges. They do get reversed on occasion. The bottom line is that there is simply nothing remarkable about Judge Pickering's 26 reversals.

I suspect that many of my colleagues' misperceptions about Judge Pickering's record as a district judge stem from the gross distortion of that record by the liberal special interest groups. For example, one often-cited area of concern is Judge Pickering's record on Voting Rights Act cases. But the bottom line here is that Judge Pickering has decided a total of four such cases. The only one that was appealed involved issues pertaining solely to attorney's fees. None of the other three cases—Fairley, Bryant, and Morgan—was appealed, a step that one can reasonably expect a party to take if it is dissatisfied with the court's ruling. Moreover, the plaintiffs in the Fairley case—including Ken Fairley, former head of the Forrest County NAACP—have written a letter to the committee in support of Judge Pickering's nomination.

Another case my colleagues have complained about is the Swan case. But there, Judge Pickering was rightly concerned that Swan's co-defendants—one of whom had a history of racial animus and had fired a gun into the victims' home—got off with a relative slap on the wrist while Swan faced seven years' incarceration. As one legal ethics expert noted, "Judge Pickering was clearly concerned that no rational basis had been demonstrated for the widely disparate sentencing recommendations in Swan. Without such a basis, justice does not appear to be unbiased and non-prejudiced."

Judge Pickering's qualifications are also reflected in his ABA rating, which some Members of the Committee have referred to as the gold standard in evaluating judicial nominees. The ABA, of course, rated Judge Pickering well qualified for the Fifth Circuit.

I also find it ironic that many of the complaints that Judge Pickering's opponents have lodged against him pertain to events that occurred before he became a federal district court judge—a position for which he was unanimously confirmed by both this committee and the full Senate.

In any event, I fear that the smear campaign we saw waged against Judge Pickering was only a warm-up battle for the ideological war the liberal interest groups are prepared to wage against any Supreme Court nominee that President Bush has the opportunity to appoint.

I stood up to conservative special interest groups who tried to influence the committee while I was chairman, and I will continue to stand up to liberal special interest groups who seek to defeat President Bush's judicial nominees now. I urge my Democratic colleagues to join me in this effort.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The Senator from Arizona.

Mr. KYL. Mr. President, I thank the distinguished ranking member of the Judiciary Committee for yielding some time to me. I think the points he makes are well taken.

I would like to get back to the basic resolution that is before us. It is a very simple resolution that says that we should at least have hearings in the Judiciary Committee on the nominees for the circuit courts that have been pending the longest, since May 9 of last year, that we should at least have a hearing on those nominees before the 1-year anniversary of their nomination.

That is eminently reasonable. I suspect that all 100 of us will vote for that sense-of-the-Senate resolution.

That is going to, then, require us to do some things to ensure that those hearings, in fact, can be held. I can think of no reason why anyone would oppose the scheduling of hearings on these eight distinguished nominees a year after their nomination.

But I think the comments, primarily of the Senator from New York, have really put into perspective what this debate is all about. He has made three basic points, all of which are departures from past precedent. The reason this is important is because it provides the reasons why many Members on the other side of the aisle have supported the chairman of the Judiciary Committee in not holding hearings, in not voting on nominees, and in not allowing the full Senate, as a result, to vote on nominees to the circuit courts of appeals.

One cannot argue about the qualifications of these nominees.

So there have been three reasons posited by the Senator from New York as to why it is fair not to hold hearings and not to have votes on these nominees of the President for the circuit courts.

The first reason is, as Senator HATCH pointed out, totally unprecedented. It is the notion that somehow or other the President has to consult with all of the Senators from the circuit before nominating someone to that circuit court of appeals.

It has been traditional for the President to consult with the Senators from the State from which the nominee comes but not all of the other States. There are 13 States in the Ninth Circuit Court of Appeals where Arizona is. I was never consulted by President Clinton on any of the nominees from California or Oregon or Washington or Nevada. And I would not have felt the right to be consulted.

The only one I asked to be consulted on was the nominee from Arizona. President Clinton did consult with me on that individual, and we reached an agreement on a nominee he nominated. I supported that person, a Democrat, appointed by President Clinton, whom I think is one of the finest members of the Ninth Circuit Court of Appeals. But I would have been shocked if he called me and said: JON, what do you think about this candidate from Washington State? That has never been the case.

So for one of the Senators from New York to stand here and say that we are not going to move forward on these nominees until the President begins consulting with all of the Senators from the circuit is wrong. It is an abuse of power. It is not the way it has been done in the past, and it should not provide an excuse for us to withhold action on these nominees.

Second, the Senator from New York has suggested that this is really about politics, that the President's nominees are too ideologically conservative. The Senator from New York said President Clinton nominated all moderates. Well, that will be news to some of my conservative friends who did not view all of President Clinton's nominees as all that moderate. Some were; some were not. I supported some; I did not support others.

I guess I will not read the names here, but I look at the Ninth Circuit nominees and all of the ones who were confirmed since I have been in the Senate—1, 2, 3, 4, 5, 6, 7,8, 9, 10, 11, 12, 13—13 circuit court judges confirmed. Some of those were liberals. And I supported some of those liberals, others I did not. That is all right. President Clinton got elected President; I did not.

Well, President Bush got elected President. And I don't think the definition of "mainstream" by the Senator from New York is a better definition than the definition of the President of the United States, George Bush, in terms of the qualifications of judges to represent this country.

I know my view of the political spectrum and that of the Senator from New York are very different. What he would call moderate I would probably call something else, and vice versa. So we are on a slippery slope if Senators begin to define the terms of a President's nominees with respect to their politics on an ideological spectrum and maintain that they have the right to withhold action on those nominees if they do not fall within what a particular Senator characterizes as "mainstream."

The Senator from New York said many of President Bush's nominees "suggest extreme ideological agendas." All right, here is my challenge to that Senator or any other Senator:

What is it about John G. Roberts of Maryland, who was nominated on May 9, 2001, by President Bush, to the DC Circuit Court of Appeals, that suggests an extreme ideological agenda?

What is it about Miguel A. Estrada of Virginia, who was nominated on May 9, 2001, by President Bush, to serve on the DC Circuit Court of Appeals, that suggests an extreme ideological agenda?

What is it about Michael W. McConnell of Utah, who was nominated to the Tenth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

What is it about Jeffrey S. Sutton of Ohio, who was nominated to the Sixth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

What is it about Deborah Cook of Ohio, nominated to the Sixth Circuit on May 9, 2001, by President Bush that suggests an extreme ideological agenda?

Or what is it about Priscilla Richman Owen of Texas, nominated to the Fifth Circuit on May 9, 2001, or Dennis Shedd of South Carolina or Terrence Boyle of North Carolina—both nominated to the Fourth Circuit Court of Appeals on May 9, 2001—that suggests an extreme ideological agenda such that they are so disqualified that we should not even hold a hearing on their nominations?

There is an element of comity that this body owes to the President of the United States when he nominates people to the circuit courts of appeals to represent the people of this country. Comity at least requires that we have a hearing on these nominees within a decent period of time. Certainly, no one can argue that letting them sit for over a year is not plenty long enough to analyze everything there is to analyze about them, and then to begin the process for their confirmation.

So I suggest that when the Senator from New York or my other colleagues on the other side say that a nominee has to pass an ideological test in their eyes or they are not even going to give them a hearing, it is time for the people of this country, and it is time for the news media of this country to rise up and say: That is wrong, and you cannot fulfill your responsibilities of providing advice and consent under the Constitution to the President if you are not willing to even consider the nominees of the President by holding a hearing a year after they have been nominated.

I think when those on the other side say this isn't about retribution, and then immediately begin citing all of the statistics about how they believe some of President Clinton's nominees were treated unfairly, it is about retribution. In effect, they have made it about retribution and politics. You have to either be a moderate in their eyes or they have to finally feel good about getting even to such an extent that somehow or other the scales are balanced now, they have gotten their pound of flesh, they have withheld action on a sufficient number of nominees that now they are willing to move forward.

I can't ascribe that motive to any of my colleagues on the other side of the aisle. It would be so outrageous to contemplate. But that appears to at least have crept into the rhetoric of some when their primary point about not holding hearings on President Bush's nominees is that they think some of Clinton's nominees were treated unfairly.

Just how many circuit court nominees of President Clinton were treated unfairly in this manner? How many do we have to withhold from President Bush before the scales are balanced? And in any event, are any of them willing to stand up and say that is a justification for not even holding a hearing on President Bush's nominees? If so, I would like for them to come forward and do that.

Let me conclude by making this point as clearly as I can: We will have before us this afternoon a resolution that simply says we should hold a hearing in the Judiciary Committee on the eight circuit court nominees of President Bush by May 9, 2002, before the 1-year anniversary of their nomination. In other words, wait a year and then at least have a hearing on these eight nominees. Is that too much to ask? I hope my colleagues will recognize that some of them have gone too far in attacking the President's nominees on ideological grounds and attacking his nominees on the basis that President Clinton was treated unfairly and, as a result, there is a justification for treating President Bush's nominees unfairly as well.

I hope that is not the basis for inaction, and I hope the circuit court nominees will be treated just as fairly as the district court nominees have been treated and that we can get a hearing on them and then eventually bring them to the floor for a vote.

The American people deserve no less. President Bush deserves no less. And frankly, justice in the United States requires that much.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank my colleague from Arizona for his comments. I echo those remarks, particularly in regard to the litmus test our colleague from New York was talking about. That is not the way we have confirmed judges in the last 20 years I have been here. I hope we are not going to come up with ideological litmus tests. If that is the case, we are changing the entire confirmation process.

I hope my colleagues will step back and think: We may have a change in leadership in the Senate. Are we going to change the policies of confirmation of judges as dramatically as proposed by the Senator from New York? I hope not. It would be a serious mistake.

We need to change and improve the way we handle judicial nominations, particularly circuit court nominations. I compliment Senator LEAHY, who has moved through several district court nominations. President Bush has nominated 62 for the district court. We have confirmed 35. That is 56 percent of President Bush's district court nominations. We have been moving through on those fairly quickly. I extend my compliments. We have made good progress.

The real problem has been on circuit court nominations. For whatever reason, the Senate has not worked there. The Judiciary Committee has not worked. We have confirmed 7 out of 29. Unfortunately, Judge Pickering was defeated last week. So we have now dealt with 8 out of 29. Twenty-four percent of President Bush's circuit court nominees have been confirmed. That means three-fourths have not been confirmed. In fact, most of those individuals have not even had a hearing.

Eight individuals who were nominated in May of last year have not even had a hearing. They are outstanding individuals, as you may see while I talk about some of their qualifications. My point is, we should treat judges fairly, whether Democrats are in control of the Senate or Republicans are in control and whether a Democrat or Republican is in the White House.

I looked back at the last three Presidents. On circuit court nominees, Ronald Reagan had 95 percent of his circuit court nominees confirmed in his first 2 years, 19 out of 20. President Bush had 22 out of 23 confirmed; again, 95 percent. President Clinton, 19 out of 22 circuit court nominees were confirmed in his first 2 years. But yet President Bush to date only has 7 out of 29. A majority of the remaining, 20 in fact, have not even had a hearing. That is not right. Many of those individuals were nominated almost a year ago. There is no good reason they have not had a hearing.

We need to move forward. Some of these individuals are as well-qualified as anybody you will find anywhere in the country. To think they were nominated in May of last year and haven't even scheduled a hearing makes you wonder what is going on. It is not like we haven't tried. I know every Republican Senator has written a letter to Senator DASCHLE and Senator LEAHY saying: We want hearings on some of these individuals. But we haven't been successful. I think we need to treat these nominees fairly, regardless of who is in power, Democrats or Republicans, regardless of who is in the White House. I am embarrassed for the Senate when we have something such as this, only 7 out of 29, and 20 of 29 haven't even had a hearing. That is not right.

You have individuals such as John Roberts who is nominated for the circuit court of appeals for the District of Columbia. He graduated from Harvard College, summa cum laude, in 1976; received his law degree magna cum laude in 1979 from Harvard Law School. He is managing editor of the Harvard Law Review. He has presented arguments before the U.S. Supreme Court 35 times. An individual in the private sector has argued before the Supreme Court 35 times. He is nominated to be on the district court for the DC Circuit Court of Appeals. I think he is entitled to a hearing. He is a well-qualified attorney. We have Democrats and Republicans alike testifying he would be an outstanding circuit court judge.

Miguel Estrada, also nominated to be on the DC Circuit Court of Appeals. He is a partner in the DC law office of Gibson, Dunn. He has argued 15 cases before the U.S. Supreme Court. It just so happens he has a very interesting personal history. He emigrated from Honduras. He got his JD degree magna cum laude from Harvard Law School, and he is also editor of the Harvard Law Review. He has a bachelor's degree magna cum laude, Phi Beta Kappa from Columbia College in New York.

These two individuals, two of the most accomplished nominees anywhere in the country, have yet to have a hearing. Yet they were nominated in May.

The chairman of the Judiciary Committee has told me on a couple of occasions we will have a hearing for Miguel Estrada. We are still waiting. I think we have waited long enough.

I could go through each of these individuals. Terrence Boyle, I remember him when he worked in the Senate. He presently is chief judge of the U.S. District Court for the Eastern District of North Carolina. He has achieved an outstanding record in that. I had hoped we would have a hearing for Judge Boyle.

Michael McConnell, nominated for the U.S. District Court of Appeals for the Tenth Circuit, he happens to be a presidential professor at the University of Utah College of Law and is supported by my friend and colleague, former chairman of the Judiciary Committee. This fact alone says he ought to have a hearing.

What happened to the tradition in the Senate where we respect individual Senators, members of the committee and members of leadership? I am still aghast at what happened last week. I cannot imagine what we did last week. Never before in my tenure in the Senate would we defeat a Republican leader's nominee. We wouldn't defeat a Democratic leader's nominee. It is just not done. We wouldn't defeat the nominee of the ranking member of the Judiciary Committee or even hold them up because of tradition, the fact that we want to work together.

I haven't seen the respect in this institution, and that disappoints me. We have to have respect for individual Members. We haven't shown that respect, certainly when it comes to circuit court nominees.

I could go on. There are eight outstanding individuals. President Bush is to be complimented on nominating several superb individuals. These people are well accomplished leaders in the legal profession. They deserve a hearing.

One is Priscilla Owen, nominated for the Fifth Circuit. She has worked in Texas. She got her B.A. cum laude from Baylor University and graduated cum laude from Baylor Law School in 1977. I could go on and on.

Mr. President, these individuals, men and women, minorities, are entitled to have a hearing. There are two resolutions that we have—The Republican resolution says they shall have a hearing by May—in other words, within a year of being nominated. The Democrat resolution says they will be handled expeditiously. I urge my colleagues to support both of them, and I hope they will be handled expeditiously and I hope all will have hearings by May.

Let's treat these outstanding individuals like the Presidential nominees they are, with the respect of the office of the President in making these nominations. These individuals I have alluded to are to the circuit court. Some people have acted like this is district court in my State and the tradition of the Senate is I have a veto over anybody in the circuit court. That is not the tradition of the Senate. It is that individual Senators have a great deal of influence and advice and consent for nominations in their own State for district court, but not circuit court. Circuit court applies to many States.

I am embarrassed for the Senate for the fact that we have 8 vacancies on the Sixth Circuit Court of Appeals—8 out of 16. Half of the court is vacant because 1 or 2 Senators are not happy about something that happened maybe years ago, so we are going to penalize all the States that are involved in the Sixth Circuit. That is wrong. We are holding up 7 nominees right now, who have yet to have a hearing, who have been nominated by President Bush to fill vacancies in the Sixth Circuit Court of Appeals.

That is wrong. It is wrong for the President and wrong for the system of justice. So it needs to be remedied. I urge my colleagues, before people start—the press has been asking me what kind of retribution there is going to be. I don't want that "that is the way you treated our judge, so we are going to treat your judge that way." I don't want to play that game. I want to treat nominees with respect and do it whether we are in the majority in the Senate or in the minority, or whether the President is in my party or not. I want to treat these nominees with respect and give them the courtesy of a hearing, without undue delay, and maintain the tradition of the Senate, where each President has been getting 90-some percent of their nominees.

Granted, I understand the statistics game. Well, in President Clinton's last year, he didn't get very many. The tradition of the Senate is that nominees are not usually considered in great numbers in the last year of their term. Then if they are reelected, they get more. But for President Clinton, we confirmed 377 of his judges, second only to Ronald Reagan, for whom we confirmed 382 judges. So both of them got a lot of judges confirmed. Those are lifetime appointments. That is pretty good. President Clinton got 129 in his first 2 years and almost 250 in his last several years.

Now, both had a lot of judges confirmed. If you look at Bill Clinton, he got 90 percent of his judges in the first 2 years, including 2 Supreme Court nominees. President Bush 1 got 93 percent of his confirmed in his first 2 years, and Ronald Reagan got 98 percent of his judges confirmed in the first 2 years.

The tradition of the Senate is that we do confirm circuit and district judges pretty rapidly in a President's first 2 or 3 years—maybe not quite so fast in the fourth year. Fair enough. This President hasn't been treated fairly, in my opinion, when it comes to circuit court nominees. I urge colleagues, instead of playing retribution and looking back at President Clinton's last year, let's do this right and treat everybody with respect—individual Senators as well as the nominees. I think if we do so, the Senate will be elevated. I think the treatment of some of these judges, including Judge Pickering, the Senate was not elevated; I think it was demeaning to the Senate. And the way we have treated these 20 circuit court nominees has been demeaning to the Senate. I hate to see that happen to a person who served in this institution and loves it.

One of the most important things we can do in the Senate is the confirmation of lifetime appointments to the Federal bench. We need to do it right and this year, at least on the circuit court nominees, we have not been doing it right.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time does the Senator need?

Mr. SESSIONS. About 2 minutes.

Mr. HATCH. How much time remains?

The PRESIDING OFFICER. There are 5½ minutes remaining.

Mr. HATCH. I have two others who need to speak also. Can the Senator do with 3 minutes?

Mr. SESSIONS. I certainly can.

Mr. HATCH. I yield 3 minutes to the Senator from Alabama.

Mr. SESSIONS. Mr. President, it is not as if I would not have a lot to say about this subject, having observed it closely for a number of years. Let me say one thing about the complaint—and this is very important—that President Clinton's nominees were not fairly treated: President Clinton had 377 judges confirmed. He had one judge voted down by the Senate—only one judge voted down. When he left office, there were 41 judges not yet confirmed who had been nominated. There were 41 left pending.

When former President Bush left office in 1991, he had 54 judges pending and not confirmed. There were 54 when he left office. When President Clinton left office, he had only 41, and only one of his nominees had been voted down by this Senate. The reason he was treated fairly is because the chairman of the Judiciary Committee at that time, ORRIN HATCH, treated his nominees fairly. He moved those nominees forward. I voted for 95-plus percent of them. There were many liberals in that group. Very few of the nominees were held up.

There is a tradition here—the blue slip policy—that if a home State Senator objects to a nominee, they can hold him up. That is respected. The Democrats now come in and say this is a bad policy and they want to fix it. No, they want to give even more power. They are proposing regulations that would give a historic increase in the power of one Senator to block nominees.

We have a situation in which we are now in a crisis. There are 100 vacancies in the Federal court. Seventeen of the Federal circuit court vacancies have been declared judicial emergencies by the Administrative Office of the Courts. Fifty percent of the seats on the Sixth Circuit, 8 out of 16, are vacant. Of the seven nominees, none have had a hearing.

In January of 1998, when there were 82 Federal vacancies, the now chairman of the committee, Senator LEAHY, stated:

Any week in which the Senate does not confirm three judges, the Senate is failing to address the vacancy crisis.

There were 82; there are 100 now. Since January of 2000, President Bush has only had 7 of 29 circuit court nominations he submitted confirmed. One of those confirmed was in the first batch he sent up, and an excellent group they were. There was a nomination of President Clinton that had not been confirmed, an African American.

President Bush resubmitted his name in a historic effort to reach bipartisanship here in the Senate. He has been a fair President. He submitted judges of utmost quality. If we need to improve the process, we need to look no further than asking how Senator HATCH conducted the committee when he was chairman.

The PRESIDING OFFICER. The Senator's time is up.

Who yields time?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, how much time remains with the majority on this amendment?

The PRESIDING OFFICER. Approximately 30 minutes.

Mr. REID. And how much time remains for the minority?

The PRESIDING OFFICER. Time has expired.

Mr. REID. Mr. President, I ask my friend from Utah, are there speakers on his side who wish to be heard?

Mr. HATCH. I know Senator HUTCHISON wishes to speak, and I also believe Senator BROWNBACK.

Mr. REID. Does the Senator know how much time they wish?

Mrs. HUTCHISON. Mr. President, if I may have up to 5 minutes or 3 minutes, if that is more helpful.

Mr. REID. On behalf of Senator LEAHY, I will be happy to extend the Senator from Texas 6 minutes.

Mr. HATCH. I am very grateful for the graciousness of the assistant majority leader. If we can have 5 minutes for the distinguished Senator from Kansas, I think those are the last two. I presume the leader may want to say a word or two.

Mr. REID. Mr. President, on behalf of Senator LEAHY, I extend 5 minutes to the Senator from Kansas, Mr. BROWNBACK.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Texas is recognized for 6 minutes.

Mrs. HUTCHISON. I thank the Chair. Mr. President, I thank Senator LEAHY and Senator REID for allowing me to speak. I did not know the time had expired. I very much want to make a statement on behalf of Priscilla Owen, the supreme court justice from Texas.

I rise in support of Senator LOTT's amendment calling on the Judiciary Committee to hold hearings on the U.S. circuit courts of appeals nominees who have been in the committee since May 9 of last year.

In fact, 7 of the President's 30 circuit court judges have been confirmed. We will have a judicial emergency across our Nation if the Senate continues to delay the confirmation of these fine men and women.

I was concerned when I saw the Wall Street Journal report last Friday that some Members of the Senate may target the nomination of Justice Priscilla Owen to the U.S. Court of Appeals for the Fifth Circuit. In fact, the Committee on the Judiciary in the Senate should take swift action on her nomination, particularly in light of the fact that Judge Owen was among the group of original 11 judicial nominees announced by President Bush on May 9 of last year.

Justice Owen's stellar academic achievements and professional experience are remarkable. She earned a cum laude bachelor of arts degree from Baylor University. She graduated cum laude from Baylor Law School in 1977. When she took the Texas bar exam, which is one of the hardest bar exams in the Nation, she came in first. She earned the very highest score on the Texas bar exam that year.

Prior to her election to the Texas Supreme Court in 1994, she was a partner in the Texas law firm of Andrews & Kurth, where she practiced commercial litigation for 17 years.

Justice Owen has delivered exemplary service on the Texas Supreme Court, as affirmed by receiving positive endorsements from every major newspaper in Texas during her successful reelection bid in 2000.

Justice Owen enjoys bipartisan support, and the American Bar Association's Standing Committee on the Federal Judiciary has unanimously voted Justice Owen well qualified.

Filling judicial vacancies is a critical duty of the Senate. I hope we will be able to move forward. I have asked the Judiciary Committee to let us confirm three of the four U.S. attorneys for the State of Texas. The State of Texas has four judicial districts. One of our U.S. attorneys has been confirmed, but three U.S. attorneys remain unconfirmed. So we have appointed leaders in those offices where we really need to have permanent leaders, at least a permanent leader during this term, who will be able to lead the office and organize it and make sure we are hiring and staffing the offices in these important districts.

One of those has the largest caseload in the United States, the Southern District of Texas. We need to have the prosecutors on board. We need to make sure the U.S. attorney who is going to run the office is setting the priorities for those offices. We know that our border districts, both the Western and Southern Districts, are the busiest districts in America.

I ask that our U.S. attorneys in three of the four Texas districts be confirmed immediately. I had hoped we would do it before the recess because these three people are waiting and ready to go. All three of them are in Government now. They are not in private practice that has to be tied up. They are assistant U.S. attorneys and one is a magistrate. They could make the moves swiftly and begin to lead these offices.

I ask the Judiciary Committee, with all due respect, to please expedite these nominees for U.S. attorney, particularly with Justice Priscilla Owen, who is a personal friend of mine, who I know to be of the very highest caliber. Having been appointed May 9, 2001, and not yet having a hearing I think is a pretty difficult situation. She is so well regarded by everyone who has appeared before her in court or has practiced law with her.

I ask that we have a fair hearing on Justice Owen and that we be able to go forward with our three U.S. attorneys and Justice Priscilla Owen on an expedited basis.

I thank the Chair, and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Vermont.

Mr. LEAHY. Mr. President, I love reading Lewis Carroll. I remember Lewis Carroll and "Alice in Wonderland." When I hear the descriptions of history today and listen to some of the discussion in the Senate, it brings me back to when I was a child. I extend my appreciation to my colleagues on the other side for livening our more serious times with a little bit of fiction.

They talk about how terrible it is we have some people—actually several of whom do not have blue slips—who have been here for several months and we have not had a hearing even though they know some of the blue slips are not in. We will be, as we go along, scheduling hearings, as compared to people who did have blue slips in when the Republicans were in charge. I think of Helene White. She waited 1,454 days. I do not recall a single Member of the Republican Party saying should she not at least have a hearing; even if we vote her down, should she not at least have a hearing. She did not even have a hearing or a vote in the committee; 1,454 days, not a word.

We have seen the crocodile tears today. Even though we are moving much faster than the Republicans ever did when there was a Democratic President, we see these crocodile tears for people who have been waiting a month or 2 months or even 3 months. No recognition of course that for some of that time the Republicans held the Senate majority and for some of that time they delayed the reorganization of the Senate and no recognition of the numbers of vacancies and problems they left for us to try to remedy. But 1,454 days?

I look at the other qualified nominees we had to wait for. There was another one, Fifth Circuit. H. Alston Johnson waited 602 days, no hearing. There was James Duffy, Ninth Circuit, 546 days, no hearing. And Kathleen McCree Lewis, extraordinarily competent attorney, daughter of one of the most respected solicitors general ever in this country, she waited 455 days and never received a hearing. There was Kent Markus of the Sixth Circuit who waited 309 days under the Republicans and never got a hearing. And Robert Cindrich of the Third Circuit who never received a hearing in over 300 days.

Then there were the nominations that were held up without a hearing such as Judge James Beaty who waited 1,033 days, no hearing. James Wynn, Fourth Circuit, 497 days, no hearing. Enrique Moreno, Fifth Circuit, waited 455 days, never got a hearing. Jorge Rangel, the Fifth Circuit, 454 days, never received a hearing.

Allen Snyder, the D.C. Circuit; now I will give them credit, he waited 449 days and finally did get a hearing. Of course, they never brought it to a vote in the committee, but he did receive a hearing. He and Bonnie Campbell, the former Iowa Attorney General had hearings but never were on the Committee agenda for a vote.

So as I say, I enjoy fiction as much as the next person. I heard a great deal of it, along with the crocodile tears. It did enliven an otherwise slow-moving day.

On the one hand I know there are a number of Republicans who do want judicial nominees to go forward. I have had a dozen or more Republican Senators come to me and explain the situation they had in their State or their circuit with a judge they needed at home. I think in virtually every one of those cases, certainly in most of them, within a very few weeks, we had the hearings on those judges. They are all Republicans. We held hearings on them. They cooperated in bringing them forward. We put them on the Committee agenda and we voted them out, put them on the Executive Calendar and the Senate confirmed them and every single Democrat voted for them—over 40 judges. They voted for them, and they got through.

I remember shortly after the shift in majority last summer when we had nominations pending. We came to the August recess. Normally what we do by unanimous consent is keep the nominations here. The Republican leader said and objected and by Senate rule then all had to go back to the White House. Although we tried to keep them here, he objected. I was put in a bind and had no nominees whatever pending, even though I still held 2 days of hearings in the August recess in anticipation of the names coming back.

I got criticized by the Republicans for holding hearings during the August recess. Members get criticized for not holding hearings immediately; Members get criticized for holding hearings. One Republican—one Republican—showed up for 1 day of the 2-day hearings on President Bush's nominees and we got the nominees through.

I am looking forward to see where we are by July 10 of this year. That will be 1 year to the day from the time I had a fully organized committee and could start hearings. We held a hearing on judicial nominees, including a court of appeals nominee the very next day on July 11.

Incidentally, instead of going—as my friends on the Republican side—month after month after month after month after month after month without even holding a hearing on President Clinton's nominees, within 10 minutes of the time the Senate adopted a resolution reorganizing, I noticed the first set of hearings. They were on the calendar within a few weeks thereafter, notwithstanding the fact that up until July there was not a single hearing on any judge.

Democrats were not in charge from the end of January until June and into July. It was July when we took over a committees and had assigned members. The Republicans while in charge did not hold a single hearing. Ten minutes after the Senate reorganized, we started the process to hold hearings.

I mentioned what happened in the past not to say this should be tit for tat, by any means. I don't believe in that. The Republicans for 6 years under President Clinton were delaying, stopping hearings and not even allowing nominees to have hearings and not allowing them to have votes in the committee. And I knew if they had a vote in Committee they could be voted down and that would have been the end of it. If they vote them up, they come to the floor. That has been the precedent and practice of the Committee. My concern was that they would not even give the nominees hearings, scores of nominees.

Sadly, we did have one judge who they voted through the committee twice, and then on a party-line vote voted him down on the floor, including Senators who voted for him in the committee who then voted him down on the floor. That was done without warning, without notice and on the first party-line vote on the Senate floor to defeat a judicial nominee I can remember. Even with the other controversial nominations of the last several years, such as the nomination of Judge Bork to the Supreme Court, some Democrats voted for him and some Republicans against.

I do not believe in tit for tat and have not engaged in pay back. I have been here 27 years, several times in the majority and several times in the minority. I believe we should go forward. That is why I have been moving much faster on judges than the Republicans ever did for President Clinton.

I intend to continue to move faster. We set up a process. When we have a hearing, we have at least one court of appeals judge, something not consistently done during the time the Republicans were in charge. I intend to do that.

They can try to change what the record is. They can try to change the history.

I am stating what I intend to do. We are moving to hold more hearings than they did. We are moving faster on confirmations than the Republicans ever did for President Clinton. I am not going to put us back to the kind of thing they did to President Clinton. Ultimately, it damages the independence of the Judiciary.

However, I would like to see at least a modicum of cooperation from the White House. If they send up judges from a circuit or State where they have not sought any consensus from the Senators from that State, of course they will have difficulty. I have been here with six Presidents from both parties. Every one of those Presidents consulted with Senators from the State where the judges came from. That does not mean Senators can nominate the judges; the President nominates judges. But they sought consensus first. When they did this, they always went through.

I have already voted for some 40 conservative Republican nominees as judges from President Bush. I have voted for more than 120 of the President's executive branch nominees in the Judiciary Committee, ranging from U.S. attorneys to senior Justice Department officials. I assume the judicial nominations that we have considered were Republicans, and I assume conservative Republicans; I voted for all but one of them so far.

However, there has to be consensus. And people that are not ideologues; people who will enforce and apply the laws and not try to remake them, and people who will instill fairness in their courtrooms and those nominees I have always supported, not people who will legislate and make laws—that is our job. We may do it poorly, but that is our job.

This year we were talking about cooperation. Senator GRASSLEY is one of the most respected members of the Senate Judiciary Committee, former chairman of the Finance Committee. I served with him both on the Judiciary Committee and the Agriculture Committee for a quarter of a century. He asked if we could proceed with Judge Melloy of Iowa to the Eighth Circuit. In the past, Republicans had held up judges from Iowa. I thought Senator GRASSLEY made a good case. I told him I would proceed, as soon as we came back in session this year. And I did.

We have also held hearings this year on Judge Pickering and Judge Smith at the request of Senators LOTT and SPECTER. Senator ENZI asked for a hearing on Terrence O'Brien of Wyoming to the Tenth Circuit. We moved as quickly as we could and held his hearing this week. So the four Court of Appeals nominees on whom we have had hearings this year were each at the request of a Republican Senator.

Of the 48 judicial nominations on which we have had hearings —for those who think this is partisan—25 came from States with no Democrats in the Senate and 12 came from States with one Republican Senator. So 37 of the 48 nominees were basically from Republican States. We moved forward. That is the bipartisanship I want. By the way, the other 11 are not all from States with two Democratic Senators. Far from it. The remaining 11 include four nominees to federal courts in the District of Columbia and among them was the former Republican Chief Counsel of the Senate Judiciary Committee for Senator HATCH.

It is difficult and takes a certain amount of time to do this, but Senators often ask to move right away on a nomination, and I try to be accommodating. But when Senators then come on the floor and say we are not moving fast enough on somebody else well, we can only do so many.

Only 1 of over 160 nominees before the Judiciary Committee over the last nine months has been voted down. When people ask: Why aren't we moving faster and doing more? Part of the answer is that it took 4 days over several weeks to have hearings and a vote on that one controversial nominee. In those 4 days, let alone the hours and hours and days of preparation, we could have gotten a dozen judges through. I dare say that we will spend more time in the debate this afternoon than we have debating the 14 judges confirmed so far this year.

I inherited a vast number of judicial vacancies, including longstanding problems, especially political problems. I am doing my best to change that. I am doing my best to move forward.

I urged that we get rid of the secret holds and make blue slips public. And now we finally have. Republicans did not do that when they were in the majority. I have urged the Rules Committee to take the position, if the Democrats are in majority next year, to divide the budget 50/50. I have had Republicans chair portions of hearings this year and have reported bills introduced by Republican Senators. These things did not occur in the recent past.

If we stop the partisanship and the confrontational tactics of last year and this last week and if we show cooperation, if the White House got involved and did those things, we could speed this up. Consult and work with Senators—we will go forward faster.

The President, for whom I have great respect, has had an enormous amount on his plate since September 11. I understand. However, there are some, unfortunately, who advise him who come with the idea they can only have judges they have signed off on by particular special interest groups. Then there will be a confrontational battle. It should not be that way.

Check how it was done under the last six Presidents with whom I have served. Find out how it was done. It was done by trying to work together. If we do that, maybe things will work more smoothly. Instead, the President's key political adviser in the White House appeared before an ideological advocacy group last week and committed—actually, recommitted—the administration to selecting judicial nominees to reflect a hard right ideology, an ends-oriented judicial philosophy. That is unfortunate. Can you imagine if Bill Clinton had gone before a group and said: I am only going to select judicial nominees to reflect a hard left ideology, and an ends-oriented judicial philosophy? You thought some had to wait 1,000 days to even have a hearing or were denied a hearing—can you imagine what would have happened if the Clinton administration had done that? It is wrong when the Bush administration does that.

All that says is, if that person is confirmed and if you are a litigant before that judge, basically what the President's political adviser was saying is, unless you reflect a hard right ideology and an ends-oriented judicial philosophy, forget about coming before this judge because you are not going to have fair treatment.

People ask me if I have a litmus test. I sure do. My litmus test has been the same with the six Presidents with whom I served, and I voted against Democratic nominees when I believed they didn't follow this litmus test. That is, if somebody comes before that judge, whether they are conservative, liberal, rich, poor, white, black, Republican, Democrat, north, south, wherever they are from, plaintiff or defendant—they can look at that judge and say: Whatever happens in this case, I know I have had a fair judge. That is my one litmus test.

When the Presidential adviser actually goes before a political advocacy group and says we are not going to do that, we have to have nominees who reflect a hard right ideology and an ends-oriented judicial philosophy, that is wrong. That is wrong.

Actually, what that tells me is that rather than succumb to a notion of advice and rubberstamp, we had better do what the Constitution says, advice and consent, and go through the process carefully.

I say, again, we are scheduling hearings on judicial nominations and have continued to schedule hearings in spite of the unfair criticism because I do want to get through as many good judges as possible and fill as many of the vacancies I inherited as fast as possible. I will consider a number of factors: Consensus of support for the nominee, the needs of the court for which he was nominated, and the interests of the home State Senators.

I have served with 270 Senators, I believe, since I have been here. I have found more and more how important it is to rely on the views of home State Senators, Republican and Democratic alike.

Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER (Mr. REED). The Senator from Vermont has approximately 8 minutes remaining.

Mr. LEAHY. I have tried, again, to include at hearings judges Senators have asked for in both parties, including the court of appeals nominees, including hearings this year. I attempted to comply with the requests of Senators GRASSLEY, LOTT, SPECTER, and ENZI. We did that.

One was voted down. I know the Republican leader, who has been my friend for years, was disappointed at the committee vote on the nomination of Judge Charles Pickering. He argued strongly for the judge, as he should. The Senator from Kentucky, Mr. MCCONNELL, argued strongly for him and gave an excellent argument for him before the committee, as did the Senator from Ohio, Mr. DEWINE.

I tried to afford Judge Pickering—who, incidentally, still has a lifetime tenure as a Federal judge—every courtesy. I extended the time. I had a second hearing. I extended the time for the vote. I was willing to do all that.

But I still have to decide how I vote. I remember for a Democratic President and a nominee he very much wanted, I voted against him for some of the same reasons, the exact same reasons, in fact, that I voted against Judge Pickering. He was voted down in the committee—just as Judge Pickering was, and that was the end of it.

I do not want to go back to the situation where almost a third of President Clinton's court of appeals nominees waited more than 300 days from nomination to confirmation, an average of 441 days for these individuals; nearly a quarter waited more than a year, 20 percent waited more than 500 days, 6 waited more than 700 days, 2 waited more than 1,000 days, and one waited more than 4 years—if they got hearings at all.

Judge Helene White of Michigan waited more than 4 years. She never got a hearing. In fact, 56 percent of President Clinton's circuit court nominees in the last Congress, nominated or renominated in 1999–2000, were not acted upon by the Judiciary Committee. I am trying to repair that damage.

That is why we are moving forward—we are moving forward as quickly as we can, and I will continue to do that.

No matter what is said on the other side, no matter how much things are taken out of context, no matter how much fiction we hear on the floor from that side, I will move them forward.

Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Vermont controls approximately 4 minutes 50 seconds. The time of the Senator from Utah has expired.

Mr. LEAHY. I understand some of my time has already been given to the Republican side previously; is that correct?

The PRESIDING OFFICER. Five minutes has been offered to the Senator from Kansas, Mr. BROWNBACK.

Mr. LEAHY. I believe we also gave time to the Senator from Texas, did we not?

The PRESIDING OFFICER. She has already consumed that time.

Mr. LEAHY. I tried to help, just to be fair. Let me say this, in the remaining 3 minutes.

It doesn't have to be this way. We are moving far more rapidly than the Republicans did when they were in charge and President Clinton was President.

We have had a lot that has gone on in the past few months. I have not used the events and aftermath of September 11 as an excuse but have instead continued to hold hearings and votes on judicial nominees. Some of the Republican special interest groups pooh-pooh the fact that we even would refer to the events of September 11. They allow it as a justification for many things and an excuse for everybody else but not for the Judiciary Committee. Well, we have not made excuses. Instead, we build a good record.

We actually had to put together an antiterrorism bill during that time, which we did, one which the President certainly felt good about. He praised me and Senator HATCH for our work on that.

We had to do that. We had this building that we are in right now emptied because of an anthrax scare. Most of our staffs, Republican and Democratic, are in the Dirksen and Hart Buildings. That was vacated for a period of time because of anthrax. The Hart Building was vacated for a very considerable period of time.

I was one of those who received an anthrax letter designed to kill me, as was Senator DASCHLE. Me and my staff—it turns out there was enough anthrax to kill an awful lot more people than that. So this has not been a usual year.

But as I pointed out in the charts earlier, in the 9 months the Democrats have controlled this committee, we have done more than during any comparable period during the time when the Republicans controlled the committee.

I am assuming—and I pray—this country will not face something similar to September 11 again. I assume and I pray that our Capitol will not face something like that again.

I take a moment to applaud the brave men and women of our Capitol Police and the work of our Secretary of the Senate and Sergeant at Arms in protecting us up here.

I have talked with the White House about one simple procedure they could do without giving up any of their rights or any of their privileges. One simple procedure they could do, which would take 4 or 5 weeks off many judicial nominations. They could potentially be able to go to hearing 4, 5, or 6 weeks faster if the White House would simply speeding up the process of getting all the paperwork and the reviews done and getting them up here.

Those are things that can be done.

Mr. President, how much time remains?

The PRESIDING OFFICER. Forty seconds.

Mr. LEAHY. Mr. President, this has been a good debate. I might ask the Senate to pass a resolution that just said very simply the Democratic majority will be required to go at the same pace that the Republican majority did under President Clinton. But I have a feeling, if we did that, President Bush would be very upset because I have a feeling he does not want us to go back to the procedures used when his party controlled the Senate. We will not.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HATCH. Mr. President, I ask unanimous consent to take 4 minutes of the leader's time.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Mr. President, I am going to object. I will tell you why. We have given more than that amount of time. If somebody had told me they wanted to, I would have given time from my own time. We have already given the time.

Mr. HATCH. How about 2 minutes of leader's time? Would you be gracious enough for that?

Mr. LEAHY. If the leader wants to, of course, I will yield to him.

The PRESIDING OFFICER. Does the Senator from Vermont object?

Mr. LEAHY. Yes.

The PRESIDING OFFICER. Objection is heard.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let me rephrase my question. As ranking member of the Judiciary Committee, I am asking my colleague to consent to 2 minutes of the leader's time to be used by me. I don't think he would be totally displeased with what I have to say.

Mr. LEAHY. Would I then have 2 minutes available to me if I wish to use it?

Mr. HATCH. I agree to that.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, I personally thank the distinguished chairman the Judiciary Committee for doing the job he is doing on district court nominees. The problem here is not just reporting nominees—although we think more should be approved—it is 31 circuit court vacancies. A number of them are judicial emergencies, as defined by the Administrative Office of the Courts.

But I have listened to my colleague's comments about holding hearings when Senators have asked him to do so. I have been patient for many months, but I do believe I have to say this today. I am Ranking Member of the Judiciary Committee. It was just there 2 days ago when one of my judges was given a hearing, Professor Paul Cassell. His nomination had been pending since June of last year. I don't understand waiting this long. And the second judge nominated for a spot in my home state of Utah, Michael McConnell, has not had a hearing even though I have been promised one. I have requested at least 15 times for these two to get hearings, to be marked up in committee, and to be brought to the floor. Michael McConnell's nomination probably enjoys the widest and most vociferous support of legal scholars from all across the political spectrum—Democrats and Republicans of any currently pending nominee.

I would like to have the courtesy extended to me that I extended to the distinguished Chairman when he was the Ranking Member. I believe it is time for me to raise this issue because I have been very upset that this hasn't happened.

Last, but not least, keep in mind—everybody listening to this debate—that the Senate confirmed 377 Clinton judges, which is only 5 fewer than the all-time champion, Ronald Reagan, who got 382 judges confirmed. And both had 6 years of a Republican Senate—which was the opposite party for President Clinton and the allied party for President Reagan. Both got essentially the same number of judges. In fact, Clinton would have had more had it not been for Democratic holds and objections.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, as I said earlier, we will continue to move at a faster pace on the nominees for President Bush than the Republicans ever did with nominees of President Clinton. I will continue to move at a faster pace for them. I will continue to try to overcome the objections to hearings on Senator HATCH's nominees, and we will have a hearing.

I yield the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3040 offered by Senator REID of Nevada.

Mr. LEAHY. Mr. President, I ask for the yeas and nays.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Vermont asked for the yeas and nays.

Mr. HATCH. I suggest the absence of a quorum, Mr. President, until the minority leader arrives.

The PRESIDING OFFICER. The Chair has to determine if there is a sufficient second for the yeas and nays.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator HATCH for trying to put in the quorum so I would have an opportunity to make some very brief remarks. I hope everybody understands that was what was going on—to give me a chance to be here and just wrap up some of what needs to be pointed out again before we get to a vote.

We have a real problem in the Senate. I think it could be a growing problem. We are very concerned about the nominees who are being moved and those who are not being moved; and, more specifically, the fact that the first eight circuit court judges have not been moved, have not been voted on, and, in fact, have not even had a hearing. I believe that is accurate. The first eight, to go back to May 9, 2001, an outstanding group of nominees, men and women and minorities, have not had any opportunity to make their case, to be voted on in the Senate Judiciary Committee, and be voted on in this Chamber.

That is what our resolution says. That is all it says. This is not a quantum leap, saying you have to have a hearing, you have to vote, you have to bring it to the floor, and you have to get it done. But it does say that in the interest of administration of justice, the Judiciary Committee shall hold hearings at least on the nominees submitted by the President on May 9, 2001, by May 9, 2002.

That seems like a very small step, to move toward some progress being made and helping to begin to cure some very frayed feelings about the way the Judiciary Committee acted with regard to Judge Pickering. But moving beyond that and moving into the broader sense, one judge will not this session make. But this pattern is a major problem.

Conversely, the other resolution just says that the Judiciary Committee should move forward expeditiously on these nominees. Goodness gracious, that is not saying very much, it doesn't appear to me. I hope they will be moving forward expeditiously.

But what does it mean? Does it mean they are going to get a hearing? Does it mean it is going to get some actual result? No.

That is basically the difference. One resolution says that these outstanding nominees—I will not list their names because I am sure they have been talked about individually and collectively—should at least have a hearing by May 9. The other resolution says it should be considered expeditiously.

The point is, though, to highlight this issue, this will not be the last resolution in this area, unless we begin to see some fair progress. There will be others. And they perhaps will be more pointed.

But it goes to the much bigger question of how we are going to go through the rest of this session, how these nominees are going to be treated, and, as a matter of fact, how we are going to act on legislation.

I urge my colleagues to vote on both sides of the aisle for the resolution that would lead to results and that is the one that calls for hearings by the specified date of May 9, 2002.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, I can certainly appreciate the frustration expressed by some of our colleagues. We have been there. We know how frustrating it is to have judges who are not given the time and attention, and the fair consideration they deserve. Because we have experienced that all too often while we were in the minority.

What we have attempted to do is respond to that frustration by doing what we have said we were going to do from the very beginning, that we were going to treat judges fairly, we were going to try to do as much as we could to move them quickly. And we believe we have done that.

I do not recall a time when our Republican colleagues ever agreed to hold at least one hearing on a circuit court judge with every group of district court judges receiving hearings. But that is exactly what our chairman of the Judiciary Committee has committed to do.

I will look at the numbers, and we can compare statistics all day long, but all one has to do is look at the bottom line. We have exceeded their record in many ways. In 9 months, we have confirmed more judges than the Republicans confirmed in President Reagan's first year—12 months. We have confirmed more circuit court judges already this year than Republicans did in 1996 when they confirmed zero circuit court judges. But we can compare these back and forth. What I am simply prepared to do today—as you have heard Senator LEAHY and members of our committee say on so many occasions—is to say, we are going to deal with these judges fairly and expeditiously. I think our record shows that.

I thank Senator LEAHY for his leadership, for the commitment he has made, and for the diligence he has shown in getting us to this point.

Forty-two judges have been confirmed; 7 circuit court judges have already been confirmed. What Senator LEAHY and the Judiciary Committee are now saying is, we will improve upon that in the coming weeks and months. When you look at what we will have been able to do by the end of this session, I think everyone will be able to say, without equivocation: You have done a good job.

That is what we are committing to do. That is what our resolution says. That is why I believe, very strongly, that supporting the Democratic resolution is, again, supporting the clear intent of our caucus and of this Senate that these nominees are going to get fair treatment. We are determined to do that. And we will demonstrate that with each passing week.

I yield the floor.

VOTE ON AMENDMENT NO. 3040

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3040. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 1, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—97

Akaka
Allard
Allen
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bunning
Burns
Byrd
Campbell
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Cochran
Collins
Conrad
Corzine
Craig
Crapo
Daschle
Dayton
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Kyl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McConnell
Mikulski
Miller
Murkowski
Murray
Nelson (FL)
Nickles
Reed
Reid
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stabenow
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—1

Nelson (NE)

NOT VOTING—2

Enzi
Stevens

The amendment (No. 3040) was agreed to.

VOTE ON AMENDMENT NO. 3033

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3033 offered by the Republican leader.

Mr. HATCH. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The PRESIDING OFFICER (Mr. JOHNSON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 51, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—47

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Fitzgerald
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Thomas
Thompson
Thurmond
Voinovich
Warner

NAYS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Miller
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—2

Enzi
Stevens

The amendment (No. 3033) was rejected.

Mr. DASCHLE. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE. Mr. President, we are currently consulting about the remainder of the day. It is fair to say Senators should expect additional rollcall votes. We are hoping we might reach an agreement procedurally on how to make additional progress on the bill during the remaining hours of today. At this point we cannot say with any confidence what tomorrow holds. It depends, in part, on what the schedule will be for the remainder of the day. We are working to arrange for additional votes and consideration of additional amendments. We will propound that request as soon as it becomes available.

PROVISION FOR CONDITIONAL RECESS OR ADJOURNMENT OF CONGRESS

Mr. DASCHLE. I have a request regarding the adjournment resolution. It has been approved by the Republican leader.

I ask unanimous consent the Senate now proceed to the adjournment resolution which is at the desk, H. Con. Res. 360.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

The House concurrent resolution (H. Con. Res. 360) providing for a conditional adjournment of the House of Representatives and conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DASCHLE. I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 360) was agreed to, as follows:

H. CON. RES. 360

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, March 20, 2002, or Thursday, March 21, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, April 9, 2002, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns at the close of business on Thursday, March 21, 2002, Friday, March 22, 2002, or Saturday, March 23, 2002, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, April 8, 2002, or at such other time on that day as may be specified in the motion to recess or adjourn, or until Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIMING OF THE TRADE BILL

Mr. BAUCUS. Mr. President, at the end of the last session of Congress the Finance Committee reported three critical pieces of international trade legislation to the Senate calendar: An expansion of the Trade Adjustment Assistance Act, an extension of fast track trade negotiating authority, and an expansion of the Andean Trade Benefits program.

Each of these bills is time-sensitive and I believe that the Senate should take action on them as soon as possible. The Trade Adjustment Assistance Act, or TAA, first established in 1962, is the program that addresses the needs of workers and firms that are adversely impacted by trade.

The Senate Finance Committee bill expands TAA coverage to new groups of workers, including farmers and secondary workers; provides training and healthcare benefits to recipients; and experiments with a new concept of wage insurance, which aims to move the unemployed back into the labor force as quickly as possible.

Unfortunately, TAA was allowed to expire at the end of the last Congress. We need to not only extend TAA, but complete the expansion as soon as it is practical.

Although States have cooperated with the efforts of the Department of Labor to keep the program in operation, this stopgap cannot continue indefinitely. Congress must ensure that this critical safety net for working Americans is in place.

The extension of fast-track trade negotiating authority—sometimes called trade promotion authority—is also pending on the Senate calendar.

This measure is controversial, but Senator GRASSLEY and I were able to arrive at a bipartisan bill to extend fast track. And the bill passed the Finance Committee 18–3 with the support of both the majority leader and the minority leader.

This extension may not be as urgent as the extension of TAA, but many important international trade negotiations both bilaterally and multilaterally are pending or underway. This bill allows Congress to direct these negotiations and allows the President to credibly negotiate with our trading partners. It is time for Congress to extend fast track.

The Senate Finance Committee also reported an extension of the Andean

Trade Promotion Act or ATPA. This measure has been actively supported by many Senators, including Senator BOB GRAHAM and the distinguished majority leader.

The legislation aims to shore up support among U.S. allies in the critical Andean region and provide an alternative to the illegal drug trade to citizens in the region.

In addition, another critical international trade program, the Generalized System of Preferences, which provides important benefits to many developing countries, also expired at the end of the last Congress. This program should also be extended for some reasonable period of time, in my opinion, several years.

I have discussed with the majority leader and many of my colleagues combining all of these bills into a single vehicle, winning Senate passage for the legislation, and quickly moving to gain support for the legislation in the other body in the hopes that these measures might be signed into law as soon as possible.

The combined trade legislation has some detractors, but each component of the proposed trade legislation has bipartisan support. Each piece serves an important public policy purpose. And each piece is timely, if not overdue.

I know that the Senate calendar is crowded, but I would like to urge the majority leader and the minority leader to work with Senator GRASSLEY and myself to find time to take this legislation up shortly after the Senate returns from the coming recess.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ADMINISTRATION'S SPECTRUM PROPOSAL

Mr. MCCAIN. Mr. President, as ranking member of the Senate Committee on Commerce, Science and Transportation, I would like to discuss an issue I have discussed before, an issue that was addressed by the administration's proposal in the 2003 budget to delay the auction dates for spectrum being used by broadcasters.

In 1997, Congress ventured down a path that we hoped would lead to a revolution for the American consumer—digital television. Congress took action to support the transition to digital television, specifically high definition digital television, because of its potential to give Americans sharp movie-quality pictures and CD-quality sound, and took the extraordinary step of giving the broadcast industry a huge amount of spectrum for free—a $70 billion gift.

During consideration of the Balanced Budget Act of 1997, broadcasters touted DTV technology as a competitive necessity that would preserve free over-the-air television in the new digital millennium. They sought legislation intended to speed and facilitate a transition from analog to digital television broadcasting. Their requests for special treatment were fulfilled.

At the time, the Wall Street Journal described Congress' action as a "planned multibillion dollar handout for wealthy TV-station owners." While other industries must purchase their spectrum in competitive auctions, in the case of digital TV, Congress decided to give away the spectrum. At the same time, Congress also decided that broadcasters could keep their old analog spectrum until 2006, or until 85 percent of TV homes in a market could receive digital signals.

During the debate on the Balanced Budget Act, I expressed my serious reservations with the spectrum provision. At the time I stated:

> . . . when it comes to the bill's provisions on the analog turnback date, I fear that we have inadvisedly undercut the value this spectrum might otherwise bring at auction by including a waiver standard in this bill that unnecessarily signals to bidders in 2002 that the spectrum they're bidding on may not become available on any definitive date.

I was not alone in my concern. In October 2000, the New York Times wrote:

> By giving the new spectrum away instead of auctioning it off to the highest bidders, Congress deprived the Treasury, and thus taxpayers, of tens of billions of dollars. The giveaway also kept the new spectrum out of the hands of bidders eager to sell digital services. The new spectrum went instead to incumbent broadcasters, who have dawdled.

Moreover, if the broadcasters begin to use their digital spectrum primarily to broadcast multiple channels of standard definition, perhaps on a subscription basis, I believe that they will never relinquish the spectrum. This scenario was never mentioned by the broadcasters while they were lobbying Congress for the free spectrum they eventually received.

In 1997, Congress mandated that future FCC spectrum licensing should be performed through auctions, ensuring that the spectrum is allocated to parties that value most highly the opportunity to provide wireless products and services, and that compensate the public for the use of its resources. Yet, at the same time, Congress gave away billions of dollars in public assets at the broadcasters' urging and on the promise that the public would get it back, and get superior, free over-the-air service in the bargain. As the President's budget acknowledges, however, this is not happening.

The administration is also proposing that beginning in 2007, the broadcasters would be assessed a $500 million annual lease fee for their use of the analog spectrum. If they return their analog spectrum by the 2006 deadline, they will be exempt from the fee. While this proposal has merits and may be justified, I believe that in all likelihood, the broadcasters will never pay. Be assured that a few years from now, the NAB will be marching up to Capitol Hill asking Congress for more time to complete the DTV transition.

We should not let this happen. I believe that Congress must address this issue legislatively to protect the American taxpayer and ensure that the DTV transition will become a reality. Congress devoted valuable public assets to the DTV transition and ultimately has the responsibility for finding responsible solutions. The proposal before the FCC that enables broadcasters to further capitalize on the spectrum giveaway by allowing the broadcasters to negotiate to vacate the spectrum by 2006 for a price, is not, I note, a responsible solution.

In closing, I would like to read a quote from an article that appeared in Business Week last year.

> Congress should also make broadcasters pay for their valuable real estate by attaching a price tag to the spectrum they now occupy. When they approached Congress hat-in-hand, broadcasters promised something they have yet to deliver. Now that this has become abundantly clear, they shouldn't get a free ride on taxpayers' backs. What they should do is fork over the going rate for whatever airspace they occupy. That's what cellphone companies are doing.

It has been almost 5 years since the spectrum giveaway and the transition to digital television has barely materialized. The American taxpayers first lost the auction value of the spectrum. Now, they have no real certainty of what they're likely to get in return, or when they are likely to get it. The situation is a mess, characterized by more finger pointing than progress. Regardless of who is to blame, this much is clear: By 2006, this country will not have the transmission facilities, the digital content, nor the reception equipment necessary to ensure that 85 percent of the population will be able to receive digital television.

In fact, recent statistics show that consumers have yet to embrace digital television. The Consumer Electronics Association reports that 1.4 million DTV sets were sold last year, of which 97,000 were integrated units containing digital tuners. However, we received testimony before the Senate Commerce Committee last year that over 33 million analog sets had been sold in 2000 alone. While DTV sales have been increasing each year, an overwhelming majority of Americans are still purchasing analog sets.

Given the uncertainty surrounding the return of the spectrum currently occupied by broadcasters, the administration has proposed shifting the auction for TV channels 60–69 from the elapsed 2000 deadline to 2004. Additionally, the proposal would shift the auction of TV channels 52–59 from 2002 to 2006. According to OMB projections, shifting the auctions to later dates would increase expected revenues by $6.7 billion. The administration has concluded that if legislative action is not taken to shift the auction dates, potential auction participants may hesitate to bid for this spectrum without certainty of when the broadcasters may actually vacate it.

At the same time, however, even if we act to change the dates, I also believe that years from now Congress is likely to again find itself attempting to shift the auction dates because the broadcasters will still occupy the spectrum. I hold this view because last year, the Commerce Committee held hearings on the transition to digital television. During that hearing I asked the National Association of Broadcasters, NAB, whether or not they believed they were going to reach 85 percent of the homes in America by 2006. The NAB's response, "Originally, the expectations and the projections that [we] looked at, was for that transition to take as long as possibly 2015."

I believe that there's not a snowball's chance in Gila Bend, AZ, that the broadcasters will vacate this spectrum by 2006, or that, despite my best efforts, that broadcasters will be penalized for squatting, as the President has proposed, if they occupy this spectrum after 2006. Some broadcasters have suggested that they may use their digital spectrum to multicast standard definition signals and provide other "ancillary" services, competing against companies and technologies that had to pay for the spectrum they use. I worry that if broadcasters provide "ancillary" services using the spectrum they received for free, they will have a distinct competitive advantage over wireless companies who pay the public for the use of its spectrum.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI. Mr. President, the Senator from Idaho is prepared to offer a second-degree amendment clarifying Senator BINGAMAN's amendment No. 3016. I am in support of his amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I thank my colleague, the ranking member of the Energy Committee, Senator MURKOWSKI.

Mr. President, I ask unanimous consent to set the pending amendment aside for the purpose of consideration of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3049 TO AMENDMENT NO. 3016

Mr. CRAIG. Mr.President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report. The assistant legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3049 to amendment No. 3016.

Mr. CRAIG. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the definition of biomass)

On page 6, strike line 9 and all that follows through line 15 and insert the following:

"The term 'biomass' means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

"(A) thinnings from trees that are less than 12 inches in diameter;

"(B) slash;

"(C) brush; and

"(D) mill residues.".

Mr. CRAIG. Mr. President, I rise today to introduce an amendment that would modify the definition of biomass from national forests by clarifying that biomass may come from slash, brush, or mill residue from any size tree that may be harvested, as well as from thinning trees that are less than 12 inches in diameter.

The Bingaman amendment defines the term "biomass" on national forest lands as only that material generated from tree commercial thinning or slash or brush.

Our respective staffs have worked out language that is acceptable to the managers. I appreciate his staff's cooperation in addressing these concerns.

Both Senator MURKOWSKI and I have been concerned that mill residue, slash and brush from normal harvest activities did not qualify under the construct of Bingaman amendment No. 3016.

I have also expressed concern about smaller logs that are sold as commercial timber that could be utilized as biomass in some market conditions but would not qualify under Bingaman amendment No. 3016.

This amendment I am now offering addresses all of our concerns.

We have 39 million acres of national forest land at high risk of catastrophic fire. We have an additional 24 million acres that have suffered insect and disease attacks making them highly susceptible to fire as well.

There are over 49.5 million acres of trees in the 9- to 12-inch diameter class that need to be thinned to reduce the risk of catastrophic fires and to allow those trees to grow to full and productive maturity.

I am pleased that we have addressed the fundamental problems that cause so many of my constituents concern. I have several biomass co-gen operations in my State that are fed largely from hog fuel off the public lands—the national forest land.

I think this clarifies the issue. I thank the chairman for his cooperation.

Mr. BINGAMAN. Mr. President, this does clarify the intent on both sides. I think this additional definitional language is useful. We have no objection to the amendment.

Mr. MURKOWSKI. Mr. President, I thank Senator BINGAMAN for his cooperation.

I want to make sure that we all understand some of the terminology used, and the words "hog fuel." I know what it is. It is the waste.

The significant aspects of recognizing the way this portion of the Bingaman amendment bill was originally stated is that it would have excluded waste from public land—namely, the national forests—unless it is specifically identified as slashings, second growth, and so forth.

It would very narrowly bring into question the residue associated with milling of timber and timber products from national forests as to whether or not that waste could be used in biomass.

For example, in my State of Alaska, it would exclude the development of any biomass as an alternative because we don't have, for all practical purposes, anything other than public land.

That is why it is so important that this change be made. I want to make sure that in the language the intention is, if you have a tree that comes off public land that has rot in it that would be basically determined not to be sufficient for milling—and, in the terminology, this would be a mill residue—indeed that would be included in the definition of what would be allowed.

Clearly, no one takes prime, quality timber and uses it for biomass. It has a higher value. So there is a check and balance in it.

Mr. CRAIG. If the Senator will yield, he makes an important point. In commercial logging operations that are qualified under the U.S. Forest Service—the legitimate timber sales—some of those logs, once cut, and beyond the 12-inch diameter size that get to the mill, that are deteriorating or have, as you call it, the rot of the center and cannot be milled, put on a mill head rig and moved, fall apart, I think that is residue by anyone's definition when it is determined, at least in the mill yard, that no commercial value can come from it. Clearly, I think that falls under that definition. But I appreciate the Senator mentioning it.

What we are doing, along with passing legislation, is establishing, by the record of the floor, what is the intent of Congress. And I think that is the intent of this legislation.

I thank the Senator for yielding.

Mr. MURKOWSKI. I certainly agree with that. I appreciate the colloquy. I think this is good utilization in the sense of biomass. But I would like to remind my colleagues that biomass just does not create energy. Somebody has to burn it. When you burn it, you generate emissions. And when you generate emissions, obviously, you have a tradeoff.

I am pleased the amendment will be accepted.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

The amendment (No. 3049) was agreed to.

Mr. MURKOWSKI. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRADE PROMOTION AUTHORITY

Mr. DASCHLE. Mr. President, as I understand it, we are working on an arrangement that will accommodate further progress on this part of the energy bill. I appreciate the cooperation of all those involved.

I want to take a moment to talk about a strong interest I have—and I know it is shared by the Presiding Officer and many other of our colleagues—in trade promotion authority, trade adjustment assistance, and the Andean Trade Preference Expansion Act. We will be dealing with all three of those issues in the next work period. I reemphasize the importance that I, as one Senator, put on getting that package passed during that time.

I think we all saw yesterday that the January trade deficit swelled to $28.5 billion. That is a 15 percent increase over December and sharply higher than the consensus forecast. That alone caused some analysts to lower their projections for first quarter growth by a full percentage point.

That set of numbers indicates pretty clearly how important trade is to the American economy, and it graphically demonstrates why we need to provide trade promotion authority.

Today, nearly one in every 10 U.S. jobs—an estimated 12 million jobs—is directly linked to the export of U.S. goods and services. These are good jobs that pay 13–18 percent more than the national average.

The benefits are even more pronounced in agriculture. Since passage of NAFTA in 1993, U.S. agricultural exports to Mexico have doubled.

Agricultural exports today account for one in every three U.S. acres planted; nearly 25 percent of gross cash sales in agriculture; and more than three-quarters of a million U.S. jobs.

The U.S. Trade Representative's office estimates that the average American family of four saves between $1,260 and $2,040 a year as a result of the two major trade agreements we entered into in the 1990s—NAFTA and the Uruguay Round.

And in my view, the benefits of trade today are even greater for the United States because no Nation in the world is better positioned to thrive in a global, information-based economy.

Expanding trade also offers national security and foreign policy benefits because trade opens more than new markets. When it is done correctly, it opens the way for democratic reforms. It also increases understanding and interdependence among nations, and raises the cost of conflict.

Senators BAUCUS and GRASSLEY deserve great credit for getting a bipartisan TPA proposal out of the Finance Committee with an overwhelming vote of support—18 to 3.

Their proposal not only gives the President that authority he needs to negotiate good trade agreements for the United States. It also addresses critical labor and environmental concerns. Under their proposal, labor and environmental concerns are central issues, not side issues.

The fundamental reality is that expanded trade raises living standards generally, but some people lose. That is inevitable.

Last year, we passed an important education reform bill. We agreed then that we would "leave no child behind." Now we need to make sure we leave no worker behind. And that's why the package will include expanded trade adjustment assistance

This is not a partisan idea. It's an American idea.

It was also the one clear area of agreement among the recommendations of the bipartisan U.S. Trade Deficit Review Commission, which was established by Congress in 1998.

Among the key members of the commission were President Bush's trade representative, Robert Zoellick; Defense Secretary Donald Rumsfeld; and George Becker, the former president of the United Steelworkers.

Nor is trade adjustment assistance a new idea. It has been part of American trade policy for 40 years.

The current program, however, covers too few people. And it does not address some of the most serious problems displaced workers have in finding productive new employment.

I commend Senators BAUCUS and BINGAMAN for their leadership in putting together a proposal that corrects both of those shortcomings.

I also thank Senator SNOWE, who has been working closely with us on this effort.

We already have 47 cosponsors.

There are some reasons why we need a new, expanded program of trade adjustment assistance. I want to cite a few.

Today, if your employer's plant moves to Mexico, you are eligible for a year of additional unemployment benefits, plus education and training. But if your plant moves to Brazil—or any other nation besides Mexico—you get none of these benefits.

The new proposal says that no matter where your company moves, you get help.

Today, workers whose company moves to another country are eligible for trade adjustment assistance. But let's say your employer provides parts to another company, and that company moves to another country. If you lose your job in that case, you are not eligible for assistance.

The new proposal makes sure these "secondary workers" get help, too.

For the first time, the new proposal also includes farmers.

As a general matter, expanded trade will provide billions and billions of dollars in economic growth for the United States.

Certainly, we can dedicate a small fraction of this gain to those Americans who are harmed. It is the right thing to do. Frankly, it will be impossible to build a broad consensus for expanded trade unless we do it right.

We should help American workers learn the new skills they need to earn a living. We should help them maintain health insurance while they're unemployed—and help protect against wage loss when they become re-employed.

I also want to reaffirm my strong support for the Andean Trade Preference Expansion Act.

Again, I wish we could have passed it quickly, this week, as I had originally hoped. But I am confident we can pass it in a relatively short period of time after we return.

Congress first passed the Andean Trade Preferences Act 10 years ago as a comprehensive effort to defeat narcotrafficking and reduce the flow of cocaine into the United States.

The program allows the President to provide reduced-duty or duty-free treatment for most imports from Bolivia, Columbia, Ecuador, and Peru.

The goal is simple: to provide farmers in a region that produces 100 percent of the cocaine consumed in the United States with viable economic alternatives to the production of coca.

The program works.

In the last decade, our Andean neighbors have made significant economic gains, and trade between the United States and the region has increased dramatically.

According to the International Trade Commission, between 1991 and 1999, two-way trade between the United States and Andean nations nearly doubled, and U.S. exports to the region grew by 65 percent.

The ITC also reports that ATPA has contributed significantly to the diversification of the region's exports.

In addition, the program has served as a catalyst for resolving regional conflicts, pushing the members of the Andean community—particularly Peru and Ecuador—to work toward resolution of long-standing disagreements that have undercut efforts at regional development.

ATPA is doing, in other words, precisely what it was intended to do. So there is every reason to extend it on its own merits.

But in addition, the bill we passed last year to expand U.S. trade with Caribbean countries has had the unintended effect of putting the Andean nations at a competitive disadvantage with other nations in the region.

The development and stability of the Andean region is as much in our interest as it is in theirs.

The package we will consider when we return will renew ATPA and, at the same time, level the playing field between Andean nations and their Caribbean neighbors.

I thank Senator GRAHAM of Florida for his leadership in putting together the proposal and again Chairman BAUCUS for putting the entire trade package together.

The word "trade" has its roots in an old Middle English word meaning "path," which is connected to the word "tread" to move forward.

The trade package we will consider when we return will enable us to move forward in this new global economy in a way that strengthens our national security and the economic security of American businesses and families. We look forward to a good and vigorous debate when we return.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I wanted to speak very briefly in agreement with the majority leader about his comments on both trade promotion authority and trade adjustment assistance. I think the two clearly have to go together and quickly. There are a great many workers in this country who are getting inadequate benefits. Many are getting no benefits because we have not modernized our Trade Adjustment Assistance Program.

We have a good proposal to modernize that program which we passed out of the Finance Committee, and I think it is very important that we bring that up on the Senate floor after we return and pass that as quickly as possible. I know that is intended to pass in tandem with the trade promotion authority.

The administration is anxious to see that pass. I think if there are disagreements about the trade adjustment assistance proposals that we have reported out of the Finance Committee, we need to have early negotiations to resolve this.

I know the administration has expressed concerns. To my knowledge, we have not had any real counterproposals that could be seriously considered. So I hope that will get done in the next couple of weeks before we return, and I hope we will be in a position to pass a new, improved set of provisions regarding trade adjustment assistance. I think that is a real priority. I was pleased we were able to move ahead in the Finance Committee. I think it is very important to move ahead on the floor as well.

Mr. President, I thank the distinguished majority leader for his comments on the trade legislation package that we will be considering soon. Clearly, this legislation is extremely important to the economic welfare of the country and I look forward to helping him get it passed. In particular, I want to get trade adjustment assistance legislation to the floor so we can begin to help American workers and communities in a more effective way.

I have heard a lot of criticism lately about the trade adjustment assistance bill especially concerning its linkage to fast-track legislation but I have to agree with the majority leader that I see fast-track and trade adjustment assistance to be complementary. Fast-track will allow the creation of free-trade agreements that will provide broad collective benefits to Americans, but it will also result in negative impacts on American workers and communities.

From where I sit, we should not pass legislation that will negatively impact American workers without expanding and enhancing the Trade Adjustment Assistance Program. We need strong protections in place for American workers and their communities. We need a safety net that keeps these workers competitive and their communities strong. The Bush administration has stated as much many times, most recently in their trade policy agenda that came out this week.

My colleagues know that trade adjustment assistance has never been about ideologies or political parties. It has always had bi-partisan support. If my colleagues look at the number of people in their state that have used trade adjustment assistance over the years, or are using it now, they will admit the program is about helping people and communities get back on their feet. I am prepared to negotiate on the outstanding issues, and I am convinced that common ground can be found rather easily on the core components of the bill.

I thank the distinguished majority leader for his continued efforts to bring this legislation to the floor in a timely fashion, I want to thank Senator BAUCUS for his continued efforts to emphasize the importance of trade adjustment assistance, and I look forward to working with both of my colleagues in the future to ensure we pass this important legislation.

Mr. President, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—continued

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, at this time, I ask unanimous consent that the pending amendment be temporarily laid aside so that I may offer an amendment.

Mr. REID. Reserving the right to object, Mr. President, I say to my friend from Louisiana that we are almost getting a unanimous consent agreement. When we get it, we may ask the Senator to withhold so we can enter into this agreement.

Ms. LANDRIEU. I will have no objection to that, as long as I have an opportunity to offer the amendment sometime this afternoon.

Mr. REID. The Senator can do it now.

The PRESIDING OFFICER. Without objection, the pending amendment will be laid aside.

AMENDMENT NO. 3050 TO AMENDMENT NO. 2917

Ms. LANDRIEU. Mr. President, I send an amendment to the desk on behalf of myself and Senator KYL.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follow:

The Senator from Louisiana (Ms. LANDRIEU), for herself and Mr. KYL, proposes amendment numbered 3050.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase the transfer capability of electric energy transmission systems through participant-funded investment)

At the appropriate place, insert the following:

SEC. . PARTICIPANT-FUNDED INVESTMENT.

Section 205 of the Federal Power Act is amended by inserting after subsection (h) the following:

"(i) TRANSMISSION EXPANSION COSTS.—

"(1) RATES FOR TRANSMISSION EXPANSION.—Upon the request of a Regional Transmission Organization, or any transmission entity operating within an RTO that is authorized by the Commission, the Commission shall authorize the recovery of costs on a participant-funding basis of transmission facilities that increase the transfer capability of the transmission system. The Commission shall not authorize the recovery of costs in rates on a rolled-in basis for such transmission facilities unless the Commission finds that, based upon substantial evidence—

"(A) the transmission investment is identified and incorporated in the regional transmission plan of a FERC approved regional transmission organization;

"(B) participant funding for the investment is not feasible because the beneficiaries of the investment cannot be identified; and

"(C) the transmission investment is necessary to maintain reliability of the transmission grid within the area covered by the regional transmission organization.

"(2) PARTICIPANT-FUNDING.—The term 'participant-funding' means an investment in the transmission system of a regional transmission organization or any Commission authorized entity operating with the RTO that—

"(A) increases the transfer capability of the transmission system; and

"(B) is paid for by an entity that, in return for payment, receives the tradable transmission rights created by the investment.

"(3) TRADABLE TRANSMISSION RIGHT.—The term 'tradable transmission right' means the right of the holder of such right to avoid payment of, or have rebated, transmission congestion charges on the transmission system of a regional transmission organization, or the right to use a specified capacity of such transmission system without payment of transmission congestion charges.

"(4) REGIONAL TRANSMISSION ORGANIZATION FACILITATION.—

"(A) IN GENERAL.—To encourage the regional transmission organization or any Commission-authorized transmission entity operating within the RTO to identify participant-funded investment, the Commission shall allow a regional transmission organization or any entity constructing a participant funded project within the RTO to—

"(i) receive a share of the value of the tradable transmission rights created by the participant-funded expansion; or

"(ii) receive a development fee.".

Mrs. LANDRIEU. Mr. President, many years ago Arnold Glasow said that "all some folks want is their fair share—and yours."

Today, I rise to offer an amendment that provides for true fairness in electricity pricing and in doing so paves the way for much needed transmission expansion at a national level.

Over the past 10 years demand for electricity has increased 17 percent while transmission investment during the same period has continuously declined about 45 percent.

What is even more troubling is that current demand for electricity is projected to increase by 25 percent over the next 10 years with only a modest increase in transmission capacity of 4 percent. With projected demand exceeding projected additional capacity five times over, problems seem imminent.

It is no surprise to this Senator that in recent years electricity shortages due to transmission constraints have plagued the country from one coast to another and various points in between. Unless we deviate immediately from the past ways of doing business, our economy will be held hostage to transmission constraints with rolling blackouts becoming the norm rather than the exception.

Our existing electrical transmission system was designed to serve local customers from utility-owned generation on a State-by-State basis. However, in recent years more and more "merchant generation" operated by independent companies have begun to connect to the electrical grid in order to transmit electricity to local as well as out-of-region customers.

Though this increased generation added much needed competition, it began to strain the current transmission system. The pricing mechanism at the wholesale level still employs the old socialized rate method of continuously increasing the rates for local customers even though most of the beneficiaries are out-of-region customers. This antiquated pricing method has dampened the push to enhance transmission capacity in energy producing States as State regulators are reluctant to pass excessive transmission cost off to local customers who are not benefitting from the electricity. Meanwhile energy dependent regions of the country are denied cheap and reliable electricity.

Electricity price spikes in the Midwest during the summer of 1998 were caused in part by transmission constraints limiting the ability of the region to import electricity from other regions of the country. In the summer of 2000, transmission constraints limited the ability to sell low-cost power from the Midwest to the South during a period of peak demand, resulting in higher prices for customers. Recent blackouts in northern California were the result of transmission constraints in southern California due to California's Path 15 transmission route. The east coast has also suffered from transmission constraints and price spikes in recent years.

Surely, there must be a more equitable way to allocate cost while simultaneously enhancing our transmission capacity. It is not fair to expect customers in energy generating States to keep paying for transmission expansion when this increased transmission is primarily being developed for out-of-region use. In addition, the lack of transmission capacity under this archaic pricing method continues to deny customers in energy importing States the benefit of cheaper electricity from other regions of the country.

The best policy for efficient competitive wholesale power markets is "participant-funded" expansion. In this system, market participants "fund" expansions to the transmission network in return for the transmission rights created by the expansion investment. This approach gives proper economic incentive for new generator location and transmission expansion decisions.

In the new world, the numbers and volumes of interstate transactions are large and growing every day. In my home State of Louisiana, there are enough new merchant generation plants planned to almost double the amount of generation in the State today.

Those who favor socializing these costs may argue that "rolled in pricing is ok because transmission is such a small part of a consumer's total bill." This was true in the past but not anymore. If we must build enough transmission to export just a portion of this new generation—10,000 megawatts—the estimated cost would be $2 billion to $4 billion. Louisiana's share of this cost would be $90 to $180 million per year, and impose a retail rate increase of 5 to 11 percent. All with no significant benefit to local customers.

The opponents of this amendment argue that transmission upgrades may be more expensive than the delivered power is worth. If it is too expensive to build facilities to move the power, then the plant is being built in the wrong place. No one should bear these costs, least of all local consumers.

The developers need to take these costs into account when they site their plants—just like they consider gas costs, water costs, and environmental permits. The participant funding concept is not new—this concept has been successfully implemented in the natural gas industry through incremental pricing. As a result of incremental pricing in the natural gas industry, proposed annual additions in 2002 to natural gas pipeline capacity has increased by nearly 100 percent relative to 1999.

The opponents of this legislation want the risk and consequences of bad siting decisions to be socialized, so that all the "little guys" will pick up the tab. In contrast, participant funding gives proper price signals for new generator location, and it assures an economically efficient level of grid expansion.

I realize this amendment is generating quite a bit of discussion; however, electricity transmission policy is not a popularity contest, it is about making tough but fair decisions. The electricity debate reminds me of something that Mark Twain once said: "Whenever you find yourself on the side of the majority, it is time to pause and reflect."

I therefore ask my fellow colleagues to pause for a moment and reflect over the content of this amendment, what it has meant to the natural gas industry and what it will mean for our economic prosperity in the future. Let's work together in an equitable manner toward building efficient and reliable electrical highways by adopting this amendment.

Thank you, Mr. President, and I ask unanimous consent that my amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator MURKOWSKI be recognized to offer a second-degree amendment to the Bingaman amendment relating to grandfathering; that there be 1 hour equally divided and controlled in the usual form, with no amendment in order thereto prior to a vote in relation to the amendment; that upon the use or yielding back of time, the Senate proceed to a vote in relation to the amendment; that if the Murkowski amendment is defeated, it be in order for Senator COLLINS to offer an amendment relating to renewables with 20 minutes for debate prior to a vote in relation to that amendment, with the time equally divided and controlled in the usual form; that the Collins amendment be considered following consideration of the Kyl amendment, which is a second-degree amendment relating to "opt out," on which there will be 20 minutes for debate prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form; that upon disposition of the amendments covered under this agreement, the Senate proceed to vote on the Bingaman amendment, as amended, if amended, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, there is a possibility of four votes tonight. The two managers are aware of this. They are going to do the best they can. Everybody should be aware, these are complicated issues and pay attention to this debate.

The PRESIDING OFFICER. The Senator from Alaska.

AMENDMENT NO. 3052 TO AMENDMENT NO. 3016

Mr. MURKOWSKI. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. MURKOWSKI] proposes an amendment numbered 3052 to amendment No. 3016.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect State portfolio requirements)

On page 6, on line 6, strike "mix." and insert "mix. The provisions of this section shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable energy portfolio program."

Mr. MURKOWSKI. Mr. President, the amendment I have proposed would exempt the retail electric suppliers in any State that has a renewable energy portfolio requirement.

What we have behind us is a chart that I think fairly identifies the issue. This chart shows States where renewable portfolio standards would be preempted by a Federal mandate. In other words, by this current proposal in the underlying Bingaman amendment, all States would be mandated for a renewable contribution of about 10 percent, without exception.

What does this do? We have 14 States that already have initiated renewable mandates because they believed it was in the best interest of their State. We have seven other States—these are the orange States—that are in the process of considering renewable portfolio standards. What are those States? We have Massachusetts, New Jersey, Pennsylvania. We have Hawaii, Arizona, New Mexico, Nevada. Then, of course, we have Minnesota, Illinois, Wisconsin. We have the west coast.

The point is, 14 States have a program now. Again, they are Arizona, Connecticut, Hawaii, Illinois, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, and Wisconsin. Then there are seven States shown on the chart which are considering a program: California, Maryland, Nebraska, New Hampshire, Oregon, Washington, Vermont.

What does this really mean? This means the renewable mandate, the Bingaman amendment, would preempt those 14 States and the other 7 States identified with a program which would basically disallow them from going forward. They would not have a choice; they would be mandated.

Most, if not all, of these States' programs, in my opinion, are inconsistent with the renewable mandate in the Bingaman amendment. These 14 existing State programs were created on one simple premise—and I would encourage Members who are watching and staffs to recognize this—that purpose was to match the State's needs and to take into account local circumstances.

Each State is different. Each State has an opportunity to consider programs that match their needs and match their levels of capability. Some States may be able to achieve more in the area of renewability. Is it their business to necessarily sell credits?

What we are trying to do is encourage across the board greater utilization of renewables. What is wrong with a voluntary system? Fourteen existing State programs were created to match their State needs and to take into account local circumstances.

As we know, some States are richer than others in wind energy sources. Some States are richer in geothermal. Other States have the potential of biomass. Some States have the potential of hydro. States have tailored their renewable programs, through their own initiative, to match their local resources with their local needs.

We are going to take that away because we are coming down, as the Bingaman amendment indicates, with a one-size-fits-all Federal program. In other words, it is not good enough for the States to address their responsibility and seek within the State's initiative how to reach a renewable mandate.

It applies the same to Maine as it does in Texas, and clearly the States are different. They are in different climate locales. They are in different parts of the country. I do not have to explain the differences. But this would mandate one size fits all.

The amendment exempts retail electric suppliers in any State that adopts or has adopted a renewable energy program. So it exempts retail electric suppliers in any State that has adopted a renewable energy program. This allows existing State programs to continue, and it allows States to adopt a program in the future. That is the purpose of our amendment.

Now, if a State fails to act, then it will be subject to the requirements of the Bingaman amendment. So you are forcing a mandate, in a sense, that if they do not take the initiative and act themselves, then they fall under the Bingaman amendment, which is a mandate.

This allows for the existing 14 States, it allows for the 7 that are in the process of considering it, and then it gives the others an option to initiate a renewable program, but if they do not, they fall under the mandate.

It seems to me if we value States rights, if we recognize one size does not fit all, there is certainly justification for consideration of the merits of a State initiating a program that it sees fit in relation to the conscious effort to try to encourage more renewables, but where a State moves forward, this amendment allows that State effort to continue. It seems to me this is a practical, realistic, sensible approach that gives the States an opportunity to address their responsibility towards encouraging renewables by their own initiative, which the 14 States clearly have done, and 7 others are in the process of initiating that action.

I encourage Members to reflect on the value of State rights and on the value of this particular effort not only working but the States initiating an action to address a need and fill it.

Before we get carried away in the debate, again I want to recognize something I think has been overlooked rather dramatically, and that is there is a cost associated with renewables. We went into that a little bit in the debate over the Kyl amendment. But if we take a hypothetical utility, let us say, that generates a billion kilowatt hours and there is the 10-percent mandate on renewable portfolio standards, that is 100 million kilowatt hours of renewable energy, times 3 cents per kilowatt, which is about the—well, the average price is generally considered roughly 3 cents—that is $3 million for renewable credits. Now that is a cost that is going to be passed on to the ratepayer—$3 million for requiring a 10-percent mandate.

Let's look at a typical utility. Let's look at Wisconsin Electric: Retail sales over the year 2000, about 3,173,000,000 kilowatt hours, times a 10-percent renewable portfolio standard; that is 317,331,000 kilowatt hours of renewables. That is what they are going to have to get into Wisconsin, times 3 cents per kilowatt hour; that is $9.5 million, the cost of renewable credits that is going to be passed on to the ratepayer in Wisconsin.

The current wholesale price, as I have indicated, is roughly 3 cents per kilowatt hour. So make no mistake about it, not only have we already mandated an increase to the utility consumers in this country by the 10-percent mandate that prevailed when the Kyl amendment failed but now we are mandating one size fits all. We are taking a relatively orderly program that the States initiated, where 14 States actually have renewable programs and 7 States are looking at those programs and saying, everybody is going to have a renewable program that meets the 10-percent standard set in the underlying bill. It does not allow the States that are not addressing it an alternative other than than a mandate of 10 percent.

As a consequence, I don't think this is the best way to legislate a portfolio renewable standard by the theory of one size fits all.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I rise in strong opposition to the amendment the Senator from Alaska has offered. The amendment essentially guts the renewable portfolio standard contained in the amendment I proposed. The amendment I proposed has a provision called State savings clause that reads:

> This section does not preclude a State from requiring additional renewable energy generation in that State or from specifying technology mix.

Any State that wants to step up and do something more, or specify the technology mix appropriate for their State, is encouraged. It is not discouraged. It will control.

That is not what the amendment of the Senator is proposing.

Mr. MURKOWSKI. Could I ask a question?

Mr. BINGAMAN. I yield for a question.

Mr. MURKOWSKI. I am curious. In the statement of the Senator from New Mexico that a State could go beyond, is the Senator suggesting it would go beyond the 10-percent norm? They could do anything above it but have to meet the 10 percent?

Mr. BINGAMAN. In response to my colleague, that is exactly right. They can do anything in addition in the way of requiring renewable energy generation and they can specify any technology mix they want. There is nothing in the Federal law restricting a State in this regard.

If I may continue.

Mr. MURKOWSKI. I don't want to interrupt.

Mr. BINGAMAN. You are interrupting, but go right ahead.

Mr. MURKOWSKI. If a State were 5 percent, it would be mandated to go 10 percent. If another State were 12, it could set anything it wanted: is that correct?

Mr. BINGAMAN. The Senator is correct in that a renewable portfolio standard that is not as effective as the one we are proposing would not meet the Federal standard and would not be adequate. The Federal standard would still prevail.

I point out what the amendment of the Senator says:

> The provisions of this section—

That would be this renewable portfolio standard we had the vote on earlier with the Kyl amendment——

> shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable portfolio energy program.

He then cites a variety of States that are on the chart that have adopted these renewable energy portfolio programs. He has included New Mexico on the chart. We have no renewable energy portfolio program in our State. We adopted one and suspended it for 6 years, but it is on the chart as a State qualifying to be exempt from the Federal program. He has included Illinois. I have a description that says on June 22, 2001, Illinois Governor George Ryan signed legislation creating the Illinois Resource Development and Energy Security Act. The legislation states, as an explicit goal, at least 5 percent of the State's energy production and use derive from renewable forms of energy by 2015 and 15 percent from renewable sources of energy by 2020.

However, it does not include an implementation schedule. There is nothing in the Illinois-passed law that will actually get them to the stated goal. They have adopted a renewable portfolio program under the definition of his amendment, but it has no teeth.

The summary on the Nebraska program he cites says in April of 1998 the Lincoln Electric System created a wind power green pricing program called the Lincoln Electric System Renewable Energy Program. It is a green pricing program and does not require them to make available renewable power in any way. It says they should give an option when people pay their bill for so-called green pricing.

The point is, if we want to have a national program to deal with the national electric grid we have talked about for several weeks, and we want to move this country in the direction of using renewable energy to a greater extent than in the past, we have to go ahead and maintain this renewable portfolio standard we proposed in the bill.

To say any State that wants to can adopt something, set a goal or put in a program, suspend it for 6 years, as in New Mexico, and thereby satisfy that State from being out from under the requirements of the law, totally guts the effect of the law. This is essentially another vote like the vote we had with the Kyl amendment. The Kyl amendment said renewable power shall be made available to customers to the extent it is available.

This amendment says States will comply with the renewable portfolio standard in this bill, except to the extent they determine to do something else.

We cannot let them off the hook on that basis. Either we favor a renewable portfolio standard—and I believe a majority of the Senate does; that is what the Kyl vote was an indication of; the majority of the Senate believes we should require this modest commitment to renewable energy—either we do that or we do not.

To say any State that adopts anything that they call a renewable portfolio program is out from under any requirement clearly guts the effort we are making. I strongly oppose the amendment and hope we defeat the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I appreciate the Senator from New Mexico pointing out the status in his particular State. I wonder if Illinois and New Mexico suspended their programs, I wonder if they did so primarily because they thought suspension was not in the best interests of the consumers in their State. I don't know the reason. I certainly look forward to an explanation from my friend from New Mexico if, indeed, there is one relative to why the State of New Mexico saw fit to suspend it.

Mr. BINGAMAN. Mr. President, I am glad to respond.

Mr. MURKOWSKI. I am happy to yield.

Mr. BINGAMAN. In the case of New Mexico, the renewable portfolio was included in a much larger deregulation proposal the State adopted before the difficulties in California. Once the difficulties in California became evident with supplies of electricity there, our legislature got concerned and essentially put on hold and suspended any effect of the entire statute until the year 2006, when they said they would look at it again.

The renewable portfolio standard, which obviously is not in any way related to the issue of deregulation that they were struggling with in California, was a casualty of the concern. I am not disagreeing with the decision of our legislature to put off the deregulation, but I think they made an error in putting off the effort to move toward a renewable portfolio standard. Clearly, though, they are counted in what the Senator has in mind in his amendment as having a program in New Mexico, even though it is suspended until the year 2006.

Mr. MURKOWSKI. Mr. President, I am happy to respond. I will not speak with the expertise that obviously my friend has from his own State, but it is appropriate to recognize they have not initiated an action in the sense of most of the other 14 States. The Senator from New Mexico indicates Illinois and Nebraska. I cannot speak for Nebraska, obviously; the occupant of the chair can. Clearly, there are some States out of the 14 that have initiated the program on their own. That is great. That should be encouraged. Texas is certainly one.

There may be a misunderstanding between the Senator from New Mexico and myself as to what happens under the current legislation with our amendment if it prevails relative to the States that are blank on the chart.

The blank States are the ones in white. They have to comply with the 10 percent that is in the Bingaman bill. They have to mandate, if you will, that they come up with 10 percent. So they are not left out. This is not a gutting, by any means, of the crux of Senator BINGAMAN's point.

We are saying all the rest of those States, more than half the States in the Nation that have not initiated a renewable program, have to do it. They are going to be mandated under the 10-percent mandate. So do not be misled, as I think a reference was made, that somehow we are gutting this provision because we are not. Those States would be mandated in. But they would also be given an opportunity to come up, as the States in green and the States in red are, with what they believe is a reasonable, attainable renewable mandate.

Mr. BINGAMAN. Will my colleague yield?

Mr. MURKOWSKI. I want to make one more point before I respond to my friend from New Mexico.

A State with a 10-percent mandate, they say, on hydro, would now have to also meet an additional 10 percent—OK? An additional 10 percent, with something new: solar, wind—whatever, under the Federal mandate.

I think the States ought to take a look at this. The Federal Government is dictating a 10-percent fuel mix, regardless of your State program.

I am happy to yield for a question.

Mr. BINGAMAN. Mr. President, let me ask this of my friend: The way I read his amendment, it says any State—this provision does not apply to any retail electric supplier in any State that adopts or has adopted a renewable portfolio, energy portfolio program.

Am I correct that a State that is one of the white States on this map, that they do not have a program right now—if they decide to adopt a program which says instead of going to 10 percent, we will go to one-tenth of 1 percent by the year 2020—that certainly is a renewable portfolio program in every sense of the word—they would be out from any other requirements because they will have adopted a program, a renewable portfolio program under his amendment and, therefore, our effort to move them in any meaningful way to use renewable power would be thwarted? Would he agree with that?

Mr. MURKOWSKI. If I may respond, I think we have to make a general acknowledgment that States are responsible. Their utility commissions are responsible. Their ratepayers are responsible. They are going to respond as they see fit to the needs of their people as opposed to what the Senator from New Mexico is proposing as a mandate—everything is equal.

It is not equal. It is not equal in my State. It is not equal in Hawaii. We are not even connected to the continental United States. Yet there is a mandate here. Hawaii has to come across the same way as Alaska, the same way as Iowa.

I think to suggest that a State would be irresponsible is selling short the American citizen.

People are concerned about energy sources. They are concerned about pollution. I do not think any State is going to stand by for irresponsible actions, or a percentage that would suggest an unrealistic contribution to renewables.

Who are we to stand here and simply mandate that everybody has to be the same? What we have recognized is realistic. We said all those States in white—how many of them are left? Probably 35. They will be mandated under the bill of the Senator from New Mexico, 10 percent. They are uniform. We are giving them a chance to initiate an initiative based on their own recognition of what is responsible, what is attainable, what is available.

We have a terrible inconsistency. Some States have the convenience—and it is very convenient—of the renewable hydro. But under this proposal, a State with a 20 percent mandate based on hydro would now have to also meet an additional 10 percent with solar or wind, under the Federal mandate. The Federal Government is dictating a 10-percent fuel mix, regardless of the State program. This is ignoring the State program.

The Senator from New Mexico says it is OK if you go above a mandate with your State program—that's OK.

It is one size fits all, 10 percent, make no mistake about it.

This one says, if you are a white State, you can initiate a program that meets your needs and makes a contribution. I think that is responsible legislation. I do not think it is gutting the renewable package because if a State doesn't want to do it, it is going to be forced to do it. But the States that have initiated a program, let's honor that.

There is nothing magic about 10 percent. Where did they get 10 percent? Why isn't it 8 or 9? Why isn't it 11?

We said it is 10 percent, that is why it is 10 percent. Some States are saying it should be 6 percent. It should be 5 percent. Some States do better than 10 percent. Some States have hydro. Yet we are not recognizing hydro in this.

I suggest Members think a little bit about this. They are going to have to go home and face not only the ratepayers, they are going to have to face their utility commissioners and people are going to say: So one size fits all? You made a mandate in Washington. You are going to take away the initiative of our own program.

The suggestion that States would act irresponsibly I find unacceptable. If utility commissioners and those responsible for decisions act irresponsibly, they are voted out by the local process.

What does Maine have? Maine has 30 percent renewables. They have hydro. What about that which comes in from Canada? You can buy power from Canada. I assume we can buy credits from Canada as well. I think we have addressed some in the technical amendments, that we address the issue of buying credits outside the United States?

My friend from New Mexico has indicated we are going to, I think, agree to prohibit purchase of credits, say, from the Chinese, who are building the Three Gorges Dam, or the Canadians. These, in my opinion, are significant aspects that have been overlooked in this bill. The reason they were overlooked is we have not had an opportunity to go through the committee process because, as you know, this bill came directly to the floor.

So do not be misled that somehow we are getting the renewable program. Everybody gets it, under my amendment—everybody. The existing States have to maintain it, whatever they believe is their level. The States in red that are generating an interest in it are going to have to, and the rest of them, if they do not do anything, are going to have to come under Senator BINGAMAN's mandate.

In my State we have a long winter. In some areas it is pretty hard to get running water, so hydro doesn't necessarily carry it. We dare not tread on ANWR around here because that is sacred.

Nevertheless, we have a situation that I hope Members and staff will recognize. This is not by any means gutting. This is a responsible effort to address, if you will, the initiatives of States to set their own level.

I yield the floor and retain the remainder of my time.

Mr. BINGAMAN. Mr. President, how much time remains on the two sides?

The PRESIDING OFFICER. The Senator from Alaska controls 6½ minutes, the Senator from New Mexico, 23 minutes.

Mr. BINGAMAN. Mr. President, let me speak for just a few minutes on this issue. I don't believe I will need a full 22 minutes. Let me put it in context.

The reason we believe it is important to include in this legislation a renewable portfolio standard is that we believe it is important that the Nation have a diverse group of sources—a diverse supply for its energy needs. We are headed in the future to a situation where that diversity is not present to the extent it should be.

I have shown this chart many times. We spent nearly a week on the Kyl amendment. This is essentially the same issue coming back in another form. Let me show the chart again.

You can see that in the year 2000 we are providing about 69 percent of our total energy needs from two sources; that is, from coal and natural gas. A lot of new generation is under construction around the country. We have a lot of new generation that is expected and planned for, and 95 percent of that new electric generation that is currently planned is planned to be gas fired. It is going to be using more natural gas. We have a problem with that in that today we are not producing as much natural gas as we are consuming. The disparity between what we are producing and what we are consuming is going to grow. It is continuing to grow.

We are saying let us hedge our bets as a nation. Let us try to encourage utilities to develop some renewable energy sources. We give them a wide variety that they can pursue. But do something in this regard. We are saying in the amendment I have at the desk, try to do 1 percent in the year 2005. That is what we have in the bill. Try to do 1.6 percent in the year 2006. We have very small increments after that.

The whole idea is that by the year 2020 we would try to do 10 percent of their total generation from one or more of these various sources.

We specifically provide in the legislation that it is up to the States to decide the right mix. It is up to the individual utility. The individual utility can decide what the right mix is. We are not trying in any way to dictate that.

There are some States that have stepped up and are doing something useful. Texas is the most successful. They have a very credible program. Then-Governor Bush—President Bush now—signed that into law. It has moved that State very significantly towards the use of renewable resources. I think they are being held up as a model by many experts for what we ought to see around the country.

We are not saying everyone has to do as much as Texas. We are saying let us do as much as we have in this amendment.

We have all sorts of flexibility about how they get from here to there. There are some States that produce more than the 10 percent from renewable resources. There are States that have adopted programs that will get them to a higher level than the 10 percent. More power to them. We do not do anything to discourage that. We want to discourage the opportunity for States to essentially give this lip service and not really do anything.

We want to encourage the opportunity for States to do as Illinois has done. Illinois has a great goal. They say: We want to be at 5 percent. We want to be at 15 percent. That is wonderful. But they do not have any teeth in their bill.

New Mexico has a good goal. I cannot recall exactly what the goal is. But we just suspended the goal until the year 2006 because of other considerations that had nothing to do with the renewable portfolio standard issue.

The majority of the Senate favors having a renewable portfolio standard. Let us do it. Let us keep this provision in the law.

The Senator's amendment would, in my strong opinion, gut the renewable portfolio standard. It says if you have adopted any other program that you can call a renewable energy portfolio program, it doesn't matter how much teeth there is in it, or standard. If you adopted anything, you are exempt. If you haven't adopted anything, then you need to adopt something in order to be exempt. We are not telling you what it has to be. We are just saying it has so be something. If you adopt anything, you are exempt.

That is a gutting of the provision, in my opinion. Clearly, that is not what I believe the majority of the Senate wants to do.

I strongly oppose the amendment by the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wish the occupant of the chair, the former Governor, could join us in this debate. He may have some opinion.

I remind my colleagues that ordinarily we do not practice dentistry here, and the reference to teeth in the bill may have an application. But I have to go back to my firm belief in the government being closest to the people as usually the government that is most responsive.

I fail to acknowledge that if we don't adopt this mandate, we are somehow being irresponsible. I think the way we have crafted this second degree is, again, not by any means an opportunity for the States to opt out. On the other hand, if they don't develop a program, they are going to be mandated in. Let there be no mistake about it. All those States on the chart in white are going to be mandated to meet the 10-percent renewable requirement.

Talk about teeth in the bill. I think those are teeth. They are saying if the States don't take the initiative to do it, you are going to have to do it.

The Senator from New Mexico says the majority wants a renewable mandate. Every State in the Union is going to be affected and, in effect, mandated because those in the white will have to come up with a program. Those in the red and green are already initiating programs.

I think the generalization of my friend from New Mexico is a little misleading. All States are going to be mandated in one form or another, either by the fact that they don't have a program or the fact that they do have one. If they want to drop this program, such as the State of New Mexico did, they are going to be mandated into a program—a 10-percent mandate.

I hope I am making myself clear. Some are going to be left out of this. Everybody is going to have to have a renewable program. The only difference is, under my proposal the States affected clearly would have some flexibility.

If it is up to the States to decide what the renewable mix should be—I say if it is up to those States—why not let them choose the level of their renewable?

Does the Senate believe it knows better than the States to do what is cost effective and appropriate given the States' renewable resources?

As I have said, the Midwest has wind. The East may have biomass. The Southwest may have solar and geothermal. Different levels are cost effective.

As we practice dentistry around here, and recognize that the allegation has been made that there is no teeth in this, there is teeth in my proposal. There is plenty of teeth in it. Nobody has opted out. What I think we have in this proposal is some false teeth.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, might I inquire, does the Senator have about 1 minute I could take?

The PRESIDING OFFICER. Two minutes are remaining.

Mr. KYL. I would like to take 1 minute.

Mr. MURKOWSKI. Go ahead and take 2.

Mr. KYL. I thank the Senator.

Mr. President, I support the amendment of the Senator from Alaska. Clearly, those States that have moved forward with the program for renewable resources to generate electricity have made a determination over a period of time about what they can best do in their particular States and what is in the best interest of their consumers.

It seems to me, since they have taken the trouble to do that, and they have done a lot of work on it, that it would be wrong for us—at least premature for us—to come in as the Federal Government and say: No. No. We know what is best for you. Even though we have not had any hearings, we have not had any markup in the committee, we are doing this all on the floor of the Senate, we instinctively know what is best for your State. That is really a supreme arrogance, even for the U.S. Senate.

So what the Senator from Alaska is saying is, look, for those States that have already chosen to do this, let them run their programs the way they want to, and even for those States that chose to do so in the future.

This really satisfies the argument that those on the other side have made that we need to do something—they use the words—"to encourage" States to use renewables. A mandate is a lot more than an encouragement, but be that as it may, for those that have already chosen to do it, they have been encouraged. Let's recognize that and acknowledge their programs and accept them as they are. And, perhaps, for the rest of the States, our mandatory program will encourage them as well. They, then, should be allowed to move forward with the programs as they see fit.

So given the fact the Kyl amendment was defeated before—and I accept that—it seems to me this is a very good compromise, in effect, that recognizes what the other side wants: to make the States have some kind of a program, but it also provides them flexibility in recognition of the unique circumstances of their individual States.

I think it is a good compromise. I think the Senator from Alaska should be complimented for it. I certainly support his amendment and hope others will as well.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, how much time remains?

The PRESIDING OFFICER. Seventeen minutes.

Mr. BINGAMAN. All of that is in opposition?

The PRESIDING OFFICER. That is correct.

Mr. BINGAMAN. Mr. President, I am informed that Senator JEFFORDS wants to speak in opposition. I also want to speak for another couple minutes, but I would like to do that after him. I would have to suggest the absence of a quorum at this time in order to preserve his right to speak.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. We have had a few requests for time from Senators who would like to catch airplanes.

Mr. BINGAMAN. I assume time runs against me during the quorum call.

The PRESIDING OFFICER. Time would run against the Senator.

Mr. MURKOWSKI. Thank you.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me be very brief. I will speak for a couple minutes and then yield back the remainder of our time. I am informed Senator JEFFORDS will not be arriving in time to speak prior to this vote.

Mr. President, I strongly urge Senators to oppose this Murkowski amendment. It does, in my strong opinion, gut the underlying provision which we have been debating now for the last several days.

The renewable portfolio standard that we have in the amendment I have sent to the desk requires certain things from utility companies over the next 18 years, between now and the year 2020. We all understand that.

What the Murkowski amendment says is that any utility located in any State that has something else in the way of a renewable portfolio program, no matter how weak it is, is exempt from the Federal requirement. It also says that if you are in a State that does not have anything, the State can adopt anything, no matter how weak. And then utilities in that State are also exempt. So it is very clear that his amendment does eliminate any meaningful mandate on utilities anywhere in the country.

I strongly urge Senators to oppose the Murkowski amendment. It would gut our renewable portfolio provision. For that reason, I think it should be defeated.

Mr. President, I know of nobody else on our side who wishes to speak in opposition. So I yield back the remainder of my time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3052. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Pennsylvania (Mr. SPECTOR), the Senator from Alaska (Mr. STEVENS), and the Senator from South Carolina (Mr. THURMOND), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 39, nays 57, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—39

Akaka
Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Cochran
Craig
Crapo
DeWine
Domenici
Frist
Gramm
Hagel
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Warner

NAYS—57

Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Cantwell
Carnahan
Carper
Chafee
Cleland
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Gregg
Harkin
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Stabenow
Torricelli
Voinovich
Wellstone
Wyden

NOT VOTING—4

Enzi
Specter
Stevens
Thurmond

The amendment (No. 3052) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. LOTT. Mr. President, I see several of the interested parties are here, and I do want to propound unanimous consent requests on a couple of issues.

I had hoped we would be able to reach agreement to move on the debt ceiling before the Senate went out of session. It appears that we are not going to be able to do that. I think we should.

Also, I had the impression we were going to try to do the Andean trade bill before we left. The President is on his way to Mexico, and he is going to Peru. The Andean countries feel very strongly about this issue and have said it is not only a trade issue, but has become a very serious political issue.

I would like for us to do these two things, and I will propound unanimous consent requests on both. Is there a preference as to which one I do first? I will propound the Andean request first.

UNANIMOUS CONSENT REQUESTS—H.R. 3009, S. 517 and H.R. 6

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 295, H.R. 3009, the Andean trade legislation; further, I ask unanimous consent that the committee amendment be agreed to, the bill be read a third time and passed, with the motion to reconsider laid upon the table; finally, I ask unanimous consent that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. The majority leader is recognized under a reservation?

Mr. HOLLINGS. I object.

Mr. LOTT. Mr. President, will the Senator from South Carolina withhold?

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I wish to point out that Senator LOTT and I have talked about this matter on a number of occasions. I share his strong desire to complete our work on Andean trade. We will do so.

I have also indicated a desire, and I know it is a desire held on both sides of the aisle, to finish the energy bill. It would be my hope we could move to many of these other pressing legislative priorities as soon as we finish energy.

We had agreed to take up and finish our energy responsibilities, and that is what we are doing. We have been on the bill now for 13 days, as my colleagues will note. There is one item that may keep us from reaching some agreement in the near future, and that is the ANWR amendment. We have been attempting to get some understanding about how we might resolve the issue relating to ANWR. So I ask unanimous consent that on Monday, April 8, at 2 p.m., the Senate resume consideration of S. 517; that Senator MURKOWSKI be immediately recognized to offer his amendment relating to ANWR; that the amendment be debated Monday and Tuesday; and that the Senate file cloture on his amendment Monday; that if cloture is not invoked on the amendment, then the amendment would be withdrawn and no further amendments relating to drilling in ANWR be in order.

If the Republican leader could agree to this, then I think we would be in a position to move very quickly, as soon as we finish our work on ANWR and on energy, on this and other matters.

Mr. LOTT. Reserving the right to object to that additional request, the request would not include the UC with regard to Andean trade; it would be strictly with regard to ANWR?

Mr. DASCHLE. This would allow us to complete our work on ANWR and on energy so we could move to not only Andean trade but TPA and border security as well.

Mr. LOTT. Let me assure Senator DASCHLE, under my reservation, I would like for us to get a vote on ANWR included in the energy bill and move to completion of the energy bill as soon as possible thereafter, too. Beyond that, I have urged the manager of this legislation, on our side of the aisle, to move to the ANWR issue as early as possible when we come back. I hope that would be, hopefully, even Tuesday, but of course we will have to dispose of a couple of pending issues because we do not want that to still be pending at the end of the week. We would like to finish the energy bill the week we come back because I know we need to go to the budget resolution and the trade bill.

My encouragement to the managers is we do ANWR earlier in the week so we can then do the tax provision which, I presume, would be last, and we would be prepared to go to the final passage of the bill.

At this time I object to that addition.

The PRESIDING OFFICER. The objection is heard.

Mr. LOTT. I objected to the request with regard to ANWR.

Now, did Senator GRAHAM want to speak on the Andean trade issue, or will he speak on it after the reservations?

Mr. HOLLINGS. After the objection.

Mr. LOTT. After the objection?

Mr. HOLLINGS. Right.

Mr. LOTT. That would be fine.

Mr. HOLLINGS. I object.

Mr. LOTT. The Senator from South Carolina objects?

Mr. HOLLINGS. I do.

Mr. LOTT. I want to make sure. There are others who might object as did the Senator from South Carolina so the record is complete.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, I appreciate the minority leader's efforts to get unanimous consent to consider the Andean Trade Preference Act, which I consider to be a matter of not only urgency but also a matter of national moral responsibility for the United States.

For 10 years, we had a special relationship between this country and four countries in Latin America: Ecuador, Peru, Bolivia, and, primarily because of its size, Colombia. All of those countries now are in various forms of threat to their sovereignty, to their democracy, and to their economic well-being.

The United States, at this time of need, I believe, is morally obligated to reach out to our good neighbors in the hemisphere through the adoption of this legislation, which would essentially extend what we have done for 10 years, a very successful relationship on both sides, and modernize and bring it up to the same standards we have already provided to the countries of the Caribbean Basin.

Since we are not going to be dealing with this issue tonight, I hope we will make a commitment that early after we return on April 8 we will give attention to this matter so we can send the strongest possible signal to these beleaguered countries that we understand their need and that we want to be a partner in their resolution.

I urge our leadership to give priority attention to this issue at the earliest possible time.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, right to the point on Andean trade, we have supported it and we have indicated, of course, to the administration we would go along with an extension. However, we have given at the office, as the saying goes. I have lost 50,900 textile jobs since NAFTA, and I am wondering about these people talking of morality, if they would be glad to accept my amendment to include Brazil and orange juice. Wouldn't that be immoral?

I have another moral for a motion on the Andean pact, and that is to get a little beef and wheat to Argentina; they are in desperate circumstances. Morally, under the good neighbor policy of Franklin D. Roosevelt, we Democrats ought to be morally committed to beef and wheat to Argentina.

We have all kinds of amendments we can present. My point is, this country has lost its manufacturing capacity. That goes right to the heart of the economy and the recovery from the recession. Under the Marshall plan, yes, we sent over our technology and expertise. It worked. Capitalism conquered communism. However, there comes a time to face reality and that is that there is no such thing as free trade. We have the enemy within—the Business Roundtable. Boy, I have gotten awards from them. But what has happened over the years is they have moved their production.

I would like to print in the RECORD about Jack Welch squeezing the lemon. He said on December 6, 2000, the year before last, squeeze the lemon. He said General Electric was not going to serve or contract with any supplier that didn't move to Mexico.

So we have an affirmative action plan to get the jobs. Then comes free trade, promotes jobs.

The gentleman Welch is squeezing something else. That is not a problem. I don't think we are going to handle that tonight.

Let's now get on with what we are morally committed to on the idea of trade. I am morally committed to the economic strength of this country.

Mr. HELMS. Mr. President, I do not relish questioning legislation that the President and the distinguished Republican leader are seeking to move through the Senate, but I feel obliged to make sure that the RECORD reflects that I am genuinely opposed to the request to move to the Andean trade bill because I am committed to standing up for the men and women from North Carolina who earn their living in the textile industry.

Time and again, these good citizens have been asked to sacrifice their livelihoods for the sake of textile trade liberalization. In 2001, the textile and apparel sector lost almost 141,000 domestic jobs. In North Carolina alone, more than 20,000 jobs were lost last year. The steady erosion of the manufacturing base in North Carolina is creating a genuine crisis, both for the men and women who are out of work, and the communities which depend on a healthy domestic textile industry.

The so-called Andean Trade Preferences Act proposes to unilaterally allow duty-free imports of apparel products from the Andean region. This legislation will exacerbate the problems facing our communities rather than assisting our industries and workers.

Mr. President, with all respect, I do not believe the Senate should proceed to the Andean trade bill, and I, therefore, feel obliged to oppose the leader's request.

Mr. LOTT. One other issue. I really am bothered by the fact we are going to be leaving town and have not extended the debt ceiling. The Treasury Department has indicated they may or likely will have to take action around April 1 to deal with the fact that the debt ceiling may have been reached, and that they would do a number of things, as other administrations have done, possibly even dip into the pension fund to carry us over.

Senator DASCHLE and I talked about the need to move this before we left, to move it clean and move it for a year, but we have not been able to get that cleared. I think the Senate would look much better, and it would have been a wise thing for us to do to move the debt ceiling extension.

I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 168, H.R. 6, and that all after the enacting clause be stricken; further I ask that the text of a Senate bill which is at the desk, which is in the debt limit extension, be inserted in lieu thereof; further I ask that the bill be read a third time and passed, with a motion to reconsider laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, with regard to the last request and the objection, I want to indicate that I, too, would have objected. Congress has had a long tradition of linking the budget process reform to increases in the statutory limit on Government debt. Obviously, no one knows this better than the Senator from Texas when in 1985 Congress enacted the Gramm-Rudman-Hollings law as an amendment to the debt limit bill, and in 1987, after the Supreme Court ruled the first Gramm-Rudman-Hollings law unconstitutional, then Congress added the reaffirmation of the Gramm-Rudman-Hollings law to the debt limit. Then in 1990, Congress enacted the Budget Enforcement Act in the same legislation with an increase in the debt limit.

There is a logical link between the debt limit issue and controlling of deficits. I think the Senate should only vote to raise the debt limit if it is linked with reforms to prevent the need for future debt limit increases, and I hope that when we return to this issue there is an opportunity for an amendment with a limited time agreement so we can perhaps address this important matter.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DASCHLE. Mr. President, I hope everybody realizes this was an exercise without any real value because the House went out last night. Even if we had passed it tonight, there is no prospect for the House to take this legislation up until after they come back in 2 weeks. We have been waiting for the House to give us some indication as to the size of the debt limit increase they support and some understanding of what they will do. We have yet to hear what the House plans are with regard to the debt limit.

The last I heard is they were having some difficulty in reaching agreement, and because they have not reached an agreement, they do not have the votes to increase the debt under any conditions at this point. There is some indication now they are planning to offer the debt limit increase as an amendment to the supplemental, but the supplemental has yet to be presented to the Congress. So we do not have a supplemental. We do not have any indication from the House as to what their intentions are with regard to the size or the timeframe within which the debt will be considered and extended. So even if we did take up the debt limit tonight, as I wish we could do as well, unfortunately we are still going to have to wait until after the House acts on the legislation for us to be able to complete our work.

So I do hope when we come back we can work in a bipartisan manner and send clean legislation either to the House or wait for the House to send similar legislation to us.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Arizona is recognized.

AMENDMENT NO. 3057 TO AMENDMENT NO. 3016

Mr. KYL. Mr. President, I have an amendment at the desk numbered 3057.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 3057.

Mr. KYL. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9 after line 7 insert:

"(n) PROTECTION OF CONSUMERS.—Upon certification by the Governor of a State to the Secretary of Energy that the application of the Federal renewable portfolio standard would adversely affect consumers in such State, the requirements of this section shall not apply to retail electric sellers in such State. Such suspension shall continue until certification by the Governor of the State to the Secretary of Energy that consumers in such State would no longer be adversely affected by the application of the provisions of this section."

Mr. KYL. I will take a couple of minutes to explain this amendment. It is very straightforward. Since we have been through the debate, we do not have to have a great deal more. We have tried twice, once myself and once Senator MURKOWSKI, to give the States more authority to deal with the problem of renewable energy. Both of our amendments have been rejected. We accept that.

This amendment is one last attempt to preserve some semblance of ability by the States to protect their electric consumers in the event the costs of this Federal mandate program should be too great and allows, therefore, the Governor to opt out or waive the provisions of the program in that one eventuality.

From the Energy Information Administration of the Department of Energy, we have an account of every single utility in the country in every single State, by State, showing exactly what this Federal mandate in the Bingaman provision is expected to cost retail consumers. It averages around a 4-, 5-, 6-percent per year increase, but it varies from region to region and utility to utility.

The point is, when customers begin to feel the pinch of the Federal mandate in the Bingaman amendment, they will ask you or your Governors is there anything they can do. My amendment says, yes, the Governor would have the ability in that event to waive the provisions of the Federal mandate, if he finds those provisions are adversely affecting the retail customers of the State.

These figures may not be accurate. If that is the case, fine. But if these figures are accurate, I suspect your constituents, your voters, your retail electric customers, are going to want some relief.

This is the last liferaft, folks. We have been defeated on everything else. This is at least a liferaft that provides some ability of the program to be waived so it would not adversely affect them. I ask my colleagues to consider not the utilities in your State; what we are saying is, if it should transpire that the Bingaman amendment adversely affects people, shouldn't we have some kind of escape valve, some ability for the Governor to say: We are going to opt out until the situation transpires in a better way for the people of our State, for our electric customers. That is what this amendment does. I hope my colleagues will support it.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ALLEN. Mr. President, I would like to ask a question of the Senator from Arizona on the renewable energy matter. I was looking at the information he has provide and saw that under the Bingaman provision electricity bills in Virginia would increase by 5.5 percent on average—some, for example at Virginia Power, would go up by 4.8 percent.

Having served previously as Governor of Virginia, we would take a bunch of businesspeople up to New York City. We called it a report to top management. We talked about the attributes of coming to Virginia and locating businesses in our State. We talked about taxes, right-to-work laws, and regulations. But a key factor was the cost of electricity. Virginia's electricity costs are generally lower than those of the national average.

A Governor heads up economic development efforts. Do I understand your amendment correctly that a Governor who knows how to attract more jobs into a State, as that usually is a priority for a Governor, if he or she saw this was harmful for creating jobs in his or her State, could waive out of this Federal mandate if it was harming the competitiveness of the State and businesses?

Mr. KYL. Mr. President, the only way a Governor could waive the provisions with respect to his State would be if he found that the renewable portfolio standard would adversely affect consumers in his State. So he would have to find it is adversely affecting the retail electric consumers in his State for him to be able to waive the mandated provisions of the Bingaman proposal.

Mr. ALLEN. I thank the Senator.

In view of this, we ought to trust the people in the States. The Governors can determine whether this is adversely affecting their consumers and the ability of their citizens to get good jobs. The definition of consumers is not restricted just to individuals. They are also business enterprises. We ought to trust the people in the States who have the same concerns as everyone in this body to make this determination as to how it may affect their respective States.

I urge my colleagues to support the amendment of the Senator from Arizona.

Mr. KYL. I ask unanimous consent Senator HELMS be listed as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BINGAMAN. How much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes and there are 4 minutes on the side of the opponent.

Mr. BINGAMAN. I yield 3 minutes to the Senator from Vermont.

Mr. JEFFORDS. Mr. President, one would hope we would not have to continue with the barrage of amendments that attempt to deprive the American public access for increased renewable resources. Make no mistake, the American public has made it very clear they support renewable energy. Poll after poll indicates the overwhelming majority of Americans support requiring utilities to produce electricity from renewable energy resources.

Americans want clean energy. They want technology that leaves the air clean, that does not contribute to lung cancer, that does not sicken their children. They want to diversify or domestically produce energy to buffer against price instability, and to lessen the vulnerability of our energy infrastructure through terrorist attack.

But we have yet another amendment that would weaken efforts to encourage production of renewable energy. This amendment allows a State to opt out of the energy program at any time the Governors certify it would adversely affect the consumers of the State. Clearly, this is no standard at all.

First, a certification that something "may adversely affect" consumers is pretty close to being as loose a statutory requirement as anyone can craft. The obvious effect is to allow States to opt out, leaving a piecemeal and unpredictable program.

As I said before, one of the overarching benefits of the Federal renewable energy standard is that it encourages regional generation and distribution of renewable energy. State provisions often limit credit to renewable energy generated within the States. A Federal standard encourages utilities to meet these renewable energy requirements by purchasing and selling renewable energy beyond State boundaries.

This recognizes a reality that our electricity generation is in fact regional in nature, with customers in California using energy provided from New Mexico, and a variety of New England States receiving their power from New York. Exempting States on a piecemeal basis serves to significantly weaken the regional application of a nationwide standard. A national standard must be uniformly applied to be effective.

When the American public says they want laws supporting renewable energy, they do not mean sham laws that, on their face, are going to do nothing.

We have already spoken at length about all the reasons we need it. We have mentioned the health benefits, et cetera, so I am not going to spend any more time doing that, other than to say this amendment should be defeated.

I yield the floor.

Mr. BINGAMAN. Let me speak briefly, and I will yield the remainder of my time, and I hope the Senator from Arizona will as well.

This will be the third time we have had essentially the same vote: The Kyl amendment earlier this morning, and then the vote we just had on the Murkowski amendment, and now this one. This amendment says that although we have a renewable portfolio standard, the majority of the Senate has agreed that makes sense, any Governor who doesn't agree with it can take his State out. He can sign a certification saying in his opinion——

The PRESIDING OFFICER. The Senate will be in order.

Mr. BINGAMAN. The point I was making is this amendment would essentially give Governors the option of taking their State out of this program by signing a certification to the effect that in their opinion this adversely affects folks in their State.

The reality is the majority of the Senate has expressed their view. The majority of the Senate has indicated they believe putting a reasonable renewable portfolio standard in the law makes sense and this proposal does that in a gradual, moderate way.

I think it would be a terrible mistake for us at this point to totally gut that provision, as the Kyl amendment would do. Anyone who voted against the Kyl amendment earlier today should oppose this amendment as well. Anyone who voted against the Murkowski amendment just now should vote against this amendment as well.

I am advised there may be others wishing to speak, so I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I have had several of my colleagues say don't worry, this is a green vote; it will be dropped in conference.

Let me tell you what we have done here. We have excluded the right of States to have a choice. We have mandated that one size fits all.

As this chart shows, under the previous vote we just completed, we were going to give recognition to the States that addressed the initiative of coming up with renewables. But what we were going to do was force the others that had not to perform under the 10-percent mandate.

The idea of the Senator from Arizona, to give the Governor some discretion, I think is responsible legislation. Why should we sit here and mandate that one size fits all? The States know what is best for them, and we should concur with that and recognize, indeed, that they have their own best interests at heart and they are responsible people. They are elected just as we are.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I was struck in listening to our dear colleague from Vermont tell us about how many people are for this renewable energy and what a strong base of support there is for it. I guess the logical question is: If everybody is for it, why are we making them do it? If everybody is for it, why would any Governor opt his State out when he has to stand for reelection?

The problem is, not everybody is for it and the costs may be—in some States and under some circumstances—prohibitive. So I urge people, take into account that things in your State may align in such a way that you would want the option, under those circumstances, to opt out. On that basis, I urge people to please vote for the Kyl amendment.

The PRESIDING OFFICER. The majority leader.

Mr. DASCHLE. Mr. President, as I understand it, all time has expired on the Republican side. I think we are prepared to yield back the remainder of our time.

The PRESIDING OFFICER. There is 2 minutes remaining.

Mr. DASCHLE. I will say, this will be the final vote for tonight. There will not be any votes tomorrow. But I do hope we can come back in 2 weeks, and we are all going to help finish this bill on time; right? The week we get back.

With that understanding, there will be no votes tomorrow, and the first vote will be on Tuesday, the second day of the week we come back.

I yield the floor.

Mr. GRAMM. Let no one say the final action before the recess is not bipartisan.

Mr. MURKOWSKI. We yield back the remainder of our time.

Mr. BINGAMAN. We yield our time.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 3057.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Wyoming (Mr. ENZI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alaska (Mr. STEVENS), the Senator from South Carolina (Mr. THURMOND), and the Senator from Ohio (Mr. VOINOVICH) are necessarily absent.

The PRESIDING OFFICER (Mr. DAYTON). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 37, nays 58, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—37

Allard
Allen
Bennett
Bond
Bunning
Burns
Campbell
Cleland
Cochran
Craig
Crapo
DeWine
Domenici
Frist
Gramm
Hagel
Hatch
Helms
Hollings
Hutchinson
Inhofe
Kyl
Lott
Lugar
McCain
McConnell
Miller
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Warner

NAYS—58

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Brownback
Byrd
Cantwell
Carnahan
Carper
Chafee
Clinton
Collins
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Ensign
Feingold
Feinstein
Fitzgerald
Graham
Grassley
Gregg
Harkin
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Smith (OR)
Snowe
Specter
Stabenow
Torricelli
Wellstone
Wyden

NOT VOTING—5

Enzi
Hutchison
Stevens
Thurmond
Voinovich

The amendment (No. 3057) was rejected.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3058 TO AMENDMENT NO. 3016

Mr. BINGAMAN. Mr. President, under the unanimous consent, I believe the Senator from Maine now is in order to offer her amendment which is an agreed-to amendment.

The PRESIDING OFFICER. The Senator is correct. The Senator from Maine.

Ms. COLLINS. Mr. President, on behalf of myself and Senator SNOWE, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself and Ms. SNOWE, proposes an amendment numbered 3058 to amendment No. 3016.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To clarify the definition of "repowering or cofiring increment")

On page 8, line 15, delete the period and add ", or the additional generation above the average generation in the three years preceding the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section."

Ms. COLLINS. Mr. President, I rise to offer an amendment that recognizes the value of America's existing renewable energy resources. The Bingaman amendment does not give credit to existing renewable energy facilities. I believe a facility should receive credit at least for new renewable energy generation that is higher than the facility's average generation over the previous three years. My amendment would allow existing facilities to receive credit for increased generation of renewable energy.

I support increasing our use of renewable energy. I believe it is important that any comprehensive energy legislation significantly boost the use of electricity produced from clean resources such as biomass, wind, geothermal, and solar energy. I support a significant renewable portfolio standard, which requires electricity suppliers to sell electricity that has a minimum amount of renewable energy.

Promoting our renewable energy resources will help diversify our energy supplies, increase our energy security, and reduce pollution. It will move us one step closer to a cleaner energy future that reduces our reliance on fossil fuels.

States are leading the way in demonstrating the benefits of clean energy standards. Twelve States, including Arizona, Connecticut, Iowa, Maine, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, Pennsylvania, Texas, and Wisconsin, have already adopted a renewable portfolio standard. A national RPS will complement and enhance the groundbreaking efforts by these states and will provide particular benefits to hard-pressed agricultural and rural areas. Perhaps most important, a national RPS would create a new and vibrant national market across all states, and help to maintain America's international leadership in these energy technologies of the future.

I commend the efforts to develop renewable energy in my home State of Maine. Maine has been a leader in developing renewable energy. In fact, Maine has enacted a state-wide renewable portfolio standard of 30 percent. No other State has adopted as high a standard as Maine.

Even though I am emphatically in favor of increasing renewable energy production, we must do so in a fair and equitable way. The proposal before us, offered by my friend from New Mexico, Senator BINGAMAN, unfairly discriminates against existing renewable energy resources. Unfortunately, the Senator from New Mexico has drafted legislation that does not properly give credit to existing renewable energy production.

Why should we discriminate against States which have been proactive and invested heavily in renewable energy? I know my home State of Maine, as well as California and a number of other States, have invested huge resources into developing our renewable energy resources. These States have developed new technologies and set an example for other States to follow. Let's not penalize those States which have worked to develop our renewable energy industry from the ground up.

Ideally, every existing renewable energy resource should receive full credit. I would like to see existing renewable energy resources receive 100% credit. Doing so would help bring our total renewable energy generation to a higher level at less cost. Under the Bingaman approach, existing renewable energy resources will find themselves in an unfair competitive environment with new renewable energy sources. Existing renewable energy facilities will shut down, and new ones will be built next door. That is a poor use of resources. It will cost more money and raise electricity prices. Wouldn't it be better if States could form partnerships with each other to develop renewable energy resources in the most cost efficient manner possible? Surely we should allow States which don't have a lot of existing renewable resources to save money by buying inexpensive, existing credits from other States.

I am offering this amendment that would provide at least partial recognition of those hard working Americans who have built our existing renewable energy resources. I would like to see all existing renewable energy resources included in this standard. However, my amendment does not go that far in an attempt to accommodate Senator BINGAMAN.

My amendment merely says that increased output at existing renewable energy facilities should be counted. If an existing renewable energy facility were to increase its renewable energy output by 50%, then under my amendment that facility would receive credit for that 50% increase. Thus, consistent with the interest of Senator BINGAMAN's proposal, my amendment only gives credit to new renewable energy production.

Those who have developed America's existing renewable energy resources should have their efforts recognized. At a minimum, I hope my colleagues will at least join me in giving these hard working Americans who have led the way on renewables partial credit. I ask my colleagues to join me in supporting this amendment.

To reiterate, my amendment merely says that increased output at an existing renewable energy facility should be counted under this bill. If an existing renewable energy facility were to increase its renewable energy output by 50 percent, then under my amendment that facility would receive credit for that 50-percent increase. Thus, I believe it is consistent with the intent of Senator BINGAMAN's proposal in that it gives credit to expand renewable energy production.

I ask for consideration of the amendment, and I thank both Senator BINGAMAN and Senator MURKOWSKI for their assistance in this matter.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, the amendment is acceptable on this side.

Mr. MURKOWSKI. It is cleared on this side, Mr. President.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to amendment No. 3058. Without objection, the amendment is agreed to.

The amendment (No. 3058) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3016, AS AMENDED

Mr. BINGAMAN. Mr. President, I believe the next item under the unanimous consent agreement is a vote on the Bingaman amendment.

The PRESIDING OFFICER. The Senator is correct. The question is on agreeing to amendment No. 3016, as amended. Without objection, the amendment, as amended, is agreed to.

The amendment (No. 3016), as amended, was agreed to.

VITIATION OF ACTION—AMENDMENT NO. 2996

Mr. BINGAMAN. Mr. President, last week the Senate adopted an amendment by Senators MURKOWSKI and DASCHLE relating to rural and remote community grants. There were a number of inadvertent errors in the amendment as adopted. Accordingly, I ask unanimous consent that the adoption of amendment No. 2996 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3059 THROUGH 3069 EN BLOC TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, you have at the desk 11 amendments. I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself and Mr. MURKOWSKI, proposes amendments en bloc numbered 3059 through 3069 to Amendment No. 2917.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 3059 through 3069) are as follows:

AMENDMENT NO. 3059

(Purpose: To authorize rural and remote community electrification grants)

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3060

(Purpose: To strike section 264)

On page 65, strike line 18 and all that follows through page 67, line 4.

AMENDMENT NO. 3061

(Purpose: To permit the Department of Energy to transfer uranium-bearing materials to uranium mills for recycling)

On page 121, line 24, strike "and" and all that follows through page 122, line 2 and insert:

"(5) to any person for national security purposes, as determined by the Secretary; and

"(6) to a uranium mill licensed by the Commission for the purpose of recycling uranium-bearing material.".

AMENDMENT NO. 3062

(Purpose: To define the term 'traffic signal module')

On page 289, after line 4, insert the following:

"(41) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors."

AMENDMENT NO. 3063

(Purpose: To provide test procedures for traffic lights)

On page 289, after line 21, insert the following:

"(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph."

AMENDMENT NO. 3064

(Purpose: To establish an efficiency standard for traffic lights)

On page 301, after line 5, insert the following:

"(z) TRAFFIC SIGNAL MODULES.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems."

AMENDMENT NO. 3065

(Purpose: To clarify those entities eligible to participate in the Renewable Energy Production Incentive program)

On page 60, line 20–23, strike "an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1381(a)(2)(C) of the Internal Revenue Code of 1986" and inserting "a nonprofit electrical cooperative".

AMENDMENT NO. 3066

(Purpose: To insert provisions relating to electric energy)

On page 407, line 4, after "including", insert "flexible alternating current transmission systems,".

AMENDMENT NO. 3067

(Purpose: To include geothermal heat pump efficiency among the technologies to be reviewed under section 1701 of the bill)

On page 568, line 20, insert "geothermal heat pump technology," before "and energy recovery".

AMENDMENT NO. 3068

(Purpose: To provide for the updating of insular area renewable energy and energy efficiency plans)

On page 574, following line 11, insert the following:

SEC. 1704. UPDATING OF INSULAR AREA RENEWABLE ENERGY AND ENERGY EFFICIENCY PLANS.

Section 604 of Public Law 96–597 (48 U.S.C. 1492) is amended—

(1) in subsection (a) at the end of paragraph (4) by striking "resources" and inserting "resources" and

"(5) the development of renewable energy and energy efficiency technologies since publication of the 1982 Territorial Energy Assessment prepared under subsection (c) reveals the need to reassess the state of energy production, consumption, efficiency, infrastructure, reliance on imported energy, and potential of the indigenous renewable energy resources and energy efficiency in regard to the insular areas."; and

(2) by adding at the end of subsection (e) "The Secretary of Energy, in consultation with the Secretary of the Interior and the chief executive officer of each insular area, shall update the plans required under subsection (c) and draft long-term energy plans for each insular area that will reduce, to the extent feasible, the reliance of the insular area on energy imports by the year 2010, and maximize, to the extent feasible, use of renewable energy resources and energy efficiency opportunities. Not later than December 31, 2002, the Secretary of Energy shall submit the updated plans to Congress.".

AMENDMENT NO. 3069

(Purpose: To provide for access to the Alaska natural gas transportation project and other purposes)

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 3069

Mr. MURKOWSKI. Mr. President, amendment No. 3069 incorporates all of the changes Senator BINGAMAN and I have worked out with the State of Alaska, the Alaska Legislature, the pipeline companies, the North Slope oil and gas producers, and northern Alaska petroleum explorers.

One might imagine with the diversity of interests represented by this group of participants, there was not always unanimous agreement on each point.

But at the end of the day, I believe what is contained in this substitute amendment is a fair compromise between often divergent points of view.

I want to thank Senator BINGAMAN and his staff for all of the hard work they invested in working with me to craft this challenging amendment.

Although Alaska North Slope gas has been available for over 30 years, development and commercialization has not been possible due to lack of local market and lack of transportation to commercial markets.

The cost and risk associated with building a project of the magnitude we are speaking was just too daunting.

All of you are aware of last year's efforts on the part of Exxon/Mobil, Phillips, and British Petroleum to evaluate the commercial viability of transporting Alaska gas to markets in the lower 48.

At the completion of their economic evaluation they determined that the project was "not" economically viable at this time.

This negative economic determination set the stage for Congress's involvement in the Alaska gas debate.

A way needed to be found to reduce both the cost and the risk associated with the construction of this $20 billion project.

As you may know Senator DASCHLE and BINGAMAN introduced their energy bill last December—language was contained in that bill to assist in constructing the Alaska Gas Transportation Project.

While that language was a good start, it did not address all of the problems that needed to be resolved in order to achieve the goal of cost and risk reduction.

It also failed to address issues of significant concern to the people of Alaska.

For the past several months Senator BINGAMAN and I have been engaged in discussions with all the interested parties in an attempt to come up with language that would remove as many barriers as possible standing in the way of constructing this project.

The amendment that Senator BINGAMAN and I are offering today accomplishes this goal.

I believe both the interest of Alaska and the nation are well served by the language we have crafted.

It protects Alaska's interests by: prohibiting the "Over-the-Top" route thus keeping construction and operational jobs in Alaska "and" along with providing Alaskans with the opportunity to heat their homes and develop a gas based industry in our State; making it clear that Alaskans have full regulatory authority over gas coming off the mainline in our State; providing the opportunity for newly discovered Alaska gas to find its way to markets in the south; making special provisions for the transport of Alaska royalty gas to markets in Alaska; and setting up a $20 million dollar program to train Alaskans in the skills they will need to compete successfully for the high paying jobs created by the construction and operation of the Alaska Gas Transportation System.

The national interest is protected by significantly reducing the risk associated with construction of a system that will provide the nation with a secure, abundant, and domestically produced supply of gas that will last well into the middle of the century.

The national interest is served by: providing gasline builders with two separate and updated authorities to permit the project; providing expedited judicial review of legal challenges that might otherwise slow down the project; and creating a project coordinator to make sure that the scores of State and Federal agencies permitting the project are working together and not creating artificial bureaucratic barriers that will slow or halt the construction process.

I firmly believe that the language contained in this amendment will go a long way towards reducing both the cost and the risk associated with the construction of the Alaska Natural Gas Transportation System.

A system that will serve the special interests of Alaska and the Nation for decades to come.

Mr. BINGAMAN. Mr. President, these 11 amendments have been cleared on both sides. I urge their adoption en bloc.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendments en bloc.

The amendments (Nos. 3059 through 3069), en bloc, were agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I also move to reconsider the vote on the adoption of amendment No. 3016.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3023

Mr. BINGAMAN. Mr. President, I have two other amendments that are at the desk at this moment. Amendment No. 3023, which is an amendment by Senator LINCOLN related to the biodiesel credit, is cleared, and I urge that we go ahead and proceed with it.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3023.

The amendment (No. 3023) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3041

Mr. BINGAMAN. Mr. President, I ask unanimous consent that amendment No. 3041 be voted on.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to amendment No. 3041.

The amendment (No. 3041) was agreed to.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, that completes the items we intended to complete today.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I yield to the Senator from Florida for how much time?

Mr. GRAHAM. Two minutes.

Mr. BYRD. For not to exceed 2 minutes.

The PRESIDING OFFICER. Without objection, the Senator from Florida.

AMENDMENT NO. 3070 TO AMENDMENT NO. 2917

Mr. GRAHAM. Mr. President, I wish to offer an amendment and ask that it be laid aside for consideration after we return.

This amendment will add to the list of items which are acceptable as renewable energy municipal solid waste. When we return, I will make a more extended statement. In a State such as mine, the options for dealing with solid waste are essentially two: One is to bury it in a landfill; two is to incinerate it. Of those two, clearly, the incineration is a more benign impact on our environment. Given the high water table we have, land disposal of the solid waste creates serious issues of water quality. In my opinion, we should allow, as we have allowed this afternoon through the amendment of Senator CRAIG, expanded use of biomass, and now Senator COLLINS extended use of hydropower, we should recognize the fact that both in terms of environment and energy, allowing solid waste to energy to be one of the allowable renewable energy sources is in the national interest.

I offer this amendment. I ask that it be set aside and look forward to a fuller discussion when we return.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 3070.

Mr. GRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 3070

(Purpose: To clarify the provisions relating to the Renewable Portfolio Standard)

Strike Sec. 606(1)(3) and replace with the following:

"(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy biomass, municipal solid waste, landfill gas, a generation offset, or incremental hydropower."

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, does the Senator from Alaska wish to be yielded to?

Mr. MURKOWSKI. Let me thank my good friend, the senior Senator from West Virginia. I appreciate the opportunity to respond very briefly with a statement.

Mr. BYRD. How much time?

Mr. MURKOWSKI. About 40 seconds.

Mr. BYRD. Mr. President, I yield to the distinguished Senator for whatever time he may consume, up to 2 minutes, without losing my right to the floor.

Mr. MURKOWSKI. Mr. President, I thank the President pro tempore for his generosity.

Mr. President, I will file an amendment, but I shall not bring it up at this time. This amendment would require the cessation of importing oil from Iraq, which is currently at 1.2 million barrels a day, until such time as the President certifies that Iraq, one, allows U.S. inspectors access to suspected sites for the development of weapons of mass destruction; and, two, ceases to cheat the U.N. oil program by smuggling oil out through third countries.

It will be my intention to bring this amendment up upon our return from the recess.

I yield the floor.

AMENDMENT NO. 3042

Mr. ROCKEFLLER. Mr. President, I am proud to submit today, along with my colleague Senator CARNAHAN, amendment No. 3042 to provide tax incentives to promote the use of a new type of energy-efficient technology for beverage vending machines. The Natural Resources Defense Council estimates that, when fully implemented, this new technology could reduce national energy use by up to 6 billion kilowatt hours, kWh, per year. This translates to an annual electricity savings of $600 million, by encouraging the sale of new energy-efficient vending machines for bottled and canned beverages.

Our amendment provides a $75 tax credit for the purchase of each qualifying energy-efficient vending machine. This incentive is necessary because vending machines are purchased by bottlers and other beverage machine operators and placed at third party locations to benefit consumers, but the types of machines purchased are not decided by the organization that pays the electricity bill. Unlike most products, the benefit of a vending machine's reduced energy consumption is captured by the third party location not by the machine's purchaser. Therefore, there is currently no economic incentive for machine operators to purchase energy efficient vending machines, many of which have useful lives of ten to twenty years.

For instance, colleges all across the country have beverage vending machines for the students to use. A soft drink bottler purchases these machines from a manufacturer, and places them in student unions at universities, such as Wheeling Jesuit in Wheeling, WV. Wheeling Jesuit and other customers of the bottler have no control over what kind of machines are purchased. Because Wheeling Jesuit, and not the vending machine operator, pays the electric bill, the vending machine operator has no incentive to save Wheeling Jesuit money with more energy-efficient machines that would cut down on the college's electricity bills. This amendment would change all of that, because the vending machine operators would receive the tax credit for their purchases. The new energy efficient machines will save the typical site owner $200 a year and more than $2,000 over the life of the machine.

Technology is now available to reduce the energy consumption of refrigerated bottled and canned vending machines by as much as 50 percent. One of the manufacturers using this technology to make energy-efficient vending machines has operations in my home State of West Virginia, in the small town of Kearneysville. This energy-saving technology has been recognized by the Natural Resources Defense Council, and will be recognized next week at the Environmental Protection Agency's Energy Star Awards. This tax incentive will make it easier for bottlers do to the right thing, environmentally, while benefiting forward-looking manufacturers like the one producing these energy-efficient machines in the Eastern Panhandle of West Virginia.

Without this incentive, the likely result is that bottlers will take advantage of this improved technology much more slowly, and energy will continue to be needlessly wasted.

Each new energy-efficient machine would save more than 2,000 kWh per year over its less-efficient predecessor. With approximately 225,000 new vending machines purchased every year the energy savings potential is enormous. Once all machines are switched to the more energy efficient models, our Nation can save six billion kWh per year. That is enough energy to power approximately 600,000 U.S. households for an entire year.

Another feature of this tax credit is that it will provide a substantial energy savings to our nation without burdening the average American. Citizens will not even know the vending machines are energy-efficient. There will be no change to the temperature of the beverages or the outward appearance of the machines. The tax incentive will tend to keep the price of the beverage where it is today.

This amendment provides a boon to energy savings at little cost. This amendment will provide an energy savings of approximately three to one over the cost of the tax incentive. Not only does this amendment make good sense for energy efficiency; it makes good economic sense, too.

Every small step we take toward reducing our nation's total energy consumption contributes to a more prosperous economy and a brighter future for ourselves and our children. I urge my colleagues to support this amendment.

AMENDMENT NO. 3043

Mr. ROCKEFELLER. Mr. President, I am committed to helping craft national energy legislation that takes energy production and conservation, balanced with environmental concerns and economic issues, into consideration. Today, I am pleased to join my colleagues Senator ALLEN, Senator SPECTER, and Senator WARNER, in submitting amendment No. 3043 to the Senate energy bill to create an important tax incentive that I believe will encourage the recycling of coal combustion waste materials produced in the process of reducing sulfur emission in coal-fired electric utility boilers.

Currently in the United States, many coal-fired power plants are equipped with sulfur dioxide scrubbers, the purpose of which is to significantly reduce the amount of sulfur dioxide released into the air. In the process of cleaning the air, these scrubbers produce more than 20 million tons of coal combustion waste or sludge per year. Stabilization of the sludge increases the waste materials to over 40 million tons per year, and this amount is expected to more than double as the Clean Air Act Amendments of 1990 continue to phase in. At this time, less than 20 percent of this waste material is recycled. In fact, the balance of the sludge is disposed of in landfills at a cost to electric utilities of as much as $40 per ton, depending upon the locale. I am concerned that, as landfills become full, and new landfills become more difficult to site, the costs to utilities, and ultimately to electric consumers, will continue to escalate.

A tax credit is needed to encourage utilities that are controlling their sulfur dioxide emissions to recycle the waste material their scrubbers produce. By helping to alleviate and perhaps eliminate the cost of disposing of the waste products generated by using important emission control systems, we can realize the multiple environmental benefits: Cleaner air and less combustion waste being landfilled.

There are basically two types of scrubbing, or emission control systems, currently in use. One produces a wet sludge and the other a dry sludge. Wet sludge is more difficult and costly to treat. Accordingly, the proposed credit is $6 for each "wet ton" and $4 for each "dry ton" recycled by a third party. The credit will have a 10-year limit and includes strict requirements to determine that the sludge has actually been "recycled" and that a value-added product, with genuine marketplace appeal, is created.

The tax credits will stimulate the development of new technologies to recycle the sludge and encourage existing technologies to enhance their recycling efforts. The 10-year life of this credit will provide sufficient time to aid the start-up of new companies and technologies and the further development of existing technologies; thereafter these recycling efforts should be self-supporting. The cost of these credits is less than $75 million over the next 10 years and could, in part, be offset by taxes generated by new businesses as well as the savings to the economy through reduced energy costs.

I remain committed to promoting the use of coal as a primary energy source for this nation, and I wholeheartedly embrace tax incentives for the installation of clean coal technologies. I believe this credit to encourage combustion waste recycling efforts is an important addition to our energy policy. It will support economic development and protect the environment. I strongly urge my colleagues to support this amendment.

AMENDMENT NO. 3044

Mr. ROCKEFELLER. Mr. President, I am pleased to join my colleagues, Senators BEN NELSON and CHUCK HAGEL, in submitting amendment No. 3044 addressing energy metering at consumers' homes and the availability of reliable energy usage data for consumers to use in making energy consumption decisions. The amendment we are submitting is very straightforward, and I urge my colleagues to support it.

Under the Energy Tax Incentives Act a tax credit and accelerated depreciation is established for the benefit of electric and gas suppliers that install energy meters that provide consumers with real-time information about the amount of energy they are consuming and the cost of that energy. This provision was passed by the Senate Finance Committee, and will become a part of the bill now under consideration.

The intent of these provisions is to promote energy conservation by allowing consumers to monitor, in real time, their energy use and its cost. By providing consumers with access to current energy use and cost information, consumers will be better able to change their usage patterns, thereby conserving energy and saving money in the process. The one problem my cosponsors and I see with this provision is that it is limited to only one or two specific metering technologies, and I strongly believe there are other very cost effective and beneficial metering technologies, collectively referred to as "time of use" technology that would similarly allow consumers to better conserve energy.

Our amendment would simply expand the availability of this tax provision to include those suppliers who provide consumers with time of use metering technology. One of these time of use technologies is manufactured by a company doing business in Scott Depot, WV. I have not brought this amendment to the floor of the United States Senate solely because it may benefit a business in my home State. I have brought this amendment to the floor because I believe it will enhance the effectiveness of the underlying bill by giving consumers and their utilities a number of options for conserving energy through the auditing of their energy use.

By using time of use technology, consumers could easily and conveniently determine how much energy they consumed during different times of the day and the specific costs associated with their use during each time period. Consumers would have access to time of use information for pre-selected time segments of each day. Each selected time period would have the exact price of the energy consumed.

For example, a consumer in New Manchester, WV, using this technology could determine how much energy was used between 6–7 p.m. each night. By knowing this information, this consumer would be able to change his or her energy-use habits during specific time periods, or as an overall policy. If helpful, consumers could also easily be provided with historic time of use information so they could compare their current use and costs with their past use to see the extent they have been conserving energy and saving money. I believe this type of metering technology would be particularly beneficial to many consumers in West Virginia.

This is a good amendment, and I think that it improves the energy efficiency provisions of the underlying bill, without favoring one technology over another.

AMENDMENT NO. 3045

Mr. ROCKEFELLER. Mr. President, amendment No. 3045 is very simple but it could make a life or death difference to miners who work in one of the most dangerous occupations in America.

This amendment would require the Secretary of Labor, in consultation with the Secretary of Energy, to review current staffing levels of mine inspectors, and considering current needs and expected retirements, to hire and train as many new mine inspectors as are needed to maintain proper safety in coal mines. The Secretary is to maintain the number of mine inspectors at a level no lower than current levels. When filing these positions, my amendment encourages the Secretary of Labor to give consideration to experienced miners or mine engineers.

Coal miners are dying in alarming numbers in accidents that might be prevented if more mine inspectors were on the job. Coal mine fatalities increased in 2001 for the third year in a row. Forty-two miners died in mine accidents in the United States. Forty-two miners lost their lives. This is the most since 1995.

Already in 2002, eight miners have died in American coal mines. Improved technology is increasing the productivity of our mines. We should also be seeing improvements in mine safety, not a rising death toll.

Two of the miners who have died this year were West Virginians. On January 2nd, a 44-year-old miner with 23 years of experience was fatally injured when unsupported roof rock measuring seven feet by five feet fell on him in the Justice #1 mine in Boone County, WV.

Just over a month later, on February 20th a 53-year-old miner at the Radar Run #2 mine in Greenbrier County was crushed by loose rock, some as large as 30 feet long, 30 feet wide, and 10 feet thick.

These deaths are tragedies for the families and friends of the miners who died. If these accidents could have been prevented, it is unforgivable. Our industry and Federal mine safety system are supposed to protect miners to the maximum extent possible. The sheer number of mine deaths tells me that we are not doing enough to ensure miners' safety.

I am proud that West Virginia produces much of the coal that powers the national economy. Over 50 percent of our electricity comes from coal. But in producing this fuel, year in and year out, too many West Virginia miners become casualties.

Twelve of the 42 miners lost in coal mines in the United States last year were West Virginians. Nine West Virginians, died in both 1999 and 2000. Since 1992, 114 of the 406 American miners who have died in mine accidents have been West Virginians. This is unacceptable. We must do a better job of preventing these accidents, with the goal of eliminating them altogether.

West Virginia miners are not the only ones dying in coal mines. Last September 23rd, two explosions in the Jim Walter #5 mine in Brookwood, AL, took the lives of 13 coal miners, in the single largest coal mine disaster in the United States since 1984. Twelve of these miners had rushed into the mine to save trapped co-workers. That kind of heroism is frequently found in the history of coal mining. We need to make it less necessary.

Anyone who has gone down into a mine knows that accidents happen. This amendment will cut down on preventable accidents.

Retirements will reduce the current number of mine inspectors by 25 percent in the next five years. Despite this trend, and the number of mine fatalities, the President's fiscal year 2003 budget request cuts the Mine Safety and Health Administration budget by $4 million.

The premise is not that more money will necessarily solve the problem. The premise is this: The energy bill properly sees coal as a vital part of the nation's energy mix. The amendment intends to make sure that the hard-working men and women who bring that coal out of the ground are not doing so at an unacceptable risk to their lives.

AMENDMENT NO. 3072

Mr. DURBIN. Mr. President, amendment No. 3072 to the energy bill to establish a Consumer Energy Commission. This amendment is simple, yet it has the potential to significantly benefit American families and businesses. It should garner widespread support.

Like many of my colleagues in the Senate, I am pleased that we have turned to debate on an energy bill to address our nation's energy challenges. This debate marks the first time Congress has comprehensively considered energy policy since 1992. As we consider the many facets of this important topic, we must remember what has happened with energy in our country during the past decade.

One word you will often hear to describe energy during the past decade, especially in the last few years, is "crisis." The California electricity experience has been cast in terms of a crisis, and many have pointed to Enron as an indication of problems in our energy policy. While we may disagree with the extent of the energy crisis, as well as ways to address it, I think we can all agree that one energy challenge our nation faces is consumer price spikes.

Let us take the example of gasoline. We all know that prices have significantly fluctuated at the pump. The Administration's energy policy indeed cites "dramatic increases in gasoline prices" as one of the challenges we face. The Consumer Federation of America and Public Citizen have also called attention to energy price spikes, explaining that American consumers spent roughly $40 billion more on gasoline in 2000 than in 1999. In the spring of 2000, the cost of gasoline in Chicago shot up to $2.13 per gallon, well-above the unusually high national average of $1.67 per gallon at the time.

Yet gasoline is not the only energy product for which consumers have had to pay dramatically fluctuating costs in recent years. Residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and motor gasoline, have all had fluctuating prices over the past 15 years.

If we break down these numbers month-by-month, you can see incredible price spikes. In just a matter of one month, the national average price of gasoline jumped by 20 cents per gallon, residential heating oil rose by 10 cents per gallon, and residential natural gas leapt by 50 cents per thousand cubic feet.

In some areas of the country and sectors of the economy, price spikes were greater and had drastic impacts. Home heating and cooling bills crippled family budgets in the Midwest and Northeast. Farmers and industries dependent on natural gas for the production of fertilizer and other chemical products suffered economically.

To address the chronic national problem of significant energy price fluctuations, I am offering an amendment to the energy bill that would establish a Consumer Energy Commission. This 11-member Commission would bring together bi-partisanly appointed representatives from consumer groups, energy industries, and energy- and trade-related agencies, to study the causes of energy price spikes and make recommendations on how to avert them.

It is true that the Federal Trade Commission recently studied gasoline price spikes in the Midwest. Indeed, several studies have investigated potential abuses of market power in the energy industry. Other studies have looked at the long-range supply and demand projections for energy products. But previous studies have tended to focus on a small set of issues, and on the perspective of industry or government. I think the best approach is not to look at these issues narrowly, but rather to consider the big picture. Most importantly, we need to give consumers a voice.

When consumers go to pay their grocery bills, or their tuition bills, or even their residential electricity bills in most states, and when businesses go to pay for raw materials, prices are rather predictable. But when they go to pay for their heating and cooling, natural gas, or gasoline, families and businesses face the frustrating reality of wild price swings. We need to bring consumers to the table with representatives of the energy industry and government, in order to study price spikes. We need these groups to work collectively, and to consider a range of the possible causes of energy price spikes. We need them to look at both the supply and demand sides, including such potential causes as maintenance of inventory, delivery of supply, consumption behaviors, implementation of efficiency technologies, and export-import patterns.

After the Consumer Energy Commission has studied energy price spikes comprehensively, its charge will be to develop options for how to avert or mitigate price spikes. These recommendations can range from legislative and administrative actions to voluntary industry and consumer actions that can help protect consumers from the fluctuating costs of energy products.

This Commission will be well-balanced, not only to reflect all groups with a stake in energy price spikes, but also to reflect both political parties. No commission has ever before brought together such a diverse group to study such a complex problem in a holistic manner. No commission has ever promised to see things from the perception of consumers: families and businesses that routinely face energy price spikes. The Consumer Energy Commission is long overdue, and I urge my colleagues to support it.

AMENDMENT NO. 3074

Mr. DURBIN. Mr. President, amendment No. 3074 would establish a Conserve by Bike Pilot Program in the National Highway Traffic Safety Administration, as well as fund a research initiative on the potential energy savings of replacing car trips with bike trips. This program would fund 10 projects throughout the country, using education and marketing to convert car trips to bike trips. The research would document the energy conservation, air quality improvement, and public health benefits caused by increased bike trips. The goal is to conserve energy resources used in the transportation sector by turning some of our gas guzzling miles into bike rides.

There is no single solution for our Nation's energy challenges. Every possible approach must be considered in order to solve our energy problems. Something as simple as traveling by bike instead of car can play an important role in reducing our dependence on foreign oil. Energy conservation does not have to be difficult: it can be as economical, healthy, and environmentally friendly as a bike ride.

It would be unrealistic to expect Americans to make a substantial increase in the number of trips they make by bicycle. But even a tiny percentage of bike trips replacing our shorter cars trips could make a significant difference in oil and gas consumption.

Right now, less than one trip in one hundred, .88 percent, is by bicycle. If we can raise our level of cycling just a tiny bit: to one and a half trips per hundred, which is less than a bike trip every 2 weeks for the average person, we would save over 462 million gallons of gasoline in a year, worth over $721 million. That's one day a year we won't need to import any foreign oil.

In addition to conserving our energy, an increased number of bike trips can improve our air quality. Significant declines in vehicle emissions would follow from increased bike trips. A study in New York City showed that bicycling spares the city almost 6,000 tons of carbon monoxide each year. A reduced number of trips made by cars would increase this number and help to clean our nation's air.

The Federal Highway Administration estimates that 60 percent of all automobile trips are under five miles in length. And these short trips typically emit more pollutants because cars during these trips run on cold engines. Engines running cold produce five times the carbon monoxide and twice the hydrocarbon emissions per mile as engines running hot. These cold engine trips could most easily be replaced by bike rides.

Americans would experience additional advantages from increased bike usage. The decreased number of cars on our nation's highways would help reduce traffic and parking congestion. Congestion costs have reached as high as $100 billion annually according to the Federal Highway Administration. A reduction in cars on the roads will decrease the high costs associated with congestion.

The "Conserve by Bike" amendment will also improve public health. The exercise from more frequent bike trips would help improve our physical well-being. Biking has proven to be effective in the prevention of heart disease, our nation's number one killer. And, biking has also shown to help individuals in the correction of health-impairing behaviors like smoking and alcohol abuse.

The "Conserve by Bike" amendment will help America take a simple but meaningful step in energy conservation. It will help fund 10 pilot projects that will use education and marketing to facilitate the conversion of car trips to bike trips, and document the energy savings from these trips. These projects will facilitate partnerships among those in the transportation, energy, environment, public health, education, and law enforcement sectors. There is a requirement for a local match in funding, so that these projects can continue after the federal resources are exhausted.

In addition, this amendment will fund a research initiative with the National Academy of Sciences. The study will examine such factors as weather, land use and traffic patterns, bicycle facility infrastructure, to identify what trips Americans could reasonably take by bike. It will also illustrate the benefits of converting bike trips to car trips, and explore ways that we can encourage Americans to pedal rather than gas guzzle.

It is imperative that Americans are fully informed of the entire range of benefits from biking in terms of energy conservation, air quality, and public health. We also need to provide the best resources in bike safety and convenience.

We have been spending a modest amount of federal, state and local funds on bicycle facilities since 1991. This amendment will leverage those investments and help people take advantage of the energy conservation choices they have in getting around their communities. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I see the distinguished Senator from Iowa in the Chamber. Does he wish to have the floor?

Mr. GRASSLEY. For about 6 minutes. Would that be possible?

Mr. BYRD. Mr. President, my patience is becoming greatly strained, but I will yield to the Senator.

I ask unanimous consent that I may yield to the Senator from Iowa for not to exceed 10 minutes, without my losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I thank the Senator from West Virginia for his gracious attitude.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

ANDEAN TRADE PREFERENCES ACT

Mr. GRASSLEY. Earlier today, unanimous consent was requested on the part of Senator LOTT that the Andean pact come before the Senate. That request was not granted. So I rise to express my regret of that happening and to express my support for the fact that the Andean Trade Preferences Act legislation should be on the floor and should have been considered by now. I am concerned if the Senate doesn't act early on the Andean trade bill, that America's continued leadership in the international arena of trade will be severely impaired.

Specifically, I fear our failure to approve this legislation in a timely manner will undermine our ability to constructively engage with our Latin American neighbors at a time when many of them face enormous economic and political challenges.

Today, President Bush leaves on an important mission to Latin America. Just on Saturday, he will visit Peru, one of the Andean nations, where he will meet with four Andean leaders. President Bush's trip builds on a long tradition of promoting vigorous United States engagement with Latin America that started as far back as President

Kennedy's Alliance for Progress in the 1960s.

As did President Kennedy, President Bush has a vision for Latin America. The President wants to tell our Andean neighbors—Peru, Colombia, Bolivia, and Ecuador—that the United States wants to be their hemispheric partner in peace. He wants to tell them that trade and prosperity go hand in hand.

President Bush wants to make the case that the benefits of trade are not just for rich countries like the United States; they are also for countries that aspire to become rich countries; for countries that want better, more secure lives for their citizens; for countries that want better health care, better education, and better futures for their children.

President Bush wants to encourage our Andean neighbors to use trade to promote economic development through a diversified export base as an alternative to the allure of the drug trade.

When President Kennedy unveiled his Alliance for Progress in 1961, he said if we were bold and determined enough, our efforts to reach out to Latin America could mark the beginning of a new era in the American experience. This is just as true today as it was way back in 1961.

Through the Andean pact, and complimentary trade initiatives such as the Free Trade Area of the Americas, we can achieve a new era of hemispheric economic cooperation that benefits everybody—not just these four countries, not just the United States, but it has a benefit way beyond that.

The Andean nations know trade, not aid, is the best way to overcome the fragmentation of Latin American economies, and to build the self-sustaining growth that nourishes democratic institutions.

But because the Andean trade bill still languishes in the Senate—along with another important bill, trade promotion authority, another vitally important trade bill as well—the President's trip will not be as effective as it could have been if the Senate had acted. Obviously, we should expect our President to be successful and want him to be successful.

For a long time, we had a tradition in this country that politics stops at the water's edge. Unfortunately, that is not as true now as it once was. A lot of trade and foreign policy issues get entangled with our domestic partisan politics. I very much regret this development because it is very harmful to the U.S. leadership in any subject but particularly in the area of trade. It is harmful to the enhanced prospects for prosperity and peace that we are trying to promote around the world, and commercialization is a very useful tool in promoting world trade.

Mr. President, the other day, the lead editorial of the Washington Post addressed the issue of the Senate majority leader's failure to bring up the Andean trade pact. I would like to read a portion of that editorial, which appeared March 19 in the Washington Post:

> The Senate's failure to help the four Andean states—Colombia, Peru, Ecuador and Bolivia—is particularly egregious. A package of trade concessions has passed through committee and commands an overwhelming majority of the full chamber. . . . Only a handful of Senators opposes the package. But the Senate leadership has failed to bring it to the floor, making it likely that Mr. Bush will arrive in Peru empty-handed . . . at a time when American leadership in Latin America is being questioned, the least the Senate could do is to pass a trade measure that almost nobody opposes.

As is clear from my point of view, the time to act was months ago. But it is never too late to do the right thing. We had that opportunity today and it failed. So I urge my colleagues to, just as soon as we get back from the Easter recess, put not only the Andean pact but other trade issues very high on the agenda and get them passed and help us to help these Andean nations, which are so poor and need our help. Trade is one way to get them the necessary help and develop a good economy.

The PRESIDING OFFICER. The Senator from West Virginia.

SPRINGTIME JOYS

Mr. BYRD. Mr. President, after a mild and dry winter full of false starts, of periods of almost summery weather followed by cold and blustery winds, spring is truly here—here in all of its glory. In that subtle change, the gradual brightening of days and warming of the earth, most of us can sense our mood shifting. Our hearts are gladdened, our spirits are raised, our optimism is buoyed up by more than the improving economic forecasts. As we cast off the last days of winter and welcome in the spring, we shed our weary spirits along with our heavy coats. Spring is here. Here it is. How sweet it is—spring. Our hearts echo the deep joy of Samuel Pepys' song, the poet Robert Browning's ode to spring:

The year's at the spring
And the day's at the morn;
Morning's at seven;
The hillside's dew-pearled;

The lark's on the wing;
The snail's on the thorn;
God's in his Heaven—
All's right with the world!

The pansies that bloomed all winter on sheltered porches in bright defiance of the calendar are in their glory, joined by crocuses and nodding daffodils bursting through the cold earth. Lilac bushes are budding, promising sweet scents to come, and the gray and gnarled branches of old pear and apple trees are bursting forth in showy, snowy blossoms. Gregarious robins have returned, massed on warming lawns listening intently for industrious earthworms engaged in their subterranean tilling. Bluebirds flit and swoop among the still bare branches and the goldfinches, busy at the backyard feeders, are brightening their coloring in preparation for springtime courtship.

Color is washing over the land. Redbud trees add rosy tints to gray woodlands while cheerful daffodils and forsythia bushes sparkle amid drab lawns and gardens. If winter brings to mind the talents of artists in charcoal sketches or the great etchers with their mastery of pattern and shading in the bold geometry of bare branches carved against a snowy ground, spring calls for watercolorists and sketchers in pastels with bright translucent colors that capture the fragile clearness of the springtime sunshine. Summer and fall may belong to the oil painters with their deep saturated colors and massing of light and shade, but it takes a swift hand and brush to pin down the quicksilver moods of springtime.

Under foot, the cold ground yields to springtime loam begging for the gardener's spade. Dry stalks blush with the green glow of new growth that springtime's new calves tentatively nibble. The cattle are happy for the fresh grass after a long autumn and winter eating hay. I know that farmers in West Virginia are hoping for good spring rains to replenish the water supplies and encourage a good growth of hay after last year's dry spells. Pastures have been cropped close and hay supplies are dwindling since the autumn drought sent pasture grass into an early dormancy. We need rain—soft rain.

Rain in the springtime is a lovely thing, gentle and welcome, unlike rain in other seasons. In summer, thunderstorms are violent, dramatic events, noisy and flooding, leaving streets steaming. In autumn, the rain can become monotonous, day after dreary day of steady sodden downpour filling the gutters with matted, decaying leaves. And in winter, cold, stinging sleet makes travel on dark roads and slick sidewalks treacherous. But in the spring, the rain is misty and companionable as my little dog Billy and I conduct our inspection tours of flower beds, the turf soft beneath our feet. Flower petals gain an added brightness from their raindrop ornaments. Spiderwebs become tiny crystal chandeliers draped with tiny drops in a soft and misty rain. And after the rain, there are rainbows shimmering like dreams overhead.

I asked the robin, as he sprang,
What made his breast so round and red;
'Twas looking at the sun, he said.
I asked the violets, sweet and blue,
Sparkling in the morning dew,
Whence came their colors, then so shy;
They answered, "looking to the sky";

I saw the roses, one by one,
Unfold their petals to the sun,
I asked them what made their tints so bright,
And they answered, "looking to the sky";
I asked the thrush, whose silvery note
Came like a song from angel's throat,
Why he sang in the twilight dim;
He answered, "looking up at Him."

In springtime, at Eastertide, as we celebrate the great awakening of life reborn, one only has to look outside to appreciate the Creator's handiwork. The earth is His page, the seasons His poetry writ fresh for us each morning.

Welcome, yellow buttercups!
Welcome, daisies white!
Ye are in my spirit
Visioned, a delight!
Coming ere the spring-time,
Of sunny hours to tell,
Speaking to our hearts of Him
Who doeth all things well.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask the Senate now proceed to a period of morning business, with Senators allowed to speak for a period not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITTLE BIG MAN

Mr. DASCHLE. Mr. President, 46 years ago the South Dakota Democratic Party was hardly more than George McGovern, George Cunningham, and a beat up old station wagon. I was eight. Little did I know I would one day owe a career to those two men and that car.

One of those men is now world-famous, his name a synonym for political courage and common decency. The other, George Cunningham, is unknown to most.

But George Cunningham is known to me.

I know him as the man who flew quietly to South Dakota to rescue a political newborn from a life-threatening recount in 1978. I know him for his wise counsel during a testing challenge from Congressman Clint Roberts, and through the other muddles of my political adolescence. I know George as the man from whom my own George Cunningham, Pete Stavrianos, says he learned both his trade and his passion for that trade. And I know George Cunningham as the diabolical practical joker whose powers to disarm and confuse with his wit remain to this day the most powerful antidote to self-importance I have ever witnessed.

"GVC," as he was known to those familiar with his smoking IBM Selectric, is a man who has never taken himself too seriously, but has always fiercely insisted his lifetime profession be taken seriously.

I will never forget hearing about George Cunningham telling a reporter who asked about his polls during his campaign against Larry Pressler that his numbers were, "in the toilet." The stunned newsman had expected a deer in the headlights lie from a scared politician facing defeat. What he got was an honest admission from a strong man who was still teaching, even through his hurt, how to laugh honestly in the face of adversity, and in so doing, respect what one was about.

What George Vinton Cunningham was about, and what he is still about, is service to the public.

From his first campaign with George McGovern while still a law student at USD, through his service to Governor Herseth in 1959, his 20 years beside George McGovern in Washington, his return to his hometown of Watertown, SD, as a candidate for U.S. Senate, and his tenure as lawyer and party activist, George Cunningham has taught us all what it means to serve.

Cunningham is a short, non-descript man who, while chief of staff to a candidate for President of the United States, used to send friends unflattering pictures of himself in safari garb holding a rifle in one hand and his trademark pipe in the other. I always thought it was to remind folks you didn't have to be Redford handsome or Kennedy strong to go after big game.

What you do have to be, though, is committed to the idea that we are put here for something more than just serving ourselves.

I like to think I am committed to that idea. I hope when I am through I will be judged to have been half as committed to it as one of the biggest little men I have been privileged to know, George Cunningham.

PARLIAMENTARY ELECTIONS IN UKRAINE

Mr. CAMPBELL. Mr. President, yesterday the Senate, with bipartisan support, agreed to S. Res. 205, a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 31 parliamentary elections. I appreciate Chairman BIDEN and Senator HELMS' support in committee and the leadership for ensuring timely consideration of this important resolution.

In adopting S. Res. 205, the United States Senate expresses interest in, and concerns for, a genuinely free and fair parliamentary election process which enables all of the various election blocs and political parties to compete on a level playing field. While expressing support for the efforts of the Ukrainian people to promote democracy, rule of law, and human rights, the resolution urges the Ukrainian government to enforce impartially the new election law and to meet its OSCE commitments on democratic elections. I want to underscore commitments undertaken by the 55 OSCE participating States, including Ukraine, to build, consolidate, and strengthen democracy as the only form of government for each of our nations.

The Commission on Security and Cooperation in Europe, the Helsinki Commission, which I chair has monitored closely the situation in Ukraine and has a long record of support for the aspirations of the Ukrainian people for human rights and democratic freedoms. A recent Commission briefing on the parliamentary elections brought together experts to assess the conduct of the campaign. High level visits to Ukraine have underscored the importance the United States attaches to these elections in the run up to presidential elections scheduled for 2004.

As of today, with less than two weeks left before the elections, it remains an open question as to whether the elections will be a step forward for Ukraine. Despite considerable international attention, there are credible reports of various abuses and violations of the election law, including candidates refused access to media, the unlawful use of public funds and facilities, and government pressure on certain political parties, candidates and media outlets, and a pro-government bias in the public media.

Ukraine's success as an independent, democratic, economically successful state is vital to stability and security and Europe, and Ukraine has, over the last decade, enjoyed a strong relationship with the United States. This positive relationship, however, has been increasingly tested in the last few years because of pervasive levels of corruption in Ukraine and the still-unresolved case of murdered investigative journalist Georgiy Gongadze and other issues which call into question the Ukrainian authorities' commitment to the rule of law and respect of human rights.

Ukraine enjoys goodwill in the United States Senate and remains one of our largest recipients of U.S. assistance in the world. These elections are an important indication of the Ukrainian authorities' commitment to consolidate democracy and to demonstrate a serious intent regarding integration into the Euro-Atlantic community.

NEXT STEPS IN THE FIGHT AGAINST HIV/AIDS

Mr. BIDEN. Mr. President, by now I hope that all of my colleagues are aware of the extent of the HIV/AIDS epidemic. The spread of the disease is of grave humanitarian and security concern to the United States.

Last year alone, 3 million people died as a result of the disease. I have yet to see a study or data which suggests that the number will not increase in 2002.

In January of 2000 the National Intelligence Council released a National Intelligence Estimate entitled "The Global Infectious Disease Threat and its Implications for the United States." The report stated that "the severe social and economic impact of infectious diseases, particularly HIV/AIDS, and the infiltration of these diseases into the ruling political and military elites and middle classes of developing countries are likely to intensify the struggle for political power to control scarce state resources. This will hamper the development of a civil society and other underpinnings of democracy and will increase pressure on democratic transitions in regions such as the FSU [former Soviet Union] and Sub-Saharan Africa where the infectious disease burden will add to economic misery and political polarization."

On February 13 of this year I chaired a hearing on the future of America's bilateral and multilateral response to the epidemic. What I learned was both encouraging and discouraging. First, the bad news. The disease continues to spread. Last year, five million people were infected with HIV/AIDS, bringing the total number of people with the disease to 40 million. There are more AIDS orphans than ever before, over 10.4 million, and that number is expected to more than double in the next 8 years as more and more adults fall ill and die.

In some parts of the world, women are becoming infected at rates comparable to men. This change in the infection pattern is tragic not only because the increase is a reflection of women and girls' inability to say no, in many instances, to unwanted sexual advances, but also because the more women who are infected, the greater the number of babies there are who are liable to contract HIV during birth or from drinking their infected mother's breast milk.

The good news is that the international community is beginning not only to recognize the need for more action, it is beginning to take more action. We are beginning to go beyond rhetoric towards concrete steps. We have established Global Funds for HIV/AIDS, Tuberculosis and Malaria. The U.S. Government has increased the amount of spending on bilateral programs. The problem is that we have not yet gone far enough. Despite our efforts to date, the problem continues to grow.

There are no easy solutions. I will not stand here and say that I have a magic formula for stopping the spread of HIV/AIDS. We must recognize, however, that while the problem is not going away any time soon, there are some steps we can take immediately and in the long-term that will help mitigate the effects of the disease and eventually stop it in its tracks.

A serious commitment is required. A lot of times when we talk about commitment in this chamber we are talking about 6 to 18 months. I am talking about a commitment of years. Not 2 years. Not 3 years. Start thinking in terms of a decade or more. According to the UN, studies of middle and low-income countries where interventions have slowed the spread of the disease, we need to spend $7 to $10 billion annually on treatment, care and support in the developing world for the next 10 years if we are to change current trends.

The UN estimates that if we are going to bring HIV infection rates down, by the year 2005 the international community is going to have to scale up spending to $9.2 billion. That money does not include funds for improving the health and education infrastructure in developing countries. It only covers prevention care and support programs. 2001 expenditures, according to this same report were only $1.8 billion.

We have a long way to go. And we will have to readjust our mind-sets such that we are prepared to stay the course financially for a long time to come, or nothing we do is going to have a lasting impact.

So what is to be done if we are willing to adopt such an approach?

The ultimate solution to this problem is the development of a vaccine. Scientists are working on one, but Dr. Anthony Fauci, director of the National Institute of Allergy and Infectious Diseases at the National Institutes of Health was quoted in the Los Angeles Times on March 16 as saying that this could take at least ten more years. In the meantime, we have got to undertake action to bring the infection rate down as far as possible, and to care for those who have contracted the disease.

Part of the problem we are having in stopping the spread of HIV/AIDS is the basic barrier of underdevelopment. One of the things that has facilitated the spread of the disease in developing nations has been lack of infrastructure, mainly in the communication, education and health sectors. People in remote villages in a poor country do not have the luxury of picking up a local paper or watching the local news on their televisions. There is no easy way to spread the word about the HIV/AIDS. If there are schools, they are irregularly attended, which blocks another avenue of informing people about the disease.

Health in poor countries are deplorable. Helping countries improve basic health services will go a long way towards addressing HIV/AIDS. This includes training medical personnel, building and or repairing clinics and providing medical supplies and equipment. The benefits of improved health infrastructure are enormous. HIV/AIDS is not the only disease affecting poor countries. By improving health infrastructure, we improve the level of access to basic health care for other diseases such as tuberculosis and malaria. And devoting more resources to improving the health sector has the advantage of laying down the groundwork for AIDS treatment activities.

Addressing educational needs and health infrastructure are two long-term investments that the United States, in conjunction with our international partners need to make. This disease is going to be around for a long time. Especially if we fail to act.

What should we do in the short term to address the global epidemic? There are several things that we can do immediately to enhance our response.

First, we should strengthen coordination of U.S. agencies so that we are dealing with the problem in the most efficient way. The President has taken some steps to address it, naming Secretary of State Colin Powell and Tommy Thompson, Secretary of Health and Human Services, as co-chairs of a Cabinet-level task force on the global HIV/AIDS threat. I do not believe, however that this really solves the problem.

Developing an integrated U.S. response to the global AIDS epidemic will require more time and energy than two Cabinet-level Secretaries can devote to it. We need someone working full time on integrating the great work that different U.S. agencies are doing. He or she must have the authority to develop a U.S. policy response that is informed by all U.S. government agencies spending money on HIV/AIDS. This person should be accountable for the implementation of the strategy, and required to report on the implementation of the consolidated U.S. strategy on a yearly basis.

The coordinator must have the authority to bring the point people on HIV/AIDS programs in all the different agencies to one table and have them figure out what tasks their respective agencies should be undertaking based on areas of comparative advantage and expertise. Finally, the coordinator needs the authority to eliminate overlaps where possible, identify gaps and decisively settle turf disputes among agencies about areas of responsibility.

The second step to enhancing the U.S. response is beginning the process of providing deeper levels of debt relief to poor nations. It may take a while for countries to realize these savings, but we have got to begin negotiations for an enhanced Heavily Indebted Poor Countries Initiative right away. We must make sure that countries where there is a severe HIV/AIDS emergency and which are at or beyond a decision point in the HIPC process are paying no more than 5 percent their fiscal revenue in debt servicing. Countries where there is no health emergency should be paying no more than 10 percent of fiscal revenue in debt servicing.

Why enhance debt relief? Because all the early indicators are that debt relief works. According to the World Bank, Burkina Faso, Uganda, and Malawi are all using debt relief saving to fight HIV/AIDS. Now is not the time to be come complacent, but to make a bold move forward, to capitalize on this success by taking debt relief one step farther.

Part and parcel with enhanced debt relief should be the provision of technical assistance to countries, to ensure that an adequate amount of debt relief savings are devoted to programs to combat HIV/AIDS.

We must expand the provision of crucial interventions such as voluntary testing and counseling if we are to enhance the U.S. response to HIV/AIDS. Voluntary testing and counseling is a cornerstone of intervention. One particular study conducted in three African countries showed that given the opportunity for such testing, 60 percent of adults would take advantage. It also showed that only 15 percent of those same people had access to this service. Think about it. Fifteen percent of those who wanted to know if they had HIV/AIDS were able to get an answer.

The importance of voluntary testing and counseling cannot be overstated. Once people find out whether or not they are infected with HIV, they are able to make decisions about behavior change that can save their lives and the lives of their partners, spouses and children. It is crucial that we provide the funds to training more counselors, and deliver more rapid test kits to areas of need so that those who want testing and counseling can obtain it.

In addition to the above activities, I encourage the administration to expand its efforts to help developing nations craft and implement national blood transfusion policies including policies to prevent HIV infection through blood transfusions. Such programs are especially needed in Africa. Some people might contend that this should be a relatively low priority as the HIV infection rate from blood transfusion is only 5 percent. I would argue that we have to do everything we can to address the spread of the disease, and that this is an intervention that is straightforward, and that has benefits that extend beyond combating HIV/AIDS.

At the Foreign Relations Committee hearing on HIV/AIDS on February 13, USAID Administrator Natsios indicated that to the best of his knowledge less than fifty percent of African countries have developed a national blood transfusion policy and less than one third of African countries have a system in place to limit HIV transmission through blood transfusions. Here in America we have virtually eliminated the threat of contacting HIV/AIDS through blood transfusion by adopting screening and evaluation policies.

We have the expertise to see that health care workers in Africa and elsewhere are properly trained in appropriate clinical use of blood transfusions and in proper transfusions techniques. We can teach best practices for testing. We can show countries how to recruit and retain non-remunerated blood donors from uninfected portions of the population so that a safe, tested bloods supply is available. Last year in Africa, 3.4 million people were infected with HIV. If there had been national systems to monitor, manage and test the blood guppy for HIV, perhaps as many as 170,000 of those people might be HIV free today.

Another way to strengthen U.S. response is to expand programs that specifically focus on women and girls. Due to biological vulnerability, and economic and social pressures, women and girls in Africa are far more likely to contract HIV than boys and men the same age. According to UNAIDS, girls age 15 to 19 are almost eight times more likely to be infected with HIV/AIDS than their male counterparts. Women aged 20 to 24 were 3 times more likely to be HIV-positive chant their male peers.

There is no easy way to counteract this phenomenon, but there are a number of steps which can be taken. In the long term, social and cultural norms must be changed to increase the economic and social independence of women. It is easier for a woman to reject unwanted sexual advances if she is able to provide materially for herself and her children. Men must be educated as to the dangers of unprotected extramarital sex. In addition, we must emphasize education programs. It is imperative that young people know how to prevent the spread of HIV/AIDS. There are solutions which we must work on with renewed vigor.

Right now, today, we must channel more resources towards research into female controlled and initiated methods of prevention such as the female condom and microbicides.

A usable microbicide must be developed so that women, with or without the consent of a partner, can protect themselves from HIV/AIDS. We are at least five years away from the availability of a first generation product. Not only must we see that one is developed, we must make sure that it is usable and made available in developing countries, that women are informed about its availability, and that they are instructed in its use.

We should put more money into increasing the availability of the female condom, and continuing to refine the product. The female condom is not a miracle solution. Critics contend that women cannot use them without the knowledge of their partners, therefore it is redundant to make them available when the male condom is so readily available. What I would say is that if we are willing to make the choice available to men to use protection, we should be willing to give women a choice about protecting themselves as well.

Right now part of the reason that female condoms are not available is price. A bulk purchase would serve to lower the cost to the consumer. Another problem is information. We must teach people about the female condom's existence, and show people how to use it.

The female condom is the only female initiated method of prevention available right now to women living in societies where their ability to make choices about when and with whom they are physically intimate are in some cases limited, and in other cases non-existent. Since the beginning of the epidemic, 10 million women have died of HIV/AIDS, over a million of them in the past year. Women are becoming increasingly affected. We must use every means we have to reverse these trends.

I would also submit that it is important that the United States give generously to the Global Fund for AIDS, Tuberculosis and Malaria. The U.S. must consistently show leadership in our donations. In May of last year, the President pledged $200 million in seed money for the fund. Other nations followed suit. None of them pledged more than the United States. The UK, Japan, and Italy all pledged $200 million. This is a perfect example of the fact that where the U.S. leads, others will follow. There are now almost $2 billion in pledges for the fund; $800 million is expected to be available this year. The call for proposals went out in January, and the first grants are expected to be made in April.

While I in no way fault the President for his initial pledge, I can't help but wonder how much money would have been donated to the Global Fund this past year if America's contribution had been $500 million instead of $200 million.

The Global Fund is a welcome addition to the fight against HIV/AIDS, but it must be just that—an addition. Contributions must not take the place of bilateral programs.

Finally, I submit that the job of defeating HIV/AIDS is too big for the United States to handle alone. We need the help of the international community. I cannot state this in strong enough terms. We must encourage other donors to do their share to help halt the epidemic. The U.S. Government provides nearly 50 percent of HIV/

AIDS assistance funds. This is 4 times as much as the next donor. It is imperative that other donors be full partners in this fight both in their bilateral programs and their pledges to the Global Fund. We cannot win this war without their help.

The steps I have outlined above are just that. None of what I have talked about is a prescription for a solution to the AIDS epidemic. Most of it is not new. I simply stand here before you today to point out that despite our best efforts the virus is marching on. However the situation is not hopeless by any means. The United States has been an innovator, devising effective programs to mitigate and reverse the global spread of AIDS. We cannot stop.

I hope that Congress and the Administration can work together to reinvigorate and enhance current efforts to stem the tide of HIV/AIDS infection and care for and support those with the disease. Failure to do so will mean the death of an entire generation of people. That is much too steep a price to pay.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred February 2, 1998, in Corvallis, OR. A gay high school student was beaten by three youths who used anti-gay epithets. Robert P. Huffaker and Michael B. Nash, both 16, and Cyle A. Schroeder, 15, were charged with third-degree assault and first-degree intimidation in connection with the incident.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

VIOLENCE IN THE MIDDLE EAST

Mrs. FEINSTEIN. Mr. President, I rise today to express my concern and dismay at the news of yet another suicide bombing in Jerusalem. My thoughts and prayers go out to the victims and their families.

Israel, a democratic state and a staunch friend and ally of the United States, has a simple desire that all sovereign nations share: that it may live in peace within secure and stable borders, free from the terror and senseless acts of violence.

I condemn this terrorism and those who carry it out. How many more innocent lives must be lost before Chairman Arafat takes decisive and concerted action to reign in the terrorists and put an end to their brutal campaign? He made a commitment at Oslo to settle the differences between Palestinians and Israelis peacefully and he must live up to that pledge.

I am pleased that President Bush has sent General Zinni back to the Middle East to broker a cease-fire and get both sides to adhere to the Tenet Plan. To put it mildly, he has a long road ahead of him and there is a lot of work to be done.

Three articles discuss the situation in the Middle East: one by Washington Times columnist Mona Charon, another by Libby Werthan from the Nashville Jewish paper, the Observer, and finally an article by Naomi Regan called "Living in Parallel Universe."

Each article in its own way describes some of the pain, anguish, and despair that Israelis feel over the continuing acts of violence and the collapse of the peace process. I urge my colleagues to read these articles and take their message to heart. Israel wants peace. Israel needs peace. Israel deserves peace.

I hope the day will come when I will not have to come to the Senate floor to condemn yet another bombing. Enough is enough. I urge General Zinni and the administration to do all that they can to help bring about an end the violence and the resumption of peace talks.

I ask unanimous consent to print in the RECORD the articles I cited.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Augusta Chronicle, March 9, 2002]

FLAWED SAUDI PEACE PLAN EXPOSED

(By Mona Charen)

Imagine for a moment that all reporting about the U.S. war on terrorism was presented without reference to Sept. 11. American attacks from the air using B–52s and F–16s against fighters armed with small weapons would seem quite disproportionate. Our stated intention to kill as many members of al Qaida as possible might be condemned, by our own Department of State, as "excessive" and "contributing to the cycle of violence."

But U.S. actions are never presented that way, because everyone acknowledges that we have the perfect right to defend ourselves against those who have done us grave harm. Nor are we asked to sit by and wait for our enemies to do us even more catastrophic damage if they get the chance. But when it comes to the Israeli/Palestinian conflict, the context is removed. Bleeding Israel is daily exhorted to stop contributing the cycle of violence. Her teen-agers are blown to bits at discotheques. Her babies are approached outside a synagogue by a suicide bomber who waits until he is next to the strollers before blowing himself apart. Her adolescent boys who wander off in the desert and get lost are torn to pieces. And all of this is applauded and celebrated by Yasser Arafat and most of the Arab governments in the region.

Some Arabs (those among the minority who acknowledge that Arabs are responsible) condemned the bombing of the World Trade Center. But not a single Islamic scholar or cleric has condemned the systemic policy of blowing up Israeli civilians. Israelis are demoralized and terrified. Restaurants and shops are nearly empty. And, alone among nations apparently, Israel is not permitted to engage in simple self-defense.

Nearly every dispatch from the Middle East lacks basic context. Here are some of the facts to keep in mind when reading these flawed reports.

The PLO was not formed in order to secure a Palestinian state on the West Bank and Gaza. It was created in 1964, when both territories were under Arab sovereignty. Jordan and Egypt did not create a state for the Palestinians because they preferred to keep the refugees angry and homeless.

It is not "Palestinian land." There has never been an independent Palestinian state on the land between the Mediterranean and the Jordan River. The area—which always contained Arabs and Jews—was under Ottoman control for several hundred years until World War I, then British control under the League of Nations Mandate and finally under United Nations control.

The United Nations approved a partition plan in 1947 that would have created two states, one Jewish and one Arab. The Jews accepted this arrangement. The Arabs refused. Five Arab armies invaded the new state of Israel. In the ensuing war, thousands of refugees fled. Jews fled Arab nations for Israel, and Arabs fled Israel for Jordan, Egypt and Lebanon. The Jewish refugees became full citizens of Israel. the Palestinian refugees became pawns. Israel came into possession of the West Bank and Gaza only because she was attacked again by five Arab armies in 1967.

If the Palestinians are fighting for a state on the West Bank and Gaza, why do their maps show Palestine as filling the entire territory that is now Israel? Why do they marinate their people in Hitlerian anti-Semitism and anti-Anercianism? Further, why—when Ehud Barak offered just such a state, or 95 percent of it—did Arafat walk away and start this latest round of violence? Palestinian spokesman say it wasn't everything they wanted. But if they truly want a separate state on so-called "occupied territory," why did Barak's offer not form the basis for further talks?

The Palestinians are said to be chafing under the "occupation." But in obedience to the Oslo process, Israel has given administrative authority over 98 percent of the Palestinians in the disputed territories to Arafat. Israel has further permitted the Palestinian Authority to arm 40,000 "police."

If the Saudi "peace plan" were serious—and not an attempt to divert attention from the Saudi role in Sept. 11 and its sponsorship of Islamic extremism worldwide—why didn't Saudi Arabia offer it before?

Why is it impossible for the Palestinian Authority to give Israel what Sharon has demanded—just three days of respite from terror attacks?

LIVING IN A PARALLEL UNIVERSE

(By Naomi Ragen)

As an Israeli, I don't always feel I'm living in the same universe as the rest of the world. We seem to be in parallel universes.

In my universe, Yasir Arafat has violated the Geneva Convention on Human Rights—which calls the murder of noncombatants a crime against humanity—in 11,326 terrorist attacks over the last 18 months that has left hundreds of Israelis dead and thousands injured. In my universe, that makes him a war criminal.

But in the parallel universe, it makes him a great freedom fighter who deserves visits from diplomats, sympathy, and the offer to head his own state where he can conceivably continue his activities with a formal cache of even more deadly weapons. In the parallel universe, the people who think this way consider themselves liberals and humanists.

In my universe, Saudi Arabia, is a totalitarian state which cuts off the limbs of thieves and stones women suspected of adultery, and drowns young daughters in swimming pools to preserve family honor. In my universe, it is a place where women are nonpersons who cannot work, or drive, or go out unaccompanied by men. In my universe, its exhibited medieval antisemitism: In Saudi Arabias government daily, Al-Riyadh, columnist Dr. Umayma Ahmad Al-Jalahma of King Faysal University in Al-Dammam, wrote on 13/3/02 that the special ingredient in Jewish Purim holiday cake is human blood from non-Jewish youth.

In the parallel universe, this same Saudi Arabia has suggested that Israel withdraw to its 67 borders for more empty promises of peace and this is considered a serious peace initiative which is soberly discussed by reporters, politicians, talk show hosts, and editorial writers.

In my universe, following ten years of talking peace, signing agreements in which the Palestinians agreed to renounce the use of terror in exchange for Israel turning over 95% of the West Bank and all of Gaza to Yasir Arafats Palestinian Authority, giving the Authority millions of dollars and thousands of guns to control the terrorists, Israelis were rewarded by having their children blown up in pizza parlors, discos, bar mitzvahs, and cafes; being shot in their cars, having rockets destroy their homes and watching Palestinians, who were our peace partners, celebrate these deaths in their streets. In my universe, after wringing its hands, and risking our lives, and making useless appeals to Arafat to reign in his terrorists, our government finally sent in soldiers to gather up the weapons. These terrorists, who are ready to make "brave" forays into Israel in order to shoot nine month-old babies and grandmothers, engaged in a short gun battle until forced to surrender when confronted by armed combatants.

In the parallel universe, Israelis are condemned for "humiliating" Palestinians, and calls go out for international observers to protect Palestinians.

In my universe, the United States, which has always seen itself as Israel's greatest ally, and which has itself suffered thousands of casualties from terrorist attacks by Muslim extremists, calls on Yasir Arafat to stop the terror on Israelis, and is ignored.

In the parallel universe, Israel's greatest ally reacts by calling for the establishment of a Palestinian State, in which Mr. Arafat, like any other head of State, can establish his own army, airforce, and police force and import unlimited amounts of arms. Where he can continue his present educational system, encouraging toddlers to view themselves as future Shahids, where present educational system, encouraging toddlers to view themselves as future Shahids; where his television and radio broadcasts can continue to show blood libels, and revel in nonstop incitement. Where instead of terrorist attacks, he can prepare himself to launch all-out war.

I invite all those who are convinced they know what Israel should do, to visit my universe before giving advice.

[From the Observer (the Nashville Jewish paper)]

(By Libby Werthan)

Last night as I lay in my comfortable bed in my lovely home planning a pleasant night's sleep I could hear the guns in Gilo. And I couldn't sleep; not because I was fearful for my safety but because I couldn't help but think of all those people living in Gilo (two neighborhoods away from us) and how terrified they must be—especially the children. Thank G-d only three people were injured but fifty-two apartments were damaged by terrorist machine gun fire.

I would like to try to convey to you what life is like here right now. I have told you long before that I thought the Peace Process was just that a process that it wouldn't lead to peace. And unfortunately, it has turned out that way. At best, it was a holding period, a badly needed respite. In the years following Oslo, we had a kind of freedom—a green light, if you will; we could travel almost anywhere, enjoy the country in relative safety.

After Arafat rejected the best deal he would ever get and the Peace process came to a halt we found ourselves under constant attack—suicide bombers (whom one expert said was a misnomer, that they should be called Islamakazes), mortar attacks knifings, murders and drive-by shootings. Every morning, we open our newspapers and tally up how many people were killed (about 350 to date) and how many more people were permanently damaged—losing limbs, being burned so badly that they will never leave home, seeing loved ones murdered—they are their families will never be the same. I am talking about thousands of people in the last 16 months, mostly children and young people under the age of thirty.

What happened in America on 9/11 was horrifying. Over 3000 people lost their lives in the World Trade Center. America has a population of 278 million. Israel has a population of 6 million. If you were to compare deaths per capita, Israel has experienced almost 5 World Trade Centers in the last year and a half. And that's only the deaths not the thousands permanently injured. The majority have been civilians going about their lives—mostly women and children. It's pretty devastating when you think about it. You can imagine what this has done to the psyche of our country.

But what I find even more incredible is the response of Israel to this assault. The Israeli Army, has the power and ability to go in and take over the whole Palestinian entity in a matter of days. But they haven't done it. Instead they have targeted the ringleaders, the bomb makers and their installations (and been criticized for it). They have isolated Arafat, the Father of Terrorism, (and been criticized for it). They have bombed the installations of the Palestinian Authority but not without first telling them that they are going to do it. So when they do bomb buildings, they are empty. They make every attempt to avoid injuring any civilians. When the army entered the two refugee camps (which by the way are so vicious and independent that the Palestinian police won't enter them), they gave the civilians three hours to leave the camp to get out of harm's way. In view of the horrors perpetrated against us ours is the most measured of responses. And yet the media doesn't report it that way—they can't if they want to continue to have access to the Palestinians. So they talk about Israel's heavy-handedness, they talk about occupation, when 98% of the territories are under Palestinian control, they highlight the Palestinian deaths and over look many of ours. The media, when being even-handed, will interview both a Palestinian and an Israeli. But the Israelis they pick are either to the far Left or the far Right and are clearly not representative of main stream Israel. Last week they ran a story about a Palestinian women coming into Israel to give birth and being wounded in the shoulder when her car ran a roadblock. The don't follow it up with the fact that she was taken quickly taken to hospital where she gave birth to a healthy baby and recovered from her wound. Nor do they tell you that the very next day a pregnant Israeli woman was ambushed on the highway and shot in the abdomen as a gift to the Palestinian woman. We go after those who are killing us. We do not respond by targeting civilians.

I said earlier that for ten years we had a green light. We no longer have that green light. It has been replaced by a flashing yellow light. We still live our normal lives—go to work—go to the mall—go to the movies—make gourmet dinners—have weddings and bar mizvahs—work out—plant gardens—go to lectures, concerts, and plays—all the normal things one does. Except that flashing yellow light makes us more aware of where we are and who's around us. When we hear more than one siren, as we did last night, we run and turn on the news—another suicide bomber blew himself up in a crowded religious neighborhood. When we hear an explosion, it could be something on a construction site or a car backfire, but we think bomb. You might expect us to go around with long faces and sometimes we do, but mostly not. Nevertheless we are always hurting inside. We know so many are grieving. We see the pictures of the beautiful young people who have been killed and our hearts are breaking. The hardest part for me and, I think, others is that there is no end in sight. How long can this go on? What will happen next?

The talk is always, let's achieve calm let's get back to the negotiating table. But with whom are we going to negotiate? Arafat? Arafat, the inventor of terrorism; the consummate liar! A man who prays for the peace of the brave on the New York Times Op Ed page and at the very same time shouts Jihad, a million martyrs on to Jerusalem to his own people in Arabic. A man who has not only abused the opportunity offered him for peace but has brutally abused his own people by manipulation and lies. he is every bit as vicious as Ben Laden. Would America negotiate with Ben Laden? With whom then are we going to negotiate? And if we do find someone how meaningful will a signed piece of paper be? There are three generations of Palestinians here who have learned to hate Jews from birth; who's greatest mitzvah is to kill a Jew. How can that change with a piece of paper?

We are at a terrible impasse her. How do we protect ourselves and at the same time create a Palestinian entity that is self-sufficient and independent of us. This is it. This is what every Israeli wants.

And what about you? Where do you fit into this Jewish world of ours? I have told you about Israel, but what about Argentina where over half of the Jews there are not living under the poverty line, or France where Jews are experiencing a huge upsurge of anti-Semitism.

And what about America? I don't know that much about America; but what I do know disturbs me. I hear very little raised in the way of protests against the biased media and little rallying in support of Israel coming from the Jewish communities in America. What I do know is that the Arab propaganda is so strong and effective in the US that on the college campuses your children and grandchildren have never been more distanced from Israel and are in fact ashamed of her. American Jewish visitors are so few here that we can practically thank each one personally for coming. Our hotels and restaurants are closing. Our tour guides and bus companies are out of work.

Where are you when we need you? Are you writing to the Congress to thank them for their support? Are you writing to the President? What about letters to the editor? Are you countering Palestinian propaganda on the college campuses? Are you writing to CNN and NPR when their reporting is clearly biased? Are you letting people here know that you care? Have you contributed to a victim relief fund? What's happening, folks?

When I was in America last month, I saw a lot of hand wringing and got a lot of sympathetic comments. Mostly, people wanted to know why I didn't come back and live there.

And what did I answer? I told them that we have had the most fabulous twelve years of our lives here. Grant you the last months have been painful. But when I think about why I am here, what is boils down to is that living her is the most important statement that I can make with my life.

Since I began this letter, the situation has become increasing worse. While we apprehend and thwart countless attackers, we cannot catch them all. Some slip through. On Thursday, I sent Moshe down to the grocery (here the grocery is so close you can walk) to pick up a few things I had forgotten. When he arrived, the whole areas had been blocked off, all traffic stopped. And police everywhere. Just minutes before, a suicide bomber had entered a very popular outdoor cafe but had been noticed by a customer who alerted a waiter and together they pushed him out of the cafe and at the same time ripped out the wires of the bomb—and saved the lives of scores of people. These were just ordinary people, but they performed an extraordinary task. On Friday the cafe was again packed. Saturday night a bomber entering another packed cafe in the center of town was not detected in time—13 were killed and over 50 wounded.

In about an hour, Moshe and I and many of our neighbors are going to take a walk in the Jerusalem Peace Forest—a part of the Promenade that looks out over Jerusalem. Perhaps you have been there. It is a popular tourist spot. Some weeks ago in this place, a young Israeli college student, a girl, was attacked by a gang of Arab teenagers and stabbed to death. Our walk is symbolic. It's our way of saying you can't take our favorite places away from us. We won't give in to your terror.

I could tell you many, many stories but I think you get the picture. This is a war that is difficult to win; if you defeat your enemy, you wind up with a captive hostile population and territories that you must occupy; if you make an accommodation with the enemy, it won't assure you of safety or that attitudes will change. It will only put you in an even less secure situation.

If you believe in prayer, please pray for us. Both the Israeli and the Palestinian populations are victimized. We are going through a living Hell.

NEXT STEPS IN U.S. POLICY TOWARD IRAN

Mr. HAGEL. Mr. President, I will ask unanimous consent to have printed in the Record a very thoughtful speech by my colleague, Mr. Biden, on U.S. policy toward Iran, which he delivered before the American-Iranian Council on March 13, 2002.

Mr. Biden offers a realistic assessment of the challenges of dealing with a divided government in Iran, where an unelected, "hardcore clique" holds the key levers of power and thwarts the democratic will of the vast majority of Iranians.

More significantly, he lists five specific steps that the United States can take to increase Iran's international linkages and reach out to those in Iran who take risks to bring about change and reform. Mr. Biden's speech has touched off a spirited debate in Iran about how to respond to his initiative.

Like my colleague from Delaware, I do not believe that our many differences with the Islamic Republic of Iran should close off opportunities to influence Iranian behavior and work together constructively when we may share common interests, such as in Afghanistan; assisting with and re-locating refugees displaced by the Afghan war; controlling the international narcotics trade; and, perhaps, regarding the future of Iraq.

Our policies must also assist those in Iran advocating reform and change in the Iranian government. Supporting Iranian admittance to the World Trade Organization, for example, would strengthen the hands of reformers in the Iranian parliament and elsewhere who seek to undertake the structural economic reforms that, over time, could lead to more open political and economic systems for the Iranian people.

I strongly support Mr. Biden's recommendations, including his invitation to meet with members of the Iranian parliament. I encourage my colleagues in the Senate to read Mr. Biden's speech when considering next steps in U.S. policy toward Iran.

Mr. President, I ask unanimous consent that Senator Biden's speech be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Remarks by Joseph R. Biden, Jr.—"Prospects for Progress: America and Iran After 9-11"

It is an honor to be invited to speak before such a distinguished gathering.

The number of accomplished individuals in the audience today is a testament to the extraordinary achievements of the thriving Iranian-American community. You have enriched the United States with your many talents, and your cultural traditions have strengthened the diversity of our country.

You also have a critical role to play in serving as a bridge between Iran and the United States.

Today, I would like to share with you my views on United States policy toward Iran and the kind of relationship I believe Iran and the United States should have. To save you the suspense, the short answer is—a much better relationship than we currently enjoy.

I say this for one simple reason—I believe that an improved relationship with Iran is in the naked self-interest of the United States of America.

Iran sits in the geo-political heart of a region that has long been important to our security concerns.

On its Eastern frontier sits a newly-liberated Afghanistan where the military mission is far from over. Farther East is a nuclear-armed Pakistan that just a short while ago stood on the precipice of a potentially devastating conflict with its arch-rival India.

To the West is a recalcitrant Iraq, with a dangerous leader who Iranians grew to know all too well during the long and bloody Iran-Iraq war. To the North are the undemocratic, potentially energy-rich states of Central Asia and the conflict-ridden Caucasus.

To the South are several American allies that sit atop the largest known oil reserves on the face of the earth.

So it is not an understatement to say that the direction Iran takes in the coming years will have a significant impact upon American strategic interests in this region.

Clearly, we cannot speak of Iran's direction without addressing its internal political dynamics. Since President Khatami's election in 1997, Iran has been embroiled in a gradually escalating power struggle that the outside world has watched with considerable interest.

While elections haven't been perfect, the Iranian people have made clear in four separate ballots over four years that they are demanding fundamental change.

The result of these elections has been the creation of a divided government. An elected branch consisting of the parliament and the Presidency that, by definition, is more in touch with the will of the people.

Juxtaposed to that is an appointed branch which holds many of the key levers of power including the judiciary, security organizations, and other bodies populated by those whose vision largely revolves around the perpetuation of their own authority.

It is this hardcore clique which refuses to give way to the will of the people. Over the past few years they have thwarted the goals of Iranian reformers. They've arrested journalists. They've imprisoned close allies of the President, and often resorted to violence.

They've harassed and persecuted minorities in Iran—Jews and the Baha'i.

They direct policies that pose a threat to our interests. Not the least of which is that Iran continues to support terrorism and the escalation of violence in the Middle East.

Its recent involvement with the Karine-A arms smuggling incident is a reminder of the policies that Iran must abandon if there is to be a true rapprochement. And many questions remain unanswered about the role played by some Iranians in the Khobar Towers attack that left 19 U.S. servicemen dead.

But shortly after September 11, ordinary Iranians held a spontaneous candlelight vigil in Tehran in solidarity with the victims. Yet some of Iran's leaders don't appear to understand how drastically the world has changed after September 11.

Their continuing support for groups such as Islamic Jihad puts them on the wrong side of the new fault-line separating civilization and those who seek chaos. As you all know, Iran is continuing an aggressive drive to develop weapons of mass destruction and long-range missile systems. In these efforts, it receives considerable foreign assistance, especially from Russia.

While support for terrorism appears to be directed by those in the hard-line branch of the government, the support for Iran's missile and nuclear weapons programs is more broad-based.

The reason is a combination of three main factors: first, fears over Iraq and to a far lesser degree, Pakistan. Second, the belief that nuclear weapons will enhance Iran's stature. Finally, we cannot dismiss the fact that some elements within the government see a potential blackmail value in the acquisition of weapons of mass destruction and long-range missile capability.

Whatever the motivation, the United States must place the highest priority on preventing Iran from gaining such dangerous and destabilizing capabilities. There are a number of options for doing so.

We cannot simply dismiss Iran's security concerns. They've been the victims of chemical weapons attacks by Iraq. But the neighborhood has the potential to change for the better.

Already, the Taliban menace no longer threatens Iran. Next door, Pakistan's President is reigning in religious extremism.

And I believe that the U.S. will ultimately have to facilitate a regime-change in Iraq.

These three developments alone would dramatically alter Iran's security environment for the better.

We must also be willing to hold discussions with Iran to develop creative solutions as we did in North Korea. And we must step up our efforts to end support by Russian entities for Iranian nuclear and missile efforts. In my view, this hasn't received enough attention over the past year.

Clearly, although we must combat the spread of weapons of mass destruction to any country, the threat from Iran is not simply a function of capability, but of intention as well.

If Iran evolves in a more democratic direction and the U.S.-Iranian relationship improves, then the threat it poses certainly will be reduced.

This, then, raises the question of the ongoing power struggle underway in Iran.

The United States is not in a position to have a major impact on this struggle. Nor should we intervene in any direct way.

We should be mindful of the painful history between our two countries, which includes reported CIA support for a coup in 1953. And it still resonates with many Iranians, and it should counsel us to be extra-cautious.

Nonetheless, we should be clear about where we stand. We are squarely with the Iranian people in their desire for a democratic government and a democratic society.

Iran has a disproportionately young population. Half of its people were born after the Revolution.

These young people and many of their parents and grandparents have grown wary of Iran's isolation.

They want Iran to take its rightful place in the international community and to embrace a rapidly-changing world. They want the same kinds of social, political, and economic freedoms that others enjoy. And they deserve to have these aspirations fulfilled. As I said, we should have a better relationship with Iran. Unfortunately, that is not for us to decide. And it is unlikely to come about absent a change in the attitude or composition of the present Iranian regime.

While the Bush Administration continues the policy of its predecessors by seeking dialogue with Iran, some in Tehran have a different view.

Part of the government clearly wants to talk to us and has talked to us over Afghanistan for example. But hard-liners regard us as a useful bogeyman to continue to stir up the passions of their most zealous and ardent stalwarts.

So the question is what can we do from the outside to help the Iranian people realize their aspirations.

In my judgment, we must direct our policies in a way that they do not rest on the principle of reciprocity.

In other words, we should assume that the continuing power struggle will prevent Iran from responding to any particular American gestures. And take steps that are carefully calibrated with the aim of assisting those who seek change within Iran.

How do we do it? First, we must recognize that the most entrenched elements in Iran seek to perpetuate Iran's isolation through confrontation with the outside world.

Those who seek change want to increase Iran's international linkages.

Let me outline five specific steps the United States can take.

First, the Bush Administration should issue a general license to permit American non-governmental organizations to financially support a broad range of civil society, cultural, human rights, and democracy-building activities in Iran. Such funding is currently banned by Executive Order.

It is unfortunate that it is our own government, not hard-line clerics in Tehran, that have prevented practitioners of democracy in America from aiding their struggling counterparts in Iran.

Second, we should continue to work with Iran on matters of mutual interest as we did on Afghanistan.

It is true that some hard-line elements in Iran are clearly interested in stirring up trouble in Afghanistan, but the story that many don't know is that Iran and the United States coordinated their efforts on Afghanistan closely over the past several months.

The dialogue on Afghanistan should serve as a model and should be extended to other areas of mutual interest, like the future of Iraq another topic for discussion and cooperation.

Third, the United States should acquiesce to Iran's bid to begin accession talks to the World Trade Organization. The process of accession would take several years, but Iran would have to make structural changes that would increase transparency and undermine the key power bases of the hard-liners.

Fourth, we should be willing to indirectly assist Iran on refugee and narcotics matters. Iran has a huge population of Afghan and Iraqi refugees. American non-governmental organizations that assist refugees are willing to help and should be supported in their efforts by our government.

Likewise, Iran has paid a heavy price in blood and treasure in battling narcotics traffickers on its eastern frontier. Iran has asked the international community for help and it makes sense to assist them through the United Nations.

Fifth, we should continue to encourage citizen exchanges. A track-two circuit has developed in recent years and it is important to keep it going. Organizations such as the American Iranian Council, the Open Society Institute, and the Nixon Center have played a critical role, and I applaud them.

I also applaud the President for his view that there should be a direct dialogue with Iran. In that regard, let me also extend an invitation in my capacity as Chairman of the Foreign Relations Committee. I am prepared to receive members of the Iranian Majlis whenever its members would like to visit. If Iranian parliamentarians believe that's too sensitive, I'm prepared to meet them elsewhere.

Without speaking for any of my colleagues, I am confident that many of them would join in such an historic meeting. Indeed, some—including my friend Senator Arlen Specter—did participate in an earlier brief encounter at the Metropolitan Museum of Art organized by the American Iranian Council.

We should be under no illusions that these steps will by themselves have a decisive impact. The direction that Iran takes the form of government it chooses are ultimately matters for the Iranian people to settle.

As we all know, Nowruz marks the start of Spring. Let us hope that in this season of renewal that Iranians and Americans can find a way to build on shared interests and work constructively to overcome their differences peacefully.

I pledge to do my part and I know that all of you will lend your energies to this critical effort.

Thank you.

COMMEMORATING 90TH ANNIVERSARY OF GIRL SCOUTS OF THE USA

Mr. INOUYE. Mr. President, I wish to express my sincere congratulations to the Girl Scouts of the USA as it celebrates its 90th anniversary. Founded on March 12, 1912, in Savannah, GA, the organization has grown to 3.7 million girls and women in the United States and a total of 8.5 million people in 140 countries.

The longevity and strength of Girl Scouts is a testament to the commitment of its members and volunteers to uphold the highest standards of leadership, social conscience, and civic duty. I thank the thousands of adult volunteers who devote their time and resources to this worthy cause.

I also wish to extend my commendation to Ms. Gladys A. Brandt, a Hawaii resident who is being honored as one of the first-ever National Women of Distinction by the Girl Scouts of the USA. This award was created in conjunction with the Girl Scouts' 90th anniversary celebration, and it pays tribute to women who have demonstrated outstanding service to girl scouting. Hawaii is truly proud of Ms. Brandt and grateful for her diligence in educating and serving young people.

Once again, I express my best wishes to Girl Scouts of the USA for continued success, and I encourage the members of this organization to always live up to the Girl Scout Promise and Girl Scout Law in every facet of their lives.

Mr. SHELBY. Mr. President, I rise today to pay tribute to the Girl Scouts of the USA, this month celebrating 90 years of building character and enhancing the life skills of our Nation's young women. The contributions and achievements of this outstanding organization have endured for nine decades, helping girls to grow up courageous and strong. I would like to praise the work of the Girl Scouts, and in particular recognize the Girl Scouts of Alabama, who number almost 45,000 girls and women.

Established on March 12, 1912, the Girl Scouts are based on the noble belief that all young women should be given the opportunity to develop physically, mentally and spiritually. Their founder, Juliette Gordon Low, convened that first meeting with just 18 girls from Savannah, GA. Today her vision continues with a national membership of 3.8 million, making the Girl Scouts the largest organization for girls in the world. Over the years the Girl Scouts have remained true to their founding principles, and still abide by the Girl Scout Promise and Law, just as they did in 1912. These principles emphasize honor, accountability, courage, respect, God and country and are valuable lessons for our young women to incorporate into their lives.

Girl Scouting has had a tremendous impact on the evolving role that women have played in our country over the past ninety years. The leadership qualities, self confidence and creative thinking that the Girl Scouts teach are all qualities essential in good citizens and great leaders. Indeed, two-thirds of female doctors, lawyers, educators, community leaders and even women members of Congress were once Girl Scouts. It is a true testament to the Girl Scouts that many of these women believe that Girl Scouting has had a positive impact on their lives.

The Alabama Girl Scouts are celebrating their 90th anniversary by helping to promote literacy with their "Books for Alabama Kids" project. The seven Girl Scout councils in Alabama have been collecting children's books over the past 6 months to be donated to schools in the counties in which they were collected. Tomorrow the books will be presented on the Capitol steps in Montgomery. I would like to commend the Alabama Girl Scouts for their community service and dedication to promoting literacy in the state.

I would like to acknowledge the nine decades of excellence of the Girl Scouts. We have seen tremendous changes in our country over the years, and they should be proud to have adapted and flourished. It demonstrates that building character and preparing for the future are qualities that never go out of style.

Mr. NELSON of Florida. Mr. President, it is with great pleasure that I rise today to recognize the Girl Scouts for their service to our country over the last 90 years. This anniversary marks the day Juliette Gordon Low assembled 18 girls from Savannah, GA, for the Girl Scouts' first meeting, and celebrates the many wonderful moments this organization has enjoyed while growing to its current size of 3.8 million members.

Their mission to help all girls grow strong provides not just inspiration and guidance to those within their ranks, but serves as an example for all the Nation's young women. Through service to society and the development of values, self-confidence and integrity, the Girl Scouts of the USA are an inspiration to our Nation's youth, and are instrumental in creating the next generation of good citizens and great leaders.

I am proud that Congress last week honored the Girl Scouts accomplishments with the passage of a resolution marking March 10 through March 16, 2002 as "National Girl Scout Week," and I look forward to future opportunities to celebrate this organization's commitment and contribution to our Nation's young women.

TRIBUTE TO SECOND LIEUTENANT MAURICE W. HARPER AND LIEUTENANT COLONEL EARLE ABER

Mr. SESSIONS. Mr. President, I rise today to honor the sacrifice of two American patriots who will be interred tomorrow at Arlington National Cemetery. Second Lieutenant Maurice W. Harper, United States Army Air Corps, a native of Birmingham in the great State of Alabama, and Lieutenant Colonel Earle Aber, United States Army Air Corps, of Wisconsin, gave their lives in defense of this Nation and freedom on March 4, 1945 when the B–17G bomber they were flying was shot down while returning from a mission over Holland.

Over half a century later, the crash site was located and 2nd Lt. Harper's remains, along with the remains of his pilot, Lieutenant Colonel Earle Aber, were recovered in September, 1999 and identified by the Army Central Identification Laboratory in Hawaii. Their aircraft was severely damaged after it was mistakenly hit by British anti-aircraft guns which were firing at retreating German bombers over the English coastline. Lt. Col. Aber ordered the crew to bail-out while he and 2nd Lt. Harper struggled at the controls of their damaged aircraft. Their selfless actions allowed the other nine members of their crew to bail-out from the aircraft and survive the mission. There was not enough time, however, for these two brave airmen to escape and they perished when the aircraft crashed into the River Stour near Ramsey, England. The remains of both of these fine young men, that could be identified, were returned to their families. Unfortunately, not all of the remains could be positively identified. The co-mingled remains of these two fine Americans, still together after 57 years, will be laid to rest together at Arlington National Cemetery on March 22, 2002.

I would also like to take this time to thank the professionals at the Army's Central Identification Laboratory in Hawaii who continue their labors to identify the remains of our fallen sons and daughters and return them to their loved ones.

These two fine gentlemen, members of the "greatest generation," deserve the gratitude of this great Nation. I know the Members of the Senate will join me in honoring the sacrifices of these two brave men and expressing our deepest condolences and heartfelt thanks to their families as they lay their loved ones to rest tomorrow in the hallowed ground at Arlington.

STAYING THE COURSE IN AFGHANISTAN: THE NEED FOR SECURITY

Mr. BIDEN. Mr. President, about 2 months ago I spent half a week in the Afghan capital city of Kabul, and virtually every conversation I had during my time there revolved around a single question: Would America stay the course?

After all our successful military actions, after all our promises on reconstruction, after all our commitments to prevent Afghanistan from relapsing into chaos and warlordism, would we really have the stomach to get the job done?

Whether I was talking to refugees living in bestial squalor, or to Chairman Karzai in a palace where the electricity barely functione;

Whether I was talking to NATO soldiers in the international security force, to representatives of the U.N. and international humanitarian groups, or to our own American servicemen and servicewomen so valiantly risking their lives for a just cause; whoever I was talking to, the questions remained basically the same: Would we have the steadiness, determination, and commitment to remain engaged? Would we demonstrate the leadership necessary to keep the international coalition together? Would we maintain our resolve for the long haul, once the immediate battles had been won and our nation's attention had started to turn away from this remote and forbidding part of the world?

I will tell you now what I told them then: We can, we must, and we will.

Let me take a few minutes to explain what I mean, and how I see our role in Afghanistan over months and, yes, the years to come. But first, I suggest that we all remember just why we sent troops to Afghanistan in the first place. I can sum it up in three syllables: 9–1–1.

Our rationale for entering the fray was very simple: Our Nation had come under attack, the most horrific single attack we had ever experienced in all our history, and the de facto rulers of Afghanistan were actively sheltering the terrorists who orchestrated this deed. We gave the Taliban every opportunity to surrender Usama bin Laden and his band of thugs, but the Taliban chose instead to link themselves ever more closely to al Qaeda.

The decision to go to war is never easy, but in this case it was inevitable.

The decision was made for us, as I and the rest of the Members here were assembling for morning business on a Tuesday in September.

Our troops have done a truly outstanding job fighting this war, as the recent battle in Shahi-kot demonstrates, the Taliban and al Qaeda are scattered and on the run.

But we always knew that this would be the easy part. As President Bush, Secretary Powell, and Secretary Rumsfeld have correctly noted, our war on terror will be a long one, and we can't expect our early victories to be the final word.

Let's remember that in 1979, it took the Soviet forces no more than 10 days to establish control over every major population center in Afghanistan. The really tough part, we knew from the beginning, wouldn't be ousting the Taliban and al Qaeda—the tough part would be making sure that they stayed ousted.

That is why we have no choice but to stay the course. If Afghanistan returns to a state of lawlessness and disorder, two things are pretty much certain to happen.

First, the Taliban, or some new and equally brutal group, will establish control over all or part of the country, and they will provide safe haven to any terrorists, drug-traffickers and violent insurgents willing to pay their price;

Second, these terrorists will once again use Afghanistan as a base to launch attacks on the United States to destabilize regimes all around the world.

If we don't do the job right, mark my words: U.S. troops will be right back in Afghanistan a year or two down the line, only this time, we will be doing the fighting all by ourselves.

Let us think about that for a moment. The victories we've seen over the past 5 months have been American victories—but they are not only American victories. At every step along the way, we have relied on our Afghan allies for the bulk of the troops on the ground.

Whether we're talking about battles for Kabul or Kandahar, for Mazar-e Sharif or Tora Bora, the pattern has generally been hundreds of American troops spearheading thousands of Afghan fighters.

This pattern is far from perfect—as the porousness of our cordon at Tora Bora and, most recently, Shahi-kot demonstrate, sometimes Afghan troops are no substitute for U.S. infantrymen.

But without our Afghan allies, imperfect as they have sometimes been, we would not have been able to achieve our impressive victories in anything like the time-frame we have achieved them.

And that point is vital to our future strategy: As many people in Kabul told me, from Chairman Karzai right on down to mud-on-the-boots G.I.s patrolling the airbase at Bagram, we have only got one chance to do it right.

As I was constantly reminded, the U.S. pulled out of Afghanistan abruptly in 1989, just as soon as our short-term objectives had been met. If we do so again, I was told time after time, then we had better not expect any Afghans to fight on our side when a new nest of terrorists requires military action in the future.

The stakes, in short, could not be higher. Some people are of the opinion that we can pull out relatively soon, that any future military action would be as "easy" as the present one.

"We've got the most powerful military out there," they say, "we don't need the help of unreliable Afghan and incompetent Europeans—we can go it alone." To anyone who labors under this delusion, I say, take a trip to Afghanistan.

Go there, talk to the people, have a look at the terrain. Anybody who does, I suggest, will return firmly convinced that we must stay the course. We have got to do the job right this time—because it may be the last chance we get.

So what does "doing the job right" entail? There are several parts to the equation—economic reconstruction, building political institutions, clearing minefields, creating the educational, medical, and other infrastructure necessary for long-term self-sufficiency.

But none of these elements are possible without security on the ground. That's the central piece of the puzzle. If we establish security, all else can follow—and without it, nothing else can grow.

For the long term, according to the plans of the U.S. administration and the U.N. organizers, Afghanistan's internal and external security will be provided by a national army and police force.

This is the right way to go, and I fully support all the efforts currently under way to create these institutions. But you can't create them overnight. It takes time to recruit, train, equip, and solidify a truly capable, professionalized force.

In Kabul I received an extensive briefing from Maj. Gen. McColl, the British commander of the International Security force authorized by the U.N. to maintain order in the capital.

Gen. McColl's planners have worked up a detailed strategy for creating an Afghan army and taking at least the heavy weaponry away from local warlords. Even to create a bare-bones force of a few brigades, he found, would take up to 2 years.

So what happens in the meantime? What is happening right now? I am afraid the answer isn't very encouraging. In the meantime—right now—Afghanistan is not-so-slowly falling back into chaos.

The interim government of Hamid Karzai exerts very little control over most of the country: In Herat, Gen. Ismail Khan rules as a semi-independent baron—and entertains emissaries from Iran, who are anxious to expand their sphere of influence.

In Mazar-e Sharif, the brutal warlord Gen. Abdurrashid Dostum has picked up where he left off when he was ousted by the Taliban—and his record suggests that he will take his current duties as Deputy Defense Minister no more seriously than his past promises to virtually every party in the conflict.

In Kabul itself, Defense Minister Fahim maintains the fiction that his own militia, basically the Northern Alliance troops, is serving as a nonpartisan national army.

It is clear to all observers, however, that these soldiers owe their allegiance to Fahim and various sub-commanders—and not to the legally-constituted civil authority.

In the Pasthun areas, a wide array of local warlords play all sides against every other—accepting money and arms from the U.S. and the Taliban alike, even attempting to use American air power to settle their own petty feuds.

There have even been credible reports of various warlords falsely identifying their local rivals as al Qaeda in order to call in American airstrikes—putting U.S. servicemen in harm's way to advance their own sordid objectives.

Meanwhile, Afghanistan's predatory neighbors sit on the sidelines—but not for long. Afghanistan's bloody civil war has long been fueled by arms, money, and recruits drawn from the surrounding nations.

The neighboring meddlers include Iran, Pakistan, Uzbekistan, and Russia, but a variety of other nations slightly further afield have got into the game at one time or another. Each has attempted to reshape Afghan politics for its own narrow interests—to the detriment of the people, and the instability of the region.

All have basically kept their hands off while U.S. troops have ruled the roost. But the moment the last troop transport takes off, expect the jockeying to begin all over.

Ever had a neighbor who pops in to borrow a cup of sugar and invites himself to dinner? Maybe a distant relative who stops by to say "hello," and never seems to leave? Well, the Afghans know how it feels.

They have had to suffer with unwelcome houseguests for thirty years. And they know that as soon as the door is open—as soon as the American troops leave—all of these unsavory interlopers will come flocking back.

So what's the solution? How do we—together with the rest of the world community—provide Afghanistan with a year or two of breathing room to let it build up a national army and police force of its own? There are basically two possible paths.

Have American troops continue to serve as the *de facto* security force, or get the international community to share our burden.

Fortunately, a mechanism exists to make this second option a reality—it's the International Security Assistance Force, ISAF for short, and it can save us from the necessity of being Afghanistan's only policeman.

Right now, ISAF is strictly limited by its U.N. mandate. Its 5,000 troops are confined to Kabul, and even there they have to tread gingerly. The unit is currently under the command of the British, but the Brits plan to transfer command as soon as April.

The entire mandate ends in June—precisely when its continuing presence is most needed to safeguard the Loya Jirga, or Great Council to be convened as the next step in the process of political rebuilding.

So here, in a nutshell, is what we have to do.

First, this international security force must be extended from Kabul to several key sites throughout the country.

It should be expanded to Mazar, Kandahar, and perhaps other cities such as Jalalabad or Gardez. Such an expansion would entail an increase in troop strength from the current 5,000. Some sources say 25,000 troops would be needed, others say the mission could be accomplished with a more modest increase.

I will not presume to venture an opinion on the precise number, I will just say that we should make sure the military planners have as many troops as they deem necessary to do the job right.

This expansion should not and will not interfere with ongoing U.S. operations against Taliban and al-Qaeda remnants.

Currently, the ISAF commander is subordinate in theater to the U.S. commander, and there has been no question of ISAF troops encroaching on American operations. Quite the opposite—ISAF troops are a force multiplier, and free up American assets that would otherwise have to be used to guard and protect bases at transport hubs such as Bagram.

Second, the mandate of the international security force must be extended for 2 years. This would provide sufficient time for the creation of an indigenous Afghan army and police force, and insure a smooth transition to the new Afghan government.

Third, the international security force must be given robust rules of engagement, and all the equipment, airlift, and intelligence necessary to accomplish its mission.

Let's make no mistake here—the troops on the ground are not and must not be blue-helmeted peacekeepers. These are, and must be, peacemakers. We need rough, tough, combat-ready forces, with the ability to take names and impose order.

Fourth, the U.S. must be fully engaged as the mission's guarantor of last resort. That does not necessarily mean we have to send U.S. troops, although we shouldn't rule it out off the bat.

What it does mean, however, is that we commit ourselves to insuring the mission's success.

Maybe we can achieve this goal by providing airlift, intelligence, funding, and diplomatic support.

Maybe we also have to provide the promise of troops extraction, air combat assets, and the ultimate ace-in-the-hole of sending the cavalry to the rescue if things get too hot.

But, one way or another, this is a goal we must achieve—not merely for the sake of Afghanistan, but for the national security interest of the United States.

When I go around the country talking about the need for a robust security force, with the U.S. providing the ultimate guarantee of success, I'm often asked whether that's an implicit call for the participation of American ground troops. It is a fair question, but it's putting the cart before the horse.

I would prefer it if we could accomplish our mission without deploying a single U.S. soldier.

I would prefer it if other nations could do the job without our troops on the ground. And maybe they can.

But my past experience, both in the Balkans and elsewhere, leads me to doubt that this will be possible.

First, there aren't a whole lot of countries out there with the military assets—both human and technological—necessary to get the job done right.

Other countries may be able to provide the bulk of the force, but the presence of even relatively small numbers of American troops can mean the difference between success and failure.

Look at our battlefield results in Afghanistan—the military effectiveness of our Afghan allies has been increased exponentially by the presence of very small numbers of U.S. Special Operations Forces.

These troops not only brought in the heavy artillery, by calling in and targeting airstrikes, they stiffened the spine of the brave, but often young, inexperienced, and poorly trained, Afghan fighters.

Second, and just as important, is the political side of the equation. Without U.S. boots on the ground, the commitment of other nations often starts to falter.

As Maj. Gen. McColl, the British commander of ISAF, said to me in Kabul, "Once you Americans pull your troops out of Afghanistan, how long do you think my Parliament will authorize the deployment of British soldiers?"

Let me be clear: I'm not advocating any specific deployment of American troops. The specifics of any troop deployment is a decision best left to the President, based on a military assessment of what is needed to get the mission accomplished.

My point is merely that we have a mission to accomplish in Afghanistan, and if the deployment of American troops as part of an international force is deemed necessary, we should certainly step up to the plate.

Perhaps we'll be able to continue the status quo—to have U.S. troops currently serving in Operation Enduring Freedom serve as the *de facto* back-up squad for ISAF troops.

Some voices decry using American troops as "policemen," and urge that peace operations be left to other nations. But every big-city police force needs a SWAT team to handle the real bad characters. Perhaps the U.S. can serve as the SWAT team for an expanded U.N.-mandated security force.

But we shouldn't be afraid to have our troops integrated to an international force of peacemakers in Afghanistan. Our experience in the Balkans shows that we can work with our NATO allies, and other countries, to make such forces the instrument of U.S. policy.

And, as a survey of top brass recently released by the "Peace Through Law Education Fund" argues, such operations can be a huge benefit to American military and political objectives.

Not all of the generals quoted in the report will agree with all of its recommendations, and the survey was undertaken prior to the campaign in Afghanistan. The opinions expressed related to peace operations in general, not to ISAF in particular.

But I think the most valuable part of the report is the wide selection of direct quotes from some of our most respected military commanders.

I would like to share a few of these observations—all of them made by American commanders with far more military expertise than I would ever claim to possess.

Taken together, they make what I believe is a convincing case for American leadership on—and, if necessary, participation in—a significantly beefed-up international peacemaking force to be deployed at various sites throughout Afghanistan.

On American involvement in multinational peace operations:

> The nation that has the most influence . . . has to play a number of roles. Peacekeeping, peacemaking or peace enforcement is one of those roles. To walk away from those responsibilities, in my judgment, is to invite questioning of your overall leadership character. As a result, people will start to question you and your resolve for the principles for which you stand.

Gen. James Jones, Commandant of the Marine Corps.

> If the United States doesn't participate, the United States can't lead . . . You can't ask other nations to take risks that you won't take yourself.

Gen Wesley Clark, Supreme Allied Commander, Europe (1997–2000).

> In order for us to have influence, we must be engaged . . . If you're not there on the ground . . . you are not able to really influence what's happening on the ground.

Maj. Gen. Ricardo Sanchez, commander of a NATO multinational brigade in Kosovo, 1999–2000.

> Whether we like it or not, we're the big dog. If someone calls 911, . . . it's the United States of America that answers.

Air Force Lt. Gen. Robert Fogelsong, Assistant to the Chairman of the Joint Chief of Staff, 1997–1999.

> I do not believe that any major humanitarian or peacekeeping effort can be successful, long-term, without the support of the U.S.

Gen. Peter Pace, USMC, now Vice-Chairman of the Joint Chiefs, then CinC of South Com. On unit morale.

> The re-enlistment numbers are far higher in units in Bosnia and Kosovo than they are in units of the U.S. army overall.

Air Force Gen. Joseph Ralston, Supreme Allied Commander, Europe.

> The re-enlistment rates in [US Army, Europe], which has been involved to the greatest extent in peacekeeping operations in the Balkans, are the highest in the Army.

Gen. Montgomery Meigs, commander of NATO's force in Bosnia (SFOR), 1998–1999.

Gen. Jones, Lt. Gen. Fogelsong, and Adm. Dennis Blair say the same thing for Marines, Air Force, and Navy.

> Forget the baloney about people being upset about being down range . . . morale's higher than in garrison.

Gen. Meigs (Bosnia)

> Troops that deploy to Bosnia and Kosovo and other operations like that, have high morale . . . our troops are happiest, morale is highest, when they are out in the world doing what they signed up to do.

Gen. Tommy Franks, CinC of CentCom, now commander of the U.S. campaign in Afghanistan.

On unit readiness and military training.

> I feel very strongly that our operation, let's say in Kosovo, is a very positive net effect for the following reasons. The training that the young NCO and younger officer gets is far superior to what he or she would be getting if they were in Germany—because they are dealing with real world problems, 24 hours a day . . . That's what being a troop leader is all about. Their individual, small unit skills, squad level, company, battalion—it's far better training than what they get back in garrison.

Gen. Joseph Ralston

> The small unit leader's development in peace operations is phenomenal.

Gen. Meigs—The type of training that isn't available during peace operations is brigade and division level training, but Gen. Ralston notes that this large-scale training is given to troops on a relatively infrequent basis—typically only once every year and a half. He notes that when troops who have served in peace operations are put back in the regular training cycle, they have no troubling picking up where they left off.

The words of these American soldiers, sailors, airmen and marines say it far better than I can. The military and strategic objectives of the United States are often best served by American troops participating in multinational peace operations.

I am not saying we should send U.S. soldiers on such missions merely for their training or diplomatic value. I AM saying that we should recognize the pro's as well as the con's of U.S. involvement in peace operations.

Yes, there are dangers—as President Bush has said, the war against terror will be long, and there will be casualties in the months and years ahead. But the dangers of abdication of our responsibilities is far greater than the dangers of leadership.

We must stay the course in Afghanistan—the whole world is watching. Friends and enemies alike want to know whether we'll follow through in Afghanistan, and if we fail to follow through here, how can we ever convince them that we'll follow through in Yemen, the Philippines, or Indonesia—let alone in Iraq.

But that is the topic for another day.

TAKING CARE OF OUR NATION'S VETERANS

Mr. JOHNSON. Mr. President, over the last few weeks, I have had the honor of meeting with a number of veterans, both here in Washington and in South Dakota. Every time I meet with them, I am reminded of the tremendous sacrifices they have made on behalf of our country. We owe each of them a debt of gratitude that can never be fully repaid.

One of the things we must do for our veterans is honor our past promises. For decades, the men and women who joined the military were promised educational benefits and lifetime health care for themselves and their families. Those commitments have too often not been kept, and I am concerned this is starting to threaten our national security. Veterans are our Nation's most effective recruiters. However, inadequate education benefits and poor health care options make it difficult for these men and women to encourage the younger generation to join today's voluntary service.

In my meetings with veterans, the issue of greatest concern is health care. They want assurances that they will be able to access quality care. Unfortunately, years of inadequate funding for veterans health care has pushed the VA health system to the brink of crisis, and the quality of care is starting to suffer. Let me be clear, this has nothing to do with the men and women who work in the VA health system. They are dedicated professionals who care about the veterans they serve, but they are being asked to do too much with too few resources.

Veterans were very optimistic when the President mentioned his commitment to veterans health care in the State of the Union address in January. At first glance, it looked as though the President's budget had made a significant effort to fix the mounting funding problems at the VA. But after budget gimmicks, such as $800 million that was included for the first time in the VA budget for federal employees' retirements, the amount of funding that the President has recommended for veterans health care falls far short of the promised $2.2 billion increase. Instead, it is only about $1.4 billion more than last year.

I am pleased that the Senate Budget Committee, of which I am a member, has recently approved a budget resolution that will provide $1.2 billion more than was requested by the Bush administration for VA health care and $2.6 billion more than was approved in fiscal year 2002. I am hopeful that this level of funding will go a long way toward addressing the critical funding needs in VA health care.

While there is good news about the health care budget, I am concerned about a provision in the President's budget that would establish a $1,500 deductible for Category 7 veterans. Under this new policy, a veteran would be forced to pay for 45 percent of his or her medical care, up to a limit of $1,500 per year. The VA estimates that 121,000 veterans will choose not to be treated at the VA next year if the proposal becomes law. This would include several thousand in South Dakota. I know this is an attempt to ask veterans who make more money to contribute more to their own health care. However, the way in which the VA determines Category 7 status is unfair, particularly to many veterans in South Dakota. Category 7 veterans are those who lack a disability related to their military service or whose income is higher than the current VA eligibility standards. The current income standard is $24,000 annually for a single, or $28,000 for a couple, and applies to 40 percent of the veterans in South Dakota. Assets, such as land, are included in the calculation of income. This is a concern for many farmers and ranchers in my state who may own land worth a considerable amount, but whose actual yearly income is well below the VA threshold. The administration's proposal to impose a $1,500 co-pay on all Category 7 veterans would be particularly onerous on these veterans.

I would also like to note the concern some veterans have raised about a new VA regulation that increases the price of prescription drugs from $2 to $7 a month. Seven dollars a month for a prescription is still relatively inexpensive, and given the lack of prescription benefits under Medicare, many older veterans still benefit greatly from this VA service. However, when you look at longer waits for appointments, cuts in VA services, and the proposed $1,500 co-pay for Category 7 veterans, this increase in prescription costs is seen as yet another example of the erosion of veterans benefits.

One of the positive steps in VA health care has been the shift away from a health system based on lengthy, in-patient hospital stays, to a system focused on preventative, outpatient care. This shift has vastly improved patient care. It has also proven to be popular with veterans, as demonstrated by the large numbers currently utilizing the Community Based Outpatient Clinics, CBOCs. These community based clinics are particularly important in rural States like South Dakota. By placing clinics in local communities, we increase access to care by cutting down the amount of time a veteran must spend travelling. Greater access to nearby care means veterans are likely to seek medical attention before an illness becomes a major health problem.

This new access to clinics was threatened in South Dakota when budgetary constraints prompted the VA to put a moratorium on enrollment in CBOCs in Aberdeen, Rapid City, and Pierre. This caused concern among veterans in the areas around the clinics who were told their only option for health care was a multiple hour drive away. After working closely with the VA, the enrollment caps appear to have been lifted. I will continue to monitor this situation and will work with Secretary of Veterans Affairs Anthony Principi to ensure all eligible veterans continue to have access to these clinics.

I believe we in the Senate should commit to making this the year we finally address the issue of concurrent receipt of military retirement benefits. Under current law, military retirees cannot receive both full military retirement pay and full VA disability compensation. Instead, retirement payments are reduced by the amount received in disability compensation. Changing the law to allow for concurrent receipt of benefits is an issue of basic fairness because both military retirement pay and VA disability compensation are earned benefits. Retirement pay comes after at least 20 years of dedicated service in the Armed Forces and VA disability is earned as a result of injury during time of service.

I have been working with South Dakota veterans and my colleagues in the Senate for several years to fix this problem. Last year, the Senate adopted an amendment to both the fiscal year 2002 budget resolution and to the fiscal year 2002 Defense authorization bill to include funding to correct this problem. Unfortunately, despite strong support in the Senate, the language to allow concurrent receipt was removed from last year's budget resolution during the conference with the House of Representatives. In the Defense authorization bill, Congress agreed to allow concurrent receipt, but only if the administration included authorizing legislation as a part of the fiscal year 2003 budget request.

I was very disappointed to discover that the President's fiscal year 2003 budget request did not include provisions for concurrent receipt. I recently sent a letter to the President expressing my regret at his decision not to address concurrent receipt and asking him to work with Congress to address this urgent matter. I am very pleased that the Senate version of the fiscal year 2003 budget resolution includes a provision to phase in full concurrent receipt for veterans who are 60–100 percent disabled as a result of their military service. This is only a first step, but a positive step. At a time in which we are asking more and more from the men and women serving in the military, we should be looking for ways to encourage them to make a career in the military by improving benefits and assuring them they will be taken care of in retirement.

Another priority for me is improving educational benefits for veterans. Unfortunately, the current GI bill fails to keep pace with the rising costs of higher education. Less than one-half of the men and women who contribute $1,200 of their pay to qualify for the GI bill actually use these benefits. Last year, I joined Senator SUSAN COLLINS in introducing legislation to bring the GI bill into the 21st century by creating a benchmark level of education benefits that automatically covers inflation to meet the increasing costs of higher education. Our concept is a very simple one; at the very least, GI bill benefits should be equal to the average cost of a commuter student attending a 4-year university. The Montgomery GI bill has been one of the most effective tools in recruiting and retaining the best and the brightest in the military. It has also been a critical component in the transition of veterans to civilian life. It is imperative that the Senate passes this legislation this session.

I am also pleased to be a sponsor of two other very important bills that will honor the commitments we have made to our veterans.

S. 1644, The Veterans Memorial Preservation and Recognition Act, will protect all veterans memorials on public property by extending current criminal penalties for destruction of property to any statue, plaque, or monument commemorating veterans. The bill also creates a restoration fund—to which individuals or organizations can contribute—to repair and maintain our Nation's veterans memorials. Finally, the bill authorizes States to place supplemental guide signs for veterans cemeteries on Federal-aid highways.

I am also an original cosponsor of S. 2003, the Veterans Benefits and Pensions Protection Act. This bill will help protect veterans from unscrupulous predatory lending. The VA currently prohibits the direct sale of veterans pension or disability benefits. However, certain companies are exploiting a loophole in the law that allows them to enter into contracts with veterans to offer them "instant cash" in exchange for future benefit payments. In essence, a veteran agrees to sign away his or her benefits for a selected amount of time, and in exchange, the company agrees to pay the veteran a lump some of money. Frequently, this ranges from only 30 to 40 cents on the dollar. The veteran is then required to open a joint bank account with the company in which the benefits are directly deposited and the company makes the withdrawal. Veterans are often also required to take out life insurance, payable to the company, or use their homes as collateral.

S. 2003 will close this loophole and authorize education programs to inform veterans about the danger of this scam. The bill has been endorsed by the Disabled American Veterans, Paralyzed Veterans of America, Vietnam Veterans of America, and AMVETS.

Mr. President, there are few things more important than those who serve our country in the Armed Forces. As a nation, we need to take care of these men and women, not only while they wear the uniform, but also when they become veterans. I look forward to continuing to work on behalf of the veterans of South Dakota and the Nation.

GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, I rise today to recognize the 181st anniversary of Greek Independence that will be celebrated Monday, March 25. Not unlike our founding fathers who sowed the seeds of the American revolution by forming the underground society, the "Sons of Liberty," Greek patriots seeking democracy established the "Friendly Society" in Odessa in 1814. Their ideals spread and the Greek people eventually rose up on March 25, 1821. This day would mark the beginning of an 8 year struggle against the might of the Ottoman Empire which had ruled Greece for 400 years. In 1829, the Greeks were the first to win their independence from the Ottoman Empire, and were formally recognized in 1832. Their success spurred on other groups.

But this 19th century revolution was not the first time the Greeks had contributed greatly to our world. In ancient times, Greek civilization established traditions of democracy, society and culture that resonate today. These Greek cultural accomplishments deeply influenced thinkers, writers and artists, especially those in ancient Rome, Medieval Arabia, and Renaissance Europe. Modern democratic nations owe their fundamental political principles to ancient Greece. Because of the enduring influence of its ideas, ancient Greece is known as the cradle of Western civilization.

In fact, Greeks invented the idea of the West as a distinct region because they lived west of the powerful civilizations of Egypt, Babylonia, and Phoenicia. Today we continue to marvel at their advances in philosophy, architecture, drama, government, and science, with people worldwide enjoying ancient Greek plays, studying the ideas of ancient Greek philosophers, and incorporating elements of ancient Greek architecture into the designs of new buildings.

So I am proud to recognize the continued contributions of today's Greek-Americans to our country and my home State of Rhode Island. Although the earliest Greeks to come to America were men of the sea, sailing with Christopher Columbus, Ferdinand Magellan and other Spanish expeditions to the New World, today's Greek Americans are involved in all aspects of American business and society, contributing with their hard work and active citizenship.

I would also note that the Greece-US relationship has deepened over the years and there are extraordinary opportunities to strengthen it even more. We share mutual concern for greater security, stability and prosperity in the Mediterranean, Southeastern Europe, and the Caucasus. The Greeks have traditionally been active as well as a force of progress in these regions and their experiences will help the United States as the two countries partner to face the challenges of the new century.

I am proud to join many of my colleagues as a co-sponsor of Senate Resolution 214 which designated March 25, 2002 "Greek Independence Day: A National Day of Celebration of Greek and American Democracy." I give Greek Americans my best wishes as they celebrate Greece's independence.

Mrs. FEINSTEIN. Mr. President, over the past few days and weeks the drumbeat for war against Iraq has been rising in both volume and tempo. I rise today to express my concern, and to urge President Bush to proceed with care and prudence.

At a minimum: the United States must first exhaust every diplomatic solution that might avoid war, with war seen as a last resort; the United States must assure sufficient international support, similar to the coalition that made the Gulf War viable; and, the administration must fully consult with Congress, which has a significant constitutional obligation in this matter, and receive proper authorization.

Let me be clear: There is little question that Iraq poses a grave risk to the United States and our friends and allies. How to deal with Iraq remains, as it has for over a decade, one of the top foreign policy priorities for the United States.

At this point we can not and should not lose sight of the fact that we still have considerable work to do in Afghanistan. Rushing precipitously towards another military confrontation, unless the need is imminent, would not be prudent.

We are all aware of the nature of the threat: Iraq under Saddam Hussein seeks to develop WMD, has used these weapons against its own people, has invaded its neighbors and threatened others in the region with its missiles.

And we are all well aware that Iraq, having agreed to United Nations inspectors after its defeat in the Gulf War a decade ago, banned them in 1998. For 4 years the international community has had no access to Iraq and no ability to inspect its weapons facilities.

The administration believes Iraq is continuing to develop chemical and biological weapons, and is seeking nuclear weapons. As a member of the Intelligence Committee I believe that the administration is correct in this assessment.

And the administration has argued that Iraq's weapons of mass destruction must be dismantled before President Saddam Hussein forms an alliance with Al Qaeda or other terrorist groups.

It is critical, therefore, that the United States, through the United Nations, seek additional inspections, under a "go anywhere, anytime" inspection regime, to provide Iraq with the opportunity, one last time, to either work with the international community on this issue or, by its refusal, admit guilt and face the consequences.

I also believe that it is critical that, should an imminent threat require U.S. action, that the Administration come to Congress to seek its judgment and assent.

The resolution authorizing the use of force against the September 11 attackers provides the President authority to take military action only against those groups, individuals, or nations who aided in the September 11 attacks, or harbored those involved.

It states: "The President is authorized to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001, or harbored such organizations or persons, in order to prevent any future acts of international terrorism against the United States by such nations, organizations, or persons."

On its face, then, this resolution is both narrow and specific, in that it applies only to the September 11 attacks.

In order to take action against Iraq under this resolution, the President must determine both that Iraq has harbored any Al Qaeda members, or anyone else who aided in the September 11 attacks, and that such an attack would "prevent any future acts of international terrorism," as also required by the resolution.

On the other hand, if the President attacks Iraq simply to destroy its weapons of mass destruction, which may be a justified action under certain circumstances, this resolution does not provide the authority for such an attack. Iraq's WMD program, if not directly linked to the September 11 attacks, is a separate issue not covered by the September resolution.

In such a circumstance the President would need to, must, seek an additional authorizing resolution from Congress.

I was pleased to see that Secretary of State Powell has indicated President Bush will fully consult with Congress before any military action is taken against Iraq.

It is imperative that we comply with the provisions of the War Powers Resolution, a joint legislative act that will ensure: "The collective judgment of both Congress and the President will apply to the introduction of United States armed forces into hostilities."

Given the gravity of placing potentially large numbers of America's forces in harm's way, I think anything less than such a "collective judgment" would tarnish the sacred trust our people have in their government.

As our colleague Senator BYRD wrote in The New York Times earlier this week: "The Constitution states that the President shall be commander in chief, but it is Congress that has the constitutional authority to provide for the common defense and general welfare, raise armies, and to declare war. In other words, Congress has a constitutional responsibility to weigh in on war-related policy decisions."

The challenges in taking action against Iraq underscore the need for the United States to work with our friends and allies in the region and elsewhere if we are to take effective action against Iraq.

The administration has made great strides in creating as wide an international coalition as possible for action against terror and terrorists, it must do likewise for any action against Iraq.

In contemplating any such action against Iraq, we must consult with allies and build the kind of coalition that supported our efforts in the Gulf War, especially those countries whose peoples and governments are bound to be affected by such an undertaking.

We should not take action against Iraq until both we, the American people and our regional partners, are convinced of the reasons for so doing and that there is a clear mission and goal in mind.

The United States must also consider carefully the consequences of precipitous action.

Can we assure our regional partners that our actions will not involve the de-stabilization of the region?

Might unilateral unsupported action against Iraq result in attacks against close allies such as Israel or protests against regional leaders in Egypt, Saudi Arabia or Jordan?

Following any military action, are we prepared militarily and financially to remain in the region until Saddam is removed, the people of Iraq are free, and a viable democratic government is in place?

These are complex questions to which there may be no easy answers. But they are questions that must be addressed before we take any action if those actions are to be successful and the results, enduring.

If this matter is not handled properly, there is a profound risk that the Middle East will be further destabilized, and place U.S. interests in the region and in the war against terrorism in jeopardy.

None of us has the wisdom or foresight to see where this war will lead us, how long it will last, or when it will end.

But we are all foursquare in our determination that we, and all civilized peoples, succeed.

I offer my thoughts and comments today not as a criticism of the administration, but rather because I feel that we have a deep obligation to make sure that as we proceed with this endeavor we do so with thoughtfulness, not afraid to ask the tough questions that must be asked or address the issues that must be addressed, and with the unity of purpose that will guarantee our success.

GUN-RELATED DEATHS ARE STILL TOO HIGH

Mr. LEVIN. Mr. President, the Centers' for Disease Control most recent National Vital Statistics Report, which measures all causes of death in the United States reports that the death rate from firearm injuries dropped nearly 6 percent from 1998 to 1999. The 1999 gun-death toll was 28,874 persons, the first time the figure has dropped below 30,000 since national statistics on gun deaths were first kept in 1979. Preliminary data indicate that there was likely another significant decline in 2000. These are encouraging statistics, but the number of people killed by guns each year is still far too high.

There are several important pieces of legislation before the Senate that were designed to address gun violence. On April 24, 2001, Senator REED introduced the "Gun Show Background Check Act." This bill would close a loophole in the law which allows unlicenced private gun sellers to sell guns without conducting a National Instant Criminal Background System check. I cosponsored that bill because I believe it would be an important tool to prevent guns from getting into the hands of criminals and other people prohibited from owning a firearm.

The "Use the National Instant Criminal Background System in Terrorist Investigations Act" was introduced by Senator KENNEDY and SCHUMER in the wake of September 11. This bill would reinstate the 90-day period for the FBI to retain and review NICS gun purchasing data records for irregularities and criminal activity. The need for this legislation was demonstrated when the Attorney General denied the FBI access to the NICS database to review gun sales to individuals they had detained in response to the terrorist attacks. I am pleased to be a cosponsor of this bill and urge the Senate to act on this legislation.

Another important component of any strategy to reduce gun violence is preventing children from gaining access to firearms. Senator DURBIN's "Children's Access Prevention Act" would hold adults who fail to lock up a loaded firearm or an unloaded firearm with ammunition liable if the weapon is taken by a child and used to kill or injure him or herself or another person. The bill also increases the penalties for selling a gun to a juvenile and creates a gun safety education program that includes parent-teacher organizations, local law enforcement and community organizations. I am also a cosponsor of this important bill that would help to curb the thousands of preventable firearm deaths that occur each year.

The statistics I mentioned support the argument that the Brady Law is working to prevent gun-related deaths. However, the number of gun-related deaths is still disturbingly high and more must be done. The bills I support are common sense approaches to gun-safety that deserve the attention of the Senate.

Mr. BIDEN. Mr. President, all of us in this Chamber know the dedication of those on our staffs who work tirelessly to keep us informed and keep this process moving forward. And, once in a great while, a staffer comes along who becomes so much a part of the process, so much a presence in this place, that few can't imagine the Senate without them.

Ed Hall, staff director on the Committee on Foreign Relations, is one of those people.

A dedicated public servant for more almost 25 years now, he has been a rock-solid steady hand, an extraordinary professional, and—above all—a gentleman.

Now he is completing his final week with the U.S. Senate. And we wish him well.

But before he goes, I hope Ed won't mind too much, though I know he will, if I take a few minutes to pay tribute to him. Ed is one of those rare, talented staffers who always seems to know the answer before we ask the question. He always has the facts.

He conscientiously attends to the details of the hearings, the legislation, the briefing books, the negotiations—with a trademark combination of wisdom and graciousness, and without ever expecting a word of thanks, much less an entire speech.

All of us know and appreciate the hard work and dogged efforts of our staffs, but too often it goes unspoken. And rarely is it expressed on the Senate floor. Bud Ed Hall is an exceptional man who deserves exceptional recognition for making what we do here possible.

He is here when most of us arrive. And he is here long after most of us have gone home.

He is one of the most decent, hard-working, fair-minded and open-hearted men I have met, loyal almost to a fault, a professional with no agenda but to promote the work of the committee, and to look after its staff.

Ed is perceptive about human nature and profoundly patient with it. But what has always impressed me is his encyclopedic grasp of the legislative process, along with expert insight into parliamentary procedure.

It takes that kind of experience, wisdom and finesses to get things done around here, and make no mistake, Ed Hall gets things done.

Ed developed these traits, I am sure, at Harvard and Michigan, as an Assistant U.S. Attorney, then in private practice, the Marine Corps Reserve and through a series of positions of distinction on Capitol Hill.

He started in 1975 with Senator Claiborne Pell on the Rules Committee, moving 3 years later to the Commerce Committee as Chief Counsel for Senator Howard Cannon.

Then Ed practiced law for a while in Idaho, but as anyone who knows him could tell you, Ed Hall is no simple country lawyer, to borrow a phrase that was popularized by my Senate colleague Sam Ervin, who was here and Ed and I first arrived, so he came back to the Senate as Chief Counsel on the Foreign Relations Committee, again working with Senator Pell.

A few years later, I had the good sense and the good fortune to retain Ed as Minority Staff Director.

If there is one thing that I think I will always remember when I think of Ed, it is his unique take on the legislative process and the goings-on of the Senate.

He has been known to say that if you know what to listen for, you learn after a while that the Senate produces a kind of music, combining rhythm, pace and melody wholly unique to this place.

Ed Hall has always known what to listen for.

As both minority and majority staff director, Ed's role has been a kind of conductor, orchestrating our work to the music of the Senate.

During my time on the committee as ranking Democratic member, and then as chairman, Ed oversaw Senate consent to ratify the chemical weapons convention, the reorganization of the U.S. foreign affairs agencies, the debate deciding the expansion of NATO, and the establishment of a way to pay our country's arrearage to the United Nations.

He did it in close coordination with his Republican colleagues on the committee—sometimes at odds over small matters of language. Sometimes at odds over major issues of fundamental principle. But Ed has always bridged the gap.

He treats all parties with respect, and tries to accommodate all interests involved. His success in so doing is evidenced by the close personal friendship he shared with Admiral James "Bud" Nance, Staff Director for my distinguished colleague from North Carolina, Chairman HELMS, until Bud passed away in 1999.

Bud and Ed genuinely cared for one another, and the maturity and mutual approval that they brought to the job filtered down through all the ranks of their respective staffs.

It is not for nothing that some of the younger staff members refer to Ed Hall as "Daddy Ed." He has led by example, bringing out the best in those for whom he is responsible and helping them feel that what they do is more than a mere job.

But, though I can't imagine where he finds the time, Ed Hall's work doesn't end when he leaves his office.

Ed's collaborative and caring approach to working with others is consistent with his religious convictions. He has been modest about them while in the office, but generous in expressing his faith through intense involvement in community affairs.

Ed has long been active in the work of "The Green Door," a nonprofit organization that helps the mentally ill achieve independence and self-sufficiency.

He is a member of the board of directors for Episcopal Relief and Development, which provides assistance to those in need in the United States and abroad.

And he has been an at-large trustee for the Virginia Theological Seminary, where he will soon be vice president for Institutional Advancement.

We can only hope that Ed's new position will give him more time with his family. To his wife, Sherry, let me say thank you for all the times she kept his dinner warm on my account.

Ed Hall has always seen to it that I receive the best possible preparation for a speech, and that the staff maintain a modest collection of quotations for such occasions, and that it is always at hand.

So it will be no surprise if Ed recognizes something that the English essayist G.K. Chesteron once said:

> The Christian ideal has not been tried and found wanting; it has been found difficult and left untried.

Well, I am here to tell you that while some may have found it difficult, and perhaps some have not tried hard enough, Ed Hall is living proof of a transcendent ideal that people of all convictions will recognize: he is an abundant spirit, a humble soul.

He is a pillar of this institution. In a place where turnover is the order of the day, he has been a rarity, and he leaves a legacy of service for which the Senate will be forever grateful.

I ask my colleagues to join me in saluting Edwin K. Hall.

DEPARTURE OF WALLY BURNETT

Mrs. MURRAY. Mr. President, as chairman of the Transportation Appropriations Subcommittee, I rise to express my regret that the subcommittee will soon be losing one of the most treasured members of its staff. Wally Burnett, our minority clerk, will be moving on to other opportunities at the end of this week. I know that I speak for all members of the subcommittee in wishing him well and thanking him for his fine service.

Wally Burnett brought a wealth of experience to the subcommittee staff given his prior experience as Deputy Assistant Secretary of Budget and Programs at the Department of Transportation during the administration of President George H. Bush. More importantly, Wally brought to his position a strong sense of fairness, decency, and a desire to do the right thing. This trait could be seen across all of the Transportation bills that Chairman Stevens and Chairman Shelby ushered through the Senate.

While Wally always demonstrated a strong sense of duty to the entire Nation, Wally never forgot that he is an Alaskan. And while Wally could not always be depended upon to wear a jacket to subcommittee and full committee meetings, he could be depended upon to provide his most expert views in an informed and balanced manner. I will always be grateful for the many courtesies that Wally demonstrated toward me, whether I was serving as a junior minority member of the subcommittee or as subcommittee chairman.

As Wally leaves his position in the Senate, I wish him the best of luck in his new endeavor. I also express my hope that his tirelessly patient wife, Kristin, and his children, Tucker and Mattern, will finally see more of him.

ADDITIONAL STATEMENTS

LEADERSHIP AT THE UNIVERSITY OF KENTUCKY

• Mr. MCCONNELL. Mr. President, today I recognize the achievements of a great Kentuckian. Dr. Lee Todd has not yet completed his first year as President of the University of Kentucky, but he has already left his mark on Kentucky's largest public educational institution. His approach to academic governance has earned him the accolades of both the students and faculty of the University of Kentucky, as well as from local community leaders.

Dr. Todd's success at UK should not come as a surprise. As an alumnus of the University, he understands the interests and passions of the students. His training and tenure as an academic has given him a detailed understanding of the challenges and needs of the faculty. And his career as a successful businessman has well-prepared him to forge an efficient and responsive administration that is dually committed to crafting excellence in education and enhancement of UK's endowment. I have no doubt that he will succeed at both goals.

Building upon the achievements of his predecessors, Dr. Todd has continued to bring top-notch research and teaching faculty to Kentucky. In addition, he has forged greater cooperation with and stronger ties to the Lexington community—a relationship that promises to be mutually beneficial. From UK's truly exceptional Medical Center to its important agricultural research, the University of Kentucky is not merely a preeminent state educational institution, but a tremendous asset to the Lexington community and the entire Commonwealth of Kentucky. Likewise, President Todd has worked to create a partnership with the federal government, a partnership I look forward to continuing in the future.

President Lee Todd has brought with him innovative ideas and a commitment to excellence at the University of Kentucky. I hope that the students of the University and the people of Kentucky are lucky enough to have President Todd at the helm for a very long time. Kentucky is fortunate to be able to claim Dr. Todd, his wife Patsy, and his children Troy and Kathryn as citizens.

I hope my colleagues will join me in thanking Dr. Todd for his service to the Commonwealth of Kentucky and to higher education.•

IN HONOR OF PHILIP AUTHIER, MPN, RN

• Mr. JOHNSON. Mr. President, today I congratulate Philip D. Authier, MPN, RN, 2002 President of the American Organization of Nurse Executives, AONE.

Philip Authier is also Vice President of Patient Care at St. Mary's Healthcare Center, in Pierre, South Dakota. Among his many accomplishments, Mr. Authier, has been a member of AONE for 17 years and served on the AONE Board of Directors from 1995 to 1999. During this time he also served on AONE's Finance Committee and as a AONE representative to the Region 6 Regional Policy Board of the American Hospital Association. In addition, he is a past president of South Dakota Organization of Nurse Executives and has chaired the finance and nursing policy committees of the South Dakota Board of Nursing. In 2000, by a national membership vote, he was elected President-Elect for a one year term beginning January 1, 2001, and took on his current position as President this past January.

As President, Philip Authier will help lead the AONE in its mission to facilitate excellence in the nursing practices; to offer professional development opportunities; to influence health policy; and to support research and development in nursing administration. His experience and expertise will help to achieve the important goal of improving the recruitment and retainment of individuals to this very important profession. I am confident that his experience and expertise within this profession will help to achieve these goals.

Once again, I commend and congratulate Philip Authier, a fellow South Dakotan, on his national leadership role in helping to address the needs and concerns of the nursing profession throughout the country.●

A POEM BY DEBBIE ROGERS

● Mr. HUTCHINSON. Mr. President, I ask to have printed in the RECORD, a poem by a constituent of mine, Debbie Rogers, on behalf of the victims of September 11, 2001.

The poem follows.

GOD BLESS THE USA

Twin Towers once stood regally, but majestic in the sky,
Pure evil took them down today, Americans stand and cry.
Two planes marked for death, as the world observes them crash,
Once titanic against the skyline, now scattered in debris and ash.
Four planes all together, carrying innocent lives on each one,
Leaving disbelief and carnage, when the hellish butchers were done.
There was no kind of warning, no message did they send,
And the total devastation, is so hard to comprehend.
Emergency Crews work frantically, keeping hope always alive,
They dig with bleeding hands, praying someone does survive.
Thousands hurt and missing, death lingers in the air,
Families in such torment, the world mourns in deep despair.
Our whole world has been disrupted, as we watch the breaking news,
Praying they find survivors, and all the missing clues.
We need closure for the families, and justice for us all,
We'll deal with this catastrophie, as Americans we stand tall.
Were proud to be Americans, we won't take this without a fight,
We won't cease in determination, till this wrong is made a right.
We'll rise above the smoke and ash, remembrance in our heart,
Of all the innocent families, these monsters tore apart.
Now vengeance seems to call, like a beacon in the night,
God forgive our thoughts two wrongs don't make a right.
But we'll stand on honor and justice, there'll be a reckoning day,
This deed won't go unpunished, God Bless the U.S.A.

In Honor and in Memory, September 11, 2001, by Debbie Rogers.●

PORT OF CHARLESTON SHOULD LIVE WITH NATURE'S TOLERANCES

● Mr. HOLLINGS. Mr. President, I want to share with my colleagues an excellent column by Thomas E. Thornhill that appeared in Charleston's The Post and Courier on March 15, 2002. Mr. Thornhill points out the need to balance the environmental and esthetic consequences of expanding the port of Charleston with the economic benefits such expansion brings.

As we debate what to do with the Alaska National Wildlife Refuge as part of the energy bill, I think it is important to add to our dialogue a perspective from someone who has seen the consequences of expansion in South Carolina, and who believes that nature mismanaged retaliates with relentless vengeance.

I ask that the article be printed in the RECORD.

The article follows.

[From the Post and Courier, Friday, Mar. 15, 2002.]

PORT OF CHARLESTON SHOULD LIVE WITHIN NATURE'S TOLERANCES

(By Thomas E. Thornhill)

How about a different slant on the port expansion issue? Do we really know what Charleston Harbor can tolerate? This is a finite body of water which has some limitations dictated by nature. Yes, expansion of the port facilities will mean more business, more trucks, more highway building, etc., but what will it do to our rivers and harbor?

My brother and I have been working for water and soil conservation for over 40 years. Our father coined the phrase, "Nature mismanaged, retaliates with relentless vengeance."

We, the citizens, and the Corps of Engineers mismanaged nature with the diversion of the Santee River into the Cooper River, and we're still paying for it. We were pumping enough mud out of Charleston Harbor to cover peninsular Charleston by about 6 feet each year. That was reduced with another diversion or rediversion canal, but the mud continues to build up—just look at Drum Island and the Cooper side of Daniel Island—tons and tons of spoil pumped from the rivers..

We are not a locale of deep water; let's recognize that. You need only spend a few days in our creeks and marshes to know that we have that wonderful pluff mud, the nursery grounds for the Atlantic Coast fisheries, that does not and will not stay in place like rock and sand of other ports.

Waterside construction causes the natural flow to slow and, in short order, the mud builds up. How else would we have land east of East Bay Street, which was the city sea wall. Look at the SPA Passenger Terminal, Yacht Basin, Maritime Center—full of mud. Examine the land around the Sheraton Hotel or Comfort Inn along the Ashley. It's sinking. There is no way to contain our mud except by gentle slopes and marshes.

As we dig our channels deeper and deeper, we are mismanaging nature. We cannot dig 50-foot ditches in our rivers without causing sloughing off of the shoreline, the changing of the flow of our rivers, and the sinking of our highlands. The harbor jetties are blamed for the demise of Morris Island so that the lighthouse is now at sea. The jetties are blamed for changing the geography on Folly Island. Breakwaters, jetties and revetments are now outlawed as they caused more erosion that they were designed to cure.

Charleston Harbor has limits dictated by nature. We cannot continue to defy natural laws by overbuilding our shorelines, packing our marshes with silt and fill, and overpopulating our water courses. We cannot be one of the largest shipping ports in the country and yet have the finest harbor resource on the East coast. We cannot fill our waterfronts with docks and still be America's Most Historic City and have the quality of life that goes with it. We cannot double the amount of super ships and still have one of the finest recreational and scenic harbors in the world—to say nothing about the inability of our transportation network to handle the additional load.

Trucks are clogging I–26 and I–526 on any workday. Driving a car is hazardous. The State Ports Authority has done a magnificent job to make our port facilities and service the envy of the world. With this same talent, they now need to find a future that can live within the environmental restraints that nature has dealt us. Perhaps their future should be planned as though Daniel Island did not exist—the filling of those marshlands is damage enough. We must not, as the Bible teaches, "sell our birthright for a mess of pottage."

As a port, we should live within the hand dealt us by nature. As a port city, we should do the best with what we were given to save it for future generations. Remember that thousands of acres of marsh have been destroyed just to keep the harbor dredged and remember that every structure on a waterway or beach causes erosion problems elsewhere. Of course the Port produces jobs and economic benefit (it always has and will), but the incremental increase gained by increasing the size of port facilities is to the profit of a relatively small amount of the population, while those who live here must shoulder the burden, esthetically, economically and environmentally. "Nature mismanaged retaliates with relentless vengeance."●

IN TRIBUTE TO COLONEL CHARLES E. MCGEE

• Mr. BOND. Mr. President, in these perilous times, citizens who have overcome adversity to serve our nation with distinction deserve to be recognized. I rise today to pay special tribute to an American who has served with distinction as both a fighter pilot and a civilian. In a 30 year military career that included service in three foreign wars, Colonel Charles E. McGee logged over 6,300 flying hours, including over 1,100 hours on more than 400 fighter combat missions.

Colonel McGee's career began with enlistment in the U.S. Army and subsequent training at the Tuskegee Army Air Field in 1942. Upon graduation in 1943, Colonel McGee flew 136 missions with the 302nd Fighter Squadron of the 332nd Fighter Group in the European African Middle Eastern Theater. Tactical missions were flown under the 12th Air Force using the P–39 Aerocobra and then, on transfer to 15th Air Force, strategic missions flying the P–47 Thunderbolt and P–51 Mustang. He returned to Tuskegee as a captain and served as a Twin-Engine Instructor until the close of the base.

Colonel McGee later served in the 67th Fighter-Bomber Squadron, flying the P–51 aircraft on 100 missions during the Korean War, earning him a promotion to Major. In 1953, Colonel McGee returned to the United States to attend the Air Force Command and Staff School at Maxwell Air Base, AL. Upon graduation, he was qualified to fly the F–89 Interceptor and promoted to Lt. Colonel.

In 1967, Colonel McGee received tactical Reconnaissance and RF–4C flight training and was assigned to command the 16th TAC Recon Squadron at Tan son Nhut Air Base. From there, he flew 172 missions in Vietnam, earning the Legion of Merit.

After his tour in Vietnam, Col. McGee was stationed in Europe, where he served USEUR and the 7th Army in Air Liaison duty and was promoted to Colonel. He then served as Chief of Maintenance of the 50th Tactical Fighter Wing. He returned to the United States in 1971 to serve for two years at Richard Gebaur Air Force Base, MO. He served the Air Force Communications Service as Director of Maintenance Engineering and Commander of the base and the 1840th Air Base Wing before retiring in 1973. Over his career, he received many awards, including: the Legion of Merit with Oak Leaf Cluster, Distinguished Flying Cross with two Oak Leaf Clusters, Legion of Merit, Air Medal with 25 Oak Leaf Clusters, Army Commendation Medal, Air Force Commendation Medal, President Unit Citation, Korean President Unit Citation, and the Republic of Greece WWII Commendation Medal.

Colonal McGee's service to his fellow citizens did not end with his retirement from the military. In 1972, he assisted in the founding of Tuskegee Airman, Incorporated. This organization is dedicated to the preservation of the Tuskegee Airman legacy and the motivation of American youth, with a focus on minority youth, toward career interests in aerospace technology. To date the organization has raised over $1.7 million and helped over 500 gifted American students of all races. Currently, Colonel McGee is serving his second term as the organization's Executive President.

Throughout his life, Colonel McGee has shown extraordinary commitment to both our nation and his fellow citizens. Early in life, he overcame a society adverse to the advancement of African Americans and served with distinction in World War II, Korea and Vietnam. Even in retirement, Colonel McGee remains dedicated to the advancement of American youth and our Nation. On behalf of the citizens of Missouri and our great nation, I thank Colonel McGee for a lifetime of outstanding service.•

THE SPEARFISH SPARTANS ARE THE 2002 SOUTH DAKOTA STATE MEN'S "A" BASKETBALL CHAMPIONS

• Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the Spearfish Spartans. The Spartans, under second-year coach Dan Martin, won the South Dakota State "AA" Basketball Tournament March 16 in Rapid City, SD.

Coach Martin's squad went through the 2001–2002 season with only one loss, a double-overtime setback to Gillette, WY, a squad that went on to win its own State title. The Spartans entered the State tournament with an impressive 20–1 mark and defeated Rapid City Central and Watertown before rallying in the final exciting minutes to overtake Sioux Falls Lincoln, 65–61, for the State title. It was the Spartans' first-ever State basketball championship and the first Class "AA" title for a team west of the Missouri River since 1989.

The team was guided this season by the senior leadership provided by Deming Haugland, Aaron Croff, Slade Larscheid and Timm Cooper. Haugland and Croff were joined by Spartan sophomore Matt Martin on the all-tournament team and Haugland received the coveted Spirit of Su Award, for his sportsmanship and actions both on and off the basketball court.

As Coach Martin told "The Black Hills Pioneer" after the title victory, "It was due to a lot of hard work. The boys put a lot of blood and sweat into it and they deserve it." I want to commend and applaud the community of Spearfish for their support of young people. This title reflects that community support. I want to acknowledge Superintendent David Peters, Principal Dr. Dan Leikvold, Athletic Director Karen Hahn, Head Coach Dan Martin, Assistant Coaches Les Schroeder, Dick Tschetter and Pete Wilson for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: seniors Deming Haugland, Aaron Croff, Slade Larscheid and Timm Cooper; juniors Tanner Tetrault, Josh Delahoyde, Turner Johnson and Jared Noem; and sophomores Billy McDonald, Matt Martin, Josh Stadler, Derek Bertsch and Scott Betten, for their hard work, dedication and commitment this season. Finally, I want to acknowledge the great work of team managers Eric Skavang, Wally Byrne, Rachel Brady and Katie Goodnough, and the hard-working efforts of cheerleaders Terra Ketchum, Sarah Hanna, Amber Orce and Angie Koski.

Again, congratulations to the Spearfish Spartans on winning their first State basketball championship!•

CONGRATULATIONS TO TARA LYNN POE

• Mr. BUNNING. Mr. President, I rise today to honor and congratulate Tara Lynn Poe of Paris, KY. Ms. Poe was recently crowned the 2002 Kentucky Cherry Blossom Princess and will serve as ambassador for Kentucky in the historic 90th Cherry Blossom Festival to be held here in our Nation's capital March 30 through April 6.

In 1912, a prominent group of citizens in Japan graciously donated about 3,000 cherry blossom trees, which are not native to North America, to Washington, DC as a symbol of friendship between the United States and Japan. First Lady Helen Herron Taft, who had briefly lived in Yokohama, Japan, decided to bring the beauty of Japan to the then swampy Tidal Basin. Mrs. Taft, along with Vicountess Chinda, wife of the Japanese Ambassador, planted the first two trees on March 27, 1912 in West Potomac Park. These 89 year old trees are still living on the Tidal Basin today. By 1939, State societies across the Nation were recruiting capable and accomplished female college students to be cherry blossom princesses to represent their respective States in the ceremonies and festival parade. The events were and still remain an attempt to educate young women about the history and political makeup of various cultures around the world. Although the festivities experienced a slight delay with the outbreak of WWII in 1941, they soon regained their grandeur in 1948 and were able to help foster the healing process between the United States and Japan. More than 2,500 students have participated in the cherry blossom princess program since 1948.

As a proud representative of the Commonwealth of Kentucky in this year's Cherry Blossom Festival, Tara Lynn Poe, a freshman at Centre College in Danville, KY, will have the unique opportunity to personally meet with President Bush and First Lady Laura Bush. She will be presenting them with a copy of a children's book by Lexington author Paul Brett Johnson for the library foundation. Furthermore, Tara will have the chance to learn from and with her fellow princesses and all involved in the festival about Japan and other countries, international relations, and American culture, politics, and history. On April 5th by a random spin of the wheel, Tara will be eligible to be crowned this year's Cherry Blossom Queen and if selected will be invited to visit Japan, where she will be hosted by local dignitaries, including the Japanese Prime Minister and the Speaker of the Japanese Diet.

Kentuckians should be proud to have Tara Lynn Poe representing the Commonwealth in the Cherry Blossom Festival and I wish her the best in all of her future pursuits.●

THE 200TH ANNIVERSARY OF E.I. DU PONT DE NEMOURS AND COMPANY

● Mr. BIDEN. Mr. President, over the past few weeks, banners have started to appear on light-posts in my home town of Wilmington, DE, announcing the celebration of the 200th anniversary of E.I. du Pont de Nemours and Company, more familiarly and succinctly known as the DuPont Company.

It is a fairly modest call of attention to a remarkable event and a remarkable business institution. DuPont is the oldest company in Delaware, and certainly one of the oldest in our Nation; it has employed hundreds of thousands of people in my State and millions around the world; it is a leader in scientific innovation that has remained dynamic throughout its history, changing with the times and, with more patents than any other American firm, sometimes itself changing the times.

One symbol of DuPont keeping and even setting the pace, will soon be seen by NASCAR fans around the country. DuPont is the primary sponsor of Jeff Gordon's race team, and beginning this month, Mr. Gordon will be driving a special DuPont 200th anniversary car, which was unveiled in Wilmington last fall.

The name DuPont is familiar throughout and well beyond our Nation, but many of our citizens, even NASCAR fans, may not realize how familiar DuPont products are in their daily lives, and may not know much of the history of the company that has endured and evolved, with a central place in our scientific and economic life, and with such great importance to our State of Delaware.

Founded in 1802 by Eleuthere Irenee du Pont, with $36,000 in capital, 18 shares at $2,000 a piece, DuPont began as a gunpowder plant, Eleutherian Mills, on the Brandywine River near Wilmington. By 1811, DuPont was the largest manufacturer of gunpowder in the United States.

Explosives long remained an important aspect of the company. During World War I, DuPont supplied the Allies with 1.5 billion pounds of military explosives, as well as providing American industry with half the dynamite and blasting powder needed for construction and mining. And during World War II, DuPont produced 4.5 billion pounds of military explosives, as well as nylon for parachutes, tents, ropes and other military supplies. The company also contributed to the Manhattan Project, with the Hanford plant in Washington and the Oak Ridge plant in Tennessee, and built and operated chemical plants related to the war effort.

It was in the company's 100th anniversary year, 1902, that three of E.I. du Pont's great-grandsons bought out old partners, and started to move toward diversification, opening Eastern Laboratory and, in 1903, the Experimental Station in Wilmington. DuPont was soon in the dye business, the rayon business, and after a company researcher named William Hale Church made cellophane moisture-proof in 1927, the food packaging business. DuPont research in the 1920s also led to the development of a quick-drying paint for cars, which helped speed the manufacturing process, so DuPont's automotive history goes back a long way.

The 1930s saw the development of, among other products, nylon, the first true synthetic textile fiber, which I mentioned was so important early on in World War II supplies; Teflon®, which evolved in part out of war-related research and which we know from our own kitchen supplies; Butacite®, which is used in shatter-proof glass; and Lucite®.

The 1950s brought the development of Mylar®, which has uses from balloons to insulation, as well as Dacron® polyester, Orlon® acrylic fiber and the well-known Lycra® brand fiber, which can stretch to five times its size without losing its shape. DuPont also started its serious global investment, with the opening of the International Department, in 1958.

In 1964, researcher Stephanie Kwolek, whom I have had the pleasure of meeting, developed the remarkably strong fiber that we know as Kevlar®, which, in its application in body armor, has saved thousands of police officers' lives. Tyvek®, which we see so often as building wrap, was also developed for commercial application in the 1960s, as was Nomex®—where we again give credit to Dr. Kwolek, along with Paul Morgan, for their research. Nomex® is a heat-resistant fiber with a range of uses, the most well known of which is in protective gear for fire-fighters. Corian®, which is now so familiar as a counter-top surface, followed shortly after.

To summarize where DuPont was at the close of the 1960s in terms of its leadership and innovation, especially in textile fibers, I'll note that when Neil Armstrong walked on the moon in 1969, he was wearing a space suit made up of 25 layers; 23 of those layers were DuPont materials.

The DuPont Company has continued to explore science-based solutions to real-world problems in a range of markets, from health care and nutrition to apparel and textiles to performance coatings and polymers to construction and electronics, always working to develop new products and to find innovative applications even for old workhorses like polyester and nylon. Just to note two current efforts, DuPont is undertaking leading-edge work in biotechnology, notably soy proteins, and in polymers, with an advanced technology now known as Sorona®.

Among the many events in this anniversary year, in April, DuPont will be presented with the National Building Museum's 2002 Honor Award, and I am proud to serve on the Leadership Committee for that event. In announcing the award, the Building Museum folks noted, "It is difficult to imagine many aspects of modern construction without DuPont products, which make buildings safer, more durable, and more efficient."

In addition to its industry leadership, the DuPont Company has set the standard, which has been followed by other leading businesses in our State, for outstanding corporate citizenship. The Company has long engaged in generous charitable giving and support of non-profit agencies, both near its corporate home in Delaware and in communities where it operates throughout the world, as well as supporting and encouraging volunteer work and community leadership by its employees. DuPont has made a particular and extensive investment in science education and research, from kindergarten classrooms to university laboratories.

So this 200-year-old Company remains an innovator, an investor in sustainable and successful communities, and a charitable leader in Delaware, across the country and around the world. I have not always agreed with the Board Chairs and CEOs of the DuPont Company over the last 30 years, but I have always respected them, and deeply respected the place of honor that the DuPont Company has earned in Delaware and in the international business community.

So on behalf of the DuPont Company's neighbors and fellow citizens in Delaware, I am proud to honor its 200th anniversary, and to extend congratulations to the company's board, executive leaders and employees, along with our very best wishes for continued success in bringing "The miracles of science"® to life in a way that serves us all.●

JOHN E. ROBSON, PRESIDENT AND CHAIRMAN, EXPORT-IMPORT BANK

● Mr. SARBANES. Mr. President, I rise in tribute to John Robson, the President and Chairman of the Export-Import Bank of the United States, who passed away yesterday morning.

John had a truly remarkable career in both the public and private sectors. Prior to becoming President and Chairman of the Export-Import Bank last year, he most recently had been a senior adviser with the San Francisco investment banking firm of Robertson Stephens. He served as Deputy Secretary of the Treasury under former President Bush from 1989–1992, and was Dean of the Emory School of Business from 1986–88. From 1978–85 he was President and Chief Executive Officer of the pharmaceutical company G.D. Searle. He served as Chairman of the U.S. Civil Aeronautics Board from 1975–77, and was Under Secretary of Transportation from 1967–69. He was a graduate of Yale College and Harvard Law School.

I first worked with John during the crisis in the savings and loan industry in the 1980's. As Deputy Secretary of the Treasury, he served as the Administration's point person in dealing with one of the most serious financial crises since the Great Depression. During that experience, I came to know John as a very tough and determined leader who helped restore stability to an important segment of the U.S. financial system.

Most recently, I worked closely with John in his role as President and Chairman of the Export-Import Bank. In my view, the Bank and the Administration were very fortunate to get an individual of John's experience and stature for that challenging job.

The Export-Import Bank has a crucial role to play in helping U.S. exporters to compete in international markets against foreign companies who receive export subsidies from their governments. However, the Eximbank is often criticized from both the left and the right as providing unnecessary subsidies to U.S. exporters. In addition, the Eximbank also often receives internal challenges within the Administration from the Treasury Department and OMB, who try to assert control over the Bank. John was extraordinarily well suited to provide the leadership to defend the important role the Export-Import Bank plays in U.S. trade policy within the Administration, and to explain that role to the Congress and the public.

I was privileged to work closely with John in crafting S. 1372, the Export-Import Bank Reauthorization Act, which was just passed by the Senate last week. I am hopeful that the Congress will soon complete action on that legislation and send it to the White House for the President's signature. It would be a fitting tribute to John's leadership of the Eximbank.

I would like to extend my condolences of John's wife, Margaret, and his son, Douglas. Our country will miss John's outstanding leadership and dedicated service.●

IN CELEBRATION OF DELANCEY STREET FOUNDATION'S 30TH ANNIVERSARY

● Mrs. BOXER. Mr. President, I would like to take this opportunity to share with the Senate my thoughts on the 30th Anniversary of the Delancey Street Foundation.

It is my great pleasure to honor the extraordinary contributions of the Delancey Street Foundation. Thirty years ago, Delancey Street began offering outstanding self-help services to former felons, substance abusers and the homeless who wanted to build a new life. Today, Delancey Street is one of the most successful drug treatment programs in the Nation and has earned a reputation as an international model for rehabilitation. At no cost to the taxpayer or client, Delancey Street has offered thousands of residents the necessary academic, vocational and interpersonal skills to turn their lives around and become productive members of society. Recently, Delancey Street began a unique partnership with San Francisco State University to provide residents with college degrees. Delancey Street is a shining light for people who have nowhere else to turn.

Delancey Street is all the more impressive because its training schools provide important skills to its residents while providing wonderful services to the community. It now operates five facilities throughout the country, including its headquarters in San Francisco. Delancey Street has many thriving enterprises such as a moving company, print and copy shop, Christmas tree lots, automotive services center and the renowned Delancey Street Restaurant, all run entirely by the residents.

None of this would be possible without the amazing Mimi Silbert, President and Co-Founder of Delancey Street. Her dedication, foresight, business sense and compassion embody the spirit of Delancey Street. I send my warmest congratulations to Mimi and all of the staff, residents, volunteers and alumni on 30 years of success and my best wishes for even better decades ahead.●

HONORING MR. DAVID B. SANFORD, JR.

● Mr. ROCKEFELLER. Mr. President, it has come to my attention that a long distinguished career has come to an end and a new chapter is beginning for Mr. David B. Sanford, Jr. Mr. Sanford, a native of Huntington, WV has retired as Chief, Interagency and International Services Division, Directorate of Military Programs, Headquarters, United States Army Corps of Engineers.

Mr. Sanford is a United States Army veteran with active duty service from 1966 to 1969. He joined the United States Army Corps of Engineers in 1971 working at its Huntington, WV District Office. A native of Huntington, he received his undergraduate degree from Concord College in Athens, WV and attended graduate school at Xavier University in Cincinnati, OH. Mr. Sanford's public service career has been filled with remarkable achievements. Previous to his most recent appointment, he was the Chief of the Civil Works Policy Division, Headquarters, United States Army Corps of Engineers. In 1992, he served as a Water Resources Advisor, through a Congressional Fellowship, to the distinguished Senator Daniel Patrick Moynihan from New York, then Chairman of Environment and Public Works Committee.

Mr. Sanford has been the recipient of several public service awards. He has been honored by the United States Department of the Army for his significant contributions to national policy issues related to water resources and military infrastructure.

Through the years, many members of Congress have relied on Mr. Sanford's insight and advice. He is trusted and respected throughout Washington and the Federal Government. Additionally, he has mentored many young people within the Corps of Engineers, encouraging them to serve their nation to the best of their ability.

David Sanford, Jr. has dedicated nearly 34 years to the United States Army Corps of Engineers, serving with honor and distinction. The Corps public engineering services are renowned as world class. David, as a career member of the Corps elite force, has exhibited the kind of character and leadership that has been associated with the Corps. I am proud that a native West Virginia son has earned the rank of the Senior Executive Service. He has the gratitude of his fellow West Virginians and of our Nation for his years of exemplary service. I know my colleagues will join me in wishing him well in the years ahead.●

CONGRATULATIONS TO RUTH CLAPLANHOO

● Mrs. MURRAY. Mr. President, it is my pleasure to pay tribute to a distinguished elder of the Makah Indian

Tribe in Washington state, Ms. Ruth E. Claplanhoo, whose 100th birthday was March 15, 2002.

Ms. Claplanhoo was born on March 15, 1902 in Neah Bay, Washington, where she still resides. Throughout her life, she has made many meaningful contributions to the Makah Tribe and to the community by selflessly serving others. Through her service, she has demonstrated her strong commitment to family, her cultural identity, and education.

An experienced tribal elder, Ms. Claplanhoo has shared her knowledge of Makah culture with many other people. At an early age she learned the art of basket weaving, which she used to supplement her family's income during the Depression. Her basket weaving skills are so highly regarded that she once traveled to the Smithsonian Institute in Washington, D.C. to demonstrate her gift. Ms. Claplanhoo is also fluent in the Makah language. During the 1960s she taught the language to students at the Neah Bay School. Many of these students still continue the tradition of the Makah language passed on to them by Ms. Claplanhoo.

In addition to teaching, Ms. Claplanhoo worked continuously in other ways to help young people succeed and prosper. While raising her own family, Ms. Claplanhoo also raised many foster children, whom she still cherishes as her own.

As the last of the elders who can remember taking a dugout canoe to the harvest fields, Ms. Claplanhoo continues to preserve the Makah culture by sharing her knowledge of tribal history and language with the Makah Museum.

It is with tremendous respect and appreciation that I send Ruth Claplanhoo my best wishes and congratulations for a century of service to her family, community and country.•

THE CUSTER WILDCATS ARE THE 2002 SOUTH DAKOTA STATE MEN'S "AA" BASKETBALL CHAMPIONS

• Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the Custer Wildcats. The Wildcats under veteran coach Larry Luitjens, won the South Dakota Class "A" Basketball Tournament March 16 in Sioux Falls, SD.

This is the fifth title in a dozen years for the Wildcats and Coach Luitjens. Custer defeated Pine Ridge and Crow Creek to advance to the championship game against long-time State tournament rival Lennox. The Wildcats rallied to win the contest 55–50. Custer had defeated Lennox to claim State titles in 1992, 1993 and 1998. Lennox defeated Custer for the 1991 title. This is the first State title won by Custer since the 1998 championship, when Derek Paulsen hit a game-winning basket. Just over a year later, Derek was tragically killed in an automobile accident.

This year's team included the athletic talents of Derek's brother, Paige, and their father Fred is a long-time Assistant Coach to Luitjens. "It was just four years ago that we were here on this same floor and Derek made the last shot that won the game for us," Coach Luitjens told the Rapid City Journal after this year's title victory. "You can't help but think about him." Guided by the spirit and memory of Derek Paulsen, the team won 20 of their last 21 games. Another special highlight this season came when Coach Luitjens became the winningest coach in South Dakota basketball history.

Luitjens' 35-year coaching career includes stints with DeSmet, SD, and New England, ND, and the long-time coach now has a record of 590–224. Larry's teams from 1989 to 1991 put together a string of 49 consecutive victories, South Dakota's longest winning streak among State "A" teams. Larry is known for his coaching expertise and the quality of teams he puts on the basketball court each year. He is also well-respected for the sportsmanship he instills in his players and the students he mentors each year and the relationships he fosters between his team and other teams in South Dakota, especially teams on South Dakota's Indian reservations.

I want to applaud and commend the community of Custer for their ongoing support of young people. This title reflects that community support. I want to acknowledge Superintendent Tim Creal and Athletic Director Paul Anderson and recognize the dedicated efforts of Head Coach and Principal Larry Luitjens and Assistant Coaches Fred Paulsen, Chris Kolker and Neil Sieger. I congratulate the success and hard work of players Brady Sumners, Travis Meyers, Ben Mueller, Cash Melvin, Paige Paulsen, Michael Burke, Matt Lyndoe, Danny Fool Bull, Michael Arnold and Tyler Custis. Travis Meyer and Tyler Custis were named to the all-tournament team. In addition, I want to recognize the work of team managers Lacey Stender, Cassie Borg, Candi Cullum, Pete Linde, Ryan Scheibe, Spencer Paulsen and Caleb Woods and the special support provided by cheerleaders Amanda Halderman, Ashley Ziemann, Elizabeth Plooster and Shay Larson, under the guidance of advisor Cherri Block.

Again, congratulations to the Custer Wildcats on winning this year's State "A" basketball championship for the State of South Dakota.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 360. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

H. Con. Res. 353. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007.

H. Con. Res. 361. Concurrent resolution directing the Clerk of the House Representatives to make corrections in the enrollment of the bill H.R. 2356.

At 10:23 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3924. An act to authorize telecommuting for Federal contractors.

The message also announced that pursuant to section 2(b) of the National Museum of African American History and Culture Plan for Action Presidential Commission Act of 2001 (Public Law 107–106), the Speaker appoints the following members on the part of the House of Representatives to the National Museum of African American History and Culture Plan for Action Presidential Commission:

As voting members: Ms. Vicky A. Bailey of Washington, D.C., Mr. Earl G. Graves, Sr. of New York, New York, Mr. Michael L. Lomax of New Orleans, Louisiana, Mr. Robert L. Wright of Alexandria, Virginia, Mr. Lerone Bennett, Jr. of Clarksdale, Mississippi, and Ms. Claudine K. Brown of Brooklyn, New York.

As nonvoting members: Mr. J.C. WATTS, JR. of Norman, Oklahoma and Mr. JOHN LEWIS of Atlanta, Georgia.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on today, March 21, 2002, by President pro tempore (Mr. BYRD):

H.R. 2739. An act to amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

H.R. 1499. An act to amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

S. 2019. An act to extend the authority of the Export-Import Bank until April 30, 2002.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 3924. An act to authorize telecommuting for Federal contractors; to the Committee on Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 353. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budgetary levels for each of fiscal years 2004 through 2007; to the Committee on the Budget.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 2804. An act to designate the United States courthouse located at 95 Seventh Street in San Francisco, California, as the "James R. Browning United States Courthouse."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

H.R. 1748: A bill to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building."

H.R. 1749: A bill to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building."

H.R. 2577: A bill to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building."

H.R. 2876: A bill to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building."

H.R. 2910: A bill to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

H.R. 3072: A bill to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the "Vernon Tarlton Post Office Building."

H.R. 3379: A bill to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the "Raymond M. Downey Post Office Building."

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment and with a preamble:

H. Con. Res. 339: A concurrent resolution expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment:

S. 1222: A bill to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building."

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HOLLINGS for the Committee on Commerce, Science, and Transportation.

Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

*James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

*Coast Guard nomination of Rear Adm. (lh) Mary P. O'Donnell.

*Coast Guard nomination of Vice Adm. Thomas H. Collins.

Mr. HOLLINGS. Mr. President, for the Committee on Commerce, Science, and Transportation I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Coast Guard nominations beginning Donald E. Bunn and ending Dale M. Rausch, which nominations were received by the Senate and appeared in the Congressional Record on January 23, 2002.

Coast Guard nominations beginning David W. Lunt and ending Mary A. Wysock, which nominations were received by the Senate and appeared in the Congressional Record on January 28, 2002.

Coast Guard nominations beginning David M. Butler and ending John S. Leyerle, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2002.

Coast Guard nominations beginning Rebecca L. Albert and ending Allison L. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2002.

By Mr. ROCKEFELLER for the Committee on Veterans' Affairs.

*Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

*Robert H. Roswell, of Florida, to be Under Secretary of Health of the Department of Veterans Affairs for a term of four years.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROBERTS (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2040. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BAUCUS:

S. 2041. A bill to amend the Harmonized Tariff Schedule of the United States relating to certain footware; to the Committee on Finance.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2042. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2043. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROCKEFELLER:

S. 2044. A bill to provide for further improvement of the program to expand and improve the provision of specialized mental health services to veterans; to the Committee on Veterans' Affairs.

By Mrs. BOXER (for herself and Mr. SMITH of Oregon):

S. 2045. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

By Mr. CRAIG:

S. 2046. A bill to amend the Public Health Service Act to authorize loan guarantees for rural health facilities to buy new and repair existing infrastructure and technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BREAUX (for himself and Mr. BOND):

S. 2047. A bill to amend the Internal Revenue Code of 1986 to allow distilled spirits wholesalers a credit against income tax for their cost of carrying Federal excise taxes prior to the sale of the product bearing the tax; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. INOUYE, Mr. BREAUX, Mr. NELSON of Florida, and Mrs. FEINSTEIN):

S. 2048. A bill to regulate interstate commerce in certain devices by providing for private sector development of technological protection measures to be implemented and enforced by Federal regulations to protect digital content and promote broadband as well as the transition to digital television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DEWINE (for himself, Mrs. CLINTON, and Mr. DODD):

S. 2049. A bill to amend the Federal Food, Drug and Cosmetic Act to include a 12 month notification period before discontinuing a biological product, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WELLSTONE (for himself and Mr. Dayton):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to treat nominally foreign corporations created through inversion transactions as domestic corporations; to the Committee on Finance.

By Mr. REID (for himself, Mr. Hutchinson, Mr. Warner, Mr. Levin, Mr. Daschle, Mr. Lott, Mr. Kennedy, Mr. Thurmond, Mr. Lieberman, Mr. McCain, Mr. Cleland, Mr. Smith of New Hampshire, Ms. Landrieu, Mr. Inhofe, Mr. Reed, Mr. Santorum, Mr. Akaka, Mr. Roberts, Mr. Nelson of Florida, Mr. Allard, Mr. Nelson of Nebraska, Mr. Sessions, Mrs. Carnahan, Ms. Collins, Mr. Dayton, Mr. Bunning, and Mr. Bingaman):

S. 2051. A bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking effect, and for other purposes; to the Committee on Armed Services.

By Mr. ROCKEFELLER:

S. 2052. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. FRIST:

S. 2053. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. CLINTON (for herself, Mr. Reid, and Mr. Kennedy):

S. 2054. A bill to amend the Public Health Service Act to establish a Nationwide Health Tracking Network, and for other purposes ; to the Committee on Health, Education, Labor, and Pensions.

By Ms. CANTWELL:

S. 2055. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

By Mr. NELSON of Florida (for himself and Mrs. Carnahan):

S. 2056. A bill to ensure the independence of accounting firms that provide auditing services to publicly traded companies and of executives, audit committees, and financial compensation committees of such companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself, Mr. Reid, Mr. Bingaman, Mrs. Murray, Ms. Landrieu, Ms. Mikulski, Mr. Graham, Ms. Snowe, Mr. Corzine, and Mrs. Carnahan):

S. 2057. A bill to amend title XVIII of the Social Security Act to permit expansion of medical residency training programs in geriatric medicine and to provide for reimbursement of care coordination and assessment services provided under the medicare program; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. Breaux, and Mr. Rockefeller):

S. 2058. A bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

By Ms. MIKULSKI (for herself, Mr. Kennedy, Mr. Hutchinson, and Mr. Dodd):

S. 2059. A bill to amend the Pubic Health Service Act to provide for Alzheimer's disease research and demonstration grants; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself and Mr. Graham):

S. 2060. A bill to name the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, after Franklin D. Miller; to the Committee on Veterans' Affairs.

By Mr. BOND:

S. 2061. A bill to establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, and for other purposes; to the Committee on Environment and Public Works.

By Mr. DURBIN:

S. 2062. A bill to provide fast-track trade negotiating authority to the President; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2063. A bill to authorize the Secretary of Agriculture to sell or exchange all or part of certain administrative sites and other land in the Ozark-St. Francis and Ouachita National Forests and to use funds derived from the sale or exchange to acquire, construct, or improve administrative sites; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. McCAIN (for himself, Mr. Smith of New Hampshire, Mr. Jeffords, and Mr. Inouye):

S. 2064. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL (for himself and Mr. Allard):

S. 2065. A bill to provide for the implementation of air quality programs developed pursuant to an Intergovernmental Agreement between the Southern Ute Indian Tribes and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself and Mr. Lieberman):

S. Res. 230. A resolution expressing the sense of the Senate that Congress should reject reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security; to the Committee on Finance.

By Mr. DASCHLE (for himself, Mr. Lott, Mr. Cleland, and Mr. Miller):

S. Res. 231. A resolution relative to the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia; considered and agreed to.

ADDITIONAL COSPONSORS

S. 170

At the request of Mr. Reid, the name of the Senator from Alaska (Mr. Murkowski) was added as a cosponsor of S. 170, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 259

At the request of Mr. Bingaman, the name of the Senator from Washington (Ms. Cantwell) was added as a cosponsor of S. 259, a bill to authorize funding the Department of Energy to enhance its mission areas through Technology Transfer and Partnerships for fiscal years 2002 through 2006, and for other purposes.

S. 540

At the request of Mr. DeWine, the names of the Senator from Arkansas (Mrs. Lincoln) and the Senator from Idaho (Mr. Crapo) were added as cosponsors of S. 540, a bill to amend the Internal Revenue Code of 1986 to allow as a deduction in determining adjusted gross income the deduction for expenses in connection with services as a member of a reserve component of the Armed Forces of the United States, to allow employers a credit against income tax with respect to employees who participate in the military reserve components, and to allow a comparable credit for participating reserve component self-employed individuals, and for other purposes.

S. 677

At the request of Mr. Hatch, the names of the Senator from New Mexico (Mr. Domenici) and the Senator from Connecticut (Mr. Dodd) were added as cosponsors of S. 677, a bill to amend the Internal Revenue Code of 1986 to repeal the required use of certain principal repayments on mortgage subsidy bond financing to redeem bonds, to modify the purchase price limitation under mortgage subsidy bond rules based on median family income, and for other purposes.

S. 891

At the request of Mr. Dodd, the name of the Senator from Michigan (Ms. Stabenow) was added as a cosponsor of S. 891, a bill to amend the Truth in Lending Act with respect to extensions of credit to consumers under the age of 21.

S. 948

At the request of Mr. Lott, the name of the Senator from Missouri (Mr. Bond) was added as a cosponsor of S. 948, a bill to amend title 23, United States Code, to require the Secretary of Transportation to carry out a grant program for providing financial assistance for local rail line relocation projects, and for other purposes.

S. 1492

At the request of Mr. GRAMM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1492, a bill to amend the Internal Revenue Code of 1986 to repeal the tax relief sunset and to reduce the maximum capital gains rates for individual taxpayers, and for other purposes.

S. 1549

At the request of Mr. LIEBERMAN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1644

At the request of Mr. CAMPBELL, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 1644, a bill to further the protection and recognition of veterans' memorials, and for other purposes.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1708

At the request of Mr. MCCONNELL, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1708, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance.

S. 1915

At the request of Mrs. LINCOLN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1915, a bill to amend the Internal Revenue Code of 1986 to treat natural gas distribution lines as 10-year property for depreciation purposes.

S. 2009

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2009, a bill to amend the Public Health Service Act to provide services for the prevention of family violence.

S. 2039

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mrs. CARNAHAN), the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 2039, a bill to expand aviation capacity in the Chicago area.

S. RES. 132

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. Res. 132, a resolution recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROBERTS (for himself, Mr. CRAIG, and Mr. BURNS):

S. 2040. A bill to provide emergency agricultural assistance to producers of the 2002 crop; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ROBERTS. Mr. President, I rise today to introduce an agricultural supplemental assistance package for the 2002 crops. I had hoped we would not be in this position today. Unfortunately, due to delays in completing the farm bill conference report prior to the Easter recess, I believe it is necessary to introduce this legislation.

I want to make it very clear that in introducing this legislation, it does not mean the farm bill is dead. It may need CPR, but it certainly is not dead. Quite the contrary. The staff of conferees have been instructed by the distinguished leadership of both parties of the House and Senate to continue to work over the recess period in the hope that a bill can be completed shortly after the Easter recess. Having been involved in numerous farm bills, I know these conferences can often become quite contentious and bogged down.

Furthermore, it is not going to be easy to implement this bill, not to mention the wisdom of simply trying to push through a bill so we can just say it applies to 2002 crops. That may be easy to do this year, but it may be difficult to live under the problems we could create for the next 5 or 6 years.

Has anyone really stopped to consider this?

In addition, we already have many farmers in the South who have begun their spring planting, and producers all throughout the Nation will begin to pull their drills through the fields in the coming weeks. Many of these producers and their bankers are desperately trying to run cashflow charts and figure out exactly what they will be dealing with for this current crop as they work to determine their operating loans. They are scratching their heads.

The biggest uncertainty they face is the level and form of agricultural assistance for this crop-year. Will it be through a new farm bill, if we can get through a new farm bill—and I certainly hope we can and people are working in good faith to get that accomplished—but will it be through a new farm bill in place for the 2002 crops, or will it be through a supplemental assistance package for 2002 while the new bill would go into effect for the 2003 crops?

My point in introducing this legislation is to send a clear message to producers and their bankers, and that message is this: We are going to do everything in our power in Congress to get a farm bill completed and out the door, but we should also make sure it is a good bill, and doing a good bill does take time. If additional time is needed to complete the bill past the time when it can apply to this year's crops, we are then ready to come in with a supplemental assistance package.

This is an important line in the sand that our producers and our lenders can use to gauge cashflow projections as they work on operating loans for this crop-year. It is an important and necessary signal as we move toward a planting season that will soon be in full swing in many parts of the country.

Unlike the 1,400-page farm bill we passed in the Senate, there are no surprises in this supplemental legislation. The bill is very similar to the assistance packages we have provided to our producers in recent years, and it adheres to the budget allocations that were provided for agriculture in last year's budget resolution.

I have a list of levels of assistance that will be provided to farmers and ranchers. The levels of assistance are as follows:

$5.047 billion for a Market Loss Assistance, MLA, payment equal to the 2000 AMTA payment received by our producers. On a crop-by-crop basis, this is: wheat, 58.8 cents a bushel; corn, 33.4 cents a bushel; sorghum, 40 cents a bushel; barley, 25.1 cents a bushel; cotton, 7.33 cents a pound; rice, $2.60 per cwt; oats, 2.8 cents a bushel.

All of these figures are above the level of MLAs we provided last year.

The bill also includes: $466 million for oilseed payments; $55.21 million for payments to peanut producers; $93 million for recourse loans to honey producers; $186 million for specialty crop commodity purchases, with at least $55 million used for school lunch program purchases; $16.94 million for payments to wool and mohair producers; $93 million for cottonseed assistance; LDP eligibility for crops produced on non-AMTA acreage; LDP graze-out for wheat, barley, and oats for the 2002 crop; extension of the dairy price support program through December 31, 2002; $20 million for payment to producers of pulse crops; $100 million for tobacco assistance; $44 million for Conservation Reserve Program Technical Assistance; $200 million for the Wetlands Reserve Program; $300 million in additional funds for the Environmental Quality Incentives Program, EQIP; $161 million for the Farmland Protection Program; and $500 million for the livestock feed assistance program, LAP, to provide assistance to producers for losses suffered in 2001 and 2002.

I will be happy to talk this proposal over with my colleagues, and I seek bipartisan cosponsors in this effort. These market loss assistance levels are above the levels provided to program crops last year and they are similar to the AMTA payment levels we provided in 2000.

In closing, while this package does not represent a new farm bill, it does send a strong signal to producers and their bankers that even if a farm bill cannot be completed in time to apply to the 2002 year crop, we do intend to hold them whole or have a hold harmless bill at a level of Market Loss Assistance that is somewhat higher than occurred last year.

Many of us are hearing from producers and lenders for guidance on what to plan for in terms of assistance this year. This bill makes clear we stand ready to again support our producers if we cannot complete the new bill in time for 2002 crops, which I hope we can do. I urge support for this legislation.

By Ms. COLLINS (for herself and Ms. LANDRIEU):

S. 2042. A bill to expand access to affordable health care and to strengthen the health care safety net and make health care services more available in rural and underserved areas; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to join with my good friend and colleague, the Senator from Louisiana, MARY LANDRIEU, in introducing the Access to Affordable Health Care Act. This is a comprehensive seven-point plan that builds on the strengths of our current programs, both public and private, to make quality affordable health care available to millions more Americans.

One of my top priorities in the Senate has been to expand access to affordable health care to all Americans. There are still far too many people in our country without health insurance or with woefully inadequate coverage. An estimated 39 million Americans do not have health care insurance, including more than 150,000 in my home State of Maine.

The fact is, health insurance matters. The simple fact is that people with health insurance are healthier than those who lack coverage. People without health insurance are less likely to seek care when they need it and tend to forgo services such as periodic checkups and preventative services. As a consequence, they are far more likely to be hospitalized or to require costly medical attention for conditions that could have been prevented or cured if caught at an early stage.

Not only does this put the health of these individuals at greater risk, but it also puts additional pressure on our already financially challenged hospitals and emergency rooms. Compared with people who have health insurance coverage, uninsured adults are four times and uninsured children five times more likely to use a hospital emergency room. The costs of care for these individuals are often absorbed by providers and then passed on to covered individuals through increased fees and higher insurance premiums.

Maine is in the midst of a growing health insurance crisis. Insurance premiums are rising at alarming rates. Whether I am talking to a self-employed fisherman or the owner of a struggling small business or the human resources manager of a large corporation, the cost of health insurance is a common concern.

In 1999, the average family premium for employer-based coverage in Maine was more than $6,000, the 14th highest in the Nation at that time. Since then, Maine employers have faced premium increases of as much as 40 percent a year. In fact, my own brother called me recently to tell me that his small business is faced with a 40-percent increase in health insurance premiums on top of a 30-percent increase the year before.

These premium increases are particularly burdensome for smaller businesses, the backbone of Maine's economy. Many small business owners are caught in a real squeeze. They know if they pass on the premium increase to their employees, then more and more employees will be forced to decline coverage and, thus, will be completely uninsured, and yet these small employers simply cannot continue to absorb premium increases of 20 to 30 to 40 percent year after year.

The problem of rising costs is even more acute for individuals and families who must purchase health insurance on their own. Anthem Blue Cross/Blue Shield, the single remaining carrier in Maine's nongroup market, has increased its rates by 40 percent over the past 2 years. Monthly insurance premiums often exceed the family's monthly mortgage payments. It is no wonder that more than 150,000 Mainers are now uninsured. Clearly, we simply must do more to make health insurance more affordable and more available.

The Access to Affordable Health Care Act, which Senator LANDRIEU and I are introducing today, is a 7-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable.

The legislation's seven goals are: One, to expand access to affordable health care for small businesses; two, to make health insurance more affordable for individuals and families purchasing coverage on their own; three, to strengthen the health care safety net for those who lack coverage; four, to expand access to care in rural and underserved areas; five, to increase access to affordable long-term care; six, to promote healthier lifestyles, and seven, to provide more equitable Medicare payments to Maine providers to reduce the Medicare shortfall.

This shortfall, this lack of fair reimbursement for Medicare services, has forced hospitals, physicians, and other providers to shift costs on to other payers in the form of higher charges. That drives up the cost of health insurance, and it is one of the reasons that Maine's rates are higher than the insurance rates in most other States.

I will discuss each of these seven points in more detail. First, expanding access for small businesses, this legislation builds upon a bill I introduced with Senator LANDRIEU last year to help small employers cope with rising health care costs. Since most Americans get their health insurance through their employers, it is a common assumption that people without health insurance are unemployed, but that is not accurate. The fact is most uninsured Americans are members of families with at least one full-time worker.

As many as 82 percent of Americans without health insurance are in a family with a full-time worker. Uninsured working Americans are most often the employees of small businesses. In fact, some 60 percent of uninsured workers are employed by small firms. Smaller firms generally face higher costs for health insurance than larger companies, which makes them less likely to offer coverage.

I know from my conversations with small businesses all over Maine that they want to offer health insurance as a benefit for their employees. They know it would help them to attract and retain good workers. The only reason these small businesses are not offering health insurance is a simple one: They simply cannot afford the premium costs.

The legislation we are introducing today will help small businesses cope with rising costs by providing new tax credits for them to make health insurance more affordable. It will encourage those small businesses who are now offering health insurance to continue to do so in the face of escalating premiums. It will encourage them to make the decision not to drop coverage, and it will prompt small employers who want to provide this coverage but have found it financially out of reach, to now offer this important benefit.

The legislation will also help to increase the clout of small businesses in negotiating with insurers. Premiums are generally higher for smaller businesses because they do not have as much purchasing power as large companies. This limits their ability to bargain for lower rates. They also tend to have higher administrative costs than larger companies because they have fewer employees among whom to spread the fixed costs of a health insurance plan.

Moreover, they are not able to spread the risks of medical claims over as many employees as large firms. The legislation we are introducing will help address these problems by authorizing Federal grants to provide start-up funding to States to assist them with the planning, development, and operation of small employer purchasing cooperatives.

I am not talking about association health plans, which are controversial for a number of reasons. I am talking about small employer purchasing cooperatives. They will help to reduce the costs of health insurance for small employers by allowing them to band together to purchase insurance jointly.

Group purchasing cooperatives have a number of advantages for smaller employers. They will, for example, bring an increased number of participants into the group and that helps to lower the premium costs. They also decrease the risk of adverse selection. Our legislation would also authorize a Small Business Administration grant program for States, local governments, and nonprofits to provide information about the benefits of health insurance to smaller employers, including the tax benefits, the increased productivity of employees and decreased turnover. Grants would be used to make employers aware of their current rights under State and Federal laws.

For example, one survey showed that 57 percent of small employers did not realize they could deduct 100 percent of the costs of their health insurance premiums as a business expense.

The legislation that Senator LANDRIEU and I are introducing would also create a new program to encourage innovation by awarding demonstration grants in up to 10 States to look at innovative coverage expansion such as alternative group purchasing or pooling arrangements, individual or small group market reforms, or subsidies to employers or individuals purchasing coverage.

The States have been the laboratories of reform. For example, some States have looked at providing assistance to employees to help them afford their share of an employer-provided insurance plan.

Second, the Access to Affordable Health Care Act will help expand access to affordable health care for individuals and families who are purchasing coverage on their own. It would, for example, allow self-employed Americans to deduct the full amount of their health care premiums retroactive to January 1 of this year.

Some 25 million Americans are in families headed by a self-employed individual, and of these 5 million are uninsured. So if we establish parity in the tax treatment for health insured costs between the self-employed and those working for large corporations, we will promote equity, and we will help to reduce the number of uninsured by working Americans.

Another step this bill would take would build on the success of the State children's health insurance program, one of the very first bills I sponsored as a Senator. This program provides insurance for children of low-income families who cannot afford health insurance and yet earn too much money to qualify for Medicaid.

We are proposing that we allow, as Senator KENNEDY's family care bill would, the option for States to cover the parents of children who are enrolled in programs like Maine's MaineCare program. States could also use funds provided through this program to help eligible working families pay their share of an employer-based health insurance plan. In short, this legislation will help ensure low-income working families receive the health care they need.

Another provision of the bill would allow States to expand coverage to eligible legal immigrants through the Medicaid and SCHIP programs. Maine is one of a number of States that is already covering eligible legal immigrants, pregnant women, and children under Medicaid using 100 percent State dollars. Giving States the option of covering these children and families under Medicaid will enable them to receive Federal matching funds.

Another provision of the bill would give States the option of extending Medicaid to childless adults below 125 percent of the Federal poverty level who cannot afford private insurance and who have been forgotten or overlooked by other public programs. Maine has applied for a waiver to expand its Medicaid Program in this way, and the State estimates this will provide health coverage to an estimated 16,000 low-income uninsured Mainers.

Many people with serious health problems encounter difficulties in finding a company that is willing to insure them. To address this problem, the Collins-Landrieu bill authorizes Federal grants to provide money for States to create high-risk pools through which individuals who have preexisting health conditions can obtain affordable health insurance.

Finally, the legislation in this section would provide an advanceable, refundable tax credit of up to $1,000 for individuals earning up to $30,000, and up to $3,000 for families earning up to $60,000.

This provision, which is similar to that proposed by President Bush, would help to provide coverage for up to 6 million Americans who otherwise would be uninsured for 1 or more months. It will help many more working lower income families who currently purchase private health insurance with little or no government help and finding it increasingly difficult to do so.

Third, the Access to Affordable Health Insurance Act will help to strengthen our Nation's health care safety net by doubling funding over the next 5 years for community health centers. We want to make sure we are reaching individuals who are homeless, individuals who are migrant workers, individuals who are living in public housing. These centers, which operate in underserved rural and urban communities, provide critical primary care services to millions of Americans, regardless of their ability to pay. About 20 percent of the patients treated at Maine's community health centers have no insurance coverage. Many more have inadequate coverage. These community health centers play a critical role in providing a health care safety net for some of our most vulnerable individuals.

The problem of access to affordable health care services is not limited to the uninsured. It is also shared by many Americans living in rural and underserved areas where there is a serious shortage of health care providers. The legislation we are introducing, therefore, includes a number of provisions to strengthen the National Health Service Corps, which supports doctors, dentists, and other clinicians who serve in rural and inner-city areas.

For example, taxing students adversely affects their financial incentive to participate in the National Health Service Corps and provide health care services in underserved communities. Last year's tax bill provided a tax deduction for National Health Service Corps scholarship recipients to deduct all tuition, fees, and related educational expenses from their income taxes. The deduction did not extend to loan repayment recipients however, so loan repayment amounts are still taxed as income. Participants in the loan repayment program are actually given extra payment amounts to help them cover their tax lability which, frankly, is a little ridiculous. It makes much more sense to simply exempt them from taxation in the first place.

In addition, the legislation will allow National Health Service Corps participants to fulfill their commitment on a part-time basis. Current law requires all National Health Service Corps participants to serve full time. Many rural communities, however, simply do not have enough volume to support a full-time health care practitioner. Moreover, some sites may not need a particular type of provider—for example, a dentist—on a full-time basis. Some practitioners may also find part-time service more attractive, which, in turn, could improve recruitment and retention. Our bill will therefore give the program additional flexibility to meet community needs.

Long-term care is the major catastrophic health care expense faced by older American today, and these costs will only increase with the aging of the baby boomers. Most Americans mistakenly believe that Medicare or their private health insurance policies will cover the costs of long-term care should they develop a chronic illness or cognitive impairment like Alzheimer's Disease. Unfortunately, far too many do not discover that they do not have coverage until they are confronted with the difficult decision of placing a much-loved parent or spouse in long-term care and facing the shocking realization that they will have to cover the costs themselves.

The Access to Affordable Health Care Act will provide a tax credit for long-term care expenses of up to $3,000 to provide some help to those families struggling to provide long-term care to a loved one. It will also encourage more Americans to plan for their future long-term care needs by providing a tax deduction to help them purchase private long-term insurance.

Health insurance alone is not going to ensure good health. As noted author and physician Dr. Michael Crichton has observed, "the future of medicine lies not in treating illness, but preventing it." Many of our most serious health problems are directly related to unhealthy behaviors— smoking, lack of regular exercise, and poor diet. These three major risk factors alone have made Maine the State with the fourth highest death rate due to four largely preventable disease: Cardiovascular disease, cancer, chronic lung disease and diabetes. These four chronic diseases are reponsible for 70 percent of the health care problems in Maine.

Our bill therefore contains a number of provisions designed to promoted healthy lifestyles. An ever-expanding body of evidence shows that these kinds of investment in health promotiong and prevention offer returns not only in reduced health care bill, but in longer life and increased productivity. The legislation will provide grants to States to assist small businesses wishing to establish "work-site wellness" programs for their employees. It would also authorize a grant program to support new and existing "community partnerships," such as the Healthy Community Coalition in Franklin County, to promote healthy lifestyles among hospitals, employers, schools and community organizations. And, it would provide funds for States to establish or expand comprehensive school health education, including, for example, physical education programs that promote lifelong physical activity, healthy food service selections, and programs that promote a healthy and safe school environment.

And finally, the Access to Affordable Health Care Act would promote equity in Medicare payments and help to ensure that the Medicare system rewards rather than punishes States like Maine that deliver high-quality, cost effective Medicare services to our elderly and disabled citizens.

According to a recent study in the Journal of the American Medical Association, Maine ranks third in the nation when it comes to the quality of care delivered to our Medicare beneficiaries. Yet we are 11th from the bottom when it comes to per-beneficiary Medicare spending.

The fact is that Maine's Medicare dollars are being used to subsidize higher reimbursements in other parts of the country. This simply is not fair. Medicare's reimbursement systems have historically tended to favor urban areas and failed to take the special needs of rural States into account. Ironically, Maine's low payment rates are also the result of its long history of providing high-quality, cost-effective care. In the early 1980s, Maine's lower than average costs were used to justify lower payment rates. Since then, Medicare's payment policies have only served to widen the gap between low and high-cost States.

As a consequence, Maine's hospitals, physicians, and other providers have experienced a serious Medicare shortfall, which has forced them to shift costs on to other payers in the form of higher charges. The Medicare shortfall is one of the reasons that Maine has among the highest health insurance premiums in the Nation. The provisions in the Access to Affordable Health Care Act provide a complement to legislation that I introduced earlier this year with Senator RUSS FEINGOLD to promote greater fairness in Medicare payments to physicians and other health professionals by eliminating outdated geographic adjustment factors that discriminate against rural areas.

Mr. President, the Access to Affordable Health Care Act outlines a blueprint for reform based upon principles upon which I believe a bipartisan majority in Congress could agree. The plan takes significant strides toward the goal of universal health care coverage by bringing million more Americans into the insurance system, by strengthening the health care safety net, and by addressing the inequities in the Medicare system.

By Mr. ROCKEFELLER:

S. 2043. A bill to amend title 38, United States Code, to extend by five years the period for the provision by the Secretary of Veterans Affairs of noninstitutional extended care services and required nursing home care, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, today I introduce legislation to improve VA's response to meeting the long-term care needs of an aging veteran population. Specifically, the bill would extend two long-term care authorities of the Veterans Millennium Health Care and Benefits Act of 1999.

In November of 1999, Congress passed comprehensive long-term care legislation for veterans. For the first time, VA was required to provide extended care services to enrolled veterans. Section 101 of Public Law 106-117, directed the VA to provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled. In addition, VA was to have provided non-institutional care, such as home-based care, respite, and adult day health care, to all enrolled veterans. Within 3 years of the bill's enactment, VA was to evaluate and report to the House and Senate Committees on Veterans' Affairs on its experience in providing services under both of these provisions and to make recommendations on extending or making permanent these provisions. These programs were given an expiration date of 4 years so that we could adequately study its effects and, if need be, make appropriate adjustments.

Unfortunately, it's been more than two years and very little has happened with these long-term care programs. With both provisions due to expire next year, there is hardly enough time to sufficiently study them. The legislation I introduce today will extend the expiration dates of both long-term care authorities for an additional 5 years, until December 31, 2008.

I am extremely disappointed that the VA has taken so long to bring these new extended care authorities into the lives of veterans. Although there is a sense of urgency about meeting the long-term care needs of veterans, the VA seems frozen to respond.

In addition to mandating that VA provide nursing home care to any veteran who is in need of such care for a service-connected condition, or who is 70 percent or more service-connected disabled, the Veterans Millennium Health Care and Benefits Act required the VA to maintain the staffing and level of extended care during any fiscal year at the same level that was provided in fiscal year 1998. Unfortunately, both the staffing level for nursing home care and the average daily census has dropped since 1998, and VA readily admits that they are not in compliance with this mandate, citing a lack of resources.

In addition to providing nursing home care, a key element of the Millennium bill required VA to furnish non-institutional long-term care as part of the standard benefits package. While the bill was signed into law at the end of 1999, it was just last October that VA finally issued interim guidance on the new benefit. The policy was essentially meaningless, in that it required facilities to either have these non-institutional long-term care services available or to develop a plan for providing such services. As a result, I suspect that many facilities have not yet made non-institutional services universally available. In order to confirm this, I have asked that the General Accounting Office provide me with information as to what inventory of noninstitutional long-term care programs exists within VA. The GAO's report should be completed shortly.

We know that there is an expanding need for long-term care in our country, and in the VA that demand is even more pressing. About 37 percent of the veteran population is 65 years or older, and that number will grow dramatically in the next few years. By extending the existing long-term care authorities, we signal to VA that they cannot shirk this responsibility.

There is no doubt that long-term care is expensive. It is our responsibility, however, to make sure that the necessary resources are provided to VA to implement existing long-term care programs. For my part, I will continue to push VA to move forward, and in the near future, I will be chairing a Committee hearing to learn more about VA's inaction.

Long-term care should be seen as a part of the continuum of quality health care we have promised our veterans. The point of this legislation is to extend two important VA long-term care authorities, and I urge all of my Senate colleagues to support it.

By Mr. ROCKEFELLER:

S. 2044. A bill to provide for further improvement of the program to expand and improve the provision of specialized mental health services to veterans; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, I am pleased to introduce legislation today to ensure that veterans who struggle with post-traumatic stress and substance use disorders continue to get the care that they need and deserve. This legislation would increase the funding for an already-established grant program for specialized mental health services programs. In addition, the legislation would guarantee that some funding would go to those facilities which need it the most but, for whatever reason, have not sought grants.

From its inception, the VA health care system has been challenged to meet the special needs of veterans, such as spinal cord injuries, the need for prosthetics, blindness, traumatic brain injury, homelessness, post-traumatic stress disorders or PTSD, and the substance abuse disorders that frequently accompany these other afflictions. Over the years, VA has developed widely commended expertise in providing specialized services to meet these needs. We can all be rightfully proud of VA's specialized programs, which provide care that is often unparalleled in the greater health care community.

Unfortunately, these programs have been endangered by budget constraints, a shift in focus from inpatient care to outpatient clinics, and the introduction of a new resource allocation system. In 1996, Congress recognized that VA's constant battle to serve more veterans with a limited budget made these relatively costly specialized services programs disproportionately vulnerable to reductions, and took steps to protect them. The Veteran's Health Care Eligibility Reform Act of 1966 required the Secretary of Veterans Affairs to maintain VA's capacity to treat specific special needs of disabled veterans at the then-current level, and to report to Congress annually on the maintenance of these specialized services.

Subsequently, internal VA advisory committees, the GAO, and my own staff on the Committee on Veterans' Affairs reported that these protections did not go far enough. Many specialized programs—particularly substance abuse and PTSD treatment programs, were closed, reduced in size, or understaffed, offering little or no care to veterans suffering from these seriously debilitating disorders which often result from combat experiences.

VA's own annual capacity reports give evidence that these programs have failed to provide services to veterans at the needed levels, or to preserve equal access throughout the system. However, the current law's reliance on systemwide, rather than local or regional capacity, and VA's failure to issue these reports on a timely basis as mandated, prevent us from understanding how well these programs meet veterans' needs throughout the Nation.

In December 2001, Congress strengthened protection of specialized services through the VA Health Care Programs Enhancement Act, which described how VA is to maintain capacity for these services in considerably more detail. However, I believe that we must continue to do what we can to foster innovation and to patch some of the holes in substance abuse and PTSD programs.

In addition to protecting VA's capacity to treat veterans' special needs, Congress also designated $15 million in VA funding specifically to help medical families improve care for veterans with substance abuse disorders and PTSD. The funds for these mental health grant programs, mandated by the Veterans Millennium Benefits and Health Care Act of 1999, will soon revert to a general fund.

In order to distribute these funds, VA sought proposals from facilities interested in expanding and improving their substance use disorder and PTSD programs. VA began to release these funds a little more than a year ago. As of this month, only 8 of the 16 PTSD treatment programs awarded funding had become operational, and only a third of these have hired their full complement of authorized and funded staff. Of the substance abuse disorder programs funded through this act, 18 of 31 have not yet hired complete staffs.

Despite the slow start, this funding has already increased the PTSD and substance abuse disorder treatment programs available to veterans. More than 100 staff have been hired in 18 of VA's 21 service networks to treat substance abuse disorders. Nine new programs, in Baltimore, MD; Atlanta, GA; San Francisco, CA; and Dayton, OH, among others, have initiated or intensified opioid substitution programs for veterans who have not responded well to drug-free treatment regimens. Other new programs, such as those in Tampa, FL; Cincinnati, OH, Columbia, MO; and Loma Linda, CA, put special emphasis on treating veterans with more complex conditions that include PTSD and substance abuse. The additional funding has enabled VA to develop better outpatient substance abuse and PTSD treatment programs, outpatient dual-diagnosis programs, more PTSD community clinical teams, and more residential substance abuse disorder rehabilitation programs.

Due to these grants, VA has made improvements; however, many VA medical center directors have been reluctant to hire specialized substance abuse or PTSD treatment staff when, in FY 2003, the funding for these programs will be subject to a population-based allocation system and may disappear from their budgets. The legislation that I introduce today would ensure that this funding remained "protected" for three more years, and would increase the total amount of funding identified specifically for treatment of substance abuse disorders and PTSD from $15 million to $25 million.

Of the $25 million authorized for this program, $15 million would be allocated to individual medical facilities which respond to the call for proposals. The remaining $10 million would be provided as direct grants to VA treatment facilities throughout the Nation, based on veterans' needs as identified by VA's Mental Health Strategic Health Care Group and the Committee on Care of the Severely Chronically Mentally Ill.

Although I am disappointed that VA has still been unable to properly maintain adequate levels of care for those veterans with specialized health care needs, I am encouraged that our actions to fund specific PTSD and substance abuse programs have provided a strong start.

Congress has spoken quite clearly in the past: VA does not have the discretion to decide whether or not to provide adequate care for veterans with substance abuse and post traumatic stress disorders. I ask that my colleagues support this bill, which would help ensure that these specialized services, a critical aspect of the health care VA provides to veterans, are maintained at the necessary levels for the men and women who have served this Nation.

By Mrs. BOXER (for herself and Mr. SMITH of Oregon):

S. 2045. A bill to amend the Foreign Assistance Act of 1961 to take steps to control the growing international problem of tuberculosis; to the Committee on Foreign Relations.

Mrs. BOXER. Mr. President, today, Senator SMITH and I are proud to introduce the International Tuberculosis Control Act of 2002. This bill will provide $200 million during each of the next three years for U.S. efforts to combat international TB.

Our bill also sets as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected by the end of 2005 for those countries with the highest tuberculosis burden.

Why is this bill important? Consider the facts: Tuberculosis kills 2 million people each year; someone in the world is newly infected with TB every second; nearly one percent of the world's population is newly infected with TB each year; TB is the single leading cause of death among women between the age of 15-44; and half of all people living with HIV-AIDS will develop TB because of suppressed immune systems.

TB is an airborne disease. You can get it when someone coughs or sneezes. And with the increased immigration and travel to the United States, we are seeing it re-emerge in many of our communities. That is why it is in the national interest here in the United States to fight TB throughout the world.

This is especially true when you consider that in the year 2000, 46 percent of TB cases detected in the U.S. occurred to foreign-born persons, up from 22 percent in 1986. In California, of the 3,297 cases detected in 2000, 72 percent were among foreign born individuals.

Two years ago, Senator SMITH and I teamed up to triple TB funding and get the authorization level up to $60 million. We are teaming up again so that USAID can work with its international partners like the World Health Organization to expand the most effective program to stop the spread of TB—DOTS or Directly Observed Treatment Short-Course.

DOTS is so effective because it reduces the chance of Multi-Drug Resident TB from developing. In the early 1990s, New York City spent nearly $1 billion to control an outbreak of drug-resistant TB. However, a 6-month course of TB drugs under the DOTS programs can cost just $10.

That is why we feel that our bill is a wise investment that will reduce the cost of treating TB over the long run and, most important, save lives throughout the world.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2045

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Tuberculosis Control Act of 2002".

SEC. 2. FINDINGS.

Congress finds that:

(1) Tuberculosis is a great health and economic burden to impoverished nations and a health and security threat to the United States and other industrialized countries.

(2) Tuberculosis kills 2,000,000 people each year (a person every 15 seconds) and is second only to HIV/AIDS as the greatest infectious killer of adults worldwide.

(3) Tuberculosis is today the leading killer of women of reproductive age and of people who are HIV-positive.

(4) One-third of the world's population is currently infected with the tuberculosis bacterium, including 10,000,000 through 15,000,000 persons in the United States, and someone in the world is newly infected with tuberculosis every second.

(5) With 46 percent of tuberculosis cases in the United States in the year 2000 found in foreign-born persons, as compared to 24 percent in 1990, it is clear that the only way to control tuberculosis in the United States is to control it worldwide.

(6) Left untreated, a person with active tuberculosis can infect an average of 10 through 15 people in one year.

(7) Pakistan and Afghanistan are among the 22 countries identified by the World Health Organization as having the highest tuberculosis burden globally.

(8) More than one-quarter of all adult deaths in Pakistan are due to tuberculosis, and Afghan refugees entering Pakistan have very high rates of tuberculosis, with refugee camps, in particular, being areas where tuberculosis runs rampant.

(9) The tuberculosis and AIDS epidemics are inextricably linked. Tuberculosis is the first manifestation of AIDS in more than 50 percent of cases in developing countries and is responsible for 40 percent or more of deaths of people with AIDS worldwide.

(10) An effective, low-cost cure exists for tuberculosis: Directly Observed Treatment Short-course or DOTS. Expansion of DOTS is an urgent global priority.

(11) DOTS is one of the most cost-effective health interventions available today. A full course of DOTS drugs costs as little as US$10 in low-income countries.

(12) Proper DOTS treatment is imperative to prevent the development of dangerous multidrug resistant tuberculosis (MDR-TB) that arises through improper or incomplete tuberculosis treatment.

(13) The Global Fund to fight AIDS, Tuberculosis, and Malaria is an important new global partnership established to combat these 3 infectious diseases that together kill 6,000,000 people a year. Expansion of effective tuberculosis treatment programs should constitute a major component of Global Fund investment.

SEC. 3. DEFINITIONS.

In this Act:

(1) DOTS.—The term "DOTS" or "Directly Observed Treatment Short-course" means the World Health Organization-recommended strategy for treating standard tuberculosis.

(2) GLOBAL ALLIANCE FOR TUBERCULOSIS DRUG DEVELOPMENT.—The term "Global Alliance for Tuberculosis Drug Development" means the public-private partnership that brings together leaders in health, science, philanthropy, and private industry to devise new approaches to tuberculosis and to ensure that new medications are available and affordable in high tuberculosis burden countries and other affected countries.

(3) GLOBAL PLAN TO STOP TUBERCULOSIS.—The term "Global Plan to Stop Tuberculosis" means the plan developed jointly by the Stop Tuberculosis Partnership Secretariat and Partners in Health that lays out what needs to be done to control and eliminate tuberculosis.

(4) GLOBAL TUBERCULOSIS DRUG FACILITY.—The term "Global Tuberculosis Drug Facility (CDF)" means the new initiative of the Stop Tuberculosis Partnership to increase access to high-quality tuberculosis drugs to facilitate DOTS expansion.

(5) STOP TUBERCULOSIS PARTNERSHIP.—The term "Stop Tuberculosis Partnership" means the partnership of the World Health Organization, donors including the United States, high tuberculosis burden countries, multilateral agencies, and nongovernmental and technical agencies committed to short- and long-term measures required to control and eventually eliminate tuberculosis as a public health problem in the world.

SEC. 4. ASSISTANCE FOR TUBERCULOSIS PREVENTION, TREATMENT, CONTROL, AND ELIMINATION.

Section 104(c) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b(c)) is amended by adding at the end the following:

"(7)(A) Congress recognizes the growing international problem of tuberculosis and the impact its continued existence has on those countries that had previously largely controlled the disease. Congress further recognizes that the means exist to control and treat tuberculosis by implementing the Global Plan to Stop Tuberculosis and by adequately investing in newly created mechanisms, including the Global Tuberculosis Drug Facility, and that it is therefore a major objective of the foreign assistance program to control the disease. To this end, Congress expects the agency primarily responsible for administering this part—

"(i) to coordinate with the World Health Organization, the Centers for Disease Control, the National Institutes of Health, and other organizations with respect to the development and implementation of a comprehensive tuberculosis control program; and

"(ii) to set as a goal the detection of at least 70 percent of the cases of infectious tuberculosis, and the cure of at least 85 percent of the cases detected, by December 31, 2005, in those countries classified by the World Health Organization as among the highest tuberculosis burden, and by December 31, 2010, in all countries in which the agency has established development programs.

"(B)(i) There is authorized to be appropriated $200,000,000 for each of the fiscal years 2003 through 2005 for carrying out this paragraph.

"(ii) Funds appropriated under this paragraph are authorized to remain available until expended.

"(C) In carrying out subparagraph (A), not less than 75 percent of the amount authorized to be appropriated under subparagraph (B) shall be expended for antituberculosis drugs, supplies, patient services, and training in diagnosis and care, in order to increase directly observed treatment shortcourse (DOTS) coverage, including funding for the Global Tuberculosis Drug Facility.

"(D) In carrying out subparagraph (A), of the amount authorized to be appropriated under subparagraph (B)—

"(i) not less than 10 percent shall be used for funding of the Global Tuberculosis Drug Facility;

"(ii) not less than 7.5 percent shall be used for funding of the Stop Tuberculosis Partnership; and

"(iii) not less than 2.5 percent shall be used for funding of the Global Alliance for Tuberculosis Drug Development.

"(E) The President shall submit a report to Congress annually specifying the increases in the number of people treated and the increases in number of tuberculosis patients cured through each program, project, or activity receiving United States foreign assistance for tuberculosis control purposes.".

Mr. SMITH of Oregon. Mr. President, I am pleased to again join my colleague Senator BOXER in introducing important tuberculosis control legislation today on the floor of the Senate. Today we are introducing The International Tuberculosis Control Act—this important legislation is designed to address the growing international problem of tuberculosis, (TB). We are introducing this legislation to coincide with World Tuberculosis Day, this Sunday, March 24. World TB Day is an occasion for countries around the world to raise awareness about the threat to the world's health caused by tuberculosis.

As many of us know TB is a global health crisis. Over two million people will die from TB this year, and it is the leading killer of young women and of people with AIDS worldwide. Further, TB anywhere is a threat everywhere in our highly mobile world. The Center for Disease Control CDC reports that in the year 2000, nearly 50 percent of all TB cases in the US occurred in foreign-born persons. We will not be safe from TB until we control the disease globally.

TB and HIV form a deadly co-epidemic. TB is responsible for more than 40 percent of all AIDS deaths worldwide. An HIV-positive person is 30 times more likely to develop active tuberculosis and become infectious to others. Many countries in sub-Saharan Africa have seen TB rates increase 4-fold due to the HIV–TB co-epidemic, decimating a whole generation of adults in many communities. In Eastern Europe and Asia, TB infection is widespread and HIV rates are rising rapidly. These areas are poised to see the TB–HIV co-epidemic explode.

TB also flourishes in and causes poverty. About 98 percent of the annual deaths from TB are in poor countries. Those who fall ill are often their family's primary breadwinner. When that person cannot work, children must often leave school to work or care for a sick relative. The World Health Organization reported in 2000 that 75 percent of TB patients are men and women between the ages of 15–54, the most economically productive years of life. Stopping TB will help fight poverty.

I strongly believe we must act to control TB now or pay later. Rising drug resistance is a time bomb that could make TB virtually uncontrollable. Multi-drug resistant TB is far more dangerous and difficult to treat, can cost up to $1 million per patient to cure, and kills over half of its victims, even in the U.S.

There is a plan for controlling TB. The new, internationally agreed-upon "Global Plan to Stop TB" provides a much-needed roadmap. It describes the resources needed, country-by-country, to meet international TB control targets by 2005. Complementary National TB control plans exist for nearly all of the 22 high-burden TB countries.

The world must invest less than $1 billion in additional funds per year to control TB, about what New York City spent to control an outbreak of drug-resistant TB in the early 1990s! And I believe that $200 million is a reasonable US share of the $1 billion needed globally to control this killer.

We have the tools to stop TB. "The Global Plan to Stop TB" is built around expanding access to DOTS treatment worldwide, a proven, and very cost-effective treatment system that uses just $10 worth of drugs to cure a patient in 6 months. Currently just one in four of those who needs DOTS have access to it. Another tool for fighting TB is the new Global TB Drug Facility, which can provide the steady supply of affordable drugs needed to cure patients and prevent the further spread of drug-resistance.

My colleague, BARBARA BOXER, and I have been leading the way (along with Foreign Operations Chairman PATRICK LEAHY and Ranking Senator MITCH MCCONNELL) in increasing US funding for international TB control, from virtually zero in 1997 to $75 million in 2002. The President's 2003 Budget proposes to cut TB funding by one-third, but I feel that we must do more in this area, not less. Just $200 million annually from the U.S. would save tens of thousands of lives around the world and would protect US citizens from TB and from the growing threat of drug-resistant TB. Investing in TB control is not only the right thing to do; it is a wise U.S. investment.

By Mr. CRAIG:

S. 2046. A bill to amend the Public Health Service Act to authorize loan guarantees for rural health facilities to buy new and repair existing infrastructure and technology; to the Committee on Health, Education, Labor, and Pensions.

Mr. CRAIG. Mr. President, I rise today to introduce the Rural Health Care Facility Improvement Act.

Traveling throughout my State of Idaho, I have heard from many people about the need for additional funding to keep rural health facilities operational and up-to-date. After doing further research, I have found that this is true in all States in virtually all rural areas. For this reason, I am introducing the Rural Health Care facility Improvement Act.

This bill would allow for $250,000,000 million in guaranteed loans to be available to rural health care facilities. Individual facilities could borrow up to $5,000,000 to be used for two purposes. First, to allow for capital improvements to their facility and equipment and second, to allow for the purchase of high-technology equipment.

Providing health care services to much of rural America has become increasingly difficult in recent years. During the 1970s, rural communities thrived with economic expansion and unprecedented population growth. Rural health providers represented valuable institutions offering an array of medical services to their communities. Now many of these rural communities are struggling to maintain critical health care facilities.

We all know that rural health care facilities are a vital part of the infrastructure of rural communities and the collapse of health care services in many areas often contributes to the further decline of rural communities. That's why it is so important to make sure that rural facilities have access to funds to keep them operational.

In the 1990's, rural health care providers have begun to rally in the face of this challenge. They have developed creative ways to meet the needs of their communities with their limited resources. This legislation is one more way to help those who are working to guarantee health care in rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Health Care Facility Improvement Act of 2002".

SEC. 2. GUARANTEED LOANS FOR RURAL HEALTH FACILITIES.

Title VI of the Public Health Service Act (42 U.S.C. 291 et seq.) is amended by adding at the end the following:

“PART E—RURAL HEALTH FACILITIES

“SEC. 651. GUARANTEED LOANS FOR RURAL HEALTH FACILITIES.

“(a) Authorization of Loan Guarantees.—

“(1) Establishment.—The Secretary is authorized to establish a program under which the Secretary may guarantee 100 percent of the principal and interest on loans made by non-Federal lenders to rural health facilities to pay for the costs of—

“(A) buying new or repairing existing infrastructure; and

“(B) buying new or repairing existing technology.

“(2) Total loan amount available.—The Secretary is authorized to guarantee not more than—

“(A) $250,000,000 in the aggregate of the principal and interest on loans for rural health facilities under paragraph (1); and

“(B) $5,000,000 of the principal and interest on loans under paragraph (1) for each rural health facility.

“(b) Protection of Financial Interests.—The Secretary may not approve a loan guarantee under this section unless the Secretary determines that—

“(1) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States, except that the Secretary may not require as security any rural health facility asset that is, or may be, needed by the rural health facility involved to provide health services;

“(2) the loan would not be available on reasonable terms and conditions without the guarantee under this section; and

“(3) amounts appropriated for the program under this section are sufficient to provide loan guarantees under this section.

“(c) Recovery of Payments.—

“(1) In general.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such guarantee, unless the Secretary for good cause waives such right of recovery (subject to appropriations remaining available to permit such a waiver) and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made. Amounts recovered under this section shall be credited as reimbursements to the financing account of the program established under this section.

“(2) Modification of terms and conditions.—To the extent permitted by paragraph (3) and subject to the requirements of section 504(e) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(e)), any terms and conditions applicable to a loan guarantee under this section (including terms and conditions imposed under paragraph (4)) may be modified or waived by the Secretary to the extent the Secretary determines it to be consistent with the financial interest of the United States.

“(3) Incontestability.—Any loan guarantee made by the Secretary under this section shall be incontestable—

“(A) in the hands of an applicant on whose behalf such guarantee is made unless the applicant engaged in fraud or misrepresentation in securing such guarantee; and

“(B) as to any person (or successor in interest) who makes or contracts to make a loan to such applicant in reliance thereon unless such person (or successor in interest) engaged in fraud or misrepresentation in making or contracting to make such loan.

“(4) Further terms and conditions.—Guarantees of loans under this section shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this section will be achieved.

“(d) Defaults.—

“(1) In general.—Subject to the requirements of the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), the Secretary may take such action as may be necessary to prevent a default on a loan guaranteed under this section, including the waiver of regulatory conditions, deferral of loan payments, renegotiation of loans, and the expenditure of funds for technical and consultative assistance, for the temporary payment of the interest and principal on such a loan, and for other purposes. Any such expenditure made under the preceding sentence on behalf of a rural health facility shall be made under such terms and conditions as the Secretary shall prescribe, including the implementation of such organizational, operational, and financial reforms as the Secretary determines are appropriate and the disclosure of such financial or other information as the Secretary may require to determine the extent of the implementation of such reforms.

“(2) Foreclosure.—The Secretary may take such action, consistent with State law respecting foreclosure procedures and, with respect to reserves required for furnishing services on a prepaid basis, subject to the consent of the affected States, as the Secretary determines appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, except that the Secretary may only foreclose on assets offered as security (if any) in accordance with subsection (b).

“(e) Nonapplication of Part D.—The provisions of part D shall not apply to this part.

“(f) Definitions.—In this part:

“(1) Non-federal lender.—The term ‘non-Federal lender’ means any entity other than an agency or instrumentality of the Federal Government authorized by law to make such loan, including a federally insured bank, a lending institution authorized or licensed by the State in which it resides to make such loans, and a State or municipal bonding authority or such authority's designee.

“(2) Rural area.—The term ‘rural area’ has the meaning given the term in section 1886(d)(2)(D) of the Social Security Act (42 U.S.C. 1395ww(d)(2)(D)).

“(3) Rural health facility.—The term ‘rural health facility’ includes—

“(A) rural health clinics (as defined in section 1861(aa)(2) of the Social Security Act (42 U.S.C. 1395x(aa)(2)));

“(B) critical access hospitals (as defined in section 1861(mm)(1) of the Social Security Act (42 U.S.C. 1395x(mm)(1))) that are located in rural areas;

“(C) hospitals (as defined in section 1861(e) of the Social Security Act (42 U.S.C. 1395x(e))) that are located in rural areas;

“(D) skilled nursing facilities (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a))) that are located in rural areas;

“(E) health centers (as defined in section 330) that are located in rural areas;

“(F) federally qualified health centers (as defined in section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3))); and

“(G) nursing homes (as defined in section 1908(e) of the Social Security Act (42 U.S.C. 1396g(e))) that are located in rural areas.”.

By Mr. HOLLINGS (for himself, Mr. Stevens, Mr. Inouye, Mr. Breaux, Mr. Nelson of Florida, and Mrs. Feinstein):

S. 2048. A bill to regulate interstate commerce in certain devices by providing for private sector development of technological protection measures to be implemented and enforced by Federal regulations to protect digital content and promote broadband as well as the transition to digital television, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HOLLINGS. Mr. President, I rise along with Senators Stevens, Inouye, Breaux, Nelson, and Feinstein to introduce the Consumer Broadband and Digital Television Promotion Act of 2002, legislation that will promote broadband and the digital television transition by securing content on the Internet and over the Nation's airwaves.

For several years the private sector has attempted to secure a safe haven for copyrighted digital products, unfortunately with little to show for its efforts. The result has been an absence of robust, ubiquitous protections of digital media which has lead to a lack of content on the Internet and over the airwaves. And who has suffered the most? Consumers, as they are denied access to high quality digital content in the home.

The reality is that a lack of security has enabled significant copyright privacy which drains America's content industries to the tune of billions of dollars every year. For example, the movie studios estimate that they lose over $3 billion annually by way of analog piracy. In order to pirate copyrighted movies via analog formats, an individual makes an illegal copy of the movie, sometimes by taping it in a movie theater with a personal video recorder, and then distributes it, in analog form, at discount. However, because subsequent copies of analog movies degrade over time, there is a limit to the success of this type of piracy.

In a digital age, however, the privacy threat is exponentially magnified. So on the Internet, copyright content, be it a movie, a book, music, or software, travels in a digital language of 1s and 0s, and every copy of that content, from the 1st to the 1000th is as pristine as the original. Also, unlike an analog pirated movie, which must be physically packaged and transported, a digital copy can be sent around the world on the Internet with a single click of a mouse. The copyright industries are justifiably worried about distributing their content on the Internet absent strong copyright protection measures. As Internet access becomes increasingly available over high-speed, broadband connections, these worries will only heighten.

It should be noted, however, that the Internet is not the only threat to unprotected digital content. Digital video programming is also subject to a large privacy threat. Rapid advances in consumer electronics make it easier to steal copyright content. Newly developed digital compression and memory technologies make it possible to store two complete movies on a device the size of a postage stamp. Today, digital media can be transmitted over wired or wireless channels and played and stored on a host of consumer electronics devices. By and large, these are positive developments for consumers.

But any device that can legitimately play, copy, or electronically transmit one or more categories of media also can be misused for illegal copyright infringement, unless special protection technologies are incorporated into such a device. Unfortunately, as technology has advanced, copy protection schemes have not kept pace, fostering a set of consumer expectations that at times actually promote illegal activity on the Internet. For example, according to a Jupiter Media Matrix report, over 7 million Americans use technology on the Internet to swap music and other digital media files. More recent news reports place this number at over 11 million. While some of this activity is legal, much of it is not.

Every week a major magazine or newspaper reports on the thousands of illegal pirated works that are available for copying and redistribution online. Academy award winning motion pictures, platinum records, and Emmy award winning television shows—all for free, all illegal. Piracy is growing exponentially on college campuses and among tech savvy consumers. Such lawlessness contributes to the studios and record labels' reluctance to place their digital content on the Internet or over the airwaves.

At the same time, millions of law abiding consumers find little reason to spend discretionary dollars on consumer electronics products whose value depends on their ability to receive, display and copy high quality digital content like popular movies, music, and video games. Accordingly, only early adopters have purchased high definition television sets or broadband Internet access, as these products remain priced too high for the average consumer. The facts are clear in this regard. Only two million Americans have purchased HDTV sets. As for broadband, rural and underserved areas aside, there is not an availability problem. There is a demand problem. Roughly 85 percent of Americans are offered broadband in the marketplace but only 10–12 percent have signed up. The fact is that most Americans are averse to paying $50 a month for faster access to email, or $2,000 for a fancy HDTV set that plays analog movies. But if more high-quality content were available, consumers might come.

By unleashing an avalanche of digital content on broadband Internet connections as well as over the digital broadcast airwaves, we can change this dynamic and give consumers a reason to buy new consumer electronics and information technology products. To do so requires the development of a secure, protected environment to foster the widespread dissemination of digital content in these exciting new mediums.

Although, it is technologically feasible to provide such a protected environment, the solution has not been forthcoming through voluntary private sector negotiations involving the industries with stakes in this matter. This is not to say, however, that those industries do not recognize the tremendous economic potential to be derived from a proliferation of top notch digital content to consumers in the home. The movie studios, and the rest of the copyright industries, for example, are tremendously excited about the possibility of providing their products to consumers over the Internet and the digital airwaves, provided they can be assured that those products' copyrights are not infringed in the process.

Although marketplace negotiations have not provided such an assurance, a solution is at hand. Leaders in the consumer electronics, information technology, and content industries are America's best and brightest. They can solve this problem. The consumer electronics and high tech industries claim they are ready to do just that. America's top high-tech executives sent me a letter three weeks ago to that effect. While, I want to believe them, industry negotiations have been lagging. Both sides share some blame in this area. But the blame games need to end. It's time for results, not recriminations.

I believe the private sector is capable, through marketplace negotiations—of adopting standards that will ensure the secure transmission of copyrighted content on the Internet and over the airwaves. But given the pace of private talks so far, the private sector needs a nudge. The government can provide that nudge, and in doing so continue the government's longstanding role in promoting, and sometimes requiring, the implementation of technological standards in electronics equipment to benefit consumers. We debated the merits of such an approach in the Commerce Committee on February 28, 2002 when the leaders of the copyright, consumer electronics, and information technology industries testified as to their distinct views on this issue. At that hearing, every Senator and every witness agreed that the problem of digital piracy requires resolution.

Specifically, our hearing demonstrated that there are three discrete problem areas that merit government intervention. First, is the piracy threat presented toward unprotected digital broadcast television. Over the air broadcast digital signals cannot be encrypted because the millions of Americans who receive their signal via antennas cannot decrypt the signal. As a result, digital broadcast signals are delivered in unprotected format and are subject to illegal copying or redistribution over the Internet upon transmission. The technology exists today to solve this problem. It has been referred to as a "broadcast flag" which would instruct digital devices to prevent illegal copying and Internet retransmission of digital broadcast television. Consumer electronic devices would respond to the technology and prevent copyright infringement. However, because not every device would be required to respond to the technology, ubiquitous response requires a mandate by government.

The second problem is commonly referred to as the "Analog hole." As protected digital programming, usually delivered over satellite or cable, but also available on the Internet, is decrypted for viewing by consumers, most frequently on television sets, the programming is temporarily "in the clear." At this point, pirates may have the opportunity to take advantage of an "Analog hole" by copying the content into a digital format, i.e. redigitizing it, and then illegally copying and/or retransmitting the content. The technology to solve this problem either exists today, or will be available shortly. Regardless, the solution is technologically feasible. As with the "broadcast flag" the solution to the "Analog hole" will require a government mandate to ensure its ubiquitous adoption across consumer devices.

The final problem poses the greatest threat. Literally millions of digital files of music and videos are illegally copied, downloaded, and transmitted over the Internet on a regular basis. Current digital rights management solutions are insufficient to rectify this problem. Some consumers resorting to illegal behavior do so unknowingly. Many others do so willingly. Regardless, consumers desire high-quality digital content on the Internet and it is not being provided in any widespread, legal fashion. Fortunately, a solution to this problem is also technologically feasible. It too will require government action, including a mandate to ensure its swift and ubiquitous adoption.

While industries are at odds as to how to solve these critical content protection problems, the legislation we introduce today provides us with the tools to break the logjam. Specifically, the legislation requires the content, consumer electronics, and information technology industries to come together with representatives of consumer groups to develop standards, technologies, and encoding rules to safeguard digital content so that it will be made more readily available to consumers without being subject to piracy. The affected parties would have one year to reach agreement. The technologies would then be incorporated into all digital media devices to ensure universal protection for digital content and universal access to such content for consumers. The deadline on industry would work in the following fashion: if they come together to solve these problems in private sector talks, we will empower government enforcement so that all consumer devices comply. If they don't, the government, in consultation with the private sector, will have to step in.

America's creative artists deserve our protection. Our copyright industries are among our greatest economic and creative assets. The framers recognized that innovation and creativity was instrumental to our country's economic health when they empowered Congress in the Constitution to protect copyrighted products. Now, however, copyrighted media products are delivered digitally, and copyright infringement is more difficult to detect and prevent. That is why strong technological protections need to be layered on top of the copyright laws, to complement the law as it exists today. Along those lines, I want to emphasize that this legislation does not alter existing copyright law. Copyright law rests squarely within the jurisdiction of the Senate Judiciary Committee. I hope to work closely with Chairman LEAHY and Ranking Member HATCH to stop copyright piracy in a digital age.

Some have said that legislation is unwieldy in this area. But our legislation would not be the first time Congress imposed technological requirements to benefit consumers. And it won't be the last. We have been here before. In 1962, under the All Channel Receiver Act, Congress mandated that all television receivers include the capability to tune all channels, UHF and VHF, allocated to the television broadcast service. More recently, in 1998, Congress required that all analog VCRs recognize a standard copy control technology, know as "Macrovision". In the former case, the Federal Government and the Federal Communications Commission took the lead. In the latter case, industry first agreed to the 'Macrovision' standard which Congress later codified by legislation. So, whether Congress or industry has led the way, the results have benefitted consumers and industry, by providing Americans with wider access to programming and content.

Pursuant to the bill we introduce today, the standards, technologies, and encoding rule would work in the following manner. Digital content delivered over the Internet and over the broadcast airwaves would include instructions as to consumers' ability to copy available content and would prevent the illegal retransmission of that content over the Internet. Digital media devices such as televisions sets, cable boxes, and personal computers, would be manufactured to recognize and respond to those instructions to prevent illegal copying or redistribution.

I want to stress, however, in the strongest terms possible, that the standards agreed to by industry would not be permitted to thwart legitimate consumer copying of programming in the home, for time shifting purposes, for example. Similarly, the technologies and encoding rules would be required to take into account the need to preserve fair use of otherwise protected content, for educational and research purposes for example. Specifically, our bill requires that encoding rules "take into account limitations on exclusive rights of copyright holders, including the fair use doctrine." In addition, the legislation specifies that no copy protection technology may prevent consumers from "making a personal copy for lawful use in the home" of non pay-per-view television programming. I want to be clear on this point, no legislation can or should pass Congress in this area that does not seek to protect legitimate consumer copying and fair use practices.

Critics of earlier drafts of our legislation painted it as heavy handed and awkward government selection of technologies. I want to respond. We have listened to their arguments delivered in dozens of meetings with my staff, and the bill we introduce today does nothing of the sort. Under the new legislation, if the required private sector negotiations fail, the FCC will begin a process, in consultation with those same private sector representatives, to implement technologically feasible solutions. So, in practice, the private sector, even in the event of a government initiated approach, will have every incentive and opportunity to guide a solution largely on its own.

Critics of earlier discussion drafts of our legislation also claimed that it would freeze innovation and that any solutions would invariably be out of date shortly after they are selected due to the rapid and accelerated development of technology in the high tech sector. But here too we have listened and responded. Pursuant to our legislation, if the private sector determines that the selected technological solution needs to be updated or modified, they may do so. Its as simple as that. Such a change might be warranted because the technologies or encoding rules in use have been compromised by hackers or pirates. Or, technological improvements may be developed that ensure greater security for content, or more readily take into account consumers or researchers' fair use expectations.

Regardless, in any of these instances, at any time, the legislation would allow the representatives of the content, consumer electronics, and information technology industries to implement any necessary modification of the agreed upon technologies. They could simply do so on their own, and then notify the FCC of their actions.

At every stage in the process, the private sector, not the government, has the opportunity and the incentive to grab the reins. To date, however, this has not happened. The legislation we introduce today seeks to change that.

I ask unanimous consent that the text of the legislation, the Consumer Broadband and Digital Television Promotion Act, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF SECTIONS.

(a) SHORT TITLE.—This Act may be cited as the "Consumer Broadband and Digital Television Promotion Act".

(b) TABLE OF SECTIONS.—The table of sections for this Act is as follows:

Sec. 1. Short title; table of sections.
Sec. 2. Findings.
Sec. 3. Adoption of security system standards and encoding rules.
Sec. 4. Preservation of the integrity of security.
Sec. 5. Prohibition on shipment in interstate commerce of nonconforming digital media devices.
Sec. 6. Prohibition on removal or alteration of security technology; violation of encoding rules.
Sec. 7. Enforcement.
Sec. 8. Federal Advisory Committee Act exemption.
Sec. 9. Definitions.
Sec. 10. Effective date.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The lack of high quality digital content continues to hinder consumer adoption of broadband Internet service and digital television products.

(2) Owners of digital programming and content are increasingly reluctant to transmit their products unless digital media devices incorporate technologies that recognize and respond to content security measures designed to prevent theft.

(3) Because digital content can be copied quickly, easily, and without degradation, digital programmers and content owners face an exponentially increasing piracy threat in a digital age.

(4) Current agreements reached in the marketplace to include security technologies in certain digital media devices fail to provide a secure digital environment because those agreements do not prevent the continued use and manufacture of digital media devices that fail to incorporate such security technologies.

(5) Other existing digital rights management schemes represent proprietary, partial

solutions that limit, rather than promote, consumers' access to the greatest variety of digital content possible.

(6) Technological solutions can be developed to protect digital content on digital broadcast television and over the Internet.

(7) Competing business interests have frustrated agreement on the deployment of existing technology in digital media devices to protect digital content on the Internet or on digital broadcast television.

(8) The secure protection of digital content is a necessary precondition to the dissemination, and on-line availability, of high quality digital content, which will benefit consumers and lead to the rapid growth of broadband networks.

(9) The secure protection of digital content is a necessary precondition to facilitating and hastening the transition to high-definition television, which will benefit consumers.

(10) Today, cable and satellite have a competitive advantage over digital television because the closed nature of cable and satellite systems permit encryption, which provides some protection for digital content.

(11) Over-the-air broadcasts of digital television are not encrypted for public policy reasons and thus lack those protections afforded to programming delivered via cable or satellite.

(12) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(13) Consumers receive content such as video or programming in analog form.

(14) When protected digital content is converted to analog for consumers, it is no longer protected and is subject to conversion into unprotected digital form that can in turn be copied or redistributed illegally.

(15) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(16) Unprotected digital content on the Internet is subject to significant piracy, through illegal file sharing, downloading, and redistribution over the Internet.

(17) Millions of Americans are currently downloading television programs, movies, and music on the Internet and by using "file-sharing" technology. Much of this activity is illegal, but demonstrates consumers' desire to access digital content.

(18) This piracy poses a substantial economic threat to America's content industries.

(19) A solution to this problem is technologically feasible but will require government action, including a mandate to ensure its swift and ubiquitous adoption.

(20) Providing a secure, protected environment for digital content should be accompanied by a preservation of legitimate consumer expectations regarding use of digital content in the home.

(21) Secure technological protections should enable content owners to disseminate digital content over the Internet without frustrating consumers' legitimate expectations to use that content in a legal manner.

(22) Technologies used to protect digital content should facilitate legitimate home use of digital content.

(23) Technologies used to protect digital content should facilitate individuals' ability to engage in legitimate use of digital content for educational or research purposes.

SEC. 3. ADOPTION OF SECURITY SYSTEM STANDARDS AND ENCODING RULES.

(a) PRIVATE SECTOR EFFORTS.—

(1) IN GENERAL.—The Federal Communications Commission, in consultation with the Register of Copyrights, shall make a determination, not more than 12 months after the date of enactment of this Act, as to whether—

(A) representatives of digital media device manufacturers, consumer groups, and copyright owners have reached agreement on security system standards for use in digital media devices and encoding rules; and

(B) the standards and encoding rules conform to the requirements of subsections (d) and (e).

(2) REPORT TO THE COMMERCE AND JUDICIARY COMMITTEES.—Within 6 months after the date of enactment of this Act, the Commission shall report to the Senate Committee on Commerce, Science and Transportation, the Senate Committee on the Judiciary, the House of Representatives Committee on Commerce, and the House of Representatives Committee on the Judiciary as to whether—

(A) substantial progress has been made toward the development of security system standards and encoding rules that will conform to the requirements of subsections (d) and (e);

(B) private sector negotiations are continuing in good faith;

(C) there is a reasonable expectation that final agreement will be reached within 1 year after the date of enactment of this Act; and

(D) if it is unlikely that such a final agreement will be reached by the end of that year, the deadline should be extended.

(b) AFFIRMATIVE DETERMINATION.—If the Commission makes a determination under subsection (a)(1) that an agreement on security system standards and encoding rules that conform to the requirements of subsections (d) and (e) has been reached, then the Commission shall—

(1) initiate a rulemaking, within 30 days after the date on which the determination is made, to adopt those standards and encoding rules; and

(2) publish a final rule pursuant to that rulemaking, not later than 180 days after initiating the rulemaking, that will take effect 1 year after its publication.

(c) NEGATIVE DETERMINATION.—If the Commission makes a determination under subsection (a)(1) that an agreement on security system standards and encoding rules that conform to the requirements of subsections (d) and (e) has not been reached, then the Commission—

(1) in consultation with representatives described in subsection (a)(1)(A) and the Register of Copyrights, shall initiate a rulemaking, within 30 days after the date on which the determination is made, to adopt security system standards and encoding rules that conform to the requirements of subsections (d) and (e); and

(2) shall publish a final rule pursuant to that rulemaking, not later than 1 year after initiating the rulemaking, that will take effect 1 year after its publication.

(d) SECURITY SYSTEM STANDARDS.—In achieving the goals of setting open security system standards that will provide effective security for copyrighted works, the security system standards shall ensure, to the extent practicable, that—

(1) the standard security technologies are—

(A) reliable;

(B) renewable;

(C) resistant to attack;

(D) readily implemented;

(E) modular;

(F) applicable to multiple technology platforms;

(G) extensible;

(H) upgradable;

(I) not cost prohibitive; and

(2) any software portion of such standards is based on open source code.

(e) ENCODING RULES.—

(1) LIMITATIONS ON THE EXCLUSIVE RIGHTS OF COPYRIGHT OWNERS.—In achieving the goal of promoting as many lawful uses of copyrighted works as possible, while preventing as much infringement as possible, the encoding rules shall take into account the limitations on the exclusive rights of copyright owners, including the fair use doctrine.

(2) PERSONAL USE COPIES.—No person may apply a security measure that uses a standard security technology to prevent a lawful recipient from making a personal copy for lawful use in the home of programming at the time it is lawfully performed, on an over-the-air broadcast, premium or non-premium cable channel, or premium or non-premium satellite channel, by a television broadcast station (as defined in section 122(j)(5)(A) of title 17, United States Code), a cable system (as defined in section 111(f) of such title), or a satellite carrier (as defined in section 119(d)(6) of such title).

(f) MEANS OF IMPLEMENTING STANDARDS.—The security system standards adopted under subsection (b), (c), or (g) shall provide for secure technical means of implementing directions of copyright owners for copyrighted works.

(g) COMMISSION MAY REVISE STANDARDS AND RULES THROUGH RULEMAKING.—

(1) IN GENERAL.—The Commission may conduct subsequent rulemakings to modify any security system standards or encoding rules established under subsection (b) or (c) or to adopt new security system standards that conform to the requirements of subsections (d) and (e).

(2) CONSULTATION REQUIRED.—The Commission shall conduct any such subsequent rulemaking in consultation with representatives of digital media device manufacturers, consumer groups, and copyright owners described in subsection (a)(1)(A) and with the Register of Copyrights.

(3) IMPLEMENTATION.—Any final rule published in such a subsequent rulemaking shall—

(A) apply prospectively only; and

(B) take into consideration the effect of adoption of the modified or new security system standards and encoding rules on consumers' ability to utilize digital media devices manufactured before the modified or new standards take effect.

(h) MODIFICATION OF TECHNOLOGY BY PRIVATE SECTOR.—

(1) IN GENERAL.—After security system standards have been established under subsection (b), (c), or (g) of this section, representatives of digital media device manufacturers, consumer groups, and copyright owners described in subsection (a)(1)(A) may modify the standard security technology that adheres to the security system standards rules established under this section if those representatives determine that a change in the technology is necessary because—

(A) the technology in use has been compromised; or

(B) technological improvements warrant upgrading the technology in use.

(2) IMPLEMENTATION NOTIFICATION.—The representatives described in paragraph (1) shall notify the Commission of any such modification before it is implemented or, if immediate implementation is determined by the representatives to be necessary, as soon thereafter as possible.

(3) Compliance with subsection (d) requirements.—The Commission shall ensure that any modification of standard security technology under this subsection conforms to the requirements of subsection (d).

SEC. 4. PRESERVATION OF THE INTEGRITY OF SECURITY.

An interactive computer service shall store and transmit with integrity any security measure associated with standard security technologies that is used in connection with copyrighted material such service transmits or stores.

SEC. 5. PROHIBITION ON SHIPMENT IN INTERSTATE COMMERCE OF NONCONFORMING DIGITAL MEDIA DEVICES.

(a) In General.—A manufacturer, importer, or seller of digital media devices may not—

(1) sell, or offer for sale, in interstate commerce, or

(2) cause to be transported in, or in a manner affecting, interstate commerce,

a digital media device unless the device includes and utilizes standard security technologies that adhere to the security system standards adopted under section 3.

(b) Exception.—Subsection (a) does not apply to the sale, offer for sale, or transportation of a digital media device that was legally manufactured or imported, and sold to the consumer, prior to the effective date of regulations adopted under section 3 and not subsequently modified in violation of section 6(a).

SEC. 6. PROHIBITION ON REMOVAL OR ALTERATION OF SECURITY TECHNOLOGY; VIOLATION OF ENCODING RULES.

(a) Removal or Alteration of Security Technology.—No person may—

(1) knowingly remove or alter any standard security technology in a digital media device lawfully transported in interstate commerce; or

(2) knowingly transmit or make available to the public any copyrighted material where the security measure associated with a standard security technology has been removed or altered, without the authority of the copyright owner.

(b) Compliance with Encoding Rules.—No person may knowingly apply to a copyrighted work, that has been distributed to the public, a security measure that uses a standard security technology in violation of the encoding rules adopted under section 3.

SEC. 7. ENFORCEMENT.

(a) In General.—The provisions of section 1203 and 1204 of title 17, United States Code, shall apply to any violation of this Act as if—

(1) a violation of section 5 or 6(a)(1) of this Act were a violation of section 1201 of title 17, United States Code; and

(2) a violation of section 4 or section 6(a)(2) of this Act were a violation of section 1202 of that title.

(b) Statutory Damages.—A court may award damages for each violation of section 6(b) of not less than $200 and not more than $2,500, as the court considers just.

SEC. 8. FEDERAL ADVISORY COMMITTEE ACT EXEMPTION.

The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to any committee, board, commission, council, conference, panel, task force, or other similar group of representatives of digital media devices and representatives of copyright owners convened for the purpose of developing the security system standards and encoding rules described in section 3.

SEC. 9. DEFINITIONS.

In this Act:

(1) Standard security technology.—The term "standard security technology" means a security technology that adheres to the security system standards adopted under section 3.

(2) Interactive computer service.—The term "interactive computer service" has the meaning given that term in section 230(f) of the Communications Act of 1934 (47 U.S.C. 230(f)).

(3) Digital media device.—The term "digital media device" means any hardware or software that—

(A) reproduces copyrighted works in digital form;

(B) converts copyrighted works in digital form into a form whereby the images and sounds are visible or audible; or

(C) retrieves or accesses copyrighted works in digital form and transfers or makes available for transfer such works to hardware or software described in subparagraph (B).

(4) Commission.—The term "Commission" means the Federal Communications Commission.

SEC. 10. EFFECTIVE DATE.

This Act shall take effect on the date of enactment of this Act, except that sections 4, 5, and 6 shall take effect on the day on which the final rule published under section 3(b) or (c) takes effect.

By Mr. WELLSTONE (for himself and Mr. DAYTON):

S. 2050. A bill to amend the Internal Revenue Code of 1986 to treat nominally foreign corporations created through inversion transactions as domestic corporations; to the Committee on Finance.

Mr. WELLSTONE. Mr. President, I rise to introduce legislation that would bar multinational corporations from avoiding millions of dollars in taxes through the use of shell corporations in foreign tax havens.

On February 18 the New York Times in an article entitled "U.S. Corporations Are Using Bermuda to Slash Tax Bills," reported that a number of prominent U.S. corporations, using creative paperwork, have transformed themselves into Bermuda corporations purely to avoid paying their share of U.S. taxes. These new Bermuda entities are shell corporations. They have no staff, no offices and no real business activity in Bermuda. They exist for the purpose of shielding income from the IRS.

How does the "Bermuda Triangle" tax loophole work? U.S. companies, referred to as "domestic corporations," pay U.S. taxes on their worldwide income, whether that income is earned in the United States or abroad. Foreign corporations pay U.S. taxes only on income earned in the United States.

Through the use of a process called corporate inversion, a domestic company can be "acquired" by a shell corporation chartered in a foreign county with low or no corporate taxes, Bermuda for example. Under such an arrangement, the shareholders of the new foreign parent are the same as the shareholders of the old U.S. company. This maneuver requires little more than filing of the proper paperwork in the new "home" country and payment of a registration fee. The new foreign parent corporation need not have any offices or any staff, and they usually don't.

United States tax law contains many provisions designed to expose such creative accounting and to require U.S. companies that are foreign in name only to pay the same taxes as other domestic corporations. Corporate inversions are designed to exploit a specific loophole in current law so that the company is treated as foreign for tax purposes, and therefore pays no U.S. taxes on its foreign income.

My bill closes this loophole in a way that is narrowly tailored to capture corporate inversion transactions. In the case of inversion "stock swaps" the bill directs the IRS to look at the ownership of the new company to assess whether it is a domestic firm.

The loophole gives tens of millions of dollars in tax breaks to major multinational companies with significant non-U.S. business. It also puts other U.S. companies unwilling or unable to use this loophole at a competitive disadvantage. No American company should be penalized staying put while others renounce U.S. "citizenship" for a tax break.

Of course when some companies don't pay their fair share, the rest of American taxpayers and businesses are stuck with the bill. I think I can safely say that very few of the small businesses that I visit in Detroit Lakes, MN, or Mankato, in Minneapolis, or Duluth can avail themselves of the Bermuda Triangle.

When we have our debate over budget priorities here in the Senate, we need to decide whether we are going to go after tax scofflaws or instead put these resources into fair tax relief, public investment, or saving social security. That's what this legislation is all about. I hope colleagues will take a close look and be able to support it.

By Mr. REID (for himself, Mr. HUTCHINSON, Mr. WARNER, Mr. LEVIN, Mr. DASCHLE, Mr. LOTT, Mr. KENNEDY, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CLELAND, Mr. SMITH of New Hampshire, Ms. LANDRIEU, Mr. INHOFE, Mr. REED, Mr. SANTORUM, Mr. AKAKA, Mr. ROBERTS, Mr. NELSON of Florida, Mr. ALLARD, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, and Mr. BINGAMAN):

S. 2051. A bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking effect, and for other purposes; to the Committee on Armed Services.

Mr. REID. Mr. President, last Session I, along with 79 cosponsors, introduced

S. 170, "The Retired Pay Restoration Act of 2001." Our bill addressed a 110-year-old injustice against over 500 thousand of our Nation's veterans. Congress has repeatedly forced the bravest men and women in our Nation, retired career veterans, to essentially forgo receipt of a portion of their retired pay if they received a disability injury in the line of service.

In October, I introduced an amendment identical to S. 170 for the Senate Defense Authorization Bill. The Senate adopted my amendment by unanimous consent. Unfortunately, the House choose not to appropriate funds for this important measure.

I rise today to again introduce a bill along with my colleagues Mr. HUTCHINSON, Mr. WARNER, Mr. LEVIN, Mr. DASCHLE, Mr. LOTT, Mr. KENNEDY, Mr. THURMOND, Mr. LIEBERMAN, Mr. MCCAIN, Mr. CLELAND, Mr. SMITH of New Hampshire, Ms. LANDRIEU, Mr. INHOFE, Mr. REED, Mr. SANTORUM, Mr. AKAKA, Mr. ROBERTS, Mr. NELSON of Florida, Mr. ALLARD, Mr. NELSON of Nebraska, Mr. SESSIONS, Mrs. CARNAHAN, Ms. COLLINS, Mr. DAYTON, Mr. BUNNING, and Mr. BINGAMAN that will correct this inequity for veterans who have retired from our Armed Forces with a service-connected disability.

Our bill will repeal the contingency language enacted in the National Defense Authorization Act for Fiscal Year 2002 and thus remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking effect. It will permit retired members of the Armed Forces who have a service connected disability to receive military retirement pay while also receiving veterans' disability compensation.

Congress approved inequitable legislation prohibiting the concurrent receipt of military retired pay and VA disability compensation shortly after the Civil War, when the standing army of the United States was extremely limited. At that time, only a small portion of our armed forces consisted of career soldiers.

Today, nearly one and a half million Americans dedicate their lives to the defense of our Nation. The United States' military force is unmatched in terms of power, training and ability. Our nation's status as the world's only superpower is largely due to the sacrifices our veterans made during the last century. Rather than honoring their commitment and bravery by fulfilling our obligations, the federal government has chosen instead to perpetuate a longstanding injustice. Quite simply, this is disgraceful, and we must correct it.

Once again our Nation is calling upon the members of the Armed Forces to defend democracy and freedom. We must send a signal to the men and women currently in uniform that our government takes care of those that make sacrifices for our Nation. We must demonstrate to veterans that we are thankful for their dedicated service.

Military retirement pay and disability compensation were earned and awarded for entirely different purposes. Current law ignores the distinction between these two entitlements. Military retired pay is earned compensation for the extraordinary demands and sacrifices inherent in a military career. It is a reward promised for serving two decades or more under conditions that most Americans find intolerable. Veterans' disability compensation, on the other hand, is recompense for pain, suffering, and lost future earning power caused by a service-connected illness or injury. Few retirees can afford to live on their retired pay alone, and a severe disability only makes the problem worse by limiting or denying any post-service working life.

Career military retired veterans are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability. All other federal employees receive both their civil service retirement and VA disability with no offset. Simply put, the law discriminates against career military men and women. It assumes, in effect, that disabled military retirees neither need nor deserve the full compensation they earned for their 20 or more years served in uniform.

This inequity is absurd. How do we explain it to the men and women who sacrificed their own safety to protect this great Nation? How do we explain this inequity to those members currently risking their lives to defeat terror?

We are currently losing over one thousand World War II veterans each day. Every day we delay acting on this legislation means continuing to deny fundamental fairness to thousands of men and women. They will never have the ability to enjoy their two well-deserved entitlements.

This bill represents an honest attempt to correct an injustice that has existed for far too long. Allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently will restore fairness to Federal retirement policy.

This legislation is supported by numerous veterans' service organizations, including the Military Coalition, the National Military/Veterans Alliance, the American Legion, the Disabled American Veterans, the Veterans of Foreign Wars, the Paralyzed Veterans of America and the Uniformed Services Disabled Retirees.

Passing this bill will finally eliminate a grossly inequitable 19th century law and ensure fairness within the Federal retirement policy. Our veterans have heard enough excuses. Now it is time for them to hear our gratitude. I urge my colleagues to join me in supporting this legislation to finally end this disservice to our retired military men and women.

Our veterans have earned this and now is our chance to honor their service to our nation.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2051

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EFFECTIVE DATE OF AUTHORITY FOR CONCURRENT RECEIPT OF MILITARY RETIRED PAY AMD VETERANS' DISABILITY COMPENSATION.

(a) REPEAL OF CONTINGENT EFFECTIVE DATE.—Section 1414 of title 10, United States Code, as added by section 641(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107), is amended—

(1) in subsection (a), by striking ", subject to the enactment of qualifying offsetting legislation as specified in subsection (f)"; and

(2) by striking subsections (e) and (f).

(b) SUBSTITUTION OF EFFECTIVE DATE.—Section 1414 of title 10, United States Code, shall apply with respect to months beginning on or after on October 1, 2002.

(c) PROHIBITION OF RETROACTIVE BENEFITS.—(1) No benefit may be paid to any person by reason of section 1414 of title 10, United States Code, for any period before the date specified in subsection (b).

(2) Section 641 of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1149) is amended by striking subsection (d).

(d) CONFORMING TERMINATION OF SPECIAL COMPENSATION PROGRAM.—(1) Effective on the date specified in subsection (b), section 1413 of title 10, United States Code, is repealed.

(2) Section 1413 of title 10, United States Code, is amended—

(A) in subsection (a), by striking the second sentence; and

(B) in subsection (b)—

(i) in paragraph (1), by striking "(1) For payments" and all that follows through "December 2002, the following:";

(ii) by striking paragraphs (2) and (3); and

(iii) by redesignating subparagraphs (A), (B), (C), and (D) as paragraphs (1), (2), (3), and (4), respectively, and realigning such paragraphs (as so redesignated) two ems from the left margin.

Mr. HUTCHINSON. Mr. President, I rise today to join Senator REID and Senator WARNER in introducing a bill that will eliminate, once and for all, the inequity that our Nation's veterans have been burdened with for 110 years. Across this great Nation there are over 400,000 disabled, military retirees that must give up their retired pay in order to receive their VA disability compensation. Military retirees are the only group of Federal retirees who are forced to fund their own disability benefits.

Men and women who served our country, who dedicated their lives to the defense of freedom, have earned fair compensation. The issue has been before the Senate for years. Concurrent receipt legislation introduced earlier this year by Senator REID and myself had 79 cosponsors. The Congress needs to act this year on this issue.

This bill will honor Americans who answered our Nation's call for 20 years or more. They are veterans who stood the line, defending our Nation, during times of peace and times of war. Military retirement pay and disability compensation are earned and awarded for entirely different purposes. Current law ignores the distinction between these entitlements. Military retirees have dedicated 20 or more years to our national defense in earning their retirement, whereas disability compensation is awarded to compensate a veteran for injury incurred in service to our Nation. Our veterans have earned and deserve fair compensation. I have been a longstanding supporter of efforts to repeal the century-old law that prohibits military retirees from collecting the retired pay that they earned as well as VA disability compensation.

Since September 11, the American people have gained a greater appreciation of our military. The men and women in uniform have performed admirably in the war against terrorism. I recently visited our troops in Afghanistan. Their professionalism, their dedication, and their patriotism was an inspiration. As we all know, Afghanistan is still a very dangerous place. We need to send a message to those soldiers that are putting their lives on the line every day that our government provides just and fair compensation for those that will have gone before them.

The Fiscal Year 2002 Defense Authorization Act included authority for concurrent receipt, but made it subject to offsetting funding. The bill we are introducing today moves forward in requiring full concurrent receipt, with no restrictions.

I pledge to continue the fight on this important issue. I look forward to joining with Senator REID in ensuring that the Senate Budget Resolution includes full funding for concurrent receipt. I will work with Senator WARNER and my colleagues on the Senate Armed Services Committee to see that the bill we are introducing today is incorporated into the Fiscal Year 2003 Defense Authorization bill.

In closing, I urge my colleagues on both sides of the aisle to support this important legislation. Is is simply the right and fair thing to do for American veterans.

Mr. WARNER. Mr. President, I join my colleagues today in introducing legislation to allow our disabled military retirees to receive all of the compensation they have earned through their service to our Nation.

With this legislation, we are taking the next critical step in eliminating a tremendous injustice that impacts disabled military retirees. Many of my colleagues, on both sides of the aisle, have joined in cosponsoring this important legislation.

What is our common goal? To ensure that an important class of disabled veterans, military retirees who have suffered disability during their years of military service, are fairly and appropriately compensated by the Nation they served so well. We cannot and should not wait any longer for this to happen.

Last year, with overwhelming bipartisan support, the Congress overturned the 110-year-old prohibition against "concurrent receipt" as part of the Fiscal Year 2002 National Defense Authorization Act. In other words, we repealed the prohibition in law that prevents military retirees from receiving both their regular retired pay and veterans disability compensation, without a dollar for dollar offset. Unfortunately, we did not have the necessary funding to pay for this repeal. The resulting compromise in conference was a confidential repeal.

On its face this legislation before us is a somewhat technical proposal. By its terms, it simply repeals language enacted in law last December that requires the President to propose offsetting legislation funding concurrent receipt and requires Congress to pass "qualifying offsetting legislation" before concurrent receipt of military retired pay and veterans' disability compensation can begin. The underlying authorization to receive both concurrently, as provided for in the Fiscal Year 2002 National Defense Authorization Act, stands. The condition which has delayed implementation would be removed by the legislation we are introducing today.

Both Senator LEVIN as chairman, and I as ranking member of the Committee on Armed Services, have requested that the Senate Budget Committee include funding in the budget resolution to fund this hard-earned benefit. I have requested that this funding be included "above the line"—that is, in addition to the President's requested amount for defense. In my view, Congress should not be forced to cut the President's requested initiatives and programs—which are critical to the ongoing war on terrorism, to fund this benefit.

The House Budget Committee has already included a portion of the funds required for "concurrent receipt" in their budget resolution, "above the line."

It is time to move forward on this important issue. The legislation we are introducing will permit implementation of the law the Congress has already passed, and I am confident that, working with the Budget Committee, we can find the money to pay for it.

Our Nation has no more valuable assets than our men and women in uniform. They are called upon to leave their families, deploy to areas around the world, and face threats on a daily basis. They are on the front lines, defending our freedom. Our Nation must meet its commitment to those dedicated Service members. How can we ask the men and women who have so faithfully served to sacrifice a portion of their retirement because they are also receiving compensation for an injury suffered while serving their country?

Our career military service members were promised health care for life for themselves and their families. Two years ago, we the Congress acted to make that promise a reality. Yes, there was a significant cost associated with providing that care. But there is no cost too high to provide for those who ensure our freedom.

Today we are considering a similar situation. Is the cost too high of providing our disabled military retirees both the military retired pay they have earned and compensation they are due for a disability they received while serving their Nation? I think not.

By Mr. ROCKEFELLER:

S. 2052. A bill to amend part A of title IV of the Social Security Act to reauthorize and improve the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. ROCKEFELLER. Mr President, I am proud to introduce a bill that reauthorizes the landmark welfare reform legislation passed 1996. It will allow States to continue their excellent work on behalf of families on welfare. This reauthorization bill is designed to allow states to continue to provide the flexible initiatives that have reduced national welfare caseloads by over 50 percent and moved millions of Americans from welfare to work.

Welfare reform was a bold experiment to dramatically change a major social program. In 1996, Congress ended the entitlement of eligible families with children to cash aid. The results five years later are impressive. Over two-thirds of the people who are leaving the welfare rolls have left for work.

Six years ago, we said the goal of welfare reform should be to promote work and to protect children. We stood here together, on unchartered ground, and endorsed significant policy changes that we believed would help families gain independence and economic self-sufficiency, while protecting the children. States began to revise welfare service delivery with guidance based on the new reforms. Each state designed and implemented programs that were unique and specific to their populations.

While there are still many challenges facing families who are struggling to make the transition from welfare to work, as well as challenges facing

States in administering the program, I believe that we are on the right course. It is essential to keep on course and support the fundamental principles adopted in 1996, as well as maintain new State flexibility in order to reward and continue the innovations made by the States.

In West Virginia, welfare reform has brought bold changes. Parents on welfare get extra support as they face new responsibilities and obligations to make the transition from welfare to jobs. Last summer, I hosted a roundtable discussion to meet with individual West Virginians who were undergoing major life transitions. They told me that they were proud to be working, but that it was often still a struggle to make ends meet and do the best for their children. The goal of this legislation is to help those parents, and millions more, to promote the well-being of their children even as they work.

Today, I am introducing the Personal Responsibility and Work Opportunity Reconciliation Act Amendments of 2002. States are making measurable progress. We should continue to build on this foundation, and not reduce State flexibility. It is essential we continue welfare reform, not unravel it, or restructure it.

This bill acknowledges that we must keep the focus on work, by both requiring and rewarding work. To ensure a real focus on helping parents leave welfare rolls for a job, this legislation gradually replaces the caseload reduction credit with a new employment credit. States will only get a bonus toward their work participation requirement if parents move from welfare to a job. This credit will acknowledge the dignity of all work by providing a bonus for parents who get jobs, both full and part-time. A mother who has never worked in her life and then gets a part-time job has had a true accomplishment, and that deserves recognition. It is also the first step toward independence.

I am especially grateful to Senator LINCOLN and Congressman LEVIN for their leadership and vision in designing this new incentive. It is an empowering approach to promoting work and sends the proper message to families who are striving to become self sufficient. I am pleased to incorporate their proposal into my bill.

At this point, with a soft economy, it would be unwise to significantly change State TANF programs to impose drastically higher work participation rates requiring 40 hours per job placement activities would be, plain and simple, an unfunded mandate.

State officials have testified before the Finance Committee that such changes would force States to restructure existing programs that are working and turn their focus away from those who need some assistance with child care or transportation, but are no longer dependent on a welfare check. We should not turn away from helping our working families while spending limited resources to meet new, and arbitrary, work rates and hours.

To promote work, it is essential to help working parents. We obviously must invest more in child care funding to help parents stay on the job. My proposal seeks to increase guaranteed child care funding for this provision by $1 billion each year. This increase is designed to address existing needs of the current TANF program.

This bill would continue the transitional Medicaid program so families can keep health care coverage for a year as they move from welfare to work. In 1996, I was proud to work with Senator BREAUX and the late Senator John Chafee to protect access to health care for such vulnerable families. I have incorporated Senator BREAUX's bipartisan bill to continue transitional Medicaid coverage and I appreciate his leadership on this and other key issues. Our bill also gives states more flexibility and options to place parents in vocational training and English as a Second Language programs so parents can get jobs. In recognition of Maine's success with the Parents as Scholar program, states have the option to follow the Maine model for 5 percent of their caseload to combine work and education.

Because States are investing more in the existing welfare program than the current $16.5 billion grant, this legislation would provide a modest increase of $2.5 billion in the basic TANF block grant over the next five years. The new TANF funding would be allocated based on the number of poor children. In 1996, Congress promised States that it would fully fund the Social Services Block Grant at $2.8 billion dollars. The block grant is a flexible resource to states to help families, and many States use it for child care. Unfortunately, its funding was slashed to $1.7 billion in recent years. I believe that since the States kept their promise on welfare reform, Congress should keep our promise to fund the Social Services Block Grant.

The bill also invests $200 million to create BusinessLink Grants, competitive grants to support public and private partnerships to help parents get jobs. The Welfare-to-Work Partnership is just one example of how nonprofits working with business leaders can make a real difference. The Partnership includes over 20,000 businesses that have provided more than 1 million jobs to parents moving from welfare to work. I have met with the board members of this group, and we should encourage such partnerships. I know that other groups, like the Salvation Army and Good Will, are doing important work on providing transitional job opportunities, and these organizations would be eligible for grants as well.

A job is the first step, but for welfare parents to make a successful transition to independence, they need a range of supports. To achieve this goal, the bill will create Pathways to Self-Sufficiency Grants to improve this support network for parents. These grants are intended to provide incentives and support to TANF caseworkers and nonprofit organizations to help improve the comprehensive network of supports for working families, including Medicaid, CHIP, child care, EITC, and a range of services. Working mothers deserve to know what type of support will be available so that they do not slip back into welfare.

Work is fundamental, but we also need to be concerned about important aspects of the lives of children and children. This legislation creates a Family Formation Fund to encourage health families, reduce teenage pregnancy, and improve child support and participation of parents in children's lives. The bill authorizes Second Chance homes, an innovative program to help teenage parents get the support and education they need. The bill seeks to end certain discrimination and harsh rules for two-parent families in the current system. If our goal is to support marriage, we should not penalize married couples.

Our legislation also makes a simple, but important change. Under the current TANF program, each welfare parent has an Individual Responsibility Plan that serves as an assessment and work plan. In addition to having a responsibility to work, parents have a responsibility to protect their children's well-being. To emphasize this fundamental point, this bill adds language directing states to incorporate the concept of a child's well-being into each parent's Individual Responsibility Plan. States have great flexibility, but it is important to send a clear message that one of a parent's responsibilities is the well-being of their children.

This legislation builds on the foundation of the 1996 Personal Responsibility and Work Opportunity Reconciliation Act. My hope is that this framework will help promote bipartisan discussion about how we can make even more improvements in our welfare system, while maintaining our partnership with the States. We all must work together, the Administration, the Congress and the States, to improve our partnership to help families move from welfare to work.

I ask unanimous consent to print the section-by-section summary of my bill in the RECORD.

There being no objection, the section by section analysis was ordered to be printed in the RECORD, as follows:

SECTION BY SECTION ANALYSIS

TITLE I—TANF FUNDING

Increase the main TANF grant of $16.5 by adding $2.5 billion over 5 years, based on the number of poor children per state. It will gradually increase the TANF block grant from $16.5 billion in 2003 to $17.4 billion in 2007.

The Supplemental Grants are renewed, in an expanded manner, and "built into" the main TANF funding stream. Under expansion, 34 States will qualify, compared to 17 States in the past. The new Supplemental Grant is $472,749,000 per year.

The Contingency Fund is reinstated in a more effective form.

A $300 million bonus fund is created to reward States which reduce poverty, along the lines of the "high performance" bonus. In addition, States which show an increase in child poverty are required to include "measurable milestones" in their corrective action plans.

Reauthorization of other grants, such as bonus grants to high performance states and grants for Indian Tribes, and continuation of penalties for failure of any State to maintain certain level of historic effort.

Funding for the Social Services Block Grant, SSBG, which funds an array of needed programs including day care, education and training programs, and services for victims of domestic violence, is restored to $2.8 billion per year, as is the 10 percent TANF transfer authority, as promised in the original 1996 welfare reform law.

TITLE II—SUPPORTING WORK

Replace caseload reduction credit with employment credit beginning with fiscal year 2005. Employment credit will reward States in which families leave welfare for work; additional credit will be awarded for families leaving welfare with higher earnings.

Guaranteed funding for the mandatory component of the Child Care Development Block Grant, CCDBG, is increased from $2.7 billion to $3.7 billion per year. The TANF transfer authority continues.

States which adopt a "Parents as Scholars" program, which combines work and post-secondary education, may count participants in such a program as meeting the work participation requirements, up to a maximum of 5 percent of a State's caseload. Vocational training and education are permitted to count toward the work participation requirements for up to 24 months, not 12, and teenage mothers completing high school are exempt from the 30 percent cap. States can count up to 10 hours of ESL, with assessment, toward work participation.

Provide $200 million over five years for new Business Link grants to create public/private partnerships to encourage employers to design innovative ways, including transitional jobs, to help individuals moving from welfare to work.

TITLE III—SUPPORTING FAMILIES

Eliminate the stricter work participation requirement for two-parent families.

States are prohibited from imposing stricter eligibility criteria for two-parent families, such as continuing the AFDC "100 hour" rule. In addition, the work participation rate for two-parent families is conformed to that for one-parent families.

Create a Family Formation Fund to provide $100 million for research, technical assistance, and best practices in three areas, including; 1. formation of two-parent families, 2. reducing teen pregnancy, and 3. increasing the ability of non-custodial parents to support and be involved in their children's lives.

Since a child's well-being is part of a parent's responsibility, states are directed to include child well-being as part of the Individual Responsibility Pan for all parents in the program.

TITLE IV—STATE FLEXIBILITY

New Pathway to Self-Sufficiency Grants, $150 million over 5 years, are made available to improve coordination of benefit systems and to conduct outreach to low-income families, working families in particular, to promote enrollment of eligible families in assistance programs. States, local governments, and non-profit organizations are eligible to receive the grants, with a preference for applications which involve collaborations.

States deserve flexibility and the option to offer wage subsidies to parents who meet the existing work requirements but need modest income support. Such subsidies would be considered "work supports" and as such would be treated as work supports, and not count toward the federal 60-month time limit.

Retain the 20 percent hardship waivers for State flexibility, but allow States that select the Domestic Violence Option to serve the victims of domestic violence as a separate and distinct category, since this option has specific rules, including a 6-month review.

States operating under 1996 waivers are permitted to continued doing so.

Provide States with the option to align foster care and adoption assistance eligibility with TANF eligibility. States must retain the income and assets standards for foster care established in the 1996 welfare reform law as the minimum standard, but States would have the option of updating the standards to align them with TANF eligibility. This is designed to streamline administrative work, and is similar to State flexibility to align food stamp vehicle rules to TANF vehicle rules.

Allow States to cover eligible legal immigrants under TANF, regardless of date of entry.

Give States more flexibility to transfer TANF funds to carry out existing transportation-for-jobs programs or reverse commute projects.

TITLE V—HEALTHY CHILDREN

Provide transitional Medicaid to parents and children making the transition from welfare to work. Provide States with the option of automatically enrolling families who leave TANF for a job in Medicaid for a full year, without the necessity of reapplying.

States will have an option to provide Medicaid and CHIP services to legal immigrant children and pregnant women, regardless of date of entry.

Authorize $32 million for Second Chance Homes for teenage expectant mothers. These facilities allow these girls to live in a safe environment and receive formal and parenting education and prenatal care.

TITLE VI—PUBLIC ACCOUNTABILITY

To improve accountability, States are required to make public the financial and program data submitted to the Department of Health and Human Services, HHS, when the data is transmitted, including posting the information on the State's web site.

Under current law, four antidiscrimination statutes apply to activities funded by TANF: the Age Discrimination Act of 1975; Section 504 of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990; and Title VI of the Civil Rights Act of 1964. GAO is required to conduct a review of how States have complied with the requirements of these laws and make recommendations for improving compliance. HHS is also required to issue a "best practices" guide for States in complying with these laws in TANF.

Ensure that an adult in a family receiving TANF and engaged in a work activity shall not displace any public employee or position.

Conduct longitudinal studies in 10 States of TANF applicants and recipients to determine the factors that contribute to positive employment and family outcomes.

A GAO study to determine the impact of the prohibition on SSI benefits for legal immigrants.

Grant to improve States' policies and procedures for assisting individuals with barriers to work.

GAO survey and evaluation of State activities on workforce development for professional staff delivery in TANF and TANF-related services. The report should assess the range of caseloads and effects of caseload on family outcomes and satisfaction. The survey should provide information on the qualifications, education and training for staff, and the amount of staff turnover.

By Mr. FRIST:

S. 2053. A bill to amend the Public Health Service Act to improve immunization rates by increasing the distribution of vaccines and improving and clarifying the vaccine injury compensation program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, I rise today to introduce the "Vaccine Affordability and Availability Act." The United States has succeeded in dramatically reducing the incidence of disease through the use of vaccines. In some cases, we've even been able to eradicate specific diseases, including smallpox. Smallpox, which has killed more people than any other disease or war in history, has been eradicated by the research, development and deployment of vaccines.

Still, our success should not and must not dampen our resolve for combating disease with vaccines. Many vaccine-preventable diseases are still increasing morbidity and mortality due to a lack of public awareness about the existence and effectiveness of vaccines, and, in some cases, due to a shortage of certain vaccines.

The goal of this bill is to improve how we vaccinate people in America today. It would reduce the cost of vaccines, make vaccines more accessible, enhance vaccine education, and streamline the vaccine compensation program. I urge all of my colleagues, on both sides of the aisle, to support this bill and, in so doing, support the prevention of disease and the saving of lives.

We must strengthen our immunization system. We need only look at the experiences of three developed countries, Great Britain, Sweden and Japan, when they allowed their immunization rates to drop due to fear associated with the pertussis, whooping cough, vaccine. In Great Britain, a decrease in pertussis immunizations in 1974 resulted in an epidemic of more than 100,000 cases of pertussis and 36 deaths by 1978. In Japan between 1974 and 1979, pertussis vaccination rates fell from 70 percent, with 393 cases and no deaths, to around 20 to 40 percent, with 13,000 cases and 41 deaths. In Sweden between 1981 and 1985, the annual incidence rate of pertussis per 100,000 children 0–6 years of age increased from 700 cases to 3,200 cases. Low diphtheria immunization rates in the former Soviet Union for children and the lack of booster immunizations for adults have increased diphtheria from 839 cases in 1989 to nearly 50,000 cases and 1,700 deaths in 1994.

As the General Accounting Office, GAO, described in a March 2000 report, infectious diseases are responsible for nearly half of all deaths worldwide for people under the age of 44. The report further states that immunizing children against infectious diseases is "considered to be one of the most effective public health initiatives ever undertaken" in the United States and the number of people in the United States contracting vaccine-preventable diseases has been reduced by more than 95 percent. Every year, millions of children are safely vaccinated, preventing thousands of childhood deaths and even more debilitating illnesses. While vaccines save lives and save the nation from lifelong medical costs associated with contracting vaccine-preventable diseases, no product is risk-free.

When Congress passed the National Childhood Vaccine Injury Act in 1986, it recognized that "[v]accination of children against deadly, disabling, but preventable infectious diseases has been one of the most spectacularly effective public health initiatives this country has ever undertaken." Congress further noted that the "[u]se of vaccines has prevented thousands of children's deaths each year and has substantially reduced the effects resulting from disease." Congress further recognized that the cost of litigation initiated on behalf of children claiming vaccine-related injuries has resulted in an enormous increase in the price of vaccines and a significant reduction in the number of vaccine manufacturers in the U.S. market.

The Advisory Commission on Childhood Vaccines, ACCV, was established pursuant to the 1986 National Childhood Vaccine Injury Act to advise the Secretary of HHS on ways to improve the Vaccine Injury Compensation Program, which was also established in the same law. Meeting minutes from a September 2001 ACCV meeting best sum up the integral connection between vaccine supply, production, and liability concerns that our bill seeks to address: "The vaccine supply in the United States is becoming quite fragile. Over the last 20 to 30 years, there has been a significant decrease in the number of vaccine manufacturers. As a result, there is a relatively small group of manufacturers with limited manufacturing capability. This fragility compromises the ability to meet current vaccine needs and limits capacity to respond to emergencies."

In the early 1980s, lawsuits alleging vaccine-related injury or death threatened vaccine production, availability, cost and even the development of new vaccines. Coupled with already low profit margins, the vaccine market became unstable. Gross sales of the DTP vaccine in 1980 for all manufacturers fell to about $3 million. If even a few of the vaccinated children experienced adverse reactions to the DTP vaccine and recovered $1 million each, for a lifetime of mental impairment, then damages would easily exceed total sales. Costs associated with researching new vaccines and the uncertainty created by liability once the vaccine was approved by the Food and Drug Administration and marketed, further jeopardized future vaccine development.

In an attempt to address liability projections, manufacturers either raised their prices, the DTP vaccine rose from $.19 in 1980 to more than $12.00 by 1986, or left the vaccine market entirely. By the mid-1980's, the number of manufacturers of DTP vaccine declined from seven to one and the Nation experienced a critical shortage of vaccine. As a result, we stopped immunizing 2 year olds, leaving them vulnerable to whooping cough, diphtheria, and tetanus.

In 1986, Congress established the Vaccine Injury Compensation Program, VICP, as part of the National Childhood Vaccine Injury Act. The VICP was created to address two major goals: To provide compensation to those who suffered rare but serious side effects from vaccines and to stabilize the vaccine production and supply market. The VICP was established as a Federal "no-fault" compensation system to compensate individuals who have been injured by certain covered childhood vaccines. While vaccine-injured parties are required to file claims under the VICP before filing lawsuits, proof requirements are much lower than in court and procedures are simplified for injuries that are listed on the Vaccine Injury Table. The balance that was struck was that the burden of proving causation was significantly reduced for VICP claimants, while the litigation burden on manufacturers and administrators of covered vaccines is decreased.

The Vaccine Affordability and Availability Act seeks to ensure the VICP balance between fairness to claimants seeking compensation for vaccine-related injury or death and stability for continued vaccine production is strengthened. It further addresses the concerns of claimants who file for compensation under VICP, in large part based on recommendations made by the Advisory Commission on Childhood Vaccines, ACCV. Because family plays such an important role in the rehabilitation and treatment of a child injured by a vaccine, the legislation allows VICP awards to cover family counseling and guardianship costs.

Additionally, the bill raises the payment ceiling on two capped payments that have not been raised since the VICP was implemented in 1988. The legislation also lengthens the filing deadline so that petitioners may have more time to adequately assess the life care and medical needs of a vaccine-injured child before filing and adjudicating a VICP claim. It also allows claimants to recover interim costs before final judgment is reached, to ease the financial strain on petitioners for costs associated with filing a VICP claim. The bill also broadened the membership criteria so that an adult who has been injured by a vaccine may participate on the ACCV. Finally, the legislation makes clear that all of these changes apply to pending and future VICP claims.

Today, only two American companies and two European companies sell vaccines in the United States. The United States is currently experiencing shortages in 5 of the 9 recommended childhood vaccines, for which there are only four manufacturers licensed to sell in the United States. Once again, the threat of liability and the cost of litigation pose challenges to the stability of our vaccine supply. According to the March 18, 2002 edition of Forbes magazine, the profit margin for vaccines is very slim. Just one of the pending class action lawsuits seeks $30 billion in damages. The entire global value of the vaccine market, all around the world, is only $5 billion.

The "Vaccine Affordability and Availability Act" simply ensures that the VICP's goal of stabilizing the vaccine market is not jeopardized. In establishing the VICP in 1986, Congress sought to ensure that individuals claiming injury from covered vaccines must first file for compensation under the VICP. Some individuals, however, have attempted to evade this requirement by arguing, for example, that a preservative used in a vaccine, and included in the vaccine's product license application and product label, is not itself a "vaccine" so the VICP restrictions do not apply to claims for injuries caused by preservatives. This bill restates the original intent of the law, that a vaccine is all the ingredients and components which are approved by FDA to be in the product.

The bill makes necessary clarifications to the VICP to ensure that unwarranted litigation does not again destabilize the vaccine market causing the few manufacturers licensed to sell vaccines in the United States to leave the market resulting in even more serious shortages of essential vaccines. It clarifies that a vaccine-injured person must timely file a petition and complete the VICP process before third parties may bring a civil action in connection with that person's injuries.

The bill adopts the ACCV recommendation that clarifies that certain well-defined medical conditions such as structural lesions and genetic disorders may be considered to be "factors unrelated," and therefore non-compensable under VICP, to a vaccine, even if the exact defect in the gene, for example, is unknown. The legislation also clarifies that vaccine manufacturers and administrators cannot be sued unless there is evidence that a vaccine has caused present physical harm, they cannot be sued for medical monitoring to look for some theoretical future harm. The bill clarifies the definition of manufacturer to specify that a vaccine includes all components or ingredients of the vaccine and clarifies the existing law to ensure that any component or ingredient listed in a vaccine's product license application or label will not be considered to be an adulterant or contaminant. As with the changes we are making for VICP claimants, these changes would apply to pending and future VICP claims.

This bill also requires that the Secretary of HHS prioritize, acquire and maintain a 6-month supply of vaccines to address future vaccine shortages and delays in production and authorizes new funds for this purpose. By authorizing additional funding for grants to State and local governments to increase influenza immunization rates for high risk populations and by authorizing funding to increase immunization rates for adolescents and adults who are medically underserved and at-risk for vaccine-preventable diseases, this bill seeks to meet the challenge of improving adolescent and adult immunization rates. Finally, it ensures that colleges, universities and prisons are given information about the availability of a vaccine for bacterial meningitis and that health care clinics and providers are given information about the availability of hepatitis A and B vaccines.

In summary, the "Vaccine Affordability and Availability Act" clarifies, updates, and streamlines the existing Vaccine Injury Compensation Program to address concerns of petitioners to the program, to ensure that we are better prepared for normal market shortages and delays in production and that unwarranted litigation does not further destabilize our vaccine supply. I urge my colleagues to support this much needed legislation to improve the way the VICP operates for claimants seeking compensation and for manufacturers and administrators of vaccines seeking greater certainty in liability exposure, which, in turn, will stabilize vaccine production.

This bill will help to ensure that the balance between the two very important goals of the Vaccine Injury Compensation Program is maintained: To provide for fair and expeditious compensation for persons injured by covered vaccines; and to ensure a stable supply of vaccines by avoiding unwarranted litigation relating to vaccine-related injuries and deaths. I urge my colleagues to support and pass this much needed legislation at a time when liability concerns once again threaten our vaccine supply.

I ask unanimous consent the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Improved Vaccine Affordability and Availability Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—STATE VACCINE GRANTS

Sec. 101. Availability of influenza vaccine.
Sec. 102. Program for increasing immunization rates for adults and adolescents; collection of additional immunization data.
Sec. 103. Immunization awareness.
Sec. 104. Supply of vaccines.

TITLE II—VACCINE INJURY COMPENSATION PROGRAM

Sec. 201. Administrative revision of vaccine injury table.
Sec. 202. Equitable relief.
Sec. 203. Parent petitions for compensation.
Sec. 204. Jurisdiction to dismiss actions improperly brought.
Sec. 205. Application.
Sec. 206. Clarification of when injury is caused by factor unrelated to administration of vaccine.
Sec. 207. Increase in award in the case of a vaccine-related death and for pain and suffering.
Sec. 208. Basis for calculating projected lost earnings.
Sec. 209. Allowing compensation for family counseling expenses and expenses of establishing guardianship.
Sec. 210. Allowing payment of interim costs.
Sec. 211. Procedure for paying attorneys' fees.
Sec. 212. Extension of statute of limitations.
Sec. 213. Advisory commission on childhood vaccines.
Sec. 214. Clarification of standards of responsibility.
Sec. 215. Clarification of definition of manufacturer.
Sec. 216. Clarification of definition of vaccine-related injury or death.
Sec. 217. Clarification of definition of vaccine.
Sec. 218. Conforming amendment to trust fund provision.
Sec. 219. Ongoing review of childhood vaccine data.
Sec. 220. Pending actions.
Sec. 221. Report.

TITLE I—STATE VACCINE GRANTS

SEC. 101. AVAILABILITY OF INFLUENZA VACCINE.

Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)) is amended by adding at the end the following:

"(3)(A) For the purpose of carrying out activities relating to influenza vaccine under the immunization program under this subsection, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003 and 2004. Such authorization shall be in addition to amounts available under paragraphs (1) and (2) for such purpose.

"(B) The authorization of appropriations established in subparagraph (A) shall not be effective for a fiscal year unless the total amount appropriated under paragraphs (1) and (2) for the fiscal year is not less than such total for fiscal year 2000.

"(C) The purposes for which amounts appropriated under subparagraph (A) are available to the Secretary include providing for improved State and local infrastructure for influenza immunizations under this subsection in accordance with the following:

"(i) Increasing influenza immunization rates in populations considered by the Secretary to be at high risk for influenza-related complications and in their contacts.

"(ii) Recommending that health care providers actively target influenza vaccine that is available in September, October, and November to individuals who are at increased risk for influenza-related complications and to their contacts.

"(iii) Providing for the continued availability of influenza immunizations through December of such year, and for additional periods to the extent that influenza vaccine remains available.

"(iv) Encouraging States, as appropriate, to develop contingency plans (including plans for public and professional educational activities) for maximizing influenza immunizations for high-risk populations in the event of a delay or shortage of influenza vaccine.

"(D) The Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives, and the Committee on Health, Education, Labor, and Pensions of the Senate, periodic reports describing the activities of the Secretary under this subsection regarding influenza vaccine. The first such report shall be submitted not later than June 6, 2003, the second report shall be submitted not later than June 6, 2004, and subsequent reports shall be submitted biennially thereafter.".

SEC. 102. PROGRAM FOR INCREASING IMMUNIZATION RATES FOR ADULTS AND ADOLESCENTS; COLLECTION OF ADDITIONAL IMMUNIZATION DATA.

(a) ACTIVITIES OF CENTERS FOR DISEASE CONTROL AND PREVENTION.—Section 317(j) of the Public Health Service Act (42 U.S.C. 247b(j)), as amended by section 101, is further amended by adding at the end the following:

"(4)(A) For the purpose of carrying out activities to increase immunization rates for adults and adolescents through the immunization program under this subsection, and for the purpose of carrying out subsection (k)(2), there are authorized to be appropriated $50,000,000 for fiscal year 2003, and such sums as may be necessary for each of the fiscal years 2004 through 2006. Such authorization is in addition to amounts available under paragraphs (1), (2), and (3) for such purposes.

"(B) In expending amounts appropriated under subparagraph (A), the Secretary shall give priority to adults and adolescents who are medically underserved and are at risk for vaccine-preventable diseases, including as appropriate populations identified through projects under subsection (k)(2)(E).

"(C) The purposes for which amounts appropriated under subparagraph (A) are available include (with respect to immunizations for adults and adolescents) the payment of the costs of storing vaccines, outreach activities to inform individuals of the availability of the immunizations, and other program expenses necessary for the establishment or operation of immunization programs carried out or supported by States or other public entities pursuant to this subsection.

"(5) The Secretary shall annually submit to Congress a report that—

"(A) evaluates the extent to which the immunization system in the United States has been effective in providing for adequate immunization rates for adults and adolescents, taking into account the applicable year 2010 health objectives established by the Secretary regarding the health status of the people of the United States; and

"(B) describes any issues identified by the Secretary that may affect such rates.

"(6) In carrying out this subsection and paragraphs (1) and (2) of subsection (k), the Secretary shall consider recommendations regarding immunizations that are made in reports issued by the Institute of Medicine.".

(b) Research, Demonstrations, and Education.—Section 317(k) of the Public Health Service Act (42 U.S.C. 247b(k)) is amended—

(1) by redesignating paragraphs (2) through (4) as paragraphs (3) through (5), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) The Secretary, directly and through grants under paragraph (1), shall provide for a program of research, demonstration projects, and education in accordance with the following:

"(A) The Secretary shall coordinate with public and private entities (including nonprofit private entities), and develop and disseminate guidelines, toward the goal of ensuring that immunizations are routinely offered to adults and adolescents by public and private health care providers.

"(B) The Secretary shall cooperate with public and private entities to obtain information for the annual evaluations required in subsection (j)(5)(A).

"(C) The Secretary shall (relative to fiscal year 2001) increase the extent to which the Secretary collects data on the incidence, prevalence, and circumstances of diseases and adverse events that are experienced by adults and adolescents and may be associated with immunizations, including collecting data in cooperation with commercial laboratories.

"(D) The Secretary shall ensure that the entities with which the Secretary cooperates for purposes of subparagraphs (A) through (C) include managed care organizations, community-based organizations that provide health services, and other health care providers.

"(E) The Secretary shall provide for projects to identify racial and ethnic minority groups and other health disparity populations for which immunization rates for adults and adolescents are below such rates for the general population, and to determine the factors underlying such disparities.".

SEC. 103. IMMUNIZATION AWARENESS.

(a) Development of Information Concerning Meningitis.—

(1) In general.—The Secretary of Health and Human Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop and make available to entities described in paragraph (2) information concerning bacterial meningitis and the availability and effectiveness of vaccinations for populations targeted by the Advisory Committee of Immunization Practices (an advisory committee established by the Secretary Health and Human Services, acting through the Centers for Disease Control and Prevention).

(2) Entities.—An entity is described in this paragraph if the entity—

(A) is—

(i) a college or university; or

(ii) a prison or other detention facility; and

(B) is determined appropriate by the Secretary of Health and Human Services.

(b) Development of Information Concerning Hepatitis.—

(1) In general.—The Secretary of Health and Human Services, in consultation with the Director of the Centers for Disease Control and Prevention, shall develop and make available to entities described in paragraph (2) information concerning hepatitis A and B and the availability and effectiveness of vaccinations with respect to such diseases.

(2) Entities.—An entity is described in this paragraph if the entity—

(A) is—

(i) a health care clinic that serves individuals diagnosed as being infected with HIV or as having other sexually transmitted diseases;

(ii) an organization or business that counsels individuals about international travel or who arranges for such travel;

(iii) a police, fire or emergency medical services organization that responds to natural or man-made disasters or emergencies;

(iv) a prison or other detention facility;

(v) a college or university; or

(vi) a public health authority or children's health service provider in areas of intermediate or high endemnicity for hepatitis A as defined by the Centers for Disease Control and Prevention; and

(B) is determined appropriate by the Secretary of Health and Human Services.

SEC. 104. SUPPLY OF VACCINES.

(a) In General.—The Secretary of Health and Human Services, acting through the Director of the Centers for Disease Control and Prevention, shall prioritize, acquire, and maintain a supply of such prioritized vaccines sufficient to provide vaccinations throughout a 6-month period.

(b) Proceeds.—Any proceeds received by the Secretary of Health and Human Services from the sale of vaccines contained in the supply described in subsection (a), shall be available to the Secretary for the purpose of purchasing additional vaccines for the supply. Such proceeds shall remain available until expended.

(c) Authorization of Appropriations.—There are authorized to be appropriated for the purpose of carrying out subsection (a) such sums as may be necessary for each of fiscal years 2003 through 2008.

TITLE II—VACCINE INJURY COMPENSATION PROGRAM

SEC. 201. ADMINISTRATIVE REVISION OF VACCINE INJURY TABLE.

The second sentence of section 2114(c)(1) of the Public Health Service Act (42 U.S.C. 300aa–14(c)(1)) is amended to read as follows: "In promulgating such regulations, the Secretary shall provide for notice and for at least 90 days opportunity for public comment.".

SEC. 202. EQUITABLE RELIEF.

Section 2111(a)(2)(A) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(2)(A)) is amended by striking "No person" and all that follows through "and—" and inserting the following: "No person may bring or maintain a civil action against a vaccine administrator or manufacturer in a State or Federal court for damages arising from, or equitable relief relating to, a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988 and no such court may award damages or equitable relief for any such vaccine-related injury or death, unless the person proves present physical injury and a timely petition has been filed, in accordance with section 2116 for compensation under the Program for such injury or death and—".

SEC. 203. PARENT PETITIONS FOR COMPENSATION.

Section 2111(a)(2) of the Public Health Service Act (42 U.S.C. 300aa–(a)(2)) is amended—

(1) in subparagraph (B), by inserting "or (B)" after "subparagraph (A)";

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following:

"(B) No parent or other third party may bring or maintain a civil action against a vaccine administrator or manufacturer in a Federal or State court for damages or equitable relief relating to a vaccine-related injury or death, including but not limited to damages for loss of consortium, society, companionship or services, loss of earnings, medical or other expenses, and emotional distress, and no court may award damages or equitable relief in such an action unless the action is joined with a civil action brought by the person whose vaccine-related injury is the basis for the parent's or other third party's action and that person has satisfied the conditions of subparagraph (A).".

SEC. 204. JURISDICTION TO DISMISS ACTIONS IMPROPERLY BROUGHT.

Section 2111(a)(3) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(3)) is amended by adding at the end the following: "If any civil action which is barred under subparagraph (A) or (B) of paragraph (2) is filed or maintained in a State court, or any vaccine administrator or manufacturer is made a party to any civil action brought in State court (other than a civil action which may be brought under paragraph (2)) for damages or equitable relief for a vaccine-related injury or death associated with the administration of a vaccine after October 1, 1988, the civil action may be removed by the defendant or defendants to the United States Court of Federal Claims, which shall have jurisdiction over such civil action, and which shall dismiss such action. The notice required by section 1446 of title 28, United States Code, shall be filed with the United States Court of Federal Claims, and that court shall proceed in accordance with sections 1446 through 1451 of title 28, United States Code.".

SEC. 205. APPLICATION.

Section 2111(a)(9) of the Public Health Service Act (42 U.S.C. 300aa–11(a)(9)) is amended by striking "This" and inserting "Except as provided in subsection(a)(2), this".

SEC. 206. CLARIFICATION OF WHEN INJURY IS CAUSED BY FACTOR UNRELATED TO ADMINISTRATION OF VACCINE.

Section 2113(a)(2)(B) of the Public Health Service Act (42 U.S.C. 300aa–13(a)(2)(B)) is amended—

(1) by inserting "structural lesions, genetic disorders," after "and related anoxia)";

(2) by inserting "(without regard to whether the cause of the infection, toxin, trauma, structural lesion, genetic disorder, or metabolic disturbance is known)" after "metabolic disturbances"; and

(3) by striking "but" and inserting "and".

SEC. 207. INCREASE IN AWARD IN THE CASE OF A VACCINE-RELATED DEATH AND FOR PAIN AND SUFFERING.

Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)) is amended—

(1) in paragraph (2), by striking "$250,000" and inserting "$350,000"; and

(2) in paragraph (4), by striking "$250,000" and inserting "$350,000".

SEC. 208. BASIS FOR CALCULATING PROJECTED LOST EARNINGS.

Section 2115(a)(3)(B) of the Public Health Service Act (42 U.S.C. 300aa–15(a)(3)(B)) is amended by striking "loss of earnings" and all that follows and inserting the following: "loss of earnings determined on the basis of the annual estimate of the average (mean) gross weekly earnings of wage and salary workers age 18 and over (excluding the incorporated self-employed) in the private nonfarm sector (which includes all industries other than agricultural production crops and livestock), as calculated annually by the Bureau of Labor Statistics from the quarter sample data of the Current Population Survey, or as calculated by such similar method as the Secretary may prescribe by regulation, less appropriate taxes and the average cost of a health insurance policy, as determined by the Secretary.".

SEC. 209. ALLOWING COMPENSATION FOR FAMILY COUNSELING EXPENSES AND EXPENSES OF ESTABLISHING GUARDIANSHIP.

(a) Family Counseling Expenses in Post-1988 Cases.—Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)) is amended by adding at the end to following:

"(5) Actual unreimbursable expenses that have been or will be incurred for family counseling as is determined to be reasonably necessary and that result from the vaccine-related injury from which the petitioner seeks compensation.".

(b) Expenses of Establishing Guardianships in Post-1988 Cases.—Section 2115(a) of the Public Health Service Act (42 U.S.C. 300aa–15(a)), as amended by subsection (a), is further amended by adding at the end the following:

"(6) Actual unreimbursable expenses that have been, or will be reasonably incurred to establish and maintain a guardianship or conservatorship for an individual who has suffered a vaccine-related injury, including attorney fees and other costs incurred in a proceeding to establish and maintain such guardianship or conservatorship.".

(c) Conforming Amendment for Cases From 1988 and Earlier.—Section 2115(b) of the Public Health Service Act (42 U.S.C. 300aa–15(b)) is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by inserting a closed parenthesis before the period in that paragraph;

(3) by redesignating paragraph (3) as paragraph (5); and

(4) by inserting after paragraph (2), the following:

"(3) family counseling expenses (as provided for in paragraph (5) of subsection (a));

"(4) expenses of establishing guardianships (as provided for in paragraph (6) of subsection (a)); and".

SEC. 210. ALLOWING PAYMENT OF INTERIM COSTS.

Section 2115(e) of the Public Health Service Act (42 U.S.C. 300aa–15(e)) is amended by adding at the end the following:

"(4) A special master or court may make an interim award of costs if—

"(A) the case involves a vaccine administered on or after October 1, 1988;

"(B) the award is limited to other costs (within the meaning of paragraph (1)(B)) incurred in the proceeding; and

"(C) the petitioner provides documentation verifying the expenditure of the amount for which compensation is sought.".

SEC. 211. PROCEDURE FOR PAYING ATTORNEYS' FEES.

Section 2115(e) of the Public Health Service Act (42 U.S.C. 300aa–15(e)), as amended by section 205, is further amended by adding at the end the following:

"(5) When a special master or court awards attorney fees or costs under paragraph (1) or (4), it may order that such fees or costs be payable solely to the petitioner's attorney if—

"(A) the petitioner expressly consents; or

"(B) the special master or court determines, after affording to the Secretary and to all interested persons the opportunity to submit relevant information, that—

"(i) the petitioner cannot be located or refuses to respond to a request by the special master or court for information, and there is no practical alternative means to ensure that the attorney will be reimbursed for such fees or costs expeditiously; or

"(ii) there are otherwise exceptional circumstances and good cause for paying such fees or costs solely to the petitioner's attorney.".

SEC. 212. EXTENSION OF STATUTE OF LIMITATIONS.

(a) General Rule.—Section 2116(a) of the Public Health Service Act (42 U.S.C. 300aa–16(a)) is amended—

(1) in paragraph (2) by striking "36 months" and inserting "6 years"; and

(2) in paragraph (3), by striking "48 months" and inserting "6 years".

(b) Claims Based on Revisions to Table.—Strike all of section 2116(b) of the Public Health Service Act (42 U.S.C. 300aa–16(b)) and insert the following:

"(b) Effect of Revised Table.—If at any time the Vaccine Injury Table is revised and the effect of such revision is to make an individual eligible for compensation under the program, where, before such revision, such individual was not eligible for compensation under the program, or to significantly increase the likelihood that an individual will be able to obtain compensation under the program, such person may, and must before filing a civil action for equitable relief or monetary damages, notwithstanding section 2111(b)(2), file a petition for such compensation if—

"(1) the vaccine-related death or injury with respect to which the petition is filed occurred not more than 8 years before the effective date of the revision of the table; and

"(2) either—

"(A) the petition satisfies the conditions described in subsection (a); or

"(B) the date of the occurrence of the first symptom or manifestation of onset of the injury occurred more than 4 years before the petition is filed, and the petition is filed not more than 2 years after the effective date of the revision of the table.".

SEC. 213. ADVISORY COMMISSION ON CHILDHOOD VACCINES.

(a) Selection of Persons Injured by Vaccines as Public Members.—Section 2119(a)(1)(B) of the Public Health Service Act (42 U.S.C. 300aa–19(a)(1)(B)) is amended by striking "of whom" and all that follows and inserting the following: "of whom 1 shall be the legal representative of a child who has suffered a vaccine-related injury or death, and at least 1 other shall be either the legal representative of a child who has suffered a vaccine-related injury or death or an individual who has personally suffered a vaccine-related injury.".

(b) Mandatory Meeting Schedule Eliminated.—Section 2119(c) of the Public Health Service Act (42 U.S.C. 300aa–19(c)) is amended by striking "not less often than four times per year and".

SEC. 214. CLARIFICATION OF STANDARDS OF RESPONSIBILITY.

(a) General Rule.—Section 2122(a) of the Public Health Service Act (42 U.S.C. 300aa–22(a)) is amended by striking "and (e) State law shall apply to a civil action brought for damages" and inserting "(d), and (f) State law shall apply to a civil action brought for damages or equitable relief"; and

(b) Unavoidable Adverse Side Effects.—Section 2122(b)(1) of the Public Health Service Act (42 U.S.C. 300aa–22(b)(1)) is amended by inserting "or equitable relief" after "for damages".

(c) Direct Warnings.—Section 2122(c) of the Public Health Service Act (42 U.S.C. 300aa–22(c)) is amended by inserting "or equitable relief" after "for damages".

(d) Construction.—Section 2122(d) of the Public Health Service Act (42 U.S.C. 300aa–22(d)) is amended—

(1) by inserting "or equitable relief" after "for damages"; and

(2) by inserting "or relief" after "which damages".

(e) Present Physical Injury.—Section 2122 of the Public Health Service Act (42 U.S.C. 300aa–22) is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following:

"(d) Present Physical Injury.—No vaccine manufacturer or vaccine administrator shall be liable in a civil action brought after October 1, 1988, for equitable or monetary relief absent proof of present physical injury from the administration of a vaccine, nor shall any vaccine manufacturer or vaccine administrator be liable in any such civil action for claims of medical monitoring, or increased risk of harm.".

SEC. 215. CLARIFICATION OF DEFINITION OF MANUFACTURER.

Section 2133(3) of the Public Health Service Act (42 U.S.C. 300aa–33(3)) is amended—

(1) in the first sentence, by striking "under its label any vaccine set forth in the Vaccine Injury Table" and inserting "any vaccine set forth in the Vaccine Injury table, including any component or ingredient of any such vaccine"; and

(2) in the second sentence, by inserting "including any component or ingredient of any such vaccine" before the period.

SEC. 216. CLARIFICATION OF DEFINITION OF VACCINE-RELATED INJURY OR DEATH.

Section 2133(5) of the Public Health Service Act (42 U.S.C. 300aa–33(5)) is amended by adding at the end the following: "For purposes of the preceding sentence, an adulterant or contaminant shall not include any component or ingredient listed in a vaccine's product license application or product label.".

SEC. 217. CLARIFICATION OF DEFINITION OF VACCINE.

Section 2133 of the Public Health Service Act (42 U.S.C. 300aa–33) is amended by adding at the end the following:

"(7) The term 'vaccine' means any preparation or suspension, including but not limited to a preparation or suspension containing an attenuated or inactive microorganism or subunit thereof or toxin, developed or administered to produce or enhance the body's immune response to a disease or diseases and includes all components and ingredients listed in the vaccines's product license application and product label.".

SEC. 218. CONFORMING AMENDMENT TO TRUST FUND PROVISION.

Section 9510(c)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "October 18, 2000" and inserting "the effective date of the Improved Vaccine Affordability and Availability Act".

SEC. 219. ONGOING REVIEW OF CHILDHOOD VACCINE DATA.

Part C of title XXI of the Public Health Service Act (42 U.S.C. 300a–25 et seq.) is amended by adding at the end the following:

"SEC. 2129. ONGOING REVIEW OF CHILDHOOD VACCINE DATA.

"(a) IN GENERAL.—Not later than 6 months after the date of enactment of this section, the Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Science under which the Institute shall conduct an ongoing, comprehensive review of new scientific data on childhood vaccines (according to priorities agreed upon from time to time by the Secretary and the Institute of Medicine).

"(b) REPORTS.—Not later than 3 years after the date on which the contract is entered into under paragraph (1), the Institute of Medicine shall submit to the Secretary a report on the findings of studies conducted, including findings as to any adverse events associated with childhood vaccines, including conclusions concerning causation of adverse events by such vaccines, together with recommendations for changes in the Vaccine Injury Table, and other appropriate recommendations, based on such findings and conclusions.

"(c) FAILURE TO ENTER INTO CONTRACT.—If the Secretary and the Institute of Medicine are unable to enter into the contract described in paragraph (1), the Secretary shall enter into a contract with another qualified nongovernmental scientific organization for the purposes described in paragraphs (1) and (2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2003, 2004, 2005 and 2006.".

SEC. 220. PENDING ACTIONS.

The amendments made by this title shall apply to all actions or proceedings pending on or after the date of enactment of this Act.

SEC. 221. REPORT.

Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall submit recommendations regarding how to address the growing surplus in the Vaccine Trust Fund, and the rationale for such recommendations to—

(1) the Health, Education, Labor and Pensions Committee of the Senate;

(2) the Finance Committee of the Senate;

(3) the Energy and Commerce Committee of the House of Representatives; and

(4) the Ways and Means Committee of the House of Representatives.

By Ms. CANTWELL:

S. 2055. A bill to make grants to train sexual assault nurse examiners, law enforcement personnel, and first responders in the handling of sexual assault cases, to establish minimum standards for forensic evidence collection kits, to carry out DNA analyses of samples from crime scenes, and for other purposes; to the Committee on the Judiciary.

Ms. CANTWELL. Mr. President, I rise today to introduce the Debbie Smith Act, a bill to provide law enforcement the tools to track and convict sexual assailants, and to help ensure that rape survivors are provided prompt treatment that also provides the dignity and respect they deserve. This bill addresses a serious problem in this country, the huge DNA backlog and uneven processing of DNA evidence in rape cases.

According to the Department of Justice, somewhere in America, a woman is raped every two minutes. One in three women will be raped in her lifetime. In my home State of Washington the number of sexual assaults is even higher. According to the Washington State Office of Crime Victims Advocacy 38 percent of women in my State have been sexually assaulted. This is unacceptable.

Debbie Smith, is a native of Roanoke, VA, who was brutally raped in the woods behind her house in March 1989. Six years later, because evidence had been properly preserved, her assailant's DNA profile was cross-referenced with the Virginia DNA Databank and was found to match the DNA of a current prison inmate. He was convicted of the rape and was sentenced to two life terms plus 25 years. Debbie Smith has since become a national spokesperson on the importance of collecting and analyzing DNA samples.

As Debbie Smith and women in my State have come to know collecting, analyzing, and entering this critical DNA information evidence into the Combined DNA System, CODIS, database is often the key to finding and convicting a sexual assailant and stopping him from attacking again. Unfortunately, many jurisdictions throughout the country do not have the funding for this simple, yet vital process. Consequently, crime scene kits go unanalyzed and valuable DNA information is lost forever.

Today, over 20,000 DNA samples are sitting useless in storage. These samples could be holding the clues needed to solve crimes, or even to track a serial rapist. This means 20,000 women who had the courage to report their rape may never find the peace of mind of someone knowing their assailant has been caught.

By authorizing funding to carry out analyses on crime scenes samples and cross-reference DNA evidence with crime databanks, this bill provides law enforcement with the tools necessary for an effective and successful criminal investigation.

The bill also provides grants to broaden the use of the Sexual Assault Nurse Examiners program. The SANE program provides nurses and first responders with specific training so that critical forensic evidence is thoroughly collected and documented and that sexual assault survivors are treated with professional care in a confidential and sensitive environment. SANE nurses can make the difference to women facing one of the most difficult events of their lives. And, SANE nurses can make the difference in sending valuable information to crime laboratories rather than improperly collected evidence that is impossible to analyze.

In 1995, a young woman at home in Olympia, WA, was raped at gunpoint. At St. Peter Hospital later that night, she said the SANE nurses who collected DNA evidence after the assault "made [her] feel at ease, more confident, and more comfortable." The SANE nurses' training in proper evidence collection proved equally valuable. The DNA evidence collected, when cross-referenced with the CODIS was databank matched that of a convicted serial rapist Jeffrey Paul McKechnie, the "I–5 Rapist," resulting in his conviction for the crime.

This bill is a reasonable and necessary step that needs to be taken to address the backlog of DNA samples from rape cases across the country, and to broaden the use of the SANE program to improve and standardize the collection of forensic evidence while also addressing the physical and psychological needs of the victim. This bill makes sure that we can catch the next Jeffrey Paul McKechnie and make our streets safer. I look forward to working with my colleagues to pass this bill and get the necessary funding to address the DNA backlog in this critical area once and for all.

By Mr. NELSON of Florida (for himself and Mrs. CARNAHAN):

S. 2056. A bill to ensure the independence of accounting firms that provide auditing services to publicly traded companies and of executives, audit committees, and financial compensation committees of such companies, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. NELSON of Florida. Mr. President, I rise today to introduce the Integrity in Auditing Act. I am introducing this bill with my colleague from the Commerce Committee, Senator JEAN CARNAHAN of Missouri. This legislation presents a comprehensive approach to securities reform as a key element in protecting America's shareholders and consumers in our capitalist system. We look forward to the Commerce Committee's Subcommittee on Consumer Affairs, Foreign Commerce and Tourism hearings in April on these issues.

I am focusing my review of the Enron collapse on institutional investors, like State pension funds representing the guaranteed retirement plans of our police officers, firefighters, teachers, and other State and local workers. The Florida Pension Fund took a bath from investing in Enron, and it cost my

State plenty. I want to protect the taxpayers and prevent large losses in our public pension systems in the future.

The legislation I am introducing today addresses the safety nets intended to protect investors like State pension funds against abuses. The Integrity in Auditing Act prohibits auditors from providing any nonaudit services to their audit clients. The bill allows auditors to perform tax-consulting services with the approval of a company's Audit Committee. Additionally, the bill prohibits outside accountants from working in a management job for a client company for 1 year. These key provisions, essential to any reform effort, are similar to those found in other bills including a bill introduced by my colleagues, Senators CORZINE and DODD.

The legislation adds additional safeguards for the investing public, including State pension funds. The bill requires that companies rotate their outside auditors every 7 years. The company can continue its relationship with the auditing firm through nonaudit client services.

The Enron collapse poses a challenge to us in designing a system of corporate governance that secures better financial disclosure for the future. In my view the best response to Arthur Andersen's precarious state is to make sure our efforts to reform the profession enables the auditing profession to continue their needed work in our capital markets with the potential loss of one big player. The legislation I introduce today strives to meet that objective.

In addition to protecting the integrity of the auditing process, this legislation recognizes that independent directors should effectively monitor management behavior and represent the interests of the shareholder. The Council of Institutional Investors and others have called for auditor and board independence. Accordingly, the Integrity in Auditing Act requires enhanced disclosure of director links to companies.

The bill requires that a company disclose, with every filing, any board of director relationship, familial, professional, financial, to the company. This legislation also requires that all Audit and Compensation Committee members must be independent directors.

We should be clear that the Securities and Exchange Commission impose a swift and serious approach to improving our corporate governance systems. This bill includes a sense of the Senate that the SEC should take a tough enforcement approach, including criminal prosecutions, if warranted.

One of the biggest casualties of Enron's bankruptcy filing is the growing lack of confidence and trust by consumers, employees, and investors in the financial statements of companies. Willful blindness of companies leads to fuzzy disclosures. Cozy relationships among company executives, its auditors and board of directors, money managers, Wall Street analysts, lawyers, and others, cry out for reform. Our public institutional investors like state pension funds deserve no less.

Mr. President, I recently read Teddy Roosevelt's 1902 annual message to Congress. Our 26th President was known as a Trust Buster. He told the truth about our free enterprise system. He said "We can do nothing of good in the way of regulating corporations until we fix clearly in our minds that we are not attacking corporations; we are merely determined that they shall be so handled as to serve the public good. We draw the line against misconduct, not against wealth."

We can all learn from history as we proceed to find thoughtful and appropriate ways to reform our securities laws on behalf of the public.

Mrs. CARNAHAN. Mr. President, today my friend, Senator NELSON of Florida, and I are introducing important legislation to restore accountability to the accounting industry. The Integrity in Auditing Act will help renew Americans' confidence in our financial markets. Investors rely on the financial information that is provided by companies and certified by independent auditors. This legislation is designed to make sure that these auditors are truly independent.

Over the course of the last few months, I have been looking into the devastating events related to the collapse of the Enron Corporation. As a member of both the Governmental Affairs Committee and the Commerce Committee, I have participated in numerous hearings on this matter. We have heard testimony from many experts about the different things that went wrong at Enron. The shareholders were failed by many parties who were supposed to be looking out for their interests: the company executives, the board of directors, the Government watchdogs, and certainly, the accountants who certified that Enron's financial statements were accurate.

But, this is not just about Enron. This is about the disturbing number of restatements that firms have filed in recent years. It is no longer uncommon for a company to say that profits they previously touted were actually fictitious. This is absolutely unacceptable. And to the extent that inaccurate accounting can be eliminated by removing any conflicts of interest that are preventing better audits, Congress must act quickly to do so.

Let me be clear, that I have the deepest respect for the many accountants in this country who are extremely hard working and honest. This legislation is not meant to impugn individual accountants or the accounting industry. Rather, it will improve this industry. The Integrity in Auditing Act will ensure that accountants can do their jobs with the highest professionalism, free from any pressures to overlook suspicious bookkeeping by their clients.

The reforms we propose today are urgent and in the interest of all Americans. Auditors who simply rubber stamp questionable financial reports for their clients do a tremendous disservice to all investors. If they prevent true and accurate information from coming to light, auditors endanger the hard earned savings of working Americans. Many parents are investing money every year to pay for the college expenses of their children. Many workers are saving for their golden years in 401(k) plans or other retirement accounts. Young couples, saving to buy their first homes, often put money into mutual funds or money market accounts. All of these investors are entitled to accurate information so that they can make wise decisions about their savings.

This legislation is an important step toward ensuring that investors can trust the financial information provided by companies. Let me briefly summarize how this legislation establishes the independence of auditors. First, it prohibits audit firms from providing non-audit services to their clients. An exception is made if the client's Audit Committee believes it is in the best interest of the shareholders to also receive tax services consulting from the audit firm. But it will prevent companies from engaging in extremely lucrative management consulting or technology consulting contracts with the auditors who ought to be providing unbiased assessments of the companies' financial health.

Second, this legislation requires that every seven years a company rotate the firm that performs its independent audit. Arthur Levitt, the former chairman of the Securities and Exchange Commission made it very clear why such rotation is important. In his testimony before the Senate Banking Committee he proposed that audit firms ought to be rotated in order "to ensure that fresh and skeptical eyes are always looking at the numbers."

This legislation will also close the revolving door that could compromise independent auditors. It prohibits outside accountants from working, in a management capacity, for a client company for a period of 1 year. This simple restriction will ensure that shareholders, and not company management, remain an auditor's primary concern.

In the interest of providing full information to investors, our legislation also requires that any connections between the company and a member of the board of directors be fully disclosed, whether those connections are familial, financial, or professional. It also prohibits any directors who have such potential conflicts of interest from serving on the board's audit or compensation committees.

Lastly, this legislation would express the sense of the Senate that the Securities and Exchange Commission ought to take a tough approach to the enforcement of securities laws.

America has the most vibrant and dynamic economy in the world. The foundation of our economy is our capital markets, which are robust and resilient. But the success of these markets depends on the free flow of accurate, reliable information. Our markets are the envy of the world because of the confidence investors have in the private and public institutions that produce, verify, and analyze this information.

The legislation we are introducing today will improve our markets. It will restore public confidence in auditors. And it frees accountants from any inappropriate conflicts of interest. I encourage my colleagues to support this bill.

By Mrs. LINCOLN (for herself, Mr. BREAUX, and Mr. ROCKEFELLER):

S. 2058. A bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

Mrs. LINCOLN. Mr. President, I rise today to introduce the "Making Work Pay Act of 2002." A companion bill is being introduced in the House by Representative SANDY LEVIN of Michigan. I worked with Mr. LEVIN to reform the welfare program in 1996, and I am proud and honored to work with him again in this next phase of welfare reform.

I am also proud to be joined today by Senator BREAUX of Louisana and Senator ROCKEFELLER of West Virginia. As members of the Finance Committee and representatives of rural States with similar challenges, we all share the goal of ensuring that States have the resources and the flexibility they need to continue moving people from welfare to work.

The welfare reform bill President Clinton signed into law in 1996 has been a success. Nationally, welfare rolls have dropped by 52 percent. Over the last 5 years, enrollment in Arkansas' welfare program has dropped by 43 percent.

In 1996, we fundamentally changed welfare from an entitlement program to temporary assistance, a move which has allowed many needy families to achieve a liberating measure of self-sufficiency. Our message then was "work first." Today, people are working. Now our message should be "make work pay." To do this, we need to help people get good paying jobs by providing the support services like child care and transportation that are absolutely essential to keeping those jobs.

We have rewarded States for moving people off welfare. Unfortunately, that tends to ignore the important question of what happens after they leave welfare. What we need to do now is find ways to reward States for placing people into good jobs and helping them with vital work support services such as child care and transportation. These services are particularly vital in States like Arkansas, where good child care is scarce and public transportation barely exists.

The legislation we introduce today measures State performance along the entire continuum from welfare to work. It gives credit to States for providing work-support services and short-term emergency assistance, which prevent people from ever needing welfare benefits in the first place. Current law and President Bush's welfare re-authorization proposal give no credit to States for these efforts, thus discouraging the use of these highly effective welfare-to-work methods.

My legislation revises how work participation rates are calculated to better fit post-reform welfare programs and more accurately measure the level of work activity among those served. Specifically, States receive half credit for people who work part time and pro-rate to full time, and they receive full credit for people that they are able to move into work by supplying child care and transportation assistance. In addition, people who are deemed severely and permanently disabled during the year are excluded from the State's work participation requirement, so that states aren't penalized for failing to engage these disabled people in work.

The "Making Work Pay Act of 2002" is supported by the American Public Human Services Association, which played a fundamental role in helping us develop this bill. I thank them for their support and urge my colleagues to use them as a resource in assessing the needs of their states. I also urge my colleagues to support this legislation as a necessary first step into the next phase of welfare reform, to move beyond "work first" to "making work pay."

By Ms. MIKULSKI (for herself, Mr. KENNEDY, Mr. HUTCHINSON, and Mr. DODD):

S. 2059. A bill to amend the Public Health Service Act to provide for Alzheimer's disease research and demonstration grants; to the Committee on Health, Education, Labor, and Pensions.

Ms. MIKULSKI. Mr. President, I rise to introduce the Alzheimer's Disease Research, Prevention, and Care Act of 2002. I am pleased that Senator KENNEDY and Senator HUTCHINSON are joining me as original cosponsors of this legislation. This bill expands and directs Alzheimer's disease research at the National Institutes of Health (NIH), and expands and reauthorizes the Alzheimer's Demonstration Grant Program. This important legislation gets behind our Nation's families, both in the lab and in the community.

Alzheimer's disease is a devastating illness. Four million Americans including one in 10 people over age 65 and nearly half of those over 85, have Alzheimer's disease. The total annual Cost of Alzheimer's care in the United States today is at least $100 billion.

As our population ages and baby-boomers become seniors, Alzheimer's disease will take an even greater toll. Unless science finds a way to prevent or cure Alzheimer's disease, 14 million people in the United States will have Alzheimer's disease by the year 2050. The race to find a cure is more urgent than ever.

But these statistics do not begin to tell the story of what Alzheimer's means to families. My dear father suffered from Alzheimer's disease. My family and I watched him die one brain cell at a time. I know the pain that patients and families go through when Alzheimer's disease strikes.

I believe that honor thy mother and father is not only a good commandment to live by, it is also a good policy to govern by. That's why I have introduced this legislation that meets the day-to-day needs of seniors and the long-range needs of our Nation.

The Alzheimer's Disease Research, Prevention, and Care meets seniors' day-to-day needs by reauthorizing the Alzheimer's Demonstration Grant Program. The purpose of the program is to develop and replicate innovative ways to provide care to Alzheimer's patients that are traditionally hard to reach or undeserved. These grants enable States to provide support services like home care, respite care, and day care to Alzheimer's patients and their families. This legislation expands the Alzheimer's Demonstration Program by authorizing the funding needed to support these outstanding programs in every State.

In my own State of Maryland, Alzheimer's Demonstration grants have been used to train workers at nursing homes and assisted living facilities to care for people with dementia. This training means that Alzheimer's patients will get high quality care when they leave their homes and enter a nursing home. And it means that families can rest assured that their mom or dad is safe and in good hands.

This legislation also meets the long term needs of our aging Nation by expanding and directing Alzheimer's disease research at the National Institute on Aging.

Our best shot at curbing the number of families who suffer from Alzheimer's disease is to find ways to prevent it before it starts. This bill authorizes the

Alzheimer's Disease Prevention Initiative. The National Institute on Aging is currently conducting seven prevention trials. The Alzheimer's Disease Research, Prevention, and Care Act supports the National Institute on Aging's Prevention Initiative and directs the Institute to focus its efforts on identifying possible ways to prevent Alzheimer's and conducting clinical trials to test their effectiveness.

Clinical trials can involve millions of dollars, tens of thousands of participants, and years or even decades. This bill establishes an Alzheimer's Disease Cooperative Study Group to improve and enhance the National Institute on Aging's ability to conduct several large scale, complex clinical trials simultaneously. Promising therapies should not have to wait to be tested until current trials are complete and resources are made available. This legislation authorizes a national consortium for cooperative clinical research at the National Institute on Aging to improve the existing clinical trial infrastructure, develop novel approaches to design these clinical trials, and make it easier to enroll patients.

This bill directs the National Institute on Aging, in consultation with other relevant institutes, to conduct research on the early diagnosis and detection of Alzheimer's disease. As promising therapies become available that can delay the progression of Alzheimer's, new technologies are needed to detect and diagnose the disease before its symptoms strike.

There is still much that is not known about the causes of Alzheimer's disease. In the last few years, for example, scientists have found that in stroke patients who later develop Alzheimer's disease, their dementia will worsen much more quickly than in Alzheimer's patients who have never had a stroke. This bill directs the National Institute on Aging to study this connection between vascular disease and Alzheimer's disease. Finding answers to questions about this connection will open new doors for researchers to explore promising ways to prevent and treat Alzheimer's disease.

This legislation establishes a research program at the National Institute on Aging on ways to help caregivers of patients with Alzheimer's disease. Family caregiving comes at enormous physical, emotional, and financial sacrifice, which puts the whole system at risk. Three of four caregivers are women. One in eight Alzheimer caregivers becomes ill or injured as a direct result of caregiving, and older caregivers are three times more likely to become clinically depressed than others in their age group. Research is needed to find better ways to help caregivers bear this tremendous, at times overwhelming responsibility.

Finally, this legislation increases the funding authorized for the National Institute on Aging to $1.5 billion in fiscal year 2003. Investments we make now in Alzheimer's Disease and aging research mean longer, healthier lives for all of us. If science can help us delay the onset of Alzheimer's by even 5 years, it would save this country billions of dollars—and would improve the lives of millions of families.

I look forward to working with my colleagues to pass this important legislation that gets behind our nation's families. I ask unanimous consent that a letter of support from the Alzheimer's Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

March 21, 2002.

Hon. BARBARA MIKULSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MIKULSKI: On behalf of the Alzheimer's Association, I am writing to strongly support your legislation, the Alzheimer's Disease Research, Prevention and Care Act of 2002. I congratulate you on your continued leadership on issues important to older Americans as well as issues important to individuals with Alzheimer's disease.

Right now, 14 million Americans—most of them babyboomers—are living with a death sentence of Alzheimer's disease. For most of them, the process that will destroy their brain cells has already started. We have to act now, or it will be too late to save them. Your legislation will support ongoing efforts at the National Institute on Aging to find a way to prevent and cure this disease. We are particularly pleased that your bill places an emphasis on promising areas of research, including the connection between Alzheimer's and vascular disease and the development of new diagnostic technologies.

Your legislation will also reauthorize a highly successful Alzheimer demonstration program at the Administration on Aging (AoA). These state grant projects demonstrate how existing public and private resources within states may be more effectively coordinated and utilized to enhance educational needs and service delivery systems for persons with Alzheimer's, their families and caregivers. In addition, AoA has also identified "best practices" among the projects and disseminated information on successful innovative approaches. The demonstration program has fostered collaborations between Alzheimer's Association chapters and state aging and mental health agencies, public health departments, private foundations, universities, physicians and managed care organizations, as well as more than 300 local community agencies.

On behalf the 4 million Americans with Alzheimer's disease, I thank you for your efforts to support research and programs for these individuals and the family members who care for them. We look forward to continuing to work with you and your staff on this important legislation.

Sincerely,

STEPHEN MCCONNELL,
Interim President and CEO.

By Mr. NELSON of Florida (for himself and Mr. GRAHAM):

S. 2060 A bill to name the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, after Franklin D. Miller; to the Committee on Veterans' Affairs.

Mr. NELSON of Florida. Mr. President, I am honored to introduce legislation to name the Department of Veterans Affairs, VA, Regional Office in St. Petersburg, FL, after Command Sergeant Major Franklin D. Miller, United States Army, Retired.

Frank Miller faithfully served our country as a soldier for thirty years from 1962 until his retirement in 1992. During much of that time, Frank Miller served in Army Special Forces units, including four tours in the Republic of Vietnam. Frank Miller's combat decorations include the Congressional Medal of Honor, the Silver Star, two Bronze Stars, the Air Medal, and six Purple Hearts. He received the Medal of Honor for his bravery in battle in 1971, when, despite his own severe wounds, he single-handedly overcame four enemy attacks and safely evacuated the surviving members of his patrol.

Upon Frank Miller's retirement from the Army in 1992, with the U.S. Army's highest enlisted rank of Command Sergeant Major, he continued to serve his community, country and fellow veterans as a benefits counselor for the Department of Veterans Affairs Regional Office in St. Petersburg, FL. Frank Miller remained very active in support of our veterans, the Armed Forces, and America's interest around the world. He was frequently invited to speak to groups around the country, sharing his experiences with others and serving as an example of honor, self-sacrifice, and dedication. Former Joint Chiefs of Staff, General Henry H. Shelton, who knew Frank Miller personally, has described him as, "an icon to what service in the armed forces is all about."

Sadly, in July of 2000, Frank Miller passed away in Florida. He is survived by his three children, Joshua, Melia, and Danielle, and his brother, Walter, who also is a retired Command Sergeant Major of the Army's Special Forces.

Frank Miller dedicated his life to serving our country. He cared deeply for the soldiers he led in combat, even to the very risk of his own life above and beyond the call of duty. He put his fellow veterans above all else in his efforts to keep our nation's promise to care for those who put America above self and bore the pain of battle. He was a loving father and brother, a true soldier's soldier, and a fellow American whose life impacted many people. Frank Miller's life should be remembered and appropriately commemorated. I hope to help honor his life by introducing legislation to name the Florida Veterans Affairs Regional Office in honor of Command Sergeant Major, Retired, Franklin D. Miller. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF DEPARTMENT OF VETERANS AFFAIRS REGIONAL OFFICE IN ST. PETERSBURG, FLORIDA.

(a) FINDINGS.—Congress makes the following findings:

(1) In recognition of conspicuous and meritorious duty in the Army, Franklin D. Miller was awarded the Medal of Honor, the Silver Star, two Bronze Stars, the Air Medal, and six Purple Hearts.

(2) Upon retiring from the Army, Franklin D. Miller worked for the Department of Veterans Affairs at the Department of Veterans Affairs Regional Office in St. Petersburg, Florida, thereby continuing to serve his country and his fellow veterans.

(3) Franklin D. Miller remained active in support of the Armed Forces and the foreign policy of the United States by making speeches, participating in the activities of civic organizations and schools, and supporting special forces units, and by being both a role model for all Americans and a true American hero.

(b) DESIGNATION OF BUILDING.—The building housing the Regional Office of the Department of Veterans Affairs in St. Petersburg, Florida, is hereby designated as the "Franklin D. Miller Department of Veterans Affairs Regional Office Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Franklin D. Miller Department of Veterans Affairs Regional Office Building.

(c) MEMORIAL ACTIVITIES.—(1) The Secretary of Veterans Affairs shall, on the date of the first celebration of Memorial Day that occurs after the date of the enactment of this Act, provide for an appropriate ceremony at the building designated by subsection (b) to honor Franklin D. Miller and to commemorate the designation of the building after Franklin D. Miller.

(2) The Secretary shall provide for the permanent display of an appropriate copy of the Medal of Honor citation of Franklin D. Miller in the lobby of the building designated by subsection (b).

By Mr. BOND:

S. 2061. A bill to establish a national response to terrorism, a national urban search and rescue task force program to ensure local capability to respond to the threat and aftermath of terrorist activities and other emergencies, and for other purposes; to the Committee on Environment and Public Works.

Mr. BOND. Mr. President, I rise today to introduce the National Response to Terrorism and Consequence Management Act of 2002. This bill is designed to take a few of the very important steps necessary to put in place a national policy and plan for responding to the consequences and aftermath of acts of terrorism, including acts involving weapons of mass destruction.

The cowardly terrorist attacks on September 11 on the Pentagon, the World Trade Center and Pennsylvania is one of the saddest days in the history of our Nation. However, I can personally attest that the spirit of the American people has never been stronger or more caring. Last month, I visited ground zero, I talked with survivors as well as many of the heroic men and women who continue to rebuild from our losses in the aftermath of this terrible tragedy. I have never been more touched or more proud of our Nation's ability to stand tall, and to stand unbowed.

While the President has advanced a plan since September 11 which the Congress has begun to fund, there is still much work to be accomplished before we have in place the necessary protection and capacities to respond to both the threat of acts of terrorism and the consequences of such acts. In particular, we need a statutory structure that will enable the various agencies of both the states and the Federal Government to coordinate and build a Federal, State and local capacity to fully respond to acts of terrorism, including acts involving weapons of mass destruction.

We must do more to ensure that states and localities have the needed resources, training and equipment to respond to threats and acts of terrorism and the consequences of such acts. In response, the President is proposing to fund FEMA at an unprecedented $3.5 billion for FY 2003 as a further downpayment to ensure that the Nation will not be caught unaware again by a cowardly act of terrorism and is fully capable of responding to both the threat and consequence of any act of terrorism.

These FEMA funds are targeted to states and localities and are intended to create a safety net of First Responders with firefighters, law enforcement officers and emergency medical personnel at its heart. Despite the response to September 11, the current capacity of our communities and our First Responders vary widely across the United States, with even the best prepared States and localities lacking crucial resources and expertise. Many areas have little or no ability to cope or respond to the consequences and aftermath of a terrorist attack, especially ones that use weapons of mass destruction, including biological or chemical toxins or nuclear radioactive weapons.

The recommended commitment of funding in the President's Budget is only the first step. There also needs to be a comprehensive approach that identifies and meets state and local First Responder needs, both rural and urban, pursuant to federal leadership, benchmarks and guidelines.

This legislation is intended to move the Federal Government forward in developing that comprehensive approach with regard to the consequence management of acts of terrorism. The bill establishes in FEMA an office for coordinating the federal, state and local capacity to respond to the aftermath and consequences of acts of terrorism. This essentially represents a beginning statutory structure for the existing Office of National Preparedness within FEMA as the responsibilities in this legislation are consistent with many of the actions of that office currently. This bill also provides FEMA with the authority to make grants of technical assistance to states to develop the capacity and coordination of resources to respond to acts of terrorism. In addition, the bill authorizes $100 million for states to operate fire and safety programs as a step to further build the capacity of fire departments to respond to local emergencies as well as the often larger problems posed by acts of terrorism. America's firefighters are, with the police and emergency medical technicians, the backbone of our Nation and the first line of defense in responding to the consequences of acts of terrorism.

The legislation also formally recognizes and funds the urban search and rescue task force response system at $160 million in fiscal year 2002. The Nation currently is served by 28 urban search and rescue task forces which proved to be a key resource in our Nation's ability to quickly respond to the tragedy of September 11. In addition, Missouri is the proud home of one of these urban search and rescue task forces, Missouri Task Force 1. Missouri Task Force 1 made a tremendous difference in helping the victims of the horrific tragedy at the World Trade Center as well as assisting to minimize the aftermath of this tragedy. These task forces are underfunded and underequipped, but, nontheless, are committed to be the front-line soldiers for our local governments in responding to the worst consequences of terrorism at the local level. I believe we have an obligation to realize fully the capacity of these 28 search and rescue task forces to meet First Responder events and this legislation authorizes the needed funding.

Finally, the bill removes the risk of litigation that currently discourages the donation of fire equipment to volunteer fire departments. As we have discovered in the last several years, volunteer fire departments are underfunded, leaving the firefighters with the desire and will to assist their communities to fight fires and respond to local emergencies but without the necessary equipment or training that is so critical to the success of their profession. We have started providing needed funding for these departments though the Fire Act Grant program at FEMA. However, more needs to be done and this legislation is intended to facilitate the donation of used, but useful, equipment to these volunteer fire departments.

I urge my colleagues to support this legislation.

I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

NATIONAL RESPONSE TO TERRORISM AND CONSEQUENCE MANAGEMENT ACT OF 2002—SUMMARY OF LEGISLATION

TITLE I. CAPACITY BUILDING FOR URBAN SEARCH AND RESCUE TASK FORCES

This title may be cited as the "National Urban Search and Rescue Task Force Assistance Act of 2002."

Sec. 102. Statement of Findings and Purpose. The purpose of this act is to provide the needed funds, equipment and training to ensure that all urban search and rescue task forces have the full capability to respond to all emergency search and rescue needs arising from any disaster, including acts of terrorism involving a weapon of mass destruction.

Sec. 104. Assistance. Requires no less than $1.5 million annually for the operational costs of each urban search and rescue task forces. Authorizes additional grants for (1) operational costs in excess of the $1.5 million; (2) the cost of equipment; (3) the cost of equipment needed to allow a task force to operate in an environment contaminated by weapons of mass of destruction, including chemical, biological, and nuclear/radioactive contaminants; (4) the cost of training; (5) the cost of transportation; (6) the cost of task force expansion; (7) the cost of Incident Support Teams, including the cost to conduct appropriate task force readiness evaluations; and (8) the cost of making task forces capable of responding to international disasters, including acts of terrorism.

Requires FEMA to prioritize all funding to ensure that all urban search and rescue task forces have the capacity, including all needed equipment and training, to deploy two separate task forces simultaneously from each sponsoring agency.

Sec. 106. Technical Assistance for Coordination. Allows FEMA to award no more than four percent of the funds for technical assistance to allow urban search and rescue task forces to coordinate with other agencies and organizations, including career and volunteer fire departments, to meet state and local disasters, including acts of terrorism involving the use of a weapon of mass destruction including chemical, biological, and nuclear/radioactive weapons.

Sec. 107. Additional Task Forces. Allows FEMA to establish additional urban search and rescue teams pursuant to a finding of need. No additional urban search and rescue teams may be designated or funded until the first 28 teams are fully funded and able to deploy simultaneously two task forces from each sponsoring agency with all necessary equipment, training and transportation.

Sec. 108. Performance of Services. Incorporates section 306 of the Stafford Act to allow FEMA to incur any additional obligations as determined necessary by FEMA, such as the cost of temporary employment, workmen compensation, insurance, and other compensation for work-related injuries consistent with memorandums of understanding agreed to between FEMA and the task forces.

Sec. 109. Authorization of Appropriations. Authorizes $160 million to be appropriated for fiscal year 2002.

TITLE II. PROMOTE THE CONTRIBUTION OF EQUIPMENT TO VOLUNTEER FIREFIGHTING DEPARTMENTS

This title may be cited as the "Good Samaritan Volunteer Firefighter Assistance Act of 2002."

Sec. 202. Removal of Civil Liability Barriers that Discourage the Donation of Fire Equipment to Volunteer Fire Companies. Removes liability for civil damages under any state or federal law for any entity or person who donates equipment to a volunteer fire department, except where (1) the person's act or omission proximately causing the injury, damage, loss, or death constitutes gross negligence or intentional misconduct; or (2) the person is the manufacturer of the fire control or fire rescue equipment. Requires the State to designate its State Fire Marshall or equivalent person to certify the safety and usefulness of the fire control or fire rescue equipment that is being donated.

TITLE III. ESTABLISHMENT OF COORDINATION OFFICE WITHIN FEMA

Sec. 301. Establishment of Coordination Office for Responding to Acts of Terrorism. Requires FEMA to establish or designate an office within FEMA to coordinate the response of State and local agencies, including fire departments, hospitals, and emergency medical facilities, to acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Authorizes FEMA to make grants to provide technical assistance and coordinating funding to States to ensure that localities, fire departments, hospitals and other appropriate entities have the capacity to respond to the consequences of possible acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Authorizes FEMA to award grants to states to operate new and existing state fire and safety training programs for firefighting personnel.

Requires FEMA to establish a task force among Federal agencies for the coordination of Federal, State and local resources to develop a national response plan for responding to acts of terrorism, including the capacity to provide assistance in an environment with chemical, biological, or nuclear/radiological contamination.

Limits administrative costs for states to 5 percent.

Authorizes FEMA to use such sums as necessary from the Disaster Relief Fund to meet the requirements of this title, including no less than $100 million for grants to support State fire and safety training programs. Requires at least 20 percent of the funds awarded State fire and safety training programs to be used to assist fire departments with an annual budget of no more than $25,000.

By Mr. MCCAIN (for himself, Mr. SMITH of New Hampshire, Mr. JEFFORDS, and Mr. INOUYE):

S. 2064. A bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes: to the Committee on Environment and Public Works.

Mr. MCCAIN. Mr. President, I rise to introduce legislation to continue Federal support for the U.S. Institute for Environmental Conflict Resolution. I am pleased to be joined by my colleagues, Senators BOB SMITH, JIM JEFFORDS, and DANIEL K. INOUYE.

The Congress enacted legislation to establish the U.S. Institute for Environmental Conflict Resolution in 1998, with the purpose of offering an alternative to litigation for parties in dispute over environmental conflicts. As we know, many environmental conflicts often result in lengthy and costly court proceedings and may take years to resolve. In cases involving Federal Government agencies, the costs for court proceeding are usually paid for by taxpayers. While litigation is still a recourse to resolve disputes, the Congress recognized the need for alternatives, such as mediation and facilitated collaboration, to address the rising number of environmental conflicts that have clogged Federal courts, executive agencies, and the Congress.

The Institute was placed at the Morris K. Udall Foundation in recognition of former Representative Morris K. Udall from Arizona and his exceptional environmental record, as well as his unusual ability to build a consensus among fractious and even hostile interests. The Institute was established as an experiment with the idea that hidden within fractured environmental debates lay the seeds for many agreements, an approach applied by Mo Udall with unsurpassed ability.

The success of the Institute is far greater than we could have imagined. The Institute began operations in 1999 and has already provided assistance to parties in more than 100 environmental conflicts across 30 States.

Agencies from the Environmental Protection Agency, the Departments of Interior and Agriculture, the U.S. Navy, the Army Corps of Engineers, the Federal Highway Administration, the Federal Energy Regulatory Commission, and others have all called upon the Institute for assistance. Even the Federal courts are referring cases to the Institute for mediation, including such high profile cases as the management of endangered salmon throughout the Columbia River Basin in the Northwest.

The Institute also assisted in facilitating interagency teamwork for the Everglades Task Force which oversees the South Everglades Restoration Project. The U.S. Forest Service requested assistance to bring ranchers and environmental advocates in the southwest to work on grazing and environmental compliance issues. Even Members of Congress have sought the Institute's assistance to review implementation of the Nation's fundamental environmental law, the National Environmental Policy Act, to assess how it can be improved using collaborative processes.

Currently, the Institute is involved in more than 20 cases and many more are pending consideration. The Institute accomplishes its work by maintaining a national roster of 180 environmental mediators and facilitators located in 39 States. We believe that mediators should be involved in the geographic area of the dispute whenever possible and that system is working.

The demand on the Institute's assistance has been much greater than anticipated. At the time the Institute was created, we did not anticipate the magnitude of the role it would serve to the Federal Government. The Institute has served as a mediator between agencies and as an advisor to agency dispute resolution efforts involving overlapping or competing jurisdictions and mandates, developing long-term solutions, training personnel in consensus-building efforts, and designing internal systems for preventing or resolving disputes.

Unfortunately, experience has also taught us that most Federal agencies are limited from participating because of inadequate funds to pay for mediation services. This legislation will authorize a participation fund to be used to support meaningful participation of parties to Federal environmental disputes. The participation fund will provide matching funds to stakeholders who cannot otherwise afford mediation fees or costs of providing technical assistance.

In addition to creating this new participation fund, this legislation simply extends the authorization for the Institute for an additional 5 years with a modest increase in its operation budget. The proposed increase is in response to the overwhelming demand on the Institute's services, an investment that will ultimately benefit taxpayers by preventing costly litigation.

On February 11, 2002, the Arizona Daily Star included an editorial that recognizes the benefits of this Institute to resolving environmental conflicts faced by various parties, including Federal and non-Federal parties, and recommends continuing support for the Institute. I ask unanimous consent that a copy of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Arizona Daily Star, Feb. 11, 2002]

AN EFFECTIVE AGENCY

One of the little-known gems in Tucson is one of the few federal agencies, if not the only one, with headquarters outside of the Washington, D.C. area—the Institute for Environmental Conflict Resolution.

With a name like that, the institute clearly is not a tourist attraction. What makes it a gem is that it is proving to be remarkably successful at finding solutions to environmental conflicts that otherwise likely would end in lawsuits.

The institute is an arm of the Morris K. Duall Foundation. It was proposed by Senator John McCain and created by Congress in 1998. Very few people then realized what McCain apparently did—there was a great need for such an agency.

Terrence Bracy, chair of the Board of Trustees for the foundation, says the institute expected to handle perhaps 20 to 25 cases per year. The institute handled 60 last year and expects to handle even more this year.

Says Bracy: "We didn't know how big the market was. We didn't know whether it would work." But work it has.

Now, the institute's original funding will expire their McCain is expected to introduce a bill to reauthorizing the funding probably at the current level.

It's a good idea, and it would help if Arizona's other congressional delegates, especially Jim Kolbe and Ed Paster, who both represent Southern Arizona, and Senator John Kyl, joined McCain in seeking the funding.

Bracy knows that the federal government has an immediate stake in mediation. That is because many of the cases being mediated involved governmental agencies, either as agencies potentially being used or as agencies suing others.

A Unique aspect of the institute's work is that because it is a federal agency, it has status and credibility with other government agencies and with the courts. That makes its medication efforts even more effective.

The institute has had contracts with the Navy, Fish and Wildlife, the Bureau of Reclamation, the National Parks Service, the Department of Transportation, the Environmental Protection Agency and others, according to Barcy.

"What happens over time," Bracy says, "is we see this thing this tremendous need." He is right.

Tucsonans should recognize what a gem they have in their midst. And Arizonas congressional delegation should get firmly behind McCain's efforts to reauthorize the funding for the Institute for Environmental Conflict Resolution.

It is a government program that even the most anti-government conservatives should love.

Mr. MCCAIN. Nothing is more indicative of the support for the Institute than the cosponsorship of my two colleagues, Senator SMITH and Senator JEFFORDS, the chairman and ranking member of the Senate Environment and Public Works Committee, which has jurisdiction over most environmental matters before the Congress. I thank Senator SMITH and Senator JEFFORDS for their critical support, and I look forward to working with them to enact this important, bipartisan legislation.

This is a matter of some urgency as the existing authorization will expire in this fiscal year. I look forward to working with the cosponsors of this legislation and the rest of my colleagues to move this bill forward expeditiously to ensure continuing support for the valuable services of the U.S. Institute for Environmental Conflict Resolution to our Nation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Environmental Policy and Conflict Resolution Advancement Act of 2002".

SEC. 2. ENVIRONMENTAL DISPUTE RESOLUTION FUND.

Section 13 of the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992 (20 U.S.C. 5609) is amended by striking subsection (b) and inserting the following:

"(b) ENVIRONMENTAL DISPUTE RESOLUTION FUND.—There is authorized to be appropriated to the Environmental Dispute Resolution Fund established by section 10 $4,000,000 for each of fiscal years 2004 through 2008, of which—

"(1) $3,000,000 shall be used to pay operations costs (including not more than $1,000 for official reception and representation expenses); and

"(2) $1,000,000 shall be used for grants or other appropriate arrangements to pay the costs of services provided in a neutral manner relating to, and to support the participation of non-Federal entities (such as State and local governments, tribal governments, nongovernmental organizations, and individuals) in, environmental conflict resolution proceedings involving Federal agencies.".

By Mr. CAMPBELL (for himself and Mr. ALLARD):

S. 2065. A bill to provide for the implementation of air quality programs developed pursuant to an Intergovernmental Agreement between the Southern Ute Indian Tribes and the State of Colorado concerning Air Quality Control on the Southern Ute Indian Reservation, and for other purposes; to the Committee on Environment and Public Works.

Mr. CAMPBELL. Mr. President, I am pleased to introduce the Southern Ute and Colorado Intergovernmental Agreement Implementation Act of 2002.

As my colleagues know, successful environmental laws recognize that local implementation is almost always better than a "one size fits all" program run from Washington, DC. For example, the Federal Clean Air Act authorizes States and Indian tribes to become responsible for establishing implementation plans, designating air quality standards, and implementing many of the regulatory programs needed to maintain or improve air quality.

With respect to the Southern Ute Indian Reservation in my State of Colorado, however, there is some question about whether the Environmental Protection Agency, EPA, can delegate Clean Air Act jurisdiction to the Southern Ute Tribe in the same manner that it would delegate authority to any other Indian tribe.

In 1984 Congress ratified a jurisdiction and boundary agreement between the Southern Ute Indian Tribe and the State of Colorado. Approving this agreement spared both sides the exorbitant costs of going to court to fight over the jurisdictional status of each square inch on the Reservation.

In addition, the 1994 arrangement allows the tribe and the State to work out any questions about jurisdiction within their agreed-upon framework. With respect to Federal officials dealing with the tribe and the State, however, this arrangement could create some uncertainty. Because it could be argued that it prevents the tribe from exercising authority that may be delegated to any Indian tribe under the Clean Air Act.

Instead of placing the Environmental Protection Agency in the middle of a controversy about whether it is authorized to delegate Clean Air Act programs within the Southern Ute Indian Reservation, the tribe and the State signed a historic "Intergovernmental Agreement" to resolve any controversy between the Southern Ute Indian Tribe and the State of Colorado.

In this way, the State and the tribe have once again agreed that it is better for them to control their own destiny by reaching an accord they can both live with rather than putting their fate in the hands of bureaucrats and judges. I applaud the proactive spirit which led the tribe and the State to resolve a potential controversy before a problem or conflict even arose.

The program established by the agreement reflects the unique issues and context that brought the tribe and the State to the negotiating table. First, consistent with Congress' mandate in the Clean Air Act, the Tribe will be the entity responsible for administering Clean Air Act programs within the reservation boundaries. The tribal program administrators have complete access to the State's technical resources and personnel. Second, an equal number of tribal and State representatives will sit on the Commission established by the agreement.

The Commission is authorized to hear and decide any appealable decisions. The Commission will also set the pace for tribal applications for delegations of authority. Finally, the agreement seeks to make the Federal courts available to hear any challenges to decisions by the Commission.

I am aware of the number of complex issues raised by this historic agreement, and efforts are already underway to address and resolve some of these issues. I believe it is the right time to introduce a bill to allow the appropriate committee to begin to formally consider this proposal. I know the parties will continue to direct their efforts at bringing this important matter to a successful conclusion.

In closing, let me again commend the efforts of both the tribe and the State in negotiating and signing this historic agreement. I would ask unanimous consent that a letter from Colorado Governor Bill Owens be printed in the RECORD. Finally, I am pleased that Senator **WAYNE ALLARD** joins with me in the views expressed in this statement and in cosponsoring this bill.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STATE OF COLORADO,
Denver, CO, May 22, 2000.

Re: Intergovernmental Agreement between the State of Colorado and the Southern Ute Indian Tribe Regarding Air Quality regulation.

Hon. BEN NIGHTHORSE CAMPBELL,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CAMPBELL: On December 13, 1999 I signed an historic agreement between the State of Colorado and the Southern Ute Indian Tribe in which the State and the Tribe agreed to establish a single, cooperative air quality authority for all lands within the Southern Ute Reservation. This cooperative arrangement, negotiated by Attorney General Salazar, my office and the Colorado Department of Public Health and Environment ("CDPHE"), is the first of its kind in the United States between a state and a tribe to regulate air quality. Because the arrangement is unique, statutory authority or clarification is needed at both the State and federal levels to accommodate the agreement. The General Assembly sent to me a bill to accomplish the changes necessary at the State level that I signed into law on March 15, 2000. I am writing today to ask you to sponsor legislation achieving a clarification to existing federal law assuring that the agreement in its contemplated framework can move forward. I have attached a draft of the legislation we believe is needed to clarify that the agreement can work as well as a copy of the intergovernmental agreement signed in December.

BACKGROUND

As you know, the Southern Ute Indian Tribe's Reservation consists of approximately 681,000 acres, located mainly in La Plata County. The Reservation is a checkerboard of land ownership. About 308,000 surface acres are held in trust by the United States for the benefit of the Tribe ("trust lands.") The remaining 3780,000 surface acres are owned in fee by non-Indians or individual Tribal members ("fee lands"), or consist of national forest land. In 1984, Congress enacted Public Law 98–290, which confirmed the exterior boundaries of the Reservation. P.L. 98–290 also clarified that the Tribe has jurisdiction over the trust lands and Indians anywhere in the Reservation, and the State has jurisdiction over non-Indians on the fee lands.

Oil and natural gas production takes place throughout the Reservation. These facilities are stationary air pollution sources. Historically CDPHE's Air Pollution Control Division has issued permits to non-Indian owned sources located on fee lands. Recently, the Tribe petitioned EPA for the right to issue all permits within the exterior boundaries of the Reservation including the facilities historically regulated by the State of Colorado. In 1998, the EPA issued regulations implementing provisions of the Clean Air Act allowing Indian tribes to be treated in the same manner as States to administer certain air quality programs. In July 1998, the Southern Ute Tribe applied to the EPA for treatment as a state for all lands within the Reservation. On the basis of PL 98–290, the State objected, arguing that it had jurisdiction over the non-Indian sources on the fee lands.

To avoid a potentially long and costly fight in the federal courts about which governmental entity has jurisdiction over the fee lands, the Tribe and the State have now agreed to establish a single, cooperative air quality authority for all lands within the Reservation. On December 13, 1999, the Tribe and the State entered into an Intergovernmental Agreement (copy attached) which provides that a joint Tribal/State Commission will establish air quality standards. The Tribe will receive a delegation of authority from EPA to administer the air quality programs, but the delegation is contingent upon and shall last only so long as the Agreement and Commission are in place.

TRIBAL AND STATE LEGISLATION

The Agreement provided for legislation by both the Tribe and the State approving the Agreement and enacting substantive law necessary to carry out the Agreement's provisions. On January 18, 2000, the Tribe adopted its legislation. On March 15, 2000, I signed HB 1324, which adopted and codified the Agreement and HB 1325, which established the State's authority to establish the Commission and otherwise implement the Agreement.

FEDERAL LEGISLATION

The Agreement envisions a delegation by the EPA to the Tribe to administer Clean Air Act programs, contingent upon the existence of the Joint State/Tribal Commission. This is a unique arrangement and is not clearly specified within the Clean Air Act. Parties have argued to me that clarifying legislation by Congress is necessary to resolve any uncertainty about the EPA's power to delegate authority to run an air pollution program to the Tribe and for the Commission to act under such a delegation. The Commission also will set the standards and rules of the air quality program that the Tribe will administer. The Commission will serve as the administrative appellate review body for enforcement and other administrative actions. The Agreement provides that the Commission's final review is final agency action, and further judicial review would be in the federal courts. The existence of such federal jurisdiction should also be clarified by Congress.

Enclosed is a draft of the proposed federal legislation and a legislative history for your review. These draft documents would accomplish the limited but necessary changes to make the Agreement fully operational. The bill is set up to add a section to P.L. 98–290 to narrow the application of the revisions only to the Southern Ute Indian Tribe and the State of Colorado, so that other states or tribes would not be affected.

NEXT STEPS

The full operation of the Agreement is conditioned upon passage of federal legislation no later than December 13, 2001. I recognize that this may be difficult but from the State's perspective the sooner the Agreement could be operational the better since EPA will be regulating the affected entities until the Joint Commission and Tribe take over. We would like to be helpful and I offer a meeting between you and your staff and representatives of the Governor's Office, the Colorado Department of Public Health and Environment and the Colorado Attorney General's Office at your earliest convenience discuss this issue.

Thank you for taking the time to consider this request. Please feel free to contact Britt Weygandt in my office for any assistance you may need. Her extension is (303) 866–6392.

Sincerely,

BILL OWENS,
Governor.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 231—RELATIVE TO THE DEATH OF THE HONORABLE HERMAN E. TALMADGE, FORMERLY A SENATOR FROM THE STATE OF GEORGIA

Mr. DASCHLE (for himself, Mr. LOTT, Mr. CLELAND, and Mr. MILLER) submitted the following resolution; which was considered and agreed to:

S. RES. 231

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

SENATE RESOLUTION 230—EXPRESSING THE SENSE OF THE SENATE THAT CONGRESS SHOULD REJECT REDUCTIONS IN GUARANTEED SOCIAL SECURITY BENEFITS PROPOSED BY THE PRESIDENT'S COMMISSION TO STRENGTHEN SOCIAL SECURITY

Mr. CORZINE (for himself and Mr. LIEBERMAN) submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 230

Whereas Social Security was designed as a social insurance program to ensure that Americans who work hard and contribute to our Nation can live in dignity in their old age;

Whereas for ⅔ of seniors, Social Security is their primary source of income, and for ⅓, Social Security is their only source of income;

Whereas in fiscal year 2001, the annual level of Social Security benefits for retired workers averaged approximately $10,000;

Whereas $10,000 per year is insufficient to maintain a decent standard of living in most parts of the country, especially for seniors with relatively high health care costs;

Whereas in 2001, President George W. Bush's Commission to Strengthen Social Security (referred to in this resolution as the "Commission") produced 3 proposals for Social Security reform that included individual accounts and significant reductions in the level of guaranteed benefits;

Whereas the proposed changes to guaranteed benefits could reduce benefits to future retirees by 45 percent;

Whereas the Commission proposals also suggested reducing benefits for early retirees, forcing many Americans to delay retirement; and

Whereas the Commission justified proposed cuts in guaranteed benefits by pointing to long-term projected shortfalls in the Social Security Trust Fund, however, the Commission's proposals to divert payroll tax revenues from the Trust Fund into private accounts would substantially accelerate the date by which the Trust Fund would become insolvent: Now, therefore, be it

Resolved, That it is the sense of the Senate that Congress should reject the reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security.

Mr. CORZINE. Mr. President, today, along with Senator LIEBERMAN, I am submitting a resolution expressing the sense of the Senate that Congress should reject the reductions in guaranteed Social Security benefits proposed by the President's Commission to Strengthen Social Security.

The central purpose of Social Security is to ensure that Americans who work hard and contribute to our Nation can maintain a decent standard of living in their old age. The program provides a critical safety net. Only 11 percent of American seniors live in poverty, but without Social Security that figure would be 50 percent.

It is hard to overstate the importance of Social Security in protecting seniors' retirement security. For two-thirds of the elderly, Social Security is their major source of income. For one-third of the elderly, Social Security is virtually their only source of income.

Despite its critical importance for seniors, the level of Social Security benefits generally is quite modest. In fiscal year 2001, the average benefit for retired workers was about $10,000 per year. This clearly is insufficient to maintain a decent standard of living in most parts of the country, especially for seniors with relatively high health care costs.

Unfortunately, even the modest level of guaranteed benefits under current law is now at risk. Last year, the President's Commission to Strengthen Social Security, appointed by President Bush to help promote his goal of partially privatizing Social Security, proposed a set of options for changes in the program that included significant reductions in the level of guaranteed benefits.

The Commission's report included a proposal in which guaranteed benefit levels would be reduced by changing the way that benefits are adjusted over time. The details of this change are complicated, but the bottom line is not: compared to current law, the proposal could reduce the benefits provided to workers who retire in the future by about 45 percent. The Commission's report also suggested changes that would reduce benefits for those who retire early, which could force many Americans to delay their retirement.

The Commission justified proposed cuts in guaranteed benefits by pointing to long-term projected shortfalls in the Social Security Trust Fund. And it is true that as the baby boomers begin to retire, they will put significant new demands on our budget. However, the Commission's proposals for private accounts actually would make the Trust Fund's financial problems worse. By proposing to divert payroll tax revenues from the Trust Fund into private accounts, the Commission would only accelerate the date by which the Fund would become insolvent.

Proponents of privatizing Social Security like to argue that the returns for assets held in private accounts are likely to be high. That may be true for some fortunate seniors, but others will suffer with the inevitable fluctuations in the market. In any case, we need to remember why we have Social Security in the first place, to provide a floor to ensure that seniors can live out their lives in dignity. The real question for the Congress is where to set that floor. And, in my view, $10,000 a year for the average beneficiary is, if anything, too low.

It is important to keep Social Security's long-term problems in perspective. According to estimates by the Social Security Administration, the present value of the Trust Fund's unfunded obligations amounts to $3.2 trillion over the next 75 years. By contrast, the 75 year cost of last year's tax cut, if made permanent, has been estimated to be $7.7 trillion. In other words, the long-term cost of the tax cut is more than twice as large as the long-term deficit in Social Security.

There is simply no excuse for making dramatic cuts in guaranteed Social Security benefits, as the President's commission has proposed.

So, I hope my colleagues will support this resolution and join in rejecting the cuts in guaranteed benefits proposed by President Bush's commission.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3040. Mr. REID (for Mr. DASCHLE (for himself and Mr. LEAHY)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

SA 3041. Mr. WYDEN (for himself, Mr. MURKOWSKI, Mr. BENNETT, and Mr. SMITH, of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3042. Mr. ROCKEFELLER (for himself, Mrs. CARNAHAN, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3043. Mr. ROCKEFELLER (for himself, Mr. ALLEN, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3044. Mr. ROCKEFELLER (for himself, Mr. HAGEL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3045. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3046. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3047. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3048. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3049. Mr. CRAIG proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3050. Ms. LANDRIEU (for herself and Mr. KYL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3051. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3052. Mr. MURKOWSKI proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3053. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3054. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3055. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3056. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3057. Mr. KYL (for himself and Mr. HELMS) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3058. Ms. COLLINS (for herself and Ms. SNOWE) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3059. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3060. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3061. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3062. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3063. Ms. CANTWELL proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3064. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3065. Mr. BINGAMAN (for Ms. CANTWELL (for himself and Mr. SMITH of Oregon)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3066. Mr. MURKOWSKI (for Mr. INHOFE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3067. Mr. BINGAMAN (for Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3068. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3069. Mr. BINGAMAN (for himself and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3070. Mr. GRAHAM proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3071. Mr. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3072. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3073. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3074. Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3040. Mr. REID (for Mr. DASCHLE) (for himself and Mr. LEAHY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . FAIR TREATMENT OF PRESIDENTIAL JUDICIAL NOMINEES.

That it is the sense of the Senate that, in the interests of the administration of justice, the Senate Judiciary Committee should along with its other legislative and oversight responsibilities, continue to hold regular hearings on judicial nominees and should, in accordance with the precedents and practices of the Committee, schedule hearings on the nominees submitted by the President on May 9, 2001, and resubmitted on September 5, 2001, expeditiously.

SA 3041. Mr. WYDEN (for himself, Mr. MURKOWSKI, Mr. BENNETT, and Mr. SMITH of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 186, between lines 8 and 9, insert the following:

SEC. 8 . CREDIT FOR HYBRID VEHICLES, DEDICATED ALTERNATIVE FUEL VEHICLES, AND INFRASTRUCTURE.

Section 507 of the Energy Policy Act of 1992 (42 U.S.C. 13258) is amended by adding at the end the following:

"(p) CREDITS FOR NEW QUALIFIED HYBRID MOTOR VEHICLES.—

"(1) DEFINITIONS.—In this subsection:

"(A) 2000 MODEL YEAR CITY FUEL EFFICIENCY.—The term '2000 model year city fuel efficiency', with respect to a motor vehicle, means fuel efficiency determined in accordance with the following tables:

"(i) In the case of a passenger automobile:

"If vehicle inertia weight class is:	**The 2000 model year city fuel efficiency is:**
1,500 or 1,750 lbs	43.7 mpg
2,000 lbs	38.3 mpg
2,250 lbs	34.1 mpg
2,500 lbs	30.7 mpg
2,750 lbs	27.9 mpg
3,000 lbs	25.6 mpg
3,500 lbs	22.0 mpg
4,000 lbs	19.3 mpg
4,500 lbs	17.2 mpg
5,000 lbs	15.5 mpg
5,500 lbs	14.1 mpg
6,000 lbs	12.9 mpg
6,500 lbs	11.9 mpg
7,000 to 8,500 lbs	11.1 mpg.

"(ii) In the case of a light truck:

"If vehicle inertia weight class is:	**The 2000 model year city fuel efficiency is:**
1,500 or 1,750 lbs	37.6 mpg
2,000 lbs	33.7 mpg
2,250 lbs	30.6 mpg
2,500 lbs	28.0 mpg
2,750 lbs	25.9 mpg
3,000 lbs	24.1 mpg
3,500 lbs	21.3 mpg
4,000 lbs	19.0 mpg
4,500 lbs	17.3 mpg

“If vehicle inertia weight class is:	The 2000 model year city fuel efficiency is:
5,000 lbs	15.8 mpg
5,500 lbs	14.6 mpg
6,000 lbs	13.6 mpg
6,500 lbs	12.8 mpg
7,000 to 8,500 lbs	12.0 mpg.

“(B) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Environmental Protection Agency.

“(C) ELECTRICAL STORAGE DEVICE.—The term ‘electrical storage device’ means an onboard rechargeable energy storage system or similar storage device.

“(D) FUEL EFFICIENCY.—The term ‘fuel efficiency’ means the percentage increased fuel efficiency specified in table 1 in paragraph (2)(C) over the average 2000 model year city fuel efficiency of vehicles in the same weight class.

“(E) MAXIMUM AVAILABLE POWER.—The term ‘maximum available power’, with respect to a new qualified hybrid motor vehicle that is a passenger vehicle or light truck, means the quotient obtained by dividing—

“(i) the maximum power available from the electrical storage device of the new qualified hybrid motor vehicle, during a standard 10-second pulse power or equivalent test; by

“(ii) the sum of—

“(I) the maximum power described in clause (i); and

“(II) the net power of the internal combustion or heat engine, as determined in accordance with standards established by the Society of Automobile Engineers.

“(F) MOTOR VEHICLE.—The term ‘motor vehicle’ has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

“(G) NEW QUALIFIED HYBRID MOTOR VEHICLE.—The term ‘new qualified hybrid motor vehicle’ means a motor vehicle that—

“(i) draws propulsion energy from both—

“(I) an internal combustion engine (or heat engine that uses combustible fuel); and

“(II) an electrical storage device;

“(ii) in the case of a passenger automobile or light truck—

“(I) in the case of a 2001 or later model vehicle, receives a certificate of conformity under the Clean Air Act (42 U.S.C. 7401 et seq.) and produces emissions at a level that is at or below the standard established by a qualifying California standard described in section 243(e)(2) of the Clean Air Act (42 U.S.C. 7583(e)(2)) for that make and model year; and

“(II) in the case of a 2004 or later model vehicle, is certified by the Administrator as producing emissions at a level that is at or below the level established for Bin 5 vehicles in the Tier 2 regulations promulgated by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

“(iii) employs a vehicle braking system that recovers waste energy to charge an electrical storage device.

“(H) VEHICLE INERTIA WEIGHT CLASS.—The term ‘vehicle inertia weight class’ has the meaning given the term in regulations promulgated by the Administrator for purposes of the administration of title II of the Clean Air Act (42 U.S.C. 7521 et seq.).

“(2) ALLOCATION.—

“(A) IN GENERAL.—The Secretary shall allocate a partial credit to a fleet or covered person under this title if the fleet or person acquires a new qualified hybrid motor vehicle that is eligible to receive a credit under each of the tables in subparagraph (C).

“(B) AMOUNT.—The amount of a partial credit allocated under subparagraph (A) for a vehicle described in that subparagraph shall be equal to the sum of—

“(i) the partial credits determined under table 1 in subparagraph (C); and

“(ii) the partial credits determined under table 2 in subparagraph (C).

“(C) TABLES.—The tables referred to in subparagraphs (A) and (B) are as follows:

Table 1

“Partial credit for increased fuel efficiency:	Amount of credit:
At least 125% but less than 150% of 2000 model year city fuel efficiency	0.14
At least 150% but less than 175% of 2000 model year city fuel efficiency	0.21
At least 175% but less than 200% of 2000 model year city fuel efficiency	0.28
At least 200% but less than 225% of 2000 model year city fuel efficiency	0.35
At least 225% but less than 250% of 2000 model year city fuel efficiency	0.50.

Table 2

“Partial credit fcr ‘Maximum Available Power’:	Amount of credit:
At least 5% but less than 10%	0.125
At least 10% but less than 20%	0.250
At least 20% but less than 30%	0.375
At least 30% or more	0.500.

“(D) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the qualified hybrid motor vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

“(3) REGULATIONS.—The Secretary shall promulgate regulations under which any Federal fleet that acquires a new qualified hybrid motor vehicle will receive partial credits determined under the tables contained in paragraph (2)(C) for purposes of meeting the requirements of section 303.

“(q) CREDIT FOR SUBSTANTIAL CONTRIBUTION TOWARDS USE OF DEDICATED VEHICLES IN NONCOVERED FLEETS.—

“(1) DEFINITIONS.—In this subsection:

“(A) DEDICATED VEHICLE.—The term ‘dedicated vehicle’ includes—

“(i) a light, medium, or heavy duty vehicle; and

“(ii) a neighborhood electric vehicle.

“(B) MEDIUM OR HEAVY DUTY VEHICLE.—The term ‘medium or heavy duty vehicle’ includes a vehicle that—

“(i) operates solely on alternative fuel; and

“(ii)(I) in the case of a medium duty vehicle, has a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds; or

“(II) in the case of a heavy duty vehicle, has a gross vehicle weight rating of more than 14,000 pounds.

“(C) SUBSTANTIAL CONTRIBUTION.—The term ‘substantial contribution’ (equal to 1 full credit) means not less than $15,000 in cash or in kind services, as determined by the Secretary.

“(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title if the fleet or person makes a substantial contribution toward the acquisition and use of dedicated vehicles by a person that owns, operates, leases, or otherwise controls a fleet that is not covered by this title.

“(3) MULTIPLE CREDITS FOR MEDIUM AND HEAVY DUTY DEDICATED VEHICLES.—The Secretary shall issue 2 full credits to a fleet or covered person under this title if the fleet or person acquires a medium or heavy duty dedicated vehicle.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the acquisition of the dedicated vehicle is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.

“(5) LIMITATION.—Per vehicle credits acquired under this subsection shall not exceed the per vehicle credits allowed under this section to a fleet for qualifying vehicles in each of the weight categories (light, medium, or heavy duty).

“(r) CREDIT FOR SUBSTANTIAL INVESTMENT IN ALTERNATIVE FUEL INFRASTRUCTURE.—

“(1) DEFINITIONS.—In this section, the term ‘qualifying infrastructure’ means—

“(A) equipment required to refuel or recharge alternative fueled vehicles;

“(B) facilities or equipment required to maintain, repair, or operate alternative fueled vehicles;

“(C) training programs, educational materials, or other activities necessary to provide information regarding the operation, maintenance, or benefits associated with alternative fueled vehicles; and

“(D) such other activities the Secretary considers to constitute an appropriate expenditure in support of the operation, maintenance, or further widespread adoption of or utilization of alternative fueled vehicles.

“(2) ISSUANCE OF CREDITS.—The Secretary shall issue a credit to a fleet or covered person under this title for investment in qualifying infrastructure if the qualifying infrastructure is open to the general public during regular business hours.

“(3) AMOUNT.—For the purposes of credits under this subsection—

“(A) 1 credit shall be equal to a minimum investment of $25,000 in cash or in kind services, as determined by the Secretary; and

“(B) except in the case of a Federal or State fleet, no part of the investment may be provided by Federal or State funds.

“(4) USE OF CREDITS.—At the request of a fleet or covered person allocated a credit under this subsection, the Secretary shall, for the year in which the investment is made, treat that credit as the acquisition of 1 alternative fueled vehicle that the fleet or covered person is required to acquire under this title.”.

SA 3042. Mr. ROCKEFELLER (for himself, Mrs. CARNAHAN, and Mr. BOND) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. CREDIT FOR ENERGY EFFICIENT VENDING MACHINES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business-related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45K. ENERGY EFFICIENT VENDING MACHINE CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the energy efficient vending machine credit determined under this section for the taxable year is an amount equal to $75, multiplied by the number of qualified energy efficient vending machines purchased by the taxpayer during the calendar year ending with or within the taxable year.

"(b) QUALIFIED ENERGY EFFICIENT VENDING MACHINE.—For purposes of this section, the term 'qualified energy efficient vending machine' means a refrigerated bottled or canned beverage vending machine which—

"(1) has a capacity of at least 500 bottles or cans, and

"(2) consumes not more than 8.66 kWh per day of electricity based on ASHRAE Standard 32.1-1997.

"(c) VERIFICATION.—The taxpayer shall submit such information or certification as the Secretary determines necessary to claim the credit amount under subsection (a).

"(d) TERMINATION.—This section shall not apply with respect to vending machines purchased in calendar years beginning after December 31, 2005.".

(b) LIMITATION ON CARRYBACK.—Section 39(d) (relating to transition rules), as amended by this Act, is amended by adding at the end the following new paragraph:

"(20) NO CARRYBACK OF ENERGY EFFICIENT VENDING MACHINE CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the energy efficient vending machine credit determined under section 45K may be carried to a taxable year ending before January 1, 2003.".

(c) CONFORMING AMENDMENT.—Section 38(b) (relating to general business credit), as amended by this Act, is amended by striking "plus" at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting ", plus", and by adding at the end the following new paragraph:

"(24) the energy efficient vending machine credit determined under section 45K(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end the following new item:

"Sec. 45K. Energy efficient vending machine credit.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2002.

SA 3043. Mr. ROCKEFELLER (for himself, Mr. ALLEN, Mr. SPECTER, and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

SEC. ___. CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 (relating to business related credits), as amended by this Act, is amended by adding at the end the following new section:

"SEC. 45K. CREDIT FOR RECYCLING CERTAIN COAL COMBUSTION WASTE MATERIALS.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, the credit for recycling certain coal combustion waste materials used by the taxpayer in qualifying production under this section for any taxable year is equal to the sum of—

"(1) $6.00 for each wet ton of—

"(A) wet flue gas desulfurization sludge cake, and

"(B) any other wet waste material identified by the Secretary of Energy, plus

"(2) $4.00 for each dry ton of—

"(A) dry flue gas desulfurization and fluidized bed combustion waste material, and

"(B) any other dry waste material identified by the Secretary of Energy.

"(b) CERTAIN COAL COMBUSTION WASTE MATERIALS DEFINED.—For purposes of this section, the term 'certain coal combustion waste materials' means any solid waste material generated using a sulfur dioxide emission control system and derived from the combustion of coal in connection with the generation of electricity or steam, including—

"(1) wet flue gas desulfurization sludge cake,

"(2) dry flue gas desulfurization and fluidized bed combustion waste material, and

"(3) any other coal combustion waste material identified by the Secretary of Energy as wet waste or dry waste material attributable to the use of a sulfur dioxide emission control system.

"(c) QUALIFYING PRODUCTION.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualifying production' means the use of certain coal combustion waste materials by the taxpayer as substantial raw materials in the manufacture of commercially saleable products which are—

"(A) manufactured in a qualifying facility,

"(B) sold by the taxpayer, and

"(C) not used in a landfill application.

"(2) SUBSTANTIAL USE AND MANUFACTURING REQUIREMENT.—Certain coal combustion waste materials shall not be deemed to constitute substantial raw materials used in the manufacture of commercially saleable products unless such waste materials—

"(A) constitute at least 35 percent of the weight of the commercially saleable manufactured products, determined on a dry weight basis, and

"(B) undergo a physical and chemical change in the course of the manufacturing process.

"(3) UNRELATED PERSON SALE OR USE REQUIREMENT.—The taxpayer shall not be deemed to have engaged in qualifying production with respect to certain coal combustion waste materials used in manufacturing a product until—

"(A) the taxable year in which the taxpayer sells such product to an unrelated person, or

"(B) if such product is sold to a related person, the taxable year in which the related person—

"(i) resells such product to an unrelated person, or

"(ii) consumes or provides such product in the performance of services to an unrelated person.

"(4) QUALIFYING FACILITY.—

"(A) IN GENERAL.—The term 'qualifying facility' means a manufacturing facility which—

"(i) is located within the United States (within the meaning of section 638(1)) or within a possession of the United States (within the meaning of section 638(2)), and

"(ii) is placed in service after December 31, 2002.

"(B) 10 YEAR LIMIT.—A facility shall cease to be a qualifying facility on the date which is the tenth anniversary of the date on which the facility was placed in service.

"(5) DRY WEIGHT MEASUREMENT.—For purposes of paragraph (2)(A), dry weight shall be determined by excluding the weight of all water in the materials used in the manufacture of the products.

"(d) OTHER DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) WET TON.—The term 'wet ton' shall mean the weight of the desulfurization sludge cake (and any other wet waste material) after adjusting the water content of the cake (and other wet waste material) to not greater than 50 percent of the total weight.

"(2) DRY TON.—The term 'dry ton' shall mean the weight of the dry flue gas desulfurization and fluidized bed combustion waste material (and any other dry waste material) after adjusting the water content of the material (and other dry waste material) to not greater than 2 percent of the total weight.

"(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under section 52(b).

"(4) PASS-THROUGH IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of subsection (d) of section 52 shall apply.".

(b) CREDIT TREATED AS A BUSINESS CREDIT.—Section 38(b), as amended by this Act, is amended by striking "plus" at the end of paragraph (22), by striking the period at the end of paragraph (23) and inserting ", plus", and by adding at the end the following new paragraph:

"(24) the credit for recycling certain coal combustion waste materials determined under section 45K(a).".

(c) TRANSITIONAL RULE.—Section 39(d), as amended by this Act, is amended by adding at the end the following new paragraph:

"(20) NO CARRYBACK OF SECTION 45K CREDIT BEFORE EFFECTIVE DATE.—No portion of the unused business credit for any taxable year which is attributable to the credit for recycling certain coal combustion waste materials determined under section 45K may be carried back to a taxable year ending before January 1, 2002.".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by this Act, is amended by adding at the end of the following new item:

"Sec. 45K. Credit for recycling certain coal combustion waste materials.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

SA 3044. Mr. ROCKEFELLER (for himself, Mr. HAGEL, and Mr. NELSON of Nebraska) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 117, line 8, strike "signals" and all that follows through line 10, and insert "information, and

"(2) which permits reading of energy usage information on at least a daily or time of use basis."

SA 3045. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 557, between lines 23 and 24, insert the following:

(3) MINE SAFETY AND HEALTH ADMINISTRATION.—

(A) IN GENERAL.—In compliance with the consultation requirement of subsection (a)(1), the Secretary of Labor shall—

(i) consider the impending and projected retirements of those Federal mine inspectors who are employed as inspectors on the date of enactment of this Act and the need to increase the number of Federal mine inspectors to expand the presence of such inspectors at mines in the United States;

(ii) establish and implement a program within the Mine Safety and Health Administration to hire, train, and deploy such additional skilled mine inspectors (particularly inspectors with practical experience in mining or with experience as a practical mining engineer) as are necessary to ensure that skilled and experienced individuals continue to be available to serve as Federal mine inspectors; and

(iii) maintain the number of Federal mine inspectors at a level that is not lower than the staffing levels authorized in law or set by regulation as of the date of enactment of this Act.

(B) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this paragraph.

SA 3046. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —LOW-INCOME GASOLINE ASSISTANCE PROGRAM

SEC. 01. SHORT TITLE.

This division may be cited as the "Low-Income Gasoline Assistance Program Act".

SEC. 02. PURPOSE.

The purpose of this division is to create new emergency assistance programs to assist families receiving assistance under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and low-income working families to meet the increasing price of gasoline.

SEC. 03. DEFINITIONS.

In this division:

(1) COVERED ACTIVITIES.—The term "covered activities" means—

(A) work activities;

(B) education directly related to employment; or

(C) activities related to necessary scheduled medical treatment.

(2) GASOLINE.—The term "gasoline" has the meaning given the term in section 4082 of the Internal Revenue Code of 1986.

(3) HOUSEHOLD.—The term "household" has the meaning given the term in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(4) POVERTY LEVEL; STATE MEDIAN INCOME.—The terms "poverty level" and "State median income" have the meanings given the terms in section 2603 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8622).

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(6) STATE.—The term "State" means each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico.

(7) WORK ACTIVITIES.—The term "work activities" has the meaning given that term in section 407(d) of the Social Security Act (42 U.S.C. 607(d)).

SEC. 04. EMERGENCY ASSISTANCE PROGRAMS.

The Secretary shall make grants to States, from allotments made under section 05, to enable the States to establish emergency assistance programs and to provide, through the programs, payments to eligible households to enable the households to purchase gasoline.

SEC. 05. STATE ALLOTMENTS.

From the funds appropriated under section 12 for a fiscal year and remaining after the reservation made in section 11, the Secretary shall allot to each State an amount that bears the same relation to such remainder as the amount the State receives under section 675B of the Community Services Block Grant Act (42 U.S.C. 9906) for that year bears to the amount all States receive under that section for that year.

SEC. 06. STATE APPLICATIONS.

(a) IN GENERAL.—To be eligible to receive a grant under this division, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(b) CONTENTS.—At a minimum, the application shall contain—

(1) information designating a State agency to carry out the emergency assistance program in the State, which shall be—

(A) the State agency specified in the State plan submitted under section 402 of the Social Security Act (42 U.S.C. 602), or

(B) the State agency designated under section 676(a) of the Community Services Block Grant Act (42 U.S.C. 9908(a)); and

(2) information describing the emergency assistance program to be carried out in the State.

SEC. 07. ELIGIBLE HOUSEHOLDS.

(a) IN GENERAL.—To be eligible to receive a payment from a State under this division, a household shall submit an application to the State at such time, in such manner, and containing such information as the State may require.

(b) CONTENTS.—The applicant shall include in the application information demonstrating that—

(1) 1 or more individuals in the applicant's household individually drive not less than 30 miles per day, or not less than 150 miles per week, to or from covered activities; and

(2)(A)(i) 1 or more individuals in that household were receiving assistance (including services) under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) within the 24-month period ending on the date of submission of the application; and

(ii) no individual in that household is receiving that assistance, as of the date of submission of the application;

(B)(i) 1 or more individuals in that household are receiving assistance (including services) under that State program; and

(ii) such individuals are engaged in work activities and are meeting the other requirements of that part A that are applicable to recipients of such assistance;

(C) the household meets the eligibility requirements of section 2605(b)(2)(A) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8624(b)(2)(A)), other than clause (i) of that section; or

(D) the household income for the household does not exceed the greater of—

(i) an amount equal to 150 percent of the poverty level for the State involved; or

(ii) an amount equal to 60 percent of the State median income.

(c) RULE.—For purposes of subsection (b)(2)(D), a State—

(1) may not exclude a household from eligibility for a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State; but

(2) may give priority to those households with the highest gasoline costs or needs in relation to household income.

SEC. 08. PROGRAM REQUIREMENTS.

(a) DETERMINATION OF TRIGGER AMOUNT.—

(1) DETERMINATION OF GASOLINE.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a grade of gasoline for which price determinations will be made under this subsection, which shall be a type of gasoline that has a specified octane rating or other specified characteristic.

(2) DETERMINATION OF CALCULATION.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall determine a method for calculating the average per gallon price of the covered grade of gasoline in each State.

(3) BASELINE.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with paragraph (2), the average per gallon price of the covered grade of gasoline in each State for January, 2000.

(4) TRIGGER AND RELEASE PRICES.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate—

(A) the trigger price for each State by multiplying the price calculated under paragraph (3) by 115 percent; and

(B) the release price for each State by multiplying the price calculated under paragraph (3) by 110 percent.

(b) PAYMENTS.—

(1) AVAILABILITY.—

(A) MONTHLY PRICE CALCULATION.—The Secretary of Health and Human Services, in consultation with the Secretary of Energy, shall calculate, in accordance with subsection (a)(2), the average per gallon price of the covered grade of gasoline in each State for each month.

(B) DETERMINATION.—If the Secretary of Health and Human Services, in consultation with the Secretary of Energy, determines that the price in a State calculated under subparagraph (A) for a month—

(i) is more than the trigger price for the State, the State shall provide payments in accordance with this subsection for the following month; and

(ii) is less than the release price for the State, the State shall suspend provision of the payments, not earlier than 30 days after the date of the determination, for the following month.

(2) GENERAL AUTHORITY.—Except as provided in subsection (c), the State shall use funds received through a grant made under section 04 (including a grant increased under section 11(2)) and any funds made available to the State under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division to eligible households.

(3) PERIOD.—An eligible household with an application approved under section 07 may receive payments under this division for not more than 3 months. The household may submit additional applications under section 07, and may receive payments under this division for not more than 3 months for each such application approved by the State.

(4) AMOUNT.—The State shall make the payments in amounts of not less than $25, and not more than $75, per month. The State may determine the amount of the payments on a sliding scale, taking into consideration the household income of the eligible households.

(c) STATE ADMINISTRATION.—The State may use not more than 10 percent of the funds described in subsection (b)(2) to pay for the cost of administering this division.

(d) DEFINITIONS.—In this section:

(1) COVERED GRADE.—The term "covered grade" means the grade of gasoline determined under subsection (a)(1).

(2) RELEASE PRICE.—The term "release price" means the release price calculated under subsection (a)(4)(B).

(3) TRIGGER PRICE.—The term "trigger price" means the trigger price calculated under subsection (a)(4)(A).

SEC. 09. TREATMENT OF BENEFITS.

(a) INCOME OR RESOURCES.—Notwithstanding any other law, the value of any payment provided under this division shall not be treated as income or resources for purposes of—

(1) any other Federal or federally assisted program that bases eligibility, or the amount of benefits, on need; or

(2) the Internal Revenue Code of 1986.

(b) TANF ASSISTANCE.—For purposes of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), a payment provided under this division shall not be considered to be assistance provided by a State under that part, regardless of whether the State uses funds made available under section 404(d)(4) of the Social Security Act (42 U.S.C. 604(d)(4)) to make payments under this division. The period for which such payments are provided under this division shall not be considered to be part of the 60-month period described in section 408(a)(7) of the Social Security Act (42 U.S.C. 608(a)(7)).

SEC. 10. AUTHORITY TO USE FUNDS FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES.

Section 404(d) of the Social Security Act (42 U.S.C. 604(d)) is amended—

(1) in paragraph (3)(A), by striking "paragraph (1)" and inserting "paragraph (1) or (4)"; and

(2) by adding at the end the following:

"(4) OTHER STATE PROGRAMS.—A State may use funds from any grant made to the State under section 403(a) for a fiscal year to carry out a State program pursuant to the Low-Income Gasoline Assistance Program Act.".

SEC. 11. DISCRETIONARY ACTIVITIES BY THE SECRETARY.

The Secretary of Health and Human Services may reserve not more than 5 percent of the funds appropriated under section 12 for a fiscal year—

(1) to pay for the cost of administering this division; and

(2) to increase the cost of a grant made to a State under section 04, in any case in which the Secretary determines that emergency conditions relating to gasoline prices exist in that State.

SEC. 12. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this division, $250,000,000 for each of fiscal years 2003 through 2007.

(b) AVAILABILITY.—Any sums appropriated under subsection (a) for a fiscal year shall remain available until the end of the succeeding fiscal year.

SA 3047. Mr. CRAIG submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike Title II and insert:

"TITLE II—ELECTRICITY

"Subtitle A—Consumer Protections

"SEC. 201. INFORMATION DISCLOSURE.

"(a) OFFERS AND SOLICITATIONS.—The Federal Trade Commission shall issue rules requiring each electric utility that makes an offer to sell electric energy, or solicits electric consumers to purchase electric energy to provide the electric consumer a statement containing the following information:

"(1) the nature of the service being offered, including information about interruptibility of service;

"(2) the price of the electric energy, including a description of any variable charges;

"(3) a description of all other charges associated with the service being offered, including access charges, exit charges, back-up service charges, stranded cost recovery charges, and customer service charges; and

"(4) information the Federal Trade Commission determines is technologically and economically feasible to provide, is of assistance to electric consumers in making purchasing decisions, and concerns—

"(A) the product or its price;

"(B) the share of electric energy that is generated by each fuel type; and

"(C) the environmental emissions produced in generating the electric energy.

"(b) PERIODIC BILLINGS.—The Federal Trade Commission shall issue rules requiring any electric utility that sells electric energy to transmit to each of its electric consumers, in addition to the information transmitted pursuant to section 115(f) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2625(f)), a clear and concise statement containing the information described in subsection (a)(4) for each billing period (unless such information is not reasonably ascertainable by the electric utility).

"SEC. 202. CONSUMER PRIVACY.

"(a) PROHIBITION.—The Federal Trade Commission shall issue rules prohibiting any electric utility that obtains consumer information in connection with the sale or delivery of electric energy to an electric consumer from using, disclosing, or permitting access to such information unless the electric consumer to whom such information relates provides prior written approval.

"(b) PERMITTED USE.—The rules issued under this section shall not prohibit any electric utility from using, disclosing, or permitting access to consumer information referred to in subsection (a) for any of the following purposes:

"(1) to facilitate an electric consumer's change in selection of an electric utility under procedures approved by the State or State regulatory authority;

"(2) to initiate, render, bill, or collect for the sale or delivery of electric energy to electric consumers or for related services;

"(3) to protect the rights or property of the person obtaining such information;

"(4) to protect retail electric consumers from fraud, abuse, and unlawful subscription in the sale or delivery of electric energy to such consumers;

"(5) for law enforcement purposes; or

"(6) for purposes of compliance with any Federal, State, or local law or regulation authorizing disclosure of information to a Federal, State, or local agency.

"(c) AGGREGATE CONSUMER INFORMATION.—The rules issued under this subsection may permit a person to use, disclose, and permit access to aggregate consumer information and may require an electric utility to make such information available to other electric utilities upon request and payment of a reasonable fee.

"(d) DEFINITIONS.—As used in this section:

"(1) The term 'aggregate consumer information' means collective data that relates to a group or category of retail electric consumers, from which individual consumer identities and characteristics have been removed.

"(2) The term 'consumer information' means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to any retail electric consumer.

"SEC. 203. UNFAIR TRADE PRACTICES.

"(a) SLAMMING.—The Federal Trade Commission shall issue rules prohibiting the change of selection of an electric utility except with the informed consent of the electric consumer.

"(b) CRAMMING.—The Federal Trade Commission shall issue rules prohibiting the sale of goods and services to an electric consumer unless expressly authorized by the law or the electric consumer.

"SEC. 204. APPLICABLE PROCEDURES.

"The Federal Trade Commission shall proceed in accordance with section 553 of title 5, United States Code, when prescribing a rule required by this subtitle.

"SEC. 205. FEDERAL TRADE COMMISSION ENFORCEMENT.

"Violation of a rule issued under this subtitle shall be treated as a violation of a rule under section 18 of the Federal Trade Commission Act (15 U.S.C. 57a) respecting unfair or deceptive acts or practices. All functions and powers of the Federal Trade Commission under such Act are available to the Federal Trade Commission to enforce compliance with this subtitle notwithstanding any jurisdictional limits in such Act.

"SEC. 206. STATE AUTHORITY.

"Nothing in this subtitle shall be construed to preclude a State or State regulatory authority from prescribing and enforcing laws, rules or procedures regarding the practices which are the subject of this subtitle.

“SEC. 207. DEFINITIONS.

“As used in this subtitle:

“(1) The term ‘aggregate consumer information’ means collective data that relates to a group or category of electric consumers, from which individual consumer identities and identifying characteristics have been removed.

“(2) The term ‘consumer information’ means information that relates to the quantity, technical configuration, type, destination, or amount of use of electric energy delivered to an electric consumer.

“(3) The terms ‘electric consumer’, ‘electric utility’, and ‘State regulatory authority’ have the meanings given such terms in section 3 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602).

“Subtitle B—Electric Reliability

“SEC. 208. ELECTRIC RELIABILITY.

“Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by inserting the following after section 215 as added by this Act:

“‘SEC. 216. ELECTRIC RELIABILITY.

“‘(a) Definitions.—for purposes of this section—

“‘(1) ‘bulk-power system’ means the network of interconnected transmission facilities and generating facilities;

“‘(2) ‘electric reliability organization’ means a self-regulating organization certified by the Commission under subsection (c) whose purpose is to promote the reliability of the bulk power system; and

“‘(3) ‘reliability standard’ means a requirement to provide for reliable operation of the bulk power system approved by the Commission under this section.

“‘(b) Jurisdiction and Applicability.—The Commission shall have jurisdiction, within the United States, over an electric reliability organization, any regional entities, and all users, owners and operators of the bulk power system, including but not limited to the entities described in section 201(f), for purposes of approving reliability standards and enforcing compliance with this section. All users, owners and operators of the bulk-power system shall comply with reliability standards that take effect under this section.

“‘(c) Certification.—

“‘(1) The Commission shall issue a final rule to implement the requirements of this section not later than 180 days after the date of enactment of this section.

“‘(2) following the issuance of a Commission rule under paragraph (1), any person may submit an application to the Commission for certification as an electric reliability organization. The Commission may certify an applicant if the Commission determines that the applicant—

“‘(A) has the ability to develop, and enforce reliability standards that provide for an adequate level of reliability of the bulk-power system;

“‘(B) has established rules that—

“‘(i) assure its independence of the users and owners and operators of the bulk power system; while assuring fair stakeholder representation in the selection of its directors and balanced decision-making in any committee or subordinate organizational structure;

“‘(ii) allocate equitably dues, fees, and other charges among end users for all activities under this section;

“‘(iii) provide fair and impartial procedures for enforcement of reliability standards through imposition of penalties (including limitations on activities, functions, or operations; or other appropriate sanctions); and

“‘(iv) provide for reasonable notice and opportunity for public comment, due process, openness, and balance of interests in developing reliability standards and otherwise exercising its duties.

“‘(3) If the Commission receives two or more timely applications that satisfy the requirements of this subsection, the Commission shall approve only the application it concludes will best implement the provisions of this section.

“‘(d) Reliability Standards.—

“‘(1) An electric reliability organization shall file a proposed reliability standard or modification to a reliability standard with the Commission.

“‘(2) The Commission may approve a proposed reliability standard or modification to a reliability standard if it determines that the standard is just, reasonable, not unduly discriminatory or preferential, and in the public interest. The Commission shall give due weight to the technical expertise of the electric reliability organization with respect to the content of a proposed standard or modification to a reliability standard, but shall not defer with respect to its effect on competition.

“‘(3) The electric reliability organization and the Commission shall rebuttably presume that a proposal from a regional entity organized on an interconnection-wide basis for a reliability standard or modification to a reliability standard to be applicable on an Interconnection-wide basis is just, reasonable, and not unduly discriminatory or preferential, and in the public interest.

“‘(4) The Commission shall remand to the electric reliability organization for further consideration a proposed reliability standard or a modification to a reliability standard that the Commission disapproves in whole or in part.

“‘(5) The Commission, upon its own motion or upon complaint, may order an electric reliability organization to submit to the Commission a proposed reliability standard or a modification to a reliability standard that addresses a specific matter if the Commission considers such a new or modified reliability standard appropriate to carry out this section.

“‘(e) Enforcement.—

“‘(1) An electric reliability organization may impose a penalty on a user or owner or operator of the bulk power system if the electric reliability organization, after notice and an opportunity for a hearing—

“‘(A) finds that the user or owner or operator of the bulk power system has violated a reliability standard approved by the Commission under subsection (d); and

“‘(B) files notice with the Commission, which shall affirm, set aside or modify the action.

“‘(2) On its own motion or upon complaint, the Commission may order compliance with a reliability standard and may impose a penalty against a user or owner or operator of the bulk power system, if the Commission finds, after notice and opportunity for a hearing, that the user or owner or operator of the bulk power system has violated or threatens to violate a reliability standard.

“‘(3) The Commission shall establish regulations authorizing the electric reliability organization to enter into an agreement to delegate authority to a regional entity for the purpose of proposing and enforcing reliability standards (including related activities) if the regional entity satisfies the provisions of subsection (c)(2)(A) and (B) and the agreement promotes effective and efficient administration of bulk power system reliability, and may modify such delegation. The electric reliability organization and the Commission shall rebuttably presume that a proposal for delegation to a regional entity organized on an interconnection-wide basis promotes effective and efficient administration of bulk power system reliability and should be approved. Such regulation may provide that the Commission may assign the electric reliability organization's authority to enforce reliability standards directly to a regional entity consistent with the requirements of this paragraph.

“‘(4) The Commission may take such action as is necessary or appropriate against the electric reliability organization or a regional entity to ensure compliance with a reliability standard or any Commission order affecting the electric reliability organization or a regional entity.

“‘(f) Changes in Electricity Reliability Organizations Rules.—An electric reliability organization shall file with the Commission for approval any proposed rule or proposed rule change, accompanied by an explanation of its basis and purpose. The Commission, upon its own motion or complaint, may propose a change to the rules of the electric reliability organization. A proposed rule or proposed rule change shall take effect upon a finding by the Commission, after notice and opportunity for comment, that the change is just, reasonable, not unduly discriminatory or preferential, is in the public interest, and satisfies the requirements of subsection (c)(2).

“‘(g) Coordination With Canada and Mexico.—

“‘(1) The electric reliability organization shall take all appropriate steps to gain recognition in Canada and Mexico.

“‘(2) The President shall use his best efforts to enter into international agreements with the governments of Canada and Mexico to provide for effective compliance with reliability standards and the effectiveness of the electric reliability organization in the United States and Canada or Mexico.

“‘(h) Reliability Reports.—The electric reliability organization shall conduct periodic assessments of the reliability and adequacy of the interconnected bulk-power system in North America.

“‘(i) Savings Provisions.—

“‘(1) The electric reliability organization shall have authority to develop and enforce compliance with standards for the reliable operation of only the bulk-power system.

“‘(2) This section does not provide the electric reliability organization or the Commission with the authority to order the construction of additional generation or transmission capacity or to set and enforce compliance with standards for adequacy or safety of electric facilities or services.

“‘(3) Nothing in this section shall be construed to preempt any authority of any State to take action to ensure the safety, adequacy, and reliability of electric service within that State, as long as such action is not inconsistent with any reliability standard.

“‘(4) Within 90 days of the application of the electric reliability organization or other affected party, and after notice and opportunity for comment, the Commission shall issue a final order determining whether a state action is inconsistent with a reliability standard, taking into consideration any recommendations of the electric reliability organization.

“‘(5) The Commission, after consultation with the electric reliability organization, may stay the effectiveness of any state action, pending the Commission's issuance of a final order.

“‘(j) APPLICATION OF ANTITRUST LAWS.—

“‘(1) IN GENERAL.—To the extend undertaken to develop, implement, or enforce a reliability standard, each of the following activities shall not, in any action under the antitrust laws, be deemed illegal per se:

“‘(A) activities undertaken by an electric reliability organization under this section, and

“‘(B) activities of a user or owner or operator of the bulk power system undertaken in good faith under the rules of an electric reliability organization.

“‘(2) RULE OF REASON.—In any action under the antitrust laws, an activity described in paragraph (1) shall be judged on the basis of its reasonableness, taking into account all relevant factors affecting competition and reliability.

“‘(3) DEFINITION.—For purposes of this subsection, ‘antitrust laws’ has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)), except that it includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that section 5 applies to unfair methods of competition.

“‘(k) REGIONAL ADVISORY BODIES.—The Commission shall establish a regional advisory body on the petition of at least two-thirds of the States within a region that have more than one-half of their electric load served within the region. A regional advisory body shall be composed of one member from each participating State in the region, appointed by the Governor of each State, and may include representatives of agencies, States, and provinces outside the United States. A regional advisory body may provide advice to the electric reliability organization, a regional reliability entity, or the Commission regarding the governance of an existing or proposed regional reliability entity within the same region, whether a standard proposed to apply within the region is just, reasonable, not unduly discriminatory or preferential, and in the public interest, whether fees proposed to be assessed within the region are just, reasonable, not unduly discriminatory or preferential, and in the public interest and any other responsibilities requested by the Commission. The Commission may give deference to the advice of any such regional advisory body if that body is organized on an interconnection-wide basis.

“‘(l) APPLICATION TO ALASKA AND HAWAII.—The provisions of this section do not apply to Alaska and Hawaii.”

SA 3048. Mr. SMITH of Oregon submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of Section 929, insert the following:

“SEC. . STUDY OF ENERGY EFFICIENCY STANDARDS.

“(1) The Secretary of Energy is directed to contract with the National Academy of Sciences for a study, to be completed within one year of enactment of this Act, to examine whether the goals of energy efficiency standards are best served by measurement of energy consumed, and efficiency improvements, at the actual site of energy consumption, or through the full fuel cycle, beginning at the source of energy production. The Secretary shall submit the report of the Academy to the Committee on Energy and Commerce of the House of Representatives and Committee on Energy and Natural Resources of the Senate.

“(2) There are authorized such sums as are necessary for carrying out the study authorized in this section.”

Renumber subsequent subsections accordingly.

SA 3049. Mr. CRAIG proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 6, strike line 9 and all that follows through line 15 and insert the following:

“The term ‘biomass’ means any organic material that is available on a renewable or recurring basis, including dedicated energy crops, trees grown for energy production, wood waste and wood residues, plants (including aquatic plants, grasses, and agricultural crops), residues, fibers, animal wastes and other organic waste materials, and fats and oils, except that with respect to material removed from National Forest System lands the term includes only organic material from—

“(A) thinnings from trees that are less than 12 inches in diameter;

“(B) slash;

“(C) brush; and

“(D) mill residues.”.

SA 3050. Ms. LANDRIEU (for herself and Mr. KYL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . PARTICIPANT-FUNDED INVESTMENT.

Section 205 of the Federal Power Act is amended by inserting after subsection (h) the following:

“(i) TRANSMISSION EXPANSION COSTS.—

“(1) RATES FOR TRANSMISSION EXPANSION.—Upon the request of a Regional Transmission Organization, or any transmission entity operating within an RTO that is authorized by the Commission, the Commission shall authorize the recovery of costs on a participant-funding basis of transmission facilities that increase the transfer capability of the transmission system. The Commission shall not authorize the recovery of costs in rates on a rolled-in basis for such transmission facilities unless the Commission finds that, based upon substantial evidence—

“(A) the transmission investment is identified and incorporated in the regional transmission plan of a FERC approval regional transmission organization;

“(B) participant funding for the investment is not feasible because the beneficiaries of the investment cannot be identified; and

“(C) the transmission investment is necessary to maintain reliability of the transmission grid within the area covered by the regional transmission organization.

“(2) PARTICIPANT-FUNDED.—The term ‘participant-funded’ means an investment in the transmission system of a regional transmission organization or any Commission authorized entity operating within the RTO that—

“(A) increases the transfer capability of the transmission system; and

“(B) is paid for by an entity that, in return for payment receives the tradable transmission rights created by the investment.

“(3) TRADABLE TRANSMISSION RIGHT.—The term ‘tradable transmission right’ means the right of the holder of such right to avoid payment of, or have rebated, transmission congestion charges on the transmission system of a regional transmission organization, or the right to use a specified capacity of such transmission system without payment of transmission congestion charges.

“(4) REGIONAL TRANSMISSION ORGANIZATION FACILITATION.—

“(A) IN GENERAL.—To encourage the regional transmission organization or any Commission-authorized transmission entity operating within the RTO to identify participant-funded investment, the Commission shall allow a regional transmission organization or any entity constructing a participant funded project within the RTO to—

“(i) receive a share of the value of the tradable transmission rights created by the participant-funded expansion; or

“(ii) receive a development fee.”.

SA 3051. Mr. FITZGERALD submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 64, strike line 9 and all that follows through page 65, line 2, and insert the following:

(a) DEFINITIONS.—In this section:

(1) BIOMASS.—The term “biomass” means—

(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal waste material that is segregated from other waste material and is derived from—

(i) forest-related—

(I) harvesting residue;

(II) precommercial thinnings;

(III) slash; or

(IV) brush;

(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

(I) incinerated municipal solid waste;

(II) recyclable postconsumer waste paper;

(III) painted, treated, or pressurized wood;

(IV) wood contaminated with plastic or metal; or

(V) tires; or

(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

(2) RENEWABLE ENERGY.—The term "renewable energy" means electric energy generated from—

(A) a solar, wind, biomass, geothermal, or fuel cell source; or

(B)(i) additional hydroelectric generation capacity achieved from increased efficiency; or

(ii) an addition of new capacity at a hydroelectric dam in existence on the date of enactment of this Act.

(b) REQUIREMENT.—

(1) IN GENERAL.—The President shall ensure that, of the total amount of electric energy that all Federal agencies, in the aggregate, consume during any fiscal year—

(A) not less than 3 percent in fiscal years 2003 through 2004;

(B) not less than 5 percent in fiscal years 2005 through 2009; and

(C) not less than 7.5 percent in fiscal year 2010 and each fiscal year thereafter;

shall be renewable energy.

(2) INNOVATIVE PURCHASING PRACTICES.—In carrying out paragraph (1), the President shall encourage Federal agencies to use innovative purchasing practices, including aggregation and the use of renewable energy derivatives.

On page 73, between lines 9 and 10, insert the following:

"(1) BIOMASS.—The term 'biomass' means—

"(A) organic material from a plant that is planted for the purpose of being used to produce energy; and

"(B) nonhazardous, lignocellulosic or hemicellulosic matter or agricultural animal waste material that is segregated from other waste material and is derived from—

"(i) forest-related—

"(I) harvesting residue;

"(II) precommercial thinnings;

"(III) slash; or

"(IV) brush;

"(ii) an agricultural crop, crop byproduct, or residue resource (not including vegetation produced on land enrolled in the conservation reserve program under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) if harvesting the vegetation would be inconsistent with the environmental purposes of the program);

"(iii) miscellaneous waste such as landscape or right-of-way tree trimmings, but not including—

"(I) incinerated municipal solid waste;

"(II) recyclable postconsumer waste paper;

"(III) painted, treated, or pressurized wood;

"(IV) wood contaminated with plastic or metal; or

"(V) tires; or

"(iv) animal waste from an animal feeding operation with not more than 1,000 animal units.

SA 3052. Mr. MURKOWSKI proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 6, on line 6, strike "mix." and insert "mix. The provisions of this section shall not apply to any retail electric supplier in any State that adopts or has adopted a renewable energy portfolio program."

SA 3053. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS PROVISIONS

TITLE —GENERAL PROVISIONS

SEC. . REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

SA 3054. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission area through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 222, strike lines 5 through 10 and insert the following:

"(A) PROHIBITION.—Subject to subparagraph (E), the use of methyl tertiary butyl ether in motor vehicle fuel—

"(i) in any State that has received a waiver under section 209(b), is prohibited effective January 1, 2003; and

"(ii) in any State not described in clause (i) (other than a State described in subparagraph (C)), is prohibited not later than 4 years after the date of enactment of this paragraph.

SA 3055. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission area through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION — MISCELLANEOUS

TITLE —GENERAL

SEC. . INTERSTATE DAIRY COMPACTS.

Notwithstanding any other provision of law, a State located in Petroleum Administration for Defense District 1 shall not enter into an interstate dairy compact.

SA 3056. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 213, strike line 16 and all that follows through page 218, line 14.

Beginning on page 219, strike line 18 and all that follows through page 224, line 17 and insert the following:

(6) in recent years, MTBE has been detected in water sources throughout the United States;

(7) MTBE can be detected by smell and taste at low concentrations;

(8) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(9) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard; and

(B) to greatly reduce use of MTBE;

(10) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(11) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) adequate energy supply; and

(B) reasonable fuel prices; and

(12) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

"(5) PROHIBITION ON USE OF MTBE.—

"(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

"(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to—

"(i) the production of iso-octane and alkylates; and

"(ii) the production of such other fuel additives as will contribute to replacing quantities of motor fuel rendered unavailable as a result of paragraph (5).

On page 224, line 18, strike "(C)" and insert "(B)".

On page 225, line 10, strike "(D)" and insert "(C)".

Beginning on page 227, strike line 3 and all that follows through page 232, line 24.

On page 233, line 1, strike "(d)" and insert "(b)".

Beginning on page 233, strike line 6 and all that follows through page 244, line 23, and insert the following:

SEC. 8 . FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Energy shall conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) REQUIRED ELEMENTS.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(C) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities; and

(D) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply.

(b) REPORT.—

(1) IN GENERAL.—Not later than June 1, 2006, the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) RECOMMENDATIONS.—

(A) IN GENERAL.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) REQUIRED CONSIDERATIONS.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) CONSULTATION.—In developing the report, the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers; and

(C) motor vehicle fuel producers and distributors.

SA 3057. Mr. KYL (for himself and Mr. HELMS) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 9 after line 7 insert:

"(n) PROTECTION OF CONSUMERS.—Upon certification by the Governor of a State to the Secretary of Energy that the application of the Federal renewable portfolio standard would adversely affect consumers in such State, the requirements of this section shall not apply to retail electric sellers in such State. Such suspension shall continue until certification by the Governor of the State to the Secretary of Energy that consumers in such State would no longer be adversely affected by the application of the provisions of this section."

SA 3058. Ms. COLLINS (for herself and Ms. SNOWE) proposed an amendment to amendment SA 3016 proposed by Mr. BINGAMAN to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 8 line 15, delete the period and add ", or the additional generation above average generation in the three years preceding the date of enactment of this section, to expand electricity production at a facility used to generate electric energy from a renewable energy resource or to cofire biomass that was placed in service before the date of enactment of this section."

SA 3059. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 307, after line 3, insert the following:

Subtitle E—Rural and Remote Communities

SEC. 941. SHORT TITLE.

This subtitle may be cited as the "Rural and Remote Community Fairness Act".

SEC. 942. RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS.

The Housing and Community Development Act of 1974 (Public Law 93-383), is amended by adding at the end the following:

"TITLE IX—RURAL AND REMOTE COMMUNITY DEVELOPMENT BLOCK GRANTS

"SEC. 901. FINDINGS AND PURPOSE.

"(a) FINDINGS.—The Congress finds that—

"(1) a modern infrastructure, including energy-efficient housing, electricity, telecommunications, bulk fuel, waste water and potable water service, is a necessary ingredient of a modern society and development of a prosperous economy;

"(2) the Nation's rural and remote communities face critical social, economic and environmental problems, arising in significant measure from the high cost of infrastructure development in sparsely populated and remote areas, that are not adequately addressed by existing Federal assistance programs;

"(3) in the past, Federal assistance has been instrumental in establishing electric and other utility service in many developing regions of the Nation, and that Federal assistance continues to be appropriate to ensure that electric and other utility systems in rural areas conform with modern standards of safety, reliability, efficiency and environmental protection; and

"(4) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural and remote communities as social, economic and political entities.

"(a) PURPOSE.—The purpose of this title is the development and maintenance of viable rural and remote communities through the provision of efficient housing, and reasonably priced and environmentally sound energy, water, waste water, and bulk fuel, telecommunications and utility services to those communities that do not have those services or who currently bear costs of those services that are significantly above the national average.

"SEC. 902. DEFINITIONS.

As used in this title:

"(1) The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized) or other general purpose political subdivision of a State, Guam, the Commonwealth of the Northern Mariana Islands, Puerto Rico, the Republic of the Marshall Islands, the Federated State of Micronesia, the Republic of Palau, the Virgin Islands, and American Samoa, a combination of such political subdivisions that is recognized by the Secretary; and the District of Columbia; or any other appropriate organization of citizens of a rural and remote community that the Secretary may identify.

"(2) The term 'population' means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period in time.

"(3) the term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and

Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

"(4) The term 'Secretary' means the Secretary of Housing and Urban Development.

"(5) The term 'rural and remote community' means a unit of local general government or Native American group which is served by an electric utility that has 10,000 or less customers with an average retail cost per kilowatt hour of electricity that is equal to or greater than 150 percent of the average retail cost per kilowatt hour of electricity for all consumers in the United States, as determined by data provided by the Energy Information Administration of the Department of Energy.

"(6) The term alternative energy sources includes non-traditional means of providing electrical energy, including, but not limited to, wind, solar, biomass, municipal solid waste, hydroelectric, geothermal and tidal power.

"(7) The term 'average retail cost per kilowatt hour of electricity' has the same meaning as 'average revenue per kilowatt hour of electricity' as defined by the Energy Information Administration of the Department of Energy.

"SEC. 903. AUTHORIZATION OF APPROPRIATIONS.

"The Secretary is authorized to make grants to rural and remote communities to carry out activities in accordance with the provisions of the title. For purposes of assistance under section 906, there are authorized to be appropriated $100,000,000 for each of fiscal years 2003 through 2009.

"SEC. 904. STATEMENT OF ACTIVITIES AND REVIEW.

"(a) STATEMENT OF OBJECTIVES AND PROJECTED USE.—Prior to the receipt in any fiscal year of a grant under section 906 by any rural and remote community, the grantee shall have prepared and submitted to the Secretary a final statement of rural and remote community development objectives and projected use of funds.

"(b) PUBLIC NOTICE.—In order to permit public examination and appraisal of such statements, to enhance the public accountability of grantees, and to facilitate coordination of activities with different levels of government, the grantee shall in a timely manner—

"(1) furnish citizens information concerning the amount of funds available for rural and remote community development activities and the range of activities that may be undertaken;

"(2) publish a proposed statement in such manner to afford affected citizens an opportunity to examine its content and to submit comments on the proposed statement and on the community development performance of the grantee;

"(3) provide citizens with reasonable access to records regarding the past use of funds received under section 906 by the grantee; and

"(4) provide citizens with reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of funds received under section 906 from one eligible activity to another.

"The final statement shall be made available to the public, and a copy shall be furnished to the Secretary. Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same. Procedures required in this paragraph are for the preparation and submission of such statement.

"(c) PERFORMANCE AND EVALUATION REPORT.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report, concerning the use of funds made available under section 906, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a) and to the requirements of subsection (b). The grantee's report shall indicate its programmatic accomplishments, the nature of and reasons for any changes in the grantee's program objectives, and indications of how the grantee would change its programs as a result of its experiences.

"(d) RETENTION OF INCOME.—

"(1) IN GENERAL.—Any rural and remote community may retain any program income that is realized from any grant made by the Secretary under section 906 if—

"(A) such income was realized after the initial disbursement of the funds received by such unit of general local government under such section; and

"(B) such unit of general local government has agreed that it will utilize the program income for eligible rural and remote community development activities in accordance with the provisions of this title.

"(2) EXCEPTION.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the subsection creates an unreasonable adminstrative burden on the rural and remote community.

SEC. 905. ELIGIBLE ACTIVITIES.

"(a) ACTIVITIES INCLUDED.—Eligible activities assisted under this title may include only—

"(1) weatherization and other cost-effective energy-related repairs of homes and other buildings;

"(2) the acquisition, construction, repair, reconstruction, or installation of reliable and cost-efficient facilities for the generation, transmission or distribution of electricity, and telecommunications, for consumption in a rural and remote community or communities;

"(3) the acquisition, construction, repair, reconstruction, remediation or installation of facilities for the safe storage and efficient management of bulk fuel by rural and remote communities, and facilities for the distribution of such fuel to consumers in a rural or remote community;

"(4) facilities and training to reduce costs of maintaining and operating generation, distribution or transmission systems to a rural and remote community or communities;

"(5) the institution of professional management and maintenance services for electricity generation, transmission or distribution to a rural and remote community or communities;

"(6) the investigation of the feasibility of alternate energy sources for a rural and remote community or communities;

"(7) acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water or waste water service;

"(8) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for eligible rural and remote community development activities; and

"(9) activities necessary to develop and implement a comprehensive rural and remote development plan, including payment of reasonable administrative costs related to planning and execution of rural and remote community development activities.

"(b) ACTIVITIES UNDERTAKEN THROUGH ELECTRIC UTILITIES.—Eligible activities may be undertaken either directly by the rural and remote community, or by the rural and remote community through local electric utilities.

"SEC. 906. ALLOCATION AND DISTRIBUTION OF FUNDS.

"For each fiscal year, of the amount approved in an appropriation act under section 903 for grants in any year, the Secretary shall distribute to each rural and remote community which has filed a final statement of rural and remote community development objectives and projected use of funds under section 904, an amount which shall be allocated among the rural and remote communities that filed a final statement of rural and remote community development objectives and projected use of funds under section 904 proportionate to the percentage that the average retail price per kilowatt hour of electricity for all classes for consumers in the rural and remote community exceeds the national average retail price per kilowatt hour for electricity for all consumers in the United States, as determined by data provided by the Department of Energy's Energy Information Administration. In allocating funds under this section, the Secretary shall give special consideration to those rural and remote communities that increase economies of scales through consolidation of services, affiliation and regionalization of eligible activities under this title.

"SEC. 907. REMEDIES FOR NONCOMPLIANCE.

"The provisions of section 111 of the Housing and Community Development Act of 1974 (42 U.S.C. 5311) shall apply to assistance distributed under this title.".

SEC. 943. RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.

Section 313 of the Rural Electrification Act of 1936 (7 U.S.C. 940c) is amended by adding after subsection (b) the following:

"(c) RURAL AND REMOTE COMMUNITIES ELECTRIFICATION GRANTS.—The Secretary of Agriculture, in consultation with the Secretary of Energy and the Secretary of the Interior, may provide grants under this Act for the purpose of increasing energy efficiency, siting or upgrading transmission and distribution lines, or providing or modernizing electric facilities to—

"(1) a unit of local government of a State or territory; or

"(2) an Indian tribe or Tribal College or University as defined in section 316(b)(3) of the Higher Education Act (20 U.S.C. 1059c(b)(3)).

"(d) GRANT CRITERIA.—The Secretary shall make grants based on a determination of cost-effectiveness and most effective use of the funds to achieve the stated purposes of this section.

"(e) PREFERENCE.—In making grants under this section, the Secretary shall give a preference to renewable energy facilities.

"(f) DEFINITION.—For purposes of this section, the term 'Indian tribe' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

"(e) AUTHORIZATION.—For the purpose of carrying out subsection (c), there are authorized to be appropriated to the Secretary

$20,000,000 for each of the seven fiscal years following the date of enactment of this subsection.''.

SEC. 944. AUTHORIZATION OF APPROPRIATIONS.

There is hereby authorized to be appropriated $5,000,000 for each of fiscal years 2003 through 2009 to the Denali Commission established by the Denali Commission Act of 1998 (42 U.S.C. 3121 note) for the purposes of funding the power cost equalization program.

SEC. 945. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.

Title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301–5321) is amended by adding at the end the following:

``SEC. 123. RURAL RECOVERY COMMUNITY DEVELOPMENT BLOCK GRANTS.

``(a) FINDINGS; PURPOSE.—

``(1) FINDINGS.—Congress finds that—

``(A) a modern infrastructure, including affordable housing, wastewater and water service, and advanced technology capabilities is a necessary ingredient of a modern society and development of a prosperous economy with minimal environmental impacts;

``(B) the Nation's rural areas face critical social, economic, and environmental problems, arising in significant measure from the growing cost of infrastructure development in rural areas that suffer from low per capita income and high rates of outmigration and are not adequately addressed by existing Federal assistance programs; and

``(C) the future welfare of the Nation and the well-being of its citizens depend on the establishment and maintenance of viable rural areas as social, economic, and political entities.

``(2) PURPOSE.—The purpose of this section is to provide for the development and maintenance of viable rural areas through the provision of affordable housing and community development assistance to eligible units of general local government and eligible Native American groups in rural areas with excessively high rates of outmigration and low per capita income levels.

``(b) DEFINITIONS.—In this section:

``(1) ELIGIBILITY UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'eligible unit of general local government' means a unit of general local government that is the governing body of a rural recovery area.

``(2) ELIGIBLE INDIAN TRIBE.—The term 'eligible Indian tribe' means the governing body of an Indian tribe that is located in a rural recovery area.

``(3) GRANTEE.—The term 'grantee' means an eligible unit of general local government or eligible Indian tribe that receives a grant under this section.

``(4) NATIVE AMERICAN GROUP.—The term 'Native American group' means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93–638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

``(5) RURAL RECOVERY AREA.—The term 'rural recovery area' means any geographic area represented by a unit of general local government or a Native American group.—

``(A) the borders of which are not adjacent to a metropolitan area;

``(B) in which—

``(i) the population outmigration level equals or exceeds 1 percent over the most recent five year period, as determined by the Secretary of Housing and Urban Development; and,

``(ii) the per capita income is less than that of the national nonmetropolitan average; and

``(C) that does not include a city with a population of more than 15,000.

``(6) UNIT OF GENERAL LOCAL GOVERNMENT.—

``(A) IN GENERAL.—The term 'unit of general local government' means any city, county, town, township, parish, village, borough (organized or unorganized), or other general purpose political subdivision of a State; Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands, Puerto Rico, and American Samoa, or a general purpose political subdivision thereof; a combination of such political subdivisions that, except as provided in section 106(d)(4), is recognized by the Secretary; and the District of Columbia.

``(B) OTHER ENTITIES INCLUDED.—The term also includes a State or a local public body or agency, community association, or other entity, that is approved by the Secretary for the purpose of providing public facilities or services to a new community.

``(c) GRANT AUTHORITY.—The Secretary may make grants in accordance with this section to eligible units of general local government, Native American groups and eligible Indian tribes that meet the requirements of subsection (d) to carry out eligible activities described in subsection (f).

``(d) ELIGIBILITY REQUIREMENTS.—

``(1) STATEMENT OF RURAL DEVELOPMENT OBJECTIVES.—In order to receive a grant under this section for a fiscal year, an eligible unit of general local government, Native American group or eligible Indian tribe—

``(A) shall—

``(i) publish a proposed statement of rural development objectives and a description of the proposed eligible activities described in subsection (f) for which the grant will be used; and

``(ii) afford residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe with an opportunity to examine the contents of the proposed statement and the proposed eligible activities published under clause (i), and to submit comments to the eligible unit of general local government, Native American group or eligible Indian tribe, as applicable, on the proposed statement and the proposed eligible activities, and the overall community development performance of the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable; and

``(B) based on any comments received under subparagraph (A)(ii), prepare and submit to the Secretary—

``(i) a final statement of rural development objectives;

``(ii) a description of the eligible activities described in subsection (f) for which a grant received under this section will be used; and

``(iii) a certification that the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, will comply with the requirements of paragraph (2).

``(2) PUBLIC NOTICE AND COMMENT.—In order to enhance public accountability and facilitate the coordination of activities among different levels of government, an eligible unit of general local government, Native American groups or eligible Indian tribe that receives a grant under this section shall, as soon as practicable after such receipt, provide the residents of the rural recovery area served by the eligible unit of general local government, Native American groups or eligible Indian tribe, as applicable, with—

``(A) a copy of the final statement submitted under paragraph (1)(B);

``(B) information concerning the amount made available under this section and the eligible activities to be undertaken with that amount;

``(C) reasonable access to records regarding the use of any amounts received by the eligible unit of general local government, Native American groups or eligible Indian tribe under this section in any preceding fiscal year; and

``(D) reasonable notice of, and opportunity to comment on, any substantial change proposed to be made in the use of amounts received under this section from one eligible activity to another.

``(e) DISTRIBUTION OF GRANTS.—

``(1) IN GENERAL.—In each fiscal year, the Secretary shall distribute to each eligible unit of general local government, Native American groups and eligible Indian tribe that meets the requirements of subsection (d)(1) a grant in an amount described in paragraph (2).

``(2) AMOUNT.—Of the total amount made available to carry out this section in each fiscal year, the Secretary shall distribute to each grantee the amount equal to the greater of—

``(A) the pro rata share of the grantee, as determined by the Secretary, based on the combined annual population outmigration level (as determined by the Secretary of Housing and Urban Development) and the per capita income for the rural recovery area served by the grantee; or

``(B) $200,000.

``(f) ELIGIBLE ACTIVITIES.—Each grantee shall use amounts received under this section for one or more of the following eligible activities, which may be undertaken either directly by the grantee, or by any local economic development corporation, regional planning district, nonprofit community development corporation, or statewide development organization authorized by the grantee:

``(1) the acquisition, construction, repair, reconstruction, operation, maintenance, or installation of facilities for water and wastewater service or any other infrastructure needs determined to be critical to the further development or improvement of a designated industrial park;

``(2) the acquisition or disposition of real property (including air rights, water rights, and other interests therein) for rural community development activities;

``(3) the development of telecommunications infrastructure within a designated industrial park that encourages high technology business development in rural areas;

``(4) activities necessary to develop and implement a comprehensive rural development plan, including payment of reasonable administrative costs related to planning and execution of rural development activities; or

``(5) affordable housing initiatives.

``(g) PERFORMANCE AND EVALUATION REPORT.—

``(1) IN GENERAL.—Each grantee shall annually submit to the Secretary a performance and evaluation report, concerning the use of amounts received under this section.

``(2) CONTENTS.—Each report submitted under paragraph (1) shall include a description of—

``(A) the eligible activities carried out by the grantee with amounts received under this section, and the degree to which the grantee has achieved the rural development objectives included in the final statement submitted under subsection (d)(1);

"(B) the nature of and reasons for any change in the rural development objectives or the eligible activities of the grantee after submission of the final statement under subsection (d)(1); and

"(C) any manner in which the grantee would change the rural development objectives of the grantee as a result of the experience of the grantee in administering amounts received under this section.

"(h) RETENTION OF INCOME.—A grantee may retain any income that is realized from the grant, if—

"(1) the income was realized after the initial disbursement of amounts to the grantee under this section; and

"(2) the—

"(A) grantee agrees to utilize the income for 1 or more eligible activities; or

"(B) amount of the income is determined by the Secretary to be so small that compliance with subparagraph (A) would create an unreasonable administrative burden on the grantee.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2003 through 2009.".

SA 3060. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 65, strike line 18 and all that follows through page 67, line 4.

SA 3061. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 121, line 24, strike "and" and all that follows through page 122, line 2 and insert:

"(5) to any person for national security purposes, as determined by the Secretary; and

"(6) to a uranium mill licensed by the Commission for the purpose of recycling uranium-bearing material.".

SA 3062. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 289, after line 4, insert the following:

"(41) The term 'traffic signal module' means a standard 8-inch (200mm) or 12-inch (300mm) traffic signal indication, consisting of a light source, a lens, and all other parts necessary for operation, that communicates movement messages to drivers through red, amber, and green colors."

SA 3063. Ms. CANTWELL proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 289, after line 21, insert the following:

"(11) Test procedures for traffic signal modules shall be based on the test method used under the Energy Star program of the Environmental Protection Agency for traffic signal modules, as in effect on the date of enactment of this paragraph."

SA 3064. Mr. BINGAMAN (for Ms. CANTWELL) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 301, after line 5, insert the following:

"(z) TRAFFIC SIGNAL MODULES.—Traffic signal modules manufactured on or after January 1, 2006 shall meet the performance requirements used under the Energy Star program of the Environmental Protection Agency for traffic signals, as in effect on the date of enactment of this paragraph, and shall be installed with compatible, electrically-connected signal control interface devices and conflict monitoring systems."

SA 3065. Mr. BINGAMAN (for Ms. CANTWELL) (for himself and Mr. SMITH of Oregon)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 60, lines 20–23, strike "an electricity-generating cooperative exempt from taxation under section 501(c)(12) or section 1281(a)(2)(C) of the Internal Revenue Code of 1986" and inserting "a nonprofit electrical cooperative".

SA 3066. Mr. MURKOWSKI (for Mr. INHOFE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 407, line 4, after "including", insert "flexible alternating current transmission systems,".

SA 3067. Mr. BINGAMAN (for Mr. BAYH) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 568, line 20, insert "geothermal heat pump technology," before "and energy recovery".

SA 3068. Mr. BINGAMAN (for Mr. AKAKA) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 574, following line 11, insert the following:

SEC. 1704. UPDATING OF INSULAR AREA RENEWABLE ENERGY AND ENERGY EFFICIENCY PLANS.

Section 604 of Public Law 96–597 (48 U.S.C. 1492) is amended—

(1) in subsection (a) at the end of paragraph (4) by striking "resources." and inserting "resources; and

"(5) the development of renewable energy and energy efficiency technologies since publication of the 1982 Territorial Energy Assessment prepared under subsection (c) reveals the need to reassess the state of energy production, consumption, efficiency, infrastructure, reliance on imported energy, and potential of the indigenous renewable energy resources and energy efficiency in regard to the insular areas."; and

(2) by adding at the end of subsection (e) "The Secretary of Energy, in consultation with the Secretary of the Interior and the chief executive officer of each insular area, shall update the plans required under subsection (c) and draft long-term energy plans for each insular area that will reduce, to the extent feasible, the reliance of the insular area on energy imports by the year 2010, and maximize, to the extent feasible, use of renewable energy resources and energy efficiency opportunities. Not later than December 31, 2002, the Secretary of Energy shall submit the updated plans to Congress.".

SA 3069. Mr. BINGAMAN (for himself and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 136, strike line 1 and all that follows through page 148, line 2 and insert the following:

TITLE VII—NATURAL GAS PIPELINES

Subtitle A—Alaska Natural Gas Pipeline

SEC. 701. SHORT TITLE.

This subtitle may be cited as the "Alaska Natural Gas Pipeline Act of 2002".

SEC. 702. FINDINGS.

The Congress finds that:

(1) Construction of a natural gas pipeline system from the Alaskan North Slope to United States markets is in the national interest and will enhance national energy security by providing access to the significant gas reserves in Alaska needed to meet the anticipated demand for natural gas.

(2) The Commission issued a conditional certificate of public convenience and necessity for the Alaska Natural Gas Transportation System, which remains in effect.

SEC. 703. PURPOSES.

The purposes of this subtitle are—

(1) to provide a statutory framework for the expedited approval, construction, and initial operation of an Alaska natural gas transportation project, as an alternative to the framework provided in the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), which remains in effect;

(2) to establish a process for providing access to such transportation project in order to promote competition in the exploration, development and production of Alaska natural gas;

(3) to clarify federal authorities under the Alaska Natural Gas Transportation Act; and

(4) to authorize federal financial assistance to an Alaska natural gas transportation project as provided in this subtitle.

SEC. 704. ISSUANCE OF CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

(a) Authority of the Commission.—Notwithstanding the provisions of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o), the Commission may, pursuant to section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)), consider and act on an application for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project other than the Alaska Natural Gas Transportation System.

(b) Issuance of Certificate.—

(1) The Commission shall issue a certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project under this section if the applicant has satisfied the requirements of section 7(e) of the Natural Gas Act (15 U.S.C. 717f(e)).

(2) In considering an application under this section, the Commission shall presume that—

(A) a public need exists to construct and operate the proposed Alaska natural gas transportation project; and

(B) sufficient downstream capacity will exist to transport the Alaska natural gas moving through such project to markets in the contiguous United States.

(c) Expedited Approval Process.—The Commission shall issue a final order granting or denying any application for a certificate of public and convenience and necessity under section 7(c) of the Natural Gas Act (15 U.S.C. 717f(c)) and this section not more than 60 days after the issuance of the final environmental impact statement for that project pursuant to section 705.

(d) Prohibition on Certain Pipeline Route.—No license, permit, lease, right-of-way, authorization or other approval required under Federal law for the construction of any pipeline to transport natural gas from lands within the Prudhoe Bay oil and gas lease area may be granted for any pipeline that follows a route that traverses—

(1) the submerged lands (as defined by the Submerged Lands Act) beneath, or the adjacent shoreline of, the Beaufort Sea; and

(2) enters Canada at any point north of 68 degrees North latitude.

(e) Open Season.—Except where an expansion is ordered pursuant to section 706, initial or expansion capacity on any Alaska natural gas transportation project shall be allocated in accordance with procedures to be established by the Commission in regulations governing the conduct of open seasons for such project. Such procedures shall include the criteria for and timing of any open seasons, be consistent with the purposes set forth in section 703(2) and, for any open season for capacity beyond the initial capacity, provide the opportunity for the transportation of natural gas other than from the Prudhoe Bay and Point Thompson units. The Commission shall issue such regulations no later than 120 days after the enactment of this subtitle.

(f) Projects in the Contiguous United States.—Applications for additional or expanded pipeline facilities that may be required to transport Alaska natural gas from Canada to markets in the contiguous United States may be made pursuant to the Natural Gas Act. To the extent such pipeline facilities include the expansion of any facility constructed pursuant to the Alaska Natural Gas Transportation Act of 1976, the provisions of that Act shall continue to apply.

(g) Study of In-State Needs.—The holder of the certificate of public convenience and necessity issued, modified, or amended by the Commission for an Alaska natural gas transportation project shall demonstrate that it has conducted a study of Alaska in-state needs, including tie-in points along the Alaska natural gas transportation project for in-state access.

(h) Alaska Royalty Gas.—The Commission, upon the request of the State of Alaska and after a hearing, may provide for reasonable access to the Alaska natural gas transportation project for the State of Alaska or its designee for the transportation of the State's royalty gas for local consumption needs within the State, provided that the rates of existing shippers of subscribed capacity on such project shall not be increased as a result of such access.

(i) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 705. ENVIRONMENTAL REVIEWS.

(a) Compliance With NEPA.—The issuance of a certificate of public convenience and necessity authorizing the construction and operation of any Alaska natural gas transportation project under section 704 shall be treated as a major federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C).

(b) Designation of Lead Agency.—The Commission shall be the lead agency for purposes of complying with the National Environmental Policy Act of 1969, and shall be responsible for preparing the statement required by section 102(2)(c) of that Act (42 U.S.C. 4332(2)(c)) with respect to an Alaska natural gas transportation project under section 704. The Commission shall prepare a single environmental statement under this section, which shall consolidate the environmental reviews of all Federal agencies considering any aspect of the project.

(c) Other Agencies.—All Federal agencies considering aspects of the construction and operation of an Alaska natural gas transportation project under section 704 shall cooperate with the Commission, and shall comply with deadlines established by the Commission in the preparation of the statement under this section. The statement prepared under this section shall be used by all such agencies to satisfy their responsibilities under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to such project.

(d) Expedited Process.—The Commission shall issue a draft statement under this section not later than 12 months after the Commission determines the application to be complete and shall issue the final statement not later than 6 months after the Commission issues the draft statement, unless the Commission for good cause finds that additional time is needed.

SEC. 706. PIPELINE EXPANSION.

(a) Authority.—With respect to any Alaska natural gas transportation project, upon the request of one or more persons and after giving notice and an opportunity for a hearing, the Commission may order the expansion of such project if it determines that such expansion is required by the present and future public convenience and necessity.

(b) Requirements.—Before ordering an expansion the Commission shall—

(1) approve or establish rates for the expansion service that are designed to ensure the recovery, on an incremental or rolled-in basis, of the cost associated with the expansion (including a reasonable rate of return on investment);

(2) ensure that the rates as established do not require existing shippers on the Alaska natural gas transportation project to subsidize expansion shippers;

(3) find that the proposed shipper will comply with, and the proposed expansion and the expansion of service will be undertaken and implemented based on, terms and conditions consistent with the then-effective tariff of the Alaska natural gas transportation project;

(4) find that the proposed facilities will not adversely affect the financial or economic viability of the Alaska natural gas transportation project;

(5) find that the proposed facilities will not adversely affect the overall operations of the Alaska natural gas transportation project;

(6) find that the proposed facilities will not diminish the contract rights of existing shippers to previously subscribed certificated capacity;

(7) ensure that all necessary environmental reviews have been completed; and

(8) find that adequate downstream facilities exist or are expected to exist to deliver incremental Alaska natural gas to market.

(c) Requirement for a Firm Transportation Agreement.—Any order of the Commission issued pursuant to this section shall be null and void unless the person or persons requesting the order executes a firm transportation agreement with the Alaska natural gas transportation project within a reasonable period of time as specified in such order.

(d) Limitation.—Nothing in this section shall be construed to expand or otherwise affect any authorities of the Commission with respect to any natural gas pipeline located outside the State of Alaska.

(e) Regulations.—The Commission may issue regulations to carry out the provisions of this section.

SEC. 707. FEDERAL COORDINATOR.

(a) Establishment.—There is established as an independent establishment in the executive branch, the Office of the Federal Coordinator for Alaska Natural Gas Transportation Projects.

(b) The Federal Coordinator.—The Office shall be headed by a Federal Coordinator for Alaska Natural Gas Transportation Projects, who shall—

(1) be appointed by the President, by and with the advice of the Senate,

(2) hold office at the pleasure of the President, and

(3) be compensated at the rate prescribed for level III of the Executive Schedule (5 U.S.C. 5314).

(c) Duties.—The Federal Coordinator shall be responsible for—

(1) coordinating the expeditious discharge of all activities by federal agencies with respect to an Alaska natural gas transportation project; and

(2) ensuring the compliance of Federal agencies with the provisions of this subtitle.

(d) Reviews and Actions of Other Federal Agencies.—

(1) All reviews conducted and actions taken by any federal officer or agency relating to an Alaska natural gas transportation project authorized under this section shall be expedited, in a manner consistent with completion of the necessary reviews and approvals by the deadlines set forth in this subtitle.

(2) No federal officer or agency shall have the authority to include terms and conditions that are permitted, but not required, by law on any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that the terms and conditions would prevent or impair in any significant respect the expeditious construction and operation of the project.

(3) Unless required by law, no federal officer or agency shall add to, amend, or abrogate any certificate, right-of-way, permit, lease or other authorization issued to an Alaska natural gas transportation project if the Federal Coordinator determines that such action would prevent or impair in any significant respect the expeditious construction and operation of the project.

(e) State Coordination.—The Federal Coordinator shall enter into a Joint Surveillance and Monitoring Agreement, approved by the President and the Governor of Alaska, with the State of Alaska similar to that in effect during construction of the Trans-Alaska Oil Pipeline to monitor the construction of the Alaska natural gas transportation project. The federal government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses federal lands and private lands, and the state government shall have primary surveillance and monitoring responsibility where the Alaska natural gas transportation project crosses state lands.

SEC. 708. JUDICIAL REVIEW.

(a) Exclusive Jurisdiction.—The United States Court of Appeals for the District of Columbia Circuit shall have exclusive jurisdiction to determine—

(1) the validity of any final order or action (including a failure to act) of any federal agency or officer under this subtitle;

(2) the constitutionality of any provision of this subtitle, or any decision made or action taken thereunder; or

(3) the adequacy of any environmental impact statement prepared under the National Environmental Policy Act of 1969 with respect to any action under this subtitle.

(b) Deadline for Filing Claim.—Claims arising under this subtitle may be brought not later than 60 days after the date of the decision or action giving rise to the claim.

(c) Expedited Consideration.—The United States Court of appeals for the District of Columbia circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest as described in section 702 of this subtitle.

(d) Amendment to ANGTA.—Section 10(c) of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719h) is amended by adding the following paragraph:

"(2) Expedited consideration.—The United States Court of Appeals for the District of Columbia Circuit shall set any action brought under subsection (a) of this section for expedited consideration, taking into account the national interest described in section 2 of this Act."

SEC. 709. STATE JURISDICTION OVER IN-STATE DELIVERY OF NATURAL GAS.

(a) Local Distribution.—Any facility receiving natural gas from the Alaska natural gas transportation project for delivery to consumers within the State of Alaska shall be deemed to be a local distribution facility within the meaning of section 1(b) of the Natural Gas Act (15 U.S.C. 717), and therefore not subject to the jurisdiction of the Federal Energy Regulatory Commission.

(b) Additional Pipelines.—Nothing in this subtitle, except as provided in subsection 704(d), shall preclude or affect a future gas pipeline that may be constructed to deliver natural gas to Fairbanks, Anchorage, Matanuska-Sustina Valley, or the Kenai peninsula or Valdez or any other site in the State of Alaska for consumption within or distribution outside the State of Alaska.

(c) Rate Coordination.—Pursuant to the Natural Gas Act, the Commission shall establish rates for the transportation of natural gas on the Alaska natural gas transportation project. In exercising such authority, the Commission, pursuant to Section 17(b) of the Natural Gas Act (15 U.S.C. 717p), shall confer with the State of Alaska regarding rates (including rate settlements) applicable to natural gas transported on and delivered from the Alaska natural gas transportation project for use within the State of Alaska.

SEC. 710. LOAN GUARANTEE.

(a) Authority.—The Secretary of Energy may guarantee not more than 80 percent of the principal of any loan made to the holder of a certificate of public convenience and necessity issued under section 704(b) of this Act or section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) for the purpose of constructing an Alaska natural gas transportation project.

(b) Conditions.—

(1) The Secretary of Energy may not guarantee a loan under this section unless the guarantee has filed an application for a certificate of public convenience and necessity under section 704(b) of this Act or for an amended certificate under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) with the Commission not later than 18 months after the date of enactment of this subtitle.

(2) A loan guaranteed under this section shall be made by a financial institution subject to the examination of the Secretary.

(3) Loan requirements, including term, maximum size, collateral requirements and other features shall be determined by the Secretary.

(c) Limitation on Amount.—Commitments to guarantee loans may be made by the Secretary of Energy only to the extent that the total loan principal, any part of which is guaranteed, will not exceed $10,000,000,000.

(d) Regulations.—The Secretary of Energy may issue regulations to carry out the provisions of this section.

(e) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary such sums as may be necessary to cover the cost of loan guarantees, as defined by section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5)).

SEC. 711. STUDY OF ALTERNATIVE MEANS OF CONSTRUCTION.

(a) Requirement of Study.—If no application for the issuance of a certificate or amended certificate of public convenience and necessity authorizing the construction and operation of an Alaska natural gas transportation project has been filed with the Commission within 18 months after the date of enactment of this title, the Secretary of Energy shall conduct a study of alternative approaches to the construction and operation of the project.

(b) Scope of Study.—The study shall consider the feasibility of establishing a government corporation to construct an Alaska natural gas transportation project, and alternative means of providing federal financing and ownership (including alternative combinations of government and private corporate ownership) of the project.

(c) Consultation.—In conducting the study, the Secretary of Energy shall consult with the Secretary of the Treasury and the Secretary of the Army (acting through the Commanding General of the Corps of Engineers).

(d) Report.—If the Secretary of Energy is required to conduct a study under subsection (a), he shall submit a report containing the results of the study, his recommendations, and any proposals for legislation to implement his recommendations to the Congress within 6 months after the expiration of the Secretary of Energy's authority to guarantee a loan under section 708.

SEC. 712. CLARIFICATION OF ANGTA STATUS AND AUTHORITIES

(a) Savings Clause.—Nothing in this subtitle affects any decision, certificate, permit, right-of-way, lease, or other authorization issued under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) or any Presidential findings or waivers issued in accordance with that Act.

(b) Clarification of Authority to Amend Terms and Conditions to Meet Current Project Requirements.—Any Federal officer or agency responsible for granting or issuing any certificate, permit, right-of-way, lease, or other authorization under section 9 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719g) may add to, amend, or abrogate any term or condition included in such certificate, permit, right-of-way, lease, or other authorization to meet current project requirements (including the physical design, facilities, and tariff specifications), so long as such action does not compel a change in the basic nature and general route of the Alaska Natural Gas Transportation System as designated and described in section 2 of the President's Decision, or would otherwise prevent or impair in any significant respect the expeditious construction and initial operation of such transportation system.

(c) Updated Environmental Reviews.—The Secretary of Energy shall require the sponsor of the Alaska Natural Gas Transportation System to submit such updated environmental data, reports, permits, and impact analyses as the Secretary determines are necessary to develop detailed terms, conditions, and compliance plans required by section 5 of the President's Decision.

SEC. 713. DEFINITIONS.

For purposes of this subtitle:

(1) The term "Alaska natural gas" means natural gas derived from the area of the State of Alaska lying north of 64 degrees North latitude.

(2) The term "Alaska natural gas transportation project" means any natural gas pipeline system that carries Alaska natural gas to the border between Alaska and Canada (including related facilities subject to the jurisdiction of the Commission) that is authorized under either—

(A) the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719–719o); or

(B) section 704 of this subtitle.

(3) The term "Alaska Natural Gas Transportation System" means the Alaska natural gas transportation project authorized under the Alaska Natural Gas Transportation Act of 1976 and designated and described in section 2 of the President's Decision.

(4) The term "Commission" means the Federal Energy Regulatory Commission.

(5) The term "President's Decision" means the Decision and Report to Congress on the Alaska Natural Gas Transportation system issued by the President on September 22, 1977 pursuant to section 7 of the Alaska Natural Gas Transportation Act of 1976 (15 U.S.C. 719c) and approved by Public Law 95–158.

SEC. 714. SENSE OF THE SENATE.

It is the sense of the Senate that an Alaska natural gas transportation project will provide significant economic benefits to the United States and Canada. In order to maximize those benefits, the Senate urges the sponsors of the pipeline project to make every effort to use steel that is manufactured or produced in North America and to negotiate a project labor agreement to expedite construction of the pipeline.

SEC. 715. ALASKAN PIPELINE CONSTRUCTION TRAINING PROGRAM.

(1) Within six months after enactment of this Act, the Secretary of Labor (in this section referred to as the "Secretary") shall submit a report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives setting forth a program to train Alaska residents in the skills and crafts required in the design, construction, and operation of an Alaska gas pipeline system and that will enhance employment and contracting opportunities for Alaskan residents. The report shall also describe any laws, rules, regulations and policies which act as a deterrent to hiring Alaskan residents or contracting with Alaskan residents to perform work on Alaska gas pipelines, together with any recommendations for change. For purposes of this subsection, Alaskan residents shall be defined as those individuals eligible to vote within the State of Alaska on the date of enactment of this Act.

(2) Within 1 year of the date the report is transmitted to Congress, the Secretary shall establish within the State of Alaska, at such locations as are appropriate, one or more training centers for the express purpose of training Alaskan residents in the skills and crafts necessary in the design, construction and operation of gas pipelines in Alaska. Each such training center shall also train Alaskan residents in the skills required to write, offer, and monitor contracts in support of the design, construction, and operation of Alaska gas pipelines.

(3) In implementing the report and program described in this subsection, the Secretary shall consult with the Alaskan Governor.

(4) There are authorized to be appropriated to the Secretary such sums as may be necessary, but not to exceed $20,000,000 for the purposes of this subsection.

SA 3070. Mr. GRAHAM proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, as follows:

Strike Section 606(1)(3) and replace with the following:

"(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass, municipal solid waste, landfill gas, a generation offset, or incremental hydropower."

SA 3071. Mr. MURKOWSKI proposed an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, which was ordered to lie on the table; as follows:

At the appropriate place, insert the following;

SEC. 1. SHORT TITLE AND FINDINGS.

(a) This Title can be cited as the "Iraq Petroleum Import Restriction Act of 2001."

(b) FINDINGS.—Congress finds that

(i) the government of the Republic of Iraq:

(A) has failed to comply with the terms of United Nations Security Council Resolution 687 regarding unconditional Iraqi acceptance of the destruction, removal, or rendering harmless, under international supervision, of all nuclear, chemical and biological weapons and all stocks of agents and all related subsystems and components and all research, development, support and manufacturing facilities, as well as all ballistic missiles with a range greater than 150 kilometers and related major parts, and repair and production facilities and has failed to allow United Nations inspectors access to sites used for the production or storage of weapons of mass destruction.

(B) routinely contravenes the terms and conditions of UNSC Resolution 661, authorizing the export of petroleum products from Iraq in exchange for food, medicine and other humanitarian products by conducting a routine and extensive program to sell such products outside of the channels established by UNSC Resolution 661 in exchange for military equipment and materials to be used in pursuit of its program to develop weapons of mass destruction in order to threaten the United States and its allies in the Persian Gulf and surrounding regions.

(C) has failed to adequately draw down upon the amounts received in the Escrow Account established by UNSC Resolution 986 to purchase food, medicine and other humanitarian products required by its citizens, resulting in massive humanitarian suffering by the Iraqi people.

(D) conducts a periodic and systematic campaign to harass and obstruct the enforcement of the United States and United Kingdom-enforced "No-Fly Zones" in effect in the Republic of Iraq.

(E) routinely manipulates the petroleum export production volumes permitted under UNSC Resolution 661 in order to create uncertainty in global energy markets, and therefore threatens the economic security of the United States.

(ii) Further imports of petroleum products from the Republic of Iraq are inconsistent with the national security and foreign policy interests of the United States and should be eliminated until such time as they are not so inconsistent.

SEC. 2. PROHIBITION ON IRAQI-ORIGIN PETROLEUM IMPORTS.

The direct or indirect import from Iraq of Iraqi-origin petroleum and petroleum products is prohibited, notwithstanding an authorization by the Committee established by UNSC Resolution 661 or its designee, or any other order to the contrary.

SEC. 3. TERMINATION/PRESIDENTIAL CERTIFICATION.

This Act will remain in effect until such time as the President, after consultation with the relevant committees in Congress, certifies to the Congress that—

(1) Iraq is in substantial compliance with the terms of—

(A) UNSC Resolution 687 regarding the access of UN Special Commission inspectors to suspected Iraqi Weapons of Mass Destruction program sites; and

(B) UNSC Resolution 986 prohibiting the smuggling of petroleum by Iraq in circumvention of the "Oil-for-Food" program; or that

(2) resuming the importation of Iraqi-origin petroleum and petroleum products would not be inconsistent with the national security and foreign policy interests of the United States.

SEC. 4. HUMANITARIAN INTERESTS.

It is the sense of the Senate that the President should make all appropriate efforts to ensure that the humanitarian needs of the Iraqi people are not negatively affected by this Act, and should encourage through public, private, domestic and international means through the direct or indirect sale, donation or other transfer to appropriate non-governmental health and humanitarian organizations and individuals within Iraq of food, medicine and other humanitarian products.

SEC. 5. DEFINITIONS.

(a) "661 Committee." The term 661 Committee means the Security Council Committee established by UNSC Resolution 661, and persons acting for or on behalf of the Committee under its specific delegation of authority for the relevant matter or category of activity, including the overseers appointed by the UN Secretary-General to examine and approve agreements for purchases of petroleum and petroleum products from the Government of Iraq pursuant to UNSC Resolution 986.

(b) "UNSC Resolution 661." The term UNSC Resolution 661 means United Nations Security Council Resolution No. 661, adopted August 6, 1990, prohibiting certain transactions with respect to Iraq and Kuwait.

(c) "UNSC Resolution 687." The term UNSC Resolution 986 means United Nations Security Council Resolution 687, adopted April 3, 1991.

(d) "UNSC Resolution 986." The term UNSC Resolution 986 means United Nations Security Council Resolution 986, adopted April 14, 1995.

SEC. 6. EFFECTIVE DATE.

The prohibition on importation of Iraqi origin petroleum and petroleum products shall be effective 30 days after enactment of this Act.

SA 3072. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Consumer Energy Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be comprised of 11 members.

(2) APPOINTMENTS BY THE SENATE AND HOUSE.—The majority leader and minority leader of the Senate and the majority leader and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 1 member from each of—

(A) the Energy Information Administration;

(B) the Federal Energy Regulatory Commission; and

(C) the Federal Trade Commission.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) INFORMATION AND ADMINISTRATIVE EXPENSES.—The Federal agencies specified in subsection (b)(3) shall provide the Commission such information as the Commission requires, and pay such administrative expenses as the Commission incurs, in carrying out this section.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes in major United States consumer energy products since 1990.

(B) ENERGY PRODUCTS.—The Commission shall study the prices of—

(i) electricity;

(ii) gasoline;

(iii) home heating oil;

(iv) natural gas; and

(v) propane.

(C) MATTERS TO BE STUDIED.—The study shall—

(i) focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, over-regulation or under-regulation, flawed deregulation, excessive consumption, over-reliance on foreign supplies, insufficient research and development of alternative energy sources, opportunistic behavior by energy companies, and abuse of market power; and

(ii) investigate market concentration, potential misuse of market power, and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

SA 3073. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CREDIT FOR WIND ENERGY PROPERTY INSTALLED IN RESIDENCES AND BUSINESSES.

(a) IN GENERAL.—Subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after section 30C the following new section:

"SEC. 30D. WIND ENERGY PROPERTY.

"(a) ALLOWANCE OF CREDIT.—There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent (10 percent after December 31, 2011) of the amount paid or incurred by the taxpayer for qualified wind energy property placed in service or installed during such taxable year.

"(b) LIMITATION.—No credit shall be allowed under subsection (a) unless at least 50 percent of the energy produced annually by the qualified wind energy property is consumed on the site on which the property is placed in service or installed.

"(c) QUALIFIED WIND ENERGY PROPERTY.—For purposes of this section, the term 'qualified wind energy property' means a qualifying wind turbine if—

"(1) in the case of an individual, the property is installed on or in connection with a dwelling unit which is located in the United States and which is owned and used as the taxpayer's principal residence,

"(2) the original use of which commences with the taxpayer, and

"(3) the property carries at least a 5-year limited warranty covering defects in design, material, or workmanship, and, for property that is not installed by the taxpayer, at least a 5-year limited warranty covering defects in installation.

"(d) OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING WIND TURBINE.—The term 'qualifying wind turbine' means a wind turbine of 75 kilowatts of rated capacity or less which meets the latest performance rating standards published by the American Wind Energy Association or the International Electrotechnical Commission and which is used to generate electricity.

"(2) PRINCIPAL RESIDENCE.—The term 'principal residence' shall have the same meaning as when used in section 121.

"(e) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under this part (other than under this section and subpart C thereof, relating to refundable credits) and section 1397E.

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(f) SPECIAL RULES.—For purposes of this section—

"(1) TENANT-STOCKHOLDER IN COOPERATIVE HOUSING CORPORATION.—In the case of an individual who is a tenant-stockholder (as defined in section 216(b)(2)) in a cooperative housing corporation (as defined in section 216(b)(1)), such individual shall be treated as having paid his tenant-stockholder's proportionate share (as defined in section 216(b)(3)) of any expenditures paid or incurred for qualified wind energy property by such corporation, and such credit shall be allocated appropriately to such individual.

"(2) CONDOMINIUMS.—

"(A) IN GENERAL.—In the case of an individual who is a member of a condominium management association with respect to a condominium which he owns, such individual shall be treated as having paid his proportionate share of expenditures paid or incurred for qualified wind energy property by such association, and such credit shall be allocated appropriately to such individual.

"(B) CONDOMINIUM MANAGEMENT ASSOCIATION.—For purposes of this paragraph, the term 'condominium management association' means an organization which meets the requirements of section 528(c)(2) with respect to a condominium project of which substantially all of the units are used by individuals as residences.

"(g) BASIS ADJUSTMENT.—For purposes of this subtitle, if a credit is allowed under this section for any expenditure with respect to a residence or other property, the basis of such residence or other property shall be reduced by the amount of the credit so allowed.

"(h) APPLICATION OF CREDIT.—The credit allowed under this section shall apply to property placed in service or installed after December 31, 2001.".

(b) CONFORMING AMENDMENT.—Subsection (a) of section 1016 (relating to general rule for adjustments to basis), as amended by this Act, is amended by striking "and" at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ", and", and by adding at the end the following new paragraph:

"(36) in the case of a residence or other property with respect to which a credit was allowed under section 30D, to the extent provided in section 30D(g).".

(c) CLERICAL AMENDMENT.—The table of sections for subpart B of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 30C the following new item:

"Sec. 30D. Wind energy property.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service or installed after December 31, 2001, in taxable years ending after such date.

SA 3074. Mr. DURBIN (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 403, between lines 12 and 13, insert the following:

SEC. 12 . CONSERVE BY BICYCLING PROGRAM.

(a) Definitions.—In this section:

(1) Program.—The term "program" means the Conserve by Bicycling Program established by subsection (b).

(2) Secretary.—The term "Secretary" means the Secretary of Transportation.

(b) Establishment.—There is established within the National Highway Traffic Safety Administration a program to be known as the "Conserve by Bicycling Program".

(c) Projects.—

(1) In general.—In carrying out the program, the Secretary shall establish up to 10 pilot projects, subject to appropriations that are—

(A) dispersed geographically throughout the United States; and

(B) designed to conserve energy resources by encouraging the use of bicycles in place of motor vehicles.

(2) Requirements.—A pilot project described in paragraph (1) shall—

(A) use education and marketing to convert motor vehicle trips to bicycle trips;

(B) document project results and energy savings (in estimated units of energy conserved);

(C) facilitate partnerships among interested parties in at least 2 of the fields of—

(i) transportation;

(ii) law enforcement;

(iii) education;

(iv) public health;

(v) environment; and

(vi) energy;

(D) maximize bicycle facility investments;

(E) demonstrate methods that may be used in other regions of the United States; and

(F) facilitate the continuation of ongoing programs that are sustained by local resources.

(3) Cost sharing.—At least 20 percent of the cost of each pilot project described in paragraph (1) shall be provided from State or local sources.

(d) Report.—On completion of the program, the Secretary shall submit to Congress a report that describes the results of the program.

(e) Energy and Bicycling Research Study.—

(1) In general.—Not later than 2 years after the date of enactment of this Act, the Secretary shall enter into a contract with the National Academy of Sciences for, and the National Academy of Sciences shall conduct and submit to Congress a report on, a study on the feasibility of converting motor vehicle trips to bicycle trips.

(2) Components.—The study shall—

(A) determine the type and duration of motor vehicle trips that people in the United States may feasibly make by bicycle, taking into consideration factors such as—

(i) weather;

(ii) land use and traffic patterns;

(iii) the carrying capacity of bicycles; and

(iv) bicycle infrastructure;

(B) determine any energy savings that would result from the conversion of motor vehicle trips to bicycle trips;

(C) include a cost-benefit analysis of bicycle infrastructure investments; and

(D) include a description of any factors that would encourage more motor vehicle trips to be replaced with bicycle trips.

(f) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $6,050,000, of which—

(1) $5,000,000 shall be used to carry out pilot projects described in subsection (c);

(2) $300,000 shall be used by the Secretary to coordinate, publicize, and disseminate the results of the program; and

(3) $750,000 shall be used to carry out subsection (e).

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to conduct an oversight hearing on "Accounting and Investor Protection Issues Raised by Enron and Other Public Companies."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, March 21, 2002, at 9:30 a.m. on airport capacity expansion plans in the Chicago area.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 21, 2002; at 9:30 a.m., to consider the nomination of Randal K. Quarles, to be Assistant Secretary for International Affairs of the U.S. Department of Treasury.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, March 21, 2002, at 10 a.m., to hear testimony on "Corporate Tax Shelters: Looking Under the Roof."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "IDEA: What's Good For Kids? What Works For Schools?" during the session of the Senate on Thursday, March 21, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on "IDEA: What's Good For Kids? What Works For Schools?" during the session of the Senate on Thursday, March 21, 2002, at 10:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 21, 2002, at 9:45 a.m., in Room 485 of the Russell Senate Office Building to conduct a business meeting to be followed immediately by a hearing on S. 958, a bill to provide for the use and distribution of the funds awarded to the Western Shoshone identifiable group under Indian Claims Commission Docket Numbers 326–A–1, 326–A–3, and 326–K.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Reforming the FBI in the 21st Century: Lessons From the Oklahoma City Bombing Case" on Thursday, March 21, 2002, in Dirksen Room 106 at 9:30 a.m.

Witness list

Panel I: Glenn A. Fine, Inspector General, Department of Justice, Washington, DC;

Panel II: Robert Chiradio, Executive Assistant Director for Administration, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bob Dies, Chief Technology Officer, Federal Bureau of Investigations, Department of Justice, Washington, DC; Bill Hooten, Assistant Director for Records Management, Federal Bureau of Investigations, Department of Justice, Washington, DC

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 21, 2002, for a markup on the nominations of Robert H. Roswell to be Under Secretary for Health of the Department of Veterans Affairs, and Daniel L. Cooper to be Under Secretary for Benefits of the Department of Veterans Affairs. The meeting will take place in S–216 of the Capitol at a time to be determined.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. REID. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Thursday, March 21, 2002, from 9:30 a.m.–12 p.m.; in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CRIME AND DRUGS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Crime and Drugs be authorized to meet to conduct a hearing on "Homeland Security: Assessing the Needs of Local Law Enforcement" on Thursday, March 21, 2002, at 2:00 p.m., in Dirksen 226.

Witness list

Panel I: The Honorable Patrick Henry Hays, Mayor; on behalf of the U.S. Conference of Mayors; North Little Rock, AR; the Honorable Glenda Hood; Mayor, Past President, National League of Cities, Orlando, FL; Chief Michael J. Szczerba, Chief of Police, Wilmington Police Department, Wilmington, DE; William J. Johnson, Executive Director, National Association of Police Organizations, Washington, DC; Sheriff Tommy Ferrell, First Vice President, National Sheriffs' Association, Adams County, Natchez, MS; David Muhlhausen, Policy Analyst, Heritage Foundation, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support of the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 21, 2001, at 10 a.m., in open and possibly closed session to receive testimony on readiness of U.S. Armed Forces for all assigned missions, in review of the defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Calendar Nos. 695, 739 through 751, 754, 755, and the nominations on the Secretary's desk; that the nominations be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action; that any statements be printed in the RECORD; and the Senate return to legislative session, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF DEFENSE

Joseph E. Schmitz, of Maryland, to be Inspector General, Department of Defense.

AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. George P. Taylor, Jr., 9111

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Bruce A. Carlson, 4082

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Duncan J. McNabb, 2295

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Joseph H. Wehrle, Jr., 6021

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Thomas B. Goslin, Jr., 2970

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Leslie F. Kenne, 0741

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William R. Looney, III, 5052

ARMY

The following named officers for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

To be brigadier general

Colonel Kevin T. Ryan, 4755

The following Army National Guard of the United States officers for appointment in the Reserve of the Army to the grades indicated under title 10, U.S.C. section 12203:

To be major general

Brigadier General Jeffrey L. Gidley, 9702
Brigadier General Jerry W. Grizzle, 2042
Brigadier General Gus L. Hargett, Jr., 3983
Brigadier General Phillip E. Oates, 3549
Brigadier General Walter A. Paulson, 4766
Brigadier General Claude A. Williams, 0702

To be brigadier general

Colonel Ronald I. Botz, 5475
Colonel David P. Burford, 3510
Colonel James E. Fletcher, 8812
Colonel Alan K. Fry, 1765
Colonel Kenneth D. Hislop, 6375
Colonel Laughlin H. Holliday, 3517
Colonel Hal E. Hunter, III, 6352
Colonel Donald O. Koonce, 3706
Colonel Robert A. Martinez, 6433
Colonel Joseph G. Materia, 4325
Colonel Thomas J. Shailor, 2042
Colonel Roger L. Shields, 1066
Colonel Perry G. Smith, 2921
Colonel Thomas J. Sullivan, 4948
Colonel John J. Weeden, 7341
Colonel Mitchell M. Willoughby, 8307
Colonel Patrick D. Wilson, 7162
Colonel Timothy J. Wright, 9146

The following named United States Army Reserve officer for appointment as Chief of Army Reserve and for appointment to the grade indicated under title 10, U.S.C., sections 3038 and 601:

To be lieutenant general

Maj. Gen. James R. Helmly, 0535

NAVY

The following named officer for appointment in the United States Naval Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Stephen S. Israel, 3464

The following named officer for appointment as Judge Advocate General of the United States Navy under title 10, U.S.C., section 5148:

To be judge advocate general of the United States Navy

Rear Adm. Michael F. Lohr, 1245

COAST GUARD

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be rear admiral

Rear Adm. (lh) Mary P. O'Donnell, 3535

The following named officer for appointment as Commandant of the United States Coast Guard and to the grade indicated under Title 14, U.S.C., Section 44:

To be admiral

Vice Adm. Thomas H. Collins, 9096

NOMINATIONS PLACED ON THE SECRETARY'S DESK

AIR FORCE

PN1359 Air Force nominations (10) beginning Timothy S. Claseman, and ending Douglas C. Wilson, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002.

PN1361 Air Force nominations (43) beginning Richard E. Bachmann, Jr., and ending Donald R. Yoho, Jr., which nominations were received by the Senate and appeared in the Congressional Record of January 28, 2002.

PN1457 Air Force nomination of David H. Conroy, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1462 Air Force nominations (93) beginning Michelle D. Adams, and ending Carol L. Westfall, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1463 Air Force nominations (1492) beginning Robert K. Abernathy, and ending Anthony J. Zucco, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1468 Air Force nominations (14) beginning Wesley J. Ashabranner, and ending David L. Walton, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1472 Air Force nomination of Michael Hajatian, Jr., which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1473 Air Force nomination of Catherine S. Lutz, which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1474 Air Force nomination of Karen L. Wolf, which was received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1475 Air Force nominations (3) beginning Albert G. Baltz and ending Duane Kellogg, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1476 Air Force nominations (5) beginning James C. Demers, and ending Carlos E. Rodriguez, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1495 Air Force nominations (7) beginning Derrick K. Anderson, and ending Joseph R. Wallroth, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1500 Air Force nominations (19) beginning Matt Adkins, Jr., and ending Stephen M. Wolfe, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1527 Air Force nomination of Joseph Wysocki, which was received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1528 Air Force nominations (3) beginning Richard L. Fullerton, and ending William P. Walker, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

PN1529 Air Force nominations (104) beginning William P. Albro, and ending Delilah R. Works, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

ARMY

PN1449 Army nominations (23) beginning Dewitt T. Bell, Jr., and ending Jon M. Wright, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1450 Army nominations (3) beginning Bobbie A. Bell, and ending David J. Wellington, which nominations were received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1464 Army nominations of Donald E. Ebert, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1465 Army nominations of Clifford D. Friesen, which was received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1466 Army nominations of Gregory A. Brouillette, which was received by the Senate and appeared in the Congressional Record of February 26, 2002.

PN1467 Army nominations (63) beginning *Amy M. Bajus, and ending *Antoinette Wrightmcrae, Jr., which nominations were received by the Senate and appeared in the Congressional Record of February 27, 2002.

PN1501 Army nominations (21) beginning *David E. Bentzel, and ending *Shannon M. Wallace, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1502 Army nominations (49) beginning *Abad Ahmed, and ending *Larry J. Wooldridge, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1503 Army nominations (144) beginning Kimberlee A. Aiello, and ending *Chunlin Zhang, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN504 Army nominations of James R. Kish, which was received by the Senate and appeared in the Congressional Record of March 6, 2002.

PN1531 Army nominations (121) beginning *Sharon M. Aaron, and ending Joellen E. Windsor, which nominations were received by the Senate and appeared in the Congressional Record of March 13, 2002.

COAST GUARD

PN1344 Coast Guard nominations (3) beginning Donald E. Bunn, and ending Dale M. Rausch, which nominations were received by the Senate and appeared in the Congressional Record of January 23, 2002.

PN1357 Coast Guard nominations (223) beginning David W. Lunt, and ending Mary A. Wysock, which nominations were received by the Senate and appeared in the Congressional Record of February 28, 2002.

PN1434 Coast Guard nominations (20) beginning David M. Butler, and ending John S. Leyerle, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2002.

PN1435 Coast Guard nominations (165) beginning Rebecca L. Albert, and ending Allison L. Zumwalt, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2002.

MARINE CORPS

PN1505 Marine Corps nominations (5) beginning Raymond J. Faugeaux, and ending Marianne P. Winzeler, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

NAVY

PN1506 Navy nominations (11) beginning Jennifer R. Flather, and ending Stephen J. Williams, which nominations were received by the Senate and appeared in the Congressional Record of March 6, 2002.

Signifies nominee's commitment to respond to requests to appear and testify before and duly constituted committee of the Senate.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

AMENDING AN ACT TO AUTHORIZE THE LEASING OF RESTRICTED INDIAN LANDS

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H.R. 3985.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3985) to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3985) was read the third time and passed.

DEATH OF THE HONORABLE HERMAN E. TALMADGE, FORMERLY A SENATOR FROM THE STATE OF GEORGIA

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 231.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 231) relative to the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MILLER. Mr. President, I rise today to mourn one of this body's greatest giants—Herman Eugene Talmadge.

The tallest tree in all the Georgia forest has fallen. And we will never see another one that stood so tall and had such strength. All of us in Georgia politics who came after him have worked in his shade.

My heart grieves for his wife Linda, his family and his legion of loyal friends.

Without question, Herman Talmadge was Georgia's greatest governor of the 20th Century. He proposed and passed Georgia's first sales tax, and that ushered in a new day of State services. Nowhere was the impact greater than in education.

When Herman Talmadge became Governor in 1948, Georgia still had more than 1,750 one-room school houses. Many other school buildings were in a dilapidated State.

The major school construction program he launched was badly needed. It changed the state of education in Georgia.

But he did more than just construct new school buildings. Governor Talmadge also implemented Georgia's first statewide effort to reform education. It was called the Minimum Foundation Program for Education.

The result was dramatic improvement in public education in Georgia—increased funding, better-trained, higher-paid teachers, finally, a 9-month school year, and bus service in rural areas that gave every Georgia child the opportunity for an education.

And one other thing I can say personally concerning education: Senator Talmadge certainly educated me.

He beat the tar out of me when I ran against him for the Senate in 1980. And I have often said I learned more from that losing race than I did in all the others that I won.

This Senator has a Ph.D. from "Herman Talmadge University."

Although it took me a few years to realize it, I have been a better man and a better Governor and a better Senator because of what he taught me.

For example, I never proposed a program or let anyone else propose some "pie in the sky" without asking, How much does it cost and how are we going to pay for it?

But we are not here to talk about what he taught me. We are here to pay tribute to a Georgia icon, a giant political leader, the likes of which we will never see again.

A man who gave and did so much for our State, our Nation, and our people.

The Talmadge Administration also left Georgia an economic development legacy, an unprecedented highway construction program was undertaken. The Ports Authority and our network of State farmers' markets were expanded. And the forestry industry benefited from his statewide program of protection and reforestation.

Governor Talmadge also built a network of hospitals and health centers throughout Georgia. And he doubled State funding for mental health.

Two years after he left the Governor's office, he was easily elected to the U.S. Senate in 1956 to replace the legendary Walter F. George upon his retirement.

Those were big shoes to fill. But Herman Talmadge immediately established himself as an authority on agricultural programs. In fact, he chaired the Agriculture Committee for a decade—from 1971 through 1980.

I will never forget the day I went to my first meeting as a member of the Agriculture committee. I sat down at the table and right behind me was the huge magnificent portrait of Senator Talmadge. I wrote him a note saying that "he was still in Washington looking over my shoulder."

Senator Talmadge was a primary sponsor of the modern School Lunch Program, and of the 1972 Rural Development Act, which created a system of rural hospitals.

In welfare reform, Herman Talmadge was ahead of his time. His Talmadge Work Incentive Training Act provided tax credits as an incentive to hiring welfare recipients.

In its first two years, this law took more than one million people off the welfare rolls nationwide. It resulted in a savings of $4 billion dollars. Georgia alone saved more than $400 million.

Without a doubt, his service together, with Senator Richard B. Russell, who chaired the Armed Forces Committee, gave Georgia the most powerful presence it has ever had in the U.S. Senate.

I will close with this last observation. The ultimate test of any statesman is to have a combination of insight and courage. Herman Eugene Talmadge always possessed both in abundance.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to and the motion to reconsider be laid upon the table, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 231) was agreed to, as follows:

S. RES. 231

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Herman E. Talmadge, formerly a Senator from the State of Georgia.

Resolved, That the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy thereof to the family of the deceased.

Resolved, That when the Senate adjourns today, it stand adjourned as a further mark of respect to the memory of the deceased Senator.

Mr. REID. Mr. President, I did not know Herman Talmadge, but when I arrived here in Washington his reputation was evident. Even though what we are doing tonight is somewhat perfunctory, it should not take away from the many great deeds this man did for the State of Georgia and his country, as indicated in the statement by Senator ZELL MILLER.

UNANIMOUS CONSENT AGREEMENT—AMENDMENT NO. 3070

Mr. REID. Mr. President, I ask unanimous consent the Graham amendment No. 3070 be in order, notwithstanding adoption of the Bingaman amendment No. 3016.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET COMMITTEE REPORTING TIME

Mr. REID. Mr. President, I ask unanimous consent on Friday, March 22, the Budget Committee have until 4 p.m. to report the budget resolution, notwithstanding adjournment of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, MARCH 22, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m. on Friday, March 22; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and there be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be no rollcall votes tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 231 as a further mark of respect to the memory of the deceased Honorable Herman E. Talmadge, the late Senator from the State of Georgia.

There being no objection, the Senate, at 8:24 p.m., adjourned until Friday, March 22, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 21, 2002:

BROADCASTING BOARD OF GOVERNORS

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2004, VICE TOM C. KOROLOGOS, TERM EXPIRED.

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS, VICE MARC B. NATHANSON.

FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL D. BROWN, OF COLORADO, TO BE DEPUTY DIRECTOR OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE ROBERT M. WALKER, RESIGNED.

NATIONAL COUNCIL ON DISABILITY

ROBERT DAVILA, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE JOHN D. KEMP, TERM EXPIRED.

LEX FRIEDEN, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE MARCA BRISTO, TERM EXPIRED.

YOUNG WOO KANG, OF INDIANA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE DEBRA ROBINSON, TERM EXPIRED.

KATHLEEN MARTINEZ, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2003, VICE RAE E. UNZICKER, TERM EXPIRED.

CAROL HUGHES NOVAK, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2004, VICE GINA MCDONALD, TERM EXPIRED.

PATRICIA POUND, OF TEXAS, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2002, VICE ELA YAZZIE-KING, TERM EXPIRED.

NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD

CARMEL BORDERS, OF KENTUCKY, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

DOUGLAS CARNINE, OF OREGON, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

BLANCA E. ENRIQUEZ, OF TEXAS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF THREE YEARS. (NEW POSITION)

WILLIAM T. HILLER, OF OHIO, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

ROBIN MORRIS, OF GEORGIA, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

JUAN R. OLIVAREZ, OF MICHIGAN, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF ONE YEAR. (NEW POSITION)

JEAN OSBORN, OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL INSTITUTE FOR LITERACY ADVISORY BOARD FOR A TERM OF TWO YEARS. (NEW POSITION)

DEPARTMENT OF LABOR

KATHLEEN P. UTGOFF, OF VIRGINIA, TO BE COMMISSIONER OF LABOR STATISTICS, UNITED STATES DEPARTMENT OF LABOR FOR A TERM OF FOUR YEARS, VICE KATHERINE G. ABRAHAM, TERM EXPIRED.

THE JUDICIARY

MORRISON C. ENGLAND, JR., OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN

DISTRICT OF CALIFORNIA, VICE LAWRENCE K. KARLTON, RETIRED.

AMY J. ST. EVE, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE GEORGE W. LINDBERG, RETIRED.

HENRY E. AUTREY, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE GEORGE F. GUNN, JR., RETIRED.

RICHARD E. DORR, OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF MISSOURI, VICE D. BROOK BARTLETT, DECEASED.

DAVID S. CERCONE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE DONALD J. LEE, RETIRED.

TIMOTHY J. SAVAGE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE EDWARD N. CAHN, RETIRED.

DEPARTMENT OF JUSTICE

RONALD HENDERSON, OF MISSOURI, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE FLOYD A. KIMBROUGH, RESIGNED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. CHARLES J. DUNLAP JR., 5759
COL. MICHAEL N. MADRID, 3003

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. THOMAS S. BAILEY JR., 9051
COL. RUSSELL J. KILPATRICK, 9192
COL. DAVID G. YOUNG III, 0444

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL CHRIS T. ANZALONE, 9968
COLONEL DANA T. ATKINS, 1173
COLONEL PHILIP M. BREEDLOVE, 5587
COLONEL BRUCE E. BURDA, 0432
COLONEL BRADLEY W. BUTLER, 1210
COLONEL ROBERT E. DEHNERT JR., 2210
COLONEL DELWYN R. EULBERG, 8929
COLONEL MAURICE H. FORSYTH, 5072
COLONEL PATRICK D. GILLETT JR., 1889
COLONEL SANDRA A. GREGORY, 5776
COLONEL GREGORY J. IHDE, 1040
COLONEL KEVIN J. KENNEDY, 0042
COLONEL LYLE M. KOENIG JR., 2231
COLONEL RONALD R. LADNIER, 6699
COLONEL STEPHEN L. LANNING, 6225
COLONEL ERWIN F. LESSEL III, 5416
COLONEL JOHN W. MALUDA, 2572
COLONEL MARK T. MATTHEWS, 6697
COLONEL GARY T. MCCOY, 2911
COLONEL KIMBER L. MCKENZIE, 0844
COLONEL STEPHEN J. MILLER, 1561
COLONEL RICHARD Y. NEWTON III, 8008
COLONEL THOMAS J. OWEN, 4009
COLONEL RICHARD E. PERRAUT JR., 4091
COLONEL POLLY A. PEYER, 0565
COLONEL DOUGLAS L. RAABERG, 5158
COLONEL ROBERTUS C. N. REMKES, 8917
COLONEL ERIC J. ROSBORG, 2128
COLONEL MARSHALL K. SABOL, 5866
COLONEL PAUL J. SELVA, 5397
COLONEL MARK E. STEARNS, 2739
COLONEL THOMAS E. STICKFORD, 4263
COLONEL JOHNNY A. WEIDA, 0541
COLONEL THOMAS B. WRIGHT, 4649

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN M. URIAS, 6022

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. THOMAS B. FARGO, 9953

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. RAYMOND K. ALEXANDER, 2501

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. THOMAS L. ANDREWS III, 5931

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. BEN F. GAUMER, 1618

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral (lower half)

CAPT. DAVID L. MASERANG, 5995

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROBERT G. ANISKO, 2756
OWEN M. BARNHILL, 7252
JOE CROOM, 0578
JOHN D. GAINES, 7977
EDWARD A. LEACOCK, 6442
JOHN P. MITCHAM, 7478
TIMOTHY J. REGAN, 9595
DAVID G. SHERRARD, 4159
BRUCE I. TOPLETZ, 6046
CRAIG A. WEBBER, 7841

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant commander

JAMES E. TOCZKO, 1392

THE JUDICIARY

BRUCE E. KASOLD, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS FOR THE TERM OF THIRTEEN YEARS. (NEW POSITION)

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 21, 2002:

DEPARTMENT OF DEFENSE

JOSEPH E. SCHMITZ, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) MARY P. O'DONNELL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 44:

To be admiral

VICE ADM. THOMAS H. COLLINS

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. GEORGE P. TAYLOR, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. BRUCE A. CARLSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. ROBERT C. HINSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DUNCAN J. MCNABB

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. JOSEPH H. WEHRLE, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. THOMAS B. GOSLIN, JR.

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. LESLIE F. KENNE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM R. LOONEY III

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL KEVIN T. RYAN

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL JEFFREY L. GIDLEY
BRIGADIER GENERAL JERRY W. GRIZZLE
BRIGADIER GENERAL GUS L. HARGETT, JR.
BRIGADIER GENERAL PHILLIP E. OATES
BRIGADIER GENERAL WALTER A. PAULSON
BRIGADIER GENERAL CLAUDE A. WILLIAMS

To be brigadier general

COLONEL RONALD I. BOTZ
COLONEL DAVID P. BURFORD
COLONEL JAMES E. FLETCHER
COLONEL ALAN K. FRY
COLONEL KENNETH D. HISLOP
COLONEL LAUGHLIN H. HOLLIDAY
COLONEL HAL E. HUNTER III
COLONEL DONALD O. KOONCE
COLONEL ROBERT A. MARTINEZ
COLONEL JOSEPH G. MATERIA
COLONEL THOMAS J. SHAILOR
COLONEL ROGER L. SHIELDS
COLONEL PERRY G. SMITH
COLONEL THOMAS J. SULLIVAN
COLONEL JOHN J. WEEDEN
COLONEL MITCHELL M. WILLOUGHBY
COLONEL PATRICK D. WILSON
COLONEL TIMOTHY J. WRIGHT

THE FOLLOWING NAMED UNITED STATES ARMY RESERVE OFFICER FOR APPOINTMENT AS CHIEF OF ARMY RESERVE AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 3038 AND 601:

To be lieutenant general

MAJ. GEN. JAMES R. HELMLY

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVAL RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral

REAR ADM. (LH) STEPHEN S. ISRAEL

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS JUDGE ADVOCATE GENERAL OF THE UNITED STATES NAVY UNDER TITLE 10 U.S.C., SECTION 5148:

To be judge advocate general of the United States Navy

REAR ADM. MICHAEL F. LOHR

AIR FORCE NOMINATIONS BEGINNING TIMOTHY S. CLASEMAN AND ENDING DOUGLAS C. WILSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING RICHARD E. BACHMANN, JR. AND ENDING DONALD R. YOHO, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

AIR FORCE NOMINATION OF DAVID H. CONROY.

AIR FORCE NOMINATION OF EDWARD A. LAFERTY.

AIR FORCE NOMINATIONS BEGINNING MICHELLE D. ADAMS AND ENDING CAROL L. WESTFALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING ROBERT K. ABERNATHY AND ENDING ANTHONY J. ZUCCO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

AIR FORCE NOMINATIONS BEGINNING WESLEY J. ASHABRANNER AND ENDING DAVID L. WALTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATION OF MICHAEL HAJATIAN, JR.

AIR FORCE NOMINATION OF CATHERINE S. LUTZ.

AIR FORCE NOMINATION OF KAREN L. WOLF.

AIR FORCE NOMINATIONS BEGINNING ALBERT G. BALTZ AND ENDING DUANE KELLOGG, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING JAMES C. DEMERS AND ENDING CARLOS E. RODRIGUEZ, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 28, 2002.

AIR FORCE NOMINATIONS BEGINNING DERRICK K. ANDERSON AND ENDING JOSEPH R. WALLROTH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATIONS BEGINNING MATT ADKINS, JR. AND ENDING STEPHEN M. WOLFE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

AIR FORCE NOMINATION OF JOSEPH WYSOCKI.

AIR FORCE NOMINATIONS BEGINNING RICHARD L. FULLERTON AND ENDING WILLIAM P. WALKER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

AIR FORCE NOMINATIONS BEGINNING WILLIAM P. ALBRO AND ENDING DELILAH R. WORKS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

ARMY NOMINATIONS BEGINNING DEWITT T BELL, JR. AND ENDING JON M WRIGHT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2002.

ARMY NOMINATIONS BEGINNING BOBBIE A. BELL AND ENDING DAVID J. WELLINGTON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 26, 2002.

ARMY NOMINATION OF DONALD E. EBERT.

ARMY NOMINATION OF CLIFFORD D. FRIESEN.

ARMY NOMINATION OF GREGORY A. BROUILLETTE.

ARMY NOMINATIONS BEGINNING *AMY M BAJUS AND ENDING *ANTOINETTE WRIGHTMCRAE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 27, 2002.

ARMY NOMINATIONS BEGINNING *DAVID E BENTZEL AND ENDING *SHANNON M WALLACE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATIONS BEGINNING *ABAD AHMED AND ENDING *LARRY J WOOLDRIDGE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATIONS BEGINNING KIMBERLEE A AIELLO AND ENDING *CHUNLIN ZHANG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

ARMY NOMINATION OF JAMES R. KISH.

ARMY NOMINATIONS BEGINNING *SHARON M AARON AND ENDING JOELLEN E WINDSOR, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 13, 2002.

COAST GUARD NOMINATIONS BEGINNING DONALD E. BUNN AND ENDING DALE M. RAUSCH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 23, 2002.

COAST GUARD NOMINATIONS BEGINNING DAVID W LUNT AND ENDING MARY A WYSOCK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 28, 2002.

COAST GUARD NOMINATIONS BEGINNING DAVID M BUTLER AND ENDING JOHN S LEYERLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

COAST GUARD NOMINATIONS BEGINNING REBECCA L ALBERT AND ENDING

ALLISON L ZUMWALT, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2002.

MARINE CORPS NOMINATIONS BEGINNING RAYMOND J. FAUGEAUX AND ENDING

MARIANNE P. WINZELER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

NAVY NOMINATIONS BEGINNING JENNIFER R FLATHER AND ENDING STEPHEN J WILLIAMS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 6, 2002.

EXTENSIONS OF REMARKS

HONORING CLAIRE NICHOLS

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the late Claire Nichols, for receiving the 2002 Educator of The Year Award from the Sanger District Chamber of Commerce. Mrs. Nichols was a dedicated educator, and is being recognized for her tremendous efforts.

Claire began teaching Kindergarten in 1955 at Lincoln Elementary. Shortly thereafter, she left the teaching field to become a mother. While absent from teaching, Mrs. Nichols was still very active within the school system, serving on the Jackson PTA, and as a Room Mother. In 1987 she returned to the classroom, this time as a second grade teacher for Jackson Elementary School. Claire brought a lot of attention and affection to her students. When her students were sick, she brought them baked goods at home.

Claire's dedication to and genuine interest in students extended beyond the classroom. She had a deal with her students that if any of them hit a home run she would buy them a pizza. This deal followed the students from Little League all the way through high school. The football and basketball players also benefited from Mrs. Nichols' generosity in the form of team meals.

Mr. Speaker, I rise today to honor Mrs. Claire Nichols, for her dedication as an educator and for touching the lives of all her children. I invite my colleagues to join me in remembering Claire Nichols for her community service and exemplary life.

RECOGNIZING THE 46TH ANNIVERSARY OF THE REPUBLIC OF TUNISIA'S NATIONAL DAY OF INDEPENDENCE

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. HINCHEY. Mr. Speaker, I rise today to honor the Republic of Tunisia and its people on the 46th anniversary of their National Day of Independence. Over the last 46 years, Tunisia has been an outstanding model for developing countries. It has risen from a fledgling democracy to a nation that is at the forefront of instituting an aggressive North African free market economy.

The United States and Tunisia have maintained a strong relationship throughout Tunisia's history. During the Cold War, Tunisia was a crucial partner in the Mediterranean Sea. In our struggle against terrorism, dating back to the early 1990s, Tunisia has been a steadfast ally. As early as 1993, Tunisia condemned forms of Islamic extremism and terrorism. In 1994, Tunisia warned the West of terrorism's evils and spoke of the need to fight terrorism on a global level.

Tunisia's unwavering opposition to terrorism has been no more evident than in its response to the tragic terrorist attacks of September 11, 2001. Immediately following the attacks, Tunisia's President, Zine El Abidine Bel Ali, offered his country's heartfelt condolences to the American people and strongly condemned the attacks and those behind them. President Ben Ali also offered his country's steadfast support for our efforts to bring those responsible to justice.

As a friend of Tunisia, I again congratulate the Tunisian people on 46 years of independence and would like to share with my colleagues the insightful words of President Ben Ali, describing the reasons for Tunisia's success in building a democratic society:

"Tolerance is at the heart of our social traditions as well as a characteristic of Tunisia's history. Pluralism, whether religious, cultural, or political, is ingrained in our society. Tunisian Moslem and Jews have lived together under the same sky and same state for many centuries. Each contributed to the building of [Tunisia], whose greatness is based on the tolerance of its people—a tolerance which has been among the highest values governing relations between the two parties, as there was no room for hatred."

TO HONOR MR. AND MRS. VEGA FOR ALL THEIR HARD WORK IMPROVING THE LIVES AND EDUCATION OF YOUTH IN THE HISPANIC COMMUNITY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PASTOR. Mr. Speaker, I rise before you today to pay tribute to two outstanding citizens who have improved the lives and education of youth in the Hispanic community. For their commitment and dedication, a new elementary school will be named in their honor in McKinney, Texas. I speak of Jose de Jesus and Maria Luisa Vega, whom I have the distinct honor of knowing and representing in Congress.

Upon arriving in McKinney in 1950, the Vegas realized that most immigrant children had little opportunity to succeed in the public school systems. Work in the fields seemed a better alternative to the difficulties of integrating for these children. However, after visiting with parents from the community, the Vegas decided to build a school specially to assist the newly migrated children. Through various fund-raisers, local contributions and assistance from the parents, a school was built to help students learn and improve their English skills and provided tutoring on various other subjects.

Mrs. Vega, who graduated from the National University of Mexico with a degree in medicine, also opened a clinic in the community and Mr. Vega served as a pastor in the local Episcopalian church.

Years later, the Vegas moved for health reasons to Arizona, where Mrs. Vega taught high school for 22 years before retiring. Nonetheless, their contributions to the McKinney community have been far from forgotten as they continue to be honored and recognized for their work.

For decades, Mr. and Mrs. Vega have educated and helped to provide our underprivileged children with the opportunity to obtain a basic education. They truly serve as a model and inspiration to educators throughout our nation.

A TRIBUTE TO DORITA CLARKE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Dorita Clarke in recognition of her commitment and dedication to higher education opportunities in New York City.

Donita is a very active member of the community. Along with a full time job with the Department of Transportation, Dorita has served as the New York State Committee Woman for the 22th Assembly District since 1965. In 1997, she co-founded the "You Can Go to College Committee" where she continues to serve as the Executive Director. This organization prepares ninth through twelfth grade students to take the SAT's, assists seniors through the application and financial aid process, and provides workshops on college life. In addition, she arranges college visits to New York area colleges and tours of some Historically Black Colleges and Universities. Many of the students who have worked with the "You Can Go to College Committee" have enjoyed an easier adjustment to college life and maintained at least a 3.0 GPA. Once in the program and attending a college, the Committee continues to track students' progress and periodically sends care packages. Since the inception of this tremendous program, over 1,000 students have participated.

In addition, Ms. Clarke is affiliated with several other organizations such as the New York State Fraternal Order of Police, Chapter #93; United Democratic Club—Executive Board; Democratic National Committee; Key Women of America. Inc.; and York College Advisory Board.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, Ms. Clarke has dedicated her life to giving youth in Brooklyn and throughout New York City the opportunity to excel in higher education. As such, she is more than worthy of receiving our recognition and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING JIM KNIGHT OF EAST CHICAGO, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great sincerity and pride that I wish to honor the late Jim Knight of East Chicago, Indiana. His dedicated service to the City of East Chicago and to the entire Northwest Indiana community until his unfortunate death in May, 1998, has resulted in the city dedicating the new East Chicago Public Safety Building in his name. I had the privilege of knowing Jim for many years, and he was an inspiration to anyone who had the privilege to meet him.

Jim Knight was born in East Chicago on March 13, 1925 and spent his youth attending St. Mary's Elementary School and Catholic Central High School, which is now Bishop Noll Institute. After graduating from high school, Jim prepared himself for a future in the United States military by attending the U.S. Navy Sonar School in San Pedro, California. He continued his higher education by attending Muhlenberg College in Allentown, Pennsylvania.

After completing his studies, Jim served his country in the United States Navy from 1943 to 1945. His devoted service during World War II left Jim with a sense of purpose and accomplishment, so after the war he decided to re-enlist in the United States Army, where he actively served from 1949 to 1953, and then continued his military service in the reserves.

Although his experiences in the military took him to many places around the world, Jim Knight's heart was always in Northwest Indiana. He spent his time exploring many different occupations, including working as an ironworker for the Baltimore & Ohio Railroad, earning his real estate license, serving as a Lake County Deputy Sheriff, and finally as the East Chicago City Controller, a position he held from 1972 until his death in 1998.

Jim Knight dedicated his personal and professional life to making East Chicago and Northwest Indiana a better place. He developed a love for politics while lobbying for the Lake County Fraternal Order of Police. He was also involved with many professional associations, including the Indiana Association of Cities and Towns, the Indiana Controllers' Association, the Lake County Convention and Visitor's Bureau, and the East Chicago Board of Public Works. Jim was also the President of the East Chicago Waterway Management District.

When he was not with his wife, June, their six children and twelve grandchildren, Jim spent much of his personal time as a member of various social clubs. He was the Past Exalted Ruler of East Chicago Elks Lodge #981, and was a member of the East Chicago Goodfellows Club, American Legion Post 369, and many others.

Mr. Speaker, at this time I ask that you and my other distinguished colleagues join me in honoring Jim Knight and commending the City of East Chicago for dedicating their new public safety building in the memory of an outstanding citizen of the East Chicago community. Jim devoted his time to improving the quality of life in his native city, as well as Northwest Indiana, and his legacy will continue for generations to come.

TRIBUTE TO COLONEL WALTER M. WASHABAUGH ON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. JEFF MILLER of Florida. Mr. Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize Colonel "Mark" Washabaugh for his 30 years of dedicated service to our country. In his most recent assignment he serves as the Chief, Inquiries Division, Office of Legislative Liaison. He manages, on behalf of the Department of the Air Force, all constituent inquiries from the White House, Office of the Vice President, Members of Congress and State/local governments.

Colonel Washabaugh began his distinguished Air Force career with the Reserve Officers Training Corps at the University of Maryland and was commissioned in 1972. He graduated from St. Anne's Academy, Ft. Smith, Arkansas. He earned a Bachelor of Science degree in zoology/biology from the University of Maryland in 1972 and a Master of Science degree in systems management from the University of Southern California in 1985. He also attended Squadron Officers School and Air Command and Staff College.

His first assignment was as an Administration Officer for the 801st Radar Squadron at Malmstrom AFB, Montana. Following this assignment he was Commander of the Headquarters Squadron at Kingsley Field, Oregon. His next assignment took him to Osan AB, Republic of Korea where he served as the Executive Officer for the Deputy Commander for Resources, 51st Composite Wing (Tactical); followed on as Wing Executive Officer and then as Aide to the Commander 314th Air Division. Colonel Washabaugh returned to the continental United States as the Program Officer, Directorate of Operations and Readiness, Headquarters United States Air Force. His next assignment took him to MacDill AFB, Florida, where he served as Chief of Protocol for the United States Central Command. In 1983, he returned to Headquarters U.S. Air Force and served as the Chief of International Programs for Southern Europe. In 1986 he entered the Air Command and Staff College at Maxwell AFB, Alabama, as a student. Upon graduation he became Chief of Protocol, Headquarters U.S. European Command at Patch Barracks, Germany. In 1989 he returned to the continental United States as Chief of Branch 1 in the Office of Legislative Liaison, Headquarters U.S. Air Force. His next assignment was at the Air Education and Training Command at Randolph AFB, Texas as the Chief of Communications and Strategic Information Planning. He returned to the DC area to serve as Chief of the Business Systems Division for the Air Force Communications and Information Center. He was assigned to his present position in 1999.

Colonel Washabaugh's military awards and decorations include the Defense Meritorious Service Medal with an oak leaf cluster, Meritorious Service Medal with five oak leaf clusters and the Air Force Commendation Medal with oak leaf cluster.

IN HONOR OF BRENDA E. PERRY-FELDER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Brenda E. Perry-Felder in recognition of her dedication and commitment to her family, her community and her church.

Brenda E. Perry was born in Brooklyn, New York in 1940. Brenda attended Our Lady of Victory Catholic School, and then went on to become one of the first African-Americans to attend Bishop McDonald's Catholic High School. She has spent her life caring for others. After graduating from high school, Brenda attended Kings County Hospital Nursing School. As a registered nurse, she held several positions at a number of different hospitals, including St. Mary's and Greenpoint Hospital.

Brenda has been married to her husband, Cleon, for almost 25 years. Together they have three children, Derick, Ronda, and Kimberly as well as one adopted daughter, Brenda, and a stepson, Cleon Jr. She is also the grandmother of 13 and great grandmother of two. While raising her children, Brenda decided to go back to school to become a teacher. She was a member of the first class of Medgar Evers College earning a Bachelor of Science degree in education. She also attended Barber-Scotia College. She went on to receive a Master's in Education from Brooklyn College followed by a Master's in Supervision/Administration from City College and a Principal Leadership Certification from Howard University.

Brenda was an outstanding dedicated teacher, principal and advocate for children. She worked as a teacher in the Catholic school system at Our Lady of Victory and New Bed-Stuy Catholic Schools. She went on to work for the New York City Board of Education in District 23 where she remained for over 25 years. One of her greatest career accomplishments occurred early this year. After a great deal of hard work, just as she was retiring as its school principal, Brenda was able to have PS 73 removed from the SURR list.

Brenda has received countless honors for her hard work and dedication. In 1986, 1992, and 1995, she received the "Outstanding Leadership Award from District 23"; in 1991, she received the "Key Women of America Education Award"; in 1993, 1998, and 1999 she was given the Rachel Jean Mitchell Award for her Outstanding Service to Students in District 23; in 1994, she was honored with the Malcom X-Betty Shabazz Award for Outstanding Service to Children; in 1997, she also received the Barbara Scotia College Alumni Award for Outstanding Service to Children; and in 1999, the New York City School system acknowledged her career achievements with the Chancellor's Leadership Award as Principal of the Year.

Brenda E. Perry-Felder has committed herself as a parent, student, and teacher to hard work and outstanding accomplishments. Her motto is, "If I can help somebody along the way then my living will not have been in vain." Mr. Speaker, Brenda E. Perry-Felder has helped many and her life is not in vain. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING DAVID SULENTA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor David Sulenta for receiving the 2002 Fire Personnel of the Year Award from the Sanger District Chamber of Commerce.

David joined the Sanger Fire Department October 30, 1979. He began as a Firefighter/EMT and was promoted to Firefighter/Specialist soon after. Aside from Mr. Sulenta's contributions as an outstanding person, he has initiated many programs for the Sanger Fire Department. He brought about the routine testing of the self-contained breathing apparatus and he developed specifications for the new exhaust system which removes diesel exhaust fumes from the apparatus floor when fire engines drive out of the firehouse. Moreover, David was active in obtaining equipment for new fire engines. His achievements and contributions have not gone unrecognized by his peers. The officers of the department have selected him as "Employee of the Quarter" many times and this is the second time he has been honored as the Fire Personnel of the Year.

Mr. Speaker, I rise today to congratulate Mr. David Sulenta for his contributions to the Sanger Fire Department. I invite my colleagues to join me in thanking David for his active involvement within the community and wishing him many more years of continued success.

CONGRATULATIONS TO REVEREND F. BRANNON JACKSON IN CELEBRATION OF 36TH YEAR IN MINISTRY

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and esteem that I wish to congratulate Reverend F. Brannon Jackson, who is celebrating his 36th year in the ministry. As the congregation at Calvary Institutional Church will attest, this praise is well deserved. Having overcome many obstacles in his life, Reverend Jackson serves as a role model for those wishing to start their life afresh and to have a positive influence over the lives of others.

To the benefit of Northwest Indiana, Reverend Jackson's arrival in Gary was, in his own words, "God's will." In 1946, after serving in the military, he planned to visit his cousins in the city while en route to San Francisco. Once here, this young man from Mobile, Alabama abandoned his plans to travel west, for he felt strangely drawn to this area, in spite of its differences from his native state.

Until he received the call to the ministry, Reverend Jackson openly admits his early years in Gary were spent enjoying the frivolities in life. At the age of 22, eager to set himself on the path of success, he offered his skills as a welder to Gebraltar Insurance Company; later he secured other positions, first at Reliable Cab, and then at the Budd Plant. It was while at the Budd Plant that he accepted his call to the ministry. Incidentally, this call came disguised as a church hymn: while playing poker with friends, Reverend Jackson became agitated when a man began walking room to room singing these songs. He followed the man, intending to ask him to quiet down, but instead discovered the verses sung stirred a passion within his soul that has yet to be quelled. Under the direction of Reverend L.J. Harris and the New Mount Moriah Missionary Baptist Church, Reverend Jackson freed himself from the entanglements complicating his life and set his feet upon this path of righteousness.

Knowing his congregation would benefit from a minister well versed in spiritual, as well as secular affairs, Reverend Jackson began to challenge himself intellectually. He attended Chicago Baptist Institute and completed his GED, but his hunger for this intellectual development remained insatiable. Bolstered by his renewed faith in God and in himself, Reverend Jackson enrolled in Indiana Christian University, where he attained not only a bachelor's degree, but successfully earned a master's degree in religious arts.

Reverend Jackson's devotion to the Baptist Church is best reflected by the distinguished positions he has held and by the awards he has garnered during his 36 years in the ministry. He served as the president of the General Missionary Baptist state convention and the Indiana state convention. He lent his religious expertise to the National Baptist Convention, where he participated as an active board member. The culmination of his many years of dedicated service to the Baptist Church was achieved in 1998, when Indiana Governor Frank O'Bannon honored him with the Sagamore of Wabash Award, the highest award the governor can bestow upon a citizen.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring Reverend F. Brannon Jackson as he observes his 36th year in the ministry. His commitment to his faith, as well as his selfless contributions to his congregation, is worthy of our commendation. Reverend Jackson is one of many extraordinary examples of leadership and integrity characteristic of the citizenry of Northwest Indiana.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Roll Call No. 65, on approving the journal. Had I been present I would have voted "yea."

I was also unavoidably detained for Roll Call No. 66, H. Res, 368, Commending the Pentagon Renovation Program. Had I been present I would have voted "yea."

I was also unavoidably detained for Roll Call No. 67, H.R. 2509, the Bureau of Engraving and Printing Security Printing Amendments Act of 2001. Had I been present I would have voted "yea."

I was also unavoidably detained for Roll Call No. 68, H.R. 2804, the James R. Browning United States Courthouse Designation Act. Had I been present I would have voted "yea."

A TRIBUTE TO CATHERINE WATTS-COLEMAN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Catherine Watts-Coleman in recognition of her contribution to her family and her community.

Catherine, a native of North Carolina, relocated to Brooklyn with her parents and two siblings after receiving her high school diploma from the Morningside High School in Statesville, North Carolina. Upon arriving in Brooklyn, Catherine enrolled in the Central School for Practicing Nursing. After graduating, she went on to work at the Harlem Eye and Ear Hospital, Lutheran Hospital, and Sheephead Bay Nursing Home.

In 1950, Catherine married the late Bryant Coleman and was blessed with two wonderful children, Wayne and Lance. In rearing her children, she became more active in the Brooklyn community. Her motto is "parents must be actively involved in the social, educational, and spiritual life of their children in order for them to grow up and become responsible contributing members of society."

Catherine grew up in a caring, loving and spiritual household and she continues to always put God first in her life. Her daily meditation includes the 23rd and 121st Psalms, and the 14th Chapter of St. John. With that commitment to her community, she continues to be a tithing member of her childhood church, the Church of the Living God in Statesville, North Carolina, and alternates weekly worship between Nazarene Temple and Faith Holy Churches in Brooklyn.

Today, Catherine is a happy retiree who continues to reach out and touch the lives of others by happily volunteering her time. One of her greatest joys is talking about her six grandchildren, Zuri, Maurice, Larissa, Lauren, Lance Jr., and Latrice. She is also proud of her daughter-in-laws, nieces, and nephews who are an integral part of her life.

Mr. Speaker, Catherine Watts-Coleman has devoted her life to serving her family and her community. As such, she is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

HONORING DOUG PERRY

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Mr. Doug Perry, principal of El Capitan Middle School, for receiving a nomination for the Educator of the Year Award from the California League of Middle Schools.

Principal Perry has served El Capitan for 23 years as a principal, and 9 years as a physical education teacher. He administered the transition to a year round school schedule and the reinstatement of the regular school year schedule. Doug is also an innovative leader; he recognized the necessity of technological improvements as a vital resource for students and teachers. Mr. Perry has supported various programs for his students, such as the district's promotion/retention/intervention programs. Principal Perry has been an instrumental and charismatic leader in his community, and has earned much respect from his colleagues.

Mr. Speaker, I rise today to congratulate Doug Perry for his nomination for the 2001 Educator of the Year Award. I invite my colleagues to join me in thanking Mr. Perry for his outstanding service to the community and wishing him many more years of continued success.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. TIERNEY. Madam Speaker, I rise today in honor of the 181st anniversary of Greek independence that will take place on March 25th. As a member of the Congressional Caucus on Hellenic Issues, I once again join my colleagues in paying tribute to the Greek nation and its people.

As we all know, ancient Greece was the fountain of democratic ideals and values for the rest of the world, and on the day of her Independence, we are again reminded of our duty to strive for and defend freedom.

We are also reminded of the debt of gratitude we owe to the country upon which our democratic process is founded, while also recognizing the strong support modern day Greece has given us in our battle with terror. Indeed, the people of Greece and all Greek Americans have cause to celebrate their achievements on this day of Independence.

On behalf of the people of the Sixth Congressional district of Massachusetts, I wish to extend congratulations to the people of Greece and all people of Greek heritage in the United States on this important holiday.

PAYING TRIBUTE TO DREW SHAPIRO

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to pay tribute to Drew Shapiro, an eighth grader from Fenton, MI. In June, 2001, for his charitable Bar Mitzvah project, Drew chose to create snack kits to be distributed to homeless veterans in Flint and Ann Arbor, Michigan as well as Toledo, Ohio.

When the project was finished Mr. Speaker, he had collected enough donated items and money to assemble over 600 individual snack kits containing canned tuna, snack mix, candy, nuts, raisins and other nutritional food. Some even contained wool hats and t-shirts. On December 21, 2001, with the help of the Ann Arbor Veterans Administration Hospital, Drew and his family distributed the kits, along with a note attached to each that read, "Dear Veteran, Thank you for serving our country."

Even though Drew was planning his project well before the tragic events of September 11th, his hard work and compassion for our veterans took on special meaning after that terrible day. The attacks of September 11th were meant to create fear in every American, especially our children. Yet, the terrorists who carried out those evil acts have succeeded in only strengthening our resolve as Americans. It is also clear, through Drew's great example, that our nations greatest resource, our youth, is as strong, brave, and as bright as they have ever been.

Mr. Speaker, this young man exemplifies the spirit of every American at this time in our history. He has set a wonderful example that every American can follow. I ask that my colleagues join with me in saluting Drew's devotion to our country and to its veterans, who themselves have paid such an incredible price so that we may continue to live in freedom.

IN HONOR OF MRS. JOYCE YVONNE CHASE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Mrs. Joyce Yvonne Chase, member of the Kings County Hospital Community Advisory Board and the NAACP 100 Black Women, devoted parishioner of the John Wesley United Methodist Church and a dedicated community leader, in recognition of the nearly five decades of compassionate and selfless service she has contributed to her community.

A native of Guyana, Mrs. Chase migrated to the United States in 1953. She began her career as a nurse's aide at the Jewish Chronic Disease Hospital, and after five years of devoted service, joined the staff of Brooklyn's Kings County Hospital. Through continued education and hard work, while at Kings County Hospital, Mrs. Chase progressed from nurse's aide to licensed practical nurse and then to Registered Nurse, the position from which she retired in 1993 after forty years of enthusiastic, kind-hearted and loving service—service that made a difference in the lives of countless individuals and families.

After retiring from her career in nursing in 1993, Mrs. Chase continued to carry out her commitment to care and service of the less fortunate as a dedicated volunteer. Since 1993, Mrs. Chase has volunteered as a member of the Auxiliary of Kings County Hospital Center, spearheaded the hospital's One Hundred and Sixty-fifth Anniversary Celebration, which raised $126,000 to enable the further development of the New Bed Tower of Kings County Hospital, and personally organized a fundraiser for Rhonda Armstrong, a twelve year old Guyanan native with a brain tumor. Mrs. Chase also continues to coordinate an Annual Thanksgiving Party for the children of Bedford Stuyvesant, volunteers at the Brooklyn's Children's Museum, and fulfills her role as the pillar of her family.

Finally Mr. Speaker, I would like to note that Mrs. Chase is married to Keith Anderson Chase, and is the proud mother of two children.

A beacon of dignity and compassion and a pillar of her community and family, in all that she has done Mrs. Chase has always put others first; she has always been giving, always caring. Her selfless commitment to serving those in need has touched many lives and had a tremendously positive affect on her community. Mrs. Joyce Yvonne Chase is truly an exemplary citizen worthy of our praise. I urge my colleagues to join me in honoring her.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. SOLIS. Madam Speaker, I rise today as a Member of the Hellenic Caucus to recognize the great nation of Greece and celebrate its 181st anniversary of independence from the Ottoman Empire.

We all know of ancient Greece as the birthplace of democratic ideals, from Solon, the lawmaker who framed Athens' Constitution; to Pericles, the leader of that City-State's democratic political movement; and the philosophers Socrates and Plato.

However, 181 years ago Greece engineered a new democratic movement by overthrowing the Ottoman Empire which had ruled the nation for more than 400 years and declaring independence.

The war for independence began on March 25, 1821, in the monastery of Hagia Lavra, Kalavryta.

It was here that Germanos, the bishop of Paleon Patron, raised the banner of the revolution and blessed the arms of the captains of the revolting Greeks.

The Greeks' struggle for freedom inspired many Americans, who noted the parallels to our own revolutionary battle just 46 years prior.

In fact, many Americans left our country to fight for Greek independence, and the U.S. Congress also provided financial assistance for the war effort.

And today, many citizens of Greek descent—including nearly 1,000 in my district, the 31st District of California—call the United States their home.

Indeed, with more than 3 million people of Greek descent living in the United States, our commitment to this great Hellenic nation has not diminished.

Indeed, it grows stronger every day.

From our mutual efforts to establish peaceful relations in the Balkans to the transfer of the Olympic Games from Salt Lake City to Athens, the United States and Greece have worked hand-in-hand.

It is my hope that this relationship will grow and prosper as the years continue.

I urge all of my colleagues to join me in commemorating Greek Independence Day and saluting the people of Greece for their contributions to our own wonderful nation and the world.

IN HONOR OF THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF THE U.S.A.

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. HOEFFEL. Mr. Speaker, I rise to commemorate the 90th Anniversary of Girl Scouts of the U.S.A. This valuable organization has been empowering young women to develop leadership skills, along with a sense of determination, self-reliance and teamwork since 1912.

Today, the Girl Scouts of the U.S.A. have over 3.8 million members throughout the United States. In my district alone, 10,000 Girls Scouts are able to acquire the self-confidence and expertise that is needed to distinguish themselves as leaders in their communities.

I commend the Girl Scouts of Southeastern Pennsylvania and the Girl Scouts of Freedom Valley for their outstanding accomplishments in the areas of leadership, community service and personal development. Both of these chapters offer young women in Montgomery County, Pennsylvania the opportunity to develop life skills that will enable them to become confident and caring adults.

For 90 years, the Girls Scouts of the U.S.A. have had a positive impact on the lives of countless young women nationwide. It is my hope that the Girl Scouts of the U.S.A. continue these strong traditions for the next 90 years and beyond.

THE MENTAL HEALTH EQUITABLE TREATMENT ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am pleased to be here today celebrating introduction of the Mental Health Equitable Treatment Act with my good friend from New Jersey, Mrs. ROUKEMA. Too many Americans have been waiting too long for equal access to the health care they need. I hope by introducing this compromise mental health parity bill we can make it happen this year.

I could give you statistics about the prevalence of mental illnesses and cost of insurance discrimination, but the bottom line is that parity is about people's lives. Tracy Mixson of Asheville, North Carolina watched the downward spiral of her friend, Jeff. He exhausted his health insurance and ran out of medication. He tried to see another doctor, but couldn't afford the costs and had to stop going. In her words, "I watched him suffer for a little while, and then it was over. He ended his life."

This issue is not complicated. Our bill is a civil rights bill. It recognizes that prejudice distorts the markets and requires intervention. It reflects the best values on which this country was built, principles of inclusion and opportunity for all Americans.

Discrimination in any form is a stain on the equality that makes this nation great. And make no mistake, discrimination is at the heart of this issue. The question for Congress to decide is whether we continue to indulge our old, deep-seated prejudices against the mentally ill or whether policy catches up with science.

We will hear that parity is too expensive. I am confident that nobody in this Congress would countenance rationing health care for cancer or asthma. Like mental illnesses, these are potentially fatal, frequently treatable, chronic diseases. Unlike cancer and asthma patients, however, most Americans suffering from mental illnesses find that their health plans hinder access to necessary medical treatment.

If we would not tell asthma or cancer patients that their coverage is too expensive, why would we say that to the mentally ill? Essentially, we are asking our constituents with mental illness to sacrifice potentially life-saving treatment in order to keep health care costs down for everybody else. The unfairness of that request is manifest.

We don't ask cancer patients to bear that burden. We don't ask any other patients to bear that burden. And that's why this debate is not about cost. It's about prejudice.

We will hear that if we pass parity, mental health care will be abused. This argument is a red herring. It is an invocation of the stereotypes that good people rely on to justify looking the other way in the face of injustice. We should not fall for it.

We have a strong science base and the authority of the Surgeon General, NIH, AMA, and Nobel Laureates saying mental illnesses are diseases on par with physical ailments. We have experience in dozens of states and the federal employees' health program showing that parity results in a more efficient use of mental health resources.

So I ask you, as you consider the merits of this bill, don't let the issue get muddied. I believe the choice is simple. On the one hand is the status quo. It's the denial of medically necessary care because of stereotypes and prejudice. It's suicide and lost jobs and broken lives. It's stories like that of Molly Close from Louisville, Kentucky, who wrote:

> In 1998 I was hospitalized 3 times for depression with suicidal intent. Each hospitalization was terminated, not because my doctor felt I was ready to leave, but because my insurance company refused to pay for further treatment. When I left the hospital the last time, I was still severely depressed. I was not healthy enough to return to my teaching career of 24 years. Since I had exhausted all my leave days, I was forced to resign my job. . . .

It is time to end the discrimination that the Molly Closes of this country face.

Our earlier parity bill, H.R. 162, has 203 cosponsors. We have heard the concerns of employers about cost and the need for flexibility and that's why we are here today introducing this compromise bill. This new legislation makes a major concession in dropping substance abuse. It contains explicit guarantees that plans can manage benefits. It protects the rights of health plans to set medical necessity criteria. A majority of the House supported these parity provisions last year during the appropriations process and I'm hopeful that we will have a chance to see whether a majority will support it on the Floor this year.

Let's give the 54 million Americans with mental disorders full access to the American Dream. This bill is the right thing for them and the right thing for our nation. I look forward to working with my friends on both sides of the aisle to give all Americans the health care they need and deserve.

HONORING JERRY LEE BRYANT, COMMUNITY LEADER AND FRIEND

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BARR of Georgia. Mr. Speaker, the City of Rome, Georgia, as well as the entire northwest Georgia community, lost a great friend, a member of the Rome City Commission, and a champion to many who grew up spending much of their time at the Rome YMCA. On March 5, 2002, Jerry Lee Bryant, as described by the Director of the local YMCA, was a "Living Legend," passed away.

A native of Corbin, Kentucky, Jerry graduated from the University of Louisville after serving with the U. S. Air Force during the Korean War. He began his career with the YMCA in Waycross, Georgia, in 1953. In 1960, he was one of 32 "Y" directors from across the United States chosen to serve as a leader for the YMCA World Youth Conference in Holland.

Jerry had a passion for the YMCA, his church, his community, the City of Rome, and its schools and young people. Many men who grew up in the Y thought of him as a substitute father.

Jerry and his lovely wife Martha came to Rome in 1962. Jerry became Director of the Rome YMCA and Martha served as the Y's program director. He remained with the local Y for 30 years, and during that time he led the YMCA board in a building project that doubled the size of the Y facility. He was instrumental in leading the YMCA in its purchase of Camp Glen Hollow in 1989. Grown men now remember Jerry as their "daddy"; a hero; one who made an impression on their lives; a second father. Following his retirement in 1991, Jerry spent the majority of his time serving his community and assisting his wife, Martha, in her business, Bryant & Garrett Travel Agency. He was the first chairman of the Heart of the Community Board of Governors, a Seventh District STAR Student chairman, and he served on the board of the Floyd Medical Center Health Care Foundation. Jerry also was a past president of the Rome Rotary Club, and served as chairman of the Administrative Board and Board of Trustees of Rome First United Methodist Church.

Jerry's wife, Martha, his children, Chuck Bryant and Lee Ann Bryant Edwards, as well as two grandchildren, have lost a wonderful husband, a tremendous father, and a grandfather, who loved them dearly. The citizens of Rome and Floyd County have lost a great leader. I have lost a good friend.

DELAY IMPLEMENTATION OF FARM SECURITY ACT UNTIL NEXT YEAR

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. FORBES. Mr. Speaker, I understand that yesterday the lead negotiators for the Farm Bill informed us that they would "be in a position to make the final farm bill decisions in public meetings of the Conference the week of April 9," according to a joint statement released by the top conferees.

April 9th is far too late to begin implementing this complex legislation, as was March 22nd or even January 1st, and I believe that it is now essential to delay implementation of the Farm Security Act until next year.

The planting season has already begun in many states across the country. As each day passes by without a new bill, America's farmers are digging themselves into deeper and deeper holes.

We all know that farmers are not just planters, but planners, and most farmers thought it to be vitally important to have the farm bill in place at the end of last year. Now that it may be mid-summer before the USDA is effectively able to administer the provisions in the new Farm Bill, it could prove to be overwhelmingly detrimental for our agricultural community, especially in southeastern Virginia.

In addition to helping the farmers by delaying the bill one more year, we will be saving the government an estimated $299 million dollars by delaying the new "peanut subsidy program" and continuing to use the current system, which has no net cost to the government.

A Farm Bill is certainly needed, but the timing is important. Implementing the new Farm Bill this late in the season would be an incredible injustice to our farmers.

INTRODUCING H.R. 4012 THE RURAL WIRELESS TELECOMMUNICATIONS ENHANCEMENT ACT OF 2002

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mrs. CUBIN. Mr. Speaker, rural America. We often hear of the unique challenges that face those of us who live and work in the unspoiled expanses of this great nation. As someone who represents the least populated state in the country, let me say that we wouldn't trade those challenges for all the urban conveniences in the world.

There are, however, basic needs deemed necessary to conduct our everyday lives whether you live in Brooklyn, New York or Basin, Wyoming. One of those essential, and obtainable, requirements is access to modern and efficient telecommunications. Telecommunications is an important component by which we can run small businesses, visit distant relatives, or just order a pizza.

During the last two Congresses, I have been successful advocating for wholesale changes in the way the Federal Communications Commission (FCC) regulates small and mid-size telecommunications companies. Those bills have passed the House but languish in the Senate.

The basic tenet of the bills is to ensure that the FCC writes separate regulations for companies that are smaller than their oftentimes much larger competitors. Common sense should tell us that identical regulations imposed on telecommunications companies regardless of size translates into the over-regulation of the small and mid-size companies. Although the FCC initially fought these changes, I am pleased to report that most of the changes in the bills have ultimately been incorporated by the FCC.

This leads me to the introduction of the bill I bring before the House today. The "Rural Wireless Telecommunications Enhancement Act of 2002" will bring about significant changes by which the FCC regulates small wireless telecommunications companies.

If you've been fortunate enough to travel through the state of Wyoming, you may have been surprised to find that your wireless phone did not work or that it received marginal coverage at best. One way in which we can address the comprehensive development of wireless telecommunications infrastructure in rural areas is to stop the FCC from burdening small wireless companies with onerous, one-size-fits-all rules meant to regulate the largest wireless carriers. That way small wireless companies can put their resources into developing new technologies and deploying their infrastructure instead of spending it on high-priced Washington lobbyists and regulatory attorneys.

The goal of the "Rural Wireless Telecommunications Enhancement Act" is simple: to give rural wireless customers better service and more choices.

TRIBUTE TO CASEY ROATS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. WALDEN of Oregon. Mr. Speaker, I rise today to convey my deepest appreciation to a member of my Washington, D.C. staff for his tireless efforts on behalf of the good people of Oregon's 2nd Congressional District. Casey Roats will conclude his internship in my office this week to continue his studies at Oregon State University and assist in the operations of his family's business, Roats Water System, Inc. in Bend, Oregon. As he leaves our nation's capital, I wish Casey well in his future endeavors, and I know that his intelligence and discipline will bring him success in whatever calling he answers.

Casey was raised in Bend, Oregon, growing up in a family with indelible ties to central Oregon. He is, in short, a son of the American west. As a youngster he developed an interest in horsemanship, where he excelled as he does in every pursuit that I have witnessed him attempt. Casey's success in rodeo competitions provided him with the resources to attend his first year of college at Oregon State University. The travel required by these competitions allowed Casey to become familiar with much of eastern Oregon, which strengthened both his ties to the land and his appreciation for the western way of life. Moreover, his intimate knowledge of the issues that are so important to the people of Oregon has made him an invaluable asset during his tenure in my office.

Mr. Speaker, Casey's early involvement with the Oregon chapter of Future Farmers of America provided a foundation of civic participation that he continues to build upon. His contributions to the Mountain View Chapter and the Central Oregon District soon earned statewide attention, and Casey was elected Vice-President of the Oregon Future Farmers of America for the 1999–2000 term.

Throughout his internship, Casey has endeavored to learn more about his native state, as well as the workings of the federal government. His interest in the latter has been insatiable, leading him to pepper my staff with thoughtful questions about how things work in Washington, D.C. and why. His fascination with the legislative process, coupled with a firm ideological underpinning, promises to carry him far in the arena of public service if he chooses to embark on such a career.

Mr. Speaker, Casey exudes competence, and he welcomed visitors to my office with the same friendly and forthright manner that is so common of Oregonians. My trust in him to complete tasks flawlessly and without supervision was vindicated time and time again. My staff reports that Casey ranks among the finest items ever to serve in my congressional office. Simply put, Casey was a delight to work with and always demonstrated a high level of professionalism and attention to detail during his service on Capitol Hill.

It goes without saying that Casey will be difficult to replace. While I am deeply sorry to see him leave, I am confident that he will continue to make central Oregon proud in whatever career he chooses in the future. Thank you, Casey, for a job well done.

EXPRESSING SENSE OF HOUSE OF REPRESENTATIVES REGARDING WOMEN'S HISTORY MONTH

SPEECH OF

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Ms. HART. Mr. Speaker, in honor of Women's History Month, I would like to take this opportunity to recognize the life and work of Susan B. Anthony, and to celebrate the 182nd anniversary of her birth, which took place last month. Susan B. Anthony is remembered as one of our greatest foremothers in the drive for women's rights. However, what many have forgotten, or chosen to ignore, is that she was amongst our Nation's first and most passionate pro-life advocates. For Anthony, the rights of the unborn were inseparable from the rights of women, and opposition to abortion was an essential part of the cause of women's rights.

This month as we honor the women who have strived to improve the lives of women in America and throughout the world, let us remember the life and achievements of Susan B. Anthony and what she has done to guarantee full rights for both women and their unborn children.

CELEBRATING THE 46TH ANNIVERSARY OF TUNISIAN INDEPENDENCE

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PRICE of North Carolina. Mr. Speaker, today, March 20, 2002, the Republic of Tunisia celebrates the 46th anniversary of its independence.

Since adoption of its first Constitution in June 1, 1959, Tunisia has made great progress in embracing procedural and substantive democratic reforms by holding contested presidential and legislative elections that provide for the opposition party to hold seats in parliament; expanding freedom of expression among its people; providing a free public education for all children; and promoting the equality of women, including the election of women to parliament.

As a result, the Republic of Tunisia has reaped the benefits of becoming a world trading partner through bilateral free trade agreements, trade agreements with European Union, and nearly two decades of sustained economic growth.

The relationship between the United States and Tunisia dates back to the 18th century when our two countries signed a treaty of friendship. Strong ties of cooperation continued after Tunisia gained its independence in 1956 and continue today as Tunisia joins us in the fight against terrorism. Today, we commemorate the independence of the Republic of Tunisia and celebrate our special relationship with the Tunisian people.

"FROM FRONT LINES TO BACK ROADS"

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. WOLF. Mr. Speaker, I want to call to the attention of our colleagues an article in the March 11, 2002, edition of the Washington Post which tells the story of a decorated flight surgeon with the Army's elite Delta Force who now spends his time in the rural areas of the Shenandoah Valley of Virginia as a beloved country doctor making house calls.

His name is John O. Marsh III, better known as Rob, the son of John O. Marsh Jr., better known to many of his former colleagues in this House as Jack. I am proud to represent as part of Virginia's 10th District areas which used to be included in the 1960's in the old 7th District, which was ably represented by then Congressman Jack Marsh. As many of our colleagues will recall, Jack went on to serve in the administration of President Ford and as Secretary of the Army under both Presidents Ronald Reagan and George H.W. Bush.

We congratulate Dr. Rob Marsh, who has followed in his father's footsteps in his service to the people of his nation and to his state.

The Post article follows:

[From the Washington Post, Mar. 4, 2002]

FROM FRONT LINES TO BACK ROADS—DELTA FORCE DOCTOR NOW DELIVERS CARE IN RURAL VIRGINIA

(By Carol Morello)

MIDDLEBROOK, VA.—The only doctor in this crossroads of a Shenandoah Valley village does not volunteer details of his years with an elite Army unit, or how he almost died in Somalia of mortar wounds. And his patients are too polite to probe.

But while waiting in the clinic to see Rob Marsh, many of them study the watercolor prints on the walls, depicting soldiers rappelling into battle and downed Black Hawk helicopters. How, they wonder, did this decorated combat physician come to treat the aches and pains of farmers and factory workers in the valley?

"They remind me every day where I came from, and why I'm here," explains Marsh while driving over gravel roads and one lane bridges in his pickup truck. He's making house calls. And he won't send a bill. It's not very efficient, he allows, but this is what a good country doctor does.

They didn't have a doctor before Marsh moved here six years ago with his wife, Barbara, and their children—now two boys and two girls, ages 3 to 9. "I feel that's why I was saved, to come back here and do this," he says. "This is my calling."

At a time when rural America is starved for physicians to provide basic health care, Marsh practices medicine with a care and attention that seem lost to another era. How many doctors are left whose patients drop by just to leave a home-baked cake or to show off photographs of the animals they've raised in 4-H?

Marsh's practice in a University of Virginia satellite clinic is all the more extraordinary when contrasted with the life he used to lead as a flight surgeon for Delta Force, the Army's secretive Special Forces unit.

His office is filled with mementos of war zones where he mended wounds and lost friends before settling on a farm near here. A bookshelf holds the iconic Delta Force dagger inside a triangular frame along with the motto "Oppressors Beware." In two examining rooms, drawings of Delta Force battles share wall space with osteoporosis posters. Even his clock is on Zulu time. His Legion of Merit, two Bronze Stars and Purple Heart are stashed at home and in his truck.

What is missing is anything that smacks of the Hollywood version of what happened to Delta Force and Ranger troops in Mogadishu, Somalia, in October 1993. Marsh has not seen the blockbuster film "Black Hawk Down."

"I don't have to go watch a reenactment of seeing 18 of my friends die," he says.

Nor did he consent when producers asked him to be a consultant. "I couldn't leave my patients," he explains.

Friends and colleagues say a common thread runs through Marsh's work in polar-opposite environments.

"His dedication to the military was just as intense as his dedication is now to his patients," says Lewis Barnett, the former head of the University of Virginia's family medicine program. "He's a devoted servant."

Marsh, 46, had wanted to be a Green Beret ever since a third-grade visit to Fort Bragg with his father, John O. Marsh Jr., then a Democratic congressman from the Shenandoah Valley who later became secretary of the Army under presidents Ronald Reagan and George H.W. Bush. The son is John O. Marsh III, but everyone knows him as Rob.

The quickest route into the Green Berets was as a medic, so Marsh enlisted and eventually received a degree from Eastern Virginia Medical School.

He had his share of close calls. During the Persian Gulf War in 1991, for example, a medic who replaced him on a helicopter flight into Iraq was killed when the chopper crashed.

But nothing compared to his experience in Somalia two years later. U.S. troops set out to capture two aides to a local warlord. Army Rangers and Delta Force operatives became pinned down during a night of pitched combat.

The casualties arrived at the airport base in waves. First a handful, then by the dozens—some 60 serious casualties in all. Marsh and two other physicians worked through the night and into the next day. Eighteen Americans and hundreds of Somalis died in the fighting, chronicled in the book "Black Hawk Down" by Mark Bowden, and the movie of the same name.

For Marsh, the worst was yet to come. Two days later, he was standing on the tarmac with other officers when a mortar hit. The man next to him was killed. Twelve soldiers were wounded, including Marsh.

Here is what he remembers before losing consciousness: "A flash. Noise. I remember feeling pain."

Shrapnel shredded his abdomen. A shard pierced an artery in his leg. Yet even as he lay bleeding from his nearly fatal wounds, he ordered soldiers to carry the injured to his side so he could perform triage. "They were my people. I wanted to know who was hit."

Marsh's father, who vividly recalls his son's arrival at Andrews Air Force Base two weeks later, believes the experience made him a better doctor: "It's given him empathy and insight into people who are sick."

Even before his injury, Marsh had talked of returning to the valley, which he always considered home, though he was largely educated in Arlington public schools.

The university's health system was looking to open a rural office in this area and show medical students the life of a country doctor—a breed that has largely vanished over the last 50 years as physicians have gravitated to specialties and urban areas.

"Rural areas can be hard on the family," says Claudette Dalton, an anesthesiologist who heads the university's community education program. "There are no cultural attractions. You have to drive 10 miles to the Piggly Wiggly to get groceries."

Marsh saw it differently.

"He goes where the need is greatest," says Dalton. "There aren't many physicians who will take on all comers as patients."

One day recently, Marsh spent the afternoon crisscrossing the back roads of this cattle-raising area south of Staunton. He made a half-dozen house calls, most to elderly, housebound patients. Testing the memory of a stroke victim, he asked her how many chickens her daughter owns. At the home of a cancer patient struggling to pay for his arsenal of medicine, Marsh left a supply of salesman's samples. In the run-down farmhouse of a man who had been acting confused, Marsh found an addling blend of outdated drugs, some of which had expired in 1986.

He would not ask for payment.

"If I sent them a bill for $150 for a house visit, they would pay," he explains. "But I probably wouldn't keep them as a patient."

They are not just his patients, he says, but "my friends."

That's why he attends their funerals, serves on their volunteer fire and rescue unit, makes apple butter with the Ruritan club, and is an elder in his Presbyterian church.

"You can become very close to everyone, very quickly," he says of this hamlet of 200, so small it lacks even a stoplight. "If you're a good doctor, you treat people right and get involved in the community."

It's a philosophy he's passing on to the coming generation of doctors. "He believes we should make sure we give more to our community than just medicine," says Frank Petruzella, a U-Va. medical student who spent a month working with Marsh. "He's very involved in all aspects of people's lives."

Marsh has been involved in Carl Sprouse's life for a decade. They were in Delta Force together, and Sprouse now lives down the road.

"When my father had complications after open heart surgery, Doc Marsh would stop by at 11 or 12 at night to see him in the hospital," recalls Sprouse. "He wasn't his doctor. He just has compassion for people. He was a good soldier. He's a great man."

Marsh deflects such praise. In this small farming community that he and his family call home, he has rediscovered what he loved most about Delta Force. "It's the same atmosphere," he says. "Everybody takes care of each other, and we do our jobs."

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. GALLEGLY. Mr. Speaker, on March 7, I missed roll call vote number 52. Had I been present, I would have voted "aye" on the vote.

TRIBUTE TO DR. JOE CRAIG

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mrs. MYRICK. Mr. Speaker, I rise today to honor the life and work of one of my constituents, Dr. Joe Craig.

Dr. Craig has spent his entire life working to better the lives of others. Since 1978, he has traveled overseas to the poorest of regions, including Africa and Latin America, to provide free medical and dental care. This is a special year for Dr. Craig because he is 70 years old and will be conducting his 70th and final overseas medical mission.

Dr. Craig's altruistic work also extended to his local community of Charlotte, North Carolina. He greatly helped our local Charlotte community by providing free dental services to recovering drug users and alcoholics and by counseling dozens of families through marriage and family problems. He also volunteered in the Charlotte Police Crime Lab in the 1960s before a full-time chemist was hired.

Dr. Craig is a perfect example of the selfless call to volunteerism recently highlighted by President George W. Bush. For this reason, I am honored to recognize Dr. Craig for his life work and congratulate him and his family for his 70 years of dedication to making this world a better place.

CELEBRATING THE WOMEN OF LEWISTON/AUBURN

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BALDACCI. Mr. Speaker, I rise today to call my colleagues' attention to a dinner being held next week in the Lewiston/Auburn community of Maine. The event, "Celebrating the Women of L/A," will honor women who have touched the lives of others in their communities.

I am proud to have the opportunity to pay tribute to the following Women of L/A here in the House of Representatives. The Honorees are Diane Anctil, Gail Baillargeon, Kathryn Beaule, Sue Capponi, Sandy Conrad, Theresa Cote, Christine Clabby, Lori Cummings, Robin Duffy, Belinda Gerry, Nancy Hinds, Patience Johnson, Rachel Kay, Kathleen Noel King, Simonne Lavoie, Linda Mynahan, Venise Pratt, Muriel Richard, Patricia Robitaille, Trena Hamblin Steele, Linda Tanguay, Ann Tourtelotte, Dr. Luz Maria Umpierre, and Kathy Varney.

Those submitting nominations were asked to briefly describe what it was about the nominee that made her such a special and important part of the community. Here are a few examples: "She truly cares about the company's employees . . . She is interested in their lives, and she treats everyone with respect and dignity."

"My sister has been an example to me. We came from a single parent home where our father was an alcoholic. She quit school at 16 and worked as a nurses' aide to earn money so our family could stay together. No one thought she would make anything of herself. Through hard work she proved them wrong."

"Despite an extended career with many successes and contributions, she is always focused on the next opportunity to serve. . . . Her dedication to family and friends is equally as selfless."

"How can a daughter even begin to explain how much her mother means to her? There are certainly not enough words in the dictionary for me to tell you who and what my mother is to me."

"She is a loving person with a 'Heart of Gold,' who has touched the lives of many people through her love and dedication in helping others and never wanting anything in return."

"If there could be only one person that I look up to it would be my grandmother. . . . She is the bravest, most courageous person I have ever met and no one could ever replace her."

"Now that I'm grown up with children of my own, I love and appreciate my mother more than ever. I now know how much hard work is involved in being a good mother, although she always made it seem so effortless. . . . When people tell me how much I am like her, I take that as the greatest compliment, for I hope I could be half of the woman that she is."

"She saw my need, reached out her hand, and impacted another life—which is just what she does on a daily basis."

These are but a few examples of the testimonials received on behalf of the honorees. They speak to the importance and influence that these women have had on their families, colleagues, and communities.

For decades, the women of Lewiston and Auburn—like those throughout Maine, the nation and the world—have raised children, served as caregivers, worked inside and outside the home, and volunteered their time and talents. They have maintained a strong and quiet foundation for our families that has nourished us all. This celebration recognizes all that women bring to families and our community.

These 24 women are all extremely deserving of this honor, and I congratulate them as they are recognized for their efforts in the home, in the workplace and in the community. I know that they are also representative of many other women throughout these communities and as we honor them, we also look around at the many other women who have made positive differences in L/A. I offer my thanks and best wishes to all the women of L/A for making Lewiston and Auburn such a strong and vibrant community.

A RESOLUTION ADJOURNING THE HOUSE OF REPRESENTATIVES IN LOVING MEMORY AND HONOR OF WILLIAM ANDREW CANNON

HON. MARY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mrs. BONO. Mr. Speaker, The most prominent glory of a country is in its great men. A nation's spirit and its success will depend on its willingness to learn from their example. In life we shall find many men that are great, and some men that are good, but very few men that are both great and good. William Andrew Cannon was such a man.

With deepest respect and admiration, we pay homage and tribute to William Andrew Cannon, and we pause in silent reverence for his soul.

Whereas, William Andrew Cannon was born on August 25, 1920, a native of Sweeny, Texas, and longtime resident of the State of Mississippi, and he traversed these earthly bounds on February 28, 2002; and

Whereas, William Andrew Cannon was the devoted husband of Lucy de Forcade de Biaix, a member of the Italian aristocracy, whom he married on the Isle of Capri in 1945; he was the loving father of a son, Fred, and a daughter, Tina Jennie, and he was the proud grandfather of six grandchildren, Carlo, Crystel, Francesco, Elena, Lauren, and Guglielimo; and

Whereas, William Andrew Cannon graduated from Corinth High School in Corinth, Mississippi in 1938, and he attended Western Kentucky University School of Business in Bowling Green from 1938 to 1941, after which time he became a managing partner of the Van Bibber Lumber Plant in Fulton, Mississippi, before joining the United States Air Force to serve in World War II; and

Whereas, William Andrew Cannon served his country with pride and distinction during World War II: he was a pilot, stationed in Foggia, Italy, from 1943 to 1946, and he held the rank of 1st Lieutenant with the 463rd Bombardment Group of the United States 15th Air Force; and during this perilous time, along with the personnel of the 463rd Bombardment Group, he exhibited commendable efficiency in skill, devotion, courage, and determination while facing intense enemy opposition over the skies of Germany and Eastern Europe, flying gallantly through in wing formation to reach designated targets; and William Andrew Cannon, receiving an honorable discharge in May 1946, was the recipient of the Second Presidential Unit Citation for his extraordinary heroism and outstanding performance of duty in military operation against the enemy at Ploesti on May 18, 1944, and at the Daimler Benz Tank Works in Berlin on March 24, 1945; and

Whereas, William Andrew Cannon, upon being discharged from the United States Air Force in 1946, returned to the Van Bibber Lumber Plant in Fulton, Mississippi, serving as a partner until 1954, before joining the United States Department of Defense in 1955 in Naples, Italy, where he worked as Maintenance Control Engineer for Public Works at the Naval Support Facility until 1983, and afterwards, he received many honors for his outstanding service; and in 1983, he joined the Naval Communications Mediterranean as Facility Manager, and he retired from that post on March 31, 1990; and

Whereas, having received numerous awards for active service, William Andrew Cannon, at the time of his retirement, also was the recipient of the Department of the Navy's Meritorious Award for Civilian Service, and he also received a commendation certificate for 38 years of devoted service to the United States government; and

Whereas, throughout his life, William Andrew Cannon was an inspiration to all the lives he touched through his courageous patriotic leadership, his ethics and integrity, his congenial nature, his constructive attitude, dedication to his country, and his forthright manner made a positive impact on those who had the pleasure of knowing him; and

Whereas, the passion, dedication, intelligence, patriotism, and social consciousness William Andrew Cannon brought to this great country will never be forgotten, and his influence will continue; and

Whereas, the passing of William Andrew Cannon on February 28, 2002, has left a void that cannot be filled, and he is mourned across the length and breadth of the Commonwealth;

Be it resolved by the U.S. House of Representatives:

SECTION 1.—The House of Representatives does hereby express its profound sense of sorrow upon the passing of William Andrew Cannon, and extends to his family and many friends its most heartfelt sympathy.

SECTION 2.—When the House of Representatives adjourns this day, it does so in loving memory and honor of William Andrew Cannon.

SECTION 3.—The Clerk of the House of Representatives is hereby directed to transmit copies of this Resolution to Mrs. Lucy de Forcade de Biaix Cannon, 702 Jefferson Street, Booneville, Mississippi 38829; Ms. Tina Jennie Cannon, 702 Jefferson Street, Booneville, Mississippi 38829; and Mr. Fred Cannon, BMI, 320 West 57th Street, New York, New York 10019.

GEORGE AND PAULINE "DIMPLES" MURILLO CELEBRATE 50TH WEDDING ANNIVERSARY

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BACA. Mr. Speaker, it is my privilege to announce to you and to the rest of my esteemed colleagues, that on March 22, 2002, George and Pauline "Dimples" Murillo will celebrate their 50th wedding anniversary. I would like to join their friends and loving family in extending my most sincere congratulations.

The Murillos have devoted fifty years to each other, to their families, to their communities, and to the service of our nation. Their marriage is a true achievement.

George Murillo was born to Emillio and Vivian Murillo on July 20, 1931, in San Bernardino, California. Just a few miles away on the San Manuel Indian Reservation, Pauline was born to Martha Manuel Chacon and Pablo Ormego on February 3, 1934. The two met and later married on March 22, 1952, at St. Anne's Catholic Church in San Bernardino in a ceremony performed by Father Domas.

George served his country in the United States Army with active duty status from 1952 to 1954. He was stationed in Fairbanks, Alaska and spent six years in the Reserves receiving an Honorable Discharge in 1960.

The Murillos are a hard working American family. George went on to work for the Santa Fe Railroad for 12 years and then for Kaiser Steel in Fontana for another 18 years. He retired in 1983, but continued to work at the San Manuel Indian Bingo and Casino from 1986 to 1993. Pauline "Dimples" worked as a homemaker. She raised their three children in their house on Vine Street in Highland, California, where the couple lived from 1954 until recently.

Pauline "Dimples," an active member of the San Manuel Band of Mission Indians, has devoted herself to educating her community about the Native American Culture, identity and tradition. She travels to various public schools and colleges in the area to teach students about her culture. She practices traditional Native American crafts making Indian cradle dolls and other arts and crafts, which she sells at Indian Pow-Wows.

The Murillos have served their community in numerous organizations. Pauline "Dimples" is a member of the Highland Women's Club, and both she and George are members of the Highland Senior Center providing services for the area senior citizens. The couple has made many personal contributions to this organization and to their community over the years.

The Murillos' legacy is certainly their family. The couple has been blessed with a loving family including Pauline "Dimples" siblings Raul "Beanie" Chacon, Jr., Roy Chacon, Carla Chacon, Rowena Ramos, and Sandra Marquez, and by George's siblings, Rosie Manzano and Emily Barajas. I am joined in congratulating the Murillo's by their own children, Lynn "Nay" Valbuena, Audrey "Audie" Martinez, and George "Boy" Murillo, and their grandchildren, Rich LeRoy, Sabrina Nakhjavanpour, Robert V. Martinez III, Sheena Martinez, and Dillon, Skye and Zeny Murillo. The Murillo's are also blessed with seven great-grandchildren, Cody and Chloe Nakhjavanpour, Selina Martinez, Robert V. Martinez IV, and Jasmine, Jaylene and Alfonso Martinez.

Mr. Speaker, on behalf of the United States Congress and the people of California, I extend our sincere congratulations to George and Pauline "Dimples" Murillo.

FARMERS' MARKET NUTRITION PROGRAMS—A SERVICE FOR MICHIGAN COMMUNITIES

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BONIOR. Mr. Speaker, I rise in support of the Farmers' Market Nutrition Programs, which provide a vital link between farmers and communities in need of fresh, locally grown produce.

These programs help our small farmers sell their fresh produce, while improving access to nutritious food for seniors and low-income women and children. They play an important role in my district and in the state of Michigan. We have small produce farmers who struggle to make ends meet because they don't have enough steady customers for their products. They lose profits to the wholesalers who market their products when they cannot sell directly to their customers.

Additionally, many communities and urban areas lack grocery stores with adequate produce, which makes it hard for new mothers to provide a balanced diet for their children. Without access to transportation, many senior citizens and low-income residents are forced to settle for less nutritious options.

The WIC and Seniors Farmers' Market Nutrition Programs bring farmers and residents together in a way that helps everyone. Program participants receive coupons to be used to purchase locally grown produce. Our small farmers stay in business, and our elderly and low-income children stay healthy.

Instead of cutting these programs, we need to find ways to improve access to fresh, nutritious foods for those who need them most. Innovative pilot programs in my home state are creating new outlets for farmers to sell their produce. Several farmers' markets have been organized at senior housing facilities. These programs eliminate the transportation barrier that prevents so many elderly people from having fresh fruits and vegetables. These and other vital programs will end without continued federal funding.

The farm bill will provide over $70 billion in funding to the farmers who feed this country. I urge my colleagues on the conference committee to work together and find a way to fund the WIC and Seniors Farmers' Market Nutrition programs to at least $15 million each.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. MORELLA. Madam Speaker, I rise today in recognition of Greek Independence Day. Greece and America have remained allies since America aided Greece in its struggle for independence 180 years ago.

Americans have celebrated our connection with Greece throughout our history. Because of the many contributions from Greece and Greek-Americans, President George W. Bush declared March 25th Greek Independence Day.

Our nations share a strong common belief in democracy. The ideologies of ancient Greeks became the backbone of our Declaration of Independence. And, in turn, our beliefs were displayed in their declaration of freedom from the Ottoman Empire.

Greek culture has given us more than our form of government. Buildings and memorials in Washington, D.C., and around the country, including the Capitol building and the Lincoln and Jefferson Memorials, are modeled on the Greeks' own exceptional architecture. In addition, our culture has been shaped by ancient Greek philosophy and their approach to science.

In recent history Greece has been 1 of only 3 nations that have allied with the United States in every major international conflict. During World War II, 600,000 Greeks gave their lives in the fight for freedom. For more than 50 years, Greeks and Americans have had the privilege of working together in NATO.

Greek-Americans have made many contributions in American communities. Greek-Americans commonly establish communities to maintain awareness of their cultural heritage, provide opportunities for social interaction, while preserving Greek language and traditions for future generations. Additionally, the investments that Greek-Americans have made in the business community are unsurpassed. Through the utilization of the American tradition of small, family owned businesses the Greek-American community has prospered.

Madam Speaker, the eighth congressional district of Maryland, which I represent, has a large population of Greek-Americans. I am proud of the many contributions that they have made to Montgomery County and our nation. I join them in celebrating Greek Independence Day and urge my colleagues to join me in recognizing the achievements of Greek-Americans.

MARCH 21, 2002 DESIGNATED AS UNITED NATIONS INTERNATIONAL DAY FOR ELIMINATION OF RACIAL DISCRIMINATION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. LANTOS. Mr. Speaker, tomorrow, March 21, 2002, has been designated as the United Nations International Day for the Elimination of Racial Discrimination. I think it is very important for us, here in the United States to mark this critical day. Racial Discrimination is a universal, global scourge. Confronting it and finding ways to defeat it are in the critical interest of every nation including the United States. Racial discrimination, xenophobia and other forms of intolerance are one of the principal root causes of international conflict. Our global war against terrorism cannot be won until we root out the global affliction of hate and intolerance. America's experience with slavery and our long struggle to advance civil rights also compels us to play a leading role in the international effort to cleanse humanity of the stubborn and shameful stain of racism.

Tragically, in the last several years, the global community has been beset by a new wave of racial hatred. This new wave includes widespread discrimination against migrant workers in Europe and the Middle East; institutionalized racism against indigenous peoples and peoples of African descent in the Americas; and discrimination against women in the Islamic world. New forms of racism, often tied to the social and economic dislocations caused by increased globalization, are being spread by new technologies including proliferating hate sites on the internet.

Mr. Speaker, for me as the only Member of Congress who is a survivor of the Holocaust, it is particularly painful to note that the current increase in racial hate includes an intense spasm of anti-Semitism. As a delegate to the UN's World Conference Against Racism (WCAR) in Durban South Africa last summer, I witnessed a particularly vivid demonstration of this new round of hatred for Jews.

The conference's NGO forum, featured anti-Jewish rallies attracting thousands in the streets of Durban. One flyer, which was widely distributed at the rallies showed a photograph of Hitler and the question "What if I had won?" The answer: "there would be NO Israel . . ." At a press conference held by Jewish NGO's to discuss their concerns with the direction the conference was taking, an accredited NGO, the Arab Lawyers Union, distributed a booklet filled with anti-Semitic caricatures, frighteningly like those seen in the Nazi hate literature printed and distributed in the 1930's. It was the most unabashed display of anti-Jewish hate that I have seen since that period. Similar images and messages can be found again and again in newspapers and other media in the Middle East, and on hate sites on the internet.

Mr. Speaker, if the tragic events of September 11th have taught us anything it is that we cannot turn a blind eye to hatred and evil. We must actively take effective measures to eliminate racism at home and to defeat it abroad. We must make sure that our government takes effective action to prevent and punish racism in the United States. In prosecuting the global war against terror, we must demand that our coalition partners confront hate in their own societies and in their regions.

I commend our distinguished colleague and friend from California, Congresswoman LYNN WOOLSEY, for focusing our attention on this important day and on this issue. I also want to commend our distinguished colleague, Congressman JOHN CONYERS of Michigan, for introducing the bipartisan Local Law Enforcement Hate Crimes Prevention Act, which would give local law enforcement the tools and resources needed to prevent and prosecute hate crimes. I urge all Members of this House to support this legislation.

INTRODUCTION OF A BILL TO "END THE DOUBLE STANDARD FOR STOCK OPTIONS ACT"

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. STARK. Mr. Speaker, I rise to introduce legislation to plug a corporate tax loophole that allows companies to hide stock option expenses from their Securities and Exchange Commission (SEC) earnings reports, but allows those same companies to take the deduction on their Internal Revenue Service (IRS) tax filings. My bill would force companies to report the stock option expense on their financial earnings records if they want to continue to take the deduction on their income tax filing. I'm pleased to be joined by Reps. BARNEY FRANK and LYNN RIVERS in introducing this important bill. Senators LEVIN and MCCAIN have introduced companion legislation in the Senate.

Under current law, companies can deduct stock option expenses from their income taxes as a cost of doing business, just like employee wages. However, companies are not required to report these business expenses on their SEC financial statement to stockholders. The Financial Accounting Standards Board (FASB), the self-regulated accounting board with SEC reporting oversight, recommends that companies record stock options as an expense on their financial earnings statement, but does not require that stock options be treated as an earnings expense. In fact, stock options are the only form of compensation not treated as an earnings expense at any time. Nearly all companies relegate their stock option expenses to a footnote in their SEC report, yet these expenses are not reflected in their bottom line earnings. Among the S&P 500 companies, only Boeing and Winn-Dixie follow the advice of FASB and actually record the cost of options on both the tax and earnings ledger.

Right now, companies can replace wage compensation with stock option compensation without having to show reduced earnings on their financial statements. This loophole misleads investors, financial analysts, and workers who have their pension funds tied up in companies that offer stock options. Since companies costs are not reported on the financial earnings statement, companies' earnings appear greater than actual earnings should reflect.

Let's take the case of Enron as an example of how misleading this loophole can be. According to a study by Citizens for Tax Justice, from 1996-2000, Enron took a $600 million tax deduction for stock options. Over that same five-year period, Enron showed $1.8 billion in earnings. However, this earnings figure did not completely reflect Enron's true earnings. As we know, Enron used a number of accounting gimmicks to artificially inflate their earnings report, one of which was the decision to list all stock option compensation as a footnote in its earnings report and then exclude this compensation from its total expenses. Had Enron accurately recorded its stock option compensation it would have had to report a decrease in earnings by one-third! Furthermore, had Enron been required to report that one-third of its earnings were attributed to stock options, then employees and stockholders could have seen that company profits weren't based on real growth. According to an analyst with Bear Stearns, the earning reported by firms in the S&P 500 would have been 9 percent lower in 2000 if stock options were treated as an expense.

As Enron leaders clearly realized, company executives can prosper by means other than simply building a great company. Executives can often increase their personal wealth by creating unrealistic expectations of their company from Wall Street, rather than the old fashioned way of consistently delivering impressive growth. Consider the following two hypothetical companies. One company has a stock price that has appreciated slowly. It started at $20 and gained $2 each year for five years, raising its price to $30 today. The second company's stock also started at $20 five years ago, then zoomed to $100 after a few years but has since fallen back to $20. By any reasonable measure, the leaders of the first company have done a better job at growing a solid company, worthy of its stock price. Their share price has grown 50 percent, and they have avoided making grandiose predictions that cause Wall Street analysts to set silly targets. The second company's stock has under-performed over the long run, and scores of workers and investors have been burned by false hopes.

If the top executives of both hypothetical companies had received similar amounts of stock and both sold their shares on a regular schedule, the executives of the second company would have earned more. These executives would have made so much money selling the stock when it was trading near $100 that they would become instant multimillionaires, despite the stock's ensuing, rapid decline. Thus, the practice of failing to report stock options on earnings reports could actually encourage executives to take stock options as a form of compensation. That way, they can earn millions of dollars, claim it as a tax deduction, and then hide it from investors. My bill corrects this perverse incentive and seeks to discourage reckless executive behavior. My bill also gives companies an incentive to report their stock option expenses in order to continue to take the tax deduction.

If stock options are a cost of doing business for tax purposes, then they should be a cost of doing business for earnings purposes. But don't just take my word for it. In a March 7th Senate Banking Committee hearing, Alan Greenspan, Chairman of the Federal Reserve Board testified:

"The truth of the matter is that if you do not expense the granting stock options or their realization in the income statement, as, indeed,, we are required in our tax forms, then you will get a pre-tax income which is higher than one can argue you really had . . . Is income being properly recorded? And I would submit to you the answer is no."

Arthur Leavitt, former Secretary of the Securities and Exchange Commission, favors reporting publicly held stock options on SEC earnings reports. He told NPR:

". . . If we decide to account for public stock options in a way that I think is in the public interest, I do not believe for a moment it would be the end of capitalism, nor do I believe it will have a significant negative impact on America's corporations."

Deloitte & Touche, one of the nation's premier accounting firms, as well as Arthur Anderson, Enron's disgraced accountant, both say options should be charged to a company's income statement. Many Wall Street analysts agree. Eighty-three percent of U.S. financial analysts who responded to a survey by the Association for Investment Management Research (AIMR) also support listing stock options in the financial income statement.

The evidence is clear: this loophole should be closed. My bill to "End the Double Standard for Stock Options" is a much-needed fix to help prevent companies from misrepresenting their financial status to stockholders and employees. I urge my colleagues from both sides of the aisle to cosponsor this important bill and to support its enactment this year.

PERSONAL EXPLANATION

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BARRETT of Wisconsin. Mr. Speaker, because I remained in Milwaukee last week to undergo hernia surgery (for which I was granted an official leave by the House), I was unable to vote on rollcall Nos. 53 through 64. Had I been present, I would have voted: "aye" on rollcall No. 53; "aye" on rollcall No. 54; "no" on rollcall No. 55; "aye" on rollcall No. 56; "aye" on rollcall No. 57; "aye" on rollcall No. 58; "aye" on rollcall No. 59; "aye" on rollcall No. 60; "aye" on rollcall No. 61; "no" on rollcall No. 62; "aye" on rollcall No. 63; and "aye" on rollcall No. 64.

RECOGNITION OF JACOB LICHT OF WEST HARTFORD, CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to commend and recognize the achievements of a remarkable young man, Jacob Licht of West Hartford, CT. Jacob, a student at William Hall High School in West Hartford, CT, won second prize and a $75,000 scholarship in the 61st Intel Science Talent Search competition in Washington, DC on March 11, 2002.

Jacob, a 17-year-old senior, was awarded second place based on his extraordinary work in developing a new mathematical theory based on the Ramsey Theory of disorder. His work manages to reinvent this theory by looking for pockets of complete disorder in sets of numbers that appear organized. Math experts have described Jacob's research as profound and groundbreaking. As a reward for his research, Jacob was granted an audience with President Bush and an asteroid will be named after him.

Yet despite all of Jacob's success and fame, he is still a modest and unassuming young man. At Hall, Jacob is not only the captain of the math team, but a volunteer math tutor as well. He is an avid sports enthusiast and loves to impersonate Elvis Presley, often entering and winning local talent competitions.

Mr. Speaker, Jacob Licht is to be applauded for his dedication, his intellect, and his humility. The Intel Talent Search competition has identified a gifted young man with the potential to change the world. Jacob, who has already been accepted to both the Massachusetts Institute of Technology and the California Institute of Technology, is clearly an exceptional and wonderful person and we applaud his achievements.

GIRL SCOUTS OF THE USA CELEBRATES 90TH ANNIVERSARY

HON. THOMAS H. ALLEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. ALLEN. Mr. Speaker, this month marks the beginning of the celebration of Girl Scouting's 90th anniversary. During this time, more than 50 million girls have participated in this wonderful program.

One of those who benefited from years as a Brownie and Girl Scout was my wife, Diana. She recalls with great fondness the happy times she spent in troop meetings making crafts and other projects and the weeks in summer camp where she met counselors from all over the country.

Girl Scouts of the USA has kept up with the changing and expanding challenges facing girls today. At each level of Girl Scouts, girls have the opportunity to embrace traditions and learn about the changing world. The program challenges girls to develop into healthy women strengthened by strong values, a social conscience and belief in their own self-worth.

In my District, girls participate in programs overseen by the Girl Scouts of Kennebec Council. The jurisdiction of this Council is very large, encompassing one-third of the State of Maine and two-thirds of the population. The Council serves a highly diverse population—girls living in cities, small towns, and in isolated coastal areas and islands. Girl Scouting successfully meets the needs of all kinds of girls.

Girl Scouting succeeds because of its volunteers, who serve as troop leaders, trainers, cookie supervisors, trainers, and a host of other positions. Their generosity and dedication has kept Girl Scouting strong and relevant. Thanks to them, Girl Scouts of the USA will continue to help girls grow into productive citizens.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mrs. LOWEY. Madam Speaker, I am honored to rise today to commemorate the 181st anniversary of Greece's independence from the Ottoman Empire, and to celebrate the shared democratic traditions of Greece and the United States.

On March 25, 1821, Greece declared its independence, ending nearly 400 years of domination by the Ottoman Empire and restoring a democratic heritage to the very cradle of democracy.

Throughout our history, the people of the United States and Greece have forged a strong friendship built upon the foundation of shared values of democracy and freedom. Our Founding Fathers established this nation based on the teachings of ancient Greek philosophers and their struggle to build a democratic society. And, in turn, the American experience inspired the Greek people in their struggle for independence 181 years ago.

Our shared democratic ideals have formed the basis of a strong and sustained friendship between Greece and the United States, and today, Greece remains one of our most important allies and trusted partners in the global community.

Nowhere is this more evident today than in the war against terrorism. Greece is an important member of the international coalition fighting this war. U.S. aircraft have made use of Greek airspace and airbases, Greek aircrews serve in NATO surveillance planes, and Greece has been a key partner in multilateral relief efforts for Afghanistan and Afghan refugees.

The United States has also benefited greatly from the contributions of Greek-Americans to shaping our society and building our cultural heritage. I am proud to represent a district in New York with a strong and active Greek-American community.

I am delighted to join my colleagues in commemoration of Greek Independence Day, and in celebration of the many contributions of Greece and Greek-Americans to the United States and the world.

A TRIBUTE TO MS. NANCY STONE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I am truly honored to pay special recognition to an outstanding woman of California's 27th Congressional District, Ms. Nancy Stone. For over 15 years, Nancy has brought an abounding spirit and energy to her service in the foothills communities. Those fortunate enough to meet and work with Nancy instantly recognize her enthusiasm and passion for helping others.

A graduate of the University of California, Los Angeles with a Bachelor of Arts degree in History, Nancy currently works part time at Salomon Smith Barney in Glendale, California. She has been married to Chip Stone for 19 years and is the proud mother of Sarah and Rob.

Her dedication to her children has manifested itself in the groups and organizations which she leads and supports. She has served as the President of the Mountain Avenue Elementary School PTA and as the Vice President of the Rosemont Middle School PTA. Noted for her involvement with Seeds of Peace, an organization she helped to create to actively nurture a caring and accepting community, Nancy has dedicated herself to working for a more peaceful neighborhood environment in which to live and raise our families.

Her outstanding work with the community's young people truly sets her apart as someone who is keenly aware that our future lies with our children and in recognizing that, she has introduced innovative program ideas to help enrich the lives of all young people. She created the Community Service Learning Project in order to extol the values of unselfishness and community caring. Today the project has 600 students who dedicate approximately 10,000 volunteer hours to the community each year. Currently, she is the driving force behind efforts to open an after school teen center for the high school students of my district.

For her efforts, the community has recognized her for selflessness and unsurpassed giving. In 2001 she was named the Glendale Youth Coalition's Woman of the Year and in the same year was named as one of the Glendale News Press's 103 Most Influential People. The Crescenta Valley Chamber of Commerce named her their Woman of the Year in 1995.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Nancy Stone. The entire community joins me in thanking Nancy for her continued efforts to make the 27th Congressional District a more selfless, peaceful and accepting place to live.

IN SUPPORT OF S. 1857

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to express my support for S. 1857, Encourage the Negotiated Settlement of Tribal Claims bill.

I would like to begin by commending my friend and Co-Chair of the Native American Caucus, Representative KILDEE for introducing the companion bill H.R. 3851 and my friend NICK RAHALL, our ranking member of the Resources Committee for his dedication and work on this issue.

Through treaties, statutes and executive orders American Indians and Alaskan Natives (AI/AN) have entered into a trust relationship with the federal government. As part of this relationship AI/AN agreed to entrust the federal government with their resources such as land, natural resources, enterprises, judgement awards and investment income. Under the Department of the Interior, the Bureau of Indian Affairs (BIA) has been given the authority by the federal government to manage Indian resources and other assets.

Unfortunately, the BIA has not honored this trust relationship. Instead, they have managed to "mismanage" the trust accounts of 315 Indian tribes with over 1,400 accounts worth over $2.6 billion for many years.

S. 1857 will expand the current statute of limitations until 2005 allowing Indian tribes to postpone filing claims against the U.S. relating to the management of their trust fund accounts. It will enable the trust account holders the time necessary to identify where their money is going. This legislation will hold the BIA accountable for their mismanagement and squandering of Indian people's money. This past December my constituents of the Navajo Nation, Jicarilla Apache and Pueblos (over 40,000 people) did not receive their royalty checks, money they greatly depend on for rent, clothing, food and other basic necessities.

Today, the Congress has the opportunity to honor and enforce its trust responsibility to AI/AN people. I fully support S. 1857 and encourage my fellow colleagues to do the same. We must make the BIA accountable for their actions.

TRIBUTE TO FRANCES T. BANERJEE

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to commend Frances T. (Frankee) Banerjee on twenty-five years of distinguished service to the City of Los Angeles. A very accomplished woman, Ms. Banerjee retires as the General Manager of the City of Los Angeles Department of Transportation.

Ms. Banerjee has had a successful career working in many facets of transportation, including: Research Associate in the Urban Transportation Systems Laboratory at MIT, Strategic Planning Manager for the Southern California Association of Governments (SCAG), and consultant for the United States Department of Transportation.

Since joining the City, Ms. Banerjee has served in a variety of capacities. She began as Planning Manager for the Los Angeles Community Redevelopment Agency, where she oversaw the Los Angeles Downtown People Mover Program. She then served as the Transportation Manager for the Community Redevelopment Agency before becoming the Assistant Chief Legislative Analyst in 1988.

Frankee Banerjee joined the City of Los Angeles Department of Transportation in 1994. Because of her excellent record in transportation, she was appointed by Mayor Richard Riordan as the first woman ever to hold the position of General Manager. She had the task of overseeing approximately 2,000 employees, as well as directing the activities of the Offices of Transportation Programs, Operations, Parking Management, and the Office of Organizational Support. The Office is responsible for design and development of all new projects, field and systems operations of the City's traffic signal system, transportation review of all new development, operation of the commuter express and community transit serving 26 City areas, management of parking programs, intersection control, and school crossing guard services. Under her management, the Department of Transportation has received national recognition for programs showcasing the development and deployment of advanced technologies, environmental achievements, and sensitive streetscape design.

In addition to her work with the City, Ms. Banerjee has been actively involved with numerous professional associations and has received numerous awards. Such awards include being named "Employer of the Year 2001" by the Women's Transportation Seminar and "Affiliate Businesswoman of the Year 2000" by the National Association of Business Owners.

Mr. Speaker, I would like to join Frankee Banerjee's family and friends in congratulating her on her retirement. I thank her for her exemplary performance, and her distinguished and dedicated service to the people of the City of Los Angeles. I wish her well in her future endeavors.

COMMENDING PENTAGON RENOVATION PROGRAM

SPEECH OF

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to join with my colleagues in commending the great work that the Pentagon Renovation Program and its contractors have completed so far.

The renovation effort, also known as the Phoenix Project, is slated to be complete on September 11, 2002—exactly one year after the despicable act of terror. I am proud to acknowledge that the Phoenix Project is running 6 weeks ahead of schedule.

The dedication of the government employees and independent contractors once again shows the resolve that this nation has always shown in times of adversity. In fact, initially the workers toiled around the clock to continue this extraordinary effort. They have even put up a digital clock at the site, counting down the days to September 11, 2002, to remind them of the victims who perished, with the intentions of finishing the reconstruction on September 11, 2002.

Mr. Speaker, after the terrorist attacks on September 11 on the Pentagon, 400,000 square feet of demolition work had to be carried out before the reconstruction efforts could begin. This process was expected to take 4 to 7 months, but was finished in just one month. Also, out of about 4600 displaced employees, 1500 have already returned to their old office spaces.

The speed, resiliency, and efficiency with which this project has been carried out is a reminder of the determination that our nation has, the determination that was first seen on the United and American flights, and continues to be seen in the efforts of these workers.

Mr. Speaker, before September 11, these workers were working about 5 days per week to renovate the Pentagon, but after the attack, they have put aside their own fears and returned for even longer work days. A lot of these workers lost their loved ones in these terror attacks, yet they have endured through their personal grief to offer some solace to the rest of the nation.

This reconstruction effort is more than just the rebuilding of the old Pentagon building. Additional security concerns are being addressed including updated ventilation system to guard against nuclear, biological or chemical attacks. The work continues around the clock. This is a testament to the selfless dedication that these unsung heroes have shown for the past six months.

Mr. Speaker, the workers involved with the Phoenix Project have aptly adopted the words once uttered by Todd Beamer as their motto. The sign reading "Let's Roll" now sits above the digital clock constantly reminding them and all of us of all the challenges that lie ahead and all the challenges that we have already overcome. I would like to assure everyone involved with this renovation project that we are behind them every step of the way in this monumental task that they have taken on with such grace.

A TRIBUTE TO DENISE NELSON NASH, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I stand today, to recognize an outstanding woman of California's 27th Congressional District, Ms. Denise Nelson Nash. Ms. Nash's passion for community and especially the arts has made the City of Pasadena and surrounding areas, a more rich and vital environment in which to live.

Ms. Nash is a graduate of Scripps College and earned her Masters of Fine Arts from the University of Michigan. She began her professional career as a professor and has since taught at Delta College, Illinois Wesleyan University, and Borough Manhattan Community College. Noted for her passion and ability as a teacher, she was invited to be director of the contemporary dance program at the Instituto de Danza in Caracas, Venezuela.

A strong advocate of the arts and especially arts education, Ms. Nash was the director of the Plaza de la Raza School of Performing and Visual Arts in East Los Angeles and in 1985 founded Bottom Line Dance Collective, a nonprofit organization providing creative opportunities for young people throughout the Los Angeles area.

For six years, Denise served as the Director of the Arts for the City of Pasadena. In this capacity she provided leadership for the Public Art Program, arts education programs in the city's schools, community arts programs, and special projects including the Pasadena Emmy Celebration and HBO Pictures Production "The Tuskegee Airmen." Currently, Denise serves as the Director of the Office of Public Events for the California Institute of Technology (Caltech).

Throughout her career, Denise has focused on using her position to enhance opportunities for others. As an advocate of the arts and community events, she has opened a realm of possibilities to young and old alike and has created an environment in which art is appreciated, respected and loved.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Denise Nelson Nash. The entire community joins me in thanking Denise for her continued efforts to make the 27th Congressional District a more vibrant and enjoyable place to live.

AIRMAN CUNNINGHAM

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to pay tribute to pararescueman Jason Cunningham—one of America and New Mexico's true heroes.

Jason was one of our six brave soldiers killed during a shoot-out in the mountainous Gardez area of Afghanistan on Monday, March 4th. Jason participated in the insertion of Special Forces in the area when the helicopter he was a passenger in was brought down by machine-gun fire and a rocket propelled grenade. Jason and his six crewmembers were trying to rescue a Navy SEAL who had fallen out of the helicopter.

Jason grew up in New Mexico, spending most of his childhood in the southern part of the state, but he attended high school in Farmington and his parents currently reside in my district in Gallup, New Mexico.

Following graduation, Jason joined the Navy, finished his four years, and re-entered the armed forces, this time joining the Air Force and attending Pararescue School, from which he graduated in June of 2001.

It was in February of this year that Jason was sent to Afghanistan to join the front lines in the war against terror and left behind his loved ones for the call of duty.

Last week, Jason received a deserved heroes burial in Arlington National Cemetery where he took his place among the men and women who have, like Jason, courageously answered their country's call.

Douglas MacArthur once said, "the soldier above all people, prays for peace for he or she must suffer and bear the deepest wounds and scars of war." However, I am sure that Jason's family, and the families of the other brave men and women who have died in service to their country also deeply feel the scars of war. Let us keep all the families with sons and daughters on the front lines in the war against terror in our thoughts and prayers.

TRIBUTE TO SUSAN FLORES

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, it is an honor for me to recognize and congratulate Susan Flores on her 33 years of exceptional service to the City of Los Angeles. She has made significant contributions to the City government throughout her career, and I wish her the best in her retirement.

Ms. Flores entered her public service career in 1968 with the Concentrated Employment Program, where she directed the delivery of intense education, training and employment services to disadvantaged youth and adults in East Los Angeles.

Her dedication and hard work then led her to work with the City of Los Angeles' Community Development Department, where she was directly involved with planning and implementing programs funded through federal grants from the U.S. Departments of Housing and Urban Development and Health and Human Services. From 1982 to 1989, while serving as the Director of Human Services and Neighborhood Development Division, Ms. Flores ably administered the City Human Services Delivery System that provided services to the City's neediest residents. Her work addressed a variety of needs, such as childcare, legal aid, food and nutrition, homelessness and AIDS.

From 1989 to 1999, Ms. Flores was Director of the Department's Workforce Development Division, which had one hundred full-time staff and a $130 million grant from the U.S. Department of Labor to carry out the Job Training Partnership Act, Welfare-to-Work, and the Summer Youth Employment Training Programs.

Since 1999, Susan Flores has served as the Assistant General Manager of the Community Development Department of the City of Los Angeles. She has been responsible for managing the City's federal grants that fund the Human Service, Economic Development and Workforce Development Programs. Through her work, she has been able to serve all the resident of Los Angeles by helping neighborhoods, businesses, families, adults, youth, job seekers and those in need.

I am sure that Ms. Flores is looking forward to spending more time with her husband, John, and their family. I would like to thank her for her service to the residents of the City of Los Angeles, and wish her the best in all of her future endeavors.

2002 GUAM SOCIAL WORK MONTH

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UNDERWOOD. Mr. Speaker, on the island of Guam, the month of March is designated as "Social Work Month." For over twenty-two years, the Guam Association of Social Workers (GASW) has sponsored training conferences for human service workers of the region. This year's theme, "Collaboration: Meeting our Social Challenges through Partnerships," gives participants the opportunity to acquire and share knowledge and skills in collaborative efforts. It has been recognized that current social problems could be overcome only through partnerships and cooperation between the government, private nonprofit organizations, community groups and the business community.

The highlight of "Social Work Month" is an awards dinner where awards for Community Service and the Social Worker of the Year was presented. This year's Community Service Award was presented to the Guam Housing and Urban Renewal Authority (GHURA). The University of Guam's Dr. Gerhard J. Schwab was chosen to receive the prestigious Social Worker of the Year Award.

The Guam Housing and Urban Renewal Authority administers grants and programs involving community planning and development, housing services, fair housing and equal opportunity. This agency has been instrumental in the revitalization of neighborhoods, the management and distribution of affordable housing, the expansion of economic opportunities, and the improvement of community facilities and services as well as emergency homeless shelters. Their programs and projects assist homeless people, the youth, the elderly as well as low and moderate income families. GHURA's efforts definitely complements this year's theme.

Dr. Schwab initially entered the field of social work in his native Austria working under the auspices of Caritas, an international Catholic Social services organization. His involvement with this group brought him, at one time, to the highlands of Papua, New Guinea where he worked with gang leaders and helped to create diversion programs for children confined in adult prisons. He commenced work on Guam in 1987, under the auspices of the Catholic Church as the Director of Youth Ministry. In 1998, the University of Michigan conferred upon him a joint Ph.D. in Social Work and Psychology. His doctoral dissertation was entitled, "Ethnicities and Masculinities in the Making: A Challenge for Social Work in Guam." For the past three years, Dr. Schwab has chaired the Division of Social Work within the University of Guam's College of Nursing and Health Sciences. Through the years, he has made numerous contributions to the university, the social work community and the island of Guam.

Also deserving recognition are "Project Beacon" of the Pacific Daily News, a project spearheaded by Guam's daily newspaper working towards addressing the local problem of teen suicide, and "Stand," a local welfare advocacy group—which were nominated this year for the Community Service Award. Jesse Sablan Catahay, Lisa Natividad, Yvonne Paulino and Patricia Stracener also deserve commendation for their contributions which earned them nominations for the Social Worker of the Year Awards.

It is worthy to note that this year marks the end of an era which signals a new beginning. The GASW has decided to dissolve and transfer its assets to the Guam Chapter of the National Association of Social Workers (NASW). Having been instrumental in bringing the NASW to Guam, the activities and ideals promoted by GASW over the years will continue to be fostered and preserved. This merger allows the Guam community access to the resources of the national association as well a voice in the formulation of NASW approaches to national social policies. I am sure that the people of Guam will reap the benefits in the years to come.

Once again, I congratulate this year's awardees, nominees, the Guam Association of Social Workers (GASW), and the Guam Chapter of the National Association of Social Workers (NASW). The people of Guam appreciate their good work.

A TRIBUTE TO MARY ALICE O'CONNOR, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is a special honor for me to recognize Ms. Mary Alice O'Connor for her outstanding contributions to California's 27th Congressional District. Mary Alice has generously contributed over 50 years of volunteer service to the Southern California community and residents of Burbank, California are especially appreciate of her efforts on behalf of the community.

Mary Alice has lived in Burbank for 58 years, moving from Berkeley in 1944. She and her husband Ken raised two children, John and Joan Patricia. Mary Alice is the proud grandmother of three granddaughters, Christy, Kendall, and Paige.

Mary Alice has always been a strong supporter of the community. Ever since World War II when Mary Alice and a number of volunteers wrapped Christmas presents for American troops, she has dedicated herself to improving the lives of others. Since then she has been involved with the Boy Scouts and Girl Scouts, has served on the Board of Directors of the Burbank Health Care Foundation, and she currently serves as the Fundraising Committee Chairman for the Providence Saint Joseph Medical Center Capital Campaign.

Mary Alice is most noted for her dedication to the community's students and especially ensuring that all students are exposed to the arts. Over the years, she has served on numerous PTA boards and served as an elected official on the Burbank Board of Education. In promoting arts education Mary Alice worked hard to reopen the Starlight Bowl for a summer music series and she served as the first chairman of The Children's Open House at the Bowl, which introduced thousands of children each year to the joys of music, dance, poetry and theater at the Hollywood Bowl.

For her efforts, Mary Alice has been has received The National Volunteer Center Beautiful Activist Award and in 1998 received the Older American Recognition Award. In 1999 the Kiwanis Club of Burbank honored her at their Annual Gala.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Mary Alice O'Connor. The entire community joins me in thanking Mary Alice for her continued efforts to make the 27th Congressional District a community committed to our children.

FURTHER EXPLANATION OF RESERVE FUND FOR MEDICARE MODERNIZATION AND PRESCRIPTION DRUGS

HON. JIM NUSSLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. NUSSLE. The Fiscal Year 2003 Budget Resolution Section-By-Section Report language (Report 107–376) which further explains Section 202(b) of H. Con. Res. 353 (i.e., the application of the reserve fund for Medicare modernization and prescription drugs) is meant only as an illustrative example.

LEASE LOT CONVEYANCE ACT OF 2002

SPEECH OF

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in support of H.R. 706, the Lease Lot Conveyance Act of 2002 introduced by my good friend Representative Joe Skeen.

Let me begin by saying that the citizens of Sierra County, where this legislation is targeted, have been well represented by Chairman SKEEN for the past 22 years. As a member of the House Resources Committee, it was a pleasure for me to support H.R. 706 during its committee process and a greater pleasure for me to support it today as the House prepares to vote on its passage.

This legislation seeks to correct a situation that began on the Elephant Butte Reservoir in the 1930's. The Federal Government offered citizens the opportunity to build recreational homes on land leased from the U.S. Bureau of Reclamation. The covenants in the lease required leaseholders to make substantial investments on the four hundred sites released under the program. All leaseholders hoped that one day the government would privatize the land and offer it for sale. Because that has not occurred, this bill allows current leaseholders the opportunity to purchase the land.

Mr. Charles Ward, President of the Elephant Butte/Caballo Leaseholders Association, who testified before the Resources Committee last year said, "Our hold on the lease lots we call "home" is tenuous, at best. We are all acutely aware we can be removed at any time due to a clause in our lease agreement which states, if the government determines there is a greater need for these lots, they can give us a 60 day notice and we must return our lease lots to their original condition."

These homeowners deserve to know that their lease fees will not increase, and deserve to have the safety and security of a permanent home. As far as I am concerned, this is a critical economic development issue for the citizens of Sierra County in Congressman SKEEN's district.

Again, it is a pleasure to support this legislation. I look forward to working with Chairman SKEEN, during this second session of the 107th Congress on mutual issues that are of benefit to the people of New Mexico.

INTRODUCTION OF VOTES FOR WOMEN HISTORY TRAIL ACT

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. SLAUGHTER. Mr. Speaker, I rise today to celebrate Women's History Month by introducing an important new bill: the Votes for Women History Trail Act.

I have the great privilege to represent in Congress the City of Rochester, New York, and its suburbs—a region considered by many to be the cradle of the women's rights movement. Rochester was the proud home of Susan B. Anthony; her close friends and fellow suffragists, Elizabeth Cady Stanton and Lucretia Mott, lived nearby. Prominent civil rights activists like Frederick Douglass and Harriet Tubman, who also supported women's rights ardently, moved to the region and spent most of their adult lives there.

In 1848, the First Women's Rights Convention was held in Seneca Falls, New York. Reflecting upon this remarkable event never fails to inspire me. After only a week of planning and notice, over three hundred men and women from all over the region converged on Seneca Falls for the "Woman's Rights Convention." This event heralded the beginning of a movement that would yield to women the right to vote 72 years later, and signal an ongoing struggle for equity in the home, in the workplace, and before the law.

Today, the site of the First Women's Rights Convention is the home of the Women's Rights National Historical Park, a respected unit of the National Park Service. Nearby are other important sites, such as the Hunt House, where the Declaration of Sentiments was drafted, and the M'Clintock House. Within an hour's drive, we find a host of other places important in women's history—the Harriet Tubman Home for the Aging in Auburn, the Matilda Joslyn Gage House in Fayetteville, and the Ontario County Courthouse in Canandaigua, where Susan B. Anthony was put on trial for the crime of voting.

I am proud to introduce today legislation that would link all of these sites in a way that will benefit students, scholars, and visitors alike. The Votes for Women History Trail Act directs the National Park Service (NPS) to establish an auto route connecting these various sites. The trail would be established in accordance with the recommendations contained in an NPS feasibility report funded by Congress.

This trail will allow tourists, educators, and others to connect the many sites and events critical to women's history and place them in context. It will also serve as a new tourist destination for the region, bolstering the flagging economy. Finally, it will give well-deserved prominence to the importance of women's history for our region and our nation as a whole.

I am proud to sponsor this new initiative, and I hope my colleagues will join me in supporting the Votes for Women History Trail Act. I look forward to working with the Resources Committee to ensure its timely consideration and passage.

A TRIBUTE TO MARY PINOLA, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is my distinct honor to recognize the personal achievements of one of California's 27th Congressional District's most outstanding women. Mary Pinola has dedicated over 20 years of service to this community and it is an honor to recognize her for her continued efforts in support of so many worthwhile organizations and foundations.

Mary received her Bachelor of Arts in Sociology from California State University, Long Beach and later received from the same university, a Master of Arts degree in Speech-Communication. She completed her education by receiving her Ph.D. in Education from the University of Southern California. Mary currently serves as the Director of Development for the AAF Rose Bowl Aquatics Center and has served as the Director of Community Relations for Verdugo Hills Hospital, as an Adjunct Lecturer at California State University, Long Beach and as a High School Speech and English Teacher at Arroyo High School in El Monte, California.

Over the years, Mary has dedicated herself to founding and joining groups and organizations that truly make a positive and lasting impact on the community. Along with her husband Charles Kenny, she is a founding member of the La Cañada Educational Foundation, a Member of the Board of Directors of the Roger Barkley Community Center, and has served as the chair of countless numbers of charitable fundraisers.

More recently, Mary has been the driving force behind raising funds for the Mary Pinola/Crescenta Valley Chamber of Commerce Educational Endowment Fund. The Fund gives annual grants to educational programs throughout the Crescenta Valley. This year, the Fund grew to $66,000 and has been invested in a Donor Advised Account with the Glendale Community Foundation to ensure a legacy of charitable gifts. She has also been instrumental in raising funds for the Outdoor Science Laboratory at La Cañada Elementary School, which will be completed in the fall of 2002.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Mary Pinola. The entire community joins me in thanking Mary for her continued efforts to make the 27th Congressional District a place of extraordinary, selfless giving.

IN HONOR OF DR. DONALD N. LANGENBERG

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. HOYER. Mr. Speaker, on April 30, Dr. Donald N. Langenberg, who has served as chancellor of the University System of Maryland for more than a decade, will retire after a lifetime of service to higher education.

Dr. Langenberg has left a mark in academe as few others have. As chancellor of the University System of Maryland, he has overseen the emergence of a nationally recognized public university system, with top-ranked programs, unprecedented levels of state funding, and extraordinary increases in grants and contracts to conduct research. As the first chancellor of the University of Illinois at Chicago, he was instrumental in creating a campus now known for its quality and diversity. His leadership at the National Science Foundation, the University of Pennsylvania, the National Association of System Heads, and other academic groups has contributed to an era of extraordinary growth and vitality in American higher education.

Mr. Speaker, as a founding member of Maryland's K–16 Partnership for Teaching and Learning, he led the state toward an education system that will provide students a seamless transition from preschool to the college years and beyond. His work as chair of the National Reading Panel helped disseminate groundbreaking research and bold recommendations about the bedrock of education: teaching children how to read.

Dr. Langenberg has also contributed enormously to his academic field of physics, conducting research into experimental condensed matter physics and materials science. His earliest research was concerned with the electronic properties and Fermi surfaces of metals and degenerate semi-conductors. A major part of his research career was devoted to the study of super-conductivity, particularly the Josephson effects and non-equilibrium superconductivity. He is perhaps best known for his work on the determination of certain fundamental physical constants using the ac Josephson effect. A practical consequence of this work was the development of a radically new type of voltage standard that is now used around the world. One of the major publications resulting from this work is among the most frequently cited papers published by the Reviews of Modern Physics during the 1955–86 period, and has been dubbed a "citation classic." The work has also been recognized by the award to Dr. Langenberg and his coworkers of the John Price Wetherill Medal of the Franklin Institute.

Mr. Speaker, Dr. Langenberg is the author or co-author of over one hundred papers and articles, and has edited several books. In addition to serving as Deputy Director of the National Science Foundation from 1980–1982, he has held predoctoral and postdoctoral fellowships from the National Science Foundation, the Alfred P. Sloan Foundation, and the John Simon Guggenheim Foundation. He has been a visiting professor or researcher at Oxford University, the Ecole Normale Supérieure, the California Institute of Technology, and the Technische Universität München. In addition to the Wetherill Medal, he has been awarded the Distinguished Contribution to Research Administration Award of the Society of Research Administrators, the Distinguished Achievement Citation of the Iowa State University Alumni Association, and the Significant Sig Award of the Sigma Chi Fraternity.

Dr. Langenberg has served as advisor or consultant to a variety of universities, industrial firms, and governmental agencies. He currently serves on the Board of Directors of the Alfred P. Sloan Foundation, is President of the National Association of System Heads (NASH), and is Chairman of the Board of Directors of The Education Trust, Inc. He is a member of the Business-Higher Education Forum, a partnership of the American Council on Education and the National Alliance of

Business intended to foster communication among national business and education leaders. He has been President and Chairman of the Board of the American Association for the Advancement of Science (AAAS), Chairman of the Board of the National Association of State Universities and Land-Grant Colleges (NASULGC), and President of the American Physical Society (APS). He also recently concluded ten years of service on the Board of Trustees of the University of Pennsylvania and is the immediate past Chairman of the Presidents' Council of the Association of Governing Boards of Universities and Colleges (AGB).

Mr. Speaker, in addition to serving the larger public through his work on various boards, Dr. Langenberg has also served in quieter, though equally profound ways. Both through his example and through individual mentoring, he has helped develop key academic leaders for the University System of Maryland and for higher education in general. By serving as an advisor to people of talent and ability, Dr. Langenberg has helped many institutions find exceptional faculty, provosts, and presidents.

Mr. Speaker, Dr. Langenberg's lifetime of achievement and service will be celebrated on April 20 at a special retirement gala that will raise endowment funds for the Langenberg Lecture and Award, two efforts to continue his vision of education as a life-long journey of the human mind. Mr. Speaker, I know the Members of the House join me in thanking Dr. Langenberg for nearly 50 years of service in higher education and I rise to congratulate him on his well-deserved retirement.

TRIBUTE TO COLONEL JEFFREY A. REMINGTON

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of New Mexico. Mr. Speaker, this is a sad month for the State of New Mexico and at the same time a wonderful gain for the Nation. Colonel Jeff Remington, commander of the 27th Fighter Wing at Cannon Air Force Base will be leaving on March 28. After an admirable tenure, he has been selected to command the 18th Wing, Pacific Air Forces at Kadena Air Base in Japan.

While we are disappointed to see him go, we are very grateful for the contributions he made to Cannon and eastern New Mexico in general. Since arriving in May 2000, Colonel Remington, with steadfast personal commitment, led the base with pride and honor. He continually demonstrated outstanding leadership in every manner. All who have served for or with Colonel Remington have nothing but praise and the highest personal regard for him.

He is a man of exemplary character, and the highest sense of personal honor. He epitomizes all that the concept of being involved in the United States Air Force represents.

Colonel Remington made a special emphasis on positioning Cannon Air Force Base as a community partner with the surrounding counties. He made a point to participate in local events, let the public know about the base's contributions to national defense, and in essence, became a neighbor.

He never hid the joy that he had in this particular assignment. Indeed, in an editorial he wrote for the Clovis News Journal, he wrote, "I have the best job in the Air Force at the best base in the Air Force."

I traveled to Cannon shortly after the events of September 11, to receive a briefing from Colonel Remington about the role that the base was playing in light of the attacks. During our meeting, he expressed his absolute confidence in the men and women who served under him at the base. It was most inspiring to see a leader who believed so much in the people he was guiding. I believe it is that type of leadership that has made him so admired and effective at Cannon.

Of course his tenure at Cannon is only one of many assignments that he has had in an Air Force career that spans twenty-five years. After graduating in 1977 from the U.S. Air Force Academy, he earned his wings as a distinguished graduate of pilot training at Williams Air Force Base, Arizona. Colonel Remington flew F–16s in Europe where he filled numerous positions, He was also a pilot for the Thunderbirds. His previous command assignments include the 80th Fighter Squadron at Kunsan Air Force Base in Korea and the 366th Operations Group at Mountain Home Air Force Base in Idaho.

Such a distinguished career has led to a number of awards and decorations including the Defense Superior Service Medal, the Legion of Merit, the Distinguished Flying Cross, and others.

Cannon Air Force Base has benefited from having such an accomplished and disciplined commander at its helm for the past two years. I know that Colonel Remington will positively impact all of his future assignments. For myself, I look very forward to meeting and working with his successor, Colonel Robert Yates, who is leaving as commander of the 355th Operations Group at Davis-Monthan Air Force Base in Arizona.

Mr. Speaker, the residents of eastern New Mexico will miss this extraordinary gentleman who served our New Mexico so well. I hope that someday, somewhere, Colonel Remington reflects on his time in the Land of Enchantment and remembers the difference he made in our community. I am proud that I had the opportunity to work with him, and I remain confident that his example will continue to live in the hearts and minds of his fellow officers.

THE LEGACY ACT: LIVING EQUITABLY, GRANDPARENTS AIDING CHILDREN AND YOUTH

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CAPUANO. Mr. Speaker, I am pleased today to join my good friend CONNIE MORELLA in introducing important legislation to help address an issue in our nation that is only starting to receive national attention—grandparents raising their grandchildren.

According to recent data from the Census Bureau, the number of intergenerational families increased more than fifty percent between 1990 and 1998. It is estimated that more than 4 million children across America are being raised by their grandparents. Many of these children have parents who have passed away, are in prison, or are suffering from drug or alcohol addictions, while some have been taken out of abusive homes.

These intergenerational families or "Grandfamilies" live in rural areas, inner cities and suburbs. They come from all races and ethnicities, and live in every state in the nation. Many of these grandparents survive on fixed incomes—social security, a small pension—and face not only the rising cost of prescription drugs, but also the cost of diapers, baby formula, toys, and school clothes.

Unfortunately, our nation's housing policy has not kept up with the unique needs of these families. There is currently only one housing development in the entire country specifically designed for intergenerational families—the Grandfamilles House in Boston, Massachusetts. The House offers apartments with special features for both grandparents and children, including childproof kitchen cabinets and handicapped-accessible bathrooms. There are also activities for seniors and children, an outdoor playground and an on-site computer lab.

I am introducing the LEGACY Act in response to the growing number of communities throughout the nation that have been working to build on the model of the Grandfamilles House in Boston. The title of the legislation was inspired by an Academy-Award nominated documentary film chronicling the life of a grandmother raising her grandchildren and their struggle to move out of a Chicago housing project.

The legislation creates demonstration programs through both the Section 8 Housing Certificate Fund and the Section 202 Elderly Housing program. These demonstration projects will enable housing developers and advocacy groups additional flexibility in securing financing for this housing and providing ongoing services to intergenerational families.

In addition, the LEGACY Act clarifies that grandparents raising their grandchildren are eligible for family unification assistance, allows access to fair housing funds for education and outreach efforts about the legal issues surrounding many of these families. It also directs the Department of Housing and Urban Development to provide specialized training for their employees focused on grandparent—and other relative-headed families. Many grandparents do not have access to the services they and their grandchildren need. These training and outreach efforts will help raise the awareness of the unique issues these families face each day.

While this bill is a small step in recognizing the tremendous contributions of these grandparents, it is my hope that it will help bring this issue greater recognition. Affordable housing is only one of the many challenges these courageous grandparents face as they raise the next generation of Americans. Please Join me in supporting these families by supporting the LEGACY Act.

A TRIBUTE TO DR. RITA VORPERIAN, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I honor today, Dr. Rita Vorperian. Dr. Vorperian currently serves as the Senior Administrator and Executive Secretary of the Armenian Relief Society of Western U.S.A. Regional Executive. In this capacity, Rita has fought hard to bring both humanitarian and economic relief to the people of Armenia and its government who are currently suffering through troubling economic times.

A native of Aleppo, Syria, Rita is a graduate of the Karen Yeppe Armenian High School of Aleppo. She attended St. Joseph University in Beirut and graduated with a three-year course in higher Armenological studies. On her arrival in the United States, Rita enrolled at the University of California, Los Angeles where she attained her Bachelor of Arts degree in Near Eastern Studies, her Masters Degree in Near Eastern Languages and Cultures, and her PhD in Armenian literature and criticism.

Her professional career is as exemplary as her educational background. She has been active in the field of journalism, making submissions to AZTAG Daily of Beirut, ASBAREZ of Los Angeles, and HATRENIK of Boston. She has also contributed essays and short stories to the literary magazine PAKINE of Beirut.

Her mastery of seven languages including: Armenian, Arabic, French, English, Turkish, Spanish and Russian has helped her in her role as an advocate for the people of Armenia around the world in serving their humanitarian needs as well as helping to preserve the cultural heritage and identity of the Armenian people.

Her work as the Senior Administrator and Executive Secretary of the Armenian National Relief Society of Western U.S.A. Regional Executive has helped establish a vital and enriched Armenian community in the 27th Congressional District and she continues to work for cultural understanding and acceptance of the Armenian prople in America.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Dr. Rita Vorperian. The entire community joins me in thanking Rita for her continued efforts to make the 27th Congressional District a more vibrant and culturally enriched place to live.

POSTAL RATE PROCEEDINGS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CLAY. Mr. Speaker, I rise to speak on a matter that is critically important to every individual in this country, and critically important to the welfare of our economy. I am referring to the condition of our United States Postal Service. In a proceeding now before the Postal Rate Commission, the Postal Service, which is in considerable financial difficulty, is proposing to give large mailers more than $700 million per year in unjustified discounts. The cost of these unjustified discounts will be imposed on individual citizens and small businesses who must use the United States postal system.

It has been widely reported in the press that the Postal Service has suffered financial difficulties as a result of the terrorist attacks on September 11, and the problems caused by the discovery of anthrax in the mail. What has been less reported, but which is of equal or even greater long-run significance, is the fact that important issues of public policy affecting the vital interests of the Postal Service are being debated and decided in a little-noticed proceeding before the Postal Rate Commission.

I am deeply concerned that the policy decisions about to be made by the Postal Rate Commission may cripple the Postal Service. Unfortunately, the Postal Service itself appears to be cooperating with those who seek to exploit or weaken it.

I am referring to the fact that, in a misguided effort to speed up the postal rate increases, the Postal Service has proposed, and the Postal Rate Commission seems poised to accept, rates that will subsidize large business mailers at the expense of individuals and small businesses. This may occur because the Postal Service has proposed setting presort discounts for large business mailers at a rate which cannot be justified by the cost-savings to the Postal Service when mail is presorted.

The only party opposing the proposal to establish excessive discounts for presorted mail is the American Postal Workers Union. I am well aware, of course, that postal workers have a self-interest in opposing pre-sorting of mail. To the extent that mail is pre-sorted, work that might be done by postal employees is done by private industry. Nevertheless, the arguments made by the American Postal Workers Union against excessive presort discounts are correct and should be recognized and supported. The former Chief Financial Officer of the Postal Service, Dr. Michael Riley, has provided testimony in support of the APWU position opposing these subsidies for large mailers. Dr. Riley is no advocate for union interests, nor can he be discounted as an ideologue of any kind. Dr. Riley is a businessman, and he has addressed the issue of postal rate making from a sound business perspective.

As Dr. Riley has very persuasively argued before the Postal Rate Commission, it makes no business sense—it is unsound business—to give discounts to pre-sort mailers that exceed the costs avoided by the Postal Service when mail is pre-sorted. But that is what the Postal Service is proposing to do. The Postal Service is proposing to set discounts that will, in some cases, be 125 percent of costs avoided. This is wrong, it is a wrong business decision, and it is a wrong policy. When the Postal Service was created, it was set up to be run like a private sector business. Private sector business does not give away hundreds of millions of dollars. If this decision were to be based on solid business considerations, presort discounts would be set at an amount below the cost avoided. Sound business practice would require that the discounts be set as low as 80 percent of costs avoided, and certainly never 125 percent of costs avoided as the Postal Service is proposing.

I want to emphasize again how critically important this issue is. Universal mail service at a uniform cost to mailers is essential to a sound economy, and it is particularly important to those non-urban areas who must depend on the United States Postal Service. Every year, the United States Postal Service adds 1.7 million additional delivery points to its universal service. This is enough delivery points to be about as big as the City of Chicago. That is an enormous undertaking and it is an undertaking that is enormously important to our country. Many of the people served by the Postal Service have no other practical alternative to the U.S. mail. As this network expands, it must be maintained on a sound financial footing. But that financial footing may be undermined if the Postal Service continues on its present course.

The Postal Service already has frozen 800 capital investment programs that are important to the future health of the Postal Service. The Postal Service's 2001 Annual Report described the impact of this freeze as follows:

> The Capital plan is at extreme risk . . . for the second year in a row we will not be able to make the necessary capital investments to meet the growth demands of universal delivery.

Given the present rate proposal, these programs will continue to be frozen, further compromising the future of the Service. Furthermore, withholding $800 million in Postal Service automation spending will contribute to the unfortunate softness in the economy. For this large postal enterprise to be taking a backward stance at this important turning point in our hoped-for economic recovery will be counterproductive for all concerned.

Because the compromise proposed by the Postal Service would set rates at an artificially low level, we are facing the need for another rate increase in the near future, and that rate increase may have to be substantially larger. Predictably, there will be opposition to large postal rate increases in the future. So, by misallocating postal rates now the Postal Service is setting itself up for even greater difficulties in the future. I am afraid that difficult future is at hand.

I urge my colleagues to take note of this important issue, and I urge the Postal Service and the Postal Rate Commission to reconsider this misguided course of action.

MARKING THE 100TH ANNIVERSARY OF THE GENEVA CHAMBER OF COMMERCE

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. REYNOLDS. Mr. Speaker, I rise today to mark the 100th anniversary of the founding of the Geneva Chamber of Commerce in Ontario County, New York.

When the Rev. Ninian Remick first assumed the chairmanship of the Geneva Chamber of Commerce in 1902, he and the group had a simple yet important mission: "foster and promote the trade, manufacturing and other business interests of Geneva and . . . to enjoin upon our people the necessity of a wise and conservative expenditure of the public money."

The Chamber's initial membership of 148 businesses began a bedrock commitment to promoting economic opportunity in the Geneva area and improving the quality of life of the community's residents.

Throughout their first century, the Geneva Area Chamber of Commerce has sponsored a wide-variety of programs and events showcasing the area, and have continually worked to promote and revitalize the city.

Today, under the leadership of incoming chairman Tom Bowers and its 580 members, the Geneva Area Chamber of Commerce is continuing a great tradition of commitment to community.

Mr. Speaker, on Friday, March 22, 2002, the Geneva Area Chamber of Commerce will hold its One Hundredth Annual Dinner Meeting, and I ask that this House of Representatives pause in its deliberations to salute the men and women, past, present and future, of the Geneva Area Chamber of Commerce on their proud record of service and accomplishment.

A TRIBUTE TO BARBARA HUGHES, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

In honor of Women's History month, it is my honor to recognize an outstanding woman of the California's 27th Congressional District. Ms. Barbara Hughes of Tujunga, California has been pivotal in the social and economic vitality of her community and I wish to salute her efforts today.

Born and raised in Sunland-Tujunga, Barbara attended Verdugo Hills High School and currently resides on the property which her grandparents homesteaded years ago. She is married to Harry Hughes, the proud mother to three adult children: Michele, Mark and Michael and the even prouder grandmother to her five grandchildren: Justin, Travis, Jennifer, Marshall, and Jaymie.

Her involvement in the community of Sunland-Tujunga has made it one of the most vibrant areas in my district. Through her involvement with the Sun Valley Chamber of Commerce as Executive Director and then as President of its Board of Directors, Barbara has been able to plan and execute community events which have vastly improved the quality of life for the residents of Sunland-Tujunga.

She was a leader in the initial planning stages for the community's neighborhood council, she helped organize the "Business Focus" group which addresses the current and ongoing business needs of the community, and has been instrumental in strengthening community togetherness through an array of outstanding events. She has served as a columnist for the Foothill Leader and is currently working on publishing a community newspaper for the Sunland-Tujunga area.

Over the years she has been awarded the "Women of Achievement" and "Women in History" honors from the Sun Valley Chamber of Commerce and was recently named one of the Glendale News Press's 103 Most Influential People in the foothills communities.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Barbara Hughes. The entire community joins me in thanking Barbara for her continued efforts to make the 27th Congressional District a more vibrant and enjoyable place to live.

AGUA FRIA NATIONAL MONUMENT TECHNICAL CORRECTIONS ACT

HON. BOB STUMP

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. STUMP. Mr. Speaker, on January 11, 2000, President Clinton stood in front of a backdrop of the Grand Canyon and proclaimed two national monuments in Arizona using the Antiquities Act of 1906. One of the monuments created by President Clinton was the Agua Fria National Monument.

There is no doubt that the Agua Fria National Monument has values that need to be protected from encroachment. The Monument spans 71,000 acres and contains two mesas, the Perry Mesa and the Black Mesa. The Monument boasts one of the most significant systems of prehistoric sites in the American Southwest. Yet, the area is located within fifteen miles of the northern-most reaches of the Phoenix Valley. The tremendous growth of Arizona over the past decade has placed additional pressures on this region. With Cordes Junction to the north, and Black Canyon City to the south, the threat of encroachment is growing.

Mr. Speaker, since the proclamation of the Agua Fria National Monument, we have seen a tremendous increase in visitorship, as well as abuse of the lands contained in the Monument. However, nothing in the proclamation ensures the long-term protection of the resources we value. In fact, the Bureau of Land Management (BLM) reported that illegal artifact excavation occurred just days after President Clinton issued the proclamation.

Mr. Speaker, today I rise to introduce legislation, the Agua Fria National Monument Technical Corrections Act, to address the management of the Agua Fria National Monument. My intent in introducing this legislation is to ensure that Congress, the State of Arizona and the people of Arizona have a say in how these areas are managed and protected. Specifically, this legislation:

1. Codifies commitments made by the previous Administration that were not explicitly stated in the proclamation;
2. Provides the President with an opportunity to increase the size of the monument to 88,000 acres, and adjusts the boundary of the Monument to facilitate long-term resource management by the BLM and adjacent land owners;
3. Ensures that all interested parties have a voice in planning;
4. Protects the interests of the State of Arizona in managing wildlife, water and transportation;
5. Ensures that the Monument remains accessible;
6. Recognizes the educational potential of the Monument; and
7. Provides the BLM with a flexible management framework that will allow protection of the resources of the Monument.

Mr. Speaker, I have a long history in working to resolve resource management issues in the area containing the Agua Fria National Monument. Working with then-Arizona Governor Bruce Babbitt and State BLM Director Dean Bibles in the early and mid-1980's, we were able to eliminate the checkerboard land ownership pattern in the area. A few years later, I supported the Area of Critical Environmental Concern, or ACEC, designation of much of the area, as well as the establishment of the Perry Mesa National Register Archaeological District.

The BLM has historically done an excellent job of working with their constituents in managing this area. When the Agua Fria National Monument was created by proclamation, however, past collaborative management of the land and the history and tradition of these areas was ignored. In fact, a committee established by former Secretary Babbitt went as far as to discuss the construction of gondolas in the Monument.

Mr. Speaker, this legislation requires the BLM to review the Interim Management Policy, dated October 1, 2001, and to develop a comprehensive management plan for the long-range management of the Agua Fria National Monument. My goal is to ensure that the Interim Management Policy recognizes valid existing uses of the Monument, and that it is consistent with current laws and regulations.

With the increase in visitorship since the creation of the Monument, it has become clear that a new management plan that reflects the resources and values of the Monument is needed. The legislation I am introducing today requires that the BLM create a long-term management plan for the Monument within two years of enactment. While this is an aggressive schedule, I believe that it is essential if we are to address the immediacy of the threats perceived by the previous Administration.

To assist in this endeavor, the legislation creates an advisory committee to ensure that local community leaders, state representatives, conservationists, Native Americans, as well as scientists, are involved in the decision-making and planning of the Agua Fria National Monument Management Plan. Seven BLM managed monuments and national conservation areas, including the Gila Box and San Pedro National Conservation Areas in Arizona, currently benefit from advisory committees. Three additional advisory committees, recommended by former Secretary Babbitt, are awaiting publication in the Federal Register, and the Grand Staircase-Escalante National Monument Management Plan recommends the establishment of a permanent advisory council. I believe that the eight positions available on the advisory committee represent those interests that are necessary to ensure that the BLM receives broad public input, participation and support in planning and developing management strategies for the Agua Fria National Monument.

Since the creation of several monuments under the Clinton Administration, the issue of whether to modify the boundaries of these monuments has been widely discussed. This legislation moves the western boundary of the Agua Fria National Monument 400 feet to the east. The Arizona Department of Transportation has concerns that if the boundary is not modified, any future expansion of Interstate Highway 17, the main thoroughfare from central to northern Arizona, will be impossible. This small boundary adjustment may also make it feasible for the State of Arizona and the BLM to cooperatively develop and manage a new visitor center near the planned Sunrise Point Rest Area.

Mr. Speaker, it is well known that there are significant archaeological sites adjacent to the current boundaries of the monument. This legislation requires the Secretary of the Interior, in consultation with the Secretary of Agriculture, to study the lands adjacent to the existing boundaries, and make a recommendation to the President on any boundary changes to the Agua Fria National Monument. The legislation authorizes the President, subject to the study, to make any boundary adjustment necessary to enhance the protection of the archaeological resources located within the Monument and adjacent lands or that will offer expanded opportunities for public education or scientific research. This language has the potential to expand the monument to 88,000 acres.

This legislation recognizes that there are valid existing uses of the monument, including hunting, grazing and electric transmission right-of-ways. The fact that the lands are now within the boundaries of a national monument should not have an effect on their management. The archaeological resources within the Monument have existed for centuries, and the creation of the Monument has not changed their significance to Arizona's heritage. Because all uses of the Monument will continue to be governed by existing laws and regulations, it is expected that the BLM will review all aspects of land use, including grazing levels, during the planning process.

This legislation also ensures that state water rights are protected. In the original proclamation, an unspecified amount of water was reserved for the Agua Fria National Monument. In Arizona, where water is as precious as gold, we must ensure that a new or implied water reservation to the United States does not hinder management of this limited resource. This legislation allows the United States to reserve water for the Monument by following the laws of the State of Arizona.

The Agua Fria National Monument Technical Corrections Act has been reviewed and is supported by archaeologists, recreation groups and ranchers, as well as the Governor of Arizona and state agencies, including the Arizona Department of Transportation, the Arizona Game and Fish Commission and Department and the Arizona Department of Water Resources.

Mr. Speaker, I have included a letter for the record that Arizona Governor Jane Dee Hull sent to Secretary Gale Norton on April 6, 2001, outlining the State of Arizona's concerns with the monuments established in Arizona. The Governor expresses her concern that the state was not included when the decision to declare the national monuments was being weighed. Specifically, the Governor states, "I am simply asking that boundaries and proclamation language be amended where necessary to protect the best interests of the citizens of this state." Mr. Speaker, I believe that this legislation addresses these concerns and ensures that the citizens of Arizona can use and enjoy the Agua Fria National Monument for years to come.

Mr. Speaker, this legislation will protect the archaeological resources and enhance the educational opportunities of the Agua Fria National Monument. At the same time it ensures that the BLM, State of Arizona, Forest Service, private landowners, conservationists, scientists and Indian tribes work together to develop a working management plan for the future of the Agua Fria National Monument.

Mr. Speaker, I urge my colleagues to support the Agua Fria National Monument Technical Corrections Act of 2002.

JANE DEE HULL,
State of Arizona, April 6, 2001.

Hon. GALE NORTON,
Secretary of the Interior,
Washington, DC.

DEAR SECRETARY NORTON: Thank you very much for your letter of March 28, 2001 in regard to the impact of National Monument designations within the State of Arizona.

As you know, during the past year, five new National Monuments were declared in Arizona encompassing an estimated two million acres of Arizona. This is an area approximately equivalent in size to the combined states of Delaware and Rhode Island a land mass of such notable size carries with it a number of impacts, and I am grateful for the opportunity to share my perspective on those impacts.

As a preliminary matter, I would like to say that much of the land that lies within the boundaries of our five new National Monuments is exquisite and certainly worthy of conservation. In Arizona, we are aggressive in our pursuit of conservation, and we have several ongoing programs and projects that allow us to set aside our most magnificent scenery. Even now, we are supporting state legislation that will enable Arizona to engage in land exchanges that will result in the conservation of special State Trust lands.

My fundamental concern with the five new National Monuments is the inadequate selection process through which they were established. As a result of planning that occurred almost exclusively in Washington D.C., and not in Arizona, we have monuments with boundaries that do not protect the best of the terrain, do not give due consideration to wildlife management, do not allow vital energy transmission to cross into regions of the state, render hundreds of thousands of acres of School Trust land nearly valueless, prohibit essential roads, create uncertainty in the state's long-term water supply, and diminish the use of thousands of acres of private property.

I believe the inadequacy of the selection process was the direct result of a nearly complete failure on the part of the former administration of the Department of the Interior to provide meaningful opportunity for Arizona residents and qualified experts to participate. To highlight the absence of that participation, please note that neither I nor any member of my cabinet was ever invited to a public meeting to discuss the potential declaration of any monument. Moreover, three of the monuments were declared with virtually no public process. The only sign that an area was under consideration for monument status was a visit to this state by the former secretary for a short hike to which a handful or supporters and select media were invited.

Please review your records to verify his claim. It would be very interesting to learn what the file has to say in regard to public participation prior to each declaration in Arizona.

Other concerns I have in regard to the monuments are site specific, and I have attached for your review a list of concerns my cabinet and I have compiled on each monument. You will notice the same concern often arises with multiple monuments. Where possible, we have also listed potential solutions to the issues raised. While the solutions may not be perfect, they certainly reflect more closely the will of those who make their home in this state.

Please note before you review this list that I am not suggesting the repeal of any monument in Arizona, nor a reduction in the size of any monument. I am simply asking that boundaries and proclamation language be amended where necessary to protect the best interests of the citizens of this state, including the certainty of their water and electricity supplies, school funding, necessary roads and sound wildlife management.

I appreciate your consideration of the following lists. If you need any additional information, I would be delighted to provide it.

Sincerely,

JANE DEE HULL,
Governor.

CLASS ACTION FAIRNESS ACT OF 2002

SPEECH OF

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 13, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2341) to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to provide for clearer and simpler information in class action settlement notices, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes.

Mr. POMEROY. Mr. Chairman, I rise In reluctant opposition to H.R. 2341, the Class Action Fairness Act.

Our system of class action litigation is in dire need of reform. Most class action cases are national in scope and should be heard in federal court, where like claims may be combined and uniform decisions rendered. Under the current system, however, these interstate suits are often filed in state or county court, where the decision of a local judge and jury may affect the laws of all 50 states. As a former state insurance commissioner, I am deeply troubled that a jury panel in a class action case in Mississippi or New Mexico could effectively overturn state regulations in my home state of North Dakota.

In addition, by allowing interstate class action claims to be filed in any of the thousands of local courts across the country, the likelihood is increased that a plaintiffs lawyer will find at least one judge who is willing to entertain a claim that most people would consider to be without merit. Once a sympathetic judge is found, the plaintiffs' attorney can leverage nationwide settlements that all too often provide little benefit to the actual plaintiffs but enormous benefit to the attorney.

As important as it is to reform class action litigation, I am concerned that this legislation could have the effect of closing the courthouse door to even meritorious class action suits. The bill places a significant new responsibility on federal courts without providing the resources necessary to carry out that responsibility. The only study on record indicates that this legislation would burden federal courts to the point that class action cases could not be heard a timely fashion. As serious as the abuses are in the current system, we cannot risk denying access to our civil justice system for people who are the victims of wrongdoing.

With additional time, we could have further evaluated the workload of the federal courts and crafted legislation that would ensure that class reform did not result in class action repeal. In scheduling this legislation, I regret that the majority leadership did not allow us that time. We have not heard the last of this issue. I took forward to continuing to work on this issue so that we have reform the class action system without denying the opportunity for worthy class action cases to be heard.

A TRIBUTE TO LUCIA G. REYES, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I would like to pay special recognition to Ms. Lucia G. Reyes, an outstanding woman of California's 27th Congressional District. Over the years, Lucia has been an outspoken proponent for women's issues and has helped bring those issues to the forefront of my community.

Lucia currently serves as a project manager for the Keck School of Medicine at the University of Southern California. She is overseeing a very exciting clinical trial to determine the effectiveness of a T Cell Vaccine to treat Secondary Progressive Multiple Sclerosis. If effective, this treatment may prove a powerful weapon in the fight against this debilitating and deadly disease.

Lucia's positive energy can be seen all around the City of Pasadena. She has thrown herself into activities with the expressed purpose of making the lives of those around her better. She serves as a Commissioner on the City of Pasadena's Commission on the Status of Women in which she focuses on addressing the specific concerns and needs of women throughout the community. Her tireless efforts are to ensure the future provides the freedom and dignity each human deserves.

Complimenting her role on the Commission, Lucia also serves on the boards of Planned Parenthood of Pasadena and Pasadena's Cinco de Mayo. She serves as a religious instructor at St. Andrew's Catholic Church, volunteers at Pasadena's Youth Center, and is a committee member of the Adelante Mujur Latina Conference and HOPE'S Latina Symposium.

Her breadth of volunteer work is remarkable and all who have the opportunity to work beside her are better off for the experience. The women of my district and especially the women in the City of Pasadena could find no better advocate than Lucia.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Lucia Reyes. The entire community joins me in thanking Lucia for her continued efforts to make the 27th Congressional District a more accepting place in which to live.

IN RECOGNITION OF ROBERT H. STERN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to Robert H. Stern, who dedicated so much of his life to serving the community in which he had lived. From his childhood up until his death, Mr. Stern spent the majority of his time preserving and improving the business district of Steinway Street in Queens. For his many contributions within the community at large, we honor him.

The family business, "Sig Stern" was opened in the early 1920's by Robert Stern's father. For over fifty years it was considered "the" children's store of Steinway Street. After his father's death, Robert ran Sig Stern, Inc. In 1975, Robert closed Sig Stern, and embarked onto a successful second career as a real estate broker.

Throughout his life, Robert Stern's passion was the successful, community oriented development of Steinway Street. Sensing that Business Improvement Districts were the salvation to commercial strips, Mr. Stern worked hard to bring the business improvement district to Steinway Street. At the time of his passing, Robert was President of the Steinway Street Business Improvement District. Steinway Street and its surrounding community acknowledges a huge debt of gratitude for its past, present and future success.

This vibrant neighborhood center of commerce is part of the legacy Mr. Stern leaves from his commitment and dedication to the people of Queens.

Robert Stern passed away on November 19, 1998. He was survived by his wife, Irene, children Ronnie and Randy Stause, Stacey and Richard Block, grandchildren Jackie and Brett Strause, David and Daniel Block, brother William and sister Ellin.

Mr. Speaker, I am pleased to bring to your attention the outstanding life and work of Mr. Robert H. Stern, I ask that my colleagues join me in recognizing the contributions Mr. Robert H. Stern had made to the New York community.

A TRIBUTE TO JOAN-PATRICIA O'CONNOR, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I have the privilege today of recognizing an outstanding woman of California's 27th Congressional District. Ms. Joan-Patricia O'Connor has dedicated her professional career to the support of non-profit associations, educational institutions, and community organizations.

JP is a graduate of both Pomona College in Claremont, California and the University of Southern California in Los Angeles. After earning double M.A. degrees, in Journalism and Public Relations, JP remained at USC as a member of the School of Journalism's Public Relations part-time faculty. She currently serves as the Dean of the Association of Management track at ASAE's School of Management in addition to teaching Membership Marketing at the same institution. She has developed a program for UCLA's Extension Program and is called on frequently as a guest lecturer.

JP began her consulting and marketing firm over 25 years ago, directing her efforts to the world of non-profit groups and associations. She has helped countless organizations recruit volunteers, raise funds, and attract participants. Due to her efforts on behalf of these groups; JP has created a sense of volunteerism and giving which permeates the community.

JP's volunteer service is enhanced by her professional expertise. She currently serves as the President of the Board of the Burbank YMCA where along with the Board she completed a strategic plan for the facility, which serves over 28,000 adults and children. She also serves on the Board of the Burbank Noon Rotary as the scholarship chair and newsletter editor.

For her countless efforts JP has twice been named one of the "Outstanding Young Women in America" and was awarded a Fellowship by the American Society of Association Executives, a honor she shares with fewer than 200 people nationwide.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Joan-Patricia O'Connor. The entire community joins me in thanking JP for her continued efforts to make the 27th Congressional District a place of extraordinary volunteerism and superior giving.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. BONIOR. Madam Speaker, I am pleased to join the Greek American community in celebrating the 181st anniversary of Greek independence.

On March 25, 1821, the Archbishop of Patras blessed the Greek flag at the Aghia Lavra Monastery near Kalavrita, marking the beginning of the Greek war of independence in which nearly 400 years of Ottoman rule were turned aside.

Ancient Greece was the birthplace of democratic values. It brought forth the notion that the ultimate power to govern belongs in the hands of the people. It inspired a system of checks and balances to ensure that one branch of government does not dominate any other branch.

These ideals inspired our Founding Fathers as they wrote the Constitution. In the words of Thomas Jefferson: "to the ancient Greeks . . . we are all indebted for the light which led ourselves out of Gothic darkness."

Today, the United States is enriched not only by Greek principles but also by its sons and daughters. Greek Americans have made major contributions to American society, including our arts, sports, medicine, religion, and politics.

My home State of Michigan has been enhanced by the Greek community. In Macomb and St. Clair Counties, we are served by St. John's Greek Orthodox Church and Assumption Greek Orthodox Church. These institutions provide a multitude of community services and add to the rich diversity of the area.

Mr. Speaker, I join the people of Greece and those of Greek ancestry around the world celebrating Greek Independence Day.

I salute all of them for the tremendous contributions to freedom and human dignity which they have made.

A TRIBUTE TO ELLEN DAIGLE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

I would like to pay special honor to an outstanding woman of my Congressional District, Ms. Ellen Daigle. Ellen is a true inspiration for all those who strive each day for their American Dream. Working to both expand her small business and improve her community, she can certainly be held up as one of my community's most precious citizens.

Her business, Ellen's Silk-screening, has grown steadily since she first began producing her personalized T-Shirts from her garage 25 years ago. Today she employs over a dozen people and provides hundreds of products for schools, businesses, and the community.

Ellen's success has not gone without notice. She has been named to Los Angeles Business Journal's list of Top 100 Women-Owned Businesses twice in the last five years. She has also been honored by Business Life magazine as a "Woman of Achievement" and by the National Association of Businesswomen with induction into its Millennium Hall of Fame.

Her activism in the community has been outstanding. She has always felt that businesspeople have an obligation to donate their time and talents to ensure the vitality of the communities' in which they live and work. Ellen has served as a Park Commissioner for the City of South Pasadena, founded the group, "South Pasadenans for Responsible Intelligent Growth" and began "Expanding Horizons," a program for local students to help them learn about career choices and the local job market. Because of her service to the City of South Pasadena's parks programs, the California Parks and Recreation Society bestowed upon her their greatest honor.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Ms. Ellen Daigle. The entire community joins me in thanking Ellen for her continued efforts to make the 27th Congressional District a more enjoyable place to live.

PAYING TRIBUTE TO RYAN RANDALL PATTERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate a young student from my district, Ryan Randall Patterson. His hard work and dedication have been rewarded with a great opportunity to pursue higher education and compete in one of the nation's most esteemed science competitions. Ryan recently won the 2002 Intel Science Talent Search, and as he celebrates his achievement, I would like to commend him for his determination and self-sacrifice in achieving this honor. I've personally met Ryan and words cannot explain how impressed I was with this young man and his achievements. He is certainly a well deserving recipient of this honor and I am pleased to represent him and his family in Colorado.

Ryan, a student at Central High School in Grand Junction, designed and built a glove that translates American Sign Language into text on a portable screen. This invention has taken him to the international level in Intel's Science Talent Search, a competition that he won both this year and last. This incredible invention is just the latest in a long list of electronic devices that Ryan has developed over the years. Ryan's fascination with electronics began in the third grade on a simple circuit board, and he has been exploring new possibilities in electronics ever since. His curiosity and determination have certainly paid off. At

18 years of age, Ryan has won over $192,000 in scholarships, $15,750 in cash, two laptop computers, and two trips to Sweden to attend the Nobel Prize ceremonies. Throughout all of his achievements, Ryan has maintained his integrity and modesty. He hopes to use his gift for electronics and inventing to improve people's lives, particularly the lives of the disabled.

Mr. Speaker, the innovation and commitment demonstrated by Ryan Randall Patterson certainly deserves the recognition of this body of Congress, and this nation. Ryan's achievements serve as a symbol to aspiring science students throughout Colorado, and indeed the entire nation. The recognition that Ryan has received is proof that hard work, attention to your studies, and a passionate pursuit of your goals can lead to great rewards. The opportunities offered as a result of winning the 2001 and 2002 Intel Science Talent Search are incredible and they certainly are going to a well deserving individual. Congratulations Ryan, and good luck in your future endeavors. You are a future leader in this country, and I am quite confident that this will not be the last honor you receive.

TRIBUTE TO FORMER JOHNSON COUNTY, KANSAS, SHERIFF FRED ALLENBRAND

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to former Johnson County, Kansas, Sheriff Fred Allenbrand, who died on February 15th, at age 68.

For half of his life—34 years—Fred Allenbrand served as sheriff of Kansas' fastest growing county, which now comprises two-thirds of the population of the Third Congressional District. Elected in 1966, he served until his retirement in 2002, and oversaw the sheriff's office during a time span when Johnson County grew from a collection of small communities to a major suburban hub of the Kansas City metro area. Dismantling the patronage system that previously had been the hallmark of the sheriff's office, he professionalized the workforce, improved pay and benefits and modernized the force's equipment and facilities.

Fred Allenbrand is survived by his wife, Ramona, daughters Cindy Barnes and Karen Wiggin, and son Kent, as well as by seven grandchildren. He will be remembered as a humane, progressive public servant, who was a kind, honest man of great integrity. I worked with him for twelve years as Johnson County District Attorney. I learned much from Fred about our criminal justice system and about people. Fred Allenbrand was my friend.

It is fitting that 2000 people attended his memorial service, including hundreds of law enforcement officers. Following the service, a funeral procession that was estimated by the Johnson County Sun to be three miles long traveled to his internment site. Mr. Speaker, I include with this remembrance an obituary of Sheriff Allenbrand that appeared in the Kansas City Star.

[From the Kansas City Star, Feb. 16, 2002]

FORMER COUNTY SHERIFF FRED ALLENBRAND DIES

(By Tony Rizzo and Finn Bullers)

Fred Allenbrand, who served longer than any other Johnson County sheriff, died Friday at age 68.

Allenbrand took over a 25-member department in January 1967 and retired in January 2001, after building it into a law enforcement agency with more than 400 employees.

"His contributions to Johnson County law enforcement are too numerous to mention," said his successor, John Foster. "But if there's one thing he should be remembered for, it's the integrity he maintained during his 34 years in office." Growing up on a Johnson County farm, one of 13 children, Allenbrand used to wave from horseback at passing squad cars. He was so enamored of police work that he took a $200 a month pay cut to the department as a deputy in 1958.

"I loved it," he said of his early career in an interview before his retirement.

He quickly progressed through the ranks and by 1962 was a lieutenant, but he was demoted after backing the wrong man in the election for sheriff. The experience prompted him to run for sheriff in 1966.

After winning the election, Allenbrand moved to dismantle the political system that had led to his demotion. He worked for a civil-service system to protect deputies' jobs, and he worked for better pay and benefits for employees.

"He totally removed any kind of patronage from the system before a time it was regularly done. I think that was the key to his popularity," County Commissioner Annabeth Surbaugh said. "You couldn't fix the deal in Johnson County. He was honest to the end."

Throughout his tenure as sheriff, Allenbrand sought to keep his department abreast of advances in law enforcement while keeping pace with the county's tremendous population growth.

"You have to be willing to change," Allenbrand said in the pre-retirement interview. "If you're not willing to change, you'd better not live in Johnson County."

Today the department runs a crime laboratory open to every police department in the county and two jails that hold more than 500 prisoners.

Toward the end of his tenure, Allenbrand took some heat for problems associated with construction of one of those facilities—the county's jail at New Century AirCenter.

The project, which Allenbrand oversaw, experienced cost overruns, construction delays and trouble with the security system. The jail officially opened in July 2000, three years behind schedule.

The complex is named after the former sheriff, and more than 230 prisoners are held in the detention center.

When he retired, Allenbrand said he was also proud of the employment opportunities for women and minorities, and the cooperation among all the county's police agencies that was developed while he was sheriff.

He was one of the driving forces behind the establishment of a professional police academy in the county.

Herb Shuey, department historian and a retired deputy, described Allenbrand "as the most important sheriff in the history of the department."

In a book about the Sheriff's Department, Shuey said Allenbrand made himself a first-rate administrator and politician, but at his core he was always a police officer first.

"His compassion is well known and his respect for the law is equally known," Shuey wrote. "More importantly for the citizens of Johnson County, his attitudes filter down and through his subordinates."

After he was first elected sheriff, Surbaugh said, "no one ever really gave him any competition. And the reason is, how can you fight honesty, integrity, consistency and fair government? He had a fire in his belly."

PAYING TRIBUTE TO OTTO "TINK" SNAPP

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Otto "Tink" Snapp of Pueblo, Colorado who peacefully left us on a Monday morning, February 18, 2002. Tink was a popular member of the community and was often sought by many for his listening ear, advice, and warm smile. He served his country and fellow Coloradans for over a half century, and as his family and friends mourn his loss, I would like to take this opportunity to highlight his accomplishments and generosity to his fellow man.

Tink began his service to this country in 1942 as a member of the Army Air Force in China, serving in the hostile China-Burma-India Theater. It was in this area during World War II that our nation fought and held Japanese advances into China. Tink, along with thousands of soldiers and airmen, braved the hazards of the environment to ensure that democracy and freedom reigned throughout the world.

After the war, Tink returned to his native Pueblo and continued his service to his community as an employee of Minequa Bank. Over the years he served in several positions; beginning as the bank bike messenger and eventually rising to the position of executive vice president. Tink's is the kind of story that lends substance to the American Dream. His long career spanned almost fifty years, ending in 1994 with his retirement at the age of 75.

Tink was well known throughout the community as an avid sportsfan who enjoyed a wide range of sports, from golf and tennis to basketball and softball. For over twenty-three years, he traveled as a referee at home and on the road to ensure fair and unbiased officiating for local Colorado sporting events. Tink also served his community as a deacon and elder of the First Presbyterian Church and as a member of his local Masonic Order, and the Colorado Bankers Association.

Mr. Speaker, it is my privilege to pay tribute to Otto "Tink" Snapp for the great strides he took in establishing himself as a valuable leader in the Pueblo community. His loving wife Lorraine, sons Ronald and Bruce, and stepson Scott survive him. His dedication to family, friends, work, and the community certainly deserves the recognition of this body of Congress, and this nation. Although Tink has left us, his good-natured spirit lives on through the lives of those he touched. I would like to extend my regrets and deepest sympathies to his family and friends during their time of remembrance and bereavement.

A PRAYER FOR AMERICA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. KUCINICH. Mr. Speaker, I offer this prayer for America.

(to be sung as an overture for America)

My country 'tis of thee. Sweet land of liberty of thee I sing. . . . From every mountain side, let freedom ring. . . . Long may our land be bright. With freedom's holy light. . . .

Oh say does that star spangled banner yet wave. O'er the land of the free and the home of the brave?

America, America, God shed grace on thee. And crown thy good with brotherhood from sea to shining sea. . . .

I offer these brief remarks today as a prayer for our country, with love of democracy, as a celebration of our country. With love for our country. With hope for our country. With a belief that the light of freedom cannot be extinguished as long as it is inside of us. With a belief that freedom rings resoundingly in a democracy each time we speak freely. With the understanding that freedom stirs the human heart and fear stills it. With the belief that a free people cannot walk in fear and faith at the same time.

With the understanding that there is a deeper truth expressed in the unity of the United States. That implicit in the union of our country is the union of all people. That all people are essentially one. That the world is interconnected not only on the material level of economics, trade, communication, and transportation, but innerconnected through human consciousness, through the human heart, through the heart of the world, through the simply expressed impulse and yearning to be and to breathe free.

I offer this prayer for America.

Let us pray that our nation will remember that the unfolding of the promise of democracy in our nation paralleled the striving for civil rights. That is why we must challenge the rationale of the PATRIOT Act. We must ask why should America put aside guarantees of constitutional justice?

How can we justify in effect canceling the First Amendment and the right of free speech, the right to peaceably assemble?

How can we justify in effect canceling the Fourth Amendment, probable cause, the prohibitions against unreasonable search and seizure?

How can we justify in effect canceling the Fifth Amendment, nullifying due process, and allowing for indefinite incarceration without a trial?

How can we justify in effect canceling the Sixth Amendment, the right to prompt and public trial?

How can we justify in effect canceling the Eighth Amendment which protects against cruel and unusual punishment?

We cannot justify widespread wiretaps and internet surveillance without judicial supervision, let alone with it.

We cannot justify secret searches without a warrant.

We cannot justify giving the Attorney General the ability to designate domestic terror groups.

We cannot justify giving the FBI total access to any type of data which may exist in any system anywhere such as medical records and financial records.

We cannot justify giving the CIA the ability to target people in this country for intelligence surveillance.

We cannot justify a government which takes from the people our right to privacy and then assumes for its on operations a right to total secrecy.

The Attorney General recently covered up a statue of Lady Justice showing her bosom as if to underscore there is no danger of justice exposing herself at this time, before this administration.

Let us pray that our nation's leaders will not be overcome with fear. Because today there is great fear in our great Capitol. And this must be understood before we can ask about the shortcomings of Congress in the current environment. The great fear began when we had to evacuate the Capitol on September 11. It continued when we had to leave the Capitol again when a bomb scare occurred as members were pressing the CIA during a secret briefing. It continued when we abandoned Washington when anthrax, possibly from a government lab, arrived in the mail.

It continued when the Attorney General declared a nationwide terror alert and then the Administration brought the destructive PATRIOT Bill to the floor of the House.

It continued in the release of the bin Laden tapes at the same time the President was announcing the withdrawal from the ABM treaty.

It remains present in the cordoning off of the Capitol. It is present in the camouflaged armed national guardsmen who greet members of Congress each day we enter the Capitol campus. It is present in the labyrinth of concrete barriers through which we must pass each time we go to vote.

The trappings of a state of siege trap us in a state of fear, ill-equipped to deal with the Patriot Games, the Mind Games, the War Games of an unelected President and his undetected Vice President.

Let us pray that our country will stop this war. "To provide for the common defense" is one of the formational principles of America.

Our Congress gave the President the ability to respond to the tragedy of September 11. We licensed a response to those who helped bring the terror of September 11th. But we the people and our elected representatives must reserve the right to measure the response, to proportion the response, to challenge the response, and to correct the response.

Because we did not authorize the invasion of Iraq.

We did not authorize the invasion of Iran.

We did not authorize the invasion of North Korea.

We did not authorize the bombing of civilians in Afghanistan.

We did not authorize permanent detainees in Guantanamo Bay.

We did not authorize the withdrawal from the Geneva Convention.

We did not authorize military tribunals suspending due process and habeas corpus.

We did not authorize assassination squads.

We did not authorize the resurrection of COINTELPRO.

We did not authorize the repeal of the Bill of Rights.

We did not authorize the revocation of the Constitution.

We did not authorize national identity cards.

We did not authorize the eye of Big Brother to peer from cameras throughout our cities.

We did not authorize an eye for an eye.

Nor did we ask that the blood of innocent people, who perished on September 11, be avenged with the blood of innocent villagers in Afghanistan.

We did not authorize the administration to wage war anytime, anywhere, anyhow it pleases.

We did not authorize war without end.

We did not authorize a permanent war economy.

Yet we are upon the threshold of a permanent war economy. The President has requested a $45.6 billion increase in military spending. All defense-related programs will cost $400 billion.

Consider that the Department of Defense has never passed an independent audit.

Consider that the Inspector General has notified Congress that the Pentagon cannot properly account for $1.2 trillion in transactions.

Consider that in recent years the Department of Defense could not match $22 billion worth of expenditures to the items it purchased, wrote off, as lost, billions of dollars worth of intransit inventory and stored nearly $30 billion worth of spare parts it did not need.

Yet the defense budget grows with more money for weapons systems to fight a cold war which ended, weapon systems in search of new enemies to create new wars. This has nothing to do with fighting terror.

This has everything to do with fueling a military industrial machine with the treasure of our nation, risking the future of our nation, risking democracy itself with the militarization of thought which follows the militarization of the budget.

Let us pray for our children.

Our children deserve a world without end. Not a war without end. Our children deserve a world free of the terror of hunger, free of the terror of poor health care, free of the terror of homelessness, free of the terror of ignorance, free of the terror of hopelessness, free of the terror of policies which are committed to a world view which is not appropriate for the survival of a free people, not appropriate for the survival of democratic values, not appropriate for the survival of our nation, and not appropriate for the survival of the world.

Let us pray that we have the courage and the will as a people and as a nation to shore ourselves up, to reclaim from the ruins of September 11th our democratic traditions.

Let us declare our love for democracy. Let us declare our intent for peace.

Let us work to make nonviolence an organizing principle in our own society.

Let us recommit ourselves to the slow and painstaking work of statecraft, which sees peace, not war as being inevitable.

Let us work for a world where someday war becomes archaic.

That is the vision which the proposal to create a Department of Peace envisions. Forty-three members of Congress are now cosponsoring the legislation. Let us work for a world where nuclear disarmament is an imperative. That is why we must begin by insisting on the commitments of the ABM treaty. That is why we must be steadfast for nonproliferation.

Let us work for a world where America can lead the day in banning weapons of mass destruction not only from our land and sea and sky but from outer space itself. That is the vision of H.R. 3616: A universe free of fear. Where we can look up at God's creation in the stars and imagine infinite wisdom, infinite peace, infinite possibilities, not infinite war, because we are taught that the kingdom will come on earth as it is in heaven.

Let us pray that we have the courage to replace the images of death which haunt us, the layers of images of September 11th, faded into images of patriotism, spliced into images of military mobilization, jump-cut into images of our secular celebrations of the World Series, New Year's Eve, the Superbowl, the Olympics, the strobic flashes which touch our deepest fears, let us replace those images with the work of human relations, reaching out to people, helping our own citizens here at home, lifting the plight of the poor everywhere.

That is the America which has the ability to rally the support of the world.

That is the America which stands not in pursuit of an axis of evil, but which is itself at the axis of hope and faith and peace and freedom. America, America. God shed grace on thee. Crown thy good, America.

Not with weapons of mass destruction. Not with invocations of an axis of evil. Not through breaking international treaties. Not through establishing America as king of a unipolar world. Crown thy good, America. America, America. Let us pray for our country. Let us love our country. Let us defend our country not only from the threats without but from the threats within.

Crown thy good, America. Crown thy good with brotherhood, and sisterhood. And crown thy good with compassion and restraint and forbearance and a commitment to peace, to democracy, to economic justice here at home and throughout the world.

Crown thy good, America. Crown thy good America. Crown thy good.

PAYING TRIBUTE TO SISTER MARILYN BEAVAIS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize and pay tribute to a wonderful woman and true caretaker of the community. Sister Marilyn Beavais of Pueblo, Colorado has dedicated her life to assisting others in times of hardship and great need. This year as she celebrates her fiftieth year as a nun and forty-seventh as a nurse, I would like to highlight her accomplishments and kind heart before this body of Congress.

Last year, after a lifetime of volunteering for her community and its residents, Sister Marilyn retired from public service. She had been active with providing support and assistance to those in need through a wonderful organization known as Pueblo Services for Empowerment and Transformation for Well-Being. This organization, through efforts of volunteers like Sister Marilyn, has taught the less fortunate important skills and attitudes to improve their current standards of living. As a result of their kindness, many people today can credit the organization with providing the tools to improve their lives.

Since retirement, Sister Marilyn still maintains an active schedule and now spends her time volunteering for St-Mary-Corwin's Good-Medicine program. This program assists the community with general healthcare screenings and checkups to ensure a healthy population throughout the area. Her nursing and gentle disposition are a vital contribution to helping those in need, and I cannot begin to tell you how proud I am of her efforts.

Mr. Speaker, Sister Marilyn Beavais embodies the spirit of kindness and sacrifice that we all should strive for in our daily lives. She has helped many individuals in need over the years and I am proud to represent her in my district. Sister Marilyn has been a model citizen to the community and I extend my thanks to her and her efforts, and am proud to bring her accomplishments to the attention of this body of Congress. Keep up the good work Sister Marilyn, and good luck in your future endeavors.

CONDEMNATION OF CHURCH BOMBING IN ISLAMABAD, PAKISTAN

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PITTS. Mr. Speaker, I would like to extend my deepest sympathies and condolences to the families and communities of the Americans, Pakistanis, Afghans, Iranians, Iraqis, Ethiopians, Sri Lankans, British, Swiss, Germans, Australians, and Canadians who were killed or wounded in the barbaric church bombing in Islamabad, Pakistan on Sunday, March 17, 2002. I commend President Bush for his statement that we will bring those responsible to justice and I look forward to his action against the perpetrators. And, I greatly appreciate President Musharraf's condemnation and subsequent action to find and punish the criminals.

Men who seek to murder peaceful religious believers, particularly in the midst of their service of worship of God, reveal the depth of their uncivilized, brutal nature. Once again, extremists are using violence to attempt to intimidate people and gain power. These criminals who murder in cold blood, just like those who attacked the peaceful Pakistani worshipers in October of last year, must be brought to justice.

Mr. Speaker, my heart goes out to those families and their loved ones. To the families and friends of those killed, please know that our hearts and prayers are with you in this time of suffering and mourning. The Americans killed and wounded in Pakistan were there to serve our nation and to serve people in Pakistan and the surrounding nations through their work in our Embassy or through NGOs. They are to be applauded and commended for their sacrificial service during this time of great difficulty in our world. And, they are to be admired for they have now paid the ultimate price for their service—they have given their lives.

SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SHAW. Mr. Speaker, this month is Women's History Month. In considering the integral role women have played in making America the great nation it is today and their daily contributions to the growth of our economy and the stability of American families, we are reminded yet again how important it is to ensure Social Security will continue to provide the economic security women need and deserve after a lifetime of sacrifice and hard work.

In looking at Social Security's history, it is no wonder it is so important to women. The first woman to serve as a Presidential Cabinet Member-Secretary of Labor Frances Perkins—was Chairwoman of the committee that designed Social Security, and the first beneficiary to receive a monthly benefit was also a woman—Ida May Fuller.

Social Security's lifetime inflation-adjusted benefits, spouse and survivor benefits, and progressive benefit formula provide critical protections for women, because they live longer, earn less, take time away from the workforce to care for kids, and have less pension and asset income than men. Without Social Security, more than half of elderly women would live in poverty.

Although Social Security has successfully provided an effective safety net for two-thirds of a century, Social Security is facing serious financial challenges. Beginning in 2016, payroll taxes won't be enough to cover promised benefit payments and Social Security will call on the Treasury to make good on its obligations to the trust funds. Soon thereafter, payroll taxes taken out of the wages of our hard-working kids and grandkids will be the only source of revenue—and they will cover only 73% of benefits, and even less than that in future years. If we fail to enact a plan to save Social Security, the consequences would be devastating for millions of Americans, especially women.

For these reasons, restoring Social Security's solvency for the 21st century and beyond is a national priority for the public, Congress, and the President. We need to stop poisoning the well of bipartisanship, set aside political demagoguery, and fulfill our duty as Members of Congress by working together toward this goal. We can start building a foundation of common ground by taking a modest step to enhance Social Security benefits for women, without jeopardizing the financial position of the trust funds.

I've worked with the Social Security Administration to identify potential enhancements that we could make to help women, while ensuring the costs will not affect Social Security's ability to make benefit benefits in the long-term. I have found three provisions that, while modest in terms of overall impact, represent real help for just over 120,000 women when implemented. Today these provisions are being introduced as the Social Security Benefit Enhancements for Women Act of 2002.

These provisions increase benefits for certain widows, allow more disabled widows to qualify for disabled widow benefits, and enable certain divorced spouses to receive benefits sooner. These enhancements are particularly necessary, because elderly and disabled widows and divorced spouses are more likely to live in poverty.

Back in December, virtually all the Members of the House of Representatives voted to save Social Security soon, without benefit cuts or tax increases. I sincerely hope that by coming together to enhance benefits for women, we will build further consensus that will help us make the progress that is so desperately toward our larger commitment of saving Social Security for our kids and grandkids. We must not allow shortsightedness and election-year politics come between us and this goal; otherwise, our kids and grandkids will pay the price.

TRIBUTE TO MISSION, KANSAS, MAYOR SYLVESTER POWELL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to Mayor Sylvester Powell, of Mission, Kansas, who died on March 6th, at the age of 82. Sylvester Powell served as mayor of his northeast Johnson County community, which is located in the Third Congressional District, from 1955–65 and from 1977 until his death.

Sylvester Powell was born on May 12, 1919, in Springfield, Ohio. He was drafted into the Army in March 1941, and after the bombing of Pearl Harbor, entered Officer's Candidate School. He was commissioned as a second lieutenant and eventually attained the rank of captain. He served as a company commander in General George Patton's Third Army during the war. While in the Army, he met his future wife, Merle Cline, and they were married on July 21, 1943. Mayor Powell is survived by Merle, their son, Stephen, and their daughters, Janet and Dianne.

After leaving the Army and receiving an undergraduate degree from Wittenberg College, Sylvester attended law school at the University of Kansas City [now the University of Missouri-Kansas City], graduating in 1949. He was to practice law for the next 47 years, representing defendants in personal injury litigation.

The Powells moved to Mission in 1951, where he helped write the city charter that year, which established the city limits. Sylvester was elected to the city council in 1953 and was first elected mayor in 1955. As the Johnson County Sun recently noted: "Through Powell's tenure, Mission grew from a sleepy community to the vital retail area it is today. Many improvements were made to the city's infrastructure during the Powell years. But perhaps Powell's greatest legacy was the $8 million Sylvester Powell, Jr., Community Center, which opened in May 1999 . . . The almost 3-year-old community center was an instant success and surprised both detractors and backers by covering its operational expenses."

I knew Syl personally. As a lawyer and a public official he was truly outstanding. But most of all, Syl was a good friend who will be missed by his friends and his community.

Mr. Speaker, I am taking this opportunity to place in the RECORD two recent pieces from the Kansas City Star regarding Mayor Sylvester Powell: an obituary that the paper carried on March 7th and a column by Mike Hendricks, reflecting the character and ability of the man whom we knew as "Syl," that the Star carried on the following day. I am proud to have known Sylvester Powell. As the Johnson County Sun said in a March 6th editorial: "People often wonder what one person can do. Syl Powell showed them." My only regret is that we will not soon see his kind in public service again.

[From the Kansas City Star, Mar. 7, 2002]

SYLVESTER POWELL JR., LONGTIME MAYOR OF MISSION, DIES AT 82

(By James Hart and Grace Hobson)

Mission Mayor Sylvester Powell Jr., who helped build the town he loved into a prosperous suburb, died Wednesday night. He was 82.

A World War II veteran and Kansas City trial lawyer, Powell was regarded by many as the dean of Kansas mayors. He served Mission in that capacity between 1955 and 1965, took a "12-year vacation" and returned to office in 1977, winning every election for the post since then, most recently in 2001.

"The people don't put somebody back in office that many times unless he's well-respected," said Police Chief Bob Sturm, who worked with Powell for more than 30 years.

Powell had suffered lung problems and had been hospitalized for weeks, Sturm said. The mayor loved his city, Sturm said, the way he loved his family and his church.

Officials in the city of nearly 10,000 will ask residents to lower their flags to half-staff today. A memorial service has not yet been scheduled.

Powell was fond of telling others how, when he first became mayor in 1955, Johnson Drive was a two-lane road and the city had an operating budget of about $38,000.

He was elected to the City Council in 1953, and one of his first acts as a public official was to help place a traffic light at the intersection of Nall Avenue and Johnson Drive—a project he researched himself by recording traffic with a stopwatch.

Several decades and more than a few traffic lights later, Mission stands as a model municipality with a vibrant downtown and a solid tax base. Some of Powell's proudest accomplishments included his work to help with the development of Mission Center Mall, Johnson Drive's success as a retail area and construction of the community center that today bears his name.

"I like that little city and seeing progress made," Powell once said of Mission.

The secret behind the city's success, most people agreed, was the gruff trial lawyer who served as mayor. Powell, known as "Syl" around town, liked to visit the Mission City Hall every morning when he didn't have an appearance in court.

"He's a person who . . . takes a stand and says, 'OK, this is what we're going to do,'" Westwood Mayor Bill Kostar said in February.

While some critics said Powell held the city's reins too tightly, he clearly was in control of city government during his tenure.

The city did not hire a professional administrator until last year, after a consultant recommended the move.

"I don't think they're going to find anybody who can run the city better than I do," Powell said in 2000.

Last year, the city's management became a campaign issue in Powell's first election challenge since 1985, and he pledged to hire a professional.

City Councilman Lloyd Thomas, who has served since 1976, said Mission's strong financial position today was the result of Powell's control over the city's finances throughout the years.

"That's what you call being frugal," Thomas said recently. "He spends the taxpayers' money just like he does his own. He's very frugal with it."

Powell was able to build the city's sales tax base with development projects that didn't sacrifice Mission's small-town feel, Kostar said. That's a formula other mayors in northeast Johnson County want to emulate, he added.

Asked once why he stayed in office so long, Powell said: "Sometimes I think about retiring, but it's like giving up something dear to you. If you're running the city well, they ought to keep you in."

Councilwoman Laura McConwell will become Mission's new mayor.

[From the Kansas City Star, Mar. 8, 2002]

LUCKY FOR MISSION, MAYOR WAS TOUGH

(By Mike Hendricks)

When I read Syl Powell's obituary yesterday, the first thing that came to mind was the time he hijacked the Olympic torch.

No single act better defined the longtime mayor of Mission and the hardball politics he practiced, a style we don't see much of anymore.

It was 1996, the year of the Atlanta Games. Metropolitan Kansas City was to be part of the symbolic torch run. But the original route bypassed much of Mission, the northeast Johnson County town of 10,000 Powell had watched over like the overprotective father of a teen-age daughter.

The idea was for runners to cut through Mission on a short stretch of Shawnee Mission Parkway, but there wasn't going to be much chance for the city's residents to see it.

Powell had an idea. What if the torch run made a detour down Mission's main street, Johnson Drive?

"The torch is something we may not get a chance to see again, and I thought the people of Mission should be able to see it," Powell said at the time.

Naturally, Olympics officials blew him off. Theirs was an international organization. Who was Powell but mayor of some pipsqueak town in the Kansas City suburbs?

Talk about a miscalculation. When the Olympics officials failed to respond to Powell's polite request, he turned Don Corleone and made an offer they couldn't refuse. Then he embarrassed them by letting the world know.

"I said, 'I hate to do this, but whether you like it or not, you're going to come down Johnson Drive . . . I'm going to barricade (Shawnee Mission Parkway) with public works, and you won't have a choice.' "

A threatened Olympic blockade? Sure enough, they changed the route.

It recalled the time Powell vowed to pull Mission out of the Mission Chamber of Commerce if the organization changed its name. Powell liked to have his way—and sometimes he played rough to get it.

Some called the Olympic torch threat self-centered, childish, an embarrassment.

Yes. Sure. Exactly. And it was bloody marvelous, too.

Not only did the power play illuminate Powell's character, but it was the kind of leadership we miss so much in local politics these days. Strong and uncompromising.

Of course, Powell was no T.J. Pendergast and no one ever questioned his honesty or accused him of accepting a payoff. But in his way, he was as tough as Boss Tom, a rarity in an era when most local politicos would rather get along than get their way for the benefit of the community.

There are a lot of wimps out there. I'd like to think that if Sylvester Powell Jr. had been mayor of Kansas City rather than Mission all these years, there'd have been a whole lot less hand-wringing downtown.

Cantankerous, shrewd, arrogant and big-hearted, that was Powell. He insisted on building a Cadillac of a community center for his constituents. And he saw to it that his name was on it.

I once labeled Powell Mission's "mayor for life." He was that. Thirty-five of the last 47 years, he was Mission's chief executive. Critics deplored his overbearing style. But when he died Wednesday at the age of 82, few residents of his tidy little town had called anyone else Hizzoner.

By the way, when the Olympic torch came through here this year, I noticed that the route through Johnson County came nowhere near the Mission city limits.

Probably just a coincidence.

PEACE AND NUCLEAR DISARMAMENT: A CALL TO ACTION

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. KUCINICH. Mr. Speaker, in this time of national crisis, it is important for all those who love our country to speak out. I offer these thoughts in a spirit of reconciliation.

". . . Come my friends, 'tis not too late to seek a newer world," . . .—Alfred Lord Tennyson.

If you believe that humanity has a higher destiny, if you believe we are all ultimately perfectable, if you believe we can evolve, and become better than we are; if you believe we can overcome the nihilistic scourge of war and someday fulfill the dream of peace and harmony on earth, let us begin the conversation today. Let us exchange our ideas. Let us plan together, act together and create peace together. This is a call for common sense, for peaceful, nonviolent citizen action to protect our precious world from widening war and from stumbling into a nuclear catastrophe. The climate for conflict has intensified, with the struggle between Pakistan and India, the China-Taiwan tug of war, and the increased bloodshed between Israel and the Palestinians.

United States' troop deployments in the Philippines, Yemen, Georgia, Columbia and Indonesia create new possibilities for expanded war. An invasion of Iraq is planned. The recent disclosure that Russia, China, Iraq, Iran, Syria, North Korea, and Libya are considered by the United States as possible targets for nuclear attack catalyzes potential conflicts everywhere.

These crucial political decisions promoting increased military actions, plus a new nuclear first-use policy, are occurring without the consent of the American people, without public debate, without public hearings, without public votes. The President is taking Congress's approval of responding to the Sept. 11 terrorists as a license to flirt with nuclear war.

"Politics ought to stay out of fighting a war," the President has been quoted as saying on March 13th 2002. Yet Article 1, Section 8 of the United States Constitution explicitly requires that Congress take responsibility when it comes to declaring war. This President is very popular, according to the polls. But polls are not a substitute for democratic process. Attributing a negative connotation here to politics or dismissing constitutionally mandated congressional oversight belies reality:

Spending $400 billion a year for defense is a political decision. Committing troops abroad is a political decision. War is a political decision.

When men and women die on the battlefield that is the result of a political decision. The use of nuclear weapons, which can end the lives of millions, is a profound political decision. In a monarchy there need be no political decisions.

In a democracy, all decisions are political, in that they derive from the consent of the governed.

In a democracy, budgetary military and national objectives must be subordinate to the political process. Before we celebrate an imperial presidency, let it be said that the lack of free and open political process, the lack of free and open political debate, and the lack of free and open political dissent can be fatal in a democracy.

We have reached a moment in our country's history where it is urgent that people everywhere speak out as president of his or her own life, to protect the peace of the nation and world within and without.

We should speak out and caution leaders who generate fear through talk of the endless war or the final conflict.

We should appeal to our leaders to consider their own bellicose thoughts, words and deeds are reshaping consciousness and can have an adverse effect on our nation.

Because when one person thinks: fight! he or she finds a fight. One faction thinks: war! and starts a war. One nation, thinks: nuclear! and approaches the abyss.

Neither individuals nor nations exist in a vacuum, which is why we have a serious responsibility for each other in this world. It is also urgent that we find those places of war in our own lives, and begin healing the world through healing ourselves. Each of us is a citizen of a common planet, bound to a common destiny. So connected are we, that each of us has the power to be the eyes of the world, the voice of the world, the conscience of the world, or the end of the world. And as each one of us chooses, so becomes the world.

Each of us is architect of this world. Our thoughts, the concepts. Our words, the designs. Our deeds, the bricks and mortar of our daily lives. Which is why we should always take care to regard the power of our thoughts and words, and the commands they send into action through time and space.

Some of our leaders have been thinking and talking about nuclear war. In the past week there has been much news about a planning document which describes how and when America might wage nuclear war. The Nuclear Posture Review recently released to the media by the government:

1. Assumes that the United States has the right to launch a pre-emptive nuclear strike.
2. Equates nuclear weapons with conventional weapons.
3. Attempts to minimize the consequences of the use of nuclear weapons.
4. Promotes nuclear response to a chemical or biological attack.

Some dismiss this review as routine government planning. But it becomes ominous when taken in the context of a war on terrorism which keeps expanding its boundaries, rhetorically and literally.

The President equates the "war on terrorism" with World War II. He expresses a desire to have the nuclear option "on the table." He unilaterally withdraws from the ABM treaty. He seeks $8.9 billion to fund deployment of a missile shield. He institutes, without congressional knowledge, a shadow government in a bunker outside our nation's Capitol. He tries to pass off as arms reduction, the storage of, instead of the elimination of, nuclear weapons.

Two generations ago we lived with nuclear nightmares. We feared and hated the Russians who feared and hated us. We feared and hated the "godless, atheistic" communists. In our schools, we dutifully put our head between our legs and practiced duck-and-cover drills. In our nightmares, we saw the long, slow arc of a Soviet missile flash into our very neighborhood.

We got down on our knees and prayed for peace. We surveyed, wide eyed, pictures of the destruction of Nagasaki and Hiroshima. We supported the elimination of all nuclear weapons. We knew that if you "nuked" others you "nuked" yourself.

The splitting of the atom for destructive purposes admits a split consciousness, the compartmentalized thinking of Us vs. Them, the dichotomized thinking, which spawns polarity and leads to war. The proposed use of nuclear weapons, pollutes the psyche with the arrogance of infinite power. It creates delusions of domination of matter and space.

It is dehumanizing through its calculations of mass casualties. We must overcome doomthinkers and sayers who invite a world descending, disintegrating into a nuclear disaster. With a world at risk, we must find the bombs in our own lives and disarm them. We must listen to that quiet inner voice which counsels that the survival of all is achieved through the unity of all.

The same powerful humanity expressed by any one of us expresses itself through each of us. We must overcome our fear of each other, by seeking out the humanity within each of us. The human heart contains every possibility of race, creed, language, religion, and politics. We are one in our commonalities. Must we always fear our differences? We can overcome our fears by not feeding our fears with more war and nuclear confrontations. We must ask our leaders to unify us in courage.

We need to create a new, clear vision of a world as one. A new, clear vision of people working out their differences peacefully. A new, clear vision with the teaching of nonviolence, nonviolent intervention, and mediation.

A new, clear vision where people can live in harmony within their families, their communities and within themselves. A new clear vision of peaceful co-existence in a world of tolerance.

At this moment of peril we must move from paralysis of fear. This is a call to action: to replace expanded war with expanded peace. This is a call for action to place the very survival of this planet on the agenda of all people, everywhere. As citizens of a common planet, we have an obligation to ourselves and our posterity. We must demand that our nation and all nations put down the nuclear sword. We must demand that our nation and all nations:

Abide by the principles of the nuclear Non-Proliferation Treaty. Stop the development of new nuclear weapons. Take all nuclear weapons systems off alert. Persist towards total, worldwide elimination of all nuclear weapons.

Our nation must: Revive the Anti Ballistic Missile treaty. Sign and enforce the Comprehensive Test Ban Treaty. Abandon plans to build a so-called missile shield. Prohibit the introduction of weapons into outer space.

We are in a climate where people expect debate within our two party system to produce policy alternatives.

However both major political parties have fallen short. People who ask "Where is the Democratic Party?" and expect to hear debate may be disappointed. When peace is not on the agenda of our political parties or our governments then it must be the work and the duty of each citizen of the world. This is the time to organize for peace. This is the time for new thinking. This is the time to conceive of peace as not simply being the absence of violence, but the active presence of the capacity for a higher evolution of human awareness.

This is the time to conceive of peace as respect, trust, and integrity. This is the time to tap the infinite capabilities of humanity to transform consciousness which compels violence at a personal, group, national or international levels. This is the time to develop a new compassion for others and ourselves.

It is necessary that we do so, for at this moment our world is being challenged by war and premonitions of nuclear annihilation. When terrorists threaten our security, we must enforce the law and bring terrorists to justice within our system of constitutional justice, without undermining the very civil liberties which permits our democracy to breathe.

Our own instinct for life, which inspires our breath and informs our pulse, excites our capacity to reason. Which is why we must pay attention when we sense a threat to survival.

That is why we must speak out now to protect this planet and: Challenge those who believe in a nuclear right. Challenge those who would build new nuclear weapons. Challenge those who seek nuclear re-armament. Challenge those who seek nuclear escalation. Challenge those who would make of any nation a nuclear target. Challenge those who would threaten to use nuclear weapons against civilian populations. Challenge those who would break nuclear treaties. Challenge those who think and think about nuclear weapons, to think about peace.

It is practical to work for peace. I speak of peace and diplomacy not just for the sake of peace itself. But, for practical reasons, we must work for peace as a means of achieving permanent security. It is similarly practical to work for total nuclear disarmament, particularly when nuclear arms do not even come close to addressing the real security problems which confront our nation, witness the events of September 11, 2001.

It is practical to work to make war archaic. That is the purpose of HR 2459. It is a bill to create a Department of Peace. HR 2459 seeks to make non-violence an organizing principle in our society. It envisions new structures to help create peace in our homes, in our families, in our schools, in our neighborhoods, in our cities, and in our nation. It aspires to create conditions for peace within and to create conditions for peace worldwide. It considers the conditions which cause people to become the terrorists of the future, issues of poverty, scarcity and exploitation. It is practical to make outer space safe from weapons, so that humanity can continue to pursue a destiny among the stars. HR 3616 seeks to ban weapons in space, to keep the stars a place of dreams, of new possibilities, of transcendence.

We can achieve this practical vision of peace, if we are ready to work for it. People worldwide need to be meet with likeminded people, about peace and nuclear disarmament, now. People worldwide need to gather in peace, now. People worldwide need to march and to pray for peace, now. People worldwide need to be connecting with each other on the web, for peace, now.

We are in a new era of electronic democracy, where the world wide web, numerous web sites and bulletin boards enable new organizations, exercising freedom of speech, freedom of assembly, freedom of association, to spring into being instantly.

We need web sites dedicated to becoming electronic forums for peace, for sustainability, for renewal and for revitalization. We need forums which strive for the restoration of a sense of community through the empowerment of self, through commitment of self to the lives of others, to the life of the community, to the life of the nation, to the life of the world.

Where war making is profoundly uncreative in its destruction, peacemaking can be deeply creative. We need to communicate with each other the ways in which we work in our communities to make this a more peaceful world. I welcome your ideas. We can share our thoughts and discuss ways in which we have brought or will bring them into action.

Now is the time to think, to take action and use our talents and abilities to create peace: in our families, in our block clubs, in our neighborhoods, in our places of worship, in our schools and universities, in our labor halls, in our parent-teacher organizations.

Now is the time to think, speak, write, organize and take action to create peace as a social imperative, as an economic imperative, and as a political imperative. Now is the time to think, speak, write, organize, march, rally, hold vigils and take other non-violent action to create peace in our cities, in our nation and in the world. And as the hymn says, "Let there be peace on earth and let it begin with me."

This is the work of the human family, of people all over the world demanding that governments and non-governmental actors alike put down their nuclear weapons. This is the work of the human family, responding in this moment of crisis to protect our nation, this planet and all life within it. We can achieve both nuclear disarmament and peace, as we understand that all people of the world are interconnected, we can achieve both nuclear disarmament and peace. We can accomplish this through upholding an holistic vision where the claims of all living beings to the right of survival are recognized. We can achieve both nuclear disarmament and peace through being a living testament to a Human Rights Covenant where each person on this planet is entitled to a life where he or she may consciously evolve in mind, body and spirit.

Nuclear disarmament and peace are the signposts toward the uplit path of an even brighter human condition wherein we can through our conscious efforts evolve and reestablish the context of our existence from peril to peace, from revolution to evolution. Think peace. Speak peace. Act peace. Peace.

IN SUPPORT OF H.R. 4009

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. ISSA. Mr. Speaker, I and my fellow colleagues are introducing legislation today because the Immigration and Naturalization Service (INS) has not sufficiently proven to Congress that they can fix their organization on their own, and because they are continually being plagued by the same problems year in and year out. We are offering H.R. 4009 because we believe accountability is integral to any organization.

The INS has been inept, irresponsible and deficient in their ability to the performance of their duties. This bill will make the entire organization responsible, from the highest level down to the entry-level employee, by taking away restrictions on dismissing INS employees and placing them in the same category as FBI employees. This bill will also make permanent the authority of the Attorney General to remove, suspend, and impose other disciplinary actions on the employees of the Immigration and Naturalization Service (INS). We are introducing this legislation in direct response to a hearing that was held on March 19, 2002 in the Judiciary Committee.

During the hearing, Commissioner Ziglar accepted responsibility for his Agency's action, or non-action. However, I am not confident that this will be the last time he will come before the Immigration and Claims Subcommittee for his Agency's mistakes.

My legislation will give the Department of Justice and the INS the proper tools to promote accountability. I believe it is a good first step on a long journey towards INS reform.

PAYING TRIBUTE TO JOHN WOODARD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Mr. John Woodard, an incredible man, who recently passed away at the age of 76. John was loved by each and every person whose life he touched, and he will be sorely missed by all who knew and loved him. He was a person of unquestioned integrity and of unparalleled morality, and is truly an inspiration to us all. As his family mourns his loss, I believe it is appropriate to remember John and pay tribute to him for his warm heart, and his many contributions to Saguache County and the State of Colorado.

John was born and raised on his family's homestead just southeast of Saguache, Colorado, which was founded in the 1890s by his grandfather and great-uncle. He completed his higher education at Colorado State University, and then returned to the ranch, working with the land as both a rancher and a cowboy. John was a life-long rancher and ranching educator, creating pamphlets and other materials on the subject. During World War II, he took time off from ranching to serve his country in the Pacific theatre. John continued his service to his fellow citizens by becoming Saguache County Commissioner, selflessly serving three terms beginning in 1958. His service and dedication to his community and to his state are exactly the attributes that made John the incredible person that he was. I, along with the people of Saguache County, am grateful for all of the hard work and passion that he lent to his job and to his fellow citizens.

Mr. Speaker, we are all terribly saddened by the loss of John Woodard, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that he left with all of us. His dedication to the community of Saguache County was extraordinary, though his life was more so. John Woodard's life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring his life to the attention of this body of Congress.

COMMENDATION OF THE MOBILITY PROJECT

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PITTS. Mr. Speaker, I would like to commend the work of The Mobility Project, an organization which serves the underprivileged with disabilities in other nations.

The Mobility Project has distributed wheelchairs and other mobility aids, along with surplus medical supplies and physical therapy equipment, free of charge to the disabled poor in Vietnam, Mexico, El Salvador, Nicaragua, Pakistan, Afghanistan, and refugee camps in Kashmir. The volunteers with The Mobility Project give a tremendous amount of time and thorough care into ensuring that each wheelchair or mobility aid is properly adjusted to the individual for whom it is intended.

As you may know, in many places of the world the disabled are resented or are pushed out of active participation in society. Some are even left in as virtual prisoners in their rooms. The work of The Mobility Project gives hope to people and offers an avenue for the disabled to be productive members of their society. In addition to giving wheelchairs and other aids to those in need, The Mobility Project helps to provide remedial education, sports programs, and job training for the disabled poor.

I have seen the faces of refugees and other suffering people who have received the gift of mobility as a result of the work of this organization. I watched the face of a young Pakistani girl who received a wheelchair—it will change her life.

Mr. Speaker, it is important to honor those in our world and in our nation who quietly, humbly, and ably serve people in need. The Mobility Project volunteers, particularly President and co-founder and Vice President and co-founder Ray Terrill, are role models for us all.

COMMENDING KANSAS YOUTH FOR THEIR COMMITMENT TO COMMUNITY SERVICE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MOORE. Mr. Speaker, I would like to congratulate and honor three young students from my district who have achieved national recognition for exemplary volunteer service in their communities. Ashley Wright, Aishling O'Connor, and Emily Gipple have been named three of my state's top honorees in the 2002 Prudential Spirit of Community Awards program, an annual honor conferred on the most impressive student volunteers in each state, the District of Columbia, and Puerto Rico.

Miss Wright is being recognized for forming a vocal music performance class for developmentally challenged adults in her community. Miss O'Connor is being recognized for her effort to raise over $30,000 to build an intergenerational playground for an inner-city neighborhood. Miss Gipple is being recognized for starting a school club that helps foreign exchange and limited-English speaking students make friends and integrate successfully into both the school and community.

In light of numerous statistics that indicate Americans are less involved in their communities than they once were, it's vital that we encourage and support the kind of selfless contribution these young citizens have made. People of all ages need to think more about how we, as individual citizens, can work together at the local level to ensure the health and vitality of our towns and neighborhoods. Young volunteers like Miss Wright, Miss O'Connor, and Miss Gipple are inspiring examples to all of us, and are among our brightest hopes for a better tomorrow.

The program that brought these young role models to our attention—The Prudential Spirit of Community Awards—was created by Prudential Financial in partnership with the National Association of Secondary School Principals in 1995 to impress upon all youth volunteers that their contributions are critically important and highly valued, and to inspire other young people to follow their example. Over the past seven years, the program has become the nation's largest youth recognition effort based solely on community service, with nearly 125,000 young people participating since its inception.

Miss Wright, Miss O'Connor, and Miss Gipple should be extremely proud to have been singled out from such a large group of dedicated volunteers. I applaud Miss Wright, Miss O'Connor, and Miss Gipple for their initiative in seeking to make their communities better places to live, and for the positive impact they have had on the lives of others. They have demonstrated a level of commitment and accomplishment that is truly extraordinary in today's world, and deserve our sincere admiration and respect. Their actions show that young Americans can—and do—play an important role in our communities, and that America's spirit continues to hold tremendous promise for the future.

INTRODUCTION OF THE SOCIAL SECURITY PROGRAM PROTECTION ACT OF 2002

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SHAW. Mr. Speaker, today I am introducing the "Social Security Program Protection Act of 2002" to provide the Social Security Administration with the additional tools they need to fight activities that drain resources from Social Security and undermine the financial security of beneficiaries.

Many Social Security and Supplemental Security Income beneficiaries have individuals or organizations called "representative payees" appointed by the Social Security Administration to help manage their financial affairs when they are not capable. At present nearly 7 million beneficiaries entrust their financial arrangements to "rep payees." Representative payees safeguard income and make sure expenditures are made for the beneficiary's good. Most of them are conscientious and honest, however, some are not. The current precautions have not prevented abuse as well as hoped. This bill raises the standards for representative payee positions and imposes stricter regulation and monetary penalties on those who fail their duties and their clients.

This bill also picks up where our 1996 legislation ended in stopping benefit payments to those who have committed crimes. In that year, Congress passed provisions denying Supplemental Security Income benefits to those individuals fleeing to avoid prosecution or confinement. Fugitive felons, however, can still receive Title II benefits that come directly out of the Social Security trust funds. This is not right and this legislation denies the money to those fleeing justice.

My legislation also provides tools to further protect the integrity of Social Security programs, protect Social Security employees from harm while conducting their duties, expand the Inspector General's ability to stop perpetrators of fraud through new civil monetary penalties, and prevent persons from misrepresenting themselves as they provide Social Security-related services.

My legislation not only prevents fraud and protects the Social Security programs, it also helps those who are legitimately seeking to receive benefits. Provisions from the Attorney Fee Payment System Improvement Act of 2001 to improve the attorney fee withholding process are also included in this bill. These provisions cap the current fee assessment and extend withholding to Supplemental Security Income claims, so more individuals with disabilities are able to receive needed help navigating a complex application process for benefits.

And finally, this legislation continues the great work of the Ticket to Work and Work Incentives Improvement Act, helping individuals with disabilities to have a better, more dignified and independent life.

Mr. Speaker, if your constituents complain about abuses in the Social Security programs, or are angry at fugitive felons receiving government benefits, then become a supporter of this legislation. Show those at home that you care about this program and the people who depend on it and join me in getting this legislation passed this year.

PAYING TRIBUTE TO CHANCE KITTEL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to bring to your attention the story of a truly courageous young man from my district. Chance Kittel of Grand Junction, Colorado, has recently overcome great obstacles, and a potentially life long handicap, to beat the odds. Today, he lives a full and active life. It is my honor to tell the story of Chance today, for his life speaks volumes about courage in the face of difficult and trying circumstances.

During Christmas of 1997, Chance and his family, like many families that time of year, were preparing their home with lights and decorations for the upcoming holiday season. It was during this time an unfortunate accident occurred and injured young Chance. As he and his father Randy were placing the lights over a tree, a power line was accidentally caught in the light string. As a result, Chance was badly burned, suffering second and third degree burns to his left arm, his head, and stomach. In saving his son's life, his father also suffered terrible burns to his arms as he pulled Chance free of the lights.

After his initial treatment, Chance was taken to Children's Hospital and began a long ordeal of pain and suffering on the road back to recovery. Chance's forty-three day hospital stay involved numerous treatment techniques and surgeries to repair his badly damaged body. This initial stay was followed by returns to undergo five additional surgeries to complete his healing process. I am proud to report that today, Chance has recovered remarkably well and now leads a normal and active life. His recovery is amazing when you consider that at times, his hope of recovery was slim and potentially physically inhibiting. But Chance beat the odds, worked hard, put trust in his doctors and parents, Randy and Tori, and today is healed.

Mr. Speaker, Chance's story is similar to this nation's as we move through these difficult and healing times. Many Americans suffered on that tragic day in September, and today they are on their own road to recovery. I believe Chance's optimism and story of recuperation is a symbol of hope to them all; that despite the odds and the obstacles in their way, they can persevere and recover their lives, as well. Chance, you have a bright future ahead, and if you continue to fight with the determination and diligence you have demonstrated in your struggle, there is nothing that will stand in your way. It is an honor to represent you and good luck in your future endeavors.

MIDDLE EAST PEACE PROCESS

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. ISSA. Mr. Speaker, I rise today to urge the Administration to continue its diplomatic efforts to end the violence in the Middle East. Today I introduced H. Res. 374, which affirms the House's commitment to the principles stated in UN Security Council Resolution 1397 and expresses support for the diplomatic efforts of the General Anthony Zinni, to restart the peace process in the Middle East. This resolution is a positive statement of our support for the Israeli and Palestinian people who are needlessly suffering. It is also a statement of support for President Bush's renewed diplomatic initiative to bring both parties back to the peace table.

Over the past 18 months, the Israeli and Palestinian people have been locked in a cycle of violence that has only grown worse with each passing day. The violence has become particularly bloody in recent weeks, with over 270 Palestinian and Israeli people killed in the month of March alone.

There are two unmistakable conclusions that we must draw from this violence. First, it is clear that there is no military solution to the conflict. Palestinian terrorists must know that murdering innocent civilians and forcing the Israeli people to live in fear will not be tolerated and can never lead to a fair, just, or lasting peace. Likewise the Israeli government must also know that the indiscriminate use of force against Palestinian civilians, the targeting of medical personnel and ambulances, and effectively forcing the entire Palestinian population to live under house arrest, will only further enrage the Palestinian people. It will also do little to provide security to the Israeli people.

Second, it is now painfully obvious that the United States cannot afford to remain on the sidelines of this conflict. It is clearly in our national interest to see a comprehensive, just, and lasting resolution to this issue—to see, as UN Security Council Resolution 1397 states, "two sovereign states able to reside in peace with one another." Over the past 18 months, both sides have demonstrated that, left to their own devices, peace will remain an impossible goal. It is time for the United States to reinvest its diplomatic resources in this conflict, and to push both sides back to the peace table.

Mr. Speaker, I remain stubbornly optimistic that peace is inevitable. As the Israeli statesman Abba Eban once said, "nations are capable of acting rationally—but only after they have exhausted all the other alternatives." Mr. Speaker, I believe that maybe, just maybe, the nations of the Middle East have finally exhausted all the alternatives and are ready to make peace.

I am encouraged by Saudi Crown Prince Abdullah's proposal to have "full normalization" of relations with Israel as part of the package for a negotiated political settlement. This proposal, coming from one what has historically been one of Israel's fiercest enemies, should be fully embraced and encouraged by our government. My good friend and colleague, JOHN DINGELL and I have sent a letter to President Bush asking him to continue to further develop this idea with the Saudi government. I look forward to the upcoming Arab Summit, where this idea will be made into a concrete proposal, and I hope and pray that one day we will see the men, women, and children of the Holy Lands, live in peace together.

THE MILITARY TRIBUNAL AUTHORIZATION ACT OF 2002

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. KUCINICH. Mr. Speaker, I rise as an original cosponsor of the Military Tribunal Authorization Act of 2002, introduced today by Representative CONYERS. This legislation is the companion bill to one introduced earlier by Senator LEAHY.

On November 13, 2001, President Bush issued a military order enabling the President to order military tribunals for suspected terrorists, bypassing the American criminal justice system, its rules of evidence and its constitutional guarantees. The order directs the Secretary of Defense to issue regulations detailing how the tribunals will be conducted. As of today, these regulations have not been released.

Shortly after the announcement of the military order I sent a letter to the President, along with thirty-nine other Members, expressing our opposition to the use of military tribunals and its violation of Constitutional rights. Article 1, Section 8 of the United States Constitution, gives Congress both the power "To declare War" as well as the power "To define and punish . . . Offenses against the Law of Nations." Unfortunately, Congress has not been consulted in this unilateral establishment of the tribunals. We urge the Secretary of Defense to use this legislation as a guide in promulgating regulations on military tribunals. If the President is determined to go forward with the tribunals this legislation will ensure that constitutional and civil rights are protected.

First, the bill defines who may be tried by military tribunal. Only non-United States citizens who assisted in the September 11 attacks, found outside of the United States and who are not prisoners of war can face trial in a military tribunal.

Next, the bill lays out the procedural requirements to ensure a "full and fair" hearing against the accused. For example, the accused must have a right to independent counsel, the ability to cross-examine witnesses and the right to obtain exculpatory evidence from the prosecution. Defendants must be presumed innocent until proven guilty and that guilt must be determined beyond a reasonable doubt. Defendants will also be afforded the right to appeal to the U.S. Court of Appeals for the Armed Forces.

I would like to point out that these procedures in no way provide special protections to suspected terrorists. Rather these rules are drawn from sources of international law and the Military Rules of Evidence. For years the State Department has strongly opposed the use of secret courts in countries such as Russia, China, Egypt and Peru. Last summer China held secret trials of U.S.-based scholars on espionage charges. One of the scholars was a U.S. citizen and another two were U.S. permanent residents. We demanded full due process for Americans charged with a crime in a foreign country and we should not set a different standard for non-citizens.

The legislation also provides regulations for the detainment of suspects and the conditions of detainment. For example, detainees must be provided with the basic necessities such as adequate food, water and medical attention. In addition, it also allows the free exercise of religion.

Lastly, the legislation requires all proceedings to be made public unless it is determined that closed proceedings are necessary for the safety of involved parties including witnesses or judges. This openness will prove to all Americans and to the world that we have respect for basic Constitutional rights. The horrible events of September 11 should not cause us to reject the American system of justice.

IN COMMEMORATION OF THE GIRLS SCOUTS' 90-YEAR COMMITMENT TO AMERICAN GIRLS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MOORE. Mr. Speaker, for the past 90 years, the Girl Scouts of the United States of America (GSUSA) have been pursuing a mission to help all girls grow to be strong, positive contributors to society. Established on March 12, 1912, with a group of 18 girls, GSUSA has since grown to a membership of nearly 3 million girls nationwide, with an alumni base of over 50 million women.

The mission of GSUSA is to empower all girls to develop to their full potential. Activities encouraging strong values, leadership, responsibility, confidence, and friendship have been core elements of the Girl Scout program. The GSUSA seeks to enable young women to grow into strong citizens by teaching money and financial management, health and fitness, global awareness, and community service. Millions of Girl Scouts have, through resources provided through the GSUSA, been introduced to the arts, science, math, and technology.

In my home state of Kansas, 50,000 girls and adults participate in Girl Scouts. Local initiatives have included: an anti-violence program for girls and mothers; a "Beyond Bars" program encouraging Girl Scout activities with incarcerated mothers; girls' sport programs that teach health and fitness skills, as well as allowing young female athletes the opportunity to meet professional female athletes; and several other initiatives designed to teach self-confidence, values, integrity, and leadership.

I commend the Girl Scouts of the U.S.A. for their support, dedication, and commitment to American girls, and I applaud them, on this, their 90th anniversary.

AIRLINE WORKERS AND VICTIMS OF TERRORISM MORTGAGE RELIEF ACT OF 2002

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RUSH. Mr. Speaker, on September 13, 2001, in response to the September 11th tragedy, Secretary Mel Martinez of HUD directed all FHA-approved lenders to provide a 90-day mortgage forbearance for families with FHA insured mortgages who were affected by the recent terrorist attacks. "Affected, borrowers are those individuals who were passengers or crew on the four hijacked airliners (American Airlines 11 and 77, United Airlines 93 and 175), individuals employed on September 11, 2001, in or near the World Trade Center, or in the Pentagon, and individuals whose financial viability was affected by the . . . events of [that] day." (HUD Mortgage Letter 01–21.)

As evidenced by the $15 billion bail out that followed the events of September 11, the effects felt by the airline industry were amongst the most immediate and devastating experienced within the corporate world. It follows naturally, that the devastation experienced by the airlines was ultimately felt by the 150,000+ employees whose financial viability was affected by the ongoing wave of post-September 11th lay offs.

Also affected by the tragic events of September 11th, are the families of those killed, who have experienced considerable difficulty in meeting their financial obligations. And while Congress, in creating the September 11th Victims Compensation Fund, has worked hard to stem the financial devastation felt by thousands of families after September 11th, there are some who may be falling through the cracks.

Fortunately there is a measure, which if revived and applied to parties affected by the events of September 11th, can help.

The Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 accomplishes this goal by:

Adopting the expired language of HUD Letter 01–21;

Making clear that the moratorium on FHA foreclosure outlined in HUD Letter 01–21 must apply to (1) laid off employees of foreign and domestic air carriers and (2) laid off employees of manufacturers aircraft used by foreign or domestic carriers;

Expanding for all eligible borrowers, the 90-day forbearance to 180 days from enactment;

Requiring the Secretary of HUD to inform mortgagees of the aforementioned changes;

Also, those eligible for compensation under the so-called "9–11 fund," (PL 107–42), would be covered until receipt of compensation money;

Those who opt to forgo the compensation money by bringing suit, (§405(c)(3)(B)(i)), would still be eligible for forbearance for 18 months after enactment, or until verdict rendered in the first lawsuit, whichever comes first, if suit is brought during the 180 day forbearance period; and

The bill also stipulates that coverage under the Act would not count as a "collateral source" as defined by the Compensation Fund language. (§405(b)(3) provides that the Special Master "shall reduce the amount of compensation . . . by the amount of the collateral source compensation the claimant has received or is entitled to receive. . . .")

In light of HUD Letter 01–21, as well as Congressional concerns over the health of the airline industry, and the financial well-being of the families of victims of September 11th, the Airline Workers and Victims of Terrorism Mortgage Relief Act of 2002 would afford Congress the perfect opportunity to give both groups the added assistance that they deserve.

THE ABANDONED HARDROCK MINES RECLAMATION ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Abandoned Hardrock Mines Reclamation Act. This bill is designed to help promote the cleanup of abandoned and inactive hardrock mines that are a menace to the environment and public health throughout the country, but especially in the west.

THE BACKGROUND

For over one hundred years, miners and prospectors have searched for and developed valuable "hardrock" minerals—gold, silver, copper, molybdenum, and others. Hardrock mining has played a key role in the history of Colorado and other states, and the resulting mineral wealth has been an important aspect of our economy and the development of essential products.

However, as all westerners know, this history has too often been marked by a series of "boom" times followed by a "bust" when mines were no longer profitable—because ore bodies were exhausted or not economically recoverable with contemporary technology, or because of depressed mineral prices. When these busts came, too often the miners would abandon their workings and move on, seeking riches over the next mountain. The resulting legacy of unsafe open mine shafts and acid mine drainages can be seen throughout the country and especially on the western public lands where mineral development was encouraged to help settle our region.

THE PROBLEMS

The problems caused by abandoned and inactive mines are very real and very large—including acidic water draining from old tunnels, heavy metals leaching into streams killing fish and tainting water supplies, open vertical mine shafts, dangerous highwalls, large open pits, waste rock piles that are unsightly and dangerous, and hazardous dilapidated structures.

And, unfortunately, many of our current environmental laws, designed to mitigate the impact from operating hardrock mines, are of limited effectiveness when applied to abandoned and inactive mines. As a result, many of these old mines go on polluting streams and rivers and potentially risking the health of people who live nearby or downstream.

The full scope of these problems is hard to estimate because many of these old mines are in remote regions and because a complete inventory does not exist. Some states and federal agencies have done some inventory work, but in 1996 the General Accounting Office, after reviewing available data, found that many agencies had not done thorough surveys and those that did showed a range of results. For example, GAO's report showed that the U.S. Forest Service listed about 25,000 abandoned mine sites within its boundaries, while the U.S. Bureau of Mines reported 12,500 sites on Forest Service lands. On the other hand, the Mineral Policy Center, a private non-profit group, has estimated that over 560,000 sites exist on public and private land. As a first step, my bill would provide a source of funds to assist states to complete inventories.

But if we do not know exactly how big the problem is, we already know enough to recognize more than inventories will be needed to fully address it. In particular, we know that timely solutions will require efforts by more entities than just the federal government. We need to assist and encourage the states, local governments, and Indian Tribes—as well as private groups—to join in the work of cleaning up these sites.

OBSTACLES TO CLEANUPS

However, right now there are two serious obstacles to their involvement.

One obstacle is a serious lack of funds for cleaning up sites for which no private person or entity can be held liable. For example, the 1996 GAO report found that the U.S. Forest Service estimated it would cost $4.7 billion to clean up abandoned mine sites on its lands alone—and many other sites are on lands managed by other federal agencies.

Another obstacle is legal. While the Clean Water Act is one of the most effective and important of our environmental laws, as applied it can mean that someone undertaking to clean up an abandoned or inactive mine will be exposed to the same liability that would apply to a party responsible for creating the site's problems in the first place. As a result, would-be "good Samaritans" understandably have been unwilling to volunteer their services to clean up abandoned and inactive mines. They have not wanted to be required to secure long-term pollution discharge permits and thus face long-term costs and potentially stiff fines and penalties.

For example, near the Keystone ski resort in Colorado is an abandoned mine, named the "Pennsylvania Mine." Each minute, the tunnel of this mine releases between 30 and 200 gallons of orange-tinted, highly acidic water into Peru Creek. That mountain stream flows into the Snake River, which in turn feeds into Dillon Reservoir in Summit County—a major source of drinking water for many people in our state. To reduce this health risk, the state, with some private and federal partners, began working to have the contaminants from this mine filtered out by a wetland and other methods. However, this effort has come to a halt—partly because of technical problems with the cleanup method, but more importantly because of a recent judicial decision regarding a similar situation in California. In that case, the court ruled that "good Samaritans"—like the parties working on the Pennsylvania Mine cleanup—could be held liable under the Clean Water Act for creating a "point-source" discharge from a wetland and other techniques and thus be liable for permits, costs and penalties. Faced with that prospect, the Colorado volunteers abandoned the effort.

In short, in this case the valiant and laudable efforts of volunteers were frustrated by the very laws that are designed to stem this type of pollution.

Unless these fiscal and legal obstacles are overcome, often the only route to clean up abandoned mines will be to place them on the nation's Superfund list. Colorado has experience with that approach, so Coloradans know that while it can be effective it also has shortcomings. For one thing, just being placed on the Superfund list does not guarantee prompt cleanup. The site will have to get in line behind other listed sites and await the availability of financial resources.

In addition, as many communities within or near Superfund sites know, listing an area on the Superfund list can create concerns about stigmatizing an area and potentially harming nearby property values. For example, that is just what is happening in the case of some abandoned mines above the communities of Jamestown and Ward in Boulder County. These sites are creating water quality concerns for these communities and others downstream, and the Environmental Protection Agency has been considering placing this old mining region on the Superfund list. That would mean that eventually the sites could receive attention and cleanup. In the meantime, however, these communities have to live with a potential Superfund designation and all the issues and concerns associated with that designation.

We need to develop an alternative approach that will mean we are not left only with the options of doing nothing or creating additional Superfund sites—because while in some cases the Superfund approach may make the most sense, in many others there could be a more direct and effective way to remedy the problem.

WESTERN GOVERNORS WANT ACTION

For years, the Governors of our western States have recognized the need for action to address this serious problem. The Western Governors' Association has several times adopted resolutions on the subject. The most recent, adopted in August of last year, was entitled "Cleaning Up Abandoned Mines" and was proposed by Governor Bill Owens of Colorado along with Governors Guinn of Nevada, Janklow of South Dakota, and Johnson of New Mexico.

That resolution begins by pointing out that these sites are "responsible for threats and impairments to water quality" throughout the west and also often are safety hazards. It notes that their cleanup is "hampered by two issues—lack of funding and concerns about liability." And it says that Congress should "protect a remediating agency from becoming legally responsible [unless they would be otherwise] . . . for any continuing discharges . . . after completion of a cleanup project" and that "reliable sources of funds that do not divert from other important Clean Water programs should be identified and made available for the cleanup of hardrock abandoned mines in the West."

The bill I am introducing today is based directly on those recommendations by the Western Governors. It addresses both the lack of resources and the liability risks to those doing cleanups.

OUTLINE OF THE BILL

Title 1. Funds for Cleanups

First, the lack of resources. To help fund cleanup projects, the bill would create a reclamation fund paid for by a modest fee applied to existing hardrock mining operations. The fund would be used by the Secretary of the Interior to assist projects to reclaim and restore lands and waters adversely affected by abandoned or inactive hardrock mines.

A similar method already exists to fund clean up of abandoned coal mines. The Surface Mining Control and Reclamation Act of 1977 (SMCRA) provides for fees on coal production. Those fees are deposited into the Abandoned Mine Reclamation Fund and used to fund reclamation of sites that had been mined for coal and then abandoned before enactment of SMCRA. Similarly, my bill provides for fees on mineral production from producing hardrock mines.

In developing this part of the bill, I have followed the lead of a 1999 resolution of the

Western Governors Association. That resolution (proposed by Governors Guinn of Nevada and Leavitt of Utah), notes that "While society has benefited broadly from the metal mining industry, problems created by some abandoned mine lands [are] a significant national concern . . . [and] industry can play an important role in the resolution of these problems through funding mechanisms" as well as in other ways.

In accord with that suggestion, the bill provides for fees that would apply to hardrock mines on federal lands or lands that were federal before issuance of a mining-law patent. The fees would be paid to the Secretary of the Interior and would be deposited in a new Abandoned Minerals Mine Reclamation Fund in the U.S. Treasury. Money in that fund would earn interest and would be available for reclamation of abandoned hardrock mines and associated sites.

In developing the bill, I decided that a one-fee-fits-all approach would not be fair. Instead, the bill provides for only modest fees and a sliding scale based on the ability of mines to pay.

Mines Exempt from Fees

To begin with, the bill would entirely exempt mines with gross proceeds of less than $500,000 per year. That means many—probably most—small operations, such as Alaskan prospectors working individual placer claims, will not be liable for any fees under the bill.

Calculation of Fees

For more lucrative mines, fees would be based on the ratio of net proceeds to gross proceeds. If a mine's net proceeds were under 10% of gross proceeds, the fee would be 2% of the net proceeds. For mines with net proceeds of at least 10% but less than 18% of gross proceeds, the fee would be 2.5% of net proceeds. Mines where the net proceeds were at least 18% but less than 26% of gross proceeds would pay a fee of 3% of net proceeds. If the net proceeds were at least 26% but less than 34% of gross proceeds, the fee would be 3.5% of net proceeds. Where the net proceeds were at least 34% but less than 42% of gross proceeds the fee would be 4% of net proceeds. Mines with net proceeds equal to at least 42% but less than 50% of gross proceeds would pay a fee of 4.5% of net proceeds. And mines whose net proceeds were 50% or more of the gross proceeds would pay a fee of 5% of the net proceeds.

For the purpose of calculating these fees, the bill defines gross proceeds as the value of any extracted hardrock minerals that are sold, exchanged for good or services, exported ready for use or sale, or initially used in manufacture or service. Net proceeds are defined as how much of the gross proceeds remain after deducting the costs of mine development; mineral extraction; transporting minerals for smelting or similar processing; mineral processing; marketing and delivery to customers; maintenance and repairs of machinery and facilities; depreciation; insurance on mine facilities and equipment; insurance for employees; and royalties and taxes.

Based on Nevada Model

This method of calculating fees is similar to that used by the State of Nevada, which collects similar production-based fees from mines in that state. However, the fees in my bill are more moderate than those set by the Nevada law in one important respect—Nevada imposes its maximum fee rate on all mines with net proceeds of $5 million or more, regardless of the ratio between those net proceeds and the gross proceeds. My bill does not do that—instead, all of its fees are based on the ratio. In other words, under my bill a mine with earnings (i.e., net proceeds) of more than $5 million per year still might pay the minimum fee if those earnings were less than 10% of the gross proceeds.

Estimated Proceeds from Fees and Use of Fund

There are not sufficient data available to say exactly how much money would go into the new reclamation fund each year under my bill. However, the United States Geological Survey does have information about the number of operating copper and gold mines and the State of Nevada has data about the money raised by their similar fee system. By extrapolating from those data, it is possible to estimate that the fees provided for in my bill would generate about $40 million annually for the Abandoned Minerals Mine Reclamation Fund.

Funds in the new reclamation fund would be available for appropriation for grants to States to complete inventories of abandoned hardrock mine sites, as mentioned above. A state with sites covered by the bill could receive a grant of up to $2 million annually for this purpose. In addition, and again subject to appropriation, money from the new reclamation fund would be available for cleanup work at eligible sites.

To be eligible, a site would have to be within a state subject to operation of the general mining laws that has completed its statewide inventory. Within those states, eligible sites would be those—(1) where former hardrock-mining activities had permanently ceased as of the date of the bill's enactment; (2) that are not on the National Priorities List under the Superfund law; (3) for which there are no identifiable owners or operators; and (4) that lack sufficient minerals to make further mining, remining, or reprocessing of minerals economically feasible. Sites designated for remedial action under the Uranium Mill Tailings Radiation Control Act of 1978 or subject to planned or ongoing response or natural resource damage action under the Superfund law would not be eligible for cleanup funding from the new reclamation fund.

The Interior Department could use money appropriated from the fund to do cleanup work itself or could authorize use of the money for cleanup work by a holder of one of the new "good Samaritan" permits provided for in Title II of the bill.

Among eligible sites, priorities for funding would be based on the presence and severity of threats to public health, safety, general welfare, or property from the effects of past mining and the improvement that cleanup work could make in restoration of degraded water and other resources. The first priority would be for sites where effects of past mining pose an extreme danger. After that, priorities would be sites where past mining has resulted in adverse effects (but not extreme danger) and then those where past mining has not led to equally serious consequences but where cleanup work would have a beneficial effect.

Further, the bill recognizes that in Colorado and other states there are often concentrations of abandoned mining sites that vary in the severity of their threat to the public health and the environment but that can and should be dealt with in a comprehensive manner. Therefore, it provides that sites of varying priority should be dealt with at the same time when that is feasible and appropriate.

Title II. Protection for "Good Samaritans"

Second, the threat of long-term liability. To help encourage the efforts of "good Samaritans," the bill would create a new program under the Clean Water Act under which qualifying individuals and entities could obtain permits to conduct cleanups of abandoned or inactive hardrock mines. These permits would give some liability protection to those volunteering to clean up these sites, while also requiring the permit holders to meet certain standards and requirements.

The bill specifies who can secure these permits, what would be required by way of a cleanup plan, and the extent of liability exposure. Notably, unlike regular Clean Water Act point-source ("NPDES") permits, these new permits would not require meeting specific standards for specific pollutants and would not impose liabilities for monitoring or long-term maintenance and operations. These permits would terminate upon completion of cleanup, if a regular Clean Water Act permit is issued for the same site, or if a permit holder encounters unforeseen conditions beyond the holder's control.

I think such protection would encourage more efforts to resolve problems like those at the Pennsylvania Mine.

Together, these two programs could help us begin to address a problem that has frustrated federal and state agencies throughout the country and make progress in cleaning up from an unwelcome legacy of our mining history. The Pennsylvania Mine and the Jamestown area are but two examples—others can be found throughout the west. And as population growth continues near these old mines, more and more risks to public health and safety are likely to occur. We simply must begin to address this issue—not only to improve the environment, but also to ensure that our water supplies are safe and usable.

PAYING TRIBUTE TO RAYMOND PETERSON

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to the life and memory of Raymond Harold Peterson who recently passed away in Grand Junction, Colorado on February 17, 2002. Raymond, also known as Ray, will always be remembered as a dedicated contributor to his community and this nation. His passing is a great loss for his family and a town that relied on Ray for his kind heart, knowledge, and friendship.

Raymond was born in Iowa in 1920 and served his country gallantly in World War II. As a member of the U.S. Army Fourth Infantry Division, Raymond served in Germany during the latter part of the war. His actions and wounds were recognized several times throughout the course of the war, notably with the Bronze Star Medal for Valor and the Purple Heart Medal for wounds sustained in combat. Following his service to his country in the war, Raymond married his sweetheart Kathleen in November of 1945, eventually settling in Colorado. There he worked for the General Services Administration at the Denver Federal Center until his retirement in 1967.

Raymond remained involved in his community throughout his life and was often found immersed in his true passion, nature. He is survived by his loving wife Kathleen, daughters Judith and Connie, and several grandchildren and great-grandchildren. I know the passing of a love one is difficult, but I hope his family finds comfort in knowing that Raymond's kindness and generosity will live on through his family and friends.

Mr. Speaker, Raymond Peterson will be greatly missed by the many whose lives he has touched in the community, and this nation. As a veteran, Raymond fought to uphold the values that we as Americans cherish dearly today and throughout his career he worked for his fellow citizens. I am grateful to Raymond and the many others of his generation who gave of themselves selflessly so that we may enjoy the freedom of democracy today. It is with a solemn heart that we say goodbye and pay our respects to a patriarch of the Peterson family and the Grand Junction community.

IN RECOGNITION OF THE GIRL SCOUTS OF AMERICA

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PLATTS. Mr. Speaker, I rise today in recognition of the Girl Scouts of America. The Girl Scouts turn 90 years old this year, and have a long and progressive history in our country.

The Girl Scouts were started in 1912 by Juliette Gordon Lowe. Her belief that all girls should experience physical, mental and spiritual growth through community involvement soon grew from a 18 member organization in 1912, to a 70 thousand member organization in 1920.

Over the past 90 years, the Girl Scouts have: sold war bonds during World War One; led community relief efforts during the Great Depression; helped tackle illiteracy with then First Lady, Barbara Bush; and most recently, Girl Scouts donated a personal gift of one dollar each to help support the children of Afghanistan—no small amount with a membership of nearly 4 million girls.

Within the Senior Girl Scouts division, young women are challenged to serve their community through Gold Award projects. Scouts strive for two years to earn a series of required badges, pins and patches. A scout must then plan and execute a year-long Gold Award project under the guidance of a certified volunteer. The Gold Award is the Girl Scouts highest award, with less than 4,000 scouts receiving the award each year,

Mr. Speaker, I encourage my colleagues to support their local Girl Scout chapter and participate in at least one Gold Award ceremony in the next year in order to fully appreciate the hard work and enormous effort each Girl Scout must exert to achieve her goal.

CENTRAL AMERICAN SECURITY ACT (CASA)

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to introduce the Central American Security Act (CASA). This legislation has strong bi-partisan support, and would give Salvadorans, Guatemalans and Hondurans the same opportunity to adjust their immigration status that Congress extended to Nicaraguans and Cubans in 1997.

In 1997, Congress passed the Nicaraguan and Central American Relief Act (NACARA) which offered drastically different immigration relief for Nicaraguans and Cubans than it did for Salvadorans and Guatemalans, despite similar political situations in El Salvador, Guatemala, and Honduras. Immigrants arriving here from these countries were all fleeing similar circumstances. As a result of this disparity in treatment, there are many undocumented Central Americans in the United States today who are hard-working, taxpaying, long-term residents with no way to regularize their immigration status. Our bill would resolve the contradiction.

While there are strong equity and fairness arguments to provide "parity" to Salvadorans, Guatemalans and Hondurans, we are equally interested in the key U.S. foreign policy and national security interests in Central America that are served by the proposal.

After suffering through a string of brutal civil wars, these countries now have moderate, democratically-elected governments. They have made great progress in respecting human rights and the rule of law. These are pro-American, multi-party democracies where political violence has been largely eliminated. Yet, these emerging democracies remain fragile, ravaged by natural disasters and beset by economic hardship. We must do what we can to help and nurture them.

Hard-working Salvadorans, Guatemalans and Hondurans in the United States send billions of dollars home to their families every year. These funds strengthen democratic institutions and provide for basic human needs. They amount to significantly more than we could ever hope to provide in foreign aid. Cutting off these remittances would renew economic and political instability in the region, undermine efforts to combat terrorism and drug trafficking, and generate massive new migration to the United States.

According to the INS, as many as 8 million undocumented immigrants live in the U.S. today. This is a situation profoundly affecting our national security, and we should make every effort to change it for the better. While we do not have the resources to find and identify all of the undocumented aliens in our country, we must give them some incentive to come forward and identify themselves. CASA would provide that incentive to bring some of these aliens out of the shadows and encourage them to register with the federal government.

Mr. Speaker, it is in our best interest to enhance domestic security efforts and to ensure the economic and political stability of Central America. Therefore, I urge all of my colleagues to support this fair and equitable legislation.

SOCIAL SECURITY PRIVATIZATION

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RUSH. Mr. Speaker, there has been a considerable amount of debate on how to reform our Social Security System and make it solvent. There is no question that we need to reform Social Security. The Social Security Trustees estimate cash flow deficits in the system starting in 2016 with a bankruptcy date of 2038. It is also estimated that the system will only be able to pay 73 percent of promised benefits. There are many reasons contributing to this depletion, such as increase life expectancies and lagging birth rates. However, the crux of the issue is how we reform Social Security without raising payroll taxes, cutting benefits or allowing the government to invest in stock markets.

In May 2001, President Bush established a 16-Member Commission on Social Security to make recommendations on how to reform Social Security. As you know, the Commission issued a final report last December that proposed three alternative models for Social Security reform that focuses on personal accounts as a central component.

In two of the proposed alternative models, the Commission claims that low income workers and Minorities will fare better if they invest part of their Social Security taxes in stocks and bonds. The rationale is that Minority groups such as African-Americans are heavily dependent on Social Security benefits during retirement and often have little or no pension savings or other sources of income. Specifically the two alternative models call for the following:

Alternative Model 2: Workers can voluntarily redirect 4 percent of their payroll taxes up to $1000 annually to a personal account (the maximum contribution is indexed annually to wage growth). No additional contribution from the worker would be required.

Alternative Model 3: Personal Accounts are created by a match of part of the payroll tax—2.5 percent up to $1000 annually (indexed annually for wage growth)—for any worker who contributes an additional 1 percent of wages subject to Social Security payroll taxes.

It is unfortunate that the Commission failed to realize that you cannot help low income workers and Minorities based on a plan that cuts benefits up to 46 percent. These proposals would subject everyone to this benefit cut, not just workers who choose to have an individual account. Finally, Social Security privatization would expose individual workers and their families to much greater financial risk. Under privatization, Social Security benefits would no longer be determined primarily by a worker's earnings and the payroll tax contributions he or she made over their career. Rather, benefit levels would be determined by the volatile stock market.

While it is true that Social Security faces a long-term challenge, diverting revenue from Social Security into private accounts will seriously undermine our commitment to the retirement security of American seniors.

PAYING TRIBUTE TO CORPORAL CHRISTOPHER CHANDLER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to welcome home an outstanding Marine and true American hero. Marine Cpl. Christopher Chandler recently returned home from protecting and fighting for our country in Afghanistan. As a young marine, Christopher traveled far from American soil to ensure that the attacks of September 11th on this country would not go unanswered. He has recently returned home to Colorado and I would like tell his story before this body of Congress and this nation.

Corporal Christopher Chandler is a member of the 1st Light Armored Reconnaissance Battalion, 1st Marine Division of the 15th Marine Expeditionary unit. He was stationed at the Kandahar International Airport in Afghanistan to ensure peace reigned in the region. While on patrol on December 16th, he was injured in an enemy blast, resulting in the loss of his left foot and injury to his hand. Following initial treatment, he was moved to Walter Reed Army Medical Center where he recently finished the initial healing process and began rehabilitation. For wounds sustained in combat, Christopher Chandler was awarded the Purple Heart medal.

As his rehabilitation continues, Christopher thrives on the tenacity he demonstrated in his endeavor to become a United States Marine. He has refused to let his injury harm his spirit and has recovered remarkably strong. Believe it or not, Christopher now desires to return to active service. He is a remarkable young man, and if he continues to prod ahead through his life with the diligence and commitment to success he has achieved thus far, there is no limit to his future potential.

Mr. Speaker, I am truly honored today to recognize Corporal Christopher Chandler before this body of Congress and this nation. His selfless sacrifice to his country serves as a model for all Americans who desire to serve their country in the most difficult and trying of circumstances. Many young men and women are now serving their nation without regard to personal safety to ensure we enjoy the freedoms our forefathers paid for so many years ago. We are proud of and honor you Christopher, good luck with your recovery, and good luck in your future endeavors.

SIKH ACTIVIST DETAINED IN CANADA AND BRITAIN AT BEHEST OF INDIAN GOVERNMENT

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BURTON of Indiana. Mr. Speaker, Dr. Bhagwan Singh Sandhu, a leader of the Sikh Students Federation, was detained at the airports in Vancouver and in London last month, apparently at the behest of the Indian government. According to information I have received, Dr. Sandhu was detained overnight and interrogated by Canadian intelligence agents who were in constant contact with Indian officials in Delhi. According to Dr. Sandhu, he was told that he was a terrorist, yet no evidence to support this claim was produced by authorities in Canada. The same thing apparently happened to him on his arrival in London. All records of his interrogation were retained by the Indian regime.

Mr. Speaker, the Indian Government appears to be trying to capitalize on the world's heightened concerns about terrorism to harass innocent Sikhs beyond its own borders. In the case of Dr. Sandhu, it appears that India manipulated our friends in Canada and Great Britain so that they would detain Dr. Sandhu. The Council of Khalistan has issued an excellent press release on the detention of Dr. Sandhu. It is very informative. I would like to place it in the RECORD at this time.

[From the Council of Khalistan, Mar. 11, 2002]

SIKH ACTIVIST ARRESTED IN CANADA AND ENGLAND AT BEHEST OF INDIAN GOVERNMENT

INDIA TERRORIZING SIKHS INTERNATIONALLY

WASHINGTON, D.C., March 11, 2002.—Dr. Bhagwan Singh Sandhu, a leader of the Sikh Student Federation, was arrested at the Vancouver airport on February 12 on the instructions of the Indian government. Canadian intelligence agents interrogated Dr. Sandhu while they were in constant touch with Indian intelligence in Delhi. They offered no evidence of any involvement by Dr. Sandhu in any terrorist activity in India or any other country. Yet he was labeled a terrorist by the Canadian intelligence operatives. They locked him in a cold, small cell with only a cement bench to lie down on. The following evening, February 13, he was put on a plane to London.

When Dr. Sandhu arrived in London, the British, acting at the behest of the Indian government arrested him. He was interrogated and searched, then held in jail overnight. He was then sent back to India. The Indian government kept all the papers related to his arrest and detention. When he arrived in India, he was arrested again. He had to get medical attention due to his injuries from his arrests. His letters of protests to the Canadian, British, and Indian authorities have gone unanswered.

"This arrest shows the true face of Indian secularism," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the organization that leads the Sikh Nation's struggle for independence. "These illegal arrests show that the Hindu nationalists will reach anywhere to destroy Sikhs and other minorities," he said. "They attacked the Golden Temple in 1984. They have attacked Christian churches, schools, and prayer halls. It has been an ongoing pattern of repression," he said.

"It is shameful that the Canadian and British governments have gone along with India's repression by illegally arresting and harassing Dr. Sandhu," said Dr. Aulakh. "Dr. Sandhu is a victim of India's tyrannical, fanatical drive to eliminate all minority populations in the service of rampaging Hindu cultural imperialism," he said. "It is clear that the agents at the airports in Vancouver and London were working at the behest of the brutal Indian government, perhaps at its direction since they were apparently in constant contact with Delhi."

The Indian government has murdered over 250,000 Sikhs since 1984. Over 75,000 Kashmiri Muslims have been killed since 1988. More than 200,000 Christians have been killed since 1947, along with tens of thousands of Dalits, Tamils, Assamese, Bodos, Manipuris, and other minorities. A report issued last year shows that 52,268 Sikh political prisoners are held in Indian jails, as well as tens of thousands of others. On February 28, 42 Members of the U.S. Congress wrote to President Bush, asking him to work to get these political prisoners freed. Since Christmas 1998, Christians have felt the brunt of the attacks. Priests have been murdered, nuns have been raped, churches have been burned, Christian schools and prayer halls have been destroyed, and no one has been punished for these acts. Militant Hindu fundamentalists allied with the RSS, the pro-Fascist parent organization of the ruling BJP, burned missionary Graham Staines and his two young sons to death.

Last year, a cabinet member said that everyone living in India must be a Hindu or be subservient to Hindus. In July 1997, Narinder Singh, a spokesman for the Golden Temple, told National Public Radio, "The Indian government, all the time they boast that they're democratic, they're secular, but they have nothing to do with a democracy, they have nothing to do with a secularism. They try to crush Sikhs just to please the majority."

"The only way to escape this government-supported violence and tyranny is for the Sikhs, Christians, Muslims, and other minorities to claim their freedom from India," Dr. Aulakh said. "That is the only way to prevent the Hindu theocracy from wiping us out," he said. "We must launch a Shantmai Morcha (peaceful agitation) to liberate Khalistan," he said.

"Sikhs are a separate nation and ruled Punjab until 1849. No Sikh leader has signed the Indian constitution. The people of South Asia must have self-determination now," Dr. Aulakh said. "India is on the verge of disintegration, as Steve Forbes predicted in the current issue of Forbes magazine," he said. "Khalistan will be free by 2008."

FALUN GONG

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to speak out against the religious persecution of Falun Gong practitioners in mainland China. Falun Gong representatives believe that over 100,000 Falun Gong practitioners have been arrested. Tens of thousands have been thrown into labor camps without trial, and at least 1,000 healthy practitioners have been put into mental hospitals and have suffered illegal psychiatric abuse. It has also been reported that between 365 and 1,600 people have been killed in police custody.

It is thought that there are as many as 100 million Falun Gong practitioners worldwide. Falun Gong believers hold that this spiritual practice instills the three principles of truthfulness, compassion and tolerance. They would merely like the opportunity to peacefully practice their beliefs without fear of torture or imprisonment.

Mr. Speaker, I ask my colleagues to join me in supporting Falun Gong and its practitioners' quest for peace and tolerance.

A TRIBUTE TO DR. SOSSINA HAILE, 27TH CONGRESSIONAL DISTRICT WOMAN OF THE YEAR—2002

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SCHIFF. Mr. Speaker, I rise today to honor Women's History Month. Each year, we pay special tribute to the contributions and sacrifices made by our nation's most notable women during the month of March and it is my honor to not only recognize women of the past but to also recognize women who are making a difference in my community. While a month of remembrance is certainly not sufficient, I am honored today to pay homage to such women as Eleanor Roosevelt, Sandra Day O'Connor, Harriet Tubman, Sally Ride and all the women of my Congressional District, whose contributions have made a profound difference in the face and fabric of our nation.

It is a special privilege to recognize an outstanding woman of California's 27th Congressional District. Dr. Sossina M. Haile is a well-respected and valuable member of the educational community in my district and her work as a professor and advisor are important in helping to shape the face and scope of research in this country.

Dr. Haile received her Bachelor of Science degree in Math, Science and Engineering from MIT and went on to receive her M.S. degree in the same discipline from the University of California, Berkeley. She returned to her alma mater, MIT, where she earned a Ph.D.

She began her professional career in education at the Max-Planck-Institut fur Festkorperforschung in Stuttgart, Germany as a Fulbright then Humboldt Fellow between October 1991 and August 1993. She served as the Department of Materials Sciences and Engineering's Battellee Assistant Professor at the University of Washington from September 1993 to September 1996. In the fall of 1996 she became an Assistant Professor in the Materials Science Department at the California Institute of Technology and I am happy to announce that she was recently granted an Associate Professorship at Caltech in the fall of last year.

Over her academic years, Dr. Haile has compiled an impressive and outstanding list of notable awards and accomplishments. She was named an award recipient as a National Young Investigator from 1994 to 1999 and was presented the Hardy Award in 1997 for exceptional promise of success in materials science. In 2000 she was honored with the Coble Award in recognition of outstanding research in ceramic science and in 2001 was presented with the J. Wagner Award for significant contributions towards the understanding of high-temperature, ion-conducting materials.

One of her greatest contributions to our community is the research which she is undertaking and the doctoral, masters, and senior theses students which she is guiding along this journey. Dr. Haile's time and efforts are certainly appreciated not only by the science community but also by the sixteen students which she mentors and guides so well.

I ask all Members of Congress to join me today in honoring an outstanding and extraordinary woman of California's 27th Congressional District, Dr. Sossina Haile. The entire community joins me in thanking Sossina for her continued efforts to make the 27th Congressional District a place of academic excellence and continued research success.

HOMELAND SECURITY ISSUES

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PUTNAM. Mr. Speaker, in order to maintain our position in the world economy America's border security must be highly efficient, posing little or no obstacle to legitimate trade and travel. Yet, America's borders—land, air or sea—are our first line of defense in the war on terrorism. Our budget makes a bold step toward establishing the border of the future. It begins the process of integrating active measures abroad to screen goods and people, inspections at the border, and measures within the United States to ensure compliance with entry and import permits. Federal border control agencies are provided more resources to establish a seamless information-sharing system that allows for coordinated communication with the broader law enforcement and intelligence gathering communities. Funding the use of advanced technology to track the movement of cargo and the entry and exit of individuals is essential to the task of managing the movement of hundreds of millions of individuals, conveyances, and vehicles.

Customs: The 2003 Budget increases the inspection budget of the Customs Services by $619 million, for a total of $2.3 billion. This additional funding increases the ability of the Customs Service to fulfill its critical border security role. Specifically, the additional resources in the 2003 Budget will allow the Customs Service to achieve two key objectives: Acquisition of Additional Personnel and New Technology.

Coast Guard: The 2003 Budget increases funding for the Coast Guard's homeland security-related missions (protecting ports and coastal areas, as well as interdiction activities) by $282 million, to an overall level of $2.9 billion. After September 11, the Coast Guard's port security mission grew from approximately 1–2 percent of daily operations to between 50–60 percent today. However, we must recognize that the Coast Guard's other important missions, such as suppressing illegal immigration, drug interdiction and search and rescue remain vital to our constituents and coastal communities.

INS: We have also included sense of the House language that the $380 million in Function 750 will be used by the Immigration and Naturalization Service to implement a visa tracking system.

SUPPORTING FIRST RESPONDERS

America's first line of defense in any terrorist attack are our "first responders"—local police, firefighters, and emergency medical professionals. Properly trained and equipped first responders have the greatest potential to save lives and limit casualties after a terrorist attack. The FY 2003 Budget directs $37.7 billion to homeland security, up from $19.5 billion in 2002.

As a first step in our commitment to improving "consequence management" we passed H.R. 3448, the Public Health Security and Bioterrorism Response Act of 2001. H.R. 3448 is intended to better prepare America for bio-terrorist threats or other public health emergencies by improving America's ability to respond effectively and quickly to such threats. This sweeping legislation will cover everything from public health preparedness and improvements, to enhancing controls on deadly biological agents, to protecting our food, drug and drinking water supplies. Our Budget proposes to spend $3.5 billion on enhancing the homeland security response capabilities of America's first responders—a greater than 10-fold increase in Federal resources to ensure that the people on the frontline of our defense have the training, equipment and technology necessary to protect them and protect our homeland.

DEFENDING AGAINST BIOLOGICAL TERRORISM

One of the most important missions we have as a Nation is to be prepared for the threat of biological terrorism—the deliberate use of disease as a weapon. An effective biodefense will require a long-term strategy and significant new investment in the U.S. health care system to defend against attacks on our population and economic attacks against our agricultural infrastructure. The President's Budget for 2003 devotes $2.4 billion to jump-starting the research and development process needed to provide America with the medical tools needed to support an effective response to bio-terrorism.

This new funding will focus on: (1) Infrastructure. Strengthen the State and local health systems, including by enhancing medical communications and disease surveillance capabilities, to maximize their contribution to the overall bio-defense of the Nation. (2) Response. Improve specialized Federal capabilities to respond in coordination with State and local governments, and private capabilities in the event of a bioterrorist incident and build up the National Pharmaceutical Stockpile. (3) Science. Meet the medical needs of our bioterrorism response plans by developing specific new vaccines, medicines, and diagnostic tests through an aggressive research and development program. (4) Agriculture. I introduced HR 3198 because I believe threats of agricultural bioterrorism should receive the same level of priority as other terrorist threats. The FY 2003 budget makes important steps in this direction by calling for $74.4 billion in spending, an increase of $11 billion over the FY 2002 budget, and $6 billion above actual budget outlays in FY 2001. Significant funding increases in the agriculture budget that relate to homeland security and the protection of agriculture are a $48 million increase for animal health monitoring, a $19 million increase in the Agricultural Quarantine Inspection (AQI) program for improved point-of-entry inspection programs and a $12 million increase for programs to expand diagnostic, response, management and other technical services within the Animal Plant Health Inspection Services (APHIS).

NON-PROLIFERATION OF WEAPONS OF MASS DESTRUCTION

Nuclear weapons technology is now almost 70 years old, chemical and biological weapons technology is almost 100 years old. Nuclear weapons, and other weapons of mass destruction, are no longer the exclusive province of the major powers of the First World. Since the Soviet Union became a nuclear power in 1949 five countries have established significant arsenals of nuclear weapons; China, France, Russia, the United Kingdom, and the United States. India, Pakistan, Israel, and possibly North Korea are also reported to have nuclear weapons.

With the break up of the Soviet Union, nuclear weapons materials and production equipment may be available on the international black-market or may be transferred from one state to another. Additional countries may therefore be able to develop nuclear weapons if they are able to obtain fissile material. Even terrorist groups may acquire and use radiological weapons that use a conventional explosive to disperse deadly radioactive material, evidence of such intentions has reportedly been found in Afghanistan.

Our Budget recognizes the importance of non-proliferation to our Homeland Security effort. The resolution accommodates the President's request for $1.12 billion for Defense Nuclear Nonproliferation in fiscal year 2003, a 39 percent increase over pre-September 11th funding: including International Nuclear Materials Protection, (increased 67 percent, to $233 million) Nonproliferation Research and Development, (increased 38 percent to $284 million) and Fissile Materials Disposition, (accommodates the President's funding request of $350 million, a 40-percent increase above the previous year).

While much of our past focus has been on the non-proliferation of nuclear weapons we must recognize that other weapons of mass destruction, such as chemical and biological weapons, also pose a very real and present threat. Earlier this week, President Bush articulated his administration's doctrine for dealing with this threat, "Men with no respect for life must never be allowed to control the ultimate instruments of death. Against such an enemy, there is no immunity, and there can be no neutrality." Our Budget provides the President with the resources he needs to continue our non-proliferation efforts and, if necessary, confront any nation posing a threat with chemical, biological or nuclear weapons.

PAYING TRIBUTE TO DALE SHERFEY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual from Penrose, Colorado. Over the years, Dale Sherfey has distinguished himself as a businessman, a community leader, and a vital participant in maintaining civic responsibilities throughout the region. Dale's achievements are impressive, and it is my honor to recognize several of those accomplishments today. Dale is a generous soul whose good deeds and actions certainly deserve the recognition he has recently received.

Dale is the owner and operator of a local feed store in Penrose, a successful business he has run for many years. He has carried on a long tradition of quality guidance and service to his many clients in the area, resulting in an operation dedicated to remaining true to high standards of honesty and integrity. His success in the industry has led to several honors including a recent tribute presented by the Colorado House of Representatives.

Throughout his success, Dale and wife Kathy, have remained active in their community. They have actively volunteered their time and energies to many local community organizations and Dale is frequently seen about the area lecturing to 4–H groups and farmers.

Mr. Speaker, Dale Sherfey's achievements have also recently been rewarded by his community through the Penrose Chamber. The chamber named Dale the Penrose Chamber Distinguished Citizen of the Year, an award given to an outstanding and well deserving individual who has selflessly given of themselves to directly benefit their community. It is now my honor to congratulate Dale on his most recent and well-deserved award from this organization by bringing his good deeds to the attention of this body of Congress, and this nation. Dale, you have been a model citizen for Penrose and Colorado and I extend my thanks for your efforts. Keep up the good work and good luck to you and your wife Kathy in your future endeavors.

CELEBRATING AS AFGHAN GIRLS RETURN TO SCHOOL

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. SOLIS. Mr. Speaker, I rise today to celebrate the end of a five-year ban on girls attending school in Afghanistan.

On Saturday, for the first time since the oppressive Taliban regime usurped control of Afghanistan, young women will finally be able to return to the process of learning without fear of punishment, violence or even death.

It is fitting that we celebrate this new beginning today—March 21st, New Year's Day in Afghanistan—for today is truly a new day for this desert nation in central Asia.

Today, home schools that were deemed illegal under Taliban rule are moving out from beneath the cloak of secrecy and into the light of legitimacy.

Today, girls who once shared a few outdated books and a handful of pens and notebooks now have access to some of the 40,000 stationary kits, 10,000 School-in-a-Box kits, 7.8 million, textbooks and 18,000 chalkboards provided by the UNICEF Back-to-School Campaign.

Today, women and girls who once hid their instruments of learning under their shawls as they cautiously made their way home after a lesson can now carry books through the streets without fear.

Prior to the civil war that propelled the Taliban to power, women in Afghanistan, and especially the capital of Kabul, were highly educated and employed.

Seventy percent of school teachers, 50 percent of civilian government workers and 40 percent of doctors in Kabul were women.

And at Kabul University, females comprised half of the student body and 60 percent of the faculty.

In fact, the Afghani Constitution, which was ratified in 1964, had an equal rights provision for women contained within it.

It is clear that in order for women in Afghanistan to regain a position of equality, quality education programs must be made available to the girls in Afghanistan.

I commend UNICEF and the Interim Afghan Government for the Back-to-School effort and look forward to seeing more than 1.5 million children on the school-house steps on Saturday.

NO—TO REVIVING MILITARY CONSCRIPTION

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. PAUL. Mr. Speaker, I rise to introduce legislation expressing the sense of Congress that the United States government should not revive military conscription. Supporters of conscription have taken advantage of the events of September 11 to renew efforts to reinstate the military draft. However, reviving the draft may actually weaken America's military. Furthermore, a military draft violates the very principles of individual liberty this country was founded upon. It is no exaggeration to state that military conscription is better suited for a totalitarian government, such as the recently dethroned Taliban regime, than a free society.

Since military conscription ended over 30 years ago, voluntary armed services have successfully fulfilled the military needs of the United States. The recent success of the military campaign in Afghanistan once again demonstrates the ability of the volunteer military to respond to threats to the lives, liberty, and property of the people of the United States.

A draft weakens the military by introducing tensions and rivalries between those who volunteer for military service and those who have been conscripted. This undermines the cohesiveness of military units, which is a vital element of military effectiveness. Conscripts are also unlikely to choose the military as a career; thus, a draft will do little to address problems with retention. With today's high-tech military, retention is the most important personnel issue and it seems counter-productive to adopt any policy that will not address this important issue.

If conscription helps promote an effective military, then why did General Vladisova Putilin, Chief of the Russian General Staff, react to plans to end the military draft in Russia, by saying "This is the great dream of all servicemen, when our army will become completely professional . . .?"

Instead of reinstating a military draft, Congress should make military service attractive by finally living up to its responsibility to provide good benefits and pay to members of the Armed Forces and our nation's veterans. It is an outrage that American military personnel and veterans are given a lower priority in the federal budget than spending to benefit politically powerful special interests. Until this is changed, we will never have a military which reflects our nation's highest ideals.

Mr. Speaker, the most important reason to oppose reinstatement of a military draft is that conscription violates the very principles upon which this country was founded. The basic premise underlying conscription is that the individual belongs to the state, individual rights are granted by the state, and therefore politicians can abridge individual rights at will. In contrast, the philosophy which inspired America's founders, expressed in the Declaration of Independence, is that individuals possess natural, God-given rights which cannot be abridged by the government. Forcing people into military service against their will thus directly contradicts the philosophy of the Founding Fathers. A military draft also appears to contradict the constitutional prohibition of involuntary servitude.

During the War of 1812, Daniel Webster eloquently made the case that a military draft was unconstitutional: "Where is it written in the Constitution, in what article or section is it contained that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or the wickedness of Government may engage it? Under what concealment has this power lain hidden, which now for the first time comes forth, with a tremendous and baleful aspect, to trample down and destroy the dearest rights of personal liberty? Sir, I almost disdain to go to quotations and references to prove that such an abominable doctrine had no foundation in the Constitution of the country. It is enough to know that the instrument was intended as the basis of a free government, and that the power contended for is incompatible with any notion of personal liberty. An attempt to maintain this doctrine upon the provisions of the Constitution is an exercise of perverse ingenuity to extract slavery from the substance of a free government. It is an attempt to show, by proof and argument, that we ourselves are subjects of despotism, and that we have a right to chains and bondage, firmly secured to us and our children, by the provisions of our government."

Another eloquent opponent of the draft was former President Ronald Reagan who in a 1979 column on conscription said: ". . . it rests on the assumption that your kids belong to the state. If we buy that assumption then it is for the state—not for parents, the community, the religious institutions or teachers—to decide who shall have what values and who shall do what work, when, where and how in our society. That assumption isn't a new one. The Nazis thought it was a great idea."

President Reagan and Daniel Webster are not the only prominent Americans to oppose conscription. In fact, throughout American history the draft has been opposed by Americans from across the political spectrum, from Henry David Thoreau to Barry Goldwater to Bill Bradley to Jesse Ventura. Organizations opposed to conscription range from the American Civil Liberties Union to the United Methodist Church General Board of Church and Society, and from the National Taxpayers Union to the Conservative Caucus. Other major figures opposing conscription include current Federal Reserve Chairman Alan Greenspan and Nobel Laureate Milton Friedman.

In conclusion, Mr. Speaker, I ask my colleagues to stand up for the long-term military interests of the United States, individual liberty, and values of the Declaration of Independence by cosponsoring my sense of Congress resolution opposing reinstatement of the military draft.

A.D. AND SHIRLEY McGREGOR: A GIFT OF LOVE AND GENEROSITY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BARCIA. Mr. Speaker, I rise today to honor a very special couple, A.D. and Shirley McGregor of Spaulding Township, Michigan, as they prepare to celebrate fifty years of marriage and a loving commitment to each other and their community. They have not only shared their tremendous capacity for love and giving with their son, Allen, his wife, Nancy, and granddaughter, Nicole, but they have both literally and figuratively played Santa Claus and Mr. Claus for much of the citizenry of Saginaw County.

The list of the many volunteer organizations graced by the McGregors' efforts over the years is long and impressive, including the Michigan Avenue Baptist Church in Saginaw, the Salvation Army, various rescue missions, the Sagniaw County Historical Society, CROP Walk for the Hungry, the Saginaw Fair and a host of other non-profits.

Of particular note is their involvement with Saginaw Community Hospital, where they have spent untold hours entertaining and helping patients. Elderly patients and others have derived much pleasure from the McGregors' musical interludes, with A.D. leading the singalong and Shirley at the piano playing "God Bless America" or "Let Me Call You Sweetheart." During the Christmas holiday season, the McGregors have become synonymous with the Yuletide spirit as they have donned red coats and white-furred hats to dress as Santa Claus and Mrs. Claus for visits to area hospital and charitable events.

Those familiar with volunteer work in Saginaw can hardly remember a time when the McGregors were not involved in one or another activity. A.D. and Shirley have volunteered for various organizations since before they were married at Fordney Avenue Baptist Church in 1952. In fact, as a young girl, Shirley used to accompany her father, Elmer Hopkins, when he sang and played the organ for local organizations. Both A.D. and Shirley learned at an early age that they had a responsibility to return some of their blessings to the wider community.

Mr. Speaker, I ask my colleagues to join me in congratulating A.D. and Shirley for fifty years of marital happiness and for a lifetime of loving and giving. I am confident their kind hearted generosity will continue to know no bounds.

PAYING TRIBUTE TO JOE JESIK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Mr. Joe Jesik and recognize his contributions to this nation. A resident of Pueblo, Colorado, Joe began his service as a sailor during World War II when he joined the Navy and served in the Pacific Theatre. During his tour, Joe was stationed on the light cruiser USS *Honolulu*, which was involved in numerous engagements and battles throughout the South Pacific. He was recently awarded several decorations for his service over fifty years ago, and it is my pleasure to recognize his awards and service before this body of Congress and this nation today.

The USS *Honololu* was in involved numerous engagements throughout the war and is credited with the sinking of a Japanese cruiser, four destroyers, and four enemy aircraft. Joe's exploits and service to his country were recently brought to light by his immediate family through a surprise ceremony attended by almost two hundred relatives. At the ceremony, Joe was presented with several long overdue decorations for his service to his nation during the war. Among the decorations awarded at the ceremony are the Navy Good

Conduct Medal, the American Campaign Medal, the World War II Victory Medal, the Navy Presidential Unit Citation Ribbon, the Navy Unit Commendation Medal, and the Philippine Presidential Unit Citation Ribbon. Thanks to his loving family of twelve sons and daughters, and his dedicated wife Lucille, Joe is now properly recognized by his nation for his service to our armed forces and commitment to his nation.

Mr. Speaker, it is a great privilege that I recognize Joe Jesik and his selfless sacrifice to this nation. Many men and women of his generation gave their lives long ago so that today we can enjoy the right and privilege of freedom. Joe Jesik served selflessly in a time of great need, bringing credit to himself, to his family, and a grateful nation. It is an honor to recognize the service of this veteran before this body of Congress today, as he certainly deserves the thanks of this grateful nation. Thanks Joe for your service, and good luck in your future endeavors.

HONORING ELAINE CARDONICK

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BORSKI. Mr. Speaker, I rise today in honor of Elaine Cardonick, a devoted teacher who gave the last days of her life to her students at the Loesche Elementary School in Northeast Philadelphia. Mrs. Cardonick, despite being very ill, would not allow her class of autistic children to be disturbed and upset by her absence. She was with her class when the tragic events of September 11th occurred, and finally went to the emergency room following the subsequent early closing of schools. Mrs. Cardonick passed away in the hospital the following day.

Elaine Cardonick began teaching in 1964 and was a special education teacher for most of her long and distinguished career. Over the course of thirty-seven years, she was an inspiration to hundreds of young children who are challenged daily to achieve their best in school and in life.

Mrs. Cardonick's actions in putting her students' welfare before her own are a shining example of what love and duty really mean. She was an inspiration to the students and faculty at the Loesche Elementary School and will be remembered as a hero.

On March 22, 2002, a plaque will be dedicated by the faculty at the Loesche Elementary School, in memory of Elaine Cardonick. Each year, the plaque will be engraved with the name of a "special" child who, despite having a disability or handicap, made every effort to achieve their best. This award was created to commemorate the courage and determination that Mrs. Cardonick exemplified throughout her career, and especially in September of 2001.

Elaine' love and kindness touched the lives of so many: her students, her colleagues, and her family. She is survived by her husband, three children, and three grandchildren. She will be missed by all who knew her.

Mr. Speaker, I salute Mrs. Elaine Cardonick and the ideals she represented and inspired in all of her students at the Loesche Elementary School in Philadelphia.

HONORING ANNE CONSIDINE FOR TWENTY-FIVE YEARS OF SERVICE TO CYHA

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CAPUANO. Mr. Speaker, I rise today to honor a very special person from my district. Special, because she embodies the characteristics of a special place. Anne Considine is an extra-ordinary person who has demonstrated how an individual can impact their corner of the world in very ordinary ways. Her corner of the world is Charlestown, Massachusetts, where she is being honored this Saturday evening for her twenty-five years of dedicated service to the Charlestown Youth Hockey Association (CYHA).

Plain and simple, Anne Considine is a "hockey mom". Long before the political pundits of the 1990's realized the power soccer moms have in impacting political change, Anne Considine was improving her community through youth hockey. Piling the children into the family car for early morning ice time is an expected duty of a hockey parent in Boston. However, twenty-five years ago in most families, and in most neighborhoods, that would have been dad's job alone. Long before women reached Olympic and World Cup glory through hockey and soccer, Anne Considine was known as someone who could tighten a mean skate. Anne's influence in her community did not stop at the rink or at the doorstep of her home at 10 Tufts Street in the Bunker Hill Housing Projects.

Anne's dedication to the neighborhood of Charlestown is well known throughout the community. Anne's passion for hockey, however, is what allowed her to reach out to her community and her neighbors as someone whose opinions should be respected. As a CYHA coach, president and parent, there was no one more tenacious on the bench or in the boardroom. As tough a competitor as Anne could be at times, people dealing with her knew that she possessed a hockey attitude spurred from a mother's love. This was a passion not limited to just her children but was felt by all the children of Charlestown Youth Hockey. During Anne's tenure with CYHA, her guidance was available to all the athletes regardless of their ability to play or pay. Anne's leadership resulted in the initiation of the Green Team, which allows youth that can not afford the ever-escalating costs of playing hockey to realize a dream. To some of these kids just being able to take the ice as a youth is as big a hockey career to which they aspire.

Charlestown has seen many of its young hockey players move on to compete at the high school and college level. Some are fortunate enough to have enjoyed professional careers. Still others have won Olympic Gold. These exceptional athletes were no more important to Anne than those whose careers peaked at the youth level. Regardless of how far the skills developed at the Charlestown rink took these young athletes, the lessons learned from Anne Considine's wisdom and caring went with them. Rinks and neighborhoods from as far away as Chicago, St. Louis, Lake Placid, Peoria, Florida, Nashville, Cleveland, Plattsburg and Hampton Roads, to name a few, have felt the influence of one woman's love of hockey and her hometown.

Mr. Speaker, I leave here tonight proud to say that the next generation of Considine's can be found mucking it up in the corners at the Charlestown Rink. This is a tribute to Anne's lasting impact on youth hockey in Charlestown. On behalf of all the hockey players in Charlestown—past, present, and future—I want to thank Anne Considine for her years of dedication to the Charlestown Youth Hockey Association.

KYRGYZSTAN'S RELEASE OF AZIMBEK BEKNAZAROV

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SMITH of New Jersey. Mr. Speaker, yesterday authorities in Kyrgyzstan released Azimbek Beknazarov, a parliamentarian who had been in jail since January 5. The decision was made after disturbances in the Ak-Su District of Jalal-Abad, Mr. Beknazarov's native region in southern Kyrgyzstan. In an unprecedented outburst of violence on March 17, six people were killed and scores wounded when police opened fire on demonstrators. Mr. Beknazarov has pledged not to leave the area and his trial has been postponed indefinitely while the authorities and the public catch their breath and reassess the situation.

The incident and the events leading up to it are alarming—not only for Kyrgyzstan but for the United States, which is now basing troops in the country and expects to be in the region for the foreseeable future. Despite attempts by some Kyrgyz officials to pin the blame on a mob of demonstrators fired up by alcohol, the real cause of the bloody riot was popular discontent with an unresponsive government reaching the boiling point.

Kyrgyz authorities have accused Mr. Beknazarov of improperly handling a murder case when he was an investigator in a district prosecutor's office years ago. In fact, it is widely believed that Beknazarov's real transgression was to suggest that Kyrgyzstan's parliament discuss the country's border agreement with China, which would transfer some territory from the tiny Central Asian state to its giant neighbor.

This is reflective of Akaev's intensified efforts to consolidate his power while cracking down on dissent and opposition. In February 2000, President Akaev rigged the parliamentary election to keep his main rival—Felix Kulov, who had served as Vice President and in other high-level positions—from winning a seat in the legislature. The observation mission of the Organization for Security and Cooperation in Europe (OSCE) openly questioned the results in Kulov's district, and said the election had fallen far short of international standards. Subsequently, Kulov was arrested and could not participate in the October 2000 presidential election, in which Akaev faced no serious contenders and was easily re-elected.

Kulov is serving a 7-year jail term and now faces new criminal charges. Amnesty International considers him a political prisoner. Last December I chaired a hearing of the Helsinki Commission which focused on the deterioration of human rights in Kyrgyzstan. Mr. Kulov's wife was able to attend the hearing and offered her perspective on the current political climate in her country.

The independent and opposition media in Kyrgyzstan have also been under severe pressure, usually in the form of libel cases which official authorities use to fine newspapers out of existence so they cannot report on corruption. In January 2002, the authorities issued Decree No. 20, which would introduce mandatory official inventory and government registration of all typographical and printing equipment, while imposing stricter controls on its imports. Decree No. 20 would also threaten U.S. Government plans to establish an independent printing press in Kyrgyzstan. Furthermore, the decree will be used against religious groups, both Muslim and Christian, by blocking their ability to produce religious material and by calling for an "auditing" of all religious communities that create publications. While the pretext of the decree is to combat "religious extremists," the decree has clear implications for religious communities out of favor with the government, as well as with opposition groups. The State Department has urged Kyrgyzstan to repeal Decree No. 20 but so far, Bishkek has stubbornly refused.

So when legislator Azimbek Beknazarov was arrested on January 5, his colleagues in parliament, members of opposition parties and human rights activists reacted strongly to the latest step in an ongoing campaign to clamp down on civil society. Since January, hundreds of people, including parliamentarians, have gone on hunger strikes to demand his release. Protests and demonstrations have continued throughout, which the police have either ignored or roughly dispersed. The U.S. Government, the OSCE and international human rights groups have called for Beknazarov's release, but President Akaev, hiding behind the fig leaf of "executive non-interference in judicial deliberations," contends that the case must be decided by the courts. His position is an absurd pretense in a country where the courts are under state influence, especially in sensitive political cases. More to the point, this stance is simply no longer credible, considering the widespread belief that Beknazarov's imprisonment was politically motivated and the public's lack of confidence in the government's good faith.

Finally, pent-up tensions exploded two days ago, when demonstrators and police clashed, with tragic consequences. Kyrgyz officials have accused organizers of unauthorized pickets and rallies of responsibility for the violence. In an address to the nation, President Akaev described the events as "an apparent plot [in which] a group of people, including prominent politicians, staged unauthorized mass rallies simultaneously." He said the events were "another move in the targeted activities of opposition forces to destabilize the situation in the country. They have been engaged in these activities for the last few years."

Mr. Speaker, I would contend that the riots in Jalal-Abad Region were the predictable outcome of frustration and desperation. Askar Akaev, by falsifying elections and repressing freedom of expression, has made normal politics impossible in Kyrgyzstan. A long-suffering populace, which has seen its living standard plummet while corrupt officials grow rich, has signaled that enough is enough. The authorities have heard the message and now have to make a critical decision: either to try to find a common language with society or to crack down. If they choose the former, Kyrgyzstan may yet realize its promise of the early 1990s; if they choose the latter, more confrontations are likely, with unpredictable ramifications for Kyrgyzstan and its neighbors.

The United States has a real stake in the outcome. We are in Central Asia to make sure terrorists cannot use the region to plan attacks on us or recruit new members. But all the region's states are led by men determined to stay in power indefinitely. This means they cannot allow society to challenge the state, which, in turn, insures that discontented, impoverished people with no other outlets could well be attracted by radical ideologies.

We must make it plain to President Akaev that we are serious when we declare that our war on terrorism has not put democracy and human rights on the back burner. And we must insist that he implement his OSCE commitments, as well as the pledge he made in last month's bilateral Memorandum of Understanding with the United States. That document obligates Kyrgyzstan to "confirm its commitment to continue to take demonstrable measures to strengthen the development of democratic institutions and to respect basic human and civil rights, among which are freedom of speech and of the media, freedom of association and public assembly, and freedom of religion."

The events earlier this week have given us a wake-up call. We had better understand properly all its implications.

AFGHAN GIRLS RETURN TO SCHOOL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. LEE. Mr. Speaker, I rise today to honor a remarkable event that will be taking place this week in Afghanistan. For the first time in five years, Afghan girls will be allowed to enroll in school without fear of the Taliban.

The collapse of the Taliban regime has enabled the Afghan citizens to enjoy new personal freedoms that were once forbidden.

Under the Taliban regime, women and girls were not allowed to go to school to attain a basic education. Many illegal schools were set up in private homes during the repressive regime because women and girls did not want to give up their education. During this time, if any of these underground schools were discovered, these women and girls wound up in jail, were severely beaten, or sometimes even killed.

This week marks a time for celebration. Women and girls will no longer be threatened and harmed from pursuing their right to an education. I celebrate with the Afghan women and girls on their return to school and join my colleagues in celebrating this momentous event in empowering women around the world.

THE HOSPITALIZED VETERANS FINANCIAL ASSISTANCE ACT OF 2002

HON. SUSAN DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mrs. DAVIS of California. Mr. Speaker, today I have the pleasure to introduce the Hospitalized Veterans Financial Assistance Act of 2002 and thank my Veterans Affairs Committee colleagues, Committee Ranking Member LANE EVANS, Benefits Subcommittee Ranking Member SILVESTRE REYES, and fellow Benefits Subcommittee member CORRINE BROWN who have joined me on this important legislation.

I would also like to thank the authors of the Independent Budget who brought this critical issue to our attention. In short, current law subjects many hospitalized veterans to a financial hardship. Let me explain further.

An inequity exists in current law controlling the beginning date for payment of increased compensation based on periods of incapacity due to hospitalization or convalescence. Hospitalization in excess of 21 days for a service-connected disability entitles the veteran to a temporary total disability rating. This rating is effective the first day of hospitalization and continues to the last day of the month of hospital discharge. Similarly, where surgery for a service-connected disability necessitates at least 1 month's convalescence or causes complications, or where immobilization of a major joint by cast is necessary, a temporary total rating is awarded effective the date of hospital admission or outpatient visit.

While the effective date of the temporary total disability rating corresponds to the beginning date of hospitalization or treatment, under current law (38 U.S.C. §5111) the effective date for payment purposes is delayed until the first day of the month following the effective date of the increased rating.

This provision deprives veterans of any increase in compensation to offset the total disability during the first month in which temporary total disability occurs. This deprivation and consequent delay in the payment of increased compensation often jeopardizes disabled veterans' financial security and unfairly causes them hardships.

The Hospitalized Veterans Financial Assistance Act of 2002 would allow for payment of benefits in all hospitalization and convalescent claims to begin effective the first day of the month in which hospitalization or treatment begins.

Mr. Chairman, once again the nation's soldiers, sailors, airmen, and Marines are on foreign soil either engaged directly with an enemy or on alert to respond as necessary to assure our citizens' right to live in freedom. Let us in Congress assure these dedicated men and women that we will provide for those who bear today's and tomorrow's battles and not force them to endure a financial hardship.

President Abraham Lincoln said it best, ". . . what is fairly due from us here, in the dispensing of patronage, towards the men who, by fighting our battles, bear the chief burthen of saving our country . . . is that, other claims and qualifications being equal, they have the better right; and this is especially applicable to the disabled soldier."

TRIBUTE TO MR. CLIFFORD C. LAPLANTE

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. DICKS. Mr. Speaker, I rise today to pay tribute to a longtime friend and a great American, Mr. Clifford C. LaPlante. Cliff is about to retire after more than 50 years of dedicated service to our country and to the defense and aerospace community.

Born and raised in upstate New York, Cliff began his most distinguished career in the aeronautical arena with the U.S. Air Force during the Korean War. An acquisition specialist, Cliff dedicated himself to ensuring that American forces were equipped with the most capable equipment that American industry could provide. As we hear in the media about the critical roles of Air Force systems such as the C-5 Galaxy and the KC-135 aerial refueling fleet, I would point out to my colleagues that these systems were developed and deployed under the watchful eye of Cliff LaPlante.

As an Air Force legislative affairs officer, Cliff became well known to the members of the Armed Services and Appropriations Committees. He quickly became an asset to members and staff alike for his concise and timely responses to the many questions that arose during consideration of Defense department budget requests. The reputation Cliff developed as a trusted and admired member of the Air Force reflect great credit on himself as well as the U.S. Air Force.

My personal association with Cliff began in 1970 when Cliff decided to forego a much-deserved promotion to full Colonel in favor of joining The Boeing Company as its first full time liaison representative to the Congress. During his eight years with Boeing, Cliff continued the fine legislative work he had begun with the Air Force and he became involved in many vital defense programs such as the AWACS, the Airborne Command Post and the KC-135 re-engining program.

In 1979, Cliff began the General Electric Company chapter of his career, which has lasted twenty-three years. Cliff continued to build on the legislative work he began during his tenures with the Air Force and Boeing and was at the very center of the major defense issues of the day. Cliff distinguished himself with his role in the KC-135 re-engining program and during "The Great Engine War" where GE competed, and won, a place for its F110 engine on the F-16. American business schools now view "The Great Engine War" as a classic case study on how defense procurement should be done.

Now, after more than 50 years of dedicated service to his country, the Congress and the aerospace community, Cliff is about to retire from GE and will begin what is perhaps his most noble endeavor. Together with his wife, Cecilia, Cliff has established a charitable foundation, "Children Come First," that is dedicated to helping underprivileged children in Peru. Those of us who have worked with Cliff know that he will bring the same spirit and vigor that has exemplified his past undertakings to his foundation and that he will certainly continue to "Bring Good Things to Life" for underprivileged kids.

Mr. Speaker, I know I speak for all my colleagues in the House who have known and worked with Cliff over the years when I say we will miss him but wish him well in the next chapter of his fascinating career.

HONORING OTTERBEIN COLLEGE, NCAA MEN'S DIVISION III NATIONAL CHAMPIONS

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TIBERI. Mr. Speaker, while the big school college basketball championship is still to be decided, we in Central Ohio are already celebrating the Otterbein College Cardinals' victory in the NCAA Men's Division III championship game. The Cardinals came from 11 points behind in the second half to crush Elizabethtown 102-83 and bring the national title home to Westerville, Ohio.

The victory topped a spectacular season for Coach Dick Reynolds and his squad. The Cardinals finished first in the tough Ohio Athletic Conference during the regular season, then won the conference tournament en route to an overall 30-3 record. It's a homegrown success story too, with every player coming from the Buckeye State and 11 of them from the Central Ohio area.

Otterbein is no stranger to basketball success. The Cardinals' title came in their third trip to the Final Four in Reynolds' 30 years with the program.

Their games weren't on ESPN and you won't find them on your tournament bracket sheet. But some of the best basketball in the country is played on the Division III level. We're proud that Otterbein College, the best of the best, has brought a national title to Central Ohio.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SHAYS. Mr. Speaker, on March 19, I was in Florida participating in my close friend Ted Winpenny's wedding as his best man and therefore, missed four recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted yes on recorded vote number 65, yes on recorded vote number 66, yes on recorded vote number 67, and yes on recorded vote 68.

CONGRATULATING THE GIRL SCOUTS OF THE U.S.A. ON ITS 90TH ANNIVERSARY

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, this month the Girl Scouts of the U.S.A. (GSUSA) is celebrating its 90th anniversary. Additionally, the Girl Scout Council of Kenosha County is celebrating its 80th anniversary. I would like to recognize the accomplishments of the Girl Scouts in Wisconsin's First Congressional District: the Girl Scout council of Kenosha County, the Girl Scouts of Badger Council, and the Girl Scouts of Racine County.

Juliette Gordon Low believed girls needed a supportive community for girls and young women to develop physically, mentally, and spiritually. On March 12, 1912, Ms. Low assembled twelve girls in Savanna, Georgia, for the first Girl Scout meeting. The idea spread quickly. In 1918, six years after that inaugural meeting, Kenosha County organized its first meetings and joined the Girl Scout movement. Four years later, in 1922, the Girl Scouts of the U.S.A. awarded the Girl Scout Council of Kenosha County its official charter.

The Girl Scout Law, on which the Girl Scout mission rests, encourages all girls to uphold values such as honesty, fairness, and responsibility, while developing respect and compassion for the world around them. Girl Scouts continue to build on this foundation by adopting the practice of these values to the contemporary issues facing girls today.

In contrast to those first twelve Scouts 90 years ago, Girl Scouts today is comprised of over 2.7 million girls and 900,000 adult volunteers in the U.S. Globally, that number tops 10 million members in over 140 countries. Currently, the Girl Scout Council of Kenosha County proudly maintains an active membership of 3200 Scouts. To put that in perspective, one in nine girls are involved in Girl Scouting nationwide, while in Kenosha County, one in every five girls is a Girl Scout.

Girl Scouts depends on its volunteers and its community. As with all Girl Scout Councils, the secret behind the success of Scouting is the hard work of the adult volunteers. This well-qualified team of volunteers works with the Council to organize and encourage the Scouts. Additionally, the support of the community is integral to the Girl Scouts. Troop meetings take place in local schools, churches, and other community centers, and outreach activities require the cooperation of community businesses and organizations. The strength of these relationships is visible in Southeastern Wisconsin. The adult members, businesses, and organizations work together to open doors for young women to learn and expand their horizons.

For 90 years, Girl Scouts has empowered girls with the values and skills it takes to become the next generation of leaders. The Girl Scout Council of Kenosha County, the Girl Scouts of Badger Council, and the Girl Scouts of Racine County, like Councils all over the world, are helping girls to grow strong and build the necessary foundation to be successful in all they do. It is with admiration that I congratulate the Girl Scouts and all who support them on the first 90 years of remarkable service, and with enthusiasm that I wish them all the best on the next 90 years.

INTRODUCTION OF THE "GUN SHOW BACKGROUND CHECK ACT of 2002"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CONYERS. Mr. Speaker, today I am introducing the "Gun Show Background Check Act of 2002", legislation designed to close the loophole in federal gun laws which allow criminals to buy firearms at gun shows. I am Joined by Representatives Frank, Berman, Nadler, Lofgren, Waters, Meehan, Delahunt, Weiner, Ackerman, Andrews, Brown, Clay, Crowley, Cummings, Davis (IL), DeGette, Hastings (FL), Jackson (IL), Kilpatrick, Lee, Markey, Schakowsky, and Wexler.

As you know, under current law federal firearms licensees are required to maintain careful records of their sales, and under the Brady Act, to check the purchaser's background with the National Instant Criminal Background Check System (NICS) before transferring any firearm. However, a person does not need a federal firearms license—and the Brady Act does not apply—if the person is not "engaged in the business" of selling firearms pursuant to federal law. My bill corrects these deficiencies by (1) requiring background checks for all firearms sales at gun shows, (2) defining gun shows to include any event at which 50 or more firearms are offered or exhibited for sale and (3) by improving firearm tracing measures—in the event that a firearm becomes the subject of a law enforcement investigation.

I do not believe we can close a loophole by opening a dozen more. We should not weaken the Brady law by shortening background checks to 24 hours—thereby allowing more than 2,200 additional felons, fugitives and stalkers to purchase guns in an 18 month period; we should not allow states to limit the search of individual records to "disposition information"—which, as you may know, excludes mental health records and restraining orders; and we should not create an unprecedented exemption that would allow a gun trafficker to sell thousands of guns from his home without conducting any background checks.

Considering the many recent tragedies and threats of violence we have had in our nations schools and the recent reports indicating that the U.S. gun industry sold numerous guns to members of Osama bin Laden's "al Qaeda" terrorist network, the importance of enacting legislation that will promote a more secure nation can not be overstated.

It's time for smarter, better gun safety prevention and enforcement. The bill we are introducing today will move us in that direction, I am hopeful that Congress will move quickly to enact this worthwhile and timely legislation.

HONORING P.J. CORR

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to honor P.J. Corr. Mr. Corr will be recognized on Saturday, March 23rd for his many achievements, and for his years of loyalty to the Cavan P&B Association.

P.J. Corr was born in the parish of Mullahoran in Ireland. He is the eldest son of the late Patrick Corr and Cecilia Corr, nee Lynch. They were the proud parents of four children, P.J., Thomas (deceased), Peter who lives in England and Nuala who resides in Dublin.

Mr. Corr completed his formal education at Loungduff National School and was later employed in Dublin by James Caffrey of Jervis Street, a well-known Cavan man. After four years in Dublin, Mr. Corr immigrated to New York where he found employment for eight years in the A&P Supermarket.

In late 1957, Mr. Corr joined the fighting 69th Regiment serving on active duty for six months and the reserves for eight years, eventually reaching the rank of Company Sergeant. In 1965, Corr went to work for Danny Brady, also a Cavan man. After two years, he joined the staff of Killarney Rose and remained there for twenty years. After working in the financial district, he moved on to the restaurant business, working as a manager at the Greentree Restaurant for fifteen years.

In addition, Mr. Corr is very socially involved. He has been a member of the Cavan P&B Association for the last forty years and was the President of the football club from 1985 to 1987. An ardent golfer, Corr is also a member of the Cavan Golf Club. He presently serves as the President of the Mullahoran Social Club, and is a member of clubs such as the Irish American Society of Nassau, Suffolk and Queens, the Greenville Irish American Club, the Michael J. Quill Irish Culture Center in East Durham and the Ancient Order of Hibernians Division 9 Bronx County.

On a more personal note, Corr met the lovely Kathleen McGovern from Blacklion West Cavan in 1959. In 1963, the couple was married. Together, they have three children; Patrick, who is one of the New York's Bravest, Thomas, a member of 32BJ and Noreen who is married to NYPD Sergeant Gerry Dowling. In 1992, Kathleen passed away, God rest her soul.

Mr. Speaker, please join me and the many friends, family and colleagues of P.J. Corr in commending P.J. Corr for his lifetime of service to this nation, his community and his family. We look forward to his continued leadership and inspiration in the years to come and we wish him continued happiness and success.

HONORING UNITED NATIONS INTERNATIONAL DAY FOR THE ELIMINATION OF RACIAL DISCRIMINATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise to honor the United Nations International Day for the Elimination of Racial Discrimination. As the world celebrates this day, we must reflect and take action against the existing discrimination and hate within our borders. Since the terrorist attacks on September 11th, thousands of assaults have been reported across the country on people of South Asian, Arab, Muslim, Sikh, and Jewish backgrounds. By October 11th, the Arab Anti-Discrimination Committee had already collected more than 700 reports of hate crimes in the month following September 11th. People have been physically and verbally attacked, others shot and killed, temples were firebombed, and houses were vandalized. Innocent Americans, touched by the devastation of September 11th like the rest of us, must not be singled out for hate just because of their skin color or religious beliefs.

We in Congress condemn this hate and violence. But we must do more. It is time to take the next step and strengthen our current laws to protect victims who are chosen because of their gender, sexual orientation, race, religion, or disability. It is our duty. It is especially important that our children learn that hate crimes will not be tolerated. This is why we must pass H.R. 1343, The Local Law Enforcement Hate Crimes Prevention Act of 2001, which would elevate the status of hate crimes within federal law and ensure that state governments and local police have the tools needed to fight and prosecute these crimes. This bill would not take away the ability of state and local authorities to continue prosecuting most hate crimes. It would allow federal officials to assist overstretched states and local officials investigate and prosecute these crimes. It would also provide states and localities with grants designed to combat hate crimes committed by juveniles.

Sadly, the prevalence of hate crimes goes beyond the backlash from September 11th. The Southern Poverty Law Center estimates that last year alone, over 50,000 hate crimes took place. In the summer of 1999, the Midwest, including my district in Illinois, was rocked by the killing spree of Benjamin Nathaniel Smith. A follower of the World Church of the Creator, Benjamin Smith killed Ricky Byrdsong, an outstanding role model in the community and a constituent, and Won Joon Yoon, a student at Indiana University. The Jewish Community in my district was also assaulted on the Sabbath with rounds of gunfire.

The weekend after the September 11th attacks, I marched in solidarity with the South Asian, Arab, Muslim, Sikh, and Jewish communities to stand against the terrorist attacks and the attacks on the community. I saw not only overwhelming sadness, but the fear of violence on the faces of those walking with me. Members of my community and the district that I represent were afraid to send their children to school. They did not want to leave their homes even to go grocery shopping. But I also saw the commitment from community members to combat bigotry and racism.

Those who commit hate crimes perpetuate the sense of terror in our communities and undermine the ideals of our nation. This is why it is so important that hate crimes be recognized for what they are and punished accordingly. These crimes not only devastate victims and their family and friends, but they devastate the community to which the victim belongs. This community becomes stricken with grief as well as the fear that they could be next. The violence inflicted on those based solely on skin color or religion violates the very essence of what our nation is about. Our country represents tolerance and acceptance. We must pass the Local Law Enforcement Hate Crimes Prevention Act. I am proud to represent one of the most diverse districts in the nation and I will work to protect and honor the civil rights of all our people, without any exceptions.

INTRODUCTION OF THE MEDICARE AND MEDICAID NURSING FACILITY QUALITY IMPROVEMENT ACT OF 2002

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. CAMP. Mr. Speaker, today I introduce the Medicare and Medicaid Nursing Facility Quality Improvement Act of 2002.

This session, legislation has been introduced on numerous important long term care issues ranging from criminal background checks for nursing home staff to additional funding for the Medicaid program that provides the lion's share of financing for long term care. A variety of other financing and regulatory proposals have been introduced or are being discussed. This gives us an important opportunity to discuss a broad range of options intended to improve the quality of care provided to residents in long term care facilities. Today, I am introducing legislation that would improve the quality of care in our nation's nursing homes where thousands of our most frail and elderly seniors live. It is my hope that these provisions perhaps combined with other valuable proposals can be enacted into law.

My legislation will provide incentives for the best facilities to improve and give facilities experiencing quality of care issues additional opportunities to provide better care for residents. I believe the changes will also focus regulatory efforts on improving outcomes, fostering innovation and ensuring that the federal and state oversight system is more fair and accurate, to the benefit of residents and providers alike. This legislation would:

Alleviate the shortage of well-trained staff. The legislation would restore the ability of more facilities to train nurses aides in order to help hundreds of facilities in Michigan as well as many others across the nation respond more effectively to the shortage of long term care workers and to the needs of their residents. Unfortunately, current law prevents nursing facilities from training nurses aides on site for a full two years after the original problem that led to the prohibition on training is remedied. This penalty is highly counterproductive. It does not serve the interests of residents and hinders rather than enhances the provision of quality care.

Flexibility and Innovation. The legislation would allow for an eight state survey and certification waiver demonstration program so states can adopt innovative regulatory process for nursing homes that focus on improving resident outcomes. Sates should work together with consumers, providers, labor representatives and other involved parties to craft innovative systems that can improve the quality of care. For example in the state of Washington there is broad support among all key stakeholders for such a waiver, and I believe other states would come forward with valuable waiver applications if such a process were available. In addition, states would be given some narrow additional discretion to work within the current enforcement process to avoid any unintended consequences of current law which could harm resident quality of life.

Establish incentives and additional opportunities for technical assistance to help all facilities improve the quality of care. The legislation would establish a range of incentives to encourage nursing homes that are providing the best possible care to exceed their already high standards, while facilitating the provision of technical assistance and advice on best practices to facilities that need to improve care for residents. Such measures will help both good facilities to implement even more effective care practices and assist those that face challenges in their efforts to provide excellent services. Current law provides many penalties to deter and punish those who provide low quality care but strangely absent are incentives for the overwhelming majority of responsible nursing facilities to improve the quality of care.

Insure fair and accurate survey results. Residents, families and health care providers are best served if all disputes concerning surveys of long term care facilities can be resolved quickly and cost-effectively through an independent review process. In fact, in my home state of Michigan providers and regulators are able to resolve many disputes through an independent dispute resolution process. Unfortunately, in many states the process is not independent enough of the state regulatory agency to provide for fair and impartial review. Our independent process in Michigan, as well as the independent systems in several other states can offer many lessons for the nation. Michigan also believes additional steps are needed to insure that all citations, even those that do not result in the immediate imposition of a penalty, can be subject to an appeal. Basic fairness and the principles of due process require us to allow nursing facilities to appeal all publicly reported deficiencies.

Ensure proper medical care. The legislation would prevent government inspectors from overturning the orders of patient's own physicians. Inspectors are charged with evaluating the medical condition of nursing home patients and for making sure nursing facilities provide the best possible care. However some inspectors, even though they are not physicians, overturn doctor's orders. The changes could endanger a resident's health. Patients do not lose the right to the care prescribed by a personal physician simply because they have entered a nursing facility. When government inspectors substitute their judgment for that of a physician, nursing home providers must choose between the doctor's orders and government sanctions. An efficient and fair system requires that without fear of punishment, nursing home providers be allowed to follow a doctor's orders in keeping with the best interest of their residents. Optimal quality care means that patients should enter nursing homes with the assurance that the care prescribed by their physician is the care they will receive.

I hope this legislation fosters a constructive debate over the best ways to improve care for residents and that involved stakeholders can come together to reach consensus on the need for changes in the current system. I am pleased that already the Michigan Association of Homes and Services for the Aging, the American Association of Homes and Services for the Aging, Lutheran Services in America, the Council for Health and Human Service Ministries of the United Church of Christ and the Catholic Health Association support this legislation. I appreciate the input I have received from others as well and look forward to working with other key stakeholders in long term care and interested Members of Congress. As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort.

RECOGNIZING THE MANY INDIVIDUALS WHO HAVE SIGNED A "PEACE PLEDGE" TO STOP THE SPREAD OF WAR TO IRAQ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. KUCINICH. Mr. Speaker, more than 3,000 individuals from 40 countries and 48 states have signed the Campaign of Conscience Peace Pledge. "I support peace for Iraq. I grant permission to use my name and city publicly as an opponent of the ongoing economic and bombing war on Iraq, and of any escalation of that war." This Peace Pledge has been endorsed by the American Friends Service Committee, Arab-American Anti-Discrimination Committee, Episcopal Peace Fellowship, Education for Peace in Iraq Center, Fellowship of Reconciliation, Lutheran Peace Fellowship, Voices in the Wilderness, and Washington Physicians for Social Responsibility.

A state breakdown of signatories is below with a representative sample from Ohio.

Priscilla Smith, Akron; Helen Thompson, Akron; Gary Blaine, Akron; Sara Cutlip, Akron; Tom Gentry, Jr., Akron; John Howell, Athens; Lynda Nyce, Bluffton; Jean Temple, Brunswick; Amy Spangler, Chillicothe; William Joiner, Cincinnati; Cynthia Maxey, Cleveland; Patti Flanagin, Cleveland Heights; Brenda Joyner, Cleveland Heights; Francis Chiappa, Cleveland Hts.; Mark

Chupp, Cleveland Hts.; Melissa Bragg, Columbus; Connie Hammond, Columbus; Morton Saunders, Jr., Copley;

Nathan Ruggles, Cuyahoga Falls; Robert Williams, Cuyahoga Falls; Christina Irene, Dayton; Jana Schroeder, Dayton; Ramona Nash, Dublin; Marion Kim, East Canton; Sarah Ile, Eaton; Joan Slonczewski, Gambier; Margaret Banning, Gambier; Susan Klein, Girard; William Nichols, Granville; Mike Pesa, Kent; Russell Andrews, Jr., Kent; Brad Clinehens, Maplewood; Michall Zabib, Massillom; Susan Mcgarvey, Nashport; Jane McCullam, Newbury;

Diana Roose, Oberlin; Sadie Taylor, Oberlin; Richard Taylor, Oberlin; Geraldine S. McNabb, Oberlin; Ryan Van Lenning, Oxford; Patrick G. Coy, Peninsula; Erin Nash, Shade; Lydia Kuttab Brenneman, St. Marys; Donna Schall, Stow; Sharon Havelak, Sylvania; Matthew Wallace, Toledo; Nandor Szentkiralyi, Toledo; Robert Gibson, Warren; Elizabeth Gibson, Warren; Heather Brutz, Warrensville Heights; Kyle Kunst, Wooster; Rev. Richard Judy, Youngstown.

STATE BREAKDOWN

Alaska—8,
Alabama—8,
Arkansas—3,
Arizona—49,
California—236,
Colorado—73,
Connecticut—34,
District of Columbia—20,
Delaware—5,
Florida—66,
Georgia—26,
Hawaii—4,
Idaho—8,
Illinois—115,
Indiana—32,
Iowa—39,
Kansas—11,
Kentucky—13,
Louisiana—7,
Maine—20,
Maryland—74,
Massachusetts—160,
Michigan—61,
Minnesota—38,
Mississippi—2,
Missouri—46,
Montana—7,
North Carolina—86,
North Dakota,
Nebraska—12,
New Hampshire—30,
New Jersey—62,
New Mexico—18,
Nevada—9,
New York—214,
Ohio—91,
Oklahoma—7,
Oregon—32,
Pennsylvania—213,
Puerto Rico—1,
Rhode Island—18,
South Carolina—9,
South Dakota—4,
Tennessee—11,
Texas—74,
Utah—4,
Virginia—35,
Vermont—20,
Washington—402,
Wisconsin—56,
West Virginia—1,
Unspecified—92.

GREEK INDEPENDENCE DAY

SPEECH OF

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 19, 2002

Mr. LEWIS of California. Madam Speaker, March 25, 2002, marks 181 years since Greece declared its independence from the occupying Ottoman Empire. On March 25, 1821, the Greeks rose against the tyranny with an overwhelming conviction to defeat an overpowering foe. After 400 years of lingering repression and oppression, the brave elected to take a stand and fight for valued liberty and independence. Ultimately, freedom prevailed.

Since September 11, Greece has joined our effort to fight terrorism and bring those responsible for that heinous act to justice. We share the common goal of deterring future terrorist acts. Although it is and will be a difficult fight, unity and alliance with Greece is one of the keys to our ultimate victory.

The war of independence that Greece fought, and ultimately won, reminds us today that independence and liberty do not come without cost. We look to these shared values to help us endure these trying times.

Madam Speaker, we as Americans are inspired by the Greek people and recognize the struggles they have overcome to attain independence. I congratulate them on 181 years of freedom.

A PROCLAMATION HONORING WILLIAM CROWE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. NEY. Mr. Speaker, whereas, William Crowe has received the Excellence in Education award from the North Central Association of Colleges and Schools; and

Whereas, William Crowe has been with Buckeye Local High School for 29 years; and

Whereas, William Crowe has worked to bring the joy of learning into the lives of his students; and

Whereas, William Crowe must be commended for his service to the community, taking on numerous leadership roles for the betterment all;

Therefore, I join with the residents of the entire 18th Congressional District in recognizing William Crowe as a recipient of the 2002 Excellence in Education Award.

RECOGNIZING THE USS "RALPH TALBOT" FOR EXEMPLARY SERVICE

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to take the time to recognize the meritorious service of the destroyer USS *Ralph Talbot* during World War II.

Mr. Frank Urbanowicz, who lives in Janesville, Wisconsin, has worked tirelessly to establish formal recognition of the destroyer's actions through the Presidential Unit Citation. While the Navy has not acted, I would like to share with you a brief history of the destroyer and the significance of its actions.

Early in her career, the USS *Ralph Talbot* entered World War II during the attack on Pearl Harbor. The destroyer reacted immediately, retaliating with gunfire and later patrolling the area in search of enemy submarines. As the war in the Pacific intensified in 1942, the USS *Ralph Talbot* found herself near the Soloman Islands where, at Savo Island, the destroyer engaged in a heated exchange of gunfire with the enemy that left the ship badly damaged.

After repairs the USS *Ralph Talbot* reentered the conflict in 1943, taking an active role in late June and July with the New Georgia campaign in the Soloman Islands. Her vital actions include rescuing 300 survivors from the downed ship USS *McCawley,* providing cover to landing troops, and bombing enemy-held areas. These engagements had prompted a recommendation for the Presidential Unit Citation by Commander Destroyer Squadron Twelve.

The USS *Ralph Talbot* continued patrol and escort duties in the region, as well as landing cover. In 1945, the destroyer commenced duties near Japan, facing difficulty early on with a kamikaze attack that again brought considerable damage. The attack, though, failed to dampen the resolve of the USS *Ralph Talbot* and her crew. She went on to continue patrolling and escorting for the remainder of the war. Following the war, the destroyer was used in atomic tests that ultimately led to her decommission, thus ending a career that earned 12 battle stars during World War II.

I share this with you in the hope that we may honor the dedication and fearless service of the USS *Ralph Talbot* and her crew. The efforts of this destroyer played a vital role in one of the most decisive times in our modern history.

Mr. Speaker, for these reasons, I commend the service of the USS *Ralph Talbot* and believe we can all look to her with appreciation and gratitude.

INTRODUCTION OF DUTY SUSPENSION BILL

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. ETHERIDGE. Mr. Speaker, I rise today to introduce legislation to suspend the duty imposed on an ingredient used to develop products used by North Carolina farmers. Glufosinate-ammonium is the active ingredient used in two key herbicides, Liberty and Rely. Liberty is used to control weeds, particularly by corn and soybean growers. Rely controls nutrient and water robbing weeds and grass that plague apple, grape and tree nut growers.

Glufosinate-ammonium is the major cost component in the production of these herbicides, and the manufacturer of this ingredient will be suspending production for more than a year to retool its production facilities. Suspending the duty on this ingredient, currently assessed a tariff of 3.7%, will allow for increased importation of Glufosinate-ammonium so that production of these important herbicides will not be interrupted.

I have been informed that there are no U.S. producers of Glufosinate-ammonium so the bill should receive approval by the U.S. International Trade Commission. I urge the Ways and Means Committee to act on my legislation when it considers the next miscellaneous tariff bill in the coming months.

THE SOCIAL SECURITY BENEFIT ENHANCEMENTS FOR WOMEN ACT OF 2002

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MATSUI. Mr. Speaker, I am pleased to join with the Chairman of the Social Security Subcommittee, Mr. SHAW, in introducing this bill aimed at making improvements in benefits for women under the current Social Security system.

In order to maintain fiscal responsibility, we were limited in the number and scope of the improvements we were able to make. However, the disabled widows, divorced retirees, and widows whose husbands died shortly after retirement who are affected by these improvements will certainly benefit from these changes.

Equally important as the benefit changes themselves, however, is what this bill symbolizes. It shows the importance of maintaining and preserving the defined-benefit Social Security system we have today. It shows how we are able to improve the fortunes of needy beneficiaries by building on the existing structure of the Social Security system. And it shows how the two parties are able to work together once they agree on the goal: to put aside Social Security privatization and instead improve Social Security's guaranteed, lifelong, secure benefits.

I look forward to the swift adoption of these important benefit enhancements.

IN HONOR OF TERESA JOHNSON-HUNT

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Teresa Johnson-Hunt in recognition of her tireless energy and passionate commitment to her community.

Teresa, affectionately called "Terry", is the third oldest of seven children born to the late Nathaniel and Louise Haywood Johnson of Panama. She came to New York in the early sixties to pursue a career as a Fashion Designer. She graduated from the Mayer School of Fashion Design and the Fashion Institute in New York City.

She was employed as an Assistant Fashion Designer for twelve years at several prominent fashion houses in the "Fashion District". Her career took her to many interesting places and gave her the chance to meet many influential people. One of her most memorable moments was her assignment to design costumes for a group of performers for the New York Metropolitan Opera.

Her professional accomplishments, include a certificate in Word Processing from Brooklyn College and a certificate in Health Administration from the City of New York of New York's Health Services Administration. After attending LaGuardia Community College, she decided to change careers and enter the field of healthcare. She started this new chapter in her life by volunteering as an EKG Technical Aide at what was then Greenpoint Hospital. She quickly decided that the caring and sensitivity to the pain and suffering of the patients affected her too personally so she decided not to continue in the health field. She immediately decided to refocus her studies. After taking business and computer courses at LaGuardia Community College, she obtained employment at Community Board No. 5 in Brooklyn. She currently serves as Assistant to the District Manager.

Her tireless energy and sincere concern for the well being and improvement of those whom she serves so willingly and graciously is commendable. Terry is extremely proud to be a member of the National Council of Negro Women as well as the Women's Caucus. She is a member of St. Claire's Roman Catholic Church. She is married to Von R. Hunt, a former professional musician. She is the mother of two children, Delina and Gregory and the proud grandmother of Jenille, Gregory Jr., Obassi and Basaar.

Mr. Speaker, Teresa Johnson-Hunt has tireless energy and sincere concern for the well-being and improvement of the community and its residents. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly hard working woman.

MUSIC LEGEND PAT BOONE

HON. ZACH WAMP

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. WAMP. Mr. Speaker, I ask my colleagues to join me in honoring a man, who has entertained millions in song and dance for more than two generations while giving of himself to help people in need all across the country.

Pat Boone, a direct descendant of pioneer Daniel Boone, was the second most popular singer of the late 50s behind Elvis Presley and sold more than 45 million records. He is ranked as the No. 10 singles artist of all time, with a repertoire that exceeds those of Aretha Franklin, Billy Joel and Frank Sinatra. He also managed to finish his college degree, graduating magna cum laude from Columbia University in New York City in 1958.

He was born Charles Eugene Boone in 1934 in Jacksonville, Florida, and moved with his family to Tennessee in 1936. Boone grew up in the Nashville, Tennessee area, where he began singing in public at the age of 10. While still in his teens, he married Shirley Foley in 1953, the daughter of country star Red Foley. Their marriage has endured to this day and they have four daughters: Cherry, Lindy, Debby and Laury.

The following year in 1954, Boone recorded his first of four singles for the Republic label in Nashville and appeared on Arthur Godfrey's Talent Scouts and Ted Mack's Amateur Hour, winning both. A short while later Boone was signed to the Dot label, one that he would stay with throughout his run on the charts from 1955 to 1962. His first top-40 song on the Billboard pop charts was Two Hearts, a cover of an R&B hit for The Charms, which went to No. 16 for Pat in 1955.

Boone projected a smooth style and a clean-cut, wholesome all-American image. His next offering was a cover of Fats Domino's Ain't That A Shame, a song that propelled both Fats and Boone to stardom. He followed with a cover version of El Dorados' At My Front Door, which quickly became his second record to reach the Top Ten.

Boone had his own way of doing R&B songs. His formula worked and his records sold well. He took on Little Richard, recording Tutti Frutti and Long Tall Sally, both of which he made into big hits. By 1957 Boone's popularity had skyrocketed and the movie and television producers came calling. He appeared in 15 films, including Bernardine, April Love, and State Fair. From 1957 to 1960 he hosted his own television series The Pat Boone/Chevy Showroom. His final top-40 song was a novelty record, Speedy Gonzalez in 1962 and it peaked at number six.

Boone also had a number of country hits in the 70s, with singles Indiana Girl and Texas Woman and albums I Love You More And More Each Day and The Country Side Of Pat Boone. Pat has also been popular in the United Kingdom, where he had 27 records reach the top 40.

Pat Boone has always been a man of deep, personal faith. Over and over again, he has acted on his faith to help other people.

He should be recognized most of all for his self-sacrificing devotion to charity work and for simply carrying out God's call to love Him and to love others. Boone wrote a best-selling autobiography and dedicated the proceeds to establish a Christian college in Villanova, Pennsylvania. He has served as the national spokesman for the March of Dimes, National Association of the Blind and many other charities. Boone served for 18 years as the entertainment chairman and host of the National Easter Seal telethon, which raised over $600 million for handicapped and disabled children.

Mr. Speaker, today I honor the great Pat Boone on behalf of the hundreds and hundreds of children whose lives have been made better through Bethel Bible Village children's home in my hometown of Chattanooga, TN. For 25 years, Pat has not just associated his name with Bethel Bible Village, but he has put his heart and soul into its success. Each year, for the past 25 years, he has sponsored their largest fundraiser, the Pat Boone Bethel Spectacular, which has raised over $1.3 million to help children in the Chattanooga area whose lives have been shattered by crime and troubled homes. Pat's involvement has brought national recognition to Bethel Bible Village, which has allowed them to expand their ministry exponentially. Pat Boone is a true friend to these children and his personal testimony has had such a positive influence on their lives.

Pat Boone is a recording legend and humanitarian role model who understands that the true joy of giving occurs when one doesn't expect anything in return. Over his 40-year career as an entertainer, he has worn the hats of musician, actor, author, and radio host. His tireless commitment to helping others personifies the Biblical instruction that, "to whom so ever much is given, much is also required."

IN HONOR OF PASTOR PAULINE WILLIAMS GRIFFIN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Pastor Pauline Williams Griffin in recognition of her work as a leader in the Church of God in Christ Jesus, an educator, a counselor, community leader, professional woman, wife and mother.

Pauline Williams Griffin was born in Angier, North Carolina. She received her elementary and the first part of her secondary education in Lillington, North Carolina. After her family moved to New York City in 1944, she graduated from Erasmus Hall High School in Brooklyn. she went on to attend Pace University, Bank Street College and The College for Human Services.

Her Bishop, Dr. W.H. Amos, Chief Apostle of the Church of God in Christ Jesus, appointed her Elder of the Church of God in Christ Jesus, N.D. in 1965. Elder Griffin moved rapidly within this setting, as she became the state Mother of the Church of God in Christ Jesus for New York State. She is currently the General Mother as well as a Board Member of the Bank Street College Community Day Care Action Coalition. She is the Director of the Church of God in Christ Jesus Day Care Center as well as the Executive Director of the Church of God in Christ Jesus After-School Program at P.S. 81 in Brooklyn. Elder Griffin is also a member of Community Planning Board No. 3. She serves as the Director of a comprehensive program for young people which includes personal and health counseling and has been directly responsible for the enrollment of 60 students in the program of College for Human Services. In addition, she is Vice President of the Movement for Meaningful Involvement in Child Care. Elder Griffin serves as Vice President of the United Minorities, Inc., is a member of the New York State Citizens Coalition for Children Inc. and the Chairperson of the Concerned Foster and Adoptive Parents Support Group, Inc. as well as belonging to a host of professional organizations.

Pauline is married to Elder Clifton Griffin and is blessed with two lovely daughters, two sons and a beautiful granddaughter.

Mr. Speaker, Pastor Pauline Williams Griffin is a dedicated leader of her community and her church. She is committed to teaching the word of God and bringing the word to the greater community. As such, she is more than worthy of receiving this recognition today and I urge my colleagues to join me in honoring this truly remarkable woman.

RE-REGISTRATION CAMPAIGN DENYING RELIGIOUS FREEDOM IN AZERBAIJAN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SMITH of New Jersey. Mr. Speaker, the ongoing re-registration campaign for religious organizations conducted by the State Committee for Relations with Religious Organizations, headed by Chairman Rafik Aliev potentially violates Azerbaijan's commitments to religious freedom as a participating State in the Organization for Security and Cooperation in Europe (OSCE). Azerbaijan must take steps commensurate with its commitments under the Helsinki Final Act and subsequent OSCE documents to ensure the freedom of the individual to profess and practice their religion or belief, alone or in community with others.

The State Committee, created last year to replace the Religious Affairs Directorate, has broad administrative powers, which Chairman Aliev seems willing to utilize in an attempt to ban minority religious communities through denial of legal registration. Recent reports indicate that of the 407 religious groups previously registered, only approximately 150 are currently under consideration for re-registration by the State Committee. An additional 200 organizations were unsuccessful in their initial application due to technical errors and were asked to resubmit these requests. While I am pleased that 80 groups have been approved, reportedly most are Muslim, I hope that the State Committee is not specifically discriminating against minority faiths or religious groups.

Despite the extension of the re-registration deadline to the end of March, there is legitimate concern that groups will be arbitrarily denied registration, and thereby legal status, despite fulfilling all requirements. In addition, although this is the third registration campaign since 1991, reportedly about 2,000 more religious groups remain unregistered. Recently, a senior official at the State Committee declared unregistered groups will be closed down.

The fear that the State Committee will refuse to register religious groups for arbitrary reasons is supported by several statements from Chairman Aliev himself. For instance, he declared the State Committee hoped to introduce more stringent regulations to govern both religious organizations and individuals. He also said the State Committee can request a court to suspend activities of any religious organization conducting activities deemed illegal or found to undermine national security. The State Committee has also limited the ability for religious communities to import religious material. Reportedly, Chairman Aliev also stated "religious organizations must be controlled" and that "religion is dangerous." This flies in the face of President Heydar Aliyev's November 1999 public statements supporting religious freedom in Azerbaijan.

Also of concern are the heavy-handed actions against religious groups by Azeri Government officials and police officers. For example, on January 18, 2002, National Security Ministry officers raided an unregistered Protestant church, Living Stones, which was meeting in a private apartment. The police and security officers searched the residence and seized religious literature. Ten individuals who were attending the meeting were taken into custody, transferred to a police station and interrogated. While eight individuals were released, two church leaders, Yusuf Farkhadov and Kasym Kasymov, were given two-week prison sentences for violating Article 310 of the Administrative Code, which addresses "petty hooliganism." The reported justifications for the raid was that the church is not registered. However, Living Stones had attempted to register with the government, but only after 1½ years of waiting did the government decide their application contained errors and must be resubmitted. In addition, the church is listed as a branch of the Nehemiah Protestant Church, which is registered.

Many other religious communities are also concerned. It is feared the Ashkenzai Jewish community will not be successful in registering, because the State Committee is favoring a separate Jewish group. The liquidation suit brought by Chairman Aliev against the Love Baptist Church in the Narimanov district court continues to drag on. Liquidating the church due to alleged statements by its pastor is a disproportionate penalty and contravenes OSCE commitments. Illegal closures of churches by local officials, as in the case of the Gyanja Adventist Church on February 24, 2002, have not been halted by the State Committee. The closure of mosques under the pretext of state security is also a concern, as the government could ban unpopular groups, despite no proof of illegal activity.

The Helsinki Final Act commits that "the participating States will recognize and respect the freedom of the individual to profess and practice, alone or in community with others, religion or belief acting in accordance with the dictates of his own conscience." Mr. Speaker, I urge President Aliyev to ensure that the re-registration process is accomplished in accordance with Azerbaijan's OSCE commitments. In light of statements by Chairman Aliev, it is apparent the State Committee is perverting the re-registration process to arbitrarily deny legal registration to selected religious communities. The government must take the necessary steps to protect the right of individuals to profess and practice their faith by registering religious organizations, in keeping with Azerbaijan's commitments as a participating OSCE State.

In closing, Mr. Speaker, I am greatly alarmed by the re-registration campaign in Azerbaijan. This being the third time in a decade the government has required registration, it would seem Azerbaijan will continually "sift" minority religious groups until all are made illegal. Therefore, it is my hope that the Azeri Government will choose to honor its OSCE commitments and allow religious communities to register without harassment or bureaucratic roadblocks. Members of Congress will be watching to see if groups highlighted in this statement are harassed because of their mention.

A TRIBUTE TO JACQUELINE EUROPE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise today in honor of Jacqueline Europe for her dedication to her community.

Jacqueline founded the "Reach for the Stars" Child Development Center, a Christian centered day school approximately five years ago. Her motto is "every child is born with gifts and talents, and is capable of learning and becoming scholastically gifted." Her vision is to expand the facility to include pre-kindergarten through the sixth grade, as well as continued service of the nursery school to accommodate the needs of her community. Jacqueline also co-founded the "Childcare Providers Business Coalition Inc." whose forum is to make daycare providers a strong united political force. The agenda for the coalition is to effectuate positive changes in the childcare profession.

She is also a very active member of the Bedford Central Presbyterian Church, as a choir member, spiritual counselor and teacher for the Saturday Math and Reading program. She has been recognized as a "2001 Visionary" and as a "2001 Woman History Maker."

Mr. Speaker, Jacqueline Europe is devoted to serving her community. As such, she is more than worthy of receiving our recognition. I hope that all of my colleagues will join me honoring this truly remarkable woman.

PERSONAL EXPLANATION

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. SHOWS. Mr. Speaker, regarding Roll Call votes on yesterday, March 19, 2002:

On Roll Call 65, I would have voted YEA on Approving the Journal.

On Roll Call 66, I would have voted YEA on the Motion to Suspend the Rules and Agree to H. Res. 368, commending the great work that the Pentagon Renovation Program and its contractors have completed thus far, in reconstructing the portion of the Pentagon that was destroyed by the terrorist attack of September 11, 2001.

On Roll Call 67, I would have voted YEA on the Motion to Suspend the Rules and Pass, as Amended H.R. 2509, the Bureau of Engraving and Printing Security Printing Amendments Act.

On Roll Call 68, I would have voted YEA on the Motion to Suspend the Rules and Pass H.R. 2804, regarding the James R. Browning United States Courthouse.

A TRIBUTE TO REVEREND DR. HENRIETTA SCOTT FULLARD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. TOWNS. Mr. Speaker, I rise in honor of Reverend Dr. Henrietta Scott Fullard's dedication to her community.

Reverend Dr. Henrietta Scott Fullard's life can be phrased as one of high achievements and a steward of educational excellence. One word that best describes her is "Teacher." The word teacher maybe simple but a word that carries powerful meaning. Throughout her life, she has strived for educational excellence. She earned a Bachelor of Science in Chemistry, a Master in Arts and a Master of Divinity. In addition, she received an honorary Doctor of Education and a Doctor of Divinity. Reverend Dr. Fullard has used her educational experiences and talents to not only serve as an educator on the high school level but as an advisor and principal. She was appointed the first principal of the newly formed Mathematics, Science Research and Technology Magnet School in Cambria Heights, NY. Through her leadership and vision, she established educational partnerships with the National Aeronautics and Space Administration (NASA) and the Department of Agriculture to have the students participate in science and technology research.

As a reverend, while Dr. Fullard was establishing her education agenda, she also served as a minister. She maintained a dual career for several years. Now, retired from her many years of service with the New York City Board of Education, she is currently serving as pastor of the Bethel AME church in Arverne, New York. Her ministerial focus is to develop and promote programs and services that instill community empowerment, economic development, job opportunities and capital investments. With this charge, she founded the Bethel Arverne Home Health Aide Training Program. Since the program's inception, the program has successfully graduated three classes. In addition, she continues to be actively involved in many community, civic associations, and fraternal organizations.

Reverend Dr. Fullard has been a steward of both educational and spiritual upliftment for the Brooklyn community. Reverend Dr. Fullard is truly an educator. And, today it is my pleasure to bring her achievements to the attention of my colleagues.

RECOGNITION OF MARK GRIMMETTE

HON. PETER HOEKSTRA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. HOEKSTRA. Mr. Speaker, I rise today in recognition of the hard work and achievement of Mr. Mark Grimmette, who won the silver medal in the doubles luge at the Salt Lake City Winter Olympic games. Mr. Speaker, this is not the first time Mr. Grimmette has won an Olympic medal. He also won a bronze medal at the Winter Olympic games held in Nagano, Japan in 1998. In winning the bronze, Mr. Grimmette helped end a 34-year medal drought for America in the Olympic luge event.

In addition to his excellence in the Olympics, Mr. Grimmette is also a three-time U.S. national champion in the luge with his doubles partner, Brian Martin. The duo won the World Cup championship in 1998, and won two bronze medals during the 2001–2002 World Cup season.

Mr. Grimmette took his first luge slide at the age of 14 on a track he helped build in his hometown of Muskegon, Michigan, which is located in the 2nd Congressional District of Michigan. That slide began a momentous journey that has taken him to the top in Olympic achievement and ultimately earned him recognition as one of the world's best lugers.

Mr. Speaker, Mark Grimmette represents a proud and longstanding Olympic tradition in Michigan. He has earned much deserved recognition for his accomplishments, and I salute him on his recent Olympic success.

IN RECOGNITION OF JOHN BROWNE, CHIEF EXECUTIVE OF BP

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize John Browne, chief executive of BP for his distinctive leadership on the issue of climate change. In 1997, at Stanford University, John Browne took a bold step; he broke from his peers in the oil and gas industry and set a target to significantly reduce greenhouse gas emissions from company operations. The target he set was a ten percent reduction below a 1990 baseline by the year 2010.

Just last week this same man again stood before an audience at Stanford to announce that the company had achieved the target, and done so eight years ahead of schedule. Importantly, this was done at no net cost to the company. Mr. Browne further announced that BP would continue its quest to reduce the carbon intensity of its activities and stabilize carbon emissions at current levels while growing the company. This, he said, would be achieved through focusing on technology improvements, gains in efficiency and through offering less carbon intensive products to customers.

Mr. Speaker, the actions on the part of John Browne and BP clearly demonstrate that a little bit of initiative can go a long way. This is leadership—we need more of it here in the U.S. on the matter of climate change, because this issue is not going to go away.

I applaud the achievements of John Browne and the progressive company that he leads.

HONORING ROY C. NICHOLS

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Ms. LEE. Mr. Speaker, I rise today to honor Bishop Nichols for his lifetime of national and international public service. He has been a tireless champion for economic, social and civil justice for more than 50 years.

He once stated, "education is critical in achieving national goals. Most people forget that the U.S. Constitution was written as a mission statement to establish social justice . . . And, public schools must foster a sense of justice under which people of diverse economic, social, and racial backgrounds can become great."

In his efforts to help bring equity to underserved communities, Bishop Nichols has served as Chairman of Oakland's Human Relations Commission and President of the Sequoyah Heights Board of Directors. He has also served as a consultant, lecturer, preacher, interim pastor and Bishop in Residence.

In the late '50s and throughout the 60's, Bishop Nichols, then Pastor of Downs Memorial United Methodist Church in North Oakland, joined with national leaders to advocate for civic, economic, social and educational justice in the Bay Area. He was chair of the Berkeley NAACP Education Committee, President of the Berkeley Board of Education (four years before the school district became the first to voluntarily integrate schools), and hosted the first Black Panthers' Breakfast.

Since 1968, Bishop Nichols has worked from several different positions to raise the principles of justice in the faith community. He was a member of the Executive & Central Committees of the World Council of Churches of Geneva, Switzerland; President of Christian Associates in Western Pennsylvania; President of the Council of Bishops for the United Methodist Church; President of the New York Council of Church Executives; and President of Africa University's Development Committee.

Finally as we honor him tonight, I want to thank him on behalf of the entire 9th Congressional District for being a great religious and civil leader. Bishop Nichols has been a friend who has shared his wisdom and has given me support.

I take great pride in joining Bishop Nichols' friends and colleagues to salute the extraordinary Roy C. Nichols.

BRING SOCIAL SECURITY PRIVATIZATION TO THE FLOOR FOR DEBATE

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. MATSUI. Mr. Speaker, last year the President convened a special, hand-picked commission to study Social Security reform. Unfortunately, the commission was comprised entirely of those who support private accounts as a precondition to any reform proposals they might consider. In December 2001, the commission disbanded after releasing a report in which it detailed three privatization options, each of which cuts benefits and requires massive general revenue transfers to finance private accounts.

President Bush continues to advocate these untested privatization plans as the single solution to Social Security's future financing challenges, but he has thus far been unwilling to submit these schemes to the rigors of the legislative process of advocacy, testimony, and amendment. If these plans are indeed credible options, they should be treated as such. They should be marked up in the House Ways and Means Committee and brought as soon as possible to the House floor for debate and a vote. Should any one of the measures prove feasible or desirable, it would subsequently be sent to the Other Body for additional debate and votes. Should both houses agree, the legislation would then be sent to the President of the United States for his signature or veto.

Sadly, it appears unlikely that Social Security privatization will follow this rational and democratic course. The Republicans refuse to place this issue on the agenda. They have scheduled no markups, no debate, and no votes on what will be a radical change to the most successful program in American history. Meanwhile, the President has indicated that he intends to move forward with these proposals next year.

Mr. Speaker, Social Security is a critically important program for millions in America, and the American people deserve an honest debate on these proposals now. That is why I am introducing this legislation. It is the only way the American people will get the debate they deserve.

Simply put, if neither the President nor the Republican majority in the House will submit the President's privatization plans to the light of day, others will be forced to do it for them. It is with a sincere hope for an open and fair debate that I introduce this legislation to the House of Representatives. I now call on the Republican majority to bring this legislation to the floor.

IN TRIBUTE TO GLEN AND SALLY BECERRA

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. GALLEGLY. Mr. Speaker, I rise to pay tribute to two of my constituents and friends, Glen and Sally Becerra, who for the second year are chairing the Simi Valley Education Foundation's Lew Roth Dinner.

Few passions are more important to the future of America than the education of our children. Lew Roth epitomized that passion during 23 years as a School Board trustee in my hometown of Simi Valley, California. We registered in different parties, but we were bound by that belief. He was a true teacher and a good friend.

Lew founded the Simi Valley Education Foundation in 1989 to provide the business community and individuals with an avenue to improve our schools. The Lew Roth awards were founded after Lew died in 1991 to recognize other school personnel who share Lew's passion for educating our children. Awarded during a gala dinner celebration, the awards honor a classified school employee, a manager, a teacher and a volunteer. This year's recipients are PTA volunteer Annette Morgan, Garden Grove School Principal Lynn Friedman, Santa Susana School cafeteria manager Linda Pistachio, and longtime educator Peggie Noisette. They join an elite group more important than any Hall of Frame promoted regularly on television.

This year's gala, to be held on Friday at the Ronald Reagan Presidential Library, is a festive gathering that brings the community together to recommit to Lew's ideals and his vision. It is an important fund-raiser for the nonprofit foundation, and provides a large share of the funds the foundation spends each year for teacher grants, classroom technology and other educational needs. The success of the evening helps shape the success of the foundation for the coming year.

And, the success of the evening depends largely on the people who chair the event, the caliber of an active foundation board, and the cadre of other volunteers they assemble to assist them. It's a huge commitment and one that Glen and Sally Becerra have taken on twice. It is anticipated that the galas last year and this year will have raised about $200,000 for the foundation.

I know personally of Glen's and Sally's commitment to family and community. They have two young children who are the loves of their lives. Sally is a dedicated mother and Glen a dedicated father who together actively nurture their children. In addition to serving as a foundation board member, Glen is a city councilman. They have long been active in their community, like their parents before them.

Mr. Speaker, I know my colleagues will join me in congratulating Gland and Sally Becerra on another successful event and thank them for their dedication and ensure our children receive a rich and rewarding education.

INTERNATIONAL TAX SIMPLIFICATION AND FAIRNESS FOR AMERICAN COMPETITIVENESS ACT OF 2002

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. HOUGHTON. Mr. Speaker, today I am introducing a bill, the "International Tax Simplification and Fairness for American Competitiveness Act of 2002." The world economy continues the process of globalizing at a pace unforeseen a few years ago. Our trade laws and practices as well as our commitment to the World Trade Organization have encouraged the expansion of U.S. business interests abroad. However, our tax policy lags far behind and seems out of sync with our trade policy. In fact, our international tax policy seems to promote consequences that may be contrary to the national interest.

The United States is the largest trading nation in the world. In 2000, the value of our exports and imports of goods and services was about $2.5 trillion, or 25% of our GDP. Although the U.S. is not as dominant in the world markets as in the past, foreign earnings from 1990–1997 represented a greater percentage (17.7%) of all U.S. corporate net income than 40 years ago (7.5%). So our economy is becoming more trade dependent than ever.

We confront an economy in which U.S. multinationals face far greater competition in global markets. At the same time, U.S. companies depend more than ever on these markets for a much larger share of profits and sales. In light of these circumstances, the effects of tax policy on the competitiveness of U.S. companies operating abroad is of greater consequence today than ever before.

As we continue to discuss fundamental reform of our tax system. I believe it imperative to address the area of international taxation. In an Internal Revenue Code that is a monument to complexity, there is no area that contains as many difficult and complicated rules as international taxation. Further, it cannot be stressed enough as to the importance of continued discussion between the Congress and Treasury to simplify and make fair our international tax laws. The Treasury's publicly expressed intent to work with Congress this year to pursue meaningful simplification is very encouraging. The Joint Committee on Taxation issued a simplification report last year containing many simplification proposals. Some relating to the international tax area have been included in the bill.

No one is under any illusion that the measure being introduced removes all complexity or breaks bold new conceptual ground. It is also recognized that the enactment of the bill in its entirety is not likely. It is a list of options from which to choose for an appropriate Ways and Means Committee tax bill. I believe, however, that the enactment of any portion of this legislation would be a significant step in the right direction. Likewise, there are cost implications to enactment. There may well be trade-offs in this regard as we pursue other changes in the tax and trade areas. Lastly, the bill attempts to avoid rifle shot provisions or to create situations for abuse. The bill is subject to an ongoing review to make sure these situations do not exist.

The legislation would enhance the ability of the United States to continue as the preeminent economic force in the world. If our economy is to continue to create jobs for its citizens, we must ensure that the foreign provisions of or our income tax law do not stand in the way.

There are many aspects of the current system that should be reformed and greatly improved. These reforms would significantly lower the cost of capital, the cost of administration, and therefore the cost of doing business for U.S.-based firms. This bill addresses a number of such problems, including significant anomalies and provisions whose administrative effects burden both the taxpayers and the government.

The focus of the legislation is to make the international area more rational. In general, the bill seeks in modest but important ways to: (1) simplify this overly complex area, especially in subpart F of the Code and the foreign tax credit mechanisms; (2) encourage exports; and (3) enhance U.S. competitiveness in other industrialized countries.

In summary, the law as now constituted frustrates the legitimate goals and objectives of U.S. businesses and erects artificial and unnecessary barriers to U.S. competitiveness. Neither the largest U.S.-based multinational companies nor the Internal Revenue Service is in a position to administer and interpret the mind-numbing complexity of many of the foreign provisions. Why not then move toward creating a set of international tax rules that taxpayers can understand and the government can administer? I believe the proposed changes in this bill represent a creditable package and a further step toward reform in the international tax area and urge your support.

TRIBUTE TO JOHN "JACK" DELMAGE

HON. DOUG OSE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

Mr. OSE. Mr. Speaker, I rise today to honor a constituent of mine, Private First Class John "Jack" Delmage, who served our nation in combat during World War II. Born March 24, 1919, Jack Delmage was 22 when he volunteered to join the Army as our nation joined the war. This week, more than 50 years later, Jack will finally receive full recognition for his service.

Jack Delmage joined the elite 551st Parachute Infantry Battalion where he earned his Parachutist Badge, known as "Jump" Wings. The 551st has an illustrious record of achievements, including the Army's first daylight combat jump and the capture of the first German general. During his early missions, Jack earned the Combat Parachutist Badge with Bronze Star and the Combat Infantryman's Badge. As a result of his actions on August 15, 1944 in Operation Anvil Dragoon, Jack earned the French Croix de Guerre Medal with Silver-Gilt Star, awarded by the President of France to the 551st Infantry Battalion for the magnificent bravery displayed in the capture of Draguignan. In addition, the Kingdom of Belgium awarded the 551st a commemorative ribbon for their efforts.

During his distinguished military service in World War II, Jack Delmage earned a number of service medals, including: the Bronze Star, the Purple Heart, the Army Good Conduct Medal, the American Campaign medal, the European-African-Middle Eastern Campaign Medal, the World War II Victory Medal, and most recently, the Presidential Unit Citation for extraordinary heroism displayed during the Battle of the Bulge.

Through an unfortunate misunderstanding, his comrades believed Jack was killed in action during the Battle of the Bulge, and as a result, Jack never received these service medals. I am proud to join Jack Delmage this Saturday, March 23, 2002, in a ceremony to receive the medals and recognition he has earned and deserves.

SENATE—*Friday, March 22, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable ZELL MILLER, a Senator from the State of Georgia.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God, Sovereign of this Nation, we praise You for the gift of authentic hope. More than wishful thinking, yearning, or shallow optimism, we turn to You for lasting hope. We have learned that true hope is based on the expectation of interventions by Your Spirit that are always on time and in time. You are the intervening Lord of the Passover, the opening of the Red Sea, and the giving of the Ten Commandments. You have vanquished the forces of evil, death, and fear through the Cross and the Resurrection. All through the history of our Nation, You have blessed us with Your providential care. It is with gratitude that we affirm, "Blessed is the nation whose God is the Lord."—Psalm 33:12.

May this sacred season, including Passover and Holy Week, be a time of the rebirth of hope in us. May Your Spirit of hope displace the discordant spirit of cynicism, discouragement, and disunity. Hope through us, O God of Hope. Flow through us patiently until we hope for one another what You have hoped for us. Then Lord, give us the vision and the courage to confront those problems that have made life seem hopeless for some people. Make us communicators of hope. We trust our lives, the work of this Senate, and the future of our Nation into Your all-powerful hands. In the name of the Hope of the world. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ZELL MILLER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 22, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ZELL MILLER, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. MILLER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Chair recognizes the Senator from Nevada.

SCHEDULE

Mr. REID. Mr. President, today the Senate will be in a period of morning business. There will be no rollcall votes today. The next rollcall vote will occur on Tuesday, April 9.

We hope that if people wish to give remarks today, they would get here as quickly as possible. Staff especially would appreciate that.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. STABENOW). Without objection, it is so ordered.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Massachusetts.

PRIVACY PROTECTIONS

Mr. KENNEDY. Madam President, I want to draw to the attention of our colleagues in the Senate and also to the American people the unfortunate decision by this administration to recommend that we alter and change some enormously important privacy protections. These protections were recommended by the previous administration—by President Clinton—and were scheduled to go into effect about a year from now. These protections to ensure the privacy of medical records. I will speak on the substance of the issue in a moment.

What I find equally distressing is that we are seeing a series of actions taken by the administration—this is just the latest example—where the administration seems to be opting in favor of the companies and corporations at the expense of individuals. In this case, the administration is acting at the expense of the medical privacy of our fellow citizens.

We have recently seen the administration effectively undermine the very sensible and responsible ergonomics recommendations to try to protect people in the workplace. This affects 800,000 workers—primarily women—in our society. Those workers are risking their health without protections. In this case, we saw the administration siding with the companies and corporations at the expense of workers.

We have seen it most recently in the Enron situation. We have seen individuals who are the major players in the corporations walking away with millions and millions of dollars, and the workers seeing their life's savings eliminated. And just this week, we tried to put in protections for workers in the future. The administration opposed those particular recommendations.

In an entirely different area, we see where the administration has come down on the side of the major health corporations at the expense of individuals on the powerful issue of medical privacy and medical records. The most sensitive information that individuals have is in their medical records.

We have seen over the period of this last year and a half a considerable amount of dialog and discussion, and a number of hearings. We had recommendations in place, which were to go into effect about a year from now. These were announced by the previous administration in response to a requirement put into law in what we call the HIPAA legislation—the Kassebaum-Kennedy legislation that dealt with health insurance portability and accountability.

We put in that legislation a requirement on the administration to come forward with medical records protections.

But announced yesterday and today was the decision by the administration to recommend that we wipe away the most important protections that individuals have; that is, their ability to say, no, I will not share the information that is in my medical records.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

In the existing proposed regulations, an individual could say, all right, the hospital or the doctor could share it with the insurance company, but that is all they could share it with.

It permitted individuals to say that some information is so sensitive that they do not want to share it with the insurance company. They could pay for a doctor's visit out of pocket rather than sending the information to their insurer—which could very well come back, as it so often does, to their employer.

We have not passed legislation that will prohibit discrimination against individuals in the workplace—even genetic discrimination.

This is the most sensitive information. We had the promulgation of rules and regulations under the administration that were to go into effect next year. It is surrounding information which is of the most sensitive nature.

The American people give a high priority to privacy. They do not want to have their own private lives infringed on by individuals or by any governmental agencies. They hold their medical information in the highest order of priority.

For the administration to side with the medical corporate world in being willing to share that kind of sensitive information which individuals do not want shared, I think, is an infringement on the rights to privacy for Americans that this country will not and should not tolerate.

In our committee, we will have hearings on this administration's proposal as soon as we return from the April recess. We will introduce legislation to ensure the protection of privacy for the American public.

I see my friend from Connecticut, Senator DODD, who has worked on this issue. Our colleague from Vermont, Senator LEAHY, has been a leader on this issue. It has not been a partisan issue. It has been bipartisan in nature. But it is an issue of high importance and consequence.

Privacy is an enormously important value for our fellow citizens. To try at the stroke of a pen to say that your medical records are not going to be protected is a violation of the most important and basic privacy rights of an individual. It is wrong. It is basically a surrender to major corporate interests. We have seen that too often in recent times.

We want an administration that is going to represent the best in terms of protecting our individual rights and our individual liberties, and not always be serving the large medical corporate interests. The administration's decision has been recommended, suggested, and supported by those interests.

It is wrong. We are going to do everything we possibly can to prevent it.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Madam President, I commend my colleague from Massachusetts. I had no idea he was coming over to the floor to address an issue which he has spent a great deal of time on over the years. I found myself outraged when I awoke this morning and saw the headline in our local newspaper, "Medical Privacy Changes Proposed."

I do not have any long prepared speech to give, but I associate myself with the remarks of my friend and colleague from Massachusetts. We have worked hard over the years to try to see to it that people's privacy is protected.

We know today, as a result of technology, the gathering of information, consumers want the right to know, but they also want the right to say no when it comes to having access to some of the most private and personal information.

We would not tolerate allowing someone to break into your home and rifle through your closets and to find out, without any justification, the most personal details of your life or your family's life. Yet what the administration is doing here, in a sense, is going to allow people to do just that when it comes to the most personal and private information about you and your family—your medical history—and the damage that can be done to people with that kind of access.

So I am terribly disappointed this morning to hear that the administration is going to be rolling back regulations that are designed to protect people. They are doing so, they claim, in the name of ensuring more rapid care. Well, I say shame on them. Shame on them for pitting care against your right to protect you and your family from people knowing your personal and private information.

That is not what this is all about, wanting to protect you and getting you better care. We know people want access to this information. We know why they want access to the information. That is why people are so concerned. This is not about liberals or conservatives, Democrats and Republicans. This is about the fact that we, as Americans, feel deeply and strongly about our right to have private information kept private.

There is a growing fear in our society of technology being used not only to improve our lives, as it is in so many ways, but to make it easier for people to rifle through our medicine cabinets, peer into our checkbooks, and be able to track us on Internet activities. It worries Americans that this is becoming far too prevalent.

What we need to have is our Government standing up for individual citizens who cannot hire lawyers, who do not have the resources to go out and pay for people to bring lawsuits when this kind of information is abused or misused. We need to stand with them and say: Look, if you want to have this information, you have to get the patient's and the family's permission. In many cases, of course, families are going to give that permission, but you have to ask for it, and you have to get their permission to do so. The idea that you could bypass them and just decide you are going to have access to that information, without securing the patient's approval in order to have access to that information, I think is just downright wrong.

I am heartened to know that the chairman of the Health, Education, Labor, and Pensions Committee is going to take steps, certainly through a hearing process, but, as well, to put the administration on notice that this rule change they are about to establish is not going to occur without significant opposition.

I tried to call Senator SHELBY in his office today. I cochaired the caucus, if you will, on privacy along with my colleague from Alabama, Senator SHELBY. I think he may have already gone back to his home State of Alabama. He may have left last evening. He was not here this morning. But I wanted to invite him to join me in this Chamber, as he has on so many other occasions when it comes to these privacy issues, to stand up to say that we are going to insist that people have the right to say no.

I cannot speak for him here, but I am confident that when the Senator from Alabama is heard on this issue, his voice and his words will not be significantly different than what I have said here already and that, in a bipartisan way, we will be standing up, very strongly, in seeing to it that this proposed rule change is not going to just fly through here without significant opposition.

THE FAMILY AND MEDICAL LEAVE ACT

Mr. DODD. Madam President, I rise to raise concern about a 5-to-4 decision that was reached earlier this week by the Supreme Court on the Family and Medical Leave Act, a bill that, along with many others in this body, I helped write back in the 1990s. It took a long time—about 7 years—from the time that bill was first introduced to the time it became law in February of 1993. But it was a singular achievement which improved tremendously the quality of life for millions of people who had worried about their dearly beloved ones—their children, their parents—so when their loved one was sick or they had a newborn or adopted a child, they could take some time off—12 weeks maximum in a year of unpaid leave—to be with their family during a time of crisis, or a "joyous crisis," a birth, if you will—that is hardly a crisis but, nonetheless, an important period in people's lives, or a legitimate crisis—a child's illness or a parent they were caring for—to be with them without losing their job.

That is all it was: To help people, who often had been caught in the quandary of having to choose between the family they loved and the job they needed, when they needed to be with their families, yet there was the risk of losing their job if, in fact, they made the choice to be with their family.

I pointed out, on dozens and dozens of occasions, during the debate over 7 years in this Chamber, that I knew countless Members of this body who took time away from the Senate—missed dozens of votes, never went to committee hearings, did not see constituents—because a child, a spouse, or a parent needed our colleagues to be home with them. And none of their constituents ever held it against them, when they came up for reelection, because they missed a lot of votes because they were at a children's hospital taking care of a child or they were with their wife or husband when they were desperately ill and they needed to be with them. Certainly, we understood. In fact, had they been here voting and disregarding the needs of their families, they might have been in greater jeopardy politically for having made that choice.

But it seemed to me if Senators and Congressmen would make the choice to be with their families—and rightfully so—that we ought not ask average citizens to make any different choice. We wanted to provide the opportunity for them to do so without losing their job. That was the underlying thought process and the genesis of the bill.

One of the requirements in the bill was for a general notification to employees of what the bill provided for: the 12 weeks of unpaid leave. There were some regulations that were adopted along those lines as a result of the passage of the bill.

I think Sandra Day O'Connor got it right. The Court overruled the regulation because the regulation required specific notice to employees. It went beyond, if you will, you could argue, the general notification of the bill. But as Justice O'Connor pointed out, there was nothing in the bill that said you could not have additional requirements. You had a general notification, but there was nothing in the legislation, nor in the legislative history, that would have banned a regulation saying, you probably ought to give more specific notice to individuals rather than just tacking it up on a bulletin board someplace and saying: You have a right to 12 weeks of leave. We hope you get word of this.

Her point was it would be unrealistic to assume that individual employees would be aware of what the law provided to them with just a general notification. Her suggestion was that the regulation to require specific notification would not be going too far. What happened here was the regulation also said that if you do not do that, then you are required to provide an additional 12 weeks of leave.

The case, frankly, before the Court may not have been the best fact situation. In this particular case, the employer had been extremely generous to the employee, in my view. The employer had already provided about 30 weeks of leave for that particular employee. So it was one of those cases where it was not the best set of facts to make the point.

I am in this Chamber to urge the agency, if you will, to take another look at these regulations. And I strongly urge that they come back and reissue the regulation, if you will, on the specific notification. I think that is the way to go. And then, in view of the Court's decision about any additional penalties, I would say, pare back on that some way. Again, leave it to legal scholars how to write this and how to fashion this.

But the point is, on such a close decision—5 to 4—I do not believe the Court was suggesting somehow we ought to eliminate the need for specific notification, even though the bill talked about general notification. That is the point I want to make.

This is a law that I am told has already provided benefits to more than 35 million people in this country in the last decade who have been able to take advantage of this.

A lot of people cannot take advantage of it. I know that because it is unpaid leave. A lot of people find themselves in economic circumstances where unpaid leave is something they just can't afford to do. Candidly, we would never have passed a bill that would have required paid leave. The opposition was overwhelming to that idea. We have since suggested some creative ways in which States may be able to provide for paid leave under limited circumstances, and we are considering that legislation.

Even with the unpaid provisions of this proposal, millions of people have been able to spend time with their families during very important periods in any family's life. As I said, in the situation of a newly arrived child, and I certainly know the joys of that, having had a daughter 6 months ago, knowing how important it is for my wife and myself to be able to spend time with Grace as she begins her new life. And certainly as a Member of the Senate, I can do that without any fear of losing my job because of it.

There were literally millions of people who could not take time to be with their newborn without that fear on the table. Obviously, adoption makes the case clearly how important it is for a newly adopted child to be able to be with her new parents or his new parents during that bonding period.

I don't think I have to make the case. If any of you have been to a children's hospital in a waiting room and seen the fear and anxiety in a mother's or father's face holding a child that is going into the hospital for some operation or into a pediatric intensive care unit, looking on the faces of parents with a newborn who is struggling to stay alive, wondering whether or not they should be there or on the job, as if somehow they could actually do a job while their child is sitting in an emergency room or an intensive care unit.

It seemed to us logical that we provide this opportunity for people not to be forced into that situation. I regret we couldn't do something about having paid leave for people. We are one of the few countries in the world that does not do that. Almost every other industrialized, advanced nation in the world provides for paid leave under these circumstances. We don't do that. I regret that. But I don't have 51 votes for that in this Chamber. I had to do what I could do. So unpaid leave is the best I could do.

The fact that millions of people have been able to take advantage of that is something for which I am very proud. I hope we can come back to this issue of notice. This has been a positive benefit for a lot of people. But a lot of people are unaware that the law exists. Some general notice tacked up on a bulletin board someplace means that an awful lot of people probably wouldn't find out about it. Specific notice makes more sense to me.

My hope is the administration will promulgate a regulation that will call for specific notification and tailor it accordingly so it will not run afoul of the Supreme Court decision reached 5 to 4 a few days ago.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from North Dakota.

FAST TRACK AUTHORITY

Mr. DORGAN. Mr. President, yesterday the majority leader of the Senate described the conditions under which he intended to bring to the Senate legislation authorizing trade promotion authority. That is a euphemism for fast-track authority.

President Bush has requested of this Congress that we give him fast-track trade authority. Like Presidents before him, he has asked to be allowed to negotiate trade treaties and bring them to Congress for expedited consideration, without any amendments, under any circumstance, for any purpose.

I opposed fast-track authority for President Clinton, and I will oppose it for President Bush. I do not believe Congress should grant fast-track authority. I think it is undemocratic. I do not believe it is necessary for us to have fast-track authority in order to negotiate trade agreements. We negotiate the most sophisticated agreements without fast-track authority. Nuclear arms treaties are negotiated and brought to the Congress without fast-track authority. Only trade agreements, we are told, must have this handcuff put around Members of Congress, so they cannot offer any amendments.

The reason I care about this is I have watched trade agreement after trade agreement be negotiated, often trading away the interests of producers in the United States, only to discover the problems that arise cannot be solved by these agreements.

To give an example, the White House negotiated a trade agreement with Canada, under fast-track trade authority. I was serving in the House at the time. I was a member of the House Ways and Means Committee. The trade agreement came back to the House, to the Ways and Means Committee, and the vote in committee for that trade agreement was 34 to 1. I cast the lone vote against the agreement.

The chairman of the committee came to me and said: Congressman Dorgan, we must have a unanimous vote. It is very important. You are the only one who is holding out. It is really important you understand that Canada is our biggest trading partner, our neighbor to the north. The administration has negotiated this with great care. We really want to have a unanimous vote. Won't you join us?

I said: Absolutely not. It does not matter to me if I am the only vote. It does not matter to me at all.

The vote was 34 to 1, and they were sorely disappointed they could not get a unanimous vote out of the Ways and Means Committee. I was this troublemaker.

So the trade agreement went into effect, passed the House, passed the Senate. No one was able to offer an amendment. I could not offer an amendment. After the trade agreement was finished, we began to see an avalanche of Canadian grain being sent into our country. That Canadian grain came from the Canadian Wheat Board, which is a state trading enterprise. The Canadian Wheat Board has a monopoly on wheat, and is able to ship to this country deeply subsidized Canadian grain, undercutting our farmers, taking money right out of our farmers' pockets. Nothing could be done about it because I could not amend the trade agreement. Our hands were tied. That is what fast-track trade authority is all about.

Let me talk about trade for a few minutes and why I am going to oppose this fast-track resolution when it comes to the Senate. I and some others in the Senate—Senator BYRD has described his opposition—will be trying to slow down the fast track bill, and to ultimately defeat it.

Let me describe why. It is not because we are protectionists. It is not because we want to build a wall around our country. Those of us who oppose fast track believe in expanded trade. We believe trade is good for our country. We believe expanded trade and breaking down barriers in foreign markets makes sense for our country. We believe all of that. We also believe and insist and demand that trade be fair.

Let me point out what the Constitution says about trade. The U.S. Constitution, article I, section 8, says: The Congress shall have the power to regulate commerce with foreign nations and among the several States and with Indian tribes.

It could not be more clear. The Congress shall have the power to regulate commerce with foreign nations—not the President, not the executive branch, not the judicial branch, but the Congress and only the Congress.

With fast track, Congress relinquishes its responsibility. We will let someone else go negotiate a trade treaty, go into a room, shut the door, and in private, in secret, negotiate a trade treaty, and then bring it back to the Congress. Our hands will be tied behind our backs, as we will not be able to offer any amendments. That is what fast-track trade authority is all about.

I will use a chart to describe one piece of trade that I think demonstrates the bankruptcy of what has been going on in international trade. The example I have in mind involves trade with Korea in automobiles. Now, someone watching or listening on C-SPAN or someone in this Chamber might well drive a Korean car. If you do, good for you. You have every right to drive it. Korean cars are sold all over this country. You can go to a dealership, and buy a car from Korea, from Japan, from Europe. That is consumer choice. I would never be critical of that.

But the fact that there are lots of Korean cars coming to our country does not mean that there is free trade. You have to look at both sides of the equation. Last year the country of Korea sent to the United States 569,000 Korean automobiles. How many cars made in the United States are sold in Korea? Only 1,700. I repeat, we purchased in the United States 570,000 Korean cars and the Koreans purchased 1,700 from us.

Let me also describe how this happens. Korea does not want American cars in Korea. Under the World Trade Organization, tariff barriers to sending American cars to Korea have come down. Why would we not get more cars into Korea? In January, an English-language Korean newspaper published an article describing the trade barriers faced by imported cars in the Korean marketplace. It is based on a report put out by a Korean state-run think tank, the Korea Institute for International Economic Policy. The report cites a widespread climate of fear and intimidation associated with imported cars, including threats of physical harm. Now, this is a report by a Korean think tank, saying that Koreans face threats of physical harm, lengthy safety test procedures, and discrimination by the traffic police.

An especially flagrant example of unfair trade that caught my attention: Korean importers have been frustrated in their inability to showcase foreign cars at the Seoul Motor Show, the biggest car show in Korea. In May of 2000, the distributors put on their own import motor show. As the import show began to attract interest and some orders for foreign cars, the Korean Ministry of Finance announced the selling of any cars with engine displaced at greater than 3,000 cc—which is effectively any imported car—would have to be reported to it. This had an immediate chilling effect on prospective buyers; a lot of car orders were canceled due to fears of tax audits and the like.

In January of this year, the deputy U.S. trade representative, Jon Huntsman, stated that "Korea had somehow become a dynamic exporter without becoming an equally dynamic importer, dampening the competition companies need to keep their edge in the global marketplace."

This is an example of an intolerable trade situation.

Let me give you another example, about Brazilian sugar. There is a tariff on sugar, but none on molasses. So what happens? Brazilian sugar is sent into the United States through Canada disguised as molasses. It is shipped from Brazil to Canada, loaded on as liquid molasses, and becomes stuffed molasses. It comes from Canada to the United States. The sugar is unloaded from the stuffed molasses. The molasses go back to Canada, and the whole process is repeated. This is fundamentally unfair trade. It goes on all the time, right under our noses. And nothing is being done about it—nothing. No one is willing to lift a little finger to resolve these problems. All they want to do is go to the next trade issue.

Over $100 million in U.S. beef per year cannot get into Europe. Now, I have here a picture of what a typical U.S. cow, or heifer might look like. It happens to be a Hereford. That is what I raised when I was a kid. Now, our cattle are sometimes fed hormones, and to hear the Europeans describe it, our cattle have two heads. Absurd, of course. We buy a lot from Europe every single year, but we cannot get beef into Europe.

There is so much more. Every pound of beef we send into Japan at the moment, 12 years after we had a beef agreement with Japan, has a 38½ percent tariff. Each pound of beef has a 38½ percent tariff attached when we send it to Japan. That is after we had a beef agreement. We had all the negotiators over there who reached a big deal with Japan. It was front-page headlines across the country: Beef agreement with Japan. Good for us. The agreement provided there will be a 50 percent tariff on all United States beef going to Japan, which will reduce over time, but snap back as the quantity increases. We have gotten more beef into Japan, yes, but 12 years after the agreement, we still have a 38½ percent tariff on each pound of beef going into Japan.

We ought to expect to get more T-bones into Tokyo. That is my cry: T-bones to Tokyo; pork chops to China. Get rid of stuffed molasses to China. How about cars to Korea?

How about asking those who are supposed to represent our country to stop worrying about the next agreement and fix a few of the problems we have created for American workers and American businesses? I am perfectly willing to ask Americans to compete anywhere under any circumstances as long as the competition is fair.

I said in the Chamber before, it is not fair competition when someone puts a 12-year-old in a factory, 7,000 miles from here, works them 12 hours a day, pays them 12 cents an hour, keeps the doors locked, and ships the product to a store shelf in Pittsburgh, Fargo, or Denver. That might be good for the consumer in terms of low prices, but it is not fair trade and it is not fair to America's producers.

We had a hearing one day in which we were told about how some people who make carpets in central Asia and the Middle East. They put the young kids, 8-, 10-, 12-year-old kids, in the factories, and they use needles to work with the carpets. They put gunpowder on the tips of their fingers and lit the gunpowder to burn them, so that the tips of their finger became deeply scarred from the burns. That way, when the kids were making carpets and they would stick their fingers with the needles, they could not feel it and it would not hurt—no downtime. And then the carpets end up on a store shelf someplace in the United States. Fair trade? I don't think so. Abusing children is not fair trade just because a product is getting manufactured at lower costs. Abusing children is just plain abusing children.

We ought not have on any store shelf in any place in this country the product of slave labor wages. We should not be letting in women's blouses made in a factory in Honduras where the doors are locked and people are paid slave wages—we ought not have that on the store shelves of this country. That is not good for consumers. It is not good for anybody.

This country needs to be a leader in demanding fair trade. We do not do that. We want to pass fast track so we can do another trade agreement, and essentially keep a blind eye for what is going on in the old agreements and move on to the next one.

I got involved with this issue because of wheat farmers in North Dakota. After the United States-Canada free trade agreement, I watched all that Canadian grain being dumped into our country, money taken from the pockets of our farmers and ranchers. They are furious about it, as well they should be.

On March 6, the U.S. trade ambassador stood up for the American steel industry. He said: We will slap tariffs on those who are unloading massive amounts of steel in this country and ruining our steel industry. We will give our steel producers a chance to compete on a more level playing field. Now, the tariffs are not what they should have been. There were too many loopholes. But at least it is a step in the right direction, and I commend the trade ambassador for doing that.

But the fact is, we also just had a guilty verdict against Canada on wheat trade, yet no tariffs have been imposed. Make no mistake about the finding of unfair trade. Here is what the USTR found:

> USTR concluded that for several years, the Canadian Wheat Board has taken sales from U.S. farmers because it is immune from commercial risk, benefits from special privileges and has competitive advantages due to its monopoly control over a guaranteed wheat supply. This infringes on the integrity of the competitive trading system.

That is how our trade ambassador has described the ongoing problem. So is our government taking prompt action, as it did for the steel industry? No. USTR has decided not to impose a tariff rate quota, as requested by our wheat farmers, because of fears that such an action "would violate our NAFTA and WTO commitments."

So in effect, USTR has concluded that Canada is guilty of unfair trade, but it is not going to do anything about it anytime soon. Granted, USTR is talking about taking the Canadians to the WTO. My great-great-grandchildren might get some result out of the WTO. There is no guarantee it will be a good result. I guarantee only that the way the World Trade Organization works, the proceedings will not be transparent, because panels deliberate cases behind closed doors, in secret. This country ought to demand open government and demand that World Trade Organization proceedings be open for all to see.

When we have the fast track, so-called trade promotion authority bill on the floor of the Senate, there will be a number of amendments. I intend to offer an amendment saying that the proceedings of trade tribunals must be open to the public. The American people have a right to see what is going on. And they may not like what they see.

Also, I will have an amendment proposing tariff rate quotas on Canadian wheat. I am going to raise some of the trade problems I have discussed today, and I think the Senate ought to have a chance to vote on this.

Advocates of free trade sometimes remind me of the Hare Krishnas, who chant the same thing over and over. Our trade negotiators are always singing the same song: free trade this, free trade that. I am tired of the chanting. The question is, Is someone going to stand up on the floor of the Senate and demand fair trade on behalf of America's workers and America's producers? Do we demand fair trade or don't we?

In this town there are only two recognized views of trade. You are either a protectionist xenophobic stooge who just doesn't get it and can't see over the horizon and can't see the big picture, or you are for global trade, expanded trade, opportunity, and jobs for the future. That is the way the issue is presented. You are either kind of a nut who wants to build walls around America and bring Smoot-Hawley back, or you have a broad vision and you are a great statesman and good for you.

That is the most thoughtless bunch of nonsense I ever heard. That is not an adequate description of the views of trade we ought to embrace. There ought not be anyone who is worried about standing up on the floor of the Senate and saying: Look, I stand up for this country's interests. I stand up for the interests of people who work in this country, who produce textiles, who work on the manufacturing floor, and who produce automobiles, who work in the fields and produce grain or livestock. We stand up for them.

Our government is not ensuring a level playing field. We have stacked the deck with bad international trade agreements, ineffective trade negotiators and bad agreements, one after the other. Now we are told, let's implement fast-track authority again so we can have a new agreement. I say to those who demand fast-track authority, please fix a few of the old problems and then come back and we will talk about new agreements. Fix some of the old problems first.

Will Rogers once said that the United States has never lost a war and never won a conference. He must surely have been thinking of our negotiators. I have suggested many times that our negotiators wear jerseys, like they do in the Olympics. Next time they sit around a table with China, Japan, Europe, Canada, and Mexico, they could look down at their jersey and be reminded that they represent the United States. They represent workers, businesses, investors, and others who have decided that, in a global economy, they want a fair shake. Nothing more more, just a fair shake.

I am flat sick and tired of seeing negotiators go abroad and negotiate a trade agreement that ties America's hands behind its back.

The first 25 years after the Second World War our trade was all foreign policy. We were bigger, better, stronger than anybody in the world, and we could outperform anyone with one hand tied behind our back. So what we did is we granted trade concessions all around the world because it was foreign policy to be helpful to foreign governments. That was the first 25 years after the Second World War.

The second 25 years have been different because we suddenly had tough, shrewd international competitors. Too much of our trade policy has been soft-headed foreign policy. And it is not working.

We have a large, growing trade deficit, the largest in human history—a large deficit with China, a large deficit with Japan, a large deficit with Europe, a large and growing deficit with Canada and Mexico. This is not working.

We used to have a small trade surplus with Mexico and then we had a new trade agreement with Mexico and turned it into a big deficit. We had a moderate deficit with Canada. We got a new trade agreement with Canada and doubled the deficit. Of course, with China and Japan, it has been a miserable failure. Our trade relationship with them has failed to really break down the barriers and open up their markets.

So my message is not that I want us to put walls around our country. I don't believe in that. My message is not that we should create special protections for American producers. I don't believe in that. I believe in fair, free, and open competition. My message is, I demand, on behalf of the workers and producers of this country, that trade agreements represent fair trade conditions. If the rules are fair, if the conditions are fair, then we ought to be able to compete. I know we will compete and do well anywhere in the world under those circumstances.

This issue is an issue, at its roots, that has to do with jobs and economic opportunity and growth. When we give commencement speeches at high schools and colleges, we look out onto that sea of faces of young men and women, the best and brightest in our country, and we see people who are entering the workforce. The question is, What kind of an economy will they join?

We have people around this country bragging about their states being low-wage states. That is nothing to brag about. We need good jobs, good careers, good salaries, and good opportunities for the future. Manufacturing jobs have always been a base of good jobs that pay well and have good benefits, but our manufacturing industry is rapidly being decimated by trade agreements that are unfair to American workers and American businesses.

So I simply wanted to say today that we are going to have a vigorous and significant debate on this issue. It is long overdue. I welcome the opportunity to have trade promotion authority on the floor. Those who bring it should understand it will not be easy to get it. Those of us who have amendments to offer will be here offering many amendments.

CONGRESSIONAL OVERSIGHT OF HOMELAND SECURITY

Mr. DORGAN. Mr. President, I am chairman of an appropriations subcommittee. Last fall we asked Governor Ridge, who is the Director of Homeland Security, to come and testify on matters dealing with homeland security issues. In my subcommittee, we fund the U.S. Customs Service and others.

Governor Ridge determined that he could not do that and would not do that. Other committees have experienced the same reaction from the Governor. I think the administration is making a mistake. I think Governor Ridge is an excellent public servant. I enjoy working with him, but he really does need to come and testify before congressional committees. I think it will benefit him, it will benefit the Bush administration, it will benefit the Congress and the American people.

I did want to say, however, as we construct homeland defense, I think the administration's recommendations are good ones. I support them. I have commended President Bush for his prosecution of the war against terrorism. I think his recommendations in this budget dealing with homeland security are some thoughtful and good recommendations.

But there is one recommendation that is now floating around, being advanced by Governor Ridge and others, that I will not support. That is a recommendation to merge the Customs Service with the Immigration Service. Let me describe why I think that would be inappropriate.

There is a discussion going on about merging a number of agencies of the Federal Government into one larger agency. We are not going to solve the problems of any agency by simply creating larger bureaucracies. That doesn't solve any problems of government.

We had an embarrassing circumstance a couple of weeks or so ago in which the Immigration Service issued visas to Mohammed Atta and one of the other terrorists who flew the airplanes into the World Trade Center and murdered thousands of people.

We need to solve those problems at the INS. I must say Mr. Ziglar, who runs the INS, a friend of mine and acquaintance of most of the Senate, has inherited an agency that had a lot of problems, no question about that. I know he is struggling mightily to deal with them. I wish him well and I want to help him to do that. But he inherited an agency that wasn't able to track anything on its computers. It couldn't track down someone who overstayed a visa. I think Mr. Ziglar has a lot of work to do, and I want to help him do that.

But visiting the problems at the INS that Mr. Ziglar inherited on the Customs Service makes no sense at all. The Customs Service runs pretty well. We have some problems there as well, but it is an entirely different agency, which deals with the facilitation of trade and the prohibition of illegal goods from coming into the country. It is the second largest revenue raiser for the Federal Government next to the Internal Revenue Service. So I don't want to visit upon the Customs Service the problems of the INS or any other Federal agency, and I don't believe you solve the problems with respect to these issues by creating larger government and bigger bureaucracies.

So again, I would encourage Governor Ridge to come testify before Congressional committees, and discuss matters such as these. The idea of merging Customs and the INS is one that I just cannot support.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DODD. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair.

There being no objection, the Senate, at 1 p.m., recessed subject to the call of the Chair and reassembled at 1:22 p.m. when called to order by the Presiding Officer (Mr. DODD.)

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

SENATOR HERMAN TALMADGE

Mr. BYRD. Mr. President, I take a few moments today to recall the days of yesteryear.

I came to this body in January of 1959, after having served in the other body, the House of Representatives, for

6 years. When I came to the Senate, I came into the midst of a chamber that was made up of men and one woman, Margaret Chase Smith of Maine. These men were "tall men, sun crowned, who live(d) above the fog in public duty and in private thinking," men like Richard B. Russell of Georgia. Senator Richard Russell had never married, but he had a bride. His bride was the Senate. There was none other like him.

In my service in the Senate, this man from Georgia, Richard Brevard Russell, was the uncrowned leader, as far as I am concerned, of the Senate. There were men like Lyndon Johnson, Everett Dirksen, Lister Hill of Alabama, John McClellan, William Fulbright, Norris Cotton, and I could go on; John Pastore of Rhode Island, Senator O'Mahoney of Wyoming. They are all gone now.

I look about me today and I see the desks and the chairs. They were here then. Then one after another, as I look about me, I can see those Senators, Wayne Morse, Wallace Bennett, Jacob Javits, and Herman Talmadge.

I stand alone in this Chamber as in a great banquet hall where men have come and gone, fallen like winter's withered leaves. There is only one other Senator today who was here when I came here: STROM THURMOND.

The Senate is a far different place, far different from what it was when the Senator who is presiding over this Senate today, Senator CHRISTOPHER DODD, was a page boy; a different Senate. Yes, it is a different time. But the memories of those men and that woman who gave her "Declaration of Conscience," Margaret Chase Smith of Maine, are still in my heart.

I begin now to make a few remarks about one of those Senators whose names I have mentioned, the late Senator Herman Talmadge. We heard the distinguished Senator from the State of Georgia yesterday, Mr. ZEL MILLER, speak of the passing of Herman Talmadge. As a colleague of the late Herman Talmadge, I say these few words in memory of him.

Mr. President, there was once a saying in the state of Georgia that "if you were not a Talmadge man, you were a communist."

That saying spoke so well of the high regard, the esteem, and the respect that the people of that proud southern State, which was one of the original 13 States, possessed for the Talmadge family and why the Talmadges were such a politically prominent family for so many years.

The Talmadge dynasty began in 1926—I was a little boy in a 2-room school house in southern West Virginia that year—when Eugene Talmadge was elected Commissioner of Agriculture. He was later elected Governor of Georgia to an unprecedented four terms.

It continued with his son, Herman Eugene Talmadge whose death we mourn today. Herman Eugene Talmadge served the State of Georgia first as Governor, 1948–1955, and then as a United States Senator, 1957–1980.

He had been in this body 2 years when I came and when the father of the Presiding Officer today, the late Thomas Dodd, came to the Senate with me. We came together from the House where we had previously served together.

During the Talmadge tenure, other powerful political leaders emerged in that great state, and obtained state and national offices. These included Senator Richard Russell, who sleeps peacefully today under a southern sky in a lonely cemetery in Georgia. I stood in that cemetery, at the grave of the late Senator Richard Russell.

Then there was President Jimmy Carter. I served as majority leader in this body during the years of his Presidency. Then there was Senator Sam Nunn, whom we all know, remember, and respect, and for whom we have an enormously high regard.

But the Talmadges were always there!

Some maintain that the Talmadge reign ended in 1980 when Senator Herman Talmadge lost his bid for reelection. But I can't help but believe that it did not end until this past Wednesday night when this sharp-witted man of simple values, who spent so much of his life in public service and who did so much to make his State and our Nation better, passed away. His passing should serve to remind all of us how much we need people who are dedicated to public service.

Herman Eugene Talmadge's public service began during World War II. Now listen to this: he was serving in the Navy when Pearl Harbor was attacked. He immediately requested combat duty, and participated in a number of important naval engagements during the war, including the invasion of Guadalcanal and the Battle of Okinawa. He was present at the Japanese surrender in Tokyo Bay.

Upon the death of his father, Herman Talmadge became Governor of Georgia, and his administration is regarded as one of the most progressive administrations in the history of that great state of Georgia.

In 1957, he took a seat in the Senate. I can see him standing over there, a man of few words. He was like John Pastore. Those two men were among the sharpest witted Senators with whom I have ever served.

In 1957, Herman Talmadge began an extraordinary career, which included serving as chairman of the Senate Committee on Agriculture, Nutrition and Forestry, where he became known as the "champion of American agriculture" because of the imprint he left on almost all farm legislation that was passed during his tenure as chairman. He authored legislation to expand and improve the School Lunch Program. He helped to develop the Food Stamp Program. As chairman of the Agriculture Committee and a crusader for rural development, Senator Talmadge established a rural development subcommittee and led the enactment of the Rural Development Act of 1972.

He was a member of the Senate Finance Committee—there was a sharp brain on a great committee, the Senate Finance Committee. I have never seen men or women in this Senate whose brains were more sharp than that of Herman Talmadge.

He was also very active on welfare legislation long before it became a popular issue to promote, and he authored a provision giving tax credits to private businesses to provide job training. There was a pioneer!

Talmadge was always a powerful proponent of programs calculated to get people on their feet, and to give them the means with which to secure their future and the future of their children. He was just as adamantly opposed to programs he felt perpetuated cycles of dependency. "You gotta have more people pulling the wagon than riding," he was fond of saying. He could say it crisply, succinctly, right to the point.

Senator Talmadge came to national attention in 1973, when he was appointed to serve on the Watergate Committee. According to an article on him in the Georgia Historical Quarterly, Senator Talmadge:

> . . . thought the Watergate investigation was one of the most important events in the history of the United States [because] it demonstrated how a republican form of government [This is not a democracy, it is a republic; it is a republican form of Government] could correct the conduct of public officials and alert others not to make the same mistake.

It was during the Watergate hearings that the American people were able to observe for themselves the penetrating, get-to-the-heart-of-the-matter style of Senator Talmadge, and I am sure they were impressed.

Despite Senator Talmadge's productive and historic achievements in the Senate, his life was not without adversity. While serving in this Chamber, Senator Talmadge suffered the tragic death of one of his sons, and endured other personal and professional misfortunes.

Nevertheless, in his memoirs (Talmadge, A Political Legacy, A Politician's Life: A Memoir), he wrote:

> In looking back over my life, I suppose I have the normal share of regrets. But if I had it all to do over again, I wouldn't hesitate to enter politics. The rewards far outweigh the price one has to pay. When I speak to a civic club or just walk down the street, I invariably run into someone who has benefited in some way from my three-and-a-half decades in public life. Yes, it was a good life.

Mr. President, Herman Eugene Talmadge served his country and he served it well, in war and in peace. He served his State and the people of America very well with his extraordinary career in the Senate. His was indeed a "good life" and one for which all of us can be grateful. So:

Let Fate do her worst, there are relics of joy,
Bright dreams of the past, that she cannot destroy;
Which come, in the night-time of sorrow and care,
And bring back the features that joy used to wear.
Long, long be my heart with such memories filled!
Like the vase in which roses have once been distilled,
You may break, you may shatter the vase, if you will,
But the scent of the roses will hang round it still.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. BYRD. Mr. President, at the request of the majority leader, I ask unanimous consent that the Senate stand in recess awaiting the call of the Chair.

There being no objection, the Senate, at 1:50 p.m., recessed subject to the call of the Chair and reassembled at 3:34 p.m. when called to order by the Presiding Officer (Mr. JOHNSON).

The PRESIDING OFFICER. The Senator from Connecticut.

UNANIMOUS CONSENT AGREEMENT—S. 565

Mr. DODD. Mr. President, I am about to propound a unanimous consent request on behalf of the Democratic leader. This consent request has been cleared on the Republican side as well as the Democratic side. Let me read it, if I may.

I ask unanimous consent that the majority leader, in concurrence with the Republican leader, may resume the consideration of S. 565, the election reform bill; that debate on the bill be limited to 2 hours equally divided in the usual form; that the following be the only remaining first-degree amendments in order, and that debate on each amendment be limited to 30 minutes equally divided in the usual form unless otherwise listed; further, that no second-degree amendment be in order prior to a vote in relation to each amendment; further, that second-degree amendments must be relevant to the amendment to which it is offered and debate be limited to 30 minutes unless otherwise listed; further, that any pending amendment not listed be withdrawn; that upon disposition of the listed amendments, the bill be read the third time and the Senate vote on passage of the bill; and that upon passage, the title amendment, which is at the desk, be agreed to and the motion to reconsider be laid upon the table, all without further intervening action or debate; further, that no call for the regular order be in order with respect to this bill:

Senator LEVIN, provisional balloting; Senator CLINTON, residual ballot benchmark; Senator ROCKEFELLER, overseas voters; Senator WYDEN, voting by mail and first time voter; Senator NELSON of Florida, DOJ request; Senator NICKLES, confidentiality voter lists; Senator ROBERTS, provisional balloting notices; Senator HATCH, Internet study; Senator THOMAS, sense of Senate on rural concerns; Senator GRASSLEY, use of Social Security numbers; Senator SMITH of New Hampshire, election media reporting; and Senator DODD and Senator McCONNELL, managers' amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, let me express my very sincere gratitude to both leaders, first of all to Senator DASCHLE and his very fine staff who were immensely helpful in pulling this together. I thank the Republican leader, Senator LOTT, for his wonderful leadership. He has been tremendously helpful to us in putting this agreement together. I also thank Senator McCONNELL and Senator BOND and their staffs for making it possible. Senator LOTT's office worked very closely with their offices in bringing us to this point.

We have had an awful lot of amendments. This bill had already handled some 35 or 40 amendments. We then had to lay the bill aside, and there was still an outstanding list of 40 or 45 amendments. This is a much more abbreviated list, and it will allow us to get to final passage on this bill.

I am very optimistic we will end up with a positive vote in the Senate on this very important issue of election reform. It has been a little more than a year since the election of 2000. As we have said, this bill is forward looking. It is not about what happened in 2000; rather, what had been happening for many years in regard to the deteriorating condition of our election structure in the country. Florida merely highlighted for many Americans what had happened in many of the States as well.

This bill, while not a complete answer, will put us on a very strong road to resolving a lot of the outstanding issues that occurred then.

I am very grateful to the staffs of all those Senators involved—Senators SCHUMER and TORRICELLI. I thank my own staff, Veronica Gillespie and Kennie Gill of the Rules Committee, as well as Shawn Maher of my office, who have worked very hard. We are not done yet. We have work to do on this unanimous consent agreement to deal with the remaining amendments and then a conference with the House.

But this unanimous consent agreement, which took the cooperation of all Members of this Chamber, brings us very close to final passage of a good bill, my firm hope is, so that resources in the discretionary funds of this bill might even be available for the 2002 election, if we can get this done sometime over the next several months; that is, the final conference report.

The purpose of this bill, as has been stated by many, is to make it harder to defraud the system but, just as importantly, to make it easier for people to cast their ballots: the provisional voting provisions, statewide voter registration, making sure people who are disabled will have access to voting, being able to check your vote, not overvoting, as well as the antifraud provisions and the provisions dealing with the establishment of a permanent commission on elections.

All Members in this Chamber have been extremely cooperative on seeing to both of those twin goals: easier to vote and harder to defraud the system. Without the cooperation of everyone in this Chamber, we would not have arrived at this unanimous consent agreement.

So it is a great compliment to Members from all across the country that we have been able to arrive at this unanimous consent agreement, the disposition of these amendments, and final passage of the bill that will make it possible for us to say we have made it easier to vote in America and harder to defraud the system. If that is achieved in the final product we produce, we will have responded to the challenge posed to us by what occurred not only in the 2000 national election but what had been occurring across the country for many years. I express my gratitude again to all involved.

With that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF JAMES MAHAN

Mr. REID. Mr. President, I am very pleased that the Senate has approved Judge James C. Mahan, of Las Vegas, to be the next judge on the United States District Court for the District of Nevada.

May I say on behalf of my colleague, Senator ENSIGN, and myself that Jim

Mahan has the unequivocal support of both Senators from Nevada.

Jim Mahan currently serves as a Judge on the Eighth Judicial District Court in Clark County, Nevada, He was Governor Kenny Guinn's first judicial appointment to the Clark County District Court in February 1999, an appointment that reflects the deep respect Judge Mahan has garnered from his colleagues and other Nevada officials. Since taking the bench on March 8, 1999, he has presided over a docket of more than 3,000 civil and criminal cases. Despite this heavy docket, Judge Mahan also hears probate matters, drug court and grand jury returns on a regular basis.

As my colleagues have heard me state on numerous occasions, Las Vegas has been the fastest growing metropolitan community in the United States for more than a decade. Very hard work and dedication is required of our judges, policemen, firemen, and other civil servants on a daily basis.

These qualities will serve Judge Mahan well on the U.S. District Court for the District of Nevada, whose docket has increased at a rate that mirrors the explosive growth of my home State, especially Las Vegas.

I am so proud to have played a role in creating three additional judgeships for the District of Nevada over the last few years.

Prior to the Senate's confirmation of Roger Hunt and Kent Dawson last year, and Larry Hickes last month, Nevadans seeking justice in Federal court were forced to wait up to 3 years before their case went to trial. And these delays may have been worse had it not been for our hard working judges. Those judges hear, on average, more cases than any active judges throughout the country.

Although the docket remains one of the busiest in the Federal judiciary, these judgeships—and the fine jurists who have filled them—have had an immediate impact on the Federal bench in Nevada. When he takes his place on the District Court, Jim Mahan will be a tremendous asset to what is already one of the finest courts in the nation.

As he assumes his new judgeship, Judge Mahan also will be taking a wealth of other experiences with him to the bench. Before becoming a judge, he and Frank A. Ellis III formed the law firm of Mahan & Ellis, where they practiced business and commercial law for 17 years in Las Vegas.

A long-time resident of Las Vegas, having lived and practiced law continuously since 1973, Jim was admitted to practice in Nevada in 1974 in both State and Federal court, the Ninth Circuit Court of Appeals in 1974, and the U.S. Supreme Court in 1980.

Jim Mahan was born in El Paso, TX, on December 16, 1943. His family eventually moved to Grand Junction, CO, where he graduated from high school. Jim graduated from the University of Charleston in Charleston, WV, in 1965, and received his law degree from Vanderbilt University School of Law in 1973. In between his graduate and law school studies, Jim served in the United States Navy.

Jim has been blessed with a beautiful family. He and his wife of 33 years, Eileen, are the proud parents of one son James, Junior, who is a graduate from the University of Southern California.

In short, Jim Mahan has already proven that he is an excellent judge and a fine Nevadan. He will make an outstanding addition to the Federal bench.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, our victory Thursday on campaign finance reform was a tremendous victory for the American people, and it wouldn't have been possible without the tremendous support of grassroots organizations whose members and staff worked tirelessly to help us pass this bill. I mentioned a few of those organizations on the floor yesterday, but I wanted to take this opportunity today to single out four other groups who made invaluable contributions to our effort as part of the Americans For Reform coalition. The Sierra Club, AARP, the League of Women Voters, and NETWORK, the Catholic social justice lobby, deserve special recognition for the work they did on this legislation. I would also like to thank John Weaver and Lanny Wiles for their assistance during this effort. In particular, I am grateful to the people of Wisconsin whose support for this issue has been strong and steadfast.

THE 90TH ANNIVERSARY OF THE GIRL SCOUTS OF THE USA

Mr. BROWNBACK. Mr. President, I would like to take this opportunity to recognize the 90th anniversary of the Girl Scouts of the USA, GSUSA, this month. Girl Scouting began on March 12, 1912, when founder Juliet Gordon Low assembled 18 girls from Savannah, GA. She believed that girls should be given the opportunity to develop physically, mentally, and spiritually.

This excellent organization empowers girls to develop their full potential, to relate positively to others and their community, and to promote sound values and community service. GSUSA continues to expand its programs to address contemporary issues affecting girls, while maintaining its original core values. The organization's foundation is still premised on the original 1912 "Girl Scout Promise and Law."

Today, Girl Scouting has a membership of 3.8 million, comprised of 2.7 million girl members and over 900,000 adult members, making this the largest organization for girls worldwide. Moreover, this American organization is a member of the larger worldwide family of 10 million girls and adults in 140 countries.

Through Girl Scouting, girls acquire self-confidence and expertise, take on responsibilities, are encouraged to think creatively and act with integrity, all qualities essential for good citizenship and great leaders. At each level of Girl Scouting, girls engage in numerous activities including science and technology, sports, health and fitness, the arts, global awareness, community service, money management and finance, and much more. Importantly, the organization has established a research institute, receiving government funding to address violence prevention. It is also addressing the digital divide with activities that encourage girls to pursue careers in science, math, and technology.

In 2001, GSUSA launched a major initiative rededicating themselves to their founder's vision of empowering girls to grow into healthy, resourceful citizens. They are diligently working to ensure that Girl Scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic or geographic boundaries. Girl Scout troops meet everywhere including suburban, urban and rural areas, homeless shelters, migrant farm camps, and juvenile detention facilities. Some girls meet online via the Internet. And through one of Girl Scout's signature initiatives, Girl Scouts Beyond Bars, girls meet in prisons where their mothers are incarcerated.

Out of the almost one million adults in Girl Scouting, 99 percent are volunteers. While Girl Scouts enjoys the largest adult involvement of all such organizations, new leaders and mentors are constantly needed to serve the increasing number of participants who desire to be Girl Scouts.

Though the first troops met before women were given the right to vote, 90 years later there is a "Troop Capitol Hill" made up entirely of Congresswomen who are honorary Girl Scouts. More than 50 million women are alumnae. Over two-thirds of our doctors, lawyers, educators, community leaders, and women Members of Congress were once members of Girl Scouting, as were 64 percent of the women listed in "Who's Who of American Women."

For 90 years this month, this respected organization has demonstrated a proven track record of empowering girls to become leaders, equipping adults to be positive role models and mentors for children, and helping to build strong communities. With the support and dedication of Congress, Girl Scouts will surely continue this fine tradition for the next 90 years and beyond.

Mr. CORZINE. Mr. President, I rise today to celebrate the 90th anniversary of the Girl Scouts of the United States of America. Founder Juliette Low envisioned an organization that would encourage girls to serve in their communities and experience the open air. Decades later, girls and young women from communities across our Nation enjoy scouting activities that nurture their mental, physical, and spiritual wellbeing in an accepting and supportive environment. I commend the efforts of the Girl Scouts and the outstanding volunteers who make this important work a reality.

Thousands of girls across the State of New Jersey actively participate in Girl Scouts. I have heard heartening stories of scouts visiting senior residence facilities, food pantries, and soup kitchens. In the wake of September 11, these thoughtful young people contributed in many meaningful ways. These active girls and young women participate in anti-smoking campaigns, sports, lessons in civics and the law, outdoors activities, and much more. These initiatives build self-confidence, and strong leadership and life skills. We cannot underestimate the importance of this positive reinforcement in the lives of girls and young women. Innovative leadership and tremendous outreach efforts in my State continue to promote the Girl Scout initiative For Every Girl, Everywhere. I offer my wholehearted support for this ambitious endeavor. Imagine the possibilities!

Thank you, Girl Scouts, for decades of volunteerism in our communities and dedication to young women. As our nation affirms its commitment to service, the Girls Scouts shine so brightly. Congratulations on this very special occasion.

ENERGY POLICY ACT OF 2002

Mr. JEFFORDS. Mr. President, the Daschle-Bingaman substitute amendment, also known as the Energy Policy Act of 2002, includes portions of a bill that was reported favorably last year from the Committee on Environment and Public Works.

That bill, the Federal Reformulated Fuels Act, S. 950, was approved with the committee's understanding that further action by the full Senate would be necessary to solve the delicate problem of eliminating MTBE from the fuel supply to protect water resources, while maintaining air quality and stimulating renewable fuel use.

The substitute amendment before the Senate now does a good job of resolving that problem and balancing many political and environmental concerns. This language does not represent the perfect solution for my State or the Northeast. However, without it, MTBE contamination of water resources will continue unabated. With it, at least we can be assured of greater protection of air and water quality.

If States proceed to ban MTBE without clear Federal authority provided in this amendment, air quality could suffer as RFG areas would be forced to use ethanol in a very inflexible way due to the existing oxygen content requirement in the Clean Air Act. In that situation, and without the anti-backsliding provisions in the substitute amendment before us, there might be significant increases in vehicle emissions of both volatile organic compounds, which contribute to smog, and toxic air pollutants, and large and sudden increases in gasoline prices could also occur.

I would have preferred a bill that, in addition to eliminating the oxygen content requirement, simply eliminated the existing one-pound waiver of Reid vapor pressure requirements for ethanol blends and allowed all Governors to opt-in easily to the RFG program for their whole States. But, at least this language expedites Governors' access to that RVP waiver's elimination and provides accelerated opt-in authority to the entire States in the ozone transport region, where the ozone problems are quite serious. My preferred construction would have gone even further toward providing ever greater air quality benefits and a clearer set of "national" fuels.

The provision on liability limitations for renewable fuels is also problematic in that it is not clear to many of us why such a limitation is necessary. One would assume that Congress has required a renewable fuel content in motor vehicle fuel knowing what renewable fuels will be used to meet this requirement. Indeed, we assume that these renewable fuels will be ethanol and biodiesel. If these renewable fuels are as beneficial to the public health as we have been lead to believe, then there should be no need for such a liability limitation.

Under the provision, it is clear that no liability limitation applies to MTBE. It is clear that no liability limitation applies to any cases filed prior to the date of enactment of the bill. It is clear that the limitation applies only to a defective product claim and no other type of claim. It is clear that this limitation applies only to a renewable fuel, and if such fuel is blended with substances that do not meet the definition of a renewable fuel, the limitation does not extend to those substances.

The limitation is not intended to limit any legal requirements that apply to the use, distribution, transport or storage of these renewable fuels, and as such, this provision does not amend or modify any such requirements. Nor should this provision be read to curtail the duty of the producers, transporters and distributors of these fuels to act responsibly with regard to their products, including providing all warnings of dangers to human health or the environment associated with their products and taking all precautions to avoid any such harm which may include eliminating the use of the product altogether.

The substitute amendment provides protection against increases in toxic air pollutant emissions by maintaining the overcompliance that refiners have achieved since the inception of the RFG program. This is particularly vital to the Northeast, as vehicles are a disproportionately large source of these emissions inventory. The language includes an important statutory deadline for further EPA rulemaking to impose any additional and necessary toxics reductions to protect public health. As my colleagues may know, several studies have implicated vehicle toxics emissions as a contributor to increased cancer and developmental risks in congested urban areas.

Perhaps as important, the amendment requires the EPA to do a much better job of ensuring that fuels and fuel additives don't harm water quality, as well as air quality. Manufacturers will need to regularly supply information to the Agency on the public health and environmental impacts of the use of fuels and fuel additives. The Administrator will be held responsible for assuring that that data is up to date and adequate for determining whether those substances' use is a cause for concern.

As my colleagues know, I have been a strong proponent of encouraging the use of alternative and renewable fuels for decades. That is why I have supported S. 760, a bill to provide incentives for those fuels and vehicles, and many many other efforts to motivate reductions in our dependency on petroleum. We are making a small dent in that dependency with this language. The total motor gasoline consumption in 2012 is expected to exceed 180 billion gallons annually. The substitute's provisions require that about 2.8 percent of gasoline consumption in that year to be fuel made from renewable sources. This is good for energy security and the environment.

Work has been underway in Congress to try to solve this problem since MTBE contamination was first found. Senators BOXER, FEINSTEIN and BOB SMITH, in particular, have been instrumental in addressing the matter. Before S. 950, the Committee on Environment and Public Works reported a bill, S. 2962, in the 106th Congress which had an effect similar to what is contained in this substitute amendment. Many of the most important concepts in those bills are now embodied in the amendment. It is past time that Congress acted on this matter. Further delay will simply lead to more water resource contamination.

I ask unanimous consent that a brief and informal section-by-section summary of the renewable fuels and MTBE provisions be included in the RECORD following my statement. This may assist Senators and their staff in understanding what we are attempting to do with this substitute. I urge them to help us solve this problem.

There being no objection, the following material was ordered to be printed in the RECORD.

SECTION-BY-SECTION SUMMARY

Section 819. Renewable Content of Motor Vehicle Fuel. Amends the Clean Air Act to require that gasoline sold or dispensed to consumers in the United States contain a certain volume of renewable fuel starting in the year 2004. The volume starts at 2.3 billion gallons in the first year and increases to 5.0 billion gallons in 2012. The volume requirement continues thereafter at the same percentage that the 5.0 billion gallons represents in relation to the total gasoline pool in 2012. Existing Clean Air Act compliance requirements for section 211 apply to this new requirement.

Renewable fuel is defined as motor vehicle fuel made from grain or other biomass sources, methane from landfills, sewage, etc. and that replaces or reduces fossil fuel. This includes ethanol and biodiesel.

EPA must promulgate regulations translating the total national volume requirement into percentages that are applicable to individual refiners, blenders and importers. They may achieve compliance with the applicable percentage by buying credits from others in the industry that have used more renewable fuel than required.

Credits are valid for up to three consecutive years, depending on regulations promulgated. Compliance with the applicable percentage of renewable fuel may be deferred for one year, if the refiner, blender or importer makes up the deficit in the following year and complies with the following year's requirement. Ethanol made from non-corn sources, such as dedicated energy crops, animal waste, municipal solid waste, and wood and wood residues, generates 1.5 credits for every gallon sold or introduced into commerce.

Using EIA information, EPA will ensure that no less than 35 percent of the applicable renewable fuel use shall take place in every season. In 2004, ethanol consumed in California will not be included in calculating that year's seasonal variation.

EPA, in consultation with DOE and USDA, may waive the renewable fuel requirement in whole or in part on petition by one or more States by reducing the national quantity required for one year at a time, if one of two conditions are met. One, implementation would severely harm the economy or environment of a State, a region or the country. Two, there is an inadequate domestic supply or distribution capacity to meet the requirement. DOE must do an initial study within 180 days to review the consumer impacts of the requirement in 2004 and make recommendations regarding a waiver.

Small refineries are not covered by the renewable fuel content requirement until 2008. Before 2007, DOE must study the economic hardship on small refineries of compliance with that requirement. If DOE finds disproportionate impact on a small refinery, EPA will provide an extension on compliance for up to 2 years. Small refiners may opt in to the renewable fuel program at any time before compliance is required.

Exclusions from Ethanol Waiver. A Governor may require that gasoline to be blended with ethanol must achieve a lower Reid vapor pressure than the Clean Air Act currently provides, upon a showing to EPA that there will otherwise be an increase in emissions that will contribute to air pollution in that State. EPA is required to act on a Governor's petition within 90 days, and promulgate regulations that will take effect the later of one year or the next high ozone season. If approving the Governor's petition would result in insufficient supplies of gasoline, EPA will extend the effective date of the regulations for not more than 1 year and may renew the extension two more times.

Renewable Fuels Safe Harbor. This section provides that renewable fuels required to be used and as defined by this act will not be deemed defective in design or manufacture, in terms of a manufacturer's liability for introducing it into commerce after enactment, so long as the renewable fuel does not violate EPA controls or prohibitions and the manufacturer is in compliance with EPA requests for information on the renewable fuels' public health and environmental effects, the techniques for detecting the additive in fuel, and the resulting effects on emissions from vehicles, vehicles' performance, and any emissions related effect on public wealth and welfare.

Section 832. The Leaking Underground Storage Tank, LUST, program is modified to allow EPA and the States to use LUST monies to carry out corrective actions to remediate MTBE and other ether contamination that poses a threat to human health, welfare, or the environment. Contamination by or from an underground tank leak is not required for use of the funds.

Bedrock/Soil Remediation. Funds are authorized to study remediation of aquifers of various sorts that have been contaminated by MTBE.

Total LUST funds authorized to be appropriated for this section are $402.35 million.

Section 833. Authority for Water Quality Protection From Fuels. The Clean Air Act is amended to allow EPA to regulate fuels and fuel additives to prevent degradation of water quality.

MTBE use is discontinued not later than 4 years after enactment, except in any State that chooses to continue using it. EPA will promulgate the appropriate implementing regulations and may allow trace quantities of MTBE in motor vehicle fuel to exist nationally after 4 years. This Federal phase out is not intended to affect any existing State efforts to ban MTBE.

Existing domestic manufacturers of MTBE supplying today's nonattainment areas are eligible for transition assistance for conversion of their facilities to produce MTBE substitutes. There are $750 million total authorized for 2003–05 for such assistance.

Section 834. Elimination of the Oxygen Content Requirement for Reformulated Gasoline. The 2 percent oxygen content requirement for RFG under section 211 of the Clean Air Act is eliminated 270 days after enacted, except that it is eliminated upon enactment for California.

To ensure that elimination of the oxygen requirement and the phase out of MTBE do not increase toxic air pollutant emissions, within 270 days EPA must promulgate regulations to ensure that each refinery or importer of RFG maintains its toxics emissions reduction performance achieved in 1999–2000. If that performance is not achieved in any region, PADD, of the country, EPA must modify the regulations for all RFG to assure performance.

EPA will promulgate revisions to the RFG regulations to require that the more stringent VOC performance requirements of Southern region RFG apply to all RFG.

Section 835. Public Health and Environmental Impacts of Fuels and Fuel Additives. EPA is required to regularly collect information from manufacturers on the public health and environmental effects, including water quality, of fuels and fuel additives. EPA must also study a variety of potential MTBE substitutes.

Section 836. Analyses of Motor Vehicle Fuel Changes. Within 5 years, EPA will conduct and submit to Congress a broad analysis of the changes in emissions of air pollutants and air quality due to the changes in the use of motor vehicle fuel that occurred as a result of this act.

Section 837. Additional Opt-in Areas Under Reformulated Gasoline Program. Any Governor of a State in the ozone transport region, 13 north/eastern States, may opt the whole State in to the reformulated gasoline program so long as there is a sufficient capacity to supply RFG. EPA shall implement this change not later than 2 years after the Governor's request, but opt in States must stay in the program for at least 4 years.

Section 838. Federal Enforcement of State Fuels Requirements. States may have the Federal Government enforce a State's controls on fuels or fuel additives if the controls are part of an approved SIP and otherwise meet the requirements of section 211(c)(4)(c).

Section 839. Fuel System Requirements Harmonization Study. EPA and DOE will conduct a study of motor vehicle fuel requirements and report to Congress by June 1, 2006, with recommendations for improving air quality, reducing costs to consumers and producers, and to increase supply liquidity.

ADDITIONAL STATEMENTS

ACCESS TO AFFORDABLE HEALTH CARE ACT

• Ms. LANDRIEU Mr. President, I am in support of a piece of legislation offered by my good friend and colleague from Maine, Senator COLLINS. Before I begin, I would like to take this opportunity to commend her for her distinguished leadership in this area. Throughout her career as a U.S. Senator, she has worked hard to develop laws that reflect the healthcare needs of the people of Maine and of the Nation. Each and every proposal to help increase access to health care that she has put forward has been based on sound principles and innovative strategies. This bill is no exception.

Almost 39 million Americans have no access to health insurance. In Louisiana, almost 1 million people go to bed each night worried about what they would do if they or their family member becomes seriously ill. That is one out of five people in our State. As a result, a great number of Americans are forced to decide between medical treatment and other life essentials such as food and shelter or worse, forgo treatment all together. The research has confirmed for us what common sense has lead us to believe all along. In a recent survey, 39 percent of those Americans without insurance said that they put off necessary medical treatments or tests because they could not afford them.

In order to understand the issues affecting the uninsured, it is important that we ask ourselves, who are the uninsured? Nearly 30 percent of the 39 million uninsured Americans are women of child bearing age; 12 million of the uninsured are children. More than 8 out of 10 uninsured are in working families. Nearly 8 out of every 10 are middle income. These statistics point to serious gaps in our health care delivery system, gaps that can and need to be filled

This bill attempts to fill these gaps. The Access to Affordable Health Care Act, which I am introducing today, is a seven-point plan that combines a variety of public and private approaches to make quality health care coverage more affordable and available. The bill focuses on three key populations: small business employees; pregnant women and children as well as working individuals. In addition, it supports programs targeted at providing these populations greater access to affordable coverage. Let me explain in greater detail.

The Access to Affordable Health Care Act establishes a tax credit for small businesses to help meet the company's cost of providing health insurance. In addition, it provides grants to help states develop health insurance cooperatives for small companies.

The Access to Affordable Health Care Act gives states the option to expand the Children's Health Insurance Program for pregnant women and eligible children. Because of statewide efforts under LACHIP, more than 100,000 Louisiana children now have health insurance.

The Access to Affordable Health Care Act provides a refundable tax credit for low and middle income workers who don't have employer-provided coverage. It also improves the welfare-to-work transition by bridging the gap when newly employed workers lose their Medicaid coverage.

Providing access to insurance is not only the right thing to do it is the smart thing to do. Uninsured patients are 3 times more likely to require hospitalization for avoidable conditions. The uninsured have a greater chance of being diagnosed with late stage cancer. They are 2 times as likely to die of breast cancer. Because they are often unable to avail themselves on preventive care, the majority of medical attention they receive is catastrophic and delivered by an emergency room. What these statistics show is that when we provide greater access to health insurance we not only save lives, but we also save millions of dollars in long term health care costs.

Again, I want to thank my colleague from Maine for her efforts in producing this important legislation. I look forward to working with her and other like minded colleagues towards reaching the day when all Americans are insured.•

THE LATE HERMAN EUGENE TALMADGE

• Mr. THURMOND. Mr. President, I would like to take this opportunity to recall the memory of my devoted cousin and loyal friend. It is with great sadness that I remember my former colleague here in the United States Senate, the late Herman Talmadge, who shared this floor with me for many years. He passed away yesterday at his home in Hampton, GA.

Herman Eugene Talmadge was born in 1913 to Eugene and Mattie Thurmond Talmadge in McRae, GA. He graduated from the University of Georgia School of Law in 1936 and then went on to practice law in Atlanta with his father. He continued to practice law until he felt a patriotic duty to volunteer for World War II. He entered the United States Navy in 1941 as an ensign. He was discharged from the Navy as a lieutenant commander in 1945. Senator Talmadge was also the capable Governor of the fine State of Georgia from 1948 to 1955. As Governor, Senator Talmadge focused his efforts on the farmers and rural areas of Georgia.

Senator Talmadge distinguished himself in the United States Senate. During his tenure, he served as chairman of the Agriculture Committee, vice chairman of the Finance Committee, and on the Watergate committee hearings. Senator Talmadge continued to support rural areas and the farming community in the United States Senate when he helped pass the Rural Development Act of 1972. This act promoted the development of jobs and infrastructure in rural areas. He gained much of his national recognition during the year long Watergate committee hearings.

Senator Talmadge may have best been known for the outstanding services that he provided to the good people of Georgia. He tried to provide the best possible service to everyone that he possibly could. He never forgot those who voted for him, and he was always willing to help his constituents. It was a combination of this constituent support and his strong work ethic that made him so hard to beat in an election.

Senator Talmadge was a public spirited, patriotic citizen. He will long be remembered for all his great works in the United States Senate, and for his unwavering commitment and support to the people of the Peach State. He was not only a statesman, but also a true southern gentleman, and he will undoubtedly be missed by a large circle of family and friends.

My heartfelt thoughts and Prayers go out to the entire Talmadge Family. May God's richest blessings rest on them and sustain them in this time of sorrow and grief.•

WOMEN'S HISTORY MONTH 2002

• Mrs. CLINTON. Mr. President, on the occasion of women's history month, I am proud to honor the long tradition of New York women who made history. And there is no more appropriate place to begin than with three women heroes who gave their lives to save others at the World Trade Center. Officer Kathy Mazza, Emergency Medical Technician Yamel Merino, and Officer Moira Smith were recently named Women of Distinction for their heroic acts on September 11, and for their history of service to the people of New York.

Kathy Mazza served as the first female commandant of the Port Authority Police Training Academy. Yamel Merino was recognized as New York's emergency medical technician of the year last year, and Moira Smith previously received the Distinguished Duty Medal for rescuing people after a subway crash.

On September 11 these three heroes brought the same commitment to their jobs that they showed every day, willing to put their lives on the line at a moment's notice for fellow New Yorkers who they did not know. We will never forget their selfless acts of courage and commitment to duty on that day, and how they worked side by side with their brothers to escort as many people as possible to safety. Our thoughts remain with their families who have suffered an immeasurable loss during this tragedy, and who are comforted by the knowledge that their loved ones acted with honor and bravery.

Years from now their stories will be told alongside the stories of so many courageous New York women who devoted their lives to others and shaped history through their actions. After all, New York was the birthplace of one of the largest social movements of this country's history. In Seneca Falls in 1848, women came together to issue the Declaration of Sentiments that served as a launching point for the women's rights movement.

So many of our foremothers whose contributions are now legendary called New York home. From the great abolitionist Harriet Tubman who provided safe passage to her sisters and brothers who sought freedom from slavery, to Elizabeth Cady Stanton and Susan B. Anthony who never gave up in the movement for women's suffrage, to the great labor leader Kate Mullany, New York women have always made a difference.

When celebrating this women's history month, we pause to salute the accomplishments of women who gave so much of themselves to this country. Children generations from now will come to understand our great loss on September 11 by learning the stories of Kathy Mazza, Yamel Merino, Moira Smith and all of the firefighters, police officers and first responders to whom we owe so much. Today and everyday we need to do our part to tell their stories and to honor their lives.•

LOCAL LAW ENFORCEMENT ACT OF 2001

• Mr. SMITH of Oregon. Mr. President, I wish to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 27, 1993 in Atlanta, GA. A gay man was abducted, beaten, robbed and thrown out of a moving car. The four assailants used anti-gay slurs while beating the victim.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.•

TRIBUTE TO STEPHEN J. ANDERSON

• Mr. REED. Mr. President, it gives me great pleasure to recognize an outstanding Rhode Islander, Stephen J. Anderson. Steve has distinguished himself with a rewarding career as a public school teacher and as an accomplished State Representative in the Rhode Island General Assembly.

In 1972, Steve began his teaching career in the Exeter West Greenwich School System where he has taught Social Studies, History and Geography. Even as a young child, Steve dreamed of being a teacher, and his enthusiasm, dedication and professionalism over the past three decades has had a profound effect on our community and in the lives of generations of young people.

Steve is described as a hardworking and imaginative teacher who has a special gift for relating to his students. He is modest, friendly and witty and easily earns their respect and admiration. He has a deep belief that every student can learn and that each has contribution to make. Moreover, Steve has been a leader in the School Department and has chaired the school improvement team and coordinated its professional development plan. He can be credited with bringing standards-based training to the school and has worked to provide graduate course work in support of these efforts. In addition to his classroom duties, Steve also devotes his time and talents as the Coach of the Jr. High Soccer Team and the Cross Country Team.

In 2000, Steve Anderson was honored as the recipient of both the Charles B. Willard Achievement Award and the Alumni Service Award from his alma mater Rhode Island College. The Charles B. Willard Award is presented to graduates who have brought honor to the College by distinguished service in their field. Additionally, the Alumni Service Award honors those who have made a contribution to the College by unselfishly devoting their time, talents and resources or to an individual who has made a contribution to the state or nation which reflects ideals of service to the community. Indeed, Steve Anderson epitomizes the spirit of both these coveted awards.

In the General Assembly, Steve has been a leader on education issues and successfully sought funding for National Board Certification for Professional Teaching Standards in Rhode Island, for innovative reading programs for pre-school children and for the Rhode Island Geographic Alliance.

I ask my colleagues to join me in commending Stephen J. Anderson for his commitment to education and public service. He inspires us with his example of leadership, and I join with a grateful community in commending him for his efforts in the classroom, as a policy maker and as outstanding Rhode Island citizen.•

HONORING WOMEN 4 WOMEN, INC.

• Mr. BUNNING. Mr. President, today I offer a proper salute to Women 4 Women, Inc. of Greater Louisville, KY for its significant social and economic contributions to the Commonwealth of Kentucky.

Women 4 Women, founded and currently chaired by Elaine Musselman in 1993, is a not-for-profit organization, which aims to bring about positive social change by addressing existing issues confronting women and bringing these particular issues to a proper level of awareness in the community. In order to accomplish this goal, Women 4 Women offer their various resources to chosen community organizations and assist them in building adequate channels of communication to enhance their capacity to solve social and economic problems affecting women. Women 4 Women has also achieved an extraordinary level of success with their fundraising efforts. They have developed one of the most respected charity events held in Kentucky with their annual women's golf tournament. Also included with the golf tournament is a kick-off luncheon featuring a national speaker, a 5K run/walk, a family festival and a music celebration. Over the years, Women 4 Women has amazingly donated more than $500,000 for various causes through their fund-raising capabilities. This group, made up of over one hundred women, is dedicated to their causes, diligent in their efforts, and determined to bring about change.

Women 4 Women deserves special attention for unveiling their Benchmark 2000 partnership program in Jefferson County, KY for which they won an Ogden Newell & Welch Inc. Award. Specifically, Benchmark 2000 aims to study the status of women and girls in Jefferson County through strong coalition building between citizens and government in order to improve the overall economic and social status of females. By combining existing data and information from citizens, government officials, and service providers, the diligent participants of this program hope to, over time, address the existing needs of females and bring about positive social change.

I would like to express my sincerest admiration to all members of Women 4 Women for their hard work in the area of women's rights and commitment to the greater good of the community. Organizations such as Women 4 Women deserve praise and recognition for their good deeds and progressive vision.•

IN MEMORIAM OF BUZZ FITZGERALD AND JOEL ABROMSON

• Ms. COLLINS. Mr. President, I rise today with a heavy heart to pay tribute to two pillars of the Community of Maine, Buzz Fitzgerald and Joel Abromson. How can I describe what these two men meant to their beloved home State? These words of then President-elect John Fitzgerald Kennedy provide a start: "And when, at some future date, the high court of history sits in judgment on each of us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: first, were we truly men of courage; second, were we truly men of judgment; third, were we truly men of integrity; and finally, were we truly men of dedication?"

These words, first uttered by President-elect Kennedy when I was an elementary school student in Caribou, began to have real meaning for me when they were quoted regularly in speeches by my old boss and mentor, Bill Cohen, a gifted orator and, in many ways, a walking Bartlett's.

But the full impact of Kennedy's glorious phrases struck me with special poignancy this year as I pondered the loss of two of Maine's leading citizens, two good friends, two wonderful men who were taken from us while still in their early 60's, at the height of their powers.

One was born in St. John Plantation in far northern Maine, the other in Auburn. One moved when he was one year old, the other after college. But each became synonymous with his community, Buzz Fitzgerald with Bath, and Joe Abromson with Portland.

Each contributed mightily to his company, to his community, to his

State. Each had a family that extended well beyond actual relatives to Mainers in all walks of life. Each made the lives of thousands of people better, and each did it without apparent effort and without a hint of self-righteousness.

It is often said that if you want a job done well, find a busy man. Each of these remarkable individuals ran a company, each possessed a breathtaking list of civic and charitable credentials, and each demonstrated a willingness to embrace causes that would send many businessmen fleeing for cover.

As I watch Buzz become a champion of reproductive rights for women, or Joel become a leading advocate for equal rights for gays and lesbians, I watched the embodiment of Kennedy's four defining characteristics: courage, judgment, integrity, dedication. Those four qualities were an immense aid to Joel as he championed a state law that would outlaw discrimination against Maine citizens who are gay or lesbian. Even though he did not prevail, he led his noble fight for gay rights with courage and integrity, in a manner that is to be commended.

Indeed, I saw two men who could immerse themselves in the most emotional of issues, those causes that rubbed nerves raw in public debate, and I could see them emerge without enemies. Disagreeing without being disagreeable is a high art form, and these two men created a portrait of what informed public discourse should be.

Buzz and Joel took their jobs and their commitments seriously, but never themselves. A rich store of humor, often self-deprecating, was never far from their lips. Successful people rarely lack charm, and each possessed it in abundance. Whether it was the union leadership hammering out a contract agreement with Buzz at the Bath Iron Works or Joel's colleagues on both sides of the aisle negotiating with him on a bill in the Maine Senate, friends and adversaries alike were drawn to both men because they invariably deserved to be trusted. It may be hackneyed to say their word was their bond. But it was. Always.

A friend of mine who knew both men, but was not an intimate of either, tells a story that is illustrative. When my friend's father died in Florida, the first contribution made in his memory came from Joel Abromson. And when Buzzy's sister, Gayle Corey, died of a virulent form of cancer, Buzz did not wait to receive expressions of condolence; rather, he sent notes to Gayle's friends thanking them for befriending her. One does not easily forget gestures such as these, and there were thousands of others. In the final days and weeks of his life, Buzz called other cancer patients trying to cheer them up.

Fortunately for all of us who benefited from knowing them, many Maine leaders, led by Governor King, participated in exceptionally moving public tributes to these two remarkable individuals while they were still alive to hear the accolades. Having spoken to both of them shortly before they died, I know that they were touched by the outpouring of appreciation for lives well lived.

Losing public treasures like Joel and Buzz when they had so much more to give reminds us anew that life is unfair, as President Kennedy often noted. Fair or not, our state has lost two remarkable citizens and we will not see their like again soon.

To me, they are the standard by which we should measure ourselves. Each of us will honor their memory most appropriately if we try to emulate the service they gave so generously to our State and its people.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–220. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to permit states to promote long-term care insurance under Medicaid; to the Committee on Finance.

SENATE RESOLUTION NO. 109

Whereas, As the number of elderly in America continues its swift growth, the issue of long-term care will present an increasing number of problems for our Nation. Demographic trends leave little doubt that, without significant changes, the publicly funded Medicaid program may be stretched beyond its capacity to respond adequately to the needs of our country's poor and elderly; and

Whereas, The challenge of paying for long-term care most often ends up being handled by Medicaid. The Federal-State partnership of Medicaid, which is designed to provide health coverage for the poor, ends up covering the long-term care costs for millions of older Americans who become poor only because their resources are exhausted by the high costs of nursing homes or in-home care. Approximately one of every three Medicaid dollars is spent on long-term care; and

Whereas, While each state determines the eligibility requirements for Medicaid based on specific factors, general eligibility thresholds limit the assets that can be preserved by a Medicaid recipient and spouse; and

Whereas, There is a bill before Congress, H.R. 1041, that seeks to permit states more flexibility to enter into long-term care partnerships under Medicaid in order to promote the use of long-term care insurance. Clearly, any measure to increase insurance in this area would be most helpful for our country; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to enact legislation to permit states to promote long-term care insurance under Medicaid; and be it further

Resolved, that copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan Congressional Delegation.

POM–221. A joint resolution adopted by the Senate of the Legislature of the State of Vermont relative to the desecration of the United States Flag; to the Committee on the Judiciary.

JOINT SENATE RESOLUTION NO. 9

Whereas, the flag of the United States is one of the greatest symbols of our nation, and

Whereas, this symbol represents the defining principles of our country, and

Whereas, Americans have placed their lives in harm's way and, in hundreds of thousands of cases, have sacrificed their lives defending these principles, and

Whereas, their willingness to sacrifice their lives in defense of these cherished principles demonstrates one of the purest and most commendable forms of patriotism, and

Whereas, these patriots have focused on the flag as the ultimate symbol for which they and their families have sacrificed, and

Whereas, the flag serves important ceremonial functions at public gatherings, funerals, celebrations of patriotic holidays, parades and countless other gatherings, and

Whereas, respect for the flag and the various protocols attendant thereto (such as proper display, proper folding, saluting, et cetera) serves as an introduction, for many young Americans to the symbol of our nation, and

Whereas, we the American people, accord our flag a unique position of respect, love and admiration for the principles it represents, and recognize the importance of providing dignity and honor to this symbol, and

Whereas, these principles include the protection of individual freedoms enumerated in the First Amendment to the United States Constitution including free speech, free press, peaceable assembly, and petitions for the redress of grievances, now therefore be it

Resolved by the Senate and House of Representatives, That the General Assembly expresses its respect and admiration for our United States Flag, and be it further

Resolved, That the General Assembly expresses its condemnation of all acts of flag desecration, and similar displays of disrespect for the United States Flag, and be it further

Resolved, That the General Assembly urges the Congress of the United States to ensure that proper respect and treatment will always be afforded to the United States Flag, and that the Congress explore all avenues available, which may include a constitutional amendment, a statutory change and a public education program, to protect the United States Flag from physical desecration, and be it further

Resolved, That the Secretary of State transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate and all members of the Vermont Congressional Delegation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-5876. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Melons Grown in South Texas; Increased Assessment Rate" (Doc. No. FV02-979-1 FR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5877. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Increased Assessment Rate" (Doc. No. FV02-959-01-FR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5878. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Kiwifruit Grown in California; Relaxation of Pack Requirements" (Doc. No. FV08-920-1 FIR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5879. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Reporting Requirements for Fresh Nectarines and Peaches" (Doc. No. FV01-916-3 FIR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5880. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2001-2002 Marketing Year" (Doc. No. FV-982-1 IFR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5881. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Reduction in Production Cap for 2002 Diversion Program" (Doc. No. FV02-989-2 IFR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5882. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Grapes Grown in a Designated Area of Southeastern California; Increased Assessment Rate" (Doc. No. FV02-925-01 FR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5883. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Beef Promotion and Research; Reapportionment" (Doc. No. LS-01-05) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5884. A communication from the Administrator, Livestock and Seed—Seed Regulatory and Testing Branch, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Increased in Fees for Voluntary Federal Seed Testing and Certification Services and Establishment of a Fee for Preliminary Test Reports" (Doc. No. LS-01-07) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5885. A communication from the Administrator of the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing the California Prune/Plum (Tree Removal) Diversion Program" (Doc. No. FV01-81-01 FR) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5886. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fees for Official Inspection and Official Weighing Service" (RIN0580-AA79) received on March 18, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC-5887. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant to the Secretary of Defense for Nuclear and Chemical and Biological Defense Programs, received on March 15, 2002; to the Committee on Armed Services.

EC-5888. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, the notice of a revision to the Fiscal Year 2002 Annual Materials Plan (AMP); to the Committee on Armed Services.

EC-5889. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report relative to a Full-Up, System Level (FUSL) Live Fire Test and Evaluation (LFT&E) on all three variants of the Joint Strike Fighter (JSF) aircraft; to the Committee on Armed Services.

EC-5890. A communication from the Assistant Director, Executive and Political Personnel, Department of the Army, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Army, Acquisition, Logistics and Technology, received on March 15, 2002; to the Committee on Armed Services.

EC-5891. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Secretary of Defense, Special Operations/Low Intensity Conflict, received on March 15, 2002; to the Committee on Armed Services.

EC-5892. A communication from the Under Secretary of Defense, Personnel and Readiness, transmitting, pursuant to law, the Department of Defense Education Activity (DoDEA) 1999-2000 Accountability Report and the 1999-2000 School Profiles for the Department of Defense Dependents Schools (DoDDS); to the Committee on Armed Services.

EC-5893. A communication from the Secretary of the Air Force, transmitting, the report of an Average Procurement Unit Cost (APUC) breach; to the Committee on Armed Services.

EC-5894. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of a vacancy in the position of Acting Director, received on March 15, 2002; to the Committee on Foreign Relations.

EC-5895. A communication from the Acting General Counsel, Peace Corps, transmitting, pursuant to law, the report of a vacancy and the discontinuation of acting officer for the position of Deputy Director, received on March 15, 2002; to the Committee on Foreign Relations.

EC-5896. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-5897. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-5898. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC-5899. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, as amended: International Organizations; Interim Rule" (22 CFR Part 41) received on March 15, 2002; to the Committee on Foreign Relations.

EC-5900. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC-5901. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5902. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC-5903. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "VISAS:

Documentation of Nonimmigrants and Immigrants under the Immigration and Nationality Act, as amended: Fingerprinting; Access to Criminal History Records; Conditions for use of criminal history records" (22 CFR Part 40) received on March 15, 2002; to the Committee on Foreign Relations.

EC–5904. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Immigrants Under the Immigration and Nationality Act, As Amended—Immediate Relatives" (22 CFR Part 42) received on March 18, 2002; to the Committee on Foreign Relations.

EC–5905. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, As Amended—Additional International Organization" (22 CFR Part 41) received on March 18, 2002; to the Committee on Foreign Relations.

EC–5906. A communication from the Executive Secretary and Chief of Staff, USAID, Bureau for Africa, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, received on March 18, 2002; to the Committee on Foreign Relations.

EC–5907. A communication from the Acting Deputy Chief of Naval Operations, Fleet and Readiness and Logistics, transmitting, a notice to convert to performance by the private sector the Transportation function at NADEP Cherry Point, NC; to the Committee on Armed Services.

EC–5908. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a change in Notice 2001–64, received on March 13, 2002; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CONRAD, from the Committee on the Budget, without amendment:

S. Con. Res. 100. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2003 and setting forth the appropriate budgetary levels for each of the fiscal years 2004 through 2012.

NOMINATIONS DISCHARGED

The following nomination was discharged from the Committee on Finance pursuant to the order of March 22, 2002:

DEPARTMENT OF THE TREASURY

Randal Quarles, of Utah, to be Deputy Under Secretary of the Treasury.

The following nomination was discharged from the Committee on Agriculture, Nutrition, and Forestry pursuant to the order of March 22, 2002:

DEPARTMENT OF AGRICULTURE

Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture.

The following nomination was discharged from the Committee on Health, Education, Labor, and Pensions pursuant to the order of March 22, 2002:

DEPARTMENT OF LABOR

Victoria A. Lipnic, of Virginia, to be an Assistant Secretary of Labor.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 2066. A bill to prohibit United States assistance and commercial arms exports to countries and entities supporting international terrorism; to the Committee on Foreign Relations.

By Mr. BINGAMAN (for himself, Mr. BOND, and Mr. INOUYE):

S. 2067. A bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself, Mr. BAYH, Mr. CLELAND, Mrs. CARNAHAN, and Mr. LIEBERMAN):

S. 2068. A bill to further encourage and facilitate service in the Armed Forces of the United States, and for other purposes; to the Committee on Armed Services.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM, Mr. CLELAND, and Mr. MILLER):

S. 2069. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 2070. A bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

By Mr. SMITH of New Hampshire:

S. 2071. A bill to amend title 23, United States Code, to prohibit the collection of tolls from vehicles or military equipment under the actual physical control of a uniformed member of the Armed Forces, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CORZINE (for himself, Mr. BINGAMAN, and Mr. BREAUX):

S. 2072. A bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program; to the Committee on Finance.

By Mr. CRAIG:

S. 2073. A bill to provide for the retroactive entitlement of Ed W. Freemen to Medal of Honor special pension; to the Committee on Veterans' Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CONRAD:

S. Con. Res. 100. An original concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2003 and setting forth the appropriate budgetary levels for each of the fiscal years 2004 through 2012; from the Committee on the Budget; placed on the calendar.

ADDITIONAL COSPONSORS

S. 940

At the request of Mr. DODD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 940, a bill to leave no child behind.

S. 960

At the request of Mr. BINGAMAN, the name of the Senator from South Carolina (Mr. HOLLINGS) was added as a cosponsor of S. 960, a bill to amend title XVIII of the Social Security Act to expand coverage of medical nutrition therapy services under the medicare program for beneficiaries with cardiovascular diseases.

S. 1343

At the request of Mr. CHAFEE, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 1343, a bill to amend title XIX of the Social Security Act to provide States with options for providing family planning services and supplies to individuals eligible for medical assistance under the medicaid program.

S. 1409

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 2040

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 2040, a bill to provide emergency agricultural assistance to producers of the 2002 crop.

S. 2058

At the request of Mrs. LINCOLN, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2058, a bill to replace the caseload reduction credit with an employment credit under the program of block grants to States for temporary assistance for needy families, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself, Mr. BOND, and Mr. INOUYE):

S. 2067. A bill to amend title XVIII of the Social Security Act to enhance the access of Medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits to improve the Medicare+Choice program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, the legislation I am introducing today with Senators BOND and INOUYE entitled the "Medicare Safety Net Access Act of 2002," or "Access 2002," would improve services for Medicare beneficiaries and protect a critical mission of health centers, to provide access to care to underserved rural, frontier, and inner-city communities.

Community health centers, CHC's, provide primary and preventive care to more than 700,000 medically underserved Medicare beneficiaries, including over 20,000 in New Mexico. Health centers also provide critical support services that help seniors more easily access care. In many cases, the local health center may be the only source of primary and preventive care for Medicare beneficiaries in a community.

While hundreds of thousands of Medicare beneficiaries turn to health centers for care, many centers struggle to provide services to these patients. Current Medicare regulations cause health centers significant financial losses that have a direct impact on access to care. In addition, the Medicare federally qualified health center, FQHC, benefit has not been modernized to include many of the new preventive and other services added to the Medicare package by Congress in recent years again undermining the critical role that health centers play in providing access to care.

To address these and other issues, Senators BOND, INOUYE, and I are introducing the "Medicare Safety Net Access Act of 2002", also known as "Access 2002." The legislation would address the following problems.

With respect to payment issues, the bill ensures that Medicare covers the cost of providing care to Medicare beneficiaries at CHC's. Congress provides more than $1.3 billion in section 330 funding to CHC's to provide care to the uninsured. When Medicare fails to cover the costs of care for Medicare beneficiaries, CHC's must make up for the shortfall through a variety of mechanisms including drawing from the section 330 grants, which are supposed to be dedicated for care to the uninsured.

Medicare has historically provided such cost-based reimbursement to other safety net providers, such as certain rural hospitals, cancer hospitals, and children's hospitals. Moreover, Congress passed legislation in 2000 to protect health centers from the same problem in Medicaid.

The legislation assures that CHC's are afforded the same protections through the Medicare program so that Federal funding for the uninsured is not redirected to pay for shortfalls from Medicare patients. It does so by eliminating the per visit payment cap on health centers' Medicare payments. In the Medicare statute, Congress clearly intended to cover the cost of a health centers' Medicare patients, but the Centers for Medicare and Medicaid Services, CMS, applies an arbitrary "payment cap" that is not in the Federal statute. For many health centers, the cap has significantly reduced their Medicare payments, particularly for patients that have chronic illnesses, and forced them to reduce care they would have otherwise provided for their uninsured patients. Our bipartisan legislation prevents the imposition of the Medicare payment cap for health centers, and again, mirrors cost-based reimbursement that a number of other safety-net providers receive through Medicare.

The bill also extends payment protections to Medicare+Choice. This is achieved by establishing a supplemental or "wrap-around" payment much like the one that currently exists in the Medicaid program for FQHC's contracting with managed care organizations. As this has worked so well in the Medicaid program, Congress should also enact a "wrap-around" payment in the Medicare+Choice program to ensure CHC's are having their reasonable costs appropriately covered.

In addition, the legislation eliminates regulatory hurdles that impair health centers' ability to provide preventive ambulatory services to Medicare patients. While CHC's provide primary care services to their patients, Medicare does not cover anything other than the most basic services provided at CHC's. Such services that health centers may provide that Medicare does not pay on a cost basis, include: mammograms, nutrition services, or laboratory or x-ray services. Some of these services have been recently been added by Congress but the Medicare FQHC benefit has not been updated to reflect those changes. This legislation would expand the services that health centers could provide to medically underserved Medicare beneficiaries.

Furthermore, the bill ensures the availability of these services to those enrolling in Medicare managed care but requiring Medicare+Choice plans to contract with a sufficient number of FQHC's to make FQHC services accessible to plan enrollees.

And finally, the "Medicare Safety Net Access Act of 2002" establishes a safe harbor in the federal anti-kickback statute for arrangements between health centers and other providers that improve access to services for low-income patients in underserved communities. Health centers and other providers often participate in arrangements designed to expand their ability to provide care in the poor communities they serve. However, these arrangements can potentially expose health centers under the federal anti-kickback laws.

For nine years, a proposed "safe harbor" has been pending before the U.S. Department of Health and Human Services' Office of the Inspector General, HHS IOG, that would allow health centers to contract with other providers to improve health services to low-income patients without fear of being in violation of the anti-kickback law. To qualify under the proposed safe harbor, the arrangement would have to meet strict criteria to protect against fraud and abuse, including the demonstration of a community benefit through the savings of grant dollars intended for care for the uninsured or an increase in the availability of services to a medically underserved community. There are additional requirements, such as assurances that the arrangement to not limit a patient's freedom of choice, in addition to any others that the IOG deems are needed as long as they are consistent with congressional intent.

Community health centers enjoy strong bipartisan support in Congress because they are cost-effective providers of services that keep patients healthy and out of costly specialty and emergency settings. As more people prepare to enter the Medicare program, it is vital that beneficiaries in rural, frontier, and inner-city areas have access to the full range of Medicare benefits. Health centers are the vehicle to make that happen. I urge passage of this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordererd to be printed in the RECORD, as follows:

S. 2067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Medicare Safety Net Access Act of 2002".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Supplemental reimbursement for Federally qualified health centers participating in medicare managed care.
Sec. 3. Revision of Federally qualified health center payment limits.
Sec. 4. Coverage of additional Federally qualified health center services.
Sec. 5. Providing safe harbor for certain collaborative efforts that benefit medically underserved populations.

SEC. 2. SUPPLEMENTAL REIMBURSEMENT FOR FEDERALLY QUALIFIED HEALTH CENTERS PARTICIPATING IN MEDICARE MANAGED CARE.

(a) Supplemental Reimbursement.—

(1) In general.—Section 1833(a)(3) of the Social Security Act (42 U.S.C. 1395*l*(a)(3)) is amended to read as follows:

"(3) in the case of services described in section 1832(a)(2)(D)—

"(A) except as provided in subparagraph (B), the costs which are reasonable and related to the cost of furnishing such services or which are based on such other tests of reasonableness as the Secretary may prescribe in regulations, including those authorized under section 1861(v)(1)(A), less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A), but in no case may the payment for such services (other than for items and services described in section 1861(s)(10)(A)) exceed 80 percent of such costs; or

"(B) with respect to the services described in clause (ii) of section 1832(a)(2)(D) that are furnished to an individual enrolled with a Medicare+Choice organization under part C pursuant to a written agreement described in section 1853(j), the amount by which—

"(i) the amount of payment that would have otherwise been provided under subparagraph (A) (calculated as if '100 percent' were substituted for '80 percent' in such subparagraph) for such services if the individual had not been so enrolled, exceeds

"(ii) the amount of the payments received under such written agreement for such services (not including any financial incentives provided for in such agreement such as risk pool payments, bonuses, or withholds),

less the amount the Federally qualified health center may charge as described in section 1857(e)(3)(C);".

(b) Continuation of Medicare+Choice Monthly Payments.—

(1) In general.—Section 1853 of the Social Security Act (42 U.S.C. 1395w–23) is amended by adding at the end the following new subsection:

"(j) Special Payment Rule for Federally Qualified Health Center Services.—If an individual who is enrolled with a Medicare+Choice organization under this part receives a service from a Federally qualified health center that has a written agreement with such organization for providing such a service (including any agreement required under section 1857(e)(3))—

"(1) the Secretary shall pay the amount determined under section 1833(a)(3)(B) directly to the Federally qualified health center not less frequently than quarterly; and

"(2) the Secretary shall not reduce the amount of the monthly payments to the Medicare+Choice organization made under section 1853(a) as a result of the application of paragraph (1).".

(2) Conforming amendments.—

(A) Paragraphs (1) and (2) of section 1851(i) of the Social Security Act (42 U.S.C. 1395w–21(i)(1)) are each amended by inserting "1853(j)," after "1853(h),".

(B) Section 1853(c)(5) is amended by striking "subsections (a)(3)(C)(iii) and (i)" and inserting "subsections (a)(3)(C)(iii), (i), and (j)(1)".

(c) Additional Medicare+Choice Contract Requirements.—Section 1857(e) of the Social Security Act (42 U.S.C. 1395w–27(e)) is amended by adding at the end the following new paragraph:

"(3) Agreements with federally qualified health centers.—

"(A) Ensuring equal access to services of FQHCs.—A contract under this part shall require the Medicare+Choice organization to enter into (and to demonstrate to the Secretary that it has entered into) a sufficient number of written agreements with Federally qualified health centers providing Federally qualified health center services for which payment may be made under this title in the service area of each Medicare+Choice plan offered by such organization so that such services are reasonably available to individuals enrolled in the plan.

"(B) Ensuring equal payment levels and amounts.—A contract under this part shall require the Medicare+Choice organization to provide a level and amount of payment to each Federally qualified health center for services provided by such health center that are covered under the written agreement described in subparagraph (A) that is not less than the level and amount of payment that the organization would make for such services if the services had been furnished by a provider of services that was not a Federally qualified health center.

"(C) Cost-sharing.—Under the written agreement described in subparagraph (A), a Federally qualified health center must accept the Medicare+Choice contract price plus the Federal payment as payment in full for services covered by the contract, except that such a health center may collect any amount of cost-sharing permitted under the contract under this part, so long as the amounts of any deductible, coinsurance, or copayment comply with the requirements under section 1854(e) and do not result in a total payment to the center in excess of the amount determined under section 1833(a)(3)(A) (calculated as if '100 percent' were substituted for '80 percent' in such section).".

(d) Safe Harbor From Antikickback Prohibition.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(1) in subparagraph (E), by striking "and" after the semicolon at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(G) any remuneration between a Federally qualified health center (or an entity controlled by such a health center) and a Medicare+Choice organization pursuant to the written agreement described in section 1853(j).".

(e) Effective Date.—The amendments made by this section shall apply to services provided on or after January 1, 2003, and contract years beginning on or after such date.

SEC. 3. REVISION OF FEDERALLY QUALIFIED HEALTH CENTER PAYMENT LIMITS.

(a) Per Visit Payment Requirements for FQHCs.—Section 1833(a)(3)(A) of the Social Security Act (42 U.S.C. 1395*l*(a)(3)(A)), as amended by section 2(a), is amended by adding "(which regulations may not limit the per visit payment amount, or a component of such amount, for services described in section 1832(a)(2)(D)(ii))" after "the Secretary may prescribe in regulations".

(b) Effective Date.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2003.

SEC. 4. COVERAGE OF ADDITIONAL FEDERALLY QUALIFIED HEALTH CENTER SERVICES.

(a) Coverage for FQHC Ambulatory Services.—Section 1861(aa)(3) of the Social Security Act (42 U.S.C. 1395x(aa)(3)) is amended to read as follows:

"(3) The term 'Federally qualified health center services' means—

"(A) services of the type described in subparagraphs (A) through (C) of paragraph (1), and such other services furnished by a Federally qualified health center for which payment may otherwise be made under this title if such services were furnished by a health care provider or health care professional other than a Federally qualified health center; and

"(B) preventive primary health services that a center is required to provide under section 330 of the Public Health Service Act,

when furnished to an individual as a patient of a Federally qualified health center.".

(b) Offsite FQHC Services.—

(1) Patients of hospitals and critical access hospitals.—Section 1862(a)(14) of the Social Security Act (42 U.S.C. 1395y(a)) is amended by inserting "Federally qualified health center services," after "qualified psychologist services,".

(2) Exclusion of federally qualified health center services from the PPS for skilled nursing facilities.—Section 1888(e) of the Social Security Act (42 U.S.C. 1395yy(e)) is amended—

(A) in paragraph (2)(A)(i)(II), by striking "clauses (ii) and (iii)" and inserting "clauses (ii) through (iv)"; and

(B) by adding at the end of paragraph (2)(A) the following new clause:

"(iv) Exclusion of federally qualified health center services.—Services described in this clause are Federally qualified health center services (as defined in section 1861(aa)(3)).".

(c) Technical Corrections.—

(1) Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by striking "subsection (hh)(1)).," and inserting "subsection (hh)(1)),".

(2) Clauses (i) and (ii)(II) of section 1861(aa)(4)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(4)(A)) are each amended by striking "(other than subsection (h))".

(d) Effective Dates.—The amendments made—

(1) by subsections (a) and (b) shall apply to services furnished on or after January 1, 2003; and

(2) by subsection (c) shall take effect on the date of enactment of this Act.

SEC. 5. PROVIDING SAFE HARBOR FOR CERTAIN COLLABORATIVE EFFORTS THAT BENEFIT MEDICALLY UNDERSERVED POPULATIONS.

(a) In General.—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7(b)(3)), as amended by section 2(d), is amended—

(1) in subparagraph (F), by striking "and" after the semicolon at the end;

(2) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(H) any remuneration between a public or nonprofit private health center entity described under clauses (i) and (ii) of section 1905(l)(2)(B) and any individual or entity providing goods, items, services, donations or loans, or a combination thereof, to such health center entity pursuant to a contract, lease, grant, loan, or other agreement, if such agreement produces a community benefit that will be used by the health center entity to maintain or increase the availability or accessibility, or enhance the quality, of services provided to a medically underserved population served by the health center entity.".

(b) Rulemaking for Exception for Health Center Entity Arrangements.—

(1) Establishment.—

(A) In general.—The Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall establish, on an expedited basis, standards relating to the exception for health center entity arrangements to the antikickback penalties described in section 1128B(b)(3)(F) of the Social Security Act, as added by subsection (a).

(B) FACTORS TO CONSIDER.—In establishing standards relating to the exception for health center entity arrangements under subparagraph (A), the Secretary—

(i) shall extend the exception where the arrangement between the health center entity and the other party—

(I) results in savings of Federal grant funds or increased revenues to the health center entity;

(II) does not limit or restrict a patient's freedom of choice; and

(III) does not interfere with a health care professional's independent medical judgment regarding medically appropriate treatment; and

(ii) may include other standards and criteria that are consistent with the intent of Congress in enacting the exception established under this subsection.

(2) INTERIM FINAL EFFECT.—No later than 60 days after the date of enactment of this Act, the Secretary shall publish a rule in the Federal Register consistent with the factors under paragraph (1)(B). Such rule shall be effective and final immediately on an interim basis, subject to change and revision after public notice and opportunity (for a period of not more than 60 days) for public comment, provided that any change or revision shall be consistent with this subsection.

By Mr. NELSON of Florida (for himself, Mr. GRAHAM, Mr. CLELAND, and Mr. MILLER):

S. 2069. A bill to direct the Secretary of Veterans Affairs to establish a national cemetery for veterans in the Jacksonville, Florida, metropolitan area; to the Committee on Veterans' Affairs.

Mr. NELSON of Florida. Mr. President, this Nation honors in many ways the service of those who have worn the uniform of our Armed Forces and placed themselves in harm's way to defend our freedom and way of life. This Nation raises great monuments to commemorate the many battles and the countless heroes of those battles fought throughout our history. This Nation sets aside special days to remember the sacrifice of generations of Americans who have stepped forward in America's defense.

This Nation hallows ground where we lay to rest those who have served us in our hour of greatest need. Our National Cemetery System is not only hallowed ground, national cemeteries are monuments to military service, the places where we go on those special days to pay tribute to the sacrifice of so many in our history.

Today I offer legislation to establish a national cemetery near Jacksonville, FL, to meet the needs of thousands of veterans who have chosen to live out their lives in northeast Florida and southeast Georgia. Florida's veteran population is the second largest in the Nation. Right now in northern Florida and southern Georgia, there are nearly half-a-million veterans. Florida has the Nation's oldest veteran population and one of the largest remaining populations of World War II veterans. We are all aware that this greatest of generations is passing away at higher and higher rates.

Unfortunately for these hundreds of thousands of veterans in Florida and Georgia, the nearest national cemetery is located in Bushnell, FL, which is 3-hour drive from Jacksonville. The national cemetery in St. Augustine is full and closed. The nearest national cemetery in Georgia is in Marietta just north of Atlanta.

Our veterans have made great sacrifices to protect our country in her days of peril, and certainly deserve to rest in honored respect in a national cemetery. To honor the veterans of northeast Florida and southeast Georgia, we must act now, in order to have this facility established by 2006 when our World War II veterans' deaths are expected to reach their peak.

Senators GRAHAM and CLELAND and I are honored and proud to sponsor this important bill, and we look forward to the support of our colleagues as we provide for our veterans who have given so much for our country.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall establish, in accordance with chapter 24 of title 38, United States Code, a national cemetery in the Jacksonville, Florida, metropolitan area to serve the needs of veterans and their families.

(b) CONSULTATION IN SELECTION OF SITE.—Before selecting the site for the national cemetery established under subsection (a), the Secretary shall consult with—

(1) appropriate officials of the State of Florida and local officials of the Jacksonville metropolitan area, and

(2) appropriate officials of the United States, including the Administrator of General Services, with respect to land belonging to the United States in that area that would be suitable to establish the national cemetery under subsection (a).

(c) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report on the establishment of the national cemetery under subsection (a). The report shall set forth a schedule for such establishment and an estimate of the costs associated with such establishment.

By Mr. BINGAMAN (for himself and Mr. KERRY):

S. 2070. A bill to amend part A of title IV to exclude child care from the determination of the 5-year limit on assistance under the temporary assistance to needy families program, and for other purposes; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today to introduce the Children First Act. Since 1996, federal funding for child care assistance under the Child Care and Development Block Grant, CCDBG, has significally increased, making it possible for states to provide more low-income families with child care assistance and expand initiatives to improve the quality of child care. This has been an extremely important endeavor. Access to quality childcare helps families to work and children to succeed. Yet, we must do more. Only one out of seven children eligible for assistance through the CCDBG program receives a subsidy, approximately 12.9 million eligible children without assistance. In March 2000, a family earning as little as $25,000 could not qualify for child care assistance in most States. The need for child care assistance is likely to significantly increase in the near future. Many States are currently faced with serious budget shortfalls that threaten the progress they have made in the provision of child care in recent years. The administration's recently proposed welfare plan would increase work-related requirements for welfare recipients, which if passed will create an even greater demand for child care. Even if this aspect of the administration's welfare proposal is rejected as unworkable, which I believe is the case, we must make providing high-quality child care to low-income families a priority in this Congress. The Children First Act will do just that.

Increased availability of child care enables low-income parent on welfare, and parents trying to stay off welfare, to work and support their families. According to a recent administration report, employment among single mothers with young children grew in recent years fro 58 percent to 73 percent. The administration noted: "These employment increased by single mothers and former welfare mothers are unprecedented." Most people agree that employment gains among single mothers can only be sustained if families have access to dependable child care. Studies show that when child care is available, and when families get help paying for care, they are more likely to work.

When I talk to people in my home State of New Mexico about welfare reform, they identify access to childcare as the most important work support we can provide. In New Mexico, 57 percent of children under 6 live in households in which all parents work. Approximately 67 percent of these households have income less than 200 percent of the Federal poverty threshold. Yet less than 25 percent of children under the age of 6 eligible under federal law for childcare assistance are receiving assistance in New Mexico. Families with both parent working aen earning he minimum wage must pay 49 percent of their income on childcare for one child.

Without subsidized care, many of these families can not afford to work.

When I talk to people in New Mexico about improving our education system, the need for improved school readiness is often theotp concern. Improved quality of child care is an important component in that effort as well. Quality child care provides low-income children with the early learning experiences that they need to do well in school. We know that children in high-quality early care score higher on reading and math tests, are more likely to complete high school and go onto college, and are less likely to repeat a grade or get charged in juvenile court. In contrast, children in poor quality child care have been found to be more likely to be referred to special education, delayed in language and reading skills and to display more aggression toward other children and adults.

In the recently enacted No Child Left Behind Act, Congress and the President signaled a new commitment to improving educational outcomes in our schools. The legislation required states, school districts, and communities to close achievement gaps between disadvantaged students and their peers. In his State of the Union Address earlier this year, President Bush acknowledged the important of early learning and made it a priority for his administration. Increased federal support for child care is critical to supporting high-quality early learning programs. We should work on a bipartisan basis—as we did with respect to the No Child Left Behind Act—towards this goal.

We must increase access to child car, but we must also do more to ensure the improved quality of child care. Many families in New Mexico, even those receiving assistance, cannot provide their children with a high quality child car setting. In part, this is caused by the low reimbursement rates provided due to limited funding. For example, in New Mexico the reimbursement rate is $396, while the market rate averaged $470. As a result the higher quality provider often do not accept state-subsidized children into their programs.

A lack of qualified care provider also make the provision of high quality care difficult. Childcare workers in New Mexico make, on average, $6.24 per hour, less than half the average weekly wage. Less than 20 percent of these workers receive employee benefits such as health insurance and paid sick leave.

The Children First Act will address these issues by increasing funding for the Child Care Development Block Grant by $11.2 billion over five years. With these funds, states will be able to serve approximately 1 million more children nationally. The bill also contains an increase in the quality set-aside in CCDBG, which will provide funds specifically for efforts to improve quality. States can use these funds to provide training to care providers and create and enforce standards of care. The bill also makes common sense changes to the TANF program that support work by enabling states to increase the availability and improve the quality of child care.

I urge my colleagues to support this important piece of legislation. It will help low-income families work and help prepare our children to succeed.

By Mr. SMITH of New Hampshire:

S. 2071. A bill to amend title 23, United States Code, to prohibit the collection of tolls form vehicles or military equipment under the actual physical control of a uniformed member of the Armed Forces, and for other purposes; to the Committee on Environment and Public Works

Mr. SMITH of New Hampshire. Mr. President, I rise today to offer a bill that will exempt our Nation's military vehicles and equipment from being subject to paying tolls on America's roads, bridges and ferries. As the Ranking Member of Environment & Public Works Committee, which has jurisdiction over our highway system, and as a senior member of the Armed Services Committee, I believe that this an appropriate action long overdue. In this time of war and heightened threat to America's shores, the thought of all units in an Army troop convoy digging into their pockets to drop quarters into the nets at tollbooths on the Jersey turnpike is absurd. When we created the interstate highway system in the 1950's under the strong leadership of President Eisenhower, a primary motivation of the former General of the Army was to facilitate the movement of men and material in times of crisis. Yet in the intervening years, as toll roads have been established, no one at the Federal level has thought to exempt the armed forces form being slowed down to pay these levies. While the Federal Government has not acted, many States, most notably my State of New Hampshire, has seen fit to exempt those who are protecting us from paying these tolls. America's armed forces deserve all the help we can give them. The shortsighted among us might say that all we need to do is to provide some expedited form of payment, so that the tolls can be collected faster. I say that our troops deserve better. There is just no reason to subject our military to paying tolls in order to use America's roads when their only reason for being on those roads is to protect America. Therefore, my bill provides for a complete exemption from tolls, and not just half-way measures to simplify the payment. But my bill goes even further. In the same vein, I believe that it is essential, should a crisis arise, or God forbid, should America again be attacked, to speed our troops through the toll facilities. Accordingly, I have written the bill a provision to require a toll facility, in times of an emergency declared by the President, to reserve a dedicated support for America's military by voting for this important bill.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROHIBITION ON COLLECTION OF TOLLS FROM VEHICLES AND EQUIPMENT USED BY THE ARMED FORCES.

Section 129 of title 23, United States Code, is amended by adding at the end the following:

"(d) PROHIBITION ON COLLECTION OF TOLLS FROM VEHICLES AND EQUIPMENT USED BY THE ARMED FORCES.—

"(1) IN GENERAL.—No tolls shall be collected from any vehicle or military equipment owned by the Department of Defense for the use of any toll facility described in paragraph (3) when the vehicle or military equipment is under the actual physical control of a uniformed member of the Armed Forces.

"(2) PERIODS OF NATIONAL EMERGENCY.—During a period of national emergency declared by the President, upon request of the Secretary of Defense, a toll facility described in paragraph (3)(A) shall reserve a lane of the toll facility for the exclusive use of a vehicle or military equipment described in paragraph (1).

"(3) TOLL FACILITIES.—A toll facility described in this paragraph is—

"(A) a toll highway, bridge, or tunnel located on a public road; or

"(B) a toll ferry boat that operates on a route classified as a public road.".

By Mr. CORZINE (for himself, Mr. BINGAMAN, and Mr. BREAUX):

S. 2072. A bill to amend title XIX of the Social Security Act to provide States with the option of covering intensive community mental health treatment under the Medicaid Program, to the Committee on Finance.

Mr. CORZINE. Mr. President, I am very pleased to introduce today a critical piece of mental health legislation with my colleagues Senators BINGAMAN and BREAUX. This legislation, the Medicaid Intensive Community Mental Health Act, will assist and encourage States to provide comprehensive intensive mental health services through the Medicaid Program.

Since deinstitutionalization, too many people with severe mental illnesses have fallen through the cracks of our mental health system in part because too many States and localities have not established intensive community-based programs to assist those with severe mental illness.

In 1999, the Supreme Court rules in its Olmstead decision that individuals with disabilities, including mental illness, who are capable of living in a community setting, must be placed in less restrictive settings. Two years after this decision, my State of New Jersey and States nationwide are struggling to improve and expand community-based mental health services in order to ensure that the appropriate services are in place for the mentally ill so that they can lead productive lives outside of the institution. And, let me be clear that this applies to children just as it applies to adults. I know my colleague from New Mexico, Senator BINGAMAN, has expressed deep concern about the hundreds of youth with mental illness in his State who are being held at detention centers because there are very limited community-based mental health treatment options.

These children do not deserve to be treated as criminals, they need and deserve access to treatment, counseling, and other rehabilitative and supportive services. We need to give States the flexibility and the resources they need to make these options available. Currently, Federal financing for community-based mental health care is so complex and burdensome that States are unable to offer a comprehensive, coordinated set of community-based intensive mental health services with a single point of access. Rather, those in dire need of these services are forced to rely on a patchwork of uncoordinated programs with missing service components.

Currently, States must apply for six optional Medicaid waivers in order to provide these services. This legislation would help fill the cracks in our mental health care system by allowing States, through a single policy decision, to finance the entire array of community-based services that individuals with severe mental illness need. The Medicaid Intensive Community Mental Health Act would allow States to choose the "intensive community mental health treatment" option under Medicaid, which would allow States to provide services such as psychiatric rehabilitation, crisis residential treatment, medication education and management, integrated treatment services for individuals with co-occurring mental illness and substance abuse disorders, and family psycho-education services, among others, in a coordinated manner.

In my home State of New Jersey, there are about 3,000 people residing in psychiatric hospitals. About half of these people, or 1,500 people, are eligible to be released, but, due to a lack of intensive community-based treatment, they continue to remain needlessly institutionalized. If passed, this legislation would help States to create an integrated system of intensive community-based mental health care for those with severe mental illness. Not only would this option improve community-based services for the mentally ill, but it would also give states a mechanism to assist people who otherwise require costly hospitalization.

Far too often in our Nation, individuals with severe mental illness are either unable to access appropriate mental health care or have repeated but ultimately unsuccessful hospitalizations. And unfortunately, untreated mental illness has led many sufferers to become homeless. It has also led many to commit crimes. Ultimately, this legislation will help States respond to the problems associated with deinstitutionalization, homelessness, and the criminalization of mental illness, and in doing so, it will help people with severe mental illness to live better lives in their communities and with their families.

I want to thank my colleagues, Mr. BINGAMAN and Mr. BREAUX, for joining me today to introduce this important legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3075. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3076. Mr. DODD (for Mr. KERRY (for himself and Mr. BOND)) proposed an amendment to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

SA 3077. Mr. DODD (for Mr. NICKLES (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1321, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

TEXT OF AMENDMENTS

SA 3075. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 200, strike line 9 and all that follows through page 204, line 13.

On page 204, line 14, strike "(e)" and insert "(c)".

On page 213, strike line 16 and all that follows through page 218, line 14.

Beginning on page 219, strike line 18 and all that follows through page 224, line 17 and insert the following:

(6) in recent years, MTBE has been detected in water sources throughout the United States;

(7) MTBE can be detected by smell and taste at low concentrations;

(8) while small quantities of MTBE can render water supplies unpalatable, the precise human health effects of MTBE consumption at low levels are yet unknown;

(9) in the report entitled "Achieving Clean Air and Clean Water: The Report of the Blue Ribbon Panel on Oxygenates in Gasoline" and dated September 1999, Congress was urged—

(A) to eliminate the fuel oxygenate standard; and

(B) to greatly reduce use of MTBE;

(10) Congress has—

(A) reconsidered the relative value of MTBE in gasoline; and

(B) decided to eliminate use of MTBE as a fuel additive;

(11) the timeline for elimination of use of MTBE as a fuel additive must be established in a manner that achieves an appropriate balance among the goals of—

(A) adequate energy supply; and

(B) reasonable fuel prices; and

(12) it is appropriate for Congress to provide some limited transition assistance—

(A) to merchant producers of MTBE who produced MTBE in response to a market created by the oxygenate requirement contained in the Clean Air Act (42 U.S.C. 7401 et seq.); and

(B) for the purpose of mitigating any fuel supply problems that may result from elimination of a widely-used fuel additive.

(b) PURPOSES.—The purposes of this section are—

(1) to eliminate use of MTBE as a fuel oxygenate; and

(2) to provide assistance to merchant producers of MTBE in making the transition from producing MTBE to producing other fuel additives.

(c) AUTHORITY FOR WATER QUALITY PROTECTION FROM FUELS.—Section 211(c) of the Clean Air Act (42 U.S.C. 7545(c)) is amended by adding at the end the following:

"(5) PROHIBITION ON USE OF MTBE.—

"(A) IN GENERAL.—Subject to subparagraph (E), not later than 4 years after the date of enactment of this paragraph, the use of methyl tertiary butyl ether in motor vehicle fuel in any State other than a State described in subparagraph (C) is prohibited.

"(B) REGULATIONS.—The Administrator shall promulgate regulations to effect the prohibition in subparagraph (A).

"(C) STATES THAT AUTHORIZE USE.—A State described in this subparagraph is a State that submits to the Administrator a notice that the State authorizes use of methyl tertiary butyl ether in motor vehicle fuel sold or used in the State.

"(D) PUBLICATION OF NOTICE.—The Administrator shall publish in the Federal Register each notice submitted by a State under subparagraph (C).

"(E) TRACE QUANTITIES.—In carrying out subparagraph (A), the Administrator may allow trace quantities of methyl tertiary butyl ether, not to exceed 0.5 percent by volume, to be present in motor vehicle fuel in cases that the Administrator determines to be appropriate.

"(6) MTBE MERCHANT PRODUCER CONVERSION ASSISTANCE.—

"(A) IN GENERAL.—The Secretary of Energy may make grants to merchant producers of methyl tertiary butyl ether in the United States to assist the producers in the conversion of eligible production facilities described in subparagraph (B) to—

"(i) the production of iso-octane and alkylates; and "(ii) the production of such other fuel additives as will contribute to replacing quantities of motor fuel rendered unavailable as a result of paragraph (5).

On page 224, line 18, strike "(C)" and insert "(B)".

On page 225, line 10, strike "(D)" and insert "(C)".

Beginning on page 227, strike line 3 and all that follows through page 232, line 24.

On page 233, line 1, strike "(d)" and insert "(b)".

Beginning on page 233, strike line 6 and all that follows through page 244, line 23, and insert the following:

SEC. 8 . FUEL SYSTEM REQUIREMENTS HARMONIZATION STUDY.

(a) Study.—

(1) In general.—The Secretary of Energy shall conduct a study of Federal, State, and local requirements concerning motor vehicle fuels, including—

(A) requirements relating to reformulated gasoline, volatility (measured in Reid vapor pressure), oxygenated fuel, and diesel fuel; and

(B) other requirements that vary from State to State, region to region, or locality to locality.

(2) Required elements.—The study shall assess—

(A) the effect of the variety of requirements described in paragraph (1) on the supply, quality, and price of motor vehicle fuels available to the consumer;

(B) the effect of Federal, State, and local motor vehicle fuel regulations, including multiple motor vehicle fuel requirements, on—

(i) domestic refineries;

(ii) the fuel distribution system; and

(iii) industry investment in new capacity;

(C) the effect of the requirements described in paragraph (1) on emissions from vehicles, refineries, and fuel handling facilities; and

(D) the feasibility of developing national or regional motor vehicle fuel slates for the 48 contiguous States that could—

(i) enhance flexibility in the fuel distribution infrastructure and improve fuel fungibility;

(ii) reduce price volatility and costs to consumers and producers;

(iii) provide increased liquidity to the gasoline market; and

(iv) enhance fuel quality, consistency, and supply.

(b) Report.—

(1) In general.—Not later than June 1, 2006, the Secretary of Energy shall submit to Congress a report on the results of the study conducted under subsection (a).

(2) Recommendations.—

(A) In general.—The report shall contain recommendations for legislative and administrative actions that may be taken—

(i) to improve air quality;

(ii) to reduce costs to consumers and producers; and

(iii) to increase supply liquidity.

(B) Required considerations.—The recommendations under subparagraph (A) shall take into account the need to provide advance notice of required modifications to refinery and fuel distribution systems in order to ensure an adequate supply of motor vehicle fuel in all States.

(3) Consultation.—In developing the report, the Secretary of Energy shall consult with—

(A) the Governors of the States;

(B) automobile manufacturers; and

(C) motor vehicle fuel producers and distributors.

SA 3076. Mr. DODD (for Mr. Kerry (for himself and Mr. Bond)) proposed an amendment to the bill S. 1499, to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Small Business Emergency Relief and Recovery Act".

SEC. 2. FINDINGS AND PURPOSE.

(a) Findings.—Congress finds that—

(1) the Nation's 25,000,000 small businesses employ more than 58 percent of the private workforce, and create 75 percent of all net new jobs;

(2) as a result of the terrorist attacks perpetrated against the United States on September 11, 2001, many small businesses nationwide suffered—

(A) directly because—

(i) they are, or were as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator of the Small Business Administration;

(ii) they were closed or their business was suspended for National security purposes at the mandate of the Federal Government; or

(iii) they are, or were as of September 11, 2001, located in an airport that has been closed; and

(B) indirectly because—

(i) they supplied or provided services to businesses that were located in or near the World Trade Center or the Pentagon;

(ii) they are, or were as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist attacks perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

(iii) they are, or were as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government; and

(3) small business owners adversely affected by the terrorist attacks are finding it difficult or impossible—

(A) to make loan payments on existing debts;

(B) to pay their employees;

(C) to pay their vendors;

(D) to purchase materials, supplies, or inventory;

(E) to pay their rent, mortgage, or other operating expenses; or

(F) to secure financing for their businesses.

(b) Purpose.—The purpose of this Act is to strengthen the loan, investment, procurement assistance, and management education programs of the Small Business Administration, in order to help small businesses meet their existing obligations, finance their businesses, and maintain and create jobs, thereby providing stability to the national economy.

SEC. 3. DEFINITIONS RELATING TO TERRORIST ATTACKS.

Section 3 of the Small Business Act (15 U.S.C. 632) is amended by adding at the end the following:

"(r) Definitions Relating to Terrorism Relief.—In this Act, the following definitions shall apply with respect to the provision of assistance under this Act in response to the terrorist attacks perpetrated against the United States on September 11, 2001, pursuant to the American Small Business Emergency Relief and Recovery Act:

"(1) Directly affected.—A small business concern is directly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

"(A) is, or was as of September 11, 2001, located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

"(B) was closed or its business was suspended for national security purposes at the mandate of the Federal Government; or

"(C) is, or was as of September 11, 2001, located in an airport that has been closed.

"(2) Indirectly affected.—A small business concern is indirectly affected by the terrorist attacks perpetrated against the United States on September 11, 2001, if it—

"(A) supplied or provided services to any business that was located in or near the World Trade Center or the Pentagon, or in a disaster area declared by the President or the Administrator related to those terrorist attacks;

"(B) is, or was as of September 11, 2001, a supplier, service provider, or complementary industry to any business or industry adversely affected by the terrorist acts perpetrated against the United States on September 11, 2001, in particular, the financial, hospitality, and travel industries; or

"(C) it is, or was as of September 11, 2001, integral to or dependent upon a business or business sector closed or suspended for national security purposes by mandate of the Federal Government.

"(3) Adversely affected.—The term 'adversely affected' means having suffered economic harm to or disruption of the business operations of a small business concern as a direct or indirect result of the terrorist attacks perpetrated against the United States on September 11, 2001.

"(4) Substantial economic injury.—As used in section 7(b)(4), the term 'substantial economic injury' means an economic harm to a small business concern that results in the inability of the small business concern—

"(A) to meet its obligations on an ongoing basis;

"(B) to pay its ordinary and necessary operating expenses; or

"(C) to market, produce, or provide a product or service ordinarily marketed, produced, or provided by the small business concern.".

SEC. 4. DISASTER LOANS AFTER TERRORIST ATTACKS.

(a) In General.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting immediately before the undesignated material following paragraph (3) the following:

"(4) Disaster loans after terrorist attacks of September 11, 2001.—

"(A) Loan authority.—In addition to any other loan authorized by this section, the Administration may make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) to a small business concern that has been directly affected and suffered substantial economic injury as the result of the terrorist attacks on September 11, 2001, including due to the closure or suspension of its business for national security purposes at the mandate of the Federal Government.

"(B) Refinancing disaster loans.—

"(i) In general.—Any loan made under this subsection that was outstanding as to principal or interest on September 11, 2001, may be refinanced by a small business concern that is also eligible to receive a loan under this paragraph, and the refinanced amount shall be considered to be part of the new loan for purposes of this clause.

"(ii) NO EFFECT ON ELIGIBILITY.—A refinancing under clause (i) by a small business concern shall be in addition to any other loan eligibility for that small business concern under this Act.

"(C) REFINANCING BUSINESS DEBT.—

"(i) IN GENERAL.—Any business debt of a small business concern that was outstanding as to principal or interest on September 11, 2001, may be refinanced by the small business concern if it is also eligible to receive a loan under this paragraph. With respect to a refinancing under this clause, payments of principal shall be deferred, and interest may accrue notwithstanding clause (iii) of section 202 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117, 115 Stat. 2297), during the 1-year period following the date of refinancing.

"(ii) RESUMPTION OF PAYMENTS.—At the end of the 1-year period described in clause (i), the payment of periodic installments of principal and interest shall be required with respect to such loan, in the same manner and subject to the same terms and conditions as would otherwise be applicable to any other loan made under this subsection.

"(iii) AUTHORIZATION CAP.—Notwithstanding any other provision of law, the total amount authorized to be obligated by the Administration, under this subparagraph only, for purposes of refinancing business debt, may not exceed $225,000,000, notwithstanding any amount otherwise obligated by the Administration under this paragraph.

"(D) TERMS.—A loan under this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2). Any reasonable doubt concerning the repayment ability of an applicant under this paragraph shall be resolved in favor of the applicant.

"(E) NO DISASTER DECLARATION REQUIRED.—For purposes of assistance under this paragraph, no declaration of a disaster area is required for those small business concerns directly affected by the terrorist attacks on September 11, 2001.

"(F) SIZE STANDARD ADJUSTMENTS.—Notwithstanding any other provision of law, for purposes of providing assistance under this paragraph to businesses located in areas of New York, Virginia, and the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001, a business shall be considered to be a 'small business concern' if it meets otherwise applicable size regulations promulgated by the Administration, and, with respect to the applicable size standard, it is—

"(i) a restaurant having not more than $8,000,000 in annual receipts;

"(ii) a law firm having not more than $8,000,000 in annual receipts;

"(iii) a certified public accounting business having not more than $8,000,000 in annual receipts;

"(iv) a performing arts business having not more than $8,000,000 in annual receipts;

"(v) a warehousing or storage business having not more than $25,000,000 in annual receipts;

"(vi) a contracting business having a size standard under the North American Industry Classification System, Subsector 235, and having not more than $15,000,000 in annual receipts;

"(vii) a food manufacturing business having not more than 1,000 employees;

"(viii) an apparel manufacturing business having not more than 1,000 employees; or

"(ix) a travel agency having not more than $3,000,000 in annual receipts.

"(5) AUTHORITY TO INCREASE OR WAIVE SIZE STANDARDS AND SIZE REGULATIONS.—

"(A) IN GENERAL.—At the discretion of the Administrator, the Administrator may increase or waive otherwise applicable size standards or size regulations with respect to businesses applying for assistance under this Act in response to the terrorist attacks on September 11, 2001.

"(B) EXEMPTION FROM ADMINISTRATIVE PROCEDURES.—The provisions of subchapter II of chapter 5, of title 5, United States Code, shall not apply to any increase or waiver by the Administrator under subparagraph (A).

"(6) INCREASED LOAN CAPS.—

"(A) AGGREGATE LOAN AMOUNTS.—Except as provided in subparagraph (B), and in addition to amounts otherwise authorized by this Act, the loan amount outstanding and committed to a borrower may not exceed—

"(i) with respect to a small business concern located in the areas of New York, Virginia, or the contiguous areas designated by the President or the Administrator as a disaster area following the terrorist attacks on September 11, 2001—

"(I) $10,000,000 in total obligations under paragraph (1); and

"(II) $10,000,000 in total obligations under paragraph (4); and

"(ii) with respect to a small business concern that is not located in an area described in clause (i) and that is eligible for assistance under paragraph (4), $5,000,000 in total obligations under paragraph (4).

"(B) WAIVER AUTHORITY.—The Administrator may, at the discretion of the Administrator, waive the aggregate loan amounts established under subparagraph (A).

"(7) EXTENDED APPLICATION PERIOD.—Notwithstanding any other provision of law, the Administrator shall accept applications for assistance under paragraphs (1) and (4) until September 10, 2002, with respect to applicants for such assistance as a result of the terrorist attacks on September 11, 2001.

"(8) LIMITATION ON SALES OF LOANS.—No loan under paragraph (1) or (4), made as a result of the terrorist attacks on September 11, 2001, shall be sold until 3 years after the date of the final loan disbursement.".

(b) CLERICAL AMENDMENTS.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended in the undesignated matter at the end—

(1) by striking ", (2), and (4)" and inserting "and (2)"; and

(2) by striking ", (2), or (4)" and inserting "(2)".

SEC. 5. EMERGENCY RELIEF LOAN PROGRAM.

(a) LOAN PROGRAM.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

"(31) TEMPORARY LOAN AUTHORITY FOLLOWING TERRORIST ATTACKS.—

"(A) IN GENERAL.—During the 9-month period beginning on the date of enactment of this paragraph, the Administration may make loans under this subsection to a small business concern that has been directly or indirectly adversely affected.

"(B) LOAN TERMS.—With respect to a loan under this paragraph—

"(i) for purposes of paragraph (2)(A), participation by the Administration shall be equal to 85 percent of the balance of the financing outstanding at the time of disbursement of the loan;

"(ii) section 203 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorist Attacks on the United States Act, 2002 (Public Law 107-117, 115 Stat. 2297), as it relates to annual fees, shall apply;

"(iii) the Administrator shall collect a guarantee fee in accordance with paragraph (18)(C), as amended by the American Small Business Emergency Relief and Recovery Act;

"(iv) the applicable rate of interest shall not exceed a rate that is 2 percentage points above the prime lending rate;

"(v) no such loan shall be made if the total amount outstanding and committed (by participation or otherwise) to the borrower under this paragraph—

"(I) would exceed $1,000,000; or

"(II) at the discretion of the Administrator, and upon notice to the Congress, would exceed $2,000,000, as necessary to provide relief in high-cost areas or to high-cost industries that have been adversely affected; or

"(vi) no such loan shall be made if the gross amount of the loan would exceed $3,000,000;

"(vii) upon request of the borrower, repayment of principal due on a loan made under this paragraph may be deferred during the 1-year period beginning on the date of issuance of the loan; and

"(viii) any reasonable doubt concerning the repayment ability of an applicant for a loan under this paragraph shall be resolved in favor of the applicant.

"(C) APPLICABILITY.—The loan terms described in subparagraph (B) shall apply to a loan under this paragraph notwithstanding any other provision of this subsection, and except as specifically provided in this paragraph, a loan under this paragraph shall otherwise be subject to the same terms and conditions as any other loan under this subsection.

"(D) TRAVEL AGENCIES.—For purposes of loans made under this paragraph, the size standard for a travel agency shall be $3,000,000 in annual receipts.".

(b) CONFORMING AMENDMENT.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by inserting "other than a loan under paragraph (31)," after "this subsection,".

SEC. 6. REDUCTION OF FEES.

(a) TEMPORARY REDUCTION OF SECTION 7(a) FEES.—

(1) GUARANTEE FEES.—Section 7(a)(18) of the Small Business Act (15 U.S.C. 636(a)(18)) is amended by adding at the end the following:

"(C) TEMPORARY REDUCTION IN FEES.—With respect to loans approved during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, the guarantee fee under subparagraph (A) shall be as follows:

"(i) A guarantee fee equal to 1 percent of the deferred participation share of a total loan amount that is not more than $150,000.

"(ii) A guarantee fee equal to 2.5 percent of the deferred participation share of a total loan amount that is more than $150,000, but not more than $700,000.

"(iii) A guarantee fee equal to 3.5 percent of the deferred participation share of a total loan amount that is more than $700,000.".

(2) ANNUAL FEES.—Section 7(a)(23)(A) of the Small Business Act (15 U.S.C. 636(a)(23)(A)) is amended by adding at the end the following:

"With respect to loans approved during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, other than a loan under paragraph (31), the annual fee assessed and collected under the preceding sentence shall be in an amount equal to 0.25 percent of the outstanding balance of the deferred participation share of the loan.".

(b) REDUCTION OF SECTION 504 FEES.—Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended—

(1) in subsection (b)(7)(A)—

(A) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively, and moving the margins 2 ems to the right;

(B) by striking "not exceed the lesser" and inserting "not exceed—

"(i) the lesser"; and

(C) by adding at the end the following:

"(ii) 50 percent of the amount established under clause (i) in the case of a loan made during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, for the life of the loan; and"; and

(2) by adding at the end the following new subsection:

"(i) TEMPORARY WAIVER OF FEES.—The Administration may not assess or collect any up front guarantee fee with respect to loans made under this title during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004.".

(c) BUDGETARY TREATMENT OF LOANS AND FINANCINGS.—Assistance made available under any loan made or approved by the Small Business Administration under section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or financings made under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.), during the period beginning on the date of enactment of the American Small Business Emergency Relief and Recovery Act and ending on September 30, 2004, shall be treated as separate programs of the Small Business Administration for purposes of the Federal Credit Reform Act of 1990 only.

(d) USE OF FUNDS.—The amendments made by this section to section 503 of the Small Business Investment Act of 1958, shall be effective only to the extent that funds are made available under appropriations Acts, which funds shall be utilized by the Administrator to offset the cost (as such term is defined in section 502 of the Federal Credit Reform Act of 1990) of such amendments.

(e) CONFORMING REPEAL.—Effective on the day before the date of enactment of this Act, section 6 of the Small Business Investment Company Amendments Act of 2001 (Public Law 107-100, 115 Stat. 970), and the amendments made by that section, are repealed.

SEC. 7. OTHER SPECIALIZED ASSISTANCE AND MONITORING AUTHORIZED.

(a) ADDITIONAL SBDC AUTHORITY.—

(1) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(A) in subparagraph (S), by striking "and" at the end;

(B) in subparagraph (T), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(U) providing individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected, directly or indirectly, by the terrorist attacks on September 11, 2001.".

(2) WAIVER OF MATCHING REQUIREMENTS.—Section 21(a)(4)(A) of the Small Business Act (15 U.S.C. 648(a)(4)(A)) is amended by inserting before the period at the end the following: ", except that the matching requirements of this paragraph do not apply with respect to any assistance provided under subsection (c)(3)(U)".

(b) ADDITIONAL SCORE AUTHORITY.—Section 8(b)(1)(B) of the Small Business Act (15 U.S.C. 637(b)(1)(B) is amended—

(1) by inserting "(i)" after "(B)"; and

(2) by adding at the end the following:

"(ii) The functions of the Service Corps of Retired Executives (SCORE) shall include the provision of individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.".

(c) ADDITIONAL MICROLOAN PROGRAM AUTHORITY.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

"(14) ASSISTANCE AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Amounts made available under this subsection may be used by intermediaries to provide individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns adversely affected by the terrorist attacks on September 11, 2001.".

(d) ADDITIONAL WOMEN'S BUSINESS DEVELOPMENT CENTER AUTHORITY.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) individualized assistance with respect to financing, refinancing of existing debt, and business counseling to small business concerns that were adversely affected by the terrorist attacks on September 11, 2001."; and

(2) in subsection (c), by adding at the end the following:

"(5) WAIVER OF MATCHING REQUIREMENTS.—A recipient organization shall not be subject to the non-Federal funding requirements of paragraph (1) with respect to assistance provided under subsection (b)(4).".

(e) ADDITIONAL SBIC AUTHORITY.—Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

"(k) AUTHORITY AFTER TERRORIST ATTACKS OF SEPTEMBER 11, 2001.—Small business investment companies are authorized and encouraged to provide equity capital and to make loans to small business concerns pursuant to sections 304(a) and 305(a) of the Small Business Investment Act of 1958, respectively, for the purpose of providing assistance to small business concerns adversely affected by the terrorist attacks on September 11, 2001.".

SEC. 8. STUDY AND REPORT ON EFFECTS ON SMALL BUSINESS CONCERNS.

(a) STUDY.—

(1) IN GENERAL.—The Office of Advocacy of the Small Business Administration shall conduct annual studies for a 5-year period on the impact of the terrorist attacks perpetrated against the United States on September 11, 2001, on small business concerns, and the effects of assistance provided under this Act on such small business concerns.

(2) CONTENTS.—The study conducted under paragraph (1) shall include information regarding—

(A) bankruptcies and business failures that occurred as a result of the events of September 11, 2001, as compared to those that occurred in 1999 and 2000;

(B) the loss of jobs, revenue, and profits in small business concerns as a result of those events, as compared to those that occurred in 1999 and 2000;

(C) the impact of assistance provided under this Act to small business concerns adversely affected by those attacks, including information regarding whether—

(i) small business concerns that received such assistance would have remained in business without such assistance;

(ii) jobs were saved due to such assistance; and

(iii) small business concerns that remained in business had increases in employment and sales since receiving assistance.

(b) REPORT.—The Office of Advocacy shall submit a report to Congress on the studies required by subsection (a)(1), specifically addressing the requirements of subsection (a)(2), in September of each of fiscal years 2002 through 2006.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $500,000 for each of fiscal years 2002 through 2006.

SEC. 9. EMERGENCY EQUITABLE RELIEF FOR FEDERAL CONTRACTORS.

(a) GUIDANCE REQUIRED.—

(1) IN GENERAL.—Under guidance issued by the Administrator for Federal Procurement Policy in conjunction with the Administrator of the Small Business Administration, the head of a contracting agency of the United States may increase the price of a prime contract entered into by the agency prior to September 11, 2001 with a small business concern (as defined in section 3 of the Small Business Act) to the extent determined equitable under this section on the basis of loss resulting from security measures taken by the Federal Government at Federal facilities as a result of the terrorist attacks on September 11, 2001.

(2) EXPEDITED ISSUANCE.—Guidance required by paragraph (1) shall be issued under expedited procedures, not later than 45 days after the date of enactment of this Act.

(b) EXPEDITED PROCEDURES.—

(1) IN GENERAL.— The Administrator for Federal Procurement Policy shall prescribe expedited procedures for considering whether to grant an equitable adjustment in the case of a contract of an agency under subsection (a).

(2) REQUIREMENTS.—The procedures required by paragraph (1) shall provide for—

(A) an initial review of the merits of a contractor's request by the contracting officer concerned with the contract;

(B) a final determination of the merits of the contractor's request, including the value of any price adjustment, by the Head of the Contracting Agency, in consultation with the Administrator of the Small Business Administration, taking into consideration the initial review under subparagraph (A); and

(C) payment from the fund established under subsection (d) for the contract's price adjustment.

(3) TIMING.—The procedures required by paragraph (1) shall require completion of action on a contractor's request for adjustment not later than 30 days after the date on which the contractor submits the request to the contracting officer concerned.

(c) AUTHORIZED REMEDIES.—In addition to making a price adjustment under subsection (a), the time for performance of a contract may be extended under this section.

(d) Payment of Adjusted Price.—

(1) Fund established.—The Secretary of the Treasury shall establish a fund for the payment of contract price adjustments under this section. Payments of amounts for price adjustments shall be made out of the fund.

(2) Availability.—Notwithstanding any other provision of law, amounts in the fund under this subsection shall remain available until expended.

(e) Termination of Authority.—

(1) Requests.—No request for adjustment under this section may be accepted more than 330 days after the date of enactment of this Act.

(2) Termination.—The authority under this section shall terminate 1 year after the date of enactment of this Act.

(f) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary of the Treasury, for deposit into the fund established under subsection (d), $50,000,000 to carry out this section, including funds for administrative expenses and costs. Any funds remaining in the fund established under subsection (d) 1 year after the date of enactment of this Act shall be transferred to the disaster loan account of the Small Business Administration.

SEC. 10. REPORTS TO CONGRESS.

(a) Reports Required.—The Administrator of the Small Business Administration shall submit regular reports to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding the implementation of this Act and the amendments made by this Act, including program delivery, staffing, and administrative expenses related to such implementation.

(b) Frequency of Reports.—The reports required by subsection (a) shall be submitted 20 days after the date of enactment of this Act and monthly thereafter until 1 year after the date of enactment of this Act, at which time the reports shall be submitted on a quarterly basis through December 31, 2003.

SEC. 11. EXPEDITED ISSUANCE OF IMPLEMENTING GUIDELINES.

Not later than 20 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall issue interim final rules and guidelines to implement this Act and the amendments made by this Act.

SEC. 12. SPECIAL AUTHORIZATIONS OF APPROPRIATIONS.

Section 20 of the Small Business Act (15 U.S.C. 631 note) is amended by adding at the end the following:

"(j) Special Authorizations of Appropriations Following Terrorist Attacks.—In addition to any other amounts authorized by this Act for any fiscal year, there are authorized to be appropriated to the Administration, to remain available until expended—

"(1) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out paragraph (4) of section 7(b), including necessary loan capital and funds for administrative expenses related to making and servicing loans pursuant to that paragraph;

"(2) for fiscal year 2002, $25,000,000, to be used for activities of small business development centers pursuant to section 21(c)(3)(U)—

"(A) $2,500,000 of which shall be used to assist small business concerns (as that term is defined for purposes of section 7(b)(4)) located in the areas of New York and the contiguous areas designated by the President as a disaster area following the terrorist attacks on September 11, 2001; and

"(B) $1,500,000 of which shall be used to assist small business concerns located in areas of Virginia and the contiguous areas designated by the President as a disaster area following those terrorist attacks;

"(3) for fiscal year 2002, $2,000,000, to be used under the Service Corps of Retired Executives program authorized by section 8(b)(1) for the activities described in section 8(b)(1)(B)(ii);

"(4) for fiscal year 2002, $5,000,000 for microloan technical assistance authorized under section 7(m)(14);

"(5) for fiscal year 2002, $2,000,000 to be used for activities of women's business centers authorized by section 29(b)(4);

"(6) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out paragraphs (18)(C) and (31) of section 7(a), including any funds necessary to offset fees and amounts waived or reduced under those provisions, necessary loan capital, and funds for administrative expenses; and

"(7) for each of fiscal years 2002 through 2004, such sums as may be necessary to carry out the temporary suspension of fees under subsections (b)(7)(A) and (i) of section 503 of the Small Business Investment Act of 1958, in response to the terrorist attacks on September 11, 2001, including any funds necessary to offset fees and amounts waived under those provisions and including funds for administrative expenses.".

SA 3077. Mr. DODD (for Mr. NICKLES (for himself and Mr. INHOFE)) proposed an amendment to the bill S. 1321, to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

(a) Findings.—Congress makes the following findings:

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to in paragraph (1) to be located in the State of Oklahoma.

(b) Grant.—

(1) In general.—The Director shall offer to award financial assistance equaling not more than $33,000,000 and technical assistance to the Authority to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

(2) Agreement.—To be eligible to receive a grant under paragraph (1), the appropriate official of the Authority shall—

(A) enter into a grant agreement with the Director which shall specify the duties of the Authority under this section, including provisions for continual maintenance of the Center by the Authority without the use of Federal funds; and

(B) demonstrate, to the satisfaction of the Director, that the Authority has raised, or has commitments from private persons or State or local government agencies for, an amount that is equal to not less than 66 percent of the cost to the Authority of the activities to be carried out under the grant.

(3) Limitation.—The amount of any grant awarded under paragraph (1) shall not exceed 33 percent of the cost of the activities to be funded under the grant.

(4) In-kind contribution.—When calculating the cost share of the Authority under this Act, the Director shall reduce such cost share obligation by the fair market value of the approximately 300 acres of land donated by Oklahoma City for the Center, if such land is used for the Center.

(c) Definitions.—For the purposes of this Act:

(1) Authority.—The term "Authority" means the Native American Cultural and Educational Authority of Oklahoma, and agency of the State of Oklahoma.

(2) Center.—The term "Center" means the Native American Cultural Center and Museum authorized pursuant to this section.

(3) Director.—The term "Director" means the Director of the Institute of Museum and Library Services.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Director to grant assistance under subsection (b)(1), $8,250,000 for each of fiscal years 2003 through 2006.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that a fellow from the Commerce Department, Gabriel Adler, be given floor privileges for the remainder of this session of Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Agriculture Committee be discharged from further consideration of the following nomination: Nancy Bryson, to be General Counsel of the Department of Agriculture, and that the nomination be confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF AGRICULTURE

Nancy Southard Bryson, of the District of Columbia, to be General Counsel of the Department of Agriculture.

Mr. DODD. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of the nomination of Randal Quarles, to be Deputy Under Secretary of Treasury, and that the nomination also be confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF THE TREASURY

Randal Quarles, of Utah, to be a Deputy Under Secretary of the Treasury.

EXECUTIVE CALENDAR

Mr. DODD. Mr. President, I further ask unanimous consent that the Senate proceed to the consideration of nominations numbered 658, 663, 664, 669, 737 through 757; that they be confirmed, that all above motions to reconsider be laid on the table, any statements thereon be printed in the RECORD, and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF THE TREASURY

Kenneth Lawson, of Florida, to be an Assistant Secretary of the Treasury.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Vickers B. Meadows, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

Diane Leneghan Tomb, of Virginia, to be an Assistant Secretary of Housing and Urban Development.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Kenneth M. Donohue, Sr., of Virginia, to be Inspector General, Department of Housing and Urban Development.

NATIONAL CREDIT UNION ADMINISTRATION

JoAnn Johnson, of Iowa, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2007.

Deborah Matz, of New York, to be a Member of the National Credit Union Administration Board for a term expiring August 2, 2005.

ENVIRONMENTAL PROTECTION AGENCY

J. Paul Gilman, of Virginia, to be an Assistant Administrator of the Environmental Protection Agency.

DEPARTMENT OF COMMERCE

James R. Mahoney, of Virginia, to be Assistant Secretary of Commerce for Oceans and Atmosphere.

DEPARTMENT OF VETERANS AFFAIRS

Daniel L. Cooper, of Pennsylvania, to be Under Secretary for Benefits of the Department of Veterans Affairs for a term of four years.

Robert H. Roswell, of Florida, to be Under Secretary for Health of the Department of Veterans Affairs for a term of four years.

NOMINATION DISCHARGED

Mr. DODD. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of the following nomination: Victoria Lipnic, to be Assistant Secretary of Labor; that the nomination be confirmed, the motion to reconsider be laid on the table; that any statements thereon be printed in the RECORD, the President be immediately notified of the Senate's action; and the Senate return to legislative session, all without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF LABOR

Victoria A. Lipnic, of Virginia, to be an Assistant Secretary of Labor.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

AMERICAN SMALL BUSINESS EMERGENCY RELIEF ACT OF 2001

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 186, S. 1499.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1499) to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3076

Mr. DODD. Mr. President, I understand Senators KERRY and BOND have a substitute amendment at the desk. I ask unanimous consent that the Senate proceed to its immediate consideration, that the amendment be agreed to, and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3076) was agreed to.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

• Mr. KERRY. Mr. President, I would urge that there be no further delay, no further obstruction, and that the Senate act—at long last—to pass a bill that is very important to so many small businesses in this country crippled by the economic fall-out of September 11, including businesses that were already struggling before September 11 during the recession and are now faced with even more difficult prospects.

For months, tens of thousands of small businesses have been asking for help—an immediate helping hand—just to keep their businesses going—particularly working capital to meet payroll and pay the bills—but they have been forced to make ends meet by using credit cards and depleting personal savings because small businesses doesn't have the same access as big business—to credit or otherwise. Left in the lurch by congressional inaction and delay, these businesses and their employees paid the price.

Now it is time that the Senate delivers the relief the vast majority of us were prepared to deliver in the first weeks after September 11, urgent relief delayed by partisan gamesmanship.

My American Small Business Emergency Relief and Recovery Act has gotten a lot of attention over the past 5 months. It has been blocked from even a meaningful debate on the Senate floor. What makes this week different?

What makes it different is that we have reached final agreement with the White House on a compromise, thanks to our last resort—hardball tactics of our own—and the bill has at long last been cleared to pass the Senate by unanimous consent.

I thank the 63 cosponsors of this bill. I thank the numerous small businesses and small business advocates who have worked so hard and used so much of their limited resources to free this bill for passage. This diverse coalition of business leaders and Democratic and Republican policy makers have stood by us from day one—their support should have been enough to guarantee passage way back then, but it wasn't enough to stop some from playing partisan games with even bipartisan legislation. Now, at long last, the good faith efforts of our supporters are being rewarded.

It is my hope that having worked out our differences with the White House, we have cleared the way for passage not just through the Senate but also through the House. Once this help is enacted, small businesses will finally be able to receive desperately needed economic relief.

I am pleased with the compromise. It preserves provisions that are really important for those small businesses that have needed help over the past few months but fell through the cracks in SBA's disaster loan program, or fell through the cracks in the private sector where lenders have cut back on loans to small businesses over the past year.

It simply was not enough, not efficient, and not cost-effective to use only one of SBA's many lending programs to serve all the small businesses throughout this country that were hurt by the terrorist attacks or that have been struggling with the credit crunch. All of the SBA's tools should be used to help the affected small businesses, and this bill does just that. Because this bill was blocked from consideration, Senator BOND and I were forced to enact some of these provisions through a defense bill. I very much thank Senators BYRD and HOLLINGS for including them. Specifically, we made it possible for small businesses to get working capital loans through the SBA's 7(a) loan program. SBA is calling these "STAR loans," and compared to the economic injury disaster loans, borrowers are accessing capital faster. In just seven weeks, since the loans were made available, nearly $38 million has been loaned to 129 small businesses. It reminds us that being able to go sit in the office of a lender in the same town is far more efficient and effective than requiring a small business in West Virginia or Puerto Rico to call a 1-800 number in Niagara Falls for emergency assistance.

One needs only to look at the record by comparison for economic injury disaster loans outside New York and Virginia to see the need for these STAR loans. After 22 weeks (nearly 6 months), only 2,600 loans have been approved, adding up to a denial rate of almost 50 percent . That doesn't even include the small businesses that were turned away before they even filled out an application because of outdated size standards. That has left a lot of small businesses across this country without assistance. A lot of small business owners turning are in their keys to the bank. As one small business advocate said today, in reference to the thousands of tour bus companies that went out of business, "I understand the banks now own a wonderful fleet of tour buses."

Well, for those small tour bus owners who have been waiting for this bill to pass and still need a working capital loan to ramp back up in the upcoming tour season, the compromise preserves the refinancing of business debt under a disaster loan. They need this so that they can restructure debt to survive this business slump. We fought very hard to keep this assistance in the bill.

For the owners of travel agencies—the majority of which are small businesses—we have increased the size standards for your industry so that more of your companies qualify for disaster loans and 7(a) emergency loans. Please spread the word to travel agencies that were turned away earlier in the year because they were considered too large. They might need working capital more than ever now that the airlines have completely eliminated commissions.

For small businesses that need access to credit and can't get it because of the credit crunch, Senator BOND and I were able make SBA's programs more affordable by reducing the fees borrowers pay through September 2004. In both the Senate and the House, we have had hearing after hearing trying to get fairer fees for the borrowers who need capital and the lenders who make loans, but until now we haven't gotten any cooperation. This bill will make a difference. Whether you need working capital through SBA's 7(a) loan program or credit to buy a building or equipment through SBA's 504 loan program, it will now be less expensive. Stimulating lending and borrowing is good for the economy because it creates jobs and saves jobs. By law, small businesses that borrower money through the SBA 504 loan program have to hire or retain on employee for each $35,000 borrowed. This is a win-win situation for our economy.

The overall purpose of this emergency legislation is to provide access to the full complement of SBA loans and business counseling in order to help small businesses hurt by the terrorist attacks of September 11th and their aftermath.

This legislation will help mitigate bankruptcies, business closures, and lay-offs and address the shrinking availability of credit. However, small businesses doing business with the Federal Government have also felt the impact of the terrorist attacks.

Small business contractors, because of very real and legitimate security concerns, have experienced a dramatic increase in costs for work in and around Federal Government facilities. We have heard reports of small businesses being denied access to their equipment on military bases, waiting for hours each day to enter government facilities and being limited in the hours they can work on their projects.

Let me cite the situation faced by Dave Krueger, President of AS Horner Construction, Inc. out of Albuquerque, NM. Dave was currently doing work on a Federal contract at an Air Force facility pouring concrete parking aprons. Immediately after the attack, his company was locked out of the facility for nearly 2 weeks and currently has limited hours to access the construction site. Dave estimates that this will result in cost increases of at least 10 percent, meaning he will take a loss on this contract.

Such situations cannot go unresolved. Small businesses are far too important, not just to our national economy, but to our national defense as well. Small business is a vital component of our national supply chain and essential to our national security interests. To address this, S. 1499 establishes an expedited procedure whereby Federal small business contractors can apply for an equitable adjustment to their contract if costs have been incurred due to security or other measures resulting from the terrorist attacks. In the interest of compromise, Senator BOND and I agreed to reduce the funding available for these provisions from $100 million to $50 million.

The Kerry-Bond approach has always been cost-effective—about five times cheaper than the administration's approach. CBO estimated that providing this assistance to small businesses would cost $860 million. The final compromise, based on CBO's estimates, is down from $860 million to $300 million.

This is a good compromise. It will help small businesses in every State. It is a reasonable approach that maximizes existing resources and private sector help. I strongly and respectfully urge my colleagues to let this legislation pass. Small businesses in your State will thank you.

I ask that a list of supporters of S. 1499 be printed in the RECORD.

The list follows:

S. 1499 Supporters: Airport Ground Transportation Association; American Bus Association; American Subcontractors Association; Associated General Contractors of America; Association of Women's Business Centers; CDC Small Business Finance; Chicago Association of Neighborhood Development Organizations; Citizens Financial Group, RI; Clovis Community Bank, CA; Coastal Enterprises, ME; County of San Diego; Delaware Community Reinvestment Act Council; Fairness in Rural Lending; Florida Atlantic University Small Business Development Center; Helicopter Association; HUBZone Contractors National Council; National Association of Government Guaranteed Lenders; National Community Reinvestment Coalition; National League of Cities; National Limousine Association; National Restaurant Association; National Small Business United; National Tour Association; New Jersey Citizen Action; Rural Housing Institute; Rural Opportunities; Self Help Credit Union; Small Business Legislative Council; U.S. Conference of Mayors; United Motorcoach Association; United States Air Tour Association; United States Chamber of Commerce; United States Tour Operator Association; Women's Business Development Center.●

● Mr. BOND. Mr. President, I urge my colleagues in the Senate to vote in favor of S. 1499, the American Small Business Emergency Relief and Recovery Act. I thank my colleague from Massachusetts, Senator KERRY, for introducing the bill, and I am pleased to be its principal cosponsor. Since S. 1499 was introduced on October 4, 2001, 62 of our Senate colleagues have joined us as cosponsors.

The measure before the Senate today is a comprehensive managers' substitute amendment to S. 1499, which incorporates significant changes that have been agreed to following lengthy negotiations with the staffs from the White House and the Office of Management and Budget, OMB. In particular, I thank Andy Card, the President's Chief of Staff, Dr. Lawrence Lindsey, Director of the National Economic Advisors, and Steve McMillin, Assistant Director at OMB, for their personal involvement in the negotiations.

The managers' substitute amendment modifies S. 1499 to recognize changes in the disaster relief and credit programs at the Small Business Administration, SBA, that were enacted on January 10, 2002, in section 203 of the Department of Defense and Emergency Supplemental Appropriations for Recovery from and Response to Terrorists Attacks on the United States, P.L. 107-117 Emergency Disaster Supplemental.

Enactment of S. 1499, as amended, will insure that valuable credit and management assistance will flow to small businesses that were harmed by the September 11 terrorist attacks on the World Trade Centers and the Pentagon. It is my understanding the House of Representatives is prepared to act quickly on the bill soon after the 2-week recess, so that it can be sent to President Bush for his signature in the near future. Fast action by Congress is critical. Small businesses from across the United States are continuing to struggle under the dual pressures from the economy and the aftermath of the terrorist attacks.

As the ranking member of the Committee on Small Business and Entrepreneurship, I have received pleas for help from small business in Missouri and across the nation: small restaurants that have lost much of their business due to the fall off in business travel; local flight schools that have been grounded as a result of the recent terrorist attacks; and Main Street retailers who are struggling to survive. The American Small Business Emergency Relief and Recovery Act contains sound initiatives to help our nation's small businesses and their employees. We in Congress must act and act soon to help our Nation's small businesses.

In response to the urgent calls for strong and effective Federal Government action to reverse the decline in the economy and stimulate a business rebound, last October I introduced the Small Business Leads to Economic Recovery Act of 2001, S. 1493, which was designed to provide effective economic stimulus in three distinct but complementary ways: increasing access to capital for the nation's small enterprises; providing tax relief and investment incentives for our small firms and the self-employed; and directing one of the Nation's largest consumers—the Federal Government—to shop with small business in America.

Historically, when our economy slows or turns into a recession, the strength of the small business sector helps to right our economic ship, with small businesses leading the Nation to economic recovery. Small businesses employ over one-half of the U.S. workforce and create 75 percent of the net new jobs. Clearly, we cannot afford to ignore America's small businesses as we consider measures to stimulate our economy.

S. 1499 goes to the heart of a major problem confronting thousands of small businesses today by taking on access to capital barriers. This bill is a bipartisan collaboration between Senator KERRY, and me and our staffs of the Committee on Small Business and Entrepreneurship. We have worked together to devise one-time modifications to the SBA Disaster Relief, 7(a) and 504 Loan Programs because the traditional approach to disaster relief will not address the critical needs of thousands of small businesses located at or around the World Trade Center, the Pentagon and in strategic locations throughout the United States.

In New York City, it could be a year and more before many of the small businesses destroyed or shut down by the terrorist attacks can reopen their doors for business. Small firms near the Pentagon, such as those at the Reagan National Airport or Crystal City, VA, are also shut down or struggling. And there are small businesses throughout the United States that were shut down for national security concerns and continue to struggle to regain lost customers.

Small enterprises located in the Presidentially declared disaster areas surrounding the World Trade Center and the Pentagon are not the only businesses experiencing extreme hardship as a direct result of the terrorist attacks of September 11. Nationwide, thousands of small businesses are unable to conduct business or are operating at a bare-minimum level. Tens of thousands of jobs are at risk of being lost as small businesses weather the fall out from the September 11 attacks.

Regular small business disaster loans fall short of providing effective disaster relief to help these small businesses. The Emergency Disaster Supplemental included a provision from S. 1499 as introduced that allows small businesses to defer for up to 2 years repayment of principal and interest on their SBA disaster relief loans. Interest that would otherwise accrue during the deferment period would be forgiven. The thrust of this essential ingredient is to allow the small businesses to get back on their feet without jeopardizing their credit or driving them into bankruptcy. The managers' substitute amendment restates this key provision.

The managers' substitute amendment also retains the provision permitting small businesses located in the Presidentially declared disaster areas and those small businesses directly affected by the terrorist attack to refinance existing business debt. Repayment of principal shall be deferred for disaster loans to refinance existing business debt, however, interest would accrue during the deferment period.

S. 1499 would provide a special financial tool to assist small businesses as they deal with these significant business disruption. Small businesses in need of working capital would be able to obtain SBA-guaranteed "Emergency Relief Loans" from their banks to help them during this period. Fees normally paid by the borrower to the SBA would be eliminated, and the SBA would guarantee 85 percent of the loan. A key feature of the bill is the authorization for banks to defer repayment of principal for up to one year. This section would remain in effect for 9 months after the date of enactment of the act.

My colleagues and I have heard from thousands of small businesses since the terrorist attacks that small businesses are experiencing significant hardship. The downturn in business activity, however, was clearly underway prior to September 11. The downturn was further exacerbated by the terrorist attacks.

S. 1499 would provide for changes in the SBA 7(a) Guaranteed Business Loan Program and the 504 Certified Development Company Loan Program to stimulate lending to small businesses that are most likely to grow and add new employees. The managers' substitute amendment incorporates the provision from the emergency supplemental that reduces the annual fee paid by lenders from 50 basis points, 0.50 percent, to 25 basis points, 0.25 percent. In addition, the up front origination fee paid by small business borrowers would be reduced. These enhancements to the SBA's 7(a) program, and comparable reductions in 504 loan program fees, are to continue through September 30, 2004. They are designed to make the programs operate more effectively and efficiently during the period when the economy is weak and banks have tightened their underwriting requirements for small business loans.

Specifically, when the economy is slowing, it is normal for banks to raise the bar for obtaining commercial loans. However, making it harder for small businesses to survive is the wrong reaction to a slowing economy. By making these adjustments to the 7(a) and 504 loans to make them more affordable to borrowers and lenders, we will be working against history's rules governing a slowing economy, thereby adding a stimulus for small businesses. Essentially, we will be providing a counter-cyclical action in the face of a slow economy with the express purpose of accelerating the recovery.

The SBA has a very effective infrastructure for providing management assistance to small businesses located nationwide. The Small Business Development Center, SBDC, SCORE, Women's Business Center and Microloan programs provide much needed counseling to small businesses that are struggling or facing problems in their start-up phase. With the U.S. economy under unusual stress, many segments of the small business community are today unable to cope with daily management issues.

S. 1499 would authorize expansions in these programs so that the SBDCs, the SCORE chapters and the Women's Business Centers are positioned to address the needs of a large influx of small businesses looking for help. Our bill would create special authorization for each program to provide assistance tailored to the needs of small businesses following the September 11 terrorist attacks. In addition, the bill would increase the authorization levels by the following amounts: SBDC program, $25 million, SCORE $2 million, Women's Business Centers $2 million, and Microloan technical assistance, $5 million.

For small businesses that are doing business with the Federal Government section 9 of the managers' substitute amendment to S. 1499 would authorize a fund of $50 million to compensate small businesses when Federal action as the result of the terrorist attacks, has caused the costs to increase for small businesses to meet the terms of their contracts. The fund would be administered by the Department of the Treasury. The Office of Federal Procurement Policy would establish guidelines for administering the program, and the contracting agencies would consult with the SBA when determining whether an award should be made.

The American Small Businesses Emergency Relief and Recovery Act is important legislation that is needed to help the many struggling small businesses. Swift passage will be very helpful to the long-term survival of many of American's small businesses, and I urge each of my colleagues to vote in favor of the bill.●

Mr. DODD. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table, with no intervening action or debate; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1499), as amended, was read the third time and passed.

AUTHORIZING CONSTRUCTION OF NATIVE AMERICAN CULTURAL CENTER AND MUSEUM

Mr. DODD. Mr. President, I ask unanimous consent that the Indian Affairs Committee be discharged from further consideration of S. 1321 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1321) to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3077

Mr. DODD. Mr. President, Senator NICKLES has an amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. NICKLES, for himself and Mr. INHOFE, proposes an amendment numbered 3077.

The amendment is as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. OKLAHOMA NATIVE AMERICAN CULTURAL CENTER AND MUSEUM.

(a) FINDINGS.—Congress makes the following findings:

(1) In order to promote better understanding between Indian and non-Indian citizens of the United States, and in light of the Federal Government's continuing trust responsibilities to Indian tribes, it is appropriate, desirable, and a proper function of the Federal Government to provide grants for the development of a museum designated to display the heritage and culture of Indian tribes.

(2) In recognition of the unique status and history of Indian tribes in the State of Oklahoma and the role of the Federal Government in such history, it is appropriate and proper for the museum referred to in paragraph (1) to be located in the State of Oklahoma.

(b) GRANT.—

(1) IN GENERAL.—The Director shall offer to award financial assistance equaling not more than $33,000,000 and technical assistance to the Authority to be used for the development and construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

(2) AGREEMENT.—To be eligible to receive a grant under paragraph (1), the appropriate official of the Authority shall—

(A) enter into a grant agreement with the Director which shall specify the duties of the Authority under this section, including provisions for continual maintenance of the Center by the Authority without the use of Federal funds; and

(B) demonstrate, to the satisfaction of the Director, that the Authority has raised, or has commitments from private persons or State or local government agencies for, an amount that is equal to not less than 66 percent of the cost to the Authority of the activities to be carried out under the grant.

(3) LIMITATION.—The amount of any grant awarded under paragraph (1) shall not exceed 33 percent of the cost of the activities to be funded under the grant.

(4) IN-KIND CONTRIBUTION.—When calculating the cost share of the Authority under this Act, the Director shall reduce such cost share obligation by the fair market value of the approximately 300 acres of land donated by Oklahoma City for the Center, if such land is used for the Center.

(c) DEFINITIONS.—For the purposes of this Act:

(1) AUTHORITY.—The term "Authority" means the Native American Cultural and Educational Authority of Oklahoma, and agency of the State of Oklahoma.

(2) CENTER.—The term "Center" means the Native American Cultural Center and Museum authorized pursuant to this section.

(3) DIRECTOR.—The term "Director" means the Director of the Institute of Museum and Library Services.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Director to grant assistance under subsection (b)(1), $8,250,000 for each of fiscal years 2003 through 2006.

Mr. DODD. Mr. President, I ask unanimous consent that the amendment be agreed to; that the bill, as amended, be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3077) was agreed to.

The bill (S. 1321), as amended, was read the third time and passed.

EXPRESSING SENSE OF CONGRESS REGARDING BUREAU OF THE CENSUS ON THE 100TH ANNIVERSARY OF ITS ESTABLISHMENT

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 333, H. Con. Res. 339.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 339) expressing the sense of the Congress regarding the Bureau of the Census on the 100th anniversary of its establishment.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to, en bloc, and that the motion to reconsider be laid upon the table, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 339) was agreed to.

The preamble was agreed to.

MAJOR LYN McINTOSH POST OFFICE BUILDING, FRANK SINATRA POST OFFICE BUILDING, TOM BLILEY POST OFFICE BUILDING, HERBERT H. BATEMAN POST OFFICE BUILDING, BOB DAVIS POST OFFICE BUILDING, FRANCIS BARDANOUVE POST OFFICE BUILDING, NORMAN SISISKY POST OFFICE BUILDING, VERNON TARLTON POST OFFICE BUILDING, RAYMOND M. DOWNEY POST OFFICE BUILDING

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the immediate consideration of Calendar No. 305, H.R. 1432; Calendar No. 332, S. 1222; Calendar No. 334, H.R. 1748; Calendar No. 335, H.R. 1749; Calendar No. 336, H.R. 2577; Calendar No. 337, H.R. 2876; Calendar No. 338, H.R. 2910; Calendar No. 339, H.R. 3072; Calendar No. 340, H.R. 3379.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed en bloc.

Mr. DODD. Mr. President, I ask unanimous consent that the bills be read a third time en bloc; that the motions to reconsider be laid upon the table en bloc; that the consideration of these items appear separately in the RECORD, without intervening action or debate; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 1432, H.R. 1748, H.R. 1749, H.R. 2577, H.R. 2876, H.R. 2910, H.R. 3072, H.R. 3379) were read the third time and passed.

The bill (S. 1222) was read the third time and passed, as follows:

S. 1222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FRANK SINATRA POST OFFICE BUILDING.

The facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, shall be known and designated as the "Frank Sinatra Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in section 1 shall be deemed to be a reference to the Frank Sinatra Post Office Building.

RECOGNIZING SOCIAL PROBLEM OF CHILD ABUSE AND NEGLECT

Mr. DODD. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 132, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 132) recognizing the social problem of child abuse and neglect, and supporting efforts to enhance public awareness of it.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DODD. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to; that the motion to reconsider be laid upon the table; and that any statements relating thereto be printed in the RECORD.

The resolution (S. Res. 132) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 132

Whereas more than 3,000,000 American children are reported as suspected victims of child abuse and neglect annually;

Whereas more than 500,000 American children are unable to live safely with their families and are placed in foster homes and institutions;

Whereas it is estimated that more than 1,000 children, 78 percent under the age of 5 and 38 percent under the age of 1, lose their lives as a direct result of abuse and neglect every year in America;

Whereas this tragic social problem results in human and economic costs due to its relationship to crime and delinquency, drug and alcohol abuse, domestic violence, and welfare dependency; and

Whereas Childhelp USA has initiated a "Day of Hope" to be observed on Wednesday, April 3, 2002, during Child Abuse Prevention Month, to focus public awareness on this social ill: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that—

(A) all Americans should keep these victimized children in their thoughts and prayers;

(B) all Americans should seek to break this cycle of abuse and neglect and to give these children hope for the future; and

(C) the faith community, nonprofit organizations, and volunteers across America should recommit themselves and mobilize their resources to assist these children; and

(2) the Senate—

(A) supports the goals and ideas of the "Day of Hope"; and

(B) commends Childhelp USA for its efforts on behalf of abused and neglected children everywhere.

CORRECTIONS IN ENROLLMENT OF H.R. 2356

Mr. DODD. Mr. President, I ask unanimous consent that the Senate turn to the immediate consideration of H. Con. Res. 361.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 361) directing the clerk of the House of Representatives to make corrections in the enrollment of the bill, H.R. 2356.

There being no objection, the Senate proceeded to consider the concurrent resolution.

• Mr. McCONNELL. Mr. President, I am in support of the unanimous consent for the adoption of H. Con. Res. 361 making technical corrections to H.R. 2356 passed by the Senate yesterday.

Several weeks ago, I met with Senator McCAIN to discuss a list of 12 technical corrections to H.R. 2356. Of those 12 items, we were able to come to an agreement in principle on 6. After weeks of negotiations between my staff, and the staffs of Senator McCAIN and Senator FEINGOLD, we have before us today the fruit of our labor. I thank them and their staff, specifically Jeanne Bumpus and Bob Schiff, for their hard work and persistence in making these minor corrections.

The items contained in this concurrent resolution are a compilation of technical corrections sought by me, and corrections sought by the Senators from Arizona and Wisconsin. In fact, the independent expenditure reporting correction was raised by FEC Commissioners Brad Smith and Dave Mason and advanced by the staff of my colleagues from Arizona and Wisconsin. I applaud my colleagues for addressing this technical issue and will ask consent that a letter from Commissioners Mason and Smith outlining technical issues with H.R. 2356 for the Senate to consider be included in the RECORD. Similarly, the correction to the citation to the Immigration and Nationalization Act was raised by the FEC. Shays-Meehan inadvertently cited the definition of "advocates" rather than "lawfully admitted for permanent residence."

These technical corrections clarify some other important points: Respecting the primacy of State law in financing State and local party buildings; continuing to allow members to transfer excess campaign funds to party committees without limit; ensuring that we do not change the rules for 2002 candidates engaged in a run-off, recount, or election contest; providing for direct member challenges to the constitutionality of H.R. 2356; and providing a sunset provision for expedited review in the D.C. court so that plaintiffs who live on the west coast do not forevermore have to come to Washington, DC, to challenge provisions of the act.

However, I remain strongly opposed to the underlying H.R. 2356 and believe its disparate treatment of individuals, parties, groups, corporations, and labor unions runs afoul of our fundamental constitutional rights. By singling out national party committees and chilling their speech at the State and local level, this legislation ensures the end of "national" party committees and the beginning of "federal" party committees. Further, the broadcast gag provisions in the bill are not only unprecedented in scope, but haphazard in applicability. I will ask consent that 5 additional items be included in the RECORD which highlight the egregious constitutional and practical problems with this legislation.

Again I thank Senator McCAIN and Senator FEINGOLD for their efforts on this concurrent resolution and commend the House for their swift action on this concurrent resolution.

I ask to have additional material printed in the RECORD.

The material follows.

FEDERAL ELECTION COMMISSION,
Washington, DC, February 25, 2002.

Hon. MITCH MCCONNELL,
Ranking Member,
Senate Committee on Rules.

DEAR SENATOR MCCONNELL: You have asked for comments on provisions of H.R. 2356 that appear sufficiently problematic in enforcement or interpretation as to require legislative clarification. We urge Congress to consider ways to address these issues which could otherwise hinder our ability to effectuate the will of the Congress or to administer the Federal Election Campaign Act.

We note that we have had only a few days to review the House-passed version of H.R. 2356, so the list below may not be exhaustive of all desirable technical and clarifying changes.

1. Should the Commission regulate Internet web pages or e-mail as "Public Communication"? The proposed new definition of "Public Communication" (proposed Part 22 of Section 301 of the FECA [2 USC 431]) includes "any other form of general public political advertising." The Commission has treated Internet web pages available to the public and widely-distributed e-mail as forms of "general public political communication." Thus, the new definition combined with the Commission's established interpretation of the FECA could command regulation of Internet and e-mail communications. Congress should clarify whether it intends for the Commission to regulate publicly-available web pages and widely-distributed e-mail as forms of "Public Communication."

2. Does Congress intend to prohibit state or local political parties from making contributions to state or local PACs? Proposed new

Section 323(d) prohibits contributions by national state or local political parties to 527 organizations other than political parties, "political committees," and authorized committees of state and local candidates. Since the term "political committee" as used in the FECA is limited to Federal (e.g. FECA-registered) political committees, Congress may wish to clarify whether it intends to prohibit state and local political parties from making state-permissible (non-Federal) contributions to state-registered political committees.

3. Does Congress intend to prohibit Federal Officeholders from appearing at fundraising events for state an local candidates? Proposed new Section 323(e) prohibits raising of non-Federal funds by Federal officeholders, except for state or local party committees or for the official's own campaign for state or local office. Congress may wish to clarify whether it intends to allow Federal officeholders to appear at fundraising events for authorized committees of state or local candidates.

4. Does Congress intend to exempt non-Federal amounts spend on "Federal Election Activity" ("Levin Amendment" funds) from state reporting requirements? Section 453 of the FECA pre-empts state law "with respect to election to Federal office." This provision prohibits states from imposing reporting requirements additional to those of the FECA. Section 103 of H.R. 2356 requires state and local parties to disclose to the FEC non-Federal amounts expended for a share of "Federal Election Activity." Thus, these funds reported to the FEC as "Federal Election Activity" would presumably be exempt from state reporting requirements. The "Levin" funds must be "donated in accordance with state law" (but not "reported" pursuant to state law). However, if these funds are not reported to relevant state agencies, the FEC will have difficulty determining whether they were "donated" in accordance with state law. Congress should clarify whether it intends to exempt non-Federal amounts spent on "Federal Election Activity" from state reporting requirements, or to require dual (Federal and state) reporting.

5. Does Congress intend to repeal the requirement that Independent Expenditure reports be received (rather than "filed") within 24 hours? Just over a year ago Congress revised the FECA to require that last-minute Independent Expenditure reports be received by the Commission within 24 hours. Previous provisions required filing by mail, which sometimes resulted in a several day delay in receipt of "24 hour" reports. Section 212 of H.R. 2356 would impose additional reporting requirements for Independent Expenditures. However, Section 212 appears to be based on the pre-2000 version of the FECA and thus, presumably inadvertently, would have the effect of repealing the recently-imposed requirement that 24-hour reports be received within 24 hours. Similarly, Congress should consider whether personal expenditure notifications under Sections 304 and 319 of H.R. 2356 must be received or merely filed within 24 hours. (See item 6 below for additional comments on Sections 304 and 319)

6. Does Congress intend to repeal the requirement that reports of Independent Expenditures in support of or opposition to Senate candidates be filed with the Secretary of the Senate? Section 212 (discussed above) in restating the Independent Expenditure reporting requirements also omits the provision in 2 U.S.C. 434(c) providing for Senate-related reports to be filed with the Senate, and requires all Independent Expenditure reports to be filed with the FEC. Congress may wish to consider whether this change is intended.

7. Are the existing and proposed new "coordination" provisions intended to be read consistently? Section 202 of H.R. 2356 treats an electioneering communication "coordinated" with a candidate or party as a contribution to that candidate or party. Earlier versions of H.R. 2356 included a definition of "coordination," but that definition was deleted in preference to retention of the existing statutory rule addressing "cooperation, consultation or concert" (441a(a)(B)(i)). Congress should harmonize the terminology between existing subparagraph (B) and proposed new subparagraph (C) of this section, lest confusion arise as to whether Congress intended a common regulatory standard to apply. Similarly, Congress should clarify the relationship between "expenditures" addressed in subparagraph (B) and "electioneering communications" addressed in proposed new subparagraph (C). We are also concerned that the instruction (Section 214(c) of H.R. 2356) that a new coordination regulation "not require agreement" could be read so broadly as to encompass virtually any communication whatsoever (even "disagreement") between candidates and persons making expenditures of electioneering communications.

8. Does Congress intend to punish inadvertent solicitations of foreign nationals? Section 303 of H.R. 2356 helpfully strengthens the "foreign money ban." It appears that Congress intends to hold foreign nationals strictly liable for violations of this provision. However, the provision also prohibits "solicitation, acceptance or receipt" of funds from a foreign national, read most naturally to apply even when the solicitor is unaware that the contributor is a foreign national. Thus, candidates signing direct mail fundraising appeals could be held in violation of this provision if the mailing list included the name of a foreign national Congress should consider instead prohibiting the "knowing solicitation, acceptance or receipt" of foreign national funds. The "knowing" standard is distinct from "knowing and willful," thus, this change would protect genuinely inadvertent solicitations while still distinguishing between simple and aggravated violations.

9. Does Congress intend for the FEC to audit all self-financing candidates and their opponents? The "millionaire" amendments (Sec. 304 and 319 of H.R. 2356) include eight variables (two of which will change as often as daily). Section 304 additionally provides for graduated increases in contribution limits.

We are concerned that candidates who may be entitled to benefit from this provision will be prevented from doing so because of both its complexity and the lag time between personal expenditures and resulting increases in contribution limits. The complexity will also make it difficult and costly for the Commission to enforce, likely requiring an audit of every campaign in which this provision comes into play. (The Commission currently has resources to audit approximately two Senate campaigns per election cycle. At least twelve Senate campaigns would have been affected (by triggering or being eligible for increased contributions) had these provisions been in effect for the 2000 elections.)

The distinction between primary and general elections could allow wealthy candidates (particularly in states with late primaries) to spend unlimited funds attacking a prospective general election opponent during the primary without triggering increased contributions limits. Similarly, wealthy candidates might contribute excess funds during the primary and carry them over to the general election, making potentially unlimited amounts of personal funds available without triggering increased contribution limits. Further, the intended application of the "gross receipts" factor (Section 316) is unclear: Are the gross receipts figures from June 30 and December 31 added together, or combined, compared or applied in some other fashion? A provision with a higher initial threshold, fewer offsetting factors, and a non-graduated response (similar to the House provision) might strike a better balance among the goals of aiding candidates, limiting the size of contributions and reasonable simplicity of application.

Finally, the provisions require candidates benefiting from increased contributions limits to return unspent funds within fifty days of the election. However, the bill requires reports on the disposal of these contributions "in the next regularly scheduled report after the date of the election." For general elections, this date would fall only thirty days after the election, and for many primaries, the relevant date would be less than thirty days following the primary. Thus, committees would be required to report on how they had disposed of funds before they are required to dispose of them. Congress should consider requiring the "disposal report" in a report due sixty days or more (allowing fifty days for return of excess contributions and some time to complete the report) after the relevant election.

10. Does Congress intend to extend the Commission's "allocation window" during the soft money transition period? A floor amendment to H.R. 2356 clarified that the national party soft money transition rule (Section 402(b)) is not intended to allow parties to pay "hard money" debts with soft money. However, the statutory provision allowing payment of debts through December 31, 2002 would appear to override the Commission's regulation which requires that party committees make non-Federal reimbursements to their federal accounts between 10 days before and not later than 60 days after expending funds. Congress may wish to clarify whether it intends for national party committees to comply with the Commission's existing allocation regulations (including the 70-day allocation window) during the transition period.

11. Does Congress intend for the expedited Judicial Review and exclusive jurisdiction provisions of Section 403 to apply in perpetuity? Section 403 provides for a special three-judge District Court panel and expedited appeal to the Supreme Court for any constitutional challenge to the Act. However, by not limiting the provision to initial challenges (brought within a specified period), Section 403 would require convening of a three-judge panel and expedited appeal to the Supreme Court for actions filed years in the future. All such future challenges would have to be filed only in the District of Columbia, and circuit court review would be permanently foreclosed. Special FECA procedures governing constitutional challenges enacted in 1971 and 1974 have been employed in the Third Circuit and District of Columbia in the past two years. Congress may wish to set a time limit for these special judicial review provisions and allow normal judicial procedures to govern constitutional claims raised in subsequent years.

Sincerely,

DAVID M. MASON,

Chairman.
BRADLEY A. SMITH,
Commissioner.

[From the Detroit News, Mar. 15, 2002]

DONATIONS DON'T SEEM TO CHANGE VOTES

(By John R. Lott Jr.)

A lot of politicians have been explaining the money they have gotten from Enron. When U.S. Rep. John Dingell (D-Mich.), the powerful ranking Democrat on the House Energy and Commerce Committee, was asked about the donations he received, he said: "when somebody gives me money, they, I assume, are supporting one thing: good government. And that's what they got, and that's what Enron got."

In recently passing new campaign finance regulations, public interest groups and the press insist that donors supposedly only give money to politicians to buy influence. There is little doubt that campaign contributions and voting records often go together. But few mention that this relationship might simply reflect that donors only support candidates whose views they share.

Fortunately, there are cases where we can separate these two motives. Consider a retiring politician. He has little reason to honor any "bribes," for re-election is no longer an issue. Even if earlier there were corrupting influences from donations, the politician would now have freedom to vote according to his own preferences. Therefore, if contributions are bribes to make the politician vote differently from his beliefs, there ought to be a change in the voting record when the politician decides to retire.

Yet, this proves not to be the case. Together with Steve Bronars of the University of Texas, I have examined the voting records of the 731 congressmen who held office for at least two terms during the 1975 to 1990 period. We found that retiring congressmen continued voting the same way as they did previously, even after accounting for what they do after their retirement or focusing on their voting after they announce their retirement.

Despite retiring politicians only receiving 15 percent of their preceding term's political action committee (PAC) contributions, their voting pattern remains virtually the same: They only alter their voting pattern on one issue out of every 450 votes.

If anything, these statistically insignificant changes even move in the wrong direction. Retiring politicians are slightly more likely to favor their former donors. This makes no sense if contributions had been buying votes.

The voting records also reveal that politicians are extremely consistent in how they vote over their entire careers. Those who are the most conservative or liberal during their first terms are still ranked that way when they retire. Thus the young politician who does not yet receive money from a PAC does not suddenly change when that organization starts supporting him.

The data thus indicate that politicians vote according to their beliefs, and supporters are giving money to candidates who share their beliefs on important issues.

A reputation for sticking to certain values is important to politicians. This is why political ads often attack policy "flip-flops" by the opponent—if a politician merely tells people what they want to hear, voters lack assurance that he will vote for and push that policy when he no longer faces re-election. Voters instead trust politicians who show a genuine passion for the issues.

If donations were really necessary to keep politicians in line, why would individual donors ever give money to a politician who is running for office for the last time? If politicians simply took positions to get elected, why would voters ever elect such a politician who would then be able to vote anyway that he likes?

Proponents of campaign finance reform have managed to claim the mantle of dislodging the entrenched political establishment. But, in fact, the reverse is true: Allowing large contributions is instead the key to letting new faces into politics. Existing federal and state donation limits have entrenched incumbents, who can rely on voters' greater familiarity with them as well as use their government resources to help them campaign and generate news coverage.

It is very difficult for challengers to raise numerous small donations. Incumbents have an advantage here, as they have had years to put together long mailing lists as well as making a wide array of contacts. Allowing large donations would make it easier for newcomers to raise a large sum from a few sources. The long start required for fundraising mean that if a candidate falters, it is virtually impossible for other candidates to enter in at the last moment.

For example, Sen. Eugene McCarthy, nicknamed "Clean Gene," would—under current restrictive rules—not have been able to challenge Lyndon Johnson for the presidency in 1968. He relied on six donors who bucked the party establishment and almost entirely financed his campaign. McCarthy raised as much money (after adjusting for inflation) as George W. Bush has so far in the last election, but Bush has had to raise the money from 170,000 donors.

George McGovern's 1972 presidential primary campaign only succeeded because of extremely large donations from one person, Stuart Mott.

Donation limits have reduced the number of candidates running for office; cut in half the rate at which incumbents are defeated; given wealthy candidates an advantage, raised independent expenditures; increased corruption of the political process; as well as led to more "negative" campaigns. More of the same will follow if we continue the path of stricter and stricter campaign "reform." The Enron case is no more relevant to advancing campaign finance than the hopes that new rules will somehow make campaigns more competitive.

[From the Washington Post, Feb. 15, 2002]

NOW, THE UNINTENDED CONSEQUENCES

(By David S. Broder)

It was a famous victory. The campaign finance bill now has passed both the House and Senate and likely will become law with President Bush's signature.

The bill has one great virtue. It will end the ugly and indefensible practice of federal elected officials extorting six-figure contributions to their political parties from corporations, unions and wealthy individuals. it is clear and definitive about doing that, and it will be effective.

Beyond that, the consequences of the bill the Senate approved last year and the House passed early Thursday morning are probably not what supporters have been led to believe. The optimism of the backers is exceeded only by the folly of the House Republican leadership, which must be grateful today of fraudulent Republican amendments so nakedly intended to kill the bill. Their tactics give hypocrisy a bad name.

Still, parts of the bill are probably unconstitutional, and other parts largely unworkable or unenforceable. As with previous campaign finance legislation, it is likely to have big unintended consequences.

For example, the Democrats who furnished the bulk of the votes for passage may be dismayed to learn that in the view of Michael Malbin, the widely experienced head of the nonpartisan Campaign Finance Institute, the bill hands President Bush an enormous advantage in his 2004 reelection campaign.

Here's why: In 200, when Bush rejected public financing of his race for the Republican nomination, he assembled a record treasury of "hard money" contributions (limited to $1,000 per person) from family friends, Texas supporters and allies in the business world. As an incumbent president, he can probably double or triple his take, while at the same time avoiding the spending limits that go with public financing.

No Democratic challenger is likely to be in a position to reject the taxpayer subsidies, and in a serious contest, on the accelerated calendar Democrats recently adopted, all the Democrats may well hit their spending limit by mid-March. In the past, the winner could turn to the Democratic National Committee and ask it to finance waves of TV ads from its "soft money" account at least until August, when the convention formally made him the nominee and a Treasury check for the autumn campaign arrived.

If this bill becomes law, Malbin points out, the Democrats will have no federal soft money account; their nominee may well be off the air and invisible for five months, while Bush dominates the political debate.

Another unintended consequence may well be to shift the flow of soft money from national parties to state and local parties. Contrary to the impression left by many editorials, this bill does not make all soft money contributions illegal. The amendment sponsored by Michigan Democratic Sen. Carl Levin allows state and local parties to receive individual soft money contributions of up to $10,000 a year ($20,000 per election cycle), as long as they do not spend the money on ads for federal candidates.

Theoretically, one wealthy individual could drop $1 million or more into his favorite party, by writing separate checks to 50 state or local party headquarters.

You can call this a giant loophole or a wise provision to support grass-roots activity, but it goes against the centralizing forces in our politics—which have strengthened not just recent presidents but congressional leaders of both parties.

When the national parties do less for their presidential nominees and their congressional candidates, those men and women become even more individual political entrepreneurs.

It is perhaps not a coincidence that all four of the sponsors—Sens. John McCain and Russ Feingold, Reps. Chris Shays and Marty Meehan—are notable for their maverick tendencies. It is likely this legislation will breed more of their kind.

Finally, the issue the opponents of this bill tried without success to raise its effect on the relative power of interest groups and political parties. The most dubious parts of the measure are those regulating "issue ads" that non-party groups run during election campaigns. These provisions implicate basic First Amendment rights of expression, and if the courts find them unconstitutional, then the net effect may well be to empower interest groups while restricting the parties' participation in campaigns.

Interest groups are as American as apple pie. But their agendas are, by definition, narrower than those of the broad coalitions called Republicans and Democrats. It will not help our politics to magnify the power of narrow interests at the expense of the two-party system.

[From the American Prospect, Mar. 25, 2002]

WITH VICTORIES LIKE THESE . . . THE GLARING INADEQUACIES OF SHAYS-MEEHAN

[By Ellen S. Miller]

What a cruel twist of fate: campaign finance reform that benefits Republicans and big money.

The Shays-Meehan bill is back-to-the-future reform: legislation that takes us back to just before 1980, when there was no "soft money" but still a huge imbalance in the influence of the big contributors over the rest of the population. Under the terms of the bill that passed the House, the national parties' committees can no longer raise soft money—the unlimited and unregulated contributions that totaled $498 million in 2000. A very good thing, that. But the tradeoff to eliminate this most notorious campaign finance "loophole" will actually enhance the power of wealthy special interests, for it loosens a whole series of strictures on hard-money donations—and hard money has already eclipsed soft. Total hard-money contributions to candidates, political action committees (PACs), and parties in the 2000 election cycle came to $1.8 billion, nearly three times the soft-money total.

To ease shock to big-money politics, Shays-Meehan contains three separate increases in the amounts that individual donors can give in regulated hard money, plus a huge exemption that enables campaigns to sidestep the limits altogether. The first increase involves the aggregate contribution limit for individuals. The legislation nearly doubles it to $95,000 per two-year election cycle. The second hike is in what individuals can give to national political parties, which rises from the current $20,000 per cycle per party committee to $57,500. Within these limits, the bill also provides for another dramatic increase: the amount individuals can give to House and Senate candidates doubles to $2,000 per election.

But say that a self-funding multimillionaire candidate is running for office, as is frequently the case these days. Should that happen, Shays-Meehan raises the cap on individual donations to that candidate's opponents from $2,000 to $12,000. Another limit—that imposed on the political parties for their coordinated expenditures to supplement the campaigns of party candidates within the states—is lifted altogether.

Politically, this provision could prove more unsettling for the Democrats than for the Republicans. While only five of the 19 federal legislative candidates who spent $1 million or more of their personal money in 2000 won their races, four of them were Senate Democrats—three of them newcomers (Jon Corzine of New Jersey, Mark Dayton of Minnesota, and Maria Cantwell of Washington) and one returning (Herb Kohl of Wisconsin).

So who would gain power from these fixes? To understand just how off kilter this reform is, you have to understand one primary factor: Today, less than one-tenth of 1 percent of Americans make a contribution of $1,000 to candidates, but these 340,000 individuals accounted for fully $1 billion of the $2.9 billion in hard and soft money that politicians, PAC, and parties banked in 2000. Most of this money comes in large bundles from the "economically interested"—executives and business associates who've been armed-twisted into supporting a corporation's electoral favorites.

Under the new legislation, those bundles will only grow larger. Republican Senator John McCain of Arizona admitted to being embarrassed recently by the disclosure that he took 431,000 from individuals associated with the now bankrupt telecommunications firm Global Crossing as he argued their case before the Federal Communications Commission. Just how tainted would be feel if he got double that amount (allowable under the new limit) from them the next time he runs for president?

After all these years of struggle, why did reformers settle for so little?

In fact, after more than a decade of seeing their more ambitious ideas come to naught even as the amount of money in politics grew exponentially, reformers and their editorial-board allies felt that they desperately needed a win. According to Derek Cressman of USPIRG (the only campaign-finance-reform organization to oppose the bill), Kentucky's Republican Senator "Mitchell McConnell wore down the reform movement by defeating stronger legislation year after year. Legislators kept compromising and the watchdogs let them do that." As a result, the reform package grew steadily weaker. "I can't think of any other legislation that's had a tough fight that ended up actually rolling things back," Cressman says. "This bill could have passed easily 10 years ago."

Speaking not for attribution, some reformers admit that forward movement—even if only one small step forward—became their goal. A second factor, perhaps perversely, was the Democrats' growing proficiency at raising big money themselves—a skill that may have lulled them about the political ramifications of Shays-Meehan. Buoyed by near-parity with the GOP in soft money fundraising, the Democrats generally—and party chairman Terry McAuliffe particularly—came to believe that they could complete in the hard-money game, too. That made the bill's tradeoff between hard money and soft money acceptable.

As the proposed reforms grew steadily more modest, their appeal to the center and center-right grew. Moderate Republicans in the Senate and the House took the lead and the Democrats stood back to let them carry the fight. A seemingly enlightened segment of the business community, some of whom were executives tired of being dunned for six-figure checks, jumped on the bandwagon out of their own self-interest. The scope of reform dwindled until hardly anything remained at all.

There should be nothing surprising in the spectacle of White House Press Secretary Ari Fleisher trying to steal credit for the bill on behalf of his boss. And why shouldn't Bush sign it? Shays-Meehan favors Republicans. The GOP outraised the Democrats in the 2000 cycle $466 million $275 million; and in just released figures for the current election cycle, the Republicans are leading the democrats in hard money $131 million to $60 million. Moreover, Shays-Meehan certainly favors the incumbent president in his 2004 campaign. Bush is a hard-money dynamo: In 2000 he raised $103 million in hard-money donations for the primaries alone, while sitting veep Al Gore raised a paltry $46 million in hard money. Worse yet, signing Shays-Meehan helps to inoculate Bush from the taint of Enron's political money. Nonetheless, Bush taking credit for campaign finance reform, notes Public Campaign analyst Micah Sifry, is "like Harry Truman claiming credit for sparking the nuclear-disarmament movement by dropping the bomb on Hiroshima."

But this dubious victory may hold the seeds of more sweeping changes. One thing is certain: The kind of incremental reform that the House has enacted is far from the kind of dramatic change that can actually renew people's faith in our political system. But passing Shays-Meehan at least clarifies the challenge. For years, progressives have endorsed public financing, specifically public financing that covers both primary and general elections. The AFL–CIO has long supported it, and recent converts include the NAACP, the ACLU, the Sierra Club, and the National Organization for Women. The small state experiments in Maine and Arizona have shown what a huge difference it can make. Activists on the national front are poised to move forward. The next victories are likely to come at the state level in judicial elections. Spurred by the American Bar Association's endorsement of full public financing for judicial races, activists in North Carolina, Wisconsin, and Illinois are moving to change their state laws. Public financing of campaigns for the legislature, though further down the road, is most likely in Minnesota, New Mexico, and Connecticut.

Now that soft-money reform is off the table, it's time to focus on the real deal.

ACLU CAMPAIGN FINANCE POSITION PROTECTS FREE SPEECH

[Statement of Nadine Strossen, ACLU President, Ira Glasser, ACLU Executive Director, and Laura W. Murphy, ACLU Legislative Director]

WASHINGTON.—Nine former leaders of the American Civil Liberties Union today released a statement saying that they have changed their positions on campaign finance and now disagree with legal scholars, Supreme Court Justices and the ACLU's longstanding policy to seek the highest constitutional protection for political speech.

In their statement, these leaders argue that the Supreme Court misread the First Amendment in 1976 when it issued its ruling in *Buckley* v. *Valeo*, which struck down legislative limits on campaign expenditures in a holding that reflected many legal precedents and has been repeatedly reaffirmed. Our former ACLU colleagues say that our opposition to current legislation allows members of Congress to hide behind an unjustified constitutional smokescreen.

We are untroubled by the questions they raise and believe that it is they who allow members of Congress and President Clinton to hide behind so-called reforms that are both unconstitutional and ineffective. As long as measures like McCain-Feingold or Shays-Meehan are allowed to masquerade as reform, neither Congress nor President Clinton will get serious about adopting true reform, which we believe lies in the direction of fair and adequate public financing.

Just last year, we offered Burt Neuborne, a former ACLU Legal Director and one of the principal opponents of our campaign finance policies, the opportunity to argue his position before the ACLU's 83-member National Board. After hours of debate and discussion, Neuborne completely failed to shift the ACLU Board to his view. Many Board members in fact argued that Neuborne's position was in direct conflict with the First Amendment rights that form the foundation of our democracy. Ultimately, the one Board member who had offered a motion to radically alter our long-standing policy withdrew it rather than allowing it to come to a vote.

Yet our former ACLU colleagues persist, offering sweeping proposals that would constitute a wholesale breach of First Amendment rights and that ignore the real-world impact of limits on speech. They speak approvingly of efforts to impose "reasonable limits on campaign spending" without saying specifically what such regulations would do. But when we look at those consequences it becomes clear that current campaign finance measures would do immeasurable damage to political speech. The devil, as the cliché goes, is in the details.

A key provision of both McCain-Feingold and Shays-Meehan would, for example, establish limits that effectively bar any individual or organization from explicitly criticizing a public official—perhaps the single most important type of free speech in our democracy—when the official is up for re-election within 60 days. If that kind of law had governed the recent New York City mayoral election, it would have effectively barred the ACLU (and other non-partisan groups) from criticizing incumbent Mayor Giuliani by name on the subject of police brutality in the wake of the horrific Abner Louima incident precisely during the pre-election period when such criticism is most audible. That prohibition would have gagged us even though the ACLU has never endorsed or opposed any candidate for elective office and is barred by our non-partisan structure from doing so. Similarly, anti-choice groups like the National Right to Life Committee would be effectively barred from criticizing candidates who support reproductive freedom. Yet such criticism of public officials is exactly what the First Amendment was intended to protect.

In contrast, there are many reform measures the ACLU supports that would protect and increase political speech. These include instituting public financing, improving certain disclosure requirements, establishing vouchers for discount broadcast and print electoral ads, reinstating a tax credit for political contributions, extending the franking privilege to qualified candidates and requiring accountability of and providing resources to the Federal Elections Commission. None of these proposed reforms would run afoul of the First Amendment.

Still, our former ACLU colleagues press proposals that would inevitably limit political speech. We continue to shake our heads, wondering how such measures can be regarded as "reforms" by anyone who is genuinely committed to the First Amendment.●

Mr. DODD. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements regarding this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (H. Con. Res. 361) was agreed to.

ORDERS FOR MONDAY, APRIL 8, 2002

Mr. DODD. I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 3 p.m. Monday, April 8; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 3 P.M. MONDAY, APRIL 8, 2002

Mr. DODD. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of H. Con. Res. 360.

There being no objection, the Senate, at 3:58 p.m. adjourned until Monday, April 8, 2002, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate March 22, 2002:

FEDERAL EMERGENCY MANAGEMENT AGENCY

ANTHONY LOWE, OF WASHINGTON, TO BE FEDERAL INSURANCE ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE JO ANN HOWARD, RESIGNED.

DEPARTMENT OF STATE

PAULA A. DESUTTER, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF STATE (VERIFICATION AND COMPLIANCE), VICE OWEN JAMES SHEAKS.

FEDERAL MINE SAFETY AND HEALTH ADMINISTRATION

STANLEY C. SUBOLESKI, OF VIRGINIA, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM EXPIRING AUGUST 30, 2006, VICE MARC LINCOLN MARKS, TERM EXPIRED.

DEPARTMENT OF JUSTICE

DEBRA W. YANG, OF CALIFORNIA, TO BE UNITED STATES ATTORNEY FOR THE CENTRAL DISTRICT OF CALIFORNIA FOR A TERM OF FOUR YEARS, VICE ALEJANDRO N. MAYORKAS, RESIGNED.

FRANK DEARMON WHITNEY, OF NORTH CAROLINA, TO BE UNITED STATES ATTORNEY FOR THE EASTERN DISTRICT OF NORTH CAROLINA FOR A TERM OF FOUR YEARS, VICE JANICE MCKENZIE COLE, RESIGNED.

CONFIRMATIONS

Executive Nominations Confirmed by the Senate March 22, 2002:

DEPARTMENT OF THE TREASURY

KENNETH LAWSON, OF FLORIDA, TO BE AN ASSISTANT SECRETARY OF THE TREASURY.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

VICKERS B. MEADOWS, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

DIANE LENEGHAN TOMB, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT.

KENNETH M. DONOHUE, SR., OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

NATIONAL CREDIT UNION ADMINISTRATION

JOANN JOHNSON, OF IOWA, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2007.

DEBORAH MATZ, OF NEW YORK, TO BE A MEMBER OF THE NATIONAL CREDIT UNION ADMINISTRATION BOARD FOR A TERM EXPIRING AUGUST 2, 2005.

ENVIRONMENTAL PROTECTION AGENCY

J. PAUL GILMAN, OF VIRGINIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

DEPARTMENT OF COMMERCE

JAMES R. MAHONEY, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF COMMERCE FOR OCEANS AND ATMOSPHERE.

DEPARTMENT OF VETERANS AFFAIRS

DANIEL L. COOPER, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR BENEFITS OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

ROBERT H. ROSWELL, OF FLORIDA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS FOR A TERM OF FOUR YEARS.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF AGRICULTURE

NANCY SOUTHARD BRYSON, OF THE DISTRICT OF COLUMBIA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF AGRICULTURE.

DEPARTMENT OF LABOR

VICTORIA A. LIPNIC, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF LABOR.

DEPARTMENT OF THE TREASURY

RANDAL QUARLES, OF UTAH, TO BE A DEPUTY UNDER SECRETARY OF THE TREASURY.

SENATE—*Monday, April 8, 2002*

The Senate met at 3 p.m. and was called to order by the President pro tempore (Mr. BYRD).

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Ultimate Sovereign of all Nations of the World, we resume the work of the 107th Congress in the midst of a world aflame with turmoil. We are anxious to press on with the crucial matters before this Senate, but our minds are on the crisis in the Middle East. God of peace, reconciliation, and harmony, we pray for Your intervention in the current deadlock between the Israelis and the Palestinians. Inspire both Prime Minister Ariel Sharon and Chairman Yasser Arafat with the desire and the will to make the concessions that will bring about a just settlement. We ask for Your divine power for Secretary of State Colin Powell as he seeks to enable the peace initiative. Grant him supernatural wisdom and strength to help bring agreement on the volatile issues of Israeli occupation and Palestinian suicide bombings. On a human level, it all seems impossible, but nothing is impossible for You.

Today, also bless the women and men of this Senate as they work together to lead the United States, to guide this Nation's role of bringing peace in the Middle East, and to continue battle against terrorism throughout the world. The challenges are formidable, the solutions elusive, and the alternatives are complex. Dear God, this is Your world; though the wrong seems oft so strong, You are the ruler yet. Through the Prince of Peace: Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

The PRESIDENT pro tempore. The Senator from Nevada, Mr. REID.

Mr. REID. Mr. President, we are now on the energy bill. This will be the 14th day—at least that is my understanding of the time the Senate has spent on this bill.

Prior to the Senate recessing for the spring break, the minority and majority staff exchanged a proposed list of amendments in order to the energy bill.

Mr. President, on behalf of Leader DASCHLE, I wish to state for the record that an ongoing effort is being made to secure a finite list of first-degree amendments in order to the bill and hopefully this effort will be successful today so that we can file this finite list. I encourage Members who have indicated they have amendments to come forth with those amendments. We need to finish this bill.

Mr. President, I was somewhat disturbed in reading in today's press—at least I read it today, it could have been out earlier, for example, in one of the Hill publications, Rollcall, I believe that is where I read this—that Republican leaders are considering pulling the plug; that is, not wanting to go forward on the energy bill unless it authorizes oil drilling in the Arctic National Wildlife Refuge.

If this is such an important issue, as indicated in this piece in the newspapers, then why hasn't this amendment been offered? As I have indicated, this is, as I have said, I believe the 14th day we have worked on this legislation. These are 14 legislative days. That is a lot of time on a bill. No one has come forward with this amendment we have heard for years is the most important part of this legislation.

Perhaps there has been some focus on the fact that there aren't enough votes to pass this legislation. There is some realization we cannot produce our way out of the problem with petroleum products. Out of the 100 percent of the petroleum reserves in the world today, the United States, including whatever is believed to be in the Arctic, has 3 percent. Mr. President, 97 percent is in other places, such as Venezuela, the North Sea, Great Britain. Two countries have 47 percent of the petroleum reserve: Kuwait and Saudi Arabia.

We can't produce our way out of this. I would say, and for the Presiding Officer—I think maybe I can speak for him—maybe what we should try to do is try to figure out a way to use our mass of coal. We have more coal than anyplace in the world. Rather than spending the few dollars we do on clean coal technology, maybe we should declare a war, in effect, and spend a lot of money on clean coal technology because we have lots of coal. But it is polluting and we need to do a better job—make it cleaner.

I would also say that we have, in this bill, tried to develop alternative energy levels. We have struggled to do that, but we need to do that.

Anyway, to think that we can produce our way out of this with petroleum products—we can't do it. The United States has 3 percent of the reserves in the world and we can't do it by production. We tried through increasing the fuel efficiency of vehicles. We didn't get enough votes for that. It is my understanding the Senator from Delaware, Mr. CARPER, is going to come back with an amendment that will revisit that issue. Senator CARPER certainly understands what his amendment is better than I do, but I have spoken to him and he feels his amendment is one that will allow this country to go forward, saving 1 million barrels of oil a day by setting fuel efficiency standards.

So I hope they will allow us to go forward in an orderly process with this legislation, to get a finite list of amendments and complete the legislation this week. We had a good debate on ANWR that took place for a good long day and part of the night. We could dispose of that issue. There are not 60 votes. In fact, I think there would be a real struggle for them to get 50 votes because the ANWR issue will be defeated on a bipartisan basis.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for not to exceed 10 minutes each.

The PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

ANTITERRORISM INSURANCE

Mr. REID. Mr. President, there is tremendous need in this country to do something with antiterrorism insurance. A group of people just left my office. One man indicated that sitting on his desk is $2.2 billion worth of loans that he will not initiate because he cannot obtain antiterrorism insurance.

Why don't we pass antiterrorism legislation first thing in the morning or tomorrow afternoon? The reason is simple: some would like to turn this into a debate about comprehensive tort reform. There can be a case made that perhaps some tort reform is needed. I have always believed it should be done on a State-by-State basis, but regardless of how I personally feel about tort reform, or anyone else feels about tort reform, if this issue is so important, the antiterrorism insurance bill should not be turned into a larger debate about comprehensive tort reform.

We should be able to pass an antiterrorism insurance bill today. Addressing this very real problem should be something everyone agrees with. I think we could pass it without even having a vote. People know how important this is. Why do we have to concentrate and try to do comprehensive tort reform on legislation that is not tort reform? If people want tort reform, let them introduce legislation and go through the process. Refer it to the Commerce Committee and the Judiciary Committee, but do it in an orderly process and not on something as important as antiterrorism legislation.

I say to all of my friends and to the people who came to my office today—most of them I never met before—that what they should do is go out to talk to those people who want tort reform legislation and delete it. We need immediate attention to this issue.

I have had the opportunity during the 2 weeks we have been off to talk about some of President Bush's policies. On some I agreed with him and on some I disagreed with him. One thing I agree with him on is that antiterrorism legislation is important. We need to do it quickly. I hope he will weigh in with us and get tort reform out of this.

One other area I agree with him on is foreign policy. We need to do something to get the Middle East crisis resolved. I personally think this administration should have been involved in this much earlier but better late than never. I agree with him that Chairman Arafat has not been candid with the President. The President said he has not lived up to his word with him. Time and again Chairman Arafat has shown he is not to be trusted. President Clinton offered him the best deal in the world and he walked away from it. He has repeatedly shown that he is willing to say one thing in Arabic and something totally opposite in English. I hope that the Palestinians under his leadership would try to live up to the commitments that he has made. This is a situation we need to have resolved. But I do agree with the President of the United States when he said yesterday that Chairman Arafat has not lived up to what he told the President he was doing. He has not lived up to the trust that the President felt he should have.

Not seeing much going on on the floor, I hope there will be some activity on this energy bill. But it appears to me that there is not going to be any. I say to staff and others who are working on this legislation that I wish they would work to get a finite list of first-degree amendments so we can at least complete that today.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

RECESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate stand in recess until 4 o'clock today.

There being no objection, the Senate, at 3:17 p.m., recessed until 4:01 p.m. and reassembled when called to order by the Presiding Officer (Mr. LEVIN).

The PRESIDING OFFICER. The Senator from Nevada.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent the Senate now leave morning business and proceed to the energy bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. REID. Mr. President, I call for the regular order relating to the Feinstein amendment.

The PRESIDING OFFICER. The amendment is now pending.

AMENDMENT NO. 3079 TO AMENDMENT NO. 2989

(Purpose: To provide a substitute)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. CRAPO, proposes an amendment numbered 3079 to amendment No. 2989.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I have offered this amendment. I wish to make a brief statement in regard thereto. But my friend, the minority assistant leader, is in the Chamber. We have some business we would like to transact.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent we now go off of the amendment I have offered and proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 3210

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 252, H.R. 3210, the Terrorism Risk Protection Act; that the only amendment in order be a Dodd-Sarbanes-Schumer substitute amendment; that the amendment be agreed to, the bill be read a third time and passed, the motion to reconsider be laid on the table, and any statements thereon be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. NICKLES. Reserving the right to object—and I may not object—I just need another second to see what we are doing.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the Senator from Alaska be recognized to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Alaska is recognized.

U.S. OIL SECURITY

Mr. STEVENS. Mr. President, I heard my good friend from Nevada make a statement earlier today concerning our delay in getting around to producing an ANWR amendment. Let me assure the Senator, we do have an ANWR amendment, and we will present it as soon as it is finalized, as it is taking some time.

I have come to the Senate Chamber right now, though, to make some remarks about Iraq. I am certain that everyone in the Senate knows that Iraq has announced today it will suspend its oil exports for the next 30 days.

Libya and Iran have immediately expressed support for that action and warned they will follow suit if other Arab oil-producing countries also curtailed their shipments of oil. In other words, we are on the verge of another embargo.

Without any question about it, we have now seen that Iraq is using oil as a weapon to deal with our policies with regard to the Middle East.

During the year 2001, the United States imported nearly 287 million barrels of oil from Iraq.

I have in the Chamber a chart that shows where those 287.3 million barrels of oil went throughout our Nation.

The average price of crude oil in 2001 was $22.93 per barrel. That means, with simple arithmetic, the United States paid Iraq $6.58 billion for its oil last year.

The Deputy Prime Minister of Iraq confirmed last week that Saddam Hussein has paid $25,000 to the families of each of the Palestinian suicide bombers. Let's think of that again. Iraq alone has paid to the families of the suicide bombers in Palestine $25,000 per incident. In other words, we are paying that. We are giving Iraq the cash to reward those who are committing suicide while bombing innocent people in Israel.

Furthermore, I want the Senate to know that today Venezuela announced a multiday strike at the Government-owned oil-producing facilities. Venezuela is one of the top three suppliers of oil to the United States.

This morning, the President expressed his concern that increased gasoline prices would slow down our economic recovery. There is no question about that.

Recently, the U.S. News & World Report has changed its editorial policy concerning ANWR. I want to call the attention of the Senate to an article entitled, "A Waste of Energy?" on page 25 of the U.S. News & World Report of April 1. It is a very interesting article when one considers the past editorial policy of that great national magazine.

Make no mistake about it, we are very close to a vote that would be quite similar to the one that took place when Alaska finally obtained permission to go ahead with the oil pipeline. At that time, however—and I say this respectfully—even though the then-majority leader, Mike Mansfield, opposed our amendment, even though the committee chairman, Senator Jackson, opposed our amendment, no filibuster was threatened, no filibuster took place in consideration of the oil pipeline amendment. Why? Because we all knew then, as we all should know now, that oil is a matter of national security.

As we proceed this week, we will bring out proof of the statesmen who have led this country since the 1940s. Each and every one has said oil is a matter of national security. Yet we are facing the prospect that the ANWR amendment, when we offer it, is going to be facing a filibuster—again, with due respect —led by the majority leader and the majority side of the Senate.

There should never be—there should never be—a filibuster against a matter of national security. I really believe that before we are through, before this week is out, the American citizens are going to be demanding there be an up-or-down vote on the ANWR amendment and no filibuster. And if, God forbid, by Thursday or Friday of this week we have a full-blown embargo, and we have the gas lines we all remember from the 1970s, I do hope we will understand this bill has to be considered, the ANWR amendment adopted, and the bill sent to the President as soon as possible.

If we had been permitted to proceed with ANWR as we sought to proceed when President George Bush, the 41st President of the United States, requested Congress to allow us to proceed, we would have ANWR oil on line now.

During the height of the Persian Gulf war, 2.1 million barrels of oil a day were sent down the Alaska oil pipeline. When I was there last week, I was told it was 925,000 barrels a day. Where are we getting the balance of the oil? We are currently getting it from Iraq. And now it is going to be shut down.

I have asked the oil industry to tell us whether it is possible that they might proceed to produce in an uneconomic manner to refill that barrel, if this shortage continues. There is oil in northern Alaska now that could fill that barrel, but it would be uneconomic to produce it at the rates that would be required because the reserves are not that great anymore without our opportunity to drill in the area known as ANWR, which is part of the 1.5-million acre tract that was set aside in 1980 by an amendment sponsored by Senator Jackson and Senator Tsongas for oil and gas exploration. I will be going into that at length this week, too.

They promised me and committed to me that one of the things they would go along with, if we would finally approve the so-called ANILCA, the Alaska National Interest Lands Conservation Act, was that 1.5 million acres in the Arctic would be left available for oil and gas exploration. I will produce the letters that were exchanged by those two Senators with all of the Senate, and the comments they made at the time. I will even show you a photograph of Senator Jackson, Senator Tsongas, and I standing there at the passage of the bill in which the promise was made that oil and gas exploration could be continued in that 1.5 million acres we all knew was part of the Arctic that has enormous promise for production of oil and gas.

The main reason for speaking now is to say to the Senate, the time is right. There is no longer any time for partisan debate on this issue. This is a matter of national security. Before the week is out, we are again going to see gas lines in this country. I cannot emphasize too greatly my feeling about the delay that has taken place now since 1980.

In 1980, Senators Jackson and Tsongas committed to help us get that oil exploration going to determine if oil and gas could be produced in substantial quantities from that Arctic coast area. That promise has not been kept because of the opposition that has come from the radical portion of the environmental lobbying group in this city. It is time to put radical environmentalists behind us and realize this country is united in trying to fight this war against global terrorism.

I am also going to bring in a nice big poster. Do you know who is on that poster? General Dwight D. Eisenhower. He is saying to the oil and gas workers in World War II: Stay on the job because we need oil. Without oil, our military cannot function.

That same thing is true now. The military is consuming vast quantities of oil, and we have to have oil to fight this war.

I hope the Senate is willing to listen to me for a long time this week because as this situation gets worse, I will remind the Senate again and again and again. The ANWR issue should have been closed out in 1981. Now, 21 years later, at the time the crisis we all feared has come, we still are facing a filibuster against approval of what the Senate and the President of the United States agreed to when that bill was passed in 1980.

I thank my friends for allowing me to speak at this time.

UNANIMOUS CONSENT REQUEST—H.R. 3210

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding that there is now a unanimous consent request pending; is that true?

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I know my friend from Oklahoma has reserved the right to object. Let me for a couple minutes speak to several issues before he determines whether or not he is going to object to this request.

In the wake of September 11, a number of insurance companies are declining to provide coverage from losses which result from terrorist attack. At 2:30 today, I had a meeting in my office with a large number of real estate people in desperate need to have their projects go forward. They are not able to obtain antiterrorism insurance.

I know it is a serious problem. We continue to hear from the General Accounting Office and others that those insurance policies that are available are priced so high that they are really not affordable, even though they may be available. It is unfortunate that last year before adjournment we heard objections to our unanimous consent request to take up H.R. 3210, the House terrorism bill, and amend it with a substitute offered by the Senator from Connecticut, Mr. DODD, and others. We believed that our effort to move forward was in good faith and addressed a present need. We found that some of our colleagues insisted on the consideration of amendments that made it difficult to complete the work on this issue, and it was not completed.

Today, we are again seeking unanimous consent on Senator DODD's proposal which provides the safety net needed to keep insuring against terrorist risks. In turn, that coverage would allow builders to keep building, businesses to keep growing, and hopefully prevent further economic setbacks.

This amendment was a product of extensive bipartisan negotiations. It was developed with extensive consultation with a number of Senate Democrats and Republicans, including Senator GRAMM of Texas, as well as the White House and the Treasury Department. While we were unable to reach agreement on every point, the proposal incorporated, line-by-line, suggestions by our colleagues from both sides of the aisle and this administration. It represented a compromise.

It requires substantial payments by insurance companies before the Federal Government provides a backstop. The proposal would require the insurance industry to retain the responsibility to pay up to $10 billion in losses in the first year, and up to $15 billion in losses in the second year, or around 7 to 10 percent of the annual premiums for each affected company.

This legislation would ensure stability in the insurance market so that businesses can afford to purchase insurance.

I say to my friend from Oklahoma, this is imperfect, but we cannot let the perfect stand in the way of the good. We need to move forward.

What others are trying to do is too much. It is just not going to happen.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Still reserving the right to object, I ask my friend and colleague, if I understand his request, it is to take up the House-passed bill and the substitute and pass without further amendment the Dodd-Sarbanes-Schumer substitute; is that correct?

Mr. REID. The Senator is correct.

Mr. NICKLES. He is saying let's take up the House-passed bill. The request I was going to make, and I ask my colleague if he would agree with this, is let's take the House-passed bill and let's have an amendment on each side, one amendment, an amendment, whichever—maybe it is the Dodd-Sarbanes-Schumer amendment. I believe the amendment I was hoping our side would offer would be the Dodd-Gramm amendment.

I ask my colleague, would he modify his request to allow one amendment offered to the House substitute, one proposed by the majority leader, and one proposed by the minority leader, and make that small modification?

Mr. REID. The problem, I say to my friend through the Chair, is that we have other Senators, committee chairs, for example, who believe they have to have a few amendments of their own. They believe, as I have heard my friend from Oklahoma speak on a number of occasions, that committees need to be heard more. My whole point in offering this unanimous consent request is that this may be imperfect, but it is really a big bound forward. If we try to say we will have one amendment on your side and one on our side, then we have to go through this somewhat never-ending process of saying: What is the amendment going to be on this side? What is the amendment going to be on your side? Are we going to have time agreements on the amendments?

I just think we would be so much better off looking at what was negotiated. We came within hours of finalizing this before we recessed last year.

I say to my friend, I appreciate very much his good-faith effort. That is something that is worth pursuing. But it is going to be so difficult, and by pursuing that, people who want to obtain loans—one man in my office today had over $2 billion worth of projects on his desk they wanted to go forward on. He can't because he can't get insurance. I shouldn't say he can't get it, but he can't afford it.

So I hope we can have this consent that I suggest be agreed to. If we can't, I think it is too bad. We will be happy to go back and look at the amendment process. We should not do that. We should move on with this agreement.

Mr. NICKLES. Mr. President, I object to the Senator's request.

I ask unanimous consent—this is going to be a very slight modification—that the Senate proceed to the immediate consideration of Calendar No. 252, at the majority leader's call, at his time of choosing; that we can consider Calendar No. 252, H.R. 3210, the Terrorism Risk Protection Act, and that two amendments be in order, one by the majority leader and one by the minority leader; that time agreements be entered into; that the Senate consider both amendments, and then the remainder of the Senator's request—that after the amendments are dealt with, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements thereon appear in the RECORD at the appropriate place.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I say to my friend that in a short time I will object because I think we really need to move forward with something as quickly as possible. At some subsequent time—I think time is so critical in this—we will reoffer our unanimous consent request.

I appreciate what the Senator is trying to do, but one of the things that might be considered is—and I have no authority for this whatsoever—I believe we should move forward on my consent at this time, but maybe if we cannot work something out—which I think would be a shame—I would be happy to talk with the Senator to see if there is something we can do. We might want to start out with agreeing that the vehicle we would be amending would be the Dodd-Sarbanes-Schumer substitute amendment and offer two amendments to that, rather than to the House bill.

Anyway, at this time I object for the reasons previously stated.

The PRESIDING OFFICER. Objection is heard.

Mr. NICKLES. Mr. President, I thank my good friend from Nevada. I hope we can work this out. I am happy to meet with him. I think our objectives are similar. We would like to pass the legislation dealing with terrorism risk protection. We realize there is a serious problem. Just to say we are going to take the House-passed language and pass an amendment that Senators DODD, SARBANES, and SCHUMER have agreed to leaves out Senator GRAMM, who also came up with the agreement that I believe Senators DODD and SARBANES had agreed to earlier.

I hope we can come up with something. You pick the underlying bill, and maybe the underlying bill would be the Dodd-Sarbanes-Schumer proposal, but give us an amendment and let's vote. We can come up with fairly short time constraints—at least on this side; hopefully, we can on both sides—and we can pass something and get to conference. The House-passed bill is significantly different, as my colleague knows. We have to work out the differences with the House. I think this is important legislation and it needs to pass, as the Senator from Nevada mentioned. It needs to pass quickly. Hopefully, bipartisan leadership in the Senate can orchestrate a procedure where we can get this done in the very near future.

I thank my colleague. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A THREAT BY SADDAM HUSSEIN

Mr. NICKLES. Mr. President, I thank my colleague, Senator STEVENS from Alaska, for his statement dealing with the threat—and maybe the threat implemented today—by Saddam Hussein of Iraq, saying he is going to have an oil embargo against the United States.

I think Senator STEVENS mentioned we imported 263 million barrels of oil from Iraq last year—maybe 273 million barrels. Right now, it is over a million barrels per day. That is a significant amount. I heard commentators say today that we don't import that much. I don't know whose figures they are looking at, but a million barrels per day is a lot. Selectively, right now, we are importing 60 percent of our Nation's oil needs.

You need to compare that to the shortages we had in 1973 and 1979. In 1973, I believe we were importing about 34 percent. In 1979, it was about 44 percent. And we had embargoes because of conflicts in the Middle East. As a result, we had significant curtailments in the United States. They embargoed exports coming from the Middle East. We had shortages in the United States, and we had gas lines.

I don't quite agree with Senator STEVENS that we are going to have gas lines this week, but if the embargo were expanded and lasted for a significant period of time, we could have significant shortages. I think you will see price escalation. How significant it will be depends on how many other countries get involved. He mentioned there might be strikes in Venezuela. That will compound the problem. If you take away a couple million barrels of oil, you are going to see prices go way up, and you may see shortages in the not-too-distant future. Gasoline prices will be going up in the summertime. You can see demand going up and you can see shortages.

So I think the Senator from Alaska is very timely in saying we need to do what we can to help make sure that Saddam Hussein doesn't have too big of a grip on the U.S. economy. One of the things we definitely can do is increase exploration and production in Alaska. Senator STEVENS mentioned that in Prudhoe Bay, which used to produce about 2 million barrels per day, now is producing less than a million. We need to supplement that. When it was 2 million barrels per day, it was 25 percent of our domestic production. Now it is less than an eighth. We need to really have that increase, and we can do that in an environmentally safe and sound manner by production in the Arctic National Wildlife Refuge. We are going to have a vote on that this week.

I also agree 100 percent with Senator STEVENS when he said that while talking about national security, people should not filibuster. Let's find out where the votes are. Are we going to vote to increase domestic production or are we going to allow Saddam Hussein to be able to suffocate the world economy, and certainly the economy of the United States? Are we going to give him that kind of leverage and power or will we do what we can to minimize it?

I encourage my colleagues to take a fresh look at ANWR—at this 2,000 acres from which we are talking about producing. It is an area similar in land size to the State of South Carolina. That is a 2,000-acre footprint, similar to the size of Dulles Airport or the Oklahoma City Airport; it is not that large of an area. If you haven't visited the coastal region of the Arctic National Wildlife Refuge, it is not the prettiest area, and work can be done in a way that will protect and preserve the native wildlife species, including the caribou. If you have been to Prudhoe Bay, you found that the caribou love the Alaska pipeline; you saw a lot of caribou hanging around the pipeline. So certainly it can be done in a way to protect the wildlife and the environment, and it will also help alleviate some of the energy shortages we may experience in the not-too-distant future. We are very vulnerable. We are importing 60 percent of our oil needs today. We need to reduce that or it will be 70 percent in another 10 years.

We need to open exploration in ANWR. I hope my colleagues will not filibuster. I hope my colleagues will say: Let's debate it and let's vote on it. This is a national security issue. We cannot have national security without having energy security, and we do not have energy security today.

My compliments to the administration for giving us a national energy plan for the first time in decades. They presented an energy plan, the House has passed one, and the Senate has not been able to do one. We did not even have a markup on this bill in the Senate Energy Committee.

I have been on that committee for 22 years. I did not get to offer one amendment to this bill. This is the bill. It is 590 pages. It did not have ANWR in it. Why? Because we were not able to offer an ANWR amendment because we were told not to mark it up.

This bill came from Senator DASCHLE and Senator BINGAMAN, and they laid it on our desks. It changed substantially from the previous bill. ANWR was not in it. We had the votes in committee, quite frankly, to put ANWR in the bill. People would try to take ANWR out, but I do not think they have the votes to take it out. I believe that is the reason Senator DASCHLE told Senator BINGAMAN not to mark up a bill.

We now have to try to put an ANWR amendment in the bill, and some of my colleagues say: We have to filibuster. I think they are wrong to do that. Senator STEVENS is right, we need national security and we cannot have national security unless we have energy security. In light of the fact Saddam Hussein is now talking about and may be implementing an oil embargo against the United States, I urge my colleagues to do what we can to protect our national security with energy security, and that includes exploration in the Arctic National Wildlife Refuge.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, we are in morning business; is that right?

The PRESIDING OFFICER. The Senator is correct.

WASTE, FRAUD AND ABUSE AT THE PENTAGON CANNOT HAPPEN

Mr. GRASSLEY. Mr. President, I will address the issue of defense expenditures and the rapidly rising appropriations for defense, particularly for the war on terrorism, and do it in light of the fact that probably within the next couple of weeks the budget will be before the Senate.

The 9-11 attack wiped out any lingering doubts I or anybody else had about the intention of terrorists. Their intentions are now crystal clear: Kill as many Americans as possible and bring a lot of psychological trauma on the American people. I do not doubt for a second they will strike again when they think the time is right. If they do not, we will be lucky, but if we do not plan on it, we will be stupid.

We must not allow American citizens to live with constant fear that moment will come again. This is a threat to our way of life. As Americans, we cannot accept that threat to our way of life. The terrorist threat must be eliminated.

President Bush is doing everything possible to restore and maintain our security at home and to win the war on terrorism abroad. The war on terrorism will not come cheaply. We must all accept that. Right now we have no choice. So I am not going to quibble with the details of the Department of Defense budget and the recommendations from the Senate Budget Committee. Secretary Rumsfeld and the President have my support in the war against terror.

We ought to look at history and think in terms of other times the defense budget has been ramped up very quickly and the considerable amount of waste that accompanied it. The situation of the 1980s, when this last happened, obviously, was somewhat different from what the situation is today when we are in the midst of a war. Back then, we were in the cold war. There was some understanding we needed to do more, but in the process of not fighting a war and not having a demonstrated need that was as conclusive as this war on terrorism is now, there was an opportunity for waste.

I want to warn Secretary Rumsfeld about waste. Big budgets breed waste, and the Pentagon has shown a world class reputation for waste and mismanagement. It seems to be lurking in the shadows waiting for the Secretary of Defense to open the money spigot. If he fails to keep a lid on waste, support for President Bush's defense buildup will evaporate quickly, particularly if there is a downturn in the war on terrorism where there is not quite as evident to the public at large of the need for the amount of money we are now appropriating when one might say the war is very active.

If this were to happen, the support for the defense buildup would evaporate and troops in the field would end up on the short end of the stick. If we do have this waste, this Senator will be on the Secretary's back.

A little piece of local history might help everyone in the Senate understand where I am coming from. Back in the early 1980s, at the height of the cold war, President Reagan launched a massive military buildup that was fiercely debated in the Senate for 3 or 4 years. I challenge my colleagues to understand this was a defining experience for me and it still shapes my thinking on defense. I was convinced almost from day 1 that President Reagan's defense Secretary, Cap Weinberger, was bent on throwing new sums of money at problems better solved by structural reform and real leadership. So joining a lot of my colleagues, we made an effort to stop it probably 2 or 3 years after we should have. As a conservative Republican, this was not easy for me to do but it was the right thing to do, and we should be prepared to watch how this money is spent in this ramp-up and be cognizant, watching for waste.

During this time in the early 1980s, I offered an amendment to freeze the defense budget. This was in the fiscal year 1986 budget resolution. My amendment was adopted May 2, 1985, by the slimmest of margins: 50 to 49. I think the Senate, by making that decision and through that act alone, threw a monkey wrench into the last big plan to ramp up the defense budget.

There was quite a case built for doing that at that particular time. Even though $750 pliers, $750 toilet seats, and $7,000 coffee pots are not the reason for defense waste in its entirety, they are clear-cut examples that everybody understands.

Those examples helped make a case for the freezing of the defense budget. The spare parts horror stories were a turning point. They convinced many that the Pentagon defense buildup was a colossal taxpayer rip-off. It undermined the credibility of the planned defense buildup and it turned many into defense reformers, to watchdogging, digging into the waste, fraud, and abuse at the Pentagon.

I was at it that day, today, and I will be at it tomorrow. That is my warning to the people at the Defense Department, from Secretary Rumsfeld on down, and, in the process of spending more money, find a way to control waste.

Unfortunately, the Secretary has a major obstacle to overcome before getting waste under control. It is a simple rule that you cannot begin to control waste until you know what things cost. You will never get a handle on the cost until the books of account are in order. Every shred of evidence I have examined over the years tells me that the books at the Defense Department are in shambles. The chief financial officer, Mr. Zakheim, knows exactly what I am talking about. I have had opportunities to discuss this with him.

The best barometer on the quality of bookkeeping at the Pentagon is the annual audit of financial statements. The results are dismal. There is over $150 billion in financial actions for which there is no supporting documentation. Those are accumulative, over some years.

Criminals, quite frankly, could be tapping into the money pipeline at the Department of Defense. People there would never know it. During Secretary Rumsfeld's nomination hearing last year, he was grilled by the senior Senator from West Virginia about the very same problem. As a result of that exchange, Senator BYRD and I cosponsored a financial oversight initiative, section 1009 of the fiscal year 2002 Defense authorization bill.

Having accurate financial information at your fingertips is a key to controlling waste. And to do it right now, we don't have that tool. The Defense Department needs to get it. I believe they are working on getting it. I believe I can speak for Senator BYRD and for myself that we want to help the Defense Department get there. The Secretary has his work cut out. For starters, he is going to need a junkyard dog. Now that there is an inspector general in place, I believe that will help. With the Pentagon's money spigot wide open—once again in a way that nobody at this point is going to raise any questions because you only go to war to win a war or else you do not have any business going to war—the new inspector general has to be operating on a high state of alert.

A 3-year oversight investigation of the office of the inspector general tells me that is not the case today. That office has serious management problems. The new inspector general will need to clean house. We are obviously asking the Secretary to control waste, do it by cleaning up the books, get a handle on costs, and do not fritter away a golden opportunity to rebuild the Armed Forces.

Waste is a constant danger at the Pentagon. When we send military personnel into harm's way, we should all be confident they have what they need to get the job done. If we allow waste to spin out of control, our troops on the front lines will be the first to suffer; we will be back making the same cases as we did in the mid-1980s.

I believe there is some reason to think this Secretary of Defense, Mr. Rumsfeld, sees a need to overcome these problems more so than a lot of his predecessors. There are two reasons I say that. No. 1, 2 or 3 weeks ago I was able to speak to a House committee on the sloppiness of how credit cards are handled by Department of Defense personnel and the tremendous waste of taxpayer money by the purchase of personal items on a card that says "for official government business only." Within 2 days of those remarks, the Secretary of Defense told the comptroller of the Defense Department to get this matter under control. There has been put in place immediately a task force to accomplish that goal. I publicly thank Secretary Rumsfeld for responding as he has in that particular instance.

Last, I refer to a speech that Secretary Rumsfeld gave on September 10, 1 day before the infamous day of September 11. It seems to me, without anticipating the terror that was going to be brought against America with that dastardly act of September 11, he recognized in this speech the importance of being on top of the taxpayers' dollars as spent on defense.

I read from his speech delivered on September 10:

> Every dollar squandered on waste is one denied to the warfighters. That's why we're here today challenging us all to wage an all-out campaign to shift Pentagon resources from bureaucracy to the battle field, from tail to tooth.
>
> We know the adversary. We know the threat. And with the same firmness of purpose that any effort against a determined adversary demands, we must get at it and stay at it.
>
> Some might ask, how in the world could the Secretary of Defense attack the Pentagon in front of its people? To them I reply, I have no desire to attack the Pentagon; I want to liberate it. We need to save it from itself.
>
> The men and women in this department, civilian and military, are our allies, not our enemies. They, too, are fed up with bureaucracy. They, too, live with frustrations. I hear it every day. And I'll bet a dollar to a dime they, too, want to fix it. In fact, I bet that they even know how to fix it, and if asked, will get about the task of fixing it. And I'm asking.

I say parenthetically, I think what the Secretary of Defense did 2 weeks ago, in getting the comptroller on that credit card situation in the Department of Defense, is an example of his willingness to ask and hopefully get it done.

Continuing to quote:

> They know the taxpayers deserve better. Every dollar we spend was entrusted to us by a taxpayer who earned it by creating something of value with sweat and skill—a cashier in Chicago, a waitress in San Francisco. An average American family works an entire year to generate $6,000 in income taxes. Here we spill many times that amount every hour by duplication and inattention.

Then in the last paragraph I am going to quote he says:

> That's wrong. It's wrong because national defense depends upon public trust, and trust, in turn, hinges on respect for the hard-working people of America and the tax dollars they earn. We need to protect them and their efforts.

There is a lot more from this speech that Secretary Rumsfeld gave back on September 10 to employees of the Defense Department. But these few paragraphs, I hope, will give you hope, as they give me hope, that Secretary Rumsfeld will get on top of the situation at the Defense Department, an environment that encourages waste of the taxpayers' money, and will see through the process of financial management reform and all that will do for controlling the waste.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. JEFFORDS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

Mr. REID. Mr. President, I ask unanimous consent that we proceed, once again, to the energy bill and the Feinstein amendment, and the Reid second-degree amendment be pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3079

Mr. REID. Mr. President, I commend the senior Senator from California for her amendment and her work on this very difficult issue of derivatives regulation.

To critics of the amendment, I suggest you put yourselves in Senator FEINSTEIN's shoes. She represents the largest State in the United States, whose gross domestic product is larger than most countries of the world. In fact, I understand that it has about the seventh largest gross domestic product of any entity in the world.

Last year's energy crisis threatened California's prosperity and brought home to all of us that we are in unchartered territory with energy deregulation. We felt the same problems in Nevada.

The collapse of Enron, a supposed leader in energy trading and markets, makes me wonder: How can we have a company such as Enron in this country, a publicly owned company, that changes in 1 year from a high flying, worldwide megacompany to a bankrupt loser with hundreds, if not thousands, of ruined lives in its wake? We have many congressional committees and prosecutors looking for the answers to that question, and many other questions.

We owe Senator FEINSTEIN a debt of gratitude for her interest in this issue and her work in proposing changes to the Commodity Exchange Act that will ensure that trading in energy derivatives is done in the open, with transparency, in a way that inspires public confidence in the markets.

My amendment is necessary to restore metals derivatives trading to exempt commodity status. Senator FEINSTEIN's amendment inadvertently included metals derivatives with the energy derivatives that are the intended target of her amendment. Like other derivatives, metals derivatives markets help companies manage the risk of sudden and large price changes.

In recent years, derivatives and other so-called hedging transactions have helped the mining companies in my State cope with a steadily declining gold price by selling mining production forward. The last couple of years illustrate the function and the value in the marketplace of these transactions.

Some companies decided not to hedge, betting that the gold price would rise and that hedging contracts would lock them into below-market prices. Most of those companies are no longer around because the gold price stayed relatively low.

In contrast, other companies hedged some or most of their production. These companies have survived, and survived well, and some have even thrived. By choosing to manage their risk, they accepted the risk that the gold price could rise, but they stabilized company performance, continued to provide jobs, and continued to contribute to the communities in Nevada where they are so important.

Unlike energy derivatives, which raise questions because of the recent energy crisis, metals derivatives have been traded over the counter for many years. The 2000 amendments to the Commodity Exchange Act did not change this; they only clarified and confirmed the legality of these markets. Lumping metals derivatives together with energy derivatives would impose regulatory burdens that have never existed, even before the 2000 amendments, without any justification.

The amendment I have offered would not allow metals derivatives markets and participants to trade derivatives without accountability and transparency.

The Commodity Exchange Act already requires adequate recordkeeping for these otherwise "exempt" transactions. This amendment adds additional recordkeeping requirements for exempt commodities that are comparable to those already in the Feinstein amendment for energy commodities.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding that we are now on the Feinstein amendment and the second-degree amendment offered by the Senator from Nevada.

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3079, WITHDRAWN

Mr. REID. Mr. President, I withdraw my second-degree amendment.

The PRESIDING OFFICER. Without objection, the amendment is withdrawn.

AMENDMENT NO. 3081 TO AMENDMENT NO. 2989

Mr. REID. Mr. President, I send an amendment to the desk on my behalf, and we will wait until tomorrow to affix the name of Senator CRAPO to this amendment. I believe he wants to cosponsor it.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3081 to amendment No. 2989.

Mr. REID. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. REID. Mr. President, I have given a statement in relation to the amendment just withdrawn. This basically is the same but does not include some redundant requirements for recordkeeping. I simply state that I think the Senator from California, Mrs. FEINSTEIN, is trying to do the right thing. But unless we adopt this amendment, the second largest industry in Nevada—mining—will be hurt very badly. Senator FEINSTEIN's amendment would inadvertently harm mining companies in my state and throughout the United States.

The metal derivatives market has been going on for many years. Lumping metal derivatives with energy derivatives would impose regulatory burdens that have never existed, even before the 2000 amendments to the Commodity Exchange Act, without any justification. Unlike energy derivatives, which raise questions because of the recent energy crisis, metal derivatives have been traded over the counter for years and years with no problem. My amendment is necessary to restore metals derivatives trading to "exempt" status, which is critical to the health of the mining industry.

CLOTURE MOTION

Mr. REID. Mr. President, on behalf of the majority leader, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Feinstein amendment No. 2989 to the substitute amendment for calendar No. 65, S. 517, the energy bill.

Dianne Feinstein, Byron L. Dorgan, H.R. Clinton, Daniel K. Akaka, Paul D. Wellstone, Edward M. Kennedy, Bob Graham, Carl Levin, Bill Nelson, Debbie Stabenow, Maria Cantwell, Harry Reid, Russell Feingold, Ron Wyden, Richard Durbin, James M. Jeffords.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak for a period of not to exceed 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE GIRL SCOUTS' 90TH ANNIVERSARY

Mr. GRASSLEY. Mr. President, I have a member of my staff who as a Girl Scout loved Girl Scout cookies so much she went into debt selling herself cookies. She said she had every variety of cookie in her possession, for her own consumption, hidden from her little brother and the family dog. Her parents had to give her a low-interest loan so she could pay off her obligation.

I don't recommend her financial habits, but I definitely recommend Girl Scout cookies, and most of all, for girls to become Girl Scouts.

The organization just celebrated its 90th anniversary, and it shows no signs of going out of style. There are 3.7 million Girl Scouts nationwide—2.7 million girl members and 915,000 adult members. My state of Iowa has 53,000 members.

I see why scouting has such broad appeal. The Girl Scouts offer community service, field trips, camping, science awareness, sporting and fitness development, health education and many more activities to girls ages 5 to 17. These programs teach girls not only about the world around them, but also about themselves. They learn leadership skills, self-confidence, respect for others, companionship and responsibility. They also learn egalitarianism. Girl Scouting is open to all girls of the eligible age. A girl just has to have the will to participate and enjoy. Given the competitiveness of so many extracurricular activities for kids, it's refreshing to have an outlet for girls to interact as equals.

Girl Scouting also engages family members and adults in their communities. Almost all adults involved with Girl Scouting are volunteers, and the organization sponsors activities for mothers to spend special time with their daughters away from the distractions of everyday life.

I congratulate the Girl Scouts on 90 years of success. Like all classics, the Girl Scout Promise and the Girl Scout Law remain as fresh and relevant today as ever. Here they are, for the CONGRESSIONAL RECORD, for posterity, for the girls of today, and for the women of tomorrow.

The Girl Scout Promise: On my honor, I will try: to serve God and my country; to help people at all times; and to live by the Girl Scout Law.

The Girl Scout Law: I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place, and be a sister to every Girl Scout.

ADDITIONAL STATEMENTS

HONORING MURRAY STATE UNIVERSITY MEN'S BASKETBALL TEAM

● Mr. BUNNING. Mr. President, today I rise to honor the Murray State University men's Basketball team for their success on the court this season.

The Racers, led by Coach Tevester Anderson and leading scorer Justin Burdine, overcame injuries and illness, playing their last 15 games with just nine players in uniform, to finish the season at 19–13 and earn a trip to the NCAA tournament. After getting off to a fast start, the Racers experienced a severe setback, losing eight of ten games at one point to drop to 9–11, after beginning the season an impressive 7–3. Entering the Ohio Valley Conference tournament, the Racers looked as if they had no shot to beat the heavily-favored Golden Eagles of Tennessee Tech. However, the Racers decided to forget about the rankings and experts and simply play the game with pure heart and determination. They knocked off Morehead State to advance to the OVC championship game, where they beat Tennessee Tech on a miraculous last-second shot by team leader Justin Burdine. The Racers entered the NCAA tournament extremely hot, having won 10 of their last 11 games. Unfortunately, the Racers were unable to feed off their momentum late in the season against the University of Georgia, losing to the Bulldogs in the first round of the tournament.

Overall, the Murray State Racers had a very successful and productive season. They overcame numerous hurdles to win the OVC championship and earn their 11th invitation to the NCAA tournament. They worked as a team all year to prove their critics wrong, and showed that they have the hearts of champions. I applaud Coach Anderson and his players for all that they accomplished.●

HONORING MR. DAVID B. SANFORD, JR. FOR EXEMPLARY PUBLIC SERVICE

● Mr. ROCKEFELLER. Mr. President, it has come to my attention that a long distinguished career has come to an end and a new chapter is beginning for Mr. David B. Sanford, Jr. a native of Huntington, WV, has retired as Chief, Interagency and International Services Division, Directorate of Military Programs, Headquarters, United States Corps of Engineers.

Mr. Sanford is a United States Army veteran with active duty service from 1966 to 1969. He joined the United States Army Corps of Engineers in 1971 working at its Huntington, WV, District Office. A native of Huntington, he received his undergraduate degree from Concord College in Athens, WV, and attended graduate school at Xavier University in Cincinnati, OH.

Mr. Sanford's public service career has been filled with remarkable achievements. Previous to his most recent appointment, he was the Chief of the Civil Works Policy Division, Headquarters, United States Army Corps of Engineers. In 1992, he served as a Water Resources Advisor, through a Congressional fellowship, to the distinguished Senator Daniel Patrick Moynihan from New York, then Chairman of the Environment and Public Works Committee.

Mr. Sanford has been the recipient of several public service awards. He has been honored by the United States Department of the Army for his significant contributions to national policy issues related to water resources and military infrastructure.

Through the years, many Members of Congress have relief on Mr. Sanford's insight and advice. He is trusted and respected throughout Washington and the Federal Government. Additionally, he has mentored many young people within the Corps of Engineers, encouraging them to serve their Nation to the best of their ability.

David Sanford, Jr., has dedicated nearly 34 years to the United States Army Corps of Engineers, serving with honor and distinction. The Corps' public engineering services are renowned as world class. David, as a career member of the Corps elite force, has exhibited the kind of character and leadership that has been associated with the Corps. I am proud that a native West Virginia son has earned the rank of the Senior Executive Service. He has the gratitude of his fellow West Virginians and of our Nation for his years of exemplary service. I know my colleagues join me in wishing him well in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 25, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

H.R. 3985. An act to amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases," approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

H.R. 3986. An act to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on March 25, 2002.

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 3, 2001, the Secretary of the Senate, on March 28, 2002, during the recess of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

H.R. 1432. An act to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the "Major Lyn McIntosh Post Office Building."

H.R. 1748. An act to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building."

H.R. 1749. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building."

H.R. 2577. An act to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building."

H.R. 2876. An act to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building."

H.R. 3072. An act to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the "Vernon Tarlton Post Office Building."

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building."

H.R. 3379. An act to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the "Raymond M. Downey Post Office Building."

Under the authority of the order of the Senate of January 3, 2001, the enrolled bills were signed by the President pro tempore (Mr. BYRD) on today, April 8, 2002.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–5909. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the OMB Cost Estimate for Pay-As-You-Go Calculations for report numbers 560 through 562; to the Committee on the Budget.

EC–5910. A communication from the Administrator of the Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR Part 1744, Post-loan Policies and Procedures Common to Guaranteed and Insured Loans" (RIN0572–AB48) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5911. A communication from the Under Secretary for Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Availability of Information" (7 CFR Part 510) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5912. A communication from the Congressional Review Coordinator of Policy and Program Development, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Japan Because of BSE" (Doc. No. 01–094–1) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5913. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Vinyl Acetate Polymers; Tolerance Exemption" (FRL6805–8) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5914. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modified Acrylic Polymers; Tolerance Exemption" (FRL6805–6) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5915. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pseudomonas Chloroaphis Strain 63-28; Exemption from the Requirement of a Tolerance" (FRL6745–6) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–5916. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve" (RIN2900–AK99) received on March 21, 2002; to the Committee on Veterans' Affairs.

EC–5917. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Post-Traumatic Stress Disorder Claims Based on Personal Assault" (RIN2900–AK00) received on March 21, 2002; to the Committee on Veterans' Affairs.

EC–5918. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illness" (RIN2900–AK98) received on March 21, 2002; to the Committee on Veterans' Affairs.

EC–5919. A communication from the Director of the Office of Regulations Management, Veterans Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Written and Oral Information or Statements Affecting Entitlement to Benefits" (RIN2900–AK25) received on March 21, 2002; to the Committee on Veterans' Affairs.

EC–5920. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Attorney General, Office of Legal Counsel, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–5921. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Semiannual Management Report, and the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on the Judiciary.

EC–5922. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Departments Strategic Plan for Fiscal Years 2001 through 2006; to the Committee on the Judiciary.

EC–5923. A communication from the National Service Officer, American Gold Star Mothers, Inc., transmitting, the report of Financial Statements, Supplementary Information, and the Independent Auditor's Report for the Years Ended June 30, 2000 and 2001; to the Committee on the Judiciary.

EC–5924. A communication from the Regulations Officer of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Right-of-Way and Real Estate; Program Administration" (RIN2125–AE82) received on March 21, 2002; to the Committee on Environment and Public Works.

EC–5925. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: FuelSolutions™ Revision" (RIN3150–AG87) received on March 21, 2002; to the Committee on Environment and Public Works.

EC–5926. A communication from the Director of the Office of Congressional Affairs, Office of Nuclear Reactor Regulation, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 55—"Operators' Licenses," Eligibility and the Use of Simulation Facilities in Operator Licensing" (RIN3150–AG40) received on March 21, 2002; to the Committee on Environment and Public Works.

EC–5927. A communication from the Deputy Chief Financial Officer, National Aeronautics and Space Administration, transmitting, pursuant to law, a report relative to Ames Research Center (ARC) in Sunnyvale, California; to the Committee on Environment and Public Works.

EC–5928. A communication from the Secretary of Transportation, transmitting, pursuant to the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, the Department's Annual Report for Fiscal Year 2001; to the Committee on Environment and Public Works.

EC–5929. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL7078–7) received on March 21, 2002; to the Committee on Environment and Public Works.

EC–5930. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly status report on the Commission's licensing activities and regulatory duties dated August 2001; to the Committee on Environment and Public Works.

EC–5931. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the monthly status report on the Commission's licensing activities and regulatory duties dated September 2001; to the Committee on Environment and Public Works.

EC–5932. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a notice on the Outer Continental Shelf, Eastern Gulf of Mexico, Oil and Gas Lease Sale 181; to the Committee on Energy and Natural Resources.

EC–5933. A communication from the Acting Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a notice on the Outer Continental Shelf, Eastern Gulf of Mexico, Oil and Gas Lease Sale 181; to the Committee on Energy and Natural Resources.

EC–5934. A communication from the General Counsel of the Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility" (Doc. No. FEMA–7773) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5935. A communication from the General Counsel, Federal Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (44 CFR Part 67) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5936. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Regulatory Flexibility Program" received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5937. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (Doc. No. FEMA–P–7608) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5938. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Section 8 Housing Assistance Payments Program—Contract Rent Annual Adjustment Factors, Fiscal Year 2002" (FR–4715–N–01) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5939. A communication from the President of the United States, transmitting, pursuant to law, the Periodic Report on the National Emergency with Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–5940. A communication from the General Counsel, Federal Emergency, Management Agency, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (66 FR 65120) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–5941. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Army, received on March 21, 2002; to the Committee on Armed Services.

EC–5942. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of the Air Force, received on March 21, 2002; to the Committee on Armed Services.

EC–5943. A communication from the Assistant Director for Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of Defense, Health Affairs, received on March 21, 2002; to the Committee on Armed Services.

EC–5944. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of the Air Force, received on March 21, 2002; to the Committee on Armed Services.

EC–5945. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law , the report of a rule entitled "Implementing the Establishment of TRICARE Prime Remote for Active Duty Family Members" (RIN0720–AA68) received on March 21, 2002; to the Committee on Armed Services.

EC–5946. A communication from the Register Liaison Officer, Office of the Secretary, Department of Defense, transmitting, pursuant to law , the report of a rule entitled "Enrollment of Certain Family Members of E-4 and Below into TRICARE Prime" (RIN0720–AA59) received on March 21, 2002; to the Committee on Armed Services.

EC–5947. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the Warranty Claims Recovery Pilot Program dated December 2001; to the Committee on Armed Services.

EC–5948. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on Physician Participation in TRICARE in Rural States; to the Committee on Armed Services.

EC–5949. A communication from the Assistant Secretary of the Navy, Installations and Environment, transmitting, pursuant to law, a report on Commercial Activity Study Candidates, Fiscal Year 2002 First Announcement; to the Committee on Armed Services.

EC–5950. A communication from the Special Assistant, White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of Education, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5951. A communication from the Special Assistant, White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Office of Management, Department of Education, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5952. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of rule entitled "Hematology and Pathology Devices; Reclassification of the Automated Differential Cell Counter" (Doc. No. 95P–0315) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5953. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Terminated Single-Employer Plans" received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5954. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Partial Final Rule for Combination Drug Products Containing Bronchodilator; Correction" (RIN0910–AA01) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5955. A communication from the Director of Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted for Direct Addition to Food for Human Consumption; Change in Specifications for Gum or Wood Rosin Derivatives in Chewing Gum Base; Correction" (Doc. No. 99F–2533) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5956. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting pursuant to law, the report of a rule entitled "Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Partial Final Rule for Combination Drug Products Containing a Bronchodilator" (RIN0910–AA01) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5957. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting pursuant to law, the report of a rule entitled "Medical Devices; Exemption From Premarket Notification; Class II Devices" (Doc. No. 01N–0238) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5958. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting pursuant to law, the report of a rule entitled "Change of Address; Technical Amendment" received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–5959. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on Low Income Home Energy Assistance Program (LIHEAP) for Fiscal Years 1997 through 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–5960. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Hard Cider, Semi-Generic Wine Designations, and Wholesale Liquor Dealers' Signs" (RIN1512–AB71) received on March 21, 2002; to the Committee on Finance.

EC–5961. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Removal of Tobacco Products and Cigarette Paper and Tubes, Without Payment of Tax for Use of the United States; Recodification of Regulations" (RIN1512–AC42) received on March 21, 2002; to the Committee on Finance.

EC–5962. A communication from the Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Security Income; Disclosure of Information to Consumer Reporting Agencies and Overpayment Recovery Through Administrative Offset Against Federal Payments" (RIN0960–AF31) received on March 21, 2002; to the Committee on Finance.

EC–5963. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates - November 2001" (Rev. Rul. 2001–52) received on March 21, 2002; to the Committee on Finance.

EC–5964. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Receding Face Deduction" (UILN 612.03–03) received on March 21, 2002; to the Committee on Finance.

EC–5965. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Retroactive Claims to Elect the FMV Method of Interest Expense Apportionment" (UILN 861.09–10) received on March 21, 2002; to the Committee on Finance.

EC–5966. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Federal Income Tax Withholding on Compensation Paid to Nonresident Alien Crew Member by a Foreign Transportation Entity" (UILN 9401 .01–05) received on March 21, 2002; to the Committee on Finance.

EC–5967. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the notice of a delay in submitting a report on the study of the quality and cost of providing Program of All-inclusive Care for the Elderly (PACE) program services as permanent Medicare program and Medicaid State plan option and a study of a demonstration of PACE using for-profit providers; to the Committee on Finance.

EC–5968. A communication from the Administrator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, a report regarding the prospective payment system (PPS) for Medicare Skilled Nursing Facilities (SNFs), and a report on Medicare Payments for Patients with HIV/AIDS in Skilled Nursing Facilities; to the Committee on Finance.

EC–5969. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Study of Intravenous Immune Globulin Administration Options: Safety, Access and Cost Issues"; to the Committee on Finance.

EC–5970. A communication from the President and Chief Executive Officer of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to actions to establish a council to promote greater investments in sub-Saharan Africa; to the Committee on Foreign Relations.

EC–5971. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report on danger pay allowance for Government civilian employees in Afghanistan; to the Committee on Foreign Relations.

EC–5972. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Mexico; to the Committee on Foreign Relations.

EC–5973. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed manufacturing license agreement with Turkey; to the Committee on Foreign Relations.

EC–5974. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Taiwan; to the Committee on Foreign Relations.

EC–5975. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–5976. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5977. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5978. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the

Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Germany; to the Committee on Foreign Relations.

EC–5979. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed amendment to a manufacturing license agreement with Turkey in the amount of $50,000,000 or more; to the Committee on Foreign Relations.

EC–5980. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–5981. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5982. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles to India; to the Committee on Foreign Relations.

EC–5983. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–5984. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–5985. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–5986. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–5987. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–5988. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements other than treaties; to the Committee on Foreign Relations.

EC–5989. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN2, 2A, 2B, 2T, and BN2A Mk III Series Airplanes" ((RIN2120–AA64)(2002–0164)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5990. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas DC–9 81, 82, 83, and 87 Series Airplanes, Model MD 88 Airplanes, and Model MD–90 30 Series Airplanes" ((RIN2120–AA64)(2002–0163)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5991. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. T5311A, T5311B, T5313B, T5317A, T5317B, T53–L–11, –11A, –11B, –11C, –11D, –11AS/SA, –13B, –13BS/SA, –13S/SB, and –703 Turboshaft Engines" ((RIN2120–AA64)(2002–0162)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5992. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model CL 600 2B19 Series Airplanes" ((RIN2120–AA64)(2002–0166)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5993. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(2002–0167)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5994. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Fokker Model F27 Mark 050 Series Airplanes" ((RIN2120–AA64)(2002–0171)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5995. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Honeywell International Inc. LTS101 Series Turboshaft and LTP101 Series Turboprop Engines" ((RIN2120–AA64)(2002–0170)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5996. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Dornier Model 328–100, and –300 Series Airplanes" ((RIN2120–AA64)(2002–0169)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5997. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Short Brothers Model SD3–60, –60 SHERPA, and SD3 SHERPA Series Airplanes" ((RIN2120–AA64)(2002–0168)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5998. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 727 Series Airplanes" ((RIN2120–AA64)(2002–0174)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–5999. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9, DC–9 80, and C–9 Series Airplanes; Model MD–88 Airplanes; and Model MD–90 Airplanes" ((RIN2120–AA64)(2002–0173)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6000. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 F4–605R Airplanes" ((RIN2120–AA64)(2002–0172)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6001. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Tipton Airport, Fort Meade, MD" ((RIN2120–AA66)(2002–0033)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6002. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Beebe Memorial Hospital Heliport, Lewes, DE" ((RIN2120–AA66)(2002–0032)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6003. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Surface Area at Indian Springs Air Force Auxiliary Field, Indian Springs, NV" ((RIN2120–AA66)(2002–0031)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6004. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4 Series Airplanes; Model A300 F4–605R Airplanes; Model A300 B4–600 and A300 B4 600R Series Airplanes ; and Model A310 Series Airplanes" ((RIN2120–AA64)(2002–0175)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6005. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757 Series Airplanes" ((RIN2120–AA64)(2002–0153)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6006. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: British Aerospace Model HP 137 Jetstream Mk 1 Jetstream Series 200, and Jetstream Series 3101 Airplanes" ((RIN2120–AA64)(2002–0152)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6007. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flight Crew Compartment Access and Door Designs" ((RIN2120–AH55)(2002–0002)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6008. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN–2, 2A, 2B, and 2T Series Airplanes" ((RIN2120–AA64)(2002–0156)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6009. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–200, 200C, 300, and 500 Series Airplanes" ((RIN2120–AA64)(2002–0155)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6010. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300 B2 and B4, B4–600, B4–600R, and F4 600R ; and Model A310 Series Airplanes" ((RIN2120–AA64)(2002–0154)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6011. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: SOCATA Groupe AEROSPATIALE Model TBM 700 Airplanes" ((RIN2120–AA64)(2002–0159)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6012. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 136 Series Airplanes and Model Avro 146 RJ Series Airplanes" ((RIN2120–AA64)(2002–0158)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6013. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319, A320, and A321 Series Airplanes" ((RIN2120–AA64)(2002–0157)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6014. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: BAE Systems Limited Model BAe 146 and Avro 146–RJ Series Airplanes" ((RIN2120–AA64)(2002–0160)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6015. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: CFM International, SA CFM56–5 Series Turbofan Engines" ((RIN2120–AA64)(2002–0161)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6016. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pratt and Whitney PW400 Series Turbofan Engines" ((RIN2120–AA64)(2002–0165)) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6017. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Modification of a Closure (Reopens A Season Pollock Fishery in Statistical Area 630, Gulf of Alaska)" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6018. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfishery; Trip Limit Adjustment for Dover Sole in the Limited Entry Trawl Fishery" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6019. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes A Season Pollock Fishing in Statistical Area, 610, Gulf of Alaska" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6020. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6021. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director of the National Institution of Standards and Technology, Department of Commerce, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6022. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Under Secretary of Oceans and Atmospheres, National Oceanic and Atmospheric Administration, Department of Commerce, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6023. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary for Technology, Technology Administration, Department of Commerce, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6024. A communication from the Associate Administrator for Human Resources and Education, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Administrator, NASA Headquarters, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6025. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Associate Deputy Secretary, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6026. A communication from the White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed for the position of Director, National Institute of Standards and Technology, Technology Administration, Department of Commerce, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6027. A communication from the White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed for the position of Under Secretary for Oceans and Atmospheres, National Oceanic and Atmospheric Administration, Department of Commerce, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6028. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Used Automobile Parts Guides, 16 CFR Part 20" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6029. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of rule entitled "Househeld Furniture Guides 16 CFR Part 250" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6030. A communication from the Secretary of the Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Fuel Economy Guides 16 CFR Part 259" received on March 21, 2002; to the Committee on Commerce, Science , and Transportation.

EC–6031. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefishery; Commercial Quota Transfer" (ID 110701E) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6032. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of the Commercial Fishery for Gulf Group King Mackerel in the Northern Florida West Coast Subzone" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6033. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled

"Fisheries of the Exclusive Economic Zone Off Alaska—Closes Pollock Fishing in Statistical Area 610, Gulf of Alaska" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6034. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "16 CFR Part 305—Rule Concerning Disclosures Regarding Energy Consumption and Water Use of Certain Home Appliances and Other Products Required Under the Energy Policy and Conservation Act ("Appliance Labeling Rule")—Correction to November 19, 2001 Notice" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6035. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Restrictions on Frequency of Limited Entry Permit Transfers" (RIN0648–AO87) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6036. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Amendment 14" (RIN0648–AO97) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6037. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Annual Specifications; Pacific Sardine Fishery" (RIN0648–AP00) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6038. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Spiny Dogfish Fishery; Commercial Quota Harvested for Period 2" (ID 111401C) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6039. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Scup Fishery; Commercial Quota Harvested for Winter II Period" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6040. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Bluefish Fishery; Commercial Quota Harvested for New York" (ID 112601D) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6041. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries; Closure of Directed Fishery for Pacific Mackerel" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6042. A communication from the Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Pelagic Longline Fishery; Sea Turtle Protection Measures; Emergency Rule; Extension of Expiration Date; Request for Comments" (RIN0648–AP31) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6043. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast State and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfishery Management Measures" (RIN0648–AO69) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6044. A communication from the Acting Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to Anchoring Prohibitions in the Flower Garden Banks National Marine Sanctuary" (RIN0648–AP22) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6045. A communication from the Assistant Administrator of the Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Grant National Strategic Investments in Technology, Marine Environmental Biotechnology, and Fisheries Habitat: Request for Proposals for FY2002" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6046. A communication from the Chairman of the Surface Transportation Board, Section of Economics and Environmental Analysis, transmitting, pursuant to law, the report of a rule entitled "Modification of the Carload Waybill Sample Reporting Procedures" (STB Ex Parte No. 385 (sub-no, 5))" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6047. A communication from the Director of the Office of Personnel Management, Workforce Compensation and Performance Service, transmitting, pursuant to law, the report of a rule entitled "Interim Regulations on Administrative Appeals Judge Pay System" (RIN3206–AJ44) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6048. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Increase in the Trip Limit in the Commercial Hook-and-Line Fishery for Gulf Group King Mackerel in the Florida East Coast Subzone to 75 Fish Per Day for the 2001/2002 Fishing Year" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6049. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Closure for the Catcher/Processor Sector" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6050. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fisheries, Reallocation of Pacific Sardine" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6051. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Initial Specifications for the 2002 Fishing Year for Atlantic Mackerel, Squid, and Butterfish (MSB); Including an In-Season Adjustment Provision for the 2002 Mackerel Joint Venture Processing (JVP) Annual Specification" (RIN0648–AP08) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6052. A communication from the General Counsel, National Aeronautics and Space Administration, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Standards of Conduct" (RIN2700–AC37) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6053. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Closure of Trawl of Directed Fishery for Groundfish in the Gulf of Alaska" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6054. A communication from the Chief of the Endangered Species Division, Office of Protected Resources, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Sea Turtle Conservation; Restrictions to Fishing Activities" (RIN0648–AP63) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6055. A communication from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Coastal Ocean Program Supplemental Notice of Funds Availability for the South Florida Ecosystem Research and Monitoring Program for FY02" (RIN0648–ZA79) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6056. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Biennial report relative to the Chesapeake Bay for the period November 1998 through November 2000; to the Committee on Commerce, Science, and Transportation.

EC–6057. A communication from the Director of the Employment Service, United

States Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Reasonable Accommodation Requirements in Vacancy Announcements" (RIN3206–AJ11) received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6058. A communication from the Director of the Office of Personnel Management, Workforce Compensation and Performance Service, transmitting, pursuant to law, the report of a rule entitled "Interim Regulations on Basic Pay for Employees of Temporary Organizations" (RIN3206–AJ47) received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6059. A communication from the Director of Personnel Management, Workforce Compensation and Performance Service, transmitting, pursuant to law, the report of a rule entitled "Interim Regulations on the Restoration of Annual Leave Forfeited Due to the Exigency of Public Business Created by the "National Emergency by Reason of Certain Terrorist Attacks" received on March 21, 2001; to the Committee on Governmental Affairs.

EC–6060. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of Commercial Activities Inventory for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6061. A communication from the Inspector General, Railroad Retirement Board, transmitting, the Semiannual Report providing a summary of the Board's activities and accomplishments for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6062. A communication from the Inspector General, General Service Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6063. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6064. A communication from the Executive Director of the Federal Labor Relations Authority, transmitting, pursuant to law, a report concerning the inventory of commercial activities performed by Federal employees for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6065. A communication from the Executive Director of the Broadcasting Board of Governors, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6066. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the Financial Management Control Plan for Fiscal Year 2002; to the Committee on Governmental Affairs.

EC–6067. A communication from the Chairman of the National Mediation Board, transmitting, pursuant to law, the Board's Documentation of Management Control Plan for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6068. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6069. A communication from the Colonel, Corps of Engineers, Secretary, Mississippi River Commission, Department of the Army, transmitting, the Commission's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6070. A communication from the Executive Director of the Committee for Purchase from People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6071. A communication from the Chairman of the Merit Systems Protection Board, transmitting, pursuant to law, a report on the Board's internal management controls; to the Committee on Governmental Affairs.

EC–6072. A communication from the Inspector General of the United States Environmental Protection Board, transmitting, pursuant to law, the Board's Annual Inventory of Commercial Activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6073. A communication from the Chairman and General Counsel of the National Labor Relations Board, transmitting jointly, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6074. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Noncompetitive Memorandum of Agreement Between DPW and WMATA Is Not Cost Effective"; to the Committee on Governmental Affairs.

EC–6075. A communication from the Secretary of Education, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6076. A communication from the Deputy Director of the Federal Mediation and Conciliation Service, transmitting, pursuant to law, the report of the Federal Mediation and Conciliation Service under the Federal Managers' Financial Integrity Act (FMFIA) for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6077. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6078. A communication from the President of the James Madison Memorial Fellowship Foundation, transmitting, the Foundation's Annual Report in accordance with the Federal Managers Financial Integrity Act of 1982; to the Committee on Governmental Affairs.

EC–6079. A communication from the Administrator of the Office of Management and Budget, Executive Office of the President, transmitting, a report entitled "Making Sense of Regulation: 2001 Report to Congress on the Costs and Benefits of Federal Regulations and Unfunded Mandates on State, Local, and Tribal Entities"; to the Committee on Governmental Affairs.

EC–6080. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report on the pay of Bureau of Prisons Federal Wage System (FWS) Employees dated February 2002; to the Committee on Governmental Affairs.

EC–6081. A communication from the President of the Overseas Private Investment Corporation, transmitting, pursuant to law, a report on the Agency's Formal Management Control Review Program for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6082. A communication from the Director of the Holocaust Memorial Museum, transmitting, a report on audit activities for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6083. A communication from the Chairman of the International Trade Commission, transmitting, pursuant to law, the Semiannual Report of the Office of Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6084. A communication from the Commissioner of the Social Security Administration, a report of the Administration's inventory of commercial activities; to the Committee on Governmental Affairs.

EC–6085. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, the Council's combined annual report under the Inspector Generals Act and the annual statement under the Federal Managers' Financial Integrity Act; to the Committee on Governmental Affairs.

EC–6086. A communication from the Acting Deputy Director of the Peace Corps, transmitting, pursuant to law, the Semiannual Report of the of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6087. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001, and a report under the Omnibus Consolidated Appropriations Act for Fiscal Year 1997; to the Committee on Governmental Affairs.

EC–6088. A communication from the Chief Executive Officer of the Corporation for National Service, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001, and the Corporation's Report on Final Action; to the Committee on Governmental Affairs.

EC–6089. A communication from the Acting Chairman of the National Endowment for the Arts, transmitting, pursuant to law, the report of the Office of the Inspector General, and the Chairman's Semiannual Report on Final Action for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6090. A communication from the Chair of the Equal Employment Opportunity Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6091. A communication from the Secretary of State, transmitting, pursuant to law, the Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6092. A communication from the Administrator of the Office of the Independent Counsel, transmitting, pursuant to law, the Annual Report on Audit and Investigative Activities dated October 31, 2001; to the Committee on Governmental Affairs.

EC–6093. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the Annual Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6094. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, the Administration's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6095. A communication from the Deputy Associate Administrator for Management and Administration, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Chief Counsel for Advocacy, Small Business Administration, received on April 1, 2002; to the Committee on Small Business and Entrepreneurship.

EC–6096. A communication from the Former Chairman of the Advisory Council on California Indian Policy, transmitting, pursuant to law, the Annual Progress Report on the Status of Implementation of the Recommendations of the Advisory Council on California Indian Policy for 1999 to 2000; to the Committee on Indian Affairs.

EC–6097. A communication from the Deputy Chief for National Forest System, Department of Agriculture, transmitting, pursuant to law, a report relative to the detail boundaries of Sespe Creek, Big Spur River, and Sisquoc River on the Los Padres National Forest in California to be added to the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

EC–6098. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Solicitor, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6099. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Water and Science, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6100. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Commissioner, Bureau of Reclamation, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6101. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director of the National Park Service, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6102. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary, Policy, Management and Budget, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6103. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6104. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Water and Science, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6105. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Director of the Office of Surface Mining, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6106. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Director, Bureau of Land Management, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6107. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Lands, Minerals and Management, received on March 21, 2002; to the Committee on Energy and Natural Resources.

EC–6108. A communication from the Acting Secretary of Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, a report on the Outer Continental Shelf, Central Gulf of Mexico, Oil and Gas Lease Sale 182; to the Committee on Energy and Natural Resources.

EC–6109. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information, and a nomination confirmed for the position of Under Secretary, Director, Patent and Trademark Office, Department of Commerce, received on March 21, 2002; to the Committee on the Judiciary.

EC–6110. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a change in previously submitted reported information, and a nomination confirmed for the position of Director of National Drug Control Policy, received on March 21, 2002; to the Committee on the Judiciary.

EC–6111. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director of National Drug Control Policy, received on March 21, 2002; to the Committee on the Judiciary.

EC–6112. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for Supply Reduction, received on March 21, 2002; to the Committee on the Judiciary.

EC–6113. A communication from the Acting General Counsel, Office of National Drug Control Policy, Executive Office of the President, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director for State and Local Affairs, received on March 21, 2002; to the Committee on the Judiciary.

EC–6114. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Attorney General, Office of Legal Counsel, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6115. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Environmental and Natural Resources Division, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6116. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Associate Attorney General, Office of the Associate Attorney General, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6117. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Director, United States Marshall Service, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6118. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Director, United States Marshall Service, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6119. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Attorney General, Office of Legal Counsel, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6120. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Attorney General, Office of Legal Counsel, Department of Justice, received on March 21, 2002; to the Committee on the Judiciary.

EC–6121. A communication from the Solicitor General, Department of Justice, transmitting, pursuant to law, a report concerning Bates v. Indiana Department of Corrections; to the Committee on the Judiciary.

EC–6122. A communication from the Deputy Assistant Administrator of the Office of Diversion Control, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Control of Red Phosphorus, White Phosphorus and Hypophosphorous Acid (and its salts) as List I Chemicals" (RIN1117–AA57) received on March 21, 2002; to the Committee on the Judiciary.

EC–6123. A communication from the Architect of the Capitol, transmitting, pursuant to law, a report on the expenditures during the period April 1, 2001 through September 30, 2001; to the Committee on Appropriations.

EC–6124. A communication from the Comptroller, Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–05; to the Committee on Appropriations.

EC–6125. A communication from the Comptroller, Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 98–02; to the Committee on Appropriations.

EC–6126. A communication from the Comptroller, Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–03; to the Committee on Appropriations.

EC–6127. A communication from the Comptroller, Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 99–07; to the Committee on Appropriations.

EC–6128. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Exclusion from Countable Income of Expenses Paid for Veteran's Last Illness Subsequent to Veteran's Death but Prior to Date of Death Pension Entitlement" (RIN2900–AK84) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6129. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Loan Guaranty: Advertising and Solicitation Requirements" (RIN2900–AJ86) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6130. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Copayment for Medications" (RIN2900–AK85) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6131. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Provision of Hospital and Outpatient Care to Veterans—Enrollment Decision Level; Copayments for Inpatient Hospital Care and Outpatient Medical Care" (RIN2900–AK50) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6132. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Rules of Practice—Notice of Appeal in Simultaneously Contested Claim" (RIN2900–AJ73) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6133. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Written and Oral Information or Statements Affecting Entitlement to Benefits" (RIN2900–AK25) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6134. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses" (RIN2900–AK98) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6135. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Diseases Specific to Radiation—Exposed Veterans" (RIN2900–AK64) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6136. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Civilian Health and Medical Program of the Department of Veterans' Affairs" (RIN2900–AK89) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6137. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Compensated Work Therapy/Traditional Residences Program" (RIN2900–AK01) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6138. A communication from the Director of the Office of Regulations Management, Veterans' Benefits Administration, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled "Board of Veterans' Appeals: Obtaining Evidence and Curing Procedural Defects Without Remanding" (RIN2900–AK91) received on April 1, 2002; to the Committee on Veterans' Affairs.

EC–6139. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary for Employment Standards, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6140. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Secretary of Veterans' Employment and Training Service, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6141. A communication from the Special Assistant, White House Liaison, transmitting, pursuant to law, the report of a nomination confirmed for the position of Chief Financial Officer, Department of Education, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6142. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the designation of acting officer for the position of Assistant Secretary of the Office of Disability Policy, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6143. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination withdrawn for the position of Assistant Secretary of the Office of Disability Employment Policy, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6144. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator of the Wage and Hour Division, Employment Standards Administration, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6145. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Commissioner, Bureau of Land Statistics, received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6146. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6147. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Gastroenterology-Urology Devices; Classification of the Ingestible Telemetric Gastrointestinal Capsule Imaging System" (Doc. No. 01P–0304) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6148. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Device Tracking" (Doc. No. 00N–1034) received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6149. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Benefits and Assets; Expected Retirement Age" received on March 21, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6150. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Voluntary Fiduciary Correction Program" (RIN1210–AA76) received on April 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6151. A communication from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Delinquent Filer Voluntary Compliance Program" (RIN1210–AA86) received on April 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6152. A communication from the President, James Madison Memorial Fellowship Foundation, transmitting, pursuant to law, the Annual Report for the year ending September 30, 2001; to the Committee on Health, Education, Labor, and Pensions.

EC–6153. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to Infertility and Sexually Transmitted Diseases for Fiscal Years 1997, 1998, and 1999; to the Committee on Health, Education, Labor, and Pensions.

EC–6154. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report regarding number of Chimpanzees and Funding for Care of Chimpanzees; to the Committee on Health, Education, Labor, and Pensions.

EC–6155. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Administrator, Bureau for Africa, received on March 18, 2002; to the Committee on Foreign Relations.

EC–6156. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of the discontinuation of service in acting role and a nomination confirmed for the position of Assistant Administrator, Bureau for Europe and Eurasia, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6157. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Administrator, Bureau for Global Programs, Field Support and Research, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6158. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6159. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Management, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6160. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Global Health, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6161. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Legislative and Public Affairs, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6162. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Europe and Eurasia, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6163. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Economic Growth, Agriculture, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6164. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Africa, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6165. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Management, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6166. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Assistant Administrator, Bureau for Humanitarian Response, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6167. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Democracy, Conflict and Humanitarian Assistance, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6168. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Latin America and the Caribbean, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6169. A communication from the Executive Secretary and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Administrator, received on March 21, 2002; to the Committee on Foreign Relations.

EC–6170. A communication from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–6171. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the report of a certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Egypt; to the Committee on Foreign Relations.

EC–6172. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Isoxadifen-ethly; Pesticide Tolerance" (FRL6828–5) received on March 15, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6173. A communication from the Administrator, Food and Safety Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Elimination of Requirements for Partial Quality Control Programs; Certification of Scales" (RIN0583–AC35) received on March 21, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6174. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Proposed Budget and Annual Performance Plan for Fiscal Year 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6175. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acetamiprid; Pesticide Tolerance" (FRL6829–3) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6176. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Finland Because of BSE" (Doc. No. 01–131–1) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6177. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Change in Disease Status of Austria Because of BSE" (FRL02–004–1) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6178. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Citrus and Canker; Removal of Quarantined Area" (Doc. No. 02–018–1) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6179. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Origin Health Certificates for Livestock Exported from the United States" (Doc. No. 99–053–2) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6180. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Horses, Ruminants, Swine, and Dogs; Inspection and Treatment for Screwworm" (Doc. No. 00–028–2) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6181. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Commuted Traveltime Periods; Overtime Services Relating to Imports and Exports" (Doc. No. 01–125–1) received on March 22, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6182. A communication from the Under Secretary of Research, Education, and Economics, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cooperative State Research, Education, and Extension Service, USDA" (7 CFR Part 3404) received on April 1, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6183. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Foramsulfuron; Exemption from the Requirement of a Tolerance" (FRL6829–8) received on April 1, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6184. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Extension of Tolerance for Emergency Exemptions" (FRL6828–3) received on April 1, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6185. A communication from the Secretary of the Army, transmitting, pursuant to law, the report of a breach in the Nunn-McCurdy Unit Cost (NMUC) thresholds for both Program Acquisition Unit Cost (PAUC) and Average Procurement Unit Cost (APUC); to the Committee on Armed Services.

EC–6186. A communication from the Acting Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report relative to the military's direct care system; to the Committee on Armed Services.

EC–6187. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the Appropriate Executive Agency for the Cooperative Threat Reduction (CTR) Programs; to the Committee on Armed Services.

EC–6188. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the transportation of Chemical Warfare Agent from Dugway Proving Ground, Utah, to Desert Chemical Depot, Utah; to the Committee on Armed Services.

EC–6189. A communication from the Secretary of Energy, transmitting, pursuant to law, a report regarding programs for the protection, control and accounting of fissile materials in the countries of the former Soviet Union; first half of Fiscal Year 2001; to the Committee on Armed Services.

EC–6190. A communication from the Acting Deputy Chief of Naval Operations, Fleet Readiness and Logistics, Department of Defense, transmitting, a report concerning the conversion to contractor performance by 26 Department of Defense civilian employees; to the Committee on Armed Services.

EC–6191. A communication from the Acting Deputy Chief of Naval Operations, Fleet Readiness and Logistics, Department of Defense, transmitting, a report concerning the conversion to contractor performance by 239 Department of Defense Civilian Employees; to the Committee on Armed Services.

EC–6192. A communication from the Acting Deputy Chief of Naval Operations, Fleet Readiness and Logistics, Department of Defense, transmitting, a report concerning the conversion to contractor performance by 11 Department of Defense Civilian Employees; to the Committee on Armed Services.

EC–6193. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, a report of military skills to be designated as critical for purpose of payment of the special retention bonus; to the Committee on Armed Services.

EC–6194. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, pursuant to law, a report on the Distribution of Department of Defense, Depot Maintenance Workloads for Fiscal Years 2000 and 2001; to the Committee on Armed Services.

EC–6195. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant to the Secretary of Defense for Nuclear and Cham, and Biological Defense Programs, received on March 21, 2002; to the Committee on Armed Services.

EC–6196. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Army, Financial Management, received on March 21, 2002; to the Committee on Armed Services.

EC–6197. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of General Counsel, Department of the Air Force, received on March 21, 2002; to the Committee on Armed Services.

EC–6198. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary of the Army, Acquisition, Logistics and Technology, received on March 21, 2002; to the Committee on Armed Services.

EC–6199. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Under Secretary of the Army, received on March 21, 2002; to the Committee on Armed Services.

EC–6200. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Army, Financial Management, received on March 21, 2002; to the Committee on Armed Services.

EC–6201. A communication from the Assistant Director, Executive and Political Personnel, Department of Defense, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary of the Air Force, Acquisition, received on March 21, 2002; to the Committee on Armed Services.

EC–6202. A communication from the Under Secretary of Defense, Acquisition, Technology, and Logistics, transmitting, pursuant to law, the notice of a delay in submitting the report concerning the amount of purchases from foreign entities in Fiscal Year 2001; to the Committee on Armed Services.

EC–6203. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, a report concerning the closure of five Department of Defense commissary stores; to the Committee on Armed Services.

EC–6204. A communication from the Assistant Secretary of Defense, Health Affairs, transmitting, pursuant to law, a report regarding Quality of Health Care Furnished under the Defense Health Program for Fiscal Year 2000; to the Committee on Armed Services.

EC–6205. A communication from the Assistant Secretary of Defense, Force Management Policy, transmitting, pursuant to law, the Department's Annual Report regarding appropriated funds for recruiting functions; to the Committee on Armed Services.

EC–6206. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled “Requirements for Arthur Anderson LLP Auditing Clients” (RIN3235–AI46) received on March 19, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6207. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “12 CFR Part 700, 701, 712, 715, 723, 725, and 790; Definitions and Technical Amendments” received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6208. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled “12 CFR Part 701.33; Reimbursement, Insurance and Identification of Officials and Employees” received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6209. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (44 CFR 67) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6210. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Final Flood Determinations” (66 FR 65115) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6211. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (Doc. No. FEMA–D–7517) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC 6212. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (44 CFR 65) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6213. A communication from the General Counsel, Federal Emergency Management Agency, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (66 FR 65110) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6214. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Inspector General, received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6215. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Public Affairs, received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6216. A communication from the General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary for Administration, received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6217. A communication from the White House Liaison, transmitting, pursuant to law, the report of a vacancy, a nomination, and a nomination confirmed for the position of Director, Office of Thrift Supervision, Department of the Treasury; to the Committee on Banking, Housing, and Urban Affairs.

EC–6218. A communication from the Assistant Secretary for Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “License Exception CIV Eligibility for Certain ‘Microprocessors’ Controlled by ECCN 3A001” (RIN0694–AC59) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6219. A communication from the Deputy Legal Counsel, CDFI Fund, Treasury, Assistant Secretary for Financial Institutions, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice of Funds Availability Inviting Applications for the First Accounts Program” received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6220. A communication from the Managing Director, Federal Housing Finance

Board, transmitting, pursuant to law, the report of a rule entitled "Capital Requirements for Federal Housing Loan Banks" (RIN3069–AB06) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6221. A communication from the Managing Director, Federal Housing Board, transmitting, pursuant to law, the report of a rule entitled "Maintenance of Effort—Minimum Number of Annual Bank Board of Director Meetings" (RIN3069–AB05) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6222. A communication from the Assistant General Counsel for Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Amendments to HUD's Civil Money Penalty Regulations" (RIN2501–AC56) received on March 21, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6223. A communication from the Group Vice President, Structured Export and Trade Finance, Export-Import Bank, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC–6224. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Annual Report of the Bureau of Export Administration (BXA) for Fiscal Year 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–6225. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to the Capital Guidelines in Regulation H (Membership of State Banking Institutions in the Federal Reserve System) and Regulation Y (Bank Holding Companies and Change in Bank Control) Relating to the Risk-Based Capital Treatment of Claims on Securities Firms" (R–1085) received on April 1, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6226. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Chief Financial Officer, Department of the Treasury, received on March 21, 2002; to the Committee on Finance.

EC–6227. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination from the position of Assistant Secretary, Management, Department of the Treasury, received on March 21, 2002; to the Committee on Finance.

EC–6228. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Enforcement, Department of the Treasury, received on March 21, 2002; to the Committee on Finance.

EC–6229. A communication from the White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Assistant Secretary, Economic Policy, Department of the Treasury, received on March 21, 2002; to the Committee on Finance.

EC–6230. A communication from the White House Liaison, transmitting, pursuant to law, the report of the discontinuation of service in acting role, and a nomination for the position of Deputy Secretary/Designated Assistant Secretary, International Affairs, Department of the Treasury, received on March 21, 2002; to the Committee on Finance.

EC–6231. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Import Restrictions Imposed on Archaeological and Ethnological Materials From Bolivia; to the Committee on Finance.

EC–6232. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Expansion of Telehealth Services for Homebound Beneficiaries"; to the Committee on Finance.

EC–6233. A communication from the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting jointly, pursuant to law, the Board's Annual Report for 2002; to the Committee on Finance.

EC–6234. A communication from the Board of Trustees of the Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, transmitting, pursuant to law, the Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disabilities Insurance Trust Fund for 2002; to the Committee on Finance.

EC–6235. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Losses Reported from Inflated Basis Assets from Lease Stripping Transactions" (UILN 9226.01–00) received on March 21, 2002; to the Committee on Finance.

EC–6236. A communication from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Addition of New Grape Variety Names for American Wines" (RIN1512–AC26) received on March 21, 2002; to the Committee on Finance.

EC–6237. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Law 106–544 for Certain Amendments Related to Balanced Budget Act of 1997 [T.D. ATF–467]" (RIN1512–AC55) received on March 21, 2002; to the Committee on Finance.

EC–6238. A communication from the Chief of the Regulations Division, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Delegation of Authority [T.D. ATF–437]" (RIN1512–AC07) received on March 21, 2002; to the Committee on Finance.

EC–6239. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Drawback; Conforming Amendments" (RIN1515–AD00) received on April 2, 2002; to the Committee on Finance.

EC–6240. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Importation of Surplus Military Curio or Relic Firearms" (ATF Rul. 2001–3) received on March 21, 2002; to the Committee on Finance.

EC–6241. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Public Law 105–277, Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, Relating to Firearms Disabilities for Nonimmigrant Aliens, and Requirement for Import Permit for Nonimmigrant Aliens Bringing Firearms and Ammunition Into the United States (2001R–332P)" (RIN1512–AB93) received on March 21, 2002; to the Committee on Finance.

EC–6242. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Correction of Certain Calendar Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment Systems and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors (CMS–1159–F4)" (RIN0938–AK54) received on March 21, 2002; to the Committee on Finance.

EC–6243. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002–16) received on March 22, 2002; to the Committee on Finance.

EC–6244. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2002 Census Count" (Notice 2002–13) received on March 22, 2002; to the Committee on Finance.

EC–6245. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Frequent Flyer Miles Attributed to Business or Official Travel" (Ann. 2002–18, 2002–10 IRB) received on March 22, 2002; to the Committee on Finance.

EC–6246. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Optional Election for Certain Partnerships to Make Monthly 706(a) Computations" (Rev. Proc. 2002–16) received on March 22, 2002; to the Committee on Finance.

EC–6247. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tentative Differential Earnings Rate" (Notice 2002–19) received on March 22, 2002; to the Committee on Finance.

EC–6248. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election in Respect of Losses Attributed to a Disaster" (Rev. Rul. 2002–11) received on March 22, 2002; to the Committee on Finance.

EC–6249. A communication from the Chief of the Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to the Customs Regulations" (T.D. 02–14) received on March 25, 2002; to the Committee on Finance.

EC–6250. A communication from the Program Manager, Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Identification of Transfee—Firearms Transaction Record" (ATF Rul. 2001–5) received on April 1, 2002; to the Committee on Finance.

EC–6251. A communication from Regulations Officer, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Determining Income

Under the Supplemental Security Income Program; Student Child Earned Income Exclusion" (RIN0960–AF60) received on April 1, 2002; to the Committee on Finance.

EC–6252. A communication from the Acting Chief, Regulations Branch, United States Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "North American Free Trade Agreement" (RIN1515–AD08) received on April 1, 2002; to the Committee on Finance.

EC–6253. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Emergency Recertification for Coverage for Organ Procurement Organizations (OPOs)" (RIN0938–AK81) received on April 1, 2002; to the Committee on Finance.

EC–6254. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Fee Schedule for Payment of Ambulance Services and Revisions to the Physician Certification Requirements for Coverage of Nonemergency Ambulance Services" (RIN0938–AK30) received on April 1, 2002; to the Committee on Finance.

EC–6255. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Ricky Ray Hemophilia Relief Fund Program" (RIN0906–AA56) received on April 1, 2002; to the Committee on Finance.

EC–6256. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Boeing Model 707 and 720 Series Airplanes; Docket No. 2000–NM–381" ((RIN2120–AA64)(2002–0143)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6257. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Pilatus Britten-Norman Limited BN–2, BN–2A, BN–2B, BN–2T, and BN–2A MK. III Series Airplanes; Doc. No. 2001–CE–39" ((RIN2120–AA64)(2002–0149)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6258. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Boeing Model 747–100, 747–200, 747–300, 747SP , and 747–SR Series Airplanes Powered by Pratt and Whitney JT9D–3 and JT9D–7 Series Engines; Doc. No. 2001–NM–363" ((RIN2120–AA64)(2002–0147)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6259. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: General Electric Company DF6–45 and CF6–50 Series Turbofan Engines; Doc. No. 2001–NE–33" ((RIN2120–AA64)(2002–0146)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6260. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule BAE Systems (Operations) Limited Model BAe 146 Series Airplanes; Doc. No. 2001–NM–05" ((RIN2120–AA64)(2002–0145)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6261. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Airbus Model A330 and A340 Series Airplanes; Doc. No. 2001–NM–153" ((RIN2120–AA64)(2002–0148)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6262. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–8 Series Airplanes; Doc. No. 97–NM–242" ((RIN2120–AA64)(2002–0150)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6263. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments 64 Amdt. No. 2096; Doc. No. 30298" ((RIN2120–AA65)(2002–0018)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6264. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Model HH–1K, TH–1F, TH–1L, UH–1B, UH–1E, UH–1F, UH–1H, UH–1L, UH–1P, and Southwest Florida Aviation Model SW24, SW24HP, SW205, and SW205A–1 Helicopters, Manufactured by Bell Helicopter Textron, Inc. for the Armed Forces of the United States" ((RIN2120–AA64)(2002–0142)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6265. A communication from the Paralegal Specialist, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Final Rule; Eagle Aircraft Pty. Ltd. Model 150B Airplanes; Doc. No. 2001–CE–03" ((RIN2120–AA64)(2002–0144)) received on March 19, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6266. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Regulations and Application Form for Mexico-Domiciled Motor Carriers to Operate in U.S. Municipalities and Commercial Zones on the United State-Mexico Border" (RIN2126–AA33) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6267. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Monitoring System and Compliance Initiative for Mexico-Domiciled Motor Carriers Operating in the United States" (RIN2126–AA35) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6268. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Certification of Safety Auditors, Safety Investigators, and Safety Inspectors" (RIN2126–AA64) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6269. A communication from the Regulations Officer, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Application by Certain Mexico-Domiciled Motor Carriers to Operate Beyond U.S. Municipalities and Commercial Zones on the United States-Mexico Border" (RIN2126–AA34) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6270. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Service Surveys: BE–20, Benchmark Survey of Selected Services Transactions with Unaffiliated Foreign Persons" (RIN0691–AA41) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6271. A communication from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Service Surveys: BE–48, Annual Survey of Reinsurance and Other Insurance Transactions by U.S. Insurance Companies with Foreign Persons" (RIN0691–AA42) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6272. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska—Closes a Season Pollock Fishing in Statistical Area 630, Gulf of Alaska" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6273. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye and Pink Salmon Fisheries; 2001 Inseason Orders" (I.D. 110801F) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6274. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel Fisheries in Areas 542 and 543" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6275. A communication from the Acting Director of the Office of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Closure of Directed Fishing for Groundfish with Non-Pelagic Trawl Gear in the Red King Crab Savings Subarea (RKCSS) of the Bering Sea and Aleutian Islands Management Area (BSAI)" received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6276. A communication from the Secretary of the Commission, Bureau of Consumer Protection, Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Textile Rules, 16 CFR

Part 303" (RIN3084-0101) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6277. A communication from the Acting Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule Prohibiting the Operation of Motorized Personal Watercraft in the Gulf of Farallones National Marine Sanctuary" (RIN6048-AK01) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6278. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "2002 Final Specifications for Surfclam, Ocean Quahog, and Main Mahogany Quahog Fisheries" (RIN0648-AP09) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6279. A communication from the Legal Advisor to the Chief, Cable Services Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of 1998 Biennial Regulatory Review-Streamlining of Cable Television Services Part 76 Public File and Notice Requirements" (Doc. No. 98-132, FCC 01-314) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6280. A communication from the Attorney/Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of Administrator, Maritime Administration, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6281. A communication from the Associate Administrator for Human Resources and Education, NASA Headquarters, transmitting, pursuant to law, the report of a vacancy and the determination of service in acting role for the position of Chief Financial Officer, received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6282. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Revisions to Record Keeping and Reporting Requirements" (RIN0648-AO20) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6283. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Presidential Initiative for Increasing Seat Belt Use Nationwide dated November 2001; to the Committee on Commerce, Science, and Transportation.

EC-6284. A communication from the Administrator of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report on a study for an airport to receive a credit for emergency services to be applied to the airport's share for a project under the Airport Improvement Program (AIP); to the Committee on Commerce, Science, and Transportation.

EC-6285. A communication from the Chairman of the Commission on the Future of the United States Aerospace Industry, transmitting, pursuant to law, the interim report relative to improving the business climate for aerospace industry, reforming the U.S. export control system, and creating the infrastructure needed to meet the nation's future air transportation needs; to the Committee on Commerce, Science, and Transportation.

EC-6286. A communication from the Chairman of the National Transportation Safety Board, transmitting, pursuant to law, the Board's appeal letter to the Office of Management and Budget regarding the initial determination of the Board's Fiscal Year 2003 budget request; to the Committee on Commerce, Science, and Transportation.

EC-6287. A communication from the Chairman of the Centennial of Flight Commission, transmitting, pursuant to law, the Commission's Annual Report for Fiscal Year 2001; to the Committee on Commerce, Science, and Transportation.

EC-6288. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Ejection Mitigation Using Advanced Glazing"; to the Committee on Commerce, Science, and Transportation.

EC-6289. A communication from the Senior Trial Attorney, Office of the Secretary of Transportation, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Extension of Computer Reservations System Regulations" (RIN2105-AD09) received on March 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6290. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Freight Car Safety Standards: Maintenance-of-Way Equipment" (RIN2130-AA68) received on March 25, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6291. A communication from the Assistant Administrator for Procurement, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Major Breach of Safety or Security" (RIN2700-AC33) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6292. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Andres-Murphy, NC; Correction; Doc. No. 02-ASO-2" ((RIN2120-AA66)(2002-0038)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6293. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area 5201, Fort Drum, NY; Doc. No. 01-AEA-11" ((RIN2120-AA66)(2002-0037)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6294. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Andres, SC; Doc. No. 01-ASO-18" ((RIN2120-AA66)(2002-0036)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6295. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of the Washington Tri Area Class B Airspace; DC; Doc. No. FAA-2001-11180" ((RIN2120-AA66)(2002-0035)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6296. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Kemmerer, WY" ((RIN2120-AA66)(2002-0042)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6297. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Scobey, MT" ((RIN2120-AA66)(2002-0041)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6298. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Pasco, WA" ((RIN2120-AA66)(2002-0040)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6299. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E5 Airspace; Batesville, MS" ((RIN2120-AA66)(2002-0039)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6300. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Greeley, CO" ((RIN2120-AA66)(2002-0043)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6301. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Operation Native Atlas 2002, Waters Adjacent to Camp Pendleton, California (COTP San Diego 01-004)" ((RIN2115-AA97)(2002-0054)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6302. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Long Beach, CA (COTP Los Angeles-Long Beach 02-003)" ((RIN2115-AA97)(2002-00581)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6303. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Corpus Christi Inner Harbor, Corpus Christi, Texas (COTP Corpus Christi 02-001)" ((RIN2115-AA97)(2002-0055)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC-6304. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations; Hackensack River, NJ" ((RIN2115-AE47)(2002-0033)) received on April

1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6305. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; Ouzinkie Harbor, Ouzinkie, AK (COTP Western Alaska 02–003)" ((RIN2115–AA97)(2002–0053)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6306. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Regatta Regulations; St. Mary's River, St. Mary's City, MD" ((RIN2115–AE46)(2002–0008)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6307. A communication from the Chief of Regulations and Administrative Law, United States Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations: Tauton River, MA" ((RIN2115–AE47)(2002–0032)) received on April 1, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6308. A communication from the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the National Aeronautics and Space Administration" (RIN2700–AC45) received on March 21, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6309. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Designations of Areas for Air Quality Planning Purposes; State of Nevada; Technical Connection" (FRL7159–6) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6310. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval or Operating Permit Programs; State of Iowa" (FRL7158–6) received on March 15, 2002 ; to the Committee on Environment and Public Works.

EC–6311. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Finding of Failure to Submit a Required State Implementation Plan for Particulate Matter, California—San Joaquin Valley" (FRL7157–9) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6312. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Significant New Uses of Certain Chemical Substances" (FRL6817–8) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6313. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Modification of Significant New Uses of Certain Chemical Substances" (FRL6819–5) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6314. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Outer Continental Shelf Air Regulations Consistency Update for Alaska" (FRL7158–2) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6315. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Removal of Restrictions on Certain Fire Suppression Substitutes for Ozone-Depleting Substances; and Listing of Substitutes; Correction" (FRL7160–3) received on March 15, 2002; to the Committee on Environment and Public Works.

EC–6316. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; States of Kansas, Missouri, and Nebraska; Correction" (FRL7161–9) received on March 19, 2002; to the Committee on Environment and Public Works.

EC–6317. A communication from the Director of the Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Director, Fish and Wildlife Service, received on March 21, 2002; to the Committee on Environment and Public Works.

EC–6318. A communication from the Director, Office of Personnel Policy, Department of the Interior, transmitting, pursuant to law, the report of a vacancy and a nomination for the position of Assistant Secretary, Fish, Wildlife and Parks, received on March 21, 2002; to the Committee on Environment and Public Works.

EC–6319. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to a notice that the funding for the State of New Jersey as a result of the September 11, 2001, fires and explosion at the World Trade Center has exceeded $5,000,000; to the Committee on Environment and Public Works.

EC–6320. A communication from the Administrator of the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, a report relative to Fundamental Properties of Asphalts and Modified Asphalts—II for Fiscal Year 2000; to the Committee on Environment and Public Works.

EC–6321. A communication from the Director of the Office of Congressional Affairs, Nuclear Material Safety and Safeguards, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: Standardized NUHOMS–24P, –52B, and –61BT Revision" (RIN3150–AG88) received on March 21, 2002; to the Committee on Environment and Public Works.

EC–6322. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emissions Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production; Good Cause Final Rule" (FRL7162–7) received on March 22, 2002; to the Committee on Environment and Public Works.

EC–6323. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production" (FRL7162–5) received on March 22, 2002; to the Committee on Environment and Public Works.

EC–6324. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL7162–9) received on March 22, 2002; to the Committee on Environment and Public Works.

EC–6325. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production" (FRL7163–3) received on March 22, 2002; to the Committee on Environment and Public Works.

EC–6326. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units" (FRL7163–7) received on March 22, 2002; to the Committee on Environment and Public Works.

EC–6327. A communication from the Director of the Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "List of Approved Spent Fuel Storage Casks: HI-STORM Revision" (RIN3150–AG97) received on April 1, 2002; to the Committee on Environment and Public Works.

EC–6328. A communication from the Regulations Officer for the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (RIN2125–AE80) received on April 1, 2002; to the Committee on Environment and Public Works.

EC–6329. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval of Section 112(1) Authority for Hazardous Air Pollutants; State of West Virginia; Department of Environmental Protection" (FRL7166–6) received on April 1, 2002; to the Committee on Environment and Public Works.

EC–6330. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Conditionally Corrected Deficiencies and Stay of Sanctions, San Joaquin Valley Unified Air Pollution Control District" (FRL7164–7) received on April 1, 2002; to the Committee on Environment and Public Works.

EC–6331. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the monthly status report on the licensing activities and regulatory duties of the Commission dated December 2001; to the Committee on Environment and Public Works.

EC–6332. A communication from the Chairman of the Nuclear Regulatory Commission, transmitting, the monthly status report on the licensing activities and regulatory duties of the Commission dated November 2001; to the Committee on Environment and Public Works.

EC–6333. A communication from the Regulations Director for the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Truck Length and Width Exclusive Devices" (RIN2125–AC30) received on April 2 , 2002; to the Committee on Environment and Public Works.

EC–6334. A communication from the Chair of the Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporations consolidated report addressing the Federal Managers' Financial Integrity Act (Integrity Act) and the Inspector General Act Amendments of 1978 (IG Act); to the Committee on Governmental Affairs.

EC–6335. A communication from the Secretary of the Interior, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6336. A communication from the Chair of the Railroad Retirement Board, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6337. A communication from the Chair of the Architectural and Transportation Barriers Compliance Board, transmitting, pursuant to law, the Board's consolidated report to meet the requirements of the Inspector General Act and the Federal Managers' Financial Integrity Act for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6338. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6339. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Director, received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6340. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Prevailing Rate Systems; Definition of San Joaquin County, California, as a Nonappropriated Fund Wage Area" (RIN3206–AJ35) received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6341. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Office of the Inspector General for the period April 1, 2001 through September 30, 2001; to the Committee on Governmental Affairs.

EC–6342. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the list of General Accounting Office Reports for November 2001; to the Committee on Governmental Affairs.

EC–6343. A communication from the District of Columbia Auditor, transmitting, a report entitled "Homestead Tax Deduction Program Deficiencies May Have Caused the District to Lose As Much As $44.7 Million During Fiscal Years 1998 through 2000"; to the Committee on Governmental Affairs.

EC–6344. A communication from the Senior Vice President and Chief Financial Officer, Potomac Electric Power Company, transmitting, pursuant to law, the Company's balance sheet as of December 31, 2001; to the Committee on Governmental Affairs.

EC–6345. A communication from the Director of the Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Standards of Ethical Conduct for Employees of the Executive Branch; Definition of Compensation for Purposes of Prohibition on Acceptance of Compensation in Connection with Certain Teaching, Speaking and Writing Activities" (RIN3209–AA04) received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6346. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting, pursuant to law, a report relative to the Office's regulation and oversight of Fannie Mae and Freddie Mac during Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6347. A communication from the Chief Financial Officer and Assistant Secretary for Administration, Department of Commerce, transmitting, pursuant to law, a report of functions performed by the Agency that are not inherently governmental; to the Committee on Governmental Affairs.

EC–6348. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a nomination for the position of Director of the Bureau of the Census, Economics and Statistics Administration, Department of Commerce, received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6349. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a nomination for the position of Deputy Director, received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6350. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's report concerning surplus Federal Real Property disposed of to educational institutions under Section 203(k) of the Federal Property and Administrative Services Act of 1949; to the Committee on Governmental Affairs.

EC–6351. A communication from the General Counsel, Office of Management and Budget, transmitting, pursuant to law, the report of a nomination for the position of Controller, Office of Federal Financial Management, received on March 21, 2002; to the Committee on Governmental Affairs.

EC–6352. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Department's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6353. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, a report on the Department's commercial activities inventory for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6354. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Office's Commercial Activities Inventory as of June 30, 2001; to the Committee on Governmental Affairs.

EC–6355. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the Administration's Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6356. A communication from the Attorney General, Department of Justice, transmitting, pursuant to law, the Department's Performance Report for Fiscal Year 2001, the Revised Final Performance Plan for Fiscal Year 2002, and the Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–6357. A communication from the Chairman of the United States Postal Service, transmitting, pursuant to law, the Service's report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6358. A communication from the Chairman of the Federal Reserve System, transmitting, pursuant to law, the Board's annual report under the Government in the Sunshine Act for calendar year 2001; to the Committee on Governmental Affairs.

EC–6359. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report of the Commission's Final Annual Performance Plan for Fiscal Year 2003; to the Committee on Governmental Affairs.

EC–6360. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of the Administration's Commercial Activities Inventory for 2001; to the Committee on Governmental Affairs.

EC–6361. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a report relative to the Office's management controls and financial management systems for calendar year 2001; to the Committee on Governmental Affairs.

EC–6362. A communication from the Manager, Benefits Communications, Western Farm Credit Bank, Farm Credit Bank of Wichita, transmitting, the report of the Bank's Performance Plan for calendar year 2000; to the Committee on Governmental Affairs.

EC–6363. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the Agency's Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6364. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, the report of the Department's audited financial statements for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6365. A communication from the Acting Chairman of the Consumer Product Safety Commission, transmitting, pursuant to the Commission's Annual Program Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6366. A communication from the Acting Secretary, Postal Rate Commission, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Chairman, received on April 1, 2002; to the Committee on Governmental Affairs.

EC–6367. A communication from the Director of the Office of Congressional Relations, Office of Personnel Management, transmitting, pursuant to law, the Office's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6368. A communication from the Governor of the State of Nevada, transmitting, pursuant to law, a Statement of Reasons Supporting the Notice of Disapproval of the Proposed Yucca Mountain Project; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. LIEBERMAN, from the Committee on Governmental Affairs, without amendment and with an amended preamble:

S. Res. 187: A resolution commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator Daschle's office.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. ROCKEFELLER:

S. 2074. A bill to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

ADDITIONAL COSPONSORS

S. 121

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 121, a bill to establish an Office of Children's Services within the Department of Justice to coordinate and implement Government actions involving unaccompanied alien children, and for other purposes.

S. 572

At the request of Mr. CHAFEE, the names of the Senator from Maine (Ms. SNOWE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 572, a bill to amend title XIX of the Social Security Act to extend modifications to DSH allotments provided under the Medicare, Medicaid, and SCHP Benefits Improvement and Protection Act of 2000.

S. 611

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 611, a bill to amend title II of the Social Security Act to provide that the reduction in social security benefits which are required in the case of spouses and surviving spouses who are also receiving certain Government pensions shall be equal to the amount by which two-thirds of the total amount of the combined monthly benefit (before reduction) and monthly pension exceeds $1,200, adjusted for inflation.

S. 808

At the request of Mr. BAUCUS, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 808, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 913

At the request of Ms. SNOWE, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 913, a bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare program of all oral anticancer drugs.

S. 1009

At the request of Mrs. HUTCHISON, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1009, a bill to require the provision of information to parents and adults concerning bacterial meningitis and the availability of a vaccination with respect to such diseases.

S. 1079

At the request of Mr. LEVIN, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 1079, a bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites.

S. 1140

At the request of Mr. HATCH, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 1140, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1278

At the request of Mrs. LINCOLN, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of S. 1278, a bill to amend the Internal Revenue Code of 1986 to allow a United States independent film and television production wage credit.

S. 1311

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 1311, a bill to amend the Immigration and Nationality Act to reaffirm the United States historic commitment to protecting refugees who are fleeing persecution or torture.

S. 1339

At the request of Mr. CAMPBELL, the names of the Senator from Kentucky (Mr. MCCONNELL) and the Senator from New Hampshire (Mr. SMITH) were added as cosponsors of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1367

At the request of Ms. COLLINS, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1367, a bill to amend title XVIII of the Social Security Act to provide appropriate reimbursement under the Medicare program for ambulance trips originating in rural areas.

S. 1408

At the request of Mr. ROCKEFELLER, the names of the Senator from North Dakota (Mr. CONRAD), the Senator from Illinois (Mr. DURBIN), the Senator from Massachusetts (Mr. KERRY), and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1409

At the request of Mr. FEINSTEIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1409, a bill to impose sanctions against the PLO or the Palestinian Authority if the President determines that those entities have failed to substantially comply with commitments made to the State of Israel.

S. 1549

At the request of Mr. LIEBERMAN, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Louisiana (Mr. LANDRIEU) were added as cosponsors of S. 1549, a bill to provide for increasing the technically trained workforce in the United States.

S. 1707

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1722

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 1722, a bill to amend the Internal Revenue Code of 1986 to simplify the application of the excise tax imposed on bows and arrows.

S. 1745

At the request of Mrs. LINCOLN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1777

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin

(Mr. FEINGOLD) was added as a cosponsor of S. 1777, a bill to authorize assistance for individuals with disabilities in foreign countries, including victims of landmines and other victims of civil strife and warfare, and for other purposes.

S. 1828

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 1828, a bill to amend subchapter III of the chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1899

At the request of Mr. BROWNBACK, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 1899, a bill to amended title 18, United States Code, to prohibit human cloning.

S. 1917

At the request of Mr. JEFFORDS, the names of the Senator from Wisconsin, (Mr. KOHL) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. 1917, a bill to provide for highway infrastructure investment at the guaranteed funding level contained in the Transportation Equity Act for the 21st Century.

S. 1961

At the request of Mr. GRAHAM, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1961, a bill to improve financial and environmental sustainability of the water programs of the United States.

S. 1984

At the request of Mr. BUNNING, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 1984, a bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes.

S. 1986

At the request of Mr. BINGAMAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1986, a bill to amended the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System.

S. 2064

At the request of Mr. MCCAIN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2064, a bill to reauthorize the United States Institute for Environmental Conflict Resolution, and for other purposes

AMENDMENT NO. 3032

At the request of Mrs. LINCOLN, the names of the Senator from Arkansas (Mr. HUTCHINSON), and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of amendment No. 3032 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 2074. A bill to increase, effective as of December 1, 2002, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Mr. President, as Chairman of the Committee on Veterans' Affairs, I am tremendously pleased to introduce legislation that will authorize a cost-of-living adjustment, COLA, to veterans' compensation for next year.

Every year, Congress fulfills its obligation to provide a cost-of-living adjustment to veterans disability benefits. While we can never truly repay the debt that we owe to these individuals for their sacrifices to our country, what we can do is ensure that the benefits we provide for the men and women who are disabled while serving in places such as Afghanistan retain their value and are not eroded by inflation.

The Veterans' Compensation Cost-of-Living Adjustment Act of 2002 continues this tradition of fulfilling our obligation to America's veterans by directing the Secretary of Veterans Affairs to increase, as of December 1, 2002, the rates of veterans' disability compensation, as well as compensation for eligible dependents and surviving spouses. This increase would be the same percentage as the increase Social Security Act beneficiaries will receive.

The COLA is enormously important to veterans and their families. It is critical that veterans' disability compensation rates keep pace with the increasing cost of living. Without it, many disabled veterans might not be able to afford the simple necessities of life—warm clothes, food, and shelter. I, therefore, encourage my colleagues to join me in supporting this very important bill.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans' Compensation Cost-of-Living Adjustment Act of 2002".

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) RATE ADJUSTMENT.—The Secretary of Veterans Affairs shall, effective on December 1, 2002, increase the dollar amounts in effect for the payment of disability compensation and dependency and indemnity compensation by the Secretary, as specified in subsection (b).

(b) AMOUNTS TO BE INCREASED.—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) COMPENSATION.—Each of the dollar amounts in effect under section 1114 of title 38, United States Code.

(2) ADDITIONAL COMPENSATION FOR DEPENDENTS.—Each of the dollar amounts in effect under sections 1115(1) of such title.

(3) CLOTHING ALLOWANCE.—The dollar amount in effect under section 1162 of such title.

(4) NEW DIC RATES.—The dollar amounts in effect under paragraphs (1) and (2) of section 1311(a) of such title.

(5) OLD DIC RATES.—Each of the dollar amounts in effect under section 1311(a)(3) of such title.

(6) ADDITIONAL DIC FOR SURVIVING SPOUSES WITH MINOR CHILDREN.—The dollar amount in effect under section 1311(b) of such title.

(7) ADDITIONAL DIC FOR DISABILITY.—The dollar amounts in effect under sections 1311(c) and 1311(d) of such title.

(8) DIC FOR DEPENDENT CHILDREN.—The dollar amounts in effect under sections 1313(a) and 1314 of such title.

(c) DETERMINATION OF INCREASE.—(1) The increase under subsection (a) shall be made in the dollar amounts specified in subsection (b) as in effect on November 30, 2000.

(2) Except as provided in paragraph (3), each such amount shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2002, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(3) Each dollar amount increased pursuant to paragraph (2) shall, if not a whole dollar amount, be rounded down to the next lower whole dollar amount.

(d) SPECIAL RULE.—The Secretary may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85–857 (72 Stat. 1263) who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

At the same time as the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2003, the Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in subsection (b) of section 2, as increased pursuant to that section.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3078. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3079. Mr. REID (for himself and Mr. CRAPO) proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself , Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3080. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3081. Mr. REID proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

TEXT OF AMENDMENTS

SA 3078. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION —MISCELLANEOUS PROVISIONS

TITLE —GENERAL PROVISIONS

SEC. . REVIEW OF FEDERAL PROCUREMENT INITIATIVES RELATING TO USE OF RECYCLED PRODUCTS AND FLEET AND TRANSPORTATION EFFICIENCY.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall submit to Congress a report that details efforts by each Federal agency to implement the procurement policies specified in Executive Order No. 13101 (63 Fed. Reg. 49643; relating to governmental use of recycled products) and Executive Order No. 13149 (65 Fed. Reg. 24607; relating to Federal fleet and transportation efficiency).

SA 3079. Mr. REID (for himself, and Mr. CRAPO) proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter proposed to be added, add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

"(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.".

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h)—

(A) in paragraph (5)(B)(i)—

(i) in subclause (I), by striking "or" at the end;

(ii) in subclause (II), by adding "or" at the end; and

(iii) by adding at the end the following:

"(III) make available to the public on a daily basis information on volume, settlement price, open interest, and opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

"(aa) require the real time publication of proprietary information; or

"(bb) prohibit the commercial sale of real time proprietary information;" and

(B) by adding at the end the following:

"(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1).

"(8) RECORDKEEPING BY ELIGIBLE CONTRACT PARTICIPANTS.—On request of the Commission made within 5 years after the date of any transaction, an eligible contract participant that trades on an electronic trading facility shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system that the Commission determines to be appropriate."; and

(2) by adding at the end the following:

"(j) EXEMPT TRANSACTIONS.—

"(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b;

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

"(i) provide for the enforcement of the requirements specified in this subsection; and

"(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(D) section 12(e)(2); and

"(E) section 22(a)(4).

"(2) BILATERAL DEALER MARKETS.—

"(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

"(B) REQUIREMENT.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

"(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

"(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

"(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

"(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

"(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

"(v) make available to the public on a daily basis information on volume, settlement price, open interest, and opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

"(I) require the real time publication of proprietary information; or

"(II) prohibit the commercial sale of real time proprietary information.

"(3) REPORTING REQUIREMENTS.—On request of the Commission made within 5 years after the date of any transaction, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system that the Commission determines to be appropriate.

"(4) TRANSACTIONS EXEMPTED BY COMMISSION ACTION.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b; and

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

"(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

"(6) APPLICABILITY.—This subsection does not apply to—

"(A) a designated contract market regulated under section 5; or

"(B) a registered derivatives transaction execution facility regulated under section 5a.".

(c) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person;

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

"(3) willfully to deceive or attempt to deceive any person by any means; or

"(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person."

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (7)"; and

(ii) in paragraph (3), by striking "paragraph (4)" and inserting "paragraphs (4) and (7)"; and

(B) in subsection (i)(1)(A), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) or section 4(c)";

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking "any contract market or" and inserting "any contract market,"; and

(B) by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility";

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking "section 2(h)" and inserting "subsection (h) or (j) of section 2";

(4) in section 5b (7 U.S.C. 7a–1)—

(A) in subsection (a)(1), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(B) in subsection (b), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) of section 2 or section 4(c)".

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

"(G) PERSONNEL MATTERS.—

"(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

"(ii) COMPENSATION.—

"(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) the Commodity Futures Trading Commission.".

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking "General Counsel, Commodity Futures Trading Commission."; and

(B) by striking "Executive Director, Commodity Futures Trading Commission.".

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) section 2(a)(6)(G) of the Commodity Exchange Act.".

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting "the Commodity Futures Trading Commission," after "the Farm Credit Administration, ".

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

"(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

"(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

"(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

"(A) conditions and events in energy trading markets; and

"(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

"(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.".

SA 3080. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, which was ordered to lie on the table; as follows:

Strike (1)(3) and replace with:

"(3) ELIGIBLE RENEWABLE ENERGY RESOURCE.—The term 'renewable energy resource' means solar, wind, ocean, or geothermal energy, biomass, landfill gas, a generation offset, or incremental hydropower."

SA 3081. Mr. REID proposed an amendment to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

In lieu of the matter proposed to be added, add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC LIAISON.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

"(C) FERC LIAISON.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.".

(b) EXEMPT TRANSACTIONS.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

"(7) APPLICABILITY.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1)."; and

(2) by adding at the end the following:

"(j) EXEMPT TRANSACTIONS.—

"(1) TRANSACTIONS IN EXEMPT ENERGY COMMODITIES.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b;

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

"(i) provide for the enforcement of the requirements specified in this subsection; and

"(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(D) section 12(e)(2); and

"(E) section 22(a)(4).

"(2) BILATERAL DEALER MARKETS.—

"(A) IN GENERAL.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

"(B) Requirement.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

"(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

"(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

"(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

"(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

"(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

"(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

"(I) require the real time publication of proprietary information; or

"(II) prohibit the commercial sale of real time proprietary information.

"(3) Reporting requirements.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

"(4) Transactions exempted by commission action.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b; and

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

"(5) No effect on other FERC authority.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

"(6) Applicability.—This subsection does not apply to—

"(A) a designated contract market regulated under section 5; or

"(B) a registered derivatives transaction execution facility regulated under section 5a.".

(c) Contracts Designed to Defraud or Mislead.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) Prohibition.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person;

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

"(3) willfully to deceive or attempt to deceive any person by any means; or

"(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person."

(d) Conforming Amendments.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (7)"; and

(ii) in paragraph (3), by striking "paragraph (4)" and inserting "paragraphs (4) and (7)"; and

(B) in subsection (i)(1)(A), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) or section 4(c)";

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking "any contract market or" and inserting "any contract market,"; and

(B) by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility";

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking "section 2(h)" and inserting "subsection (h) or (j) of section 2";

(4) in section 5b (7 U.S.C. 7a–1)—

(A) in subsection (a)(1), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(B) in subsection (b), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) of section 2 or section 4(c)".

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) In General.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

"(G) Personnel matters.—

"(i) In general.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

"(ii) Compensation.—

"(I) In general.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(II) Additional compensation.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(III) Comparability.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

(b) Conforming Amendments.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) the Commodity Futures Trading Commission.".

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking "General Counsel, Commodity Futures Trading Commission."; and

(B) by striking "Executive Director, Commodity Futures Trading Commission.".

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) section 2(a)(6)(G) of the Commodity Exchange Act.".

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting "the Commodity Futures Trading Commission," after "the Farm Credit Administration, ".

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

"(i) Jurisdiction Over Derivatives Transactions.—

"(1) In general.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

"(2) Meetings.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

"(A) conditions and events in energy trading markets; and

"(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

"(3) Liaison.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the subcommittee on National Parks of the Committee on Energy and Natural Resource.

The hearing will take place on Thursday, April 18, 2002, at 3 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills:

S. 1441, to establish the Oil Region National Heritage Area;

S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes.

S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System, and for other purposes;

S. 1809 and H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas;

S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah; and

S. 2033 and H.R. 4004, to authorize appropriations for the John H. Chafee Blackstone River Valley Heritage Corridor in Massachusetts and Rhode Island, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 312 Dirksen Senate Office Building, Washington, DC 20510.

For further information, please contact David Brooks of the committee staff at (202-224-9863).

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 107-3

Mr. REID. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following treaty transmitted to the Senate on April 8, 2002, by the President of the United States:

Treaty with India on Mutual Legal Assistance in Criminal Matters (Treaty Document No. 107-3).

I further ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations, and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The President's message is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty between the Government of the United States of America and the Government of the Republic of India on Mutual Legal Assistance in Criminal Matters, signed at New Delhi on October 17, 2001. I transmit also, for the information of the Senate, the report of the Department of State with respect to the Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States has concluded or is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the investigation and prosecution of a wide variety of modern crimes, including terrorism-related crimes, drug trafficking, and "white collar" crimes. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters and related proceedings. Mutual assistance available under the Treaty includes: (1) taking the testimony or statements of persons; (2) providing documents, records, and items of evidence; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in proceedings relating to seizure and forfeiture of assets, restitution, and collection of fines; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

GEORGE BUSH.

THE WHITE HOUSE, *April 8, 2002.*

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 726.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the nomination.

The legislative clerk read the nomination of Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

Mr. REID. Mr. President, I ask unanimous consent that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, that any statements appear at the appropriate place in the RECORD as though read, and the Senate return to legislative session, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

SMALL BUSINESS ADMINISTRATION

Melanie Sabelhaus, of Maryland, to be Deputy Administrator of the Small Business Administration.

ORDERS FOR TUESDAY, APRIL 9, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 a.m., Tuesday, April 9; that following the prayer and the pledge, the Journal of the proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and there be a period for morning business until 11 a.m., with Senators permitted to speak for up to 10 minutes each, with the time equally divided between the two leaders or their designees; that at 11 a.m., the Senate resume consideration of the energy reform bill; further, that the Senate recess from 12:30 to 2:15 tomorrow for the weekly party conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:50 p.m, adjourned until Tuesday, April 9, 2002, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 8, 2002:

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF STAFF OF THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 50A:

To be chief of staff

VICE ADM. THAD W. ALLEN, 3199

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS VICE COMMANDANT OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 47:

To be vice admiral

REAR ADM. THOMAS J. BARRETT, 7105

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, ATLANTIC AREA OF THE UNITED STATES COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. JAMES D. HULL, 9426

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS COMMANDER, PACIFIC AREA OF THE UNITED STATES

COAST GUARD AND TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 50:

To be vice admiral

REAR ADM. TERRY M. CROSS, 4308

CONFIRMATION

Executive Nomination Confirmed by the Senate April 8, 2002:

SMALL BUSINESS ADMINISTRATION

MELANIE SABELHAUS, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR OF THE SMALL BUSINESS ADMINISTRATION.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Monday, April 8, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 9

9:30 a.m.
Armed Services
To hold hearings to examine Department of Defense policies and programs to transform the Armed Forces to meet the challenges of the 21st Century.
SH–216

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine Romani human rights issues, focusing on OSCE activities and recent Bulgaria activities.
2200 Rayburn Building

Health, Education, Labor, and Pensions
To hold hearings to examine the reauthorization of the Corporation for National Service.
SD–430

Judiciary
To hold hearings to examine Federal Bureau of Investigations reform in the wake of the Hanssen espionage case.
SD–628

2:30 p.m.
Armed Services
SeaPower Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on Navy equipment required for fielding a 21st century capabilites-based Navy.
SR–222

Foreign Relations
African Affairs Subcommittee
To hold hearings to examine United States policy options in the Democratic Republic of the Congo, focusing on the weak states in Africa.
SD–419

3 p.m.
Conferees
Meeting of conferees on H.R. 2646, to provide for the continuation of agricultural programs through fiscal year 2011.
1300 Longworth Building

APRIL 10

9 a.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on technology for combating terrorism and weapons of mass destruction.
SR–253

9:30 a.m.
Finance
To hold hearings to examine the reauthorization of Temporary Assistance for Needy Families (TANF)Program, created by the Welfare Reform Law of 1996.
SD–215

Aging
To hold hearings to examine issues relating to long-term health care.
SD–628

10 a.m.
Appropriations
To hold hearings to examine Homeland Security; hearings will continue at 2 p.m.
SH–216

Environment and Public Works
Superfund, Toxics, Risk, and Waste Management Subcommittee
To hold oversight hearings to examine the Superfund program.
SD–406

Health, Education, Labor, and Pensions
To hold hearings to examine the reauthorization of the Institute of Museum and Library Services Act.
SD–430

2:30 p.m.
Armed Services
Strategic Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the Department of Energy's Environmental Management program and the National Nuclear Security Administration's Defense Program and other weapons activities.
SR–222

Intelligence
To hold closed hearings to examine pending intelligence matters.
SH–219

APRIL 11

9 a.m.
Governmental Affairs
To hold hearings to examine proposed legislation that would establish a Department of National Homeland Security and a White House office to combat terrorism.
SD–342

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine Enron's potential role in electricity market manipulation and the subsequent effect on the western states.
SR–253

Armed Services
Personnel Subcommittee
To hold hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on military personnel benefits.
SR–232A

10 a.m.
Appropriations
To hold hearings to examine Homeland Security; hearings will continue at
SH–216

2:00p.m.
Finance
To hold hearings to examine various improper and illegal tax avoidance schemes, including the use of credit/debit cards to access offshore bank accounts established to conceal taxable income.
SD–215

Judiciary
Business meeting to consider pending calendar business.
SH–226

10:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine issues related to health care for patients with the AIDS virus.
SD–430

2:15 p.m.
United States Senate Caucus on International Narcotics Control
To hold hearings to examine the enforcement of the nation's drug enforcement laws, focusing on small towns' ability to face the challenge.
SD–419

2:30 p.m.
Judiciary
To hold hearings on judicial nominations.
SH–226

Banking, Housing, and Urban Affairs
To hold oversight hearings to examine proposals to improve the Housing Voucher Program.
SD–538

Armed Services
Strategic Subcommittee
To hold open and closed hearings on proposed legislation authorizing funds for fiscal year 2003 for the Department of Defense, focusing on the intelligence, surveillance, and reconnaissance programs of the Department of Defense (closed in S-407).
SR–222

3 p.m.
Governmental Affairs
To hold hearings to examine the nomination of Paul A. Quander, Jr., of the District of Columbia, to be Director of the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

District of Columbia Offender Supervision, Defender, and Courts Services Agency.

SD–342

APRIL 12

9 a.m.

Judiciary

Immigration Subcommittee

To hold hearings to examine the Enhanced Border Security and Visa Entry Reform Act.

SD–226

APRIL 16

10 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine problems relating to the availability and use of fake or fraudulently issued driver's licenses, focusing on what state and federal governments can do to improve the system.

SD–342

APRIL 17

10 a.m.

Joint Economic Committee

To hold hearings to examine the monetary policy and the economic outlook in the context of the current economic situation, focusing on the economic rebound now underway.

Room to be announced

2 p.m.

Judiciary

Constitution Subcommittee

To hold hearings to examine the application of the War Powers Resolution to the war on terrorism.

SH–226

APRIL 18

9:30 a.m.

Governmental Affairs

To hold hearings to examine the state of public health preparedness for terrorism involving weapons of mass destruction.

SD–342

3 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine S. 1441, to establish the Oil Region National Heritage Area, S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia, S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System; S. 1809/H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah, and S. 2033/H.R. 4004, to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.

SD–366

APRIL 23

10 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the implications of the human capital crisis, focusing on how the federal government is recruiting, selecting, retaining, and training individuals to oversee trade policies and regulate financial industries.

SD–342

2:30 p.m.

Judiciary

Antitrust, Competition and Business and Consumer Rights Subcommittee

To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.

SD–226

POSTPONEMENTS

APRIL 9

2:30 p.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine the crisis in children's dental health.

SD–430

SENATE—*Tuesday, April 9, 2002*

The Senate met at 10 a.m. and was called to order by the Honorable MAX CLELAND, a Senator from the State of Georgia.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Rev. Kirbyjon Caldwell, Senior Pastor, Windsor Village United Methodist Church, Houston, TX.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, the supply and supplier of every good and perfect gift, the author and finisher of our faith, we pause now, O God, to acknowledge Your matchless goodness, greatness, and grace. We ask Your blessings upon the distinguished Members of the Senate and their families. We decree and declare that no weapon formed against them shall prosper. And we pray, O Lord, that You will continue to grant them inner peace, outer protection, and power from on high.

As this great country deals with the uncertainty abroad and occasional unpredictability here at home, we find grace, peace, and comfort in knowing that You are a very present help in the time of trouble. Grant the Senators wisdom, discernment, and insight that they will draft and pass legislation which will make America and the world a better place tomorrow than it is today. We reverence and adore You, and we bless Your holy name. Let all who agree say Amen.

PLEDGE OF ALLEGIANCE

The Honorable MAX CLELAND led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 9, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MAX CLELAND, a Senator from the State of Georgia, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CLELAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, I will yield momentarily to my colleague, the junior Senator from Texas, whose pastor is our guest Chaplain today.

The Senate will be in a period for morning business until 11 a.m. today. At 11 a.m., we will again begin consideration of the energy reform bill, which will be the 15th day we have been on this legislation. The Senate will recess, as we normally do on Tuesdays, from 12:30 p.m. to 2:15 p.m. for the weekly party conferences.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

THE GUEST CHAPLAIN

Mrs. HUTCHISON. Mr. President, I rise to introduce properly the Pastor who just gave the wonderful invocation that opened the Senate.

It is my distinct pleasure to introduce our guest Chaplain and fellow Texan, the Rev. Kirbyjon Caldwell. Reverend Caldwell is the Senior Pastor of the Windsor Village United Methodist Church in my hometown of Houston. I thank him for opening with a wonderful prayer this morning.

Reverend Caldwell has led his church of approximately 14,000 members in southwest Houston for nearly 20 years. He also delivered the invocation at the President's inauguration last January.

Reverend Caldwell is an influential and motivational leader in the Houston community. He is well known for his zeal and compassion for people. As an articulate and accomplished businessman, he has utilized his pulpit as well as his business skills to develop successful faith-based community programs throughout Houston. These initiatives provide housing, job training, counseling, and other important services to needy residents throughout the community, truly demonstrating Christian charity and brotherly love.

The social programs fostered by Reverend Caldwell in Windsor Village have become models for faith-based initiatives throughout the United States. Reverend Caldwell came to the ministry truly from a calling and truly from his heart for he earned a master's degree in business at the Wharton School at the University of Pennsylvania, and he was a bond trader with a firm in Houston and was doing well. But something else nudged at him while he was in the business field, and he decided that he wanted to be a minister. So he went back to Southern Methodist University to get yet another master's degree, this time in theology. He serves on the boards of a range of community groups from the Children's Defense Fund to the MD Anderson Cancer Center. Reverend Caldwell is also the author of the book "The Gospel of Good Success: A Roadmap to Spiritual, Emotional, and Financial Wholeness."

I have known Reverend Caldwell for a long time. He is also a friend to President George W. Bush. He is such an important person in the Houston community, looked to by business leaders, community leaders, and by the people in the community who need help. He is always there when called. I am very proud to welcome him to the Senate this morning.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 10 minutes each and with the time equally divided between the two leaders or their designees.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Nevada.

TRANSPORTATION OF HAZARDOUS MATERIALS

Mr. REID. Mr. President, if you picked up a paper yesterday, you would have seen stories about a transportation wreck again. It was all over the television. It was all over the newspapers. There was a train wreck on

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Sunday in Gainsville, VA, not far from Washington. Five cars on the train derailed, including two carrying propane, which is very explosive. Route 29—I have traveled that road many times going to Virginia to watch my boy play soccer—was closed for several miles. This is one of the main arteries bringing people to Washington from Virginia. The train derailment not only closed Route 29, but two nearby elementary schools were closed as workers tried to get the cars back on the track and also put the propane back on the railcars or remove them completely.

An emergency worker said if the train cars had rolled in the opposite direction, they would have hit an aboveground gas line, and there would have been a catastrophe. This is the third train wreck on that stretch of tracks since 1997.

Over the past few weeks, several tragic accidents on highways around the country have raised the question: What if? Just this weekend, a dust storm reduced visibility to zero on a highway in rural southern Arizona. The result was a 26-car pileup. Another dust storm in Colorado caused a 30-car pileup on Interstate 70.

What if a truck carrying hazardous waste had been involved in one of these accidents? Less than a month ago at least five people were killed in a massive wreck caused by fog on Interstate 75 in northwest Georgia. That accident involved more than 100 vehicles, including 20 tractor-trailers.

In February, three accidents in 1 day claimed the lives of five people in Miami-Dade County, all involving large trucks. The accidents were attributed to human error.

We know accidents involving hazardous waste can and do occur on our highways and railways. We all remember the Baltimore tunnel fire last year which was caused when a train derailed. The resulting fire burned for 1 week, and an extremely dangerous acid was spilled in the tunnel. Baltimore was closed basically for 3 days. We are very fortunate this accident was not worse.

Each year crashes kill over 5,000 people—that is, truck crashes—and injure another 150,000 people. Over 50,000 people are killed in automobile accidents each year. Large trucks are involved in multivehicle fatal crashes at twice the rate of passenger vehicles. What if more of the trucks on our highways carried hazardous waste? How could we ensure the safety of our communities? Are local emergency teams fully prepared to respond when hazardous chemicals are released?

The answer to all of those questions is obvious.

I can remember being in Ely, NV—I have said this before—where I was visiting one of my friends who I went to high school with. He is a police officer in Ely. He picked up a teletype indicating there was going to be a hazardous load coming through his town. He said: Why did they send me this? I would just as soon not know. I cannot do anything if something happens.

He does not know. They do not have the equipment. He is not trained.

Last summer I introduced, and Congress passed, an amendment requiring the Secretary of Transportation to study the hazards and the risks to public health and safety, the environment, and the economy associated with the transportation of hazardous chemicals and radioactive material. This report should come soon. I am told it will be finished in the next couple of months. In the meantime, this is an issue about which we need to be concerned. These accidents are serious. We have a deteriorating infrastructure, and we have more and more pressure being put on this deteriorating infrastructure.

Serious accidents have happened and are going to continue to happen, and we need to be aware of this.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

NEED FOR A DOMESTIC ENERGY POLICY

Mr. THOMAS. Mr. President, we are prepared—I guess at 11—to move back to the issue that has been before us now for 3 weeks, and that is energy policy. It is probably one of the most important issues that has been before the Congress in this session and one of the most important with which we will deal.

Some important things have been with us for a very long time, of course, but now we find it even more important as we have national security issues, as we have a need for economic security, as the situation is changing in the Middle East that is even more pressing than it was before.

One of the issues that has been with us all along is the fact we have not had an energy policy. We have not had a policy that has directed the efforts in the United States, which I think in itself is probably one of the most important things we can do. It is hard to make decisions in the interim when there is no policy that says where we want to be and where we want to go. We need a policy so these interim decisions can add toward reaching the goals we have in mind.

We have a very broad policy before us. We have worked on it some in committee. Of course, the President and Vice President CHENEY have worked on a policy as well, the House has passed an energy policy, and the Senate is the one which has not yet done the job we really need to do. I am very hopeful we will come to the snubbing post and get that done as soon as possible.

A lot of things go into it. This has been covered, but I hope we are kind of reenergizing ourselves—no pun intended—as we come back from the recess to talk about a broad energy policy, one that modernizes and increases conservation. We all want to find ways to make better use of the energy we have, whether it be coal, oil, or electricity. We need to modernize and expand our energy infrastructure, and as things change we have to have an infrastructure, for instance in electricity, as we move towards now having more of a market segment in generation.

If that is going to be done, then there needs to be a transmission system that moves the generation to the market. It is a new thing for us, and we do not have that.

We have to have some diversity and talk about and maintain diversity in our supply so we begin to use renewables. We need to find new ways of doing that.

I will always remember a meeting in Casper, WY, years ago when someone said we have never run out of a source of energy because we continue to find and refine new sources. We will continue to do that and indeed need to do so. We need to improve and accelerate our environmental protection, of course. Maybe most of all now, we need to strengthen our energy security.

We have found ourselves, rightly or wrongly—I think probably it is not right—in a position of depending on foreign imports for almost 60 percent of our oil supply. Much of that oil supply has come from the Middle East, and continues to come from the Middle East, and we find that less secure than in the past.

Certainly that dependency on imported oil changes the decisions we can make, and all these factors go into dealing with that. The one that probably deals with it most directly is the opportunity to increase domestic production, which has been one of the controversial areas on the energy bill.

In fact, the energy bill was taken out of the committee. I happen to be on the Energy Committee. We did not have the opportunity to put together the bill. So the bill that has come to the Senate is basically very oriented toward conservation, toward renewables, toward most everything except an increase in domestic production. Now we have come to a point where we need to take a look at that. It is very clear how much more important that is right now than it was before. We see energy prices going up. We see much more uncertainty in the Middle East.

There are some good things as well. We see some new suppliers. We see more imports coming from Russia, and hopefully some more stability there. At the same time we now see instability in Venezuela. We have seen instability recently in Iraq. So it becomes much more clear that over time we really have to deal with this question of becoming less reliant on imported energy. So that affects not only our ability to carry on what we are committed to do in the war on terrorism—obviously that is one that requires a great deal of energy—but I think it is also very important and vital to our efforts to regenerate and strengthen the economy. The economy cannot function without energy.

I hope we can move more quickly in resolving the issues before Congress. The tax package has been completed by the Finance Committee. There are 150 amendments pending.

Hopefully, we do not have to struggle through all of those. Obviously, the question of ANWR is out there. We need to deal with that. That could be perceived differently now than in the past because of continued pressure on the notion of imported oil.

We have a great deal of work to develop more clean coal technology, as coal is one of the most plentiful domestic resources we have. We have an opportunity to become more efficient and effective in generating energy and electric energy. We dealt with that a year ago, particularly in California.

Wyoming is the largest producer of coal. One of the real opportunities in coal is producing the low-sulfur clean coal, and transporting that energy to other places. We can do more.

We have an opportunity to continue making nuclear energy important. For anyone interested in clean air, which we all are, nothing is cleaner in producing electricity than nuclear power. We have not figured out a way to deal with the waste. There is controversy on that. There are things we can do. We can find storage. Looking at what is done in Europe, they recycle from time to time. We can work those areas.

There is much that needs to be done; there is much that people need to agree to do to move forward on those goals. We find ourselves tied up over some of the elements. I hope we come together and decide what it is we need to do and get on with it.

I am hopeful we can move quickly, certainly to do the best we can. The House has already passed a bill and is ready to go to conference. We can reconcile the differences. The administration is anxious to have an energy policy, to have an energy bill passed, and is working with Congress to do something to make it work while making our economy and environment stronger. We have a lot of energy in our State.

The idea that if you produce and have access to public lands for multiple use, it suddenly ruins the land, is not the case. We have seen over the years we can have multiple use. We can have production. We can have gas production. We can have oil production. We can continue to have a decent environment.

We completed a study on a portion of land under consideration for wilderness in Wyoming called Jack Morrow Hills. One study showed there were operations there some time ago, and the natural evolution had changed it back to a natural place. We have to be careful. We have to use environmentally sound procedures and techniques. We can do that. We are committed to do that. I am hopeful we can move forward.

We have had support from veterans, from organized labor, from women's groups, from the Hispanic and Jewish community, from Native Alaskans. Almost everyone has been here. I had the pleasure of working with veterans who were here promoting energy policy. I look forward to that.

As we return to energy at 11 a.m., I hope our goal is to complete that as soon as possible and move on to other matters.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOVING ON THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, I want to take a moment to discuss where we are on the energy bill and how I see us moving forward. As I think the record will note, prior to the recess I filed an amendment on sanctions against Iraq. The specific justification for that was my belief that, at a time when we are seeing the situation in the Mideast erupt, we find ourselves in a position where we are importing over 800,000 barrels a day from Iraq, a country where we are enforcing a no-fly zone, putting the lives of our men and women at risk. At the same time as we are importing this oil, we put it in our aircraft and use it to enforce the no-fly zone. As a consequence, in Iraq, Saddam Hussein generates a cashflow that allows him to keep his Republican Guard well paid and obviously contributes to Iraq's capability of developing weapons of mass destruction.

The purpose of the amendment is to initiate a sanction against Iraq until such time as we can satisfy ourselves that the U.N. inspectors have evaluated whether, indeed, Saddam is using his oil money to develop weapons of mass destruction. I may bring that up today. I have previously received from the majority leader a commitment that he would allow an up-or-down vote on that particular subject at a point in time. I think this may be an opportune time.

The rationale for that is obvious. We find ourselves in a position now where Iraq has indicated it probably will initiate a curtailment of oil exports from that country for a 30-day period. We can only ponder the results of that, as to what it will mean to the consumers in the United States as we see ourselves continuing to be dependent on foreign sources of oil.

I want to take a moment here to discuss where we are in the energy bill and my commitment to see us move forward on it. As you know, we have had a number of successful amendments. I think we have developed a stronger bill. I think it is appropriate to give a rundown on the current situation in the Mideast before I discuss that, and how that has increased the importance of moving an energy bill off the floor.

There is virtually no way to explain the situation in the Mideast. I will not go into the details, other than to highlight the effects it will have on the United States.

While we were on our Easter recess, clearly the tinderbox in the Mideast exploded. In 2 weeks, we have seen 5 suicide bombers; we have seen some 29 Israelis killed, 100 wounded. The same is true on the other side, the Palestinians. Israelis rolled into Yasser Arafat's headquarters in the Palestine settlement when Prime Minister Sharon declared, "Israel is at war."

What did that do to the price of oil? It jumped, first $3 a barrel on Monday, March 25, closed at $24.53; trading at $28, and it is going up over $30. The Iraqis are calling on the Arab States to use oil as a weapon—oil as a weapon, Mr. President. Quoting from a statement issued by the ruling Iraqi Baath Party:

> If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

Now Saddam announces a 30-day embargo against U.S. consumption—basically a 30-day reduction of his output.

New reports emerge that Saddam Hussein had planned to ram a suicide tanker into a U.S. warship in the Persian Gulf. That came out of a Christian Science Monitor story, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Christian Science Monitor]

EX-SMUGGLER DESCRIBES IRAQI PLOT TO BLOW UP U.S. WARSHIP

(By Scott Peterson)

Iraq planned clandestine attacks against American warships in the Persian Gulf in early 2001, according to an operative of Iranian nationality who says he was given the assignment by ranking members of Saddam Hussein's inner circle.

The alleged plan involved loading at least one trade ship with half a ton of explosives, and sailing under an Iranian flag to disguise

Iraq's role, using a crew of suicide bombers to blow up a U.S. ship in the Gulf.

The operative, who says he smuggled weapons for Iraq through Iran for Al Qaeda during the late 1990s, says he was told that $16 million had already been set aside for the assignment—the first of "nine new operations" he says the Iraqis wanted him to carry out, which were to include missions in Kuwait.

The first plot, remarkably similar to the attack on the USS *Cole* on Oct. 12, 2000, was never carried out. The status of the other nine operations remains unclear.

The smuggler, Mohamed Mansour Shahab, now in the custody of Kurdish opponents of Mr. Hussein in northern Iraq, says he was first told of the role he was to play in the plan in February 2000—one month after an apparently unrelated attempt in Yemen to target a U.S. destroyer, the USS *The Sullivans*, failed when the bombers' boat, overloaded with explosives, sank. Suicide bombers later succeeded in striking the USS *Cole* in Yemen, leaving 17 U.S. sailors dead and a gaping 40-by-40 foot hole in the side of the warship.

TERROR'S FOOTPRINTS

If this Iranian smuggler is telling the truth, it would represent the first information in nearly a decade directly linking Baghdad to terrorist plans. No evidence has surfaced to date that Iraq was involved in the Sept. 11 attacks or the bombing of the *Cole*. But President George W. Bush has declared Iraq part of an "axis of evil," and makes no secret of his determination to end the rule of Saddam Hussein as part of his "war on terrorism."

The last publicly known terrorism involvement by Baghdad was a failed assassination plot against Bush's father, former President George H. W. Bush, during a visit to Kuwait in 1993. The elder Bush orchestrated the 1991 Gulf War against Iraq.

"The Iraqis may have been waging war against the U.S. for 10 years without us even knowing about it," says Magnus Ranstorp, at the Center for the Study of Terrorism and Political Violence at St. Andrews University in Scotland. "Iraq may have fought, using terrorism as the ultimate fifth column, to counter U.S. sanctions and bombing. Plausible deniability is something Iraq . . . would want to ensure, putting layer upon layer to hide their role."

Part of the justification for any future U.S. strike against Iraq may be the kind of information provided by the young-faced, nervous Iranian smuggler, now held in the U.S.-protected Kurdish "safe haven" of northern Iraq.

Mr. Shahab spoke last weekend in an intelligence complex run by the Patriotic Union of Kurdistan (PUK), one of two rival armed Kurdish factions that control northern Iraq. He did not appear coerced to speak, and bore no physical signs that he had been mistreated since his arrest on May 16, 2000.

Still, shaking nervously and swallowing repeatedly, he at first refused to answer questions, saying that he was concerned about his family's safety in Iran. Two days later—after learning that part of his smuggling history and role in several killings had already been made public in the New Yorker magazine—he agreed to describe information that he had previously withheld, about Iraq's plan to target U.S. warships.

"If this information is true, it would be in the interest of the U.S., and of all the world, for the U.S. to be here to find out," says a senior Kurdish security officer involved in the case. Kurdish investigators were initially skeptical of some parts of Shahab's story. But the investigators say they later independently confirmed precise descriptions of the senior Iraqi officials Shahab says he met, by cross-examining a veteran Iraqi intelligence officer in their custody, and checking other sources.

Wearing a pale-green military jacket, dark-blue sweat pants and worn plastic sandals, Shahab softly recounts how he smuggled arms and explosives for Al Qaeda and the Iraqis. He at times flashes a boyish smile—the same disarming grin he uses in images on a roll of film he was carrying when arrested. Shahab also claims to be an assassin. The photos—shown to the Monitor—show Shahab killing an unidentified man with a knife. He grins at the camera as he holds up the victim's severed ear.

During a two-and-a-half-hour interview, Shahab describes the origin of the plot to blow up U.S. warships, while his hands work nervously. He received an urgent phone call early in 2000, from a longtime Afghan contact named Othman, who told him to go to a meeting in Iraq. In February 2000, Shahab says he was taken to the village of Ouija, the birthplace of Saddam Hussein near Hussein's clan base at Tikrit, in north central Iraq.

At the meeting, he says, were two influential Iraqis, fellow clansmen of Saddam Hussein: Ali Hassan al-Majid—Mr. Hussein's powerful cousin and former defense minister—and Luai Khairallah, a cousin and friend of Hussein's notoriously brutal son Uday. Mr. al-Majid is known among Iraqi Kurds as "Chemical Ali," for his key role in the genocidal gassing and destruction of villages in northern Iraq that killed more than 100,000 Kurds in 1987 and 1988.

The Iraqis said they considered Shahab to be Arab, and not Persian, and could trust him because he was from Ahvaz, a river city in southwest Iran rich with smugglers and close to the Persian Gulf, Iraq, and Kuwait. It is known as "Arabistan" because of the number of Arabs living there.

NINE MISSIONS

Al-Majid and Mr. Khairallah spoke of the nine operations: We've allocated $16 million already for you," Shahab remembers them telling him. "We start with the first one: We need you to buy boats, pack them with 500 kilograms of explosives each, and explode U.S. ships in Kuwait and the Gulf."

The plan was "long term," Shahab says, and meant to be carried out a year or so later, in early 2001, after he had carried out another mission to take refrigerator motors to the Taliban. Each motor had a container attached holding an apparently important liquid unknown to Shahab. He says he doesn't know if all nine operations mentioned were similar to the boat plan, or completely different. Some were to take place in Kuwait.

The attack against a U.S. vessel, Shahab recounts al-Majid and Khairallah explaining, was to be "a kind of revenge because [the Americans] were killing Iraqis, and women and children were dying "because of stringent UN sanctions, which the U.S. backed most strongly. "They said: 'This is the Arab Gulf, not the American Gulf,'" Shahab recalls, referring to the large U.S. naval presence in the area.

The Iraqis knew that Shahab, with his legitimate Iranian passport and wealth of smuggler contacts, would have little trouble purchasing the common 400-ton wooden trading boats. He would have raised few eyebrows sailing under an Iranian flag—the only ships in the area, since UN sanctions prohibit such Iraqi trade.

Shahab was to rent or buy a date farm along the water at Qasba, on the marshy Shatt al-Arab waterway that narrowly divides Iraq and Iran, just a few hundred yards from the Iraqi port city of Fao. Using a powerful small smuggling boat, he says he would have been able to reach Kuwaiti waters from Qasba in just 10 minutes.

Iraqi agents were to provide the explosives and suicide squad; Shahab was to handle the boats and the regular crew. "The group that worked with me would sail the ship, and not know about the explosives," Shahab says. "When we crossed out of Iranian waters, we were to kill the crew, hand over the ship to the suicide bombers, and then leave by a smuggler's way."

The job, Shahab said, "was easy for me, I could start at any time." Shahab said the Iraqis told him they "had a lot of suicide bombers in Baghdad" ready to take part in such an operation.

But the plans were never finalized for Shahab, and after delivering the refrigerator motors to the Taliban, he was arrested in northern Iraq in May 2000, with his roll of film, as he tried to avoid Iranian military exercises going on along the border to the south. Though carrying a false Kurdish identity card, his accent gave him away at the last PUK checkpoint.

Iraqi experts say that such a plot is plausible, since Saddam Hussein's multiple intelligence services are sophisticated and smart.

"Anything is possible," says Sean Boyne, an Ireland-based Iraq specialist, who writes regularly for Jane's Intelligence Review in London. "Certainly Saddam has gone to great trouble to shoot down [U.S. and British] aircraft" patrolling no-fly zones in northern and south Iraq, Mr. Boyne says. "He has invested heavily in his antiaircraft system. He is eager to have a crack at the Americans."

That impulse may also help explain the presence of a training camp at Salman Pak, a former biological-weapons facility south of Baghdad. It includes a mock-up Boeing 707 fuselage, which Western intelligence agencies believe has been used for several years to train Islamic militants from across the region in the art of hijacking. A senior Iraqi officer who defected told The New York Times last November that the regime was increasingly getting into the terrorism business. "We were training these people to attack installations important to the United States," an unnamed lieutenant general said. "The Gulf War never ended for Saddam Hussein. He is at war with the United States. We were repeatedly told this."

Still, the political situation Saddam Hussein finds himself in today—in light of the example of decisive U.S. military action in Afghanistan—may not be as conducive to a strike at the U.S. as it was when Shahab says he first heard of the plan to blow up a U.S. warship. In recent months, Boyne notes, Iraq has engaged in a region-wide charm offensive to portray itself as a victim, and to build Arab and European support against any U.S. attack. Baghdad is even pursuing warmer ties with Kuwait (at the Arab League summit last week) and with Iran, in an attempt to gain mileage from Iran's anger at being listed as part of Washington's "axis of evil."

While the Bush administration focuses on Iraq's apparent pursuit of weapons of mass destruction—in the absence of UN weapons inspectors, who were kicked out in 1998—clues to Iraq's true role may lie in the credibility of the 29-year-old smuggler from Ahvaz.

Why is he talking now? "Afghanistan is finished, so now I feel free to speak," says

Shahab, who was given the name Mohamed Jawad by accomplices in Afghanistan. Asked if he fears the wrath of senior members of the regime in Baghdad, who still hold power, Shahab replies: "I lost everything. For many years I worked with assassinations and killing—it doesn't make a difference to me."

Mr. MURKOWSKI. Mr. President, yesterday major oil producers in Venezuela went on strike. Between Venezuela and Iraq, nearly 30 percent of our oil imports are at risk. And that is nearly 12 million barrels today.

We also learned that Saddam Hussein has indicated a payment to the families of the Palestinian suicide bombers of roughly $25,000. Previously it was around $10,000. That is a terrible incentive for terrorism. One has to wonder where he gets the cash. But you don't have to wonder very long because of the $4-plus billion that the United States paid Saddam Hussein last year for oil.

The Senate needs to remember that Saddam is much more than just a member of the axis of evil. He is an energy partner of the United States.

We now understand that Iraq, Libya, and Iran have called for an OPEC oil embargo—an event that could cripple the world economy.

With each passing hour, the Mideast grows more unstable, and the future grows more uncertain. With each passing day, the United States grows more dependent on foreign sources of energy.

What does tomorrow hold? More chaos and more bloodshed. The United States has a role and an obligation to help lead the region to peace. I applaud the President for sending Secretary Powell to personally supervise these efforts. But now more than ever we should turn our attention to here at home. We need to look at the realities of how we are going to meet our energy needs with or without the Mideast.

Given the choice, will we choose to keep us dependent on foreign oil or will we choose solutions found here at home to lessen our dependence on imported oil, solutions within our borders free from the chaos and uncertainty in the Mideast?

I go back to 1995. If the Senate passed an amendment in the omnibus bill that would have allowed the opening of ANWR, where would we be today? We would be in production. We would be generating at least a million barrels more from domestic sources, eliminating at least a million barrels from imports. Unfortunately, our former President vetoed that bill.

The energy bill before us is one on which we spent nearly 3 weeks. There is some criticism for the delay, but I remind my colleagues that we are taking on an extremely difficult and divisive issue and dealing with it on the floor of the Senate as opposed to the committee process. Since the debate started on this issue, we have disposed of 49 amendments—21 offered by Republicans and 28 by Democrats. Working with my good friend, Senator BINGAMAN, I think we have moved in a responsible manner.

That total, I might add, does not include the two amendments dealing with judicial nominees, or several amendments that have been dealt with off the floor. We have dealt with extremely difficult amendments, including CAFE, and specifically whether Congress should decide on new vehicle standards or leave that decision to experts; whether Congress should impose a renewable portfolio standard on some electric producers or leave the decision on appropriate standards to the States; whether the Federal Government should continue the liability protection on nuclear powerplants—that is the Price-Anderson amendment—the issue of reliability, and how best to ensure reliability on our electricity grid; ethanol; and whether to create a reasonable fuel requirement.

But there are still significant issues left to decide. We need to close out the issues dealing with electricity. We need to reach some agreement on the climate change provision in the bill. Of course, we must address the tax provisions for renewable conservation, alternative fuel efficiency and production. We must decide how best to increase our domestic production of energy sources since there are no real production provisions in the Daschle substitute.

The ACTING PRESIDENT pro tempore. The Senator has used 10 minutes.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that morning business be extended until the hour of 11:30 today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for another 5 minutes to finish my statement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MOVING ON THE ENERGY BILL

Mr. MURKOWSKI. Mr. President, although we have some significant issues left to decide, we need to close out electricity, climate change, tax provisions, and increasing our domestic production.

As I stated in my opening statement, because of the manner in which this legislation has come before the Senate, we have been forced to consider the measure without the benefit of the committee deliberation and action that ordinarily would accompany a bill of this nature. We have had difficult and divisive issues that should and could have been worked out in committee. It is debated here in this Chamber. It is not a question of laying blame on one or the other. The point is, we have to move on from where we are. This bill can only be resolved by the amendment process.

Recently, we have seen statements that the Republicans were stalling this bill because we had not offered an ANWR amendment. It is my intention to offer an ANWR amendment this week. I regret that some on the other side believe there have been delays. But I believe the Feinstein amendment is pending today. Of course, I anticipate that we will proceed and there will be an objection to moving off of it for any other reason. I have always believed the best way to move important legislation is to work through the less controversial issues first and then address the more difficult.

I remind my colleagues that it was the majority leader, not the Senator from Alaska, who decided to spend the entire first day of the debate on various amendment provisions. We saw those amendments which would not necessarily have been resolved with any significant advancing of the process. But, nevertheless, I will not belabor the manner in which this bill has moved forward. We have seen an extremely difficult process on both sides of the aisle in trying to balance a comprehensive and bipartisan bill that balances production, efficiencies, alternative fuels, and conservation.

The problems associated again with the movement of the bill probably need a little identification as we work through the process.

There were no committee reports or committee-approved texts for anyone to work from. The substitute that was brought about by the majority leader was kind of a moving target, and continued to be modified even after introduction. Even with that, we still deal with moving targets.

The renewable portfolio amendment offered by the manager on the other side changed so many times before introduction that the majority whip didn't really know—and I didn't know—whether we were talking about a standard of 8 or 10 percent or whatever. That does not form a basis for any kind of debate, and seriously complicates the ability of Members to draft amendments or know what they are voting on.

But I don't want to belabor this because what we are attempting to do is move this process along and bring up the other amendments. We are certainly not looking to extend the debate on the issue or filibuster this bill through unlimited amendments.

Currently, as I have indicated, there are roughly 150 known potential amendments remaining—roughly 100 on the Democratic side and 50 on the Republican side. Virtually all of them could and would have been dealt with within the committee process. But the staff for both the majority and the minority are working to eliminate this list.

I pledge my support to improve the legislation before us and get a bill to the President as soon as possible. I urge my colleagues to recognize the weight of this task before us as we push through the agenda and do what is right for the Nation.

I hope that as we start afresh after our Easter recess we can come together and recognize the reality that this country is in peril over energy, that the continued escalation of prices is going to hit the consumer and hit our recovery, the prospects associated with the curtailment of imports from Venezuela and Iraq, which constitute 30 percent of our oil imports, and the results of nearly 2 million barrels coming to a halt which we have depended on is going to severely affect our economic recovery.

It has been estimated for every million barrels of oil taken off the world market, crude oil prices rise roughly $3 per barrel. Today's price is roughly $27. Obviously, we are looking at somewhere between $30 and $33 if, indeed, this curtailment continues.

It is time to recognize that indeed we have some recourse. The recourse is to reduce our dependence, and one way to do that is obviously to look favorably upon the ANWR amendment.

I thank the Chair and my colleagues for the time. I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

CHERRY BLOSSOM QUEEN ELIZABETH O'CONNOR

Mr. DODD. Mr. President, my colleague from Connecticut is joining me on the floor, and we are going to spend a couple minutes talking about two sources of State pride. I will very briefly mention, before I talk about the University of Connecticut women's basketball team, that last Friday night the U.S. Cherry Blossom Queen was crowned in Washington. We are very proud in my office to say Elizabeth O'Connor was chosen, by a random selection process, as the Cherry Blossom Queen of the United States.

She is a staff assistant in my office. She is a wonderful young woman who is very accomplished in many ways. A summa cum laude graduate of Notre Dame University from Farmington, CT, she went to Farmington High School. She is the daughter of wonderful parents, Fred and Katherine O'Connor in Farmington, CT.

She will be going to Japan for a couple of weeks, meeting with the Prime Minister, the Speaker of the House, as the Cherry Blossom Queen of the United States.

You can understand the source of pride in our office and in Connecticut that Elizabeth has been chosen as Connecticut's society princess crowned the Cherry Blossom Queen. We are very proud of her. I know she will represent the State and the country very admirably. In the last few years we had another queen, Shannon Kula of my office, also chosen the Cherry Blossom Queen. People are beginning to wonder if Connecticut has some fix, a hold on the cherry blossom queen festival. Nothing such as that has occurred. This is good fortune and good luck for the State of Connecticut.

NCAA WOMEN'S BASKETBALL CHAMPIONS

Mr. DODD. Mr. President, I rise today, along with my friend and colleague, Senator LIEBERMAN, to offer a Senate resolution commending the Connecticut women's basketball team. We have had a phenomenal season from start to finish, with the crowning victory at the Alamodome in Texas, defeating the University of Oklahoma just a few weeks ago. Their 82-to-70 victory in the national championship game on March 31 capped one of the most dominant seasons enjoyed by any sports team in recent memory.

The Huskie Women's Basketball Team finished the season undefeated, 39 and 0, becoming only the fourth women's NCAA basketball team in history to do so and one of a few teams that have had multiple national championships. There are only a handful that have had undefeated seasons and national championships.

The margin of victory of the UConn team over the season was astounding. A historical 35 points was the average margin of victory in the 39 victories they had during the regular season. In all my years—I know the Presiding Officer is a fan as well of sports and basketball—I never have seen anything quite like this. Each game was not a question of whether or not they would win but by how much. A phenomenal group of young women, a phenomenal coaching staff, they just did a terrific job during the entire season.

The accomplishments of this team go far beyond their dominance on the hard court. The Huskies have helped contribute to the greater cause of increasing the visibility of women athletes. Nearly 3.5 million people watched the final game on ESPN, which represented the largest audience for a college basketball game, men's or women's, in network history. Imagine, a few years ago, you would have been lucky to have a handful of people that might show up for a women's basketball game.

Not only did they have 3.5 million people watching on television, 30,000 people were packed into the Alamodome to watch the final game. Many people would have predicted that could never have happened only a few years ago. Why shouldn't it be so? Anyone who watched this remarkable team from Connecticut as well as the other top teams across the Nation—Tennessee, Duke, Oklahoma; there are a lot of great women's teams, the number growing each and every year—would certainly be impressed with the quality of the play they have brought to the game.

Theirs is a wonderful, pure style of basketball combining accurate shooting and flashy passing, as we have all seen, and sound all-around play. For the women's team, one of the strengths was the senior leadership. NCAA Player of the Year Sue Bird, along with her senior teammates Asjha Jones, Tamika Williams, and Swin Cash, have played together for 4 years—four remarkable women.

This last victory caps an incredible collegiate career for these four women, including an unbelievable 136-and-9 record and two national championships—rather phenomenal. Throughout the season, their familiarity with each other made it seem as though they could read each other's minds as they played on the court.

All of us in Connecticut are deeply proud. Last Saturday, there was a parade in Hartford, CT. Literally thousands of people on a bitterly cold day showed up to express their admiration and pride in these wonderful players and their coaches.

Coach Geno Auriemma is truly a special individual and deserves some very special recognition. He has led this team to victory after victory and does so with a great deal of style, emotion, and feeling for these young women. He arrived on the Storrs campus in 1985, at which time the Huskie team had experienced only one winning season. He quickly turned the program into one of the leading powerhouses in the Nation, and the pride of the people of Connecticut has been swelling ever since.

Coach Auriemma has compiled over 400 career wins at UConn including an unbelievable 272-and-17 record over the last 8 seasons. This represents a run of dominance possibly unmatched in the history of team sports competition. Under Coach Auriemma's leadership, the Huskies have won 3 national titles, 12 Big East regular season titles, and 11 Big East tournament titles. This year, Coach Auriemma was named National Coach of the Year for the fourth time in his career and the Big East Coach of the Year for the fifth time in his career.

Perhaps the most important example of Coach Auriemma's philosophy is the way he has led these women to be winners on the court and off as well. I know the Presiding Officer will be impressed by this statistic. Coach Auriemma has overseen a program that boasts a 100-percent graduation rate for the young women of his team. That is something to be emulated across the country. The entire sports world could learn a great deal from Coach Auriemma and his staff and the generation of UConn women's players who have played for him. Athletes do not need to sacrifice an education or other valuable things in life for the sake of winning. If you set your sights on excellence, there is no telling how much you can achieve in life and where excellence will come in every endeavor in which you engage.

Although some Huskies have gone on to excel in the WNBA, many others have gone on to careers as physicians, lawyers, and educators. I know Coach Auriemma is extremely proud of the alumni association that has come from the teams he has coached over the years.

Let me also congratulate everyone involved in this incredible season. I mentioned the four seniors on the team: Sue Bird; Swin Cash; Diana Taurasi, a young woman, not a senior. She was the most junior in age of the starting five. I mentioned Asjha Jones and Tamika Williams. The starting five is the only team in NCAA history where all five starting players are All-Americans. Sue Bird was on the first team, two were on the second team, one on the third team, and one honorable mention. That has never been done before by a starting five on a basketball team. And the other players on the team could easily have been a starting team almost anywhere else, and they contributed successfully to the success and overall efforts. They include: Jessica Moore, Ashley Battle, Maria Conlon, Morgan Valley, Ashley Valley, and Stacey Marron. Thanks go to Geno Auriemma and his associate head coach, Chris Dailey, and Tonya Cardoza and Jamelle Elliott.

Senator LIEBERMAN and I are very proud of this wonderful group of people, these young players. They receive a lot of support around Connecticut. We have always had to export our sports allegiance, on a professional level, and in Connecticut you are either a Boston Red Sox fan or a Yankee fan. Some are now Mets fans. In football, you either support the Giants or the Patriots. In hockey, it is Boston, New York, or New Jersey. At the collegiate level, the UConn men's team, under Jim Calhoun, had a wonderful season, getting to the final eight, losing to Maryland, and the UConn women's team going on to the third national title in the last few years.

While we don't have a professional sports team in our State, we have wonderful college athletics, and you can understand the great sense of pride we all feel over this unique and special accomplishment achieved by the UConn women's basketball team. I know my colleague is here being supportive.

CONGRATULATING THE UNIVERSITY OF CONNECTICUT'S WOMEN'S BASKETBALL TEAM ON WINNING THE NCAA NATIONAL TITLE

Mr. DODD. Mr. President, I send to the desk a resolution, S. Res. 232, and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 232) congratulating the Huskies of the University of Connecticut for winning the 2002 NCAA Division I women's basketball championship.

The PRESIDING OFFICER (Mr. CORZINE). Without objection, the Senate will proceed to consider the resolution.

The junior Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, it is with profound pride—and I suppose I should add provincial pleasure—that I join Senator DODD and all of our colleagues from Connecticut in the House of Representatives in introducing this resolution, which is the legislative equivalent of wagging our tails and howling like huskies at the Capitol dome.

We are very proud to salute the 2002 national champion University of Connecticut women's Huskies basketball team, who, on March 31, capped a 39-to-0 season—a perfect season—the ninth undefeated run in the whole history of college basketball, with a victory over Oklahoma in the title game. I suppose we should pay some respect and give some sense of congratulations, even in defeat, to our former colleague, David Boren, who is now the president of the University of Oklahoma.

This fantastic season leads me to repeat a pressing question that opponents of the UConn women's basketball team must have been asking all year, which is: Who let the Huskies out? I think the answer might be the great Coach Geno Auriemma and his superb staff, who not only coached but led, inspired, and mentored this extraordinary group of women to this extraordinary season. This marks the third time that UConn women have leapt above the rim of college basketball and the first time in NCAA history that any school has gone unbeaten on two separate occasions.

Mr. President, you may remember—and I certainly do—a similar swell of pride when Rebecca Lobo and Jenn Rizzotti and company ran the table on the way to the national championship in 1995. For years to come, student athletes around the Nation will be striving to approach the perfection of this program, and we in Connecticut are so proud of it.

As Senator DODD indicated, five of these great basketball players won All-American notice. They poured in more points than any other team in the Nation and racked up an NCAA record average margin of victory of more than 35 points a game—a remarkable achievement.

But the true measure of the team, as Senator DODD indicated, can't be distilled in numbers or records. You have to look at the humans involved. The legendary Geno Auriemma, one of the winningest coaches in college basketball history, once again brought together a great group of talented and hard-working young women and imbued that team not just with the skills but with the team spirit and the togetherness that we saw on the court perfectly and gracefully executed time and time again.

Senator DODD referred to the four seniors who are legendary and will remain legendary in Connecticut for a long time to come: Sue Bird, Asjha Jones, Tamika Williams, and Swin Cash; and a great sophomore sensation, Diana Taurasi. They became an unstoppable combination. I will say with pride that the surge of success is starting to feel happily familiar to us, and we are very grateful for that. Over the last 4 years, the UConn women's team has gone 136 and 9, made three Final Four appearances, and claimed four Big East tournament titles in 4 years, along with the Huskies men's basketball team, which this year earned its 15th consecutive trip to national post-season play on the way to the Elite Eight. The two make a truly triumphant tandem, that Huskies men or women have now won the national college basketball championship in 1995, 1999, 2000, and 2002.

This is a great program, and we owe a particular thanks and expression of pride to the athletic director of the University of Connecticut, Lou Perkins, to coaches Geno Auriemma and Jim Calhoun, and to all their staffs.

Mr. President, this may give you some small sense of why Connecticut residents are as loyal to our Huskies as huskies are to their owners. We love the way this team came to play. We love the way they brought out the best in our State. If I may say so, as Americans, every day we pledge allegiance to the red, white, and blue; but during basketball season in Connecticut, we have a special place in our hearts for the white and blue alone. We are proud that the rest of the Nation is catching on. A record crowd of nearly 30,000 fans turned out at the Alamodome in San Antonio to watch the Huskies win the national title. That growing popularity is helping women's college basketball ascend to truly new heights.

I am proud to join with Senator DODD and our colleagues in the House in introducing this resolution and in congratulating the UConn players and coaches on their singular accomplishment and asking the Senate to do the same. We are filled with pride over the honor the Huskies have brought to Connecticut.

Two years ago, when Senator DODD and I were here and I was honored to give a similar speech saluting the UConn men's Huskies, I closed with the UConn cheer. I believe if I don't do it today, there will be objections raised under various Federal statutes. So here it is: U-C-O-N-N, UConn, UConn, UConn.

Thank you. I yield the floor.

The PRESIDING OFFICER. Without objection, the resolution and the preamble are agreed to.

The resolution (S. Res. 232) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 232

Whereas the University of Connecticut women's basketball team won its second national championship in 3 years by defeating the University of Oklahoma by the score of 82–70;

Whereas NCAA Division I Women's Basketball Coach of the Year Geno Auriemma's team finished the 2002 season with a perfect 39–0 record, becoming only the fourth NCAA Division I women's basketball team to go undefeated;

Whereas Sue Bird was chosen as the national women's player of the year;

Whereas Swin Cash was named the Final Four Most Outstanding Player;

Whereas Sue Bird, Swin Cash, Diana Taurasi, Asjha Jones, and Tamika Williams were selected as All-Americans;

Whereas the Huskies' 35-point average margin of victory during the regular season was the largest in NCAA Division I women's basketball history;

Whereas the Huskies dominated this year's NCAA Division I women's basketball tournament, averaging 83.3 points and a 27-point margin of victory en route to the championship;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies' season of unparalleled accomplishment rallied Connecticut residents of all ages, from New London to New Haven, from Hartford to Hamden, behind a common purpose, and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

(1) completing the 2001–2002 women's basketball season with a 39–0 record; and

(2) winning the 2002 NCAA Division I Women's Basketball Championship.

The PRESIDING OFFICER. The Senator from Texas is recognized.

ORDER OF PROCEDURE

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to set the speaking order. I would like to have up to 10 minutes to speak, after which Senator MILLER would like 10 minutes, after which Senator FRIST would like 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY SECURITY

Mrs. HUTCHISON. Mr. President, I rise today to talk about the need for an energy policy for our country. I have tried ever since I have been in the Senate to get us to plan ahead, to lead our country to be self-sufficient in our energy needs. Unfortunately, the disagreements have been too great and Congress has not been able to come up with a plan that could be signed by the President.

Today we are not only talking about economic security, we are talking about something bigger, and that is national security. We must have an energy policy that begins to make our country self-sufficient because we can no longer allow 60 percent of our energy needs to be imported, especially from countries that may or may not be there for us.

I do not know what it takes for the American people to get it. Iraq has just said they are not going to export oil for 30 days. The United States uses 1 million barrels a day from Iraq and the world market. Every time a country says they are not going to produce, it takes that oil out of the world market and increases the price of gasoline at the pump and the cost to every factory to stay in business.

We are in a war. There is no question we are in a war on terrorism. We are in a war for the very freedoms on which our country was built. Religious diversity in our country has been the beacon in the world for tolerance and respect of people with different views. That has been attacked.

We are in a war, and when we are in a war, it means we must make sure our underlying strength is everything we can make it. Part of our underlying strength is a ready supply of energy. We must have a stable price for the energy we consume in our homes, in our cars, and in our factories to keep the jobs in our country.

We should have done this 6 years ago. We should have done it 4 years ago. We should have done it 2 years ago. But if we do not do it now, we are remiss in our responsibility as leaders of this country. The President has called on Congress to send him an energy package. We are debating an energy package that has been passed by the House. It is a balanced package. It increases production of oil and gas in our country. It has renewable incentives so that we will have wind energy and research into ethanol, soy fuel, and other products we can renew. It encourages the building of more nuclear powerplants which is a clean and safe energy. We will have more clean-burning coal.

There are so many opportunities for us to become self-sufficient, but until we have an energy policy, we will not be self-sufficient and we will be beholden to countries, such as Iraq, that are already cutting us off as I speak. We cannot allow any country, even a supposed friend, to have a veto over our economic stability which, in turn, is a veto over our national security. We cannot allow it, Mr. President. If we do, we are not the leaders of our country that we should be.

I am calling on the Senate to pass an energy bill. Even if it is not a perfect bill, we need to pass an energy bill. I do not like the bill the Senate is considering. It has some big problems. We are trying to straighten out those problems, and we have made some headway. Some of the amendments that have been adopted have improved the bill.

When the price of gas at the pump goes up 14 cents in the last 14 days, we cannot sit here and twiddle our thumbs. We cannot do it in good conscience. It is time for the Senate to get to work.

There will be an amendment pending in the next 15 to 30 minutes. We need to complete that amendment and go to the next one. It is very important. Part of the bill will give tax incentives for the small drillers, the 15-barrel-a-day drillers, to stay in business so we will have stability if the price goes below $15 a barrel. These are small business people. They are not going to reopen a well if they do not have some floor to help them stay in business and avoid the cost of closing that well. That is the reason many of the wells, that were closed when prices were $11 a barrel, have not been reopened.

If we can get all of the marginal wells pumping in this country, we will equal the amount we import from Saudi Arabia every day. If we drill in a very small part of ANWR, we can equal the amount we import from Iraq every day. That would be a significant step toward our stability.

ANWR is an area the size of the State of South Carolina. Part of it has vegetation and is a wildlife preserve. The part we are talking about drilling is 2,000 acres, about the size of Dulles Airport. We are talking about the size of Dulles Airport and the State of South Carolina. I think sometimes when I hear the environmentalists debate this issue, they do not know about the new techniques for drilling. We do not drill all over an area anymore. We used to have an oil well about every 50 feet. We do not do that anymore because we have technology that allows us to go down lower and spread out to get the oil without damaging the surface at all.

We are talking about a very small area that can be drilled, and it happens to be an area that does not have vegetation. Two-thirds of the year it is ice, and the road will not ever hit the dirt because it is an ice road. We will not harm the caribou. There was a study that came out from the Department of the Interior that indicated there would be harm to the caribou, but they were not talking about the bill we are going to address. The assumptions the Department made in the report are not in the bill that the House passed. It is a totally different issue. They assume we will be drilling in other parts of the refuge which we will not.

We will be sensitive to the environment. We should also protect the national security of our country. We can do both. Do we want to protect jobs and security in America, or do we want to be beholden to foreign countries for our energy needs which could shut down factories, lay off workers, cause lines at the gas pumps, and cause economic hardship in this country? That is our choice, and the choice is before us today: Are we going to choose to be self-reliant, like the greatest country on Earth at war, or are we going to rely on imports from countries that have already said they are going to cut us off? It is a no-brainer, Mr. President. It is a no-brainer. We must look out for the interests of America. If we are going to be the beacon of freedom in the world, this is part of our ability to protect that freedom.

We can do no less than pass an energy bill, go to conference, and work out with the White House the differences we have. Let us put the partisan differences aside and let us make sure America has a balanced energy policy. This includes conservation, renewable energy, electricity deregulation, more production in our own country of oil and gas, and lessening the liability for nuclear powerplants, so we will once again be able to build nuclear powerplants for clean energy.

The United States is not going to walk backward on protection of the environment. We will never do that. We are going to protect the environment, and at the same time we are going to protect the national security of our country, if we do the right thing.

I hope my colleagues, who have come back from 2 weeks at home, have seen the prices rise at the pump, have seen the moms in SUVs who are taking their children to school in carpools saying: My gosh, I cannot afford to fill up my tank and pay $150; I cannot do it.

No one says: Well, do not have an SUV. If they have five or six children and they are car-pooling, they are saving a lot of money because they are doing something that would take two cars to do. They are also looking out for the safety of their children by having heavier vehicles.

The time is now. We have the opportunity to pass an energy bill and put one more piece of our homeland security in place. It is our responsibility, and I hope the Senate will step up to the plate and do the right thing.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia is recognized.

PRESCRIPTION DRUG LEGISLATION IS NEEDED TO HELP AMERICA'S ELDERLY

Mr. MILLER. Mr. President, there is a little family restaurant in my hometown of Young Harris, GA, that is called Mary Ann's. It is where the locals gather, and often some tourists, to enjoy the north Georgia mountains. It is a good cross-section of folks: Blue-collar laborers who build houses and cut timber; teachers from the little junior college up the street where I once taught, and may do so again; young folks determined to eke out a living without having to move to Atlanta; retired folks who did go to the city to find work and then came back home as soon as they could.

There is also a percentage of people from States such as New York and Michigan who dreamed of retiring to the sunshine of Florida, and did. Some found it a little crowded and then came on up to our area in north Georgia. We call them halfbacks. They retired to Florida, then moved halfway back home. Nothing wrong with Florida, mind you. They just enjoy the beauty of our mountains.

The point I am making is this is a great cross-section of folks, usually equally divided between Republicans, Democrats, and Independents. It is where I do my focus groups, for free—or not exactly for free: sausage, a biscuit, and a cup of coffee.

I suggest to both parties in Washington who pay those enormous sums of money for focus groups and polling that there is a much cheaper way to do it, and I swear I believe it is just about as accurate.

Anyway, the point I want to make is over the recess I was in Mary Ann's a lot, and I processed a lot of information on the cross-tabs of my brain, you might say.

One day, an old timer, so thin he was mostly breath and britches, followed me out into the parking lot. That is where you can have real private conversations, usually with one leg propped up on the bumper of a pickup. We have known each other all of our lives. He stared deep into my eyes and he said: ZELL, I am worried about Hoyle.

Hoyle Bryson is my uncle, kind of like a father since my dad died when I was a baby. Hoyle has always lived next door. When I was a little boy, he played professional baseball in the minor leagues at far-away and exciting places such as Tallahassee, FL; Tarboro, NC; Portsmouth, VA. Most of his life he was a hunter and a trapper and worked as a lineman for the Rural Electric Association. He is 88 years old now, has lived alone for over 20 years since his wife died. Once, a strong mountain man, he now has diabetes, prostate cancer, recently had angioplasty, and this week was bothered with a kidney infection. That once strong body is gradually growing weaker.

So I am worried about Hoyle. I am worried about Hoyle, even though he still makes his own garden and keeps a passel of hound dogs, as he always has.

I took him to the doctor a few weeks ago and stopped back with him at the drugstore to fill his prescriptions. They came to well over $100 and will only last him a couple of weeks.

Hoyle, as do most of our elderly, lives below what statistically is known as the lower poverty level threshold. This is the group that is hurt most by taxes and especially by rising health care costs. They are a valuable human resource that we must be, as my mountain friend said, worried about. It is not always pleasant and uplifting to see this segment of our society. They make us sad. Many of us—too many—even refuse to see them. We refuse to see them because we fear we may see ourselves to be the lonely elderly waiting, waiting for someone, anyone, to knock on their screen door and, as John Prine sings, say, "Hello in there."

The elderly are waiting for something else, too. They are waiting for us to do something about their needs. So far, they have waited in vain, each day growing older and weaker and many dying.

Do you know who we in Washington are like? We are like those people in the biblical story of the Good Samaritan who passed by the man in the ditch and refused to help him. We are no better than they are.

Our elderly have always been the backbone of our society, and if we do not give them some help soon, this Nation is going to get a permanent curvature of the spine.

Twenty-five centuries ago, Plato said it best: States are as men are. They grow out of the character of man—and woman, I might add.

If we in the Senate are to be called civilized, decent, God-fearing and God-obeying, we who are so richly blessed must meet this stark question of human need. We must have a meaningful prescription drug benefit, and we must have it soon.

I say to my fellow Senators, let us get our priorities in order. Sure, it was important to pass campaign finance reform, to try to take big money out of the political process. But is there anyone who would argue it is more important than a prescription drug benefit?

Election reform, we are going to get back on that. I am for it, too. We need to make the process easier, and we need to make it fairer. Fast-track trade, let's debate it. It is important.

These important time-consuming, well-meaning pieces of legislation that will tie this body in knots and run out the clock, are any of them close to dealing with the clear human need of a prescription drug benefit for our elderly?

If someone tuned in to the debates in this Senate since Christmas, they would conclude we care more about the welfare reform of the caribou than we do about the welfare reform of our elderly. This is a life-and-death issue about our fellow human beings, for goodness' sake. It is not about the fragility of the tundra in some far away isolated place only a very few people will ever see. It is about the fragility of a human being's last days on Earth.

There is absolutely no reason, no reason except cheap political gamesmanship, that we can't have a prescription drug benefit before election day—no good reason, no acceptable reason at all.

There are 11 prescription drug bills pending in this Senate today, all of which would be better than what we have. With 54 different Senators listed as cosponsors, that says to me a majority of this Senate wants to do something and do it now. All of the budget proposals floating around out there include money for a prescription drug benefit.

Both parties made this promise to our elderly in the 2000 election. So why are we waiting? How much longer must we wait? How long are we going to continue to play this nonproductive, partisan, never ending ping-pong game of retribution and payback that takes up so much valuable time and, frankly, makes us all look silly and petty? How long will we keep using the antiquated rules that slow down everything to a crippled snail's pace, that on a regular basis thwarts the clear will of the majority of this body and instead substitutes the tyranny of a minority? We should stop this dilatory dillydallying and put up a sign around here that says "No Loitering."

We should cut down on some of this Presidential candidate posturing. I know you cannot do away with all of it, of course. But you want to be a contender? Quit preaching and preening and produce. You want the well off to show you the money? Show the not so well off a prescription drug benefit.

To do that, you will have to say no to some of those high-priced political strategists, those consultants who couldn't get elected dogcatcher themselves, whose advice is always the same: Have an issue, not a result. Never compromise, never accept a half of loaf of anything.

Remember FDR once said:

> Try something. If it doesn't work, try something else. But for God's sake, try something.

That is what I am trying to say. I want Hoyle and all those millions like him in the land of plenty who have played by the rules and worked hard all of their lives to have some peace and hope in the twilight days of their last years.

If this so-called center of democracy keeps piddling and procrastinating and postponing this issue, I hope the American people will rise up as did those fans at that football game in Cleveland and run both teams off the field.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is recognized.

ORDER OF PROCEDURE

Mr. WYDEN. For the purpose of a unanimous consent request, I ask to be recognized after the Senator from Tennessee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. I appreciate the graciousness of the Senator from Tennessee, and I ask unanimous consent that at this time morning business be extended for 10 minutes so at the conclusion of the remarks of the Senator from Tennessee I can speak as if in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Tennessee.

HUMAN CLONING

Mr. FRIST. Mr. President, in the coming weeks the Senate will consider legislation to prohibit human cloning. In advance of that important debate, which will center upon this intersection of values, of ethics as it crosses with science, many have begun studying in a very careful way this complex issue.

A number of colleagues have come forward and asked me, personally, about this issue, in part because of my medical background, but also in large part because they know I am a strong advocate for and a strong supporter of stem cell research, as long as that stem cell research is conducted within a framework of a comprehensive, ethical, and moral oversight system.

The question I hear most is the following: Can one truly be an advocate for stem cell research and, at the same time, oppose human cloning experimentation? After an in-depth study of this issue from a policy standpoint, from the standpoint of being a Senator and looking at that legislation as a science, from a medical standpoint, I believe the answer to this question is yes.

Until now, the overall human cloning debate has been presented almost as an absolute choice between, on the one hand, medical science and the hope for cures and, on the other, ethical restraint.

This is an oversimplification that does not do justice to the clinical, scientific, philosophical, moral, ethical, and spiritual complexities underlying this discussion. I am glad to see that a number of my colleagues and people around the country have not locked into this false choice, but rather have stayed back to examine these in our deliberations.

After carefully considering all of the evidence brought forward in hearings and on the floor in support of human embryo research cloning experimentation, after considering the medical progress being made and that will be made through stem cell research, and after considering the overwhelming ethical concerns about human embryo cloning experimentation, I conclude that a comprehensive ban on all human cloning is the right policy at this time. I intend to support legislation consistent with this policy, and I will encourage my colleagues to do likewise.

As we move forward, one must understand the fundamental fact that I hope plays out over the next several days and weeks in the discussion. It is important; that is, embryonic stem cell research and human embryo cloning research are not the same thing. Human embryo research cloning—called therapeutic or research embryo cloning—is an experimental technique often confused with but distinct from stem cell research. The promise of stem cell research, for Parkinson's disease, Alzheimer's disease, diabetes, spinal cord injuries, autoimmune disorders, cardiovascular disease—the promise of stem cell research and the science can and will progress with a ban on human cloning embryo experimentation.

Most serious observers—I don't want do say all—agree that human reproductive cloning should be banned, must be banned. Indeed the legislation that will come to this floor will ban reproductive cloning. It is dangerous and it is unethical.

The question this body will be debating is whether or not this ban on human reproductive cloning should extend to all human embryo cloning. The issue is not cloning of DNA, that is going to continue no matter what; not cloning of molecules, that is going to continue; not cloning of cells other than cells that become or are an embryo, that is going to continue. That is not yet fully understood and, in truth, we have not debated the legislation on this floor. But that will become apparent.

The House of Representatives has already overwhelmingly passed strong bipartisan legislation comprehensively banning human embryo research cloning experimentation and reproductive cloning. Now is the time for the Senate to do so.

Those who favor human research cloning experiments often point to its potential to develop tissues that will not be rejected. In fact, on the next chart—which I will not deal with today, but will come back to—are the arguments, the overall claims that human research cloning, or human cloning research is necessary to prevent immune rejection and is necessary for other reasons.

As a heart transplant surgeon, one who spent many years of my life transplanting hearts, this immune phenomenon is something I will come back to the floor and talk about because it is very important for us to address. Advocates for human embryo research cloning and so-called therapeutic embryonic cloning experiments say it will increase the number of embryonic stem cells. We will talk about that. They say it will further basic biological knowledge. Again, we will come back and talk about that as the debate proceeds.

There are facts that will need to be presented. But moving away from the scientific standpoint, if you look at the overall ethical and moral concern, it is this: Regardless of our religious background, most of us—maybe I should say many, but I believe most of us—are extremely uncomfortable today with the idea of creating cloned human embryos, doing an experiment on them, and destroying the human embryo. That is the state of the science. That is the state of the art.

If one supports human research or therapeutic cloning, given where we are today—our understanding of science—you are in support of purposefully creating an embryo, of removing the cells, and thereby destroying that embryo.

The other concerns which people will talk about—although I think this is the concern that most people will start with—will be concerns about women's health. Human cloning clearly will create a market for women's eggs. That is going to create powerful incentives for women to undergo an intense regimen of superovulation drugs and surgery, with potentially devastating side effects.

As a physician and a policymaker who struggles, especially since I have come to Washington, with this inherent tension between scientific progress and ethical concerns, I think there are two fundamental questions that this body needs to answer, and the American people need to answer: No. 1, does the scientific potential of human embryo cloning experimentation justify this purposeful creation of human embryos which must, by definition, be destroyed in the experiments? The second question is: Does the promise of human embryonic stem cell research—and, again, this is separate from cloning—in any way depend on the experimental research cloning, the human cloning research technique or tool? To both of those questions I answer no.

At this point in the evolution of this new science, I believe there is no justification for the purposeful creation and destruction of human embryos in order to experiment with them, especially when the promise and success of stem cell research does not—does not—depend on the experimental research cloning technique. As my colleagues know, I am a strong supporter of stem cell—including embryonic stem cells—research, as long as that stem cell research is conducted within an ethical and moral framework.

Last August, President Bush outlined a scientific and ethically balanced policy that allows Federal funding, through the National Institutes of Health, for embryonic stem cell research, using nearly 80 stem cell lines. This has, indeed, opened the door to a significant expansion of embryonic stem cell research within this ethical and moral framework.

A lot of people do not realize today that there are no restrictions—whether there should be or should not be is not the subject of the legislation that will come to the floor—but it is important to realize there are no restrictions on private research using embryonic stem cells from embryos left over after in vitro fertilization procedures. Thus, when you come to that argument of just having a technique which produces more embryos, I would argue that there is simply no compelling need for any other source of embryonic stem cells today.

The state of the science and the state of the research we will be addressing again on the floor as we go forward. But given the serious ethical concerns on human embryonic cloning research, given the fact that there is a lack of significant research in animal models—and again most people do not realize that we are talking about human cloning experimentation creating human embryos. This research has not even been conducted in animal models at this juncture. Thus, I find no compelling justification for allowing human cloning, reproductive or research, today.

It is important also—and I will very quickly go through this—to be clear that we are talking about a ban on reproductive cloning along with a ban on what is called research or therapeutic cloning, but it is all human embryo cloning. But the bill allows other types of cloning research to continue—many people do not realize that—whether it is cloning to produce animals, cloning to produce plants, cloning any cell other than a human embryo, cloning of DNA and RNA, proteins or any other molecule. In fact, I will not go through the entire list now.

The point is, the cloning science continues. The ban is on the cloning of the human embryo: the purposeful creation of an embryo for human reproduction or for experimentation and its ultimate destruction, which is what we are banning today.

I would indeed argue that any potential benefit of cloning should be carried out—should be demonstrated in animal models before going to the human model.

I wanted to make the statement today based on my assessment of where we are. There will be plenty of time to debate this later. With that I will close.

I want to say, once again, I will support legislation to ban all forms of human embryo cloning, reproductive, research and therapeutic, when the issue comes before the Senate. I, indeed, will urge my colleagues to do likewise.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

FOREST MANAGEMENT

Mr. WYDEN. Mr. President, 6 years ago last month I gave my first speech in the Senate Chamber. It dealt with an especially important forestry issue. I continue to have significant interests in these matters as chairman of the Subcommittee on Forests and Public Land Management.

In particular, as chairman of this key subcommittee, I am committed to ending the tradition of suspicion and disagreement that has characterized so much of forest management over the decades. I am pleased to be able to announce this morning a development that takes a significant step in that direction.

In March of 1996, what brought me to this floor was my opposition to the so-called salvage rider, an approach that allowed timber sales to jeopardize the health of the forests in my home State of Oregon and elsewhere. I believed then, as I do now, that salvage sales that eliminate public input, prohibit legal appeal, and limit environmental analysis, are anathema to responsible and effective forest management. Now, 6 years later, I rise in this Senate to announce the cancellation of a particularly important salvage rider timber sale and to emphasize that, in my view, salvage riders are no way to do business in the natural resources field.

I am pleased to be able to announce this morning the cancellation of the Eagle Creek timber sale in my home State of Oregon. From its inception, I believed the Eagle Creek salvage sale was not subject to adequate review and that the planned logging would result in excessive environmental damage. For more than 3 years, I have worked to prevent that damage. In July of 2000, I called on the Department of Agriculture to convene an independent review team to analyze the threat. The team found that, indeed, the sale did pose a greater risk than anticipated to the well-being of the Eagle Creek forest.

Today, I offer my thanks to Agriculture Secretary, Ann Veneman, who followed through on her commitment to review the team's findings, for choosing to implement them, and for effectively stopping the timber sale that would have done significant environmental damage.

The Eagle Creek sale is an example of a sale that should never have moved forward in the first place. At the core, section 318 salvage sales are inherently flawed because they take the American people, the public that we represent, out of the process of managing public land. As I thank the Secretary of Agriculture for stopping this flawed sale this morning, I call on the administration to oppose further salvage riders. Those who would follow the failed Eagle Creek effort are no more likely to respect the health of the Nation's forests or the wishes and needs of the Nation's forest communities and stakeholders.

When the Government pursues natural resources issues with no opportunity for public comment, discussion, or appeal, the only result is distrust and dissention. As chairman of the Subcommittee on Forests and Public Lands Management, on my watch I am going to do everything to work with my colleagues on a bipartisan basis to avoid that kind of approach.

I am especially pleased the county payments laws that I authored with our colleague from Idaho, Senator LARRY CRAIG, are an example of how the logjam over forest policy can be broken. That is an approach that provides for the ecological health of forests and also helps to ensure the economic survival for scores of rural communities. Our county payments legislation helps widen the way for a real discussion of forest management policy and an open discussion that must continue.

I come to the floor this morning to reaffirm my commitment to new and inclusive approaches to addressing the issues of forest management.

The administration has now made the right decision on Eagle Creek. It is time to halt the destructive practice of salvage sales around this country.

I look forward to working on a bipartisan basis with our colleagues and with the Secretary of Agriculture to promote a balanced forest policy that protects the remaining old growth in our national forests.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I advise Members that we are now working on a unanimous consent agreement to have a vote at probably about a quarter to 3 today. We should have something on that as soon as the Senator from California completes her speech. I ask unanimous consent that morning business be extended until we recess today at 12:30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Madam President, I ask unanimous consent to speak in morning business for the next half hour.

The PRESIDING OFFICER. The Senator is recognized.

PEACE IN THE MIDDLE EAST

Mrs. FEINSTEIN. Madam President, it has become very clear to me and to others that the linchpin of stabilizing the Middle East and also to developing an allied coalition of Arab nations in the war on terrorism is the resolution of the Israeli-Palestinian conflict. Unfortunately, in the past 2 weeks, while Congress has been on recess, we have seen an escalation of violence. I strongly believe that Yasser Arafat must shut down the suicide bombers or there will be no opportunity for peace in the Middle East.

The Crown Prince of Saudi Arabia expressed a vision for a peace plan. Secretary Powell is in the area to see if he can capitalize on this vision and restore peace and stability, at least to get a cease-fire. His job is, indeed, a difficult one.

The suicide bombings are a potent weapon and they have been precisely calculated to destroy any chance for peace. Again, why? If these suicide bombers cannot be stopped, the situation can only deteriorate and the result will only be full scale military conflagration.

Israel cannot be expected to place a limit on her own self-defense or end her effort to capture terrorists so long as fanatics on the Palestinian side continue to plot and carry out these attacks.

Indeed, some 30 years ago, I recall hearing former Israeli Prime Minister Golda Meir say:

> We are not going to die so the world will think well of us.

An overwhelming majority of the Israeli people still feel the same and believe as I do that Israel has a legitimate right to self-defense.

Forces under the control of Yasser Arafat have been directly involved in perpetrating the recent wave of deadly terrorist attacks against Israeli civilians. Many of these attacks have been carried out by Arafat-affiliated groups such as the Al Aqsa Brigade, recently designated by the State Department as a foreign terrorist organization, and the Tanzim. These are parts of his own military apparatus.

During the week of Passover, 46 Israelis were killed and more than 120 wounded. In March alone, 125 Israelis were killed in the attacks which culminated in the bombing of the Passover ceremony in Netanya.

According to documents recently seized by the Israeli military from Palestinian Authority headquarters, one of Arafat's top advisers who works out of his office is directly involved in financing the illegal weapons purchases and the terror activities of the Al Aqsa Brigade. This same Palestinian Authority was directly involved in efforts to illegally smuggle in more than 50 tons of arms from Iran a few months ago.

Arafat resumed using terror as a tactic after he walked away from Israel's historic peace concessions at Camp David in 2000. The offer placed on the table at Camp David may not have been perfect, although I happen to believe it was excellent, giving the Palestinians 96 percent of what they wanted. They have not put an offer on the table. Rather, they have opted for violence.

Since the fall of 2000, Arafat and his forces have engaged in hundreds of acts of terror against Israel, principally targeted at civilians. Arafat and other Palestinian officials have been directly involved in inciting violence against Israel. Arafat and other Palestinian officials have been directly involved in failing to thwart terrorist operations because they know how powerful those operations are.

Arafat and other Palestinian Authority officials have been directly involved in releasing terrorist suspects rather than arresting them. Arafat and other Palestinian Authority officials have been directly involved in failing to confiscate the weapons of terrorist suspects.

All of these actions are required under the terms of peace agreements he signed and to which he claims to be still committed. So why is all of this happening? I believe there is a hidden agenda, and that hidden agenda is to drive out the Jewish people and create a Palestinian state, which includes Israel. This has been the Palestinians' historic quest. Many of us hoped that through the Oslo process this quest could have been changed. But I am increasingly beginning to believe it has not been changed.

It may be unreasonable to expect that Arafat will be 100 percent successful in bringing Hamas and the Islamic Jihad totally under his control. But he can control Fatah and the Al Aqsa brigades and the Tanzim. So far, it is impossible to make the argument that he has even tried. We must remember that Yasser Arafat has rejected all Israeli peace plans, and he rejected General Zinni's recent cease-fire plan, which Israel accepted.

General Zinni went to the Palestinians and said: What do you need? He then went to the Israelis and said: What do you need? He then put them together and presented each with a cease-fire plan. The Israelis accepted it; the Palestinians did not. So one must believe the Palestinians could stop this violence if they wanted.

Israeli soldiers are now going door to door. If they retreat, I believe it will be back to the suicide bombing as usual. In the past 2 weeks, there have been no suicide bombings, since the last bombing on March 31 at the Haifa restaurant which killed 14 people. The Israeli Defense Forces, IDF, have arrested roughly 1,500 people and placed 500 on the wanted list. The Israeli Defense Forces have captured more than 2,000 weapons of various types, including thousands of guns and ammunition, 44 combat vests and suicide belts, more than 60 pounds of high explosives, and nearly 50 rocket-propelled grenades and launchers. They have captured night vision equipment and sniper rifles. The IDF has also discovered 11 weapons and explosives laboratories.

In the final analysis, if there is to be a peaceful resolution of the crisis, and if there is to be a Palestinian state alongside Israel, Mr. Arafat must make every effort to take the measures necessary to bring the suicide bombing and this kind of violence to an end. That is the responsibility he bears as a leader if he wants to see his people truly live in peace and freedom.

If Secretary Powell is unable to make concrete progress in ending the violence and moving the peace process forward, I intend to move forward shortly on an updated version of the Middle East peace compliance legislation that I introduced with Senator MCCONNELL last fall.

The stakes are enormous. As an editorial last Thursday in the Washington Post—and I find myself strongly agreeing—stated:

> It should not be hard to agree that a person who detonates himself in a pizza parlor or a discotheque filled with children, spraying scrap metal and nails in an effort to kill and maim as many of them as possible, has done something evil that can only discredit and damage whatever cause he hopes to advance. That Muslim governments cannot agree on this is shameful evidence of their own moral and political corruption.

And,

> The Palestinian national cause will never recover—nor should it—until its leadership is willing to break definitively with the bombers. And Muslim states that support such sickening carnage will risk not just stigma, but their own eventual self destruction.

So either terror ends or full-scale war begins. This is the way I see it.

Hopefully, the world will respond. Despite all that has happened, the United States can and should encourage Israel to sit down at the negotiating table for one final try. We should be responsible to get the Israelis to that table. But if the United States is to do so, the Arab world must also rise to the occasion and exercise this same control over Arafat and the Palestinian terrorists. That should be the responsibility of the Arab world.

I must say I was struck by the unhelpful nature of Ambassador Bandar bin Sultan's recent op-ed piece in the Washington Post. It seems to me if there is ever a time for responsible Arab governments to shut down suicide bombing as an acceptable tactic for anything and push Yasser Arafat into a cease-fire, real negotiations, and a peace plan, that time is now. Both the Saudis and the Egyptians are well known for seeking and destroying terrorists or others who threaten them. But they fail to allow Israel the right to do the same or to destroy the infrastructure that organizes and arms the suicide bomber and recompenses the bomber's family. Suddenly, those who kill and maim Israeli citizens are heroes, as long as it is only Israelis they kill.

Some believe that the Saudis want to have it both ways—support Americans in our war against terror, and support Yasser Arafat as he wages terror. Ambassador Bandar bin Sultan gives credibility to this argument. Any premature withdrawal of Israeli troops before they are able to seek out and destroy the members of the terrorist network must be replaced by a serious commitment of the United States and all moderate Arab States to stop the terrorist bombing. If it is not, then this country's war against terror will be mortally wounded by hypocrisy.

I suggest that Secretary Colin Powell pick up the Saudi peace plan and place it squarely on the table of world opinion, with the following caveats:

1. Withdrawal of Israel to the 1967 borders and agreement to the creation of a Palestinian State, to be conditioned by: A, defensible borders; and, B, a division of Jerusalem along the lines of that proposed by President Clinton at Camp David.

2. A 5-year phaseout of Israeli settlements in the West Bank and the Gaza Strip. This is a difficult pill to swallow, but it is also one that has to be done if there is going to be true peace and the ability of an Israeli State to stand side by side with the Palestinian State.

3. No physical Palestinian right of return but just compensation as provided for in United Nations Resolution 194.

4. All suicide bombings stop or the agreement is invalidated.

5. A peacekeeping and monitoring of the agreement by the United Nations and/or the United States over the next 5-year period.

If it is true that all Palestinians want is their own state and government, then they shall have it. If it is also true that what they really want is the destruction of the State of Israel, then this will become crystal clear to the world. Israel has a right to live in peace and security, within internationally recognized borders, and only Arab States committed to peace can bring this to a peaceful end.

The ongoing wave of terror threatens the survival of Israel as a free democratic and civilized society, and it risks engulfing the entire Middle East in chaos and war.

Israel must fight against this terror, just as we do, just as surely as the United States must fight and destroy al-Qaida and the other terrorist groups with global reach. And I firmly believe the United States should stand by Israel's side in the quest for peace and security.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

TERRORISM INSURANCE

Mr. NELSON of Florida. Madam President, I wish to speak about truth in politics. Some people would say that is an oxymoron, but it is very much needed in this town. Truth in this town often gets mixed up with the excessive political partisanship that starts to raise its head when the hot contest on an issue arises, and one such issue arose yesterday. The President took a swipe at the majority leader of the Senate over the fact that the majority leader was not bringing up legislation on terrorism insurance when, in fact, if my memory serves me correctly, in the closing hours before the Christmas recess, it was the majority leader who brought up the terrorism insurance bill, and it was objected to by the minority leadership, specifically the senior Senator from Kentucky.

Then yesterday, the Senator from Nevada offered a unanimous consent request to bring up the terrorism insurance bill, and it was objected to by the minority leadership of the Senate.

I wish we would get our facts correct about who is doing what to whom and who is trying to bring legislation out to the floor of the Senate. The fact is that the majority leader, as a number of Senators, thinks there is a legitimate problem as a result of September 11 with regard to being able to insure high-value structures in uncertain times of terrorism. Therefore, to keep the engines of commerce properly oiled and lubricated, the commodity that is often misunderstood, known as insurance, needs to be provided.

If we are successful in getting the parties to come together and the legislative branch and the executive branch of Government to come together on a bill—this particular legislation that is being talked about has a gross omission; and that is, the consumer needs to be protected from the rates being jacked up so high using terrorism as an excuse. In fact, that is what we are already beginning to see. We are seeing the rates of a number of liability, property, and casualty policies going through the roof as a result of the uncertainty of the climate set about by terrorism.

There is an easy way to handle that, and if this body does get together on a terrorism insurance bill, then clearly it ought to have the protection that, first, the premiums collected for terrorism insurance not be mixed with the premiums collected for liability, fire, theft, slip and fall, and other activities. Why? If an insurance company needs to charge an additional amount for terrorism, and there is no experience or data save for the September 11 experience, we need to know how much is being charged so that the insurance commissioners of the 50 States will be able to build some data and see clearly whether or not the amount of a premium being charged is, in fact, actuarially sound to support the threat of future insurance losses from terrorism.

The commissioners need data and they need experience and the only way, from an accounting standpoint, they can accurately measure that is the premiums for terrorism insurance are kept separate from all other premiums for the normal property and casualty insurance cost.

A second provision that is absolutely essential for the protection of the consumer is that there be a cap on the amount the premium can be raised. Instead of these gargantuan rate hikes that are now occurring—some double and triple the amount that businesses have paid in the past—there could be a much more modest rate hike. If that is not enough or if that is too much on the basis of the experience—in other words, the payout for terrorism losses in the future—the insurance commissioners of the 50 States will be able to have a record they can then figure out whether that is too much or too little.

Instead of taking advantage of the trauma of the climate of September 11, we ought to put a cap in any legislation we pass on the amount the rates can be raised by insurance companies.

Mind you, even though we think this is applicable just to large buildings, football stadiums, or public places that might be on a target list of terrorists, just wait. We are going to see in neighborhoods that happen to be near a nuclear plant the rates for homeowner insurance policies and automobile insurance policies jacked up; thus, all the more reason why we need to separate the premium that applies just to the terrorism risk, as well as cap it for the initial rate increase to pay for the terrorism insurance.

There is a third protection of the consumer that must be included in any legislation the Congress passes, and that is the prevention of redlining or, in other words, the prevention of saying: I am going to give you terrorism insurance, but I am not going to give you terrorism insurance. In other words, there has to be a mandatory obligation that all policies be able to have the terrorism coverage.

Those three particular points of protection of the consumer must be in legislation that comes out of the Senate and was suggested by the White House yesterday but with no details: Point No. 1, separate the funds from an accounting standpoint so we know how much is going in to the insurance company for the terrorism risk; No. 2, cap the amount initially that can be raised until some experience can be built up and data is available to see if the rate being charged for the terrorism risk is actuarially sound; and, No. 3, have a requirement that there be the mandatory coverage of the terrorism risk so that there cannot be cherry-picking, saying: We will cover you, but we will not cover your policy.

Then the public of America would be well served.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Madam President, I ask unanimous consent that I be permitted to proceed for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2077 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:36 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. DURBIN).

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, we are.

U.S. ENERGY POLICY

Mr. BUNNING. Mr. President, I rise today to talk about the current state of energy in our country.

We desperately need an energy policy that will address the future of our energy use. Now is the time for Congress to get serious about passing a comprehensive energy bill.

I believe that in order to make progress on this energy bill we need to balance conservation and production.

Many of us in the Senate understand that a balanced, sensible energy policy must boost production of domestic energy sources as well as promote conservation. The energy bill before us takes good steps toward striking this balance.

I look forward to the tax ideas coming from the Finance Committee that will further promote conservation and the use of alternative fuels.

However, I still believe that this bill remains too weak on production. More must be done to increase our domestic production if the Senate is going to pass serious energy legislation. Increasing our production of energy is absolutely critical in reducing our dependence on foreign oil.

Right now we depend upon foreign nations and the Middle East for nearly 60 percent of our country's oil supply. As most of us know, gasoline prices have been increasing for the past several weeks. This causes me serious concern especially since the upcoming summer months are when so many families take to the road for their annual vacation.

There are many reasons that gasoline prices are rising. One reason is that OPEC countries have cut their oil production since the end of 2000 by a total of 5 million barrels of oil per day. Another is the increasing volatility in the Middle East.

Gasoline prices have increased more than 25 cents in just the last few weeks. Higher gas prices will place a strain on the American families' budget.

They raise the cost of goods and services, and place an even greater burden on our economy just as it is showing signs of life.

The need to increase our own production of energy is especially true after Saddam Hussein's announcement yesterday that Iraq will cut off oil exports for the next month to protest Israel's actions on the West Bank. He is also calling for an OPEC embargo on all oil sales to America.

Before this announcement, the United States indirectly imported nearly 780,000 barrels of oil a day from Iraq. Saddam's threat pushed the price of oil and gas even higher. I think we need to ask ourselves whether we want to continue our dependence on other countries led by people as dangerous and unpredictable as Saddam Hussein.

Our national security has never been more important, and we must strengthen our energy independence to protect ourselves from madmen like Hussein and the politics of the Middle East.

We are at war, and we continue to face economic uncertainty. Energy is a key factor in both of these struggles, and this means that the Senate absolutely must take a cold, hard look at ANWR.

The issue is too important to play games with. It is too important for politics. Our Nation and our security are at risk.

The rules have changed. We need to stop playing around on this issue and to have a straight up or down vote on ANWR: No bluffs, no posturing, whoever has the most votes wins.

ANWR is the most promising domestic source of energy that we have. I believe it is indispensable to helping reduce our dependence on foreign oil.

Of course there are some in the Senate who are desperate to stop us from opening up ANWR. However, with more than 10 billion barrels of oil recoverable from ANWR, I think we all need to take a clear-headed look at it.

ANWR has the potential to produce over 1 million barrels a day. That is enough oil to replace the volume we currently import from Saudi Arabia or Iraq for more than 25 years. The oil that could be recovered from ANWR could fuel Kentucky's oil needs for the next 80 years.

Drilling in ANWR provisions in the energy bill would make a huge difference for our domestic consumption and would amount to an essential step toward ensuring our national security. We have no choice. We must lessen our reliance on Saddam Hussein and others in the Middle East for our oil by exploring ANWR.

Today the United States produces less than we did in World War II. In 1970, our oil imports constituted only 17 percent of our domestic consumption. That is three-and-a-half times less than what we import today. This dangerous trend must be reversed.

Furthermore, recent advances in technology will enable us to extract oil in ANWR in an environmentally sensitive way.

America's environmental safeguards are the toughest in the world. This means that the drilling operations will be conducted under the most comprehensive environmental regulations.

We all want to protect our environment. If we do not do a better job developing domestic energy, we will continue to rely on foreign oil, oil from other nations. These nations have weaker environmental rules than we do. Under these weaker safeguards, the damage to the environment will be even greater than if we use ANWR.

I also think that our domestic production should be increased through the use of clean coal technology. I am proud to come from a coal state. The energy bill provides a good start at increasing research and development and encouraging the use of clean coal technology.

The proposed tax package will also further increase incentives for the use of clean coal technology. Clean coal is important to increasing our domestic energy production in an environmentally sensitive way. We have over 275 billion tons of recoverable coal reserves. This is nearly 30 percent of the world's total coal supply. That is enough coal to supply us with energy for another 270 years.

Because of research advances, we now have the know-how to better balance conservation with the need for increased production. Let's use this ability to come up with a good piece of energy legislation.

Yesterday's announcement by Saddam Hussein should remind everyone how vulnerable our economy and national security are to arbitrary decisions made by dangerous foreign dictators.

For over two decades, we've hemmed and hawed about the need for America to follow a sensible, long-term energy strategy. If the threat of Saddam Hussein putting a gun to our head—again—does not help us pass a bill, I do not know what will.

I hope we are on our way to producing a balanced comprehensive energy bill that increases production and conservation and makes a difference for our national security. I hope that we can move quickly to pass an energy bill that will make our economy and national security stronger. The time is now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, are we on the energy bill at this time?

The PRESIDING OFFICER. We are not.

Mr. REID. Mr. President, I ask for the regular order.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Reid amendment No. 3081 (to amendment No. 2989), in the nature of a substitute.

AMENDMENT NO. 3081

Mr. REID. Mr. President, I understand that under the regular order we would be on the Reid and Feinstein amendments.

The PRESIDING OFFICER. The Senator is correct.

Mr. REID. Mr. President, I have spoken to the senior Senator from California. She is going to move to table my amendment as soon as she completes her remarks. I will, therefore, say just a few things.

I, first of all, commend the Senator from California for her amendment and for her work on this extremely difficult issue dealing with derivatives regulation.

To put this in proper perspective, I think we should look at the predicament in which Senator FEINSTEIN now finds herself. She represents 35 million people, the largest State in the United States. This State's gross domestic product is larger than most nations. She knows specifically, but I think California has the sixth or seventh largest gross national product in the world.

Last year's energy crisis threatened California's prosperity and brought home to all of us that we are in uncharted territory with regard to energy deregulation. The State of Nevada actually passed deregulation legislation. I spoke to the legislature a year ago. Because of my suggestions and others, they rescinded deregulation. But even by that time certain things had been put in place. Nevada suffered, along with California, with this energy crisis.

Enron was the supposed leader in energy trading and markets. It makes me wonder how can we have a company such as Enron in this country—a publicly owned company—that changes in 1 year from a high-flying, worldwide, mega company into a bankrupt loser. In the process, hundreds, if not thousands, of people's lives were ruined. We have many congressional committees now looking at what happened. A prosecutor is also looking into criminal activities that probably took place.

I think we all owe Senator FEINSTEIN a debt of gratitude for her interest in this issue and for the work in process to make changes to the Commodity Exchange Act that will ensure trading and energy derivatives is done in the open with transparency in a way that inspires public confidence in the market.

The amendment I have offered, and which she is going to move to table, would restore metal derivatives trading to exempt commodity status. Senator FEINSTEIN's amendment inadvertently included metals derivatives with the derivatives that are the intended target of her amendment. Like other metals, metals derivatives markets help companies manage the risk of sudden and large price changes.

In recent years, derivatives and other so-called "hedging transactions" have helped the mining industry—especially in the State of Nevada—cope with the steadily declining gold price by selling mining production forward. The last couple of years illustrate the function and the value in the marketplace of such transactions.

Some companies decided not to hedge, betting that the gold price would rise and that hedging contracts would lock them into below-market prices. Most of these companies were hurt significantly because the gold price stayed relatively low.

In contrast, other companies hedged some or most of their production. These companies have survived, and survived well, and some have even thrived. By choosing to manage their risk, they accepted the risk that the gold price could rise, but they stabilized company performance, continued to provide jobs, and continued to contribute to the communities in Nevada where they are so important.

Unlike energy derivatives, which raise questions because of the recent energy crisis, metal derivatives have been traded over the counter for many years. The 2,000 amendments to the Commodity Exchange Act didn't change this; they only clarified and confirmed the legality of these markets. Lumping metal derivatives together with energy derivatives would impose regulatory burdens that never existed, even before the 2,000 amendments, without any justification.

The amendment I have offered would not allow metals derivatives markets and participants to trade derivatives without accountability and transparency.

I hope, first of all, that my amendment will be accepted. If there is a motion to table, which I understand my friend is going to offer, I hope it will be defeated.

The metal derivatives market has been going on for many years. I repeat that unlike energy derivatives, which raise questions because of the recent energy crisis, metal derivatives have been traded over the counter for many years with absolutely no problem. My amendment is necessary to restore metal derivatives trading to exempt status, which is critical to the health of the mining industry.

Because of the low price of gold, the mining industry has really struggled. We have seen various articles, which I know the Presiding Officer is interested in, which have indicated there is agreement that there needs to be a change in the 1872 mining law, which has absolutely nothing to do with what I am talking about. But the mining industry has agreed that we need to go forward with that. At a National Mining Association meeting, Jack Gerard stated in the papers over the weekend that he agrees there should be changes. That is something which we have acknowledged and recommended and have worked on for a number of years. The Presiding Officer worked with us on this.

I hope with the many legislative things we have to do that we can move forward on this in a way that would bring about some stability to the mining industry. I look forward to working with not only the Presiding Officer but also with the manager of this bill, Senator BINGAMAN.

AMENDMENT NO. 3081, AS MODIFIED

Mr. REID. Mr. President, I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 3081 to amendment No. 2989, as modified.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3081), As Modified, is as follows:

At the end of the amendment add the following:

DIVISION —MISCELLANEOUS

TITLE I—ENERGY DERIVATIVES

SEC. 1. JURISDICTION OF THE COMMODITY FUTURES TRADING COMMISSION OVER ENERGY TRADING MARKETS.

(a) FERC Liaison.—Section 2(a)(8) of the Commodity Exchange Act (7 U.S.C. 2(a)(8)) is amended by adding at the end the following:

"(C) FERC liaison.—The Commission shall, in cooperation with the Federal Energy Regulatory Commission, maintain a liaison between the Commission and the Federal Energy Regulatory Commission.".

(b) Exempt Transactions.—Section 2 of the Commodity Exchange Act (7 U.S.C. 2) is amended—

(1) in subsection (h), by adding at the end the following:

"(7) Applicability.—This subsection does not apply to an agreement, contract, or transaction in an exempt energy commodity described in section 2(j)(1)."; and

(2) by adding at the end the following:

"(j) Exempt Transactions.—

"(1) Transactions in exempt energy commodities.—An agreement, contract, or transaction (including a transaction described in section 2(g)) in an exempt energy commodity shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b;

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, and 8a, to the extent that those provisions—

"(i) provide for the enforcement of the requirements specified in this subsection; and

"(ii) prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(C) sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market;

"(D) section 12(e)(2); and

"(E) section 22(a)(4).

"(2) Bilateral dealer markets.—

"(A) In general.—Except as provided in paragraph (6), a person or group of persons that constitutes, maintains, administers, or provides a physical or electronic facility or system in which a person or group of persons has the ability to offer, execute, trade, or confirm the execution of an agreement, contract, or transaction (including a transaction described in section 2(g)) (other than an agreement, contract, or transaction in an excluded commodity), by making or accepting the bids and offers of 1 or more participants on the facility or system (including facilities or systems described in clauses (i) and (iii) of section 1a(33)(B)), may offer or may allow participants in the facility or system to enter into, enter into, or confirm the execution of any agreement, contract, or transaction under paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) only if the person or group of persons meets the requirement of subparagraph (B).

"(B) Requirement.—The requirement of this subparagraph is that a person or group of persons described in subparagraph (A) shall—

"(i) provide notice to the Commission in such form as the Commission may specify by rule or regulation;

"(ii) file with the Commission any reports (including large trader position reports) that the Commission requires by rule or regulation;

"(iii) maintain sufficient capital, commensurate with the risk associated with the transaction, as determined by the Commission;

"(iv)(I) consistent with section 4i, maintain books and records relating to each transaction in such form as the Commission may specify for a period of 5 years after the date of the transaction; and

"(II) make those books and records available to representatives of the Commission and the Department of Justice for inspection for a period of 5 years after the date of each transaction; and

"(iv) make available to the public on a daily basis information on volume, settlement price, open interest, opening and closing ranges, and any other information that the Commission determines to be appropriate for public disclosure, except that the Commission may not—

"(I) require the real time publication of proprietary information; or

"(II) prohibit the commercial sale of real time proprietary information.

"(3) Reporting requirements.—On request of the Commission, an eligible contract participant that trades on a facility or system described in paragraph (2)(A) shall provide to the Commission, within the time period specified in the request and in such form and manner as the Commission may specify, any information relating to the transactions of the eligible contract participant on the facility or system within 5 years after the date of any transaction that the Commission determines to be appropriate.

"(4) Transactions exempted by commission action.—Any agreement, contract, or transaction described in paragraph (1) (other than an agreement, contract, or transaction in an excluded commodity) that would otherwise be exempted by the Commission under section 4(c) shall be subject to—

"(A) sections 4b, 4c(b), 4o, and 5b; and

"(B) subsections (c) and (d) of section 6 and sections 6c, 6d, 8a, and 9(a)(2), to the extent that those provisions prohibit the manipulation of the market price of any commodity in interstate commerce or for future delivery on or subject to the rules of any contract market.

"(5) NO EFFECT ON OTHER FERC AUTHORITY.—This subsection does not affect the authority of the Federal Energy Regulatory Commission to regulate transactions under the Federal Power Act (16 U.S.C. 791a et seq.) or the Natural Gas Act (15 U.S.C 717 et seq.).

"(6) APPLICABILITY.—This subsection does not apply to—

"(A) a designated contract market regulated under section 5; or

"(B) a registered derivatives transaction execution facility regulated under section 5a.".

(c) CONTRACTS DESIGNED TO DEFRAUD OR MISLEAD.—Section 4b of the Commodity Exchange Act (7 U.S.C. 6b) is amended by striking subsection (a) and inserting the following:

"(a) PROHIBITION.—It shall be unlawful for any member of a registered entity, or for any correspondent, agent, or employee of any member, in or in connection with any order to make, or the making of, any contract of sale of any commodity in interstate commerce, made, or to be made on or subject to the rules of any registered entity, or for any person, in or in connection with any order to make, or the making of, any agreement, transaction, or contract in a commodity subject to this Act—

"(1) to cheat or defraud or attempt to cheat or defraud any person;

"(2) willfully to make or cause to be made to any person any false report or statement, or willfully to enter or cause to be entered any false record;

"(3) willfully to deceive or attempt to deceive any person by any means; or

"(4) to bucket the order, or to fill the order by offset against the order of any person, or willfully, knowingly, and without the prior consent of any person to become the buyer in respect to any selling order of any person, or to become the seller in respect to any buying order of any person."

(d) CONFORMING AMENDMENTS.—The Commodity Exchange Act is amended—

(1) in section 2 (7 U.S.C. 2)—

(A) in subsection (h)—

(i) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (7)"; and

(ii) in paragraph (3), by striking "paragraph (4)" and inserting "paragraphs (4) and (7)"; and

(B) in subsection (i)(1)(A), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) or section 4(c)";

(2) in section 4i (7 U.S.C. 6i)—

(A) by striking "any contract market or" and inserting "any contract market,"; and

(B) by inserting ", or pursuant to an exemption under section 4(c)" after "transaction execution facility";

(3) in section 5a(g)(1) (7 U.S.C. 7a(g)(1)), by striking "section 2(h)" and inserting "subsection (h) or (j) of section 2";

(4) in section 5b (7 U.S.C. 7a–1)—

(A) in subsection (a)(1), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(B) in subsection (b), by striking "2(h) or" and inserting "2(h), 2(j), or"; and

(5) in section 12(e)(2)(B) (7 U.S.C. 16(e)(2)(B)), by striking "section 2(h) or 4(c)" and inserting "subsection (h) or (j) of section 2 or section 4(c)".

SEC. 2. RECRUITMENT AND RETENTION OF QUALIFIED PERSONNEL AT THE COMMODITY FUTURES TRADING COMMISSION.

(a) IN GENERAL.—Section 2(a)(6) of the Commodity Exchange Act (7 U.S.C. 2(a)(6)) is amended by adding at the end the following:

"(G) PERSONNEL MATTERS.—

"(i) IN GENERAL.—The Chairman may appoint and fix the compensation of any officers, attorneys, economists, examiners, and other employees that are necessary in the execution of the duties of the Commission.

"(ii) COMPENSATION.—

"(I) IN GENERAL.—Rates of basic pay for all employees of the Commission may be set and adjusted by the Chairman without regard to the provisions of chapter 51 or subchapter III of chapter 53 of title 5, United States Code.

"(II) ADDITIONAL COMPENSATION.—The Chairman may provide additional compensation and benefits to employees of the Chairman if the same type and amount of compensation or benefits are provided, or are authorized to be provided, by any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).

"(III) COMPARABILITY.—In setting and adjusting the total amount of compensation and benefits for employees under this subparagraph, the Chairman shall consult with, and seek to maintain comparability with, any other Federal agency specified in section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b).".

(b) CONFORMING AMENDMENTS.—

(1) Section 3132(a)(1) of title 5, United States Code, is amended—

(A) in subparagraph (C), by striking "or";

(B) in subparagraph (D), by adding "or" at the end; and

(C) by adding at the end the following:

"(E) the Commodity Futures Trading Commission.".

(2) Section 5316 of title 5, United States Code, is amended—

(A) by striking "General Counsel, Commodity Futures Trading Commission."; and

(B) by striking "Executive Director, Commodity Futures Trading Commission.".

(3) Section 5373(a) of title 5, United States Code, is amended—

(A) in paragraph (2), by striking "or" at the end;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) section 2(a)(6)(G) of the Commodity Exchange Act.".

(4) Section 1206 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1833b) is amended by inserting "the Commodity Futures Trading Commission," after "the Farm Credit Administration, ".

SEC. 3. JURISDICTION OF THE FEDERAL ENERGY REGULATORY COMMISSION OVER ENERGY TRADING MARKETS.

Section 402 of the Department of Energy Organization Act (42 U.S.C. 7172) is amended by adding at the end the following:

"(i) JURISDICTION OVER DERIVATIVES TRANSACTIONS.—

"(1) IN GENERAL.—To the extent that the Commission determines that any contract that comes before the Commission is not under the jurisdiction of the Commission, the Commission shall refer the contract to the appropriate Federal agency.

"(2) MEETINGS.—A designee of the Commission shall meet quarterly with a designee of the Commodity Futures Trading Commission, the Securities Exchange Commission, the Federal Trade Commission, and the Federal Reserve Board to discuss—

"(A) conditions and events in energy trading markets; and

"(B) any changes in Federal law (including regulations) that may be appropriate to regulate energy trading markets.

"(3) LIAISON.—The Commission shall, in cooperation with the Commodity Futures Trading Commission, maintain a liaison between the Commission and the Commodity Futures Trading Commission.".

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I very much appreciate what the distinguished Senator from Nevada has done, which is essentially to eliminate metals from the derivatives amendment that is now pending. It is a second-degree amendment. It would continue the exemption for metals.

I want to go into three cases and why I believe metals should be included.

The first is the case called Sumitoma. It goes back to 1996. After nearly a year of complaints by market participants and regulated markets, Sumitoma copper trading irregularities ended up with the company losing a reported $4 billion and their main copper trader pleading guilty to the Japanese equivalent of market manipulation. The company is paying record fines to the United States and British regulatory authorities.

Sumitoma manipulation efforts occurred in the over-the-counter and cash markets. Although observed by market participants and markets, the Commodity Futures Trading Commission—the CFTC—was nearly powerless to do anything about it without the consent of the British regulator.

In the 30 days following the May 17, 1996, collapse, the market dropped by nearly 60 cents per pound—from $1.30 to 70 cents by the middle of June.

In just the 8 months prior to the collapse, U.S. consumers were overcharged by nearly $2.5 billion in copper purchases because of the Sumitoma trader's manipulation.

Once again, had the CFTC had the authority—just modest authority—in our amendment, this fraud could have been detected and dealt with much earlier and without such a devastating economic impact.

We are simply including the antifraud and antimanipulation provision of the CFTC, and applying it also to metals as well as energy.

Let me cite a second one having to do with the Metalgeselschaft collapse in 1993. This company was known as MG. It was once a preeminent metals and energy trader. It collapsed in late 1993, losing billions of dollars, costing thousands of employees their jobs, and endangering the energy marketplace. After the collapse, analysis showed that MG's derivative positions, over the counter, in combination with the faulty strategy, contributed to the collapse. If the Commodity Futures Trading Commission, the CFTC, had at that time the authority contained in our amendment to monitor large trader positions and ensure adequate net capital, the debacle could likely have been avoided. It certainly would have been detected far before the collapse occurred. That is point 2. These are actual cases that have taken place.

Point 3: The Hunt brothers and the silver bubble. In 1979, the sons of patriarch H.L. Hunt, Nelson Bunker and William Herbert, together with some wealthy Arabs, formed a silver pool. In a short period of time they had amassed more than 200 million ounces of silver, equivalent to half of the world's deliverable supply. When the Hunts began accumulating silver back in 1973, the price was in the $1.95 an ounce range. Early in 1979, the price was about $5. In late 1979, early 1980, the price was $50, peaking at $54.

Once the silver market was cornered, outsiders joined the chase. But a combination of changed trading rules on the New York Metals Market, COMEX, and the intervention of the Federal Reserve put an end to the game. The price began to slide. It culminated in a 50-percent 1-day decline on March 27, 1980, as the price plummeted from $21.62 to $10.80.

The collapse of the silver market meant countless losses for speculators. The Hunt brothers declared bankruptcy. By 1987, their liabilities had grown to nearly $2.5 billion against assets of $1.5 billion. And in August of 1988, the Hunts were convicted of conspiring to manipulate the market.

This is the point. These things have happened. These are three big metals cases. What we say is, put them within the Commodity Futures Trading Commission antifraud and antimanipulation commission. Why give online trading platforms exemptions from transparency? Why allow a commodity that isn't being delivered from me to you but traded back and forth to have no transparency of any of these trades so that no one can find an audit trail, no one can find the records, and no one can ever know what really happened?

At the end of my remarks, I will move to table the Reid amendment.

I will briefly talk about the energy derivatives amendment cosponsored by Senators FITZGERALD, CANTWELL, WYDEN, CORZINE, LEAHY, and BOXER, and the Presiding Officer. I am very grateful for your support.

Our amendment is currently supported by the National Rural Electric Cooperative Association, the Derivatives Study Center, the Sierra Club, the American Power Association, the American Public Gas Association, the Texas Independent Petroleum Royalty Owners Association, the Mid-American Energy Holdings Company, the New York Mercantile Exchange, the California Municipal Utilities Association, the United States Public Interest Research Group, the Consumers Union, the Consumers Federation of America, the Apache Corporation, Calpine, Southern California Edison, Pacific Gas and Electric, the Silver Users Association—interestingly enough, they are concerned; they want metals in this amendment—the Commodity Futures Trading Commission's Commissioner Tom Erickson, and all four Commissioners of the Federal Energy Regulatory Commission, including its Chairman, Pat Wood.

Because of this support, the amendment has been filibustered by certain Senators who don't want to see it come to a vote. The amendment has now been on the floor for more than a month. The leadership was forced to file cloture last night to try to bring this to a conclusion.

Some of the opponents continue to argue that this amendment is too complicated for them to understand. I once again explain very simply what our amendment does. The amendment provides antifraud and antimanipulation authority to the Commodity Futures Trading Commission for all energy trades and metals where there is no physical delivery.

If I buy energy from you, Mr. President, and you deliver that energy directly to me, the Federal Energy Regulatory Commission has oversight—antifraud, antimanipulation oversight—and you must keep records; I must keep records.

But if there is no delivery—if I buy an energy swap, for instance, to lock in a set price and protect myself from risk—the CFTC does not have oversight, if I use an electronic trading exchange. That is the rub. The electronic trading exchange is exempted. If we go through the Chicago Mercantile, we are not exempted. If we go through New York, we are not exempted. But an online trading platform has no transparency for a derivative not delivered.

In fact, the CFTC may not even be able to investigate fraud or manipulation if the exchange was operated, like Enron Online, where Enron was both a buyer and a seller. This is what is known as a bilateral dealer market. If Enron Online or another company operating a bilateral dealer market wanted to manipulate prices and/or corner the market, regulators might very well be helpless to investigate.

Since more than 90 percent of energy trades do not involve delivery, and since other electronic exchanges are now emulating the Enron model, there is a huge loophole here. I will predict that some of these go down just as Enron did.

Our amendment closes that Enron loophole and makes sure the CFTC has full antifraud, antimanipulation authority over all energy trades where there is no delivery.

The amendment also subjects all dealer markets selling energy and metals derivatives online, including Enron Online, Dynegy Direct, Aquila, to similar requirements as other nonelectronic exchanges. This means these exchanges would have to file with the CFTC, provide some price transparency and price disclosure, and maintain capital commensurate with risk—all the things that Enron Online did not do and did not have to do because of the 2000 Commodity Futures Modernization Act which provided Enron this loophole. How convenient.

Someone buys energy not on an exchange; let's say they pick up the phone and buy an energy derivative, but there is no delivery. The transaction is subject only to antifraud and antimanipulation authority. So if you are trading energy derivatives on an electronic trading platform, that exchange is regulated just as other exchanges.

If you are not using an exchange, the CFTC can investigate allegations of fraud and manipulation. I don't think this is confusing at all. Either we are going to require energy trades to be transparent or we are going to continue to support loopholes, allowing some energy trading to be done in the dark of night.

I want to point out that on this simple proposal, just to close loopholes in the energy and metals markets, we have now spent 3½ hours more of debate than this body spent considering the entire Commodity Futures Modernization Act of 2000—that's right, 3½ hours more debate than was spent on the entire Commodity Futures Modernization Act.

The Senate did not spend 1 minute debating the Commodity Futures Modernization Act—one of the most sweeping regulatory revisions in several decades. And the loophole for Enron just went through. Yes, the Senate Agriculture Committee held hearings and completed a markup of the Senate version of the CFMA on June 29, 2000; but that is where the process stopped in the Senate.

At the last minute, Enron lobbied the House for an exemption for energy and metals trading. This is what appeared in the appropriations bill for the Department of Labor and Health and Human Services at the very end of the 106th Congress. And this was inconsistent with what the Senate Agriculture Committee marked up in regard to energy and metal.

The amendment we are debating is consistent with the bill that Senator LUGAR and the Agriculture Committee, which he chaired, marked up. What the Agriculture Committee passed was consistent with the recommendations spelled out in the November 1999 President's working group, signed by Fed Chairman Alan Greenspan, Treasury Secretary Larry Summers, SEC Chairman Art Leavitt, and CFTC Chairman William Rainer. That report asserted that there should be two categories of derivatives—financial derivatives and everything else. There was no reason that metal or energy or any other tangible, finite commodity should be entitled to its own category.

So what we are doing in our amendment is entirely consistent with that report. In regard to the electronic trading platforms, we simply return things to the way they were before the President's working group affirmed that we were doing it right. By that standard, this amendment has been subjected to intense scrutiny and infinitely more debate than the comprehensive regulatory legislation adopted in 2000.

Before the recess, at the end of the last floor debate, my colleague from Idaho asked—I think facetiously—why we did not simply try to provide antifraud and antimanipulation authority for all transactions, not just energy and metals. Let me point out that our bill affects about 2 percent of the derivative market that deals with energy and metals. We actually don't know if it is 1 percent or 3 percent because as a result of the Enron exemption, there is not enough transparency to know.

Our amendment does not affect financial instruments at all. We have cleared that up. Financial derivatives already have a statutory exclusion under the Commodities Exchange Act. Our amendment only deals with derivative transactions that involve energy or metal, the two commodities exempted by the 2000 CFMA.

This lack of transparency had important ramifications for the energy crisis experienced in California and the West, which ended only about 10 months ago. This is what got me interested in this matter. As a result, we still don't know why gas prices at the California border remained significantly higher than neighboring States for more than 5 months. Why don't we know? There is no transparency; there is no audit trail; there are no records. It is impossible to prove what kind of trading back and forth was done, frankly, to increase the price of gas.

Some have asserted that the CFTC already has antifraud authority for over-the-counter trades. If this authority is already there, then our amendment reaffirms that the authority is there. But this is not as easy to determine as one might think.

Let me read two short paragraphs that show you what I mean. This is from the International Swaps and Derivatives Association:

> Transactions involving exempt commodities, including commodities such as energy products, chemicals, and metals, are similarly excluded from the Commodity Exchange Act and remain subject to the CFTC's antifraud and antimanipulation authority.

Then they put out another publication, which is the March 11 opposition letter to our amendment, and they say exactly the opposite. They say:

> The amendment extends the application of the CFTC's antifraud and antimanipulation provisions to transactions in exempt commodities. The amendment would revise the Commodity Exchange Act, section 2(g), to provide that otherwise exempt transactions in exempt commodities would be subject to antifraud and antimanipulation provisions of the Commodity Exchange Act.

So maybe the authority is there and maybe it is not. If our amendment passes, we know for sure that it is. We take the vagary out of it, we take the game playing out of it, and the same party cannot say different things at different times. That is really why this amendment is necessary.

So that means if someone is cornering the market in energy or metals—or maybe in natural gas, as many suspect Enron did—the CFTC will have the necessary tools to investigate. And 99 times out of 100, the CFTC will find that there is nothing improper. But isn't it good to know that regulators can provide assurance that markets are functioning properly? Isn't that what gives people confidence to invest, that they know there is regulation and that these markets are performing efficiently and with transparency?

I want to make one final point about Enron. As I said before, Enron Online operated completely outside of the CFTC's antifraud and antimanipulation authority because it was operating an online trading forum to conduct trades bilaterally, one to one, where it was both a buyer and a seller. In other words, Enron was buying energy and selling energy, and only Enron knew the price. Enron could have been buying at one price and selling at a much higher price. Because there was no transparency and no oversight authority, we may never know.

Other companies now have stepped up to fill Enron's market void. Some of these energy trading platforms are operating the same way Enron Online did.

Do any of my colleagues truly believe that we should be limiting transparency and regulatory authority in light of all we have just learned about the energy markets and Enron? I think not. So this amendment is really on the side of the angels. It gives certainty, it provides for antifraud, antimanipulation oversight; it says the CFTC must set some capitalization standards based on risk, and it provides that all trades are transparent, records are kept, and audit trails are available.

I know why the banks oppose this. Because they want to do the same thing Enron has done. The banks have set up their own online trading platform which, again, would trade in darkness, which, again, for nondelivered derivatives would have no transparency, have no record, have no capital requirements, and no antifraud and antimanipulation oversight. I believe there are more Enrons coming down. I believe there are going to be more just on this very point.

What I am saying to the Senate is the Senate has to protect the people. The Senate has to provide for regulation. Why should there be regulation of the Nasdaq? Why should there be regulation on the Chicago Mercantile and no regulation online? It is a huge loophole, and we ought to plug it.

Mr. President, I move to table——

Mr. REID. Will the Senator withhold?

Mrs. FEINSTEIN. I will.

Mr. REID. I appreciate the Senator withholding. I ask that the Senator listen to the unanimous consent request I am going to propound and see if she will agree with it. I think it will be in keeping with what she wants.

Mr. President, I ask unanimous consent that the time until 3:45 p.m. today be for debate prior to vote in relation to the Reid second-degree amendment No. 3081, with the time equally divided and controlled between Senators REID and FEINSTEIN, or their designees; that no other amendment be in order prior to a vote in relation to the Reid amendment.

The Senator could move to table now as she indicated she would, and the vote will occur at 3:45 p.m.

Mrs. FEINSTEIN. I have no problem. I agree.

The PRESIDING OFFICER (Mr. CARPER). Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I move to table the Reid amendment.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. The motion to table is not in order until the expiration of the controlled time.

Mr. REID. Mr. President, I ask unanimous consent that the Senator from California be allowed to offer her motion to table at this time. That way she will not have to stay around if she does not want to. The vote will occur on the motion to table at 3:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, I rise in support of Senator FEINSTEIN's motion to table the Reid amendment. Let me say at the outset, when she came to me with this concept, it struck me as not only fair but good policy. How did we get into this mess with the seventh largest corporation in the United States going bankrupt and dragging down with it thousands of innocent investors, pensioners at Enron, not to mention the employees who lost jobs, or the employees that other companies, like Andersen which is based in Chicago, who stand to lose their jobs.

It all came about because the folks in Houston who worked for Enron Corporation tried to take as many business activities as possible off the books. They did not want the world to see what was going on behind the corporate boardroom doors at Enron. The greatest fear they had was daylight, the possibility that people would know what they were doing. So they created these elaborate pyramid schemes. They created a multitude of corporations. They hid debt. They managed to, in many ways, deceive some well-meaning people into believing they were a prosperous and profitable corporation. One of the instruments and weapons they used in this battle was this whole notion of trading in energy futures, energy derivatives without Government oversight.

I live in the State of Illinois. We are proud of the fact we have many markets in the State of Illinois which average people and businesses use to trade futures, derivatives, and options that give them protection in their business day world. But every step of the way in that process the Government keeps an eye on them, just as it does the stock exchange in New York and in other places around the United States. Why? So the average person who picks up that financial page in the paper every morning and looks at it knows it is on the square, the trade actually took place, the prices are actually moving in these commodities.

What we saw with Enron is that they raced away from those markets where the Government was looking over the shoulders of the traders into this netherworld, if you will, of trading without regulation and without oversight. That is exactly where they wanted to play. They wanted to get out from the public eye. They did not want people to see what they were doing. They wanted to manage their own affairs without scrutiny, without oversight, without the restrictions of regulations and laws.

The Senator from California has a very simple proposition: If we want to restore the integrity of many corporate activities, we should establish standards for oversight and regulation. We now know better when it comes to Enron. Had there been appropriate oversight and regulation at Enron, we might have avoided the disaster that occurred in that company.

As she offers this amendment, there are special interest groups that oppose her. There are those trading without Government oversight who do not want the Government involved. So they are going to oppose her. The smoothies out there, the future Enrons, that want to use the current system to avoid regulation are opposed to the amendment of the Senator from California as well. They want to have this mechanism available to them.

That, frankly, is the reason why the Senate should take this amendment very seriously and why we should join the Senator from California in tabling the amendment of the Senator from Nevada. There is no reason why we should exempt metals. Why in the world would we say when it comes to energy we want honest, open, transparent trading, but when it comes to metals and their derivatives, we do not? We heard the litany that was read by the Senator from California when companies came in and tried to take control of markets. For the average person going to work every day, you wonder: What difference does it make? It does make a difference. It makes a difference in the commodities they purchase. If there is some illegal activity, if there is some inflation of price, it is going to be felt by consumers and businesses across America and around the world.

When Senator FEINSTEIN comes to us and says, Table the amendment of the Senator from Nevada, Mr. REID, I think she is moving in the right direction. We need more transparency and more oversight.

If you buy the premise of Senator REID that metals should be exempt or you buy the premise of those who oppose Senator FEINSTEIN'S amendment, which I am cosponsoring, who say we should not have this Government oversight, how do you rationalize the millions of dollars we spend every year as taxpayers for watchdogs and policemen to keep an eye on so many other industries where there is trading? Listen, one is right and one is wrong.

If we believe there should not be Government oversight, let the Wild West prevail—there may be some who take that point of view. I am not one of them. It is tough for me as an individual; it is tough for many small businesses to judge whether there is an honest transaction taking place and that is why the Government steps in. They want to make sure that when there is a transaction reported, it actually took place, that there was not self-dealing, there was not the kind of chicanery as we saw in Houston with Enron. That is why we have these regulatory agencies.

The Senator from California is correct; we should apply that to energy and metal derivatives. There is no reason to make exceptions. I can tell you what is going on—and I know the Senator is aware of this. What she is fighting is growing in size and volume across the world. These unregulated online markets are starting to appear everywhere, and woe be to the consumer or those involved who go into them believing the Government is watching what is going on. In many instances, there is no oversight; there is no review; there is no accountability.

I stand not only as a cosponsor of the amendment of the Senator from California but in strong support of the Senator from California.

I close by saying I sincerely hope we adopt this amendment. This started off as a debate on an energy bill. It certainly is a timely debate, but as I have listened to this debate transpire, as I have watched special interest groups come in and destroy every meaningful and credible part of this bill, I am beginning to believe this is the most anemic energy bill ever considered by Congress.

Consider for a minute that we are about to embark on a debate as to whether or not to drill for oil in the Arctic National Wildlife Refuge. This wildlife refuge was not created by any liberal President; it was created by President Dwight Eisenhower in 1960. He said: There is a piece of Alaska we ought to protect. It is a frontier we ought to preserve because we may never get that chance again, and when it comes to the wildlife, when it comes to the resources there, we ought to make certain that America takes a stand and says we are going to leave this for future generations in perpetuity. This is our legacy to our children.

President Eisenhower was right. What President Eisenhower did not anticipate was that the oil companies would come into this region, discover what they consider to be substantial reserves, put their money interests behind those reserves, and then come to Congress and start twisting arms in every direction in order to try to beg us to allow them to come and drill for oil in a wildlife refuge.

How much oil is involved? First, even the rosiest scenario suggests we will not see the first barrel of oil from ANWR for 5 years. The one more realistic scenario says 10 years. As we consider all the problems in the Middle East facing us today, ANWR is certainly not the answer. Not for 5 years at least, or 10, will we see the first barrel of oil coming out of this wildlife refuge.

How much oil is involved? They talk in terms of millions and billions. But put it in this perspective: Over a 10-year period of time, if we draw from ANWR, the oil that the U.S. Geological Survey says is there will account for a 6-month supply of oil for the United States in that 10-year period. Put it in this perspective as well: By the year 2020, if ANWR were in full production, ANWR would reduce our importation of foreign oil from 62 percent of our national need to 60 percent, a 2-percent reduction.

Some have said it takes a great deal of political courage to stand up for drilling in the Arctic National Wildlife Refuge on behalf of the oil companies that own those rights for minerals to be derived. I am not sure it takes a great deal of courage. Does it take a great deal of courage for us to spoil the frontier of a wildlife refuge, to endanger species that currently live there and may never be replicated? That does not take a great deal of courage.

The courage is in standing up and protecting them. The courage is in saying if you want to do something about energy security and independence, if you want to try to break the chains between the Mideast and the United

States so we can make our own decisions and not have to wait for a nod of approval from Saudi Arabia and the gulf states, the courage is in saying to the American people we have to change the way we do business and live in America.

We had a chance to do that several weeks ago. What we were going to do—here is a radical suggestion—we were going to say to the big three automakers, they have to make their cars and trucks more fuel efficient. Oh, no, the Senate said, by almost a margin of two-to-one, we could not do anything that radical. We could not do anything that demands that kind of sacrifice, no way.

We are going to show courage by drilling in a wildlife refuge. The Porcupine caribou do not vote in the Senate. They do not elect anybody. Run them off. We have lost 30 percent of them in the last 10 years, so if they disappear, we will show our kids pictures and videos. But to ask the Big Three to come up with more fuel-efficient cars and trucks, oh, no, no way.

The special interests swamped those of us who believe fuel efficiency should be part of our debate on our energy security. We did not have a chance in the Senate. The special interests won, and won big. We did not have the courage to say to the Big Three or to consumers across America, we have to do business differently. We have not improved the fuel efficiency of vehicles in America since 1985—17 years of neglect.

So they talk about the Middle East and the challenge we face and how we have to show courage and determination as Americans. Let us start it by showing some honesty in our energy policy. We need more fuel efficiency, and we need more renewable fuels. For goodness' sake, I think 3 or 4 percent of all the electricity generated in America comes from renewable fuels. When Senator JEFFORDS of Vermont wanted to raise this to 20 percent over a 20-year period of time, I was ready to support him and was a cosponsor, but he did not have a chance. We lost.

But we will show courage by drilling in the Arctic National Wildlife Refuge and we will show courage in standing behind the special interest groups that want to stop Senator FEINSTEIN from bringing transparency and regulation to the trading in energy derivatives.

I am afraid this energy bill is going in the wrong direction if we do not include in it fuel efficiency, fuel economy, conservation, renewable fuels, and a sensible pricing of energy. Look at what happened in the State of California. I cannot imagine what life is like for the Senator, going home every weekend to see families and businesses trying to cope with something totally beyond their control. They responded heroically showing that they could, if challenged, dramatically conserve energy in the State of California. The Senator must have felt like the most helpless victim in America because these energy companies were running circles around her.

When the Senator says they ought to be held accountable, these energy companies and energy derivative markets ought to have government regulation, they are the first ones to scream bloody murder. They cannot stand that notion. The Senator is right. She ought to proceed on that, and I am happy to support her in that effort.

Mrs. FEINSTEIN. Will the Senator yield?

Mr. DURBIN. I am happy to yield.

Mrs. FEINSTEIN. I mentioned in my remarks what really kind of clued me on to this was the price of natural gas. Right after CFMA passed, we noticed the price of gas at the southern California border was $50 a decatherm—a decatherm is about enough for 900 homes—whereas in San Juan, NM, it was $8, and the transportation cost was $1. Nobody knew why it had spiked that way.

So I picked up the phone. I called what is called ISO, the independent system operator, and said: Why is gas spiking this way? They did not know.

Now I do not know whether Enron was doing this or not, but as soon as Enron went belly up, the next day the price of gas dropped dramatically. So it has to have been the trading that was being done that did not have a delivery directly related to it.

Now people say the SEC will step in and look at this. The fact is there are no records for the SEC to look at now because there is no audit trail. There are no records kept of these trades. Somehow it is very difficult to get that across to our Members. It would get across if they were trading on the Chicago Mercantile.

Mr. DURBIN. That is right, it would be transparent.

I am holding in my hand the energy bill we are debating. On at least four separate occasions now, we have had the chance to do something sensible for energy security and energy independence—to lessen our dependence on Mideastern oil. We had a chance to do it with the fuel efficiency of the trucks and cars that we want to drive in America for years to come, and we failed. The special interests won. We could have done it by improving and increasing the renewable fuels used across America that are environmentally friendly, which give us a chance toward independence. The special interests opposed us. We lost.

Now we see the battle that is being joined: Whether or not we are going to have full disclosure of these energy trades, whether we are going to have the kind of openness that Americans want. And the special interests oppose it.

I stand in complete support of the efforts of the Senator from California, and I thank her for her leadership.

I yield the floor.

The PRESIDING OFFICER. The assistant majority leader.

Mr. REID. Mr. President, my friend from Illinois and my friend from California are right in most everything they have said about the need for a good energy policy. I agree with the Senator from Illinois. I think it is too bad we did not pass fuel efficiency standards. The Presiding Officer, I hope, is going to try to rectify that and offer something in the near future to set some fuel efficiency standards.

The Senator from Illinois is right when he speaks about the need to not drill in ANWR, but my friend from Illinois and my friend from California are wrong about transactions involving metal derivatives because they lack necessary information. The Commodity Exchange Act already requires record keeping for transactions in metal derivatives markets.

The Feinstein amendment includes metal derivatives, citing fraud in the metals market in the past decade. In fact, my friend from California uses two specific examples of high-profile cases. She talked about the Hunt brothers in silver and Sumitomo in copper. Neither of these fraud cases would be addressed with the Feinstein amendment. It has nothing to do with the Feinstein amendment. The Feinstein amendment could already be in effect, and the Hunt problem would still be there, and that related to copper would still be there. Why do I say that?

The attempt by the Hunt brothers in 1979 to corner the silver market involved manipulation of the physical silver market. They bought all the silver they could, which reminds me of a Nevada resident by the name of Forest Mars, of the Mars empire. He owned it. He was a great man. He died in the last couple of years. He was a wonderful man. He lived above his candy store in Las Vegas. This billionaire had a little apartment above his candy store.

When the Hunt brothers tried to corner the silver market, he said they should have talked to him first. You cannot have a monopoly. He tried on two separate occasions. You cannot do it. Keep in mind, Mars was one of the richest men in the world. His family is still rich, with Uncle Ben's Rice and most of the candy in the world. He was very rich. He thought in his younger days they would buy all the pepper. He wanted to control pepper. He spent some time going out and buying all the black pepper he could find. He controlled black pepper in the world. But he said: In the end, I could not control the black pepper market, because people who had white pepper dyed their pepper black, and I no longer had control of the market.

The Hunt brothers tried to corner the silver market and went out and bought all the silver. Her amendment would have nothing to do with that. The Hunt silver trading scandal involved trading on regulated exchanges, not in the over-the-counter derivatives market. The trading abuses involved the physical accumulation of more than 200 million ounces of silver. It did not involve over-the-counter derivatives in any way.

The Sumitomo situation involved the manipulation of the copper market by a Japanese company operating through a rogue trader acting in London and Tokyo.

The abuses occurred on a fully regulated exchange, not in the over-the-counter derivatives market. It involved manipulation of the price of copper on the London Metal Exchange, which is fully regulated by the United Kingdom's Financial Services Authority. Further, the manipulation took place overseas, not in the U.S. markets.

I urge my colleagues to not support the motion to table that strikes metal derivatives from the Feinstein amendment. Derivatives are essential to the health of the metals market, and today they are regulated, controlled. Recordkeeping is now in place. Fraud in the metals market did not involve over-the-counter derivatives.

With all due respect to my friend from California, using the Hunt brothers example and the Sumitomo example, they simply do not apply. I believe wherever that information came from, it was misguided and simply wrong. I suggest we would be better off going forward with her legislation, which I have indicated on a number of occasions I support. But I am saying that having the metals industry involved in this does not do anything except make the mining industry in America weaker than it is.

Mining as an industry exports gold. It is one of the few places we have a favorable balance of trade. We should be happy about that.

The motion to table is ill advised, based on wrong facts. It is not in keeping with what I think is the direction of the underlying Feinstein amendment. I ask for the yeas and nays on the motion of the Senate to table.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mrs. FEINSTEIN. Mr. President, I take a moment to respond to the statement of the Senator from Nevada.

The point I was trying to make, to the Senator from Nevada, is that manipulation does occur in metals. Clearly, it did. Obviously, there was no online trading at that time. Everybody knows that. The fact is, these remain three major cases of market manipulation. It doesn't only happen in energy; it can happen in metals as well.

The key point is, if the Reid amendment is successful, metals will be the only exemption. Why should metals be the only exemption? I don't think they should. We know you are covered if you deliver the commodity directly to another individual. We know FERC covers that. We know you are not covered if you are swapping or trading against risk. We also know there is great uncertainty as to whether, with energy, there is coverage.

I purposely read the letters from the Swaps and Derivatives Association because they say two different things. In one statement they say these areas do remain within the CFTC jurisdiction; they turn around in a March 11 opposition letter and say exactly the opposite.

The time has come to have certainty, to see that energy and metals are covered. Let me say once again, who can object to there being antifraud and antimanipulation oversight? No one. Who can object to saying you have to keep records of trades, online trades, even if you are not directly delivering the product, if you are swapping to hedge against risk, for example? Why shouldn't you keep a record and have an audit trail on what you are doing so that people know? Why shouldn't there be some provision for capitalization of these trades based on risk, and the CFTC would decide a level of risk and the level of capitalization?

This past week, I was just reading another article of a company that would go down because it was swapping. There was no capitalization, Peter came home to pay Paul, and there was nothing there. So the company is going to go bankrupt. It was another major company.

It seems to me, rather than create uncertainty, our amendment creates certainty. It says to the world, to everybody, energy and metals are not the only two that enjoy an exemption. Energy and metals, for derivative online trading, are covered by the CFTC. It is a small amendment. I have been so surprised at the amount of opposition. It convinces me more that something must be going on. There has to be a reason that people want to do this trading in the darkness. There has to be a reason that they do not want to keep records. There has to be a reason they do not want to subject themselves to any kind of capitalization requirement.

That was the situation with Enron. Enron went bankrupt. Enron lobbied for this amendment. Enron lobbied the House to be excluded, to have metals and energy excluded from the bill passed in 2000. Immediately after the bill passed in 2000, gas began to spike in California. That says volumes to me.

Once again, I think we are on the side of the angels, to let consumers see what is going on. If the consumers buy through the Chicago Mercantile, there is a record. If the consumers buy through the New York Mercantile, there is a record. With any other kind of transaction, there is a record. Why should this huge, burgeoning new area of online trading have an exception and not keep these records?

Again, let me be specific. If the product is delivered, if I buy gas from you, and you deliver that natural gas to me, we are covered by the Federal Energy Regulatory Commission. If we are trading or swapping and there is no delivery, there is no record kept.

Why does FERC support this amendment? Why do all of the FERC Commissioners support this amendment, including the Chairman? They know this is a loophole. They know it should see the light of day.

I control time until 3:45, if I understood correctly.

The PRESIDING OFFICER. The time is equally divided.

Mr. REID. I am happy to yield.

The PRESIDING OFFICER. The Senator from Nevada controls 14½ minutes.

Mr. REID. The Senator is welcome to take some of my time.

Mrs. FEINSTEIN. I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada has yielded?

Mr. REID. Mr. President, it is my understanding the Senator from Louisiana wishes to speak on another amendment she hopes to offer subsequently. I think that would be appropriate. I see no one here wishing to speak. How much time does the Senator need?

Ms. LANDRIEU. I need about 15 minutes, if I could?

Mr. REID. We are going to vote at quarter till, but how about 10 minutes?

Ms. LANDRIEU. Ten minutes is fine.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Ms. LANDRIEU. I thank the Senator from Nevada, and I thank the Senator from California for allowing me to interject a few thoughts on a related subject but not the same as the pending amendment.

The subject is about energy independence. Let me put up my first chart to talk about this issue.

Before I begin with that, let me say this: There are a lot of issues such as the issue Senator FEINSTEIN has raised, and other issues, that I suggest are maybe not the exact heart of our problem when it comes to energy security or energy dependence. The heart of our problem is simply that we consume much more than we produce. When you consume more than you produce, and when you do not have an electric grid in this system that can move power from the places where it is produced to the places, such as California and Florida, that consume a lot—and also California does produce a great deal—you have blackouts.

You have power shortages. You have price hikes. It is the natural end result of demand outstripping supply. It works that way every time. There is no surprise about it. It works that way today. It worked that way yesterday. It will work that way tomorrow.

The core of this debate is energy security. We cannot have energy security in this Nation unless we have energy independence. I know people hear this and they say: Senator, it is not possible. We could never be energy independent.

I want to say: Yes, we can. Maybe not tomorrow. Maybe not in 5 years. But if we set our mind to it and make some very wise strategic decisions in this body this week and in this Congress this year, this country most certainly could be energy independent in the next decade or so. Not in my grandchild's lifetime but in my children's lifetime, and in my lifetime, we could be energy independent. But it is going to take a lot of work.

One of the things we are going to have to do is produce more oil and gas and fuel domestically. It is not just oil and gas. It is oil, gas, clean coal, hydro—and particularly new and exciting fuels such as solar and wind. We are not doing nearly enough with that. And we are not doing enough on the production side.

When we think oil, we think automobiles. We think oil, we think gasoline. While oil in the transportation sector consumes most of our oil, let me name a few other things that we need oil for to produce household items: toothpaste, footballs, ink, lifejackets, tents, sunglasses, house paints, shampoos, lipsticks—maybe we could find alternative sources, some other ways to produce these items. I am sure there are scientists and researchers doing that at this time, but we need oil in this Nation to run our automobiles the way we have the engines structured right now, as well as to produce all these products which Americans use every single day.

Can we reduce our consumption? Can we conserve? Absolutely. But should we continue to import 67 percent of our oil from other places in this world? I don't think so.

Let me share with you where we are, the outstripping of production by demand. Oil consumption will continue to exceed production. This red area of this chart is our problem. It is our problem. You can see it very clearly. It is the shortfall. This is basically what we produce. This is what we consume. And this is what causes, in many instances, blackouts or shortages or high prices—this shortfall. We have to correct that. We can correct it by conserving. There are very good suggestions, mostly by Senator BINGAMAN, about how to do that. And we must increase our production.

Let me show you where our production is, currently, in the United States. Our production is currently in the Gulf of Mexico and in Texas and in Alaska. Should we drill in Alaska, and more? Absolutely. Should we drill in the Gulf of Mexico? Absolutely. Should we drill in Texas more? Absolutely. Should we drill more in California and places in other States? Absolutely.

The reason is these States consume. They need to produce. Our whole Nation consumes and we need to produce more. But we want, in America, to have a policy where we basically do not have oil wells anywhere except off the coast of Louisiana, Mississippi, and Texas. We expect this area then to supply all the needs of our Nation.

We need to have a stronger policy about drilling domestically, and to acknowledge the States that do drill and can drill in a more environmentally sensitive way, minimizing the risk to the environment, should be compensated for the impacts that are associated. It is not always negative environmental impacts; it is infrastructure impacts.

On each oil rig off the State of Louisiana, we have about 6,000 people. It is almost like a city out in the gulf.

I know a lot of people have never been to an oil rig, but I have, many times. Senator BREAUX and others have visited many times. These men and women consume water, they consume food, there are transportation requirements, and there are roads and bridges that need to help this offshore development.

One of the things we can do—and I hope we will do, Democrats and Republicans, regardless of how we may vote on many of these amendments—is to cast favorable votes when it comes to more domestic drilling. It is important for us to close the gap of conservation and drilling in places where we can. We have rich reserves in Alaska, in the Gulf, and in the central part of this Nation. It is misleading to say otherwise.

Let me also give you another reason why domestic production is so important. This is from the Sierra Club's executive director, Doug Wheeler, who said:

> The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

Let me repeat this, because this is the Sierra Club.

> The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

What we do by not allowing more drilling in the United States is exactly this: We force development elsewhere, and we wreak environmental havoc. Why? Because in many parts of the world there are no democracies, and there are big oil importers, which is very problematic. In other countries, they do not have rigorous rules. There is no transparent rule of law. There are no court systems. There are no investigators to find the polluters. There are no systems of fines. They have no consequences for pollution. It happens day after day. In our country, if a company violates a local or Federal rule, they are prosecuted. They are fined. They can be put out of business for destroying the environment. Do you think that happens in some places in Africa, South America, or the Mideast? I don't think so.

Let me make a statement. People will say Senator LANDRIEU just gets on the floor and talks about big oil issues. She is a supporter of big oil.

Let me say for the record that big oil is maybe not that interested, frankly, primarily in more domestic production. Leaders of some of the environmental organizations want to push production off of our shores because they do not want production anywhere. They are absolutely totally against fossil fuels and think we can run the country and the world can run on something other than fossil fuels. I hope that happens in the future, but it is not going to happen today or tomorrow. It is in their interest to push production off the shores of the United States and use their self-interest to basically push development in places where regulations are less; where, if you do something wrong, you can't get caught, and where it is cheaper to produce.

There is sort of an unholy alliance, if you will—I say this with great respect—between the industry and the environmental movement. I understand this is an unholy alliance that sometimes pushes us to a place we don't want to go. I will tell you why we don't want to go there. Because it is dangerous.

If the headlines in the newspapers don't convince people that we are on a collision course, I don't know what is. In the paper this morning, we read about the escalation of war in the Mideast. We see our foreign policy compromised. Why? Because we can't really fight terrorism in a way that we know we should. We know that we could be effective. We have beaten every foe that has stood before us. We can certainly beat the foe of terrorism.

It would be hard. It would be expensive. But the American people are willing to give their time and their treasure to do it. But we can't because we are compromised by the fact that the countries we are trying to negotiate with are large exporters of oil.

We sent Colin Powell, our Secretary of State, over to the Mideast with one hand tied behind his back. He cannot negotiate as strongly as he might because of our dependency on oil from other places in the world.

I know my time has expired. I am going to stay on the floor after the vote and ask for some additional time.

I thank the Senator for yielding. If the clerk is ready to call the roll, I will yield the floor.

The PRESIDING OFFICER (Mr. MILLER). The question is on agreeing to the motion. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 40, nays 59, as follows:

[Rollcall Vote No. 60 Leg.]

YEAS—40

Akaka
Biden
Boxer
Breaux
Byrd
Cantwell
Carnahan
Chafee
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
Lugar
Miller
Murray
Nelson (FL)
Reed
Sarbanes
Schumer
Stabenow
Wellstone
Wyden

NAYS—59

Allard
Allen
Bayh
Bennett
Bingaman
Bond
Brownback
Bunning
Burns
Campbell
Carper
Cleland
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Johnson
Kyl
Landrieu
Lincoln
Lott
McCain
McConnell
Mikulski
Murkowski
Nelson (NE)
Nickles
Reid
Roberts
Rockefeller
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner

NOT VOTING—1

Baucus

The motion was rejected.

Mr. REID. I move to reconsider the vote.

Mr. MURKOWSKI. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Louisiana.

Ms. LANDRIEU. I thank the Chair. Mr. President, I thought I would take this time, as we are still debating and proceeding with consideration of amendments to the energy bill, to finish the comments I started before the vote.

I hope Members on both sides can understand the importance of this debate. It always has been important. But I think there has to be some renewed urgency given what has happened over the last 2 weeks—the unfortunate escalation of violence in the Mideast, the pressure that has now come to bear on our Nation in terms of the diplomacy underway to try to find a peaceful and certain way out of the situation in the Mideast. All of this has a direct bearing on the discussion we are having in the Senate about energy and the underlying policy and our dependency on this oil that comes in large measure—not solely—from Middle Eastern countries or from foreign sources. It has a direct impact, I believe, on whether we are ultimately going to be successful in the short and long run in our negotiations for peace and in combating terrorism.

I wish to finish my remarks along those lines and to start with a chart. I know people in Louisiana understand this.

I am hoping to share this chart with the other Members in the Senate. As Americans everywhere went to the gas stations over this weekend and the last few weeks, they really began to feel this. They not only understand it but they actually feel it, and it is hurting right in their pocketbooks.

This chart shows us clearly what happens when the price of oil, which is demonstrated by this blue line, goes up and what happens to our gross domestic product, which is represented by the red line, when that price goes up. It is very easy to read this chart. It reminds me of one of the charts my colleague, Senator CONRAD, brings to explain complicated budget issues, and it really helps to clarify it. This clarifies the situation to me, and I hope to people who are seeing this chart.

When oil prices are low, then the U.S. gross domestic product is high. When the price of oil begins to rise, as it has precipitously in the last 2 weeks, the growth of the U.S. economy dives. When the economy takes a dive like this, what this means is there are more people who are out of work.

When this red line goes down, it means children do not go to college. This red line means somebody has to walk into their house and look in their kids' eyes and tell them they lost their job. This means a guy who worked his whole life—when he was 45 years old and started a business and took his life's savings and his wife's savings and said: Honey, I am going to go out and start a business—has to come back and tell her he could not make it. Not because they did not have a good product, not because he was not a hard worker, not because his spouse did not do everything she should and could do, but because we cannot get a handle on the price of gasoline and it drove him out of business. That is what this line means when the gross domestic product in our country goes down. It means pain. It means suffering.

We could stop the pain and stop the suffering if we could get an energy policy that would stabilize this price and reduce our dependency on oil that comes from outside of this Nation.

One way to do it, not the only way to do it, is to drill more in the United States of America. We have oil reserves in many of our States, if not most of our States. We have reserves onshore and offshore, and we have technologies unlike 50 years ago, 40 years ago, or 25 years ago, that we can produce and find those reserves at less financial risk and less environmental risk.

I am in the Senate because I promised the people of my State I would try to keep this red line up as high as possible, because I have a promise to send as many kids to college as I can possibly help get there and give them the skills they need to function. I have made a lot of promises to them about giving them an atmosphere where they can take their dream of starting a business and actually make it work. I have made promises to my school boards and my public officials back home to try to help improve the highway system, which is not very good in our State. I have hospitals that cannot keep their doors open, and there is a Senate that has the resources and the opportunity to pass an energy bill that could produce more but for some reason will not.

Let me show what the Sierra Club says about domestic production because I have sometimes been accused of having an anti-environmental position. I actually think this position is a pro-environmental position, it is the right environmental position, and I will say why. The director of the Sierra Club evidently agrees with that line of thinking, although I do not want to indicate he agrees with the exploration in ANWR or my amendment, but he agrees with the principle. He says exactly what I would say:

> The exploration and development of energy resources in the United States is governed by the world's most stringent environmental constraints, and to force development elsewhere is to accept the inevitability of less rigorous oversight.

I could even go further to say: To develop elsewhere is to accept the inevitability of wholesale environmental destruction, because that is what happens when you do not have good laws. That is what happens when you do not have good regulations. That is what happens when you do not have good court systems where polluters are determined not to follow the rules if they had them, or to go ahead even without the rules and proceed to extract those resources. That is what happens when you drive production off the shores of the United States of America. The environment is harmed more than if you could drill in a country that had the strongest rules, the best courts, the highest fines, and the ability to vigorously prosecute polluters.

We do not want to do that. We want to get oil from countries—and we use 18 million barrels of oil every day from places such as Saudi Arabia, Iraq; and from such stable governments in a lot of trouble now such as Colombia, Angola, Kuwait, and Yemen, just to name a few.

If we drilled more in Alaska, in Louisiana, off the coast, on the gulf coast, in other interior States, and we did it in the right ways, we could make the lines in that chart I showed earlier move in a different direction, in a direction of hope for the American people.

Let me also say we need to do it for the purposes of our economy. We also need to drill more in the United States for the purposes of our security and for the purposes of long-term domestic and international security for our Nation.

We call the underlying bill we are debating, and on which Senator BINGAMAN and Senator MURKOWSKI have worked exceedingly hard, the Energy Policy Act. It could be the energy security act, but I would really like it to be named the energy independence act because only by energy independence will America ever be secure.

Let me say that again: Only with energy independence will we ever really be secure. If we and our democratic allies—not countries that do not believe in democratic principles, not countries that do not allow women to vote, not countries that do not have high standards when it comes to child protection and the rights of children and families. I am talking about democratically elected governments. When we and our allies, such as in Europe and in other places of the world, can diversify our portfolio of energy, then we can relieve ourselves of being dependent on countries that do not share our values, that are not democratic nations, and that do not compromise.

When I see statements that are in the press—and I have been reading a lot of things about the Mideast—it is very concerning to me when I hear anyone say the people who have strapped dynamite and other explosives to themselves, who have gone into places such as hotels where people are eating a meal or into daycare centers, or in pubs where mothers might take their daughters or sons out for an afternoon cup of tea or a rest, and people refer to these individuals as freedom fighters. These are not freedom fighters. These are terrorists. That is what terrorism is. That is what the definition and embodiment of terrorism is.

It is not fighting army to army or armed person to armed person. It is an individual, desperate, strapping explosives to their body, giving up their life and harming innocent men and women and children for the purposes of terrorizing a nation and either bringing it to its knees, or bringing it to a negotiating table, or forcing it to do something that is against its will or its long-term best interests.

We are fighting terrorism here with all the strength and breath we can in our Nation. We had two of our mightiest buildings collapse. We don't call the people who got in the airplanes freedom fighters. We call them terrorists. But we can't call some of these other people exactly what we need to be calling them. Why? Because we are too dependent on oil from that region. We are debating an energy bill and we will not make the decision to produce more oil in the United States because we would rather compromise our foreign policy.

I will be for more drilling in the United States, when and wherever possible. And I don't believe we can drill everywhere. But where there are reserves, where our technology shows we can drill, the more oil we can drill here the better.

In addition, what we can do, and Senator BINGAMAN has led this fight so ably and so well, is to diversify our portfolio so we are not held hostage by oil, period. I am from an oil-producing State. But do you know what my own producers tell me? They don't want our Nation to be held hostage by fossil fuels, even though we produce a lot of oil and produce a lot of gas. Louisiana believes, as an oil- and gas-producing State, that we need to develop alternative sources. As an investor with your life savings, you don't invest it in just one company, in the event that company goes belly up and you lose everything you worked for. With investments, investors want a diverse portfolio. Why? To spread the risk. Any good investor knows that spreading risk is very important for long-term security.

Why, then, do we have an energy policy, or the lack of an energy policy, that allows all of our eggs to be in one basket. It is too much in oil, and in some ways too much in gas, and not enough in other developing technologies such as wind, solar, hydropower, and other ways of generating energy.

The most promising technology we have discussed on the floor is in the transportation sector, in hydrocells, for our automobiles. It is the transportation sector that uses most of the oil. Our industrial sector and our electric generators use a lot of gas, a lot of coal, and a lot of nuclear. The bottom line is, while we have to reduce our dependency on foreign oil, particularly from nondemocratic nations, particularly from nations that do not have stable governments, particularly from nations that do not believe in the rule of law, that do not allow women the right to vote, that do not allow children, girls in particular, to go to school, why do we compromise our foreign policy because we need that resource when we could drill more domestically? In addition, not only do we have to drill more in the United States, but we have to wean ourselves off of fossil fuels over time and try to come up with renewable resources because all of these resources are finite.

To broaden our pool, to diversify our portfolio of sources is good for the consumer and good for business because it will keep prices very competitive. If gas is too high, people could switch to nuclear. If nuclear is too high, producers of energy could switch to hydro. If hydro is too high, they could move to coal. If coal is too high, we can move to biomass.

We need more diverse sources of fuel, homegrown, and limit our imports of fuel from nations that are not democratic nations. I am not speaking about Canada. Canada is a great ally of the United States. We import a lot of gas from Canada. Let's continue to do it. Canada is a democracy. It is our ally. We can rely on it. That is smart politics.

Relying on other countries that do not share those values, that do not have democratic values, gets us dealing with places where people tie dynamite to themselves and blow up themselves and innocent people. It confuses us whether it is a terrorist or freedom fighter. We have freedom fighters in America. Martin Luther King, Jr., was a freedom fighter. That is the kind of freedom fighter who we believe in in this Nation. Gandhi was a freedom fighter. That is the kind of freedom fighter who ultimately wins peace and security and justice and changes when things are unjust. Not suicide bombers and not terrorists. It must be rejected every day, every month, every year, every time—in the United States, in Israel, and in the Middle East.

Our energy policy puts us in a position where that gets foggy; it does not get clear. It is dangerous. It is not going to serve us well, not this week, not next week, and not in the near future. Our dependency on oil imports from places that are not democratic nations, our refusal to broaden our portfolio of sources of energy, and our inability to separate this from our negotiations is not good for America.

Let us begin by supporting Senator MURKOWSKI's amendment on ANWR. Let us go further and support drilling. Let us fight very hard with Senator BINGAMAN to try to put dollars into research and technologies for new alternatives. Let's be careful with the tax credits we give so we build a domestic industry, creating new jobs and keeping our environment clean and investing in the States and the localities so when they are impacted, we can fix them. When we lose wetlands, we can restore them. When some places are disrupted, we can do our very best to fix them and have the kind of infrastructure necessary so we can have a good, solid, and clean industry.

That is why, in conclusion, this is getting a lot of momentum. This is why the President is receiving a tremendous amount of support in some areas of his policy, and why, today, there was a great meeting and press conference of some of the major Jewish organizations throughout this Nation. B'nai B'rith, the oldest and largest Jewish organization, has finally and eloquently stated why it is so important to join this fight, along with veterans, along with our military, particularly the veterans who have been there. They have been to Europe; they have been to Korea; they have been to Vietnam. They know the price that is paid when American foreign policy is based on anything outside of our core values of freedom and democracy.

When we start fighting over oil and sacrificing the lives of our young men and women, it is just not worth the fight. Let me say again, it is not worth the fight. Other issues are worth the fight: democracy, freedom, and justice. Oil is not worth the fight, especially when we could have energy security by drilling in our own country. It is too high of a price to pay. I don't think we should pay it.

We should continue the effort to get a good, strong bill out of the Senate and get it into conference so we can have a bill that produces, that encourages more domestic drilling, expands our portfolio of energy to include other things, that invests in research and development. This country leads the world in technology. When we make up our minds to create anything, we can do it. And we hardly ever fail. I can't think of a time we failed. We most certainly would be successful in new technologies and getting us off, eventually, fossil fuels, a finite resource, and getting us to renewables, so we are truly independent and our people can have hope.

In addition, I hope we can then balance this bill in conference. I urge the President to take as balanced an approach as possible in helping shape a bill that works for our economy, that works for our foreign policy, and, most importantly, a bill that is true to values that America has stood for now for 225 years. It does not cause us to have to be hypocritical or to turn our eye or to be foggy in our outlook. We want to see clearly, to be honest with ourselves, about this issue.

It is very serious. It is a very serious issue. Now it is affecting our national security. People at home would like to see strong steps taken in that regard.

I am going to be offering an amendment for energy independence in the morning. I have a series of amendments that I will be offering over the course of this debate. I will lay that out to my colleagues for their consideration and I hope we will be strong enough to take the actions necessary to set our Nation on the course for independence.

I yield the remainder of my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mrs. CARNAHAN. I ask unanimous consent to proceed as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mrs. CARNAHAN are printed in today's RECORD under "Morning Business.")

Mrs. CARNAHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CARNAHAN). Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, for the last several days—since we have been following the Mideast crisis—clearly I think we are all aware that what was a tinderbox has now ignited into a firestorm.

This chart gives us an update of what happened while we were out for our Easter recess. It is a memorandum to the American people.

Let me identify the urgency because over the last few days Saddam Hussein of Iraq has imposed a 30-day oil embargo on the United States. We have seen the price of oil jump about $3 a barrel. We have seen Saddam Hussein offer to pay the families of the Palestinian suicide bombers up to $25,000. If that isn't an incentive to stimulate those who are inclined to give up their life for the cause of Saddam Hussein, I don't know what is.

Further, Iraq and Iran call on countries to use oil as a weapon against the United States and Israel. And Libya agrees.

Think of that—using oil as a weapon.

When was the last time we talked about a weapon around here? It was on September 11th when we were confronted with the first reality that an airplane would be used as a weapon. Obviously, we saw that at the Pentagon and the two towers of the World Trade Center. This goes beyond our previous comprehension of what weapons are. But Iraq and Iran are calling on countries to use oil as a weapon.

What do they mean? They mean, obviously, that with the money and the cashflow of oil, they can motivate people to give up their lives as suicide bombers if their families can generate $25,000, or thereabouts. Where does their money come from? It comes from the cashflow of oil. Make no mistake about it.

Further, a Christian Science Monitor article indicates that there is information relative to Iraq carrying out a plot to blow up a U.S. warship. That was exposed by the article. The theory was a little more significant because what they proposed to do was target a tanker, probably in the Straits of Hormuz, and then go after a U.S. warship.

We are also seeing here at home a skyrocketing increase in gasoline.

Who is responsible for that? It is our good friend, Saddam Hussein.

Iraq is the fast-growing source of U.S. oil imports—1.1 million barrels; the Persian Gulf, almost 3 million barrels; and, OPEC countries, 5.5 million barrels.

When Saddam Hussein indicates he was going to terminate production for 30 days, that means somebody else is going to have to pick up their oil. Maybe OPEC will do it. They have indicated that Saudi Arabia has the capacity. But will they? Clearly, when 1 million barrels are taken off the world market, prices are going to increase, and shortages are going to increase. That is reality.

Make no mistake about it. Saddam Hussein is not doing any favors for the United States.

In announcing an oil embargo, he has effectively caused the spiraling in prices and an indicated shortage in production.

We have some other charts that I think show you the vulnerability of the United States. This is, again, while we were away on our Easter recess.

As the Mideast crisis worsens, the price of oil rises. This is the statement by Iraq's ruling party.

> If the oil weapon is not used in the battle to defend American and Zionist [Israel] aggression, it is meaningless.

That is a statement by Iraq's ruling party.

This is the timeframe from March 25 until our return.

> If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

That is a pretty strong message. They are saying: We are going to use oil as a weapon.

Make no mistake about it. What does that translate to? Our economy, and perhaps increased prices.

I do not know how many times we have to go to the well around here before we understand that some of these folks mean business. We are already well aware of bin Laden. We are well aware of the aftermath of al-Qaida.

We wish we would have taken steps to avoid those actions. But where are we today as we look at Saddam Hussein? We have every reason to believe that he is developing weapons of mass destruction. We haven't had the U.N. inspections in several years.

Are we putting off the inevitable? What is the inevitable? Is it some kind of an action that is perpetrated as a consequence of Saddam Hussein's weapons that he has developed over a period of time? What are those weapons? We don't know because we haven't had inspectors in there in over 2 years.

What we know is that we have been taking his oil. We know that we have been enforcing a no-fly zone over Iraq since 1992. We do know that we have bombed him three times this year. We do know that we put our young men and women's lives at risk as we enforce the no-fly zone. We also know as he takes our money, he develops weapons capability and weapons of mass destruction—biological weapons—aimed at our ally, Israel. We know those things.

Where is the logic? How do we close the loop? What is the message? How are we going to respond?

I do not know how many times we have to reflect on weapons. We saw an aircraft used as a weapon three times on September 11. It could have been much worse but for that heroic event in Pennsylvania.

Here is an article from Reuters of April 1.

> Iraq urges use of oil as a weapon against Israel and U.S.

It states:

> Use oil as a weapon in the battle with the enemy, Israel.

Iraq's ruling Baath Party said in a statement published by the Baghdad media:

> If the oil weapon is not used in the battle to defend our nations and safeguard our lives and dignity against American and Zionist aggression, it is meaningless.

That is the ruling party of Iraq.

> "If Arabs want to put an end to Zionism, they are able to do so in 24 hours," Saddam told a group of Iraq's religious dignitaries Sunday night.

Another quote:

> The world understands the language of economy, so why do not Arabs use this language? He asked.
>
> Saddam said if only two Arab states threatened to use economic measures against western countries if Israel did not withdraw from the Palestinian-ruled territory, "you will see they (Israelis) will pull out the next day."

Madam President, do we believe that? Saddam Hussein is one of two Arab States that has already used its economic measure against the Western countries by terminating its oil production for 30 days.

What else happened today that deserves consideration? In our own hemisphere, South America certainly, Venezuela, PDVSA, one of the largest conglomerates in the world, went on strike. What does that mean to the United States? It means that roughly 30 percent of our imports are no longer available. Saddam Hussein stopped his production, and Venezuela, PDVSA, is on strike. We don't know the ramifications of that.

The threat is clearly here. I have been coming to the Chamber for a long time talking about the blatant inconsistency of our foreign energy policy. We have other charts here. I will stay on this subject a little more because I think many Members assume this is oil that is coming in from overseas. So it is Iraqi oil. So what? We probably don't get it.

Here is a chart that shows where it goes. What we did was, we went to the importers and asked where this oil went. And we got some idea of where it is refined: Washington State, California, Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Missouri, Illinois, Indiana, Ohio, Kentucky, Minnesota, New Jersey. This constitutes roughly Iraqi oil imports from January to December of the year 2001, a total of 287.3 million barrels consumed in these States. It is pretty well spread around the geography of the United States.

We have another chart that shows very vividly crude oil imports from Iraq to the United States in the year 2001—283 million barrels. This is by month. June was an all-time high. Then down in July. In September it bounced up again, in October, November, December. So here we are, clearly identifying where the oil comes from and where it goes.

We could show another chart that shows you what is happening in the United States today. That is the increase in retail gasoline prices per gallon. This is $1, $1.05, $1.15, up to $1.40. Here we are, April 1: $1.34. Make no mistake about it. These are factual realities associated with what is happening. The American public is modestly inconvenienced, but there is no consensus on what kind of relief.

I suggest there is an energy plan out there that has been proposed by some. This is kind of it. Unless the crisis is too bad, we just stick our head in the sand. Is this an energy plan? I don't think so. We have an energy bill before us. It is absolutely necessary that we proceed with this bill. As a consequence of the extended discussion about how we are going to reduce our dependence, one of the issues that comes up is obviously to produce more oil in the United States. How can we do that?

One of the more contentious amendments that will be debated on the floor is the ANWR amendment. What is so significant about ANWR? The significance is that it is the most likely area in North America for a major oil discovery. We had ANWR passed in the omnibus bill back in 1995. In December, it passed out of the Senate. It was vetoed by President Clinton. We would know today and have production from the area and we wouldn't be beholden to Saddam Hussein, who suddenly decides he is going to cut 1 million barrels of production, his production, away from the market. We anticipate that ANWR would exceed 1 million barrels a day.

We have been paying Saddam Hussein roughly $25 million a day for Iraqi oil for the last year. That is a lot of money, $25 million a day. This is the same dictator who actively fired on our pilots, who is developing weapons of mass destruction, funding terrorism against Israel, yet is our fastest growing source of imported oil.

Saddam Hussein is paying bounties of $25,000 to each suicide bomber who murders Israeli citizens. The suicide bombers terrorizing Israel are the proxy soldiers of Saddam Hussein. Think about that. They are proxy soldiers. Yet we rely on Saddam Hussein for our energy needs each day.

Every time we go to the gas pump, a portion of what we pay funds Saddam Hussein in his war on the United States and Israel; on his war, if you will, to encourage individuals to sacrifice their lives as suicide bombers and commit funds to the relatives of some $25,000.

Enough is enough. We need to end this inconsistency once and for all.

Among the considerations that come to mind to end this would be the President's certification that Iraq is complying with U.N. Security Council Resolution 687 which demands that the Iraqi weapons program be destroyed, destroyed and certified by inspectors, that we have the satisfaction of knowing that Saddam Hussein is no longer smuggling oil in circumvention of the Oil for Food Program. We have already lost lives. We lost the lives of two American Navy men when they intercepted one of Saddam Hussein's smuggling ships. In the process of boarding the ship, the ship sank and these two American sailors lost their lives. Little was said about it, but Saddam Hussein is still taking American lives.

Further, one could consider a stipulation that Saddam Hussein would not subsidize the action of the suicide bombers.

As I indicated earlier, some people don't have a second thought about where we get our oil. Some think that drilling in Alaska is too risky. That is poppycock. We have drilled in Alaska for 30 years in the Arctic and developed the largest field in North America, Prudhoe Bay. You might not like oilfields. That is your own business. But Prudhoe Bay is the best oilfield not only in the United States but in the world. It has more environmental oversight by Federal and State officials, laws, and regulations.

So it is interesting to reflect, if you don't get the oil from here, where are you going to get it? Do you want to go to Colombia where they are blowing up Colombian pipelines and kidnapping American oil workers? Some of the oilfields of Russia are an absolute disgrace from the standpoint of environmental oversight.

Nobody seems to care where it comes from. Why can't it come from an area where we have the oversight, where we have the safety, and we can do it right?

We have a situation today where Israeli and Palestinian citizens are dying in the streets. They are certainly at risk. Yet they say it is too risky to open up the Arctic. I wonder if channeling funds to Saddam Hussein to allow him to carry out his vicious campaigns is not risky. Our men and women in uniform are in harm's way today. Yet many Members in this body live in some fantasyland, a world of ivory towers, an image of pristine wilderness.

Well, I have been there, Madam President. It is a harsh reality. The aboriginal residents of the area of Kaktovic support the development. I have felt like a voice in the wilderness on this issue for some time. We have a lot of wilderness—about 56 million acres, which is the size of the State of California.

It is time for some of us to face the facts. It is time to stop contributing to Saddam Hussein's campaign of terror. How bad do things have to get before we have the fortitude to recognize that we can reduce our dependence and send Saddam Hussein a very strong signal—and the rest of the Mideast, such as Iran, Libya, and the other countries, including Saudi Arabia—a message that we mean business?

Remember what Saddam Hussein says at the end of every speech. His last words are—think about this—"death to Israel. Death to America." From what I have seen in Israel in the last 2 months, with all the suicide bombers, we ought to know what he means. How long does this have to go on before we come to grips with reality and make a commitment that we can open up this area safely, that it will significantly reduce our dependence on imported oil? I think that time has come, and I urge my colleagues to make commitments to America's environmental community to recognize that you are going to have to be counted here and do what is right for America, not necessarily what is right to placate some of the extreme environmental groups that have used this as a cash cow; they have milked it for all it is worth.

It is kind of interesting to hear the mischaracterizations of a recent study by the Department of the Interior, the USGS. They indicated in the first study the supposition that the entire area was at risk. What is the entire area? It is 1.5 million acres that was somehow at risk. It was the assumption that the entire area would be put up for lease. Of course, the House bill, and what is in the amendment that we intend to offer, is that the footprint will be limited to 2,000 acres. There will not be international airports, or airports of any significance. There will not be any activity during the caribou calving season when the Porcupine herd is in the area. Drilling and exploration will be limited to wintertime activities. There will be no roads built. There will just be ice roads.

This is the technology we have now. Make no mistake about it, from the standpoint of conservation, we have learned how to take care of the caribou. There are two major actions we have done to protect them. We allow no hunting. You can't run them down in a snow machine. The herd, known as the western Arctic herd, in the Prudhoe Bay area was about 3,000 in the early 1970s. It is over 26,000 today. You can't hunt in the area; you can't take those animals.

The Porcupine herd is something else. The aboriginal people depend upon them, and the herd is quite healthy. Remember where that herd goes. It crosses the Dempster Highway in Canada. That is probably where it receives the most intense pressure from human predators, who take the caribou for subsistence and sport purposes. That doesn't happen in Alaska; it happens in Canada.

So I hope my colleagues will be ready to recognize the significance of their votes. Not only is this a major issue for the veterans of this country who have said time and time again that we want to reduce our dependence on foreign oil. We don't want to send our men and women overseas to fight another war on foreign soil.

I am reminded of Mark Hatfield's statement; he is a former Senator from the State of Oregon. He said:

> I will vote for ANWR any day rather than send our young men or women overseas to fight a war over oil on foreign soil.

Well, we did it in 1992 and we lost 147 lives. Let's get on with the issue at hand and let's reflect on the issues. American labor is on board because they see it as a jobs issue—somewhere in the area of 250,000 new jobs. People talk about stimulus. That is the largest single stimulus that anybody has been able to identify in this entire year of debate on the floor of the Senate. What does it mean? It means 250,000 jobs. But these are private sector, well-paying jobs, union jobs that will not cost the taxpayer one red cent. This is win-win-win-win. It is win for America, win for jobs, win for reducing our dependence on imported oil, and win for our scientific community and our environmental community—to ensure that we have the technology to do this right.

I look forward to the debate in the coming days, but I think it is appropriate to highlight what has happened in just the last 2 days. Saddam Hussein has determined he is going to stop oil production for 30 days. Venezuela is on strike. We have, overnight, lost nearly 30 percent of our imports, and each day you are going to hear more bad news: higher prices at the gas station and higher prices to fill your heating oil tanks. You are going to see it represented in the economy—on the stock market as it affects our growth and, God knows what we can expect from the Mideast crisis that is underway in that area today, as our vulnerability becomes more intense.

I will have more to say about this topic each day. I wanted to bring to my colleagues' attention the highlights of the pending crisis. When we left here on our recess, we had a threat. Today we have a crisis. Here it is: a 30-day oil embargo, $3-a-barrel increase, and Saddam pays suicide bombers $25,000. Iraq and Iran call on countries to use oil as a weapon. If that isn't a threat against the United States and Israel, I don't know what is. Iraq plots to blow up U.S. warships, and the price of gasoline is skyrocketing.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Madam President, it is 5:45 in the afternoon. We had one vote today. Obviously, there will be no more rollcall votes today. I say "obviously"; I should probably say "unfortunately." This is the fourth week now we have been on this bill. This is the 15th day we have been on this bill. We have scores, if not hundreds, of amendments that ought to be offered and ought to be debated. We listened to countless speeches all last year from many of our Republican colleagues about how critical it was we bring up this bill. I think Senator MURKOWSKI on several occasions said: Let's let the chips fall where they may; let's offer amendments; let's take up ANWR; let's get this legislation done.

The Senator from Alaska talked today about this being another crisis, given the Iraqi situation. Here it is, 5:45 this afternoon, and we are facing a Republican filibuster on the Feinstein amendment, the so-called derivatives amendment. We are hopeful we can at long last reach a cloture vote tomorrow. They have been filibustering the derivative amendment now for some time. I don't understand why we have yet to take up the ANWR amendment. As I said, after 15 long days of debate, we have yet to debate one of the central issues involving energy policy from the Republicans' perspective, and that is the debate on ANWR.

It is critical we have that debate sooner rather than later. And if need be, I know some of my colleagues have actually suggested maybe they will raise the issue, that they take it up, that they offer the amendment. We would probably offer the House language.

We want to accomplish as much as possible during this work period. I have laid out, on several occasions now, our hope and expectation with regard to the legislative agenda for this work period. It is ambitious. But our Republican friends in the administration, and Republican friends in the Senate, talk about how they are unable to take up other very important pieces of legislation, including trade promotion authority and terrorist insurance.

But we find ourselves here with a Republican filibuster on the energy bill, a Republican reluctance to take up the ANWR amendment, and, at 5:45 in the afternoon, no one to offer amendments in spite of the fact that we have been on this bill now for 15 days and over 200 amendments are still pending.

So, I must say, it is a situation that has to be rectified sooner or later. There is no way we can take up all of the other important bills during this very critical work period if we do not have more cooperation and ability to address the remaining issues in this bill than what has been demonstrated so far.

It is unfortunate. It is frustrating to be at a point, after this long on the energy bill, that in my view is so far from closure on a bill that both sides have acknowledged must be completed.

I want to complete it. I know Senator REID has been working very hard to try to work on both sides to see if we can come up with a list of amendments. But, as I say, a Republican filibuster on the derivative amendment has to end. The ANWR amendment has to be debated. We have to find some way to resolve whatever other outstanding questions there are and bring this bill to a close so we can move on to other important pieces of legislation, including border security, which, as I understand it, is supported by the administration; Republicans and Democrats support it.

We also have the election reform bill. We have nominations we would like to take up—judicial nominations. We have heard a lot about that in recent days. So there is no lack of work required of this body. Yet there are such limits on our ability to deal with all of those and other priorities, simply because we have been unable to move this bill any further along than we are this afternoon.

Mr. REID. Will the Senator yield for a question?

Mr. DASCHLE. I will be happy to yield to the Senator from Nevada.

Mr. REID. I ask my friend from South Dakota, the majority leader, if he is aware that we have had speeches here in the past several weeks—we had one earlier this afternoon—of Senators saying, Why don't we vote on ANWR? Why don't we have an up-or-down vote on ANWR?

Is the Senator aware these speeches are being made by the other side often but no amendment is offered? Have you ever seen a procedure such as that where they complain about not having a vote but they have not offered the amendment?

Mr. DASCHLE. It is mystifying to me. We have been told for months, if not years, how critical ANWR is to some of our colleagues on the other side. Yet after 15 days we are told we still have to wait for an ANWR amendment on this energy bill.

So something doesn't connect here. Either ANWR is not important or there is a slow-walking of the bill—inexplicably. There is an emergency, as some of our colleagues have indicated today, but there is an inability here to connect the dots. It seems to me we have to rectify that situation.

The Senator is right. You cannot give speeches and say it is important for us to finish the bill and take up ANWR and we need a vote but then fail to offer the amendment to get the vote.

I ask my colleagues to recognize how precious our time is. This is Tuesday. I have already had two or three requests for early evenings and early departure this weekend. I suspect we will get more of those throughout the week. We have to make the most of the days we are here. Let's make the most of Wednesday, the most of Thursday. Let's resolve these outstanding issues, let's end the filibuster, and let's get this job done.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I ask unanimous consent that at 9:15 on Wednesday, April 10, the Senate resume consideration of S. 517; that the time until 9:45 a.m. be for debate prior to the cloture vote with respect to the Feinstein amendment numbered 2989, with the time equally divided and controlled in the usual form; that at 9:45 tomorrow morning the Senate proceed to vote on the motion to invoke cloture; and that Senators have until 9:30 a.m. for filing second-degree amendments to the Feinstein amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that there be a period for morning business with Senators permitted to speak therein for a period of up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDEAST CRISIS

Mrs. CARNAHAN. Madam President, last week, as people of many faiths celebrated holy days of peace, our television screens were filled with visions of horror. Young Palestinian men and women, strapping explosives to their bodies and detonating themselves in crowds of Israeli civilians, destroyed dozens of lives and with them exploded the hopes and dreams for a peaceful resolution of the Middle East crisis.

The words used to acclaim these acts are deeply troubling. The murderous bomber who killed celebrants at the Passover meal was deemed "a glorious martyr." Such a proclamation is a cruel hoax, perpetrated by those dedicated to the destruction of the Jewish state. It comes from those who have never admitted in their hearts—and will never admit that Israel has the right to exist within secure and peaceful borders.

They unleash their hate under the banner of such groups as Hamas, and Hezbollah, the Fatah and the Al Asqa Mosque Martyrs' Brigade.

Unfortunately, the leader of the Palestinian Authority, Yasser Arafat, is unwilling or unable to prevent the wave of assaults against Israeli civilians. For far too many years he has talked the talk of peace; but he has never walked the walk for peace.

When it has served his interest to speak of reconciliation, of compromise, of security for Israel—he has done so. But days, or even hours, later when speaking to his people, or the Arab world, he uses language that urges armed struggle, a war of liberation, and a return to conquered lands.

He has not prepared his people for peace. He has not explained the need for compromise. In fact, maps in school books do not even show the State of Israel.

On the White House lawn, President Clinton urged both sides to take a chance for peace. Israel was willing to do just that. Israel traded land in the hope for peace. Israel promised even more land, and a Palestinian state.

What did the Palestinians do? They did not create a government to serve the best interests of their people. Yasser Arafat created a gulag on Israel's back doorstep—one riddled by corruption and bent on crushing dissent. The Palestinian leader built an infrastructure for terror and then incited his people telling them that Palestine would run from the Jordan River to the Mediterranean Sea.

When the parties met at Camp David, Israel did what it had never done before. It put the issue of Jerusalem on the table. But the most generous offer Israel could possibly make, was not only rejected, it was brutalized by violence. That violence has intensified for 18 months, mutating into waves of suicidal terror.

In the minds of most Israelis, this cruel response has undermined Yasser

Arafat as a genuine partner in search of peace, for Israel now has to question whether land for peace is actually an equation for more violence.

Israel has an obligation to its citizens to respond. When al Qaeda attacked America, we sent our military across the globe to seek out the terrorists in training camp by camp, cave by cave. Israel has terrorist's cells just a couple miles from its largest cities. It had no choice but to take them out—root and branch.

America is conducting her own war on global terrorism in the wake of attacks on our country and to address the threat of Saddam Hussein acquiring weapons of mass destruction. But the United States must at the same time devote its full resources to resolving the Israeli-Palestinian conflict. We must do so in a way, however, that does not undermine the core principle of our war against terrorism. There must be zero tolerance for terrorism. Such deeds cannot have, or be perceived to have, any political benefit.

Those who seek a political solution to conflict must first rebuild trust by rejecting terror. Unfortunately, both the Arab League and Islamic Conference have failed to do so. Nonetheless, Secretary Powell's mission takes place against the backdrop of a new Arab initiative.

This initiative has many flaws, but it is significant. Arab governments have now demonstrated a desire to play a constructive role in resolving the conflict. Since the Palestinian leadership has been totally discredited as peace partners, the path to peace goes through Amman, Cairo, and Riyadh.

If these governments are serious peace-seekers, other steps must follow. They must denounce terror against Israel with the same strength and passion as they denounce actions taken against Palestinians. They must halt their financial backing for terrorist groups dedicated to the destruction of Israel. They must put an end to the anti-semetic, anti-Israel, and anti-American rhetoric in their state sponsored media. Finally, they must convince Yasser Arafat, and more importantly the Palestinian people, to abandon their self-destructive behavior.

Had the Passover ceremony in Netanya not been violated by a murderous bomber, those present, together with Jews around the world, would have ended the ceremony by saying: "next year in Jerusalem."

The Jerusalem to which they aspire, however, is not the city we see today—a city stricken with fear; a city of shattered windows and shattered lives where calls to worship have been replaced by sirens and ambulances.

No, the Jerusalem to which they aspire, is a Jerusalem of tolerance, of faith, and of peace.

While that vision seems remote at the moment, we are reminded of the words of Louis Pasteur, who said:

> Never let yourselves be discouraged by the sadness of certain hours which pass over nations.

For those who earnestly seek peace, even dark days can be the harbingers of brighter tomorrows.

Our prayers today are for a brighter tomorrow for all in the Mideast, for all people of goodwork.

NEVADA VETO OF YUCCA MOUNTAIN SITE

Mr. MURKOWSKI. Madam President, I advise my colleagues that yesterday another significant step was taken in the process to address relief for nuclear energy by the approval of the Yucca Mountain process—and I emphasize process because it is a step-by-step effort.

The Governor of Nevada came to Washington to deliver his veto over the President's recommendation to site this Nation's high-level waste repository at Yucca Mountain in Nevada.

Further, Chairman BINGAMAN, chairman of the Energy and Natural Resources Committee, today took yet another step in introducing a resolution, S.J. Res. 34, to override the Nevada veto. Senator BINGAMAN's action sets in motion the congressional fast-track procedure in both the House and Senate to approve this resolution, which is done by a simple majority. We finally may approve a safe, remote, central facility for our Nation's nuclear waste. Without this repository, our nuclear plants would have to shut down, and I do not think we can address that risk, recognizing nearly 20 percent of our Nation's energy is generated by nuclear power.

Without Yucca Mountain, the cold-war legacy sites throughout the U.S. will not get cleaned up because we will have no place to put the waste. The Federal Government has an obligation for the spent fuel and the DOE waste, and to meet this obligation we must open that repository, and we must do it soon.

To date, we have spent over 20 years and over $4 billion to investigate and characterize the site. The science tells us this is the place.

I join Senator BINGAMAN in urging my colleagues to vote for this resolution when it comes before the Senate.

TRIBUTE TO THE GIRL SCOUTS OF AMERICA

Mr. DASCHLE. Madam President, I would like to take this opportunity to recognize the 90th Anniversary of the Girl Scouts of the United States of America. In March, this vital organization celebrated an important milestone in its efforts to encourage girls and young women from communities across our nation to enjoy scouting activities that nurture their mental, physical, and spiritual well-being. Congratulations to the 3.8 million members throughout the United States.

I am pleased to tell you that more than 9,000 girls across the State of South Dakota actively participate in Girl Scouts. In particular, I want to commend the Girl Scouts of Nyoda Council for their outstanding accomplishments in the areas of leadership, community service and personal development in our state. For over 35 years, this chapter has offered a spiritually motivated, values-based program that encourages every girl to reach her highest potential. The Girl Scouts of Nyoda Council adhere to the vision statement of the Girl Scout movement: "to inspire girls with the highest ideals of character, conduct, patriotism, and service, that they may become happy and resourceful citizens."

On April 13, the Nyoda Council will hold their Girl Scout Gold Award ceremony in honor of those who have achieved the highest honor a Senior Girl Scout can attain. They deserve recognition for their outstanding work, perseverence, leadership, and community involvement. I applaud their "can-do" spirit, determination, and dedication to the betterment of their community.

Congratulations to the Girl Scouts of Nyoda Council on this very special occasion. May they enjoy this celebration of their efforts, and keep up the great work.

Mr. BINGAMAN. Madam President, I rise today to speak on behalf of the Girl Scouts. In honor of their 90th anniversary, I would like to congratulate this extraordinary group for their many years of excellence and service to this Nation. This organization has provided great opportunities for many girls and young women, helping them to develop to their full potential and to become good citizens and great leaders. The Girl Scout Law states that each girl will strive to possess honesty, courage, responsibility, and respect both for themselves and others. These ideals demonstrate the high standards this organization sets in encouraging the development of young girls.

Currently in New Mexico, approximately 8,000 girls and 3,000 women participate in Girl Scouts. Chapparal Council, one of the three New Mexican Girl Scout councils, covers counties in northwestern New Mexico and parts of Southwestern Colorado. The 6,000 members of that council contribute their time and effort to better their communities. These girls, along with countless other women who once pledged the Girl Scouts' promise have and will receive the many benefits from this organization.

The Girl Scouts' new initiative "For Every Girl, Everywhere" highlights the diversity of this fine group, attempting to reach out to every girl in every community, regardless of race, ethnicity, or geographic boundaries. The Girl

Scouts have given girls from every socioeconomic background an equal opportunity to become successful adults through the exploratory and intellectual activities in which they participate. This has especially played an important role in New Mexico.

Throughout New Mexico, girls have been changing their lives in a positive way that will no doubt benefit them in their future endeavors. By focusing on health and fitness, appreciating diversity, and community service, the Girl Scouts have inspired girls with high ideas of character, conduct, and patriotism. Girls participate in many events throughout their community such as providing help to those in need and working to improve the environment. They organize donation drives for needy families, plan activities for senior citizens, hold flag ceremonies throughout the State, plant trees and clean up local parks.

Although the Girl Scouts are primarily community based, the ideals of caring and helping others are also demonstrated on a national level. After the tragedy of September 11th, Girl Scouts from the Zia Council in New Mexico made dream catchers, a Native American work of art symbolizing peaceful sleep, and had them blessed and sent to New York in memory of the victims and their families as a way of reaching out to those in need of inspiration.

Through this organization, girls learn to set high standards and develop qualities that will benefit them throughout their lives. They are able to learn self-confidence, responsibility, and leadership skills, and are encouraged to think creatively. Through the hard work of this organization over 50 million women have been touched by the positive impact of Girl Scouts. As the world's largest girls' organization with currently 2.7 million girl members and just under 1 million adult members, I would like to once again commend past, current and future Girl Scouts for their valuable contributions and dedication over the last 90 years.

Mr. SMITH of New Hampshire. Madam President, I rise today to show my support for the 90th anniversary of the Girl Scouts. Through the Girl Scouts, girls acquire self-confidence, a sense of responsibility, life skills and integrity. In each level of the Scouts, young girls learn skills that will assist them as they enter adulthood, including science and technology education, money management, sports training, engaging in community services, art education, and much more. The Girl Scouts encourage their members to engage in a wide variety of activities such as field trips, sports camps, and cultural exchanges. I am proud to note that members of my staff were Girl Scouts when they were younger.

The mission of the Girl Scouts is to help all girls grow strong and prepare for adulthood by empowering them to develop their full potential, get along well with others, and to work together to contribute to their communities. Today, the organization boasts a membership of 3.8 million members, 2.7 million girls and over 900,000 adults.

I would like to take just a moment to commend the activities that the Girl Scouts are involved with in my State of New Hampshire. I would like to specifically thank the Girl Scouts of Swift Water Council for their numerous contributions toward the development of young women in our state. For a single organization to reach over 15,000 girls in New Hampshire alone is extraordinary. There are three programs that fall under the Swift Water Council that I want to commend. The Cool Connections program at Sanders Cottage in Manchester, and the Antrim Girls Shelter both help young girls in crisis by teaching them how to make positive decisions and boosting their self-esteem. The Swift Water Council also established an activity center for young refugee girls at the International Institute in Manchester. This Institute helps refugees from wartorn nations seek asylum in the United States. These activities provide young girls with socialization, group cooperation skills, and the tools they need to acclimate successfully into the community. I am grateful for the contributions that the Girl Scouts have made in my state.

In closing, I want to commend the Girl Scouts for 90 years of positive influence on the lives of young girls all across this nation. I especially want to thank the Girl Scouts of New Hampshire and the adult volunteers who support them. Keep up the good work.

REVISION IN ENERGY TAX INCENTIVES REPORT

Mr. BAUCUS. Madam President, on March 1, 2002, I filed Report 107–140 to accompany S. 1979, the Energy Tax Incentives Act of 2002. Since that time, the Congressional Budget Office has revised its estimate to reflect changes resulting from enactment of Public Law 107–147, the Job Creation and Worker Assistance Act of 2002, plus direct spending effects that were not in the previous estimate. I ask unanimous consent that the revised CBO estimate, dated April 1, 2002, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 1, 2002.

Hon. MAX BAUCUS,
Chairman, Committee on Finance, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed revised cost estimate for S. 1979, the Energy Tax Incentives Act of 2002. The estimate includes direct spending effects on the Tennessee Valley Authority, loans issued by the Rural Utilities Service, and crop subsidies provided by the Department of Agriculture that were not in the previous estimate. Review estimates reflect changes in current law resulting from enactment of Public Law 107–147, the Job Creation and Worker Assistance Act of 2002, which was signed on March 9, 2002. This estimate supersedes the estimate that CBO provided for this bill on February 27, 2002.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Erin Whitaker (for revenues), who can be reached at 226–2720, and Lisa Cash Driskill (for direct spending), who can be reached at 226–2860.

Sincerely,
BARRY B. ANDERSON
(For Dan L. Crippen, Director).

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE, REVISED APRIL 1, 2002

[S. 1979: Energy Tax Incentives Act of 2002, as ordered reported by the Senate Committee on Finance on February 13, 2002]

SUMMARY

S. 1979, the Energy Tax Incentives Act, would amend numerous provisions of tax law relating to energy. The bill would enhance and create credits for the use and development of energy-efficient technologies, amend tax rules to provide deductions for certain devices and credits for businesses that provide energy, and enhance and create credits and deductions for the production of oil, gas, and other types of fuel. Certain tax credits would be available to the Tennessee valley Authority (TVA) and rural electric cooperatives in the form of credits that could be used to pay sums owed to the Treasury. The bill also would provide tax credits for the production of biodiesel fuels, which would result in a reduction in the subsidies provided by the Department of Agriculture (USDA) for certain crops. Most provisions of S. 1979 would take effect in 2003, but some would take effect in 2002.

The Congressional Budget Office (CBO) and the Joint Committee on Taxation (JCT) estimate that enacting the bill would decrease governmental receipts by $80 million in 2002, by $8.3 billion over the 2002–2007 period, and by $14.4 billion over the 2002–2012 period. CBO estimates that provisions in the bill affecting TVA, rural electric cooperatives, and USDA would result in an increase in direct spending of $20 million in 2002, a decrease of about $75 million over the 2002–2007 period, and a decrease of about $200 million over the 2002–2012 period. CBO also estimates that certain provisions requiring studies and reports would have an insignificant impact on spending subject to appropriation. Since S. 1979 would affect direct spending and receipts, pay-as-you-go procedures would apply.

CBO has determined that provisions of the bill requiring the Secretary of the Treasury and the General Accounting Office to report the results of certain studies contain no intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would not affect the budgets of state, local, or tribal governments. JCT has determined that the remaining provisions of the bill contain no intergovernmental mandates as defined in UMRA. The bill contains no new private-sector mandates as defined in UMRA.

ESTIMATED COST TO THE FEDERAL GOVERNMENT

The estimated budgetary impact of the bill is shown in the following table.

	By Fiscal Year, in Millions of Dollars					
	2002	2003	2004	2005	2006	2007
CHANGES IN REVENUES						
Estimated Revenues	−80	−312	−1,237	−2,259	−2,583	−1,869
CHANGES IN DIRECT SPENDING						
Credits for Clean Coal and Renewable Technologies Used by TVA:						
Estimated budget Authority	....	....	10	10	10	10
Estimated Outlays	....	....	10	10	10	10
Credits for Clean Coal and Renewable Technologies Used by Rural Electric Cooperatives:						
Estimated Budget Authority	20	0	....	....	....	....
Estimated Outlays	20	0	....	....	....	....
Effect of Biodiesel Tax Credits on Spending for Farm Programs:						
Estimated Budget Authority	....	−13	−22	−28	−33	−38
Estimated Outlays	....	−13	−22	−28	−33	−38
Total Changes in Direct Spending:						
Estimated Budget Authority	20	−13	−12	−18	−23	−28
Estimated Outlays	20	−13	−12	−18	−23	−28

BASIS OF ESTIMATE

Revenues

All revenue estimates were provided by JCT except for one provision. For the years 2006–2012, CBO estimated the revenue effects of the provision providing a tax credit and excise tax rate reduction for biodiesel fuel mixtures.

Five provisions would compose a significant portion of the effect on revenues if enacted. Those provisions would extend the credit for producing energy from certain sources, extend the credit for purchase of alternative motor vehicles, and modify the credit for purchase of electric vehicles. They also would establish a statutory 15-year recovery period for natural gas distribution lines, expand the credit for certain qualifying fuels produced from coal to fuels produced in facilities placed in service after the date of enactment, and modify the rules governing certain requirements for contributions to, and transfers of, qualified nuclear decommissioning funds. These provisions would, if enacted, reduce revenues by $57 million in 2002, $3.3 billion over the 2002–2007 period, and $6.8 billion over the 2002–2012 period.

Section 209 of the bill would provide for an income tax credit and a reduction in the excise tax rate on purchases of biodiesel fuel mixtures (a combination of diesel fuel and vegetable oil). These provisions would expire on December 31, 2005. The JCT assumes that they would expire at that time and estimates that they would reduce revenue by $74 million through fiscal year 2006. CBO extends those revenue losses beyond 2006, however, based on the rules governing CBO's revenue baseline. Those rules require CBO to treat excise taxes dedicated to trust funds as permanent, even if they expire during the projection period. The excise taxes on motor fuels are dedicated to the Highway Trust Fund and are scheduled to expire on September 30, 2005. The biodiesel provision would reduce the excise tax rate on certain motor fuels. Because CBO's baseline extends the excise taxes at the rate existing at time of expiration, the biodiesel provision would, for budgetary scoring purposes, be treated as if it were extended permanently. On that basis, CBO estimates that the biodiesel provision would reduce revenues by $448 million from 2006 through 2012. In all, CBO and JCT estimate that the provision would reduce revenues by $552 million from 2002 through 2012.

Direct Spending

Effect of Biodiesel Tax Credits on Farm Programs. Because of the bill's incentives to sell and use biodiesel fuels, JCT and CBO have estimated that use of these fuel mixtures would increase. Because the vegetable oil in the mixtures is expected to be primarily derived from soybeans and a few other oilseeds, the price of these oilseeds would increase. (Qualifying vegetable oils may be derived from corn, soybeans and a list of other oil seeds.) Higher commodity prices would result in lower costs of farm price-support and income-support programs administered by the Agriculture Department. CBO estimates these changes in the demand for soybeans and other grains would reduce federal spending by $308 million over the 2002–2002 period.

Use of Credits for Federal Payments by TVA and Rural Electric Cooperatives. The bill would establish tax credits for electric power producers using certain coal and renewable technologies. Although exempt from taxation, TVA and rural electric cooperatives would be eligible to take such credits in the form of cash-equivalent credits that could be used to repay amounts they owe to the Treasury. We estimate that the provisions would cost $20 million in 2002 and $110 million over the 2002–2012 period.

CBO expects that TVA will make significant investments in pollution control and clean coal technologies over the next 10 years and thus would be eligible for the cash-equivalent credits authorized by the bill. TVA could use such credits to reduce its payments to the Treasury for past appropriations. TVA could then pass such savings on to its customers by lowering the price it charges for electricity. We estimate that this price adjustment would reduce TVA's power revenues by an average of $10 million a year beginning in 2004, when we expect the agency would revise its rates. Hence, CBO estimates that this provision would cost a total of about $90 million over the 2002–2012 period.

Rural electric cooperatives would be eligible for both the clean coal technology and renewable energy tax credits offered under the bill. Based on information from industry analysts, CBO expects that rural electric cooperatives would make investments in technologies that would qualify for such credits over the next several years. The bill would allow the credits to be sold or traded to certain other taxable entities, or used to prepay loans held by the federal spending. For this estimate, we assume that around 15 percent of eligible cooperatives would prepay their federal loans with the Rural Utilities Service, rather than trade the credits.

The authority provided by the bill to prepay federal loans with non-cash credits would be considered a loan modification. Under the Credit Reform Act, the cost of a loan modification is the change in the subsidy cost of the cost of this provision would be about $20 million and would be recorded in 2002, when the modification would be authorized.

Spending Subject to Appropriation

The bill would require the General Accounting Office and the Department of the Treasury to provide annual reports on energy tax incentives. Based on information from these agencies, CBO expects that preparing the reports would cost less than $500,000 per year, assuming appropriation of the necessary amounts.

PAY-AS-YOU-GO CONSIDERATIONS

The Balanced Budget and Emergency Deficit Control Act sets up pay-as-you-go procedures for legislation affecting direct spending or receipts. The net changes in outlays and governmental receipts that are subject to pay-as-you-go procedures are shown in the following table. For the purposes of enforcing those procedures, only the effects through 2006 are counted.

	By Fiscal Year, in Millions of Dollars										
	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Changes in outlays	20	−13	−12	−18	−23	−28	−29	−31	−22	−26	−16
Changes in receipts	−80	−312	−1,237	−2,259	−2,583	−1,869	−1,234	−1,181	−1,174	−1,214	−1,289

PREVIOUS CBO COST ESTIMATES

This revised cost estimate supersedes the CBO cost estimate for this bill prepared on February 27, 2002. Revenue estimates have changed because Public Law 107-147, the Job Creation and Worker Assistance Act of 2002, signed on March 9, 2002 extends certain tax credits that would also be extended by S. 1979. In addition, CBO has increased the estimate of revenue losses by about $448 million to account for the impact on baseline projections of the reduction in excise tax rates for biodiesel fuels.

The revised estimate also includes an estimate of direct spending effects on TVA, loans issued by the Rural Utilities Service to rural electric cooperatives, and crop subsidies provided by the USDA. The effect of these changes would be to increase direct spending by $20 million in 2002 and decrease direct spending by about $200 million over the 2002–2012 period.

INTERGOVERNMENTAL AND PRIVATE-SECTOR IMPACT

CBO has determined that provisions of the bill requiring the Secretary of the Treasury and the General Accounting Office to report the results of certain studies contain no intergovernmental mandates as defined in UMRA and would not affect the budgets of state, local, or tribal governments. JCT has determined that the remaining provisions of the bill contain no intergovernmental mandates as defined in UMRA. The bill contains no private-sector mandates as defined by UMRA.

Estimate prepared by: Revenues: Erin Whitaker (226-2720); Federal Costs: Lisa Cash Driskill, and Dave Hull (226-2860); Impact on State, Local, and Tribal Governments: Susan Sieg Tompkins (225-3220); and Impact on the Private Sector: Paige Piper/Bach (226-2940).

Estimate approved by: G. Thomas Woodward, Assistant Director for Tax Analysis and Robert A. Sunshine, Assistant Director for Budget Analysis.

LET US REMEMBER THE CHILDREN

Mrs. CARNAHAN. Madam President, nearly 2,000 years ago, a "poll" was taken on the road between Jericho and Jerusalem. We are told that only one out of three was willing to turn from their personal pursuits to help someone who had been physically assaulted and left without care. This story of the Good Samaritan is an ancient and familiar teaching. We must be the people today who will pause in our own pursuits to help heal the wounds in our society.

April is Child Abuse Prevention Month. Today I want to challenge all of us to face this horrific national tragedy head on. We should never lose sight of the pressing needs of our most precious resource, our children. Across the nation, neglect and abuse figures reach 2.5 million. Not only has the reported number of abused and neglected children increased, but their problems are more severe and difficult to treat. Abuse is not new, nor is it likely to go away, but I believe we are lowering the tolerance for this kind of behavior. Policy makers, community leaders, educators and parents came together on April 1st in Kansas City to demonstrate their commitment to the issue. These are the types of actions we need to help build strong families and eliminate the circumstances leading to abuse.

As legislators, we are making significant strides in our crusade against abuse. I supported $82.6 million in continued funding of the Child Abuse Prevention and Treatment Act during the appropriations process. President Bush signed the appropriations bill into law on January 10, 2002.

I was pleased to support the Promoting Safe and Stable Families Amendments Act that the President also recently signed into law. This bill reauthorizes and expands several programs designed to help children and families in high-risk situations. Specifically, the bill established grants for programs for mentoring children of prisoners, and amends the Foster Care Independent Living program to provide for educational and training vouchers for youths aging out of foster care. It also extends adoption assistance eligibility and prevents states from opting out of criminal background checks for foster and adoptive parents.

In addition, I have cosponsored a bill, which would restore the Social Services Block Grant (SSBG) funding. Missouri uses its Social Services Block Grant funds to provide aid to families and children with identified problems in the areas of child abuse and neglect, and services to juvenile offenders committed to the custody of the State's Division of Youth Services as well as other services to our most vulnerable citizens. I am committed to increasing funding for this important program.

Yes, we have had significant victories, but there is much left to do. As long as there is one child that needs our help, we must remain committed.

In closing, let me share a few lines from a poem I ran onto recently. I hope you will keep its vivid imagery before you as we continue to search for solutions.

Let us remember the children
who can't bound down the streets in a new pair of sneakers,
who never go to the circus,
who live in an X-rated world.
Let us remember the children
who have no safe blanket to drag behind them,
whose pictures aren't on anybody's dresser,
whose monsters are real.
And let us remember the children who want to be carried and for those who must,
for those we never give up on and for those who don't get a second chance,
for those who cling to the shadows and for those who will grab the hand of anybody kind enough to offer it.

VA RESEARCHERS IDENTIFY ORAL TREATMENT FOR SMALLPOX

Mr. ROCKEFELLER. Madam President, as the Chairman of the Committee on Veterans' Affairs, I am committed to focusing a spotlight on findings by researchers at the Department of Veterans Affairs, VA. For too long, VA researchers have labored with only the recognition of their peers to acknowledge the excellent caliber of VA research into the treatment of a wide range of diseases.

A recent finding—the discovery of a drug that might help us fight smallpox, the most feared weapon in bioterrorists' arsenal—offers real hope for protecting our Nation against the threat of bioterrorism. This discovery demonstrates again how integral VA's efforts are not only to public health and research, but to domestic security.

VA's Medical Research Service may not support as many projects as the NIH, but its work has yielded effective treatments for diseases that include schizophrenia, diabetes, cancer, depression, heart disease and stroke. Some of my colleagues may know that VA's expertise in prosthetics and spinal cord injury research is unparalleled; fewer may be aware that VA researchers pioneered the concepts that allowed development of the CAT scan and MRI, the cardiac pacemaker, and safe kidney and liver transplants. VA researchers have demonstrated the best clinical practices for detecting high cholesterol and colon cancer, launched a large-scale study to determine the best way to treat HIV infection, and started a landmark clinical trial to treat Parkinson's disease.

In March, VA researchers announced another breakthrough finding. Two VA researchers, Dr. Karl Hostetler and Dr. James Beadle of the VA San Diego Healthcare System, worked with military and academic colleagues to develop a drug that could be the best tool we have yet to protect the public from the threat of smallpox.

Until recently, only vaccination could be used to stop the spread of a smallpox epidemic. Because doctors eradicated naturally occurring smallpox in the 1960's, the smallpox vaccine has been neither manufactured nor used regularly in decades, leaving the American population vulnerable to a deliberate attack by terrorists. Although HHS recently accelerated and expanded a plan to vaccinate the U.S. population, the vaccine doses will not be ready for some time, and are not without risk of potentially serious side-effects.

Although researchers proved several years ago that an existing drug called cidofovir could prevent smallpox from multiplying and spreading, this drug had to be administered intravenously, over the course of at least an hour. In the case of an epidemic, it would simply be impossible to treat every person at risk.

Drs. Hostetler and Beadle and their colleagues developed a powerful form of this drug that can be taken as a pill or a capsule. Although this research is still in its early stages, VA and military scientists showed that a few oral doses of this drug each day protected animals completely against a virus closely related to smallpox. In the near future, we may be able to contain any potential outbreak of smallpox using this simple medication, rendering smallpox useless as a biological weapon.

This research promises to bear fruit not only for emergency medical preparedness, but for those who must take cidofovir to treat more common but still devastating viral infections.

This work grew from a collaboration between VA, military, NIH, and academic researchers. As I have said many times, we cannot in these times neglect any resource available to us when confronting potentially catastrophic threats to this nation's health, whether in offering medical care or developing new technologies and treatments to protect the public.

I am proud to recognize the insight that these researchers and VA have shown, and continue to show, in exploring cutting-edge research. This is yet another contribution that the VA health care system has made, not only to the health of our nation's veterans, but to our national safety and wellbeing.

CONFIRMATION OF MELANIE SABELHAUS

Mr. KERRY. Madam President, I speak today to congratulate Melanie Sabelhaus, who was confirmed by the Senate last evening as the Deputy Administrator for the U.S. Small Business Administration.

The U.S. Senate Committee on Small Business and Entrepreneurship held a hearing on Mrs. Sabelhaus' nomination on February 27, 2002. On March 12, 2002, the Committee voted unanimously in support of her nomination and recommended her favorably to the full Senate, which approved her nomination by unanimous consent on April 8, 2002. I would like to thank the Senate floor staffs for their assistance in moving Mrs. Sabelhaus' nomination so quickly.

Mrs. Sabelhaus has had an excellent career that has provided her with both the necessary management and small business experience required of a Deputy Administrator at the SBA. Having chaired her nomination hearing and known her from her volunteer work with the Nantucket Historical Association, I can report that President Bush has made a qualified choice in selecting Mrs. Sabelhaus for the critical post of Deputy Administrator at the U.S. Small Business Administration.

I believe calling this position critical in no way overemphasizes its importance, for the Deputy Administrator has historically served as the day-to-day manager of the SBA in the Administrator's absence. In fact, the Deputy Administrator position was made subject to Senate confirmation a little over ten years ago, with the passage of the Small Business Reauthorization and Amendments Act of 1990, precisely because the Congress recognized its importance to the management of the Agency. During the nomination process, the Committee received assurances from Mrs. Sabelhaus and Administrator Barreto that one or both would be on hand to run the SBA on a daily basis, barring extraordinary circumstances.

The SBA's role is vital to our continuing economic well-being, especially now as we seek to improve our economy. Loan programs, technical assistance programs and contracting programs are just a few of the tools the SBA has to help small businesses—and a small sample of the issues Mrs. Sabelhaus will face on a daily basis as she seeks to aid the Administrator in implementing the President's policies and congressional initiatives. It is my hope that as a former small business owner and innovative thinker Mrs. Sabelhaus will steer the agency toward our bipartisan goal: to cultivate the entrepreneurial spirit of this country and provide all—including women and minorities in the small business world with adequate and equal access to capital and opportunities and the resources and counseling that often determine a business's success or failure.

I look forward to working with Mrs. Sabelhaus, the new Deputy Administrator for the U.S. Small Business Administration, as we seek to assist the small business community.

ADDITIONAL STATEMENTS

IN CELEBRATION OF THE CITY OF SANTA CLARA'S 150TH ANNIVERSARY

• Mrs. BOXER. Madam President, I would like to take this opportunity to recognize the 150th Anniversary of the City of Santa Clara in my home state of California.

As early as 4000 BC, Ohlone Indian settlements were found in the area. The City of Santa Clara began in 1852 as a small Spanish mission. After Santa Clara was incorporated as a city, the fertile valley became a magnet for farmers and Santa Clara was soon filled with bountiful orchards and farms. Today, Santa Clara is located in the heart of California's Silicon Valley, the technology capital of the world. From Indian settlement to Spanish mission, from orchard country to high tech mecca, Santa Clara has been part of the rich history of California.

Last year, the National Civic League bestowed the prestigious "All-America City" award on Santa Clara. Santa Clara was one of only 10 cities in the U.S. to be given this award for successful community collaboration. Santa Clara has also recently been given top marks as a "2001 Kid-Friendly City." I am delighted that Santa Clara is such an outstanding place for children and families. And Santa Clara's Code of Ethics and Values has been getting national attention as a model for using shared values to guide a city.

While Santa Clara receives national attention, a 2000 public opinion survey found that the residents of Santa Clara feel their city is one of the best places in America to live. This local pride is one of the things that makes this city such a California treasure.

Santa Clara is home to California's first school of higher learning, Santa Clara University, established in 1851. At the center of campus is the beautiful Mission Santa Clara de Asis, the eighth of the original 21 California missions.

I am thrilled that the City of Santa Clara, its local government and its residents maintain such a strong community spirit while its high-tech companies provide new products to change the way we live. Santa Clara's sesquicentennial slogan, "150 years of democracy, diversity, distinction," could not be more appropriate. I hope the people of Santa Clara enjoy this yearlong celebration and I wish them another 150 years of success.•

THE 30TH ANNIVERSARY OF THE NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

• Mr. BOND. Madam President, today I wish to congratulate the National Committee for Employer Support of the Guard and Reserve, ESGR, its 4,200 volunteers and Department of Defense, DOD, staff, in celebrating 30 years of service to this Nation.

The National Committee for Employer Support of the Guard and Reserve was established in 1972, the year the United States ended the Selective Service System and established an all-volunteer military force. DOD realized that support from employers and communities would be instrumental in maintaining Reserve component membership. ESGR was created to obtain employer and community support for the National Guard and Reserve and to promote the role of Reserve forces in the national defense.

ESGR has lived up to the task and accomplished much more. Since 1972, with the help of the Advertising Council, Inc., ESGR has benefitted from nearly $1 billion in pro bono advertising reaching the six million employers with one or more employees in the United States.

Employers have, in turn, signed ESGR Statements of Support, publicly committing to support the National Guard and Reserve. The former Chairman of the Board and CEO of General Motors, Mr. James H. Roche signed the first Statement of Support in the Office of the Secretary of Defense on December 13, 1972. The next day, President Richard Nixon signed a Statement of Support covering all Federal civilian employees. Since the inception of this program, Presidents Ford, Carter, Reagan, Bush, Clinton and President George W. Bush have all signed Statements of Support, along with hundreds of thousands of employers, including Dell Computer Corporation, Xerox, the Society for Human Resource Management and the U.S. Chamber of Commerce. To date, over 300,000 employers have signed statements of support. Additionally, the strategic alliance formed in 1998 between ESGR and the U.S. Chamber of Commerce resulted in more than 1,200 chambers of commerce nationwide signing a Statement of Support for the Guard and Reserve.

ESGR offers Ombudsman services designed to provide information to employers and Reservists regarding their rights and responsibilities under the law, and to resolve conflicts through informal mediation. These services operate in cooperation with the Department of Labor. ESGR volunteers in 54 U.S. States and territories contribute thousands of hours of effort representing millions of dollars of volunteer service in support of ESGR programs, its services, and the men and women of our nation's Reserve forces.

The National Committee for Employer Support of the Guard and Reserve is smart government in action. The small ESGR staff in Arlington, VA under the direction of the Assistant Secretary of Defense for Reserve Affairs provides guidance and support to a network of 4,200 volunteer business, civic, and community leaders.

ESGR educates employers on their rights and obligations under the law and recognize employers who actively support employee participation in the Guard and Reserve. ESGR also educates members of the National Guard and Reserve in regards to their rights and responsibilities to the value of their employers support. Committees can be found in all 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

With the end of the cold war, the Reserve components have been called with increasing frequency. During the Gulf War in 1990–1991, more than 250,000 Reserve component members were called to active duty to support military operations in the Persian Gulf. Since the start of Operation Noble Eagle and Enduring Freedom, more than 80,000 National Guard and Reserve troops have been activated and are playing a critical role.

Thousands of employers, local and State government officials, Active and Reserve component leaders, and military members from across the Nation and around the world request ESGR's employer support expertise on a daily basis. When Guardsmen and Reservists return home following mobilization, ESGR committee members are there to provide information and support services to those in need.

The U.S. Congress passed the Uniformed Services Employment and Reemployment Rights Act, USERRA, of 1994, and updated it in 1996. This law completely revised the Veterans Reemployment Rights Act of 1940. USERRA articulates the rights and responsibilities of Guard and Reserve members with regard to job protection and explains employer rights under Federal law. ESGR helps employers and Reservists understand this law and helps them informally resolve any employment conflicts that may arise.

Again, I want to congratulate ESGR and its 54 ESGR committees on their 30 years of service and commend this network of over 4,200 volunteer patriots for their time and talent. They are serving their country and maintaining the much needed support of our employers and communities for the Guard and Reserve. Through the efforts of agencies like ESGR, we can call on our Reserve forces to answer the Nation's call without the fear of job loss.

Thank you Madam President, and thank you ESGR.•

WE THE PEOPLE COMPETITION

• Mr. HOLLINGS. Madam President, I want to recognize the 20 students of Wilson High School in Florence, SC, who will be visiting the Capitol in early May to compete in the national finals of the "We The People . . . The Citizen and the Constitution" program. Right now the students are conducting research and preparing for the contest, which will test their knowledge of the Constitution and the Bill of Rights against 1,200 students from across the country. They have earned the trip by showing they were the best of the best in a statewide contest in February.

Obviously, I hope my fellow South Carolinians win it all, but whatever happens, we are all winners in this country. When young people, on their own, want to understand the fundamental principles and values of our democracy, they are more likely to vote. They are more likely to participate in political life. They are more likely to take serious the civic duties that this nation needs of our citizens in the new century.

I wish the very best to the Wilson Tigers: Jessica Anderson, Whitney Benjamin, Carol Chen, Cameron Coker, Katherine Collar, Joshua Croteau, Matthew Daniels, Leon Dock, Cara Dowling, Christine Gonzales, Latrese McElveen, Matthew Meggs, Philip Miller, Virginia Munson, Ashley Neel, Dacey Riley, Elinor Rooks, Gregory Schuetz, Priscilla Suggs, and Jingtian Yu.•

TRIBUTE TO RHONA CHARBONNEAU

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Rhona Charbonneau, of Hudson, NH. Charbonneau has been named the Greater Hudson Chamber of Commerce Citizen of the Year for her outstanding devotion and positive influence to the community.

I commend her active role in both the local and State governments. By serving as Town Selectman, and as Selectmen's Representative to the planning Board, Charbonneau has been able to serve her community in many capacities. Aside from these positions, she currently serves as a member of the Board for the Salvation Army as well as the Advisory Board to the Community Council. Even more eager to serve the community of Hudson, she also works as a representative on the State level, serving on the Hillsborough County Board of Commissioners and the New Hampshire Finance Authority.

Aside from serving in advisory capacities for numerous organizations and boards, Charbonneau has worked hard to improve the Lion's Hall. Under her request, the Department of Corrections sent a community service group to paint and do repairs, leaving the Lion's Hall with a fresh face. Because of her creative thinking, other departments came together to make considerable improvements to the facility.

Rhona Charbonneau has set a positive example for not only the community of Hudson, but for the entire Granite State. By consistently working to improve her community she has shown a tremendous dedication to the community in which she and her family have lived for more than 50 years. She has brought high profile political figures to the town, whereby she allowed a forum for candidates to share their beliefs as well as bringing the spotlight to the ever growing town of Hudson. I applaud her commitment and congratulate her on being named this year's Citizen of the Year. It is truly an honor to represent her in the U.S. Senate.•

THE 110TH ANNIVERSARY OF THE DAILY CARDINAL

• Mr. KOHL. Madam President, I am proud to rise today to honor the Daily Cardinal, one of the student newspapers at the University of Wisconsin-Madison, on this the occasion of its 110th anniversary. For 110 years, Cardinal reporters, photographers, and editors have educated and entertained their peers. As one of the nation's oldest student-run papers, it is truly a treasure of the State and its university.

Since the newspaper's establishment in 1892 by a University of Wisconsin-Madison student, thousands of young journalists have covered some of the most important issues and events facing the university, the community, and the country. Cardinal contributors have simultaneously developed strong journalistic skills and informed their community by covering such important events as the United States' declaration of war in 1941 to the assassination of Dr. Martin Luther King Jr., and most recently, the events and aftermath of September 11. Furthermore, the staffs of the Cardinal have served their journalistic role as public watchdog throughout its history, and have undoubtably made their university, community, and State better for it.

As an alumni of the University of Wisconsin, it is my great honor to congratulate the Daily Cardinal for 110 years of dedicated and quality student journalism, and I wish them all the best as they extend this tradition.•

CONGRATULATIONS TO THE FRANKLIN ELECTRIC PLANT BOARD

• Mr. BUNNING. Madam President, today I rise to congratulate the Franklin Electric Plant Board for winning the Public Power Association's 2001 Electric Utility Safety Award for safe operating practices. The Franklin Plant Board earned this top honor in the category for utilities with 25,000 worker-hours of annual worker exposure.

The Franklin Plant was one of more than 200 utilities to enter the contest, which has been held annually for the last 42 years. The various entrants were placed into separate categories based on their size and were judged according to their 2001 incident rate. This rate is based on the number of worker-related reportable injuries or illnesses and the number of worker-hours during 2001, as defined by the Occupational Safety and Health Administration.

I ask that my fellow colleagues join me in recognizing the Franklin Electric Plant Board for its ongoing and unwavering commitment to safety and the community. Not only is the Franklin Plant focused on serving the electric needs of its 4,680 customers, but it has proven its dedication to providing a safe atmosphere where employees can work without fear of serious injury or illness.•

TRIBUTE TO ROBERT L. TUNSTALL

• Mr. WYDEN. Madam President, Mr. Robert L. Tunstall of Oregon has spent a lifetime in service to his fellow Americans—as a member of the U.S. Marine Corps, as a U.S. postal worker, and as a dedicated representative of his many colleagues in the Postal Service.

In November 1998, Mr. Tunstall was elected to the third-highest office of the American Postal Workers Union AFL–CIO, becoming the organization's secretary-treasurer. Prior to that election, Mr. Tunstall was twice chosen as director of the union's clerk division, serving from 1992 to 1998.

Mr. Tunstall's illustrious service record with the APWU spans more than three decades. He became president of the Portland, OR local in 1974 and served until 1976. He followed that service as a national representative from 1976–1978, national vice-president for the Seattle region from 1978–1985, and as assistant clerk division director from 1985 until 1992. Mr. Tunstall also represented APWU members as a member of the rank and file bargaining advisory committee in 1975 and as chairman of the appeals committee in 1982.

Mr. Tunstall's employment with the U.S. Postal Service began nearly 40 years ago. In 1963, after completing four years in the U.S. Marine Corps. Mr. Tunstall was hired as a distribution clerk. He went on to hold numerous positions, including stamp supply clerk, bulk mail clerk, postage due clerk, box section clerk and pouch rack clerk.

Mr. Tunstall was born in Sioux Falls, SD, but raised and educated in Portland, OR. After graduating from Portland's Jefferson High School, he attended Multnomah Junior College, where he made the dean's list in 1967; he earned a Bachelor of Arts degree at Portland State University in 1969. Later, in 1977, Mr. Tunstall earned a law degree at Northwestern School of Law at Lewis and Clark College. Mr. Tunstall has taught at the Labor Education Research Center of the University of Oregon.

In addition to a career of honorable service, Robert Tunstall has built a fine family as well. He is married to Rae Ann; they have a son, Brett, a daughter, Brooke, and a grandson, Matthew Martinez. I am proud to honor this fellow Oregonian today and I hope that Oregon and the nation benefit from many more years of his public service.•

TRIBUTE TO DR. JOAN R. LIETZEL

• Mr. SMITH of New Hampshire. Madam President, I rise today to pay tribute to Dr. Joan R. Lietzel, President of the University of New Hampshire. President Lietzel has been named this year's recipient of The Charles Holmes Pettee Medal for outstanding accomplishment and distinguished service to the State of New Hampshire.

The Pettee Medal was established in 1940 by the University of New Hampshire Alumni Association and the University Board of Trustees, in memory of the late Dean Pettee. This medal is awarded annually to a resident or former resident of the State of New Hampshire in recognition of outstanding accomplishment or distinguished service of any form to the State, Nation, or world. The Pettee Medal represents a rare devotion of service as was expressed by the life commitment and service of Dean Pettee.

I applaud the contributions that Dr. Lietzel has made to the University of New Hampshire since her appointment in 1996 as the President of the university. Since her arrival, Lietzel has worked tirelessly to raise the level of excellence in academic programs as well as the day to day operation of the university. During her tenure, Lietzel has successfully run the most aggressive capital campaign in the history of the university, as well as implementing new financial and fiscal management policies. Her vision and commitment have taken the university's academic standard to a higher level, as well as successfully increasing the amount of research funding the university receives.

Previous to her stay at UNH, Dr. Lietzel served as the Senior Vice-Chancellor for Academic Affairs at the University of Nebraska-Lincoln, where she was an accomplished educator and worked to improve the program and budget planning. Dr. Lietzel also served as a professor at Ohio State University, in the Department of Mathematics.

On behalf of the citizens of New Hampshire, I would like to thank Dr. Joan Lietzel for her endless dedication to academic excellence. She has set a positive example for educators across the Granite State, as well as the Nation. My congratulations to Dr. Lietzel as she accepts this year's Pettee Medal for her distinguished service in the State of New Hampshire. It is truly an honor to represent her in the U.S. Senate.•

EULOGY FOR LORAL JOHNSON

• Mr. NELSON of Nebraska. Madam President, while I was home in Nebraska, a great Nebraska citizen passed away. Loral Johnson was a newspaper publisher in southwestern Nebraska and a pillar of his community.

He began working in the newspaper business at age 9 as a "printer's devil." He started at the Imperial Republican newspaper as a linotype operator following graduation from high school in 1952. He purchased the paper with his wife, Elna, in 1968.

Loral Johnson was well respected and known by his colleagues as an innovative newspaperman. Johnson's editorial pages were often positive and progressive, calling on community members to move forward and always striving to make Imperial a better place for current and future generations. He was inducted into the Nebraska Journalism Hall of Fame and was named a master-editor publisher, the highest award of the Nebraska Press Association. Johnson's Imperial Republican was also among the first weekly papers to print on an offset press and to use computers.

However, Loral Johnson will be remembered as far more than just a newspaper publisher. He was also a key leader in his community and his church. He was a member of the school board for 28 years, a co-founder and board member of the local nursing home for 33 years, and secretary for the Imperial Planning Commission for 21 years. His important contributions to education and health care will be remembered for many years to come.

While we will miss Loral Johnson greatly, it is comforting to know that his two daughters and a son-in-law are continuing the tradition of excellent journalism in Imperial. His family and the devotion to community that he has passed on to them and so many others are his greatest legacy.•

TRIBUTE TO RAY BURKE

• Mr. JEFFORDS. Madam President, I rise today to congratulate and thank Ray Burke of Berlin, Vermont, for over 30 years of service as Vermont's highway dispatcher. Ray retires at the end of this month from the Vermont Agency of Transportation and he will be missed heartily.

Humorist Kin Hubbard once said, "Don't knock the weather; nine-tenths of the people couldn't start a conversation if it didn't change once in a while." I suppose then that the art of conversation is easiest for Vermonters, especially during the winter months. For most of us, that conversation often turns into complaining futilely about the weather, except, of course, when Ray was talking. And Ray, as dispatcher, is known for his talking.

For 32 years, Vermonters have relied on Ray's constant updates and information on which roads were being treated with salt and sand, which routes we should avoid altogether, and how serious driving conditions were or were likely to become. And, of course, most importantly, Ray always reminded us to drive safely. Snow and ice can be unpredictable and dangerous at their worst; Ray, at his best and always on the job, kept Vermonters' safety as his top priority.

Heavy snowfalls, black ice, sleet, and freezing rain made Ray's work important and difficult. More challenging than Vermont's natural arsenal of inclement weather, however, was Ray's ability to always be there when we needed him. This is extraordinary because Ray has a disease that has slowly taken away his sight, although it has never disrupted his sense of service to Vermonters or his spirit.

Ray has never stopped. His disability has never beaten him; his disability has never even slowed him. Aside from dispatching trucks and plows to deal with winter weather, Ray plays the saxophone in his band, Stretch and the Limits, along with drummer Conrad "Stretch" Normandeau and keyboardist Jim Thompson.

I would like to close with a personal message to Ray. You will be missed dearly by every Vermonter who listened to you update conditions on the news, by the plow drivers who relied on your information, and by everyone who has learned to live with Vermont's weather with the help of your advice and forecasts.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT DETAILING THE PROGRESS OF SPENDING BY THE EXECUTIVE BRANCH DURING THE LAST TWO QUARTERS OF FISCAL YEAR 2001 IN SUPPORT OF PLAN COLOMBIA—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to section 3204(e), of Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE BUSH.
THE WHITE HOUSE, *April 9, 2002.*

REPORT PREPARED BY THE NATIONAL SCIENCE BOARD ENTITLED "SCIENCE AND ENGINEERING INDICATORS—2002"—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report prepared by the National Science Board entitled, "Science and engineering Indicators—2002." This report represents the fifteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE BUSH.
THE WHITE HOUSE, *April 9, 2002.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–6369. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report on the allocation of Department of Defense resources to mission and support activities, as required by Section 915 of the National Defense Authorization Act for Fiscal Year 1999; to the Committee on Armed Services.

EC–6370. A communication from the Under Secretary of Defense, Comptroller, transmitting, pursuant to law, a report specifying the projects and accounts to which funds provided in Chapter 3 (in the Defense Emergency Response Fund) are to be transferred; to the Committee on Armed Services.

EC–6371. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, transmitting, the annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2001; to the Committee on Armed Services.

EC–6372. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "Amendments to Official Staff Commentary for Truth in Lending (Regulations Z) and Technical Amendments to Regulation Z" received on April 4, 2002; to the Committee on Banking, Housing, and Urban Affairs.

EC–6373. A communication from the Director of the Policy Directives and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Increase of the Immigration User Fee From $6 to $7" ((RIN115–AG 46) (INS No. 2179–01)) received on April 3, 2002; to the Committee on the Judiciary.

EC–6374. A communication from the Chairman of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Report for Fiscal Year 2001; to the Committee on Energy and Natural Resources.

EC–6375. A communication from the Regulations Coordinator, Health Resources and Services Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Compliance Alternatives for Provision of Uncompensated Services" (RIN0906–AA52) received on April 1, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6376. A communication from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR 1979, Procedures for the Handling of Discrimination Complaints under Section 519 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century" (RIN1218–AB99) received on April 4, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–6377. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revocation of Certain Obsolete Tolerance Exemptions" (FRL6833–3) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6378. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Furilazole; Pesticide Tolerance" (FRL6828–4) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6379. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Extension of Redemption Date for Unsold 2001 Diversion Certificates" (Doc. No. FV02–989–3 FIR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6380. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Order Amending Marketing Agreement and Order No. 923" (Doc. No. 99AMS–FV–923–A1; FV00–923–1) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6381. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the State of Michigan, et al.; Suspension of Provisions Under the Federal Marketing Order for Tart Cherries" (Doc. No. FV01–930–5 FIR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6382. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in States of Michigan, et al.; Temporary Suspension of a Provision Regarding a Continuance Referendum Under the Tart Cherry Marketing Order" (Doc. No. FV01–930–4 FR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6383. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Walnuts Grown in California; Decreased Assessment Rate" (Doc . No. FV01–984–1 IFR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6384. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2001–02 Crop Natural (sun-dried) Seedless and Other Seedless Raisins" (Doc. No. FV02–989–4 IFR) received on April 3, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6385. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Rural Rental Housing (7 CFR 3565)" (RIN0575–AC26) received on April 4, 2002; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6386. A communication from the Regulations Coordinator, Center for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Negotiated Rulemaking: Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services" (RIN0938–AL03) received on April 1, 2002; to the Committee on Finance.

EC–6387. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time for Eligible Air Carriers to File the Third Calendar Quarter 2001 Form 720" ((RIN1545–BA42)(TD 8983)) received on April 3, 2002; to the Committee on Finance.

EC–6388. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: Dollar-Value LIFO Earliest Acquisition Value" (UIL 472 .08–10) received on April 3, 2002; to the Committee on Finance.

EC–6389. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "IRS Announces New Position With Regard to Consolidated Return Loss Disallowance Rule" (Notice 2002–11, 2002–7 IRB) received on April 3, 2002; to the Committee on Finance.

EC–6390. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Definition of Soil Sample"; to the Committee on Environment and Public Works.

EC–6391. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Use of ASTM Standards"; to the Committee on Environment and Public Works.

EC–6392. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Definition of Wipe Sample"; to the Committee on Environment and Public Works.

EC–6393. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Lead and Copper Monitoring and Reporting Guidance for Public Water Systems"; to the Committee on Environment and Public Works.

EC–6394. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Nevada" (FRL7167–3) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6395. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans Commonwealth of Kentucky: Approval or Revision to the 1-Hour Ozone Maintenance State Implementation Plans for the Edmonson County and the Owensboro-Daviess County Area; Correction" (FRL7168–6) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6396. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Paint Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substances Designation and Reportable Quantities; Final Determination" (FRL7167–8) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6397. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Interim Final Determination that the State of California Has Corrected Deficiencies and Stay of Sanctions, South Coast Air Quality Management District" (FRL7158–9) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6398. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry" (FRL7168–1) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6399. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District" (FRL7164–6) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6400. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7158–7) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6401. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, South Coast Air Quality Management District" (FRL7165–2) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6402. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL7160–8) received on April 3, 2002; to the Committee on Environment and Public Works.

EC–6403. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Kentucky: Nitrogen Oxides Budget and Allowance Trading Program" (FRL7169–7) received on April 5, 2002; to the Committee on Environment and Public Works.

EC–6404. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Revision to the Alabama Department of Environmental Management (ADEM) Administrative Code for the Air Pollution Control Program" (FRL7169–1) received on April 5, 2002; to the Committee on Environment and Public Works.

EC–6405. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Washington: Final Authorization of State Hazardous Waste Management Program Revision" (FRL7168–8) received on April 5, 2002; to the Committee on Environment and Public Works.

EC–6406. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "EPA Policy Towards Privately-Owned Formerly Used Defense Sites"; to the Committee on Environment and Public Works.

EC–6407. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, a report entitled "Guidance Document on Determination of the Appropriate Fqpa Safety Factor(s) in Tolerance Assessment"; to the Committee on Environment and Public Works.

EC–6408. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants: Designation of Critical Habitat for the Quino Checkerspot Butterfly (Euphydryas editha quino)" (RIN 1018–AH03) received on April 8, 2002; to the Committee on Environment and Public Works.

EC–6409. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airspace Actions Modification of Class E Airspace; Ashland, OH" ((RIN2120–AA66) (2002–0051)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6410. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Portsmouth, OH" ((RIN2120–AA66) (2002–0050)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6411. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Washington Court House, OH" ((RIN2120–AA66) (2002–0049)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6412. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class East Airspace; Twentynine Palms, CA" ((RIN2120–AA66) (2002–0048)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6413. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Flint, MI" ((RIN2120–AA66) (2002–0047)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6414. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revision of Class E Airspace; Cedar City, UT" ((RIN2120–AA66) (2002–0046)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6415. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–600, –700, –700C, and –800 Series Airplanes" ((RIN2120–AA64)(2002–0178)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6416. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A319 Series Airplanes and A320–200 Series Airplanes" ((RIN2120–AA64)(2002–0179)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6417. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (40); Amdt. No. 2097" ((RIN2120–AA65)(2002–0021)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6418. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (52); Amdt. No. 2098" ((RIN2120–AA65)(2002–0022)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6419. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Bell Helicopter Textron Inc, Manufactured Model OH–13E, OH–13H, and OH–13S Helicopters" ((RIN2120–AA64)(2002–0176)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6420. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A300, A300 B4–600, B4–600R, and F4–600R; and A310 Series Airplanes" ((RIN2120–AA64)(2002–0177)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6421. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hillsboro, ND; CORRECTION" ((RIN2120–AA66)(2002–0057)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6422. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments (24); Amdt. No. 434" ((RIN2120–AA63)(2002–0002)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6423. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (65); Amdt. No. 2093" ((RIN2120–AA65)(2002–0019)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6424. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures; Miscellaneous Amendments (9); Amdt. No. 2095" ((RIN2120–AA65)(2002–0020)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6425. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Zanesville, OH" ((RIN2120–AA66)(2002–0053)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6426. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Youngstown-Warren Regional Airport, OH; CORRECTION" ((RIN2120–AA66)(2002–0054)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6427. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Umiat, AK" ((RIN2120–AA66)(2002–0055)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6428. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Stanley, ND; CORRECTION" ((RIN2120–AA66)(2002–0056)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6429. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Mount Vernon, OH" ((RIN2120–AA66)(2002–0052)) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6430. A communication from the Program Analyst of the Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Kanab, UT" ((RIN2120–AA66)(2002–0045)) received on April 5 , 2002; to the Committee on Commerce, Science, and Transportation.

EC–6431. A communication from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Light Truck Average Fuel Economy Standard; Final Rule" (RIN2127–AI68) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6432. A communication from the Deputy Assistant Chief Counsel for Safety, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Locomotive Cab Working Conditions" (RIN2130–AA89) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6433. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices" (RIN2130–AB52) received on April 5, 2002; to the Committee on Commerce, Science, and Transportation.

EC–6434. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Service's Annual Surplus Property Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6435. A communication from the Chairman of UNICOR, Federal Prison Industries, Inc. Department of Justice, transmitting, pursuant to law, the Annual Report entitled "Securing the Future" for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6436. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Department's Performance and Accountability Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6437. A communication from the Chief Judge, Superior Court of the District of Columbia, transmitting, pursuant to law, the report of the Family Court Transition Plan dated April 5, 2002; to the Committee on Governmental Affairs.

EC–6438. A communication from the Chairman of the Federal Regulatory Commission, transmitting, pursuant to law, the Commission's Annual Performance Report for Fiscal Year 2001; to the Committee on Governmental Affairs.

EC–6439. A communication from the President and Chief Executive Officer, Overseas Private Investment Corporation (OPIC), transmitting, pursuant to law, OPIC's Management Report, the Annual Performance Plan, and the Annual Program Performance Report for Fiscal Year 2001; OPIC's Report on Development and U.S. Effects of Fiscal Year 2002 Projects, and a Report on Cooperation with Private Insurers; OPIC's Annual Report on the Environment, a Review of the Environmental Impact of OPIC's Fiscal Year 2001 Projects; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS:

S. 2075. A bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. DORGAN:

S. 2076. A bill to prohibit the cloning of humans; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2077. A bill to make grants to improve public safety in order to prepare for and respond to terrorist threats; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON (for herself, Mr. LIEBERMAN, Mr. MCCAIN, Mr. FEINGOLD, and Mr. LEVIN):

S. 2078. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 2079. A bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veteran's benefits, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. BOXER:

S. 2080. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (by request):

S.J. Res. 34. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DODD (for himself and Mr. LIEBERMAN):

S. Res. 232. A resolution congratulating the Huskies of the University of Connecticut for winning the 2002 NCAA Division I Women's Basketball Championship; considered and agreed to.

By Mr. SARBANES (for himself and Ms. MIKULSKI):

S. Res. 233. A resolution congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship; considered and agreed to.

ADDITIONAL COSPONSORS

S. 205

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 205, a bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account to the extent that the distribution is contributed for charitable purposes.

S. 627

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mrs. CARNAHAN) was added as a cosponsor of S. 627, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 682

At the request of Mr. MCCAIN, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 682, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 885

At the request of Mr. CLELAND, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

At the request of Mr. HUTCHINSON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 885, supra.

S. 946

At the request of Ms. SNOWE, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 999

At the request of Mr. BINGAMAN, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 999, a bill to amend title 10, United States Code, to provide for a Korea Defense Service Medal to be issued to members of the Armed Forces who participated in operations in Korea after the end of the Korean War.

S. 1132

At the request of Mr. CRAPO, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 1132, a bill to amend the Federal Food, Drug, and Cosmetic Act relating to the distribution chain of prescription drugs.

S. 1208

At the request of Mr. GRAHAM, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1208, a bill to combat the trafficking, distribution, and abuse of Ecstasy (and other club drugs) in the United States.

S. 1258

At the request of Mr. DORGAN, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from New Jersey (Mr. TORRICELLI) were added as cosponsors of S. 1258, a bill to improve academic and social outcomes for teenage youth.

S. 1339

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 1339, a bill to amend the Bring Them Home Alive Act of 2000 to provide an asylum program with regard to American Persian Gulf War POW/MIAs, and for other purposes.

S. 1346

At the request of Mr. SESSIONS, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1346, a bill to amend the Federal Food, Drug, and Cosmetic Act with regard to new animal drugs, and for other purposes.

S. 1408

At the request of Mr. ROCKEFELLER, the names of the Senator from South

Dakota (Mr. JOHNSON) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 1408, a bill to amend title 38, United States Code, to standardize the income threshold for copayment for outpatient medications with the income threshold for inability to defray necessary expense of care, and for other purposes.

S. 1516

At the request of Mr. SANTORUM, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1516, a bill to remove civil liability barriers that discourage the donation of fire equipment to volunteer fire companies.

S. 1707

At the request of Mr. JEFFORDS, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

S. 1708

At the request of Mr. MCCONNELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 1708, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to ensure the continuity of medical care following a major disaster by making private for-profit medical facilities eligible for Federal disaster assistance.

S. 1749

At the request of Mr. KENNEDY, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1822

At the request of Mr. AKAKA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1822, a bill to amend title 5, United States Code, to allow certain catchup contributions to the Thrift Savings Plan to be made by participants age 50 or over.

S. 1828

At the request of Mr. LEAHY, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1828, a bill to amend subchapter III of chapter 83 and chapter 84 of title 5, United States Code, to include Federal prosecutors within the definition of a law enforcement officer, and for other purposes.

S. 1922

At the request of Mr. HUTCHINSON, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 1922, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 1945

At the request of Mr. JOHNSON, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1945, a bill to provide for the merger of the bank and savings association deposit insurance funds, to modernize and improve the safety and fairness of the Federal deposit insurance system, and for other purposes.

S. 2003

At the request of Mr. NELSON of Florida, the names of the Senator from Alabama (Mr. SESSIONS) and the Senator from Idaho (Mr. CRAIG) were added as cosponsors of S. 2003, a bill to amend title 38, United States Code, to clarify the applicability of the prohibition on assignment of veterans benefits to agreements regarding future receipt of compensation, pension, or dependency and indemnity compensation, and for other purposes.

S. 2026

At the request of Mr. LUGAR, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2026, a bill to authorize the use of Cooperative Threat Reduction funds for projects and activities to address proliferation threats outside the states of the former Soviet Union, and for other purposes.

S. 2051

At the request of Mr. REID, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Delaware (Mr. BIDEN), the Senator from Idaho (Mr. CRAIG), the Senator from North Dakota (Mr. DORGAN), the Senator from North Carolina (Mr. HELMS), and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 2051, a bill to remove a condition preventing authority for concurrent receipt of military retired pay and veterans' disability compensation from taking affect, and for other purposes.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. RES. 209

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. Res. 209, a resolution to express the sense of the Senate regarding prenatal care for women and children.

S. RES. 219

At the request of Mr. GRAHAM, the name of the Senator from Tennessee (Mr. THOMPSON) was added as a cosponsor of S. Res. 219, a resolution expressing support for the democratically elected Government of Colombia and its efforts to counter threats from United States-designated foreign terrorist organizations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 2075. A bill to facilitate the availability of electromagnetic spectrum for the deployment of wireless based services in rural areas, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. BAUCUS. Madam President, I rise today to introduce the Rural Spectrum Access Act, RESA, of 2002. Wireless communications is revolutionizing the way we communicate. It allows us to place calls from anywhere in the world to anywhere in the world. We can check our favorite websites, and even stay in touch with family and friends through email, all without a phone line. It's empowering to know that we can do all this and more while sitting on top of a mountain in Montana.

However, these services require spectrum, the wireless waves that give us this freedom. Due to the way the FCC distributes spectrum, rural America is finding it more and more difficult to get quality wireless service. The current system distributes spectrum on very large geographic areas, which in effect, inhibits certain carriers from participating in wireless auctions. Since the geographic licensing areas are so large and the price for the spectrum is equally as large, rural carriers often find it difficult bidding on the spectrum. My legislation will correct this inequity.

RESA requires the Federal Communications Commission, in future auctions, to distribute spectrum on smaller geographic levels. It does not favor one type of carrier over another, or pick which carrier can serve which areas. Rather, it simply allows carriers to bid on spectrum that they find difficult under today's system.

It is my hope that this bill will allow more of our rural telecommunication carriers to participate in future auctions. The RESA Act will bring more choices, better service and lower prices for those of us living in rural America.

By Mr. DORGAN:

S. 2076. A bill to prohibit the cloning of humans; to the Committee on the Judiciary.

Mr. DORGAN. Madam President, the Senate will soon start debating the issue of human cloning. I want to state unequivocally that I am against the cloning of a human being. The cloning of a human being raises serious moral and ethical questions about society's perception of human life.

Today, I am introducing legislation that prohibits the cloning of a human being. It is a simple bill, but it reflects my view and a view that is held by almost everyone. My bill reflects the common ground that we can all agree to in this debate. My legislation makes it illegal to clone a human being and imposes strict penalties against anyone who violates this prohibition.

I urge my colleagues to support a ban on the cloning of a human being, and encourage their cosponsorship of my legislation.

By Ms. COLLINS:

S. 2077. A bill to make grants to improve public safety in order to prepare for and respond to terrorist threats; to the Committee on Environment and Public Works.

Ms. COLLINS. Madam President, today I am introducing the Securing Our States Act. As the tragic terrorist attacks of September 11 taught us all too well, our Nation is not as prepared for widespread emergencies as it should be. The legislation I am introducing today, Securing Our States Act, or SOS Act, will help make our Nation more secure by strengthening our first line of defense, the first responders in our States and communities.

As the Presiding Officer is well aware, when a terrorist attack or other disaster occurs, it is the State and local police, firefighters, and emergency medical personnel who are first on the scene. Nearly 2 million State and local police, firefighters, emergency medical personnel, and others are closest to these challenges. They understand best what is needed to respond effectively, and they tell me they need improved training, more and better equipment, greater coordination, and more exercises. They need them as soon as possible. They are the ones who are always on the front lines when disaster strikes.

Properly trained and equipped, first responders have the greatest potential to save lives and limit casualties after a terrorist attack. Currently, however, our capabilities for responding to a terrorist attack vary widely from community to community, State to State, across this great country. Many areas simply have very little capacity to respond to a terrorist attack. In fact, most localities could not respond effectively to a terrorist attack if weapons of mass destruction were used. Even the best prepared States and communities do not possess adequate resources to respond to the full range of possible terrorist attacks.

This legislation I am introducing will help by providing much needed resources. The SOS Act, which is consistent with the first responders proposal in President Bush's budget, will provide $4 billion in critically needed funding, an increase of more than 1,000 percent in Federal resources that will flow to State and local governments.

This bill is designed to accomplish the following objectives: First, more resources to States and communities to conduct important planning and exercises, purchase equipment, and better train their personnel.

Second, it would provide flexibility for States and localities to address whatever the needs of their particular locality may be. States differ in their preparedness, and this would allow flexibility in the use of funds.

Third, another important feature of this bill is its simplicity. We need to speed the disbursement of Federal funds to States and communities without further delay.

Fourth, this legislation is designed to promote cooperation across the Nation so local, State, Federal, and volunteer networks can operate together effectively.

To achieve these objectives, the Federal Emergency Management Agency, known as FEMA, will implement a streamlined and simple procedure designed to speed the flow of resources to States and communities. The funds may be used for a variety of activities, including planning to develop comprehensive plans to prepare for and respond to a terrorist attack; equipment to respond more effectively to terrorist attack, including personal protective equipment, chemical, and biological detectors and interoperable communications gear.

We want to make sure our emergency personnel can communicate with one another. We have learned from the lessons of September 11 that can be a devastating problem.

The legislation would also allow funds to be used for more training to enable firefighters, police officers, and emergency medical professionals to respond and operate in a chemical or biological environment, even a very dangerous environment.

We need to have more exercises to improve response capabilities, practice mutual aid and assess operational improvements and deficiencies.

The legislation I am introducing will help make our Nation safer. Nearly 2 million first responders are always there, willing to put their lives at risk to save the lives of others and to make our country safer. This bill will help these brave men and women do their jobs better and will help all of our communities be more secure. The benefits of the Securing Our States Act are immediate and widespread and the goal is one we can all embrace, the goal of making our Nation safer from terrorist attacks while also bolstering everyday response capabilities.

I urge my colleagues to join me in supporting this legislation.

I yield the floor.

By Mrs. HUTCHISON (for herself, Mr. LIEBERMAN, Mr. McCAIN, Mr. FEINGOLD, and Mr. LEVIN):

S. 2078. A bill to amend section 527 of the Internal Revenue Code of 1986 to eliminate notification and return requirements for State and local political committees and candidate committees and avoid duplicate reporting by certain State and local political committees of information required to be reported and made publicly available under State law, and for other purposes; to the Committee on Finance.

Mrs. HUTCHISON. Madam President, today I am pleased to again be offering legislation that will solve a significant issue for State and local legislators and candidates across the country and which I know is of serious concern.

Two years ago, Congress enacted the Full and Fair Political Activities Disclosure Act of 2000, Public Law 106-230, a law that imposed new IRS reporting requirements on political organizations claiming tax-exempt status under Section 527 of the Internal Revenue Code. The purpose of this law was to uncover so-called "stealth PACs," tax-exempt groups which, prior to the enactment of this law, did not have to disclose any contributions or expenditures and were free to influence elections in virtual anonymity. While Public Law 106-230 was intended to target "stealth PACs," it has had the unintended consequence of imposing burdensome and duplicative reporting requirements on State and local candidates who are not involved in any federal election activities. In many States like Texas, state and local candidates already file detailed reports with their state election officials.

To correct this problem, I have worked closely with Senator LIEBERMAN, among others, to develop legislation that would exempt state and local candidates from some of the IRS reporting requirements of Public Law 106-230. We have done this in a way that solves the problem but without creating new loopholes that would allow "stealth" organizations to reemerge. This legislation is the product of bipartisan and I would like to thank those who have supported our efforts, including Senator McCAIN, Senator FEINGOLD, and Senator LEVIN who join me and Senator LIEBERMAN on this bill today. I originally offered legislation on this issue last year and it was included in the tax cut bill, the Economic Growth and Tax Relief Reconciliation Act of 2001. Unfortunately, our provision was dropped from the bill in conference.

Since then, P.L. 106-230 has created an increasingly heavy burden on local and State candidates. This is exacerbated by the fact that many candidates were not aware of the notification requirements and could now face severe penalties. It is time to take action and get this issue resolved. The bill we introduce today solves this problem while also addressing some issues that have been raised since we first made this effort last year. The deadline for the most burdensome reporting requirements is fast approaching in May. Congress has delayed too long. I again urge my colleagues to support this bill and to solve the problem that we created and to do so now.

By Mr. ROCKFELLER:

S. 2079. A bill to amend title 38, United States Code, to facilitate and enhance judicial review of certain matters regarding veterans' benefits, and for other purposes; to the Committee on Veterans' Affairs.

Mr. ROCKEFELLER. Madam President, I am today introducing legislation which responds to concerns relating to judicial review of VA benefits expressed by the authors of the Independent Budget for Veteran's Programs for fiscal year 2003. I am doing this in order to provide a vehicle for further discussion on these and related matters.

The Independent Budget, the IB, is the collaborative effort of a coalition of four veterans service organizations, AMVETS, Disabled American Veterans, Paralyzed Veterans of America, and Veterans of Foreign Wars, which is endorsed by dozens of other veterans' groups and others. This is the sixteenth year that the these organizations have drafted an independent budget to advocate for the funding that they feel is necessary to properly provide care and benefits to our veterans.

This bill proposes three amendments to title 38, United States Code, and a free-standing provision relating to the Equal Access to Justice Act. Section 1 of this legislation would amend section 502 of title 38 to allow the United States Court of Appeals for the Federal Circuit, the Federal Circuit, to review and set aside VA changes to the schedule for rating disabilities found to be arbitrary and capricious or in violation of statute. Section 2 would amend section 7261 of title 38 to specify that the United States Court of Appeals for Veteran Claims, the CAVC, shall apply a preponderance of the evidence standard when reviewing findings of fact made by the Board of Veterans Appeals. Section 3 would amend section 7292 of title 38 to permit the Federal Circuit to review CAVC decisions on questions of law. The final section of this legislation would allow the CAVC, when awarding attorneys fees under the Equal Access to Justice Act to award compensation to qualified non-attorney representatives before the CAVC.

Current section 502 of title 38, provides for judicial review of VA rules and regulations in the Federal Circuit, but expressly precludes review of VA actions relating to the adoption or revision of the so called "rating schedule" made pursuant to section 1155 of title 38. This rating schedule is the system by which VA categorizes types and levels of disability by percentages and, as noted by the IB authors, this preclusion of review was based on the view that VA has specific expertise in this area, an expertise not found in most courts. However, while the IB authors recognize the importance of VA's particularly informed judgment in this area, they are concerned that, "without any constraints or oversight whatsoever, VA is free to promulgate rules to rating disabilities that do not have as their basis reduction in earning capacity." To remedy this concern, the authors of the IB propose an amendment to section 502 of title 38 which would authorize Federal Circuit review of rating schedule decisions. This is the intent of section 1 of this bill.

A second concern of the authors of the IB relates to the scope of review applied by the CAVC to factual determinations of the Board of Veterans' Appeal. Under current law, section 5107(b) of title 38, VA is required to give a claimant the benefit of the doubt when "there is an approximate balance of positive and negative evidence regarding the merits" of an issue material to the claim. However, as noted in the IB for fiscal year 2003, the CAVC, in reviewing a VA decision on a factual issue, is required to apply a "clearly erroneous" standard. Under this standard, which is the same as applied by Federal appellate courts in their review of factual determinations of trial courts, if there is a plausible basis for a factual finding, it can not be clearly erroneous. This results in the CAVC having to accord significant deference to findings of fact made by the Board. As the IB authors note, this approach of requiring the CAVC to uphold a Board decision based on only the lower "plausible basis" undermines the statutory "benefit of the doubt" rule. Section 2 of this legislation would protect the "benefit of the doubt" rule by amending section 7261 of title 38 to specify that the CAVC is to apply a preponderance of the evidence standard when reviewing factual determinations of the Board.

Another concern of the IB authors is the present limit on Federal Circuit's authority to review CAVC precedential decisions on questions of law. Under section 7292 of title 38, the Federal Circuit is authorized to review CAVC findings on questions of statutory or regulatory interpretation, but is not authorized to review such decisions based on questions of law not rooted on a constitutional, statutory, or regulatory interpretation. In a 1992 case, Livingston v. Derwinski, 959 F.2d 224, the Federal Circuit has described this limitation as follows: "The interpretation of the board's decision is unquestionably a matter of law, but that is not enough to bring the appeal within this court's statutory jurisdiction. In the absence of a challenge to the validity of a statute or a regulation, or the interpretation of a constitutional or statutory provision or a regulation, we have no authority to consider the appeal." The IB authors express the concern that this "unavailability of Federal Circuit review, has, in many instances, undesirable consequences" and urge that the law be amended to give the Federal Circuit jurisdiction to review all CAVC decisions on questions of law. Section 3 would modify section 7292 of title 38 to accomplish that result.

A final issue raised by the authors of the Independent Budget is not one of procedural fairness, but rather of equality of access to the administrative and judicial structures of the veterans' appeals process. Currently, veterans who enlist the aid of attorneys, and non-attorney practitioners supervised by attorneys, who are successful in their claims and satisfy the other requirements, can avail themselves of the benefits of the Equal Access to Justice Act, the EAJA. The EAJA shifts the burden of attorney fees from the citizen to the government in cases where the citizen successfully challenges an unreasonable government action. In the case of VA claims, however, claimants often turn to qualified, non-attorney representatives of the many veterans service organizations to represent them, up to and through the CAVC. Based upon the prior long standing limitation on paying attorney fees in veterans' benefits cases, there had not been an active veterans' bar. As a result, veterans service organizations developed expertise to enable them to effectively represent claimants before VA. VA does not require that these representatives be attorneys, only credentialed by a VA-recognized veterans service organization. Therefore, when the court was created, certain non-attorney practitioners were allowed to represent appellants at the court. However, as currently interpreted, these non-attorney practitioners are not eligible to receive compensation under the EAJA, despite the fact that they are doing the same work as their attorney counterparts. The authors of the Independent Budget, representatives of the organizations which are affected by this limitation, ask that unsupervised, non-attorneys be given access to fee compensation under the EAJA. They believe that this change would allow veterans organizations to represent even more veterans. Section 4 of the bill would provide for this change.

As a new generation is called to sacrifice in service of our country it is imperative that we ensure the fairness and accessibility of the benefits that they so richly deserve and it is for this reason that I introduce this bill. As I noted earlier in my statement, I am doing so in order to provide a vehicle for detailed discussion of these and other issues related to the judicial review of VA claims. I look forward to working with my colleagues on these matters in the months ahead.

By Mrs. BOXER:

S. 2080. A bill to designate a United States courthouse to be constructed in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Madam President, I am pleased to introduce legislation to name the Federal courthouse building to be constructed at Tulare and "O" Streets in downtown Fresno, CA the "Robert E. Coyle United States Courthouse."

It is fitting that the Federal courthouse in Fresno be named for Senior U.S. District Judge Robert E. Coyle, who is greatly respected and admired for his work as a judge and for his foresight and persistence which contributed so much to the Fresno Courthouse project. Since prior to 1994, Judge Coyle has been a leader in the effort to build a new courthouse in Fresno. In the course of his work, Judge Coyle, working with the Clerk of the United States District Court for the Eastern District, conceived and founded a program called "Managing a Capitol Construction Program" to help others understand the process of having a courthouse built. This Eastern District program was so well received by national court administrators that it is now a nationwide program run by Judge Coyle. In addition to meeting the needs of the court for additional space, the courthouse project has become a key element in the downtown revitalization of Fresno. Judge Coyle's efforts, and those in the community with whom he worked, produced a major milestone when the groundbreaking for the new courthouse took place earlier this month.

Judge Coyle has had a distinguished career as an attorney and on the bench. Appointed to California's Eastern District bench by President Ronald Reagan in 1982, Judge Coyle has served as a judge for the Eastern District for 20 years, including 6 years as senior judge. Judge Coyle earned his law degree from University of California, Hastings College of the Law in 1956. He then worked for Fresno County as a Deputy District Attorney before going into private practice in 1958 with McCormick, Barstow, Sheppard, Coyle & Wayte, where he remained until his appointment by President Reagan. He is very active in the community and has served in many judicial leadership positions, including: Chair, Space and Security Committee; Chair, Conference of the Chief District Judges of the Ninth Circuit; President of the Ninth Circuit District Judges Association; Member of the Board of Governors of the State Bar of California and President of the Fresno County Bar. My hope is that, in addition to serving the people of the Eastern District as a courthouse, this building will stand as a reminder to the community and people of California of the dedicated work of Judge Robert E. Coyle.

By Mr. BINGAMAN (by request):

S.J. Res. 34. A joint resolution approving the site at Yucca Mountain, Nevada, for the development of a repository for the disposal of high-level radioactive waste and spent nuclear fuel, pursuant to the Nuclear Waste Policy Act of 1982; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Madam President, yesterday, the Governor of the State of Nevada submitted to the Senate and to the House of Representatives a notice of disapproval of the proposed nuclear waste repository at Yucca Mountain, pursuant to section 116 of the Nuclear Waste Policy Act. The notice was duly referred in the Senate to the Committee on Energy and Natural Resources under rule XXV of the Standing Rules of the Senate. Under section 115 of the Nuclear Waste Policy Act, it is my duty, as the chairman of the committee to which the notice of disapproval was referred, to introduce, by request, a resolution of repository siting approval not later than the first day of session following the day on which the Governor's notice of disapproval was submitted.

In accordance with the statutory requirement, I am today introducing the resolution of repository siting approval. The text of the resolution is prescribed by the Nuclear Waste Policy Act. The resolution will be referred to committee for a period of up to 60 days. Under the terms of the Nuclear Waste Policy Act, the Governor's notice of disapproval will stand, and the Department of Energy will be prohibited from applying for a license to develop a nuclear waste repository at Yucca Mountain, unless both Houses of Congress pass the resolution of repository siting approval and it becomes law within 90 days from yesterday.

This is an extraordinary process. The 97th Congress, which prescribed this process for us to follow 20 years ago, did not do so lightly. The Members of the 97th Congress only arrived at this procedure after considerable debate. Representative Morris K. Udall, who was the principal architect of the Nuclear Waste Policy Act, explained the thinking of our predecessors. "We are all agreed that the States ought to have a veto," Chairman Udall said. "If you are going to put something as important, as a nuclear waste repository, in a State, then the State, through its Governor or legislature, ought to be able to say no thanks." But, he continued, "we are also agreed that once the State has made that veto, that there ought to be mechanism so that, in the national interest, it could be overridden, as we do in war when we need an air base or at other times when we need Federal eminent domain."

The process upon which we are embarking today was designed to serve those two goals. It will afford the State of Nevada a fair hearing on its objections to the repository and will ensure that those objections stand unless the administration can persuade both Houses of Congress to override them. At the same time, it will give the administration an opportunity to present its case and to override the State's objections if it can show its decision was sound and in the national interest.

It is my intention, once the Senate completes action on the energy bill, to schedule hearings before the Committee on Energy and Natural Resources to consider the President's recommendation of the Yucca Mountain site and the objections of the State of Nevada to the use of the site for the nuclear waste repository and to report the committee's recommendation to the Senate within the prescribed 60-day period as the 97th Congress envisioned.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 232—CONGRATULATING THE HUSKIES OF THE UNIVERSITY OF CONNECTICUT FOR WINNING THE 2002 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP.

Mr. DODD (for himself and Mr. LIEBERMAN) submitted the following resolution; which was considered and agreed to:

S. RES. 232

Whereas the University of Connecticut women's basketball team won its second national championship in 3 years by defeating the University of Oklahoma by the score of 82-70;

Whereas NCAA Division I Women's Basketball Coach of the Year Geno Auriemma's team finished the 2002 season with a perfect 39–0 record, becoming only the fourth NCAA Division I women's basketball team to go undefeated;

Whereas Sue Bird was chosen as the national women's player of the year;

Whereas Swin Cash was named the Final Four Most Outstanding Player;

Whereas Sue Bird, Swin Cash, Diana Taurasi, Asjha Jones, and Tamika Williams were selected as All-Americans;

Whereas the Huskies' 35-point average margin of victory during the regular season was the largest in NCAA Division I women's basketball history;

Whereas the Huskies dominated this year's NCAA Division I women's basketball tournament, averaging 83.3 points and a 27-point margin of victory en route to the championship;

Whereas the high caliber of the Huskies in both athletics and academics has significantly advanced the sport of women's basketball and provided inspiration for future generations of young men and women alike; and

Whereas the Huskies' season of unparalleled accomplishment rallied Connecticut residents of all ages, from New London to New Haven, from Hartford to Hamden, behind a common purpose, and triggered a wave of euphoria across the State: Now, therefore, be it

Resolved, That the Senate commends the Huskies of the University of Connecticut for—

(1) completing the 2001–2002 women's basketball season with a 39–0 record; and

(2) winning the 2002 NCAA Division I Women's Basketball Championship.

SENATE RESOLUTION 233—CONGRATULATING THE UNIVERSITY OF MARYLAND TERRAPINS FOR WINNING THE 2002 NCAA NATIONAL BASKETBALL CHAMPIONSHIP

Mr. SARBANES (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 233

Whereas the 2002 University of Maryland Terrapins men's basketball team won 32 games, a school record for wins in a season;

Whereas the 2002 Maryland Terrapins were undefeated at home in the last year of play at historic Cole Field House, compiling a home record of 15–0;

Whereas the 2002 Maryland Terrapins continued their dominance over nonconference opponents at home, extending their NCAA record nonconference home winning streak to 84 wins;

Whereas the 2002 Maryland Terrapins won their first, outright Atlantic Coast Conference regular season championship in 22 years;

Whereas the Maryland Terrapins qualified for a 9th consecutive NCAA tournament under Coach Gary Williams, being awarded a number 1 seed in the East Region;

Whereas the Maryland Terrapins handily defeated the Siena College Saints in the first round of the NCAA tournament by a score of 85–70;

Whereas in the second round, the Maryland Terrapins ousted the Wisconsin Badgers by a score of 87–57;

Whereas in the Sweet Sixteen, the Maryland Terrapins overpowered the tough Kentucky Wildcats by a score of 78–68;

Whereas in the final game of the East Regional, the Maryland Terrapins earned a 2d straight bid to the Final Four by defeating the Connecticut Huskies by a score of 90–82;

Whereas in the Final Four, the Maryland Terrapins achieved a 97–88 victory over the potent Kansas Jayhawks;

Whereas in the NCAA championship game, the Maryland Terrapins came away with a 64–52 victory over the storied Indiana Hoosiers;

Whereas on April 1, 2002 the University of Maryland won the NCAA men's basketball championship, the first ever for the University of Maryland;

Whereas the 2002 Maryland Terrapins, by winning the 2002 NCAA men's basketball championship, became only the 5th NCAA Division I athletic program to have won national championships in both basketball and football;

Whereas senior Juan Dixon was named the most outstanding player of the 2002 NCAA tournament, first team all-American, and Atlantic Coast Conference player of the year;

Whereas senior Lonny Baxter was named the most valuable player in regional play for the second year in a row; and

Whereas in game number 2002 of the University of Maryland men's basketball program, the Terrapins achieved the title of 2002 national champion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the mighty University of Maryland Terrapins for winning the 2002 NCAA national men's basketball championship on April 1, 2002;

(2) commends the Maryland Terrapins for their outstanding performance in the 2002 NCAA national tournament, the Atlantic Coast Conference, and the entire 2002 season;

(3) applauds the Maryland Terrapins for their commitment to high standards of character, perseverance, and teamwork;

(4) congratulates the Maryland Terrapins on reaching their goal of an NCAA championship, an achievement that no previous Maryland men's basketball team had been able to accomplish;

(5) recognizes the achievements of the players, coaches, and support staff who were instrumental in helping the University of Maryland Terrapins win the 2002 NCAA championship;

(6) congratulates all of the 65 outstanding teams who participated in the 2002 NCAA Tournament;

(7) congratulates the National Collegiate Athletic Association for its continuing excellence in providing a supportive arena for college athletes to display their talents and sportsmanship; and

(8) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Dr. C.D. "Dan" Mote, the President of the University of Maryland;

(B) Deborah Yow, the Athletic Director at the University of Maryland; and

(C) Gary Williams, the head coach of the University of Maryland Terrapins men's basketball team.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3082. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3083. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3084. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 3082. Mr. BAUCUS submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SALE OF GASOLINE AND DIESEL FUEL AT DUTY-FREE SALES ENTERPRISES.

(a) PROHIBITION.—Section 555(b) of the Tariff Act of 1930 (19 U.S.C. 1555(b)) is amended—

(1) by redesignating paragraphs (6) through (8) as paragraphs (7) through (9), respectively; and

(2) by inserting after paragraph (5) the following:

"(6) Any gasoline or diesel fuel sold at a duty-free sales enterprise shall be considered to be entered for consumption into the customs territory of the United States.".

(b) CONSTRUCTION.—The amendments made by this section shall not be construed to create any inference with respect to the interpretation of any provision of law as such provision was in effect on the day before the date of enactment of this Act.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SA 3083. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, after line 3, insert the following new section at the end of Subtitle E:

SEC. 946. LIMITATION ON APPROPRIATION OF FUNDS.

No funds may be appropriated under subtitle E of title IX unless all programs and authorities contained in this subtitle have been approved in legislation within the appropriate committees of jurisdiction and enacted thereafter.

SA 3084. Mr. BOND submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 307, after line 3, strike "Secretary of Housing and Urban Development" wherever it appears in Subtitle E, and insert in lieu thereof the following "Secretary of Energy."

On page 307, after line 3, strike "Secretary" wherever it appears by itself without explicit reference to an agency or department and insert in lieu thereof "Secretary of Energy."

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 9:30 a.m., in open session to receive testimony on Department of Defense policies and programs to transform the force to meet the challenges of the twenty-first century.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 2:30 p.m. to hold a hearing titled, 'Weak States in Africa—U.S. Policy Options in the DRC.'

Agenda

Witness

Panel 1: Mr. William Bellamy, Acting Assistant Secretary for African Affairs, Department of State, Washington, DC.

Panel 2: Ms. Fabienne Hara, Co-Director of the Africa Program, International Crisis Group, Brussels, Belgium; Mr. Learned Dees, Program Office for Africa, National Endowment for Democracy, Washington, DC; and Ms. Anne Edgerton, Advocate, Refugees International, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the reauthorization of the Corporation for National and Community Service during the session of the Senate on Tuesday, April 9, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "FBI Reforming the 21st Century: The Lessons of the Hanssen Espionage Case" today, Tuesday, April 9, 2002, in Dirksen room 628 at 10 a.m.

Agenda

Witnesses

Panel I: The Honorable William Webster, Milbank, Tweed, Hadley & McCoy, LLP, Washington, DC.

Panel II: Mr. Dale Watson, Executive Assistant Director for Counterterrorism/Counterintelligence, Federal Bureau of Investigation, Washington, DC; Mr. Dave Szady, Assistant Director for Counterintelligence Division, Federal Bureau of Investigation, Washington, DC; and Mr. Kenneth Senser, Assistant Director for Security Division, Federal Bureau of Investigations, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 9, 2002, at 2:30 p.m., in open session to receive testimony on Navy equipment required for fielding a 21st century capabilities-based Navy in review of the Defense authorization request for fiscal year 2003.

Agenda

Witnesses

Panel I: Admiral Vernon E. Clark, USN, Chief of Naval Operations.

Panel II: Major General William A. Whitlow, USMC, Director, Expeditionary Warfare Division, Department of the Navy; Rear Admiral Phillip M. Balisle, USN, Director, Surface Warfare Division, Department of the Navy; Rear Admiral Paul F. Sullivan, USN, Director, Submarine Warfare Division, Department of the Navy; and Rear Admiral Michael J. McCabe, USN, Director, Air Warfare Division, Department of the Navy.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE UNIVERSITY OF MARYLAND TERRAPINS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to S. Res. 233 submitted earlier today by Senators SARBANES and MIKULSKI.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 233) congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. SARBANES. Madam President, one of Aesops fables tells of the race between the tortoise and the hare. As the story goes, the hare took off at the start of the race at a very swift pace but soon tired, stopped and fell fast asleep. The tortoise, on the other hand, maintained a slow and steady pace and passed the sleeping hare en route to a victory. The moral of the story is "slow but steady wins the race."

Such was the pace to the 2002 NCAA Basketball Championship for the University of Maryland Terrapins. Following a Final Four appearance in last year's NCAA Tournament, expectations were high for this year's team. From the first tip-off last October during Midnight Madness to the final buzzer of this year's championship game, the entire Terrapin team, led by head coach and University of Maryland alumnus Gary Williams, pursued a deliberate and determined course. Their journey culminated on the night of April 1, 2002, when the team won the NCAA Men's Division 1 Basketball Championship.

It is with a deep sense of Maryland pride and pleasure that I rise as the chairman of the Maryland congressional delegation to submit a resolution congratulating the University of Maryland Terrapins for winning the 2002 NCAA National Basketball Championship. My Maryland colleague, Senator BARBARA MIKULSKI, is joining me in this effort and the Maryland House delegation, led by University of Maryland alum, STENY HOYER, is also submitting a similar resolution.

As our resolution highlights, this has been a remarkable run for the men's basketball team. The team won a school record 32 games. They went undefeated at home, including their impressive win over Duke University by a score of 97–73. This year was the last year that the team will play in historic Cole Field House and the season was a fitting tribute to a building that has witnessed so many remarkable games over the years. This year's team continued its home court dominance over non-conference opponents, extending its winning streak to 84 wins, the current longest winning streak in the Nation.

Madam President, please join me in congratulating the Maryland Terrapin team members: senior guard Juan Dixon, the 2002 NCAA Tournament's Most Outstanding Player, the ACC Player of the Year, a First-Team All-American, and a member of the ACC All-Defensive Team; senior center Lonny Baxter, Most Valuable Player of the East Region, Second Team All-ACC, honorable mention All-American, and a member of the ACC All Defensive Team; senior forward Byron Mouton, Honorable Mention All-ACC; senior guard Earl Badu; junior guard Steve Blake, named to the Third Team All-ACC, and Honorable Mention All-American; junior forward Tahj Holden; junior guard Drew Nicholas; junior center Ryan Randle; junior guard Calvin McCall; sophomore forward Chris Wilcox, named to the Third Team All-ACC; freshman guard Andre Collins; and freshman forward Mike Grinnon.

On behalf of the State of Maryland, the Maryland congressional delegation and the University of Maryland, I ask my colleagues to join me in acknowledging the outstanding efforts of this amazing group of basketball players, coaches and staff.

Ms. MIKULSKI. Madam President, I rise to pay tribute to the nation's premier men's college basketball team, the University of Maryland Terrapins. I am so proud that our Terps are our national champions. Their victory shows the hard work, perseverance and experience of an amazing team—and the support of an outstanding university. This resolution seeks to celebrate the Terps' victory.

Our Terps have worked so hard to reach these heights, shaping college basketball history as they got here. They are led by a Terrapin who learned about much more than basketball as a student and graduate-assistant in five years at College Park. Coach Gary Williams is that Terrapin—a true leader, a true teacher, and a true Marylander at heart. As ACC Coach of the Year, Coach Williams led the Terps to the regular season ACC title, and their first national championship. But even more important, he has continue to shape the lives of the young men he coaches.

He cares about his players on and off the court. That meant encouraging them in their studies as well as in their sport. He helped them understand the importance of getting their degrees. His success is shown in the fact that four of his players are serious—more than any of their competitors.

These men include this year's dynamic senior class of Earl Badu, Byron Mouton, Lonny Baxter, and Juan Dixon. I am so proud of them because they will all graduate this year, proving that Coach Williams' philosophy of hard work on and off the court works here in Maryland. Their experience was a key factor in their victory.

When Coach Williams recruits and teaches players, he doesn't always look for the flashiest prospects. He works with men he can make into champions. Our Terrapins show that championship spirit on and off the court. And that is what a Maryland education is all about.

The Terrapins' court successes have mirrored the University of Maryland's rise to the pinnacle of the academic world. Our university is a national leader in science, engineering and business.

The Terps had a perfect season during their last year at Cole Field House. The University of Maryland and the entire State is grateful for everything this basketball team has given us.

I ask my colleagues to join me in commending the University of Maryland's Terrapins for being such great winners—both on and off the court.

Mr. REID. Madam President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 233) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 233

Whereas the 2002 University of Maryland Terrapins men's basketball team won 32 games, a school record for wins in a season;

Whereas the 2002 Maryland Terrapins were undefeated at home in the last year of play at historic Cole Field House, compiling a home record of 15–0;

Whereas the 2002 Maryland Terrapins continued their dominance over nonconference opponents at home, extending their NCAA record nonconference home winning streak to 84 wins;

Whereas the 2002 Maryland Terrapins won their first, outright Atlantic Coast Conference regular season championship in 22 years;

Whereas the Maryland Terrapins qualified for a 9th consecutive NCAA tournament under Coach Gary Williams, being awarded a number 1 seed in the East Region;

Whereas the Maryland Terrapins handily defeated the Siena College Saints in the first round of the NCAA tournament by a score of 85–70;

Whereas in the second round, the Maryland Terrapins ousted the Wisconsin Badgers by a score of 87–57;

Whereas in the Sweet Sixteen, the Maryland Terrapins overpowered the tough Kentucky Wildcats by a score of 78–68;

Whereas in the final game of the East Regional, the Maryland Terrapins earned a 2d straight bid to the Final Four by defeating the Connecticut Huskies by a score of 90–82;

Whereas in the Final Four, the Maryland Terrapins achieved a 97–88 victory over the potent Kansas Jayhawks;

Whereas in the NCAA championship game, the Maryland Terrapins came away with a 64–52 victory over the storied Indiana Hoosiers;

Whereas on April 1, 2002 the University of Maryland won the NCAA men's basketball championship, the first ever for the University of Maryland;

Whereas the 2002 Maryland Terrapins, by winning the 2002 NCAA men's basketball championship, became only the 5th NCAA Division I athletic program to have won national championships in both basketball and football;

Whereas senior Juan Dixon was named the most outstanding player of the 2002 NCAA tournament, first team all-American, and Atlantic Coast Conference player of the year;

Whereas senior Lonny Baxter was named the most valuable player in regional play for the second year in a row; and

Whereas in game number 2002 of the University of Maryland men's basketball program, the Terrapins achieved the title of 2002 national champion: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the mighty University of Maryland Terrapins for winning the 2002 NCAA national men's basketball championship on April 1, 2002;

(2) commends the Maryland Terrapins for their outstanding performance in the 2002 NCAA national tournament, the Atlantic Coast Conference, and the entire 2002 season;

(3) applauds the Maryland Terrapins for their commitment to high standards of character, perseverance, and teamwork;

(4) congratulates the Maryland Terrapins on reaching their goal of an NCAA championship, an achievement that no previous Maryland men's basketball team had been able to accomplish;

(5) recognizes the achievements of the players, coaches, and support staff who were instrumental in helping the University of Maryland Terrapins win the 2002 NCAA championship;

(6) congratulates all of the 65 outstanding teams who participated in the 2002 NCAA Tournament;

(7) congratulates the National Collegiate Athletic Association for its continuing excellence in providing a supportive arena for college athletes to display their talents and sportsmanship; and

(8) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to—

(A) Dr. C.D. "Dan" Mote, the President of the University of Maryland;

(B) Deborah Yow, the Athletic Director at the University of Maryland; and

(C) Gary Williams, the head coach of the University of Maryland Terrapins men's basketball team.

ORDERS FOR WEDNESDAY, APRIL 10, 2002

Mr. REID. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until tomorrow morning at 9:15 a.m.; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. REID. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:03 p.m., adjourned until Wednesday, April 10, 2002, at 9:15 a.m.

NOMINATIONS

Executive Nominations Received by the Senate April 9, 2002:

COMMODITY FUTURES TRADING COMMISSION

SHARON BROWN-HRUSKA, OF VIRGINIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 2004, VICE WILLIAM J. RAINER, RESIGNED.

ENVIRONMENTAL PROTECTION AGENCY

JOHN PETER SUAREZ, OF NEW JERSEY, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE STEVEN ALAN HERMAN, RESIGNED.

BROADCASTING BOARD OF GOVERNORS

STEVEN J. SIMMONS, OF CONNECTICUT, TO BE MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR THE REMAINDER OF THE TERM EXPIRING AUGUST 13, 2003, VICE ALBERTO J. MORA.

OVERSEAS PRIVATE INVESTMENT CORPORATION

NED L. SIEGEL, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2003, VICE MIGUEL D. LAUSELL.

DEPARTMENT OF STATE

JACK C. CHOW, OF PENNSYLVANIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL REPRESENTATIVE OF THE SECRETARY OF STATE FOR HIV/AIDS.

MERIT SYSTEMS PROTECTION BOARD

STUART D. RICK, OF MARYLAND, TO BE A MEMBER OF THE MERIT SYSTEMS PROTECTION BOARD FOR THE TERM OF SEVEN YEARS EXPIRING MARCH 1, 2007, VICE BARBARA J. SAPIN.

LEGAL SERVICES CORPORATION

LILLIAN R. BEVIER, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE HULETT HALL ASKEW, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2002, VICE F. WILLIAM MCCALPIN, TERM EXPIRED.

ROBERT J. DIETER, OF COLORADO, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005. (REAPPOINTMENT)

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2002, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005. (REAPPOINTMENT)

MICHAEL MCKAY, OF WASHINGTON, TO BE A MEMBER OF THE BOARD DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE NANCY HARDIN ROGERS, TERM EXPIRED.

FRANK B. STRICKLAND, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2004, VICE JOHN N. ERLENBORN, TERM EXPIRED.

DEPARTMENT OF JUSTICE

RAY ELMER CARNAHAN, OF ARKANSAS, TO BE UNITED STATES MARSHAL FOR THE EASTERN DISTRICT OF ARKANSAS FOR THE TERM OF FOUR YEARS, VICE CONRAD S. PATTILLO, TERM EXPIRED.

WALTER ROBERT BRADLEY, OF KANSAS, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF KANSAS FOR THE TERM OF FOUR YEARS, VICE RICHARD RAND ROCK II, TERM EXPIRED.

THERESA A. MERROW, OF KENTUCKY, TO BE UNITED STATES MARSHAL FOR THE MIDDLE DISTRICT OF GEORGIA FOR THE TERM OF FOUR YEARS, VICE LAWSON CARY BITTICK, TERM EXPIRED.

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MARK D. HARNITCHEK, 5185
CAPT. MICHAEL S. ROESNER, 8965

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. BRIAN G. BRANNMAN, 2227

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. THOMAS K. BURKHARD, 8249

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD E. CELLON, 1250

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHARLES H. JOHNSTON JR., 2065

IN THE MARINE CORPS

THE FOLLOWING NAMED SERVICE MEMBER FOR APPOINTMENT TO THE TEMPORARY GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C. SECTION 6222:

To be first lieutenant

JASON K. PETTIG, 7799

IN THE AIR FORCE

THE FOLLOWING NAMED STUDENTS FOR A REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 2114.

To be captain

SAMUEL E AIKELE, 3683
ANDREW T ALLEN, 6301
JONATHAN L ARNHOLT, 1257
ERIKA S BEARD, 3164
MICHAEL J BENCA, 4605
GLENN D BURNS, 6243
YOVANNI CASABLANCA, 4264
MARC A CHILDRESS, 9720
JARED A CHUGG, 8537
STEVEN D DEMARTINI, 4934
ELIZABETH DUNCAN, 5226
ROBERT L EMERY, 2000
TRAVIS W GERLACH, 4054
ANNE GRAY, 4487
ALAN D GUHLKE, 3815
GREGORY D GUTKE, 5858
DAVID J HOOPES, 9590
JONATHAN C JACKSON, 0738
NORRIS J JACKSON, 1272
KEITH J JOE, 9499
GARY S KIM, 6425
SCOTT A KING, 3609
JEFFREY M LAMMERS, 9384
DANIEL R LAMOTHE, 3160
WAYNE A LATACK, 3565
PAUL E LEWIS III, 1306
KENNETH A MARRIOTT III, 4491
BRYANT R MARTIN, 4948
CASSANDRA T MCDANIEL, 9732
JOSEPH H MCDERMOTT, 8876
JANELLE L MOORE, 2956
THOMAS O MOORE, 9611
JOHN J MURDOCK, 9009
SEAN P OBRIEN, 7211
GILBERTO PATINO, 8065
ERIC V PLOTT, 6105
IAN C RIDDOCK, 6519
JON M ROBITSCHEK, 8626
TREVOR J SCHAR, 9786
CARRIE A SCHMID, 6499
CHRISTIAN J SMITH, 7806
DREW N SWASEY, 9703
ARLO M TAN, 5405
CECELIA M TATSUMI, 4828
MONICA J TILLMAN, 5379
JUSTIN J TINGY, 8330
MARISSA M VALENCIA, 3662
GUY C VENUTI, 8229
CHRISTINA M WAITE, 6230
SUK C WHANG, 5329
BRYAN M WHITE, 6677

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be major

WILLIAM K.C. PARKS, 7651

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MICHAEL J. BENNETT, 7779
JERRY D. DELACRUZ, 0400
JEFFREY GONSECKI, 2183
LEONARD C. HAWKINS, 1612
ROBERT S. HOUGH, 2663

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

FRANK E. BATTS, 2465
PAUL J. CIERVO, 2168
WAYNE L. HILL, 9951
JEFFREY A. JENKINS, 2003
CHRISTIAN JUBOK, 7328
EUNICE PATXOT, 4554
DANIEL J. SCHMICK, 6978
EVELYN M. WILSON, 8740

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

BAMIDELE J ABOGUNRIN, 7275
CHRISTOPHER C ABRAMS, 0422
JOHN C ALLEE, 0599
ROBERT J ALLEN, 5597
GARY V ALLISON, 4192
OSCAR M ALVAREZ II, 1191
JOHN F AMERICA, 5024
LEONARD F ANDERSON IV, 3013
CHARLES M ANDREWS JR., 3174
PHILIP G ANTEKEIER, 8391
JON J ANTONELLI, 4988
VINCENT D APPLEWHITE, 0987
ERIC M ARBOGAST, 1523
STEPHEN P ARMES, 9487
MITCHELL K ARNZEN, 4380
KENNETH L ASBRIDGE III, 7911
HUGH L ATKINSON, 8639
JOHN B ATKINSON, 6064
STEPHEN C AUGUSTIN, 5650
GAMAL F AWAD, 0286
WILLIAM L BABCOCK JR., 4548
TERRY L BAGGETT, 9601
CHRISTOPHER R BAIRD, 1453
THOMAS P BAJUS II, 8358
WILLIAM G BALESTRERI, 9507
RICHARD S BARNES, 2281
CRAIG P BARNETT, 2837
JOHN M BARNETT, 0436
TIMOTHY E BARRICK, 3214
MICHAEL B BARRY, 5980
ARA E BARTON, 0490
WENDELL BAZEMORE, 0890
GEORGE B BEACH, 9607
CHRISTOPHER C BEAVERS, 1008
THOMAS J BEIKIRCH, 0231
GABRIEL BELTRAN, 3732
WILLIAM D BENSCH, 6540
CHARLES T BERRY, 1450
JOHN R BINDER III, 3817
CHARLES N BLACK, 3185
HAYNESLY R BLAKE, 2178
PETER S BLAKE, 6048
TIMOTHY H BOETTCHER, 1848
DAVID H BOHN, 4065
ANTHONY C BOLDEN, 6075
RAPHAEL E BONITA, 5176
STEFAN J BOOTH, 8539
DAVID C BORKOWSKI, 6258
PARRISH M BOULWARE, 5902
STEVEN R BOWERS, 7456
ROBERT J BRAATZ, 4298
ROBERT G BRACKNELL, 7479
RICHARD T BRADY, 8504
DAVID R BRAMAN, 7784
JULIE B BRANDEL, 9004
ROLLIN D BREWSTER III, 0747
PAUL B BRICKLEY, 1120
BRUCE L BRIDGEWATER, 5700
SCOTT A BRINK, 1149
VAN P BRINSON III, 4752
SCOTT E BROBERG, 6809
HENRY D BROWN, 1678
PETER J BROWN, 3964
RALPH E BRUBAKER JR., 7825
ROBERT J BRUDER, 5292
DOUGLAS J BRUNE, 4240
MICHAEL R BRUNNSCHWEILER, 8075
TIMOTHY R BRYANT, 9816
ANDREW S BURCHFIELD, 3883
KENNETH A BURGER, 0135
WILLIAM S BURGER, 9824
ROBERT A BURGIN, 1666
HAROLD E BURKE, 3180
JOHN P BURTON, 7872
ALBERT J BUSENBARK, 7456
GEORGE CADWALADER JR., 1308
TODD R CALHOUN, 7408
JEFFREY R CALLAGHAN, 3074
SHAWN P CALLAHAN, 6775
MICHAEL J CALLANAN, 1585
DANIEL T CANFIELD JR., 8100
JUDE F CAREY JR., 1108
CURTIS W CARLIN, 3928
GLEN M CARLSON, 3808
JAMES C CARROLL III, 5768
JOHN D CARROLL, 3944
MATTHEW J CARROLL, 5770
JOHN F CARSON JR., 3007
MICHAEL T CARSON, 5134
RONNIE A CARSON JR., 9846
JENNIFER E CARTER, 1592
MELVIN G CARTER, 6846
JOSEMARTIN K CASADO, 3111
ERIC R CASEY, 1936
MICHAEL J CASTAGNA, 2729
STEPHEN L CASTORA, 6066
MICHAEL V CAVA, 0133
MATTHEW G CHALKLEY, 1094
BENJAMIN D CHAPMAN, 4115
CLINTON J CHLEBOWSKI, 9137
BRIAN S CHRISTMAS, 1476
ROBERT M CLARK, 4809
TROY L CLARK, 4737
WILLIAM P CLARK, 1196
GREGORY J CLARKE, 9413
TIMOTHY L CLARKE, 0104
JOSEPH R CLEARFIELD, 4799
SCOTT B CLIFTON, 3947
ERIN D COADY, 4330
ERIK E COBHAM, 5930
DOUGLAS L CODY, 6618
JEFFREY L COKER, 1631
KEITH A COLEMAN, 4388
LAWRENCE C COLEMAN, 2703
WAYNE E COLLINS, 3156
CHRISTOPHER J CONNELLY, 2810
FRANK P CONWAY, 6589
DAVID S COOK, 0727
SAMUEL C COOK, 1196
CARL E COOPER JR., 2221
MATTHEW D COOPER, 6831
ROBERT D COOPER, 5234
SCOTT A COOPER, 4648
DAVID M COOPERMAN, 5289
JAMES R COPPERSMITH, 3486
ERIC M CORCORAN, 4117
MARC D COSTAIN, 1825
JOSEPH M COUREY, 7430
PAUL T COURTAWAY JR., 6836
JOHN H COVINGTON JR., 2717
KENNETH L CRABTREE, 9858
DARYL G CRANE, 5368
TIMOTHY S CRONIN, 0097
ALAN F CROUCH, 4277
PAUL D CUCINOTTA, 7004
DREW E CUKOR, 7252
MATTHEW C CULBERTSON, 0543
CORY M CUNNINGHAM, 0757
WILLIAM H CUPPLES, 8495
MATTHEW DALKIEWICZ, 7281
KEVIN J DALY, 6094
ROGER P DALZIEL, 8948
CHARLES E DANIEL, 7730
ROMIN DASMALCHI, 6176
BRENT R DAVIS, 6470
MADELEINE DAVIS, 5964
MICHAEL A DAVIS, 8389
NICHOLAS E DAVIS, 9275
YOLANDA DAVIS, 9188
SARAH M DEAL, 2809
JOHN E DEATON, 2654
MICHAEL E DEHNER, 5223
GARY E DELGADO, 0519
WILLIAM L DEPUE JR., 8112
SCOTT T DERKACH, 2413
PAUL T DEUTSCH, 3825
CHRISTOPHER P DEVER, 2186
GERT J DEWET, 6036
JORGE DIAZ, 1195
DAVID I DIERSEN, 1288
ANDREW L DIETZ, 3645
DANIEL J DIMICCO, 7340

SEAN R DOBECK, 0823
THOMAS J DODDS, 6823
JANET M DOERNING, 5181
JOHN J DONAHOE, 9199
JONATHAN M DONIGAN, 6709
LANCE S DORMAN, 7118
DARRYL W DOTSON, 4693
CRAIG R DOTY, 3967
PETER M DOUGHTY, 7631
ROBERT D DOZIER, 0219
ANDREW J DRAKE, 7918
JOHN G DUCOTE, 1065
KEVIN C DUGAN, 0786
STEVEN E DUKE, 5433
FRANKLIN C DUNN, 6070
BRIAN M DWYER, 1755
KURT G EBAUGH, 2990
CURTIS V EBITZ JR., 7041
BRIAN W ECARIUS, 4960
BEN T EDWARDS JR., 2918
HAROLD B EGGERS, 2306
JAY M EGLOFF, 8965
BRIAN D EHRLICH, 1349
JEFFREY A EICHHOLZ, 0916
CHRISTIAN T ELLINGER, 1758
JAMES B ELLIS, 1730
KYLE B ELLISON, 5698
DOUGLAS J ENGEL, 9897
DAREN J ERICKSON, 0919
JEFFREY R ERTWINE, 8731
ANTHONY C FABIANO, 4764
IAN M FACEY SR, 1566
PETER C FAERBER, 9301
THOMAS M FAHY JR., 3541
JAMES P FALLON, 9394
RONALD M FARRIS JR., 0892
CHRISTOPHER M FEARS, 0779
FREDERICK G FERARES, 6560
GREG A FEROLDI, 7656
TODD W FERRY, 4234
TIMOTHY J FETSCH, 6680
CHRISTOPHER A FEYEDELEM, 4351
JOHN M FIELD, 5370
DANNY R FIELDS, 8770
ANDREW T FITZPATRICK, 6082
BRIAN G FITZPATRICK, 8048
ERIC C FLEMING, 5781
ANDREW J FLOYD, 9670
VINCENT H FONTENOT JR., 7555
KEITH A FORKIN, 8977
MATTHEW J FOWLER, 9707
WESLEY A FRASARD JR., 3952
ERIK G FRECHETTE, 7915
THOMAS J FREEL, 2730
ROBERT A FREELAND, 4087
LLOYD D FREEMAN, 0937
JAMES W FREY, 4855
KEITH A FRY, 7408
BRYON J FUGATE, 4634
ALEX K FULFORD, 6286
ROBERT C FULFORD, 5824
DARYL M FULLER, 8826
JAMES H FULLER, 7038
MARK R FULLER, 4864
JAMES R FULLWOOD JR., 1015
THOMAS M GAINOR, 0542
CHRISTOPHER J GALFANO, 4498
EDWARD A GARLAND, 0476
DANIEL W GEISENHOF, 8657
JASON S GERIN, 2278
WILLIAM W GERST JR., 5832
STEPHEN P GHOLSON, 2524
ROBERT R GICK, 3607
JOSEPH C GIGLIOTTI, 5229
ERIC M GILLARD, 9014
DEREK E GILLETTE, 2184
ERIC A GILLIS, 6391
WILLIAM E GLASER IV, 7260
DOUGLAS V GLASGOW, 6951
TIMOTHY C GOLDEN, 5900
HENRY L GONZALES, 1051
DANIEL F GOODWIN, 1303
PAUL A GOSDEN, 3218
ADRIAN C GOSS, 4819
WENDY J GOYETTE, 5776
JEFFREY M GRAHAM, 2385
DAVID P GRANT, 1080
JERAMY GREEN, 6609
MICHAEL T GREENO, 2223
DANIEL Q GREENWOOD, 2205
JUSTIN T GREINER, 5894
SEAN M GRENIER, 9596
THOMAS C GRESSER II, 4060
MICHAEL D GRICE, 3536
DAVID M GRIESMER, 4400
JOHN C GRISDALE, 7654
JOSEPH S GROSS, 0703
THOMAS A GRUNDHERR, 6213
PATRICK M GUINEE, 6239
CHRISTOPHER R HAASE, 4030
TERRY D HAGEN, 3792
WILLIAM T HAGEROTT, 3884
WILLIAM G HALL, 7489
JOSHUA P HALLETT, 7029
JON L HALVERSON, 2287
PATRICK H HANDLEY, 1956
MARK P HANEY, 1037
MICHAEL J HARMON, 9479
STUART M HARNESS, 3462
KEVIN C HARRIS, 3501
CHRISTIAN D HARSHBERGER, 4254
CARLTON W HASLE, 3681
JOHN W HATALA, 6824
ROBERT A HAUGHTON, 8449
MARK D HAWKINS, 4693
SEAN D HAYES, 5510
WESLEY T HAYES, 7428
DANIEL P HEALEY, 7599
KEVIN M HEARTWELL, 3785
RONALD E HEATH, 5933
CHAD T HEDLESTON, 9317
LEE G HELTON, 2771
CARL C HENGER, 0602
BRENT S HEPPNER, 4480
RAPHAEL HERNANDEZ, 8075
JOHN B HICKS, 0956
KARL E HILL, 3743
JOHN G HINSON, 4856
DANIEL P HINTON, 2626
PATRICK R HITTLE, 3154
MICHAEL O HIXSON, 5028
MICHAEL R HODSON, 1419
TIMOTHY H HOGAN, 7725
MITCHELL L HOINES, 5184
JOHN G HOLBROOK, 0593
SEANAN R HOLLAND, 3722
PIERRE G HOLLIS, 4134
RENEE A HOLMES, 3110
EVAN N HOLT, 9573
JEFFREY C HOLT, 0584
WILLIAM W HOOPER, 4255
PATRICK S HOULAHAN, 6629
JAMES E HOWARD, 9848
COLT J HUBBELL, 0459
MIKEL R HUBER, 1561
LAWRENCE E HUGGINS JR., 1942
BRIAN G HUGHES, 8025
THOMAS P HUMANN, 9327
NATHAN E HUNTINGTON, 9969
MICHAEL J IRONS, 8796
CHRISTOPHER B JACKSON, 4934
JEFFREY J JACKSON, 7560
THOMAS C JARMAN, 7231
DAVID K JARVIS, 0707
JEFFREY R JOHNSON, 4486
KARL E JOHNSON, 9042
JASON A JOHNSTON, 1816
CHARLES E JONES JR., 0429
DAVID E JONES, 6899
BRIAN P KALK, 2651
MICHAEL T KAMINSKI, 4563
KENNETH D KARIKA, 1403
JEFFREY S KAWADA, 1119
DANIEL R KAZMIER, 0435
PATRICK J KEANE III, 9549
AARON P KEENAN, 2226
HUNTER R KELLOGG, 0367
HOLLIE D KELLY, 9435
MATTHEW G KELLY, 6003
THOMAS E KERLEY, 0079
MILLER J KERR, 3429
ASLAM G KHAN, 3700
KYLE T KIMBALL, 5433
ROBERT L KIMBRELL II, 2199
PATRICK S KIRCHNER, 3802
SCOTT J KISH, 5405
CHRISTOPHER L KOELZER, 6136
WILLIAM S KOHMUENCH, 0593
FRANKLIN P KOLBE, 5364
STEVEN J KOTANSKY, 9431
BRYAN K KRAMER, 5422
ADAM R KUBICKI, 6439
DOUGLAS V KUHN, 0887
WALTER W KULAKOWSKI, 9865
ALEXANDER J KUZMA, 9782
SCOTT S LACY, 3538
JOHN P LAGANA JR., 1034
TROY D LANDRY, 4928
EDWARD T LANG, 8542
DARYL J LANINGA, 1921
STUART C LANKFORD, 2033
WILLIAM F LAPRATT, 2282
ERIC R LARSON, 4892
TERRENCE H LATORRE, 5792
FRANK N LATT, 9600
BRUCE W LAUGHLIN, 6832
PATRICK T LAVIGNE, 0705
GARY P LEE, 6437
WALTER S LEE JR., 8474
RAYMOND H LEGALL, 2305
MICHAEL T LEGENS JR., 2986
JASON D LEIGHTON, 0526
WENDELL B LEIMBACH JR., 6985
MARK J LENNERTON, 3030
MICHAEL D LEPSON, 5266
REGINALD LEWIS, 6215
RODNEY L LEWIS, 4148
RAUL LIANEZ, 7067
MARK D LIGHT, 8808
ROBERT S LIST, 7118
MARK A LISTER, 3598
ERIC S LIVINGSTON, 5184
ERIK A LLUFRIO, 7281
CURTIS T LOBERGER, 7033
DANIEL C LOGAN, 6691
JOSEPH A LORE, 2272
MELVIN L LOVE, 6119
MICHAEL W LOWES, 7156
JOHN M LOZANO, 0197
DAVID W LUCAS, 9505
JOSEPH A LUCIA III, 5817
RICHARD J LUCIER, 5450
JOSHUA L LUCK, 3949
HENRY W LUTZ III, 7439
JOHN J LUZAR, 0620
WILLIAM R LYNCH, 7287
JOSEPH F LYONS, 0231
JOHN F MACEIRA, 9477
JASON R MADDOCKS, 6880
SCOTT A MADZIARCZYK, 4008
MICHAEL S MAGEE, 4616
GEORGE G MALKASIAN, 4716
DENNIS A MANACO, 6036
MICHAEL P MANDEL, 3435
ROBB P MANSFIELD, 9927
SHAWN E MANSFIELD, 1524
RUSSELL W MANTZEL, 4013
LEONARD F MARTIN, 7225
HERIBERTO A MARTINEZ, 0069
DEMETRIUS F MAXEY, 5535
JOSEPH E MAYBACH, 8589
DAVID H MAYHAN, 3688
CLYDE D MAYS, 4702
THOMAS G MCCANN II, 3474
MATTHEW J MCCORMACK, 8621
MATTHEW J MCDIVITT, 5179
ROGER T MCDUFFIE, 0688
GARY D MCGEE, 8162
PATRICK M MCGEE, 4250
ALAN G MCKINNON, 5108
MARIA S MCMILLEN, 0748
WILLIAM J MCWATERS, 6602
JEFFREY W MEGARGEL, 6779
FRANCISCO J MELERO, 9395
ELDON E METZGER, 3961
RALPH B MEYERS, 0749
SAMUEL L MIDDLETON, 6153
DAVID M MIKKOLA, 4389
CHARLES J MILES, 7512
ALEXANDER H MILLER, 3424
BOYD A MILLER, 0984
DANIEL E MILLER, 7881
PAUL W MILLER, 7974
LYNE H MILLS, 9433
TERRY S MILNER, 3452
THOMAS P MITALSKI, 2732
ROBBY J MITCHELL, 6483
JOHN V MOLOKO, 4002
MICHAEL C MONTI, 6773
BRIAN P MONTOYA, 4163
MICHAEL J MOONEY, 7067
SEAN P MOONEY, 9588
CURTIS E MOORE II, 1412
KEITH F MOORE, 8032
JUAN J MORENO, 0896
JERRY R MORGAN, 8795
PAUL T MORGAN, 4487
ROBERT S MORGAN, 6605
DAVID C MORRIS, 3672
JASON L MORRIS, 4116
JOE H MORRIS, 5139
CHRISTOPHER D MORTON, 3419
HAROLD M MOSLEY, 5896
MICHAEL L MULLER, 1362
LANCE D MUNIZ, 4077
MAUREEN B MURPHY, 7528
JOSEPH C MURRAY, 1362
MICHAEL D MYERS, 1026
THOMAS J NAUGHTON JR., 1496
JAMES D NEAL JR., 1676
NATHAN G NEBLETT, 6196
BRIAN W NEIL, 9527
CHANDLER S NELMS, 4331
DOUGLAS B NELSON, 9177
MARCUS J NELSON, 7012
GEORGE J NEMES JR., 9516
JULIE L NETHERCOT, 9869
JOHN M NEVILLE JR., 1361
ANDREW M NIEBEL, 0319
EDWARD W NOVACK, 1550
BERNARD J NOWNES II, 1327
PAUL J NUGENT, 5627
CLINT J NUSSBERGER, 0414
CHRISTOPHER A OBALLE, 3833
DAVID M OCONNELL, 8565
KENNETH A OLDHAM, 5093
ERIC G OLSON, 9330
MICHAEL J ONEIL, 2375
GEORGE R OPRIA, 9566
PLACIDO C ORDONA JR., 0002
JOHNJOHN E ORILLE, 5750
JOHN C OSBORNE JR., 7832
MICHAEL S OSHAUGHNESSY, 4123
JOHN J OTOOLE III, 4148
SOUTSANASO OUNKHAM, 6459
DAVID S OWEN, 7702
KEITH E OWENS, 5685
PATRICK R OWENS, 5207
LOUIS J PALAZZO, 8391
SEAN D PARKER, 5680
TERRY L PATTERSON, 7209
CHRISTOPHER D PATTON, 0128
JEFFERY S PAULL, 5261
CLARKE A PAULUS, 8119
GEORGE L PAVEY, 3085
JOHN S PAYNE II, 1056
SCOTT A PAYNE, 9343
SCOTT B PEARSON, 0124
THOMAS A PECINA, 5625
ERIC A PECK, 1533
JACQUES T PELLETIER, 5921
DANIEL K PENCE, 8451
TODD E PERRY, 7260
JOHN PERSANO III, 5519
PHILLIP E PETERS II, 8051
RICHARD E PETERSEN, 8779

DAVID S PETERSON, 8499
JOHN D PETERSON, 5012
RONALD J PETERSON, 2688
ANDREW J PETRUCCI, 2876
DAVID H PETTERSSON, 7295
CHRISTOPHER L PHELPS, 1883
LLOYD G PHILLIPS JR., 7647
MICHAEL A PHILLIPS, 6836
RAYMOND J PLACIENTE, 8651
DARRELL W PLATZ, 7935
RICARDO T PLAYER, 7111
JOHN R POLIDORO JR., 0260
THOMAS E PRENTICE, 5542
TODD E PRESCOTT, 1501
CHARLES P PRESTON IV, 4442
JOHN J PRIFF, 7638
JAMES A PRITCHARD, 5916
MICHAEL J PROUTY, 4899
JOHN A PRYCE, 5752
MICHAEL A PURCELL, 0808
ERIC A PUTMAN, 9254
SCOTT C RAINVILLE, 4892
KELLY C RAMSHUR, 5395
CARLOS G RASCON, 4621
RICHARD R RAY JR., 5212
MICHAEL T RECCE, 5998
ROBERT D REDMOND II, 6931
MARVIN REED, 8022
KEVIN P REILLY, 7538
NORMAN L REITTER, 5535
DAVID S RENTZ, 2380
TIMOTHY D RENZ, 2148
THOMAS J REPETTI SR, 4761
MATTHEW B REUTER, 7954
DAVID A REYNOLDS, 7614
GREGORY F RHODEN, 5618
ROBERT C RICE, 9586
WILLIAM G RICE IV, 3570
RODNEY A RICHARDSON, 1849
CHRISTOPHER S RICHIE, 1634
RYAN S RIDEOUT, 7895
SEAN R RIGGS, 0957
SEAN M RIORDAN, 3858
PHILLIP R ROBERSON JR., 9372
BENJAMIN A ROBERTSON, 4147
BRIAN P ROBINS, 1561
GEORGE M ROBINSON, 1065
STEVEN ROBINSON, 0765
EDWARD J RODGERS, 0581
CARLOS R RODRIGUEZ JR., 3004
FRANCISCO J RODRIGUEZ, 7446
CRAIG D ROGERSON, 9376
ERIC J ROPELLA, 4826
ERIC S ROTH JR., 2647
GARY D ROTSCH, 0165
JAMES K ROUDEBUSH, 0141
CARLOS C ROWE, 4333
GEORGE B ROWELL IV, 6791
HAROLD J RUDDY, 1183
JEFFREY N RULE, 5952
JOSEPH J RUSSO, 5829
RONALD J RUX JR., 4871
MICHAEL V SAMAROV, 9507
BRIAN G SANCHEZ, 6142
ELEAZAR O SANCHEZ, 5109
DAVID B SANDVOLD, 8881
OWEN A SANFORD, 9121
FREDERICK G SCHENK, 4419
KURT J SCHERER, 7114
RICHARD A SCHILKE, 8313
JAMES A SCHNELLE, 0336
ROBERT W SCHRODER, 5873
ROBERT E SCHUBERT JR., 8531
JASON C SCHUETTE, 3798
JEFFERY SCHULMAN, 2019
MICHAEL E SCHUTTE, 6204
GEORGE A SCHUTTER III, 1906
MICHAEL B SCHWEIGHARDT, 4996
EDWIN L SCOGGIN, 8353
DOUGLAS J SCOTT, 1106
KEVIN R SCOTT, 6027
DANIEL D SEIBEL, 9546
JONATHAN W SELBY, 6420
KEITH E SHAFFER, 7336
WILLIAM D SHANNON, 0956
GLEN F SHARLUN, 0432
PETER J SHELBY, 6540
MARK W SHELLABARGER, 5049
DANIEL L SHIPLEY, 3495
DALE E SHORT, 7698
MARK T SILCOX, 2884
TIMOTHY A SILKOWSKI, 5127
TODD P SIMMONS, 5153
TY A SIMMONS, 0379
THOMAS K SIMPERS, 2183
MICHAEL S SIMS, 3201
WALTER S SKRZYNSKI, 4383
WILLIAM M SLOAN, 0838
MARK E SLUSHER, 1908
DAVID W SMITH, 1090
DUNCAN D SMITH JR., 2602
MARCUS C SMITH, 7977
MARK D SMITH, 3696
SAMUEL H SMITH, 3795
MICHAEL J SOBKOWSKI JR., 9182
ALAN W SOLTER, 6797
JOHN H SORENSON, 3325
DAVID B SOSA, 4741
KURT J SPACKMAN, 6525
ANTHONY M SPARAGNO JR., 5711
PHILLIP E STACKHOUSE, 0757
SEAN R STALLARD, 3384
ROBERT T STANFORD, 9852
JAMES L STANLEY, 8554
MARK J STANTON, 8809
MICHAEL C STARLING, 2834
MICHAEL J STEELE, 6447
JEFFREY A STIVERS, 4540
JAMES B STONE IV, 6291
DAVID E STRAUB, 3957
BRIAN L STROBEL, 5593
SCOTT P SUCKOW, 7124
MICHAEL J SUTHERLAND, 3132
TRAVIS L SUTTON, 4846
CHAD D SWAN, 9357
SHAWN M SWIER, 4238
DAVID S SYLVESTER, 9742
PATRICIO A TAFOYA, 0579
GLENN K TAKABAYASHI, 4034
CHRISTOPHER P TANSEY, 9620
MICHAEL J TARGOS III, 8179
EDWARD R TAYLOR, 9705
JOHN E TAYLOR, 2660
MONTE D TENKLEY, 9527
BRADFORD J TENNEY, 6455
ROBERT E THIEN, 2844
IVAN G THOMAS, 5416
MICHAEL A THOMAS, 1760
TIMOTHY W THOMASSON, 5438
MARK C THOMPSON, 2111
JOHN D THURMAN, 1532
ROBERT B TIFFT, 6939
CLAY C TIPTON, 5435
BRIAN F TIVNAN, 7406
JEFFERY J TLAPA, 5373
KRIS A TLAPA, 3979
TODD S TOMKO, 6734
WILLIAM H TORRICO, 4875
SCOTT M TOUNEY, 3940
JOHN C TREPKA, 6478
DAVID W TURNER, 5189
LARRY E TURNER JR., 0529
STEPHEN A TYNAN, 3195
SCOTT E UKEILEY, 7692
WILLIAM A ULLMARK JR., 6901
CARLOS O URBINA, 2593
TONY UZZLE, 7768
GABRIEL L VALDEZ III, 0876
HENRY E VANDERBORGHT, 9966
MICHAEL K VANNEST, 3385
STEPHEN K VANRIPER, 5010
MICHAEL C VARICAK, 9840
LUIS E VELAZQUEZ, 5139
LUIS E VILLALOBOS, 8126
SALVATORE VISCUSO III, 5474
GLENN C VOGEL, 4924
ROBERT M VOITH, 8673
DEAN J VRABLE, 7960
RHETT J VRANISH, 6335
WILLIAM N WAINWRIGHT, 7889
JASON E WALDRON, 8865
TODD S WALDRON, 2683
CHRISTOPHER K WALES, 9337
RICHARD E WALKER III, 8015
TYRONE WALLS, 2871
BENNETT W WALSH, 9058
DAVID C WALSH, 9180
CHRISTOPHER B WALTERS, 7786
WILLIAM M WANDO, 3981
ROBERT Q WARD, 6966
JAMES W WATERS, 8693
MCCLENDON N WATERS III, 6919
CLARK E WATSON, 7694
TIMOTHY C WATTS, 1802
PAUL R WEAVER, 6154
HENRY D WEEDE, 8966
AARON D WEISS, 9632
JAMES B WELLONS, 0741
MARTIN F WETTERAUER III, 3619
WILLIAM L WHEELER JR., 2064
EDWARD J WHITE, 0478
JOSEPH K WHITE, 8726
STEVEN J WHITE, 9657
TERENCE H WHITE, 9330
ZACHARY M WHITE, 2909
KEITH E WHITEHOUSE, 7974
RICHARD W WHITMER, 1609
BENJAMIN D WILD, 6046
JOSEPH D WILLIAMS, 4814
ROCKY W WILLIAMS III, 7475
ROBERT H WILLIS JR., 6593
JUSTIN W WILSON, 7683
PETER C WILSON, 2751
CARL D WINGO, 4672
CRAIG C WIRTH, 3957
STEVEN M WOLF, 4672
CRAIG R WONSON, 6172
BRYAN K WOOD, 9045
RONALD S WOOD, 4954
KEVIN S WOODARD, 7826
JOSEPH B WOODS, 2223
ERIK G WOODSON, 4632
BENJAMIN Z WOODWORTH, 1448
JASON G WOODWORTH, 5425
GREGORY T WRIGHT, 9457
TROY V WRIGHT, 0663
JOSEPH A WRONKOWSKI, 6287
WILLIAM WROTEN JR., 2072
JAY D WYLIE, 9272
DANIEL L YAROSLASKI, 6293
DAVID J YOST, 3826
DEVIN C YOUNG, 8735
PAUL F ZADROZNY JR., 5303
SIDNEY G ZELLER, 2116
PHILLIP M ZEMAN, 9939
ANTHONY M ZENDER, 0762
JAY K ZOLLMANN, 2985

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

BRUCE R. CHRISTEN, 4964

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

COLE J. KUPEC, 8617

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be commander

JAMES E. LAMAR, 8859

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

ROBERT E BEBERMEYER, 5528
THOMAS A BUSHAW, 2913
JOSHUA B ELKINS, 2920
JORGE R FLORES, 0666
RANDALL R HARRIS, 2142
TIMOTHY I MIKLUS, 3743
ANDREW T MILLER, 5243
JOHN J MOLINARI, 3400
JAMES L MUNIZ, 5631
THOMAS J PETRUCCI JR., 1421
CHRISTOPHER D ARDON, 4184
BENJAMIN A SHUPP, 7469

HOUSE OF REPRESENTATIVES—*Tuesday, April 9, 2002*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. WALDEN of Oregon).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 9, 2002.

I hereby appoint the Honorable GREG WALDEN to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

My sisters and brothers, let us pray for peace in the Middle East.

Lord God of Passover and Christ's Paschal Mystery, grant peace to the Israeli and Palestinian peoples. You have told us, "When you make the two one, you will become the children of God; and when you say, 'Mountain move away,' it will move."

Deepen faith in You, O Lord, at this moment in history; that Your justice and peace will bless the land that all those of Abrahamic faith call holy.

Without compromising faith in Your loving providence and faithful to religious practice, may the people of the Middle East be rooted in the common purpose and the beauty of human life revealed in Your holy scriptures.

By their faithfulness to the prophetic wisdom contained in their respectful traditions, lead them to compromise false expectations, boundaries and even the land of faithful parents to bring about the peace and unity promised by You, O Lord.

May the freedom of Passover and the new life of Easter end the violence of armaments, language, and age-old sentiments, so that the promised land may bring forth people of promise. For this will restore around the world hope in You, O Lord, now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. PITTS. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Speaker's approval of the Journal.

The question was taken.

Mr. PITTS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 1222. An act to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building".

S. 1321. An act to authorize the construction of a Native American Cultural Center and Museum in Oklahoma City, Oklahoma.

S. 1499. An act to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 21, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2002 at 12:07 p.m.:

That the Senate passed without amendment H.R. 3986.

With best wishes, I am
Sincerely,

MARTHA C. MORRISON,
Deputy Clerk.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 22, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 21, 2002 at 5:05 p.m.:

That the Senate passed without amendment H. Con. Res. 360.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 22, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 22, 2002 at 10:00 a.m.:

That the Senate passed without amendment H.R. 3985.

That the Senate passed S. Res. 231.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 25, 2002.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on March 25, 2002 at 11:30 a.m.:

That the Senate passed without amendment H.R. 1432.

That the Senate passed without amendment H.R. 1748.

That the Senate passed without amendment H.R. 1749.

That the Senate passed without amendment H.R. 2577.

That the Senate passed without amendment H.R. 2876.

That the Senate passed without amendment H.R. 2910.

That the Senate passed without amendment H.R. 3072.

That the Senate passed without amendment H.R. 3379.

That the Senate passed without amendment H. Con. Res. 339.

That the Senate passed without amendment H. Con. Res. 361.

With best wishes, I am

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

ANNOUNCEMENT BY SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule 1, Speaker pro tempore WOLF signed the following enrolled bills on Monday, March 25, 2002:

H.R. 2356, to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform;

H.R. 3985, to amend the act entitled "An Act to Authorize the Leasing of Restricted Indian Lands for Public, Religious, Educational, Recreational, Residential, Business, and other purposes Requiring the Grant of Long-term Leases," approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian community;

H.R. 3986, to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001;

And the following enrolled bills on Thursday, March 28, 2002:

H.R. 1432, to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the "Major Lyn McIntosh Post Office Building;"

H.R. 1748, to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building;"

H.R. 1749, to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building;"

H.R. 2577, to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob Davis Post Office Building;"

H.R. 2876, to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building;"

H.R. 2910, to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building;"

H.R. 3072, to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the "Vernon Tarlton Post Office Building;"

And H.R. 3379, to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the "Raymond M. Downey Post Office Building."

COMMUNICATION FROM STAFF ASSISTANT OF HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Christopher Raymond, staff assistant of the Honorable RICHARD A. GEPHARDT, Member of Congress:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
Washington, DC, April 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHRISTOPHER RAYMOND,
Staff Assistant.

COMMUNICATION FROM LEGISLATIVE CORRESPONDENT OF HON. NANCY PELOSI, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Nathaniel Barr, legislative correspondent of the Honorable NANCY PELOSI, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

NATHANIEL BARR,
Legislative Correspondent.

COMMUNICATION FROM STAFF ASSISTANT OF HON. RICHARD A. GEPHARDT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Jama Adams, staff assistant of the Honorable RICHARD A. GEPHARDT, Member of Congress:

WASHINGTON, DC,
April, 5, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the U.S. District Court for the District of Columbia.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

JAMA ADAMS,
Staff Assistant.

APPOINTMENT OF MEMBER TO SOCIAL SECURITY ADVISORY BOARD

The SPEAKER pro tempore. Without objection, and pursuant to section 703 of the Social Security Act (42 U.S.C. 903) as amended by section 103 of Public Law 103–296, the Chair announces the Speaker's appointment of the following member on the part of the House to the Social Security Advisory Board to fill the existing vacancy thereon:

Mrs. Dorcas R. Hardy, Spotsylvania, Virginia.

There was no objection.

TAX FACTS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, 6 days from now millions of Americans will be scrambling to get their Federal income taxes done. Every year at this time we are reminded how much of a burden the American tax payer bears. Here are some facts: 10 years ago the IRS said it took the average person 9½ hours to complete a 1040 form. Today it takes 13 hours. That is enough time to play four baseball games. This year it will cost Americans about $194 billion just to comply with the tax code, enough to buy 4.7 million brand-new Cadillacs. The IRS employs over 104,000 people. That is four times as many people that work for the FBI.

Mr. Speaker, if there is a lesson to learn from all of this it is this: that taxes will keep going up and up if we do not constantly fight to keep them down.

In 1913, the first year of the Federal income tax, the top rate was 7 percent and that was the rate for millionaires. Today the top rate is almost 40 percent.

The American people need more tax relief, tax reform and IRS reform; and I urge my colleagues to make this a priority this year.

CONGRATULATIONS TO ILLINOIS HIGH SCHOOL BASKETBALL TEAMS

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as we return from recess, all of us saw a great deal of basketball; and I want to congratulate three outstanding high schools in my district for having won championships: Westinghouse, State of Illinois Boys' Championship; Providence St. Mel, Elite 8 Illinois high school regional champions. And I might add that 95 percent of all the students at this school go to college. I would also like to give accolades to Marshall High School for winning the city of Chicago's girls' championship under the leadership of Mr. Pitman and Dorothy Gaiter, who is the winningest female basketball coach in the United States of America. I congratulate all of them.

FN MANUFACTURING, A NATIONAL ASSET

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Operation Anaconda has been successfully concluded, and while we are thankful for the courage and valor of our military in the field, we also owe thanks to those Americans who provide the weapons our troops need, which made this victory and future victories possible.

Last week I toured a national asset in the Second Congressional District of South Carolina, FN Manufacturing of Columbia. This company makes over 75 percent of the machine guns, rifles and other small arms of the U.S. Armed Forces. These are the finest infantry weapons ever made: rugged, dependable and effective.

Five hundred professional South Carolinians, skilled machinists, fabricators, designers, and engineers are dedicated to maintaining their world-famous high qualities. I met in person the hard-working FN employees who are making a difference for peace through strength.

America is fortunate to have a proven supplier whose products are clearly needed and highly praised by those in harm's way as we proceed to victory in the war on terrorism.

PENSION REFORM

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Mr. Speaker, as a member of the Committee on Education and the Workforce, I can report that the pension reform bill that passed on a partisan vote from our committee does not help employees. Instead, big business is allowed to keep a two-tiered pension system, a system that protects executives but leaves the employees to fend for themselves; and that is wrong.

I offered an amendment in committee, Mr. Speaker. That amendment ensures that hard-working Americans have the same pension protections as their company's executives. Democrats are fighting for employees who work hard, who play by the rules, who plan their retirement, not punish them. Not punish them by allowing executives to raise the pension funds and then get off scott-free.

I urge my Republican colleagues to join us as we fight to enact real pension reform parity between executives and their employees.

GOVERNOR GUINN'S VETO

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday Nevada made history. History, Mr. Speaker, because Nevada's Governor, Kenny Guinn, vetoed a Presidential decision, a decision to ship nuclear waste to the State of Nevada. Almost 2 decades ago when Nevada was given the right to cast this veto, we were under the impression that a recommendation on Yucca Mountain would be based on sound science, assuring the safety and security of Nevadans and every American.

Instead, the process has been riddled with bias, and the DOE recommendation was based on political expediency. For example, the DOE refuses to address the inherent problems that come with transporting the deadliest substance known to man through 43 States and for 3 decades to come.

Mr. Speaker, I applaud Governor Guinn's decision to stand up to the convoluted mess of special interests and corruption that the Department of Energy refers to as the Yucca Mountain project.

I urge my colleagues to join Nevada's Governor and delegation in opposing a project that is immeasurably dangerous to every American.

□ 1415

ISRAEL'S RIGHT TO DEFEND ITSELF AGAINST TERRORISM

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, I rise today with a heavy heart, for like millions of Americans, I pray for the peace of Jerusalem almost every day, for the peace and security of the Jews and the Christians and the Muslims who call this ancient city their home. And, of course, we now know that after 18 months of suicide bombings and relentless terrorist attacks, Israel has begun to defend itself, rolling armaments and military personnel into the West Bank, and not without results, uncovering 15 explosive labs, arresting 600 fugitives from crime, and of course, there have been no recent suicide bombings since the incursion. Nevertheless, the President of the United States yesterday encouraged Israel to withdraw from the West Bank without delay.

Mr. Speaker, I rise today on behalf of hundreds of thousands of believing Christians and Jews across Indiana, and even many Muslims who pray for the peace of Jerusalem, and say let us stand with Israel without delay.

Let the word go forth from this Chamber, to this administration and to the world, that the citizens of this country and the overwhelming majority of this Congress says America stands with Israel.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Pursuant to clause 8 of rule XX the Chair will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6:30 p.m. today.

RECOGNIZING ELLIS ISLAND MEDAL OF HONOR AND COMMENDING NATIONAL ETHNIC COALITION OF ORGANIZATIONS

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 377) recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations.

The Clerk read as follows:

H. RES. 377

Whereas the Ellis Island Medal of Honor, established by the National Ethnic Coalition of Organizations in 1986, pays tribute to individuals of various ethnic origins who have distinguished themselves through their contributions to the United States;

Whereas the Ellis Island Medal of Honor has been awarded on a bipartisan basis to 6 Presidents and numerous Representatives and Senators;

Whereas the National Ethnic Coalition of Organizations is the largest organization of its kind in the United States, representing more than 5,000,000 family members and serving as an umbrella group for more than 250 organizations that span the spectrum of ethnic heritage, culture, and religion;

Whereas the mandate of the National Ethnic Coalition of Organizations is to preserve ethnic diversity, promote equality and tolerance, combat injustice, and bring about harmony and unity among all peoples;

Whereas the Ellis Island Medal of Honor is named for the gateway through which more than 12,000,000 immigrants passed in their quest for freedom of speech, freedom of religion, and economic opportunity;

Whereas the Ellis Island Medal of Honor celebrates the richness and diversity of American life by honoring not only individuals, but the pluralism and democracy that have enabled the Nation's ancestry groups to maintain their identities while becoming integral parts of the American way of life;

Whereas during the 15-year history of the Ellis Island Medal of Honor, more than 1,500 individuals from scores of different ethnic groups have received the Medal, and more than 5,000 individuals are nominated each year for the Medal; and

Whereas at the 2002 Ellis Island Medal of Honor ceremony in New York City, individuals from different ethnic groups will be honored for their contributions to the rescue and recovery efforts of September 11, 2001, the war against terrorism, and the enhancement of the Nation's homeland security: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the Ellis Island Medal of Honor for acknowledging individuals who live exemplary lives as Americans; and

(2) commends the National Ethnic Coalition of Organizations for its sponsorship of the Ellis Island Medal of Honor.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 377 recognizes the Ellis Island Medal of Honor and commends the National Ethnic Coalition of Organizations.

The National Ethnic Coalition of Organizations represents more than 5 million people and serves as an umbrella group for more than 250 organizations. Those groups span the spectrum of ethnic heritage, culture and religion. The mandate of the Coalition is to preserve ethnic diversity, promote equality and tolerance, combat injustice and bring about harmony and unity among all people.

The Ellis Island Medal of Honor was established by the National Ethnic Coalition of Organizations in 1986. It honors the many groups who have struggled and sacrificed to help build this great Nation. Past medal winners include six Presidents: Presidents Clinton, Bush, Reagan, Carter, Ford and Nixon. Senators, Congressmen, and Nobel Prize winners are also among the 1,500 people who have received Ellis Island Medals of Honor.

The Ellis Island Medal of Honor celebrates the richness and diversity of American life. The award honors more than just individuals. It honors the pluralism and democracy that have enabled our ancestry groups to maintain their identities while becoming integral parts of American life.

By honoring these individuals, we honor all those who share their origins. We acknowledge the contributions they and other groups have made to our country.

The 2002 Ellis Island Medals of Honor will be awarded on May 11. They will honor those individuals from different ethnic groups who contributed to the rescue and recovery efforts stemming from September 11. They will also honor those involved in the war against terrorism and the enhancement of our Nation's homeland security. I congratulate this year's honorees.

I want to commend the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform, and the gentleman from New York (Mr. RANGEL) for their sponsorship of this resolution and for their support of the Ellis Island Medal of Honor. I would also like to thank the gentleman from California (Mr. WAXMAN), the ranking member, for helping to bring this important resolution to the floor.

Mr. Speaker, our diversity and our tolerance are two uniquely American values that make this country great. During these troubled times of ethnic strife all around the world, these values are worth reflecting on and honoring in this country. I commend the National Ethnic Coalition of Organizations. I urge adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I would consume.

Mr. Speaker, I am pleased to join with the gentleman from Virginia (Mr. TOM DAVIS) in consideration of this resolution.

This resolution, which recognizes the Ellis Island Medal of Honor and commends the National Ethnic Coalition of Organizations, NECO, encourages diversity and tolerance in American life. The mission of the NECO is to preserve ethnic diversity, promote equality and tolerance, combat injustice and bring about harmony and unity to all people.

To promote its mission, the NECO hosts the Ellis Island Medals Awards Gala, which honors Americans of various ethnic origins for their outstanding contributions to this country.

From 1892 to 1954, over 12 million immigrants entered the United States through the portal of Ellis Island, a small island in New York Harbor. Ellis Island is located in the upper bay just off the New Jersey coast, within the shadow of the Statue of Liberty.

From the very beginning of the mass migration that spanned 1880 to 1924, a group of politicians and nativists demanded increased restrictions on immigration. Laws and regulations such as the Chinese Exclusion Act, the Alien Contract Labor Law, and the institution of a literacy test tried to stem the tide of new immigrants to this country.

Ellis Island ceased to be a major entry point for immigrants in 1921 with the passage of Quota Laws and in 1924 with the passage of the National Origins Act. These restrictions were based upon a percentage system according to the number of ethnic groups already living in the United States as per the 1890 and 1910 Census.

It was an attempt to preserve the ethnic flavor of the "old immigrants," those earlier settlers primarily from northern and western Europe. The perception existed that the newly arriving immigrants, mostly from southern and eastern Europe, were somehow inferior to those who came earlier.

It is appropriate then that Congress recognizes organizations like NECO and American citizens who recognize the importance of preserving ethnic diversity and fostering harmony and unity among all peoples.

Who decides whose identity, culture, or ethnicity is more important or has more value? Who has that authority? No one. No human being has that authority.

We can, however, embrace our own cultures and those that are unknown and unfamiliar to us. America is a land of United States and of united peoples of various cultures and backgrounds. That is America's strength and greatest asset, and this resolution recognizes that.

It is hard to think of Ellis Island at any time without thinking of the words of Emma Lazarus when she wrote, Give me your tired, your huddled masses, teeming to be free.

Yes, Ellis Island has been a beacon of the openness of what America is seeking to become. I am proud to join in this resolution and would urge all of my colleagues to support it.

Mr. BURTON of Indiana. Mr. Speaker, it is with great pride that I rise today to express my appreciation to my colleagues in the House of Representatives who voted to pass H. Res. 377, a resolution that I introduced recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations (NECO).

NECO's annual medal ceremony and reception on Ellis Island in New York Harbor is the Nation's largest celebration of ethnic pride. Established in 1986 by NECO, the Ellis Island Medals of Honor pay tribute to the ancestry groups that comprise America's unique cultural mosaic. To date, approximately 1400 American citizens have received medals.

NECO is the largest organization of its kind in the U.S. serving as an umbrella group for over 250 ethnic organizations and whose mandate is to preserve ethnic diversity, promote ethnic and religious equality, tolerance and harmony, and to combat injustice, hatred and bigotry. NECO has a new goal in its humanitarian mission: saving the lives of children with life-threatening medical conditions. NECO has founded The Forum's Children Foundation, which brings children from developing nations needing life-saving surgery to the United States for treatment.

Ellis Island Medals of Honor recipients are selected each year through a national nomination process. Screening committees from NECO's member organizations select the final nominees, who are then considered by the Board of Directors. Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders and business executives, such as Bill Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, George Pataki, Mario Cuomo, Bob Hope, Frank Sinatra, Michael Douglas, Gloria Estefan, Coretta Scott King, Rosa Parks, Elie Wiesel, Muhammad Ali, Mickey Mantle, General Normal Schwarzkopf, Barbara Walters, Terry Anderson, Dr. Michael DeBakey, Senator JOHN MCCAIN, and Attorney General Janet Reno.

I would like to close by expressing my deepest gratitude to my good friends Bill Fugazy and Rosemarie Taglione and everyone associated with NECO and the Ellis Island Medal of Honor.

Mr. DAVIS of Illinois. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I urge adoption of this resolution.

Mr. Speaker, I have no other speakers, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 377.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. TOM DAVIS of Virginia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

* * *

ACQUISITION STREAMLINING IMPROVEMENT ACT

Mr. TOM DAVIS of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3921) to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program.

The Clerk read as follows:

H.R. 3921

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Acquisition Streamlining Improvement Act".

SEC. 2. EXTENSION OF PROGRAM APPLYING SIMPLIFIED PROCEDURES TO CERTAIN COMMERCIAL ITEMS; REPORT ON PROGRAM.

Section 4202 of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104–106; 110 Stat. 652; 10 U.S.C. 2304 note) is amended—

(1) in subsection (e), by striking "January 1, 2003" and inserting "January 1, 2005"; and

(2) by adding at the end the following new subsection:

"(f) REPORT.—Not later than March 1, 2004, the Comptroller General shall submit to Congress a report on—

"(1) the effectiveness of the implementation of the provisions enacted by this section;

"(2) the extent to which the amount of time required to award contracts and the administrative costs associated with such contracts were reduced as a result of such implementation;

"(3) the extent to which prices under such contracts reflected the best value; and

"(4) any recommendations for improving the effectiveness of the implementation of the provisions enacted by this section.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the leadership of the Chairman of the Committee on Government Reform on this important legislation, and I rise in strong support of H.R. 3921, the Acquisition and Streamlining Improvement Act of 2002. This bill extends for 2 years the Clinger-Cohen Act's successful pilot program for streamlined acquisitions of commercially available items.

The landmark Clinger-Cohen Act recognized the value of these streamlined procedures in its pilot program. They provide the foundation for establishing commercial-like responsiveness in this government when it buys commercial items.

The streamlined procedures apply for purchases of $5 million or less when a contracting officer reasonably expects that offers in response to a solicitation will only include commercial items. They permit the use of shorter deadlines, fewer burdensome government-unique requirements, and minimized administrative costs. In sum, they give contracting officers greater discretion to select the most advantageous offer for the government and to do so in a business-like manner.

This program has been very useful in a number of different areas. For example, the Pentagon recently used this authority to expedite repairs after the tragic terrorism attack on September 11. DOD set a goal of having the Pentagon restored by this fall, the 1-year anniversary of the attack. That is a very aggressive goal for such a complicated job. If one step in the process falls through, the entire project can fail.

One significant step at the Pentagon has been the effort to quickly restore what DOD calls the critical pathway to the damaged wing. DOD used the Clinger-Cohen pilot program authority to buy routers and switches to reestablish the communications grid. Using conventional procurement procedures to buy this equipment would have added extra months and would have jeopardized the whole project's timely completion by the 1-year anniversary.

The Clinger-Cohen pilot program helped DOD cut through the red tape of this critical pathway and on many other projects in the reconstruction. It also provides strategic management tools that the Department of Defense and other Federal agencies need to establish key acquisition projects in the wake of terrorist attacks. Unfortunately, unless we act now, this important pilot program will expire at the end of this year.

Governmentwide, we see Federal agencies continuing to grapple with barriers to buying the best value in the goods and services they need. Agencies need better management approaches and improved purchasing tools, including the Clinger-Cohen pilot program authority, to help acquisition managers meet their agency goals.

Indeed, the Office of Federal Procurement Policy's survey of procurement executives showed that the streamlined acquisition authority in the Clinger-Cohen pilot has had a positive impact on the Federal procurement process. These procurement executives recommend continuing the program.

The Subcommittee on Technology and Procurement Policy, which I chair, and the Committee on Government Reform, under the leadership of the gentleman from Indiana (Mr. BURTON), have encouraged the development of commonsense approaches to acquisition policy.

I have also been working in the subcommittee with the minority and with the administration for broader acquisition reform. I recently introduced H.R. 3832, the Services Acquisition Reform Act, SARA, which directs the Federal Government to adopt management reform techniques modeled after those of the private sector.

I have also introduced H.R. 3426, the Federal Emergency Procurement Flexibility Act, with the gentleman from Pennsylvania (Mr. WELDON), my good friend, Senator JOHN WARNER and Senator FRED THOMPSON. This legislation came about after we were contacted last year by Governor Ridge and the Homeland Security Office about many of the ongoing barriers Federal agencies are experiencing in accessing the tools necessary to fight the war on terrorism. This legislation will provide agencies with the tools necessary to immediately access the latest commercial technologies, products and services to combat terrorism.

The bill before us today, H.R. 3921, the Acquisitions Streamlining Improvement Act of 2002, allows agencies to continue to use the Clinger-Cohen pilot program streamlined procedures for the purchase of commercial items.

☐ 1430

Mr. Speaker, if an item is available commercially and at a competitive price, the government should not have to go through a long, drawn-out procurement process. Where there are several competitors in a marketplace, and this competition is keeping prices in line, then streamlined acquisition procedures make sense, and save time and money. They make the government run smoother.

In closing, I thank the gentleman from Indiana (Mr. BURTON) who introduced this legislation. I thank the ranking member of the committee, the gentleman from California (Mr. WAXMAN), and the ranking member of the subcommittee, the gentleman from Texas (Mr. TURNER), for working with us to make good suggestions in moving this legislation forward. I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. TURNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Virginia (Mr. TOM DAVIS) for his leadership on this legislation. It is a continuing effort that we are making on our subcommittee that the gentleman from Virginia (Mr. TOM DAVIS) chairs to try to improve the process by which the Federal Government contracts for goods and services. It is, of course, a very challenging effort because it is important to not only improve and streamline the process, but at the same time ensure that the public's interest is protected, that the integrity of the contracting process is preserved, and that the taxpayers get the best deal for their dollars.

Under this bill, pilot authority that was previously granted under law is extended for an additional 2-year period of time, allowing acquisition procedures to be simplified for the purchase of commercial items up to $5 million in value. This authority began in 1996, and it was granted a 1-year extension in last year's defense authorization bill. The bill also requires the General Accounting Office to report to us on the effectiveness of this provision and to determine whether or not it has in fact reduced administrative time and costs in awarding contracts, while at the same time protecting the public's interest.

I thank the gentleman for including several suggestions that came from our side on this issue. I believe we have a strong bill as a result, and I am hopeful that this will once again prove to be a step forward in the acquisition process followed by our Federal agencies. It is part of an effort that also involves strengthening the training, the ability of the contracting officers who, under this legislation and similar legislation, have greater responsibility and less review by their acquisition superiors. The contracting officers are the key to making this effort successful, and I am confident that the efforts that are being made to strengthen contracting throughout the Federal Government will prove beneficial to all.

The decision to allow the use of simplified acquisition procedures to purchase commercial items up to $5 million in value is a well-intended effort to give our contracting officers more flexibility to do their job, thereby saving the taxpayers money and saving additional and unintended wastes of time and effort. This bill, by extending it for another period and sunsetting it, will give us the opportunity to be sure the bill is working as we have intended it.

Mr. Speaker, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman from Texas (Mr. TURNER) and the ranking member of the Committee on Government Reform (Mr. WAXMAN) for helping bring this bill to the floor. I think this bill is going to continue to improve acquisition responsiveness on the part of the Federal Government so that we can meet our goals, save the taxpayers money, and get the best value. I urge the adoption of this measure.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TURNER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and pass the bill, H.R. 3921.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WASHINGTON COUNTY, UTAH RECREATIONAL AND VISITOR FACILITIES

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3848) to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes.

The Clerk read as follows:

H.R. 3848

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FUNDS FOR RECREATIONAL AND VISITOR FACILITIES IN WASHINGTON COUNTY, UTAH.

The Secretary of the Interior, through the Bureau of Land Management, is authorized to grant to the State of Utah $2,500,000 for the development and construction of recreational and visitor facilities in the Sand Hollow Recreation Area located in Washington County, Utah, to fulfill the Federal commitment for the establishment and management thereof.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3848 provides funding for the development and construction of recreational facilities for the Sand Hollow Recreational Area in Washington County, Utah.

For several years, Washington County has been the fastest growing area in the State of Utah and a premier tourist destination. Several years ago, the Bureau of Land Management, Washington County Water Conservancy District, and the Utah Division of State Parks, together with local leaders and stakeholders, teamed up to identify necessary recreational opportunities, programs and facilities in the Sand Hollow area near the City of St. George. In May, 2001, these agencies completed a cooperative management plan based on public input and involvement.

The Sand Hollow Area Recreation Management Plan envisions the development of two campgrounds, a full-service marina, a group campground, and four separate day-use pavilions to draw recreationists to a centralized location with diverse recreational opportunities. These facilities are essential to the success of this area, which has the potential to become the predominant recreation area in the region. The recreation area will thus serve as a buffer to urban growth in the St. George area.

The plan divided the initial funding equally between the three agencies, equating to a one-time share of $2.5 million for the Bureau of Land Management. These funds, together with the State and water district funds, will be used to implement the plan and construct the necessary facilities. This bill authorizes the Bureau of Land Management share of these one-time initial costs to the project. I urge my colleagues to support H.R. 3848.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3848 is sponsored by the esteemed chairman of the Committee on Resources, the gentleman from Utah (Mr. HANSEN). The bill was introduced just last month and was reported from the Committee on Resources with no hearings. As such, we have limited information on the proposal.

As the gentleman explained, the bill authorizes the Bureau of Land Management to make a grant to the State of Utah in the amount of $2.5 million for the development and construction of recreational and visitor facilities at a State recreational area in Washington County, Utah.

While the local BLM may have indicated their willingness to help fund this project, the agency lacks the authority to spend Federal funds on facilities on State lands.

However, we would not object to consideration of H.R. 3848 by the House today. The bill is solely an authorization and should not be construed as establishing a precedent for other requests for Federal funds.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3848.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CLARK COUNTY, NEVADA, PUBLIC LAND CONVEYANCE

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2937) to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range, as amended.

The Clerk read as follows:

H.R. 2937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONVEYANCE OF PROPERTY TO CLARK COUNTY, NEVADA.

(a) FINDINGS.—The Congress finds that—

(1) the Las Vegas area has experienced such rapid growth in the last few years that traditional locations for target shooting are now too close to populated areas for safety;

(2) there is a need to designate a centralized location in the Las Vegas Valley where target shooters can practice safely; and

(3) a central facility is also needed for persons training in the use of firearms, such as local law enforcement and security personnel.

(b) PURPOSES.—The purposes of this Act are—

(1) to provide a suitable location for the establishment of a centralized shooting facility in the Las Vegas Valley; and

(2) to provide the public with—

(A) opportunities for education and recreation; and

(B) a location for competitive events and marksmanship training.

(c) CONVEYANCE.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall convey to Clark County, Nevada, subject to valid existing rights, for no consideration, all right, title, and interest of the United States in and to the parcels of land described in subsection (d).

(d) LAND DESCRIPTIONS.—The parcels of land to be conveyed under subsection (c) are the parcels of land that are described as follows:

(1) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 25, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(2) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 26, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(3) Approximately 320 acres of land in Clark County, Nevada, in S½, sec. 27, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(4) Approximately 640 acres of land in Clark County, Nevada, in sec. 34, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(5) Approximately 640 acres of land in Clark County, Nevada, in sec. 35, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(6) Approximately 640 acres of land in Clark County, Nevada, in sec. 36, T. 18 S., R. 60 E., Mount Diablo Base and Meridian.

(e) USE OF LAND.—

(1) IN GENERAL.—The parcels of land conveyed under subsection (c)—

(A) shall be used by Clark County for the purposes described in subsection (b) only; and

(B) shall not be disposed of by the county.

(2) REVERSION.—If Clark County ceases to use any parcel for the purposes described in subsection (b)—

(A) title to the parcel shall revert to the United States, at the option of the United States; and

(B) Clark County, Nevada, shall be responsible for any reclamation necessary to revert the parcel to the United States.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

(g) RELEASE OF LAND.—The Congress—

(1) finds that the parcels of land conveyed under subsection (c), comprising a portion of the Quail Springs Wilderness Study Area, NV-050-411, managed by the Bureau of Land Management and reported to the Congress in 1991, have been adequately studied for wilderness designation under section 603 of the Federal Land Management Policy Act of 1976 (43 U.S.C. 1782); and

(2) declares that those parcels are no longer subject to the requirements contained in subsection (c) of that section pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(h) ADMINISTRATIVE COSTS.—The Secretary shall require that Clark County, Nevada, pay all survey costs and other administrative costs necessary for the preparation and completion of any patents of and transfer of title to property under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2937, introduced by the gentleman from Nevada (Mr. GIBBONS) would provide for the conveyance of certain public lands in Clark County, Nevada, for use as a regional public shooting range.

Unprecedented residential growth over the past 20 years in and around the city of Las Vegas, Clark County, Nevada, has forced a number of shooting ranges to close. Those few shooting ranges that remain are close to being in violation of local ordinances that prohibit the discharge of firearms in or near residential areas.

Mr. Speaker, to address this matter, H.R. 2937 authorizes and directs the Secretary of the Interior to convey approximately 2,880 acres of public lands to Clark County, Nevada, for the creation of a regional public shooting range. The actual usable land for the shooting range will be approximately 1,400 acres. The balance would go towards a buffer zone for the west and south sides of the range. This new public facility would provide users, archery, trap, skeet, rifle and pistol, and air pellets, with a safe location for competitive events and marksmanship training as well as opportunities for education and recreation. The new shooting range will also be utilized by city and county police departments.

The bill includes revision language should Clark County, Nevada, cease to use the land as prescribed. In addition, release language is included which declares the land conveyed has been adequately studied for wilderness designation under the Federal Land Management Policy Act; and once it is conveyed to Clark County, Nevada, the land is no longer subject to FLMPA requirements. I urge my colleagues to support H.R. 2937, as amended.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2937, sponsored by the gentleman from Nevada (Mr. GIBBONS), would convey 4.5 square miles of Federal land in Clark County, Nevada, to Clark County, free of charge.

The acreage in question is currently managed by the Bureau of Land Management as part of the Quail Springs Wilderness Study Area, and the legislation releases the land from WSA status.

The purpose of the legislation is to provide a centralized firearms training facility and shooting range in the Las Vegas Valley. Among other effects, the rapid population expansion which has taken place in the valley has created a dangerous situation whereby once rural activities such as firearms practice, is now taking place in close proximity to populated areas. This transfer will allow development of a safe facility for these activities, with a sufficient buffer area.

While such a transaction raises several concerns, not the least of which is the status of this land as a wilderness study area, we do not intend to oppose this measure. The administration supports H.R. 2937, and a companion bill has been introduced by the majority whip, Senator HARRY REID of Nevada. We commend our colleague on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS), the author of this legislation.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for allowing H.R. 2937 to be considered here today. I would further like to thank the chairman of the Subcommittee on National Parks, Recreation and Public Lands, the gentleman from California (Mr. RADANOVICH), for expediting passage of this legislation in the Committee on Resources.

Mr. Speaker, H.R. 2937 is a bill to provide for the conveyance of certain public lands in Clark County, Nevada, for use as a public shooting range. This legislation enjoys strong bipartisan and bicameral support from our Nevada delegation.

□ 1445

Nevada Senators HARRY REID and JOHN ENSIGN have introduced a companion bill in the United States Senate, and this legislation enjoys support from the administration as well.

For 15 consecutive years, Nevada has had the fastest growing population of any State. For 20 years, Clark County, Nevada has been the fastest growing county, with the majority of that growth taking place in the Second Congressional District. Accommodating that growth and meeting its challenges is something that I often discuss before this body.

Nevadans take great pride in the outdoor recreational opportunities that our great State has to offer. Unfortunately, Nevada has 87 percent publicly owned lands, which means that most of the recreation must take place on our public lands. Regardless, protecting the multiple use of our lands in Nevada is very important to our citizens.

The legislation before us today helps accommodate another longtime recreational favorite in Nevada, target shooting. H.R. 2937 will designate approximately 2,800 acres of public land north of Las Vegas to be used as a permanent shooting range. About half of the 2,800 acres will actually contain the shooting range, with the other 1,400 acres serving as a required buffer zone to ensure public safety. This new shooting facility will not only provide the public with a safe place to shoot, it will serve as a training facility for our law enforcement personnel in southern Nevada.

This legislation also includes reversionary language should Clark County cease to use the land as prescribed in this bill. Further, the 2,800 acres is currently designated a wilderness study area by the BLM. Yet, Mr. Speaker, the BLM has adequately studied this land and determined that it is not suitable for wilderness area designation. Therefore, Mr. Speaker, release language is included that declares the land conveyed has been adequately studied for wilderness designation under the Federal Land Policy and Management Act, or FLPMA as it is known.

Mr. Speaker, this legislation represents a simple land conveyance. It makes good sense. H.R. 2937 is supported by our law enforcement personnel, Clark County, and the public at large. Again, I want to thank the chairman and the ranking member for this opportunity. I urge my colleagues to support this legislation.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 2937, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT ACT OF 2002

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3958) to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah, as amended.

The Clerk read as follows:

H.R. 3958

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bear River Migratory Bird Refuge Settlement Act of 2002".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Secretary of the Interior and the State of Utah have negotiated a preliminary agreement concerning the ownership of lands within the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.

(2) The State is entitled to ownership of those sovereign lands constituting the bed of the Great Salt Lake, and, generally, the location of the sovereign lands boundary was set by an official survey of the Great Salt Lake meander line.

(3) The establishment of the Refuge in 1928 along the shore of the Great Salt Lake, and lack of a meander line survey within the Refuge, has led to uncertainty of ownership of some those sovereign lands.

(4) In order to settle the uncertainty concerning the sovereign land boundary caused by the gap in the surveyed Great Salt Lake meander line within the Refuge, the Secretary and the State have agreed to the establishment of a fixed sovereign land boundary along the southern boundary of the Refuge and the State has agreed to release any claim to the lake bed above such boundary line.

(5) The Secretary and the State have expressed their intentions to establish a mutually agreed upon procedure to address the conflicting claims to ownership of the lands and interests in land within the Refuge.

SEC. 3. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(2) REFUGE.—The term "Refuge" means the Bear River Migratory Bird Refuge located in Bear River Bay of the Great Salt Lake, Utah.

(3) AGREEMENT.—The term "agreement" means the agreement to be signed by the Secretary and the State to establish a mutually agreeable procedure for addressing the conflicting claims to ownership of the lands and interests in land within the Refuge.

(4) STATE.—The term "State" means the State of Utah.

SEC. 4. REQUIRED TERMS OF LAND CLAIMS SETTLEMENT, BEAR RIVER MIGRATORY BIRD REFUGE, UTAH.

(a) SPECIFIC TERMS REQUIRED IN AGREEMENT.—The Secretary shall not enter into an agreement with the State for the quitclaim or other transfer of lands or interests in lands within the Refuge unless the terms of the agreement include each of the following provisions:

(1) Nothing in the agreement shall be construed to impose upon the State or any of agency of the State any obligation to convey to the

United States any interest in water owned or controlled by the State, except upon appropriate terms and for adequate consideration.

(2) Nothing in the agreement shall constitute admission or denial of the United States claim to a Federal reserved water right.

(3) The State shall support the United States application to add an enlarged Hyrum Reservoir, or another storage facility, as an alternate place of storage under the Refuge's existing 1,000 cubic feet per second State certified water right. Such support shall be contingent upon demonstration by the United States that no injury to water rights shall occur as a result of the addition.

(4) Nothing in the agreement shall affect jurisdiction by the State or the United States Fish and Wildlife Service over wildlife resources management, including fishing, hunting and trapping, within the Refuge.

(5) If the State elects to bring suit against the United States challenging the validity of the deed issued pursuant to the agreement, and if such suit is successful in invalidating such deed, the State will—

(A) pay the United States for the fair market value of all real property improvements on the property at the time of invalidation, such as dikes, water control structures and buildings;

(B) repay any amounts paid by the United States because of ownership of the land by the United States from the date of establishment of the Refuge, such as payments in lieu of taxes; and

(C) repay any amounts paid to the State pursuant to the agreement.

(6) Subject to the availability of funds for this purpose, the Secretary shall agree to pay $15,000,000 to the State upon delivery by the State of a quitclaim deed that meets all applicable standards of the Department of Justice and covers all lands and interests in lands claimed by the State within the Refuge. Such payment shall be subject to the condition that the State use the payment for the purposes, and in the amounts, specified in subsections (b) and (c).

(b) WETLANDS AND WILDLIFE PROTECTION PROGRAMS.—

(1) DEPOSIT.—The State shall deposit $10,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), in a restricted account, known as the Wetlands and Habitat Protection Account, to be used as provided in paragraph (2).

(2) AUTHORIZED USES.—The Executive Director of the Utah Department of Natural Resources may withdraw from the Wetlands and Habitat Protection Account, on an annual basis, amounts equal to the interest earned on the amount deposited under paragraph (1) for the following purposes:

(A) Wetland or open space protection in and near the Great Salt Lake.

(B) Enhancement and acquisition of wildlife habitat in and near the Great Salt Lake.

(c) RECREATIONAL TRAILS AND STREAMS DEVELOPMENT AND EXPANSION.—The Utah Department of Natural Resources shall use $5,000,000 of the amount paid pursuant to the agreement, as required by subsection (a)(6), for the following purposes:

(1) Development, improvement, and expansion of motorized and non-motorized recreational trails on public and private lands in the State, with priority given to providing trail access to the Great Salt Lake as part of the proposed Shoshone and Ogden-Weber trail systems.

(2) Preservation, reclamation, enhancement, and conservation of streams in the State.

(d) COORDINATION OF PROJECTS.—The Executive Director of the Utah Department of Natural Resources shall seek to maximize the use of funds under subsections (b) and (c) through coordination with nonprofit organizations, Federal agencies, other agencies of the State, and local governments, and shall give priority to those projects under such subsections that include Federal, State, or private matching funds.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $15,000,000 for the payment required by subsection (a)(6) to be included as a term of the agreement.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3958 provides a mechanism for the settlement of claims between the U.S. Department of Interior and the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the north shore of the Great Salt Lake and authorizes a reimbursement to the State of $15 million for the lands, oil, gas and mineral rights within the refuge.

The Bear River Migratory Bird Refuge was created in 1928 by Congress. Today, the refuge consists of 74,000 acres. Of these acres, the State of Utah claims 18,000 acres below the meander line of the Great Salt Lake as State sovereign lands. For nearly 75 years, the State and Federal governments have disputed the ownership of these lands. A 1976 Supreme Court decision, Utah v. United States, quieted title to the bed of the Great Salt Lake up to and including the surveyed meander line, excepting the refuge from the decision.

On September 28, 2001, negotiations between the Fish and Wildlife Service and the State resulted in a settlement agreement to be signed by the Secretary and by the Governor of the State. The settlement agreement is conditional upon congressional authorization and appropriation of required funds as well as State legislative approval. The 2002 Utah legislature approved the necessary measures. H.R. 3958 fulfills congressional action necessary for the Secretary of Interior to sign the final agreement.

To assure that reimbursement moneys from the settlement are used to benefit wildlife, this bill requires the State to place two-thirds of the funds in a permanent interest-bearing account to fund wetland and wildlife habitat projects in the State of Utah in perpetuity. The remaining one-third of the funds will be used for trail and stream enhancement. In return, the State will drop its claim to the disputed portion of the refuge. I urge my colleagues to support H.R. 3958.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3958 would provide the framework for a quitclaim settlement between the Federal Government and the State of Utah concerning lands and other interests at the Bear River Migratory Bird Refuge. This legislation is necessary to enable the Secretary of the Interior to sign the final agreement negotiated between the U.S. Fish and Wildlife Service and the State regarding a 75-year-old dispute concerning ownership to the beds and waters of the Great Salt Lake within the refuge. This legislation would not codify the agreement. Rather, H.R. 3958 would simply specify the required terms of the settlement.

Additionally, H.R. 3958 would authorize $15 million subject to the availability of appropriations as reimbursement to the State to quiet title to the lands, oil, gas and mineral rights within the refuge. In exchange, the State will drop its claim to the 18,000 acres within the refuge that are subject to the dispute and receive valuable funding to support habitat conservation and outdoor recreation activities benefiting both the refuge and the State lands and waters.

Mr. Speaker, the Bear River Migratory Bird Refuge is one of the oldest and most popular refuges within the entire National Wildlife Refuge System. This legislation should enhance future Federal management authority at the refuge. I commend Chairman HANSEN for bringing this bill before the House today. We are pleased to support it.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3958, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

UPPER MISSISSIPPI RIVER BASIN PROTECTION ACT OF 2001

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3480) to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

The Clerk read as follows:

H.R. 3480

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Upper Mississippi River Basin Protection Act of 2001".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.
Sec. 3. Reliance on sound science.
TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK
Sec. 101. Establishment of monitoring network.
Sec. 102. Data collection and storage responsibilities.
Sec. 103. Relationship to existing sediment and nutrient monitoring.
Sec. 104. Collaboration with other public and private monitoring efforts.
Sec. 105. Cost share requirements.
Sec. 106. Reporting requirements.
Sec. 107. National Research Council assessment.
TITLE II—COMPUTER MODELING AND RESEARCH
Sec. 201. Computer modeling and research of sediment and nutrient sources.
Sec. 202. Use of electronic means to distribute information.
Sec. 203. Reporting requirements.
TITLE III—AUTHORIZATION OF APPROPRIATIONS
Sec. 301. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) The terms "Upper Mississippi River Basin" and "Basin" mean the watershed portion of the Upper Mississippi River and Illinois River basins, from Cairo, Illinois, to the headwaters of the Mississippi River, in the States of Minnesota, Wisconsin, Illinois, Iowa, and Missouri. The designation includes the Kaskaskia watershed along the Illinois River and the Meramec watershed along the Missouri River.

(2) The terms "Upper Mississippi River Stewardship Initiative" and "Initiative" mean the activities authorized or required by this Act to monitor nutrient and sediment loss in the Upper Mississippi River Basin.

(3) The term "sound science" means a scientific method that uses the best available technical and scientific information and techniques to identify and understand natural resource management needs and appropriate treatments, to implement conservation measures, and to assess the results of treatments on natural resource health and sustainability in the Upper Mississippi River Basin.

SEC. 3. RELIANCE ON SOUND SCIENCE.

It is the policy of Congress that Federal investments in the Upper Mississippi River Basin must be guided by sound science.

TITLE I—SEDIMENT AND NUTRIENT MONITORING NETWORK

SEC. 101. ESTABLISHMENT OF MONITORING NETWORK.

(a) ESTABLISHMENT.—As part of the Upper Mississippi River Stewardship Initiative, the Secretary of the Interior shall establish a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purposes of—

(1) identifying and evaluating significant sources of sediment and nutrients in the Upper Mississippi River Basin;

(2) quantifying the processes affecting mobilization, transport, and fate of those sediments and nutrients on land and in water;

(3) quantifying the transport of those sediments and nutrients to and through the Upper Mississippi River Basin;

(4) recording changes to sediment and nutrient loss over time;

(5) providing coordinated data to be used in computer modeling of the Basin, pursuant to section 201; and

(6) identifying major sources of sediment and nutrients within the Basin for the purpose of targeting resources to reduce sediment and nutrient loss.

(b) ROLE OF UNITED STATES GEOLOGICAL SURVEY.—The Secretary of the Interior shall carry out this title acting through the office of the Director of the United States Geological Survey.

(c) HEADQUARTERS.—Sediment and nutrient monitoring information shall be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin.

SEC. 102. DATA COLLECTION AND STORAGE RESPONSIBILITIES.

(a) GUIDELINES FOR DATA COLLECTION AND STORAGE.—The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices.

(b) RELEASE OF DATA.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and hydrologic unit codes. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission.

(c) PROTECTION OF PRIVACY.—Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin is not subject to the mandatory disclosure provisions of section 552 of title V, United States Code, but may be released only as provided in subsection (b).

SEC. 103. RELATIONSHIP TO EXISTING SEDIMENT AND NUTRIENT MONITORING.

(a) INVENTORY.—To the maximum extent practicable, the Secretary of the Interior shall inventory the sediment and nutrient monitoring efforts, in existence as of the date of the enactment of this Act, of Federal, State, local, and nongovernmental entities for the purpose of creating a baseline understanding of overlap, data gaps and redundancies.

(b) INTEGRATION.—On the basis of the inventory, the Secretary of the Interior shall integrate the existing sediment and nutrient monitoring efforts, to the maximum extent practicable, into the sediment and nutrient monitoring network required by section 101.

(c) CONSULTATION AND USE OF EXISTING DATA.—In carrying out this section, the Secretary of the Interior shall make maximum use of data in existence as of the date of the enactment of this Act and of ongoing programs and efforts of Federal, State, tribal, local, and nongovernmental entities in developing the sediment and nutrient monitoring network required by section 101.

(d) COORDINATION WITH LOWER ESTUARY ASSESSMENT GROUP.—The Secretary of the Interior shall carry out this section in coordination with the Lower Estuary Assessment Group, as authorized by section 902 of the Estuaries and Clean Waters Act of 2000 (Public Law 106-457; 33 U.S.C. 2901 note).

SEC. 104. COLLABORATION WITH OTHER PUBLIC AND PRIVATE MONITORING EFFORTS.

To establish the sediment and nutrient monitoring network, the Secretary of the Interior shall collaborate, to the maximum extent practicable, with other Federal, State, tribal, local and private sediment and nutrient monitoring programs that meet guidelines prescribed under section 102(a), as determined by the Secretary.

SEC. 105. COST SHARE REQUIREMENTS.

(a) REQUIRED COST SHARING.—The non-Federal sponsors of the sediment and nutrient monitoring network shall be responsible for not less than 25 percent of the costs of maintaining the network.

(b) IN-KIND CONTRIBUTIONS.—Up to 80 percent of the non-Federal share may be provided through in-kind contributions.

(c) TREATMENT OF EXISTING EFFORTS.—A State or local monitoring effort, in existence as of the date of the enactment of this Act, that the Secretary of the Interior finds adheres to the guidelines prescribed under section 102(a) shall be deemed to satisfy the cost share requirements of this section.

SEC. 106. REPORTING REQUIREMENTS.

The Secretary of the Interior shall report to Congress not later than 180 days after the date of the enactment of this Act on the development of the sediment and nutrient monitoring network.

SEC. 107. NATIONAL RESEARCH COUNCIL ASSESSMENT.

The National Research Council of the National Academy of Sciences shall conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

TITLE II—COMPUTER MODELING AND RESEARCH

SEC. 201. COMPUTER MODELING AND RESEARCH OF SEDIMENT AND NUTRIENT SOURCES.

(a) MODELING PROGRAM REQUIRED.—As part of the Upper Mississippi River Stewardship Initiative, the Director of the United States Geological Survey shall establish a modeling program to identify significant sources of sediment and nutrients in the Upper Mississippi River Basin.

(b) ROLE.—Computer modeling shall be used to identify subwatersheds which are significant sources of sediment and nutrient loss and shall be made available for the purposes of targeting public and private sediment and nutrient reduction efforts.

(c) COMPONENTS.—Sediment and nutrient models for the Upper Mississippi River Basin shall include the following:

(1) Models to relate nutrient loss to landscape, land use, and land management practices.

(2) Models to relate sediment loss to landscape, land use, and land management practices.

(3) Models to define river channel nutrient transformation processes.

(d) COLLECTION OF ANCILLARY INFORMATION.—Ancillary information shall be collected in a GIS format to support modeling and management use of modeling results, including the following:

(1) Land use data.

(2) Soils data.

(3) Elevation data.

(4) Information on sediment and nutrient reduction improvement actions.

(5) Remotely sense data.

(e) HEADQUARTERS.—Information developed by computer modeling shall be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin.

SEC. 202. USE OF ELECTRONIC MEANS TO DISTRIBUTE INFORMATION.

Not later than 90 days after the date of the enactment of this Act, the Director of the United States Geological Survey shall establish a system that uses the telecommunications medium known as the Internet to provide information regarding the following:

(1) Public and private programs designed to reduce sediment and nutrient loss in the Upper Mississippi River Basin.

(2) Information on sediment and nutrient levels in the Upper Mississippi River and its tributaries.

(3) Successful sediment and nutrient reduction projects.

SEC. 203. REPORTING REQUIREMENTS.

(a) MONITORING ACTIVITIES.—Commencing one year after the date of the enactment of this Act, the Director of the United States Geological Survey shall provide to Congress and make available to the public an annual report regarding monitoring activities conducted in the Upper Mississippi River Basin.

(b) MODELING ACTIVITIES.—Every three years, the Director of the United States Geological Survey shall provide to Congress and make available to the public a progress report regarding modeling activities.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to the Secretary of the Interior $6,250,000 each fiscal year to carry out this Act.

(b) WATER RESOURCE AND WATER QUALITY MANAGEMENT ASSESSMENT.—There is authorized to be appropriated $650,000 to allow the National Research Council to perform the assessment required by section 107.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from Wisconsin (Mr. KIND) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3480, the Upper Mississippi River Basin Protection Act of 2001, provides for the Department of the Interior, U.S. Geological Survey to supplement, coordinate and manage data collection on sediments and nutrients in the Upper Mississippi River Basin and use the data to perform computer modeling to provide the baseline data and modeling tools needed to make scientifically sound and cost-effective river management decisions. The legislation includes a provision requiring landowner permission prior to disseminating information from monitoring stations located on private lands to protect the privacy of individual landowners. Finally, it provides for the National Research Council of the National Academy of Sciences to conduct a comprehensive water resources assessment of the Upper Mississippi River Basin.

Mr. Speaker, I reserve the balance of my time.

Mr. KIND. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation offered today is meant to better preserve and protect one of the great national treasures that exist in this country, the Mississippi River Basin. I would like to thank, first of all, Chairman HANSEN of our committee and Chairman CALVERT of the subcommittee and their staffs for the assistance and the cooperation we received in putting this legislation together. I also want to thank Ranking Member RAHALL and also Ranking Member SMITH of the subcommittee and their staff for all the help and assistance that we have received.

This is simple legislation, Mr. Speaker. The intent of it is to authorize the U.S. Geological Survey to be able to put together the science and implement the science so we can better track and monitor the nutrients and sediments that flow into the Upper Mississippi River Basin. It would develop for the first time a public-private approach and coordination in order to develop a comprehensive monitoring and a state-of-the-art computer modeling program in order to track the sediment and nutrient flows into the river basin.

This legislation has been near and dear to my heart, Mr. Speaker. As a young boy growing up in western Wisconsin, I spent an inordinate amount of my time growing up on the Mississippi River. I guess you could refer to me as the "Tom Sawyer" of the United States Congress, but since we already have a TOM SAWYER from Ohio I guess I will just accept the label of Huck Finn. Huck was probably more colorful, anyway. But as a young kid growing up, I spent a lot of my time on the Mississippi enjoying the recreational activities, the swimming, the fishing, the hunting, but I still remember those days during the sixties and during the seventies when I would go down to my favorite swimming beaches and find that they were closed because of high bacteria count, or going down to my favorite fishing holes and finding notices that were posted around these popular fishing areas warning the fishermen not to eat the fish that they were catching because of the contamination and the effect on the quality of the fish supplies. I knew even then as a young boy that something was not quite right.

Since those days, a lot of progress has been made in regards to the health, viability and sustainability of the river basin. There is still much work that needs to be done. If you talk to the experts in the river system both in the north and the southern part, the one thing that has really been lacking or missing is a comprehensive scientific program so we can collect the baseline data at sub-basin level in order to understand more the effects of the sediment and nutrient flows going into this valuable ecosystem.

Why is this important? It is important on a number of fronts, not least of which is economic. This is a multiple-use river system, from commercial navigation to tourist activity to recreation activity. It has been in the past with the lock and dam system; it is today and it will continue to be so in the future. But there also is the need for balance and balanced use in regards to the river basin. There is a $1.2 billion recreation impact in the Upper Mississippi States alone and a $6.6 billion tourism impact. In fact, we have more visitors every year to the Upper Mississippi Wildlife Refuge than they do in the Yellowstone National Park System. It is also the primary drinking supply source for over 22 million Americans. It is North America's largest migratory route, with over 40 percent of the waterfowl species using the river basin as its main corridor during its migratory pattern every year. It also provides us, as this picture demonstrates, the fertile farmland which makes the Midwest the breadbasket of the United States and the rest of the world.

But there are also some challenges with the system. Because of the sediment flows flowing into the river, it is costing us roughly $100 million every year just to maintain a 9-foot navigable channel with the dredging costs in order to keep the commercial navigation flowing along the river system. Our farmers are losing valuable topsoil. In fact, they are losing $300 million worth of applied nitrogen every year that ultimately flows into the rivers and streams and affects the ecosystem adversely.

This litigation has received wide bipartisan support, from the original cosponsors when I introduced the legislation to a variety of experts in the Upper Mississippi States. It is consistent with the Mississippi River and the Gulf of Mexico Hypoxia Task Force that was formed over the last few years, studying the nutrient problems that are affecting especially the Gulf of Mexico and the dead zone that is being created there. The Upper Mississippi, although it supplies 22 percent of the water that ultimately flows into the Gulf of Mexico, nevertheless it is the source of 32 percent of the nutrients that are flowing into the Gulf of Mexico, and it is consistent with the recommendations that they are making for a public and private coordinated approach with Federal, State, local agencies, private entities and tribes to do a better job of collaborating and to standardize the data that is now being collected.

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At one point during the research of this legislation, I discovered there were 77 different private entities that were doing some form of water quality testing, but there was very little sharing of information because the data was not standardized. This legislation will address that problem.

But it also addresses a very important privacy protection concern that some groups that we worked with raised, and I feel the language that we have in here with regard to the protection of sharing personal data of private landowners meets the test that a lot of these groups were raising.

It is also consistent with what a number of States have talked about that is needed in regards to the River Basin and its protection. In fact, a number of States have also weighed in on the need to increase monitoring and modeling efforts throughout the Upper Mississippi River Basin.

In October of 2001, in a letter to a Bush administration official, six Governors of the States bordering the Mississippi wrote that, "A monitoring effort conducted jointly by the U.S. Geological Survey and the States is required within the Basin to determine the water quality effects of the actions taken and to measure the success of efforts on a sub-basin and project level."

H.R. 3480 does exactly what the Governors of those States were recommending, bringing in a variety of groups in order to have a more comprehensive monitoring and computer modeling system so that the science will be able to demonstrate where the hot spots exist, where the problem areas are, so we are in a better position then of making policy choices of how better to direct the limited resources to get the optimal effect of the investment in land stewardship through , voluntary and incentive-based land conservation programs, and the benefit that is going to bring to the entire river basin area.

My district, Mr. Speaker, has more miles that border the Mississippi River than any other congressional district in the Nation, and therefore I felt a certain personal responsibility to keep an eye on the river and to promote good policy and legislation that will enhance the long-term sustainability of this great natural resource.

It is one of the reasons I was motivated to help form a bipartisan Mississippi River Task Force so that we can start working more effectively together between the upper Mississippi region and the southern Mississippi River region on issues of common ground and to better educate ourselves in regard to the different uses of this valuable river system.

Finally, Mr. Speaker, I do want to thank a few individuals who have been very helpful in support of this legislation. I want to, of course, thank the original cosponsors of this legislation, including the other cochairs of the Upper Mississippi River Task Force, the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Iowa (Mr. LEACH), and the gentleman from Illinois (Mr. COSTELLO).

I also want to thank the congressional cochairs of the entire Mississippi River Caucus, the gentleman from Missouri (Mr. HULSHOF) and the gentleman from Iowa (Mr. BOSWELL) for their support and their staff's support for this legislation.

In addition, I want to thank Ms. Holly Stoerker of the Upper Mississippi River Basin Association, Mr. Doug Daigle of the Mississippi River Basin Alliance, Dr. Jerry Schnoor of the University of Iowa, and Dr. Barry Drazkowski and the administration and staff at St. Mary's University in Minnesota for a lot of the ideas that are contained within this legislation. Their expertise and testimony during the hearings that we have had on this legislation was essential in crafting the bipartisan approach that this legislation takes.

Also greatly appreciated is the tireless work of a few individuals in my office, former Sea Grant fellow Allen Hance, who is now with the Northeast Midwest Institute, along with other Sea Grant fellows, Laura Cimo, Jeff Stein and Ed Buckner, who have worked in my office, worked specifically on this legislation dealing with a lot of the shareholders and groups interested in this legislation, as well as other issues affecting the Mississippi River Basin area.

I also want to thank a couple permanent members on my staff, Ben Proctor, who is with us on the floor today, and also Brad Pfaff, who has carried a lot of the weight with this legislation during the period of time we have been working on it. Their help has been greatly appreciated.

H.R. 3480 represents a commonsense move toward building the scientific foundation necessary to remedy nutrient and sediment problems throughout the Mississippi River Basin. I believe this is a needed, cost-effective step in preserving the Upper Mississippi River and its multiple-use heritage for future generations, and I would urge my colleagues to support this legislation.

Mr. PETRI. Mr. Speaker, I rise in support of H.R. 3480, the Upper Mississippi River Basin Protection Act.

For quite some time there have been several federal, state, and local programs designed to address the problem of sediment and nutrient loss in the Upper Mississippi River Basin, but there has been little coordination between them. This bill will provide this much needed coordination and enable a more comprehensive approach to addressing this problem.

In Wisconsin, and particularly in my district, agriculture is a vital industry. The soil erosion suffered by farmers in the area reduces and threatens the long-term sustainability and income of my state's family farms.

Furthermore, the cost of dredging the sediment fills in the river's main shipping channel costs over $100 million each year. These fills also threaten the region's $1.2 billion recreation and $6.6 billion tourism industries.

While the Upper Mississippi River Basin contributes 22 percent of the water flowing into the Lower Mississippi, it contributes 31 percent of the nitrogen, threatening the water quality of that part of the river.

By designating the U.S. Geological Survey as the lead agency, this bill will provide the much needed coordination, monitoring, and scientific data collection to implement informed and effective conservation decisions for the river basin. I urge my colleagues to support its passage.

Mr. GUTKNECHT. Mr. Speaker, as a co-chair of the Upper Mississippi River Task Force, I am proud that the House is considering the Upper Mississippi River Basin Protection Act today.

This bill is good for farmers, and it is good for the environment.

Every year, farmers collectively lose more than $300 million in applied nitrogen due to erosion. Not only does this hurt the Mississippi River ecosystem—it hurts farmers' checkbooks.

Soil erosion also causes sedimentation problems on the river. Dredging costs due to increased sedimentation run over $100 million each year, and removing the sediment is integral to keeping the river a viable transportation mechanism. Sediments also fill critical wetland areas in the Mississippi River basin, threatening the plants and wildlife.

Currently there is insufficient data on the amounts and sources of sediments and nutrients in the upper Mississippi River basin. Local, state, and federal water quality monitoring and modeling efforts are not coordinated or standardized. This legislation will develop a coordinated public-private approach to reducing nutrient and sediment losses in the upper Mississippi River basin, and will establish a water quality monitoring network and an integral computer modeling program.

This bill will provide the baseline data needed to make scientifically sound and cost-effective decisions that will benefit all who depend on the health of the upper Mississippi River basin for transportation, recreation, or whatever their needs may be.

Mr. KIND. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3480.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3848, H.R. 2937, H.R. 3958 and H.R. 3480.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Evans, one of his secretaries.

CONGRATULATING PEOPLE OF UTAH, SALT LAKE ORGANIZING COMMITTEE AND ATHLETES OF WORLD FOR SUCCESSFUL AND INSPIRING 2002 OLYMPIC WINTER GAMES

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 363) congratulating the people of Utah, the Salt Lake Organizing Committee and the athletes of the world for a successful and inspiring 2002 Olympic Winter Games, as amended.

The Clerk read as follows:

H. Res. 363

Whereas the State of Utah hosted the world during the largest and most successful Olympic Winter Games ever held;

Whereas the people of Utah opened their hearts and their homes to the athletes of the world and represented the Nation well to the world community;

Whereas the Salt Lake Organizing Committee, its president, Mitt Romney, and its chairman, Robert Garff did a spectacular job in staging a great Winter Olympics with class, dignity, and a proper focus on the athletic competition;

Whereas 2,535 athletes, from a record 78 countries, prepared with unmatched dedication, competed with unrivaled courage, and inspired the world with their spirit of peaceful competition;

Whereas African-American and Mexican-American athletes won medals for the first time in Winter Olympics history;

Whereas over 500 athletes from 36 nations competed in the 2002 Paralympic Winter Games, also held in Salt Lake City, and reminded the world that physical challenges are no limit to human achievement;

Whereas the 211 members of the United States Olympic Team won a Winter Olympics record 34 medals, including a record 10 gold medals, and gave a grateful Nation another new group of heroes at a time when the Nation has rediscovered the true meaning of heroism;

Whereas the silent heroes, over 7,000 members of Federal, State, and local law enforcement and public safety agencies, and over 5,400 brave members of the Armed Forces continued their selfless service to ensure the Winter Olympics were safe and secure for athletes and spectators alike;

Whereas over 19,500 Utahns and other United States citizens volunteered their time and talents to show the world the best that the United States has to offer; and

Whereas the 2002 Olympic Winter Games accomplished the principles set forth by the Olympic movement, including the aim to "encourage the Olympic spirit of peace and harmony, which brings the people from across the world together around Olympic sport": Now, therefore, be it

Resolved, That the House of Representatives congratulates the people of Utah, the Salt Lake Organizing Committee, the United States Olympic Team, and the athletes of the world for an outstanding and inspiring 2002 Olympic Winter Games, and thanks the thousands of law enforcement and public safety personnel, military servicemen and women, and volunteers who contributed so much to ensure the Winter Olympics were safe, secure, and friendly.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 363, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Res. 363, as amended, at the request of the distinguished gentleman from Utah (Chairman HANSEN), congratulating the people of Utah, the Salt Lake Organizing Committee and the competing athletes for an inspiring Olympic Winter Games. The Committee on International Relations, on which I serve as vice chairman, waived its consideration of this measure before the Easter recess to facilitate its consideration by the House today.

I am very pleased to join with my colleagues, particularly those from the State of Utah, in congratulating for a job well done not only each and every one of the 211 members of the United States Winter Olympics team, who won a record 34 medals and competed with great tenacity, focus and sportsmanship, but also the over 7,000 members of the law enforcement and public safety agencies and over 5,400 members of the Armed Forces who ensured that the games were safe for athletes and spectators alike. That was no small feat, Mr. Speaker, in light of the 9–11 world that we live in where terrorism and threats are a daily routine.

We also note with deep appreciation that the Olympic games would not have been possible without the active involvement of close to 20,000 Americans, whose volunteer efforts in Utah and around the country made a critical difference to the success of these games. Their legacy is an inspiration to all Americans and a shining example of what this country represents.

My understanding is that this resolution, as amended, does have broad bipartisan support, and I do hope that every Member of this Chamber will support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this resolution.

Mr. Speaker, the resolution recognizes and congratulates the achievements of those who contributed to making the 2002 Winter Olympics such a remarkable success. The people and the government of Salt Lake City and of the State of Utah were gracious hosts who made both our international guests and our fellow Americans from around our Nation feel welcome and at home. The Salt Lake Organizing Committee, under the leadership of Mitt Romney, recovered from a shaky start and produced a truly outstanding competition.

Mr. Speaker, most importantly, I want to congratulate the athletes from around the globe for their spirited competition, which was obviously the most important ingredient in the enormously successful Winter Olympic Games in Salt Lake City, Utah.

Mr. Speaker, our resolution expresses our gratitude for our own United States Olympic athletes who provided inspiration with their unprecedented success in winning 34 medals, and, I am proud to add, including the first ever medals earned by African American and Mexican American athletes in the Winter Olympics. This is an historic achievement.

Our resolution recognizes the less-visible heroes of this year's Olympics, the law enforcement officers and military personnel who rose to the challenge posed by the events of September 11 by ensuring that the Winter Games were safe and secure for athletes and spectators alike.

Finally, Mr. Speaker, I want to congratulate my good friend and colleague, the distinguished gentleman from Utah (Mr. HANSEN), the gentleman from Utah (Mr. MATHESON) and a former member of our Committee on International Relations, the gentleman from Florida (Mr. HASTINGS), for their work on this important resolution.

I urge all of my colleagues to support H. Res. 363.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Utah (Mr. HANSEN), the sponsor of the resolution.

Mr. HANSEN. Mr. Speaker, I thank the gentleman from New Jersey for being so gracious and yielding me this time.

Mr. Speaker, I rise today in support of this resolution, as amended, and urge all of my colleagues to extend our congratulations to my home State, the State of Utah, for hosting, in the words of one NBC sportscaster, "far and away the most successful Olympics, summer or winter, in history."

I would extend a special thanks to my friend and colleague, the gentleman from Florida (Mr. HASTINGS), for his work to make this resolution better and for laying aside his own resolution to bring this compromise to the floor.

Just over 1 month ago, the State of Utah and her citizens were introduced to the world, and, boy, did they ever shine. From the emotional opening ceremonies to the celebration of the closing ceremonies, the Salt Lake Organizing Committee, under the inspirational leadership of their President Mitt Romney, Chairman Bob Garff and Chief Operating Officer Fraser Bullock, they truly made America proud, while keeping the focus on peaceful international competition and the spirit of human achievement.

Never in the history of the Olympics has there been such a spirit of enthusiasm and volunteerism exhibited by the host community. Visitors from around the world were uniformly impressed by the helpfulness and friendliness of the locals.

Salt Lake City, Utah, in the words of one Washington Post writer, is the "nice" capital of the world.

Mr. Speaker, not only did my home State shine in its hosting of the Winter Olympics, but the home team, the U.S. Olympians, took home an unprecedented number of medals, 34 in all, including the first ever winter gold medals for African American and Mexican American athletes. The previous U.S. record for a Winter Games was only 13 medals. I commend all of our U.S. Olympic team athletes for their tremendous showing.

We are also proud to host the Paralympic Games, where hundreds of athletes reminded us that all physical limitations are no boundary to human achievement.

After the horrendous attacks on our country on September 11, United States citizens and the international community as a whole approached the 2002 Winter Olympics with some trepidation. There was even talk of canceling the games. But the Salt Lake Organizing Committee and the people of Utah could not be deterred by fear.

Thanks to the united efforts of thousands of Federal, State and local law enforcement and National Guard and other military personnel, the Olympic games went off without a single incident. The Nation owes all of those silent heroes our deepest thanks for their continued sacrifice.

Mr. Speaker, I would like to ask all of my colleagues to support this legislation, but before we do, I also have one tiny little black mark on the flawlessness of these games, and I say this with my tongue planted firmly in my cheek.

To Mr. Woody Paige, the Denver Post sportswriter, who in a presumed fit of jealousy over Utah having better skiing attractions and amenities than Colorado, maligned the local culture, ridiculed the religious beliefs of millions of Americans, and then failed at an insincere apology.

Mr. Paige asserted that Utah had only beginner-level skiing. I would love to see Mr. Paige try the men's downhill course, The Grizzly, at Snowbasin, a 77 percent drop, going 85 miles an hour in the first 300 feet. In fact, we Utahans have a standing invitation to him, with the press and public watching, for Mr. Paige to attempt this "beginner's run." I will be there for his debut, ringing my cow bell, and perhaps if he makes it down in one piece, he will reassess his opinion of Utah's "Greatest Snow on Earth."

Mr. Speaker, I want to thank the good folks of Massachusetts for giving us Mitt Romney for the time that they did, and now we give him back to you, and are sure he will serve you well for the next 4 years as he has served us in Utah.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as he may consume to my good friend, the gentleman from Florida (Mr. HASTINGS).

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Mr. HASTINGS of Florida. Mr. Speaker, I thank my very good friend, the gentleman from California (Mr. LANTOS), for giving me an opportunity to speak on this matter, as well as the gentleman from Utah (Mr. HANSEN). The chairman of the committee and I spoke about this matter shortly after the Olympics and our respective offices were proceeding apace with legislation; and now we come to this, and I am delighted today that it has come to fruition.

I rise today to join with my colleagues in congratulating all of the people of Utah, the Salt Lake Organizing Committee, and the athletes of the world for a successful, inspirational, and a truly breathtaking 2002 Olympic Winter Games. I do not talk too much of the winter stuff, because I come from Florida; but the fact is that it was exciting, and I had an opportunity to view much of it.

The 2002 Olympic Games represented the best of human spirit. The games were an exemplary exhibition of dedication, perseverance, and unity that we all strive for and need during these violent times. This year marked the 19th Winter Games, which brought 78 nations and more than 2,500 athletes to this global arena and gave us some of the most historical and memorable moments of any of the Winter Games.

These games showed us tremendous American diversity and determination, and that is where my interest came in with reference to this resolution. It showed us determination and diversity when, for the first time ever at our Winter Games, African American and Hispanic American athletes graced the winner's podium. I hope that the accomplishments of those African Americans, particularly bobsledder Vonetta Flowers and Hispanic American speed skaters Jennifer Rodriguez and Derek Parra, have opened doors for all of those who dare to dream, despite difficult circumstances.

The 2002 games also showed us the spirit which forms the very foundation of these games. When the Kazakhstan Women's Hockey team came to the Olympics wearing hospital scrubs with holes in them, a transportation volunteer took notice and started a collection. As a result, anonymous gift baskets were placed on the team's bus.

Mr. Speaker, these games were a tremendous success. The athletes shined and the fans cheered. All of this was made possible by sheer hard work and determination of the thousands of volunteers, law enforcement agencies, and our armed services. The 60 security organizations entrusted with the responsibility of protecting the athletes, coaches, judges and spectators rose to the challenge to provide the safest Olympic games ever and set an impressive precedent for providing security in the future.

I would also like to congratulate and thank the residents of Salt Lake City for opening up their homes and, more importantly, their hearts to the world and making this a truly magnificent experience for all Americans.

I also am immensely proud of the success of the 2002 Paralympic Winter Games. The athletes taking part in these games represent the epitome of resolve and dedication. I think that Rudy Garcia-Tolson, a 13-year-old boy who has lost both of his legs to congenital birth defects, but has gone on to compete in triathlons, said it best when he stated, "My spirit thinks I am a regular boy and an athlete. My spirit soars."

Today I congratulate those who protected, provided, and performed in the 2002 Winter Olympic Games in Salt Lake City. Thanks to the countless efforts of hundreds of determined men and women, this year's Olympics were victorious over anxiety and skepticism and brought off a spectacle that was equal parts entertainment and uplift.

The 2002 Winter Olympic Games and 2002 Paralympic Winter Games have brought forth the feeling of unity that is much needed in today's world. If thousands of athletes, fans, volunteers, and service persons can come together for a few weeks and personify the human spirit, then there is no reason to doubt that the nations of this world can come together and join in that human spirit.

I thank the gentleman from California (Mr. LANTOS) and the gentleman from Utah (Chairman HANSEN).

Mr. SMITH of New Jersey. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LANTOS. Mr. Speaker, I want to commend the gentleman from Florida (Mr. HASTINGS), my friend, for an extraordinarily eloquent and powerful statement.

Mr. CANNON. Mr. Speaker, it is my great pleasure to rise today in support of House Resolution 363.

In 1995, Salt Lake city was awarded the honor of hosting the 2002 Winter Olympic Games. Seven years and thousands of volunteer hours later, the state of Utah welcomed the world to the largest and most successful Winter Olympics ever. Accomplishing this amazing event was no small feat and the tens of thousands of people involved deserve to be recognized for their work and dedication.

There is little doubt that the Olympics would not have been as successful without the time and incredible efforts of the Salt Lake Organizing Committee, headed by President Mitt Romney and Chairman Robert Garff. But equally important were the tireless efforts of the nearly 20,000 volunteers who opened their homes and hearts to the world. Without their time, talents and generosity, the XIX Winter Olympics would not have been the success it was.

After September 11, some questioned whether the spirit of the Games could be preserved in light of security concerns. But thanks to the collaboration of over 7,000 federal, state, and local law enforcement officers and 5,400 members of the Armed Forces, not one serious incident occurred during the Olympics and Paralympics. The selfless courage of these men and women ensured the safety and security of all the athletes and visitors to the Games.

In the aftermath of September 11, the athletes became new heroes for America. These individuals captured our hearts through their amazing sacrifices and triumphs. For the first time in Winter Olympic history, an African-American and Mexican-American won medals, inspiring children and adults alike to strive for excellence.

As Representatives of the United States, we must recognize and congratulate through this resolution all Americans who helped make the 2002 Winter Olympic Games the most successful and memorable ever.

Mr. BLUMENAUER. Mr. Speaker, the success of the 2002 Olympic games in Sale Lake City reflects well the hard work and extraordinary efforts of its host city and of the thousands of athletes who participated in the games. In particular, I would like to congratulate the people who work at the Utah Transit Authority and Utah Department of Transportation for their role in making these Games the most mobility-friendly in history.

Transit provided a safe, effective and efficient transportation alternative for tens of thousands of visitors from around the world, while also serving local residents who rode transit and helped reduce congestion. The efforts of Utah's transportation professionals helped to ensure that the transportation system worked seamlessly during the Olympics.

Salt Lake City developed TRAX, its light rail system, in anticipation of the 2002 Olympics to reduce growing congestion levels in the region. Since service began on the TRAX system in 1999, which opened a year ahead of schedule and under budget, residents in Utah have flocked to use it. Ridership has greatly exceeded projections, and remains high on the system even following the Olympic Games.

In addition to the amazing effort of Utah's transit employees, transit systems from around the nation helped support the Olympic games. Buses and light rail cars borrowed from across the country, in addition to 1,100 transit operators from other cities who came to Salt Lake City to assist the UTA, made the difference in the quality of transit service provided to the approximately 1.7 million spectators, athletes, trainers, officials, journalists, sponsors and staff attending the 2002 Olympics. The Amalgamated Transit Union also played a key role in encouraging drivers and maintenance personnel to participate in the Olympics by helping the Salt Lake Organizing Committee. The willingness of transit agencies from throughout the United States to support Salt Lake City during the 2002 Olympics demonstrates yet another winning team for our country.

Mr. LANTOS. Mr. Speaker, we have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 363, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

BUSINESS CHECKING FREEDOM ACT OF 2002

Mr. TOOMEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1009) to repeal the prohibition on the payment of interest on demand deposits, as amended.

The Clerk read as follows:

H.R. 1009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Business Checking Freedom Act of 2002".

SEC. 2. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED.

(a) REPEAL OF PROHIBITION ON PAYMENT OF INTEREST ON DEMAND DEPOSITS.—

(1) FEDERAL RESERVE ACT.—Section 19(i) of the Federal Reserve Act (12 U.S.C. 371a) is amended to read as follows:

"(i) [Repealed]".

(2) HOME OWNERS' LOAN ACT.—The first sentence of section 5(b)(1)(B) of the Home Owners' Loan Act (12 U.S.C. 1464(b)(1)(B)) is amended by striking "savings association may not—" and all that follows through "(ii) permit any" and inserting "savings association may not permit any".

(3) FEDERAL DEPOSIT INSURANCE ACT.—Section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)) is amended to read as follows:

"(g) [Repealed]".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect at the end of the 2-year period beginning on the date of the enactment of this Act.

SEC. 3. INTEREST-BEARING TRANSACTION ACCOUNTS AUTHORIZED FOR ALL BUSINESSES.

Section 2 of Public Law 93–100 (12 U.S.C. 1832) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following:

"(b) Notwithstanding any other provision of law, any depository institution may permit the owner of any deposit or account which is a deposit or account on which interest or dividends are paid and is not a deposit or account described in subsection (a)(2) to make up to 24 transfers per month (or such greater number as the Board of Governors of the Federal Reserve System may determine by rule or order), for any purpose, to another account of the owner in the same institution. An account offered pursuant to this subsection shall be considered a transaction account for purposes of section 19 of the Federal Reserve Act unless the Board of Governors of the Federal Reserve System determines otherwise.".

SEC. 4. PAYMENT OF INTEREST ON RESERVES AT FEDERAL RESERVE BANKS.

(a) IN GENERAL.—Section 19(b) of the Federal Reserve Act (12 U.S.C. 461(b)) is amended by adding at the end the following new paragraph:

"(12) EARNINGS ON RESERVES.—

"(A) IN GENERAL.—Balances maintained at a Federal reserve bank by or on behalf of a depository institution may receive earnings to be paid by the Federal reserve bank at least once each calendar quarter at a rate or rates not to exceed the general level of short-term interest rates.

"(B) REGULATIONS RELATING TO PAYMENTS AND DISTRIBUTION.—The Board may prescribe regulations concerning—

"(i) the payment of earnings in accordance with this paragraph;

"(ii) the distribution of such earnings to the depository institutions which maintain balances at such banks or on whose behalf such balances are maintained; and

"(iii) the responsibilities of depository institutions, Federal home loan banks, and the National Credit Union Administration Central Liquidity Facility with respect to the crediting and distribution of earnings attributable to balances maintained, in accordance with subsection (c)(1)(A), in a Federal reserve bank by any such entity on behalf of depository institutions.

"(C) DEPOSITORY INSTITUTIONS DEFINED.—For purposes of this paragraph, the term 'depository institution', in addition to the institutions described in paragraph (1)(A), includes any trust company, corporation organized under section 25A or having an agreement with the Board under section 25, or any branch or agency of a foreign bank (as defined in section 1(b) of the International Banking Act of 1978).".

(b) AUTHORIZATION FOR PASS THROUGH RESERVES FOR MEMBER BANKS.—Section 19(c)(1)(B) of the Federal Reserve Act (12 U.S.C. 461(c)(1)(B)) is amended by striking "which is not a member bank".

(c) Consumer Banking Costs Assessment.—

(1) In general.—Section 1002 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note) is amended to read as follows:

"SEC. 1002. SURVEY OF BANK FEES AND SERVICES.

"(a) Annual Survey Required.—The Board of Governors of the Federal Reserve System shall obtain annually a sample, which is representative by type and size of the institution (including small institutions) and geographic location, of the following retail banking services and products provided by insured depository institutions and insured credit unions (along with related fees and minimum balances):

"(1) Checking and other transaction accounts.

"(2) Negotiable order of withdrawal and savings accounts.

"(3) Automated teller machine transactions.

"(4) Other electronic transactions.

"(b) Minimum Survey Requirement.—The annual survey described in subsection (a) shall meet the following minimum requirements:

"(1) Checking and other transaction accounts.—Data on checking and transaction accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Check processing fees.

"(D) Check printing fees.

"(E) Balance inquiry fees.

"(F) Fees imposed for using a teller or other institution employee.

"(G) Stop payment order fees.

"(H) Nonsufficient fund fees.

"(I) Overdraft fees.

"(J) Deposit items returned fees.

"(K) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(2) Negotiable order of withdrawal accounts and savings accounts.—Data on negotiable order of withdrawal accounts and savings accounts shall include, at a minimum, the following:

"(A) Monthly and annual fees and minimum balances to avoid such fees.

"(B) Minimum opening balances.

"(C) Rate at which interest is paid to consumers.

"(D) Check processing fees for negotiable order of withdrawal accounts.

"(E) Fees imposed for using a teller or other institution employee.

"(F) Availability of no-cost or low-cost accounts for consumers who maintain low balances.

"(3) Automated teller transactions.—Data on automated teller machine transactions shall include, at a minimum, the following:

"(A) Monthly and annual fees.

"(B) Card fees.

"(C) Fees charged to customers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(D) Fees charged to customers for withdrawals, deposits, and balance inquiries through machines owned by others.

"(E) Fees charged to noncustomers for withdrawals, deposits, and balance inquiries through institution-owned machines.

"(F) Point-of-sale transaction fees.

"(4) Other electronic transactions.—Data on other electronic transactions shall include, at a minimum, the following:

"(A) Wire transfer fees.

"(B) Fees related to payments made over the Internet or through other electronic means.

"(5) Other fees and charges.—Data on any other fees and charges that the Board of Governors of the Federal Reserve System determines to be appropriate to meet the purposes of this section.

"(6) Federal reserve board authority.—The Board of Governors of the Federal Reserve System may cease the collection of information with regard to any particular fee or charge specified in this subsection if the Board makes a determination that, on the basis of changing practices in the financial services industry, the collection of such information is no longer necessary to accomplish the purposes of this section.

"(c) Annual Report to Congress Required.—

"(1) Preparation.—The Board of Governors of the Federal Reserve System shall prepare a report of the results of each survey conducted pursuant to subsections (a) and (b) of this section and section 136(b)(1) of the Consumer Credit Protection Act.

"(2) Contents of the report.—In addition to the data required to be collected pursuant to subsections (a) and (b), each report prepared pursuant to paragraph (1) shall include a description of any discernible trend, in the Nation as a whole, in a representative sample of the 50 States (selected with due regard for regional differences), and in each consolidated metropolitan statistical area (as defined by the Director of the Office of Management and Budget), in the cost and availability of the retail banking services, including those described in subsections (a) and (b) (including related fees and minimum balances), that delineates differences between institutions on the basis of the type of institution and the size of the institution, between large and small institutions of the same type, and any engagement of the institution in multistate activity.

"(3) Submission to congress.—The Board of Governors of the Federal Reserve System shall submit an annual report to the Congress not later than June 1, 2004, and not later than June 1 of each subsequent year.

"(4) Transition provision.—Notwithstanding section 4(c)(3) of the Business Checking Freedom Act of 2002, the Board of Governors of the Federal Reserve System shall, on an interim basis, continue to comply with the requirements for the bank fee survey under the amendment made to this section by section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 for reports submitted to the Congress under this section not later than June 1, 2003, except that the Board shall incorporate within any such report, to the extent possible, any additional information on any credit card fee or charge that is available to the Board even though such information is not required by such amendment.

"(d) Definitions.—For purposes of this section, the term "insured depository institution" has the meaning given such term in section 3 of the Federal Deposit Insurance Act, and the term "insured credit union" has the meaning given such term in section 101 of the Federal Credit Union Act.".

(2) Amendment to the truth in lending act.—

(A) In general.—Paragraph (1) of section 136(b) of the Truth in Lending Act (15 U.S.C. 1646(b)(1)) is amended to read as follows:

"(1) Collection required.—The Board shall collect, on a semiannual basis, from a broad sample of financial institutions which offer credit card services, credit card price and availability information including—

"(A) the information required to be disclosed under section 127(c) of this chapter;

"(B) the average total amount of finance charges paid by consumers; and

"(C) the following credit card rates and fees:

"(i) Application fees.

"(ii) Annual percentage rates for cash advances and balance transfers.

"(iii) Maximum annual percentage rate that may be charged when an account is in default.

"(iv) Fees for the use of convenience checks.

"(v) Fees for balance transfers.

"(vi) Fees for foreign currency conversions.".

(B) Effective date.—The amendment made by subparagraph (A) shall take effect on January 1, 2003.

(3) Repeal of sunset provision.—Section 108 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 is hereby repealed.

(4) Nonapplicability of other provision of law.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) shall not apply to any report required to be submitted under section 1002(b) of Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(d) Technical and Conforming Amendments.—Section 19 of the Federal Reserve Act (12 U.S.C. 461) is amended—

(1) in subsection (b)(4) (12 U.S.C. 461(b)(4)), by striking subparagraph (C) and redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(2) in subsection (c)(1)(A) (12 U.S.C. 461(c)(1)(A)), by striking "subsection (b)(4)(C)" and inserting "subsection (b)".

SEC. 5. INCREASED FEDERAL RESERVE BOARD FLEXIBILITY IN SETTING RESERVE REQUIREMENTS.

Section 19(b)(2)(A) of the Federal Reserve Act (12 U.S.C. 461(b)(2)(A)) is amended—

(1) in clause (i), by striking "the ratio of 3 per centum" and inserting "a ratio not greater than 3 percent (and which may be zero)"; and

(2) in clause (ii), by striking "and not less than 8 per centum," and inserting "(and which may be zero),".

SEC. 6. TRANSFER OF FEDERAL RESERVE SURPLUSES.

(a) In General.—Section 7(b) of the Federal Reserve Act (12 U.S.C. 289(b)) is amended by adding at the end the following new paragraph:

"(4) Additional transfers to cover interest payments for fiscal years 2002 through 2006.—

"(A) In general.—In addition to the amounts required to be transferred from the surplus funds of the Federal reserve banks pursuant to subsection (a)(3), the Federal reserve banks shall transfer from such surplus funds to the Board of Governors of the Federal Reserve System for transfer to the Secretary of the Treasury for deposit in the general fund of the Treasury, such sums as are necessary to equal the net cost of section 19(b)(12) in each of the fiscal years 2002 through 2006.

"(B) Allocation by federal reserve board.—Of the total amount required to be paid by the Federal reserve banks under subparagraph (A) for fiscal years 2002 through 2006, the Board of Governors of the Federal Reserve System shall determine the amount each such bank shall pay in such fiscal year.

"(C) Replenishment of surplus fund prohibited.—During fiscal years 2002 through

2006, no Federal reserve bank may replenish such bank's surplus fund by the amount of any transfer by such bank under subparagraph (A).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 7(a) of the Federal Reserve Act (12 U.S.C. 289(a)) is amended by adding at the end the following new paragraph:

"(3) PAYMENT TO TREASURY.—During fiscal years 2002 through 2006, any amount in the surplus fund of any Federal reserve bank in excess of the amount equal to 3 percent of the paid-in capital and surplus of the member banks of such bank shall be transferred to the Secretary of the Treasury for deposit in the general fund of the Treasury.".

SEC. 7. RULE OF CONSTRUCTION.

In the case of an escrow account maintained at a depository institution in connection with a real estate transaction—

(1) the absorption, by the depository institution, of expenses incidental to providing a normal banking service with respect to such escrow account;

(2) the forbearance, by the depository institution, from charging a fee for providing any such banking function; and

(3) any benefit which may accrue to the holder or the beneficiary of such escrow account as a result of an action of the depository institution described in subparagraph (1) or (2) or similar in nature to such action, shall not be treated as the payment or receipt of interest for purposes of this Act and any provision of Public Law 93-100, the Federal Reserve Act, the Home Owners' Loan Act, or the Federal Deposit Insurance Act relating to the payment of interest on accounts or deposits at depository institutions.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. TOOMEY) and the gentleman from Texas (Mr. GONZALEZ) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. TOOMEY).

GENERAL LEAVE

Mr. TOOMEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous materials on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. TOOMEY. Mr. Speaker, I yield myself 5 minutes as I rise today in support of H.R. 1009, the Business Checking Freedom Act of 2002.

Let me begin by saying that as a former small business owner, I have seen firsthand just how challenging it can be to run and operate a small business and the endless headaches that come with playing so many roles: making a payroll every Friday, complying with an almost endless amount of regulation, paperwork, and taxes.

It is an unfortunate fact that regulation itself, applied equally to large and small entities, is more burdensome to the smaller businesses, because they just have fewer resources with which to meet the needs of the regulatory environment and to cover the overhead costs. Despite these obstacles, many small businesses are thriving.

What I think we can do here in Congress is ask ourselves. Are there ways that we can help these businesses to thrive, help them expand their bottom line, help them to hire more workers, become more productive, and contribute more to our economy? I think we can do that by fostering an environment where the free enterprise market system can thrive. Part of that means eliminating unnecessary regulation. That is something we can do today.

It may be hard to believe for many folks, but we actually have a law on the books today that prohibits banks from even having the option of offering to pay interest on the checking accounts held by businesses with those banks. It is actually illegal for a bank in America to pay interest to a business that keeps a balance in its checking account.

Now, this has implications. The inability of depository institutions to pay interest on these business checking accounts really hurts all sectors of our economy, but the harm is especially pronounced on small businesses. Specifically, it means that the small florist shop in Pennsburg, Pennsylvania, cannot earn any interest on the hard-earned balance that they have to keep in their checking account to pay the bills. Over the course of a year or two, that could mean several hundred dollars. In time it could mean the difference between making a payroll and not making a payroll.

It means the auto mechanics shop on Northampton Street in Easton, Pennsylvania, cannot earn the interest on their hard-earned checking account balance, and that could make the difference in investing in the latest technology for diagnostic equipment for car repairs.

Now more than ever, a change in this law would be very helpful to businesses as they struggle through this economic slowdown and try to get this economy moving again.

Today, what Congress can do to help is we can pass H.R. 1009, the Business Checking Freedom Act of 2002. The bill contains several commonsense reforms; but most importantly, it eliminates the ban on the payment of interest on business checking accounts that is currently imposed on banks after a 2-year transition period. The ban has been in effect since the Great Depression. Frankly, it was probably never a very good idea, but it is certainly long overdue for appeal now; and today is our chance to abolish this ban.

Support for this bill is nearly universal. The U.S. Chamber of Commerce, the NFIB, the America's Community Bankers, the National Association of Federal Credit Unions, the Association for Financial Professionals, and the Independent Insurance Agents of America are just a handful of the independent organizations that support this bill.

In addition, on March 19 of this year, President Bush announced that repealing the prohibition on business interest checking would be included as part of his small business legislative plan.

In addition to the President, the Federal regulators support this legislative change as well. In their 1996 joint report, "Streamlining of Regulatory Requirements," the Board of Governors of the Federal Reserve System, the FDIC, the Office of the Comptroller of the Currency, and the Office of Thrift Supervision stated that they believe that the 1933 statutory prohibition against payment of interest on business checking accounts "no longer serves a public purpose."

There is another important feature that I would like to touch on briefly in this bill, and that is that in addition to providing small business with much-needed relief, H.R. 1009 would authorize a payment of interest on certain reserves that banks are required to maintain at the Federal Reserve, the so-called "sterile reserves." Just as it makes no sense to prohibit banks from paying interest on business checking, it also makes no sense to continue to prohibit the Federal Reserve from paying interest to banks on their sterile reserves.

Federal Reserve Chairman Alan Greenspan has testified before our committee, the Committee on Financial Services, that repealing the prohibition against paying interest on sterile reserves would have the additional benefit of facilitating the Federal Reserve's management of U.S. monetary policy. In part because the Fed pays no interest on these Reserves, balances at Federal Reserve banks have declined dramatically in recent years. The Federal Reserve believes that paying interest on these reserves would have the effect of stemming that decline and thereby enhancing their ability to conduct monetary policy.

I would like to thank the gentleman from Ohio (Mr. OXLEY), the chairman of this committee, and the gentleman from New York (Mr. LAFALCE), the ranking member, for their strong support of this bill and for bringing it to the House floor today. I would also like to thank the gentlewoman from New York (Mrs. KELLY) and the gentleman from Pennsylvania (Mr. KANJORSKI) for their contributions, their support, and their leadership on this legislation. I believe this legislation is long overdue. I am hopeful that the other Chamber will soon bring it up as well. I urge my colleagues to pass this pro-small business, pro-small bank, pro-free market legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1009. This legislation repeals an outdated prohibition against banks paying interest to their business customers on their checking accounts, and we support it wholeheartedly.

The repeal of the ban on interest-bearing checking accounts represents another important step in the modernization of our financial services industry. This ban was adopted in the Great Depression out of fear that banks seeking business accounts would bid against each other with higher interest rates and, thus, contribute to bank insolvencies. Federal banking agencies have all concluded that the ban no longer serves a useful public purpose and that it is outdated in this modern financial services environment.

Mr. Speaker, H.R. 1009 promotes healthy competition within the financial services community for commercial checking accounts, which can only benefit the business community, particularly the small business community, with more efficient, cost-effective financial services.

Current law and market conditions prevent many small businesses from obtaining easy access to interest-bearing checking accounts, while many larger businesses and their banks have found a way around the interest prohibition through complicated sweep accounts and other devices. This legislation would end this discrepancy between small and large businesses and, ultimately, increase the efficiency of the Nation's economy.

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I do share the concerns of many of my colleagues on the Committee on Financial Services that the Federal Reserve sterile reserve interest payment provisions of this bill may contribute to the budget deficit. But I believe that H.R. 1009, on balance, makes an important and necessary contribution to the long-term health of our Nation's economy.

I would also like to note that this bill includes a Democratic-sponsored provision that will provide an annual assessment by the Federal Reserve of the fees charged retail bank accounts. With fees representing an ever-growing share of bank earnings, an annual survey of retail bank fees is, in my view, increasingly important.

Mr. Speaker, I believe H.R. 1009 makes an important contribution to improving the financing opportunities for many small businesses across the country.

Mr. Speaker, I urge my colleagues to vote for the bill, and I reserve the balance of my time.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Texas (Mr. GONZALEZ) for his leadership and support of this legislation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding this time to me, and for agreeing to engage in a colloquy on section 7 of the Business Checking Freedom Act of 2002.

I also want to thank him for including in this bill section 7, rule of construction. This provision addresses the treatment of certain services and benefits provided by banks in connection with escrow accounts for real estate closing transactions. It makes certain that the current legal definition of interest and the existing legal treatment of real estate closing escrow transactions remain the same.

Under current Federal law and regulations, particularly the Federal Reserve's regulation Q, banks may provide depositors with services and benefits, instead of interest. I originally asked that a similar provision be included in H.R. 974 in committee.

My interest in the issue stems from my experiences handling real estate closings early in my legal career and seeing firsthand the importance of regulation Q. I am grateful that adjustments are being made in the current version, and that the bill is moving forward.

Section 7 is especially important to title insurance companies, agents, and attorneys, who, like other businesses, often receive free or lower-cost bank services instead of interest on their real estate escrow accounts.

By not treating such services and benefits as constituting the payment of interest, the Federal Reserve ensures a real estate closing system that benefits both those who are delivering real estate services and those borrowers who receive the ultimate benefits of more efficient, lower-cost services.

In my legal practice, I became very familiar with these types of arrangements, and can attest to the fact that they facilitated and made more efficient the real estate closing process.

I strongly support this provision of the bill, and would ask the gentleman from Pennsylvania (Mr. TOOMEY) if he is of the same view regarding the intent of this provision.

Mr. TOOMEY. Mr. Speaker, will the gentlewoman yield?

Mrs. BIGGERT. I yield to the gentleman from Pennsylvania.

Mr. TOOMEY. Mr. Speaker, I would tell the gentlewoman, having supported this provision since we first considered this bill last year, I assure the gentlewoman that I agree with her. This provision rightfully preserves the current status of real estate escrow accounts held in connection with real estate closing transactions, and specifically in services and benefits that banks may provide instead of interest on such accounts.

Mrs. BIGGERT. I thank the gentleman for this clarification, Mr. Speaker.

Mr. GONZALEZ. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. TOOMEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS), chairman of the Subcommittee on Financial Institutions and Consumer Credit.

Mr. BACHUS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in strong support of H.R. 1009. I first want to commend the gentleman from Pennsylvania (Mr. TOOMEY) for bringing this legislation to the floor. This is important legislation.

Members will recall that the House passed legislation very similar to this, which the gentleman from Pennsylvania (Mr. TOOMEY) sponsored back in April of last year. Then, at the end of last year, we passed the terrorist insurance legislation. We passed several other important pieces of legislation designed to get the economy going, designed to eliminate unnecessary regulations, to stimulate growth, to create jobs, and to end the recession in our regulations.

This legislation, like the terrorist insurance legislation that President Bush strongly urged the other body to get to work in passing, has not been passed by the other body. It is time that we sent this legislation out with a strong vote and a strong message to the other body to get to work passing this legislation and other important legislation.

This legislation had strong bipartisan support. I want to commend the gentleman from Texas (Mr. GONZALEZ) and the gentleman from Pennsylvania (Mr. TOOMEY). In speaking on this legislation, they basically have already outlined to this House amply why we need this legislation.

Mr. Speaker, this is critically important to small businesses. Large corporations use sweep accounts. They use sophisticated computer programs and complex programs to earn interest on their commercial deposits. Small business owners do not get those same benefits.

Money center banks can attract deposits from large corporate customers. They promise them, through sweep accounts, that they will be compensated for the use of their money. Our small community banks do not do this, or it would cost them a great expense to do this.

This legislation would simply enable the small businesses, whether it is a florist, a body shop, an auto body shop, a law firm, a doctor's office, a beauty shop, it will allow them to get the same benefits that large corporations are getting today.

It will also allow the small community banks to attract deposits. We all know that that is key for the small banks or community banks in attracting deposits, keeping those deposits and keeping those monies in the local communities.

Again, I want to commend the gentleman from Pennsylvania (Mr.

TOOMEY) and the other party, the minority party, the gentleman from Pennsylvania (Mr. KANJORSKI) and the gentleman from Texas (Mr. GONZALEZ).

Also, finally, I want to commend the gentlewoman from New York (Mrs. KELLY) for her work on this bill, and the chairman of the full committee, the gentleman from Ohio (Mr. OXLEY).

Mr. TOOMEY. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the gentleman for giving me this time, and I rise in strong support of the bill offered by the gentleman from Pennsylvania (Mr. TOOMEY), which is titled H.R. 1009, the Business Checking Freedom Act.

Mr. Speaker, this bill really follows in the footsteps of groundbreaking legislation that we already passed in the House of Representatives when we repealed outdated Depression era constraints on the financial services industry and moved to move that industry into the 21st century.

Giving banks the ability to pay interest on business checking accounts has been endorsed by the President as part of his small business agenda. The Federal Reserve Board also has long supported efforts to allow banks to offer interest on demand accounts, and the measure enjoys a broad base of industry support, including support from the National Federation of Independent Businesses, from the U.S. Chamber of Commerce, from America's Community Bankers, from the National Association of Federal Credit Unions, from the Association of Financial Professionals, and from the Independent Insurance Agents of America.

The inability of depository institutions to pay interest on business accounts hurts all sectors of the economy and decreases the overall competitiveness of the American markets. This legislation gives small businesses the jumpstart they need to create new jobs and improve the economy while removing burdensome regulations from small banks and allowing the market to work. I think that is the point that the author, the gentleman from Pennsylvania (Mr. TOOMEY), makes so well.

Mr. Speaker, I strongly encourage all of my colleagues to support this legislation and to strike a victory for the American economy. I recognize that many businesses, by the way, maintain what are called "now accounts." Those that do will not receive this benefit. I hope that in the future, as this legislation moves, the restriction on interest on corporate now accounts is also repealed.

Lastly, I just want to thank the gentleman from Pennsylvania (Mr. TOOMEY) for the opportunity to speak in support of his important bill.

Mr. TOOMEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think the case has been made very clearly that it is long past time to repeal this really archaic Depression era law that no longer serves any useful purpose, if it ever did.

I urge my colleagues to support this bill.

Mr. OXLEY. Mr. Speaker, the legislation the House considers today represents the Financial Services Committee's continuing efforts to modernize America's laws so that they promote economic growth and the free market. Today's legislation is but one of many needed reforms to ensure that outdated thinking doesn't stifle the competitive forces of markets, and the changes made by H.R. 1009 are long overdue.

Under current law, small businesses are the only entities which must leave their capital lying idle in non-interest bearing accounts. The Business Checking Freedom Act of 2002 corrects this problem. This change is simply common sense, which is why a similar measure sponsored by Representative KELLY was passed by this body over a year ago. Unfortunately, as has been the case with so many important reforms passed by the House this Congress, the other body has refused to take up Representative KELLY's bill for consideration. While the other body waits, millions of small businesses across America are denied the opportunity to earn interest, which they could put towards hiring more workers and improving their operations.

H.R. 1009 is an important reform that will have tangible effects on our economy. That's why the President included these reforms in his plan for revitalizing small business and entrepreneurship. It is also why Federal Reserve Chairman Alan Greenspan supports this bill. By passing this legislation today the House will continue to demonstrate its leadership in improving our laws to reflect the realities of the 21st century.

Mr. Speaker, it is time for the other body to follow our lead. I thank Representative TOOMEY for his outstanding leadership in this area. His efforts will help small businessmen and women across America, and as Chairman of the Financial Services Committee I am grateful. I urge all of my colleagues to support H.R. 1009.

Mr. TOOMEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). The question is on the motion offered by the gentleman from Pennsylvania (Mr. TOOMEY) that the House suspend the rules and pass the bill, H.R. 1009, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 3 o'clock and 40 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1836

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. BIGGERT) at 6 o'clock and 36 minutes p.m.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. PHELPS. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer the following motion to instruct House conferees tomorrow on H.R. 2646.

The form of the motion is as follows:

Mr. PHELPS moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646, an act to provide for the continuation of agricultural programs through fiscal year 2011, be instructed to agree to the provisions contained in section 1071 of the Senate amendment, relating to reenactment of the family farmer bankruptcy provisions contained in chapter 12 of Title 11, United States Code.

Madam Speaker, I plan to offer this motion with the gentleman from Pennsylvania (Mr. HOLDEN).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on motions to suspend the rules on which further proceedings were postponed earlier today.

Votes will be taken in the following order:

Journal vote, de novo;

House Resolution 377, by the yeas and nays;

H.R. 3958, by the yeas and nays;

House Resolution 363, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

THE JOURNAL

Pursuant to clause 8 of rule XX, the pending business is the question of the Speaker's approval of the Journal of the last day's proceedings.

The question is on agreeing to the Speaker's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LAHOOD. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 361, nays 43, answered "present" 1, not voting 29, as follows:

[Roll No. 80]

YEAS—361

Abercrombie
Ackerman
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cantor
Capito
Capps
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Conyers
Cooksey
Cox
Coyne
Cramer
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Ferguson
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (WI)
Greenwood
Grucci
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Langevin
Lantos
Larson (CT)
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, Jeff
Mink
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Stump
Stupak
Sullivan
Sununu
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—43

Aderholt
Brady (PA)
Capuano
Condit
Costello
Crane
DeFazio
Dingell
English
Everett
Filner
Green (TX)
Gutknecht
Hefley
Hilliard
Kennedy (MN)
Kucinich
Larsen (WA)
Latham
LoBiondo
McDermott
McNulty
Menendez
Miller, George
Moore
Oberstar
Olver
Peterson (MN)
Pombo
Sabo
Schaffer
Slaughter
Strickland
Sweeney
Taylor (MS)
Thompson (CA)
Thompson (MS)
Udall (CO)
Udall (NM)
Visclosky
Weller
Whitfield
Wicker

ANSWERED "PRESENT"—1

Tancredo

NOT VOTING—29

Becerra
Blagojevich
Borski
Brown (FL)
Burton
Buyer
Calvert
Cannon
Clement
Collins
Doyle
Fossella
Gephardt
Gutierrez
Hulshof
Hunter
Jones (NC)
Lewis (CA)
McKinney
Mica
Mollohan
Platts
Pryce (OH)
Radanovich
Riley
Ryan (WI)
Sessions
Traficant
Young (FL)

□ 1909

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT) (during the vote). At a certain time during this vote, some voting stations were temporarily inoperative. The Chair urges all Members to verify their votes prior to the Chair's announcement of the result.

□ 1909

So the Journal was approved.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair's prior announcement on voting on House Resolution 363 is corrected to postpone that yea and nay vote until tomorrow.

There will now be two 5-minute votes.

RECOGNIZING ELLIS ISLAND MEDAL OF HONOR AND COMMENDING NATIONAL ETHNIC COALITION OF ORGANIZATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 377.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. TOM DAVIS) that the House suspend the rules and agree to the resolution, H. Res. 377, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 403, nays 0, not voting 31, as follows:

[Roll No. 81]

YEAS—403

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hunter
Hyde
Inslee
Isakson
Israel

Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—31

Becerra
Blagojevich
Borski
Brown (FL)
Burton
Buyer
Calvert
Cannon
Clement
Collins
Doyle
Fossella
Gephardt
Gutierrez
Hoyer
Hulshof
Jones (NC)
Lewis (CA)
McKinney
Mica
Mollohan
Pryce (OH)
Radanovich
Riley
Ryan (WI)
Sessions
Traficant
Velázquez
Waters
Watson (CA)
Young (FL)

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

BEAR RIVER MIGRATORY BIRD REFUGE SETTLEMENT ACT OF 2002

The SPEAKER pro tempore (Mrs. BIGGERT). The pending business is the question of suspending the rules and passing the bill, H.R. 3958, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 3958, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 396, nays 6, not voting 32, as follows:

[Roll No. 82]

YEAS—396

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Bryant
Burr
Callahan
Camp
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clyburn
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Serrano
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
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Stump
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Sununu
Sweeney
Tancredo
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Tauzin
Taylor (MS)
Taylor (NC)
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Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
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Turner
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Udall (NM)
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Velázquez
Visclosky
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Walden
Walsh
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Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)

NAYS—6

Coble
Flake
Kerns
Paul
Sensenbrenner
Stearns

NOT VOTING—32

Ballenger
Becerra
Blagojevich
Borski
Brown (FL)
Burton
Buyer
Calvert
Cannon
Clement
Collins
Doyle
Fossella
Gephardt
Goode
Gutierrez
Hulshof
Jones (NC)
Lewis (CA)
McKinney
Mica
Mollohan
Pryce (OH)
Radanovich
Riley
Roukema
Ryan (WI)
Scott
Sessions
Smith (MI)
Traficant
Young (FL)

□ 1929

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3925, DIGITAL TECH CORPS ACT OF 2002

Mrs. MYRICK, from the Committee on Rules, submitted a privileged report (Rept. No. 107–393) on the resolution (H. Res. 380) providing for consideration of the bill (H.R. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the further motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record vote on the postponed question will be taken tomorrow.

ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. FLAKE. Madam Speaker, pursuant to clause 7(c) of rule XXII, I hereby announce my intention to offer a motion to instruct conferees on H.R. 2646 tomorrow. The form of the motion is as follows:

Mr. FLAKE of Arizona moves that the managers on the part of the House at the conference on disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed to agree to section 1144(g)(1)(C) of the Food Security Act of 1985, as added by section 204 of the Senate amendment.

□ 1930

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

Mr. THOMAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3991) to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service, as amended.

The Clerk read as follows:

H.R. 3991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Protection and IRS Accountability Act of 2002".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—

Sec. 1. Short title; etc.

TITLE I—PENALTIES AND INTEREST

Sec. 101. Reduction of Federal tax deposit penalty.
Sec. 102. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.
Sec. 103. Exclusion from gross income for interest on overpayments of income tax by individuals.
Sec. 104. Abatement of interest.
Sec. 105. Deposits made to suspend running of interest on potential underpayments.
Sec. 106. Expansion of interest netting for individuals.
Sec. 107. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 108. Frivolous tax submissions.

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

Sec. 201. Partial payment of tax liability in installment agreements.
Sec. 202. Additional considerations to be taken into account as bases for accepting offer-in-compromise.
Sec. 203. Extension of time for return of property.
Sec. 204. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 205. Study of liens and levies.

TITLE III—EFFICIENCY OF TAX ADMINISTRATION

Sec. 301. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 302. Confirmation of authority of Tax Court to apply doctrine of equitable recoupment.
Sec. 303. Jurisdiction of Tax Court over collection due process cases.
Sec. 304. Office of Chief Counsel review of offers in compromise.
Sec. 305. Study of taxpayer notification alternatives.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 402. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 403. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 404. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.

TITLE V—MISCELLANEOUS

Sec. 501. Clarification of definition of church tax inquiry.
Sec. 502. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 503. Employee misconduct report to include summary of complaints by category.
Sec. 504. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 505. Annual report on abatement of penalties.
Sec. 506. Better means of communicating with taxpayers.
Sec. 507. Explanation of statute of limitations and consequences of failure to file.
Sec. 508. Amendment to Treasury auction reforms.
Sec. 509. Enrolled agents.

TITLE VI—AUTHORIZATION OF APPROPRIATION

Sec. 601. Low-income taxpayer clinics.

TITLE I—PENALTIES AND INTEREST

SEC. 101. REDUCTION OF FEDERAL TAX DEPOSIT PENALTY.

(a) IN GENERAL.—Subparagraph (A) of section 6656(b)(1) is amended to read as follows:

"(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'applicable percentage' means 2 percent.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to deposits required to be made after December 31, 2002.

SEC. 102. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

"SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

"(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

"(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

"(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

"(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

"(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

"(2) DETERMINATION OF INTEREST RATE.—

"(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

"(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

"(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

"(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.".

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

"(i) the lesser of—

"(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

"(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $2,000, or".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking "addition to tax" each place it occurs and inserting "interest".

(2) Section 167(g)(5)(D) is amended by striking "6654" and inserting "6641".

(3) Section 460(b)(1) is amended by striking "6654" and inserting "6641".

(4) Section 3510(b) is amended—

(A) by striking "section 6654" in paragraph (1) and inserting "section 6641";

(B) by amending paragraph (2)(B) to read as follows:

"(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $2,000 amount specified in section 6641(d)(1)(B)(i)(II).";

(C) by striking "section 6654(d)(2)" in paragraph (3) and inserting "section 6641(d)(2)"; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking "6654" and inserting "6641".

(6) Section 6601(h) is amended by striking "6654" and inserting "6641".

(7) Section 6621(b)(2)(B) is amended by striking "addition to tax under section 6654" and inserting "interest required to be paid under section 6641".

(8) Section 6622(b) is amended—

(A) by striking "PENALTY FOR" in the heading; and

(B) by striking "addition to tax under section 6654 or 6655" and inserting "interest required to be paid under section 6641 or addition to tax under section 6655".

(9) Section 6658(a) is amended—

(A) by striking "6654, or 6655" and inserting "or 6655, and no interest shall be required to be paid under section 6641,"; and

(B) by inserting "or paying interest" after "the tax" in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking ", 6654,"; and

(B) in paragraph (2) by striking "6654 or".

(11) Section 7203 is amended by striking "section 6654 or 6655" and inserting "section 6655 or interest required to be paid under section 6641".

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

"Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

"Sec. 6641. Interest on failure by individual to pay estimated income tax.".

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

"Subchapter D. Notice requirements.

"Subchapter E. Interest on failure by individual to pay estimated income tax.".

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2002.

SEC. 103. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

"SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

"(a) IN GENERAL.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

"(b) EXCEPTION.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

"(c) SPECIAL RULE FOR DETERMINING MODIFIED ADJUSTED GROSS INCOME.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income."

(b) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

"Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 104. ABATEMENT OF INTEREST.

(a) ABATEMENT OF INTEREST WITH RESPECT TO ERRONEOUS REFUND CHECK WITHOUT REGARD TO SIZE OF REFUND.—Paragraph (2) of section 6404(e) is amended by striking "unless—" and all that follows and inserting "unless the taxpayer (or a related party) has in any way caused such erroneous refund."

(b) ABATEMENT OF INTEREST TO EXTENT INTEREST IS ATTRIBUTABLE TO TAXPAYER RELIANCE ON WRITTEN STATEMENTS OF THE IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking "PENALTY OR ADDITION" and inserting "INTEREST, PENALTY, OR ADDITION"; and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking "penalty or addition" and inserting "interest, penalty, or addition".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 105. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) IN GENERAL.—Subchapter B of chapter 67 (relating to interest on overpayments) is amended by redesignating section 6612 as section 6613 and by inserting after section 6611 the following new section:

"SEC. 6612. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) AUTHORITY TO MAKE DEPOSITS OTHER THAN AS PAYMENT OF TAX.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) NO INTEREST IMPOSED.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) RETURN OF DEPOSIT.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) PAYMENT OF INTEREST.—

"(1) IN GENERAL.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6601(e)(2) shall apply.

"(2) DISPUTABLE TAX.—

"(A) IN GENERAL.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) SAFE HARBOR BASED ON 30-DAY LETTER.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) OTHER DEFINITIONS.—For purposes of paragraph (2)—

"(A) DISPUTABLE ITEM.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit which the taxpayer reasonably believes the Secretary has a reasonable basis for disputing the treatment on the taxpayer's return.

"(B) 30-DAY LETTER.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) RATE OF INTEREST.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) USE OF DEPOSITS.—

"(1) PAYMENT OF TAX.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(B) RETURNS OF DEPOSITS.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis."

(b) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 67 is amended by striking the last item and inserting the following new items:

"Sec. 6612. Deposits made to suspend running of interest on potential underpayments, etc.
"Sec. 6613. Cross references."

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) COORDINATION WITH DEPOSITS MADE UNDER REVENUE PROCEDURE 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6612 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6612.

SEC. 106. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) IN GENERAL.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: "Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2002.

SEC. 107. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) IN GENERAL.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

"(i) TREATMENT OF FIRST-TIME UNINTENTIONAL MINOR ERROR.—In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if—

"(1) the individual has a history of compliance with the requirements of this title,

"(2) it is shown that the failure is due to an unintentional minor error,

"(3) the penalty would otherwise be disproportionate to the amount involved, and

"(4) waiving the penalty would promote compliance with the requirements of this title and effective tax administration.

The preceding sentence shall not apply if the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2003.

SEC. 108. FRIVOLOUS TAX SUBMISSIONS.

(a) CIVIL PENALTIES.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) CIVIL PENALTY FOR FRIVOLOUS TAX RETURNS.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) CIVIL PENALTY FOR SPECIFIED FRIVOLOUS SUBMISSIONS.—

"(1) IMPOSITION OF PENALTY.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) SPECIFIED FRIVOLOUS SUBMISSION.—For purposes of this section—

"(A) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) SPECIFIED FRIVOLOUS SUBMISSION.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 7811 (relating to taxpayer assistance orders),

"(II) section 6159 (relating to agreements for payment of tax liability in installments), or

"(III) section 7122 (relating to compromises).

"(3) OPPORTUNITY TO WITHDRAW SUBMISSION.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission promptly after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) LISTING OF FRIVOLOUS POSITIONS.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) REDUCTION OF PENALTY.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) PENALTIES IN ADDITION TO OTHER PENALTIES.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS BEFORE LEVY.—

(1) FRIVOLOUS REQUESTS DISREGARDED.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) FRIVOLOUS REQUESTS FOR HEARING, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) PRECLUSION FROM RAISING FRIVOLOUS ISSUES AT HEARING.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) STATEMENT OF GROUNDS.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested appeal".

(c) TREATMENT OF FRIVOLOUS REQUESTS FOR HEARINGS UPON FILING OF NOTICE OF LIEN.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested appeal".

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) TREATMENT OF FRIVOLOUS APPLICATIONS FOR OFFERS-IN-COMPROMISE AND INSTALLMENT AGREEMENTS.—Section 7122 is amended by adding at the end the following new subsection:

"(e) FRIVOLOUS SUBMISSIONS, ETC.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

SEC. 201. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the

matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 202. ADDITIONAL CONSIDERATIONS TO BE TAKEN INTO ACCOUNT AS BASES FOR ACCEPTING OFFER-IN-COMPROMISE.

(a) In General.—Paragraph (3) of section 7122(c) (relating to special rules relating to treatment of offers) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting a semicolon, and by adding at the end the following new subparagraphs:

"(C) in all cases, consideration shall be given to—

"(i) whether the taxpayer has a history of complying with the requirements of this title,

"(ii) whether there is evidence of an error by the Internal Revenue Service in determining or administering the tax which is the subject of the offer-in-compromise, and

"(iii) whether the taxpayer has made a good faith effort to resolve and pay the liability;

"(D) a reasonable annual allowance shall be made for voluntary payments for the support of any dependent (as defined in section 152) of the taxpayer;

"(E) a reasonable allowance shall be made for payments on unsecured debt of the taxpayer to the extent such debt is attributable to Federal, State, or local income taxes, medical care expenses, burial expenses, or other basic living expenses; and

"(F) consideration shall be given to the level of the taxpayer's education and financial and business experience relative the complexity of the transaction giving rise to the liability."

(b) Limitations.—Subsection (c) of section 7122 is amended by adding at the end the following new paragraph:

"(4) Limitations on certain factors in considering offer-in-compromise.—

"(A) Period for certain considerations.—Subparagraph (E) of paragraph (3) shall apply only during the 3-year period beginning on whichever of the following is the earliest:

"(i) The date of the receipt by the taxpayer of the notice of the decision of the Internal Revenue Service Office of Appeals.

"(ii) The date of the notice of deficiency.

"(iii) The date on which the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals is sent.

"(B) Dollar limitations.—

"(i) Allowances.—The allowances under subparagraphs (D) and (E) shall not exceed the dollar amount in effect under section 2503(b).

"(ii) Consideration of education and financial sophistication.—Subparagraph (F) of paragraph (3) shall apply only if the amount of the liability does not exceed the dollar amount in effect under section 2503(b)."

(c) Effective Date.—The amendments made by this section shall apply to proposed offers-in-compromise submitted after the date of the enactment of this Act.

SEC. 203. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) Extension of Time for Return of Property Subject to Levy.—Subsection (b) of section 6343 (relating to return of property) is amended by striking "9 months" and inserting "2 years".

(b) Period of Limitation on Suits.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking "9 months" and inserting "2 years", and

(2) in paragraph (2) by striking "9-month" and inserting "2-year".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 204. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) In General.—Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after "application," the following: "but only if the date of such decision is at least 7 days after the date of the taxpayer's application".

(b) Effective Date.—The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 205. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine—

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III—EFFICIENCY OF TAX ADMINISTRATION

SEC. 301. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) In General.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

"SEC. 7804A. TERMINATION OF EMPLOYMENT FOR MISCONDUCT.

"(a) In General.—Subject to subsection (c), the Commissioner of Internal Revenue shall terminate the employment of any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

"(b) Acts or Omissions.—The acts or omissions referred to under subsection (a) are—

"(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

"(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

"(3) with respect to a taxpayer or taxpayer representative, the willful violation of—

"(A) any right under the Constitution of the United States;

"(B) any civil right established under—

"(i) title VI or VII of the Civil Rights Act of 1964;

"(ii) title IX of the Education Amendments of 1972;

"(iii) the Age Discrimination in Employment Act of 1967;

"(iv) the Age Discrimination Act of 1975;

"(v) section 501 or 504 of the Rehabilitation Act of 1973; or

"(vi) title I of the Americans with Disabilities Act of 1990; or

"(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

"(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

"(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

"(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

"(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

"(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

"(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

"(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

"(c) Determinations of Commissioner.—

"(1) In general.—The Commissioner may take a personnel action other than termination for an act or omission under subsection (a).

"(2) Discretion.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

"(3) No appeal.—Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding that an act or omission described in subsection (b) occurred may be reviewed.

"(d) Definition.—For the purposes of the provisions described in clauses (i), (ii), and

(iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.

"(e) Annual Report.—The Commissioner shall submit to Congress annually a report on terminations of employment under this section.".

(b) Clerical Amendment.—The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

"Sec. 7804A. Termination of employment for misconduct."

(c) Effective Date.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) Confirmation of Authority of Tax Court To Apply Doctrine of Equitable Recoupment.—Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.".

(b) Effective Date.—The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 303. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) In General.—Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:

"(1) Judicial review of determination.—The person may, within 30 days of a determination under this section, appeal such determination to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).".

(b) Effective Date.—The amendment made by subsection (a) shall apply to appeals filed after the date of the enactment of this Act.

SEC. 304. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 305. STUDY OF TAXPAYER NOTIFICATION ALTERNATIVES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of alternative methods of notifying taxpayers of determinations and other actions of the Secretary. The study shall examine the advantages and disadvantages of—

(1) the use of certificates of mailing,

(2) modifications to certified or registered mail requirements which eliminate return receipt requested, and

(3) modifications with respect to dual notices to taxpayers filing a joint return and residing at the same address.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

SEC. 401. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) In General.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking "in writing" the first place it appears.

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) In General.—Subsection (h) of section 6103 (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

"(7) Taxpayer representatives.—Notwithstanding paragraph (1), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) In General.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

"(B) Disclosure in judicial or administrative tax proceedings of return and return information of persons not party to such proceedings.—

"(i) Notice.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in paragraph (4) shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a section shall take effect on the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) In General.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

"(B) Disclosure in judicial or administrative tax proceedings of return and return information of persons not party to such proceedings.—

"(i) Notice.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in paragraph (4) shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a easonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

"(ii) Disclosure limited to pertinent portion.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

"(iii) Exceptions.—Clause (i) shall not apply to—

"(I) any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

"(II) disclosure of third party return information by indictment or criminal information, or

"(III) if the Secretary determines that the application of such clause would seriously impair a criminal tax investigation.".

(b) Conforming Amendments.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking "proceedings.—A return" and inserting "proceedings.—

"(A) In general.—Except as provided in subparagraph (B), a return";

(2) by redesignating subparagraphs (A), (B), (C), and (D) clauses (i), (ii), (iii), and (iv), respectively; and

(3) in the matter following clause (iv) (as so redesignated), by striking "subparagraph (A), (B), or (C)" and inserting "clause (i), (ii), or (iii)" and by moving such matter 2 ems to the right.

(c) Effective Date.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) In General.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting "(other than the tax payer's address and TIN)" after "Return information".

(b) Effective Date.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) In General.—Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

"(9) Disclosure to contractors.—Notwithstanding any other provision of this section, no return or return information shall be disclosed by any officer or employee of any Federal agency or State to any contractor of such agency or State unless such agency or State—

"(A) has requirements in effect which require each contractor of such agency or State which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that all contractors are in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract of the contractor with the Federal agency or State, and the duration of such contract.".

(b) Conforming Amendment.—Subparagraph (B) of section 6103(p)(8) is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to disclosures made after December 31, 2002.

(2) Certifications.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2003.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) In General.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

"(2) Requirements for valid requests and consents.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section or sections 7213, 7213A, or 7431 if—

"(A) at the time of execution, such request or coe of Service To Act on Determinations Treated as Exhaustion of Remedies.—The second sentence of paragraph (2) of section 7428(b) (relating to exhaustion of administrative remedies) is amended to read as follows: "An organization which requests the determination of an issue referred to in subsection (a)(1) and which has taken, in a timely manner, all reasonable steps to secure such determination, shall be deemed to have exhausted its administrative remedies with respect to—

"(A) a failure by the Secretary to make a determination with respect to such issue, at the expiration of 270 days after the date on which the request for such determination was made, and

"(B) a failure by any office of the Internal Revenue Service (other than the office which is responsible for initial determinations with respect to such issue) to make a determination with respect to such issue, at the expiration of 450 days after the date on which such request was made.".

(d) Effective Dates.—

(1) Declaratory judgment.—The amendments made by subsections (a) and (b) shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

(2) Failure of service to act.—The amendments made by subsection (c) shall apply to applications received in the national office of the Internal Revenue Service after the date of the enactment of this Act.

SEC. 503. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) In General.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: ", including a summary (by category) of the 10 most common complaints made and the number of such common complaints".

(b) Effective Date.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 504. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2001, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 505. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2001, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 506. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 507. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning in 2000 and later (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 508. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) In General.—Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon "(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))".

(b) Effective Date.—The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 509. ENROLLED AGENTS.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ENROLLED AGENTS.

"(a) In General.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

"(b) Use of Credentials.—Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'."

(b) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7525. Enrolled agents."

(c) Prior Regulations.—Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

TITLE VI—AUTHORIZATION OF APPROPRIATION

SEC. 601. LOW-INCOME TAXPAYER CLINICS.

(a) Limitation on Amount of Grants.—Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking "$6,000,000 per year" and inserting "$9,000,000 for 2002, $12,000,000 for 2003, and $15,000,000 for each year thereafter".

(b) Limitation on Use of Clinics for Tax Return Preparation.—Section 7526(b)(1) is amended by adding at the end the following new subparagraph:

"(C) Limitation regarding tax return preparation.—A clinic meets the requirements of subparagraph (A)(ii)(II) if the programs operated by the clinic do not include routine tax return preparation.".

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; ETC.

(a) Short Title.—This Act may be cited as the "Taxpayer Protection and IRS Accountability Act of 2002".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) Table of Contents.—

Sec. 1. Short title; etc.

TITLE I—PENALTIES AND INTEREST

Sec. 101. Failure to pay estimated tax penalty converted to interest charge on accumulated unpaid balance.

Sec. 102. Exclusion from gross income for interest on overpayments of income tax by individuals.

Sec. 103. Abatement of interest.

Sec. 104. Deposits made to suspend running of interest on potential underpayments.

Sec. 105. Expansion of interest netting for individuals.
Sec. 106. Waiver of certain penalties for first-time unintentional minor errors.
Sec. 107. Frivolous tax submissions.
Sec. 108. Clarification of application of tax deposit penalty.

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

Sec. 201. Partial payment of tax liability in installment agreements.
Sec. 202. Extension of time for return of property.
Sec. 203. Individuals held harmless on wrongful levy, etc. on individual retirement plan.
Sec. 204. Seven-day threshold on tolling of statute of limitations during tax review.
Sec. 205. Study of liens and levies.

TITLE III—EFFICIENCY OF TAX ADMINISTRATION

Sec. 301. Revisions relating to termination of employment of Internal Revenue Service employees for misconduct.
Sec. 302. Confirmation of authority of Tax Court to apply doctrine of equitable recoupment.
Sec. 303. Jurisdiction of Tax Court over collection due process cases.
Sec. 304. Office of Chief Counsel review of offers in compromise.
Sec. 305. 15-day delay in due date for electronically filed individual income tax returns.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

Sec. 401. Collection activities with respect to joint return disclosable to either spouse based on oral request.
Sec. 402. Taxpayer representatives not subject to examination on sole basis of representation of taxpayers.
Sec. 403. Disclosure in judicial or administrative tax proceedings of return and return information of persons who are not party to such proceedings.
Sec. 404. Prohibition of disclosure of taxpayer identification information with respect to disclosure of accepted offers-in-compromise.
Sec. 405. Compliance by contractors with confidentiality safeguards.
Sec. 406. Higher standards for requests for and consents to disclosure.
Sec. 407. Notice to taxpayer concerning administrative determination of browsing; annual report.
Sec. 408. Expanded disclosure in emergency circumstances.
Sec. 409. Disclosure of taxpayer identity for tax refund purposes.
Sec. 410. Disclosure to State officials of proposed actions related to section 501(c)(3) organizations.

TITLE V—MISCELLANEOUS

Sec. 501. Clarification of definition of church tax inquiry.
Sec. 502. Expansion of declaratory judgment remedy to tax-exempt organizations.
Sec. 503. Employee misconduct report to include summary of complaints by category.
Sec. 504. Annual report on awards of costs and certain fees in administrative and court proceedings.
Sec. 505. Annual report on abatement of penalties.
Sec. 506. Better means of communicating with taxpayers.
Sec. 507. Explanation of statute of limitations and consequences of failure to file.
Sec. 508. Amendment to Treasury auction reforms.
Sec. 509. Enrolled agents.
Sec. 510. Financial Management Service fees.
Sec. 511. Capital gain treatment under section 631(b) to apply to outright sales by land owner.

TITLE VI—LOW-INCOME TAXPAYER CLINICS

Sec. 601. Low-income taxpayer clinics.

TITLE VII—REVISIONS TO SECTION 527 ORGANIZATION DISCLOSURE PROVISIONS

Sec. 701. Modifications of reporting requirements for certain State and local political organizations.
Sec. 702. Notification of interaction of reporting requirements.
Sec. 703. Technical corrections to section 527 organization disclosure provisions.

TITLE I—PENALTIES AND INTEREST

SEC. 101. FAILURE TO PAY ESTIMATED TAX PENALTY CONVERTED TO INTEREST CHARGE ON ACCUMULATED UNPAID BALANCE.

(a) PENALTY MOVED TO INTEREST CHAPTER OF CODE.—The Internal Revenue Code of 1986 is amended by redesignating section 6654 as section 6641 and by moving section 6641 (as so redesignated) from part I of subchapter A of chapter 68 to the end of subchapter E of chapter 67 (as added by subsection (e)(1) of this section).

(b) PENALTY CONVERTED TO INTEREST CHARGE.—The heading and subsections (a) and (b) of section 6641 (as so redesignated) are amended to read as follows:

"SEC. 6641. INTEREST ON FAILURE BY INDIVIDUAL TO PAY ESTIMATED INCOME TAX.

"(a) IN GENERAL.—Interest shall be paid on any underpayment of estimated tax by an individual for a taxable year for each day of such underpayment. The amount of such interest for any day shall be the product of the underpayment rate established under subsection (b)(2) multiplied by the amount of the underpayment.

"(b) AMOUNT OF UNDERPAYMENT; INTEREST RATE.—For purposes of subsection (a)—

"(1) AMOUNT.—The amount of the underpayment on any day shall be the excess of—

"(A) the sum of the required installments for the taxable year the due dates for which are on or before such day, over

"(B) the sum of the amounts (if any) of estimated tax payments made on or before such day on such required installments.

"(2) DETERMINATION OF INTEREST RATE.—

"(A) IN GENERAL.—The underpayment rate with respect to any day in an installment underpayment period shall be the underpayment rate established under section 6621 for the first day of the calendar quarter in which such installment underpayment period begins.

"(B) INSTALLMENT UNDERPAYMENT PERIOD.—For purposes of subparagraph (A), the term 'installment underpayment period' means the period beginning on the day after the due date for a required installment and ending on the due date for the subsequent required installment (or in the case of the 4th required installment, the 15th day of the 4th month following the close of a taxable year).

"(C) DAILY RATE.—The rate determined under subparagraph (A) shall be applied on a daily basis and shall be based on the assumption of 365 days in a calendar year.

"(3) TERMINATION OF ESTIMATED TAX INTEREST.—No day after the end of the installment underpayment period for the 4th required installment specified in paragraph (2)(B) for a taxable year shall be treated as a day of underpayment with respect to such taxable year.".

(c) INCREASE IN SAFE HARBOR WHERE TAX IS SMALL.—

(1) IN GENERAL.—Clause (i) of section 6641(d)(1)(B) (as so redesignated) is amended to read as follows:

"(i) the lesser of—

"(I) 90 percent of the tax shown on the return for the taxable year (or, if no return is filed, 90 percent of the tax for such year), or

"(II) the tax shown on the return for the taxable year (or, if no return is filed, the tax for such year) reduced (but not below zero) by $2,000, or".

(2) CONFORMING AMENDMENT.—Subsection (e) of section 6641 (as so redesignated) is amended by striking paragraph (1) and redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively.

(d) CONFORMING AMENDMENTS.—

(1) Paragraphs (1) and (2) of subsection (e) (as redesignated by subsection (c)(2)) and subsection (h) of section 6641 (as so designated) are each amended by striking "addition to tax" each place it occurs and inserting "interest".

(2) Section 167(g)(5)(D) is amended by striking "6654" and inserting "6641".

(3) Section 460(b)(1) is amended by striking "6654" and inserting "6641".

(4) Section 3510(b) is amended—

(A) by striking "section 6654" in paragraph (1) and inserting "section 6641";

(B) by amending paragraph (2)(B) to read as follows:

"(B) no interest would be required to be paid (but for this section) under 6641 for such taxable year by reason of the $2,000 amount specified in section 6641(d)(1)(B)(i)(II).";

(C) by striking "section 6654(d)(2)" in paragraph (3) and inserting "section 6641(d)(2)"; and

(D) by striking paragraph (4).

(5) Section 6201(b)(1) is amended by striking "6654" and inserting "6641".

(6) Section 6601(h) is amended by striking "6654" and inserting "6641".

(7) Section 6621(b)(2)(B) is amended by striking "addition to tax under section 6654" and inserting "interest required to be paid under section 6641".

(8) Section 6622(b) is amended—

(A) by striking "PENALTY FOR" in the heading; and

(B) by striking "addition to tax under section 6654 or 6655" and inserting "interest required to be paid under section 6641 or addition to tax under section 6655".

(9) Section 6658(a) is amended—

(A) by striking "6654, or 6655" and inserting "or 6655, and no interest shall be required to be paid under section 6641,"; and

(B) by inserting "or paying interest" after "the tax" in paragraph (2)(B)(ii).

(10) Section 6665(b) is amended—

(A) in the matter preceding paragraph (1) by striking ", 6654,"; and

(B) in paragraph (2) by striking "6654 or".

(11) Section 7203 is amended by striking "section 6654 or 6655" and inserting "section 6655 or interest required to be paid under section 6641".

(e) CLERICAL AMENDMENTS.—

(1) Chapter 67 is amended by inserting after subchapter D the following:

"Subchapter E—Interest on Failure by Individual to Pay Estimated Income Tax

"Sec. 6641. Interest on failure by individual to pay estimated income tax.".

(2) The table of subchapters for chapter 67 is amended by adding at the end the following new items:

"Subchapter D. Notice requirements.

"Subchapter E. Interest on failure by individual to pay estimated income tax.".

(3) The table of sections for part I of subchapter A of chapter 68 is amended by striking the item relating to section 6654.

(f) Effective Date.—The amendments made by this section shall apply to installment payments for taxable years beginning after December 31, 2002.

SEC. 102. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

(a) In General.—Part III of subchapter B of chapter 1 (relating to items specifically excluded from gross income) is amended by inserting after section 139 the following new section:

"SEC. 139A. EXCLUSION FROM GROSS INCOME FOR INTEREST ON OVERPAYMENTS OF INCOME TAX BY INDIVIDUALS.

"(a) In General.—In the case of an individual, gross income shall not include interest paid under section 6611 on any overpayment of tax imposed by this subtitle.

"(b) Exception.—Subsection (a) shall not apply in the case of a failure to claim items resulting in the overpayment on the original return if the Secretary determines that the principal purpose of such failure is to take advantage of subsection (a).

"(c) Special Rule for Determining Modified Adjusted Gross Income.—For purposes of this title, interest not included in gross income under subsection (a) shall not be treated as interest which is exempt from tax for purposes of sections 32(i)(2)(B) and 6012(d) or any computation in which interest exempt from tax under this title is added to adjusted gross income.".

(b) Clerical Amendment.—The table of sections for part III of subchapter B of chapter 1 is amended by inserting after the item relating to section 139 the following new item:

"Sec. 139A. Exclusion from gross income for interest on overpayments of income tax by individuals.".

(c) Effective Date.—The amendments made by this section shall apply to interest received in calendar years beginning after the date of the enactment of this Act.

SEC. 103. ABATEMENT OF INTEREST.

(a) Abatement of Interest With Respect to Erroneous Refund Check Without Regard to Size of Refund.—Paragraph (2) of section 6404(e) is amended by striking "unless—" and all that follows and inserting "unless the taxpayer (or a related party) has in any way caused such erroneous refund.".

(b) Abatement of Interest to Extent Interest is Attributable to Taxpayer Reliance on Written Statements of the IRS.—Subsection (f) of section 6404 is amended—

(1) in the subsection heading, by striking "Penalty or Addition" and inserting "Interest, Penalty, or Addition"; and

(2) in paragraph (1) and in subparagraph (B) of paragraph (2), by striking "penalty or addition" and inserting "interest, penalty, or addition".

(c) Effective Date.—The amendments made by this section shall apply with respect to interest accruing on or after the date of the enactment of this Act.

SEC. 104. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS.

(a) In General.—Subchapter A of chapter 67 (relating to interest on underpayments) is amended by adding at the end the following new section:

"SEC. 6603. DEPOSITS MADE TO SUSPEND RUNNING OF INTEREST ON POTENTIAL UNDERPAYMENTS, ETC.

"(a) Authority To Make Deposits Other Than As Payment of Tax.—A taxpayer may make a cash deposit with the Secretary which may be used by the Secretary to pay any tax imposed under subtitle A or B or chapter 41, 42, 43, or 44 which has not been assessed at the time of the deposit. Such a deposit shall be made in such manner as the Secretary shall prescribe.

"(b) No Interest Imposed.—To the extent that such deposit is used by the Secretary to pay tax, for purposes of section 6601 (relating to interest on underpayments), the tax shall be treated as paid when the deposit is made.

"(c) Return of Deposit.—Except in a case where the Secretary determines that collection of tax is in jeopardy, the Secretary shall return to the taxpayer any amount of the deposit (to the extent not used for a payment of tax) which the taxpayer requests in writing.

"(d) Payment of Interest.—

"(1) In general.—For purposes of section 6611 (relating to interest on overpayments), a deposit which is returned to a taxpayer shall be treated as a payment of tax for any period to the extent (and only to the extent) attributable to a disputable tax for such period. Under regulations prescribed by the Secretary, rules similar to the rules of section 6611(b)(2) shall apply.

"(2) Disputable tax.—

"(A) In general.—For purposes of this section, the term 'disputable tax' means the amount of tax specified at the time of the deposit as the taxpayer's reasonable estimate of the maximum amount of any tax attributable to disputable items.

"(B) Safe harbor based on 30-day letter.—In the case of a taxpayer who has been issued a 30-day letter, the maximum amount of tax under subparagraph (A) shall not be less than the amount of the proposed deficiency specified in such letter.

"(3) Other definitions.—For purposes of paragraph (2)—

"(A) Disputable item.—The term 'disputable item' means any item of income, gain, loss, deduction, or credit if the taxpayer—

"(i) has a reasonable basis for its treatment of such item, and

"(ii) reasonably believes that the Secretary also has a reasonable basis for disallowing the taxpayer's treatment of such item.

"(B) 30-day letter.—The term '30-day letter' means the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals.

"(4) Rate of interest.—The rate of interest allowable under this subsection shall be the Federal short-term rate determined under section 6621(b), compounded daily.

"(e) Use of Deposits.—

"(1) Payment of tax.—Except as otherwise provided by the taxpayer, deposits shall be treated as used for the payment of tax in the order deposited.

"(B) Returns of deposits.—Deposits shall be treated as returned to the taxpayer on a last-in, first-out basis.".

(b) Clerical Amendment.—The table of sections for subchapter A of chapter 67 is amended by adding at the end the following new item:

"Sec. 6603. Deposits made to suspend running of interest on potential underpayments, etc.".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to deposits made after the date of the enactment of this Act.

(2) Coordination with deposits made under revenue procedure 84–58.—In the case of an amount held by the Secretary of the Treasury or his delegate on the date of the enactment of this Act as a deposit in the nature of a cash bond deposit pursuant to Revenue Procedure 84–58, the date that the taxpayer identifies such amount as a deposit made pursuant to section 6603 of the Internal Revenue Code (as added by this Act) shall be treated as the date such amount is deposited for purposes of such section 6603.

SEC. 105. EXPANSION OF INTEREST NETTING FOR INDIVIDUALS.

(a) In General.—Subsection (d) of section 6621 (relating to elimination of interest on overlapping periods of tax overpayments and underpayments) is amended by adding at the end the following: "Solely for purposes of the preceding sentence, section 6611(e) shall not apply in the case of an individual.".

(b) Effective Date.—The amendment made by subsection (a) shall apply to interest accrued after December 31, 2002.

SEC. 106. WAIVER OF CERTAIN PENALTIES FOR FIRST-TIME UNINTENTIONAL MINOR ERRORS.

(a) In General.—Section 6651 (relating to failure to file tax return or to pay tax) is amended by adding at the end the following new subsection:

"(i) Treatment of First-Time Unintentional Minor Errors.—

"(1) In general.—In the case of a return of tax imposed by subtitle A filed by an individual, the Secretary may waive an addition to tax under subsection (a) if—

"(A) the individual has a history of compliance with the requirements of this title,

"(B) it is shown that the failure is due to an unintentional minor error,

"(C) the penalty would be grossly disproportionate to the action or expense that would have been needed to avoid the error, and imposing the penalty would be against equity and good conscience,

"(D) waiving the penalty would promote compliance with the requirements of this title and effective tax administration, and

"(E) the taxpayer took all reasonable steps to remedy the error promptly after discovering it.

"(2) Exceptions.—Paragraph (1) shall not apply if—

"(A) the Secretary has waived any addition to tax under this subsection with respect to any prior failure by such individual,

"(B) the failure is a mathematical or clerical error (as defined in section 6213(g)(2)), or

"(C) the failure is the lack of a required signature.".

(b) Effective Date.—The amendment made by this section shall take effect on January 1, 2003.

SEC. 107. FRIVOLOUS TAX SUBMISSIONS.

(a) Civil Penalties.—Section 6702 is amended to read as follows:

"SEC. 6702. FRIVOLOUS TAX SUBMISSIONS.

"(a) Civil Penalty for Frivolous Tax Returns.—A person shall pay a penalty of $5,000 if—

"(1) such person files what purports to be a return of a tax imposed by this title but which—

"(A) does not contain information on which the substantial correctness of the self-assessment may be judged, or

"(B) contains information that on its face indicates that the self-assessment is substantially incorrect; and

"(2) the conduct referred to in paragraph (1)—

"(A) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(B) reflects a desire to delay or impede the administration of Federal tax laws.

"(b) Civil Penalty for Specified Frivolous Submissions.—

"(1) Imposition of Penalty.—Except as provided in paragraph (3), any person who submits a specified frivolous submission shall pay a penalty of $5,000.

"(2) Specified frivolous submission.—For purposes of this section—

"(A) Specified frivolous submission.—The term 'specified frivolous submission' means a specified submission if any portion of such submission—

"(i) is based on a position which the Secretary has identified as frivolous under subsection (c), or

"(ii) reflects a desire to delay or impede the administration of Federal tax laws.

"(B) Specified submission.—The term 'specified submission' means—

"(i) a request for a hearing under—

"(I) section 6320 (relating to notice and opportunity for hearing upon filing of notice of lien), or

"(II) section 6330 (relating to notice and opportunity for hearing before levy), and

"(ii) an application under—

"(I) section 7811 (relating to taxpayer assistance orders),

"(II) section 6159 (relating to agreements for payment of tax liability in installments), or

"(III) section 7122 (relating to compromises).

"(3) Opportunity to withdraw submission.—If the Secretary provides a person with notice that a submission is a specified frivolous submission and such person withdraws such submission promptly after such notice, the penalty imposed under paragraph (1) shall not apply with respect to such submission.

"(c) Listing of Frivolous Positions.—The Secretary shall prescribe (and periodically revise) a list of positions which the Secretary has identified as being frivolous for purposes of this subsection. The Secretary shall not include in such list any position that the Secretary determines meets the requirement of section 6662(d)(2)(B)(ii)(II).

"(d) Reduction of Penalty.—The Secretary may reduce the amount of any penalty imposed under this section if the Secretary determines that such reduction would promote compliance with and administration of the Federal tax laws.

"(e) Penalties in Addition to Other Penalties.—The penalties imposed by this section shall be in addition to any other penalty provided by law.".

(b) Treatment of Frivolous Requests for Hearings Before Levy.—

(1) Frivolous requests disregarded.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(g) Frivolous Requests for Hearing, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of a request for a hearing under this section or section 6320 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(2) Preclusion from raising frivolous issues at hearing.—Section 6330(c)(4) is amended—

(A) by striking "(A)" and inserting "(A)(i)";

(B) by striking "(B)" and inserting "(ii)";

(C) by striking the period at the end of the first sentence and inserting "; or"; and

(D) by inserting after subparagraph (A)(ii) (as so redesignated) the following:

"(B) the issue meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A).".

(3) Statement of grounds.—Section 6330(b)(1) is amended by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing".

(c) Treatment of Frivolous Requests for Hearings Upon Filing of Notice of Lien.—Section 6320 is amended—

(1) in subsection (b)(1), by striking "under subsection (a)(3)(B)" and inserting "in writing under subsection (a)(3)(B) and states the grounds for the requested hearing", and

(2) in subsection (c), by striking "and (e)" and inserting "(e), and (g)".

(d) Treatment of Frivolous Applications for Offers-in-Compromise and Installment Agreements.—Section 7122 is amended by adding at the end the following new subsection:

"(e) Frivolous Submissions, Etc.—Notwithstanding any other provision of this section, if the Secretary determines that any portion of an application for an offer-in-compromise or installment agreement submitted under this section or section 6159 meets the requirement of clause (i) or (ii) of section 6702(b)(2)(A), then the Secretary may treat such portion as if it were never submitted and such portion shall not be subject to any further administrative or judicial review.".

(e) Clerical Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by striking the item relating to section 6702 and inserting the following new item:

"Sec. 6702. Frivolous tax submissions.".

(f) Effective Date.—The amendments made by this section shall apply to submissions made and issues raised after the date on which the Secretary first prescribes a list under section 6702(c) of the Internal Revenue Code of 1986, as amended by subsection (a).

SEC. 108. CLARIFICATION OF APPLICATION OF FEDERAL TAX DEPOSIT PENALTY.

Nothing in section 6656 of the Internal Revenue Code of 1986 shall be construed to permit the percentage specified in subsection (b)(1)(A)(iii) thereof to apply other than in a case where the failure is for more than 15 days.

TITLE II—FAIRNESS OF COLLECTION PROCEDURES

SEC. 201. PARTIAL PAYMENT OF TAX LIABILITY IN INSTALLMENT AGREEMENTS.

(a) In General.—

(1) Section 6159(a) (relating to authorization of agreements) is amended—

(A) by striking "satisfy liability for payment of" and inserting "make payment on", and

(B) by inserting "full or partial" after "facilitate".

(2) Section 6159(c) (relating to Secretary required to enter into installment agreements in certain cases) is amended in the matter preceding paragraph (1) by inserting "full" before "payment".

(b) Requirement To Review Partial Payment Agreements Every Two Years.—Section 6159 is amended by redesignating subsections (d) and (e) as subsections (e) and (f), respectively, and inserting after subsection (c) the following new subsection:

"(d) Secretary Required To Review Installment Agreements for Partial Collection Every Two Years.—In the case of an agreement entered into by the Secretary under subsection (a) for partial collection of a tax liability, the Secretary shall review the agreement at least once every 2 years.".

(c) Effective Date.—The amendments made by this section shall apply to agreements entered into on or after the date of the enactment of this Act.

SEC. 202. EXTENSION OF TIME FOR RETURN OF PROPERTY.

(a) Extension of Time for Return of Property Subject to Levy.—Subsection (b) of section 6343 (relating to return of property) is amended by striking "9 months" and inserting "2 years".

(b) Period of Limitation on Suits.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking "9 months" and inserting "2 years", and

(2) in paragraph (2) by striking "9-month" and inserting "2-year".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 203. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC. ON INDIVIDUAL RETIREMENT PLAN.

(a) In General.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

"(f) Individuals Held Harmless on Wrongful Levy, Etc. on Individual Retirement Plan.—

"(1) In general.—If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of—

"(A) the amount of money returned by the Secretary on account of such levy, and

"(B) interest paid under subsection (c) on such amount of money,

may be deposited into an individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

"(2) Treatment as rollover.—The distribution on account of the levy and any deposit under paragraph (1) with respect to such distribution shall be treated for purposes of this title as if such distribution and deposit were part of a rollover described in section 408(d)(3)(A)(i); except that—

"(A) interest paid under subsection (c) shall be treated as part of such distribution and as not includible in gross income,

"(B) the 60-day requirement in such section shall be treated as met if the deposit is made not later than the 60th day after the day on which the individual receives an amount under paragraph (1) from the Secretary, and

"(C) such deposit shall not be taken into account under section 408(d)(3)(B).

"(3) Refund, etc., of income tax on levy.—If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

"(4) INTEREST.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after December 31, 2002.

SEC. 204. SEVEN-DAY THRESHOLD ON TOLLING OF STATUTE OF LIMITATIONS DURING TAX REVIEW.

(a) IN GENERAL.—Section 7811(d)(1) (relating to suspension of running of period of limitation) is amended by inserting after "application," the following: "but only if the date of such decision is at least 7 days after the date of the taxpayer's application".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to applications filed after the date of the enactment of this Act.

SEC. 205. STUDY OF LIENS AND LEVIES.

The Secretary of the Treasury, or the Secretary's delegate, shall conduct a study of the practices of the Internal Revenue Service concerning liens and levies. The study shall examine—

(1) the declining use of liens and levies by the Internal Revenue Service, and

(2) the practicality of recording liens and levying against property in cases in which the cost of such actions exceeds the amount to be realized from such property.

Not later than 1 year after the date of the enactment of this Act, the Secretary shall submit such study to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

TITLE III—EFFICIENCY OF TAX ADMINISTRATION

SEC. 301. REVISIONS RELATING TO TERMINATION OF EMPLOYMENT OF INTERNAL REVENUE SERVICE EMPLOYEES FOR MISCONDUCT.

(a) IN GENERAL.—Subchapter A of chapter 80 (relating to application of internal revenue laws) is amended by inserting after section 7804 the following new section:

"SEC. 7804A. DISCIPLINARY ACTIONS FOR MISCONDUCT.

"(a) DISCIPLINARY ACTIONS.—

"(1) IN GENERAL.—Subject to subsection (c), the Commissioner shall take an action in accordance with the guidelines established under paragraph (2) against any employee of the Internal Revenue Service if there is a final administrative or judicial determination that such employee committed any act or omission described under subsection (b) in the performance of the employee's official duties or where a nexus to the employee's position exists.

"(2) GUIDELINES.—The Commissioner shall issue guidelines for determining the appropriate level of discipline, up to and including termination of employment, for committing any act or omission described under subsection (b).

"(b) ACTS OR OMISSIONS.—The acts or omissions described under this subsection are—

"(1) willful failure to obtain the required approval signatures on documents authorizing the seizure of a taxpayer's home, personal belongings, or business assets;

"(2) willfully providing a false statement under oath with respect to a material matter involving a taxpayer or taxpayer representative;

"(3) with respect to a taxpayer or taxpayer representative, the willful violation of—

"(A) any right under the Constitution of the United States;

"(B) any civil right established under—

"(i) title VI or VII of the Civil Rights Act of 1964;

"(ii) title IX of the Education Amendments of 1972;

"(iii) the Age Discrimination in Employment Act of 1967;

"(iv) the Age Discrimination Act of 1975;

"(v) section 501 or 504 of the Rehabilitation Act of 1973; or

"(vi) title I of the Americans with Disabilities Act of 1990; or

"(C) the Internal Revenue Service policy on unauthorized inspection of returns or return information;

"(4) willfully falsifying or destroying documents to conceal mistakes made by any employee with respect to a matter involving a taxpayer or taxpayer representative;

"(5) assault or battery on a taxpayer or taxpayer representative, but only if there is a criminal conviction, or a final adverse judgment by a court in a civil case, with respect to the assault or battery;

"(6) willful violations of this title, Department of the Treasury regulations, or policies of the Internal Revenue Service (including the Internal Revenue Manual) for the purpose of retaliating against, or harassing, a taxpayer or taxpayer representative;

"(7) willful misuse of the provisions of section 6103 for the purpose of concealing information from a congressional inquiry;

"(8) willful failure to file any return of tax required under this title on or before the date prescribed therefor (including any extensions) when a tax is due and owing, unless such failure is due to reasonable cause and not due to willful neglect;

"(9) willful understatement of Federal tax liability, unless such understatement is due to reasonable cause and not due to willful neglect; and

"(10) threatening to audit a taxpayer, or to take other action under this title, for the purpose of extracting personal gain or benefit.

"(c) DETERMINATIONS OF COMMISSIONER.—

"(1) IN GENERAL.—The Commissioner may take a personnel action other than a disciplinary action provided for in the guidelines under subsection (a)(2) for an act or omission described under subsection (b).

"(2) DISCRETION.—The exercise of authority under paragraph (1) shall be at the sole discretion of the Commissioner and may not be delegated to any other officer. The Commissioner, in his sole discretion, may establish a procedure to determine if an individual should be referred to the Commissioner for a determination by the Commissioner under paragraph (1).

"(3) NO APPEAL.—Notwithstanding any other provision of law, any determination of the Commissioner under this subsection may not be reviewed in any administrative or judicial proceeding. A finding that an act or omission described under subsection (b) occurred may be reviewed.

"(d) DEFINITION.—For the purposes of the provisions described in clauses (i), (ii), and (iv) of subsection (b)(3)(B), references to a program or activity regarding Federal financial assistance or an education program or activity receiving Federal financial assistance shall include any program or activity conducted by the Internal Revenue Service for a taxpayer.

"(e) ANNUAL REPORT.—The Commissioner shall submit to Congress annually a report on disciplinary actions under this section.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 80 is amended by inserting after the item relating to section 7804 the following new item:

"Sec. 7804A. Disciplinary actions for misconduct.".

(c) REPEAL OF SUPERSEDED SECTION.—Section 1203 of the Internal Revenue Service Restructuring and Reform Act of 1998 (Public Law 105–206; 112 Stat. 720) is repealed.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 302. CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.

(a) CONFIRMATION OF AUTHORITY OF TAX COURT TO APPLY DOCTRINE OF EQUITABLE RECOUPMENT.—Subsection (b) of section 6214 (relating to jurisdiction over other years and quarters) is amended by adding at the end the following new sentence: "Notwithstanding the preceding sentence, the Tax Court may apply the doctrine of equitable recoupment to the same extent that it is available in civil tax cases before the district courts of the United States and the United States Court of Federal Claims.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to any action or proceeding in the Tax Court with respect to which a decision has not become final (as determined under section 7481 of the Internal Revenue Code of 1986) as of the date of the enactment of this Act.

SEC. 303. JURISDICTION OF TAX COURT OVER COLLECTION DUE PROCESS CASES.

(a) IN GENERAL.—Section 6330(d)(1) (relating to judicial review of determination) is amended to read as follows:

"(1) JUDICIAL REVIEW OF DETERMINATION.—The person may, within 30 days of a determination under this section, appeal such determination to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to judicial appeals filed after the date of the enactment of this Act.

SEC. 304. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS IN COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion".

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 305. 15-DAY DELAY IN DUE DATE FOR ELECTRONICALLY FILED INDIVIDUAL INCOME TAX RETURNS.

(a) IN GENERAL.—Section 6072 (relating to time for filing income tax returns) is amended by adding at the end the following new subsection:

"(f) ELECTRONICALLY FILED RETURNS OF INDIVIDUALS.—

"(1) In general.—Returns of an individual under section 6012 or 6013 (other than an individual to whom subsection (c) applies) which are filed electronically—

"(A) in the case of returns filed on the basis of a calendar year, shall be filed on or before the 30th day of April following the close of the calendar year, and

"(B) in the case of returns filed on the basis of a fiscal year, shall be filed on or before the last day of the 4th month following the close of the fiscal year.

"(2) Electronic filing.—Paragraph (1) shall not apply to any return unless—

"(A) such return is accepted by the Secretary, and

"(B) the balance due (if any) shown on such return is paid electronically in a manner prescribed by the Secretary.

"(3) Special rules.—

"(A) Estimated tax.—If—

"(i) paragraph (1) applies to an individual for any taxable year, and

"(ii) there is an overpayment of tax shown on the return for such year which the individual allows against the individual's obligation under section 6641,

then, with respect to the amount so allowed, any reference in section 6641 to the April 15 following such taxable year shall be treated as a reference to April 30.

"(B) References to due date.—Paragraph (1) shall apply solely for purposes of determining the due date for the individual's obligation to file and pay tax and, except as otherwise provided by the Secretary, shall be treated as an extension of the due date for any other purpose under this title.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2001.

TITLE IV—CONFIDENTIALITY AND DISCLOSURE

SEC. 401. COLLECTION ACTIVITIES WITH RESPECT TO JOINT RETURN DISCLOSABLE TO EITHER SPOUSE BASED ON ORAL REQUEST.

(a) In General.—Paragraph (8) of section 6103(e) (relating to disclosure of collection activities with respect to joint return) is amended by striking "in writing" the first place it appears.

(b) Effective Date.—The amendment made by this section shall apply to requests made after the date of the enactment of this Act.

SEC. 402. TAXPAYER REPRESENTATIVES NOT SUBJECT TO EXAMINATION ON SOLE BASIS OF REPRESENTATION OF TAXPAYERS.

(a) In General.—Subsection (h) of section 6103 (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new paragraph:

"(7) Taxpayer representatives.—Notwithstanding paragraph (1), the return of the representative of a taxpayer whose return is being examined by an officer or employee of the Department of the Treasury shall not be open to inspection by such officer or employee on the sole basis of the representative's relationship to the taxpayer unless a supervisor of such officer or employee has approved the inspection of the return of such representative on a basis other than by reason of such relationship.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 403. DISCLOSURE IN JUDICIAL OR ADMINISTRATIVE TAX PROCEEDINGS OF RETURN AND RETURN INFORMATION OF PERSONS WHO ARE NOT PARTY TO SUCH PROCEEDINGS.

(a) In General.—Paragraph (4) of section 6103(h) (relating to disclosure to certain Federal officers and employees for purposes of tax administration, etc.) is amended by adding at the end the following new subparagraph:

"(B) Disclosure in judicial or administrative tax proceedings of return and return information of persons not party to such proceedings.—

"(i) Notice.—Return or return information of any person who is not a party to a judicial or administrative proceeding described in this paragraph shall not be disclosed under clause (ii) or (iii) of subparagraph (A) until after the Secretary makes a reasonable effort to give notice to such person and an opportunity for such person to request the deletion of matter from such return or return information, including any of the items referred to in paragraphs (1) through (7) of section 6110(c). Such notice shall include a statement of the issue or issues the resolution of which is the reason such return or return information is sought. In the case of S corporations, partnerships, estates, and trusts, such notice shall be made at the entity level.

"(ii) Disclosure limited to pertinent portion.—The only portion of a return or return information described in clause (i) which may be disclosed under subparagraph (A) is that portion of such return or return information that directly relates to the resolution of an issue in such proceeding.

"(iii) Exceptions.—Clause (i) shall not apply—

"(I) to any civil action under section 7407, 7408, or 7409,

"(II) to any ex parte proceeding for obtaining a search warrant, order for entry on premises or safe deposit boxes, or similar ex parte proceeding,

"(III) to disclosure of third party return information by indictment or criminal information, or

"(IV) if the Attorney General or the Attorney General's delegate determines that the application of such clause would seriously impair a criminal tax investigation or proceeding.".

(b) Conforming Amendments.—Paragraph (4) of section 6103(h) is amended by—

(1) by striking "proceedings.—A return" and inserting "proceedings.—

"(A) In general.—Except as provided in subparagraph (B), a return";

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively; and

(3) in the matter following clause (iv) (as so redesignated), by striking "subparagraph (A), (B), or (C)" and inserting "clause (i), (ii), or (iii)" and by moving such matter 2 ems to the right.

(c) Effective Date.—The amendments made by this section shall apply to proceedings commenced after the date of the enactment of this Act.

SEC. 404. PROHIBITION OF DISCLOSURE OF TAXPAYER IDENTIFICATION INFORMATION WITH RESPECT TO DISCLOSURE OF ACCEPTED OFFERS-IN-COMPROMISE.

(a) In General.—Paragraph (1) of section 6103(k) (relating to disclosure of certain returns and return information for tax administrative purposes) is amended by inserting "(other than the taxpayer's address and TIN)" after "Return information".

(b) Effective Date.—The amendment made by this section shall apply to disclosures made after the date of the enactment of this Act.

SEC. 405. COMPLIANCE BY CONTRACTORS WITH CONFIDENTIALITY SAFEGUARDS.

(a) In General.—Section 6103(p) (relating to State law requirements) is amended by adding at the end the following new paragraph:

"(9) Disclosure to contractors.—Notwithstanding any other provision of this section, no return or return information shall be disclosed by any officer or employee of any Federal agency or State to any contractor of such agency or State unless such agency or State—

"(A) has requirements in effect which require each contractor of such agency or State which would have access to returns or return information to provide safeguards (within the meaning of paragraph (4)) to protect the confidentiality of such returns or return information,

"(B) agrees to conduct an annual, on-site review (mid-point review in the case of contracts of less than 1 year in duration) of each contractor to determine compliance with such requirements,

"(C) submits the findings of the most recent review conducted under subparagraph (B) to the Secretary as part of the report required by paragraph (4)(E), and

"(D) certifies to the Secretary for the most recent annual period that all contractors are in compliance with all such requirements.

The certification required by subparagraph (D) shall include the name and address of each contractor, a description of the contract of the contractor with the Federal agency or State, and the duration of such contract.".

(b) Conforming Amendment.—Subparagraph (B) of section 6103(p)(8) is amended by inserting "or paragraph (9)" after "subparagraph (A)".

(c) Effective Date.—

(1) In general.—The amendments made by this section shall apply to disclosures made after December 31, 2002.

(2) Certifications.—The first certification under section 6103(p)(9)(D) of the Internal Revenue Code of 1986, as added by subsection (a), shall be made with respect to calendar year 2003.

SEC. 406. HIGHER STANDARDS FOR REQUESTS FOR AND CONSENTS TO DISCLOSURE.

(a) In General.—Subsection (c) of section 6103 (relating to disclosure of returns and return information to designee of taxpayer) is amended by adding at the end the following new paragraphs:

"(2) Requirements for valid requests and consents.—A request for or consent to disclosure under paragraph (1) shall only be valid for purposes of this section or sections 7213, 7213A, or 7431 if—

"(A) at the time of execution, such request or consent designates a recipient of such disclosure and is dated, and

"(B) at the time such request or consent is submitted to the Secretary, the submitter of such request or consent certifies, under penalty of perjury, that such request or consent complied with subparagraph (A).

"(3) Restrictions on persons obtaining information.—Any person shall, as a condition for receiving return or return information under paragraph (1)—

"(A) ensure that such return and return information is kept confidential,

"(B) use such return and return information only for the purpose for which it was requested, and

"(C) not disclose such return and return information except to accomplish the purpose for which it was requested, unless a separate consent from the taxpayer is obtained.

"(4) REQUIREMENTS FOR FORM PRESCRIBED BY SECRETARY.—For purposes of this subsection, the Secretary shall prescribe a form for requests and consents which shall—

"(A) contain a warning, prominently displayed, informing the taxpayer that the form should not be signed unless it is completed,

"(B) state that if the taxpayer believes there is an attempt to coerce him to sign an incomplete or blank form, the taxpayer should report the matter to the Treasury Inspector General for Tax Administration, and

"(C) contain the address and telephone number of the Treasury Inspector General for Tax Administration.".

(b) REPORT.—Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to the Congress on compliance with the designation and certification requirements applicable to requests for or consent to disclosure of returns and return information under section 6103(c) of the Internal Revenue Code of 1986, as amended by subsection (a). Such report shall—

(1) evaluate (on the basis of random sampling) whether—

(A) the amendment made by subsection (a) is achieving the purposes of this section;

(B) requesters and submitters for such disclosure are continuing to evade the purposes of this section and, if so, how; and

(C) the sanctions for violations of such requirements are adequate; and

(2) include such recommendations that the Treasury Inspector General for Tax Administration considers necessary or appropriate to better achieve the purposes of this section.

(c) CONFORMING AMENDMENT.—Section 6103(c) is amended by striking "TAXPAYER.—The Secretary" and inserting "TAXPAYER.—

"(1) IN GENERAL.—The Secretary".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to requests and consents made after 3 months after the date of the enactment of this Act.

SEC. 407. NOTICE TO TAXPAYER CONCERNING ADMINISTRATIVE DETERMINATION OF BROWSING; ANNUAL REPORT.

(a) NOTICE TO TAXPAYER.—Subsection (e) of section 7431 (relating to notification of unlawful inspection and disclosure) is amended by adding at the end the following: "The Secretary shall also notify such taxpayer if the Treasury Inspector General for Tax Administration determines that such taxpayer's return or return information was inspected or disclosed in violation of any of the provisions specified in paragraph (1), (2), or (3).".

(b) REPORTS.—Subsection (p) of section 6103 (relating to procedure and recordkeeping), as amended by section 405, is further amended by adding at the end the following new paragraph:

"(10) REPORT ON UNAUTHORIZED DISCLOSURE AND INSPECTION.—As part of the report required by paragraph (3)(C) for each calendar year, the Secretary shall furnish information regarding the unauthorized disclosure and inspection of returns and return information, including the number, status, and results of—

"(A) administrative investigations,

"(B) civil lawsuits brought under section 7431 (including the amounts for which such lawsuits were settled and the amounts of damages awarded), and

"(C) criminal prosecutions.".

(c) EFFECTIVE DATE.—

(1) NOTICE.—The amendment made by subsection (a) shall apply to determinations made after the date of the enactment of this Act.

(2) REPORTS.—The amendment made by subsection (b) shall apply to calendar years ending after the date of the enactment of this Act.

SEC. 408. EXPANDED DISCLOSURE IN EMERGENCY CIRCUMSTANCES.

(a) IN GENERAL.—Section 6103(i)(3)(B) (relating to danger of death or physical injury) is amended by striking "or State" and inserting ", State, or local".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 409. DISCLOSURE OF TAXPAYER IDENTITY FOR TAX REFUND PURPOSES.

(a) IN GENERAL.—Paragraph (1) of section 6103(m) (relating to disclosure of taxpayer identity information) is amended by striking "and other media" and by inserting ", other media, and through any other means of mass communication,".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 410. DISCLOSURE TO STATE OFFICIALS OF PROPOSED ACTIONS RELATED TO SECTION 501(c)(3) ORGANIZATIONS.

(a) IN GENERAL.—Subsection (c) of section 6104 is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2) DISCLOSURE OF PROPOSED ACTIONS.—

"(A) SPECIFIC NOTIFICATIONS.—In the case of an organization to which paragraph (1) applies, the Secretary may disclose to the appropriate State officer—

"(i) a notice of proposed refusal to recognize such organization as an organization described in section 501(c)(3) or a notice of proposed revocation of such organization's recognition as an organization exempt from taxation,

"(ii) the issuance of a letter of proposed deficiency of tax imposed under section 507 or chapter 41 or 42, and

"(iii) the names and taxpayer identification numbers of organizations that have applied for recognition as organizations described in section 501(c)(3).

"(B) ADDITIONAL DISCLOSURES.—Returns and return information of organizations with respect to which information is disclosed under subparagraph (A) may be made available for inspection by or disclosed to an appropriate State officer.

"(C) PROCEDURES FOR DISCLOSURE.—Information may be inspected or disclosed under subparagraph (A) or (B) only—

"(i) upon written request by an appropriate State officer, and

"(ii) for the purpose of, and only to the extent necessary in, the administration of State laws regulating such organizations.

Such information may only be inspected by or disclosed to representatives of the appropriate State officer designated as the individuals who are to inspect or to receive the returns or return information under this paragraph on behalf of such officer.

"(D) DISCLOSURES OTHER THAN BY REQUEST.—The Secretary may make available for inspection or disclose returns and return information of an organization to which paragraph (1) applies to an appropriate State officer of any State if the Secretary determines that such inspection or disclosure may facilitate the resolution of State and Federal issues relating to such organization.

"(3) USE IN JUDICIAL AND ADMINISTRATIVE PROCEEDINGS.—Returns and return information disclosed pursuant to this subsection may be disclosed in civil administrative and judicial proceedings pertaining to the enforcement of State laws regulating such organizations in a manner prescribed by the Secretary similar to that for tax administration proceedings under section 6103(h)(4).

"(4) NO DISCLOSURE IF IMPAIRMENT.—Returns and return information shall not be disclosed under this subsection, or in any proceeding described in paragraph (3), to the extent that the Secretary determines that such disclosure would seriously impair Federal tax administration.

"(5) DEFINITIONS.—For purposes of this subsection—

"(A) RETURN AND RETURN INFORMATION.—The terms 'return' and 'return information' have the respective meanings given to such terms by section 6103(b).

"(B) APPROPRIATE STATE OFFICER.—The term 'appropriate State officer' means—

"(i) the State attorney general, or

"(ii) the head of any State agency, body, or commission which is charged under the laws of such State with responsibility for overseeing organizations of the type described in section 501(c)(3).".

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 6103 is amended—

(A) by inserting "or section 6104(c)" after "this section" in paragraph (2), and

(B) by striking "or subsection (n)" in paragraph (3) and inserting "subsection (n), or section 6104(c)".

(2) Subparagraph (A) of section 6103(p)(3) is amended by inserting "and section 6104(c)" after "section" in the first sentence.

(3) Paragraph (4) of section 6103(p) is amended—

(A) in the matter preceding subparagraph (A), by striking "(16) or any other person described in subsection (l)(16)" and inserting "(16), any other person described in subsection (l)(16), or any appropriate State officer (as defined in section 6104(c))", and

(B) in subparagraph (F), by striking "or any other person described in subsection (l)(16)" and inserting "any other person described in subsection (l)(16), or any appropriate State officer (as defined in section 6104(c))".

(4) Paragraph (2) of section 7213(a) is amended by inserting "or under section 6104(c)" after "6103".

(5) Paragraph (2) of section 7213A(a) is amended by inserting "or 6104(c)" after "6103".

(6) Paragraph (2) of section 7431(a) is amended by inserting "(including any disclosure in violation of section 6104(c))" after "6103".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act but shall not apply to requests made before such date.

TITLE V—MISCELLANEOUS

SEC. 501. CLARIFICATION OF DEFINITION OF CHURCH TAX INQUIRY.

Subsection (i) of section 7611 (relating to section not to apply to criminal investigations, etc.) is amended by striking "or" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", or", and by inserting after paragraph (5) the following:

"(6) information provided by the Secretary related to the standards for exemption from tax under this title and the requirements under this title relating to unrelated business taxable income.".

SEC. 502. EXPANSION OF DECLARATORY JUDGMENT REMEDY TO TAX-EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Paragraph (1) of section 7428(a) (relating to creation of remedy) is amended—

(1) in subparagraph (B) by inserting after "509(a))" the following: "or as a private operating foundation (as defined in section 4942(j)(3))"; and

(2) by amending subparagraph (C) to read as follows:

"(C) with respect to the initial qualification or continuing qualification of an organization as an organization described in section 501(c) (other than paragraph (3)) which is exempt from tax under section 501(a), or".

(b) COURT JURISDICTION.—Subsection (a) of section 7428 is amended in the material following paragraph (2) by striking "United States Tax Court, the United States Claims Court, or the district court of the United States for the District of Columbia" and inserting the following: "United States Tax Court (in the case of any such determination or failure) or the United States Claims Court or the district court of the United States for the District of Columbia (in the case of a determination or failure with respect to an issue referred to in subparagraph (A) or (B) of paragraph (1)),".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to pleadings filed with respect to determinations (or requests for determinations) made after the date of the enactment of this Act.

SEC. 503. EMPLOYEE MISCONDUCT REPORT TO INCLUDE SUMMARY OF COMPLAINTS BY CATEGORY.

(a) IN GENERAL.—Clause (ii) of section 7803(d)(2)(A) is amended by inserting before the semicolon at the end the following: ", including a summary (by category) of the 10 most common complaints made and the number of such common complaints".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to reporting periods ending after the date of the enactment of this Act.

SEC. 504. ANNUAL REPORT ON AWARDS OF COSTS AND CERTAIN FEES IN ADMINISTRATIVE AND COURT PROCEEDINGS.

Not later than 3 months after the close of each Federal fiscal year after fiscal year 2001, the Treasury Inspector General for Tax Administration shall submit a report to Congress which specifies for such year—

(1) the number of payments made by the United States pursuant to section 7430 of the Internal Revenue Code of 1986 (relating to awarding of costs and certain fees);

(2) the amount of each such payment;

(3) an analysis of any administrative issue giving rise to such payments; and

(4) changes (if any) which will be implemented as a result of such analysis and other changes (if any) recommended by the Treasury Inspector General for Tax Administration as a result of such analysis.

SEC. 505. ANNUAL REPORT ON ABATEMENT OF PENALTIES.

Not later than 6 months after the close of each Federal fiscal year after fiscal year 2001, the Treasury Inspector General for Tax Administration shall submit a report to Congress on abatements of penalties under the Internal Revenue Code of 1986 during such year, including information on the reasons and criteria for such abatements.

SEC. 506. BETTER MEANS OF COMMUNICATING WITH TAXPAYERS.

Not later than 18 months after the date of the enactment of this Act, the Treasury Inspector General for Tax Administration shall submit a report to Congress evaluating whether technological advances, such as e-mail and facsimile transmission, permit the use of alternative means for the Internal Revenue Service to communicate with taxpayers.

SEC. 507. EXPLANATION OF STATUTE OF LIMITATIONS AND CONSEQUENCES OF FAILURE TO FILE.

The Secretary of the Treasury or the Secretary's delegate shall, as soon as practicable but not later than 180 days after the date of the enactment of this Act, revise the statement required by section 6227 of the Omnibus Taxpayer Bill of Rights (Internal Revenue Service Publication No. 1), and any instructions booklet accompanying a general income tax return form for taxable years beginning after 2001 (including forms 1040, 1040A, 1040EZ, and any similar or successor forms relating thereto), to provide for an explanation of—

(1) the limitations imposed by section 6511 of the Internal Revenue Code of 1986 on credits and refunds; and

(2) the consequences under such section 6511 of the failure to file a return of tax.

SEC. 508. AMENDMENT TO TREASURY AUCTION REFORMS.

(a) IN GENERAL.—Clause (i) of section 202(c)(4)(B) of the Government Securities Act Amendments of 1993 (31 U.S.C. 3121 note) is amended by inserting before the semicolon "(or, if earlier, at the time the Secretary releases the minutes of the meeting in accordance with paragraph (2))".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to meetings held after the date of the enactment of this Act.

SEC. 509. ENROLLED AGENTS.

(a) IN GENERAL.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7527. ENROLLED AGENTS.

"(a) IN GENERAL.—The Secretary may prescribe such regulations as may be necessary to regulate the conduct of enrolled agents in regards to their practice before the Internal Revenue Service.

"(b) USE OF CREDENTIALS.—Any enrolled agents properly licensed to practice as required under rules promulgated under section (a) herein shall be allowed to use the credentials or designation as 'enrolled agent', 'EA', or 'E.A.'.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7525. Enrolled agents.".

(c) PRIOR REGULATIONS.—Nothing in the amendments made by this section shall be construed to have any effect on part 10 of title 31, Code of Federal Regulations, or any other Federal rule or regulation issued before the date of the enactment of this Act.

SEC. 510. FINANCIAL MANAGEMENT SERVICE FEES.

Notwithstanding any other provision of law, the Financial Management Service may charge the Internal Revenue Service, and the Internal Revenue Service may pay the Financial Management Service, a fee sufficient to cover the full cost of implementing a continuous levy program under subsection (h) of section 6331 of the Internal Revenue Code of 1986. Any such fee shall be based on actual levies made and shall be collected by the Financial Management Service by the retention of a portion of amounts collected by levy pursuant to that subsection. Amounts received by the Financial Management Service as fees under that subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code, and shall be collected and accounted for in accordance with the provisions of that section. The amount credited against the taxpayer's liability on account of the continuous levy shall be the amount levied, without reduction for the amount paid to the Financial Management Service as a fee.

SEC. 511. CAPITAL GAIN TREATMENT UNDER SECTION 631(b) TO APPLY TO OUTRIGHT SALES BY LAND OWNER.

(a) IN GENERAL.—The first sentence of section 631(b) of the Internal Revenue Code of 1986 (relating to disposal of timber with a retained economic interest) is amended by striking "retains an economic interest in such timber" and inserting "either retains an economic interest in such timber or makes an outright sale of such timber".

(b) CONFORMING AMENDMENT.—The third sentence of section 631(b) of such Code is amended by striking "The date of disposal" and inserting "In the case of disposal of timber with a retained economic interest, the date of disposal".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales after the date of the enactment of this Act.

TITLE VI—LOW-INCOME TAXPAYER CLINICS

SEC. 601. LOW-INCOME TAXPAYER CLINICS.

(a) LIMITATION ON AMOUNT OF GRANTS.—Paragraph (1) of section 7526(c) (relating to special rules and limitations) is amended by striking "$6,000,000 per year" and inserting "$9,000,000 for 2002, $12,000,000 for 2003, and $15,000,000 for each year thereafter".

(b) LIMITATION ON USE OF CLINICS FOR TAX RETURN PREPARATION.—Subparagraph (A) of section 7526(b)(1) is amended by adding at the end the following flush language:

"The term does not include a clinic that provides routine tax return preparation. The preceding sentence shall not apply to return preparation in connection with a controversy with the Internal Revenue Service.".

(c) PROMOTION OF CLINICS.—Section 7526(c) is amended by adding at the end the following new paragraph:

"(7) PROMOTION OF CLINICS.—The Secretary is authorized to promote the benefits of and encourage the use of low-income taxpayer clinics through the use of mass communications, referrals, and other means.".

TITLE VII—REVISIONS TO SECTION 527 ORGANIZATION DISCLOSURE PROVISIONS

SEC. 701. MODIFICATIONS OF REPORTING REQUIREMENTS FOR CERTAIN STATE AND LOCAL POLITICAL ORGANIZATIONS.

(a) NOTIFICATION.—

(1) Paragraph (5) of section 527(i) (relating to organizations must notify Secretary that they are section 527 organizations) is amended by striking "or" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", or", and by adding at the end the following:

"(C) which is—

"(i) a political committee of a State or local candidate, or

"(ii) a local committee of an entity which is a political party under State law.".

(2) Subparagraph (B) of section 527(j)(5) (relating to coordination with other requirements) is amended to read as follows:

"(B) to any organization which is—

"(i) a political committee of a State or local candidate, or

"(ii) a State or local committee of an entity which is a political party under State law,".

(b) EXEMPTION FOR CERTAIN STATE AND LOCAL POLITICAL COMMITTEES FROM REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Paragraph (5) of section 527(j) (relating to required disclosures of expenditures and contributions) is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

"(C) to any organization which is an exempt State or local political organization,".

(2) EXEMPT STATE OR LOCAL POLITICAL ORGANIZATION.—Subsection (e) of section 527 (relating to other definitions) is amended by adding at the end the following new paragraph:

"(5) EXEMPT STATE OR LOCAL POLITICAL ORGANIZATION.—

"(A) IN GENERAL.—The term 'exempt State or local political organization' means a political organization—

"(i) which does not engage in any exempt function other than to influence or to attempt to influence the selection, nomination, election, or appointment of any individual to any State or local public office or office in a State or local political organization,

"(ii) which is subject to State or local requirements to submit reports containing information—

"(I) regarding individual expenditures from and contributions to such organization, and

"(II) regarding the person who makes such contributions or receives such expenditures, which is substantially similar to the information which would otherwise be required to be reported under this section, and

"(iii) with respect to which the reports referred to in clause (ii) are made public by the agency with which such reports are filed and are publicly available for inspection in a manner similar to that required by section 6104(d)(1).

"(B) PARTICIPATION OF FEDERAL CANDIDATE OR OFFICE HOLDER.—The term 'exempt State or local political organization' shall not include any organization otherwise described in subparagraph (A) if a candidate for nomination or election to Federal elective office or an individual who holds such office—

"(i) controls or materially participates in the direction of the organization, or

"(ii) directs, in whole or in part, expenditures or fundraising activities of the organization.".

(c) ANNUAL RETURN REQUIREMENTS.—

(1) INCOME TAX RETURNS REQUIRED ONLY WHERE POLITICAL ORGANIZATION TAXABLE INCOME.—Paragraph (6) of section 6012(a) (relating to general rule of persons required to make returns of income) is amended by striking "or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)".

(2) INFORMATION RETURNS.—Subsection (g) of section 6033 (relating to returns required by political organizations) is amended to read as follows:

"(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—

"(1) IN GENERAL.—Every political organization (within the meaning of section 527(e)(1)), and every fund treated under section 527(g) as if it constituted a political organization, which has gross receipts of $25,000 or more for the taxable year shall file a return—

"(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

"(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection.

"(2) EXCEPTIONS FROM FILING.—

"(A) MANDATORY EXCEPTIONS.—Paragraph (1) shall not apply to an organization—

"(i) which is an exempt State or local political organization (as defined in section 527(e)(5)),

"(ii) which is a State or local committee of a political party, or political committee of a State or local candidate, as defined by State law,

"(iii) which is a caucus or association of State or local elected officials,

"(iv) which is a national association of State or local officials,

"(v) which is an authorized committee (as defined in section 301(6) of the Federal Election Campaign Act of 1971) of a candidate for Federal office,

"(vi) which is a national committee (as defined in section 301(14) of the Federal Election Campaign Act of 1971) of a political party, or

"(vii) to which section 527 applies for the taxable year solely by reason of subsection (f)(1) of such section.

"(B) DISCRETIONARY EXCEPTION.—The Secretary may relieve any organization required under paragraph (1) to file an information return from filing such a return where he determines that such filing is not necessary to the efficient administration of the internal revenue laws."

(d) WAIVER OF PENALTIES.—Section 527 is amended by adding at the end the following:

"(k) AUTHORITY TO WAIVE.—The Secretary may waive all or any portion of the—

"(1) tax assessed on an organization by reason of the failure of the organization to give notice under subsection (i), or

"(2) penalty imposed under subsection (j) for a failure to file a report,

on a showing that such failure was due to reasonable cause and not due to willful neglect."

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the amendments made by Public Law 106–230.

SEC. 702. NOTIFICATION OF INTERACTION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—The Secretary of the Treasury, in consultation with the Federal Election Commission, shall publicize information on—

(1) the effect of the amendments made by this Act, and

(2) the interaction of requirements to file a notification or report under section 527 of the Internal Revenue Code of 1986 and reports under the Federal Election Campaign Act of 1971.

(b) INFORMATION.—Information provided under subsection (a) shall be included in any appropriate form, instruction, notice, or other guidance issued to the public by the Secretary of the Treasury or the Federal Election Commission regarding reporting requirements of political organizations (as defined in section 527 of the Internal Revenue Code of 1986) or reporting requirements under the Federal Election Campaign Act of 1971.

SEC. 703. TECHNICAL CORRECTIONS TO SECTION 527 ORGANIZATION DISCLOSURE PROVISIONS.

(a) UNSEGREGATED FUNDS NOT TO AVOID TAX.—Paragraph (4) of section 527(i) (relating to failure to notify) is amended by adding at the end the following new sentence: "For purposes of the preceding sentence, the term 'exempt function income' means any amount described in a subparagraph of subsection (c)(3), whether or not segregated for use for an exempt function."

(b) PROCEDURES FOR ASSESSMENT AND COLLECTION OF PENALTY.—Paragraph (1) of section 527(j) (relating to required disclosure of expenditures and contributions) is amended by adding at the end the following new sentence: "For purposes of subtitle F, the penalty imposed by this paragraph shall be assessed and collected in the same manner as penalties imposed by section 6652(c)."

(c) APPLICATION OF FRAUD PENALTY.—Section 7207 (relating to fraudulent returns, statements, and other documents) is amended by striking "pursuant to subsection (b) of section 6047 or pursuant to subsection (d) of section 6104" and inserting "pursuant to section 6047(b), section 6104(d), or subsection (i) or (j) of section 527".

(d) DUPLICATE ELECTRONIC AND WRITTEN FILINGS NOT REQUIRED.—Subparagraph (A) of section 527(i)(1) is amended by striking ", electronically and in writing,"

(e) EFFECTIVE DATES.—

(1) SUBSECTIONS (a) AND (b).—The amendments made by subsections (a) and (b) shall apply to failures occurring on or after the date of the enactment of this Act.

(2) SUBSECTIONS (c) AND (d).—The amendments made by subsections (c) and (d) shall take effect as if included in the amendments made by Public Law 106–230.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to the rule, the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the Taxpayer Protection and IRS Accountability Act of 2002 might be called modest, but if one looks at the particular provisions, I think for those individuals engaged with the Internal Revenue Service, I think they might find them relatively important.

The Chair would like to thank the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight, and especially the gentleman from Ohio (Mr. PORTMAN) and the gentleman from Maryland (Mr. CARDIN) in their ongoing work in providing the committee with excellent legislation.

As I said in announcing the call-up for the vote, that this bill was amended. It was amended in committee. Two amendments were taken, one by the gentleman from New York (Mr. RANGEL), which would allow IRS information to be provided to State Attorneys General. I think it is significant that it was offered by the gentleman from New York. The information is an examination of 501(c)(3) groups and whether they would refuse, or whether there was a revocation or whether there was a tax deficiency reported at the Federal level, that information to be shared at the State level.

As my colleagues might imagine, how unseemly as it might be, there are individuals and groups who tried to take advantage of the disaster because of the events of September 11. There are individuals or groups who seek to take advantage of the charitable nature of Americans and New Yorkers as well. What this amendment does is allow the sharing of Federal information to assist in the State's administering their laws governing a charitable organization as well. Quite an appropriate amendment, and it was accepted on a voice vote.

The gentleman from Ohio, I think, speaking as well for the gentleman from Maryland, offered some specific amendments dealing with the way in which the IRS commissioner would treat IRS employees who were engaged in what have become now known as the "10 deadly sins," based upon recent legislation in which if an employee of the IRS examines forms unauthorized, a number of them are grounds for immediate dismissal. As my colleagues might guess, that kind of an administrative tool perhaps is too extreme in some instances, and based upon the argument of the two gentlemen, it seemed persuasive to provide a degree of discretion to the commissioner in pursuing either disciplinary action or dismissal.

In addition to that, there are some other specific provisions that would greatly assist individuals who are interacting with the IRS, and I will go into those in some detail later.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

I want to support what the chairman of the committee has said and the cooperative spirit that existed on the Ways and Means Committee under the leadership of the gentleman from New York (Mr. HOUGHTON) in working with the gentleman from Pennsylvania (Mr. COYNE) and the gentleman from Texas (Mr. DOGGETT) as well as the gentleman from Maryland (Mr. CARDIN) in correcting the duplicity that existed in terms of organizations reporting political contributions.

We had worked so well together on this, it was almost frightening, because it was done in an atmosphere that we do not normally enjoy on the Ways and Means Committee. So it should not have come as any shock to me when the bill that was overwhelmingly accepted by all members of the committee, that the Chairman would put in a poison pill at the very last minute that caused the committee to be divided on a party line vote.

It just seems to me that at the height, when the whole Nation is lauding the House and the Senate and the President for campaign finance reform, that if we find some flaw or some mistake or some area that we did not remove the fault, that we would take the opportunity under the Taxpayer Protection and IRS Accountability Act, may not be the right vehicle, but certainly that we would improve on what the House and Senate has done.

Instead of that, this bill has a provision in it, a fatally flawed provision, that opens up gaping loopholes in our campaign finance disclosure laws, so big that every reform group in the Nation that campaigned for campaign finance reform are now prepared to say that this is no way for us to conduct business.

We do not take a good piece of legislation like the Taxpayer Protection and IRS Accountability Act and then put a sleeper poison pill in it to kill all of the good work that Members on both sides of the aisle, led by the gentleman from Connecticut (Mr. SHAYS) and the gentleman from Massachusetts (Mr. MEEHAN) and Senator MCCAIN, the person from the other body, we just do not do it. It is not fair, it is not equitable, it is not moral. It just may be legal.

Then on top of that, to compound the moral failing of the way this legislation comes to the floor, it is presented as though it is noncontroversial, or certainly that is the reason why it goes on the suspension calendar; no amendments, no opportunity for people who disagree with parts of the bill to vote on an amendment. One does not have to be a campaign manager to know that it was a party vote in the committee. That sounds pretty controversial to me. Why not have it to be at least a vote on the floor where people can at least express themselves?

So it is not bad enough that my colleagues bring it out on the Suspension Calendar, and I might add far too many tax bills are coming out on the Suspension Calendar, but my colleagues are not asking that we vote on it this evening. A lot of people may wonder why is it that we would bring a bill out that is so popular that we put it on the Suspension Calendar and not request a vote this evening?

The reason for it is that they do not even want Members to stick around here to find out what the debate is on the bill. There are no votes, so Members can now leave the floor, leave the Hill, and take care of other business; because this issue, according to the leadership, is not important enough for them to stay around and vote on it. Oh, stay around and talk about it, if one will. It is just so unfair when people have worked so hard to try to sneak this in in the middle of the night, with no one on the floor, and do not even say vote for it until tomorrow.

Then we come in tomorrow and there will be a vote, without any debate, without any discussions. Because of what? Because the rules prohibit it. How well packaged.

I think we will defeat this, not because we do not appreciate the work that has been done by the Members on the base bill, but we are going to defeat it just because people think that they can get away with anything in this House. Some Republicans did not stand for it in the committee, and I think many more Members are not going to stand for this if my colleagues allow a vote on it at least tomorrow.

Madam Speaker, I reserve the balance of my time.

Mr. THOMAS. Madam Speaker, I yield myself such time as I might consume.

I am kind of interested in the words that the gentleman from New York used, "filled with loopholes," "fatally flawed," "poison pill." I find it ironic that two-thirds of the Democrats on the committee voted for it. It is true all of the Republicans voted for it, and if my colleagues spent the time to really look at what the provision the gentleman was referring to in correcting current law does, the sum and substance is to basically say if someone is reporting to an agency that requires a person under the State and local laws of the State to report, they also do not have to duplicate that reporting at the Federal level if they are not involved in Federal activities. That is the sum and substance of what it is that the gentleman from Texas (Mr. BRADY) offered and was included in the bill.

I find it interesting that there was a press conference today by the very same gentleman that my friend and colleague from New York mentioned, Senator MCCAIN and Senator LIEBERMAN, and, of course, the bulk of that press conference was complaining about the current law, that they do not like the current 527, the one that they put into effect. It is not enough.

The answer is they will never be satisfied. And what we have to do is look at what is reasonable and prudent, and numbers of groups have said that the double reporting when we are not involved at the Federal level is a significant burden. One would say, how burdensome is it? The IRS form that they are required to fill out says, as part of the truth in packaging and paperwork law, how many hours it requires to deal with the form. The number on that form is 94 hours; 94 hours of filling out a form in which someone was not involved in any way in a Federal election because of the way in which the legislation was written.

What this bill does is correct that to say that there are no loopholes, that people who are required to report in the previous law are required to report today. The so-called stealth or phantom PACs are required to report as current law requires. What we do is remove the duplication.

Madam Speaker, I reserve the balance of my time.

Mr. RANGEL. Madam Speaker, I yield 3 minutes to the gentlewoman from Florida (Mrs. THURMAN), an outstanding member of our committee.

Mrs. THURMAN. Madam Speaker, I would say to our chairman that I think one of the issues here is that we are really trying to get an opportunity to debate this issue, and not under the consent calendar, and to move it along in a different manner.

I would also bring in today that we had a hearing in the Subcommittee on Oversight that I know the gentleman from New York (Mr. HOUGHTON) and others have worked very hard on, and I want to remind the body that this bill is actually called the Taxpayer Protection and IRS Accountability Act, which I think is important for us to understand. I was concerned when I went to this hearing today because there have been some articles over the last couple of days that talk about Affluent Avoid Scrutiny on Taxes Even as IRS Warns of Cheating. In my own newspaper at home, Poorly Aimed Audits: The IRS is giving more scrutiny to the returns of the working poor than to those of wealthy people who have formed partnerships or special corporations. It is just not fair and it makes little sense.

I think the point that the gentleman from New York (Mr. RANGEL) is making is that we are not going to have another Taxpayers Protection Act come out of this House. We are not going to have the opportunity to debate this again. But we do have the opportunity to do it now, and if we went through the process of going to the Committee on Rules, looking at some of these issues that the commissioner and other folks in this country brought to our attention today, we might have the opportunity to actually send a better bill than what potentially would come out of here today.

I think there is a single issue here that I feel strongly about. We are going to send our tax payments to the IRS on April 15th. Every taxpayer has a right to believe that others are also paying their taxes. They need to believe that tax cheaters are going to be discovered, they are going to be audited, and they are going to be punished and they are going to be treated like everybody else.

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I think we have some new information before this bill went through the committee process. We have a process set up that we can use in a debating process, to go to the Committee on Rules, fix some of these issues; and I think it would be a much better bill and I think we would find more support.

I would say I do not want to tell people at home that one out of 47 working-poor taxpayers will be audited, but only one of 145 of high-income taxpayers and one in 400 partnerships get the same treatment. We need to do something about that, and we do not need to wait. We need to include this in the bill, and we need to do it in the right process.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I say to the gentlewoman that the record shows that the gentlewoman voted for this bill. We are not limited by the number of bills that we can report out. This bill was based upon previous hearings. I am going to call shortly the chairman of the Subcommittee on Oversight, who the gentlewoman discussed today; and it will very likely lead to additional legislation, and we will move additional bills.

The idea that we would hold hearings all year long and never move a bill, and then try to pull it together at the end is a novel idea. We might want to consider it, but it certainly runs against the tradition of this House.

Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON), the chairman of the Subcommittee on Oversight.

Mr. HOUGHTON. Madam Speaker, I am delighted to be able to talk about this bill very briefly.

I know there is a contentious issue on 527. I do not think that it is a serious one. Members can have their own opinions, but I think there are enough safeguards to make it accountable. I want to talk about some of the other important features.

The bill allows the IRS to waive unfair penalties. The bill allows taxpayers more time to contest levies. The bill allows the IRS to forgive interest when a taxpayer receives an erroneous refund. The bill also makes several reforms on the 10 deadly sins. There is even an 11th deadly sin now.

Madam Speaker, this bill is pro-taxpayer and promotes commonsense solutions to some of the more frustrating issues that we are dealing with. I hope my colleagues support the bill.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I agree with the gentleman from New York (Mr. HOUGHTON) that it is a good bill, and it is totally unfair to have this contentious idea included in this bill; and I ask for its defeat. This provision should not be in the bill. It fatally flaws the good work that has been done.

Madam Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MEEHAN), one of the outstanding reformers of campaign finance, who certainly knows good legislation when he sees it, and the gentleman also knows a poison pill when he smells it, and thank the gentleman for all of the fine work that he has done in campaign finance reform.

Mr. MEEHAN. Madam Speaker, I agree with the underlying bill as well. I congratulate the bipartisanship of the Committee on Ways and Means for coming together to put together a good bill; but, unfortunately, there is a provision in this bill that even if Members disagree with it, should not be part of a suspension.

Madam Speaker, just 2 weeks ago the President signed into law the most comprehensive rewrite of this Nation's campaign finance laws in a generation. It is an enormous step towards cleaner elections and a better democracy. The ink on this new law is barely dry, and we are already debating a proposal to add back the loopholes. The Taxpayer Bill of Rights bill is a good bill, but it includes several provisions that will torpedo key disclosure requirements for so-called stealth PACs. These disclosure requirements were put in place by a law that this Congress passed 2 years ago to shine sunlight on organizations influencing Federal elections without disclosing a dime of their expenditures or contributions.

This bill would exempt State and local PACs from Federal disclosure requirements even where there is not adequate disclosure at the State level. What does that mean? How do we know that States are going to require disclosure of every single contribution. We cannot have guarantees; that is why we needed a stealth PAC legislation.

There are so-called sham issue ads that disguise themselves as real issue ads. They influence Federal elections. This bill is a loophole, the beginning of what many of us are afraid will be a series of loopholes designed to undermine campaign finance reform that this Congress passed and the President of the United States signed.

This bill would permit State and local PACs for which Federal office holders raise soft money, Federal office holders raising soft money to qualify for this exemption from Federal filing requirements. That is why this provision should not be in this bill.

All Members should be proud of what we have accomplished on campaign finance reform. It was a historic effort by both sides of the aisle to pass meaningful disclosure requirements, to rein in sham issue ads, and to bring some accountability back to our Federal campaign finance system, or any ads meant to influence a Federal election.

We should not be taking steps backwards after taking major steps forward. Let us work together, as our colleagues on the other body have said, and they have had a dialogue about this in a bipartisan, responsible way to fix the 527 law. The gentleman from Texas (Mr. DOGGETT) has been on this issue for some time. In fact, the gentleman warned many of us 2 years ago when we were debating this legislation that there might be a loophole. Let us do this the right way and not undermine the wonderful work that this Congress has done on campaign finance reform.

Mr. THOMAS. Madam Speaker, I yield myself 45 seconds.

Madam Speaker, perhaps the gentleman does not understand the law.

The sham issue ads are not involved with the IRS and the reporting structure. If a Federal office holder influences a State and local PAC decision, this says they have to report at the Federal level. If there is Federal activity, they report at the Federal level. There is no loophole that is created. What it gets rid of is duplication where if a State and local PAC, not involved at the Federal level, that has to report at the State and local level. And as the gentleman indicated, he wants them to report on the Federal level even though they are not involved in Federal activity.

At some point we have to ask ourselves whether continuing to use the phrase "why put in loopholes, why do a poison pill," Members ought to look at the specifics of the legislation instead of the rhetoric, and ought to respond to what is on the page instead of chasing bogeymen.

Madam Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. PORTMAN), a valued member of the Committee on Ways and Means in helping us write reasonable and responsive legislation, and not press releases.

Mr. PORTMAN. Madam Speaker, I rise this evening in strong support of this legislation. It is good commonsense legislation that will help protect taxpayers. This is a busy week for a lot of Americans. Millions of us are filing our tax returns, trying to get them in by April 15. This is time for us to provide a little bit of help.

In 1998, this Congress passed historic legislation to restructure and reform the IRS and included over 50 new taxpayer rights and substantial reforms to the way the IRS operates. This legislation tonight, I think, builds on those efforts; and I commend the chairman and the gentleman from New York (Mr. HOUGHTON) for bringing it forward.

Madam Speaker, tax records do contain sensitive and personal information; and no one, not even the employees of the IRS, should be allowed to see them without a legitimate reason. This legislation makes it very clear that there will be stiff penalties for IRS employees who explore taxpayers' records without proper authorization.

It also encourages broader use of electronic filing. This is extremely important. The IRS is able to process tax returns in a much more timely fashion with electronic means. It is also less expensive for the IRS; and, therefore, the taxpayers save money. And electronic returns have been shown to be more accurate. There are fewer IRS errors, and this is great news for taxpayers. We want to encourage it, and so will extend the filing deadline until April 30 for those willing to file electronically.

The legislation we are debating today also adds some commonsense reform to IRS penalties. The gentleman from New York (Mr. HOUGHTON) talked about these earlier. Many individuals and companies make innocent mistakes on their tax returns and are then hit with outrageous fines and penalties. This bill allows the IRS to waive unfair penalties for taxpayers with good records who have made honest mistakes.

The bill is good news for low-income taxpayers. It substantially increases the funding available for low-income taxpayer clinics. This is something that we put in place with the restructuring reform act, the thought being that when low-income individuals are involved with disputes with the IRS, they need a little help, and these clinics have proven to be very successful in helping taxpayers who do not have the means to be able to deal with the IRS when disputes arise. I commend the chairman for bringing it forward and providing funding for it.

There are a lot of other important things that this legislation accomplishes. We have heard from the other side of the aisle about the section 527 provisions. As I see it, these are also sensible changes. The changes in section 527 are in keeping with what our original intent was in Congress in passing 527 reforms. This relates strictly to those organizations and entities that only deal with State and local issues. All it says is that we should not have burdensome and duplicative filing requirements at the Federal level where there is a State filing. This State filing has to be substantially similar, and any time there is any Federal involvement in any way, taxpayers have to file at the Federal level.

Madam Speaker, I do not see the loophole here. I think the legislation we have on the bill this evening is going to help taxpayers. It makes sense. It is the kind of stuff we ought to be doing as we approach April 15 to help Americans with their dealings with the IRS.

Mr. RANGEL. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are not going to hear too much debate because the method selected by the leadership to bring this bill to the floor actually restricts debate. I know that the chairman of the Committee on Ways and Means says that most of us have restricted our understanding of the bill to tax press releases and do not have a clear understanding of the legislation.

I have to admit that the chairman is one of the brightest people that we have in the House, if not in the Congress; but the gentleman does not have a reputation of supporting campaign finance reform; and the Members who think they understand it, like the gentleman from Massachusetts (Mr. MEEHAN) and the gentleman from Connecticut (Mr. SHAYS), and like the editorial writers of all of our major newspapers that fought hard for campaign finance reform, while not nearly as bright as the chairman, believe it is a flaw and believe it is a loophole. So even a little compassion, even if we do not have debate, can go a long way.

Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. PELOSI), the minority whip.

Ms. PELOSI. Madam Speaker, I thank the gentleman for yielding me this time, and I associate myself with his very eloquent remarks about the stealth nature in which this bill is being brought to the floor of the House. Stealth is a good word for it. It is about abuses of stealth PACs, which this bill would reinstitute.

Less than 2 weeks after President Bush signed a historic campaign finance reform bill into law, the Republican leadership once again wants to weaken one of its primary provisions. The New York Times calls this bill a travesty, and a travesty it is. Two years ago this House voted, under the leadership of our distinguished ranking member, the gentleman from New York (Mr. RANGEL), and a hard-working member of the committee whose leadership was essential to this, the gentleman from Texas (Mr. DOGGETT), to require that political organizations which are exempt from taxation under section 527 of the IRS Code to disclose their contributions and expenditures. One would think this would have been made to order for the Republicans who have argued over time that we did not need campaign finance reform, all we needed was disclosure. And now this bill foils attempts at disclosure.

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This when it was passed was a major campaign finance reform initiative adopted after abuses by the stealth PACs which ran attack ads under the tax-exempt section of the code without meaningful disclosure.

This proposal tonight would allow individuals to hide behind groups to influence the political system without disclosing who they are or where they got their money. The notion that this is simply an attempt to get rid of duplicative reporting requirements was shown to be a farce when the Republicans would not allow a proposed Democratic amendment that would have eliminated duplication but still ensures that there would be full disclosure. Instead, this bill opens up new loopholes in the 527 reporting requirement and creates potential for abuse. It is clearly an attempt by opponents of campaign finance reform to begin to erode the excellent provisions of the Shays-Meehan bill.

I urge my colleagues to reject this travesty and seriously object to the manner in which this bill was railroaded to the floor. This body spent a good deal of time focusing on campaign finance reform. We had to take extraordinary measures to get the bill heard on the floor of this Congress with a discharge petition. The bill has passed both Houses, it has been signed by the President of the United States, and it is being undermined by the proposal that the Republicans are putting on the floor today.

I urge our colleagues to vote "no."

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 1½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Madam Speaker, I listened with great interest to my friend, the distinguished minority whip from the State of California, and listened to her say vote "no" on this. Understand that a "no" vote means a lack of real reform where it counts: to allow people to pay penalties to the IRS in a reasonable and rational way; to allow those who have inadvertently made a mistake to be recused from the wrath of a government charging them inordinately for a mistake they made in good faith.

And speaking of good faith, does it not make sense to have those who are involved in the political process report via the 527 situation there? Indeed, we see we have form 990 here. We already know that Members of Congress file a return form 1120POL which is required to be made public.

And what is interesting, do you want to have bipartisanship? Even the general counsel of the Democratic National Committee admits these additional forms are unnecessary. Joe Sandler was recently quoted as saying, "It just doesn't make sense to require campaigns and parties to file the forms as these organizations already provide detailed disclosure of their finances."

Full disclosure? Absolutely. Redundant disclosure targeting those who are not even involved in the political process? Of course not. That is what this bill does. That is why we should support it, in the spirit of real reform and rational regulation, not bureaucratic overkill and other alternative consequences.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 1-3/4 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Madam Speaker, I commend the chairman for bringing to the floor a bill which received bipartisan support in the Committee on Ways and Means, a bill which was supported by two-thirds of the members of the committee, both Democrat and Republican. It is taxpayer protection, it is IRS accountability, it is IRS reform.

I would note the tax administration reforms that are included in this are good. We are all interested in improving electronic filing and our goal is 80 percent by the year 2007. Today, the IRS Commissioner noted that the reforms regarding electronic filing today will help them achieve that goal by allowing an extra 15 days for those who file electronically.

But because so much of the discussion in this room has focused on the 527 provisions, I thought I would focus on them as well. Two years ago, this House passed 527 reforms, legislation that was well intentioned. We gave some surprises for some folks back home, our local officials and our State legislators, and some local organizations who discovered all of a sudden that the heavy hand of the IRS was targeted at them. They were told that even though they are already reporting to the county clerk in Grundy County, my home county, and they are already reporting to the Illinois State Board of Elections, that they also have to fill out a form to the IRS, and if they fail, even if they were unaware of this law, that they faced IRS penalty.

I would note that this legislation eliminates double reporting by State and local organizations and also allows the IRS to waive penalties for unintentional violations. The opponents of this legislation feel that is still okay. But here are the facts. If you are run by a Member of Congress or you play a role in Federal campaigns, you still have to file with the IRS. If you are solely a State or local organization and only get involved in State or local issues, you file as you currently do with the State board of elections or the local county clerk. Why should someone who only has activity in Illinois file with the IRS in Washington? Why should they not be allowed to do what they have already done and file with the folks in Springfield?

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Madam Speaker, one of the tenets in Washington is if your argument does not have substance, describe it as a loophole. The fact of the matter is Congress hates to admit its mistakes, and this debate tonight is proof.

When Congress targeted unreported Federal PACs, stealth PACs, 2 years ago in the bill that I supported, we unintentionally fired into the crowd, putting new and burdensome Federal reporting requirements on a lot of people we should have never done it to, these people like local legislators, school board candidates, school bond issues, local sheriffs, who have nothing to do with stealth PACs. It turned out to be more like stealth legislation. They had no idea they got caught up as innocent victims in this bill and are facing heavy penalties for unknowingly violating Federal law.

Without Congress acting responsibly now to correct our mistake, finding the true stealth PACs among the more than 13,000 unnecessary reports is akin to searching for a needle in a haystack. You have to ask yourself, what national policy interest is served by forcing local candidates to report to Washington what they spent to buy the highest bidder at the local county fair? We are trying to scrutinize stealth PACs, not stealth FAA supporters. We took great care to follow the intent of the law and everyone who files today will file tomorrow because we have created no loopholes. In fact, we have strengthened campaign finance reform by putting a spotlight on true stealth PACs and relieving the mistaken, innocent victims from reporting in the future.

This bill is a win-win because it relieves those non-Federal candidates and it is a bright white light on our stealth Federal PACs. They will receive that greater scrutiny they deserve; that is, if Congress is willing to own up to its mistake.

Mr. RANGEL. Madam Speaker, I yield 2 minutes to the gentleman from Connecticut (Mr. SHAYS) who has displayed bipartisan leadership on the question of campaign finance reform. We all are proud of him as a Member.

Mr. SHAYS. Madam Speaker, I thank the gentleman for yielding me this time. One of the problems when a bill has a name after you, it personalizes the debate and it disguises really what is at issue. I think that the one thing that unites opponents and proponents of campaign finance reform is disclosure. We all said we were for it. There is duplicative filing that needs to be addressed. But I really believe that the 527 provision that is put in this bill, substantially similar, defined by the States, is a loophole. It is not the camel's head under the tent, something that can be a bigger problem in the future. It will be a problem immediately.

The one thing we know with our campaign finance reform bill is 527s are going to proliferate. We know that. Special interests will have a greater say. We know that. That is what people on both sides of the aisle argued for: Let the Americans have their say. But if you do not disclose it, you have got a gigantic problem. And if you allow the States to define "substantially similar," you have a loophole. What will happen is people will go to the State that has the biggest loophole to disguise their expenditures and their contributions.

I really regret that this is in a good bill. But this provision is deadly, I think, to disclosure. Therefore, we have no choice but to oppose the bill and hopefully if it is defeated, it will be brought out without this provision and then we can get a provision that will work.

The SPEAKER pro tempore (Mrs. BIGGERT). The gentleman from California (Mr. THOMAS) has 4 minutes and the gentleman from New York (Mr. RANGEL) has 2½ minutes.

Mr. RANGEL. I have one speaker left.

Mr. THOMAS. Madam Speaker, it is my pleasure to yield 2 minutes to the gentleman from Louisiana (Mr.

VITTER) who has been focusing on this issue since the time that he arrived in Congress.

Mr. VITTER. Madam Speaker, I stand to strongly support this bill and particularly the 527 provisions. I support it because I am a strong advocate of reform and have a strong reform record, both in the Congress and in the State legislature.

The gentleman from Connecticut (Mr. SHAYS) made some points, but I think the logical extension of all of his comments is that we should federalize every aspect of disclosure around the country and not have any State systems State by State, because a political action committee only qualifies for this exemption if they do not spend a penny on Federal races. If they have any involvement in any Federal race whatsoever, then they are still obligated to file under Federal law. This exemption only applies to them if they are active purely on the local and State level. Furthermore, even if that is the case, if a Federal official is involved in a meaningful way in their activity, then the exemption still does not apply for them.

Duplicative filing is not reform. It is the enemy of reform. Mounds and mounds of useless paper is not productive for disclosure. It is the enemy of disclosure. Therefore, making this corrective action is very much consistent in promoting reform. And duplicative filing, burdensome regulations, federalizing all campaign finance disclosure, that is not reform, that is moving in the wrong direction. That is why I strongly support this corrective legislation, the 527 provisions in this bill.

Mr. RANGEL. Madam Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DOGGETT), this outstanding member of the Committee on Ways and Means, to close our debate. Since he led the fight for reform in the tax committee, I think he can most eloquently explain our position.

The SPEAKER pro tempore. The gentleman from Texas (Mr. DOGGETT) is recognized for 2½ minutes.

Mr. DOGGETT. Madam Speaker, I thank the gentleman for yielding time.

This has been a truly historic year for reform, for genuine campaign finance reform, for cleaning up our political system. It is so troubling that at the very moment that the bipartisan Shays-Meehan, McCain-Feingold bill was being approved across the Capitol, that here in the House, some of those who have been the most effective in delaying that reform from becoming a reality were working to undermine it before it could even be signed into law with the approval of this legislation.

When we banned soft money in that bipartisan reform, we knew that the soft money would be out searching for a new home. What we did not know was that the "for rent" sign for that new home would be up before the reform law was even signed into being. It just goes to show that you can dead-bolt the front door, but reform opponents will always be seeking ways to get the money in the back window.

The 527 language in this bill does not require that each and every contribution and expenditure be reported anywhere. That is a loophole. The 527 language in this bill terminates all Federal disclosure, even when Federal candidates and officeholders are actively participating in raising funds. That is a loophole. I believe we need bipartisan solutions on this issue, just like every other one that concerns campaign finance. That is why the Senate agreed on a bipartisan answer to the duplicative filing issue, put it in the President's tax bill, and the conference committee, chaired by the gentleman from California (Mr. THOMAS), removed it last year from that tax bill.

□ 2015

That is why the language that I offered as an alternative to deal with duplicative filing in the committee-tracked language that Mr. LIEBERMAN and my Senator, KAY BAILEY HUTCHISON, proposed. They have now proposed some further improvement on that language, and I plan to introduce the very same language and seek bipartisan support for it here in the House, because some State and local officials do have legitimate concern, and we ought to eliminate duplicative filing, but we ought to do it without creating new gaps in the reform law that was just signed by the President.

This morning, at a public citizen press conference that highlighted how really extensive 527s are being used to abuse and funnel millions into campaigns, JOHN MCCAIN, JOE LIEBERMAN, and RUSS FEINGOLD said this proposal will never become law. Let us save them the time, and disapprove it this evening.

Mr. THOMAS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, it is really amazing when you listen to the individuals argue why they do not want this to become law, the argument that there is some duplication and that we ought to correct it. The gentleman from Texas who just spoke did not spend too much time talking about his suggested amendment which was defeated in committee, because it will give you an idea of what they mean by duplicate. His amendment said that any State or local government would be exempt from reporting to the Federal level if the law they had in place was exactly identical to the Federal law.

You heard the gentleman in the well on our side say that the only way you are ever going to carry these arguments to their logical conclusion is to make everything Federal, require everyone to report to the Federal level.

The gentleman from New York wanted to know why this was included in a bill which was labeled "Taxpayer Protection and IRS Accountability." I can tell you why: Because the burden placed on these individuals is to file Internal Revenue Service papers. They are irrelevant to the activities at the Federal level that are carried on in the State and local governments.

The Texas Funeral Directors Association, no Federal involvement, has to file. The New York Physical Therapy Association, no Federal involvement, has to file. The Baltimore Sitting Judges Committee, no Federal involvement, has to file. Why? Because the law says they have to file, not because they are involved in any way in Federal elections.

Let me underscore this point, because our opponents do not seem to understand this. If you are involved, if you are dealing directly with Federal elections, you are going to be required to continue to report at the Federal level. If you are not, you will report to those reporting requirements that are in place in the State and local level. That is the sum and substance of this adjustment.

But if you really read Senator MCCAIN and Senator LIEBERMAN's statements carefully, they do not even like the current law. What they want is more intrusive specific reporting when you are not involved at the Federal level. Disclosure only works if people believe it is appropriate disclosure.

The gentleman from Connecticut's example was an example of someone violating the law; not that this is a loophole. The activity that he discussed, which said it was a loophole, is violating the law. It is violating the law under current law, it would violate the law under this amendment if it becomes law.

If you look at the good taxpayer provisions in this measure, including removing duplication, this is a bill worth voting for, as 34 Members of the Committee on Ways and Means did, and I ask your support.

Madam Speaker, I include for the RECORD correspondence between the Committee on Ways and Means and the Committee on Government Reform regarding the jurisdictional matters on H.R. 3991.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, April 9, 2002.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On March 20, 2002, the Committee on Ways and Means ordered reported H.R. 3991, the "Taxpayer Protection and IRS Accountability Act of 2002," as amended. The bill was subsequently referred to the Committee on Government Reform because section 301 of the amended bill addressed matters that are within the jurisdiction of the Committee on Government Reform under House Rule X, clause 1(h)(1).

After examining the amended bill and consulting with the Committee on Ways and Means, the Committee on Government Reform will not take any action on the bill in order to expedite its consideration on the floor. This does not constitute waiver of the Committee's jurisdiction over H.R. 3991. Furthermore, the Committee reserves its authority to seek conferees on any provisions of the bill that fall within the Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

Sincerely,

DAN BURTON,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON WAYS AND MEANS,
Washington, DC, April 9, 2002.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, Washington, DC.

DEAR CHAIRMAN BURTON: Thank you for your letter regarding H.R. 3991, the "Taxpayer Protection and IRS Accountability Act of 2002."

As you have noted, the Committee on Ways and Means has ordered favorably reported H.R. 3991, the "Taxpayer Protection and IRS Accountability Act of 2002." I appreciate your agreement to expedite the passage of this legislation despite affecting provisions within the jurisdiction of the Committee on Government Reform. I acknowledge your decision to forego further action on the bill was based on our mutual understanding that it will not prejudice the Committee on Government Reform with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Finally, I will include in the Congressional Record a copy of our exchange of letters on this matter. Thank you for your assistance and cooperation. We look forward to working with you in the future.

Best regards,

BILL THOMAS,
Chairman.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3991, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. RANGEL. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. WELDON of Florida. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3991, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PLAN COLOMBIA SEMI-ANNUAL OBLIGATION REPORT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 107–198)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

Pursuant to section 3204(e), of Public Law 106–246, I am providing a report prepared by my Administration detailing the progress of spending by the executive branch during the last two quarters of Fiscal Year 2001 in support of Plan Colombia.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 9, 2002.*

SCIENCE AND ENGINEERING INDICATORS 2002—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

To the Congress of the United States:

As required by 42 U.S.C. 1863(j)(1), I am pleased to submit to the Congress a report prepared by the National Science Board entitled, "Science and Engineering Indicators—2002." This report represents the fifteenth in the series examining key aspects of the status of science and engineering in the United States.

GEORGE W. BUSH.
THE WHITE HOUSE, *April 9, 2002.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

UNIVERSITY OF MINNESOTA MEN'S HOCKEY TEAM MAKES AMERICA'S HOCKEY STATE VERY PROUD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Madam Speaker, I rise to salute the University of Minnesota Golden Gophers men's hockey team on winning their fourth national championship Saturday night in St. Paul.

Minnesota has a long and proud hockey tradition. This weekend, as one of our newspapers put it, we experienced a "Return to Glory." On Saturday night, right in our State's capital city, the University of Minnesota, my proud alma mater, added an illustrious new chapter to our State's proud hockey heritage.

Madam Speaker, in one of the most thrilling NCAA championship games ever played, the University of Minnesota defeated the University of Maine 4-to-3 in an overtime edge-of-your-seat nail-biter, a game that meant the 2002 NCAA men's ice hockey championship for the University of Minnesota. And, believe me, this was no ordinary hockey game. Both teams were fueled by powerful motivating forces that produced one of the most entertaining, hard-fought and memorable games ever played.

Last season, the Gophers lost to Maine in an overtime game in the NCAA Tournament, and that memory united this year's Gophers team and provided the motivation to fight to the very end of the season's championship game.

Maine had plenty of motivation also. The Black Bears had lost their longtime coach of 17 years, Shawn Walsh, to cancer just before the season started, and the Black Bears put forth a tremendous effort in memory of Coach Walsh.

Madam Speaker, this champion season has been a long time coming, and it sure feels great to every Minnesota hockey fan. All of Minnesota is extremely proud of this talented, never-say-die team, which rallied to tie the championship game with just 52 seconds left in regulation on a goal by Matt Koalska, a St. Paul native playing in his hometown. The Gophers and Black Bears then battled through an intense 17 minutes of overtime before realizing the dream of all Minnesota hockey fans when Grant Potulny scored that winning goal.

By tying the game in the final seconds of regulation and then winning in overtime, the University of Minnesota hockey team joins the list of legendary teams.

Madam Speaker, there have been so many stars this season for the champion Gophers. I hesitate to mention any at risk of leaving out others, but they were a true team in the real meaning of that word. They came together in pursuit of a common goal, winning a national championship. Each player, each trainer, each coach, each manager, played a pivotal role during the season, picking each other up at the crucial time.

Goalie Adam Hauser made 42 saves in the championship game. Hauser had 83 victories in his career, breaking the WCHA record. Adam also set league and school records for games played, shutouts and saves.

All-American senior Johnny Pohl of Red Wing, Minnesota, ended his college career by leading the entire Nation in scoring.

Madam Speaker, each and every one of these Gophers hockey players gave the record crowd of 19,324 great fans plenty to cheer about Saturday night, and in fact all season long. Jordan Leopold, a graduate of Armstrong High School in my district, was a big part of this season's greatness. Leopold won the Hobey Baker Award, which is college hockey's version of the Heisman Trophy, for his outstanding play. He is the fourth Gopher to win college hockey's highest honor.

Madam Speaker, I also want to commend Coach Don Lucia for an outstanding job of coaching. The history of Golden Gophers hockey is reflected by its legendary coaches, and Coach Lucia joins this respected group: John Mariucci, Glen Sonmor, Doug Woog, Herb Brooks, a guy who knows a thing or two about miracles on ice.

Madam Speaker, these hockey Gophers join the University of Minnesota's title winning teams of 1974, 1976 and 1979, and will forever be etched in the annals of the greatest Minnesota hockey teams.

This year's team played with amazing consistency. They never lost consecutive games, and finished with a record of 32 wins, 8 losses and 4 ties. The team's six seniors improved their record each and every year and provided solid senior leadership.

Madam Speaker, the 2001–2002 Gophers hockey team will be remembered forever by Minnesotans and hockey fans throughout the world. All Minnesotans and Gophers hockey fans everywhere are very proud of this team, and we congratulate our national champions.

SUPPORTING THE ISRAELI OCCUPATION OF THE WEST BANK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise to speak to the issue of the terrible violence that has been wracking the Middle East over the recent weeks, and I rise to speak in support of the Israeli occupation of the West Bank.

I believe very strongly that the primary purpose of government, above and beyond all other issues, is to protect the safety and the security of the people that they represent. This is very, very clear to us here in the United States, where following the attack on the World Trade Center, on the Twin Towers, our government has focused on the need to strengthen our national defenses, to strengthen our border security, to give the FBI and the CIA the tools they need to defend our Nation.

□ 2030

It is irrelevant to talk about so many of these other important issues that we wrestle with, like education, like reducing taxes on the American families; it is irrelevant to talk about these things if our people are dying in the streets. But yet, this is exactly what has been going on in Israel in recent weeks.

During the holy week time period, Christiandom was celebrating Easter and the Hebrew people were celebrating the Jewish holiday of Passover, and people all over the world were shocked to see over and over and over again, day after day, another suicide bomber blowing himself up, blowing herself up, and, in many cases, killing dozens of people around them; the most horrific acts of violence, killing innocent men, women, children, leaving those who survived these explosions frequently with grotesque and horrible injuries that will take years and maybe be impossible to fully recover from. This is the situation that the leadership in Israel, Prime Minister Sharon, the Knesset, the Government of Israel were wrestling with, and by occupying the West Bank, they have done the right thing. They have moved the conflict away from the Israeli people, away from the citizenry, and into the Palestinian areas, which is where these suicide bombers were coming from.

I believe that it would be wrong for the Israeli Government, it would be wrong for Ariel Sharon to withdraw from the West Bank until, and only until, they can be certain that they can maintain the safety and the security of the Israeli people in this kind of environment.

I would like to just say in closing that the process, the peace process that has led ultimately to the creation of the beginnings of a Palestinian state in the West Bank was always predicated on the belief, at least on the part of the American people, that the PLO was striving, was working towards having peaceful coexistence with the Israeli people. But I must say, I do not believe that was ever the agenda. Indeed, I was shocked, I was amazed to recently read an interview that Yasar Arafat, the leader of the PLO, recently gave to the Arab television network, with Al-Jazeera. He is quoted as saying, "We defend not only Palestine, the Arab Nation, and not only the holy Islamic and Christian places, but also men of freedom and honor all over the world. This is our destiny. This is a divine decree. Let those far and near understand, none among the Palestinian people or Arab nation will be willing to bow and surrender, but we will ask Allah to grant martyrdom, to grant martyrdom." He repeated it twice.

He then went on to say, "To Jerusalem we march, martyrs by the millions. To Jerusalem we march, martyrs by the millions, to Jerusalem we march, martyrs by the millions," and he went on to say it again. Through the course of what was a 5, 10 minute interview on this Arabic television station, he went on to call for martyrs by the millions.

Now, this is not news to many people who have been following the career of Yasar Arafat. Indeed, he goes on radio every day in the Palestinian territories calling for the destruction of the Israeli state, calling on more people to come forward to martyr themselves for the cause of destroying the Israeli state, to push, as he likes to say, the Jewish people into the sea.

We will never have peace in the Middle East until Yasar Arafat, the Palestinian people, agree to give up the type of horrific, unspeakable violence that they have been inflicting upon the citizens of Israel. The Israeli defense forces need to continue this effort to root out the fundamentalist Islamic terrorists that are occupying the West Bank, and they should not withdraw.

GENERAL MUSHARRAF'S REFERENDUM

The SPEAKER pro tempore (Mr. FERGUSON). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the House floor this evening to discuss Pakistan's self-proclaimed President, General Pervez Musharraf's plan to hold a referendum in Pakistan on April 30 to extend his presidency for 5 years. Mr. Speaker, I am very disappointed by the steps General Musharraf is taking to extend his military rule and to further bar democracy in Pakistan.

In October of 1999, General Musharraf came to power in Pakistan when he overthrew the elected government of former Prime Minister Sharif. In June of 2001, 20 months following his coup, Musharraf declared himself the President of Pakistan. At that time, Musharraf claimed that his presidential declaration was an initial step towards promoting democracy in traditionally dictatorial Pakistan. But, Mr. Speaker, I felt that based on his past actions, including the dissolving of the national assembly, or parliament, and four provincial assemblies, the reality was just the opposite.

We are faced with a similar situation today in that Musharraf is simply paying lip service to democratic rule by holding this referendum on April 30. Besides Musharraf's continued steps towards extending dictatorial rule in Pakistan, there are several other aspects of holding this referendum that I find problematic.

From what I understand, a referendum to extend Musharraf's rule by 5 years is illegal and unconstitutional under Pakistan's constitution. Their constitution mandates that both houses of parliament must elect the President. In addition, after the 1999 coup, Musharraf was bound by the constitution to restore democracy in Pakistan by October of 2002, this year. But clearly these propositions were false.

As a result of Musharraf's blatant disregard for constitutional law, there has been opposition to the referendum within Pakistan. The 15-party Alliance for the Restoration of Democracy, which includes the country's two main parties, has been vocal about Musharraf's unconstitutional means to remain President. In addition, there has been public backlash against the referendum plan from Pakistan's leading newspapers, major Islamic parties, and the 54-nation Commonwealth of Britain and its former colonies.

The leaders of the opposition party in Pakistan attempted to hold a rally against the referendum, which led to the arrest of dozens of their leaders by the police. The arrest of these leaders caused major concern because not only is Musharraf proceeding with an unlawful referendum, but he is also barring leaders of the opposition party to publicly protest. Although a ban on rallies has been in effect in Pakistan to quell Islamic extremist rallies, it is unacceptable that Musharraf is allowing the ban on rallies to apply to a rally in opposition to his presidential referendum.

Mr. Speaker, I would like to also discuss Pakistan's human rights record, which clearly exemplifies that stripping citizens of the right to protest against an unlawful referendum is just the tip of the iceberg. A recent report by the Human Rights Commission of Pakistan indicated that respect for human rights in Pakistan is afforded to few and that women and children in particular experience tremendous violence and discrimination.

These facts provide a glimpse of the social conditions in Pakistan. However, other human rights violations such as limited press and religious freedom, torture and killings by the police and lack of free and fair elections are also evidenced in the report.

Although Musharraf has been an ally to the United States in the war against terrorism, we cannot forget that he is the dictatorial leader of Pakistan and that he is not in fact the duly elected President. The political, social, and economic situation in Pakistan is bleak. This fragile country can only be improved by a democratic leader who will represent the interests of Pakistani citizens. It is unsettling to think of the negative repercussions of 5 more years of rule under Musharraf, given the current majority of opposition and given the current lack of basic human rights afforded to Pakistanis.

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URGING SUPPORT FOR RESOLUTION TO INFLUENCE MEXICO TO REJECT OPEC AFFILIATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. GEKAS) is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, soon after the tragic attacks on our institutions on September 11, as everyone knows, our economy began to sink, to plummet to depths that we could not have foreseen. While we were struggling to right our ship, as it were, the OPEC nations decided, before the end of the year, before the end of 2001, to cut oil production, which would have the natural consequence of rising prices at the gas pump here in the United States and elsewhere. This was an insult added to injury to have our former allies, like Saudi Arabia and Kuwait who are part of OPEC, to make certain that prices would rise at the gas pump in the midst of an economy that was being severely hurt by what had happened at the World Trade Center and at the Pentagon and in Pennsylvania.

Imagine my surprise then when, we all know that OPEC has to depend on the non-OPEC nations to go along with their guidelines, their decisions on oil production and pricing, et cetera; imagine my surprise, my pleasant surprise when I learned that Mexico, for instance, was not going to join with OPEC in this drastic decision that they made.

Well, that was good news for the United States on two fronts: one, that Mexico, our neighbor to the south, was sticking with the United States in its hour of economic peril and, in effect saying to OPEC, no thank you, they will not go along with the price-setting and oil production cuts that OPEC proclaimed. Imagine my next round of surprises when not too long after that, Mexico, in a meeting with Venezuela, decided to jump back into the OPEC pool and there again indicate to the world that they were going to join OPEC in the cutting of oil production, thereby having the effect of rising prices at the gas pump.

Now, this is the same Mexico that said that they would not join with OPEC. Now they have decided to stick with OPEC; and in doing so, they slapped us right in the face, because the cut in production of 100,000 barrels per day, or cut of availability to the United States of that 100,000 barrels a day, was an ingredient that caused the rise of prices that we saw in March of 15 to 17, and some places higher than that, 17 to 20 cents a gallon over a short period of time, and more to come, because the normal period for rising prices, the summer season, is already upon us.

Well, I have introduced a resolution just today which would call upon the President and the administration to again approach our OPEC allies, as they were, they were allies, Kuwait and Saudi Arabia; as a matter of fact, we came to their aid, we came to their side against an aggression by Iraq. We are asking the administration to convince or to try to convince those allies of ours whom we saved in that particular period of time to produce what is needed for the consumption in the world without regard to setting prices and to cutting production to artificially raise prices while, at the same time, the resolution calls for extra efforts to convince our neighbor to the south, Mexico, not to join with OPEC.

Mr. Speaker, the Mexican economy and the Mexican-American border which we share, all of that depend on a strong American economy. The Mexican economy itself depends on the American economy. Can my colleagues imagine that they would take steps to cause rises in the prices at gas pumps? We must convince them that they should renounce joining with OPEC now and forever and to remain with the United States in a hemispheric system to become an economic engine of its own. We do not need OPEC if Mexico would simply deal with the United States in oil production.

So this resolution calls for an important foray into Mexican-American relations, strictly with respect to the OPEC cartel and the insistence of Mexico to go along with OPEC. We cannot tolerate that.

So whatever comes by way of oil production, if the United States and Mexico can cooperate one on one in the production of oil and in the market, sale and pricing of oil, the American economy will be better off and, therefore, so will the Mexican economy. I ask for Members to join in this resolution.

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TRIBUTE TO NATIONAL CHAMPIONS MARYLAND TERRAPINS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mr. HOYER) is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, as the boxing great Muhammad Ali once observed, "Champions are not made in gyms. Champions are made from something they have deep inside them, a desire, a dream, a vision."

Thus, it is with great pride, Mr. Speaker, that I rise tonight, a 1963 graduate of the University of Maryland at College Park and a current member of the University system's Board of Regents, to congratulate the men's basketball team and a fellow alumnus, Coach Gary Williams, for realizing their dream 8 days ago: winning the 2002 national championship, the first in the university's long history.

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Too often perhaps, Mr. Speaker, we imbue athletic competition with a seriousness beyond its significance. However, anyone who watched these 12 Terrapins this season observed the qualities that carried them to the mountaintop: hard work and determination, teamwork and skill, and an unbending will to win that allowed them to overcome virtually every obstacle. Those are lessons for life as well as success in sports.

After the Terrapins had won their game with the Indiana Hoosiers in the title game on April 1, Washington Post columnist Thomas Boswell wrote, "This was not just a great Maryland team. In time, it will be seen as a champion among champions."

Who could argue with that? There was the school record for wins in a season, 32, the fourth consecutive season with 25 wins or more. There was the undefeated home record of 15–0 at Cole Field House in the last year of play in Cole Field House. What a way to end a run.

There was the second straight appearance in the Final Four and the ninth straight appearance in the NCAA Tournament under Coach Williams, and there was the first Atlantic Coast conference regular season championship in some 22 years.

The path to preeminence, however, of course was not paved with ease. There was a heartbreaking loss to Duke University in the Final Four last year. There was a season opening loss and an unexpected defeat in the ACC tournament this year. There was personal hardship off the court, as well.

The national championship, Mr. Speaker, was never a coronation. The Terrapins faced and defeated perennial basketball powerhouses Kentucky, Connecticut, Kansas, and then Indiana. Collectively, those teams won over 15 national titles.

In hindsight, it was fitting to win the championship on that road. Difficulty and adversity vest victory with an even greater sense of accomplishment. No one will ever claim that these young men and Coach Williams failed to earn the title "champion."

The Terrapin team, led by senior guard Juan Dixon, who overcame incredible adversity in his life, losing his two parents when he was just a teen, Juan Dixon took their loyal fans through the peaks and valleys of competition, and we shared their deep disappointments, but yes, we shared their final joy, as well.

Juan's superb shooting and defense were as crucial to this team's success as was Steve Blake's ballhandling and passing ability, Lonnie Baxter's powerful inside game and rebounding, Chris Wilcox's fierce blocks, and Byron Mouton's energy, hustle, spark, and extraordinary defense.

It is a tribute to this team's depth that practically every member, every nonstarter, entered the game and we picked up points, be it Tahj Holden; Calvin McCall; Andre Collins; Drew Nicholas, an extraordinary young guard who would have started on any other team in the country; Ryan Randle; Earl Badu; and Mike Grinnon, 12 extraordinary young people. The Terrapins would actually increase their lead when those young people filled in for our starters.

This championship, of course, is the ultimate tribute to the architect of the men's basketball program, Gary Williams. There can be no doubt, Gary is one of the finest coaches in college athletics today, but that was true regardless of the outcome of last week's final championship game. Gary has been a winner wherever he has coached, amassing an extraordinary record of 481 career wins in 24 years. He was a winner at American University, Boston College, and Ohio State University before returning to his alma mater and becoming the champion.

Gary was not alone, of course. He was ably assisted by Dave Dickerson, Jimmy Pastos, Matt Kovarik, and director of basketball operations Troy Wainwright.

I must point out, Mr. Speaker, the contributions of Dr. Deborah Yow, the university's athletic director, one of two women in America who head up a major program. In her 8 years in that position, she has laid the groundwork not only for this national championship and an Orange Bowl appearance by the football team this year, but also for a national all-sports ranking in the top 15 percent of the NCAA Division One institutions.

Again, Mr. Speaker, I know that all the Members of the House join me in congratulating the University of Maryland Terrapins for a championship hard won and well earned.

In closing, Mr. Speaker, let me observe that the University of Maryland now becomes one of five teams in history to have a team that won both the National Football Championship and the National Basketball Championship.

Gary Williams, Maryland Terrapins, thank you, thank you for a great year and for great examples.

AMERICA SHOULD PRACTICE ENGAGEMENT TO PROMOTE WORLD PEACE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I just want to add my congratulations to those of the distinguished gentleman from Maryland. I, too, was proud of those young men as very fine examples for the young people of America. Congratulations again for both of their success stories.

Mr. Speaker, I believe this is an important time as we return back from the work recess that Members were just participating in. I believe it is an important time because we have many challenges before us besides the domestic economy. We have the issue of peace. I do believe that Americans want peace. I believe the world wants peace, and that peace we want to be found in the Mideast.

I want to bring to the attention of my colleagues an editorial in the Houston Chronicle today, Tuesday, April 9. It reads: "Weapons Check. Measure of trust and hope in IRA announcement."

The first two paragraphs read, "While so much attention is focused on the near-war in the Mideast, one of the world's other long-running sectarian struggles got a bit of good news with the announcement on Monday of further weapon decommissioning by the Irish Republican Army.

"This week marks the fourth anniversary of the signing of the historic 'Good Friday Agreement,' through which the British government offered to trade a number of significant governance concessions in exchange for similar moves from the Irish Republican resistance, including the 'decommissioning,' or putting out of commission, of illegal explosives and other weapons."

While the op ed goes on to raise concerns on whether or not they are making sure that all the Ts are crossed and the Is are dotted, it did end with the emphasis that we must have trust and we must have hope.

I cite this opinion because I want to discuss this evening the value of diplomacy and the value of negotiations. I believe the tragedy which faces us in the Mideast has come about for a number of reasons, and I am sure that policymakers proficient in foreign policy issues as it relates to the Mideast over a long period of years will have many, many analyses on the Mideast crisis. But I certainly would point to one that I believe and hope we can turn around, and that is the lack of engagement.

On the floor of the House on February, 2001, I spoke to this issue. It was shortly after the unfortunate lack of agreement on the agreement that had been negotiated by the past administration, a very effective agreement that Prime Minister Barak and we would have hoped that President Arafat would have considered as one of the best opportunities for trust and hope.

It was not consummated, but in the lack of consummating that peace treaty, I believe this administration made an egregious error. Upon coming into office, their quick response was, let them handle it; let them solve it.

We see now some 12, 13 months later that, tragically, that did not work. We have seen the loss of lives of women and men and children, of Israelis and Palestinians. Any of us who care for human life and love people are tragically, tragically upset that we have lost so many lives over the period of time.

Advocates for the survival and existence of Israel, our friend and ally, recognize that no loss of life, no matter who it is, should be accepted, the loss of life of those who lived in the Palestinian areas or in Israel.

We recognize that we who are Americans have both benefit and burden. When I speak to my constituents, I explain to them the importance of foreign policy and the appropriation of the small percentage that we utilize to engage in diplomacy and friendship around the world. And most of them, people of good will, people who are willing to think outside of the box, understand that we who have the benefit of living in this country also have the burden of engagement; no, I did not say sending troops everywhere around the world, but diplomacy. Diplomacy works.

Tragically, as I attended a Passover seder this past Passover holiday with my friends, a very blessed time, we were facing tragedies of suicide bombers in Israel. We cannot tolerate that, as we cannot tolerate the continued warring that is going on, and the loss of life.

Today it is reported that 13 Israeli soldiers were killed, again by a suicide bomber. None of this brings about peace. I am reminded by the words of President Lyndon Baines Johnson 40 years ago who said that the guns and bombs, the rockets and warships, all are symbols of human failure. That means it is most important that this administration turns around and begins to look long-term at engagement.

The sending of Secretary Powell is a good step, but it cannot be a short-lived step or a 24-hour step. We have to engage the brilliance of our diplomacy and make it work. I believe if we sit down at the table of reconciliation, recognizing that this has turned into a crisis, it has been a festering sore from lack of attention for over a year because somebody else had the policies.

I want peace. I want to be one that promotes love and affection, and I am not someone, Mr. Speaker, as I close, I am not someone that misreads the tea leaves. I know what we are dealing with in the Mideast, but I have hope and I believe we can have trust. I believe through engagement and diplomacy we can bring a stability to that area.

I ask the administration and the Congress, I ask Americans, to really get behind the idea of peace in the Mideast.

SENSIBLE ENERGY POLICIES AND PRACTICES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, the gentleman from Colorado (Mr. McINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. McINNIS. Mr. Speaker, I am a little surprised by some of the comments of the previous speaker. Who does not want peace? But this speaker criticizes the administration because they have not engaged in diplomacy? I wonder what the speaker would recommend after September 11. Should the United States of America have called bin Laden and said, "Let us engage in diplomacy"?

I would say, with all due respect to the previous speaker, take a look at the history of dealing with Yasser Arafat. Take a look at how many administrations have tried to engage, have come up with different types of agreements. The only common denominator we see throughout that history of engagement is Yasser Arafat. Take a look at every administration.

I am amazed that one would have the gumption, I guess we would say, to stand up here and criticize this administration because they are not engaging in "diplomacy."

Some Members of Congress, some of us sometimes, and I refer to all of us as Members of Congress, since when do we know all of what is going on in the Middle East? Maybe before we are so critical of the administration in the height of a crisis in the Middle East, maybe we ought to learn a little bit about what goes on behind closed doors, what are those negotiations that are taking place.

What do we expect Israel to do? What we would do if suicide bombers kept coming into our shopping malls or came over on Passover? That bomb, that suicide bomber on Passover would be like coming into America on Christmas Eve and blowing up Santa Claus. What do we think the response of that country is going to be?

Every nation in this world has an inherent, an inherent right, in fact, an inherent obligation to protect their population, to protect their people.

What do we think the United States of America, and I refer to the previous speaker, what do we think the United States of America would do if somebody started walking into our shopping malls with suicide bombers? Do we think we would engage in a diplomatic fashion with the aggressors? No, we would not engage with them, any more than we would engage in diplomatic discussions with bin Laden.

Once we knew that bin Laden was the person who was in charge, who coordinated, who ordered that devastating blow against our Nation on September 11, I did not hear one American, with the exception of maybe a couple of Congressmen, I did not hear one other American say, gosh, we ought to dial up Mr. bin Laden and we ought to sit down with him and have some diplomatic discussions with him.

□ 2100

My gosh, Mr. bin Laden, look what you have done. You have killed 3,000 people in America. You have killed hundreds of people from 80 separate countries. You have killed men. You have killed women. You have killed children. You have killed mothers. You have killed fathers. You have killed sisters. You have killed brothers. But, Mr. bin Laden, let us sit down and have a diplomatic discussion with you, because if we do not sit down and have a diplomatic discussion with you, we must not be as the previous speaker said, "engaged," and that is upon the premise which the previous speaker criticizes this administration. Look, I think before one criticizes the President or before one criticizes Colin Powell or before one criticizes the efforts, one ought to know what is going on behind closed doors. What are the facts? What kind of contacts have they had? And regardless of where you stand on the issue, what country in the world can continue to sustain suicide bombers coming in with devastating blows against their innocent population? These are not military strikes. These bombers do not have enough guts to meet at the O.K. Corral and have a showdown on Main Street. Instead, they sneak in the back door of a department store and blow it to smithereens.

I heard on Public Radio the other day, Public Radio had this long discussion about a Palestinian woman who was pregnant and who was about to deliver, but she could not deliver because the Israel military had occupied the street and they could not get an ambulance to her so she had to deliver in her home. Not once during that discussion on Public Radio, not once did we hear any kind of discussion about that pregnant mother that was blown to smithereens by a suicide bomber, no chance at all. We have got to be a little fair in our approach here.

I am amazed, to me, the more and more I hear the anti-Jewish rhetoric, the anti-Israel rhetoric, I would like to ask any of you who are perpetrators of that kind of comment, what would you do if somebody walked in one of your relative's house and blew it to smithereens? Do as the previous speaker said? Call them on the phone and say let us have some diplomatic engagement or be subject to criticism because you went over and you tried to eliminate the person who has done everything they can to destroy you.

I am no expert on the Middle East. I read about it every day. I spent time today flying on the plane, most of my time; my reading was on the Middle

East. I grab all the information I can about the Middle East. But I am awful careful before I jump out and criticize the administration on their policy on the Middle East unless I think I have got a better answer. And, frankly, I do not know what the solution in the Middle East is. But I do not think the solution is to criticize our leaders because they have not sat down so-called sat down and had diplomatic engagement. Anybody that alleges that there has not been diplomatic engagement in the Middle East shows a very clear demonstration of a lack of knowledge of history. There has been time and time and time again of diplomatic engagement in the Middle East.

Of course, everybody wants to settle it peacefully. We would like to have settled issues peacefully prior to September 11. But sometimes the aggressor offers you no choice. Do you realistically think that on September 12 America thought that one of the options we had was to sit down with bin Laden and to have "diplomatic engagement" with this villain, with this man so full of hatred that he killed thousands of innocent people with one strike? And if he is alive, you can be sure he is not thinking about diplomatic engagement. He is not thinking about anything to further his religion. He is thinking about an evil strike, how else can he get back at the United States of America. Tell me what the mind was, what kind of sound minds of these suicide bombers or these perpetrators, for example, on September 11. They did not target one specific group. They did not care whether they were Muslims. They killed Muslims in those towers. There were people of the Islam faith that were killed. They killed people of 50 different nationalities from 80 different countries. They did not discriminate between men and women, between children and mothers and fathers and so on.

Sometimes I am surprised at the remarks, although having been here for a few years I am getting kind of used to it; but sometimes I am a little surprised at the remarks made on this House floor, and especially to have in my opinion to stand up here at the height, hours after they have just had another event in the Middle East and to have some who would describe it as audacity to criticize this administration because they have not sat down and held hands and talked peace. Again, it shows a complete lack of knowledge of the history of the Middle East.

I think all of us would be much further ahead, and I think it would advance the interests of this country and advance the interests of our constituents if, when we discuss a subject like the Middle East, at least we have some extensive background in it, at least we come in with some historical knowledge of the subject of which we offer ourselves experts. I think we ought to have that responsibility.

I do not think we ought to come in here half-cocked and start criticizing the administration in the Middle East hours after what is alleged to be, I do not know what is on the TV, alleged to be a 10-year-old suicide bomber, a 13-year-old suicide bomber. Tell me how you can sit down with people who would take a young child, strap bombs on them and throw an ambush in against another country, and you tell me about diplomatic engagement. Talk to me about a bomber that goes in on Passover, which again is like Christmas Eve, like blowing up Santa Claus at Christmas here in the United States, tell me how many people would be excited to have diplomatic engagement with those kind of people.

Let us be honest about it; there are evil people in the world, and there are people that have to be dealt with on their own terms. There are a lot of people in this world that they do not like this touchy-feely stuff; they do not understand that kind of thing. They understand strength and they understand fear. And if they can get fear over strength, that is exactly how they weaken the strong.

Now, I do not mean to get all riled up up here, but I think all of us have an obligation whether the administration is Democrat or Republican, I think we all have an obligation before we criticize the administration within hours of a suicide bomber, that we learn a little information instead of standing up here and saying no diplomatic engagement. What we need is engagement, engagement.

Give me a break. Look at the history of the Middle East. We are trying to figure out the answer. There is engagement 24 hours a day over there in the Middle East. Some of the brightest scholars our country has ever produced have not figured out what to do in the Middle East. I would be awful careful. I would be a little cautious about criticizing people who are a lot more engaged in the Middle East than those of us sitting on the floor of the House of Representatives. That is not to take away the right to question, or the right to visit with these people or understand that history and then have a debate here. But gosh darn it, we ought to learn a little bit more about the subject before we pretend to be expert on the floor.

I listened to the gentleman from Florida's (Mr. WELDON) discussion, who was two or three speakers back. I commend what the gentleman said. I think a lot of what the gentleman said, a lot of what he pointed out was accurate. How do you address the situation where somebody continually sends suicide bombers, not against your military targets, but against your shopping malls, against your citizens, into restaurants, one of them was a wedding reception? I think the gentleman's points were pretty valid.

The Middle East is a tough situation. Afghanistan is a tough situation. OPEC, the gentleman from Pennsylvania (Mr. GEKAS) said it very well. Take a look at OPEC. OPEC, so-called allies of ours, OPEC has taken every advantage they can to manipulate the price of oil so that they can take a lot of those revenues, frankly, and direct them against U.S. interests. Now look, it is a free market system. We are capitalists, and OPEC has a right to do that. But we should not just sit by and be idle.

What happens? Take a look at the old Adam Smith theory. If you come into a community and you have a product that people need, but you continue to gouge the people and gouge the people and gouge the people, and you have a capitalistic society like our society is, what happens? Somebody in that community is going to say, you know something, the gentleman's product over there, the product he is selling, he is gouging us on it. I think I can get a product that offers the same benefits his product does. I can sell it at a cheaper price. I will not gouge the people. I will sell more of the product, and in the long run I will actually make more money.

I think that kind of leads us into a discussion I wanted to talk about this evening and that is energy and production of energy in this country. I have heard, and unfortunately, without trying to be too partisan, but it is reality, it is kind of a general philosophy of the Democratic side, well, what we need to do is more alternative energy methods, and we need to conserve more, but no more exploration or limit the exploration. Let us go into conservation and alternative energy.

I agree with two of the three points that the Democrats are saying. In fact, a lot of what they have said on the first two points were presented by the Republican side. Number one, of course, we ought to look for alternative energy. That is exactly what happened in my previous example here. The guy comes into town. He starts gouging on a product. The people in the community start looking for alternatives so they are not subject to the rule of that individual. That is exactly what we have to do with energy. I wholeheartedly endorse, wholeheartedly endorse that we look for alternative methods of production of energy. But that does not mean we should go on some white elephant chase.

We hear continually if you do not subsidize this or you do not subsidize that, you do not support alternative energy. The fact is it has got to make some sense. It has got to have a realistic chance of succeeding, and then I think the government should get behind it.

We have been able to develop a lot of things throughout the history of our

Nation. Our Nation is one of the greatest nations in the history of the world because of our innovative capabilities, because of our innovation. And when the challenge is in front of us, we can accomplish that. Even that said, it will take some time. Twenty years from now, 30 years from now I project that people back then will look at the way we transmit electricity through wires and say, Why did they ever use wires? They will have some other type of system to transmit electricity. They will look back at what we had today and say, Wow, what an antiquated way to provide our energy. Their furnaces will probably be the size of a drinking cup. There are lots of things that will change in the next 30 years, but it will take time.

In the meantime, conservation alone, which is very, very, very important, will not fill the gap between oil needs and oil production. What fills that gap right now is OPEC. And the less we are able to produce out of our own resources, the more we have to buy from OPEC. The more we buy from OPEC, the more we feed this problem in the Arab countries, the more we provide resources for these countries to turn around and use them against us and the more susceptible we become to their whims.

For example, yesterday, Saddam Hussein, our old pal over there in Iraq, a guy who poisons his own populations, decides on a whim we will stop, no more production for the United States and Israel, no more oil for the next 30 days or until Israel pulls out of the occupied lands, whichever comes later. You know, what we have become is dependent on madmen like this. The tail is trying to wag the dog. That is exactly what is out there.

That is why unlike people who say, look, the only way out of this energy crisis is conservation and alternative energy, the fact is there is a third element, and that is you have got to continue to produce resources until these other two completely fill, or significantly fill, that gap.

I think the easiest thing every one of us can do, every person in this Nation can do is conservation. And it is really easy to do. There is a lot of conservation that can take place without an inconvenience to your life-style. There is a lot of conservation that we can do that is of no pain, no economic pain to you. As I just said, no inconvenience to your life-style. But we have got to do it. All of us can participate in it.

□ 2115

For example, a hot summer coming up. Instead of having the air conditioning set at 68, see if you can get by with 70. Just think, across the country if we had everybody doing that, trying not to idle your car so much, if we just walked out of the room and shut the light off after we left the room, think how much electricity we could conserve.

Take a look at water, and water is a sensitive area for me. I come from the West. My district is Colorado. It is the only State in the Union where all of our free-flowing water goes out. We have no water coming in. Conservation benefits us a lot but conservation alone will not fill the cup that we need filled.

Conservation, we have got a bucket and we have got to go get so much water in that bucket to feed our cows or we have problems, and we do not have an alternative yet that is going to fill up much of the bucket. It puts a little water in the bucket. Conservation puts a little more, but the fact is we have got to drill a well. We have got to get some water out of there or we cannot feed the cows. That is as simple as it is.

So what I am urging my colleagues to do is let us accept the reality that we have to look for production. We have to continue to produce from our own resources, while at the same time urging our constituents and the citizens of this Nation to conserve, while at the same time supporting, giving incentive and encouraging alternative energy production. There are lots of exciting things out there, but we are not there yet but we will be there.

I want to tell my colleagues about an experience. I wish I would have brought it today. Oh, probably a year ago, I was on an airplane and I sat next to a young person, very bright, very capable, it seemed to me. She was about, I guess, 21 years old. I asked her what she was studying, what she wanted to do, and she said what she wanted to do was study energy and how to capture energy in ocean waves. There is energy that is produced every time that water moves. I thought that was pretty interesting.

Then pretty soon she says, look, pulling out a little piece of paper about this long, probably about, oh, an inch and a half long, and probably a half an inch wide, and at the end of it, it had two wires and on the end of the two wires, it was connected to a small light bulb. I do not know what was in the paper material, but there was some kind of material that would conduct power, electricity, and she would wave it like this and the light would come on. She said, there is so much energy in the world that we are not capturing. She said, we think that if we can do that, we can really supply lot of energy needs for our country.

I was pretty excited about it, and that is how our energy is going to be produced one of these days. But in the meantime, do not pretend that we are not relying upon oil. We have got to have those resources. And if you are going to be one of those that do not think we need to be relying on oil, who objects across the board, not to a specific area, where digging oil, for example, might be objectionable to the particular environmental conditions around that particular site, but if you are one of these people that just across the board opposes that kind of production, then you ought to not just talk the talk, you ought to walk the walk. Quit driving your car, quit riding your mountain bike that is made of different resources. I mean, everything we have is reliant on that product, our medicines.

I ride a mountain bike. That is why I used it as an example. I could not have my mountain bike if I did not have those kind of resources available. I could not have the vehicle that we need to get around on our roads in Colorado. We would not have heat, et cetera. My colleagues know the story.

Obviously it is a reasonable approach to take, but it is not a reasonable approach to say stop oil production or no more oil production or do not even bring up the debate of exploring more oil in Alaska. Or, if we do bring up the debate, let us debate solely on a motion, not on facts. Unfortunately, on the House floor, a lot of the decisions we make are driven by emotion.

Has anyone ever wondered when they look at legislation, I do not care whether it is at the State level, maybe even the city level, I have never worked at the city level, but at the State level or the Federal level, has anyone ever noticed that legislation always has a great name to it? Save the animal organization, save the planet, or save small business, et cetera? There is a reason for that, because a lot of the debate on this floor and a lot of debate in the legislative arenas throughout this country are based on emotion.

There are times that while that may be appropriate, there are times where we have an obligation as elected representatives of the people, we have an obligation to stand back and make a decision based also on facts. What are the realities that we are dealing with? If something has not brought it to our attention in the last 48 hours, when a renegade country like Iraq that is obviously producing weapons of mass destruction for use against one target, the United States of America, decides they are going to stop their oil production, maybe it ought to wake us up a little more and say we ought to be ready for this.

What if that oil embargo begins to spread throughout the Middle East? The United States must become less dependent, not more dependent, on foreign oil resources, and the only way we can do it is to continue to advance our technology to develop the resources that we have, while at the same time figuring out alternatives for the future, while at the same time encouraging our populations to conserve.

As I said earlier, we do not have to go out to our constituents and ask for a great sacrifice for them to conserve.

There are a lot of things a lot of us can do in our everyday living that can help conserve energy that will not impact us at all, like turning off the light switch. I mean, even if we do not run the water the whole time we brush our teeth, put the toothpaste on the toothbrush, put a little water on there, brush our teeth, have our water off, then have the water on, the average person runs, by the time they are done brushing their teeth, if they brush their teeth for the 2-minute prescribed time to keep away from the dentist, how many gallons of water run through the sink, if one has the faucet on? Two or 3 gallons of water for someone to brush their teeth.

These are the kind of things if we just turn it off while we are brushing, brushed and then turned it back on, we would probably use less than a tenth of a gallon. Those are simple things. They did not impact us. Our teeth are not any less clean and we feel better because we have helped with a challenge that our country faces.

There are a number of obligations that as Congressmen I think we owe to the people that we represent. One of them is the future, to secure this Nation for the future, and it means not only secure the Nation in the future for energy, not only to secure the future generations for things like education and health care and a good economy and a government that does not override the ability for individual freedom, the right of private property ownership. These are all elements that are very strong that I think have to be passed to the next generation.

I also I think what must be passed to the next generation is the necessity to be strong, strong in security for our people, and a part of that is assuring that we have the natural resources to defend ourselves against blackmail by a country like Iraq, against security threats by renegades like bin Laden.

On September 11, a lot of people said what a huge hit against the United States. Obviously it was a horrible, horrible disaster for the United States of America. But take a look at the things that went right. It did not cripple the United States of America. Oh, sure it hurt us, and many, many, many families suffered horrible tragedies. Our country suffered but our country did not buckle.

Our country responded because previous people, people ahead of us that served in Congress, prepared this country over decades, prepared us in the sense that we have a strong National Guard, prepared us in the sense that we have a strong Army and Marine Corps and Air Force; that we had the capability through our intelligence services to figure out who did this grievous act to us; that we had the hospital facilities and the EMTs and the firefighters and the police officers and the local organizations and the statewide organizations and the monetary contribution of our citizens to keep on our feet. We kept on our feet. They did not knock us off our feet. They broke a rib, but they did not knock us off our feet.

That is because the great leaders of this country have prepared this country in the same sense that we have to prepare this country for the future, and that is the capability to sustain an attack, to be able to turn around and stop the attacker in a military sense.

What is going on in the world today is tragic. What is going on in the Middle East, obviously. I mean, I wish my colleagues knew the solution. I am not sure anybody has got it figured out there yet, but the reality of it is that no matter how long we pray, I know it is very helpful, and I do it a lot, no matter how long we pray, no matter how much we hope, and touchy-feely things we do, the reality of it is the world will never know total peace, but we can go a long way towards that.

The best way we can go towards that is to negotiate from a position of strength, and that is exactly what the United States, its leadership in the past, they have placed our country in a position of strength, and that is the obligation that every one of us on this House floor has to future generations, to continue to keep this great Nation of ours in a position of strength, to allow this great Nation and its future generations to go forward from a position of strength.

From a position of strength this great Nation has helped hundreds of millions of people throughout the world. From this position of strength our Nation can help many, many other nations throughout the world. We can help escape poverty. We can help escape tyrannism. We can help escape communism. And we can go on and on, but it all starts with the core of our strength. We cannot help our neighbor if we are not strong.

We need to be strong. We are strong, but we need our commitment to stay strong. That means a strong defense. That means a strong educational system. That means a strong welcome system. It means a strong energy policy. Working together, I think we can continue the strength of this great Nation.

So I look forward to working with my colleagues in the future, but let me summarize by saying a couple of things. Number one, I think it is a mistake for my colleagues to take this microphone, as I witnessed this evening, and criticize this administration for not being diplomatically engaged, as if diplomatic engagement has not taken place in the Middle East for decades.

I am amazed that while we have a great deal of knowledge available to us, while we can have classified briefings, and many of us receive classified briefings on countries of our choice and so on and so forth, our level of knowledge and our level of expertise on the Middle East, for example, is somewhat limited. I would venture to say that the administration, Colin Powell, Condoleeza Rice, DICK CHENEY, obviously the President, have a little bit more access and a little bit more knowledge of what is going on over in the Middle East minute by minute. We simply have not been able to make ourselves available to that.

So before we criticize the persons that have the knowledge, before we are so critical from the House floor, my colleagues ought to learn a little bit more exactly what is occurring. Because while we were speaking this evening, bullets have flown over there, and it is amazing that while machine gunfire is taking place, while allegedly 10-year-old or 13-year-old suicide bombers are running in to kill one side or the other, it is a little surprising to hear one of our Congressmen or the Congress as a whole maybe, which has not happened, I guess particular colleagues of mine, to stand up here and say, well, we have not diplomatically engaged. If any of us have a better idea that is going to work, not just to get publicity back in our district, if someone has really got an idea that is going to work, if they think they have got a solution for it, advance it. Do not wait till nighttime on special orders to come down here and say, well, how easy it is to criticize you because you are not a diplomatically engaged administration, and what we ought to do, hope for peace, that is how we solve the situation in the Middle East.

We want peace. All peace-loving Americans want peace, and I am quoting directly from some of the previous comments. Well, that is a nice statement to make, but how are we going to solve the problem? What are the nuts and the bolts of the solution? When we have a crisis like the Middle East, I get a little impatient, as I would hope my colleagues get a little impatient, with one of us standing up here and constantly criticizing the administration but never coming up with a solution of their own.

□ 2130

Mr. Speaker, the easiest thing in the world is to criticize. The toughest thing in the world is to lead. I have seen a lot of criticism, but I am not sure how much leadership I am seeing. I am trying to learn everything I can about the situation in the Middle East, and I hope that the administration is doing the right thing; and I have placed my faith in this administration, as I have placed my faith in the United States. I think we are doing the right thing with what we have and what we know.

I hope that our common sense leads us to some type of solution; but I can tell Members this, it would be a cold day in Members-know-where before I would jump up and make the criticisms while the guns are firing. I think we need to be a little more supportive.

RESPONSE TO MIDDLE EAST CRISIS

The SPEAKER pro tempore (Mr. SIMMONS). Under the Speaker's announced policy of January 3, 2001, the gentleman from Florida (Mr. DEUTSCH) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEUTSCH. Mr. Speaker, the topic we are going to speak about this evening is, in a sense, a response to what is going on in the Middle East today; and specifically a response in terms of being not just sensitive, but supportive of what the Israelis are trying to do regarding terrorist acts in their country.

The reason I put this chart up first is just to try to lay out a perspective of what has happened in Israel over the last several months. Israel is about 5 million people. The United States is about 300 million people. We are about 60 times larger than Israel. As all Americans know, on September 11, about 3,000 Americans died in an instant. The equivalent number in Israel would be about 50.

Last month in Israel, the Israeli people sustained the equivalent of three September 11's, in the month of March. Since this calendar year, the Israeli people have sustained the equivalent of approximately eight September 11's. I think all of us understand what the United States' response, God forbid, would be, in that type of situation. We understand what the United States' response has been in response to September 11 itself. In fact, I have been very supportive of the President, and I do not think any Member of Congress has not been supportive of the President and America's efforts to eradicate weapons of mass destruction that have a direct effect on the United States. There has been no daylight at all between any of us for those efforts.

I think the President gets it completely about the threat of international terrorism from countries like Iraq, Syria, and North Korea. But unfortunately, the President does not get it in terms of some of his response to the State of Israel, his specific responses that effectively demand that the Israelis withdraw their troops and their activities in terms of cities like Ramalah, Jenin, and Nablut.

From an American perspective, to put it in some light, which is a very appropriate analogy, the United States of America does not have to have our men and women in Afghanistan. We are in Afghanistan because we have no choice but to be in Afghanistan to literally protect ourself at a national security level. We do not want to be there. I think everyone in the world or at least everyone in America understands, we have no national interest. We have no desire, zero, and I think Americans understand that we do not want to conquer Afghanistan, to colonize Afghanistan.

At the same exact level, the Israelis have no desire to be in Ramalah, Jenin, and Nablut. And just as we are concerned about our sons and daughters, husbands and wives who are stationed in Afghanistan today, and in fact we have sustained the ultimate sacrifice in our troops, and the Israelis are doing the same today, and again our societies are very similar. As democratic societies, this is not forced military service. It is military service that an elected democratic body had to vote to send out the reserves.

In the Israeli Knesset, an elected Prime Minister called up the reserves. An elected Prime Minister is sending people into combat, risking lives, and in fact sustaining losses. If we think again, we have seen what is happening. We read about it. And, unfortunately, there are people being killed on both sides. The Israelis are making an extraordinary effort to avoid any type of civilian casualties, and there have been some. The extraordinary effort is something that we need to be aware of. Unfortunately, Israeli defense forces, troops, their lives have been put at risk, and there is no question that additional Israelis have died because of the sensitivity of avoiding civilian casualties has occurred.

I think all of us understand what would be happening in a different situation. And America joins that category, the extraordinary efforts that we did in the campaign, and we are still doing today, in the campaign in Afghanistan to avoid collateral damage. We all know that there was some, in fact, some significant collateral damage. We killed civilians in Afghanistan, and it is a tragedy that we did, but we made extraordinary efforts to prevent it, and at risk to our men and women as well.

That is what is happening in a sense on the ground. But at the same time this is going on today, literally today, this evening, in both the United States and in Israel. The President has asked indirectly, even tried to order the Israelis out. If we think about what that message is, if we think about what had occurred, what brought the Israelis to this attempt, for their own survival, it was a series of suicide attacks that do threaten the day-to-day existence of the State of Israel.

Mr. Speaker, can we conceive of any country in the world, and if we put ourselves in that kind of situation, can we conceive of the United States of America attempting not to try to protect itself? That is exactly what is going on. From a historical perspective, there were two incidents which were watershed incidents. One was the Karine A incident, which was the ship with over $20 million of weapons that came from Iraq that Israeli commandoes commandeered.

Both the Israelis and the Americans had direct evidence of Chairman Arafat's personal involvement in the purchase and operation to bring those weapons into the Palestinian Authority area. And in fact the only plausible excuse Arafat had was he was not on the ship.

As has been reported in the press, Colin Powell called Chairman Arafat after that incident and said, "Why did you do this? It is a clear violation of Oswald bringing in weapons that raise the level of the conflict."

His response was, "Why did I do what? Why did I do what?"

Colin Powell on the other end of the phone said we have direct evidence of your involvement and that evidence was then shown to Chairman Arafat, and Colin Powell calls him back and says, "Now that you have seen the evidence, what is your response?" Chairman Arafat's response was, "What are you talking about?"

If we think for a second what that means, who are we dealing with? Who are the Israelis dealing with? But more importantly, who are the Israelis dealing with. I would ask everyone to think about that type of response. How could any of us ever have any type of relationship, whether a business relationship or a personal relationship, with someone who literally, absolutely, totally lies? How can one have a relationship to try to do anything? What is that person's word worth?

The second incident that occurred 10 weeks ago was a sniper attack on an Israeli checkpoint where six Israeli soldiers were killed. There was no attempt by anyone on the Palestinian side to prevent that type of attack. These sniper rifles can shoot several miles, an analogy of the distance from this building to the White House. Literally from a line of sight, someone could shoot with a sniper rifle from the top of this building, the Capitol, to the White House.

Once that attack occurred and there was no attempt to stop it, and many people are aware of the geography of the State of Israel, effectively Prime Minister Sharon made a decision that the Israelis had to protect themselves. Not until that occurred did the Israelis enter any refugee camp. At that point the decision was made to effectively go door to door or wall through wall, house to house to confiscate every weapon, every suicide belt bomb, every rocket; and literally hundreds and thousands have been confiscated and have been taken. That is in fact a continuation. It is not by choice.

I am joined today by a number of my colleagues. On the other side of the aisle, a Member who has been a leader in terms of things happening in the

Middle East and is as concerned as anyone in the Congress, the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for his leadership on this issue. I apologize for being late. I have a number of comments that I want to make initially.

Mr. Speaker, Rudy Giuliani said after September 11 that he felt like Winston Churchill felt when London was under attack. Today the folks all over Israel, not just in any particular city or pocket, must have that same feeling. They have now suffered over 18 months of terrorist attacks that have killed over 400 of their citizens, injured thousands, and distressed millions.

The gentleman from Florida (Mr. DEUTSCH) knows that a couple of years ago I had an opportunity to go to Israel, and one of the things at the time was Mr. Barak told us that the people there are tired of suffering and they are tired of seeing their children being killed.

As a father of four, it is hard for me to say good-bye to my children on a Friday or Saturday night when they leave the house at 7:30 at night, and I am worried about them driving on the road with accidents. I cannot imagine what an Israeli parent or counterpart feels when saying good-bye to their children who are going to go to a discotec or some other public place, and can just imagine living in a country where so many people have died in such a short period of time.

Since the September 11 attacks, the American people have understood the terrorist menace. Israel has been living under this for nearly 50 years off and on. As the leadership of Israel has often said, we are living in a dangerous neighborhood, and it is getting more and more dangerous every single day.

One of the questions that seems to become popular and seems to be in vogue is should Israel be able to retaliate. If America can retaliate, why can Israel not retaliate? I think that is certainly the central question right now. The United States of America is rightfully pursuing its own national interests. We are not just in Central Asia, but looking very closely at the situation in Iraq and any other country, the axis of evil, and trying to figure out what rogue governments are harboring terrorism.

Just as we in America are doing that, surely it is in Israel's national interest to do everything that they can to neutralize the Palestinian terrorism. I do not believe that Washington can justify our actions and condemn their actions.

□ 2145

I believe that Israel is moving in the interest of their own national security, as a nation should be. In many respects, their war is our war. Their enemies are our enemies. Aside from Great Britain, Israel is our greatest ally in the U.N. Year after year, conflict after conflict, Israel has stood by America. You cannot make that statement about any other country except for Great Britain.

I think that in terms of some of the issues that we are dealing with, I am very pleased that Colin Powell is over there. I hope he is successful in his mission. I hope he can calm the waters. But I do not think Sharon should back down until the Palestinians guarantee a cease-fire and some sort of a way to assure them that Arafat can, if he still has control, neutralize his followers. I do not know that he has that anymore. When Colin Powell testified before our Foreign Operations Committee about a month or 5 weeks ago, I asked, are we ready to move into the post-Arafat era of the Middle East? At that time people said, "It's probably too early to talk about that." I think there is fear, well, could it get worse if Arafat is gone? No one knows the answer to that, but we know under the current course it is getting worse and worse. So I do not think we should be afraid to talk about a post-Arafat era at all.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from New York (Mr. CROWLEY) who has worked from the first day he was in the United States Congress to try to bring peace to the Middle East.

Mr. CROWLEY. I thank my colleague from Florida for calling this special order this evening. I would start off by saying that the initial numbers that you had on your chart were staggering. I think more of that information needs to be told to the American people. I think they need to understand exactly what the size of the state of Israel is and the type of pressure that they have been under for the past 18 months. I think more of the news agencies need to focus not only on single events but on the multiple events that have taken place over the last 18 months. If they could show not just one incident but how over the last few weeks there have been multiple incidents throughout Israel, I think people would begin to get a better understanding exactly what type of threat the Israeli people are really facing.

I regret the fact that there is a need for me to even be on the floor this evening to address this important issue, but the events of the last 18 months require a response. Last summer, Chairman Arafat, Prime Minister Barak, and President Clinton were ever so close to reaching an accord to bring peace to the Middle East after decades of violence. Unfortunately, all the progress and the sacrifices made on the part of the Palestinians and Israelis in Madrid, in Oslo, Camp David, and Wye were shattered the moment the first stone was hurled into the air in September of 2000. Since then, the atmosphere on the ground has degenerated, resulting in the death of hundreds of people on all sides of the conflict.

As Palestinian suicide bombers attack innocent Israeli civilians and the IDF responds by eliminating the sources of that Palestinian terror, both sides look to the United States to deliver a solution. Although I believe that it is in our national interest to resolve this conflict, I am increasingly concerned by the destructive role our regional allies have been playing in the current climate. The official Egyptian press cultivates anti-Israeli sentiment through skewed disclosures of the facts and spin campaigns that do nothing to improve the status quo.

Jordan, who has played such a key role in past years, has thought it best to remain on the sidelines. I would suggest that the Palestinians view the Jordanian silence as a tacit approval for the continuation of this campaign of terror.

The activities of Saudi Arabia are perhaps the most troubling of all. One should note that there are two countries that provide compensation to the families of Palestinian suicide bombers: Saudi Arabia and Iraq. One is considered a friend and the other a foe. If this is the case, why are both behaving in the same despicable manner? These nations are crucial to a resolution to this conflict and must assume a profile commensurate with their standing and influence in this region.

I am encouraged by Secretary Powell's visit to the region, but he cannot secure peace on his own. A lasting peace can only be secured in a regional context in which all parties contribute to a cessation of hostilities on the ground. Until that occurs, I fully support the steps that Prime Minister Sharon is taking to ensure the safety of his people, the Israeli people. If President Bush had not acted decisively against those who perpetrated the acts and attack of terror on New York and on the United States on September 11, the people of this country would be calling for his resignation. Now this administration is being critical of Sharon for taking similar action in his own country. The hypocrisy, in my opinion, is staggering.

This is not a question of being either pro-Israeli or pro-Palestinian. It is a question of being against terrorism, no matter where it is found and no matter who may be the victims. While the violence rages on, there are children that hope to go back to school and people that hope to go back to work and hope to do that in an environment free of terrorism. It is essential that we take the necessary action to turn all those hopes into reality.

As a New Yorker, as someone who has experienced firsthand a family member who was lost on September 11, my first cousin, I feel personally drawn into what is happening in the Middle

East. I have had many, many discussions with people throughout my district. I am heartened to hear, and I am not just talking about those who have had longstanding sympathies with the people of Israel, but those who in my opinion have had questionable support in the past for the people of Israel, are now I think fully behind the Israeli Government and fully understand exactly what they are going through.

We lost 3,000 people in one attack. When we looked at the numbers that the gentleman from Florida (Mr. DEUTSCH) had put up before, they have lost, I believe, is it six times that figure?

Mr. DEUTSCH. It would be more than that. Six or seven times.

Mr. CROWLEY. Six or seven times. It is staggering. I think we in New York have nothing but sympathy for what the people in Israel are going through, and we believe only the people of Israel can make the decisions about their own safety and the personal safety of their families. That is why I stand here today in support of your discussion this evening.

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from Virginia (Mr. CANTOR) who is an outstanding new Member that again, from the day he arrived, has thrust himself and been involved in foreign policy issues, particularly in the Middle East, and has worked as hard as any Member to try to gain peace in the region.

Mr. CANTOR. Mr. Speaker, I thank my colleague from Florida for yielding and I appreciate his willingness to share time in this debate and for his work on behalf of the U.S.-Israel relationship and also would like to recognize my colleague from Georgia and his leadership on this issue as well.

Mr. Speaker, I rise today on a very solemn occasion. Today is Yom Hashoah, the Day of Remembrance. This is the day that we recognize and remember those 6-million-plus individuals, innocent men, women and children who lost their lives in the unspeakable horror of the Holocaust, an evil associated with that era the likes of which the world had never seen.

But, Mr. Speaker, we are here tonight once again, this evil has reared its ugly head. On 9–11, as my colleague from New York just indicated, this evil and the individuals behind the terrorist attack stopped at nothing to kill innocent men, women and children on the streets of New York, in the World Trade Center, and here in the Washington area at the Pentagon. Mr. Speaker, it is that same evil, that same hatred that is perpetrating the violence and committing the terrorist attacks in Israel throughout that tiny country.

I applaud President Bush and his administration for drawing the appropriate moral structure and guidelines that we must follow as this country now engages in the fight for our freedom abroad.

As we know, President Bush has outlined this as a case of good against evil. Very simply, it is time for the nations of the world to choose, to choose whether they are with us and the civilized world or whether they are with the terrorists. Just last week, President Bush addressed the Nation from the White House and said yes, it is time for the nations of the Middle East to make that choice as well.

I applaud President Bush in his statements that the situation that Yasser Arafat finds himself in and the situation the Palestinian people are in are due to his own making. He has failed to do everything he can. He has failed to renounce terror as a tool to achieve his political gains. I think that the President ought to be applauded for making that bold step in the face of very harsh criticism that he is experiencing from all corners of the world.

Mr. KINGSTON. If the gentleman will yield, I want to really underscore that point, that over a year ago, at Camp David, when President Clinton had Arafat and Barak in, Arafat turned down the deal that he is now pretending to be behind, or at least the Saudi prince's proposal, give up land and we will recognize you. And there is absolutely no assurance that once the Palestinians have the land, that they will turn around and recognize the state of Israel. The gentleman makes a great point, and I really wanted to underscore that.

Mr. CANTOR. I thank the gentleman for that. And as my colleague from Florida stated earlier, there have been a series of opportunities for Mr. Arafat to rise to the occasion and to demonstrate his commitment to peace. But instead, we face now calls from all corners of the world for the United States to engage in the process, to somehow produce a peace. In my mind, that means to pressure Israel. But the United States and the Bush administration has been engaged in the process. It has been engaged in the process by standing up for the principled position laid out by the President that there is good and there is evil, there are terrorists and there are those law-abiding citizens. And this country will not tolerate, negotiate, or support terrorist activity. And how can we, when we see Yasser Arafat and his counterparts in Israel going in, targeting women and children, innocent individuals for death? Going into family occasions like bar mitzvahs and weddings and an individual strapping explosives to themselves, blowing themselves up and killing these family members at such sacred times in their lives?

And we also see the sponsorship of the Palestinian Authority and other Arab regimes sponsoring and giving money to the so-called martyrs' families, providing an incentive for young men, and now we see women, to blow themselves up and in the process kill tens, if not more, of innocent Israelis at a time. And now we see that Israel has gained the momentum, has demonstrated that it has the resolve, both the spiritual resolve and the material resources to do what it must do, just as the United States has demonstrated that we will do what we must do in light of the al Qaeda attacks on 9–11 against the Taliban and al Qaeda forces in Afghanistan.

Israel is manning a counteraction to the terrorist attacks that has been inflicted upon its innocent citizens, and it must be allowed to root out the terrorists, because that is the only way that we will achieve peace is to get rid of the terrorists.

Mr. Speaker, I would posit that the equation is very clear. We ought not be insisting or pressuring Israel when it is doing what we do, and, that is, defending its innocent citizens. We must instead demand that the Arab leaders of this world step up to the plate, renounce terrorism, and contribute what they must toward the peace in the Middle East.

The bottom line, Mr. Speaker: First, we must have the cessation of terror, and then talk. First, the recognition, both in deed and in word, of Israel's right to exist, then diplomacy.

□ 2200

Mr. DEUTSCH. Mr. Speaker, I yield to the gentleman from New York (Mr. WEINER), who also is active and has traveled in this region many times and is personally involved with many of the leaders in the region as well.

Mr. WEINER. I want to thank the gentleman from Florida for organizing this special order, the gentleman from Georgia for his great leadership, and the previous speaker, and I want to pick up on something that the gentleman from Virginia mentioned.

Some have spoken about the necessity that there be a process towards peace, and I do not think there is anyone who disagrees with that. But we also have to recognize that the process in and of itself is not an end; it is to be a means to peaceful coexistence.

If you look at the history of the Jewish State, there have really been two things going on simultaneously. One has been her Arab neighbors and the Palestinians trying to wipe her from the globe; while, at the same time, time after time after time, efforts at peace have been embraced by Israel, only to have her pay the price in human lives.

You can really look at it in two ways. Since 1993, there has kind of been the three yards and a cloud-of-dust strategy towards peace in the Oslo Accords; concession, concession, concession given by Israel, with the hope that it will be led into, by recognition by the Palestinians, ultimately peace for her citizens.

When that did not work, when that broke down, Israel went for what was essentially the "Hail Mary" pass at Camp David, and gave the Palestinians, offered virtually everything; 90 percent of the territories that are now in contention, a divided Jerusalem, even concessions to try to work out questions of the refugees.

And how is that met with? It was met with by a string of violence that goes on to this day. Seventy-three separate terrorist attacks have gone on, taking the equivalent, as the gentleman from Florida (Mr. DEUTSCH) mentioned, of 20,000 lives, if they were here in the United States.

Some have asked, why does Israel go into house by house searches of a town like Ramallah? Of those 73 attacks, 40 of them came from people who lived in Ramallah. How do we know that with such certitude? Because it is no secret. They leave a videotape saying why they did it, and quickly they are given money. They are given a bounty by the Palestinian Authority for the great thing they have done. They have given up their young life for the cause of taking away the lives of Israelis.

We have to recognize, and this is an unsettling thing for anyone to say, but certainly for us in a peace-loving democracy, sometimes the only way to stop someone from killing you is to go get them and stop them by force. We did not want to have to send people to go cave by cave in Afghanistan seeking out the terrorists, but that was the only option that we were faced with. It was not a subject that, if we could have negotiated, we would not have done it. Frankly, that is the position that Israel is in today.

Some have paid a great deal of attention and given a great deal of credibility to the plan proposed by the Saudi prince that in exchange for Israel withdrawing to its 1967 borders, the Arab nations would offer normal relations, although Libya has said they do not want to go along and Iran said they do not want to go along and Iraq said they do not want to go along.

But nowhere in this discussion has anyone really thought through, well, why is it that Israel's borders are not what they were in 1967? Is it because she is acquisitive? Is it because she is colonialistic? Is it because she is expansionist?

Her borders are different than they were in 1967, because on two separate occasions she was attacked by her neighbors, who do not even believe she has a right to exist. And to a large degree, she has already made concessions to Egypt and Jordan. She has shown more than a willingness to give up land if it meant true peace.

That is true, Mr. Speaker, today. You look at poll after poll of the Israeli people, even after the horrific events of the past month. You put down on paper a proposal that gets true peace for Israel to live with her neighbors, she would accept it. She would give up land, gladly do it.

But sometimes there is no deterrent to violence. The only way to stop violence is to confront it directly. That is the unfortunate and untenable position that Israel is in. Let me just say, if there was ever a practice, if there was ever an example of the Bush doctrine, it is tonight in Nablus. It is tonight in Ramallah. It is tonight in the West Bank.

When President Bush unified our country and arguably unified the world around the principle that terrorism needs to be stopped, he said very clearly, it is not a matter for negotiations. He says it may take a while, and he says we will not rest until every terrorist is rooted out, pulled out by its roots, and, if necessary, killed in battle. That is what is going on tonight. That is what 18-, 19- and 20-year-old Israelis are giving their lives for tonight.

And what is going on on the other side? Today on Palestinian television there were commercials running during the cartoon hour telling young children, put down your toys, take up your arms. That is the message that the Palestinians are sending to their side.

What we are saying here tonight is that Israel is in an untenable position. She chooses not violence; she never has. She chooses not to settle these matters by force; she never has. She chooses instead to defend her people, and we should stand four-square with her in her desire to do that.

I yield back to the gentleman from Florida, with my great thanks.

Mr. DEUTSCH. I would like to yield to the gentleman from New Jersey, Mr. ROTHMAN, who is viewed by his colleagues as an expert in this area and has been very influential.

Mr. KINGSTON. If the gentleman will yield, before the gentleman from New York, Mr. WEINER, leaves, I wanted to make a point that as long ago as July 15, 2001, the Jerusalem Post reported that there were four summer camps currently training 8- to 12-year-olds for suicide bombings going on. That is exactly what you are saying, just calling the kids to arms right now against Israel. Summer camps training 8- to 12-year-olds for suicide bombing visions.

Mr. WEINER. If the gentleman will yield further briefly, also one has to wonder why it is when there are these stages of violence put on by the Palestinians, why there are always children at the front lines? It is because, simply put, children are being used as the stones of war. In a very cynical campaign to persuade us that children are being put in harm's way, they are. They are being put in harm's way by mothers and fathers who are being told by their leaders that is the pathway to peace.

Mr. ROTHMAN. Mr. Speaker, I thank the gentleman for allowing me to participate in this presentation tonight. Particularly I would like to thank my colleague, the gentleman from Georgia (Mr. KINGSTON), for his leadership on this issue over a number of years, and as well my colleague, the gentleman from Florida (Mr. DEUTSCH), for his leadership, in making sure that America's number one ally in the Middle East, our number one strategic ally, Israel, is safeguarded.

But you know, my friends, I think it is time for a little history, and in 5 minutes I would like to give a little history lesson. I think it is important to know what the facts are.

A lot of people think that the State of Israel is somehow a stranger to the Middle East, is brand new, a brand new country in the Middle East, amidst, people think, Arab countries in particular that have been there for centuries. Nothing could be farther from the truth.

Let us take a look at the map. First of all, you see the map of the Middle East, a rather large area. As you can tell, this tiny little speck here, this sliver of land, that is the State of Israel. Here is Egypt, Syria, Lebanon; Iraq is here, Iran is here, Saudi Arabia is here, Oman here, Yemen here, Kuwait is here. Look at this entire huge land mass, and look at tiny little Israel. That is number one.

Number two, when did these Arab States come into existence? Have they been around for centuries? Let us take them one at a time. Iran, established in 1935; Iraq, established in 1932; Syria, 1946; Lebanon, 1943; Egypt, 1952; Saudi Arabia, 1932; Jordan, 1946; and Israel, about the same time, 1948. So virtually all of these states, including the State of Israel, established at about the same time, in the middle of the 20th century.

Well, where is Palestine? Well, there never was a country called Palestine, ever. Never. Never a country, never a kingdom, never a country called Palestine. Never rulers who called themselves the rulers of the Palestinian people, never in the history of the world.

But what happened in the middle of the 20th century when all of these states were established by the United Nations or recognized by the United Nations, what happened to the Palestinians? I will tell you what happened.

In 1947, the year before the United Nations recognized Israel, this was the map that was proposed for what is now Israel. In 1947 the U.N. proposed two states, an Arab Palestinian state, marked here in the gray, with contiguous outline all the way from the top to the bottom of what is now Israel. Jerusalem was not then to be the capital of Israel. Jerusalem, according to the 1947 U.N. two-state plan, was to be an international city. The areas in yellow were to be the State of Israel, alongside this Palestinian state offered in 1947 by the U.N.

What did the Palestinians do when they were presented this offer of their own state in 1947? They rejected it totally. They rejected it totally. They said we do not want to live next to a Jewish state. We want the entire entity, all of this, or none. So the U.N. said, you know, England, who owned this land after World War I, after they got that land as part of the spoils from the Ottoman Empire when the Ottoman Empire, Turkey, was defeated in World War I, they were allies of Germany, England got the land. The United Nations said okay, if the Palestinians do not want to live and share this land with the Jewish state as neighbors, in 1948 the United Nations declared this whole area the State of Israel, recognized by the United Nations in 1948.

What happened in 1948? All of the armies of the Arab nations surrounding invaded Israel in 1948. They said, we will drive the Jews into the sea, fellow Palestinians, and then you can have that one state. You will not have to live next door to the Jews, the Jewish state. Something miraculous happened. The Jewish State of Israel survived, even though they were out numbered more than 30 to 1, the Jewish State of Israel survived in 1948.

What did the Palestinians do who fled? They went to refugee camps. What did their Arab brothers and sisters do when they fled Israel? They kept them in refugee camps all over the Middle East, their Arab brothers and sisters. What else did they do? 1956, they attacked Israel again and they lost. Israel survived. 1967, they all surrounded Israel again, attacked Israel again, said we will drive the Jews into the sea, destroy Israel. The Jews survived again in 1967. The same in 1973. The Yom Kippur War when they attacked Israel again, Israel survived.

Just as recently as 2 years ago, as was mentioned by my colleagues, when President Clinton brought Prime Minister Barak from Israel to Camp David along with Yasser Arafat, Israel offered some 97 percent of the land that the Palestinians wanted to the Palestinians; said you can have your own state, Palestinians, you can even have a portion of Jerusalem as your capital. You can have your own state and live in peace with us.

What did Yasser Arafat do when presented that 97 percent of what he wanted? By the way, the first time in history that a losing power or losing entity, the Palestinians, who had lost every war when they tried to drive Israel into the sea, was offered 97 percent of what it had originally been offered. What did Arafat do 2 years ago when offered 97 percent? Did he come back and bring a counteroffer? He left the negotiating table and started the suicide bombings 2 years ago, figuring, as he has for the last 50 years, we will terrorize the Israelis, force them to give up strategic sites, more than 100 percent, and then eventually we will take those sites and we will drive them entirely out of the region. That is what Arafat has been doing.

Now, people always ask me, Steve, what possibly could be the conditions for peace? I tell them three things. There are three conditions for peace between the Arabs and the Israelis.

Number one, every nation in the world, especially the Arab nations and the Palestinian people, must recognize that the United States of America will never abandon its 50-year-old friend, the State of Israel. Not just because Israel is America's most important strategic partner in the entire Middle East. Israel, the only dependable, the only democracy in that sea of dictatorships and totalitarians; Israel, America's forward battleship of military intelligence and co-development of missile defense systems.

□ 2215

Israel, on the front lines of democracy in a world of terror. But America does not give up its friends when confronted by terrorism or threats or blackmail. So that America will never abandon Israel is the first condition, and the world has got to know that.

Number two, America has to convince the world, and the world has got to understand, just as the United Nations in 1948 and the United States and the Soviet Union and all the countries of the world agreed, this shall be a Jewish State, the State of Israel, surrounded by states ruled by other religions, but this shall be a Jewish state. So today Israel will be and shall always be a Jewish state, albeit tiny, almost infinitesimal in the Middle East.

Finally, the third condition of the United States never abandoning Israel, Israel always being regarded as a Jewish state, but the third element, to paraphrase former Israeli Prime Minister Golda Meir, the Palestinians have to accept responsibility for their own statelessness. The Palestinians have to love their children and love the idea that they can have their own country more than the Palestinians hate the thought of living next to a Jewish state in an otherwise Arabian Middle East.

Once those three conditions are met, the parties can go to the negotiating table. The Israelis have already over the years, with whoever has agreed to sit down with them, generally, for peace, Israel makes trades, land for peace. They did it with Egypt in wars of defense. Israel conquered the Sinai when Egypt kept attacking year after year. In exchange for peace, Israel gave up the Sinai, all of it, back to Egypt. The same with Jordan. They made peace with Jordan and established mutually agreed-upon borders. And they have made other concessions as well. Even in Lebanon when they had to invade Lebanon because they were being rocketed by Lebanon, they withdrew to internationally accepted borders in Lebanon.

So is Israel prepared to make concessions, land for peace, even with armies and peoples who despise them and try to drive them into the sea and put their children to death for 50 years? They are ready to make that decision. But what is missing? What is missing is a Palestinian leadership that is ready to live in peace next to a Jewish state, the only Jewish state in the world, the one established by the U.N. in 1948, the State of Israel. If the Palestinian leadership continues to demand that Israel be obliterated, even though it was established in 1948 at the same time as all of these other countries, the middle of the 20th century. Israel is no stranger to statehood. When we compare to it Syria, Iraq, Iran, Saudi Arabia, Egypt and Jordan, they all came about the same time. When the Palestinians elect a leadership ready to make peace with Israel, Israel will make that peace.

But finally, what do we ask of the Israelis now, when Yasar Arafat encourages in Arabic and in English his people to be martyrs, to blow themselves up in restaurants and religious observances? We say, do what America will do and is doing now. Fight for your lives. Fight for your children. Do not care what the world has to say. You defend yourself, protect your people. People say to get the Israelis to withdraw now before they finish rooting out terrorists from the areas controlled by the Palestinian Authority, that would be like someone saying to us in America, leave Afghanistan right now. After all, you have substantially done much of what you wanted to do. Leave it now. And also, America, by the way, even though there are al Qaeda terrorist cells in 60 countries around the world, terrorist cells plotting to overthrow the United States or cause additional terrorist attacks on innocent American civilians, they say, America, leave those 60 countries. Do not pursue these terrorists. You have already made too many waves. What would we Americans say to that? Tell them to go jump in a lake, or perhaps in stronger language, we would tell them, we are going to get these people who killed our innocent men, women, and children.

By the way, these people do not ask us for anything, just like the Palestinians do not want to negotiate. They want the end of Israel, this present Palestinian leadership. Al Qaeda does not want to negotiate with America; they want to destroy America. When the Palestinian people understand that America will never bend on Israel, that Israel will always be a Jewish state, and that they are ready to live in peace next to the Jewish State of Israel, albeit in a sea of Arab nations, then the Palestinian people will get what all of Israel's neighbors have gotten: peace with Israel. Until then, America must stand up for Israel, its number one ally in the Middle East.

If we look at the U.N.'s voting record, of all of the nations in the Middle East, Israel is at the very top supporting the United States of America. If we were to abandon Israel now or tell Israel not to finish rooting out the terrorists, it would be as if we were saying, it is possible for terrorists and suicide bombers to blackmail people of goodwill, people who live in democracies. It is possible for them to stop us from defending ourselves and our own families. We will not do that as Americans. We would not let anyone do it to us, so we shall not and will not let anyone do it to our number one ally in the Middle East, the State of Israel, the region's only democracy, our best friend in the region for 50 years, our strategic military and cultural partner for 50 years, this tiny little courageous democracy, the State of Israel.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman from New Jersey.

We have had a great deal of discussion about Chairman Arafat specifically and the interest to try to resolve the conflict. One of the things which has been pointed out by several of my colleagues is the Camp David agreement, where literally, Israel put on the table an offer which was far beyond any of the so-called red lines that Israel had ever talked about before, giving up the vast sections of Jerusalem, an independent state, giving up 98 percent of the area in the West Bank and Gaza and, in fact, equalizing the area, the other 2 percent, far beyond, actually the Temple Mount itself, the holiest place to Jews in the entire world. Literally, an offer on the table that was far beyond anything that any Israeli leader had ever talked about; in fact, something which, for those who follow Israeli politics understand could never have been approved by the Israeli Knesset. And Prime Minister Barak had actually said this and was ready to bring that proposal to the Israeli people, effectively a plebiscite, and it was unclear whether it would have passed, but it probably would have passed. When that offer was made and even enhanced at the Taba discussions, it was rejected by Chairman Arafat and the Palestinians.

In any negotiation, and I ask people to think about their own lives and their own interactions with people, in any negotiation, if someone made what you know is your bottom, bottom, bottom line, you know that you cannot possibly, under any circumstances go further, and the person on the other side of the table rejects that, can you actually believe that there is any possibility for an agreement with that person?

When Prime Minister Sharon has talked about this war as a war of Israel's survival and Israel's war of independence, I think there are some real points that lead to that; and that has also been a theme for most, in fact probably all, of the speakers at some level this evening, that there is still to this day not an acceptance by Chairman Arafat and by many Palestinians of Israel's, literally, their right to exist.

Mr. ROTHMAN. Mr. Speaker, will the gentleman yield for a minute?

Mr. DEUTSCH. I am happy to yield.

Mr. ROTHMAN. There are some of my dear friends and people I have never met who have asked me, Steve, how long is this going to take? It is so disturbing to see people being killed, the cameras recording warfare. And I say this: America fought the Soviet Union for decades. We had thousands of nuclear missiles pointed at us for decades. We did not give up. We should not give up on our war against al Qaeda until we are certain that we have them on the run, until we are protected. We should not give up on Israel. We should allow Israel to take the time Israel needs to make its people safe. Because do we know what will happen? Once the world understands that America will not give up Israel, that Israel will always be around as a Jewish state, and that it is the Palestinian people's own interest to live in peace and freedom next to Israel, then we can give the Palestinian people what we want for all people: peace and a good life. But they must have leaders who will say in English and in Arabic to themselves and the world, we are ready to live next to the Jewish State of Israel in peace. When that happens, as history has pointed out, they will sit at the negotiating table directly with Israel, and they will get a peace that they can live with, that Israel can live with, and we will have a new era. But until they are ready to have that kind of Palestinian leadership, Israel must do everything it needs to do to keep its people safe, as we expect our government to keep us safe from al Qaeda.

Mr. DEUTSCH. Let me again mention a follow-up to that point directly. The modern State of Israel, as the gentleman pointed out on his chart, is 54 years old, and there are still many in the Palestinian community who again do not accept Israel's right literally to exist, want Israel to be destroyed, and for many in the Palestinian community, Israel is viewed no differently than the crusaders who took 150 years for the crusaders to leave. It is only a third of the way to that time frame.

But I think for those of us who understand the history of the State of Israel, it is not crusaders. I think part of what is going on now, and we can see it ourselves on TV or read about it, is that the Jews that are there are not leaving. This is a permanent home. This is not a temporary home. This is not a way station for the Jewish people; this is a permanent residence. I think when the Palestinians understand that, and I think that they will understand it, maybe they will not understand it this week or this month or maybe even this year or maybe even this decade, but when they understand that, the peace that the gentleman talked about that was on the table at Camp David will be an accepted peace.

Mr. ROTHMAN. Mr. Speaker, if I could make one final comment, I know the gentleman from Georgia wanted to make additional comments as well. What the American people should be doing and the American Government is saying to the Palestinian people and all of the other Arab nations is the following: get a new leadership in the Palestinian Authority who will be ready to accept living in their own state next to the Jewish State of Israel. When the Arab world forces that upon the Palestinian leadership, then we can have what we want for the Jews and the Palestinians together, to live together in peace. Until then, it breaks my heart that the Palestinians are suffering at the hands of their own misguided leaders who, even after 54 years, will not accept the existence of the State of Israel.

Mr. DEUTSCH. Mr. Speaker, I would like to yield the last moments of my time and, hopefully, he will be able to claim some of his own time, to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, let me yield to the gentleman from New York (Mr. WEINER), because I know he wanted to make a comment.

Mr. WEINER. Mr. Speaker, I thank the gentleman for yielding. I just wanted to comment on the points made by my colleagues about the expanse of time. We frequently get into the misguided notion that everything has to run on a 24-hour news cycle, that sometimes we see something unsettling and we think instantly it is going to change.

□ 2230

I would remind my colleagues and remind those viewing at home that the first several weeks of the campaign against terror, against al-Qaeda in Afghanistan, we were all commenting, oh, my goodness, this does not seem to be working, this does not seem to be working; the terrorists seem to be surviving. Then suddenly, almost overnight, there was a collapse of the terrorist infrastructure that has made us today a much safer country.

The same strategy is being pursued, although it was not their first choice, by the Israeli government. I think we make a mistake when we say, well, as unsettling as this is, it has to end tomorrow or the next day. It may take a while.

It is estimated that for every suicide bombing, it takes 40 individuals to make that bombing happen. There is the person that puts the bomb together, that figures out the lock, that locates the person who is going to do it, that makes the harness that goes around.

Destroying that infrastructure may take a little while. But the only way to do it is not to look at what is going to be on tomorrow's television, but to think about how we do it in the context of a military operation against a very difficult foe to catch.

When we watch those images, and they are unsettling, there is nobody in Israel, I can say almost to a person, who thinks this is a desirable way to go, but it is the only way to catch them where they are. I thank the gentleman for yielding to me.

Mr. ROTHMAN. To build on that last point, by the way, it is important to remember that while we were at war, the Cold War, but nonetheless a very dangerous war with the Soviet Union for 50 years, we are now friends with Russia. We had a terrible world war against the Germans and Japanese, terrible losses of life, lasting years. Now we are best friends. We had a revolution against the British and now we are best friends.

There is no reason, once this effort to rout out terrorists concludes, that the Israelis and Palestinians cannot be friends.

REQUIREMENTS FOR PEACE WITH ISRAEL

The SPEAKER pro tempore (Mr. FLAKE). Under the Speaker's announced policy of January 3, 2001, the gentleman from Georgia (Mr. KINGSTON) is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I yield to my friend, the gentleman from New Jersey (Mr. ROTHMAN), to let him finish his comments.

Mr. ROTHMAN. Mr. Speaker, I thank my dear friend, the gentleman from Georgia, for yielding.

All is not lost. We should not lose hope. As heartbreaking as it is to see these terrible images on our television, and we wonder what is going to happen, some things take time. But we have to do them right.

Sometimes our friends are put in very dangerous, difficult positions. We do not abandon our friends. To have a friend, as my dad used to say, you must be a friend. If we step away from our friend, Israel, after a friendship of an unparalleled kind for 50 years, what does that say about us? What does that say when we go looking to the world for our friends to help us?

We cannot abandon Israel. Stand with Israel. Let Israel carry the day and rout out these terrorists. Let us get a just peace between the Israelis and Palestinians.

If the Palestinians ever put together a leadership, because the other Arab nations force them, or they on their own demand it of their own leaders, if they put together a leadership that is committed to living in peace next to the Jewish state of Israel in their own state of Palestine, then but only then will the Palestinians have what they want, which is their own state.

It is up to the Palestinians, and it is up to their Arab brothers and sisters to make them realize that they cannot continue to reject the offer of peace and statehood that Israel and the world has been making to them since 1947.

Mr. DEUTSCH. If the gentleman would yield, I think one of the interesting things also, as we enter a dialogue stage this evening, it is important to note that the gentleman's comments were so much on point regarding the leadership of the Palestinians.

I think there has been a misplaced emphasis in many ways by this administration on calling Chairman Arafat the leader of the Palestinians. Let us be very specific. I think most Americans need to really understand this, that Chairman Arafat was elected, but what he did was he refused to have a reelection. His term of office ended in 2000.

All of us who are elected officials, we stand for election every 2 years, and in the Senate every 6 years, and the President every 4 years. I was an election observer. Some of us have participated in international election observation teams. I was an election observer this past year in Belarus, where the president of the country reelected himself. We do not recognize their government. Yet, our government says that Chairman Arafat is the chosen leader, when he chose not to have an election.

Mr. ROTHMAN. If I may, as far as I am concerned, the Palestinians need to take responsibility for choosing their own leaders. If they choose to call Yasser Arafat their leader, so be it. But that does not change what we as Americans must do.

We must say to the Palestinians, they have to put forth a leadership that announces in English and Arabic and to the world that they are ready to live in peace next to the Jewish state of Israel, something the Palestinians regrettably have refused to do, believing that they would intimidate, terrorize, or in other ways use the leverage of middle eastern oil to force America or Europe to make Israel weak enough so that they could finally, after 5 attempts to destroy Israel in five wars, they could finally destroy Israel.

What they are learning now is that Israel will not be defeated militarily or morally, since they have the legal right recognized by the U.N., and were established at the same time as all those other nations in the middle of the 20th century, and that they, the Palestinians, are the only ones. They must look in the mirror if they are looking for the culprit as to who has deprived them of statehood.

The Palestinians were offered statehood in 1947 by the U.N. They rejected it. They were offered it again in 1967, after they invaded Israel, along with all the other Arab armies. They rejected it. In the year 2000 at Camp David, they rejected a proposal for 97 percent of what they wanted, even though they were the defeated entity. They did not even come back with a counter offer.

It is time for the Palestinians to say to themselves, do you know what, it has been 55 years since 1947, since we turned down a Palestinian state because we did not want to live next to a Jewish state of Israel. We hoped this Jewish state, as tiny as it is in the huge Middle East, that the Jewish state would no longer exist.

They made a big mistake. It is time to give their children, their own Palestinian people, the blessings of a state and liberty next to the Jewish state of Israel.

Mr. DEUTSCH. If the gentleman could yield, I have a blow-up of a letter which has been in the press, and unfortunately, I think it is something which has not gotten enough press attention at this point. I think it is a very significant letter. It is a letter that was found in the Ramallah headquarters by Israeli defense forces troops. It is there, it is real. There is other information that I will present, as well, but it is disturbing, to say the least, in terms of the whole concept of interacting with Chairman Arafat as a leader in terms of his direct personal involvement in terrorism.

I started this evening talking about his direct, personal involvement with the Karine-A incident, which was a direct violation of Oslo, sending weapons to the Palestinian Authority, which was documented, which the Americans completely understand.

I think that is what is probably most troubling to the President of the United States, because I do not believe that he wants to deal with this gentleman at all, because he understands who he is.

If I can just read some of the specifics, this is a letter to Chairman Arafat from assan al Ashid, who is a senior Fatah activist in the West bank, specifically asking for sums of $2,500 for the following brethren: three gentlemen who are specifically terrorists, they are known terrorists. And in Arafat's personal handwriting, with his signature, he says, "I will allocate $600 to each of them" on September 19 of 2001. I do not think we need anymore proof.

Mr. KINGSTON. I would like to see the gentleman's other chart, as well, because he has actually broken down

Arafat's connection to terrorism in a particular region or city, has he not?

Mr. DEUTSCH. This is really the question on what has occurred, and the Israelis and the Americans, Israel wants a peace partner. Israel wants to have peace. Israel offered what we have discussed previously. They have negotiated with Chairman Arafat.

But I think what has occurred in the present time is not that Arafat might or might not be, is trying or is not trying, but I think the facts are there: Arafat has direct personal involvement in terrorism. He is a terrorist.

The President got a little squeamish when the press asked him, is he a terrorist. He refused to answer. Not only does he have blood on his hands yesterday, he has blood on his hands today. That is the person that the United States is requesting and demanding that Israel negotiate with, at the same time saying that we refuse to negotiate with terrorists.

Mr. KINGSTON. Further than that, if we do not call Arafat a terrorist, could we say that the PLO harbors terrorism? And certainly I think we would say yes to that, as well.

Mr. DEUTSCH. And let me go through the chart, which I think is interesting.

Chairman Arafat is part of the Fatah organization. Actually, I believe the gentleman has a chart, as well, which is very interesting and relevant to this. The Fatah organization is an organization that, in a particular region, many of us have heard of the city, the occupied and the non-occupied Tulkarm. It is a city with a leadership structure in Fatah, an organizational structure. There was a gentleman, Marwan Barghouti, Nasser Awis, Ra'ed Karmi, whose name was one of the names on the previous list as getting direct payment.

Mr. KINGSTON. These men, they all lead directly to Arafat?

Mr. DEUTSCH. They have said if Chairman Arafat requests, they will no longer engage in terrorist activities. Again, what the gentleman's chart points out is this organization, Fatah, which is directly tied to Arafat, in which the people themselves have said they report to Arafat, they have publicly stated if Arafat says to stop violence, they will stop violence.

The chart there is very illuminating, the gentleman's chart, which points out that in September to December of last year there were nine terrorist incidents and 66 Israelis were killed, the equivalent of more than one 9/11 for the state of Israel, that Fatah itself, Arafat's organization, claimed responsibility for nine incidents.

In January to April, when 99 Israelis were killed, several 9/11s, 67 were claimed by Fatah. Sixty-eight percent of this is suicide bombers were directly claimed by an organizational structure that reports to Arafat, that the members of that structure report to Arafat, and yet Arafat says he has no relationship with that structure. It is not credible. It is not believable are. It is not the truth.

Mr. ROTHMAN. If I can offer my agreement, Yasser Arafat is a terrorist. He is no Boy Scout. But that does not mean that he cannot make peace and be a partner in peace if he chooses. The problem is, so far, since 1948, since Israel was recognized by the United Nations, America, all the major nations of the world as an independent state and an independent country, since the Palestinians rejected their own state offered by the U.N. in 1947, Arafat has never said, never, we are prepared to live in peace next to the state of Israel, the Jewish state; never once.

The interesting point would be, what if Arafat said that in English and Arabic? What if all the other leaders of the Arab world were to say, you know, that is all that Israel has been asking for for the last 55 years of its existence, notwithstanding the fact that we in the Arab world have tried to drive these Jews into the sea for the last 55 years, without success. All the Israelis have ever said they want is to live in peace with their Arab neighbors. All they want from their Arab neighbors is a pledge to live in peace with them.

When Egypt made that offer, there is now a peace between Egypt and Israel, and Lebanon and Israel, and Jordan and Israel, albeit there are still some radical terrorists in Lebanon, fomented by Syria to try to stir things up.

But what we really need to do is to put the pressure on the Arab world, our friends, the Saudis, who we have done so much for, saved their necks countless times so they could charge us whatever they wanted at the oil pumps, but nevertheless, we did it, we saved their necks, say to the Saudis, tell Arafat his dreams of driving the Jews into the sea are over. If he wants to help the Palestinian people, tell him to live in peace with Israel, the Jewish state, and they will have negotiations and they will have a Palestinian state.

Why do not the leaders of Saudi Arabia, Egypt, Jordan, Syria, Lebanon, and all the Arab countries, make that demand to Arafat if they really are concerned about the Palestinian people? And I say to my friends, the Palestinian people, rise up and overthrow Arafat.

□ 2245

Get yourself leaders who will make peace for your children's sake.

Mr. DEUTSCH. Mr. Speaker, if the gentleman would yield on a specific point which he brought up again which is very much relevant to what is going on.

The gentleman mentioned Lebanon. For the last several days every day there have been artillery attacks from Lebanon to northern Israel. When Colin Powell and the President are calling for a cease fire, that is a cease fire they should be calling for. That is a border that has been peaceful, and there is absolutely no reason at all for artillery to be shot at. We have mentioned this and many of us who have spoken this evening have talked about the analogy to the United States. Could you imagine how we would respond if there was artillery fire over the Canadian border or the Mexican border? There was a point in time when that happened many years ago, and we invaded both Canada and Mexico.

Mr. KINGSTON. Mr. Speaker, if the gentleman would yield, I wanted to pull out the gentleman from New Jersey's (Mr. ROTHMAN) map again, because we cannot emphasize this enough. Here is little Israel surrounded by Saudi Arabia, Yemen, Iran, Iraq, Afghanistan on the other side of it, Syria, Lebanon, Egypt, Somalia, Eritrea. It is not exactly the kind of neighborhood that is very pristine and peaceful and stable to begin with. Israel would not go out aggressively and start a conflict, as the gentleman pointed out, and I want to do it again. Statehood for these countries: Syria, 1946; Iraq, 1932; Iran, 1935; Saudi Arabia, 1932; Jordan, 1946; Lebanon, 1943; Egypt, 1952. To say Israel is the interloper because of 1948 is absurd, particularly given the fact that this is such a sliver of land here.

Mr. ROTHMAN. My colleague makes such a wonderful point. The Israelis are outnumbered 39 to one, some extraordinary number like 325 million Arabs and close to 6 million Israelis, most of them Jews, some Christians, some Israeli Arabs, outnumbered 39 to one. There is no oil in tiny little Israel. None. Tiny little Israel in a sea of other nations. Why do they focus so much attention on Israel? Why do they not just give their own people in Saudi Arabia, it is a monarchy, a kingdom, why do they not give their people democracy?

How about in Iraq? We know they are a dictatorship under Saddam Hussein. Why does he not give his people democracy and freedom? In Iran they have the mullahs, the religious council who are dictators themselves. Even over an elected Iranian president, the religious council overrules the elected officials. Why do they not give their people freedom?

The same as Syria with a totalitarian regime. Syria, who by the way has 45,000 Syrian troops in Lebanon. They are occupying Lebanon, Syria is. But why does the world focus attention on the tiny little only democracy in the entire Middle East, Israel?

Well, you know that saying when you have trouble at home you try to distract the locals by creating a bogeyman somewhere else. Rather than have the people living in these oppressive totalitarian countries fight against their totalitarian dictatorial rulers, they say all of your problems are caused by the tiny little Jewish state all these miles away who we outnumber 39 to one. It would be laughable if it were not such a horrible terrible tragedy.

America needs to talk to the Arab world and tell them, if you think the lynch pin to peace in the Middle East is settling the Israeli-Palestinian conflict, then tell the Palestinians to accept statehood, the statehood that has been offered to them for 55 years, or at least to sit down at the negotiating table after having said, yes, we are prepared to live in peace next to the Jewish State of Israel. Then the Arab world can get the peace it says it needs before they then can free their own people. Of course, that is ridiculous.

These Arab dictatorships, monarchies, totalitarian regimes throughout the Middle East they can free their people right now, but they will not. They would rather distract them with the Israeli-Palestinian conflict. If there needs to be pressure, it needs to be put on the Arab regimes to force the Palestinians to give their own people a state by agreeing to live next to Israel.

Mr. KINGSTON. I thank the gentleman. I want to yield to the gentleman from Florida (Mr. DEUTSCH) for closing remarks and also I am ready to close.

I think that in my final words that we need to stand with our ally, Israel. We need to understand that they have the right to defend themselves, and we need to have that message heard in the Middle East that we believe that Israel does have this right and is acting accordingly.

Mr. DEUTSCH. Mr. Speaker, I thank the gentleman for yielding to me.

I think by definition every day we wake up we live in historical times. In this Chamber where we speak, it is the oldest. We are as America the oldest democracy literally in the history of the world. Many people do not know, but the law givers of the world, the law givers of the world watch us in this Chamber. In fact, the greatest law giver in the history of the world is the gentleman in the center of the Chamber, Moses.

We are part of history as we speak here tonight and as we take action as Americans, as a Congress and our ally, Israel, takes action this evening. And I think the purpose of different Members from throughout the country getting together this evening to speak about this issue is to talk about our concern. That as much as we hope and we pray and we work towards Colin Powell's efforts for a cease fire, which again we were completely united in and support for, at that same time we urge Colin Powell and particularly, obviously, the President who Colin Powell works for, that the President understand that we are listening to him. We are supportive of him in the efforts against terrorism. But to stop Israel, to attempt to stop Israel from rooting out terrorism is sending a wrong message to terrorists.

It is saying that terrorism succeeds, that terrorist actions will get the United States to do things against its allies; that you can bomb us; you can suicide bomb us; you can sniper attack bomb us; you can kill our children, our women at sacred events in the most inhumane conceivable things and force us to do things. And that is not the message that I believe President Bush has sent to the world nor can we send to the world.

We need to be supportive of Israel and its efforts to eliminate terrorism as they were of us, as the rest of the world was of us, as all Americans are with us. And I urge the President to continue in those efforts in the coming days.

Mr. KINGSTON. Mr. Speaker, I thank the gentlemen for their leadership on this issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Mr. GEPHARDT) for today on account of business in the district.

Mr. RYAN of Wisconsin (at the request of Mr. ARMEY) for today and the balance of the week on account of the death of his stepfather.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. HOYER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. PAUL, for 5 minutes, April 10.

Mr. GEKAS, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 10.

Mr. FOLEY, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 1222. An act to redesignate the facility of the United States Postal Service located at 89 River Street in Hoboken, New Jersey, as the "Frank Sinatra Post Office Building", to the Committee on Government Reform.

S. 1499. An act to provide assistance to small business concerns adversely impacted by the terrorist attacks perpetrated against the United States on September 11, 2001, and for other purposes to the Committee on Small Business.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by Mr. WOLF of Virginia, Speaker pro tempore:

On March 25, 2002:

H.R. 2356. An act to amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

H.R. 3985. An act to amend the Act entitled "An act to authorize the leasing of restricted Indian lands for public, religious educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

H.R. 3986. An act to extend the period of availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

On March 28, 2002:

H.R. 1432. An act to designate the facility of the United States Postal Service located at 3698 Inner Perimeter Road in Valdosta, Georgia, as the "Major Lyn McIntosh Post Office Building".

H.R. 1748. An act to designate the facility of the United States Postal Service located at 805 Glen Burnie Road in Richmond, Virginia, as the "Tom Bliley Post Office Building".

H.R. 1749. An act to designate the facility of the United States Postal Service located at 685 Turnberry Road in Newport News, Virginia, as the "Herbert H. Bateman Post Office Building".

H.R. 2577. An act to designate the facility of the United States Postal Service located at 310 South State Street in St. Ignace, Michigan, as the "Bob David Post Office Building".

H.R. 2876. An act to designate the facility of the United States Postal Service located in Harlem, Montana, as the "Francis Bardanouve United States Post Office Building".

H.R. 2910. An act to designate the facility of the United States Postal Service located at 3131 South Crater Road in Petersburg, Virginia, as the "Norman Sisisky Post Office Building".

H.R. 3072. An act to designate the facility of the United States Postal Service located at 125 Main Street in Forest City, North Carolina, as the "Vernon Tarlton Post Office Building".

H.R. 3379. An act to designate the facility of the United States Postal Service located at 375 Carlls Path in Deer Park, New York, as the "Raymond M. Downey Post Office Building".

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on March 25, 2002 he presented to the President of the United

States, for his approval, the following bills.

H.R. 1499. To amend the District of Columbia College Access Act of 1999 to permit individuals who enroll in an institution of higher education more than 3 years after graduating from a secondary school and individuals who attend private historically black colleges and universities nationwide to participate in the tuition assistance programs under such Act, and for other purposes.

H.R. 2739. To amend Public Law 107–10 to authorize a United States plan to endorse and obtain observer status for Taiwan at the annual summit of the World Health Assembly in May 2002 in Geneva, Switzerland, and for other purposes.

H.R. 3985. To amend the Act entitled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955 to provide for binding arbitration clauses in leases and contracts related to reservation lands of the Gila River Indian Community.

H.R. 3986. To extend the period availability of unemployment assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act in the case of victims of the terrorist attacks of September 11, 2001.

Jeff Trandahl, Clerk of the House reports that on March 26, 2002 he presented to the President of the United States, for his approval, the following bills.

H.R. 2356. To amend the Federal Election Campaign Act of 1971 to provide bipartisan campaign reform.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 10, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6019. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Regulations Governing the California Prune/Plum (Tree Removal) Diversion Program [Docket No. FV01–81–01 FR] (RIN: 0581–AC03) received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6020. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Grapes Grown in a Designated Area of Southeastern California; Increased Assessment Rate [Docket No. FV02–925–1 FR] received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6021. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Onions Grown in South Texas; Increased Assessment Rate [Docket No. FV02–959–1 FR] received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6022. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Melons Grown in South Texas; Increased Assessment Rate [Docket No. FV02–979–1 FR] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6023. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Nectarines and Peaches Grown in California; Revision of Reporting Requirements for Fresh Nectarines and Peaches [Docket No. FV01–916–3 FIR] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6024. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Kiwifruit Grown in California; Relaxation of Pack Requirements [Docket No. FV02–920–1 FIR] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6025. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim Final and Final Free and Restricted Percentages for the 2001–2002 Marketing Year [Docket No. FV02–982–1 IFR] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6026. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Reduction in Production Cap for 2002 Diversion Program [Docket No. FV02–989–2 IFR] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6027. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Beef Promotion and Research; Reapportionment [Docket No. LS–01–05] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6028. A letter from the Regulatory Contact, Department of Agriculture, transmitting the Department's final rule—Fees for Official Inspection and Official Weighing Services [Docket No. FGIS–2001–003a] (RIN: 0580–AA79) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6029. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Hazelnuts Grown in Oregon and Washington; Establishment of Interim and Final Free and Restricted Percentages for the 2000–2001 Marketing Year [Docket No. FV01–982–1 FIR] received March 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6030. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Decreased Assessment Rate [Docket No. FV01–905–3 FIR] received March 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6031. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Tomatoes Grown in Florida; Decreased Assessment Rate [Docket No. FV01–966–2 FIR] received March 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6032. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Rules of Practice [AMS–02–001] received March 13, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6033. A communication from the President of the United States, transmitting requests to make available previously appropriated contingent emergency funds for the Department of Agriculture and a request to transfer previously appropriated funds from the Emergency Response Fund to the General Services Administration, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and in accordance with provisions of Public Law 107–38; (H. Doc. No. 107–194); to the Committee on Appropriations and ordered to be printed.

6034. A communication from the President of the United States, transmitting requests for emergency FY 2002 emergency supplemental appropriations, pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; (H. Doc. No. 107–195); to the Committee on Appropriations and ordered to be printed.

6035. A letter from the Assistant Secretary, Department of Defense, transmitting a letter regarding Section 361 of the National Defense Authorization Act for Fiscal Year 1997 which authorized the Military Services to expend appropriated funds for recruiting functions, pursuant to Public Law 104–201, section 361(a) (110 Stat. 2491); to the Committee on Armed Services.

6036. A letter from the Under Secretary of Defense, Department of Defense, transmitting the Selected Acquisition Reports (SARS) for the quarter ending December 2001, pursuant to 10 U.S.C. 2432; to the Committee on Armed Services.

6037. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Risk-Based Capital Standards: Claims on Securities Firms [Regulations H and Y; Docket No. R–1085] received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6038. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Delinquent Filer Voluntary Compliance Program (RIN: 1210–AA86) received April 3, 2002; to the Committee on Education and the Workforce.

6039. A letter from the Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Adoption of Voluntary Fiduciary Correction Program (RIN: 1210–AA76) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6040. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units [FRL–7163–7] (RIN: 2060–AF28) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6041. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production [FRL–7163–3] (RIN: 2060–AH89) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6042. A letter from the Principal Deputy Associate Administrator, Environmental

Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants From the Portland Cement Manufacturing Industry [FRL–7168–1] (RIN: 2060–AE78) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6043. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—List of Approved Spent Fuel Storage Casks: HI-STORM 100 Revision (RIN: 3150–AG97) received March 27, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6044. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Operator License Eligibility and Use of Simulation Facilities in Operator Licensing (RIN: 3150–AG40) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6045. A letter from the Governor and Secretary of State, Office of the Governor, Carson City, Nevada, transmitting a Notice of Disapproval of the site designation of Yucca Mountain in Nevada as the nation's high level nuclear waste repository; to the Committee on Energy and Commerce; received April 8, 2002.

6046. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 107–192); to the Committee on International Relations and ordered to be printed.

6047. A letter from the Director, Defense Security Cooperation Agency, Department of Defense, transmitting the listing of all outstanding Letters of Offer to sell any major defense equipment for $1 million or more; the listing of all Letters of Offer that were accepted, as of December 31, 2001, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

6048. A communication from the President of the United States, transmitting a report, consistent with the War Powers Resolution and Public Law 107–40, to help ensure that the Congress is kept informed on the status of United States efforts in the global war on terrorism; (H. Doc. No. 107–193); to the Committee on International Relations and ordered to be printed.

6049. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—License Exception CIV Eligibility for Certain "Microprocessors" Controlled by ECCN 3A001 [Docket No. 020308050–2050–01] (RIN: 0694–AC59) received March 20, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6050. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations: Czech Republic, Hungary and Poland [Docket No. 020215031–2031–01] (RIN: 0694–AC53) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

6051. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as "foreign terrorist organizations" pursuant to Section 219 of the Immigration and Nationality Act , as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

6052. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–312, "Sidewalk and Curbing Assessment Amendment Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6053. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–320, "Mandarin Oriental Hotel Project Tax Deferral Temporary Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6054. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–319, "Education and Examination Exemption for Respiratory Care Practitioners Temporary Amendment Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6055. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–318, "Interim Disability Assistance Temporary Amendment Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6056. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–317, "Emergency Management Assistance Compact Temporary Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6057. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–316, "Tax Increment Financing Temporary Amendment Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6058. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–315, "Rehabilitation Services Program Establishment Temporary Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6059. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–313, "Department of Transportation Establishment Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6060. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–311, "Misdemeanor Jury Trial Act of 2002" received April 8, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6061. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 14–321, "Tax Increment Financing Amendment Act of 2002" received April 9, 2002, pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

6062. A letter from the Under Secretary, Research, Education, and Economics, Department of Agriculture, transmitting the Department's final rule—Availability of Information—received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6063. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6064. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6065. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Pay for Administrative Appeals Judge Positions (RIN: 3206–AJ44) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6066. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Reasonable Accommodation Requirements in Vacancy Announcements (RIN: 3206–AJ11) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6067. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions (RIN: 3206–AJ40) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

6068. A letter from the Chief Judge, Superior Court of the District of Columbia, transmitting the Family Court Transition Plan; to the Committee on Government Reform.

6069. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants: Listing the Desert Yellowhead as Threatened (RIN: 1018–AI35) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6070. A letter from the Deputy Assistant Administrator for Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Announcement of Funding Opportunity to Submit Proposals for the Coral Reef Ecosystem Studies (CRES–2002) [Docket No. 001102309–2028–02; I.D. 010802D] received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6071. A letter from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Magnuson-Stevens Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Groundfish Fishery Management Measures [Docket No. 011231309–1309–01; I.D. 121301B] (RIN: 0648–AO69) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6072. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone off Alaska; Atka Mackerel Platoons in Areas 542 and 543 [Docket No. 011218304–1304–01; I.D. 011702B] received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6073. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Bering Sea and Aleutian Islands [Docket No. 011218304–1304–01; I.D. 011702] received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

6074. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: International Organizations—received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6075. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification; Reporting and Waiting Period Requirements—received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6076. A letter from the Director, Office of Government Ethics, transmitting the Office's final rule—Exemption Amendments Under 18 U.S.C. 208(b)(2) (RIN: 3209-AA09) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6077. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Ohio River Mile 119.0 to 119. 8, Natrium, West Virginia [COTP Pittsburgh-02-001] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6078. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Chevron Multi-Point Mooring, Barbers Point Coast, Honolulu, HI [COTP Honolulu 01-005] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6079. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Norwalk River, CT [CGD01-02-017] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6080. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Harlem River, NY [CGD01-02-007] (RIN: 2115-AE47) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6081. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Saugatuck River, CT [CGD01-02-010] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6082. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hampton River, NH [CGD01-02-019] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6083. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Missouri River, Mile Marker 532.9 to 532.5, Brownville, Nebraska [COTP St. Louis-02-002] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6084. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Missouri River, Mile Marker 646.0 to 645.6, Fort Calhoun, Nebraska [COTP St. Louis-02-001] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6085. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zones; Port of Tampa, Tampa Florida [COTP TAMPA 01-097] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6086. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Port of Charleston, South Carolina [COTP Charleston-01-145] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6087. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Ohio River Mile 34.6 to 35.1, Shippingport, Pennsylvania [COTP Pittsburgh-02-002] (RIN: 2115-AA97) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6088. A letter from the Deputy Chief Counsel, Department of Transportation, transmitting the Department's final rule—Eligibility of U.S.-Flag Vessels of 100 Feet or Greater in Registered Length to Obtain a Fishery Endorsement to the Vessel's Documentation [Docket No. MARAD-2001-10518] (RIN: 2133-AB45) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6089. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Motor Carrier Identification Report [Docket No. FMCSA-00-8209] (RIN: 2126-AA57) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6090. A letter from the Chief Counsel, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Ballest Water [Docket No. SLSDC 2002-11358] (RIN: 2135-AA13) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6091. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY [CGD01-02-012] (RIN: 2115-AE47) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6092. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Jamaica Bay and connecting waterways, NY [CGD01-02-011] (RIN: 2115-AE47) received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6093. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River NJ [CGD01-02-018] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6094. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Taunton River, Ma [CGD01-02-035] received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6095. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Security Zone; Operation Native Atlas 2002, Waters adjacent to Camp Pendleton, California [COTP San Diego 02-004] (RIN: 2115-AA97) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6096. A letter from the Chief, Regulations and Administrative Law, Department of Transportation, transmitting the Department's final rule—Security Zone; Corpus Christi Inner Harbor, Corpus Christi, Texas [COTP Corpus Christi 02-001] (RIN: 2115-AA97) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6097. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Long Beach, CA [COTP Los Angeles-Long Beach 02-003] (RIN: 2115-AA97) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6098. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule—Procedures for Abatement of Highway Traffic Noise and Construction Noise [FHWA Docket No. FHWA-2000-8056] (RIN: 2125-AE80) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6099. A letter from the Deputy Assistant Chief Counsel for Safety, FRA, Department of Transportation, transmitting the Department's final rule—Locomotive Cab Sanitation Standards [Docket No. FRA 2000-8545, Notice No. 3] (RIN: 2130-AA89) received April 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6100. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Hackensack River, NJ [CGD01-02-030] received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6101. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; St. Mary's River, St. Mary's City, MD [CGD05-02-003] (RIN: 2115-AE46) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6102. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone; Ouzinkie Harbor, Ouzinkie, AK [COTP Western Alaska 02-003] (RIN: 2115-AA97) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6103. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Revision of Regulations and Application Form for Mexico-Domiciled Motor Carriers To Operate in United States Municipalities and Commercial Zones on the United States-Mexico Border [Docket No. FMCSA-98-3297] (RIN: 2126-AA33) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6104. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule—Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices [FRA Docket No. PB-9; Notice No. 21] (RIN: 2130-AB52) received April 8, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6105. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule—Application by Certain Mexico-Domiciled Motor Carriers To Operate Beyond United States Municipalities and Commercial Zones on the United States-Mexico Border [Docket No. FMCSA-98-3298] (RIN: 2126-AA34) received March 22, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6106. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule—Truck Length and Width Exclusive Devices [FHWA Docket No. 1997-2234 (formerly 87-5 and 89-12)] (RIN: 2125-AC30) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6107. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Notice of Availability of Grants for Development of Coastal Recreation Water Monitoring and Public Notification under the Beaches Environmental Assessment and Coastal Health Act [OW-FRL-7161-5] received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6108. A letter from the Acting Director, Office of Regulatory Law, Department of Veterans' Affairs, transmitting the Department's final rule—Information Collection Needed in VA's Flight-Training Programs (RIN: 2900-AJ23) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6109. A letter from the Secretary, Department of the Treasury, transmitting notification of the Secretary's determination that by reason of the public debt limit, the Secretary will be unable to fully comply with the requirements of section 8438(e) of title 5, United States Code, beginning on April 4, 2002 and ending on April 18, 2002, pursuant to 5 U.S.C. 8438(h)(2); to the Committee on Ways and Means.

6110. A letter from the Board of Trustees, Federal Old-Age And Survivors Insurance And Disability Insurance Trust Funds, transmitting the 2002 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 107-196); to the Committee on Ways and Means and ordered to be printed.

6111. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Payment of Duties on Certain Steel Products [T.D. 02-12] (RIN: 1515-AD07) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6112. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Drawback; Conforming Amendments (RIN: 1515-AD00) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6113. A letter from the Acting Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—North American Free Trade Agreement (RIN: 1515-AD08) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6114. A letter from the Chief, Regulation Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update—received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6115. A letter from the Regulations Officer, Social Security Administration, transmitting the Administration's final rule—Determining Income Under the Supplemental Security Income Program; Student Child Earned Income Exclusion (RIN: 0960-AF60) received March 12, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6116. A letter from the Board Of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2002 Annual Report of the Boards of Trustees of the Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 107-197); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

6117. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Medicare and Federal Health Care Programs: Fraud and Abuse; Revisions and Technical Corrections (RIN: 0991-AB09) received March 18, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6118. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's "Major" final rule—Medicare Program; Modifications to Managed Care Rules Based on Payment Provisions of the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000, and Technical Corrections [CMS-1181-F] (RIN: 0938-AK90) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

6119. A letter from the Secretary, Department of Health and Human Services, transmitting a study performed on the appropriateness of establishing minimum staffing ratios in nursing homes, as required by the Omnibus Budget Reconciliation Act of 1990; jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on March 20, 2002 the following report was filed on April 4, 2002]

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3762. A bill to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficaries to direct investment away from equity securities of the plan sponsor; with an amendment (Rept. 107-383, Pt. 1). Ordered to be printed.

[Filed on April 9, 2002]

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3925. A bill to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes; with amendments (Rept. 107-379 Pt. 2).

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 3297. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to ensure that chaplains killed in the line of duty receive public safety officer death benefits; with an amendment (Rept. 107-384). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3848. A bill to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes (Rept. 107-385). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3958. A bill to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; with an amendment (Rept. 107-386). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2937. A bill to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; with an amendment (Rept. 107-387). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3480. A bill to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin (Rept. 107-388). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3853. A bill to make technical corrections to laws passed by the 106th Congress related to parks and public lands, and for other purposes; with an amendment (Rept. 107-389). Referred to the Committee of the whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 2109. A bill to authorize the Secretary of the Interior to conduct a special resource study of Virginia Key Beach, Florida, for possible inclusion in the National Park System; with amendments (Rept. 107-390). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3425. A bill to direct the Secretary of the Interior to study the suitability and feasibility of establishing Highway 49 in California, known as the "Golden Chain Highway", as a National Heritage Corridor; with an amendment (Rept. 107-391). Referred to the Committee of the Whole House on the State of the Union.

Mr. HANSEN: Committee on Resources. H.R. 3909. A bill to designate certain Federal lands in the State of Utah as the Gunn McKay Nature Preserve, and for other purposes (Rept. 107-392). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 380. Resolution providing for consideration of the bill (H.R. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes (Rept. 107-393). Referred to the House Calendar.

Mr. THOMAS: Committee on Ways and Means. H.R. 3991. A bill to amend the Internal Revenue Code of 1986 to protect taxpayers and ensure accountability of the Internal Revenue Service; with an amendment (Rept. 107-394). Referred to the Committee of the Whole House on the State of the Union.

DISCHARGE OF COMMITTEE

[The following action occurred on March 29, 2002]

Pursuant to clause 2 of rule XII the Committee on the Judiciary discharged from further consideration. H.R. 556 referred to the Committee of the Whole House on the State of the Union.

Pursuant to clause 2 of rule XII the Committee on Armed Services discharged from further consideration. H.R. 2481 referred to the Committee of the Whole House on the State of the Union.

[The following action occurred April 9, 2002]

Pursuant to clause 2 of rule XII the Committee on Education and the Workforce discharged from further consideration. H.R. 3669 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committees on Ways and Means and Financial Services discharged from further consideration. H.R. 3762 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Pursuant to clause 2 of rule XII the Committee on Ways and Means discharged from further consideration. H.R. 3925 referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

[The following action occurred on April 4, 2002]

H.R. 3762. Referred to the Committees on Ways and Means and Financial Services extended for a period ending not later than April 9, 2002.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LaFALCE (for himself, Mr. Frank, Mr. Kanjorski, Mr. Sanders, Mrs. Maloney of New York, Mr. Gutierrez, Ms. Schakowsky, Mrs. Jones of Ohio, Mr. Clay, Mr. Dingell, Ms. DeLauro, and Mr. George Miller of California):

H.R. 4083. A bill to provide for enhanced corporate responsibility under the securities laws; to the Committee on Financial Services.

By Ms. RIVERS:

H.R. 4084. A bill to amend the Securities Exchange Act of 1934 to prohibit certain employees and shareholders from obtaining special loans, and for other purposes; to the Committee on Financial Services.

By Mr. SMITH of New Jersey (for himself, Mr. Evans, Mr. Simpson, and Mr. Reyes):

H.R. 4085. A bill to increase, effective as of December 1, 2002, the rates of disablity compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. WILSON of South Carolina:

H.R. 4086. A bill to amend the Public Health Service Act to authorize grants to carry out programs to improve recovery rates for organs in eligible hospitals; to the Committee on Energy and Commerce.

By Mr. MANZULLO (for himself, Ms. Velázquez, Mr. Portman, Mr. Pence, Mr. Terry, Mr. Bartlett of Maryland, Mr. Combest, Mrs. Christensen, and Mr. Acevedo-Vilá):

H.R. 4087. A bill to amend the Internal Revenue Code of 1986 to provide for an increase in expensing under section 179; to the Committee on Ways and Means.

By Mr. SKELTON (for himself and Mrs. Tauscher):

H.R. 4088. A bill to authorize the appropriation of the $10,000,000,000 reserve fund within the national defense budget function for activities to prosecute the war on terrorism; to the Committee on Armed Services.

By Ms. SOLIS (for herself, Ms. Lee, Ms. Brown of Florida, Mr. Conyers, Ms. McCollum, Ms. Watson, Mr. Frost, Ms. Kilpatrick, Ms. Baldwin, Ms. Carson of Indiana, Mr. Underwood, Mrs. Capps, Mr. Pallone, Mr. George Miller of California, Mr. Hinojosa, Mr. Gonzalez, Mr. Pastor, Ms. Schakowsky, Mr. Stark, Mrs. Mink of Hawaii, Mrs. Napolitano, Ms. Millender-McDonald, Ms. DeLauro, Mrs. Meek of Florida, Mr. Baca, Mr. Lantos, Mr. Sanders, Mr. Cummings, Mr. Honda, Mr. Kucinich, Mr. Serrano, Ms. Woolsey, and Mr. Farr of California):

H.R. 4089. A bill to provide grants for public information campaigns to educate racial and ethnic minorities about domestic violence; to the Committee on the Judiciary.

By Mr. HERGER (for himself, Mr. Shaw, Mr. Watkins, Mr. McCrery, Mr. English, Mr. Lewis of Kentucky, Ms. Dunn, Mr. Portman, Mr. Brady of Texas, Mr. Camp, Mr. McInnis, and Mrs. Johnson of Connecticut):

H.R. 4090. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means.

By Ms. SOLIS (for herself, Ms. Lee, Ms. Brown of Florida, Mr. Lantos, Mrs. Jones of Ohio, Mr. Conyers, Ms. Watson, Mr. Frost, Ms. Kilpatrick, Ms. Carson of Indiana, Mr. Underwood, Mrs. Capps, Mr. Pallone, Mr. George Miller of California, Mr. Hinojosa, Mr. Gonzalez, Mr. Pastor, Ms. Schakowsky, Mr. Stark, Mrs. Mink of Hawaii, Mrs. Napolitano, Ms. Millender-McDonald, Ms. DeLauro, Mrs. Meek of Florida, Mr. Baca, Mr. Sanders, Mr. Cummings, Mr. Honda, Mr. Kucinich, Mr. Serrano, and Ms. Woolsey):

H.R. 4091. A bill to authorize the establishment of domestic violence court systems from amounts available for grants to combat violence against women; to the Committee on the Judiciary.

By Mr. McKEON (for himself, Mr. Boehner, Mr. Petri, Mr. Hoekstra, Mr. Greenwood, Mr. Upton, Mr. Tancredo, Mr. DeMint, Mr. Isakson, Mr. Keller, and Mr. Culberson):

H.R. 4092. A bill to enhance the opportunities of needy families to achieve self-sufficiency and access quality child care, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILÁ:

H.R. 4093. A bill to amend title 10, United States Code, to repeal limitations on the eligibility of dependents of civilian employees of the Federal Government residing in a territory, commonwealth, or possession of the United States to enroll in Department of Defense domestic dependent elementary and secondary schools; to the Committee on Armed Services.

By Mr. CARDIN:

H.R. 4094. A bill to reduce temporarily the duty on cis, trans-3-(2-chloro-3,3,3 triflouro-1-propenyl)-2,2-dimethyl-cyclopropane carboxylic acid; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4095. A bill to suspend temporarily the duty on 2-chlorobenzyl chloride; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4096. A bill to suspend temporarily the duty on (S)-Alpha-hydroxy-3-phenoxybenzeneacetonitrile; to the Committee on Ways and Means.

By Mr. CARDIN:

H.R. 4097. A bill to suspend temporarily the duty on 4-Pentenoic acid, 3,3-dimethyl-, methyl ester; to the Committee on Ways and Means.

By Mr. CONYERS (for himself, Mr. Frank, Mr. Berman, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Gephardt, Mr. LaFalce, Mr. Engel, Mr. Dingell, Mr. Jackson of Illinois, Mrs. Christensen, Mr. Davis of Illinois, Mr. Cummings, Mr. Sanders, Ms. Solis, Mrs. Clayton, Ms. Brown of Florida, Mr. Lynch, Mr. Hoeffel, Mr. Gutierrez, and Ms. Schakowsky):

H.R. 4098. A bill to provide for criminal prosecution of persons who alter or destroy evidence in certain Federal investigations or defraud investors of publicly traded securities, to disallow debts incurred in violation of securities fraud laws from being discharged in bankruptcy, to protect whistleblowers against retaliation by their employers, and for other purposes; to the Committee on the Judiciary.

By Mr. CRANE (for himself, Mr. Jefferson, and Mr. Lewis of Kentucky):

H.R. 4099. A bill to amend the Internal Revenue Code of 1986 to clarify the status of employee leasing organizations and to promote and protect the interests of employee leasing organizations, their customers, and workers; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Mr. Gordon, Mr. Frost, Ms. Lee, Mr. Hinchey, Mr. Langevin, Mrs. Jones of Ohio, and Ms. Norton):

H.R. 4100. A bill to establish the National Vaccine Authority within the Department of Health and Human Services; to the Committee on Energy and Commerce.

By Mr. CROWLEY (for himself, Mr. Wexler, Mr. George Miller of California, Mr. Engel, Mr. Moran of Virginia, Mr. Capuano, Mr. McGovern, Mrs. McCarthy of New York, Mr. Blagojevich, Mr. Clay, and Ms. Woolsey):

H.R. 4101. A bill to amend title 18, United States Code, to require firearms, ammunition, and explosives purchases to be made in person and to require records to be kept of the means by which the purchases are made; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 4102. A bill to designate the facility of the United States Postal Service located at 120 North Maine Street in Fallon, Nevada, as the "Rollan D. Melton Post Office Building"; to the Committee on Government Reform.

By Mr. HANSEN (for himself, Mr. Matheson, Mr. Cannon, Mr. Faleomavaega, Mr. Doolittle, Mr. Herger, and Mr. Flake):

H.R. 4103. A bill to direct the Secretary of the Interior to transfer certain public lands in Natrona County, Wyoming, to the Corporation of the Presiding Bishop, and for other purposes; to the Committee on Resources.

By Mr. HILL (for himself, Mr. Matsui, Mr. Rangel, Mr. Levin, Mr. Stenholm, Mrs. Tauscher, Mr. Tanner, Mr. Bentsen, Mr. Dooley of California, and Mr. Jefferson):

H.R. 4104. A bill to provide for the creation of private-sector-led Community Workforce Partnerships, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JOHNSON of Connecticut:

H.R. 4105. A bill to suspend until December 31, 2005, the duty on Terrazole; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 4106. A bill to suspend until December 31, 2005, the duty on 2-Mercaptoethanol; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 4107. A bill to suspend until December 31, 2005, the duty on Bifenazate; to the Committee on Ways and Means.

By Mr. KOLBE (for himself and Mr. Flake):

H.R. 4108. A bill to amend the Immigration and Nationality Act to improve the administrative structure for carrying out the immigration laws; to the Committee on the Judiciary.

By Mr. MATSUI:

H.R. 4110. A bill to extend the temporary suspension of duty on an ultraviolet dye; to the Committee on Ways and Means.

By Mr. McINNIS:

H.R. 4111. A bill to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail; to the Committee on Resources.

By Mr. McINNIS:

H.R. 4112. A bill to amend title XVIII of the Social Security Act to protect and preserve access of Medicare beneficiaries to health care in rural areas; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself, Mr. Greenwood, Ms. Slaughter, and Ms. DeGette):

H.R. 4113. A bill to provide for the provision by hospitals of emergency contraceptives to women who are survivors of sexual assault; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MORELLA (for herself and Mrs. Lowey):

H.R. 4114. A bill to increase the United States financial and programmatic contributions to advancing the status of women and girls in low-income countries around the world, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself and Mr. LoBiondo):

H.R. 4115. A bill to authorize the Secretary of the Interior to establish a program to inventory, evaluate, document, and assist efforts to preserve surviving United States Life-Saving Service stations; to the Committee on Resources.

By Mr. PETERSON of Minnesota:

H.R. 4116. A bill to require the Secretary of Agriculture to use funds of the Commodity Credit Corporation to provide emergency financial assistance to agricultural producers that have incurred income losses in calendar year 2001; to the Committee on Agriculture.

By Mr. RAMSTAD:

H.R. 4117. A bill to suspend temporarily the duty on certain filter media; to the Committee on Ways and Means.

By Mr. RAMSTAD:

H.R. 4118. A bill to suspend temporarily the duty on a certain polymer; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 4119. A bill to amend title 10, United States Code, to authorize a voluntary leave sharing program for members of the Armed Forces; to the Committee on Armed Services.

By Mr. SPRATT:

H.R. 4120. A bill to suspend temporarily the duty on para ethylphenol; to the Committee on Ways and Means.

By Mr. SPRATT (for himself, Mr. Clyburn, Mr. DeMint, Mr. Brown of South Carolina, Mr. Graham, and Mr. Wilson of South Carolina):

H.R. 4121. A bill to amend the Internal Revenue Code of 1986 to allow an additional advance refunding of tax-exempt bonds issued for the purchase or maintenance of electric generation, transmission, or distribution assets; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Mr. Hall of Texas, Mr. Tauzin, and Mr. Bilirakis):

H.R. 4122. A bill to amend title V of the Social Security Act to extend abstinence education funding under maternal and child health program through fiscal year 2007 and to amend title XIX of that Act to extend the authorization of transitional medical assistance for 1 year; to the Committee on Energy and Commerce.

By Ms. WATERS:

H.R. 4123. A bill to amend the Higher Education Act of 1965 to establish student loan forgiveness programs for adult education instructors; to the Committee on Education and the Workforce.

By Ms. WATERS:

H.R. 4124. A bill to amend title VI of the Civil Rights Act of 1964 to apply to that title a burden shifting rule currently applicable to title VII; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H. Con. Res. 370. Concurrent resolution expressing the sense of the Congress that the United States should promote and support the use of sound science in management decisions made by the International Whaling Commission and remain diligent in their efforts to protect the ability of Native people of the United States, who have been issued quotas by the International Whaling Commission, to continue to legally harvest whales, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana (for himself and Mr. Rangel):

H. Res. 377. A resolution recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations; to the Committee on Government Reform; considered and agreed to.

By Mr. NEY:

H. Res. 378. A resolution permitting official photographs of the House of Representatives to be taken while the House is in actual session; to the Committee on House Administration.

By Mr. GEKAS:

H. Res. 379. A resolution providing that certain actions should be taken with respect to the actions of OPEC and other oil-exporting countries, and with respect to decreasing the dependency of the United States on foreign sources of oil; to the Committee on International Relations, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY:

H. Res. 381. A resolution expressing the sense of the House of Representatives that a day ought to be established to bring awareness to the issue of missing persons; to the Committee on Government Reform.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANGEVIN introduced a bill (H.R. 4109) for the reliquidation of certain entries; which was referred to the Committee on Ways and Means.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

209. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 109 memorializing the United States Congress to enact legislation to permit states to promote long-term care insurance under Medicaid; to the Committee on Energy and Commerce.

210. Also, a memorial of the General Assembly of the State of Vermont, relative to Joint Senate Resolution No. 248 memorializing the United States Congress to exercise the maximum effort possible, in coordination with the international relief agencies, to assure delivery of vital food supplies to the millions of starving people in Afghanistan; to the Committee on International Relations.

211. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 50 memorializing the United States Congress to support legislation to equalize reparations for Japanese of Latin American ancestry interned during World War II; to the Committee on the Judiciary.

212. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 5 memorializing the President and Congress of the United States to fully fund the Coast Guard's operational readiness and recapitalization requirements to ensure this humanitarian arm of our National Security remains Semper Paratus through the 21st century; to the Committee on Transportation and Infrastructure.

213. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 17 memorializing the President and Congress of the United States to urge the Congress of the United States to amend paragraph (4) of Section 143 (l) of the Internal Revenue Code of 1986 to read: “(6) Qualified veteran—For purposes of this subsection, the term ‘qualified veteran’ means any veteran—(A) who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued”; to the Committee on Ways and Means.

214. Also, a memorial of the General Assembly of the State of California, relative to Assembly Joint Resolution No. 15 memorializing the President and Congress of the United States and the United States Border Patrol to proceed in a cooperative effort with the Mexican government through the working group on migrations and border safety to achieve a comprehensive examination of border safety and migration issues, an assessment of the impact of United States border initiatives, enhanced investigations and prosecutions of criminal gangs of smugglers, and increasing search and rescue operations along the border; jointly to the Committees on International Relations and the Judiciary.

215. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 213 memorializing the Congress of the United States, the Department of Defense, and the Department of State to increase efforts to account fully for American military personnel missing in action in southeast Asia; jointly to the Committees on International Relations and Armed Services.

216. Also, a memorial of the House of Representatives of the State of Maine, relative to a Joint Resolution memorializing the United States Congress to honor Maine victims of the September 11th tragedy; jointly to the Committees on the Judiciary and International Relations.

217. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 348 memorializing the United States Congress to help workers by considering the following provisions: extending federally funded unemployment compensation, where needed by 26 weeks; aiding workers by improving health care access by at least paying 75% of the COBRA health care costs and other health care assistance; aiding workers by fully funding targeted training and worker reemployment programs and taking such other actions to save personal homes and stabilize credit transactions; jointly to the Committees on Education and the Workforce, Energy and Commerce, and Ways and Means.

218. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 11 memorializing the United States Congress to express support and solidarity for actions taken as a result of the terrorist attacks launched against the United States on Tuesday, September 11, 2001; jointly to the Committees on the Judiciary, Armed Services, and Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 122: Mr. Kingston, Mr. Pence, Mrs. Capito, Ms. Ros-Lehtinen, Mr. Mica, and Mr. Gibbons.

H.R. 144: Mr. Cummings, Mr. Kildee, Mr. Engel, and Ms. Kaptur.

H.R. 168: Ms. Dunn.

H.R. 183: Mr. Holden.

H.R. 218: Mr. Ganske.

H.R. 250: Mrs. Clayton.

H.R. 280 Mr. Boozman.

H.R. 303: Mr. Luther.

H.R. 360: Mr. Waxman and Mr. Abercrombie.

H.R. 448: Mr. Doolittle.

H.R. 488: Ms. Schakowsky, Mr. Lynch, and Ms. Watson.

H.R. 519: Mr. Bishop.

H.R. 527: Mrs. Biggert.

H.R. 572: Mr. Bonilla and Mr. Gekas.

H.R. 599: Mr. Grucci.

H.R. 628: Mr. Boyd, Mr. Crenshaw, Mrs. Thurman, Mr. Mica, Mr. Bilirakis, Mr. Young of Florida, Mr. Davis of Florida, Mr. Dan Miller of Florida, Mr. Goss, Mr. Foley, Mrs. Meek of Florida, Ms. Ros-Lehtinen, Mr. Deutsch, Mr. Wexler, Mr. Hastings of Florida, and Mr. Stearns.

H.R. 629: Mr. Boyd, Mr. Crenshaw, Mrs. Thurman, Mr. Mica, Mr. Bilirakis, Mr. Young of Florida, Mr. Davis of Florida, Mr. Dan Miller of Florida, Mr. Goss, Mr. Foley, Mrs. Meek of Florida, Ms. Ros-Lehtinen, Mr. Deutsch, Mr. Wexler, Mr. Hastings of Florida, and Mr. Stearns.

H.R. 630: Ms. Watson.

H.R. 632: Ms. Jackson-Lee of Texas and Ms. Watson.

H.R. 638: Mrs. Morella.

H.R. 745: Ms. McCollum.

H.R. 747: Mrs. Napolitano.

H.R. 781: Mr. Matheson.

H.R. 786: Mr. LaTourette and Ms. Watson.

H.R. 817: Mr. Calvert.

H.R. 827: Mr. Barcia, Mrs. Johnson of Connecticut, Mr. Gilman, Mr. Israel, and Mr. Sanders.

H.R. 831: Mr. Gekas, Mr. Jefferson, Mr. Hyde, Mr. Sawyer, Mr. Mica, Mr. Otter, Mr. Greenwood, Mr. Weldon of Florida, Mr. Smith of New Jersey, and Mr. Baird.

H.R. 858: Mr. Udall of Colorado.

H.R. 914: Mr. Cantor.

H.R. 938: Ms. Slaughter and Mr. Hastings of Florida.

H.R. 950: Mr. Lewis of Kentucky.

H.R. 951: Mr. Ortiz, Mr. Davis of Florida, Ms. Dunn, Mr. Skeen, Mr. Green of Texas, Mr. Sessions, Mrs. Capito, Mr. Wamp, Ms. Brown of Florida, Mr. Hastings of Florida, and Mr. DeFazio.

H.R. 952: Mr. Graham.

H.R. 978: Mr. Honda.

H.R. 1009: Mrs. Kelly.

H.R. 1043: Ms. Watson.

H.R. 1111: Mr. Rothman, Mr. Larson of Connecticut, Mr. Hoyer, and Mr. Lantos.

H.R. 1177: Mr. Gekas and Mr. Pascrell.

H.R. 1181: Mr. Foley, Mr. Hastings of Washington, and Mr. Leach.

H.R. 1184: Mr. Neal of Massachusetts, Mr. Fossella, and Mr. Snyder.

H.R. 1213: Mr. Hobson.

H.R. 1214: Mr. Hobson.

H.R. 1255: Mr. Sawyer.

H.R. 1265: Mrs. Mink of Hawaii.

H.R. 1294: Ms. Brown of Florida, Mr. Kildee, Mr. Frank, and Mr. Underwood.

H.R. 1295: Mr. Hoeffel and Ms. Woolsey.

H.R. 1307: Mr. Meehan and Mr. Pascrell.

H.R. 1324: Mr. Bonior, Ms. Berkley, and Mr. Frost.

H.R. 1354: Mr. Simmons and Ms. Watson.

H.R. 1360: Mrs. Kelly, Mr. Weiner, Mr. Engel, and Ms. Berkley.

H.R. 1433: Mr. Moran of Virginia.

H.R. 1452: Mr. Berman.

H.R. 1460: Mr. Calvert.

H.R. 1475: Mr. Simmons, Mr. Gallegly, Mr. Dingell, Mr. Sullivan, and Mr. Baca.

H.R. 1520: Mr. Baird, Mr. Hall of Texas, Mr. Grucci, Mr. Frank, and Mrs. Roukema.

H.R. 1556: Mr. Wamp, Mr. Johnson of Illinois, Mr. Reyes, Mr. Levin, Mr. DeMint, Mr. Ney, Mr. Jenkins and Ms. Solis.

H.R. 1581: Mr. Sherwood, Mr. Lucas of Oklahoma, Mr. Ballenger, and Mr. Boehlert.

H.R. 1598: Mr. Frelinghuysen.

H.R. 1624: Mr. Rodriguez, Mr. Lynch, Mr. Chambliss, and Mr. Dingell.

H.R. 1626: Mr. Weller.

H.R. 1671: Mr. Jackson of Illinois, Mr. Langevin, and Ms. Brown of Florida.

H.R. 1672: Mr. Hall of Ohio and Ms. Watson.

H.R. 1673: Mr. Kildee.

H.R. 1784: Mr. Baldacci, Mr. Owens, and Ms. Woolsey.

H.R. 1795: Mr. Linder, Mr. Aderholt, Mr. Baird, Mr. Ramstad, Ms. McCollum, Mr. Levin, Mr. Nussle, and Mr. Larson of Washington.

H.R. 1808: Mr. Rohrabacher, Mr. Olver, Mr. Conyers, Mrs. Christensen, and Ms. Ros-Lehtinen.

H.R. 1810: Mr. Engel.

H.R. 1822: Mr. Leach, Mr. Graham, Mr. Smith of Washington, Mr. Lynch, Mr. Coyne, Mr. Boehlert, Mr. Crowley, Mr. Olver, and Mr. Clement.

H.R. 1830: Mr. Allen and Mr. Kind.

H.R. 1882: Mr. Bishop.

H.R. 1904: Mr. Faleomavaega, Mr. Smith of New Jersey, Ms. Velázquez, Mr. Sabo, Mr. Udall of Colorado, Mrs. Mink of Hawaii, Mr. Nadler, Mr. Davis of Florida, Mr. Doyle, Mr. Barrett, and Mr. Bishop.

H.R. 1908: Mr. LaHood, Mr. Otter, Mr. Lucas of Kentucky, and Mr. English.

H.R. 1911: Mr. Weller.

H.R. 1935: Mr. Holden, Mr. Holt, Mr. Shuster, Mr. Pascrell, Mr. Rangel, Mr. Greenwood, Mr. Calvert, Mr. Tom Davis of Virginia, Mr. Markey, Mr. Olver, Mr. Conyers, Mr. Borski, Mr. Neal of Massachusetts, Mr. Shows, Mr. Moran of Virginia, Mr. Peterson of Pennsylvania, Mr. Gilchrest, Mr. Honda, Mr. Pence, Mr. Pickering, and Mr. Frost.

H.R. 1978: Mr. George Miller of California.

H.R. 2012: Mr. LIPINSKI, Mr. LARSEN of Washington, Mr. FOLEY, Mr. STENHOLM, Mr. MASCARA, Mr. CALVERT, Mr. BONILLA, Mr. PASCRELL, Mr. GEKAS, and Mr. MATHESON.

H.R. 2074: Mr. BROWN of Ohio.

H.R. 2125: Mr. SMITH of Texas, Ms. KAPTUR, Mr. TIAHRT, Mrs. MCCARTHY of New York, Mr. BORSKI, Mr. BONILLA, Mr. HINOJOSA, Mr. GREEN of Texas, Mr. RUSH, and Mr. DEMINT.

H.R. 2148: Mr. ABERCROMBIE.

H.R. 2161: Mr. SKELTON.

H.R. 2162: Mr. MENENDEZ.

H.R. 2163: Mr. DIAZ-BALART, Mr. PASTOR, Mr. DOYLE, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. CARSON of Oklahoma, Mr. GORDON, Mr. FORBES, and Mr. INSLEE.

H.R. 2173: Mr. MARKEY, Mr. DINGELL, Mr. GREEN of Texas, and Ms. NORTON.

H.R. 2222: Mr. EVANS and Mr. REYES.

H.R. 2228: Mr. STUPAK.

H.R. 2230: Mr. PAYNE.

H.R. 2239: Mr. SANDERS.

H.R. 2290: Mr. ABERCROMBIE, Mr. SMITH of Washington, and Mr. HAYWORTH.

H.R. 2347: Mr. MANZULLO and Mr. LEACH.

H.R. 2378: Mr. GORDON.

H.R. 2405: Mr. OWENS.

H.R. 2419: Mr. PALLONE.

H.R. 2442: Mr. ACKERMAN and Mr. FORBES.

H.R. 2449: Mr. SIMMONS.

H.R. 2462: Mr. ANDREWS, Mr. GEKAS, Mr. HOLDEN, Mr. FOLEY, Mr. BONILLA, and Mr. COOKSEY.

H.R. 2487: Mr. HOLT, Mr. OWENS, and Mr. CLEMENT.

H.R. 2555: Mr. DAVIS of Florida.

H.R. 2569: Mr. GILLMOR.

H.R. 2570: Mr. BACA.

H.R. 2592: Mr. MCDERMOTT and Mr. UDALL of Colorado.

H.R. 2623: Mr. PALLONE, Ms. BROWN of Florida, and Mr. LYNCH.

H.R. 2624: Ms. WATSON, Mr. LYNCH, Mr. FOLEY, and Mr. HINCHEY.

H.R. 2629: Mr. ALLEN, Mr. CUMMINGS, Mr. BAIRD, Ms. CARSON of Indiana, Mr. ABERCROMBIE, Mr. PICKERING, and Mrs. TAUSCHER.

H.R. 2631: Mr. LATOURETTE and Mr. SHIMKUS.

H.R. 2637: Mrs. CAPITO and Mr. RAHALL.

H.R. 2649: Mr. NUSSLE, Mr. RYAN of Wisconsin, Mr. KANJORSKI, Mr. CRENSHAW, Mr. GORDON, and Mr. BACA.

H.R. 2663: Ms. DELAURO and Mr. TIERNEY.

H.R. 2695: Mr. CANNON and Ms. PRYCE of Ohio.

H.R. 2723: Mr. KNOLLENBERG.

H.R. 2725: Mr. SHERMAN.

H.R. 2726: Mr. DUNCAN, Mr. CALVERT, Mrs. CUBIN, Mr. COX, and Mr. TANCREDO.

H.R. 2740: Mrs. JOHNSON of Connecticut.

H.R. 2765: Mr. BOSWELL.

H.R. 2820: Mr. ORTIZ, Ms. SCHAKOWSKY, Mr. EHRLICH, Mr. LUCAS of Kentucky, Mr. GONZALEZ, Mr. SHUSTER, and Mr. HOLDEN.

H.R. 2868: Mr. MCNULTY, Mr. MORAN of Kansas, Mr. BACHUS, Mr. TIERNEY, and Mr. CLEMENT.

H.R. 2874: Mr. FALEOMAVAEGA, Mr. OWENS, and Mr. NADLER.

H.R. 2878: Ms. KAPTUR and Mr. FROST.

H.R. 2953: Ms. ROYBAL-ALLARD, Mrs. TAUSCHER, Mr. GIBBONS, Ms. SOLIS, Ms. WATSON, and Ms. BERKLEY.

H.R. 2974: Ms. MCCOLLUM, Mr. UDALL of New Mexico, Mr. POMEROY, Mr. WAXMAN, and Mr. MATHESON.

H.R. 3025: Mr. PASTOR and Mrs. MEEK of Florida.

H.R. 3087: Mr. GORDON.

H.R. 3113: Mr. HINOJOSA, Mr. CUMMINGS, Mrs. NAPOLITANO, Mr. BLAGOJEVICH, and Ms. ESHOO.

H.R. 3132: Mr. COSTELLO, Mr. INSLEE, Mr. BAIRD, Ms. BROWN of Florida, Mr. MORAN of Virginia, Mrs. TAUSCHER, Mr. DICKS, Mr. OLVER, Mr. MARKEY, and Ms. RIVERS.

H.R. 3139: Mr. NUSSLE.

H.R. 3186: Ms. MILLENDER-MCDONALD.

H.R. 3211: Mrs. BIGGERT.

H.R. 3231: Mr. KENNEDY of Minnesota, Ms. PRYCE of Ohio, and Mr. KELLER.

H.R. 3233: Mr. BRADY of Pennsylvania, Ms. MCKINNEY, and Mr. BACA.

H.R. 3238: Ms. CARSON of Indiana, Mr. BLAGOJEVICH, and Ms. RIVERS.

H.R. 3244: Mr. SESSIONS, Mr. DINGELL, Ms. MCCARTHY of Missouri, and Mr. LEACH.

H.R. 3267: Mr. BERMAN.

H.R. 3321: Mr. CHAMBLISS, Mr. JOHNSON of Illinois, and Mr. WILSON of South Carolina.

H.R. 3324: Mr. LANTOS, Ms. LEE, Mr. MEEHAN, and Ms. ROYBAL-ALLARD.

H.R. 3335: Mr. OWENS.

H.R. 3337: Mr. GORDON and Ms. HART.

H.R. 3351: Mr. CROWLEY, Mr. KNOLLENBERG, Mr. SIMMONS, Mr. SULLIVAN, and Ms. KAPTUR.

H.R. 3358: Mr. CAPUANO.

H.R. 3363: Mr. ROSS, Mr. BARRETT, Mr. GRAHAM, Mr. OSBORNE, Mr. BROWN of South Carolina, Mr. KILDEE, and Mr. KIRK.

H.R. 3389: Mr. CAPUANO, Mr. FILNER, Mr. SMITH of Washington, Mrs. THURMAN, Mr. MORAN of Virginia, Mr. BAKER, Mr. SCOTT, Mrs. MALONEY of New York, Mr. SCHROCK, Ms. MCKINNEY, Mr. PICKERING, Mr. OLVER, Mr. DEMINT, Mr. NORWOOD, Mr. HOLDEN, Ms. WOOLSEY, Mr. PASCRELL, Mr. TIERNEY, Ms. ESHOO, Mr. JEFFERSON, Mr. SHERMAN, and Mr. CHAMBLISS.

H.R. 3399: Mr. THOMPSON of California and Mrs. TAUSCHER.

H.R. 3414: Ms. HOOLEY of Oregon, Mr. FILNER, Mr. KILDEE, Ms. ROYBAL-ALLARD, Mr. CLAY, and Mr. TANCREDO.

H.R. 3430: Mr. KILDEE, Mr. FILNER, Mr. GORDON, Mr. JEFFERSON, Ms. KAPTUR, Mr. DEMINT, Mr. RANGEL, Mrs. MALONEY of New York, and Mr. FROST.

H.R. 3431: Mr. REYES, Mr. BARTON of Texas, Mr. BRYANT, Mr. SMITH of New Jersey, Mr. RAMSTAD, Mr. GEORGE MILLER of California, Mrs. MINK of Hawaii, Mr. JOHN, Mr. COYNE, Mr. BAIRD, Mr. NEAL of Massachusetts, Mr. MATHESON, Mr. SNYDER, Ms. RIVERS, Mr. BERRY, Mr. CAPUANO, Mr. ISAKSON, Mr. LEACH, Mr. BENTSEN, Mr. ROGERS of Michigan, Mr. LEVIN, Mr. PITTS, Mrs. THURMAN, Mr. MICA, and Mr. CARDIN.

H.R. 3450: Mr. NETHERCUTT, Mr. MENENDEZ, Mr. FARR of California, Mr. COOKSEY, Ms. RIVERS, Mr. BLAGOJEVICH, Mrs. MINK of Hawaii, Mr. BONIOR, Ms. ROYBAL-ALLARD, Mr. CARDIN, Mr. HOEFFEL, Mr. MCNULTY, and Mr. LEVIN.

H.R. 3462: Mr. MEEHAN, Mr. JOHN, Mr. PASCRELL, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. TRAFICANT, Ms. HOOLEY of Oregon, Mr. FOLEY, Mr. GUTIERREZ, Mr. MCDERMOTT, and Mr. THORNBERRY.

H.R. 3464: Ms. ROYBAL-ALLARD, Mr. OLVER, Mr. HORN, Mrs. MINK of Hawaii, and Mr. CLYBURN.

H.R. 3494: Mrs. LOWEY.

H.R. 3512: Mr. RANGEL.

H.R. 3521: Mr. WAXMAN and Mr. LIPINSKI.

H.R. 3524: Ms. SOLIS, Ms. SCHAKOWSKY, Ms. WATSON, and Mr. RANGEL.

H.R. 3530: Mrs. JOHNSON of Connecticut.

H.R. 3569: Mr. TIAHRT, Mr. MURTHA, and Mr. BISHOP.

H.R. 3581: Ms. SCHAKOWSKY and Mr. PAYNE.

H.R. 3594: Mr. CARSON of Oklahoma.

H.R. 3597: Ms. SCHAKOWSKY.

H.R. 3616: Mr. FILNER, Mr. HOEFFEL, Mr. CLAY, Ms. MCKINNEY, Mr. HINCHEY, Ms. LEE, and Mr. STARK.

H.R. 3618: Mr. BOYD, Mrs. CLAYTON, Mr. BACHUS, Mr. COBLE, and Mr. PICKERING.

H.R. 3628: Ms. BERKLEY, Mrs. JONES of Ohio, Ms. CARSON of Indiana, Mr. BLAGOJEVICH, Mr. WATT of North Carolina, Mr. RANGEL, and Mr. SERRANO.

H.R. 3639: Mr. FALEOMAVAEGA.

H.R. 3661: Mrs. DAVIS of California, Mr. LANTOS, Mr. HASTINGS of Washington, Mr. TANCREDO, and Mr. ROHRABACHER.

H.R. 3670: Mr. SMITH of Washington, Mrs. TAUSCHER, Mr. MCDERMOTT, Mr. RAHALL, Mr. BAIRD, Mr. ETHERIDGE, Mr. DAVIS of Illinois, and Mr. NORWOOD.

H.R. 3686: Mr. SHIMKUS and Mr. PAYNE.

H.R. 3694: Mr. SUNUNU.

H.R. 3710: Mr. LEACH, Mr. MCNULTY, Mr. REYES, Mr. WEXLER, and Ms. WOOLSEY.

H.R. 3713: Mr. WALDEN of Oregon and Mr. SANDERS.

H.R. 3715: Mr. SWEENEY.

H.R. 3731: Mr. UDALL of New Mexico and Mr. JEFF MILLER of Florida.

H.R. 3733: Ms. MCCOLLUM, Mrs. MINK of Hawaii, Mr. FALEOMAVAEGA, Mr. BACA, and Mrs. DAVIS of California.

H.R. 3741: Ms. RIVERS and Mr. HALL of Texas.

H.R. 3747: Mrs. MINK of Hawaii, Ms. DUNN, Ms. ESHOO, and Mr. DEFAZIO.

H.R. 3749: Mr. BONIOR, Ms. MCKINNEY, Mrs. JONES of Ohio, Mr. CASTLE, Ms. MILLENDER-MCDONALD, and Ms. BROWN of Florida.

H.R. 3763: Mrs. BIGGERT.

H.R. 3771: Mr. BACA and Mr. FILNER.

H.R. 3773: Mr. NEY and Mr. COBLE.

H.R. 3775: Mr. DOGGETT and Mr. FROST.

H.R. 3781: Mr. MCGOVERN, Mr. FILNER, Mr. ISAKSON, Mr. FATTAH, Mr. WAXMAN, Mr. FRANK, Mr. TAYLOR of Mississippi, Mr. HALL of Ohio, Ms. ROYBAL-ALLARD, and Mr. NADLER.

H.R. 3784: Mr. PLATTS, Mr. BROWN of South Carolina, Mr. WICKER, Mr. OLVER, Mr. SAWYER, Mr. MCINTYRE, Mr. BARRETT, Mr. KENNEDY of Rhode Island, Ms. MCCOLLUM, Mr. BENTSEN, Mrs. BIGGERT, Mr. WAMP, Mr. LANGEVIN, Mr. MOORE, Mr. EHLERS, Mr. JOHNSON of Illinois, Mr. LATOURETTE, Mrs. TAUSCHER, Mr. SNYDER, Mr. GILLMOR, Mr. PRICE of North Carolina, Mr. FARR of California, Mr. TAYLOR of Mississippi, and Mr. ETHERIDGE.

H.R. 3794: Mr. OWENS, Mr. STUPAK, Mr. CALVERT, Mrs. LOWEY, Mr. LATOURETTE, Mr. ANDREWS, Ms. BROWN of Florida, Mr. DICKS, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. MEEKS of New York Mr. EHRLICH, and Mr. BERMAN.

H.R. 3805: Mr. BARR of Georgia, Mr. HUNTER, Mr. SULLIVAN, and Mr. HAYES.

H.R. 3807: Mr. DAVIS of Illinois, Mr. FATTAH, Ms. KILPATRICK, Mr. WYNN, Mr. HILLIARD, Mr. CLYBURN, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. BROWN of Florida, Ms. JACKSON-LEE of Texas, and Mr. CLAY.

H.R. 3808: Mr. GUTKNECHT, Mr. JONES of North Carolina, and Mr. ACEVEDO-VILÁ.

H.R. 3814: Mr. PRICE of North Carolina, Ms. KILPATRICK, Mr. BONIOR, and Mr. ISAKSON.

H.R. 3818: Mr. WATT of North Carolina, Mrs. CLAYTON, Mr. BLAGOJEVICH, Mrs. DAVIS of California, Mr. RANGEL, Mr. OWENS, Mrs. MEEK of Florida, Ms. KILPATRICK, Mr. FILNER, Mr. SANDERS, and Ms. ROYBAL-ALLARD.

H.R. 3825: Mr. FRANK, Mr. ROGERS of Michigan, Ms. HART, and Mr. DEUTSCH.

H.R. 3831: Mr. PAUL, Mr. KILDEE, Mr. PLATTS, Mr. SMITH of Washington, Ms. BROWN of Florida, Mr. MCGOVERN, Mr. HOLDEN, Mr. FALEOMAVAEGA, Mr. GORDON, Mr. DEMINT, Ms. HOOLEY of Oregon, Ms. BALDWIN, Mr. GILMAN, Mrs. JO ANN DAVIS of Virginia, Mr. BACA, and Mr. UNDERWOOD.

H.R. 3833: Ms. BROWN of Florida, Ms. HART, Mr. FOSSELLA, Mr. RUSH, Mr. GORDON, Mr. FLETCHER, and Mr. GREEN of Wisconsin.

H.R. 3839: Mrs. BIGGERT, Mr. GEORGE MILLER of California, and Mr. ROEMER.

H.R. 3840: Mr. KENNEDY of Rhode Island.

H.R. 3882: Mrs. CHRISTENSEN, Mr. WAMP, Mr. EHLERS, Mr. BOEHLERT, Mr. FRANK, Mr. MCINTYRE, Mr. SHAYS, Mr. TOWNS, Ms. GRANGER, Mr. SMITH of New Jersey, Mr. WOLF, Ms. WOOLSEY, and Mr. BRADY of Pennsylvania.

H.R. 3884: Mr. STUPAK.

H.R. 3887: Mr. ROTHMAN, Mr. ABERCROMBIE, Mr. SHERMAN, Mr. FILNER, Ms. SCHAKOWSKY, Mr. FARR of California, Ms. LEE, Mrs. CAPPS, Mr. OWENS, Mr. OLVER, Mr. STARK, Mr. THOMPSON of California, Mr. BLUMENAUER, Mr. FRANK, Mrs. TAUSCHER, Mr. BALDACCI, Mr. BLAGOJEVICH, Ms. RIVERS, Mr. WEXLER, Mr. WAXMAN, Mrs. LOWEY, Mr. HORN, Mr. GEORGE MILLER of California, Ms. WATSON, Mr. DEFAZIO, and Mr. SANDLIN.

H.R. 3894: Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. PASCRELL, and Ms. WOOLSEY.

H.R. 3898: Mr. BLUMENAUER.

H.R. 3906: Mr. BARTLETT of Maryland, Mrs. MINK of Hawaii, Mr. UNDERWOOD, Ms. SCHAKOWSKY, and Mr. LANTOS.

H.R. 3912: Mr. PAYNE, Mrs. JONES of Ohio, and Mr. WEXLER.

H.R. 3915: Ms. SCHAKOWSKY, Mr. ACKERMAN, Mr. MCDERMOTT, Mr. BALDACCI, Mr. LYNCH, Ms. ROYBAL-ALLARD, Mr. BLUMENAUER, Mr. SANDERS, and Ms. MCKINNEY.

H.R. 3916: Mr. SMITH of Washington, Mr. BLUMENAUER, Mr. BACA, Ms. MCKINNEY, Mr. SHAYS, Mrs. CAPPS, Ms. DELAURO, Mr. FRANK, Ms. LEE, Mr. LARSEN of Washington, Mr. MCGOVERN, Mr. WU, Ms. KAPTUR, and Mr. ABERCROMBIE.

H.R. 3917: Mrs. THURMAN, Ms. HART, Mrs. TAUSCHER, Mr. GEORGE MILLER of California, Mr. SERRANO, Mr. HOLT, Mr. SHUSTER, and Mr. KING.

H.R. 3932: Mrs. CAPPS, Ms. SCHAKOWSKY, Mr. LARSEN of Washington, Mr. KENNEDY of Rhode Island, Mrs. LOWEY, and Ms. ROYBAL-ALLARD.

H.R. 3946: Mr. PETRI.

H.R. 3955: Mrs. CHRISTENSEN.

H.R. 3956: Mr. BARRETT.

H.R. 3962: Mr. DUNCAN, Mr. DOOLITTLE, Mr. SKEEN, Mr. CANNON, Mr. WALDEN of Oregon, and Mr. HASTINGS of Washington.

H.R. 3974: Mr. WAMP, Mrs. CHRISTENSEN, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. KILPATRICK, Mr. WYNN, Mr. HILLIARD, Mr. CLYBURN, Ms. LEE, Mr. THOMPSON of Mississippi, Mr. TOWNS, Mr. BISHOP, Ms. BROWN of Florida, and Mr. CLAY.

H.R. 3975: Mr. NUSSLE.

H.R. 3983: Mr. DEFAZIO, Mr. BAIRD, and Mr. BEREUTER.

H.R. 3995: Mr. PETERSON of Minnesota, Mr. SIMMONS, Mr. SHOWS, Mr. GREEN of Texas, and Mr. BOEHLERT.

H.R. 4000: Mr. SMITH of New Jersey, Mrs. EMERSON, Mr. NORWOOD, Mr. RUSH, Mr. FILNER, Mr. COSTELLO, Mr. CUMMINGS, Mr. LYNCH, Mr. DICKS, Mrs. MINK of Hawaii, and Mr. PHELPS.

H.R. 4003: Mr. ENGEL.

H.R. 4014: Mr. MCGOVERN, Mr. HORN, Mr. SMITH of New Jersey, Ms. MCKINNEY, Mrs. MORELLA, Mr. WYNN, Mr. GREEN of Texas, Mr. TOWNS, Mr. FRANK, Mr. LYNCH, Mr. PALLONE, Ms. RIVERS, Mr. GEORGE MILLER of California, and Mrs. CAPPS.

H.R. 4017: Mr. BLUMENAUER, Ms. HARMAN, and Mr. LANTOS.

H.R. 4018: Mr. FILNER, Mr. GOODE, and Mr. FROST.

H.R. 4019: Mr. GIBBONS, Mr. KENNEDY of Minnesota, Mr. BAKER, Mr. MANZULLO, Mr. BARR of Georgia, Mr. CANTOR, and Mr. VITTER.

H.R. 4020: Mr. BARR of Georgia, Mr. CANTOR, and Mr. SIMMONS.

H.R. 4026: Mr. PENCE, Ms. BROWN of Florida, Mr. HALL of Ohio, and Mr. SCHAFFER.

H.R. 4032: Mr. KILDEE, Mr. MCNULTY, Mr. BROWN of Ohio, Mr. PALLONE, Mrs. MCCARTHY of New York, Ms. LEE, Ms. BROWN of Florida, Mr. WYNN, Mr. TOWNS, Ms. WATSON, Mrs. CLAYTON, Mrs. CHRISTENSEN, Ms. NORTON, Mr. STUPAK, Ms. MILLENDER-MCDONALD, Mr. NADLER, Ms. DELAURO, Mr. FILNER, Mr. LANGEVIN, Mr. GORDON, Mr. ACKERMAN, Mr. JACKSON of Illinois, Mr. KAPTUR, Mr. LYNCH, Mr. GRUCCI, Mr. HORN, Mr. SANDERS, and Ms. WOOLSEY.

H.R. 4034: Mr. RANGEL.

H.R. 4035: Mr. FRANK.

H.R. 4046: Ms. SCHAKOWSKY, Mr. CAPUANO, Mr. DOOLEY of California, and Mr. HASTINGS of Florida.

H.R. 4066: Mr. SMITH of New Jersey, Mrs. MORELLA, Mr. PALLONE, Mr. BLAGOJEVICH, Mr. CRAMER, Mr. SHAYS, Mr. CROWLEY, Mr. LEACH, Mr. HORN, Mr. SAWYER, Mr. GILMAN, Mr. REYES, Mr. BONIOR, Mr. GRUCCI, Mr. FARR of California, Mr. ANDREWS, Mr. SIMMONS, Ms. WATSON, Mr. BLUMENAUER, Mr. SNYDER, Ms. BERKLEY, Mr. RUSH, Mr. DOYLE, Ms. NORTON, Mr. WAXMAN, Ms. KAPTUR, Mr. HINCHEY, Mr. TOWNS. Mrs. TAUSCHER, Mr. INSLEE, Ms. PELOSI, Mr. GREENWOOD, Mrs. MINK of Hawaii, Mr. MCDERMOTT, Ms. BROWN of Florida, Mr. MCGOVERN, Mr. SERRANO, Mr. MALONEY of Connecticut, Mr. BRADY of Pennsylvania, Mrs. THURMAN, Mr. COYNE, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Mr. BORSKI, Mr. PAYNE, Mr. CLYBURN, Mr. LARSEN of Washington, Mr. CONYERS, Mr. OBERSTAR, Ms. RIVERS, Mr. KILDEE, Mr. MARKEY, Mr. HOLDEN, Mr. LANGEVIN, Mr. JEFFERSON, Mr. CUMMINGS, Mr. LARSON of Connecticut, Mr. MOLLOHAN, Mr. GILCHREST, Mrs. CAPPS, Ms. DELAURO, Mr. DAVIS of Florida, and Ms. KILPATRICK.

H.R. 4078: Mr. SCHAFFER.

H.J. Res. 6: Mrs. MALONEY of New York, Mr. ACKERMAN, and Mr. OWENS.

H.J. Res. 20: Mr. WICKER.

H.J. Res. 40: Mr. FRELINGHUYSEN.

H. Con. Res. 42: Mr. FOLEY, Ms. SCHAKOWSKY, Mr. GORDON, and Mr. CLAY.

H. Con. Res. 127: Mr. GILMAN, Mr. ENGEL, Mr. TOWNS, Ms. WATSON, Mr. SABO, Mr. CLAY, Mr. FROST, Ms. BROWN of Florida, Mr. FOSSELLA, Ms. NORTON, and Mr. OWENS.

H. Con. Res. 162: Mr. ROTHMAN.

H. Con. Res. 177: Mr. UDALL of New Mexico, Mr. PAYNE, Ms. WATSON, and Mr. WU.

H. Con. Res. 182: Mr. TOWNS, Ms. LEE, Mr. HASTINGS of Florida, Mr. CLAY, and Mr. DAVIS of Illinois.

H. Con. Res. 238: Mr. BILIRAKIS.

H. Con. Res. 268: Mr. COOKSEY.

H. Con. Res. 314: Mr. KERNS, Mr. SESSIONS, Mr. SCHROCK, Ms. BROWN of Florida, Mr. SHUSTER, Mr. MCGOVERN, Mr. HASTINGS of Florida, and Mr. FROST.

H. Con. Res. 315: Mr. RYUN of Kansas.

H. Con. Res. 316: Mr. SULLIVAN.

H. Con. Res. 317: Mr. BEREUTER.

H. Con. Res. 320: Mr. PALLONE, Mr. BROWN of Ohio, Mrs. THURMAN, Mr. BONIOR, Mr. SMITH of New Jersey, Mr. SNYDER, and Mr. BOEHLERT.

H. Con. Res. 340: Mr. ISAKSON, Mrs. JONES of Ohio, and Mr. BISHOP.

H. Con. Res. 346: Mr. MCGOVERN, Ms. PELOSI, Mr. FRANK, Mr. NADLER, Ms. LEE, Ms. SOLIS, Mr. LANTOS, Ms. WOOLSEY, Ms. BALDWIN, Ms. ROYBAL-ALLARD, and Mr. TOWNS.

H. Con. Res. 358: Mr. PICKERING, Mr. LANGEVIN, Mr. BORSKI, Mr. QUINN, Mr. ENGEL, Mr. STRICKLAND, Mrs. MORELLA, Mr. JOHN, Mr. MICA, Mr. BOOZMAN, Mr. MATSUI, Mr. WAXMAN, Mr. FATTAH, and Mr. HOSTETTLER.

H. Res. 363: Mr. OTTER, Mr. BISHOP, Mr. OWENS, and Mr. HASTINGS of Florida.

H. Con. Res. 366: Mr. FALEOMAVAEGA.

H. Res. 105: Mr. OLVER and Mr. LANTOS.

H. Res. 117: Mr. RANGEL.

H. Res. 190: Mr. CARSON of Oklahoma.

H. Res. 197: Mr. SOUDER.

H. Res. 363: Mr. HASTINGS of Florida, Mr. FALEOMAVAEGA, Mr. ACEVEDO-VILÁ, Mrs. CHRISTENSEN, Mr. SCHAFFER, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. SIMPSON, Mr. OTTER, Mr. UDALL of New Mexico, Mr. UDALL of Colorado, Mr. TAUZIN, Mrs. CUBIN, Mr. POMBO, Mr. GIBBONS, Mr. RAHALL, Mr. MCINNIS, Mr. HASTINGS of Washington, Mr. FLAKE, Mr. YOUNG of Alaska, and Mr. OSBORNE.

H. Res. 369: Mr. HONDA and Mrs. MYRICK.

PETITIONS, ETC.

Under clause 3 of rule XII,

54. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 604 petitioning the United States Congress to appropriate approximately $12 million to the North Rockland Central School District for the redevelopment of the Letchworth Development Center in Haverstraw and Stony Point, New York; which was referred to the Committee on Education and the Workforce.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3925

OFFERED BY: MR. TOM DAVIS OF VIRGINIA

AMENDMENT NO. 1: At the end of section 3702 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

"(f) CONSIDERATIONS.—In exercising any authority under this chapter, an agency shall take into consideration—

"(1) the need to ensure that small business concerns are appropriately represented with respect to the assignments described in sections 3703 and 3704, respectively; and

"(2) how assignments described in section 3703 might best be used to help meet the needs of the agency for the training of employees in information technology management.

At the end of section 3704 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

"(d) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to an agency under this chapter for the period of the assignment.

Insert after section 5 of the bill the following new section (and redesignate the succeeding section accordingly):

SEC. 6. REPORT ON THE ESTABLISHMENT OF A GOVERNMENTWIDE INFORMATION TECHNOLOGY TRAINING PROGRAM.

(a) IN GENERAL.—Not later January 1, 2003, the Office of Personnel Management, in consultation with the Chief Information Officers Council and the Administrator of General Services, shall review and submit to the

Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a written report on the following:

(1) The adequacy of any existing information technology training programs available to Federal employees on a Governmentwide basis.

(2)(A) If one or more such programs already exist, recommendations as to how they might be improved.

(B) If no such program yet exists, recommendations as to how such a program might be designed and established.

(3) With respect to any recommendations under paragraph (2), how the program under chapter 37 of title 5, United States Code, might be used to help carry them out.

(b) COST ESTIMATE.—The report shall, for any recommended program (or improvements) under subsection (a)(2), include the estimated costs associated with the implementation and operation of such program as so established (or estimated difference in costs of any such program as so improved).

H.R. 3925

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 2: In section 3703 of title 5, United States Code (as contained in section 3(a) of the bill), insert after subsection (d) the following:

"(e) SMALL BUSINESS CONCERNS.—

"(1) IN GENERAL.—The head of each agency shall take such actions as may be necessary to ensure that, of the assignments made under this chapter from such agency to private sector organizations in each year, at least 20 percent are to small business concerns.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'small business concern' means a business concern that satisfies the definitions and standards specified by the Administrator of the Small Business Administration under section 3(a)(2) of the Small Business Act (as from time to time amended by the Administrator);

"(B) the term 'year' refers to the 12-month period beginning on the date of the enactment of this chapter, and each succeeding 12-month period in which any assignments under this chapter may be made; and

"(C) the assignments 'made' in a year are those commencing in such year.

"(3) REPORTING REQUIREMENT.—An agency which fails to comply with paragraph (1) in a year shall, within 90 days after the end of such year, submit a report to the Committees on Government Reform and Small Business of the House of Representatives and the Committees on Governmental Affairs and Small Business of the Senate. The report shall include—

"(A) the total number of assignments made under this chapter from such agency to private sector organizations in the year;

"(B) of that total number, the number (and percentage) made to small business concerns; and

"(C) the reasons for the agency's noncompliance with paragraph (1).

"(4) EXCLUSION.—This subsection shall not apply to an agency in any year in which it makes fewer than 5 assignments under this chapter to private sector organizations.

H.R. 3925

OFFERED BY: MR. WAXMAN

AMENDMENT NO. 3: In the last sentence of section 3702(a) of title 5, United States Code (as contained in section 3(a) of the bill), strike the period and insert the following: ", and applicable requirements of section 3705 are met with respect to the proposed assignment of such employee.".

In section 3702(d) of title 5, United States Code (as contained in section 3(a) of the bill), strike "Assignments under this chapter" and insert "An assignment described in section 3704", and strike ", except that no" and insert ". No".

In section 3704(b) of title 5, United States Code (as contained in section 3(a) of the bill), strike "and" at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

"(3) may not have access to any trade secrets or to any other nonpublic information which might be of commercial value to the private sector organization from which he is assigned; and

In chapter 37 of title 5, United States Code (as contained in section 3(a) of the bill), insert after section 3704 the following new section (and make the appropriate conforming amendments):

"§ 3705. Federal Information Technology Training Program

"(a) ESTABLISHMENT.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Program (in this section referred to as the 'Training Program').

"(b) FUNCTIONS.—The Training Program shall—

"(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

"(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

"(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

"(c) AUTHORITY TO DETAIL EMPLOYEES TO NON-FEDERAL EMPLOYERS.—The Training Program may include a program under which a Federal employee may be detailed to a non-Federal employer. The Director of the Office of Personnel Management shall prescribe regulations for such program, including the conditions for service, length of detail, duties, and such other criteria as the Director considers necessary.

"(d) CURRICULA.—The curricula of the Training Program—

"(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

"(2) shall be adaptable to achieve varying levels of expertise, ranging from basic non-occupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

"(3) shall be developed and applied according to rigorous academic standards; and

"(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

"(e) PARTICIPATION ENCOURAGED.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Program.

"(f) AGREEMENTS.—Employees who participate in full-time training at the Training Program for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

"(g) COORDINATION PROVISION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, no assignment described in section 3703 may be made unless a program under subsection (c) has been established, and the assignment meets the requirements of such program.

"(2) REGULATIONS.—The Director of the Office of Personnel Management shall by regulation establish any procedural or other requirements which may be necessary to carry out this subsection.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Program, $7,000,000 in fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.

EXTENSIONS OF REMARKS

TRIBUTE TO THE GIRL SCOUTS OF AMERICA IN RECOGNITION OF THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HASTERT. Mr. Speaker, I rise today to pay tribute to the Girl Scouts of the USA in recognition of their 90th anniversary.

From the small beginnings of a group of 18 girls gathered in Savannah, Georgia, Girl Scouting has grown to a membership of 3.8 million women and girls worldwide. For 90 years now, Girl Scouts of the USA has been encouraging young women to develop and meet their full potential.

As a former high school teacher, I can attest that the positive values learned in the Girl Scout program will help these girls make sound decisions throughout their lives. The Girl Scouts of the USA teaches girls to contribute to society and, through their interaction with the community around them, develop a strong sense of self-confidence and a willingness to take on responsibility. These qualities create a strong foundation, which will enable them to grow into quality citizens and effective leaders.

While Girl Scouting provides opportunities for community service to girls of all ages, senior Girl Scouts are able to build upon their service experience in the Gold Award program. The Girl Scout Gold Award program encourages senior Girl Scouts to use their leadership skills, career interests and personal values to meet an expressed need in their community.

The Girl Scouts of the USA have done an exceptional job of cultivating a positive atmosphere that allows young women to develop confidence in themselves, as well as a desire to serve their communities. I applaud them for their commitment to our nation's children, and am hopeful they will continue to make a positive difference in the lives of young adults for years to come.

HONORING CORPORAL PETER PATZER

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Corporal Peter Patzer who retired from the Lower Gwynedd Township Police Department in Montgomery County, Pennsylvania, after twenty-seven years of outstanding service.

Mr. Patzer served in the United States Navy from 1965 through 1967. He served on the USS *Forrestal* CVA–59 Mediterranean Fleet and was honorably discharged in 1971 with the rank of E–3. He returned home and began his tenure with Lower Gwynedd as a police officer in 1974 and was later promoted to Corporal in 1987.

Corporal Patzer served as the Traffic Safety officer for Lower Gwynedd Township. He has been recognized by his community for his fine work and service.

I am pleased to honor Corporal Peter Patzer on his retirement. He has made significant contributions to his community and is deserving of the praise he has received from members of his community.

TRIBUTE TO MR. JOSEPH A. KNOTHE, RECIPIENT OF THE LIEUTENANT GENERAL JOSEPH J. REDDEN AWARD

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize Mr. Joseph A. Knothe of Huntsville, Alabama for receiving the 2001 Lt. Gen. Joseph J. Redden Award, a very prestigious honor recognizing the nation's highest ranked Air Force pilot and navigator candidate in order of merit.

Mr. Knothe, a 1997 graduate of Grisson High School in Huntsville, Alabama, is now a senior majoring in mechanical engineering at Auburn University and is the school's top ranked Air Force cadet. Last year, he was among only thirty-five cadets in the nation to be selected to attend the Euro-NATO Joint Jet Pilot Training program based in Wichita Falls, Texas, Cadets selected for this demanding pilot training are sent to Sheppard Air Force Base where they are trained solely on fighter jets.

Mr. Speaker, I wish to express my sincere congratulations to Joseph Knothe for receiving this distinguished award. The criteria for the award are highly competitive and include grade point average, physical fitness, an Air Force Officer Qualifying Test, a Basic Attributes Test, and Commander's Ranking.

Joseph Knothe will graduate with honors from Auburn University and be commissioned a second lieutenant in the U.S. Air Force in May 2002, which will no doubt launch his career as a future leader in our nation's military. I commend Mr. Knothe for his achievements and wish him the best in his future career in the United States Air Force.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 353, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 2003

SPEECH OF

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 20, 2002

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H. Con. Res. 353) establishing the congressional budget for the United States Government for fiscal year 2003 and setting forth appropriate budget levels for each of fiscal years 2004 through 2007:

Mr. LANGEVIN. Mr. Chairman, I rise today in strong opposition to this budget resolution, which undermines our long-term fiscal health and spends a huge portion of the Social Security and Medicare surpluses.

I stand united with the President and my colleagues on both sides of the aisle in our commitment to defeat terrorism and to do what is necessary to preserve national security both at home and abroad. However, despite the many new security and economic challenges confronting us, our homeland protection efforts and fiscal policies should not shortchange Social Security and other national priorities. We can win the war against terrorism without raiding the Social Security and Medicare Trust Funds and without increasing the national debt.

Earlier this year, the Congressional Budget Office (CBO) confirmed that in less than a year the 10-year projected surplus declined by $4 trillion. While portions of this decline are a result of the war and the economic downturn, the depletion of the surplus to date was largely caused by last year's massive and fiscally irresponsible tax cut package. The additional billions in tax cuts proposed in this year's budget would only worsen our current situation and lead us further down the path of mounting deficits and escalating public debt. To pay for the additional tax cuts, this budget would raid more than $1.5 trillion from the Social Security and Medicare Trust Funds over the next ten years to cover deficits in the rest of the federal budget. We need a wartime freeze on tax cuts to avoid deficit spending.

When I was elected to Congress, I promised my constituents that I would protect the Social Security and Medicare Trust Funds. And I was not alone. Over one hundred of my colleagues have co-sponsored legislation to prevent Congress from spending the Social Security and Medicare surpluses, and the House of Representatives has voted four times in the past three years to establish lockboxes for these funds.

The Administration and the Republican Leadership made the very same pledge to not touch these vital trust funds. This budget breaks that promise. It is time to honor our commitments by acknowledging our current situation and working together to craft budget that is fair and fiscally responsible.

Moreover, this resolution uses overly optimistic Administration budget estimates rather than the usual non-partisan estimates from the Congressional Budget Office. Furthermore, it assumes unacceptable cuts in key domestic priorities such as education, housing, health care, job training and environmental protection, even though Congress will likely restore the needed funding. While this resolution provides $350 billion in additional Medicare spending, it would place a Medicare prescription drug benefit in competition with Medicare "modernization," as well as provider givebacks that the Republican Leadership has estimated will costs as much as $174 billion. The projections also leave out an assessment of the lost revenue from extending expiring tax credits and modifying the individual minimum tax that will impact 39 million middle-income taxpayers over the next 10 years. And these five-year projections fail to disclose the cost of making last year's tax cuts permanent, as the Administration's budget proposes. Over the customary ten-year budgetary window, extending the tax cuts cost $400 billion. A more realistic set of assumptions would show that the 10-year budget surplus has already vanished.

The disappearance of the 10-year surplus compels us to consider not just a one-year but also a long-term budget plan. The American people have the right to know how the Congress proposes to restore fiscal discipline while enacting additional tax cuts, boosting spending for the military and meeting commitments to a growing number of retirees. The Administration and Congress should devise budgetary rules that make tax cuts and spending contingent on the realization of specified targets for the budget surplus and the federal debt. Unfortunately, this budget fails on all those counts.

I am also deeply concerned about the draconian cuts to the Small Business Administration. The budget proposes cutting funding for the 7(a) loan program in half. Last year, this loan program provided over $94 million in assistance to Rhode Island's small business community. Additionally, the Administration proposed cutting funding for employment and training programs by $685 million. With more than 1.4 million workers laid off over the last year, we need this funding now more than ever. The budget would also slash the Low-Income Home Energy Assistance Program (LIHEAP) by #$300 million. This program is crucial for all New England states and particularly for our seniors, who might otherwise be forced to choose food over heat. Finally, the budget would cut $417 million from Public Housing Capital Fund, which helps provide 1.2 million families nationwide—40 percent of whom are elderly or disabled—with affordable housing. Housing needs are especially acute in Rhode Island, where 38 percent of renter households pay more than 30 percent of their income for rent.

I urge my colleagues to reject this misguided budget and to develop one that will ensure security at home and abroad, without dramatically increasing our debt, borrowing against Social Security and Medicare, or abandoning our commitments to children, workers, senior citizens and all Americans.

SOLIDARITY WITH ISRAEL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mrs. McCARTHY of New York. Mr. Speaker, I rise to express my strong solidarity with Israel during this time of crisis.

Built on the backs of international Jewry, consisting largely of pogrom and Holocaust survivors, modern Israel has weathered many battles against her existence. Our sole democratic ally in the Middle East, Israel is no larger than the state of New Jersey, and is situated amid enemy nations. These countries and their leaders have objected to Israel's existence since her declaration of Independence in 1948. It wasn't until 1979 that Israel entered into a peace treaty with Egypt, and 1994 with Jordan. Nevertheless, the Israeli people defied all odds; the army won countless wars and small battles, and the western society flourished.

After the Intifada of the late 1980s, Israel took a monumental step by joining Yasser Arafat, chairman of the PLO, in signing the Oslo Accords. This agreement laid out specific steps to be taken by both parties to ensure a lasting peace in the region. The PLO renounced terrorism, and Israel recognized it as the representative of the Palestinian people. At the same time, guidelines were given for the election and creation of a Palestinian government in the West Bank and Gaza Strip, and the redeployment of Israeli troops from those regions.

The period since 1993 can be characterized as a struggle between those who were committed to peace and the necessary steps to maintain the peace, and those who weren't. Yasser Arafat's renunciation of terrorism was never realized; suicide bombings and terrorist attacks peppered the peaceful landscape in Israel. Obviously, there are two sides to every situation. Although Israel took steps to withdraw from the West Bank and Gaza Strip, Jewish settlements were continually built and populated. This undoubtedly contributed to the sense of unrest.

In 2000, the situation combusted. We called it the second Intifada, but wasn't it just a continuation of the first? The use of terror as a political tool never ended; the current crisis is merely a culmination of the inevitable. The situation reached a detrimental turning point with the reprehensible act of terror we now call the Passover Massacre. This was followed with a string of suicide bombings perpetrated against different populations in Israel.

Today, Israel finds herself in an unbearable situation. Despite Israeli trust, Yasser Arafat allowed terrorism to invade Israeli society. He failed to keep his promise, and as the elected leader of the Palestinian people, he must take responsibility for his inaction. Israel has every right to enter Palestinian cities and refugee camps to root out terror. What other choice does Israel have? Is Israel supposed to wave suicide bombers through the checkpoints, allow wanted terrorists to go without arrest? Are we to expect Israel to sit by and watch her country crumble, and her people be murdered in groups of 20 while they sip coffee at cafes?

The answer is an unequivocal no. And as a Member of Congress, I will support Israel's decision regarding security and self-defense in any way possible.

IN HONOR OF MIMI SILBERT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. PELOSI. Mr. Speaker, I rise to salute Mimi Silbert, President, Chairman and CEO of the Delancey Street Foundation, on the occasion of her 60th Birthday and the 30th Anniversary of Delancey Street.

Mimi Silbert is the cofounder and director of Delancey Street; a San Francisco-based self-help residential education center where drug addicts, criminals, and the homeless go to turn their lives around.

Since 1971 more than 14,000 people have successfully been through the Delancey Street program and are now leading crime-free, drug-free lives in mainstream society. Residents have learned to read and have acquired skills; they attend college and are part of the work force, they are raising families, they are clean, they are sober, they are reborn. And each and every one of them has the extraordinary Mimi Silbert to thank for changing their lives.

All of this is done at no cost to the taxpayer or client. One of the most unique features of Delancey Street is that they have never accepted government funds nor do they have any staff. Delancey Street has started over 20 business training schools which generate income and train the residents in marketable skills.

The psychiatrist Karl Menninger has called Delancey Street "the best and most successful rehabilitation program in the world." There are now five facilities throughout the country: San Francisco, Los Angeles, New Mexico, New York, and North Carolina.

Mimi Silbert is an inexhaustible dynamo who does what she does not of love, commitment and belief in the value of humanity. She has been called the "Mother Teresa of America's down and out". In San Francisco she is our treasure who has touched and miraculously changed so many lives. We love her and are forever in her debt.

I am proud to join my constituents to thank and praise Mimi Silbert for her marvelous achievements, indomitable spirit, and her inexhaustible service to San Francisco and our nation. As we celebrate her birthday we will keep in mind all those who have been reborn through her extraordinary life work. Happy Birthday Mimi!

HONORING 90 YEARS OF GIRL SCOUTING

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the 90th anniversary of the Girl Scouts organization. In the past 90 years, this organization has grown to a 3.8 million membership, making it the largest organization for girls in the world. Girl Scouts is a worldwide family of 10 million girls and adults in 140 countries. This organization should be honored for all the wonderful things it does to help empower our young girls.

Specifically, I would like to share with you the contributions of the Girl Scouts Fair Winds Council that serves over 11,000 girls in my congressional district. The Fair Winds Council has two programs that I would like to talk about today. Both of these programs help empower young girls to rise above the status quo and become better citizens.

The first program I would like to talk about is Faces, a program developed in my hometown of Flint, MI. This program serves inner city girls, who come from single-family households and Faces attempts to break these young women out of the cycle of living in poverty by mentoring and doing community activities. Most notably, the young girls get to choose as a group two colleges or universities they would like to visit. Then through corporate sponsorships, these girls get an all expense paid trip to their choices. Last year 40 girls went on this trip. After the trip, these girls get help with filling out applications forms for college and with finding scholarships. Since this program began, 80 percent of its members have gone to college.

The second program, Fostering Issues, takes Girl Scouting to girls who are in foster care. Many of these young girls in foster care feel alone and afraid, and through this program, girls in the foster care system develop friendships. Through these friendships, these girls begin to develop social skills and trust in other people. They begin to develop self-esteem and believe that they too can become an important part of society.

Mr. Speaker, I ask the House of Representatives to join me in recognizing the truly amazing contributions the Fair Winds Council makes in my community. I invite my colleagues to find out all the wonderful things the Girl Scouts organization is doing in their own districts and commend them for 90 years of service to our communities.

CONGRATULATIONS TO HERSCHEL WISEBRAM FOR 50 YEARS OF SERVICE WITH WBHF RADIO

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. BARR of Georgia. Mr. Speaker, I rise today to acknowledge a milestone which has recently occurred in the Seventh Congressional District in Georgia.

On April 5, 2002, Herschel Wisebram of Cartersville, Georgia, celebrated 50 years of service with WBHF Radio.

In 1946, shortly after World War II ended, the WBHF began to broadcast in Northwest Georgia. In 1952, Herschel Wisebram started at WBHF as a radio announcer, beginning a long distinguished career in the field of broadcasting.

WBHF Radio is a proven leader and has served the Cartersville area with distinction under Herschel's ownership.

Herschel has not just seen the changes Cartersville and the entire Atlanta and northwest Georgia area; he has reported the changing history of this small, southern town into what has been called one of the best and most livable small cities in the country. Herschel's strong sense of commitment to his community, is one of the reasons the quality of life in Cartersville and Bartow County is so enviable.

Mr. Speaker, I hope you and all of my Colleagues join me in saluting the motivation, dedication, and resolve that Herschel Wisebram has demonstrated for WBHF, for the advancement of radio broadcasting, for the city of Cartersville, and the people of Georgia.

MADNESS WITHOUT END?

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. KAPTUR. Mr. Speaker, I submit the following article. The growing wave of Palestinian suicide bombings, followed inevitably by fierce Israeli military counter-attacks, ought to be proof for anyone that Middle East violence has degenerated beyond the bounds of any possible moral justification and into the realm of cultural psychosis.

Each side in this conflict continues to point a finger at the other, claiming, "You started it," as if the childish refrain were reason enough to continue down what looks more and more like a path to Armageddon.

This is a regrettable characteristic of the Middle East mayhem, one not easily understood in the West. Any inclination to turn the other cheek is almost always overcome by religious and cultural injunctions to crush and grind the enemy into the dust. Charity toward an adversary, it seems, is a sign of weakness.

Arabs and Jews contesting the Holy Land are never going to make peace with each other until both sides have had their fill of the bloodbath. The question facing a horrified, uncomprehending world is "when will enough be enough?"

The relentless procession of young Palestinians willing, even eager, to don explosives and give their lives to kill Jews and regain their historic homeland provides no indication of an early peace.

The so-called "spiritual leaders" of Hamas and other Palestinian movements point to such self-serving verses in the Qu'ran as, "And slay them wherever ye find them and drive them out of the places whence they drove you out, for persecution is worse then slaughter."

The Islamic militants who nurture, cultivate, and train the suicide bombers boast that they will send "a million martyrs to Jerusalem," and who can doubt them?

The Israelis, who also claim this territory as a religious and historic right, fall back on the self-perpetuating justification of self-defense. Memories of the Holocaust ("Never again") warn them of annihilation. The shock of the continued bombings neutralizes the nation's calmer voices and nascent peace movement. And violence begets violence.

The question of who is to blame no longer matters to a good bit of the outside world, but in the Middle East it remains pretty much the only issue. Until one side or the other takes responsibility, this burgeoning threat to humanity will continue to monopolize the world's resources and attention.

As much as we in the United States wish it were otherwise, what is happening in Israel and the West Bank cannot be separated from our war on terrorism. The same ancient fears and frustrations fuel both conflicts.

President Bush at first tried to distance the United States from the turmoil, but even he realizes now that inattention for several months last year was a mistake.

An end to the madness that has engulfed the region could be reached in several ways. The preferable one would be through the services of a negotiator of uncommon skill and forbearance, possibly someone who is not yet apparent on the diplomatic stage. Another more horrifying possibility: a cataclysm of bloodshed that would make the current suicide bombings seem tame by comparison.

World leaders, even those without a direct stake in the Middle East, have a responsibility to apply pressure on all the parties involved to see that the path of least violence is the one taken.

HONORING SERGEANT GARY O'CONNOR

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Sergeant Gary O'Connor who retired from the Lower Gwynedd Police Department in Montgomery County, Pennsylvania on July 13, 2001 after twenty-seven years of service.

Sergeant O'Connor graduated from Penn State University with a Bachelor of Science degree. Throughout his career he has displayed a special interest in juvenile justice and headed the Lower Gwynedd Police Department juvenile division for ten years. Currently, he also is a trainer and consultant for the National Center for Missing and Exploited Children, the National School Safety Center, and the National Council of Juvenile and Family Court Judges. Since 1983, Sergeant O'Connor has also instructed and consulted on police training for the Federal Law Enforcement Training Center.

Sergeant O'Connor has received many awards for his fine work including Pennsylvania's Juvenile Officer of the Year, Montgomery

County's Police Officer of the Year, and North Penn Area's Outstanding Police Officer. The police force was no doubt stronger because of Sergeant O'Connor.

It is a privilege to honor the contributions of Sergeant Gary O'Connor to the citizens of Lower Gwynedd.

TRIBUTE TO THE FIFTY-YEAR MEMBERS OF THE ALABAMA GRAND CHAPTER, ORDER OF THE EASTERN STAR

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize a group of ten members of the Alabama Grand Chapter of the Order of the Eastern Star who are celebrating their membership of over 50 years with Athens Chapter #214. I congratulate each of them for their many extraordinary years of charity and human outreach and wish them the best for many years of service to come.

Mr. Speaker, I want to commend Geneva Coulter, Juanita Turner, Roy H. Turner, Sr., Virginia Lonas Sharp, Cora Black, Sara Rudder, Gladys Rogers, Elree Culps, Onye M. Holliman, and Angie A. Nazaretian for fifty years of membership. For over half a century, these members have devoted themselves to their Limestone County community, their state, and their nation providing not only financial assistance but also their personal time whenever the community needs them.

The Alabama Grand Chapter of the Order of the Eastern Star was established in Alabama in 1901 in Montgomery. Thousands of members in the 200 chapters of this fraternal organization support countless numbers of charities and humanitarian projects such as cancer research and scholarships that enhance and enrich the lives of all of our citizens. I commend and thank this distinguished group for their service, and especially these fifty-year members of the Athens Chapter #214.

COMMEMORATING THE 182ND ANNIVERSARY OF GREEK INDEPENDENCE

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today in proud recognition of the 182nd anniversary of Greek Independence. This is a great day, for it commemorates the return of democracy to the cradle of Western Civilization after nearly four hundred years of foreign rule.

Greece has always been proud and independent by nature. Its people were a powerful force both culturally and militarily, as evidenced by the works of Homer and the multitude of Greek philosophers. The pinnacle of Greek influence was Alexander the Great and his unification of the eastern Mediterranean and ancient Middle East. Greek culture was spread throughout the new empire and for the first time, people were communicating with a common language, sharing ideas in a way never before possible. This Hellenization transformed every place is touched.

Nearly two thousand years later, another important concept from ancient Greece came to the forefront of modern thought. The concept of "rule by the people" gained prominence in the young United States. This was the desire of the framers of our Constitution, and they found their inspiration in the principles of the polis of Athens.

In 1821, thirty years after the birth of our nation, the people of Greece acted upon a desire to be free. The Ottoman Turks had conquered the region in 1453, bringing an end to over a thousand years of rule by the Orthodox-Christian Byzantine Empire and its resurgence of Greek culture. After a bloody eleven-year war, Greece was finally free once again.

In the modern era, one of the most important reminders of Greek heritage is the Olympic Games, which are finally returning to their origins in Athens in 2004 for the 25th Summer Olympic Games. For more than a century, the Olympics have symbolized peace and excellence for people the world over, reassuring us that even the smallest nation can compete on an equal ground with the largest.

With their intertwined histories, Greece and the United States stand as natural allies with a fine record of cooperation at the global level. The roots of this strong relationship are fixed in the two nations' shared views on independence, freedom, and democracy. These principles still flourish millennia after their creation, and the United States and Greece continue to uphold the promise of democratic ideals.

Mr. Speaker, it is this feeling that I believe is the greatest contribution Greece has given to our world: We are all equal, whether it is in our democratic government or in friendly competition, and we can come together in friendship even during the most difficult of times. With that, I would like to thank my colleagues for holding this special order and once again congratulate Greece on the anniversary of its independence and all of the gifts it has given us.

REMEMBERING RABBI ISRAEL MILLER

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. McCARTHY of New York. Mr. Speaker, I rise in honor of Rabbi Israel Miller's contributions to the global Jewish community and in memory of his recent passing.

Rabbi Miller was born in Baltimore, MD., but he made his home in New York. A graduate of Yeshiva University, the Rabbi Isaac Elchanan Theological Seminary and Columbia University, Rabbi Miller was a well-learned man who dedicated his life to the needs of the international Jewish community.

Rabbi Israel Miller expressed his dedication to different members of the Jewish community through his activism and leadership in a variety of organizations. He served as president since 1982 of the Conference of Jewish Material Claims Against Germany, an organization dedicated to financial restitution of Holocaust survivors. Miller helped Soviet Jewry through his leadership of the American Jewish Conference on Soviet Jewry. He also served as chairman of the Conference of Presidents of Major American Jewish Organizations, founding and honorary president of the American Zionist Federation, and a founder of the Jewish Community Relations Council.

Rabbi Israel Miller lived a long, healthy and gratifying life. He is survived by his wife, Ruth, his four children, 19 grandchildren, eight great-grandchildren, and brother and sister. I share their pride over his achievements.

Rabbi Miller's accomplishments and contributions to our local, national and international community were obvious and greatly appreciated. His involvement in the peace process in Israel is notable and commendable, specifically in light of the recent conflict.

I join my constitutes and the entire Jewish community in remembering Rabbi Miller as a leader and role model for past, present and future generations.

CELEBRATING AFGHAN GIRLS GOING BACK TO SCHOOL

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. PELOSI. Mr. Speaker, I commend Congresswoman TAMMY BALDWIN for her leadership and thank her for organizing today's statements. On March 23, the girls of Afghanistan returned to school, and on that day a milestone was reached in the re-establishment of Afghanistan's civil society. Preceding the takeover by the Taliban, women constituted 70 percent of the teachers in Afghanistan, 50 percent of the government workers, 40 percent of the health professionals. During the Taliban regime, women were forced out of the workforce and girls were banned from school. Now, the women are returning to work, and with the return of girls to school, Afghanistan is laying the groundwork for the full participation of all of its children in developing a brighter future.

As we celebrate this milestone in Afghanistan, we also must recognize the need for access to education for girls around the world. Nearly a quarter of the world's adult population cannot read and write and two thirds of the illiterate adults are women. In looking at gender equality in secondary education enrollment, only eleven percent of countries have achieved gender equality, in fact 51 percent of countries have a lower enrollment ratio for girls than boys.

Education gives women the skills and tools that they need to participate fully in society. Education enables women to raise healthier and better-educated children. Educated women are more likely to participate in the decision making process of government, making an impact on policy that affects their daily lives. As we celebrate with the people of Afghanistan, let us also commit ourselves to ensuring that other girls across the globe have access to basic education, and the chance to make a better life for themselves.

HONORING ROGER SAMUEL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to the recipient of the Edgar A. Guest Community Service Award. The Edgar A. Guest Award is given annually by the Flint-C.A. Durand Masonic Lodge Number 23 to honor the community service of a distinguished non-Mason. This year's recipient is Roger Samuel. He will receive the award at a dinner to be held in his honor on April 9th in my hometown of Flint, Michigan.

As an honorary member of the Old Newsboys of Flint, Roger Samuel plays an integral part in that organization's Christmas campaign, "Let No Child be Forgotten." In its 77th year, this program is dedicated to the idea that every child will be remembered on Christmas Day. Each year thousands of volunteers sell newspapers on the street corners throughout Genesee County. The newspapers publicize the program and raise money to pay for toys, coats, boots, hats and mittens. Roger donates the resources of the Flint Journal and pays for the ink, paper and printing of these newspapers. Without his support, valuable money would be diverted away from children.

Roger Samuel has lived in Flint since 1991 and has been the publisher of the Flint Journal since 1996. His work with the Old Newsboys of Flint is just one part of Roger's commitment to his community. During the last decade Roger has served as the president of the Rotary Club of Greater Flint Sunrise, chair of the Flint Cultural Center Corporation, chair of the Genesys Health Board of Trustees, chair of the Genesee Area Focus Council, the chair of the 1999 United Way Campaign for Genesee County. In addition, he is active on the Board of Regents of Baker College of Flint, the Board of Directors of the United Way of Genesee and Lapeer Counties, the Community Foundation of Flint, and the Hundred Club of Flint.

Part of Roger's tradition of service is reflected in his vision for the Flint Journal. The Flint-C.A. Durand Lodge will take this opportunity to commend him for the voice he has provided to civic and cultural groups. Through the Community Calendar feature and human interest articles, Roger has demonstrated a willingness to spotlight programs and individuals that often are overlooked in the barrage of daily news items.

Mr. Speaker, I ask the House of Representatives to join me in congratulating Roger Samuel. I have known him since he arrived in Flint and I respect his judgment, his advice, his business acumen, his compassion, and his sense of responsibility to his community. The Flint-C.A. Durand Masonic Lodge is to be commended for recognizing and honoring Roger Samuel's generosity to the Flint area.

HONORING DR. ROBERT DUNN OF CUMMING, GEORGIA

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. BARR of Georgia. Mr. Speaker, Dr. Robert Dunn, a physician of Cumming, Georgia is best described by his peers as humble. They have a deep respect for his skill and commitment as a physician and roll model for other physicians.

Dr. Dunn, joined by his family, his wife Norma, their children, Charlene McGill, Bill, Rick and Roger Dunn, along with his peers, was honored last month by Baptist Medical Center. In his honor they redecorated two rooms in the main emergency room as "kid friendly."

Dr. Dunn graduated from Emory University in 1947, and with three fellow physicians started a family practice in Forsyth County, helping meet the medical needs of the entire community. At 76 years of age, he continues to practice medicine, as well as attending conferences and continuing education to stay current with his skills.

Dr. Dunn's dedication to the community has continued for over 50 years. Among his many contributions, he donated his time and practice to providing free physicals for local boy scouts, and he donated land for the preservation of Sawnee Mountain. He led his Christian ministry to Zaire for missionary work and served his grateful nation in Korea.

I would like to join in acknowledging Dr. Robert Dunn for his ongoing commitment and dedication to the community.

THE HARD TRUTH, BY THOMAS C. FRIEDMAN

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. KAPTUR. Mr. Speaker, I submit the following article.

[From the New York Times, Apr. 3, 2002]

THE HARD TRUTH

(By Thomas L. Friedman)

A terrible disaster is in the making in the Middle East. What Osama bin Laden failed to achieve on Sept. 11 is now being unleashed by the Israeli-Palestinian war in the West Bank: a clash of civilizations.

In the wake of repeated suicide bombings, it is no surprise that the Israeli Army has gone on the offensive in the West Bank. Any other nation would have done the same. But Ariel Sharon's operation will succeed only if it is designed to make the Israeli-occupied territories safe for Israel to leave as soon as possible. Israel's goal must be a withdrawal from these areas captured in the 1967 war; otherwise it will never know a day's peace, and it will undermine every legitimate U.S. effort to fight terrorism around the globe.

What I fear, though, is that Mr. Sharon wants to get rid of Mr. Arafat in order to keep Israeli West Bank settlements, not to create the conditions for them to be withdrawn.

President Bush needs to be careful that America doesn't get sucked into something very dangerous here. Mr. Bush has rightly condemned Palestinian suicide bombing as beyond the pale, but he is not making clear that Israel's war against this terrorism has to be accompanied by a real plan for getting out of the territories.

Why? Because President Bush, like all the other key players, doesn't want to face the central dilemma in this conflict—which is that while Israel must get out of the West Bank and Gaza, the Palestinians cannot, at this moment, be trusted to run those territories on their own, without making them a base of future operations against Israel. That means some outside power has to come in to secure the borders, and the only trusted powers would be the U.S. or NATO.

Palestinians who use suicide bombers to blow up Israelis at a Passover meal and then declare "Just end the occupation and everything will be fine" are not believable. No Israeli in his right mind would trust Yasir Arafat, who has used suicide bombers when it suited his purposes, not to do the same thing if he got the West Bank back and some of his people started demanding Tel Aviv.

"The only solution is a new U.N. mandate for U.S. and NATO troops to supervise the gradual emergence of a Palestinian state—after a phased Israeli withdrawal—and then to control its borders," says the Middle East expert Stephen P. Cohen.

People say that U.S. troops there would be shot at like U.S. troops in Beirut. I disagree. U.S. troops that are the midwife of a Palestinian state and supervise a return of Muslim sovereignty over the holy mosques in Jerusalem would be the key to solving all the contradictions of U.S. policy in the Middle East, not new targets.

The Arab leaders don't want to face this hard fact either, because most are illegitimate, unelected autocrats who are afraid of ever speaking the truth in public to the Palestinians. The Arab leaders are a disingenuous as Mr. Sharon; he says ending "terrorism" alone will bring peace to the occupied terrorities, and the Arab leaders say ending "the occupation" alone will end all terrorism.

Like Mr. Sharon, the Arab leaders need to face facts—that while the occupation needs to end, they independently need to address issues like suicide terrorism in the name of Islam. As Malaysia's prime minister, Mahathir Mohamad, courageously just declared about suicide bombing: "Bitter and angry though we may be, we must demonstrate to the world that Muslims are rational people when fighting for our rights, and do not resort to acts of terror."

If Arab leaders have only the moral courage to draw lines around Israel's behavior, but no moral courage to decry the utterly corrupt and inept Palestinian leadership or the depravity of suicide bombers in the name of Islam, then we're going nowhere.

The other people who have not wanted to face facts are the feckless American Jewish leaders, fundamentalist Christians and neoconservatives who together have helped make it impossible for anyone in the U.S. administration to talk seriously about halting Israeli settlement-building without being accused of being anti-Israel. Their collaboration has helped prolong a colonial Israeli occupation that now threatens the entire Zionist enterprise.

So there you have it. Either leaders of good will get together and acknowledge that Israel can't stay in the territories but can't just pick up and leave, without a U.S.-NATO force helping Palestinians oversee their state, or Osama wins—and the war of civilizations will be coming to a theater near you.

PAYING TRIBUTE TO HIDY OCHIAI

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HINCHEY. Mr. Speaker, I am pleased to congratulate Hidy Ochiai as he receives the Endicott, New York SERTOMA Club's 2002 Service to Mankind Award. I commend the SERTOMA Club on its choice of Mr. Ochiai as the recipient of this award.

Mr. Ochiai began his martial arts training in Tokyo, Japan at the age of six, taught by his father. In 1966 he received his Bachelor of Arts degree from Albright College and opened his first school of Washin-ryu Karate in Broome County, New York. He now has a total of 25 branch schools servicing the public. Mr. Ochiai established a karate program as part of a physical education curriculum which, in 1969, was implemented by Broome Community College. Mr. Ochiai has successfully competed in many tournaments, including his first national tournament in 1970 where he won the kata title at the U.S.K.A. Grand Nationals.

Mr. Ochiai has an outstanding record of community service in Broome County and, including the establishment of the Education Karate Program (EKP). More than 30,000 students have completed the EKP, earning Mr. Ochiai the Distinguished Alumnus Award from Albright College for its development. In addition to his work through the EKP, he has written five books.

It is my pleasure to join Hidy Ochiai's colleagues, friends and family in extending my deepest appreciation for his outstanding community service. His personal and professional enthusiasm has made him a valuable asset to our community, and we thank him for his service.

HONORING CORPORAL WALTER WEST

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Corporal Walter West. Corporal West retired on August 12, 2001 from the Lower Gwynedd Township Police in Montgomery County, Pennsylvania after thirty-five years of service. He has been an outstanding member of his community.

Mr. West began his career in the U.S. Army in 1959. He was honorably discharged in 1965, having attained the rank of E–4. He became a part-time police officer in May of 1966 and three years later became a full-time officer. In 1970, he attended the Philadelphia Police Academy and earned an Associate Degree in Applied Science from Montgomery County Community College. Corporal West served in the Lower Gwynedd police force admirably. In fact, he was inducted into the American Police Hall of Fame in 1983.

Corporal West has been active in the F.O.P. Montgomery County Lodge #14 and has participated in other community programs such as The Salvation Army Holiday Food Drive, the Home Run Derby, the YMCA physical fitness program and the Rotary Club of which he was a past president. He has been recognized by many in his community for his years of dedicated service.

I am pleased to have this opportunity to recognize Corporal Walter West for his many years of dedicated service. Our community is a better place because of his contributions.

TRIBUTE TO DR. RICHARD G. CARPENTER

HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CRAMER. Mr. Speaker, I rise today to recognize the many contributions of Dr. Richard G. Carpenter to Calhoun Community College and the Decatur, Alabama community during the last ten years. I join his family, friends and colleagues as they celebrate his accomplishments and congratulate him for a successful tenure as President of the school and an exciting new future as President of the Wisconsin Technical College System.

Dr. Carpenter, a native of Franklinton, Louisiana, has been President of Calhoun Community College since 1992. Calhoun is Alabama's largest community college, and Dr. Carpenter has provided them with progressive and visionary leadership for the past decade. He has played a pivotal role in shaping Calhoun Community College to what it is today and will be greatly missed.

Among his accomplishments at Calhoun Community College are its ongoing construction of the school's Technology Park and the record setting enrollment for the fall semester of 2001. His prior experience includes teaching at elementary through university graduate school levels and serving as president of three other community colleges. Dr. Carpenter received his Ph.D. in Community College Leadership from North Carolina State University and has been the recipient of numerous local and national awards.

Mr. Speaker, today I join his wife Dana and his three children as well as his many friends and colleagues in congratulating Dr. Richard Carpenter on ten years of extraordinary service to Calhoun Community College. Dr. Carpenter has been an influential leader for our North Alabama community for many years and I wish him the best as he pursues an exciting new future as President of the Wisconsin Technical College System.

TRIBUTE TO DR. BEVERLY WALTERS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to recognize the leadership and achievements of Dr. Beverly Walters in the field of neurosurgery. Dr. Walters is an Associate Professor of Clinical Neurosciences at Brown University, and Chief of Neurosurgery at Landmark Medical Center.

Dr. Walters recently co-chaired a committee that examined a number of studies and established guidelines for the treatment of acute cervical spine and spinal cord injuries. The guidelines were published in the March issue of Neurosurgery. The committee evaluated the best scientific evidence developed over the last 25 years to inform their conclusions.

The standardization and refinement of surgical techniques in treating spinal cord injuries is a substantial accomplishment in neurosurgery, and a testament to Dr. Walters' experience in research and surgical practice. I am proud to represent Dr. Walters, and applaud her commitment to this field.

Mr. Speaker, I hope you and our colleagues will join me in recognizing Dr. Beverly Walters and her outstanding work. Due in part to her dedication, numerous lives are improved daily through increased understanding of spinal cord, injuries.

RADM ARCHITZEL GIVES KEYNOTE ADDRESS AT USS "HARRY S. TRUMAN" CHANGE OF COMMAND

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. SKELTON. Mr. Speaker, on Friday, March 15, a Change of Command was held on the USS *Harry S. Truman,* an aircraft carrier whose home port is Norfolk, VA. Captain Michael Groothousen succeeded Captain David Logsdon as the Commanding Officer of that ship. Captain Logsdon will continue his outstanding military career as a professor of Military Science at the University of South Carolina. The principal address was delivered by RADM David Architzel. The talk was a great reminder of American Naval strength. It is set forth as follows:

> Congressmen Skelton and Schrock, Admiral Malone, Captains Logsdon and Groothousen and your families, distinguished guests and most importantly, men and women of USS *Harry S. Truman.*
>
> Good morning to all of you, what a great personal and professional honor it is for me to address the crew of this great ship.
>
> I accepted the invitation to speak here today with some trepidation and anxiety. After all, our distinguished guests include Congressmen and the Commander, Naval Air Forces, U.S. Atlantic Fleet (AIRLANT) and others who are far more eloquent speakers than I. Captain Logsdon was persistent in his efforts to convince me to speak, and as a fellow S–3 aviator, of course, I accepted.

Let me begin by saying that the Change of Command ceremony is one that is steeped in Naval tradition. The crew has been assembled and in just a few short minutes they will witness as all the responsibility and authority of Command at Sea passes from Captain Logsdon to Captain Groothousen.

Today is a day of mixed emotions for Logs, CAPT Logsdon. This is the assignment that he has worked his entire career to achieve; an assignment that many seek, but few ever attain. While he has done a wonderful job and has so many great memories of his time at the helm, nothing can stop the clock. I'm reminded of the Chow Call that I used to have to give many years ago at the Naval Academy: it ends with the one minute call and the words; Tide time and Formation wait for no man!" Logs must now go ashore and he will be leaving this ship, just as Captain Otterbein had to leave it 2 and a half years ago, in the hands of another eager and talented officer, Captain Mike Groothousen.

This Change of Command provides the opportunity to reflect upon the accomplishments of the command and crew of *Harry S. Truman*. It also gives us a chance to talk about what lies ahead.

The United States is and always will be a Maritime nation. Since Theodore Roosevelt and the Great White Fleet sailed from Hampton Roads, the U.S. Navy has been an instrument of national policy and diplomacy, and her ships have been the centerpiece of our national defense. When one considers the striking power, mobility and agility of our deploying Carrier Battle Groups, built around carriers such as *Harry S. Truman*, it is evident that our nation's defense is the strongest it's ever been.

"I've been in the Navy, now, for some 28 years and can honestly say that today's Navy and her Sailors and Marines are the finest I've ever seen. You've earned the right to stand proud. Each deploying ship, squadron, and unit has the full support and backing of the American people, never before in American history has our nation been so completely unified and resolute in purpose.

CNO's guidance for 2002 is to "Fight and Win". He recently reflected on how the readiness, flexibility, power, precision and persistence of our naval forces are dealing decisive blows in the war on terrorism. The Navy is performing brilliantly and he is, as I am, very proud of each and every Sailor and Marine standing the watch. Sustainment of this level of performance presents many challenges to our Commanding Officers.

With respect to those challenges, the President, in his address to Congress on the 20th of September of last year, directed the military to "be ready!" and told Congress and the American people that the military's "time will come and they will make us proud!" Well . . . our time has come, the Enterprise, Theodore Roosevelt, Stennis, and Kitty Hawk Battle Groups have triumphed, and the JFK and Vinson Battle Groups have stepped in and filled their shoes. Whether you're on the tip of the spear, preparing to be there, or supporting those who are, We have a mission and one clear objective . . . to win the war on terrorism and we will.

The Enterprise and Theodore Roosevelt Battle Groups led the way from right here in Hampton Roads and have carried on the fight for all of us here at home. In the not too distant future, it will be TRUMAN's turn to take her place on station to cheers of "Give 'em Hell Harry!"

When that time comes, I known you will be ready. This carrier and her embarked Air Wing brings with it elements that cannot be matched by any other force. You will be challenged and you must remain flexible—the flexibility of Naval aviation was evident early in Operation Enduring Freedom. After the first two weeks of the war, the fixed targets were all but destroyed, leaving over 80% of the targets unknown to the aircrews prior to launch requiring them to quickly adapt mission plans enroute in order to perform time critical strikes. Mission accomplishment required the Presence, Power and Precision that only carrier aviation can provide. Persistence is another factor. On station 24/7, available on call when needed, the forward deployed carrier, with the latest in technology, stands ready, delivering precision guided ordnance to over 90% of her targets as opposed to the 10% rate used in Operation Desert Storm. This is a campaign where we measure targets per aircraft not aircraft per target. It is not about numbers of tons of bombs but about making every bomb count.

Carrier Aviation continues to excel. Commander, Carrier Air Wing 8, who returned in November aboard USS *Enterprise*, recently attributed training and preparation with the success his Air Wing experienced while deployed for Operation Enduring Freedom. He also noted that this training was essential for naval aviation to remain agile an adaptable.

Our operations require stalwart dedication from the entire Battle Group, not just the fighter/attack aircraft and crews. For example, the organic tanker capability of the S–3 Viking, which CAPT Logsdon and I are remotely familiar with, is more valuable than ever to the Air Wing and Battle Group Commanders and continues to be essential to mission accomplishment in Operation Enduring Freedom.

Logs, you would be interested to note that Viking squadrons deployed for Operation Enduring Freedom have flown about 4,000 hours and have passed over 5.5 million pounds of fuel . . . which contrasts significantly with the total of 2,400 hours and 2.5 million pounds for a typical peacetime deployment.

Many of the current flight schedules have been requiring 7 of 8 Vikings airborne at a time and they are enjoying the highest aircraft utilization rate in the Air wing.

Now let me focus on some of the wonderful things that Captain Logsdon and his crew have accomplished during his time in Command.

People talk about the character of a ship and I believe it starts with its namesake, but it doesn't end there.

The character of a ship transcends through the leadership and most importantly is represented by the men and women who comprise the crew.

As one leader relieves another, . . . as crew members come and go . . . the character stays, the pride, the energy the enthusiasm that makes the ship great comprise the character that embodies the ship.

All you have to do is walk aboard this great ship and you can feel it. This ship has character and that character is here to stay.

President Truman's favorite expression was: "Always do right. This will gratify some people and astonish the rest."

This principal applies well to what you do aboard this great ship and in fact gives our Navy a guiding principle, during this time of great challenge for our Navy and our nation.

*Truman ensured that our peacetime military was essential to our way of life in the future.

*In speaking of the need for a strong military he said, "We must be prepared to pay the price of peace or assuredly we shall pay the price of war."

I wonder what President Truman would think if he were in the audience with you today. How much would it have meant to him to have this great symbol of military might in his Navy?

Remember that this ship answered the call during Operation Southern Watch.

On her last deployment:

Logging 8,000 arrested landings;

84 days supporting;

869 missions flown;

supporting 2,700 flight hours;

the list of accomplishments for this ship during Operation Southern Watch is staggering, earning unprecedented recognition for a newly commissioned ship.

I know Captain Logsdon would quickly deflect any praise for himself onto all of you. However, we all recognize that his leadership was essential to the great things Harry S. Truman has attained and his legacy will be a part of this great ship for a long time to come.

Another great source of pride for Truman is your conduct as ambassadors for our nation overseas . . . you put our nation's best foot forward . . . and what a tremendous job you did as ambassadors . . . Since Captain Logsdon is a student of history and no doubt a student of Harry S. Truman, it is no coincidence that aboard his namesake vessel on your maiden deployment you made back to back port visits in Turkey and Greece . . . two of the nations center to the Truman Doctrine and I am sure that your crew now has experiences and memories that will last a lifetime.

Launching and recovering aircraft and projecting air power will always be the function of aircraft carriers and will continue to be the centerpiece of our Naval strategy for many years to come, this is of course your mission and our mission is always the primary focus.

Our number one resource by accomplishing our mission is our people . . . every one of you here today . . . without you we cannot accomplish our mission.

Do you know what the CNO's "number one" priority is for our Navy today? Manpower . . . our people . . . Since Admiral Clark became CNO, he has said we are in a battle for people to maintain the greatest Navy in history. Part of the reason for that is the "type" of people we must recruit and retain, we cannot operate aircraft carriers with just anyone, there are special traits that our people must possess.

"One of the most important things we do in our Navy is give people responsibility at very young ages. Some people, frankly, don't prosper in that environment and will not do well. Ours is a demanding profession—and we ask a lot. But the people who thrive on responsibility will always do well."

Harry S. Truman is a leader in providing for the quality of life and quality of service . . . you are a crew that does thrive on the awesome responsibility you are entrusted with . . . and your record clearly reflects that.

Faced with a lengthy availability, the strength of your leadership and the determination of your crew were clearly demonstrated.

You set the standard for Aircraft Carrier availabilities you raised the bar for all the ships that will follow you, you completed your PIA millions of dollars under budget and ahead of schedule, a true testimony to the character of this great ship and you accomplished what many thought was impossible.

The leadership from Norfolk Naval Shipyard was unanimous in their praise for the

"Truman Team One" concept employed from the beginning of the maintenance availability process.

In fact, the Shipyard Commander, an officer who has been involved with many outstanding aircraft carrier maintenance availabilities lauded your team in saying:

"I have never worked with a commanding officer who was more dedicated to the success of the mission. . . . His leadership and commitment were inspirational and contagious to everyone on the ship both Truman crew and Norfolk Naval Shipyard workers alike."

The best thing of all is that because of your initiative, ingenuity and dedication . . . the ships that follow you will have an advantage, the whole carrier fleet benefits from the lessons learned from your successes.

It is abundantly clear to anyone that your leadership has been essential in these many accomplishments.

Captain Logsdon in addition to providing your people the tools to accomplish their mission:

You have provided the leadership needed in order to ensure that the men and women of the *Harry S. Truman* know the value of their contribution and feel pride in themselves and their service to country.

Among the records that Captain Logsdon must be most proud is to lead the CINCLANTFLT honor role for retention . . .

Harry S. Truman retained almost 60% of its first term sailors and over 77% of second term Sailors . . . 3% and 10% higher than Navy averages and earned back-to-back Fleet Retention excellence Awards under his leadership.

The record speaks for itself, the crew has worked hard and clearly likes being part of the *Harry S. Truman* team and while your leadership Captain Logsdon is key, you didn't do it alone.

There is an unseen element of your leadership that no one can deny and that is of your wife Rise (Reece-uh). While you were out to sea leading sailors, she was back at home helping families, not only your two wonderful children, but supporting the entire family network of the *Harry S. Truman* a daunting task for anyone, a task deserving of a large salary for which she receives nothing, but I know she has your gratitude, let me add mine as well.

Sometimes leaders don't recognize things outside the skin of a ship or the walls of a building. But you do. You understand what an incredible part of your crew's success depends on the families back home and it shows.

Captain Logsdon, I'm sure it seems like a very short time ago that you were assuming command of this great ship. I know in my experience the time seems to just fly by, you are likely leaving here with a heavy heart, knowing that you will be saying farewell to this great crew.

But you will quickly become energized when you get back on campus at the University of South Carolina and back in the heart of NASCAR country what a homecoming that will be . . . and what a thrill to have an impact on those young people who will become leaders for our future Navy. It will certainly be a rewarding experience.

As you leave this great ship, I am sure there are many things you had hoped to accomplish, but simply ran out of time. That's hard to imagine with the success you have had here, but is still probably true.

Now let me turn to the future. Groot, you will be given many resources and with that you will be expected to produce that fruit called readiness. You are embarking on the greatest professional experience and challenge of your life and I know you are up to it. You take the helm of this great warship today and will soon carry her forward to even greater heights and a place in our Nation's history books. To those of you who don't know Captain Mike Groothousen let me tell you a little about him: He is an accomplished aviator (A-7 F/A 18), Executive Officer aboard USS George Washington, Commanding Officer aboard USS *Shreveport*, dedicated professional and Champion of Sailors.

Captain Groothousen you will be fulfilling a dream and I know you will stay sharp, stay focused, stay safe and make us all proud.

You and Tricia are in for the ride of your lifetime. All the years of training, the dedication and sacrifice required of you and your family will be worth it. Command of an aircraft carrier is like nothing else on this earth and I know you will both walk away richer for the experience.

Always remember to trust in your faith, and in your shipmates. God bless you, the crew of this great ship and God Bless the United States of America.

HONORING CORPORAL ROBERT THOMAS

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Corporal Robert Thomas. Corporal Thomas retired from the Lower Gwynedd Police Department in Montgomery County, Pennsylvania on August 12, 2001 after twenty-six years of service. Corporal Thomas has provided his community with outstanding service.

Corporal Thomas served in the U.S. Army Reserves from 1965 until 1967 when he was honorably discharged. In 1977 he was selected as Police Officer of the Year and he received an Exceptional Service Award and ribbon in 1978. Corporal Thomas also earned an Honorable Service Award. He was promoted to the rank of Corporal in 1984.

In addition, Corporal Thomas was a member of the Montgomery County Emergency Response Team and has many letters of praise from the community and area police departments. He was inducted into the American Police Hall of Fame and Museum in 1978.

I am pleased and honored to present this award to Corporal Robert Thomas.

INTRODUCTION OF "SMALL BUSINESS INVESTMENT IN GROWTH ACT OF 2002"

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MANZULLO. Mr. Speaker, I rise today to applaud President Bush for recently releasing a comprehensive Small Business Agenda. The President's Small Business Agenda includes substantive and vital tax and regulatory reforms including, among them, provisions to amend the Internal Revenue Code of 1986 to provide for an immediate increase in expensing under Section 179. Accordingly, I rise today to introduce a bill, the "Small Business Investment in Growth Act of 2002," identical to the President's expensing provisions and to legislation introduced in the Senate on Friday, March 15, 2002, by Senators SUSAN COLLINS of Maine and KIT BOND of Missouri.

As Chairman of the Committee on Small Business, I strongly welcome the Job Creation and Worker Assistance Act of 2002 Congress passed and the President signed last month to stimulate growth and promote prosperity for all Americans. Unfortunately, the final bill did not include small business expensing—a priority I believe would be crucial in increasing small business investment and growth in our economy. Accordingly, my bill would increase immediately the expensing and equipment cost limitations under Section 179 of the Internal Revenue Code to $40,000 and $325,000 respectively. Unambiguously, these simple and cost effective changes would boost small business spending and economic growth.

Small entrepreneurs strongly support the proposed changes because they understand that the current law limitations of $24,000 and $200,000 are woefully outdated and counterproductive. The majority of small entrepreneurs exceed these current annual cost limits in only three months. Increasing Section 179 expensing for America's small entities will lower their cost of capital and enable them to compete, to expand, and to create new jobs.

Mr. Speaker, I am proud to offer this bipartisan bill together with the Committee on Small Business Ranking Democrat NYDIA M. VELÁZQUEZ of New York, Representative ROB PORTMAN of Ohio and of the Ways and Means Committee, and several other distinguished members. We urge its prompt passage in this Congress.

THE HAMMOND CARPENTER'S UNION LOCAL 599

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. VISCLOSKY. Mr. Speaker, it is my distinct honor to congratulate some of the most dedicated and skilled workers in Northwest Indiana. On April 13, 2002, in a salute to their workers' durability and longevity, the Hammond Carpenter's Union Local 599 will recognize their members for 25 years or more of dedicated service. They will be recognized during a pin ceremony banquet held on Saturday at the Carpenter's Union Hall in Hammond, Indiana. These individuals, in addition to the other Local 599 members who have served Northwest Indiana so diligently for such a long period of time, are a testament to the prototypical American worker: loyal, dedicated, and hardworking.

The Carpenter's Local 599, which received its charter in 1899, will honor members for their years of devoted service. Those members who will be honored for 60 years for service include: Oscar Wahlstrom and Cecil Webb. The carpenters who will be honored for 55 years of service include: Fred Doppler, Michael Grimmer, Lawrence Hess, Joseph Hoadley, Joseph Lowry, Wayman Porter, John Sowinski, Walter Spencer, and George Wartsbaugh. Those members who will be honored for 50 years of service include: Daniel Deflorio, Jack Depew, John Grzych, Herman Nashkoff, and Joe Seneff. Those members being honored for 45 years of service include: Edward Bullock, Eugene Langel, and George Pooler. Those members being honored for 40 years of service include: Melvin Blaier, Richard Carnett, Ralph Graham, Aloysius Sajdyh, and Walter Scott. Those members being honored for 35 years of service include: Roger Benson, Jr., William Chick, Eugene Hartz, Steve Hudi, Pete Lolkema, and Ronald Webster. Those members of Local 599 who will be honored for 30 years of service include: Arthur Bach, Lewis Carver, and Anthony Vigil. The carpenters who will be honored for 25 years of service include: John Childers, Gregory Curtis, Larry Eckrich, Robert Emslander, Joseph Gacsy, William Hass, Daniel Hernandez, George Hudak, William Lowry, Rich McIlroy, Walter Sosnowski, Chris Staes, Matthew Stoffregen, and Leonard White.

Northwest Indiana has a rich history of excellence in its craftsmanship and loyalty by its tradesmen. These workers are all outstanding examples of each. They have mastered their trade and have consistently performed at the highest level throughout their careers. They have demonstrated their loyalty to both the union and the community through their hard work and self-sacrifice.

Mr. Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of the Hammond Carpenter's Union Local 599, in addition to all the hardworking union men and women in America. The men and women of Local 599 are a fine representation of America's union workforce; I am proud to represent such dedicated men and women in Congress. Their hard labor and dauntless courage are the achievement and fulfillment of the American dream.

CELEBRATING THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CHAMBLISS. Mr. Speaker, I would like to recognize the 90th Anniversary of the Girl Scouts of America. In 1912, Juliette Gordon Low founded the Girl Scouts in Savannah, Georgia with a membership of only 18 girls and the dream of giving the United States "something for all girls." by the end of 1913, there were 535 members and 31 leaders. Today there are nearly 3.7 million Girl Scouts and the program continues to offer quality experiences for girls locally, nationally, and internationally. The Girl Scout program is girl-driven, reflecting the ever-changing ideas and interests of the participating girls. the program encourages increased skill building and responsibility, and also promotes the development of strong leadership and decisionmaking skills.

Throughout its history, the Girl Scouts have provided aid and assistance to our country in times of need. During World War I and II, Girl Scouts worked in hospitals, grew vegetables, and sold defense bonds. During the Great Depression, Girl Scouts troops around the United States joined the relief effort by collecting clothes, food, and toys, volunteering at hospitals, and working on community canning projects. The Girl Scouts continue to offer enriching experiences through field trips, sports skill-building clinics, community service projects, cultural exchanges, and environmental stewardship.

The growth and achievements of the Girl Scouts would not be possible, without the dedication and guidance of more than 942,000 professionals, 99 percent of those being volunteers, Mr. Speaker, I hope you will join me today in celebrating 90 wonderful years of Girls Scouts USA.

GIRL SCOUTS

HON. JERRY MORAN

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MORAN of Kansas. Mr. Speaker, It is an honor to recognize the 90th anniversary of the Girl Scouts of the United States of America. From March 10 through March 16, 2002, this organization of approximately 3.7 million members celebrated their long and distinguished history.

Since the first Girl Scout meeting, on March 12, 1912, the Girl Scouts have successfully embarked upon their mission to help all girls grow physically, mentally and spiritually. This mission has been accomplished by empowering girls to develop their full potential, by relating positively to others, by teaching values that provide a foundation for sound decision-making, and by contributing to society. The Girl Scouts are remarkable in their ability to address contemporary issues affecting girls, while at the same time maintaining the core set of values that were adopted nearly a century ago.

There are approximately 50,000 Girl Scout members in the State of Kansas. They volunteer their time and energy to make their communities, the State of Kansas, and their Nation a better place. Through the Girl Scouts Program, these girls develop skills and values that will serve them well throughout their lives.

We also must not overlook the thousands of adult leaders and parents who volunteer their time to the Girl Scouts. It is the efforts and supervision of these adult leaders that ensure the success of these programs. These leaders provide an important influence upon the lives of young girls—an influence much greater than I will ever possess as their Congressman. I would like to personally recognize: J. Lynn Smith, Executive Director, Flint Hills Council, Emporia; Linda Mills, Executive Director, Sunflower Council, Hays; Susan Kendall, Executive Director, Wheatbelt Council, Hutchinson; Martha Fee, Legislative Volunteer, Wheatbelt Council, Hutchinson; Diane Oakes, Executive Director, Kaw Valley Council, Topeka; Cindy Frank, Executive Director, Golden Plains Council, Wichita; and Cynthia Stein, Board of Directors President, Golden Plains Council, Wichita; Girl Scout leaders who have donated countless hours of service to the Girl Scouts. Thank you for your dedication to improve the lives of the young girls.

Once again, congratulations on the 90th anniversary of the Girl Scouts. May you have many more years of success in mentoring our Nation's young women.

RECOGNIZING CLEAR FORK BAPTIST CHURCH

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. WHITFIELD. Mr. Speaker, I am pleased to rise today in recognition of Clear Fork Baptist church, located in Albany, Kentucky. Clear fork celebrated its 200th anniversary April 7th, 2002.

When our great nation was only 26 years old, Clear Fork Baptist church was founded on the banks of the Clear Fork Creek in what is now Clinton County. The founder, Pastor Isaac Denton, migrated to Kentucky from North Carolina in 1798 and, according to his calling, began to conduct a series of meetings in 1801, converting many settlers to Christianity. In April of 1802, Clear Fork Baptist Church was established with 13 charter members. The Church thrived under Pastor Denton's leadership for 46 years until his death in 1848. He was buried beside the Church, where his tombstone has since been restored and memorialized to honor his dedication. His son, Joseph Denton, also served Pastor for 33 years, becoming one of 24 men who have guided the Church throughout history until today.

Clear Fork Baptist Church has survived an astounding history. The original building was destroyed by fire during the Civil War. Three other structures have been erected through the years, including today's church building, which was built in 1995.

Several church members throughout history have also served the great State of Kentucky. Preston H. Leslie, Governor of the Commonwealth of Kentucky from 1871–1875, was a member of the Church. In addition, Major William Wood, a state legislator for 23 years, was one of the charter members. During his term in the Legislature, a bill for the Benefit of Religious Society in the Commonwealth was passed. This bill provided official recognition of trustees appointed by the church to act as legal representatives of their congregations.

Known as "The Lighthouse in the Wilderness" after a history book written about the Church, Clear Fork Baptist is the oldest in Clinton County and was the fountainhead for many churches in Kentucky and Tennessee. The first secular school was also established by and named after the Church.

Few churches in our region of the country have a longer or more colorful history than Clear Fork Baptist. Two hundred years after its birth, the Church continues to stand with a determination to fulfill her mission to proclaim the Gospel of the Lord Jesus Christ.

SALUTE TO ODESSA, TEXAS ON ITS 75TH ANNIVERSARY

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. COMBEST. Mr. Speaker, I would like to call the attention of my colleagues to a town in West Texas for which I am proud to serve in the U.S. House of Representatives.

On April 18, 2002, Odessa, Texas will mark the 75th anniversary of its incorporation. This will be a day to reflect upon the rich history and heritage of Odessa, and to look forward to at least 75 more years of prosperity.

While the origin of the name is not certain, one story is that the city was given its name by railroad workers. The terrain reminded them of the wide, flat prairies around Russia's city, Odessa, which was the wheat distribution center of the world at the time. but if that does not suit you, another story is that it was named of a beautiful Indian maiden who died in the area.

Cattle ranches were established in the area in the late 1800's, but the railroad really marked the founding of Odessa. A railroad construction campsite of the Texas and Pacific Railroad was organized in 1881. Odessa quickly became a major cattle shipping hub for the ranches in the area.

Situated in an area that was an ancient sea, Odessa has rich reserves of oil and natural gas. The town would become ever-tied to oil and gas production after the 1927 discovery of oil. Today, the Permian Basin is known throughout the world as one of the major oil field technology centers, and Odessa remains a vital segment to the Basin. Every even-numbered year, the City hosts the Permian Basin International Oil Show, celebrating its links to the industry with the world's largest inland exhibit of oilfield products and services.

Odessa is home to the University of Texas of the Permian Basin, a branch of Texas Tech Health Sciences Center, and Odessa College. It also has an excellent coliseum exhibit complex, a combined performing symphony with neighbor city Midland, the Ellen Noel Art Museum, a Presidential Museum, and two working playhouses. Some of you may know the group of volunteers known as the Odessa Chuck Wagon Gang, which has been in existence over 60 years and has fed barbeque to people all over the world, all the while promoting the City of Odessa. I am proud to be an honorary member of this terrific and hardworking group.

Known for football prowess, Odessa is home to the Permian High School Panthers and the Odessa High School Broncos, which each have captured numerous state titles. We also can claim to have the winners of minor league hockey's Governor's Cup, the Odessa Jackalopes.

Odessa is a thriving city, thanks to the petroleum business, and many other ranching, farming, industrial and enterprise developments. Today it is more than twenty times the size it was when oil was discovered, and she is Texas' 23rd largest city.

I am very proud to represent the citizens of Odessa here in the House of Representatives. I salute the City, her leaders, and her citizens on this very special occasion. I offer my sincere best wishes for at least another 75 years of prosperity and good fortune.

SUPERFUND PROGRAM

HON. CYNTHIA A. McKINNEY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. MCKINNEY. Mr. Speaker, President Bush has already spent America from surplus to deficit, and now he wants to do the same thing with the Superfund program. But instead of overspending, he wants to starve Superfund to death.

Now, I'd be the first to admit that Superfund hasn't been a perfect program. At first critics were right that it was a bonanza for everyone except the communities who were suffering from pollution and contamination. But that's all changed now, and the companies that are polluting our neighborhoods and communities, now want to get off scott free and President Bush is aiding and abetting them.

Sadly, President Bush named as his Secretary of Interior a woman who believes that companies have a constitutional right to pollute. Now, Bush is allowing that kind of thinking to leach into the Superfund program, thus shielding corporations from the responsibilities of cleaning up what they mess up. Now, President Bush wants teachers, and police officers, and America's working families to foot that bill.

By eliminating the Superfund tax, corporate polluters will no longer have to support the fund that protects me and you from the damage that they do.

Bush should stop rewarding his fat cat friends and represent America's working families.

A TRIBUTE TO THE FIRST DAY OF SCHOOL IN AFGHANISTAN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. FARR of California. Mr. Speaker, The first day of school is a memorable day for parents. The image of our daughters and sons, small packs on their backs, lunchboxes at their sides, leading us through the doors of their new classrooms is one not forgotten by any parents. The image reflects our hope for them as they embrace a new role in their communities and their nation.

The compact between a nation and a child is simple. The nation prepares the child to accept the mantle of its stewardship. The nation educates a child, providing the tools that the child will later use to further the progress of the nation.

The nation that does not honor this compact is a nation disgraced. The nation that establishes, expands, or renews this compact deserves recognition. This is what I seek to do today as I rise in tribute to the events of March 23, the first day of school for many of the girls of Afghanistan.

I offer my deep appreciation to all those who made this day possible. Their unwavering conviction that this compact would one day be honored in Afghanistan was realized March 23. These parents, teachers, and international aid workers labored tirelessly to provide books and supplies for schools in communities across Afghanistan.

Through their education, the children of Afghanistan will gain a greater understanding of the people within their nation's border and knowledge of the world beyond them.

On March 23, parents in Afghanistan heard the sound of doors swinging open and their children walking determinedly through them. Echoed in this, I can hear my daughter walking through the door of her elementary school many years ago. I join with parents around the world who share the joy and pride and overwhelming hope of the parents of Afghanistan to honor of this great occasion: their children's first day of school.

HONORING COLONEL BRENT W. MARLER

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HUNTER. Mr. Speaker, today I would like to commend the distinguished career of Colonel Brent W. Marler and congratulate him on his retirement from the United States Air Force and the California Air National Guard. Colonel Marler retired on April 1st of this year after 30 years of dedicated service to our country.

A native of Spring Valley, California, Colonel Marler graduated from the distinguished Air Force ROTC program at Brigham Young University. Immediately following graduation, he received an officer's commission in the Air Force.

While serving in the Air Force, Colonel Marler flew the F–4 in Germany and Korea, completing several successful missions. He was then promoted to be the Officer in Charge, Weapons Systems Command and Control in the 163rd Tactical Fighter Wing. With the introduction of personal computers, Colonel Marler volunteered his time to teach others, leading to the automation efforts in his squadron. He also served in the 58th Tactical Training Squadron at Luke Air Force Base in Arizona, making significant upgrades to course materials that improved training throughout the Air Force.

Colonel Marler's personal dedication has improved the quality of equipment used by the United States Air Force and California Air National Guard. Through his personal intervention, he successfully managed to acquire funding for critically needed replacement aircraft, which made it possible to save the C–22 program in the Air National Guard. Furthermore he introduced Commercial Video Cockpit equipment to the A–7, A–10 and F–16, giving the Air National Guard a price effective edge in video surveillance. Colonel Marler also led the effort to replace the retiring RF–4C with the F–16 for reconnaissance purposes.

Colonel Marler has led a zealous and patriotic career in the United States Air Force and California Air National Guard. These distinctive accomplishments in both operational and leadership roles of duty, culminate a long and distinguished career in the service of his country. With the retirement of Colonel Marler, our country loses a valuable member of the Armed Services and his dedication and commitment will surely be missed.

RECOGNIZING JOHN BROWNE

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. BOEHLERT. Mr. Speaker, I rise today to recognize John Browne, chief executive of BP for his distinctive leadership on the issue of climate change. In 1997, at Stanford University, John Browne took a bold step; he broke from his peers in the oil and gas industry and set a target to significantly reduce greenhouse gas emissions from company operations. The target he set was a ten percent reduction below a 1990 baseline by the year 2010.

Just last week this same man again stood before an audience at Stanford to announce that the company had achieved the target, and done so eight years ahead of schedule. Importantly, this was done at no net cost to the company. Mr. Browne further announced that BP would continue its quest to reduce the carbon intensity of its activities and stabilize carbon emissions at current levels while growing the company. This, he said would be achieved through focusing on technology improvements, gains in efficiency and through offering less carbon intensive products to customers.

Mr. Speaker, the actions on the part of John Browne and BP clearly demonstrate that a little bit of initiative can go a long way. This is leadership—we need more of it here in the US on the matter of climate change, because this issue is not going to go away.

I applaud the achievements of John Browne and the progressive company that he leads.

Attached is a copy of Mr. Browne's Stanford speech for my colleagues' consideration.

EXCERPTS FROM THE STATEMENT OF JOHN BROWNE, CHIEF EXECUTIVE, BP, STANFORD UNIVERSITY—11 MARCH 2002

Beyond Petroleum: Energy and the Environment in the 21st Century

Stanford is a place to which I first came twenty-three years ago to learn about business. And it's place to which I came back five years ago to talk about the issue of climate change and global warming.

Climate change is an issue which raises fundamental questions about the relationship between companies and society as a whole; and between one generation and the next. It is an issue which is about leadership as well as science.

It was clear that the issue was global, potentially affecting everyone. And it was equally clear that the only practical solutions would be ones which recognized the human desire for improved living standards.

To ask people to sacrifice the future would be unrealistic. To deny the basic aspirations of hundreds of millions of people to escape from poverty would be immoral.

It was clear too, that the immediate challenge couldn't be solved by a sudden magical transformation of the energy mix, through the replacement of oil and gas by alternative and renewable forms of energy.

In 1997 we accepted that logic. We set our own target—to reduce our own emissions of greenhouse gases by 10 per cent from a 1990 base line by the year 2010 That was broadly in line with the Kyoto targets, and based on the presumption that at some point in the future those target of something similar would be converted into mandated objectives. At that time, we didn't know precisely how we were going to achieve our target—but we had some initial ideas.

Now, five years on, I'm delighted to announced that we've delivered on that target.

That means our emissions of carbon dioxide have fallen to almost 80 million tonnes, 10 million tonnes below the level in 1990 . . . and 14 million tonnes below the level they had reached in 1998.

That achievement is the product not of a single magic bullet . . . but of hundreds of different initiatives carried through by tens of thousands of people across BP over the last five years. They deserve the credit . . . and their achievement makes me very proud to lead the BP team.

The answer came through efficiency . . . and technology, and through better management of the energy we use ourselves. At the Texas City refinery alone that saved $5 million and 300,000 tonnes of CO_2 equivalent. It came through a reduction in the amount of energy we need to use. And by applying simple efficiency—stopping leaks. There are hundreds of examples.

In aggregate the net effect of all those actions is that we've met the target, seven years ahead of schedule. And we've met it at no net economic cost—because the savings from reduced energy inputs and increased efficiency have outweighed all the expenditure involved.

That's a particularly noteworthy point, a positive surprise—because it begins to answer the fears expressed by those who believed that the costs of taking precautionary action would be huge and unsustainable.

In the process of reaching that objective we've learned a great deal. We can now measure our emissions with much more precision than we could five years ago. We now have a verified inventory of emissions. That means we can track reductions in a way which simply wasn't possible before. We've learned a great deal about trading greenhouse gas emissions—through establishing the first global internal trading system which enabled us to apply the right resources in the right places and to reduce the costs involved. And we've learned a great deal about the potential to resolve the challenge of climate change through technology.

The quality of the products we sell has improved—with the development of cleaner fuels. That not only improves air quality in our cities, it also enables us to work with the auto manufacturers to produce significantly more efficient engines.

Taken together, those steps mean that we've not only reduced our own emissions but we've also reduced the carbon content of the energy products we supply to the world. So it is a good start. But it's not a place to stop.

There is no single solution . . . but there are many ways forward. What we and others have done show that there are rich and wide-ranging possibilities.

The compelling conclusion from the scientific work is that the ultimate objective must be to achieve stabilization—a maximum level of carbon dioxide in the atmosphere which is below the level of risk.

If stabilization is the objective, what is the appropriate contribution of an individual company? Clearly, we can't do everything. We supply just 1.5 per cent of the world's energy and around three per cent of the world's oil and gas.

But we play our part and take a lead. We can use our skills and technology and business process to set our own internal target in the context of the goal of stabilization, with a clear time scale over the next decade; in short to hold the emissions from our operations at 10% below 1990 levels, through 2012, with approximately half of that coming from improvements in internal energy efficiency, and half from the use of market mechanisms, generating carbon credits.

That is our next objective and our new commitment

The scale of the challenge is clear. We're a growing business, and we want to create value for our shareholders by increasing our share of the world energy market over the next decade. We aim to continue to grow our production of oil and gas by more than five per cent per annum until 2005, and to keep growing beyond that.

We'll also be increasing the volume of refined products we produce. Precise predictions are impossible but we are moving to the point where we could be producing twice our current output. So we have to have the means to manage the possible volumes of CO_2 which that growth implies.

How then can we contribute to the objective of stabilisation? There are two principal ways. First, through efficiency—improving the productivity of the energy we use, and doing everything we can internally to reduce our emissions per unit of production.

By applying existing knowledge across the span of our operations, and selective new capital investment in areas such as cogeneration, we believe we can achieve a 10 to 15 per cent improvement in the efficiency of our energy use. That will include continued work to avoid leaks. In total we believe we can deliver around half the necessary reductions needed to sustain our internal emissions at current levels.

Secondly we have to continue to reduce the carbon content of the products we produce and sell. We'll continue to shift the balance of our business in favour of lower carbon energy sources and in particular natural gas. We'll also continue the development of key markets for fuels with a lower carbon content such as Compressed Natural Gas and Liquefied Petroleum Gas.

We'll offer refined products that are designed to enable improved efficiency, or greater emissions reductions. We'll continue to improve the quality of our refined products. Within the next three years 50 per cent of sales worldwide will be of clean fuels, including zero sulphur fuels, which we hope will catalyze the development of more efficient engines. We're working with engine manufacturers. We'll continue to develop our solar business which will grow by 40 per cent this year and which already has a 17 per cent world market share. And we'll explore other potential renewable sources of supply, and test the viability of other potential energy sources such as hydrogen.

At the same time we'll maintain the leadership we've secured over the last five years in carbon capture and geologic storage, a technology that may have applications across industry sectors.

Our growth will be cleaner than the average, as it has been over the last decade, and that means we will have earned the right to grow, because by taking action we've ensured that our growth is sustainable in every sense.

Of course, the offset I mentioned depends on the development of a system of credits which recognizes that emissions can be reduced in many different ways and which incentivises innovation and new thinking. That system of credits has not yet been established. The market mechanisms are not yet in place. But these are early days.

We, and others, have learned a great deal about the technology of trading emissions over the last five years. But to reach its full potential, and to go beyond the boundaries of individual companies, trading requires real incentives which are not yet in place. Nevertheless, I feel more confident now than I did in 1997 that such systems will eventually be established, and as they are developed we're determined to maintain our leadership position.

The acceptance of the risk and of the potential for progress is reflected in all the actions being taken by Governments around the world: in China—a shift from coal to natural gas, and an extensive national programme of investment in environmental protection; in the UK—the development of a creative and constructive trading system; and in the US, the important statement about reducing carbon intensity by President Bush four weeks ago builds on previous statements on stabilisation and opens new possibilities based on the fundamental American belief in technology—a belief founded on decades of achievement here in Stanford and in other great universities.

The differences of approach are to me a source of optimism—because they reflect reality. The most effective forms of action do vary from one country to another, just as they vary from one company to another. That creative diversity of response, combined with the common acceptance of the problem, means that a recognition of different advances in a common form through credits is more likely than it has been before.

Our aspiration then is to sustain the reduction in emissions we've made. And by doing that to contribute to the world's long term goal of stabilization. That is the route to creating a sustainable, profitable business. We can't do it alone. We need the help of partners. We need the help of the academic. And we need the help of Governments.

IN RECOGNITION OF 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. ROGERS of Michigan. Mr. Speaker, today I rise in support and recognition of the 90th Anniversary of the Girl Scouts of the United States of America. Founded on the belief that all young women should be given the opportunity to develop physically, mentally and spiritually, Girl Scouts of the U.S.A. empowers girls to develop to their full potential.

The largest organization for girls in the world, Girl Scouting has a membership of 3.8 million. By establishing programs that are tailored to the needs and interests of girls, the Girl Scouts provides opportunities to develop strong values and life skills in our young women. The scouting experience allows American girls to take on responsibility, think creatively and act with integrity—elements essential to cultivating good citizenship.

The Girl Scouts dedication to the positive development of girls and young women is an essential contribution to American society. I am confidant that the hard work and dedication of the Girl Scouts, which has been an integral component of the last 90 years of our Nation's history, will continue well into the future. I commend the Girl Scouts of the United States of America for their commitment to assisting girls and young women to grow strong in mind, body, and spirit and call on my colleagues to do likewise.

AFGHAN BACK TO SCHOOL DAY MARCH 23, 2002

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. KAPTUR. Mr. Speaker, March 23, 2002 was a great day of celebration for women and girls in Afghanistan. March 23rd was the official first day back to school for children in Afghanistan. At least 1.5 million children of elementary school age attended the first day back to school across the country. Children returned to classrooms for the first time in 5 years, and many stepped into classrooms for their first time ever.

When the Taliban government took control of Afghanistan in 1996, it immediately imposed a repressive interpretation of Islamic law, forbidding girls from attending school and women from teaching. For 5 years Afghan girls were denied the basic right to education. Only 32 percent of Afghanistan's 4.4 million children were enrolled in school in 1999. Almost all girls, 92 percent, were not in school.

We have all heard of the courageous stories of former female teachers operating illegal schools out of their homes, teaching young girls basic math and writing. Women all over the country refused to give up their right to be educated and to educate. A survey conducted by UNICEF at the end of last year found there were almost 600 home-based schools in Kabul alone. The women and girls that kept learning through illegal home schools must be commended for their courage and bravery.

This is a time of hope for women and girls in Afghanistan. Education is important to the life of all nations. March 23 marked a new beginning for Afghan women and girls, and a new beginning for the entire country.

IN HONOR OF THE GARFIELD HEIGHTS JUNIOR WOMEN'S LEAGUE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 50th anniversary of the Garfield Heights Junior Women's League. The league deserves the highest praise for its years of service to the citizens of Garfield Heights.

In 1952, 13 women met to discuss the formation of an organization that would be dedicated to community involvement. The result was the Garfield Heights Junior Women's League which grew dramatically over the years. In the past five decades, long lasting friendships were created and civic engagement has been greatly enhanced as hundreds of women became involved in GHJWL projects. Founder Evelyn Hubert and several of the original charter members are still active participants.

The Garfield Heights Junior Women's League remains an invaluable resource today, assisting with countless civic activities. The League raised thousands of dollars to assist such projects as the G.H. Fire Department and the Boys and Girls Baseball League. It also awarded over $30,000 in scholarships to local high school graduates and provides monthly checks to needy families in Garfield Heights. In 2001, the league was recognized for its admirable work when it was selected as "Organization of the Year" by the Garfield Heights Chamber of Commerce.

My fellow Colleagues, I respectfully submit this tribute to the Garfield Heights Junior Women's League. For the past 50 years the League has lived up to its motto, "The only happiness you keep is the happiness you give away."

IN HONOR OF THE FIRST LATIN HEALTH MINISTRIES DEVELOPMENT PROJECT HEALTH FAIR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the First Latin Health Ministries Development Project Health Fair, a great opportunity to promote and provide health care information to the Latino community. The event took place on April 6, 2002, at New Horizons International Church.

Latino churches have united to sponsor health care initiatives in communities throughout New Jersey, where health care disparities exist in minority populations. The health fair will help communities work toward a more effective and just health care situation for all citizens. Access to quality health care is a right, not a privilege, and I'm proud to support the project's efforts.

Under the leadership of the Community Development Center for the Planning and Actualization of Sustainable Programs and Projects, Inc.'s, PASP, Inc., president, Reverend Jose C. Lopez, the First Annual Health Fair will become a reality, demonstrating a commitment to public health. This event was made possible through the sponsorship of the New Jersey Department of Health & Senior Services, Office of Minority and Multicultural Health, and the Community Development Center—PASP, Inc.

Today, I ask my colleagues to join me in honoring the First Latin Health Ministries Development Project Health Fair, working toward effective and quality health care for all.

HONORING DAIRY INDUSTRY OF CALIFORNIA

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor the Dairy Industry of California on the occasion of being honored for their support of the Diabetic Youth Foundation. An event to honor the dairy industry will be sponsored by Rob and Jeannie Hilarides of the Sierra Cattle Company to benefit the Diabetic Youth Foundation.

Rob and Jeannie Hilarides have been touched by the cause on a personal level. Their daughter, Hannah, has Type I diabetes. Their pain and suffering has led them into taking an active role to battle the disease, not only for their daughter, but for other children as well. The Hilarides have given support financially and have also brought the cause to the attention of the dairy people. Through them, the industry has become very involved in support of the Diabetic Youth Foundation.

Recently, a study has found that the California Dairy Industry contributes 122,300 jobs and $17.5 billion to the State's economy. The industry has been very instrumental in creating opportunities for jobs within the state. The same study found that for every two jobs on a California dairy farm, three more jobs are created off the farm through the purchase of goods and services. Despite these economical contributions, the dairy industry has made numerous charitable contributions, specifically to the Diabetic Youth Foundation.

The Diabetic Youth Foundation provides year-round educational programs for families affected by diabetes. The financial assistance is advantageous to the foundation and has allowed them to accept children in spite of the child's financial situation.

Mr. Speaker, I rise today to honor the California Dairy Industry for its contributions to the community. I invite my colleagues to join me in thanking the Industry, and the Hilarides, for their continued support of the Diabetic Youth Foundation.

HONORING THE STATE CHAMPION LADY BLUE DEVILS

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. GORDON. Mr. Speaker, today I rise to recognize the Jackson County Lady Blue Devils, who recently won an unprecedented third straight Class AA girls basketball state championship.

Such a feat deserves much respect. The team of highly motivated players went 33–4 this season, capping a championship season with a resounding 47–28 win over a tough Giles County team. This season also marked the most successful in the program's history.

Despite having won back-to-back championships in the previous two years, the Lady Blue Devils were not expected to finish No. 1. But the team's determination and hard work proved to be a winning combination that no opponent could overcome in the state tournament.

Residents of Jackson County, Tennessee, can be proud of the accomplishments of the Lady Blue Devils, who became the first Class AA team to win three straight titles. I commend the team and its coach, Jim Brown, for an outstanding season and a remarkable achievement.

The following are the members of the 2001–2002 state champion Lady Blue Devils: Andrea Davidson, Emily Lane, Deanna Apple, Alyssa Bowman, Jennifer Harris, Ashley Hopkins, Megan Pepper, Courtney Childress, Sheena Hager, Marissa Hensley, Amanda Naff, Kayla Olson, Candace Stafford, Allison Richardson, managers Lucy Anderson, Dot Chambers, Stephenee Clayton, Andrea McMillan, Miles Stewart and trainer Shawn Moffitt. Kelly Coe and Barbara Brown also serve as the team's assistant coaches.

HONORING MONSIGNOR OSCAR A. ROMERO

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to honor Monsignor Oscar A. Romero, El Salvador's patron of peace, justice and liberation, on the 22nd Anniversary of his assassination. Monsignor Romero, Archbishop of El Salvador, dedicated his life to the social and economic liberation of the poor. It is an honor for me to pay my respects to the legacy of such a powerful community organizer and advocate.

Monsignor Oscar Arnulfo Romero was born on August 15, 1917 in San Miguel, a small neighborhood in the city of Barrios, El Salvador. After three years of public schooling and about four more years of private tutoring, Monsignor Romero was apprenticed to a town carpenter. Soon after his apprenticeship began, his strong faith and love for the Catholic Church led him to forsake his training as a carpenter to attend the seminary in the city of San Miguel. He continued his theological studies at the national seminary in San Salvador and completed them at the Gregorian University in Rome. On April 4, 1942, Monsignor Romero was ordained as a priest to his home country and began his journey as a crusader for the people of El Salvador.

A brilliant career in the Church soon followed, as Monsignor Romero became rector of the interdiocesan seminary of San Salvador, then general secretary of the Bishops' Conference and executive secretary of the Episcopal Council for Central America and Panama. He continued to move up within the Church hierarchy, and on February 22, 1977, he was appointed archbishop of San Salvador.

Monsignor Romero took over the archdiocese of El Salvador at a time of social conflict. A brutal civil war was taking the lives of 3,000 people a month. Monsignor Romero became personally acquainted with the bloodshed when two of his priests were murdered. He immediately demanded an inquiry into the events that had led up to the death of the priests and set up a permanent commission for the defense of human rights.

Monsignor Romero became an outspoken critic of the ruthless oligarchic state and a defender of liberty and justice for the lower class of El Salvador. Sunday after Sunday hundreds of people flocked to his masses to listen to his message. As the archbishop of San Salvador, he also sought to inform the world about all the people who had been tortured, slaughtered, and of those who had "disappeared" in El Salvador. As the civil war intensified and Monsignor Romero became a popular figure for the poor, he also became a target of attacks by the ruling class. However, his commitment to a peaceful resolution to the two-decade-old war was unfaltering and the world took notice. In 1979, Monsignor Romero was nominated for the Nobel Peace Prize for his outspoken defense of human rights.

Monsignor Oscar A. Romero demonstrated extraordinary courage and an unyielding determination to do what is right, true, and just. He demanded peace, a peace that could only be found in human rights and assurances of basic dignities. In the face of injustice, Romero took it upon himself to use the Church as a light of hope and to challenge the oppression of the Salvadoran military regime.

On Sunday, March 23, 1980, Monsignor Romero directed his homily to the military from the San Salvador cathedral where he pleaded with them to stop the killing and to cease the repression in the name of God. Sensing his imminent death, Monsignor Romero said,

> I have been the target of frequent death threats. I must say as a Christian, that I do not believe in death without resurrection. If they kill me, I will be reborn in the Salvadoran people . . . hence I offer God my blood for the redemption and for the resurrection of El Salvador . . . let my blood be the seed of freedom and the sign of hope that soon will be a reality.

Sadly on March 24, 1980, Monsignor Romero was killed by a bullet aimed to his heart, as he was giving mass in the chapel of the Carmelitas Nuns hospital in San Salvador. A single bullet transformed him into a martyr. His life was taken, but his voice could not be silenced. Monsignor Romero was and continues to be a beacon of hope in a country ravaged by poverty, injustice, and sorrow.

Today, I join the Los Angeles City Council, the Los Angeles County Board of Supervisors, the California State Assembly, Clinica Monsignor Oscar A. Romero, and the 22nd Anniversary Commemoration Committee, in paying homage to Monsignor Oscar A. Romero and to celebrate his life and legacy.

HONORING THE CONTRIBUTIONS OF WOMEN FROM NORTHWEST OHIO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. KAPTUR. Mr. Speaker, I would like to commend the following article to my Colleagues. Women from Northwest Ohio have been trailblazers in the fields of education, health, business and politics. Toledo has a rich history of strong women and I commend their achievements.

WHAT'S IN A NAME? AN HONOR FOR WOMEN OF ACHIEVEMENT

LOCAL PLACES NAMED FOR THOSE WHO MADE A DIFFERENCE

(By Ann Weber)

"You can use my name as long as you do a great job," longtime local volunteer Elizabeth Zepf is said to have told admirers years ago when they asked if they could name a community mental health center for her.

Members of the Lucas County mental health board and the board of the newly established center agreed to the deal, and apparently have lived up to it. Since 1974, the Elizabeth A. Zepf Community Mental Health Center, 6605 West Central Ave., has been serving the severe and persistently mentally ill.

Mrs. Zepf, who is in her 90s and living in Toledo, was prominent at the local, state, and national level of the March of Dimes, a member of the mental health board, and active in more than a dozen other organizations. The Zepf Center is one of numerous places in northwest Ohio that are named for women.

At least one person believes there should be many more such places.

"Maybe they're not as obvious as men, but there are a lot of women who have made major contributions to the community and have not been recognized," said Ann Hurley, chairwoman of the Women Alive! Coalition and a reference librarian in the local history and genealogy department at the Main Library.

But she noted that many of those women haven't worked in fields from which names usually have been plucked, such as high government office. Most of the places that are named locally after women are related to the fields of education, social service, and health—the "invisible career fields," says Barbara Floyd, University of Toledo archivist.

Even an exception—Ella P. Stewart, the first African-American woman pharmacist—was hailed not for her business acumen but for her work in human rights, she pointed out. Toledo has a rich history of strong women.

"Toledo was a hotbed of the women's suffrage movement," Ms. Floyd said. "A lot of those women are perhaps lost to history because their contributions have been forgotten."

Today, "one of the areas that is striking is our prominence in the political field," she said, citing U.S. Rep. Marcy Kaptur, State Sen. Linda Furney, Lucas County Commission President Sandy Isenberg, and State Reps. Teresa Fedor, Jeanine Perry, and Edna Brown. "That's an amazing success for women in this area."

Many of the area's prominent women have been profiled in a series of books written by the women's history committee of the Women Alive! Coalition. Volume I of In Search of Our Past: Women of Northwest Ohio was published in 1987; Volume VIII is in the works.

"We are a treasure trove of women's history. We don't ever see these volumes ending," said Susan Coburn, editor. She is the manager of the humanities department at the Main Library, and predicts that in the future women's names will be seen increasingly on government, professional, and technical buildings.

Here are just some of the places in the area named for women, with information on what inspired the honors:

MILDRED BAYER CLINIC FOR THE HOMELESS, 2101 JEFFERSON AVE.

Mildred Bayer (1908–1990) "was always helping somebody," a classmate from the St. Vincent School of Nursing recalled in Volume III of In Search Of Our Past: Women of Northwest Ohio. From Mrs. Bayer's concern for others came medical clinics for migrant workers in Lucas County, Mobile Meals of Toledo, and mobile medical clinics in Nigeria. The Toledo clinic provides dental, vision, and primary health care to the homeless.

CATHARINE EBERLY CENTER FOR WOMEN, UNIVERSITY OF TOLEDO

The center was founded in 1978 and in 1980 was named in honor of Catharine Eberly (1922–1979), who served on the UT board of trustees from 1974 until her death in an automobile accident. Its services include career counseling, support groups, and leadership training for students and community women.

JOSEPHINE FASSETT MIDDLE SCHOOL, 3025 STARR AVE., OREGON

Every St. Patrick's Day, staffers at Fassett Middle School in Oregon put a green balloon on the office portrait of Josephine Fassett, born March 17, 1884. The school's namesake was appointed supervisor of schools in Oregon and Jerusalem townships in 1914 and later, when the districts were consolidated, was superintendent of Oregon schools until she retired in 1954. Miss Fassett died in 1975. The school has just over 500 students in sixth, seventh, and eighth grades.

GILLHAM HALL, UNIVERSITY OF TOLEDO

The University of Toledo had a library collection of about 8,100 volumes when Mary Gillham (then Mary Mewbom) joined the staff in 1921. When she retired in 1969, it had grown to 600,000. Gillham Hall, now used for classrooms and faculty offices, was the first free-standing library building at UT. Designed by Mrs. Gillham herself, it opened in August, 1953.

AURORA GONZALEZ COMMUNITY & FAMILY RESOURCE CENTER, 1301 BROADWAY

Aurora Gonzalez (1924–1991) was the first Hispanic woman elected to the Ohio Hall of Fame. The neighborhood outreach center named for the activist hosted two presidents last year: George Bush and Mexico's Vicente Fox. It provides a food pantry, clothing locker, youth athletic and job-readiness programs, and family counseling.

A nearby stretch of South Avenue between Broadway and the Anthony Wayne Trail honors Aurora's sister, Ruth Gonzalez Garcia.

ELEANOR M. KAHLE SENIOR CENTER, 1315 HILLCREST AVE.

Eleanor M. Konieczka Kahle (1916–1995) was an advocate for seniors who was elected to Toledo City Council in 1987, 1989, 1991, and 1993. Until 1993 she was director of the West Toledo Senior Citizen Center, which was named for her after her death. The center offers a variety of programs and activities—from computer classes to line dancing, bingo to flu shots.

JOSINA LOTT RESIDENTIAL & COMMUNITY SERVICES, 120 S. HOLLAND-SYLVANIA RD.

Lott Industries, Inc.

Hers is a familiar name to area residents, since two organizations have honored Josina Jones Lott (1898–1973), an educator and advocate for children with mental and physical disabilities.

Lott Industries, chartered in 1955, serves Lucas County residents with mental retardation and other developmental disabilities through sheltered workshops and a vocational training center.

Josina Lott Residential & Community Services, a separate entity, also serves adults with mental retardation and other developmental disabilities. It includes group homes and life-skills training programs for people living independently.

CORDELIA MARTIN HEALTH CENTER, 905 NEBRASKA AVE.

Cordelia Martin (1915–1999) was devoted to providing health care to Toledo's poor. The center is one of 10 sites (including the Mildred Bayer Clinic for the Homeless) administered by the Neighborhood Health Association. Primarily serving low to moderate income, uninsured and underinsured people, the center includes doctors' offices, dental care, a lab, pharmacy, the federal WIC program, and social service education and referrals.

ANNA C. MOTT BRANCH, TOLEDO-LUCAS COUNTY PUBLIC LIBRARY, 1085 DORR ST.

Anna C. Mott (1835–1902) was a founder of the Toledo Woman Suffrage Association in 1869 and in 1884 was one of the founding officers of the Toledo Humane Society. The Mott Library opened in 1918. Originally 6,000 square feet, it now is almost 14,000 square feet. Circulation has increased 45 percent over the past five years.

SOFIA QUINTERO HISPANIC ART & CULTURAL CENTER, 1225 BROADWAY

Sofia Quintero (1948–1994), active in politics and public affairs, was the first Hispanic president of the Toledo board of education. The mission of the nonprofit organization is public education about Latino heritage through the arts and events such as the Day of the Dead celebration, when Latinos remember loved ones who have passed away.

ELLA P. STEWART SCHOOL, TOLEDO PUBLIC SCHOOLS, 707 AVONDALE AVE.

The school was named in 1961 for Ella Nora Phillips Stewart (1891–1987), civil rights crusader and Toledo's first African-American woman pharmacist. She and her husband, William, were the first African-Americans to own and operate a drugstore in Toledo. The school has 340 students in first through sixth grades, and a museum honoring Mrs. Stewart with items such as dolls from her collection, medicine bottles from her pharmacy, and a shirt signed by President John F. Kennedy.

WHITNEY ADULT EDUCATION CENTER, 1602 WASHINGTON ST.

Dedicated in 1941 as the Harriet Whitney Vocational High School for Girls, the building is named for Harriet Whitney (1814–1903), Toledo's first woman school teacher. The building was closed as a high school in 1991 and now houses Toledo Public Schools' Adult Education Center and the Center For Change.

Based there is the Adult Basic Literacy Program/GED and one of 22 local class sites, plus other services for adults such as vocational programs. There's also a night school for youths in day classes who need to make up credits and a program for at-risk students.

THE HISPANIC BUSINESS ASSOCIATION: HISPANIC CHAMBER OF COMMERCE FOR OHIO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. KUCINICH. Mr. Speaker, I rise today to recognize the 20th Anniversary of the Hispanic Business Association: Hispanic Chamber of Commerce for Ohio. The association has displayed tireless commitment and dedication to the Hispanic business community.

The association grew out of a task force of Hispanic business owners in 1981 and was incorporated as a non-profit organization in 1983. The motivation to create the association came from a core of Hispanic business owners who were alarmed over the low participation in the private and public sector. Functioning through its 15-member voluntary board and network of supporters, the association has successfully worked to advocate the economic development and expansion of Hispanic businesses.

By advocating consistently for the needs of the Hispanic business community and assisting other organizations with much needed services, the Hispanic Business Association: Hispanic Chamber of Commerce for Ohio, has served as an invaluable resource. It has sponsored and co-sponsored various events, featuring many distinguished speakers, such as the Mayor of the City of Cleveland, the National Director of Minority Business Development Agency, and the State Director of Equal Opportunity. In addition the association annually sponsors the "Entrepreneur of the Year" Awards Banquet, recognizing Hispanic entrepreneurs who, despite the odds, have succeeded in business and participated in community development.

My fellow colleagues, the Hispanic Business Association: Hispanic Chamber of Commerce for Ohio deserves the highest praise for its dedication to advancing the needs of the Hispanic Business Community. I commend this long standing organization.

HONORING VIDA EN EL VALLE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Vida en el Valle for receiving the second-place award as an outstanding bilingual weekly newspaper from the National Association of Hispanic Publications. The newspaper received the award at the Association's 20th annual convention in Dallas.

Larger newspapers have recognized the weekly newspaper for its dedication and ability to cover many aspects of the community. Vida en el Valle, published by the Fresno Bee, is a free newspaper distributed to Fresno, Tulare, and Madera counties. The newspaper began publication in 1990, and in 10 years of competition has received 28 first-place awards and 49 second-place awards. The recognition the paper has received shows the amount of respect the paper has gained for itself in only a short time.

Among the many awards the newspaper received, the editor, Juan Esparza Loera, was also recognized. He received first place for best entertainment column for a piece he wrote about the ALMA Awards, which honors outstanding Latinos in the television and movie industry.

Mr. Speaker, I rise today to congratulate Vida en el Valle for receiving second-place as an outstanding bilingual weekly newspaper. I invite my colleagues to join me in thanking Vida en el Valle for its dedication to the community and wishing the paper continued success.

IN HONOR OF THE ANNUAL BAYONNE HOLOCAUST REMEMBRANCE DAY OBSERVANCE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Annual Bayonne Holocaust Remembrance Day Observance. Co-sponsored by the Inter-Faith Clergy and the Bayonne Jewish Community Council, the event will take place on April 10, 2002, at the City Hall Council Chambers.

On Tuesday, April 09, 2002, Jews around the world commemorated Holocaust Memorial Day, or Yom Hashoah. The colossal crimes against humanity and the unimaginable horrors that cost the lives of 6 million Jews and so many others, perpetrated by the world's most evil forces, shall never be forgotten, as we commit ourselves to fight bigotry, condemn hatred, and foster understanding among people.

Bayonne's annual observance will feature speaker Jay Sommer, 1981 National Teacher of the Year, and a Holocaust survivor.

Jay Sommer, who managed to escape from a Nazi labor camp in occupied Czechoslovakia, and arrived in the United States after more than two years in a displaced persons camp in Italy, has successfully established himself as a successful and well-respected educator in our nation. In 1981, he was appointed to the National Commission on Excellence in Education established by President Reagan, and traveled throughout the United States with the Commission, serving as an official spokesperson for the U.S. Department of Education. He is a specialist in foreign language instruction, and has taught Spanish, Russian, Hebrew, and French for over twenty years at New Rochelle High School.

Mr. Sommer graduated from Brooklyn College, and, in 1982, received a Distinguished Alumnus Award in recognition of his leadership in the field of education. He earned a Masters in Spanish language and literature from Hunter College in 1960, a second Masters in Russian language and literature from Fordham University in 1965, and completed his course work for a Ph.D. in comparative literature at New York University.

Chairing this event for the fourth time is Alan J. Apfelbaum, who has been an active and dedicated member of the Holocaust Remembrance Day Committee since its inception.

I ask my colleagues to join me in honoring the Annual Bayonne Holocaust Remembrance Day Observance, and honor those that lost their lives, especially during these most difficult times for the State of Israel and Jews across Europe subjected to a new wave of Anti-Semitic violence.

HAPPY VAISAKHI DAY TO THE SIKH NATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. TOWNS. Mr. Speaker, on April 13, the Sikhs will be celebrating Vaisakhi Day, their most important holiday. I want to salute the Sikh Nation for its contributions to America and wish all the Sikh people a happy Vaisakhi Day.

Vaisakhi Day is the day when the Sikhs were formed by their guru into the Khalsa Panth. It is the anniversary of the founding of their order, and the Sikh Nation has been a very important contributor to every country in which Sikhs live. A Sikh named Dalip Singh Saund served in Congress in the late 1950s and early 1960s. Dr. Amarjit Singh Bhullar of Connecticut is an elected school board member. Sikhs have been very active and successful in this country in virtually every walk of life. They have also made important contributions to India, including giving about 80 percent of the sacrifices for India's independence. Yet India persecutes them. Over 250,000 Sikhs have been murdered by the Indian government since 1984, according to the book The Politics of Genocide. At least 50,000 were picked up, tortured, murdered, and then declared "unidentified" and their bodies were cremated. The Movement Against State Repression reports that India admitted to holding 52,268 Sikh political prisoners. Tens of thousands of Christians, Muslims, and other minorities are also being held. Our own State

Department reported in 1994 that the Indian government paid more than 41,000 cash bounties to police officers for killing Sikhs. These are just a few examples of the oppression of the Sikhs by the Indian government. I could give a very long list, but I do not wish to take up too much of the House's time.

April 13 also happens to be the birthday of Thomas Jefferson, who wrote the Declaration of Independence. In that document he wrote that when a government becomes tyrannical, "it is the right of the people to alter or abolish it and institute new government, laying its foundation on such principles and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness." That certainly applies to the Sikh Nation today, as well as Kashmir, primarily Christian Nagaland, and the other nations living under Indian occupation. It is time for them to claim their own.

America should support these nations' right to self-determination by stopping aid to India and by supporting a free and fair vote on independence. Then the people of South Asia can finally live in freedom and enjoy stability, prosperity, and peace. That is something we should all work for.

Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, put out an excellent and informative statement for Vaisakhi Day. It really lays out the issues well. With the consent of the House, I would like to insert it into the RECORD at this time.

[From the Council of Khalistan, March 25, 2002]

VAISAKHI MESSAGE TO THE SIKH NATION

(By Dr. Gurmit Singh Aulakh)

This is a time of celebration of our 303rd anniversary of the Khalsa Panth. It is also time to look back at our history. The Guru gave sovereignty to the Khalsa Panth. ("In grieb Sikhin ko deon Patshahi.") Banda Singh Bahadur established the first Khalsa rule in Punjab from 1710 to 1716. Then there was a period of persecution of the Sikhs. Again Sikhs established a sovereign, independent rule from 1765 to 1849, when the British annexed the Sikh homeland, Punjab, into British India.

To regain freedom from the British, Sikhs were on the front line of the fight. The Sikh Nation gave about 80 percent of the sacrifices during this freedom struggle when they formed only 1.5 percent of the Indian population. At the time of the independence of India, Sikhs were equal signatories to the transfer of power from the British. Muslim leader Mohammed Ali Jinnah was very wise and well educated and he did not trust the majority Hindu leadership. He got an independent Pakistan for the Muslims. The Sikh leadership should have gotten an independent country for the Sikhs at that time, but they were fooled by the Hindu leadership of Nehru and Gandhi so Sikhs took their share and joined India on the promise that they would have the glow of freedom in the northwest part of India.

Khalsa Ji, we have seen this "glow of freedom" in the form of the attack on the Golden Temple in June 1984, when over 20,000 Sikhs were killed in Punjab in a single month. The next massacre of Sikhs occurred after the assassination of Indira Gandhi in Delhi. There was a mass murder of Sikhs throughout India, including Delhi. The Sikhs were pulled out of trains and burned alive. Sikh truck drivers were pulled out of their trucks. Tires were put around their necks by Hindu militants and they were burned to death. In Punjab, this genocide continued under Beant Singh's government. Sikhs were arrested, tortured, and then cremated and their bodies were declared "unidentified."

Since 1984, over 250,000 Sikhs have been murdered. 52,268 are rotting in Indian jails under TADA, which expired in 1995. Many of them have been in illegal custody since Operation Bluestar in 1984. Only last month, 42 Members of the U.S. Congress wrote to President Bush to get these political prisoners released. Jaswant Singh Khalra, who exposed the government killing of Sikhs in fake encounters, became a victim of the Indian police himself. He was kidnapped outside his house and murdered in police custody. He documented 6,018 Sikhs who were secretly cremated by the government in three cremation grounds, Patti, Tam Taran, and Durgiana Mandir. Subsequently, Punjab Human Rights Organization (PHRO) chairman Justice Ajit Singh Bains said that about 50,000 Sikhs were secretly cremated in this manner. Even Akal Takht Jathedar Sahib Gurdev Singh Kaunke was murdered by SSP Swaran Singh Ghotna and then his body was disposed of.

The Badal government was forced to conduct an inquiry into the killing of Jathedar Kaunke. It was done by three Punjab police officials under the leadership of DIG Tiwari. He submitted a report to the Badal government, which has not been made public as of today. How could a democratically elected Akali government hide the murder of the Akal Takht Jathedar by not releasing this report, which was conducted by its own order?

The Badal government was the most corrupt one in Punjab's history. They invented a new term for bribery: "fee for service." If you didn't pay the fee, you didn't get the service. There was a fixed amount of money for government jobs. Bags of money were received by Mrs. Badal in return for these jobs. The Punjab economy deteriorated under Badal and the Punjab government its largest debt ever. It is bankrupt now. Badal made three promises to get elected. He promised to free the political prisoners, to punish the police officers who carried out atrocities against the Sikh Nation, and to appoint a commission to investigate atrocities. He did not keep any of them.

The Sikh leadership is completely under Indian government control, whether it is the Akali leadership of Badal, Tohra, Mann, and others or the Congress leadership of Punjab under Captain Amarinder Singh or former Chief Minister Mrs. Bhatthal. Changing parties and faces every election will not solve the problems of the Sikh Nation. Congress is no better than the Akalis and the Akalis proved to be the worst enemies of the Sikh Nation. How could an Akali government keep 52,268 Sikhs in jail without charge or trial for the last 16 years? It is shameful and a black mark on the present Akali leadership. They have cashed in on the sacrifices and good will of the pre-independence Akali leadership.

Khalsa Ji, the only solution to this quagmire is the formation of a Khalsa Raj Party under new, honest, dedicated, and committed leadership. The time is now to do it. Let's not waste time and prolong the suffering and agony of the Sikh Nation under the present corrupt Akali leadership which is controlled by the Indian government and is determined to wipe out the Sikh Nation and the Sikh religion. The only remedy is to sever our relationship with Delhi completely, once and for all, and declare the independence from India and start a peaceful agitation to free the Sikh homeland, Punjab, Khalistan.

The victory of the Congress Party was a massive rejection of the Akalis, who were elected five years ago to reject the Congress Party. However, the Congress Party remains the enemy of the Sikh Nation. In the last two elections, the Sikh Nation has soundly rejected both parties. Neither supports the interests of the Sikh Nation; neither can be trusted by the Sikh Nation. The time has come to discard the present Akali leadership that has betrayed the Sikh Nation.

We must press for action against the police officials who carried out the police kidnapping and murder of human-rights activist Jaswant Singh Khalra. These would be good first steps for the Sikh leadership and for the new government in Punjab. But we must continue to pursue our ultimate goal of freeing the Sikh homeland, Punjab, Khalistan.

The Sikh Nation is sovereign and it must have its sovereign, independent country. Guru gave sovereignty to the Khalsa Panth. Remember "Raj Kare Ga Khalsa." Sikhs can never forgive or forget the desecration of the Golden Temple. This is the history and tradition of the Sikh Nation. The time has come to form a Khalsa Raj Party to liberate Khalistan. The new Sikh leadership must launch a Shantmai Morcha to liberate our homeland. The only way the Sikh Nation can prosper is to free the Sikh homeland, Punjab, Khalistan. The freedom of the Sikh Nation will bring prosperity, stability, and peace to Punjab and to South Asia.

TRIBUTE TO MR. ASTIN JACOBO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. SERRANO. Mr. Speaker, I rise today to honor the life and accomplishments of Mr. Astin Jacobo, a dedicated and determined civic activist who recently passed away. Friends, family and community members gathered to honor his memory on March 23, 2002.

Mr. Jacobo spent the last thirty years of his life in service to his multi-cultural community. Crotona residents already feel the great gap Mr. Jacobo has left behind. As a native of the Dominican Republic, Mr. Jacobo came to the United States with defined goals and ample determination. He saw where his community was seriously in need of change and did not hesitate to roll up his sleeves and get involved. His sense of civic duty was difficult to match and that is just one reason why his passing is such a great loss to the South Bronx.

One look around the Crotona neighborhood, and you will see sufficient proof of Mr. Jacobo's impact on this community. While serving as president of the Crotona Community Coalition, he played critical roles in the launching of the Mary Mitchell Youth & Family Center and the Mapes Avenue ball field, to name a few things, Residents can also be grateful to him for the part he played in improving the Quarry Road Soccer Field and Belmont Park. Mr. Jacobo's accomplishments helped the community feel more like community and instilled a sense of pride in many residents. Throughout his career in public service, Mr. Jacobo was served on the Bronx Community Planning Board #6, and was involved with Save-A-Nation, Inter-Neighborhood Housing Corporation, the Mary Mitchell Youth & Family Center, the Northwest Bronx Community and Clergy Coalition, and various local sports teams. He has been honored by many of these organizations and others for his achievements.

Mr. Speaker, beyond Mr. Jacobo's ceaseless civic work, he managed to be a loving and involved husband, father of four, and grandfather of three. To be well-known as not only a giving and determined individual, but also as a devoted family man, is a remarkable honor. I am sure that his family is very proud of the wonderful life he led.

The civic organizations to which he belonged throughout his 75 years, like the honors and awards he has received, are almost beyond counting. Mr. Jacobo was a wonderful individual who showed us the beauty and power of dedication, leadership, and wisdom. He was truly an inspiration to all who knew him.

Mr. Speaker, I ask my colleagues to join me in commemorating the life of Mr. Astin Jacobo.

HONORING THE REVEREND AND MRS. JAMES (MARY) FUNCHESS

HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. SHOWS. Mr. Speaker, I rise today to honor the Reverend and Mrs. James (Mary) Funchess of Georgetown, Mississippi.

On April 13th, friends and relatives and parishioners of the Greater Mount Olive Baptist Church of Jackson, Mississippi, will turn out to celebrate the 13th anniversary of Rev. Funchess' being the Minister of that great church.

The son of John and Alpha Funchess, James Funchess has lived his whole life in Georgetown, Mississippi. He attended schools in Copiah County and theological seminaries throughout the Great State of Mississippi, He accepted the ministry more than 25 years ago and today is the Dean of the Copiah County Ministerial Alliance. He has established himself as an esteemed community leader in Copiah County and Greater Jackson.

It is quite an accomplishment, offering ministry to so many people for 13 years as Minister at Mount Olive Baptist Church. But the kindness, the wisdom, and the leadership of Reverend Funchess extend far beyond those 13 years. His family and friends are gathering to celebrate the blessings that James and Mary Funchess have bestowed upon thousands of people whose paths have crossed theirs during their lifetime of ministry throughout Mississippi.

Indeed, his favorite saying is "I will let nothing mess up my day. This is the day the Lord has made me." These are words to live by, and give me great comfort. So I am happy to join the celebration honoring James and Mary Funchess, and to lend my voice in praising and thanking them for their good work.

HONORING DONALD CRIPE

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. RADANOVICH. Mr. Speaker, I rise today to honor Donald Cripe on the occasion of his retirement as Stanislaus County Agricultural Commissioner/Sealer of Weights & Measures. A dinner will be held in his honor for his contribution to the community.

Donald Cripe attended Grace College in Winona Lake, Indiana, then traveled to California to attend CSU Chico, and received his A.A. Degree from Modesto Junior College in 1976. He started his career with Stanislaus County as an Inspector from 1969–1976, then became Agricultural Commissioner for Madera and Mariposa Counties. He gained much experience while working in these areas, and he brought what he teamed home with him to Stanislaus County. His main duties included pest management, fruit and vegetable quality control, crop statistics, petroleum program, and standards certification, among many others. Don believes that success will come by creating a mission, rather than rules, driven department in which the customer is the focus. He has strongly promoted teamwork and collaboration while working for Stanislaus County.

Donald has been married to his wife, Sharon, for 39 years and they have four children and eight grandchildren. Don has served his community, but has also led an active life with his family.

IN HONOR OF DR. DEBORAH MANDELL AND BERNARD KERIK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Deborah Mandell, the National Police Defense Foundation's "Woman of the Year," and Mr. Bernard Kerik, the National Police Defense Foundation's "Man of the Year." Dr. Mandell and Mr. Kerik were honored on Thursday, April 4, 2002, at Russo's on the Bay in Queens, New York.

Dr. Deborah Mandell is the Director of National Police Defense Foundation Psychological Services. Following the tragic events of September 11, Dr. Mandell headed the National Police Defense Foundation's emergency response team. This team provided grief counseling and support to many survivors, family members of victims, and rescue workers. In addition to her tireless work with the National Police Defense Foundation, Dr. Mandell is also a psychologist in New Jersey and volunteers her time to United Way.

This year's "Man of the Year" is former New York City Police Commissioner Bernard Kerik. A New Jersey native, Mr. Kerik has dedicated his life to public service. His leadership and dedication proved invaluable following the World Trade Center disaster. As New York City Police Commissioner, Mr. Kerik coordinated the rescue efforts and ensured the City's safety. Prior to becoming the City's 40th Police Commissioner, Mr. Kerik served as a New York City police officer, an undercover detective, and a commissioner of corrections.

Today, I ask my colleagues to join me in honoring Dr. Deborah Mandell and Mr. Bernard Kerik for their dedicated service on behalf of our nation and the citizens of New York and New Jersey throughout these challenging times.

IN TRIBUTE TO PRIVATE FIRST CLASS MATTHEW A. COMMONS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to pay a special tribute to Private First Class Matthew A. Commons, an American hero.

PFC Commons died on March 4, 2002 in Afghanistan while trying to rescue another American soldier. He was one of eight servicemen killed that day during an intensive battle with the Taliban and al Qaeda. PFC Matthew A. Commons was a professional soldier, a man who had earned the respect of his fellow soldiers, and he is remembered fondly by all who had the privilege of knowing him.

Matthew Commons was born in Fort Wayne, Indiana, raised in Indianapolis and also lived in Boulder City, Nevada and Alexandria, Virginia. In high school, Matthew was an accomplished honor student and class officer. He then spent a year at the University of Nevada at Reno, but decided in July 2000 to become an Army Ranger because he wanted to serve his country. He had planned to finish college after his four-year tour and become a history teacher like his father. In December 2001, he visited his father's history classes at Carl Sandburg Middle School in full battle fatigues to discuss his life as a Ranger. Matthew had also recently celebrated his 21st birthday with his Army buddies, a celebration that included hats and banners sent by his mother Patricia Marek, who had just moved to Alexandria, Virginia.

Matthew's Army unit had been sent to Afghanistan on a secret assignment in January. Though he frequently spoke by telephone with his father, he had not been allowed to disclose his location. In speaking of his son, Greg recently said, "I'm real proud of him. He loved his family, he loved his country and he loved the Rangers . . . He gave his life to save the life of another Ranger."

Military service is not new to the Commons family. Both of Matthew's grandfather's served in World War II, where his grandfather Marek earned a Purple Heart. Additionally, Matthew's father Greg served in the Marines in the Vietnam War.

Besides his mother and father, Matthew leaves his brother Aaron, his father's second wife Linda Chapman, and two half-brothers, Thomas and Patrick. Matthew, who was buried at Arlington cemetery, has been awarded the Purple Heart and the Bronze Star with V Device for Valor.

Mr. Speaker, I hold out the example of this fine young man, a great American, who paid the ultimate price in defense of freedom and liberty. I know I speak for the entire Congress when I extend sympathies to the entire Commons family and friends who are grieving during this difficult time. May they be comforted by the precious memories of their beloved son and brother.

As a veteran myself, I greatly appreciate the unique challenges faced by the men and women serving in our military today. It is the ultimate sacrifice when a soldier dies for his country. We are able to enjoy the freedoms we have today because of men like Matthew Commons and the hundreds of thousands of Americans who have given their lives in the fight for American principles over the past 226 years.

Matthew Commons answered the call of his country, and his death will forever place his name on the roll of heroes who sacrificed their own lives to protect the lives of others. His life and unyielding commitment to duty and honor should remind us all that the liberties we enjoy do not come without a price. Let us always remember these costs, and always remember Private First Class Matthew A. Commons.

TRIBUTE TO THE UNIVERSITY OF MARYLAND MEN'S BASKETBALL TEAM

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CLAY. Mr. Speaker, it is with much pride and satisfaction that I rise today to offer my warm congratulations to my alma mater, the University of Maryland, and its coach, Gary Williams and its men's basketball team, for winning the 2002 NCAA Men's Basketball Tournament and being crowned national champions.

The Terrapins basketball team, led by those heralded seniors, guard Juan Dixon, forward Lonnie Baxter, and guard Byron Mouton, secured the school's first national basketball title with a 64–52 victory over the Indiana Hoosiers earlier this month.

It was a magical tournament run for Maryland's leader and All-American, Juan Dixon, who averaged 25.9 points per game throughout the tournament and was named the tournament's Most Outstanding Player.

Dixon, the Terrapins' steadiest hand throughout the year, led Maryland to a record 32–4 season, with Terrapins winning 19 of their last 20 games.

And now Maryland has the first NCAA basketball championship in school history.

The University of Maryland has a rich basketball history and much to be proud of, even before this national title. Its men's basketball team has posted 20-win seasons 19 times. They have also been to the NCAA Tournament 19 times. Fourteen players have been named All-American.

But for various reasons, the school had never even reached a Final Four until this last season. And it had never won it all until last month.

In their ninth straight appearance in the NCAA tournament, this year the Terrapins finally went the distance. Before this year however, Coach Williams had been a victim of his own great success. The pressure for him to win was incredible.

Getting into the tournament wasn't good enough for Terps fans anymore. For Maryland, March had become maddening, and they wanted a championship. And Gary Williams delivered.

For Williams, this is the culmination of so many dreams. When he returned to his alma mater 13 years ago to take over a program struggling under probation and with an image problem, this goal seemed so far away. But he worked at it every day and now he has reached the pinnacle of college basketball.

For the joyous Terrapin fans, who danced through the streets of Atlanta and College Park, this was Maryland's time to be hailed as "No. 1". This was the year to "Fear the Turtle."

Once again, I congratulate Coach Williams, the Terrapins basketball team and the entire University of Maryland administration and student body for their school's exceptional basketball season.

TRIBUTE TO PETER COGAN

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HOEFFEL. Mr. Speaker, I rise today to congratulate Peter Cogan of Amber, Pennsylvania. For twenty-five years Peter has served as the executive director of the Children's Aid Society (CAS) in Southeastern Pennsylvania. He has done an outstanding job for his community. CAS provides specialized, professional, family-focused social services to abused, neglected and delinquent children and youth within and outside of the context of their families.

Peter received his bachelor's degree from Georgetown and his master's degree in social work from the University of Pennsylvania. In 1977, the board of directors of CAS selected Peter to become the executive director of their organization. During his tenure, Peter brought CAS from an agency that operated primarily in one county to a regional organization serving Southeastern Pennsylvania. Through his diligence and vision, Peter has started programs that have maintained CAS as a reliable, high quality delivery system that protects children, empowers families, and achieves permanent homes for children.

Peter and his wife Donna reside in Ambler and are the proud parents of three children.

I am pleased to recognize Peter Cogan for his many years of dedicated work. Our community is fortunate to have someone of such distinction.

ON THE 90TH ANNIVERSARY OF THE GIRL SCOUTS

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to extend my congratulations on two momentous occasions for an organization that has made a difference in the lives of girls and women around the nation. In the same year that the local Black Hawk Council chapter of the Girl Scouts in Madison, Wisconsin celebrates 75 years of scouting, the Girl Scouts of the USA are celebrating 90 years of "helping girls grow strong."

Girl scouting began on March 12, 1912, when Juliette Gordon Low assembled 18 girls from Savannah, Georgia for a local Girl Scout meeting. Low believed that all girls should be given the opportunity to develop physically, mentally and spiritually. Today, 3.7 million strong, the Girl Scouts continue to carry out their goal by encouraging girls to discover and develop their full potential. They focus on empowerment of girls by engaging in cultural exchanges, going on field trips, participating in community service projects, and learning about non-traditional fields for women such as science and technology.

The Girl Scouts emphasize that their mission is to help all girls grow strong. They emphasize that Girl scouting is available to every girl in every community, reaching beyond racial, ethnic, socioeconomic and geographic boundaries. I experienced this first-hand when I was a girl scout in the Black Hawk Council as a girl in Madison. I continue to support the Girl Scouts as a member of "Troop Capitol Hill."

While the main focus of Girl Scouts is to help girls grow, there is something for everyone to learn from the Girl Scout Law, which states:

> I will do my best to be honest and fair, friendly and helpful, considerate and caring, courageous and strong, and responsible for what I say and do, and to respect myself and others, respect authority, use resources wisely, make the world a better place . . .

I wholeheartedly congratulate the Black Hawk Council of Madison for 75 years of empowering girls, and the Girl Scouts of the USA for 90 years of community service, education, and leadership.

INTRODUCTION OF H.R. 4083, THE CORPORATE RESPONSIBILITY ACT OF 2002

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. LaFALCE. Mr. Speaker, today I introduce H.R. 4083, the Corporate Responsibility Act of 2002. This bill gives legislative substance and real teeth to meritorious portions of President Bush's 10-point plan unveiled several weeks ago regarding corporate disclosure and accountability. This bill supplements the important and comprehensive reforms in H.R. 3818, the Comprehensive Investor Protection Act, that I introduced with Minority Leader GEPHARDT and many other Democratic colleagues in the wake of the Enron collapse.

This bill would make it clear that the CEO and CFO are the gatekeepers of honest and understandable disclosure. To the extent that corporate officers violate their duty to shareholders, this legislation empowers the SEC to take action. My bill includes:

1. Disgorgement of Bonuses: Requires the SEC to adopt rules to require the disgorgement of bonuses and other incentive-based compensation obtained by an officer or director of an issuer who filed financial statements which were at the time they were filed misleading.

2. CEO and CFO Certification: The CEO and CFO certify in each annual or quarterly report filed that: such officer reviewed the support; the report does not contain any untrue statement of material fact; the financial statements fairly present the financial condition of the company; and the company has evaluated its internal controls and have disclosed to the auditors and the audit company (a) all significant deficiencies in such controls and (b) any fraud that involves management or other employees who have a significant role in the company's internal controls, among other things. In addition, corporate officers must indicate whether or not there were significant changes in internal controls subsequent to the day of the evaluation of internal controls and whether any corrective actions have been taken.

Violation of the certification provisions may be enforced by the remedies granted to the SEC under Securities Act of 1934, including criminal penalties for any willful violations of such certifications.

3. Officer and Director Removal: Reduces the SEC's burden in court for establishing unfitness to serve as an officer and director. In addition, the bill provides that the Commission in its own administrative proceeding may remove an officer and director (subject to judicial review). Current law requires that the SEC must go to court to seek officer and director removal.

I intend to seek the bi-partisan support of my colleagues by offering each section of this legislation as separate amendments at the upcoming markup of H.R. 3673. I hope to have the support of the White House and my Republican colleagues to make real the enhancement of corporate accountability.

IN HONOR OF TERRI GRAHAM

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Terri Graham for her outstanding contributions as a Visual Arts Teacher at Bayonne High School. She was honored at the "Lifetime Presents Disney's American Teacher Awards", on November 10, 2001, at CBS Television City in Los Angeles.

The entire Bayonne Public School community is proud of Terri's talent, commitment, and creativity that have had a profound and lasting impact on the students and community of Bayonne. Terri has provided a comfortable and safe learning environment in which her students thrive.

Her students have achieved statewide recognition in the past with the 2000 State of New Jersey Arts and Humanities Award (AH-HA), and the 2001 New Jersey State Department of Education Best Practice Award, "An Interdisciplinary Puppet Show". By collaborating with the school's German teacher, Mrs. Varda Wendroff, and her German students, Terri and her ceramics students created puppet performances of German folk tales.

Each year, her students are selected to participate in the Morris Museum "Fresh Perspectives" show for outstanding high school students in the state. Terri and her students have participated in a variety of community projects, such as the New Jersey Transit Hudson Bergen Light Rail Tile Mural, and they worked with the Bayonne Historical Society, "History of Bayonne Architecture", duplicating Bayonne's historic buildings in clay.

Today, I ask my colleagues to join me in honoring Terri Graham's selfless work in educating our nation's youth. She has provided and continues to provide an invaluable learning experience to the students of Bayonne.

"WE THE PEOPLE" COMPETITION

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. POMEROY. Mr. Speaker, on May 4–6, 2002, more than 1,200 students from across the United States will visit Washington, D.C. to compete in the national finals of the We the People . . . The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights.

I am proud to announce that the class from La Moure High School from the city of La Moure will represent the state of North Dakota in this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

It is inspiring to see these young people advocate the fundamental ideals and principles of our government in the aftermath of the tragedy on September 11. These are ideas that identify us as a people and bind us together as a nation. It is important for our next generation to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy.

The class from La Moure High School is currently conducting research and preparing for their upcoming participation in the national competition in Washington, D.C. Mr. Speaker, I would like to recognize these young scholars by name:

Emily Anderson, Michael Anderson, Derek Ardnt, Lacey Boehm, Justine Dathe, John Doehler, Sandra Eastley, Cassie Exner, Christina Hanson, Tonya Jacobson, Naomi Janke, Donald Ketterling, Levi Ketterling, Travis Ketterling, Michelle Koval, Kyle Kranda, Cody Larson, Lucas Larson, Loren Podoll, Aaron Potts, Spencer Potts, Ambra Premo, Bethany Roscoe, Clara Sandness, Savannah Sandness, Heather Schmidt, Casey Shockman, Michael Ulmer and Kyle Westgard.

I would also like to recognize and thank their teacher, Mr. Brian Ham, for his critical role in these students' success and their interest in American government. I wish Lamoure High School the best of luck in the national competition.

TAIWAN RELATIONS ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CASTLE. Mr. Speaker, I want to take this opportunity to recognize the 23rd anniversary of the Taiwan Relations Act (TRA) of 1979 and to reiterate the United States' strong friendship with Taiwan. This important legislation was signed into law by President Jimmy Carter on April 10, 1979 and gives Congress a statutory role in defining United States foreign policy toward Taiwan. We have the duty and the responsibility to see that peace, security and stability prevail in the Western Pacific region. Despite tensions with the Peoples Republic of China, Taiwan has prospered economically and politically. A member of the World Trade Organization, Taiwan is one of the richest countries in Asia. Politically, Taiwan is an evolving democracy, and at this moment every major public office on the island is democratically elected.

On the 23rd anniversary of the TRA, we must affirm that the United States will continue to support Taiwan according to the wording and spirit of the Taiwan Relations Act, which requires the United States to "make available to Taiwan such defense articles and defense services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability." It is essential that the United States continues to move forward and engage China, and it will be equally important that the Bush Administration continues to make a commitment to our ally in Taiwan.

RECOGNITION OF THE HADASSAH GROUP

HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. NETHERCUTT. Mr. Speaker, I rise to pay tribute to the organization Hadassah—the largest women's and largest Jewish membership organization in the United States. Through its 300,000 members within the United States, this volunteer organization has demonstrated dedication to community service and assistance.

The organization was founded in 1912 and, since that time, has put forth exceptional effort to provide services to the community. In the United States, Hadassah has taken action to heighten the quality of American and Israeli life through its education and youth programs. It has also promoted health awareness, and provided personal enrichment and growth for its members. Beyond the national role that Hadassah plays, I would like to recognize the service of the local chapter in Spokane, Washington.

The Hadassah volunteers in my district have collected donations for the Red Cross to help with the charitable acts they provide; they assist the Ronald McDonald House in providing temporary homes for families with a hospitalized child; they have provided support for the AIDS walks in Spokane and Seattle which create awareness and reflect commitment to providing services to those living with HIV and AIDS; and Hadassah also provides outreach to local synagogues with support programs.

Throughout the organization's 90-year history, Hadassah has played a strong role in community improvement and support projects. In recognition of these outstanding achievements, I ask my colleagues to join me in recognizing the great contributions of this important organization.

TRIBUTE TO HONORABLE LOUIS CALDERA

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. REYES. Mr. Speaker, I rise today to pay tribute to a true patriot and exemplary American, the Honorable Louis Caldera. Few individuals define the realization of the "American Dream" more perfectly than Louis Caldera. As the former Secretary of the Army under the Clinton Administration and current Vice-Chancellor for University Advancement for the California State University, Louis Caldera has achieved more in 45 years than most people do in a lifetime. What makes these achievements so remarkable is the story behind them.

Louis Caldera was born in El Paso, Texas to Mexican immigrant parents. At the age of four, his family moved to a housing project in East Los Angeles. As the son of working class parents, Caldera encountered the struggles of poverty at a young age, yet was instilled with a strong sense of patriotism, love of family, and profound appreciation of the importance of education. Louis had his first job at the age of ten, when he worked as a parking lot sweeper at a local shopping center. For two years, Louis and his parents woke up at 3 a.m. three nights a week to clean the parking lot in order to pay the rent for a small hair salon they operated in the shopping center. During high school, Caldera worked 40 hours a week at a fast food restaurant while taking a full load of college preparatory courses. Louis was only enrolled in college prep classes after persisting and even having his parents sign an approval. Advisors at his high school suggested that Louis pursue more 'practical' vocational training courses. His hard work and determination paid off. Louis was accepted to West Point upon graduation from high school.

After graduating from West Point in 1978, Caldera served as an Army officer and quickly rose to the rank of Captain. He then attended Harvard University, where he received both a Law Degree and a Master's in Business Administration. After a brief stint in the private sector as a corporate finance lawyer, Caldera returned to the public service as a State Representative in the California State Legislature, where he represented downtown Los Angeles. In 1997 he was appointed by President Clinton to serve as Managing Director and Chief Operating Officer of the Corporation for National and Community Service, which administers the AmeriCorps program. One year later Caldera was appointed by Clinton to serve as Secretary of the Army.

At the young age of 45, Caldera has accomplished more than many individuals do in a lifetime. Throughout every phase of his career, he has achieved the unimaginable while never losing sight of his roots. Louis Caldera truly understands both the unique challenges and incredible opportunities confronting Hispanics in the United States on a daily basis. Caldera is a true community servant and his dedication to the Hispanic community and especially Hispanic youth are highly commendable.

As Secretary of the Army, Caldera was a "Soldier's Soldier", visiting troops all over the globe and working day and night to provide enlisted soldiers with the education and skills they need to succeed within the Army and beyond. Thanks to Caldera's leadership, the Army overcame a recruiting deficit, giving a renewed sense of honor and duty to military service. Caldera created the Army University Access Online distance education program that enables soldiers to earn college and graduate degrees while serving. In addition, he directed the expansion of the Junior ROTC program to hundreds of high school campuses nationwide and spearheaded Army sponsorship of "Operation Graduation," a three-year public service advertising campaign designed to increase high school graduation rates among at-risk youth.

Caldera's unceasing commitment to education is reflected in his current position as Vice Chancellor of University Advancement at the California State University. Caldera is an excellent role model and phenomenal leader. His ability to understand the struggles and needs of students from diverse backgrounds sets him apart from others, and Louis's own struggle to overcome adversity is truly inspirational. Louis possesses a unique knowledge of government affairs, the private sector, and the challenges that Hispanics in the U.S. face on a daily basis. Caldera's accomplishments speak highly of his character, intelligence, and dedication to the Hispanic community and our Nation. These qualities and countless others make Louis Caldera a truly remarkable man and an invaluable asset to our community. It is a privilege and an honor to recognize Louis Caldera in the company of my fellow members of Congress. Thank you Mr. Speaker. I yield back the balance of my time.

IN HONOR OF SERGEANT ALEX SAAVEDRA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Sergeant Alex Saavedra for over 25 years of dedicated service to the public. He retired from the Bergen County Prosecutor's Office on March 1, 2001, and was recognized for his many contributions to New Jersey on April 3, 2002, at The Empire Club in Little Ferry, New Jersey.

Starting out as a patrolman for the Union City Police Department in 1974, Mr. Saavedra quickly climbed through the ranks; in 1977, he served as President of the Policeman's Benevolent Association (PBA) Local 67. In 1983, he worked as an investigator in the Bergen County Prosecutor's Office in the Grand Jury Section; in 1984, he was transferred to the Sex Crime/Child Abuse Section; in 1988, he became Senior Investigator; and in 1989, he was transferred to the Criminal Investigations Section. From 1990 through 1992, Mr. Saavedra served as Vice President of the PBA Local 221, and, in 1991, returned to the Grand Jury Squad; in 1997, he was appointed Sergeant, and, in 1998, was transferred to the Narcotics Task Force. In 2000, he began his last assignment in the Fugitive Squad of the Bergen County Prosecutor's Office.

Over the course of his law enforcement career, Alex Saavedra received the following notable distinctions: Silver Life Member Award, Exceptional Duty Medal, Certificate of Commendation, and Certificates of Appreciation from the Kiwanis Club International, The Lions Club International, The Bergen County Police Academy, and The Bergen County Board of Chosen Freeholders.

Today, I ask my colleagues to join me in honoring Alexander Saavedra for a career devoted to the safety and well being of the citizens of New Jersey. His selfless service will never be forgotten.

BESTOWING "AMERICAN SPIRIT AWARDS" UPON WESTERN NORTH CAROLINIANS FOR THEIR RESPONSE TO THE SEPTEMBER 11TH, 2001 ATTACK UPON AMERICA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. TAYLOR. Mr. Speaker, I rise to honor these residents of the Eleventh Congressional District of North Carolina, whose actions in response to the September 11, 2001 terrorist attacks provided aid and relief to the victims, boosted morale and patriotism, and demonstrated the best of the American Spirit. Hundreds of their fellow citizens joined in honoring them at our annual Prayer and Patriotic Breakfast in Asheville on Saturday, March 16th, 2002. It was with a great deal of pride that I bestowed upon each of them the American Spirit Award for 2002.

Kermit Tolley, Jr.; Buncombe County; Battling liver failure, he helped load Hearts with Hands goods being shipped to NYC and inspired many others by his determination to help others in need.

Hendersonville High School Student Government, Henderson County; Brad Phillis and Lauren Rogers accepting on behalf of Hendersonville High School and 16 Henderson County Public Schools who raised money for victims; The Hendersonville High School Student Council raised $8,555 for relief efforts.

Carolina First Mortgage; Henderson County; Elizabeth Plaisance accepted the award on behalf of the business, which raised $37,500 on the street corners of Hendersonville for the Red Cross.

Manual Woodworkers and Weavers; Henderson County; The company donated $355,000 from sale of a special 9–11 throw blanket which it designed, produced and marketed; Teresa Hutchinson and Molly Oates accepted the award on behalf of their coworkers.

Sandra Pitts; Henderson County; As the operator of a dry cleaning business, she showed America's gratitude to servicemen and veterans by dry cleaning thousands of military uniforms at no charge.

Mike West; Buncombe County; This Hearts With Hands Field Services Director was instrumental in collecting, packing and delivering supplies to New York and remained on station as a member of the Operation Heavy Heart team.

Sunshine Elementary School Fifth Grade; Rutherford County; Students organized a patriotic program, honored local firefighters, and raised $250 for the Points of Light Foundation; Accepting the award on behalf of the school were Principal Wayne Litaker and Melanie Smith.

Jerry VeHaun, Buncombe County; Jerry worked at Ground Zero in NYC for 12 days on the 7PM to 7AM shift helping with the recover of bodies from the collapsed Twin Towers.

Madison High School Student Government; These students held a Spirit Chain fundraiser and raised $600 for the Red Cross New York Relief Effort.; Sara Cooley, sponsor, and Josh Harder, president of the student council, accepted the award on behalf of the school.

Mars Hill Elementary School, Madison County; Mrs. Davis' class wrote support letters to President Bush in the wake of the tragedy; student Cody Splain and teacher Caroline Davis accepted the recognition on behalf of the class.

Chuck Davis, Polk County; He initially helped in NYC with Red Cross kitchen, then helped set up a respite center at Ground Zero at which recovery workers could recuperate.

Tanner Companies Foundation, Rutherford County; The company matched employee relief contributions resulting in $160,000 in gifts; David Owens accepted the award on behalf of the company.

Columbia Carolina Corporation, McDowell County; Employees sold tee shirts, which lifted spirits and raised $2,400 for relief efforts; General Manager Jeff Tuckey and Human Resources Manager Steve Franklin accepted the award on behalf of their coworkers.

Pisgah Forest Rotary Club, Transylvania County; The club donated $600 from proceeds of their Blues Concert to the relief efforts in NY, PA, and Washington, DC, and also contributed an additional $347 to the Transylvania County Sheriff's Department; Club members Terrell West and Harry Hafer accepted the award on behalf of the club.

Lisa Waters and Ida Stafford, Clay County; Mountain Home Nursing Service spearheaded a fundraiser for the children of the victims of the 9–11 attacks on the World Trade Centers. They organized a "God Bless America" youth rally which raised $600.

South Macon Elementary School 4th Grade, Macon County; Teacher Vickie Hubbs' class adopted the aircraft carrier USS Kitty Hawk and sent patriotic letters and pictures to the servicemen and women stationed on the ship, which is involved in Operation Enduring Freedom. Students Chelsea Powell and Mariah Cousineau accepted the award for the class.

Tim Radford and Shane Curtis; Cherokee County; Radford, of radio station WKRK in Murphy, in conjunction with Curtis, of Circuit World, raised money for World Trade Center victims, delivered the money personally to New York, and broadcast a live remote back to the citizens of Murphy.

Lew Aabye, Polk County; Lou helped as a Red Cross volunteer in NYC kitchens; Accepting for Lew Aabye is Elizabeth Daniel, Chapter Chairperson of the American Red Cross.

Muggs Corpening, Polk County; He served as a volunteer delivering meals in NYC after the 9–11 attacks.

Clyde Volunteer Fire Department, Haywood County; The department served as a collection site for relief goods donated to Hearts With Hands and helped raise over $12,000 for that organization as well as for the 9–11 Relief Fund. Accepting on behalf of the department were Fire Chief Joey Webb, Sr., and Capt. Bennie Coleman.

Murphy Volunteer Fire Department, Cherokee County; These volunteers raised $20,000 for the families of fallen New York City Fire Department firefighters; Chief Al Lovingood and assistant chiefs WC King and Mark Thigpen accepted the award on behalf of the department.

Patricia Pirog for "Operation Toasty Toes," Henderson County; Volunteers make knitted socks to warm the feet of servicemen and women stationed overseas. This past Thursday, the Henderson County Chapter shipped off a huge box of sox to the NC 211th and 210th MP Units now serving in Afghanistan.

Kelly Robertson and Beth McIntosh, Yancey County; These two ladies set up a drop-off point for Yancey County at the Rescue Squad Building and collected and organized two weeks worth of donated goods.

East Rutherford Middle School, Rutherford County; The students at the school raised $4,100 for relief efforts. Libby Sears and Judy Gettys accepted the award on behalf of the school.

PAYING TRIBUTE TO THE RICKENBAUGH FAMILY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to an incredible family, whose lives were so tragically cut short, but whose spirit will remain with us for eternity. Kent Rickenbaugh, his wife Caroline and his son Bart, were not only successful in their business and philanthropic endeavors, but were also pillars of the Denver community who garnered the undying admiration and respect of so many through their unquestioned integrity and unparalleled morality. Each of them will be sorely missed by the multitudes of people whose lives they have touched, and as we mourn their loss, I believe it is appropriate to remember each of them and pay tribute to them for the extraordinary contributions they have made to their city, their state and their country.

Kent began working at his father's Cadillac dealership shortly after graduating from Dartmouth College at the age of 22. He rotated through each division of the dealership before being named assistant to his father, Ralph, who founded the Denver Better Business Bureau in 1951. Kent dedicated himself and his career to protecting commerce in downtown Denver. Even as other businesses and car dealerships fled downtown for the roomier suburbs, Kent vowed to remain in the same neighborhood where his father had started the dealership. He truly believed in supporting the socio-economic interests of downtown Denver, and argued that it was not good business to abandon downtown. While his business always remained downtown, Kent's love of the outdoors and of the West often allowed him to escape to his other life, as a rancher on his 1,100 acre ranch outside Gunnison. He truly loved everything about our great state—both the beauty and the commerce—and his passion for each will be greatly missed.

Caroline, Kent's wife of 40 years, was an exceptional woman in her own right. After the death in 1963 of their infant daughter Selby, who suffered from a heart defect and was cared for at Children's Hospital, Caroline devoted herself to the hospital, helping to raise millions of dollars for its betterment. In 1999, Caroline and Kent endowed a chair in cardiology in her name, and from 1995 to 1997, Caroline co-chaired the campaign to build a new wing for the hospital. The endeavor turned out to be the largest fundraising effort in the hospital's history, raising over $15 million. In addition, she was instrumental in the effort to move the Children's Hospital to the University of Colorado's new health sciences center campus in Aurora. Caroline's deep love for children and for humanity touched the lives of innumerable families who, because of her philanthropy, were able to receive top-notch medical care from one of the finest children's hospitals in the nation.

Bart Rickenbaugh, the only son of Caroline and Kent, followed in his parents footsteps as a caring and selfless man, who enriched the lives of everyone around him. As a husband, father and son, his deep love of family was the hallmark of his life. He was an avid sportsman and outdoorsman who loved to play hockey, ski, hunt and run. He was a four-year rugby player at Dartmouth College, and a former saddle bronc rider with the Professional Rodeo Cowboys Association. He moved from Denver to Bozeman two years ago, where he became a real estate lawyer. Bart is survived by his wife, Lisa, and children, Sam and Lila.

The Rickenbaughs are survived by their two daughters, Anne Rickenbaugh of Aspen and Katherine Rich of Carbondale, who will undoubtedly carry on the traditions of selflessness and love that have long been the hallmark of this extraordinary family.

Mr. Speaker, we are all terribly saddened by the loss of Kent, Caroline and Bart Rickenbaugh, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, success and love that each of them left with all of us. Their lives are the very embodiment of all that makes this country great, and I am deeply honored to be able to bring each of them to the attention of this body of Congress. The memories and manifestations of the Rickenbaugh family's many contributions to the people of Denver will never fade, and I, along with each and every person whose lives were touched by this extraordinary family, will forever appreciate all that they have done for our great State.

INTRODUCTION OF THE CORPORATE AND CRIMINAL FRAUD ACCOUNTABILITY ACT OF 2002

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CONYERS. Mr. Speaker, today I am introducing the "Corporate and Criminal Fraud Accountability, Act of 2002," legislation that imposes tough criminal and civil penalties on corporate wrongdoers and helps protect employees and shareholders against future acts of corporate fraud. I am joined by Minority Leader GEPHARDT along with Representatives FRANK, JACKSON-LEE, BERMAN, WATERS, LAFALCE, ENGEL, DINGELL, JACKSON, Jr. (IL), CHRISTENSEN, DAVIS (IL), CUMMINGS, SANDERS, SOLIS, CLAYTON, BROWN (FL), LYNCH, HOEFFEL, GUTIERREZ, and SCHAKOWSKY.

As you know, the past several months have revealed widespread incidences of corporate fraud and abuse committed by Enron and its advisers. With each passing day, a new revelation concerning the dissemination of misinformation, evidence shredding, obstruction of justice, and insider trading has been unveiled. And, as more companies file for bankruptcy, I am convinced that we may very well learn of additional instances of fraud occurring across corporate America.

One step we can take to prevent corporate wrongdoers from preying on innocent investors and employees is to enact legislation that increases the penalties that companies face for engaging in such rapacious acts. The bill that I am introducing, the "Corporate and Criminal Fraud Accountability Act of 2002", does just that. Among other things, it creates a new 10-year felony for defrauding shareholders of publicly-traded companies; clarifies current criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records; provides whistleblower protection to employees of publicly-traded companies, similar to those currently available to many government employees; and establishes a new bureau within the Department of Justice to prosecute crimes involving securities and pension fraud.

In the wake of the Enron debacle, I believe the time is now ripe to protect American investors once again. The Enron case has established beyond a shadow of a doubt that white collar fraud can be incredibly damaging, in many cases wiping away life savings and costing innocent Americans billions of dollars of their hard earned money. There can be no conceivable justification for shielding corporate wrongdoers from criminal prosecution for their outrageous behavior. I am hopeful that Congress can move quickly to enact this worthwhile and timely legislation.

The following is a section-by-section analysis of the bill:

Section 1. Title. "Corporate and Criminal Fraud Accountability Act."

Section 2. Criminal Penalties for Altering, Destroying, or Failing to Maintain Documents—provides two new criminal statutes which would clarify and plug holes in the current criminal laws relating to the destruction or fabrication of evidence, including the shredding of financial and audit records. Currently, those provisions are a patchwork which have been interpreted in often limited ways in federal court. For instance, certain of the current provisions make it a crime to persuade another person to destroy documents, but not a crime to actually destroy the same documents yourself. Other provisions have been narrowly interpreted by courts, including the Supreme Court in United States v. Aquillar, 115 S. Ct. 593 (1995), to apply only to situations where the obstruction of justice can be closely tied to a pending judicial proceeding.

First, this section would create a new 5 year felony which could be effectively used in a wide array of cases where a person destroys or creates evidence with the specific intent to obstruct a federal agency or a criminal investigation. Second, the section creates another 5 year felony which applies specifically to the willful failure to preserve audit papers of companies that issue securities.

Section 3. Criminal Penalties for Defrauding Shareholders of Publicly Traded Companies—creates a new 10 year felony for defrauding shareholders of publicly traded companies. The provision would supplement the patchwork of existing technical securities law violations with a more general and less technical provision, comparable to the bank fraud and health care fraud statutes. The provision would be more accessible to investigators and prosecutors and would provide needed enforcement flexibility and, in the context of publicly traded companies, protection against all the types schemes and frauds which inventive criminals may devise in the future.

Section 4. Review of Federal Sentencing Guidelines for Obstruction of Justice and Extensive Criminal Fraud—requires the United States Sentencing Commission ("Commission") to consider enhancing criminal penalties in cases involving the actual destruction or fabrication of evidence or in fraud cases in which a large number of victims are injured or when the injury to the victims is particularly grave—i.e. they face financial ruin.

This provision first requires the Commission to consider sentencing enhancements in obstruction of justice cases where physical evidence was actually destroyed. The provision, in subsections (3) and (4), also requires the Commission to consider sentencing enhancements for fraud cases which are particularly extensive or serious. Specifically, once there are more than 50 victims, the current guidelines do not require any further enhancement of the sentence, so that a case with 51 victims may be treated the same as a case with 5,000 victims. In addition, current guidelines allow only very limited consideration of the extent of financial devastation that a fraud offense causes to private victims. This section corrects both these problems.

Section 5. Debts Non-dischargeable if Incurred in Violation of Securities Fraud Laws—amends the federal bankruptcy code to make judgments and settlements arising from state and federal securities law violations brought by state or federal regulators and private individuals non dischargeable. Current bankruptcy law may permit wrongdoers to discharge their obligations under court judgments or settlements based on securities fraud and securities law violations. This loophole in the law should be closed to help defrauded investors recoup their losses and to hold accountable those who perpetrate securities fraud.

Section 6. Increased Protection of Employees' Wages Under Chapter 11 Proceedings—increases the amount in unsecured claims (wages, commissions, etc.) an individual could claim in bankruptcy proceedings from $4,300 to $10,000. This change would aid employees who are usually only paid their priority wage claims early in the case. The rest of the employee's wage claim is a general unsecured debt and may not be paid except on a pro rata basis at the end of the case, which could be several years later. In the Enron case, employees were paid only their priority wage claims while certain individuals were given generous "retention bonuses." This change would make it possible for the court in similar cases to provide a more realistic buffer to employees who have been laid off or who have not been paid in the period leading up to the bankruptcy.

Section 7. Statute of Limitations for Securities Fraud—sets the statute of limitations in private securities fraud cases to the earlier of 5 years after the date of the fraud or three years after the fraud was discovered. The current statute of limitations for private securities fraud cases is the earlier of three years from the date of the fraud or one year from the date of discovery. In the Enron state pension fund litigation, the current short statute of limitations has forced some states to forgo claims against Enron based on securities fraud in 1997 and 1998. Victims of securities fraud should have a reasonable time to discover the facts underlying the fraud.

The Supreme Court, in *Lampf v. Gilbertson*, 501 U.S. 350 (1991), endorsed the current short statute of limitations for securities fraud in a 5-4 decision. Justices O'Connor and Kennedy wrote in their dissent in the *Lampf* decision: "By adopting a 3-year period of repose, the Court makes a §10(b) action all but a dead letter for injured investors who by no conceivable standard of fairness or practicality can be expected to file suit within three years after the violation occurred. In so doing, the Court also turns its back on the almost uniform rule rejecting short periods of repose for fraud-based actions."

Section 8. Whistleblower Protection for Employees of Publicly Traded Companies who Provide Evidence of Fraud—provides whistleblower protection to employees of publicly traded companies, similar to those currently available to many government employees. It specifically protects them when they take lawful acts to disclose information or otherwise assist criminal investigators, federal regulators, Congress, supervisors (or other proper people within a corporation), or parties in a judicial proceeding in detecting and stopping fraud. Since the bill's provisions only apply to "lawful" actions by an employee, it does not protect employees from improper and unlawful disclosure of trade secrets. In addition, a reasonableness test is also set forth under the information providing subsection of this section, which is intended to impose the normal reasonable person standard used and interpreted in a wide variety of legal contexts. *See generally Passaic Valley Sewerage Commissioners v. Department of Labor*, 992 F. 2d 474, 478. Certainly, although not exclusively, any type of corporate or agency action taken based on the information, or the information constituting or leading to admissible evidence would be strong indicia that it could support of such a reasonable belief. If the employer does take illegal action in retaliation for lawful and protected conduct, subsection (b) allows the employee to elect to file an administrative complaint or to bring a case in federal court, with a jury trial available in cases where the case is an action at law. *See* United States Constitution, Amendment VII; Title 42 United States Code, Section 1983. Subsection (c) would require both reinstatement of the whistleblower, double backpay, compensatory damages to make a victim whole, and would allow punitive damages in extreme cases where the public's health, safety or welfare was at risk.

Section 9. Establishment of a Retirement Security Fraud Bureau—establishes a Bureau within DOJ that, among other things, will advise the Assistant Attorney General of the Criminal Division on matters pertaining to pension and securities fraud, and assist federal, state and local law enforcement authorities in combating pension and securities fraud-related activities.

JOHN BRADEMAS ON SCIENCE ADVICE TO CONGRESS

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. ROEMER. Mr. Speaker, one of my distinguished predecessors in Congress was the Honorable John Brademas, who represented Indiana's Third Congressional District in the House for 22 years from 1959–81. During his service here, John established himself as one of our leading experts in the fields of education, the arts and humanities, and serving the needs of our nation's children, the elderly and the disabled.

From 1981–92, John served as President of New York University, our nation's largest private university. He is the former chairman of the President's Committee on the Arts and Humanities and the National Endowment for Democracy. John also served as a member of the Carnegie Commission on Science, Technology and Government and chaired the Commission's Committee on Congress.

John recently wrote a very interesting and provocative article entitled: "The Provision of Science Advice to Policymakers: a US Perspective," which appears in the December 2001 issue of The EPTS Report, a publication of The Institute for Prospective Technological Studies, published by the Joint Research Center of The European Commission. I am pleased to offer this article for your review and consideration.

THE PROVISION OF SCIENCE ADVICE TO POLICYMAKERS: A U.S. PERSPECTIVE

(By John Brademas, President Emeritus of New York University)

The horrific attacks of September 11, 2001, on the World Trade Center in New York City and the Pentagon outside Washington, D.C., demonstrated how products of Western science and technology—Jet aircraft and avionics—could be employed to assault citadels of American economic and military power.

Clearly, the consequences of September 11 for makers of U.S. policy—economic, foreign and military—are deep and wide-ranging. The nation's intelligence and law enforcement agencies, for example, have come under criticism for weaknesses in tracking the September terrorists, who were obviously not technologically illiterate.

In Washington, D.C., an envelope containing anthrax was targeted at the Majority Leader of the U.S. Senate, Tom Daschle (D–SD), while in both Florida and New York City, anthrax was apparently aimed at leading television and newspaper journalists, one of whom, Judith Miller, is co-author, with her New York Times colleagues, Stephen Engelberg and William Broad, of a new book, Germs: Biological Weapons and America's Secret War (Simon & Schuster). A recent study by the General Accounting Office found the Federal government as well as state and local health departments unprepared for this latest threat. Meanwhile Senators and Representatives are holding hearings in Washington on the challenge of bioterrorism.

Although in office only a year, President George W. Bush is confronted with decisions he surely did not anticipate. But if reacting effectively to September 11 must now be his overriding concern, there are other judgments the new president and his team must make that are, like making war, also laden with scientific and technological dimensions. Here is only a partial list of such issues: global warming, missile defense, stem cell research, wireless technology proliferation, energy, AIDS epidemics in Africa and India.

Not only are the policy challenges the Bush Administration must face complex and contentious but to meet them, the President of the United States lacks the decision making authority of a British Prime Minister. For in the American separation-of-powers constitutional system characterized as well, in contrast to European arrangements, by relatively undisciplined political parties, in making national policy, Congress counts! This is a lesson President Bush is learning every day.

All the more is the power of the elected Senators and Representatives in Congress to shape policy made obvious by the current political configuration in Washington, D.C: a Republican in the White House, a Republican majority (narrow) in the House of Representatives, and a Democratic majority (one vote) in the Senate.

INSTRUMENTS OF CONGRESS

In influencing policy, the U.S. Congress has three principal instruments: writing the laws that authorize the activities of the government, appropriating (or not appropriating) funds necessary to carry out the laws, and overseeing their implementation.

Although Senators and Representatives wield great and often decisive authority in setting policy, and despite the ballooning relevance of scientific and technological factors to more and more of the questions on which Congress votes, very few legislators have been educated as scientists or engineers. Given the kinds of persons attracted to campaigning for election to public office, this observation should surprise no one.

Nearly thirty years ago, in 1972, Congress responded to its perceived need for science and technology advice by creating the Office of Technology Assessment (OTA).

Governed by a Technology Assessment Board, consisting of six Senators and six Representatives, evenly divided between Democrats and Republicans, OTA was advised by, in addition to its professional staff, a group of ten experts from the public. During its lifetime, OTA produced evaluations requested by Congress to help the legislature "understand and plan for the short-and long-term consequences of the applications of technology . . ."

In 1995, however, following the elections of 1994, with Republican victories in both Senate and House of Representatives, Congress, by refusing it funds, killed OTA. Said Lord (Wayland) Kennet, a British leader in technology assessment, "The Office of Technology Assessment (OTA) was the trailblazer for all the later European institutions . . ."

"The disappearance of OTA has not only been of sad importance to all who work in parliamentary technology assessment in Europe: it has been a bit baffling. That the leading technological state in the world, a democracy like us, should have abolished its own main means of democratic assessment left us aghast . . ."

The demise of OTA has obviously not resolved the question of how Congress gets S&T advice. Indeed, last June, a group of scholars, Congressional staffers and leaders of industry met in Washington to explore prospects for filling the knowledge gap left by the death of OTA.

A NEW OTA?

Suggestions for enabling Congress to obtain S&T advice developed at the June meeting as well as from other quarters are even now under consideration on Capitol Hill. Congressman Amo Houghton (R–NY); John H. Gibbons, former Science Advisor to President Clinton and former director of OTA; and M. Granger Morgan, Professor and head of the Department of Engineering and Public Policy at Carnegie-Mellon University, Pittsburgh, joined recently to propose in effect a new OTA, also bipartisan and bicameral, but in response to criticisms of the old OTA, one with "strategies" to perform studies more rapidly, to ensure that the needs of the minority are well served, and to supply technical advice . . . to other congressional support organizations . . ."

Representative Rush D. Holt (D–NJ), one of two physicists in Congress, has introduced legislation to re-establish OTA; since September 11, prospects for action have dimmed. Senator Jeff Bingaman (D–NM), however, is still pressing for $1 million for a technology assessment pilot project in the General Accounting Office.

Given that Members of the House of Representatives serve terms of but two years, some lawmakers had charged that OTA took too much time to complete its studies. Many Republicans also criticized OTA analyses of defense and environmental issues as too "liberal".

Conversations with former OTA leaders cast a different light on such complaints. Requests for rapid response reports were, indeed, answered but with caveats. On the allegation of "liberal" bias, OTA directors countered that the objections were often to the substance of OTA's conclusions, for example, to OTA's skepticism about the technological feasibility of missile defense proposals.

"People want science-based decisions, and they're all for that until the scientific consensus is politically inconvenient," House Science Committee Chairman Sherwood Boehlert (R-NY), has observed.

Certainly the issues Congress confronts that are freighted with scientific or technological considerations are often politically volatile—stem cell research, genetically produced foods, alternative energy sources, missile defense policy, global warming, nuclear power.

THE CARNEGIE COMMISSION

A revived-and-reformed-OTA is not the only vehicle to which Congress could turn for S&T counsel. Ten years ago, while serving on the Carnegie Commission on Science, Technology, and Government and, having previously been a member of the House of Representatives (D-IN) for twenty-two years (1959-1981), the author chaired the Commission's Committee on Congress. The Carnegie Commission produced a series of reports on how all three branches of the Federal government—executive, legislative and judicial—could more wisely and effectively deal with issues with scientific or technological dimensions. This article will only cover the aforementioned committee concerning Congress.

One of our reports addressed the question of expert S&T advice from outside Congress while another focused on the analysis and advice Congress received from OTA, the Congressional Research Service of the Library of Congress, General Accounting Office and Congressional Budget Office.

The third report focused on organizational and procedural reforms, with particular attention to long-range planning and goal setting, committee structure and the budget process.

Although recommending several reforms in its operation, our Committee found the activity of the Office of Technology Assessment resulted in a product, "full-scale assessment . . . that is widely used and appreciated by Congress, the scientific community, the public, and individuals and organizations in other nations."

We also pressed the National Academy of Sciences complex to communicate more regularly, and deeply, with members of Congress and their staffs.

We said, too, that scientists and engineers should become more active in policy making and that Federal agencies, academic institutions, corporations and professional societies should encourage such involvement.

FEDERAL FUNDS FOR S&T

Just one indicator of the S&T universe to which the President and Congress today direct their decisions is that in the Fiscal Year 2001, the Federal government will spend over $90 billion on Research and Development (R&D), a figure some observers estimate could next year easily exceed $100 billion.

With expenditures of tax dollars of such magnitude, it is not surprising that in his recent book, Science, Money and Politics, the nation's leading science journalist, David S. Greenberg, has written a brilliant, irreverent but powerfully documented study of the ties that bind American science to money and politics.

Greenberg's sharply critical analysis demonstrates how the ability of American scientists to win Federal funds is brought to bear with great effectiveness not only on the executive branch but also on Congress.

Indeed, Greenberg warns:

". . . Science is too powerful, too potent in its effects on society, and too arcane to be entrusted to the expanding alliance between a profession that has retreated into a ghetto and the commercial sector, with their shared focus on making money. While this relationship flourishes, a deadening complacency has settled over the institutions that should be protecting and advancing the public interest in science: the research agencies of the executive branch of government, Congress, the press, and, within science, leaders who should be stewards of scientific tradition, rather than apologists for its neglect. Science finds advantage and claims virtue in its detachment and aloofness from politics. But politics is the medium through which a society decides upon and implements its values and its choices. That the political system frequently goes awry and fails to work to its full potential of beneficial effects is a reason for involvement, not withdrawal. And this is especially so for an enterprise that draws heavily on the public purse and radiates powerful effects in all directions and on all things . . ."

One obvious example of Congressional muscle is the practice of Senators and Representatives taking advantage of appropriations bills to earmark funds for specific institutions and facilities in their own constituencies. This practice, under which Congress votes monies for buildings and research projects without peer-reviewed competition, spurred President Bush's Director of the Office of Management and Budget, in the hope of ending the phenomenon, a few weeks ago to bring together science policy and university leaders to discuss the question.

Most observers, however, agree that achieving success in persuading politicians no longer to look to the interests of their own constituencies is an unlikely development.

A dramatic demonstration of congressional power to affect science is the response of the Senate and House of Representatives to the call in 1992 of Nobel Laureate Harold Varmus, former Director of the National Institutes of Health, to double the funds for science in over a decade—and that's happening. For, as a former OTA director told me, "When individual citizens believe that basic research and science can lead to lifesaving cures, Senators and Representatives will continue to vote to increase appropriations for the National institutes of Health".

It may be tempting to throw up one's hands in despair or acknowledge with cynicism that elected politicians engage in politics. Yet experience demands that we keep pressing the case for finding ways and means of making it possible for legislators, especially those who serve in assemblies that are more than rubber stamps for the Executive, to have effective access to the best possible information, intelligence and counsel on issues crucial to the future of their country, indeed, to the future of all humankind. This means advice on issues of science and technology.

10TH ANNUAL LABOR AWARDS DINNER HONORING GOVERNOR JAMES MCGREEVEY, STEVE ROSENTHAL AND AL KOEPPE

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. PALLONE. Mr. Speaker, I rise today to join the New Jersey State AFL–CIO in honoring three individuals who have demonstrated extraordinary leadership in labor relations. NJ Governor James McGreevey, AFL–CIO Political Director Steve Rosenthal, and PSE&G CEO Al Koeppe have dedicated their lives to ensuring that New Jersey's workers are provided fair compensation, benefits and safe working conditions. It is individuals like these who allow working families in the State of New Jersey to continue to thrive during these tough economic times.

Governor McGreevey. As the mayor of Woodbridge, the Senator and Assemblyman for the 19th legislative district and now as our Governor, Jim McGreevey has been one of the best friends NJ labor has ever seen. Throughout his tenure in public service Jim McGreevey has been a persistent fighter for the rights of workers, their families, and the labor movement.

While Governor McGreevey has a long list of accomplishments and accolades, none can surpass that of his first executive order as Governor. Before even moving into the Governor's mansion, Jim McGreevey made it one of his first official acts to declare that all large public construction jobs must use unionized labor.

By requiring that all state funded large construction jobs enter into project labor agreements (PLAs), New Jersey is assured that all work is done by qualified individuals, who are receiving a fair wage and quality benefits. PLAs have long been proven an effective way to get work done in a timely fashion, without work stoppages.

By making Project Labor Agreements one of his first official acts, Jim McGreevey once again proved his utmost commitment to the working men and women of our state. His outstanding record and commitment to working families should be applauded and viewed as a model for all public servants. I look forward to continuing work with our newly elected Governor in furthering the labor movement and the rights of all workers.

Steve Rosenthal. As political director of the AFL–CIO, Steve Rosenthal has taken the labor fight to the political spectrum and has fought to ensure that the issues of utmost concern of working families are heard by the American political establishment. Steve has worked long and hard in making workers rights a focus of Congressional, State, County and Local races for office.

Steve Rosenthal was appointed to the position of political director soon after John Sweeney was elected president of the AFL–CIO in 1995. Steve has been tasked to direct the AFL–CIO, and the greater labor movement's, political organization. He has been instrumental in recruiting pro-labor candidates, organizing national voter registration drives, and mobilizing their grassroots campaigns. Steve has been taking an active role in building a long term political infrastructure that not only elects officials that are supportive of labors issues but encourages union members to take active roles in all levels of government.

I am also proud that Steve Rosenthal cut his teeth in our great State of New Jersey. Steve is a member of Communication Workers of America (CWA) Local 1032 and served as the New Jersey CWA Legislative/Political Coordinator. In these roles and currently as the national political director, Steve Rosenthal has truly provided an invaluable service to all working families in the state of New Jersey.

Al Kolppe: For the past 13 years I have had the pleasure and honor to work with a businessman that epitomizes how our public utilities should do business. As the current CEO of Public Service Electric and Gas (PSE&G) and past president and CEO of Bell Atlantic-New Jersey, Al Koeppe has been a friend to working families and organized labor as a whole.

In his official capacity at PSE&G and Bell Atlantic and as a former member of the NJ Commission on Higher Education, Al Koeppe works hard to ensure good relations with his workforce, providing workers quality benefits, the opportunity to organize and collectively bargain, and a quality work environment.

In the mid-1990's, as a member of the NJ Commission on Higher Education and chairman of the commission's labor management committee, Al Koeppe's committee recommended that the state's nine colleges be required to collectively bargain with their more than 5,000 employees. This statewide bargaining would cover contract talks with classified clerical, security and maintenance workers who were members of the CWA and the International Federation of Professional and Technical Engineers. While this decision was not a popular one with the nine college presidents, it was hailed as a huge victory by the workers and their representative unions.

Al also worked very closely with organized labor, including NJ AFL–CIO President Charles Wowkanech and members for the IBEW, in crafting New Jersey's Energy Deregulation law passed in the late 1990's. Al took significant steps in ensuring that not only consumer concerns were met but also the concerns of the men and women who work for our public utilities throughout the state.

Al Koeppe has obviously demonstrated his leadership on behalf of working families in the state of New Jersey throughout his long and distinguished career. Business and industry should look to Mr. Koeppe as an example of how to conduct labor-management relations.

TRIBUTE TO CLIFFORD STANFIELD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to a distinguished American and longtime resident of San Mateo County, Clifford Stanfield, who passed away on March 3, 2002, at the age of eighty-four.

He leaves his beloved wife Ruth of thirty-one years, his son Raphael and his daughter Sue Spackman, as well as five grandchildren, two brothers and a sister.

A graduate of the Illinois Institute of Technology, Clifford Stanfield worked as an architect until his retirement in 1984. A distinguished veteran of the U.S. Navy, he worked as a ship's painter during World War 11, serving on the destroyer-tender USS *Dixie* in the South Pacific.

A native of Iowa, in 1971, Clifford Stanfield moved with his wife Ruth to California's Coastside where he gave generously of his time and talents to the community. An ardent environmentalist, Clifford Stanfield volunteered as a docent with the Fitzgerald Marine Reserve and the Coyote Point Museum. Utilizing his considerable expertise in architecture and construction, Mr. Stanfield volunteered with the occupational therapy department at Mills Hospital, designing objects for patients to use in their therapy.

Service was a way of life for Clifford Stanfield. Even on his regular strolls through Half Moon Bay, he was known to pick up trash left in the streets and deliver newspapers to the doorsteps of his neighbors.

Mr. Speaker, I ask my colleagues to join me in paying tribute to this great and good man and offer the condolences of the entire House of Representatives to his family. We are a better community, a better country and a better people because of Clifford Stanfield.

PAYING TRIBUTE TO DON PEACH

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Don Peach and thank him for his extraordinary contributions to the town of Rangely. His dedication as Mayor to both his job and the people of Rangely is matched only by the level of integrity and honesty with which he has conducted himself each and every day while at his post. As Mayor, he will always be remembered as a man with the utmost dedication and talent, and will continue to be known as a leader in the community. As he celebrates his retirement, let it be known that I, along with each and every person with whom he has worked and the people of Rangely, are eternally grateful for all that he has accomplished in his distinguished tenure.

When Don arrived in Rangely, the town was mired in financial difficulties, and he quickly set out to turn things around. He effectively reduced property taxes, implemented numerous successful grant programs and tightened the accounting reins by emphasizing strict financial administration. Also upon his arrival, plans were already in the offing to build the Desperado Mine, which was projected to bring an additional 35,000 people to the town. At the time, Rangely was ill prepared to accommodate such a massive influx of people, but Don successfully built up the infrastructure to handle the increased population. In order to house the new workers, he acquired land from the Bureau of Land Management for the La Mesa Development, and subsequently began a number of housing programs. He also initiated a program of utility plant expansions in order to provide the necessary power and infrastructure for the town.

Don was also a strong advocate of bolstering community pride. He succeeded in changing residents' attitudes toward their town through the implementation of a town-wide beautification project. Through numerous grants and support from the town council, a Center Square was built, downtown facades were refurbished, an adopt-a-tree program was put in place, and street, curb and sidewalk improvements were initiated. He was also a strong advocate of community development, creating the Rangely Development Agency and the Rangely Development Corporation, as well as putting in place a number of development regulations in the town. He also established the Foundation for Public Giving and has worked tirelessly on the Rangely Museum Project.

Don is presently working on the Rangely School Foundation, which he helped to create and fund, and is also active in a number of other organizations. He serves on the Northwest Colorado Resource Advisory Council, which he has chaired for several years, is a board member of the Rangely Area Chamber of Commerce, the CNCC Foundation and the Rangely Museum Society, and serves on the University of Colorado Business Community Council. I have personally had the opportunity to work with Don in his capacity as Mayor and as chair of the Northwest Colorado Resource Advisory Council, and have always been astounded at his hard work and dedication. Needless to say, Don is a genuine philanthropist and an extraordinary public servant. –

Mr. Speaker, it is clear that Don Peach is a man of unparalleled dedication and commitment to his professional endeavors, his philanthropic endeavors and to the people of his community. It is his unrelenting passion for each and every thing he does, as well as his spirit of honesty and integrity with which he has always conducted himself, that I wish to bring before this body of Congress. He is a remarkable man, who has achieved extraordinary things in his career and for his community. It is my privilege to extend to him my congratulations on his retirement as Mayor of the town of Rangely, and wish him all the best in his future endeavors.

FALUN GONG

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. UDALL. Mr. Speaker, I rise today to speak out against the religious persecution of Falun Gong practitioners in mainland China. Falun Gong representatives believe that over 100,000 Falun Gong practitioners have been arrested. Tens of thousands have been thrown into labor camps without trial, and at least 1,000 healthy practitioners have been put into mental hospitals and have suffered illegal psychiatric abuse. It has also been reported that between 365 and 1,600 people have been killed in police custody.

It is thought that there are as many as 100 million Falun Gong practitioners worldwide. Falun Gong believers hold that this spiritual practice instills the three principles of truthfulness, compassion and tolerance. They would merely like the opportunity to peacefully practice their beliefs without fear of torture or imprisonment.

Mr. Speaker, I ask my colleagues to join me in supporting Falun Gong and its practitioners' quest for peace and tolerance.

A TRIBUTE TO CULTURAL FEST 2002

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today to acknowledge Cultural Fest 2002, hosted by Harold Collins. This event, which will be held in Robeson County, North Carolina from April 17–21, will bring together ethnic and cultural groups from this area to celebrate the diversity and strength of our region, state, and nation. Robeson County, as confirmed by the latest census, is the most culturally diverse of all one hundred counties in North Carolina.

Robeson County is an area rich in heritage and history. This heritage and history will be on display during a Grand Parade uniting individuals from the numerous cultures represented within the county. Each cultural group will demonstrate its distinctive heritage during the event, providing individuals of all ages the opportunity to learn about the unique blend of cultures surrounding them. Furthermore, the event hopes to be a positive influence on the lives of the youth of Robeson County and surrounding areas, steering them away from drugs and violence and towards more benign outlets.

Cultural Fest 2002 could serve as a model for other communities to emulate as a means of positively promoting the great diversity of our nation. The organizers of Cultural Fest 2002 should be commended for their efforts.

My fellow colleagues, please join me in saluting the organizers of Cultural Fest 2002 for their efforts. May God's blessings shine upon this event.

IN MEMORY OF RON CAWDREY

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HARMAN. Mr. Speaker, I rise today to honor the memory of Ron Cawdrey, a close friend and driving force in the City of Redondo Beach, California, who died last month.

In addition to being a two-term councilman, Ron served his community in so many other ways, including on the North Redondo Beach Business Association, the Redondo Beach Chamber of Commerce and the local Little League. He also was vice president of the Communications Workers of America, Local 9400, representing 10,000 members in California, and was actively involved in local Democratic politics.

But listing Ron's affiliations does not come near to describing the contributions he made to our community and the impact he had on the individuals he touched. A quick glance at the tributes his friends and colleagues have written reveals a man who was inspirational, loving, nonconfrontational and deeply devoted to his family. People just liked being around him.

In short, Mr. Speaker, Ron was well deserving of his 1992 Redondo Beach Man of the Year award, and his recent Redondo Beach Mayor's Lifetime Community Service Award.

I am uncertain when I first met Ron, but believe it was at a meeting of local labor leaders. Ron "adopted" me, and became a tireless worker on my behalf. He was always there for me, and for so many others.

The last time I saw Ron was at a regional Chamber of Commerce breakfast, hosted by the Redondo Beach Chamber. I hadn't seen him in some time, but he bounded up to me with his magnetic smile, gave me a big hug, and asked how I was doing.

Mr. Speaker, my heart goes out to Ron's wife Punky, his four children and four grandchildren, for I know the next few weeks and months will be difficult. But as they grieve, I hope they find comfort in knowing what a wonderful contribution Ron made to the world around him.

IN HONOR OF DR. L. JAY OLIVA, PRESIDENT, NYU

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. RANGEL. Mr. Speaker, I rise today to honor a New Yorker who has done a great deal for higher education in America, and for the City of New York. As a proud alumnus of this great university, I wanted to share with Members of Congress some of the accomplishments of this fine leader, and to take this opportunity to salute Dr. Oliva. New York University is the largest private university in this nation with more than 50,000 students, many of them first-generation college attendees. I know because I was one such first-generation college graduate in my family. NYU is clearly one of this country's premier universities.

Dr. Oliva has been its president since 1991, but he has been a leader of NYU for many decades, four decades, in fact. He has provided distinguished leadership of young men and women as its Chancellor, as a Dean, a Provost, and as an Executive Vice President. Yet, I want to recognize him for a role he has played continuously throughout these 40 or so years, and still plays—a teacher. He still personally carries a teaching load; he believes in that role above all. NYU has been at the heart of this man's life.

NYU's motto is a "private university in the public service." These were not just words for Jay Oliva, for, indeed, he was one of the very first university presidents in the nation to lead the fight for Americorps. He helped shape a university that is dedicated to community service and volunteerism. Over 4,000 NYU students participate in volunteer efforts. President Oliva assembled his own President's C-Team that involves over 200 students working directly with him on public service initiatives. NYU is now home to the largest America Reads program in this country. Under his leadership, NYU has distinguished itself as a provider of services for the underprivileged, through its dental clinics providing healthcare to the indigent, low-income and minority populations, to its social work, education, nursing and medical school and initiatives, to its highly distinguished legal and business leadership and assistance. NYU provides tutoring and training for schools throughout the region, leaving a mark on many people's lives.

September 11th 2001 was no exception, when NYU was not only directly hit, but it was a time when its doctors, nurses, dentists, social workers and staff immediately answered the call to provide services to those in New York in need.

Dr. Oliva certainly saw a global vision and mission for NYU, but it was his local vision that has provided a blanket of services over New York City and State. For all of these and many more reasons, I stand now to applaud his leadership of NYU, his dedication to this great institution, and to the principles on which it was founded, and which he did so much to shape.

AFGHANISTAN EDUCATION FOR GIRLS AND WOMEN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. BALDWIN. Mr. Speaker, I rise today to recognize an event that is on its way to the world's history books an event that, last month, changed the lives of girls and women in Afghanistan forever. On March 23rd, Afghan schools went back into session, meaning that, for the first time in five years, girls began to attend school legally.

During the reign of the Taliban regime, women all over Afghanistan refused to give up their right to be educated. Some set up illegal schools in their homes at risk of being severely beaten. Others hid books and pencils under their clothing in fear of being killed if they were found out. But even during these horrific times, Afghan girls remained resolute. "We want to go to school even more," they said. For many Afghan girls, this is the first time they can walk down the street with a book, without the risk of being killed.

The Taliban regime was the most repressive regime in the world with regard to the status of women. The systematic exclusion of women from all positions of status in all aspects of government and society not only marginalized women, but it undermined Afghanistan's entire civic society. Prior to Taliban rule, 40% of Afghanistan's doctors, over half the university students, and two-thirds of Afghanistan's teachers were women, It is clear that for the rebuilding of Afghanistan to be successful, there must be educated and informed women in all walks of life.

I would like to commend the United States Children Fund for their extremely hard work and aid in helping with the "Back to School" campaign. In cooperation with the Afghan Interim government, UNICEF has a goal of bringing more than 1.5 million Afghan children into a safe learning environment. In a country where the literacy rate is just four percent—the lowest in the world—UNICEF has dedicated countless hours to ensuring that each child has access to basic school supplies. The kind of dedication to humanitarian relief that UNICEF has shown in Afghanistan is essential not only to the future of Afghanistan, but to women and children around the world.

I wholeheartedly thank UNICEF for their support of Afghan children. I commend the Interim Afghan government for making education a key priority. Most of all, I thank the teachers and children of Afghanistan who have had the courage and the will to educate and be educated after years of fear, insecurity and oppression.

PAYING TRIBUTE TO ELIZABETH MOORE

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I pay tribute today to Elizabeth Moore, an incredible woman who recently passed away, but whose dedication to the people and animals in her community was both extraordinary and inspirational. Elizabeth selflessly gave her time and energy to her community through her intense love of all living creatures, and was a woman of unquestioned integrity and of unparalleled morality. She will be sorely missed by each and every person whose life she touched, and as her family mourns her loss, I believe it is appropriate to remember Elizabeth and pay tribute to her for her incredible contributions to her city, and her state.

Elizabeth and her husband John first came to Colorado's San Luis Valley in 1995 after riding on the Cumbres & Toltec Scenic Railroad. They decided to make the beautiful valley their home, and immediately embarked upon a mission to make it a better place for all to live—even the animals. After arriving in the San Luis Valley, Elizabeth served as the President of the Humane League, dedicating her time to organizing fundraisers for spay and neuter clinics and finding homes for stray cats and dogs. She had a strong conviction that the best way to help the plight of animals in the community was to control the population by spaying and neutering. Her efforts were critical in procuring funds from the Max Fund to assist with low-cost spay/neuter clinics in the community. In addition, she loved the outdoors, and had climbed most of Colorado's highest peaks, inspiring her husband to take up the sport as well. Elizabeth's extraordinary selflessness and dedication to all living things will be sorely missed by everyone that knew her, and by all that benefited from her incredible deeds.

Mr. Speaker, we are all terribly saddened by the loss of Elizabeth Moore, but take comfort in the knowledge that our grief is overshadowed only by the legacy of courage, selflessness and love that she left with all of us. Elizabeth Moore's life is the very embodiment of all that makes this country great, and I am deeply honored to be able to bring her life to the attention of this body of Congress.

HONORING THE UNIVERSITY OF CONNECTICUT WOMEN'S BASKETBALL TEAM ON A PERFECT SEASON AND A NATIONAL TITLE

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mrs. JOHNSON of Connecticut. Mr. Speaker, I rise to pay tribute to the outstanding accomplishments of the University of Connecticut Women's Basketball Team, who on Sunday March 31st defeated the Oklahoma Sooners to win the NCAA tournament. They finished the season with a perfect record of 39–0.

I would like to offer special congratulations to Head Coach Geno Auriemma who won his third national title, and to Seniors Sue Bird, Swin Cash, Asjha Jones, and Tamika Williams who have had a most remarkable four years.

Mr. Speaker, these extraordinary young women do not need me to tell them that they are champions, or that their accomplishments are appreciated. Surely all the sold-out games, the sea of blue and white that filled the Alamo dome during the Final Four and the 150,000 fans who turned out for the team's victory parade made that clear.

Mr. Speaker, I rise today to point out that although they are young adults themselves the outstanding achievements of the this team offers a fine example to our nation's young people. I applaud them for all of their achievements both on and off the court.

IN RECOGNITION OF HOLOCAUST REMEMBRANCE DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. SHAW. Mr. Speaker, I rise today in recognition of Yom Ha Shoah, Holocaust Remembrance Day. We recall now not only the more than six million Jews who lost their lives, but the human potential that was also extinguished during the dark days of World War II. We remember not just the mothers and fathers, the sons and daughters, the brothers and sisters, but also their descendents who never got to make their contributions to mankind. And we remember the heroes who gave their lives in the greatest fight for freedom and democracy the modern world has ever known.

By pausing today, we join in a solemn bond with the victims of the Holocaust to ensure that the world will never suffer such a horrific tragedy again. It is through our reflection that we acknowledge our loss and through our actions that we build a world free of such hatred and despair. Our greatest tribute to the millions who suffered at the hands of the Nazis will be to ensure that their memory will never be extinguished. By recognizing Holocaust Remembrance Day, we do just that by educating today's and future generations.

Yet the fires of hate, which burned so brightly in Europe from 1939 through 1945, never really burned out. They were smoldering in the hearts of the terrorists who flew their planes into the Twin Towers, the Pentagon and into the ground of rural Pennsylvania on September 11th. And those same fires are ablaze even today, in actions of the suicide bombers on the West Bank and in Gaza. We pray, Mr. Speaker, for a soothing rain to extinguish forever the fires of hatred.

With these examples fresh in our minds, we marvel at the strength and character of the Jewish people. Their steadfast determination to rebuild their lives following the Holocaust has given the world a remarkable model of resolve. Through their example, we can glimpse the extraordinary human spirit that rises above the fruitlessness of anger and resentment. With this day and with our deeds we honor that spirit. Mr. Speaker, we observe Yom Ha Shoah to always remember and never forget. I am proud to recognize Yom Ha Shoah and I urge my colleagues, and all Americans, to do the same.

TRIBUTE TO JULIE ROCHE ON HER U.S. CITIZENSHIP

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. UDALL of Colorado. Mr. Speaker, I rise today to congratulate Julie Roche, a dedicated member of the community and of my campaign staff for officially becoming an American citizen on February 22, 2002.

Julie graduated from the University of California in San Diego in 1992 with a degree in political Science and lived for 6 years in Washington, DC, before settling in Colorado, which is now her permanent home. Though Julie has lived in the United States for almost her entire life, she had retained her Irish citizenship until earlier this year. Giving up her Irish citizenship was a hard decision to make. Like most Americans who have come from abroad, Julie is very proud of her heritage. However, her dedication to public service, her interest in politics and her love for the United States persuaded her to make the choice.

While she is a new citizen, Julie is not a newcomer to our country or our democratic system of government. In addition to working for both my colleague, Representative DIANA DEGETTE, and for me, Julie also works for the Colorado Democratic Party. She has decided—rightly—that American citizenship would allow her to even more fully participate in public affairs and to work for the betterment of what is now fully our common country. In her free time, Julie plays on a soccer team in

Denver, runs marathons and is a volunteer for the Colorado Red Cross, where she is on call one week of every month and helps victims of disaster. She is a shining example of the spirit and promise of American democracy and the diversity that makes our country so special.

On behalf of her fellow citizens of Colorado and the United States, I congratulate Julie on her becoming an American citizen.

A TRIBUTE TO SERGEANT MIKE HUMPHREY, NORTH CAROLINA HIGHWAY PATROL

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINTYRE. Mr. Speaker, it is with great pleasure that I rise today and honor Sergeant Mike Humphrey of the North Carolina Highway Patrol. On March 31, 2002, Sergeant Humphrey retired after serving the people of North Carolina for over twenty-eight years.

Mike Humphrey was a decorated officer, who spent his career ensuring that the people and the roads of North Carolina were safe. In 1977, Sergeant Humphrey was honored with the Law Enforcement Officer of the Year Award. In addition, Sergeant Humphrey serves on the North Carolina Seventh Congressional District Law Enforcement Advisory Committee, where he is a positive voice for the law enforcement community. Protecting lives and patrolling our communities were not only the passion of Sergeant Humphrey, but also that of his father. The Humphreys were the first father and son to serve simultaneously in the history of the North Carolina Highway Patrol.

We owe Sergeant Mike Humphrey our sincere appreciation for his twenty-eight years of committed service to our state. His determination, devotion, and dedication to the people of North Carolina should serve as an example to us all. May God bless him and his family, and may God bless the great state of North Carolina.

IN CELEBRATION OF THE CAREER OF HON. DEE HARDISON

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. HARMAN. Mr. Speaker, I rise to celebrate the distinguished career of a spectacular individual—the Honorable Dee Hardison, who steps down today as mayor of the City of Torrance.

Mayor Hardison, whom I fondly and proudly call my "sister," and I have worked together closely over the last decade to serve the citizens of Torrance and the greater South Bay community of Los Angeles County. Whether it was fighting to keep the Los Angeles Air Force base right where it is, to prevent a geographic split in the 310 telephone area code, or to support the Torrance public school system, I have always treasured Dee's advice, passion, dedication and, most importantly, her hands-on approach. And speaking of dedication, Mr. Speaker, how many mayors do you know who would continue a 40-mile bike ride after tumbling off her bike during the first leg? Well, that is exactly what Mayor Hardison did one year during my biannual campaign bike ride!

But besides biking, being a good friend, and reaching the "gold standard" of wife, mother and grandmother, Mayor Hardison has devoted so much of her energy to her community. For nearly three decades, Dee shepherded thousands of young people through the Torrance Unified School District, including many years as a special education teacher. While a teacher, she was appointed to the City of Torrance's Planning Commission and Parks and Recreation Commission. In 1986, she successfully ran for a seat on the City Council and served there for eight years. Having reached the limits on terms of service, she then successfully ran for Mayor, a post she has held with distinction and grace.

While holding all these "day jobs," Dee still found time to devote to many important community organizations, including—but certainly not limited to—the Torrance Cultural Arts Center Foundation, the Torrance Education Foundation, the Torrance Sister City Association, the Rose Float Association, and the Torrance League of Women Voters. Finally, Dee distinguished herself as a regional leader, recently completing a tour as Chair of the South Bay Cities Council of Governments, which has been instrumental in developing regional solutions to the area's transportation challenges.

Mr. Speaker, I will miss having Dee as the Mayor of the largest independent city in my district. But I know she will continue to be an active leader in the community be a ready source of advice and counsel. With more spare time, I hope she is improving her biking skills and will join me again this fall on the bike trail.

MURLI DEORA JOINS INDIA'S UPPER HOUSE

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McDERMOTT. Mr. Speaker, one of the architects of the growing diplomatic relationship between the United States and India received some long overdue recognition last weekend when Murli Deora was elected to the Raja Sabha, the Upper House of India's National Parliament.

As our colleagues may recall, relations between the United States and India went through difficult times during the 70's and 80's because of the Cold War. We were, as former Ambassador Dennis Kux declared, "estranged democracies." Yet, even during the weakest of times in our relationship with India, Murli Deora worked hard to bring our two nations together. His views were often times at odds with the foreign policy establishment in his country. Only during the past decade did the United States' democracy finally draw close to the world's largest democracy. In the process, Murli Deora was vindicated.

Mr. Speaker, Murli Deora has a long and distinguished career as a politician in India. Murli began his career in public service more than twenty-five years ago as the Mayor of Mumbai, India's largest city. Although Murli's public life has taken him to all parts of the world, he has never forgotten his roots or his love of this city of more than twelve million people. A long time member of the Congress Party, Murli remains President of the Mumbai Regional Congress Committee, a grassroots party organization renowned in Indian politics.

Upon completing two terms as Mumbai's mayor, Murli was elected repeatedly to the Lok Sabha, the Lower House of India's parliament. During his many years as a Parliamentarian, Murli distinguished himself as a skilled legislator. Among his many accomplishments was passage of landmark legislation to open India's insurance market to foreign investment. Murli also used his tenure in the Lok Sabha to become a tireless advocate for stronger India-U.S. ties. He founded the India-U.S. Interparliamentary Forum and headed the Indo U.S. Initiative. When members of this body decided to band together to create the Congressional Caucus on India and Indian Americans, Murli offered his encouragement and support. As the current Co-Chairman of the Caucus, I can attest first hand to Murli's dedication, energy and foresight.

Mr. Speaker, the world has always been Murli's forum. A former President of the Parliamentary for Global Action, Murli has spent the last three years working as a senior official of the Indian Red Cross and as International Vice President for the Red Cross in Geneva. Therefore, it is both fitting and appropriate that Murli has been elected without opposition to the Raja Sabha. All of us who know Murli congratulate him and welcome his induction into this senior most legislative body in India. I am confident that Murli will continue to immerse himself in the pressing problems of hunger, disease, the underclass and economic development. And, I am certain that relations between our two countries will also continue to occupy a central place in Murli's busy world. As a result, we have much to look forward to, and relations between our two countries will be the clear beneficiary.

PAYING TRIBUTE TO TED DIAZ

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to honor an extraordinary man whose passion for life and incredible human spirit is an inspiration to us all. Ted Diaz, a native Coloradan whose passion for our great state is as constant and unyielding as any I've ever known, recently passed an impressive milestone, celebrating his eightieth birthday with a gathering of his friends and family.

Ted was born on April 1st, 1922 in Delta, Colorado, as one of twelve siblings. He attended school in Silt, Colorado, and later moved to Rifle, where he currently resides. Throughout his life, he has been the consummate athlete and good citizen, winning accolades in basketball, softball, bowling and horseshoes, while always giving his time and energy to the community as a mentor and a friend. He coached the town's American Legion baseball team, as well as the girls' town team, and umpired high school games in both the spring and summer. For 27 years, he selflessly gave his time to the community by marking the football field for high school games, and by volunteering to run the yard marker. In addition, he valiantly served in the U.S. Army from his station in the Philippines.

While working for Re-2 for 27 years, Ted was also involved in a number of philanthropic activities. He is a member of the Elks, Knights of Columbus and American Legion, and served as commander of American Legion and VFW. In addition, he volunteers his time at preschool in Rifle and in Glenwood Springs. Perhaps his greatest accomplishment, however, was marrying Jo, his lovely wife of 52 years, and raising their son.

Mr. Speaker, it is with great pleasure that I bring to the attention of this body of Congress, the life and spirit of such an incredible man, who is always able to brighten and invigorate the lives of those around him. He is truly an inspiration to all of us, and I, along with the many people whose lives he has touched, am honored to recognize his tremendous accomplishment in reaching his eightieth birthday, and more importantly, his passion for life and indomitable spirit.

50TH ANNIVERSARY OF THE KOREAN WAR COMMEMORATION—THANKING KOREAN HOSTS OF U.S. KOREAN WAR VETERANS

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. RODRIGUEZ. Mr. Speaker, I would like to thank you for the kindness and hospitality you showed our Korean War veterans during their visit to Korea. This commemoration is an important reminder of the difficult time when the United States helped Korea fight Communist aggression, and celebrates the victory of democracy over an authoritarian dictatorship. Since that terrible war, many Americans have had the privilege of serving in Korea, and I appreciate the outstanding support your country has shown them.

The Korean people and the United States have been strong allies since the Korean War, and this visit is symbolic of the many years of friendship between our countries. A friendship that was forged on the battlefield is now a partnership based on freedom, and you are helping maintain the good relations between Korea and the United States. I am grateful for the important part you played in making the 50th Anniversary of the Korean War Commemoration a great success.

TRIBUTE TO INTELLIGENCE SPECIALIST SECOND CLASS PAUL EUDALY

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. GARY MILLER of California. Mr. Speaker, I rise today to commend Intelligence Specialist Second Class Paul Eudaly.

This week, IS2 Eudaly completes a two year assignment at the Naval Strike and Air Warfare Center (NSAWC) at Naval Air Station (NAS) Fallon, Nevada. His next duty station assignment will be on the island of Diego Garcia located in the Indian Ocean. Since April 2000, IS2 Eudaly has served as the library night shift supervisor at NSAWC. He has performed his demanding duties in an exemplary and highly professional manner. Petty Officer Eudaly meticulously created the exercise QUIVER target/threat database, which was used to train over 500 naval personnel and 10 carrier air wings. He also volunteered to deploy onboard the USS *Constellation* for the Composite Training Unit Exercise, where he trained 30 additional intelligence personnel on QUIVER's application.

IS2 Eudaly has also served as the lead enlisted intelligence instructor at NAS Fallon for air wing personnel recovery and combat search and rescue events. As the only enlisted instructor during the annual joint exercise Desert Rescue IX, he provided quality support and accurate mission briefs for participants from 42 different commands. As the NSAWC Division Training Petty Officer, his mentoring and innovative training methods have resulted in 100 percent passing and a 73 percent advancement rate during the last examination cycle. He has been a great mentor to the junior enlisted personnel and has taken time to help many of the new sailors adjust to their duties at NSAWC.

Petty Officer Eudaly's professionalism and devotion to duty reflected credit upon himself and were in keeping with the highest traditions of the United States Naval Service.

Mr. Speaker, IS2 Eudaly is a model, sailor and the U.S. Navy needs more young men and women like him. Therefore, I ask that this 107th Congress join me in sincerely wishing IS2 Eudaly "fair winds and following seas" as he moves to his next duty assignment.

EMPLOYEE-LEASING ORGANIZATION ACT OF 2002

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. CRANE. Mr. Speaker, I rise to announce introduction of the Employee-Leasing Organization Act of 2002. I'm pleased to note that two very distinguished members of the Ways and Means Committee, Congressman BILL JEFFERSON and Congressman RON LEWIS have agreed to join me in introducing this important legislation.

Too many small businesses lose valuable time each day attending to administrative headaches. Likewise, many of those same small businesses are unable to provide benefits to their employees due to their size. In recent years, the employee leasing industry has evolved to provide cost effective administrative payroll/tax services and health and retirement benefits to small businesses and their full-time employees. The bill I'm introducing will clarify the status of employee-leasing companies ability to provide these services.

I encourage all of my colleagues to join me in supporting this important legislation and taking a stand to help America's small business owners and employees.

INTRODUCTION OF THE WORKING TOWARD INDEPENDENCE ACT OF 2002

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McKEON. Mr. Speaker, today, I am pleased to introduce the "Working Toward Independence Act of 2002" to reauthorize the work-related provisions of the Temporary Assistance for Needy Families (TANF) block grant, and the Child Care and Development Block Grant (CCDBG).

This legislation will build upon the historic welfare reform law passed in 1996—a law that made a fundamental shift in policy by encouraging personal responsibility and promoting work. For the first time in the history of social welfare policy, benefits were tied to work. Because of the principle of "work first" and a purpose to help people better themselves, a whole new culture of personal responsibility was created within the program.

The results have been nothing short of dramatic. For example, there has been an historic decline in the welfare rolls; increases in employment for low-income single mothers, who comprise the population most likely to need assistance; and a sustained decline in child poverty. Even with the robust economy of the late 1990's, recent studies confirm that welfare reform is largely responsible for the declining caseload and increase in work. The law's promotion of work made the crucial difference in maximizing opportunities for welfare recipients.

But there is work remaining for us to do. Too many families receiving assistance are not engaged in activities that will lead to self-sufficiency. This year, Congress must build upon the success of the 1996 law by providing additional options for families on welfare to move into productive jobs, become self-reliant and obtain independence. I am proud to say that the bill that I am introducing today will do just that.

The legislation, based on the Administration's proposal, strengthens work rules to ensure that all families are engaged in a full week of work and other activities that will lead to self sufficiency. Families will be permitted to combine real work with education and training to help recipients advance in their jobs. In addition, states will need to have plans achieving the work related goals of TANF. States will be encouraged to coordinate their TANF work programs with the One-Stop Career Center system created through the Workforce Investment Act of 1998, so that former recipients will continue to have access to additional training resources.

However, we know that families cannot maintain employment without reliable, safe child care for their children. That is why this bill will also maintain the unprecedented commitment of federal support for child care by authorizing $2.1 billion annually for CCDBG for state child care programs. In addition, the bill improves the program by helping target funds set-aside for quality activities and encouraging states to address the cognitive needs of young children so that they are developmentally prepared to enter school. The bill also provides states maximum flexibility in developing child care programs and policies that best meet the needs of children and parents.

Finally, the bill will provide significant new waiver authority for states to design programs that improve services to needy families. This provision will encourage states to continue the experimentation at the state and local level that preceded the federal welfare reform action in 1996.

Mr. Speaker, I urge my colleagues to support this important legislation that enhances opportunities for families to move up the economic ladder and access quality child care for their children.

BELIEVING THAT PEACE IN THE MIDDLE EAST IS INEVITABLE

HON. DARRELL E. ISSA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. ISSA. Mr. Speaker, I rise this evening, along with so many of my colleagues, to express my frustration and disgust with the situation that is currently boiling over in the Middle East. How long can we allow this bloodbath to continue? How long will we have to witness Israeli families blown apart by maniacal, suicidal murderers; Palestinian children lying dead on the street; young Israeli men and women buried alive in collapsed buildings; or Palestinian families huddling inside their homes, terrified to step out even to buy food? The latest news of more people—human beings with friends and family—who have been killed today is heartbreaking. The Israeli and Palestinian people are on a downward spiral, heading quickly toward that state of nature conceived by Thomas Hobbes, where Palestinian and Israeli children born into the world can expect only one thing: a life that is "nasty, brutish, and short." This situation is an outrage.

I am outraged that Hamas and other Palestinian groups are spreading their poisonous lies of suicidal "martyrdom." I am outraged that some members of the Palestinian leadership are apparently using suicide attacks as a tactical weapon against the Israeli people. This cult of martyrdom is disgusting and I vigorously condemn it. As President Bush stated so accurately last week, suicide bombers "are not martyrs, they are murderers." I call on the Palestinian leadership to understand this fact and acknowledge that these attacks are an assault on civilization itself. We cannot hope to see progress in the Middle East until suicide bombings stop. As the elected and recognized leader of the Palestinian people, Yasser Arafat must unequivocally denounce this barbarism and crack down on those who are unwilling to cooperate.

At the same time, we cannot expect to see an end to this horror until the Israeli government ends its military assault in the West Bank. Too many Palestinian civilians have needlessly suffered over the past few weeks. I am horrified at reports of Palestinian families having their homes bulldozed over their heads, children being shot on their way to buy bread, and families being forced out of their homes because their houses are being used as Israeli military outposts. Palestinian children have been witness to scenes that we can hardly bear to watch 6,000 miles away on television—scenes of their homes and homeland destroyed, their friends and family killed in crossfire, their brothers and fathers taken away by the Israeli military, not knowing when or if they will return. This new generation of Palestinian youth will grow up with these images burned into their psyches. They will never forget them. This military assault may bring short-term results, but it tears down the long-term prospects for true reconciliation between Palestinians and Israelis.

Mr. Speaker, peace between these two proud peoples has seemed an impossible goal for so many decades. But I refuse to believe that peace is impossible. Over the past half-century, we have been witness to incredible historical reconciliation between people who we thought would always hate each other. I stubbornly believe that peace in the Middle East is inevitable. It may be elusive and it may be complicated, but it will happen and I, along with so many of my colleagues tonight, will rejoice when it does.

PAYING TRIBUTE TO DR. ERIN ELSTER

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to congratulate an outstanding individual from my state whose hard work and dedication to her field has produced awards and accolades throughout her medical community. Dr. Erin Elster, a chiropractic researcher from Boulder, Colorado, has just received perhaps the highest honor in her field, as she has been named the World Chiropractic Alliance's 2001 Researcher of the Year. Erin's research will produce extraordinary advances throughout her medical community and I am honored to bring forth her accomplishments before this body of Congress and this nation.

For the last several years, Erin has conducted research that could have momentous possibilities for those who suffer from Multiple Sclerosis. Erin found that certain corrections in upper neck injuries may be able to reverse the progression of Multiple Sclerosis. Her findings were published in the Journal of Vertebral Subluxation Research, a trade magazine available to the medical community discussing advances and techniques in specific medical fields. The publication has created worldwide interest for her research into vertebrae difficulties and how they affect the nervous system. Her findings are so impressive and remarkable that as a result, the World Chiropractic Alliance has decided to honor her for her breakthrough findings.

Mr. Speaker, it is clear that Dr. Erin Elster is a woman of unparalleled dedication and commitment to her professional endeavors and to the people of her medical community. Her research efforts have the potential to alter and improve all of our lives and I am honored to bring forth her accomplishments before this body of Congress and this nation. She is a remarkable woman who has achieved extraordinary things in her career and it is my privilege to extend to her my congratulations on her selection as Researcher of the Year, and wish her all the best in her future endeavors.

TRIBUTE TO DOLORES HUERTA

HON. ZOE LOFGREN

OF CALIFORNIA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. LOFGREN. Mr. Speaker, today we rise to recognize the achievements of Dolores Huerta, co-founder and first Vice President Emeritus of the United Farm Workers of America, AFL–CIO (UFW). Dolores Huerta continues to be a leader in the labor movement and works tirelessly to achieve social change.

In 1955, she was a founding member of the Stockton, CA chapter of the Community Service Organization ("CSO"), a grass roots civil rights organization. Recognizing the needs of farm workers at this time, Ms. Huerta organized and founded the Agricultural Workers Association in 1960.

It was through her work with the CSO that Ms. Huerta met Cesar Chavez. Recognizing the need to organize farm workers, they formed the National Farm Workers Association ("NFWA"), the predecessor to the UFW.

Together, Dolores Huerta and Cesar Chavez founded the Robert F. Kennedy Medical Plan, the Juan De La Cruz Farm Worker Pension Fund, the Farm Workers Credit Union, the first medical and pension plan and credit union for farm workers. They also formed the National Farm Workers Service Center, Inc., a community based affordable housing and Spanish language radio communications organization with five Spanish radio stations.

Dolores Huerta also continued to lobby, and in 1963 was instrumental in securing Aid for Dependent Families and disability insurance for farm workers in California.

In 1966, over 5,000 grape workers walked off their jobs in what is now known as the famous "Delano Grape Strike," and The United Farm Workers Organizing Committee ("UFWOC") was formed. That same year, Ms. Huerta negotiated the first UFWOC contract, marking the first time in U.S. history that a negotiating committee comprised of farm workers negotiated a collective bargaining agreement with an agricultural corporation.

In 1975 she lobbied against federal guest worker programs and spearheaded legislation granting amnesty for farm workers that had lived, worked, and paid taxes in the U.S. for many years, but were unable to enjoy the privileges of citizenship. These efforts eventually resulted in the Immigration Act of 1985.

Dolores Huerta has worked to better the lives of migrant workers using non-violence. "I think we showed the world that nonviolence can work to make social change," said Ms. Huerta.

We wish to thank Dolores Huerta for her tireless efforts to achieve justice and dignity for migrant farm workers. "Si se puede!"

IN HONOR OF THE MADNA FAMILY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. WAXMAN. Mr. Speaker, it is with great pleasure that I rise today, Holocaust Remembrance Day, to share a remarkable story and honor two true heroes of the Holocaust. On April 14, Congregation Adas Israel, a synagogue here in Washington, D.C., will add the name of the Madna family to its Garden of the Righteous Monument honoring people who rescued Jews during the Nazi occupation. Rob Madna will represent his family at the ceremony.

During the war, the Madna family took in a nine-month old Jewish infant, Alfred Munzer, who was born November 23, 1941 in The Hague, capital of the then Nazi-occupied Netherlands, two weeks before Pearl Harbor, and two weeks before the United States declared war on Japan and Germany declared war on the United States.

By September 1942, when it had become apparent that the Munzer family must go into hiding, baby Alfred was taken in by Indonesian neighbors, the family of Tole Madna. The Madna family cared for him when his parents and older sisters were deported. Their nanny, Mima Safna, cared for Alfred and three Madna children. Mima, a woman who could not read or write and who hardly spoke any Dutch, became Alfred's mother. She kept a knife under her pillow and vowed that if ever the Germans came to get the boy, she'd kill him and then herself. They called him Bobby, his "schullnaam"—his name in hiding.

Dr. Munzer's memories of life in the Madna house are happy ones. His toddler's view of the outside world was limited to what he could see by peaking through the mail slot in the front door. Even so, he found adventure hiding quietly in a small cellar under the stairs while the house was being searched by Nazi soldiers.

Although his sisters tragically died in concentration camps and his father died a few months after the war ended, Alfred and his mother were reunited in August 1945 when he was just three and-half years old. Nanny Mima stayed with them for a short time until her death and Alfred and his mother came to the United States. He is currently is a physician specializing in diseases of the lung and is Director of the Pulmonary Medicine Department at Washington Adventist Hospital in Takoma Park, Maryland. He is also a past president of the American Lung Association.

Little is known about Tole Madna and Mima's religious beliefs. Madna adopted Catholicism very late in life and Mima probably was Muslim. Neither had an advanced education. Neither had any great material wealth. But both had the ability to hear and answer a human need.

They exemplified the meaning of righteousness. They were unwilling to ignore the cry of a nine month-old child.

Mr. Speaker, please join me in honoring the memory of Tole Madna and Mima Saina, two true heroes of the Holocaust. Their story is a testament to the very best in human values.

HOLOCAUST REMEMBRANCE

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. SCHAKOWSKY. Mr. Speaker, I rise today in solidarity with Jews across this nation and around the world to pay tribute to those who perished at the hands of the Nazis during the Holocaust. Today in the nation's Capital, we gather to pay our respects with our Days of Remembrance ceremony. My district, the 9th Congressional District of Illinois, is home to perhaps the largest concentration of survivors in the country and certainly in the state, and this day holds deep meaning for those individuals and the entire community.

Recent events in the Middle East and around the world underscore the importance of this day. Anti-Semitic and anti-Israel rhetoric and demonstrations continue in numerous countries. And while we respect the right of every person to be heard, the hateful displays throughout the world that are directed at the Jewish people remind us that "Never Again" is not a guarantee, but a promise that we must uphold through education, dialogue, and determination. It also reminds us that we must continue to strengthen the U.S. commitment to the security of Israel. Moreover, we must redouble our efforts to bring lasting peace to the Middle East.

"Never Again" means that we must combat hate wherever it exists. We must never turn a blind eye to terror or discrimination. We must demand that our government hold those who carry out acts of needless brutality accountable.

While we must honor those who were lost during the Holocaust by carrying on and living honorable and productive lives, we must also honor them by carrying out measures to bring to justice those who were implicated and who profited from their suffering. And we must do everything within our power to provide the utmost measure of restitution for those who survived the Nazi's evil plan.

The Holocaust was the most horrific human atrocity the world saw during the last century and perhaps in the history of the planet. Millions of Jews and others were brutalized, raped, beaten, dehumanized, enslaved, robbed, and murdered. While it is hard to grasp how terrible those events must have been, what all of our children, and us must do is to listen to the stories of those few remaining survivors of the Holocaust and ensure that their stories and their suffering are a permanent part of history.

The Holocaust was not only the worst murder case in history, but it was also the biggest exploitation and theft. Jews and others were enslaved-worked literally to death for various companies. The Nazis liquidated millions of insurance policies with the assistance of insurance companies, and millions of bank accounts were seized. I am sad to say that, to this date, there has been no restitution for the bulk of those crimes. Every year we observe Yom Ha-shoah, we are also reminded of those survivors of the Holocaust who have passed away during the previous year.

Negotiations to repay stolen assets are ongoing. But, unfortunately, the process is slow and many have been deprived of at least some measure of justice after enduring so much. Real and overdue progress on this front requires the complete cooperation of foreign governments and multinational corporations, who have yet to own up to their role in the crime of the last century. The fact that some still deny responsibility or refuse full compliance with negotiations only adds to the suffering and prolongs the justice those survivors deserve.

As members of Congress, a critical responsibility we have this year is to closely evaluate the status of efforts to gain restitution for insurance policies that were sold to victims and survivors of the Holocaust but were never paid.

There are still some 10, 000 survivors in Illinois and roughly I 100 of them have filed claims for insurance. To my knowledge, only a handful, 14 have received offers for payments.

This is an issue that is beyond urgency. There are serious problems that need to be resolved and Congress has a responsibility to make sure that is done so that those who have lived to recall the Holocaust may also have some measure of justice and dignity paid to them while they are still alive.

We can not even attempt to repay them for the suffering and the loss. What we can do is honor holocaust victims and survivors first, by never allowing our children and future generations to forget what happened and by denouncing in the strongest of terms, rhetoric and behavior that are tainted with the reminiscence of the Nazi era.

Today we honor and mourn those who perished. We vow to live our lives in a way that pays tribute to their memory and ensures others will not suffer their fate.

MURLI DEORA ELECTED TO RAJA SABHA

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. ACKERMAN. Mr. Speaker, one of the newest members Raja Sabha, the Upper House of India's national parliament is Murli

Deora, who has been one of the United States' strongest advocates and closest friends for many years. Murli's election to the Raja Sabha is a well deserved honor which some might say is long overdue.

Murli has enjoyed a distinguished career as a public servant in India and throughout the world. A former mayor of Mumbai, India's largest city, Murli served for many years in India's Lower House, the Lok Sabha, where he rose to prominence in a number of areas, including India-U.S. relations. Murli worked tirelessly to bring the world's oldest democracy closer to the world's largest democracy. Murli carried on this effort even when relations between our two countries grew distant during the Cold War. Because of Murli's foresight, countless politicians and business leaders in the United States have long sought his counsel and advice on matters in India.

Mr. Speaker, as a former Chairman of the Subcommittee on Asia and the Pacific, as well as a former Co-Chairman of the Congressional Caucus on India and Indian-Americans, I can attest to the generous time and energy Murli has given to fostering ties between our two countries. I have also had the privilege of working with Murli when he served as International President of Parliamentarians for Global Action, a worldwide inter-parliamentary organization focusing on many critical issues facing the world today. I also have watched with great interest and much pride as Murli built a series of computer training centers in many Indian cities to provide underprivileged children with free computer education.

Mr. Speaker, for the last several years Murli has immersed himself in the activities of the Red Cross in India, where he has served as Vice-Chairman. A legendary fund raiser, Murli secured critical funds to bring much needed relief for the victims of the devastating earthquake which rocked Gujurat last year. His important work in India earned Murli the second highest position at the Red Cross's international headquarters in Geneva.

Mr. Speaker, Murli Deora's uncontested election to the Raja Sabha is a crowning achievement for a long and distinguished career in Indian politics. I am certain that all of our colleagues who are active in promoting stronger ties between the United States and India join me in extending congratulations and best wishes to Murli and his family. I am confident that, as Murli ascends to this important legislative body, that the citizens of India will once again benefit from his longstanding advocacy for democracy, economic development, social welfare and secularism.

PAYING TRIBUTE TO VERNIE E. ENSTROM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to pay tribute to a matriarch and true friend of the Grand Junction, Colorado community. Vernie E. Enstrom recently passed away at the age of 97, and as her family mourns the loss, I would like to take this moment to bring forth her good deeds and accomplishments before this body of Congress and this nation. Vernie was a remarkable woman and I am honored to tell her story.

To many Coloradans, Vernie E. Enstrom will forever be remembered as the co-founder of Enstrom's Candy Company, a company she started along with her late husband Chet in 1960. Vernie and Chet arrived in the City of Grand Junction in 1929 to originally establish the Jones-Enstrom Ice Cream Company. Using their combined knowledge from the business, the two started Enstrom's Candy, which today serves as a local icon and model company in the State of Colorado.

Throughout her life, Vernie was well known through her community as a leader and dedicated matriarch of her family. During her life, Vernie enjoyed the pleasure of her dearest passion, music, and was often found singing, as well as playing the piano and organ. In her time with Chet, who later became a state senator, she was always his loyal companion who supported and prodded him to success in his business, political, and personal endeavors. She was the dedicated mother of her daughter Ann and son Emil whose daughter Jamee and husband Doug today are the proud operators of Enstrom's Candy. She is further survived and remembered by six grandchildren, 13 great-grandchildren, and three great-great grandchildren.

Mr. Speaker, it is my privilege to pay tribute to Vernie E. Enstrom for the great strides she took in establishing herself as a valuable leader in the Grand Junction community. Her dedication to family, friends, work, and the community certainly deserves the recognition of this body of Congress and a grateful nation. Although Vernie has left us, her good-natured spirit lives on through the lives of those she touched. I would like to extend my regrets and deepest sympathies to Vernie's family and friends during their time of bereavement and remembrance. She was a remarkable woman and she will be greatly missed.

IN MEMORY OF GORDON N. CHAN

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. HONDA. Mr. Speaker, it is with great sadness that I rise today to remember an old and dear friend of mine, Mr. Gordon Nom Chan, who passed away suddenly on December 24, 2001. Gordon's life was distinguished by his service to others, and his contributions to the community will be greatly missed. Coming from a family that has been exemplary in community service for three generations, Gordon was a longtime community and political leader in Santa Clara County, and one of the most prominent Chinese American leaders in the California Bay Area.

Gordon Chan immigrated to the United States from Macau in 1947 at age twelve, to help his father in Northern California. While growing up, Gordon worked forty hours a week at the family farm while attending school. He attended Menlo-Atherton High School, the College of San Mateo, and California Polytechnic University in San Luis Obispo, where he met the love of his life, Anita. He graduated from Cal Poly in 1959 with a B.S. degree in ornamental horticulture, and he married Anita on December 27, 1959.

Gordon began serving his fellow Americans when he was drafted into the United States Army in 1959. Following two years of service, he joined the family flower business, T. S. Chan Nursery. After more than 30 years as a leader in the chrysanthemum and rose growing business, Gordon's entrepreneurial interests turned to real estate development, property management, and the Mayflower Restaurant Group.

Gordon was a true community leader. Not only was he a long-time member and multiple-term president of the Bay Area Chrysanthemum Growers Association, he also served on the Santa Clara County Farm Bureau, the Santa Clara County Planning Commission, the 1990 Redistricting Commission, the Open Space Commission, the California Cut Flower Commission, and the County Fair Board. He was a founding member of the Chinese Historical and Cultural Project of San Jose, and served as chairman and interim director of Asian Americans for Community Involvement.

Gordon was an active member of the First Chinese Baptist Church of San Francisco for over 40 years, and he was also quite active in the San Francisco Chinatown, where he served on many Chinese benevolent associations. He was particularly active in the Hee Shen Benevolent Association, where he served as college scholarship chairman. Gordon was a state guest at the 50th anniversary of the People's Republic of China, where he was awarded an honorary doctorate.

All in all, Gordon N. Chan was a remarkable man whose contributions to American society were invaluable. He lives on in our collective memory, providing a true role model for young minorities in this country, and especially in the California Bay Area. And the groundwork he has laid for members of the Chinese American community in the American political realm will continue to serve as an enduring foundation for years to come.

HONORING MAJOR PETER CLEARY OF CONNECTICUT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor and pay tribute to Major Peter McArthur Cleary, United States Air Force Reserves, of Connecticut, who had been missing in action in North Vietnam since October 10, 1972. As a boy growing up I knew Peter and his family. In February 2002, his family was provided a report from the United States Army Central Identification Laboratory, which concluded that the crash site and remains of Major Cleary have been positively identified. The crash site is located in the vicinity of Dan Hoa Hamlet, Y Leng Village, Minh Hoa District, Quang Binh Province, Socialist Republic of Vietnam. The grid coordinates are 48Q WE 83141/60666. The family of

Major Cleary has accepted the report and Major Cleary will be buried in Arlington National Cemetery on April 12, 2002.

Major Cleary was a pilot attached to the 523rd Tactical Fighter Squadron at Udom Airfield, Thailand. Major Cleary flew Fast Forward Air Control (Fast FAC) missions in F–4 Phantoms over North Vietnam. His tour was from March 1972 to October 10, 1972.

The mission of the Laredo Fast FACS was to fly alone over North Vietnam and identify and direct air strikes on enemy targets. According to Major Cleary's commander, Richard B. Corbin, the Fast FAC was one of the most demanding and productive missions in Southeast Asia, and "the hand-picked aircrews that fly them are the most respected and highest qualified personnel from each unit."

On October 10, 1972, Major Cleary was assigned as a Laredo Fast FAC over Quang Binh Province on the coast of North Vietnam. He had directed an air strike consisting of two F4 Phantoms on a coastal 130mm antiaircraft site. He had completed an air-to-air refueling and was flying on station awaiting a second air strike when he was cleared to return to base. He was tracked on radar going inland in the vicinity of the city of Ron. Major Cleary did not return and was declared missing in action.

Major Cleary is a highly decorated flyer. He earned three Distinguished Flying Crosses, ten Air Medals, and the Purple Heart. Major General Robert Marsh, United States Air Force, provided the citations to accompany the award of the Distinguished Flying Cross (basic through second Oak Leaf Cluster), the Air Medal (first through ninth Oak Leaf Cluster), and the Purple Heart during an awards ceremony at Hanscom Air Force Base in Bedford Massachusetts on November 2, 1979:

"The Distinguished Flying Cross is awarded for extraordinary achievement while participating in aerial flight as an F–4D Aircraft Commander over hostile territory on July 26, 1972. On that date, Major Cleary controlled six flights of strike aircraft in the heavily defended Quang Khe area of North Vietnam. In spite of nearly unworkable weather conditions and heavy antiaircraft fire from the region, he directed the destruction of one petroleum pumping station, two ferry landings, one river craft storage area, and one large river craft.

The Distinguished Flying Cross (First Oak Leaf Cluster) is awarded for heroism while participating in aerial flight as an F–4D Aircraft Commander deep within hostile territory on October 7, 1972. On that date, Major Cleary was assigned to an extremely hazardous and important forward air controller mission in an F–4 Phantom aircraft over Quang Khe, North Vietnam. He successfully located and directed the destruction of a hostile surface-to-air missile site. With complete disregard for personal safety, in the face of numerous rounds of antiaircraft fire, Major Cleary intentionally exposed himself in order to offer more protection to other flyers as they expended their ordnance.

The Distinguished Flying Cross (Second Oak Leaf Cluster) is awarded for extraordinary achievement while participating in an aerial flight as an F–4D Aircraft Commander over hostile territory on June 18, 1972. On that date, Major Cleary flew an important and extremely hazardous strike mission directed against a heavily defended hostile military supply depot deep within hostile territory. Despite intense antiaircraft artillery fire and the constant threat of lethal surface to air missiles, Major Cleary delivered all ordnance precisely on target, resulting in the destruction of vast quantities of military supplies and equipment of critical value to the opposing armed force.

The Air Medal (First through Ninth Oak Leaf Cluster) is awarded for meritorious achievement while participating in aerial flight from March 19, 1972 to October 1972. During this period, the airmanship and courage exhibited by Major Cleary in the successful accomplishment of these important missions, under extremely hazardous conditions, demonstrated his outstanding proficiency and steadfast devotion to duty.

The Purple Heart is awarded for wounds received in action on October 10, 1972."

Major Peter McArthur Cleary, the oldest of four children, was born on June 27, 1944 at Hartford Hospital in Hartford, Connecticut. His parents, John McArthur Cleary and Helen Fifield Cleary lived in East Hartford, Connecticut at the time of Peter's birth. In the late 1940s, they moved to Higbie Drive in Mayberry Village in East Hartford. It is here that I first met Peter. Major Cleary had two brothers William and Tom, who were my age, as well as a sister Maureen (now known as Cleary M. Donovan). Mayberry was a small community teeming with baby-boomers, many of Irish decent. Flanagan, Grady, Kelly, Dagon, and Shaughnessey, all made up the neighborhood I recall with great fondness. In fact, John Cleary wrote a piece about Mayberry for the Hartford Times. Its focus was family life in the Mayberry neighborhood. In 1956, the family moved to Colchester, Connecticut. John and Helen Cleary lived in Colchester until their deaths in 1984 and 2001, respectfully. Major Cleary attended grade school in Colchester. He spent his high school freshman and sophomore years at St. Bernard High School in New London, Connecticut. Major Cleary then attended Mother of the Savior Seminary in Blackwood, New Jersey. Upon graduation in 1962, he began studying to be an Edmundite priest at St. Edmund's in Mystic, Connecticut. Major Cleary left after one year and transferred to St. Michael's College in Winooski, Vermont. He graduated in 1967 with a Bachelor of Arts Degree in English. Although Major Cleary moved many times in his young life, he considered Colchester, Connecticut his hometown.

Major Cleary married Barbara Kingsley of Yantic, Connecticut in 1967. They had two beautiful children, a son Sean and a daughter Paige.

I would urge my colleagues to join me today in recognizing and honoring the sacrifices of Major Cleary and his family, and in welcoming him home. It is a great honor for me to record in the Congressional Record the achievements of this American Hero, and salute his family. Arlington National Cemetery is a long way from Mayberry Village and Higbie Drive, and while Major Peter Cleary will lie at rest with the nation's heroes, we who remain will forever carry his memory in our hearts.

INTRODUCTION OF HOUSE RESOLUTION ON UNITED STATES ENERGY INDEPENDENCE

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. GEKAS. Mr. Speaker, I rise today to announce the introduction of legislation addressing an issue of longstanding concern to me: America's dependence on foreign sources of oil.

The resolution I am introducing tonight calls on President Bush to remind those oil exporting nations who are our allies that decisions they have made recently to restrict crude oil supply in the world market, in accordance with requests made by the OPEC cartel, adversely affect the national security of the United States and the world economy. These countries must be informed of the affects of their oil export cutbacks.

As OPEC and non-OPEC countries collude to boost oil prices they actually harm the world economy and, in the long run, their own bottom lines. It is estimated that every 10-cent a gallon increase of gasoline at the pump in the United States costs motorists $13 billion annually. This spring, gasoline prices have jumped from an average of about $1.00 to over $1.30 nationwide. This price spike alone is putting a drag on the U.S. economy. If some estimates hold true, the price Americans face at the pump may rise to an average of $1.60 per gallon this summer. This economic burden will hit Americans in the wallet like a new $78 million tax! Oil producers must be reminded that any slowing of the U.S. economy will simply lessen the demand for their product and will negatively impact their corporate bottom line in the end.

I am troubled most that many of the oil-producing countries that collude to boost prices at the American gas pump are actually close American allies. Countries like Mexico, Norway, Saudi Arabia, the United Arab Emirates and Venezuela have gotten together and collectively bargained to reduce their output to boost prices. Furthermore, these countries had the audacity to do this at precisely the time that the United States economy was struggling to recover from the effects of the September 11, 2001 terrorist attacks. To those Arab allies we fought to defend and liberate a decade ago, we must say, "stop gouging us at the pump." Moreover, we expect you to make up any shortfall in oil exports to our country resulting from Saddam Hussein's latest political gimmick—a 30 day boycott of exports. To our non-OPEC allies around the world, such as Mexico, we say the path to your country's economic progress lies with us and not with OPEC. We also ask you to desist in oil output restrictions in which you recently engaged at the request of the OPEC cartel and that you help make up any shortfall from Iraq oil restrictions as well.

Mr. Speaker, I urge the House of Representatives to pass my resolution in order to send a message to OPEC that this body will not accept practices that hold our economy hostage.

My resolution also urges the Senate to act and pass comprehensive energy legislation, such as H.R. 4, which was agreed to by the House of Representatives on August 2, 2001. A comprehensive national energy policy like that proposed in H.R. 4 will help make the United States more energy self-sufficient and less dependent on foreign sources of oil.

Mr. Speaker, this country's best course of action lies in becoming independent of foreign oil. The OPEC foreign cartel has operated beyond the scope of our law and has worked in contravention of free market forces for decades. The Senate can help to get us closer to the goal of energy independence by passing H.R. 4. In the meantime, our allies must become independent of OPEC. I urge our allies to recognize the fact that it is in their best interest to have a strong U.S. economy and that reducing production or boosting petroleum prices only acts to hurt that economy. The oil-producing countries of the world have an obligation to stabilize the world price of oil so that there is a continued demand for their product. If they do not do this, their economies will suffer along with ours.

TERRORISM RISK PROTECTION ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mrs. BIGGERT. Mr. Speaker, I rise today in support of H.R. 3210, the House-passed terrorism insurance legislation. As President Bush noted in a press conference yesterday, without a terrorism insurance bill, there will continue to be a significant drag on our economy.

Without coverage, the economic impact of another terrorist attack would be very serious. The U.S. could face a string of bankruptcies, loan defaults and layoffs that would intensify the blow of the attack.

One segment of the economy that can least afford to live without terrorism coverage is our public self-insured risk pools. These risk pools—more than 125 operating in forty-one states—help local governments, school districts, housing authorities, and other public entities to provide necessary insurance protection. These entities would be hurt the most by layoffs due to lack of prevention prior to an unforeseen terrorist attack.

These risk pools provide coverage to those most often at greatest risk—police officers, firefighters, and emergency medical personnel—as well as teachers and students, municipal employees, and many others. We all know that these public entities cannot absorb the costs of terrorism risk across their membership base. I have heard from several risk pools in my state that are desperate for help. In Illinois, the Assisted Housing Risk Management Association (AHRMA) no longer has coverage for an act of terrorism. That self-insured pool covers public housing authorities across my state.

The Illinois School District Agency (ISDA), a self-insured risk pool covering public school districts in Illinois, has been told that its July 1st renewal will have a terrorism exclusion. And the Department of Insurance in Illinois is now allowing the exclusion of terrorism coverage in new and renewal policies. So my state becomes one of 45 states that are allowing such exclusions to be written into policies.

The need for Congress to act has never been greater. Large, self-insured pools and individual self-insurers such as the City of Chicago will pay as much as four times their expiring premium to buy the additional coverage necessary in the coming year. Make no mistake—public self-insured risk pools are more vulnerable than other entities. They provide enormous savings to taxpayers.

I am hopeful that Congress will pass this bipartisan legislation soon and send it to the President's desk as he has requested.

TRIBUTE TO FRANCISCO PANCHO MEDRANO

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to commemorate the passing of a great American, a mentor and a friend, Mr. Francisco "Pancho" Medrano. The nation has lost a legendary civil rights pioneer with the death of Mr. Medrano, who dedicated his life to eradicating prejudice and intolerance in this country and fought mightily for fairness and equality for America's working men and women.

Mr. Medrano rose to great heights from humble beginnings, defying discrimination at every turn along the way. He was a native to Dallas, born in 1920 to Mexican immigrants who taught their young son the value of hard work as they headed northward to Michigan each year as migrant laborers. When Mr. Medrano was able to return to Dallas, he came back to a community that refused to let him swim in a public swimming pool or watch an evening movie in the park because he was Hispanic. At the age of 16, he was told by a school principal he was "too poor" to attend public schools, so he went to work at a rock quarry for 25 cents an hour.

Soon after, he became one of only a handful of minority workers on the line as an aircraft jig builder, where he often had to do a two-person job by himself because no one would work with a Mexican-American. And, while at the aerospace plant, he fought prejudice—literally—as a champion prizefighter who used his notoriety to integrate sporting events in Dallas.

Mr. Medrano had an illustrious five-decade career as a union organizer and civil rights representative with the United Auto Workers. During his tenure with the UAW, he became a national leader. He marched alongside Dr. Martin Luther King, Jr. during the civil rights movement, fought for fair labor standards on the farms of Texas and California with Cesar Chavez, worked tirelessly to advance workers' rights in the automobile industry, and spent decades promoting civic activism in the Dallas area.

Yet, for as much as he achieved in his life, Mr. Medrano never forgot the inequities of his childhood. He fought for the rights of all workers to peaceably demonstrate, broke racial membership barriers in labor unions, worked to defeat the poll tax and fostered civic participation in the minority community. His keen sense of justice caused him to work on behalf of African-Americans with as much fervor as he worked on behalf of Mexican-Americans, and his inspirational legacy is a challenge to all of us to continue to fight for social and economic justice for people of all races.

Mr. Medrano shared with me a fervent belief in the importance of voting rights and civic participation, and it is important that we strive to emulate the work that he has done in this area. Just last week, though he was desperately ill with the cancer that ultimately took his life, Mr. Medrano went to the polls and cast his ballot in the Texas Democratic Senate runoff election. He fought to get Dallas residents of all races and backgrounds more involved in the political process, and he provided support to people like me who dared to cross the color lines of Texas politics. Pancho Medrano offered his support and counsel when I decided to run for the Texas House of Representatives in 1972, he stood by my side when I ran for Texas Senate in 1986, and he was a tremendous friend to me when I made my run for Congress a decade ago. I couldn't have come this far without him.

Mr. Speaker, when we think about Pancho Medrano, we think about justice, courage and civic activism. His work to end discrimination and prejudice has had a profound and lasting effect on the lives of millions of Americans, and we will miss him dearly. His death on Thursday, April 4th, at the age of 81 is a great loss for the city of Dallas, and a great loss for the nation.

WE MUST STAND BY OUR ALLY ISRAEL

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. ISRAEL. Mr. Speaker, over the past few weeks, columnists and pundits have taken to the airwaves to proclaim the Middle East crisis as complex and complicated. Analysts have discussed the difficulties our government has in balancing conflicting interests and equities that have polarized a historic conflict between two peoples.

Mr. Speaker, I couldn't disagree more.

Indeed, I view this controversy in basic terms.

On September 11, a line was drawn in the sand.

In the sands of the Middle East and in the rubble of the World Trade Center and the Pentagon.

The line does not divide religious groups. It does not divide cultures.

It does divide values. It divides extremists and fanatics from the civilized world.

On one side are those who deliberately and carefully target innocent civilians for death—whether they were reading memos at their desks in the World Trade Center in Manhattan; or reading from the Hagaddah at a Passover table in Netanya, Israel.

When terrorists crossed that line on September 11 and attacked our people, the full military might of the United States government was dispatched to retaliate against those attacks and prevent future attacks. We routed out terrorists in caves and tunnels. Similarly, when terrorists crossed that line on seven different days in seven different places in Israel, the same standard applied. There simply is no moral difference. Targeting innocent men, women, children and elderly for a savage attack is terrorism pure and simple. It doesn't matter where it occurs, when it occurs, or under what circumstances it occurs. It has no ethical defense. It has no other definition. In the interests of our own place in the world, in the interests of our own security, in the interest of our own defense, we must combat and work with others to combat terrorism without equivocation.

On one side of the line are those who teach their children to hate. Who feed their children a steady diet of intolerance. Who use classrooms to poison minds, to reject compromise, to fuel extremism. Only on that side of the line do mothers celebrate the suicides of their children. Only on that side of the line did men and women cheer in jubilation when the World Trade Center towers collapsed.

On that side of the line, Mr. Speaker, are governments who embrace tyranny. On our side, are governments that cherish democracy. On one side are those who invest power in bombings, on our side are governments who invest power in voting. On one side are those who leave their people behind in squalor and despair; on our side of the lines are governments, comprised of all religions, who promote literacy, job expansion, economic development, education, technology, and an ability for their citizens to compete in a global economy.

On one side of the line are those who violently reject religious freedom, diversity, pluralism, a respect for different opinions, or room for different faiths. On the other side are those who believe that a diversity of ideas and beliefs makes us a better civilization. Indeed, America's great gift to the world was the revolutionary notion that freedom and liberty prohibits religious tests.

Earlier today, I gathered in the Capitol Rotunda with members of the President's Cabinet and our colleagues in the House and Senate, to commemorate and remember those who perished in the Holocaust. During the ceremony, Elie Wiesel said: "Those who kill in the name of their god make God a killer." He is right.

Mr. Speaker, it is time to return to basics. Through thick and through thin, we only have one truly democratic ally in the Middle East. Only one nation there shares our fundamental values of elections, education, economic opportunity, women's rights, and religious freedom.

At a critical time, our role should be to stand firmly with our ally while encouraging Arab and Palestinian leaders to resume negotiations rather than bombings to reach the ultimate goal of stability, autonomy, peace, and a place on the civilized side of the line that was drawn in the sand on September 11.

WE MUST CONTINUE TO SUPPORT ISRAEL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. KNOLLENBERG. Mr. Speaker, the situation in the Middle East has deteriorated dramatically in recent weeks. Secretary of State Colin Powell is now on a mission to the region. President Bush made the right decision to send him there, and now we must be very clear about the cause of the current conflict, now it its nineteenth month. As difficult and complex as the Middle East is, what's needed most is very simple: an end to Palestinian terrorism.

Despite the commitments Yasir Arafat has made to fight against terror, his actions have not met his words. Time and time again he's passed up opportunities, betraying the people he's supposed to lead. Because he has failed to join the fight against terror, Israel has been forced to fight it for him. As Secretary Powell heads to the region, he has another chance. I, along with my colleagues in Congress, will be watching closely to see if Arafat has changed his ways.

We must also remember, not all Palestinians support terrorism. The problem is with the Palestinian leadership. There are plenty of Palestinians that, like Americans and Israelis, want to go to work, earn a living and build a family. We need to work with these people and find ways to support them, so we can hope for a new generation of Palestinian leadership that realizes the only way to achieve a Palestinian state is to fight terrorism and embrace peace with Israel.

Every Arab government must step forward and do everything in their power to stop the Palestinian terrorism, and terrorism around the world. Stop encouraging, stop inciting, stop financing. Governments such as Iraq that reward parents for convincing their children to kill innocent people is one of the most horrible things imaginable. Suicide bombers are not martyrs, they're murderers. When Iran uses Hezbollah to ship 50 tons of weapons to Palestinian terrorists, it's obvious they're only paying lip service to the idea of stopping terrorism. Iraq, Iran, Syria, and all the countries in the region must choose and act decisively in word and deed against terrorist networks and terrorist acts.

As President Bush has said, time and again, the nations of the world must decide: they're either with us or they're with the terrorists. But every day we see suicide bombers killing innocent Israelis. Israel has rightfully taken action to stop the bombing of innocent Israeli citizens. America has asked the world to join us in the fight against terrorism. Israel is on the front lines. We must continue to support Israel, financially, diplomatically, and by whatever means are necessary.

HOUSE OF REPRESENTATIVES—*Wednesday, April 10, 2002*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SWEENEY).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 10, 2002.

I hereby appoint the Honorable JOHN E. SWEENEY to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord, our God, springtime invites us to look at all creation anew and rejoice in its freshness. It inspires all of us to reflect on: "What are we creating?"

In partnership with You, as Your people, we desire to accomplish Your holy will.

Help the Members of this House in the 107th Congress to look at themselves, their politics, priorities, and the Nation's interests with new vision in the light of Your Spirit.

By Your Word, plant deep within their hearts personal integrity. Strengthen Your people with convictions born of truth and experience.

In selecting only good seed, may the leaders of government cast freely new growth across this Nation.

Help them to be wise and patient planters seeking not immediate results, but a productive future which will feed the stability of our homeland and reap a harvest of peace in the world.

It is You, O Lord, who grant the increase now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELFARE REFORM

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, Republicans in the House have been leading the charge on the issue of welfare reform. In 1996, overcoming vehement opposition and tremendous obstacles, the Republican majority passed groundbreaking welfare reform that cut caseloads in half.

This year, as Congress is scheduled to reauthorize welfare reform, I would like to share the four principles being promoted by welfare proponents, proponents of welfare reform.

Promoting work: Our plan strengthens the path toward independence. We will continue to support strong work requirements as a centerpiece of our plan for reauthorizing welfare reform.

Improving child well-being: Our plan aims to lift millions more out of poverty. We are developing new initiatives to reduce child poverty and enhance opportunities for a brighter future.

Promoting healthy marriages and strengthening families: We will continue to promote policies that reduce illegitimacy and divorce, while encouraging healthy marriages.

Fostering hope and opportunity: Boosting personal incomes and improving quality of life, we will build on these successes by developing additional plans to place recipients on long-term career paths, promoting self-esteem, and improved quality of life.

These are our guiding principles. They are worth fighting for. Strong families are worth fighting for. I urge my colleagues on both sides of the aisle to join in this noble cause.

RETURN LUDWIG KOONS

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I am here again. That means that Ludwig Koons is still in captivity in Rome, Italy. A 9-year-old boy, abducted by his pornographer mother, lives in a compound where there is prostitution. We cannot get the United States Government to help us, nor can we have get the Italian Government to help us. Psychologists in both countries have said the child needs to be removed from the situation that he is living in.

Where are our consciences? Why cannot we make something happen with this case?

I need Members to be as absolutely outraged as I am. Please do something to help this child, a 9-year-old United States citizen. Yes, he is living with a parent. That parent does not have custody. She is in the business of doing erotic sex shows around the world. She has a pornographic Web site. Psychologists have said the child is in danger if he continues to stay there, and his father has spent millions of dollars trying to get the child back home to the United States, unquestionably away from the circumstances in which he is living. We need help. My colleagues, please respond and bring Ludwig Koons home.

SUPPORT WELFARE REFORM

(Mr. CRANE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CRANE. Mr. Speaker, I rise today to support the bill of the gentleman from California (Mr. HERGER) on welfare reform that was introduced yesterday. The bill strongly supports the President's priorities on welfare reform.

Welfare reform has been a tremendous success. The best welfare program for families and children is a good-paying job. Since welfare reform was passed in 1996, more people are off welfare and working, and child poverty is down significantly. But there is still more we can do. This bill will continue building on the successes we have had. It will strengthen families and protect children. It will help most people get off welfare who are in that condition today and back to work. It will encourage States to be innovative so they can help more families.

This is a good bill and I urge my colleagues to support it.

LOOPHOLE EXPLOITATION ACT

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, this afternoon the House will vote on a piece of legislation that has been named the Taxpayer Protection Act. It would be more properly described as the "Loophole Exploitation Act" because it is designed to undermine the new bipartisan campaign finance law before that law can even take effect.

It will encourage the development of a new form of political committee that will not have to disclose its activity at either the Federal or State level. This will be a type of committee for which Federal officials are encouraged to raise funds, and yet no one will know the full extent of such a committee's activities.

That is why Public Citizen, Common Cause, and the Campaign for America have said "there is only one way to oppose the fatally flawed 527 provisions, which open a gaping loophole in our campaign finance disclosure laws, and that is to vote "no" on H.R. 3991." I hope my colleagues will do that. We must maintain the bipartisan spirit of reform and reject this very unfortunate piece of legislation.

HONORING MAURICIO J. TAMARGO

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, on August 30, 1961, a young Cuban boy named Mauricio Tamargo fled the Castro tyranny with his family, in search of freedom and liberty here in the United States. His belief in the American dream gave him the strength to persevere during the harsh winters of Wisconsin, as he stood for hours at the corner selling newspapers to help his parents with his seven brothers and sisters.

Today, Mauricio will be officially sworn in as the chairman of the Foreign Claims Settlement Commission.

For over a decade, Mauricio has been my most valuable advisor and confidant. As a result, I hated the thought of his leaving, but when the President nominated him for this distinguished post, I knew for the good of the country he had to go.

Mauricio is not only an excellent jurist, he is someone who embraces and cherishes law as a compass for his life. He is not only intelligent and dedicated to the service of our country, he is a man of integrity and honor. His journey from refugee child to his current post is a testament to our great country and a vivid example that the American dream can indeed become a reality for all of us.

May Mauricio serve as an inspiration to future generations. Godspeed, my friend. Felicidades, Mauricio.

NATIONAL DAY OF SILENCE

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, today across the country, thousands of students on our college campuses are silent. They are silent as a sign of solidarity of persons who, because of their sexual orientation and gender identification, cannot speak for themselves. They are silent as a form of protest against a society that silences persons who are different, persons who do not meet main street's definition of proper.

They are silent, but we in Congress should not be. We should shout and raise our voices and call for an end to discrimination and prejudice against gays, lesbians, bisexuals and transgender persons. We should affirm loudly that by this day of silence, America has the capacity and the heart to say to all persons are just that, persons; and all persons are deserving of fair treatment. In closing, I would like to thank two gentlemen from my district, Bruce Carlson and Matt Friday, for their dedication to such causes, and recognize the instrumental role they play in creating a nation free of prejudice.

YUCCA MOUNTAIN BY THE NUMBERS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, today I rise to share with you some disturbing numbers regarding the shipping of high-level nuclear waste to Yucca Mountain, Nevada.

First, let me tell you it will take over 96,000 truck and rail shipments for this material to get there. These shipments will go through 44 States, 703 counties, and at least 109 major population cities. More than 7 million people live within one-half mile of the nuclear transportation routes. Close to 50 million people live within 3 miles of these shipping routes. And contrary to what the DOE espouses, nuclear waste currently stored at 77 reactor and storage sites in 39 States, is not just going to magically appear at Yucca Mountain. These shipments will come through your communities for over 38 years.

The cost associated with cleaning up just one accident in your community is over $13.7 billion taxpayer dollars, not counting the health care costs associated with those affected.

That is the story, Mr. Speaker, by the numbers. The sad truth is these numbers just do not add up to a plan which protects the safety and security of all Americans. I urge my colleagues to oppose the Yucca Mountain bill.

EXPANDING EARNED INCOME TAX CREDIT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, as we approach April 15, the deadline for filing income tax, I have introduced a bill, H.R. 3742, legislation to expand the earned income tax credit for childless workers.

This bill would significantly strengthen the credit's ability to reward and encourage work for millions of low-income people.

H.R. 3742 would improve the EITC for childless workers in two important respects. First, it would double the credit percentage to 15.3 percent and extend it to apply to the first $7,000 in wages that a worker earns. This would provide workers with new relief from the substantial payroll tax burden they currently bear.

While we await enactment, I would also encourage low-income people to make sure they file for their earned income tax credit.

ACHIEVING INDEPENDENCE THROUGH WELFARE REFORM

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, I have been looking forward to today for quite some time. Today we are introducing the welfare reform bill that will build upon the successes of our historic 1996 reforms.

In the past 6 years I have heard numerous success stories that arose from the 1996 welfare reform legislation that touched millions of lives.

Our great former President, Ronald Reagan, once said, "We should measure welfare's success by how many people leave welfare, not by how many people are added."

In 1996 there were over 14 million welfare cases. Since then, however, that number has been reduced by 9 million. But this debate is more than just about numbers. It is about people.

Statistics cannot explain the smiling faces of success. Before and during recess, Members have been learning firsthand about success stories in each of our districts, which we have been pleased to share with you. These are truly inspirational stories about overcoming adversity to achieve independence. That, Mr. Speaker, is what the American dream is all about.

Let us help make that dream a reality by passing President Bush's welfare reform proposal.

CONGRATULATING U-CONN HUSKIES

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I rise today to congratulate the University of

Connecticut Huskies for capping a perfect 39–0 season with their third NCAA women's basketball championship.

Sports experts around the country are now saying what many of us in Connecticut already knew in our hearts: This is one of the best teams in basketball history.

The Huskies set the standard for perfection. They ranked number one in the Nation for scoring, 3-point shooting percentage, scoring defense, and field goal percent allowed. They set an NCAA record with a season-long average victory margin of 35.4 points, and set a national record with 831 assists.

Throughout the entire season only one opponent lost by less than 10 points, and all five of the Huskies' starters, Asja Jones, Swin Cash, Tamika Williams, Diana Taurasi, and national player of the year Sue Bird, made the Big East All Tournament Team.

Simply by doing what they love, these talented young women have proven themselves to be role models for girls and boys across this Nation. With their absolute determination and a commitment to team work, the UCONN Huskies have achieved perfection.

I congratulate them on their win and we look forward to more seasons to come. Go Huskies!

□ 1015

BAN HUMAN CLONING NOW

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, it is written that "I set before you blessings and curses, life and death. Now choose life that you and your children might live."

Today, 40 Nobel laureates will come to Capitol Hill to express their support for human cloning for research. Apparently Professor John Nash, the Nobel laureate portrayed in the movie "A Beautiful Mind," is not the only Nobel winner who is crazy.

Human cloning is morally wrong. It is without a doubt in the overwhelming view of the American people and of our President and of medical ethics for thousands of years that research on human beings for medical advance is wrong. It is a dark path leading to the nightmare of eugenics, and it is a path upon which those in the 20th century embarked too often.

Congress should reject the intellectuals again. We should heed the majority of the American people, listen to our President, choose life and ban human cloning now.

TIME TO THROW OUT THE TAX CODE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, Monday is April 15; and the American people will genuflect before the altar of their government and hand over everything they have earned for the past year and, in so doing, pay out of their pockets just to comply with this code.

Last year, the American people spent $250 billion just in compliance costs with this complicated code. That is a 15-percent surtax on the tax that we pay. For small business, which creates most of the jobs in this country, they will pay $724 just to comply with the code, collect and remit $100 in taxes.

Mr. Speaker, this system is broken and cannot be fixed. To those who think we can have a flat tax on incomes, I say we did that once, 1913, and look what we have got.

Mr. Speaker, it is time to throw out this Tax Code, start over, let people keep what they earn and pay on what they spend and let every American become a voluntary taxpayer once and for all.

CONGRATULATIONS TO THE UNIVERSITY OF MARYLAND'S MEN'S BASKETBALL TEAM

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, I rise today to congratulate the University of Maryland men's basketball team for winning the 2002 NCAA national championship. On the 50th anniversary of my doctorate from the University of Maryland, I would like to express my appreciation for the job Coach Gary Williams has done in resurrecting the team's proud heritage to make the team a national champion.

I would especially like to mention senior guard, first team All American, Juan Dixon. Juan Dixon overcame his parents' death at an early age, as well as many other obstacles, to become the great player he is now. Dixon and many of his teammates were continually discounted as not having the mettle to win the title and not having much of a chance to succeed individually. They proved every critic wrong by bonding together to win as a team.

It was an amazing run by the Terps this year, and all Maryland is proud of them. The story of the Maryland basketball team this year has been one of great perseverance, and we salute their achievement and pursuit of excellence on and off the court.

CONTINUING WELFARE REFORM SUCCESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, as a member of the Welfare Reform Action Team, I am here today to reopen the discussion on welfare reform. In 1996, after a contentious debate that will not soon be forgotten, Republicans rallied to pass welfare reform.

Another thing that will not be soon forgotten is welfare reform's historic results. Republican-led welfare reform has proven successful in replacing welfare checks with paychecks, fostering independence, boosting personal incomes and improving the well-being of children.

In 1996, Congress fixed a welfare system that was completely broken. The proof is in the numbers. Since 1994, welfare caseloads have been reduced by 9 million. The number of individuals receiving cash assistance has dropped by 56 percent. Nearly 3 million children have been lifted from poverty, and the child poverty rate is at its lowest level since 1978. That is real progress.

Now that the success stories are from many and the naysayers are few, it is my sincere hope that this House will support the President in reauthorizing welfare reform in a strong bipartisan fashion. There is still more work to be done. We must continue to strengthen the path toward independence.

WELFARE REFORM REAUTHORIZATION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my colleagues, I salute my Committee on Ways and Means colleague, the gentleman from California (Mr. HERGER), for introducing the reauthorization of welfare reform; and as my friend from South Carolina just mentioned, this is an opportunity to build on a genuine success story.

My friend from Kansas came to the well earlier and he spoke of our great former President Ronald Reagan who had the right instincts when President Reagan said, Success in terms of helping people needs to be defined not by the numbers of people added to the welfare rolls, but by the numbers of people who depart those rolls and who go out and get jobs.

What we started in 1996, despite the wailing and gnashing of teeth of some, was something truly remarkable and truly constructive. When we reaffirm the dignity of work and the reality instead of just the rhetoric that the best program in the United States is not a social program, it is a job, to reaffirm individual self-worth, to reaffirm the dignity of work and the pride and personhood. That is the challenge that confronts us as we reauthorize landmark welfare reform.

CRITICAL TO CONTINUE TO IMPROVE THE WELFARE SYSTEM

(Mr. BROWN of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of South Carolina. Mr. Speaker, it used to be that when Members took to the floor to discuss the issue of welfare there was not a lot of good news; but as a member of the Committee on the Budget, I am pleased to report that things are looking up thanks to the welfare reform legislation passed by the Republicans in 1996.

Today, we are introducing a bill that builds upon the indisputable success of the 1996 law, and I am proud to support it.

Republican-led welfare reform has proved successful by replacing welfare checks with paychecks, fostering independence, boosting personal income, and improving the well-being of children. It is critical that we continue to improve the welfare system so that people can continue to improve their lives.

Six years ago, we made a historic and positive change in our society and the role of our government. We can now say with confidence that the system is working because people are working. We have turned a corner, but our work is far from being done.

Mr. Speaker, I urge my colleagues who supported the success of the 1996 bill to keep up the good work and spread the good word to those who doubted this landmark reform last time around. Let us put people before politics.

STRONGLY ENCOURAGE RENEWED DEBATE ON WELFARE REFORM

(Mr. SULLIVAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SULLIVAN. Mr. Speaker, I stand before you to strongly encourage renewed debate on welfare reform. It is imperative to all Americans that the institution of welfare is reformed and repaired in order for those who need real assistance to get help from the Government they need. I am excited about welfare reform legislation that will begin genuine improvement in the lives of underprivileged Americans.

Six years ago Members of this body united to pass a bill that revolutionized the lives of welfare recipients. In the 6 years since the passing of that legislation, America has witnessed a huge decline in welfare dependence. In fact, the numbers show that individuals receiving cash assistance has dropped by 56 percent.

In the past 6 years, over 3 million children have been lifted from the depths of poverty. Former welfare recipients and their children are achieving their independence from welfare.

We have taken a step in the right direction, but we have only scratched the surface. The House must finish the work we started 6 years ago. We must stay determined to ensure the success of welfare reform moving forward. We cannot undermine the reforms we have taken by expecting the needed changes to happen on their own. We cannot rest, and I ask my colleagues to continue to support the call for reauthorization of welfare reform.

DIGITAL TECH CORPS ACT OF 2002

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 380 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 380

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill, modified by the amendments recommended by the Committee on the Judiciary also printed in the bill. That amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Sweeney). The gentlewoman from North Carolina (Mrs. Myrick) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. Hastings), pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purposes of debate only.

Yesterday, the Committee on Rules met and granted an open rule providing for consideration of the bill, H.R. 3925, the Digital Tech Corps Act of 2002. The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate, equally divided and controlled between the chairman and ranking member of the Committee on Government Reform.

The rule further provides that the amendment in the nature of a substitute recommended by the Committee on Government Reform now printed in the bill, modified by the amendments recommended by the Committee on the Judiciary be considered as an original bill for the purpose of amendment.

Finally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the Congressional Record, and provides for one motion to recommit, with or without instructions.

H. Res. 380 is an open and fair rule. It allows any Member who wishes to offer an amendment every opportunity to do so. Mr. Speaker, this bill is aimed to bring a bit of common sense to the Federal Government, and heaven knows there is not a lot of that going around these days.

It would allow IT managers in the Federal Government and the private sector to essentially exchange information in order to see how the other side works and learn from it. Federal workers would be exposed to the private industry's best practices management, while the private employees would get the opportunity to see the challenges that Federal workers face.

Currently, the Federal Government lacks the ability to compete with the high-paying jobs of the private sector. The Government is constantly struggling to recruit and retain employees with the expertise and the latest and newest information technologies. So the inevitable is happening.

The government keeps losing some of the best and the brightest to the cushiest and the highest-paying private sector jobs. Unless this is addressed, the technology gap will continue to grow and the Federal Government will continue to be on the losing end.

However, if this bill passes, the private sector will win as well. These employees will get to see firsthand how the government operates and the challenges its IT managers deal with on a routine basis.

□ 1030

Mr. Speaker, as I said, hopefully we can learn from one another. I commend the gentleman from Virginia (Mr. TOM DAVIS) for recognizing this problem and crafting this bill to ensure that the Federal Government can be as efficient as it possibly can. I urge my colleagues to support this rule and to support the commonsense legislation it underlies.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentlewoman for yielding me the customary 30 minutes.

Let me say at the outset that I commend the gentleman from Virginia (Mr. TOM DAVIS) for bringing this legislation to the House. The Digital Tech Corps Act creates an exchange program under which Federal agencies and private sector companies may exchange information technology managers. Assignments under the program could last from 6 months to 2 years. Participants in the program would continue to receive their pay and benefits from their original employer, not their host.

A Federal employee who participates in the program would be required to return to the civil service for a time equal to the duration of his or her assignment following the completion of the exchange. If an employee fails to return to the civil service, that person would have to repay the Federal Government for all expenses, including salary, of the assignment. There will be some interesting amendments offered. I know that the gentleman from California (Mr. WAXMAN) and the gentlewoman from California (Ms. VELÁZQUEZ) have amendments that are going to be of critical import to the overall membership.

H.R. 3925 subjects the private sector employees who participate in the program to the same ethics rules that govern Federal employees. To ensure that none of the private sector employees that participate are able to unjustly enrich themselves or their companies, strict guidelines have been put in place.

The bill requires the Office of Personnel Management to submit a semiannual report to Congress summarizing the program. The report would include descriptions of assignments, including their duration and objectives. The OPM would also be required to submit two additional reports. The first, due no later than 1 year after enactment of the bill, would identify and detail existing exchange programs. The second report, due no later than 4 years after enactment of the bill, would evaluate the effectiveness of the program established by this bill and recommend whether it should be continued or permitted to lapse.

This bill allows for a productive exchange of not only individuals between the Federal Government and the private sector, but ideas, cultures, and management styles. The intention is that this kind of cross-fertilization will benefit American government and American businesses.

Mr. Speaker, I hope that this bill begins a discussion of new and innovative ways that the Federal Government can recruit and retain the most talented people in their respective fields. The private sector is far ahead of the government in its efforts to do the same. I encourage my colleagues to examine the programs the private sector has fashioned to locate, recruit, and retain talented young individuals. If we are to streamline government, ensure the cost-effective expenditure of the American people's tax dollars, and create a more efficient bureaucracy, we have no choice but to duplicate such efforts. I do believe that the rule is a fair one as offered, allowing Members to come forward as they see fit.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to House Resolution 380 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3925.

□ 1035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, with Mr. SWEENEY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. TOM DAVIS) and the gentleman from Texas (Mr. TURNER) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate the commonsense leadership of the distinguished chairman and the ranking member of the Committee on Government Reform on the Digital Tech Corps Act of 2002. I also appreciate the hard work of the Committee on the Judiciary and the Committee on Ways and Means in contributing to this legislation.

The General Accounting Office added human capital management to its annual high-risk list in 2001. Governmentwide, we face significant human capital shortages that will only get worse as 34 percent of the Federal workforce becomes eligible to retire in the next 5 years. The numbers are even more startling in highly specialized fields where government recruiting is in direct competition with the private sector. Nowhere is this more evident than with the technology workforce. It is estimated that 50 percent of the government's technology workforce will be eligible to retire by the year 2006.

Over the past decade, the Congress and the executive branch have worked together to bring about significant management reform. We have passed acquisition reform, information technology management reform, and government performance and results legislation.

Unfortunately, no one has updated the laws and regulations governing the management of the government's single most valuable resource: our people. The private sector long ago made end-to-end review of human resources management a top priority. The private sector learned a lesson our government has yet to fully recognize: A company's value is only as strong as the people that come through the door every day, bringing knowledge, new ideas, and innovation.

A recent KPMG report on human capital management within the Federal sector noted the government is operating with personnel tools utilized and developed in the 1950s and 1960s. The same study noted that industry undertook major capital management reforms in the 1980s and have continued reviews as often as three times a year.

For the past decade, the government managed through minimum mandatory personnel ceilings and hiring freezes. Today we see the results in nearly every General Accounting Office report on government programs. Agencies have lost so many personnel that they face growing challenges in managing programs, acquisitions and logistics. At the Department of Energy, for example, there have not been enough personnel to oversee daily operations at sensitive nuclear facilities. And at NASA, downsizing has left the space shuttle team short of qualified personnel and launch activities. Unfortunately, there are many examples within the Federal Government.

Today, I think we have to address this reality both in the long term and in the short term. It is my firm belief that the larger human capital management crisis will not be solved without the joint efforts of Congress, the administration, Federal employees and groups that represent Federal employees, and the private sector. We have to look to more immediate solutions to solve the workforce shortages in highly skilled technical areas of the government. Agencies should be able to effectively and efficiently perform their missions while enhancing service delivery to the taxpayers that are footing the bill.

According to the National Academy of Public Administration, the primary barriers to recruiting new information technology workers are salary, the delays in hiring, and a lack of robust training opportunities so that IT workers can keep their skills current with changing technologies. We have significant work to do in order to obtain, train, and retain government workers.

The Digital Tech Corps Act of 2002, H.R. 3925, is an effort to help both the training and retention aspects of our human capital management challenges. The Digital Tech Corps is an opportunity for government and private sector IT professionals to cross-pollinate best practices in IT management for a better government and a more productive private sector workforce.

For government employees, the exchange offers emerging leaders the training ground to learn cutting-edge practices, and to bring those lessons back home. For private sector employees, the exchange is a rewarding opportunity for public service. Volunteers gain experience solving some of the world's most difficult IT programs while working for the world's largest employer.

Tech Corps gives IT managers the opportunity to fulfill the President's call in the State of the Union address for every American to commit 2 years of service to our Nation. We found many positive by-products of 9/11's tragic attacks, including reinvigorating dedication to public service. Government employees, both civilians and military, are at the heart of the war on terrorism. Achieving change that will ensure our security will come only through the sustained efforts of professionals working within existing agencies. That is why Tech Corps gives mid-level IT workers the opportunity to learn best practices in the management of complex projects.

Tech Corps is a new vision for public service in the 21st century. However, it is not one without extensive precedent. Indeed, the operations and the ethics provisions of this legislation comes from decades of experience with public-private exchanges, including the 30-plus years of success with the IPA program. IPA exchanges allows our cutting-edge research facilities, such as those at DARPA and the National Science Foundation to obtain unparalleled access to talent and expertise; the over 200 educational partnership agreements and training with industry exchange programs that the Department of Defense has between private sector organizations, academia and government labs; and the National Institute for Standards and Technology exchange program with industry scientists at the Center for Advanced Research in Biotechnology.

In terms of operation, the Digital Tech Corps Act provides for exchange of talented mid-level staff at the GS–11 to 15 levels, or the equivalents in the private sector. The time period for this exchange is limited to 6 to 12 months, with an optional 1 year extension.

Federal employees working in private sector organizations are required to fulfill service commitments to their agencies like those that apply in the military. All participants must adhere to strict ethics rules. Employees retain the pay and benefits from their respective employers while on assignment.

Thus, this legislation enables, we believe, a cost-effective, two-way transfer of talent. It will reap great rewards for the American people as the government starts to get an infusion of information technology talent to kick start e-government initiatives, and to help us fight the war on terrorism.

Mr. Chairman, I reserve the balance of my time.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I commend the gentleman from Virginia (Mr. TOM DAVIS) for his work on this Digital Tech Corps Act. The Committee on Government Reform has been quite diligent in trying to improve the information technology of the Federal Government, and this exchange program which allows private sector employees to come into government agencies and also allows government employees to go into the private sector for the purpose of exchanging information and knowledge, expanding the ability of the Federal Government to understand and to implement information technology improvements, is certainly a wise and important step in our efforts to improve the information technology capability of our Federal employees and our Federal agencies.

This legislation adopts a number of suggestions that have been made by the minority. There are three in particular I would like to mention. One, the bill includes stronger ethics provisions, as suggested by the minority. It also requires reports periodically from the Office of Personnel Management to advise the public as to who is participating in this program. We think this sunshine provision is very important to maintain the integrity and the credibility of this exchange program.

□ 1045

At our suggestion, the legislation is also sunsetted after 5 years and requires the General Accounting Office to submit to the committee an evaluation of the success of the program. Finally, the bill makes it clear that the cost of the employee from the private sector going into the government agency will be borne solely by the private sector and that the cost of that employee coming into government will in no way directly or indirectly be borne by the taxpayers.

I want to commend the gentleman from California (Mr. WAXMAN), the ranking Democrat of our committee, for his strong interest in this legislation. I share his concern that this bill did not go even further in improving the information technology training of our Federal workers. We certainly had hoped that we could see a full-fledged training program put in place in the Federal Government that would allow for a comprehensive training curricula to be offered to all information technology workers in the Federal Government, to be able to run effective training programs, and also to improve our recruitment of Federal IT workers. This was not able to be included in this bill. We hope that we will have that opportunity by way of amendment or separate legislation. But we commend the efforts of my subcommittee Chair, the gentleman from Virginia (Mr. TOM DAVIS), in trying to move us forward in the area of improving the information technology capabilities of our Federal Government.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking Democrat of our committee.

Mr. WAXMAN. I thank the gentleman from Texas for yielding time to me.

Mr. Chairman, I have some serious reservations about H.R. 3925, the Digital Tech Corps Act, in its current form. But before I explain my objections, I want to thank the gentleman from Virginia (Mr. TOM DAVIS) for his efforts to work with us and other members of the minority on this legislation. Although I ultimately have a different view about the merits of this bill than the gentleman from Virginia, he tried to accommodate our concerns in several areas and did adopt many of the suggestions that the minority made. I thank him very much for that. I want to, in addition, thank the gentleman from Texas (Mr. TURNER) for all his hard work to improve this bill.

Unfortunately, as the bill stands, it blurs the line that should exist between the government and the private sector. When we fail to draw a clear line between the public and the private sectors, we invite abuse and conflicts of interest. There has been an attempt to deal with these problems by applying Federal ethics rules to the private sector employees who enter the Federal workforce. But I am not sure that rules alone will prevent abuses.

As it is currently drafted, this bill allows technology executives from drug companies, oil companies, and other sectors of corporate America to work in the Federal Government for up to 2 years. During that time, these corporate executives can have unrestricted access to sensitive government databases. Under this bill, a technology executive from Merck could gain access to the confidential data on drug prices that Pfizer and other drug companies are required to submit to the Department of Health and Human Services. Or a technology executive from Monsanto could gain access to confidential data on pesticides maintained by the Environmental Protection Agency.

There is a reason we have and need a vigorous Federal workforce. The Federal Government is a repository of an enormous amount of sensitive information. We can trust this information to career civil servants who have dedicated their lives to public service, but can we trust this information to corporate executives on loan from the private sector? This bill is written on the assumption that everybody will be honorable and no one will try to take advantage of the system. But after all we have seen, and I want to refer to the Enron scandal, is it a reasonable assumption to make that everybody is going to do the proper thing and we can simply trust people?

I have also grave concerns about the precedent of sending Federal employees who are paid by the taxpayers to work for private sector employers for up to 2 years. I think this is a new and potentially egregious form of corporate welfare.

Congress has enacted tax breaks for corporations worth billions of dollars, direct subsidies worth billions more, and special interest deregulation initiatives. Under this bill as written, we will have a new type of Federal subsidy for industry: Federal employees, paid with taxpayers' money, can be sent to private corporations for up to 2 years to help those corporations with their information technology work.

Let me share with you one story. The Wall Street Journal reported on March 1, this year, 2002, about an obscure Federal program that allowed a fellow named Ron Medford, an employee of the Consumer Product Safety Commission, to work as a lobbyist for Segway, a private company, while still remaining on the Federal payroll. According to the Wall Street Journal, and I quote, "There was good news for the Segway team: Mr. Medford was so impressed by their handiwork, he took a taxpayer-funded sabbatical to assist with a massive lobbying effort aimed at persuading States to pass special laws favoring Segway."

Is this how we should be spending our constituents' tax dollars? Does it really make sense for the taxpayers to be paying for Mr. Medford to lobby for the Segway company? Yet this is what this bill does. It would send hundreds of Federal employees to work for private companies for up to 2 years at taxpayers' expense. Indeed, not only would the taxpayers be forced to pay the salary of these Federal employees during the time they are working for private corporations, the taxpayers could also be expected to pay a daily per diem to cover the costs of their housing and meals.

Some of my colleagues have said that this is not a serious problem because the bill calls for an exchange of private sector workers for Federal workers, so the cost of sending public workers to the private sector is offset by the benefit of having private workers serve the public sector. But the problem is that there is no requirement for a one-to-one exchange in the bill. In fact, there are no limits at all on the number of Federal workers who can be sent to the private sector. My colleagues have also suggested that sending Federal workers to the private sector makes sense because they will receive good training. But, again, there is no such requirement in the bill. I think the whole idea of the bill, as I have heard it described, of a digital tech corps, is to have people learn from the private sector and those in the private sector to learn and be trained in government practices so both can be improved.

Mr. Chairman, I think this is a well-intentioned bill, but it is an imperfect one; and in its current form it does not protect confidential government information, and it does not protect the taxpayer. I will be offering an amendment when we get to the amendment part of the process in the consideration of this legislation. My amendment will prevent corporate executives from having access to trade secrets or other sensitive government information. This to me is a commonsense amendment. Further, we will ensure that any placement of a Federal worker in a private sector company will accomplish a legitimate training objective; and we will make sure that we have standards for a training program, not simply a blank check to send government-subsidized, paid-for employees to do the work for private corporations. It may not even have any resemblance to what they are doing for training them or benefiting the taxpayers, which seems to me the ultimate reason for ever using taxpayers' dollars. I urge all Members to support this important amendment when we get to it.

I thank the gentleman from Texas and the gentleman from Virginia for their leadership on this legislation. I hope we can continue to work together on it and make it a better bill.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

First let me just address a couple of issues raised by my good friend from California. In terms of corporate executives having unrestricted access to confidential data, we have the strictest antilobbying protections, antidisclosure protections in this legislation than has ever happened in any Federal legislation prior to that, to guard against that.

I would remind my friend that currently Federal employees who are set to retire, not necessarily career employees, people who could be there for 1 or 2 years could take unrestricted information and walk across the street and share that with a private company that would hire them. In this particular case, there is a lifetime ban and criminal penalties that would prevent somebody from the private sector doing that, something that currently does not apply to Federal employees and currently does not apply to government contractors. Government contractors have the same kind of access under the current law that the gentleman is concerned about. That is why we put in stronger provisions in this particular legislation to make sure that the concerns of the gentleman from California are addressed.

There was the allegation that this is written on the assumption that everybody does the proper thing. We like to think that the Federal managers who are managing this will do the proper thing, but we have a lot of safeguards in this legislation that go over and above current disclosure laws, including lifetime prohibitions and criminal penalties against disclosure of secrets that they may encounter while in government. So I think we have gone the extra mile.

This is certainly not corporate welfare, either. I think that all we are offering is training in the best, most innovative corporations in the world to Federal employees. Keeping them up to date on the most current, innovative practices is critical for retention of quality employees. That is what this does. When the work order comes out and the Federal manager allows that employee to go out into these areas, they will be able to make the call. They will make the discretionary call in terms of is this going to enhance that employee's value to the Federal government when they return or will it be corporate welfare. I trust the Federal managers to make those decisions, but we have an amendment that we are going to offer that I think ensures that training is the number one priority in these transfers.

The gentleman brought up the case of Ron Medford at the Consumer Product Safety Commission. That, of course, was not under this act and the acts that Mr. Medford was alleged to have done in the Wall Street Journal article could not have happened without several legal violations under the legislation we have provided. But I appreciate the gentleman bringing that forward for discussion because that is exactly the kind of thing we all want to avoid. We may differ as to the best way to get to that, but I think we can point out here that that is the kind of thing we want to avoid.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in strong support of this bipartisan legislation, the Digital Tech Corps Act of 2002. I commend Chairman DAVIS and Ranking Member TURNER for their leadership in making this a bipartisan bill. That always produces good work. I also want to commend my friend and colleague who I was elected with and have served with the last 7 years for his leadership as a Member of the House of Representatives in working to bring the Federal Government's procurement and administration policies into the 21st century, of course, which we are now serving in.

The Digital Tech Corps Act helps solve so many of the challenges that we face today in government, particularly the ability to apply the latest leading-edge solutions, the latest leading-edge information technology and technology solutions to the challenges that we face.

One of the challenges we have had in government is keeping up, keeping up with the fact that we have a harder time competing with the pay scale of the private sector, we have a hard time retaining folks who have skills because they get hired away, and at the same time sometimes a little frustration with the Federal employees who are loyal and want public service and devote themselves to public service but they want the skills that only the private sector has to offer. The Digital Tech Corps helps solve that, by providing an exchange program between the private sector and the Federal Government modeled on, really, legislation which has been so successful, the 1970 Intergovernmental Personnel Act, legislation that has been in place over 30 years, laws allowing for this type of exchange which has proven very successful.

I respect the opinion of the gentleman from California (Mr. WAXMAN). Again I would note, his strongest point was regarding whether or not there is a risk of sensitive information. Again, there are protections in this legislation already which provide for elaborate procedures to protect proprietary commercial information and government information including a lifetime ban against disclosure with criminal penalties. Tougher legislation, tougher law is being proposed today than is currently the law regarding other exchange programs.

Again, here is what this bill accomplishes. It improves the skills of Federal information technology managers by exposing them to cutting-edge management trends in the private sector. It helps Federal agencies recruit and retain talented IT managers by offering them a valuable career development tool, the opportunity to have that exchange, to work in the private sector as well as have private sector folks work alongside them.

□ 1100

It also allows private sector IT managers to apply their skills to challenging IT problems at the Federal agencies.

What is our goal today? Let us bring the Federal Government into the 21st century. The Digital Tech Corps works in that direction. It is good legislation; it has overwhelming bipartisan support. I urge opposition to the Waxman amendment because we already addressed the issues he raised. I urge a "yes" vote, and commend the gentleman from Virginia (Chairman TOM DAVIS) for his leadership.

Mr. Chairman, I rise today to give my strong support to H.R. 3925, the Digital Tech Corps Act 2002. The legislation supports an important priority, establishing an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management.

The Digital Tech Corps Act is a much needed bill. There is great need for high-skilled workers in the Federal Government. Unless action is taken soon, there will be a crisis in the government's ability to deliver essential services to the American people. An August 2000 poll found that 75% of the public expects the Internet to improve its ability to get information from federal agencies, and 60% expect e-government to have a strong positive effect on overall government operations.

The Tech Corps gives government IT employees the opportunity for intensive, on-the-job training in how to manage complex IT projects. Too many of government's complex IT procurements continue to fail because of improper management. This exchange will give them insight and experience in how the best companies in the world are successfully managing IT so they can bring this knowledge back.

The Tech Corps also gives private sector IT employees the opportunity to volunteer for rewarding public service. In tackling some of the world's toughest IT problems, they can return to their companies understanding the challenges facing the world's largest employer.

Mr. Chairman, I commend the hard work of Chairman DAVIS and urge my colleagues to support this good legislation.

Mr. TURNER. Mr. Chairman, I again yield such time as he may consume to the gentleman from California (Mr. WAXMAN), the ranking Democrat on the Committee on Government Reform.

Mr. WAXMAN. Mr. Chairman, I want to clarify why we do not, as submitted to us, have elaborate protections for information that private sector employees might have access to if they come here to work at the Federal Government level.

We are told we have protections because there is a lifetime ban from disclosing this information. Well, the fact of the matter is, that is practically unenforceable. Someone comes and works at the Department of Health and Human Services from a pharmaceutical company, from a private pharmaceutical company, and they see the database which is kept confidential about the lowest prices. We prohibit them from going back to their previous job and giving them that information.

How are you going to enforce it? It would be far better not to have them have access to it. They can do other things at the Federal level without having access to that kind of confidential information.

The same would be true with the Environmental Protection Agency. If you come from a chemical company and the EPA has data on chemicals, it may well put a private sector corporation at a financial advantage if their employee comes back and gives them that information.

So the Committee on the Judiciary insisted on a restriction against disclosure. What I think we need is to have a restriction on the access to that information.

The bill purports to address a lot of these concerns about conflicts of interest by saying, at least the proponents of the bill, by saying we can simply rely on the ethics rules for Federal employees; that is good enough. We say when a private sector employee comes to work for the Federal Government, that they have all the ethics rules apply to him or her.

Well, these ethics rules are very narrowly drafted. They are narrowly drafted with the expectation we are talking about Federal employees. But even as drafted for Federal employees, they are so narrow that they become fairly ineffective.

Let me give an example. Carl Rove, who works at the White House, was able to meet with Enron executives about energy policy while he held stock in the company. The White House counsel said that the Federal ethics rules permitted that. I think that is quite remarkable. But that is the standard we are now going to hold for people who are coming from the private sector, where they clearly can get an advantage and they more obviously have a potential conflict of interest.

The gentleman from Virginia submitted that this is the same, that we have the same procedures for Federal contractors. Well, it really is different when you have a Federal contract. If you have a Federal contract, you have an understanding in the agreement that they cannot disclose information, they cannot have a conflict and because of that conflict use information that they get at the Federal level for their own private gain.

That is enforceable. You can go after a contractor for violation of the contract. You are never going to be able to go after an individual for disclosing information to his former and then subsequent employer in the private sector, because you will really never quite know what was said by that individual. You would be able to know what a contractor does if a contractor engages in a violation of the ethics rules, and then you have a party you can go after for failure to live up to the contract.

So I think that the proposal we are going to be offering by way of an amendment helps this legislation. It narrows the potential for abuse, and it protects the taxpayers, to make sure if we are sending a Federal employee to go work in the private sector, that there is a genuine training program and simply not a new form of corporate welfare where our taxpayer dollars and our constituents' tax dollars are going to be used to pay for somebody to go just work for somebody in the private sector so they do not have to pay for that individual. I think that would be a real abuse of tax dollars.

So I wanted to clarify that I think these amendments are very much needed, and we will be offering them shortly, and I hope Members will support them.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), the distinguished chairman of the Committee on Government Reform.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, let me just say that I share some of the concerns that my colleague, the gentleman from California (Mr. WAXMAN), has. We have seen on some of the health agency advisory committees some conflicts of interest which are very disconcerting and concern a lot of us.

But there are ways to police that. When we have contributor lists that we do not want somebody else to use, we do what is called "salting" them, where we put different names in there that are fictitious, and if somebody illegally uses that list, you find out very quickly. There are severe criminal penalties for people that break its law.

In fact, I would like to yield to my colleague, the author of the bill, to illuminate and illustrate some of these criminal penalties imposed if people do break the law.

Mr. TOM DAVIS of Virginia. First of all, Mr. Chairman, let me just add you have the Hatch Act; you have got revolving doors banning lobbying; you have the lifetime bans we discussed; a ban from working on matters that affect a person or employee's financial interests. The penalties go to 5 years in jail under the statute, 18 U.S.C. 201, fines up to $50,000. So they are very severe at this point for any violations.

Mr. BURTON of Indiana. Mr. Chairman, reclaiming my time, I thank the gentleman for that information.

Let me just say, the biggest industry in America is the Federal Government. It is bigger than Chrysler, it is bigger than General Motors, it is bigger than any company, Big Blue; and yet we have agencies that cannot talk to each other through their computer technology. It is an absolute tragedy. Billions and billions of dollars of taxpayer money is wasted because this lack of communication takes place on a daily basis, and that is why we ought to use the examples of the private sector in the Federal Government.

Now, how do you do that? The only way you can do that is to take Federal employees who do not yet have that kind of knowledge and allow them to go to the private sector and learn the tricks of the trade, so to speak, so that they can bring that technology back to the Federal Government so we can coordinate our agencies to make sure this technology is used properly. If we do that, it is going to streamline it, it is going to make the government more efficient for every American, and it is going to make sure it is going to save us a lot of money.

So I would just like to say I think this is a very, very important piece of legislation. I want to thank the gentleman from Virginia (Mr. TOM DAVIS), the chairman of the subcommittee, for sponsoring this legislation and being so farsighted with it, as well as his ranking member.

Let me end up by saying this is a bipartisan piece of legislation. I would like to say that the Republicans should take credit for it, but this idea came from the Clinton administration, with which I took issue on a number of occasions. A fellow who worked for OMB under President Clinton, Steve Kelman of Harvard University, came up with this idea. So we cannot embrace it as our own; but we can say it is a good idea, and we should say with bipartisan support, it should pass overwhelmingly.

Mr. TURNER. Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia Beach, Virginia (Mr. SCHROCK).

Mr. SCHROCK. Mr. Chairman, I rise to urge my colleagues to defeat the Waxman amendment. I agree it is well-intentioned, but the issues it attempts to address are already addressed in the legislation. If this amendment is successful, it will cripple the legislation, and make it impossible to fulfill its purpose.

The legislation in its current form has strong protections to prevent the release of proprietary information and harsh penalties for anyone who releases this information. The high-tech community would have spoken out if they felt these requirements were not sufficient, but they support the legislation in its current form.

To prevent detailees from having access to private sector information would prevent them from working on most government IT projects. This would turn a program that is valuable for the government, private sector, and the employees into a program that does little to foster any development among high-tech IT professionals.

Mr. Chairman, this amendment creates an illusion that government employees are in control of thousands of private industry trade secrets just awaiting theft by a corporate crook. The fact is that trade secrets are no longer secrets if they are disclosed to the government. The Waxman amendment would destroy this legislation, rendering it into a program that does little to train government employees or private sector IT managers.

Mr. Chairman, I urge my colleagues to defeat the Waxman amendment.

Mr. TURNER. Mr. Chairman, I reserve the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, I thank the gentleman from Virginia for yielding me time.

Mr. Chairman, I support H.R. 3925, the Digital Tech Corps Act. This bill provides a creative solution to a looming problem involving the Federal Government and the private sector, and I think we all should express our appreciation to the gentleman from Virginia (Mr. TOM DAVIS) for offering this bill.

Congress has provided the resources for law enforcement and other government entities to improve their technology. We have also updated criminal laws to reflect new technology. This bill goes further to provide an incentive to promote the development of expertise in information technology management among Federal workforce personnel.

Mr. Chairman, the GAO has found that the Federal Government faces a substantial shortage of high-tech workers. In fact, 50 percent of the government's technology workforce is eligible to retire by the year 2006. This bill addresses the shortage by creating an employee exchange program between the Federal Government and the private sector. This will allow government employees to receive intensive on-the-job training at companies dealing with high-tech issues. The experience they gain can then be brought back to work for the government.

Conversely, this bill will also give private sector employees the opportunity to gain valuable training at the government. Their understanding of government operations can then be brought back to their private sector companies.

Mr. Chairman, information technology is essential to our national security, law enforcement efforts, and our economy. This exchange program will expose Federal employees to more leading-edge information technology and make Federal service more attractive.

I encourage my colleagues to support this legislation and once again thank my colleague, the gentleman from Virginia (Mr. TOM DAVIS), for offering it.

Mr. TURNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would again like to express my support for the legislation. Of course, as the Chair has heard, there are amendments that will be offered to hopefully strengthen the legislation. But, again, the concept of trying to improve the information technology of our Federal workers, their training, and to provide some type of exchange program is a concept which I support.

Again, I commend the gentleman from Virginia (Chairman TOM DAVIS) for his efforts and thank him for the sections of the bill that he has included that have been suggested by the minority, as well as the amendment that the gentleman will offer, which, though it does not fully address the concerns shared by the gentleman from California (Mr. WAXMAN), does address some of the concerns that have been talked about among us over the last several days.

Mr. Chairman, I yield back the balance of my time.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just again thank the ranking member, the gentleman from California (Mr. WAXMAN), for the inclusion of his thoughts in this. We will continue to debate this issue, but I think it has been very educational for all of us. As we identify problems, we are trying to reach an agreement on some of these. Some we may just have to vote up or down. The gentleman has identified some issues that I think are making this bill a stronger bill.

Mr. Chairman, let me express my appreciation to the gentleman from Texas (Mr. TURNER), my ranking member on the subcommittee. I appreciate his efforts, as well, in bringing this to floor. I just note once again that we have worked very closely with Dr. Kelman at Harvard, the Clinton administration's procurement czar over at OMB.

This is a bipartisan piece that has been crafted and thought out through the years. I appreciate everyone's efforts to try and better this.

Mr. BLUMENAUER. Mr. Chairman, I come to the House floor today to support the goals of H.R. 3925 and the amendment offered by Representative WAXMAN. The underlying bill creates an innovative technology expert exchange between the private sector and Federal agencies. This will help the agencies increase their capacity to manage their information technology efforts through training and recruitment. I support this effort to assist the agencies in addressing their information technology management challenges through a creative new program.

While the basic principles of this bill are sound, I have concerns about language in this bill that blurs the line between the public sector and creates unnecessary conflicts of interest. As the bill is written, a private-sector employee, while working in the Federal Government, will still have access to trade secrets of competitors and other sensitive commercial information. In fact, the bill expressly allows the private-sector employee to disclose those trade secrets after just 3 years. Representative WAXMAN's amendment resolves this problem by prohibiting private-sector employees assigned to an agency from having access to trade secrets or other sensitive nonpublic information that affects their private-sector employer.

Additionally, the bill does not have any requirements that the assignment accomplish any specific training objective or that the Federal worker do any work that would benefit the Federal Government. Instead, H.R. 3925 sends Federal workers, at taxpayer expense, to serve the private sector for free and with little accountability. Again, Representative WAXMAN's amendment corrects this problem by establishing a comprehensive training program for information technology workers, run by the Office of Personnel Management, which can assure that the exchange programs work within the context of the overall training needs of the Federal Government's IT workforce.

I support the premise of the underlying bill and encourage my colleagues to vote for the correcting amendment offered by Representative WAXMAN.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute recommended by the Committee on Government Reform printed in the bill, modified by the amendments recommended by the Committee on the Judiciary also printed in the bill, is considered an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute, as amended, is as follows:

H.R. 3925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Digital Tech Corps Act of 2002".

SEC. 2. FINDINGS.

Congress finds that—

(1) unless action is taken soon, there will be a crisis in the government's ability to deliver essential services to the American people;

(2) by 2006, over 50 percent of the Federal Government's information technology workforce will be eligible to retire, creating a huge demand in the Federal Government for high-skill workers;

(3) despite a 44 percent decrease in the demand for information technology workers in the private sector, the Information Technology Association of America reported in 2001 that employers will need to fill over 900,000 new information technology jobs and will be unable to find qualified workers for 425,000 of those jobs;

(4) to highlight the urgency of this situation, in January 2001, the General Accounting Office added the Federal Government's human capital management to its list of high-risk problems for which an effective solution must be found;

(5) despite efforts to increase flexibility in Federal agencies' employment practices, compensation issues continue to severely restrain recruitment for Federal agencies; and

(6) an effective, efficient, and economical response to this crisis would be to create a vibrant, ongoing exchange effort designed to share talent, expertise, and advances in management between leading-edge businesses and Federal agencies engaged in best practices.

SEC. 3. INFORMATION TECHNOLOGY EXCHANGE PROGRAM.

(a) IN GENERAL.—Subpart B of part III of title 5, United States Code, is amended by adding at the end the following:

"CHAPTER 37—INFORMATION TECHNOLOGY EXCHANGE PROGRAM

"Sec.
"3701. Definitions.
"3702. General provisions.
"3703. Assignment of employees to private sector organizations.
"3704. Assignment of employees from private sector organizations.
"3705. Application to Office of the Chief Technology Officer of the District of Columbia.
"3706. Reporting requirement.
"3707. Regulations.

"§3701. Definitions

"For purposes of this chapter—

"(1) the term 'agency' means an Executive agency, but does not include the General Accounting Office; and

"(2) the term 'detail' means—

"(A) the assignment or loan of an employee of an agency to a private sector organization without a change of position from the agency that employs the individual, or

"(B) the assignment or loan of an employee of a private sector organization to an agency without a change of position from the private sector organization that employs the individual,

whichever is appropriate in the context in which such term is used.

"§3702. General provisions

"(a) ASSIGNMENT AUTHORITY.—On request from or with the agreement of a private sector organization, and with the consent of the employee concerned, the head of an agency may arrange for the assignment of an employee of the agency to a private sector organization or an employee of a private sector organization to the agency. An eligible employee is an individual who—

"(1) works in the field of information technology management;

"(2) is considered an exceptional performer by the individual's current employer; and

"(3) is expected to assume increased information technology management responsibilities in the future.

An employee of an agency shall be eligible to participate in this program only if the employee is employed at the GS–11 level or above (or equivalent) and is serving under a career or career-conditional appointment or an appointment of equivalent tenure in the excepted service.

"(b) AGREEMENTS.—Each agency that exercises its authority under this chapter shall provide for a written agreement between the agency and the employee concerned regarding the terms and conditions of the employee's assignment. In

the case of an employee of the agency, the agreement shall—

"(1) require the employee to serve in the civil service, upon completion of the assignment, for a period equal to the length of the assignment; and

"(2) provide that, in the event the employee fails to carry out the agreement (except for good and sufficient reason, as determined by the head of the agency from which assigned) the employee shall be liable to the United States for payment of all expenses of the assignment.

An amount under paragraph (2) shall be treated as a debt due the United States.

"(c) TERMINATION.—Assignments may be terminated by the agency or private sector organization concerned for any reason at any time.

"(d) DURATION.—Assignments under this chapter shall be for a period of between 6 months and 1 year, and may be extended in 3-month increments for a total of not more than 1 additional year, except that no assignment under this chapter may commence after the end of the 5-year period beginning on the date of the enactment of this chapter.

"(e) ASSISTANCE.—The Chief Information Officers Council, by agreement with the Office of Personnel Management, may assist in the administration of this chapter, including by maintaining lists of potential candidates for assignment under this chapter, establishing mentoring relationships for the benefit of individuals who are given assignments under this chapter, and publicizing the program.

"§3703. Assignment of employees to private sector organizations

"(a) IN GENERAL.—An employee of an agency assigned to a private sector organization under this chapter is deemed, during the period of the assignment, to be on detail to a regular work assignment in his agency.

"(b) COORDINATION WITH CHAPTER 81.—Notwithstanding any other provision of law, an employee of an agency assigned to a private sector organization under this chapter is entitled to retain coverage, rights, and benefits under subchapter I of chapter 81, and employment during the assignment is deemed employment by the United States, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

"(c) REIMBURSEMENTS.—The assignment of an employee to a private sector organization under this chapter may be made with or without reimbursement by the private sector organization for the travel and transportation expenses to or from the place of assignment, subject to the same terms and conditions as apply with respect to an employee of a Federal agency or a State or local government under section 3375, and for the pay, or a part thereof, of the employee during assignment. Any reimbursements shall be credited to the appropriation of the agency used for paying the travel and transportation expenses or pay.

"(d) TORT LIABILITY; SUPERVISION.—The Federal Tort Claims Act and any other Federal tort liability statute apply to an employee of an agency assigned to a private sector organization under this chapter. The supervision of the duties of an employee of an agency so assigned to a private sector organization may be governed by an agreement between the agency and the organization.

"§3704. Assignment of employees from private sector organizations

"(a) IN GENERAL.—An employee of a private sector organization assigned to an agency under this chapter is deemed, during the period of the assignment, to be on detail to such agency.

"(b) TERMS AND CONDITIONS.—An employee of a private sector organization assigned to an agency under this chapter—

"(1) may continue to receive pay and benefits from the private sector organization from which he is assigned;

"(2) is deemed, notwithstanding subsection (a), to be an employee of the agency for the purposes of—

"(A) chapter 73;

"(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18;

"(C) sections 1343, 1344, and 1349(b) of title 31;

"(D) the Federal Tort Claims Act and any other Federal tort liability statute;

"(E) the Ethics in Government Act of 1978;

"(F) section 1043 of the Internal Revenue Code of 1986; and

"(G) section 27 of the Office of Federal Procurement Policy Act; and

"(3) is subject to such regulations as the President may prescribe.

The supervision of an employee of a private sector organization assigned to an agency under this chapter may be governed by agreement between the agency and the private sector organization concerned. Such an assignment may be made with or without reimbursement by the agency for the pay, or a part thereof, of the employee during the period of assignment, or for any contribution of the private sector organization to employee benefit systems.

"(c) COORDINATION WITH CHAPTER 81.—An employee of a private sector organization assigned to an agency under this chapter who suffers disability or dies as a result of personal injury sustained while performing duties during the assignment shall be treated, for the purpose of subchapter I of chapter 81, as an employee as defined by section 8101 who had sustained the injury in the performance of duty, except that, if the employee or the employee's dependents receive from the private sector organization any payment under an insurance policy for which the premium is wholly paid by the private sector organization, or other benefit of any kind on account of the same injury or death, then, the amount of such payment or benefit shall be credited against any compensation otherwise payable under subchapter I of chapter 81.

"§3705. Application to Office of the Chief Technology Officer of the District of Columbia

"(a) IN GENERAL.—The Chief Technology Officer of the District of Columbia may arrange for the assignment of an employee of the Office of the Chief Technology Officer to a private sector organization, or an employee of a private sector organization to such Office, in the same manner as the head of an agency under this chapter.

"(b) TERMS AND CONDITIONS.—An assignment made pursuant to subsection (a) shall be subject to the same terms and conditions as an assignment made by the head of an agency under this chapter, except that in applying such terms and conditions to an assignment made pursuant to subsection (a), any reference in this chapter to a provision of law or regulation of the United States shall be deemed to be a reference to the applicable provision of law or regulation of the District of Columbia, including the applicable provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (sec. 1-601.01 et seq., D.C. Official Code) and section 601 of the District of Columbia Campaign Finance Reform and Conflict of Interest Act (sec. 1-1106.01, D.C. Official Code).

"(c) DEFINITION.—For purposes of this section, the term 'Office of the Chief Technology Officer' means the office established in the executive branch of the government of the District of Columbia under the Office of the Chief Technology Officer Establishment Act of 1998 (sec. 1-1401 et seq., D.C. Official Code).

"§3706. Reporting requirement

"(a) IN GENERAL.—The Office of Personnel Management shall, not later than April 30 and October 31 of each year, prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a semiannual report summarizing the operation of this chapter during the immediately preceding 6-month period ending on March 31 and September 30, respectively.

"(b) CONTENT.—Each report shall include, with respect to the 6-month period to which such report relates—

"(1) the total number of individuals assigned to, and the total number of individuals assigned from, each agency during such period;

"(2) a brief description of each assignment included under paragraph (1), including—

"(A) the name of the assigned individual, as well as the private sector organization and the agency (including the specific bureau or other agency component) to or from which such individual was assigned;

"(B) the respective positions to and from which the individual was assigned, including the duties and responsibilities and the pay grade or level associated with each; and

"(C) the duration and objectives of the individual's assignment; and

"(3) such other information as the Office considers appropriate.

"(c) PUBLICATION.—A copy of each report submitted under subsection (a)—

"(1) shall be published in the Federal Register; and

"(2) shall be made publicly available on the Internet.

"(d) AGENCY COOPERATION.—On request of the Office, agencies shall furnish such information and reports as the Office may require in order to carry out this section.

"§3707. Regulations

"The Director of the Office of Personnel Management shall prescribe regulations for the administration of this chapter.".

(b) REPORT.—Not later than 4 years after the date of the enactment of this Act, the General Accounting Office shall prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report on the operation of chapter 37 of title 5, United States Code (as added by this section). Such report shall include—

(1) an evaluation of the effectiveness of the program established by such chapter; and

(2) a recommendation as to whether such program should be continued (with or without modification) or allowed to lapse.

(c) CLERICAL AMENDMENT.—The analysis for part III of title 5, United States Code, is amended by inserting after the item relating to chapter 35 the following:

"37. Information Technology Exchange Program .... 3701".

SEC. 4. ETHICS PROVISIONS.

(a) ONE-YEAR RESTRICTION ON CERTAIN COMMUNICATIONS.—Section 207(c)(2)(A) of title 18, United States Code, is amended—

(1) by striking "or" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting "; or"; and

(3) by adding at the end the following:

"(v) assigned from a private sector organization to an agency under chapter 37 of title 5.".

(b) Disclosure of Confidential Information.—Section 1905 of title 18, United States Code, is amended by inserting "or being an employee of a private sector organization who is or was assigned to an agency under chapter 37 of title 5," after "(15 U.S.C. 1311–1314),".

(c) Contract Advice.—Section 207 of title 18, United States Code, is amended by adding at the end the following:

"(l) Contract Advice by Former Details.—Whoever, being an employee of a private sector organization assigned to an agency under chapter 37 of title 5, within one year after the end of that assignment, knowingly represents or aids, counsels, or assists in representing any other person (except the United States) in connection with any contract with that agency shall be punished as provided in section 216 of this title.".

(d) Restriction on Disclosure of Procurement Information.—Section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423) is amended in subsection (a)(1) by adding at the end the following new sentence: "In the case of an employee of a private sector organization assigned to an agency under chapter 37 of title 5, United States Code, in addition to the restriction in the preceding sentence, such employee shall not, other than as provided by law, knowingly disclose contractor bid or proposal information or source selection information during the three-year period after the end of the assignment of such employee.".

SEC. 5. REPORT ON EXISTING EXCHANGE PROGRAMS.

(a) Exchange Program Defined.—For purposes of this section, the term "exchange program" means an executive exchange program, the program under subchapter VI of chapter 33 of title 5, United States Code, and any other program which allows for—

(1) the assignment of employees of the Federal Government to non-Federal employers;

(2) the assignment of employees of non-Federal employers to the Federal Government; or

(3) both.

(b) Reporting Requirement.—Not later than 1 year after the date of the enactment of this Act, the Office of Personnel Management shall prepare and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a report identifying all existing exchange programs.

(c) Specific Information.—The report shall, for each such program, include—

(1) a brief description of the program, including its size, eligibility requirements, and terms or conditions for participation;

(2) specific citation to the law or other authority under which the program is established;

(3) the names of persons to contact for more information, and how they may be reached; and

(4) any other information which the Office considers appropriate.

SEC. 6. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Amendments to Title 5, United States Code.—Title 5, United States Code, is amended—

(1) in section 3111, by adding at the end the following:

"(d) Notwithstanding section 1342 of title 31, the head of an agency may accept voluntary service for the United States under chapter 37 of this title and regulations of the Office of Personnel Management.";

(2) in section 4108, by striking subsection (d); and

(3) in section 7353(b), by adding at the end the following:

"(4) Nothing in this section precludes an employee of a private sector organization, while assigned to an agency under chapter 37, from continuing to receive pay and benefits from such organization in accordance with such chapter.".

(b) Amendment to Title 18, United States Code.—**Section 209 of title 18, United States Code, is amended by adding at the end the following:**

"(g)(1) This section does not prohibit an employee of a private sector organization, while assigned to an agency under chapter 37 of title 5, from continuing to receive pay and benefits from such organization in accordance with such chapter.

"(2) For purposes of this subsection, the term 'agency' means an agency (as defined by section 3701 of title 5) and the Office of the Chief Technology Officer of the District of Columbia.".

(c) *Other Amendments.—Section 125(c)(1) of Public Law 100–238 (5 U.S.C. 8432 note) is amended—*

(1) in subparagraph (B), by striking "or" at the end;

(2) in subparagraph (C), by striking "and" at the end and inserting "or"; and

(3) by adding at the end the following:

"(D) an individual assigned from a Federal agency to a private sector organization under chapter 37 of title 5, United States Code; and".

□ 1115

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

Are there any amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. TOM DAVIS OF VIRGINIA

Mr. TOM DAVIS of Virginia. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Tom Davis of Virginia:

At the end of section 3702 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

"(f) Considerations.—In exercising any authority under this chapter, an agency shall take into consideration—

"(1) the need to ensure that small business concerns are appropriately represented with respect to the assignments described in sections 3703 and 3704, respectively; and

"(2) how assignments described in section 3703 might best be used to help meet the needs of the agency for the training of employees in information technology management.

At the end of section 3704 of title 5, United States Code (as contained in section 3(a) of the bill), add the following:

"(d) Prohibition Against Charging Certain Costs to the Federal Government.—A private sector organization may not charge the Federal Government, as direct or indirect costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee assigned to an agency under this chapter for the period of the assignment.

Insert after section 5 of the bill the following new section (and redesignate the succeeding section accordingly):

SEC. 6. REPORT ON THE ESTABLISHMENT OF A GOVERNMENTWIDE INFORMATION TECHNOLOGY TRAINING PROGRAM.

(a) In General.—Not later than January 1, 2003, the Office of Personnel Management, in consultation with the Chief Information Officers Council and the Administrator of General Services, shall review and submit to the Committee on Government Reform of the House of Representatives and the Committee on Governmental Affairs of the Senate a written report on the following:

(1) The adequacy of any existing information technology training programs available to Federal employees on a Governmentwide basis.

(2)(A) If one or more such programs already exist, recommendations as to how they might be improved.

(B) If no such program yet exists, recommendations as to how such a program might be designed and established.

(3) With respect to any recommendations under paragraph (2), how the program under chapter 37 of title 5, United States Code, might be used to help carry them out.

(b) Cost Estimate.—The report shall, for any recommended program (or improvements) under subsection (a)(2), include the estimated costs associated with the implementation and operation of such program as so established (or estimated difference in costs of any such program as so improved).

Mr. TOM DAVIS of Virginia. Mr. Chairman, the manager's amendment accomplishes four things:

First, it clarifies a misconception that the Tech Corps does not require employees on exchange to gain real training opportunities. In participating in the Tech Corps, employees will receive state-of-the-art training in how to manage complex information technology projects. This kind of project management is not something that one can learn from a degree program or a few hours in a study hall or continuing education classes. That is why the leading business schools in the country all require students to undertake intensive, on-the-job experience in the summer between their first and second years. Tech Corps provides workers with a chance to hone their skills and learn how other work cultures achieve their mission goals. But to make it absolutely clear that exchanges are for training purposes, the amendment requires agencies to consider how assignments can best be used to help meet the training needs of the employees. I hope this meets some of the concerns that have been raised by some of the opponents of this legislation.

The second thing the manager's amendment accomplishes is that it requires agencies to ensure that small business concerns have full participation in the Tech Corps. I know an additional amendment is going to be offered later on that I think we are prepared to accept, but this amendment recognizes the Tech Corps, as viewed by OPM, the Office of Personnel Management, as a means to inject flexibility into how agencies meet their information technology training and skills needs. Small businesses fill some amazing niches in technology, and we want them to participate in the Tech Corps where it makes sense for them.

Third, the manager's amendment prohibits charging of costs associated with the Tech Corps to contracts that companies receive from the government.

Fourth, the amendment directs the Office of Personnel Management to report to Congress on the adequacy of existing IT training programs for government employees.

Tech Corps is one way to improve training opportunities, but we are also spending a lot of money on information technology degree programs and continuing education courses in agencies. We should evaluate these programs and look for ways that they can be improved. This report will help the Subcommittee on Technology and Procurement Policy and the Committee on Government Reform to begin a reasoned look at proposals for reform, including the ranking member of the subcommittee, my good friend, the gentleman from Texas (Mr. TURNER's) legislation.

Mr. Chairman, I urge Members to support this amendment.

Mr. TURNER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the gentleman from Virginia (Mr. DAVIS) for offering the amendment that is now before the House. Although the amendment does not go as far as some of the suggestions that have been made from our side, in particular the amendment that will be offered by the gentleman from California (Mr. WAXMAN) shortly, the amendment is a good faith effort to try to move in the direction of some of the concerns that have been expressed from our side of the aisle.

In particular, the amendment closes a loophole that I think we all agree needed to be closed in the sense that under the exchange program, a private sector employee of course would be detailed to the government agency, and the government agency would designate an employee to go to the private sector. The amendment that is offered by the gentleman from Virginia closes a loophole by prohibiting Federal contractors from billing back to the government the cost of their employee's salary or benefits under existing contracts. So it provides assurance that the Federal Government will not inadvertently be paying for the cost of a private sector worker detailed to a Federal agency. So I do appreciate the gentleman from Virginia (Mr. DAVIS) including the closing of that loophole in this amendment.

I also appreciate the provision of the amendment that asks the General Accounting Office to do a study of the need for information technology training programs within the Federal Government. As I mentioned earlier, it was our interest to have included in this bill a strong information training program for Federal IT workers. We were unable to accomplish that within the confines of the time limitations and the subject of this legislation, but the provision in the Davis amendment that calls for the General Accounting Office to do a study will be a good first step toward moving us to a good, strong information technology training program for Federal workers.

So I support this amendment. I am glad to join in support of it, even though, as I said, it perhaps does not go far enough in the minds of some to address some of the concerns that have been expressed.

The CHAIRMAN. Is there further debate or discussion on this amendment?

If not, the question is on the amendment offered by the gentleman from Virginia (Mr. TOM DAVIS).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

Mr. WAXMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. WAXMAN:

In the last sentence of section 3702(a) of title 5, United States Code (as contained in section 3(a) of the bill), strike the period and insert the following: ", and applicable requirements of section 3705 are met with respect to the proposed assignment of such employee.".

In section 3702(d) of title 5, United States Code (as contained in section 3(a) of the bill), strike "Assignments under this chapter" and insert "An assignment described in section 3704", and strike ", except that no" and insert ". No".

In section 3704(b) of title 5, United States Code (as contained in section 3(a) of the bill), strike "and" at the end of paragraph (2), redesignate paragraph (3) as paragraph (4), and insert after paragraph (2) the following:

"(3) may not have access to any trade secrets or to any other nonpublic information which might be of commercial value to the private sector organization from which he is assigned; and"

In chapter 37 of title 5, United States Code (as contained in section 3(a) of the bill), insert after section 3704 the following new section (and make the appropriate conforming amendments):

§ 3705. Federal Information Technology Training Program

"(a) ESTABLISHMENT.—In consultation with the Federal Chief Information Officer, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall establish and operate a Federal Information Technology Training Program (in this section referred to as the 'Training Program').

"(b) FUNCTIONS.—The Training Program shall—

"(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

"(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

"(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

"(c) AUTHORITY TO DETAIL EMPLOYEES TO NON-FEDERAL EMPLOYERS.—The Training Program may include a program under which a Federal employee may be detailed to a non-Federal employer. The Director of the Office of Personnel Management shall prescribe regulations for such program, including the conditions for service, length of detail, duties, and such other criteria as the Director considers necessary.

"(e) CURRICULA.—The curricula of the Training program—

"(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

"(2) shall be adaptable to achieve varying levels of expertise, ranging from basic non-occupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;

"(3) shall be developed and applied according to rigorous academic standards; and

"(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negativity impacting academic standards.

"(e) PARTICIPATION ENCOURAGED.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Program.

"(f) AGREEMENTS.—Employees who participate in full-time training at the Training Program for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

"(g) COORDINATION PROVISION.—

"(1) IN GENERAL.—Notwithstanding any other provision of this chapter, no assignment described in section 3703 may be made unless a program under subsection (c) has been established, and the assignment meets the requirements of such program.

"(2) REGULATIONS.—The Director of the Office of Personnel Management shall by regulation establish any procedural or other requirements which may be necessary to carry out this subsection.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Program, $7,000,000 in fiscal year 2003, and such sums as may be necessary for each fiscal year thereafter.

Mr. WAXMAN. Mr. Chairman, this amendment addresses two serious flaws in H.R. 3925, the Digital Tech Corps Act. The first part of the amendment protects the integrity of trade secrets and other sensitive government information. The second part of the amendment protects the Federal taxpayer.

The first part of the amendment prohibits corporate executives from having access to trade secrets and other sensitive commercial information when on detail in the Federal Government. This amendment is needed because the bill blurs the line between

Federal functions and private sector functions. Without this amendment, private sector technology executives can gain unrestricted access to Federal databases, including databases containing trade secrets.

The Department of Health and Human Services maintains a database containing confidential data on the lowest prices that drug companies charge their best customers. Under the bill, an information technology executive from Merck could gain access to this database to learn the lowest prices charged by Pfizer and other Merck competitors. Does this really make sense?

We have the Federal Civil Service because our system of government recognizes there are certain functions that need to be performed by career civil servants who have only the interests of the public in mind. One of these core functions is handling sensitive government information. Allowing private executives to have access to these databases is an invitation for abuse and conflicts of interest.

The bill purports to address these concerns, but it does not succeed. It applies the Federal conflicts-of-interest laws to the private sector executives while they work in the Federal Government, but these laws are so porous they have become virtually meaningless. For example, the White House counsel has ruled that the Federal ethics laws allowed Karl Rove at the White House to meet with Enron executives about energy policy while he held stock in that company.

The Committee on the Judiciary added language to the underlying bill which prohibits private sector workers from disclosing trade secrets that they came to know when on detail to the Federal Government. Well, this is an important symbolic gesture, but it is virtually unenforceable. There is no practical way to police what the Merck executive tells his colleagues after he returns to the private sector.

We cannot unscramble an egg in the same way we cannot guarantee that confidential information is not abused once it is made available to those with a financial stake in the information. That is why my amendment is needed. It protects against abuse and conflicts of interest by saying that the private sector executives cannot have access to trade secrets and similar commercially sensitive information while working for the Federal Government.

The second part of the amendment establishes a comprehensive training program for IT workers and ensures that any outplacement of Federal employees makes sense in the context of the overall training needs of the government. The bill's purported purpose is to train the Federal workforce. However, the bill does not have any requirement that the assignment accomplish any training objective or that the Federal worker do any work that would benefit the Federal Government. The bill is a blank check to send Federal workers, at taxpayers' expense, to serve the private sector. The only precondition is that there be a request from the private sector.

Well, this is a brand-new form of corporate welfare. It surpasses tax breaks and corporate subsidies. Under this bill, we are creating a system where the Federal taxpayer will be paying the salaries of people who are working for private companies.

And here is a little known fact: Not only does the taxpayer have to pay the salary and benefits of these employees, but they can also get a per diem of $200 or more a day to cover their food and housing expenses while working for the private sector.

My amendment addresses this flaw. It establishes a comprehensive training program for information technology workers run by the Office of Personnel Management. This training program is a well thought-out training program that is taken directly from H.R. 2458 which was introduced by the ranking member of the Subcommittee on Technology and Procurement Policy, the gentleman from Texas (Mr. TURNER). The only change I made to the Turner proposal is to add a provision that says explicitly that outplacements in the private sector can be included as part of the training program.

The CHAIRMAN. The time of the gentleman from California (Mr. WAXMAN) has expired.

(By unanimous consent, Mr. WAXMAN was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. Mr. Chairman, this amendment does not prohibit outplacements of Federal workers to the private sector, but it does ensure that any such outplacements accomplish a training objective and a cost-effective way to improve the training of Federal employees.

Mr. Chairman, my amendment enjoys the support of the American Federation of Government Employees, AFGE; the National Treasury Employees Union, and the AFL-CIO. Bobby Harnage, President of the AFGE, stated "The Waxman amendment manages to both eliminate opportunities for conflicts of interest and help agencies to develop the in-house capabilities they need to manage their information technology programs and contracts."

Mr. Chairman, I urge Members to adopt this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I think the Waxman amendment is well intentioned, and I know he has given this a lot of thought. Unfortunately, it has two problems, in my opinion. First, it goes too far; and, second, it addresses a problem that does not appear to be very serious.

This bill requires private sector employees who go to Federal agencies to comply with every single ethics rule that Federal employees have to follow, and then some. This bill has financial disclosure requirements and postemployment restrictions and conflict-of-interest protections. This bill may have more ethical safeguards than any bill that has ever passed this Congress.

What the gentleman from California (Mr. WAXMAN) is concerned about is that private sector employees may go to a Federal agency, learn some trade secret of a competitor, and go back to their company and share that information, or government information. Well, guess what? This bill has a lifetime ban on disclosing that kind of information, with criminal penalties if it is violated. It has a lifetime ban, not 7 years, like the statute of limitations on several other law violations. If someone taking part in this program discloses secret information 20 or 30 years after they see it, they could go to jail.

I am a little concerned that we may have gone too far already. We may have placed so many restrictions on this program that we may scare people away from participating in it, and that would be a real shame.

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We have bent over backwards to satisfy everyone's concerns.

But the amendment of the gentleman from California (Mr. WAXMAN) would go even further. Private sector employees would be barred from seeing any proprietary information while they are at the Federal agency. What that means in practical terms is that they would not or could not work on any major modernization program because those programs all involve private vendors. That would basically shut them out of doing any meaningful work while they are at that agency.

The question we have to ask ourselves is this: Is it worth it? Will trade secrets of private companies be jeopardized by this program? If that was the case, then I think all of the major high-tech companies would be opposing this bill. But guess what, they all support it. I have a letter here from the Information Technology Association of America, and I have another letter from the Information Technology Industry Council. They represent hundreds of high-tech companies. They support this bill.

Mr. Chairman, I include for the RECORD these letters.

The letters referred to are as follows:

INFORMATION TECHNOLOGY
ASSOCIATION OF AMERICA,
April 9, 2002.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR CHAIRMAN BURTON: On behalf of the 500 corporate members of the Information Technology Association of America (ITAA), I am writing in strong support of H.R. 3925, The Digital Tech Corps Act of 2002, which would create an executive exchange program for information technology managers between Federal agencies and private companies.

ITAA has long supported the concept of a "Digital Tech Force"—an exchange program to benefit government and private sector IT workers. The program in H.R. 3925 would allow government employees to receive technology experience without leaving their government posts, and provides industry with first-hand knowledge of the needs of government customers. The improved public-private training and communications fostered by the proposed program would be a win-win for government and industry. ITAA believes that the bill, as revised by the full Government Reform Committee, provides additional safeguards while still maintaining the attractiveness of the exchange program.

ITAA continues to believe that this program, if enacted by Congress, could be used as one of a series of initiatives that could improve the understanding of both industry and government and promote the necessary partnerships that will be required for the success of future IT projects.

We look forward to working with you and Chairman Tom Davis to support this important piece of legislation.

Sincerely,

HARRIS N. MILLER,
President.

INFORMATION TECHNOLOGY
INDUSTRY COUNCIL,
Washington, DC, April 10, 2002.

Hon. DAN BURTON,
Chairman, Committee on Government Reform, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing on behalf of ITI, the Information Technology Industry Council, to express our support for H.R. 3925, the Digital Tech Corps Act of 2002. We believe that this legislation will help address the critical need for greater technical expertise within the federal government.

It is no secret that the federal workforce is shrinking. With an increasing number of experienced employees reaching retirement eligibility or choosing to leave the government for the private sector, federal agencies are following industry's lead by increasing their reliance on information technology (IT) in order to continue to fulfill their missions. In order to realize the maximum benefit of its technology assets, however, the federal government, like industry, will need to attract and retain a pool of skilled employees expert in IT management. This has turned out to be a significant challenge, as it places government in intense competition with private sector demand for the same skill sets.

H.R. 3925 takes an innovative approach to addressing this challenge by creating an exchange program that will enable businesses under certain conditions to 'loan' their IT expertise to federal agencies. This program will enable the government to share rather than compete for critical management expertise, while at the same time helping industry gain a greater understanding and appreciation of the challenges agencies face in meeting the growing demand for government services. While this approach is not without risks, we are confident that sufficient safeguards have been incorporated into the legislation to protect business interests and ensure the integrity of the process.

ITI applauds your and Representative Tom Davis' leadership in addressing this critical issue, and look forward to continuing to work with you on matters of mutual interest and concern.

Sincerely,

RHETT DAWSON,
President.

So if the companies that own this supposedly confidential information are not worried about it, maybe we are going too far with this amendment. We have a real opportunity to do something good: to help Federal agencies manage their information technology better.

As I said before in my previous remarks, this will save the taxpayer billions of dollars, because many of these agencies cannot even communicate with each other because they do not have the same technology and they do not know how to apply it.

So let us not blow this by going overboard. This bill has every ethical safeguard that I can imagine in there, so let us not lard on so many restrictions that the program simply cannot work.

The amendment offered by the gentleman from California (Mr. WAXMAN) is very well-intentioned, but I believe it goes too far. It addresses a problem that is not a serious one. So I ask my colleagues to oppose this amendment, Mr. Chairman, and support the bill.

Mr. TURNER. Mr. Chairman, I rise in support of the Waxman amendment, because it includes a provision that I think is very important to strengthening the information technology capability of our Federal work force.

As the gentleman from California (Mr. WAXMAN) mentioned, the section of his amendment entitled "Federal information technology training program" comes from a bill that I introduced, and it has also been introduced and passed out of a committee in the Senate, that sets up a strong Federal IT training program.

Obviously, the purpose of the exchange program contained in the digital tech bill is to improve the training of Federal employees and to strengthen our ability to improve the Federal work force. The bill itself makes reference to the fact that in making assignments from the Federal agencies to the private sector, that the agency heads should consider training.

But really, training is the primary purpose that I see behind this legislation. I believe it would be a significant strengthening of this bill if we could proceed at this point in time with the establishment of a strong IT training program within the Office of Personnel Management.

This amendment that is offered by the gentleman from California (Mr. WAXMAN) provides a strong training curriculum requirement, it provides a very strong and very vigorous effort to try to establish training programs throughout the government for IT workers, and it places greater emphasis than we have currently upon the recruitment of IT workers.

In our committee, we have had countless numbers of Federal officials come before our committee and say to us that we have an information technology work force crisis in the Federal Government.

We had a very interesting bit of testimony before our committee a few weeks ago from a head of a major information technology company who pointed out to us that if we looked at the tragedy that occurred on September 11, that the information that was available to various Federal, State, and local agencies, that if it could have been brought together in a single location, that we perhaps could have prevented that tragic event.

That message said to me that we have a long way to go in the Federal Government in utilizing information technology, and one of the key elements of improving information technology is a strong and vigorous IT training program.

Some of our witnesses before our committee have shared with us from time to time the percentage of their company budgets that are devoted to IT training, in some cases 5, 6, 8 percent. The Federal Government expends approximately 1 percent of its budget on training.

What we need to do is not only emphasize training in general, but we need to focus in on information technology training. The Waxman amendment, under the section entitled "Federal information technology training program," establishes that very needed program. For that reason, I would urge the adoption of the Waxman amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the Digital Tech Corps Act of 2002 will help the Federal Government do a better job managing complex information technology projects. It sets up an exchange program that will allow Federal information technology managers to be detailed to the private sector, high-tech companies, and vice versa.

The tech corps bill without this amendment will improve the skills of Federal IT managers by exposing them to cutting-edge management practices in the private sector and help Federal agencies recruit and retain talented IT managers by offering them a valuable career development tool, something that is not available to them today when we risk losing half of our key information technology workers in the government over the next 5 years.

The bill will allow private sector IT managers to apply their skills to challenging information technology problems at Federal agencies.

The amendment, while well-intentioned, can scuttle this whole program. It will prohibit private sector detailees from having access to proprietary information submitted to Federal agencies by the private sector. This will prevent them in many cases from working on virtually any major information technology programs involving private sector entities, which is exactly where they are the most needed.

After the markups in both the Committee on Government Reform and the Committee on the Judiciary, the tech corps has very strong protection from proprietary commercial information, including a lifetime ban against disclosure with criminal penalties, something that existing government contractors and something that existing Federal employees do not even have. We have gone to the mat on this to ensure there will be no violations.

Plus, you have to trust the Federal managers to make the right call in terms of what these detailees are going to be exposed to. One key thing to keep in mind about this amendment is that it purports to protect the nonpublic information of other companies.

If concerns about the tech corps' protection of proprietary information were well-founded, though, as the gentleman from Indiana pointed out, all the major high-tech companies that do business with the Federal Government would be opposed to this. They like this bill the way it is. They oppose this amendment. The high-tech community strongly supports this bill.

Indeed, Harris Miller, the President of the Information Technology Association of America, which is composed of 500 small, medium, and large technology companies, says that the improved private sector training communication fostered by the tech corps will be a win-win for government and industry. ITAA believes that the bill, as revised, provides additional safeguards while still maintaining the attractiveness of the exchange program.

Let us go through these ethics provisions for a minute. The strong ethics and revolving door protections that are currently in the bill include the Hatch Act; revolving door laws that ban lobbying former agencies; a lifetime ban on helping the private sector with matters worked on while on the detail; a ban from working on matters that affect personnel or employers' financial interests; a ban on acting as a lobbyist while on the detail, something that was addressed in an earlier concern after an article in the Wall Street Journal; a ban on receiving anything of value to influence an official act; a ban on representing private sector clients in front of agencies; a ban on disclosure of procurement information; plus felony penalties under the law, up to 5 years imprisonment and up to $50,000 in fines, for violations.

The ethics provisions also include a lifetime ban on disclosing, publishing, divulging, or making known any trade secrets, business processes, operations, styles of work, statistics and data, and income profit or loss information of any other company, exactly the concerns raised from my friend, the gentleman from California. We go to a lifetime prohibition with criminal penalties.

Interestingly, Federal employees, from the day they leave the Federal Government, can reveal all of this information, including trade secrets. They are not barred. The amendment does not touch them.

If the concerns in this amendment are really about protecting nonpublic information, one would really think it might address both Federal employees, tech corps detailees, and government contractors. But I think it ends up gutting the bill.

This amendment also proposes to create a new bureaucracy for governmentwide IT training. No hearings on this broad-based effort have ever been held, although I will tell the gentleman from Texas I think it is a good idea and I tend to support it, and although I have indicated my willingness to work with the sponsors to try to bring this legislation to fruition.

This portion of the amendment advocates having the Office of Personnel Management essentially create and control a new continuing education type of IT training. Janet Barnes, the chief information officer of OPM, testified at a technology and procurement hearing on March 21, and she said, "What we are really trying to do is establish one stop, so there is a common place all Federal Government workers can go to access some of the best training programs already in existence. To the extent we need to, we can create new ones, but we really think there are a lot of good training programs already available.

"For IT employees, we are developing our road maps and detailed task plans. Part of every one of our 24 e-government initiatives is a communication, education, and training module."

One of the problems is the first thing agencies cut when their budgets are on the chopping block is training. We have additional legislation we have proposed that will take money out of the GSA schedules and other schedules and put it into mandatory training, because that is where we are falling behind. We have outstanding Federal employees, but they need to be continuously trained.

The CHAIRMAN. The time of the gentleman from Virginia (Mr. TOM DAVIS) has expired.

(By unanimous consent, Mr. TOM DAVIS of Virginia was allowed to proceed for 1 additional minute.)

Mr. TOM DAVIS of Virginia. Mr. Chairman, before rushing to create a new program that may be duplicative of what Mrs. Barnes said are the good training programs already available, we have to investigate what is available now. We should evaluate these programs as to whether degree-based training is effective.

For example, we have spent a lot of money for a CIO University and for the National Security Administration's IT training consortiums. They have programs covering IT training for many agencies. We should be asking whether they work and how they can be improved.

The manager's amendment to this legislation addresses these needs, and in my judgment, Mr. Chairman, this amendment ought to be rejected.

Mrs. MALONEY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Waxman amendment. The gentleman from California (Mr. WAXMAN) has offered a commonsense amendment to the digital tech corps bill, the underlying bill. By ensuring that the private sector cannot access trade secrets and other sensitive data, and by establishing a comprehensive training program for IT workers in this new program, the Waxman amendment addresses two very serious problems in the underlying bill.

Mr. Chairman, last month the Wall Street Journal ran a story that I believe illustrates the problem in the underlying bill that can be addressed or that is addressed by his amendment, and this story in the Wall Street Journal is very much of a cautionary tale.

Mr. Chairman, I include for the RECORD the article I have mentioned.

The article referred to is as follows:

[From the Wall Street Journal, Mar. 1, 2002]

ROLLING ALONG: LOBBYING CAMPAIGN COULD DETERMINE FATE OF A HYPED SCOOTER

IT IS ILLEGAL ON MOST SIDEWALKS, BUT MAKER HAS INFLUENCE; WILL THE SEGWAY SELL?

(By David Armstrong and Jerry Guidera)

MANCHESTER, NH.—Last May, Ron Medford, a senior federal engineer, visited here to inspect the Segway Human Transporter, the much-ballyhooed new motorized scooter with gyroscopic steering. He liked it a lot.

In August, Mr. Medford's bosses at the Consumer Product Safety Commission, relying in part on his analysis, handed the Segway a critical regulatory win. The CPSC defined the big-wheeled device as a "consumer product," a big step in its ambitious quest to overturn local laws banning motorized scooters from sidewalks. And there was more good news for the Segway team: Mr. Medford was so impressed by their handiwork he took a taxpayer-funded sabbatical to assist with a massive lobbying effort aimed at persuading states to pass special laws favoring the Segway.

After one of the most hyped launches of any recent product, the Segway is now locked in a lobbying battle that will help determine the fanciful contraption's fate. "The bad news is if you read any [local] regulation to the letter of the law, it says we don't belong on the sidewalk," says its inventor, Dean Kamen. Existing municipal ordinances that ban motorized conventional scooters from sidewalks also would apply to his invention.

That's why Segway LLC, the company Mr. Kamen set up to market his device, has delayed sales to the general public until the fall, while an army of lobbyists blanket the country, pushing for the new state laws permitting Segways on sidewalks. Company officials concede it is unlikely the transporter will appeal to consumers if it is limited to roads, where people would fear accidents with cars and trucks.

There are other potential roadblocks, as well. Mr. Kamen plans to sell the consumer version of his device for $3,000—a steep premium over the $200-to-$600 prices of less-fancy motorized scooters already on the market. The size of that market is also in question. Data on motorized-scooter sales are sparse, but industry leader Zap says it sold only 25,000 last year. An $8,000 commercial version of the Segway is available, but manufacturers so far haven't bought a single one. Last year, Mr. Kamen's business partner, Robert Tuttle, forecast that 50,000 to 100,000 Segways would sell in 2002.

And while Segway's lobbying campaign is making discernible headway at the federal and state levels, local officials' skepticism in some places remains strong. The device moves at up to 12.5 miles an hour and weights 65 pounds—a combination of speed and mass similar to that of conventional motorized scooters. For the protection of pedestrians, both modes of transport are now banned from sidewalks of cities ranging from tiny Sebastapol, Calif., to New York.

If a Segway "hits a pedestrian, there will be serious damage," says Charles Trainor, chief traffic engineer in Philadelphia, where the Segway also wouldn't be allowed on sidewalks. "I would not be in favor of changing the law," he adds.

The Segway's December introduction couldn't have been splashier. With Mr. Kamen aboard, it rolled across the stage of ABC's "Good Morning America." On NBC's "Tonight Show," host Jay Leno, rock star Sting and actor Russell Crowe took test drives. Mr. Kamen's lofty promise: the Segway would revolutionize transportation by curbing car use and relieving urban congestion.

Known before its launch by the code name "Ginger," the transporter has won enthusiastic endorsements from high-tech superstars Steven Jobs of Apple Computer Inc. and Jeff Bezos of Amazon.com Inc. Investors include Xerox Corp. Chairman Paul Allaire and Vernon R. Loucks Jr., the former chairman of medical products-maker Baxter International Inc. Some of the excitement over the Segway reflects Mr. Kamen's roster of commercially successful inventions. These include the cardiac stent, a device that reduces artery blockages in heart patients, the portable insulin pump for diabetes sufferers and the iBot wheelchair that climbs stairs.

Mr. Kamen is a 50-year-old college dropout who combines a boyish enthusiasm for science with the confidence—and lifestyle—of a successful entrepreneur. The Segway is vastly different and safer than electric scooters, he asserts. In fact, he and his team refuse to call their device a scooter. "It's more like a set of magic sneakers," Mr. Kamen says.

The inventor and his 100-employee company are based in Manchester, where his office in a former brick mill is filled with pictures of Albert Einstein. In the boardroom hangs a life-size portrait of Mr. Kamen. He sometimes pilots his helicopter to work and flies his personal jet around the country. He has a 17,867-square-foot home in New Hampshire and vacations on a small island he owns off of Connecticut.

The Segway, for which he has raised at least $92 million in seed money from the likes of venture capitalists Kleiner Perkins Caufield & Byers, uses a system of computer chip-driven gyroscopes and sensors to mimic the movements of its rider. Standing on a small platform gripping a handlebar, the rider leans forward or backward to move in the desired direction. The device, about four feet tall, has no brake or accelerator. It stops when the user stands straight.

Unlike scooters on the market today, the Segway stops gently when it runs into something and then rolls back slightly, Mr. Kamen says. The damage from a collision with a pedestrian would be no greater than if two people collided at a comparable speed, he says. But the company says it hasn't done any crash testing to support this claim and has only recently begun doing pilot tests under city conditions.

These pilot tests include the company's efforts to build what marketing director Gary Bridge calls "moral authority" for the device by getting police and postal officials in several cities to take highly advertised test drives. In Boston, for example, police officials tooled around downtown at press events staged in early December and on New Year's Eve.

Long before the December launch, Segway officials realized that safety restrictions could pose a problem. A major worry was having the federal government designate the device a "motor vehicle." That would automatically bar using it on sidewalks nationwide. Instead, the company wanted the Segway defined as a "consumer product," which would help make sidewalk use permissible, depending on state and local law. To improve his chances with regulators, Mr. Kamen hired Eric Rubel, a former general counsel of the CPSC now with the major Washington law firm Arnold & Porter.

At Mr. Kamen's behest, Rep. Charles Bass, a Republican from Segway's headquarters state of New Hampshire, arranged separate meetings last summer in his Capitol Hill office between Segway representatives and officials from the commission and the National Highway Traffic Safety Administration. The meetings came after Rep. Bass had failed to make much progress on legislation he introduced that would mandate a consumer-product designation.

On Aug. 3, NHTSA announced that it had accepted Segway's argument that its device is similar to those of motorized wheelchairs. Since "this agency does not consider motorized wheelchairs to be 'motor vehicles,'" NHTSA said, the Segway wouldn't be subject to its vehicle regulations. NHTSA officials say they made this determination without seeing the machine in person or having access to its technical details.

The CPSC in May had sent its team, led by the engineer, Mr. Medford, to inspect the Segway in Manchester. "It's an extraordinary place," Mr. Medford says, referring in an interview to Mr. Kamen's company. On July 20, Mr. Medford sought his sabbatical to work with Segway. Thereafter, he says, he recused himself from all government work related to the company. On Aug. 14, the commission announced that because the Segway was designed for personal enjoyment, it fit the definition of a consumer product and would be regulated by the CPSC.

Mr. Medford says he hopes his 10-month leave, which began Oct. 25, will let him "learn a little bit about what companies do to bring products to market." He will continue to collect his federal salary under a little-used government-wide program allowing senior federal career employees to sample corporate life. Segway is paying housing costs in New Hampshire for Mr. Medford, who is 53 and has worked for the CPSC for 23 years.

The sabbatical—the first ever awarded to a CPSC employee, according to the commission—troubles some consumer advocates. They worry Mr. Medford will favor Segway when he returns to his job in Washington later this year. "It's unusual in that he's working for a company that's going to be regulated by his agency," says Mary Ellen Fise, general counsel of Consumer Federation of America, a Washington-based advocacy group. Mr. Medford says he will have nothing to do with the Segway when he returns to the government.

Generally, consumer advocates are taking a cautious stance on the Segway. Beyond studying where the device should be used, they say government officials should consider mandating lighting and reflectors, potential minimum and maximum age restrictions for riders and even licensing. "There are still some major safety considerations, but I don't think they outweigh the potential benefits of these machines," says Ann Brown, former CPSC chairwoman.

Segway officials are trying to make the most of their interaction with the CPSC. They say in interviews that the company has undergone a successful "safety review" by the commission and has adopted improvements recommended by the CPSC.

But that assertion draws a rebuke from the commission. "We made it clear to the company that neither the CPSC nor the staff was endorsing the product, and we cautioned them against suggesting otherwise," says commission spokeswoman Becky Bailey. The CPSC made only "informal" safety suggestions to the company, she adds.

Mr. Medford is helping the company gather data for its campaign for special state laws permitting Segways on sidewalks, Mr. Kamen says. The company says it has so far hired lobbyists in all but five states. This legion operates under the direction of Segway employee Brian Toohey, a former U.S. Department of Commerce official and telecommunications lobbyist.

The lobbying drive comes at a time when dozens of states and municipalities have been stiffening restrictions of existing motorized scooters in reaction to an increase in injuries. Conventional scooters resemble a skateboard with a steering stick and began appearing in numbers about three years ago. Suburbs around Chicago have led the way in enacting ordinances that ban them from all public areas. California passed a law that went into effect in 2000 forbidding them from sidewalks.

The number of scooter-related injuries treated in emergency rooms more than tripled to 4,390 in 2000—the most recent full year for which results are available from the CPSC. In August, the commission issued a warning urging scooter riders to use caution and protective equipment.

Arguing that their device is more stable and safer, Segway's lobbyists have already persuaded the company's home state of New Hampshire and New Jersey, to enact laws approving of the transporter's use on sidewalks. These laws—and versions proposed elsewhere—are supposed to apply only to the Segway and refer to allowing "electric personal assistive mobility devices" that are "self-balancing."

Legislation favoring the company is advancing in a number of other states, including Alabama, Indiana, Virginia, Vermont,

> Nebraska and Washington. Some of these laws would prevent a city or county from passing its own ordinance banning Segways from sidewalks. Even in states such as New Hampshire and New Jersey, which allow for local restrictions, statewide enactments could give the company extra punch in opposing any hostile action. "All we're trying to do in any of these legislative efforts is to ensure the day we sell these to consumers they're able to use them in the proper way," says Mr. Toohey.
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> In Alabama, state Sen. Gerald Dial says he sponsored pro-Segway legislation after his "good friend," Segway lobbyist Jimmy Samford asked him to. "I told him I would be glad to hot rod it," says Sen. Dial. Already approved by the Senate, his bill is before the House and is considered a good bet for enactment. The legislation wouldn't let municipalities supersede the permissive state rule. Sen. Dial says he isn't worried about the Segway's safety, but he does fret that some people who should be walking to exercise will ride a transporter instead.
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> In Virginia, House Transportation Committee Chairman Jack Rollison says he introduced his pro-Segway bill at the behest of Phil Abraham, a lobbyist and attorney who has served as an adviser to past Govs. Charles Robb and Gerald Baliles. Delegate Rollison says Mr. Abraham was "very helpful in drafting the legislation." The Virginia House and Senate have passed the bill, which is awaiting action by Gov. Mark Warner. The legislation would let localities add some restrictions but not ban the Segway.
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> The pressure to pass pro-Segway legislation alarms Fred Zwonechek, the administrator of the Nebraska Office of Highway Safety. There, a bill allowing the Segway on sidewalks and some roads has been approved by a committee of the one-house Nebraska legislature. The bill's sponsor, Speaker Doug Kristensen, says he expects it to receive final legislative approval in the next two months. The bill would allow localities to set their own rules.
>
> Mr. Zwonechek says he wishes there would be more "testing and evaluation [to] see how these things work in the real world." Nebraska's city streets are already chaotic, he adds. "You think we have road rage now?" he warns. "I see all kinds of scenarios where" use of the Segway could lead to collisions and confrontations.
>
> Speaker Kristensen, in contrast, says a company-provided videotaped demonstration of the Segway persuaded him that the device is safe. In particular, he praises its ability to pivot quickly, making it easier to navigate than bicycles or existing electric scooters.
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> Mr. Kristensen says he sponsored the bill after being approached by Segway lobbyist Bill Mueller, whom he has known for years. The lobbyist warned him that if Nebraska didn't pass pro-Segway legislation, residents could be "frozen out" when the device hit the consumer market because the company would be less likely to sell here, Mr. Kristensen recalls. Mr. Mueller declined to comment.

Mr. Chairman, the article outlines a very disturbing story. An employee of the Consumer Products Safety Commission was detailed to a New Hampshire company called Segway, LLC, which builds motorized scooters.

During this public employee's 10-month assignment and while the employee is there, he will be on the Federal payroll and able to lobby for the private company as it seeks special State laws allowing the motorized scooter. What they are requiring is to see if the Segway, this motorized scooter, it travel on sidewalks. Meanwhile, the Federal employee paid by the taxpayers is lobbying for the private company.

According to the Wall Street Journal, this worker is, and I quote from the Wall Street Journal, "helping the company gather data for its campaign for special State laws permitting Segways or motorized scooters on sidewalks." It goes on further to say that the creator of this particular scooter did not even think it should ever be on sidewalks. It points out this is, it calls it "a tremendous taxpayer-funded boondoggle, plain and simple".

Really, to the point, we should not dramatically expand the number of Federal employees who can be detailed to work for private companies at taxpayer expense without strict safeguards that they will not then be lobbying the department they come from, or State laws, as in this particular case.

My colleague, the gentleman from California (Mr. WAXMAN), has put forward a very commonsense amendment that will stop this, restrict this. It is supported by all the good government groups, every commonsense American taxpayer, all the unions. Simply put, why in the world should we, or rather taxpayers, fund Federal employees to go to work for private companies, to have them then lobby State governments or city governments or the Federal Government on behalf of the private company? It is absolutely plain wrong.

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I commend the ranking member of the Committee on Ways and Means for coming forward with a plain, commonsense amendment, and I urge my colleagues on the other side of the aisle to join in supporting the Waxman amendment.

Mr. MICA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately I have to rise in opposition to the amendment offered by the distinguished gentleman from California (Mr. WAXMAN). I do so today not because I necessarily oppose his proposal for developing a coordinated training program for information technology employees. In fact, I want to applaud the gentleman from California for his interest in improving the training opportunities available to Federal IT workers. However, as a member and former chairman of the Civil Service Subcommittee which has jurisdiction over Federal employee training programs, I believe this proposal, I believe it is very important, in fact, that this proposal go through the regular committee process. And that is important before we establish a new multimillion-dollar training program. And it is also important, I believe, that we consult with the administration and other interested parties to develop a clear picture of exactly what training is now being conducted.

I think it is also vital and important that we work with the administration to solicit their views on how best to structure an IT training program in light of various agency needs. Frankly, Mr. Chairman, I also question whether the program the amendment establishes would be able to quickly keep up enough with the current fast pace of developments in the information technology sector.

I know the chairman of the Subcommittee on Civil Service and Agency Organization of the Committee on Government Reform and other members of the subcommittee would be glad to work with the gentleman from California (Mr. WAXMAN) in trying to craft the best possible proposal. I look forward to working with all parties interested in addressing this important issue.

Mr. Chairman, I yield to the gentleman from Virginia (Mr. TOM DAVIS).

Mr. TOM DAVIS of Virginia. Mr. Chairman, I thank the gentleman for his remarks, and once again I believe that the part of this amendment that speaks to training has a lot of merit, and I hope that we can take it up under the appropriate committee jurisdictions and move in this session of the Congress.

Let me just address a couple of remarks made by my good friend from New York (Mrs. MALONEY) about Mr. Ron Medford, the employee of the Consumer Products Safety Commission on the Federal payroll lobby. He could not have done any of these things under this legislation that is proposed today.

The interesting thing is we have put more safeguards in there. He would have violated, in our opinion, 18 U.S.C. 201, which is incorporated as Federal bribery statutes; lobbying statute 18 U.S.C., section 205; financial conflicts of interests, section 18 U.S.C. 208; perhaps even 18 U.S. Code 606, intimidation of your office to be able to advance things as well.

These are all prohibitions of our law that were not under the detail act that Mr. Medford operated under. We have tried to address these. Raising these specters I think is helpful because it shows what we do not want this act to become. But I think we have gone out of our way to put more restrictions on detailees under this legislation than we have under any legislation in national history, including the current IPA program which has been very successful and which has never been prosecuted by the Justice Department or found any wrongdoing to have come forward.

So we have gone out of our way to try to address these, while at the same time recognizing that while you are bringing these employees into the IT areas, there is a lot of confidential information, a lot of proprietary information that they are going to have to work with. To eliminate that, as this amendments does, basically guts the legislation because it does not allow our Federal employees to come in and get the training at the highest and best areas where they can learn the most and be trained the most on the job.

Those are my comments. I appreciate and thank the gentleman.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to speak in support of this Digital Tech Corps and to thank the gentleman from Virginia (Mr. DAVIS) for introducing the idea of assigning private sector information technology professionals for a 6-month to 2-year work assignment in the Federal Government.

We cannot emphasize enough that there is a looming crisis in the Federal workforce. Over the next few years, more than 1 out of 2 Federal employees and fully half of Federal IT personnel are going to be eligible for retirement. If we do not come up with a solution for this problem today, in the near future we are going to be faced with a very severe shortage of workers in the Federal workforce. So, by enabling an exchange of mid-level information technology professionals between public and private sectors for up to 2 years and allowing these volunteers to retain their pay and benefits from their respective employers, this legislation constructively addresses this potential problem. It also provides Tech Corps volunteers with a rewarding opportunity for public service. And I think it is going to generate a greater understanding and respect for the work of so-called Federal bureaucrats.

This bill is not unprecedented. It is very similar to the Governmental Personnel Mobility Act that has provided the opportunity for an up to 2-year exchange of Federal employees with nongovernmental organizations, universities, and associations for the last 30 years.

One of the best features of this bill is that it provides an opportunity for government leaders and private sector professionals to cross-pollinate best practices and innovative ideas.

Each year the Federal Government spends over $50 billion on information technology. That is a lot of money by anyone's estimate. Unfortunately, despite all of this money, too many of the government's complex IT projects fail because of a lack of effective IT management.

Finding innovative ways to recruit, to train, and retain a quality information technology workforce has to be a priority for us today. The Digital Tech Corps Act will give talented professionals the opportunity for knowledge transfer while helping to solve some of the world's most difficult information technology problems in both the public and private sectors.

I think the next amendment on putting 20 percent of the placements in small business makes sense, too.

This is a good bill and it deserves our support.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman from California's (Mr. WAXMAN) amendments, but I think he offers it in good stead. And the reason is that so often the public sector is fraudulent, it is wasteful, it is abusive. And we found, time after time, that most of the innovations do come from the private sector. And I think a blending of the private sector and the public sector benefits both. And I think if we inhibit the private sector from interfacing and collating the information from the public service, then I think we are deficient.

There is a code of ethics that is involved. Every day we use foreign military with our military. Maybe it is a bad analogy, but we benefit from our interaction with foreign military. But, yet, we also know there are some very classified things that are involved that are protected.

When we have a program like this, we also have certain safeguards. One of those is called a code of ethics and what one can dispose of and what one can gather and what one can transfer to one's our own private company. But every day we public employees have the basic information from the private sector that they use every day, and the standard should be the same for public as it is for private.

I laud the gentleman from California (Mr. WAXMAN). I think his intent is good, but I think the reaction is bad.

I would recommend to my colleagues on both sides, a nonpartisan little pamphlet, one of the best I have ever read. It is called, "Reflection on a Millennium" by Alonzo McDonald. He was the president of Bendix. It goes through where we have been in this past millennium and where we are headed. One of those is technology and the benefit of technology to our society and how we can benefit. He also talks about the inhibitors to technology. Whether it is onerous rules and regulations, whether it is tax increases instead of tax cuts, whether it is unions, whatever it happens to be, it is what we can do to benefit technology until the future.

I think the gentleman from California's (Mr. WAXMAN) amendment would inhibit that technology growth. I know that my colleagues on both sides of the aisle support this growth in the high-tech field.

I want to laud the gentleman from Virginia (Mr. TOM DAVIS) for his bill, and I think it is good legislation, and I ask for the defeat of the Waxman amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. WAXMAN).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. TURNER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. WAXMAN) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 2 OFFERED BY MS. VELÁZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Ms. VELÁZQUEZ:

In section 3703 of title 5, United States Code (as contained in section 3(a) of the bill), insert after subsection (d) the following:

"(d) SMALL BUSINESS CONCERNS.—

"(1) IN GENERAL.—The head of each agency shall take such actions as may be necessary to ensure that, of the assignments made under this chapter from such agency to private sector organizations in each year, at least 20 percent are to small business concerns.

"(2) DEFINITIONS.—For purposes of this subsection—

"(A) the term 'small business concern' means a business concern that satisfies the definitions and standards specified by the Administrator of the Small Business Administration under section 3(a)(2) of the Small Business Act (as from time to time amended by the Administrator);

"(B) the term 'year' refers to the 12-month period beginning on the date of the enactment of this chapter, and each succeeding 12-month period in which any assignments under this chapter may be made; and

"(C) the assignments 'made' in a year are those commencing in such year.

"(D) REPORTING REQUIREMENT.—An agency which fails to comply with paragraph (1) in a year shall, within 90 days after the end of such year, submit a report to the Committees on Government Reform and Small Business of the House of Representatives and the Committees on Governmental Affairs and Small Business of the Senate. The report shall include—

"(A) the total number of assignments made under this chapter from such agency to private sector organizations in the year;

"(B) of that total number, the number (and percentage) made to small business concerns; and

"(C) the reasons for the agency's noncompliance with paragraph (1).

"(4) EXCLUSION.—This subsection shall not apply to an agency in any year in which it makes fewer than 5 assignments under this chapter to private sector organizations.

Ms. VELÁZQUEZ. Mr. Chairman, no one doubts the importance of the information and communications technology revolution in shaping our economy today. Many small businesses led the changes that put a PC in half of our homes and the Internet in almost every office. Their impact has been great. Internet usage and presence has grown at an astonishing rate of 50 percent each year.

Today there are almost 2.1 billion different Web sites on the Internet, and e-commerce is the fastest growing sector of the Internet. Americans now spend $3.5 billion on line. That averages out to 13.5 million households spending $263 dollars per person per year. And it is estimated that the Internet commercial activity could reach $3 trillion by the year 2003.

It is clear that if small businesses are not part of the new digital economy they will soon be out of business. But despite small business leadership in this sector, far more small businesses are hampered in their effort to expand into the digital marketplace by a great and growing dearth in high-tech workers to help them. Less than half of the 900,000 information technology jobs created last year were actually filled.

Since American small businesses create 75 percent of all new jobs, we should focus the legislation before us in order to benefit these dynamos of our economy.

This bill is designed to grow the high-tech workplace. But our amendment will ensure that small businesses fully participate in that growth. After all, small businesses make up half of our economy. They employ almost half of our workers. They create three-fourths of all new jobs, and are an entryway to the workforce of 6 of every 10 working Americans. However, they do not fully participate in the digital economy. According to the Department of Commerce, small businesses on average invest far less in information technology than their corporate counterparts. They are far less likely to buy or sell merchandise over the Internet, and their employees are less likely to use a computer regularly.

I am convinced one of the great contributing factors to this digital divide is that the small businesses simply cannot attract and retain skilled high-tech labor. If they cannot get the workers to build and maintain a company Web site, they will be unable to enjoy the benefits of e-commerce.

The Velázquez-Manzullo amendment proposes to bridge this small business tech gap by requiring that 20 percent of Federal employees detailed to the private sector under the provision of H.R. 2935 are detailed to small businesses across the country.

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With 99 percent of all American enterprise comprised of small businesses, I believe this is the reasonable proposal to help the great majority of them benefit from high tech and e-commerce.

This amendment is designed with another goal in mind as well. Through this placement program we want to help small businesses contract with the Federal Government. By learning more about how the Federal Government operates through Federal workers detailed to them, we want to encourage greater contracting opportunities with the government.

This is a very important goal, given the fact that in the year 2000 the Federal Government failed for the first time to meet any of its statutorily set goals for contracting with small businesses.

Mr. Chairman, I urge my colleagues to support the Velázquez-Manzullo amendment. It has received strong support from the 65,000 members of National Small Business United, the oldest small business group in the country, and thousands of small businesses like them. We know small businesses want to reap the benefit of this great technological revolution with skilled people working for them and showing them the way. They also want and deserve a fair shot at Federal contracts. Put together in this amendment, we can be assured that the company we help today could be the Intel of tomorrow.

Vote "yes" on the Velázquez-Manzullo amendment.

Mr. TOM DAVIS of Virginia. Mr. Chairman, I move to strike the last word.

Let me thank my friend from New York for offering this amendment, and although I always have some trepidation to accepting outright percentages in terms of a new program and how it is going to progress, I think she has worked hard on this and she has worked with our staff. She has been a strong proponent of small business, and I think that this in a way may be able to enhance the program.

I intend to accept this amendment and vote for this amendment and advocate for it, and I just appreciate the effort she has put into this and the effort she has done working with our staff.

Mr. PASCRELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we know that the new digital economy is leading the way, is a necessity for economic success of American businesses and particularly small businesses. We are concerned deeply that many small businesses lack the adequate resources to participate fully in the digital revolution. I see many minority-owned small businesses in my district, the Eighth District of New Jersey, that have particular concerns. In order to keep up, they cannot afford to fall back and to play catch up.

Today, there is almost 2.1 billion different and publicly accessed Web sites on the Internet, a larger percentage of them being commercial, business-operated sites. Current figures show that Americans have already spent $3.5 billion online, which averages out to 13.5 million households, spending $263 per person.

It is clear that if small businesses are not part of the new digital economy, they will soon be out of business. The private sector will need to fill, as my colleagues have already heard, 900,000 new information technology jobs. Right now, we can only fill half of those jobs.

We need to be especially concerned about the impact of this data on the business sector that accounts for 75 percent of the net new jobs; and if we can make the change in the legislation that will benefit small businesses, we should; and that is the very purpose of the Velázquez-Manzullo amendment, that 20 percent of the Federal high-tech workers must be placed with small businesses under this amendment, which fully 99 percent of all employers are small businesses.

Mr. Chairman, I ask for the adoption of this amendment.

Mrs. CHRISTENSEN. Mr. Chairman, I move to strike the requisite number of words.

I too want to rise in support of the Velázquez-Manzullo amendment. An analysis of the Web by both private and public concerns has shown that Internet usage and presence has grown by an outstanding rate of 50 percent per year.

E-commerce is the fastest growing sector of the Internet. According to Forrester Research, an e-commerce research company, e-commerce activity will reach $3 trillion by the year 2003. It is, therefore, clear that if small businesses are not a part, as both my colleagues have said, of this new digital economy, they will soon be out of business.

Therefore, the Velázquez-Manzullo amendment is an important amendment to ensure that the needs of small businesses are met. The amendment requires that a mere 20 percent of Federal high-tech workers be placed with small businesses under this amendment, when fully 99 percent of all employers are small businesses. Surely this is the least that Congress can do to assist our small businesses in becoming technologically capable.

This help from the Federal Government is especially important, Mr. Chairman, in light of the fact that in fiscal year 2000 the Federal Government met none of its small business contracting goals. This amendment has received strong support from the National Small Business United, a small business association with 65,000 members.

I want to also commend the gentlewoman from New York (Ms. VELÁZQUEZ) for her leadership and her hard work on this amendment, and I urge a "yes" vote on the Velázquez-Manzullo amendment to H.R. 3925.

Ms. MILLENDER-McDONALD. Mr. Chairman, I move to strike the requisite number of words.

I rise too in support of the Velázquez-Manzullo amendment to H.R. 3925. This bill attempts to facilitate the exchange of technological talents between the Federal and private sectors in order to respond to evolving opportunities being created as a result of digital technology.

As the ranking member of the Subcommittee on Workforce Empowerment and Government Programs, I recognize how important this provision is because it requires that 20 percent of the employees detailed to the private sector be detailed to small businesses. Small businesses will benefit directly from the loan of Federal employees with specific technological expertise who will use that expertise to assist small businesses to improve and expand their businesses.

Small businesses constitute the core of the emerging and flourishing digital economy known as the Internet. E-commerce is the wave of the future, and for many businesses it is the standard method by which they do business. Therefore, it is critical that we enable small businesses and emerging small businesses to be able to compete in this evolving arena.

In order for this to happen, Mr. Chairman, many small businesses need to conduct business online. They will need the technical expertise that can be provided to them via detailed Federal employees. One of the biggest obstacles to small business participation online is the prohibitive costs for training and hiring the staff necessary. This amendment will help to defray some of those costs.

Obviously, Mr. Chairman, this last week I gave a congressional hearing in my district regarding technology and small businesses, and this amendment serves the purpose which many of the small businesses mention they need to have to flourish.

Finally, Mr. Chairman, 75 percent of new jobs are being created by small businesses. Minority- and women-owned businesses will benefit immeasurably from this provision. So I urge my colleagues to support this amendment and thank our chairman and the ranking member for their leadership.

Mr. MANZULLO. Mr. Chairman, I rise today to show my strong support for the amendment put forth by my friend and the ranking member of the Committee on Small Business, Ms. VELÁZQUEZ, which I chair.

I join with Ms. VELÁZQUEZ in offering this amendment because it will strengthen an already good bill by requiring that 20 percent of the federal workers be placed with small businesses in the private sector. Under current law, 23 percent of federal procurement must be awarded to small businesses. Given that, it is entirely reasonable that 20 percent of the federal workers should be placed with small businesses. Moreover, the high tech field is overwhelmingly dominated by small businesses. It not only makes sense that at least 20 percent of the government workers taking part in this exchange should be assigned to this sector. This is not a burdensome provision.

This amendment will further allow government workers the opportunity to experience the private sector and fully understand particularly the most dynamic-charged entrepreneurial spirit which fuels our economy—our nation's small businesses. It will afford federal employees the prospect to view first-hand the impact of government regulations upon business.

This amendment will provide federal workers the rare chance to "walk in another's shoes" and see a totally different perspective. Congress has repeatedly passed legislation that mandates that the government review the impact of legislation and the promulgation of regulations upon small business. This amendment would provide another vehicle to protect small businesses from our government by ensuring that federal workers understand the unique position that our entrepreneurs are in.

Please join me in supporting the Velázquez amendment that will only improve and strengthen the Digital Tech Corps Act.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentlewoman from New York (Ms. VELÁZQUEZ).

The amendment was agreed to.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

I have an inquiry for my colleague, the gentleman from Virginia (Mr. TOM DAVIS).

At section 3704(b)(2) of the proposed bill, it states that an employee of a private sector organization assigned to an agency is deemed an employee of the agency for purposes of section 208 of title 18.

Section 208 makes it a crime for a Federal employee to take any action in their official capacity if they have a personal financial interest in the matter or if an organization in which they are serving as an employee has a financial interest in the matter.

I have no doubt that the authors of H.R. 3925 intended to make detailees fully subject to this requirement. However, because the bill considers detailees employees of the agency, there is some ambiguity over whether they will be permitted to work on matters that have financial impact on their private organizations.

Is it the gentleman's understanding that section 208 will prohibit detailees from working on such matters? I think it should be clear for the record that, while detailees are considered employees of the agency, subject to subsection 208, they are also employees of their private organization that are prohibited from working on matters that affect the financial interests of their company.

Mr. TOM DAVIS of Virginia. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentleman from Virginia.

Mr. TOM DAVIS of Virginia. Mr. Chairman, that is certainly my understanding. I would say to my friend from California, as this moves through and to conference, I would be happy to work with her to further clarify that if we get the opportunity to do so; but that is clearly the intention of this legislation.

I appreciate the gentlewoman calling it to our attention.

Ms. LOFGREN. Mr. Chairman, I thank the gentleman from Virginia (Mr. TOM DAVIS) for his response, and I think actually if we made it clear here in the RECORD, no further action would be necessary.

AMENDMENT NO. 3 OFFERED BY MR. WAXMAN

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII proceedings will now resume on amendment No. 3.

The pending business is the demand for a recorded vote on amendment No. 3 offered by the gentleman from California (Mr. WAXMAN) on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 219, not voting 11, as follows:

[Roll No. 83]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frost
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lowey
Lucas (KY)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)

Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Ross
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Schiff
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—219

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Boozman
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Castle
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Cox
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (WI)
Grucci
Gutknecht
Hansen
Harman
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Issa
Istook
Jenkins
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pombo
Portman
Putnam
Quinn
Radanovich
Ramstad
Rehberg
Reynolds
Riley
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roukema
Ryun (KS)
Saxton
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Walsh
Wamp
Watkins (OK)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Blagojevich
Greenwood
LaHood
Lantos
McKeon
Peterson (MN)
Pryce (OH)
Royce
Ryan (WI)
Towns
Traficant

□ 1239

Mrs. KELLY and Messrs. BALLENGER, PORTMAN, BRADY of Texas, and GILMAN changed their vote from "aye" to "no."

Ms. KILPATRICK changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SIMPSON) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3925) to establish an exchange program between the Federal Government and the private sector in order to promote the development of expertise in information technology management, and for other purposes, pursuant to House Resolution 380, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, April 9, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 363, by the yeas and nays;

H.R. 3991, de novo.

The Chair will reduce to 5 minutes the time for the electronic vote after the first such vote in this series.

CONGRATULATING PEOPLE OF UTAH, SALT LAKE ORGANIZING COMMITTEE AND ATHLETES OF WORLD FOR SUCCESSFUL AND INSPIRING 2002 OLYMPIC WINTER GAMES

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 363, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the resolution, H. Res. 363, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 425, nays 0, not voting 9, as follows:

[Roll No. 84]

YEAS—425

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Ferguson
Filner
Flake
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes

Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—9

Blagojevich
Fletcher
Greenwood
Oxley
Pryce (OH)
Reynolds
Ryan (WI)
Traficant
Weldon (FL)

□ 1300

Mrs. CUBIN changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 3991, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. THOMAS) that the House suspend the rules and pass the bill, H.R. 3991, as amended.

The question was taken.

Mr. DOGGETT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 205, nays 219, answered "present" 1, not voting 9, as follows:

[Roll No. 85]

YEAS—205

Aderholt
Akin
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Biggert
Bilirakis
Blunt
Boehner
Bonilla
Bono
Boozman
Boyd
Brady (TX)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Chabot
Chambliss
Coble
Collins
Combest
Cooksey
Costello
Cox
Cramer
Crane
Crenshaw
Cubin
Culberson
Cunningham
Davis, Jo Ann
Davis, Tom
Deal
DeLay
DeMint
Diaz-Balart
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Everett
Ferguson
Flake
Fletcher
Foley
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Graves
Grucci
Gutknecht
Hall (TX)
Hansen
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hyde
Isakson
Israel
Issa
Istook
Jenkins
John
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
Kerns
King (NY)
Kingston
Kirk
Knollenberg
Kolbe
LaHood
Larsen (WA)
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Lucas (OK)
Manzullo
Matheson
McCrery
McHugh
McInnis
McIntyre
McKeon
Mica
Miller, Dan
Miller, Gary
Miller, Jeff
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Osborne
Ose
Otter
Oxley
Paul
Pence
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Putnam
Quinn
Radanovich
Ramstad
Regula
Rehberg
Reynolds
Riley
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryun (KS)
Schaffer
Schrock
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Stearns
Stump
Sullivan
Sununu
Sweeney
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Toomey
Upton
Vitter
Walden
Wamp
Watkins (OK)
Watts (OK)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—219

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bishop
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Davis (CA)
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Dooley
Doyle
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank
Frelinghuysen
Frost
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hill
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Honda
Hooley
Horn
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Langevin
Lantos
Larson (CT)
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Lynch
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Platts
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ross
Rothman
Roukema
Roybal-Allard

Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Schiff
Scott
Serrano
Shays
Sherman
Simmons
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Visclosky
Walsh
Waters
Watson (CA)
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Woolsey
Wu
Wynn

ANSWERED "PRESENT"—1

Hilleary

NOT VOTING—9

Blagojevich
Dingell
Doolittle
Greenwood
Peterson (PA)
Pryce (OH)
Ryan (WI)
Traficant
Weldon (FL)

☐ 1315

Ms. MILLENDER-McDONALD, Ms. KAPTUR, Mr. NADLER, and Mr. MOORE changed their vote from "yea" to "nay."

Mrs. KELLY changed her vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, I was unavoidably detained during House rollcall votes 84 and 85. I was at the White House for a meeting with the President regarding congressional consideration of the Human Cloning Ban.

THANKS TO COMMITTEE STAFF AND PROFESSOR STEVE KELMAN FOR THEIR HARD WORK ON H.R. 3925

(Mr. TOM DAVIS of Virginia asked and was given permission to address the House for 1 minute.)

Mr. TOM DAVIS of Virginia. Mr. Speaker, on the Digital Tech Corps Act, I would like to thank members of the staff of the Committee on Government Reform and Oversight who helped to make this bill a reality: George Rogers, Victoria Proctor, John Brosnan, Teddy Kidd, Charles "Chip" Nottingham, Melissa Wojciak, and Howard Dennis, and Kevin Binger of the full committee, and also special thanks to Professor Steve Kelman of the John F. Kennedy School at Harvard University for his thoughts and input into the legislation.

HECTOR G. GODINEZ POST OFFICE BUILDING

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the bill (H.R. 1366) to designate the United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, as the "Hector G. Godinez Post Office Building," and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Virginia?

Mr. DAVIS of Illinois. Mr. Speaker, reserving the right to object, but I will not object, I yield to the gentleman from Virginia (Mr. TOM DAVIS) for further clarification of the measure.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, H.R. 1366, introduced by the distinguished gentlewoman from California (Ms. SANCHEZ), designates the facility of the United States Postal Service located at 3101 West Sunflower Avenue in Santa Ana, California as the "Hector G. Godinez Post Office Building." The bill is cosponsored by the entire House delegation from California.

Mr. Speaker, Hector Godinez had a distinguished 48-year career in the Postal Service. He climbed the postal ranks from mail carrier to southern California district manager. Prior to joining the Postal Service, he served with distinction as a tank commander in the U.S. Army under General George Patton.

☐ 1315

He earned a Bronze Star for bravery under fire in World War II and a Purple Heart for wounds received in battle. He also served as the national president of the League of United Latin American Citizens from 1960 to 1961. I would urge the House to adopt H.R. 1366.

Mr. DAVIS of Illinois. Continuing to reserve my right to object, Mr. Speaker, as a member of the Committee on Government Reform, I am pleased to join my colleague in consideration of H.R. 1366, which names the postal facility after the late Hector G. Godinez.

H.R. 1366 was sponsored by the gentlewoman from California (Ms. SANCHEZ) on April 3, 2001, and enjoys the support and cosponsorship of the entire California congressional delegation.

As chairman of the Congressional Postal Caucus, I am proud to join the gentlewoman from California (Ms. SANCHEZ) in tribute to Hector Godinez, a distinguished and medaled World War II veteran, letter carrier, postmaster, and community activist.

Mr. Godinez was born in San Diego, California, in 1924, attended ethnically segregated schools in Orange County, and later joined the U.S. Army, serving in General George Patton's Third Army. Wounded in action in Germany, Hector Godinez received five battle stars, one Purple Heart, and one Bronze Star at the Battle of the Bulge.

Shortly after his honorable discharge from the Army, he began a 48-year career with the U.S. Postal Service, starting as a letter carrier and rising to the position of postmaster of Santa Ana, appointed by President John F. Kennedy as the first Mexican American postmaster in the United States.

A recipient of the Postmaster General's Citation for Excellence Award and the U.S. Postal Service Community Service Award, Mr. Godinez was a founder of the League of Latin American citizens, LULAC, and worked tirelessly and successfully to desegregate Orange County public schools.

Local newspaper headlines said it all.

The Santa Ana Register, 1984: "World War II nudged Hispanic off farm, into activism." "Godinez has compiled a lengthy record of community volunteerism in Orange County."

The Los Angeles Times, 1985: "Godinez honored for groundbreaking career."

Santa Ana Magazine, 1985: "Hispanic leader honored for service."

The Orange County Register, 1999: "Santa Ana Hispanic leader dies—Hector Godinez was instrumental in getting equal treatment of Mexican American children."

Los Angeles Times, 1999: "Hector Godinez, first Latino postmaster."

Mr. Speaker, I commend my colleague, the gentlewoman from California (Ms. SANCHEZ), for seeking to honor such a man of high principle, a man of the people, and such a distinguished and honorable individual as Mr. Godinez. He is truly deserving of this recognition. I join with my colleagues in urging support.

Ms. SANCHEZ. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentlewoman from California.

Ms. SANCHEZ. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is my great privilege to rise today as the House considers H.R. 1366, legislation which will name a U.S. post office in Santa Ana, California, after a friend, a mentor, and an inspiration to many of us in Orange County, Hector G. Godinez.

I would like to thank my colleague, the gentleman from California (Mr. COX), and the majority leader, the gentleman from Texas (Mr. ARMEY), and all my colleagues in the California delegation and the members of the Committee on Government Reform for their support and efforts in bringing this bill to the floor today.

Today we have the opportunity to provide a fitting tribute, not only to Hector but to his entire family. Hector Godinez was a public servant and an activist whose life was dedicated to the betterment of Orange County and to the advancement of the Mexican American community.

Hector Godinez was born on the grounds of San Diego Mission in 1924. He was the son of field workers, and his family moved to Santa Ana a year later, making this his permanent home.

Growing up in Orange County, Hector attended ethnically segregated local schools where Hispanics were sent to the Mexican schools and set apart from Anglos.

Immediately after high school, inspired by the news of Pearl Harbor, Hector joined the Army, serving as a sergeant in General George Patton's Third Army. He is the recipient of five battle stars, one Purple Heart, and one Bronze Star for heroic achievement.

Hector was wounded during the battle in Germany and was given an honorable discharge. Upon returning to the United States in 1945, Hector experienced firsthand the adversities that Mexican Americans were facing in the work force in California.

Through a Federal program created to help partially disabled veterans gain government jobs, he became a letter carrier in Santa Ana. In 1959, Hector was denied a promotion in Santa Ana by the postmaster. He was told that Anglos would be resentful of a Mexican American working in their community.

However, by the early sixties, Mr. Godinez had been granted an appointment as Santa Ana's postmaster, making him the country's first Mexican American postmaster. From there, Hector worked his way up to become the Southern California district manager for the United States Post Office, managing more than 44,000 employees and an operating budget of $750 million.

At the time of his death in 1999, Hector had fulfilled a 46-year career of service with the U.S. Post Office. I would be doing Hector Godinez' memory a disservice if I failed to recognize the many other contributions that he made to our community because of a lifelong commitment to volunteerism.

Hector was a founding member of the Santa Ana LULAC, a base of activists who were dedicated to addressing issues within the American system for improvement of conditions for Americans of Mexican descent. Through this organization, he and his fellow activists were responsible for Mendez versus Orange County Board of Education.

This is a landmark lawsuit, one in which these Hispanics took on the establishment in Orange County so that our schools would not be segregated. And, in fact, California desegregated its schools 6 years ahead of the rest of the Nation. It was because of this lawsuit. This lawsuit was the basis for Brown v. Board of Education at the national level.

Hector also organized and became the chairman of the board of the first State-chartered minority bank. He served as a trustee for the Rancho Community College District for 17 years, and he served on the board of KOCE/50; that is, our county's public broadcast television station.

He was the first Hispanic to be named the president of the Santa Ana Chamber of Commerce, and a founding member of the Santa Ana Redevelopment Board. He also chaired the Orange County Boy Scouts. He received a number of degrees, including his Master's, which he received in 1980. Witty and loyal, Hector was known for his dedication to his friends, his collection of cowboy boots, and his affinity for Stetson hats.

Hector has been the recipient of the NAACP's Human Rights Award and the Western Region's Community Service Award, and he was among the first recipients of the Postmaster General's Award for Executive Achievement.

He was distinguished by the National Association of Postmasters, the National League of Postmasters, and the National Association of Postal Supervisors.

Hector was survived by a wife of 53 years, Mary; four children: Hector Ron, Robert, Linda Godinez Miller, and Gloria Mumoz; and nine grandchildren.

Hector Godinez was a man who not only persevered over economic hardship and racial prejudice, but who used these experiences to fuel his fight to improve the lives of so many Mexican Americans and all the people of Orange County.

Throughout his life he never stopped fighting, giving, or learning. Orange County is better off for Hector's life work.

I myself got to work with Hector before he died, and in fact, I must say that Hector was a Republican. But on the day that I decided to run, he came to me and he said, "This is important for our community, and it is important for Orange County, and I will support you."

Today I hope that the rest of my colleagues will support in passing this tribute to him by passing this legislation.

Mr. DAVIS of Illinois. Mr. Speaker, continuing my reservation of objection, I yield to the gentleman from California (Mr. COX).

Mr. COX. Mr. Speaker, I thank the gentleman from Illinois for yielding to me, and I thank the gentleman from Virginia (Mr. TOM DAVIS) for bringing this bill to the floor from the Committee on Government Reform, and for agreeing to bring it directly to the floor, because it is a very important opportunity for our Congress to recognize that one of Orange County's finest citizens is indeed one of America's finest citizens.

This legislation is going to permit us to honor Hector Godinez in a way that will endure, even though he is no longer with us.

I would like to commend the gentlewoman who just spoke, the sponsor of this legislation. I am the lead majority sponsor of the legislation with her. I would also like to commend the senior Senator from California. The other body actually enacted this legislation in the last Congress, and we will, I am sure, see bicameral legislation on it in this Congress.

It is my privilege to rise today in strong support of this legislation because, as I say, this is such a fitting and lasting tribute to Hector Godinez, who died 3 years ago, in May of 1999. He lived an exemplary life.

We have heard from the gentleman from Virginia (Mr. TOM DAVIS), the gentleman from Illinois (Mr. DAVIS), and the gentlewoman from California (Ms. SANCHEZ) some of the highlights of this extraordinary individual's career. He was a soldier, a public servant, a civil servant, a civic leader, a husband, a father, and a grandfather. He was a hero to many, many people in Orange County, in California, and ultimately, across the country.

I think it is just spectacularly fitting that as a member of the greatest generation, we can begin a story about Hector Godinez by pointing out the very salient fact that he was a tank commander under General Patton in Germany. Yet, he was such a gentle man, genial, funny.

Those of us who represent constituents know we have to go to the postmaster from time to time to work out problems: The mail is not getting delivered; I cannot get a post box in front of my house. As the postmaster in Orange County for 30 years, no one was more friendly and more responsive in response to such constituent needs than was Hector Godinez. He was just a pleasure to deal with throughout his life and his career.

In Germany, this gentle man was shot at, wounded, and earned a Purple Heart and a Bronze Star for his valor. He continued to serve his country in everything he did for the rest of his life.

He earned national distinction relatively earlier in his career because this Republican was appointed by a Democratic President, John F. Kennedy, as the first Mexican American postmaster in American history. He was an enormously positive presence in our community of 3 million people in Orange County.

As the gentleman from Illinois (Mr. DAVIS) pointed out, he was remembered at the time of his death by our leading newspapers, the Orange County Register and the Los Angeles Times, for his fights against ethnic and racial discrimination. He attended ethnically segregated schools as a youngster, and he fought to make sure that would not happen to kids in his adult life. He fought against racial segregation and discrimination very successfully.

He was a founding member of the local chapter of the League of United Latin American Citizens, and rose to become the President of the national organization from 1960 to 1966. He was the first Latino ever elected president of the Santa Ana Chamber of Commerce.

Just as he devoted tireless efforts to the Mexican American community, Hector Godinez served all Orange Countians. He served on the board of directors of our public television station, KOCE TV, he chaired the Orange County Council of the Boy Scouts of America, he served on numerous civic boards and commissions, and helped raise hundreds of thousands of dollars for charities and student scholarships.

□ 1330

I would like to conclude by paying a moment of tribute to the people who in Hector's life were the most important: his wife of 53 years, Mary; his four children, Hector, Robert, Linda and Gloria; and their nine grandchildren.

To his family I would like to say that today the House of Representatives stands with you in honoring Hector's life and work. He is an example to us all.

Mr. Speaker, I thank you for allowing H.R. 1366 to come to the House floor today and I thank my colleagues for joining us to pass this important legislation so that all of America may join those paying tribute to one of Orange County's and the Nation's greatest men.

Mr. DAVIS of Illinois. Mr. Speaker, based on all I have heard and all the comments and accolades, I urge swift passage of this legislation.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Virginia?

There was no objection.

The Clerk read the bill, as follows:

H.R. 1366

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF HECTOR G. GODINEZ POST OFFICE BUILDING.

The United States Post Office building located at 3101 West Sunflower Avenue in Santa Ana, California, shall be known and designated as the "Hector G. Godinez Post Office Building".

SEC. 2. REFERENCES.

Any reference in a law, regulation, map, document, paper, or other record of the United States to the United States Post Office building referred to in section 1 shall be deemed to be a reference to the "Hector G. Godinez Post Office Building".

The bill was ordered to be engrossed and read a third time, was read a third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TOM DAVIS of Virginia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3925.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 2646, FARM SECURITY ACT OF 2001

Mr. PHELPS. Mr. Speaker, pursuant to clause 7(c) of rule XXII, I offer a motion to instruct that I noticed yesterday.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PHELPS of Illinois moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 2646 (an Act to provide for the continuation of agricultural programs through fiscal year 2011) be instructed to agree to the provisions contained in section 1071 of the Senate amendment, relating to reenactment of the family farmer bankruptcy provisions contained in chapter 12 of title 11, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. PHELPS) and the gentleman from Wisconsin (Mr. SENSENBRENNER) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. PHELPS).

Mr. PHELPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the motion is very simple. It asks that the conferees on the farm bill accept language in a Senate bill that would make Chapter 12 of the Bankruptcy Code permanent. I do not think there is any controversy whatsoever that Chapter 12 works well and that it protects our family farmers who are in distress, that it properly balances the legitimate needs of financially troubled farmers and their creditors, and that it preserves the family farm.

No one can honestly say that the loss of family farms is anything other than a catastrophe for this Nation. The combined pressures of low crop prices, high debts just to get your crop in the ground, the economic competition from large industrial farms and Third World production all combine to squeeze those family farmers that form the backbone of our rural community.

I unfortunately see this too frequently in my congressional district in central and southern Illinois. When a family farmer goes under, it is a tragedy not just for that family, but it is a tragedy and a loss to the economic life of small rural communities all across America.

Mr. Speaker, I reserve the balance of my time.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the motion currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I will not oppose the motion to instruct conferees with respect to Section 1071 of the Senate amendment to H.R. 2646 because the House is on record as having supported a version of this measure on numerous occasions. I do, however, have concerns about the potential impact this motion may have on another pending conference.

Section 1071 in effect would make Chapter 12, a specialized form of bankruptcy relief available to certain family farmers, a permanent component of the Bankruptcy Code retroactive through October 1, 2001.

Without question, the family farmer plays a critical role in our Nation's health and economic well-being. Unfortunately, bad weather, rising energy costs, volatile marketplace conditions, competition for large agribusinesses, and the economic forces experienced by any small business affect the financial stability of some family farmers.

In response to the specialized needs of small family farmers in financial distress, Chapter 12 of the Bankruptcy Code was enacted on a temporary basis as a part of the Bankruptcy Judges, United States Trustees and Family Farmer Bankruptcy Act of 1986. It has subsequently been extended on several occasions, most recently until October 1 of last year.

On the other hand, we know that statistically Chapter 12 is utilized rarely. While total bankruptcy filings in each of the past 6 years has surpassed more than 1 million cases, the number of Chapter 12 cases exceeded 1,000 on only one occasion, and that was back in 1996. So for the past 5 years there have not been even 1,000 Chapter 12 filings.

In the absence of Chapter 12, family farmers may apply for relief under the Bankruptcy Code's other alternatives, although these generally do not work quite as well for farmers as does Chapter 12.

As you know, I have consistently supported prior efforts to extend Chapter 12 in this Congress. I must note, however, that a substantively identical provision to Section 1071 is already included in H.R. 333, the Bankruptcy Abuse Prevention and Consumer Protection Act which is currently in conference. And that conference is much further along than the farm bill conference.

Since August of last year, the House and Senate staff have been actively working to resolve the differences between the respective bills. In February of this year, the House conferees sent the Senate a proposed offer resolving all outstanding issues. Although the Senate did not accept the proffer, I am pleased to report as of last week there is a mere handful of items that need to be resolved and that the bankruptcy conference is nearly completed.

Given this significant progress, it is my expectation that the few remaining matters will be resolved well before the conference on H.R. 2646 is completed.

Among the issues resolved in the bankruptcy conference are a series of provisions that give family farmers enhanced protections under Chapter 12. These provisions, in addition to a permanent extension of Chapter 12, are included in the bankruptcy conference as part of a complex and extensively negotiated effort. So merely making Chapter 12 permanent will mean that the enhanced protections that are already agreed to in the bankruptcy conference will end up not becoming a part of the permanent law. And those types of enhanced protections will end up having to start over from scratch.

Therefore, I am accordingly quite concerned that the motion to instruct may be simply an effort to cherry-pick one of the provisions which would incentivize others to do the same. I fear that the motion to instruct could reduce the momentum for the bankruptcy conference and lessen support for it, and thereby jeopardize enactment of the other farmer-friendly protections included in the compromise.

It is for these very same reasons I have adamantly opposed attempts by others to move other provisions in the bankruptcy bill separately. Again, although I do not oppose the motion to instruct conferees on Section 1071, I am very concerned that it may potentially have a damaging impact on the pending bankruptcy conference and the additional farmer-friendly protections already agreed to.

Mr. Speaker, I reserve the balance of my time.

Mr. PHELPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in all due respect to my colleague from Wisconsin (Mr. SENSENBRENNER), we have been hearing this for almost 5 years now, that we are going to move on with Chapter 12, make it permanent. There are always divisive issues lingering around that we have to deal with that could serve to disrupt our goal in trying to achieve these matters. I feel like we need to move on this now.

Mr. Speaker, I yield 5 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, Chapter 12 bankruptcy protection was created to help farmers in crisis keep their family farms. The farm bill includes a provision added by the other body to make Chapter 12 of the Bankruptcy Code permanent.

By accepting this Senate provision, we can finally ensure that our farmers have this important protection permanently in place. Bankruptcy generally requires liquidation of real property rather than reorganization if debtors have significant assets. Of course, for family farmers, this means that their farm equipment and other assets often disqualify them for reorganization under Chapter 11 or 13, and they are forced into Chapter 7 liquidation. Chapter 12 allows these family farmers to keep essential farm assets and reorganize their debts.

With planting season just beginning, farmers need to know how now that they can reorganize and keep their farms. Farmers in Wisconsin and around the Nation are in stress, duress, and crisis. A dairy farmer from Belleville in my district called me about this issue just the other day. He has been in farming, like his dad before him, most of his life. He milks 70 cows to make his living. Milk prices have remained low for most of the time he has been in farming, and now milk prices are reaching historic lows again. He simply cannot stay in business because he is losing money. He is scared he is going to lose his farm to his creditors and let his family down.

Chapter 12 would allow this gentleman another chance to reorganize his debts and keep the farm in his family.

Permanent Chapter 12 bankruptcy protection will provide the security family farmers in crisis need to decide whether to stay in business as they make their way through financial difficulty.

The gentleman from Wisconsin (Mr. SENSENBRENNER) has pointed out comprehensive bankruptcy reform legislation, H.R. 333, is currently under consideration in a conference committee. The gentleman is correct. Although I appreciate his optimism about a quick completion to the H.R. 333 conference, significant issues remain unresolved in that conference. While waiting for this comprehensive bankruptcy reform legislation over the past 5 years, Chapter 12 has expired six times and it has been expired since last September. During this current Congress we have been forced to pass two extensions of Chapter 12. The farm bill provides an excellent opportunity to ensure that Chapter 12 is made permanent this year.

I understand the gentleman from Wisconsin (Mr. SENSENBRENNER) firmly believes in keeping all H.R. 333 provisions from being considered separately by this House. But Chapter 12 bankruptcy is an important protection that our family farmers need right now. And I am confident that the distinguished gentleman will be able to fight off other attempts to pass individual provisions of the bankruptcy reform bill should they come before this House separately.

Chapter 12 is the only provision in the bankruptcy bill that is currently expired. It is time to act to ensure our farmers that this additional protection will allow them to keep their farms. I urge my colleagues to support this motion to instruct and urge the other conferees to recede to the Senate position.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again, I am not opposed to this motion to instruct, but I think that everybody ought to know what section 1071 of the Senate bill leaves out which is in the agreed-upon provision relative to family farms in the House-Senate compromise and the bankruptcy bill.

First of all, both 1071 and the compromise make Chapter 12 permanent. But what 1071 does not do is to increase the debt limits and index that debt limit to inflation. What is being proposed in the Senate version of the farm bill is going to have the debt limit be frozen on what it is now.

There also is a provision in the compromise that makes more flexible the percentage of income derived from farming for both spouses. And where one spouse works on the farm and another spouse has got a job off the farm, the current law which they are proposing to make permanent without any improvements, is going to make these types of farmers ineligible for Chapter 12, and they will have to go to either Chapter 11 or Chapter 13.

□ 1345

One of the improvements that has been agreed to in the bankruptcy conference is a prohibition on the retroactive assessment of disposable income, not in section 1071; and finally, the House-Senate bankruptcy conference has agreed to include family fishermen under Chapter 12 which is not in section 1071.

So even though I am supporting the gentleman's motion, I would really hope that the proponents of this motion would start putting pressure on the conferees over in the other side on the bankruptcy bill because we can make Chapter 12 much better by using the bankruptcy bill as a vehicle.

Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS), the principal author of the bankruptcy bill.

Mr. GEKAS. Mr. Speaker, I thank the gentleman from Wisconsin (Mr. SENSENBRENNER) for yielding me the time, and the gentleman from Wisconsin has given an excellent account of the history of Chapter 12.

There was not one moment since the bankruptcy reform movement started 5 years ago that we did not consider Chapter 12 and the extension thereof and to make it permanent. So when we rise here today to routinely support the motion, we come from a history that supports our ability to do that. We have always supported Chapter 12 in making it permanent or extending it when necessary.

Here is the strange thing. This Chapter 12 is to aid the farmers in distress. Is there any one of us who does not want to aid a farmer in distress? Should we not apply some of the same resources and energy that the gentleman in bringing this motion to the floor could apply to helping our farmers seek and gain prosperity? Should we not be devoting some of the time as to the farmer on determining whether or not we should support the President in his trade authority to Fast Track Authority, so that our farmers can see expanded markets all over the world? That is what our farmers want.

Of course, they want a fail-safe net of bankruptcy in case they go into distress, but more than that, they want expanded markets; and we should be supporting a motion to send a message to the Senate that they ought to act on trade authority for the President so that he can help our farmers by expanding markets. That is even more important than the safety net which we all agree should be in place, but we want to prevent every single farmer in our country from going bankrupt by expanding markets.

Moreover, is it not just as worthy a venture on our part to come to the floor here and to talk about the elimination of death taxes? The farmer in our every district is pining for the day when death taxes will be eliminated, because the very future of the family farm rests on whether or not they can pass on green land to their successors rather than have to dispose of it, the heirs, in order to pay off the death taxes. That is a worthy debate that we ought to have on this floor, not to only worry about the farmer in distress but to take steps to make a farmer prosperous, to make sure if we can that he will never have to face bankruptcy. If he does, we are there to help.

We are asking our colleagues to help, help the farmer prosper so that he never has to face bankruptcy. We ought to be discussing a motion to send a signal to the Senate to act on elimination of death taxes, to act on Fast Track Authority for the President as real antidotes for the plight of the farmer, not to predict the future of bankruptcy, but to predict the future of prosperity and success for our family farmer.

We ought to be coming back to this floor as soon as we can and making an impassioned plea to Senator DASCHLE, if I could use his name appropriately, and to the leadership in the Senate to act on the elimination of death taxes. That will help the farmer. That will help the family farmer. That will help our free flow of farm goods to all the markets of the world; and at the same time, we should be devoting some time, not just on bankruptcy, not just the distress of a farmer, but the success of the farmer that can come from expanding markets in China and in the world community eager to trade with the United States.

I am for this motion. My goodness am I for this motion, but I dread the thought of bankruptcy for a farmer. I want to help him escape bankruptcy. I want him to know that this Congress is helping him in the prospect of eliminating death taxes. I want the farmer to know that, while we are going to protect him if he goes into bankruptcy, heaven knows we will do that. We have been trying for 5 years.

We have never had one moment of consideration of the bankruptcy reform bill in which we did not consider the plight of the farmer in distress; but my goodness, we ought to be discussing just as fulsomely the prospect of eliminating the death taxes and at the same time granting the President Fast Track Authority to open the markets of the world to the farmer who wants to till, not to fail, who wants to work, not to go into bankruptcy.

We do not want one single farmer to go into bankruptcy. We want fast track. We want elimination of death taxes, to help all the farm communities gain prosperity and avoid bankruptcy.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PETRI). Members are reminded to avoid mentioning individual members of the other body and to urge Senate action or inaction.

Mr. PHELPS. Mr. Speaker, I yield myself such time as I may consume.

That is all wonderful and we have heard this rhetoric before. I hold in my hand the CONGRESSIONAL RECORD of both February and June of last year where the gentleman from Michigan (Mr. SMITH) addresses this very item; and yet we are still talking about helping bankrupt farmers, possibly having the tools they need to get back to the table with their creditors. Sure, all this other stuff we are talking about, global and marketing and how we can help the farmer, what about now? Why are we still delaying this?

I hope to see the improvements enacted into law that the gentleman talked about, Mr. Speaker. While we are waiting, farmers do not even have the protections in current law. We cannot let the perfect be the enemy of the good. If Congress later passes a bill that improves Chapter 12, so much the better; but we need the protections of current law now. Adopting this and making Chapter 12 permanent will not prevent us from improving it later.

Like the chairman, I supported House Resolution 333, and I am not trying to derail it. I am just trying to put some real teeth into what we promised could be helpful to those farmers who may be looking at a planting season or possibly facing bankruptcy, wondering whether they should go ahead and plant with the promises of maybe next year, if they have a good crop year, they can have these tools that we promised them; and then perhaps then we will still talk about like we have been, since last year, have this same record of rhetoric and the farmer is even in deeper hock then, another year, because what he was promised did not materialize. This is something that I think we can accept and must move forward.

Farming, Mr. Speaker, is everybody's business; and we ignore the plight of our family farmer at our own peril. Unfortunately, that is exactly what Congress has done. Chapter 12 was enacted in 1986. There was some questions whether it would work properly so Congress made it temporary.

The idea behind Chapter 12 is straightforward. Other forms of bankruptcy relief are either too costly or do not fit the particular circumstances of a family farm. They own lots of equipment, they had lots of debt, they have their knowledge of the land handed down through the generations, and they have nothing to offer but the sweat of their brow. Unfortunately, because a family farm is not Enron or Kmart or Pan Am, Chapter 11 will not work when they try to propose a plan to repay their debts because of something called the "absolute priority rule." I am sure everybody out there in the land knows about that.

As interpreted by the Supreme Court, the hard work of a family farm does not count when they propose a plan to repay their debts and still hold on to their farm equipment. The general rules of bankruptcy reorganization are not designed to preserve a family farm as a going concern, and they do not accomplish that goal in fact.

In 1997, the National Bankruptcy Review Commission recommended that Chapter 12 be made permanent. Shortly thereafter, a bipartisan bill sponsored by Senators DASCHLE and GRASSLEY, who do not always find much to agree on by the way, introduced legislation to do so. Both the House and Senate have included language in their bankruptcy bill that would make Chapter 12 permanent and make further improvements to it so that more farmers would be eligible.

These are all wonderful developments my colleagues speak about; but here we are nearly 5 years later with no Chapter 12, and let me repeat, there is no Chapter 12. Not only has Congress failed to make it permanent, but the efforts to extend it and keep it in effect have been stymied. Chapter 12 relief has been legally unavailable since October 1st of last year. There is no excuse for this.

We have been told repeatedly that the bankruptcy bill will pass any day now, and I am supportive. Bring it on. We have been told to wait patiently. We have been told that help is on the way, that the legislation we need is moving like lightning. Well, in southern Illinois, Mr. Speaker, in my part of the country, lightning strikes quickly. One does not have to wait around 5 years waiting for it to hit.

I understand the concern of the proponents of the bankruptcy bill. This is popular and people need it. We give up a nice sweetener in the bill. I voted for that bill, but enough is enough. We have the chance to protect family farmers now. We cannot wait for lightning to strike or pie to fall from the sky.

For those of my colleagues who are concerned that bankruptcy would do more for Chapter 12 farmers, I would point out that passing a permanent Chapter 12 bill as part of the farm bill will not stop us from doing more later should the bankruptcy bill pass. If it does pass, those extra protections would be added to the law and farmers would benefit.

Let us not hold family farmers hostage while the bankruptcy bill lumbers through the process. It has been about to pass for the last 5 years. Family farmers cannot any longer wait. I urge my colleagues to let our farmers go. Support the motion to instruct.

Mr. Speaker, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the impassioned speech by the gentleman from Illinois. I am afraid he has forgotten a couple of things as he has been talking about how good Chapter 12 is.

First of all, Congress did pass an extension of Chapter 12. It was by a voice vote in this House and an overwhelming vote in the Senate as a part of a bankruptcy reform bill, and Chapter 12 would be permanent today if it were not for the fact that President Clinton pocket vetoed the Bankruptcy Reform Act in the last Congress; and in this Congress, the House has been attempting to reach a compromise with the other body in the bankruptcy conference.

We sent a proffer to the Senate in February to resolve all of the outstanding issues, and the other body rejected it. So there has not been any negligence on the part of the House of Representatives in reaching a conclusion on this. We still continue our negotiations. The people on the other side of the Capitol are bringing additional issues that were not considered in either House that we continue negotiating.

One of my top priorities this year is to get a bankruptcy bill passed and signed into law that will help out everybody in this country, not just the 383 people who filed for Chapter 12 in the year 2001.

I need the gentleman's help in getting an overall bankruptcy reform bill passed. Again, I do not have a problem with his motion to instruct, but I hope and pray that the effect of that motion to instruct is not to unravel all of the popular items out of a bankruptcy reform bill so that we do not pass an overall bankruptcy reform bill and get it signed into law.

Last year, bankruptcy wrote off $44 billion of debt of bankrupts and that has increased the cost of goods and services by approximately $400 for the average American family from Maine to California, and it seems to me that we should not be letting people who use bankruptcy as a financial planning tool off the hook because that ends up being a tax increase on the overwhelming majority of the American people who pay their debts as agreed, and that is the issue in bankruptcy reform; and that is why we have got to keep all the cars on the train so that we can get this passed and relieve the American people of having to pay the debts of those that use bankruptcy as a financial planning tool.

□ 1400

Mr. Speaker, I support the motion to instruct, but let us keep our eye on the ball.

Mr. Speaker, I yield back the balance of my time.

Mr. PHELPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I respect the gentleman's leadership in this field, and I have observed the gentleman very closely since I have been here. I know the gentleman is dedicated to passing legislation that will help all those who are facing bankruptcy have the tools to properly deal with it.

I know that the voice vote that the gentleman has mentioned, we have had it twice since October in this House, yet we are facing the same situation for those farmers who are wanting the assistance that we can provide them, and they are asking what is the problem. I am here trying to cheer this on because I feel we are at a critical point in time as our conferees are discussing the farm bill. As a member of the Committee on Agriculture, I am trying to help farmers in my district, knowing what is at stake.

Family farmers work hard and play by the rules, and they are wanting the proper rules in place so they can repay their debts. Chapter 12 provides them with breathing room and an ability to repay their creditors. Family farmers are the proudest people I have ever met. They do not want debts hanging over their heads. They want to get it off the books. They want the tools to work with it. They know that we have it promised, and they know that we say it is forthcoming, and every year for the last 5 years we will hand them the resources so they know where they are at and how they can plan.

Sure, the estate tax needs to be repealed. I was a cosponsor and voted for it, but I feel like we played some gimmickry in the bill that put it 10 years down the road rather than repeal it immediately, but that is another matter.

We are here before family farmers, saying we have the equipment to give them to sit down with their creditors, renegotiate, possibly get by another planting season, and to save the family farm. I am trying to do this on behalf of my family farmers who are struggling in the 19th Congressional District in southern Illinois, one of the highest unemployment areas of the Nation.

We have it ready to give to them. What is the hold-up? If the bankruptcy bill passes, and all of the other obtrusive things that may come about, we can deal with in that bill. We have people that are equipped and have experience to negotiate what is proper. It is time to close on this.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, sometimes I am not too good on politics, but I like to think that I am good on policy. I think both sides have decided it is good policy to have this kind of bankruptcy provision for American agriculture.

Just briefly, let me explain what it does. It says to farmers that instead of going into a separate chapter, we are going to have a provision where they do not have to sell their tractor, plow, and tools in order to try to come back and try to resolve their indebtedness problems, but we are going to give farmers a little leeway so they do not have to sell their equipment, which is the only way they are going to be able to survive and reconstruct their business.

The concept of this direction to conferees is good. It is something that needs to be done. I am going to vote for it. I think the politics might be that it is an extra, for lack of a better word, inspiration for the conferees on the bankruptcy bill to move ahead with that bill.

But American agriculture right now has real problems. There are individuals who have filed bankruptcy. The bankruptcy courts are waiting in hopes that this will be changed into law so that they can refile and allow these farmers to refile under Chapter 12 provisions. Chapter 12 allows some of the farmers who are hard pressed, and it is mostly the smaller farmers who have been forced through government programs and low commodity prices to give up farms which have been in their family for generations.

I hope my colleagues will support this instruction, because I think it is important that we move ahead with this legislation.

Mr. Speaker, the gentlewoman from Wisconsin (Ms. BALDWIN) and I have introduced three bills. Two of them have been passed. One is in the wings, waiting now to at least have a temporary continuation of the Chapter 12 provision for farmers.

Mr. PHELPS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for his leadership in this area and for his support for the motion. And I would add, the gentleman is good on politics or he would not be here.

Mr. COMBEST. Mr. Speaker, I am in complete agreement with my good friend from Wisconsin, the Chairman of the Judiciary Committee, that this motion to instruct House Conferees on H.R. 2646 to accept section 1071 of the Senate amendment could negatively affect the good progress that has been made in the bankruptcy conference. The bankruptcy conference has been dragging on for too long, and it is time for the bankruptcy bill Conferees to finish the handful of outstanding issues so this important conference report can be brought back to the House for approval.

In addition, however, I am aware of the immediate need for Congressional action with respect to Chapter 12 of the bankruptcy code relating to farm bankruptcies. This section has been expired since October of last year, and has negatively impacted many farmers and ranchers across the country. An expedient solution to this dilemma is required. I am also aware of the broad support in the House for a solution.

At this moment, we are working very hard in the conference on H.R. 2646 to find consensus on all outstanding issues, and I am hopeful that we can complete work on the farm bill.

Knowing Chairman SENSENBRENNER's concerns about section 1071 of the Senate amendment and recognizing that the bankruptcy conference could also be completed any day now, I am ready and willing to work with my good friend from Wisconsin to find a resolution to this issue in a manner that he would find acceptable.

Mr. HOLDEN. Mr. Speaker, I rise in support of this Motion to Instruct Conferees.

This instruction to accept the Senate language to make permanent Chapter 12 of the Bankruptcy Code, is not only a prudent measure of sound public policy, but it is also a reaffirmation of at least 4 separate votes we have cast in the 107th Congress to help out the family farmer.

That's right, 4 times in this Congress, we have voted to sustain the opportunity for family farmers who are down on their luck to reorganize and thus preserve their farms through a streamlined expedited bankruptcy process. In each of those 4 times, the vote was overwhelming.

In rollcall vote 17 on February 28, 2001, we voted 408–2 to pass H.R. 256, the Family Farmer Bankruptcy Relief Act. That bill, introduced by the gentleman from Michigan, Mr. SMITH, extended Chapter 12 through June 1, 2001.

The very next day, in rollcall vote 25, we voted 306–108 to pass H.R. 333, the Bankruptcy reform bill introduced by my friend from Pennsylvania, Mr. GEKAS. That bill included a permanent extension of Chapter 12.

Skip ahead to June 5, 2001. After having let Chapter 12 expire for 4 days, in rollcall vote 153, we voted 411–1 to extend the provision another few months through October 1, 2001.

Last July, the gentlewoman from Wisconsin, Ms. BALDWIN proposed a Motion to Instruct the Conferees of the bankruptcy bill to accept the Senate language making the Chapter 12 extension permanent. We passed that motion by voice vote.

Mr. Speaker, October 1, 2001 has come and gone, and the provision has expired yet again, leaving family farmers in the lurch yet again. Some of my friends on the other side have held efforts to extend Chapter 12 hostage in hopes of providing momentum for conference action on H.R. 333, the bankruptcy reform bill.

H.R. 333 is a good bill and a fair bill. I am proud to have voted for it and proud to be a cosponsor. But the bill remains stalled in conference, just like it did in the 106th Congress, and it doesn't seem likely it will conclude any time soon.

So, if you voted yes on any one of the 4 occasions I mentioned here—and I don't believe there is anyone among us who hasn't voted yes at least once—then there isn't any reason why you shouldn't support this motion to instruct.

We have a chance to make Chapter 12 of the bankruptcy code permanent.

Vote for this Motion to Instruct.

Mr. PHELPS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Illinois (Mr. PHELPS).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PHELPS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 424, nays 3, not voting 7, as follows:

[Roll No. 86]

YEAS—424

Abercrombie
Ackerman
Aderholt
Akin
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boozman
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Brown (SC)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Carson (IN)
Carson (OK)
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crenshaw
Crowley
Cubin
Culberson
Cummings
Cunningham
Davis (CA)
Davis (FL)
Davis (IL)
Davis, Jo Ann
Davis, Tom
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Ferguson
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goss
Graham
Granger
Graves
Green (TX)
Green (WI)
Greenwood
Grucci
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Honda
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kerns
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kirk
Kleczka
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Lynch
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matheson
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Dan
Miller, Gary
Miller, George
Miller, Jeff
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Ose
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Platts
Pombo
Pomeroy
Portman
Price (NC)
Putnam
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Schiff
Schrock
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows

Shuster
Simmons
Simpson
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Spratt
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sullivan
Sununu
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tiberi
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins (OK)
Watson (CA)
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

Flake
Paul
Rohrabacher

NOT VOTING—7

Blagojevich
Fattah
Gordon
Levin
Pryce (OH)
Ryan (WI)
Traficant

☐ 1444

Mr. FLAKE and Mr. PAUL changed their vote from "yea" to "nay."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3694

Mr. HOYER. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 3694.

The SPEAKER pro tempore (Mr. Simpson). Is there objection to the request of the gentleman from Maryland?

There was no objection.

COMMUNICATION FROM HON. RICHARD A. GEPHARDT, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from Richard A. Gephardt, Democratic Leader:

Washington, DC,
April 10, 2002.

The Speaker,
House of Representatives,
Washington, District of Columbia.

Dear Mr. Speaker: I designate the following Members to be available for service in accordance with the provisions of Clause 5(a)(4)(A) of Rule X of the Rules of the House of Representatives:

Mr. Lewis of Georgia.
Ms. Meek of Florida.
Mr. Tanner of Tennessee.

Sincerely,
Richard A. Gephardt,
Democratic Leader.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2001, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

☐ 1445

ENTANGLING ALLIANCES

The SPEAKER pro tempore (Mr. Simpson). Under a previous order of the House, the gentleman from Texas (Mr. Paul) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, we were warned, and in the earlier years of our Republic, we heeded that warning. Today, though, we are entangled in everyone's affairs throughout the world and we are less safe as a result. The current Middle East crisis is one that we helped create, and it is typical of how foreign intervention fails to serve our interests. Now we find ourselves smack-dab in the middle of a fight that will not soon end. No matter what the outcome, we lose.

By trying to support both sides we, in the end, will alienate both sides. We are forced, by domestic politics here at home, to support Israel at all costs, with billions of dollars of aid, sophisticated weapons, and a guarantee that America will do whatever is necessary for Israel's security.

Political pressure compels us to support Israel, but it is oil that prompts us to guarantee security for the western puppet governments of the oil-rich Arab nations. Since the Israeli-Arab fight will not soon be resolved, our policy of involving ourselves in a conflict unrelated to our security guarantees that we will suffer the consequences. What a choice. We must choose between the character of Arafat versus that of Sharon.

The information the average American gets from the major media outlets, with their obvious bias, only makes the problem worse. Who would ever guess that the side that loses seven people to every one on the other side is portrayed as a sole aggressor and condemned as terrorists? We should remember that the Palestinian deaths are seen by most Arabs as being American-inspired, since our weapons are being used against them and they are the ones whose land has been continuously taken from them. Yet there are still some in this country who cannot understand why many in the Arab Muslim world hate America.

Is it any wonder that the grass-roots people in the Arab nations, even in Kuwait, threaten their own government that is totally dominated by American power and money?

The arguments against foreign intervention are many. The chaos in the current Middle East crisis should be evidence enough for all Americans to reconsider our extensive role overseas and reaffirm the foreign policy of our early leaders, a policy that kept us out of the affairs of others.

But here we are in the middle of a war that has no end and serves only to divide us here at home, while the unbalanced slaughter continues with tanks and aircraft, tearing up a country that does not even have an army. It is amazing that the clamor for support for Israel here at home comes from men of deep religious conviction in the Christian faith, who are convinced they are doing the Lord's work. That, quite frankly, is difficult for me as a Christian to comprehend.

And, we need to remember the young people who will be on the front lines when the big war starts, which is something so many in this body seems intent on provoking.

Ironically, the biggest frustration in Washington, for those who eagerly resort to war to resolve differences, is that the violence in the Middle East has delayed plans for starting another war against Iraq. Current policy prompts our government on one day to give the go-ahead to Sharon to do what he needs to do to combat terrorism, a term that now has little meaning. On the next day, however, our government tells him to quit, for fear that we may overly aggravate our oil pals in the Arab nations and jeopardize our oil supplies. This is an impossible policy that will inevitably lead to chaos.

Foreign interventionism is bad for America. Special interests control our policies, while true national security is ignored. Real defense needs, the defense of our borders, are ignored and the financial interests of corporations, bankers, and the military-industrial complex gain control, and the American people lose. It is costly, to say to least. Already, our military budget has sapped domestic spending and caused the deficit to explode. But the greatest danger is that one of these days, these contained conflicts will get out of control.

Certainly, the stage is set for that to happen in the Middle East and in south central Asia. A world war is a possibility that should not be ignored. Our policy of subsidizing both sides is ludicrous. We support Arabs and Jews, Pakistanis and Indians, Chinese and Russians. We have troops in 140 countries around the world just looking for trouble. Our policies have led us to support the al Qaeda in Kosovo and bomb their Serb adversaries. We have, in the past, allied ourselves with bin Laden as well as Saddam Hussein, only to find out later the seriousness of our mistake. Will this foolishness ever end?

A noninterventionist foreign policy has a lot to say for itself, especially when one looks at the danger and inconsistency of our current policy in the Middle East.

GLOBALIZATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, yesterday in my hometown of Knoxville, Tennessee, the Levi Strauss Company announced that a plant was closing and 900 jobs would be moved out of this country. This follows on the heels over the past year of many other plants closing in east Tennessee and throughout this Nation.

We have entered into some trade deals over the past several years that have not been good for American companies and American workers. They may have been good for big multinational companies, but they have resulted in millions of jobs going to other countries. I think that many, many people, in fact I think a great majority of the people in this Nation, are sick and tired of all of these jobs going to other nations.

Our trade deficits have been running at almost unbelievable levels over the last couple of years, usually $25 billion to $30 billion a month, or even higher. Many economists say that we lose 20,000 jobs per billion, but even if the job loss is much smaller than that, it still means that we have been losing millions and millions of jobs over the last several years, and I just do not believe that we can sustain that kind of job loss indefinitely on into the future.

In the short run, we do benefit from being able to buy cheaper goods from overseas. In the long run, however, we have lost and continue to lose millions of jobs to other countries. These jobs will not be easy to replace.

Michael Kelly, a columnist for the Washington Post, wrote recently that "Globalization ultimately depends on driving manufacturing jobs out of the U.S. and results in the loss of real jobs for real people in, say, Akron, Ohio. More than that," Mr. Kelly continues, "it results in real costs to the Nation as a whole, and these costs are massive. When, as has happened all across the country, a factory shuts its doors and shatters a town, turning what had been a productive community into a ward of the State, what does that cost America? Over time, many, many millions, a price that globalists ignore. Finally, globalization results in the loss of a way of life," what was quaintly known as the American way of life.

This columnist, Michael Kelly for The Washington Post, continues by saying, "In the long run, global free trade may be, as its boosters say, to the greater good of all, but in the short and even medium run in any developed country, it is to the greater pain of many for the greater gain of a few. Those who do not understand this may be well-intentioned, but the people who live in globalism's growing number of ghost towns must consider them shockingly ill-informed."

Then, Mr. Speaker, just yesterday Paul Craig Roberts, writing in the Washington Times, wrote this. He said, "Today, free trade has come to mean opening U.S. markets to those who do not open their markets to us. To meet this competition, U.S. firms locate factories in low-wage countries in order to be able to compete in the American consumer market. Free-traders think this is fine so long as the American consumer is benefiting from a lower price. But, of course, if specialization and division of labor means shifting production to low-wage countries, the U.S. population will find itself specialized in selling and servicing imported goods."

He continues on, and he says, "Free-traders are out to lunch when they say things like 'Oh, let the Chinese have the low-wage textile jobs,' implying that the United States retains the high-tech jobs. The reality is that the United States has had a trade deficit with China even in advanced technology goods since 1995."

And then he ends his column by saying, "The United States already has the export profile of a Third World country. The massive influx of poor immigrants from the Third World and the outflow of advanced technology will complete the transformation of the United States from a superpower into a colony."

Mr. Speaker, this greatly concerns me. Already we have environmental extremists who protest any time anyone tries to cut any trees or dig for any coal or drill for any oil or produce any natural gas. They destroy jobs and drive up prices in the process and they hurt the poor and the lower income and the working people of this country. They always say, well, let us turn to tourism. But we cannot base the whole economy of this Nation on tourism.

Mr. Speaker, we need a trade policy, we need economic policies that put America first, once again, and that put American companies and American workers first, once again. The obligation of this Congress is not to foreign companies and foreign countries; it should be to the American people. If we do not wake up, this country is going to be in bad, bad trouble, because I am not sure that this economy is bouncing back as some of the experts say. I hope it is. But after what happened yesterday in Knoxville and what has happened over the last year or so, I have my doubts. I think we need to take another look at some of these trade deals and put our own people first, once again, in this country.

DEFENSE BUDGET RESTORATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Speaker, yesterday, I introduced the Defense Budget Restoration Act. At a time when the United States is at war, I am sorry to say that this bill is necessary. To use a common phrase in relation to pressing military needs—"The Emperor has no clothes." Let me explain:

In the wake of the ruthless terrorist attacks that killed thousands of innocent civilians on September 11, the United States has undertake a global war on terrorism.

This war requires the use of U.S. military capabilities on a major scale in multiple theaters of operation simultaneously. President Bush and Secretary Rumsfeld have repeatedly told the American people that this war will not be resolved quickly and will likely continue for a period of years. Already military operational tempo has increased, creating greater military spending and straining the ability of U.S. forces to meet all the demands placed on them.

Because of this situation, the Armed Services Committee has been questioning the service chiefs and the commanders-in-chief of the combatant commands about their current and future military needs. Several of them have testified that they need more manpower and other military capabilities to do the jobs they've been asked to do—including winning the war on terrorism. Our warfighters need more weapons systems, support equipment, facilities and other resources to fight the battles of this war now and in the future.

The President has requested a $48 billion funding increase in Fiscal Year 2003 for the Department of Defense. $10 billion of this increase is a so called reserve fund unallocated to any specific programs. Mr. Speaker, I say that the emperor has no clothes because the Armed Forces have testified that they are facing critical shortfalls NOW that could be filled with funds from this $10 billion reserve. In this bill, I ask the Congress to take advantage of the flexibility offered by the House Budget Resolution to meet these shortfalls. Section 201 of that resolution requires chairman of the Budget Committee to increase funding to the Department of Defense to prosecute the war on terrorism if the Committees on Armed Services or Appropriations reports a bill or joint resolution providing that funding. My bill would do just that.

The armed services have shown that additional funding is necessary through lists of their urgent unfunded priorities and through testimony to the Congress. Let me explain how the $10 billion should be used to meet these needs.

Fully one-half of the $10 billion would be used for procurement for all four services. You will notice, Mr. Speaker, that I have not included funding for specific programs; that detail is appropriately provided through deliberation in the Armed Services Committee. Yet $3.4 billion would be allocated for the Navy—hopefully to begin to address the shortfalls in shipbuilding that have been continually cited by the Secretary of Defense, the Secretary of the Navy, the Chief of Naval Operations, and the combatant commanders who rely on maritime capabilities. These procurement shortfalls mean not only that the emperor is without clothes now, he'll remain naked for a long time to come.

Beyond procurement, this bill would provide close to $2 billion for research and development throughout the services. Money must be spent now to ensure that our military has what it needs to continue the war on terrorism into the future.

This bill would also restore military construction levels to where they were in Fiscal Year 2002. Construction funding ensures the health of our military bases and the quality of life of all those who serve. We cannot expect to win this global war without effective support facilities for our warfighters and their families.

This bill would also fund operations and maintenance requirements for special operations forces who have proved so critical in the current war. It funds Army depot maintenance as well in order to keep our war effort moving efficiently.

Finally, this bill would put significant additional resources toward our most critical military asset—the soldiers, sailors, airmen, and marines who defend our nation every day. First, it matches the pay raises of 4.6 percent Congress approved for them last year and provides targeted pay increases for experienced service members we need to retain for this war. Second, it provides greatly needed end-strength increases for the services in the active duty, the reserves, and the National Guard components. The service chiefs have told us they need more people to fight this war—we should give them what they need. Getting enough quality people to service is the best way to ensure that the emperor gets his new clothes.

Mr. Speaker, this reserve funds is designated to meet the needs of the global war on terrorism. We know what those needs are and we should act quickly to fulfill them. That's how we get the emperor some new clothes. And that's the best way of ensuring the continued success of the war on terrorism and the long-term health of our military. I urge my colleagues to cosponsor this important legislation.

HONORING THE LIFE AND ACHIEVEMENTS OF GLENNA HAYES AND JOHN THOMAS RIDDLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATSON) is recognized for 5 minutes.

Ms. WATSON of California. Mr. Speaker, I rise today to honor the extraordinary life and contributions of Glenna Hayes, a true American hero.

Ms. Hayes received her B.A. degree from Spelman College in 1940 and married her college sweetheart, Joseph Hayes, in 1943. A year later she received her R.N. and Public Health Nursing degrees. Her husband and she moved to Los Angeles in 1945, and Ms. Hayes quickly devoted herself to the children of Los Angeles.

In 1950 she became involved in organizing an auxiliary to the Children's Home Society of California, a statewide organization placing children for adoption. During a time of great segregation, the CHS was responsible for finding families for children from all ethnic backgrounds. In an effort to honor this commitment, Ms. Hayes was instrumental in helping to create the Lullaby Guild in 1950, which was organized with 27 interracial members.

The Lullaby Guild played a pivotal role in identifying homes for many African American children who faced the dim prospect of not being adopted. Members of the Lullaby Guild actively sought and identified families that were willing to adopt and then assisted them through the adoption process. The Guild also transported babies from their foster homes to CHS clinics for monthly medical checkups.

Ms. Hayes was elected treasurer of the Council Auxiliaries in 1963 for two terms, and elected president in 1965. In 1968 she became a school nurse in charge of employee health for the Los Angeles Unified School District. Throughout her life, she continued to volunteer her time to causes that helped protect the children and the health of the wonderful people of Los Angeles.

Glenna Hayes was a remarkable member of the community and an American devoted to helping better the lives of children and families. Now let us all celebrate Glenna Hayes's life and spirit of volunteerism and racial equality.

Mr. Speaker, I would also like to present a celebration for the life of John Thomas Riddle, a sculptor, painter, printmaker, and educator.

□ 1500

John Riddle was born in Los Angeles in 1933, educated in the public schools, and graduated from Los Angeles City College. John taught art at Los Angeles High School and Beverly Hills High School before moving to Atlanta, Georgia, where he taught at Spelman College and received many awards, as well as public arts commissions.

He was eventually appointed to the post of administrative assistant for the city of Atlanta. In 1984, he was commissioned by the Metropolitan Atlanta Rapid Transit Authority to create four wall sculptures for the Tenth Street Midtown Station.

In 1999, John joined the California African American Museum as its curator. John Riddle's early artworks have been described as figurative. However, the Watts civil disturbance of 1965 changed his views on the purpose and the worth of art. He began to search for ways in which he could artistically expose the harsh realities of living and working in South Central Los Angeles.

John's works are now found in the collections of the Oakland Museum, the California African American Museum, the High Museum of Art in Atlanta, the Schomburg Center in New York City, and the Harriet Tubman Museum in Macon, Georgia.

His works have been collected by numerous celebrities, including Sidney Poitier, Bill Cosby, Roberta Flack, and Jasmine Guy. In 1971, he was one of the subjects of the NBC Emmy Award-winning television presentation entitled "Renaissance in Black: Two Artists' Lives."

John came from a highly distinguished family. His father, John Riddle, Senior, was an architect and former USC fullback who held many school records during the first half of the 20th century. His mother, Helen Louise Wheeler, was believed to be the first African American woman to have graduated from USC's School of Law.

But most importantly, John was a family man, and has been described by his oldest son, Anthony Riddle, as a great father, a great artist, and a good man. He is survived by his wife of nearly 50 years, my classmate, Carmen Garrett Riddle; four daughters; two sons; and 12 grandchildren.

We pay a great deal of attention and celebration to his life.

THE UNITED STATES MUST AVOID ISOLATIONISM AND HYPOCRISY WITH REGARD TO ISRAEL

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, before I begin my remarks, I just want to call attention to the fact that I have submitted into the RECORD paraphernalia about today's National Day of Silence.

I also, before I begin, want to comment on some of the things that my colleague, the gentleman from Texas (Mr. PAUL), mentioned, who seems to advocate a foreign policy for the United States of isolationism. I had thought that we were way beyond that. He sounds like the people pre-1941 and pre-Pearl Harbor who were talking about isolationism, and as a result, the United States entered the war rather late, and we suffered through Pearl Harbor.

After September 11, I would hardly think that anybody who is serious would advocate isolationism. We do not live in a vacuum. Today's world is closer than ever before, and I think as leaders of the free world we have a responsibility, and that responsibility means that we are engaged.

I think that his comment about somehow the United States supports Israel because of domestic political pressure is absolutely ridiculous. The United States supports Israel because the U.S. and Israel have shared values, common values: democracy. Israel is the only democracy in the Middle East, and that has a major effect on support for Israel in this country from Christian clergy and all clergy and average citizens alike, because we share democratic values.

I want to talk a little bit about the fight against terrorism and what is happening in the Middle East. The fight against terrorism I believe has to be consistent. If we go halfway around the world, rightfully so, to Afghanistan to root out terrorist cells, I believe that we have no business criticizing Israel for attempting to do the same thing in her own backyard. We need to be consistent.

We went after the Taliban in Afghanistan, and again, rightfully so, because they were harboring terrorists. We went after them because they were harboring al-Qaeda. Well, in the Middle East, Yasser Arafat is not only harboring terrorists, he is the terrorist. He is akin to Osama bin Laden. Three-quarters of the terrorist attacks by the suicide bombers carried out in Israel in the past several months have been from groups directly under Yasser Arafat's control: the al-Aqsa Brigade, 4/17, Tanzime. They are all part of Fatah, the umbrella group that Yasser Arafat controls.

So I would like to ask the question: If we do not negotiate with terrorists, why should we force the Israelis to do the same? President Bush put it quite right when he said: You are either with us or you are with the terrorists.

Again, I think we have to be consistent. There is no timetable for our operation in Afghanistan. The President has said we will be there until we finish the job. I do not believe we should pressure Israel into any kind of artificial timetable until they can finish the job of uprooting terror in their own backyard.

The media would try to portray Israel as somehow the villain and the Palestinians as somehow the victims, but I would say, who has been perpetrating the suicide bombings? There have been 73, and to date, unfortunately, a 74th incident of a suicide bombing in Israel since negotiations broke down 18 or 19 months ago. And believe me, if we allow the suicide bombers to continue to use terrorism as a negotiating tool and we do not eradicate it now, it is only a matter of time before it is going to come to our shores, because if it is effective in the Middle East, it will be effective all around the world. We cannot allow that to happen.

I draw the analogy to the United States and Canada. If there were terrorists, hypothetically, coming down over the Canadian border wreaking havoc in the United States, blowing themselves up and taking innocent civilians with them, and we repeatedly, hypothetically, asked the Canadian government to apprehend these terrorists and the Canadian government refused to do so, would we not feel justified to take matters into our own hands and send our troops over that border to get and capture those terrorists? Of course we would.

Israel has repeatedly, and the United States has repeatedly, called on Yasser Arafat to rein in the terrorists, to rein in terrorism, but he has not done so because he is the terrorist himself and uses terrorism as a negotiating tool.

So, from my way of thinking, Israel is absolutely justified to go in and root out terrorist cells in the Palestinian territories, just the way we are justified in going to Afghanistan to root out terrorist cells.

Ari Fleischer, who is President Bush's press secretary, said today that the President, that Bush does not trust Arafat. If we do not trust Arafat, why is Colin Powell going to meet with him? Why are we elevating this man's status as somehow being a legitimate leader?

Let us remember history: Just 18 or 19 months ago in Camp David, the Israelis were willing to accept a plan which gave Arafat 97 percent of what he was asking for: a Palestinian state with billions of dollars of foreign aid, on 97 percent of the lands. He walked away from it. The Israelis accepted it. Arafat walked away from it and did not offer a counterproposal, but walked away from it and then unleashed the Intifada, with terrorism and suicide bombings.

So I think it is very, very important to have a perspective here and to understand what is really happening. So I think the United States, again, ought to be consistent. We ought to fight terrorism here and around the world, and support those who are fighting terrorism in their own backyard.

DAYLIGHT SAVING TIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I rise today to talk about an issue that is very important to the future of the State of Indiana. For too long, much of Indiana have been out of sync of the rest of the world. Hoosiers have been languishing under a system where as much as three different time zones are randomly followed in our State. This outdated approach has been allowed to exist without regard to geography or to logic.

The result is that we are wasting valuable resources and putting our valuable small businesses and industries at a competitive disadvantage. I want all Hoosiers to have every opportunity and advantage to compete in the global economy. We must put our best efforts towards realizing the great promise of the 21st century.

I am working hard on this issue to help us take a step forward in that pursuit. I am introducing a bill which will finally allow Indiana to spring forward.

The benefits to all of us are clear in Indiana. Daylight saving time will save Indiana families over $7 million annually in electricity rates alone. It will give a windfall to small and large businesses alike by lifting barriers to competition, improving communication and commerce, and saving millions on improved energy efficiency statewide.

For our communities, this will be one more step in preserving our cherished way of life by perfecting our health and safety. By all of Indiana observing daylight saving time, toxic emissions would be reduced by more than 240 million pounds annually. With more daylight, schoolchildren will not have to travel to and from school in the dark. For families, there will be more time for outdoor leisure and recreation after the work day is over. All of this is by simply changing our clocks just twice a year.

To give one example, Mr. Speaker, of how this issue affects Hoosiers, let me tell Members what I heard from Tom Williams of the Federal Home Loan Bank of Indianapolis.

He says that there are times when Hoosier borrowers actually pay a higher price to borrow money when Indiana is on Chicago time. This commonly occurs when a loan closing happens at the end of the business day, and the lender wants to use an advance from his bank to fund the loan. If the lender contacts the bank after the market in New York closes, his bank cannot quote a firm price, since it will not know what the price will be the following morning.

Thus, the Federal Home Loan Bank must impose a premium on the cost of funds that can amount to as much as $20,000 per $1 million borrowed. That premium could be avoided, he says, if Indianapolis were on eastern standard time year-round.

As Hoosiers, we have long prided ourselves on going our own way, being independent, and relying on common sense. I want to thank those dedicated citizens in Indiana who worked hard and long in the spirit of independence and common sense to build a groundswell of support for this initiative. I believe in and belong to this tradition, and that is why my legislation puts the decision in the hands of all of us in Indiana by giving our own Indiana General Assembly the opportunity to decide for ourselves what is best for our future.

I want to empower our Hoosiers to do just that: spring Indiana forward, spring Indiana toward greater prosperity and a brighter future.

EARTH DAY AND THE BUSH ADMINISTRATION'S ENVIRONMENTAL POLICIES

The SPEAKER pro tempore (Mr. FERGUSON). Under the Speaker's announced policy of January 3, 2001, the gentleman from Washington (Mr. INSLEE) is recognized for 60 minutes as the designee of the minority leader.

Mr. INSLEE. Mr. Speaker, I have come to the floor today, now that we are approaching Earth Day on April 22 this year, since this is a good time to review the policies of the United States in regard to the environment. I think it is a time where it is appropriate, particularly, to review the performance of the President's administration when it comes to that vital task of protecting our clean water, our clean air, and our tremendous and beautiful natural lands across the country.

I think that is appropriate because the presidency of the United States has been an office that has been used to great beneficial effect over the years for the environment, to the benefit of the environment, as a positive force for the environment. Take a look at what Teddy Roosevelt did earlier in the century that in fact helped so much to establish this precedent of protecting our natural lands.

So today we think it is appropriate for the next while to review this administration's performance on the environment, and to ask in fact whether this administration has done the job it should do to protect our clean water and our clean air and our natural lands, which is its obligation.

Unfortunately, Mr. Speaker, when we have reviewed this administration's policy, we have seen nothing but abject failure. We have seen time and time again this administration taking actions not only just not to go forward on the environment but to actually go backward: to reduce our protection for clean air and clean water, to reduce our protection of natural land, to reduce the ability of the Federal Government to assure American kids will have clean air to breathe so they are not subject to asthma.

We now have had a chance to review over a year of the administration's performance in that regard. What we have found is an unbroken litany of actions against the environment. That is very sad to say. We were very hopeful at the beginning of this administration that it would follow the creed and spirit of Teddy Roosevelt, rather than Ken Lay and the oil and gas industry. Unfortunately, this administration has followed an environmental policy that has been consistent with the attitude of Mr. Lay and the oil and gas industry, and inconsistent with those who started the first Earth Day some years ago.

□ 1515

And I just want to review with you, Mr. Speaker, some of the nine items that we have kept tabs on in the administration, and I just want to read nine items in that regard and then I will address each in more depth.

Arsenic in the water. The administration acted against the environment.

Mining reform. The administration acted against the environment.

The Arctic National Wildlife Refuge. The administration acted against the environment.

Protecting clean air so kids do not have increased asthma. The President acted against the environment.

Climate change, global warming. The President acted against the environment.

CAFE standards, our average mileage standards for our vehicles. The President acted against the environment.

The Superfund clean-up fund. It is designed to remove toxins from our most dangerous landfills in America. The President acted against the environment.

National monuments, monuments that protect some of our most precious natural lands around the country. The President even today is acting against the environment.

Someone strikes out with three strikes. These are nine strikes against the environment. And it is very, very sad when this country has had such a deeply ingrained and obvious commitment to protect our children's clean air, our children's clean water, our national parks, our national monuments. This is something that is very deep within the American character. It started with Teddy Roosevelt and, unfortunately, that has been dropped today.

I would like, if I can, to talk a little bit about each one of those strikes that are now striking against the American environment. And I do so in the hopes that this administration and that the leadership of this House will change its behavior and change its habits. I am hopeful that it will change. I believe it can change, but it cannot change unless the American people know what is going on here in Washington, D.C. and unless we talk about it here on the floor of the House.

So let me start with arsenic. Arsenic, everyone in America knows the problems related to arsenic. The National Academy of Sciences has done over the years very, very extensive work about the dangers associated with arsenic. And as a result of that, a rule was adopted, proposed to go into effect, to assure there was a maximum level of arsenic in our water. That is pretty common sense. It is really not that much rocket science, I suppose, to pick some level.

Unfortunately, when that rule was established in the very early days of the administration, the President's administration essentially threw the rule out, said I am not going to abide by these recommendations of a present rule to limit the amount of arsenic in our water. And what happened? Well, fortunately there was a firestorm in America when people heard about this. And we got busy here in Congress trying to roll back this repeal of the arsenic standards. The National Academy of Sciences came out with a report that showed the health dangers associated with these arsenic rules. We thought it was a mistake for the administration to be in league with the polluters on the arsenic question, we thought they should be in league with those of us who want to drink water, which is a very high percentage of the American public.

And we eventually, because of public pressure, forced the administration to recant, and the good news is that the rule is going to be restored. So I will tell you the good news is that even though the administration wanted to increase the ability of putting arsenic in the water, they did ultimately change their position after listening to the country. And that is one of the reasons I am here today to talk about this litany of problems in the hopes that the administration will change its direction to the American public.

The second issue is mining reform. We have found that a very, very large percentage of the toxins, including arsenic and cyanide, that are in our waters come from mining areas, particularly those that are abandoned, that are not restored. And, as a result, the Federal Government issued rules to assure us additional tools to make sure that the mining industry does not allow these mines to be left abandoned so that cyanide and arsenic and other toxins, selenium, and a whole bunch of heavy metals, do not leach into our drinking water. These rules were established. They were about to go into effect. America was within inches of allowing this mining reform to go into effect.

And what happened? This administration went back and essentially gutted the rules. They took away the tools that could be used to assure that mines do not leave these cesspools of heavy metals to leach into our water.

They took away a tool that would require there be certain clean water protections by mines when they abandon their mine. They took away a tool for the Federal Government to assure that if there are particularly sensitive environmental lands involved, that a mining permit will not be allowed to happen. They took tools that were designed for the American people to keep their water clean for mines and they threw the tools away, and they abandoned that protection and they did it unilaterally. They did it without a vote of the House or a vote of the Senate or anybody else. They just did it, and it was wrong.

It was wrong because the science is compelling that mines continue to be a clear and present danger to the health of this country. We had the ability to do something about it, and in its second strike the administration took away the tools to deal with mining reform.

Third strike, the Arctic National Wildlife Refuge. We have, and I can state from personal experience because I have been there, one of the most magnificent places in America is the Arctic

National Wildlife Refuge. It was set up by a Republican President. Teddy Roosevelt was the only Republican who has done good things for the environment. Dwight David Eisenhower had the wisdom to set up the Arctic National Wildlife Refuge. The reason he did it was because he realized that we Americans have something unique in there, the largest intact ecosystem in the North American Continent that protects and provides for the porcupine caribou herd. It has untrammeled pristine areas in the Arctic.

If you think you are not related to the Arctic, if you look outside your home and you see a bird, it just may be one that actually breeds in the Arctic.

I live on a little island called Bainbridge Island, Washington. If I go down there today, I will see birds out there on the water on Bainbridge Island. They are there because we have the Arctic National Wildlife that provides the breeding place for them. And that is why a Republican President had the wisdom to establish an Arctic Wildlife Refuge.

Now we have an administration that wants to stick an oil dagger right in the heart of the breeding area for these creatures, and it is wrong. And it is wrong for several reasons to kowtow to the oil and gas industry in this regard. It is wrong, number one, because it is not a solution to our problems to drill in the Arctic. America knows by now that if you got all the oil you ever could out of the Arctic, it only provides you about 6 months' worth of America's fuel. It is not enough to solve our problem, because the fact of the matter is unless and until we develop additional nonfossil fuel-based resources, we are still going to have to be kowtowing to the royal house in Saudi Arabia.

And the fact that the President wants to go drill in the Arctic instead of trying to develop alternative renewable resources that our technology now has available to us, will continue our addiction to Mideast oil, because it is an international market and the market is decided and determined largely by what the Mideast does. So continuing this addiction to oil is not going to solve our energy problems and certainly not with the Arctic.

Perhaps that is one of the reasons you do not actually hear any of the major oil companies very excited about it. Perhaps that is one of the reasons. But a second reason is when you look at the science.

I have to say, Mr. Speaker, that is one of the most disturbing things I have seen. We have professional scientists that have been reviewing this issue for years. And they issued a report recently on the Arctic. What they concluded was that drilling in the Arctic had a substantial risk of damaging these porcupine caribou herds amongst other wildlife in the Arctic. And they wrote a report to that effect. And these are nonpartisan, these are civilian scientists. They are not Republicans. They are not Democrats. They are not yin, they are not yang. They are scientists. And they have written a report for us. It said there was a danger to the wildlife in the Arctic. They issued that report. And what did the Secretary of Interior do? He said, no, that is not the answer I wanted. Go back and rewrite it.

That is not the way we should do science in this country. The American people deserve to know the real science and not the partisan science. Sure, that report got rewritten because the administration told them to rewrite it. Imagine if the politicians had told NASA how to run the Moon shot, where would we have ended up? Somewhere in the Atlantic Ocean.

In fact, the administration has had a blackout on this science and they are making a bad decision as a result. That is why we are very hopeful that the Senate will reject this proposal that is not going to solve our energy crisis, is going to damage a precious resource that Dwight David Eisenhower started.

Strike number three, as an anti-environmental action by the administration.

Number four, we have a remarkable resource right now and it is in States all over the country, and that is our roadless areas in our national forests. We have about 50 percent of our national forests have already been carved up by roads that have been built by us, by taxpayers, so people could clear-cut timber on the national forests. So about 50 percent of it is gone from the standpoint of it being an intact system of forests untrammeled by clear-cutting. We only have about 50 percent left. About 18 percent of that has been protected in wilderness areas, leaving about less than one-third that is available for protection; but we have not protected it, except for this. Here is the good news. We had a rule that was adopted that protected that remaining one-third of our roadless areas so that our children could be assured that our national forests would be protected from clear-cutting so that when our grandkids go out to these national forests they do not see a row of stumps, they see trees; and that is a pretty significant asset.

This roadless area rule was adopted a couple years ago to protect that remaining one-third of our uncut national forestland. But what happened? You guessed it. The new administration came in after the Attorney General of the United States, John Ashcroft, pledged, pledged to the U.S. Senate, he would protect this roadless area bill. You know what he did? He took a dive. He refused to effectively defend it in Federal court. He allowed it to lapse. He let down the American people. And that roadless area rule is now in jeopardy. We are very concerned that the administration is going to whittle that rule down to essentially gut it like it has on so many areas of environmental policy.

So instead of having a rule that will protect the last one-third of unprotected non-clear-cut areas in our national forests, the President's administration has jeopardized this remaining heritage of our children. And I will state, I have talked to a lot of people in my State of Washington and they are very angry about this. They are very angry because they were involved in making this roadless area bill. This rule was adopted after the largest public input process in American history. More Americans, something like 1.1 million Americans took time to write the Federal Government to tell them what they thought of this roadless area policy. Over 600 meetings were held. And the American voice was very strong. The American voice was this: Protect our remaining roadless areas. And we had a rule that did that until this administration chucked it overboard. So that is strike number four.

Number five, clean air. You know, I think you may know people who have children who have real bad asthma problems. And it is becoming, if not an epidemic, at least an increasing concern in this country.

□ 1530

We have new science which has shown that very small particulate matter, soot, very small particles of a potentially deadly nature that we did not understand 10 years ago, the National Academy of Sciences just came out with a report in the last month or so that showed tens of thousands of Americans die as a result of this small particulate matter, soot, in the air.

As a result of that, the Federal Government adopted a rule some time ago that would require polluters to improve their anti-air pollution control systems. This was an expensive rule. It was adopted after lots of input, lots of consideration. It was adopted some time ago. It was adopted because even the old science let us know that this was a real problem.

The new science makes it even more important that we adopt this, what is called the new source review. It is a fancy term basically requiring large polluting industries to have additional available technology to reduce these fine particulates.

What happened? Well, in a refrain, the administration tossed the rule overboard and the administration again gutted the rule, and it is extremely disturbing to me, having seen kids with terrible asthma problems, to think we have existing technology that can help solve these problems with our air pollution, we have an existing rule that would do it; and the President, his administration, in order to get in line with the big polluters, are reducing the protection for clean air for kids in this country.

That is a pretty bold indictment of the action by the White House, but I make it because it is true. They are wrong, and Americans have got to know what is going on back here in Washington, D.C., that these fundamental commonsense measures we have adopted to protect our air and water are being gutted every single week.

It seems like every Monday when I open the newspapers there is a new attack on our clean air and clean water bills, the statute and rules; and we have got to know about it to stop it, but we are going to do everything we can to roll back the administration's decision in this regard because Americans deserve it. That is strike number five.

Strike number six, and this may be the granddaddy of them all when it comes to our children, our grandchildren, our great grandchildren, and that is the problem of global climate change. The science is now clear. It is unambiguous. It is certain. It is no longer debated in credible scientific circles, and that is this simple fact is happening in the world today.

We are accumulating certain gases in our atmosphere called global climate change gases. Those are principally carbon dioxide and methane. Carbon dioxide comes anytime we burn anything, coal, oil, gas, anything else. What carbon dioxide does is it goes up in the atmosphere, and it lingers, sometimes for over a century, stays in the atmosphere for a long time; and carbon dioxide is not a bad gas as gases go in a lot of ways, but it has one feature that is a problem.

That when carbon dioxide is in the atmosphere, light can come in as ultraviolet light, which it does from the sun, but when it gets bounced out as an infrared beam of energy, it cannot get out, and that is called the greenhouse effect. Carbon dioxide works the same way a pane of glass does in a greenhouse. Light comes in, it gets reflected back, but it is trapped by the windowpane and carbon dioxide does the same thing.

Every credible scientist essentially who has been involved in this understands that phenomena, and now we have convened an international panel of scientists who have concluded that this phenomenon is changing the world's climate in unpredictable ways. Generally speaking, it is warming the Earth. It is going to continue to warm the Earth as long as that concentration of carbon dioxide and other climate-change gases increases.

Why am I concerned about that? I am concerned about that because I kind of like the way the world is. I like having glaciers in national park, glaciers that are now disappearing. In 50 years to 100 years there may not be glaciers in Glacier National Park. We will call it sort of like the artist Prince, the National Park Formerly Known as Glacier.

I like having an ice sheet in the Antarctica that just broke up in this massive breakup of the Antarctic ice sheet recently. It totally stunned the scientific community to see such a rapid, radical change in such a huge area that is as big as Delaware or Rhode Island or some State, I cannot remember which one. I like the fact that Denali National Park has a certain system, has a tree line where it used to be, and now it is going north because the temperature is increasing.

I like polar bears, and polar bears when the ice sheet continues to decrease in the arctic will not be able to stay hunting close to shore and may be extinct in 150 years. A lot of things we cannot predict about the environment; but the one thing we know for sure is we are changing it, and I mean all of us.

As a result, the President, when he ran for President, in a very hopeful statement, when I heard him say this I was very, very hopeful, he said he was going to do something about this problem. He said he was going to help us use these new technologies and energy, solar, wind, geothermal, cars that get better mileage, conservation technologies, so that we save energy in our houses. He said he was going to do something about this to try to reduce these climate-change gases.

Well, what did he do? First thing he did is he told the world he was not going to talk to them about a climate-change treaty that the rest of the world had agreed to in Kyoto; and there may have been some imperfections in that treaty, but he basically told the world he did not want to talk to the rest of the world about this, America was just going to go on its own. I think that was a mistake. I think we need to talk to some of our neighbors across the world on how to deal with this problem.

Okay, if he did not like that treaty, what else was he going to do? Well, unfortunately, he essentially has ended an American attempt to deal with climate change, and I think this may be the most significant failure on an environmental perspective in the last 2 years because what he did is when he offered his climate-change proposal, do my colleagues know what it was?

He called it a volunteer proposal, and I do not mean any disrespect by this because I think the President's done a good job dealing with the Taliban in Afghanistan. I think he has done a good job rising to the occasion of dealing with this tremendous security threat to our country, and we should be happy that he has risen to that occasion; but we have another huge threat of a longer termination of global climate change, and his proposal was essentially to go to the polluting industries and say, pretty please, will you stop doing it.

They are going to stop doing it just as fast as the Taliban would have left if we had gone to them and said, pretty please, let go of Afghanistan. It is not going to work. We need leadership from the White House. We need leadership from this President. We need leadership of a President who has rallied the Nation in our actions in Afghanistan. We need him to act when it comes to do with climate change. Failing that leadership, we are heading for bad times when it comes to the climate on a global perspective. Strike number six.

Number seven, I will tell my colleagues something that may shock them and I was not aware of until about a month ago, but the cars we drive get worse gas mileage on total than they did in 1980. Think about that. We have technological geniuses in this country that have developed the entire software industry since 1980, a good part of the biotechnology industry since 1980. We have come up with all these tremendous new technologies, but the cars we drive that have been given to us get worse gas mileage than they did in 1980.

To me, this is a stunning failure to use our technological genius of this country; and now we have cars that fit my frame and I am kind of a bulky guy, I am six-two and about 205. We have got cars now that are wonderful, five, six passengers in. They get almost 45, 50 miles a gallon; and yet what did the White House do when we suggested a modest improvement in our mileage standards of our fleets overall? We were not trying to get rid of SUVs or anything else. Americans like their SUVs. We simply proposed as an average that we increase the average of the cars on our streets a few miles a gallon, nothing radical, something within our technological ability, something we have the technology to do today.

The administration again refused to do even modest increases in our mileage standards, and those are called CAFE standards. It is an acronym for increasing our mileage standards, and we can do this today and drive the same size vehicles that we drive. We do not have to give up the luxuries that Americans enjoy. We simply have to insist that our manufacturers as a whole use the technologies that are now available to increase mileage, to decrease climate-change gases that are going out the tailpipe.

In these vehicles we have got fuel cell technology coming on. The only thing that comes out of the tailpipe is water. We have got existing hybrids that get 45, 50 miles a gallon that we ought to be using today. We ought to be insisting that we do not give up the markets to Japan, which we are doing again like we did in the 1970s. In the

1970s we gave up our markets to the Japanese. We are doing it again today. We are letting them come in with hybrid vehicles, and we are not producing them.

Now I hope and I am told that our local domestic producers are going to start to do that in the next couple of years. I am very happy about that, but we need the administration to help us increase our mileage standards, and they have refused to do it. It is strike seven on the environmental list of what we have been working on environmentally in the last 2 years.

Number eight, the Superfund. The Superfund. The Superfund is a fund that was started on as a basic idea and that idea was that polluters would pay for the toxics they put in the ground in these Superfund sites. There is a Superfund site, just to tell my colleagues one I am familiar with in the State of Washington, it is on Bainbridge Island. It is across from where I live. It is a place where there was a creosoting plant that put creosote in lumber; but the creosote, thousands of gallons went down and were stuck on top of the water table and land, and the idea of the Superfund site was to clean that up.

We should not have to pay for it. The American public should not have to pay for the discharge of creosote over years and years that contaminated these sites. Who should have to pay for it? The polluters, and it was a pretty commonsense idea.

The Superfund bill was created so that the polluters would pay for the right, the privilege, the enjoyment of putting toxics into the ground; and that system worked for years, and it was funded through a charge on polluters. Essentially those who manufactured, presented the risk of this discharge would have to pay so that the American people did not have to with their taxes.

That bill has come up for renewal, and in strike number eight, the administration dropped the ball and refused to help us reinstitute this Superfund provision so that the polluters would pay instead of the American people, and that is wrong. Americans should not have to pay for this pollution. The polluters should, and we have yet another example of the administration working with the polluting industries to avoid responsibility to try to keep our water clean and toxins out of our water. We would like the administration to change its feelings in that regard, to help us. We hope that happens.

On the ninth strike, in our national monuments, and this will be my closing discussion, and that is that our national monuments, again, this idea was started by Teddy Roosevelt. It is the idea that Presidents can establish for the American people in perpetuity our beautiful landscapes; and Presidents have done this, almost every President, except a couple in the last two decades. This has been very important to protect areas from certain natural resource industries that can threaten these areas.

Again, today, the Departments of the Federal Government are thinking about opening these up for mining for oil, drilling for who knows what, without congressional approval. This Chamber voted against that. This Chamber passed a measure that would slow that down, if not prevent it. We would like the administration to follow that vote. We think that is the right thing to do. We are calling upon them to do so.

So we have gone through a sorry litany of environmental degradation of our laws. It is not a happy thing to talk about this. I would rather be here, not only complimenting the President for what he has done in Afghanistan, but complimenting him for environmental progress; but we cannot do that because in nine separate ways we have just talked about, in fact America's gone backwards.

Our protection of clean air has gone backward; our protection of clean water has gone backward and it is important that people know this. It is important, Mr. Speaker, that we talk about this on the floor of this House because when we go backwards in so many ways, we are going to end up back where we were in the 1950s and 1960s. We made real progress in this country cleaning up our air and water. We have done good things.

□ 1545

Mr. Speaker, I remember when the river in Ohio caught fire. That was before America started to do things positively for the environment. Things can go backwards as well as forwards. Now with our new science about how children can be affected, morbidity and mortality rates can be affected by cleaner water, this is not the time to go backwards. We hope the administration will, in fact, start to review their administration policies.

Mr. Speaker, I yield to the gentlewoman from California (Ms. SOLIS).

Ms. SOLIS. Mr. Speaker, I am very proud to be here tonight with the gentleman from Washington to talk about this issue. It is something that is very, very deeply felt amongst my community. Many from my district and the 31st Congressional District in California know that we are faced with some tremendous challenges, some that the gentleman spoke about tonight, that resonate with the constituents that I represent.

The district that I represent is, for lack of a better word, one under siege because we have a lot of environmental impacts that have affected this district for the last 50, or maybe 75 years.

I happen to represent a district that has 17 abandoned mining pits, pits that will never be filled at this point in time, that affect the health of children and seniors that live in the surrounding community. Businesses do not want to locate in that surrounding area because property values have gone down. What do we do with those empty pits and the families and children that are faced with increasing rates of asthma, heart disease and cancer attributed to the deaths and the particulate matter the gentleman spoke of earlier? We need to do something besides talk about it. We need to provide legislative relief and funding so research can be done into this area.

I am very concerned about the lack of leadership on the part of this administration to move forward in putting forth environmental justice legislation. I have to say, while as a member in the State Senate in California, after two trials of getting a law put forward, we finally were able to get environmental legislation passed and signed by our Governor. That was the first piece of legislation signed into law in the country. Shame on us, and shame on this administration and others that have not taken note of that dire need to do something for our communities.

People in my district right now are crying out to see that laws that are currently in place are enforced. We find also that many of the water tables that are in my district are also contaminated and polluted. I represent a district that has four Superfund sites, two that were just recently closed. The BKK, now in my neighboring district, will be in my new district. People are concerned. The city wants to build a golf course and other entertainment and physical activities, sports related; but what measures are being put in place to safeguard the people that will use that facility? EPA needs to be at the table to have the resources to clean up these toxic sites and do something about it.

I am also concerned about the fact that materials are not published in different languages for communities that I represent. My district is 58 percent Latino. Many in that community are not English speakers. They are either Asian or Latino. What are we doing about making sure that our communities of color, just because they are low income does not mean that they do not care about environmental justice and how their children are raised.

We need to put some enforcement and make sure that the language capabilities are put in place so people can understand the dangers of having their house next to a site that is toxic. Or if there is a landfill that a person lives nearby, that the contaminants that are in that landfill, while they seep through our water table, how that affects our drinking water.

The gravel pits, what about the dust and particulate matter that has an adverse effect on the health of children and senior centers? We need to do much more in terms of enforcement and protections for our communities.

In fact, Latinos, almost by 96 percent, feel we ought to be doing more to prioritize the environment. Study after study after study show that the Latino community is ready to see these protections put in place. Let us put our money where our mouth is.

As Earth Day approaches, I would ask my colleagues to join in activities at our districts to help bring greater awareness amongst people of color and the disadvantaged who need to understand that policymakers like ourselves truly want to see some changes with respect to the environment so that we protect and value Mother Nature and our Earth.

I am working very hard to try to get the National Park Service to come in and do a study on one of the largest urban conservancies in the country where 7 million people reside. Many of those people are low income, many are people of color. This is one of the last acreages that is available where we still see wildlife and habitat, where the watersheds are not paved over like the L.A. River in California. We do not want our rivers paved. We want open space and ability for our communities to recreate, to enjoy open habitat and wildlife.

Mr. Speaker, we need to have resources and we need to have a hearing on this bill. That is why I am joining with the gentleman and congratulate the gentleman for bringing this issue to the floor, because it is something that is imperative for the community I represent.

Mr. Speaker, "muchos en mi districto quieren mejorar esta communidad y limpiar el agua y el aire." The translation is, "Many in my district are supportive of improving our community and cleaning the water and air."

Mr. INSLEE. Mr. Speaker, I thank the gentlewoman from California (Ms. SOLIS) for such an eloquent statement. The gentlewoman has expressed better than I can the outrage that Americans are feeling that this administration is ignoring asthmatic children to favor the polluting industries.

I heard over and over again in my district, people would come up and say, we understand there is a war on, but we cannot allow that to be camouflage for having a war against the environment. That is essentially what we are having right now. The administration is removing clean air rules that protect asthmatic children, trying to remove rules against arsenic in the water.

Mr. Speaker, I now yield to the gentleman from Wisconsin (Mr. KIND) who has been a voice on a variety of environmental issues.

Mr. KIND. Mr. Speaker, I commend the gentlewoman from California (Ms. SOLIS) for the job she has been doing representing her constituents and the leadership she has been providing in this Congress on these very important issues. And I also commend the gentleman from Washington (Mr. INSLEE). We serve on the Committee on Resources, and we have teamed up to work on a variety of issues. Now is the time that we should be discussing these issues.

Yes, we stand united in the war against terrorism, but there are other issues that demand public debate and scrutiny. That is the essence of our democracy, to have a discussion of these important issues: How can we promote economic growth while still being sensitive to the ecology and the environment? I think it is important that we put together an environmental policy in this country that we can work together on in a bipartisan fashion. We have an opportunity.

I also serve on the Committee on Agriculture, and we have been hard at work trying to pass a farm bill that could in fact be implemented over the next 10 years. This is an opportunity to change in a significant way farm policy in the country so perhaps we are not giving as much direct subsidies to a few but very large commodity producers, mainly out West, encouraging them to produce more because they are getting paid by production rather than what the marketplace would buy, and move some of those resources into the conservation title so that the farmers who are looking for additional assistance so they can practice good land stewardship initiatives on their private lands in producing the crops in this country will have the resources to tap into.

These are voluntary, incentive-based programs. Right now three out of four farmers that apply for technical assistance in conservation program funding are turned away because of the inadequacy of resources. Yet if we can increase the area of this farm bill with more resources, we will be able to benefit more family farmers in all regions of the country rather than skewing the next farm bill to a few very large producers.

This is important because we can also provide economic assistance to our producers through these conservation programs; and through these conservation programs, it will lead to better watershed management, which means better-quality drinking supplies in this country, which is important to farmers and communities.

It will also lead to the protection of important wildlife and fish habitat, and ultimately the protection of valuable farmland and topsoil itself. Right now we are losing so much topsoil, affecting the productive nature of agriculture, and we are losing $300 million of applied nitrogen that runs off the farm fields because they do not have the conservation programs to prohibit that from occurring. It is affecting the water quality in the rivers and streams.

I am confident in standing here today predicting in the 21st century, quality water supply is going to be a huge issue in our country and throughout the world. We can do this with sensible farm policy that recognizes the value and the value added to these incentive-based conservation programs.

The gentleman from Washington (Mr. INSLEE) and I have been hard at work trying to shape the next energy bill. In the Senate they are debating a variety of provisions on it. We share the common goal that we wish to have seen coming out of the House an energy policy that was going to devote more in investment and resources into developing a more sustainable and self-reliant energy policy for the 21st century. That means being serious in investing in R&D and alternative and renewable energy sources, and the tremendous potential that fuel cell development holds in this country.

Yet we feel that the House-passed version of the energy bill fell short and was inadequate in this area. The key to understanding our energy needs in the 21st century is to understand that we cannot produce with fossil fuels alone the energy that we are going to need to consume in this country in this next century. That means we have to look at alternative energy sources: the wind, the power, the geothermal, fuel cell development.

Mr. Speaker, the gentleman and I went on a trip last year to Norway, Denmark, and Iceland to look at their alternative and renewable energy programs. Norway is heavily dependent on hydropower. Denmark has windmills and wind farms generating a lot of their electricity needs.

Iceland was interesting. Of course, they have a lot of geothermal, but they have a 10-year plan in place right now and are working hard at being the first hydrogen-powered society in the world. They are converting their auto, bus and fishing fleet, which is huge in Iceland, to fuel cell-powered vehicles. They are getting this technology, in part, from a company located in Middleton, Wisconsin. So we have some local, home-grown company in this country developing the technology and assisting another country to make this conversion and pivot off from fossil fuel consumption and into hydrogen-powered energy, which is really breaking the barriers down and proving to the rest of the world, and especially our country, that if we have the leadership and the political will and the support within the community, we can do this.

□ 1600

I think the American people are really looking for this type of leadership right now, understanding that we are not going to produce enough oil in order to meet our energy needs. Right now we are consuming 25 percent of the oil that is being produced throughout the world for our own energy needs; yet we only have 3 percent of the oil reserves, which by its very nature tells you that we are not going to be able to produce enough oil in this country to become self-reliant and to wean ourselves off from the importation of foreign oil supply.

We have seen how volatile now the Middle East and the Persian Gulf region really is. I look forward to working with my colleague from Washington State and also my good friend, the gentleman from New Jersey (Mr. HOLT), as we continue to look at good policy that will sustain our environment; that will protect our valuable natural resources and the ecosystems that we all live in and that our communities would like to see us do a better job of protecting and see if we can put together a long-term, commonsense energy policy that recognizes the potential that exists with alternatives and renewables and with fuel cell and with the technology that is being developed right now in private industry in this country.

Hopefully, we will be able to work in partnership with the private sector in order to make this conversion in the 21st century. I thank the gentleman for giving me a little bit of time today to talk about this very important issue. We will look forward to working with both of you in the future.

Mr. INSLEE. Mr. Speaker, I really appreciate the gentleman from Wisconsin's comments, because I think it gave the lie to this sort of myth that if it is good for the environment, it must be bad for the economy. I think that wrongheaded thinking has led, frankly, to a lot of the administration proposals that have gone backwards on the environment, because the fact is that somebody is going to make a ton of money on these new technologies, in hydrogen and wind power and solar, in new hybrid cars. Somebody is going to get filthy rich on this, and it should be us.

Mr. KIND. What is really interesting is it is almost as if the private sector is way ahead of the curve in regards to the policymakers in Congress and with the administration because they are already starting to invest in a lot of this technology. They are already trying to build more energy-efficient buildings because they know that that is going to be a plus on the bottom line of their businesses. They also know that it is not a healthy situation to be so dependent on foreign energy sources for our needs. The private sector, I think, is leading the charge and looking for comparable leadership by the policymakers of this country. We just need to dovetail into what a lot of companies are already investing in and what they are already encouraging by their own practices.

Mr. INSLEE. We are going to try to change that orientation where right now 85 percent of all the resources here in the House-passed bill goes to the old industry and only 15 percent to the new. We are going to try to change that.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. HOLT), who has been doing a great job.

Mr. HOLT. I thank my friend from Washington for yielding. I am pleased to be here with the gentleman from Wisconsin (Mr. KIND), who understands the word "sustainable" and tries to build that into the agriculture bill to protect topsoil and water. It is a key word, sustainable, here.

If I may take issue with my good friend from Washington, perhaps the phrase should not be "filthy rich," but we will become "clean rich" if American industry takes advantage of the opportunity for developing sustainable technologies. It is not a matter of growth or environmental protection; and we cannot emphasize that too strongly, because we have got to beat down this misconception that the administration appears to have, and that I must say the leadership here in the House seems to have, that environmental protection is somehow costly. As the gentlewoman from California (Ms. SOLIS) points out, the cost of not doing anything is great, the cost in child asthma, the cost in public health.

But let me turn to something here that emphasizes it in a way that I think even the most hard-nosed business type would understand. This is an article that just appeared a few days ago, written by the chief executive officer of BP, one of the world's largest corporations. They not only produce energy and drill for oil but they also, of course, use a lot of energy. They decided, 5 years ago, that they should cut their energy use and that they could cut their energy use. The reason was that the emission of carbon into the atmosphere was changing the climate for the worse and that to do nothing would be costly to society and perhaps, they thought, even costly to themselves.

And so they thought that they would take preventive action. They have cut their carbon emissions to below their 1990 level. Back in 1997 when they set themselves on this course, they set a 10-year goal. Already halfway into that time period, they have already achieved their goal of cutting their carbon emissions below the 1990 level by 10 percent. But get this, here is the clincher. Today, says Lord Browne, we can assert two things with confidence: savings from reduced energy inputs and increased efficiency outweigh all the expenditures involved. In other words, they did it at no cost. And growth is not at risk from this precautionary action.

If BP can do it, any company can do it. And if they can do it, a country can do it. Unfortunately, the administration here in the United States has taken the approach that, Well, no, we cannot cut our carbon emissions. What we are going to do is not let our carbon emissions grow quite so fast. We won't let them grow quite as fast as our gross domestic product is growing. I have news for the President. That has been true since 1975. Our carbon emissions have been growing less fast than our economy. In other words, the President is saying, let's take a do-nothing approach to the greatest environmental insult that we are, our country, our globe, placing on the environment. And we have right here very good evidence from a hard-nosed business person that we can cut these greenhouse gases at no cost to our economic growth.

As you and the gentleman from Wisconsin point out, with other technologies, we can even contribute to our economic growth. There is money to be made in clean, sustainable environmental technologies. We should be there taking advantage of them. I applaud my colleague for not only taking the time now to make these good points that he has made but for all the work he is doing day in and day out on these environmental issues. I am pleased to be here in the company of such a devoted environmentalist.

Mr. INSLEE. I thank the gentleman from New Jersey. I am sure at least some of the people who have heard you realize that you are, I think, the only physicist in the House. Is there another physicist in the House or are you the only physicist in the House?

Mr. HOLT. As a physicist I am sure I have spent more time on energy questions and energy technology than any other Member of the House. It is something that I think is so important to do, because, as I was alluding to before, I would say the number one insult to our planet is the way we produce and use energy. We have to turn attention to a way to do that in a sustainable fashion.

Mr. INSLEE. As our only physicist, we really appreciate you coming down here today to talk about this. I agree with you. The most important insult is the climate-change issue, the one that I think has got to be most demanding; and what I really liked what you said was, we are not the pessimists in this debate. We are the optimists. We are the guys with the can-do spirit. We believe America can deal with this problem effectively, but sticking our head in the sand and taking the posture of an ostrich is not effective. Unfortunately that is what the administration has done.

What I liked from what you said is that essentially we are capable from a scientific and economic standpoint of dealing with climate change; but we lack one thing, and that is leadership. We lack somebody at the White House telling America that we can get this job done. I think that is what Teddy Roosevelt would have done. He would have said, What do you mean we can't build new technologies? You mean the Japanese are smarter than we are? You mean the Danes are smarter than we are? You mean the people in Iceland are somehow more technologically advanced than Americans? That is nuts. Yet right now the White House has taken this position of surrender to these other countries that are leading us in these new technologies. I appreciate your words of optimism because I believe they are the right ones. I want to thank the gentleman from New Jersey for his comments.

Mr. Speaker, to summarize here and comment, we have been talking about a disappointing aspect of our American public policy. The disappointment is that on a whole host of issues, the leader of the free world, the administration that has the capability of rallying this Nation to tremendous positive change from an environmental perspective, the administration that has within itself the ability to adopt rules to try to reduce kids from having asthma, is going the wrong way. The administration that has the ability to reduce the amount of arsenic and selenium and cyanide in our drinking water is going the wrong way. The administration that has the ability to assure that the last one-third of our national forests that have not been clear-cut so our grandkids will be able to see those forests some day is going the wrong way.

The administration that has the ability to lead the world to deal with this problem of climate change so that we can keep this general system as we have it, the way we grew up, so that it rains when it should and it gets cold when it should, is going the wrong way. The administration that has the ability to make sure that mines do not leak toxic substances is going in the wrong way. The administration that has the ability to make sure that our Superfund site rules, so that you do not have to pay for the toxics in the soil that get the cleanup, the polluters have got to pay for it, is going the wrong way. The administration that has the ability to get our cars to be some modest level, better efficiency to save us money and save the environment is going the wrong way. It is a sad story to have to say this today, because we are a great, optimistic, and creative people and we have the ability, the heart and the desire to leave this planet as good as it was when we were born.

I stand here today to say that this House should join the U.S. Senate and the administration to go forward on the environment rather than backwards, and this administration is going to turn on a dime and go 180 degrees different from where it is going right now, which is backwards on the environment. I urge anybody that feels the way I do to take every step you can to see to it that we go that way.

RECESS

The SPEAKER pro tempore (Mr. FERGUSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 12 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2122

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 9 o'clock and 22 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3762, PENSION SECURITY ACT OF 2002

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 107–396) on the resolution (H. Res. 386) providing for consideration of the bill (H.R. 3762) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor, which was referred to the House Calendar and ordered to be printed.

CORRECTION TO THE CONGRESSIONAL RECORD OF APRIL 9, 2002 AT PAGE H1149

6045. A letter from the Governor and Secretary of State, Office of the Governor, Carson City, Nevada, transmitting a Notice of Disapproval of the site designation of Yucca Mountain in Nevada as the nation's high level nuclear waste repository; to the Committee on Energy and Commerce; received April 8, 2002.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Ms. WATSON of California, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. CARSON of Indiana, for 5 minutes, today.

Mr. SKELTON, for 5 minutes, today.

(The following Member (at his own request to revise and extend his remarks and include extraneous material:)

Mr. DUNCAN, for 5 minutes, today.

ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 23 minutes p.m.), the House adjourned until tomorrow, Thursday, April 11, 2002, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

6120. A letter from the Administrator, Farm Service Agency, Department of Agriculture, transmitting the Department's final rule—Streamlining of the Emergency Farm Loan Program Loan Regulations (RIN: 0560–AF72) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6121. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Increase in Fees for Voluntary Federal Seed Testing and Certification Services and Establishment of a Fee for Preliminary Test Reports [Docket Number LS–01–07] received March 15, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6122. A letter from the Chairman, National Credit Union Administration, transmitting the 2001 Annual Report of the National Credit Union Administration, pursuant to 12 U.S.C. 1256; to the Committee on Financial Services.

6123. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Department's final rule—Requirements for Arthur Andersen LLP Auditing Clients (RIN: 3235–AI46) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6124. A letter from the Secretary, Department of Energy, transmitting a proposed joint resolution that would approve, pursuant to the Nuclear Waste Policy Act of 1982, the President's recommendation of February 15, 2002 that the Yucca Mountain site be designated as the location for a potential repository for spent nuclear fuel and high-level radioactive waste; to the Committee on Energy and Commerce.

6125. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Paint Production Wastes; Land Disposal Restrictions for Newly Identified Wastes; and CERCLA Hazardous Substance Designation and Reportable Quantities; Final Determination [SWH–FRL–7167–

8] (RIN: 2050–AE32) received April 3, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6126. A letter from the Executive Secretary and Chief of Staff, Agency For International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6127. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2001, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

6128. A letter from the Secretary, Department of the Treasury, transmitting a Program Performance Report for FY 2001; to the Committee on Government Reform.

6129. A letter from the Secretary, Department of Agriculture, transmitting the Department's Annual Program Performance Report for FY 2001; to the Committee on Government Reform.

6130. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6131. A letter from the Secretary, Department of Housing and Urban Development, transmitting the Department's FY 2001 Performance and Accountability Report; to the Committee on Government Reform.

6132. A letter from the Secretary, Department of Veterans' Affairs, transmitting the Department's Annual Program Performance Report for FY 2001; to the Committee on Government Reform.

6133. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2001, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

6134. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6135. A letter from the Director, Office of Congressional Relations, Office of Personnel Management, transmitting the Fiscal Year 2001 Performance and Accountability Report; to the Committee on Government Reform.

6136. A letter from the Acting General Counsel, Peace Corps, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

6137. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Three Mile Creek, Alabama [CGD08–02–004] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6138. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Spanish River Boulevard (N.E. 40th Street) Drawbridge, Atlantic Intracoastal Waterway, Boca Raton, Florida [CGD07–02–011] received March 14, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6139. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eagle Aircraft Pty. Ltd. Model 150B Airplanes [Docket No. 2001–CE–03–AD; Amendment 39–12629; AD 2002–02–01] (RIN: 2120–AA64) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6140. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes [Docket No. 2001–NM–05–AD; Amendment 39–12631; AD 2002–02–03] (RIN: 2120–AA64) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6141. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; General Electric Company (GE) CF6–45 and CF6–50 Series Turbofan Engines [Docket No. 2001–NE–33–AD; Amendment 39–12637; AD 2002–02–09] (RIN: 2120–AA64) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6142. A letter from the Paralegal Specialist, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747–100, 747–200, 747–300, 747SP, and 747SR Series Airplanes Powered by Pratt & Whitney JT9D–3 and JT9D–7 Series Engines [Docket No. 2001–NM–363–AD; Amendment 39–12669; AD 2002–05–01] (RIN: 2120–AA64) received March 19, 2002, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 3784. A bill to reauthorize the Museum and Library Services Act, and for other purposes; with an amendment (Rept. 107–395). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 386. Resolution providing for consideration of the bill (H.R. 3762) to amend title I of the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide additional protections to participants and beneficiaries in individual account plans from excessive investment in employer securities and to promote the provision of retirement investment advice to workers managing their retirement income assets, and to amend the Securities Exchange Act of 1934 to prohibit insider trades during any suspension of the ability of plan participants or beneficiaries to direct investment away from equity securities of the plan sponsor (Rept. 107–396). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. COBLE (for himself and Mr. BERMAN):

H.R. 4125. A bill to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

By Ms. CARSON of Indiana:

H.R. 4126. A bill to amend the Uniform Time Act of 1966 to modify the State exemption provisions for advancement of time; to the Committee on Energy and Commerce.

By Mr. BRADY of Texas:

H.R. 4127. A bill to suspend temporarily the duty on Ezetimibe; to the Committee on Ways and Means.

By Mr. BRADY of Texas:

H.R. 4128. A bill to provide clarity and consistency in certain country-of-origin markings; to the Committee on Ways and Means.

By Mr. CANNON (for himself, Mr. HANSEN, and Mr. MATHESON):

H.R. 4129. A bill to amend the Central Utah Project Completion Act to clarify the responsibilities of the Secretary of the Interior with respect to the Central Utah Project, to redirect unexpended budget authority for the Central Utah Project for wastewater treatment and reuse and other purposes, to provide for prepayment of repayment contracts for municipal and industrial water delivery facilities, and to eliminate a deadline for such prepayment; to the Committee on Resources.

By Mr. CLAY:

H.R. 4130. A bill to suspend temporarily the duty on p-Cresidine Sulfonic Acid; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4131. A bill to suspend temporarily the duty on 2,4 disulfo benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4132. A bill to suspend temporarily the duty on m-hydroxy benzaldehyde; to the Committee on Ways and Means.

By Mr. CLAY:

H.R. 4133. A bill to suspend temporarily the duty on N ethyl N benzyl aniline sulfonic acid; to the Committee on Ways and Means.

By Mr. CROWLEY (for himself, Ms. DEGETTE, Mr. SERRANO, Mr. HILLIARD, Mr. OWENS, Ms. WATSON, Mr. LANTOS, Mr. BONIOR, Mr. SCHIFF, Ms. WOOLSEY, Mr. RUSH, Mr. UNDERWOOD, Mr. HINCHEY, Mr. MCGOVERN, Mr. FROST, Mrs. CHRISTENSEN, and Mr. BRADY of Pennsylvania):

H.R. 4134. A bill to provide for an increase in the availability of language-assistance services for patients of health centers under section 330 of the Public Health Service Act, including community health centers; to the Committee on Energy and Commerce.

By Mrs. CUBIN:

H.R. 4135. A bill to suspend temporarily the duty on acrylic fiber tow; to the Committee on Ways and Means.

By Mr. FRANK:

H.R. 4136. A bill to use the estate tax revenue to finance an outpatient prescription drug program under Medicare; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4137. A bill to extend the temporary suspension of duty on certain organic pigments and dyes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4138. A bill to suspend temporarily the duty on certain high-purity rare earth oxides; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4139. A bill to extend the temporary suspension of duty on 4-hexylresorcinol; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 4140. A bill to extend the temporary suspension of duty on certain sensitizing dyes; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 4141. A bill to authorize the acquisition by exchange of lands for inclusion in the Red Rock Canyon National Conservation Area, Clark County, Nevada, and for other purposes; to the Committee on Resources.

By Mr. HAYWORTH:

H.R. 4142. A bill to suspend temporarily the duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4143. A bill to extend the temporary suspension of duty on certain cathode-ray tubes; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4144. A bill to suspend temporarily the duty on Nylon MXD6; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4145. A bill to extend the temporary suspension of duty on a fluorinated compound; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4146. A bill to extend the temporary suspension of duty on a certain light absorbing photo dye; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4147. A bill to suspend temporarily the duty on potassium fluoride purified grade; to the Committee on Ways and Means.

By Mr. HAYWORTH:

H.R. 4148. A bill to suspend temporarily the duty on potassium fluoride tantalum grade; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4149. A bill to suspend temporarily the duty on N1-[(6-chloro-3-pyridyl)methyl]-N2-cyano-N1-methylacetamidin; to the Committee on Ways and Means.

By Mr. HERGER:

H.R. 4150. A bill to suspend temporarily the duty on Aluminum tris (O-ethyl phosphonate); to the Committee on Ways and Means.

By Mr. HOUGHTON:

H.R. 4151. A bill to amend the Internal Revenue Code of 1986 to simplify certain rules relating to the taxation of United States businesses operating abroad, and for other purposes; to the Committee on Ways and Means.

By Mr. KELLER (for himself, Mr. Shaw, Mr. Foley, Mr. Rohrabacher, Mr. Weldon of Florida, Mr. Dan Miller of Florida, Mr. Jeff Miller of Florida, and Mr. Wexler):

H.R. 4152. A bill to extend the tax benefits available with respect to services performed in a combat zone to services performed in response to the terrorist attacks against the United States on September 11, 2001; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky:

H.R. 4153. A bill to amend title XVIII of the Social Security Act to direct the Secretary of Health and Human Services to carry out a demonstration program under the Medicare Program to examine the clinical and cost effectiveness of providing medical adult day care center services to Medicare beneficiaries; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MINK of Hawaii:

H.R. 4154. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of compression sleeves and stockings for the treatment of lymphedema; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H.R. 4155. A bill to amend the District of Columbia Home Rule Act to eliminate Congressional review of newly-passed District laws; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD (for himself, Mr. Pomeroy, Mr. Crane, Mr. Herger, Mr. McCrery, Mr. Nussle, Mr. Sam Johnson of Texas, Mr. Hayworth, Mr. Foley, Mr. Blunt, Mr. Cox, Mr. Mica, Mr. Wamp, Mr. Kennedy of Minnesota, and Mr. Chambliss):

H.R. 4156. A bill to amend the Internal Revenue Code of 1986 to clarify that the parsonage allowance exclusion is limited to the fair rental value of the property; to the Committee on Ways and Means.

By Mrs. ROUKEMA:

H.R. 4157. A bill to amend the Harmonized Tariff Schedule of the United States to correct the definition of certain hand-woven wool fabrics; to the Committee on Ways and Means.

By Mr. RYUN of Kansas:

H.R. 4158. A bill to amend the Caribbean Basin Economic Recovery Act relating to certain import-sensitive articles; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mr. Ramstad):

H.R. 4159. A bill to provide for the proper classification of certain costumes and related accessories under the Harmonized Tariff Schedule of the United States; to the Committee on Ways and Means.

By Mr. SHIMKUS (for himself, Ms. McCarthy of Missouri, Mr. Johnson of Illinois, Mr. LaHood, and Mr. Kirk):

H.R. 4160. A bill to eliminate certain restrictions on the availability of credits under title III of the Energy Policy Act of 1992 for the use of biodiesel fuel, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself and Mr. LaTourette):

H.R. 4161. A bill to prohibit the Secretary of Defense from purchasing certain steel or equipment, products, or systems made with steel that is not melted and poured in the United States; to the Committee on Armed Services.

By Mrs. THURMAN:

H.R. 4162. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity less than 18 years of age; to the Committee on Education and the Workforce.

By Ms. WATSON (for herself and Mr. Burton of Indiana):

H.R. 4163. A bill to prohibit after 2006 the introduction into interstate commerce of mercury intended for use in a dental filling, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. WILSON of New Mexico:

H.R. 4164. A bill to amend the Child Care and Development Block Grant Act of 1990 to increase the amount of funds allocated to activities to improve the quality of child care and to require that some of the funds so allocated be available to pay costs incurred by eligible child care providers to obtain accreditation from nationally recognized organizations; to the Committee on Education and the Workforce.

By Mr. ISSA (for himself, Mr. Kennedy of Rhode Island, Mr. Kind, Mr. Pickering, Mr. Dan Miller of Florida, Mr. Faleomavaega, Mr. Camp, Ms. Norton, Mr. Davis of Florida, Mr. LaHood, Ms. Pryce of Ohio, Mr. Fletcher, Mr. Rahall, Mrs. Capps, Mr. Abercrombie, Mr. DeFazio, Mr. Isakson, Mr. Pascrell, Mr. Langevin, Mr. Sherman, Ms. Kilpatrick, Mr. Dingell, Mr. Barcia, Ms. Kaptur, Mr. Farr of California, Mr. George Miller of California, Mr. Honda, Ms. Carson of Indiana, Mr. Ganske, Mr. Weller, Mr. Frank, Mr. Schiff, Mr. Hyde, Mr. Tauzin, Mr. Herger, Mr. Tiberi, Mrs. Wilson of New Mexico, Mr. Armey, Mr. Tom Davis of Virginia, Mr. Hobson, Mr. Diaz-Balart, Mr. Cunningham, Mr. Lewis of Kentucky, Mr. Houghton, Mr. Hayworth, Mr. Sununu, Mr. Nussle, Ms. Millender-McDonald, Mr. Shays, Mr. Weldon of Florida, Mr. Wicker, Mr. Goodlatte, Mrs. Kelly, Mr. Watkins, Mr. Kingston, Mr. Kennedy of Minnesota, Mr. Whitfield, Mr. Brown of South Carolina, Mr. Wilson of South Carolina, Mr. Green of Wisconsin, Mr. Gutknecht, Mr. Thomas, Mr. Keller, Mr. Pitts, Mr. Walden of Oregon, Ms. Hart, Mrs. Biggert, Mr. Simpson, Mr. Rehberg, Mr. Wamp, Mr. Ferguson, Mr. Grucci, Mr. Hayes, Mr. Istook, Mr. Bartlett of Maryland, Mr. Ballenger, Mr. Flake, Mr. Mica, Mr. Smith of Texas, Mr. Rogers of Kentucky, Mr. Goss, Mr. Linder, Mr. Upton, Ms. Ros-Lehtinen, Mr. Chabot, Mr. Calvert, Mr. Kirk, Ms. Eshoo, Mr. Cantor, Mr. Jackson of Illinois, Mr. Hunter, Mr. Callahan, Mr. Ramstad, Mr. McNulty, Mr. Chambliss, Mr. Thune, Mr. Coble, Mr. Cannon, Mr. Barr of Georgia, Mr. Jenkins, Mr. Bryant, Mr. Hostettler, Mr. Graham, Ms. Waters, Ms. Baldwin, Mr. Gary G. Miller of California, Mr. Weiner, Mr. Scott, Mr. Gallegly, Mr. Watt of North Carolina, Ms. Lofgren, Mr. Nadler, Ms. Jackson-Lee of Texas, Mr. Delahunt, Mr. Condit, Mr. Wexler, Mr. McGovern, Mr. Bishop, Mr. Sawyer, and Mr. Terry):

H. Con. Res. 371. Concurrent resolution expressing the gratitude of the Congress for the service of the District of Columbia Army National Guard and the Capitol Police in protecting the Congress and increasing security around the Capitol complex; to the Committee on House Administration.

By Mr. DAVIS of Illinois (for himself, Mrs. Morella, and Mr. Waxman):

H. Con. Res. 372. Concurrent resolution honoring the men and women of the District of Columbia National Guard for their extraordinary service and assistance to the United States Capitol Police; to the Committee on House Administration.

By Mrs. MORELLA (for herself and Ms. Norton):

H. Con. Res. 373. Concurrent resolution recognizing the Morris and Gwendolyn Cafritz Foundation for its contributions to the arts and humanities, education, and community and health services in the Washington, D.C., metropolitan area; to the Committee on Government Reform.

By Mr. HASTINGS of Florida:

H. Res. 382. A resolution condemning the ongoing violence in the Middle East and urging Israel and the Palestinian Authority to enter into an immediate cease fire agreement and return to negotiations; to the Committee on International Relations.

By Mr. HOYER (for himself, Mr. CARDIN, Mrs. MORELLA, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. EHRLICH, and Mr. CUMMINGS):

H. Res. 383. A resolution congratulating the Univerity of Maryland for winning the 2002 National Collegiate Athletic Association men's basketball championship; to the Committee on Education and the Workforce.

By Mr. ISTOOK (for himself, Mr. HOYER, Mr. YOUNG of Florida, Mr. OBEY, Mr. WOLF, Mr. VISCLOSKY, Mrs. MEEK of Florida, Mr. TIAHRT, Mr. PRICE of North Carolina, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. ROTHMAN, Mr. SUNUNU, Mr. SHERWOOD, and Mr. SWEENEY):

H. Res. 384. A resolution honoring the men and women of the United States Secret Service New York field office for their extraordinary performance and commitment to service during and immediately following the terrorist attacks on the World Trade Center on September 11, 2001; to the Committee on Government Reform.

By Mr. ISTOOK (for himself, Mr. HOYER, Mr. YOUNG of Florida, Mr. OBEY, Mr. WOLF, Mr. VISCLOSKY, Mrs. MEEK of Florida, Mr. TIAHRT, Mr. PRICE of North Carolina, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Mr. ROTHMAN, Mr. SUNUNU, Mr. SHERWOOD, and Mr. SWEENEY):

H. Res. 385. A resolution honoring the men and women of the United States Customs Service, 6 World Trade Center offices, for their hard work, commitment, and compassion during and immediately following the terrorist attacks on the World Trade Center on September 11, 2001; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FRANK:

H.R. 4165. A bill to provide for the liquidation or reliquidation of certain entries; to the Committee on Ways and Means.

By Mr. LARSEN of Washington:

H.R. 4166. A bill to exempt from duty certain entries of peanuts; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 163: Mr. CANTOR.

H.R. 292: Mr. ROTHMAN, Mr. MCINTYRE, Mr. MOLLOHAN, Mr. CLEMENT, Mr. HOLDEN, Mr. PASCRELL, and Mr. BALDACCI.

H.R. 356: Mr. EDWARDS.

H.R. 482: Mr. CUNNINGHAM.

H.R. 498: Mr. TURNER, Mr. WILSON of South Carolina, Mr. ETHERIDGE, Mr. MCKEON, and Mr. PICKERING.

H.R. 527: Mr. HILLIARD.

H.R. 600: Mr. LYNCH, Mr. OWENS, and Mr. FORD.

H.R. 632: Mr. BOYD.

H.R. 648: Mr. ADERHOLT.

H.R. 671: Mr. RUSH.

H.R. 697: Ms. SCHAKOWSKY.

H.R. 745: Mr. FALEOMAVAEGA, Mr. GORDON, and Mr. BONIOR.

H.R. 778: Ms. BERKLEY.

H.R. 822: Mr. MICA.

H.R. 898: Mr. FARR of California and Mrs. DAVIS of California.

H.R. 902: Mr. RUSH, Mr. GREEN of Texas, and Mr. LARSON of Connecticut.

H.R. 954: Mr. BONIOR.

H.R. 975: Mr. LEWIS of Georgia and Mr. SULLIVAN.

H.R. 1011: Mr. BERRY, Mr. WU, Ms. SCHAKOWSKY, Mr. KING, and Mr. GUTIERREZ.

H.R. 1097: Mr. WATKINS.

H.R. 1122: Mr. TOWNS, Mr. CLAY, Mr. FATTAH, and Ms. LEE.

H.R. 1167: Mr. PALLONE.

H.R. 1168: Mr. PRICE of North Carolina and Mr. PALLONE.

H.R. 1184: Mr. KNOLLENBERG, Ms. SLAUGHTER, Mr. BISHOP, Ms. BERKLEY, Mr. GREEN of Wisconsin, Mr. GIBBONS, Mr. FOLEY, Mr. MEEHAN, Mr. LYNCH, Mr. BERMAN, and Mr. STRICKLAND.

H.R. 1193: Mr. FALEOMAVAEGA and Ms. SOLIS.

H.R. 1287: Mr. HALL of Texas.

H.R. 1296: Mr. RADANOVICH and Mr. SCHAFFER.

H.R. 1362: Ms. LEE, Mr. ISRAEL, Mr. BARCIA, Mr. WAXMAN, Mr. MALONEY of Connecticut, and Mr. NADLER.

H.R. 1460: Mr. JOHNSON of Illinois.

H.R. 1556: Mr. FARR of California, Mr. HORN, and Mrs. BIGGERT.

H.R. 1604: Mr. BISHOP and Mr. KLECZKA.

H.R. 1609: Mr. OXLEY, Mr. THUNE, Mr. HAYES, and Mr. DEMINT.

H.R. 1724: Mr. PAUL.

H.R. 1731: Mr. CANTOR.

H.R. 1759: Mr. KIRK, Mr. LAHOOD, Mr. CUMMINGS, Mr. NETHERCUTT, and Mr. LARSEN of Washington.

H.R. 1795: Mr. BROWN of South Carolina and Mr. SHUSTER.

H.R. 1808: Mr. OWENS and Mr. FOLEY.

H.R. 1859: Mr. ISRAEL and Mr. LANGEVIN.

H.R. 1862: Ms. DELAURO, Mr. BAIRD, Mr. OLVER, and Mr. CROWLEY.

H.R. 1911: Mr. DINGELL.

H.R. 1948: Ms. MCCOLLUM.

H.R. 2009: Mr. HINOJOSA, Mr. HILLIARD, Mr. BENTSEN, Mr. CLAY, Mr. MASCARA, Mr. OBEY, Mr. MOLLOHAN, Mr. LIPINSKI, and Mr. PRICE of North Carolina.

H.R. 2023: Mr. GARY G. MILLER of California.

H.R. 2029: Mr. OXLEY.

H.R. 2037: Mr. BILIRAKIS, Mr. SULLIVAN, Mr. EHLERS, and Mr. ROGERS of Kentucky.

H.R. 2125: Mr. NEY.

H.R. 2129: Mr. HINOJOSA, Mr. BROWN of Ohio, Mr. FILNER, Mr. ANDREWS, Mr. PASTOR, and Mr. SIMMONS.

H.R. 2143: Mr. JOHNSON of Illinois.

H.R. 2290: Mr. GRUCCI.

H.R. 2316: Mr. UPTON, Mr. CANNON, and Mr. PAUL.

H.R. 2328: Ms. KILPATRICK.

H.R. 2349: Mr. RODRIGUEZ, Mr. SIMMONS, and Mr. MASCARA.

H.R. 2423: Mr. PETERSON of Minnesota.

H.R. 2484: Mr. MURTHA, Mr. MCHUGH, Mr. CONYERS, Mr. BARTLETT of Maryland, and Mr. GUTIERREZ.

H.R. 2638: Mr. CRAMER, Mrs. JOHNSON of Connecticut, Mr. HILLIARD, Mr. GORDON, Mr. PASCRELL, Mr. CARSON of Oklahoma, and Mrs. TAUSCHER.

H.R. 2674: Mr. UDALL of New Mexico and Mr. MCINTYRE.

H.R. 2763: Mr. NORWOOD.

H.R. 2820: Ms. ROYBAL-ALLARD and Ms. RIVERS.

H.R. 2837: Ms. BALDWIN.

H.R. 2868: Mr. MORAN of Virginia and Mr. EVANS.

H.R. 3025: Mr. GREEN of Texas.

H.R. 3029: Ms. WOOLSEY.

H.R. 3040: Mr. ANDREWS.

H.R. 3065: Mr. OWENS.

H.R. 3105: Mr. DREIER.

H.R. 3109: Mr. MALONEY of Connecticut, Mr. MURTHA, Mr. CAMP, Mr. FOLEY, Ms. HOOLEY of Oregon, Mr. OLVER, Mr. SIMMONS, Mr. RAMSTAD, and Mr. DOYLE.

H.R. 3113: Mr. HOEFFEL.

H.R. 3131: Ms. SANCHEZ, Ms. WOOLSEY, Mr. LANGEVIN, Mr. RADANOVICH, and Mr. SESSIONS.

H.R. 3166: Mr. LEACH.

H.R. 3185: Mr. TIERNEY, Mr. PASTOR, Mr. DIAZ-BALART, Mr. DEFAZIO, Mr. OLVER, Mr. DOYLE, Mr. LEVIN, Mr. SULLIVAN, Mr. LANGEVIN, Mr. KILDEE, Mr. LARSON of Connecticut, Ms. MCKINNEY, Ms. RIVERS, Mr. STUPAK, Mr. CARSON of Oklahoma, Mr. GORDON, Mr. REYES, Mrs. CLAYTON, Mr. LANTOS, Mr. HILLIARD, Mrs. JO ANN DAVIS of Virginia, and Mr. HASTINGS of Florida.

H.R. 3244: Mr. SCHIFF and Mrs. CUBIN.

H.R. 3250: Mr. TERRY, Mr. GRAHAM, Mrs. BONO, Mr. GUTKNECHT, Mr. MANZULLO, Mr. WALDEN of Oregon, Mr. LEACH, Mrs. CUBIN, Mr. ABERCROMBIE, Mr. JOHNSON of Illinois, Mr. HALL of Texas, Mr. WATKINS, and Ms. GRANGER.

H.R. 3258: Mr. YOUNG of Alaska.

H.R. 3273: Mr. WAMP and Mr. FRANK.

H.R. 3320: Mr. SIMMONS.

H.R. 3333: Mr. ROHRABACHER.

H.R. 3336: Ms. WATSON.

H.R. 3389: Ms. RIVERS.

H.R. 3443: Mr. DEFAZIO and Mr. GREEN of Wisconsin.

H.R. 3478: Mr. BROWN of South Carolina.

H.R. 3479: Mr. BEREUTER, Mr. NEY, Mrs. CAPITO, Mr. BOOZMAN, Mr. THUNE, and Mr. REHBERG.

H.R. 3586: Mr. WHITFIELD.

H.R. 3612: Mrs. JONES of Ohio, Mr. COYNE, Mr. HOEKSTRA, Mr. CLEMENT, Mr. BROWN of Ohio, Ms. SCHAKOWSKY, Mr. DOYLE, and Mr. GEORGE MILLER of Callifornia.

H.R. 3618: Mr. BALLENGER and Mr. SANDLIN.

H.R. 3624: Mrs. MALONEY of New York and Mr. ROTHMAN.

H.R. 3626: Mr. FALEOMAVAEGA.

H.R. 3644: Ms. LEE.

H.R. 3686: Mr. KERNS.

H.R. 3717: Mr. HILL and Mr. BAIRD.

H.R. 3729: Mrs. DAVIS of California, Mrs. MEEK of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. NAPOLITANO, Ms. CARSON of Indiana, Mr. LIPINSKI, Ms. DELAURO, Mr. UNDERWOOD, and Mr. FARR of California.

H.R. 3731: Mr. COSTELLO.

H.R. 3768: Mr. STUPAK.

H.R. 3775: Mr. BENTSEN, Mr. HALL of Texas, and Mr. GREEN of Texas.

H.R. 3792: Mr. TRAFICANT, Mr. MATSUI, Mr. THOMPSON of Mississippi, Mr. GRUCCI, Mr. SWEENEY, Mrs. JONES of Ohio, Ms. BROWN of Florida, and Mr. PASCRELL.

H.R. 3798: Mr. BARR of Georgia.

H.R. 3799: Mr. TANCREDO and Mr. BALLENGER.

H.R. 3831: Mr. DINGELL, Mr. EDWARDS, Mr. ENGLISH, Mr. ISAKSON, Mr. FRELINGHUYSEN, Mr. OWENS, Ms. RIVERS, Mr. SIMPSON, and Mr. BOOZMAN.

H.R. 3833: Mr. MCGOVERN.

H.R. 3834: Mr. FRANK, Mr. BROWN of South Carolina, Ms. WATSON, Mr. BACA, Mr. BOEHLERT, Mr. OWENS, Mr. BRADY of Pennsylvania, and Mr. FALEOMAVAEGA.

H.R. 3857: Mr. UDALL of Colorado.

H.R. 3884: Mr. UDALL of Colorado, Mr. COSTELLO, and Ms. MCKINNEY.

H.R. 3889: Mr. BAIRD, Mr. STUPAK, Mr. OWENS, and Ms. WATSON.

H.R. 3940: Mr. CLEMENT.

H.R. 3957: Mr. TIAHRT, Ms. ROS-LEHTINEN, Mr. COOKSEY, Mr. BOEHLERT, and Mr. GRAVES.

H.R. 3968: Mr. MCNULTY, Ms. HART, Mr. SCHAFFER, Mr. PENCE, Mr. SOUDER, and Mrs. ROUKEMA.

H.R. 3972: Mr. SMITH of New Jersey, Mr. FOLEY, Ms. BROWN of Florida, Mr. CHAMBLISS, Mr. PICKERING, Mr. EVANS, Mr. SCHAFFER, and Mr. ENGLISH.

H.R. 3973: Mr. SMITH of New Jersey, Mr. FOLEY, Ms. BROWN of Florida, Mr. CHAMBLISS, Mr. PICKERING, Mr. EVANS, Mr. SCHAFFER, and Mr. ENGLISH.

H.R. 3990: Mr. FOSSELLA, Mrs. TAUSCHER, Mr. LYNCH, Mr. SANDERS, Mr. GILMAN, Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, Ms. BROWN of Florida, Ms. ROS-LEHTINEN, Mr. PENCE, Mr. FROST, Mr. FRANK, and Mr. FILNER.

H.R. 4002: Mr. FROST, Mr. LYNCH, Mr. PAUL, Mr. TOWNS, Ms. MILLENDER-MCDONALD, Mr. OWENS, Ms. WOOLSEY, and Ms. NORTON.

H.R. 4003: Mr. SCHIFF.

H.R. 4008: Mr. LYNCH and Mr. WYNN.

H.R. 4013: Mr. MCGOVERN, Mr. HORN, Mr. SMITH of New Jersey, Ms. MCKINNEY, Mrs. MORELLA, Mr. WYNN, Mr. GREEN of Texas, Mr. TOWNS, Mr. FRANK, Mr. LYNCH, Mr. PALLONE, Ms. RIVERS, Mrs. CAPPS, Mr. GEORGE MILLER of California, and Ms. DEGETTE.

H.R. 4014: Ms. DEGETTE.

H.R. 4018: Mrs. TAUSCHER.

H.R. 4025: Mrs. CHRISTENSEN.

H.R. 4026: Mr. OWENS.

H.R. 4027: Mr. GILLMOR, Ms. LOFGREN, Mr. MORAN of Kansas, Mr. NETHERCUTT, Mr. SKELTON, and Mr. BACA.

H.R. 4039: Mr. FILNER, Mr. GILMAN, Mr. HOYER, Mr. LATOURETTE, Mr. OLVER, and Mr. SHERMAN.

H.R. 4066: Mr. ABERCROMBIE, Mr. BALDACCI, Mr. FRELINGHUYSEN, Ms. DEGETTE, Ms. WOOLSEY, Mr. KLECZKA, Mrs. DAVIS of California, Mr. STRICKLAND, Mr. SANDLIN, Mr. MEEKS of New York, and Mr. ACKERMAN.

H.R. 4098: Mr. RANGEL, Ms. KILPATRICK, and Mr. BONIOR.

H.R. 4108: Mr. COX.

H.J. Res. 21: Mr. KUCINICH.

H.J. Res. 23: Mr. MICA.

H.J. Res. 41: Mr. KINGSTON, Ms. PRYCE of Ohio, Mr. CANTOR, Mr. FERGUSON, Mr. FLETCHER, Mr. VITTER, Mr. UPTON, Mr. WILSON of South Carolina, and Mr. PENCE.

H. Con. Res. 169: Mr. LYNCH and Mr. STUPAK.

H. Con. Res. 222: Mr. ISRAEL.

H. Con. Res. 260: Mr. BISHOP.

H. Con. Res. 271: Mr. CRANE, Mr. MCKEON, Mr. JONES of North Carolina, Mr. CHAMBLISS, and Mr. TERRY.

H. Con. Res. 290: Mr. CLYBURN, Mr. WYNN, Ms. WATERS, Ms. CARSON of Indiana, Mr. CUMMINGS, Mrs. NAPOLITANO, Mr. DAVIS of Florida, and Mr. FILNER.

H. Con. Res. 291: Mr. WAXMAN and Mr. OWENS

H. Con. Res. 301: Mr. SIMMONS, Mr. FOSSELLA, Mrs. ROUKEMA, Mr. TERRY, and Mr. BROWN of South Carolina.

H. Con. Res. 302: Mr. FROST and Ms. BROWN of Florida.

H. Con. Res. 314: Mr. DIAZ-BALART and Mr. OWENS.

H. Con. Res. 315: Mr. DOOLITTLE, Mr. LEWIS of Kentucky, and Mr. SOUDER.

H. Con. Res. 346: Mr. HINCHEY and Mr. MCNULTY.

H. Con. Res. 350: Mr. GARY G. MILLER of California, Mr. CLEMENT, Mr. HILLEARY, Mr. GOODE, Mr. SCHAFFER, Mr. BILIRAKIS, Mr. SESSIONS, Mr. NETHERCUTT, Mr. AKIN, Mr. RAMSTAD, Mrs. ROUKEMA, and Mr. STUMP.

H. Con. Res. 363: Mr. ENGLISH.

H. Con. Res. 369: Mr. CANTOR.

H. Res. 50: Ms. LEE, Mr. DAVIS of Illinois, Mr. FATTAH, Mr. ENGEL, Mr. TOWNS, Ms. WATSON, Mrs. JONES of Ohio, Mr. CLAY, and Ms. CARSON of Indiana.

H. Res. 126: Mr. ENGEL, Mr. TOWNS, Mr. CLAY, and Ms. CARSON of Indiana.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3694: Mr. HOYER.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 3762

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: Insert at the appropriate place the following new section:

SEC. . IMMEDIATE WARNING OF EXCESSIVE STOCK HOLDINGS.

(a) IN GENERAL.—Section 105 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1025) is amended by adding at the end the following new subsection:

"(e)(1) In any case in which the plan administrator of an individual account plan is in receipt of information indicating that the individual account of any participant is excessively invested in such securities, the plan administrator shall periodically, but not less frequently than quarterly, provide to the participant a separate, written statement—

"(A) indicating that the participant's account is excessively invested in employer securities,

"(B) setting forth an explanation, written in a manner calculated to be understood by the average plan participant, of the importance, for the long-term retirement security of participants and beneficiaries, of a well-balanced and diversified investment portfolio, including a discussion of the risk of holding substantial portions of a portfolio in the security of any one entity, such as employer securities, and

"(C) referring the participant to investment education materials which shall be made available by or under the plan.

The requirement to provide such periodic statement shall not apply during any period for which the plan administrator is made aware that such participant's account is not excessively invested in employer securities.

"(2) For purposes of paragraph (1), a participant's account is 'excessively invested' in employer securities if at least 25 percent of the balance in such account is invested in employer securities (as defined in section 407(d)(1)).".

(b) CIVIL PENALTIES FOR FAILURE TO PROVIDE QUARTERLY BENEFIT STATEMENTS.—Section 502 of such Act (29 U.S.C. 1132) is amended—

(1) in subsection (a)(6), by striking "(5), or (6)" and inserting "(5), (6), or (7)";

(2) by redesignating paragraph (7) of subsection (c) as paragraph (8); and

(3) by inserting after paragraph (6) of subsection (c) the following new paragraph:

"(7) The Secretary may assess a civil penalty against any plan administrator of up to $1,000 a day from the date of such plan administrator's failure or refusal to provide participants or beneficiaries with a separate, written statement on a timely basis under section 105(e).".

(c) MODEL STATEMENTS.—The Secretary of Labor shall, not later than January 1, 2003, issue initial guidance and a model benefit statement, written in a manner calculated to be understood by the average plan participant, that may be used by plan administrators in complying with the requirements of section 105(e) of the Employee Retirement Income Security Act of 1974. The Secretary may promulgate such interim final rules as the Secretary determines are appropriate to carry out the amendments made by this section.

H.R. 3762

OFFERED BY: MR. ROEMER

AMENDMENT NO. 2: Insert at the appropriate place the following new section:

SEC. . CLEAR AND ACCURATE DESCRIPTION OF PENSION PLAN TERMS AND CONDITIONS.

Section 104(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1024(a)) is amended by adding at the end the following new paragraph:

"(7) All materials described in this subsection which are required to be furnished to pension plan participants or beneficiaries or which are required to be made available for inspection by such participants and beneficiaries shall be written in clear and accurate language designed to be understood by the average plan participant.".

SENATE—*Wednesday, April 10, 2002*

The Senate met at 9:16 a.m. and was called to order by the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God of Hope, we praise You that You have vanquished the forces of death and given those who believe in Your resurrection power the assurance that this life is but a small part of eternity. We join with the British people in profound gratitude for the long life and encouraging inspiration of Queen Elizabeth, the Queen Mother. Her death came as no conqueror in the end; she rose to meet You, her Eternal Friend. She bestrode the twentieth century with charm, and virtue, and principle, and vibrant faith in You. We will never forget her smile, her inclusive affirmation of each person she met, and her courage through the sea of trouble that engulfed a century of two world wars.

Thank You for her wit, steeliness of character, and the way she lived life to the fullest, one day at a time, with unfailing trust in You. May the example of this loyal Scot, Queen Mum, a truly great woman encourage us all as we join with people everywhere in honoring the memory of this woman who royally expressed a common touch and a genuine enjoyment of life. Through the One who is the Resurrection and the Life, now and forever. Amen.

PLEDGE OF ALLEGIANCE

The Honorable DANIEL K. AKAKA led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 2002.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable DANIEL K. AKAKA, a Senator from the State of Hawaii, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. AKAKA thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Nevada is recognized.

SCHEDULE

Mr. REID. Mr. President, shortly we shall return to debate on the Feinstein derivatives amendment. That debate will take place until a quarter of 10 today. At that time, the Senate will proceed to vote on the motion to invoke cloture on Senator FEINSTEIN's amendment.

We expect Senator CRAIG this morning we have been told—will offer an amendment relating to the renewables section of the underlying bill. We hope as soon as that measure is fully debated we will vote in relation thereto.

There will be votes during today's proceedings. As has been indicated by the majority leader, he has every hope we can finish this bill soon. This is now the 16th day we have been on this legislation. I certainly hope we can move to conclusion at an early date.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now resume consideration of S. 517, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 and 2006, and for other purposes.

Pending:

Daschle/Bingaman further modified amendment No. 2917, in the nature of a substitute.

Feinstein modified amendment No. 2989 (to amendment No. 2917), to provide regulatory oversight over energy trading markets and metals trading markets.

Kerry/McCain amendment No. 2999 (to amendment No. 2917), to provide for increased average fuel economy standards for passenger automobiles and light trucks.

Dayton/Grassley amendment No. 3008 (to amendment No. 2917), to require that Federal agencies use ethanol-blended gasoline and biodiesel-blended diesel fuel in areas in which ethanol-blended gasoline and biodiesel-blended diesel fuel are available.

Lott amendment No. 3028 (to amendment No. 2917), to provide for the fair treatment of Presidential judicial nominees.

Landrieu/Kyl amendment No. 3050 (to amendment No. 2917), to increase the transfer capability of electric energy transmission systems through participant-funded investment.

Graham amendment No. 3070 (to amendment No. 2917), to clarify the provisions relating to the Renewable Portfolio Standard.

Reid modified amendment No. 3081 (to amendment No. 2989), in the nature of a substitute. (By 40 yeas to 59 nays (Vote No. 60), Senate earlier failed to table the amendment.)

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 9:45 a.m. shall be equally divided and controlled in the usual form.

The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield myself 5 minutes from the time on this side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, the majority leader and the distinguished majority whip have often mentioned the fact that we have not called up the ANWR amendment yet. I am here to say we are almost ready to do that. The reason we have not brought it forth so far, of course, is the stated objective of Members of the other side of the aisle to filibuster this amendment and to require us to have 60 votes in order for its adoption. We will lay it down right now if the leadership will agree we can have an up-or-down vote on the amendment.

This is not a normal procedure where the leader states categorically that there is an intention of the majority to require 60 votes for an amendment to pass.

I intend later today to distribute to every desk a copy of a letter of July 3, 1980 that was signed by Senator Henry M. Jackson, chairman of the Interior and Insular Affairs Committee, and Mark Hatfield, ranking minority member, concerning the Alaska lands bill that was before the Senate at that time.

These two Senators were leaders of the Senate on the Alaska lands legislation and it is important for the Senate to read this letter. I will read a portion of it at this time. The portion I will read concerns the amendment which gives us the right to proceed with development of the Arctic plain. They wrote:

> While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in its time of energy crisis.

They went on to write:

> Instability of certain nations abroad repeatedly emphasizes our need for stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by this amendments. That is simply too high a price for this nation to pay.

Further from the letter:

> We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, far-away area. It is a compelling national issue which demands the balanced solution crafted to by the Energy and Natural Resources Committee.

Seven years earlier my colleague, Senator Gravel, and I presented an amendment to authorize the immediate construction of the Alaska pipeline. That amendment first ended up in a vote of 49–48. We had won that amendment. On a reconsideration, the vote was 49–49, and the then Vice President cast a "yea" vote, and the amendment was finally agreed to on the second vote.

I yield myself 2 more minutes.

My point in raising this before the Senate this morning is that on the Alaska pipeline there was no threat of a filibuster. Despite the fact that the then majority leader, Senator Mansfield, and the chairman of the committee, Senator Jackson, opposed our amendment for the immediate construction of the pipeline, there was no filibuster.

We should not have a filibuster on the amendment that is going to be offered by my colleague Senator MURKOWSKI and myself on this bill to proceed now to the exploration and development of the 1.5 million acres on the Arctic plain. It is still a national defense issue. I hope to raise that again and again. In times of national security crisis, there should not be a filibuster against a proposal to make available to this Nation additional oil and gas resources.

I ask unanimous consent that the letter I cited of July 3, 1980 and the CONGRESSIONAL RECORD showing the affairs of the Senate on July 17, 1973 on those two votes, 295 and 296, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC, July 3, 1980.

DEAR COLLEAGUE: In this year of sharply heightened national concern over the economy, energy and national defense, the Senate is about to consider Alaska lands legislation—an issue which would have a profound effect on each of these vital subjects.

We write to ask for your full support of the Alaska lands bill approved by the Energy and Natural Resources Committee. After extensive hearings, study and mark-up, the Committee approved this bill by an overwhelming and bi-partisan vote of 17–1.

The Committee bill is a balanced, carefully crafted measure which is both a landmark environmental achievement and a means of protecting the national interest in the future development of Alaska and its vital resources. The bill more than doubles the land area designated by Congress as part of the National Park and National Wildlife Refuge systems; it triples the size of the National Wilderness Preservation system. It protects the so-called Crown Jewels of Alaska. At the same time, it preserves the capability of that mammoth state to contribute far beyond its share to our national energy and defense needs.

A series of five major amendments to the bill and an entire substitute for it will be offered on the Senate floor. The amendments in total would make the bill virtually an equivalent of the measure approved last year by the House. Each amendment in its own way would destroy the balance of the bill.

While the bill is a gigantic environmental accomplishment, it also is crucial to the nation's attempt to achieve energy independence. One-third of our known petroleum reserves are in Alaska, along with an even greater proportion of our potential reserves. Actions such as preventing even the exploration of the Arctic Wildlife Range, a ban sought by one amendment, is an ostrich-like approach that ill-serves our nation in this time of energy crisis.

Instability of certain nations abroad repeatedly emphasizes our need for a stronger domestic supply of strategic and critical minerals. Each of the five proposed amendments would either restrict mineral areas from development or block effective access to those areas. Four of the seven world-class mineral finds in Alaska would be effectively barred from development by the amendments. That simply is too high a price for this nation to pay.

Present and potential employment both in Alaska and in the other states would be significantly damaged if the committee bill is amended. Cutting off development of the four mineral finds discussed above would alone cost thousands of potential jobs, many of them in the Lower 48 states. The amendment on national forests would eliminate up to 2,000 jobs in the southeast Alaska timber-related economy.

We urge you to focus on the central fact that the Alaska lands bill is not just an environmental issue. It is an energy issue. It is a national defense issue. It is an economic issue. It is not an easy vote for one constituency that affects only a remote, far-away area. It is a compelling national issue which demands the balanced solution crafted by the Energy and Natural Resources Committee.

We look forward to your support.

Cordially,

MARK O. HATFIELD,
Ranking Minority Member.
HENRY M. JACKSON,
Chairman.

EXCERPT FROM THE CONGRESSIONAL RECORD OF JULY 17, 1973

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska (Mr. GRAVEL) No. 226, as modified. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from California (Mr. CRANSTON) is necessarily absent.

I further announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

The yeas and nays resulted—yeas 49, nays 48, as follows:

[No. 295 Leg.]

YEAS—49

Biden
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Hartke
Helms
Hollings
Hruska
Huddleston
Inouye
Johnston
Long
McClellan
McGee
Nunn
Randolph
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—48

Abourezk
Aiken
Bayh
Biden
Buckley
Burdick
Case
Chiles
Church
Clark
Cook
Dole
Eagleton
Fulbright
Gurney
Hart
Haskell
Hatfield
Hathaway
Hughes
Humphrey
Jackson
Javits
Kennedy
Mansfield
Mathias
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Stafford
Stevenson
Symington
Tunney
Williams

NOT VOTING—3

Cranston
Magnuson
Stennis

The VICE PRESIDENT. On this vote, the yeas are 49, the nays 48. The amendment is agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the galleries.

Mr. FANNIN. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The galleries will be in order.

The question is on agreeing to the motion to reconsider (putting the question). The noes appear to have it.

Mr. CASE. Mr. President, I ask for the yeas and nays on the motion.

The yeas and nays were ordered.

Mr. HUMPHREY. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. HUMPHREY. Mr. President, are we voting on a motion to table or on the motion to reconsider?

The VICE PRESIDENT. The Senate is voting on the motion to reconsider.

Mr. HUMPHREY. On the rollcall vote?

Mr. LONG. Mr. President, are we voting on the motion to reconsider or on the motion to lay on the table?

The VICE PRESIDENT. The Senate is voting on the motion to reconsider.

Mr. LONG. Mr. President, I move to table the motion to reconsider.

The VICE PRESIDENT. The question is on agreeing to the motion to table the motion to reconsider.

Mr. CASE. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion to table the motion to reconsider. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Washington (Mr. MAGNUSON) is absent on official business.

I also announce that the Senator from Mississippi (Mr. STENNIS) is absent because of illness.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

The yeas and nays resulted—yeas 49, nays 49, as follows:

[No. 296 Leg.]

YEAS—49

Allen
Baker
Bartlett
Beall
Bellmon
Bennett
Bentsen
Bible
Brock
Brooke
Byrd, Harry F., Jr.
Byrd, Robert C.
Cannon
Cotton
Curtis
Domenici
Dominick
Eastland
Ervin
Fannin
Fong
Goldwater
Gravel
Griffin
Hansen
Hartke
Helms
Hollings
Hruska
Huddleston
Inouye
Johnston
Long
McClellan
McGee
Nunn
Randolph
Saxbe
Schweiker
Scott, Pa.
Scott, Va.
Sparkman
Stevens
Taft
Talmadge
Thurmond
Tower
Weicker
Young

NAYS—49

Abourezk
Aiken
Bayh
Biden
Buckley
Burdick
Case
Chiles
Church
Clark
Cook
Cranston
Dole
Eagleton
Fulbright
Gurney
Hart
Haskell
Hatfield
Hathaway
Hughes
Humphrey
Jackson
Javits
Kennedy
Mansfield
Mathias
McClure
McGovern
McIntyre
Metcalf
Mondale
Montoya
Moss
Muskie
Nelson
Packwood
Pastore
Pearson
Pell
Percy
Proxmire
Ribicoff
Roth
Stafford
Stevenson
Symington
Tunney
Williams

NOT VOTING—2

Magnuson
Stennis

The VICE PRESIDENT. On this question, the yeas are 49, and the nays are 49. The Vice President votes "Yea." The motion to lay on the table is agreed to.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Nevada.

Mr. REID. Mr. President, I say to my friend, there is not a Senator in the Senate I have more respect for than the senior Senator from Alaska. I consider him a friend and certainly always a worthy advocate. On this issue relating to the energy bill now before the Senate, however, to have my friend and his colleague, the junior Senator from Alaska, say that they are interested in going forward, that they would have had a vote on this immediately if, in fact, we didn't use the rules of the Senate, of course, the rules of the Senate are what have guided this institution for so many years. I really don't know how many votes there are. Each side has around 50 votes. That is the way this will turn out, if there is a vote on the ANWR issue.

Regarding his logic that there should be, in a time of national crisis, nothing done to prevent the Congress from thwarting anything that would bring us more oil, the way to do that would have been to support the CAFE standards legislation we debated on this legislation. That would have brought certainly millions of barrels of new supply to this country by not having us use this oil.

As we have discussed many times, the United States cannot produce its way out of the crisis we are in. We should do everything we can to increase the natural gas and other drilling oil supplies. There is no question about that. But there is a real debate taking place in this country as to whether or not we should drill in the Alaskan wilderness. Although I am from Nevada a State that is very sparsely populated, I think the Senator from Alaska raised some interesting points about certain promises that were made to the Senator from Alaska and the Alaskan delegation many years ago. It is something we all need to take a look at.

But we have a debate that has been ongoing for many years. This isn't something that just came up during this bill. I look forward to the debate on ANWR. I think there are people who honestly have not made up their minds yet. It is a handful of people, but some have not made up their minds yet. So I hope that the Alaskan delegation will offer this amendment as quickly as possible. I think that is the main thing holding up the final movement of this legislation.

I spoke to the junior Senator from Alaska yesterday, and I don't think it would be appropriate for someone else to offer the ANWR amendment—for example, a House version, or some other comparable version. I think it should be done by the Senators from Alaska or Senators with whom they want to join.

So I hope that in the next little bit—whether it is tonight or tomorrow, but in the immediate future—this amendment will be offered. Otherwise, it is my understanding that others who may not be advocates for ANWR will offer it just to move the debate along.

Mr. President, it is my understanding that the vote will occur at 9:45. That will be on the Feinstein amendment.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. REID. I see the Senator from California is here.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

AMENDMENT NO. 2989

Mrs. FEINSTEIN. Mr. President, I rise to urge my colleagues to support the cloture motion on the amendment that is now pending. This amendment essentially would close what I call the Enron loophole, which allows certain areas of trading to go without any oversight or regulation. The amendment has been out there for 5 weeks now. Hopefully, that was more than enough time for Senators to give it due consideration. There has been lobbying for the amendment on both sides.

This is what the amendment does. It essentially provides antifraud and antimanipulation authority to the Commodity Futures Trading Commission for all energy trades online, when there is no physical delivery. The amendment subjects all energy platforms—trading platforms—to the same levels of oversight they had before the 2000 Commodity Futures Modernization Act, which was changed at the final hour by Enron to include an exemption for energy trading. This means these trades exchanges would, once again, have to file with the CFTC. They would have to provide price transparency, maintain capital commensurate with risk, as decided by the CFTC. All the things that Enron did online essentially provided this giant loophole.

Mr. President, if I trade natural gas to you and deliver it to you, we are covered by the Federal Energy Regulatory Commission. But if I don't deliver the gas to you but a number of trades take place in the interim, none of these trades are covered by anybody. There is no antifraud; there is no antimanipulation oversight; I don't have to keep any record; there is no audit trail; and I don't have to have sufficient capital based on the risk I am taking. All of these things are covered by this amendment.

This amendment essentially closes a loophole, and that loophole is that if you trade online, there is no oversight, or there is no antifraud or antimanipulation authority. So it is my hope that the Senate will provide cloture. It is my hope that we will be able to close this loophole.

The amendment is supported by a number of groups. It is fair to say there is intense lobbying on both sides. I view this amendment as being on the side of the angels. It is very hard for me to understand why because you trade derivatives on an electronic platform—meaning online—that you are able to escape any form of oversight. I think this kind of situation does not breed security in the marketplace, does not give confidence to investors. So I hope there are 60 votes present for this amendment.

I reserve the remainder of my time and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, I have limited time and I am not going to get into a dispute about facts, or about what is and what isn't a loophole, or whether these instruments have ever been regulated because they have not. But the reason that debate should not be brought to an end here is about as simple as any argument could be for continuing to try to find a compromise. The entire financial sector of the American economy—every bank, every securities company, every insurance company in America—is opposed to this amendment. The Federal Reserve Board and Chairman Alan Greenspan are opposed to this amendment; not to what the Senator is trying to do, but to what the amendment does.

The Securities and Exchange Commission Chairman has spoken out adamantly in opposition to this amendment. The Chairman of the Commodities Futures Trading Commission—the very agency that would be empowered with new authority under this amendment—has spoken out and written letters and argued that these areas represent very complicated financial transactions, and that we need to take a look at unintended consequences.

What I hope will happen today is that we will deny cloture. There has been no filibuster on this amendment. We have continued to process other amendments. There have been two good-faith efforts to reach a compromise. Alan Greenspan has sent a letter to every Member of the Senate saying that he believes the ability to hedge risk through derivatives has been a major factor in preventing our downturn from becoming a recession. He said that this market is a major factor in the underlying strength of the economy, and he believes it could be jeopardized by this amendment.

So I believe we should sit down and try to work out an amendment that Alan Greenspan believes is safe for the American economy. I don't know who we are putting under the heading of angels, in the words of the Senator from California, but when we are talking about jobs, growth, opportunity and responsibility in America, if Alan Greenspan doesn't fall under the heading of angel, I don't know who does. The point is, this amendment needs more work.

Let me tell you what everybody involved in the debate agrees on: Number one, they agree that the CFTC should have access to data, that data should be maintained to allow the reconstruction of individual transactions for up to five years. That is what is required under the Commodity Futures Trading Commission jurisdiction under current law. Everybody agrees that the Commission ought to be able to intervene if there is evidence of fraud or price manipulation. Where the disagreement and differences occur—and these three points represent 95 percent of the things that the proponents of this amendment say they are for—are in other areas that are generally unintended. I understand that this is a very complicated issue. There is one member of this chamber who claims to know what a derivative is. I do not claim to know what a derivative is. I have tried, as former chairman of the Banking Committee, to understand these transactions. But when you have a $75 trillion market out there for very complicated financial instruments, you don't want to tamper with it unless you know what you are doing.

You do not want unintended consequences when you are dealing with $75 trillion of economic underpinning that holds up the very structure of the American economy. That is what this amendment is putting at risk.

I urge my colleagues to vote against forcing a vote on this amendment and give us an opportunity to try to write something that Alan Greenspan, the Chairman of the SEC, and the Chairman of the CFTC—the people we have entrusted to make these decisions—are comfortable with and can support.

I believe we can achieve 95 percent of the objectives of the Senator from California without endangering the very financial underpinnings of the American economy. But I believe they are endangered—as Alan Greenspan says, as the Secretary of the Treasury says, as banks, security companies and insurance companies across the land say—by the amendment as it is now written.

I urge my colleagues to vote no. It would be my full intention if a "no" vote prevails to again sit down with the Senator from California and work out a compromise that will solve her problem without creating others.

Mr. GRASSLEY. Mr. President, I rise today to express my opposition to the pending Feinstein amendment concerning modifications to the Commodity Futures Modernization Act of 2000.

The passage of the Commodity Futures Modernization Act only a year and a half ago has provided legal certainties that I believe have resulted in increased market participation, greater transparency and heightened market liquidity.

I agree there are lessons we can learn from Enron's collapse, particularly with respect to accountability issues. I share in my colleagues' outrage over these events, and truly feel for the workers and innocent investors who lost their jobs and life savings.

There are legislative actions that we in Congress can take to ensure that similar corporate failures aren't allowed to fester elsewhere, In fact, as the ranking member on the Senate Finance Committee, I've taken steps to do something about a number of tax and pension related problems that have been exposed by the Enron collapse.

However, as regulatory agencies continue to investigate Enron's over-the-counter derivatives activities, Congress must exercise caution when considering a legislative fix to a problem that has yet to be clearly identified. Without the benefit of the results and recommendations of these investigations, any legislative action will surely be premature.

The Secretary of the Treasury, the Chairman of the Federal Reserve, the Chairman of the Securities and Exchange Commission, and the Chairman of the Commodity Futures Trading Commission oppose adoption of this amendment because of the lack of opportunity for a full review, as well as the absence of any determination that energy derivatives played a role in the collapse of Enron.

I also have concerns that this amendment has not been thoroughly and thoughtfully reviewed by the appropriate committees of jurisdiction. The Senate Agriculture Committee, which I served on when the Commodity Futures Modernization Act was considered, addressed the issue of the uncertainties with respect to over-the-counter derivatives. The lack of hearings and analysis by the Senate Agriculture Committee prior to the consideration of this amendment is unfortunate.

I therefore oppose this hastily drafted amendment, and will formally request that the chairman of the Senate Agriculture Committee thoroughly analyze, and if necessary, conduct hearings on the results and recommendations of the numerous agency investigations concerning the regulation of over-the-counter derivatives.

The ACTING PRESIDENT pro tempore. The Senator's time has expired. Who yields time?

Mrs. FEINSTEIN. Mr. President, how much time is remaining?

The ACTING PRESIDENT pro tempore. Three minutes 50 seconds remain.

Mrs. FEINSTEIN. I yield the remainder of my time to the Senator from New Jersey.

The ACTING PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. CORZINE. Mr. President, I will split the time with the Senator from Illinois if that is OK with the Senator from California.

Mrs. FEINSTEIN. Absolutely.

Mr. CORZINE. Mr. President, I wish to make a couple of simple points. First, this amendment brings forward fairly simple, straightforward oversight functions that are typical in every financial market in which I have ever participated and in which I spent 30 years of my life working, and that is antifraud, price manipulation and transparency rules that are fundamental to making the depth and breadth of the financial markets work. We have great financial markets in America. This amendment accomplishes bringing that to bear in this energy market.

In fact, since this amendment was originally offered, there has been an enormous number of attempts to make sure it does not impact that $75 trillion market about which the Senator from Texas talked. It exempts financial futures, equities, currencies, and debt instruments from any of the legal constraints. I think it has been adjusted to address most of the concerns I certainly have heard from my friends with whom I used to work in the financial sector.

It is very clear in small, confined markets where there is not the depth and breadth that price manipulation is a very real possibility. As a matter of fact, it was cited in the 1999 President's Working Group on Financial Instruments, including Alan Greenspan, that at that point energy markets were narrow enough so as to cause problems. We ought to move forward in response to the kinds of problems we have seen at Enron. I hope Members will vote for cloture.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Illinois is recognized.

Mr. FITZGERALD. May I inquire how much time remains?

The ACTING PRESIDENT pro tempore. One minute 20 seconds.

Mr. FITZGERALD. I thank the Chair.

Mr. President, I think I can sum up in that short period of time. I urge all my colleagues to support this amendment. It is a very good amendment, and most of the arguments I have heard about it on the other side, in my judgment, are not true. The bill will have no chilling effect on the financial derivatives market.

It does not apply to purely financial derivatives, and there is an important public policy reason for this. We are trying to comport our commodity futures laws in this country to comply with the principles laid down by the President's working group in the last couple of years. Somehow when we passed the Commodity Futures Modernization Act last year, at the end, a mysterious rifleshot exemption that applied to a handful of commodity trading firms that trade online. It is not quite clear where it came from, but it creates an uneven regulatory playing field where certain firms have a narrow exemption, there is no transparency in their markets, and they are not reporting volume or open interest. In my judgment, it is important to consumers of these online exchanges to have that information available to them.

It is possible that a client can be ripped off on an online exchange, and the transparency created by this amendment will solve that problem.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. FITZGERALD. I thank the Chair. I urge my colleagues to vote with Senator FEINSTEIN, Senator CORZINE, and myself in favor of cloture.

CLOTURE MOTION

The ACTING PRESIDENT pro tempore. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion which the clerk will state.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the Feinstein amendment No. 2989 to the substitute amendment for Calendar No. 65, S. 517, the energy bill.

Dianne Feinstein, Byron L. Dorgan, H.R. Clinton, Daniel K. Akaka, Paul D. Wellstone, Edward M. Kennedy, Bob Graham, Carl Levin, Bill Nelson, Debbie Stabenow, Maria Cantwell, Harry Reid, Russell Feingold, Ron Wyden, Richard Durbin, James M. Jeffords.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the Feinstein amendment No. 2989 to S. 517, the Energy Policy Act, shall be brought to a close? The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

Mr. NICKLES. I announce that the Senator from Pennsylvania (Mr. SPECTER) is necessarily absent.

The PRESIDING OFFICER (Mr. MILLER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 48, nays 50, as follows:

[Rollcall Vote No. 61 Leg.]

YEAS—48

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Byrd
Cantwell
Carnahan
Carper
Cleland
Clinton
Conrad
Corzine
Daschle
Dayton
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Leahy
Levin
Lieberman
McCain
Mikulski
Murray
Nelson (FL)
Reed
Reid
Rockefeller
Sarbanes
Schumer
Stabenow
Torricelli
Wellstone
Wyden

NAYS—50

Allard
Allen
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee
Cochran
Collins
Craig
Crapo
DeWine
Domenici
Ensign
Enzi
Frist
Gramm
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Landrieu
Lincoln
Lott
Lugar
McConnell
Miller
Murkowski
Nelson (NE)
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—2

Baucus
Specter

The PRESIDING OFFICER. On this vote, the yeas are 48, the nays are 50. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GRAMM. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. It is my understanding the Senator from Idaho is ready to offer an amendment which we have talked about since yesterday—and that is very appropriate. But I am wondering if we could have agreement—I do not see him in the Chamber now—but with the Senator from Alaska, who is working this bill with the Senator from New Mexico, to have a time for filing amendments. I suggest sometime this afternoon or early evening.

The PRESIDING OFFICER. The Senate will be in order. Please give the Senator your attention. The Senate will be in order.

Mr. REID. I have spoken with Senator BINGAMAN. He agrees that would be a good idea. I hope those on the other side also agree it is a good idea. No one cares how many amendments at this stage, but we should have a specific time for filing these amendments. We hope we can offer a unanimous consent agreement in the near future to set that time.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I call up amendment No. 3047 and ask for its consideration.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Will my friend withhold?

Mr. CRAIG. Yes.

Mr. REID. If the Senator will withhold just for a brief minute?

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENT NO. 2989, WITHDRAWN

Mrs. FEINSTEIN. Mr. President, I rise to withdraw the amendment on which we just voted, amendment No. 2989.

The PRESIDING OFFICER. The amendment is No. 2989, as modified. The Senator has that right.

Mrs. FEINSTEIN. Thank you, Mr. President.

The PRESIDING OFFICER. The amendment is withdrawn.

The Senator from Idaho.

AMENDMENT NO. 3047

Mr. CRAIG. Mr. President, I called up the amendment No. 3047. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 3047.

Mr. CRAIG. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in the RECORD of March 21, 2002, under "Amendments Submitted.")

Mr. CRAIG. Mr. President, I rise after a great deal of consideration as to the amount of work that has been done on this energy bill by the chairman of the full committee and by a good number of interests. My colleague from Wyoming is on the floor. He spearheaded a group dealing specifically with title II, the electricity title, of this very large and important bill. He labored mightily over that. I was involved, and my staff was involved, in some of those discussions.

But the reality became clear to me and others that the electrical title of this bill is such a very complicated, extended title—attempting to rework and amend years and years of law and public policy that has built up, that has driven the capitalization of the largest electricity industry in the world and, frankly, one of the best—that without the kinds of detailed hearings that must come before a full committee of energy, we could not effectively and responsibly write this title in this Chamber.

I have opined on many occasions here that this bill did not get the treatment of the committee, it did not get the treatment of the subcommittees, it did not get the treatment of the professional staff and all of those who are interested as stakeholders in dealing with this very critical title.

As a result of that, after several weeks of consideration, I decided it was appropriate that we have a vote on the reality that we cannot get as far as we would want to get. So this amendment today strikes the electricity title and replaces it with consumer protection that is exactly the language currently in the bill, and the reliability provisions of that bill that did have full committee treatment, that has been voted on, on the floor of the Senate, and has been treated and accepted by the Senate as should these kinds of issues.

A good many interest groups recognize the complexity of this problem. The House tried to deal with an electric title and couldn't—after months of consideration with the committee effort. It said: No, it is too complicated and we ought to step back from it. So their energy bill, passed in August, was silent on the issue of electricity.

Whether or not we speak to it going into conference, if this bill ultimately gets to conference, there is a reality that we might not deal with it then. And there are provisions within this title that I strike to which many of us are strongly opposed.

The electric title does need the full attention of the experts—a clear, precise explanation of what the jurisdictional committee intends, and, my guess is, therefore could craft the appropriate language. I think the Senate owes the electric utility industry and the ratepayers nothing less than a full, open, and transparent process to get us there.

We want to reform the electric industry. We need a national interstate transmission system. All of those are realities.

We saw the problems in California when a State failed to deal with restructuring or deregulation in an appropriate fashion and created the disincentives that did not allow the investment in the marketplace.

If we were to create those kinds of disincentives to send a multibillion-dollar industry scurrying trying to understand, but, most importantly, allowing the recentralization of authority and a Federal regulator, then my guess is we will have made a major mistake. I think that question is clearly on the table.

Senator MURKOWSKI, I, and others who work on that Energy Committee, and the chairman who is here in the Chamber—in discussing energy and electric restructuring over the last several years, and the phenomenal amount of hearings that were held on it before any language was attempted—laid down criteria we believed were important if we were going to do no harm to the ratepayer and do no harm to the billions of dollars of investments that are out there already in this industry. Those standards work: Deregulate where possible, streamline when deregulation is not possible, and respect the prerogatives of the States. I have added in the last several weeks of debate a fourth, an elementary principle: Know what we are doing when we legislate. And when we grant new authority, or change our delegation of authority to a regulatory agency, know the consequences.

It is my guess at this time that you could not effectively do a side-by-side comparative of old law and new law in this title and begin to understand what its impact would be on the utilities of Georgia and their investments, their values, and their abilities to compete in a regional or a national market.

That is what we ought to know. We know the importance of sustained, high-quality, reliable power to industry, to the consumer, and to the well-being of the economy of this country.

Last month, we received a landmark Supreme Court decision on the authority of the Federal Energy Regulatory Commission to order transmission restructuring which has significant implications on the remainder of Federal-State responsibility and authority for regulation of public utilities. The Supreme Court's opinion in New York v. FERC demands our thoughtful attention.

What we have not done here, because we have not been allowed to do it, is take this Court decision, lay it before the committee, bring the Federal Energy Regulatory Commission to the Hill, and begin to engage them in questions as to what they might be willing to do and what they sense their new authority is under this Court decision. Was that the intent of the public policy of our country, or do we allow the judicial branch to legislate in a way that grants substantial new Federal authority? It is not clear at this time.

I think it is very understandable to most of us who deal in this phenomenally complicated area that we do not comprehend the reach of the Federal Energy Regulatory Commission as was and is now extended by the Court's decision. How far can the Commission push its authority now that the Court has said it has it? Those are the kinds of questions we ought to ask of ourselves for our ratepayers and for the utility commissions of our respective States and that which was once the responsible authority that created reliability and the stability of the industry historically.

There are several other important questions which have been gnawing at me, and I think probably several of us, since the Court issued its opinion.

For example, should the Senate now examine the need for legislation to protect native load customers? There are many who say: Yes, we should because we have a responsibility to the initial intent of the law and what it has done for the strength of our States' systems. We need to understand. Is FERC going to aggressively start restructuring in what appears to be a real, lively, unbridled authority granted by the Court? We have not asked the question. FERC has not been before the committee. The committee hasn't functioned. Of course, that decision came just as we were engaging here on the floor, which

I believe dramatically shifts the pendulum and the equation as it relates to this issue.

We all know that FERC has pursued an aggressive restructuring program and to establish regional transmission authority—a vital, stand-alone transmission business, as the Commission called it in 1999. Before we enact new law, we need to act to take into account that reality.

How does FERC, through the Supreme Court decision, affect RTO, the regional transmission authority? We have already heard their expression pre-Court decision. Now we need to understand their intent post-Court decision. Why would you, in an effort to restructure the electrical industry of this country, shift all of the power that once rested in many instances in the 50 States' commissions to a central Federal authority with phenomenal power over the ability of an industry to operate and to capitalize and, therefore, provide service to the consuming public? Not one word in the energy bill addresses the issue of the regional transmission organization. How can we enact an electric title without taking RTOs into account? That authority appears at this moment to be sweeping, and with substantial impact on the very title that is currently by amendment and by process here on the floor in this energy bill.

Even if we choose to remain silent on this issue, our choice should be a conscious one clearly expressed and based on a complete record, and at a minimum after hearings in the committee with full jurisdiction. That is what we ought to be doing. That is what we are not doing.

I say it is time we step back and stand down and pass the energy bill absent this—there is a lot of good stuff in it, and I hope there is more to come—and do as we ought to do before committee.

In my March 14 floor statement, I discussed why provisions covering electricity mergers and market-based rates and a refund effective date give me concern.

Are those important issues? You bet your life they are important.

I would like to now address briefly a couple of the provisions that are also of great concern to me—the market transparency rule and civil penalties.

Oh, my goodness, LARRY. What are you talking about here? I am talking about new authority, new power, and real questions being asked that I believe this title moves. We ought to know about it.

Market transparency rules: I find the title of this section a great misnomer. In a nutshell, I consider this section potentially anticompetitive as any piece of legislation we could pass. Yet we are talking about competitive markets. We may be creating a phenomenally anticompetitive incentive within the legislation.

The provision says that as soon as practicable, competitors must release information about price and quality or quantity of sales in interstate commerce.

As far back as 1921, in the American Column and Lumber case, the Supreme Court deemed their practice of contemporaneous release of individual prices and sale volumes by competitors a violation of antitrust law.

That is the law. That is the ruling. That is the understanding; therefore, that is the practice. Have we changed it? It appears we have. Is that anticompetitive? It darn well may be. We ought to know it, and we ought to know how it impacts the capitalization of the economic base of this industry.

Economists say this practice allows a cartel to enforce its rules. Some of my colleagues cry market manipulation at the first sign of price increases. Malefactors in the industry could not think up a better scheme of market manipulation than this one, at least that is my belief.

This section allows the Commission to exempt commercially sensitive information. If we really mean that, we should ask the Commission to repeal the requirements of contemporaneous individual price and volume information. And if not, what do we mean by commercially sensitive? Are we simply going to allow that to be interpreted by the FERC? Some of their interpretations took them well beyond the law or the intent of public policy over the last several years.

The Edwards Dam case: Never did we say in the law they had the right to take down a dam, but they chose to do it—or to at least establish the precedent to do so.

I only cite that as an example because it does show the extreme power and authority of the FERC.

The civil penalties section gives the Commission authority to impose penalties in electric cases beyond what it has now in hydro cases. Unlike refunds, civil penalties have no necessary relationship to economic damage. We need to rest assured that we give this kind of authority to agencies that exercise good judgment. Here, I fear, we have not.

I recall the Commission's use of its civil penalty authority in the hydroelectric arena, and in particular a noteworthy case 10 years ago known as the Wolverine hydro. The U.S. Court of Appeals for the District of Columbia told of a case in which the Commission extracted a penalty of $2 million for a project that operated without a license for a few days a year. I will say that again: a penalty of $2 million for operating for a couple of days a year out of license.

Is that reasonable? Is that right? It does not sound right, but they had that authority, and they did it. Worse, the DC Circuit never reached the issue of whether the $2 million constituted an excessive fine. The court held that the Commission overreached in the first place, so the concept of operating excessively in the area of civil penalties has never been judged. The law said that the Commission's civil penalties authority extended to violators of existing license conditions, not those operating without licenses.

We do not need heavyhanded enforcement in the electricity area lest we scare off investment. Maybe the Commission has changed, but we need to inquire of the Commission's intent and its desire to use this provision in the law. The only way you get that done is for the chairman of the committee to convene a hearing, bring the Commission, and build the public record: What is your intent, Chairman of the FERC? How do you plan to use this title? And what do you think your parameters are in your authority? Is it sweeping? I would suggest that it is. And I would suggest that if that authority is real, as I have interpreted it, and as I think the courts have been silent to it, then do you scare off investment? I think there is a strong possibility you do. All these points collectively explain my grave reservations about moving toward the electrical title.

The Senate's intent, usually expressed in jurisdictional committee reports, is missing. We do not have the Senate's intent, unless you can pick it up haphazardly and piece by piece through the CONGRESSIONAL RECORD. It is missing. And I fear this omission can only be adverse to many States, including my own, that will be affected by this very complex piece of legislation.

FERC, most assuredly, interpreted these provisions in ways that would expand its authority. Few bureaucracies ever attempt to limit their authority. And FERC has shown very recently that it is loathe to limit its authority.

My suggestion is, title II of this bill just hands to the Federal Energy Regulatory Commission new authority, expanded authority. And without our effective interpretation and/or committee reports, and the expression of the intent of this Senate as it relates to the Supreme Court decision, we have set them free, in many instances, to do as they would judge is in the best interest.

I need only to reference, as I did earlier, the Edwards Dam case. That is the one where we gave them no authority in the law to take down a dam, but they did. For almost 80 years, the Commission never saw fit to interpret part 1 of FPA as giving the authority to order a licensee of a hydro project to take down a dam at the end of its original license term, and for good reason.

As I have already stated, there is no authority in the statute for the Commission to do that. Indeed, Congress addressed, in 1968, the very issue of FERC, with attempting to address, in

1999, in the Edwards case, what happens to dams at the end of the original license term.

Congress amended part 1 of the Federal Power Act, added sections 14 and 15, to allow for the issuance of nonpower licenses in the event a licensee was no longer able to continue operating a power project. In addition, those sections required payment to the licensee for surrendering its right to operate the project.

So it was a bit of a shock to me when the FERC ordered the main licensee in the Edwards Dam proceeding to stop operating its project and pay the huge cost associated with removing the dam. That is what they did. FERC was even shrewd enough to procedurally block an appeal to the Federal court.

So they worked their will outside the law. And here we are giving them vast new authority, without defining, without prescribing, without sideboards, in any way, in my opinion, limiting them, at least in the backwash or the shadow of a court, saying: Regional transmission, FERC, have at it.

How can we ignore these kinds of actions? We should not. And if we are responsible in writing this kind of detailed bill, we will not. But we have.

That is why I am here. That is why the amendment is before us to strike these provisions and allow the chairman to convene the committee, deal with this separately, and deal with it responsibly.

With that knowledge, how can Senators be comfortable with what is available and what may become law in this pending legislation? Does anyone here today seriously doubt that the recent Supreme Court ruling in favor of FERC, in its quest to create a national grid, will not result in serious disagreements between FERC's desire to control restructuring of our electrical system and the individual desire of States to protect the important ratepayer policies within their borders?

This is a major concern of mine. I am not sanguine about all that we have done and the way it has been drafted. That is why I believe that clearly all of us deserve the option, deserve the choice, to make the decision here with this amendment. Do you want it or do you believe that some of what I have said is valid enough that we ought to ask the authorizing committee, the committee of responsibility, and its professional staffs, to openly engage the FERC, and all of those other issues, to allow us to deal with this in an important way?

There are ample reasons for us to deal with other issues, but let me give you a couple of those reasons. I have a list of the organizations that, on examination of my amendment, and over frustration with this title, have agreed that they believe it is important to support my amendment to strike: the American Public Power Association, Consumer Federation of America, International Brotherhood of Electrical Workers, the Electricity Consumers Resource Council, U.S. Conference of Mayors, Consumers for Fair Competition, National Electrical Contractors Association, Plumbing-Heating-Cooling Contractors Association, Air Conditioning Contractors of America, National Association of State Utility Consumer Advocates, Transmission Access Policy Study Group, AARP, Public Citizen, Consumers Union, Citizens for State Power, Conservatives for Balanced Electricity Reform, Americans for Tax Reform, and the Small Business Survival Committee.

Those are ones that have just come to us in the last few weeks, as they had the opportunity to examine the title, what is in it, and the amendment.

There is a good deal more to be said. I see colleagues in the Chamber who are opposed to the amendment. Let me wrap this up with a concluding statement.

My colleague from Wyoming and I are very committed to building an energy policy that allows greater production. My colleague was asked if he would help the administration facilitate trying to bring about an electrical title on which we could agree. He has worked mightily to do so. In some areas, he has succeeded. But in the areas I spoke to, I believed these were areas that he could not go, nor could any of us, because we simply don't know the impact.

It is important that we look at the big picture, as we are trying to define all of the players within that big picture, enter the Supreme Court, extending greater authority or at least clarifying to FERC what FERC thought it already had. Is it not right, most importantly, is it not responsible of us, as public policy crafters, to make sure that which we craft works?

There are billions of dollars riding on this amendment and this bill and this title. The reality that if we do it right, when every consumer throws the light switch, the light will come on; when every consumer touches the on button on their computer, the computer will come on; that moms and dads working will know that their security systems are on and that their children are safe.

The reason I mentioned those things was because when you do it wrong, as they did it in California, all of those things become questioned. When the lights go down or the lights go out, the economy of this country shudders.

Let us not be so irresponsible as to craft a title without the effective vetting of it, without the responsible hearings, knowing where we are going, taking authority away from commissions at the State level and resting it in a central all-powerful Federal agency without clearly understanding its consequences.

What my amendment does is causes us all to take a deep breath, step back, not rush to judgment, leave in the reliability, because we have done that. We have vetted it. We have been heard on it. The committee has operated. The Senate has passed it. Deal with the consumer protection. But on all of this that is so very critical to the long-term stability of the electrical industry and the electric system of our country that we have all created phenomenal reliability on, let us step back for a moment and take a look at what we are doing and make sure we are doing it right. I fear we are not; I fear that we lay a great deal of a very fine industry in jeopardy to central all-powerful authority. Bad mistake, wrong choice.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, let me speak for a few minutes in opposition to this amendment by the Senator from Idaho.

He stated at the beginning of his comments that there is a lot of uncertainty, a lot of question as to how various markets will evolve. I agree with that. There is uncertainty as we go forward. We are trying to craft legislation that will allow for that uncertainty but will move us in the direction we know we need to move.

Why is it important that we retain this section, this title in the bill related to electricity? That is what the amendment offered by the Senator from Idaho purports to do; it purports to strip out of the bill the guts of that section, that title II of our energy bill. That would be a profound mistake for the Senate to go along with. It would be a profound mistake for the Congress. I hope very much his amendment will be defeated.

Let me start by saying that the reason we believe—the reason I strongly believe and I believe many of us believe—that electricity needs to be addressed as part of a comprehensive energy bill is the same reason that the President gave us, and the Vice President when the Vice President issued the report, the energy plan for the country over a year ago now. That is, that our future supply of energy, the reliability of energy supplies in the future, the adequacy of energy supplies in the future, electricity supplies, are legitimately in question unless we do some things to change our basic laws in this regard.

We need to recognize that this command and control approach to electricity generation, which we have relied upon for a century or more, is not going to meet our needs in the future. We need to recognize that a market-based approach makes more sense. We are moving in the direction of permitting that where appropriate.

We did have the lights going out in California. That was over a year ago now. Some people have forgotten about it. Of course, our economy has been in a slow period. Folks are once again assuming we have plenty of electricity and our electricity transmission system is adequate to our needs, and there is no reason for us to be concerned with this issue. It would be a profound mistake to reach that conclusion.

Nobody knows how hot it is going to get this summer. Nobody knows how much of a demand there will be for electricity, for air-conditioners in major cities. Nobody knows whether the transmission system we have today is adequate to those needs.

What we are trying to do with this legislation is put in place some safeguards so that the transmission system is adequate, so that the additional generation of electricity that is going to be required for this country's economy in the years ahead will be there.

One of the points the Senator from Idaho made is that we haven't had enough hearings on this issue. Let me say, I have been on the Energy Committee for some time, nearly 20 years. I can't think of anything on which we have had more hearings. Let me recount for the Senate the extent of the hearings we have had.

Beginning in 1997, we had a hearing, a subcommittee hearing on competitive change in the electric power industry. That was on August 21, 1997.

In 1998, we had an oversight hearing on the recent Midwest electricity price spikes. In 1999, we had a whole series of hearings, full committee hearings. First, we had one on electricity competition generally. Then we had hearings in June of 1999 on the Electric Utility Restructuring Empowerment and Competitiveness Act of 1999, which was legislation we had introduced at that point. We had hearings on the Federal Power Act amendments of 1999. We had hearings on the Comprehensive Electricity Competition Act of 1999. We had six full committee hearings, according to the records I have, on that set of issues in 1999.

In the year 2000, we had an enormous number of hearings. My colleague, Senator MURKOWSKI, was chairing those hearings. I attended as many of them as I could, but quite frankly, there were more than any Senator could plan to attend. We had hearings on all aspects of this issue.

The Senator from Alaska referred to those as workshops so it wouldn't look as though we were having that many hearings on one subject, but we had well over 15 of these so-called workshops which took testimony, which gave Senators a chance to ask questions.

In 2001, we had again a series of hearings, a great many hearings, quite frankly, at the full committee on this set of issues. In 2002, we have also had hearings related to the effect of Enron's collapse on energy markets, electric infrastructure, and investment needs. That was in August of 2001. We had a hearing, just as recently as February of this year, on the amendments to the Public Utility Holding Company Act.

So we have had hearings. There is no lack of committee attention to this set of issues. That doesn't mean the issues have gotten simple; they have not. But I think we have a good framework here in this legislation for moving the country in the right direction.

Let me just describe, generally, what the legislation now contains as we have amended it on the Senate floor. I believe there are some pro-consumer provisions in this legislation. I believe there are some pro-environment provisions. I believe there are provisions in here that will tend to ensure that we have a greater generation of electricity in the future.

We have a renewable portfolio standard, which many of my colleagues have not favored. But that is in the bill. We have had three or four votes on that issue. The majority of the Senate clearly favors retaining that.

We have strengthened Federal Energy Regulatory Commission authority for market-based rates, including a stronger requirement that FERC act if rates are unjust or unreasonable.

We have strengthened Federal Energy Regulatory Commission authority to scrutinize mergers and acquisitions in the electric utility industry, including expanding that authority to encompass electric utility-gas utility mergers, mergers of holding companies that own utilities, mergers of generation-only companies. FERC currently does not have authority over any of these consolidations. We strengthen the standards by which mergers must be approved to require that FERC determine that mergers are consistent with the public interest, that they do not adversely affect captive customers of utilities. That is a very important provision. We are putting into law a requirement that FERC make a finding that if a merger occurs, it will not adversely affect a captive customer of a utility. We believe that is an important new safeguard. We also require that FERC determine that the merger not impair the ability of regulators to regulate and not lead to any cross-subsidy between the utility and any other business.

The latter three conditions are goals of regulation under the Public Utility Holding Company Act, which is current law. But here in this legislation we give those authorities to FERC, which we believe has a better track record, by far, of being a watchdog over the utility industry. The Public Utility Holding Company Act, which is the current law, is supposed to be administered by the Securities and Exchange Commission, and they have taken the position for the last 20 years that they did not want that authority, they did not believe they were the proper agency to have that authority. So we are transferring, essentially, that same responsibility over to FERC, and we are giving FERC the additional power it needs to actually enforce the provisions of that law—the pro-consumer provisions—to look out for ratepayers in a way that they really never have been in a practical way under the Public Utilities Holding Company Act.

In addition to the renewable portfolio standard, there are a number of other provisions to give renewable energy a stronger role in the market. There is a Federal purchase requirement for renewable electricity, new standards for net metering and real-time pricing, and access to transmission by renewable resources.

I believe very strongly that this bill moves in the right direction. There are a lot of things that this bill is accused of doing—this title to the energy bill—which in fact it does not do. It does not provide any vast new authority to the Federal Government. It does shift authority from the Securities and Exchange Commission to FERC, where we believe it can be much more effectively enforced. The market-based rate section doesn't grant new authority to FERC to order divestiture of facilities. That is a charge that has been made.

On transmission, the provision makes sure that all transmitting utilities are under the same rules. We believe there ought to be a uniform set of rules for utilities that are transmitting energy from one part of the country to the other. This is a national economy we are in today, and we need a national transmission system if we are going to prosper in this national economy.

The reliability section gives FERC some new authority. I am pleased to see that my friend from Idaho does agree that that should be included. The exact provisions of the reliability section—my friend from Wyoming, Senator THOMAS, and I disagreed on that earlier, and he won that argument. The Senate agreed to his provisions relating to reliability. That is in the bill. But it is very important that those provisions stay in the bill and that we not strip out this section of the bill.

I believe very strongly that Senator CRAIG's amendment would be a very major blow to our energy legislation. This is an issue that has been discussed, debated, and talked about at hearings in the Congress for about three Congresses now—three separate 2-year Congresses. The truth is that it is not an easy set of issues to get your arms around. The Senator from Wyoming, Mr. THOMAS, and his staff, I, and my staff have worked hard to come up with a set of provisions that we believe does what should be done and moves the country in the right direction. We had strong support and assistance from the administration.

Everybody likes to highlight the differences between Democrats and Republicans on energy issues. There are some legitimate, valid, and important differences on which we are going to have votes later this week, but this is not one of them. This is an area where we have had a very conscientious effort, on a bipartisan level, to work with the administration to come up with what we thought was good policy. I believe we have done that.

I compliment the Senator from Wyoming for his leadership in this regard, in pulling together provisions that he could support and that others could support. So I believe very strongly that those provisions ought to remain in the bill. Senator CRAIG's amendment would delete those provisions, so it is an amendment I strongly oppose.

I yield the floor, and I know my colleague from Wyoming is here to speak on this issue.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Mr. President, I appreciate the comments of the chairman of our committee. I rise also to talk about this part of our energy bill, which I think is very important. In many ways, the energy portion of it touches more people than any other part. Of course, everybody relies on electricity. That is what we are talking about here.

I appreciate the comments of my friend from Idaho, who expressed his concern. Many of the concerns he expressed, however, are the same concerns we worked together to try to remedy, and indeed we have made some changes that reflect the things about which the Senator from Idaho talked. I agree that the process is not quite the way I would have had it. I wish we would have had more time in committee. Nevertheless, we took a bill, and I think we have made it better and we have had it on the floor, and by no means is it perfect, nor does it complete all the work that needs to be done in the electrical area. But there is no way you are going to complete that now.

We need to get started and to be moving. Further improvements can be made. I oppose the motion to strike, and even though the reliability—which is important—would remain, I think it is very important that we continue to move forward with making some changes in our electric policy.

It seems to me some of the things that have been talked about here are the very things we have sought to change. For example, in one of the sections there was originally major expansion of FERC's authority over State matters, no time limit on FERC review and action. In our bill, in the solutions we made, we reduced the expansion of FERC authority, raised the threshold of FERC authority from the review of asset sales from $1 million to $10 million, and moved more of the decision-making closer to the people.

As to market-based rates, the concern in the original bill is it gave FERC broad authority to take any action to remedy "unjust" rates.

We changed that. We said FERC can only fix those rates if it is found to be unjust, and there are six specific criteria and three general criteria. Again, it puts a bridle on FERC.

There were many points the Senator from Idaho talked about that we indeed have moved toward doing, and that is moving more power and beginning to get ready for regional transmission organizations, RTOs, beginning to make the initial move toward having the necessary transmission.

One of the things that has happened, and there have been great changes, is we basically deregulated generation. In the past, if a utility served an area around western Virginia, for example, that utility did the power generation and distribution. The State took care of that. We have changed it so there are many market generators who do not distribute but make it available to distributors, and it has helped reduce the price to consumers. That is a different situation, and we have to deal with it.

Since 1978, Congress has been pursuing Federal electric policies that promote greater competition in wholesale power markets, provide open access to transmission grids, and encourage development of independent power producers that now build most of our powerplants.

These policies were developed in a bipartisan manner and embraced by both Republican and Democratic Presidents. These policies have benefited consumers. Wholesale power prices have fallen 25 percent over the last 10 years. Nothing that happened over the past year changes that. We had problems, of course. We have gotten by those problems. Nothing has changed that.

The electric industry faces tremendous uncertainty. Investment in new transmission is lagging, and powerplant cancellations in recent months raise serious concerns about the adequacy of future electricity supplies.

This uncertainty is due largely to a prolonged transition to competitive electricity markets. This transition will not be complete until the Congress modernizes electricity laws to reflect changes in electricity markets since 1935. This is not a total remedy, of course, but this is a movement toward doing what has to be done.

The time has come to modernize our electricity laws to recognize change in the electricity markets, in much the same way Congress passed legislation to modernize financial services 2 years ago. Congress has been grappling with this legislation for 6 years. We have held more than 100 hearings, as the Senator from New Mexico has pointed out. Six years is long enough. It is time for the Congress to act.

The electricity provisions of S. 517 represent consensus. They are the product of many hours of negotiations between Senators and stakeholders. The Craig amendment would destroy this consensus and delay congressional action on this electricity legislation for years. It will take years to put it back together.

I suggest the Craig amendment is a step backwards. The amendment eliminates consensus transmission open access provisions that represent a bipartisan compromise that will prevent discrimination, promote effective competition, protect small transmission owners such as municipal utilities and cooperatives, and respect States rights.

The amendment preserves PUHCA, a law that is outdated and should be repealed. Every President since 1984 has supported PUHCA repeal. PUHCA repeal will provide FERC with ample authority to protect consumers against inappropriate mergers. State laws would also protect consumers of electricity.

The amendment preserves PURPA, a law that has imposed billions of dollars of above-market costs to consumers. Repealing PURPA has been the consensus for years. We must not continue to mandate that utilities agree to high-cost power contracts. Keeping PURPA is contrary to protecting the consumers.

The amendment limits FERC authority to review mergers.

The amendment will make it harder to increase electricity supply by limiting authority to order interconnections.

The amendment eliminates reforms that will accelerate refunds to consumers.

I think it is true the electricity industry is facing more regulatory uncertainty now than ever before. Investment in new transmission is almost nonexistent, and investment in new electric power supplies has fallen sharply. For the first time last year, powerplant cancellations outpaced new starts. No one wants to invest in new transmission of powerplants until they know what the rules are going to be.

The electricity industry is at an important crossroads. A lot of critical decisions must be made.

Some of these decisions can be made by FERC; many can only be made by Congress.

If the Craig amendment is adopted and Congress does not act on the electricity legislation, the transition to competitive markets will be prolonged, investment in new transmission and electricity supplies will fall sharply, electricity prices will be higher, and reliability will be lower. The electricity crisis in California and the West will probably recur.

The President has called for Senate passage of electricity modernization to protect consumers and ensure reliability. The President's plan to produce more reliable, affordable, and environmentally clean energy is built on three core principles:

The plan is comprehensive and forward looking.

It utilizes 21st century technology to allow us to promote conservation and diversify our energy supplies.

The plan will increase the quality of life of Americans by providing reliable energy and protecting the environment.

We have before us an opportunity to start to move in that direction. Is it the total effort? Of course not, we will have to continue to work on it. We need to do that.

We have made some forward movements. Of course, one of the major parts has been reliability. The other parts contribute a great deal to making it possible and urging people to invest in the infrastructure that has to be there, whether it be transmission or generation. I look forward to a time when we have RTOs, regional transmission organizations, that can come off an interstate highway movement of generated electricity so that we can indeed have a marketplace.

I suggest we move forward with the bill as it is and not accept the Craig amendment. Now is not the time to retreat from the advances we have made in serving the American people with electric energy.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague from Wyoming for his comments. Let me raise for the Senate's attention one other voice that has spoken out strongly in behalf of what we are trying to do in our electricity title to the bill and in opposition to the Craig amendment. It is something I seldom quote because I seldom agree with it, but this is the Wall Street Journal editorial page of March 7, 2002. It has an editorial entitled, "Keep the Lights On." It starts out by saying:

> It is a $225 billion industry, and it's a horrid mess. We refer to the electric power industry, but the U.S. Supreme Court just took a helpful step toward fixing the messiest part of it—transmission—and keeping your lights on.

They go on to talk about how they believe FERC needs this authority to do what it is trying to do. The Supreme Court has indicated they believe they have that authority. Our legislation, as worked out between myself and Senator THOMAS, does incorporate those provisions.

The last paragraph of that editorial says:

> The Bush Administration agrees with FERC, and now the Supreme Court says the agency is acting legally. Congress could also lend a hand here and, as part of its energy bill, give FERC clear jurisdiction over the transmission grid. We believe in federalism as much as anyone, but a national economy needs a better national grid.

Mr. President, I ask unanimous consent this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

KEEP THE LIGHTS ON

It is a $225 billion industry, and it's a horrid mess. We refer to the electric power industry, but the U.S. Supreme Court just took a helpful step toward fixing the messiest part of it—transmission—and keeping your lights on.

The High Court ruled unanimously this week that the Federal Energy Regulatory Commission, aka FERC, has the power to force investor-owned utilities to open up their power lines to competitors. Now maybe FERC can go ahead with building a more sensible national power grid.

The problem starts with a system of wires carrying juice that is outdated, inadequate and under increasing stress. The national delivery grid consists of three major systems—one each in the East, the West and Texas (which is another story entirely). But these grids aren't an integrated network. They connect only through tie lines where power must be converted from alternating current to direct current and back again. Until recently the grid handled 20,000 transactions a year; now it's more like 20,000 transfers in a single day during peak periods.

The result is chronic hot spots of congestion that can result in price spikes or even rolling blackouts. FERC estimates the cost of these hot spots the past two summers at $1 billion, and things will only get worse: Transmission use this decade is expected to grow 20% to 25%, but new capability will increase by only 4%.

Why not build more transmission lines? Well, people don't want hideous lines running through their back yards, and the 50 states, which have jurisdiction over siting, aren't eager to force lines on communities if the power those lines carry is going elsewhere. Second, new lines are expensive and firms don't want to make huge investments because of the political uncertainty of electricity deregulation. Third, utilities say the rate of return allowed on transmission lines is too low.

The current mess has also generated all sorts of anti-competitive behavior. Since local utilities have control over their transmission lines, they can favor their own generation over cheaper power coming from the outside. Plus, the very possibility of cheaper power makes it less likely that utilities will build more lines if those newer lines can be used by outsiders.

The good news is that FERC has proposed a sensible step toward straightening out this bird's nest. FERC's idea is to collect all this transmission into four big, regional areas—in the Northeast, Southeast, Midwest and West—make these regional grids independent of local utilities and give them the authority to manage electricity flow across these larger areas. Some conservatives are afraid this will result in a fiendish "federalization" of transmission. Nonsense. FERC's plan will make it possible to rationalize service and permit greater competition.

The Bush Administration agrees with FERC, and now the Supreme Court says the agency is acting legally. Congress could also lend a hand here and, as part of its energy bill, give FERC clear jurisdiction over the transmission grid. We believe in federalism as much as anyone, but a national economy needs a better national grid.

Mr. BINGAMAN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I will give my colleagues a little history and background because I do not think there has been an awful lot of identification as to the credit and penalty costs associated with the renewable portfolio standard.

I commend the majority leader for his work, our staff, and the Senator from Wyoming as well. What I think we have done is, first of all, we have made some progress. We have debated an amendment that would have mandated a 20 percent renewable. I believe that was by Senator JEFFORDS. We have, I think, by amendment, strengthened the energy bill, and I think it is time, in view of the amendment offered by Senator CRAIG, to again highlight some of the specifics so each Member's office and each Member understands the significance of what this renewable portfolio means to them or their own individual constituents.

Oftentimes we get enamored with the reality that the renewable is free; it is a renewable. Therefore, it really does not cost us anything, and as a consequence we ought to get aboard and support it.

Senator CRAIG's amendment proposes striking the electricity title of the Daschle-Bingaman amendment, as modified by the bipartisan amendment, and replacing it with the Senate-adopted reliability provision and the consumer protections of the underlying Daschle amendment. I think a couple of comments are in order relative to the title that Senator CRAIG proposes to delete.

When the original Daschle amendment was introduced, I was concerned, as I indicated, about its electricity provisions. They were seriously flawed. We gave some examples of those concerns. As originally written, the Daschle amendment would have empowered the Federal regulators to micromanage the marketplace. I think most Members were fearful that was not in the best order of the marketplace nor appropriate for the Federal regulators to dwell in that area.

As originally written, the Daschle amendment would have allowed the FERC, the Federal Energy Regulatory Commission, to order electric utilities to divest assets. Further, as originally written, the Daschle amendment would have preempted the States, giving FERC the authority to regulate the many aspects of retail matters instead of State public utility commissions. So again, it would have given FERC broad authority on many aspects of retail matters, instead of the State public utility commissions. For those of us who believe local control and regulation is more responsive than one size fits all, that was troublesome.

Further, as originally written, the Daschle amendment did not deregulate and allow the market to work. Instead, it had government pick winners and government pick losers and decide what is in the consumers' best interest.

In short, as originally written, the Daschle amendment was a return to the old-fashioned Federal command and control of the market. But we have come some way since the introduction of the Daschle amendment, and what we have now is the reality that the Senate has agreed to a series of amendments authored by my good friend Senator THOMAS, most of which was done by unanimous consent. I appreciate working with the majority on that.

Senator THOMAS's amendments address many of the key problems with the Daschle bill, including reliability. So I think we have made progress. Had those not been adopted, I very possibly would have found it necessary to offer a motion to strike the electric title. With these amendments, we now have a bill which, No. 1, protects consumers; No. 2, it streamlines regulation; and, No. 3, it enhances competition while preserving State authority. It ensures reliability of the grid, allows regional flexibility, and promotes renewable energy and other types of generation.

One might ask, with the adoption of these amendments: Are the electricity provisions perfect? Well, the answer is no. They are better, but there is a lot of work that needs to be done. Where is it going to be done? In conference or other places, or perhaps on the Senate floor. I think that is one of the reasons we should take a look at this matter one more time.

For example, the reliability still contains, in my opinion, an unrealistic renewable portfolio mandate that is going to cost consumers more than $12 billion per year and which undercuts the ability of States to craft a renewable portfolio program that protects their consumers and recognizes local needs and concerns.

With regard to the cost to consumers of the renewable portfolio standard of 10 percent, if we take one area of the country, Connecticut Light and Power, the customers of that particular utility are going to have to pay another $9.5 million per year. That is going to be split up.

Florida Power and Light, of interest to the present Presiding Officer: That is going to cost the consumers of Florida $264 million per year. That is going to be spread out.

To suggest this renewable mandate is free is not only misleading but totally inaccurate.

Georgia Power: It is going to cost the consumers of that utility $223 million per year.

Out West, Hawaiian Power, far West: $22 million more a year.

Commonwealth Edison in Chicago: $232 million more a year.

Now, that is what the mandate covers. I could go on into each utility and break it down because we have that information. So if we recognize, as each Member and as each office should, the cost to the consumer and the realism that the consumer is not going to be motivated to respond to the Members until such time as they see it on their utility bill, they are going to say: Hey, what happened? Is this a surcharge? What is this? This is going to be the cost associated with the renewable mandate.

Again, I think it undercuts the ability of the States to craft their own renewable portfolio programs and protect their consumers and recognize local needs and concerns, because this is a one-size-fits-all.

I would have preferred to have seen the States have the ability to address their responsibility on renewables, but the majority prevailed and that amendment did not carry.

In addition, the electric title still does not address the need for new electric generation and transmission. We saw the California blackout situation. We saw the price spikes that occurred because there was not enough power, not because there are not enough windmills in California. So as it currently stands, the electric title is greatly improved from where it started. However, it still needs considerable work.

I have a chart behind me, and hopefully we have a pointer, but I want to explain a little bit about this cost because I think it is paramount to the discussion. What we have over a period of time from the year 2005 is the escalating costs per year of renewables. It basically runs, starting in the year 2005, roughly $12 billion a year. So if we go from 2005 to 2017 or 2018, the overall cost accumulated over 13 years is about $88 billion. That is what it will cost. It is $12 billion, roughly, per year.

The red on the chart indicates the penalty payments which will cost an additional $12 billion. So we are looking somewhere in the area of roughly a $100 billion cost to the consumers as a consequence of the mandate of a 10 percent renewable portfolio standard being dictated by the Congress of the United States.

Maybe many Members believe it is worth that. I don't think we should have mandated this from the standpoint of one size fits all. Many States have addressed the renewable matter with their own proposals. That would have been much better. However, this is what the consumer faces.

Make no mistake, when the calls start coming in, each Member's office had better be prepared for an explanation of why the rates are higher to counter the presumption that somehow renewables are basically available at no cost to the consumer.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Mr. President, some remarks were made by the majority leader last night that I think need to be countered. I will take a moment to respond to some of the statements he made last evening.

Last night, some members of the majority accused the Republican side of the aisle of attempting to filibuster the energy bill. Nothing could be further from the truth. Since the debate on this issue began, we have disposed of 49 amendments, 21 offered by Republicans and 27 offered by the Democratic side. Countless other amendments have been worked out off the floor with the majority, and I compliment the majority leader and the chairman, Senator BINGAMAN, as well as the staffs who have been working on these amendments.

Prior to the recess, the cloakroom asked for a potential list of amendments from each side of the aisle. There were fewer than 50 amendments on the Republican side and over double that amount on the Democratic side. Republican amendments were all energy related; Democratic amendments included Medicaid and voting rights.

Over the recess, this side of the aisle worked to pare down its list of amendments and is reducing it dramatically to a realistic number of only a handful which should require votes. As I understand, there are nearly 85 to 95 amendments on the Democratic side of the aisle. The only filibuster I know of is on the other side of the aisle, being pledged by Senator LIEBERMAN and Senator KERRY.

I want my colleagues to know, and the majority leader specifically, that I am willing to enter into a time agreement with the majority leader this morning or any other time, to secure an up-down vote on the ANWR amendment which I intend to offer later this week. Again, so my colleagues understand, I am willing to enter into a time agreement with the majority this morning to secure an up-down vote on the ANWR amendment which I intend to offer later this week. I am inclined, unfortunately, to assume that the majority leader would not agree, but I offer it anyway.

This legislation is certainly a priority from our side of the aisle. It is a priority for the administration. I am willing to stay night and day to get the bill done, get it to conference, and on to the President as soon as possible. With the issues emanating from the Middle East, clearly there is justification for moving as rapidly as possible. I don't want anyone to be fooled by any musing that we are filibustering this bill. The facts simply do not support this.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I will propound a unanimous consent request in a minute, but before I do, let me indicate I think this is the 15th day we have been on this bill. Frankly, we are not able to move to conclude debate on this bill because we have so many Senators with amendments that they are not willing to bring to the Senate floor to file as amendments and to call those amendments up and offer them. We are not trying to keep anyone from offering an amendment, but we clearly need to begin to narrow down the number of amendments that are potentially going to be offered on this bill.

Let me make my unanimous consent request and see if we can get agreement.

I ask unanimous consent the list that I will send to the desk be the only first-degree amendments remaining in order to S. 517, except for any first-degree amendments which have been offered and laid aside; that these first-degree amendments be subject to relevant second-degree amendments; that upon the disposition of all amendments, the bill be read the third time and the Senate proceed to the consideration of Calendar No. 145, H.R. 4, the House-passed energy bill, and all after the enacting clause be stricken and the text of S. 517, as amended, be inserted in lieu thereof; that the bill be advanced to third reading and the Senate proceed to vote on passage of the bill; that upon passage, the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate; providing further that S. 517 be returned to the calendar, with this action occurring with no further intervening action or debate.

Mr. THOMAS. Mr. President, on behalf of the floor leader, I object at this time.

The PRESIDING OFFICER. The objection is heard.

Mr. BINGAMAN. I indicate for all Senators we will undoubtedly have to renew this request later today or perhaps tomorrow.

We are fast approaching that point where the majority leader is going to have to move to other legislation. We cannot devote the entire year on the Senate floor to consideration of an energy bill where Senators refuse to offer their amendments.

I do not accuse anyone of filibustering, but I certainly do believe Senators have been slow to define precisely what they want to offer by the way of amendments to bring them to the floor and to let us vote.

Senator CRAIG from Idaho has offered an amendment with which I strongly disagree, with which my colleague from Wyoming strongly disagrees. We are going to have a vote on that. I compliment the Senator from Idaho for offering an amendment and letting the Senate express its will on this important issue.

We will renew this unanimous consent request later today or tomorrow, so we put all Senators on notice that we are anxious to see their amendments and we are anxious to conclude work on this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise to say I agree with my friend. We do need to move forward. We have someone currently who is in the process. Hopefully, we can do it in a little later time.

I observe also there are a whole list of amendments on both sides. This is not a partisan issue. We need to move forward.

Further, let me comment a little on the remarks of the Senator from Alaska. I certainly agree with him. I am delighted he is in support of maintaining this electricity title. He does mention he thinks there needs to be some change in this renewable aspect which is in this title. I do not argue with that, but I certainly do not think that ought to keep us moving forward with our general approach in electricity. If there were to be an amendment—there are amendments filed that would deal with that specifically. We should do that. But that ought not be the criterion for us eliminating the things that will help us move forward with the electric title.

I have had occasion in past years to work quite closely on electricity and energy. I am very anxious that we do move towards modernizing the system. For example, we need to move towards more transmission in a State such as Wyoming where we have the highest production of coal of any State in the country. Coal is one of our best sources, of course. However, if you have mine-mouth generation, which is the most efficient, then you have to have a way to get it to market.

Clearly, there are things we need to do. But, clearly, we cannot wait. We have to get going and move on and begin to really deal with an issue that is difficult. I have been around here a while. I talked a lot about electricity. I have been on the committee. Also, as I said, I worked on this in the private sector. It is very complicated and for everything you seek to do, there are different views, and I understand that.

But as the President said and the administration said, it is time to move forward and make some progress. There will be other ideas. There will be other bills. There will be other hearings. There will be other considerations. But we have the basis here for moving more of the authority to the States. We have the basis here for making it less complicated. We have the basis for moving forward toward making it a more modern system. By trying to do away with that title, we remove the progress we are making. I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to speak on the amendment, but I ask unanimous consent to first devote 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE are printed in today's RECORD under "Morning Business.")

Mr. WELLSTONE. Mr. President, Brian Baenig works for me. He does great work for me. He is on the floor. I might not get a chance to speak again. Brian is working up some great talking points for me. I could be more specific. I apologize. I wish to spell out my position on this amendment.

First of all, I said to the Senator from New Mexico before that I would try not to get into too much of the sort of flowery oratory where it seems as if it is insincere. I think he is probably one of the best Members of the Senate and is very substantive. He rarely speaks without a whole lot of knowledge. But I don't agree with him about an amendment that was agreed to by a quick unanimous consent basically repealing PUHCA. I think it was a big mistake. I would like to see at least FERC beef it up so we make sure we have some protection against more mergers, vis-a-vis more acquisitions, and more monopoly power. I don't wish to see just a few companies dominating these markets. I think it is very much to the detriment of ordinary citizens and consumers.

The problem with the Craig amendment is—and the reason I am not going to support it, and I will come back with an amendment to try to deal with where I think we still have some gap. I know that there are some provisions in the bill that try to maintain the consumer protection. But with the PUHCA repeal, I think we have some big gaps. I would like to come back with an amendment to fill some of those.

But I can't support this amendment. This amendment basically repeals the whole section of the bill. Albeit, I would rather have 20 percent, but somewhere around 10 percent or 8.5 percent on a renewable portfolio for electricity is really important. That is very important for my State of Minnesota.

I was in East Grand Forks the other day. You should never do these cafe visits—I am being facetious—because there is no control. People show up. There might be television. You never know what people are going to say to you. You might not like what they say. That is probably why it is the best place to be. It is certainly not controllable.

This one farmer wanted to debate me about ANWR: We should be drilling for oil. I said: We are in Minnesota. What are you talking about oil for? We are not oil rich. We don't produce any oil. As a matter of fact, we are a cold-weather State. When we import oil and natural gas, we export our dollars. We export over $10 billion a year. But we are rich in wind.

I was at Dan Jewels' Woodstock wind farm. It is incredible. There is so much excitement in farm country and rural Minnesota about wind, about biomass, about electricity, about renewable fuels, that portfolio about saving energy, efficient energy use, clean technology, small businesses, more jobs; keep capital in communities and be respectful of the environment; don't keep barreling down the same old fossil fuel path; we don't need more global warming.

I come from a State where we love the outdoors. We don't need more warnings, if you are a woman expecting a child, about being very careful when eating walleye—a great eating fish, by the way—from our lakes; or, if you have small children, you should be careful. It is outrageous—air toxins, mercury poisons, acid rain. We don't need more of it.

There is a baby step in the bill. Senator BINGAMAN has done a masterful job of trying to deal with lots of different viewpoints and politics. One person's solution is another person's horror. People just have different views.

But for my part, I don't want to completely eliminate this renewable portfolio for electricity. It is too important for my State.

I can't vote for this amendment. I think it would be a mistake. I hope it will be defeated. I hope we can do something about figuring out perhaps just some stronger consumer provision in relation to the PUHCA repeal.

I will finish by saying we will come back to this. We will come back to this again if there is an amendment out here for oil drilling in ANWR. It will be the same issue. I don't even think the debate is whether or not it is only 6 months of oil or whether or not it is not recoverable for 10 years. I know all of those statistics. I think it is simply a matter of another issue, which is, what path we want to go down. I think we have a different path now before us, a different future. Renewables is part of it. I don't want to repeal this whole section because it is too darned important to my State of Minnesota. I am not just being Mr. Politician. I also happen to think it is too important for our country.

Every time somebody comes to the floor and says, my God, the Middle East; now we should drill for oil in ANWR, or do this or that, it is as if we have no other alternative. We have a lot of alternatives. Probably about 80 percent of the people in the country agree. I think the big problem is some of the oil producer interests still have lots of power.

I do not think we should eliminate the whole section. I think the Craig amendment is mistaken for that reason. I think my colleague from Idaho is right to address the problems with PUHCA but wrong to also eliminate some very good work, albeit a small start that Senator BINGAMAN and others have done, and of which I am very proud.

There are two things which are important for me: Renewable portfolio electricity, and also the renewable fuels part, which I think for all of us is a win-win.

I will support the chairman of the Energy Committee in opposition to this amendment.

I yield the floor.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Craig amendment No. 3047 be set aside, to recur at 1:45 p.m.; that the time between 1:45 and 2 p.m. be for debate with respect to that amendment prior to a vote in relation to the amendment, and that no second-degree amendment be in order to the amendment prior to a vote in relation to the amendment, with the time equally divided and controlled in the usual form.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. CLINTON). Without objection, it is so ordered.

Mr. THOMAS. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. THOMAS are located in today's RECORD under "Morning Business.")

Mr. THOMAS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. Madam President, I call attention this afternoon to an article that appeared in the New York Times. It is entitled "The Missing Energy Strategy." I want to quote it. The paper details what they describe as: Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

I think the paper is correct. We desperately need to reduce our dependence on foreign oil and free ourselves from the dangerous influence that leaders such as Saddam Hussein have over the future of American families.

Let me refer to the New York Times specifically because they have a mixed message on relief. They are criticizing Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports.

This chart shows a chronology of the editorial position of the New York Times over time. In 1987, they said:

> Alaska's Arctic National Wildlife Refuge . . . the most promising untapped source of oil in North America.

They further state:

> A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. They are quite specific. They say that "precautions in the design saved the land from serious damage."

They further state:

> If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

They acknowledge, if you will, that we completed an 800-mile pipeline from the Arctic Ocean to Valdez. They say 1,000 miles, but it is obviously less than that. The significance of that is the acknowledgment that it was done safely. It is now about 28 years old. It continues to be one of the construction wonders of the world and continues to supply this Nation with about 20 percent of the total crude oil produced by the United States. The New York Times, obviously, supported that.

Then in an editorial in June of 1988, they said:

> . . . the potential is enormous and the environmental risks are modest . . . the likely value of the oil far exceeds plausible estimates of the environmental cost.
>
> . . . the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

Then they further state:

> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

Let me repeat that. They say:

> . . . But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

Then March 30, 1989, they say:

> . . . Alaskan oil is too valuable to leave in the ground
>
> . . . The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

They are talking about ANWR:

> . . . The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay.

Furthermore:

> . . . Washington can't afford to treat the *[Exxon Valdez]* accident as a reason for fencing off what may be the last great oilfield in the nation.

Here they are in 1987, in 1988, and again in 1989. One would assume the New York Times would be consistent. As I indicated in their editorial of yesterday, they said:

> Washington's sorry failure to devise a balanced strategy to reduce America's reliance on Gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

Madam President, as we look at where we are today and recognize the tremendous vulnerability this Nation has undertaken as a consequence of increasing our dependence on imported oil, and we realize that within the last few days with the announcement by Saddam Hussein that he will terminate for 30 days oil production from Iraq and then with the followup activity in Venezuela by PDVSA, which is a government-owned oil company, that has gone on strike, this Nation is now devoid of 30 percent of its total oil imports.

If we add up what we get from Saddam Hussein, Iraq, nearly 1 million barrels a day, plus the production from Venezuela, that constitutes 30 percent—Madam President, 30 percent—of this country's imported oil.

Where are we going to pick up the difference? It is interesting because the Saudis have indicated they have unused capacity. So the Saudis are preparing, at least we understand, to make up the difference. I wonder how that is going to set with the Arab world. I wonder how that is going to set with Iran, Libya, and clearly Saddam Hussein.

Furthermore, isn't it rather ironic that on the one hand we find ourselves dealing with a nation such as Iraq, a nation where we have been, for all practical purposes, in a standoff enforcing a no-fly zone since 1992. We have maintained almost what would be compared to an aerial blockade. We have put the lives of our men and women at risk since 1992. We have bombed Iraq three times already this year. He has attempted to take our aircraft down. We have put the lives of our men and women at risk.

The quid pro quo for that is an inconsistency in foreign policy. On the one hand, we import his oil, we put it in our planes and bomb him, and he takes our money and keeps his Republican Guard alive and develops weapons of mass destruction and aims them at our ally Israel. He may have biological weapons. He clearly has a delivery system.

Then where are we with our relationship with the United Nations? We had an understanding in the U.N. Oil for Food Program that we would have inspectors in Iraq and we would be able to observe just what Saddam Hussein was up to. We have not had any inspectors there for over 2 ½ years. As a consequence, we are left with the reality that we really do not know what he has.

Let's take this chronology a little further. We had reason to believe that terrorism was a threat to the United States. We had some reason to believe that al-Qaida, Afghanistan, and bin Laden were potential threats to our Nation, but we do not have any solid evidence that they were about to undertake those events on September 11, events which utilized for the first time an aircraft as a weapon.

We see this pattern unfolding where clearly had we had the intelligence, we might have been able to intervene in preventing that disaster that changed America.

Do we have the same exposure, the same potential with Saddam Hussein? If he is developing weapons of mass destruction, as we have every reason to believe he is, the question is, when is he going to use them and who is he going to use them on?

Let's take this a little further as we advance the realities of just what Saddam Hussein is up to. He has announced he is going to increase from $10,000 to $25,000 the payment to survivors of anyone who, as a target of terrorism, gives up their lives to take out other lives associated with the activities in Israel. He will pay that family $25,000.

That is certainly an incentive for those willing to give up their lives and make a sacrifice in their religious belief associated with consideration or payment for taking the lives of other individuals.

What is funding that? Where does Saddam Hussein get the money to pay survivors of those who initiate an action taking their own lives and taking the lives of many others? It is obvious. It comes from oil. That is the cashflow that Saddam Hussein has, and every time we go to the pump, we are adding to Saddam Hussein's cashflow indirectly because while Saddam Hussein is initiating the export from Iraq of about 1.1 million barrels a day, it is the fastest growing source of United States oil imports. So American families are counting on Saddam Hussein for energy, and in so counting on Saddam Hussein, we are basically furthering the incentive for those who want to sacrifice their lives to initiate a terrorist attack such as using themselves as a human bomb.

Maybe I am missing something, but I do not know what it is, and nobody has pointed it out to me specifically.

Going back to the New York Times, there was a recommendation back in 1987, 1988, and 1989, and today we have a criticism from the New York Times that Washington is a sorry failure because we have not devised a balanced strategy.

The current position of the New York Times is contrary to that as expressed in editorials of March of 2001 and January of 2001, and it is rather ironic. I will share the current position as late as March of last year and in January of last year. I quote from the January 1 New York Times: The country needs a rational energy strategy but the first step in that strategy should not be to start punching holes in the Arctic Refuge.

Finally, as this page has noted many times before, the relative trivial amounts of recoverable oil in the refuge cannot possibly justify the potential corruption of a unique and irreplaceable natural area.

They say the "relative trivial amounts." What are we talking about? Does anybody know how much oil is in ANWR? If we look at this large chart, we can get somewhat of a picture and get an understanding because over in the black there is this 800-mile pipeline. That infrastructure is already in place. It was built in the 1970s. That particular pipeline, when Prudhoe Bay was operating at full capacity, was about 2 million barrels a day. Today it is a little over a million barrels a day. So the capacity for increased oil development is clearly there.

This is the ANWR area. It is 19 million acres. It is the size of the State of South Carolina. It is a very large piece of real estate. This is the area that is in question because out of this 19 million acres, this is the only area that Congress has the authority to open because the rest of the area is in two classes. One is a wilderness and the other is a wildlife refuge. There is 8.5 million acres in a wilderness set aside in perpetuity, and that is this light color. The darker buff color is a refuge, and that is about 9 million acres. This 1.5 million acres is what is at risk, and the New York Times now says the "relative trivial amounts of recoverable oil."

We may have some indication of what amount of oil there might be, but it is a guess because the geologists have never been allowed into this area and they have never been able to determine through the 3D seismic what this area might contain. They have estimates based upon 2D geological advanced efforts prior to 1980, but we do know we have a new technology that makes the footprint smaller. I might add, this came out of the New York Times. This is their science. This gives an idea of the new technology. When one used to drill, they drilled straight down and either hit or did not hit. With 3D seismic and directional drilling, the footprint from one well can be many derivatives. One could poke out here through directional drilling, down here, or down here, pick up all of these other areas, which makes the latest drilling technology applicable to reduce environmental damage.

The technology that is used is very different. We use ice drills, and I will show a picture of that in a minute, but before I do, I want to take this chart down because I want to reflect a little bit on the issue of trivial amounts. All we know is that the estimate of reserves is between 3.5 and 16 billion barrels. That is what the USGS has indicated, somewhere in between. How do we relate to that? The only way we can relate to it is in comparison to what we have produced in Prudhoe Bay.

Prudhoe Bay has been online 27 years. Its production was estimated to be 10 billion barrels. That was all. Today it is producing its 13 billionth barrel. It is still producing a million barrels a day. It is still the largest producing field in the United States.

So if we say Prudhoe Bay was supposed to be 10 billion and it is now 13 billion, the reason it is still producing at a high rate is the new technology that did not exist 27 years ago for oil recovery. So they are getting greater utilization out of the field.

Back to what this trivial amount might be, 3.5 to 16 billion. If it is in the middle, it is as big as Prudhoe Bay. That would be 10 billion barrels. How big was Prudhoe Bay? Twenty-five percent of our total crude oil production for the last 27 years.

So I did a little press report today on the so-called reserves. One of my friends from the State of Oregon indicated it was only a 6-month supply. I had thought we had put that argument to rest. A 6-month supply is what some of those on the other side have indicated is what this reserve is. Well, okay, let us look at it. If this reserve is somewhere between 3.5 and 16 billion barrels, and let us say it is 10, and they say it is a 6-month supply, then what is Prudhoe Bay? It was supposed to be 10. Now it is 13. Was it a 6-month supply? No. It has been producing for 27 years, producing 25 percent of the total crude oil produced in the United States.

This 6-month supply is only valid—and I wish my colleagues on the other side who want to debate this issue would debate it from a factual and not a misleading point of view that is promulgated by America's extreme environmental lobby. If there were no oil produced in the United States and no oil imported, why, then, it might be a 6-month supply, but that is not a feasible or conceivable argument.

We have a response to the New York Times that it is a trivial amount, compared to their former statement that "it is the most promising untapped source of oil." That was April 1987; 1988, "the potential is enormous"; March 30, 1989, "Alaskan oil is too valuable to leave in the ground."

What the editorial board of the New York Times does obviously is their business. I talked with them about it. It was a rather interesting conversation, as a matter of fact. They said they have a new editorial editor and the former one went to California. I suppose that is a reasonable explanation.

My colleagues should know what they said in March of 2000:

> Mr. MURKOWSKI's stated purpose is to reduce the Nation's use of foreign oil from 56 to 50 percent partly through tax breaks.

Obviously, they think tax breaks is a motivation. They further say:

> But mainly by opening up more tracts of land for exploration, the centerpiece of that strategy in turn is to open up the coastal plain of the Arctic National Wildlife for exploration. This page has addressed the folly of trespassing on a wildlife preserve for what by official estimates is likely to be a modest amount of recoverable oil.

Boy, isn't that the way things go. One minute they are with you and the next minute they are against you.

What were they thinking in 1987 when they said it was a promising source of untapped source of oil? Or where were they when they said potential is enormous or risks are modest? Or where were they when they said Alaskan oil is too valuable to leave in the ground?

Today, they say:

> . . . Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well.

I ask unanimous consent the editorials of April 23, 1987, June 2, 1988, and March 30, 1989, when they supported it, as well as today's newspaper saying we are a sorry failure because we have not devised a strategy to reduce our dependence, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 10, 2002]

THE MISSING ENERGY STRATEGY

The events of the past year—prominently, a power crisis in California and the terrorist attacks on Sept. 11—gave the nation many reasons to re-examine its energy strategy. Now comes another: Saddam Hussein's decision to halt oil imports to the United States, at least temporarily, in retaliation for Washington's support of Israel.

In an interview with The Wall Street Journal earlier this week, President Bush warned that the recent 20 percent jump in oil prices could threaten economic recovery. While Iraq accounts for about 8 percent of America's imports, according to Washington's estimates, there is spare oil capacity in the system, and thus there should be no petroleum shortage if other Middle Eastern producers refuse to follow Baghdad. Even so, Mr. Hussein's action draws attention once again to America's dependence on imported oil, including oil supplied by the troubled countries of the Persian Gulf. It also points to Washington's sorry failure to devise a balanced strategy to reduce America's reliance on gulf imports and give itself greater maneuvering room in the war on terrorism and other foreign policy issues as well. The Senate, which has resumed debate on the energy bill, is the last hope for such a strategy. Admittedly, the prospects are dimmer than they were a month ago, when the Senate took up an imperfect but honorable measure cobbled together by Jeff Bingaman of New Mexico and Tom Daschle, the majority leader. The bill included a mix of incentives for new production of fossil fuels, largely natural gas, along with provisions aimed at increasing energy efficiency and the use of renewable energy sources. As such it stood in stark contrast to a grievously one-sided House bill that provided $27 billion in incentives for the oil, gas and coal industries and less than one-quarter that amount for efficiency. The House bill also authorized the opening of the Arctic National Wildlife Refuge to oil exploration and drilling.

On its first big test, however, the Senate collapsed under industry and union pressure and rejected a provision requiring the first increase in fuel economy standards since 1985. To Mr. Daschle's dismay, Democrats deserted the cause of fuel conservation in droves; New York's senators, Charles Schumer and Hillary Rodham Clinton, were among the honorable exceptions. The only bright moment in a dismal two weeks of debate and defeat was the approval of a "renewable portfolio standard" that would require utilities to generate between 5 and 10 percent of their power from wind, solar and other forms of renewable energy.

There are several things the Democrats and their moderate Republican allies can do to produce a respectable bill. First, they must defeat any amendment aimed at opening the Arctic refuge to drilling. Such an amendment is almost certain to be offered by Frank Murkowski of Alaska, but the facts are not on his side. Every available calculation—including those that accept Mr. Murkowski's inflated estimates of the amount of oil underneath the refuge—show that much more oil can be saved by fuel efficiency than by drilling.

Next, they must resist efforts to weaken the renewable energy provision, while defending energy efficiency measures that have yet to be voted on—chiefly a provision that would increase efficiency standards for air-conditioners by 30 percent. The Senate should also preserve a useful provision that would require companies to give a public accounting of their production of carbon dioxide and other so-called greenhouse gases. On the supply side, it can take steps to improve the reliability of the nationwide electricity grid, while increasing incentives for smaller and potentially more efficient producers of power.

These are modest measures, less ambitious than the Senate's original agenda. But at least they point in the right direction, toward a strategy that includes conservation as well as production.

[From the New York Times, Apr. 23, 1987]

IN ALASKA: DRILL, BUT WITH CARE

Alaska's Arctic National Wildlife Refuge is an untouched and fragile place that supports rare mammals and myriad species of birds. It is also the most promising untapped source of oil in North America. Should America drill for it?

What Congress decided, in 1980, was not to decide. It ordered a long study. The assessment is now in, and for Interior Secretary Hodel the decision isn't even close: leasing drilling rights to oil companies is "vital to our national security" because it "would reduce America's dependence on unstable sources of foreign oil."

Mr. Hodel is guilt of oversell. A single discovery can't save us from increasing dependence on Persian Gulf oil. But the potential economic benefit of development—perhaps tens of billions of dollars of oil—outweighs the risks. The unanswered question is whether environmentalists and developers can cooperate to minimize damage to the refuge.

The Interior Department estimates that between 600 million and 9.2 billion barrels of oil are recoverable from a 20-by-100-mile strip along the Arctic coast. But no matter how carefully done, development of the coastal strip would displace animals and scar land permanently. Tracks of vehicles that crossed the tundra decades ago are still visible. No one knows whether the caribou herd that bears its young near the coast would stop reproducing or simply move elsewhere.

Adversaries in this battle view development as ecological catastrophe or energy salvation. Outsiders can wonder why such apocalyptic fuss. An unusual environment would surely be damaged, but the amount of land involved is modest and the animals at risk are not endangered species. A lot of oil might be pumped, but probably not enough to keep America's motors running for an entire year. Ultimately, policy makers must weigh the dollar value of the oil against the intangible value of an unspoiled refuge.

The most likely net value of the oil, after accounting for costs and assuming a future world price of $33 a barrel, is about $15 billion.

How much an untouched refuge is worth is anyone's guess—but it's hard to see how it could realistically be judged worth such an enormous sum. If America had an extra $15 billion to spend on wilderness protection, it wouldn't be spent on this one sliver of land.

That doesn't mean, however, that developers should be permitted to treat the refuge as another Bayonne. Elaborate, necessarily expensive precautions are needed to contain the disruption. Human and machine presence can and should be kept to a bare minimum until test wells are completed. Dense caribou calving grounds should be left alone until the animals' response to change is gauged.

A decade ago, precautions in the design and construction of the 1,000-mile-long Alaska pipeline saved the land from serious damage. If oil companies, government agencies and environmentalists approach the development of the refuge with comparable care, disaster should be avoidable.

[From the New York Times, June 2, 1988]

RISKS WORTH TAKING FOR OIL

Can Big Oil and its Government regulators be trusted with the fragile environment of Alaska's Arctic Wildlife Refuge? Congress, pressed by the Reagan Administration to allow exploratory drilling in what maybe North America's last great oil reserve, has been wrestling with the question for years. Then, last month, opponents' skepticism was heightened by a leaked report from the Fish and Wildlife Service saying that environmental disruption in the nearby North Slope oil fields is far worse than originally believed.

The North Slope development has been America's biggest test by far of the proposition that it is possible to balance energy needs with sensitivity for the environment. The public therefore deserves an independent assessment of the ecological risks and an honest assessment of the energy rewards.

No one wants to ruin a wilderness for small gain. But in this case, the potential is enormous and the environmental risks are modest. Even if the report's findings are confirmed, the likely value of the oil far exceeds plausible estimates of the environmental cost.

The amount of oil that could be recovered from the Wildlife Refuge is not known. But it seems likely that the coastal plain, representing a small part of the acreage in the refuge, contains several billion barrels, worth tens of billions of dollars. But drilling is certain to disrupt the delicate ecology of the Arctic tundra.

Some members of Congress believe that no damage at all is acceptable. But most are ready to accept a little environmental degradation in return for a lot of oil. Hence the relevance of the experience at Prudhoe Bay, which now yields 20 percent of total U.S. oil production. Last year, Representative George Miller, a California Democrat and opponent of drilling within the refuge, asked the Fish and Wildlife Service to compare the environmental impact predicted in 1972 for Prudhoe Bay with the actual impact. The report from the local field office, never released by the Administration, offers a long list of effects, ranging from birds displaced to tons of nitrous oxide released into the air.

According to the authors, development used more land, damaged more habitat acreage and generated more effluent than originally predicted. The authors also argue that Government monitoring efforts and assessment of long-term effects have been inadequate.

It's important to find out whether these interpretations are sensible and how environmental oversight could be improved. The General Accounting Office, a creature of Congress, is probably the most credible agency to do the job.

But even taken at face value, the report's findings hardly justify putting oil exploration on hold.

No species is reported to be endangered. No dramatic permanent changes in ecology are forecast. Much of the unpredicted damage has arisen because more oil has been produced than originally predicted. Even so, the total acreage affected by development represents only a fraction of 1 percent of the North Slope wilderness.

The trade-off between energy and ecology seems unchanged. If another oil field on the scale of Prudhoe Bay is discovered, developing it will damage the environment. That damage is worth minimizing. But it is hard to see why absolutely pristine preservation of this remote wilderness should take precedence over the nation's energy needs.

[From the New York Times, Mar. 30, 1989]

OIL ON THE WATER, OIL IN THE GROUND

Does the Exxon tanker spill show that Arctic oil shipping is being mismanaged? Should the industry have been better prepared to cope with the accident? Should the spill deflect President Bush from his plan to open more of Alaska to oil exploration?

Six days after the Exxon Valdez dumped 240,000 barrels of crude into the frigid waters of Prince William Sound, questions come more easily than answers. But it is not too early to distinguish between the issue of regulation and the broader question of exploiting energy resources in the Arctic. The accident shouldn't change one truth: Alaskan oil is too valuable to leave in the ground.

Exxon has much to explain. The tanker captain has a history of alcohol abuse. The officer in charge of the vessel at the time of the spill was not certified to navigate in the sound. THe company's cleanup efforts have been woefully ineffective. Local industries, notably fishing, face potentially disastrous consequences, and the Government needs to hold the company to its promise to pay. More important, Washington has an obligation to impose and enforce rules strict enough to reduce the risks of another spill.

That said, it's worth putting the event in perspective. Before last Friday, tens of thousands of tanker runs from Valdez has been completed without a serious mishap. Alaska now pumps two million barrels through the pipeline each day. And it would be almost unthinkable to restrict access to one-fourth of the nation's total oil production.

The far tougher question is whether the accident is sufficient reason to slow exploration for additional oil in the Arctic. The single most promising source of oil in America lies on the north coast of Alaska, a few hundred miles east of the big fields at Prudhoe Bay. But this remote tundra is part of the Arctic National Wildlife Refuge, and since 1980 Congress has been trying to decide whether to allow exploratory drilling.

Environmental organizations have long opposed such exploration, arguing that the ecology of the refuge is both unusual and fragile. This week they used the occasion of the tanker spill to call for further delays while the damage from the Exxon Valdez spill is assessed.

More information is always better than less. But long delay would have a cost, too: Prudhoe Bay production will begin to tail off in the mid-1990's. If exploration is permitted in the refuge and little oil is found, development will never take place and damage to the environment will be insignificant. If development does prove worthwhile, the process will undoubtedly degrade the environment. But the compensation will be a lot of badly needed fuel.

Environmentalists counter that, at most, the refuge will add one year's supply to America's reserves. They are right, but one year of oil is a lot of oil. The 3.2 billion barrels, if found, would be worth about $60 billion at today's prices, enough to generate at least $10 billion in royalties for Alaska and the Federal Government. By denying access to it, Congress would be saying implicitly that the absolute purity of the refuge was worth at least as much as the forgone $10 billion.

> Put it another way. Suppose the royalties were dedicated to buying and maintaining parkland in the rest of the nation—a not unthinkable legislative option. Would Americans really want to pass by, say, $10 billion worth of land in order to prevent oil companies from covering a few thousand acres of the Arctic with roads, drilling pads and pipelines?
>
> Washington can't afford to assume that the Exxon Valdez accident was a freak that will never happen again. But neither can it afford to treat the accident as a reason for fencing off what may be the last great oilfield in the nation.

Mr. MURKOWSKI. I would like to have an explanation from the New York Times, as a consequence of where they were in 1987 and 1998 and 1999 and in 2001 being against it and now they are critical when we are trying to do something about it. Yet they don't accept the responsibility of proposing a way to reduce that dependence.

I believe we need to reduce our dependence, free ourselves from the Saddam Husseins.

We have talked about CAFE standards. Do you know what the debate on CAFE standards was all about? It was about safety. We could have increased mileage, but we were concerned about the safety of our automobiles in relationship to families moving our children. We were ready to trade off. And we did, by majority vote, increase CAFE standards with the belief that we would be stripped of some of the safety features. The indication was we would lose hundreds, perhaps thousands of lives.

As we address where we are today, we ought to look at some of the facts. We saw an article that appeared in the USGS about 10 days ago indicating if we opened up this area, somehow we would risk the Porcupine caribou. Another chart shows caribou relative to the renewability of what amounts to a natural resource. This is the caribou frolicking in Prudhoe Bay. The reason they are frolicking is nobody shoots them. They become very accustomed to a modest amount of activity as long as they are not threatened. If they hear the snow machines, they bolt like cattle on a rampage.

This is the western herd. It is the herd that frequents the oilfields of Prudhoe Bay. The important thing to recognize with this herd is they have grown dramatically from 3,000 animals to 26,000 animals. There are few predators and very few wolves. As a consequence, the herd has grown dramatically.

The Porcupine herd is in a different part of the State. I will show the migration pattern of this herd. It bears some semblance to reality. My critics who say USGS indicated in its report that the caribou might be affected by oil activity did not reflect on a knowledge of certain migratory movements of this particular Porcupine herd.

This chart shows the boundary between the United States and Canada. We can see the northwest territories. This happens to be a Canadian highway called the Dempster Highway. This is the general path of the migration of the Porcupine caribou herd in purple. It goes into the 1002 area. The point is there is no fence between Canada and Alaska.

In their migratory path they cross the highway. The highest incidence of the mortality of this particular herd is crossing the Dempster Highway, not getting hit by trucks and cars. That is where the people hunt. That is where they take them. They are very easy to get through. Drive the highway.

This is the Arctic Highway. It is pretty rugged, but it is accessible. If you are concerned about the effect on the caribou, consider the number of caribou taken for subsistence and other reasons in that area. They come in the summertime and calf. The question is, Do they calf in the 1002 area, the area where we have at risk, the potential of caribou that might be lost as a result of calving?

We have a chart that shows, over a period from 1983 to 2000, the general calving area. Green is the calving area. This chart was put together by the Department of Interior. This is the 1002 area. This is what is at risk. In 1999, there was some calving in the area; some calving in the area in other years. The good news is there will not be any activity there during that time.

Let me show you what the area looks like for about 10½ months of the year. It is a harsh environment of ice and snow with virtually no wildlife activity in this severe time. This is generally a fair picture of the Arctic Coastal Plain in the 1002 area in the wintertime. This happens to be a clear day in the wintertime. To see what it looks like most of the time in the winter with what is called whiteouts, where you have absolutely no relationship between the snow and the clouds, it looks just white. Pilots fly into it only on instruments because you cannot see the ground.

If you turn the picture back you can see what it looks like on a clear day, which is not most of the time. On a clear day, there is a difference between the ground and the sky. When it is a whiteout condition, cloudy and snowy, it is all white. There are a lot of flying accidents when people lose their horizon and are not proficient on instruments.

As we consider the debate and recognize we have specialized technology now—development occurs only in the wintertime—we can put aside some of the USGS estimate that somehow we are going to have a significant impact. This activity is only going to occur in the wintertime. When the short summer comes up—and it looks somewhat like this photo. This is the tundra. This is a well that was drilled. As you can see, there are no roads because we use ice roads. There will be no activity during the time that the caribou calve in this area.

Then, of course, we have the continued debate as to the validity of one report vis-a-vis another report. The USGS confirmed this week that the caribou would not be affected by exploration because the House bill, which is what is before the Senate, only allows 2,000 acres out of 19 million acres to be developed.

As we debate this issue on the energy bill, even though we have not offered the amendment, I did want to reflect a little bit on the New York Times' inconsistency. On the one hand, they supported it in 1978 and 1979, and then rejected it in 2001, and now are criticizing the Congress for not coming up with some methodology to reduce our dependence on imports.

If you are going to reduce it, you might as well go where you are most likely to find a substantial reserve of oil and that happens to be this area of Alaska. For those who say this is some kind of a pristine area, where there has been no development of any kind, let me remind you there is a village there. It is the village of Kaktovik. Real people live there. There are kids there. This is a little community hall. There are about 300 kids there. There are people who live there. They are on the snow machine there. We have some other pictures of the village itself.

This will give you some idea. This is in the 1002. This is Kaktovik. There are people who live there. There is an airstrip there, a radar station, a school. Here are some kids going to school in the morning. Nobody shovels their snow. These are happy kids, looking forward to a future.

What is that future? Does anybody around here know what a honey bucket is? A honey bucket is what you have when you don't have indoor plumbing and you need indoor plumbing because outdoor plumbing doesn't work in the wintertime. You and I and everybody else, we are used to water, sewer, the conveniences. These people have the same dreams and aspirations. How do they achieve those dreams and aspirations? By a better lifestyle, by a tax base, by jobs, by opportunities. Do these people support opening this area? I think we all know the answer to that. The answer is a very affirmative yes.

Are they entitled to have development on their own land, over which they have some control, the State of Alaska, or the Federal Environmental Protection Agency?

This may be a little stark. I am not commenting on the reality. But this is what a honey bucket looks like. That is what they cost, about $20. You empty it yourself. It is not what we are used to. But when you do not have sewer and water, that is what you get. I don't know how long that has to stay up to make the impression, but that is real. If you have not tried one, it is not the most gratifying experience. But if there is no other alternative, that is what you have.

I bring this to relate to those who are somewhat above that, a higher echelon, who somehow do not consider how real people out there live. They assume we all live kind of alike and the dreams and aspirations of an aboriginal people should not be considered in this debate.

Why shouldn't they? They have rights. They have representation. They elected me to the Senate and I am representing their interests. They want a better life and I think they are entitled to it. They should enjoy, at least to a degree of attainability, some of the things we take for granted.

We will be having an extended debate on this ANWR issue. For the people of my State, let's once and for all try to keep the arguments accurate. Let's not mislead people by saying it is a 6-month supply. That is absolutely ludicrous, and I assume most of my colleagues have the intelligence and fairness to recognize that argument doesn't hold oil. Not only are we not talking about a 6-month supply, some say it will take 10 years.

This is the other chart that shows the infrastructure that is already in suggests we can expedite permitting if the oil is, indeed, there, in the volume it would have to be.

I might add, this little red thing is the footprint of what 2,000 acres would be out of this 1.5 million acres in green. This is the footprint authorizing the 2,000 acres, and this whole area is 19 million acres.

Make no mistake about it, it is a very small footprint in an area that already has the development of Kaktovik and the Eskimo people who support it.

As we look at the issue of a 6-month supply—we have countered that. Can it be open in a reasonable period of time? What we have here—it doesn't show on this particular chart—we have a discovery here called Badame. It is a British Petroleum discovery. It has not proven out. But there is a pipeline from the existing 800-mile pipeline over to Badame so we would only need about 45 miles of pipeline to get to ANWR. Once the discoveries were made, and the discoveries would have to be substantive or we would never be able to afford the development, a pipeline could be run over there in a very expeditious manner in my opinion—one winter construction season—and we could have ANWR online in 2.5 to 3 years.

Let's remember, in 1995 we passed ANWR. It was vetoed by our President in the omnibus package. So we would today at least have oil flowing. To suggest we cannot do it safely, to suggest it is going to take 10 years is totally unrealistic. To suggest with the new technology it would have a detrimental effect on the wildlife is, again, without any scientific foundation.

We have some other characters here. We call them bears. We have polar bears and we have brown bears. The significance of the polar bear—these are not polar bears; these happen to be brown bears. Grizzles is their common denomination. These guys are walking the pipeline because it is easier than walking in the snow. You and I would do the same thing if we were out for a walk. The point is, these are not disturbing because there is no threat.

People say: What about the polar bears? We do not have many polar bears in this area, but we have a few. This is from the Washington Post. It is kind of an interesting, I guess, comparison, because this was a new field found over at Alpine. It came in initially about 100,00 barrels a day. That is a lot of oil for one little field. The footprint is just that much, probably 20 acres.

This particular picture down here shows some polar bears, but they do not indicate where that picture was taken. This picture was not taken in ANWR. It was taken way over on the Arctic area known as Barrow, probably 600 or 700 miles west. But the point I want to make with regard to the polar bear—and it is legitimate—is the greatest contribution we made to the polar bear is the Marine Animal Act because you can't take polar bear as a trophy. You can't hunt them. You can in Russia or Canada, but you cannot do it in the United States; so they are protected. To suggest somehow that a mild amount of activity associated with development of ANWR is going to jeopardize the polar bear—the greatest jeopardy to the polar bear is somebody going out and shooting them. I hate to be so crass, but that is the factual reality.

What we have here, again, is America's extreme environmental community using this, lobbying it very heavily. At a time when clearly we have a lot of unrest in the Middle East, the New York Times is proposing Congress hasn't done anything to relieve our dependence, and there is the recognition that now we are starting a debate, very soon, on the issue of opening ANWR.

I encourage Members to try to sort out fact from fiction, as this debate goes on; recognizing that America stands to gain an awful lot from opening this area up.

There would be significant job creation. It is in the interest of our economy. It is estimated that somewhere in the area of 250,000 jobs would be created. America's unions are virtually 100 percent behind opening up this area because they know it can be done safely. They know it is a jobs issue. Not only are they convinced it is in the interest of our economy, but America's veterans are virtually unanimous in support of opening it. The reason the veterans support it is quite obvious to all. It would forestall the possibility that American troops would have to go overseas and fight a war over oil in a foreign land.

In conclusion, I hope Members really relate to doing what is right for America, what is right for jobs, and what is right for the veterans. I might add that the Israeli lobbying group is virtually 100 percent supportive of developing the Coastal Plain and relieving our dependence on Mideast oil.

When you start looking down the list of supporters on the other side, it is the environmental groups. There is no sound science to support their contention because we can do it safely. It is an extraordinary resource available for this country. It can be developed in a relatively short period of time. It can be done without jeopardizing animal life. For those who claim to be experts, I suggest they go up there, talk to the people, take a look at it, and recognize the significance of the dreams and aspirations of those people who have to depend on this kind of living when there are alternatives that you and I take for granted. This is the hard reality of the lifestyle of some of my people who want a better lifestyle, and they expect that the Senate will protect their interests.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

(The remarks of Mr. FEINGOLD are printed in today's RECORD under "Morning Business.")

Mr. FEINGOLD. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE MIDEAST

Mr. SPECTER. Madam President, I have sought recognition to comment briefly about a trip I made to the Mideast and to the efforts being made at getting a cease-fire and a truce.

Two weeks ago yesterday, I arrived in Jerusalem and met with General Zinni, and then with Israel's Prime Minister, Ariel Sharon, and then with the Palestinian Authority's Chairman, Yasser Arafat.

On that day, I was told by all three of those men that they were very close to finding agreement on security arrangements under the so-called Tenet Plan put forward by CIA Director George Tenet.

Then the next day there was the massacre, the suicide bomber at the Passover Seder where 22 people were killed and several hundred were wounded. Then the whole situation in the Mideast exploded.

The Israelis then undertook a military operation to try to root out the suicide bombers. And following the initiation of that military operation, the suicide bombers stopped for a few days. Then they started again yesterday.

I am glad to say that Secretary of State Colin Powell has gone to the Mideast at the President's direction. I know the Secretary would have preferred to have gone after all of the arrangements had been worked out and it could be a triumphant tour, but I do believe it is necessary to make an effort even where success is not assured. Nobody hits a home run, we can't expect someone to hit a home run every time they go to bat.

The risks for the United States of doing nothing are much greater than the risks if we try, even if there is not immediate success.

On the wave of the suicide bombings, it is very difficult to ask the Israelis to stop their efforts in self-defense to root out the terrorists and to stop the suicide bombers. It is very hard to do. We cannot allow, the world cannot allow suicide bombings to become an epidemic. What happened to the United States on 9-11 involved suicide bombers, just a little bit more sophisticated. They hijacked airplanes that they crashed into the trade towers. One was headed to the White House which hit the Pentagon, and another was headed to the Capitol which went down in Somerset County, PA.

If suicide bombers are not stopped, they are going to become an epidemic and a way of life; no one is going to be safe. It is very difficult to expect Israel not to act in its own self-defense in rooting out the suicide bombers.

The evidence came to light last week, or the purported evidence, that documents were found which bore the signature of Chairman Arafat on paying money to terrorists who were involved against the State of Israel. It seemed to me that when that evidence came to light, we had to check it out thoroughly to see if in fact it was true. There has not been conclusive authentication, although from all appearances it seems to be accurate.

The Palestinian Authority did not directly deny the accuracy but said, somewhat tangentially, that Israel sometimes concocted the documents and said further that Israel was using this issue for propaganda purposes. Both of those responses are really beside the point. The point is, are those documents authentic?

There yet ought to be a determination, perhaps made by a U.S. official, perhaps by the Federal Bureau of Investigation, or perhaps by the CIA or some impartial agency, to see for sure if that is in fact Chairman Arafat's signature and his handwriting.

When I saw him 2 weeks ago yesterday, I asked him a great many questions. One of the questions I asked him involved the Iranian shipment of arms to the Palestinian Authority which was documented. At that time, there was not conclusive proof linking Arafat personally, but there was conclusive proof that it went to the Palestinian Authority. When I talked to Chairman Arafat and his advisers in the face of their denials that it ever happened, it seemed to me not credible and not worthy of belief.

When I saw Chairman Arafat, I conveyed General Zinni's message that Chairman Arafat ought to make an emphatic, unequivocal statement in Arabic to stop the suicide bombings. Chairman Arafat refused to do that.

If it turns out that these documents do in fact bear Arafat's handwriting and if it is conclusive that Arafat has paid off terrorists, then it seems to me very difficult to deal with Arafat or to ask Israel to deal with Arafat.

I am not unmindful of the grave difficulty as to how we negotiate with the Palestinian Authority if we do not negotiate with Arafat. But the ultimate question is, what is an arrangement, what is an agreement with Arafat, worth if in fact he has been paying off terrorists? You have a sequence of events that would be most damning. The Iranian arms deal is very problematic. His refusal to make an unequivocal statement in Arabic to stop the suicide bombings is also obviously very problematic.

I am glad to see Secretary of State Powell talking to moderate Arab leaders first. The reports were that when he met with Mohamed VI, the leader in Morocco, Mohamed VI challenged the Secretary on why he had waited so long to come to the Mideast and why he had gone to Morocco instead of going to Jerusalem where the war problem existed. I think Secretary of State Powell was correct in going to Morocco first and then talking to the Crown Prince of Saudi Arabia who happened to be in Morocco as well, then proceeding to Egypt, and then to talk to King Abdullah of Jordan—to go to the moderate Arabs first.

I frankly like King Mohamed VI's spunk in challenging the United States. I think that kind of independence and that kind of directness is very refreshing, even though I believe Secretary of State Powell is correct and had a good answer for Mohamed VI. I have had a chance to meet him on prior trips to the Mideast. He is a man in his late thirties. I think it shows great promise of leadership in the moderate Arab world. He follows his father who had good relations with Israel and had an open mind. He has the real potential for leadership.

On the trip to the Mideast a week ago last Thursday, I had a chance to talk to King Abdullah of Jordan. There is another young moderate leader of the Arab world who has real potential.

I have been a little disappointed lately in what President Mubarak has had to say and a little surprised to see in the morning's press that it is the Egyptian Foreign Minister who had a press conference with Secretary of State Powell as opposed to President Mubarak.

When President Mubarak was visiting here a few weeks ago and a number of Senators met with him in the Foreign Relations Room downstairs in the Capitol, the question was raised about an editor of a newspaper reportedly very close to President Mubarak who had spread false rumors or printed a false report that the United States was engaged in providing tainted food in Afghanistan which is totally untrue. The question arises as to why that is going on. It may be that it can't be controlled by President Mubarak. But when that question was posed, there was not a satisfactory answer given to it.

President Mubarak has been a strong moderate leader for many years. The United States has responded with $2 billion a year since the late 1970s, or in the range of $50 billion in United States aid to Egypt in recognition of their leadership.

It may be that what we will have to look for ultimately is some other representative, if Chairman Arafat is disqualified because of what he has done, it may be that the moderate leaders such as Mohamed, or Abdullah, or Mubarak, will have to step forward. It is very troublesome as to what may be accomplished. I am hopeful that Secretary of State Powell will be able to broker a truce. As I said, 2 weeks ago yesterday they were very close to security arrangements and to an agreement among Chairman Arafat, General Zinni, and Prime Minister Sharon. But beyond the truce, I think Secretary of State Powell is correct. As he commented yesterday, there has to be an immediate action toward a political settlement.

There has been agreement that there will be a Palestinian State. Prime Minister Sharon has acknowledged that, and that is understood in Israel. Those are the terms of the Oslo agreement President Bush talked about. I do think there are ways to move ahead to see to it that the issues of boundaries, the issues of settlements, and all the other issues in the political mixture can be worked out.

During our trip, we also had an opportunity to meet with President Bashar al-Asad of Syria, another young man—a new generation—in his thirties. He is 36 years of age. I had occasion to get to know his father, Hafez al-Asad. I have been traveling to Syria almost every year since 1984 and had many meetings—more than a dozen—with President Hafez al-Asad, and I had an opportunity to meet President Bashar al-Asad when I attended the funeral in June of 2000.

In a meeting I had with President Asad a week ago Saturday, we talked about a great many subjects. It is my hope, as matters evolve, that President Bashar Asad will present a new image for Syria. I know in today's press it is reported that Vice President CHENEY has contacted President Bashar Asad about not opening up a second front in Lebanon. It is my hope that Syria will be cooperative in that respect.

When I talked to President Asad a week ago Saturday, I raised a number of issues with him. He had been quoted at the Arab summit, saying it was acceptable to target civilians. I commented to him that I thought that was not appropriate, that you simply cannot target civilians. Civilians might be injured and they might be casualties, as civilians were injured when the United States bombed Yugoslavia, but to target civilians is unacceptable. We had a discussion about that. He responded there were thousands of settlers in the Golan who were armed, and I replied that if that situation was unsatisfactory to Syria, President Asad should pick up what his father did and try to negotiate a settlement on an arrangement brokered by President Clinton back in the mid-1990s, when Syria and Israel were very close to agreement, with Prime Minister Rabin and President Hafez al-Asad.

I commented about President Asad's speech last summer where he equated Naziism with Zionism. I told him that that not only was unacceptable and problematic for the international Jewish community, but for the international community generally. President Asad responded that if you talked to the man in the street in Damascus, he or she would not know very much about Naziism, but they would be very unhappy with Israel. I said equating Zionism and Naziism is very repugnant, that the principal reason for the Jewish nation in Israel was the Holocaust and the incineration of 6 million Jews, and that kind of equation is unacceptable.

In conclusion, I see colleagues coming to the floor, so I will not take up any more floor time. I think we have to pursue new avenues. I think we have to look to moderate Arabs such as Mohamed of Morocco, Abdullah of Jordan, and Mubarak of Egypt to lead the way. And if we find this evidence as to Yasser Arafat's complicity in paying terrorists, we have to face up to that head on.

President Bush has been very emphatic that you can't deal with terrorists, you can't deal with anybody who harbors terrorists. In moving forward with negotiations, before there is a truce, there is a real problem there on the appearance of rewarding terrorism by having negotiations before there is a truce. Prime Minister Sharon had insisted on 7 days of quiet before he would negotiate, and in the interest of trying to move the process forward, he has abandoned that precondition. But we have to be very careful in our dealings here that we do not reward terrorists, which will only encourage more terrorism.

I ask unanimous consent that my trip report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR ARLEN SPECTER, REPORT ON FOREIGN TRAVEL, ENGLAND, NETHERLANDS, GREECE, SAUDI ARABIA, ISRAEL, JORDAN, SYRIA, MARCH 22–APRIL 1, 2002

ENGLAND

We arrived in London on the evening of Friday, March 22, 2002. On Saturday morning, Glyn Davies, Deputy Chief of Mission (Charge d' Affairs), and Mr. Ethan Goldrich, First Secretary, of the U. S. Embassy staff provided a briefing. We discussed the British reaction to a host of issues, including Iraq, Iran, Russia, China, steel, anti-terrorism coalitions, NATO, England's Jewish population, and embassy security.

The U.S. decision imposing tariffs on steel imports has been of great concern to British officials. The issue appears to be less of a bilateral one between the U.S. and the U.K., and more of a concern about increased dumping of steel from countries excluded from U.S. markets that could affect the British steel industry.

Domestically, Mr. Davies noted that the political landscape is dominated by Prime Minister Tony Blair. Tory power is low currently. Domestic problems such as crime and health care remain unsolved. England's bureaucratic structure is very powerful, and is about equal to the political establishment. Mr. Davies shared a story about the bureaucratic heads preparing separate memos immediately before the election outlining different initiatives depending on who won.

I asked about the solidity of the U.S.-led coalition. The embassy staff noted that five nations have troops on the ground in support of the Afghanistan action and that fourteen countries are members of the assistance force. There is a general feeling that even Great Britain's support for the U.S. has somewhat diminished. Immediately after the September 11, 2001 attacks, the British people showed an outpouring of support through letters, telephone calls and acts of kindness. Many people drove to Heathrow Airport to take home stranded Americans. Further, over 50,000 people came to the Embassy to sign condolence books in the rain. Despite this overwhelming support, the British people and officials are often concerned about the use of their troops. They fear an "overstretch problem" with commitments around Europe and elsewhere and are skeptical of further military actions, including one against Iraq.

On the issue of Iran, there appears to be a real divergence between the U.S. and U.K. positions. England opened an Embassy in the hopes of improving communication between the two nations. They are appealing to the moderates in Iran, who are known to exist, but are not in positions of power yet. President Bush's inclusion of Iran in the " Axis of Evil" is reportedly viewed as inappropriate and the British are treading lightly with regard to Iranian issues.

We discussed the security of the U.S. Embassy. Protective actions have been taken, but more work is reportedly warranted.

That evening, we had dinner with the Rt. Hon. Geoffrey Johnson Smith, a former Member of Parliament who recently retired. Geoffrey and I debated in November 1949 when he represented Oxford and I was on the University of Pennsylvania team. We discussed the wide range of U.S./British relations, including our 1949 debate topic: "Resolved that the British Empire is Decadent."

NETHERLANDS

From London, we traveled to The Hague, Netherlands, and met, dined and stayed with U.S. Ambassador Clifford M. Sobel and his wife Barbara with whom we discussed a wide range of issues.

On Monday, March 25th, we met at the headquarters of the International Criminal Tribunal for the former Yugoslavia (ICTY). The attendees at the meeting were Carla Del Ponte, Chief Prosecutor; Mark Ierace, Senior Trial Attorney; Gavin Ruxton, Senior Legal Advisor; Mark B. Harmon, Senior Trial Attorney; Michael Johnson, Chief of Prosecutions; Anton Nikifozov, Special Advisor; Jean Jacques Joris, Diplomatic Advisor; and Graham Blewitt, Deputy Prosecutor.

The Tribunal has six ongoing trials in two types of cases: leadership and criminal. There are three courtrooms with morning and afternoon sessions. The U.N. has provided a budget of $200 million for two years, which forced the ICTY to eliminate two full trial teams. The ICTY now has six trial teams. Efficiency has been reportedly questions by the U.N., but Ms. Del Ponte and her staff feel that these criticisms are unfounded. The workload for the ICTY is immense, with one case producing a quarter of a million documents, which require translation into three languages. Overall, twenty-five cases have been completed.

We had planned to view the Slobodan Milosevic trial; however, it was postponed due to Milosevic' s having the flu. That trial has attracted much international attention, and the ICTY staff is concerned that the trial is an opportunity for Milosevic to make political statements. The prosecutors are confident that another view will be taken by the public once the prosecution has a chance to expose Milosevic's weaknesses.

Former Ambassador Holbrooke has been called to testify. We were told that the U.S. Government has invoked Rule 70 for any Americans testifying, which would require a closed session. Ms. Del Ponte fears that this may provide Milosevic an opportunity to announce through the media his version of the closed sessions. Ms. Del Ponte said she discussed the likelihood of the U.S. waiving the rule with Secretary of State Colin Powell who said he would consider it.

I asked about the status of the Radovan Karadzic and Ratko Mladic cases. Karadzic has been sought for six years with reports that he travels with impunity. Two raids have been made recently related to his case. Similarly, Mladic is not the type of person who is able to hide in his country. There are reports that Mladic has been seen in a Belgrade Park with 60 guards. The Tribunal's work is hampered by the fugitive status of these two men.

I asked for an update on the Rwanda prosecutions. On the cases, the Tribunal has 53 detainees, including 17 on trial and 32 awaiting trial. Ms. Del Ponte frequently visits Rwanda as a part of her oversight duties. Each Tribunal—for the former Yugoslavia and Rwanda—has roughly the same staff of 70 attorneys each, although the vacancy rate is high in the Rwanda office.

GREECE

En route to Saudi Arabia, we stopped briefly in Souda Bay, Crete in Greece. We met with U.S. Ambassador Thomas Miller and discussed many issues. First, we spoke about

Greek support of the U.S.-led war on terrorism, as well as threats in Greece by a group known as November 17th. They have reportedly killed twenty-two U.S. and other foreign personnel in Greece since 1975. We also discussed trade, which balances fairly heavily in favor of the U.S., primarily through military equipment sales.

We touched on the Cypress issue, which the Ambassador thinks is close to being resolved. On U.S. action in Iraq, the Greeks urge diplomacy over military action. The Ambassador recommends the U.N. as the best forum to discuss Iraq with Greece and other hesitant nations. Moving onto the Israeli-Palestinian crisis, the Greeks appear to be supportive of the Saudi plan. Further, the Greeks see potential in Iran as part of the solution to tensions in the Middle East, as evidenced by the Greeks hosting Iranian President Khatemi recently.

SAUDI ARABIA

From Greece, we continued on to Jeddah, Saudi Arabia. Before leaving Washington, D.C., we were told we would meet with Crown Prince Abdullah Monday night or Tuesday morning. Upon arriving there, we were told to await a call setting the meeting time on Monday evening. Shortly thereafter, we were advised there would be no meeting because the Crown Prince was preparing for the Beirut summit and would be departing for Beirut early the next morning.

ISRAEL

We left Saudi Arabia on the morning of Tuesday, March 26th and stopped briefly in Amman, Jordan, as required by Saudi regulations, on our way to Tel Aviv, Israel.

That afternoon, we met with General Anthony Zinni, U.S. envoy to the Middle East. General Zinni said the Israelis and Palestinians were very close to an agreement on the Tenet plan. He had been in negotiations with the leaders of both sides and reported progress at every meeting. The plan proposed by Director of Central Intelligence George Tenet in June 2001 was Zinni's working draft. That plan is focused on security issues. The process would then lead directly into the George Mitchell plan on political matters and end with resolving final status issues.

General Zinni stressed that a plan would have to be given time to work on the ground. He believes Israelis will be satisfied if they believe Yasser Arafat and the Palestinian Authority are making a 100% effort to end the violence. He suggests the use of outside monitors, including some U.S. personnel, to evaluate the situation after an agreement is reached. Under the Tenet plan, they would monitor arrests, including the use of proper procedures; weapons confiscation, including disposal; and actions of incitement of violence.

When I asked about his reaction to the Saudi proposal, the General said it was a remarkable plan, because of the mere fact that it was offered and that it appears to have strong Arab support from around the region. He said the Saudi plan could further political discussions.

There is a great deal of speculation as to whether Yasser Arafat can control the violence. His forces have been weakened by Israeli attacks. Upon learning of my meeting later that evening with Arafat, General Zinni asked me to make a few points. First, Arafat needs to sign and follow the Tenet agreement. Second, Arafat must make a clear declaration to end the violence in Arabic and English. Chairman Arafat has been accused of saying one thing in Arabic and the opposite in English.

General Zinni told me that the Israelis are very concerned about the Syrian connection to Hezbollah in Southern Lebanon, which reportedly has about 8,000 rockets that could be used against Israel. We discussed the need for more pressure on countries to stop funding terrorism. These countries allow organizations to operate, exploit children as suicide bombers, and funnel cash for arms. The General suggested that an Arab non-governmental organization or cooperation with the U.S. Agency for International Development (USAID) and other humanitarian groups from around the world could help address the poverty from which terrorist groups recruit young terrorists.

Late that afternoon, I met with Prime Minister Sharon and U.S. Ambassador Daniel Kurtzer. Prime Minister Sharon was generally upbeat and in a good mood notwithstanding the pressures and problems. He asked our Ambassador what had happened on his (Sharon's) request to attend the Beirut Arab summit. The Ambassador replied that the inquiry had, not unexpectedly, been turned down. Prime Minister Sharon expressed appreciation that an effort had been made.

There was then an extended discussion over the U.S. request to let Chairman Arafat attend the Beirut summit. Sharon said Arafat shall not be rewarded since he had done nothing to stop the violence. At least, Sharon said, Arafat should have made some statement about ending the violence.

Sharon then asked the U.S. Ambassador if the U.S. would back up Israel in refusing to allow Arafat back in if violence occurred in his absence. As events developed, Arafat was not permitted to leave Ramallah and nothing came of the issue.

I asked Sharon what would occur if the suicide bombings continued after Arafat made an adequate statement for terrorists to end the violence. Sharon replied that all Arafat could do was give 100% of his best efforts. It was apparent from Sharon's tone that he did not trust or expect anything positive or productive to come from Arafat.

At 7:00 p.m., Joan and I had a pre-Passover Seder dinner with my sister and brother-in-law Hilda and Arthur Morgenstern who live in Jerusalem.

At 8:30 p.m., we embarked in an armored car for the 40-minute drive to Ramallah. Our security officer advised that many weapons commonly used by Palestinian terrorists could destroy our vehicle. To say the least, it was an uneasy ride.

When we came to the line of demarcation between Israeli and Palestinian territory, we noted a tall cement barrier to shield Israeli soldiers from Palestinian snipers. We were advised that there were Israeli snipers a block away in a high-rise abandoned hotel.

Starting at 9:30 p.m., we spent about an hour and a half with Chairman Arafat at his compound in Ramallah. Also attending were Sa'eb Erekat, Minister of Local Government; Nabil Abu Rudeinch, Chief de Cabinet; and Jeff Feltman from the U.S. Consulate.

Chairman Arafat said he thought General Zinni was correct that a deal was close. He said the most recent meeting was very positive. Mr. Erekat stated that they are one-hundred percent committed to the Tenet plan. Generally, we were told that the deal is acceptable, with some specific items still in negotiation.

I told Arafat that General Zinni is asking for his public denouncement to end the violence to be in English and Arabic. Arafat said he has made these statements in the past, sometimes at the request of American officials like Secretary of State Colin Powell, and that he will agree to do it again. Arafat said, confirmed by Erekat, that he will follow the precise script agreed to with Zinni and Israeli officials in Arabic as well as English.

Regarding Arafat's control of terrorist groups, he said he could control them if he has help to rebuild his forces, buildings, and infrastructure. He said that with every Israeli strike, his power to stop the violence is diminished.

I brought up the subject of the Iranian arms shipment destined for Palestinian groups that was seized recently. Chairman Arafat became very animated, denied that the Palestinian Authority had received arms from Iran, claimed he did not need weapons and said the Iranians have called for his death, so he questions why anyone would think he would be dealing with them. His denials of dealing for Iranian arms were totally unpersuasive in view of the conclusive evidence to the contrary.

I also asked his opinion on possible action against Iraq. He urged extreme caution, arguing that it would greatly strengthen Iran. He warns that the Shiite Muslim areas, accounting for as much as half of Iraq' s total population, would be taken over by Iran, and that Iran's borders would expand. Further, he claimed that Iran and Turkey would argue over control of the Kurds.

On Wednesday, March 27th, we met with Israeli Foreign Minister Shimon Peres. He said the Tenet plan must be expanded to deal with political issues. He is not convinced that a solution is close. He stated there are a number of items that he feels are necessary for a successful peace proposal, including: recognition of a Palestinian state; determining borders; no "right of return" for Palestinian refugees; Jewish settlements; Jerusalem as a holy place without sovereignty; and security.

He has urged General Zinni not to ask Arafat for things he cannot do and recommends making private requests of Arafat, instead of open demands. It is Peres' sense that Arafat feels he is winning and wants to be seen as a moderate ruler to the world and as a popular leader with his people. He reiterated concerns that Arafat delivers different messages for different audiences and is careful not to issue orders, so as to protect himself. He thinks the Saudi plan is psychologically significant, because it recognizes the Israeli state and pulls the whole Arab world together.

On potential U.S. action against Saddam Hussein, it is Peres' opinion that the Arab leaders would publicly condemn the action, but be relieved privately.

We spoke of the future of the region and Mr. Peres believes that Arab nations must realize that poverty does not create terror; terror creates poverty. They must also realize that nobody can help them transition into modern states but themselves. Scientific and technological research and advances provide the key to a stable, prosperous future. However, a major impediment to these activities is a closed society. He said there are no more excuses for backward societies now that empires and foreign rule are over. Only an open, free society will allow for this innovation.

Threatening the future of the region is the close association with religion and terrorism. He said that so many people in the Arab world consider attacks on civilians a religious obligation to attain justice. This Machiavellian idea that the end justifies the means, is very difficult to reverse and leaves no room for compromise. Groups such as Hezbollah threaten Israel, but they also threaten countries like Lebanon, which has been a supporter of the group.

JORDAN

On the afternoon of Wednesday, March 27th, we traveled from Tel Aviv, Israel, to Amman, Jordan. On Thursday morning, March 28th, we met with U.S. Ambassador Edward "Skip" Gnehm and his staff who briefed us on the regional issues.

The U.S. provides annual foreign aid to Jordan in the amount of $150 million for water, health care, and economic assistance, as well as $75 million in military assistance. The Ambassador was pleased that the President's Fiscal Year 2002 supplemental appropriations request includes $100 million for economic assistance and funds to help Jordan purchase a $60.5 million radar system.

The Ambassador noted that Jordan has a "warm peace" relationship with Israel. Many Jordanians visited Israel regularly before the violence erupted 18 months ago. Many businesses also participate in the Qualifying Industrial Zone program, which provides exports to the U.S. of products produced by Jordan with Israeli input. The U.S. is Jordan's top importer.

Further, Jordanian intelligence is seen as a partner with the Israelis and has helped foil many terrorist attacks. There is a geographical interest for Jordan, because Israel provides an outlet to the Mediterranean. However, there is an internal Jordanian effort to end the relationship with Israel.

We next met with Jordan's King Abdullah bin Hussein at his residence. We talked about the ongoing Arab summit and he confirmed that there were security concerns for himself and President Mubarak. They have many enemies, including Hezbollah and al-Qaeda. He stated that the Lebanese were making things difficult at the summit. He expressed surprise at Syrian President Asad's speech that called on Arab nations to sever ties with Israel.

The King has been working closely with Saudi Crown Prince Abdullah on the peace plan and emphasized the importance of a general proposal that would offer peace from the Arabs to Israel and send a message to Arab populations on the street that it is time to change. He expected the peace plan to be passed at the summit.

He expressed concern about Arafat's not attending the summit. The King did express optimism that General Zinni will get something accomplished, but did note that Arafat's control on the ground has diminished.

With regard to Iraq, the King was much more hesitant and argues that the timing is important. He feels the region is too unstable to handle the Israeli-Palestinian crisis and a move against Saddam Hussein in Iraq. However, he could not give a timetable for such an action and questioned the ability of the U.S. to form a coalition. He does believe that Saddam is pursuing weapons of mass destruction.

SYRIA

On Thursday, March 28th, we left Amman, Jordan, and arrived in Damascus, Syria, where we were briefed by U.S. Ambassador Theodore Kattouf, a native of Altoona, Pennsylvania, and his staff.

We discussed Syrian President Asad's statement at the Arab summit, in which he justified attacks against civilians. The Ambassador said the Syrians charge the U.S. with using a double standard on U.N. Resolutions by urging strict enforcement on Arabs and being lax on Israelis. He also said the Syrians feel they have no hope for leverage against Israel and its military might without Arab cooperation. Further, Syrian leaders do not see any U.S. action to resolve the issue of most concern to them, the Golan Heights. Vice President Cheney did not visit Syria, which was seen as a slight.

On March 30th, we met with Syrian President Bashar al-Asad and Deputy Prime Minister/Foreign Minister Farouk al-Shara. I had previously met President Bashar al-Asad at his father's funeral.

President Asad told me that dialogue with Americans is very important to him. He said he met with the American media in Beirut two days prior. I thanked him for condemning the September 11th attacks by al-Qaeda.

He said the war in Afghanistan will not solve the problem, rather a need for moderation is called for. Terrorism is built on ideological extremism. He was sharply critical of U.S. support for Israel and claimed that the terrorism experienced by Israel is merely a reaction to terrorism inflicted by Israel on the Palestinians.

After praising President Asad's support for the Saudi proposal to normalize relations with Israel, I expressed disagreement with his speech at the Beirut summit where he condoned terrorist attacks against Israeli citizens. He sought to justify that approach saying there are thousands of armed settlers holding Syrian territory in the Golan.

I responded that he should resume negotiations with Israel over the Golan Heights issue, which his father had pursued and had come very close to resolving in negotiations brokered by President Clinton. I said I thought President Bush might well be willing to help on that matter.

I urged President Asad to come to visit the U.S. with his wife who has received significant public acclaim. I noted King Abdullah's successful visit to the U.S. where the King and his wife had made a public impact with their views.

In the course of our one hour fifteen minute meeting, I told President Asad that his 2001 speech at the Arab summit equating Zionism with Nazism was offensive to a much larger audience than the international Jewish community. I emphasized that reference to Nazism was especially repugnant since the Nazis had murdered six million Jews in crematoria during World War II, which has been a major factor in world Jewry's determination to establish Israel as a Jewish state and homeland.

President Asad replied that if the average citizen in Damascus was asked about "Nazism" he would not know much about it, but if asked about Israel, he would be very opposed.

Moving to Iraq, I told him of my concerns about Saddam's weapons of mass destruction and his refusal to comply with UN inspections. He said that it would be impossible for Iraq to obtain nuclear weapons. He said Arabs would strongly oppose U.S. action against Iraq and believes the matter should be handled by the UN.

He said that President Bush's inclusion of Iran in the "Axis of Evil" was a mistake and was not acceptable to the region.

I told President Asad that I would like to see Syria take action to warrant removal from the U.S. terrorism list. He defended Hezbollah and other terrorist groups in Damascus and was clearly disinclined to take any action against them. He expressed the hope that the U.S. would deal with Syria on matters other than only Israel. I replied that I would explore the possibility of more U.S. trade and Syrian membership in the World Trade Organization to the extent that was not precluded by Syria's being on the U.S. terrorist list.

I brought to the President's attention the case of a U.S. woman who had married a man from Lebanon who abducted their two children to Syria after their divorce. President Asad expressed his concern and advised that he would personally look into the matter to try to determine the whereabouts of the children.

Following our meeting with President Asad, we departed for Rome, Italy on the afternoon of March 30th where we were hosted and met by Ambassador Mel Sembler and his wife Betty. At each stop, we were greeted, briefed, and taken care of by very competent and hospitable Ambassadors and their staffs.

We remained in Rome on March 31st for an interview on "Face the Nation" and departed Rome on April 1, 2002, for the U.S.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. SCHUMER. Madam President, I thank my colleague from Pennsylvania for his usual erudition which spans many topics. I enjoyed listening to him on this subject, and on Syria in particular, which remains quite an enigma to many of us. Bashar Assad, as he said, is untested at this point.

Mr. SPECTER. I thank my colleague for his kind comments. He and I have worked on many subjects together.

Mr. SCHUMER. Madam President, I want to speak for a brief time about the Middle East as well. I guess I am addressing my speech, in a certain sense, to the President and the Secretary of State because many of us—certainly I and many of my constituents in New York and many colleagues in the Senate—are confused. I believe that in making this war on terrorism the No. 1 goal America faces, our President has done a great job. I support not only his concept but the execution. He has just been fabulous in this regard.

My enthusiasm was not simply limited to the area of Afghanistan, southern Asia, and central Asia, but also to the Middle East because I have spent time talking to the President on numerous occasions about the Middle East. I have carefully followed his statements. What he has stated has been crystal clear, and that is that terrorism is terrorism is terrorism—whether it be in Afghanistan, or Iraq, or directed at Israel.

The President has stated unequivocally that Yasser Arafat is engaged in terrorism and that until he is able to curb terrorism, we are not going to have peace in the Middle East. This administration even had the courage to put the Al Aqsa Brigade, a part of Fatah controlled by Yasser Arafat, on our Nation's terrorism list. Documents that were subsequently made public showed that Al Aqsa was engaging in terrorism and Yasser Arafat was fully aware.

So the last few days have come as a shock, and so many of us are just totally perplexed. So this is an open question to both Colin Powell and the President because sending Colin Powell to the Middle East I don't have a problem with, if someone can help make peace. I think it is difficult, and I think the tone in the Palestinian territories is decidedly against peace. I think the nihilism is enormous. I think the failure to deal with truth throughout the Arab world, with no free press, is incredible when an American Ambassador is vilified for asking that people stand up and remember it is not only Palestinian victims but also Israelis. For Colin Powell to come into the area and to try to bring the sides together, I do not have a problem with that.

What is totally perplexing is this: Given the President's strong stands against terrorism wherever it rears its ugly head, given his view—and I say this as someone who, as you know, Madam President, has been pretty much up and down the line a supporter of the President's policies thus far, in Afghanistan, in the war against terrorism, and in the Middle East; I have said some very laudatory things—all of a sudden it seems the President's previous statements are being ignored.

For instance, we are doing two things at once: Yasser Arafat, whom we acknowledge as an aider and abettor of terrorism—I believe he perpetrates terrorism—is going to meet with Colin Powell. Despite the fact that both the President and the Secretary of State have said repeatedly that they will not meet with Yasser Arafat until he renounces terrorism and takes some steps to end the violence, now we are meeting with him without any preconditions and, at the same time, Israel, which is acting defensively to prevent the kind of suicide bombings which no society can endure, is being restrained. Arafat, the terrorist, the perpetrator of terrorism, is given a pat on the back and a green light—"We will meet with him"—which is a reversal of administration policy because they were not going to meet with him until he did something—not just words but did something.

Secretary Powell himself asked him to say things in English and Arabic which is a basic statement saying: You do not tell the truth; you talk with forked tongue. At the same time, we are telling Israel, which is simply trying to defend herself: Pull back.

It seems as if the policy in the Middle East has had a 180-degree turn without any explanation, without understanding its inconsistency with even the President's speech last week, which I thought was a tour de force, without letting us understand as Americans who support the war on terrorism how we can sit down with someone who perpetrates terrorism, and at the same time chastise and put handcuffs around the country trying to defend itself against terrorism. It is very perplexing.

I would like the administration to explain itself. What has brought about the 180-degree turn? Why is Colin Powell now meeting with Yasser Arafat without any preconditions? Why isn't America giving Israel the chance to get these suicide bombers, to take their weapons away? We all know we are not going to have peace if in a democracy its leaders can do nothing when a bomb goes off every day in a hotel or a pizza parlor or on the street or in a bus.

The policy seems to be muddled, confused, and inconsistent with what seemed to be a crystal clear direction which I think the vast majority of Americans, whatever one's views are on other issues, supported.

I fail to understand how we can reverse policy so quickly and so dramatically without any change. Has Yasser Arafat renounced terrorism? Has he arrested any of the suicide bombers in the last few days? What has changed? Is the word of what we say not to be believed, that we will change our views on a dime?

This speech pains me because I was so enthusiastic about the President's policy in the Middle East until this past week. I would like to be enthusiastic again. I would like to believe there is something that none of us knows that justifies this reversal, but so far silence.

I urge the Secretary of State and I urge our President to reconsider what they are doing. Make Yasser Arafat come clean; make him renounce the violence—the very same violence that we are fighting in Afghanistan and that we must fight in America has to be fought in Israel as well—and give Israel a little bit of the space that it needs—a week—to get after these engineers—terrorist if there ever was one—who make these evil bombs filled with explosives, nails, and ball bearings that are exploded amid innocent men, women, and children—civilians. Give them a chance to curb them. Then Colin Powell should come into the area and cause the sides to sit down and create peace. Maybe we will have a chance to succeed.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

AMENDMENT NO. 3047

The PRESIDING OFFICER. Under the previous order, the time between now and 2 p.m. is to be equally divided and controlled before a vote in relation to the Craig amendment No. 3047.

Who yields time? The Senator from Idaho.

Mr. CRAIG. Madam President, I yield 5 minutes to my colleague from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington.

Ms. CANTWELL. Madam President, I rise today in support of the Craig amendment which would strike this bill's electricity title, with the exception of its reliability and the Federal Trade Commission related consumer protection provisions. I thank the Senator for offering this amendment.

Because of the truly unique nature of the Northwest energy system—and the historic Federal presence, predominance of public power and our hydroelectric base, to name a few distinguishing characteristics—I believe the electricity title of this legislation is possibly the single most important part of this bill to consumers in Washington State and, frankly, I believe the electricity title falls short of what is necessary to protect our Nation's consumers in this inevitable challenge that we have had in Washington State.

What is at stake here, I believe—and I appreciate the chairman's efforts to try to craft a compromise electricity title. However, my position on the importance of consumer protection provisions has me concerned about the impact that this particular title will have on the State of Washington where the electricity market has gone awry.

Consumers in my State are suffering from rate increases of up to 88 percent on account of the market dysfunction that unfolded in the West last year. I believe the western electricity crisis was really precipitated by two factors: Obviously, California adopted a restructuring plan without adequate thought and deliberation, and the fact that FERC, the Federal Energy Regulatory Commission, signed off on it. Then FERC allowed generators in the West to charge market-based rates without first ensuring that those markets were sufficient in their competition and that they were adequately monitoring those markets over time.

What that meant is that many industries in my State could not afford those high electricity prices, but nothing was being done to determine whether they were just and reasonable. Many people lost their jobs, and many children were not allowed to go to college because their families were without income. Many consumers paid very high electricity rates.

I believe the provisions contained in the electricity title will do nothing to prevent another western electricity crisis from occurring. What is more, and what my colleagues should be concerned about, is that this is an electricity title that will do nothing to prevent FERC from making those same mistakes again in other regions.

The electricity title contained in this bill restructures the entire utility industry without giving the Senate ample opportunity to consider the implications of this action. In fact, these very amendments were brought up on the floor without anyone knowing they were being brought up.

This bill does not direct FERC to establish clear rules for when market rates can be charged, nor does it establish effective measures to police the market and provide needed remedies for any abuses or market imperfections. Again, these are very important issues for consumers.

This electricity title repeals PUCHA, the Public Utility Company Holding Act, and moves merger approval authority from the Securities and Exchange Commission to FERC. In doing so, it weakens the burden of proof standard that companies must meet before they are allowed to merge.

In the aftermath of everything that has occurred in California, everything that has occurred with Enron, why would we take one policy in which we have a standard by which the merger of companies and prices are impacted and remove that standard and make it a lesser degree? I do not believe that is in the interest of consumer protection.

I support the Craig amendment to strike the electricity title because I believe these provisions do push the Northwest closer to a regional transmission organization. As some of my colleagues may know, FERC has repeatedly said the Northwest ought to join a westwide RTO. So, again, to Northwest consumers who have lost jobs because of the electricity crisis or are paying higher rates because of the electricity crisis who were forced under emergency order to send our power down to California and consequently paid a higher price, the fact that we might be hitching our fortunes to California does not sound like a very good issue for Washingtonians.

I am very concerned because even FERC's own cost-benefit analysis suggests that consumers in the Northwest might suffer from the establishment of an RTO organization on a westwide basis.

It is very important, although there are some other things such as the renewable portfolio standard which I think is really a subpar issue, and I think we need to improve on that, we think of the consumer interests. I support the Craig amendment, and I hope we will be able to change some of these issues and protect consumers in the future.

I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, I rise to lend my support for Senator Craig's amendment to strip the electricity title from the energy bill. I believe that addressing electricity in major legislation, at this time, would not be good for the Nation.

The electricity title does not protect consumers the way it should. We have not fully evaluated the effects of this bill on energy consumers, particularly small consumers.

I am uncomfortable with the direction of the electricity title in moving authority away from State regulators to the FERC.

Last year, the west went through a terrible electricity crisis which consumers are still paying for and workers still remain out of work.

Also, in this past year we saw the collapse of Enron.

We are still trying to fully understand the causes and effects of these two events. Hearings are occurring and legal proceedings are ongoing. House and Senate committees as well as numerous Federal and local government agencies are still trying to find out what happened with Enron and why. Many people lost their jobs and many more people lost their savings and retirement accounts.

I do not believe we should move forward on major electricity market restructuring legislation before we completely understand what happened. Enacting broad, far reaching electricity market restructuring legislation before we understand what occurred would be a big mistake.

FERC has been forcing the development of Regional Transmission Organizations around the country in recent years. I have spoken with Chairman Wood and the other commissioners about my concern that their vision of RTOs may not fit with the structure of the Northwest electricity operations and market.

As I have stated earlier FERC is already exercising its broad authority and the national electricity market is rapidly changing. Enron, a major electricity market participant, collapsed late last year. We are still trying to sort out what occurred.

In the Pacific Northwest, energy isn't just a commodity. It is a resource that affects everything from our economy to our air, our water, agriculture, salmon recovery, and our quality of life.

We should not make the same mistake California made, by restructuring the electricity markets, before all the issues have been thoroughly explored and resolved.

Nearly everything I am hearing from people in my State is that they do not like this electricity title. They do not feel it is in their best interests. They are concerned about the direction FERC will take.

I am also concerned that all market participants have not had an opportunity to review this legislation and have not had an opportunity to provide meaningful input. We need to make sure the legislation is thoroughly reviewed and discussed before we enact major legislation.

This is a $200 billion industry. If bad legislation is passed, the consequences will be significant.

The amendment is not perfect. I am unhappy to see the good provisions of the electricity title removed. I am particularly unhappy that the amendment does not promote renewable and diverse electricity sources. However, Senator CRAIG's amendment is preferable to the existing provisions in the electricity title.

Mr. JEFFORDS. Mr. President, allow me to state briefly that I will be voting against the amendment offered by Senator CRAIG. I do so not because I feel good about the existing provisions in the electricity title of this bill, but because I believe they are a starting point from which we ought to try to move forward.

It is no secret that I am a strong supporter of renewable energy and a meaningful renewable energy production requirement. I admit to disappointment in the provision currently contained in this legislation. While it nominally contains a 10 percent renewable requirement, the various exemptions and carve-outs bring it down effectively to a roughly five percent requirement by the year 2020.

This level of Federal commitment to renewable energy is painfully inadequate and I must express my concern and disappointment at this low number.

I will also point out that, despite the assertions of my colleague from Alaska earlier today, a 10 percent requirement by the year 2020 would not raise consumer energy costs. According to the Department of Energy, a 10 percent Federal renewable portfolio standard would reduce overall consumer energy costs by $3 billion per year by the year 2020.

The figures the Senator from Alaska was referring to were the gross price of renewable energy, not the increased costs to consumers of using renewable energy versus other forms of energy. The relevant figure is not what the renewable energy itself will cost, but the increased costs, if any, to consumers, from using renewable energy. As I have stated, the Department of Energy says under a 10 percent renewable energy mandate, consumer costs will actually go down, compared to energy costs with no renewable energy mandate.

So even a 10 percent renewable energy requirement will benefit consumers, and I hope we can get to a point where this Congress can actually implement that required level. However, while I am disappointed in the provision currently in the bill, I do believe it is a starting point, and one upon which I hope we can improve. Senator CRAIG's amendment to strike it entirely is not moving forward, but backsliding to where we are right now, which is nothing.

As to other portions of the bill, I have long held the position that we should not move forward with repeal of PUHCA and PURPA without substantial consumer protections, and substantial new investments in renewable energy, including net metering, strong interconnection standards and substantial investments by Federal agencies in renewable energy. Again, I am disappointed in the provisions currently in the bill, but would hope that we could improve these provisions as the bill moves forward, rather that just dropping everything.

For that reason, I will not support Senator CRAIG's amendment, but urge my colleagues to make the needed improvements in this bill.

The PRESIDING OFFICER. Who yields time?

The Senator from New Mexico.

Mr. BINGAMAN. Madam President, I yield myself 3 minutes of the time that is reserved in opposition to the amendment.

I understand the concerns that have been expressed by the Senator from Idaho. I understand the concerns expressed by the Senator from Washington. There is no question there is a lot of uncertainty about the future of electricity markets, and we are doing our best in this legislation on a bipartisan basis to point in a direction we know we need to move, a direction away from command and control and toward more of a market based system. I think all experts who have looked at it agree that is the general direction in which we ought to go.

This legislation before us is the result of a lot of cooperation between myself, the Senator from Wyoming, other interested Members, and, of course, the administration as well since they have a vital interest in seeing the comprehensive bill we are considering, the energy bill, contain a title related to electricity that helps to ensure we have adequate electricity for our needs in the future, helps to ensure that the proper authority is there at the Federal Energy Regulatory Commission to ensure that mergers occur when consolidations occur, as they inevitably will, and that ratepayers are not harmed.

We have a provision in the bill. We are taking the authority under the Public Utility Holding Company Act and its requirements, the ones we believe make good sense and protect consumers, and we are shifting that responsibility to the Federal Energy Regulatory Commission. We are requiring them to ensure four things in order to approve a merger or an acquisition. No. 1, that captive ratepayers are not harmed by the acquisition or the merger; that the capacity of regulators to regulate is not in any way interfered with. That is another requirement. They are required to find there is no cost subsidy between the utility that is the subject of the merger and any other company so ratepayers are not being asked to subsidize any other business.

Of course, they are also required to find that it is in the best interest to go ahead with this merger before they can approve a merger. We believe this will be more effective regulation, more effective oversight of this industry than we have had in the past. We believe this language is a modernization.

Title II of the energy bill represents a modernizing of the law that is in the best interest of consumers and the best interest of our economy long term. I believe it is strongly supported by most of those who are interested in this issue and who have studied it.

I compliment my colleague from Wyoming for his hard work on this issue, which has led us to the language we now have in the bill, which my friend from Idaho, Senator CRAIG, would have us strip out with his amendment. I hope Senators will vote against the amendment of the Senator from Idaho.

I yield the floor and reserve the remainder of our time.

Mr. CRAIG. Madam President, may I inquire how much time is remaining on my side?

The PRESIDING OFFICER. One minute twelve seconds.

Mr. CRAIG. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. CRAIG. I yield 1 minute to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Madam President, I am going to be supporting this amendment and I want to explain why. I am not happy with the part that strips out the renewables. We can put that back in. What I like about this amendment is that it really protects the States.

I have great respect for my friend from New Mexico, but I have to tell him that California's experience with FERC has been nothing less than dismal. FERC is supposed to protect against unjust and unreasonable prices. They have done nothing to help us. They have been unfriendly to us, and the Senator is giving them more power. PUCHA, which is the Public Utility Holding Company Act, which the SEC is responsible for enforcing, is being repealed.

I would rather keep the issue of mergers with the SEC any day of the week than give it over to FERC which has not shown itself in any way that I can tell to be particularly friendly to consumers.

So I thank the Senator. I know everyone comes at this a little bit differently, but the bottom line is, on the whole I think this is a good amendment and I will be supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from New Mexico controls the remainder of the time.

Mr. BINGAMAN. I yield the remainder of our time to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I ask unanimous consent that I be allowed 30 seconds to close.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. THOMAS. Madam President, I thank the Senator, and I appreciate the chance we have had to work together. Certainly, it is interesting. I have a couple of things I want to say. First of all, regarding the comments about FERC, that is exactly the way we are going, to remove some of the authority of FERC. This has nothing to do with California and Washington, which had their own problems, but it certainly reduces the authority of FERC and that is what we want to do.

I have a letter from NARUC, the National Association of Regulatory Utility Commissioners. It came in when the bill was in its initial stage. They point out there is an admirable compromise between Federal and State jurisdictions, including the issues they can support, and then they suggested some other changes which exist in the current bill because of this.

Utility mergers sections, they support that; electric reliability standards, they support that. They support the PUCHA substitute and the PURPA substitute, and the net metering and consumer protection subtitle. This is the National Association of Regulatory Utility Commissioners which is in favor of the changes that have been made and would be opposed to the Craig amendment.

This is a letter from the Secretary of Energy and represents the position of the administration. It says:

> I am writing to express my support for the electricity amendment package agreed to by the Senate last week following bipartisan negotiations. . . . These negotiations, between Senate Republicans and Senate Democrats, resulted in a fair, balanced and bipartisan consensus regarding several electricity provisions of the energy bill—a consensus that the administration endorses. Those negotiations also set forth a process to debate and vote on reliability and renewable portfolio standard provisions where consensus could not be reached. As we have discussed on several occasions, I believe that an electricity title is a fundamental component of comprehensive energy legislation. The administration has repeatedly stressed that appropriate electricity legislation is necessary to protect consumers, make wholesale power markets more competitive, strengthen the transition grid, increase electric supply and improve reliability. Any such legislation must also balance these ends with consideration to the role of States. These goals are reflected in the electricity amendments agreed to by the Senate last week.

I think certainly this is something on which we have come together. The fact is, we have not done anything in electricity for years. It is time to get it. Is it a complete answer? Absolutely not. We will have to come back and do some more with it. It is responsible to pass this bill now. The energy industry needs stability. Now is not the time to retreat. I urge opposition to the amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me close by reminding my colleagues that reliability and consumer protection remain in this bill. Electrical advocacy groups, consumer groups, and utilities, some 18 across the country, strongly support the amendment to take down the majority of this title. Why? Because it has not been reviewed. It has not been vetted. It has not been brought up to the Federal Energy Regulatory Commission.

What is your authority? How do you plan to use it? We are extending tremendous new authority to a central, Federal, regulatory body. That should not be where this Senate goes at this time. The House could not deal with it. It was much too frustrating and much too complicated. We did not deal with it in committee in an appropriate, comprehensive way.

Yes, there have been deals made. Yes, there has been discussion. Let's step back, take a deep breath, and review this, as we should. I ask my colleagues to support me and the repeal of this title, leaving in place the reliability and the consumer protection.

I yield the floor.

The PRESIDING OFFICER (Mr. CARPER). The question is on agreeing to amendment No. 3047. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Montana (Mr. BAUCUS) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 62 Leg.]

YEAS—32

Allard
Bennett
Bond
Boxer
Breaux
Burns
Campbell
Cantwell
Chafee
Cleland
Craig
Crapo
Dayton
DeWine
Feingold
Feinstein
Hatch
Helms
Hollings
Inhofe
Kyl
Levin
McCain
Miller
Murray
Roberts
Sessions
Shelby
Smith (OR)
Stabenow
Thurmond
Voinovich

NAYS—67

Akaka
Allen
Bayh
Biden
Bingaman
Brownback
Bunning
Byrd
Carnahan
Carper
Clinton
Cochran
Collins
Conrad
Corzine
Daschle
Dodd
Domenici
Dorgan
Durbin
Edwards
Ensign
Enzi
Fitzgerald
Frist
Graham
Gramm
Grassley
Gregg
Hagel
Harkin
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kennedy
Kerry
Kohl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
McConnell
Mikulski
Murkowski
Nelson (FL)
Nelson (NE)
Nickles
Reed
Reid
Rockefeller
Santorum
Sarbanes
Schumer
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—1

Baucus

The amendment (No. 3047) was rejected.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. CRAIG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, there are a couple of amendments that I believe are now ready to be considered and can be approved by all Senators. As I understand it, the Senator from North Dakota, Mr. DORGAN, has one.

I yield the floor to allow the Senator from North Dakota to talk about his amendment.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, for the information of colleagues, I will just be a matter of 2, 3 minutes. I intend to offer an amendment on behalf of myself and Senator MURKOWSKI from Alaska. We have worked on this amendment and have cleared it on both sides of the aisle.

AMENDMENT NO. 3087 TO AMENDMENT NO. 2917

Mr. President, I send the amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Dakota [Mr. DORGAN], for himself and Mr. MURKOWSKI, proposes an amendment numbered 3087.

Mr. DORGAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 11, strike lines 9 through 14, and insert the following:

"(1) identifying the areas with the greatest energy resource potential, and assessing future supply availability and demand requirements.

"(2) planning, coordinating, and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to maximize the efficiency of energy resources and infrastructure and meet regional needs with the minimum adverse impacts on the environment.".

Mr. DORGAN. Mr. President, the amendment I offer today is on behalf of myself and Senator MURKOWSKI from Alaska. It deals with the issue of siting future transmission infrastructure in areas that have the greatest energy resource potential to maximize energy efficiency. This amendment would have the Department of Energy provide technical assistance to the States and to regional organizations to help them identify areas with the greatest energy resource potential, and then coordinate the development of these energy resources and future facilities so that we can transmit this energy to the greatest extent possible.

We have, in my State, for example, and in other areas of the country, the potential to develop additional energy resources, but we lack the facilities to transmit those resources.

Our transmission capabilities are not keeping up with the ability to create this energy. We can address that in a few basic ways: by improving the planing, siting, and development of transmission infrastructure and corridors. We can also develop new transmission technologies that can increase the efficiency and, in some cases, perhaps double or triple the capacity of existing transmission lines. One example of this type of technology is the composite conductor wire, which offers great promise.

We would like the Department of Energy to provide the technical assistance to States and regional organizations that are interested in moving in these directions. We think there needs to be some opportunities made available to States and regional organizations to access technical assistance from the Department of Energy to help facilitate and achieve these goals. Our amendment will simply do that.

I thank Senator MURKOWSKI for working with me on the amendment. I think it is an amendment that will add to this bill and help us address some of the transmission issues as we plan for greater capabilities in the future to produce and to transmit energy through a grid across the country where energy is needed.

Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. Is there further debate on this amendment?

If not, the question is on agreeing to amendment No. 3087.

Without objection, the amendment is agreed to.

The amendment (No. 3087) was agreed to.

Mr. BINGAMAN. I move to reconsider the vote.

Mr. DORGAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3088 TO AMENDMENT NO. 2917

Mr. BINGAMAN. Mr. President, I send another amendment to the desk on behalf of Senator CONRAD and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for Mr. CONRAD, proposes an amendment numbered 3088.

Mr. BINGAMAN. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To direct the Secretary of Energy to conduct an assessment of wind energy resources and transmission capacity for wind energy)

On page 64, on line 7, strike "resource," and insert "resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers."

Mr. BINGMAN. Mr. President, this amendment relates to a renewable energy assessment.

This amendment is to section 262 of amendment No. 2917. That section requires an annual resource assessment by the Secretary of Energy that reviews available assessments of renewable energy resources within the U.S. The report must contain an inventory of available amount and characteristics of renewable resources and such information as the Secretary believes would be useful in developing such resources, including terrain, population and load centers, location of resources and estimates of cost.

The amendment adds to the report identification of barriers to providing adequate transmission, and recommendations for removing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable resources.

I think the amendment is agreeable to everyone. I urge the amendment be agreed to.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, the amendment is agreed to on this side.

I want to also speak relative to Senator DORGAN's amendment. Obviously, we cosponsored that together. I am pleased it has been accepted.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3088.

Without objection, the amendment is agreed to.

The amendment (No. 3088) was agreed to.

The PRESIDING OFFICER. The Senator from Texas is recognized.

J.C. PENNEY'S 100TH ANNIVERSARY

Mrs. HUTCHISON. Mr. President, since we are at a lull in the debate on this very important bill, I take this opportunity to congratulate a company headquartered in Texas that is celebrating its 100th anniversary: the J.C. Penney Company.

I think it is incredible, when you think of a company that was started in 1902, that it is still going strong today. I think it is worthy of note.

The founder of J.C. Penney, James Cash Penney, was fond of saying to his workers that they were not building a business but a community. This is the kind of business philosophy I hope more businesses in America will adopt because businesses supporting communities means people are supporting communities, and that is what makes our country so strong.

J.C. Penney encourages its employees to volunteer in the community. They contribute to the local United Way across the country, which is so helpful in the quality of life for every community.

They are especially doing something that I want to point out because I know so many working parents worry about what happens with their children from the time school is out until they can get home. J.C. Penney has made a tremendous effort to ease their employees' fears and anxieties by providing more places and more opportunities for children in afterschool programs across our country. This is the kind of thing that really makes a contribution to our way of life in America.

So I thank the employees of J.C. Penney for their commitment to building America's communities and for making a place for Americans to work to be a good place to work. I wish them the best and not only congratulate them on the last 100 years but for another 100 years of making the quality of life better for families throughout America.

Mr. President, I will yield to my friend, the Senator from Wyoming, where J.C. Penney actually started until they had the good sense to move to Texas to make their headquarters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ENZI. I thank the Senator from Texas.

Mr. President, it is with great pleasure that I get to bring you the rest of the story.

I have always said you can tell a lot about a country by learning about the leaders of that country. One of the areas of leadership on which this country can pride itself, worldwide, is its leadership in small business and in retailing. And we have a Wyoming boy who has done well. I want to share with you, for just a moment, his history and the history of the company he started.

I also have to tell you about a young man of 83 who has just taken up a career in writing in Wyoming. Since his retirement, he has written a book called "Pride, Power, Progress." His name is John "Ace" Bonar. He had a distinguished career and, as I say, has now taken up writing. He has written a very short history of an important man that I want to share with you.

To quote him:

> The year was 1902. With the blessing of President Teddy Roosevelt the Panama Canal was being built. Roosevelt, who said, "Speak softly and carry a big stick," was also sending the United States Navy around the world to demonstrate its effectiveness.
>
> And back in the states an unheralded project had started. In the tiny mining town of Kemmerer, Wyoming (population 1,000), a 27-year-old man had opened a dry goods store. James Cash Penney was his name. Son of an unordained Baptist minister father in Missouri, Penny, like his father was a strict disciplinarian. He adhered to honesty, thriftiness and hard work. "Jim," his father admonished, "you have no right to make money if you take advantage of people!"
>
> At the age of 8, the younger Penney ran errands for a nickel. The $2.50 that he saved was invested in pigs. On complaints of neighbors, he sold out. But he made $60. At 12 years old he was horse trading and raising watermelons on the family farm. He soon joined Hale Brothers Dry Goods Store in Hamilton at a $2.27-a-month salary. His income increased to $300 a year. But he left on doctor's orders. He had to go to a higher and dryer climate for his bronchial trouble. Arriving in Colorado he tried the butcher business in the town of Longmont. He soon sold out.
>
> Against the advice of people Penney borrowed $1,500 from a bank and used $500 of his own hard-earned money to start a Golden Rule Store in Kemmerer. In Mr. Penney's words, "It was on April the 14th we opened our doors. I was assisted by my wife, a local girl, and a Methodist minister. Our sales that day were $466.59, of which $89.90 was shoes. I was warned that a cash business such as our could not succeed. The miners received pay once a month and most spent it before the next day. And then business dropped as low as $25 a day."
>
> "I got new fight in my blood." James Cash Penney catered to the needs of a rural and "blue collar" clientele. Trade revived. He opened another store 75 miles away in Rock Springs, Wyoming. In 1913 the Golden Rule Stores became the J.C. Penney Company. By 1917 there were 175 stores in the United States. Penney operated on a cash basis. The coal company stores had offered only credit. He studied the market and concentrated only on necessary items for his customers.
>
> A plain and devout man, Mr. Penney, as the story goes, was waiting on a man and his family in a Midwestern store. He took great pains in getting the family a perfect fit. They liked to buy at the friendly Penney stores. "I'd sure like to meet Mr. Penney someday!" Whereupon the salesman smiled and said quite simply while offering a handshake, "I am Mr. Penney!"
>
> Mr. Penney at times would literally "pop up" unexpected at one of his growing chain of stores which was the nation's first chain store. There is an account of his encounters in a Milwaukee store where strolling down an aisle he noticed a display of men's corduroy pants marked $3.98. He called the store manager on the carpet.
>
> "These pants," said Mr. Penney, "sell at $2.98!."
>
> But Mr. Penney," pleaded the manager, "they are an excellent buy at this price!"

> "You violate company policy!" the owner exploded. "You must give the customer the best value and make a reasonable profit!"
>
> Penney's memory was remarkable, according to all accounts.
>
> At the opening of a new Penney store in Minneapolis in 1970, it is told that a man came up to Mr. Penney and asked, "Do you remember me?"
>
> Penney regarded the man for a moment, and smiled.
>
> "Your name is Severt Tendall. I last saw you when you worked in the Cumberland, Wyoming, store in 1902."
>
> About the only thing James Cash Penney didn't accomplish during his lifetime was to live to be 100 years old. He came very close to his wish. He was still a board member of his company until his death in 1971. He was 95 years old.
>
> Does the Golden Rule, "Do unto others as you would have other do unto you," work today? Ask any of the managers of the 2,080 JCPenney outlets in Europe and across the nation.
>
> Today the little Golden Rule Store in Kemmerer, Wyoming, stands as a National Historic Landmark. A tribute to James Cash Penney and his faith in his fellow man.

Back in Wyoming we have dedicated that historic location, the start of chain store retailing in the United States and the home of J.C. Penney.

The principles on which he built that store are important principles for this country, ones that keep retailing going. I am pleased to say that my dad worked as a shoe salesman for a while in the Golden Rule store in Thermopolis, WY. My mom repeated some phrases to me that were a part of that culture and are a part of my mission statement in the Senate; that is, do what is right; do your best; and treat others as you want to be treated.

I want to mention in more detail the Penney idea. Here are some of the statements that are made to all employees of the company, the challenge, the mission of Penney: To serve the public as nearly as we can to its complete satisfaction; to expect for the service we render a fair remuneration and not all the profit the traffic will bear; to do all in our power to pack the customer's dollar full of value, quality, and satisfaction; to continue to train ourselves and our associates so that the service we give will be more and more intelligently performed; to improve constantly the human factor in our business; to reward men and women in our organization through participation in what the business produces; to test our every policy, method, and act in this wise: "Does it square with what is right and just?"

J.C. Penney was the pioneer of retailing, the pioneer of chain stores, and one of the pioneers of catalogs. Catalogs were the way the West was served when distances were too great to get to stores. Some of it is still that way.

His principles are just as true for business today as they are for life. Adhering to these great principles actually usually leads to great success. That is one of the lessons we learned from J.C. Penney on this 100th anniversary of the effort he started that set him apart from his competitors and made him one of America's most famous and successful businessmen, a person who gives us guidelines for ways we should operate today, ways that will keep the United States in the forefront of free enterprise.

I yield the floor.

NATIONAL LABORATORIES PARTNERSHIP IMPROVEMENT ACT OF 2001—Continued

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I could enter into a colloquy with Senator BINGAMAN to try to move the energy bill along. I have a list of the pending amendments. We have had our staffs working together to try to clear amendments. I think we have done a pretty good job, but there are a significant number remaining.

I know some Members have indicated their intent to bring them up, but we would like to have them come up. We are certainly ready. Perhaps we can identify some that we anticipate.

Mr. BINGAMAN. Mr. President, let me say in response to my colleague from Alaska, I agree with him. We are trying very hard to persuade Senators to come to the floor and offer their amendments. Of all the potential amendments that might be offered by various Senators, we are trying to determine which they actually feel obligated to offer.

We have not been able to do that as yet. Maybe at a time when the Senator was not on the floor earlier today, I propounded a unanimous consent request that we specify a time or that we limit the amendments to those that are on our list. There was objection raised to that unanimous consent request.

I suggest again that perhaps we could work together over the next hour or so to get that list pared down and then once again propound that unanimous consent request and see if we couldn't get it agreed to at that time. That would at least give us a finite list of amendments so that we could then know what is the potential universe of amendments. But it is very important that we get some other amendments up and vote on them this afternoon. I think Senators are on notice that we are anxious to do that. I look forward to working with my colleague to get the list pared down so we can complete this bill.

Mr. MURKOWSKI. Mr. President, I certainly agree and am anxious to work with Senator BINGAMAN in moving this matter along. My list currently shows 73 amendments pending on the other side, many of which, I am sure, can be addressed without a vote and simply dispatched—if Members would come over and discuss them with the professional staff in an effort to try to respond to the interests of the individual Senators. We probably have 18 amendments that I have identified over here on which Republican Senators have indicated they want to try to work out something.

The generalization was made last night that we are filibustering the bill on this side. I want the record to reflect that clearly is not the case. In response to my friend's proposal that we limit amendments, I hope we get that agreement and that I can address the concerns of some of our Members. If there are any Members who want to add amendments to it, this is the time to do it. Then we can close out the amendment list and proceed to wind up this bill.

I want to make sure everybody understands that we are not filibustering this bill or attempting to hold it up. The only way to move it along is by the amendment process. We want to move it along. It is my intention to work with our side to get an agreement on amendments and encourage Members to come over here. I understand we may be setting this aside again this evening to go on election reform, when we can clearly continue to be on energy. But if that is the wish of the leadership, obviously, that is what we will do. I assure my friend from New Mexico of my interest in moving along on the energy bill.

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I have been advised that Senator SCHUMER is on his way to offer an amendment. This amendment, I assume, should require a vote. This is an amendment he is offering along with Senator CLINTON, and he should be in the Chamber within the next few minutes.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EDWARDS). Without objection, it is so ordered.

AMENDMENT NO. 3093 TO AMENDMENT NO. 2917

(Purpose: To prohibit oil and gas drilling activity in Finger Lakes National Forest, New York)

Mr. SCHUMER. Mr. President, I call up amendment No. 3093 offered by myself and Senator CLINTON, which I believe is at the desk.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. SCHUMER], for himself and Mrs. CLINTON, proposes an amendment numbered 3093:

At the end of title VI, add the following:

SEC. 6 . PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York.

Mr. SCHUMER. Mr. President, I rise with my colleague, Senator CLINTON, to offer an amendment to permanently ban oil and gas drilling in the Finger Lakes National Forest in central New York. The Finger Lakes National Forest is the only national forest in our State. It is the smallest in the country. It is about 16,000 acres. It is the size of Manhattan. It is in the middle of one of the few uninhabited areas in one of most beautiful parts of our State—there are many beautiful parts of course—the Finger Lakes.

In 1998, two out-of-State firms offered a joint proposal to the U.S. Forest Service to lease the land for drilling. Subsequently, the Forest Service conducted an environmental impact study on the proposed drilling plan and decided to reject the proposal in December of last year.

Paul Brewster, the Forest Service supervisor, said the following about the strong public input they received during the EIS process:

> Many [citizens] stated that public lands, such as those on the Finger Lakes National Forest, are scarce in the region. They point to its uniqueness as New York's only national forest and its small size. They also feel the need for oil and gas should not outweigh other resource values such as recreation, grazing, sustainable timber harvesting, and wildlife. They believe that this development would disrupt the balance of uses that had previously been struck on this national forest.

There are a number of Members from the West, a number of my colleagues who came over to me and said: We have national forests, and they are drilling all the time. I point out to them the large difference between our situation and theirs. We don't have hundreds and hundreds and hundreds of square miles of national forests. This one is 16,000 acres. I don't know how many square miles that is, but it is probably less than 100. Am I right on that? I see my colleague from New Mexico shaking his head "yes."

It is the only national forest we have. It is one of the very few areas in a rather heavily populated part of our State. New York State has the third largest rural population in the country. To allow drilling there—and there is only a negligible, if any, amount of gas and oil there—wouldn't seem to make much sense.

This is not a partisan issue. Both our Governor, George Pataki, and the area's Congress member, AMO HOUGHTON, both members of the other party, are in support of our proposal. They know the tremendous environmental risks posed by allowing 130-foot rigs to drill in the Finger Lakes National Forest outweigh the limited benefits of doing so.

As I said, this is not Alaska. This is not the Gulf of Mexico. This is not the great wilderness we have out West, beautiful wilderness that every summer my family traverses. It is, rather, a postage-stamp size park. And we have such beauty in our State, but we are so crowded that preserving this area from drilling makes a great deal of sense. It is one of central New York's main tourist attractions. It draws tens of thousands of visitors each year.

There is no question of oil here. It is an almost unnoticeable amount of gas that could despoil this precious little pocket of wilderness and drive people away at a time when they are sorely needed to bolster the area's economy.

The Finger Lakes area is starting to grow. Upstate New York has been one of the few areas in America that is shrinking in population. But wineries have developed on the shores of the Finger Lakes. Tourists are coming to the Finger Lakes. This forest is an attraction. A day of hiking undisturbed by manmade developments is a wonderful thing. For the small amount of natural gas that might be there, to allow rigs, to allow forest land to be despoiled, doesn't make much sense.

I visited this forest and I can tell you, if every one of my colleagues would want to take a visit there—I know that won't happen; you have many places to go in your own States. But if you were to visit the region, you would agree. All you have to do is go there and take one look and you know it is the wrong place.

With this amendment, we are not trying to comment in any way about drilling in other places. We don't want to get embroiled in that. Our only national forest, a tiny little 16,000-acre place, one of the few not-built-upon parts of our State, please let us keep it for the people of the Finger Lakes region and the new tourism industry that has started to grow there. Let them breathe a little easier, which this amendment would allow.

I ask that this amendment be supported. I had hoped maybe we could work something out between the majority and minority. I don't think there are many requests like this, one that we haven't made before. But with the advent of somebody who is interested in trying to drill for whatever gas is there, the amendment is called for.

I yield back my time. I believe my colleague from New York is here, with that bright orange, lovely outfit. I usually see her as she comes. I missed her today. Let me now yield the floor to my colleague and partner in this and so many other issues as we work for the Empire State together, Senator CLINTON.

Mrs. CLINTON. Mr. President, I rise to join my colleague in offering this amendment which is very important to our State and would permanently protect the only national forest in New York State and the smallest national forest in our country from drilling. The Finger Lakes National Forest is a part of New York that I wish everyone could see, as Senator SCHUMER so eloquently stated.

We would love to invite everyone in the Senate to come and see these lakes, which were named from an old Indian legend that says the Great Spirit had put his hand down on the land and when he lifted it up, he left behind these Finger Lakes. These lakes are so beautiful and special that, in and of themselves, they provide not only a tremendous amount of recreational visitation for the area, but they are beautiful places to live and to farm and to work.

The U.S. Forest Service sought public comment last year on a draft environmental impact statement on a proposal to lease 13,000 acres of the 16,000-acre national forest. Among the consequences of the proposed drilling action identified in the Forest Service's statement were soil erosion, contamination at or near well sites due to the construction of access roads, well paths and pipelines, and the use of trucks and heavy equipment in drilling activity. The report predicted that such construction would require several acres for each particular drilling site of vegetation clearing, including tree cutting.

In addition, the quality of local water rights would be put at risk. There is also concern about the loss of habitat for birds and animals that call the forest home, and it would be a very difficult problem for us to figure out how to accommodate drilling at such a relatively small area.

That is why Senator SCHUMER and I believe, because of the potentially dire environmental consequences, the relatively small amount of energy that would be secured, assuming such drilling was successful, it is not a sufficient reason to take a chance on this very precious resource. We think it is our responsibility to protect our State's precious natural resources, and that is why, once again, we offer this amendment to permanently prohibit such drilling.

We also have on our side the U.S. Department of Agriculture, which, as both Senator SCHUMER and I remind colleagues on a regular basis, has a very prominent place in our State—certainly in the Finger Lakes region—where not only dairy farms but increasingly wine vineyards and other products are grown, but in its final environmental impact statement, the USDA recommended a no-action alternative. In other words, the USDA does not support drilling in the Finger Lakes National Forest. So that is why we are offering this amendment. We don't believe drilling in the national forest, in the Finger Lakes, would be sensible energy policy. It is certainly not sound environmental policy. It is not good agricultural policy, and it would undermine a lot of the progress we have made in bringing people to enjoy this very beautiful area.

So I am proud to join my colleague in asking for support in prohibiting drilling in this very small national forest that we are very proud to have in our State. I yield back the time to Senator SCHUMER.

Mr. SCHUMER. I thank my colleague for her fine words in support of this amendment. I think we have said everything that has to be said. It is a very small national forest, so it requires only small speeches.

I yield back our time and hope we can move this amendment without any problems. Maybe we can figure out something. I know there is some opposition, but I will yield to my colleague, the chairman of the Energy Committee, the Senator from New Mexico, who is working real hard on this bill, and we all appreciate that very much.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, let me make a couple of comments. I know we would not, of course, try to go to a vote on this matter without providing opportunity for Senator MURKOWSKI and other Members to come to the floor and express their views.

This is an issue about which I have spoken to Senator SCHUMER and Senator CLINTON. I know they feel very strongly about it. It is the kind of issue that we address, as they are well aware, in the Energy Committee through specific legislation that is designed to provide a special level of protection for a particular area, a particular national park, a particular section of national forest; and I think that might be another alternative for them.

I am not trying to discourage them from going ahead now if they wish to do that. Certainly, I don't intend to state a position on the bill on their amendment. I know some Members have expressed concern that we would not have the opportunity to consider this as legislation designating a particular area for special protection. That is another way to get to the same end result that they have proposed to get to with this amendment. So I mention that and I know that is something they might consider as an alternative to their amendment.

The amendment is pending, and I understand other Members will come to the Chamber if the amendment remains pending and speak to it. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada is recognized.

Mr. REID. Mr. President, I have spoken to Senator BINGAMAN. It is my understanding from the Senator from New Mexico—and I haven't spoken to the Senator from Illinois—when this matter is resolved, Senator DURBIN is going to offer an amendment relating to the Consumer Energy Commission; is that the Senator's understanding?

Mr. BINGAMAN. That is correct.

Mr. REID. It is my further understanding that the Senators from New York, at a subsequent time, will offer an amendment—maybe this evening—dealing with air-conditioners. I say to my friend from New York, is there sometime this evening the Senator might be in a position to offer his amendment on air-conditioners?

Mr. SCHUMER. Yes. This is the amendment that would have the Federal Government augment a State program for people who would turn in their old air-conditioners and get some new ones. I think we would be willing to offer that sometime in the early evening, maybe at 5 o'clock or 5:15.

Mr. REID. That would be very good. We don't know how long the amendment of the Senator from Illinois will take. The minority will make that determination. The Senator from Illinois will not speak too long. He will offer his amendment very shortly.

For the information of Members, possibly there could be two votes within the near future on two amendments. The leader has indicated that sometime tonight he will move to a different piece of legislation. So we are going to be working somewhat late tonight.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, is it appropriate for me to send an amendment to the desk?

The PRESIDING OFFICER. It requires unanimous consent.

Mr. DURBIN. I ask unanimous consent that the pending amendments be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3094 TO AMENDMENT NO. 2917

Mr. DURBIN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. DURBIN] proposes an amendment numbered 3094 to amendment No. 2917.

Mr. DURBIN. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a Consumer Energy Commission to assess and provide recommendations regarding energy price spikes from the perspective of consumers)

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a commission to be known as the "Consumer Energy Commission".

(b) MEMBERSHIP.—

(1) IN GENERAL.— The Commission shall be comprised of 11 members.

(2) APPOINTMENTS IN THE SENATE AND THE HOUSE.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) APPOINTMENTS BY THE PRESIDENT.—The President shall appoint 3 members

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(4) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) TERM.—A member shall be appointed for the life of the Commission.

(d) INITIAL MEETING.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) CHAIRPERSON AND VICE CHAIRPERSON.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) ADMINISTRATIVE EXPENSES.—The Department of Energy will pay expenses as necessary to carry out this section, with the expenses not to exceed $400,000.

(g) DUTIES.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil natural gas and propane.

(B) MATTERS TO BE STUDIED.—The study shall focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration and any other relevant market failures.

(2) REPORT.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

(3) CONSULTATION.—In conducting the study and preparing the report under this section, the Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal agencies as appropriate.

(h) SUNSET.—The Commission shall terminate within 30 days after the submission of the report to Congress.

Mr. DURBIN. Mr. President, I rise to offer this amendment that will establish a Consumer Energy Commission. It is a pretty simple amendment; yet I think it has the potential to be of great benefit to families and businesses across America.

I am pleased that the Senate is turning to this debate on the energy bill to address our Nation's energy challenges. This debate really marks the first time that Congress has taken up the whole question of energy since 1992. As we consider the elements of this important topic, let us not forget what has happened to energy in our country during the last decade. One word you will often hear to describe energy during the past decade—especially in the last few years—is the word "crisis." The California electricity experience has been cast in the terms of a crisis. Many point to Enron as an indication of problems in our energy policy.

While we may disagree with the extent of the energy crisis, as well as ways to address it, I think we can all appreciate the fact that one energy challenge our Nation faces is the price spike that consumers face in so many of our energy sources.

Let's take an example of gasoline. We all know when you buy gasoline in America, prices fluctuate widely at the pump. We are seeing some of the highest prices now in the Midwest that we have seen in a year. Gasoline is reported at $1.60 a gallon in some areas, and it is even higher in others. This has become what I characterize in my part of the world as the "Easter phenomenon." This is the third straight year when we have seen, at about Easter time, the price of gasoline spiking across the Midwest, sometimes over $2 a gallon, and even higher from those who are exploiting and ripping off consumers and businesses.

The administration's energy policy indeed cites the dramatic increases in gasoline prices as one of the challenges we face. The Consumer Federation of America and Public Citizen have also called attention to energy price spikes, explaining American consumers spent roughly $40 billion more on gasoline in the year 2000 than the year 1999. In the spring of 2000, the cost of gasoline in Chicago shot up to $2.13 a gallon, well above the unusually high national average of $1.67 per gallon at that time.

Gasoline is not the only energy product for which consumers have had to pay dramatically fluctuating costs in recent years. Residential heating oil, residential natural gas, commercial natural gas, industrial natural gas, and motor gasoline have all had fluctuating prices, dramatically fluctuating over the last 15 years.

I can recall a year or so ago my wife called me at my apartment in Washington on Capitol Hill. She lives back in Springfield, IL. She called me and said: Senator? And I knew I was in trouble when she said that.

I said: What is it?

She said: I just got the heating bill on our house. What is going on here?

The natural gas prices had gone through the roof. Every home across the Midwest saw it. Some people could afford to pay it—we could—and others could not. We are seeing that more and more. Consumers are saying: I can understand prices going up here and down there, but why these wild price fluctuations?

If we break down the numbers on a month-to-month basis, we can see incredible price spikes. In the matter of 1 month, the national average price of gasoline jumped by 20 cents a gallon, residential heating oil rose by 10 cents a gallon, and residential natural gas led with 50 cents per 1,000 cubic feet.

In some sectors of the economy, price spikes were greater and had a more drastic impact. Home heating and cooling bills crippled family budgets in the Midwest and Northeast.

It is not just a matter of residences, homes, and families. Farmers, small businesses, and industries dependent on natural gas for the production of fertilizer, chemical products, and other services and products suffered economically.

I can recall trucking businesses coming to me when the price of gasoline was fluctuating out of control in the Midwest and saying: We have to lay off people; there is no way we can keep this business going.

For a month or two at a time while this was happening, people were on the unemployment rolls, if they were lucky. Some of them were just out of work, trying to keep their families together, not because they were not willing to work hard or have a business but because one of the commodities of that business was fluctuating out of control.

There is a way to demonstrate these problems. Let me demonstrate on this chart some of the fluctuation of prices. This chart shows motor gasoline retail prices from 1999 to the end of 2001. You will see the cost per gallon across America, U.S. city averages. Imagine starting back in January 1999, the cost per gallon was around 95 cents a gallon. Look at the spring of the year 2001. The price is up to $1.60. There is a fluctuation in price from 95 cents a gallon to $1.60 per gallon.

To some it is a pinch on their pocketbook. To a business that has to meet a bottom line, that kind of fluctuation means: I can't put as many trucks on the road or hire as many people for our messenger service. We have to cut back on employment. This shows the price spikes that consumers have been faced with over that 2-year period.

Let me show another chart: heating oil prices by region, and we can see the wild spikes. The cost per gallon in January 1996 was about $1 a gallon. Then we saw this price spike to about $1.50 a gallon in January of the year 2000, and then it dips and spikes again.

Is this the natural operation of a market economy or is it something else? That is the question I have asked time and again. I understand supply and demand. I passed that course in my sophomore year in college, not with a great grade but a good one. I understand what the market economy is all about, supply and demand, but it struck me as odd that year after year with great repetition we would see gasoline prices go skyrocketing for a matter of weeks and months during certain periods of the year.

That is why I brought this amendment to the floor. I think we can address the chronic national problem of significant energy price fluctuations, and we ought to do it by putting together a commission that is balanced.

Whenever we get into debates about these price fluctuations, people say: We are going to get the captains of industry and Government heads of agencies and they are going to come together and talk this through. I thought to myself: Isn't it interesting these people talk about a problem that does not touch them personally as families, individuals, small businesses, and farmers. Why are we not bringing consumers into this discussion? Why shouldn't they be part of this analysis to make sure the market truly is working and nothing else is involved?

That is why I am offering an amendment to establish the Consumer Energy Commission. This would be an 11-member Commission which would bring together bipartisan appointees and representatives from consumer groups, energy industries, and the Department of Energy to study the causes of energy price spikes and make recommendations on how to avert them.

It is true the Federal Trade Commission took a look at the gasoline price spikes in the Midwest recently. Indeed, a lot of studies have investigated potential abuses of market power in the energy industry. I salute CARL LEVIN of Michigan who serves with me on the Governmental Affairs Committee. He is having a hearing very soon looking into the specific problems that have hit the Midwest.

Other studies have looked at long-range supply and demand projections for energy products, but previous studies have tended to focus on a small set of issues and on the perspective of big industry or big Government. I think the best approach is not to look at these issues narrowly but consider the big picture and, in particular, from the consumer's point of view.

We need to give consumers a voice and opportunity to participate in this process. When consumers pay their grocery bills or tuition bills for their kids or even their residential utility bills in most States, and when businesses pay for raw materials and supplies, prices are usually rather predictable. But when they pay for heating and cooling, natural gas, gasoline for trucks and autos, families and businesses face the frustrating reality of wild price swings.

We need to bring consumers to the table with representatives of the energy industry and Government to study these price spikes. We need these groups to work collectively to consider a range of possible causes of energy price spikes. We need them to look at both the supply and the demand side, including such potential causes as maintenance of inventory, delivery of supply, consumption behavior, implementation of efficiency technologies, and export-import patterns.

After the Consumer Energy Commission studies energy price spikes comprehensively, its charge will be to develop options for ways we can avert and mitigate these terrible price spikes.

These recommendations can range from legislative and administrative actions to voluntary industry and consumer actions that can help protect consumers from the fluctuating cost of energy products.

This Commission will be well balanced, not only to reflect all groups with a stake in energy price spikes but also to reflect both political parties. No commission has ever before brought together such a diverse group to study such a complex problem in a comprehensive way. No commission has ever promised to see things from the perspective of consumers, families, and businesses that routinely face energy price spikes.

The Consumer Energy Commission is long overdue, and I urge my colleagues to support it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I compliment the Senator from Illinois on his amendment. I reviewed it. It deals with a very important set of issues about which we have all been concerned. His description of what this Commission would look at as the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration, and other relevant market failures, are the exact kinds of issues we are trying to deal with in this comprehensive energy bill.

Obviously, we need as much wisdom as we can find on these issues and how to address them. I believe this amendment would be a source of good advice to us, and I support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I want to enter into a general discussion with my friend from Illinois relative to the substantive effect of his proposed Commission because while I certainly concur we are entitled to have this information, I am wondering why an inquiry by letter to the Department of Energy, the Federal Trade Commission, the GAO, or the Energy Information Agency would not suffice for the same purpose.

The Senator from Illinois indicates the Commission shall conduct a nationwide study of significant price spikes since 1990 in major consumer energy products. I think we are all familiar with the situation in California relative to what happened when California chose not to pass on the full cost of energy to the retail customer. As a consequence, the price hikes associated with that activity were certainly evident when the wholesalers went out of business.

I wonder if my friend could indicate if indeed there is not a little duplicity in the availability of this information. I do not have a problem with the amendment, but I do not want to build up a bureaucracy.

Mr. DURBIN. If I might respond, I thank the Senator from Alaska because I think it is a good faith question and I think it is one that deserves an answer. I say to my friend from Alaska, what we are trying to do in this effort is to perhaps bring new perspective to this issue. The Senator's State of Alaska really prides itself on its individualism and its own special character. What we are trying to do is say we think it is not unreasonable, in fact it is valuable, to have consumers represented in this discussion. I know what I am going to get if I write a letter to the major Federal agencies in town. I know what I will get if I write to most of the investigative branches of the Government. Would it not be refreshing to have a new perspective with a Commission that really at least includes some honest-to-goodness consumers who take a look at this from the small business perspective, from the farmers' perspective, from the family's perspective? I do not think we have anything to lose. We may have a lot to gain, and I hope in doing that maybe we will convince some of the larger industries and utilities and even Government agencies that they ought to every once in awhile take a fresh look at things.

I do not think this piles on to bureaucracy. It might open up a window and bring in some fresh air.

Mr. MURKOWSKI. My concern is whether or not the proposal would really create another study panel to study what has already been studied many times. Quite frankly, we already knew with what price hikes were associated; namely, a shortage. I often find it makes us feel good to bring in consumers and participate in a townhall meeting, but we have to educate the consumers on the factual information because they are the ones who are affected by the results oftentimes. A price hike obviously hits the consumers, and sometimes they are not knowledgeable.

I refer back to the first page of the amendment of the Senator from Illinois; (A)1, and I quote: Of whom shall represent consumer groups focusing on energy issues.

I gather that would be four members from the congressional appointees. Is that correct?

Mr. DURBIN. The suggestion in this amendment is the majority leader and the minority leader of the Senate will each appoint two members, one from the consumer side, one from the energy industry side. So there would be two who would come from the Senate and the House, the majority and minority leaders. So there would be four altogether, and then a fifth would be appointed by the President. So 5 of the 11—not even a majority—would be consumer voices.

Mr. MURKOWSKI. The consumer voices come out of that appointment?

Mr. DURBIN. Yes. Five of the eleven appointees to this Commission would be from consumer groups focusing on energy issues.

Mr. MURKOWSKI. Ordinarily, the problems we have relative to energy are not enough electricity, not enough electric transmission in some areas, not enough oil and gas production in other areas, not enough refining capacity in other areas. Consumer protection obviously is involved in virtually every facet of our lifestyle. I do not have a particular objection to the information the Senator from Illinois is trying to generate. I am concerned we not duplicate this.

Would the Senator allow us to put this aside and get back to it perhaps tomorrow after we have had a chance to look at it? We had not seen the amendment previously to have a chance to make a determination whether or not indeed there is another agency that has a responsibility that can provide the information the Senator believes is in the national interest.

Mr. DURBIN. I am happy to accommodate my colleague from Alaska. I hope when he takes a look at it, he will support it. I certainly want to give him a chance to review it.

Mr. MURKOWSKI. If we expand this to consumer groups, would we not want to have some consideration or environmental input, too? Oftentimes if you have one and do not have the other, then the other wants to be heard. And if we are talking about more electricity or more transmission, this also could have some environmental concerns.

Mr. DURBIN. It is hard for me to quarrel with the Senator's suggestion, but I think the focus of this Commission is to really talk about the pocketbook impact of these energy price spikes. There are critical and important environmental issues, the Senator knows well because he studied it as much if not more than any other Senator. But really what I am trying to focus on is what the Senator has heard at home and what I have heard at home, that when the price of one of these energy suppliers goes out of control, we get calls from consumers and their families, as well as small businesses, who say: Senator, what is going on? Why does this happen every spring in the Midwest?

So I ask the Senator from Alaska to take a look at it and join me in focusing on these price spikes and the consumer side of it, and I will gladly join him on any environmental aspect of another amendment. In this amendment, if we could try to confine ourselves to the economics of this issue, I think that was the reason I offered the amendment, and I hope the Senator will support it.

Mr. MURKOWSKI. What I would encourage is that the professional staff take a good look at this and see if indeed there is not some other agency that would have this information. I think it is important for the Senator from Illinois to recognize on renewability, which we passed, the 10 percent, that is going to cost roughly $100 billion to the consumers of this country by the year 2020. That is pretty much the agreed-upon, recognized cost of achieving a 10 percent reliability.

I am sure the Senator from Illinois is also aware that within the last couple of days this Nation has lost about 25 percent, almost 30 percent, of the capacity to import oil with the determination by Iraq to initiate a moratorium for 30 days, coupled with the strike in Venezuela. Clearly, that shortage has resulted in at least a $3-per-barrel increase in the price of oil.

These things seem to have a world application. If we look at Saudi Arabia and the OPEC nations which operate their cartel, by reducing the supply of oil they can clearly motivate and initiate the price. I think they advised us perhaps a year ago they were going to, as an objective, hold the cartel within a $22 to $28 framework, and they have done a pretty good job of it.

Mr. DURBIN. May I respond to the Senator?

Mr. MURKOWSKI. Surely.

Mr. DURBIN. I say to the Senator, he has made the point because he understands, as I do, how beholden we are to foreign interest sources. If there is a problem in Venezuela or a decision by gulf state oil producers that they are going to withhold supply from the United States, it has a direct impact on the price and certainly on consumers. That is one of the elements we raised and studied, the reliance on imported supplies. As we become less dependent and more energy secure, we are less susceptible to price fluctuations, which I would like to have studied as part of this Consumer Energy Commission.

The Senator has made the point, and made it well, as to why we should look at this more closely. There are a dozen ways to go after this, as Senator MURKOWSKI and Senator BINGAMAN know so well, having spent so much time on this bill. I hope we never lose sight of the ultimate consumer who ends up paying the bill. It is the mom and pop back home who end up with the natural gas bill to heat their home—or gasoline or heating oil. They are the ones who ought to be in on this discussion. That is what we tried to do with this Commission.

Mr. MURKOWSKI. Mr. President, in responding, the examples I cited are beyond the control of the Senate, beyond the control of the consumer groups. It is just a world market that dictates, when somebody chooses to reduce the supply. As we increase our dependence on the Middle East, on OPEC, we increase our vulnerability. The other example I cited, our interest in stimulating renewables, does not come without a cost.

I suggest to the majority as we look at the creation of this Commission—which as I understand would have an authorization of about $400,000, with no staff and no specific definition of powers—see if we can jointly work together and perhaps with the Comptroller General or others undertake this study. If it is not feasible, I will not reject the amendment necessarily. I am just a little sensitive to expanding bureaucracies.

If the Senator allows us to work together, maybe we can work out something.

Mr. DURBIN. I am happy to share this with the Senator's staff. I want to give them ample time to look at it. I thank Senator MURKOWSKI and Senator BINGAMAN. I don't know if I need to withdraw the amendment.

Mr. BINGAMAN. Mr. President, I suggest we set the amendment aside to consider other amendments as Senators offer amendments.

Before yielding the floor, the study called for in this amendment by the Senator from Illinois is very time limited. It is 180 days. The report has to be concluded within 180 days after the Commission is appointed. Then the Commission goes out of existence. As my colleague from Alaska pointed out, the maximum amount this could cost is $400,000 in expense funds that the Department of Energy would cover. There may be some way to improve the language, but I think it is a meritorious amendment and I hope we can adopt it. I thank the Senator from Illinois for offering it.

Mr. DURBIN. I yield the floor.

AMENDMENT NO. 3093

Mr. MURKOWSKI. Mr. President, unfortunately, I was absent when the two Senators from New York proposed an amendment authorizing funding for prohibition on oil and gas drilling in the Finger Lakes National Forest in New York.

My first reaction was that it was precisely in the wrong direction. At a time when we are increasing our dependence on imported sources of energy, oil and gas, this amendment prohibits oil and gas drilling in the Finger Lakes National Forest of New York.

I am not knowledgeable as to the extent of interest to drill in this area. However, I am sensitive to Senator SCHUMER and Senator CLINTON with regard to what they believe is best for their State. We have an amendment to put additional Federal lands off limits to oil and gas development. That is clearly what we are doing.

The irony in this as far as my State is concerned is we happen to support opening ANWR, opening the area for oil and gas exploration, and we find a reluctance of some Senators to recognize that while I am certainly not going to take issue with the attitude prevailing of the two New York Senators who want this area put off limits, I find it a bit inconsistent that other Senators will not respect our views in Alaska relative to our support, which is nearly 70 percent of the population. Clearly, virtually the entire population of the North Slope, with the exception of the Gwich' in people, support opening ANWR.

I take the opportunity to point out we have an amendment to put additional Federal lands off limits to oil and gas development at a time when we are increasing our dependence on imported oil, at a time when we have an opportunity to open domestic sources, specifically ANWR and Alaska.

I respect the views of the Senators from New York. They have introduced this legislation. The legislation itself should be considered in the committee of jurisdiction. I am speaking for myself now, but I believe it should be brought to the committee before it comes directly to the floor for action. Otherwise, obviously, we bypass the committee process and the rules—which is the rule rather than the exception.

I tell the Senators from New York I may very well support their legislation. I voted with and supported other colleagues on wilderness designation, from time to time, that put oil and gas development off limits. So this is not the first for me, in spite of the fact some may question that. But it is fact. I have supported and voted for wild and scenic rivers designations that foreclosed future FERC licensing.

That is why we have a committee process, to understand the significance of the legislation's applicability. I do not think we should come to the floor on a bill that ostensibly is designed to increase our energy security and put more Federal lands off limits without the benefit of the committee review.

I certainly have great respect for the views of the State delegation, and I have regularly deferred to their views through the committee process. This is not a large area. It is a very small area of Federal land, with no existing leases, as far as I know. I am not aware of any pending proposal to create an emergency. I encourage the Senators from New York to allow us to let this go through the committee process and not send the legislation further down the road with increased Federal dependence. I encourage that consideration. Again, I have indicated I very likely would accept it in the traditional process.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, it is my understanding that the Democrat floor leader will be coming to the floor in a moment to ask unanimous consent that we bar further first-degree amendments; that is, further as compared to a list already assembled.

I see he has arrived, and so I will be brief, but I believe we have put together a bill that is an energy bill largely in name only. It will have a series of tax incentives, many of which are expensive and targeted to things which can never be reliable, significant energy sources for America. We will impose additional regulation and inefficiency in the market.

As you have in any bill, you end up with a balance between good and bad from each individual point of view. But the key ingredient that is missing in this so-called energy bill is a commitment to open the one resource that can be developed on an environmentally sound basis and that can give us energy to turn the wheels of industry and agriculture here at home: the Arctic National Wildlife Refuge.

I have been frustrated throughout this debate in that we haven't had an opportunity to vote on ANWR. It is my understanding that there is a movement afoot in the body to deny us an up-or-down vote on ANWR.

I hope it doesn't inconvenience my colleagues, but I wish to reserve my right to offer additional amendments until we have had an opportunity to vote on ANWR. When we have had an opportunity to vote on ANWR, I think at that point I would be prepared to lock in a list of amendments.

It is my understanding that we could reach that point maybe by next Wednesday, but I would have to object now to limiting my ability or anybody else's ability to offer additional amendments until we know what is going to happen in the part of the bill that will most directly impact on energy production here in the United States—and that is the opening of ANWR.

I also believe it is important that we preserve our ability to offer additional amendments in case there is an effort to deny us at least a chance to vote yes or no on ANWR. I think I will be unhappy if we can't get 51 Members to vote for ANWR, but at least if we have an up-or-down vote, the Senate has basically had its say on the issue. I have been on the losing side on many issues in my career in the Senate, and I have learned to live with each one of them, but I would like to have an opportunity to have that vote.

I was going to say this before the distinguished Democrat leader came to the floor. But until we have this chance to deal with ANWR, I wish to preserve my right and every other Member's right to offer amendments.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, this unanimous consent agreement would not prevent my friend from Texas from offering amendments. But we have been on this bill now for 16 days. My friend from Texas says that he wants to vote on ANWR. We have been waiting for 16 days to have them offer the ANWR amendment. For my friend and others to say they want an up-or-down vote on this issue is somewhat interesting because, for example, on the Feinstein amendment, which was under consideration for about 2 weeks, we couldn't get an up-or-down vote as a result of a number of people, not the least of whom was the very astute Senator from Texas, Mr. GRAMM.

We are proceeding through this bill by the rules of the Senate. Sometimes the rules of the Senate are not convenient for some. But they are very consistent. That is why the Senate works so well for the American people.

We have done everything but beg the proponents of drilling in ANWR to offer that amendment. We are coming to a point—and the majority leader will have to make that decision—where if they do not offer the amendment we are going to take the ANWR provision out of the House bill and offer it. Then that will be before us.

We believe that energy legislation is important, and at this stage, of course, it is imperfect. But there are things in the bill which I personally like. I like renewables. It is not as much as I wanted. There are things in this bill that are good. The Senator from New Mexico has worked very hard on this bill as has the Senator from Alaska.

I understand but disagree very much with my friend from Texas.

Therefore, I ask unanimous consent that the list that I will send to the desk be the only first-degree amendments remaining in order to S. 517, except for any first-degree amendments which have been offered and laid aside; that these first-degree amendments be subject to relevant second-degree amendments; that upon the disposition of all amendments the bill be read the third time and the Senate then proceed to Calendar No. 145, H.R. 4, which is the House-passed energy bill; that all after the enacting clause be stricken and the text of S. 517, as amended, be inserted in lieu thereof; that the bill be advanced to third reading, and the Senate proceed to vote on passage of the bill; that upon passage the Senate insist on its amendments and request a conference with the House on the disagreeing votes of the two Houses, and the Presiding Officer be authorized to appoint conferees on the part of the Senate; provided further that S. 517 be returned to the calendar, with this action occurring with no further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, I ask that the unanimous consent request that I have propound stand on the RECORD. Before my friend reserves his right to object—and he probably will object—I also say to my friend that one of the things I have trouble understanding is if this bill goes out of here to the House—the Republicans control the House and we have a Republican President—I can't understand why people are afraid to go to conference on this bill. Senator BINGAMAN, of course, would be the person we would look to for leadership in that conference. We have great confidence in him. But he is up against the President and the Republican majority of the House.

I don't understand why people are afraid to let us vote up or down on ANWR. It is not in the bill. There is certainly a procedure in conference for it to be in the final bill coming before the Senate.

I think this is fair. We need to move this along. It is not as if there are no amendments. There are lots of amendments that people could offer.

I hope my friend from Texas will reconsider his objection because I think from all I have been able to determine the Senator from Texas is the only individual Senator stopping us from going forward with having a finite list of amendments.

The PRESIDING OFFICER (Mr. JOHNSON). Is there objection?

Mr. GRAMM. Mr. President, reserving the right to object, first of all, I thank our colleague for his kindness to me. I think the criticism about the delay in offering an ANWR amendment is valid. I wanted to offer ANWR as the first amendment on the bill. That was not the collective decision on our side of the aisle. I respect that.

The rules of the Senate are very clear. One of the things that makes this the most important deliberative body in the world is the ability of Members at any point to offer an amendment. I wish to preserve that right.

I believe once we have had an up-or-down vote on ANWR I can take the position at that point that I am willing to join others who are willing to lock in a list of amendments and no others as first-degree amendments. But until we have had a chance to vote on ANWR, I feel constrained to object.

I was a little bit confused as to whether the Senator was saying there was a willingness on his side of the aisle to give us an up-or-down vote on ANWR. I think perhaps if we could have a commitment for that up-or-down vote perhaps we could work out an agreement on amendments before that vote occurs. But I would want to know that we have that commitment.

In terms of the Feinstein amendment, 50 people voted against it today, and 48 voted for it. Senator FEINSTEIN withdrew the amendment. I had hoped that we could work out a compromise. I intend to approach her to try to work out a compromise. But given the absence of an agreement to an up-or-down vote on ANWR in this unanimous consent request, I would feel constrained to object. And I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Nevada.

Mr. REID. Mr. President, I understand the objection has been made, and I appreciate the Senator from Texas having the right to do that.

I would say, I hope—well, I don't hope, because if the amendment is not offered pretty soon, we are going to offer it—somebody over here. I will offer it. But I hope when that matter is resolved—and it may have to be resolved the same way the Feinstein amendment was resolved, by filing cloture on that amendment—I say to my friend, if that in fact is the case, I hope the Senator then will allow us to have a finite list of amendments after that matter is voted on through cloture or otherwise.

Mr. GRAMM. If the Senator will yield, I think once we have had a vote on ANWR, then my reservations about limits on the ability to offer other amendments will largely be eliminated. I might want to file some amendments, but I simply go back to the earlier vote on the Feinstein amendment. No one required that Senator FEINSTEIN pull her amendment down. It was still the pending business of the Senate. I did not encourage her to do it. I had hoped we could work out a compromise. I still hope we can.

I think there is a very big difference in voting on cloture on ANWR, where we are simply trying to bring debate to an end and having an opportunity to vote yes or no on ANWR. I think that is going to be a very critical factor with me, perhaps with others.

But if next week we can move the process forward—and we can't offer the amendment soon enough to suit me—if we can have a debate on it, however long that takes, I am for it. But once we have had an up-or-down vote on ANWR, then I will be ready to lock down the amendments and move toward passage and toward this conference. But I do believe it is important, on an issue that has profound national security implications, for the Senate to take a position yes or no on ANWR. I think that is very important.

I am just one Member. Other people can disagree. But that is what I think. And I think the people of my State believe the same. So that is what I am trying to promote. I thank the Senator for his kindness.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, Senator FEINSTEIN withdrew her amendment because she had taken up enough of the Senate's time. We discussed this, and she believed, in that she did not have enough votes to invoke cloture, it would be in the best interest of the Senate to move this legislation down the road. That is the case.

I say, as I said to the senior Senator from Alaska this morning, I am concerned about national security. We are all concerned about national security. But if we start talking about energy, I think one of the ways we can sustain national security very quickly is to increase the fuel efficiency of cars. That isn't something we have to drill under the ground for to find out how much is there. You don't have to build pipelines to move that oil around the country.

What we simply have to do is make our cars more efficient. We have not done that in some 20 years. It would save millions of barrels of fuel a day. I think that is what we should do. So if we are talking about national security, let's look at fuel-efficient vehicles.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I have been involved in other matters, obviously, as all other Senators are. I understand that, once again, my friend, the minority whip, has mentioned the problem of CAFE and the CAFE standards. We had a discussion on that this morning in relationship to the ANWR problem that we seek to pursue.

The Senate has voted twice on the CAFE standards. The first vote was on amendment 2997, and the vote was 62 to 38 to give the National Highway Traffic Safety Administration 2 years to establish standards. That vote was not filibustered. It did not need 60 votes. It was an up-or-down vote. There was not a motion to table. Neither Senator MURKOWSKI nor I filibustered or threatened to filibuster that issue.

The second vote on CAFE was on prohibiting an increase in the average fuel standard for pickup trucks. Amendment No. 2998 passed on a vote of 56 to 44. Again, there was no filibuster on CAFE. It was an up-or-down vote requiring only 51 votes on what my friend, the majority whip, said should be an issue of national security and is an issue of national security.

During the debate on the Alaska pipeline, the then-leader, as I pointed out this morning, Senator Mansfield, and Chairman Jackson did not vote for the amendment that authorized the right of way but they did realize it was an issue of national security and it should receive an up-or-down vote. They allowed an up-or-down vote on the Alaska pipeline without filibuster. As a matter of fact, it became a part of the right-of-way bill at that time only by the vote of the then-Vice President breaking a tie in the Senate.

In fact, Senator Jackson was so incensed at the thought of a filibuster on an issue he opposed that concerned national security that he threatened to have the Federal Government build the Alaska pipeline itself. At that time he said:

> Mr. President, I have come to the regretful conclusion that if we are stalled here, early next year I give my pledge that I am going to push legislation for the Federal Government to build this line. It does involve a national crisis. It is urgent, and I shall do everything in my power to move that oil.

We did not filibuster the CAFE votes, which the majority says are national security issues. But the majority says the ANWR issue is not a national security issue.

I hope the Senate will come to the position that my great, late friend, Senator Mansfield, came to as leader—that there should be no filibuster on an issue involving a matter of national security, something that is seriously involved in the national defense, particularly at this time when the gas price in this city alone has gone up from $1.15 to $1.51 in 3 days.

We face a national crisis. It is not dissimilar from the one we faced in the 1970s. And I believe those who oppose getting us to the point where we can determine whether or not we can produce substantial quantities of oil and gas from that million and a half acres, set aside by Congress in 1980 for that exploration and development—we are not drilling in the wildlife refuge. It was set aside and will not become a permanent part of the wildlife refuge until the drilling is over.

This chart depicts one of the things we found recently. I want people to see it. That is my commander, General Eisenhower, pictured on this chart. It is a poster that was put up by the Petroleum War Council during World War II. It is a statement to workers in the oil fields. Here is the commanding general of our forces at the time of the invasion of Europe saying to those people in the oil fields: Your work is vital to our victory . . . our ships . . . our planes . . . our tanks must have oil. Stick to your job—oil is ammunition.

Our generation knew that oil was related to national security. I don't know how anybody today can say this is not a national security issue when we bring the ANWR issue before the Senate. We should have an up-or-down vote. We should not have to prove we have 60 votes. The reason the amendment is not here is we are trying our best to get 60 votes. If I have anything to do with it, we will find a way to get them, but it should not be required. The requirement should be only that we come to the Chamber and demonstrate it is a national security issue, and that issue should not be subject to a filibuster.

I believe those who filibuster against this amendment will be committing a grave error. The American public should know that. Anybody out there who is interested should look at this. This is the National Interest Land Conservation Act of December 2, 1980, section 1002, the Jackson-Tsongas amendment. It says:

> The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impact of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on fish and wildlife and other resources.

It has been 21 years since that bill was passed. I got this out of my archives, for anybody who is interested. That was one of my favorite photos. That is Senator Scoop Jackson, this is Paul Tsongas, and that is a younger Ted Stevens. Senator Tsongas has in his hand, and I have a copy, the final version that Senator Jackson and I agreed to with regard to that bill in 1980. That 1980 bill gives us the authority to proceed with the exploration in the Coastal Plain. It was the intention of these people—they made a commitment to us that we would be able to proceed with exploratory activity and development in the Arctic Plain, provided there was an environmental impact statement made that showed there would be no adverse impact on the fish and wildlife resources of that Arctic Plain, the million and a half acres set aside for exploration activity by the Tsongas-Jackson amendment.

We have twice prepared these statements—twice. It was during the Reagan-Bush administration, and the first Bush administration. The President asked the Congress to approve proceeding on the basis of the finding of those environmental impact statements that there would be no adverse impact by gas exploration and development on the Coastal Plain. But twice the Congress, then under the control of the current majority party, refused to approve that request.

During the Clinton administration, twice the Congress sent to President Clinton a bill that would authorize the commencement of this exploration and development activity in the Arctic Plain, and the President vetoed it.

So there has been a stalemate now for 21 years. Had we started this development, we would not be under the threat of Iraq today; and had we started this development, we would not be importing from Iraq a million barrels of oil a day.

We are sending to Iraq billions of dollars that they are using now to pay stipends to suicide bombers' families. Our money that is buying oil from Iraq is paying the suicide bombers' families.

I cannot understand a Senate that would refuse to carry out the existing law that was a commitment made to my State. We are not a very old State, Mr. President. As a matter of fact, I had been here then all but 9 years that Alaska had been a State. This is a basic commitment to the developmental area of Alaska. This was set aside—the first 9 million acres—during the period of time when I was at the Department of the Interior. At that time, it was the Arctic Wildlife Range. The wildlife range was subject to oil and gas development under stipulations to protect the fish and wildlife. It was never closed. It has never been closed to oil and gas development. It is not closed now. The 1980 act did not close this area to oil and gas development. On the contrary, it set aside specifically 1½ million acres in that 1002 area, the amendment offered by Senators Tsongas and Jackson, as I indicated.

I have here a history of the dates of Federal land activities with regard to this area. I want to put them in the RECORD so that there is a very clear statement that, from 1923 until now, this area has never been closed to oil and gas development. It has never been made part of the Arctic Wildlife Refuge that was closed to such development. It has never been wilderness. There is wilderness in the rest of the refuge, but this is not wilderness.

I hear people saying we are proposing to drill in a wilderness area every day. That is not true.

I ask unanimous consent this statement of select dates and Federal public land history in Alaska be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SELECT DATES IN FEDERAL PUBLIC LANDS HISTORY IN ALASKA

Feb. 27, 1923—Executive Order 3797-A (President Warren Harding)—creates National Petroleum Reserve with six year reservation for classification, examination and preparation of plans for oil and gas development.

Jan. 22, 1943—Public Land Order 82 (Abe Fortas, Acting Secretary of the Interior)—(1) All public lands in Alaska withdrawn from sale, location, selection, and entry under the public-land laws of the United States, including the mining laws, and from leasing under the mineral-leasing laws; and (2) the minerals in such lands reserved under the jurisdiction of the Secretary of the Interior for use in connection with the prosecution of the war.

Included public lands:

(1) Alaska Peninsula in South-Central Alaska.

(2) Katalla-Yaktaga region around the Copper River and Chugach National Forest regions.

(3) All lands within the Chugach National Forest.

(4) 48 million acres of public and non-public lands in Northern Alaska from Cape Lisburne to Canada (includes today's ANWR).

The order did not affect or modify existing reservations of any of the lands involved except to the extent necessary to prevent the sale, location, selection, or entry of the described lands under the public-land laws, including the mining laws, and the leasing of lands under the mineral leasing laws.

July 31, 1945—Public Land Order 289—(Abe Fortas, Acting Secretary of the Interior) Amended Executive Order 3797-A by deleting the six-year limit for classification, examination, and preparation for oil and gas development of NPRA.

April 22, 1958—Public Land Order 1621—(Secretary of the Interior Fred Seaton) Amended Public Land Order 82 by allowing oil and gas exploration of approximately 16,000 acres within the known geological structure of the Gubik gas field.

Paragraph 3 of PLO 1621 established lands east of the Canning River along the coast as the Arctic Wildlife Range (approximately 5 million acres).

Paragraph 3 specifically states in regard to the Range: As provided by the regulations in 43 CFR 295.11, the lands shall remain segregated from leasing under the mineral leasing laws and from location under the mining laws to the extent that the withdrawals applied for, if effected would prevent such leasing or locations, until action on the application for withdrawal has been taken.

Paragraph 4 states: None of the released lands shall become subject to oil and gas leasing until approved leasing maps for such lands, or portions thereof, are from time to time prepared, and notices of the time and place of filing thereof and of the availability of lands for leasing have been published in the Federal Register by the Bureau of Land Management. These notices will describe the lands subject to noncompetitive lease and will provide for a simultaneous filing period of offers to lease. The leasing maps will not describe any lands within two miles of the Naval Petroleum Reserve No. 4.

September 4, 1959—Public Land Order 1965—(Secretary of the Interior Fred Seaton) Amended PLO 1621 to permit the preparation and filing of leasing maps affecting all lands situated within the Gubik gas field, and lying within the two-mile buffer zone adjacent to NPRA.

December 8, 1960—Public Land Order 2214—(Secretary of the Interior Fred Seaton) Establishment of the Arctic National Wildlife Range.

Paragraph 1: For the purpose of preserving unique wildlife, wilderness and recreational values, all of the hereinafter described area in northeastern Alaska, containing approximately 8.9 million acres is hereby, subject to valid existing rights, and the provisions of any existing withdrawals, withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws, nor disposal of materials under the Act of July 31, 1947, as amended, and reserved for the use of the United States Fish and Wildlife Service as the Arctic National Wildlife Range.

December 2, 1980—ANILCA—Section 1002—(pertinent subsections of 1002)—(a) Purpose—The purpose of this section is to provide for a comprehensive and continuing inventory and assessment of the fish and wildlife resources of the coastal plain of the Arctic National Wildlife Refuge; an analysis of the impacts of oil and gas exploration, development, and production, and to authorize exploratory activity within the coastal plain in a manner that avoids significant adverse effects on the fish and wildlife and other resources.

(i) Effect of other laws—Until otherwise provided for in law enacted after December 2, 1980, all public lands within the coastal plain are withdrawn from all forms of entry or appropriation under the mining laws, and from operation of the mineral leasing laws, of the United States.

Mr. STEVENS. I am perfectly willing at any time to start the debate on ANWR. I prefer to start it when we know we can have an up-or-down vote. We had one on CAFE. We opposed that. I opposed that. I said at the time one of the reasons I did is I come from a State where every person who has a car has an SUV. Until they show me they are not going to outlaw them, we cannot support that. We can support reasonable restrictions on the use of automobiles that will lead us to have some savings, but savings doesn't produce oil.

Oil is a lot more than gasoline, by the way. As I have repeatedly told people, everything from frisbees to panty hose comes out of the barrel of oil, in addition to gasoline. It is time we got down to discussing this amendment. But it ought to be discussed in a manner in which the national security issue is considered. Oil is a national security item for this country—more right now than at any other time except in the 1970s when we had an embargo. We are as near to an embargo as we have been since that time. As I said yesterday, I think we are very close to embargo now.

Mr. President, the question of what happens to a barrel of oil has been very interesting. I showed this to the Senate some time ago. These are the items made from oil: Toothpaste, footballs, ink, lifejackets, tents, dyes, balloons, cameras, cranes, vitamin capsules, soft contacts, panty hose, fertilizer, photographs, roofing material, compact discs, shaving cream, perfumes, umbrellas, golf balls, aspirins, house paint, lipstick, dentures, glue, clothing, deodorant. Thousands of products come from oil.

People keep talking about CAFE standards being able to produce savings and lead to somebody having oil—no, they are talking about gasoline. A barrel of oil is what we are talking about. We produce oil, the gasoline is produced in refineries in the south 48.

Let me add this. One barrel of oil makes 44.2 gallons of economic essentials. Everyday products consume 56 percent, such as those I have mentioned. Gasoline takes 44 percent of the barrel. During the time of the Persian Gulf war, at my request, as a matter of fact, the oil industry increased the throughput to 2.1 million barrels a day. When I was home last week, there were 950,000 barrels a day going through the pipeline. Do you know why? The reserves are going down. It is uneconomic to produce at the rate we used to because reserves are going down—our reserves over in the Arctic Plain. If we had that producing now, we would not be buying a million barrels of oil a day from Iraq.

The only reason he can use oil as a weapon now is we have decreased the throughput in the Alaskan pipeline. When it was running at full tilt, that pipeline carried, as I said, 2.1 million barrels a day. That was 25 percent of the domestic oil produced in the United States. Today we produce about 12 percent of the oil produced in the United States because we have been unable to get in there as was committed to us in 1980, that we would be able to explore and develop the oil and gas in that area, provided there would be no permanent harm to the fish and wildlife in the area.

The House bill—it is not before us now—set down a limit of 2,000 acres out of the 1.5 million acres. Only 2,000 acres on the surface can be used for oil and gas development.

I hope we can get down to the point where we are discussing reality and we are discussing issues and not the issue of whether we have to have 60 votes. The 60-vote requirement is only a requirement that comes from a leadership decision that a filibuster will be allowed.

I wish to God Senator Mansfield was still with us so he could come and say to us why he did what he did. He prohibited a filibuster on the oil pipeline amendment. The same forces were opposed to it then that are opposed to ANWR now. In fact, the ads in the paper look almost the same: caribou, mountains, D–8 Caterpillars.

One time I came to the floor after my good friend, Gaylord Nelson, left the Senate and showed the Senate a brochure that came out of the Wilderness Society. It had a picture of a D–8 Caterpillar over the top of a mountain out of a forest looking down with a beautiful lake with caribou, bears, and everything standing around it, and that was purported to be the North Slope.

In the first place, there are no trees there. In the second place, all those animals are not there. In the third place, there is nothing there except tundra. There is fish and wildlife, we agree to that. We have had the studies made twice now that there will not be permanent harm to fish and wildlife, particularly the caribou.

I invite the majority—let's get a couple planes and fly up there and I will show you that place right now. Oil and gas activity only takes place in the wintertime, not in the summertime. The caribou are there for a maximum of 6 weeks and for 3 of the last 5 years they did not come up there at all.

This idea that somehow we are going to ruin anything about my State by allowing this development of oil and gas to continue is absolutely wrong.

It is time we came down to the decision that there ought to be an up-or-down vote. I go right back to where we started. The Senate voted twice on CAFE. It was not filibustered by this side. It was not filibustered by this side because we agreed the whole issue of foreign oil dependence and oil availability in this country is a national security issue.

I hope the majority party will see fit to recognize that as such before we are through. If we live under the paradigm of getting 60 votes, then I am willing to keep the Senate around until we get 60 votes. It is time we really stood up for this. It is a national issue. It is absolutely necessary, I believe, for the future of this country to have that oil produced. It can be produced and the gas can be produced out of that area.

I might also say in passing that this is just a preliminary. We are going from this issue to the natural gas pipeline. The natural gas pipeline will carry gas that has been produced in the process of the production of oil at Prudhoe Bay. Gas was produced with the oil and then it was separated from the oil and reinjected into the ground. We know there are trillions of cubic feet of gas down there because it has been produced and put back in the ground. There has been no transportation mechanism.

We are very close to a decision now from the producers and the pipeline companies to bring that gas down to markets in the Midwest. It will be a 3,000-mile pipeline, maybe up to 1,500 miles of gathering pipelines, buried gaslines running through Alaska, through Canada, all the way down into Chicago. It will be the largest project in the history of man financed by private enterprise.

It will require over 400,000 workers to complete that project. It will require new trucks, new backhoes, all kinds of new equipment to improve the roads so trucks can run on the roads up in the north country. It is a massive project. The gas pipeline cannot be completed until about 2009. I hope to God I live to see it done. I thank the Chair.

AMENDMENTS NOS. 3098 THROUGH 3102, EN BLOC, TO AMENDMENT NO. 2917

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I send a series of five amendments to the desk, and I ask for their immediate consideration en bloc.

The PRESIDING OFFICER. Without objection, the pending amendments are laid aside. The clerk will report.

Mr. STEVENS. May we see the amendments.

Mr. BINGAMAN. Mr. President, the amendments have been cleared on both sides. I will be glad to put in a quorum call until the Senator from Alaska has had a chance to review them. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendments.

The legislative clerk read as follows:

The Senator from New Mexico (Mr. BINGAMAN) proposes amendments numbered 3098 through 3102, en bloc, to amendment No. 2917.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3098

(Purpose: To require a National Academy of Sciences Study of renewable resources on the Outer Continental Shelf)

On page 80, line 21, strike "development; and" and all that follows through page 81, line 2, and insert the following:

"development.

"(h) NATIONAL ACADEMY OF SCIENCES STUDY.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf; assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechanisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act."

AMENDMENT NO. 3099

(Purpose: To promote energy efficiency in small businesses)

On page 292, line 18, insert after the word "label" the following: ", including special outreach to small businesses;".

AMENDMENT NO. 3100

(Purpose: To include units of local government in energy efficiency pilot program)

On page 252, strike section 904 and insert the following:

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) GRANTS.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) PURPOSE OF GRANTS.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) DEFINITION.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) AUTHORIZATION OF APPROPRIATIONS.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $20 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

AMENDMENT NO. 3101

(Purpose: To set a funding goal of $100 million for research and development on wind power)

On page 408, line 20, strike "2006." and insert the following: "2006, of which $100,000,000 may be allocated to meet the goals of subsection(b)(1).".

AMENDMENT NO. 3102

(Purpose: To clarify the requirement for the use of advanced meters in federal facilities)

On page 258, line 1, strike Sec. 912 in its entirety and insert the following:

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) METERING OF ENERGY USE.—

"(1) DEADLINE.—By October 1, 2004, all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered in accordance with guidelines established by the Secretary under paragraph.

(2) Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing federal energy tracking systems and made available to federal facility energy managers.

"(2) GUIDELINES.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

"(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

"(i) take into consideration—

"(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

"(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

"(III) the measurement and verification protocols of the Department of Energy;

"(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

"(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

"(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

"(3) PLAN.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (a) how the agency will designate personnel primarily responsible for achieving the requirements and (b) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.".

AMENDMENT NO. 3099

Mr. KERRY. Mr. President, I thank Senator BINGAMAN for offering an amendment for me and Senator LANDRIEU to the energy bill regarding small business and energy efficiency. Quite simply, this amendment says that as the Department of Energy and the Department of Environmental Protection work together to raise public awareness of the Energy Star Program, they must make a special effort to reach out to small business.

What is the Energy Star Program? It is an initiative that identifies and promotes energy-efficient products and buildings in order to reduce energy consumption, improve energy security, and reduce pollution. Because small businesses have little time and few resources to learn about options for energy efficiency, within Energy Star there is a voluntary and free program for small businesses that enables owners to calculate the costs of energy efficiency upgrades, estimate payback periods and explore providers of products, services, and financing.

It only makes sense to focus on small businesses. America's 25 million small businesses make up half the economy and, according to a report by E SOURCE, entitled "The Forgotten Majority: Small Business, Hidden Opportunities," small businesses account for more than half of all the commercial energy used in North America. Small businesses represent significant buying power for energy efficient technologies, many of which are developed and manufactured by small businesses. By promoting the development and use of energy efficient products and practices in our small businesses, we will not only help reduce energy use and pollution, but we will also help small businesses cut costs, saving billions of dollars, according to the Center for Small Business and the Environment. By reducing their bottom lines, small businesses increase their competitiveness in the market.

In the last few years, I have held three hearings on small businesses, energy and the environment. Testimony after testimony from policy experts to small business owners validated that investing in energy-efficient and environmentally friendly technologies is a good business, returning far more than compliance with environmental regulations.

While energy efficiency is a major cost-cutting option for small businesses, too few know about it or the Energy Star Program and endorsed Energy Star products. In addition to this amendment, there are other steps we can take to increase awareness. One, enlist the Small Business Administration to spread the word and coordinate efforts with the EPA and DoE. Right now, in spite of a hearing we held last August regarding the business of environmental technology and the benefits of Energy Star services to small businesses, SBA continues to bury Energy Star within its website. The three agencies should coordinate their efforts, SBA has contact with thousands of small businesses daily, and is in a unique position to reach them compared to DoE and EPA.

Another step we should take is to have SBA's disaster loan program and Federal Emergency Management Agency promote Energy Star products when small businesses rebuild or replace equipment. Billions of dollars each year go to rebuilding businesses and homes, and it presents an excellent opportunity to invest in products that are good for the economy and the environment.

Last, for small businesses that do want to make upgrades, the upfront cost is often a deterrent, even with rebates from local utility companies. Small businesses typically don't have a lot of extra cash lying around to finance the purchases. SBA should find a way to work with the DoE and EPA to facilitate upgrades by getting financing for qualified businesses through the SBA's loan programs. Because we know energy efficient products increase profits, that should help lenders approve loans because there will be money for repayment.

I thank Senator LANDRIEU for joining me in offering this amendment. I thank Byron Kennard of the Center for Small Business and the Environment and his colleague Carol Werner for educating the public and policy makers about the significance of small businesses to energy and environmental policy. And, lastly, I thank Senators BINGAMAN and MURKOWSKI and their staff for making this amendment possible.

Ms. LANDRIEU. Mr. President, as a member of the Small Business Committee, I just want to echo the remarks of my chairman and colleague, Senator KERRY, concerning the amendment that we have proposed today. I also want to thank Chairman BINGAMAN for offering this amendment for us. I know he has been exceptionally busy with the energy bill the past few weeks, and I am grateful that he took the time to allow us to raise this issue.

I am proud to join Senator KERRY in support of this important amendment. The Energy Star Program is an excellent program which can provide a great deal of assistance to small businesses; but to participate in the program, these same businesses must be aware of the program. That is why coordinated outreach efforts by agencies like the Small Business Administration, the Department of Energy, and the Environmental Protection Agency is so important.

Of particular importance, as Senator KERRY stated, is to get SBA involved in this effort. We need to provide for both the financial assistance and the information that our small businesses need to upgrade to more energy-efficient products. Because for every dollar that these businesses spend on energy efficient products now, several dollars will be saved down the road. So this is something that makes good economic sense.

As a member of the Energy and Natural Resources Committee, I also believe that this amendment is important in the context of an overall energy policy. After all, one of our priorities in the energy bill is to make our Nation more energy efficient, and less dependent on foreign sources of oil. If small businesses use more than half of all commercial energy in North America, it makes a great deal of sense from a national security perspective to help these businesses become more efficient.

So this is much more than a one-time purchase; this is a long-term investment. And the Federal Government, through the SBA in particular, has a clear role in helping these small businesses make these investments, both through financing assistance and the dissemination of relevant information. Again, I am happy to join Senator KERRY in support of this amendment.

Mr. BINGAMAN. Mr. President, these are five amendments that have been cleared on both sides: one by Senator KENNEDY, one by Senator KERRY, one by Senator WELLSTONE, one by Senator CONRAD, and one by myself. I believe there is no objection to them. I urge the Senate to adopt them at this time.

The PRESIDING OFFICER. Is there further debate on the amendments? If not, the question is on agreeing to the amendments.

The amendments (Nos. 3098 through 3102) were agreed to en bloc.

Mr. BINGAMAN. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. Mr. President, I yield the floor.

AMENDMENT NO. 3097 TO AMENDMENT NO. 2917

Mr. DAYTON. I send to the desk amendment No. 3097.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. DAYTON], for himself, Mr. WELLSTONE, and Mr. FEINGOLD, proposes an amendment numbered 3097 to amendment No 2917.

Mr. DAYTON. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require additional findings for FERC approval of an electric utility merger)

At the appropriate place in title II, insert the following:

SEC. 2 . ADDITIONAL ELECTRIC UTILITY MERGER PROVISIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as amended by section 202) is amended by striking paragraph (4) and inserting the following:

"(4) APPROVAL.—

"(A) IN GENERAL.—After notice and opportunity for hearing, if the Commission finds that the proposed transaction will advance the public interest, the Commission shall approve the transaction.

"(B) MINIMUM REQUIRED FINDINGS.—In making the finding under subparagraph (A) with respect to a proposed transaction, the Commission shall, at a minimum, find that the proposed transaction will—

"(i)(I) enhance competition in wholesale electricity markets; and

"(II) if a State commission requests the Commission to consider the effect of the proposed transaction on competition in retail electricity markets, enhance competition in retail electricity markets;

"(ii) produce significant gains in operational and economic efficiency; and

"(iii) result in a corporate and capital structure that facilitates effective regulatory oversight.".

Mr. DAYTON. I am pleased, along with Senator WELLSTONE, to present this amendment. I certainly want to thank the chairman of the committee and the manager of the bill, Senator BINGAMAN, for his extraordinary efforts over the last weeks in regard to this regulation. It is difficult because it reflects the varied interests of different parts of the country and, frankly, within my own State of Minnesota some very different perspectives on how utility policies should be directed.

The electricity title is one that is of concern to the smaller utilities in Minnesota, particularly the municipal and cooperative electric utilities because of its repeal of PUHCA and then because of the lack of any regulatory oversight and control over the mergers of these utilities. I remember when I was a youngster playing the game of monopoly, the utility companies existed because they were monopolies and also that they were regulated because they were monopolies. I am concerned and have been for some time—I saw this starting when I was Commissioner of Energy and Economic Development in Minnesota—as the regulations are taken off, they still, in many respects, have the same monopoly control over markets and geographical regions they had before.

Because of the lessons of Enron, it seems to me we are going in the opposite direction if we are saying we are now going to remove any Government oversight before these mergers take place. We have seen in the instance of telephone companies, the mergers of smaller companies into larger local companies. I called my local telephone company in Minnesota and asked for a number in Bloomington, meaning Bloomington, MN, and they asked me: What State? I am asking for directory assistance. That is hardly your local telephone company.

We have seen in Minnesota a merger of our largest utility, formerly Northern States Power, with another company, to make Xcel Energy. We see these utilities having more and more control over the markets, and we do not have a way, if we eliminate PUHCA, of looking out for the public interest and the consumer interest. These mergers ought to go forward if they are going to benefit the public interest, but we have learned over and over again that the lack of competition inevitably works against the consumer interest, and that is where this amendment steps in.

If this bill were to pass in its present form, it would mean the repeal of PUHCA. That is why this amendment, which I coauthored with my colleague Senator WELLSTONE, would improve the language in the bill, in my view, because it requires that these proposed utility mergers advance the public interest. It spells out specific standards for the Federal Energy Regulatory Commission to consider in determining if a proposed merger advances the public interest.

It says FERC shall find at a minimum that, first, the merger enhances competition in wholesale electricity markets; second, that the merger produces significant gains in operational and economic efficiency; and, third, that the merger results in a corporate and capital structure that facilitates effective regulatory oversight.

In the aftermath of Enron, I think it is particularly important that we know this entity that is going to be coming out of this merger is one which still exists in a way that can be overseen in a regulatory way, and that it is a genuine company; that it has a genuine financial underpinning for the sake of investors, for the sake of consumers.

I think this amendment will fill a void which otherwise leaves this title decidedly neglectful of the protection of many of the residents in Minnesota, businesses, and particularly those in more rural parts of our State who still depend upon the smaller electricity and other energy providers that, in this case, run the risk, if we are not careful, of being swamped, driven out of business, and then underserved by those that come in as very large entities to take their place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I am pleased to join Senator DAYTON in this effort. I think there are some other Senators who also want to join in the debate. There are others who have some ideas about additional consumer protection provisions, and we will see later on in the debate whether or not we further modify the amendment.

I say to the Presiding Officer this amendment basically would strengthen the underlying merger review standard that FERC would undertake, and I say with a smile to the Presiding Officer that basically this is all about PUHCA. I mean, who the heck knows what PUHCA means? Public Utility Holding Company Act.

This is legislation that was actually in this bill and was basically repealed, although the chair of the committee, Senator BINGAMAN has tried mightily to kind of work out a compromise arrangement to try to provide some protection.

In Minnesota, the little people, the little interests, the smaller businesses, the smaller companies, they are really worried about this because we see the way in which we have had this wave of mergers.

In the last 3 years, there have been 30 major utility mergers and acquisitions. Everybody is really worried. It is a little bit like the packers and what we were trying to do to make sure our independent livestock producers had some honest to goodness free enterprise, real competition. It is kind of analogous because a lot of the smaller companies and smaller businesses, much less a lot of rural citizens, are just real worried that without the protection we had with PUHCA on these mergers, albeit it was not ever really enforced like it should have been, that we are going to see a wave of more mergers, which are not always bad. I want to get to that in a moment. That could very well be to the detriment of consumers and some of the smaller companies that are driven out of existence.

I do not know whether or not we can win on this amendment. I have no idea, but I will say this, and I make this prediction tonight in this Chamber: This decade there is going to be a lot of discussion and debate and more focus on the whole problem of concentration of economic power in our economy. It is going to go in that direction. It is everywhere.

The Telecommunications Act in 1996 was supposed to be great for everybody. Cable rates were supposed to go down. They have not. It was supposed to lead to all kinds of positive benefits.

One of the things that has happened is all of these local radio stations have been driven out of existence, and we have a few large conglomerates that are now controlling the flow of information in a representative democracy. The same thing with banks, with the health insurance industry, with the food industry and agriculture, and with energy companies and utility companies. There comes a point in time where I think people in coffee shops in Minnesota are saying: Where is Teddy Roosevelt when we need him?

Let us talk about putting some free enterprise back into the free enterprise system.+ Let's have some protection for ordinary citizens. That is what this amendment is about.

What this amendment does is simply apply the same merger review standard under the Public Utility Holding Company Act to the FERC review of electricity mergers. That is what we are worried about. That is why I think this bill is a step backwards. We have taken away this important review standard.

The electric utility industry is undergoing rapid consolidation. Again, we are not speaking to a small issue. In the past 3 years, 30 major utility mergers and acquisitions have taken place. Not all of these mergers are inherently bad. Some should not be prevented. Some of the mergers can produce efficiencies, economies of scale, cost savings, and more. However, a merger can also reduce competition, increase costs, and frustrate regulatory oversight.

Federal merger review policy should distinguish between those mergers that promote the public interest and those mergers that do not. That is what we are saying. I think the ordinary people—which I don't mean in a pejorative sense but in a positive way—ordinary citizens have a right to make sure their interests as consumers are protected.

This amendment improves the base language of the bill by doing a few things:

One, requiring that proposed mergers promote the public interest in order to secure Federal regulatory approval. That is the threshold. If you are going to do a merger, it could be it is good, but at least it ought to be a standard that you are advancing the public interest.

Two, spelling out specific standards for assessing the impact on the public interest. In other words, we spell that out in this amendment, including what will be the effect of this merger on competition, what is going to be its effect on operational efficiency, what is its effect on regulatory oversight.

Three, expanding that all mergers between electric and gas utilities are reviewed. Given, by the way, the rather unpleasant experience we all had last year with natural gas prices, there is a real need to look at the natural gas utilities. That is part of what this amendment is about.

Finally, preventing utilities from skirting Federal review by using partnerships or other corporate forms to avoid classification as a merger.

Colleagues, this amendment does not impose new regulatory requirements on the proposed utility mergers. Rather, the standards contained in this amendment mirror those that have been in PUHCA, which the bill would repeal. While the standards are comparable, the amendment actually provides greater flexibility than under PUHCA. We are just trying to restore some consumer protection. PUHCA requires that utilities be physically integrated in order to merge. The amendment waives that requirement. PUHCA prevents the merger of multistate electric and gas utilities. The amendment waives that requirement. But we do provide for FERC review of such mergers.

Colleagues, I said on the Craig amendment, I think they were right in their concern about the repeal of PUHCA. The amendment was wrong because it basically also eliminated a section of the bill, which was the renewable portfolio for electricity, which, as the Presiding Officer knows, is important to our State—very important. From my point of view as a Senator from Minnesota, I did not vote for that amendment. However, I believe the part of the Craig amendment that was right on target was that we basically repeal PUHCA. Mr. BINGAMAN, the Senator from New Mexico, has put some good language in here and has taken some positive steps.

But, again, the key point is we have a threshold which is the same threshold we have had with PUHCA which goes back to the 1920s or 1930s. If Senators think we do not need it anymore because there are no mergers or acquisitions, quite to the contrary; we ought not be giving up on the consumer protection. At the very minimum, we should have the language that requires that the proposed mergers promote the public interest. Then we get FERC approval. At the very minimum, we ought to do that. Let's make sure they promote competition, make sure they are good for consumers, make sure they add to economic efficiency.

Right now in this legislation, I am sad to say, we do not have that standard. We are going to make a huge mistake if we do not have a stronger consumer protection standard and a stronger competition standard. That is what this amendment is about.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2085 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001

Mr. REID. Mr. President, on behalf of the majority leader, under the authority granted to the majority leader on March 22, and with the concurrence of the Republican leader, I now ask unanimous consent the Senate resume consideration of Calendar No. 239, S. 565, the election reform bill.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 565) to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

Pending:

Clinton amendment No. 2906, to establish a residual ballot performance benchmark.

Dodd (for Schumer) modified amendment No. 2914, to permit the use of a signature or personal mark for the purpose of verifying the identity of voters who register by mail.

Dodd (for Kennedy) amendment No. 2916, to clarify the application of the safe harbor provisions.

Hatch amendment No. 2935, to establish the Advisor Committee on Electronic Voting and the Electoral Process, and to instruct the Attorney General to study the adequacy of existing electoral fraud statutes and penalties.

Hatch amendment No. 2936, to make the provisions of the Voting Rights Act of 1965 permanent.

Smith of New Hampshire amendment No. 2933, to prohibit the broadcast of certain false and untimely information on Federal elections.

(Pursuant to the order of March 22, 2002, the pending amendments were withdrawn.)

Mr. REID. I ask unanimous consent the previous agreement with respect to S. 565 be modified to provide that all amendments remaining in order to the bill, first and any second-degree, must be offered and debated during today's session; and that any votes ordered to occur with respect to these amendments be stacked to occur at a time to be determined by the two leaders, in the sequence in which the amendments were offered; that prior to each vote there be 2 minutes of closing debate with the time equally divided and controlled in the usual form without further intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. On behalf of the majority leader, let me say, while the minority leader is here, the two managers of this bill, Senator DODD and Senator MCCONNELL, are to be applauded. What they have done is extraordinary. They should know that. This is tremendous for the country. It has been done on a bipartisan basis. These two Senators are to be congratulated.

There will be no more rollcall votes tonight. I have been advised by the majority leader to announce that.

The PRESIDING OFFICER. The Republican leader.

Mr. LOTT. If the Senator from Nevada will yield, just for a comment—and also to agree with him. I want to say to the Senator from Connecticut, Mr. DODD, and Senator MCCONNELL, they have been persistent. It would have been very easy to just let this reform effort slide off the end of the table, like so much else has, unfortunately, in the Senate. But they continued to work together. They continued to try to find substantive agreements and also a procedural process to get this done on sort of a second-track process. So I am pleased we have this unanimous consent agreement, and I commend them both. I think we are going to wind up with a product that the Senate can be proud to support.

Let me just ask Senator REID if he will yield to clarify how we proceed. Under the agreement, there were a number of amendments that were identified with time limits. All those amendments will be considered tonight under this unanimous consent agreement, and then tomorrow, at a time we will agree to and announce later, all votes, if any—either on final passage or the amendments—would be stacked?

So that would occur in the morning and Senators need to know, if they are interested in these amendments, they will need to come to the Chamber in the next couple of hours to deal with them. Is that correct? Is that your understanding?

Mr. REID. That is right, I say to the leader.

Mr. LOTT. Mr. President, if I could be recognized before we begin, now, under leader time?

The PRESIDING OFFICER. The Republican leader.

NATIONAL ENERGY POLICY

Mr. LOTT. Mr. President, I wish to talk a little bit about the energy bill, and then the managers of the election reform will be ready to go and we will take up that important legislation.

Mr. President, we need a national energy policy. I think the Congress knows that. I think the American people support that. I know the President of the United States supports that.

Right now we see the difficulties with which we are having to deal around the world: The instability in Venezuela with regard to oil supply from that country, our concerns about the Middle East, the threats from Saddam Hussein. We need our own national energy policy. We need our own energy supplies. We need to encourage conservation, alternative fuels. We need the whole package. And we need to do it now.

This is a critical time. This is a matter of our economy, it is a matter of the creation of more jobs, and it is national security. So we need to do this.

I have not come to the Chamber and really pushed on this legislation. Because of the way it was brought to the floor, which is not through the Energy and Natural Resources Committee, I thought we were going to have to do a lot of writing of the bill in the Senate. That is what has been happening. That is what has occurred. That is why it took so much time. But we have spent 2 weeks on it now. This is the third week. It is obvious to me we are going over to next week. But I think it is time for the leadership on both sides of the aisle to begin to press for this legislation to be completed.

It would be a mistake for the leaders of either party to allow this legislation to collapse after this amount of time, and on this important an issue. It is going to be very easy for Members on both sides of the aisle to say: I don't like it because of this reason; I don't want it for that reason; I don't like this particular provision.

I don't care for the electricity section, but I just voted not to strike it because I think we made some improvements. We ought to go to conference and see if we can improve it even more.

I think it is time that we bring up the ANWR amendment. Let's have a debate. I am all for it. I think we need it. I think it is a source of supply that we can get safely and in a reliable and affordable way that will help us with our future energy needs. But let's have the debate. Let's get it done. Let's have a vote.

Then we still have the tax provision. I think Senator DASCHLE and I are going to have to both be supportive of completing this legislation. I think we are going to have to come to the floor and encourage our managers to make progress and to make more progress than has occurred. If we do not do it, we are not going to finish it next Tuesday or Wednesday; it will be later, and then everything else is moved down the line—border security, the immigration reform known as the 245(i) issue, trade legislation, the cloning issue.

We have other work we need to do. So it is approaching that time when we need to begin to be serious about amendments and be serious about getting to final passage.

No formal unanimous consent agreement was exchanged or agreed to back when we went out for the Easter recess, but we did exchange some lists prior to that recess so we could get a look at about what number of amendments we were talking. I understand there are about 160 amendments that were indicated by the Democrats, and probably over 100 by the Republicans—260 amendments? Nobody really believes that. We have numerous Senators who have five or six or seven amendments that they want. We are not going to have that. We are not going to leave that. A lot of these amendments are nonrelevant amendments. We could turn this energy bill into a debate over tax policy or over agriculture policy or you name it. But we need to keep it focused on energy.

The truth of matter is that I believe on our side of the aisle we are down to 7 to 10 serious amendments. I don't know what the situation is on the other side of the aisle. I know Senator REID is doing his usual due diligence, and he is working to try to get the list narrowed down. We don't have locked in an agreement on the list. I am worried about what appears to be a slow rolling still going on. Look at what we have done here today. We had a vote on one amendment. This afternoon, we had a couple of quorum calls. We have an amendment pending, and I guess it is possibly going to be modified.

I understand we are going to have to have some debate about ethanol. Does anybody think we are going to do that in 30 minutes? Does anybody think we are really going to change what is in this bill on ethanol? Not really. You can debate about whether it is wrong or right, but the fact is the die is cast on that issue. We need to begin to deal with reality in this area.

I don't know where these amendments are. But I was very disturbed to hear it suggested yesterday that Republicans are slow rolling this bill when, as a matter of fact, we have been offering amendments. We have been getting votes. We have been working to narrow down our list.

We need a little help on the other side if we are going to complete this legislation. I have been encouraging Senator MURKOWSKI to go forward with the ANWR amendment. Let us have the amendment. Let us have the debate. Let us get started. After we complete that, let us move to lock in the amendment list and begin to move toward finishing this bill. In order for that to occur, we will have to make a lot more progress tomorrow, Friday, Monday, and Tuesday than we saw today.

Let us quit pointing fingers about who is not doing what. Let us quit thinking about what we might do if this bill doesn't work just to suit our particular desires. Let us get this legislation completed.

The Senate has a lot of work before it. We have over 50 bills that have been sent over here from the House of Representatives with which we haven't dealt. If we get to the middle of next week and we have not completed our work on this energy bill, or if we have this energy bill pulled for whatever reason and we have another goose egg on our ledger, shame on us.

At this time in our history and what is going on in the world, if the Senate cannot pass an energy policy for our Nation, then I really just have to wonder what we are going to be able to do together in a bipartisan way for our country.

I encourage my colleagues on both sides of the aisle. This is not intended to be partisan. I don't want it to be that way. I am saying to everybody it is time now that we begin to move to finish this bill and produce a bill that can go to conference, which hopefully can be worked out, the President can sign it, and then in the future hopefully we will have more national security and economic security than we will have without it.

I thank my colleagues for allowing me to have this moment to encourage a result. Maybe we can follow the example of what we are about to see on election reform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EQUAL PROTECTION OF VOTING RIGHTS ACT OF 2001—Continued

Mr. DODD. Mr. President, I am going to send three amendments to the desk: A managers' amendment offered by myself and Senator McConnell, an amendment offered by Senator Wyden, which I will be offering on his behalf, and an amendment I will be offering on behalf of Mr. Rockefeller. I ask unanimous consent that those three amendments, along with an amendment that my colleague and friend from Kentucky will offer on behalf of Senator Hatch, be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3104, 3105, AND 3106 EN BLOC

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. Dodd] proposes amendments numbered 3104, 3105, and 3106 en bloc.

The amendments are as follows:

AMENDMENT NO. 3104

(Purpose: To modify the requirements for voters who register by mail, and for other purposes)

On page 15, between lines 2 and 3, insert the following:

(b) Voters Who Vote After the Polls Close.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

On page 18, strike lines 17 through 19, and insert the following:

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

On page 21, strike lines 19 through 23, and insert the following:

(2) Requirement for voters who register by mail.—

(A) In general.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) Applicability with respect to individuals.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

On page 22, strike line 17, and insert the following:

brought under this Act against such State or locality on the basis

On page 22, after line 25, insert the following:

SEC. . MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 402.

On page 25, strike line 20, and insert the following:

existing Federal laws, as such laws relate to the provisions of this Act, including the following:

On page 27, strike line 11, and insert the following:

(c) Safe Harbor.—No action may be brought under this Act

On page 33, strike line 12, and insert the following:

the following laws, as such laws relate to the provisions of this Act:

On page 34, strike line 23, and insert the following:

(d) Safe Harbor.—No action may be brought under this Act

On page 44, strike line 1, and insert the following:

(d) Safe Harbor.—No action may be brought under this Act

On page 53, between lines 15 and 16, insert the following:

(1) Study of first time voters who register by mail.—

(A) Study.—

(i) In general.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) Specific issues studied.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) Report.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

On page 68, strike lines 19 and 20, and insert the following:

(a) In General.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize

AMENDMENT NO. 3105

(Purpose: To modify the requirements for individuals who register to vote by mail)

On page 19, strike lines 20 through 24, and insert the following:

(B) Fail-safe voting.—

(i) In person.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(ii) By mail.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as provisional ballot in accordance with section 102(a).

On page 20, between lines 12 through 13, insert the following:

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

AMENDMENT NO. 3106

(Purpose: To meet the needs of both military and civilian overseas voters by providing treatment more nearly equal to that of at-home voters)

On page 68, between lines 2 and 3, insert the following:

SEC. . STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) Study and Report on Permanent Registration of Overseas Voters.—

(1) Study.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1279) and this title.

(2) Report.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) Distribution of Overseas Voting Information by a Single State Office.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(c) Designation of Single State Office To Provide Information on Registration and Absentee Ballot Procedures for All Voters in the State.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

(c) Study and Report on Expansion of Single State Office Duties.—

(1) Study.—The Election Administration Commission established under section 301 (in

this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. . REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.".

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. . OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.".

SEC. . STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. . STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

The PRESIDING OFFICER. If there is no further debate the question is on agreeing to the amendments?

The amendments (Nos. 3104, 3105, and 3106) were agreed to en bloc.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3107

Mr. McCONNELL. I send an amendment to the desk on behalf of Senator HATCH.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL] proposes an amendment numbered 3107.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's RECORD under "Amendments Submitted".)

Mr. HATCH. Mr. President, I rise in support of my amendment to the bipartisan Equal Protection and Voting Rights Act of 2002. First let me thank my colleagues Senators DODD, MCCONNELL, SCHUMER, MCCAIN, TORRICELLI, and BOND for all the hard work that they have put into this bill. I also want to thank Senator LEAHY and Senator CANTWELL for cosponsoring this amendment, which will lay the groundwork for integrating new technology into the political process. Their expertise on technological issues made their input invaluable.

Why is voter turnout so low? According to a recently released Census Bureau report, of the 19 million people who registered but did not vote in the 200 election, more than one in five reported that they did not vote because they were too busy. Despite the close nature of the 2000 election, the 55 percent voter turnout rate was just barely better than the 1996 record low. Registration rates also dropped significantly between the 1996 and 200 Presidential elections. Can technological advances, like the Internet, increase participation in the electoral process by making voter registration easier or by simplifying the method of voting itself? As the elected representatives of the people, we should consider every option available that might help involve more of our country's citizens in America's democratic process. Federal, State, and local governments are duty bound to encourage all eligible Americans to exercise their right to vote.

As many of us have seen in the recent past, more and more State are looking at ways to utilize the Internet in the political process. Proposals include online voter registration, online access to voter information, and online voting. State and local officials around the country are anxious to use the Internet to foster civic action. I think that this is a positive step. Real questions remain, however, as to the feasibility of securely using the Internet for these functions. How can we be sure that the person who registers to vote online is whom he or she claims to be? How can we ensure that an Internet voting process is free from fraud? How much will this technology cost? There are also important sociological and political questions to consider. For example, will options like online registration and voting increase political participation, or could the Internet be equitably used in the political process? These and other questions deserve our attention.

The Hatch-Leahy amendment neutrally addresses these issues in two ways: one, it establishes a bipartisan advisory committee that will provide a necessary framework for discussing the possible uses and abuses of the Internet in the voting process; and two, it directs the Attorney General to review existing criminal statutes and penalties and report to the Senate and the advisory committee whether additional penalties for interfering with online registration and voting are needed.

No American who has exercised his or her right to vote should ever have to wonder if their properly cast vote will be counted. We must preserve the integrity of the voting process and I commend the efforts of those who have drafted this bill. The Hatch-Leahy amendment complements the bill and will help ensure the legitimacy of the voting process. As we continue to address the current problems with our voting process, we can and should take this opportunity to examine the impact of new technologies on our elections.

Mr. MCCONNELL. Mr. President, this amendment has been approved on both sides.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3107) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCONNELL. Mr. President, the Senator from Kansas is here and prepared to offer an amendment.

Mr. DODD. Mr. President, I ask unanimous consent that at the completion of the remarks by the Senator from Kansas, the Senator from New York, Mrs. CLINTON, be recognized to debate her amendment, if that would be appropriate.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 2907

Mr. ROBERTS. Mr. President, I have at the desk an amendment numbered 2907, and I ask for its consideration at this time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Kansas [Mr. ROBERTS] proposes anamendment numbered 2907.

Mr. ROBERTS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> (Purpose: To eliminate the administrative procedures of requiring election officials to notify voters by mail whether or not their individual vote was counted)
>
> On page 12, beginning with line 20, strike through page 14, line 2, and insert the following:
>
> (5) At the time that an individual casts a provisional ballot, the appropriate State or local election official shall give the individual written information that states that any individual who casts a provisional ballot will be able to ascertain through a free access system (such as a toll-free telephone number or an Internet website) whether the vote was counted, and, if the vote was not counted, the reason that the vote was not counted.
>
> (6) The appropriate State or local election official shall establish a free access system (such as a toll-free telephone number or an Internet website) that any individual who casts a provisional ballot may access to discover whether the vote of that individual was counted, and, if the vote was not counted, the reason that the vote was not counted.

Mr. ROBERTS. Mr. President, this amendment is offered by myself and the distinguished Senator from California, Mrs. FEINSTEIN, and the distinguished Senator from Michigan, Mr. LEVIN.

I also ask unanimous consent that the distinguished Senator from Kentucky, Mr. MCCONNELL, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I rise today, along with my friend from California to offer an amendment to the provisional voting section under the election reform bill.

This amendment improves on the voting requirement found on Section 102 (page 13.) Specifically, current language requires—emphasize the word "requires"—election officials to notify voters in writing by mail, within 30 days after the election as to whether their provisional vote was counted.

Our amendment eliminates the 30 day mail notification requirement. Instead, it requires states to implement a free-access system so the voter can find out quickly and efficiently whether his or her vote was counted. This can be done through an Internet web site, a toll-free number, or by any means available, so long as voters have access to this information.

We think the current language on provisional voting is restrictive. By communicating through mail, we run the risk of voters never knowing whether a vote was counted. Incorrect addresses and lost mail are all factors to consider.

Let us also remember that the Senate's own mail system was in turmoil 3 months after the anthrax attacks. So you really don't know what to expect. As we painfully discovered, the mail is very vulnerable. It is not unlikely that a similar scenario could take place during an election year.

Secondly, the whole purpose of this debate is to improve the election process. Now, I have been told, with some very good advice by my good friend, Secretary Ron Thornburg, the secretary of state in Kansas and the president of the National Association of Secretaries of State, representing all secretaries of state all throughout the country, that sending out mass mailings within 30 days of an election or primary is very burdensome and costly. He writes:

> I do not believe it is reasonable or expedient to require the election officer to formally notify the voter by mail as to the disposition of the ballot. If written into law, this provision will cause unnecessary burden and expense to election officers who are very busy after the election finalizing vote tabulations and preparing for official certification of election results.

What am I talking about?

Let's just examine the duties that are performed by election officers during the 30-day period after an election all across the country. They must—and I am going to itemize some things right now—conduct campaign finance report deadlines. They must prepare a national/State election abstract for submission to the secretary of state. They must prepare ballots, and the tabulation of results, and other election materials. They must research the provisional ballots to determine whether or not they are valid. They must conduct recounts of primaries if requested. They must begin to prepare for the general election, including the finalizing of the candidate lists and ballot forms and precinct election board worker appointments. They also have to update the voter registration rolls.

Now, that is a lot of work to do immediately after an election. And those are just a few duties in a laundry list of obligations that all election officers must complete after an election. Further, in the 2000 general election, over 22,000 provisional votes were cast in the State of Kansas alone. Sending out a 30-day mass mailing is another burden added for these election officials—22,000.

We do not advocate—we do not advocate—a prohibition on anyone from obtaining information as to whether a vote was counted or not—that is absolutely essential—but let's not ignore what I call common sense. Having a free access system is not burdensome on voters.

If this is a problem in small States, it is magnified a thousand times in the larger States. Take California. This is why the distinguished Senator from California, Mrs. FEINSTEIN, is a cosponsor of the bill. Bradley J. Clark, president of the California Association of Clerks and Election Officials, wrote a letter expressing concern with these requirements. He wrote:

> We specifically oppose the section that would establish rigid requirements and time lines for notifying hundreds of thousands of provisional voters whether or not their provisional ballots were counted. The provisional voter notification provisions currently written in the bill would do nothing more than antagonize those voters who were determined ineligible.

Election officials can make better use of their time in improving the election process rather than exerting energy and resources on mass mailings. This amendment does not eliminate the use of mass mailings. Let me repeat this: We are not saying you can't use a mass mailing. States can do this if they want. I would advise the distinguished Senator from Connecticut, who has a lot of concern about this, that States can go ahead and use the mass mailing provision if they want. It does not eliminate it. Nor does it eliminate the 10-day notification requirement. If a State wishes to contact voters by mail, they can retain that right. Our amendment simply gives the election officials that option or the State that option.

Now, some might ask, What is wrong with requiring the 30-day mailing along with the free access system? Why don't we retain both? The answer to that is very simple. It gives provisional voters a false sense of reliance that they will be notified by mail. In other words, if they believe they will receive a mailing, why would they then make an effort to check any other means of communication—either a toll-free number or, say, by simply using a Web site?

Again, change of address, loss in the mail, and the ever looming threat of some kind of attack on our postal system make mail a less reliable means of communication.

A centralized calling system does not—does not—in any form disenfranchise voters. We need to have faith in a voter's ability to make a simple phone call or visit their local library to use their computer facilities. This does not create an undue burden. Rather, it is an undue burden if we give voters false reliance that they may or may not receive any notification through the mail.

Here is something else I would really bring to the attention of the distinguished Senator from Connecticut. It is important that we register voters. Under this amendment, a voter will know within 10 days whether their vote was counted or whether they need to register. Let me repeat that. A voter is going to be informed within 10 days. With the mail, they may not know for 3 or even 4 weeks the status of their vote cast in a primary, giving them less time to register for a general election.

If we adopt this amendment, we are going to have more people registered, more people taking part in the election process.

Finally, the goal of this bill is to improve the election process. Let's give election officials more time to improve administration, rather than burden them with more mass mailings that may or may not be received by the voter. This is a simple, commonsense approach that gives voters a greater chance of knowing whether their vote was counted. It has support from the other side of the aisle, from all election officials, all secretaries of state. I ask for its adoption.

I yield the floor.

Mr. McCONNELL. Mr. President, This is a very simple amendment that addresses a serious concern raised by State and local election officials.

The underlying bill provides a mechanism for voters to ascertain the disposition of their ballot—through a free access system, such as a telephone or internet site or another means which they can create.

The bill goes further to require State or local officials to notify in writing if a provisional ballot is not counted. This is the provision which has caused a great deal of angst among those who administer our elections.

The administrative task and cost involved with implementing this requirement could be enormous in heavily populated States. It also will subject the individual who signs the letter to a great deal of criticism, scrutiny and potential legal action.

This amendment makes sense and does not undermine a voter's ability to determine whether their provisional ballot was counted. The free access system will provide unfettered access to this information.

I urge my colleagues to join with the bipartisan cosponsors in support of this amendment.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 3108

Mrs. CLINTON. Mr. President, I send an amendment to the desk and ask that it be called up for its immediate consideration.

The PRESIDING OFFICER. Is there objection to laying aside the pending amendment?

Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from New York [Mrs. CLINTON] proposes an amendment numbered 3108.

Mrs. CLINTON. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To establish a residual ballot performance benchmark)

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

(C) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(i) The Senate finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(ii) In establishing the benchmark described in subparagraph (B), the Director of the Office of Election Administration of the Federal Election Commission shall—

(I) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(II) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

Mrs. CLINTON. Mr. President, the amendment I offer today is very similar to the amendment I offered a number of weeks ago at the beginning of this important debate. I appreciate the great support and good suggestions my colleagues have provided. And I particularly thank a colleague who suggested that this amendment should be entitled—rather than the "Residual Vote Error Rates" amendment, which is a mouthful—the "Leave No Vote Behind" amendment.

So that is how I shall refer to it. Why? Because this amendment is about ensuring that we do just that: Leave no vote behind, that we do everything we reasonably can to ensure that everyone's vote is counted.

This amendment is neither liberal nor conservative. It is neither Democrat nor Republican. But it goes to the very heart of the reliability and accountability of our electoral system.

Every voter who goes to the polls or votes by absentee or votes in any other manner that is appropriate under our laws should know that that effort was not in vain. It is truly American to ensure that we give every one of our citizens the confidence to believe our Federal election system is the best it can be. Therefore, this amendment is critical to our deliberations because year after year—not just in 2000 but in every year—in every State, ballots were not counted because of so-called residual votes. There are overvotes. There are undervotes. There are spoiled votes. According to the Caltech/MIT Report:

> Over the past four presidential elections [going back, therefore, 16 years] the rate of residual votes in presidential elections was slightly over two percent. This means that in a typical presidential election over 2 million voters did not have a presidential vote recorded for their ballots.

The percentage of discarded ballots is even higher in a Senate election, which, I suppose, should get us all thinking.

But it is imperative we recognize that some of these are legitimate errors. Some of these are the problems that elderly people have in punching the little chad through the hole. Some of it is confusion with respect to the appropriate place to make the mark which is made.

For all the reasons that lie behind these uncounted votes, the Commission, headed by former Presidents Ford and Carter, recommended, unanimously, that Congress needs to focus not just on the machine or mechanical errors in improving our election system, but on the unintentional human errors as well. The Commission did so because only by measuring the rate of these residual vote errors will we be able to assess effectively whether the voting process as a whole is giving all of our citizens the equal opportunity to have their votes counted.

That is why I have offered this amendment, which would require the newly established Office of Election Administration to establish a residual vote error rate, a standard or benchmark with which voting systems will have to comply. It is a transfer of authority and expertise to the body that we are setting up to make determinations about our mechanical and machine errors.

Since I offered this amendment back in February, it has been improved, thanks to the suggestions made by Senator BINGAMAN, who asked to be shown as an original cosponsor. He proposed and now included in the leave no vote behind amendment language that would give the Office of Election Administration even greater flexibility in setting the residual error rate standard.

Senator BINGAMAN pointed out there are certain distinct communities in some parts of our country that have a historically high rate of intentional undervoting in elections for Federal office compared to the rest of the country. Therefore, the language added by Senator BINGAMAN requires the Office of Election Administration to report to Congress on the extent to which this is happening and permits the office either to set a separate benchmark or exclude whole areas. This gives us the requisite flexibility that the office requires, and I certainly hope our colleagues will support this amendment because, in the absence of taking some action on this issue, we are not going to be responding to what were the most serious questions raised in the past election.

This is also in keeping with the other voting system standards in the bill. The mechanical rate standard, as important as that is, does not address this human error rate.

Before I lose my voice and leave it behind, I would certainly urge my colleagues' support of this important amendment that would leave no vote behind and give greater assurance to voters no matter where they live that their votes truly will be counted.

I yield back my time.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I rise in strong opposition to the amendment offered by the Senator from New York. The bill currently provides for benchmark error rates for voting systems used in Federal elections. This bill appropriately provides that, in determining the error rate, only those errors which are attributable to voting machines are included. Errors attributable to an act of the voter, such as an overvote, spoiled vote, or undervote, are not included in the benchmark. This amendment would wrongly require a second benchmark error rate for voter errors. In other words, ballots intentionally or unintentionally spoiled by a voter would be included in the error rate.

As long as there have been elections, there has been voter error. State and local officials will tell you that they see voter error in every single election.

As the Ford-Carter commission acknowledged, some portion of the residual vote number comes from intentional undervotes which can vary considerably from place to place, along with local cultures and tradition. I can say for myself, I frequently have not voted in every single race on the ballot, particularly for races where I felt I didn't know enough about the candidates to cast a vote. It is an intentional act on my part.

A State can't force people to follow directions. A State can't force people to vote as we would like them to or as we think they should. This amendment will do just that.

Let's look at what the review of uncounted Florida ballots in the 2000 election revealed about intentionally spoiled ballots. Nearly 1,000 people voted for all 10 Presidential candidates in 2000. More than 3,600 people voted for every Presidential candidate except Bush, and more than 700 people voted for every Presidential candidate except Gore.

More recently, in Palm Beach, FL made infamous in the 2000 elections county election officials spent $14 million upgrading voting equipment to touch screen computers. In an election held last month, the undervote was 3 percent. No matter what you do, some people are simply not going to participate or are going to participate in a way that we might find somewhat odd.

Primaries held in Chicago last month showed that the undervote varies widely. In Chicago, new ballot machines give voters the chance to fix a voting mistake. The machines inform voters if they have undervoted or overvoted, and they are offered the option of correcting that ballot or casting a new one.

The Chicago Tribune reported that even with these new machines, in the Democratic primary for Governor, 6.1 percent of the voters did not vote for the race at the top of the ticket. They just chose not to. The undervote in the Republican attorney general's race was a whopping 12.5 percent. They didn't like these guys. They chose not to vote in that race.

This amendment proposes to set a number of so-called residual votes or voter errors that would be allowed. What would happen when the so-called benchmark is exceeded? The Department of Justice would sue States and localities which have residual rates above those which are permitted by the Federal Government. The practical effect is that States will calculate how many residual votes they are permitted in an election, divide those by precinct, and notify those poll workers how many residual votes they are allowed. In calculating this allowance, officials will have to account for errors on absentee ballots as there is nothing that can be done to change those ballots.

Poll workers will monitor how many residual votes they have. And when they approach their limit under threat of Department of Justice prosecution, they will force voters to vote, or change how they voted in an election. This is exactly the wrong approach.

This bill focuses our efforts on the right approach. It provides a benchmark for measuring the reliability of voting machines. It provides for increasing voter education and encouraging voter responsibility. If a voter has a question, they should ask it. If they are unsure about the voting process, they should seek assistance. We must preserve a system that values and respects the secrecy of the ballot.

Therefore, I urge my colleagues to vote against the Clinton amendment.

AMENDMENT NO. 3109

Mr. McCONNELL. Mr. President, there is an amendment by Senator NICKLES that has been cleared on both sides. I send that amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. NICKLES, proposes an amendment numbered 3109.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 18 between lines 7 and 8; insert: (4) technological security of computerized list. The appropriate state or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

Mr. NICKLES. Mr. President, I compliment Senator McCONNELL, Senator DODD, Senator BOND, and Senator SCHUMER on their hard work on this election reform bill. I would also like to thank them for adding what I think is a very important provision to this bill.

The bill mandates that States implement a computerized statewide voter registration list, creating a central database that will allow State and local election officials continuous access to ensure that new registered voters are added and that individuals whose names should be removed from the list are removed. This computerized list will prove to be an important tool in ensuring that only registered eligible voters be allowed to vote. In creating this interactive computerized list, though, it is important that only those officials who are authorized be granted access to this list. In furtherance of this goal, my amendment directs State and local election officials to establish and maintain reasonable procedures to protect the security and integrity of the computerized list.

As interactive computer programs become more prevalent and more personal information is transmitted and stored via such programs, we must constantly seek to protect personal information secure from theft. In our effect to create a system that allows for easier maintenance of voter rolls, we must make sure that we don't make available information that will allow computer hackers to manipulate voter rolls as well as access our bank accounts, charge accounts or other personal information.

This amendment seeks to strengthen the security and confidentiality of information displayed via the interactive computerized list. The amendment's purpose is to keep the interactive list secure. It is not meant to limit information to the public that is otherwise available. Again, I thank Senators DODD and MCCONNELL for their hard work on this bill.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 3109) was agreed to.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3110

Mr. DODD. Mr. President, I send an amendment to the desk on behalf of Senator LEVIN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Connecticut [Mr. DODD], for Mr. LEVIN, proposes an amendment numbered 3110.

Mr. DODD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit voter information contained in a written affirmation to be used to verify the eligibility of an individual to vote in an election for Federal office, rather than the provisional ballot, for the purpose of determining whether that provisional ballot should be counted as a vote in that election)

On page 12, strike lines 9 through 19, and insert the following:

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

Mr. LEVIN. Mr. President, my amendment will ensure that the Michigan system of provisional voting, a highly progressive system, will not be disturbed or disrupted by the language of this bill.

Michigan is often cited as an example of a "best practices" state in terms of elections. Provisional voting works like this in Michigan: on election day, if a voter's name does not appear on the precinct polling list; the election workers verify whether the voter is actually registered in the jurisdiction. This means that the election workers check with the computerized statewide voter file, in Michigan; this is called the Qualified Voter File, or QVF. The voter signs an affidavit asserting that a voter registration was submitted prior to the close of state registration and identifies himself or herself. The voter than completes a new voter registration application and is issued a ballot. The ballot is cast and counted on election day; however, the ballot is tagged in a manner that permits a court of law in a contested election case to connect the voter to the specific ballot if it is later determined the voter was not qualified to cast the ballots.

This provisional voting system works well in Michigan and I would like to ensure that Michigan is able to maintain its system under the pending legislation. I have spoken with several county and statewide election officials in Michigan, who have raised concerns that Michigan might be inadvertently required under the pending bill to alter the way Michigan currently conducts provisional voting.

My amendment will ensure that will not happen and I greatly appreciate the managers accepting this amendment.

Mr. DODD. Mr. President, this amendment has also been cleared on both sides. I urge its adoption.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 3110) was agreed to.

AMENDMENT NO. 2907

Mr. DODD. Mr. President, if I may take a minute or so—I know Senator BOND is here; we are waiting for a couple of other Senators who may come over—for just a brief comment on Senator ROBERTS' amendment.

I don't know if there is anyone in this Chamber for whom the body has more affection than PAT ROBERTS of Kansas, let me say very loudly and clearly, having described him as the Senator from Nebraska. I apologize to him and his State for that—not that Nebraska is not a fine State, I quickly add.

Let me say to my colleague and to others on the Roberts amendment—there are a couple of other people who have joined with him on the amendment—my concern about it. We worked on this bill with provisional balloting which is a very important and significant part of this bill.

People who go in to vote are going to cast a ballot even when there is a debate about whether or not they have a right to be there. Setting aside that provisional ballot, if in fact there is that debate, if the voter is correct, that ballot will be counted; if not, it will not be counted. We will never again be faced with a system, once this provision becomes part of the law in 2004, where a person will be thrown out of line without casting a provisional ballot. In a sense, all eligible voters will be able to exercise your franchise.

The issue is this. I understand my colleague's point. The question is, once that ballot has been cast, the State or the locality can then inform the voter whether or not the provisional ballot actually was counted or not, and if it was not counted, why not, so the voter can then correct that mistake. The point Senator BOND made—and we have constantly quoted him on this—that "this bill is designed to make it easier to vote and harder to cheat."

The particular point I am trying to make goes to the first part of that sentence—"easier to vote." When a person goes to the poll, casts a ballot, and believe they are registered when it turns out, in fact the State or local election official has not registered the voter, then there is a 1-800 number, or something else they might call in on. I think such access is essential. It may help alleviate the need for a piece of mail going out. It may help eliminate the responsibility to notify the voter that there is a problem, that his or her vote did not count because proper action was not taken and this is what needs to be done. These kinds of mechanisms can help break the chain of continuous disenfranchisement.

I think this goes to the heart of the purpose of provisional balloting. This means that the voter does not show up again at the next election and say: I voted the last time. And they would say: That is true, but your vote didn't count. They might say: You could have called me. You could argue which side has the responsibility. However, I don't think it is asking too much to let the voter know the circumstances. As a result, the voter can correct his or her mistake and become a fully franchised participant in the elections process. That is the heart of this matter.

For those reasons, I will be urging our colleagues to vote against the Roberts amendment when it comes up for consideration tomorrow. Again, I have great respect for my colleague from Kansas. He makes a point that is not without merit. I will not suggest this is totally without merit since because there is an attempt to try to at least stay on track with ensuring the constitutionally guaranteed right to vote to each eligible voter and to make it easier to cast a provisional ballot. However, the amendment would not serve the goal of helping such eligible voters overcome circumstances that preserve their status as provisional voters and would not permit such voters to easily correct mistakes. That is the reason I will, with some degree of reluctance, urge defeat of the amendment. Others want to be heard.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I want to address, very briefly, the amendment of the Senator from New York. We put too much time and effort into this without taking just a moment to express my thanks to the Senator from Connecticut, the Senator from Kentucky, and their staffs for a lot of work that has gone into this effort. It is with great pride and much relief to be back on the floor today, we hope, completing work on election reform.

The 2000 election opened the eyes of many Americans to the flaws and failures of the election machinery, our voting systems, and how we determine what a vote is. We learned of hanging chads and inactive lists. We discovered our military's votes were mishandled and lost and not counted. We learned of legal voters who were turned away, while dead voters cast ballots. We discovered that many people voted twice, while too many people were not counted even once. Finally, that is why we are here today.

This final compromise bill—and it is a compromise in the truest sense of the word. I have never seen any more effort to reach a compromise, to try to accommodate the legitimate concerns on all sides, than I have seen in this effort. I believe that, while nothing we do is perfect, we have gone a long way toward meeting those concerns.

The $3.5 billion in this bill provided in funding over the next 5 years should make a significant improvement for States and localities to improve and update their voting systems. We also provide specific minimum requirements for the voting systems so that we can be assured that the machinery meets minimum error rates and the voters are given the opportunity to correct any errors they have made prior to their votes being cast.

The bill also provides funding to help ensure that the disabled have access to the polling place and the voting system is fully accessible to those with disabilities. Nobody has been a greater champion for assuring the ability of those with disabilities to vote than the Senator from Connecticut; his passion for this is unmatched. I believe and trust that we will see a significant improvement that will be a great benefit to all of our citizens with disabilities.

A new election administration commission is created to be a clearinghouse for the latest technologies and improvements. The Senator from Kentucky worked long and hard on that. We incorporate several recommendations by the Carter-Ford commission, and particularly the requirement that States set up a statewide voter registration system. That is going to help solve a lot of problems, from confused registration lists that lose voters' registrations to ineligible voters. It should keep the registration lists more up to date, and it will eliminate the duplicates and assist voters who move within a State.

Then the bill also goes on to address one of my key concerns, and that is the issue of fraud. Much has been said about the issue. Much more will be said, but as the Senator from Connecticut noted when we began this long journey 10 months ago, we agreed on the basic principle—we must make it easier to vote and tougher to cheat. That ought to be everybody's goal in election reform. I think this bill meets the test and the conference report will need to meet this simple test, too.

I have heard some critics—and unfortunately, it has been out there so long we have generated a backlash. Some of the critics say it is going to require every voter in America to show a photo identification before they are allowed to vote each time.

Well, I have been involved in politics for a number of years, so I know the art of the big deception, as in the belief that the bigger the deception, the greater the chance you will get away with it. So to give the public, or anybody who may be watching or listening, a fighting chance to get the facts—and I hope that somebody in the media is listening today as well—let me just go through the compromise.

First, as most of you know, in my home State of Missouri, in St. Louis, we have seen a number of interesting figures registering to vote recently. There was Albert "Red" Villa, Joline Joyce, the mother of the prosecuting attorney, or circuit attorney in St. Louis, and, of course, the famous Ritzy Meckler. Each of these people, and dogs, pulled off their remarkable feat because they were able to register by mail. Even in St. Louis it would have been hard to believe they would have gotten on the voter rolls if they registered in person. Red Villa died 10 years ago, and Ms. Joyce died slightly more recently than that. Ritzy Meckler, of course, is a lovable spaniel, a dog, that is registered to vote. All three of them signed "their names" on the registration rolls.

So to some who say that all we need is a signature, I say that has been the source of a lot of fraud in St. Louis and, I believe, elsewhere.

All we say is, if you choose to register by mail, you will need to provide some proof of identity to an election official at some point in the process before you vote the first time. Dead people and dogs need not apply. The proof of identity requirement only applies one time—the first time—to those who choose to register by mail. What does the individual need to provide? A photo identification. This will obviously be the simplest and easiest for many. Student identification, driver's licenses, and government identification all qualify.

As we know, requiring an identification has become a norm for Amtrak, airline passengers, buying beer or cigarettes, or to write a check at the grocery store, or to cash a check.

We recognize that everybody does not have photo identification. So we created an expansive list of alternatives: A bank statement, a paycheck, a government check, a transfer payment, a utility bill, or any other government document that is current and shows the name and address of the voter.

We have made significant dollars available to States and localities to use their best efforts to find out, if there are some people who do not have any of those documents, how they can get them registered. They can go out and help people who need help who do not have the required photo identification or an official document with their name and address on it.

Money is also available to expunge from the list those who are dead, who have moved, or who do not have any business voting in that State.

We simply do not want the names to be registered by mail and then voted in an election with no one checking to see if they are a live human being qualified to vote in that State.

It has always been a simple proposition. We must recognize that vote fraud cheats all other voters. It is a denial of a basic civil right to lose your vote because somebody not qualified to vote has cast a vote that wipes yours out. Those who took time to follow the rules, stand in line, wait their turn, and then cast their votes should not have to fear their vote will be diluted or canceled by an illegal vote.

There are those who do not believe vote fraud exists. There was a political science professor in New York who told us in that great wisdom that only academics have that vote fraud is a myth:

> Stuffing the ballot box happens only in cartoons and old movies.

Perhaps you would like to talk to three recently indicted individuals in St. Louis, indicted as a result of fraud prior to the mayoral primary in St.

Louis city. Three people were charged with a combined 17 counts. They cheated by registering dead people and nonexistent people by mail. I will be happy to show it to my colleagues. I ask unanimous consent that a news release from the Office of Attorney General Jennifer M. Joyce be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Office of the St. Louis Circuit Attorney, Mar. 4, 2002]

CIRCUIT ATTORNEY ANNOUNCES CHARGES AGAINST VOTE FRAUD OFFENDERS

ST. LOUIS, Mar. 4.—St. Louis Circuit Attorney Jennifer M. Joyce announced that her office has charged three individuals with committing class one election offenses by completing and, in most instances, signing Missouri Voter Registration Application cards in the names of others. All of these charges are related to false voter registration cards submitted for the March 2001 mayoral primary.

Joyce said that the United States Attorney's Office for the Eastern District of Missouri, the Federal Bureau of Investigation, the United States Postal Inspector's Office, the St. Louis Metropolitan Police Department and the Circuit Attorney's Office all collaborated on this investigation that has culminated in charging three different individuals with a combined 17 counts.

"As Circuit Attorney and a life-long resident of this City, I am committed to upholding the integrity of the election process. The people of this community deserve fair and clean elections. We will do whatever we can to protect the voting rights of all citizens of the City of St. Louis," Joyce said.

The Circuit Attorney's Office has charged Eliza Julion, 29, with seven felony counts of voter fraud. More specifically, the complaint asserts that Eliza Julion completed and signed voter registration cards in the names of two individuals who she made-up or manufactured. Further, she also filled out a voter registration card in the name of another fictitious person and completed and signed a voter registration card in the name of another individual, who was in prison at the time, the complaint asserts. Also, the Circuit Attorney charges that Eliza Julion completed and signed two different voter application cards for the same individual and signed the card belonging to another individual.

The Circuit Attorney has also charged Michelle Robinson, 32, with nine felony counts of vote fraud. More specifically, the complaint asserts that she completed and signed nine voter registration cards in the names of mostly former elected officials, including some of whom are deceased.

The Circuit Attorney has also charged Paul Julion, 26, with one count of felony vote fraud. The complaint asserts that Paul Julion completed and signed a voter registration card in the name of a fictitious person, a name that he manufactured.

All 17 counts are class one election offenses, which are felonies. The range of punishment for each offense is up to five years in jail or a fine between $2,500 and $10,000. If convicted, Eliza Julion could face a maximum punishment of up to 35 years in jail or up to $70,000 in fines. If convicted, Michelle Robinson could face up to 45 years in jail or up to $90,000 in fines. If convicted, Paul Julion could face up to 5 years in jail or up to $10,000 in fines.

The charges as set forth in the complaints are merely accusations and each defendant is presumed innocent until, and unless, proven guilty.

Mr. BOND. Mr. President, this news release will give a small idea of some of the work that has been done by law enforcement officials.

I also point out the Missouri secretary of state reviewed 1,300 judge-ordered registrations on election day in Missouri. Of those 1,300, 97 percent of them were illegal.

We have set up a provisional voting system that allows the election authorities, if somebody is not registered and believes they are registered, to cast a provisional vote. This provisional voting system should help those who are legitimate voters who registered where the election authority messed up. It will help make sure their votes are counted.

Those who try to vote without being properly registered will be discovered and their vote will not be counted; it will not be placed in the ballot box.

For those who say vote fraud does not occur, the April 4, 2002, Houston Chronicle headline reads: "2,000 Voted Illegally in City Polling":

> More than 2,000 people voted illegally in the local November elections in the Houston mayoral runoff in December, including 712 who cast ballots in city races and don't live in the city. . . . There could be a major impact in close elections.

That is my point. We want to make sure the system works for those who have difficulty getting registered and those who have voted in the past have an opportunity to vote and those who have voted once do not try to vote twice.

With the amendment presented by the Senator from New York, I am afraid it oversimplifies the issue and offers a remedy which will create far more problems than it solves. She has indicated that 2 million people in each of the last four Presidential elections did not have their votes counted because of unintentional voter error. From that, we are to conclude with this fix all those votes might be counted. The problem is that this 2 million number cited is the residual vote rate for those elections, meaning those ballots which are unmarked, spoiled, or where the intent of the voter could not be determined.

There are people, as I believe the Senator has mentioned, who choose not to vote in races. The Carter-Ford commission estimates that is about .77, or almost eight-tenths of 1 percent, who chose not to cast a vote in a Presidential race. An MIT study says it is about half a percent. Clearly, it fluctuates from election to election.

This underlying bill takes significant steps to address the problems coming from machinery, the equipment, in voter errors, and sets a national standard for error rates. The Commission will assist the States in identifying the best equipment available.

Standards for notification and voter education, which is very important, are established, and there is $3.5 billion authorized to purchase machines that will comply with the standards and provide voter education.

The problem we have is that some people just plain make mistakes. If it is not a voting machine problem or a voting system problem, we know there are people who just choose not to vote. They may not vote for a President or they may not vote for other races down the line. If we establish some kind of standard that says if you do not meet this standard, then the Justice Department is going to come in and sue you, you have, unfortunately, created an incentive for election poll workers to look at every ballot. Ballot secrecy goes out the window because if you know you are going to get sued and your election is going to be called off because there were too many errors, the pressure is going to be on to make sure everybody voted right.

The voting officials may not be so bold as to walk into the polls and look over the voters' shoulders as they are punching the punchcard or filling out the ballot, but there is certainly a strong temptation for them to look at the ballots when they come out and to say: Excuse me, you made a mistake; you didn't vote here or you voted in too many places.

Once we do that, once we try to account for a voter error, a human error, I am afraid we are going down the road of destroying the secrecy of the ballot and saying that people who are election judges and election officials are going to have to look at the ballots of each voter. We will have poll workers reviewing ballots.

Under no circumstances do we want poll workers reviewing ballots before they are cast, destroying the secrecy and the privacy of the ballot. To make sure you do not violate the voter error standard, you would be forced into that position.

We have dealt with bringing down the error rate the best way possible in this bill—new machines, voter education, which is extremely important. We are already seeing an increase in mail voting which does offer a compromise of a secret ballot. But with this amendment, we could see the end of the secret ballot.

I am afraid it goes the wrong way. I urge my colleagues to agree to a study to determine how we can improve voter efficiency and effectiveness, but let us not set a standard that might force poll workers to reach out and touch somebody's ballot before they put it in the ballot box.

I thank the Chair, and I particularly thank my colleagues who worked on this so long and so diligently. I urge all of our colleagues to support this measure, move it to conference, and get a bill back from conference that we can send to the President so that in the shortest possible time, we will have a measure in law that will make it easier to vote and tougher to cheat.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Kentucky.

Mr. McCONNELL. Madam President, before the Senator from Missouri leaves, I wish to thank him for his absolutely indispensable contribution to this whole process from beginning to end. The Senator from Missouri is not on the Rules Committee, but he developed an interest in this issue. His interest and passion is a direct result of the voter fraud issues in his home State, which he has skillfully sought to make much more difficult to happen in the future.

The parts of this bill related to fraud are entirely the result of the tireless efforts of the Senator from Missouri, and I wanted to express my gratitude to him for his intelligence, tenacity, and effectiveness in turning this into a bill I can enthusiastically and wholeheartedly support. I wish to assure him that we are going to try very hard at the conference to make sure this bill still has the important features he has worked to have included.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, I rise in support of this bill. The bill we consider today on election reform, I believe, is the most important legislation we will consider all year. Congress has a responsibility to ensure every registered American who goes to vote gets to vote and that every vote cast counts.

There are few concepts more fundamentally American than choosing our leaders, which means that even in our Nation's Capitol, in this very seat of democracy, this may truly be the great American bill.

Despite the strength of our democracy, if we do not do a good job maintaining the actual mechanism that drives it, our voting systems, we fail the voters and undermine our values, the values our Founding Fathers fought and died for, as did so many subsequent generations of Americans. That is why it is so important we pass this legislation.

I thank our chairman, Senator DODD, for his indefatigable leadership and his continuing fight for this bill. It can truly be said about certain legislation that without a single person, it would not have happened. In this case, Senator DODD's leadership clearly puts him in that category.

I also thank Senator McCONNELL from Kentucky who worked hard on this bill. Since he and I originally put in a proposal to deal with the core of the bill, which is funding these new voting systems, he has always been a pleasure to work with and he has been steadfast. I thank Senator BOND for his contribution and Senator WYDEN for his commitment to improving the Nation's election system as well.

This bill will make voting easier and more accurate. It allows many more people to participate in our democratic processes and that is what this country is all about. As with most bipartisan legislation, which is the only way we really get anything passed, this bill is a compromise. There are some things in this bill that, if it were up to me entirely, I would change, but that is not what the people in our States sent us to do, to say it is my way or no way.

This bill is a good and fair compromise, and I am proud of it. The most important result is that, after more than 200 years, we are finally giving our democracy the resources it needs and the respect it deserves.

I voted for the first time in 1969 and I used the same type of machine when I voted in 2001, some 32 years later. Instead of being faced with deciding between good candidates, voters are faced with a host of problems ranging from out of date machines and inadequately maintained registration lists, confusingly designed ballots, and phone lines that are so busy the voters cannot get through to confirm their registration status.

In New York, we use these pretty clunky, old voting machines. They are cumbersome. They take a long time. As I have told my colleagues before, to see the painful look on the face of someone who is coming out of the factory, going to vote, waiting in line for an hour, finally doing their duty and finding they are not on the right list or that the machine does not work or that it was so confusing they missed an important part of the ballot, their disappointment has stayed with me throughout my career, and I am glad we are able to do something about it.

The fact is, just because we are the oldest democracy in the world does not mean we have to use the oldest technology in the world. The problem does not end with machines. In my home State of New York, November 2000, as I mentioned, people waited in line for hours to vote. Many voters, those who could not afford to be late for work, had to get home to the children or go on to a second job and vote in between the two, ultimately left the polling place without being able to participate in one of the most critical and closest elections in our time. Others waited and waited only to be confronted with the cruel reality that the machine in their precinct was broken or that the polling place had run out of emergency ballots.

Voting should be accessible, accurate, and speedy in all places, all of the time. This bill provides the funds and standards to make sure that is exactly what happens. There are also provisions we have agreed to that address some of the concerns raised by my and Senator WYDEN's amendment. Most importantly, we have aligned the effective dates of the photo identification, provisional voting, and computerized statewide voter registration database requirements. This means that first-time voters who do not have photo identification will be able to vote provisionally, and that is really important.

This change also allows us to define first-time voters as people moving from State to State rather than jurisdiction to jurisdiction, which means that many fewer people will trigger the photo identification requirement, and this was possible because States with databases will be able to track voters across jurisdictions.

We have agreed also to allow voters to provide their drivers license number, at least the last four digits of their Social Security number, when they register. If these numbers match an existing State record that confirms the voter's identity, then they are exempted from the photo identification provisions.

Ultimately, these changes mean many of the people we were worried about would have been adversely affected by the identification provision, and they will be OK one way or the other. Is that 100 percent? No, but we cannot let the perfect be the enemy of the good, especially not when the alternative is allowing our democracy to sputter along, disappointed voter after disappointed voter.

I strongly urge my colleagues to support the bill. We often have the opportunity to support legislation that makes things better, and that is why we are here, but today we have an opportunity to make a little bit of history, and that is something we will never forget.

I also thank my staff who worked so long and hard on this legislation.

I yield back my time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. We have a couple more amendments that may be agreed to. In the meantime, I wish to make a point. While I did not get an opportunity to do so when he was in the Chamber, I would like to commend our colleague from Missouri, Senator BOND. I have said this on numerous occasions, and I will say it again, without Senator BOND's participation and contribution we would not be on the brink of passing this bill. He brought a very important issue to the table, one that is not a part of the House-passed bill, not because they opposed it, they did not consider it. Had it not been for Senator BOND, I am not sure it would be in this particular product. So we owe him a very deep sense of gratitude concerning a very legitimate issue that I think complements the bill in a very fine way. I will later add further remarks about his contribution, but I wanted to publicly thank him.

I also commend my dear friend and colleague from New York. Senator SCHUMER was, again, a very long and valiant participant in extensive negotiations on this bill, bringing us to the point we are this evening. I wish to thank him publicly for his work.

Early on, he and Senator McCONNELL offered one of the very first measures to deal with election reform. He immediately saw the need to do something, as the Senator from Kentucky did. His willingness to back up and to work with us on a slightly different version is something I will always be very grateful to him for. His contribution has been significant.

Mr. SCHUMER. Will the Senator yield?

Mr. DODD. I am happy to yield.

Mr. SCHUMER. I thank the Senator for his kind words. It has been a pleasure to work with him. I mentioned while he was out of the room, it is rare to say on an important piece of legislation without a single person this legislation would not have passed. In the case of the Senator from Connecticut, that is true. Everyone tips their hat to the Senator for the great job he has done.

I also mentioned the Senator from Kentucky has been steadfast and principled in this effort. We didn't always agree on exactly what was the right thing to do, but he wanted to get this bill done and he played a valuable part.

I thank both the Senator from Connecticut and the Senator from Kentucky. They are in large part responsible for the fine improvement in voting we will have when this bill becomes law.

Mr. McCONNELL. If I could speak briefly, one of the wonderful things that happen in putting together legislation: You get to know people better. I had not known the Senator from New York very well. He came to the Senate in the beginning of 1999. I enjoyed getting to know him in the process. I enjoyed working with him.

This legislation is a classic example, with Senator DODD's leadership, and Senator TORRICELLI was deeply involved; the five of us had a bonding experience here. We managed to come together on a very worthwhile piece of legislation which I anticipate will pass tomorrow by a very large margin, if not unanimously.

I thank the Senator from New York for his friendship and on this bill.

Mr. DODD. I will have more kind comments about my friend from Kentucky, but I will wait until tomorrow so we can clean up some of the amendments.

AMENDMENT NO. 3111

Mr. McCONNELL. I have an amendment by Senator GRASSLEY which I send to the desk and ask for its immediate consideration. It is cleared on both sides.

The PRESIDING OFFICER. Without objection the clerk will report.

The assistant bill clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. GRASSLEY, proposes an amendment numbered 3111.

Mr. McCONNELL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To permit States to coordinate the computerized statewide voter registration list with Federal records relating to death and identity)

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term "applicable information" means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

Mr. GRASSLEY. Mr. President, there is a very serious issue concerning the proper functioning of elections—the integrity of voter lists.

All eligible voters should be given every opportunity to vote.

In fact, much of this bill is aimed at doing just that.

However, without integrity in our voting lists, the door is wide open to many kinds of voting irregularities.

Every ineligible vote denigrates the efforts of every eligible voter to cause participatory democracy to work.

When votes are cast by individuals who are not legally entitled to vote, whether it be because they are using a false identity or because they are dead, the value of all properly cast votes is diminished.

We have all heard reports of people who are registered to vote and should not be or who voted illegally.

Senator BOND has already mentioned during the debate on this bill an investigation by the Missouri secretary of state which determined that, in the 2000 election, votes were cast in the St. Louis area by 14 dead people.

Senator BOND has also told us about troubling instances in St. Louis where large numbers of voter registration forms were submitted to election officials using false identities.

In Georgia, the Atlanta Journal-Constitution conducted a study comparing voting records and death records from the state Department of Human Resources and the Social Security Administration.

The investigation revealed that 5,412 dead people voted over the past 20 years and that the number of registered dead voters has increased dramatically in recent years.

As of November 2000, 15,000 dead people remained on the active voting rolls in Georgia.

Sometimes we hear these anecdotes about instances of voter fraud and they take on the character of a cynical joke, but I don't think it is very funny.

Such cases erode public confidence in the electoral process and are an affront to all those who cast votes legally.

The bill before us already takes an important step in ensuring the integrity of States' voter rolls by providing for interactive, computerized, statewide voter registration lists.

This will enable States to check for duplicates and coordinate with State agencies to verify that registered voters are legally able to vote under State law.

However, more can and should be done.

My amendment would give States a much needed tool to check the accuracy of their voter rolls against information possessed by the Social Security Administration.

Specifically, my amendment allows a State to coordinate its statewide voter registration list with social security records to check identity, and to see if a voter has died.

The commissioner of Social Security would be required to provide, upon request from a State, applicable information for the purpose of determining the eligibility of an individual to vote.

This amendment would not require States to undertake any action nor would it affect State laws governing eligibility of individuals to vote.

It simply gives the States a valuable tool in their efforts to maintain clean and accurate lists of eligible voters.

The State decides when and whether to use this tool.

Over the last decade, it has become increasingly easy for people to register and vote due in large part to the National Voter Registration Act of 1993, also called the motor voter law.

This trend has increased voter registration across the board, including registrations by individuals who are not eligible to vote.

Along with the relaxation of voter registration requirements comes the responsibility to provide for safeguards to preserve the integrity of the voter rolls.

I can think of no reason why individuals who are not eligible to vote should be allowed to remain untouched on State voter lists.

A State can decide to do that.

But, today, if States want to be extra careful in preserving the integrity of their voter lists, they lack some very important information.

Give them the tools!

This amendment is just one more way that we can help the States maintain the most accurate, reliable list possible of eligible voters.

This is a commonsense, good government reform and I would urge my colleagues to join me in this effort.

Mr. McCONNELL. This amendment has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3111) was agreed to.

Mr. DODD. I move to reconsider the vote.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3112

Mr. McCONNELL. Madam President, I send an amendment, which has been cleared, by Senator BOB SMITH to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. SMITH of New Hampshire, proposes an amendment numbered 3112.

Mr. McCONNELL. Madam President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a study into the broadcasting of false election information)

At the appropriate place, add the following:

SEC. . BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3112) was agreed to.

Mr. McCONNELL. I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3113

Mr. McCONNELL. Madam President, I have another amendment that has been cleared by Senator CRAIG THOMAS of Wyoming. I send it to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, the clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. THOMAS, proposes an amendment numbered 3113.

Mr. McCONNELL. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To express the sense of the Senate regarding changes made to the electoral process and how such changes impact States)

At the end, add the following:

SEC. . SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act, shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act, permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 10(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location if the State otherwise provides for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

The PRESIDING OFFICER (Mr. SCHUMER). If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3113) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEW TECHNOLOGIES

Mr. DODD. Mr. President, I rise in support of this measure and to thank my colleagues for their hard work on this bill that will make voting in many States easier and more accurate. Before we pass this legislation, I would like to address one additional point. In drafting legislation, it is often very difficult to look to the future and anticipate the impact that legislation will have on new technologies. To truly reform the Federal election process, this legislation must remedy the infirmities of the present system. However, it also must be forward-looking in its approach. It should welcome the implementation of new election technologies. The flexibility of this legislation to accommodate innovation will be the ultimate strength of Federal election reform.

I firmly believe that voting by computer, whether by internet or some other remote electronic system, is likely to happen in many states in the near future. In fact, Arizona has already held a party caucus in which voters were permitted to vote over the internet. At the same time, I believe that the security concerns are such that most states, mine included, are not yet ready to provide this option to voters.

However, in the interests of looking to the future, I would like to seek clarification from the chairman of the Rules Committee about how this legislation would affect internet or other forms of remote electronic voting.

Ms. CANTWELL. Mr. President, is it the Chairman's understanding that the bill as it is currently written would not prevent States from offering voters the option of voting on by the Internet, so long as the State could show that the internet voting system complied with the security protocol standards written by the new Election Administration Commission, and that the voting system also complied with the requirements of the legislation on accessibility for the disabled, providing an audit trail of ballots, and by providing voters a means to make certain they had not made a mistake?

Mr. DODD. Senator CANTWELL, I agree with you that very serious concerns remain about voting by internet. As you know, this legislation specifically requests that the new organization, the Election Administration Commission, study internet voting. I am looking forward to seeing what it learns. However, I hope very much that states will think very carefully before moving to internet voting, and will make sure that the security concerns are fully addressed.

That said, the Senator is correct that nothing is this bill prohibits states from implementing voting on a remote electronic system like the internet, as long as the system is certified by the new Election Administration Commission, and complies with the other standards in the legislation.

I agree with the Senator that it is important to welcome the development of new election technologies and it was my intent, and my cosponsors' intent to provide the states as much flexibility as possible to accommodate innovation while still implementing necessary minimum standards that will ensure that all our citizens' right to vote is protected.

Ms. CANTWELL. I agree that it is very important that any voting system, particularly an electronic voting system have very good security. However, I believe that it is likely that in the near future we will in fact have the necessary security, the necessary assurances of secrecy, and of voter authentication, to make internet voting workable and I am pleased that this bill leaves the decision about moving forward with internet voting up to the individual States.

I appreciate all the Chairman's efforts on this legislation, and I agree that this bill is drafted in a manner that will not limit the development and implementation of new election technologies so long as the new technologies satisfy security protocols and meet the requirements of the minimum standards. I also hope that this legislation will in fact spur the development of new election technologies that are more voter friendly and more cost efficient.

Mr. DODD. Madam President, I thank my colleague from Kentucky. I thank his staff.

As I understand it, we will frame this with the two leaders' consent. We will have a period of maybe 20 or 30 minutes divided equally between my friend from Kentucky and I to make any final comments on the bill, and then there would be three votes: The amendment by Senator ROBERTS of Kansas, Senator CLINTON of New York, and final passage. All other amendments have been dealt with. We have accepted all of them here with the modifications that staffs have worked out this evening.

We can report to our leaders that we are down to two amendments and final passage, which is what we projected and promised would be the case if we could get the job done.

With that, I am unclear whether there is going to be a unanimous consent request on the time. In any event, we will take care of that.

I thank my friend from Kentucky and his staff. Of course, I thank my staff as well for working very hard tonight and the staffs of the respective Senators that worked out these agreements and made it possible to accept these remaining amendments. I look forward to final passage tomorrow.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I echo the remarks of the Senator from Connecticut. We will save our pats on each other's backs for tomorrow. I thank him for his great work and we will see everyone in the morning.

I yield the floor.

Mr. DODD. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SCHUMER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

TRIBUTE TO A GREAT TEACHER—DR. GORDON T. CHAPPELL

Mr. SESSIONS. Mr. President, there are persons of great importance in the lives of each of us. Outside our families, it is often teachers that have played key roles in our lives. One teacher of mine, Dr. Gordon T. Chappell was such a person. He awakened in his students a great love of history. He taught the importance of rigorous thought, and helped us understand our heritage. On February 6, 2002, Dr. Chappell passed away.

His death was a cause for sadness for the thousands who were his students at our alma mater, Huntingdon College. Although he had lived a rich, active and happy life, the recent years had not been easy. A year ago, Dr. Chappell was preceded in death by his beloved wife, Winn Chappell. The two of them lived in a modest home on the campus, and frequently invited students over for tea, discussion or work. Mrs. Chappell was a magnificent teacher in her own right, and was loved by her students as much as any teacher who ever served at Huntingdon. I took her British Literature course and it was a rich experience, indeed.

There can be little doubt that I would not be in the Senate today but for the inspiration of Dr. Chappell. In those days, the mid '60s, all freshman students were required to take Western Civilization. Dr. Chappell, though head of the History Department, always taught one freshman class and he hand picked his students. I was by chance, or perhaps as a result of having a historical sounding name, selected for the challenge and adventure that was his class. It was taught in the basement of the oldest building on campus, Flowers Hall. Ever since that experience, I have deeply understood that a great teacher in a poor room is far to be preferred to a lesser teacher in a room with the best of everything. With his small moustache, he was constantly thought to be the very image of Clark Gable playing Rhett Butler.

Dr. Chappell, first and foremost, knew his subject. Attaining his doctorate in history at Vanderbilt during some of that department's glory days, he was exceedingly well trained. Without, I am sure, one course in "how to teach", Dr. Chappell dominated his class, commanded respect, and imparted knowledge to students in an exceptional but not flamboyant way. This was primarily because he was prepared in subject matter and because he had great wisdom. He lectured, asked questions periodically, and insisted on attention and on timeliness. This was not a class that endeavored to teach self-esteem by being easy. His students developed self-esteem as a result of mastery of difficult subjects.

In addition to the substantial textbook, each student was required to read an additional five significant books each semester. The good news was that book reports were not required. The bad news was that upon completion of the book, the student was required to get an appointment with Dr. Chappell, in his basement office, laden with books and memorabilia, to discuss the reading. Make no mistake, everyone knew he could tell instantly whether the student had read the book. He was held in such respect that no one made the appointment without trepidation. Many could not sleep for days in advance. It was a brilliant way for him to teach and to know his students.

As a result of this exceptional teaching, I became a history major. Being a history major opened a broad world to me, a world that was exciting and inspiring. It allowed an already existing interest in government and politics to grow.

Dr. Chappell's freshman class, his upper level courses, and his friendship and advice over the years have played an important role in my life and career. For thousands of his respectful students, his teaching was equally formative. Small liberal arts colleges, like Huntingdon, with an emphasis on classical learning, respect for faith and philosophy, liberal in concepts and disciplines, and with love of country and region, have shaped for the better the lives of millions. The death of Dr. Chappell not long after the death of Mrs. Chappell, drives that fact home to me in a forceful way. Their lives, committed to faith, humanity and learning bloomed like beautiful flowers and enriched the lives of many young people.

As United Methodist minister, Dr. Charles C. Hays, Jr., a Huntingdon history major who was also a student and long time friend of Dr. Chappell, stated in his eulogy:

> He was an architect of the psyche who, through the medium of history, shaped and molded the lives of countless hundreds of students.

Indeed he did. Though we have been sad, we should all remember that, at best, our lives are short—"like a vapor", the scripture says. Dr. Chappell's life, along with his beloved partner, Winn, was rich, full and long. He spent it doing what he loved and wonderfully enriched the lives of all he touched. What more can one ask.

He is survived by two exceptional children, Rick and Wendy. May God's comfort and blessing be with them at this sad time. Let us, out of this sadness, lift our heads and celebrate Dr. Chappell's beautiful life so well lived.

THE 100TH DEATH ROW INMATE EXONERATION

Mr. FEINGOLD. Mr. President, this Monday, Mr. Ray Krone walked out of an Arizona state prison a free man. In doing so, he became the 100th innocent person to be released from death row in the modern death penalty—era that is, since the Supreme Court found the death penalty unconstitutional in 1972.

At about 5 pm on Monday, Krone "traded his orange prison jumpsuit for blue jeans and a T-shirt," then walked away from a prison in Yuma, AZ, according to the Arizona Republic. Krone had spent the last 10 years of his life in prison for a crime it is now almost certain he did not commit.

In 1992, Krone was sentenced to death for the gruesome sexual assault and murder of Kim Acona, a cocktail waitress at a Phoenix lounge. After his conviction was overturned on a technicality, Krone received a re-trial but was convicted again in 1996 and, this time, sentenced to life in prison.

The key to his release was DNA testing that pointed not to Krone, but to Kenneth Phillips. It just so happens that Phillips is serving time in another Arizona prison for an unrelated sex crime. Prosecutors are now deciding whether to charge Phillips.

"There's tears in my eyes," Krone said upon his release. "Your heart's beating. You can't hardly talk."

At a press conference announcing that the prosecutor and Phoenix Police Chief would seek Krone's release, the prosecutor said, "[Krone] deserves an apology from us, that's for sure." He continued, "A mistake was made here. . . . what do you say to him? An injustice was done and we will try to do better. And we're sorry."

But, there is more that the American people can say to Krone. We can do more than just talk or apologize. An apology is the first step. But we can also act. We can act to ensure that not another innocent person faces execution. We can do so by conducting a thorough review of the death penalty system. And while this review is taking place, we can and should suspend executions.

Congress has the opportunity to do just that. We can act by passing my bill, the National Death Penalty Moratorium Act. Together we can say enough is enough. Together we can say that one mistake too many has been made. Together we can say let us pause and have an independent, top-to-bottom review of the administration of the ultimate punishment our society can exact, the death penalty. This review should include the death penalty systems of Arizona and all states that authorize the use of the death penalty, as well as the use of the death penalty by our Federal Government.

An innocent man, who at one time faced certain death at the hands of his government, today walks free. If we can call that luck, how many others in Mr. Krone's shoes have not been and will not be so lucky?

How many innocent Americans today sit in their prison cells wrongly accused, counting down the days until there are no more?

There have now been 100 exonerations and 766 executions since the early 1970s. In other words, for every seven to eight death row inmates executed by the States or Federal government, one has been found innocent and released from death row. Now, this does not bode well for the fairness and effectiveness of a government program.

Some have said that exonerations are proof that the system is working. But how can they be proof that the system is working when, in at least some cases, it is not the lawyers or judges, but newspaper reporters and college students—people clearly outside the justice system—who have done the work of uncovering evidence of innocence? That is not proof the system is working. Quite the opposite. When the justice system must rely on outside actors, it is further, disturbing evidence that the system is broken.

I also fear that 100 exonerations is probably a conservative estimate. How many innocent people were not freed before being executed? How many mistakes did we miss? How many times were we too late to correct mistakes? I don't think anyone really has an answer to these questions. And that is precisely why we should have a pause and review. Before sending yet another person to the execution chamber, we should be sure that the system is fair, just and error-free.

The risk of errors is troubling to an increasing number of Americans. From Supreme Court Justice Sandra Day O'Connor, to Republican Illinois Governor George Ryan, to even Reverend Pat Robertson, a growing number of Americans are expressing grave concerns about the fairness of the administration of the death penalty.

And it is not just a question of access to modern DNA testing. A number of factors have resulted in unfair or even wrongful convictions. Incompetent counsel. Too many times, sleeping lawyers, drunk lawyers, or lawyers who are later suspended or disbarred are the lawyers representing people facing the death penalty. Sometimes there is prosecutorial or police misconduct—like failing to share evidence that might be helpful to the defendant's case or coerced confessions. These problems also plague the administration of the death penalty. We have also seen that testimony from jailhouse informants produce a high risk of unreliable convictions.

Now, Governor Ryan took a very important first step in 2000 when he had the courage to recognize these flaws, declared a moratorium on executions, and created a blue ribbon panel to review the fairness of the Illinois death penalty system. The results of the Illinois commission are set for release any day now.

If we are prepared to admit, as Illinois has, that there may be flaws with the death penalty system, it is then really unconscionable that we should continue with executions without a thorough, nationwide review.

Ray Krone's exoneration provides us all with another opportunity to take a moment and ask ourselves "what if?" What if we hadn't caught this mistake? What if an innocent man ate his final meal, took his last breath, said goodbye to his family and was put to death, alone, silenced by a failing system? The most important of these "what ifs," however, is this: What if we don't ask ourselves these questions? What if we could have saved a life and we didn't? What if we acknowledged that the system is unfair, and yet we didn't do anything about it at all?

One risk, one error, one mistake, is one too many. But 100 mistakes, proven mistakes, qualifies as a crisis. And a crisis calls for action.

My distinguished colleague and chairman of the Judiciary Committee, Senator LEAHY, has introduced the Innocence Protection Act. This bill would reduce the risk of executing the innocent by allowing for post-conviction DNA testing and establishing certain minimum competency standards for defense counsel. And I support this bill and hope the Senate acts on it without delay.

But I submit that Congress can and must do more. For, if we recognize that the system is broken, that innocent people have been freed based on DNA testing, then it is only logical and right that we suspend executions while these reforms can be implemented and while all steps are taken to conduct a top-to-bottom review of the death penalty system.

My bill would do just that. The National Death Penalty Moratorium Act would create a National Commission on the Death Penalty to review the fairness of the administration of the death penalty at the State and Federal levels. The bill would also suspend executions of Federal inmates and urges the States to do the same, while the commission does its work.

I am pleased that Senators LEVIN, WELLSTONE, CORZINE and DURBIN have joined me as cosponsors of this important legislation.

The expansion of the death penalty and increase in death penalty prosecutions during the last two decades have had literally life-or-death consequences. The people of Illinois have learned a serious lesson that the administration of the death penalty is plagued with errors. And as the events in Arizona just showed us, the people of Illinois are certainly not alone. But Illinois and Arizona account for only 19 of the 100 exonerations nationwide. The remaining 81 mistakes have occurred in other death penalty States. These 100 mistakes tell us, loudly and clearly, that it is past time for our Nation to have a thoughtful debate on capital punishment.

A commission, and pause in executions while the Commission does its work, is the only right and just response.

And, so, I urge my colleagues to join me in supporting the National Death Penalty Moratorium Act.

SNOW MACHINES IN NATIONAL PARKS

Mr. THOMAS. Mr. President, I rise to discuss an issue that is very important to those of us in Wyoming and to all of us who have an interest in national parks; that is, the winter use of snow machines in Yellowstone Park and Grand Teton Park.

As some of my colleagues may know, for a number of years we have had an opportunity in the wintertime for people to go into the park, to engage in and tour the park in individual snow machines on a route that has been set forth. Of course, there has been a good deal of talk about it over the last several years and contentious debate over how that should be handled.

Some people believe we should not be in the park at all in the wintertime with snow machines. Others believe it ought to continue as it is.

We ended up about a year ago before the last administration moved out with a rule put into place that in 2 years the individual use of snow machines would be outlawed and eliminated.

That brought about a considerable response, particularly from people who live close to the park and have occasion to use it from time to time. The outcome was that we had an EIS underway. There was a suit brought, and we also passed in the Congress an extension of 1 year so we would have an opportunity for study. That has been underway, a supplemental EIS, to see how that could be handled and what could be done.

Of course, there are at least two primary missions of a national park; that is, to preserve the resource on the one hand, and then to let the owners enjoy it on the other hand. So we have to find some balance between protecting the resource and allowing people to enter the park and use it.

For a number of years, snow machines have been used. I don't think anyone suggests that they continue as they have in the past because there are some impacts both from noise and from exhaust.

One of the things that has changed and can change are improvements made to the machines. Some of them now go to four-cycle engines which are quieter, less exhaust oriented, and have been proven that way. In Jackson, WY, every year they have a contest to see who can improve the machines more. That has been a successful endeavor. We are in the process now of doing that.

I don't think anyone who is realistic suggests that we continue to do it as we have in the past. Certainly, we could apply some rules and regulations: No. 1, manage it; separate the cross-country skiers from the snow machines on the one hand. That can be done. I suspect if it were necessary, you could limit the number of passes that were made available. Sometimes the collection at Old Faithful gets pretty large. Nevertheless, that could be handled.

There have been suggestions that we limit the use in the night when animals are perhaps on the move. One of the arguments is that it distresses and disturbs the buffalo and the elk. I have been through the park with a machine and have ridden from here to the table from a big buffalo who paid no attention to me and had his nose down in about 3 feet of snow pushing along trying to find a little grass. So I suppose there might be instances. But the fact is, they really don't disturb the wildlife.

There has been now a regulation put into place, or an amendment that gives us another year to go through the supplemental EIS which is not yet completed. Then there would be, of course, probably about five alternatives that would be laid out in public. That is supposed to happen in November. We will have an opportunity to make some choices.

I am just saying I hope we can make the changes that will protect the environment, can protect the environment. I am persuaded that can be done. At the same time, I hope we can allow people to continue to enjoy the park. Quite frankly, if you didn't have this opportunity with the snow machine, there would be very little use of the park in wintertime because it is large. And, of course, you can't ski clear across the whole area, or very few people can.

That is in the process. I wanted to say I hope we do keep a couple of things in mind as we deal with our parks and our Federal lands.

One is that, of course, we should take care of the environment. No. 2, people ought to have access to these lands. It is really too bad if we set them aside so that people can't enjoy them and have access to them. Another is to manage it so that it really doesn't have an impact. Much of that is the result of management, and, quite frankly, we have not done as much of that and some of the park officials would rather not have any. So, therefore, they have not made an effort to manage their existence very well.

I hope we proceed on that and come out with a reasonable compromise that still allows access, and we can at the same time take care of the environment, both in Yellowstone and in Grand Teton, as well as other places where snow machines are used.

THE MIDDLE EAST

Mr. WELLSTONE. Mr. President, with a suicide bomber killing eight innocent Israeli civilians and wounding more than a dozen in Haifa today, and Palestinian gunmen and Israeli soldiers locked in battle in the Jenin refugee camp, the Middle East is under an intolerable siege of violence. The horrific practice of targeting innocent civilians must end. Even in this time of horrendous violence we cannot lose hope.

I spoke at Temple Israel back in Minnesota on Sunday. I was trying to figure out what to say. I remembered the story of an Israeli man murdered at a Seder meal. "Murdered" is the right word. An organ of his was given to save the life of a Palestinian woman. His children said that he would have been proud.

There is hope. We cannot lose hope, for the sake of both the Israeli and the Palestinian children. We have to continue to seek a pathway to peace. President Bush said this in a number of statements.

Last week President Bush made the right decision to send Secretary Powell to seek a cease-fire and progress toward a political settlement. Over and over again I was saying to Tony Zinni, for some time: We should be there. I think this was the right decision. We can go back and forth about whether it should have been done earlier, but I support the President. I think the President is pursuing a courageous approach which seeks both to meet the critical need of the Israeli people to be free from terrorism and violence and acknowledges the legitimate aspirations of the Palestinian people for their own state.

Even in this horrific time we must not lose sight of what is the ultimate goal: Israel and a new Palestinian state living side by side, in peace, with secure borders.

Secretary Powell is now in Madrid and he will return to the region later today. On Friday he will arrive in Jerusalem. He has the unenviable task of seeking to persuade leaders in the Middle East to take very painful but very necessary steps.

He has been traveling to Arab capitals to persuade Arab leaders to condemn Palestinian suicide bombings and other acts of violence. This was a step they inexcusably refused to take last month in Beirut. Palestinian leaders will only be able to establish their credibility as legitimate diplomatic partners by condemning violence and doing all in their power to combat it.

Secretary Powell is also simultaneously pressing Prime Minister Sharon to immediately withdraw his military from cities in the West Bank and to link a political solution to a cease-fire. This is all so complicated and hard.

Further, I also believe he will and should urge the Prime Minister to respect the dignity and human rights of ordinary, innocent Palestinian civilians, and to address the emerging humanitarian crisis in the West Bank.

Secretary Powell's mission involves great risk, and he himself has said he is unsure he will return to Washington with a cease-fire in hand. This process is not going to be easy and it is not going to be fast. In fact, it will require enormous patience and work by all parties, including a sustained effort by the Bush administration for many months, if not years.

I am grateful for Secretary Powell's efforts. I said to Dick Armitage, in a number of conversations last week, that I support this effort, and I pray for the success of his mission and for a prompt end to the violence which has wracked this region and threatens its future, and I am not at all sure that I am being melodramatic when I say perhaps the future of the world.

I apologize to my colleague from New Mexico. I now will speak to the amendment, but I really believe—as a Senator, as a first-generation American, as the son of a Jewish immigrant who fled persecution from Ukraine—that it was important to speak on this matter.

I think when we speak, you are not going to hear any acrimonious debate. There are different ideas about what needs to be done. It is not as if we can take what is happening in the Middle East and put it in parentheses.

I also will tell you that I was impressed—I hope people do not mind my saying this—at Israel Temple. I was relieved there was very little shrillness. People are feeling tremendous anguish and pain and are wanting to come together as a community.

Recently, I met with an Israeli man and a Palestinian father—two fathers, both of whom lost children. They came here, and I want them to come back. Rabbi Sapperstein called the office and said: I would like for you to meet with them. They have formed a parent organization—parents who have lost their loved ones and who are saying we have to somehow figure out how to move from where we are to some kind of a framework for peace. How wide of a river of blood has to be spilled before we do that? I believe as long as there are "leaders" like that, there is hope.

MINNESOTA NATIONAL CHAMPIONSHIP TEAMS

Mr. DAYTON. Mr. President, I am here today with my distinguished colleague, the senior Senator from Minnesota. It is a very special and exciting occasion for us to talk about three national championship teams in Minnesota: the University of Minnesota Golden Gophers hockey team won the men's national championship for the first time in 23 years last Saturday night. It was one in which over 19,000 fans in St. Paul's Excel Center were able to enjoy. I think about 19,002 of them were Minnesota fans. But the University of Maine put on a spirited contest.

We are very fortunate that the one North Dakotan on the team, a non-Minnesota man, scored the winning goal in overtime to lead Minnesota to the national championship.

Also, we are delighted that the University of Minnesota Duluth women's hockey team was also in the national championship for the second consecutive year—the only winner of that tournament—which has now been held for 2 years—in the history of this country. We are very proud of their accomplishment as well.

We are ideally constituted because I am a hockey player from high school and college, and my distinguished colleague is a member of the Wrestling Hall of Fame in the United States. So he is going to carry on the honors for the next resolution. I yield the floor.

Mr. WELLSTONE. Mr. President, I will be very brief. Senator DAYTON talked about the men's hockey team, the University of Minnesota, the Gophers winning the NCAA championship which, as my colleague said, I think was the first time in 23 years; then the University of Minnesota Duluth, second straight year; and then the University of Minnesota wrestling team also won the NCAA championship for the second straight year as well.

Senator DAYTON and I will have a chance to send those resolutions back home. We want to congratulate everybody. I think everybody in Minnesota is very proud of these three teams. In one winter, there were three NCAA championships: men's hockey, women's hockey, and wrestling.

I say to Senator DAYTON, I actually do have a 5-hour speech I want to give about the importance of wrestling, but I will not do it tonight.

REVIVAL OF THE ANCIENT LIBRARY OF ALEXANDRIA

Mr. SARBANES. Mr. President, on April 23, in Alexandria, Egypt, the Library of Alexandria (Bibliotheca Alexandrina) will be formally and joyfully inaugurated. This is a signal event in the history of world culture. The new library has been built on the site of the ancient Library of Alexandria, not in imitation of its renowned predecessor but rather, as its first Chief Librarian, Dr. Ismail Seragaldin, has observed, to recapture the spirit and emulate the ideals, scholarship and research of the Ancient Library. It is also, significantly, the first major library to open anywhere in the world in the third millennium.

From the time of its establishment in the 4th century B.C.E. until its destruction by fire some 1,600 years ago, the Ancient Library stood as a preeminent center of learning. It brought together the Pharaonic and Hellenistic cultures, reflecting and reinforcing Egypt's pivotal role as a cradle of civilization. Alexandria was a magnificent city, a great center of both commerce and intellectual endeavor, and the library was its anchor indeed, the library was emblematic of the city. With its collection of some 700,000 manuscripts and its phalanx of scholars, Euclid and Archimedes among them, it was also, effectively, the world's first university. And although the library was lost many centuries ago, it has remained a lustrous symbol of scholarship and intellectual inquiry.

A clear and steady vision, intense dedication, and many years of planning and hard work have brought the new library into being. In 1990, under the leadership of Mrs. Suzanne Mubarak, a group of distinguished men and women from many different countries came together to sign the Aswan Declaration for the Revival of the Ancient Library of Alexandria, which proclaimed the Library's mission to be, in part, to "bear witness to an original undertaking that, in embracing the totality and diversity of human experience, became the matrix for a new spirit of critical inquiry, for a heightened perception of knowledge as a collaborative process." Now, 12 years after the signing of the Aswan Declaration, the modern Bibliotheca Alexandrina is a reality. It will provide scholars and researchers with unique collections and facilities focusing on the ancient civilizations of Egypt and Alexandria as well as on contemporary subjects. It will house resource materials in science and technology to assist in studies of Egypt and the Mediterranean region, and it will sponsor studies of the region's historical and cultural heritage. At the same time, it will serve as a major depository library, and it will take its place alongside the world's major scholarly institutions, like the Library of Congress, in using technology to make available to scholars the whole range of information resources, wherever they may be found.

The stunning architectural design of the building that houses the library is congruent with the library's mission. It is, as Mrs. Mubarak has put it, "a great dazzling building," "a fourth pyramid," its "inclined round shape similar to the sun rising at dawn." Yet it is simple in concept: a circle sloping toward the Mediterranean Sea, partly submerged in water. A wall of Aswan granite, with calligraphy representing inscriptions from the world's civilizations, surrounds the building, which is connected to Alexandria's famous Corniche by an elevated passageway.

This magnificent project could not have been completed without the generous support and leadership of President Hosni Mubarak, Mrs. Suzanne Mubarak, and the Egyptian people, and it has benefited enormously from the support of UNESCO, of many governments and non-governmental organizations, and of committed men and women around the world. I am especially pleased that the sister-city partnership joining Baltimore and Alexandria has contributed to the library through a committee called the Baltimore Friends of Bibliotheca Alexandrina; under the chairmanship of Dr. Raouf Boules, who came to this country from Alexandria and who serves as Assistant Dean of the College of Science and Mathematics at Towson University in Maryland, the committee has been very successful in collecting books and raising funds for the Library.

The Ancient Library of Alexandria "was and is one of the greatest and most inspiring creations of the human intellect," as Mrs. Mubarak has observed. The New Library of Alexandria will surely carry forward that tradition. On the day of its inauguration we celebrate the New Library, we pay tribute to those who have made its establishment possible, and we express deep gratitude for the contributions it will surely make to greater knowledge and understanding worldwide.

IRAQ'S MISSILES

Mr. AKAKA. Mr. President, I rise today to discuss the danger of Iraq's development of medium range ballistic missiles in violation of United Nations Resolution 687. I recently chaired a hearing of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services on Iraq's weapons of mass destruction programs. Two of our witnesses were weapon inspectors in Iraq during the 1990s as part of United National Special Commission, UNSCOM, Inspection Teams. Their candid statements painted a dark picture and outlined some difficult decisions we have to make.

When the gulf war ended, and the United National Security Council passed Resolution 687, Iraq agreed to destroy, remove or render harmless all ballistic missiles, related parts, and repair and production facilities with a range greater than 150 kilometers. Further, Iraq agreed to not develop or acquire them in the future. The dedicated men and women of UNSCOM and the International Atomic Energy Agency ferreted out and destroyed a large share of Iraq's prohibited weapons and related infrastructure in the 1990s. Despite the remarkable job they did, significant disarmament tasks and compliance issues continued through UNSCOM's departure from Iraq in December 1998.

Before the gulf war, Iraq had a variety of missile programs. These programs were more than missile components and hardware. Iraq had a trained team of missile experts, capable of reverse engineering a Soviet SCUD missile and moving into indigenous production of an Iraqi version 2 years after initial acquisition. Their indigenous production capability depended upon low reliability, low technology, low safety, and a sophisticated foreign assistance and supplier network.

Iraq has retained a great deal of this knowledge. Its team remains largely intact working on permitted U.N. missile programs, which provide cover for proscribed missile development. The liquid-fueled Al-Samoud missile most likely is capable of exceeding the range threshold set by U.N. resolutions and is widely believed to be a precursor for longer-range missiles. The short-range Abhabil-100 missile program is providing Iraq with a solid-propellant infrastructure and other important technologies that could be applied to a longer-range missile in the future.

At what point do allowed programs fall under the heading of related parts or production capability for longer-range missiles? I think the answer in Iraq's case is, now.

Likewise, Iraq maintains expertise in converting aircraft to unmanned aerial vehicles, lately demonstrated in modifications to L–29 trainer aircraft. These unmanned aerial vehicles could be used to attack Israel or American forces in the region.

Iraq has persistently deceived, evaded, and concealed its weapon programs. In spite of this, UNSCOM believed that it had accounted for the elimination of all but a handful of Iraq's SCUD missiles. So why are we faced with this on-going threat to American security? It is true that Iraq was able to hide some assets. More importantly, though, Iraq was able to maintain its technical expertise and industrial base under the guise of U.N. permitted missile programs.

Iraq built its missile programs over a number of years with assistance from companies in many countries. We must work with our allies and international partners to contain the missile program. We must get inspectors back into Iraq and re-establish the U.N. monitoring program, and we must keep Saddam Hussein bottled up and force him to confront obstacles in every direction. An U.N. inspection team with full international support and access can complicate, constrain, and slow Iraq's clandestine efforts and give us a better understanding of what Iraq can do. But an inspection team, at its best, can contain or manage, not eliminate, the threat.

We are now faced with the possibility that Saddam Hussein could deploy weapons of mass destruction against his neighbors. We also must consider under what conditions would Hussein give a biological or chemical agent or short-range ballistic missile to a terrorist group? This January marked the 11th anniversary since the start of the gulf war. As the war on terrorism evolves, we cannot forget our past attempts, successes, and failures in Iraq.

President Bush is right to continue to make Iraq an issue for the international community. We will need international support if we are going to have an effective strategy for eliminating Saddam Hussein as a threat to world peace.

LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred in November 1997 in Asheville, NC. A gay man was assaulted with a deadly weapon. The assailant, Jeremi Dwayne Milling, 16, was sentenced to five years in prison for conspiracy to commit armed robbery, assault with a deadly weapon inflicting serious injury, and attempted armed robbery. Mr. Milling said that he targeted the victim because he was gay.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

U.S. ARMY STRYKER COMBAT VEHICLE

Mr. SESSIONS. Mr. President, I want to take this opportunity to address the importance of the Army's Stryker combat vehicle, what used to be called the Interim Armored Vehicle, being developed at Anniston Army Depot.

The Stryker is a new generation family of highly transportable wheeled combat vehicles capable of rapidly deploying anywhere in the world. The Stryker vehicles roll onto a C–130 aircraft and roll off ready to fight anywhere and anytime including complex and urban warfare contingencies. They are lethal, survivable and will be engaged in the War on Terrorism in the months to come.

If they were available today, Stryker vehicles would be deployed in the mountains of Afghanistan and ably assisting in the elimination of al-Qaida and other enemies of this country. They would be providing ground-based firepower and protection for our soldiers on the frontlines.

The Stryker family embodies Army Transformation. It is the foundation of the Army's Interim Brigade Combat Teams that will be the spearhead of most conflicts envisioned in the next decade. The Army intends on procuring 2,131 Strykers and this Congress must do everything it can to ensure the Army is able to deliver on its promise to our soldiers.

Let me tell you, we cannot get these vehicles in the soldiers' hands fast enough. As it is, the Army and the joint venture designing and developing the Stryker family have done an incredible job delivering the initial vehicles this past February less than a year after the start of work. I believe such a rapid delivery may be unprecedented in modern times for a military program of this scope. The Army and the Joint Venture are to be commended.

In the fiscal year 2003 defense budget, the President has requested $812 million in procurement and $124 million in research and development for the Stryker vehicle. I hope this Congress will fully support this request and throw its support behind a program critical to our national security today and tomorrow.

The Army recently named the vehicles Stryker in honor of two fallen enlisted soldiers who died 20 years apart but shared the same name. Both won the Medal of Honor. Specialist 4th Class Robert Stryker died in Vietnam when he threw himself onto a claymore mine as it detonated thus saving the lives of his comrades nearby. Stuart Stryker died in World War II when he led a platoon into an assault on Nazi headquarters near the end of the war. Though he was killed in the raid, three members of an American bombing crew were rescued from the building.

We should not let those who serve this great Nation down. We must support ably and strongly the Stryker combat vehicle program.

DAY OF SILENCE

Mrs. FEINSTEIN. Mr. President, students have fallen silent in schools all across the country today to bring attention to the discrimination and harassment of our gay, lesbian, bisexual and transgender, GLBT, youth.

The voices that won't be heard today belong to the participants of a national project called the Day of Silence.

The Day of Silence was conceived more than 6 years ago by Maria Pulzetti, then a student at the University of Virginia, after she wrote a paper on nonviolent protest and grassroots organizing. It encourages students to take a nine-hour pledge of silence to represent the silence that GLBT students face because of harassment, discrimination and prejudice at their schools.

Since the first-ever Day of Silence at the University of Virginia in 1996, the event has grown in size each year. This year, thousands of students will be participating from more than 1,776 middle schools, high schools, colleges and universities in 49 States, Puerto Rico and the District of Columbia, including at least 136 schools in my State of California. This year's effort will easily be the largest in its history.

Instead of speaking, participants of the Day of Silence will hand out cards that explain why they have chosen not to talk. The cards read:

> Please understand my reasons for not speaking today. I am participating in the Day of Silence, a national youth movement protesting the silence faced by lesbian, gay, bisexual and transgender people and their allies. My deliberate silence echoes that silence, which is caused by harassment, prejudice, and discrimination. I believe that ending the silence is the first step toward fighting these injustices. Think about the voices you are not hearing today. What are you going to do to end the silence?

Some participants will also be wearing t-shirts that spell out why they have chosen not to speak today. Others will wear buttons or stickers. And still others will offer ribbons to those who are not ready to take a vow of complete silence but who want to show their support.

In some cases, teachers will even join the effort by taping their lessons for the day, screening movies, or writing on the blackboard instead of speaking to their classes.

In fact, students who have organized the event in the past say that the broad participation of their friends and teachers has elevated the Day of Silence from "a bunch of gay kids complaining about discrimination" to a formidable student-led movement for civil rights.

But, regardless of which participant you ask, they all agree that they can speak loudest by not saying a word. And, even though they will be silent, their message will get across loud and clear.

I would also like to give special recognition to two California students that have helped organize this year's Day of Silence:

Sumiko Braun, 17, of Carson, CA, is the California State Organizer. She is currently a senior at the California Academy of Mathematics and Science, and is also the founder and president of her school's Gay-Straight Alliance. Although the Gay-Straight Alliance has faced much adversity, the group has remained one of the most active on the school's campus.

Nikira Hernandez, 15, of Santa Cruz, CA, is one of the National Team Co-Advisors. She currently attends Santa Cruz High School, and is a member of her school's Rainbow Alliance. Before organizing Santa Cruz High School's first Day of Silence last spring, Nikira said her school's Rainbow Alliance counted about half a dozen students as members—and they weren't very motivated. Then, when more than 200 people fell silent on their behalf last year, she couldn't believe how much her life changed. She said, "Seeing how many allies we had made me feel much more accepted at my school."

I am encouraged that these two talented and dedicated young ladies have taken the initiative to help end the silence of GLBT students that, unfortunately, has become the norm in our Nation's schools. These outstanding Californians are not only giving support to other young people who are participating in the Day of Silence effort, they are helping to make their schools and their communities more accepting in the process.

The effects of today's silence will last much longer than just one day. This experience will offer students an opportunity to think about how powerful silencing can be and to focus on how they can make their own voices stronger.

Long after this day has ended, I hope students will continue to speak out against discrimination and harassment so that everyone can feel accepted at their schools, and we can overcome the forces that impose silence on our youth.

ADDITIONAL STATEMENTS

VOTE EXPLANATION

Mr. BAUCUS. Mr. President, I submit this statement to explain my absence today on the rollcall vote regarding the amendment offered by my good friend from Nevada, Senator REID. Unfortunately, I am absent for medical reasons and was unable to vote today. However, I wanted to express my support for Senator REID's amendment and had I been here, my intention to vote not to table the amendment.

Senator REID's amendment just made sense. This is a debate over energy legislation and it is logical to limit Senator FEINSTEIN's amendment to energy derivatives. If this body feels there is a need to extend the provisions in Senator FEINSTEIN's amendment to metals, which I am not convinced that we need to do, then we should take that issue up at the appropriate time and in the appropriate vehicle. For that reason, I would have voted not to table Senator REID's amendment.

COMMENDING IDAHO NATIONAL GUARD

• Mr. CRAPO. Mr. President, I rise today to commend the contributions of the Idaho National Guard who are providing support for Operation Enduring Freedom and other military operations now underway in the war against terrorism. While many of our military troops are serving our country far away, many others are working hard here at home to keep us safe. Idaho National Guard members have played key roles in several events and efforts here at home and I wanted to take this time to thank them and their families for those efforts. Their assignments have been varied.

From September until the end of May, Idaho National Guard members have augmented airport security and civilian screening efforts in at least six airports in Idaho. They have provided a trained, armed, and highly visible military presence in airports in Boise, Lewiston, Idaho Falls, Pocatello, Twin Falls, and Hailey. For the most part, these assignments have not required Guard members to be away from home, although some have had to leave their families to rotate through the assignments.

During the Olympics, the Boise Airport served as one of four gateway airports to Salt Lake City, and Idaho Guard members assisted in a variety of efforts, including screening of aircrafts and passengers. Guard members also participated in security screening efforts at the venues during the Games in Salt Lake City, working closely with the Secret Service. Additionally, the Idaho Guard provided aircraft and personnel to facilitate moving people and equipment around various locations in the Salt Lake area. And just this week, a couple of dozen of Idaho Guard members returned from assisting at the Paralympics.

Members of the Idaho National Guard were on hand for several weeks from October to January to help the state police with increased security at the Idaho State Capitol, providing an extra set of eyes and ears.

Right now, there are more than 40 Idaho Guard personnel who have just been deployed to Bosnia for a six-month assignment. While there, they will assist in the peace-making missions outlined in the 1995 Dayton Peace Accord.

As we continue to fight this war on terrorism, it is important to remember not only those who are serving in far-off places, but to recognize those who are serving at home to keep us safe. This is a war like no other we have fought, and we are reminded every day of the value of military service. The vigilance of the Idaho Guard members and many others like them throughout the country is most appreciated, and I want to make certain that they know their efforts have not gone unnoticed. I salute the men and women of the Idaho National Guard and the following units:

124th Wing, Idaho Air National Guard; Det 35 OSAR; HQS STARC; 216th Military Intelligence Company; 145th Support Battalion; HHC 116th Cavalry Brigade; 2nd Battalion 116th Calvalry; 1st Battalion 183rd Aviation; B Co 1st 189th Aviation Battalion; 116th Engineer Battalion; 938th Engineer Detachment; 1st Battalion 148th Field Artillery.•

HONORING REVEREND DR. CARL F. SCHULTZ, JR.

• Mr. LIEBERMAN. Mr. President, I rise today to honor the Reverend Dr. Carl F. Schultz, Jr., Senior Pastor of the First Church of Christ, Congregational, in Glastonbury, CT. Dr. Schultz will be retiring on June 9, 2002, after 43 years of ministry, 34 of which have been with First Church of Christ.

This is a significant milestone for Dr. Schultz and his congregation, for he has been the longest serving pastor in the more than 300-year history of First Church of Christ in Glastonbury. Since 1968 when Dr. Schultz joined this congregation, the church has greatly expanded it facilities, programs, and outreach. Under his leadership, First Church of Christ has expanded its sanctuary, classroom and office space and raised more than a million dollars for building improvements, a new pipe organ, and television production facilities which have allowed the church to broadcast its services.

Dr. Schultz has been very active in the Glastonbury community through his service with the Glastonbury Pastoral Counseling Center, the Glastonbury Conference of Churches, the Glastonbury Clergy Association, and as Chaplin to the Police and Fire Departments. He has also served in several capacities with the Connecticut Conference of the United Church of Christ, lending his knowledge and expertise to the growth of the church throughout the State.

On the national level, Dr. Schultz has been a delegate to the General Synod of the United Church of Christ on several occasions, and last, but certainly not least, in 1994 and 1999, at my invitation, he served as Chaplain for a day here in the U.S. Senate, offering a prayer to start our day as we serve here in the Nation's Capitol.

For his devoted service to the members of his congregation, the First Church of Christ, Congregational, and for the many contributions he has made to the citizens of our state, the people of Connecticut thank Dr. Schultz and wish him well in his retirement. On a personal level, I consider Dr. Schultz and his dear wife, Della, to be my friends, and I pray that his retirement may be a time of rebirth and new life for them both. May God bless him and his family in the years to come.•

TRIBUTE TO STEWART VERDERY

• Mr. WARNER. Mr. President, today I recognize a former member of my staff, C. Stewart Verdery, who is leaving the Senate staff after several years of providing valuable counsel for many of us here.

Stewart first came to the Senate as a legislative counsel in my office and, because of his good work, when I assumed the chairmanship of the Committee on Rules and Administration, I asked him to join the committee staff and serve as counsel. In addition to his excellent work on legislation and other issues before the Rules Committee, Stewart served the committee at a time when we faced an unusual challenge—that of conducting the first major investigation of a contested Senate election since the 1970s and the first involving allegations of fraud since the 1950s. Stewart played a key role coordinating the onsite investigations and then worked with outside counsel in questioning of witnesses both onsite and here in Washington. He had a major role in drafting a committee report on the investigation which now takes its place with other historic documents in the 213-year history of the Senate to uphold standards and guide procedures for handling contested elections. His wise counsel and steady hand were invaluable to me and to the Senate.

After his outstanding work on the Rules Committee, Stewart went on to serve with the Senate's Assistant Republican Leader, DON NICKLES, as General Counsel. In his duties there, he worked directly with many Senators in this body. Stewart was widely respected for his knowledge of facts and sound political judgement.

As he leaves the Senate, we wish him well. I am confident he will go on to add new successes to the many he has chalked up during his years here.•

TRIBUTE TO LAWRENCE LONGLEY

• Mr. FEINGOLD. Mr. President, I would like to take a moment to honor the life of a dear friend of mine, Lawrence Longley. Larry passed away at the end of last month after a long battle with cancer.

Larry was a professor at Lawrence University in Appleton, WI, for 37 years. He taught in the University's government program and quickly gained the respect and admiration of his colleagues, the administration, and his students. In addition to his work at Lawrence, he served as a visiting scholar at Northwestern University and as a guest lecturer in politics at Imperial College in London. Additionally, he taught in the Washington Semester Program of American University.

A strong influence in the political process and government, Larry's writings were widely published and read by students and scholars alike. He was the author or co-author of more than 100 books, including "The People's President" and "The Electoral College Primer 2000." Larry was a strong critic of the electoral college. The fictional opening chapter his "The Electoral College Primer 2000," written in 1999, told the story of a Presidential election crisis not unlike the real one that transpired during the 2000 elections.

His sphere of influence was not limited to academia. Larry was an active member of the Democratic Party. He was part of the Democratic National Committee and served on the Executive Committee in 1996–1997. He was among the 538 electors in the Electoral College in 1988 and 1992. At the local and State levels, Larry headed many area campaigns for nationally elected officials.

His expertise on the electoral college and its process made him an invaluable consultant to this body's Judiciary Committee throughout the 1970s and 1990s. Often called to testify before U.S. Senate hearings, his research and findings on the electoral college contributed a great deal to public debates on this important issue. His legacy will be long remembered in the halls surrounding this chamber as well as across the country.

Larry was a true friend and one of my best supporters. He was an intelligent observer of and an active and loyal participant in our democracy. He will be remembered for his honesty, his diligence, and his kindness. We will dearly miss him.•

HONORING MARLOW McCULLOUGH

• Mr. BUNNING. Mr. President, today I am afforded the opportunity to rise amongst my colleagues to honor Mrs. Marlow McCullough of Taylor County, KY. Mrs. McCullough was recently named Woman of the Year for the Taylor County community.

When Marlow McCullough was informed that she had been named Woman of the Year for Taylor County, she was completely shocked and surprised. In fact, she did not have any idea that she had even been nominated for the contest. In an extremely thoughtful and loving gesture, David McCullough, Marlow's husband, nominated her for the award. Marlow was one of 40 women to be considered for this honor.

In my experiences in sports, business, and politics, I have discovered that the most difficult part of being successful is balancing responsibilities and commitments. Trying to find adequate and ample time to satisfy all of our wants and needs can be quite an overwhelming and intimidating task. For most of us, this task is something we work toward for a lifetime. Marlow McCullough has skillfully mastered this seemingly impossible balancing act.

Mrs. McCullough is not just a loving wife of 24 years and devoted mother of 4 wonderful children. She also is a full-time and highly respected instructor of mathematics at Campbellsville University. As if these accolades would not suffice to earn her the title of Woman of the Year, Mrs. McCullough is an accomplished musician, an active and devout member of the Campbellsville Baptist Church, an organizer of local youth soccer, and an active and visible participant in many of her children's school activities. Mrs. McCullough stated it best when she said, "Planning and partnerships are the keys to success."

I applaud Mrs. McCullough for her commitment to church, family, career, and community, and congratulate her on being named Woman of the Year for Taylor County. I believe we all can learn something from her exemplary behavior.•

TRIBUTE TO MAJOR GENERAL PATRICK D. SCULLEY

• Mrs. HUTCHISON. Mr. President, I rise today to pay tribute to a fellow Texan, Major General Patrick D. Sculley of the U.S. Army Dental Corps. Major General Sculley has served our country for 29 years in a number of senior positions. His distinguished career culminated with his appointment to be Deputy Surgeon General of the Army and Chief, U.S. Army Dental Corps.

As the deputy surgeon general, Major General Sculley provided exceptional leadership and oversight of all Army healthcare facilities and biomedical research activities. His efforts facilitated the highest quality healthcare for military beneficiaries while ensuring health readiness and a deployable medical force.

As the chief of the U.S. Army Dental Corps, he implemented a worldwide Dental Care Optimization Program that significantly increased the dental readiness of military personnel and improved the dental health of America's Army. While still a colonel, he was integral to the establishment of the U.S. Army Dental Command and was its first commander. Throughout the nearly three decades of service to our country, Major General Sculley emphasized personal involvement with his junior officers. His leadership by example has been instrumental in the retention of quality dental officers.

I would like to commend Pat and his wife, Peggy, for their unwavering dedication to the United States and the Army and thank them for their service. They have served our Nation with distinction and in the finest traditions of the U.S. Army. I wish them well in future endeavors as they enter a new phase of their lives in Texas. May God continue to bless Major General Sculley and his family and may God bless America.•

MESSAGE FROM THE HOUSE

At 11:07 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1009. An act to repeal the prohibition on the payment of interest on demand deposits.

H.R. 2937. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range.

H.R. 3480. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin.

H.R. 3848. An act to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes.

H.R. 3921. An act to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program.

H.R. 3958. An act to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 2937. An act to provide for the conveyance of certain public land in Clark County, Nevada, for use as a shooting range; to the Committee on Energy and Natural Resources.

H.R. 3480. An act to promote Department of the Interior efforts to provide a scientific basis for the management of sediment and nutrient loss in the Upper Mississippi River Basin; to the Committee on Environment and Public Works.

H.R. 3848. An act to provide funds for the construction of recreational and visitor facilities in Washington County, Utah, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3921. An act to amend the Clinger-Cohen Act of 1996 to extend until January 1, 2005, a program applying simplified procedures to the acquisition of certain commercial items, and to require the Comptroller General to submit to Congress a report regarding the effectiveness of such program; to the Committee on Governmental Affairs.

H.R. 3958. An act to provide a mechanism for the settlement of claims of the State of Utah regarding portions of the Bear River Migratory Bird Refuge located on the shore of the Great Salt Lake, Utah; to the Committee on Environment and Public Works.

NOMINATION DISCHARGED

The following nomination was discharged from the Committee on Government Affairs pursuant to the order of the Senate of January 5, 2001:

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Robert Watson Cobb, of Maryland, to be Inspector General, National Aeronautics and Space Administration.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 2081. A bill to amend the Caribbean Basin Economic Recovery Act relating to certain import-sensitive articles; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2082. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2083. A bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BOND, and Mr. HUTCHINSON):

S. 2085. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

By Mr. BAUCUS:

S. 2086. A bill to provide emergency agricultural assistance; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 2087. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the provision of independent investment advice to employees; to the Committee on Finance.

By Mr. BAYH (for himself, Mr. DURBIN, and Mr. DAYTON):

S. 2088. A bill to provide for industry-wide certification for trade adjustment assistance, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Mr. HARKIN, Ms. MIKULSKI, Mr. WARNER, Mr. WELLSTONE, Mr. SESSIONS, Mr. BAYH, Mr. HATCH, Mr. MCCONNELL, Mr. DURBIN, Mr. CLELAND, Mr. LIEBERMAN, Mr. ALLEN, Mr. HAGEL, Mr. NELSON of Florida, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mr. FEINGOLD, Mr. CONRAD, Mr. LEAHY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. REED, Mr. CORZINE, Mr. WYDEN, and Mr. JOHNSON):

S. Res. 234. A resolution reiterating the sense of the Senate that religious freedom is a priority of the United States Senate in the bilateral relationship with the Russian Federation, including within the context of the Jackson-Vanik Amendment; to the Committee on Finance.

By Mr. WELLSTONE (for himself, Mrs. BOXER, and Mrs. FEINSTEIN):

S. Res. 235. A resolution expressing the sense of the Senate with respect to the protection of Afghan refugees, and for other purposes; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 550

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 550, a bill to amend part E of title IV of the Social Security Act to provide equitable access for foster care and adoption services for Indian children in tribal areas.

S. 812

At the request of Mr. SCHUMER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 812, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide greater access to affordable pharmaceuticals.

S. 830

At the request of Mr. CHAFEE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 830, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 839

At the request of Mrs. HUTCHISON, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 839, a bill to amend title XVIII of the Social Security Act to increase the amount of payment for inpatient hospital services under the medicare program and to freeze the reduction in payments to hospitals for indirect costs of medical education.

S. 885

At the request of Mr. HUTCHINSON, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 885, a bill to amend title XVIII of the Social Security Act to provide for national standardized payment amounts for inpatient hospital services furnished under the medicare program.

S. 946

At the request of Ms. SNOWE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 946, a bill to establish an Office on Women's Health within the Department of Health and Human Services.

S. 1022

At the request of Mr. WARNER, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 1022, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 1379

At the request of Mr. KENNEDY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 1379, a bill to amend the Public Health Service Act to establish an Office of Rare Diseases at the National Institutes of Health, and for other purposes.

S. 1476

At the request of Mr. CLELAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1476, a bill to authorize the President to award a gold medal on behalf of the Congress to Reverend Doctor Martin Luther King, Jr. (posthumously) and his widow Coretta Scott King in recognition of their contributions to the Nation on behalf of the civil rights movement.

S. 1572

At the request of Mr. HELMS, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Illinois (Mr. FITZGERALD), the Senator from Indiana (Mr. BAYH), the Senator from Alaska (Mr. MURKOWSKI), and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 1572, a bill to endorse the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and for other purposes.

S. 1605

At the request of Mr. CONRAD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 1605, a bill to amend title XVIII of the Social Security Act to provide for payment under the Medicare Program for four hemodialysis treatments per week for certain patients, to provide for an increased update in the composite payment rate for dialysis treatments, and for other purposes.

S. 1615

At the request of Mr. SCHUMER, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1615, a bill to provide for the sharing of certain foreign intelligence information with local law enforcement personnel, and for other purposes.

S. 1676

At the request of Mr. KERRY, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1676, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for small business, and for other purposes.

S. 1749

At the request of Mr. KENNEDY, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1749, a bill to enhance the border security of the United States, and for other purposes.

S. 1839

At the request of Mr. ALLARD, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 1839, a bill to amend the Bank Holding Company Act of 1956, and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 1860

At the request of Mr. DORGAN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1860, a bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes.

S. 1924

At the request of Mr. LIEBERMAN, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1924, a bill to promote charitable giving, and for other purposes.

S. 1966

At the request of Mr. BIDEN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 1966, a bill to educate health professionals concerning substance abuse and addiction.

S. 1977

At the request of Mr. THURMOND, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1977, a bill to amend chapter 37 of title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

S. 1991

At the request of Mr. HOLLINGS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1991, to establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

S. RES. 109

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Res. 109, a resolution designating the second Sunday in the month of December as "National Children's Memorial Day" and the last Friday in the month of April as "Children's Memorial Flag Day."

S. CON. RES. 17

At the request of Mr. SARBANES, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. Con. Res. 17, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the compensation of members of the uniformed services and the adjustments in the compensation of civilian employees of the United States.

AMENDMENT NO. 2907

At the request of Mr. MCCONNELL, his name was added as a cosponsor of amendment No. 2907 proposed to S. 565, a bill to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

AMENDMENT NO. 3032

At the request of Mrs. LINCOLN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of amendment No. 3032 intended to be proposed to S. 517, a bill to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUITIONS

By Mr. HATCH (for himself and Mr. SCHUMER):

S. 2082. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Playwrights' Licensing Relief Act of 2002. I thank Senator SCHUMER, my cosponsor on this bill, for his interest and leadership on this important legislation.

This bill is necessary both to ensure the continued vitality of American live theater and to protect the intellectual property and artistic rights of playwrights. When the theater is crowded and the curtain rises, it is easy to forget that the entire show began with one person: the lone playwright who put the pen to paper.

Playwrights and their voluntary peer membership organization, the Dramatists Guild, operate under the shadow of the antitrust laws, and substantially without the ability to coordinate their actions in protecting their interests. This has impeded playwrights' ability to act collectively in dealing with highly-oranized and unionized groups, such as actors, directors, and choreographers, on the one hand, and the increasingly consolidated producers and investors on the other.

I am proud that this legislation enables playwrights to act collectively without violating the antitrust laws. It lets them develop standard form contracts as well as provisions ensuring that certain artists' rights are respected in the production of their plays. These steps will help support playwrights, especially young playwrights, as they enter this increasingly sophisticated and consolidated market. By helping playwrights in this way we encourage the continued vibrance of our American theater and culture.

I am pleased to introduce this bill and look forward to working with Senator SCHUMER on this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2082

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Playwrights Licensing Relief Act of 2002".

SEC. 2. NONAPPLICATION OF ANTITRUST LAWS.

(a) IN GENERAL.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, action, or agreement for the express purpose of, and limited to, the development of a standard form contract containing minimum terms of artistic protection and levels of compensation for playwrights by means of—

(1) meetings, discussions, and negotiations between or among playwrights or their representatives and producers or their representatives; or

(2) joint or collective voluntary actions for the limited purposes of developing a standard form contract by playwrights or their representatives.

(b) ADOPTION AND IMPLEMENTATION.—Subject to subsection (c), the antitrust laws shall not apply to any joint discussion, consideration, review, or action for the express purpose of, and limited to, reaching a collective agreement among playwrights adopting a standard form contract developed pursuant to subsection (a) as the participating playwrights sole and exclusive means by which participating playwrights shall license their plays to producers.

(c) AMENDMENT OF CONTRACT.—A standard form of contract developed and implemented under subsections (a) and (b) shall be subject to amendment by individual playwrights and producers consistent with the terms of the standard form contract.

SEC. 3. DEFINITIONS.

In this Act:

(1) ANTITRUST LAWS.—The term "antitrust laws" has the meaning given it in section (a) of the first section of the Clayton Act (15 U.S.C. 12) except that such term includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45) to the extent that such section applies to unfair methods of competition.

(2) PLAYWRIGHT.—The term "playwright" means the author, composer, or lyricist of a dramatic or musical work intended to be performed on the speaking stage and shall include, where appropriate, the adapter of a work from another medium.

(3) PRODUCER.—The term "producer"—

(A) means any person who obtains the rights to present live stage productions of a play; and

(B) includes any person who presents a play as first class performances in major cities, as well as those who present plays in regional and not-for-profit theaters.

By Mr. DODD (for himself and Mr. DEWINE):

S. 2083. a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with my friend and colleague from Ohio, Senator DEWINE, to introduce the Holocaust Education Assistance Act. This legislation provides for grants to support Holocaust education programs that teach the lessons that the Holocaust provides for all people, including developing curriculum guides and providing training to help teachers incorporate those lessons in their classes. This bill is especially timely this week, as we observe the Holocaust Days of Remembrance. The Holocaust has always been a difficult issue to teach; the complexities and the sheer horror of what occurred in Nazi Germany can seem overwhelming. But, I am confident that this bill will help educators to undertake the difficult but vital task of helping this and future generations understand the meaning of the Holocaust.

In the wake of the events of September 11, it is more important than ever to understand the damage and suffering that acts of hatred and racism can reap. The Holocaust was one of history's darkest moments and it must be remembered in order to prevent its repetition. Indeed, we are constantly reminded of why we must be vigilant against ethnic hatred and violence. In the past 10 years, for example, we have seen ethnic cleansing in the former Yugoslavia and Rwanda. The old axiom remains true: "those who do not learn from history are doomed to repeat it."

Yet, even today, there are some who not only refuse to learn from the Holocaust, but who refuse even to accept that it happened. The Holocaust, of course, did happen. We saw the remains of the camps at Treblinka and Auschwitz; we read letters sent among Nazi leaders discussing the "final solution," and we hear the eloquent words of countless survivors such as Elie Wiesel and Primo Levi describing the atrocities they witnessed and were forced to endure. In the face of all that, it is our responsibility to educate ourselves and our children about the horrors of the Holocaust and help to build a world in which such events never happen again.

Knowledge is the most effective tool in breaking down the barriers between groups and creating more inclusive and tolerant societies. This legislation will help with the critical task of spreading such knowledge through education.

By Mr. BOND:

S. 2084. A bill to amend the Internal Revenue Code of 1986 to clarify the exemption from tax for small property and casualty insurance companies; to the Committee on Finance.

Mr. BOND. Mr. President, I rise today to introduce a bill that addresses an inequity facing an important segment of the small business community. This legislation is simple and straight forward, it adjusts the current tax exemption that has existed since 1942 for small property and casualty, (P&C), insurance companies so that it keeps pace with inflation.

As the ranking member of the Committee on Small Business and Entrepreneurship, I have heard from many small P&C insurers in Missouri and across the Nation that they are having to consider raising their premiums simply because the tax laws have not kept pace with inflation. Under current law, mutual and stock P&C insurance companies are exempt from Federal income taxes if the greater of their direct or net written premiums in a taxable year do not exceed $350,000.

For companies that grow above the $350,000 threshold, current law permits electing P&C insurance companies to be taxed only on their investment income, provided their premiums do not exceed $1.2 million. Unfortunately, these thresholds, which were last updated in the Tax Reform Act of 1986, have not been adjusted for inflation.

This situation has created an unintended outcome. Take, for instance, a small P&C insurer in my State that started insuring the local farmers in the late 1980s. Over the ensuring years, the company's client base changed very little, but the insurance premiums increased gradually to keep pace with inflationary pressures. As a result, while the business itself has not grown, its premium base has and with it the loss of the tax exemption, (or the alternative tax on investment income).

For the farmers and ranchers covered by the small P&C insurer, this loss is certain to mean higher insurance premiums, leaving the client with the choice of cutting coverage or paying higher costs, neither of which is a real option. And for our agricultural community over the past few years, this choice is about the last thing they need.

The bill I introduce today would correct this problem by simply adjusting the $350,000 and $1.2 million thresholds to bring them up to the level they would have been this year if the 1986 tax code had included an inflation adjustment. Accordingly, the tax exemption would apply to P&C insurers with premiums that do not exceed $551,000, and the alternative for taxation of investment income would apply to companies with premiums above $551,000 but not more than $1,890,000. The bill would apply for taxable years beginning in 2002 and would index both thresholds for inflation thereafter.

According to the National Association of Mutual Insurance Companies, this legislation will help at least 652 small P&C insurance companies nationwide. In my State, at least 62 small insurance companies will continue to be covered under the current tax provisions, thereby enabling them to continue providing critical insurance coverage to small businesses across Missouri.

With this legislation, we have an opportunity to infuse some fairness into our tax code and at the same time help the thousands of farmers, ranchers, and entrepreneurs covered by small P&C insurers in this country. I ask my colleagues to support this legislation, and I look forward to working with the Finance Committee to see it enacted into law.

I ask unanimous consent that the text of the bill be provided in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2084

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION OF EXEMPTION FROM TAX FOR SMALL PROPERTY AND CASUALTY INSURANCE COMPANIES.

(a) PREMIUM LIMITATIONS INCREASED TO REFLECT INFLATION SINCE FIRST IMPOSED.—

(1)(A) Subparagraph (A) of section 501(c)(15) of the Internal Revenue Code of 1986 is amended by striking "$350,000" and inserting "$551,000".

(B) Paragraph (15) of section 501(c) of such Code is amended by adding at the end the following new subparagraph:

"(E) In the case of any taxable year beginning in a calendar year after 2001, the $551,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

"(i) $551,000, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000."

(2)(A) Clause (i) of section 831(b)(2)(A) of such Code is amended to read as follows:

"(i) the net written premiums (or, if greater, direct written premiums) for the taxable year exceed the amount applicable under section 501(c)(15)(A) but do not exceed $1,890,000, and".

(B) Paragraph (2) of section 831(b) of such Code is amended by adding at the end the following new subparagraph:

"(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2001, the $1,890,000 amount set forth in subparagraph (A) shall be increased by an amount equal to—

"(i) $1,890,000, multiplied by

"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

If the amount as adjusted under the preceding sentence is not a multiple of $1,000, such amount shall be rounded to the next lowest multiple of $1,000."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2001.

By Ms. COLLINS (for herself, Mr. CLELAND, Mr. BOND, and Mr. HUTCHINSON):

S. 2085. A bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program; to the Committee on Finance.

Ms. COLLINS. Mr. President, I am pleased to introduce today legislation that is cosponsored by Senators CLELAND, BOND, and HUTCHINSON, that would modernize the current outdated homebound requirement that has impeded access to needed home health care services for far too many of our Nation's frail, elderly, and disabled Medicare beneficiaries. I thank former Senator Bob Dole, one of our Nation's leading advocates, on behalf of individuals with disabilities, for bringing this issue to my attention.

The highly skilled and often technically complex care that our home health care agencies provide has enabled millions of our most vulnerable older and disabled citizens to receive health care just where they want to be: in the security, comfort, and privacy of their own homes.

Under current law, a Medicare patient must be considered homebound to be eligible for home health services. While an individual is not actually required to be bedridden in order to qualify, his or her condition must be such that "there exists a normal inability to leave home." Moreover, leaving home must require "a considerable and taxing effort by the individual." The law does allow for absences from the home of "infrequent" or "relatively short duration."

Unfortunately, the law does not define precisely what this means. It leaves it to the fiscal intermediaries to interpret just how many absences qualify as "frequent" and just how short these absences must be. The result is that interpretations of the law vary widely from region to region. As a consequence, there have been far too many instances where an overzealous or arbitrary interpretation of the definition has turned elderly or disabled Medicare beneficiaries who are dependent on Medicare home health services and medical equipment into virtual prisoners in their own homes. We have heard disturbing accounts of individuals on Medicare who have had their home health care benefits terminated for leaving their homes briefly to visit a hospitalized spouse or to attend a major family gathering, including in one case, to attend the funeral of their own child.

Another mother did not attend the funeral of her own child out of fear that by doing so, she would jeopardize her home health benefits. This does not make sense, and it is just cruel.

The current homebound requirement is particularly hard on younger, disabled Medicare patients. For example, People magazine reported a story last year about a Georgia resident, David Jayne, a 40-year-old man with Lou Gehrig's disease, who was confined to a wheelchair and could not swallow, speak, or even breathe on his own. Obviously, he needed skilled nursing visits several times per week in order for him to remain at home and not at an inpatient facility.

Despite his disability, however, Mr. Jayne meets frequently with youth and church groups. He is an inspirational person. He speaks using a computerized voice synthesizer and gives inspirational talks about how the human spirit can endure and even overcome great hardship.

The Atlantic Journal Constitution ran a feature article on Mr. Jayne and his activities, including a report about how he had, with great effort and help from his family and friends, attended a football game to root for the University of Georgia Bulldogs.

A few days later, unbelievably, at the direction of the fiscal intermediary, his home health agency—which had been sending a home health nurse to his home for 2 hours, 4 mornings a week—notified him that he was no longer considered homebound and terminated his benefits. His benefits were subsequently reinstated due to the enormous amount of media attention to this case, but this experience motivated him to launch a crusade to modernize the homebound definition and led him to found the National Coalition to Amend the Medicare Homebound Restriction.

So even out of this terrible experience, once again this inspirational individual who is suffering so greatly from Lou Gehrig's disease has managed to launch a crusade to try to prevent what happened to him from happening to other severely disabled individuals who are dependent on home health care.

The fact is, the current requirement that Medicare beneficiaries be homebound in order to be eligible for home health benefits reflects an outmoded view of life for persons who are elderly or live with disabilities. The legislation I am introducing attempts to correct this problem. I hope my colleagues will join me in supporting it.

I hope we can make this change, which will make a real difference for millions of disabled and elderly Medicare beneficiaries.

The homebound criteria for home health may have made sense thirty years ago, when an elderly or disabled person might expect to live in the confines of their home, perhaps cared for by an extended family. The current definition, however, fails to reflect the technological and medical advances that have been made in supporting individuals with significant disabilities and mobility challenges. It also fails to reflect advances in treatment for seriously ill individuals—like Mr. Jayne—which allows them brief periods of relative wellness. It also fails to recognize that an individual's mental acuity and physical stamina can only be maintained by use, and that the use of the body and mind is encouraged by social interactions outside the four walls of a home.

The legislation that we are introducing today will amend the homebound definition to base eligibility for the home health benefit on the patient's functional limitations and clinical condition, rather than on an arbitrary limitation on absences from the home. It would retain the requirements in current law that the individual must have either a condition, due to illness or injury, that restricts the ability of the individual to leave his or her home except with the assistance of another individual or the aid of a supportive device; or a condition such that leaving his or her home is medically contraindicated.

In addition, the condition of the individual must still be such that "there exists a normal inability to leave home" and that "leaving home requires a considerable and taxing effort." Under our legislation, however, the current arbitrary requirement that patients be allowed "only infrequent absences of short duration" from the home would be dropped. Our legislation builds upon major improvements in the definition of homebound that were initiated in the last Congress by Senator

Jeffords, Reed and others which specifically allow Medicare patients to leave the home to attend religious services and participate in adult day care.

Our proposal is supported by the Leadership Council of Aging Organizations, the National Association for Home Care, and the Visiting Nurses Association of America. It is also consistent with President Bush's "New Freedom Initiative," which has, as its goal, the removal of barriers that impede opportunities for those with disabilities to integrate more fully into the community. By allowing reasonable absences from the home, our legislation will bring the Medicare home health benefit into the 21st century, and we encourage all of our colleagues to join us as cosponsors.

By Mr. BINGAMAN (for himself and Ms. COLLINS):

S. 2087. A bill to amend the Internal Revenue Code of 1986 to allow employers a credit against income tax for the provision of independent investment advice to employees; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague from Maine, Senator COLLINS, to introduce legislation that will facilitate the flow of investment advice by providing businesses with a Federal income tax credit for small businesses of up to $30 per participant, $20 for larger businesses, for providing qualified independent investment advice. This legislation is a continuation of our efforts to help 401(k) participants better understand their investment options and enable them to make sound financial decisions. Last year, Senator COLLINS and I introduced S. 1677, "The Independent Investment Advice Act of 2001" that will create a safe harbor for employers to relieve them of liability for the selection and monitoring of qualified independent investment advisers. Combined, these pieces of legislation will facilitate the flow of investment advice to all plan participants regardless of their income or net worth.

As introduced, this legislation will provide small businesses, as defined as having 50 employees or less, with a 60 percent tax credit on the first $50 of the cost associated with providing qualified independent investment advice. All other employers will be eligible for a 40 percent credit on the same amount of expenses. This legislation will limit the benefit for any plan sponsor to a total of $50,000 of credits per year under this provision.

I look forward to working with my colleagues on both sides of the aisle in advancing this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as folllows:

S. 2087

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.

"(a) GENERAL RULE.—For purposes of section 38, the employer-provided independent investment advice credit determined under this section for the taxable year is an amount equal to 40 percent (60 percent in the case any small employer (as defined in section 220(c)(4))) of the qualified independent investment advice services paid for by the taxpayer in such taxable year.

"(b) LIMITATIONS.—For purposes of this section—

"(1) SERVICES TAKEN INTO ACCOUNT PER EMPLOYEE.—The amount of qualified independent investment advice services which may be taken into account for any taxable year with respect to each employee shall not exceed $50.

"(2) TOTAL CREDIT ALLOWED PER TAXPAYER.—The amount of the employer-provided independent investment advice credit which is allowable under subsection (a) in any taxable year (when added to such credits allowed for all preceding taxable years) may not exceed $50,000.

"(b) QUALIFIED INDEPENDENT INVESTMENT ADVICE SERVICES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified independent investment advice services' means, with respect to any employee, individualized independent investment advice services provided by an independent investment adviser who certifies to the taxpayer that such employee received such services.

"(2) NONDISCRIMINATION.—Independent investment advice services shall not be treated as qualified unless the provision of such services (or the eligibility to receive such services) does not discriminate in favor of employees of the taxpayer who are highly compensated employees (within the meaning of section 414(q)).

"(c) APPLICATION OF RULES.—For purposes of this section, the rules of section 45F(e) shall apply.".

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the employer-provided independent investment advice credit determined under section 45G(a).".

(c) DENIAL OF DOUBLE BENEFIT.—Section 280C of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(d) CREDIT FOR EMPLOYER-PROVIDED INDEPENDENT INVESTMENT ADVICE.—No deduction shall be allowed for that portion of the expenses otherwise allowable as a deduction for the taxable year which is equal to the amount of the credit determined for the taxable year under section 45G(a).".

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45G. Employer-provided independent investment advice.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to expenses paid or incurred in the taxable years ending after the date of the enactment of this Act.

STATEMENTS ON SUBMITTED RESOLUTIONS

SENATE RESOLUTION 234—REITERATING THE SENSE OF THE SENATE THAT RELIGIOUS FREEDOM IS A PRIORITY OF THE UNITED STATES SENATE IN THE BILATERAL RELATIONSHIP WITH THE RUSSIAN FEDERATION, INCLUDING WITHIN THE CONTEXT OF THE JACKSON-VANIK AMENDMENT

Mr. SMITH of Oregon (for himself, Mrs. CLINTON, Mr. HARKIN, Ms. MIKULSKI, Mr. WARNER, Mr. WELLSTONE, Mr. SESSIONS, Mr. BAYH, Mr. HATCH, Mr. MCCONNELL, Mr. DURBIN, Mr. CLELAND, Mr. LIEBERMAN, Mr. ALLEN, Mr. HAGEL, Mr. NELSON of Florida, Mr. REID, Mr. NICKLES, Mr. SCHUMER, Mr. FEINGOLD, Mr. CONRAD, Mr. LEAHY, Mr. GRAHAM, Mrs. FEINSTEIN, Mr. REED, Mr. CORZINE, Mr. WYDEN, and Mr. JOHNSON) submitted the following resolution; which was referred to the Committee on Finance.

S. RES. 234

Whereas religious freedom and minority rights have always been a priority of the United States Congress and the American people;

Whereas the Russian Federation has experienced a miraculous revival of religious life since the Soviet collapse ten years ago, especially with respect to the historically persecuted Russian Jewish community;

Whereas the Russian Government has publicly welcomed the participation of faith communities in national life;

Whereas the Department of State's International Religious Freedom Report (October 2001), submitted to Congress in compliance with Section 102(b) of the International Religious Freedom Act (IRFA) of 1998, details numerous and widespread restrictions upon minority faiths under Russia's 1997 Religion Law;

Whereas Deputy Prime Minister Valentina Matvienko said on 23 October that the Russian government is working on amendments to the Religion Law to further restrict still the activities of foreign religious groups on Russian territory;

Whereas the International Religious Freedom Report also details a series of Russian Government actions during the past year that have interfered with the functioning of Jewish community institutions;

Whereas "Izvestiya" reported on 6 November that no one in Russia's Federal Security Service (FSB) is assigned to handle extremist and racist movements, while nationalist and anti-Semitic extremists continue to spread propaganda and incite violence in incidents across Russia;

Whereas Russia has accepted international obligations, including those specified in the 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe, to allow ethnic and religious minorities "to establish and maintain their own educational, cultural and religious institutions, organizations or associations";

Whereas 98 Senators wrote to President Vladimir Putin of the Russian Federation on 3 August 2001, recognizing individual instances of progress but expressing concern over the anti-Semitic rhetoric heard at both the national and local levels of Russian society and politics;

Whereas, on 24 October 2001, by Unanimous Consent, the Senate passed Amendment SA 1948 to the Foreign Operations FY 2002 Appropriations Bill (H.R. 2506), instructing that funds for the Government of the Russian Federation be conditioned upon the President's certification to Congress that the Russian Government "has not implemented any statute, executive order, regulation, or other similar government action that would discriminate, or would have as its principal effect discrimination, against religious groups or religious communities in the Russian Federation in violation of accepted international agreements on human rights and religious freedoms to which the Russian Federation is a party";

Whereas the Congress passed Title IV of the Trade Act of 1974 ("the Jackson-Vanik Amendment") "to assure the continued dedication of the United States to fundamental human rights";

Whereas the Jackson-Vanik Amendment focuses on free emigration as a condition for granting Normal Trade Relations to nonmarket economies, including authority for the President to waive this restriction upon certifying that a country was permitting free emigration;

Whereas the President stated on 13 November 2001, that Russia has made important strides on emmigration and the protection of religious and ethnic minorities, "including Russia's Jewish community. On this issue, Russia is in a fundamentally different place than it was during the Soviet era. President Putin told me that these gains for freedom will be protected and expanded;"

Whereas the President further stated: "Our Foreign Ministers have sealed this understanding in an exchange of letters. Because of this progress, my administration will work with Congress to end the application of Jackson-Vanik Amendment to Russia;"

Whereas the exchange of letters between the Secretary of State and the Minister of Foreign Affairs of Russia underscored Russian and U.S. commitments on human rights and religious freedoms, including restitution of communal properties seized during the Soviet era, the revival of minority communities, and combating xenophobia and anti-Semitism;

Whereas, in meeting with Senate leadership on 13 November 2001, President Putin reiterated his commitment to working with the United States and with the Congress on advancing civil society and human rights in this country;

Whereas the President of the United States issued a "Religious Freedom Day 2002" Proclamation on 16 January 2002, saying, "I encourage all Americans to renew their commitment to protecting the liberties that make our country a beacon of hope for people around the world who seek the free exercise of religious beliefs and other freedoms;"

Whereas the Russian Federation has proven to be a critical ally in the war on international terrorism in which the civilized world is currently engaged; Now, therefore, be it

Resolved by the Senate, That it is the sense of the Senate that—

(1) within the context of productive and constructive relations between the governments and peoples of the United States and the Russian Federation, religious freedom and the protection of minority rights must remain as priority issues on the bilateral agenda of both countries; and

(2) any actions by the United States Government to "graduate" or terminate the application of the Jackson-Vanik Amendment to any individual country must take into account the progress already achieved through the application of the Amendment as well as appropriate assurances regarding the continued commitment of that government to enforcing and upholding the fundamental human rights envisioned in the Amendment; and

(3) the United States Government must demonstrate how, in "graduating" individual countries, the "continued dedication of the United States" to these fundamental rights will be assured.

Mr. SMITH of Oregon. Mr. President, I rise today to submit an important resolution regarding the Jackson-Vanik Amendment and the Russian Federation. I am joined by my colleague Senator CLINTON of New York and 26 other cosponsors in submitting this resolution. This legislation recognizes the progress made by the Russian Federation regarding religious freedom issues and the Jewish community, as well as the impact the Jackson-Vanik Amendment has had even before it was signed into law in 1975.

Over one million Israelis, hundreds of thousands of Americans and countless thousands across the world are living free because of Jackson-Vanik and the American commitment it reflects to religious freedom and freedom of emigration. At the same time, countless Jews and others in Russia live in relative freedom thanks in part to the very Jackson-Vanik Amendment that U.S. and Soviet leaders once decried as a "Cold War relic". Rather than a relic, it is a lesson for us today.

The legacy of Jackson-Vanik goes far beyond its impact on those living freer today. Jackson-Vanik has actualized the notion that human rights are not the province of any country's "domestic internal policy". Since the exchange of letters last November 13 between the U.S. and Russian governments, there can never again be a doubt that religious freedom has earned a prominent place on the U.S.-Russian bilateral agenda.

The achievements of President Bush and his administration in this regard have carried out the spirit of previous administrations. In addition to recent letters from President Bush to the Congressional leadership, the President wrote last November 19 to Harold Paul Luks, Chairman of NCSJ: "The Jewish community has helped write a proud chapter in the history of American foreign relations, but the work is not complete. We need your continued advocacy and support, and my Administration looks forward to working closely with you on these challenges."

Clearly, Senate and citizen involvement is not an impediment to U.S. foreign policy. As the President's letter underscores, such activism is an underpinning of our approach to foreign governments. While this Resolution takes no position on "graduating" Russia from Jackson-Vanik, the test should not be the total elimination of xenophobia or the completion of democratic civil society. Never before has religious activity in Russia been so varied and widespread. And yet the threats to freedom of religion remain. We now have many channels for addressing our deep concerns.

If the legislation to graduate Russia does incorporate these channels and the commitments of the Russian and U.S. governments, then future leaders of Russia will know the context in which the United States Congress has considered the extension of Normal Trade Relations. And if our colleagues join in support of this Resolution, regardless of their position on Russia's graduation, then the sense of the Senate will be an explicit part of the permanent record of this process.

The legacy of Jackson-Vanik vis-à-vis Russia is a proud one, and one that can best be sealed through appropriate legislation and through messages such as the resolution we introduce today. I want to thank the 28 cosponsors of this resolution and ask that all my colleagues join me on this important legislation.

SENATE RESOLUTION 235—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO THE PROTECTION OF AFGHAN REFUGEES, AND FOR OTHER PURPOSES

Mr. WELLSTONE (for himself, Mrs. BOXER, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 235

Whereas more than 3,500,000 Afghan citizens are currently refugees in Pakistan and Iran, displaced by decades of civil war and conflict, and at least 1,000,000 Afghans are internally displaced within their own country;

Whereas, since the overthrow of the Taliban, thousands have continued to flee Afghanistan or have been displaced inside the country, including ethnic Pashtuns escaping persecution in the north, and others are fearful of returning home due to unstable, violent conditions in various parts of Afghanistan;

Whereas only the creation of a secure, stable Afghanistan that protects the rights of all citizens, including women and ethnic minorities, can provide the conditions in which refugees and displaced persons can safely and voluntarily return to their home communities;

Whereas, until conditions warrant the safe, voluntary return of Afghans, neighboring countries should uphold their international humanitarian and legal obligations to provide refugees with adequate protection and humanitarian assistance, and to uphold the right of refugees to cross international borders in order to seek asylum;

Whereas the Governments of Pakistan and Iran have allowed Afghan refugees to remain in those countries of asylum, despite the enormous economic and social costs this involves;

Whereas the United States and other members of the international community should continue to offer expanded financial and other assistance to internally displaced Afghans and to governments hosting large Afghan refugee populations;

Whereas in November 2000, Iran and Pakistan officially closed their borders to new incoming refugees, and as of February 2002, at least 10,000 Afghans were stranded in camps near the Iran border inside Afghanistan and were blocked from gaining entry into Iran, and several thousand were awaiting entry to Pakistan at the Chaman border crossing;

Whereas authorities of Pakistan and Iran have forcibly returned some Afghans in violation of international legal norms of nonrefoulement, and both governments began repatriating refugees in March 2002, despite the clear dangers many of them face in their home areas;

Whereas Australia, Indonesia, Tajikistan, and Dubai have expressed their desire to begin returning refugees as soon as possible or, in the case of Dubai, have already deported hundreds of Afghans;

Whereas law enforcement authorities in Pakistan have subjected Afghan refugees to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status;

Whereas some refugee camps in the Federally Administered Tribal Areas of Pakistan are located close to the Afghan border in unsafe and unhealthy locations; and

Whereas the United Nations High Commissioner for Refugees (UNHCR) and the interim authority of the Afghan government established in December 2001, are responsible for developing a repatriation program that fully meets international standards, working with governments in the region, when conditions are appropriate: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President and the Secretary of State should—

(1) urge the Government of Pakistan and other governments in the region—

(A) to fully cooperate with the United Nations High Commissioner for Refugees (UNHCR) in providing protection to Afghan refugees; and

(B) to allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance;

(2) call on the governments of Pakistan and Iran to immediately cease any forcible return of Afghan refugees and to take action to end the harassment, detention, and other mistreatment of Afghan refugees;

(3) strongly condemn any actions by Pakistan, Iran, or other governments to prematurely return refugees to Afghanistan against their will;

(4) support the provision of detailed, impartial information about human rights, the presence of landmines, and humanitarian conditions in their areas of origin to all refugees, and especially to women, to ensure that any decision to return is truly voluntary;

(5) fully support repatriation of Afghan refugees only when conditions in Afghanistan allow their voluntary return, in safety and dignity, with full respect for their human rights and an adequate screening process in place to identify those who are still in need of protection; and

(6) establish a resettlement program for Afghans whose needs for protection require resettlement in a third country.

Mr. WELLSTONE. Mr. President, I rise today with my colleagues Senators BOXER and FEINSTEIN to submit a resolution calling for protection and assistance for Afghan refugees, as they struggle to find their way home and rebuild their lives amid so much uncertainty.

Today more than 3.5 million Afghan citizens are refugees in Pakistan and Iran, having been displaced by decades of civil war and conflict. Since the overthrow of the Taliban, thousands have continued to flee Afghanistan, including ethnic Pashtuns escaping persecution in the North. Many have been subjected to physical violence, harassment, extortion, and arbitrary detention because of their undocumented status.

Unfortunately, many also now live under the threat of repatriation to Afghanistan against their will. In clear violation of international legal norms, authorities in Pakistan and Iran have forcibly returned some Afghans and have stated a desire to begin a large scale repatriation effort of Afghan refugees, despite the clear dangers many of them would face in Afghanistan.

Like most observers, I believe that the United Nations High Commissioner for Refugees, UNHCR, is well-prepared for a massive repatriation of refugees to Afghanistan this spring and also to assist large numbers of internally displaced Afghans return to their farms and homes. That said, it is imperative that UNHCR and other U.N. agencies, donors, and the international security force work closely together to make the repatriation program as successful as possible.

According to UNHCR, each day, more and more Afghans come forward to participate in the voluntary return programs. Since the start of the joint Afghan Government and UNHCR assisted return program on March 1, more than 200,000 Afghans have repatriated from Pakistan. However, these efforts have been and likely will continue to be hampered by a number of factors. The peaceful transition to normalcy requires a certain set of conditions for success. The main factors influencing the number of Afghan refugees and displaced who return home are security, economic opportunity, and economic ties in countries of asylum.

As our G.I.'s in Afghanistan know all too well, many area in Afghanistan are still very dangerous. Military operations will undoubtedly continue in southeastern Afghanistan and elsewhere. In other areas, renewed strife among bandits, warlords and the government are likely to continue to break out. Accordingly, security is perhaps the greatest challenge for the young Afghan nation, as well as for those charged with the task of relief and repatriation.

While these fears make return to Afghanistan a daunting prospect, Afghan refugees are also experiencing increasingly hostile treatment in Iran and Pakistan and pressure to leave. Mistreatment at the hands of Pakistani or Iranian law enforcement authorities and violence in refugee camps are just some of the problems Afghan refugees face on a daily basis.

Refugees interviewed by Human Rights Watch in Pakistan described the human toll caused by that government's treatment of the refugee population: With borders closed, most refugees had to resort to dangerous and unofficial routes into Pakistan. Refugees were beaten at unofficial checkpoints when they could not afford to pay extortionate bribes. At official crossing points, families were beaten back, or languished in squalor without food, water or latrines, hoping to be let in. Once inside Pakistan, refugees were subjected to harassment and detention, while others endured beatings by Pakistani police when lining up for food in camps.

According to Human Rights Watch, Iran also has been an egregious offender of international humanitarian law. Its border closure policies run directly contrary to international standards, most fundamentally because they interfere with the right to seek asylum. By closing its borders, conducting systematic and large scale push-backs, and by insisting on the establishment of camps for displaced persons inside Afghanistan, the Government of Iran has violated its obligations under numerous international conventions.

Today, I join with human rights and refugee organizations to strongly urge the governments of Pakistan and Iran to identify those refugees who continue to be in need of protection, to provide them with documentation and legal status, and to end persistent abuses of the rights of refugees in both countries. The governments of Pakistan and Iran as well as UNHCR must ensure that Afghan refugees have access to full and objective information about conditions inside Afghanistan before deciding whether or not to return. Moreover, refugees should not be forced to return prematurely because of insecurity or lack of assistance in neighboring countries.

Economic opportunity also will determine whether or not refugees and internally displaced persons, IDPs, return to their homes or villages. Jobs and economic opportunities for Afghans wishing to return home are sparse. In addition, many long-term Afghan refugees are earning a livelihood in their countries of asylum and their willingness to return home has not yet been determined. Despite these uncertainties, most refugees surveyed want to go home.

A successful return program also will require long-term economic development assistance to help returnees and their communities become economically self-sufficient. Many of the returnees will be going back to the poorest, drought-impacted, and strife-ridden areas of Afghanistan. Longer-term development aid should be factored into the services available for returnees and their communities from the outset to help ensure that they become economically self-sufficient and self-sustaining.

I will continue to call on the United States and other donor governments to provide adequate funding to the Afghan Interim Authority's Ministry for the Return of Refugees, and for the voluntary return of refugees under conditions of safety and with full respect for their human rights. The key to success in any repatriation is voluntariness. Iran and Pakistan must respect this mandate.

While the governments of Pakistan, Iran, and others have consistently allowed Afghan refugees to remain in those countries despite the enormous economic and social costs this involves, and Pakistan must be commended for its extraordinary efforts in the campaign against terrorism over the last 6 months, Iran and Pakistan should not now turn their backs on these vulnerable people. They must fully cooperate with the UNHCR in providing protection to Afghan refugees. They must allow open access to refugees by nongovernmental organizations and international agencies offering humanitarian assistance. They must also immediately cease any forcible return of Afghan refugees and take action to end their harassment, detention, and other mistreatment.

To address these concerns, a significant refugee repatriation agreement was signed last week in Geneva by the governments of Iran, Afghanistan and the UNHCR. I am confident that the Tripartite Agreement, which lays down the main legal and operational framework for the voluntary return of Afghan refugees in Iran, will address many of these concerns.

I ask that the Senate show unanimous support for Afghanistan in its time of greatest need. This resolution highlights the uncertain and dangerous situation faced by Afghan refugees and calls upon the President to urge countries in the region to abide by well-established norms of international refugee and humanitarian law. A vote for this resolution is a vote for the millions of displaced Afghans, and a test case of our willingness to secure Afghanistan's peace.

AMENDMENTS SUBMITTED AND PROPOSED

SA 3085. Mr. CRAPO (for himself and Mr. MILLER) submitted an amendment intended to be proposed to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table.

SA 3086. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3087. Mr. DORGAN (for himself and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3088. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3089. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3090. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3091. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3092. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3093. Mr. SCHUMER (for himself and Mrs. CLINTON) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3094. Mr. DURBIN (for himself and Mr. SMITH of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3095. Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3096. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3097. Mr. DAYTON (for himself, Mr. WELLSTONE, and Mr. FEINGOLD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3098. Mr. BINGAMAN (for Mr. KENNEDY) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3099. Mr. BINGAMAN (for Mr. KERRY (for himself and Ms. LANDRIEU)) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3100. Mr. BINGAMAN (for Mr. WELLSTONE) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3101. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3102. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra.

SA 3103. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) supra; which was ordered to lie on the table.

SA 3104. Mr. DODD (for himself and Mr. MCCONNELL) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

SA 3105. Mr. DODD (for Mr. WYDEN) proposed an amendment to the bill S. 565, supra.

SA 3106. Mr. DODD (for Mr. ROCKEFELLER) proposed an amendment to the bill S. 565, supra.

SA 3107. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 565, supra.

SA 3108. Mrs. CLINTON proposed an amendment to the bill S. 565, supra.

SA 3109. Mr. MCCONNELL (for Mr. NICKLES) proposed an amendment to the bill S. 565, supra.

SA 3110. Mr. DODD (for Mr. LEVIN) proposed an amendment to the bill S. 565, supra.

SA 3111. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 565, supra.

SA 3112. Mr. MCCONNELL (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 565, supra.

SA 3113. Mr. MCCONNELL (for Mr. THOMAS) proposed an amendment to the bill S. 565, supra.

TEXT OF AMENDMENTS

SA 3085. Mr. CRAPO (for himself and Mr. MILLER) submitted an amendment intended to be proposed to amendment SA 2989 proposed by Mrs. FEINSTEIN (for herself, Ms. CANTWELL, Mr. WYDEN, Mrs. BOXER, Mr. LEAHY, Mr. DURBIN, Mr. FITZGERALD, and Mr. CORZINE) to the amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Strike the text of amendment no. 2989 and in lieu thereof at the end of the bill, add the following:

"SEC. . AMENDMENTS TO COMMODITY EXCHANGE ACT.

"(a) STUDY REQUIRED.—The Chairman of the Federal Reserve Board, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Securities and Exchange Commission, within 45 days of the date of enactment of this Act, shall conduct a study and report to the Congress recommendations, if any, for legislative changes in the regulation under the Commodity Exchange Act of those commodities described in section 1a(14) of such Act (7 U.S.C. 1a)." The report shall be transmitted to the Chairman and Ranking Minority Members of the Senate Committee on Banking, Housing and Urban Affairs and the Senate Committee on Agriculture Nutrition and Forestry.

SA 3086. Mrs. LINCOLN (for herself and Mr. HUTCHINSON) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title V, add the following:

SEC. 5 . DECOMMISSIONING PILOT PROGRAM.

(a) AUTHORIZATION.—The Secretary shall establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas in accordance with the decommissioning report dated August 31, 1998, issued by the Department of Energy.

(b) FUNDING.—Of funds made available to the Department of Energy for fiscal year 2003, $16,000,000 shall be made available to carry out the decommissioning pilot program under subsection (a)

SA 3087. Mr. DORGAN (for himself, and Mr. MURKOWSKI) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal year 2002 through 2006, and for other purposes; as follows:

On page 11, strike lines 9 through 14, and insert the following:

"(1) identifying the area with the greatest energy resource potential, and assessing future supply availability and demand requirements.

"(2) planning, coordinating, and siting additional energy infrastructure, including generating facilities, electric transmission facilities, pipelines, refineries, and distributed generation facilities to maximize the efficiency of energy resources and infrastructure and meet regional needs with the minimum adverse impacts on the environment.".

SA 3088. Mr. BINGAMAN (for Mr. CONRAD) proposed an amendment to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 64, on line 7, strike "resource" and insert "resource, together with an identification of any barriers to providing adequate transmission for remote sources of renewable energy resources to current and emerging markets, recommendations for removing or addressing such barriers, and ways to provide access to the grid that do not unfairly disadvantage renewable or other energy producers."

SA 3089. Mr. MCCAIN submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

Beginning with line 5 on page 564, strike through line 4 on page 568.

SA 3090. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 80, line 21 strike "and" and all that follows through page 81, line 2, and insert:

"(h) NATIONAL ACADEMY OF SCIENCES STUDY.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf, assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechamisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act."

SA 3091. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN), to the bill (S. 517) to authorize funding the Department of Energy to enhance is mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

On page 185, between lines 8 and 9, insert the following:

SEC. 816A. CLEANER SCHOOL BUSES.

(a) ANTI-IDLING.—

(1) DEFINITION OF IDLING.—In this subsection, the term "idling" means not turning off an engine while remaining stationary for more than approximately 3 minutes.

(2) POLICY.—Each local educational agency (as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) is encouraged to develop a policy to reduce the incidence of school buses idling at schools when picking up and unloading students.

(b) PURCHASING COOPERATIVES AND ULTRA-LOW SULFUR DIESEL FUEL.—The Secretary of Education, in collaboration with the Secretary of Transportation, the Secretary of Energy, and the Administrator of the Environmental Protection Agency, shall provide information and model examples to States on purchasing cooperatives for—

(1) new school buses; and

(2) ultra-low sulfur diesel fuel for all diesel school buses.

(c) LOCAL EDUCATIONAL AGENCY GRANT PROGRAM FOR CLEANER SCHOOL BUSES.—

(1) ESTABLISHMENT.—From amounts appropriated under paragraph (10), the Secretary of Energy, in collaboration with the Secretary of Transportation, the Secretary of Education, and the Administrator of the Environmental Protection Agency, shall establish a program (referred to in this subsection as the "program") to award grants to local educational agencies to reduce emissions from diesel school buses by retrofitting existing diesel school buses with the most appropriate control technology that has been recognized by the Environmental Protection Agency or the California Air Resources Board (referred to in this section as the "most appropriate control technology") to ensure the highest possible reduction in harmful emissions and the greatest benefits to human health and the environment.

(2) CONSORTIA.—A local educational agency may work in collaboration with other local educational agencies to establish a consortia to apply for a grant under this subsection.

(3) APPLICATION.—

(A) SUBMISSION.—A local educational agency, or consortia of such agencies, that desires to receive a grant under this subsection shall submit an application to the Secretary of Energy at such time, in such manner, and containing such information as the Secretary of Energy, in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, may require.

(B) CONTENTS.—An application submitted under subparagraph (A) shall include a grant proposal with—

(i) information on the population the applicant intends to target as beneficiaries of retrofitting existing diesel school buses with the most appropriate control technology;

(ii) the age of the existing diesel school bus fleet in the geographical area in which the local educational agency, or consortia of such agencies, operates;

(iii) information on the type of technology that will be used and the expected cost of retrofitting existing diesel school buses with the most appropriate control technology;

(iv) documentation that the applicant will use ultra-low sulfur diesel fuel if the applicant intends to retrofit existing diesel school buses with pollution control devices that are sensitive to sulfur; and

(v) information on the plans for continuing activities under this section after completion of the grant period.

(4) AWARDING OF GRANTS.—The Secretary of Energy, in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency, shall consider the following factors when awarding a grant under this subsection:

(A) Ambient air quality in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(B) Age of the existing diesel school bus fleet in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(C) Population density in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(D) Approximate amount of time children spend on existing diesel school buses in the geographical area in which the local educational agency, or consortia of such agencies, operates.

(5) USE OF FUNDS.—Each local educational agency, or consortia of such agencies, awarded a grant under this subsection may use the grant funds for—

(A) purchasing the most appropriate control technology for existing diesel school buses, through a purchasing cooperative or other mechanism;

(B) the costs to buy and the labor costs to install and maintain the most appropriate control technology on existing diesel school buses; and

(C) if the local educational agency, or consortia of such agencies, intends to retrofit existing diesel school buses with pollution control devices that are sensitive to sulfur, costs incurred in the purchase of ultra-low sulfur diesel fuel that are above the costs that would be incurred in the purchase of non-ultra-low sulfur diesel fuel.

(6) CONDITIONS FOR GRANTS.—Each local educational agency, or consortia of such agencies, awarded a grant under this subsection shall demonstrate, in a manner that the Secretary of Energy (in collaboration with the Secretary of Education, the Secretary of Transportation, and the Administrator of the Environmental Protection Agency) shall specify, that the local educational agency, or consortia of such agencies, has retrofitted a sufficient number of existing diesel school buses with the most appropriate control technology in a given geographic area such that significant data can be gathered to monitor and assess improvements in air quality.

(7) STATE OR LOCAL ENVIRONMENTAL DEPARTMENTS.—A local educational agency, or consortia of such agencies, may receive assistance from State or local environmental departments—

(A) when applying for a grant under this subsection; and

(B) in carrying out activities authorized under this subsection if awarded a grant under this subsection.

(8) EVALUATION.—

(A) CONTRACT.—The Administrator of the Environmental Protection Agency, in collaboration with the Secretary of Energy, the Secretary of Transportation, and the Secretary of Education, shall enter into a contract with an appropriate independent research entity to conduct an evaluation of the program throughout the program period that includes the testing of individual school buses.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of any improvements in air quality as a result of the program.

(9) STUDY.—

(A) IN GENERAL.—From amounts appropriated under paragraph (10), the Administrator of the Environmental Protection Agency, in collaboration with the Secretary of Education, the Secretary of Energy, and the Secretary of Transportation, shall—

(i) enter into a contract with an appropriate independent research entity to conduct a study to explore the health, environmental, and economic costs and benefits of a national program to retrofit existing diesel school buses with the most appropriate control technology; and

(ii) submit a report to Congress on the study conducted under clause (i) not later than 1 year after the date of enactment of this section.

(10) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to carry out this subsection—

(i) $80,000,000 for fiscal year 2003;

(ii) $70,000,000 for fiscal year 2004;

(iii) $60,000,000 for fiscal year 2005; and

(iv) $50,000,000 for fiscal year 2006.

(B) AMOUNTS TO REMAIN AVAILABLE.—Amounts appropriated under this subsection shall remain available until expended.

SA 3092. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title XXV, add the following:

SEC. . BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48A the following:

“SEC. 48B. BROADBAND CREDIT.

“(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.

“(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

“(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

“(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) LIMITATION.—

“(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service,

after December 31, 2002.

“(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

“(i) is originally placed in service after December 31, 2002, by a person, and

“(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

“(d) SPECIAL ALLOCATION RULES.—

“(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

"(5) MULTIPLEXING OR DEMULTIPLEXING.—The term 'multiplexing' means the transmission of 2 or more signals over a single channel, and the term 'demultiplexing' means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

"(6) NEXT GENERATION BROADBAND SERVICE.—The term 'next generation broadband service' means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

"(7) NONRESIDENTIAL SUBSCRIBER.—The term 'nonresidential subscriber' means a person who purchases broadband services which are delivered to the permanent place of business of such person.

"(8) OPEN VIDEO SYSTEM OPERATOR.—The term 'open video system operator' means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

"(9) OTHER WIRELESS CARRIER.—The term 'other wireless carrier' means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

"(10) PACKET SWITCHING.—The term 'packet switching' means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

"(11) PROVIDER.—The term 'provider' means, with respect to any qualified equipment—

"(A) a cable operator,

"(B) a commercial mobile service carrier,

"(C) an open video system operator,

"(D) a satellite carrier,

"(E) a telecommunications carrier, or

"(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

"(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

"(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

"(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

"(D) such services have been purchased by one or more such subscribers, and

"(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

"(13) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

"(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(14) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred after December 31, 2002, and before January 1, 2004.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee that otherwise would be described in subparagraph (A).

"(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

"(A) with respect to the provision of current generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber.

"(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(17) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

"(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(24) Underserved area.—The term 'underserved area' means any census tract which is located in—

"(A) an empowerment zone or enterprise community designated under section 1391,

"(B) the District of Columbia Enterprise Zone established under section 1400,

"(C) a renewal community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(25) Underserved subscriber.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(f) Designation of Census Tracts.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.".

(b) Credit To Be Part of Investment Credit.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following:

"(5) the broadband credit."

(c) Special Rule for Mutual or Cooperative Telephone Companies.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following:

"(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(d) Conforming Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

"Sec. 48B. Broadband credit.".

(e) Regulatory Matters.—

(1) Prohibition.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) Treasury regulatory authority.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) Effective Date.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3093. Mr. SCHUMER (for himself and Mrs. Clinton) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the end of title VI, add the following:

SEC. 6. PROHIBITION OF OIL AND GAS DRILLING IN THE FINGER LAKES NATIONAL FOREST, NEW YORK.

No Federal permit or lease shall be issued for oil or gas drilling in the Finger Lakes National Forest, New York.

SA 3094. Mr. DURBIN (for himself and Mr. Smith of Oregon) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 523, between lines 16 and 17, insert the following:

SEC. 1704. CONSUMER ENERGY COMMISSION.

(a) Establishment of Commission.—There is established a commission to be known as the "Consumer Energy Commission".

(b) Membership.—

(1) In general.—The Commission shall be comprised of 11 members.

(2) Appointments in the senate and the house.—The majority leader and the minority leader of the Senate and the Speaker and minority leader of the House of Representatives shall each appoint 2 members—

(A) 1 of whom shall represent consumer groups focusing on energy issues; and

(B) 1 of whom shall represent the energy industry.

(3) Appointments by the president.—The President shall appoint 3 members.

(A) 1 of whom shall represent consumer groups focusing on energy issues;

(B) 1 of whom shall represent the energy industry; and

(C) 1 of whom shall represent the Department of Energy.

(4) Date of appointments.—The appointment of a member of the Commission shall be made not later than 30 days after the date of enactment of this Act.

(c) Term.—A member shall be appointed for the life of the Commission.

(d) Initial Meeting.—Not later than 20 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) Chairperson and Vice Chairperson.—The Commission shall select a Chairperson and Vice Chairperson from among the members of the Commission.

(f) Administrative Expenses.—The Department of Energy will pay expenses as necessary to carry out this section, with the expenses not to exceed $400,000.

(g) Duties.—

(1) Study.—

(A) In general.—The Commission shall conduct a nationwide study of significant price spikes since 1990 in major United States consumer energy products, including electricity, gasoline, home heating oil, natural gas and propane.

(B) Matters to be studied.—The study shall focus on the causes of large fluctuations and sharp spikes in prices, including insufficient inventories, supply disruptions, refinery capacity limits, insufficient infrastructure, regulatory failures, demand growth, reliance on imported supplies, insufficient availability of alternative energy sources, abuse of market power, market concentration and any other relevant market failures.

(2) Report.—Not later than 180 days after the date of the first meeting of the Commission, the Commission shall submit to Congress a report that contains—

(A) a detailed statement of the findings and conclusions of the Commission; and

(B) recommendations for legislation, administrative actions, and voluntary actions by industry and consumers to protect consumers (including individuals, families, and businesses) from future price spikes in consumer energy products.

(3) Consultation.—In conducting the study and preparing the report under this section, the Commission shall consult with the Federal Trade Commission, the Federal Energy Regulatory Commission, the Department of Energy and other Federal agencies as appropriate.

(h) Sunset.—The Commission shall terminate within 30 days after the submission of the report to Congress.

SA 3095. Mr. CONRAD (for himself and Mr. Dorgan) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes, which was ordered to lie on the table, as follows:

In section 2310, insert the following:

(b) Extension for Certain Fuel Produced at Existing Facilities.—Paragraph (2) of section 29(f) (relating to application of section) is amended by inserting "(January 1, 2008, in the case of qualified fuel described in subsection (c)(1)(C))" after "January 1, 2003".

SA 3096. Mr. ROCKEFELLER submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. Daschle (for himself and

Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table, as follows:

At the end of title XXIII insert the following:

SEC. ___. CLARIFICATION OF CREDIT FOR PRODUCING FUEL FROM A NONCONVENTIONAL SOURCE.

(a) Definitions Related to Coal.—Subsection (c) of section 29 (relating to definition of qualified fuels) is amended by adding at the end the following new paragraph:

"(4) Definitions related to coal.—

"(A) Solid synthetic fuels produced from coal.—The term 'solid synthetic fuels produced from coal' includes a solid synthetic fuel produced from coal and coal waste sludge.

"(B) Coal waste sludge.—The term 'coal waste sludge' means the tar decanter sludge and related byproducts of the coking process that are treated as hazardous wastes under applicable Federal environmental rules, absent processing with coal into a solid synthetic fuel.".

(b) Facility Definition.—Subsection (g) of section 29 (related to extension for certain facilities) is amended by adding at the end the following new paragraph:

"(3) Facility.—For purposes of paragraph (1), the term 'facility' includes a plant that processes coal and coal waste sludge into a solid synthetic fuel for use as a feedstock for the manufacture of coke, except to the extent that a credit would otherwise be allowed under this section for the production of the coke.".

(c) Effective Dates.—

(1) The amendment made by subsection (a) shall apply as if included in section 231 of the Crude Oil Windfall Profits Tax Act of 1980.

(2) The amendment made by subsection (b) shall apply as if included in section 1918 of the Energy Policy Act of 1992.

SA 3097. Mr. DAYTON (for himself Mr. Wellstone and Mr. Feingold) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

At the appropriate place in title II, insert the following:

SEC. 2___. ADDITIONAL ELECTRIC UTILITY MERGER PROVISIONS.

Section 203(a) of the Federal Power Act (16 U.S.C. 824b(a)) (as amended by section 202) is amended by striking paragraph (4) and inserting the following:

"(4) Approval.—

"(A) In general.—After notice and opportunity for hearing, if the Commission finds that the proposed transaction will advance the public interest, the Commission shall approve the transaction.

"(B) Minimum required findings.—In making the finding under subparagraph (A) with respect to a proposed transaction, the Commission shall, at a minimum, find that the proposed transaction will—

"(i)(I) enhance competition in wholesale electricity markets; and

"(II) if a State commission requests the Commission to consider the effect of the proposed transaction on competition in retail electricity markets, enhance competition in retail electricity markets;

"(ii) produce significant gains in operational and economic efficiency; and

"(iii) result in a corporate and capital structure that facilitates effective regulatory oversight.".

SA 3098. Mr. BINGAMAN (for Mr. Kennedy) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 80, line 20 and 21, strike "development; and" and all that follows through page 81, line 2, and insert the following:

"development.

"(h) National Academy of Sciences Study.—Within 90 days after the enactment of this Act, the Secretary of the Interior shall contract with the National Academy of Sciences to study the potential for the development of wind, solar, and ocean energy on the Outer Continental Shelf; assess existing federal authorities for the development of such resources; and recommend statutory and regulatory mechanisms for such development. The results of the study shall be transmitted to Congress within 24 months after the enactment of this Act."

SA 3099. Mr. BINGAMAN (for Mr. Kerry (for himself and Ms. Landrieu) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 292, line 18, insert after the word "label" the following: ", including special outreach to small businesses;".

SA 3100. Mr. BINGAMAN (for Mr. Wellstone) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 252. strike section 904 and insert the following:

SEC. 904. LOW INCOME COMMUNITY ENERGY EFFICIENCY PILOT PROGRAM.

(a) Grants.—The Secretary of Energy is authorized to make grants to units of local government, private, non-profit community development organizations, and Indian tribe economic development entities to improve energy efficiency, identify and develop alternative renewable and distributed energy supplies, and increase energy conservation in low income rural and urban communities.

(b) Purpose of Grants.—The Secretary may make grants on a competitive basis for—

(1) investments that develop alternative renewable and distributed energy supplies;

(2) energy efficiency projects and energy conservation programs;

(3) studies and other activities that improve energy efficiency in low income rural and urban communities;

(4) planning and development assistance for increasing the energy efficiency of buildings and facilities; and

(5) technical and financial assistance to local government and private entities on developing new renewable and distributed sources of power or combined heat and power generation.

(c) Definition.—For purposes of this section, the term "Indian tribe" means any Indian tribe, band, nation, or other organized group or community, including any Alaskan Native Village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(d) Authorization of Appropriations.—For the purposes of this section there are authorized to be appropriated to the Secretary of Energy an amount not to exceed $20 million for fiscal year 2003 and each fiscal year thereafter through fiscal year 2005.

SA 3101. Mr. BINGAMAN (for Mr. Conrad) proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 408, line 20, strike "2006." and insert the following: "2006, of which $100,000,000 may be allocated to meet the goals of subsection (b)(1).".

SA 3102. Mr. BINGAMAN proposed an amendment to amendment SA 2917 proposed by Mr. Daschle (for himself and Mr. Bingaman) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; as follows:

On page 258, line 1, strike Sec. 912 in its entirety and insert the following:

SEC. 912. ENERGY USE MEASUREMENT AND ACCOUNTABILITY.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is further amended by adding at the end the following:

"(e) Metering of Energy Use.—

"(1) Deadline.—By October 1, 2004, all Federal buildings shall, for the purposes of efficient use of energy and reduction in the cost of electricity used in such buildings, be metered or submetered in accordance with guidelines established by the Secretary under paragraph (2). Each agency shall use, to the maximum extent practicable, advanced meters or advanced metering devices that provide data at least daily and that measure at least hourly consumption of electricity in the Federal buildings of the agency. Such data shall be incorporated into existing federal energy tracking systems and made available to federal facility energy managers.

"(2) Guidelines.—

"(A) In general.—Not later than 180 days after the date of enactment of this subsection, the Secretary, in consultation with the Department of Defense, the General Service Administration and representatives from the metering industry, utility industry, energy services industry, energy efficiency industry, national laboratories, universities and federal facility energy managers, shall establish guidelines for agencies to carry out paragraph (1).

“(B) REQUIREMENTS FOR GUIDELINES.—The guidelines shall—

“(i) take into consideration—

“(I) the cost of metering and submetering and the reduced cost of operation and maintenance expected to result from metering and submetering;

“(II) the extent to which metering and submetering are expected to result in increased potential for energy management, increased potential for energy savings and energy efficiency improvement, and cost and energy savings due to utility contract aggregation; and

“(III) the measurement and verification protocols of the Department of Energy;

“(ii) include recommendations concerning the amount of funds and the number of trained personnel necessary to gather and use the metering information to track and reduce energy use;

“(iii) establish 1 or more dates, not later than 1 year after the date of issuance of the guidelines, on which the requirements specified in paragraph (1) shall take effect; and

“(iv) establish exclusions from the requirements specified in paragraph (1) based on the de minimus quantity of energy use of a Federal building, industrial process, or structure.

“(3) PLAN.—No later than 6 months after the date guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing how the agency will implement the requirements of paragraph (1), including (a) how the agency will designate personnel primarily responsible for achieving the requirements and (b) demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices, as defined in paragraph (1), are not practicable.”.

SA 3103. Mr. KENNEDY (for himself and Mr. SMITH of Oregon) submitted an amendment intended to be proposed to amendment SA 2917 proposed by Mr. DASCHLE (for himself and Mr. BINGAMAN) to the bill (S. 517) to authorize funding the Department of Energy to enhance its mission areas through technology transfer and partnerships for fiscal years 2002 through 2006, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXV, add the following:

SEC. . BROADBAND INTERNET ACCESS TAX CREDIT.

(a) IN GENERAL.—Subpart E of part IV of chapter 1 (relating to rules for computing investment credit), as amended by this Act, is amended by inserting after section 48A the following:

“SEC. 48B. BROADBAND CREDIT.

“(a) GENERAL RULE.—For purposes of section 46, the broadband credit for any taxable year is the sum of—

“(1) the current generation broadband credit, plus

“(2) the next generation broadband credit.

“(b) CURRENT GENERATION BROADBAND CREDIT; NEXT GENERATION BROADBAND CREDIT.—For purposes of this section—

“(1) CURRENT GENERATION BROADBAND CREDIT.—The current generation broadband credit for any taxable year is equal to 10 percent of the qualified expenditures incurred with respect to qualified equipment providing current generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(2) NEXT GENERATION BROADBAND CREDIT.—The next generation broadband credit for any taxable year is equal to 20 percent of the qualified expenditures incurred with respect to qualified equipment providing next generation broadband services to qualified subscribers and taken into account with respect to such taxable year.

“(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

“(1) IN GENERAL.—Qualified expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

“(A) current generation broadband services are provided through such equipment to qualified subscribers, or

“(B) next generation broadband services are provided through such equipment to qualified subscribers.

“(2) LIMITATION.—

“(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

“(i) the original use of which commences with the taxpayer, and

“(ii) which is placed in service,

after December 31, 2002.

“(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

“(i) is originally placed in service after December 31, 2002, by a person, and

“(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

“(d) SPECIAL ALLOCATION RULES.—

“(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the current generation broadband credit under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the next generation broadband credit under subsection (a)(2) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

“(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second (or its equivalent when the data rate is measured before being compressed for transmission) to the subscriber and at least 5,000,000 bits per second (or such equivalent) from the subscriber .

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means a person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the wireless transmission of energy through radio or light waves.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of a digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,

“(B) a commercial mobile service carrier,

“(C) an open video system operator,

“(D) a satellite carrier,

“(E) a telecommunications carrier, or

“(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

"(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to a subscriber if—

"(A) a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

"(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such subscribers without making more than an insignificant investment with respect to any such subscriber,

"(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

"(D) such services have been purchased by one or more such subscribers, and

"(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

"(13) QUALIFIED EQUIPMENT.—

"(A) IN GENERAL.—The term 'qualified equipment' means equipment which provides current generation broadband services or next generation broadband services—

"(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

"(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

"(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

"(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

"(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

"(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

"(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

"(14) QUALIFIED EXPENDITURE.—

"(A) IN GENERAL.—The term 'qualified expenditure' means any amount—

"(i) chargeable to capital account with respect to the purchase and installation of qualified equipment (including any upgrades thereto) for which depreciation is allowable under section 168, and

"(ii) incurred after December 31, 2002, and before January 1, 2004.

"(B) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any expenditure with respect to the launching of any satellite equipment.

"(C) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee that otherwise would be described in subparagraph (A).

"(15) QUALIFIED SUBSCRIBER.—The term 'qualified subscriber' means—

"(A) with respect to the provision of current generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

"(B) with respect to the provision of next generation broadband services—

"(i) a nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

"(ii) a residential subscriber.

"(16) RESIDENTIAL SUBSCRIBER.—The term 'residential subscriber' means an individual who purchases broadband services which are delivered to such individual's dwelling.

"(17) RURAL AREA.—The term 'rural area' means any census tract which—

"(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

"(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

"(18) RURAL SUBSCRIBER.—The term 'rural subscriber' means a residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

"(19) SATELLITE CARRIER.—The term 'satellite carrier' means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such distribution.

"(20) SATURATED MARKET.—The term 'saturated market' means any census tract in which, as of the date of the enactment of this section—

"(A) current generation broadband services have been provided by one or more providers to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no credit is allowed under subsection (a)(1).

"(21) SUBSCRIBER.—The term 'subscriber' means a person who purchases current generation broadband services or next generation broadband services.

"(22) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(23) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(24) UNDERSERVED AREA.—The term 'underserved area' means any census tract which is located in—

"(A) an empowerment zone or enterprise community designated under section 1391,

"(B) the District of Columbia Enterprise Zone established under section 1400,

"(C) a renewal community designated under section 1400E, or

"(D) a low-income community designated under section 45D.

"(25) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means a residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(f) DESIGNATION OF CENSUS TRACTS.—The Secretary shall, not later than 90 days after the date of the enactment of this section, designate and publish those census tracts meeting the criteria described in paragraphs (17), (20), and (24) of subsection (e). In making such designations, the Secretary shall consult with such other departments and agencies as the Secretary determines appropriate.".

(b) CREDIT TO BE PART OF INVESTMENT CREDIT.—Section 46 (relating to the amount of investment credit), as amended by this Act, is amended by striking "and" at the end of paragraph (3), by striking the period at the end of paragraph (4) and inserting ", and", and by adding at the end the following:

"(5) the broadband credit."

(c) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 501(c)(12)(B) (relating to list of exempt organizations) is amended by striking "or" at the end of clause (iii), by striking the period at the end of clause (iv) and inserting ", or", and by adding at the end the following:

"(v) from the sale of property subject to a lease described in section 48B(c)(2)(B), but only to the extent such income does not in any year exceed an amount equal to the credit for qualified expenditures which would be determined under section 48B for such year if the mutual or cooperative telephone company was not exempt from taxation and was treated as the owner of the property subject to such lease.".

(d) Conforming Amendment.—The table of sections for subpart E of part IV of subchapter A of chapter 1, as amended by this Act, is amended by inserting after the item relating to section 48A the following:

"Sec. 48B. Broadband credit.".

(e) Regulatory Matters.—

(1) Prohibition.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of confiscating any credit or portion thereof allowed under section 48B of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) Treasury regulatory authority.—It is the intent of Congress in providing the broadband credit under section 48B of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 48B of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified expenditures satisfies the requirements of section 48B of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 48B of such Code.

Until the Secretary prescribes such regulations, taxpayers may base such determinations on any reasonable method that is consistent with the purposes of section 48B of such Code.

(f) Effective Date.—The amendments made by this section shall apply to expenditures incurred after December 31, 2002, and before January 1, 2004.

SA 3104. Mr. DODD (for himself and Mr. McConnell) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 15, between lines 2 and 3, insert the following:

(b) Voters Who Vote After the Polls Close.—Any individual who votes in an election for Federal office for any reason, including a Federal or State court order, after the time set for closing the polls by a State law in effect 10 days before the date of that election may only vote in that election by casting a provisional ballot under subsection (a).

On page 18, strike lines 17 through 19, and insert the following:

(B)(i) the individual has not previously voted in an election for Federal office in the State; or

(ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of section 103(a).

On page 21, strike lines 19 through 23, and insert the following:

(2) Requirement for voters who register by mail.—

(A) In general.—Each State and locality shall be required to comply with the requirements of subsection (b) on and after January 1, 2004, and shall be prepared to receive registration materials submitted by individuals described in subparagraph (B) on and after the date described in such subparagraph.

(B) Applicability with respect to individuals.—The provisions of section (b) shall apply to any individual who registers to vote on or after January 1, 2003.

On page 22, strike line 17, and insert the following:

brought under this Act against such State or locality on the basis

On page 22, after line 25, insert the following:

SEC. . MINIMUM STANDARDS.

The requirements established by this title are minimum requirements and nothing in this title shall be construed to prevent a State from establishing election technology and administration requirements, that are more strict than the requirements established under this title, so long as such State requirements are not inconsistent with the Federal requirements under this title or any law described in section 402.

On page 25, strike line 20, and insert the following:

existing Federal laws, as such laws relate to the provisions of this Act, including the following:

On page 27, strike line 11, and insert the following:

(c) Safe Harbor.—No action may be brought under this Act.

On page 33, strike line 12, and insert the following:

the following laws, as such laws relate to the provisions of this Act:

On page 34, strike line 23, and insert the following:

(d) Safe Harbor.—No action may be brought under this Act.

On page 44, strike line 1, and insert the following:

(d) Safe Harbor.—No action may be brought under this Act.

On page 53, between lines 15 and 16, insert the following:

(1) Study of first time voters who register by mail.—

(A) Study.—

(i) In general.—The Commission shall conduct a study of the impact of section 103(b) on voters who register by mail.

(ii) Specific issues studied.—The study conducted under clause (i) shall include—

(I) an examination of the impact of section 103(b) on first time mail registrant voters who vote in person, including the impact of such section on voter registration;

(II) an examination of the impact of such section on the accuracy of voter rolls, including preventing ineligible names from being placed on voter rolls and ensuring that all eligible names are placed on voter rolls; and

(III) an analysis of the impact of such section on existing State practices, such as the use of signature verification or attestation procedures to verify the identity of voters in elections for Federal office, and an analysis of other changes that may be made to improve the voter registration process, such as verification or additional information on the registration card.

(B) Report.—Not later than 18 months after the date on which section 103(b)(2)(A) takes effect, the Commission shall submit a report to the President and Congress on the study conducted under subparagraph (A)(i) together with such recommendations for administrative and legislative action as the Commission determines is appropriate.

On page 68, strike lines 19 and 20, and insert the following:

(a) In General.—Except as specifically provided in section 103(b) of this Act with regard to the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.), nothing in this Act may be construed to authorize

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SA 3105. Mr. DODD (for Mr. Wyden) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 19, strike lines 20 through 24, and insert the following:

(B) Fail-safe voting.—

(i) In person.—An individual who desires to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 102(a).

(ii) By mail.—An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 102(a).

On page 20, between lines 12 through 13, insert the following:

(B)(i) who registers to vote by mail under section 6 of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4) and submits with such registration either—

(I) a driver's license number; or

(II) at least the last 4 digits of the individual's social security number; and

(ii) with respect to whom a State or local election official certifies that the information submitted under clause (i) matches an existing State identification record bearing the same number, name and date of birth as provided in such registration; or

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SA 3106. Mr. DODD (for Mr. Rockefeller) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 68, between lines 2 and 3, insert the following:

SEC. ___. STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS; DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE; STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.

(a) STUDY AND REPORT ON PERMANENT REGISTRATION OF OVERSEAS VOTERS.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of providing for permanent registration of overseas voters under section 104 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–3), as amended by section 1606(b) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1279) and this title.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

(b) DISTRIBUTION OF OVERSEAS VOTING INFORMATION BY A SINGLE STATE OFFICE.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by section 1606(a)(1) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107; 115 Stat. 1278) and the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(c) DESIGNATION OF SINGLE STATE OFFICE TO PROVIDE INFORMATION ON REGISTRATION AND ABSENTEE BALLOT PROCEDURES FOR ALL VOTERS IN THE STATE.—Each State shall designate a single office which shall be responsible for providing information regarding voter registration procedures and absentee ballot procedures to be used by absent uniformed services voters and overseas voters with respect to elections for Federal office (including procedures relating to the use of the Federal write-in absentee ballot) to all absent uniformed services voters and overseas voters who wish to register to vote or vote in any jurisdiction in the State.".

(c) STUDY AND REPORT ON EXPANSION OF SINGLE STATE OFFICE DUTIES.—

(1) STUDY.—The Election Administration Commission established under section 301 (in this subsection referred to as the "Commission"), shall conduct a study on the feasibility and advisability of making the State office designated under section 102(c) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (b)) responsible for the acceptance of valid voter registration applications, absentee ballot applications, and absentee ballots (including Federal write-in absentee ballots) from each absent uniformed services voter or overseas voter who wishes to register to vote or vote in any jurisdiction in the State.

(2) REPORT.—The Commission shall submit a report to Congress on the study conducted under paragraph (1) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. REPORT ON ABSENTEE BALLOTS TRANSMITTED AND RECEIVED AFTER GENERAL ELECTIONS.

(a) IN GENERAL.—Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(d) REPORT ON NUMBER OF ABSENTEE BALLOTS TRANSMITTED AND RECEIVED.—Not later than 120 days after the date of each regularly scheduled general election for Federal office, each State and unit of local government that administered the election shall (through the State, in the case of a unit of local government) submit a report to the Election Administration Commission (established under the Martin Luther King, Jr. Equal Protection of Voting Rights Act of 2002) on the number of absentee ballots transmitted to absent uniformed services voters and overseas voters for the election and the number of such ballots that were returned by such voters and cast in the election, and shall make such report available to the general public.".

(b) DEVELOPMENT OF STANDARDIZED FORMAT FOR REPORTS.—The Election Administration Commission shall develop a standardized format for the reports submitted by States and units of local government under section 102(d) of the Uniformed and Overseas Citizens Absentee Voting Act (as added by subsection (a)), and shall make the format available to the States and units of local government submitting such reports.

SEC. ___. OTHER REQUIREMENTS TO PROMOTE PARTICIPATION OF OVERSEAS AND ABSENT UNIFORMED SERVICES VOTERS.

Section 102 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff–1), as amended by the preceding provisions of this title, is amended by adding at the end the following new subsection:

"(e) REGISTRATION NOTIFICATION.—With respect to each absent uniformed services voter and each overseas voter who submits a voter registration application or an absentee ballot request, if the State rejects the application or request, the State shall provide the voter with the reasons for the rejection.".

SEC. ___. STUDY AND REPORT ON THE DEVELOPMENT OF A STANDARD OATH FOR USE WITH OVERSEAS VOTING MATERIALS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of—

(1) prescribing a standard oath for use with any document under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff et seq) affirming that a material misstatement of fact in the completion of such a document may constitute grounds for a conviction for perjury; and

(2) if the State requires an oath or affirmation to accompany any document under such Act, to require the State to use the standard oath described in paragraph (1).

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SEC. ___. STUDY AND REPORT ON PROHIBITING NOTARIZATION REQUIREMENTS.

(a) STUDY.—The Election Administration Commission established under section 301 (in this section referred to as the "Commission"), shall conduct a study on the feasibility and advisability of prohibiting a State from refusing to accept any voter registration application, absentee ballot request, or absentee ballot submitted by an absent uniformed services voter or overseas voter on the grounds that the document involved is not notarized.

(b) REPORT.—The Commission shall submit a report to Congress on the study conducted under subsection (a) together with such recommendations for legislative and administrative action as the Commission determines appropriate.

SA 3107. Mr. MCCONNELL (for Mr. HATCH) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes.

On page 68, strike lines 3 and 4, and insert the following:

Subtitle C—Advisory Committee on Electronic Voting and the Electoral Process

SEC. 321. ESTABLISHMENT OF COMMITTEE.

(a) ESTABLISHMENT.—There is established the Advisory Committee on Electronic Voting and the Electoral Process (in this subtitle referred to as the "Committee").

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Committee shall be composed of 16 members as follows:

(A) FEDERAL REPRESENTATIVES.—Four representatives of the Federal Government, comprised of the Attorney General, the Secretary of Defense, the Director of the Federal Bureau of Investigation, and the Chairman of the Federal Election Commission, or an individual designated by the respective representative.

(B) INTERNET REPRESENTATIVES.—Four representatives of the Internet and information technology industries (at least 2 of whom shall represent a company that is engaged in the provision of electronic voting services on the date on which the representative is appointed, and at least 2 of whom shall possess special expertise in Internet or communications systems security).

(C) STATE AND LOCAL REPRESENTATIVES.—Four representatives from State and local governments (2 of whom shall be from States that have made preliminary inquiries into the use of the Internet in the electoral process).

(D) PRIVATE SECTOR REPRESENTATIVES.—Four representatives not affiliated with the Government (2 of whom shall have expertise in election law, and 2 of whom shall have expertise in political speech).

(2) APPOINTMENTS.—Appointments to the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act and such appointments shall be made in the following manner:

(A) SENATE MAJORITY LEADER.—Two individuals shall be appointed by the Majority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(B) SENATE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the Senate, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(C) SPEAKER OF THE HOUSE.—Two individuals shall be appointed by the Speaker of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(D) HOUSE MINORITY LEADER.—Two individuals shall be appointed by the Minority Leader of the House of Representatives, of whom 1 shall be an individual described in paragraph (1)(B) and 1 shall be an individual described in paragraph (1)(C).

(E) SENATE MAJORITY AND HOUSE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Majority Leader of the Senate and the Minority Leader of the House of Representatives.

(F) HOUSE MAJORITY AND SENATE MINORITY JOINTLY.—Two individuals described in paragraph (1)(D) shall be appointed jointly by the Speaker of the House of Representatives and the Minority Leader of the Senate.

(3) DATE.—The appointments of the members of the Committee shall be made not later than the date that is 30 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Committee. Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all of the members of the Committee have been appointed, the Committee shall hold its first meeting.

(e) MEETINGS.—

(1) IN GENERAL.—The Committee shall meet at the call of the Chairperson or upon the written request of a majority of the members of the Committee.

(2) NOTICE.—Not later than the date that is 14 days before the date of each meeting of the Committee, the Chairperson shall cause notice thereof to be published in the Federal Register.

(3) OPEN MEETINGS.—Each Committee meeting shall be open to the public.

(f) QUORUM.—Eight members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CHAIRPERSON.—The Committee shall select a Chairperson from among its members by a majority vote of the members of the Committee.

(h) ADDITIONAL RULES.—The Committee may adopt such other rules as the Committee determines to be appropriate by a majority vote of the members of the Committee.

SEC. 322. DUTIES OF THE COMMITTEE.

(a) STUDY.—

(1) IN GENERAL.—The Committee shall conduct a thorough study of issues and challenges, specifically to include the potential for election fraud, presented by incorporating communications and Internet technologies in the Federal, State, and local electoral process.

(2) ISSUES TO BE STUDIED.—The Committee may include in the study conducted under paragraph (1) an examination of—

(A) the appropriate security measures required and minimum standards for certification of systems or technologies in order to minimize the potential for fraud in voting or in the registration of qualified citizens to register and vote;

(B) the possible methods, such as Internet or other communications technologies, that may be utilized in the electoral process, including the use of those technologies to register voters and enable citizens to vote online, and recommendations concerning statutes and rules to be adopted in order to implement an online or Internet system in the electoral process;

(C) the impact that new communications or Internet technology systems for use in the electoral process could have on voter participation rates, voter education, public accessibility, potential external influences during the elections process, voter privacy and anonymity, and other issues related to the conduct and administration of elections;

(D) whether other aspects of the electoral process, such as public availability of candidate information and citizen communication with candidates, could benefit from the increased use of online or Internet technologies;

(E) the requirements for authorization of collection, storage, and processing of electronically generated and transmitted digital messages to permit any eligible person to register to vote or vote in an election, including applying for and casting an absentee ballot;

(F) the implementation cost of an online or Internet voting or voter registration system and the costs of elections after implementation (including a comparison of total cost savings for the administration of the electoral process by using Internet technologies or systems);

(G) identification of current and foreseeable online and Internet technologies for use in the registration of voters, for voting, or for the purpose of reducing election fraud, currently available or in use by election authorities;

(H) the means by which to ensure and achieve equity of access to online or Internet voting or voter registration systems and address the fairness of such systems to all citizens; and

(I) the impact of technology on the speed, timeliness, and accuracy of vote counts in Federal, State, and local elections.

(b) REPORT.—

(1) TRANSMISSION.—Not later than 20 months after the date of enactment of this Act, the Committee shall transmit to Congress and the Election Administration Commission established under section 301, for the consideration of such bodies, a report reflecting the results of the study required by subsection (a), including such legislative recommendations or model State laws as are required to address the findings of the Committee.

(2) APPROVAL OF REPORT.—Any finding or recommendation included in the report shall be agreed to by at least ⅔ of the members of the Committee serving at the time the finding or recommendation is made.

(3) INTERNET POSTING.—The Election Administration Commission shall post the report transmitted under paragraph (1) on the Internet website established under section 303(a)(5).

SEC. 323. POWERS OF THE COMMITTEE.

(a) HEARINGS.—

(1) IN GENERAL.—The Committee may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this subtitle.

(2) OPPORTUNITIES TO TESTIFY.—The Committee shall provide opportunities for representatives of the general public, State and local government officials, and other groups to testify at hearings.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Committee may secure directly from any Federal department or agency such information as the Committee considers necessary to carry out this subtitle. Upon request of the Chairperson of the Committee, the head of such department or agency shall furnish such information to the Committee.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(d) GIFTS.—

(1) IN GENERAL.—The Committee may accept, use, and dispose of gifts or donations of services or property.

(2) UNUSED GIFTS.—Gifts or grants not used at the expiration of the Committee shall be returned to the donor or grantor.

SEC. 324. COMMITTEE PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Committee shall serve without compensation.

(b) TRAVEL EXPENSES.—The members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Committee.

(c) STAFF.—

(1) IN GENERAL.—The Chairperson of the Committee may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Committee to perform its duties. The employment of an executive director shall be subject to confirmation by the Committee.

(2) COMPENSATION.—The Chairperson of the Committee may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) PERSONNEL AS FEDERAL EMPLOYEES.—

(A) IN GENERAL.—The executive director and any personnel of the Committee who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) MEMBERS OF COMMITTEE.—Subparagraph (A) shall not be construed to apply to members of the Committee.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Committee without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Committee may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

SEC. 325. TERMINATION OF THE COMMITTEE.

The Committee shall terminate 90 days after the date on which the Committee transmits its report under section 322(b)(1).

SEC. 326. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this subtitle not less than $2,000,000 from the funds appropriated under section 307.

(b) AVAILABILITY.—Any sums appropriated under the authorization contained in this subtitle shall remain available, without fiscal year limitation, until expended.

TITLE IV—CRIMINAL PENALTIES; MISCELLANEOUS

SEC. 401. REVIEW AND REPORT ON ADEQUACY OF EXISTING ELECTORAL FRAUD STATUTES AND PENALTIES.

(a) REVIEW.—The Attorney General shall conduct a review of existing criminal statutes concerning election offenses to determine—

(1) whether additional statutory offenses are needed to secure the use of the Internet for election purposes; and

(2) whether existing penalties provide adequate punishment and deterrence with respect to such offenses.

(b) REPORT.—The Attorney General shall submit a report to the Judiciary Committees of the Senate and the House of Representatives, the Senate Committee on Rules and Administration, and the House Committee on Administration on the review conducted under subsection (a) together with such recommendations for legislative and administrative action as the Attorney General determines appropriate.

SEC. 402. OTHER CRIMINAL PENALTIES.

SA 3108. Mrs. CLINTON proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

Beginning on page 8, line 19, strike through page 9, line 3, and insert the following:

(5) ERROR RATES.—

(A) IN GENERAL.—The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall not exceed the error rate standards established under the voting systems standards issued and maintained by the Director of the Office of Election Administration of the Federal Election Commission (as revised by the Director of such Office under subsection (c)).

(B) RESIDUAL BALLOT PERFORMANCE BENCHMARK.—In addition to the error rate standards described in subparagraph (A), the Director of the Office of Election Administration of the Federal Election Commission shall issue and maintain a uniform benchmark for the residual ballot error rate that jurisdictions may not exceed. For purposes of the preceding sentence, the residual vote error rate shall be equal to the combination of overvotes, spoiled or uncountable votes, and undervotes cast in the contest at the top of the ballot, but excluding an estimate, based upon the best available research, of intentional undervotes. The Director shall base the benchmark issued and maintained under this subparagraph on evidence of good practice in representative jurisdictions.

(C) HISTORICALLY HIGH INTENTIONAL UNDERVOTES.—

(i) The Senate finds that there are certain distinct communities in certain geographic areas that have historically high rates of intentional undervoting in elections for Federal office, relative to the rest of the Nation.

(ii) In establishing the benchmark described in subparagraph (B), the Director of the Office of Election Administration of the Federal Election Commission shall—

(I) study and report to Congress on the occurrences of distinct communities that have significantly higher than average rates of historical intentional undervoting; and

(II) promulgate for local jurisdictions in which that distinct community has a substantial presence either a separate benchmark or an exclusion from the national benchmark, as appropriate.

SA 3109. Mr. MCCONNELL (for Mr. NICKLES) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 18 between lines 7 and 8, insert:

(4) TECHNOLOGICAL SECURITY OF COMPUTERIZED LIST.—The appropriate State or local official shall provide adequate technological security measures to prevent the unauthorized access to the computerized list established under this section.

SA 3110. Mr. DODD (for Mr. LEVIN) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 12, strike lines 9 through 19, and insert the following:

(3) An election official at the polling place shall transmit the ballot cast by the individual or voter information contained in the written affirmation executed by the individual under paragraph (2) to an appropriate State or local election official for prompt verification under paragraph (4).

(4) If the appropriate State or local election official to whom the ballot or voter information is transmitted under paragraph (3) determines that the individual is eligible under State law to vote in the jurisdiction, the individual's provisional ballot shall be counted as a vote in that election.

SA 3111. Mr. MCCONNELL (for Mr. GRASSLEY) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

On page 18, between lines 7 and 8, insert the following:

(4) INTERACTION WITH FEDERAL INFORMATION.—

(A) ACCESS TO FEDERAL INFORMATION.—

(i) IN GENERAL.—Notwithstanding any other provision of law, the Commissioner of Social Security shall provide, upon request from a State or locality maintaining a computerized centralized list implemented under paragraph (1), only such information as is necessary to determine the eligibility of an individual to vote in such State or locality under the law of the State. Any State or locality that receives information under this clause may only share such information with election officials.

(ii) PROCEDURE.—The information under clause (i) shall be provided in such place and such manner as the Commissioner determines appropriate to protect and prevent the misuse of information.

(B) APPLICABLE INFORMATION.—For purposes of this subsection, the term "applicable information" means information regarding whether—

(i) the name and social security number of an individual provided to the Commissioner match the information contained in the Commissioner's records; and

(ii) such individual is shown on the records of the Commissioner as being deceased.

(C) EXCEPTION.—Subparagraph (A) shall not apply to any request for a record of an individual if the Commissioner determines there are exceptional circumstances warranting an exception (such as safety of the individual or interference with an investigation).

SA 3122. Mr. MCCONNELL (for Mr. SMITH of New Hampshire) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant programs under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the appropriate place, add the following:

SEC. . BROADCASTING FALSE ELECTION INFORMATION.

In carrying out its duty under section 303(a)(1)(G), the Commission, within 6 months after its establishment shall provide a detailed report to the Congress on issues regarding the broadcasting or transmitting by cable of federal election results including broadcasting practices that may result in the broadcast of false information concerning the location or time of operation of a polling place.

SA 3113. Mr. MCCONNELL (for Mr. THOMAS) proposed an amendment to the bill S. 565, to establish the Commission on Voting Rights and Procedures to study and make recommendations regarding election technology, voting, and election administration, to establish a grant program under which the Office of Justice Programs and the Civil Rights Division of the Department of Justice shall provide assistance to States and localities in improving election technology and the administration of Federal elections, to require States to meet uniform and nondiscriminatory election technology and administration requirements for the 2004 Federal elections, and for other purposes; as follows:

At the end, add the following:

SEC. . SENSE OF THE SENATE REGARDING CHANGES MADE TO THE ELECTORAL PROCESS AND HOW SUCH CHANGES IMPACT STATES.

It is the sense of the Senate that—

(1) the provisions of this Act, shall not prohibit States to use curbside voting as a last resort to satisfy the voter accessibility requirements under section 101(a)(3);

(2) the provisions of this Act permit States—

(A) to use Federal funds to purchase new voting machines; and

(B) to elect to retrofit existing voting machines in lieu of purchasing new machines to meet the voting machine accessibility requirements under section 101(a)(3);

(3) nothing in this Act requires States to replace existing voting machines;

(4) nothing under section 101(a) of this Act specifically requires States to install wheelchair ramps or pave parking lots at each polling location for the accessibility needs of individuals with disabilities; and

(5) the Election Administration Commission, the Attorney General, and the Architectural and Transportation Barriers Compliance Board should recognize the differences that exist between urban and rural areas with respect to the administration of Federal elections under this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 9:30 a.m., to hear testimony on "Issues in TANF Reauthorization: Requiring and Supporting Work."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR AND PENSIONS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on the Reauthorization of the Museum and Library Services Act during the session of the Senate on Wednesday, April 10, 2002, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 2:30 p.m., to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet on Wednesday, April 10, 2002, from 9:30 a.m.–12:00 p.m., in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 9 a.m., in open session to receive testimony on technology for combating terrorism and weapons of mass destruction, in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Subcommittee Strategic of the Committee on Armed Services be authorized to meet during the session of the Senate on Wednesday, April 10, 2002, at 2:30 p.m., in open session to receive testimony on the Department of Energy's Environmental Management Program and the National Nuclear Security Administration's Defense Program and other weapons activities in review of the Defense authorization request for fiscal year 2003.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SUPERFUND, TOXICS, RISK AND WASTE MANAGEMENT

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works, Subcommittee on Superfund, Toxics, Risk, and Waste Management be authorized to meet on Wednesday, April 10, 2002, at 10 a.m., to hold an oversight hearing on the Superfund program. The hearing will be held in SD–406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. DAYTON. Mr. President, I ask unanimous consent that my assistant, Erin McGuire, be granted the privilege of the floor during consideration of amendment No. 3097.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—S. 565

Mr. REID. Mr. President, with respect to S. 565, I ask unanimous consent that the vote sequence occur as previously ordered and that the Senate vote on or in relation to the amendments in order without further intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING COURAGE AND PROFESSIONALISM FOLLOWING THE RELEASE OF ANTHRAX

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 342, S. Res. 187.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 187) commending the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage and professionalism during the days and weeks following the release of anthrax in Senator DASCHLE's office.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Governmental Affairs without amendment and with amendments to the preamble, as follows:

[Omit the part in black brackets and insert the part printed in italic.]

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

[Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building remains closed;]

Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building for 96 days;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

[Whereas Members and staff whose offices are located in the Hart Senate Office Building continue to utilize alternative office space, including office space donated by other Members;]

Whereas Members and staff whose offices are located in the Hart Senate Office Building utilized alternative office space, including office space donated by other Members;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas Capitol Hill police officers have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, has further disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the Senate—

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

Mr. REID. Mr. President, it is late tonight, but I want to underline this resolution. The staff did tremendous work. I can remember the first morning after they found the letter containing anthrax. Everyone was very professional.

I also want to make sure everyone understands the great work that was done by the Secretary of the Senate and the Sergeant at Arms, Jeri Thomson and General Lenhardt, respectively. Their actions were exemplary. General Lenhardt had only briefly been working for the Senate. He was faced immediately with 9-11 and then this anthrax situation. His being a general has certainly paid us dividends. He really knew how to react under fire.

Mr. President, I ask unanimous consent that the resolution be agreed to; that the amendments to the preamble be agreed to; that the preamble, as amended, be agreed to; and that the motion to reconsider be laid upon the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 187) was agreed to.

The amendments to the preamble were agreed to.

The preamble, as amended, was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 187

Whereas there are approximately 30,000 legislative branch employees who work on Capitol Hill including approximately 6,200 Senate employees, 11,500 House employees, and 12,800 staff from other entities;

Whereas the Capitol Complex consists of approximately 285 acres comprised of 3 Senate office buildings, 3 House office buildings, 2 House annex buildings, 3 Library of Congress buildings, and several other facilities;

Whereas on October 15, 2001, a letter containing anthrax spores was opened in Senator Daschle's office;

Whereas approximately 6,000 individuals were tested for exposure to anthrax and 28 of those individuals tested positive;

Whereas approximately 1000 individuals received a 60-day supply of antibiotics as a precautionary measure;

Whereas the House of Representatives closed the Rayburn and Cannon House Office Buildings for 7 days and the Longworth House Office building for 19 days;

Whereas the Senate closed the Russell Senate Office Building for 6 days, the Dirksen Senate Office Building for 8 days, and the Hart Senate Office Building for 96 days;

Whereas during the closure of the Senate and House Office Buildings, Members and staff were forced to find alternative office space or to work from their homes;

Whereas Members and staff whose offices are located in the Hart Senate Office Building utilized alternative office space, including office space donated by other Members;

Whereas Senate, House, and support staff continued and still continue to perform their duties and serve the public with courage and professionalism in spite of the threat of anthrax exposure;

Whereas Capitol Hill police officers have worked 12 hour shifts in response to the September 11, 2001, attacks and have been working additional overtime due to anthrax contamination in the Capitol Complex to ensure the safety of Members, staff, and visitors within the Capitol Complex; and

Whereas the release of anthrax in Senator Daschle's office, and the contamination of 2 Senate office buildings and 1 House office building, has further disrupted the daily routines of Congressional Members and their staffs and caused frustration due to dislocated offices: Now, therefore, be it

Resolved, That the Senate—

(1) commends the staffs of Members of Congress, the Capitol Police, the Office of the Attending Physician and his health care staff, and other members of the Capitol Hill community for their courage, professionalism, and dedication to serving the public in the aftermath of the September 11, 2001, attacks and the release of anthrax in Senator Daschle's office;

(2) recognizes the Congressional leadership, Congressional employees, the Capitol Police, and the Office of the Attending Physician and the health care professionals in his office, in particular, who by their quick actions and early intervention prevented actual cases of anthrax within the Capitol Complex; and

(3) requests that the President recognize the courage and professionalism of Congressional staff, the Capitol Police, and other members of the Capitol Hill community for their public service in continuing to do the public's business in defiance of terrorist attacks.

ORDERS FOR THURSDAY, APRIL 11, 2002

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 10 o'clock tomorrow morning; that immediately following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate resume consideration of the energy reform bill; further, that at 11:30 a.m., the Senate resume consideration of S. 565, with 30 minutes of debate equally divided between Senators DODD and MCCONNELL, or their designees.

The PRESIDING OFFICER. Without objection; it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:24 p.m., adjourned until Thursday, April 11, 2002, at 10 a.m.

EXTENSIONS OF REMARKS

REGARDING FREDDY FENDER

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to an American patriot, cultural icon and leader in our South Texas community, Freddy Fender, an accomplished artist whose appeal is ageless. Freddy proved his everlasting influence last month when he won the Grammy for Best Latin Pop Album.

A San Benito Texas native, Freddy was born Baldemar Huerta. He began his career as a teenager recording Spanish language recordings of popular English language songs that found an audience in Mexico and Latin America in the 1950s. In the 1960's his career took off in the United States with the hit, "Wasted Days and Wasted Nights."

Those wild, early days eventually put him on a more disciplined path. He went back to school and worked as a mechanic, but he continued singing.

His number one hit, "Before the Next Teardrop Falls," was his re-entry into popular culture. That album went multi-platinum, and Fender won best male artist of 1976. In the latter part of the century, he spread his wings, expanded upon his talent and worked with Robert Redford in the movie "The Milagro Beanfield War" and other non-traditional projects.

He found his stride, working different parts of the entertainment industry. But he never strayed far from the bounds of music, working with The Texas Tornados.

Very recently, Freddy and his family were tested in the fire when Freddy survived a near-death experience. After a protracted illness Freddy received a kidney from his daughter, thus cheating death, and is still singing and writing his songs.

Freddy's Grammy Award-winning album this year captured the yearning for a simple, romantic return to youth. The cover has a 4-year-old Baldemar Huerta dressed as a cowboy astride a painted pony. "La Musica de Baldemar Huerta" is 10 boleros with little accompaniment, allowing the classic Fender voice to carry the Spanish language bolero with charm and ease. Boleros are poignant ballads generally featuring sophisticated guitar picking and sensual rhythms.

The one thing for which Freddy is known in South Texas is his generosity of spirit in establishing a scholarship fund for average students. An average student himself, and an avowed troublemaker in his youth, he has a unique understanding of the challenges before a young person who has either made a mistake, made only average grades, or both.

I ask the House of Representatives to join me today in honoring Freddy Fender, a great American treasure . . . a South Texan, a friend, and lifelong cultural icon in North American music.

HONORING THE 2002 PASADENA STRAWBERRY FESTIVAL AND THE LAWRENCE-CEDARHURST FIRE DEPARTMENT

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Pasadena Strawberry Festival as it celebrates its 29th anniversary, kicking off this year's festival with an opening ceremony at the Pasadena Fairgrounds on May 17, 2002. The multi-cultural weekend event draws a crowd of more than 30,000 to enjoy the strawberries, entertainment, food, activities and fun.

The Strawberry Festival began in 1974 when Helen Alexander, better known as Miss Helen, "planted a seed" to promote the grand opening of the new Pasadena Historical Museum. The seed Miss Helen planted grew into today's Pasadena Strawberry Festival, named to honor Pasadena's heritage as the Strawberry Capitol of the World.

The Pasadena Strawberry Festival is a two-and-a-half day multi-cultural event produced by hundreds of volunteers on the Pasadena Fairgrounds. Continuous live entertainment, arts and crafts, children's games, carnival rides, a fabulous variety of goods, special acts and demonstrations, and of course, "Texas' Largest Strawberry Shortcake," are just a few of the Festival's features. Proceeds from the festival funds scholarships, books for college libraries, and community projects that preserve and promote the study of Texas history.

This year the Pasadena Fire Department and the Pasadena Strawberry Festival have invited the Lawrence-Cedarhurst Fire Department from Long Island, New York, to participate in the Pasadena Strawberry Festival Parade on May 11, 2002. Lawrence-Cedarhurst and the Pasadena Volunteer Fire Department have become sister fire departments and Pasadena has traveled to New York on several occasions to participate in parades Lawrence-Cedarhurst has hosted. There will be approximately 23 firefighters from Lawrence-Cedarhurst including the Chief, one Assistant Chief, four Commissioners and other officers and members. Lawrence-Cedarhurst, the first volunteer fire department on the list to be called out for mutual aid to New York, has been to ground zero numerous times and aided in the plane crash on November 12, 2001 in Belle Harbor Queens on the Rockaway Peninsula. Pasadena Police Chief Paul Cobb and Pasadena Fire Chief Jerry Gardner are Grand Marshals of the parade. The Honorary Grand Marshal of this year's parade will be one of Lawrence-Cedarhurst's members, Charles "Monty" Seaman. Monty is on the Advisory Board and has been a volunteer at the Pasadena Strawberry Festival for more than 10 years. He has been with the Lawrence-Cedarhurst Fire Department for 43 years and has held a variety of positions, such as Chief, Assistant Chief, President of the Fire Department Benevolent Association and is presently Commissioner. Monty is the brother of Sharon Andreno, President of the Pasadena Strawberry Festival.

Mr. Speaker, I am certain the 2002 Pasadena Strawberry Festival will be grand and exciting, while maintaining the warm, country charm of the original Festival. However, this year's festival of community takes on a new meaning after the tragic events of last year. The selfless acts of the firefighters in New York and around the nation remind communities everywhere of the unyielding commitment to the public good held by so many public servants throughout the country. I welcome the members of the Lawrence-Cedarhurst Fire Department to Pasadena and recognize and applaud these protectors of our neighborhoods for their work on our behalf.

SUPPORT FOR INTERNATIONAL CRIMINAL COURT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today to express my support for the International Criminal Court as it comes into existence at a United Nations ceremony in New York City. As my colleagues are aware, since coming to Congress I have been highly supportive of an I.C.C., and I strongly believe in its principal, that human rights abusers who commit crimes against humanity or genocide should be brought to justice.

Several years ago, I visited the Hague, and was deeply moved by the intense law enforcement and criminal justice efforts there to bring abusers to justice. A permanent international criminal court which can bring future perpetrators of war crimes to full and complete justice is in our national interests.

Support for the International Criminal Court is nearly universal among our allies, among those ratifying the Rome Treaty are our closest friends in the war against terrorism, such as the United Kingdom. The European Union has a common position supporting the court and the list of ratifying countries includes so many of our closest allies that many commentators have referred to the ICC as the Court of the Democracies.

I feel strongly that if we are not to ratify the Rome Treaty at this time, at a minimum, adopt a policy of constructive engagement with the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Court. We must be engaged to ensure that we use our Security Council referral power in a responsible manner to both deter war crimes, crimes against humanity and genocide to ensure that those who commit such crimes are brought to justice. As leaders of the free world, we must recognize that the only way to achieve a court that we can live with, is to stay engaged in the continuing negotiations over the scope, purpose, and construction of it.

Again, I commend the nations who have taken the leadership and effort to become members of the Court and look forward to its role in international justice.

HONORING JAMES UKROP FOR HIS DEDICATION TO PROFESSIONAL PHARMACEUTICAL SERVICES

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CANTOR. Mr. Speaker, I rise today to honor James Ukrop for his dedication to professional pharmaceutical services. The Virginia Pharmacists Association Research and Education Foundation will present Mr. Ukrop with the Rx for Excellence Award, in recognition of his leadership and commitment to pharmaceutical services.

The award honors Mr. Ukrop's promotion of public welfare through the development of professional pharmaceutical services in the pharmacies located in Ukrop's grocery stores. Since the opening of the first Ukrop's pharmacy in 1989, Mr. Ukrop has provided leadership and innovation in creating first class pharmacies that provide customers with extra services, care, convenience, and value.

Fifteen of the 21 Ukrop's pharmacies have fully operating wellness centers that offer nontraditional pharmaceutical services. These services include blood pressure monitoring, blood glucose testing, cholesterol screening and immunizations. These operations provide a convenience and much-needed service to Ukrop's customers.

Mr. Ukrop's vision and commitment to others has been a driving force behind the advancement of the pharmacy profession. His leadership in the development of the profession is invaluable and something for which we are all extremely grateful. I am honored that such a remarkable citizen resides in the seventh district of Virginia.

Mr. Speaker, please join me in honoring James Ukrop for his dedication to the people of Virginia and to the profession of pharmacy.

MR. CHEOW TECK CHANG, THE QUINTESSENTIAL 21ST CENTURY CAPITALIST

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to one of the great businessman in the global village, Mr. Cheow Teck Chang, the President of VT Systems Incorporated, the operating headquarters of Singapore Technologies in the United States.

I came to meet Mr. Chang while working with Singapore Technologies to persuade them to bring an aspect of the Engineering Group to Corpus Christi, TX. Currently, the Corpus Christi City Council and Singapore Technologies are finalizing the details of their new venture, one that promises a host of new jobs for south Texans.

Mr. Chang is the quintessential 21st century capitalist. His company is a global engineering enterprise specializing in aerospace, electronics, land systems and marine fields. He is the man his company trusted to lead their efforts in developing the North American markets.

Mr. Chang is certainly the man to develop these lucrative markets for his company. He is trustworthy, detail-oriented, as well as an extraordinary businessman.

He juggles many balls. In addition to the incredible workload of developing American markets for his global company, Mr. Chang is also president of the ST New Business Group, responsible for investments in new technologies, capabilities and services.

He came to his current position rich in experience. He served in the Republic of Singapore Air Force until 1990, and then joined the ST Aerospace Group where he moved quickly up through the ranks through various operations and management positions.

He graduated with honors from the National University of Singapore and recently completed a management program at Harvard Business School.

I have appreciated his gentle humor, his incredible business sense, and his ability to see around the corner in the world of finance. We are golf partners and friends, and I am grateful for the work he has done in south Texas.

I ask my colleagues to join me in commending Mr. Cheow Teck Chang, one of the great businessman in our global economy.

HONORING TONY J. SIRVELLO III

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Tony Sirvello, Administrator of Elections, Office of the County Clerk, Harris County, TX, on the occasion of his retirement on June 30, 2002. He has been a fixture in the local electoral process for more than two decades and he will be missed.

A native Houstonian, Tony Sirvello, graduated from St. Thomas High School in Houston, received his BA in Political Science and Law Degree from the University of Houston, and was admitted to the Bar in Texas in 1973. He also served in the U.S. Army where he received a Medal for Meritorious Service. He has worked in the elections' division of the Harris County Clerk's Office since 1973 becoming Elections Administrator in 1980.

In all that he has done, Tony has been a leader, organizer, and innovator. He will leave office just as the county implements his longstanding dream to replace the old voting system with a new computer-based system. The county's $25 million eSlate voting system, which combines small computer voting machines with high-tech optical scanners, will be used for early, mail-in, and Election Day voting in the November general election. Officials have been phasing in the new system since last year.

Mr. Speaker, I congratulate my friend on his retirement and commend him on a job well done. I am pleased to join Tony Sirvello's family, friends and colleagues in honoring him for his accomplishments and his steadfast commitment to the citizens of Harris County. His dedication to public service and his professionalism are examples for us all. We owe him a debt of gratitude for the work he has done to execute the electoral process in Harris County and thus the essential function of our democracy.

IN CELEBRATION OF TAIWAN RELATIONS ACT

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. KENNEDY of Rhode Island. Mr. Speaker, twenty-three years ago on this date, President Jimmy Carter signed into law the Taiwan Relations Act (TRA). Since the passage of that historic bill, the TRA has been very successful in providing our friend and ally, Taiwan, with a legal mechanism to ensure that Taiwan would be "protected" if attacked. At the same time it has brought a level of stability and peace to that island nation and given the Taiwanese people an opportunity to become an economic leader in the Asian, and in the global, marketplace.

President George W. Bush, reiterated our national commitment to the TRA while visiting China earlier this year. At that time he stressed our commitment to Taiwan security under the Taiwan Relations Act. I also support Taiwan's entrance into the World Health Organization.

As we celebrate this 23rd anniversary of the TRA, it is my hope that peace and stability will continue in the Taiwan Strait and that we can continue to work with the ally we have in Taiwan.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall Nos. 81 and 82. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "yes" on rollcall Nos. 81 and 82.

PERSONAL EXPLANATION

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. RILEY. Mr. Speaker, I was unavoidably detained for Rollcall No. 80, on approving the journal. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 81, H. Res. 377, Recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations. Had I been present I would have voted yea.

I was also unavoidably detained for Rollcall No. 82, H.R. 3958, the Bear River Migratory Bird Refuge Settlement Act of 2002. Had I been present I would have voted yea.

VAISAKHI GREETINGS TO THE SIKH NATION

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BURTON of Indiana. Mr. Speaker, this Saturday, April 13, is Vaisakhi, the birthday of the Sikhs. It marks the day on which the last of the Sikh gurus, Guru Gobind Singh, consecrated the Khalsa Panth. It is the Sikhs' most important holiday. I would like to take this opportunity to wish the Sikhs in America, In Khalistan, and around the world a happy Vaisakhi Day.

This important occasion is usually marked with parades and services in the Gurdwara. It should also be a time for the Sikh Nation to focus on freedom.

Sikhs have made many contributions to this country. They have been leaders in agriculture, law, medicine, and many other fields. One Sikh, Dr. Dalip Singh, a mathematics professor from California, served two terms in this House from 1959–63. He was the first person from the subcontinent to serve in Congress.

As is the regular practice, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, has issued a Vaisakhi Day greeting to the Sikh Nation. He urges the Sikhs to use this occasion to begin a peaceful movement to reclaim their lost sovereignty and freedom. I urge all my colleagues to read this outstanding letter.

The time has come for America to cut off its aid to India and to support a free and fair plebiscite on independence in Punjab, Khalistan, in Kashmir, in Christian Nagaland, and in the many nations seeking their freedom from India. These are the best measures to ensure freedom, peace, security, and prosperity in South Asia.

VAISAKHI MESSAGE TO THE SIKH NATION, MAR. 25, 2002.

KHALSA JI: Wahe Guru Ji Ka Khalsa, Wahe Guru Ji Ki Fateh!

This is a time of celebration of our 303rd anniversary of the Khalsa Panth. It is also time to look back at our history. The Guru gave sovereignty to the Khalsa Panth. ("In grieb Sikhin ko deon Patshahi.") Banda Singh Bahadur established the first Khalsa rule in Punjab from 1710 to 1716. Then there was a period of persecution of the Sikhs. Again Sikhs established a sovereign, independent rule from 1765 to 1849, when the British annexed the Sikh homeland, Punjab, into British India.

To regain freedom from the British, Sikhs were on the front line of the fight. The Sikh Nation gave about 80 percent of the sacrifices during this freedom struggle when they formed only 1.5 percent of the Indian population. At the time of the independence of India, Sikhs were equal signatories to the transfer of power from the British. Muslim leader Mohammed Ali Jinnah was very wise and well educated and he did not trust the majority Hindu leadership. He got an independent Pakistan for the Muslims. The Sikh leadership should have gotten an independent country for the Sikhs at that time, but they were fooled by the Hindu leadership of Nehru and Gandhi so Sikhs took their share and joined India on the promise that they would have the glow of freedom in the northwest part of India.

Khalsa Ji, we have seen this "glow of freedom" in the form of the attack on the Golden Temple in June 1984, when over 20,000 Sikhs were killed in Punjab in a single month. The next massacre of Sikhs occurred after the assassination of Indira Gandhi in Delhi. There was a mass murder of Sikhs throughout India, including Delhi. The Sikhs were pulled out of trains and burned alive. Sikh truck drivers were pulled out of their trucks. Tires were put around their necks by Hindu militants and they were burned to death. In Punjab, this genocide continued under Beant Singh's government. Sikhs were arrested, tortured, and then cremated and their bodies were declared "unidentified."

Since 1984, over 250,000 Sikhs have been murdered. 52,268 are rotting in Indian jails under TADA, which expired in 1995. Many of them have be in illegal custody since Operation Bluestar in 1984. Only last month, 42 Members of the U.S. Congress wrote to President Bush to get these political prisoners released. Jaswant Singh Khalra, who exposed the government killing of Sikhs in fake encounters, became a victim of the Indian police himself. He was kidnapped outside his house and murdered in police custody. He documented 6,018 Sikhs who were secretly cremated by the government in three cremation grounds, Patti, Tarn Taran, and Durgiana Mandir. Subsequently, Punjab Human Rights Organization (PHRO) chairman Justice Ajit Singh Bains said that about 50,000 Sikhs were secretly cremated in this manner. Even Akal Takht Jathedar Gurdev Singh Kaunke was murdered by SSP Swaran Singh Ghotna and then his body was disposed of.

The Badal government was forced to conduct an inquiry into the killing of Jathedar Kaunke. It was done by three Punjab police officials under the leadership of DIG Tiwari. He submitted a report to the Badal government, which has not been made public as of today. How could a democratically elected Akali government hide the murder of the Akal Takht Jathedar by not releasing this report, which was conducted by its own order?

The Badal government was the most corrupt one in Punjab's history. They invented a new term for bribery: "fee for service." If you didn't pay the fee, you didn't get the service. There was a fixed amount of money for government jobs. Bags of money were received by Mrs. Badal in return for these jobs. The Punjab economy deteriorated under Badal and the Punjab government had its largest debt ever. It is bankrupt now. Badal made three promises to get elected. He promised to free the political prisoners, to punish the police officers who carried out atrocities against the Sikh Nation, and to appoint a commission to investigate atrocities. He did not keep any of them.

The Sikh leadership is completely under Indian government control, whether it is the Akali leadership of Badal, Tohra, Mann, and others or the Congress leadership of Punjab under Captain Amarinder Singh or former Chief Minister Mrs. Bhatthal. Changing parties and faces every election will not solve the problems of the Sikh Nation. Congress is no better than the Akalis and the Alkalis proved to be the worst enemies of the Sikh Nation. How could an Akali government keep 52,268 Sikhs in jail without charge or trial for the last 16 years? It is shameful and a black mark on the present Akali leadership. They have cashed in on the sacrifices and good will of the pre-independence Akali leadership.

Khalsa Ji, the only solution to this quagmire is the formation of a Khalsa Raj Party under new, honest, dedicated, and committed leadership. The time is now to do it. Let's not waste time and prolong the suffering and agony of the Sikh Nation under the present corrupt Akali leadership which is controlled by the Indian government and is determined to wipe out the Sikh Nation and the Sikh religion. The only remedy is to sever our relationship with Delhi completely, once and for all, and declare the independence from India and start a peaceful agitation to free the Sikh homeland, Punjab, Khalistan.

The victory of the Congress Party was a massive rejection of the Akalis, who were elected five years ago to reject the Congress Party. However, the Congress Party remains the enemy of the Sikh Nation. In the last two elections, the Sikh Nation has soundly rejected both parties. Neither supports the interests of the Sikh Nation; neither can be trusted by the Sikh Nation. The time has come to discard the present Akali leadership that has betrayed the Sikh Nation.

We must press for action against the police officials who carried out the police kidnapping and murder of human-rights activist Jaswant Singh Khalra. These would be good first steps for the Sikh leadership and for the new government in Punjab. But we must continue to pursue our ultimate goal of freeing the Sikh homeland, Punjab, Khalistan.

The Sikh Nation is sovereign and it must have its sovereign, independent country. Guru gave sovereignty to the Khalsa Panth. Remember "Raj Kare Ga Khalsa." Sikhs can never forgive or forget the desecration of the Golden Temple. This is the history and tradition of the Sikh Nation. The time has come to form a Khalsa Raj Party to liberate Khalistan. The new Sikh leadership must launch a Shantmai Morcha to liberate our homeland. The only way the Sikh Nation can prosper is to free the Sikh homeland, Punjab, Khalistan. The freedom of the Sikh Nation will bring prosperity, stability, and peace to Punjab and to South Asia.

Panth Da Sewadar,

DR. GURMIT SINGH AULAKH,

President, Council of Khalistan.

TRIBUTE TO MAYOR DONALD FRACASSI

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. KNOLLENBERG. Mr. Speaker, I would like to take this opportunity to pay tribute to Mayor Donald F. Fracassi, city of Southfield, and thank him for his extraordinary contributions to southeastern Michigan. A long-time community activist, every person with whom he has worked and the people of Southfield, Michigan, are eternally grateful for all he has accomplished in his more than three decades of public service.

Dean of Southeast Michigan mayors, Donald has also been a Southfield businessman since 1957. He is chairman of the South Oakland County Mayors Association and founder of the Eight Mile Boulevard Association. Mayor Fracassi has also been involved in the National League of Cities, Southeast Michigan Council of Governments (SEMCOG), and the Michigan Association of Mayors and Metropolitan Affairs Corporation.

Mr. Speaker, it is clear that Donald Fracassi is a man of great dedication and commitment to his community. The Jewish War Veterans and Ladies Auxiliary, the Southfield Business and Professional Women's Club, and the Air Force Association Straubel Chapter #369 have all recognized his outstanding service. Mayor Fracassi has also served as the Honorary Co-Chair of the United Negro College Fund Mayors' Scholarship Ball since 1996, and serves as Honorary Host for such events as Israel's 50th Anniversary Celebration, the Arab Community Center for Economic and Social Services Anniversary Banquet, and the Annual Lem Tucker Scholarship Program.

And so, Mr. Speaker, I submit this tribute to be included in the archives of the history of our country. It is men like Donald who make this Nation great. Although Southfield is sad to lose his services, I wish him well in his future endeavors.

TED MALIARIS

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. DIAZ-BALART. Mr. Speaker, I rise today to commend Ted Maliaris for his dedication to our great nation through his music. Ted is leading the "A Tribute to America Tour" following the tragic events of September 11.

Ted was born is South Florida in January of 1969. Music has long been a part of his life, inspired particularly by his grandmother and the sweet sounds of her violin. A farmer by trade, Ted feels a close connection to the land of this great country, and he used his time on the farm to develop the music which he now shares with so many people. Two years after deciding to follow his dream, Ted had even recorded his first album with The London Symphony Orchestra.

To stir inspiration and patriotism all across America, Ted Maliaris is now touring the United States preforming "A Tribute to America—A 21st Century Anthem" which was composed by his mother, Ann S. Miller, who dedicated the Anthem to the men and women of our Armed Forces.

I urge all our colleagues to join me in paying tribute to a great American, Ted Maliaris.

TRIBUTE TO DR. J. PATRICK MORAN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ORTIZ. Mr. Speaker, I rise today to pay tribute to a great American patriot, Dr. J. Patrick Moran of Corpus Christi.

Dr. Moran is a much beloved physician in the Coastal Bend of Texas and is being honored by the Spohn Health System next week with the Physician Leadership Award. He is receiving this recognition for his excellence in health care service to our community.

Dr. Moran has practiced medicine for 40 years at Spohn Hospital, and prior to that, interned at hospitals around the world. That international experience prepared this Minnesota native for much of what he has seen in his South Texas practice.

The totality of his experience makes him the "go-to" guy for young doctors and other health care providers in the area who get stumped on a medical question.

I consider Dr. Moran a brother and depend on him for wise counsel, as well as for back channel information about what is being said in Corpus Christi regarding a host of issues. He knows what people are saying.

We remain very close and keep in touch with each other despite our wild schedules. Dr. Moran literally has his finger on the pulse of the community and works hard to find ways to improve quality of life for our citizens.

He is a giant in the South Texas area and in the larger Texas medical community, and I am delighted he is receiving the recognition he so richly deserves. He embodies all that a doctor should be.

This man of faith holds a special place in the hearts of many of our friends and neighbors. Like many great men, he is supported by his beautiful wife of many years, Nancy, and their children, Pat Jr., Serena, Colleen, and Maria.

I ask my colleagues to join me today in commending this special patriot. Please join me and the Spohn Health System in honoring him for the work of his lifetime with the Physician Leadership Award.

HONORING MORRIS AND SCOTT ATLAS

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BENTSEN. Mr. Speaker, I rise to honor Morris and Scott Atlas upon their receipt of the Karen H. Susman Jurisprudence Award from the Anti-Defamation League (ADL). For 15 years, the Southwest Region of the Anti-Defamation League has recognized leaders within the legal community for exemplary contributions to the legal community and the award, named in memory of Karen H. Susman, a distinguished civic leader and former chair of the ADL regional board, salutes the recipient's outstanding civic activities and their continued dedication to the mission of the ADL.

It is certainly fitting that this year's recipients are Morris and Scott Atlas. They have been long-time friends of my family and myself and are two of the most distinguished individuals I know. Morris Atlas is among the "builders" of today's Rio Grande Valley and a leader of the University of Texas School of Law, from which he graduated. His son, Scott Atlas, is among the most prominent litigators in Texas. His clients have included both powerful corporations and the least powerful within our society. Above all, Scott, like his father, has been active in the development of Houston as a world-class city.

Morris Atlas is the Managing Partner of the McAllen, TX, law firm, Atlas & Hall, L.L.P., which he founded in 1952. Morris has worked hard to expand and improve higher education in the state of Texas. He chaired the Pan American University Board of Regents and was instrumental in the effort to bring that institution into the University of Texas System. His involvement was instrumental in securing $245 million in improvement funding for five South Texas universities in the UT System. He is a Life Member Trustee and part President of the UT Law School Foundation and currently chairs the Chancellor's Council of the UT System.

Morris has long been committed to the delivery of health care and human services. He has served on the boards of McAllen General Hospital and the Vannie E. Cook, Jr. Cancer Center, the Scott & White Memorial Hospital Board of Visitors, the State Board of Public Welfare Task Force for the Evaluation of Medicaid, and the Senate Committee for the Study of Human Services Delivery. He was a leader in the efforts to bring a university rural health care program to South Texas.

Scott Atlas' service to the community has earned him the praise and respect of his colleagues and neighbors. A partner at Vinson & Elkins L.L.P., Scott is a graduate of Yale and the University of Texas School of Law, where he was Editor-in-Chief of the Texas Law Review. He has built a reputation as an outstanding trial lawyer in business disputes and a leader and innovator in the delivery of pro bono legal services. He recently argued successfully before the U.S. Supreme Court, and obtained his client's release from a life sentence. He is currently Chair-Elect of the American Bar Association's 65,000-member Section of Litigation and previously served as a member of its governing Council and Executive Committee.

Scott is largely responsible for Vinson & Elkins' national reputation as an innovator of pro bono legal services. The law firm has received numerous local, state and national awards for their work. In 1983, Scott organized the Texas Appointment Plan, which recruited and now coordinates over 125 law firms statewide to provide volunteer attorneys to indigents on federal court appeals. Scott has received the ABA's Pro Bono Award for "contribut[ing] significant work toward developing innovative approaches to the delivery of volunteer legal services to the poor," and was named "Lawyer of the Year" by the Mexican American Bar Association of Houston.

Mr. Speaker, I commend the Anti-Defamation League in recognizing the selflessness and commitment to the public good of Morris and Scott Atlas. The Atlas family tradition of service to the community is an example for future generations. The work of these two men gives life to the mission of the Anti-Defamation League—standing steadfast on the front-lines against racism, prejudice and bigotry of all kinds. I commend both Morris and Scott on receiving this award and more importantly, their work to promote tolerance and build respect among diverse racial, religious and ethnic groups.

TRIBUTE TO JOHNSTOWN, COLORADO

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. SCHAFFER. Mr. Speaker, I rise today to recognize Johnstown, CO, celebrating its 100th year.

Johnstown was platted by Henry J. Parish in 1902. Mr. Parish named the town in honor of his son, John Parish, who was in a Denver hospital ill with appendicitis at the time. Henry Parish told his son if he got well, he would name the town after him, hence the name Johnstown. Many of the streets in Johnstown were also named in honor of John's brothers and sisters, and these streets still exist today.

Since it's founding, Johnstown has been a wonderful place to live. It exemplifies the quintessential country town. Johnstown's friendly residents enjoy strong family values and are also active in the community. Not only is Johnstown a great place to start and raise a family, it is also a great place to retire.

As a town located in Colorado's Fourth Congressional District, Johnstown is a source of pride for the community and the people of Colorado. Throughout the course of history it has been the home of many Coloradans. It is with honor and pride I wish Johnstown a happy 100th birthday. I ask the House to join me in extending wholehearted congratulations to Johnstown, CO.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

SPEECH OF

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. UDALL of Colorado. Madam Speaker, I regret that I cannot vote for this bill today, but unfortunately the way the Republican leadership has brought it to the floor makes that impossible.

There are many things in this bill that I support, especially provisions similar to those in H.R. 2695. That bill, introduced by the gentleman from New York, Mr. HOUGHTON, would amend the Internal Revenue Code to exclude stock options and employee stock purchase plans from the definition of wages for purposes of employment taxes. This is a clarification that is very important to many of my constituents and to other people across the country and that needs to be enacted without unnecessary delay.

I also support enactment of most of the other provisions of this bill—particularly the sections dealing with tax penalties and interest, collection procedures, confidentiality and disclosure, and tax administration. They are desirable improvements in current law.

But that isn't true with regard to another provision—the one dealing with the disclosure of information about donations to and expenditures by certain political groups.

Under section 527 of the Tax Code, limited tax-exempt status is available for "issue advocacy" groups organized for the primary purpose of accepting contributions and making expenditures to influence elections at the Federal, State, or local level. Until 2 years ago, these "527" political organizations did not have to report to anybody about the source of their contributions or the beneficiaries of their expenditures. They could and did operate free from public scrutiny and free from public accountability.

That changed with enactment of the 527 Organization Disclosure bill, which now is Public Law 106–230. Under that law, if the groups want to keep their tax-exempt status they generally must let the public know where they get their money and the political purposes for which it is spent. I strongly supported that important change. But one provision of this bill threatens to undo much of that important reform by retroactively exempting some groups that now are covered by the disclosure law.

I understand that some careful adjustment of the scope of the disclosure legislation might be appropriate, but I am concerned that the exemption in this bill is so broad that it might in effect create a major loophole that could be exploited by groups that would not be subject to comparable disclosure requirement under applicable law. That could go far to undermine the campaign-finance reform so recently signed into law.

If this bill had been brought to the floor under more normal procedures, there would have been more time for debate on this and other provisions, and the House could have considered amendments to lessen the possible abuse of this exemption. However, the Republican leadership instead has insisted on using a procedure that limits debate and does not allow any amendments.

I cannot support that approach, and I cannot support the bill's provisions related to these political groups. So, under the procedures chosen by the Republican leadership, I have no choice but to vote against the entire bill today. My hope is that if the bill does not pass today, the Republican leadership will bring it back under a fairer procedure that will permit changes that would allow me to vote for its passage.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

SPEECH OF

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. STARK. Mr. Speaker, I rise in opposition to H.R. 3991, the Taxpayer Protection and IRS Accountability Act. In an otherwise noncontroversial bill, Republicans have, once again, displayed their true agenda by inserting a provision to circumvent the campaign finance reform bill that was just signed into law. It is the height of hypocrisy for the House Republicans to pass broad campaign finance reform in March and then create loopholes to the law in April.

In 2000, Congress passed a law that requires campaign finance reporting disclosure of section 527, non-profit political organizations. While most 527 organizations report their activities to the Federal Election Commission (FEC), and their income tax to the IRS, there was a subset of 527 organizations, both conservative and liberal, are active in political advertising and direct mail. Prior to enactment of the 2000 law, however, these organizations were not required to disclose who they received contributions from or how much. Congress corrected this specific campaign finance problem by requiring disclosure of those making large contributions to these types of 527 organizations. And just last month, Congress passed and the President signed broader campaign finance reform legislation. The bill before us today guts the success of these two campaign finance bills by creating a new loophole for section 527 organizations to raise and spend soft money contributions without having to disclose the activity to anyone.

To protect the integrity of campaign finance reform, Congressman DOGGETT offered an amendment in the Ways & Means Committee to ensure that section 527 political organizations could not circumvent our new campaign finance laws. Unfortunately, our Republican colleagues have already made big plans to use these loopholes for raising money, so the amendment failed along party lines. A recent report by Public Citizen shows that the existing section 527 IRS disclosure system suffers from serious flaws and allows many of these groups to skirt the law. We should be correcting the shortcomings of the 2000 law and strengthening the disclosure system—not weakening it. Our Republican friends, however, want more loopholes so they can keep stuffing their pockets with soft money cash.

It is time for this Congress to put an end to campaign finance reform hypocrisy. I urge my colleagues to vote "no" on H.R. 3991.

HONORING BILLIE WARD

HON. ROB SIMMONS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. SIMMONS. Mr. Speaker, I rise to honor Billie Ward in recognition of her dedication and commitment to her community.

Billie Ward is retiring on April 17 as the executive director of the Pawcatuck Neighborhood Center—capping a lifetime of community service in southeastern Connecticut.

Billie has left a mark on southeastern Connecticut like few others have. As its executive director, Billie led the PNC through a period of unprecedented growth. She also played a pivotal role in organizing the PNC's Senior Summit, an important brainstorming effort that laid the groundwork for the formation of the Tri-Neighbor Transportation coalition—a collaborative effort to provide transportation for the elderly and handicapped and ensure that these individuals arrive to their medical appointments safely and on time.

In addition to her work with the PNC, Billie has been actively involved with numerous professional associations and has received numerous awards. Groups like the Rose City Land Trust, the Thames Valley Council for Community Action, MASH, the Basic Needs Network, the Rotary Club, the United Way of Southeastern Connecticut and the Southeastern Connecticut AIDS Project are just a few organizations that have been blessed with Billie's hard-work and service.

Mr. Speaker, Billie Ward embodies the spirit of kindness and sacrifice that we all should strive for in our daily lives. She has helped many individuals in need over the years and I am proud to represent her in my district. Billie is a model citizen to the community and I extend my thanks to her and her efforts, and am proud to bring her accomplishments to the attention of this Congress.

Keep up the good work Billie, and good luck in your future endeavors.

TRIBUTE TO COMMISSIONER DIANE AHRENS

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Ms. McCOLLUM. Mr. Speaker, I submit to the RECORD my tribute to an outstanding public servant, an advocate for the most vulnerable in our society, a fearless reformer who rooted out cronyism in our county government, and a role model to the young women in the Fourth Congressional District—the late Commissioner Diane Ahrens.

Commissioner Ahrens served 20 years on the Ramsey County Board. Elected in 1974, she was the third woman ever to serve as a Ramsey County Commissioner. Ahrens was known as the conscience of the County Board for her commitment to assisting those in need. She worked to deliver services to the mentally ill, victims of abuse or neglect, the disabled, the influx of Hmong immigrants in Ramsey County, those with HIV/AIDS, and many others in need. She was a passionate advocate for human services.

As Marilyn Krueger, a former St. Louis County Commissioner said, "She was always concerned with the welfare of others, a social worker at heart, she was fierce, unafraid and compassionate."

In addition, Ahrens was an advocate of reform; she was not afraid to change a county employment system that allowed board members to award contracts and employment to their unqualified personal friends. She helped initiate a study that brought about the hiring of a professional staff to manage Ramsey County administration.

Former Ramsey County Manager Terry Schutten said this about Ahrens in a letter to the St. Paul Pioneer Press, ". . . I have worked with myriad State and local elected officials. Diane stands out as one of those elected representatives who exemplifies what democracy is all about, as well as the principles we fight for in our country's war on terrorism."

Mr. Speaker, having personally worked with Commissioner Ahrens, I can attest to the legacy of honest and passionate work she left for the young women and men who will follow in her footsteps of public service. I know she will be remembered for her generosity of spirit and her trail-blazing initiative. The residents of Ramsey County and the Fourth Congressional District owe her a debt of gratitude for her service on our behalf.

WELFARE TO WORK MEANS DIGNITY OF PAYCHECK AND OPPORTUNITY FOR ALL

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. FRELINGHUYSEN. Mr. Speaker, this year Congress will reauthorize the landmark welfare reform law that we first passed in 1996. I am pleased to announce that President Bush's proposed welfare reforms build on our successes in that historic 1996 welfare reform law by encouraging personal responsibility, continuing to focus on strengthening families and helping more welfare recipients find work and secure their independence.

Back in 1996, Members of Congress worked together to reach a historic, bipartisan agreement to reform the welfare system. These efforts resulted in one of the greatest public policy successes in decades as millions of Americans went from welfare to work. Since 1996, welfare dependency has decreased dramatically. The number of individuals receiving cash assistance has dropped by 56 percent, more single mothers are employed, and child poverty rates are at the lowest level since 1978. These reforms are more than simply a win for taxpayers who for years and years supported an ineffective system with their hard-earned tax dollars. The new system has provided opportunity for millions of Americans who jumped at the chance to improve the quality of their lives by getting a job and providing for their families, all while achieving the dignity of doing it on their own. Our 'Welfare to Work' reforms helped those less fortunate with a hand up, instead of a handout.

Every state has benefited from these reforms, and in my New Jersey's 11th Congressional District, we have witnessed many success stories. Here are just a few examples:

1. An HIV-positive single mother, with one child and separated from an abusive husband, entered the Aid for Families with Dependent Children (AFDC) in 1995. Her case manager arranged transportation and childcare for her, which allowed her to complete sufficient college courses for entry into the Morristown Memorial Hospital School of Cardiovascular Technology. She was one of 12 students accepted into the competitive, demanding program and graduated fourth in her class. While attending school, she gained valuable work experience through the Alternative Work Experience Program. On completing training, she began working in a doctor's office. Post TANF (Temporary Aid for Needy Families) childcare facilitated her ability to have excellent attendance and, ultimately, a promotion to Cardiovascular Technologist at $40,000 per year.

She has purchased a home and is a foster-parent to several children. After extensive marriage counseling and family therapy, arranged through her case manager, she reunited with her husband in 1999. She credits her case manager with providing counseling, training, and support services in "turning my life around in ways I could never imagine before I entered the TANF (Temporary Aid for Needy Families) program."

2. A 23 year-old domestic violence victim and single mother of two small children entered the AFDC (Aid for Families with Dependent Children) program in 1995. At her case manager's urging, she enrolled in a GED course. TANF childcare and transportation support enabled her to obtain her high school diploma and gain admission to the County College of Morris. Her case manager arranged a part-time, on-campus job for her. She received childcare and Medicaid that allowed her to complete her Associate's Degree without interruption. She attended William Paterson College as a part-time student while participating in the Alternative Work Experience Program. The Alternative Work Experience Program is a combination of work experience and training activities. In 2000, after extensive counseling with her case manager, she decided that she would work full-time and attend college at night. She had lost her driver's license so her case manager accessed Welfare-to-Work funds to provide transportation to Group Job Search and other support services.

In July 2001, with her case manager's assistance, her driver's license was reinstated and she started working full-time. Her children are receiving post-TANF childcare and Medicaid and she credits these services with allowing her to concentrate on work. She is earning $25,000 per year and is rightfully proud of her many accomplishments.

3. A 21-year-old mother of one had been displaced from her home due to domestic violence and was living with her grandmother. Her TANF case manager accessed Welfare-to-Work funds for her to attend training as a computer programmer at Chubb Institute. TANF childcare and Medicaid allowed her to successfully complete her training. Through the Group Job Search Program, she obtained employment as a Graphics Design Technician at $19,000 per year. She continues to receive post TANF childcare assistance. Now, she is a candidate for promotion to a higher paying position and thanks her case manager and the TANF program for "getting my life on the right track, in a very short time."

4. A young mother in 2001 could not work because of childcare problems and expenses.

She found employment through the Job Search Program and also attended training to become a home health aid while continuing to work. She was very focused, diligent and worked very hard to upgrade her earning ability and through the Work First Program, her childcare expenses were supplemented and she was helped financially with purchasing an automobile. Today, she is off welfare, working and is doing well.

5. A husband, his wife and two daughters entered this country as political refugees from Vietnam. He was incarcerated during the Vietnam War and as a result was diagnosed with malnutrition. Due to his frail health, he found it difficult to find steady employment. He was placed in a Community Work Experience Program (CWEP) at a local Board of Social Services. He was so successful in that position that the Board hired him for a permanent position and he has remained gainfully employed, providing for his family, for more than a year.

Even with these notable successes, much remains to be done to improve the welfare system for those in need and to help welfare recipients on the path to independence. While more than three million welfare recipients have been removed from a system that promoted an indefinite dependency and have been placed into jobs, there remains two million people who have yet to follow in the footsteps of these success stories and find the personal independence that comes with the dignity of a job.

With the President's leadership and a bipartisan effort in Congress, our next round of reforms will help ensure $22 billion annually is available for welfare programs that prepare recipients for work and help with childcare. We will also continue to ensure that the mission of our "Welfare to Work" reforms is to strengthen families. It is vital that Federal policy maintains support for low-income working families by expanding childcare and health insurance for children. Additionally, we will continue to make sure the Earned Income Tax Credit provides income supplements of up to $4,000 per year to single mothers leaving welfare to work.

Finally, much of the success of the reforms passed in 1996 is due to the greater flexibility given to states by the Federal government to implement innovations in welfare programs. Our renewed reforms will strengthen the Federal/state partnership and expand upon measures to provide flexibility to states to improve coordination across programs so that more adults can achieve independence from welfare while gaining greater financial and social security for their families and their future.

TRIBUTE TO ROBERT J. GARVEY, NATIONAL SHERIFF OF THE YEAR

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. OLVER. Mr. Speaker, I rise today to recognize my good friend Robert J. Garvey, Sheriff of Hampshire County, Massachusetts, who is being honored this year by the National Sheriffs' Association as the "Sheriff of the Year."

The National Sheriffs' Association established the Ferris E. Lucas award in 1995 to recognize an outstanding sheriff each year for superior efforts made to improve the office of sheriff on local, state and national levels, and for involvement in one's community above and beyond the responsibilities required by the job. For his outstanding service and exemplary contributions to the profession, Sheriff Garvey will be presented with this award in June at the Association's national conference in Tulsa, Oklahoma.

When you look at Bob Garvey's remarkable career, it is clear that this recognition is well deserved.

After his appointment to fill the unexpired term of the late Sheriff John F. Boyle, Sheriff Garvey was elected to serve the citizens of Hampshire County in 1986, 1992 and 1998. He is a past President of the Massachusetts Sheriffs' Association (MSA), State Director to the National Sheriffs' Association, and Chairman of the MSA Education and Training Committee.

Sheriff Garvey operates the Hampshire County Jail and House of Corrections, which in 1990 was the first in Massachusetts to be accredited by the American Correctional Association. At the time, the facility was called a 'showcase-institution' by an Association spokesperson. The jail has subsequently been re-accredited every three years. This is a great accomplishment and a testament to Bob's organizational and leadership abilities.

Sheriff Garvey also spearheaded the development of the TRIAD program in Massachusetts, in particular in Hampshire and Franklin Counties. TRIAD is a crime prevention program focused on addressing the safety and consumer protection needs of seniors. Along with Sheriff Macdonald of Franklin County, District Attorney Scheibel and local police departments, Sheriff Garvey and his deputies work with seniors and protective service agencies to reduce the vulnerability of older citizens to crime. This successful local program led to Sheriff Garvey's being named Chairman of the Board of Directors of the National TRIAD Corporation.

Once again, I am pleased to have the opportunity to commend Bob Garvey on this high honor from the National Sheriff's Association. We should all aspire to his level of professional and civic dedication.

IN HONOR OF PEGGY WAYBURN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Ms. PELOSI. Mr. Speaker, I rise to pay a final tribute to one of the true heroes of the environmental movement. Peggy Wayburn passed away recently in San Francisco after a lifetime of environmental activism that saved ecosystems, changed maps, and enriched our lives. A kind, vibrant woman whom I was proud to know, Peggy's work will benefit our country forever, but she will be sorely missed.

Having graduated Phi Beta Kappa from Barnard College in 1942, Peggy Cornelia Elliot moved to San Francisco where she met and married Dr. Edgar Wayburn. Peggy and Edgar created a bond that changed the course of land conservation forever. In Peggy's eighty-five years, she and her husband successfully helped preserve millions of acres. We are so thankful for the efforts that brought us the Redwood National Park, the Golden Gate National Recreation Area, the greenbelt from the Point Reyes Seashore to Sweeney Ridge along the Pacific Coast, and the expansion of Mount Tamalpais State Park.

Peggy had a national impact as well. When Peggy and Edgar visited Alaska nearly 30 years ago, they were captivated by the beauty of the landscape and dedicated themselves to preserving its majestic vistas, lofty mountains, and free rivers. The national campaign that resulted from that visit, and the hundreds of visits that followed, led to the passage of the Alaska Lands Act, the largest public lands bill in the history of Congress. One of Peggy's five books, Alaska: the Great Land, is credited with eliciting national support for the bill.

Peggy Wayburn published four other books through the Sierra Club, all of which built awareness of the beauty of and need for preserving land. The Edge of Life offers a comprehensive view of the Bolinas Lagoon; the Lagoon later became a National Natural Landmark. Adventuring in the San Francisco Bay Area is a wonderful guide for residents and visitors for enjoying the land we are blessed with.

Peggy served as a trustee of the Sierra Club Foundation, a board member of Audubon Canyon Ranch, director of the Point Reyes Seashore Foundation, and helped found People for Open Space.

I am proud to join my constituents in thanking and praising Peggy Wayburn for her dedication to the forests of California and the wilderness of this nation. Peggy and Edgar Wayburn brought great leadership and commitment to our nation's conservation policy. They are stars in the constellation of environmental pioneers who have inspired us and given future generations a lasting natural heritage.

To Dr. Wayburn and the Wayburn family, Diana, Laurie, Cynthia and William, we share your loss, and we are grateful for every day Peggy had with us.

TAIWAN RELATIONS ACT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. RAHALL. Mr. Speaker, I rise today to commemorate the 23rd anniversary of the Taiwan Relations Act. This vital piece of legislation serves as the basis of America's strong relationship with the country and people of Taiwan.

The Taiwan Relations Act was signed into law on April 10, 1979. The passage of this act codified the mutually beneficial political, commercial, and cultural ties shared by our two nations.

Over the past 23 years we have witnessed the transformation of our Asian ally flourish into a multiparty, pluralistic democratic government respectful of its citizens' political and human rights. Taiwan stands as a model nation to its neighbors.

I wish to also recognize and thank Taiwan for its support and assistance immediately following the tragic events of September 11.

On this anniversary of the Taiwan Relations Act, I feel certain that the strong relationship between our two nations will continue for many more decades to come.

INTRODUCTION OF A RESOLUTION CONDEMNING VIOLENCE AND TERRORIST ATTACKS IN THE MIDDLE EAST

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. HASTINGS of Florida. Mr. Speaker, I come to the floor today to introduce a House resolution condemning violence and terrorist attacks in the Israel and the Palestinian Territories. As I come to the floor today, it is with a heavy heart for the families of the more than 400 Israelis and 1,200 Palestinians who have lost their lives over the past year to continuing violence in the Middle East. I also come to call attention to those who will undoubtedly lose their lives to future acts of violence if the United States fails to intervene today.

In the past year, more than 1,500 people have had their right to live stripped from them as a result of unending violence in the Middle East. Since January 22, Israel has fallen victim to more than 35 suicide attacks, or more than an attack every day for the past 9 weeks. Just last week, 43 innocent Israelis were murdered in multiple suicide bombings, while another 125 were wounded. Moreover, more than 1,100 Palestinians have been killed since violence erupted less than one year ago. As violence in Israel continues, the total number of Israeli and Palestinian deaths and casualties continue to increase every day.

Clearly, the need for immediate U.S. leadership in the region is critical. The President's recent decision to send Secretary of State Colin Powell to the region is obviously a step in the right direction. However, I fear that while Secretary Powell's presence in the region may help in temporarily curbing the violence, a permanent solution to this ongoing conflict is impossible without the President's personal intervention and absolute commitment to the peace process.

The past four Administrations have shown that, when determined, the President can succeed in bringing together Israel and her neighbors. Whether in Egypt or in Jordan, we see the fruit of past Administration's labor in the permanent peace accords that Israel signed with both of these countries in 1978 and 1994, respectively. Subsequently, we see in the Madrid Conference, Oslo Accords, Wye River Memorandum, Sharm el-Sheikh Memorandum, and the Camp David II negotiations, that a historical willingness for peace and coexistence exists among Israelis and the Palestinians.

Furthermore, the international community has historically looked to the United States as the guiding light for peace in the Middle East. Precedent shows that when a U.S. administration is actively and publicly engaged in the region, peace agreements between Israel and her neighbors occur. Unfortunately, in the weeks preceding Secretary Powell's trip to the Middle East, the Administration—at the highest of levels—appeared to remain largely dormant.

Now, don't get me wrong, Mr. Speaker. I remain as ardent of a supporter of Israel, her right to exist as a Jewish state, and her right to protect herself, as I did the day I was first elected to Congress. At the same time, the idea of a Palestinian state is one that has already been accepted in Israel, the United States, and every country in the world. Nevertheless, achieving a Palestinian state cannot and will not be done by means of terrorist attacks on Israel. Palestinian radicals expressing their desire for an independent Palestinian state by blowing themselves up in a Jerusalem cafe is counter productive to the Palestinian nationalism they are fighting for. Rightfully so, Yasser Arafat must be held accountable for the agreements that he has already made. If he cannot deliver, then we must find someone who can.

Mr. Speaker, while some have turned pessimistic that a peaceful solution is possible, I remain hopeful that with direct presidential involvement in the Israeli-Palestinian conflict, a peaceful solution is indeed plausible. Like so many of my colleagues, I remember vividly the handshake on the White House south lawn between the late Israeli Prime Minister Yitzak Rabin and PA Chairman Yasser Arafat. Prime Minister Rabin and Chairman Arafat showed us then that peace was possible. Today, it is time for all of us to show Israel and the Palestinians that peace remains the only real solution.

I urge the House to move swiftly and pass this needed resolution.

TAIWAN RELATIONS ACT

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise today on the twenty-third anniversary of the Taiwan Relations Act (P.L. 96–8) to reaffirm our commitment to the security of Taiwan.

First, I believe it is important to remember that this law was enacted "to preserve and promote extensive, close, and friendly commercial, cultural, and other relations between the people of the United States and the people on Taiwan, . . . to declare that peace and stability in the area are in the political, security, and economic interests of the United States, and are matters of international concern; . . . to make clear that the United States decision to establish diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means; . . . to provide Taiwan with arms of a defensive character, . . . and to maintain the capacity of the United States to resist any resort to force or other forms of coercion that would jeopardize the security, or the social or economic system, of the people of Taiwan."

Even though we do not have official diplomatic relations with Taiwan, we have many "unofficial" contacts. Taiwan and the United States share common interests in many areas, such as trade and investment, science and technology, education, culture and security. The recent legislative elections in Taiwan shows that it shares our commitment to true democratic values and serve as a model for other nations in the region. We also share a respect for the freedom of the press, which I hope continues.

On the twenty-third anniversary of the enactment of the Taiwan Relations Act, I hope we will continue our cooperation with the democratically elected government of Taiwan by taking a number of steps; such as allowing Taiwan officials and our officials to meet freely in Washington and Taipei, improving Taiwan's access to our government agencies, and helping Taiwan become a member of appropriate international organizations such as the World Health Organization. The officials of Taiwan were chosen by the twenty-two million people of Taiwan to represent them and we should respect their choice. Taiwan is our seventh largest trading partner, and there are many critical economic, trade, health, security, and other issues which its officials need to discuss with our government officials as well as officials of international organizations.

Mr. Speaker, I believe that the recent formation of the Congressional Taiwan Caucus shows our support for the Taiwan Relations Act and our commitment to maintaining the military balance across the Taiwan Strait to counter the buildup on the Mainland. Therefore, I rise today to commemorate the twenty-third anniversary of the Act, to restate our commitment to the security of Taiwan, and to show our support for cooperation between Taiwan and the United States. Thank you.

QUALITY CHILD CARE ACT OF 2002

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mrs. WILSON of New Mexico. Mr. Speaker, today I am introducing a bill to help New Mexican children and their parents access quality, affordable child care. My bill would provide federal funds to help day care centers cover the costs of getting accredited. For many children, child care centers are an introduction to the world of learning. It's critical to start a child off on the right foot. That's why I am focusing on federal child care programs for low-income families and people working their way off welfare. We need to make sure that all children in child care have access to high quality, affordable programs.

This bill will make a real difference for childcare centers that rely, at least in part, on federal block grant funds. It will help day care centers provide the quality of care that children need. In New Mexico we have more than 22,000 children in federally subsidized child care programs.

The Quality Child Care Act of 2002, will increase funding to help child care centers pay for the cost of accreditation. Currently, federal law requires that 4% of Child Care and Development Block Grant funding is used for child care quality programs. The bill will increase the current 4% funding requirement to 8% and would require that 4% be set-aside to help child development centers and homes pay for the costs associated with accreditation.

CCDBG is a federal program administered by the Department of Health and Human Services (HHS) that provides grants to states to subsidize the child care expenses of low-income families with children under age 13, as well as for activities intended to improve the overall quality and supply of child care for families in general.

Education is my personal passion. In the coming weeks I intend to introduce two more bills focused on early childhood education.

IN SUPPORT OF THE NATIONAL DAY OF SILENCE

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ENGEL. Mr. Speaker, I rise today to commend the efforts of thousands of students across the United States today. These students are participating in the National Day of Silence that calls attention to the treatment that lesbian, gay, bisexual, and transgender students encounter each and every day. In my home state of New York there are 167 schools participating.

Since 1999, the Gay, Lesbian Straight Education Network has conducted surveys to document the experiences of LGBT students in high schools across our nation. In the 2001 survey, over 900 LGBT students were surveyed in 48 states and the District of Columbia. What they found should send a shiver up the spine of every member of the House of Representatives. The sad fact is that LGBT students face taunting, harassment, and physical violence. Eighty-five percent of these students reported hearing homophobic remarks, such as "faggot" or "dyke." Twenty-four percent reported hearing such remarks from faculty or school staff, 65% reported being sexually harassed. And most disheartening, 42% were physically harassed because of their sexual orientation.

Our children go to school for one reason! To learn! As a former educator, I can guarantee you that if a student is worried about being harassed or beaten up, he or she is not paying attention in class—he or she is not learning. We have an obligation to make sure that our schools are safe. Anything else is a failure on our part as a Congress and as a society.

The students participating in today's National Day of Silence deserve our strong support. They are taking a stand for themselves, their families, and their friends. Schools, such as the Horace Mann School and Yonkers Middle High School, are leading the way in teaching our children to respect each other, to appreciate differences, and to ensure that all our children have the opportunity for a safe and fruitful education.

National Day of Silence is sponsored by the Gay, Lesbian, Straight Education Network and the United States Student Association. I want to congratulate these organizations and the hundreds of schools and thousands of students for a job well done.

THE FAIRNESS, SIMPLIFICATION AND COMPETITIVENESS FOR AMERICAN BUSINESS ACT OF 2000

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. HOUGHTON. Mr. Speaker, today I am introducing the "Fairness, Simplification and Competitiveness for American Business Act of 2002". It would address a number of tax issues facing U.S. multi-national corporations and provide a way to comply with a ruling of the World Trade Organization that our present tax law provides a prohibited export subsidy to these companies.

Much has been made about multinational corporations avoiding U.S. corporate income taxes by all sorts of arrangements, including use of offshore entities, re-incorporations/inversions, agreements to avoid loss of foreign tax credits, earnings stripping, sales/leasebacks of assets, etc. There is nothing inherently illegal in what is being done. Does it go to the edge? Probably. I believe much of this activity is motivated by our outmoded international tax laws. We have known for some time that the laws are far behind and out of sync with our trade policy. In fact, our international tax policy seems to promote consequences that may be contrary to the national interest. Ours is a terribly complex system of worldwide taxation, with exceptions for deferral of taxes on certain income earned abroad, and a foreign tax credit system that attempts to minimize double taxation.

At the same time, we have tried to alleviate the disadvantage to our multinationals by such provisions as the Domestic International Sales Corporation, replaced by the Foreign Sales Corporation, then replaced by the Extraterritorial Income Exclusion Act of 2000. All of these provisions were aimed at leveling the field for U.S. multinationals, as contrasted to foreign multinationals. The latter typically operate under territorial and value added tax systems that provide tax relief for exporters. The FSC and ETI provisions have been estimated to reduce U.S. tax revenues by over $4 billion annually.

The ETI system was enacted after the U.S. lost its appeal of the WTO ruling that the FSC was a prohibited export trade subsidy. A case was brought on the new ETI, and it too was held to be an export trade subsidy. Again, the U.S. lost on appeal. So what do we do now?

The bill introduced would do two things. It would provide a number of international tax fairness and simplification changes to the Internal Revenue Code. The bill would include all of the provisions of a bill introduced on March 20, 2002, H.R. 4047, as well as provisions to improve the interest allocation rules and provide a permanent subpart F exception for "active financing" income (the current exception expires for tax years beginning after December 31, 2006). In addition, the bill would repeal the ETI. These changes would be effective January 1, 2003).

The goal is to promote fairness, simplification and competitiveness in the U.S. international tax provisions to benefit U.S. multinational corporations, and to pay for those changes with the revenue generated from repeal of the ETI provisions.

I believe this approach would result in a number of benefits. It would settle the WTO dispute, provide benefits in our present system to the U.S. multinationals, and would not preclude future changes to our entire corporate system, if that is the desire of Congress. I would welcome my colleagues' support of this legislation.

ON THE 100TH ANNIVERSARY OF STEWART AND STEVENSON

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BRADY of Texas. Mr. Speaker, today it gives me great pleasure to call attention to one of my constituent companies that celebrated its 100th anniversary on April 5th, and would like for the rest of the House to join me in offering congratulations to Stewart & Stevenson Services, Inc., of Houston, Texas.

Stewart & Stevenson Services, Inc., provides power systems, parts and services to the following industries: Military, Marine; Oil & Gas; Agriculture; Industrial; Highway & Transit; and Airline Ground Support as well as being the designer and manufacturer of the Family of Medium Tactical Vehicles (FMTV) with more than 16,000 built to date for the U.S. Army.

The company traces its roots in wheeled vehicle manufacturing and support to its beginning when blacksmith C. Jim Stewart and carriage-maker Joe R. Stevenson formed the company in 1902 in Houston. The company's wheeled vehicle products have evolved from this modest beginning as the technology has progressed through the 20th Century leading to the world's premiere medium tactical military truck—the FMTV.

During a series of celebrations at their Houston headquarters as well as at their truck assembly facility in Sealy, Texas, and other locations in the United States, S&S employees and their guests will join in honoring one hundred years' of contributions to their military and commercial customers. It is great having them as constituents, and I wish them another one hundred years of success.

Mr. Speaker, I won't go into all the details now, but I ask unanimous consent to include a history of Stewart & Stevenson in my remarks.

HISTORY OF STEWART & STEVENSON SERVICES, INC.

Stewart & Stevenson Services, Inc., a technology—driven, billion-dollar, century old corporation headquartered in Houston, Texas, has long been a leader in the design and manufacture of specialty equipment for the oilfield, airline, defense, and power generation industries. A major distributor of industrial engines and equipment to a broad spectrum of businesses worldwide, the company provides complete 24-hour parts and service support of all of its product lines.

The company was founded in 1902 when two enthusiastic, young craftsmen committed their talents and resources—$300 each—to form a partnership. C. Jim Stewart, a blacksmith, and Joe R. Stevenson, a carriage maker, signed a contract and began business as C. Jim Stewart & Stevenson, Houston's first "carriage repair and horseshoeing parlor".

The venture thrived with hard work, integrity and a dogged determination to get the job done right, even when others said it couldn't be done. The original partnership agreement clearly defined these principles, as well as the duties of each "pardner." Stewart was to do the blacksmith work and Stevenson the woodworking, with the provision that "both shall do such things in and about said business which shall be necessary."

The business expanded steadily and more craftsmen were added to perform the ever-increasing workload. The two partners made sure that the people they hired were not only experts in their fields but willing to pitch in and help out wherever needed, establishing a hiring policy that still serves the company today.

Handcrafted carriages, buggies and wagons were the pride of the new organization. In 1905, the company was presented the first opportunity to work on an automobile, a 24-horsepower Dixie Flyer roadster built by Southern Motor Car Co. which had been badly burned. The damage was so extensive that a new, wooden four-door body was handcrafted and installed. This job marked the transition from horseshoes to horse power, and reminds today's employees of how essential innovation and versatility are to Stewart & Stevenson's past and to its future.

By 1938, Stewart & Stevenson had built many vehicle bodies and become a distributor for General Motors' trucks and Detroit Diesel engines. The company became proficient at coupling diesel engines to various pieces of equipment to supply the agricultural, industrial, petroleum and marine markets.

One of Stewart & Stevenson's first government contracts was to supply mobile diesel generators, capable of running on Russian M-4 heavy fuel and operating in severe weather conditions. The company was the second-largest supplier of diesel generators under the "Lend-Lease" Program during World War II. Other wartime projects included the overhaul of thousands of U.S. Army trucks and jeeps and the remanufacture of 4,000 diesel engines from Sherman Tanks.

Throughout its history, Stewart & Stevenson has been involved in mobile equipment and wheeled vehicles. From overhauling Jeeps and tanks during World War II to building sophisticated truck-mounted petroleum exploration systems and the Family of Medium Tactical Vehicles and rugged airport ground support equipment, the company has established a solid foundation based on a true, wheeled vehicle heritage.

Today, Stewart & Stevenson is a billion dollar corporation that consists of four major business segments: Specialty Wheeled Vehicles, which consists of Stewart & Stevenson Tactical Vehicle Systems, LP (TVS) and Stewart & Stevenson TUG; Power Products, Petroleum Equipment, and Strategic Operations. TVS manufactures the U.S. Army's most reliable and capable off-road multipurpose trucks—the Family of Medium Tactical Vehicles (FMTV). These include 2.5- and 5-ton troop carriers, wreckers, cargo trucks, vans, dump trucks, and a variety of specialty vehicles. Stewart & Stevenson TUG manufactures aircraft ground support equipment that includes aircraft tow tractors, pushback tractors, baggage tow tractors, belt loaders, air start units, air conditioning units and container loaders, as well as mobile railcar movers, which are sold under the "Rail King" trademark.

The Power Products segment designs, manufactures and sells specialty equipment that utilizes power components for numerous industries: petroleum, marine, on-highway, transit (bus), power generation, and agriculture. The company serves as distributor of many of these power components, representing the products of Detroit Diesel®, Electro Motive Diesel (EMD®), Waukesha®, Deutz®, Allison®, Thermo King®, John Deer® Hyster® and Mercury MerCruiser. Its distribution territory includes much of the southwestern and western U.S., Mexico, and Central and South America.

The Petroleum Equipment segment manufactures equipment for the oil and gas exploration, production and well stimulation industries. Products include marine riser systems, blow-out preventers and controls, high pressure valves, coiled tubing systems, acidizing and fracturing systems, and compression molded rubber products. Strategic Operations designs, markets and packages diesel and gas generator sets from the ground up to fit specific customer applications. These generator power systems use some of the most respected names in the engine industry: EMD®, Deutz®, Waukesha® and Detroit Diesel®.

The more than 4,000 people employed by the corporation today carry with them a tradition of service, innovation, fair dealing and integrity, which began back in 1902.

Stewart & Stevenson's growth through the past 100 years has been achieved by virtue of its dedicated people, innovative design and engineering, quality manufacturing and a relentless "can do" attitude.

IN RECOGNITION OF THE EXEMPLARY WORK OF DR. KATHY HUDSON

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mrs. MORELLA. Mr. Speaker, I would like to take a moment to recognize the exemplary work of Dr. Kathy Hudson, who is leaving after 10 years of service at the National Human Genome Research Institute at the National Institutes of Health which is located in my district.

For the past seven years Dr. Hudson has served with distinction as the Director of the Office of Policy, Planning and Communications and the Assistant Director of the National Human Genome Research Institute (NHGRI). While at the NHGRI, Dr. Hudson has provided focus and leadership in numerous areas, she has played a particularly important leadership role in public policy and public affairs issues relating to NHGRI programs including the Human Genome Project, the international effort to decipher the human genetic code and apply the results to improving human health.

Dr. Hudson has directed efforts to identify barriers such as genetic discrimination that could impede the fair and equitable application of genetic information to public health and has led development of policies to protect privacy and prevent genetic discrimination. In this regard, she was instrumental in the development of an Executive Order signed in February 2000 that banned discrimination in Federal employment based on genetic information. She has also provided exceptional technical advice to my staff and many others in drafting legislation on genetic nondiscrimination. I understand that one of Kathy's major regrets in leaving the NHGRI is not having seen the passage and signing of genetic nondiscrimination legislation. I look forward to seeing that milestone reached soon and hope to invite her back to the celebration.

Before joining the NHGRI, Dr. Hudson was senior policy analyst in the office of the Assistant Secretary for Health at the Department of Health and Human Services. She advised the assistant secretary on national health and science policy issues involving the National Institutes of Health (NIH). Prior to that, Dr. Hudson worked in the Congressional Office of Technology Assessment as a congressional science fellow. Through her contributions to social policy and to the nation's health, Dr. Hudson's work has exemplified the best of government service, and the difference in our nation's well being that a dedicated scientist can make.

I wish Dr. Hudson all the best in her new venture as the Director of the Genetics and Public Policy Center at the Johns Hopkins University, and on behalf of the Congress and the country, I thank her for her outstanding government service.

A SPECIAL THANKS TO MOVIE GALLERY FOR THEIR ACTIONS IN SUPPORT OF AMERICA'S TROOPS

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. EVERETT. Mr. Speaker, I rise today to pay special tribute to a company headquartered in my Congressional District which has answered the call to assist America's war on terrorism in an exemplary manner.

The Movie Gallery, based in Dothan, Alabama, was recently asked by the Civil Air Patrol to participate in Films for Troops. This endeavor is designed to bring a piece of home to our men and women in uniform stationed on the front lines thousands of miles from our shores.

When approached to help, The Movie Gallery rose to the challenge by collecting over 800 videos and DVDs of current top movies from America's major motion picture studios. These movies, in turn, will be packed and shipped to our troops in Afghanistan.

I am proud to endorse the Movie Gallery's efforts to bring the sights and voices of home to our sons and daughters and mothers and fathers on the battle lines of freedom.

We are one nation in this fight to preserve our liberty. The Movie Gallery deserves our gratitude for bringing all of us—near and far—a little closer together during these difficult days.

A TRIBUTE TO MOTHER DAVIS

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLAY. Mr. Speaker, I am delighted to take this opportunity to share with my colleagues in Congress the news that Mrs. Hester Rachel Wallis Davis celebrated her 106th birthday on this past Easter Sunday, March 31, 2002.

Mrs. Davis, a resident of Missouri's First Congressional District, was born in Tennessee in the year 1896. She moved to St. Louis at the age of 16. Six years ago, on her 100th birthday, Willard Scott recognized her on the NBC Today Show and she was honored by the Mayor of St. Louis, Freeman Bosley, Jr. Later that same year, Mrs. Davis suffered an illness that required two brain surgeries. She recovered and continues to be alert and keeping up with current events.

Mrs. Davis is the oldest and most cherished living member of the Temple Church of Christ in St. Louis. And although her eyesight is failing and she can no longer read the Bible, she has a prodigious memory which supports her interpretations and pronouncements. "Mother Davis" as she is known by those who share her life, enjoys company and always has words of encouragement and prayers for her visitors. I am told that Hester Davis remembers the joys and challenges of youth and is always empathetic and supportive of the younger generations. The staff of the B–J–C Medical Center have expressed astonishment at Mrs. Davis' youthful appearance, her lack of some of the ailments attributed to aging, her pleasant attitude and her communication skills.

Mrs. Davis has had to curtail some activities in recent years, she is no longer able to visit the jail where she brought encouragement to the incarcerated. Today, she counts her doctors, lawyers, pastor and friends among her family. She is a genuine inspiration to all who have come to know her and she will be forever remembered as one of the most adored and beloved members of the St. Louis community.

I salute Mrs. Hester Rachel Wallis Davis for her outstanding commitment to life. She is certainly a remarkable women of strength, determination and spirit who is an inspiration to many generations.

THE DISTRICT OF COLUMBIA LEGISLATIVE AUTONOMY ACT OF 2002

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Ms. NORTON. Mr. Speaker, today, I introduce the District of Columbia Legislative Autonomy Act of 2002, to eliminate the congressional review period of 30 days and 60 days respectively, for civil and criminal acts passed by the D.C. City Council. This bill is the fraternal twin of H.R. 2995, the District of Columbia Fiscal Integrity Act of 2001, which would allow the District's budget to become law upon enactment by the District government. Under the current system, all acts of the Council are subjected to this Congressional layover period, and the District's budget cannot become law without congressional approval. Experience demonstrates that these are unnecessary and undemocratic requirements that add nothing except an unnecessary layer of bureaucracy to an already overburdened city government and to Congress and its processes.

Since the adoption of the Home Rule Act in 1973, over 2000 acts have been passed by the council and signed into law by the Mayor. Only 43 acts have been challenged by a congressional disapproval resolution. Only three of those resolutions ever passed the Congress and two involved a distinct federal interest. Bills to correct for any federal interest, rather than placing a hold on 2000 bills, would have saved considerable time and money for the District and the Congress.

It is important to emphasize that this bill does not prevent review of District laws by Congress. The D.C. Subcommittee could continue to scrutinize every piece of legislation passed by the City Council if it desired, and to change or strike legislation under the plenary authority over the District that the Constitution affords to the Congress. My bill merely eliminates the automatic hold placed on local legislation and the need to pass emergency and temporary legislation to keep the District functioning.

The hold on legislation forces the City Council to pass most legislation using a cumbersome and complicated process in which bills are passed concurrently on an emergency, temporary, and permanent basis to ensure that the large, rapidly changing city remains running. The Legislative Autonomy bill would eliminate the need for the District to engage in the byzantine process of enacting emergency and temporary legislation concurrently with permanent legislation. The Home Rule Charter contemplates that if the District needs to pass legislation while Congress is out of session, it may do so if two-thirds of the Council determines that an emergency exists, a majority of the Council approves the law and the Mayor signs it. Emergency legislation, however, lasts for only 90 days, which would (in theory) force the Council to the pass permanent legislation by undergoing the usual congressional review process when Congress returns. Similarly, the Home Rule Charter contemplates that the Council may pass temporary legislation lasting 120 days without being subjected to the congressional review process, but must endure the congressional layover period for that legislation to become law.

I ask my colleagues, who are urging the District government to pursue greater efficiency and savings, to do their part in giving the city the tools to cut through the bureaucratic maze the Congress itself has imposed upon the District. Congress has been clear that it wants to see the D.C. government taken apart and put back together again in an effort to eliminate redundancy and inefficiency. Much of that work is in progress or has been accomplished, and Congress has taken note of improvements which eliminate such inefficiency in the D.C. government. Congress should therefore eliminate that part of the bureaucracy that for which Congress is solely responsible by granting the city budgetary and legislative autonomy. Eliminating the hold on D.C.'s budget and legislation would save scarce D.C. taxpayer revenue and simultaneously eliminate the advance congressional review that helps depress the city's bond rating. At the same time, Congress would give up none of its plenary power because under Article III, Section 8 of the Constitution, the Congress can intervene into any District matter at any time.

The limited legislative autonomy granted in this bill would allow the District to realize a greater measure of meaningful self-government and Home Rule. This goal can be achieved without prejudice to congressional authority. I urge my colleagues to pass this important measure.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. BECERRA. Mr. Speaker, due to business in my District on Tuesday, April 9, 2002, I was unable to cast my floor vote on roll call numbers 80, 81, and 82. The votes I missed include roll call vote 80, on Approving the Journal; roll call vote 81, on Motion to Suspend the Rules and agree to H. Res. 377, Recognizing the Ellis Island Medal of Honor and commending the National Ethnic Coalition of Organizations; and roll call vote 82 on the Motion to Suspend the Rules and Pass, as Amended, H.R. 3958, the Bear River Migratory Bird Refuge Settlement Act. Had I been present for the votes, I would have voted "aye" on roll call votes 80, 81, and 82.

HONORING ALBERTA SEBOLT GEORGE IN RECOGNITION OF HER TENURE AS PRESIDENT OF OLD STURBRIDGE VILLAGE

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. NEAL. Mr. Speaker, it is my privilege to recognize in the Congress today Alberta Sebolt George, President of Old Sturbridge Village in Sturbridge, Massachusetts, who is retiring later this year after more than thirty years of service to the museum. I have worked closely with Alberta over the years, and can personally attest to the fact that the in-coming president of the Village has a tough act to follow.

Alberta Sebolt George began working at Old Sturbridge Village in the early seventies. In her tenure at the village, she has greatly increased the educational role the museum has played in the community. Alberta Sebolt George, a former teacher herself, has worked diligently to develop programs in the state geared to helping students learn through collaborative programs between their schools and the museum.

In 1993, Alberta Sebolt George was named Chief Executive Officer of the Old Sturbridge Village Museum. She has been honored by many for her service to the museum community as a whole. Most recently, however, she has been recognized with the American Association of Museums Distinguished Service Award, which will be formally presented this May in Texas.

Alberta's accomplishments are many. The list of positions she holds in addition to that of President at the Village is long. She holds a Presidential appointment to the National Museum Service Board and is currently on the Visiting Committees at Longwood Gardens. She is a Corporator of the Worcester Art Museum. She has served as President of the New England Museum Association, as Vice Chairman of the Board of the American Association of Museums, Senior Associate for the Getty Museum Management Institute, Chair of the Worcester County Convention and Visitor Bureau, President of the Massachusetts Council for the Social Studies, has chaired the local school committee and has written extensively on learning and managing in museums.

Ms. George's contributions have been recognized repeatedly through the numerous awards and honors she has received. In 1999, she was awarded the Distinguished Alunmi Award for Professional Service from the University of Massachusetts where she earned her bachelor's degree. The American Association of Museums honored her with their Educator Award for Excellence, and the New England History Teachers gave her their Kidger Award for outstanding teaching.

I have worked closely with Alberta in her leadership position at Old Sturbridge Village. Together we have had success in targeting federal resources to the Village so that the museum's collection can be shared over the Internet in an on-line learning program.

I wish Alberta much joy and health in her retirement with her husband Al George. I am sure that between her gardening and her travel that her retirement years will be as fruitful and productive as her long and distinguished career has been. Best wishes to you, Alberta, on your retirement.

COMMEMORATING THE ANNIVERSARY OF THE TAIWAN RELATIONS ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. LANGEVIN. Mr. Speaker, I rise today to commemorate the 23rd anniversary of the Taiwan Relations Act, which was signed into law on April 10, 1979, by President Jimmy Carter. For more than two decades, the Taiwan Relations Act has served to provide the Republic of China on Taiwan the necessary security to grow ever stronger. Economically, Taiwan is now a member of the World Trade Organization and one of the strongest economic entities in the world. Politically, it is a strong and growing democracy whose people enjoy all the liberties and freedoms inherent in such a system.

It is my hope that the Taiwan Relations Act will continue to serve as the basis of our relations with democratic Taiwan. That means we must continue to assist Taiwan in meeting its legitimate security needs and continue our contact with representatives of the Taiwan government. They are democratically elected leaders of one of our largest trading partners and our continuing dialogue with them is fundamental to a mutually beneficial relationship.

In closing I would like to commend the good work that Ambassador C. J. Chen and his able staff have been performing here in Washington. Through their efforts, I am certain that the relationship between the United States and Taiwan, anchored in the Taiwan Relations Act, will enjoy continued strength in the years ahead.

INTRODUCING A BILL TO PROVIDE MEDICARE COVERAGE FOR COMPRESSION SLEEVES

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Ms. MINK of Hawaii. Mr. Speaker, today I introduced a bill to provide Medicare coverage for compression sleeves and stockings used to treat lymphedema.

Lymphatic obstruction is the blockage of the lymph vessels, which drain fluid from tissues throughout the body. Lymphedema causes painful swelling in the arms or legs.

Lymphedema occurs in 10–15% of the women who receive mastectomies, but lymphatic obstruction can be caused by many things including trauma, tumors, and post-surgical and post-radiation therapy.

A compression sleeve or stocking will compress the swollen tissues caused by lymphedema and prevent fluid from building up. A compression sleeve can help control the pain, yet Medicare does not cover compression sleeves and stockings. My bill will correct this oversight.

I urge my colleagues to cosponsor this legislation and help women who have undergone a mastectomy and now suffer from lymphedema.

THE TAIWAN RELATIONS ACT

HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ROTHMAN. Mr. Speaker, on April 10, 1979, President Jimmy Carter signed into law the Taiwan Relations Act, which has enabled Taiwan to prosper and grow to become an ally of the United States. In the last two decades, Taiwan has had many achievements. The economy of Taiwan has flourished to the point where the country is regarded as an economic superpower. Politically, Taiwan has transformed into an open, multi-party democracy, home to more than 93 political parties, and a nation that respects the human and civil rights of its citizens. There are many reasons for Taiwan's phenomenal success, but one reason is the enactment of the Taiwan Relations Act.

Over twenty years ago, the United States signaled to the world that we recognize the legitimate rights and aspirations of the people of Taiwan, and over twenty years ago, the United States created a mechanism to preserve and protect the freedom of the Taiwanese people. The Taiwan Relations Act worked, and has been instrumental in preserving peace, security, and stability in the Taiwan Strait since its enactment in 1979.

Taiwan is a model for democratic transformation that I hope the People's Republic of China will one day emulate, not threaten. I join the Taiwanese people in seeking a peaceful resolution to the tensions between Taiwan and the People's Republic of China. The United States will continue to be an ally of the Taiwanese and assist in maintaining the security and stability of Taiwan. We must also help Taiwan to participate in international activities and organizations such as the World Health Organization, the International Civil Aviation Organization, and the United Nations. I look forward to broadening and deepening our friendship with Taiwan for the mutual benefit of the people of both the United States and Taiwan.

HOLOCAUST REMEMBRANCE DAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise today to join my colleagues and the world community in commemorating Yom Hashoah, Holocaust Remembrance Day. Scarcely 50 years ago we saw the end to World War II and one of the most heinous atrocities humanity has ever borne witness to. Hitler's Nazi regime was responsible for the murders of nearly six million Jewish men, women and children and more than 11 million people in total.

This memorial holiday is intended to insure that we never forget that tragedy and the lives lost. At a time when our own nation is battling similar destructive forces of hatred in the form of terrorism, it is imperative that we never forget our history and evil's legacy.

To keep this critical knowledge from being lost, it is our responsibility as a nation to teach our children about their past. In this spirit, I have introduced H.R. 1620, the Holocaust Education Assistance Act. This bill will provide funding to educational institutions and organizations, enabling them to teach the generations to come about the crimes of the Holocaust.

Upon receiving the Nobel Prize for Peace, the late Prime Minister of Israel Yitzchak Rabin said:

"We will pursue the course of peace with determination and fortitude. We will not let up.

We will not give in. Peace will triumph over all its enemies, because the alternative is grimmer for us all. And we will prevail."

Ensuring that we never forget the past is a crucial step to realizing peace in our future.

IN TRIBUTE TO PRIVATE FIRST CLASS MATTHEW A. COMMMONS

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLEMENT. Mr. Speaker, I rise today to pay a special tribute to Private First Class Matthew A. Commons, an American hero.

PFC Commons died on March 4, 2002 in Afghanistan while trying to rescue another American soldier. He was one of eight servicemen killed that day during an intensive battle with the Taliban and al Qaeda. PFC Matthew A. Commons was a professional soldier, a man who had earned the respect of his fellow soldiers, and he is remembered fondly by all who had the privilege of knowing him.

Matthew Commons was born in Fort Wayne, Indiana, raised in Indianapolis and also lived in Boulder City, Nevada and Alexandria, Virginia. In high school, Matthew was an accomplished honor student and class officer. He then spent a year at the University of Nevada at Reno, but decided in July 2000 to become an Army Ranger because he wanted to serve his country. He had planned to finish college after his four-year tour and become a history teacher like his father. In December 2001, he visited his father's history classes at Carl Sandburg Middle School in full battle fatigues to discuss his life as a Ranger. Matthew had also recently celebrated his 21st birthday with his Army buddies, a celebration that included hats and banners sent by his mother Patricia Marek, who had just moved to Alexandria, Virginia.

Matthew's Army unit had been sent to Afghanistan on a secret assignment in January. Through he frequently spoke by telephone with his father, he had not been allowed to disclose his location. In speaking of his son, Greg recently said, "I'm real proud of him. He loved his family, he loved his country and he loved the Rangers . . . He gave his life to save the life of another Ranger."

Military service is not new to the Commons family. Both of Matthew's grandfather's served in World War II, where his grandfather Marek earned a Purple Heart. Additionally, Matthew's father Greg served in the Marines in the Vietnam War.

Besides his mother and father, Matthew leaves his brother Aaron, his father's second wife Linda Chapman, and two half-brothers, Thomas and Patrick. Matthew, who was buried at Arlington cemetery, has been awarded the Purple Heart and the Bronze Star with V Device for Valor.

Mr. Speaker, I hold out the example of this fine young man, a great American, who paid the ultimate price in defense of freedom and liberty. I know I speak for the entire Congress when I extend sympathies to the entire Commons family and friends who are grieving during this difficult time. May they be comforted by the precious memories of their beloved son and brother.

As a veteran myself, I greatly appreciate the unique challenges faced by the men and women serving in our military today. It is the ultimate sacrifice when a soldier dies for his country. We are able to enjoy the freedoms we have today because of men like Matthew Commons and the hundreds of thousands of Americans who have given their lives in the fight for American principles over the past 226 years.

Matthew Commons answered the call of his country, and his death will forever place his name on the roll of heroes who sacrificed their own lives to protect the lives of others. His life and unyielding commitment to duty and honor should remind us all that the liberties we enjoy do not come without a price. Let us always remember these costs, and always remember Private First Class Matthew A. Commons.

THE FEDERAL COURTS IMPROVEMENT ACT OF 2002

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. COBLE. Mr. Speaker, today I am introducing, along with the Ranking Member of the Subcommittee on Courts, the Internet, and Intellectual Property, Representative Howard Berman, a bill that will enhance the operations of our federal courts: H.R. , the "Federal Courts Improvement Act of 2002."

In July of 2001, H.R. 2522, the "Federal Courts Improvement Act of 2001", was introduced by Mr. Berman, and myself, at the request of the United States Judicial Conference. It contains provisions that the Conference believes are needed to improve the Federal Court system. These proposals cover judicial process improvements and judiciary personnel administration, benefits, and protections.

On July 26, 2001, the Subcommittee held a hearing on H.R. 2522. Based on the testimony received and the discussion of the entire text, Representative Berman and I are introducing a new bill which contains those proposals that we believe will be most successful in improving the Federal Judicial System.

H.R. is necessary legislation for the proper functioning of our Article III U.S. Courts. It is non-partisan and non-controversial. I urge my colleagues to support the bill.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENT

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. HEFLEY. Mr. Speaker, today I would like to salute an outstanding young woman who has been honored with the Girl Scouts of the U.S.A. Gold Award by the Girl Scouts-Wagon Wheel Council in Colorado Springs, Colorado. She is Alicia Wadle, of Girl Scout Troop 446.

She will be honored in June of 2002 for earning the highest achievement award in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The Girl Scout Gold Award can be earned by girls, age 14–17 or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.6 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must fulfill five requirements: earn four Interest Project patches, earn the Career Exploration pin, earn the Senior Girl Scout Leadership Award, earn the Senior Girl Scout Challenge, and design and implement a Girl Scout Award project. A plan for fulfilling the requirements of the award is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

As a member of Girl Scouts-Wagon Wheel Council, Alicia began working toward the Girl Scout Award in 2000. She completed her project in the area of beautification of school property. Alicia assisted a local elementary school in updating a school playground in need of repair. She completed a ground mural of the United States, enabling children to learn about each state. Alicia also scraped and painted and refurbished playground equipment.

The earning of the Girl Scout Award is a major accomplishment for Alicia, and I believe she should receive the public recognition due her for this significant service to her community and country.

COMMENDING THE NATIONAL ETHNIC COALITION OF ORGANIZATIONS AND RECOGNIZING THE ELLIS ISLAND MEDAL OF HONOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. RANGEL. Mr. Speaker, I rise today to recognize the outstanding work accomplished by the National Ethnic Coalition of Organizations (NECO), recognize the Ellis Island Medal of Honor, and commend its founder and chairman William Denis Fugazy.

NECO's mission is to preserve ethnic diversity, promote equality and tolerance, combat injustice, and bring about harmony and unity among all people. Since its founding in 1984, the multi-ethnic coalition has sponsored programs, activities, and education initiatives designed to break through the walls of ethnic misunderstanding and ignorance. NECO is the largest organization of its kind in the United States consisting of more than five million family members. It serves as an umbrella group for over 250 organizations that span the spectrum of ethnic heritage, culture, and religion.

In the past, NECO has raised more than $1 million during the refurbishing of Ellis Island for its Immigrant Wall of Honor, where the landmark names of 200,000 immigrants to the

U.S. are inscribed. They also contribute resources to the Forum's Children Foundation, a sister humanitarian organization, whose mission is to bring children requiring life-saving and life-enhancing surgery from disadvantaged countries to the United States.

NECO also is involved with immigration/racial issues and community relations. They have worked with the New York City Mayor's Office, the New York State Governor's office and the New York City Metropolitan Transit Authority (MTA) on developing strategies to eliminate anti-immigrant feelings, promote ethnic tolerance and understanding, and prevent hate crimes. They have worked to enhance the quality of living among all Americans by collaborating with community groups in the coordination of programs such as the Family Exchange Peace Program that bring thousands of school children and their families together to raise awareness of the City's diverse racial and ethnic heritage and the James Byrd Jr. scholarship that provides tuition support for students graduating from high school.

In 1986, NECO established the Ellis Island Medals of Honor Award that pays tribute to the ancestry groups that comprise America's unique cultural mosaic. Over 17,000 individuals are nominated each year. To date, approximately 1,400 American citizens have received the award. These individuals are remarkable Americans who exemplify outstanding qualities in both their personal and professional lives while continuing to preserve the richness of their particular heritage. Past Ellis Island Medals of Honor recipients have included several U.S. Presidents, entertainers, athletes, entrepreneurs, religious leaders, and business executives, such as William Clinton, Ronald Reagan, Jimmy Carter, Gerald Ford, George Bush, Richard Nixon, Mario Cuomo, George Pataki, Bob Hope, Coretta Scott King, Rosa Parks, Muhammad Ali, Barbara Walters, and Attorney General Janet Reno.

Finally, the success of NECO can be attributed to its Founder and Chairman of the Board, William Denis Fugazy. The energy that Mr. Fugazy brings to his philanthropic work is evident in the numerous accolades bestowed upon the NECO. His passion for honoring ethnic Americans, who through their achievements and contributions, have enriched this country and have become role models for future generations, is truly a blessing.

HONORING ASSEMBLYMAN MICHAEL N. GIANARIS

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to pay tribute to a rising star in New York politics, Assemblyman Michael N. Gianaris, for his deep commitment to public service and his neighborhood of Astoria in New York City. Assemblyman Gianaris will be honored this coming Saturday, April 13th by the Powhatan and Pocahontas Democratic Club for his contributions to the organization and the entire community.

A native and lifelong resident of Astoria, Mr. Gianaris was born to Nicholas and Magdalene Gianaris. After attending Public School 84, Junior High School 141 in Long Island City, he went on to prestigious pursuits by graduating Summa Cum Laude from Fordham Law School, and earning his Juris Doctor from Harvard Law School. Civic service became a passion early, beginning in 1988 when he served as Chair of a voter registration committee which registered more than 10,000 voters in the New York metropolitan area. He quickly plunged into public service as an aide to my predecessor, Congressman Tom Manton and later served as Governor Mario Cuomo's Queens County Regional Representative. In both of these positions, Mr. Gianaris worked to ensure that the residents of Queens had full access to government services.

Before he sought elected office, Mr. Gianaris practiced as a litigator in private practice for more than two years. He also served as Associate Counsel to the New York State Assembly, where he worked on several measures that were enacted into law.

In addition, Mr. Gianaris has served the his community in many capacities, including serving as a member of Queens Community Planning Board #1, Legal Counsel to the United Community Civic Association, and a Board Member of the Eastern Orthodox Lawyers Association.

In 2000, Mr. Gianaris took his legislative knowledge and extensive familiarity with the community to the voters of New York's 36th Assembly District, winning the seat by a large margin. Since his election to the New York Assembly, Mr. Gianaris has exhibited strong leadership on environmental issues by fighting to reduce pollution from Queens powerplants and other sources. Environmental protection and the health of Queens residents will continue to be the top priorities for Assemblyman Gianaris.

Mr. Speaker, please join me in recognizing Assemblyman Michael N. Gianaris for investing so much in his community. He has only just begun what will be a long and distinguished life in public service to the people of Queens.

TRIBUTE TO TERRY A. MATHENY

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Terry A. Matheny, of South Carolina, a courageous and dignified man for his personal strength and volunteer work with physically and mentally challenged individuals.

Mr. Matheny was born with a congenital birth defect called clubfoot, which took several surgeries and many years of rehabilitation to overcome. He graduated from Fairmont State College in West Virginia from which he received a Bachelor of Science degree. Mr. Matheny received a Master of Science degree from West Virginia University. He is currently working with the USDA–REE–Agriculture Research Service and has worked at the Coastal Plains, Soil, Water, and Plant Research Center in Florence, South Carolina for twenty-three years.

Mr. Matheny's life experiences led him to develop a strong desire to help others less fortunate than himself. He has been actively involved with helping physically and mentally challenged individuals for the past eighteen years. In 1983, Mr. Matheny became a member of the local Civitan Club and Civitan International, which is a volunteer community service organization. Mr. Matheny has been a coordinator and helper in the South Carolina State Special Olympic Games. His involvement in the Special Olympics includes helping to supervise sporting events, helping with the awards ceremony, helping to provide entertainment between sporting events, and helping to serve lunch for hundreds of Special Olympians and volunteers.

His long career achievements include six USDA–REE ARS Certificate of Merit awards for outstanding performance of duties at the center. Mr. Matheny has served on the American Society of Agronomy's Student Essay Committee for three years. He has also been involved in the Civitan's adopt-a-dorm project, which adopted one of the housing units at the Pee Dee Mental Retardation Center. Mr. Matheny also helped organize and construct a park at the Pee Dee Mental Retardation Center.

I commend Mr. Matheny for his service to the physically and mentally challenged individuals who have dreams of participating in the Special Olympics and helping to turn those dreams into reality. Mr. Matheny is a fine citizen in every respect and I wish him continued success and Godspeed. Mr. Speaker, I ask you and my colleagues to join me today in honoring Terry A. Matheny.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

SPEECH OF

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mr. MOORE. Madam Speaker, I rise today to explain my reluctant vote against H.R. 3991, the Taxpayer Protection and IRS Accountability Act.

I am pleased that the House proposes to make several reasonable adjustments to the tax code on the eve of the April 15 tax return filing deadline. During my time in Congress, I have supported tax relief in all its forms, including reductions in income taxes, estate taxes and the marriage tax penalty, as well as common sense reforms that simplify the federal income tax code for all tax-paying Americans.

I strongly support the provisions of this bill that would waive penalties that taxpayers are forced to pay for first-time, unintentional errors on their tax returns. H.R. 3991 permits the IRS to waive penalties for such errors committed by a taxpayer with a good history of tax compliance. This provision enjoys widespread bipartisan support, and is long overdue.

Further, I support the provision in this legislation that will reduce interest and penalties that taxpayers must pay due to IRS errors. Under H.R. 3991, all taxpayers will have 21 days to return an erroneous refund before the government can begin to charge interest.

Additionally, I am pleased that this measure would extend to April 30 the due date for electronic filing and paying individual income taxes.

While I support the provisions in H.R. 3991 that would simplify the tax code for individuals and small businesses in the Third District of Kansas, I am frustrated that this bill includes language that would exempt from federal reporting requirements "527" political groups that currently are required to comply with state and local election reporting laws that are "substantially similar" to the federal rules.

I have significant reservations about voting for a bill that could partially reverse the recent success of campaign finance reform legislation. Simply, the provision that the Ways and Means chairman added during committee consideration of this measure goes too far. This language would allow special interest groups to avoid federal election laws by organizing at the state and local levels.

While I fully expected opponents of campaign finance reform to attempt to undermine the legislation that President Bush signed into law on March 27, I am surprised and extremely disappointed that supporters of the campaign finance status quo have attached this anti-reform language to an otherwise non-controversial taxpayer rights bill that I want to support. Consequently, I intend to vote against this legislation. I hope reformers in the other body will block any congressional attempts to rollback reasonable reporting requirements that will shine the light of day on special interest money in the political system.

Madam Speaker, the American people share a widely held belief that special interests and the very wealthiest campaign contributors wield too much influence in our government. This belief is corrosive to citizen participation in our democracy. The recent passage of the most significant campaign finance reform legislation in thirty years, which will ban soft money and limit issue ads, should make our campaigns and elections more open and hopefully will counter a growing cynicism in our country toward politics and political candidates.

I will continue to support simplification of the federal tax code for individuals and small businesses across the country. At the same time, however, I made a promise to my constituents that I will fight to reform the campaign finance system during my time in Congress, and I intend to keep my word by voting against this bill. I hope that the House will have an opportunity to consider a clean version of the taxpayer rights legislation. If so, I will vote for this important legislation. For now, I hope that my colleagues in the House will join me in urging the other body to oppose any attempts to exempt special interest 527 groups from common sense disclosure requirements.

TAXPAYER PROTECTION AND IRS ACCOUNTABILITY ACT OF 2002

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 9, 2002

Mrs. MALONEY of New York. Mr. Speaker, I rise to voice my opposition to the inclusion of the controversial "527" provision in this bill.

I am appalled by the Leadership's efforts to railroad us on this issue. By manipulating the rule to try to prevent the Minority from offering amendments, the Leadership has clearly shown that they support the old way of conducting campaigns. This otherwise bipartisan bill has now become mired in these blatant attempts to undo the progress we've made on campaign finance reform.

We recently passed landmark bipartisan legislation that enacted real reforms in the way we finance our elections. As part of that effort, this body voted for stricter disclosure requirements for groups who sponsor so-called "issue ads" so that we could bring honesty back to the American political process.

Now here we are less than two months later, and the Leadership is already trying to open up loopholes in existing law so that some organizations would be exempt from filing reports about contributions and expenditures.

What would this mean for the end to soft money? These supposedly independent groups would become the channels for Big Money to continue to control our elections.

We've voted to take soft money out of politics. A vote for this legislation is a vote against the American people.

HONORING RONA POPAL ON HER DEDICATION TO HELPING IMPROVE THE LIVES OF AFGHAN WOMEN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. STARK. Mr. Speaker, I rise today to honor Rona Popal on her distinguished dedication to helping and empowering women in Afghanistan.

Rona Popal is a 20-year resident of Fremont, California who was born in Afghanistan. She recently returned to her country of birth because she feels she has a responsibility to help women overcome the obstacles of their daily lives in Afghanistan. Oppressed under the former Taliban government, and still not equipped to handle the realities of daily life, women in Afghanistan enjoy few civil rights.

Driven by an intense desire to help the people of Afghanistan in any way she can, Rona Popal handed money to the poverty-stricken on the streets of Kabul and met with interim Chairman Hamid Karzai on her recent trip.

Now she intends to form a partnership between a school for the deaf in Kabul and the California School for the Deaf in Fremont. She also plans to work on projects to help women in Afghanistan become self-sufficient.

Rona Popal is the founder of the Afghan Coalition and the Afghan Women's Association International, two groups in the United States that work to improve the lives of Afghan citizens.

I am honored to commend Rona Popal on her inspiring and selfless efforts to improve the lives of women in Afghanistan.

VETERANS HOME LOAN PREPAYMENT PROTECTION ACT OF 2002

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. EVANS. Mr. Speaker, I have recently introduced H.R. 4042, the "Veterans Home Loan Prepayment Protection Act of 2002" to protect veterans by prohibiting additional and unfair interest charges to veterans when they prepay their Department of Veterans Affairs Guaranteed Home Loans in full, such as during loan reduction refinancing.

Imperfections in existing law currently permit residential mortgage lenders under title 38 to select cutoff times for acknowledging receipt of prepayments in full for veterans. These cutoff times sometimes occur early in the business day and can permit interest to accrue on two different mortgage loans simultaneously until the prepayment in full is recorded on the following business day. This can be up to 90 dollars in extra cost to the veteran for a 24-hour delay and hundreds of dollars over an extended holiday weekend.

This amounts to unfair enrichment for the lender. At least one case exists where a lender established a cutoff time for prepayments BEFORE the start of their business day. This lender was guaranteed at least one day of extra interest on every prepayment action without any additional risk!

The provisions of H.R. 4042, require lenders to accept and record prepayments in full whenever the lender is open for business and an officer of the lender is present in an official capacity. If these conditions are met, the prepayment in full is recorded on that calendar day.

There were over 77,000 VA loan refinances in 2001, and almost every one involved a prepayment in full. The amount of money involved is not overwhelming, yet we must ask, is this additional interest fair and should this burden be borne by those who have served? I urge my colleagues to support the "Veterans Home Loan Prepayment Protection Act of 2002."

COMMENDING PARALYZED VETERANS OF AMERICA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the House Committee on Veterans' Affairs, I rise today to recognize and commend Paralyzed Veterans of America

(PVA), an organization that has dedicated itself to the well being of some of America's most catastrophically disabled veterans for over 50 years.

PVA traces its origins back to February 1947, when delegates from seven groups of paralyzed veterans from around the country met at the Hines VA Hospital in Chicago, Illinois, to form a national organization to address the inadequacy of veterans health care, specifically for severely disabled veterans. At this meeting they immediately set some very specific goals, including increasing funding for the needs of spinal cord injured veterans and establishing a grant program to provide specially-adapted housing so that paralyzed veterans could leave the hospital and live more independent lives at home.

PVA was Congressionally chartered as a veterans' service organization on August 11, 1971 and since that time has continued to develop a unique expertise on a wide variety of issues involving the special needs of its members—veterans of the armed forces who have experienced spinal cord injury or dysfunction. PVA has more than 40 chapters and subchapters nationwide and nearly 20,000 members. In addition to its Washington, D.C. headquarters, PVA operates 58 service offices around the country to serve the needs of all veterans seeking Department of Veterans Affairs' claims and benefits.

PVA has used its expertise to become a leading advocate for quality health care not only for spinal cord injured veterans, but for all other veterans as well. They continue to press for research and education addressing spinal cord injury and dysfunction. They also assist veterans who apply to receive benefits that are available as a result of military service.

Mr. Speaker, for 16 years, PVA has co-authored The Independent Budget: A Comprehensive Policy Document Created by Veterans for Veterans, in cooperation with the Disabled American Veterans (DAV), AMVETS, and The Veterans of Foreign Wars (VFW). The Independent Budget takes a comprehensive look at the current and future needs of veterans and the Department of Veterans Affairs, and makes specific recommendations for federal funding. As Chairman of the Committee on Veterans' Affairs, I have found The Independent Budget to be a very useful tool in developing our Committee's recommendations for veterans funding. I wholeheartedly recommend that all Members of the House, if they have not already done so, obtain a copy and read it.

PVA created the Technology and Research Foundation in 1975, now named the Spinal Cord Research Foundation (SCRF), to support research to alleviate, and ultimately end, medical and functional consequences of paralysis. In 1980, PVA endowed $1 million for a Professorship in SCI Medicine at Stanford University. PVA also created the Spinal Cord Injury Education and Training Foundation (ETF) in 1987 to support innovative education and training programs designed to assist individuals with spinal cord injury or dysfunction, their families, and doctors who provide direct care. In 1988, the PVA–EPVA Center for Neuroscience and Regeneration Research at Yale University was founded in order to focus the energies and talents of some of the world's leading scientists in the development of new treatments, and ultimately a cure, for spinal cord injury and related disorders. It is a model of inter-institutional cooperation, that brings together the strengths of Paralyzed Veterans of America, the Eastern Paralyzed Veterans Association, the Department of Veterans Affairs, and Yale University, all with the singular goal of restoration of function in people with spinal cord dysfunction.

PVA also coordinates the activities of two coalitions of professional, payer, and consumer groups that develop clinical practice guidelines (CPGs) defining standards of care for people with spinal cord injury and multiple sclerosis. The Consortium for Spinal Cord Medicine, composed of 19 organizations, has published six professional guidelines and three consumer guides to date. The Multiple Sclerosis Council, made up of 23 organizations, has likewise published CPGs.

PVA's Government Relations staff is well-known here on Capitol Hill and has been especially helpful to our Committee as we have developed and moved legislation to improve the delivery of services and benefits to America's 25 million veterans. Its Advocacy Program is a leading advocate for civil rights and opportunities that maximize independence of individuals who have experienced spinal cord injury or disease, or other severe disabilities and PVA played an important role in the passage of the Americans with Disabilities Act (ADA). It continues its advocacy as an active member of the Consortium for Citizens With Disabilities.

Likewise, PVA's Architecture Program has played an important role in the lives of severely disabled veterans. It assists the private sector and government at all levels with quality accessible design and construction of VA facilities, affordable and accessible housing, and adoption of appropriate and uniform accessibility standards and codes. PVA's Health Analysis Program keeps a constant eye on the performance of the VA health care system as well as other health care systems in the public and private sector.

PVA also runs a Sports and Recreation Program dedicated to promoting a range of activities for its members and other people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. The organization sponsors the PVA National Bass Trail which is officially sanctioned by the Bass Anglers Sportsman Society (B.A.S.S.). Likewise, PVA created the National Trapshoot Circuit to give individuals with disabilities a chance to participate in the recreational and competitive sport of trapshooting. Most notably, PVA co-sponsors the National Veterans Wheelchair Games and other wheelchair sports programs along with the Department of Veterans Affairs. The Games encourage veterans to become aware of their abilities and potential, as well as wheelchair sports that are available, while promoting a spirit of healthy activity and fellowship.

Mr. Speaker, those of us who work with PVA on a regular basis, we have come to rely on the dedication and expertise that this organization brings to Capitol Hill. I want to recognize the hard work and sacrifice that all of their officers, members and volunteers have made in order to improve the lives of their fellow veterans and fellow Americans.

Mr. Speaker, as America continues our war on terrorism, like the wars of the last century against fascism, nazism and communism, the brunt of the battles will be borne by our men and women in uniform. Our nation has a sacred obligation, as President Abraham Lincoln said so eloquently, "to care for him who shall have borne the battle and for his widow and his orphan." And we especially have an obligation to care for those who have suffered the most to protect our freedoms, such as paralyzed veterans.

As Chairman of the House Committee on Veterans' Affairs, it is an honor to work hand-in-hand with Paralyzed Veterans of America, and the other veterans service organizations as we seek to improve the lives of paralyzed veterans and all of America's veterans and their families.

TRIBUTE TO MEMORIAL HOSPITAL AND HEALTH SYSTEM OF SOUTH BEND, INDIANA

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. ROEMER. Mr. Speaker, I proudly rise today to congratulate Memorial Hospital and Health System of South Bend, Indiana for its outstanding commitment to community service and for winning the Foster G. McGaw Prize for Excellence in Community Service, sponsored by the American Hospital Association, Baxter International Foundation, and Cardinal Health Foundation. Each year only one institution earns this award, widely recognized as one of the most significant honors in the health care industry for demonstrating exceptional commitment to community service. This year's recognition of Memorial's innovative health care programs and expedited access to care is a fitting tribute to a community treasure.

Memorial has always demonstrated that strong community relationships and comprehensive programs are keys to quality community health. It is therefore appropriate, but not surprising, that Memorial has been honored for its proactive role in establishing a tithing system in which Memorial has allocated ten percent of its annual budget surplus, totaling $20 million in nearly 100 community health programs. While Memorial was involved in community service long before it started tithing, this has most certainly contributed to a healthier community and encouraged other potential donors. Tithed funds have been used entirely for community outreach initiatives, including a children's health museum that has hosted more than 48,000 school children. I visited this museum and was deeply impressed by its unique approach to learning and helping kids understand healthy habits and safety. Additionally, Memorial has also established and expanded self-help groups for seniors and an enrichment program for homeless toddlers. These programs are just a few of the innovative approaches Memorial is pursuing to deliver first rate health care to the underserved population.

I am also particularly impressed by Memorial's active partnership with the South Bend

Heritage Foundation, a neighborhood revitalization organization that repairs run-down houses and sells them at affordable prices to people who might not otherwise be able to own. I was proud to find that the spirit of community service is so strong here that more than 30 Memorial staff members have "adopted" one such house in a disadvantaged neighborhood near the hospital campus and are volunteering hours of their personal time and energy on rebuilding it, aiming for completion by this Memorial Day.

Mr. Speaker, I again want to congratulate Memorial Hospital and Health System for winning the Foster G. McGaw Prize, and for its extraordinary and continued dedication to bridging the health care gap for Hoosiers. I strongly encourage my colleagues to join me in wishing Memorial many more years of continued success. On behalf of a deeply thankful community, I salute Memorial's president and chief executive officer, Philip Newbold, and his entire staff for a job well done in earning this distinguished award.

HONORING ATHENA GEORGAKAKOS ONORATO

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CROWLEY. Mr. Speaker, I rise to honor Athena Georgakakos Onorato for her lifetime of distinguished service to the business world as well as the neighborhoods of Astoria and Jackson Heights in New York City. Ms. Onorato will be recognized on Saturday, April 13th by the Powhatan and Pocahontas Democratic Club for her long commitment to the organization and her community.

Born to Antonios and Maria Georgakakos in New York City and raised in Astoria, Queens, Ms. Onorato learned to play the piano at the early age of five, thanks to her piano teacher-mother. Ms. Onorato studied music at the New York College of Music where she received her piano diploma at age 20. Ms. Onorato also earned a B.A. in Economics from New York University. Upon graduation, she was employed as an economist at the American Petroleum Institute and became the first woman hired at Texaco, Inc. as an economist.

In 1987, Ms. Onorato joined Apple Bank for Savings and became Assistant Vice President and Branch Manager when a new branch opened in Astoria in 1989.

In addition to her distinguished business career, Ms. Onorato has been tremendously active in her community, serving as President of the Hellenic University Club of New York, as well as the Broadway-Astoria Merchants and Professionals Association. She has served as a Board Member both of the Queens College Center for Byzantine and Modern Greek Studies and the Greek American Homeowners Association. She has also served as Second Vice President of the United Community Civic Association.

Ms. Onorato was honored by the Broadway-Astoria Merchants Association in 1992 as "Woman of the Year" and in 1995 she was the recipient of the Ellis Island Medal of Honor in recognition of her ethnic and professional contributions, which was awarded by National Ethnic Coalition of Organizations (NECO).

In 1993 the former Athena Georgakakos married State Senator George Onorato, and they reside in Jackson Heights.

Mr. Speaker, it gives me great pleasure to join the many others in her community in recognizing Athena Georgakakos Onorato for her lifetime of community involvement as prominent businesswoman and civic leader.

TRIBUTE TO MRS. VERDELL G. STONE

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Verdell G. Stone of Ridgeway, South Carolina. A woman dedicated to her faith and to her community, Mrs. Stone has served as a lifelong role model for others and has always been a woman of strength, integrity, and dignity.

Mrs. Stone has been a leader and matriarch for her family of eleven children, fifteen grandchildren, and four great-grandchildren, as well as numerous other children in her church family and community. She has taken the responsibility of teaching them and bestowing upon them her Christian values by being an example. Mrs. Stone has served faithfully as a member of Antioch Baptist Church for more than fifty years, where she has held numerous positions of leadership, such as President of the Missionary Society, the Senior Choir, and Jubilee Choir. She is a former President of the Usher Board, and currently holds the title of Mother of the Church.

Because she has always served her family, her church, and her community with distinction and honor, the Ridgeway Community and the citizens of Fairfield County have deemed it appropriate to recognize Mrs. Stone for her many years of dedicated service. Mrs. Stone will be honored with a Verdell G. Stone Appreciation Day, this coming Saturday, April 13, 2002.

Mr. Speaker, I ask that you and my colleagues join me in honoring Mrs. Verdell G. Stone, a woman whose contributions to her family, church and community are outweighed only by the immeasurable gratitude of those whose lives she has touched. We all appreciate Mrs. Stone for her many years of community and Christian service and extend to her our best wishes, and Godspeed.

A COMMEMORATION OF THE ACHIEVEMENTS OF ERNESTINE ANDERSON

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. McDERMOTT. Mr. Speaker, jazz often has been called the only musical art form to originate in the United States. Beginning in the late 1800s, the music grew from a combination of influences, including black American music, African rhythms, American band traditions and instruments, and European harmonies and forms. Much of the world's best jazz is still being written and performed right here in the United States.

One of the key elements of jazz is improvisation—the ability to create new music spontaneously. This skill is the distinguishing characteristic of the genuine jazz musician. Improvisation also raises the bar for soloists. They must not only be performers and reproducers of others' ideas but true composers as well. This is what gives jazz "fresh" excitement at each and every performance.

Jazz soloists are exceptional, undeniably unique individuals. I am fortunate to represent a district, encompassing the City of Seattle, which has produced more than a few of these. Ernestine Anderson is one such person, and on March 1st, the Rainier Club of Seattle honored Ernestine Anderson by bestowing upon her the title of Laureate.

"A voice like Honey at Dusk" . . . that's the way legendary music producer Quincy Jones described her . . . and, he ought to know! Jones began his career in Seattle right around the same time Ms. Anderson launched hers. Anderson, Jones and Ray Charles were all part of the vibrant Seattle music scene in the 1940s and 50s.

Born in Houston, Texas, Ernestine Anderson grew up listening to and singing blues and gospel music. When she was 12, she entered a talent contest and so impressed bandleader Russell Jacquet that he hired her to sing with his band. Relocating to Seattle with her family when she was 16, she soon discovered Jackson Street, the hub of Seattle's jazz scene, and started singing with the bands there. At 18, Ms. Anderson left Seattle to tour with the Johnny Otis band and, a few years later, joined Lionel Hampton's band. She settled in New York City in the mid-50s and recorded with saxophonist Gigi Gryce—bringing her greater acclaim in the jazz world.

She recorded her first solo album, "Hot Cargo," in 1958 for Mercury Records, and that same year was featured at the very first Monterey Jazz Festival—now the oldest continuous annual jazz festival in the world. It goes without saying they have invited her back numerous times, including the 40th anniversary celebration four years ago. One year later, Ernestine Anderson was named Best New Vocal Star by DownBeat critics, and was featured in *TIME Magazine*.

Musical tastes change, however, and individual singers or groups and the type of music they perform periodically go out of style. There was no exception for American jazz artists during the early mayhem of the Beatles, Rolling Stones and other rock groups who spearheaded the "British Invasion" of the mid-60s. To make a living many, including Ernestine Anderson, migrated to Europe, where jazz appreciation was still strong and growing. After a few years, however, she returned to Seattle and went into semi-retirement—performing only occasionally in local clubs.

Ernestine was special. The people of Seattle and the Pacific Northwest had recognized that early on. It was only a matter of time before other jazz enthusiasts around the country realized that again. One who did, bass guitarist Ray Brown, was instrumental in bringing Ernestine to the attention of Concord Records. He resuscitated her career, gave her backing, and produced her first albums for the label.

From that second beginning, Ernestine has gone on to greater heights, including more than 30 albums, four of which have received Grammy nominations. She has performed at all of the major jazz festivals in North America, Europe, Japan and Australia. She was one of 75 women chosen by Pulitzer Prize winning photographer Brian Lanker for the book, *I Dream a World: Portraits of Black Women Who Changed America*, a work which put her in the company of Rosa Parks, Leontyne Price, Barbara Jordan and Toni Morrison.

In October of last year, Ernestine Anderson was named one of Seattle's most influential citizens. She has been featured in an exhibit at the Experience Music Project along with Ray Charles and Quincy Jones as part of the history of jazz in Seattle. She also was named one of Seattle's most generous philanthropists by Seattle Magazine for her donation of time and talent to numerous charities including Rise 'n' Shine, the Detlef Schrempf Foundation, the Alliance for Education, the Garfield High School Jazz Band, and many other youth organizations.

An avid sports fan, she frequently has sung the national anthem at major sports events across the country. Her annual appearances at Dimitriou's Jazz Alley during the week between Christmas and New Year's are eagerly anticipated, and New Year's Eve with Ernestine consistently ranks as one of Seattle's premiere events of the year.

The Rainier Club has made a wise choice in naming Ernestine Anderson, Laureate. She is undoubtedly one of the best ambassadors of and for the arts in the Pacific Northwest. I congratulate her on a long and distinguished career, and wish her nothing but success for many years to come.

A POEM BY ROBERT GRAVELINE

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. LARSON of Connecticut. Mr. Speaker, I rise to submit this poem written by Robert Graveline, a constituent of mine from Rocky Hill, Connecticut.

September Eleven Two Thousand One

September Eleven The Date, The Year, Two Thousand One.
Early That Tuesday Morning, World Towers Came Undone.
Peace And Pride Were Shattered, By A Fanatic Few,
Thousands Died In Terror; They Did Not Have A Clue.
Emergency Workers Hurried, To This Place Of Death, Where
Men And Women Both—Would Draw Their Final Breath.
Buildings Dropped To Ground Zero, Next, The Pentagon,
Earlier Signs Of Terror Missed; We Could Not See Beyond.
Revere All Who Died; Include Flight Ninety-Three,
Expecting To Lose Their Life, They Fought On Valiantly.
Life Goes On As It Should, We Will Certainly Overcome.
Embracing God Our Father; Let Us Pray, That His Will, Be Done,
Valor's Flag Unfurled Once More, By New York City's Finest,
Every Life At Risk That Day; Some Died Bestowing Their Best.
Nature Renews Our Spirit; We'll Mourn And We Will Repair,
The Dead We Will Never Forget, They Know We Deeply Care.
Wrecked And Torn Apart, Skyscrapers And Human Beings,
Once Burned Twice Remembered, Vigilance Now, By All Means.
Thanks Be To God, Our Father, May He Bless The U.S. of A.;
Heal Our Minds And Bodies; Protect Our Remaining Days.
O 'America The Beautiful—May You Forever Stand,
Until The End Of Time; Deal With All Life's Demands.
Still; With All That Has Happened: Death, Destruction; Harm,
Ashes, Fire; Total Loss, New York Has Not Bought The Farm.
Now We Are On The Mend, Badly Bent, We Did Not Fold;
Declared War On Terror, No More, Do We Have to Be Told.
Out Of All This Comes A Will, A Bonding With Each Other;
Not To Be Caught Unaware, To Love Our Sisters And Brothers.
Ever Thankful To Be Alive, Yet, Life Is Not As Before.
Some Of Our Loved Ones Are Missing, Death Came; Knocked At Their Door.

HONORING PETER KELLY

HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CROWLEY. Mr. Speaker, I rise today to recognize Peter Kelly, a proud veteran, a tireless civic leader, and above all, a loving family man. The Powhatan and Pocohontas Democratic Club of Queens will pay tribute to Mr. Kelly this coming Saturday, April 13th for his contributions to the organization and the entire community.

A native New Yorker, Mr. Kelly was born in Manhattan, the middle child and only son of Peter and Catherine Kelly. At age four his family moved to the Bronx where he attended Our Lady of Refuge Grammar School and Evander Childs High School.

Upon graduation, he went to work for the Daily News as a copy boy. He loved the outdoors and horses, which soon led him to work for trainer James Fitzsimmons as an exercise jockey. While he dreamed of life as a professional jockey, weight and world events prevented him from realizing his vision.

Mr. Kelly enlisted in the Air Force in 1950 during the Korean War. He was sent to Radio Mechanic School at Scott Air Force Base in Bellville, Illinois. After graduation, he was assigned to Travis Air Force Base in Fairfield, California where he spent the entire war fighting the battle of San Francisco. In 1955, he went to work for General Motors and worked his way up to Export Manager.

In the summer of 1956, he was introduced by a mutual friend to his lovely wife of 45 years, Mary Anne, in Rockaway. They were married in June of 1957 and had three wonderful children, Peter, a Civil Court Judge, Anne Marie, a Democratic District Leader—and my talented District Chief of Staff—Carleen. They now have a loving daughter-in-law Cathy, a terrific son-in-law Robert, and have been blessed with four beautiful grandchildren, Christian, Bobby, Brian, and Meghan.

Mr. Kelly attended night school and graduated from Pace College in 1963. When his wife Mary Anne was elected District Leader in 1970, he was drafted into the Powhatan Democratic Club where he served very effectively as President and Chairman of the Board of Directors. He served in every capacity and performed every job associated with the organization. His dedication and untiring effort on behalf of the community and club earned him the respect of everyone who has ever known him.

Since retiring in 1991, Mr. Kelly has been devoted to being a loving husband, father, and more importantly, a grandpa. He can be spotted at his grandchildren's games on a regular basis. Although he has faced a recent health setback, he still possesses a great sense of humor and is loved by all who know him.

Mr. Speaker, it is my honor to acknowledge, here on the floor, the lifetime of contributions Peter Kelly has made to his country, his community and his family.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall No. 80, had I been present, I would have voted "yea."

HONORING BERNARD BECKER

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday April 10, 2002

Mr. DEUTSCH. Mr. Speaker, I rise today to pay tribute to Bernard Becker, South Florida's National Commander of the Jewish War Veterans of the United States of America. Mr. Becker has been a strong voice and a driving force behind the Jewish War Veterans as an influential leader in the fight against anti-semitism. Like all men and women of the Jewish War Veterans, Mr. Becker has courageously served our nation in the armed services, and is now working to ensure good relations between the U.S. and Israel—an increasingly meaningful objective.

Bernard Becker, an active member of the United States Air Force from 1950 to 1954, proudly served our nation during the Korean conflict. He subsequently served in the Air Force Reserve until 1958. Mr. Becker then served in a number of veteran leadership roles, and eventually with the Jewish War Veterans of the United States of America, both as the National Commander and as a National Convention Co-Chairman. During his tenure with the organization, Mr. Becker has been consistently recognized for his outstanding leadership and unwavering dedication to America's veterans.

Mr. Speaker, Bernard Becker has served his country with honor and pride. I am confident that as the Jewish War Veterans of the United States of America continue to fight bigotry and hatred, Mr. Becker will continue to lend his knowledge and leadership to this cause.

PERSONAL EXPLANATION

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Ms. WATSON of California. Mr. Speaker, on rollcall No. 81, I was unavoidably detained. Had I been present, I would have voted "yea."

APRIL 12, 2002, GRAND OPENING OF PANASONIC'S DIGITAL TECHNOLOGY RESEARCH FACILITY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. WAXMAN. Mr. Speaker, I rise today to recognize and congratulate Panasonic for the April 12, 2002 grand opening at Hollywood's Universal Studios of a center that consolidates and expands Panasonic's R&D efforts to develop next-generation digital video compression technologies for the entertainment industry. This proximity to the entertainment community will result in new and better products for American consumers, while reinforcing Hollywood's preeminent position as the center of the global entertainment industry.

Matsushita Electric Industrial Company, Ltd., best known by its brand name Panasonic, and a worldwide leader in the development and manufacture of electronics products for consumer, business, and industrial needs, has a long record of close cooperation with Hollywood in developing new digital technologies for the studios, ranging from next generation optical disc development to advanced technologies for digital cinema and broadband distribution. Matsushita Electric established its High-Definition Telecine Center on the Universal Studios lot in 1993 with the mission of converting film-based content to High Definition video. Today HDTC is a leading high-definition center—digitally converting, restoring, and enhancing film for theatrical, cable and home video purposes.

In 1996, on the same lot, the company opened the Digital Video Compression Center, a pioneering DVD authoring center. The DVCC currently authors numerous studio titles and provides video compression, complex special editions, and multi-angle/multi-story authoring capabilities. Five years later, Panasonic Hollywood Lab, a division of Panasonic Technologies Company, opened a research center to develop next-generation digital video compression and technologies for broadband distribution of video and other digital content. The new center, under the direction of Mr. Masayuki Kozuka, now will add a digital image evaluation facility to its areas of focus. Here industry professionals will interact with lab engineers to evaluate High Definition image quality for digital cinema, digital TV and next-generation optical disks, as well as highly compressed imaging for future mobile devices.

On this important occasion, my special congratulations go to Sukeichi Miki, chief technology officer and senior managing director of Matsushita Electric; Kazuo Toda, senior managing director of Matsushita Electric; Don Iwatani, chairman and CEO of Matsushita Electric Corporation of America (Panasonic); Dr. Paul Liao, president and COO of Panasonic Technologies Company and vice president and chief technology officer for Matsushita Electric Corporation of America; and Ron Meyer, president and COO, Universal Studios. I am very proud to have this important digital technology research facility in my district, adding to Hollywood's recognized leadership in the entertainment industry.

TWO PATHS TOWARDS DEMOCRACY

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. HILLIARD. Mr. Speaker, I would like to enter into the RECORD this OpEd as it appeared in the Washington Times newspaper last week. Entitled, "Two Paths Towards Democracy" this OpEd brings to our attention the great efforts currently underway in the Republic of Congo to re-establish lasting democratic institutions and the rule of law. With parliamentary and municipal elections forthcoming in Congo, it is important that we encourage the country and its leaders along the path of further transparency and liberalization. Recent President elections, in which nearly 75 percent of registered voters cast ballots without fear of intimidation or violence, demonstrates that democratic gains are already being consolidated into a reliable political tradition.

Under President Sassou-Nguesso's stewardship, Congo has shown a remarkable recovery from nearly a decade of civil war. Without any external assistance, the president successfully began a process of national reconciliation, which will reach its crescendo during this month's historic elections. I am grateful to that country's very able ambassador, Serge Mombouli, for keeping me and my colleagues apprised of the many positive developments in his country.

As Africa's third largest exporter of crude oil, Congo is home to nearly $2 billion worth of U.S. direct investment and is a strategic partner in our search for diversified sources of petroleum. Furthermore, Congo has developed as a key regional peacemaker, opening its door to over 100,000 refugees from neighboring Democratic Republic of Congo, while serving as a model to other countries seeking a recovery from decades of civilian conflict.

I am joined by my colleagues in saluting the leadership of our friends in the Republic of Congo and pledge to them our full support and solidarity as they continue down the courageous road of reconciliation, peace and prosperity.

[From the Washington Times, Mar. 24, 2002]

TWO PATHS TOWARD DEMOCRACY

So often, the news out of Africa focuses on death, disease and dictators. But there is another "D" which must not be overlooked, lest it be forgotten altogether, that is democracy. This past weekend presented two stark examples of how democratic movements are playing out across the continent.

Presidential elections in Zimbabwe have captured the world's attention for many months now, though not in a way that Africa's fledgling democrats would like. There could perhaps be no better example of either a deeply flawed election process or the slow and steady fall into political and economic anarchy than was seen this past weekend in Robert Mugabe's Zimbabwe.

The demise of this once-strong democracy and economic power has again colored how we in the West engage with Africa, and seems to have lent credence to those in the Bush administration, led by Treasury Secretary Paul O'Neill, who believe that "we have gotten little for all the aid money we have spent." But is it fair to apply this old "bad apple" adage to all of Africa?

On the same day that justice and democracy were purloined in Zimbabwe, they were restored and celebrated in the Republic of Congo, after nearly a decade of civil war and political upheaval. Long overshadowed by its much larger neighbor with a similar name, U.S. assistance and United Nations mediators poured into the Democratic Republic of Congo during that country's own war, while political violence that killed over 20,000 people and left nearly 800,000 homeless went largely unnoticed just across the border.

Since coming to power in 1997, Congo's de facto head of state, Denis Sassou-Nguesso, has had to rebuild the country from the ground up—largely on his own. His first order of business involved demobilizing and disarming former combatants from all political factions. After extending a cease-fire and blanket amnesty to these fighters, Mr. Sassou-Nguesso's government began a wildly successful weapons buy-back program.

The government then went even further, turning domestically conceived peace talks convened in 1999 into a dialogue of "national reconciliation without exclusion." Three years later, over 15,000 guns have been taken out of circulation and a new national police force is in place, composed of the manifold tribal, ethnic and political factions who were once at the center of the country's hardships. As a result, political feuds are now being settled within the halls of government and not on the field of battle. This rang particularly true last weekend when nearly 80 percent of registered voters turned out to vote "in favor of peace," as President-elect Sassou-Nguesso later said in explaining his subsequent electoral victory.

An IMF report, released last month, praised the "home grown nature" of Congo's post-war renewal, noting that President Sassou-Nguesso has laid "the foundations for lasting peace and stable political institutions despite limited external assistance."

However the achievement of his campaign pledges of economic revitalization and political stability has not yet been fully realized. In this phase of the country's transformation, the United States has a vital role to play.

Home to one of Africa's largest Atlantic seaports and nestled on the banks of the River Congo, which itself supplies much of landlocked Central Africa with all nature of supplies; Congo has long been a hub of commercial activity on the continent. Today, as Africa's third largest producer of crude oil, the country is looking toward international markets to assist in its economic turnaround. Congo is already home to nearly $2 billion in U.S. foreign direct investment, but more is needed if present growth rates are to be sustained and increased.

An ambitious program of privatization of state-owned industries is already beginning to pay off for Congo, with the country's first sell-off, a flour mill, going to U.S.-based Seaboard Corporation. Ralph Moss, the company's Washington representative adds that "Our Congo investment is by no means our largest in Africa, but it has so far been our most profitable."

It is essential that in a balanced policy toward Africa, U.S. officials must do more than criticize the obvious shortcomings of the continent's remaining autocratic regimes. It should laud and provide recompense to those who have successfully enacted the kinds of political and economic liberalizations that will make them trusted and effective partners to the United States. On a day when two countries forged two different paths for the future, the imperative is as clear as ever.

PAYING TRIBUTE TO PLATEAU VALLEY SCHOOL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the students of Plateau Valley School of Colbran, Colorado and thank them for their dedication to helping the victims of the terrible attacks of September 11th. As we all look for a way to help our nation come through these tragic and difficult times, let the efforts of the Plateau Valley students serve as a model for ways to contribute to this great and worthy endeavor. The children have tirelessly worked to raise funds to assist the victims and I am honored to recognize their achievements before this body of Congress and this nation.

Four days after the September 11th attacks on our cities, the students began an effort to raise money to donate to worthy charities in New York City. They began the Pennies for People campaign as way to raise such funding. Accepting pennies at a time, the students have raised the incredible amount of $3,437.31 to donate to the charity of their choice. What charity would receive this donation has been the concern of great speculation by the students for some time. Recently, through a school wide vote, the Children's Feeding Network was designated the recipient of all the students's hard work. Through the charity, the donated funds will provide the necessary essentials to children who have lost parents in the World Trade Center attack. This is a wonderful charity directly assisting those in need and I am proud Plateau Valley Middle School has selected Children's Family Network as the recipient of their efforts.

Mr. Speaker it gives me great pleasure to recognize the students of Plateau Valley School and commend them for their desire to assist their fellow citizens. They have shown great kindness and compassion through their efforts and I am honored to represent them before this body of Congress today. Their dedication and commitment to a noble cause have brought great credit to themselves, their community, and a thankful nation. I would like to extend to them a thank you, good luck, and keep up their hard work because all of you have made a difference in these children's lives.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall No. 82, had I been present, I would have voted "yea."

PAYING TRIBUTE TO MONTEZUMA-CORTEZ HIGH SCHOOL BOYS BASKETBALL TEAM

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize an outstanding group of dedicated young men from Montezuma-Cortez High School in Cortez, Colorado. The group is the boys basketball team and for the first time in the school's last forty years, a sports team has taken home a State championship. This championship is the culmination of months of dedication and hard work and I am honored to bring their accomplishment before this body of Congress and this nation.

This championship team has dedicated long and strenuous hours in training and competing for this high honor. They entered the championship as underdogs to win the State Class 4A Tournament, but kept their spirits high, and diligently competed with the surrounding schools for this top honor. Their dedication, self-sacrifice, and honest commitment to achieving their goal have led this group of young men into Montezuma-Cortez High School history.

I am also grateful to the surrounding community and supporting student body that over the years have remained by the sides of these young athletes, no matter what their record or standing. Local support is the backbone of any great endeavor and I am proud this community has repeatedly risen to the challenge. I would be remiss if I did not congratulate two final people whose guidance and leadership had much to do with this winning season and ultimate State title, Head Coach Wade Mortensen and Assistant Head Coach Bob Archibeque.

Mr. Speaker, I am proud to recognize the accomplishments of those who have dedicated their time and efforts to achieving a difficult goal. The Panthers of Montezuma-Cortez High School have made great sacrifices in their lives and have done a remarkable job representing their school, their community, and the State of Colorado. They have proven that hard work and dedication to a dream can ultimately lead to the final victory. Good luck in your future, gentleman, and I look forward to watching your next season with esteemed pride and admiration.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. CLEMENT. Mr. Speaker, on rollcall No. 81, had I been present, I would have voted "yea."

PAYING TRIBUTE TO KAREN ADAMS

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 10, 2002

Mr. McINNIS. Mr. Speaker, it is with profound sadness that I rise today to recognize the life and contributions of Karen Adams of Pueblo, Colorado, who peacefully left us in February. Karen was a popular member and leader of the community and was often sought by many for her listening ear, advice, and warm smile. She struggled in a long battle with cancer, and as her family mourns her loss, I would like to take this opportunity to bring forth her accomplishments and gentle kindness before this body of Congress and this nation.

As a dedicated resident and business owner of the Pueblo community, Karen was often at the forefront of improving her surroundings. She, along with husband William, proudly operated Sunscapes Rare Plant Nursery, a successful horticulture business in the area. Remarkably, Karen managed to run this business while raising a family that appreciated and valued the importance of hard work, honor, and perseverance. She raised her sons Greg, Mark, Will and daughter Beth to be respectful individuals who are determined to succeed in their pursuits. Karen's influence touched many lives outside of her immediate family and she was known as a loving friend to many.

Karen was a true lover of the outdoors and could often be found improving her natural surroundings. She was often spotted along the highway or interstate cleaning and beautifying the area and eventually founded the Pueblo Clean Community Commission in the 1970s. She could be found improving the appearance of the city by lending her time and energy to beautifying several sites with rock gardens to improve their aesthetic appearances. She contributed to her community as a member of several wonderful organizations including the Pueblo Zoological Society, the Historical Arkansas Riverwalk of Pueblo Foundation, and was a horticulturist at the Pueblo Zoo. Her efforts and leadership to improving her community and its residents are remarkable and they will indeed be missed by a grateful community.

Mr. Speaker, I am honored to pay tribute Karen Adams and the great strides she took in establishing herself as a valuable leader in the Pueblo community. Her dedication to family, friends, work, environment, and the community certainly deserves the recognition of this body of Congress and a grateful nation. Although Karen has left us, her good-natured spirit lives on through the lives of those she touched. I would like to extend my regrets and deepest sympathies to Karen's family and friends during this difficult time of remembrance and bereavement.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 11, 2002 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 12

9 a.m.
Judiciary
Immigration Subcommittee
To hold hearings to examine the Enhanced Border Security and Visa Entry Reform Act.
SD–226

APRIL 16

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the Technology Administration and the National Institute of Standards and Technology, including the Advanced Technology Program.
SR–253

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine problems relating to the availability and use of fake or fraudulently issued driver's licenses, focusing on what state and federal governments can do to improve the system.
SD–342

Health, Education, Labor, and Pensions
To hold oversight hearings to examine medical privacy issues.
SH–216

10:15 a.m.
Judiciary
Crime and Drugs Subcommittee
To hold hearings to examine the Violence Against Women Office, Department of Justice.
SD–226

10:30 a.m.
Appropriations
Transportation Subcommittee
To hold hearings to examine aviation safety and capacity issues.
SD–138

2:30 p.m.
Foreign Relations
Western Hemisphere, Peace Corps and Narcotics Affairs Subcommittee
To hold hearings to examine U.S. Mexican relations.
SD–419

Judiciary
Technology, Terrorism, and Government Information Subcommittee
To hold closed hearings to examine terrorist watch lists.
SH–219

APRIL 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 2003 for the Corporation for National and Community Service.
SD–138

10 a.m.
Joint Economic Committee
To hold hearings to examine the monetary policy and the economic outlook in the context of the current economic situation, focusing on the economic rebound now underway.
Room to be announced

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings to examine levels of jursidiction within the Office of Homeland Security.
SD–226

2 p.m.
Judiciary
Constitution Subcommittee
To hold hearings to examine the application of the War Powers Resolution to the war on terrorism.
SD–226

2:30 p.m.
Intelligence
To hold hearings on the nomination of John Leonard Helgerson, of Virginia, to be Inspector General, Central Intelligence Agency; to be followed by closed hearings (in Room SH–219).
SH–216

APRIL 18

9:30 a.m.
Governmental Affairs
To hold hearings to examine the state of public health preparedness for terrorism involving weapons of mass destruction.
SD–342

Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

3 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine S. 1441, to establish the Oil Region National Heritage Area, S. 1526, to establish the Arabia Mountain National Heritage Area in the State of Georgia, S. 1638, to authorize the Secretary of the Interior to study the suitability and feasibility of designating the French Colonial Heritage Area in the State of Missouri as a unit of the National Park System; S. 1809/H.R. 1776, to authorize the Secretary of the Interior to study the suitability and feasibility of establishing the Buffalo Bayou National Heritage Area in west Houston, Texas, S. 1939, to establish the Great Basin National Heritage Area, Nevada and Utah, and S. 2033/H.R. 4004, to authorize appropriations for the John H. Chafee Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island.
SD–366

APRIL 19

9:30 a.m.
Commerce, Science, and Transportation
Consumer Affairs, Foreign Commerce, and Tourism Subcommittee
To hold hearings to examine Canadian wheat 301 decisions.
SR–253

APRIL 23

10 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the implications of the human capital crisis, focusing on how the federal government is recruiting, selecting, retaining, and training individuals to oversee trade policies and regulate financial industries.
SD–342

2:30 p.m.
Judiciary
Antitrust, Competition and Business and Consumer Rights Subcommittee
To hold hearings to examine cable competition, focusing on the ATT-Comcast merger.
SD–226